

## **AGENDA**

### **WILSONVILLE CITY COUNCIL MEETING NOVEMBER 18, 2013 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.

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#### **Executive Session is held in the Willamette River Room, City Hall, 2<sup>nd</sup> Floor**

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|------------------|--|-----------|
| <b>5:00 P.M.</b> | <b>EXECUTIVE SESSION</b>   | [15 min.] |
| A.               | Pursuant to ORS 192.660(2)(f) Exempt Public Records                        |           |
| <b>5:15 P.M.</b> | <b>REVIEW OF AGENDA</b>  | [5 min.]  |
| <b>5:20 P.M.</b> | <b>COUNCILORS' CONCERNS</b>  | [5 min.]  |
| <b>5:25 P.M.</b> | <b>PRE-COUNCIL WORK SESSION</b>  |           |
| A.               | LED Streetlights (Kerber)  |           |
| B.               | Code Amendment – Contacting Rules<br>(Jacobson/Mende / Kraushaar)          |           |
| C.               | Bicycle/Pedestrian Connectivity Action Plan Update<br>(Kraushaar / Mangle) |           |
| <b>6:50 P.M.</b> | <b>ADJOURN</b>   |           |
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#### **CITY COUNCIL MEETING**

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, November 18, 2013 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on November 5, 2013. 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. Proclamation Honoring Fallen Oregon City Police Reserve Officer
- B. Upcoming Meetings

**7:10 P.M. COMMUNICATIONS**

- A. Aurora Airport Master Plan Update, Mitch Swecker, Director, Oregon Department of Aviation

**7:15 P.M. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS**

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

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

- A. Council President Starr – Park & Recreation Advisory Board, Chamber/City Leadership.
- B. Councilor Goddard – Library Board, Chamber Board, and Clackamas County Business Alliance
- C. Councilor Fitzgerald – Planning Commission; Committee for Citizen Involvement; and Library Board
- D. Councilor Stevens – Development Review Panels A and B; Wilsonville Seniors

**7:25 P.M. CONSENT AGENDA**

- A. **Resolution No. 2446**  
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement With Harper Houf Peterson Righellis, Inc. For The Canyon Creek Road South From Boeckman To Vlahos Project (Capital Improvement Project #4184. (staff – Adams)
- B. Minutes of the October 7, October 21 and November 4, 2013 Council Meetings.  
(staff – King)

**7:30 P.M. NEW BUSINESS**

A. **Resolution No. 2445**

A Resolution Of The City Council Of The City Of Wilsonville Authorizing The South Metro Area Regional Transit Department (SMART) To Submit A List Of Projects For Inclusion In Metro's 2014-2040 Regional Transportation Plan. (staff – Lashbrook)

**7:45 P.M. PUBLIC HEARING**

A. **Ordinance No. 731** – first reading

An Ordinance Of The City Of Wilsonville Repealing Wilsonville Code 8.210(9). (staff – Kraushaar)

B. **Ordinance No. 732** – first reading

An Ordinance Amending Ordinance No. 353 To Correct Legal Descriptions Of Vacated Utility Easements In Day Dream River Estates. (staff – Kohlhoff)

C. **Ordinance No. 733** – first reading

An Ordinance Of The City Of Wilsonville Amending Wilsonville Code, Public Contracts, Sections 2.312, 2.314, 2.315, 2.316, 2.317, And 2.318(staff – Jacobson / Mende / Kraushaar)

**8:00 P.M. CITY MANAGER'S BUSINESS**

**8:10 P.M. LEGAL BUSINESS**

**8:15 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](mailto:king@ci.wilsonville.or.us)



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**CITY COUNCIL MEETING**  
**INFORMATIONAL STAFF REPORT**

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**TO:** MAYOR AND CITY COUNCIL MEMBERS  
**FROM:** DELORA KERBER, PUBLIC WORKS DIRECTOR  
**SUBJECT:** LED STREET LIGHT CONVERSION  
**DATE:** NOVEMBER 18, 2013  
**CC:** BRYAN COSGROVE, CITY MANAGER,  
SANDY KING, CITY RECORDER

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This is a status update of staff's investigation about converting the City's high pressure sodium or mercury vapor street light lamps to light emitting diode (LED) technology.

The City of Wilsonville owns 2370 streetlights and 2214 streetlight poles and contracts with Portland General Electric (PGE) to provide maintenance for all publicly-owned street lights under the Streetlight Tariff Schedule 91, PGE Maintenance Plan- Option B (City owns and PGE maintains the lights and poles). PGE also has Maintenance Plan- Option A (PGE owns and maintains) and Option C (City owns and maintains). Under all three options, PGE provides energy to the streetlights.

City staff met with PGE personnel to discuss their proposal to convert City streetlights to LED. PGE stated that there are 810 Cobra-head streetlights under 300 watts and 683 associated poles that would be eligible for conversion to LED. At this time, PGE is not supporting the conversion of decorative streetlights (the remaining 1510 lights).

Under PGE's LED conversion proposal there are four conversion options for customer owned (Option B) streetlights:

- I) No Option B LED conversion at this time, City retains current Option B Schedule 91 pricing.
- II) City converts of all Option B fixtures (LED eligible and non-eligible) to Option C.
- III) PGE converts eligible Option B fixtures to Option A, City sells Option B poles to PGE, and City retains non-eligible Option B fixtures.
- IV) PGE converts eligible Option B fixtures to Option A, City retains Option B poles and non-eligible fixtures until the end of life then they are converted to Option A.

Items of note is that back in June 2000, per Resolution 1645, the City purchased streetlight fixtures and poles from PGE to enable the City to forgo monthly replacement charges thereby saving the City money. Since that time, the City replaced most of the wooden poles with aluminum or fiberglass material poles that have a longer life expectancy than wood.

To evaluate these proposals, staff is collecting data on the potential costs of conversion and on-going maintenance. PGE has provided a spreadsheet to input costs and assumptions for the four options (I-IV).



As part of the information gathering, staff is contacting other municipalities about if and how they are converting to LED technology and obtain their thoughts on lessons learned. Staff is also reaching out to local jurisdictions to exploring partnership opportunities for LED conversion and on-going maintenance costs.

Discussions with vendors and contractors about what products and services that they could provide with regards to costs of design, installation and maintenance is another element of data gathering.

In addition to the financial evaluation of conversion and maintenance costs, staff recognizes that there are pros and cons of using LED technology for streetlights. Potential benefits of LED streetlights are sustainability, longer life, energy savings, reduced maintenance costs, light quality, and reduced carbon emissions. Potential drawbacks of LED streetlights are related to public acceptance of whiter, brighter more focused light and the potential for inappropriate lighting and/or glare into the buildings or yards of nearby properties.

To alleviate concerns, staff will develop a public information program that will be implemented prior to any street light conversion.

After the assessment information is collected, the evaluation will be completed and staff will present the findings to the City Council.

## EXHIBIT A

### PUBLIC CONTRACTS

**2.310 Local Contract Review Board; Delegation of Authority.** The Wilsonville City Council is designated as the Local Contract Review Board under the State of Oregon Public Contracting Code. The Contract Review Board shall have all the powers of the State and Local Public Contract Review Board relative to the contract concerns of the City or, if delegated, the Urban Renewal Agency of the City of Wilsonville. The Board may, from time to time, delegate its powers and responsibilities consistent with the Oregon Public Contracting Code, the Model Rules, or the Wilsonville Code. The City Manager, or his/her designated agent, is designated as the City's "Contracting Agency" for purposes of contracting powers and duties assigned to the City of Wilsonville as a "Contracting Agency" under the State of Oregon Public Contracting Code or the Model Rules.

**2.311 Application of State Law.** Except as specifically provided herein, public contracts shall be let by the City of Wilsonville according to the State of Oregon Public Contracting Code, including the Model Rules adopted by the Oregon Attorney General as they now exist and as they may be amended in the future, and the Wilsonville Code. Definitions provided by the State of Oregon Public Contracting Code or the Model Rules shall apply to City of Wilsonville procurements, except as may be specifically provided herein.

**2.312 Exemptions from Competitive Procurement.** The following classes of public contracts are hereby exempted from competitive procurement:

(1) Any contract the exemption of which is provided by the State of Oregon Public Contracting Code or Model Rules;

(2) Change orders or contract amendments reasonably related to the scope of work under the original contract, up to fifteen percent of the contract price may be approved by the Contracting Agency. Additional goods or services may be purchased through the amendment even though the original contract did not provide unit prices or allow for additional purchases. Change orders or other amendments that increase the initial price of the contract by more than the above-mentioned amount must be separately approved by the Contract Review Board ~~or~~ and Contracting Agency.

(3) Contracts for the purchase of computer equipment and software, which may be by requests for quotations, the solicitation of which may be by advertisement or oral requests for offers.

~~(4) Purchases through federal programs, pursuant to ORS 279A.180;~~

**Comment [ME1]:** Unneeded provision. Same as State Law. Covered by 2.311

~~(5) An emergency contract, provided that the Contracting Agency adheres to the requirements of ORS 279B.080 or 279C.335(5) and the model rules;~~

**Comment [ME2]:** Unneeded provision. Same as State Law. Covered by 2.311

(64) Personal Service Contracts ~~as up to the limits~~ defined in W.C. 2.315.



(75) A Public Facility Improvement Agreement entered into between the City of Wilsonville and a person responsible for carrying out conditions of approval of a land use decision of the City of Wilsonville. The term "Land Use Decision" has the meaning provided by ORS 197.015.

(86) Price Regulated Items, Library lending materials, used items, and periodicals, Advertising Contracts, Equipment Maintenance Repair and Overhaul, Purchases Under Established Price Agreements, Gasoline, Diesel Fuel, Heating Oil, Lubricants and Asphalt, Investment Contracts, Insurance eContracts, Office Copier Purchases, Sole Source Contracts, and Oil or Hazardous Material Removal.

~~(9) Procurement of goods or services less than or equal to \$5,000~~

~~(7) Procurement of Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, and Land Surveying Services, and/or Related Services less than or equal to \$50,000 subject to approval by the Community Development Director, and up to \$100,000 subject to approval of the City Manager.~~

(8) Procurement of Architectural, Engineering, Photogrammetric Mapping, Transportation Planning, and Land Surveying Services less than or equal to \$250,000, when all of the following conditions have been met:

a. Consultant has been pre-qualified (e.g., short listed) for the category of Services being solicited, consistent with OAR 137-048-220(3), and remains in good standing.

b. A Price Agreement has been established between the City and the Consultant pursuant to OAR 137-048-0130(3) and OAR 137-048-270, and remains current.

c. A Request for Proposal which does not include a request for pricing information, and complying with OAR 137-048-210(2)(a) is provided to at least three Consultants pre-qualified for the category of Services being solicited, or to all Consultants for that category, if less than three consultants are pre-qualified in that category.

(9) Procurement of Related Services, less than or equal to \$250,000, when all of the following conditions have been met:

a. Consultant has been pre-qualified (e.g., short listed) for the category of Services being solicited, consistent with OAR 137-048-220(3), and remains in good standing.

b. A Price Agreement has been established between the City and the Consultant pursuant to OAR 137-048-0130(3) and OAR 137-048-270, and remains current.

c. A Request for Proposal, which may include a request for pricing information, and complying with OAR 137-048-210(2)(a) is provided to at least three Consultants pre-qualified for the category of Services being solicited, or to all Consultants for that category, if less than three consultants are pre-qualified in that category.

**2.313 Administrative Authority.** Administrative staff and departments have contracting authority and responsibilities as follows:

(1) In addition to all other acts authorized by state law, the Contracting Agency is authorized to:

**Comment [ME3]:** Unneeded provision. Matches State Law. Covered by 2.311.

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**Comment [ME4]:** For Engineering services, state law restricts the ability to ask for pricing information.

**Comment [ME5]:** For Related Services (planning, environmental, etc) State Law does allow pricing information to be requested

(a) Enter into eCity contracts not to exceed \$100,000 without additional authorization of the Contract Review Board or as otherwise may be allowed by these Code provisions.

(b) Consistent with the Wilsonville Code, adopt forms, computer software, procedures, and administrative policies and rules for all eCity purchases.

(c) Allow a contract to be extended or renewed for a single term not to exceed ~~one year~~ the length of the initial term.

(2) Purchases of goods from City employees shall require authorization of the Contracting Agency. Provision of services by City personnel shall be in accordance with the City Personnel Policies and other applicable law.

(3) All contracting by departments shall be according to approved City purchasing procedures adopted by the Contracting Agency or the Contract Review Board.

(4) Each department shall operate within its budget, or seek supplemental budgetary authority from City Council with respect to any contract.

(5) Each Department shall plan purchase requirements sufficiently in advance so that orders can be placed in economical quantities.

(6) Each Department shall process requisition forms and negotiate purchases on the most favorable terms in accordance with adopted ordinances, state laws, policies, and procedures.

(7) Departments may give notice of public improvement contracts by electronic publication where the Contracting Agency finds that such publication is likely to be cost effective, as provided in ORS 279C.360.

**2.314 Public Improvement Contracts.** Public improvement contracts estimated by the Contracting Agency to be greater than \$5,000 and not to exceed \$100,000 may be let by competitive quote under the following procedures:

(1) The Contracting Agency shall informally solicit at least three price quotes from prospective contractors. If three prospective contractors are not available, then fewer quotes may be solicited, and the Contracting Agency shall maintain records of the attempts to obtain quotes.

