

AGENDA

WILSONVILLE CITY COUNCIL MEETING

JUNE 16, 2014

7:00 P.M.

CITY HALL

29799 SW TOWN CENTER LOOP

WILSONVILLE, OREGON

Mayor Tim Knapp

Council President Scott Starr
Councilor Susie Stevens

Councilor Richard Goddard
Councilor Julie Fitzgerald

CITY COUNCIL MISSION STATEMENT

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

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

- 5:00 P.M. EXECUTIVE SESSION [15 min.]**
A. Pursuant to ORS 192.660(2)(f) Exempt Public Records
ORS 192.660(2)(h) Litigation, and
ORS 192.660(2)(i) Performance Evaluation of Public Officer
- 5:25 P.M. REVIEW OF AGENDA [5 min.]**
- 5:30 P.M. COUNCILORS' CONCERNS [5 min.]**
- 5:35 P.M. PRE-COUNCIL WORK SESSION**
A. DEQ Employee Commute Options Rule (Smith)
B. Library Board Reappointments
- 6:50 P.M. ADJOURN**
-

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, June 16, 2014 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on June 3, 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. City Manager Evaluation And Contract Renewal
- B. Library Board Reappointments
 - a. Reappoint Megan Ann Chuinard and Reginald Gaines to the Library Board for an additional four year term beginning July 1, 2014 and ending June 30, 2018.
- C. Upcoming Meetings

7:15 P.M. COMMUNICATIONS

- A. Clackamas County Areas of Outreach Initiative - Commissioner Martha Schrader

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

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

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

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

7:40 P.M. CONSENT AGENDA

- A. **Resolution No. 2479**
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With North Santiam Paving Co. For The 20114 Annual Street Maintenance Project (Capital Improvement Project 4014). (Staff – Ward)
- B. Minutes of the May 19, 2014 Council Meeting (staff – King)

7:40 P.M. PUBLIC HEARING

- A. **Resolution No. 2477**
A Resolution Authorizing A Supplemental Budget Adjustment For Fiscal Year 2013-14. (Staff – Rodocker)

B. **Resolution No. 2478**

A Resolution Authorizing A Transfer Of Budget Appropriations Within Certain Funds For Fiscal Year 2013-14. (Staff – Rodocker)

8:00 P.M. CONTINUING BUSINESS

A. **Resolution No. 2473**

A Resolution Of The City Of Wilsonville Authorizing Support Grant Agreement With Wilsonville Community Sharing (Staff – Rodocker)

B. **Ordinance No. 743** – 2nd reading

An Ordinance Of The City Of Wilsonville Annexing Approximately 15.16 Acres Of Land Located Southeast Of The Intersection Of SW Grahams Ferry Road And SW Tooze Road Into The City Limits Of The City Of Wilsonville, Oregon; The Land Is More Particularly Described As Tax Lots 1200, 1202, And 1205 Of Section 15 T3S-R1W, Clackamas County, Oregon, Polygon Northwest Company, Applicant. (staff – Pauly)

C. **Ordinance No. 744** – 2nd Reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone To The Village (V) Zone On Approximately 15.16 - Acres Comprising Tax Lots 1200, 1202, And 1205 Of Section 15, T3S, R1W, Clackamas County, Oregon, Polygon Northwest Company, Applicant. (staff – Pauly)

8:40 P.M. NEW BUSINESS

A. **Resolution No. 2480**

A Resolution Of The City Of Wilsonville Approving Addendum No. 4 To The Development Agreement Between The City Of Wilsonville, The Urban Renewal Agency Of The City Of Wilsonville, Villebois LLC, And State Of Oregon Department Of Administrative Services Relating To The Addition Of Polygon Northwest Company, L.L.C. As A Party To The Development Agreement And Authorizing Certain Changes Relating To Development Of Property Known As Villebois Calais, Located Within The Villebois Village Development. (staff – Adams)

8:50 P.M. CITY MANAGER'S BUSINESS

8:55 P.M. LEGAL BUSINESS

9:00 P.M. ADJOURN

An Urban Renewal Agency Meeting Will Immediately Follow.

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

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: June 16, 2014	Subject: Oregon DEQ Employee Commute Options (ECO Rules) 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: http://www.deq.state.or.us/nwr/eco/eco.htm	
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) TSP and TMP	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Staff will provide information and answer questions about DEQ's Employee Commute Options Rules.

EXECUTIVE SUMMARY:

The DEQ Employee Commute Options Rules or ECO Program requires larger employers to provide incentives for commute options to encourage employees to reduce auto trips to the work site. The ECO Rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission.

EXPECTED RESULTS:

Employers must provide commute options and incentives that have the potential to reduce employee commute auto trips by 10% within three years of their baseline survey. Employers must continue to provide these incentives to maintain the reduced auto trip rate.

TIMELINE:

Ongoing

CURRENT YEAR BUDGET IMPACTS:

SMART Options receives an annual grant from Metro to assist with ECO program implementation in Wilsonville.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____ Date: _____

LEGAL REVIEW / COMMENT:

Reviewed by: MEK _____ Date: 6/5/2014 _____

NA as the report is informational.

COMMUNITY INVOLVEMENT PROCESS:

SMART Options program staff work with Wilsonville employers to help them comply with ECO requirements. Through outreach and educational activities, the SMART Options Program provides information to Wilsonville's business and residential community about travel options including transit, walking, biking, and ridesharing.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Reduced vehicle trips in and around Wilsonville.

ALTERNATIVES:

If businesses in the Portland-metro area do not comply with ECO rules, they risk being fined by the Oregon Department of Environmental Quality (DEQ).

CITY MANAGER COMMENT:**ATTACHMENTS**

None

CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2014-15

June

DATE	DAY	TIME	MEETING	LOCATION
6/16	Monday	7 pm	Council Meeting	Council Chambers
6/23	Monday	6:30 pm	DRB Panel B	Council Chambers
6/25	Wednesday	6:30 pm	Library Board	Library

July

DATE	DAY	TIME	MEETING	LOCATION
7/4	Friday	Fourth of July Holiday -- City offices closed		
7/7	Monday	7 p.m.	Council Meeting	Council Chambers
7/10	Thursday	6:20 p.m.	Parks & Rec Advisory Board	Council Chambers
7/14	Monday	6:30 p.m.	DRB Panel A	Council Chambers
7/21	Monday	7 p.m.	Council Meeting	Council Chambers
7/23	Wednesday	6:30 p.m.	Library Board	Library
7/28	Monday	6:30 p.m.	DRB Panel B	Council Chambers

COMMUNITY EVENTS

JUNE

Wilsonville Farmers Market every Thursday

starting June 12th through September 11th

June 19 and 26, 4-8 p.m. Villebois, 28836 SW Costa Circle West

Boy Scout Plant Sale

June 21, 9 a.m. to 3 p.m., Community Center Parking Lot



Korean War Remembrance Ceremony

June 21, 10 a.m. Town Center Park

Relay for Life

June 28, 10 a.m. to June 29, 10 a.m. at Town Center Park

JULY

Wilsonville Farmers Market every Thursday

July 3rd, 10, 17 and 24 4-8 p.m. Villebois, 28836 SW Costa Circle West

Movie in the Park – Frozen

July 11th All movies are free and will be shown on an inflatable big screen.

Lawn opens at 8:15 p.m., movie starts at dusk. Bring a blanket to sit on.

Neighborhood BBQ – Charbonneau

July 15, 5:00 p.m.

Rotary Concert – Johnny Limbo and the Lugnuts

July 24th 6:30 pm at Town Center Park

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: June 16, 2014	Subject: Resolution No. 2479 Bid Award, CIP 4014 – 2014 Annual Street Maintenance Contract Staff Member: Mike Ward, P.E. 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 approval of Resolution No. 2479.		
Recommended Language for Motion: I move to approve Resolution No. 2479.		
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>		
<input checked="" type="checkbox"/> Council Goals/Priorities Ensuring efficient, cost-effective and sustainable development and infrastructure	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

This resolution will approve the procurement process and award the bid for the construction contract to North Santiam Paving Co. for the 2014 Annual Street Maintenance project.

EXECUTIVE SUMMARY:

This contract continues the City's policy of annually maintaining City streets based on a rotating schedule and the pavement management program. Work is scheduled to take place in the summer paving window and will include a grind and overlay along Wilsonville Road between

Town Center Loop West and Boeckman Creek Bridge and crack repair along Parkway Avenue between Main Street and Wilson Lane along with other locations.

Micro-seal treatments are planned for sections of Town Center Loop East and Courtside Drive this summer, but will be completed under a separate "piggy-back" contract through the City of Hillsboro.

EXPECTED RESULTS:

Preventative maintenance will be performed which lengthens the useful life of the City's streets, reducing the amount of street reconstruction and long range maintenance costs.

TIMELINE:

Staff intends to issue a Notice to Proceed on or about June 18, 2014 with substantial completion by August 30, 2014. Information will be posted weekly on the City's website and Facebook page.

CURRENT YEAR BUDGET IMPACTS:

North Santiam Paving's bid for the contract is \$426,333.50. The adopted Wilsonville FY 2014-15 budget identifies \$690,000 for the 2014 Annual Street Maintenance Program and preparation for the 2015 Annual Street Maintenance Program. The budget will also be used to complete the micro-seal treatments under the "piggy-back" contract through Hillsboro.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____CR_____ Date: _____6/5/14_____

The budget information is correct.

LEGAL REVIEW / COMMENT:

Reviewed by: _____MEK_____ Date: 6/5/2014_____

Resolution approved as to form.

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

Work performed on Wilsonville Road will be done at night and will be open to traffic during the day. Staff will work with contractor to minimize disruptions and will use Portable Changeable Message Signs to alert drivers to upcoming work once a date has been established.

Benefits to the City are longer lasting streets and reduced overall costs associated with major pavement reconstruction. As part of the Street Maintenance Program, the City had a Pavement Condition Index (PCI) assessment performed, which helps identify streets the program will work on over the coming five years.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Bid Summary
- B. Resolution No. 2479

BID SUMMARY

2014 Street Maintenance Program
OWNER: CITY OF WILSONVILLE
May 28, 2014 @ 2:00 pm

Order Opened	Bidder	Enveloped Marked:	Proposal Pg. 1-8 to 13	Addenda Received	Proposal Signed	10% Bid Security		First Tier Sub-Con.	Bid Amount	Appar. Status
		(y/n)	(y/n)	(y/n)	(y/n)	(y/n)	Type	(y/n)		
1	Brix Paving Northwest	Y	Y	Y	Y	Y	B	Y	\$495,000.00	4
2	Knife River	Y	Y	Y	Y	Y	B	Y	\$455,751.80	2
3	North Santiam Paving Co.	Y	Y	Y	Y	Y	B	Y	\$426,333.50	1
4	S-2 Conteractors	Y	Y	Y	Y	Y	B	Y	\$456,595.00	3

RESOLUTION NO. 2479

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH NORTH SANTIAM PAVING CO. FOR THE 2014 ANNUAL STREET MAINTENANCE PROJECT (CAPITAL IMPROVEMENT PROJECT 4014).

WHEREAS, the City has planned, designed, and budgeted for the completion of Capital Improvement Project #4014, known as the Annual Street Maintenance project (the Project); and

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

WHEREAS, North Santiam Paving Co. submitted a bid for the Project on May 28, 2014 for \$426,333.50, and this was subsequently evaluated as the lowest responsive and responsible bid.

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

1. The procurement process for the Project duly followed Oregon Public Contracting Rules, and Canby Excavating submitted the lowest responsive and responsible bid.
2. The City of Wilsonville City Council, acting as the Local Contract Review Board, authorizes the City Manager to enter into, on behalf of the City of Wilsonville, a construction contract with North Santiam Paving Co. for a stated value of \$426,333.50.
3. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a special meeting thereof this 16th day of June 2014, and filed with the Wilsonville City Recorder this date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY of Votes:

Mayor Knapp _____

Council President Starr _____

Councilor Goddard _____

Councilor Fitzgerald _____

Councilor Stevens _____

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, May 19, 2014. Mayor Knapp called the meeting to order at 7:11 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 - excused
Councilor Stevens

Staff present included:

Bryan Cosgrove, City Manager
Mike Kohlhoff, City Attorney
Sandra King, City Recorder
Delora Kerber, Public Works Director
Stan Sherer, Parks & recreation Director
Nancy Kraushaar, Community Development Director
Chris Neamtzu, Planning Director
Gary Wallis, Special Finance Projects Consultant

Motion to approve the order of the agenda.

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

Vote: Motion carried 4-0.

MAYOR'S BUSINESS

Upcoming meetings were announced by the Mayor. He reported on the Spring Training held Saturday May 17th, which was well attended by members of all the city Boards and Commissions. The participants discussed goals and visions for the future in small groups and he was looking forward to receiving the comments of the small groups from staff. The Mayor talked about the meetings he attended on behalf of the City.

COMMUNICATIONS

A. Imagine Clackamas Presentation, Ron Adams

Ron Adams, 1494 Gray More Drive, West Linn; provided a profile of the degrees offered at Clackamas Community College, and noted that CCC would celebrate its 50th anniversary in 2016. He spoke about the tuition value compared to four-year degree colleges, student access, and veteran's services. In addition CCC offers customized training and development services to students to prepare them for the work world. CCC will have a bond on the November 4, 2014 ballot to update and modernize classroom space and provide more opportunities for job training and education.

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B. Business Recognition: Albertsons', General Manager Don McNeeley

Stan Sherer, Parks and Recreation Director, recognized the generosity and support Albertsons has shown to the City over the past year through its participation in community events. Mr. Sherer presented a Certificate of Appreciation to Mr. McNeeley. On behalf of Albertsons Mr. McNeeley thanked the City for the recognition and welcomed the opportunity to partner with the City in the future.

C. National Public Works Week Proclamation

Mayor Knapp read the proclamation into the record.

Delora Kerber, Public Works Director stated National Public Works Week has been celebrated nationwide since 1960. She indicated Public Works staff members would be attending the neighborhood BBQs to provide information and displays on what types of work the department does.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS – There was none.

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.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Starr – (*Park & Recreation Advisory Board Liaison*) thanked the community for the WERK Day response, where over 300 volunteers worked in Memorial Park. Councilor Starr announced the Korean War Veterans will conduct a ceremony in remembrance of the men and women who died in service of the country Memorial Day, and the annual Art's Festival set for the last weekend in May.

Councilor Goddard – (*Library Board Liaison*) noted he had attended the Frog Pond Concept Planning workshop and he thanked the stakeholders who attended to share their ideas.

Councilor Stevens – (*Planning Commission; CCI; Wilsonville Seniors Liaison*) stated she was pleased to see members of the Wilsonville Seniors Inc. participate in the "Spring Training" along with representatives of the other city boards and commissions. She announced a luncheon honoring veterans will be held at the Community Center on June 6th; the Planning Commission heard information on the Frog Pond planning process at their last meeting; and announced the SMART bike tour of art sculptures throughout town set for the same weekend as Festival of the Arts.

CONSENT AGENDA

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

A. Minutes of the April 21, 2014 Council Meeting.

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

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Vote: Motion carried 4-0.

CONTINUING BUSINESS

A. **Ordinance No. 741** 2nd reading

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Public Facility (PF) Zone To The Village (V) Zone On Approximately 42.76 Acres Comprising Tax Lots 2800 And 2890 Of Section 15, T3S, R1W, Clackamas County, Oregon, Polygon Northwest Company, Applicant.

Mr. Kohlhoff read Ordinance No. 741 by title only for the second reading.

Motion: Councilor Stevens moved to approve Ordinance No. 741 on second reading. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

Councilor Starr - Yes

Councilor Goddard - Yes

Councilor Fitzgerald - excused

Councilor Stevens - Yes

Mayor Knapp - Yes

B. **Ordinance No. 742** 2nd reading

An Ordinance Of The City Of Wilsonville Adopting The Wilsonville Residential Land Study As An Amendment To And A Sub-Element Of The Comprehensive Plan.

Mr. Kohlhoff read Ordinance No. 742 by title only for the second reading.

Motion: Councilor Stevens moved to approve Ordinance No. 742 on second reading. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

Councilor Starr - Yes

Councilor Goddard - Yes

Councilor Fitzgerald - excused

Councilor Stevens - Yes

Mayor Knapp - Yes

NEW BUSINESS

Mr. Kohlhoff read the title of Resolution No. 2470 into the record.

A. **Resolution No. 2470**

A Resolution Authorizing An Intergovernmental Agreement With The Urban Renewal Agency Of The City Of Wilsonville Pertaining To Short Term Subordinate Urban Renewal Debt For Both The Year 2000 Plan And West Side Districts For The Purpose Of Funding The Construction Of Two Permanent Public Road Projects By The Agency.

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Gary Wallis, Special Finance Project Consultant, prepared and presented the staff report. Both the Year 2000 Plan and West Side districts each have a capital road project that will be under construction soon. Short-term borrowing is necessary to complete these two capital projects. Fortunately both districts have sufficient cash balances in their debt service funds to allow for repayment of borrowing on a short term basis – short term being defined as “overnight.”

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

- City lends to Agency \$4,500,000 at 1.5 percent (1.5%).
- The Agency repays the amount from tax increment funds on hand the day after receipt of the loan.
- Total interest to the General Fund, therefore, will be approximately \$185.
- The borrowing is subordinate to outstanding senior lien debt.

By borrowing from City funds the Agency is able to avoid loan origination fees and legal costs associated with borrowing from a financial institution, estimated to be more than \$18,000 for this type of financing. The public purpose is to fund two road projects authorized in the City’s Transportation System Plan and the urban renewal plans for the two respective districts.

Authorizing the IGA by the respective Resolution of the City and the Agency will provide cash resources of \$2.5 million to pay for the initial costs of Canyon Creek Road between Boeckman Road and Vlahos Drive within the Year 2000 Plan district. It will also provide \$2 million to pay for the initial costs of extending Barber Road west into Villebois within the West Side district.

Borrowing and repayment will occur within the month of June 2014. The IGA anticipates the loan and repayment occurring on June 25 and June 26, respectively. Both projects expect construction starts in the summer of 2014.

A separate supplemental budget adjustment is necessary to complete this transaction within Local Budget Law constraints.

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

Further, the only current general obligation bond outstanding for the City is for library purposes and is \$1,015,000, and given the June 30, 2013 estimated fair market value of property within the City was \$2.9 billion and the estimate for June 30, 2014 is estimated to be \$3.1 billion, even if the overnight liability before payment was added to the general obligation bond indebtedness, the total is substantially under 1% of the fair market value and within the 3% limit in this regard.

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The borrowing will not directly impact local businesses or neighborhoods, however, the construction projects to be funded will have significant positive impact on both.

In the alternative the Council and Agency may engage in borrowing from a financial institution; however, this process would take more time and cost the Urban Renewal Agency significantly more money.

The staff report for this item will be included in the URA meeting minutes.

Motion: Councilor Starr moved to approve Resolution No. 2470. Councilor Stevens seconded the motion.

Vote: Motion carried 4-0.

B. Resolution No. 2471

A Resolution Of The Wilsonville City Council Adopting The Wilsonville Urban Renewal Strategic Plan, May 2014.

The City Attorney read the resolution by title only for the record.

Mayor Knapp recused himself from the vote, to prevent any perceived conflict of interest, since he own property in the area under consideration, and he did not want to give the impression of benefiting from the project. Mayor Knapp passed the gavel to Council President Starr and stepped down from the dais.

Ms. Retherford introduced Elaine Howard of Elaine Howard Consulting.

Ms. Retherford prepared the staff report which is included here. "At direction of the City Council, staff retained the urban renewal consultants ECONorthwest and Elaine Howard the summer of 2013 after conducting a competitive selection process, and recruited a diverse, 16-member volunteer advisory task force chaired by Council President Scott Starr to develop a strategy for the City's future use of urban renewal. The task force met on three occasions and developed recommendations regarding the Year 2000 Urban Renewal Area (URA), the West Side URA, and the future use of urban renewal in Wilsonville, specifically for the Coffee Creek Industrial Area and Frog Pond. Because the TIF Zones had recently undergone a great deal of public input and analysis during their creation, the Task Force did not focus on these six single-property urban renewal districts.

The consultant team prepared a great deal of technical information regarding planned projects and financial projections for each district prior to the first Task Force meeting to inform their discussion.

During the first meeting, the Task Force reviewed the issues and challenges before them. During the second meeting, they discussed three preliminary scenarios for addressing these challenges. At the third meeting the Task Force reviewed changes to the scenarios discussed at the second meeting and made their final recommendations.

More specifically, the Task Force examined:

- Which projects in existing urban renewal areas should be completed using urban renewal?
- Should the West Side maximum indebtedness limit be increased to complete projects, and if so, by what amount?
- Are there any needs in existing URAs not yet identified as projects that should be added to project lists?

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- Are there properties in close proximity to existing URAs that should be included into a URA?
- Are there areas to be considered for potential new URAs in the future?
- How should the City address acreage limitations.
- Should the City close portions of districts or full districts?

After the second meeting there was consensus from the Task Force that:

- Coffee Creek is a high priority for creating a new URA
- Urban Renewal should focus on infrastructure instead of amenities.
- Impacts to the school district should be considered in closing down URAs.

Additional work was needed on the various scenarios as there was uncertainty as to what should be done with Town Center and possible redevelopment opportunities.

The Task Force considered four different scenarios at their third meeting:

- Scenario A: The West Side Plan would significantly increase maximum indebtedness, and would require concurrence. No revenue sharing would happen in this alternative. The Year 2000 Plan would pay off debt as soon as possible, allowing for Frog Pond to come online.
- Scenario A-2: This is the same as Scenario A, except the West Side Plan includes revenue sharing. This scenario still requires concurrence.
- Scenario B: The Old Town Escape would be moved from the West Side Plan to the Year 2000 Plan. This pushes back when Year 2000 can make its final debt payment. No concurrence would be required for this alternative.
- Scenario C: The life of the Year 2000 Plan will be extended for as long as possible, only collecting enough TIF to pay off debt as scheduled. We chose to extend the Year 2000 Plan while still completing all projects as scheduled, but it is also possible to pair the extension with Scenario B of the West Side Plan.

After consideration and discussion of these scenarios, the Task Force came to the following recommendations, which have been incorporated into the draft Urban Renewal Strategic Plan attached hereto as Exhibit A.

West Side Plan:

- Amend plan to increase maximum indebtedness from \$40 million to \$49.4 million, to allow funding of the critical infrastructure projects that the city is contractually obligated to fund.
- Formal concurrence of overlapping taxing districts is not required for this amendment, and should not be sought.
- Following precedent from previous plan amendment processes, do not seek an advisory vote of the public.
- Do not add any new projects to the project list; doing so would increase the life of the district and require a larger increase in maximum indebtedness.
- Do not fund the Old Town Escape project with TIF dollars (though other funding sources could be used). This project is not a contractually obligated project.

Year 2000 Plan:

- Do not amend financial aspects of the plan (though an amendment to remove acreage is necessary to support the formation of Coffee Creek). Make no changes to the project list or maximum indebtedness.
- Close down the area in a phased approach that limits negative compression impacts on the West Linn – Wilsonville School District

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Coffee Creek Industrial Area:

- Pursue feasibility analysis and planning for a new urban renewal area to fund critical infrastructure in Coffee Creek.
- Remove land from the Year 2000 and/or West Side plans as necessary to free up sufficient acreage for the proposed Coffee Creek urban renewal area.
- Following precedent, as this is a new urban renewal area formation process, pursue citywide advisory vote during plan adoption.
- Pursue formal concurrence of overlapping taxing districts during plan adoption.
- The use of TIF should be limited to development-supportive infrastructure projects

Frog Pond Area:

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

Upon adoption of the Urban Renewal Strategic Plan staff will begin implementing the Plan.

An urban renewal plan amendment will be needed for the West Side Plan to complete plan projects. This will be a substantial amendment with a timeline of six to nine months. This effort should begin summer 2014.

Specific areas of land need to be identified for removal from the West Side URA and the Year 2000 URA and plans amended accordingly to free up acreage for a new URA in Coffee Creek. This process will take three to six months and should begin summer 2014.

A feasibility study needs to be developed for a Coffee Creek URA, along with an annexation strategy. This effort will be a six to nine month process and should begin summer 2014. The goal is to have sufficient information to take the creation of a new URA to voters in either the spring or fall of 2015.

Staff will continue to work in partnership with the school district on implementing the closure of the Year 2000 Area. Closure will occur between 2018 and 2021, depending on the approach taken to mitigate compression impacts to the School District. As real property values increase, the compression impacts of closing the Year 2000 Area will lessen. City and School District staff will meet in November or December 2014 to review new property tax information, and will meet periodically as necessary on this issue until the Year 2000 Area has been closed.

Current Year Budget Impacts: There will be no additional budget impacts this fiscal year. Consulting costs for implementing Plan recommendations will be incurred in FY 2014-15. Cost estimates are not yet in place, but funding for consultant professional services has been included in the Urban Renewal departmental budget.

Community Involvement Process: This process included three Task Force meetings, one public open house, and stakeholder interviews, including interviews with affected taxing districts.

The Urban Renewal Task Force held its final meeting on January 30, 2014. A draft Urban Renewal Strategic Plan was prepared and disseminated to the Task Force for review and comment. Comments and edits have been addressed, and the Plan is now being brought forward for City Council review and adoption.

Potential Impacts Or Benefit To The Community: Adoption of the Urban Renewal Strategic Plan will provide staff with guidance in managing future urban renewal activities in the City. It will expedite

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completion of projects in the West Side URA by increasing maximum indebtedness and will chart a course for closure of the Year 2000 URA. It will also set the framework for staff to pursue developing a new URA in the Coffee Creek Industrial Area to spur economic development.” *End of Staff Report.*

Kristin Retherford and consultant Elaine Howard provided a review of the information contained in the staff report and Strategic Plan as well as the results of the meetings held by the Task Force.

Councilors raised questions regarding the Old Town Escape funding and road improvements in Old Town.

Ms. Retherford clarified the differences between the Old Town Streets project and the Old Town Escape project. The Old Town Escape in the West Side URA district was not under contractual obligation and was removed from the mix to avoid triggering the concurrency requirement. One option is to move the project to the Year 2000 Plan to allow use of URA funding, another is not to fund the project with URA monies.

Mr. Cosgrove said the decision came out of the iterative discussion, if you can only fund this level of projects, how does that fall out. There are projects that must be funded because of contractual agreements, versus the projects that were not contractually obligated.

The Task Force recommended funding the Old Town Escape with funds other than Urban Renewal, and not to add any new projects to the Year 2000 Plan. In Scenario B-2 the Task Force made the recommendation not to fund the Old Town Escape with tax increment financing, do not add any new projects to the Year 2000 Plan, and to pay off debt and close this district as quickly as possible while working with the West Linn-Wilsonville School District to mitigate compression impacts. Ms. Howard explained the term “compression” and its effect on taxing districts.

Councilor Goddard expressed concerns that the Year 2000 Plan had not closed as was envisioned and more projects were added and the amount of debt increased. He viewed the two districts in the aggregate and felt they were fungible and he would be more comfortable if there was a hard end date to the districts.

Ms. Howard stated the City of Wilsonville had released acreage to help other taxing districts and limited tax increment collection to \$4 million per year, which is something other cities have not done. However, there are projects contained in the Year 2000 Plan that have not been completed and the Task Force did not want to harm the School District, that was why the Task Force did not recommend closing the district. The Task Force did not recommend adding additional indebtedness to the Year 2000 Plan and they wanted to close the district. The Task Force did talk about increasing maximum indebtedness in the West Side Plan, but only to the extent that the City met its contractual obligations. She pointed out the return on investment in both districts has been very high.

Ms. Retherford explained the reasons for increasing the maximum indebtedness in the West Side Plan to complete the project list. No new projects have been added to the West Side Plan. The original cost estimates were on the low side compared to the actual costs due to land values, construction costs and additional regulatory requirements. The 2008 recession stalled construction and there was no funding to complete the projects. The other factor affecting the district is the school site acquisition, the original school site was not a viable option due to the recession within the time frame needed to construct the school because private development was no longer advancing infrastructure to that site. It was more cost and time expedient to purchase a property and develop the school in a location adjacent to infrastructure.

Ms. Howard identified the Task Force recommendations:

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West Side Plan:

- Amend plan to increase maximum indebtedness from \$40 million to \$49.4 million, to allow funding of the critical infrastructure projects that the city is contractually obligated to fund.
- Formal concurrence of overlapping taxing districts is not required for this amendment, and should not be sought.
- Following precedent from previous plan amendment processes, do not seek an advisory vote of the public.
- Do not add any new projects to the project list; doing so would increase the life of the district and require a larger increase in maximum indebtedness.
- Do not fund the Old Town Escape project with TIF dollars (though other funding sources could be used). This project is not a contractually obligated project.

Year 2000 Plan:

- Do not amend financial aspects of the plan (though an amendment to remove acreage is necessary to support the formation of Coffee Creek). Make no changes to the project list or maximum indebtedness.
- Close down the area in a phased approach that limits negative compression impacts on the West Linn – Wilsonville School District

Ms. Howard added limiting the increment to \$4 million a year increased the time needed to pay down the debt to 2018-19.

Councilor Goddard wanted a firmer commitment to the closure of the Year 200 Plan; that there be no increase in indebtedness, or new projects.

Ms. Howard continued with the Task Force recommendations:

Coffee Creek Industrial Area:

- Pursue feasibility analysis and planning for a new urban renewal area to fund critical infrastructure in Coffee Creek.
- Remove land from the Year 2000 and/or West Side plans as necessary to free up sufficient acreage for the proposed Coffee Creek urban renewal area.
- Following precedent, as this is a new urban renewal area formation process, pursue citywide advisory vote during plan adoption.
- Pursue formal concurrence of overlapping taxing districts during plan adoption.
- The use of TIF should be limited to development-supportive infrastructure projects

Frog Pond Area:

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

Councilor Goddard asked what information would be gathered with the planning of Frog Pond area that would help to determine if URA was necessary.

Ms. Retherford stated it would have to do with the projects needed to serve Frog Pond; information about offsite infrastructure that is needed and beyond the private developer's capacity to construct on their own (sewer lines, water lines, roadways, bridges) the exterior framework that serves the community as a whole.

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Council President Starr invited public comment.

Alan Steiger 7054 SW Cedar Point Drive indicated he had been a member of the Task Force and the presentation was an accurate representation of the Task Force meetings. The majority of the comments provided were about not damaging the School District with compression by closure of the URA district. As far as future urban renewal districts, the Task Force preferred to look forward on what they felt should be accomplished using urban renewal districts.

In response to Councilors questions Ms. Retherford explained the financial components of Scenario B-2, which included:

- A combination of Scenario B for the West Side Plan with the \$49.3 million for maximum indebtedness
- The removal of \$ 8.6 million Old Town Escape from Scenario B
- For the Year 2000 Plan it would be Scenario A or A2, nothing being added and the existing maximum indebtedness.

Council President Starr asked for additional public comment.

Tim Knapp, 11615 SW Jamaica, Wilsonville, stated he owns property along Boones Ferry Road a block south of Fred Meyer. When the Fred Meyer project started the incremental value of that bare property was \$1.5 million; now the property is valued at \$70 million and all of that \$70 million in increment has gone into the urban renewal district. The presence of Fred Meyer has increased traffic congestion on Boones Ferry Drive and Wilsonville Road and he thought increment should be used to improve the critical infrastructure to alleviate traffic congestion in that location. Mr. Knapp displayed photographs of traffic congestion in July 2013 noting there was no particular reason for the traffic tie up. He expressed concern that this congestion could delay emergency equipment and first responders from accessing the Old Town area.

Mr. Knapp spoke about the need for freeway overcrossings to provide alternative routes for cross-town traffic from using Wilsonville Road and hampering the freeway interchange traffic.

Mr. Knapp did not understand how the Task Force could say the Old Town Escape could be left for some future date. Private development west of the rail road tracks is waiting on access and until there is a link up to Kinsman or Brown roads there is no ability for the private sector to move that property into productive development. Urban Renewal should be used to develop critical infrastructure that private development is not able to do to enable private investment to move forward and create taxable value.

Mr. Knapp did not feel the Task Force was brought up to speed on the city's traffic programs and goals about connectivity, providing alternative connections and tying the community together at the time they were thinking about urban renewal.

He believed Town Center commercial area will need to be redeveloped but he did not think there was adequate provision to enable a plan to be developed on how that would occur.

Mr. Knapp believed funds could be dedicated to deal with traffic mitigation in a consistent way, the same way we have been planning in other areas of the city. He did not feel he could support the plan as proposed. He recommended asking staff to look at alternatives and bring back some kind of clarity as to how traffic mitigation could be accomplished on a reasonable time frame.

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Council President Starr said as chair of the Task Force they focused on the urban renewal part of it, so the traffic piece was not a part of the focus. The Task Force did talk about traffic and emergency services. Chief Dyke, TVF&R commented the way things were now was not a burden on them as far as response times, but he did not know what the Chief's criteria were.

Ms. Retherford noted the Task Force struggled with the number of options in looking at the urban renewal areas and the solutions. She offered options the Council may want to study in considering the Old Town Escape:

- The Old Town Streets project is in the same general area, but is in a different urban renewal district. The Old Town Streets Project is in the Year 2000 Plan area with an estimate of \$3.89 dollars. Council could decide to use all or some portion of funding for that project for design or construction, and apply it to the Old Town Escape.
- The Old Town Escape project could be moved into the Year 2000 Plan with a change in funding, say that we are not going to do all of the Old Town Streets Project, and apply those funds to the Old Town Escape which would not extend the life of the district. It would not add to the debt from beyond what the Task Force had recommended.
- Move the Old Town Escape into the Year 2000 Plan rather than funding the entire project with urban renewal, funding a portion of it.
- When we look at our payoff of debt in the Year 2000 Plan, if we are collecting \$4 million a year of increment that means for every four million dollars that we spend, that is another year for that district.

Those are options to consider, it doesn't have to be an all urban renewal or no urban renewal, there can be gradation in there to be considered. In looking at the Town Center redevelopment possibilities the Council could decide to use its existing urban renewal funding to fund a master plan of that area, putting together a framework or plan for the area. Also in the Year 2000 Plan is potential future program income that could be used to fund Town Center redevelopment that would be independent of closing down the Year 2000 Plan.

Within the upcoming CIP is a project to do a facilities plan for the City which will look at the Wesleyan school property, and the vacant parcel next to the Kaiser property. If it is determined there is no need for these properties and they are sold, the money would come back to the URA as program income which could be used to fund projects within the existing URA boundary including Town Center redevelopment.

Council President Starr said the Task Force did not discuss the options just outlined by Ms. Retherford, and the Council had several choices, to vote on the resolution, or ask staff to look at alternatives. He noted Councilor Fitzgerald was not in attendance and unable to provide her input.

Councilors wanted more time to consider the options, and asked staff to come back with alternatives. They wanted additional information on how the proposed projects are connected to economic development particularly in leveraging limited funding to promote traded sector job growth as well as how priorities in Frog Pond or Coffee Creek would be balanced through that filter.

Mr. Cosgrove felt that request could be done going forward, but the two existing plans have projects that have been adopted as part of a public process and put into plans for a reason by prior councilors.

Council President Starr asked if Mr. Cosgrove had the direction he needed on alternatives.

Mr. Cosgrove heard that the Council wanted more information on the Old Town Escape, and Town Center redevelopment and options could be brought back to Council including different funding

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possibilities on the Old Town escape. Beyond that the recommendations in the report will stand. It was understood Council will be making any Landover decisions on an ongoing basis; staff would not bring back additional information on that topic.

Motion: Councilor Stevens moved to continue Resolution No. 2471 to the June 16, 2014 meeting. Councilor Goddard seconded the motion.

Vote: Motion carried 3-0.

Mayor Knapp rejoined the Councilors on the dais.

CITY MANAGER'S BUSINESS

Mr. Cosgrove said the second city community survey has been sent to 1200 households in Wilsonville and a work plan for implementation of the tourism strategy will be brought to Council for consideration in early fall.

LEGAL BUSINESS – There was no report.

ADJOURN

The Mayor adjourned the Council meeting at 9:23 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

Tim Knapp, Mayor

**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: June 16, 2014	Subject: Resolution No. 2477 and 2478 Supplemental Budget and Transfers FY 2013-14 Staff Member: Cathy Rodocker Department: Finance
Action Required <input checked="" type="checkbox"/> Motion <input checked="" 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 Council adopt Resolution No. 2477 and Resolution No. 2478.	
Recommended Language for Motion: I move to approve Resolution No. 2477. I move to approve Resolution No. 2478.	
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>	
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)
<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Supplemental budget resolutions for the FY 2013-14 budget year.

EXECUTIVE SUMMARY:

Oregon's Local Budget Law allows the Council to amend the adopted budget for an occurrence or condition that was not known at the time the budget was adopted. The following supplemental budget primarily amends the current budget for numerous capital improvement projects and expenditures.

At its June 3, 2013 City Council meeting, the Council adopted the Fiscal Year 2013-14 budget. Since that time, several unanticipated projects and expenses have come to staff's attention that will require additional budget authorization. There are two resolutions for consideration; a

budget transfer and a supplemental budget adjustment. The first resolution is a supplemental budget adjustment that will impact the budget by increasing overall revenues and expenditures. The second resolution is a transfer resolution that will move expenditures from one category to another with no additional increase to the overall budget. As per Local Budget Law, the supplemental budget adjustment also includes budget transfers that have surpassed 15 percent of the adopted contingency.

Adjustment – Resolution No. 2477

Attachment #1, “Supplemental Budget Adjustments” provides a detail listing of the projects and expenditures that are recognizing new funding from either contingency or beginning fund balances. The largest increase in the budget adjustment recognizes the expense of the intra-agency loan between the City and Urban Renewal Districts totaling \$4,500,000. The adjustment also recognizes the repayment of the overnight loan. The second largest adjustment is for the reimbursement to the City of Sherwood and the expense of \$1,400,000 is recorded in the Water CIP Fund. The funding for the Proj#1055: Segment 3B-48” waterline was paid in full by the City of Sherwood in June 2013. The project is now completed and the City is required to reimburse the City of Sherwood for the appropriate share of the project costs.

The resolution also includes additional appropriations for expenses for additional bus purchases in the amount of \$50,000, \$18,160 for additional costs for Proj#7012-Rivergreen Drainage and \$35,690 for Proj#9135-Tonquin Trail South Extension.

Transfer - Resolution No. 2478

Attachment #2, “Supplemental Budget Transfers” provides a detail listing of the projects and/or accounts that will be affected by the transfer resolution. The transfers noted are all less than 15% of the original adopted contingency in each fund.

To accommodate the early acceptance of the Waste Water Treatment Plant, the current budget needs a transfer from contingency for the increase cost of the operations contract in the amount of \$175,000.

Proj#4712-Bike and Ped Connectivity Action Plan will be funded in the amount of \$26,425 by reducing Proj#4999-Streets Project Design/Development and Proj#4995-Early Planning – Future Streets Projects.

Proj#8105-Keyless Entry will complete the installation of the systems at the Public Works Building, Community Center and City Hall. A reduction in Proj#8099-HVAC Replacement: Community Center will provide the funding for this newly added project.

Additional interest for both water and sewer bonds, \$500 and \$1,600 respectively, are needed to meet the GASB requirements of accrual based accounting.

An additional \$4,500 will be needed as vehicles purchased this year included additional equipment than had been anticipated during the budget process. This will be funded by the

vehicle replacement contingency.

EXPECTED RESULTS:

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

TIMELINE:

As required by Local Budget Law, a notice for the public hearing has been published in the Wilsonville Spokesman. The notice was published on Wednesday, June 4, 2014. Adoption of the Supplemental Budget Adjustment and approval of the Supplemental Budget Transfer is required prior to the end of the fiscal year, June 30, 2014.

CURRENT YEAR BUDGET IMPACTS:

Resources:		Expenditures:	
Beginning fund balances	\$ 1,400,000	City of Sherwood Reimbursement	\$ 1,400,000
Loan Repayment from URA	4,500,000	Loan to URA	\$ 4,500,000
Interfund transfers	86,200	WWTP Contract	175,000
		Vehicle purchases	4,500
		Bus engine replacement	15,000
		Bus Purchases	50,000
		Additional interest expense recorded	2,100
		Proj#7012-Rivergreen Drainage	18,160
		Proj#9135-Tonquin Trail So Extension	35,690
		Transfers to GF and CD for Project Mgmt	32,350
		Contingencies	(246,600)
Total Resources	<u>\$ 5,986,200</u>		<u>\$ 5,986,200</u>

FINANCIAL REVIEW / COMMENTS:

Reviewed by: CAR Date: 5/28/14

LEGAL REVIEW / COMMENT:

Reviewed by: _____ Date: _____

COMMUNITY INVOLVEMENT PROCESS:

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

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY

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

ALTERNATIVES:

Not approving the attached supplemental budget could result in overspending current budget

appropriations. The City is required to disclose all excess of expenditures over appropriations in the Comprehensive Annual Financial report.

CITY MANAGER COMMENT:

ATTACHMENTS

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

Attachment #1 Supplemental Budget Adjustments

A supplemental budget adjustment is the formal process to amend the adopted budget for the fiscal year. A public hearing current is required.

General Fund

Loan Receivable from the Urban Renewal District	(4,500,000)
Transfer from CIP funds	(750)
Material and services: Loan to Urban Renewal District	4,500,000
Contingency	750

The \$4.5M adjustment recognizes the Council approved overnight loan from the General Fund to the Urban Renewal Agencies. \$2.5M for the Eastside Urban Renewal and \$2.0M for the Westside. The increase in transfers and contingency are for overhead charges from the following capital projects: Proj#7012-Rivergreen Drainage and Proj #9135-Tonquin Trail South Extension.

Community Development

Transfer from CIP funds	(31,600)
Contingency	31,600

The increase in transfers and contingency are for overhead charges from the following capital projects: Proj#7012-Rivergreen Drainage and Proj #9135-Tonquin Trail South Extension.

Transit Fund

Material and services	15,000
Capital outlay	50,000
Contingency	(65,000)

This adjustment will increase material and services in the amount of \$15,000 for an unforeseen bus engine replacement. The adjustment to increase capital outlay is to capture the costs associated with the buses purchases throughout the year.

Water CIP Fund

Beginning Fund Balance	(1,400,000)
Material and services	1,400,000

This adjustment to increase material and services in the amount of \$1,400,000 will reimburse the City of Sherwood for the advanced funding of the Proj#1055: Segment 3B water line project.

Stormwater CIP Fund

Capital outlay	16,000
Transfer to General Fund and CD Fund for project management	2,160

This adjustment is for Proj#7012: Rivergreen Drainage

Stormwater SDC Fund

Transfer to Parks SDC	(18,160)
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This adjustment is for the funding of Proj#7012: Rivergreen Drainage

Parks CIP Fund

Capital outlay	5,500
Transfer to General Fund and CD Fund for project management	30,190

This adjustment is for Proj#9135-Tonquin Trail South Extension.

Parks SDC Fund

Transfer to Parks SDC	(35,690)
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This adjustment is for the funding of Proj#9135-Tonquin Trail South Extension.

Attachment #2 Supplemental Budget Transfers

Supplemental Budget Transfers are approved by resolution to transfer funds between programs and/or major category. No increase to the adopted budget is recorded and a public hearing is not required.

Fleet Fund

Capital Outlay: Vehicles	\$	4,500
Fleet Fund Contingency		(4,500)

Additional equipment added to new vehicle purchase

Water Operating Fund

Material and services: Interest	\$	500
Water Fund Contingency		(500)

Budget should have been made an accrual basis and not a cash basis (Required by CAFR)

Sewer Operating Fund

Material and services: Interest	\$	1,600
Material and services: WWTP Contract increase		175,000
Sewer Fund Contingency		(176,600)

Interest increased in budget should have been made an accrual basis and not a cash basis (Required by CAFR). The increase in the WWTP contract is a result of the early completion of the plant upgrade and increased service levels.

Street CIP Fund

	CIP	CD OH	GF OH	
Proj 4712: Bike and Ped Connectivity	\$ 11,300	\$ 14,025	\$ 400	\$ 25,725
Transfer from Proj 4999	(11,300)	(12,000)	(400)	(23,700)
Transfer from Proj 4995	-	(2,025)	-	(2,025)

This project funds the Bicycle and Pedestrian Connectivity Action Plan by reducing existing projects.

Building CIP Fund

	CIP	CD OH	GF OH	
Proj 8105: Keyless Entry	\$ 30,000	\$ -	\$ -	\$ 30,000
Transfer from Proj 8099	(30,000)	-	-	(30,000)

This project will complete the Keyless Entry installation at the Public Works building, Community Center and City Hall.

RESOLUTION NO. 2477

A RESOLUTION AUTHORIZING A SUPPLEMENTAL BUDGET ADJUSTMENT FOR FISCAL YEAR 2013-14.

WHEREAS, the City adopted a budget and appropriated funds for fiscal year 2013-14 by Resolution 2420; and,

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

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

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

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

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

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

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

This resolution becomes effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 16th day of June 2014 and filed with Wilsonville City Recorder this same date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp
Councilor Starr
Councilor Fitzgerald
Councilor Goddard
Councilor Stevens

ATTACHMENT A

NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
General Fund			
IntraAgency Revenue	\$ -	\$ (4,500,000)	\$ (4,500,000)
Transfers	(2,593,811)	(750)	(2,594,561)
All other resources	(25,262,842)		(25,262,842)
Total increase in resources	\$ (27,856,653)	\$ (4,500,750)	\$ (32,357,403)
Material and servcies	\$ 1,839,860	\$ 4,500,000	\$ 6,339,860
Contingency	8,463,883	750	8,464,633
All other requirements	17,555,320	-	17,555,320
Net change in requirements	\$ 27,859,063	\$ 4,500,750	\$ 32,359,813

Increase in IntraAgency Revenue and in material and services is due to an intra-Agency loan to the Urban Renewal Districts. The transfer is for the overhead earned from the following capital project: Tonquin Trail South Extension.

Community Development Fund			
Transfers	\$ (2,458,378)	\$ (31,600)	\$ (2,489,978)
All other resources	(6,939,759)		(6,939,759)
Total increase in resources	\$ (9,398,137)	\$ (31,600)	\$ (9,429,737)
Contingency	\$ 4,081,127	\$ 31,600	\$ 4,112,727
All other requirements	5,317,010	-	5,317,010
Net change in requirements	\$ 9,398,137	\$ 31,600	\$ 9,429,737

The transfer is for the overhead earned from the following capital project: Tonquin Trail South Extension.

Transit Fund			
Material and servcies	\$ 1,839,860	\$ 15,000	\$ 1,854,860
Capital Outlay	757,000	50,000	807,000
Contingency	1,138,729	(65,000)	1,073,729
All other requirements	6,162,898	-	6,162,898
Net change in requirements	\$ 9,898,487	\$ -	\$ 9,898,487

Increase in materials and services for bus engine replacement and capital outlay for bus purchases.

Water Capital Projects Fund			
Beginning Fund Balance	\$ (154,759)	\$ (1,400,000)	\$ (1,554,759)
All other resources	(4,676,740)	-	(4,676,740)
Total increase in resources	\$ (4,831,499)	\$ (1,400,000)	\$ (6,231,499)
Material and services	-	1,400,000	1,400,000
All other requirements	4,409,258	-	4,409,258
Net change in requirements	\$ 4,409,258	\$ 1,400,000	\$ 5,809,258

Increase in beginning fund balance due to receiving funds prior to the beginning of the fiscal year from the City of Sherwood.

Material and servcies will be used to reimburse City of Sherwood for the Wilsonville's share of the Segment 3B 48" waterline project.

ATTACHMENT A

NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
Stormwater Capital Projects Fund			
Transfers	\$ (1,236,512)	\$ (18,160)	\$ (1,254,672)
All other resources	(10,355)	-	(10,355)
Total increase in resources	\$ (1,246,867)	\$ (18,160)	\$ (1,265,027)
Capital outlay	3,362,114	16,000	3,378,114
Transfers	577,366	2,160	
Contingency	171,033	-	171,033
Net change in requirements	\$ 4,110,513	\$ 18,160	\$ 3,549,147
Increase to capital outlay and transfers reflect costs associated with the Proj#7012-Rivergreen Drainage.			
Stormwater SDC Fund			
Transfers	\$ 158,476	\$ 18,160	176,636
Contingency	1,308,105	(18,160)	1,289,945
All other requirements	1,400	-	1,400
Net change in requirements	\$ 1,467,981	\$ -	\$ 1,467,981
Increase to capital outlay and transfers reflect costs associated with the Proj#7012-Rivergreen Drainage.			
Parks Capital Projects Fund			
Transfers	\$ (2,086,458)	\$ (35,690)	\$ (2,122,148)
All other resources	(358,212)	-	(358,212)
Total increase in resources	\$ (2,444,670)	\$ (35,690)	\$ (2,480,360)
Capital outlay	2,136,170	5,500	2,141,670
Transfers	245,628	30,190	275,818
Contingency	62,872	-	62,872
Net change in requirements	\$ 2,444,670	\$ 35,690	\$ 2,480,360
Increase to capital outlay and transfers reflect costs associated with the Proj#9135-Tonquin Trail South Extension			
Parks SDC Fund			
Transfers	\$ 1,551,072	\$ 35,690	1,586,762
Contingency	2,749,673	(35,690)	2,713,983
All other requirements	5,200	-	5,200
Net change in requirements	\$ 4,305,945	\$ -	\$ 4,305,945
Increase to capital outlay and transfers reflect costs associated with the Proj#9135-Tonquin Trail South Extension			

RESOLUTION NO. 2478

A RESOLUTION AUTHORIZING A TRANSFER OF BUDGET APPROPRIATIONS WITHIN CERTAIN FUNDS FOR FISCAL YEAR 2013-14.

WHEREAS, the City adopted a budget and appropriated funds for fiscal year 2013-14 by Resolution 2420; and,

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

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

WHEREAS, all transfers from contingencies within the fiscal year to date aggregate to not more than fifteen percent (15%) of the fund's total appropriations, with transfers exceeding this limit being referred via a separate supplemental budget request; and,

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

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

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

This resolution becomes effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof
this 16th day of June 2014 and filed with Wilsonville City Recorder this same date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp
Councilor Starr
Councilor Goddard
Councilor Stevens
Councilor Fitzgerald

ATTACHMENT A

Attachment #2 Supplemental Budget Transfers

Supplemental Budget Transfers are approved by resolution to transfer funds between programs and/or major category. No increase to the adopted budget is recorded and a public hearing is not required.

Fleet Fund

Capital Outlay: Vehicles	\$	4,500
Fleet Fund Contingency		(4,500)

Additional equipment added to new vehicle purchase

Water Operating Fund

Material and services: Interest	\$	500
Water Fund Contingency		(500)

Budget should have been made an accrual basis and not a cash basis (Required by CAFR)

Sewer Operating Fund

Material and services: Interest	\$	1,600
Material and services: WWTP Contract increase		175,000
Sewer Fund Contingency		(176,600)

Interest increased in budget should have been made an accrual basis and not a cash basis (Required by CAFR). The increase in the WWTP contract is a result of the early completion of the plant upgrade and increased service levels.