(2) The Contracting Agency shall award the contract to the prospective contractor whose quote will best serve the interests of the City of Wilsonville, taking into account price and other applicable factors, such as experience, specific expertise, availability, project understanding, contractor capacity, and contractor responsibility. If the contract is not awarded on the basis of the lowest price, the Contracting Agency shall make a written record of the basis for the award.

(3) A procurement may not be artificially divided or fragmented to qualify for the informal contract award procedures provided by this section.



(4) A public improvement contract let under this section may be amended by change order as provided in Wilsonville Code Section 2.312(2).

(5) Public improvement contracts in excess of \$100,000 shall be let in accordance with the provisions of ORS 279C.

(6) Nothing in this section shall be deemed as restricting the Contracting Agency's ability to competitively solicit and award a contract for an undefined scope of work through the use of Price Agreements allowed pursuant to ORS 279B.140.

**Comment [ME6]:** This new section is geared toward "annual" type procurements such as paving or sewer line flushing where we establish a unit price through competitive bidding, but can execute task orders for additional work as needed throughout the year.

**2.315 Personal Service Contracts.** A personal service contract is a contract primarily for the provision of services that require specialized technical, creative, professional, or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of architects, engineers, surveyors and related services, attorneys, auditors and other licensed professionals, artists, designers, computer programmers, performers, consultants, and property managers. Special rules apply to the selection of service providers for Engineering, Architectural, and Related professional services. See Sections 2.312 and 2.315(7).

The Contracting Agency shall have discretion to determine whether a particular type of contract or service falls within the foregoing definition. Nothing in this section shall apply to the employment of regular City employees.

Personal services contracts ~~(other than personal services contracts for architectural or engineering services pursuant to ORS 279C.110 (2) for certain public improvement projects that involve state and federal monies)~~, are subject to the rules established by this section:

(1) Unless otherwise approved by the Contracting Agency, all personal service contracts shall require the contractor to defend, indemnify, and hold harmless the City, its officers, agents, and employees against and from any and all claims or demands for damages of any kind arising out of or connected in any way with the contractor's performance thereunder and shall include a waiver of contractor's right to ORS 30.285 and ORS 30.287 indemnification and defense.

(2) Unless otherwise approved by the Contracting Agency, City personal service contracts shall contain a provision requiring the person or entity providing the service to obtain and maintain liability insurance coverage in at least the amount of the City's tort liability limits, naming the City as an additional named insured, during the life of the contract.

(3) All City personal services contracts shall contain all contract provisions mandated by State law. These provisions may be incorporated in the personal service contract by reference to State law, unless State law provides otherwise. The City Attorney's Office will prepare model contract provisions for use in City personal service contracts.

(4) The following procedure shall be observed in the selection of personal service contractors:

(a) For personal service contracts involving an anticipated fee of \$10,000 or less per annum, the Contracting Agency may negotiate a contract for such services with any qualified contractor of his or her selection.

(b) Except as allowed under Section 2.312, For personal service contracts involving an anticipated fee of more than \$10,000 but less than \$150,000 per annum, the Contracting Agency shall solicit at least three (3) prospective contractors who shall appear to have at least minimum qualifications for the proposed assignment, notify each prospective contractor in reasonable detail of the proposed assignment, and determine the prospective contractor's interest and ability to perform the proposed assignment.

(c) The Contracting Agency may arrange for any or all interested prospective contractors to be interviewed for the assignment by an appropriate City employee or by an interview committee.

(d) Following a review of the qualifications and interview, where conducted, of the interested prospective contractors, the Contracting Agency shall select the prospective contractor, and shall prepare a personal service contract.

(5) The above provisions regarding selection procedures do not apply to amendments, modifications, or supplements to executed personal service contracts.

(6) The following criteria may be considered in the evaluation and selection of a personal service contractor:

(a) Specialized experience in the type of work to be performed.

(b) Capacity and capability to perform the work, including any specialized services within the time limitations for the work.

(c) Educational and professional record, including past record of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, the exercise of discretion, ability to meet schedules, and contract administration, where applicable.

(d) Availability to perform the assignment and familiarity with the area in which the specific work is located, including knowledge of design or techniques peculiar to it, where applicable.

(e) Any other factors relevant to the particular contract. The procedures and criteria for the screening and selection of a personal services contractor is within the sole discretion of the Contracting Agency and may be adjusted to accommodate the Contracting Agency's scope, schedule, and budget objectives for a particular project.

(7) The competitive selection process for Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services, and Related Services, greater than \$100,000, shall follow Qualification Based Selection (QBS) criteria pursuant to ORS 279C.005 - .125 (OAR 137-048-210 through 270), except as allowed under Section 2.312 of this Code.



(78) The selection procedures described in this section may be waived by the Contracting Agency where 1) an emergency exists that could not have been reasonably foreseen and requires such prompt execution of a contract to remedy the situation that there is not sufficient time to permit utilization of the selection procedures, 2) selection is from a list of providers with similar qualifications in which selection is determined based upon ~~an annual~~ a regularly scheduled pre-qualification process, not to exceed three years, or 3) a change in contractor to do follow-up work would clearly result in increased costs or increased time.

Comment [ME7]: One year is too short, five years is too long.

(89) The Contracting Agency is delegated the authority to sign all personal service contracts.

(910) Unless otherwise provided herein, all personal service contracts shall be awarded on a competitive selection process. Nothing contained in this section shall preclude the City from complying with provisions of Federal or State law that require or allow the City to utilize a different selection or contracting procedure.

**2.316 Surplus Personal Property Disposition.** Disposition of surplus personal property may be made, at the discretion of the Contracting Agency, under provisions of the State of Oregon Public Contracting Code, or the Model Rules, or under the provisions of this section:

(1) From time to time and after personal property owned by the City of Wilsonville is determined by the Contracting Agency to be surplus to the needs of the City, the City may sell the property at public auction. The City may utilize a contracting firm, approved by the Contract Review Board, for disposition of the property on terms and conditions contained in a contract approved by the Contract Review Board. The City shall give notice of the public auction by posting notice of the means by which the property will be disposed of on the City of Wilsonville Internet Website, or by advertisement in a newspaper of general circulation.

(2) Auction sales may be conducted entirely on the internet. Sale shall be for cash to the highest bidder. All proceeds of the sale shall be paid to the City's general fund, subject to the terms and conditions of the contract (if any) approved by the Contract Review Board between the City of Wilsonville and a firm selected to conduct the auction.

(3) All personal property sold pursuant to this section shall be sold as-is without any warranty, either express or implied, of any kind, including but not limited to warranties of title or fitness for any purpose. Upon receiving payment for the personal property from the successful bidder, the person or company conducting the auction shall execute an appropriate bill of sale, which shall recite that the sale is without warranty, as provided in this sub-section.

(4) The Contracting Agency may sell surplus personal property by a negotiated sale if the value of the property is estimated to be less than the cost of the auction sale and expected proceeds. Surplus property which has a value of less than \$500, or for which the costs of a negotiated sale are likely to exceed sale proceeds, may be disposed of by any means determined to be cost effective, including by disposal as waste. Alternatively ~~he/she~~ the Contracting Agency may transfer personal property without remuneration or only nominal remuneration to another public agency or any recognized non-profit organization.

**2.317 Bids Exceeding Budget.** If bids are solicited for a public improvement contract, and all bids exceed the budget for the project, the Contracting Agency may, prior to contract award, negotiate for a lower price ~~within the project budget~~ under the following procedures:

- (1) Negotiations will begin with the lowest, responsive and responsible bidder. If negotiations are not successful, then the Contracting Agency may begin negotiations with the second lowest responsive, responsible bidder, and so on.
- (2) Negotiations may include the inclusion of value engineering and other options to attempt to bring the project cost within the budgeted amount.
- (3) A contract may not be awarded under this section if the scope of the project is significantly changed from the description in the original bid documents.
- (4) The Contracting Agency will adhere to the provisions of ORS 279C.340 in applying this section.

**2.318 Bid Rejection, Disqualification, Appeal.** (1) The Contracting Agency may reject any bid not in compliance with all prescribed public bidding procedures and requirements and may reject all bids if it is in the public interest to do so.

(a) The person does not have sufficient financial ability to perform the contract. Evidence that the person can acquire a surety bond in the amount and type required shall be sufficient to establish financial ability;

(b) The person does not have equipment available to perform the contract;

(c) The person does not have personnel or sufficient experience to perform the contract; or

(d) The person has breached contractual obligations to public and/or private contracting agencies.

(2) A person who has been disqualified as a bidder may appeal such disqualification to the Board as follows:

(a) The person shall, within three business days after receipt of notice of disqualification, in writing, notify the City Recorder that the person wishes to appeal the disqualification;

(b) Immediately upon receipt of such written notice of appeal, the Recorder shall inform the Board;

(c) Upon receipt of notice of appeal, the Board shall notify the person appealing the time and place of the public hearing;

(d) The Board shall consider de novo the notice of disqualification, the record of the investigation made by the City Manager and/or the Community Development Director or City



Engineer, and any evidence provided by the parties. ~~The hearing shall be public and the appeal decided scheduling permits.~~ The Board's decision and reasons therefore shall be in writing.

(3) In addition to the powers and duties established by this Code, the Board and Contracting Agency shall have such additional powers as authorized by State law and may also:

- (a) Require notice publication in addition to that required by State law;
- (b) Require pre-qualification for persons desiring to bid for public improvement contracts;
- (c) Grant exemptions from the bid security and performance bond required on contracts for public improvements;
- (d) Make alternate arrangements for retainage pursuant to the Oregon Contracting Code.

**2.319 Conflict of Law.** In the event of a conflict between any provision of the State of Oregon Public Contracting Code or the Model Rules and this chapter of the Wilsonville Code, the provisions of this chapter shall control.

*(Sections 2.310 through 2.319 were repealed and replaced with new Sections 2.310-2.319 by Ordinance No. 578 adopted 2/22/05)*



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Web [www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us)

March 21, 2011

Rainse Anderson, Airport Planner, WHPacific  
c/o Chris Cummings, Project/Planning Manager  
Oregon Department of Aviation  
3040 25th St. SE  
Salem, OR 97302-1125

**RE: Aurora State Airport Master Plan Draft Alternatives**

Dear Mr. Anderson:

On March 17, 2011, the Wilsonville City Council conducted a special meeting to discuss and consider the Aurora State Airport Master Plan draft alternatives under consideration by the department. During the course of the meeting, the City Council heard from a number of members of the public, including Mitch Swecker, Interim Director of the Aviation Department.

The City Council was unable to support any of the alternatives as specifically outlined in the draft master plan chapter 5. Rather, the City Council passed the following resolution regarding the kind of alternative that would find support from the City of Wilsonville:

The Wilsonville City Council recognizes the Oregon Department of Aviation master planning obligations, and supports an Aurora State Airport Master Plan alternative that achieves the following outcomes:

1. Improves management of aircraft approaching and departing Aurora State Airport that results in minimized noise and enhanced safety to the City of Wilsonville;
2. Eliminates the need to expand the runway to the North in a way that impacts current facilities;
3. Preserves foundation farmland by restricting future airport development to the property suitable for airport use and bounded by the Hubbard Cutoff to the West, Airport Road to the East, and Arndt Road to the North;
4. Supports concurrency by recognizing surface transportation impacts on Airport Road resulting from future development and allowing for cooperation with Clackamas and Marion Counties on the scope and funding of any future improvements that may be required;
5. Recognizes a preference for preserving the existing use of Keil Road.

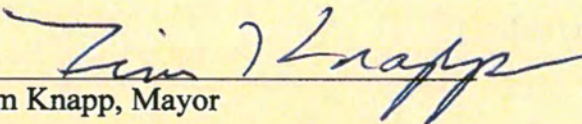
We appreciate that the Department has made extra efforts to address these issues of concern in the master planning process.



We appreciate participating in the Planning Advisory Committee (PAC) for the Aurora State Airport master planning process, and look forward to working with the Department to produce a master plan that meets the objectives of both state and local governments. We appreciate your time and consideration of the City's concerns, and welcome any questions that you may have.

Thank you for your time and consideration.

Sincerely,

  
Tim Knapp, Mayor

  
Celia Nunez, City Council President

\_\_\_\_\_  
Steven Hurst, City Councilor

\_\_\_\_\_  
Richard Goddard, City Councilor

  
Scott Starr, City Councilor



**John C. Freeman  
29090 Heater Road  
Sherwood, OR 97140  
503-625-1732**

November 14, 2013

City of Newberg  
Mayor Andrews  
City Council Members

Re: Transportation System Plan for Phase 1 of the By-Pass

Dear Mayor and Council Members,

I am the President of a Clackamas County CPO, which goes by the name of Ladd Hill Neighborhood Association (LHNA). Our area is comprised of both Clackamas County residents and Yamhill County residents, and so we also have a Yamhill County President, Stan Halle. Our area encompasses more than 300 homes, from the Willamette River on the South, to Parrett Mtn Road on the North, Bell Road on the East and about 2-3 miles West of Ladd Hill Road on the West.

I offered public testimony at your November 4<sup>th</sup> meeting regarding the By-Pass project.

As I previously commented, we are in favor of the By-Pass project.....we do not object to the project.....we support the project.

We only object to the tremendous increase in traffic on Wilsonville Road, which will result should the planned alignment of the East end of the By-Pass connect directly to the West end of Wilsonville Road. There are no plans at ODOT to fund and construct Phase 2 of the By-Pass during the next 20 years, so any decision made will have a long-term impact.

The LHNA first met with ODOT in June of 2013, when we discovered that all of the input which we provided 10 years ago into the design of the project was forgotten and/or being ignored. As a result of the June Meeting, ODOT responded with a copy of the attached Memorandum dated July 1, 2013 wherein William Criz provides a Summary of a Traffic Study showing that traffic will not increase on Wilsonville Road.