Street CIP Fund

	CIP	CD OH	GF OH
Proj 4712: Bike and Ped Connectivity	\$ 11,300	\$ 14,025	\$ 400
Transfer from Proj 4999	(11,300)	(12,000)	(400)
Transfer from Proj 4995	-	(2,025)	-

This project funds the Bicycle and Pedestrian Connectivity Action Plan by reducing existing projects.

Building CIP Fund

	CIP	CD OH	GF OH
Proj 8105: Keyless Entry	\$ 30,000	\$ -	\$ -
Transfer from Proj 8099	(30,000)	-	-

This project will complete the Keyless Entry installation at the Public Works building, Community Center and City Hall.


**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: June 16, 2014		Subject: Resolution No. 2473 Wilsonville Community Sharing Support Grant Agreement Staff Member: Cathy Rodocker, Assistant Finance Director Department: Finance	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments: This resolution authorizes an agreement between the City and Wilsonville Community Sharing with WCS providing certain assistance to Wilsonville residents for fiscal year 2014-15 in the total amount of \$46,677.	
Staff Recommendation: Staff recommends the City Council adopt Resolution No. 2473.			
Recommended Language for Motion: I move to approve Resolution No.2473.			
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>			
<input checked="" type="checkbox"/> Council Goals/Priorities		<input type="checkbox"/> Adopted Master Plan(s)	
		<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL: Whether to approve a grant of financial assistance to Wilsonville Community Sharing.

EXECUTIVE SUMMARY:

The City has provided financial assistance to Wilsonville Community Sharing for more than 15 years. This resolution authorizes the continuation of the assistance for FY 2014-15. Terms of the agreement are very similar to existing terms. These terms include:

1. \$30,677 for general use by Wilsonville Community Sharing in support of all their programs including administrative costs but excludes use on capital construction or

renovation. Wilsonville Community Sharing provides diverse assistance including food, utility assistance, prescription help, housing support and referral to other agencies for service beyond those that they provide.

2. \$16,000 dedicated to renters utility assistance which includes city water and sewer, natural gas and electricity. Historic demand indicates that assistance for electric bills is of the greatest need. Administrative costs are to be paid from the general portion noted in paragraph 1 above.
3. The renters utility assistance portion, which was added in 2010 in response to the recessions impact is scheduled to terminate after the Portland area unemployment rate falls below 7% as measured at the end of each calendar year. The annual average has been trending downward from a high of 10.8% in 2009 to 7.3% in 2013.
4. Term of the Agreement and Grant is for just FY 2014-15.
5. Wilsonville Community Sharing shall provide quarterly reports on the use of renters utility assistance portion of the Grant and annual financial statements on the full organization.

The City of Wilsonville Finance Department will administer and oversee the grant, which will include reviewing the quarterly and annual financial reports provided by Wilsonville Community Sharing to ensure the grant funds are properly spent based on the grant document.

EXPECTED RESULTS: Approval of the resolution for FY 2014-15 Agreement and Grant.

TIMELINE:

July 1, 2014 through June 30, 2015

CURRENT YEAR BUDGET IMPACTS: This grant is fully budgeted in the City's 2014-15 adopted budget.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: CAR Date: May 20, 2014

The Grant is budgeted in the City Manager's program for 2014-15.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 5/12/2014

The provision of a grant contract is not a public contract under the public contracting statutes and therefore, can be awarded directly by the City Council at the Council's discretion. The form of Resolution and Grant Agreement are approved.

COMMUNITY INVOLVEMENT PROCESS: Wilsonville Community Sharing presented information at the October 7, 2013 regularly scheduled council meeting during the Citizen Input portion of the meeting. The community was also afforded an opportunity to address the Grant during budget deliberations and before Council with budget adoption.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY: This grant has a very positive impact to those in the community most at need. The renters utility assistance program,

which was restructured in 2011, benefited an estimated 232 individuals in FY 2012-13 and for the first nine months of FY 2013-14 has benefited an estimated 157 individuals. Many others have benefited from the financial and referral assistance programs Wilsonville Community Sharing provides.

ALTERNATIVES: None

CITY MANAGER COMMENT:

ATTACHMENTS

A. Resolution No. 2473

RESOLUTION NO. 2473

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING SUPPORT GRANT AGREEMENT WITH WILSONVILLE COMMUNITY SHARING

WHEREAS, Wilsonville Community Sharing, an Oregon non-profit corporation, has been providing community outreach services, including but not limited to staffing, food, utility assistance, prescription help, rent and housing support, and referral to other services beyond that which Wilsonville Community Sharing can meet for those in need; and

WHEREAS, the City of Wilsonville has supported the administrative and operational services of Wilsonville Community Sharing through grant support for more than 15 years; and

WHEREAS, since fiscal year 2010-11 the City has provided both a general purpose grant and a separate renters utility assistance grant, collectively referred to as "Grant"; and

WHEREAS, the City has included the Grant within the City Manager's budget which is subject to review by the Budget Committee and adoption by City Council; and

WHEREAS, Wilsonville Community Sharing has provided detailed quarterly and annual financial statements that include information on services and activities and Grant expenditures; and

WHEREAS, the Grant totaling \$46,677 is included in the FY 2014-15 budget and is composed of \$30,677 for the general purpose portion and \$16,000 for the renters utility assistance portion; and

WHEREAS, the parties agree that it is prudent to enter into a Support Grant Agreement setting forth the respective parties' rights and obligations for the fiscal year 2014-15 (ending June 30, 2015), ensure a financial reporting and review system, and state the specific purpose for which the Grant monies can be used;

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

1. A one-year Grant is awarded to Wilsonville Community Sharing.
2. The City Manager is authorized to enter into for the fiscal year 2014-15 (ending June 30, 2015) a Support Grant Agreement with Wilsonville Community Sharing, an Oregon non-profit organization, in the amount of \$46,677 for the fiscal year 2014-15, under the terms and conditions as set forth in the Support Grant Agreement, a copy of which is marked Exhibit A, attached hereto, and incorporated by reference as if fully set forth herein.
3. This resolution is effective upon adoption.

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

Tim Knapp, Mayor

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Goddard

Councilor Fitzgerald

Councilor Stevens

Attachments:

Exhibit A – Wilsonville Community Sharing Support Grant Agreement

EXHIBIT A

WILSONVILLE COMMUNITY SHARING SUPPORT GRANT AGREEMENT

WHEREAS, Wilsonville Community Sharing, an Oregon non-profit corporation, has been providing community outreach services, including but not limited to staffing, food, utility assistance, prescription help, rent and housing support, and referral to other services beyond that which Wilsonville Community Sharing can meet for those in need; and

WHEREAS, the City of Wilsonville has supported the administrative and operational services of Wilsonville Community Sharing through financial support for more than 15 years and has included the grant support in the City Manager's program budget; and

WHEREAS, the fiscal year 2014-15 budget includes a total of \$46,677 for financial support which is separated into a general purpose portion of \$30,677 and a renter utility assistance portion of \$16,000, collectively this is referred to as "Grant"; and

WHEREAS, the general purpose portion of the Grant has been indexed to the Portland-Salem Metropolitan Area Consumer Price Index; and

WHEREAS, the renters utility assistance portion was added in May 2010 in response to a Council Goal to address increased need resulting from the recession during that time period and contained a provision to continue through June 2013 or until the Portland metro area unemployment rate fell below 7%, whichever happened later; and

WHEREAS, Wilsonville Community Sharing has provided detailed quarterly and annual financial statements that include information on services and activities and Grant expenditures; and

WHEREAS, the parties agree that it is prudent to enter into a Grant Agreement setting forth the respective parties' rights and obligations and to establish the Grant for fiscal year 2014-15 (ending June 30, 2015), ensure a financial reporting and review system, and state the specific purpose for which the Grant monies can be used;

NOW, THEREFORE, based on the mutual considerations and provisions set forth below, the parties enter into this Support Grant Agreement ("Grant Agreement") as follows:

1. Purpose of Grant. To provide financial support to Wilsonville Community Sharing for administration and operations to provide community services and outreach to and for community members in need of such services, including but not limited to staffing, food, utility assistance, prescription help, rent and housing support, and referral to other services beyond that which Wilsonville Community Sharing can provide. The financial support provided by the Grant is not for capital construction or renovation.

2. Grant Amount. The amount of the Grant for fiscal year 2014-15 shall be \$46,677 composed of \$30,677 for general support of all programs including administration and \$16,000 dedicated solely to renter utility assistance.

3. Term of Grant. The term of the Agreement commences July 1, 2014 and terminates June 30, 2015, subject to the terms and provisions of this Agreement and Wilsonville Community Sharing providing the community services and outreach set forth in the above Section 1–Purpose.

4. Consumer Price Index Escalator. If the general support portion of the Grant shall be continued into the ensuing fiscal year (FY 2015-16) it shall be indexed to the Portland-Salem Metropolitan Area Consumer Price Index, all items, annual average year over year change, unless other modifications are approved by the City Council.

5. Portland Unemployment Index. The renters utility assistance portion shall cease in the fiscal year following a reduction in the Portland Metropolitan Statistical Area unemployment rate below 7% as reported by the Bureau of Labor Statistics annual average (December) each year. Thus, if below 7% for at the end of a calendar year the renter utility assistance portion would cease on June 30th of the ensuing year.

6. Grant Administration.

6.1. The Grant shall be administered by the City's Finance Director.

6.2. The Grant shall be paid quarterly by the seventh day of each quarter.

7. Reporting.

7.1. Wilsonville Community Sharing shall provide a report to the City on the use of the renters utility assistance portion within three weeks following the end of a calendar quarter. The form of the report shall be similar to the format used in the prior fiscal year.

7.2. Wilsonville Community Sharing shall provide to the City an annual financial report each January setting forth the operational and administrative services and activities provided and the Grant expenditures in support thereof. The reports shall provide the information on services and activities and Grant expenditures for the prior calendar year and a budget from the 1st of January of that reporting year to December 31st of that year.

8. Finance Review.

8.1. Wilsonville Community Sharing shall maintain books, records, documents, and other materials (collectively referred to as “documents and records”) that sufficiently and properly reflect back-up for all expenditures made pursuant to this Agreement. The City shall have full access to and the right to examine and copy, during

normal Wilsonville Community Sharing business hours, all of the documents and records of Wilsonville Community Sharing related to matters covered by this Agreement, whether the documents and records are in electronic form or printed form and whether maintained separately or as part of other financial information. This inspection right shall remain in full force and effect for two (2) years from July 1, 2014.

8.2. Upon fifteen (15) days' prior written notice, the City shall have the right to conduct an audit or financial review of Wilsonville Community Sharing's documents and records, as reasonably related to this Agreement. If an audit or review of the documents and records determines that Grant funds have been inappropriately expended by Wilsonville Community Sharing under this Agreement or any federal, state, or City regulation, Wilsonville Community Sharing agrees that it must reimburse the City for the full amount identified by the audit or review as an inappropriate expenditure. Such outstanding amounts shall bear interest at the rate of twelve percent (12%) per annum until repaid in full.

8.3. If the inappropriate expenditure(s) exceeds five hundred dollars (\$500) Wilsonville Community Sharing will reimburse the City for the cost of the audit or review.

8.4. Wilsonville Community Sharing may contest the audit findings and, if so, the parties will meet to arrive at a mutual resolution. If no resolution can be agreed upon within sixty (60) days, the parties will mutually agree on a review auditor to resolve the dispute or, if the parties cannot agree on a review auditor, either party may ask a Clackamas County judge to appoint a review auditor, whose finding shall be binding on the parties and non-appealable.

9. Grant Confidentiality. In reporting to the City under Section 7 and in reporting the findings of any audit or financial review, the names, addresses, social security numbers, medical information, or other information that is confidential under law as may pertain to the clients of Wilsonville Community Sharing shall not be reported and shall remain confidential.

10. Termination.

10.1. The City and Wilsonville Community Sharing may mutually terminate this Grant Agreement at any time.

10.2. The City may terminate this Grant Agreement at the end of the fiscal year in which the Grant has been funded if the City is unable to appropriate sufficient funding to fund the Grant for the ensuing year.

10.3. The City may terminate upon fifteen (15) days' notice upon an audit or financial review determination of inappropriate expenditure.

10.4. The City may terminate the Grant Agreement immediately upon receiving notice that Wilsonville Community Sharing is no longer providing the services set forth in Section 1–Purpose.

10.5. Wilsonville Community Sharing may terminate this Grant Agreement at the end of any quarter in which it has received funds and it may terminate this Grant at any time, provided it reimburses the City for any unexpended funds received.

11. Authority. The individuals executing this Grant Agreement on behalf of the respective parties thereto each represent and warrant to the other that he/she has the full power and authority to do so on behalf of said party and to bind said party to the terms of this Grant Agreement.

IN WITNESS WHEREOF, the undersigned have executed this Grant Agreement effective this ____ day of _____, 2014.

WILSONVILLE COMMUNITY SHARING

CITY OF WILSONVILLE

By: _____
Richard Truitt
As Its: President

By: _____
Bryan Cosgrove
As Its: City Manager

f:\wlsv community sharing\grant agr comm serv support

Wilsonville Community Sharing Profit & Loss Budget Overview January through December 2014

	Jan - Dec 14
Ordinary Income/Expense	
Income	
Cash Income	
Businesses Income	17,306.73
Churches Income	7,806.63
City of Wilsonville Income	29,960.00
City of Wilsonville Utility Rel	16,000.00
Dedicated Space Project Reim...	10,000.00
Foundation Grants Income	1,000.00
Individuals Income	20,100.50
Interest Income	150.13
Organizations Income	2,007.61
Total Cash Income	104,331.60
Total Income	104,331.60
Expense	
Administrative Expense	
Accounting Expense	732.46
Insurance Expense	1,657.00
Office Supplies Expense	1,561.99
Professional Expenses	580.00
Rent Expense	6,120.00
Telephone Expense	1,256.84
Total Administrative Expense	11,908.29
Assistance Expense	
Emergency Housing Assist. E...	193.58
Food Assistance Expense	35.94
Gas Assistance Expense	28.95
Housing Assistance Expense	4,809.62
Medical/Dental Assistance Exp.	106.88
NW Nat. Gas Assist City	150.00
Other Assistance Expense	66.96
PGE Assistance Expense	666.52
PGE Assistance Expense City	18,198.37
Pharmacy Assistance Expense	239.26
Transportation Assistance Exp.	424.50
Water, Sewer, Garbage City	511.59
Total Assistance Expense	25,631.16
Dues and Subscriptions	330.00
Miscellaneous Expense	107.00
Food Bank Expense	
Food	2,267.06
Volunteer Appreciation	91.58
Total Food Bank Expense	2,358.64
Payroll Expenses	
Net Wages	56,208.59
Payroll Taxes	16,818.22
Total Payroll Expenses	73,026.81

130 Volunteer Hours @ \$16.30 = \$2119 and 6643 lbs Food @ \$1.39 = \$9233.77

Wilsonville Community Sharing Profit and Loss Standard

January Through December 2013

	Jan - Dec '13
Ordinary Income/Expense	
Income	
Cash Income	
Businesses Income	15,676.51
Churches Income	7,635.87
City of Wilsonville Income	22,477.75
City of Wilsonville Utility Rel	12,000.00
Foundation Grants Income	10,000.00
Individuals Income	10,695.85
Interest Income	145.14
Organizations Income	1,607.73
Total Cash Income	80,238.85
Total Income	80,238.85
Expense	
Dedicated Space Project	8,876.00
Administrative Expense	
Accounting Expense	722.72
Insurance Expense	1,657.00
Office Supplies Expense	1,108.81
Professional Expenses	1,110.00
Rent Expense	6,120.00
Telephone Expense	1,255.54
Total Administrative Expense	11,974.07
Assistance Expense	
Emergency Housing Assist	193.58
Food Assistance Expense	35.94
Gas Assistance Expense	28.95
Housing Assistance Expense	4,215.62
Medical/Dental Assistance E.	108.88
Other Assistance Expense	116.95
PGE Assistance Expense	865.52
PGE Assistance Expense City	13,933.39
Pharmacy Assistance Expen ..	202.27
Transportation Assistance E.	424.50
Water, Sewer, Garbage City	781.03
Total Assistance Expense	20,904.63
Dues and Subscriptions	330.00
Miscellaneous Expense	107.00
Food Bank Expense	
Food	1,443.91
Volunteer Appreciation	91.58
Total Food Bank Expense	1,535.49
Payroll Expenses	
Net Wages	39,265.33
Payroll Taxes	16,244.60
Total Payroll Expenses	55,509.93
Total Expense	99,237.12
Net Ordinary Income	-18,998.27
Net Income	-18,998.27

1183 Volunteer Hours @ \$16.30 = \$19282.90 and 29493 lbs Food @ \$1.39 = \$40995.2

Wilsonville Community Sharing Profit and Loss Standard

December 2013

	<u>Dec '13</u>
Ordinary Income/Expense	
Income	
Cash Income	
Businesses Income	10,062.50
Churches Income	215.00
Individuals Income	4,125.25
Organizations Income	632.26
Total Cash Income	<u>15,035.01</u>
Total Income	15,035.01
Expense	
Administrative Expense	
Accounting Expense	113.58
Office Supplies Expense	178.34
Rent Expense	510.00
Telephone Expense	104.85
Total Administrative Expense	<u>906.77</u>
Assistance Expense	
Housing Assistance Expense	827.50
PGE Assistance Expense	150.00
PGE Assistance Expense ...	1,200.00
Pharmacy Assistance Expe...	1.15
Total Assistance Expense	<u>2,178.65</u>
Dues and Subscriptions	50.00
Food Bank Expense	
Volunteer Appreciation	91.58
Total Food Bank Expense	<u>91.58</u>
Payroll Expenses	
Net Wages	3,243.30
Payroll Taxes	1,340.26
Total Payroll Expenses	<u>4,583.56</u>
Total Expense	<u>7,810.56</u>
Net Ordinary Income	<u>7,224.45</u>
Net Income	<u>7,224.45</u>

145 Volunteer Hours @ \$16.30 = \$2363.50 and 5216 lbs Food @ \$1.39 = \$7250.24

Wilsonville Community Sharing Balance Sheet Standard

As of December 31, 2013

	<u>Dec 31 '13</u>
ASSETS	
Current Assets	
Checking/Savings	
*Key Bank	14,212.19
Franklin Templeton Investm	2,480.18
Key Bank - Money Market	37,891.69
New Building	<u>51,124.00</u>
Total Checking/Savings	<u>105,708.06</u>
Total Current Assets	<u>105,708.06</u>
TOTAL ASSETS	<u>105,708.06</u>
LIABILITIES & EQUITY	
Equity	
Retained Earnings	124,706.33
Net Income	<u>-18,998.27</u>
Total Equity	<u>105,708.06</u>
TOTAL LIABILITIES & EQUITY	<u>105,708.06</u>

*182 Volunteer Hours @ \$16.30 = \$12782.50 and 20473 lbs Food @ \$1.39 = \$40905.27

Wilsonville Community Center
Profit and Loss Standard

January through December 2012

	Jan - Dec '12
Ordinary Income/Expense	
Income	
Cash Income	
Businesses Income	13,808.64
Capital Fund	4,050.00
Churches Income	5,227.90
City of Wilsonville Income	37,121.75
City of Wilsonville Utility Ref	20,000.00
Foundation Grants Income	5,400.00
Individuals Income	12,631.47
Interest Income	224.81
Organizations Income	2,395.34
Cash Income - Other	589.88
Total Cash Income	101,449.79
Total Income	101,449.79
Expense	
Dedicated Space Project	5,587.00
Administrative Expense	
Accounting Expense	717.38
Insurance Expense	1,752.00
Office Supplies Expense	1,540.62
Rent Expense	6,755.00
Telephone Expense	1,268.18
usps	44.00
Total Administrative Expense	12,077.18
Assistance Expense	
Housing Assistance Expense	4,105.52
Medical/Dental Assistance Exp.	120.31
NW Nat. Gas Assist City	247.03
NW Natural Gas Assistance ...	100.00
Other Assistance Expense	70.00
PGE Assistance Expense	950.00
PGE Assistance Expense City	28,015.02
Pharmacy Assistance Expense	260.48
Transportation Assistance Exp.	499.94
Water, Sewer, Garbage	466.00
Water, Sewer, Garbage City	2,054.53
Total Assistance Expense	35,888.83
Dues and Subscriptions	225.00
Food Bank Expense	
Food	2,641.57
Misc. Expense	1,429.98
Volunteer Appreciation	107.45
Total Food Bank Expense	4,179.00
Miscellaneous Expense	269.75
Payroll Expenses	
Net Wages	40,848.47
Payroll Taxes	14,852.92
Total Payroll Expenses	55,701.39
Total Expense	114,928.15
Net Ordinary Income	-13,478.36
Net Income	-13,478.36

1165 Volunteer Hours @ \$16.30 = \$18985.50 and 32265 lbs Food @ \$1.39 = \$4494.83

2012 Year-End

I / R Report 2012

	T	OV	H/T	R	I	
12-Jan	187	32		0	160	13
12-Feb	89	22			65	10
12-Mar	202	26			136	24
12-Apr	101	12			54	22
12-May	139	26			97	6
12-Jun	110	13	3		69	10
12-Jul	91	18	1		49	20
12-Aug	103	16	5		51	43
12-Sep	123	9	1		76	14
12-Oct	129	23	6		94	8
12-Nov	157	25	8		110	25
12-Dec	126	17	6		85	13
	1557	239	30		1046	208

KEY

T=	Telephone
OV=	Office Visits
H/T=	Homeless/Transient
R=	Referral
I=	Information

I / R Report 2011

	T	OV	H/T	R	I	
11-Jan	97	11	1		55	15
11-Feb	93	2	3		82	6
11-Mar	114	10	1		92	19
11-Apr	120	13	4		82	18
May-11	108	9	3		64	19
Jun-12	130	10	1		84	15
Jul-11	96	19	2		65	26
Aug-11	108	14	1		92	9
Sep-11	136	19	0		98	11
Oct-11	167	20	0		88	35
Nov-11	150	32	6		134	26
Dec-11	147	26	3		121	9
	1466	185	25		1057	208

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CITY COUNCIL MEETING INFORMATION ITEM

Wilsonville Community Sharing – Renter Assistance Program

Meeting Date: October 7, 2013
 Report Date: September 25, 2013
 Source of Item: Finance

Contact: Joanne Ossanna
 Contact Telephone Number: 503-570-1511
 Contact E-Mail: ossanna@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 (WCS) 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:

WCS reports indicate that there continues to be a need for assistance in the community. Renter Assistance Program payments in FY 2013 were \$17,027, which exceeded the financial support from the city by \$1,027. Due to high demand, Wilsonville Community Sharing reduced the financial assistance from \$300 to \$150 per application in October 2012 to control costs.

Assistance Type	March 2012	June 2012	September 2012	December 2012	March 2013	June 2013
Electricity	\$ 10,608	\$ 7,301	\$ 6,095	\$ 4,011	\$ 3,900	\$ 2,100
Gas	150	97	-	-	-	-
City Utilities	642	1,018	205	189	250	277
Total	\$ 11,400	\$ 8,416	\$ 6,300	\$ 4,200	\$ 4,150	\$ 2,377
Households Assisted	43	36	23	21	30	16

IMPACT ON CITY RESOURCES:

None. Amounts are budgeted.

POLICY ISSUES / COUNCIL GOALS

None.

ATTACHMENTS

None.

Wilsonville Community Sharing
6750 SW Boeckman Road
Wilsonville, OR 97070

Mr. Mike Kohlhoff, City Attorney
Ms. Joanne Ossanna, City Finance Director
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville, OR 97070

Dear Mr. Kohlhoff and Ms. Ossanna,

Wilsonville Community Sharing (WCS) is pleased to provide an update on our Board membership and Bylaws. Additional members have been added to the Board, and revised Bylaws have been approved. The revised Bylaws are currently being filed with the State. The Board now consists of 5 members from the community representing a variety of experiences and perspectives. Our attorney has advised us that we are in full compliance with our Bylaws and able to enter into agreements with the City and others. Background information on all Board members, including those who joined recently, will soon be available on our website at wilsonvillecommunitysharing.org.

In anticipation of the City Council meeting on October 7, WCS is pleased to submit two attachments, which provide background information on the history of our organization and a description of the services provided with resources from the Community Services Grant from the City of Wilsonville. We ask that this information be provided to Council members before the meeting on October 7.

We look forward to meeting with Council and answering any questions about our organization or services under the Community Services Grant. We hope to demonstrate the importance of the resources provided by the City through the Community Services Grant in addressing needs within the community, and we look forward to continuing our partnership in providing emergency and transitional services to friends and neighbors within our community who may need assistance.

Sincerely,

Rich Truitt, President

wcsctycnclltr092513

OVERVIEW OF SERVICES PROVIDED THROUGH COMMUNITY SERVICES GRANTS

WILSONVILLE COMMUNITY SHARING (WCS)

From a modest beginning, Wilsonville Community Sharing (WCS) has grown to be a significant provider of needed services in the community. In the late 1970s there was a major fire in the community. A family was burned out of their home. A group of caring volunteers, representing several churches, came together to provide blankets, food, and shelter for this family.

Following this tragic loss, concerned community members came together and formed a non-profit organization called, "The Good Neighbor Fund." The fund began with a handful of volunteers and a bank account with a balance of \$72.09. Over the years the group evolved into what is now known as Wilsonville Community Sharing.

To illustrate the demand for services, in 2012 our Information and Referral (I&R) Specialist responded to approximately 1,500 telephone calls; met with 239 families in the office; dealt with 30 very sad situations with transient individuals; completed 1,046 referrals to other agencies for assistance; and responded to 208 other inquiries from folks on where to find resources that could assist them.

For each call or visit, an assessment is done to determine the need and whether or not WCS can help. Once this is determined, our I&R Specialist will partner as appropriate with other agencies to meet the client's needs.

Funds provided from the Community Services Grant provided by the City of Wilsonville are used in many ways: To help clients avoid being evicted from their living quarters; to buy medications for senior citizens and diabetics; to enable clients to see a doctor; to provide vouchers for gasoline, car parts, or bus tickets to get to work; to provide glasses to a homeless individual to help him support himself by collecting bottles and cans, and glasses to a woman dying from cancer who just wanted to spend her last days reading notes from family members; to enable Hispanic residents to take English classes; and in one case to enable a woman to get her GED. Other examples include a small payment to a plumber who agreed to fix a leak at a woman's mobile home at a greatly-reduced fee and special work shirts for a young man, who without them could not accept a job offer.

Often the I&R Specialist refers clients to the Food Bank at WCS to help them also have food to eat. In 2012, over 4,800 individuals received food from the Food Bank. Many of these also received assistance through the resources provided through the Community Services Grant.

WCS is a unique program that has developed over time. We are not aware of any other community in the area that is able to provide to its residents in need the level of services that WCS provides. WCS could not continue to provide the level of service that we do without the very generous support from the City of Wilsonville. Thank you for partnering with us to provide emergency and transitional services to our friends and neighbors in need within our community!

Submitted by Lani Snyder, I&R Specialist

wcsovrwcomsvcsgrt092513

THE HISTORY AND FUNCTIONING OF WILSONVILLE COMMUNITY SHARING

Wilsonville Community Sharing has been in the community, in one form or another, for around 35 years. It was organized in the late 1970's by a group of caring church volunteers after a tragic fire in the community. When Lani Snyder was hired by Loaves and Fishes in 1983, she also became the unofficial screener for WCS since there was no service provider in town to serve non seniors. The WCS volunteers wanted to provide the resources, but needed someone to screen potential persons in need. In 1989 the City of Wilsonville hired Lani as an Information and Referral Specialist to serve non seniors. Lani also continued to serve as the unofficial screener for WCS. The volunteers at WCS gave her and a person at the Community Center checking accounts to serve clients.

In 1997 the City of Wilsonville eliminated their position of Information and Referral Specialist. Several volunteers from area churches came together to reorganize Wilsonville Community Sharing, hire Lani part time, and become a 501(c)3 non-profit organization. It was clear that there was a continuing need to assist those non seniors in our community who need help meeting life's basic needs and become stable residents. The original funding was a small County grant. In 2000 WCS opened the Wilsonville Food Bank, a branch of the Oregon Food Bank, and hired a part-time Coordinator, Leigh Crosby.

In the beginning, Lani's office was located at Wilsonville Primary School. The following year when the school needed to reclaim the space, her office was moved to a screened corner of the fellowship hall of Meridian United Church of Christ. Eventually, she moved into an interior office within the church's office where she currently works. Wilsonville Community Sharing is **not** a part of the church, but is an independent non-profit housed in the church space. When the Food Bank was added in 2000, the Rotary Club rebuilt some former storage space into a food pantry. Food is stored there and in the basement of the church. The Food Bank operates out of shared space in the church and the small food pantry storage. The Food Bank must set up and take down all of its supplies each time it is open. About 85 volunteers staff the Food Bank, organized by the Food Bank Coordinator, Leigh Crosby.

The needs in Wilsonville have grown over the years. In 2012, the Food Bank served 4880 persons representing almost 1600 families. About half of those served are children. During the same year, over 1460 calls for assistance were fielded by the Information and Referral Specialist, Lani Snyder. She receives approximately 80 to 120 calls for assistance each month. Help is available with utilities, food, rent, prescriptions and a variety of other needs that come up. Each client goes through a screening process and is also referred to other appropriate agencies when necessary to meet additional needs. WCS partners with other agencies when possible. Wilsonville Community Sharing also administers the City's utility assistance program.

In 2009, visioning sessions were held to look at where WCS has been, what the needs of the community are, and where the organization is going. It quickly became apparent that the needs were growing and the size of the operating space at the current location would make it difficult to meet those growing needs. In the fall of 2011, WCS applied for and (in 2012) was awarded a Community Development Block Grant to acquire dedicated space for its operation. Since then, efforts have been under way to make that happen. Wilsonville Community Sharing and staff would like to continue to fulfill its mission of "neighbors helping neighbors" through expanded operational space.

Prepared by:
Lani Snyder, WCS I&R Specialist
Cheryl Kelly, WCS Founding Board Member

wcshsty090413

Form **990-EZ**

Short Form Return of Organization Exempt From Income Tax

OMB No. 1545-0047

2012Department of the Treasury
Internal Revenue Service

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code
(except black lung benefit trust or private foundation)

► Sponsoring organizations of donor advised funds, organizations that operate one or more hospital facilities, and certain controlling organizations as defined in section 512(b)(13) must file Form 990 (see instructions). All other organizations with gross receipts less than \$200,000 and total assets less than \$500,000 at the end of the year may use this form.

► The organization may have to use a copy of this return to satisfy state reporting requirements.

Open to Public
Inspection**A** For the 2012 calendar year, or tax year beginning

, 2012, and ending

- B** Check if applicable:
- ☐ Address change
- ☐ Name change
- ☐ Initial return
- ☐ Terminated
- ☐ Amended return
- ☐ Application pending

C

WILSONVILLE COMMUNITY SHARING
PO BOX 205
WILSONVILLE, OR 97070

D Employer identification number

93-0851927

E Telephone number

(503) 682-6939

F Group Exemption
Number**G** Accounting Method: ☒ Cash ☐ Accrual Other (specify) _____**I** Website: **WWW.WILSONVILLECOMMUNITYSHARING.ORG****J** Tax-exempt status (check only one) — ☒ 501(c)(3) ☐ 501(c) () (insert no.) ☐ 4947(a)(1) or ☐ 527**H** Check ☒ if the organization is **not**
required to attach Schedule B (Form
990, 990-EZ, or 990-PF)**K** Check ☐ if the organization is not a section 509(a)(3) supporting organization or a section 527 organization **and** its gross receipts are normally **not** more than \$50,000. A Form 990-EZ or Form 990 return is not required though Form 990-N (e-postcard) may be required (see instructions). But if the organization chooses to file a return, be sure to file a complete return.**L** Add lines 5b, 6c, and 7b, to line 9 to determine gross receipts. If gross receipts are \$200,000 or more, or if total assets (Part II, line 25, column (B) below) are \$500,000 or more, file Form 990 instead of Form 990-EZ. **\$ 101,450.****Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances** (see the instructions for Part I)

Check if the organization used Schedule O to respond to any question in this Part I.

☒

REVENUE	1	Contributions, gifts, grants, and similar amounts received	1	101,225.
	2	Program service revenue including government fees and contracts	2	
	3	Membership dues and assessments	3	
	4	Investment income	4	225.
	5a	Gross amount from sale of assets other than inventory	5a	
	5b	Less: cost or other basis and sales expenses	5b	
	5c	Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a)	5c	
	6	Gaming and fundraising events		
	6a	Gross income from gaming (attach Schedule G if greater than \$15,000)	6a	
EXPENSES	6b	Gross income from fundraising events (not including \$ _____ of contributions from fundraising events reported on line 1) (attach Schedule G if the sum of such gross income and contributions exceeds \$15,000)	6b	
	6c	Less: direct expenses from gaming and fundraising events	6c	
	6d	Net income or (loss) from gaming and fundraising events (add lines 6a and 6b and subtract line 6c)	6d	
	7a	Gross sales of inventory, less returns and allowances	7a	
	7b	Less: cost of goods sold	7b	
	7c	Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a)	7c	
	8	Other revenue (describe in Schedule O)	8	
	9	Total revenue. Add lines 1, 2, 3, 4, 5c, 6d, 7c, and 8	9	101,450.
	10	Grants and similar amounts paid (list in Schedule O)	10	
	11	Benefits paid to or for members	11	42,376.
	12	Salaries, other compensation, and employee benefits	12	55,701.
	13	Professional fees and other payments to independent contractors	13	717.
14	Occupancy, rent, utilities, and maintenance	14	6,755.	
15	Printing, publications, postage, and shipping	15		
16	Other expenses (describe in Schedule O) SEE SCHEDULE O	16	8,968.	
17	Total expenses. Add lines 10 through 16	17	114,517.	
ASSETS	18	Excess or (deficit) for the year (Subtract line 17 from line 9)	18	-13,067.
	19	Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)	19	140,092.
	20	Other changes in net assets or fund balances (explain in Schedule O)	20	
	21	Net assets or fund balances at end of year. Combine lines 18 through 20	21	127,025.

BAA For Paperwork Reduction Act Notice, see the separate instructions.Form **990-EZ** (2012)

Part II **Balance Sheets.** (see the instructions for Part II.)
Check if the organization used Schedule O to respond to any question in this Part II

☒

Part III Statement of Program Service Accomplishments (see the instrs for Part III.) Check if the organization used Schedule O to respond to any question in this Part III. <input checked="" type="checkbox"/>	Expenses (Required for section 501(c)(3) and 501(c)(4) organizations and section 4947(a)(1) trusts; optional for others.)
What is the organization's primary exempt purpose? <u>SEE SCHEDULE O</u>	
Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. In a clear and concise manner, describe the services provided, the number of persons benefited, and other relevant information for each program title.	

(Grants \$) If this amount includes foreign grants, check here ☐ 28a 31,733.

(Grants \$) If this amount includes foreign grants, check here ☐ 29a 10,643.

	(Grants \$)	If this amount includes foreign grants, check here:		10/6/97
30				

Downloaded from <http://www.jstor.org/stable/2346092> on Tue, 20 Jun 2017 12:02:05 UTC

(Grants \$) If this amount includes foreign grants, check here.	<input type="checkbox"/>	30 a
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[illegible]

(Grants \$) If this amount includes foreign grants, check here ☐ 31 a

32	Total program service expenses (add lines 28a through 31a)	32	42,376
----	--	----	--------

Check if the organization used Schedule O to respond to any question in this Part IV: ☐

[illegible]

Part V Other Information (Note the Schedule A and personal benefit contract statement requirements in SEE SCHEDULE O the instructions for Part V) Check if the organization used Schedule O to respond to any question in this Part V ☒

	Yes	No
33 Did the organization engage in any activity not previously reported to the IRS? If 'Yes,' provide a detailed description of each activity in Schedule O		X
34 Were any significant changes made to the organizing or governing documents? If 'Yes,' attach a conformed copy of the amended documents if they reflect a change to the organization's name. Otherwise, explain the change on Schedule O (see instructions)		X
35 a Did the organization have unrelated business gross income of \$1,000 or more during the year from business activities (such as those reported on lines 2, 6a, and 7a, among others)?		X
b If 'Yes,' to line 35a, has the organization filed a Form 990-T for the year? If 'No,' provide an explanation in Schedule O		
c Was the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization subject to section 6033(e) notice, reporting, and proxy tax requirements during the year? If 'Yes,' complete Schedule C, Part III		X
36 Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If 'Yes,' complete applicable parts of Schedule N		X
37 a Enter amount of political expenditures, direct or indirect, as described in the instructions. 37 a 0.		
b Did the organization file Form 1120-POL for this year?		X
38 a Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee or were any such loans made in a prior year and still outstanding at the end of the tax year covered by this return?		X
b If 'Yes,' complete Schedule L, Part II and enter the total amount involved 38 b N/A		
39 Section 501(c)(7) organizations. Enter:		
a Initiation fees and capital contributions included on line 9 39 a N/A		
b Gross receipts, included on line 9, for public use of club facilities 39 b N/A		
40 a Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under: section 4911 0. , section 4912 0. ; section 4955 0.		
b Section 501(c)(3) and 501(c)(4) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year or did it engage in an excess benefit transaction in a prior year that has not been reported on any of its prior Forms 990 or 990-EZ? If 'Yes,' complete Schedule L, Part I		X
c Section 501(c)(3) and 501(c)(4) organizations. Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958. 0.		
d Section 501(c)(3) and 501(c)(4) organizations. Enter amount of tax on line 40c reimbursed by the organization. 0.		
e All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If 'Yes,' complete Form 8886-T		X
41 List the states with which a copy of this return is filed NONE		

42 a The organization's books are in care of **ATC NORTHWEST, INC** Telephone no. **(503) 585-4045**
 Located at **8495 AMANDA WAY SE SALEM OR** ZIP + 4 **97317**

	Yes	No
b At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? If 'Yes,' enter the name of the foreign country: _____		X
c At any time during the calendar year, did the organization maintain an office outside of the U.S.? If 'Yes,' enter the name of the foreign country: _____		X

See the instructions for exceptions and filing requirements for Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts.

43 Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of Form 1041 — Check here ☐ N/A and enter the amount of tax-exempt interest received or accrued during the tax year **43** N/A

	Yes	No
44 a Did the organization maintain any donor advised funds during the year? If 'Yes,' Form 990 must be completed instead of Form 990-EZ		X
b Did the organization operate one or more hospital facilities during the year? If 'Yes,' Form 990 must be completed instead of Form 990-EZ		X
c Did the organization receive any payments for indoor tanning services during the year?		X
d If 'Yes' to line 44c, has the organization filed a Form 720 to report these payments? If 'No,' provide an explanation in Schedule O		
45 a Did the organization have a controlled entity of the organization within the meaning of section 512(b)(13)?		X
b Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If 'Yes,' Form 990 and Schedule R may need to be completed instead of Form 990-EZ (see instructions)		X

46 Did the organization prepare a copy of the return for the IRS? ☒ Yes ☐ No

Part VI Section 501(c)(3) organizations only

All section 501(c)(3) organizations must answer questions 47-49b and 50 and complete the table for lines 50 and 51.

Check if the organization used Schedule C to respond to any question in this Part.

47 Did the organization prepare a copy of the return for the IRS? ☒ Yes ☐ No

48 Is the organization a school as described in section 170(b)(1)(A)(ii)? ☒ Yes ☐ No

49a Did the organization make any transfers to an exempt organization? ☒ Yes ☐ No

49b If yes, was the related organization a section 501(c)(3) organization? ☒ Yes ☐ No

50 Complete the table for the organization's employees and independent contractors.

(a) Total number of employees and independent contractors each receiving over \$100,000

NONE

f Total number of other employees each receiving over \$100,000

51 Complete the table for the organization's other employees each receiving over \$100,000.

(a) Total number of other employees each receiving over \$100,000

NONE

d Total number of other independent contractors each receiving over \$100,000

52 Did the organization complete Schedule A? **Note:** All section 501(c)(3) organizations and 4947(a) charitable trusts must attach a completed Schedule A. ☒ Yes ☐ No

Under penalties of perjury, I declare that the information on this return is true and correct. I am not aware of any information that would cause this return to be incorrect.

Sign Here

Schedule A

TAMMY PUPPO

TREASURER

Print preparer's name

Preparer's signature

CHRIS UEECK

CHRIS UEECK

Employer's ID number P00748671

Paid Preparer Use Only

Firm's name ▶ ATC NORTHWEST INC.

Firm's address ▶ 8495 AMANDA WAY SE

SALEM, OR 97317-9499

Firm's EIN ▶ 26-2195671

Phone no (503) 585-4045

May the IRS discuss this return with the preparer shown above? See instructions.

☒ Yes ☐ No

SCHEDULE A
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Public Charity Status and Public Support

Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.

▶ Attach to Form 990 or Form 990-EZ. ▶ See separate instructions.

OMB No. 1545-0047

2012

Open to Public
Inspection

Name of the organization

WILSONVILLE COMMUNITY SHARING

Employer identification number

93-0851927

Part I Reason for Public Charity Status (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 11, check only one box.)

- 1 ☐ A church, convention of churches or association of churches described in **section 170(b)(1)(A)(i).**
- 2 ☐ A school described in **section 170(b)(1)(A)(ii).** (Attach Schedule E.)
- 3 ☐ A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii).**
- 4 ☐ A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii).** Enter the hospital's name, city, and state: _____
- 5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv).** (Complete Part II.)
- 6 ☐ A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v).**
- 7 ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi).** (Complete Part II.)
- 8 ☐ A community trust described in **section 170(b)(1)(A)(vi).** (Complete Part II.)
- 9 ☐ An organization that normally receives: (1) more than 33-1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions – subject to certain exceptions, and (2) no more than 33-1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2).** (Complete Part III.)
- 10 ☐ An organization organized and operated exclusively to test for public safety. See **section 509(a)(4).**
- 11 ☐ An organization organized and operated exclusively for the benefit of, to perform the functions of, or carry out the purposes of one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2). See **section 509(a)(3).** Check the box that describes the type of supporting organization and complete lines 11e through 11h.
 - a ☐ Type I b ☐ Type II c ☐ Type III – Functionally integrated d ☐ Type III – Non-functionally integrated
 - e ☐ By checking this box, I certify that the organization is not controlled directly or indirectly by one or more disqualified persons other than foundation managers and other than one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2).
 - f ☐ If the organization received a written determination from the IRS that is a Type I, Type II or Type III supporting organization, check this box _____
 - g Since August 17, 2006, has the organization accepted any gift or contribution from any of the following persons?

	Yes	No
(i) A person who directly or indirectly controls, either alone or together with persons described in (ii) and (iii) below, the governing body of the supported organization?	11 g (i)	
(ii) A family member of a person described in (i) above?	11 g (ii)	
(iii) A 35% controlled entity of a person described in (i) or (ii) above?	11 g (iii)	

h Provide the following information about the supported organization(s).

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1-9 above or IRC section (see instructions))	(iv) Is the organization in column (i) listed in your governing document?		(v) Did you notify the organization in column (i) of your support?		(vi) Is the organization in column (i) organized in the U.S.?		(vii) Amount of monetary support
			Yes	No	Yes	No	Yes	No	
(A)									
(B)									
(C)									
(D)									
(E)									
Total									

BAA For Paperwork Reduction Act Notice, see the Instructions for Form 990 or 990-EZ.

Schedule A (Form 990 or 990-EZ) 2012

Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)

(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2008	(b) 2009	(c) 2010	(d) 2011	(e) 2012	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any 'unusual grants'.)		97,660.	97,789.	124,737.	101,225.	421,411.
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						0.
3 The value of services or facilities furnished by a governmental unit to the organization without charge						0.
4 Total. Add lines 1 through 3	0.	97,660.	97,789.	124,737.	101,225.	421,411.
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						0.
6 Public support. Subtract line 5 from line 4						421,411.

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2008	(b) 2009	(c) 2010	(d) 2011	(e) 2012	(f) Total
7 Amounts from line 4	0.	97,660.	97,789.	124,737.	101,225.	421,411.
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources		198.	171.	1,102.	225.	1,696.
9 Net income from unrelated business activities, whether or not the business is regularly carried on						0.
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)						0.
11 Total support. Add lines 7 through 10						423,107.
12 Gross receipts from related activities, etc (see instructions)					12	0.
13 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here ▶ <input checked="" type="checkbox"/>						

Section C. Computation of Public Support Percentage

14 Public support percentage for 2012 (line 6, column (f) divided by line 11, column (f))	14	%
15 Public support percentage from 2011 Schedule A, Part II, line 14	15	%
16a 33-1/3% support test – 2012. If the organization did not check the box on line 13, and the line 14 is 33-1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization. ▶ <input type="checkbox"/>		
b 33-1/3% support test – 2011. If the organization did not check a box on line 13 or 16a, and line 15 is 33-1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization. ▶ <input type="checkbox"/>		
17a 10%-facts-and-circumstances test – 2012. If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the 'facts-and-circumstances' test, check this box and stop here. Explain in Part IV how the organization meets the 'facts-and-circumstances' test. The organization qualifies as a publicly supported organization. ▶ <input type="checkbox"/>		
b 10%-facts-and-circumstances test – 2011. If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the 'facts-and-circumstances' test, check this box and stop here. Explain in Part IV how the organization meets the 'facts-and-circumstances' test. The organization qualifies as a publicly supported organization. ▶ <input type="checkbox"/>		
18 Private foundation. If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions. ▶ <input type="checkbox"/>		

BAA

Schedule A (Form 990 or 990-EZ) 2012

Part III Support Schedule for Organizations Described in Section 509(a)(2)

(Complete only if you checked the box on line 9 of Part I or if the organization failed to qualify under Part II. If the organization fails to qualify under the tests listed below, please complete Part II.)

Section A. Public Support

Calendar year (or fiscal yr beginning in) ▶	(a) 2008	(b) 2009	(c) 2010	(d) 2011	(e) 2012	(f) Total
1 Gifts, grants, contributions and membership fees received. (Do not include any 'unusual grants'.)						
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose.						
3 Gross receipts from activities that are not an unrelated trade or business under section 513.						
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf.						
5 The value of services or facilities furnished by a governmental unit to the organization without charge.						
6 Total. Add lines 1 through 5.						
7a Amounts included on lines 1, 2, and 3 received from disqualified persons.						
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year.						
c Add lines 7a and 7b.						
8 Public support. (Subtract line 7c from line 6.)						

Section B. Total Support

Calendar year (or fiscal yr beginning in) ▶	(a) 2008	(b) 2009	(c) 2010	(d) 2011	(e) 2012	(f) Total
9 Amounts from line 6.						
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources.						
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975.						
c Add lines 10a and 10b.						
11 Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on.						
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)						
13 Total support. (Add lines 9, 10c, 11, and 12.)						
14 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here. ▶ <input type="checkbox"/>						

Section C. Computation of Public Support Percentage

15 Public support percentage for 2012 (line 8, column (f) divided by line 13, column (f)).	15	%
16 Public support percentage from 2011 Schedule A, Part III, line 15.	16	%

Section D. Computation of Investment Income Percentage

17 Investment income percentage for 2012 (line 10c, column (f) divided by line 13, column (f)).	17	%
18 Investment income percentage from 2011 Schedule A, Part III, line 17.	18	%

19a **33-1/3% support tests – 2012.** If the organization did not check the box on line 14, and line 15 is more than 33-1/3%, and line 17 is not more than 33-1/3%, check this box and **stop here.** The organization qualifies as a publicly supported organization. ▶ ☐

b **33-1/3% support tests – 2011.** If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33-1/3%, and line 18 is not more than 33-1/3%, check this box and **stop here.** The organization qualifies as a publicly supported organization. ▶ ☐

20 **Private foundation.** If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions. ▶ ☐

SCHEDULE O
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Supplemental Information to Form 990 or 990-EZ

Complete to provide information for responses to specific questions on
Form 990 or 990-EZ or to provide any additional information.

▶ Attach to Form 990 or 990-EZ.

OMB No 1545-0047

2012

**Open to Public
Inspection**

Name of the organization

WILSONVILLE COMMUNITY SHARING

Employer identification number

93-0851927

FORM 990-EZ, PART III - ORGANIZATION'S PRIMARY EXEMPT PURPOSE

ASSIST THOSE IN NEED - FOOD BANK AND UTILITY ASSISTANCE

FORM 990-EZ, PART V - REGARDING TRANSFERS ASSOCIATED WITH PERSONAL BENEFIT CONTRACTS

(A) DID THE ORGANIZATION, DURING THE YEAR, RECEIVE ANY FUNDS, DIRECTLY OR

INDIRECTLY, TO PAY PREMIUMS ON A PERSONAL BENEFIT CONTRACT? NO

(B) DID THE ORGANIZATION, DURING THE YEAR, PAY PREMIUMS, DIRECTLY OR

INDIRECTLY, ON A PERSONAL BENEFIT CONTRACT? NO

WILSONVILLE COMMUNITY SHARING

93-0851927

FORM 990-EZ, PART I, LINE 16
OTHER EXPENSES

DEPRECIATION	\$	1,082.
DUES AND SUBSCRIPTIONS		225.
FOOD BANK EXPENSE- FOOD		2,642.
FOOD BANK EXPENSE-MISC		37.
INSURANCE		1,752.
MISC EXPENSE		270.
OFFICE EXPENSES		1,585.
TELEPHONE		1,268.
VOLUNTEER APPRECIATION		107.
TOTAL	\$	<u>8,968.</u>

FORM 990-EZ, PART II, LINE 24
OTHER ASSETS

	BEGINNING	ENDING
MACHINERY AND EQUIPMENT	\$ 2,007.	\$ 2,319.
TOTAL	<u>\$ 2,007.</u>	<u>\$ 2,319.</u>

**Application for Extension of Time To File an
Exempt Organization Return**

OMB No. 1545-1709

Department of the Treasury
Internal Revenue Service► **File a separate application for each return.**

- If you are filing for an **Automatic 3-Month Extension**, complete only **Part I** and check this box. ☒
- If you are filing for an **Additional (Not Automatic) 3-Month Extension**, complete only **Part II** (on page 2 of this form).

Do not complete Part II unless you have already been granted an automatic 3-month extension on a previously filed Form 8868.**Electronic filing (e-file).** You can electronically file Form 8868 if you need a 3-month automatic extension of time to file (6 months for a corporation required to file Form 990-T), or an additional (not automatic) 3-month extension of time. You can electronically file Form 8868 to request an extension of time to file any of the forms listed in Part I or Part II with the exception of Form 8870, Information Return for Transfers Associated With Certain Personal Benefit Contracts, which must be sent to the IRS in paper format (see instructions). For more details on the electronic filing of this form, visit www.irs.gov/efile and click on *e-file for Charities & Nonprofits*.**Part I Automatic 3-Month Extension of Time.** Only submit original (no copies needed).A corporation required to file Form 990-T and requesting an automatic 6-month extension — check this box and complete Part I only. ☐*All other corporations (including 1120-C filers), partnerships, REMICs, and trusts must use Form 7004 to request an extension of time to file income tax returns.***Enter filer's identifying number, see instructions**

Type or print File by the due date for filing your return. See instructions.	Name of exempt organization or other filer, see instructions.	Employer identification number (EIN) or
	WILSONVILLE COMMUNITY SHARING	93-0851927
	Number, street, and room or suite number. If a P.O. box, see instructions.	Social security number (SSN)
	PO BOX 205	
	City, town or post office, state, and ZIP code. For a foreign address, see instructions.	
	WILSONVILLE, OR 97070	

Enter the Return code for the return that this application is for (file a separate application for each return) ☐ **01**

Application Is For	Return Code	Application Is For	Return Code
Form 990 or Form 990-EZ	01	Form 990-T (corporation)	07
Form 990-BL	02	Form 1041-A	08
Form 4720 (individual)	03	Form 4720	09
Form 990-PF	04	Form 5227	10
Form 990-T (section 401(a) or 408(a) trust)	05	Form 6069	11
Form 990-T (trust other than above)	06	Form 8870	12

- The books are in the care of ► ATC NORTHWEST, INC

Telephone No. ► (503) 585-4045 FAX No. ► (888) 269-8106

- If the organization does not have an office or place of business in the United States, check this box. ☐
- If this is for a Group Return, enter the organization's four digit Group Exemption Number (GEN) _____. If this is for the whole group, check this box. ☐. If it is for part of the group, check this box. ☐ and attach a list with the names and EINs of all members the extension is for.