We believed that the conclusion of no increase in traffic on Wilsonville Road was illogical and un-believable, so the LHNA hired a very respected engineering firm, MacKenzie Company, to meet with the consultants which ODOT hired to conduct their traffic analysis. We asked MacKenzie to review the analysis which was done on behalf of ODOT, and advise us if the assumptions and conclusions were reasonable. Brent Ahrend, a traffic engineer with MacKenzie met first with Bill Criz of Parametrix, and then had a meeting with the project representatives at Kittelson Associates. Kittelson did the actual traffic studies. Attached is the Review Report from MacKenzie, dated November 14, 2013.



MacKenzie found that the data and conclusions provided to the LHNA were based on data assuming that the Wilsonville Road western terminus would be un-changed from the actual configuration that exists today; ie, the study was based on Wilsonville Road terminating into Springbrook Road. ODOT did no traffic analysis based upon Wilsonville Road being a defacto extension of the By-Pass, as they have illustrated in the drawings as proposed to the City of Newberg. So, ODOT's contention that traffic would not increase on Wilsonville Road is bogus. They do not know there would be no increase, because they never commissioned a study to evaluate it!

Furthermore, at your November 4<sup>th</sup> Council Meeting which we attended, Kelly Amador of ODOT advised you that to make the following two changes, would delay the overall project:

1. Change the configuration of Wilsonville Road to meet up with Wynooski Road.
2. Change the By-Pass to cross Highway 219, and turn directly into the Southern end of Springbrook Road.

We believe that her comment that it would delay the overall project is mis-leading, just as she attempted to mis-lead the LHNA with respect to future Wilsonville Road traffic.

Kelly advised you at the November 4<sup>th</sup> Council Meeting that the Contract for the Improvements on Springbrook Road and the Improvements along Highway 219 would happen in 2015. If that contract is going to be bid and signed in 2015, ODOT has 12 to 18 months to make the two relatively minor changes that we are requesting. That certainly will not delay the overall project. And, the overall cost of the project should not be significantly impacted because they save the cost (\$500,000 or more?) of a second traffic signal and intersection.

Changing the Wilsonville Road connection to Highway 219 will alleviate all traffic considerations on Wilsonville Road, and the City of Wilsonville.

Changing the connection between the By-Pass and Springbrook Road will make the traffic flow on and off those two roads much easier, and Eastbound By-Pass traffic will be less inclined to be mis-directed North on Highway 219 back into Newberg.

So we ask please, in your final deliberations and approval of the Transportation System Plan for Phase 1 of the By-Pass, please make your approval contingent upon ODOT's agreement to implement these 2 changes to the plan.

Thank you for your time and consideration,

John Freeman  
Co-President  
Ladd Hill Neighborhood Association

Attachments:

1 page Schematic of Proposed Changes

7 page By-Pass Memorandum, dated July 1, 2013

3 page MacKenzie Report, dated November 14, 2013

cc: John Ludlow, Chairman, Clackamas County Commissioners  
Tim Knapp, Mayor, City of Wilsonville



City of

**WILSONVILLE**

in OREGON



## **CITY COUNCIL MEETING STAFF REPORT**

|   |   |  |
|---|---|--|
| <b>Meeting Date:</b><br><br>November 18, 2013   | <b>Subject:</b> Three-Year Bicycle and Pedestrian Connectivity Action Plan<br><br><b>Staff Member:</b> Nancy Kraushaar and Katie Mangle<br><b>Department:</b> Community Development |  |
| <b>Action Required</b>  | <b>Advisory Board/Commission Recommendation</b>   |  |
| <input type="checkbox"/> Motion<br><input type="checkbox"/> Public Hearing Date:<br><input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date:<br><input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date:<br><input type="checkbox"/> Resolution<br><input type="checkbox"/> Information or Direction<br><input checked="" type="checkbox"/> Information Only<br><input type="checkbox"/> Council Direction<br><input type="checkbox"/> Consent Agenda | <input type="checkbox"/> Approval<br><input type="checkbox"/> Denial<br><input type="checkbox"/> None Forwarded<br><input checked="" type="checkbox"/> Not Applicable               | <b>Comments:</b><br>This item is in response to Council's Goal to develop a plan to improve bike and pedestrian connectivity throughout the community and integrate the plan in the City's Capital Improvement Plan. |
| <b>Staff Recommendation:</b> This item is for Council discussion.   |   |  |
| <b>Recommended Language for Motion:</b> N/A   |   |  |
| <b>PROJECT / ISSUE RELATES TO:</b>  |   |  |
| <input checked="" type="checkbox"/> Council Goals/Priorities<br><b>Goal 4.</b> Clear Vision and Community Design<br><b>a.</b> Develop a plan to improve bike and pedestrian connectivity throughout the community and integrate the plan in the City's Capital Improvement Plan.  | <input type="checkbox"/> Adopted Master Plan(s)   | <input type="checkbox"/> Not Applicable  |



**ISSUE BEFORE COUNCIL:**

This is an update on staff work completed to date on Council Goal #4a that touches on both planning and implementation. Staff will outline the steps underway to articulate the City's vision for connecting the community and outline the near-term priorities for implementation. Staff requests feedback from Council on the priorities outlined in Attachment A and mapped in Attachment B.

**EXECUTIVE SUMMARY:**

The City has many long-range plans that clearly identify needs, outline future connections, and plan for specific actions to improve connections within the community. It is important to recognize and highlight these plans for the City Council and Wilsonville community: the recently adopted Transportation System Plan (TSP), the 2008 Transit Master Plan, 2006 Bicycle and Pedestrian Master Plan, and 2007 Parks and Recreation Master Plan. All of these long-range plans share a vision of a community connected by sidewalks, bikeways, and trails.

Developing a new plan to connect the community is not necessary. Staff is instead focusing on articulating this shared vision and explaining how the City can implement these adopted plans over the next few years. The product of this effort will be a Bicycle and Pedestrian Connectivity Action Plan, which will integrate existing information about: capital projects, parks projects and programs, SMART programs, the Healthy Eating Active Living (HEAL) Cities program, development planning, and regional projects.

The outcome of this effort will be 1) a spreadsheet inventory of the programs and projects that are on the City's work program over the next three years, 2) a set of performance indicators to measure our progress, and 3) a brochure and website designed to convey this work program to the community. The communication material will be lively, informative, non-bureaucratic, and designed to be easily updated annually to track the City's progress. The idea is for this Action Plan to be cross-departmental and to clearly illustrate what the City is doing to create a connected community.

Thus far, staff has reviewed the adopted plans, the CIP, other resources such as the HEAL and Walk Friendly Communities assessments, and coordinated with SMART and other departments. The inventory of projects is complete. Attachment 1 lists the projects and programs that are underway, budgeted, or planned for the next three years. If Council concurs with this list, it will be integrated into the FY 2014-15 CIP and budget during the regular update process. It will also be presented graphically to demonstrate the City's achievements and ongoing commitment to connecting the community and enhancing livability in all parts of town.

**EXPECTED RESULTS:**

The outcome of the Bicycle and Pedestrian Connectivity Action Plan will provide two products:

1. A table of projects and programs for near-term implementation, to be integrated into the CIP, annual work plans, and budgets. The table includes information on the funding source, schedule, next action items, and responsible department/ staff member.
2. Graphic communication pieces to convey the City's needs, values, and near-term actions to improve bike and pedestrian connectivity. Deliverables to be both printed and online media.



**TIMELINE:**

Staff has completed the effort to collect information from multiple City departments and, upon Council's confirmation of the priorities, will work with a graphic designer to create a map and other material to communicate the Action Plan with Council and the community.

**CURRENT YEAR BUDGET IMPACTS:**

Priorities identified in the Action Plan will inform future CIPs and budgets. Staff has enlisted Alta Planning + Design to assist with creating the Action Plan and Joan McGuire Design to create a brochure and website to communicate the Action Plan. The combined budget for these contracts is under \$10,000. This and the expense of publishing the brochure will be accommodated within the adopted Community Development budget.

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by:    JEO    Date:   11/6/13  

Expenditures can be covered within the current year budget.

**LEGAL REVIEW / COMMENT:**

Reviewed by:   MEK    Date:  11/5/2013  

N/A as this is an informational report seeking Council guidance.

**COMMUNITY INVOLVEMENT PROCESS:**

This Action Plan is conveying projects, programs, and priorities that evolved from other planning processes. The public engagement that created those plans is not being repeated. This Action Plan is instead focused on communicating with the community how those plans are being implemented.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY**

Staff from Planning, SMART, and Parks frequently field questions from community members and the press about Wilsonville's accomplishments, e.g., how many miles of bike lanes has Wilsonville created? When will the next Wilsonville Sunday Streets be? Creating one easy-to-digest place for articulating activities underway and measures of success will make it easier for many people to understand how planned improvements are moving from vision to implementation.

**ALTERNATIVES:**

The Council goal calls for a "plan", but rather than creating a new plan, staff is using relevant information from several existing adopted plans that already meet this need. Staff recommends focusing on the near-term implementation of these plans and more clearly communicating what they mean for the community.

**CITY MANAGER COMMENT:**

This work product is responsive to Council Goal 4(a).

**ATTACHMENTS**

- A. Preliminary draft list of bicycle and pedestrian projects and programs
- B. Preliminary draft list of bicycle and pedestrian projects



**Bicycle and Pedestrian Connectivity Action Plan**  
**List of Projects and Programs, Oct 2013 - 2016**

updated 11/4/13

| Proj. # | Project / Program   | Within the next 3 years, this project will be: |                            | Primary funding source(s) | Description  |
|---------|---|--|----------------------------|---------------------------|--|
|         |   |  |                            |                           |  |
| 1       | Canyon Creek Road Enhanced Pedestrian Crossings   | Constructed                                    | SDCs                       |                           | Install new pedestrian crossings that include flashing beacons, center pedestrian median island, signage, etc.   |
| 2       | Canyon Creek Trail Sinkhole Repair  | Constructed                                    | Parks                      |                           | Repair of existing trail due to sinkhole.  |
| 3       | Tooze Road Urban Upgrade Design (110th to Grahams Ferry Rd)                                       | Planning / Design                              | Urban Renewal              |                           | Upgrade existing road to meet standards, including 3 auto lanes, bike lanes, and sidewalks.  |
| 4       | Costa Circle - Villebois  | Constructed                                    | Private development / SDCs |                           | Construct new segment of Costa Circle, a looped roadway providing vehicle, bike and pedestrian circulation around Villebois Central. Includes bike lanes and sidewalks.  |
| 5       | Villebois Drive   | Constructed                                    | Private development / SDCs |                           | Construct new segment of Villebois Drive, which will provide connectivity from Villebois Central to Boeckman Road. Includes 2 bike lanes and two sidewalks.  |
| 6       | Tonquin Trail segment along Coffee Lake wetlands  | Constructed                                    | Private development / SDCs |                           | Construct new segment of the shared-use path between Barber Street and Villebois Drive as part of Villebois development.   |
| 7       | Kinsman Rd North, extension from Barber to Boeckman   | Constructed                                    | Urban Renewal, Grant       |                           | New two-lane roadway with bike lanes & sidewalks. Provides north-south interconnectivity for all modes of travel.  |
| 8       | Restripe Boeckman Rd. from Parkway to Canyon Creek Road   | Constructed                                    | Streets                    |                           | Restripe Boeckman Rd. to include two bike lanes. Needed due to volume of traffic on Boeckman Rd. Improves east/west bike connectivity.   |
| 9       | Canyon Creek Road Extension   | Constructed                                    | Urban renewal              |                           | New 3-lane roadway connecting Canyon Creek North with Town Center Loop Road. Includes realignment of Vlahos Drive so it tees into the new Canyon Creek Road Extension, and widening of the existing Canyon Creek Road south of Boeckman Road. Will provide bicycle and pedestrian connectivity between Boeckman Road and Town Center.    |
| 10      | Grahams Ferry Rd. Phase 1   | Constructed                                    | Private development / SDCs |                           | Reconstruct Grahams Ferry Road between the former Living Enrichment Center property and Surrey Street. Adds 10-ft wide multi-use sidewalk to east side of roadway.   |
| 11      | Grahams Ferry Rd. - LEC   | Constructed                                    | Private development / SDCs |                           | Reconstruct Grahams Ferry Road adjacent to the former Living Enrichment Center property. Adds 10-ft wide multi-use sidewalk to east side of roadway.   |
| 12      | Barber Street Extension from Kinsman to Coffee Lake Drive   | Constructed                                    | Urban Renewal              |                           | Design, acquire right-of-way, and construct the extension of Barber Street, connecting the southeast corner of the Villebois development to the WES Commuter Rail/ SMART Central station.  |
| 13      | SMART Central Bike parking  | Ongoing Operations                             | Transit fund               |                           | SMART manages 48 secure bike lockers, with a high occupancy rate.  |
| 14      | Town Center Loop Bike/Pedestrian Bridge   | Fundraising                                    | None identified            |                           | Plan, design, and construct bike/pedestrian bridge over I-5 to improve connectivity of Town Center area with businesses and neighborhoods on west side of I-5. Fills a major gap in the center of town.  |
| 15      | Boeckman Creek Trail  | Fundraising                                    | Urban Renewal              |                           | New paved north-south trail along Boeckman Creek to link Memorial Park and Town Center with the Frog Pond / Stafford area. Uses an existing unpaved service road along the creek.  |
| 16      | Boeckman Creek Trail (retaining wall and trail improvements)                                      | Constructed                                    | Parks                      |                           | Repair of failing retaining wall and related improvements to the existing trail.   |
| 17      | Tonquin Trail - Willamette Way East, north of Chantilly   | Constructed                                    | Private development / SDCs |                           | Widen existing sidewalk to 10-ft width, construct new 10-ft wide ADA ramps. Provides connection between existing Tonquin Trail segments in Graham Oaks Nature Park and Morey's Landing. Part of Fox Chase development.   |
| 18      | Tonquin Trail - Willamette Way East, south of Chantilly   | Constructed                                    | SDCs                       |                           | Construct new, or widen existing, 5-ft sidewalk, construct new 10-ft wide ADA ramps to create a section of the multiuse trail. Provides connection between existing Tonquin Trail segments in Graham Oaks Nature Park and Morey's Landing.   |
| 19      | Tonquin Trail segment along Morey's Landing path  | Constructed                                    |                            |                           | Add small section of the Tonquin Trail from the Morey's landing path, north to Wilsonville Rd. This part of the path is private, but with public easement, and is part of the Tonquin Trail.   |
| 20      | Willamette River Bike/Pedestrian and Emergency Bridge Project Development (French Prairie Bridge) | Planning / Design                              | Grant                      |                           | Planning and environmental permitting for a new bridge. The bridge would connect the Ice Age Tonquin Trail to the North Willamette Valley parks and recreation areas; provide safe and convenient passage across the Willamette River for emergency access vehicles, cyclists, and pedestrians.  |
| 21      | Add green bike lanes on Wilsonville Rd. at two onramps to I-5                                     | Constructed                                    | SDCs                       |                           | Restripe bike lanes with green markings at two on-ramps. Needed to improve bike safety due to revised on-ramp configurations.  |
| 22      | Waterfront Trail Improvements   | Constructed                                    | None identified            |                           | Improve the condition of the trail as it passes underneath the I-5 Boone Bridge by removing the Jersey barriers, installing bollards, widening the trail to 10 feet, adding appropriate pedestrian features such as benches and lighting, and altering the grade of the path underneath the underpass to make it more easily accessible. |
| 23      | Memorial Park Nature Trail Improvements   | Constructed                                    | Grant                      |                           | Develop existing trail into a multi-use path. Improve exiting pathway along the river. To become multimodal and accessible. Trail access improvements.   |
| N/A     | Bicycle Wayfinding Signage  | Constructed                                    | None identified            |                           | Provide signage directing users to destinations throughout the City. Include Intertwine signage of the Tonquin Trail.  |
| N/A     | ADA Compliance inventory and improvements: parks and trails                                       | Constructed                                    | Parks                      |                           | Inventory of parks, trails, for compliance with ADA. Implementation of site-specific fixes.  |
| N/A     | Bike SMART  | Ongoing Operations                             | Grant                      |                           | Provide information, education and encouragement to bike. Program available to residents and employees. Includes route planning, maps, incentives.   |