- 1 I request an automatic 3-month (6 months for a corporation required to file Form 990-T) extension of time until 8/15, 2013, to file the exempt organization return for the organization named above.
The extension is for the organization's return for:

- ☒ calendar year 2012 or
► ☐ tax year beginning _____, 20____, and ending _____, 20____

- 2 If the tax year entered in line 1 is for less than 12 months, check reason: ☐ Initial return ☐ Final return
☐ Change in accounting period

3a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions.	3a \$	0.
b If this application is for Form 990-PF, 990-T, 4720, or 6069, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit.	3b \$	0.
c Balance due. Subtract line 3b from line 3a. Include your payment with this form, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions.	3c \$	0.

Caution. If you are going to make an electronic fund withdrawal with this Form 8868, see Form 8453-EO and Form 8879-EO for payment instructions.

12/31/12

2012 FEDERAL BOOK DEPRECIATION SCHEDULE

PAGE 1

WILSONVILLE COMMUNITY SHARING

93-0851927

NO.	DESCRIPTION	DATE ACQUIRED	DATE SOLD	COST/ BASIS	BUS PCT.	CUR 179 BONUS	SPECIAL DEPR ALLOW.	PRIOR 179/ BONUS/ SP. DEPR.	PRIOR DEC BAL DEPR.	SALVAGE /BASIS REDUCT.	DEPR BASIS	DEPR DEPR.	METHOD	LIFE	RATE	CURRENT DEPR.
FORM 990/990-PF																
MACHINERY AND EQUIPMENT																
1	COMPUTER	3/29/11		504							504	100	MACRS HY	5	20.00%	101
2	FREEZER	8/30/11		1,394							1,394	275	MACRS HY	5	20.00%	304
3	FREEZER	8/30/11		611							611	122	MACRS HY	5	20.00%	123
4	REFRIGERATOR	2/14/12		1,394							1,394	275	MACRS HY	5	20.00%	275
TOTAL MACHINERY AND EQUIPME				3,903		0	0	0	0	0	3,903	502				700
TOTAL DEPRECIATION				3,903		0	0	0	0	0	3,903	502				700
GRAND TOTAL DEPRECIATION				3,903		0	0	0	0	0	3,903	502				700

Form

CT-12

For Oregon Charities

**Charitable Activities Section
Oregon Department of Justice**1515 SW 5th Avenue, Suite 410
Portland, OR 97201-5451
Email: charitable_activities@doj.state.or.us
Website: <http://www.doj.state.or.us>VOICE (971) 673-1880
TTY (800) 735-2900
FAX (971) 673-1882

For Accounting Periods Beginning in:

2012**Section I. General Information**

1

Cross Through Incorrect Items and Correct Here:
(See instructions for change of name or accounting period)

REGISTRATION # 24903

WILSONVILLE COMMUNITY SHARING

PO BOX 205
WILSONVILLE OR 97070

PHONE 503 362 6339

FAX 503 362-0339

PERIOD BEGINNING: 1/1/2012 PERIOD ENDING: 12/31/2012

Registration #:

Organization Name:

Address:

City, State, Zip:

Phone:

Fax:

Email:

Amended
Report?

Period Beginning: / /

Period Ending: / /

☐2 Did a certified public accountant audit your financial records? - If yes, attach a copy of the auditor's report, financial statements, accompanying notes, schedules, or other documents supplementing the report or financial statements ☐ Yes ☒ No3 Is the organization a party to a contract involving person-to-person, advertising, vending machine or telephone fund-raising in Oregon? ☐ Yes ☒ No
If yes, write the name of the fund-raising firm(s) who conducts the campaign(s): _____4 Has the organization or any of its officers, directors, trustees, or key employees ever signed a voluntary agreement with any government agency, such as a state attorney general, secretary of state, or local district attorney, or been a party to legal action in any court regarding charitable solicitation, administration, management, or fiduciary practices? If yes, attach explanation of each such agreement or action. See instructions ☐ Yes ☒ No5 During this reporting period, did the organization amend its articles of incorporation, bylaws, or trust documents, OR did the organization receive a determination letter from the Internal Revenue Service relating to its tax-exempt status? If yes, attach a copy of the amended document or letter ☐ Yes ☒ No6 Is the organization ceasing operations and is this the final report? (If yes, see instructions on how to close your registration) ☐ Yes ☒ No

7 Provide contact information for the person responsible for retaining the organization's records

Name	Position	Phone	Mailing Address & Email Address
TAMMY PUPPO	TREASURER		10863 SW MERLIN CT, WILSONVILLE, OR 97070 jtpuppo@comcast.net

8 List of Officers, Directors, Trustees and Key Employees - List each person who held one of these positions at any time during the year even if they did not receive compensation. Attach additional sheets if necessary. If an attached IRS form includes substantially the same compensation information, the phrase "See IRS Form" may be entered in lieu of completing that section. (Oregon law requires a minimum of three directors)

(A) Name, mailing address, daytime phone number and email address	(B) Title & average weekly hours devoted to position	(C) Compensation (enter \$0 if position unpaid)
Name: SEE IRS FORM 990EZ, PART IV Address: _____ Phone: () _____ Email: _____		
Name: _____ Address: _____ Phone: () _____ Email: _____		
Name: _____ Address: _____ Phone: () _____ Email: _____		

Form Continued on Reverse Side

Section II. Fee Calculation

Total Revenue

(From Line 12 (current year) on Form 990, Line 9 on Form 990-EZ, Part I, Line 12a on Form 990-PF, Line 9 on Form 1041 or Form 1041-A, or see page 3 of the instructions if no federal tax return was prepared. **Attach explanation if Total Revenue is \$0**.)

9	\$101,450 00
---	--------------

Revenue Fee

(See chart below. Minimum fee is \$10, even if total revenue is a negative amount.)

Amount on Line 9	Revenue Fee
\$0	\$24,000
\$25,000	\$49,000
\$50,000	\$99,000
\$100,000	\$249,000
\$250,000	\$499,000
\$500,000	\$749,000
\$750,000	\$999,000
\$1,000,000 or more	\$200

10	\$75 00
----	---------

Net Assets or Fund Balances at End of the Reporting Period

(From Line 22 (end of year) on Form 990, Line 21 on Form 990-EZ, or Part III, Line 6 on Form 990-PF, or see page 3 of CT-12 instructions to calculate.)

11	\$127,025 00
----	--------------

Net Fixed Assets Used to Conduct Charitable Activities

(Generally, from Part X, Line 10c on Form 990, Line 23B on Form 990-EZ or Part II, Line 14b on Form 990-PF; or see page 4 of CT-12 instructions to calculate. See instructions if organization owns income-producing.)

12	\$2,319 00
----	------------

Amount Subject to Net Assets or Fund Balances Fee

(Line 11 minus Line 12. If Line 11 minus Line 12 is less than \$50,000, write \$0.)

13	\$124,706 00
----	--------------

Net Assets or Fund Balances Fee

(Line 13 multiplied by .0001. If the fee is less than \$5, enter \$0. **Not to exceed \$1,000.** Round cents to the nearest whole dollar.)

14	\$12 00
----	---------

Are you filing this report late?



Yes



No

(If yes, the late fee is a minimum of \$20. You may owe more depending on how late the report is. See Instruction 15 for additional information or contact the Charitable Activities Section at (971) 673-1880 to obtain late fee amount.)

15	\$20 00
----	---------

Total Amount Due

(Add Lines 10, 14, and 15. Make check payable to the Oregon Department of Justice.)

16	\$107 00
----	----------

Attach a copy of the organization's federal 990 or other return and all supporting schedules and attachments that were filed with the IRS with the exception that Form 990 & 990EZ filers do not need to attach a copy of their Schedule B. Also, if the organization did not file with the IRS or filed a 990-N, but had Total Revenue of \$25,000 or more, or Net Assets or Fund Balances of \$50,000 or more, see the instructions as the organization may be required to complete certain IRS Forms for Oregon purposes only. If the attached return was not filed with the IRS, then mark any such return as "For Oregon Purposes Only." If your organization files IRS Form 990-N (e-Postcard) please attach a copy or confirmation of its filing.

Please
sign
here

Under penalties of perjury, I declare that I have examined this return, including all accompanying forms, schedules, and attachments, and to the best of my knowledge and belief, it is true, correct, and complete.



Signature of officer

Date

Title

aid
preparer's
se Only



Preparer's signature

Date

Phone

CHRIS UEECK

8495 AMANDA WAY SE, SALEM OR 97317

Preparer's name

Address

Form **990-EZ**Department of the Treasury
Internal Revenue Service**Short Form**
Return of Organization Exempt From Income Tax**Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code**
(except black lung benefit trust or private foundation)▶ Sponsoring organizations of donor advised funds, organizations that operate one or more hospital facilities, and certain controlling organizations as defined in section 512(b)(13) must file Form 990 (see instructions)
All other organizations with gross receipts less than \$200,000 and total assets less than \$500,000 at the end of the year may use this form

▶ The organization may have to use a copy of this return to satisfy state reporting requirements

OMB No 1545-1150

2011**Open to Public Inspection****A For the 2011 calendar year, or tax year beginning 01-01-2011****, and ending 12-31-2011****B** Check if applicable:

- ☐ Address change
☐ Name change
☐ Initial return
☐ Terminated
☐ Amended return
☐ Application pending

C Name of organization
WILSONVILLE COMMUNITY SHARINGNumber and street (or P.O. box, if mail is not delivered to street address) Room/suite
PO BOX 205City or town, state or country, and ZIP + 4
WILSONVILLE, OR 97070**D** Employer identification number

93-0851927

E Telephone number

(503) 682-6939

F Group Exemption Number ▶**G** Accounting method ☒ Cash ☐ Accrual Other (specify) ▶**H** Check ☒ if the organization is **not** required to attach Schedule B (Form 990, 990-EZ, or 990-PF)**I** Website: WWW.WILSONVILLECOMMUNITYSHARING.ORG**J** Tax-Exempt status (check only one) — ☒ 501(c)(3) ☐ 501(c)() (insert no) ☐ 4947(a)(1) or ☐ 527**K** Check ☐ if the organization is not a section 509(a)(3) supporting organization or a section 527 organization and its gross receipts are normally **not** more than \$50,000. A Form 990-EZ or Form 990 return is not required though Form 990-N (e-postcard) may be required (see instructions). But if the organization chooses to file a return, be sure to file a complete return.**L** Add lines 5b, 6c, and 7b, to line 9 to determine gross receipts. If gross receipts are \$200,000 or more, or if total assets (Part II, line 25, column (B) below) are \$500,000 or more, file Form 990 instead of Form 990-EZ. ▶ \$ 125,839**Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances** (See the instructions for Part I.)Check if the organization used Schedule O to respond to any question in this Part I ☒

Revenue	1	Contributions, gifts, grants, and similar amounts received	1	124,737
	2	Program service revenue including government fees and contracts	2	
	3	Membership dues and assessments	3	
	4	Investment income	4	1,102
	5a	Gross amount from sale of assets other than inventory	5a	
	b	Less: cost or other basis and sales expenses	5b	0
	c	Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a)	5c	
	6	Gaming and fundraising events		
	a	Gross income from gaming (attach Schedule G if greater than \$15,000)	6a	
b	Gross income from fundraising events (not including \$ of contributions from fundraising events reported on line 1) (attach Schedule G if the sum of such gross income and contributions exceeds \$15,000)	6b	0	
c	Less: direct expenses from gaming and fundraising events	6c	0	
d	Net income or (loss) from gaming and fundraising events (Add lines 6a and 6b and subtract line 6c)	6d		
Revenue	7a	Gross sales of inventory, less returns and allowances	7a	
	b	Less: cost of goods sold	7b	0
	c	Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a)	7c	
	8	Other revenue (describe in Schedule O)	8	
	9	Total revenue. Add lines 1, 2, 3, 4, 5c, 6d, 7c, and 8	9	125,839
Expenses	10	Grants and similar amounts paid (list in Schedule O)	10	
	11	Benefits paid to or for members	11	28,610
	12	Salaries, other compensation, and employee benefits	12	55,966
	13	Professional fees and other payments to independent contractors	13	1,647
	14	Occupancy, rent, utilities, and maintenance	14	5,620
	15	Printing, publications, postage, and shipping	15	
	16	Other expenses (describe in Schedule O)	16	7,825
17	Total expenses. Add lines 10 through 16	17	99,668	
Net Assets	18	Excess or (deficit) for the year (Subtract line 17 from line 9)	18	26,171
	19	Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)	19	113,921
	20	Other changes in net assets or fund balances (explain in Schedule O)	20	
	21	Net assets or fund balances at end of year. Combine lines 18 through 20	21	140,092

Part II Balance SheetsCheck if the organization used Schedule O to respond to any question in this Part II ☒

(See the instructions for Part II)

	(A) Beginning of year		(B) End of year
22 Cash, savings, and investments	118,125	22	138,085
23 Land and buildings		23	
24 Other assets (describe in Schedule O)		24	2,007
25 Total assets	118,125	25	140,092
26 Total liabilities (describe in Schedule O)	4,204	26	
27 Net assets or fund balances (line 27 of column (B) must agree with line 21)	113,921	27	140,092

Part III Statement of Program Service AccomplishmentsCheck if the organization used Schedule O to respond to any question in this Part III ☐

What is the organization's primary exempt purpose?

ASSIST THOSE IN NEED - FOOD BANK AND UTILITY ASSISTANCE

Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. In a clear and concise manner, describe the services provided, the number of persons benefited, and other relevant information for each program title.

Expenses
(Required for section 501(c)(3) and 501(c)(4) organizations and section 4947(a)(1) trusts, optional for others)

28 THE REFERRALS SERVICE HAD 194 OFFICE VISITS, 1466 PHONE CALLS, 25 HOMELESS ISSUES, 1057 REFERRALS TO OTHER AGENCIES AND 208 PIECES OF INFORMATION GIVEN TO THOSE IN OUR COMMUNITY

(Grants \$ 15,201)

If this amount includes foreign grants, check here ☐

28a

29 THE FOOD BANK PROVIDED FREE FOOD TO 1604 FAMILIES IN NEED THESE FAMILIES REPRESENT 5146 INDIVIDUALS THE ORGANIZATION ALSO PROVIDED UTILITY ASSISTANCE TO 75 FAMILIES IN NEED

(Grants \$ 26,610)

If this amount includes foreign grants, check here ☐

29a

30

(Grants \$)

If this amount includes foreign grants, check here ☐

30a

31 Other program services (describe in Schedule O)

(Grants \$)

If this amount includes foreign grants, check here ☐

31a

32 Total program service expenses (add lines 28a through 31a)

32

41,811

Part IV List of Officers, Directors, Trustees, and Key Employees. List each one even if not compensated (See the instructions for Part IV)Check if the organization used Schedule O to respond to any question in this Part IV ☐

(a) Name and address	(b) Title and average hours per week devoted to position	(c) Compensation (If not paid, enter -0-.)	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
See Additional Data Table				

Part V Other Information (Note the statement requirements in the instructions for Part V.)Check if the organization used Schedule O to respond to any question in this Part V ☒

	Yes	No
33 Did the organization engage in any significant activity not previously reported to the IRS? If "Yes," provide a detailed description of each activity in Schedule O		No
34 Were any significant changes made to the organizing or governing documents? If "Yes," attach a conformed copy of the amended documents if they reflect a change to the organization's name. Otherwise, explain the change on Schedule O (see instructions)		No
35 If the organization had income from business activities, such as those reported on lines 2, 6a, and 7a (among others), but not reported on Form 990-T, explain in Schedule O why the organization did not report the income on Form 990-T		
a Did the organization have unrelated business gross income of \$1,000 or more during the year from business activities (such as those reported on lines 2, 6a, and 7a, among others)?		No
b If "Yes" to line 35a, has the organization filed a Form 990-T for the year? If "No," provide an explanation in Schedule O		No
c Was the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization subject to section 6033(e) notice, reporting, and proxy tax requirements during the year? If "Yes," complete Schedule C, Part III		No
36 Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If "Yes," complete applicable parts of Schedule N		No
37a Enter amount of political expenditures, direct or indirect, as described in the instructions: 37a _____		
b Did the organization file Form 1120-POL for this year?		No
38a Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee or were any such loans made in a prior year and still outstanding at the end of the tax year covered by this return?		No
b If "Yes," complete Schedule L, Part II and enter the total amount involved 38b _____		
39 Section 501(c)(7) organizations. Enter 39a _____ 0		
a Initiation fees and capital contributions included on line 9		
b Gross receipts, included on line 9, for public use of club facilities 39b _____ 0		
40a Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under section 4911 40a _____, section 4912 40a _____, section 4955 40a _____		
b Section 501(c)(3) and 501(c)(4) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year or did it engage in an excess benefit transaction in a prior year that has not been reported on any of its prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I		No
c Section 501(c)(3) and 501(c)(4) organizations. Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958 40c _____		
d Section 501(c)(3) and 501(c)(4) organizations. Enter amount of tax on line 40c reimbursed by the organization 40d _____		
e All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If "Yes," complete Form 8886-T 40e _____		No
41 List the states with which a copy of this return is filed 41 _____		
42a The organization's books are in care of 42a <u>ATC NORTHWEST INC</u> Telephone no 42a <u>(503) 585-4045</u> 8495 AMANDA WAY SE Located at 42a <u>SALEM, OR</u> ZIP + 4 42a <u>97317</u>		
b At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)?	Yes	No
If "Yes," enter the name of the foreign country 42b _____ See the instructions for exceptions and filing requirements for Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts.		No
c At any time during the calendar year, did the organization maintain an office outside of the U S ?		No
If "Yes," enter the name of the foreign country 42c _____		
43 Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of Form 1041 —Check here 43 <input checked="" type="checkbox"/> and enter the amount of tax-exempt interest received or accrued during the tax year 43 _____		
44a Did the organization maintain any donor advised funds? If "Yes," Form 990 must be completed instead of Form 990-EZ.	Yes	No
b Did the organization operate one or more hospital facilities during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ		No
c Did the organization receive any payments for indoor tanning services during the year?		No
d If "Yes" to line 44c, has the organization filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O		No
45a Did the organization have a controlled entity within the meaning of section 512(b)(13)?		No
45b Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," Form 990 and Schedule R may need to be completed instead of Form 990-EZ (see instructions)		No

46 Did the organization engage, directly or indirectly, in political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I

	Yes	No
46		No

Part VI Section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts only.

All section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts must answer questions 47-49b and 52.

Check if the organization used Schedule O to respond to any question in this Part VI ☐

47 Did the organization engage in lobbying activities or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II

	Yes	No
47		No

48 Is the organization a school described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E

48		No
----	--	----

49a Did the organization make any transfers to an exempt non-charitable related organization?

49a		No
-----	--	----

b If "Yes," was the related organization a section 527 organization?

49b		No
-----	--	----

50 Complete this table for the organization's five highest compensated employees (other than officers, directors, trustees and key employees) who each received more than \$100,000 of compensation from the organization. If there is none, enter "None"

(a) Name and address of each employee paid more than \$100,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
NONE				

f Total number of other employees paid over \$100,000

51 Complete this table for the organization's five highest compensated independent contractors who each received more than \$100,000 of compensation from the organization. If there is none, enter "None"

(a) Name and address of each independent contractor paid more than \$100,000	(b) Type of service	(c) Compensation
NONE		

d Total number of other independent contractors each receiving over \$100,000

52 Did the organization complete Schedule A? **NOTE:** All Section 501(c)(3) organizations must attach a completed Schedule A

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on preparer's knowledge.

Sign Here

Signature of officer
TAMMY PUPPO Treasurer
Type or print name and title

Paid Preparer's Use Only

Preparer's signature  CHRIS UECK

Date

Firm's name (or yours if self-employed), address, and ZIP + 4
ATC NORTHWEST INC
8495 AMANDA WAY SE
SALEM, OR 973179499

May the IRS discuss this return with the preparer shown above? See instructions

Part II Support Schedule for Organizations Described in IRC 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)
 (Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

Section A. Public Support

Calendar year (or fiscal year beginning in)	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
1 Gifts, grants, contributions, and membership fees received (Do not include any "unusual grants.")			97,660	97,789	124,737	320,186
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						0
3 The value of services or facilities furnished by a governmental unit to the organization without charge						0
4 Total. Add lines 1 through 3			97,660	97,789	124,737	320,186
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						0
6 Public Support. Subtract line 5 from line 4						320,186

Section B. Total Support

Calendar year (or fiscal year beginning in)	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
7 Amounts from line 4			97,660	97,789	124,737	320,186
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources			198	171	1,102	1,471
9 Net income from unrelated business activities, whether or not the business is regularly carried on						0
10 Other income (Explain in Part IV.) Do not include gain or loss from the sale of capital assets						0
11 Total support. (Add lines 7 through 10)						321,657
12 Gross receipts from related activities, etc. (See instructions)					12	
13 First Five Years If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a 501(c)(3) organization, check this box and stop here <input checked="" type="checkbox"/>						

Section C. Computation of Public Support Percentage

14 Public Support Percentage for 2011 (line 6 column (f) divided by line 11 column (f))	14	0 %
15 Public Support Percentage for 2010 Schedule A, Part II, line 14	15	
16 33 1/3% support test—2011. If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization <input type="checkbox"/>		
17 33 1/3% support test—2010. If the organization did not check the box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization <input type="checkbox"/>		
18 10%-facts-and-circumstances test—2011. If the organization did not check a box on line 13, 16a, or 16b and line 14 is 10% or more, and if the organization meets the "facts and circumstances" test, check this box and stop here. Explain in Part IV how the organization meets the "facts and circumstances" test. The organization qualifies as a publicly supported organization <input type="checkbox"/>		
19 10%-facts-and-circumstances test—2010. If the organization did not check a box on line 13, 16a, 16b, or 17a and line 15 is 10% or more, and if the organization meets the "facts and circumstances" test, check this box and stop here. Explain in Part IV how the organization meets the "facts and circumstances" test. The organization qualifies as a publicly supported organization <input type="checkbox"/>		
20 Private Foundation If the organization did not check a box on line 13, 16a, 16b, 17a or 17b, check this box and see instructions <input type="checkbox"/>		

Part III Support Schedule for Organizations Described in IRC 509(a)(2)

(Complete only if you checked the box on line 9 of Part I or if the organization failed to qualify under Part II. If the organization fails to qualify under the tests listed below, please complete Part II.)

Section A. Public Support

Calendar year (or fiscal year beginning in)	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
1 Gifts, grants, contributions, and membership fees received (Do not include any "unusual grants.")						
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose						
3 Gross receipts from activities that are not an unrelated trade or business under section 513						
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
5 The value of services or facilities furnished by a governmental unit to the organization without charge						
6 Total. Add lines 1 through 5						
7a Amounts included on lines 1, 2, and 3 received from disqualified persons						
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year						
c Add lines 7a and 7b						
8 Public Support (Subtract line 7c from line 6.)						

Section B. Total Support

Calendar year (or fiscal year beginning in)	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
9 Amounts from line 6						
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975						
c Add lines 10a and 10b						
1 Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on						
2 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)						
3 Total support (Add lines 9, 10c, 11 and 12.)						

4 First Five Years If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a 501(c)(3) organization, check this box and **stop here** ☐**Section C. Computation of Public Support Percentage**

5 Public Support Percentage for 2011 (line 8 column (f) divided by line 13 column (f))	15	
6 Public support percentage from 2010 Schedule A, Part III, line 15	16	

Section D. Computation of Investment Income Percentage

7 Investment income percentage for 2011 (line 10c column (f) divided by line 13 column (f))	17	
8 Investment income percentage from 2010 Schedule A, Part III, line 17	18	

9a 33 1/3% support tests—2011. If the organization did not check the box on line 14, and line 15 is more than 33 1/3% and line 17 is not more than 33 1/3%, check this box and **stop here**. The organization qualifies as a publicly supported organization. ☐**b 33 1/3% support tests—2010.** If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3% and line 18 is not more than 33 1/3%, check this box and **stop here**. The organization qualifies as a publicly supported organization. ☐**Private Foundation** If the organization did not check a box on line 14, 19a or 19b, check this box and see instructions ☐

Part IV

Supplemental Information. Supplemental Information. Complete this part to provide the explanation required by Part II, line 10; Part II, line 17a or 17b; or Part III, line 12. Also complete this part for any additional information. (See instructions).

Facts And Circumstances Test

Explanation

Additional Data

Software ID: 11000144
Software Version: 2011v1.2
EIN: 93-0851927
Name: WILSONVILLE COMMUNITY SHARING

Form 990-EZ, Special Condition Description:

Special Condition Description

Form 990EZ, Part IV - List of Officers, Directors, Trustees, and Key Employees

(A) Name and address	(B) Title and average hours per week devoted to position	(C) Compensation (If not paid, enter -0-.)	(D) Contributions to employee benefit plans & deferred compensation	(E) Expense account and other allowances
LANI L SNYDER PO BOX 205 WILSONVILLE, OR 97070	EMPLOYEE 25 00	26,650		
LEIGH A CROSBY PO BOX 205 WILSONVILLE, OR 97070	EMPLOYEE 24 00	24,357		
RICHARD TRUITT 8560 SW WILSONVILLE LN WILSONVILLE, OR 97070	President 0 50	0		
BRUCE WENIGMANN 7355 SW WILSONVILLE RD WILSONVILLE, OR 97070	Board of Direct 0 50	0		
TAMMY PUPPO 10863 SW MERLIN CT WILSONVILLE, OR 97070	Treasurer 2 00	0		
CHERYL KELLY 15560 SW PLEASANT HILL RD SHERWOOD, OR 97140	Secretary 1 00	0		

SCHEDULE O
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Supplemental Information to Form 990 or 990-EZ

Complete to provide information for responses to specific questions on
Form 990 or to provide any additional information.
▶ Attach to Form 990 or 990-EZ.

OMB No 1545-0047

2011

**Open to Public
Inspection**

Name of the organization
WILSONVILLE COMMUNITY SHARING

Employer identification number

93-0851927

Identifier	Return Reference	Explanation
Form 990-EZ, Part II, Line 26 1001	Total Liabilities 1001	Accounts Payable and Accrued Expenses - Beginning \$4204 Accounts Payable and Accrued Expenses - Ending \$0
Form 990-EZ, Part II, Line 24 1003	Other Assets 1003	Machinery and Equipment - Beginning \$0 Machinery and Equipment - Ending \$2007
Form 990-EZ, Part I, Line 16 7	Other Expenses 7	FOOD BANK EXPENSE-MISC \$39
Form 990-EZ, Part I, Line 16 6	Other Expenses 6	MISC EXPENSE \$91
Form 990-EZ, Part I, Line 16 5	Other Expenses 5	VOLUNTEER APPRECIATION \$115
Form 990-EZ, Part I, Line 16 4	Other Expenses 4	DUES AND SUBSCRIPTIONS \$270
Form 990-EZ, Part I, Line 16 3	Other Expenses 3	TELEPHONE \$612
Form 990-EZ, Part I, Line 16 2	Other Expenses 2	FOOD BANK EXPENSE- FOOD \$1530
Form 990-EZ, Part I, Line 16 1	Other Expenses 1	OFFICE SUPPLIES \$3100
Form 990-EZ, Part I, Line 16 1012	Other Expenses 1012	Insurance \$1566
Form 990-EZ, Part I, Line 16 1009	Other Expenses 1009	Depreciation \$502

CITY COUNCIL MEETING STAFF REPORT

Meeting Date: June 16, 2014	Subject: Ordinance No. 744, Zone Map Amendment for "Calais at Villebois", Sequoia Tree Update Staff Members: Daniel Pauly AICP, Associate Planner. Department: Planning Division
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: June 2. <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: June 16 <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	Development Review Board Recommendation <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comment: An alternative street design has been developed to allow the preservation of a giant sequoia tree in an island at the center of a street.

Staff Recommendation: Staff recommends that the City Council adopt Ordinance No. 744 indicating which of the design alternatives related to the sequoia the applicant should construct.

Recommended Language for Motion:

Original street design without tree island: I Move to Adopt Ordinance No. 744 on the 2nd reading.

Revised street design with tree island: I Move to Adopt Ordinance No. 744 on the 2nd reading with a condition that SW Barcelona Street be designed to preserve tree 10478 as indicated in Exhibits A and B.

PROJECT / ISSUE RELATES TO: Comprehensive Plan, Zone Code and Villebois Master Plan.

<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Villebois Master Plan	<input type="checkbox"/> Not Applicable
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ISSUE BEFORE COUNCIL: During their June 2nd meeting the City Council adopted, on 1st reading, Ordinance No. 744 for a Zone Map Amendment to the Village (V) zone on approximately 15.16 acres at the southeast corner of SW Grahams Ferry Road and SW Tooze

Road. The Council continued the public hearing to June 16th directing the applicant to work with staff in developing a design alternative for preservation of a giant sequoia tree. The applicant's design team has developed an alternative supported by the consulting arborist and City staff to preserve the tree in a 23 foot wide island splitting a residential street on either side.

The arborist report (Exhibit A) makes the following points for the Council to consider in determining an alternative

- Based on interviews with the property owner the tree was planted as part of a backyard landscape in approximately 1975
- The 61 inch diameter at breast height tree is expected to double in diameter over the next 100 years.
- Some future infrastructure damage caused by the tree roots is possible and might include curb cracking, asphalt upheaval, and damage to a water line.

EXECUTIVE SUMMARY: In the development plans approved by Development Review Board Panel 'A' a 61 inch diameter at breast height (4.5 feet above ground) giant sequoia was shown removed for construction of a residential street named SW Barcelona Street. As directed during the June 2nd public hearing, the applicant's design team has developed a design alternative for the street to accommodate the giant sequoia in a landscape island now and as it continues to grow. In adopting the Ordinance on 2nd reading the Council will need to provide direction whether to support the alternative design with preservation of the tree or the original street design where the tree is removed. An alternative also exists to disconnect the street, but such action would have a negative impact on the important design consideration of connectivity.

EXPECTED RESULTS: Adoption of Ordinance No.744 with or without the requirement to design SW Barcelona Street to preserve a giant sequoia tree.

TIMELINE: Construction of the subdivision is planned to begin this summer.

CURRENT YEAR BUDGET IMPACTS: Proposed is an 84-lot single family detached house subdivision. This project is a private development so the applicant is responsible to make all public and private improvements, pay city application fees and systems development charges for parks, water, sewer, storm sewer and streets.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: _____, Date: _____, 2014

LEGAL REVIEW / COMMENT:

Reviewed by: MEK, Date: June 13, 2014.

In approving zone change application, one of the findings is that the proposed development has met all the development criteria. A concern was raised during the hearing associated with the first reading whether the Sequoia was incorrectly classified as "good" rather than "important", that it should be classified as important, and as such whether development criteria for preservation had been sufficiently adhered to. The applicant has come up with two alternatives

that could provide preservation, with staff preferring the alternative with an island to preserve the Sequoia sufficient to protect its further growth together with split lanes around it that provides greater safety than the second alternative. The preferred alternative will allow proper access to all lots; it will cause a reduction in approximately 4 large lots to medium lots. Clearly, there will be additional costs to the developer.

After the Council takes action on the matter of the zone change, there is scheduled for adoption a development agreement for the various infrastructure components and the division of their costs among the City, the URA and Polygon which the parties have negotiated. There are no Park SDC credits provided as there were no qualifying improvements. However, in conditioning the creation of the island open space to preserve the Sequoia and given the size, its age, and significance of the tree to the larger, more regional community, the Council could interpret the Sequoia in this particular circumstance as having regional significance. Council could then direct staff to work with Polygon to provide an equitable cash credit against Park SDC's for the extra costs involved. This has the additional benefit of the potential avoidance of any claim of an "unconstitutional condition" that could result in a taking under Dolan. It is the City's burden to establish that any exaction is roughly proportional to the benefit the development receives and/or the impact the development causes. There is obvious benefit by preserving this natural symbol for the neighborhood that is being developed and its removal will impact the neighborhood as well which has seen it grow over the last 30 years to the height it now stands. However, assessing a dollar value in addition to lumber value is difficult and whether a reasonable judge of that would see it as roughly proportional to the cost to preserve is also difficult to assess. Therefore, reaching an accord through Park SDC credit is recommended.

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

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY The decision regarding preservation of the giant sequoia:

- Provision of a focal point in a residential subdivision
- Other air, water, etc. benefits from a mature tree
- Potential future damage to public infrastructure
- Alternative street design will require attentive driving by the travelling public

ALTERNATIVES: Alternatives related to preservation of the giant sequoia tree are:

- Allow construction of the subdivision as shown in the DRB approved plans including removal of the giant sequoia tree
- Require SW Barcelona Street be built with a 23 foot island to preserve the giant sequoia tree as shown in Exhibits A and B submitted by the applicant June 12th.
- Require a different design alternative.

CITY MANAGER COMMENT:

DATE: June 10, 2014
TO: Jim Lange, Pacific Community Design
FROM: Morgan E. Holen, Consulting Arborist
RE: Villebois PDP 3 North (Calais) – Tree 10478

MHA1405

This memorandum supplements the January 30, 2014 arborist report for the Villebois Preliminary Development Plan (PDP) 3 North project located in Wilsonville, Oregon. Morgan Holen & Associates, LLC, was contracted by Polygon Northwest Company to coordinate with Pacific Community Design to provide arborist recommendations pertaining to a site plan alternative to protect tree 10478.

Tree 10478 is a giant sequoia (*Sequoiadendron giganteum*) measuring 61-inches in diameter with a 16-foot crown radius. This tree was classified in good condition during the January 28, 2014 tree inventory; however additional comments noted that the tree is in excellent condition with a long live crown and no major defects. In the January 30, 2014 arborist report, the tree was recommended for removal for the purposes of street construction.

Recommendations for Tree Protection

International Society of Arboriculture (ISA) Certified Arborist and Qualified Tree Risk Assessor Morgan Holen (PN-6145A) re-visited the site on June 9, 2014 to evaluate the tree in terms of potential construction impacts based on a proposed site plan alternative provided by Pacific Community Design and determine recommendations for tree protection. The enclosed site plan alternative includes a landscape island to preserve the tree in the center of the new street. Based on this proposal, recommendations for tree protection include:

- Prior to construction, prune the tree the minimum amount needed to provide for overhead clearance and help avoid crown damage. The lowest branches are at approximately 10-feet above ground level, but the branches droop downward to approximately 3-feet above ground level. Prune to remove low-lying branches to provide up to 10-feet of clearance. Pruning should be performed by a Qualified Tree Service
- Install chain link tree protection fencing at the limits of disturbance. Approximately 6-feet of encroachment beneath the dripline area is necessary north and south of the tree based on the proposed site plan. Protection fencing should be installed at the maximum distance feasible to allow the necessary construction and no closer than 10-feet from the center of the tree.
- Avoid excavation beneath the dripline of the tree. The uppermost organic matter may be removed from the ground surface beneath the dripline area under arborist supervision. Build up from existing grade using the modified profile provided as figure 1.

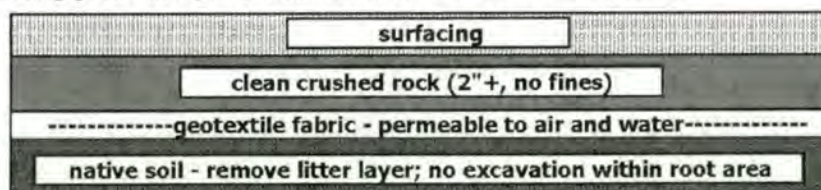


Figure 1. Sample profile for areas within Critical Root Zones. Depth of rock is dependent on grading. Technique based on best management practices.

This profile includes a layer of permeable geotextile fabric on the ground surface, topped with clean crushed rock for the street sub-base, and finished with asphalt surfacing. The new curb surrounding the island should be constructed using the same techniques to avoid excavation beneath the dripline area.

- Coordinate with the project arborist to monitor tree protection measures during construction beneath the protected tree dripline. Although the tree protection fencing will provide protection at the limits of disturbance, the entire dripline area is considered the critical root zone and special care is needed to minimize disturbance in this area. The project arborist can monitor and document tree protection measures during construction and provide on-the-ground assistance as needed. Do not use the area beneath the dripline for staging or storage of materials and equipment. The project arborist should also monitor utility trench excavation proposed just beyond the dripline of the tree to evaluate any roots that may be exposed and provide on-the-ground assistance with root pruning or preservation within the trench.

Discussion

Based on the proposed site plan alternative, some encroachment beneath the dripline is necessary, but adequate protection can be provided so long as curb and street construction occur at native grade. Considering the size of the landscape island and use of the modified profile, the tree is expected to be sustainable following construction. The tree roots are likely to continue to grow beneath the new infrastructure where air and water are available. As with any tree, particularly large trees, there is the potential for infrastructure damage in the future. Some future infrastructure damage caused by tree roots is possible and might include curb cracking, asphalt upheaval, and possible damage to the water line proposed at 3-foot depth. However, infrastructure damage is not anticipated in a short time period.

This tree is approximately 39 years old. Based on review of historic aerial photographs and discussion with the current property owner, Mr. Taber, the tree was planted in approximately 1975. At 61-inches in diameter, this tree has grown approximately 1.5-inches in diameter per year.

The Giant Sequoia Heritage Trees located at the Hillsboro Courthouse were planted in 1880 and are approximately 126-inches in diameter. These trees are approximately 134 years old and have grown an average of .95-inch per year. Keeping in mind that tree growth slows with age, it is likely that these sequoias were also 50- to 60-inches at year 30 and we assume that tree 10478 is likely to double in diameter over the next 100 years. The crown spread is also likely to double in size during that time frame.

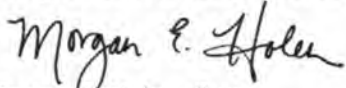
Note that tree diameter is measured at 4.5-feet above ground level. Giant sequoias have unusually large buttress flares, meaning that the diameter near the base of the trunk is substantially larger than the diameter at 4.5-feet above ground level. At tree 10478, the diameter measures 90-inches at about 1-foot above ground level. At the historic sequoias in Hillsboro, the diameter measured approximately 275-inches near ground level. It is anticipated that the buttress of tree 10478 would continue to grow in size consistent with the Hillsboro sequoias. The covered soil volume beyond the island may limit growth to some degree, but the tree is likely to tolerate the construction impacts given the minimal encroachment beneath the existing dripline and adapt to the changes in site conditions as it continues to grow. Therefore, the proposed 23-foot diameter landscape island would be of sufficient size to contain the tree for approximately the next 100 years, although some damage caused by tree roots to the street and possibly the underground utilities is possible within that time period.

In addition, Pacific Community Design asked that we discuss the general condition rating of good. According to the Villebois Community Elements Book, trees are to be classified as either poor, moderate, good, or important. This tree rated good because: it has good health, structure and vigor; a high species rating based on ISA standards for the Pacific Northwest; relatively strong wood; and is free standing with good form, a high level of visual interest and above average aesthetic value. This tree was not rated important because: it is young and the lost function would be relatively easy to replace by replanting a new tree of the same species in a more desirable location (such as in a park or open space tract) following site development; the diameter is not exceptional considering the species (because it is still young); and it lacks historical importance. It was planted as a landscape tree by the property owner shortly after moving onto the property in the mid-1970s and although it appears healthy and with prominent and attractive structure, it lacks importance relative to older native Oregon white oaks (*Arbutus menziesii*), Douglas-firs (*Pseudotsuga menziesii*), and historically significant trees located in and around the Villebois community. Note that although this tree was classified as good and not important, the January 2014 arborist report did specifically note that the tree was in excellent condition.

This report is based on conditions existing at the time of inspection and close coordination with Pacific Community Design. Neither this author nor Morgan Holen & Associates have assumed any responsibility for liability associated with the trees on or adjacent to the site.

Thank you for choosing Morgan Holen & Associates to provide consulting arborist services for the Villebois PDP 3 North (Calais) project. Please contact us if you have questions or need any additional information.

Thank you,
Morgan Holen & Associates, LLC



Morgan E. Holen, Owner
ISA Certified Arborist, PN-6145A
ISA Tree Risk Assessment Qualified
Forest Biologist

Enclosures: Site Plan Alternative

N:\proj\395-027\09 Drawings\03 Planning Exhibits - General\395027 Sequoia Tree Exhibits.2014.06.12\395027 [EX1] SITE EXIST.dwg - SHEET: Layout1 Jun, 12, 14 - 3:35 PM jk

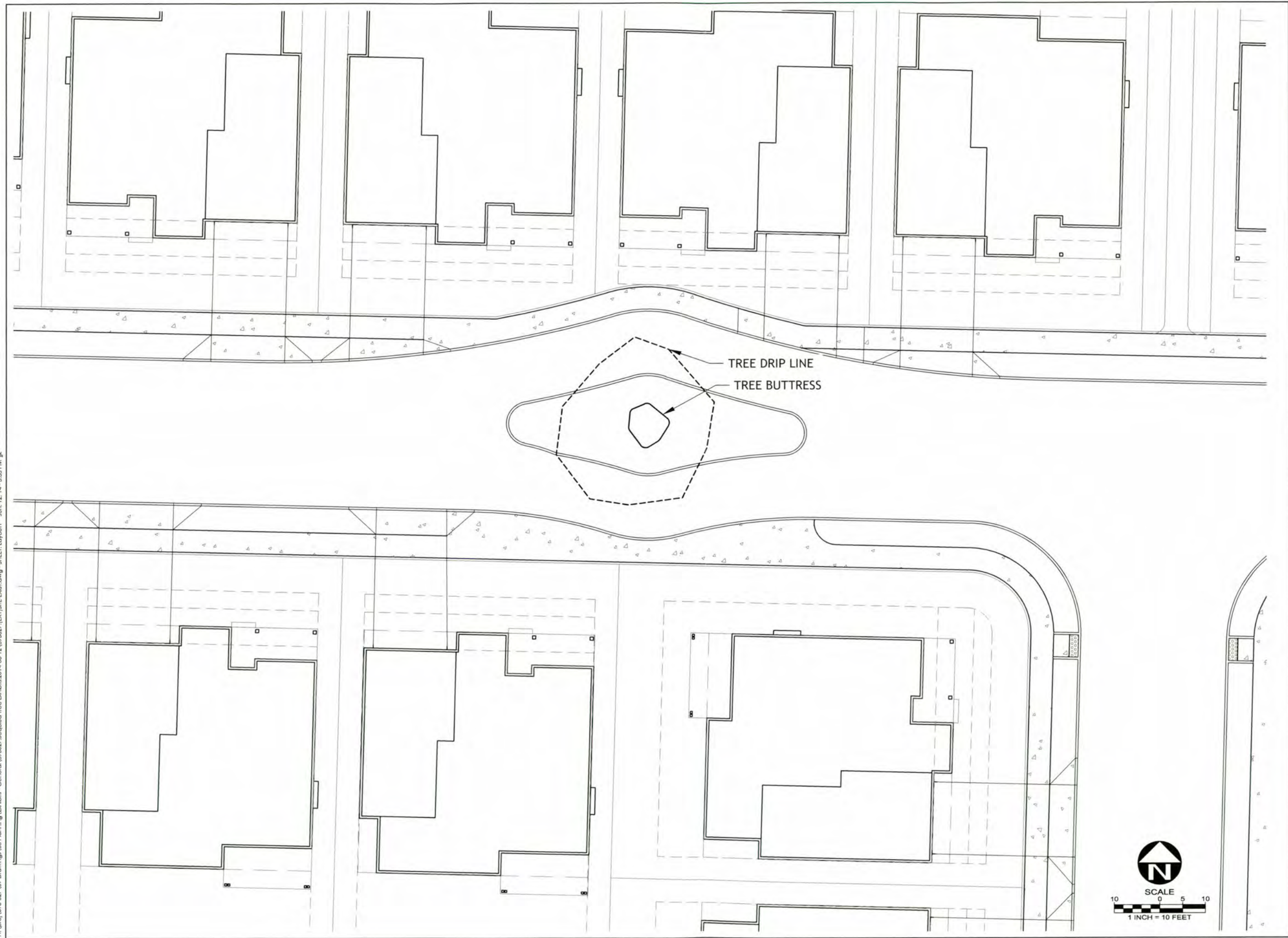


Exhibit B



Villebois



POLYGON NW COMPANY



OTTEN LANDSCAPE ARCHITECTS, INC.
GEODESIGN, INC.

PDP 3N
VILLEBOIS

Calais at Villebois

Sequoia Tree
Site Plan
Existing Condition

DATE 6/12/14

EX1

N:\proj\395-02\09 Drawings\03 Planning\Exhibits - General\395-027 Sequoia Tree Exhibits.2014.06.12\395027 [EX2] SITE FUTURE.dwg - SHEET: Layout1 Jun. 12. 14 - 3:32 PM jfk

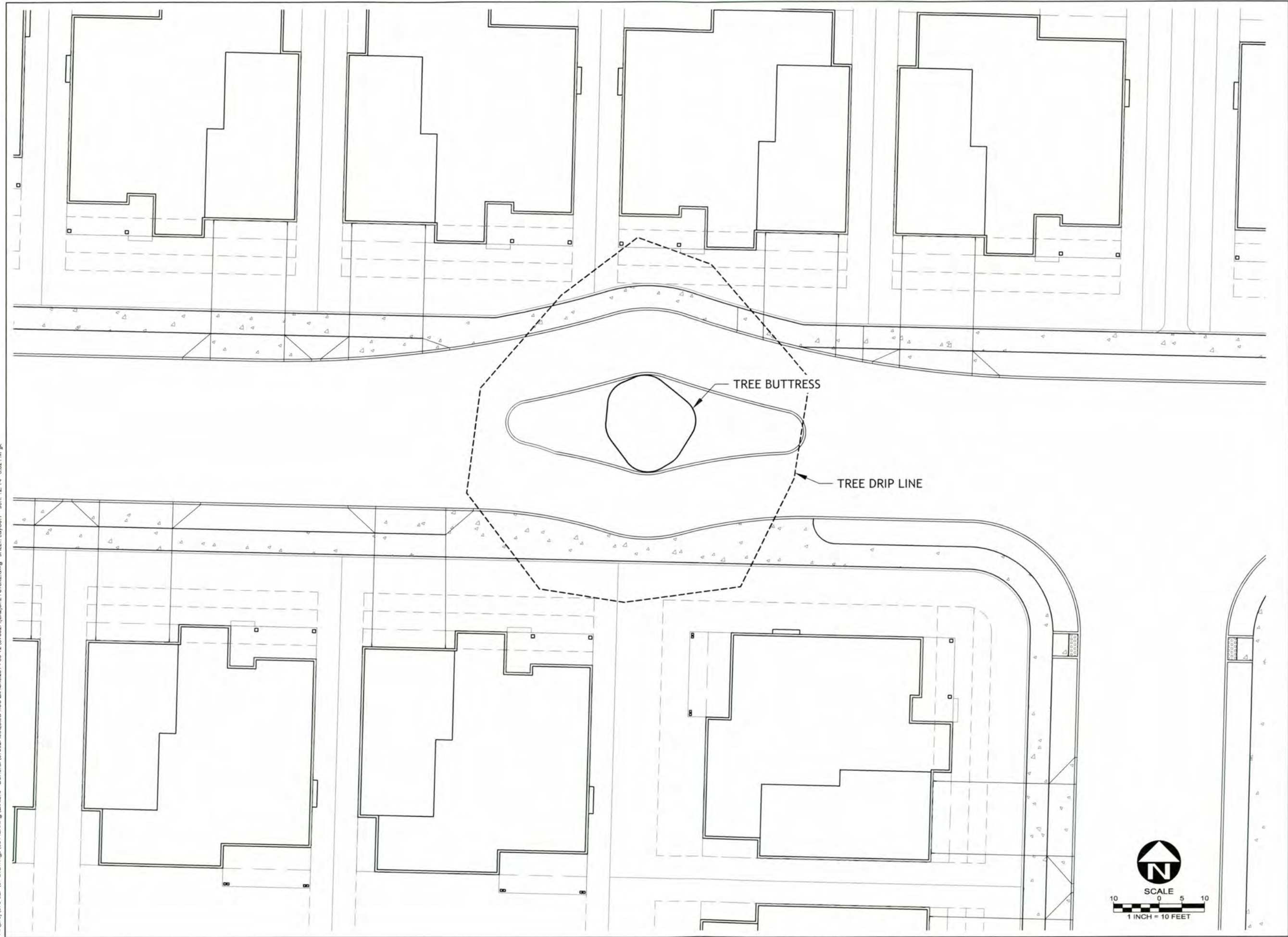


Exhibit B



Villebois



POLYGON NW COMPANY



OTTEN LANDSCAPE ARCHITECTS, INC.
GEODESIGN, INC.