| Proj. # | Project / Program                                  | Within the next 3 years, this project will be: |                     | Primary funding source(s) | Description   |
|---------|--|--|---------------------|---------------------------|---|
|         |  |  |                     |                           |   |
| N/A     | Walk SMART   | Ongoing Operations                             | Grant               |                           | Provide information, education and encouragement to walk. Program available to residents and employees. Includes lunch walks, maps, incentives.   |
| N/A     | Annual bike/ ped counts                            | Ongoing Operations                             | Transit fund        |                           | SMART coordinates with METRO, collects data at 3-4 sites each year  |
| N/A     | Trails maintenance (ongoing)                       | Ongoing Operations                             | Parks               |                           | Ongoing annual maintenance of off-road trails (not including sidewalks and bikeways in the right of way).   |
| N/A     | Safe Routes to School                              | Fundraising                                    | None identified     |                           | Partner with School District to apply for grants to fund education programs. Seek funding for projects to improve public access routes to schools.  |
| N/A     | Walk Friendly Community designation                | Fundraising                                    | None identified     |                           | Maintain Wilsonville's Bronze WFC designation, consider applying for higher level. Requires Active Transportation Coordinator position.   |
| N/A     | Bike Friendly Community application                | Fundraising                                    | None identified     |                           | Prepare application for Bicycle Friendly Community designation. Serves as an assessment and recognition. Requires dedicated staff, participation of multiple departments.   |
| N/A     | Wilsonville Bike and Walk Map                      | Fundraising                                    | Grant               |                           | Update and distribute existing maps (SMART program).  |
| N/A     | Active Transportation Planner/ Coordinator (staff) | Fundraising                                    | None identified     |                           | Dedicate staff time to coordination and implementation of bicycle and pedestrian projects and programs.   |
| N/A     | Enforcement for Pedestrian Crossings               | Ongoing Operations                             | Police              |                           | Recommended improvement in the 2012 WFC report: Enhance your enforcement activities as they related to pedestrian safety. Wilsonville has a dedicated traffic safety team that could really expand its activities in the form of crosswalk decoy operations and other high-visibility enforcement programs. |
| N/A     | Discover Wilsonville                               | Fundraising                                    | None identified     |                           | Conduct a round of personalized marketing (similar to last campaign in 2010). Staff works with individuals to design transit, bicycle, or walking routes and figure out how to use new systems.   |
| N/A     | Wilsonville Sunday Parkways                        | Fundraising                                    | None identified     |                           | Scaled-back version of 2012 event to temporarily close some streets to create a citywide walking and biking celebration.  |
| N/A     | SMART website information and tools                | Ongoing Operations                             | Transit fund, grant |                           | Provide maps, resources, and information online.  |
| N/A     | Annual Road Maintenance Contract                   | Ongoing Operations                             | Public Works        |                           | Annual contract for repair and replacement of deteriorated asphalt and concrete streets includes repair of unsafe or damaged sidewalks or bike lanes.   |
| N/A     | Wilsonville Walkers                                | Ongoing Operations                             | Parks               |                           | City supports and advertises for group of seniors who coordinate regular fitness walks.   |
| N/A     | Improved Access to Transit                         | Constructed                                    | Transit fund, SDCs  |                           | Plan, design, and construct stand-alone improvements to sidewalks around bus stops. Improvements could include curb cuts, sidewalks, benches, or lighting.  |

Note: Project # is for reference only, and is not intended to imply a prioritization within this list.

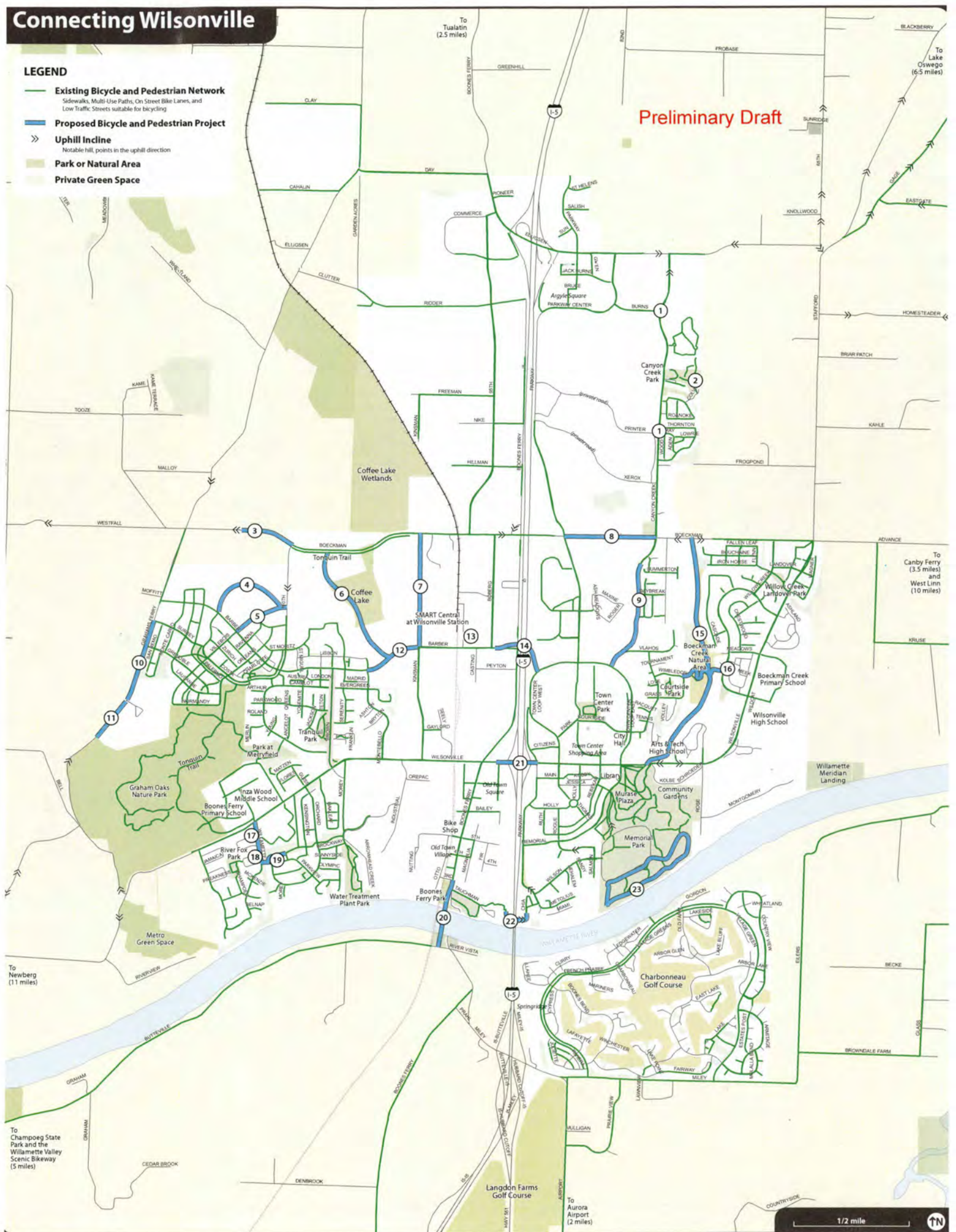


# Connecting Wilsonville

## LEGEND

- Existing Bicycle and Pedestrian Network**  
Sidewalks, Multi-Use Paths, On Street Bike Lanes, and Low Traffic Streets suitable for bicycling
- Proposed Bicycle and Pedestrian Project**
- Uphill Incline**  
Notable hill, points in the uphill direction
- Park or Natural Area**
- Private Green Space**

Preliminary Draft



1/2 mile

TN





# Oregon

John A. Kitzhaber, MD, Governor

*Recd 18 Nov. 2013  
Ack*



3040 25th Street, SE  
Salem, OR 97302-1125  
Phone: (503) 378-4880  
Toll Free: (800) 874-0102  
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## Memorandum

**DATE:** Monday, November 18, 2013

### **Subject: Aurora State Airport Master Plan**

Thank you for the opportunity to appear before the Council today. Since some time has passed since the Aurora Master Plan was completed, this is a good opportunity to provide a short update on the status and also to provide an update on the Aurora Air Traffic Control Tower. The goals of the planning process are outlined below:

**Goal 1: Enhance safety**

**Goal 2: Meet the current and projected needs of airport users, as feasible**

**Goal 3: Consider all the off-airport impacts of Airport development; minimize negative impacts and maximize positive impacts.**

This was accomplished with a series of 6 public meetings with a Planning Advisory Committee:

**Public Kick-Off Meeting – November 3, 2009**

- \_ PAC Meeting #1 – January 2010
- \_ PAC Meeting #2 \* – April 2010
- \_ PAC Meeting #3 \* – June 2010
- \_ PAC Meeting #4 \* – September 2010
- \_ PAC Meeting #5 \* – December 2010
- \_ PAC Meeting #6 \* – January 2011

The outcomes of the master planning process are:

- Increase runway length to the South by 1,000 ft.
- Increase runway strength to 60,000 lb. capacity
- Upgrade approach lighting to Precision Approach Path Indicator
- Construction of Air Traffic Control Tower as planned
- Change airport configuration from B2 to C2 (changes airspeed of approach from min 120 to min 140 knots)
- Identify location for helicopter pad and north end run-up area
- Develop precision instrument approach

Wilsonville City Council voted to take no position on the Aurora Master Plan but did have 4 considerations that the Council had concerns about. The four concerns and actions taken to address them are:



**1. Improves management of aircraft approaching and departing Aurora State Airport that will minimize noise and enhance safety to the City of Wilsonville;**

Oregon Department of Aviation (ODA) has worked with the Federal Aviation Administration (FAA) to create instrument departures that route traffic east and west and away from Charbonneau. While I recognize there are still some pilots that either don't choose it or don't know about, we continue to promote noise abatement procedures at monthly Positive Aurora Airport Management (PAAM) meetings. PAAM also put up noise signs at either end of the runway. There are brochures in every FBO with the noise abatement procedures. Most recently, the pilots at Aurora worked with the FAA to change ARRIVAL procedures for large aircraft. Instead of routing all aircraft to the north of Aurora as though they were proceeding to Portland and then turning them south, FAA is now routing aircraft towards the Aurora Airport (between Mt Hood and Mt Jefferson, potentially reducing inbound traffic over Charbonneau. (See press release attached) This is an ongoing effort. We work hard to keep traffic from over Charbonneau but we will probably never hit the 100% solution

**2. Eliminates the need to expand the runway to the North;**

The Aviation Board originally chose an 800 ft. declared distance extension to the North. This additional 800 feet could only be used for takeoff to the south. It could also be used for landing from the south. It COULD NOT be used for takeoff to the north. This was vetted informally with the FAA and they declined to approve it as having insufficient value since it would cost as much as a full runway extension but provide only half the capability. I provided this information to the Board and with the pending disapproval of the 800 ft. declared distance, the Board voted to approve a 1,000 ft. extension to the south option as a backup to the 800 ft. declared distance. The FAA responded to the Board's recommendation for an 800 ft. declared distance extension with their own full 800 ft. unrestricted extension to the North. Since ODA had been working with the FAA on the draft proposals, we were surprised with their recommendation and sent a letter asking for reconsideration (see attached letter). Based on the letter, the FAA did reconsider and approved the 1000 ft. extension to the south. So here again, we worked to avoid the noise contour moving any more to the north while still accommodating the needs of the airport community.