PDP 3N
VILLEBOIS

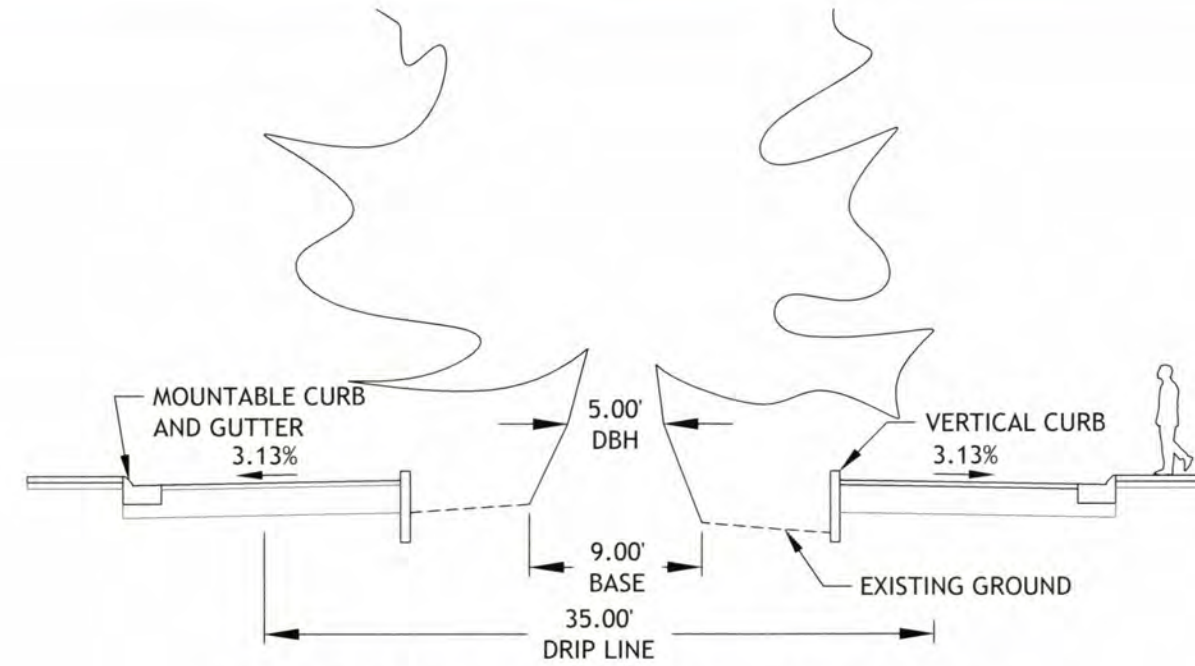
Calais at Villebois

Sequoia Tree
Site Plan
Future Condition

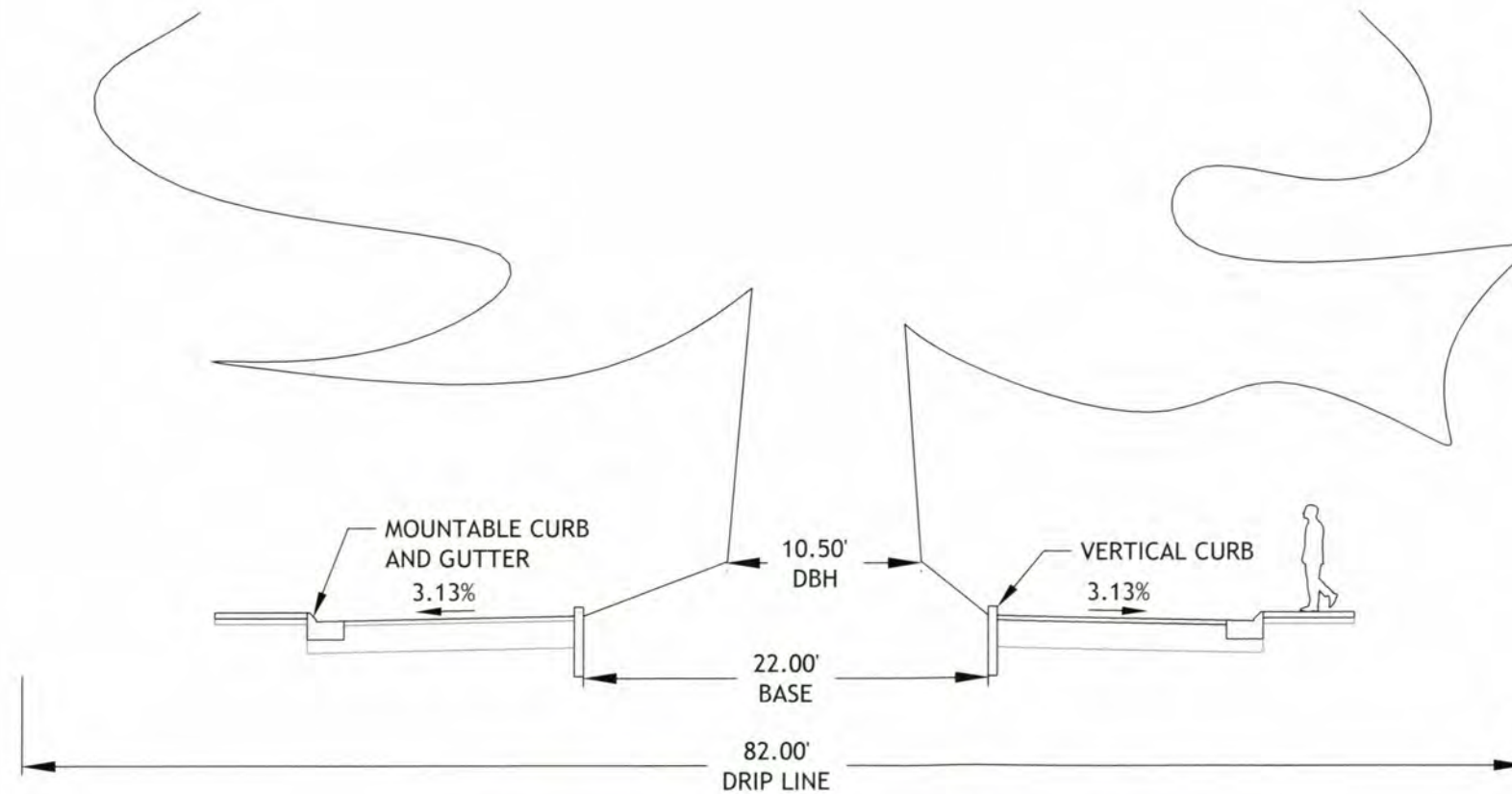
DATE 6/12/14

EX2

N:\proj\395-027\09 Drawings\03 Planning\Exhibits - General\395027 Sequoia Tree Exhibits.2014-06-12\395027 [EX3]SECTION.dwg - SHEET: Layout1 Jun 12 14:33:36 PM jlk



STREET SECTION - EXISTING TREE



STREET SECTION - FUTURE TREE



Villebois



POLYGON NW COMPANY



OTTEN LANDSCAPE ARCHITECTS, INC.
GEODESIGN, INC.

PDP 3N
VILLEBOIS

Calais at Villebois

Sequoia Tree
Section

DATE 6/12/14

EX3



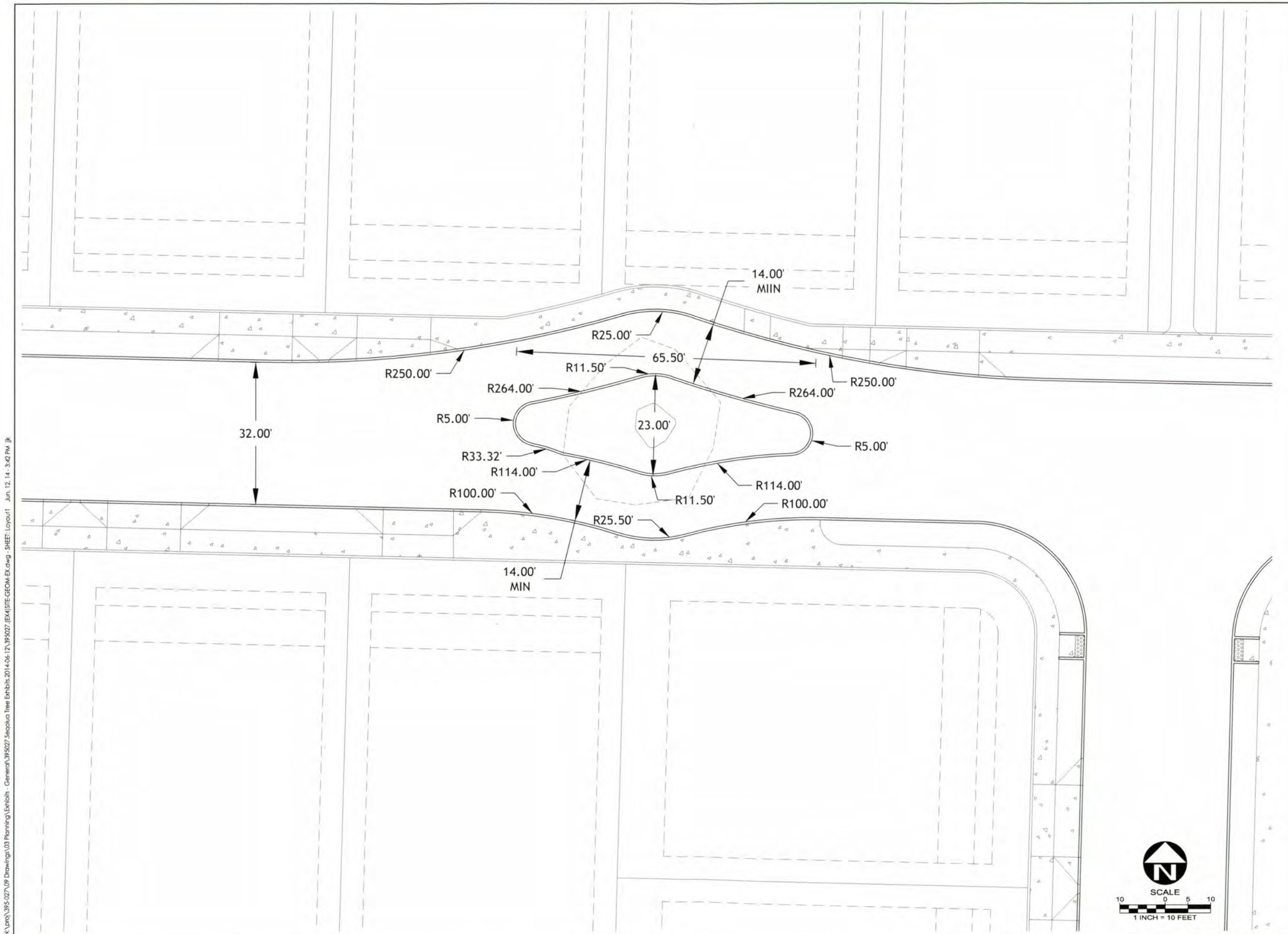
Pacific
Community
Design

PDP 3N
VILLEBOIS

Sequoia Tree
Site Geometry
Existing Condition

DATE 6/12/14

EX4



N:\proj\395-027\09 Drawings\03 Planning\Exhibits - General\395027 Sequoia Tree Exhibits 2014-06-12\395027 [E5] SITE GEOM.FT.dwg - SHEET Layout1 Jun 12, 14 - 4:19 PM jlk

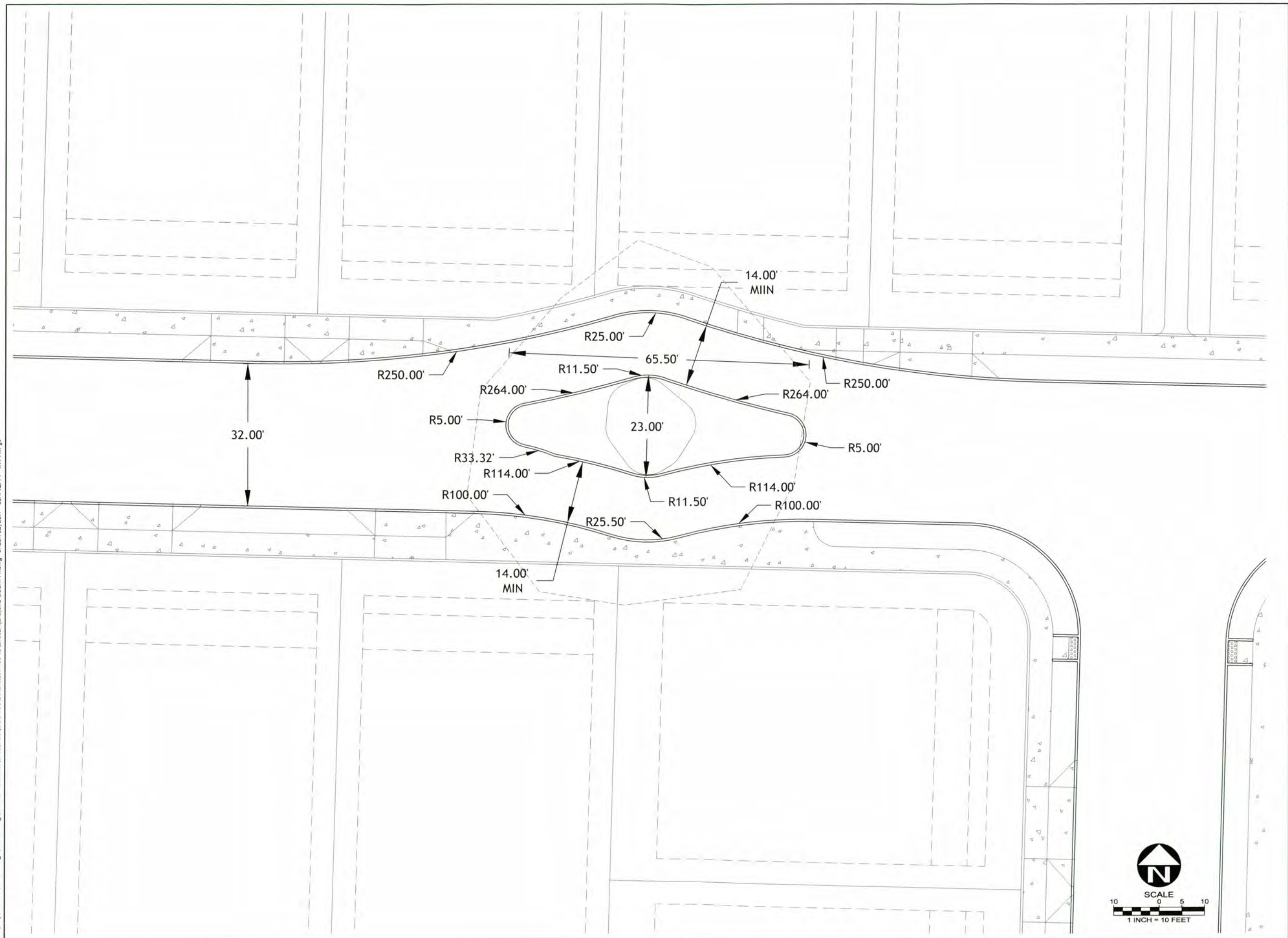


Exhibit B



Villebois



POLYGON NW COMPANY



OTTEN LANDSCAPE ARCHITECTS, INC.
GEODESIGN, INC.

PDP 3N
VILLEBOIS

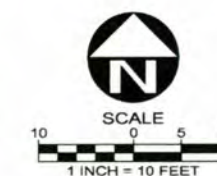
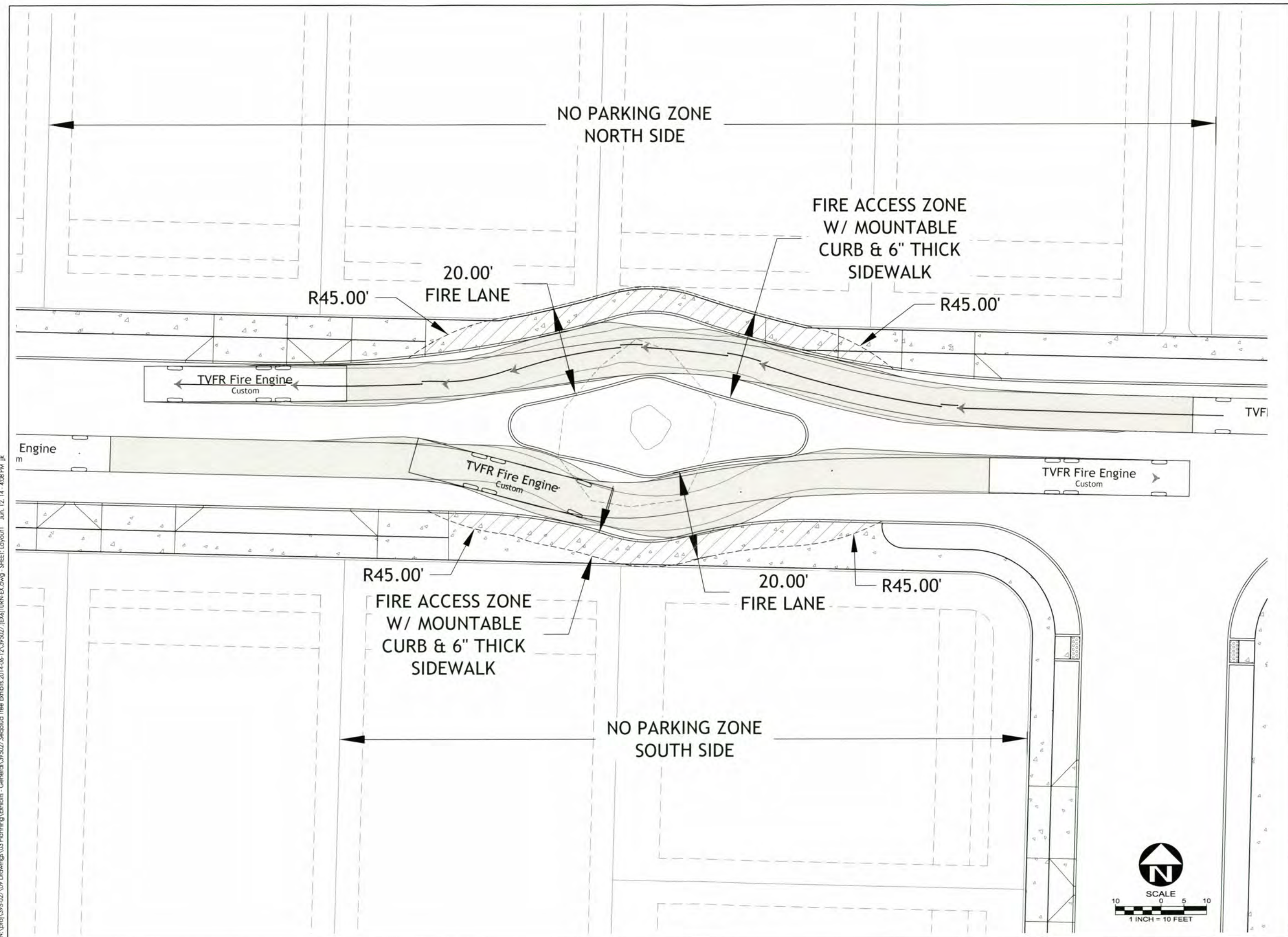
Calais at Villebois

Sequoia Tree
Site Geometry
Future Condition

DATE 6/12/14

EX5

N:\proj\395-027\09 Drawings\03 Planning\Exhibits - General\395-027 Sequoia Tree Exhibits 2014-06-12\395027 (EX6) TURN EX.dwg - SHEET: Layout1 Jun 12 14:43:08 PM jk



Villebois



POLYGON NW COMPANY



OTTEN LANDSCAPE ARCHITECTS, INC.
GEODESIGN, INC.

PDP 3N
VILLEBOIS

Calais at Villebois

Sequoia Tree
Fire Truck
Turning Movements
Existing Condition

DATE: 6/12/14

EX6

N:\proj\395-027\09 Drawings\03 Planning\Exhibits - General\395-027 Sequoia Tree Exhibits\2014-06-12\395027 (EX7)TURN-FT.dwg - SHEET: Layout1 Jun 12, 14 - 4:11 PM jk

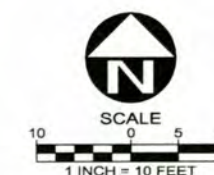
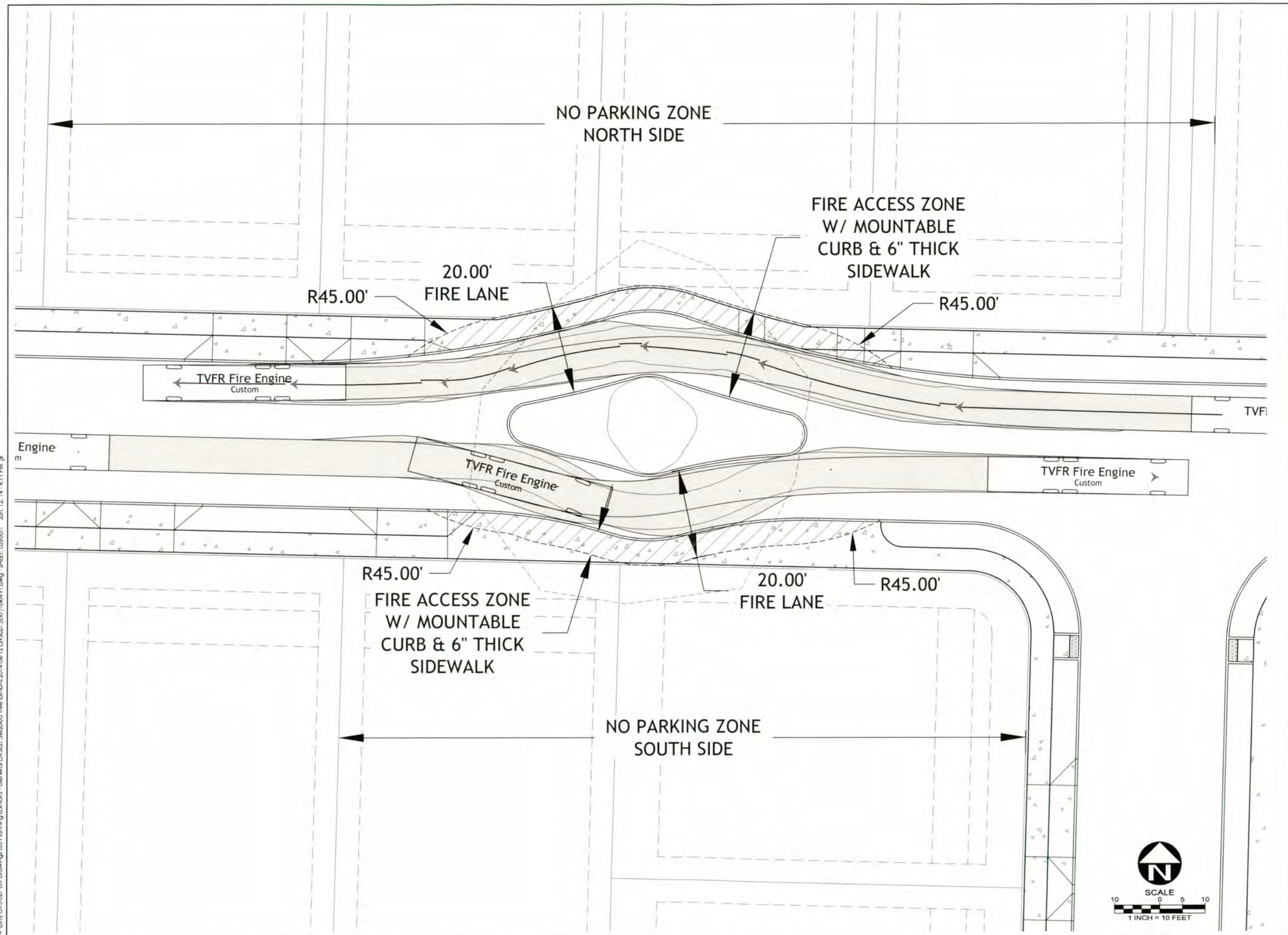


Exhibit B



Villebois



POLYGON NW COMPANY



OTTEN LANDSCAPE ARCHITECTS, INC.
GEODESIGN, INC.

PDP 3N
VILLEBOIS

Calais at Villebois

Sequoia Tree
Fire Truck
Turning Movements
Future Condition

DATE 6/12/14

EX7

N:\proj_395-027\09 Drawings\03 Planning\Exhibits - General\395027 Sequoia Tree Exhibits.2014.06.12.395027 (EX8)UTIL-EX.dwg - SHEET: Layout1 Jun. 12, 14 - 4:14 PM jk

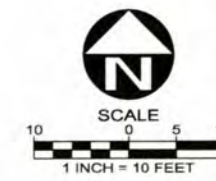
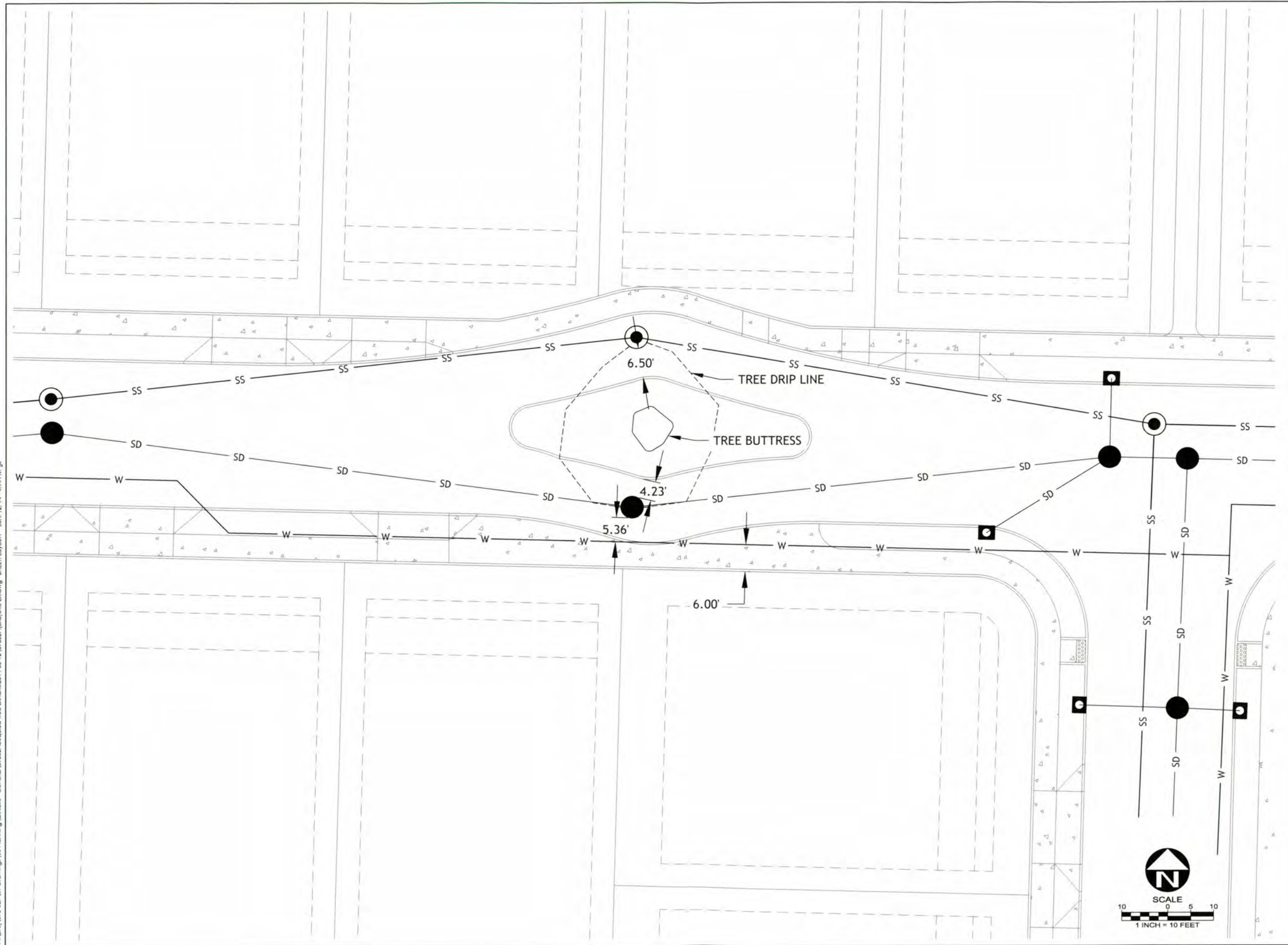


Exhibit B



Villebois



POLYGON NW COMPANY



Pacific Community Design
OTTEN LANDSCAPE ARCHITECTS, INC.
GEODESIGN, INC.

PDP 3N
VILLEBOIS

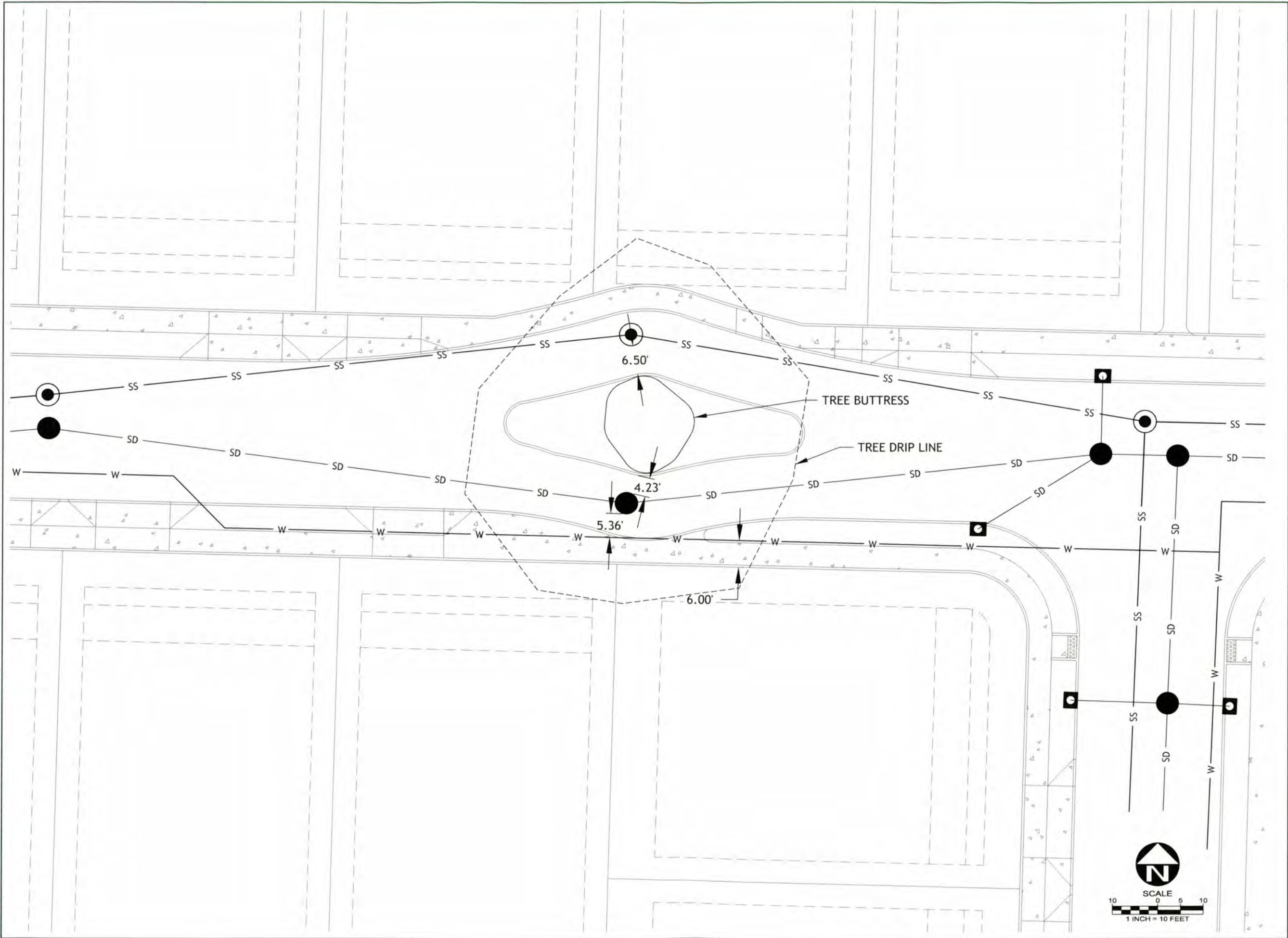
Calais at Villebois

Sequoia Tree
Utility Plan
Existing Condition

DATE 6/12/14

EX8

N:\proj\395-027\09 Drawings\03 Planning\Exhibits - General\395-027 Sequoia Tree Exhibits.2014.06.12.395027 [EX9]UTIL.FI.dwg - SHEET: Layout1 Jun. 12, 14 - 4:17 PM jk



Villebois



POLYGON NW COMPANY



OTTEN LANDSCAPE ARCHITECTS, INC.
GEODESIGN, INC.

PDP 3N
VILLEBOIS

Calais at Villebois

Sequoia Tree
Utility Plan
Future Condition

DATE 6/12/14

EX9

TOOZE ROAD

SW GRAHAMS FERRY ROAD

SW BELFA

SW BARCELONA ST

PROPOSED 84 LOT
SUBDIVISION
CALAIS

SW ICELAND LN

SW PARIS AVE (FUTURE DEVELOPMENT)

SW OSLO ST

SW ROME AVE

SW PALERMO ST

9 10 11 12 13 14 15 16

8

7

6

5

4

3

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Ordinance No. 743 Attachment 4
STAFF REPORT
WILSONVILLE PLANNING DIVISION

Polygon Northwest Company
"Calais at Villebois"
Annexation

CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING

HEARING DATE June 2, 2014

DATE OF REPORT May 23, 2014

APPLICATION NOS.: DB14-0009 Annexation

REQUEST/SUMMARY: The City Council is being asked to review annexation of land that will be developed as a 84-lot residential subdivision, and associated parks and open space and other improvements.

LOCATION: Southeast corner of SW Grahams Ferry Road and SW Tooze Road. The properties are specifically known as Tax Lots 1200, 1202, and 1205, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

PROPERTY OWNERS: Wayne Rembold, Rembold Co., and Charles & Carolyn Taber

APPLICANT: Fred Gast, Polygon NW Company

APPLICANT'S REP.: Stacy Connery AICP, Pacific Community Design, Inc.

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

STAFF REVIEWERS: Daniel Pauly AICP, Associate Planner

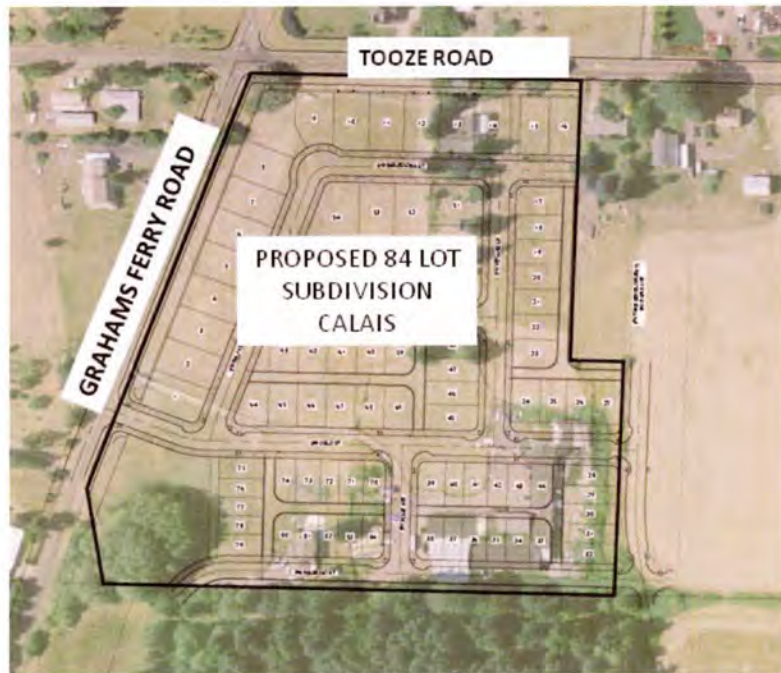
DRB RECOMMENDATIONS: Annex the land as requested

APPLICABLE REVIEW CRITERIA

<u>DEVELOPMENT CODE</u>	
Section 4.700	Annexation
<u>OTHER CITY PLANNING DOCUMENTS</u>	
Comprehensive Plan	
<u>REGIONAL AND STATE PLANNING DOCUMENTS</u>	
Metro Code Chapter 3.09	Local Government Boundary Changes
Metro Function Plan Titles 1,2,3,6 and 7	
ORS 222.111	Authority and Procedures for Annexation

ORS 222.120	Procedure without Election by City Electors
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 22.170	Effect of Consent to Annexation by Territory
Statewide Planning Goals	

Vicinity Map



BACKGROUND/SUMMARY:

Annexation (DB14-0009)

Of the land covered by the Villebois Village Master Plan only the properties just south of Tooze Road between Grahams Ferry Road and 110th Avenue remain outside the City. The City's Comprehensive Plan already designates these properties as "Residential-Village" in anticipation of annexation concurrent with other applications to develop the property. The requested annexation brings the properties near the corner of Tooze Road and Grahams Ferry Road into the City concurrent with a request to develop the property. As all owners of property and all electors within the area being annexed have consented in writing to annexation the City is able to process the request through the DRB and City Council as defined in the Development Code without any election.

CONCLUSION AND CONDITIONS OF APPROVAL:

Staff and the DRB have reviewed the applicant's analysis of compliance with the applicable criteria. This Staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings.

FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on January 31, 2014. On February 28, 2014, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on March 31, 2014, the Applicant submitted new materials. On April 22, 2014 the application was deemed complete. The City must render a final decision for the request, including any appeals, by August 20, 2014
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	Clackamas County RRFF5	Tooze Road/ Rural Residential
East:	Clackamas Coun RRFF5	Vacant
South:	V	Open Space
West:	Clackamas County RRFF5	Grahams Ferry Road/ Rural Residential

3. Prior land use actions include:

Legislative:

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

Quasi Judicial:

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

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

CONCLUSIONARY FINDINGS, REQUEST C: DB14-0009 ANNEXATION

The applicant's findings in Section IIA of their PDP notebook, Exhibit B3, respond to the majority of the applicable criteria.

Comprehensive Plan

Annexation and Boundary Changes

Implementation Measure 2.2.1.a.

1. **Review Criteria:** "Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth."
Finding: These criteria are satisfied.
Explanation of Finding: As further explained by the applicant on page 2 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) the required consistency is fulfilled by being consistent with the Villebois Village Master Plan.

Implementation Measure 2.2.1.e.

2. **Review Criteria:** "Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:" Listed 1 through 5.
Finding: These criteria are satisfied.
Explanation of Finding: As further explained by the applicant on page 3 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) the requirements are fulfilled by being consistent with the Villebois Village Master Plan or by compliance with state and regional policies as found elsewhere the findings supporting this request.

Compact Urban Development Implementation Measures

Implementation Measure 4.1.6.a. and c.

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

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

Finding: These criteria are satisfied.

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

with a concurrent Preliminary Development Plan application for Phase 3 of SAP North. The site must be brought into City limits before the V zone can be applied.

Development Code

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

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

Section 4.700 Annexation

5. **Review Criteria:** This section defines the criteria and process for annexation review within the City. The full text of the criteria is on pages 5-6 of the applicant's narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4).
Finding: These criteria are satisfied.
Explanation of Finding: As further explained by the applicant on page 6 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) the request is within the UGB, contiguous with current City boundaries, and is in compliance with state, regional, and local policies as found elsewhere the findings supporting this request.

Metro Code

Chapter 3.09 Local Government Boundary Changes

6. **Review Criteria:** This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region. The full text of the criteria is on pages 7-10 of the applicant's narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4).
Finding: These criteria are satisfied.
Explanation of Finding: As further explained by the applicant on pages 7-10 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) the request is within the UGB, meets the definition of a minor boundary change, satisfies the requirements for boundary change petitions, is consistent with the Comprehensive Plan, Villebois Village Concept Plan, and Villebois Village Master Plan.

Oregon Revised Statutes

ORS 222.111 Authority and Procedure for Annexation

7. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon. The full text of the criteria is on pages 10-11 of the applicant's narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4).

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on pages 10-11 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) the applicable requirements in state statute are met including the facts that subject property is within the UGB, is contiguous to the City, the request has been initiated by the property owners of the land being annexed, and all property owners and 100% of electors within the annexed area have provided their consent in writing.

ORS 222.120 Procedure Without Election by City Electors

8. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon. The full text of the criteria is on pages 11-12 of the applicant's narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4).

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on pages 13 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) there is no City charter requirement for election for annexation, a public hearing process is being followed as defined in the Development Code, and the applicable requirements in state statute are met including the facts that all property owners and 100% of electors within the annexed area have provided their consent in writing.

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

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

Finding: These criteria are satisfied.

Explanation of Finding: All property owners and 100% of electors within the annexed area have provided their consent in writing. However, a public hearing process is being followed as prescribed in the City's Development Code concurrent with a Zone Map Amendment request and other quasi-judicial land use applications.

Oregon Statewide Planning Goals

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

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

Finding: These criteria are satisfied.

Explanation of Finding: The area requested to be annexed will be developed consistent with the City's Comprehensive Plan and the Villebois Village Master Plan, both which have been found to meet the statewide planning goals. The applicant has provided additional findings related to statewide planning goals on pages 13-14 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4).

**AFFIDAVIT OF MAILING
NOTICE OF CITY COUNCIL DECISION
OF THE CITY OF WILSONVILLE**

STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
)
CITY OF WILSONVILLE)

I, Sandra C. King, do hereby certify that I am City Recorder of the City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, and that the attached copy of Notice of Decision regarding Ordinances 743 and 744 entitled:

Ordinance No. 743

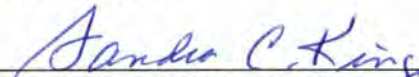
An Ordinance Of The City Of Wilsonville Annexing Approximately 15.16 Acres Of Land Located Southeast Of The Intersection Of SW Grahams Ferry Road And SW Tooze Road Into The City Limits Of The City Of Wilsonville, Oregon; The Land Is More Particularly Described As Tax Lots 1200, 1202, And 1205 Of Section 15 T3S-R1W, Clackamas County, Oregon, Polygon Northwest Company, Applicant.

Ordinance No. 744

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone To The Village (V) Zone On Approximately 15.16 - Acres Comprising Tax Lots 1200, 1202, And 1205 Of Section 15, T3S, R1W, Clackamas County, Oregon, Polygon Northwest Company, Applicant.

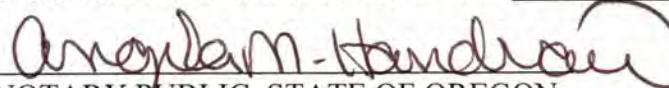
is a true copy of the original notice; that on, June 18, 2014, I did cause to be mailed via email and U.S. Mail copies of such notice of decision in the exact form hereto the persons listed on the attached mailing list.

Witness my hand this 17th day of June, 2014.



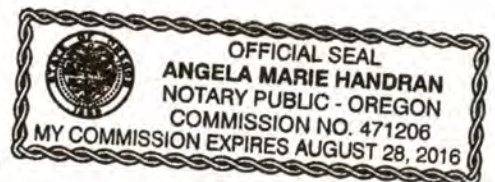
Sandra C. King, MMC, City Recorder

Subscribed and sworn to before me this 17th day of June, 2014.



NOTARY PUBLIC, STATE OF OREGON

My commission expires: August 28, 2016



Wayne Rembold
Villebois LLC
1022 SW Salmon Street, Suite 450
Portland, OR 97205

Fred Gast
Polygon Northwest Company
109 E. 13th Street
Vancouver, WA 98660

Charles & Carolyn Taber
11800 SW Tooze Road
Wilsonville, OR 97070

Stacy Connery
Pacific Community Design, Inc.
12564 SW Main Street
Tigard, OR 97223

Cyndi Satterlund Heider
cshaider@frontier.com



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

**WILSONVILLE CITY COUNCIL
NOTICE OF DECISION
ORDINANCES 743 AND 744**

FILE NO:

Ordinance No. 743

An Ordinance Of The City Of Wilsonville Annexing Approximately 15.16 Acres Of Land Located Southeast Of The Intersection Of SW Grahams Ferry Road And SW Tooze Road Into The City Limits Of The City Of Wilsonville, Oregon; The Land Is More Particularly Described As Tax Lots 1200, 1202, And 1205 Of Section 15 T3S-R1W, Clackamas County, Oregon, Polygon Northwest Company, Applicant.

Ordinance No. 744

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone To The Village (V) Zone On Approximately 15.16 - Acres Comprising Tax Lots 1200, 1202, And 1205 Of Section 15, T3S, R1W, Clackamas County, Oregon, Polygon Northwest Company, Applicant.

APPLICANT: Polygon Northwest Company

After conducting a public hearing on June 2, 2014 and second reading on June 16, 2014 the City Council voted to the ordinances adopt as submitted and adopted findings and conclusions to support their action.

This decision has been finalized in written form as:

Ordinance No. 743

An Ordinance Of The City Of Wilsonville Annexing Approximately 15.16 Acres Of Land Located Southeast Of The Intersection Of SW Grahams Ferry Road And SW Tooze Road Into The City Limits Of The City Of Wilsonville, Oregon; The Land Is More Particularly Described As Tax Lots 1200, 1202, And 1205 Of Section 15 T3S-R1W, Clackamas County, Oregon, Polygon Northwest Company, Applicant.

Ordinance No. 744

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone To The Village (V) Zone On Approximately 15.16 - Acres Comprising Tax Lots 1200, 1202, And 1205 Of Section 15, T3S, R1W, Clackamas County, Oregon, Polygon Northwest Company, Applicant.

And placed on file in the city records at the Wilsonville City Hall June 18, 2014, and is available for public inspection. The date of filing is the date of decision. Any appeal(s) must be filed with the Land Use Board of Appeals (LUBA) in accordance with ORS Chapter 197, within twenty-

one days from the date of decision. Copies of Ordinance No. 743 and 744 may be obtained from the City Recorder, 29799 SW Town Center Loop East, Wilsonville, OR 97070, (503) 570-1506, or via email at king@ci.wilsonville.or.us

For further information, please contact the Wilsonville Planning Division, City Hall, 29799 SW Town Center Loop East, Wilsonville, OR 97070 or telephone (503) 682-4960.

King, Sandy

From: Kohlhoff, Mike
Sent: Friday, June 13, 2014 1:05 PM
To: King, Sandy; Cosgrove, Bryan
Cc: Pauly, Daniel; Neamtzu, Chris; Kraushaar, Nancy
Subject: 1 Ord 744 COUNCILSR_3N Calais Tree Update
Attachments: 1 Ord 744 COUNCILSR_3N Calais Tree Update.docm

Sandy, my added comments for the Council; Bryan the following is my rational:

In my comments I have proposed Council direction to provide Park SDC credits. There are several reasons: one, I don't think we can carry the City's burden of rough proportionality under Dolan for the preservation alternative and the court, if there was a challenged, would find it is an "unconstitutional taking" and we have to reimburse for all costs, most likely from the general fund or reserves. Two, I just advised Gast that staff did not support an extension of the 10 year limit (expired May 24, 2014) of the capped Park SDC cost from 2004 development agreement, as amended in 2006, which uncapped is approximately \$4900 a lot vs. capped at \$2390, so there is ample funding to provide a credit. Three, Gast is not pushing us for a credit, but he was not happy over the denial of his request as he felt it applied to building out Villebois and the recession should be accounted for as tolling the time; however, a developer can now accept conditions and then file against them later if they amount to an "unconstitutional taking". Gast also has folks he reports to. A development agreement addressing the issues can preempt that. So my recommendation, if followed by Council, could avoid a "down the road" problem. Four, it is the right thing to do under the circumstances

Mike.

King, Sandy

From: LFaxon@CommNewspapers.com
Sent: Friday, May 02, 2014 9:32 AM
To: King, Sandy
Subject: RE: Calais at Villebois Public Hearing Notice

Good morning Sandy,
Notice received. I will get this notice, **with map**, in the **May 21st and 28th editions** of the **Wilsonville Spokesman**. Once published, I will send affidavits of publication to your attention.

Thank you,

Louise Faxon
Legal Advertising
Community Newspapers/Portland Tribune
6605 SE Lake Rd, Portland 97222-2161
PO Box 22109, Portland OR 97269-2109
(503) 546-0752; fax (503) 620-3433
Legals Notices are online at: <http://publicnotices.portlandtribune.com>

From: King, Sandy [<mailto:king@ci.wilsonville.or.us>]
Sent: Friday, May 02, 2014 8:40 AM
To: Louise Faxon
Subject: Calais at Villebois Public Hearing Notice

Louise;

Please run the attached public hearing notice for two consecutive weeks - May 19, 2014 and May 26, 2014 – and send proof of publication.

Many thanks.

Sandra C. King, MMC
City Recorder
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, OR 97070
503-570-1506

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
PUBLIC HEARING NOTICE**

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the **City Council** of the City of Wilsonville on **Monday, June 2, 2014 at 7:00 P.M.** at City Hall, at 29799 SW Town Center Loop E, Wilsonville, Oregon, or to such other place to which the City Council may adjourn.

CASE FILES TO BE CONSIDERED: DB14-0009 Annexation and DB14-0010 Zone Map Amendment

OWNERS: Villebois LLC, Polygon at Villebois III LLC, and Charles & Carolyn Taber

APPLICANT: Fred Gast, Polygon NW Company

**APPLICANT'S
REPRESENTATIVE:** Stacy Connery, AICP, Pacific Community Design, Inc.

LOCATION: 15.16 acres located at the southeast corner of SW Grahams Ferry Road and SW Tooze Road. Described as Tax Lots 1200, 1202, 1205, and 2995 Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, as depicted on the map below.

CONTACT: Daniel Pauly, AICP, Associate Planner, at (503) 682-4960.

REQUEST: Polygon Homes- Calais at Villebois

APPLICABLE CRITERIA Planning and Land Development Ordinance: Sections 4.008, 4.009, 4.010, 4.011, 4.013, 4.014, 4.031, Subsections 4.035(.04), 4.035(.05), Sections 4.110, 4.113, 4.125, Sections 4.139.00 through 4.139.11, Sections 4.154, 4.155, 4.167, 4.169, 4.171, 4.175, 4.176, 4.177, 4.178, 4.197, Sections 4.199.20 through 4.199.60, 4.200 through 4.220, 4.236 through 4.270, 4.300 through 4.320, 4.400 through 4.440.20, Sections 4.600 through 4.640.20 and Section 4.700.

Other Planning Documents: Comprehensive Plan; Goal 1.1, Policy 1.1.1, Implementation Measure 1.1.1.e, Goal 2.1, Policy 2.1.1, Implementation Measures 2.1.1.b, 2.1.1.c, 2.1.1.d, 2.1.1.f, Policy 2.2.1, Implementation Measures 2.2.1.a, 2.2.1.b, 2.2.1e, 2.2.2.e, 3.1.2.f, 3.1.10.a, 4.1.5.b, 4.1.6.a and 4.1.6.c. Policy 4.1.6, Implementation Measures 4.1.6.a, 4.1.6.b, 4.1.6.c, 4.1.6.d; Villebois Village Concept Plan; Residential-Village Designation. Transportation Systems Plan; Storm Water Master Plan; Villebois Village Master Plan; SAP-North (case file #DB07-0054) including: SAP-North Architectural Pattern Book, SAP-North Signage and Wayfinding Plan, SAP-North Community Elements Book, SAP-North Master Fencing Plan, SAP-North Rainwater Management Program.

Metro Code Sections 3.09.040

Metro Functional Plan Titles 1, 2, 3, 6 and 7

Statewide Planning Goals

Oregon Revised Statute 222.111, 222.120, 222.125, and 222.170

Copies of the approval criteria are available from the Wilsonville Planning Division, located at 29799 SW Town Center Loop East. All testimony and evidence shall be directed to the applicable criteria or the person providing testimony shall state which other criteria they believe applies to this application. A complete copy of the relevant file information, including the staff report and recommendations, will be available for inspection seven days prior to the hearing. Copies may be provided at the cost of twenty-five cents per page. Copies will also be available for review at the Wilsonville Public Library.