**3. Preserves foundation farmland by restricting future airport development to the property suitable for airport use and bounded by the Hubbard Cutoff to the West, Airport Road to the East, and Arndt Road to the North.**

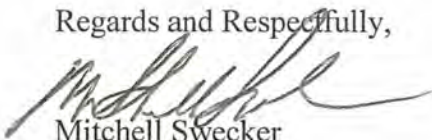
With all of our alternatives, The Board worked to minimize the impact on farmland. None of the alternatives required development of land outside the airport including the 1000 ft. extension to the south. That option does require Keil Road to be moved. That is only required because the extension goes right to the end of land owned by Department of Aviation and the FAA requires an additional 200 ft. of runway safety area and 1000 ft. of Runway Protection Zone (RPZ). This land cannot be developed! It must be protected from development and farmland is the perfect buffer. The FAA prefers that we buy the land although it would be more cost effective to purchase an aviation easement that prohibits development. In either case, it can remain farm land.

**4. Supports concurrency by recognizing surface transportation impacts on Airport Road resulting from future development and allowing for future cooperation with Clackamas and Marion Counties on the scope and funding of any future improvements that may be required.**

ODA staff has met with Marion County staff to discuss options for the future of airport road adjacent to the airport. I would like to do the same with Clackamas County and will schedule a meeting with their staff on that. This is probably the toughest funding challenge and will require cooperation with the counties to look at possible sources such as ODOT's State Transportation Improvement Program (STIP) or other highway related funds.

If there are any questions or follow up, I can be reached at 503 378-2340. Thank you again for the opportunity to present to the council.

Regards and Respectfully,

A handwritten signature in dark ink, appearing to read 'M. Swecker', with a stylized, flowing script.

Mitchell Swecker  
Director



# Press Release

**Date:** October 23, 2013

**Contact:** Bruce Bennett, PAAM (Positive Aurora Airport Management - Safety Committee), (503) 709-7383)

## **NEW ARRIVAL ROUTE WILL BENEFIT ALL**

Positive Aurora Aviation Management group (PAAM) has been working for quite some time with Portland Federal Aviation Administration's Traffic Control (aka TRACON) Center on rerouting arriving aircraft traffic bound from around the nation into Aurora State Airport. This new arrival routing will enhance safety, reduce noise, operating times, and less pollution. The announcement of this new arrival routing is particularly significant in that it has been achieved through the diligent combined work of the aviation community during the recently proclaimed by Oregon's Governor Kitzhaber, "Oregon Aviation Appreciation Month".

Up until now, the TRACON collected Aurora Airport flight arrivals into a mass arrival system for the entire Portland area. These arriving aircraft come from all over the country. The current method brings all the traffic in through a virtual funnel east of Hood River, near The Dalles, and directs them down the Columbia River Gorge and on into the busy Troutdale, Portland International, Hillsboro Airport airspace. Then, TRACON separates out the Aurora bound traffic, vectoring southward over Portland, Lake Oswego, Tualatin, Wilsonville and Charbonneau, before reaching the Aurora Airport airspace. Whether prevailing winds favor a north or south landing at Aurora, inbound Aurora aircraft traffic is directed along this same crowded over-flight route.

After long coordination and some hard work of both PAAM and the TRACON, the air traffic controllers have agreed to separate inbound Aurora Airport traffic before grouping in with the northern airspace traffic. The new route will bring the Aurora bound traffic through the "saddle" between Mt Hood and Mt Jefferson. This brings arriving traffic in from the east, directly to the east side of Aurora airspace, rather than from the north, avoiding over-flight of Portland, Lake Oswego, Tualatin, Wilsonville and Charbonneau.

Separating out the traffic increases safety by reducing air traffic controller workloads. A controller is only allowed to manage a specific maximum number of inbound aircraft. The less a controller must manage at once, the less the probability of a mishap. The "decongestion" of airspace directly results in safer skies.

Aurora State Airport is the third busiest airport in the State of Oregon. A sizable amount of pleasure and corporate aircraft are based there. Also, due to better highway conditions, locations of meetings, etc.,

arriving aircraft from other places around the country choose Aurora as their destination. Although newer and technologically advanced aircraft turbo-fan engines' noise signatures are greatly reduced, aircraft noise is still bothersome to various people. Separating out the Aurora inbound traffic and bringing it in from the east will route the aircraft over sparsely populated areas, thus reducing the noise signature.

Tested over the past few days, the TRACON found the routing advantageous and acceptable. From this point forward, controllers are directing the Aurora bound traffic along this better route.

Overall, the new routing of Aurora bound aircraft through the "saddle" rather than down the Gorge is a win for all involved; controllers, the people of Portland, Lake Oswego, Tualatin, Wilsonville and Charbonneau as well as the environment! Much thanks and appreciation is expressed to the FAA's Portland TRACON staff by the PAAM organization.

*PAAM (Positive Aurora Airport Management) is an organization comprised of aircraft operators and owners based at Aurora State Airport, Aurora, Oregon. The group's mission statement is; "To promote the safety and economic viability of the Aurora State Airport and to enhance its compatibility with surrounding neighborhoods and land uses."*

# # #





# Oregon

John A. Kitzhaber, MD, Governor



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February 22, 2012

Mr. Stan Allison  
Cc: Ms Carol Soumi

Federal Aviation Administration  
Northwest Mountain Region  
Seattle Airports District Office  
1601 Lind Avenue S.W., Suite 250  
Renton, Washington 98057-3356

Dear Mr. Allison,

In response to your letter of November 18<sup>th</sup>, 2011, I respectfully appeal your decision to disapprove the Modification to Design Standards for a Declared Distance modification north of Runway 17 at the Aurora State Airport and ask for your reconsideration. If the FAA still maintains the 800 ft declared distance is not a valid option, the Board Of Aviation reiterates the request to grant an extension of 1,000 ft to the south as requested in the original submission. The Department of Aviation (ODA) recognizes the desire to make use of all land at the north end of the Aurora State Airport as a valid concern. However, due to obstructions to the north, the Departure Surface, RPZ and TERPS issues, there are physical constraints that limit the extension to no more than 400 ft north. This option combined with an extension of 600 feet to the south is the most costly option for runway extension. ODA and consultant, WHPacific Inc, extensively analyzed all possible options and vetted them through a lengthy public process including a Planning Advisory Committee (PAC) that included all local communities (a complete list is included at the end of this document) in an open and transparent process. The conclusion of the Chapter 3 aviation forecast (accepted by the FAA) is that constrained operations clearly demonstrate an extension of a minimum of 800-1,000 feet is warranted for the updated Master Plan.

The option to extend the runway in any direction is controversial and several organizations opposed to any growth of the airport remain vocal in their opposition. ODA held six Planning Advisory Committee meetings and worked diligently with airport tenants, businesses and the local community to gather input from all perspectives. Based on these inputs, the Oregon Aviation Board (OAB) voted to approve an Airport Layout Plan (ALP) utilizing an 800 ft declared distance to the north designed to heed public input while still developing a Master Plan that addressed the 500 constrained operations identified and accepted by the FAA in Chapter 3 of the Master Plan process.

After the OAB voted to make the 800 ft declared distance the preferred option, it was vetted informally with FAA Airports Division. When it became clear that option would not be approved by the FAA, the OAB voted to continue forward with an 800 ft declared distance to the north as the preferred option for runway extension and seek formal determination by FAA. The Board also voted a second (alternative) preferred option based on expected disapproval of the 800 ft



declared distance. The Board unanimously voted in favor of the alternative preferred option of a 1,000 ft. extension to the south. This southern extension exclusively will confine all runway extension inside airport property but will require relocation of Keil Road, a minor farm and airport access road at the south end of airport property. Additionally, ODA will be required to either purchase or obtain an easement for land to protect the off-airport Runway Protection Zone (RPZ) to the south.

Simultaneously with the master planning Process, FAA and ODA completed an AFTIL process to identify the location for an air traffic control tower to be constructed with Oregon State Funds. The AFTIL process did not look at ANY extension options to the North. The AFTIL team only looked at a 1,000 ft extension south option with future tower location and height based on the results of that study.

Consequently, when the Master Plan/ALP was submitted for FAA approval, it was an unexpected surprise when the FAA letter response narrowly focused on only the issue of denying the 800 ft declared distance and directed a full 800 ft extension to the north. The letter further declared the FAA would not support funding any extension to the south until all available on-airport land was used for unrestricted extension to the north. The requirement to make all runway development to the north as a prerequisite to any further development was not identified prior to the November 18<sup>th</sup> letter. The FAA letter did not give due regard to OAB/ODA's substantial public process involvement that went into the decision to support the recommended ALP runway extension changes. Below is a summary of the rationale for OAB/ODA determination of preferred option:

1. Total cost of a 400 ft extension to North combined with 600 ft extension to south is estimated at \$9,606,000. A 1,000 ft extension to the south is estimated at \$7,169,000.. **The least expensive option is the 1,000 ft extension to the south by over \$2,000,000.** Analysis by consultant, WHPacific Inc

See charts below:

| Northern Extension Option                               |      |   |                 |               |                 |
|---|------|---|-----------------|---------------|-----------------|
| #   | Year | Description                                       | Total Cost      | ODA share     | FAA Share       |
| <b>Runways 17 (400') and 35 (600') Extension</b>        |      |   |                 |               |                 |
| 14A   | 2018 | Avigation Easement Acquisition (R17 RPZ)          | \$ 36,000.00    | \$ 1,800.00   | \$ 34,200.00    |
| 19A   | 2018 | Property Acquisition (R17 and R35 RPZ)            | \$ 3,963,000.00 | \$ 198,150.00 | \$ 3,764,850.00 |
| 20A   | 2019 | Keil Road Relocation                              | \$ 1,427,000.00 | \$ 71,350.00  | \$ 1,355,650.00 |
| 21A   | 2020 | Runway Extension (R17 - 400' Ext, R35 - 600' Ext) | \$ 4,180,000.00 | \$ 209,000.00 | \$ 3,971,000.00 |
| Runways 17 (400') and 35 (600') Extension Capital Costs |      |   | \$ 9,606,000.00 | \$ 480,300.00 | \$ 9,125,700.00 |



| Southern Extension Alternative            |      |  |                 |               |                 |
|---|------|--|-----------------|---------------|-----------------|
| #   | Year | Description                              | Total Cost      | ODA share     | FAA Share       |
| <b>Runway 35 (1000') Extension</b>        |      |  |                 |               |                 |
| 14  | 2018 | Avigation Easement Acquisition (R17 RPZ) | \$ 44,000.00    | \$ 2,200.00   | \$ 41,800.00    |
| 19  | 2018 | Property Acquisition (R35 RPZ)           | \$ 2,561,000.00 | \$ 128,050.00 | \$ 2,432,950.00 |
| 20  | 2019 | Keil Road Relocation                     | \$ 1,427,000.00 | \$ 71,350.00  | \$ 1,355,650.00 |
| 21  | 2020 | Runway Extension (R35 - 1000')           | \$ 3,116,000.00 | \$ 155,800.00 | \$ 2,960,200.00 |
| 22  | 2020 | Install Runway 17 PAPIs                  | \$ 65,000.00    | \$ 3,250.00   | \$ 61,750.00    |
| Runway 35 (1000') Extension Capital Costs |      |  | \$ 7,169,000.00 | \$ 358,450.00 | \$ 6,810,550.00 |

2. The current FAA decision did not take into account the AFTIL process for the Aurora Air Traffic Control Tower. (ATCT). The AFTIL process was based only on 1,000 ft extension to the south and did not consider any extension to the north. Any extension to the north would apparently require a new and separate AFTIL process, delaying construction and adding cost to the ATCT. The ATCT is a significant safety issue based on the high number of operations and different categories of aircraft. Justification for the tower is also strongly supported by an FAA approved Benefit/Cost analysis. A recent mid-air collision close to Aurora State Airport demonstrates the safety concerns about separation of high density traffic arriving and departing Aurora are well placed. Any delays to conduct additional studies of north extensions could prevent the safety benefits of ATCT traffic separation and communication.
3. The current FAA decision disregards Marion County's unwillingness to grant future permits or authorization that negatively impact Columbia Helicopters (at the north end of the runway). Columbia Aviation is a significant employer and long-term occupant of land affected by any extension to the north. Marion County Commissioner Patty Milne was an active member of the Planning Advisory Committee.
4. The current FAA decision does not consider potential cost of opposition from Columbia Helicopters, an aviation business that provides over 350 jobs in Oregon and more specifically, a tax benefit to Marion and Clackamas Counties. Any development to the north would require ODA and/or FAA to negotiate compensation with Columbia Helicopters for approximately 2 acres of land and compromise their planned future development of their private property. Columbia Helicopters was represented on the Planning Advisory Committee throughout the master planning process.
5. Any extension to the north also affects both approach and departure surfaces by moving them closer to the buildings and helicopter ramp of Columbia Aviation. This effectively brings them more into play as instrument approach obstacles that could require raising minimum descent altitudes. This would be counterproductive to the aviation community and business tenant interest in lowering the minimum descent altitude or even develop a precision approach with even lower Decision Height.
6. The current FAA decision also does not consider road and above ground telephone lines as hazards that limit Runway 17-35 extension to the North to only 400 feet. The Department of



Aviation recognized early in the Master Planning process that Arndt Road sits approximately 1,800 feet to the North of the departure end of Runway 35 and two sets of high voltage power lines that stand approximately 28 feet high sit on both north and south sides of Arndt Road. These obstructions will be prohibitively expensive to move. In a study of the airport instrument approach from 2005, the cost to lower the instrument minimums was estimated at approximately 15 million dollars. Although the itemized cost of burying the power lines is not broken out in the study, it is estimated that burying both sets of power lines could be as high as 5 million dollars.