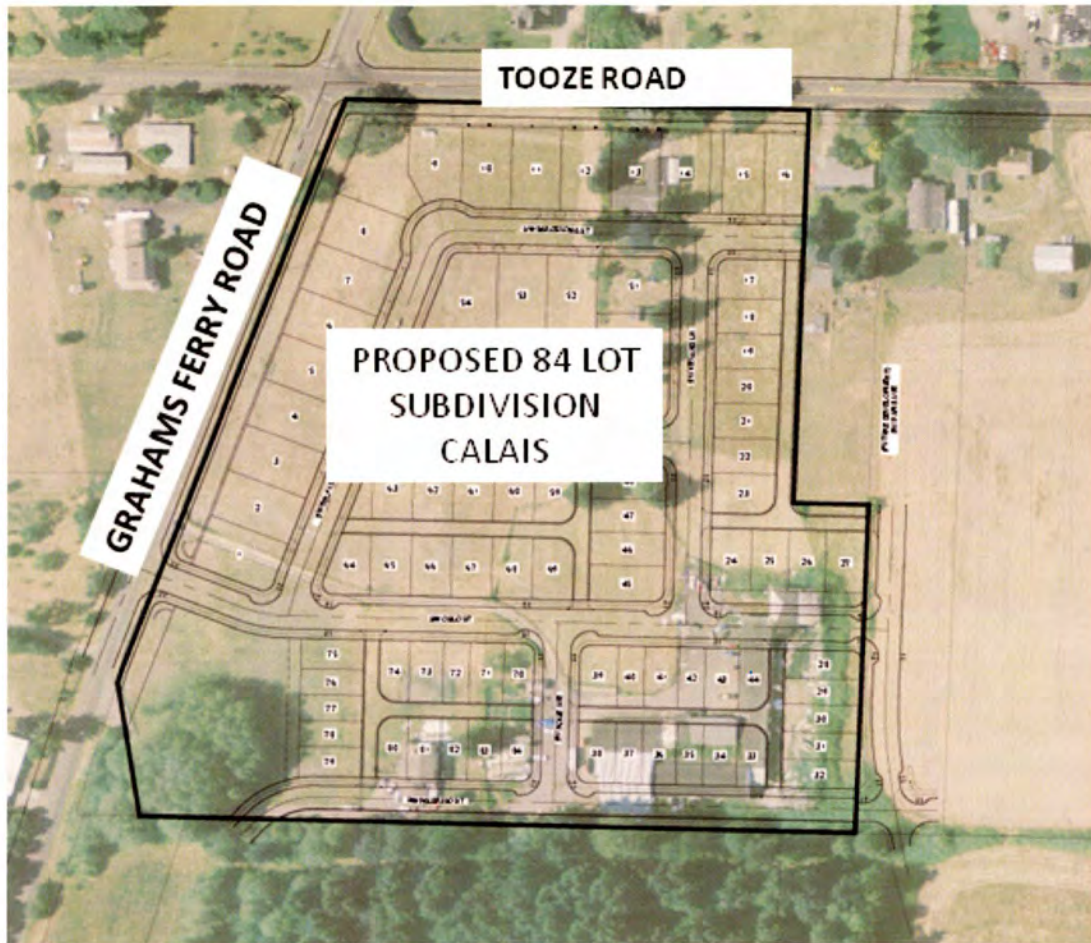
Any interested party may testify at the public hearing or submit written testimony at or prior to the hearing. Mail written statements to City Planning Division, 29799 SW Town Center Loop East, Wilsonville OR 97070. The procedures that govern the hearing will be stated at the meeting and are found in Chapter 2.560 of the Wilsonville Code and ORS 197.763.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the City Council hearing, in person or by letter, with sufficient specificity to afford the City Council and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. Parties with standing may appeal the decision of the City Council to LUBA.

Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting. The City will also endeavor to provide qualified sign language interpreters and/or qualified bilingual interpreters, without cost, if requested at least 48 hours prior to the meeting. To obtain such services, please call Sandra King, City Recorder at (503)570-1506.

Inquiries pertaining to these hearings may be made to Daniel Pauly, AICP, Associate Planner at (503) 682-4960.

Vicinity Map: The project site is shown below



King, Sandy

From: White, Shelley
Sent: Tuesday, April 22, 2014 11:26 AM
To: Straessle, Linda
Cc: King, Sandy
Subject: Public Hearing Notice - May 12 DRB/June 2 CC
Attachments: Calais PHN.docx

Linda,

Please send the attached Public Hearing Notice (May 12, 2014 DRB-A /June 2, 2014 CC) to the paper for publishing.

DB14-0009 et al: Calais at Villebois (PDP-3 North) – 84 Lot Single-family subdivision

Sandy - based on an e-mail from Dan, my understanding is that Planning will send the notice to the paper prior to the DRB hearing, and that you will publish the notice for 2 weeks prior to the City Council hearing:

April 22nd: Public Hearing Notice for DRB and City Council mailed and posted by Planning

May 12th: DRB Public Hearing

Week of May 19th: City Council Hearing Notice published in Wilsonville Spokesman and posted in 4 locations (1st of 2 consecutive weeks) by City Recorder

Week of May 26th: City Council Hearing Notice published in Wilsonville Spokesman and posted in 4 locations (2nd of 2 consecutive weeks) by City Recorder

June 2nd: City Council Public Hearing and Ordinance 1st Reading

June 16th: City Council Ordinance 2nd Reading

Is that correct?

Shelley White

Administrative Assistant
City of Wilsonville
Ph: 503 570-1575
swhite@ci.wilsonville.or.us

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

**EXPLANATION OF PUBLIC HEARING NOTICE
BEFORE THE DEVELOPMENT REVIEW BOARD AND CITY COUNCIL
AND OPPORTUNITY TO COMMENT ON PROPOSED DEVELOPMENT
Calais at Villebois PDP 3 North: 84 -Lot Single-Family Subdivision**

This notice informs you of your opportunity to comment on the proposed development of 84 - lot single-family subdivision along with associated streets, parks, and open space located at the northwest corner of Villebois.

Comments are encouraged to address specific criteria established in City Code and Planning Documents. A list of criteria applicable to review of the development can be found in the attached Notice of Public Hearing.

You can provide comments by submitting them in writing, or by testifying in person at the Public Hearings

Frequently Asked Question about Providing Written Comments:

To whom should I address my written comments?

Please address comments to "Development Review Board Members/City Council"

How do I submit written comments?

Email is best. Comments can be emailed to the Planning Staff Member reviewing the application. Daniel Pauly, at pauly@ci.wilsonville.or.us. They can also be mailed to: Planning Division, Attn: Daniel Pauly, 29799 SW Town Center Loop East, Wilsonville, OR 97070 or delivered in person 8:00 to 5:00 on days City Hall is opened (typically Mon-Fri) at the address above.

When should written comments be submitted?

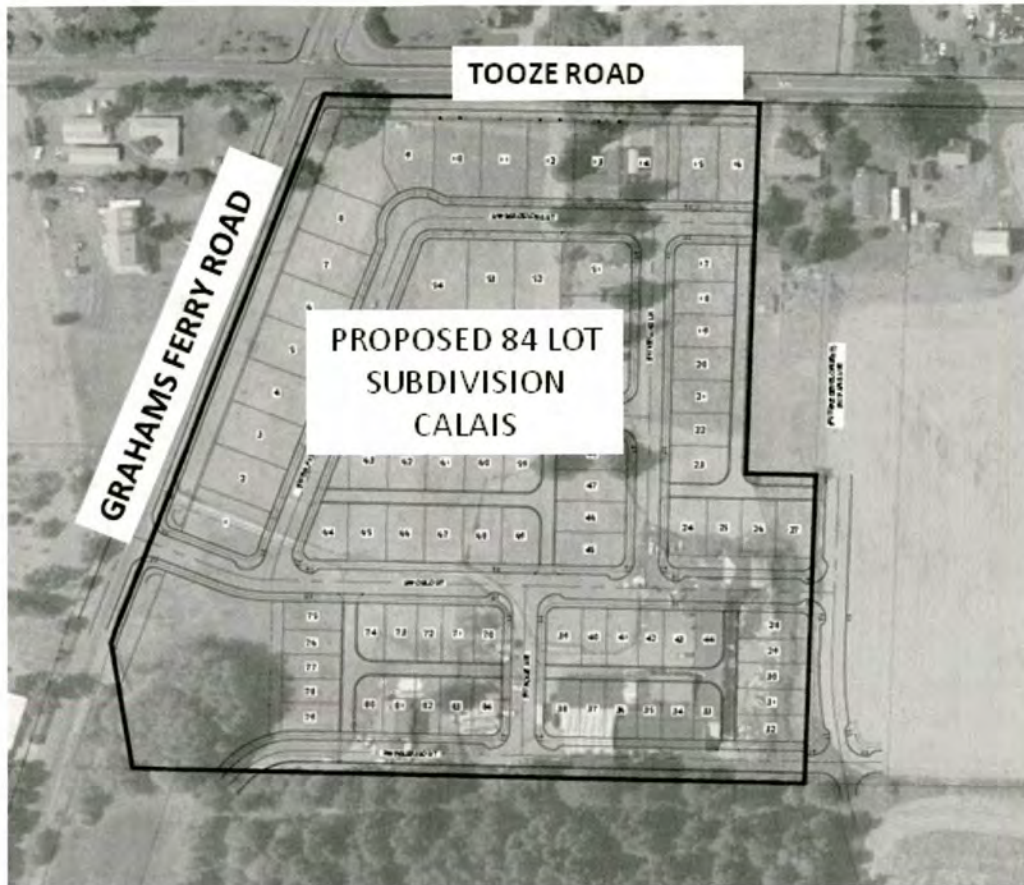
- For comments to be considered in preparing the staff report and to be sent to the DRB (and subsequently to City Council) for their review prior to the Public Hearings they must be received by City Staff no later than 4 p.m. on May 1, 2014.
- For staff to prepare copies of the comments for the DRB hearing they must be received no later than 2 p.m. on May 12, 2014.
- For staff to prepare copies of the comments for the DRB or City Council hearing they must be received no later than 2 p.m. on the day of the hearing.
- You can bring your own copies to the Public Hearings to present when you testify if you do not meet the deadlines above.

Where and When to come to attend or testify at the Public Hearing

WHERE (Public Hearing): City Hall Council Chambers, 29799 SW Town Center Loop East, Wilsonville, OR 97070

WHEN: Development Review Board	May 12, 2014 at 6:30 p.m.
City Council	June 2, 2014 at 7:00 p.m.

City Case File for Application: DB14-0009 through DB14-0011, DB13-0013 through DB13-0016, SI14-0003



PUBLIC HEARING NOTICE

FOR HEARINGS MAY 12 AND JUNE 2, 2014

Wilsonville Development Review Board Panel 'A' and City Council

Notice Date: April 22, 2014

**PUBLIC NOTICE
CITY OF WILSONVILLE**

DEVELOPMENT REVIEW BOARD PANEL A and CITY COUNCIL

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the **Development Review Board (DRB)** of the City of Wilsonville on **Monday, May 12, 2014 at 6:30 P.M.** at City Hall, at 29799 SW Town Center Loop E, Wilsonville, Oregon, or to such other place to which the Development Review Board may adjourn.

CASE FILES TO BE CONSIDERED:	DB14-0009 Annexation DB14-0010 Zone Map Amendment to Village (V) DB14-0011 PDP 3 North - Preliminary Development Plan DB14-0013 SAP Amendment DB14-0014 Tentative Subdivision Plat DB14-0015 Final Development Plan (Linear Greens and Parks) DB14-0016 Type C Tree Plan SII4-0003 SRIR Review
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NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the **City Council** of the City of Wilsonville on **Monday, June 2, 2014 at 7:00 P.M.** at City Hall, at 29799 SW Town Center Loop E, Wilsonville, Oregon, or to such other place to which the City Council may adjourn.

CASE FILES TO BE CONSIDERED: DB14-0009 Annexation and DB14-0010 Zone Map Amendment

OWNERS:	Villebois LLC, Polygon at Villebois III LLC, and Charles & Carolyn Taber
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APPLICANT:	Fred Gast, Polygon NW Company
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APPLICANT'S REPRESENTATIVE:	Stacy Connery, AICP, Pacific Community Design, Inc.
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LOCATION:	15.16 acres located at the southeast corner of SW Grahams Ferry Road and SW Tooze Road. Described as Tax Lots 1200, 1202, 1205, and 2995 Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, as depicted on the map below.
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CONTACT:	Daniel Pauly, AICP, Associate Planner, at (503) 682-4960.
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REQUEST:	Polygon Homes- Calais at Villebois
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APPLICABLE CRITERIA Planning and Land Development Ordinance: Sections 4.008, 4.009, 4.010, 4.011, 4.013, 4.014, 4.031, Subsections 4.035(.04), 4.035(.05), Sections 4.110, 4.113, 4.125, Sections 4.139.00 through 4.139.11, Sections 4.154, 4.155, 4.167, 4.169, 4.171, 4.175, 4.176, 4.177, 4.178, 4.197, Sections 4.199.20 through 4.199.60, 4.200 through 4.220, 4.236 through 4.270, 4.300 through 4.320, 4.400 through 4.440.20, Sections 4.600 through 4.640.20 and Section 4.700.

Other Planning Documents: Comprehensive Plan; Goal 1.1, Policy 1.1.1, Implementation Measure 1.1.1.e, Goal 2.1, Policy 2.1.1, Implementation Measures 2.1.1.b, 2.1.1.c, 2.1.1.d, 2.1.1.f, Policy 2.2.1, Implementation Measures 2.2.1.a, 2.2.1.b, 2.2.1.e, 2.2.2.e, 3.1.2.f, 3.1.10.a, 4.1.5.b, 4.1.6.a and 4.1.6.c, Policy 4.1.6, Implementation Measures 4.1.6.a, 4.1.6.b, 4.1.6.c, 4.1.6.d; Villebois Village Concept Plan; Residential-Village Designation. Transportation Systems Plan; Storm Water Master Plan; Villebois Village Master Plan; SAP-North (case file #DB07-0054) including: SAP-North Architectural Pattern Book, SAP-North Signage and Wayfinding Plan, SAP-North Community Elements Book, SAP-North Master Fencing Plan, SAP-North Rainwater Management Program.

Metro Code Sections 3.09.040

Metro Functional Plan Titles 1, 2, 3, 6 and 7

Statewide Planning Goals

Oregon Revised Statute 222.111, 222.120, 222.125, and 222.170

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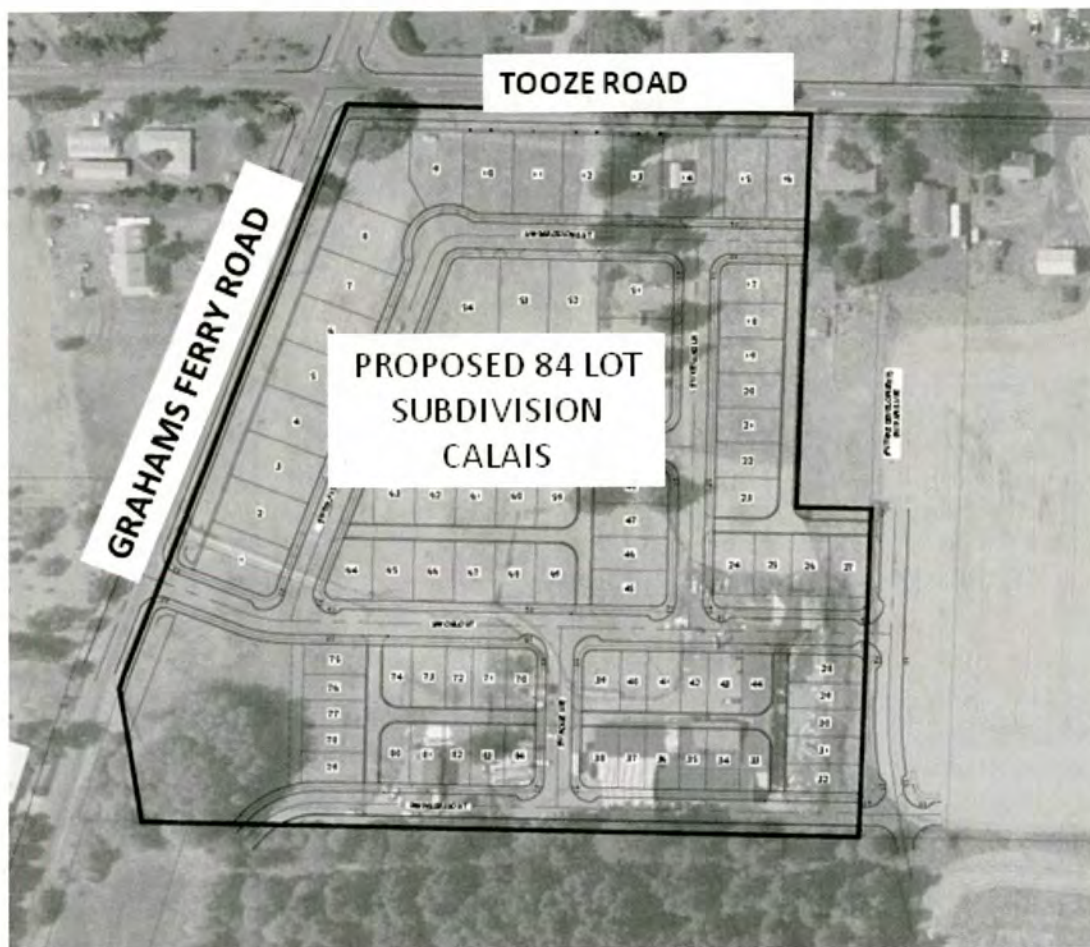
Any interested party may testify at the public hearing or submit written testimony at or prior to the hearing. **Written comments must be received at City Hall by May 1, 2014 to be included in the staff report.** Mail written statements to City Planning Division, 29799 SW Town Center Loop East, Wilsonville OR 97070. The procedures that govern the hearing will be stated at the meeting and are found in Chapter 2.560 of the Wilsonville Code and ORS 197.763.

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Inquiries pertaining to these hearings may be made to Daniel Pauly, AICP, Associate Planner at (503) 682-4960.

Vicinity Map: The project site is shown below



King, Sandy

From: MedMJ Dispensaries <medmj.dispensaries@state.or.us>
Sent: Tuesday, April 22, 2014 12:17 PM
To: King, Sandy
Subject: Oregon Medical Marijuana Dispensary Program

Thank you for your interest in the Oregon Medical Marijuana Dispensary Program.

Please watch our website, mmj.oregon.gov, for updates. At this time we cannot respond to requests for confirmation that an application has been successfully submitted. If your application was completed, you should have received two confirmation emails: one from OHA confirming successful application submission, and one confirming successful payment. If you did not receive those two emails, your application is incomplete and you need to reapply.

Your questions will be answered as soon as possible by our staff; please be patient as we have a high volume of inquiries.

Thank you,

Medical Marijuana Dispensary Staff

ORDINANCE NO. 743

AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 15.16 ACRES OF LAND LOCATED SOUTHEAST OF THE INTERSECTION OF SW GRAHAMS FERRY ROAD AND SW TOOZE ROAD INTO THE CITY LIMITS OF THE CITY OF WILSONVILLE, OREGON; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOTS 1200, 1202, AND 1205 OF SECTION 15 T3S-R1W, CLACKAMAS COUNTY, OREGON, POLYGON NORTHWEST COMPANY, APPLICANT.

WHEREAS, consistent with ORS 222.111 (2) a proposal for annexation was initiated by petition by owners of real property in the territory to be annexed as set forth in Attachments 1-3, attached hereto and incorporated by reference herein;

WHEREAS, written consent has been obtained from all owners of land and electors in the territory proposed to be annexed; and

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

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

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

WHEREAS, Panel A of the Development Review Board considered the annexation and after a duly advertised public hearing held on May 12, 2014 recommended City Council approve the annexation; and

WHEREAS, on June 2, 2014, the City Council held a public hearing as required by Metro Code 3.09.050; and

WHEREAS, reports were prepared and considered as required by law; and because the annexation is not contested by any party, the City Council chooses not to submit the matter to the voters and does hereby favor the annexation of the subject tract of land based on findings, conclusions and conditions marked Attachments 4 and 5 and incorporated by

reference herein and Development Review Board's recommendation to City Council marked Attachment 6, attached hereto and incorporated by reference herein; and

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

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

Section 1. Based upon the above recitals, incorporated herein, the tract of land, described in Attachment 1 and depicted on the attached map (Attachment 2), is declared annexed to the City of Wilsonville.

Section 2. The findings, conclusions and conditions incorporated in Attachment 4 and 5 are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 2nd day of June 2014, and scheduled the second reading on June 16, 2014 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 Town Center Loop East, Wilsonville, OR.

Sandra C. King, MMC, City Recorder

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

Sandra C. King, MMC, City Recorder

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

TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp -

Council President Starr -

Councilor Goddard -

Councilor Fitzgerald -

Councilor Stevens -

Attachments:

Attachment 1 Legal Description of Land/Territory to be Annexed

Attachment 2 Map/Sketch of Legal Description of Land/Territory to be Annexed

Attachment 3 Signatures of Owners of Land and Electors within Territory to be
Annexed

Attachment 4 Annexation Findings, June 2, 2014

Attachment 5 Compliance Report Submitted with Petition

Attachment 6 Development Review Board Panel 'A' Resolution 277 Recommending
Approval of Annexation



EXHIBIT "A"

January 20, 2014

LEGAL DESCRIPTION

Job No. 395-027

The land described in Document No. 2007-047567 and Document No. 73-30403, Clackamas County Deed Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

COMMENCING at the Northeast corner of Tract "DD" of plat of "Tonquin Woods at Villebois No. 4";

thence along the northerly plat line of said plat, North 88°34'09" West, a distance of 37.22 feet to the POINT OF BEGINNING;

thence continuing along said northerly plat line, North 88°34'09" West, a distance of 862.08 feet to the Southeast corner of the property described in Document No. 2000-050326;

thence along the northeasterly line of said property, North 09°12'39" West, a distance of 166.59 feet to a point on the easterly right-of-way line of SW Grahams Ferry Road;

thence along said easterly right-of-way line, North 17°14'42" East, a distance of 15.88 feet to an angle point;

thence continuing along said easterly right-of-way line, North 21°00'47" East, a distance of 753.50 feet to a point on the southerly right-of-way line of SW Tooze Road;

thence along said southerly right-of-way line, South 88°34'09" East, a distance of 558.80 feet to the Northwest corner of the property described in Document No. 73-30518;

thence along the westerly line of said property, South 02°14'46" West, a distance of 483.82 feet to the Southwest property corner of said property;

thence along the southerly line of said property, South 88°22'03" East, a distance of 89.82 feet to a point on the westerly line of Parcel 2, Partition Plat No. 1994-182;

thence along said westerly parcel line, South 02°14'46" West, a distance of 404.88 feet to the POINT OF BEGINNING.

Containing 15.164 acres, more or less.

Basis of bearings being the plat of "Tonquin Woods at Villebois No. 4", Clackamas County Plat Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2015

N:\proj\395-027\09 Drawings\06 Survey\Legals\395027 Rumpf Zone Change.dwg - SHEET: Legal Desc Jan. 20, 14 - 2:42 PM tcj

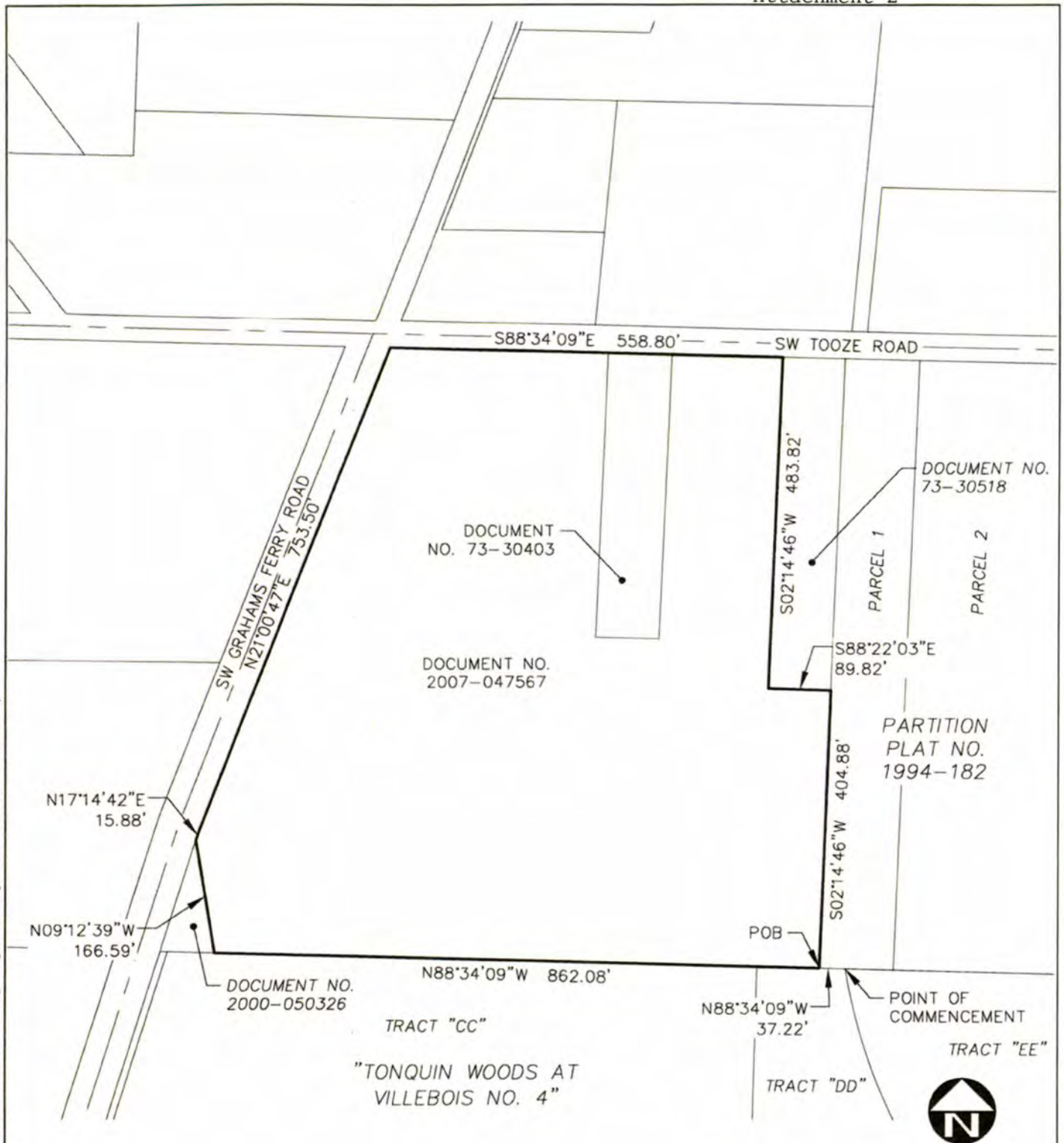


EXHIBIT "A"

DRAWN BY: CLL DATE: 1/20/14
 REVIEWED BY: TCJ DATE: 1/20/14
 PROJECT NO.: 395-027
 SCALE: 1"=200'
 PAGE 2 OF 2



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

PETITION SIGNERS

NOTE: This petition may be signed by qualified persons even though they may not know their property description or precinct number.

[illegible]

* PO =Property Owner
RV =Registered Voter
OV =Owner And Registered Voter

Ordinance No. 743 Attachment 4
STAFF REPORT
WILSONVILLE PLANNING DIVISION

Polygon Northwest Company
"Calais at Villebois"
Annexation

CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING

HEARING DATE June 2, 2014

DATE OF REPORT May 23, 2014

APPLICATION NOS.: DB14-0009 Annexation

REQUEST/SUMMARY: The City Council is being asked to review annexation of land that will be developed as a 84-lot residential subdivision, and associated parks and open space and other improvements.

LOCATION: Southeast corner of SW Grahams Ferry Road and SW Tooze Road. The properties are specifically known as Tax Lots 1200, 1202, and 1205, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

PROPERTY OWNERS: Wayne Rembold, Rembold Co., and Charles & Carolyn Taber

APPLICANT: Fred Gast, Polygon NW Company

APPLICANT'S REP.: Stacy Connery AICP, Pacific Community Design, Inc.

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

STAFF REVIEWERS: Daniel Pauly AICP, Associate Planner

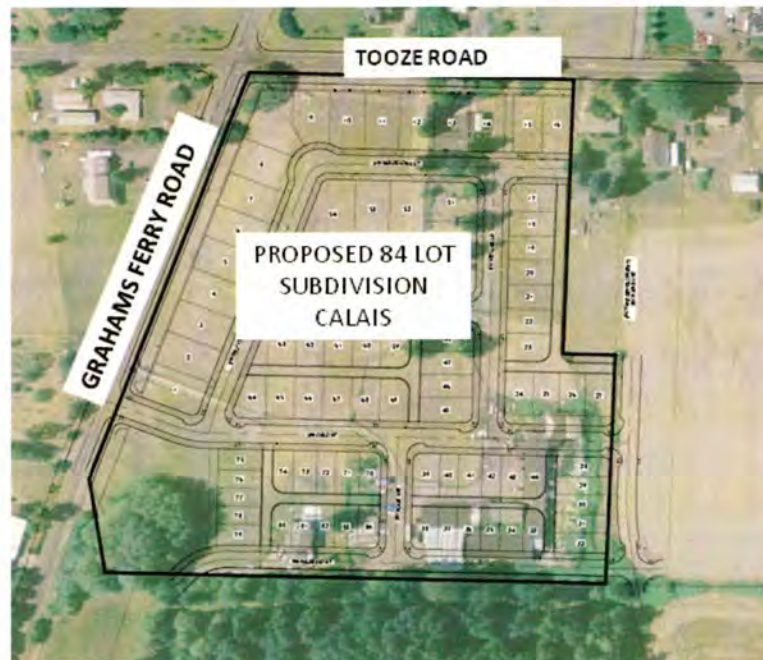
DRB RECOMMENDATIONS: Annex the land as requested

APPLICABLE REVIEW CRITERIA

<u>DEVELOPMENT CODE</u>	
Section 4.700	Annexation
<u>OTHER CITY PLANNING DOCUMENTS</u>	
Comprehensive Plan	
<u>REGIONAL AND STATE PLANNING DOCUMENTS</u>	
Metro Code Chapter 3.09	Local Government Boundary Changes
Metro Function Plan Titles 1,2,3,6 and 7	
ORS 222.111	Authority and Procedures for Annexation

ORS 222.120	Procedure without Election by City Electors
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 22.170	Effect of Consent to Annexation by Territory
Statewide Planning Goals	

Vicinity Map



BACKGROUND/SUMMARY:

Annexation (DB14-0009)

Of the land covered by the Villebois Village Master Plan only the properties just south of Tooze Road between Grahams Ferry Road and 110th Avenue remain outside the City. The City's Comprehensive Plan already designates these properties as "Residential-Village" in anticipation of annexation concurrent with other applications to develop the property. The requested annexation brings the properties near the corner of Tooze Road and Grahams Ferry Road into the City concurrent with a request to develop the property. As all owners of property and all electors within the area being annexed have consented in writing to annexation the City is able to process the request through the DRB and City Council as defined in the Development Code without any election.

CONCLUSION AND CONDITIONS OF APPROVAL:

Staff and the DRB have reviewed the applicant's analysis of compliance with the applicable criteria. This Staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings.

FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on January 31, 2014. On February 28, 2014, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on March 31, 2014, the Applicant submitted new materials. On April 22, 2014 the application was deemed complete. The City must render a final decision for the request, including any appeals, by August 20, 2014
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	Clackamas County RRFF5	Tooze Road/ Rural Residential
East:	Clackamas Coun RRFF5	Vacant
South:	V	Open Space
West:	Clackamas County RRFF5	Grahams Ferry Road/ Rural Residential

3. Prior land use actions include:

Legislative:

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

Quasi Judicial:

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

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

CONCLUSIONARY FINDINGS, REQUEST C: DB14-0009 ANNEXATION

The applicant's findings in Section IIA of their PDP notebook, Exhibit B3, respond to the majority of the applicable criteria.

Comprehensive Plan

Annexation and Boundary Changes

Implementation Measure 2.2.1.a.

1. **Review Criteria:** "Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth."
Finding: These criteria are satisfied.
Explanation of Finding: As further explained by the applicant on page 2 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) the required consistency is fulfilled by being consistent with the Villebois Village Master Plan.

Implementation Measure 2.2.1.e.

2. **Review Criteria:** "Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:" Listed 1 through 5.
Finding: These criteria are satisfied.
Explanation of Finding: As further explained by the applicant on page 3 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) the requirements are fulfilled by being consistent with the Villebois Village Master Plan or by compliance with state and regional policies as found elsewhere the findings supporting this request.

Compact Urban Development Implementation Measures

Implementation Measure 4.1.6.a. and c.

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

"The "Village" Zone District shall be applied in all areas that carry the Residential – Village Plan Map Designation."
Finding: These criteria are satisfied.
Explanation of Finding: The subject site is included in the "Residential-Village" Comprehensive Plan Map Designation (Area B). This Implementation Measure establishes precedence for the "Village" Zone to be applied to the subject property area. An application for a Zone Map Amendment to apply the V Zone to the site has been included

with a concurrent Preliminary Development Plan application for Phase 3 of SAP North. The site must be brought into City limits before the V zone can be applied.

Development Code

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

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

Section 4.700 Annexation

5. **Review Criteria:** This section defines the criteria and process for annexation review within the City. The full text of the criteria is on pages 5-6 of the applicant's narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4).
Finding: These criteria are satisfied.
Explanation of Finding: As further explained by the applicant on page 6 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) the request is within the UGB, contiguous with current City boundaries, and is in compliance with state, regional, and local policies as found elsewhere the findings supporting this request.

Metro Code

Chapter 3.09 Local Government Boundary Changes

6. **Review Criteria:** This chapter establishes hearing, notice, and decision requirements as well as review criteria for local government boundary changes in the Metro region. The full text of the criteria is on pages 7-10 of the applicant's narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4).
Finding: These criteria are satisfied.
Explanation of Finding: As further explained by the applicant on pages 7-10 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) the request is within the UGB, meets the definition of a minor boundary change, satisfies the requirements for boundary change petitions, is consistent with the Comprehensive Plan, Villebois Village Concept Plan, and Villebois Village Master Plan.

Oregon Revised Statutes

ORS 222.111 Authority and Procedure for Annexation

7. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon. The full text of the criteria is on pages 10-11 of the applicant's narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4).

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on pages 10-11 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) the applicable requirements in state statute are met including the facts that subject property is within the UGB, is contiguous to the City, the request has been initiated by the property owners of the land being annexed, and all property owners and 100% of electors within the annexed area have provided their consent in writing.

ORS 222.120 Procedure Without Election by City Electors

8. **Review Criteria:** ORS 222.111 establishes the authority and procedures for annexation by City's within the state of Oregon. The full text of the criteria is on pages 11-12 of the applicant's narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4).

Finding: These criteria are satisfied.

Explanation of Finding: As further explained by the applicant on pages 13 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4) there is no City charter requirement for election for annexation, a public hearing process is being followed as defined in the Development Code, and the applicable requirements in state statute are met including the facts that all property owners and 100% of electors within the annexed area have provided their consent in writing.

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

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

Finding: These criteria are satisfied.

Explanation of Finding: All property owners and 100% of electors within the annexed area have provided their consent in writing. However, a public hearing process is being followed as prescribed in the City's Development Code concurrent with a Zone Map Amendment request and other quasi-judicial land use applications.

Oregon Statewide Planning Goals

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

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

Finding: These criteria are satisfied.

Explanation of Finding: The area requested to be annexed will be developed consistent with the City's Comprehensive Plan and the Villebois Village Master Plan, both which have been found to meet the statewide planning goals. The applicant has provided additional findings related to statewide planning goals on pages 13-14 of their narrative and supporting compliance report for their petition for annexation (Ordinance No. 743, Attachment 4).

**SUPPORTING COMPLIANCE REPORT
ANNEXATION TO CITY OF WILSONVILLE**

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I. CITY OF WILSONVILLE COMPREHENSIVE PLAN

URBAN GROWTH MANAGEMENT - IMPLEMENTATION MEASURES

IMPLEMENTATION MEASURE 2.2.1.A.

Allow annexation when it is consistent with future planned public services and when a need is clearly demonstrated for immediate urban growth.

Response: The Comprehensive Plan states:

- *Figures provided by Metro in 1996 indicated that Wilsonville had more than three jobs for each housing unit within the City.*
- *Based on Metro's (1981) regional growth allocation statistics, Wilsonville's population was projected to grow to 15,600 by the year 2000. In the same time period, the City's economic growth was expected to generate a total of 14,400 jobs. Those projections proved to be surprisingly accurate. In fact, Wilsonville's population in 2000 approached the 15,600 figure, and the number of jobs exceeded the 14,400 figure.*

The *Villebois Village Master Plan* was created and approved to address the jobs-housing imbalance and population growth within the City of Wilsonville. The *Master Plan* shows single family residential land uses within the subject site. Therefore, as a portion of Villebois Village, the subject site addresses a demonstrated need for urban growth.

The Villebois Parks & Open Space Plan ensures adequate parks and open space opportunities, which include a range of experiences for residents and visitors. Chapter 4 of the *Villebois Village Master Plan* evaluates compliance of the planned sanitary sewer, storm drainage, and water systems with the City's Wastewater Collections System Master Plan, Stormwater Master Plan, and Water System Master Plan. Chapter 5 of the *Master Plan* analyzes compliance of the Villebois circulation system with the City's Transportation Systems Plan. The *Master Plan* includes implementation measures to ensure compliance with the City's public facility master plans and Transportation Systems Plan. Concurrent applications for a SAP North Amendment and for PDP 3N have been submitted. PDP 3N (see Notebook Section III) includes a *Preliminary Utility Plan* and *Circulation Plan*. PDP 3 North is consistent with the concurrent SAP North Amendment, as further described in the PDP 3N Compliance Report (see Notebook Section IIIB), and is therefore, generally consistent with the *Master Plan*. Therefore, the proposed annexation is generally consistent with future planned public services and the capacity of public facilities.

IMPLEMENTATION MEASURE 2.2.1.E

Changes in the City boundary will require adherence to the annexation procedures prescribed by State law and Metro standards. Amendments to the City limits shall be based on consideration of:

1. Orderly, economic provision of public facilities and services, i.e., primary urban services are available and adequate to serve additional

development or improvements are scheduled through the City's approved Capital Improvements Plan.

Response: The *Villebois Village Master Plan* set forth implementation measures to ensure the orderly and economic provision of public facilities and services for this area. Site development is proposed with a concurrent application for Preliminary Development Plan for Phase 3 of SAP - North (see Notebook Section III). Public facilities and services proposed with PDP 3 North are generally consistent with the *Villebois Village Master Plan* and the City's Finance Plan and Capital Improvements Plan. Therefore, adequate public facilities and services will be available within the subject area.

2. Availability of sufficient land for the various uses to insure choices in the marketplace for a 3 to 5 year period.

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

3. Statewide Planning Goals.

Response: Compliance with Statewide Planning Goals is addressed in Section V of this report.

4. Applicable Metro Plans;

Response: Compliance with Metro Code 3.09 is addressed in Section III of this report.

5. Encouragement of development within the City limits before conversion of urbanizable (UGB) areas.

Response: The site is located within the UGB, but is not currently within city limits. Annexation of the site is necessary to allow build out consistent with the *Villebois Village Master Plan*.

COMPACT URBAN DEVELOPMENT - IMPLEMENTATION MEASURES

IMPLEMENTATION MEASURE 4.1.6.A

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

IMPLEMENTATION MEASURE 4.1.6.C

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

Response: The subject site is included in the "Residential-Village" Comprehensive Plan Map Designation (Area B). This Implementation Measure establishes precedence for the "Village" Zone to be applied to the subject property area. An application for a Zone Map Amendment to apply the V Zone to the site has been included with a concurrent Preliminary Development Plan application for Phase 3 of SAP - North. The site must be brought into City limits before the V zone can be applied.

II. CITY OF WILSONVILLE LAND DEVELOPMENT ORDINANCE

SECTION 4.008 APPLICATION PROCEDURES - IN GENERAL

(.01) The general application procedures listed in Section 4.008 through 4.024 apply to all land use and development applications governed by Chapter 4 of the Wilsonville Code. These include applications for all of the following types of land use or development approvals:

K. Annexations, pursuant to Section 4.700

Response: The proposed land use action is an annexation. Compliance with Section 4.700 and other applicable sections of the City of Wilsonville Land Development Ordinance are addressed below.

SECTION 4.030 JURISDICTION AND POWERS OF PLANNING DIRECTOR AND COMMUNITY DEVELOPMENT DIRECTOR

(.01) Authority of Planning Director. The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority as follows:

11. Determination, based upon consultation with the City Attorney, whether a given development application is quasi-judicial or legislative. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the nature of the application, choose to process such determinations through the Class II procedures below.

Response: Daniel Pauly, Associate Planner, indicated during a phone conversation on September 26, 2013 that the proposed annexation is subject to a quasi-judicial process.

SECTION 4.031 AUTHORITY OF THE DEVELOPMENT REVIEW BOARD

(.01) As specified in Chapter 2 of the Wilsonville Code and except as specified herein, the Board shall have authority to act on the following types of applications:

K. Initial review of requests for quasi-judicial annexations to the City of Wilsonville.

(.02) Once an application is determined or deemed to be complete pursuant to Section 4.011, it shall be scheduled for public hearing before the Development Review Board. The City shall provide public notice of the hearing as specified in Section 4.012.

Response: The proposed annexation is subject to a quasi-judicial process. Therefore, it is subject to initial review before the Development Review Board.

SECTION 4.033 AUTHORITY OF CITY COUNCIL

(.01) Upon appeal, the City Council shall have final authority to act on all applications filed pursuant to Chapter 4 of the Wilsonville Code, with the exception of applications for expedited land divisions, as specified in Section 4.232. Additionally, the Council shall have final authority to interpret and enforce the procedures and standards set forth in this Chapter and shall have final decision-making authority on the following:

F. Review of requests for annexations to the City of Wilsonville.

Response: The Applicant understands that the City Council has the final authority to act on this request for annexation to the City of Wilsonville.

SECTION 4.700 PROCEDURES RELATING TO THE PROCESSING OF REQUESTS FOR ANNEXATION AND URBAN GROWTH BOUNDARY AMENDMENTS

(.01) The City of Wilsonville is located within the Portland Metropolitan Area, and is therefore subject to regional government requirements affecting changes to the city limits and changes to the Urban Growth Boundary (UGB) around Wilsonville. The City has the authority to annex properties as prescribed in State law, but the City's role in determining the UGB is primarily advisory to Metro, as provided in Oregon Revised Statutes. The following procedures will be used to aid the City Council in formulating recommendations to those regional entities. [Amended by Ordinance No. 538, 2/21/02.]

- A. Proponents of such changes shall provide the Planning Director with all necessary maps and written information to allow for review by city decision-makers. The Planning Director, after consultation with the City Attorney, will determine whether each given request is quasi-judicial or legislative in nature and will make the necessary arrangements for review based upon that determination.
- B. Written information submitted with each request shall include an analysis of the relationship between the proposal and the City's Comprehensive Plan, applicable statutes, as well as the Statewide Planning Goals and any officially adopted regional plan that may be applicable.
- C. The Planning Director shall review the information submitted by the proponents and will prepare a written report for the review of the City Council and the Planning Commission or Development Review Board. If the Director determines that the information submitted by the proponents does not adequately support the request, this shall be stated in the Director's staff report.
- D. If the Development Review Board, Planning Commission, or City Council determine that the information submitted by the proponents does not adequately support the request, the City Council may oppose the request to the regional entity having the final decision making authority.

- (.02) Each quasi-judicial request shall be reviewed by the Development Review Board, which shall make a recommendation to the City Council after concluding a public hearing on the proposal.
- (.03) Each legislative request shall be reviewed by the Planning Commission, which shall make a recommendation to the City Council after concluding a public hearing on the proposal.
- (.04) The City Council shall consider the information in the record of the Development Review Board or Planning Commission and shall, after concluding a public hearing on the request, determine the appropriate course of action. This course of action may be:
 - A. In the case of a proposed annexation to the City, select from the following as allowed by State law (ORS 222):
 - 1. Take no action;
 - 2. Declare the subject property, or some portion thereof, to be annexed;
 - 3. Set the matter for election of the voters residing within the affected territory; or
 - 4. Set the matter for election of City voters.
- (.05) The City Council may adopt a development agreement with owners of property that is proposed for annexation to the City, and such agreement may include an agreement to annex at a future date. A development agreement with an agreement to annex shall be subject to the same procedural requirement as other annexations in terms of staff report preparation, public review, and public hearings.

RESPONSE: The Applicant requests annexation of areas within the City's UGB. Annexation of contiguous property within the UGB is within the authority of the City of Wilsonville as prescribed by State Law. The proposed annexation is consistent with the Comprehensive Plan as the subject site has a Comprehensive Plan designation of Residential - Village and as demonstrated in Section I of this report. Additionally, the site is included in the *Villebois Village Master Plan*.

This report provides a written description of the request and demonstrates compliance with applicable criteria. The attached exhibits include a legal description and sketch, which depict the proposed annexation area. This report includes analysis demonstrating compliance with the City's Comprehensive Plan (Section I), City of Wilsonville Development Code (Section II), Metro Code Chapter 3.09 (Section III), ORS 222 (Section IV), and Statewide Planning Goals (Section V), as applicable to this request. City staff has determined that the proposed annexation is subject to a quasi-judicial review process. Therefore, it is subject to a public hearing before the DRB and City Council.

III. METRO CODE

CHAPTER 3.09 LOCAL GOVERNMENT BOUNDARY CHANGES

3.09.020 DEFINITIONS

- I. "Minor boundary change" means an annexation or withdrawal of territory to or from a city or district or from a county to a city. "Minor boundary change" also means an extra-territorial extension of water or sewer service by a city or a district. "Minor boundary change" does not mean withdrawal of territory from a district under ORS 222.520.

Response: Annexation is requested from territory within Clackamas County to the City of Wilsonville. Therefore, the proposed annexation is defined as a "minor boundary change" and Metro Code Chapter 3.09 applies to this request.

3.09.040 REQUIREMENTS FOR PETITIONS

- A. A petition for a boundary change must contain the following information:
 1. The jurisdiction of the reviewing entity to act on the petition;
 2. A map and legal description of the affected territory in the form prescribed by the reviewing entity;
 3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and
 4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.
- B. A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

Response: This application serves as the petition for a boundary change of city limits and requests approval by the City of Wilsonville. A legal description and sketch is attached in Notebook Section IIC. Notebook Section IIB includes property ownership and elector information, including names and mailing addresses. A copy of the signed petition (see Notebook Section IIB) demonstrates that all property owners and all of the electors within the territory proposed to be annexed have provided their consent in writing. Compliance with ORS 222.125 is addressed in Section IV of this report. In addition, a copy of the check for City annexation fee plus the Metro annexation fee is provided in Notebook Section IC.

3.09.050 HEARING AND DECISION REQUIREMENTS FOR DECISIONS OTHER THAN EXPEDITED DECISIONS

- A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.

- B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria identified in subsection (D) and includes the following information:
 - 1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;
 - 2. Whether the proposed boundary change will result from the withdrawal of the affected territory from the legal boundary of any necessary party;
 - 3. The proposed effective date of the boundary change.
- B. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.
- C. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of Section 3.09.045.

Response: This report includes analysis demonstrating compliance with the City's Comprehensive Plan (Section I), City of Wilsonville Development Code (Section II), Metro Code Chapter 3.09 (Section III), ORS 222 (Section IV), and Statewide Planning Goals (Section V), as applicable to this request. Compliance with subsections (D) and (E) of Section 3.09.045 is addressed below.

3.09.045 EXPEDITED DECISIONS

- A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.

Response: The proposed annexation is subject to a quasi-judicial process, per phone conversation with Daniel Pauly on September 26, 2013. Quasi-judicial annexation applications are subject to public hearing before the Development Review Board and City Council. Therefore, an expedited decision is not applicable to this request. However, in accordance with Metro Code 3.09.050(C), the criteria and factors set forth in subsections (D) and (E) are applicable. Pursuant to Section 3.09.050(C), compliance with subsections (D) and (E) of Section 3.09.045 is addressed below.

- D. To approve a boundary change through an expedited process, the city shall:
 - 1. Find that the change is consistent with expressly applicable provisions in:
 - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;
 - b. Any applicable annexation plan adopted pursuant to ORS 195.205;

- c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

Response: There is not an applicable urban service agreement adopted pursuant to ORS 195.065, annexation plan adopted pursuant to ORS 195.205, or cooperative planning agreement adopted pursuant to 195.020(2).

- d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

Response: The *Villebois Village Master Plan* includes implementation measures to ensure compliance with the City's public facility master plans and the Transportation Systems Plan. Site development is proposed with a concurrent application for Preliminary Development Plan for Phase 3 of SAP - North (see Notebook Section III). Therefore, future development of the subject site will comply with public facility plans as applicable.

- e. Any applicable comprehensive plan;

Response: Compliance with the City's Comprehensive Plan is addressed in Section I of this report.

- f. Any applicable concept plan; and

The Villebois Village plan area, including the subject site, is designated as "Residential - Village" on the Comprehensive Plan Map. The V Zone District is applied to Residential - Village areas in implementation of the *Villebois Village Master Plan*. The proposed annexation is required before the V Zone can be applied to the site and prior to site development. A Zone Change application is submitted concurrently in Notebook Section V. An application for PDP 3 North is submitted concurrently (see Notebook Section III) and is consistent with the concurrent SAP North Amendment. Therefore, the proposed annexation is consistent with the *Master Plan*.

2. Consider whether a boundary change would:

- a. Promote the timely, orderly and economic provision of public facilities and services;
- b. Affect the quality and quantity of urban services; and
- c. Eliminate or avoid unnecessary duplication of facilities or services.

Response: The *Villebois Village Master Plan* includes implementation measures that require the provision of public facilities and services to be adequate, timely, orderly, economic, and not be unnecessarily duplicated. Currently, Specific Area Plan - North provides public services, including: transportation, rainwater management; water; sanitary sewer; fire and police services; recreation, parks and open spaces; education; and transit. Site development is proposed with a concurrent application for Preliminary Development Plan for Phase 3 of SAP - North (see Notebook Section III). Public facilities and services proposed with PDP 3 North are generally consistent with the *Villebois Village Master Plan*, the concurrent SAP - North Amendment, and the City's Finance Plan and Capital Improvements Plan. Therefore, the boundary change will comply with these standards.

- E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

Response: The subject site is territory located within the UGB. Therefore, the city may annex the territory in accordance with this Section.

IV. OREGON REVISED STATUTES

ORS 222.111 AUTHORITY AND PROCEDURE FOR ANNEXATION

- (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 (Authority and procedure for annexation) to 222.180 (Effective date of annexation) or 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915), the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

Response: The area of proposed annexation is within the UGB and is contiguous to the city. The subject property is entirely within Clackamas County. Therefore, the proposed city boundary includes territories that may be annexed per ORS 222.111.

- (2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

Response: This proposal for annexation of territory to the City of Wilsonville has been initiated by owners of real property within the territory to be annexed. A copy of the application signed by property owners is provided in Notebook Section IB.

- (3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year.

Response: This standard is not applicable. During the pre-application conference or subsequent correspondence regarding this application, City staff has not indicated whether the provisions of this section apply to the proposed annexation.

- (4) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district), the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation. However, if the affected district is a district named in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district), the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district).

Response: The subject properties are not located within a domestic water supply district, water control district, or sanitary district, as named in ORS 222.510. Therefore, this Section does not apply.