7. Any extension to the north moves the noise contours closer to the Charbonneau community. The community of Charbonneau vehemently opposes any development to the north. A Representative of Charbonneau was a participant in the PAC process and also expressed the opposition of any extension of the runway. ODA worked diligently to mitigate Charbonneau concerns about noise and growth. ODA was able to work with the FAA Flight Procedures to establish four Standard Instrument Departure (SID) procedures that effectively avoided most departures over Charbonneau as well as the populated communities around the city of Aurora to the south.
8. In an effort to be inclusive, ODA invited participation of elected officials of the local counties of Marion and Clackamas, the cities/townships of Canby, Wilsonville, Aurora, as well as airport tenants, businesses and neighborhood representatives from Charbonneau and Deer Creek Estates. To force a north extension disregard the work product of the Master Planning process and the Aviation Board's due diligence in developing acceptable options. It also discounts well as over a year's worth of public participation and would be perceived as a breach of trust and risks opening the door to additional public meetings and add costs of additional vetting of any option to the north.

To summarize; If the FAA still maintains the 800 ft declared distance is not a valid option, the Board of Aviation reiterates the request to grant an extension of 1,000 ft to the south as requested in the original submission. We appreciate your re-consideration and look forward to working to identifying a mutually agreeable solution. Please contact me if you have any questions.

Sincerely,



Mitchell T. Swecker,  
Director

Attachment (A) is analysis completed by Consultant WHPacific Inc used as basis of analysis.



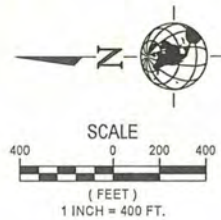
List of PAC participants:

Chairperson Patti Milne - Marion County Board of Commissioners  
Commissioner Jim Bernard - Clackamas County Board of Commissioners  
Mayor James Meirow - City of Aurora  
Councilor Steve Hurst - City of Wilsonville  
Mr. Ray Phelps - Wilsonville Chamber of Commerce  
Mr. John Henri - City of Canby  
Mr. Fred Netter - Aurora Fire District  
Mr. David Waggoner - Willamette Aviation (FBO)  
Mr. Bruce Bennett - Aurora Aviation (FBO)  
Mr. Craig Wilmes - Aurora Jet Center (FBO)  
Mr. Mitch Swecker - Oregon Department of Aviation  
Mr. Dan Riches - Columbia Helicopters  
Mr. Tony Holt - Charbonneau Country Club  
Mr. Rick Kosta - Deer Creek Estates  
Mr. Nick Kaiser - Local Community  
Mr. Jim Hansen - On-Airport / Tenant  
Mr. Tony Helbling - Off-Airport / Tenant & Business - Wilson Construction Co.  
Mr. Ted Millar - Aurora State Airport Business - Southend Airpark  
Mr. Roger Kaye - Friends of Marion County





Nov 8, 2012



#### Legend

- |  |                               |  |  |  |                             |
|--|-------------------------------|--|--|--|-----------------------------|
|  | Property Line                 |  | Air Traffic Control Tower (ATCT)         |  | Future Property Acquisition |
|  | Future Property Line          |  | Aurora Rural Fire Protection District    |  | Future Avigation Easement   |
|  | 35' Building Restriction Line |  | Future Apron Area                        |  |                             |
|  | Runway Safety Area            |  | Cargo Apron                              |  |                             |
|  | Runway Object Free Area       |  | Vehicular Parking                        |  |                             |
|  | Taxiway Object Free Area      |  | Hangar Development                       |  |                             |
|  | Future Service Road           |  | Fuel Station                             |  |                             |
|  | Existing Buildings            |  | Helicopter Parking                       |  |                             |
|  | Future Buildings              |  | Precision Approach Path Indicator (PAPI) |  |                             |
|  | Future Pavement               |  | Existing Building Removal                |  |                             |

#### General Notes

Airport Reference Code (ARC) - C-II  
Runway strengthened to 60,000 lbs dual wheel gear

**WHPacific**  
9755 SW Barnes Rd, Suite 300  
Portland, OR 97225  
503-520-0425 Fax 503-520-0775  
www.whpacific.com

**Aurora State Airport**  
Aurora, OR

Exhibit ES-1  
**Preferred Alternative**  
Revised 11/08/12



# CITY COUNCIL ROLLING SCHEDULE

## Board and Commission Meetings 2013

### NOVEMBER

| DATE     | DAY               | TIME                                       | MEETING              | LOCATION         |
|----------|-------------------|--|----------------------|------------------|
| 11/18    | Monday            | 7 p.m.                                     | City Council Meeting | Council Chambers |
| 11/21    | Thursday          | 6 p.m.                                     | Budget Workshop      | Council Chambers |
| 11/25    | Monday            | 6:30 p.m.                                  | DRB Panel B          | Council Chambers |
| 11/28-29 | Thursday & Friday | Thanksgiving Holiday – City Offices Closed |                      |                  |

### DECEMBER

| DATE  | DAY       | TIME      | MEETING   | LOCATION              |
|-------|-----------|-----------|---|-----------------------|
| 12/2  | Monday    | 7 p.m.    | City Council Meeting                            | Council Chambers      |
| 12/4  | Wednesday | 6:30 p.m. | Library Board                                   | Library               |
| 12/9  | Monday    | 6:30 p.m. | DRB Panel A                                     | Council Chambers      |
| 12/11 | Wednesday | 6 p.m.    | Planning Commission                             | Council Chambers      |
| 12/11 | Wednesday | 6 p.m.    | Urban Renewal Strategic Plan Task Force Meeting | Willamette River Room |
| 12/16 |           |           | Council Meeting Cancelled                       |                       |
| 12/23 |           |           | DRB Panel B Meeting Cancelled                   |                       |
| 12/15 | Wednesday |           | Christmas Holiday<br>All City Offices Closed    |                       |

### COMMUNITY EVENTS

**Holiday Light Drives** via SMART to Portland International Raceway.

Buses leave from the Community Center at 6:30 p.m.

Reservations required, call 583-682-3727 to make a reservation.

There is no charge for the trip, but we ask that each rider bring one (new) toothbrush to donate to Wilsonville Sharing.

Dates of the trips: December 10, 11, 12, and 13

#### **Reindeer Romp & Bullwinkle Bash**

Family Fun Center

December 14

8 a.m. registration



#### **Holiday Fun Fest**

December 19, 4-6 p.m.

Community Center

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

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A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, October 7, 2013. Mayor Knapp called the meeting to order at 7:12 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp  
Council President Starr  
Councilor Goddard  
Councilor Fitzgerald  
Councilor Stevens

Staff present included:

Bryan Cosgrove, City Manager  
Jeanna Troha, Assistant City Manager  
Mike Kohlhoff, City Attorney  
Sandra King, City Recorder  
Nancy Kraushaar, Community Development Director  
Delora Kerber, Public Works Director  
Joanne Ossanna, Finance Director  
Chris Neamtzu, Planning Director  
Mark Ottenad, Government Affairs Director  
Dan Pauly, Associate Planner  
Eric Mende, Engineering  
Lt. Rhodes, Police Chief

**Motion:** Councilor Starr moved to approve the order of the agenda with the inclusion of the Tourism Development Strategy introduction added under Communications. Councilor Goddard seconded the motion.

**Vote:** Motion carried 5-0.

**MAYOR'S BUSINESS**

A. Upcoming Meetings

Mayor Knapp noted the meetings he attended on behalf of the City of Wilsonville, including the League of Oregon Cities conference, the Westside Economic Alliance summit regarding infrastructure development; Clackamas County Cities Association; a dedication of the Piazza in Villebois; and the Washington County Coordinating Committee.

**COMMUNICATIONS**

A. Tourism Development Strategy, Bill Baker, Total Destination Marketing. Mr. Ottenad introduced Mr. Baker who will coordinate and facilitate the development of the City's tourism development plan to grow the City's tourism sector.



**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

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Mr. Baker explained who the members of his team would be, and that his firm specializes in tourism planning and destination branding for smaller cities. While working with the Tourism Task Force Mr. Baker planned to hold workshops, conduct online surveys; ask open ended questions to solicit input from the community.

Councilor Fitzgerald indicated she would be chairing the Tourism Task Force and she was looking forward to working with Mr. Baker

**B. Quarterly WWTP Report**

Mr. Mende prepared the following quarterly update describing the progress and performance for the DBO Contractor - CH2M HILL - as of September 2013. The update focused on schedule, budget, and construction related activities. Overall, the project remains on budget, and ahead of schedule. The entire report is contained in the record.

CH2M HILL is approximately two months ahead of schedule compared to the contractually required March 2014 Acceptance Date. The current critical path includes completion of the ultraviolet (UV) disinfection channel and completion of the secondary clarifier.

Construction is approximately 88 percent complete with all major structures either completed or under construction. Equipment installation is ongoing. It is expected that construction and Acceptance Testing will be completed by the end of the year.

The Owner's Representative will continue to conduct detailed monthly reviews of the updated Design-Build Work schedule compared to the baseline schedule and alert the City to any schedule issues that may affect CH2M HILL's ability to meet the Scheduled Acceptance Date.

Including the invoice dated August 25, 2013, CH2M HILL will have been paid \$30,620,177.91, representing approximately 85 percent of the current \$35,885,604.37 Design-Build contract value. A summary of the current and original Design Build price is shown below:

Contract change orders to date have been minimal; the total costs for change orders are 0.5 percent of the original Fixed Design-Build contract price, and are less than 10 percent of the \$2 million in contingency funds allocated to the project.

**B. Wilsonville Community Sharing**

Richard Truitt, Sheryl Kelley and Eric Postma provided a report on the activities of Wilsonville Community Sharing (WCS).

Mr. Truitt introduced WCS Board Secretary Sheryl Kelly, and recently appointed new board members Wes Morris, Larry Edwards, and Claudia Rodin; staff members Lani Snyder, and Leigh Crosby. Eric Postma provided legal services to WCS by assisting in the rewriting of the organizations bylaws. Mr. Truitt provided background information and the history of WCS to Council. The grants received from the City have enabled WCS to provide a variety of assistance programs to the less fortunate members of the Wilsonville community.



**CITY OF WILSONVILLE  
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In response to questions from Councilors, Mr. Truitt explained the WCS Board holds a monthly meeting which is open to the public, and an annual membership meeting. The WCS Board is in compliance with their bylaws.

Mr. Truitt stated while forty percent of their annual funding comes from the City grant and renter utility assistance program WCS also receives financial contributions from a variety of supporters, and depends on volunteers to assist in the food bank.

Mr. Kohlhoff added there had been some controversy in the community regarding the vacancies on the WCS Board and how the old bylaws were written. The City delayed funding the WCS grant until a Board was appointed. Mr. Kohlhoff asked Mr. Postma to explain the process WCS took to achieve order on their Board.

Mr. Postma did not have concerns with past WCS activities because of the way the structure was set up that allowed for membership voting. He made sure WCS followed a process of legitimizing board activity from the past; creating a new board; and making sure bylaws are in place for the future, putting WCS in a position where they can act as a board.

**C. Curfew**

Wilsonville Police Chief James Rhodes spoke about the enforcement of the curfew law by the Department to address an acute crime problem this summer. The enforcement raised some public concern since the actions differed from past activity. The criminal activity caused thousands of dollars of damage in the community, and included arson, criminal mischief, fireworks, and minor in possession of alcohol. The crimes occurred after 11 p.m. and before 7 a.m. by juveniles who were typically given a warning; after the uptick in crime the juveniles violating curfew were taken home to their parents. However, this was not an effective measure in some cases.

After mapping out the locations of the activity, the department increased its enforcement of the curfew law in those neighborhoods where the activity was occurring. Juveniles with no legitimate reason to be out at that time in the areas where the crimes were occurring were picked up and taken to the juvenile detention center for mandatory detention in Oregon City. Parents were called and required to come and pick up their child.

Chief Rhodes said the department's enforcement action is strategic, appropriate, targeted, and reasonable, but this is not always communicated to the community, and the public perceives this as a change in departmental behavior. Moving forward his goal is to communicate with the community should it be necessary to change how things were done in the past so the departments' actions do not seem unexpected.

Councilor Goddard indicated he had heard from parents who perceived the enforcement was less than a reasonable, targeted and appropriate enforcement, and there were examples that did not reflect well on the police department. He suggested making better use of the School Resource Officer and increase communication to students.



## CITY OF WILSONVILLE CITY COUNCIL MEETING MINUTES

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### **CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS**

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

Ron Dusek, 2875 Maryhurst Drive, West Linn, OR an attorney representing Ralph Elligsen, presented a written statement to the Council which has been included in the record. Mr. Dusek was asking the Council for help and support in rezoning Mr. Elligsen's 33 acre property at the north end of town from the Metro designation of Regionally Significant Industrial to commercial.