- (5) The legislative body of the city shall submit, except when not required under ORS 222.120 (Procedure without election by city electors), 222.170 (Effect of consent to annexation by territory) and 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915) to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 (Procedure without election by city electors) or 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915) to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

Response: The proposed annexation is not subject to an election by electors as all owners of land and 100% of the electors within the territory proposed to be annexed have provided their consent in writing. A copy of the signed petition is provided in Notebook Section IIB. A copy of the application, signed by property owners, is provided in Notebook Section IB. Compliance with ORS 222.120 is addressed below.

ORS 222.120 PROCEDURE WITHOUT ELECTION BY CITY ELECTORS

- (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.
- (2) When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.
- (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall

cause notices of the hearing to be posted in four public places in the city for a like period.

- (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:
 - a. Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory is in favor of annexation;
 - b. Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 (Annexation by consent of all owners of land and majority of electors) or 222.170 (Effect of consent to annexation by territory), prior to the public hearing held under subsection (2) of this section; or
 - c. Declare that the territory is annexed to the city where the Oregon Health Authority, prior to the public hearing held under subsection (1) of this section, has issued a finding that a danger to public health exists because of conditions within the territory as provided by ORS 222.840 (Short title) to 222.915 (Application of ORS 222.840 to 222.915).
- (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district), the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance. However, if the affected district is a district named in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district), the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465 (Effective date of withdrawal from domestic water supply district, water control district or sanitary district).
- (6) The ordinance referred to in subsection (4) of this section is subject to referendum.
- (7) For the purpose of this section, ORS 222.125 (Annexation by consent of all owners of land and majority of electors) and 222.170 (Effect of consent to annexation by territory), owner or landowner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcels land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

Response: City Charter does not require an election for this request. Per Section 4.700 and correspondence with Planning Staff, the proposed annexation is subject to

a Class III quasi-judicial review process, which requires a public hearing before the DRB and public hearing(s) before the City Council.

As demonstrated below, this annexation request is submitted in compliance with ORS 222.125 (Annexation by consent of all owners of land and majority of electors). All owners of the land as well as 100% of the electors within the subject area have provided their consent in writing, as demonstrated by the attached petition (see Notebook Section IIB).

A legal description and sketch of the proposed annexation area is provided in Notebook Section IIC.

The territory proposed to be annexed to the City is not located within a sanitary district or water control or water supply district as named in ORS 222.465. Additionally, the site is not located within a part less than the entire area of a district named in ORS 222.510 (Annexation of entire district). Future development of the site will have access to City water, storm, sewer, and parks services. Therefore, ORS 222.465 and ORS 222.510 are not applicable.

ORS 222.125 ANNEXATION BY CONSENT OF ALL OWNERS OF LAND AND MAJORITY OF ELECTORS

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

Response: All owners of the land, who are also 100% of the electors within the subject area, have provided their consent in writing, as demonstrated by the attached petition (see Notebook Section IIB). A copy of a legal description and sketch for the proposed annexation is provided in Notebook Section IIC.

V. OREGON STATEWIDE PLANNING GOALS

Goal 1: Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Response: The City of Wilsonville has an established public notice and hearing process for quasi-judicial applications. Once this annexation request is accepted as complete, the City will begin this public notification and citizen involvement process. Therefore, this request is consistent with Goal 1.

Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

Response: The City of Wilsonville is currently in compliance with Goal 2 because it has an acknowledged Comprehensive Plan and regulations implementing that plan. Section III of this report demonstrates that the proposed amendment is in compliance with the goals and policies of the City of Wilsonville Comprehensive Plan, as applicable to the proposed annexation.

Goal 3: Agricultural Lands

To preserve and maintain agricultural lands.

Response: Agricultural land is defined in Goal 3 to exclude all land within an acknowledged urban growth boundary. The site is within an acknowledged urban growth boundary. Therefore, Goal 3 is not applicable to this request.

Goal 4: Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Response: The subject site does not include any lands acknowledged as forest lands. Therefore, Goal 4 is not applicable to this request.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

To protect natural resources and conserve scenic and historic areas and open spaces.

Response: The City of Wilsonville is already in compliance with Goal 5 as the required inventories and policy implementation occurred with adoption of the Significant Resource Overlay Zone. Villebois Village preserves SROZ areas with the provision of open space areas. In addition, development within Villebois Village is required to comply with SROZ standards. The concurrent application for PDP 3N (see Notebook Section III) demonstrates general compliance with the *Master Plan* and compliance with SROZ standards. Therefore, the proposed annexation is consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 6. Development within Villebois protects water and land resources by providing protection for areas of steep slopes and natural resources and by not encroaching into these areas. The concurrent application for PDP 3N (see Notebook Section III) demonstrates general compliance with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 6.

Goal 7: Areas Subject to Natural Hazards

To protect people and property from natural hazards.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 7. No development is located in areas identified as natural hazards within the subject site. Goal 7 is not applicable as no areas subject to natural hazards are included in the proposed annexation area.

Goal 8: Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Response: The City's Comprehensive Plan has been acknowledged to be in compliance with Goal 8. The Destination Resort provisions of this Goal are not applicable to this request or to the City of Wilsonville. The *Villebois Village Master Plan* provides park and open spaces that total approximately 25% of the gross area of Villebois. The concurrent application for PDP 3N (see Notebook Section III) demonstrates general compliance with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 8.

Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 9. Villebois Village was planned with land uses to be a complete community, including a mixed-use Village Center with residential, office, retail and/or employment uses, surrounded by at least 2,300 residential units. The concurrent application for PDP 3N (see Notebook Section III) demonstrates the provision of a mix of single-family residential dwellings within the subject site, which is generally consistent with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 5.

Goal 10: Housing

To provide for the housing needs of citizens of the state.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 10. The City is currently conducting a Housing Needs Analysis to meet Goal 10 Periodic Review requirements and to project housing needs over the next 20 years.

The *Villebois Village Master Plan* was created and approved to address the jobs-housing imbalance and growth within the City of Wilsonville. The *Master Plan* shows single family residential land uses within the site. The concurrent application for PDP 3N (see Notebook Section III) demonstrates the provision of a mix of single-family residential dwellings within the subject site that is generally consistent with the *Master Plan*. The proposed annexation will allow the site to develop with residential land uses, as directed by this Comprehensive Plan and land use policies. Therefore, this petition for annexation is consistent with Goal 10.

Goal 11: Public Facilities and Services

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 11. The *Villebois Village Master Plan* includes implementation measures to ensure site development complies with the City's Wastewater Collections System Master Plan, Stormwater Master Plan, Water System Master Plan, and Transportation Systems Plan. The concurrent application for PDP 3N (see Notebook Section III) demonstrates general compliance with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 11.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 12. The *Villebois Village Master Plan* includes implementation measures related to transportation to ensure compliance with the City's Transportation Systems Plan. The concurrent application for PDP 3N (see Notebook Section III) demonstrates general compliance with the *Master Plan*. Therefore, the proposed annexation is consistent with Goal 12.

Goal 13: Energy Conservation

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 13. The concurrent application for PDP 3N (see Notebook Section III) demonstrates general compliance with the *Master Plan* and development standards as applicable to energy conservation. Therefore, the proposed annexation is consistent with Goal 13.

Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Response: The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 14. Section III of this report demonstrates that the proposed amendments are consistent with the applicable urbanization policies of the City of Wilsonville Comprehensive Plan. Therefore, the proposed annexation is consistent with Goal 14.

Goal 15 (Willamette River Greenway) is not applicable to this request as the site is not near the Willamette River. Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), and Goal 18 (Beaches and Dunes) are not applicable to this request as the site is not located near the coast or any of these coastal resource areas.

VI. PROPOSAL SUMMARY & CONCLUSION

This Supporting Compliance Report demonstrates compliance with the applicable requirements of the City of Wilsonville Comprehensive Plan and Planning & Land Development Ordinance, Metro Code, ORS 222, and Statewide Planning Goals for the requested annexation. Therefore, the applicant requests approval of this petition.

DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 277

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO VILLAGE (V) AND ADOPTING FINDINGS AND CONDITIONS APPROVING AN AMENDMENT TO SAP-NORTH, PRELIMINARY DEVELOPMENT PLAN FOR SAP-NORTH PDP-3, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, FINAL DEVELOPMENT PLAN FOR LINEAR GREENS AND PARKS AND SRIR REVIEW FOR AN 84-LOT SINGLE FAMILY SUBDIVISION IN VILLEBOIS AND ASSOCIATED IMPROVEMENTS. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1200, 1202, 1205 AND 2995, OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. - REPRESENTATIVE FOR FRED GAST, POLYGON NW COMPANY- APPLICANT.

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated May 5, 2014, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on May 12, 2014, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated May 5, 2014, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to, as applicable, City Council approval of the Annexation and Zone Map Amendment Requests (DB14-0009 and DB14-0010) for:

DB14-00011, DB14-0013 through DB14-0016, and SI14-0003 Preliminary Development Plan, SAP Refinements, SAP Amendment, Tentative Subdivision Plat, Type C Tree Plan, Final Development Plan, and Significant Resource Impact Report for a 84-lot residential subdivision, and associated parks and open space and other improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 12th day of May, 2014 and filed with the Planning Administrative Assistant on May 15, 2014. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per WC Sec 4.022(.09) unless appealed per WC Sec 4.022(.02) or called up for review by the council in accordance with WC Sec 4.022(.03).


Mary Fierros Bower Chair, Panel A
Wilsonville Development Review Board

Attest:


Shelley White, Planning Administrative Assistant

RESOLUTION NO. 277

PAGE 1

King, Sandy

From: Neamtzu, Chris
Sent: Thursday, June 12, 2014 5:43 PM
To: Adams, Steve; Kraushaar, Nancy; Edmonds, Blaise; Kohlhoff, Mike; Cosgrove, Bryan
Cc: Pauly, Daniel
Subject: FW: Calais alternative
Attachments: MHA1405 Villebois PDP 3 North - Arborist Memo 6-10-14.pdf; 395027.Calais-Sequoia Tree Exhibits.2014-06-12.pdf

Daniel will prepare a cover memo to accompany this information, we can send it out to the Council tomorrow.

Chris Neamtzu, AICP

Planning Director
City of Wilsonville | Community Development Department
503-570-1574 | neamtzu@ci.wilsonville.or.us

From: Jim Lange [<mailto:jim@pacific-community.com>]
Sent: Thursday, June 12, 2014 4:57 PM
To: Neamtzu, Chris
Cc: Pauly, Daniel
Subject: Calais alternative

Chris,

Attached you will find a supplemental report addressing preservation of the sequoia tree in an island as was discussed at our recent city council hearing. Since that hearing, we measured one of the trees at the Hillsboro courthouse that is known to be at least 100 years old. Based on the size of that tree, we have designed an alternative that would allow the tree to remain. We then meet with city staff to confirm the geometric standards of the design, fire access requirements and utility separation requirements. We also had the project arborist visit the tree again to evaluate the viability of the design and to provide additional recommendations. The attached report and exhibits reflect the results of that effort.

The arborist concludes that our proposal would provide adequate protection for the tree and the tree would be expected to be sustainable following construction. She does note the roots will likely continue to grow beneath the street and there is potential for damage in the future, but not in a short time period.

Thanks for all your help on this,

Jim Lange
(503) 828-5055



DATE: June 10, 2014
TO: Jim Lange, Pacific Community Design
FROM: Morgan E. Holen, Consulting Arborist
RE: Villebois PDP 3 North (Calais) – Tree 10478

MHA1405

This memorandum supplements the January 30, 2014 arborist report for the Villebois Preliminary Development Plan (PDP) 3 North project located in Wilsonville, Oregon. Morgan Holen & Associates, LLC, was contracted by Polygon Northwest Company to coordinate with Pacific Community Design to provide arborist recommendations pertaining to a site plan alternative to protect tree 10478.

Tree 10478 is a giant sequoia (*Sequoiadendron giganteum*) measuring 61-inches in diameter with a 16-foot crown radius. This tree was classified in good condition during the January 28, 2014 tree inventory; however additional comments noted that the tree is in excellent condition with a long live crown and no major defects. In the January 30, 2014 arborist report, the tree was recommended for removal for the purposes of street construction.

Recommendations for Tree Protection

International Society of Arboriculture (ISA) Certified Arborist and Qualified Tree Risk Assessor Morgan Holen (PN-6145A) re-visited the site on June 9, 2014 to evaluate the tree in terms of potential construction impacts based on a proposed site plan alternative provided by Pacific Community Design and determine recommendations for tree protection. The enclosed site plan alternative includes a landscape island to preserve the tree in the center of the new street. Based on this proposal, recommendations for tree protection include:

- Prior to construction, prune the tree the minimum amount needed to provide for overhead clearance and help avoid crown damage. The lowest branches are at approximately 10-feet above ground level, but the branches droop downward to approximately 3-feet above ground level. Prune to remove low-lying branches to provide up to 10-feet of clearance. Pruning should be performed by a Qualified Tree Service
- Install chain link tree protection fencing at the limits of disturbance. Approximately 6-feet of encroachment beneath the dripline area is necessary north and south of the tree based on the proposed site plan. Protection fencing should be installed at the maximum distance feasible to allow the necessary construction and no closer than 10-feet from the center of the tree.
- Avoid excavation beneath the dripline of the tree. The uppermost organic matter may be removed from the ground surface beneath the dripline area under arborist supervision. Build up from existing grade using the modified profile provided as figure 1.

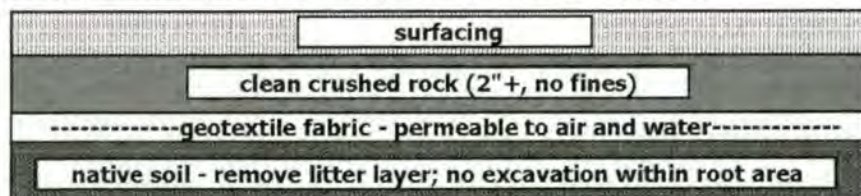


Figure 1. Sample profile for areas within Critical Root Zones. Depth of rock is dependent on grading. Technique based on best management practices.

This profile includes a layer of permeable geotextile fabric on the ground surface, topped with clean crushed rock for the street sub-base, and finished with asphalt surfacing. The new curb surrounding the island should be constructed using the same techniques to avoid excavation beneath the dripline area.

- Coordinate with the project arborist to monitor tree protection measures during construction beneath the protected tree dripline. Although the tree protection fencing will provide protection at the limits of disturbance, the entire dripline area is considered the critical root zone and special care is needed to minimize disturbance in this area. The project arborist can monitor and document tree protection measures during construction and provide on-the-ground assistance as needed. Do not use the area beneath the dripline for staging or storage of materials and equipment. The project arborist should also monitor utility trench excavation proposed just beyond the dripline of the tree to evaluate any roots that may be exposed and provide on-the-ground assistance with root pruning or preservation within the trench.

Discussion

Based on the proposed site plan alternative, some encroachment beneath the dripline is necessary, but adequate protection can be provided so long as curb and street construction occur at native grade. Considering the size of the landscape island and use of the modified profile, the tree is expected to be sustainable following construction. The tree roots are likely to continue to grow beneath the new infrastructure where air and water are available. As with any tree, particularly large trees, there is the potential for infrastructure damage in the future. Some future infrastructure damage caused by tree roots is possible and might include curb cracking, asphalt upheaval, and possible damage to the water line proposed at 3-foot depth. However, infrastructure damage is not anticipated in a short time period.

This tree is approximately 39 years old. Based on review of historic aerial photographs and discussion with the current property owner, Mr. Taber, the tree was planted in approximately 1975. At 61-inches in diameter, this tree has grown approximately 1.5-inches in diameter per year.

The Giant Sequoia Heritage Trees located at the Hillsboro Courthouse were planted in 1880 and are approximately 126-inches in diameter. These trees are approximately 134 years old and have grown an average of .95-inch per year. Keeping in mind that tree growth slows with age, it is likely that these sequoias were also 50- to 60-inches at year 30 and we assume that tree 10478 is likely to double in diameter over the next 100 years. The crown spread is also likely to double in size during that time frame.

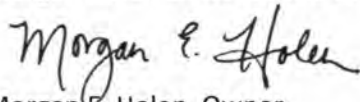
Note that tree diameter is measured at 4.5-feet above ground level. Giant sequoias have unusually large buttress flares, meaning that the diameter near the base of the trunk is substantially larger than the diameter at 4.5-feet above ground level. At tree 10478, the diameter measures 90-inches at about 1-foot above ground level. At the historic sequoias in Hillsboro, the diameter measured approximately 275-inches near ground level. It is anticipated that the buttress of tree 10478 would continue to grow in size consistent with the Hillsboro sequoias. The covered soil volume beyond the island may limit growth to some degree, but the tree is likely to tolerate the construction impacts given the minimal encroachment beneath the existing dripline and adapt to the changes in site conditions as it continues to grow. Therefore, the proposed 23-foot diameter landscape island would be of sufficient size to contain the tree for approximately the next 100 years, although some damage caused by tree roots to the street and possibly the underground utilities is possible within that time period.

In addition, Pacific Community Design asked that we discuss the general condition rating of good. According to the Villebois Community Elements Book, trees are to be classified as either poor, moderate, good, or important. This tree rated good because: it has good health, structure and vigor; a high species rating based on ISA standards for the Pacific Northwest; relatively strong wood; and is free standing with good form, a high level of visual interest and above average aesthetic value. This tree was not rated important because: it is young and the lost function would be relatively easy to replace by replanting a new tree of the same species in a more desirable location (such as in a park or open space tract) following site development; the diameter is not exceptional considering the species (because it is still young); and it lacks historical importance. It was planted as a landscape tree by the property owner shortly after moving onto the property in the mid-1970s and although it appears healthy and with prominent and attractive structure, it lacks importance relative to older native Oregon white oaks (*Arbutus menziesii*), Douglas-firs (*Pseudotsuga menziesii*), and historically significant trees located in and around the Villebois community. Note that although this tree was classified as good and not important, the January 2014 arborist report did specifically note that the tree was in excellent condition.

This report is based on conditions existing at the time of inspection and close coordination with Pacific Community Design. Neither this author nor Morgan Holen & Associates have assumed any responsibility for liability associated with the trees on or adjacent to the site.

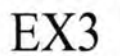
Thank you for choosing Morgan Holen & Associates to provide consulting arborist services for the Villebois PDP 3 North (Calais) project. Please contact us if you have questions or need any additional information.

Thank you,
Morgan Holen & Associates, LLC

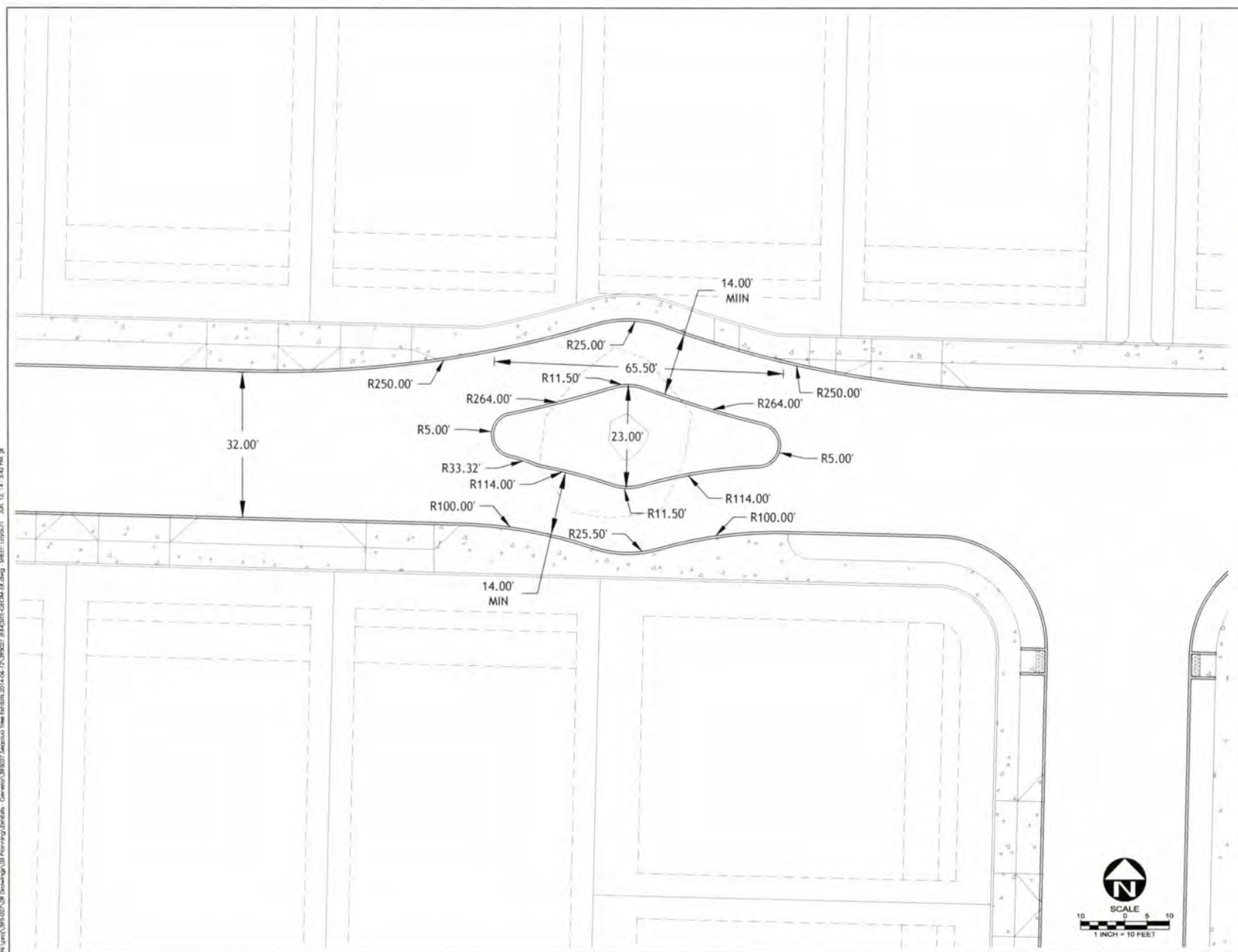


Morgan E. Holen, Owner
ISA Certified Arborist, PN-6145A
ISA Tree Risk Assessment Qualified
Forest Biologist

Enclosures: Site Plan Alternative



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Villebois



POLYGON NW COMPANY



OFTEN LANDSCAPE ARCHITECTS, INC.
OFTENDESIGNS, INC.

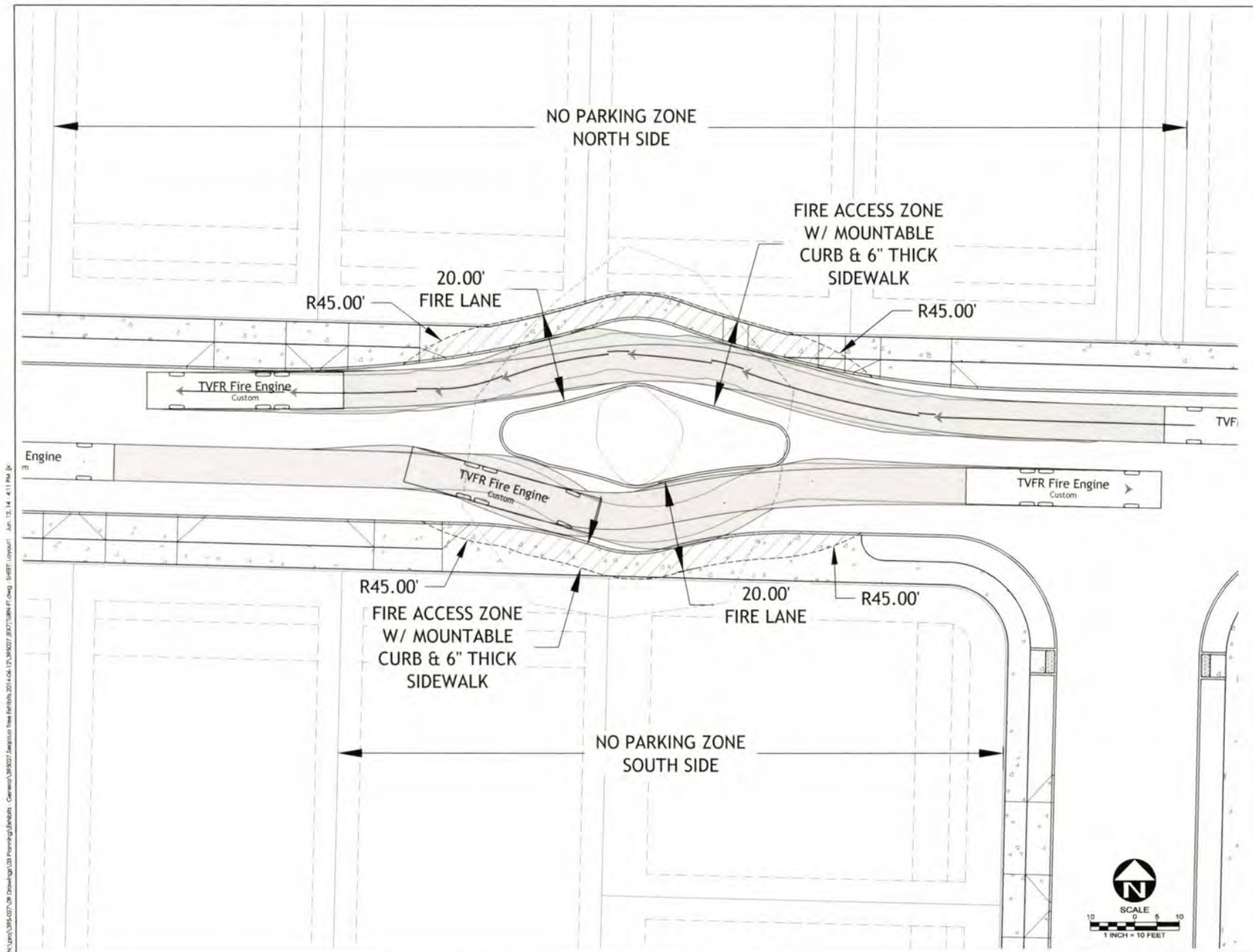
PDP 3N
VILLEBOIS

Calais at Villebois

Sequoia Tree
Site Geometry
Existing Condition

DATE 6/12/14

EX4



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POLYGON NW COMPANY



GIVEN LANDSCAPE ARCHITECTS, INC.
GEOGRAPHIC, INC.

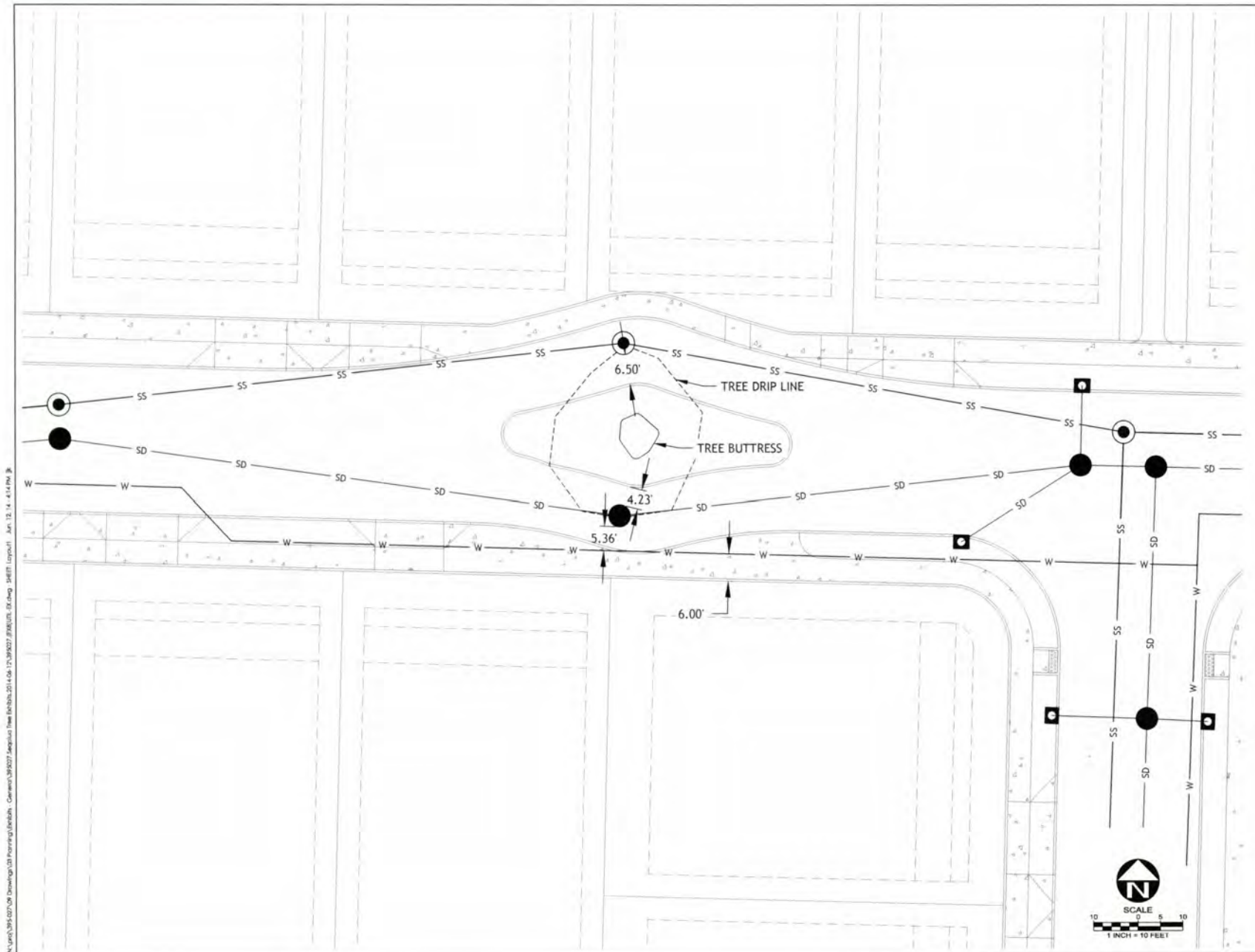
PDP 3N
VILLEBOIS

Calais at Villebois

Sequoia Tree
Fire Truck
Turning Movements
Future Condition

DATE: 8/12/14

EX7



N:\Users\3045-0207\Drawings\03 Planning\Utilities - Calais at Villebois\Tree\Utilities - Calais at Villebois.dwg 17:38:02 2/14/2014 4:14 PM JR



Villebois



POLYGON NW COMPANY



PACIFIC COMMUNITY DESIGN
LITTON LANDSCAPE ARCHITECTS, INC.
(800) 663-0000

PDP 3N
VILLEBOIS

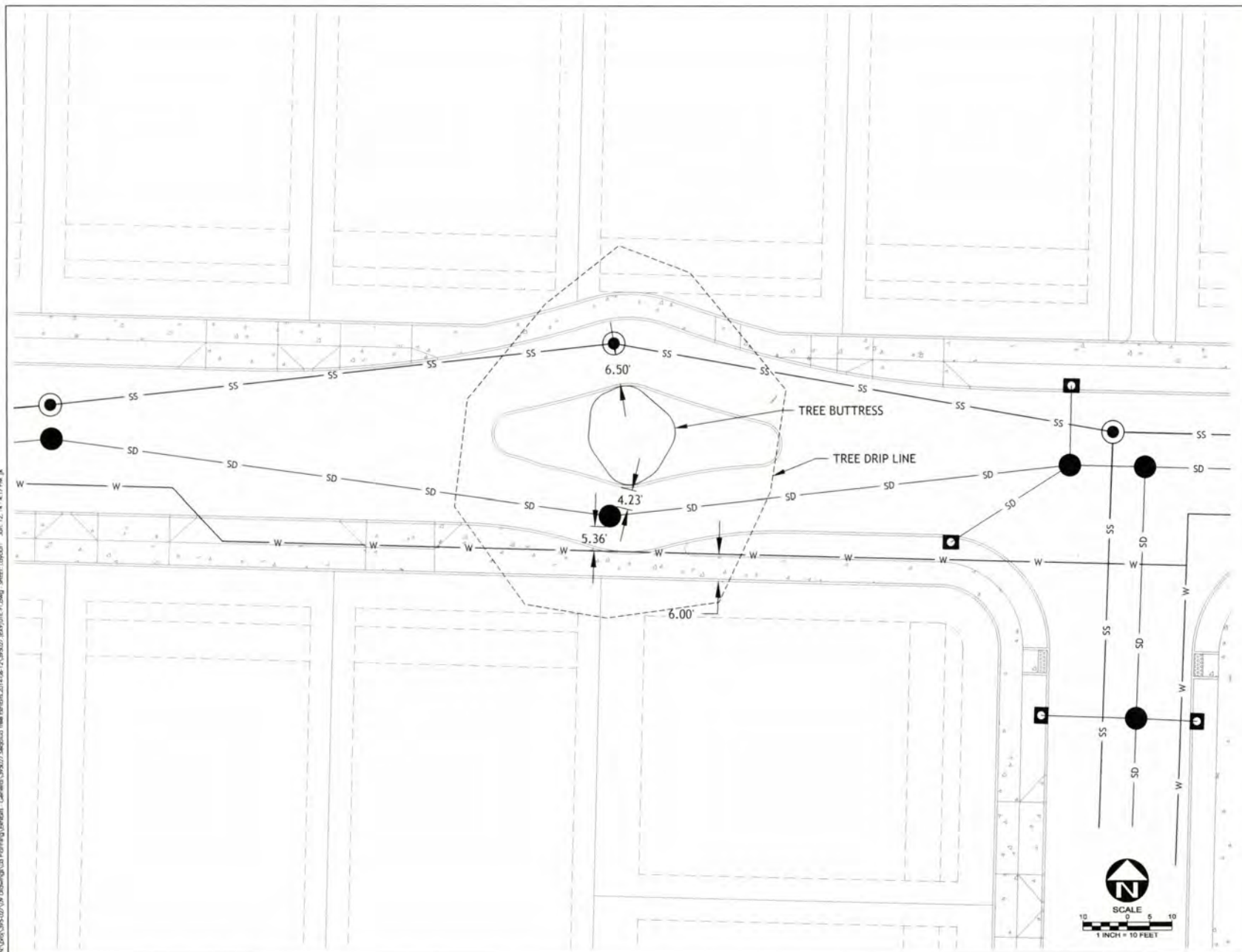
Calais at Villebois

Sequoia Tree
Utility Plan
Existing Condition

Date: 6/12/14

EX8

N:\proj\301\027\DW Drawing\301\DW Planting\027 Sequoia Tree Utility Plan.dwg Jun 12 14:41 PM jh



Villebois



POLYGON NW COMPANY



OFTEN LANDSCAPE ARCHITECTS, INC.
GEORGETOWN, NC

PDP 3N
VILLEBOIS

Calais at Villebois

Sequoia Tree
Utility Plan
Future Condition

DATE: 6/12/14

EX9

ORDINANCE NO. 744

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE CLACKAMAS COUNTY RURAL RESIDENTIAL FARM FOREST 5 (RRFF5) ZONE TO THE VILLAGE (V) ZONE ON APPROXIMATELY 15.16 - ACRES COMPRISING TAX LOTS 1200, 1202, AND 1205 OF SECTION 15, T3S, R1W, CLACKAMAS COUNTY, OREGON, POLYGON NORTHWEST COMPANY, APPLICANT.

RECITALS

WHEREAS, Polygon Northwest Company ("Applicant") has made a development application requesting, among other things, a Zone Map Amendment of the Property; and

WHEREAS, the development application form has been signed by Wayne Rembold of Rembold Co. and Charles and Carolyn Taber ("Owners"), as owners of the real property legally described and shown on Exhibits A and B, attached hereto and incorporated by reference herein ("Property"); and

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

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, which staff report was presented to the Development Review Board on May 12, 2014;

WHEREAS, the Development Review Board Panel 'A' held a public hearing on the application for a Zone Map Amendment on May 12, 2014, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 277 which recommends that the City Council approve a request for a Zone Map Amendment (Case File DB14-0010), adopts the staff report with modified findings and recommendation, all as placed on the record at the hearing, certain of which are contingent on City Council approval of the Zone Map Amendment

and authorizes the Planning Director to issue approvals to the Applicant consistent with the amended staff report, as adopted by DRB Panel A; and

WHEREAS, on June 2, 2014, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code;

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

Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Development Review Board staff report, as contained in the record of the above described DRB hearing and incorporates it by reference herein, as if fully set forth.

Section 2. Order. The official City of Wilsonville Zone Map is hereby amended, upon finalization of the annexation of the Property to the City, by Zoning Order DB14-0010, attached hereto as Exhibit A, from the Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone to the Village (V) Zone.

SUBMITTED to the Wilsonville City Council and read the first time at a meeting thereof on the 2nd day of June 2014, and scheduled for the second and final reading on June 16, 2014, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

Sandra C. King, MMC, City Recorder

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

Yes: No: -

Sandra C. King, MMC, City Recorder

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

TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp -

Council President Starr -

Councilor Goddard -

Councilor Fitzgerald -

Councilor Stevens -

Attachments:

Attachment A, Zoning Order DB14-0010.

Attachment 1, Legal Description

Attachment 2, Map Depicting Zone Amendment

Attachment B Zone Map Amendment Findings, June 2, 2014.

Attachment C DRB Resolution No. 277

ATTACHMENT A

**BEFORE THE CITY COUNCIL OF THE
CITY OF WILSONVILLE, OREGON
POLYGON NORTHWEST COMPANY**

In the Matter of the Application of)	
Pacific Community Design, Inc.,)	
Agent for the Applicant,)	
Polygon Northwest Company)	ZONING ORDER DB14-0010
for a Rezoning of Land and Amendment)	
of the City of Wilsonville)	
Zoning Map Incorporated in Section 4.102)	
of the Wilsonville Code.)	

The above-entitled matter is before the Council to consider the application of DB14-0010, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property ("Property"), legally described and shown on the attached Exhibits 1 and 2, has heretofore appeared on the Clackamas County zoning map Rural Residential Farm Forest 5 (RRFF5).

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

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 15.16 acres comprising Tax Lots 1200, 1202, AND 1205 of Section 15, as more particularly shown in the Zone Map Amendment Map, Attachment 2 and described in Attachment 1 is hereby rezoned to Village (V), subject to conditions detailed in this Order's adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This 2nd day of June, 2014.

TIM KNAPP, MAYOR

APPROVED AS TO FORM:

Michael E. Kohlhoff, City Attorney

ATTEST:

Sandra C. King, CMC, City Recorder

Attachment 1: Legal Description

Attachment 2: Map depicting Zone Map Amendment

**EXHIBIT "A"**

January 20, 2014

LEGAL DESCRIPTION

Job No. 395-027

The land described in Document No. 2007-047567 and Document No. 73-30403, Clackamas County Deed Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

COMMENCING at the Northeast corner of Tract "DD" of plat of "Tonquin Woods at Villebois No. 4";

thence along the northerly plat line of said plat, North 88°34'09" West, a distance of 37.22 feet to the POINT OF BEGINNING;

thence continuing along said northerly plat line, North 88°34'09" West, a distance of 862.08 feet to the Southeast corner of the property described in Document No. 2000-050326;

thence along the northeasterly line of said property, North 09°12'39" West, a distance of 166.59 feet to a point on the easterly right-of-way line of SW Grahams Ferry Road;

thence along said easterly right-of-way line, North 17°14'42" East, a distance of 15.88 feet to an angle point;

thence continuing along said easterly right-of-way line, North 21°00'47" East, a distance of 753.50 feet to a point on the southerly right-of-way line of SW Tooze Road;

thence along said southerly right-of-way line, South 88°34'09" East, a distance of 558.80 feet to the Northwest corner of the property described in Document No. 73-30518;

thence along the westerly line of said property, South 02°14'46" West, a distance of 483.82 feet to the Southwest property corner of said property;

thence along the southerly line of said property, South 88°22'03" East, a distance of 89.82 feet to a point on the westerly line of Parcel 2, Partition Plat No. 1994-182;

thence along said westerly parcel line, South 02°14'46" West, a distance of 404.88 feet to the POINT OF BEGINNING.

Containing 15.164 acres, more or less.

Basis of bearings being the plat of "Tonquin Woods at Villebois No. 4", Clackamas County Plat Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

A handwritten signature in blue ink, appearing to read "Travis C. Jansen", is written over the surveyor's stamp.

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWS: 6/30/2015

N:\proj\395-027\09 Drawings\06 Survey\Legals\395027 Rump Zone Change.dwg - SHEET: Legal Desc Jan. 20, 14 - 2:42 PM 1c1

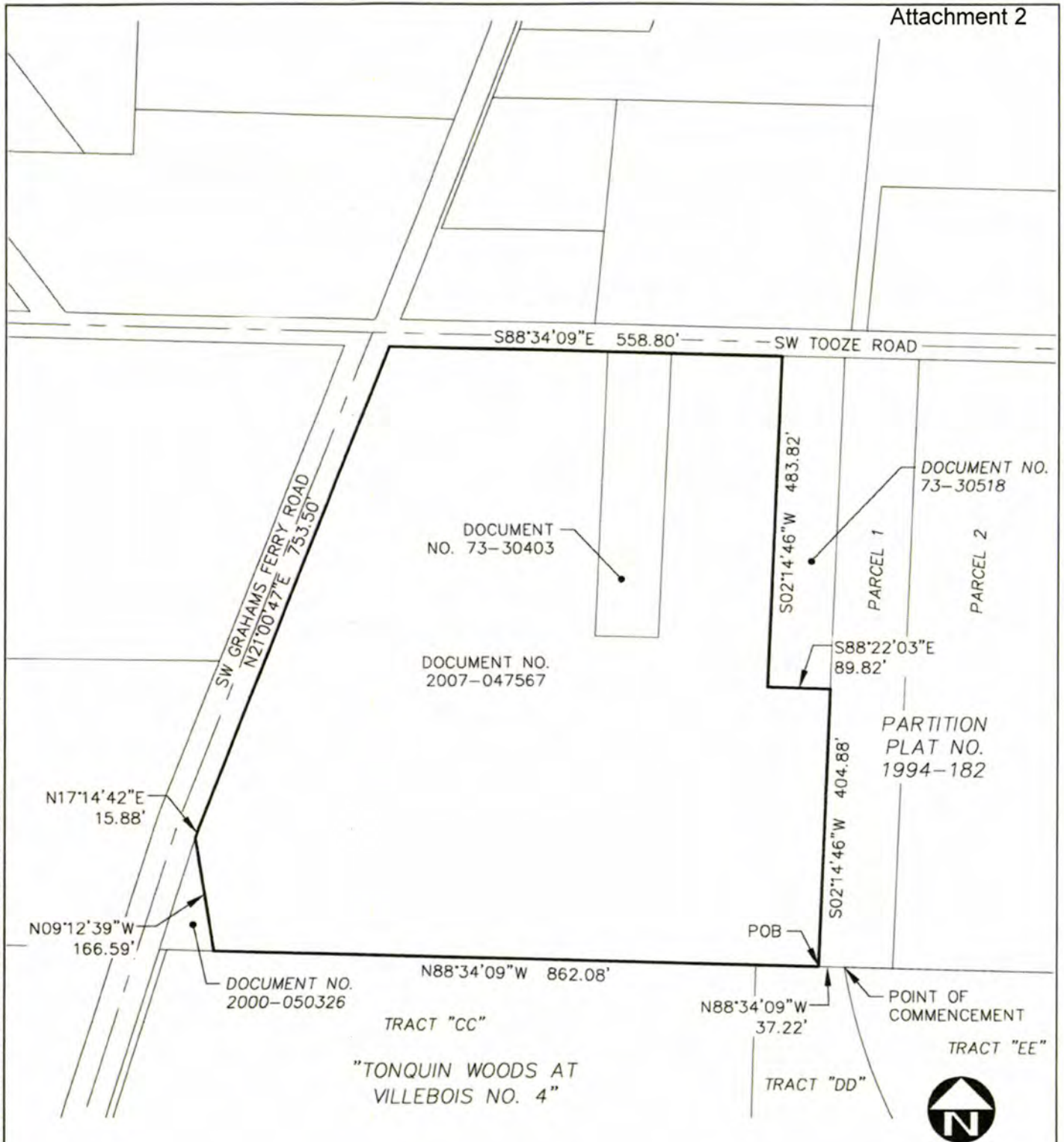


EXHIBIT "A"

DRAWN BY: CLL DATE: 1/20/14
 REVIEWED BY: TCJ DATE: 1/20/14
 PROJECT NO.: 395-027
 SCALE: 1"=200'
 PAGE 2 OF 2



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

Attachment B
STAFF REPORT
WILSONVILLE PLANNING DIVISION

Polygon Northwest Company
"Calais at Villebois"
Zone Map Amendment

CITY COUNCIL
QUASI-JUDICIAL PUBLIC HEARING

HEARING DATE June 2, 2014

DATE OF REPORT May 23, 2014

APPLICATION NOS.: DB14-0010 Zone Map Amendment

REQUEST/SUMMARY: The City Council is being asked to review a Zone Map Amendment that will enable the development of a 84-lot residential subdivision, and associated parks and open space and other improvements.

LOCATION: Southeast corner of SW Grahams Ferry Road and SW Tooze Road. The properties are specifically known as Tax Lots 1200, 1202, and 1205, Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

PROPERTY OWNERS: Wayne Rembold, Rembold Co., and Charles & Carolyn Taber

APPLICANT: Fred Gast, Polygon NW Company

APPLICANT'S REP.: Stacy Connery AICP, Pacific Community Design, Inc.

COMPREHENSIVE PLAN MAP DESIGNATION: Residential-Village

CURRENT ZONE

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

STAFF REVIEWERS: Daniel Pauly AICP, Associate Planner

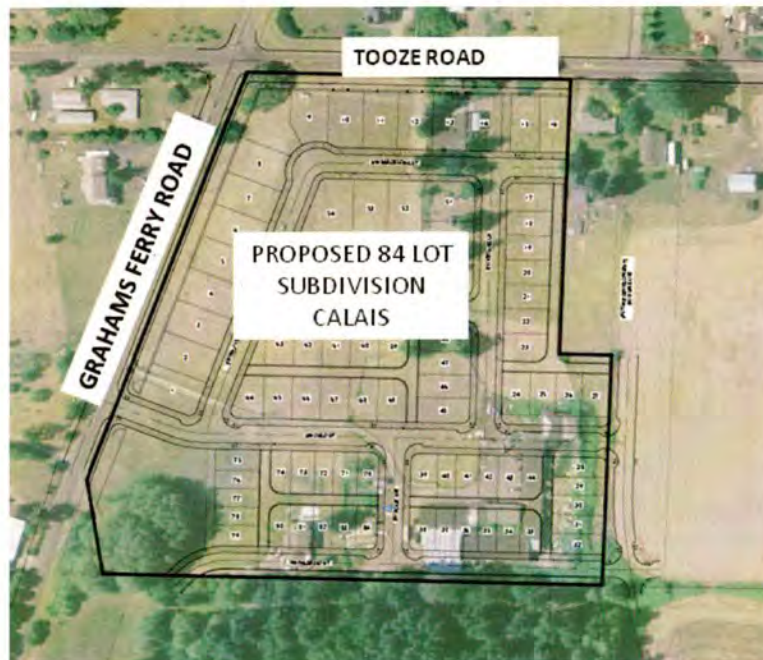
DRB RECOMMENDATIONS: **Approve** the requested Zone Map Amendment.

APPLICABLE REVIEW CRITERIA

DEVELOPMENT CODE	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Section 4.033	Authority of City Council

Subsection 4.035 (.05)	Complete Submittal Requirement
Section 4.110	Zones
Section 4.125	V-Village Zone
Sections 4.139.00 through 4.139.11 as applicable	Significant Resource Overlay Zone (SROZ)
Section 4.177	Street Improvement Standards
Section 4.197	Zone Changes and Amendments to Development Code-Procedures
<u>COMPREHENSIVE PLAN</u>	
Implementation Measure 4.1.6.a.	
Implementation Measure 4.1.6.b.	
Implementation Measure 4.1.6.c.	
Implementation Measure 4.1.6.d.	
<u>OTHER PLANNING DOCUMENTS</u>	
Comprehensive Plan	
Villebois Village Master Plan	
SAP North Approval Documents	

Vicinity Map



BACKGROUND/SUMMARY:

PDP 3N Preliminary Development Plan (DB14-0011)

The proposed Preliminary Development Plan 3 of Specific Area Plan North (also known as Calais at Villebois) comprises 15.16 acres. The applicant proposes a variety of single-family housing types totaling 84 units, 2.03 acres of parks and open space, 4.49 acres of public streets,

and associated infrastructure improvements. The front of all the houses will face tree lined streets, parks and green spaces.



Proposed Housing Type	Number of Units
Large Size Single Family	23
Standard Size Single Family	3
Medium Size Single Family	26
Small Size Single Family	32
Total	84

Zone Map Amendment (DB14-0010)

The applicant requests to change the current Clackamas County zoning designation of Rural Residential Farm Forest 5 (RRFF5) to the City of Wilsonville zoning designation of Village (V) zone. The proposed residential and park uses are permitted in the Village zone. The Village zone has been applied to all of Villebois as it has developed.

CONCLUSION AND CONDITIONS OF APPROVAL:

Staff and the DRB have reviewed the applicant's analysis of compliance with the applicable criteria. This Staff report adopts the applicant's responses as Findings of Fact except as noted in the Findings.

FINDINGS OF FACT:

1. The statutory 120-day time limit applies to this application. The application was received on January 31, 2014. On February 28, 2014, staff conducted a completeness review within the statutorily allowed 30-day review period, and, on March 31, 2014, the Applicant submitted new materials. On April 22, 2014 the application was deemed complete. The City must render a final decision for the request, including any appeals, by August 20, 2014
2. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	Clackamas County RRFF5	Tooze Road/ Rural Residential
East:	Clackamas Coun RRFF5	Vacant
South:	V	Open Space
West:	Clackamas County RRFF5	Grahams Ferry Road/ Rural Residential

3. Prior land use actions include:

Legislative:

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

Quasi Judicial:

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

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

GENERAL INFORMATION

Section 4.008 Application Procedures-In General

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

Finding: These criteria are met.

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

Section 4.009 Who May Initiate Application

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

Finding: This criterion is satisfied.

Explanation of Finding: The applications have been submitted on behalf of contract purchaser Polygon Homes, and is signed by the property owners, Wayne Rembold of Villebois LLC (TL's 1200 and 1205) and both Charles and Carolyn Taber (TL 1202).

Subsection 4.010 (.02) Pre-Application Conference

Review Criteria: This section lists the pre-application process

Finding: These criteria are satisfied.

Explanation of Finding: A pre-application conference was held on November 21, 2013 in accordance with this subsection.

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

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

Finding: This criterion is satisfied.

Explanation of Finding: No applicable liens exist for the subject property. The application can thus move forward.

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

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

Finding: These criteria are satisfied.

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

Section 4.110 Zoning-Generally

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

Finding: These criteria are satisfied.

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

CONCLUSIONARY FINDINGS, REQUEST C: DB14-0010 ZONE MAP AMENDMENT
--

Comprehensive Plan

Compact Urban Development-Implementation Measures

Implementation Measure 4.1.6.a

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

Finding: These criteria are satisfied.

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

Implementation Measure 4.1.6.b.

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

Finding: These criteria are not applicable

Explanation of Finding: The concurrent proposal for a preliminary development plan implements the procedures as outlined by the Villebois Village Master Plan, as previously approved.

Implementation Measure 4.1.6.c.

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

Finding: This criterion is satisfied.