Mayor Knapp asked how the Council could be informed of the details, choices and options to do something with the request.

Mr. Cosgrove commented if the Council was interested in supporting Mr. Elligsen's request at Metro, staff could prepare a white paper that talks about the history of the site, what the constraints are in terms of unwinding a regional zoning designation overlay on the property, and what the consequences would be in doing that. Changing zoning from an industrial designation to a commercial designation it will intensify the use of the site, and there will be impacts to the surrounding areas.

Mayor Knapp thought the Council should have the information before making any decision on whether or not to support Mr. Elligsen's request.

Mr. Cosgrove thought the information could be gathered together by the second meeting in November.

Mayor Knapp summarized the Council was supportive of City staff preparing a "white paper" or background information to begin a discussion; however, he did not promise anything.

Jay Puppo, 10863 SW Merlin CT, Wilsonville, commented although he supported the mission of Wilsonville Community Sharing he was concerned about the Board management and the decision making process.

Marilyn Watson, 3701 SW Homesteader Rd, expressed concern with the WCS Board actions and their plans for expansion at their current location without access to public transportation. Ms. Watson was worried the site selection process was done while WCS was not in compliance with their own bylaws.

Toni Avery, 8560 SW Wilson Lane, wife of Richard Truitt, Wilsonville Community Sharing Board President. Ms. Avery expressed her confidence with the procedure used by the Board in their expansion process and she supported the work of WCS.

**CITY OF WILSONVILLE  
CITY COUNCIL MEETING MINUTES**

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**COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS**

Council President Starr – Park & Recreation Advisory Board, Chamber/City Leadership liaison reported he joined the Mayor at the last Chamber/City Leadership meeting where a discussion occurred regarding tourism, city events, and attracting/retaining businesses. The Councilor announced the dates of the upcoming Parks and Recreation Board meeting. He invited the public to participate in the Household Hazardous Waste Collection and noted the Budget Committee would be meeting in November.

Councilor Goddard – Library Board, Chamber Board, and Clackamas County Business Alliance liaison stated he attended the Westside Alliance forum with the Mayor; the LOC conference and the Clackamas County Business Alliance tour of the Blue Heron site in Oregon City. The Councilor announced the fall leaf drop off event at City Hall.

Councilor Fitzgerald – Planning Commission; Committee for Citizen Involvement; and Library Board liaison, reported the URA Strategic Planning Task Force and Open House was scheduled for October 17<sup>th</sup>; the Council would be holding a joint meeting with the city of Tualatin on October 29<sup>th</sup> to discuss the Basalt Creek planning process. She noted the October Planning Commission meeting would be cancelled. Councilor Fitzgerald reported the Library Board is engaged in a strategic planning process. As the chair of the Tourism Development Strategy Task Force, Councilor Fitzgerald noted two community work shops have been scheduled for October 16<sup>th</sup>, and October 23<sup>rd</sup> to outline the purpose and goals for the Tourism Development Task Force.

Councilor Stevens – Development Review Panels A and B; Wilsonville Seniors liaison noted the cancellation of the DRB Panel A meetings for October and November. She recounted the decisions made by Panel B of the DRB at their last meeting. The Councilor attended the LOC conference and found the discussions with other elected officials informative. She noted SMART is hosting an on-line open house asking for feedback on SMART routes in town and the Wilsonville to Portland route, and future transit services.

**CONSENT AGENDA**

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

- A. Minutes of the September 5, and September 16, 2013 Council Meetings.

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

**Vote:** Motion carried 5-0.

**NEW BUSINESS**

- A. **Resolution No. 2439**  
A Resolution Of The City Of Wilsonville Authorizing Community Services Support Grant To Wilsonville Community Sharing.



**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

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The title of Resolution No. 2439 was read into the record by the City Attorney. He noted an update was provided during Work Session by the Finance Director. Staff has carefully gone over the past reports, and has kept track of the City's funding of the operational expenses. The results show the use of City funds has been appropriate. This grant funds operations only, and is restricted from being used for capital and building. The City may conduct a financial review of WCS operational finances if necessary. The grant is for a period of three years with CIP adjustments.

*Ms. Ossanna prepared following staff report included in the packet.*

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.

The City of Wilsonville has supported the administrative and operational services of Wilsonville Community Sharing through grant support over the last 15 years. The City has provided this grant support ("Grant") through the annual City budget process and funding the Grant through budget adoption, but has not provided any formal grant contract. The Grant has grown over the years and is currently budgeted for the City's 2013/2014 fiscal year at \$29,929.

The term of the Grant is three (3) years, commencing July 1, 2013 and terminating June 30, 2016, subject to the terms and provisions of this Grant Agreement and Wilsonville Community Sharing providing the community services. The grant increases by the increase in the Consumer Price Index, all items, Portland-Salem Metropolitan Area (CPI) each year on July 1<sup>st</sup>

Wilsonville Community Sharing will provided detailed quarterly and annual financial statements that include information on services and activities and Grant expenditures. 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.

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. Wilsonville Community Sharing has recently been operating without a duly constituted Board of Directors, which it will rectify by the October 7, 2013 Council meeting. The award of the grant must be predicated on proof of a duly constituted Board presented to the City at or before the October 7, 2013 meeting.

This grant has a very positive impact to the community, since Wilsonville Community Sharing provides 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. *End of staff report.*

Councilor Fitzgerald asked if the grant had been annually awarded in previous years.



**CITY OF WILSONVILLE**  
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Ms. Ossanna explained the grant was an annual grant paid out quarterly. Prior to this the grant was awarded in an informal process, and approved through the Budget process, but it was not a formalized grant document. Staff is proposing is to formalize the process and include safeguards should the City have concerns; the City will have the ability to review WCS financial information.

**Motion:** Councilor Starr moved to approve Resolution No. 2439 for the fourth quarter of 2013. Councilor Fitzgerald seconded the motion.

Due to the use of public funds and the questions raised by the community Councilor Starr wanted more time to consider the request and understand before approving a three year grant term.

Should the motion pass, Councilor Stevens wanted to insure Council came back at the end of the quarter.

Mr. Kohlhoff pointed out the end of the quarter will be during the Holidays and suggested extending the term to the end of the fiscal year with Council having the ability to review if necessary.

Mayor Knapp agreed, noting WCS has a newly established Board who may need a few months to coalesce around a direction. Having the funding end June 30, 2014 would provide time to allow the Board to perform and to improve the public's confidence.

Councilor Starr concurred with amending the motion to go through June 30, 2014. Councilor Fitzgerald endorsed the amendment to the motion.

**Amended Motion:** Councilor Starr moved to approve Resolution No. 2439 but provide the funding to the end of the fiscal year, June 30, 2014. Councilor Fitzgerald seconded the motion

Mayor Knapp indicated the amendment to the motion would change the proposal.

Councilor Fitzgerald commented the Council has no jurisdiction over the way an organization runs in any specific way; but she appreciated the Council taking time to make sure the funds are awarded to a stable organization.

Councilor Goddard thought Councilors should keep in mind the part of the community the WCS is serving. Councilor Goddard supported Mr. Kohlhoff's comments about extending the term to the end of the fiscal year.

Mayor Knapp understood the Council, Staff, and citizens who spoke supported the mission of Wilsonville Community Sharing and its importance to the community. The Mayor was hopeful the new Board would find a way to bring the community onboard, especially if there is a capital fund raising campaign to acquire or build a facility for the WCS services.

Councilor Goddard was unclear about what the Council was requesting WCS to do.



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Mr. Kohlhoff explained it was open ended. He offered to follow through with WCS and to report back to Council.

Councilor Starr called for the question.

Mayor Knapp restated the motion as, "to approve Resolution 2439 with an adjustment of the term of the agreement to end June 30, 2014."

**Vote:** Motion carried 5-0.

**PUBLIC HEARING**

A. **Ordinance No. 724** – first reading

An Ordinance Of The City Of Wilsonville Amending The Villebois Village Master Plan For The "Future Study Area" Establishing The General Land Use Framework In Terms Of Type Or Types Of Uses, Open Space Considerations, Circulation And Utilities

Mr. Kohlhoff read the title of Ordinance No. 724 into the record for first reading.

Mayor Knapp called the hearing to order at 9:19 p.m. and read the hearing process.

Dan Pauly, Associate Planner, presented the staff report.

*For clarity Mr. Pauly's staff report is included here.*

"Following their review at the July 10<sup>th</sup>, August 14<sup>th</sup> and September 11<sup>th</sup> meetings, the Planning Commission recommended adoption of the proposed Villebois Village Master Plan amendment by a vote of 6-1.

The currently adopted Villebois Village Master Plan (Master Plan) designates an approximately 43 acre site southwest of Arbor Villebois along Grahams Ferry Road as a "Future Study Area." The purpose of this amendment is to enable review of development of the area currently designated as "Future Study Area". The Council should consider the amendment within the context of the Master Plan as a whole, rather than weighing evidence and testimony specific to details of Polygon's potential future development of the area. Any future specific development proposal for the area will be reviewed by the City's Development Review Board through the quasi-judicial process. Any related zone change would come before the Council, in its quasi-judicial role, at a future date.

The Wilsonville Comprehensive Plan Map designates the Villebois Village, including the Future Study Area, as Area of Special Concern B, which refers to the Villebois Village Master Plan, which was adopted under Ordinance 554 in 2003.

The current Villebois Village Master Plan designates the southwest corner as *Future Study Area*. In order to allow for consideration of any development in the Future Study Area, the Master Plan must be amended. Any such amendment is intended to provide the general land use framework in terms of types of uses, open space considerations, circulation and utilities.

This general framework is then subject to refinement down to specific and detailed development plans through the subsequent application and approval steps established in the Villebois Planning Process.



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### Discussion Topic:

**Neighborhood Form/Density:** The preliminary lot type mix is comparable to other areas on the edges of Villebois with a similar pattern of lots, including: the adjacent area of Arbor Villebois, the area adjacent to the Tooze Rd./Grahams Ferry Rd. intersection, and the southeast corner adjacent to existing neighborhoods. All these areas have large or standard lots on the outer edge, with a mixture of lot types ranging from small to large on the immediate interior of the outer edge. Nothing in the Master Plan indicates density less than these edge areas in the Villebois Village. The requirement for product diversity and rules of adjacency included in the Architectural Pattern Books will continue to apply to all development in the Village, thus further maintaining diversity as subsequent development occurs. It is important to note the Future Study Area is unique in that over fifty percent of the area is within the City's Significant Resource Overlay Zone (SROZ).

The applicant proposes to amend the Villebois Village Master Plan to set the stage to develop the Future Study Area with single family detached homes. The proposed Villebois Village Master Plan amendment does not represent a specific plan for a residential development but rather enables future development applications to be submitted and reviewed by the Development Review Board for density, lot layout and design (including compliance with pattern book requirements), homes, parks and open space, streets and other facilities. The review of such subsequent specific development applications requires a public hearing and allows for public discussion of all of the foregoing aspects of a proposed development.

If a Master Plan amendment is adopted by City Council, more detailed plans for development of the Future Study Area can be submitted by a property owner/developer for review by the City's Development Review Board. These applications could be brought forward toward the end of the year.

Polygon paid an application fee for the City to process the current legislative application. If the Villebois Village Master Plan amendment is adopted, additional quasi-judicial application fees and potentially engineering plan review fees would be collected during the current budget year. SDCs and building permit fees would likely be paid in future budget years.

On May 31, 2013, the applicant submitted an application for a Villebois Village Master Plan amendment to the City. The Planning Commission held a work session on July 10, 2013. Polygon conducted neighborhood meetings with surrounding residents on July 11, 2013 and July 24, 2013. The Planning Commission held a public hearing on August 14, 2013 and continued it to September 11, 2013. The Council will conduct another public hearing on October 7, 2013. If the Master Plan amendment is approved, and the applicant chooses to develop the property, they will be required to submit a specific development application to the Development Review Board and another public hearing and opportunity for public input and involvement will occur.

At the Planning Commission, the vast majority of the public testimony was related to development details that were not part of the submitted application. The Council should focus its review on the goals and policies contained in the Comprehensive Plan and the Villebois Village Master Plan opposed to criteria contained in the Development Code related to traffic, architecture and natural resource impacts.

Ordinance No. 724 would be an initial step to reviewing development that would result in:

- Continued build-out of the Villebois Master Plan
- Additional residential detached single-family houses.
- Construction jobs for several years.
- Development of a number of private parks and extensive open space and trail areas open to the public



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- connected to Graham Oaks Nature Park and existing Villebois development.
- Continued improvement of a property that had fallen into disrepair.

The subject Villebois Village Master Plan amendment is an application from a private applicant. The Council can either adopt the amendment as proposed, or deny the application for the amendment. The Council's ability to change the applicant's proposal is limited."

*End of staff report.*

Mr. Pauly described what the "Future Study Area" designation was within the Villebois Village Master Plan noting Polygon Northwest is the applicant who is proposing to build single family detached homes on the property if the amendment is approved. He pointed out approximately half of the 43 acre parcel would remain natural, and redevelopment would only occur on the former Living Enrichment Center building footprint.

Mr. Pauly describe the steps in the planning process necessary for development to occur including the opportunities for public input along the way. Mr. Pauly stressed Council action this evening was one of the first steps in the development process dealing with the master plan where the review criteria focuses on the plan as a whole, rather than a specific area or detail such as building lot size and number of lots.