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

Implementation Measure 4.1.6.d.

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

Finding: This criterion is satisfied.

Explanation of Finding: The area covered by the proposed zone change is proposed for residential uses, parks and open space as shown in the Villebois Village Master Plan.

Planning and Land Development Ordinance

Section 4.029 Zoning to be Consistent with Comprehensive Plan

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

Finding: This criterion is satisfied.

Explanation of Finding: The applicant is applying for a zone change concurrently with a Preliminary Development Plan, which is equivalent to a Stage II Final Plan for a planned development.

Subsection 4.110 (.01) Base Zones

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

Finding: This criterion is satisfied.

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

Subsection 4.125 (.01) Village Zone Purpose

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

Finding: These criteria are satisfied.

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

Subsection 4.125 (.02) Village Zone Permitted Uses

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

Finding: These criteria are satisfied.

Explanation of Finding: The proposed residential, park and open space uses are consistent with the Village Zone designation and Villebois Village Master Plan.

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

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

Finding: This criterion is satisfied.

Explanation of Finding: A zone map amendment is being requested concurrently with a request for PDP approval. See Request D.

Subsection 4.197 (.02) Zone Change Review

Subsection 4.197 (.02) A. Zone Change Procedures

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

Finding: These criteria are satisfied.

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

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

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

Finding: These criteria are satisfied.

Explanation of Finding: The proposed zone map amendment is consistent with the Comprehensive Map designation of Residential-Village and as shown in Findings 1 through 4 comply with applicable Comprehensive Plan text.

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

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

Finding: These criteria are satisfied.

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

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

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

Finding: These criteria are satisfied.

Explanation of Finding: The Preliminary Development Plan compliance report and the plan sheets demonstrate that the existing primary public facilities are available or can be

provided in conjunction with the project. In addition, the applicant has provided a Traffic Impact Analysis.

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

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

Finding: These criteria are satisfied.

Explanation of Finding: A portion of the subject property is within the SROZ. The SROZ regulations are being reviewed ensuring the development does not have a significant adverse effect on natural resources.

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

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

Finding: This criterion is satisfied.

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

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

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

Finding: These criteria are satisfied.

Explanation of Finding: As can be found in the findings for the accompanying requests, the applicable development standards will be met either as proposed or as a condition of approval.

DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 277

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF AN ANNEXATION AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO VILLAGE (V) AND ADOPTING FINDINGS AND CONDITIONS APPROVING AN AMENDMENT TO SAP-NORTH, PRELIMINARY DEVELOPMENT PLAN FOR SAP-NORTH PDP-3, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, FINAL DEVELOPMENT PLAN FOR LINEAR GREENS AND PARKS AND SRIR REVIEW FOR AN 84-LOT SINGLE FAMILY SUBDIVISION IN VILLEBOIS AND ASSOCIATED IMPROVEMENTS. THE SUBJECT SITE IS LOCATED ON TAX LOTS 1200, 1202, 1205 AND 2995, OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. STACY CONNERY, AICP, PACIFIC COMMUNITY DESIGN, INC. - REPRESENTATIVE FOR FRED GAST, POLYGON NW COMPANY-APPLICANT.

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

WHEREAS, the Planning Staff has prepared staff report on the above-captioned subject dated May 5, 2014, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on May 12, 2014, at which time exhibits, together with findings and public testimony were entered into the public record, and

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

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

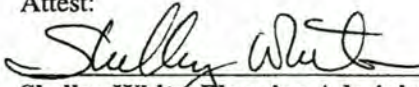
NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated May 5, 2014, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to, as applicable, City Council approval of the Annexation and Zone Map Amendment Requests (DB14-0009 and DB14-0010) for:

DB14-00011, DB14-0013 through DB14-0016, and SI14-0003 Preliminary Development Plan, SAP Refinements, SAP Amendment, Tentative Subdivision Plat, Type C Tree Plan, Final Development Plan, and Significant Resource Impact Report for a 84-lot residential subdivision, and associated parks and open space and other improvements.

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 12th day of May, 2014 and filed with the Planning Administrative Assistant on May 15, 2014. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per WC Sec 4.022(.09) unless appealed per WC Sec 4.022(.02) or called up for review by the council in accordance with WC Sec 4.022(.03).


Mary Fierros Bower Chair, Panel A
Wilsonville Development Review Board

Attest:


Shelley White, Planning Administrative Assistant

RESOLUTION NO. 277

PAGE 1

CITY COUNCIL & URA MEETINGS STAFF REPORT

Meeting Date: June 16, 2014	Subject: Resolution Nos. 2480 and 247 of City and URA Authorizing Addendum No. 4 with Polygon to 2004 Villebois Development Agreement for division of infrastructure responsibilities for development of Calais subdivision. Staff Member: Michael Kohlhoff Department: Legal
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 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: <div style="height: 80px;"></div>
Staff Recommendation: City Council and URA Board Approve applicable Resolution.	
Recommended Language for Motion; I move to approve Resolution No. 2480. I move to approve URA Resolution No. 247.	
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/BOARD:

- 1) Approve, modify, or deny applicable Resolution.

Addendum No. 4 sets out the respective responsibilities for designing, constructing, and financing infrastructure for the development of the Calais subdivision located at the corner of Tooze Road and Grahams Ferry Road within the Villebois Village Master Plan Area. It has been vetted through the respective engineering, planning, and legal representatives of the parties. Polygon NW has entered into a purchase and sale agreement to purchase the property and with written consent of the property owners has filed an annexation petition to bring the land within the City and an application for development approval of an 84 lot subdivision known as Village Calais. Both the annexation and the development approval have received the Design Review Board's recommendation that the Council approve these matters. On June 2, 2014, the Council approved on first reading the Ordinance authorizing the annexation and on first reading the authorizing Ordinance approving the necessary Zone Change and Order, but left the public hearing open to take additional testimony from the applicant regarding potential solutions to save a large Sequoia Tree. Both Ordinances and the public hearing are scheduled for second reading and determination by the Council for approval at its June 16, 2014 meeting. The matter of the Council's authorization of Addendum 4 is also scheduled for Resolution adoption June 16, 2014, but after the Ordinances as any authorization of entering into the Addendum 4 is subject to approval of the two ordinances. The URA meeting for Board action to authorize the URA into entering into Addendum 4 is scheduled to follow the Council meeting.

Development of quality infrastructure for the subdivision and for the City, which, in turn promotes the economic development goals of both the City and the URA.

Portions of the infrastructure will be completed within the 2014-15 time period with the remainder in 2015-16.

The impacts for 2014-15 have been appropriately budgeted for in the 2014-15 budget.

Reviewed by: MEK
Author of the report.

The Calais development has been the subject of public hearings at DRB and before the Council. The authorization of Addendum 4 is part of the June 16, 2014 open City Council meeting.

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

The community is benefited by having single family home development with concurrent infrastructure that provides a place to live and play while creating and maintaining jobs in the construction industry. A further step in meeting the vision and goals of the Villebois Master Plan and the City's various infrastructure Master Plans..

ALTERNATIVES:

NA

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Resolution No. 2480 (City)
- B. URA Resolution No. 247
- C. Addendum 4.

RESOLUTION NO. 2480

A RESOLUTION OF THE CITY OF WILSONVILLE APPROVING ADDENDUM NO. 4 TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF WILSONVILLE, THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE, VILLEBOIS LLC, AND STATE OF OREGON DEPARTMENT OF ADMINISTRATIVE SERVICES RELATING TO THE ADDITION OF POLYGON NORTHWEST COMPANY, L.L.C. AS A PARTY TO THE DEVELOPMENT AGREEMENT AND AUTHORIZING CERTAIN CHANGES RELATING TO DEVELOPMENT OF PROPERTY KNOWN AS VILLEBOIS CALAIS, LOCATED WITHIN THE VILLEBOIS VILLAGE DEVELOPMENT

WHEREAS, in 2004, the City of Wilsonville ("City") and the Urban Renewal Agency of the City of Wilsonville ("URA") entered into a Development Agreement with Villebois LLC and the State of Oregon for the residential development of certain real property in the community known as Villebois Village, pursuant to the Villebois Village Master Plan; and

WHEREAS, the Development Agreement has been amended by Addendums 1, 2, and 3; and

WHEREAS, the State of Oregon is no longer a party to that Development Agreement but Polygon at Villebois LLC was added as a party pursuant to Addendum No. 2, Villebois at Village Center, LLC was added as a party pursuant to Addendum No. 3, and by Addendum No. 4, Polygon Northwest Company, L.L.C. ("Polygon NW") will be added as a party to the Development Agreement; and

WHEREAS, Polygon NW has entered into a purchase and sale agreement to purchase a portion of the property affected by and included in the Villebois Development Agreement, which is currently owned by Villebois, LLC and Charles & Carolyn Taber, and desires to develop the property as Villebois SAP-North PDP-3 ("Villebois Calais"); and

WHEREAS, the City, the URA, and Polygon NW wish to clarify certain respective obligations under the Villebois Development Agreement that pertain to the Villebois Calais property if Polygon NW acquires the Villebois Calais property and Polygon NW receives its requested approvals for the development of Villebois Calais, as generally shown on the Site Plan, Exhibit 2 to the below-referenced Addendum No. 4. The Site Plan contemplates 84 lots being developed on the Villebois Calais property; and

WHEREAS, the parties to the Development Agreement and Polygon NW now wish to enter into Addendum No. 4, a copy of which is marked **Exhibit A**, attached hereto, and

incorporated by reference as if fully set forth herein, which establishes the roles and responsibilities among the City, the URA, and Polygon NW for the development of certain infrastructure facilities.

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

1. The above recitals are incorporated herein.
2. City Council hereby authorizes the City Manager to enter into Addendum No. 4 to the Development Agreement, in substantially the form of **Exhibit A**, attached hereto and incorporated by reference herein, with final approval as to form by the City Attorney.
2. This Resolution is effective upon adoption.

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

Tim Knapp, Mayor

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

Attachments: Exhibit A: Addendum No. 4 to the Villebois Development Agreement

**ADDENDUM NO. 4
TO THE DEVELOPMENT AGREEMENT OF MAY 24, 2004
BY AND BETWEEN THE CITY OF WILSONVILLE (CITY) AND
THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE (URA)
AND VILLEBOIS LLC (DEVELOPER)
AND STATE OF OREGON DEPARTMENT OF ADMINISTRATIVE SERVICES**

THIS ADDENDUM NO. 4 ("Addendum 4") to the above captioned Development Agreement (hereinafter referred to as the "Villebois Development Agreement") is entered into this ____ day of May, 2014, by and between the City of Wilsonville ("City"), a municipal corporation of the State of Oregon, the Urban Renewal Agency of the City of Wilsonville ("URA"), a municipal corporation of the State of Oregon, and Polygon Northwest Company, L.L.C., a Washington limited liability company ("Polygon"). This Addendum 4 only applies to the City, the URA, and Polygon, and does not apply to the other parties to the Villebois Development Agreement.

RECITALS:

1. The Villebois Master Plan is a land use plan regulating the development of approximately 500 acres of a planned, mixed use community of internal commercial and a mix of 2,600 residential uses, with trails, parks, and open spaces, supported by \$140 million in infrastructure. In approximately May 2004, for the purposes of developing home sites within the Villebois Master Plan area, Villebois LLC acquired certain land interests in approximately 198 acres of land west of 110th Street and entered into the 2004 Development Agreement set forth in the title above (known as the "Villebois Development Agreement").

2. Polygon has entered into purchase and sale agreements to purchase a portion of the property affected by and included in the Villebois Development Agreement, which is currently owned by Villebois, LLC and Charles & Carolyn Taber, and develop the property as Villebois SAP-North PDP-3 ("Villebois Calais"). The Villebois Calais property is described on the attached **Exhibit 1**. The City, the URA, and Polygon wish to clarify certain respective obligations under the Villebois Development Agreement that pertain to the Villebois Calais property if Polygon acquires the Villebois Calais property and Polygon receives its requested approvals for the development of SAP-North, PDP-3 ("PDP-3N") as shown on the attached **Exhibit 2** (the "Site Plan"). The Site Plan contemplates 84 lots being developed on the Villebois Calais property.

3. Terms not specifically defined herein shall be as defined in the Villebois Development Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the City, the URA, and Polygon agree as follows:

TERMS AND CONDITIONS:

1. Condition Precedent

Polygon hopes to acquire the Villebois Calais property much earlier than December 31, 2015. However, as a condition precedent to the implementation of this Addendum 4, Polygon must purchase the Villebois Calais property (except for any such land dedicated to or purchased by the City from Villebois Calais) on or before December 31, 2015. In the event Polygon does not purchase the Villebois Calais property by December 31, 2015, this Addendum 4 shall become null and void unless the parties otherwise mutually agree, in writing.

2. Supplemental I-5/Wilsonville Street Fee

Polygon, as the developer of Villebois SAP-North PDP-3, shall pay a supplemental I-5/Wilsonville Road street SDC of \$690 per Dwelling Unit ("DU") at issuance of the building permit for each lot within PDP-3N. This supplemental street SDC is separate and apart from the basic street SDC and is not intended by the parties hereto to be a part of any street SDC credit or street SDC credit calculation that is set forth in this Addendum 4. The estimated supplemental street SDC to be paid by Polygon for the currently proposed 84 lots at \$690/DU is a total of \$57,960.

3. Tooze/Boeckman Road

3.1 Street Improvements. The Villebois Development Agreement provides that the City will construct Tooze/Boeckman Road from 110th Avenue to Grahams Ferry Road, with private developers responsible for constructing half-street improvements adjacent to their property. The City has identified this work as CIP Project No. 4146 and the project is currently under design; the City further agrees to acquire the necessary right-of-way needed for the Tooze/Boeckman Road improvements from the adjacent landowners. Polygon hereby agrees to dedicate to the City the additional 17.5 feet of right-of-way from Villebois Calais adjacent to Tooze/Boeckman Road, plus any additional construction easement that may be necessary to complete the roadway improvements, which easement will be 15 feet from the proposed ultimate right-of-way line.

However, rather than have the developers construct the half-street improvements adjacent to their property, for both ease of construction and cost savings, the City hereby agrees to construct the entire width of Tooze/Boeckman Road from the existing improved section to the east through the intersection with Grahams Ferry Road, subject to reimbursement of those expenses for the half-street improvements that are the responsibility of the developer. These half-street improvements are described as the south 24 feet of street improvements adjacent to the Villebois Calais project and accompanying pro rata share of storm improvements, signage & striping, street lighting, curb & gutter, and irrigation & landscaping up to the edge of sidewalk. Polygon hereby agrees to construct the sidewalk on the south side of Tooze/Boeckman Road and the landscaping and irrigation south of the sidewalk with the Villebois Calais project at its cost. The roadway will be constructed with the cross-section as indicated in **Exhibit 3**, attached hereto and incorporated by reference herein. For the street improvements, Polygon will be responsible

for the costs for a typical, residential structural section. Upgrades to this structural section, and accompanying costs, to accommodate the expected traffic volume and loads for a minor arterial will be the responsibility of the City. The City hereby agrees to provide vaults and conduits at its cost and cause to have all overhead franchise utilities located underground.

The parties estimate the length of the segment fronting Villebois Calais to be 570 feet and that the estimated cost to construct Polygon's portion of the roadway, including soft costs and contingency, is estimated to be \$337,299 (**Exhibit 4**).

3.2 Storm Improvements. With Polygon likely to proceed with construction of the Villebois Calais project prior to the City constructing the Tooze/Boeckman Road project, and existing storm lines in Tooze Road being undersized for the additional runoff volumes from Villebois Calais, Polygon will service Villebois Calais with storm facilities connecting the project to Villebois SAP-North PDP-2 (Tonquin Woods 4), with the ultimate release point being part of the Villebois SAP-East PDP-3 development (Tonquin Meadows) planned for construction in 2014. Polygon or one of its affiliated limited liability companies currently are the planned developer for Tonquin Woods 4 and Tonquin Meadows and should allow for ease of construction coordination in this regard.

Adjacent to Villebois Calais, the City will construct the storm improvements with the Tooze/Boeckman Road project, and Polygon will be responsible for its share of the storm cost based on its responsibility for the street costs (24 feet of 52 feet). This cost is included in **Exhibit 4**, attached hereto and incorporated by reference herein.

With the Tooze Road improvements, the City plans to increase the capacity of the storm system in Tooze Road to accommodate for the anticipated contributions from future development of Tax Lots 31W15 01203, 31W15 01100, and 31W15 01101. The City is responsible for 100% of the cost of these storm facility improvements, except any upsizing cost that is specifically required to handle the storm runoff from Polygon's Tooze/Boeckman Road responsibilities outlined in this agreement. If storm runoff from Polygon's Tooze/Boeckman Road responsibilities can be accommodated in the pipe sizing required for the City's obligations, or Polygon is able to drain its property without any need to tie into the Tooze Road storm pipe, then Polygon shall be relieved of this reimbursement responsibility.

3.3 Water and Sanitary Sewer Improvements. All costs for water and sanitary sewer improvements undertaken with the Tooze/Boeckman Road project will be the responsibility of the City.

3.4 Landscape Improvements. Polygon hereby agrees to have its Villebois Calais landscape designer work with the City's Tooze/Boeckman Road landscape designer to develop a uniform landscape design for the north and south landscaped areas along Tooze/Boeckman Road.

4. **Grahams Ferry Road**

For both ease of construction and cost savings, rather than have the City construct the west 28 feet of half-street improvements, Polygon, as the developer of Villebois Calais, hereby agrees to construct Grahams Ferry Road from the south leg of the Tooze/Grahams Ferry Road intersection southward to the southern extent of the Villebois Calais project, as indicated in **Exhibit 5**, attached hereto and incorporated by reference herein. Polygon hereby agrees to dedicate to the City the additional 7.5 feet of right-of-way from Villebois Calais adjacent to Grahams Ferry Road and provide a public sidewalk and access easement over those portions of the 10-foot sidewalk that lie outside the public right of way. Polygon will receive reimbursements or credits against street SDC fees for those construction and soft cost expenses incurred beyond its obligations, as follows. The City hereby agrees to obtain construction easements, if needed, from the adjacent properties on the west side of Grahams Ferry Road. Polygon hereby agrees to provide vaults and conduits and cause to have all overhead franchise utilities located underground, at its cost. Service conduit to properties on the west side of Grahams Ferry Road shall be placed under the roadway with transition poles located on the west side; the City shall pay for the cost of conduit and transition poles. The parties estimate the length of this segment to be 960 feet and that the estimated cost to construct, with utilities, is \$415,625, together with soft costs estimated at 24% of the construction cost, or \$99,750, which totals \$515,375 (**Exhibit 6**, attached hereto and incorporated by reference herein). Polygon estimates the costs subject to street SDC reimbursement from the City to be \$174,164, inclusive of soft costs, and estimates the costs subject to street SDC credit to be \$40,658, inclusive of soft costs. The breakdown of soft costs is set forth in Section 12.1; the breakdown between street SDC reimbursement and street SDC credit is provided in the following subsections 4.1 and 4.2.

4.1 Tooze Road/Grahams Ferry Road Intersection to Oslo Street. From the south leg of the Tooze/Grahams Ferry Road intersection to the north edge of the intersection with Oslo Street, the roadway will be constructed with the cross-section as indicated in **Exhibit 5**. The costs to design and construct the east 24 feet of street improvements adjacent to the Villebois Calais project, and accompanying pro rata share of storm improvements, signage & striping, street lighting, curb & gutter, sidewalk, and irrigation & landscaping up to the back of the lots will be the obligation and responsibility of Polygon. For the street improvements, Polygon will be responsible for a typical residential structural section. Upgrades to this structural section, and accompanying costs, to accommodate the expected traffic volume and loads for a minor arterial will be the responsibility of the City, with Polygon receiving credits against street SDC fees. Additionally, Polygon will receive street SDC credit from the City for one half (five feet) of the 10-foot wide sidewalk along the east side of the street improvements.

The costs to design and construct the west 28 feet of street improvements are the responsibility of the City and are subject to reimbursement from the City to Polygon. These street improvements are described as the west 28 feet of street improvements and accompanying pro rata share of storm improvements, signage & striping, street lighting, and curb & gutter.

4.2 Oslo Street to South Property Line of Villebois Calais. The initial approximately 350 feet of this roadway from the north side of Oslo Street to the south property boundary between Villebois Calais and the SAP-North PDP-2 development (Tonquin Woods 4),

the present boundary Tax Lots 31W15 01591 and 31W15 02915, will be built as part of the Villebois Calais project, with the cross-section as indicated in **Exhibit 5**. The costs to design and construct the east 24 feet of street improvements, adjacent to the Villebois Calais project and Tax Lot 31W15 01591, and accompanying pro rata share of storm improvements, signage & striping, street lighting, curb & gutter, sidewalk, and irrigation & landscaping up to the edge of right-of-way will be the obligation and responsibility of Polygon. For the street improvements, Polygon will be responsible for a typical residential structural section. Upgrades to this structural section, and accompanying costs, to accommodate the expected traffic volume and loads for a minor arterial will be the responsibility of the City, with Polygon receiving credits against street SDC fees. Additionally, Polygon will receive street SDC credit from the City for one half (five feet) of the 10-foot wide sidewalk along the east side of the street improvements.

The costs to design and construct the west 10 feet of street improvements, plus gravel shoulder, swale, and adjustments to existing adjacent driveways, are the responsibility of the City and are subject to reimbursement from the City to Polygon. These street improvements are described as the west 10 feet of street improvements and accompanying pro rata share of storm improvements, signage & striping, and street lighting.

It is agreed and understood that the section of Grahams Ferry Road adjacent to the Villebois Tonquin Woods 4 project (Tax Lot 31W15 02915) to the improved section of Grahams Ferry Road, completed with the Villebois SAP-North PDP-1 development (Tonquin Woods 3), is intended to will be constructed concurrently by Polygon with the above described improvements to Grahams Ferry Road. Details of this work, responsibilities, and credits or reimbursements will be included in Addendum 5 to the Villebois Development Agreement, addressing work done with the Villebois SAP-North PDP-2 and SAP-Central PDP-4 developments.

4.3 Tax Lot 1591. The City and the URA are in the process of determining ownership in order for the City to purchase and acquire Tax Lot 31W15 01591 prior to roadway construction work occurring on this parcel and provide the required right-of-way and easements as needed to complete the work. However, if acquisition cannot be acquired in a timely manner, the City or the URA will seek the right of possession under its respective eminent domain authority in order to meet Polygon's construction schedule.

5. Intersection of Tooze Road/Boeckman Road and Grahams Ferry Road

The City hereby agrees to design and construct a signalized intersection at Tooze/Boeckman Road and Grahams Ferry Road as warranted by traffic demand. It is estimated that signalization of the intersection will be warranted at the time of constructing the City's Tooze/Boeckman Road improvements and, if so, the signalization shall be constructed at that time. The City will be responsible for the costs of this work outside of the street improvements outlined in Sections 3 and 4 above, except for those which remain Polygon's responsibility. The City will be responsible for acquiring the necessary right-of-way and easements from property owners at the northeast, northwest, and southwest corners of the intersection. To accommodate the proposed signal pole location at the southeast corner of the intersection, Polygon hereby agrees to dedicate to the City the necessary additional right-of-way from Villebois Calais. Necessary right-of-way will be a diagonal from the tangent radius points of the two intersecting right-of-way lines, plus

any additional construction easement that may be necessary to complete the intersection improvements.

6. Paris Avenue/Ravenna Loop

The City hereby agrees to provide the required right-of-way and easements as needed for construction of Paris Avenue as indicated in **Exhibit 7**, attached hereto and incorporated by reference herein. Polygon hereby agrees to provide the legal descriptions for the required right-of-way and easements and design and construct Paris Avenue, as indicated in **Exhibit 7**, at its cost. The City will provide the deed and easements within 7 days of receiving the legal descriptions.

7. Berlin Avenue Sanitary Sewer

To provide sanitary sewer service to the Villebois Calais project, Polygon proposes to install an 8-inch sewer main line from the existing public sewer installed with Villebois SAP-North PDP-2 (Tonquin Meadows 4) to the Villebois Calais project, as indicated in **Exhibit 8**, attached hereto and incorporated by reference herein. The City also desires to provide sanitary sewer service to Tax Lots 31W15 01100 and 31W15 01101, currently owned by the City. Polygon's engineer has indicated this can be accomplished by installing a deeper main line over a section of its sewer work from SSMH B2.1 to SSMH B6.1. At a minimum, this would require deepening the sewer line at SSMH B6.1 by 6.69 feet. The estimated costs for the shallower and deeper sewer lines are provided in **Exhibit 9**, attached hereto and incorporated by reference herein. Polygon shall be eligible for the estimated Sanitary SDC credits of approximately \$15,176, inclusive of soft costs as indicated in **Exhibit 9**, for the difference in costs between the deeper and shallower sewer lines.

However, in the event Polygon chooses to advance installation of the aforementioned 8" sewer line with the Tonkin Meadows 6 and 7 phases of Villebois SAP-North, PDP-2, Polygon may elect to apply the SDC credits to the Tonkin Meadows 6 and 7 phases in lieu of the Calais development.

Villebois Calais will still be responsible for its share of the Coffee Lake Drive Sanitary Sewer Reimbursement District allocation (\$28,001.86 for the three properties that Calais covers at the time per adopted Resolution No. 2350 was adopted, subject to annual adjustment) for the City's construction of the 15-inch sewer main in Coffee Lake Drive.

8. Parks and Open Spaces

There are no Villebois Master Plan parks planned for this site. However, there is an open space area and certain linear green and landscaped areas Polygon has proposed for its site development plan. To the extent approved, Polygon shall be responsible for their design, construction, and maintenance, at its cost. Since there is no Park SDC credit, the City Park SDC's shall be paid by Polygon at the time of building permit in the normal course in this regard.

9. Master Plan Fee

The Villebois Development Agreement for SAP-North provides that the developer will pay a master planning fee of \$900 per lot, with \$690 of that fee being paid to the master planner, Costa Pacific Communities, and \$210 of that fee being paid to the City, subject to an annual increase per the Seattle Engineering Record's published construction cost index. Polygon is subject to paying the master planner's fee, which is currently, for fiscal year 2013-14, a total of \$1,071, with \$821 to Costa Pacific Communities and \$250 to the City. The total current estimate for 84 lots is \$89,964.

10. SDC Credit and Reimbursement Calculations

10.1 Included Costs. The standards for calculating the costs of constructing infrastructure, including both soft and hard construction costs, are standards known to the City and Polygon, and have been used for the calculations herein, against which SDC credits are calculated or reimbursement provided. Soft costs incurred in connection with the improvements described in this Addendum 4 are included in SDC credits. Polygon shall be treated equitably and consistently with the other developers receiving SDC credits in Villebois, and such soft costs for the purposes of SDC credits shall be calculated as a percentage of construction costs as follows: Design, Engineering, and Surveying, 10%; City Permit Fee, 7%; Geotechnical Inspection, 2%; and Construction Management, 5%; for a total of 24% of construction costs. The Villebois Development Agreement addresses the respective SDC and SDC credit calculations and is to be followed, except as may otherwise be specifically set forth in this Addendum 4. All SDC credits shall be credited to Polygon before Polygon must pay any system development charges for the Villebois Calais project lots. That is, upon completing an infrastructure project and becoming entitled to the applicable SDC credits as provided in this Addendum 4, Polygon may apply, in whole or in part, such applicable SDC credits against the SDC otherwise owed, until such credits may become exhausted, before Polygon is obligated to pay any remaining applicable SDC that may be owed.

10.2 SDC Reimbursements. For the additional work in constructing the western portion of Grahams Ferry Road, as described in Section 4, over and beyond City development requirements for the Villebois Calais project, the City hereby agrees to reimburse Polygon for its costs incurred. Reimbursement costs subject to the Excluded Costs, Final Estimates, and True Up are outlined in the following subsections 10.3 and 10.4.

10.3 Excluded Costs. The parties to this Addendum 4 agree that the various infrastructure costs and SDC credit calculations shall not include the cost of any property or any easement, right of entry, or license for any property necessary to be dedicated, or otherwise transferred by any of the respective parties to this Addendum 4, to the City for the infrastructure improvements, including parks, provided for in this Addendum 4 and which shall be provided to the City without cost to the City. Polygon will not be required to pay for any rights of entry, easements, or dedications from other property owners.

10.4 Final Estimates and True Up. In order to secure a public works permit for the infrastructure provided for herein, plans for the construction of the infrastructure, including

parks, must be provided to and approved by the City. In constructing the infrastructure, the approved plans must be followed and, to ensure the cost for providing the infrastructure is reasonable, and thus any credit entitlement is reasonable, Polygon shall provide the construction contract costs for Villebois Calais to the City as the final estimate for the City's review and approval, which approval shall not be unreasonably withheld. Additionally, the City shall provide its construction contract costs for the Tooze/Boeckman Road project to Polygon as the final estimate for Polygon's review and approval, which approval shall not be unreasonably withheld. The final cost, SDC credits, and reimbursements shall be based on actual costs true-up from the construction contract costs; provided, however, that for any such true-up change cost, the parties must mutually agree they are reasonable.

Final construction contract costs, inclusive of all true-up for contract changes, shall be presented to the reimbursing party within 90 days of acceptance of the improvement by the City. The reimbursing party shall pay the reimbursement within 30 days of receiving the final construction costs request for reimbursement, provided there is mutual agreement on any true-up charges. If there is a disagreement on any or all of the true-up charges, that true-up sum(s) may be withheld until such time as any such disagreement is resolved, with that sum(s) being paid within 7 days of resolution.

10.5 **Insurance and Bonds.** Prior to commencement of construction of the infrastructure set forth in this Addendum 4, Polygon must provide to the City performance and payment bonds, satisfactory to the City, to provide for the respective infrastructure set forth in this Addendum 4. Polygon shall cause the City to be named as an additional insured on the applicable contractor's insurance policy for the construction of the respective infrastructure provided for in this Addendum 4, in amounts and coverage satisfactory to the City.

11. **Recitals Incorporated.** The recitals set forth above, inclusive of exhibits, are incorporated by reference as general terms of this agreement to provide for the intent of the parties in developing and constructing the specific provisions of the Terms and Conditions of this Addendum 4 agreement.

12. **Miscellaneous.** This Addendum 4 amends the Villebois Development Agreement as specifically set forth herein. Except as set forth in this Addendum 4, the Villebois Development Agreement, as previously amended, remains in full force and effect as to the parties to the Villebois Development Agreement.

13. **Assignment.** Polygon shall have the right to assign, without release, this Addendum 4 to an affiliate of Polygon, including Polygon at Villebois, L.L.C. An affiliate of Polygon is defined as any entity that is managed or controlled by the same people who manage Polygon.

14. **SDC Adjustments.** All references to SDC's in this Addendum 4 are references to system development charges established for the 2013-2014 fiscal year. Those charges are subject to adjustment on an annual basis proportionate to the changes in the Seattle Engineering Record's published construction cost index.

15. **Notices.** All notices, demands, consents, approvals, and other communications which are required or desired to be given by either party to the other hereunder shall be in writing and shall be faxed, hand delivered, or sent by overnight courier or United States Mail at its address set forth below, or at such other address as such party shall have last designated by notice to the other. Notices, demands, consents, approvals, and other communications shall be deemed given when delivered, three days after mailing by United States Mail, or upon receipt if sent by courier; provided, however, that if any such notice or other communication shall also be sent by telecopy or fax machine, such notice shall be deemed given at the time and on the date of machine transmittal.

To City: City of Wilsonville
Attn: Michael E. Kohlhoff, City Attorney
29799 SW Town Center Loop East
Wilsonville, OR 97070

To Polygon: Polygon Northwest Company, L.L.C.
Attn: Fred Gast
109 E. 13th Street
Vancouver, WA 98660

with a copy to: Radler White Parks & Alexander LLP
Attn: Barbara Radler
111 SW Columbia Street, Suite 1100
Portland, OR 97201

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first written above.

POLYGON NORTHWEST COMPANY, L.L.C.

CITY OF WILSONVILLE

By: Brentview, Inc., its Manager

By: _____
Print Name: _____
As Its: _____

By: _____
Bryan Cosgrove
As Its: City Manager

THE URBAN RENEWAL AGENCY OF THE
CITY OF WILSONVILLE

By: _____
Bryan Cosgrove
As Its: Executive Director

APPROVED AS TO FORM:

Michael E. Kohlhoff, OSB #690940
City Attorney

ADDENDUM NO. 4
TO THE DEVELOPMENT AGREEMENT OF MAY 24, 2004
BY AND BETWEEN THE CITY OF WILSONVILLE (CITY) AND
THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE (URA)
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3.2 Storm Improvements. With Polygon likely to proceed with construction of the Villebois Calais project prior to the City constructing the Tooze/Boeckman Road project, and existing storm lines in Tooze Road being undersized for the additional runoff volumes from Villebois Calais, Polygon will service Villebois Calais with storm facilities connecting the project to Villebois SAP-North PDP-2 (Tonquin Woods 4), with the ultimate release point being part of the Villebois SAP-East PDP-3 development (Tonquin Meadows) planned for construction in 2014. Polygon or one of its affiliated limited liability companies currently are the planned developer for Tonquin Woods 4 and Tonquin Meadows and should allow for ease of construction coordination in this regard.

Adjacent to Villebois Calais, the City will construct the storm improvements with the Tooze/Boeckman Road project, and Polygon will be responsible for its share of the storm cost based on its responsibility for the street costs (24 feet of 52 feet). This cost is included in **Exhibit 4**, attached hereto and incorporated by reference herein.

With the Tooze Road improvements, the City plans to increase the capacity of the storm system in Tooze Road to accommodate for the anticipated contributions from future development of Tax Lots 31W15 01203, 31W15 01100, and 31W15 01101. The City is responsible for 100% of the cost of these storm facility improvements, except any upsizing cost that is specifically required to handle the storm runoff from Polygon's Tooze/Boeckman Road responsibilities outlined in this agreement. If storm runoff from Polygon's Tooze/Boeckman Road responsibilities can be accommodated in the pipe sizing required for the City's obligations, or Polygon is able to drain its property without any need to tie into the Tooze Road storm pipe, then Polygon shall be relieved of this reimbursement responsibility.

3.3 Water and Sanitary Sewer Improvements. All costs for water and sanitary sewer improvements undertaken with the Tooze/Boeckman Road project will be the responsibility of the City.

3.4 Landscape Improvements. Polygon hereby agrees to have its Villebois Calais landscape designer work with the City's Tooze/Boeckman Road landscape designer to develop a uniform landscape design for the north and south landscaped areas along Tooze/Boeckman Road.

4. **Grahams Ferry Road**

For both ease of construction and cost savings, rather than have the City construct the west 28 feet of half-street improvements, Polygon, as the developer of Villebois Calais, hereby agrees to construct Grahams Ferry Road from the south leg of the Tooze/Grahams Ferry Road intersection southward to the southern extent of the Villebois Calais project, as indicated in **Exhibit 5**, attached hereto and incorporated by reference herein. Polygon hereby agrees to dedicate to the City the additional 7.5 feet of right-of-way from Villebois Calais adjacent to Grahams Ferry Road and provide a public sidewalk and access easement over those portions of the 10-foot sidewalk that lie outside the public right of way. Polygon will receive reimbursements or credits against street SDC fees for those construction and soft cost expenses incurred beyond its obligations, as follows. The City hereby agrees to obtain construction easements, if needed, from the adjacent properties on the west side of Grahams Ferry Road. Polygon hereby agrees to provide vaults and conduits and cause to have all overhead franchise utilities located underground, at its cost. Service conduit to properties on the west side of Grahams Ferry Road shall be placed under the roadway with transition poles located on the west side; the City shall pay for the cost of conduit and transition poles. The parties estimate the length of this segment to be 960 feet and that the estimated cost to construct, with utilities, is \$415,625, together with soft costs estimated at 24% of the construction cost, or \$99,750, which totals \$515,375 (**Exhibit 6**, attached hereto and incorporated by reference herein). Polygon estimates the costs subject to street SDC reimbursement from the City to be \$174,164, inclusive of soft costs, and estimates the costs subject to street SDC credit to be \$40,658, inclusive of soft costs. The breakdown of soft costs is set forth in Section 12.1; the breakdown between street SDC reimbursement and street SDC credit is provided in the following subsections 4.1 and 4.2.

4.1 Tooze Road/Grahams Ferry Road Intersection to Oslo Street. From the south leg of the Tooze/Grahams Ferry Road intersection to the north edge of the intersection with Oslo Street, the roadway will be constructed with the cross-section as indicated in **Exhibit 5**. The costs to design and construct the east 24 feet of street improvements adjacent to the Villebois Calais project, and accompanying pro rata share of storm improvements, signage & striping, street lighting, curb & gutter, sidewalk, and irrigation & landscaping up to the back of the lots will be the obligation and responsibility of Polygon. For the street improvements, Polygon will be responsible for a typical residential structural section. Upgrades to this structural section, and accompanying costs, to accommodate the expected traffic volume and loads for a minor arterial will be the responsibility of the City, with Polygon receiving credits against street SDC fees. Additionally, Polygon will receive street SDC credit from the City for one half (five feet) of the 10-foot wide sidewalk along the east side of the street improvements.

The costs to design and construct the west 28 feet of street improvements are the responsibility of the City and are subject to reimbursement from the City to Polygon. These street improvements are described as the west 28 feet of street improvements and accompanying pro rata share of storm improvements, signage & striping, street lighting, and curb & gutter.

4.2 Oslo Street to South Property Line of Villebois Calais. The initial approximately 350 feet of this roadway from the north side of Oslo Street to the south property boundary between Villebois Calais and the SAP-North PDP-2 development (Tonquin Woods 4),

the present boundary Tax Lots 31W15 01591 and 31W15 02915, will be built as part of the Villebois Calais project, with the cross-section as indicated in **Exhibit 5**. The costs to design and construct the east 24 feet of street improvements, adjacent to the Villebois Calais project and Tax Lot 31W15 01591, and accompanying pro rata share of storm improvements, signage & striping, street lighting, curb & gutter, sidewalk, and irrigation & landscaping up to the edge of right-of-way will be the obligation and responsibility of Polygon. For the street improvements, Polygon will be responsible for a typical residential structural section. Upgrades to this structural section, and accompanying costs, to accommodate the expected traffic volume and loads for a minor arterial will be the responsibility of the City, with Polygon receiving credits against street SDC fees. Additionally, Polygon will receive street SDC credit from the City for one half (five feet) of the 10-foot wide sidewalk along the east side of the street improvements.

The costs to design and construct the west 10 feet of street improvements, plus gravel shoulder, swale, and adjustments to existing adjacent driveways, are the responsibility of the City and are subject to reimbursement from the City to Polygon. These street improvements are described as the west 10 feet of street improvements and accompanying pro rata share of storm improvements, signage & striping, and street lighting.

It is agreed and understood that the section of Grahams Ferry Road adjacent to the Villebois Tonquin Woods 4 project (Tax Lot 31W15 02915) to the improved section of Grahams Ferry Road, completed with the Villebois SAP-North PDP-1 development (Tonquin Woods 3), is intended to be constructed concurrently by Polygon with the above described improvements to Grahams Ferry Road. Details of this work, responsibilities, and credits or reimbursements will be included in Addendum 5 to the Villebois Development Agreement, addressing work done with the Villebois SAP-North PDP-2 and SAP-Central PDP-4 developments.

4.3 Tax Lot 1591. The City and the URA are in the process of determining ownership in order for the City to purchase and acquire Tax Lot 31W15 01591 prior to roadway construction work occurring on this parcel and provide the required right-of-way and easements as needed to complete the work. However, if acquisition cannot be acquired in a timely manner, the City or the URA will seek the right of possession under its respective eminent domain authority in order to meet Polygon's construction schedule.

5. Intersection of Tooze Road/Boeckman Road and Grahams Ferry Road

The City hereby agrees to design and construct a signalized intersection at Tooze/Boeckman Road and Grahams Ferry Road as warranted by traffic demand. It is estimated that signalization of the intersection will be warranted at the time of constructing the City's Tooze/Boeckman Road improvements and, if so, the signalization shall be constructed at that time. The City will be responsible for the costs of this work outside of the street improvements outlined in Sections 3 and 4 above, except for those which remain Polygon's responsibility. The City will be responsible for acquiring the necessary right-of-way and easements from property owners at the northeast, northwest, and southwest corners of the intersection. To accommodate the proposed signal pole location at the southeast corner of the intersection, Polygon hereby agrees to dedicate to the City the necessary additional right-of-way from Villebois Calais. Necessary right-of-way will be a diagonal from the tangent radius points of the two intersecting right-of-way lines, plus

any additional construction easement that may be necessary to complete the intersection improvements.

6. Paris Avenue/Ravenna Loop

The City hereby agrees to provide the required right-of-way and easements as needed for construction of Paris Avenue as indicated in **Exhibit 7**, attached hereto and incorporated by reference herein. Polygon hereby agrees to provide the legal descriptions for the required right-of-way and easements and design and construct Paris Avenue, as indicated in **Exhibit 7**, at its cost. The City will provide the deed and easements within 7 days of receiving the legal descriptions.

7. Berlin Avenue Sanitary Sewer

To provide sanitary sewer service to the Villebois Calais project, Polygon proposes to install an 8-inch sewer main line from the existing public sewer installed with Villebois SAP-North PDP-2 (Tonquin Meadows 4) to the Villebois Calais project, as indicated in **Exhibit 8**, attached hereto and incorporated by reference herein. The City also desires to provide sanitary sewer service to Tax Lots 31W15 01100 and 31W15 01101, currently owned by the City. Polygon's engineer has indicated this can be accomplished by installing a deeper main line over a section of its sewer work from SSMH B2.1 to SSMH B6.1. At a minimum, this would require deepening the sewer line at SSMH B6.1 by 6.69 feet. The estimated costs for the shallower and deeper sewer lines are provided in **Exhibit 9**, attached hereto and incorporated by reference herein. Polygon shall be eligible for the estimated Sanitary SDC credits of approximately \$15,176, inclusive of soft costs as indicated in **Exhibit 9**, for the difference in costs between the deeper and shallower sewer lines.

However, in the event Polygon chooses to advance installation of the aforementioned 8" sewer line with the Tonkin Meadows 6 and 7 phases of Villebois SAP-North, PDP-2, Polygon may elect to apply the SDC credits to the Tonkin Meadows 6 and 7 phases in lieu of the Calais development.

Villebois Calais will still be responsible for its share of the Coffee Lake Drive Sanitary Sewer Reimbursement District allocation (\$28,001.86 for the three properties that Calais covers at the time Resolution No. 2350 was adopted, subject to annual adjustment) for the City's construction of the 15-inch sewer main in Coffee Lake Drive.

8. Parks and Open Spaces

There are no Villebois Master Plan parks planned for this site. However, there is an open space area and certain linear green and landscaped areas Polygon has proposed for its site development plan. To the extent approved, Polygon shall be responsible for their design, construction, and maintenance, at its cost. Since there is no Park SDC credit, the City Park SDC's shall be paid by Polygon at the time of building permit in the normal course in this regard.

9. Master Plan Fee

The Villebois Development Agreement for SAP-North provides that the developer will pay a master planning fee of \$900 per lot, with \$690 of that fee being paid to the master planner, Costa Pacific Communities, and \$210 of that fee being paid to the City, subject to an annual increase per the Seattle Engineering Record's published construction cost index. Polygon is subject to paying the master planner's fee, which is currently, for fiscal year 2013-14, a total of \$1,071, with \$821 to Costa Pacific Communities and \$250 to the City. The total current estimate for 84 lots is \$89,964.

10. SDC Credit and Reimbursement Calculations

10.1 Included Costs. The standards for calculating the costs of constructing infrastructure, including both soft and hard construction costs, are standards known to the City and Polygon, and have been used for the calculations herein, against which SDC credits are calculated or reimbursement provided. Soft costs incurred in connection with the improvements described in this Addendum 4 are included in SDC credits. Polygon shall be treated equitably and consistently with the other developers receiving SDC credits in Villebois, and such soft costs for the purposes of SDC credits shall be calculated as a percentage of construction costs as follows: Design, Engineering, and Surveying, 10%; City Permit Fee, 7%; Geotechnical Inspection, 2%; and Construction Management, 5%; for a total of 24% of construction costs. The Villebois Development Agreement addresses the respective SDC and SDC credit calculations and is to be followed, except as may otherwise be specifically set forth in this Addendum 4. All SDC credits shall be credited to Polygon before Polygon must pay any system development charges for the Villebois Calais project lots. That is, upon completing an infrastructure project and becoming entitled to the applicable SDC credits as provided in this Addendum 4, Polygon may apply, in whole or in part, such applicable SDC credits against the SDC otherwise owed, until such credits may become exhausted, before Polygon is obligated to pay any remaining applicable SDC that may be owed.

10.2 SDC Reimbursements. For the additional work in constructing the western portion of Grahams Ferry Road, as described in Section 4, over and beyond City development requirements for the Villebois Calais project, the City hereby agrees to reimburse Polygon for its costs incurred. Reimbursement costs subject to the Excluded Costs, Final Estimates, and True Up are outlined in the following subsections 10.3 and 10.4.

10.3 Excluded Costs. The parties to this Addendum 4 agree that the various infrastructure costs and SDC credit calculations shall not include the cost of any property or any easement, right of entry, or license for any property necessary to be dedicated, or otherwise transferred by any of the respective parties to this Addendum 4, to the City for the infrastructure improvements, including parks, provided for in this Addendum 4 and which shall be provided to the City without cost to the City. Polygon will not be required to pay for any rights of entry, easements, or dedications from other property owners.

10.4 Final Estimates and True Up. In order to secure a public works permit for the infrastructure provided for herein, plans for the construction of the infrastructure, including

parks, must be provided to and approved by the City. In constructing the infrastructure, the approved plans must be followed and, to ensure the cost for providing the infrastructure is reasonable, and thus any credit entitlement is reasonable, Polygon shall provide the construction contract costs for Villebois Calais to the City as the final estimate for the City's review and approval, which approval shall not be unreasonably withheld. Additionally, the City shall provide its construction contract costs for the Tooze/Boeckman Road project to Polygon as the final estimate for Polygon's review and approval, which approval shall not be unreasonably withheld. The final cost, SDC credits, and reimbursements shall be based on actual costs true-up from the construction contract costs; provided, however, that for any such true-up change cost, the parties must mutually agree they are reasonable.

Final construction contract costs, inclusive of all true-up for contract changes, shall be presented to the reimbursing party within 90 days of acceptance of the improvement by the City. The reimbursing party shall pay the reimbursement within 30 days of receiving the final construction costs request for reimbursement, provided there is mutual agreement on any true-up charges. If there is a disagreement on any or all of the true-up charges, that true-up sum(s) may be withheld until such time as any such disagreement is resolved, with that sum(s) being paid within 7 days of resolution.

10.5 **Insurance and Bonds.** Prior to commencement of construction of the infrastructure set forth in this Addendum 4, Polygon must provide to the City performance and payment bonds, satisfactory to the City, to provide for the respective infrastructure set forth in this Addendum 4. Polygon shall cause the City to be named as an additional insured on the applicable contractor's insurance policy for the construction of the respective infrastructure provided for in this Addendum 4, in amounts and coverage satisfactory to the City.

11. **Recitals Incorporated.** The recitals set forth above, inclusive of exhibits, are incorporated by reference as general terms of this agreement to provide for the intent of the parties in developing and constructing the specific provisions of the Terms and Conditions of this Addendum 4 agreement.

12. **Miscellaneous.** This Addendum 4 amends the Villebois Development Agreement as specifically set forth herein. Except as set forth in this Addendum 4, the Villebois Development Agreement, as previously amended, remains in full force and effect as to the parties to the Villebois Development Agreement.

13. **Assignment.** Polygon shall have the right to assign, without release, this Addendum 4 to an affiliate of Polygon, including Polygon at Villebois, L.L.C. An affiliate of Polygon is defined as any entity that is managed or controlled by the same people who manage Polygon.

14. **SDC Adjustments.** All references to SDC's in this Addendum 4 are references to system development charges established for the 2013-2014 fiscal year. Those charges are subject to adjustment on an annual basis proportionate to the changes in the Seattle Engineering Record's published construction cost index.

15. **Notices.** All notices, demands, consents, approvals, and other communications which are required or desired to be given by either party to the other hereunder shall be in writing and shall be faxed, hand delivered, or sent by overnight courier or United States Mail at its address set forth below, or at such other address as such party shall have last designated by notice to the other. Notices, demands, consents, approvals, and other communications shall be deemed given when delivered, three days after mailing by United States Mail, or upon receipt if sent by courier; provided, however, that if any such notice or other communication shall also be sent by telecopy or fax machine, such notice shall be deemed given at the time and on the date of machine transmittal.

To City: City of Wilsonville
Attn: Michael E. Kohlhoff, City Attorney
29799 SW Town Center Loop East
Wilsonville, OR 97070

To Polygon: Polygon Northwest Company, L.L.C.
Attn: Fred Gast
109 E. 13th Street
Vancouver, WA 98660

with a copy to: Radler White Parks & Alexander LLP
Attn: Barbara Radler
111 SW Columbia Street, Suite 1100
Portland, OR 97201

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first written above.

POLYGON NORTHWEST COMPANY, L.L.C.

CITY OF WILSONVILLE

By: Brentview, Inc., its Manager

By: _____
Print Name: _____
As Its: _____

By: _____
Bryan Cosgrove
As Its: City Manager

THE URBAN RENEWAL AGENCY OF THE
CITY OF WILSONVILLE

By: _____
Bryan Cosgrove
As Its: Executive Director

APPROVED AS TO FORM:

Michael E. Kohlhoff, OSB #690940
City Attorney



EXHIBIT "A"

January 20, 2014

LEGAL DESCRIPTION

Job No. 395-027

The land described in Document No. 2007-047567 and Document No. 73-30403, Clackamas County Deed Records, being in the Northwest Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, more particularly described as follows:

COMMENCING at the Northeast corner of Tract "DD" of plat of "Tonquin Woods at Villebois No. 4";

thence along the northerly plat line of said plat, North 88°34'09" West, a distance of 37.22 feet to the POINT OF BEGINNING;

thence continuing along said northerly plat line, North 88°34'09" West, a distance of 862.08 feet to the Southeast corner of the property described in Document No. 2000-050326;

thence along the northeasterly line of said property, North 09°12'39" West, a distance of 166.59 feet to a point on the easterly right-of-way line of SW Grahams Ferry Road;

thence along said easterly right-of-way line, North 17°14'42" East, a distance of 15.88 feet to an angle point;

thence continuing along said easterly right-of-way line, North 21°00'47" East, a distance of 753.50 feet to a point on the southerly right-of-way line of SW Tooze Road;

thence along said southerly right-of-way line, South 88°34'09" East, a distance of 558.80 feet to the Northwest corner of the property described in Document No. 73-30518;

thence along the westerly line of said property, South 02°14'46" West, a distance of 483.82 feet to the Southwest property corner of said property;

thence along the southerly line of said property, South 88°22'03" East, a distance of 89.82 feet to a point on the westerly line of Parcel 2, Partition Plat No. 1994-182;

thence along said westerly parcel line, South 02°14'46" West, a distance of 404.88 feet to the POINT OF BEGINNING.

Containing 15.164 acres, more or less.

Basis of bearings being the plat of "Tonquin Woods at Villebois No. 4", Clackamas County Plat Records.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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

OREGON
JULY 9, 2002
TRAVIS C. JANSEN
57751

RENEWES: 6/30/2015

N:\proj\395-027\09 Drawings\06 Survey\Legals\395-027 Rmpt Zone Change.dwg - SHEET: Legal Desc. Jan. 20, 14 - 2:42 PM tcj

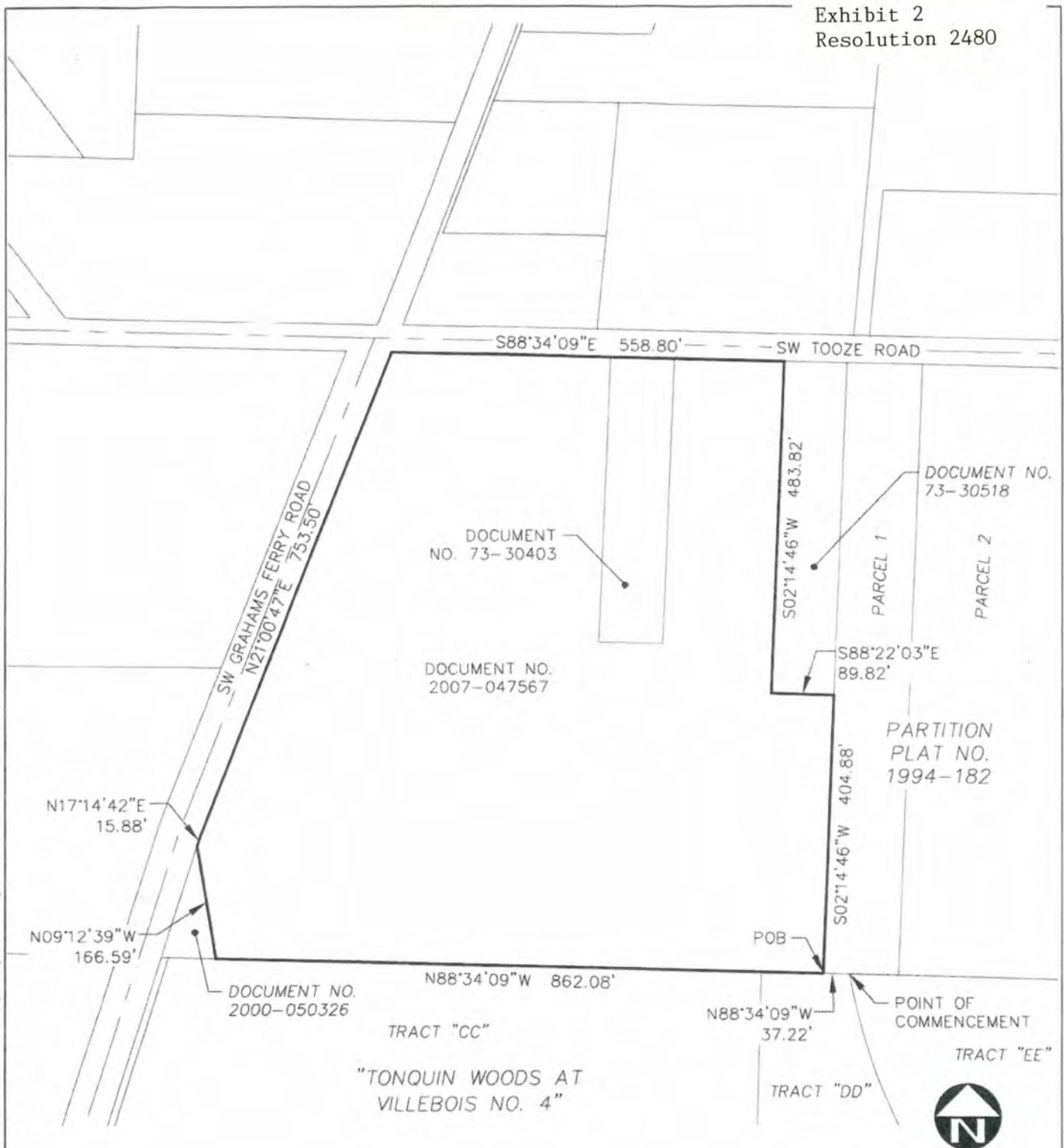


EXHIBIT "A"

DRAWN BY: CLL DATE: 1/20/14
 REVIEWED BY: TCJ DATE: 1/20/14
 PROJECT NO.: 395-027
 SCALE: 1"=200'
 PAGE 2 OF 2



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



City of Wilsonville

May
2014

Community Development

FROM THE DIRECTOR'S OFFICE

Greetings! We have several notable information items to report for the month of May:

I continued to participate in the Willamette River Water Supply Governance Group with Delora Kerber and Mike Kohlhoff. Other participants include representatives of Tualatin Valley Water District and the cities of Hillsboro, Beaverton, Sherwood, Tualatin, and Tigard.

The mayor, Stephan Lashbrook and I attended the joint JPACT/MPAC Climate Smart Communities meeting on May 30 where committee members selected a draft preferred approach to reduce per capita greenhouse gas emissions from cars and small trucks to 20 percent below 2005 levels by 2035. For the seven policy areas of Transit Capital, Transit Operations, Technology, Travel Info Programs, Active Transportation, Streets and Highways, and Parking Management, the preferred approach ranged from just above B to just under C levels of investment. Those levels of investment were discussed at Council May work sessions where "Shaping the Preferred Approach" Discussion Guide for Policymakers was reviewed.

Meetings were held with Finance, Public Works, Community Development staff and our consultant to advance the Stormwater Rate Study. As part of that effort, the Charbonneau Consolidated Improvement Plan has been completed by Zach Weigel, Project Engineer, for use in defining comprehensive capital needs of our Stormwater Utility. Findings, recommendations, and alternatives for Council consideration will be presented at the July work sessions.

Our Engineering Intern completed data collection that will be used to develop the curb ramp and pedestrian push button components of our ADA transition plan.

Did you know we are using a new asphalt mix for the Wilsonville road pavement rehabilitation work this summer? The mix includes Kevlar-type reinforcing fibers that are known for strength, binding, and durability. We expect this asphalt mix will provide a stronger pavement with reduced maintenance needs and extended service life.

On May 28, Mike Ward, Project Engineer, Chief Smith and I met with Villebois residents to discuss neighborhood traffic concerns and possible improvements. We focused on the 3 E's—Engineering, Education, and Enforcement. The meeting was well attended by around 30 engaged citizens.

We are moving into the summer season with groundbreaking in several Villebois locations and capital projects, community meetings in the Basalt Creek and Frog Pond plan areas, and many active land use applications. We hope to have a little time to smell the roses and enjoy our Oregon summer!

Nancy Kraushaar, PE



Inside this issue:

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Building Division

Single Family Dwelling Permits YTD: 104

Major Projects Under Review:

In & Out Convenience Store, 29020 SW Town Ctr. Loop E
Republic Services Addition
Grading Tonquin Meadows
Grading Grande Pointe (LEC)
Park & Rec Tenant Improvement

Temporary or Certificates of Occupancy Issued:

Zoup (Deli)
Microsoft
WWTP
Sit Means Sit (Dog Kennel)



Villebois

Engineering Division, Capital Projects

Waste Water Treatment Plant (2082): Final punch list items are being completed. Final completion will occur in June. A ribbon cutting / dedication ceremony was held April 24th.

Barber Street Extension (4116): Property acquisition and final plans for the project are nearing completion, and the project remains on schedule for a August 7th bid date.

Street Maintenance (4014): Bids were opened on May 28th, and North Santiam Paving was the successful bidder at \$426K.

Kinsman Road (4004): Advance plans (90%) were completed. Permit applications are under review at the Agencies.

Canyon Creek Road Extension (4184) (picture next page): Bids were opened May 29th with Canby Excavating the successful bidder at \$2.65M, approximately \$700K under the Engineers' Estimate. The project will both extend and widen Canyon Creek Road from Boeckman Road to Town Center Loop East. This project will also be the first use of warm-mix asphalt in the City. Warm-mix asphalt installs at a lower temperature than hot-mix asphalt but has proven easier to work with for placement and compaction, while consuming less energy and releasing less volatile organics to the atmosphere. Construction is expected to occur in summer and fall 2014 with the roadway opening in November.

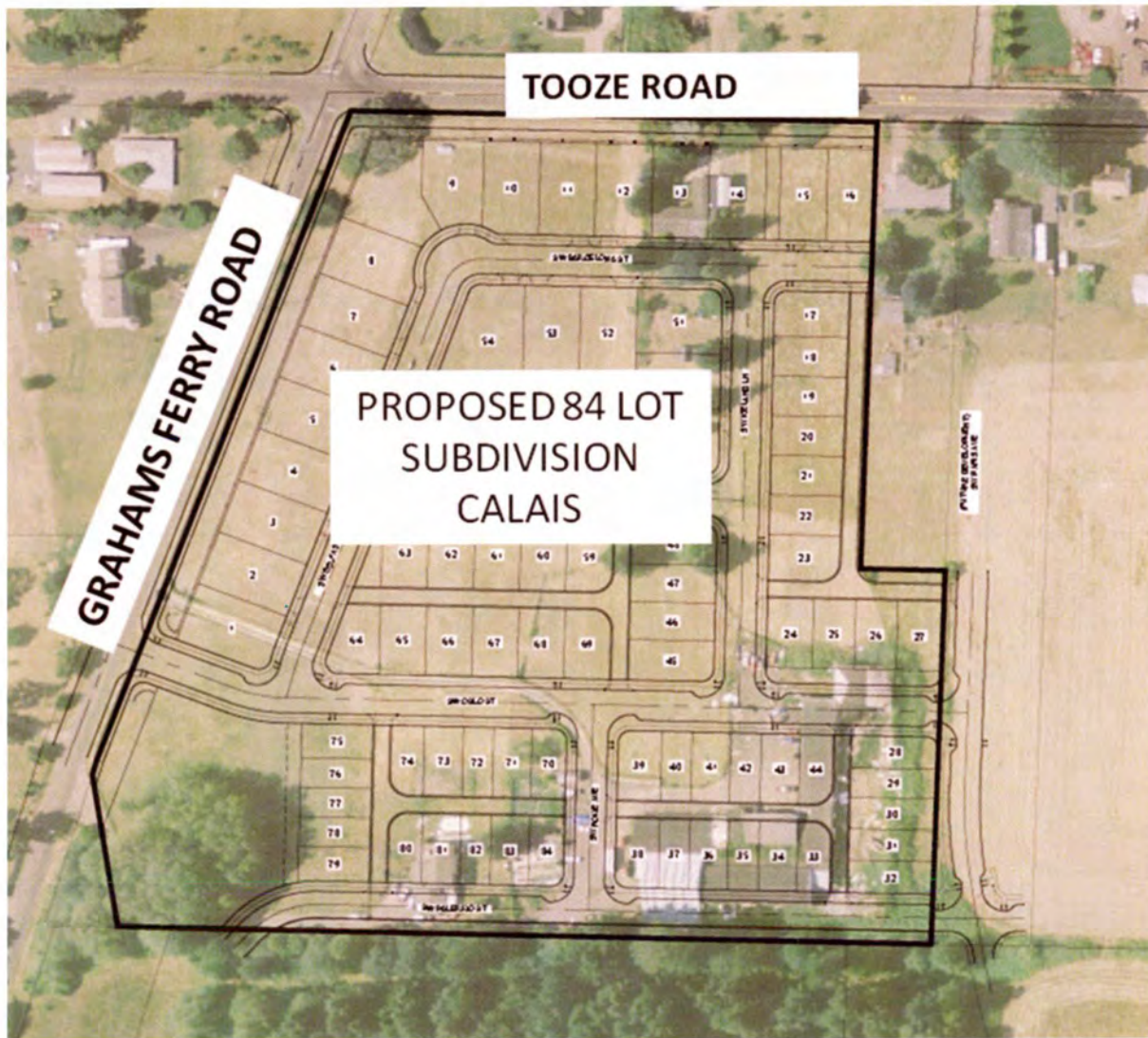
Engineering, Capital Projects, cont'd



Engineering, Private Development

Villebois:SAP East PDP 3—Meadows 1: A preconstruction meeting was held in May for the Villebois Meadows Phase 1 subdivision being constructed by Polygon NW. This is a 132-lot subdivision located west and northwest of Lowrie Primary School comprised of both detached and attached single family homes. With project construction, much of 110th Avenue will be demolished and a new section of Villebois Drive will be constructed and connect to the south leg of the Boeckman Road roundabout. Construction is expected to begin in June.

Planning Division, Current

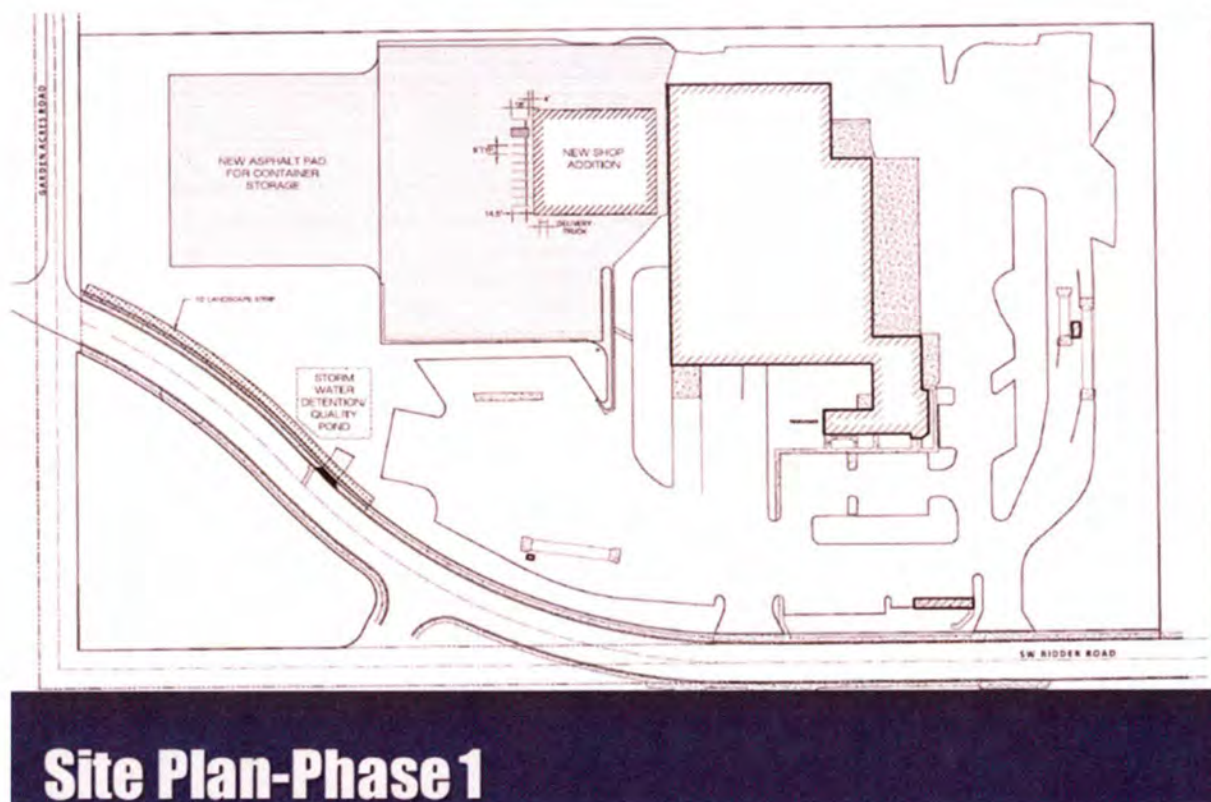


On May 12th DRB Panel 'A' voted to approve the application for Calais at Villebois comprising of 84 single-family residential lots. Polygon NW Company, applicant. Application Numbers: DB014-0009 – 16. Staff: Dan Pauly, AICP.

Continued on next page

Planning Division, Current, cont'd

On May 29th DRB Panel 'B' voted to approve the application for the proposed Phase 1 expansion of Republic Services comprising of a new maintenance building and a storage container area located at SW Ridder Road. Phase 2 development was continued to the June 23rd Public Hearing. Application Numbers: DB014-0032 – 35. Staff: Dan Pauly, AICP.



Planning Division, Long Range

INTERNSHIPS: The Planning Division has two new summer interns working on a wide range of current and long-range planning activities. Jenn Scola is assisting with current planning with customer service and research in the vacant assistant planner position, and Angelica Roquemore will be working on both Basalt Creek and Frog Pond area planning with a focus on public involvement.

LOWRIE PRIMARY SCHOOL 3RD GRADE PRESENTATION: Chris Neamtzu and Kerry Rappold recently presented land use and environmental planning 101 to a group of thirty 3rd graders at Lowrie Primary School. The students were interested in preserving the farm fields north of the school site as a nature preserve or park, both of which are planned in the immediate vicinity.



BASALT CREEK CONCEPT PLANNING: On Tuesday, June 17, 6:00-8:30 p.m., the cities of Wilsonville and Tualatin will host a public planning workshop at Horizon Christian High School, to begin discussing the future of the Basalt Creek area, located between the two cities. This high interactive community workshop will include a short presentation followed by live polling questions and a hands-on mapping exercise. Participants will be asked for their ideas for future land uses, multimodal transportation network (walking, bicycling, transit, and parks and open spaces).

The next Joint City Council meeting is scheduled for July 16th in Tualatin.

FROG POND AREA PLAN: Through walking the land, studying aerial photos and digital maps, and talking with property owners, the project team is gaining an understanding of the features, opportunities, and constraints of the study area. These are documented in a short memo and a series of maps that can be found on the project website (www.ci.wilsonville.or.us/frogpond).

On May 12th, the Frog Pond Area Plan Task Force met jointly with the Technical Advisory Committee to get an orientation to the planning process. The group discussed what the area should look like in 20 years, if the plan is successful.

The draft vision statement for the future of the study area will be discussed at the second Task Force meeting on June 12th, and presented to council and Planning Commission in July.



Creating a great community

Economic Development Division

Cooperative recruitment efforts with Susie Meyers have led to a signed lease with the Collins Pine Company (formerly Collins Lumber) for the entire third floor of the Wilsonville Town Center Office. Collins will be moving their corporate headquarters from Portland to Wilsonville and plan to be in place by the end of September.



Patrick Duke
Library Director

**LIBRARY
BOARD**
Hilly Alexander
Chair

Megan
Chuinard

Caroline Berry

Reggie Gaines

Alan Steiger

Wilsonville Public Library
Monthly Report to Council
June 2014

Headlines:

- **Wilsonville History Night - Tuesday, June 24: "Ropin', Ridin' & Racin': A Colorful Life at and Around Oregon's Rodeos and Horse Tracks"** with Dave Berman. 6:30pm (doors open at 5pm) at McMenamins Old Church.
- **Summer Reading Thursday Fun Shows:**
June 19th **Tears of Joy Puppet Theater**, 11am, 12:30pm, 2pm
June 26th **Science Circus with Rhys Thomas**, 11am, 12:30pm, 2pm
July 3rd.. **Mad Science**, 11am, 12:30pm
July 10th **Border Collies International**, 11am, 12:30pm
Shows funded by a donation from **Wilsonville Fred Meyer**
- Due to demand, the Library is creating a separate **Christian Fiction Collection**, which will be on the North wall by the Fiction collection.
- **Library Board meeting. June 25th, 6:30pm** at the Library.

May Statistics

- **Physical item circulation: 39,141** items checked out or renewed, down 7%.
- **E-book and downloadable audiobook circulation 1,484**, up 31% from last year.
- **Volunteer hours donated to the library: 898**

Administration

The Library completed its Strategic Plan recently. Each month a new Goal.

Library Strategic Plan – Goal 4

Spark, nourish and foster the joy of reading and natural curiosity for residents of all ages

- The library will provide a wide range of interesting and well attended programs for adults and children that encourage and excite.
- The library will actively build a collection of physical materials in all formats that are well used and effective.
- The Library will provide effective reference and reader's advisory services to all residents.

Target Outcomes:

1. 80% of users who seek reading materials will find them.
2. Increase adult programming attendance to 5,000 per year.
3. Circulation of materials increase by 5% per year.
4. 95% of users will be satisfied with Library services.

See details and more events at www.wilsonvillelibrary.org

Representative programs:

1. School Age:

School visits
Science adventure
Summer Reading Program

2. Teens:

Monthly teen nights
Teen Summer Reading

3. Adults:

History Pub
Genealogy Club
Book Club
Literature seminars
Homebound/Outreach

4. Collection development that reflects the interests of residents

Adult Services Programming

May Adult programming attendance: 190

Upcoming Programming (not mentioned above):

- **Adult Summer Reading Program** starts June 9th
- **Book Club: *The Year of Magical Thinking* – Joan didion**
Discuss this on July 10th, 6pm
- **Genealogy Club.** July 21st, 1:00 PM - 2:30 PM
- **The Great Books Discussion Group** meets on June 24th at 4pm. This month:
Of Justice and Injustice by David Hume
- **Writer's Group**, 2nd and 4th Tuesdays at 4pm

Youth Services Programming

May Youth Services programming attendance was 2,080

Upcoming Programming:

- **Summer Reading Program and Teen Summer Reading Program** start June 9th
Preschool Stories and Science Tuesdays 6:30pm and Wednesdays 10:30am, 1:30pm
Friday Family Films Fridays 12pm
Teen events, Mondays 4pm
- **Baby Time**, Tuesdays 11am
- **Toddler Time**, Tuesdays 10am

Parks and Recreation

May 2014 Report



WERK Day 2014 Wrap Up

This year's volunteers came out 296 strong and helped the Parks and Recreation and Natural Resources staff complete a variety of projects:

- * A new 450 foot portion of crushed rock path was constructed at the dog park, completing a loop through the area
- * The trails at Tranquil Park were resurfaced with crushed rock
- * In Memorial Park, barkdust was spread in landscaped areas and tree rings in turf areas
- * Along the Boeckman Creek trail in Memorial Park
 - Wood chips were spread on an unimproved trail and
 - Fifteen yards of chips were spread along a 700 foot long path
- * Several areas overgrown with invasive plants (ivy, holly and blackberries) were cut down in Tranquil Park and in three areas of Memorial Park.
- * Additionally, 30 yards of ivy was removed along with three yards of garbage.

Tools and equipment were borrowed again from Citywide Tree Service (which also provided the wood chips), City of Sherwood, City of Cornelius and Clackamas County Community Services.



Mother's Day Celebration

The Community Center celebrated our Mothers and Grandmothers with a delicious brunch on Monday, May 12. Our Nutrition Coordinators served 66 attendees and home delivered meal recipients a homemade breakfast casserole, French toast and fruit. Center Staffers Brad Moore and Brian Stevenson handed out carnations each of the senior women in attendance.



Parks and Recreation

Parks Update

Sofia Park

The Sofia Park spray deck is open and operating for the season. The park restroom is under renovation and is not in use. A portable restroom will be placed prior to the start of the Farmers Market.

Turf Maintenance and Irrigation Systems

The majority of our park system's turf areas have been fertilized and irrigation systems are in the process of being activated, tested and fine tuned for the season. Several areas of turf that receive heavy foot traffic been aerated or scheduled for aeration to help reduce compaction and increase water absorption.

Parks Supervisor Transition

Steve Munsterman has retired from the City of Wilsonville after 34 years of service. The last two years he served as the Parks Supervisor. His service to the City and the Parks and Recreation Department is greatly appreciated. Tod Blankenship has been hired as Steve's replacement as Parks Supervisor. Tod comes to us from Wisconsin Dells, Wisconsin. He has served as Golf Course Superintendent at two highly regarded courses in Wisconsin and Minnesota. He is a graduate of the University of Wisconsin and obtained a Master's Degree from Oregon State University in Ornamental Horticulture. We are pleased to have Tod as a member of the Parks and Recreation team and are looking forward to the impact he will have on our service delivery.



Upcoming Events and Programs

Veteran's Recognition Lunch - 70th Anniversary of D Day Invasion

Friday, June 6th- Patriotic Music at 11:15 am, Lunch at noon
Community Center

Movies in the Park

July 11 and July 25
August 8 and August 22
Memorial Park River Shelter
Movie Starts at Dusk



Public Works

May 2014

Annual Hydrant Flushing Program

Utilities Division

Our Annual Hydrant Flushing Program will occur over a five week period during the month of June. The hydrants are divided up in to zones, facilitating efficient movement of our teams through each neighborhood. The water main flushing benefits the city in two ways: First it ensures optimum water quality by scouring out the main lines. Second, it ensures proper operation and maintenance of the mains, isolation valves, hydrants and blow offs. Each of these components are inspected and maintained simultaneously during the city-wide flushing event.



I-5 Underpass Cleanup

Roads Division

Kiwanis club broke out their water buckets and brooms April 26 and cleaned the north side of the I-5 underpass. It is unbelievable how much soot and grime accumulates on the art tiles and the decorative railing. What a big difference a little water and a lot of elbow grease makes. A big Thank You goes to MaryAnn Creason of Kiwanis and Senior Utility Worker Ralph Thorp for organizing this event.



Water Feature Season Startup

Facilities Division

The water features were prepped and running in record time this year, due to minimal repairs before startup on May 30. Hours of operation are Sun-Sat, 10:00 am-8:00 pm. To make sure they aren't closed for maintenance before coming out, please call the hotline at 503-685-6356

INSIDE THIS ISSUE

- 1 Annual Hydrant Flushing
- 1 I-5 Underpass Cleanup
- 1 Water Features
- 1 Certifications and Licenses

Certifications and Licenses

Facilities Division

Senior Utility Worker Sean Byrne is now the proud recipient of a Certified Pool Operator (CPO) certification. He is also the third employee in this division to have both his CPO and his AFO (Aquatic Facility Operator) certifications.

Facilities Supervisor Matt Baker has acquired his LBME license and is now a Limited Building Maintenance Electrician (LBME).

Director's Report

SMART relies on federal funds for a substantial part of its annual budget – sometimes as much as 20% of our total annual budget. Much of that money arrives in the form of grants used to purchase buses. The City of Wilsonville typically only has to provide a match of 11 to 20% of the total cost of new buses, with the remainder coming from state or federal funds.

While there is continuing uncertainty about the federal budget, transit agencies all across the country are assuming, and hoping, that future federal appropriations for transit are roughly like they have been in past years. If the amount of federal transit funding is significantly reduced, it is likely to have a comparable effect on SMART's efforts to update our bus fleet.

Because we receive federal funds and use them to support our transit system, SMART is required to undergo a detailed review (akin to an audit, but much more far-reaching than just financial accounting) every three years. This process, known in the industry as "Triennial Review" actually spans several months. SMART is in the first round of that process now.

As one might expect, the Federal Transit Administration (FTA) wants to know what has become of every vehicle for which they have provided funding. Was it purchased through a proper bid process? Was it constructed to "Buy America" standards? Has it been used to provide transit service as intended? Has it been properly maintained? If it has been taken out of service, did it meet federal useful life standards? (Up to 500,000 miles or twelve years of service on a big bus.)

Other aspects of the Triennial Review process include a wide range of SMART operations and business practices. Among other things, the FTA wants to be sure that our facilities and our buses meet handicapped access requirements, that we provide dial-a-ride services for people with disabilities along the same corridors as our fixed routes, that we reach out to our Spanish speaking riders in their language, that we encourage disadvantaged businesses to bid on providing services to SMART, and that we are an equal opportunity employer.

SMART will be providing the FTA reviewer with a large amount of documentation in early June, with follow-up information in July. In August, the reviewer will be on site in Wilsonville for two days. This may seem like a cumbersome process, but it certainly makes sense that the FTA wants to be sure that we are spending federal funds as they have prescribed and that SMART is complying with all applicable federal requirements.

I have never thought of federal funds as "someone else's money." Federal money is "our money" and SMART treats it accordingly.

Stephan Lashbrook

SMART Options Programs



- 162 new subscribers for mobile "Rider Alerts"
- 234 followers on Facebook
- 555 current Walk SMART news subscribers
- 40/ 48 SMART Central bike lockers reserved

Trolley Tours

Free one-hour scenic trolley tours of Wilsonville offered in June, July and August.

The tour is less than one hour in duration and highlights various historical sights and new developments around town.

Reservations required 503-682-3727

The Trolley also runs on Route 4 at various times, weather permitting. Sign-up for SMART's e-news to receive an email or text alert to know when and where the trolley is out and about. All aboard!

www.RideSmart.com/enews

Thursday 6/19/2014

A - 10:30 -11:30 am

B - 12:00 - 1:00 pm

Thursday 7/17/2014

A - 10:30 -11:30 am

B - 12:00 - 1:00 pm

Thursday 8/14/2014

A - 10:30 -11:30 am

B - 12:00 - 1:00 pm



Wilsonville Festival of Arts — May 31, 2014

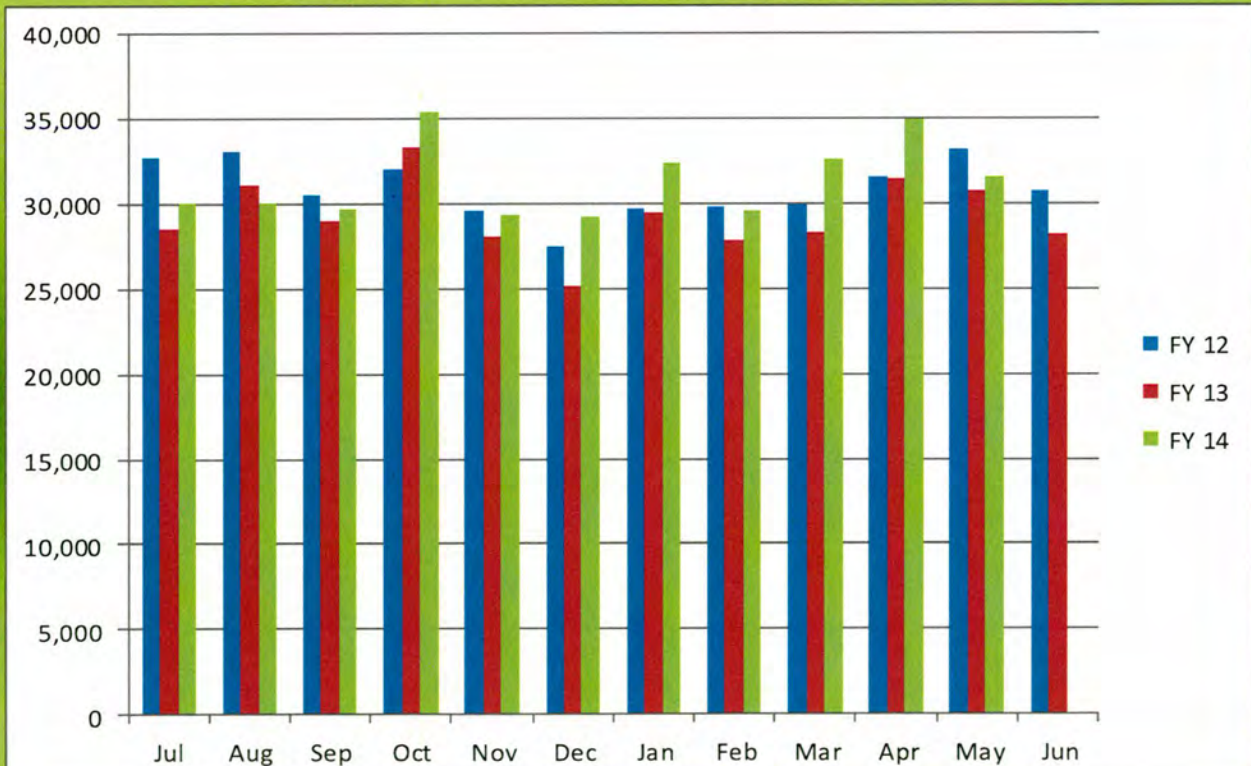
Transit Operations Update

SMART continues to be on track for a record ridership year. We project ridership to be around 376,000, besting the previous high of 370,526 set in FY12.

Almost all ridership for each route was down from April, but compared to May of last year, we are up slightly, with a 2.6% increase. Overall, the system is running smoothly.

On time performance is steady and customer complaints are very low. During this fiscal year we have experienced only three preventable accidents—all non major and the newer buses in service are helping to keep road calls to a minimum.

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
FY 12	32,770	33,104	30,549	32,020	29,575	27,448	29,736	29,855	29,989	31,525	33,198	30,757	370,526
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		345,037



SMART Seeks Input on Recommended Changes to Services within the Wilsonville to Portland I-5 Corridor

Over the past year, SMART has been assessing possible ways to provide its customers with the best possible services within the *Wilsonville to Portland I-5 corridor* given the resources available. Among its recommendations, the Transit Integration Project proposes that SMART provide regularly scheduled shuttle services with options for special request pickups and drop-offs (similar to the Shopper Shuttle) to medical destinations in proximity to Wilsonville. The goal is to reduce the rising cost of demand-responsive services, especially medical trips. As Wilsonville's population ages, the demand for medical trips is expected to increase, while the cost of providing these services is increasing. Door-to-door, on-demand services cost SMART over five times as much as fixed-route service on a per passenger basis.

Medical-trip focused shuttles are proposed to help address these service challenges.

Beginning later this month, SMART will be providing details on the on Transit Integration Project recommendations and soliciting input through outreach to stakeholder groups, rider surveys, mobile displays at community events, the project website, and other mechanisms.

Details on these opportunities for input and additional information about the project will be provided in upcoming editions of the Boones Ferry Messenger and at the project website: ridesmart.com/tip or by calling Jen Massa Smith at 503-682-4523.

Did You Know?

You can click on the Google Translate button located at the bottom right of the SMART website and "Select Language" to instantly translate the all of the web pages into 60+ languages.

www.RideSmart.com

Contact Us

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Jen Massa Smith

Program Manager

503-682-4523

Massa@ridesmart.com



Road Maintenance Challenges & Funding Options

City Stakeholder Meeting
April 8, 2014



Department of Land Use & Transportation

Our Road Maintenance Challenge

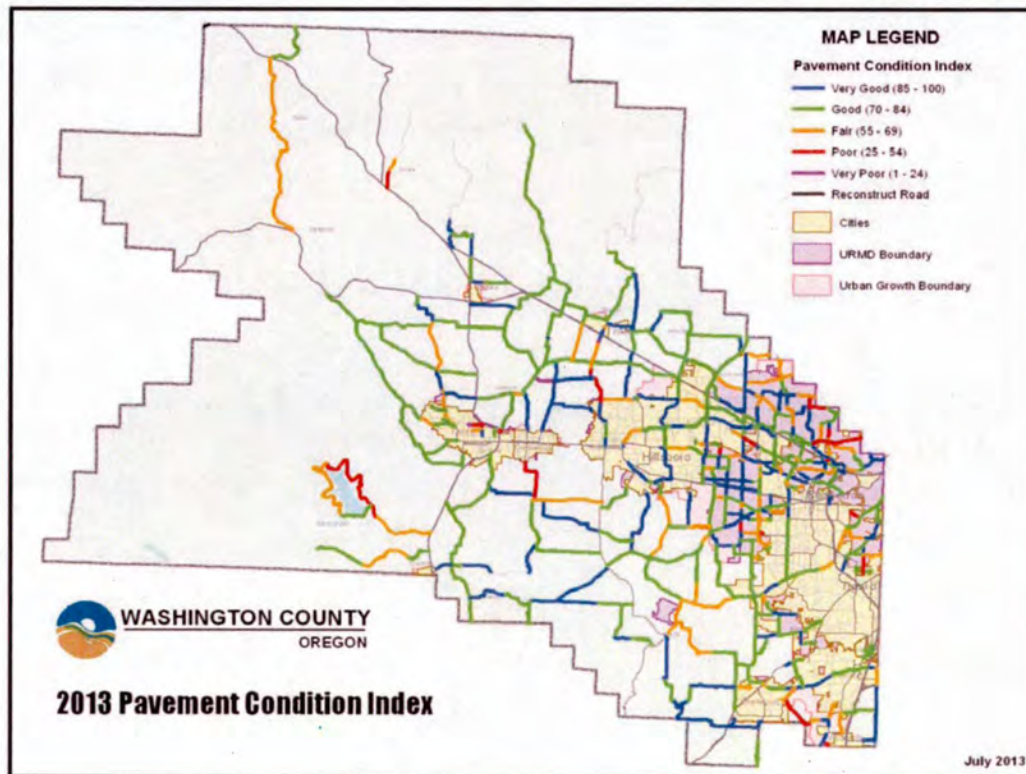
Roads are a lifeline, economic driver and community connector.

Maintaining our roads is becoming increasingly difficult:

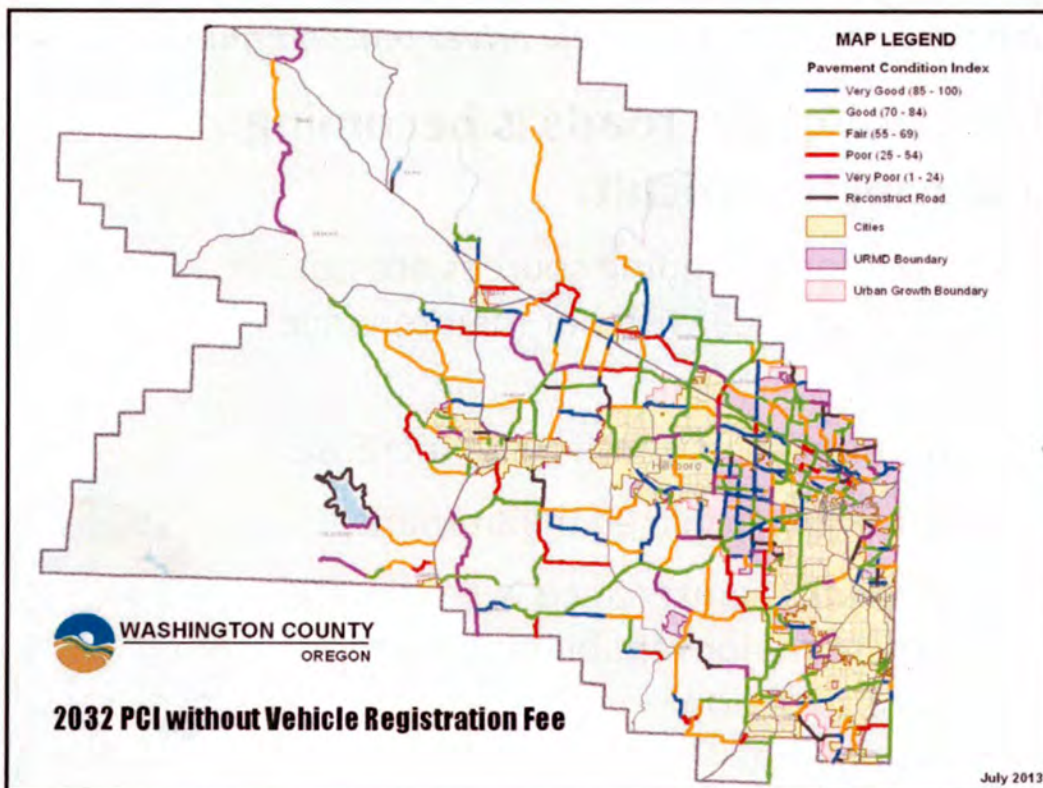
- Traditional funding sources are not keeping pace with our maintenance needs
- Material costs continue to increase
- Increasing deferred maintenance
- Delaying maintenance will ultimately require major rehabilitation and reconstruction



Road Conditions-Today



Road Conditions-Tomorrow



Funding Sources



Washington County Transportation Funding Strategy "Three Legged Stool"

Existing Safety/ Capacity Deficiencies

Property Taxes (MSTIP)

- MSTIP 1: \$27 million (1986-1989)
- MSTIP 2: \$60 million (1989-1995)
- MSTIP 3: \$265 million (1995-2004)
- MSTIP 3b: \$65 million (2004-2007)
- MSTIP 3c: \$138 million (2007-2013)
- **Total to date:** \$555 million
- MSTIP 3d: \$175 million (2013-18)
Approx. \$35 million/year



System Maintenance

Gas Tax and User Fees

- Road Fund: State and county fuel taxes, state vehicle registration fees
Approx. \$23 million/year for maintenance-related activities
Prioritization policy focuses on major transportation system first
- Urban Road Maintenance District (Property tax)
Approx. \$3.8 million/year
Unincorporated Area Local Streets

Keeping Up with Growth

- TIF/TDT: Average \$13 million/year since 1990
- North Bethany Transportation SDC and County Service District: new

Closing the Gap

Possible funding strategies include:

- Increase state gas tax/registration fees
- Increase countywide gas tax
- Road maintenance fee
- Property tax levy
- Vehicle registration fee (VRF) is preferred option
 - Ordinance 778

Vehicle Registration Fee (VRF)

Why a VRF?

- Funds are generated by road users
- Stable over time
- Similar to utility base charges
- Complements the existing sources
- Practical and cost-effective to administer through DMV



VRF Overview

- Permitted under HB 2001 (JTA) after July 1, 2013
- HB 2001 provisions:
 - Max. \$43 per year for all vehicle classes subject to the fee
 - Vehicles exempt from county fee
 - Farm vehicles
 - Antique or special interest vehicles
 - Motor homes, campers and travel trailers
 - Trucks weighing over 26,000 pounds
 - Vehicles owned by disabled veterans

County Proposed VRF Rate

Proposed fee:

- \$30 per year for passenger cars and trucks 26,000 lbs. and under—\$2.50 per month
- \$17 per year for motorcycles and mopeds—\$1.42 per month

How would the fee be collected?

- It would be collected once every two years at DMV
- Fees for new vehicles will be collected for four years at first



Use of VRF Funds

- Taxes and fees on motor vehicle fuel and use are required to be used exclusively for:
 - Construction and reconstruction
 - Improvement and repair
 - Maintenance and operation
- County will allocate funds to road maintenance—pavement, culverts, signs, signals, landscaping and other elements
- Cities would be able to choose how best to allocate their share of the revenues

Generated Revenue

Projected revenue is an estimated **\$12.83 million countywide annually***:

- 60 percent to county (approximately \$7.7 million)
- 40 percent to cities (approximately \$5.13 million)
 - Specific city allocations based on population

Research Findings

Which transportation funding sources are favored?

- Widespread agreement that people who use roads should pay for maintenance
- Fairness and equity concerns exist around *who* must pay and *how* much specific to vehicle type and use
- VRF is among the more popular transportation funding options, particularly because it is user based

*Note: Research info from (ODOT Report, 2013)

Vehicle Registration Fees

Current State Fees and Proposed County Fees

Updated October 1, 2013

Vehicle Class	Current State Fee	Prop. County Fee
Passenger vehicle/light duty truck	\$43/year	\$30/year
Motorcycle/Moped	\$24/year	\$17/year
Heavy duty vehicles up to 26K lbs.	\$55-\$764/year	\$30/year (collected quarterly)
Heavy duty vehicles over 26K lbs.	\$375-\$1,295/year	Exempt*
Farm vehicles (by weight)	\$35-\$585/year	Exempt*
Travel trailer, camper, motor home	By length	Exempt*
Disabled veterans	\$15/year	Exempt*
Special Interest/Racing Activity	\$81/year	Exempt*
Antique	\$54/year	Exempt*
School vehicles	\$7.50/year	Exempt*
Government owned	\$3.50/year	Exempt*

*Exemptions from County fee are per state law

Potential Washington County Vehicle Registration Fee

Preliminary City-County Revenue Estimates at 10% increments (passenger vehicles only)

Updated March 31, 2014

% of max. allowable		Total Passenger Vehicle Revenue	County Revenue (60%)	Total City Revenue (40%)	Banks 1,775 pop (0.55%)	Beaverton 91,205 pop (28.49%)	Cornelius 11,915 pop (3.72%)	Durham 1,365 pop (0.43%)	Forest Grove 21,460 pop (6.70%)	Gaston 640 pop (0.20%)	Hillsboro 92,550 pop (28.91%)	King City 3,225 pop (1.01%)	North Plains 1,990 pop (0.62%)	Portland 1,558 pop (0.49%)	Sherwood 18,265 pop (5.70%)	Tigard 48,695 pop (15.21%)	Tualatin 23,215 pop (7.25%)	Wilsonville 2,248 pop (0.70%)
rate	Rate*	(in millions)	(in millions)	(in millions)	(in millions)	(in millions)	(in millions)	(in millions)	(in millions)	(in millions)	(in millions)	(in millions)	(in millions)	(in millions)	(in millions)	(in millions)	(in millions)	(in millions)
100%	\$43	\$18.33	\$11.00	\$7.33	\$0.04	\$2.09	\$0.27	\$0.03	\$0.49	\$0.01	\$2.12	\$0.07	\$0.05	\$0.04	\$0.42	\$1.12	\$0.53	\$0.05
90%	\$39	\$16.50	\$9.90	\$6.60	\$0.04	\$1.88	\$0.25	\$0.03	\$0.44	\$0.01	\$1.91	\$0.07	\$0.04	\$0.03	\$0.38	\$1.00	\$0.48	\$0.05
80%	\$34	\$14.67	\$8.80	\$5.87	\$0.03	\$1.67	\$0.22	\$0.03	\$0.39	\$0.01	\$1.70	\$0.06	\$0.04	\$0.03	\$0.33	\$0.89	\$0.43	\$0.04
70%	\$30	\$12.83	\$7.70	\$5.13	\$0.03	\$1.46	\$0.19	\$0.02	\$0.34	\$0.01	\$1.48	\$0.05	\$0.03	\$0.03	\$0.29	\$0.78	\$0.37	\$0.04
60%	\$26	\$11.00	\$6.60	\$4.40	\$0.02	\$1.25	\$0.16	\$0.02	\$0.29	\$0.01	\$1.27	\$0.04	\$0.03	\$0.02	\$0.25	\$0.67	\$0.32	\$0.03
50%	\$22	\$9.17	\$5.50	\$3.67	\$0.02	\$1.04	\$0.14	\$0.02	\$0.25	\$0.01	\$1.06	\$0.04	\$0.02	\$0.02	\$0.21	\$0.56	\$0.27	\$0.03
40%	\$17	\$7.33	\$4.40	\$2.93	\$0.02	\$0.84	\$0.11	\$0.01	\$0.20	\$0.01	\$0.85	\$0.03	\$0.02	\$0.01	\$0.17	\$0.45	\$0.21	\$0.02
30%	\$13	\$5.50	\$3.30	\$2.20	\$0.01	\$0.63	\$0.08	\$0.01	\$0.15	\$0.00	\$0.64	\$0.02	\$0.01	\$0.01	\$0.13	\$0.33	\$0.16	\$0.02
20%	\$9	\$3.67	\$2.20	\$1.47	\$0.01	\$0.42	\$0.05	\$0.01	\$0.10	\$0.00	\$0.42	\$0.01	\$0.01	\$0.01	\$0.08	\$0.22	\$0.11	\$0.01
10%	\$4	\$1.83	\$1.10	\$0.73	\$0.00	\$0.21	\$0.03	\$0.00	\$0.05	\$0.00	\$0.21	\$0.01	\$0.00	\$0.00	\$0.04	\$0.11	\$0.05	\$0.01

* Where calculated rate is not a whole number, it has been rounded to nearest whole number per statute.

Notes/Assumptions:

Total passenger vehicle registrations (December 31, 2013): 426,316 (1.9% increase from 2012 registrations. Passenger vehicles make up approx. 87% of total vehicle registrations in Washington County.)

Percentage of revenues to County: 60

Percentage of revenues to Cities: 40

City population estimates per PSU 2012 Annual Oregon Population Report Table 4 (<http://www.pdx.edu/prc/annual-oregon-population-report>) - 2012 is latest estimate with pop breakdown for cities in more than one county.

Total population in incorporated cities over 300 population = 320,106

Proposed county motorcycle registration fee is \$17/year. At that rate, countywide motorcycle registration revenue would be \$17 x 14,338 = \$243,746. Revenue would be distributed following the same formula as above.

ODOT Comparison of Auto-Related Taxes in Seven Western States

January 2013

Tax:	Oregon	BORDERING STATES				OTHER WESTERN STATES	
		Washington	California	Idaho	Nevada	Montana	Utah
State Gasoline Excise Tax (a)	30.0¢	37.5¢	36.0¢	25.0¢	24.8¢	27.8¢	24.5¢
Gasoline Sales and Local Option Taxes(b)	1.0¢	0.0¢	12.7¢	0.0¢	11.3¢	0.0¢	0.0¢
Re-Registration and Related Fees (c)	\$46.06	\$68.75	\$69.00	\$80.16	\$34.00	\$92.00	\$44.50
Tax Equivalent (Cents/Gallon)	7.7¢	11.5¢	11.5¢	13.4¢	5.7¢	15.3¢	7.4¢
Median Ad Valorem Taxes (d)	\$0.00	\$33.00	\$69.00	\$0.00	\$186.88	\$33.81	\$80.00
Tax Equivalent (Cents/Gallon)	0¢	5.5¢	11.5¢	0¢	31.1¢	5.6¢	13.3¢
Prorated Automobile Sales Taxes (e)	\$0.00	\$302.25	\$284.38	\$195.00	\$251.06	\$0.00	\$219.38
Tax Equivalent (Cents/Gallon)	0¢	50.4¢	47.4¢	32.5¢	41.8¢	0¢	36.6¢
Prorated Title and Related Fees (f)	\$19.25	\$9.38	\$4.75	\$3.50	\$7.06	\$3.00	\$1.50
Tax Equivalent (Cents/Gallon)	3.2¢	1.6¢	0.8¢	0.6¢	1.2¢	0.5¢	0.3¢
Total Equivalent Cents/Gallon (g)	41.9¢	106.5¢	119.9¢	71.5¢	115.9¢	49.2¢	82.1¢

- (a) Excludes federal excise tax of 18.4 cents per gallon. Includes petroleum clean-up taxes for California, Idaho, Nevada, Montana and Utah.
 (b) Includes weighted average sales taxes and weighted average local option excise taxes. California tax assumes \$3.50 per gallon retail price.
 (c) Includes miscellaneous and weighted average local option fees. Excludes air emissions fees.
 (d) Applies state formula to national median age (8 years) of an average new price auto (\$23,000). Includes weighted average local option taxes.
 (e) Prorated over four years based on an average used price auto (\$13,000). Includes weighted average local option taxes.
 (f) Prorated over four years.
 (g) Based on estimated average gallons of 600 per year (12,000 miles per year @ 20.0 mpg).

Source: Oregon Department of Transportation, Programs and Economic Analysis Unit, January 2013

Pres. of Landover H.O.

City of Wilsonville
June 16, 2014 City Council Meeting

SPEAKER CARD

✓
NAME:

Dorothy Von Egges

ADDRESS:

6567 SW Stratford Ct

TELEPHONE:

5036825909

E-MAIL

dorothyv@frontier.com

AGENDA ITEM YOU WANT TO ADDRESS:

Landover Traffic

Please limit your comments to 3 minutes. Thank you.

City of Wilsonville
June 16, 2014 City Council Meeting

CITIZEN INPUT

SPEAKER CARD

✓ NAME:

Jan Johnson

ADDRESS:

6591 Loesslowe Dr

TELEPHONE:

503-855-4430

E-MAIL

JAN.JOHNSON.H@comcast.net

AGENDA ITEM YOU WANT TO ADDRESS:

Wilsonville Rd

Please limit your comments to 3 minutes. Thank you.

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