Polygon Northwest initiated meetings with the neighboring residents in Villebois which generated a lot of discussion and concern about the number of lots proposed for the property, traffic, wildlife, and lot size. These specifics would be addressed in public hearings before the Development Review Board.

Individuals, who participated in the Planning Commission hearings, signed on to the on-line petition, wrote or emailed their concerns or comments to staff would be notified of the future public hearings.

The plan proposed by Polygon Northwest balances different interests, along with incorporating the feedback from both the neighborhoods and City staff. The area has a Comprehensive Plan designation as a residential village implemented by the Village Zone which is consistent with the current Villebois Village Master Plan as well as City and regional regulations.

Mr. Pauly identified eight topic areas the amendment covered to give a better idea of the scope the Council is dealing with:

1. Land Use
  - The area is designated Residential Village in the Comprehensive Plan; the applicant is proposing to build the larger of the Village Zone single family detached home categories which are medium and above.
  - Of the 43 acre site, 12.4 acres are designated for development.
2. Streets and Connectivity
  - The proposed amendment identifies about 7 acres for streets and sidewalks. It also includes connections to Grahams Ferry Road and to Villebois Drive South. The proposed connectivity is consistent with the Transportation Systems Plan and the requirements of the Development Code.



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3. Parks, Trails and Open Space

- Half of the site – or 23 of the 43 acres – will remain open space and be privately owned and maintained while allowing public access. Additional locations for parks and open space and playgrounds have been preliminarily identified.

Mr. Pauly noted again the programs proposed are preliminary and subject to significant changes or refinement as the Development Review Board conducts their detailed review. This is in keeping with the process used throughout Villebois development.

4. Utilities

- The utilities in the overall Villebois Master Plan were sized to include water and sewer service to this site. A private pump station will be replaced with a public sanitary lift station.

5. Specific Area Plan Boundaries

- Villebois is divided into Specific Area Plans (SAP) and as proposed this area would be part of the South SAP and require development on the site to use the same architecture community design guidelines, including lot size requirements, as Arbor Villebois.

6. Storm Water and Rain Water

- The Villebois Village Master Plan design elements will be extended into this area.

7. Transportation

- No traffic analysis has been conducted; however, conditions reinforcing principles about street spacing, connections from the nature trail to the surrounding neighborhoods and the importance of the north-south route along Villebois Drive will be components. Additional information about pedestrian/bike crossings will follow in the details.

8. General Housekeeping items

- Updating dates and making editorial changes are included in this section; the most substantial are places in the Master Plan referring to the “Living Enrichment Center” and its history, and the Future Study Area.

Mr Pauly completed his staff report and was open to Council questions.

Councilor Goddard asked for the range of lot sizes for the standard, large, medium lot designations.

Mr. Pauly noted the Master Plan as a whole was under consideration and specific development details were not being review at this time. He stated a number of factors need to be kept in mind when considering lot sizes in Villebois; the Architectural Pattern Books govern and defines lot size including a minimum width and depth, also lot coverage in Villebois is higher than in a ‘typical’ subdivision. The ranges for lot sizes include:

- Medium lot is 2900-4500 square feet with a minimum width of 41 feet
- Standard lot is 4500-6500 square feet with a minimum width of 50 feet
- Large lot is 5400-8400 square feet with a minimum width of 60 feet



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Currently the Pattern Book does not include an Estate lot; however the understanding is the applicant would define and add the Estate lot details to the Pattern Book during subsequent approvals. The minimum lot size being approved for the area is medium, with a range of lot sizes from medium to estate. The number of each lot size will be determined in the refinement process and will be similar to the development on the other edges of Villebois.

Steve Adams, City Engineer, explained the reasons why the private pump station on the property needed to be replaced by a public lift station, noting the developer would bear the cost.

Mr. Kohlhoff pointed out a letter had been received October 7, 2013 from Bob Walliker a Villebois neighborhood homeowner and the correspondence should be made part of the record.

Mayor Knapp invited the applicant to comment.

Fred Gast, Polygon Northwest, recognized the property was to be a component of Villebois and it is designated as residential in the Comprehensive Plan. Their proposal is to balance the special aspects of the property within the context of Villebois by lot sizes, and house sizes. The developer held meetings with the surrounding neighborhoods to get their feedback. Mr. Gast felt this was an opportunity to build more medium to estate lot size homes. He added the redevelopment would occur on the areas that had been developed by the LEC leaving the majority of the acreage as open space and natural area.

On the standard and large lots, Polygon was proposing, in addition to alley loaded homes, a more "traditional" front loaded driveway home that is wider allowing for both a front porch and driveway opportunities.

Councilor Goddard queried the number of units per acre after the SROZ was removed from the total acreage. Mr. Gast replied 9-10 units per acre in the development footprint. The Councilor voiced concerns about the final number of units per acre, the transition between rural and urban development, as well as the appeal of the Villebois community 10-15 years in the future.

Mayor Knapp invited the public to speak.

Bob Walliker, 29164 SW San Remo Ct., submitted his comments in written form. Mr. Walliker said he shared the same concerns as his neighbors in Villebois but in particular he was concerned with environmental concerns, and habitat for the wildlife.

Mr. Gast stated his company takes the comments of the neighbors seriously and he plans to keep the dialogue open with them. Wildlife corridors and wildlife habitat is important to the developer which is why they allotted the development to the footprint of what has already been built. Mr. Gast described the 'natural play' area proposed for one location.

Mayor Knapp closed the public hearing at 10:17 p.m.

**Motion:** Councilor Stevens moved to approve Ordinance No. 724 on first reading.  
Councilor Fitzgerald seconded the motion.



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Councilor Stevens thought it was important to give credence to the work the Planning Commission has done. The application has been well vetted and the Commission recommended to the Council to move ahead. The Development Review Board will have the considerable task of vetting any applications thoroughly making sure it meets the code and design requirements. She thought it was important to note there are no apartments, condominiums, attached homes, or townhomes planned for this development; only single family detached homes which will help to bring back into balance the apartment – single family home ratios. The Councilor recalled hearing comments that no families would ever move to Villebois and now there is a new school filled with children. The idea that Villebois is not desirable for families, empty nesters and single persons to call home is not true, people desire living in this area. She liked that so much of the area would remain open space.

Councilor Goddard did not think the request demonstrated an orderly and efficient transition from rural to urban land use along Grahams Ferry Road, nor did it meet an identified public need. He thought the concerns regarding traffic, natural areas, and increased density had not been dealt with adequately

In response to questions about the size of estate lots, Mr. Pauly explained the applicant would bring that detail back during the Specific Area Plan review and refinement to the pattern book before the Development Review Board. The Villebois Master Plan did not designate a lot size; that was a detail approved at the Specific Area Plan approval level.

Mr. Gast stated Polygon was looking into building homes on estate size lots as an opportunity, and they would modify the pattern book to include that lot size potential. His view of an estate lot is 10,000 square feet, and the location of those lots would be on the perimeter of the site in keeping with the overall view of Villebois. Although the current plan contains 113 lots, a definite figure would be determined at future review.

Mayor Knapp did not think some of the concerns raised were appropriate for this particular venue. This is a decision that has been brought forward under the prescribed procedure for Villebois. The applicant has followed the steps the Villebois plan prescribes for moving land into development. The Mayor did not believe it was a question of whether this is an orderly transition from rural to urban, rather whether it complies with the rules that have been put in place for this geographic area, and staff is telling us it does.

The need for housing was the driver for the entire Villebois Master Plan, and this was brought forward under that Master Plan in an entirely consistent way. The Villebois Master Plan contains certain assumptions, certain pattern books, certain layouts and those will need to be followed when the applicant comes forward if and when the applicant comes forward with a particular proposal on how to develop this property. But until it is brought into the category now proposed, he can't do that. It's not an allowable step from where it is now.

The Mayor was convinced Villebois will be considered a success for a long time into the future. The people that live there choose to live in the unique environment constructed in Villebois and it is part of a larger vision.



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Mayor Knapp felt the applicant should be given the clearance to move forward and bring a proposal through the process which provides full public hearings, negotiation, and working with the public to find the appropriate balance. The applicant demonstrated a willingness to engage the public in a way that some other developers have not. There is no reason in this particular case why a person meeting the standards that have been put forth should not be afforded the approval of the process that they have brought their proposal forward under.

Mr. Kohlhoff confirmed with Mr. Pauly that the findings made by the Planning Commission were sufficient to allow the development of estate lots.

Mr. Pauly believed they did since the Master Plan, the ordinance and the text of the Master Plan talk about the aggregate land use category, and the development code through the refinement process allows that flexibility.

Mr. Kohlhoff wanted to make sure that we have a record here, because I think Councilor Goddard pointed out that a lot of the language here deals with a mix of medium, large and standard lots inside the initial edge with large and standard lots on the outer edge. It does not make any comment about estate lots.

*Revise*

Mr. Pauly thought that was reflective of what is out there today. The edges of Villebois today do not have those estate lots, but he wanted to make it clear estate lots are allowed out here.

Councilor Starr confirmed by approving this ordinance Council was opening the door, and down the road would be the time to define whether or how many estate lots are built.

Mr. Kohlhoff said Councilor Starr was correct. He wanted to make sure the record was correct that estate lots were included as a possibility.

Mayor Knapp called for the question.

**Vote:** Motion carried 4-1  
Councilor Goddard voting "No".

**CONTINUING BUSINESS**

- A. **Ordinance No. 723** – second reading  
An Ordinance Of The City Of Wilsonville Amending Chapter 6, Of The Wilsonville Code To Provide For Regulating The Use Of Public Property And Facilities By Film And Media Productions Within The City.

**Motion:** Councilor Goddard moved to approve Ordinance No. 723 with the changes noted on second reading. Councilor Starr seconded the motion.

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

**CITY MANAGER'S BUSINESS**

Mr. Cosgrove advised he would be sending out the Quarterly Council Goals Report via email to the Councilors. Councilors should call Mr. Cosgrove if they have questions or comments.

**LEGAL BUSINESS**

There was no report.

**ADJOURN**

Mayor Knapp adjourned the Council meeting at 10:42 p.m.

Respectfully submitted,

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Sandra C. King, MMC, City Recorder

ATTEST:

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Tim Knapp, Mayor



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A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, October 21, 2013. Mayor Knapp called the meeting to order at 7:15 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp  
Council President Starr  
Councilor Goddard  
Councilor Fitzgerald  
Councilor Stevens

Staff present included:

Bryan Cosgrove, City Manager  
Jeanna Troha, Assistant City Manager  
Mike Kohlhoff, City Attorney  
Sandra King, City Recorder  
Stan Sherer, Parks and Recreation Director  
Kristin Retherford, Economic Development Manager  
Patty Brescia, Senior Programs Manager  
Nancy Kraushaar, Community Development Director  
Barbara Jacobson, Assistant City Attorney  
Andrea Villagrana, Human Resource Manager  
Stephan Lashbrook, SMART Director  
Jen Massa-Smith, Operations Program Manager  
Chris Neamtzu, Planning Director

Motion to approve the order of the agenda.

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

**Vote:** Motion carried 5-0.

**MAYOR'S BUSINESS**

A. City Attorney Employment Contract Renewal

Mayor Knapp remarked the City Attorney and City Manager are the two City employees who report directly to the Council. The Mayor described the development that has occurred during Mr. Kohlhoff's 32 year tenure as City Attorney and commented the Legal Department has been involved in a variety of legal activities throughout the year in numerous arenas.

Councilors expressed their confidence in the legal guidance provided by Mr. Kohlhoff and the Legal Department throughout the past year.

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**Motion:** Councilor Fitzgerald moved to renew the City Attorney's annual employment contract in light of the review, comparable salaries, and the comments that were received from the survey, from October 1, 2013 to September 30, 2014 with a four percent increase to the annual base salary. Councilor Stevens seconded.

**Vote:** Motion carried 5-0.

B. Upcoming meetings were announced by the Mayor, who also reported on the meetings he attended on behalf of the City including the Metro hearing to bring the Advance Road site into the UGB for a new school and associated fields. The Metro hearings officer recommended approval of the request from the West Linn-Wilsonville School District.

## **COMMUNICATIONS**

A. HEAL (Healthy Eating Active Living) Update

Patty Brescia, Senior Programs Manager, reported Wilsonville received the 'Active' HEAL City designation by HEAL Cities NW. She talked about Wilsonville's progress toward adopting additional HEAL policies including Wilsonville's tobacco free parks policy, and the Citizen Coalition's work with local restaurants, grocers and schools to increase the access of fresh fruits and vegetables to children qualified the City for the designation of 'Active' HEAL City.

The HEAL Wilsonville Citizen Coalition believes Wilsonville's adoption of the Transportation System Plan, along with ongoing implementation of other healthy living policies, will make Wilsonville eligible to receive the third HEAL City NW designation, which is "Fit City."

**CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS** – There was none.

## **COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS**

Council President Starr – Park & Recreation Advisory Board, Chamber/City Leadership liaison noted the Urban Renewal Task Force defined their objectives at their initial meeting, the Chamber and City are working together to make Wilsonville an attractive location for new businesses, and the Recreation and Aquatic Task Force is in the process of launching an economic feasibility study to determine whether the City can support an aquatic center.

Councilor Goddard – Library Board, Chamber Board, and Clackamas County Business Alliance liaison reported the CCBA has been working on their strategic priorities. He noted the Clackamas County Board of Commissioners was asked to consider establishing road districts. The Councilor announced the date of the next Library Board meeting, and encouraged the public to participate in the Wilsonville High School Snowboard Swap Meet.

Councilor Fitzgerald – Planning Commission; Committee for Citizen Involvement; and Library Board liaison announced the next meeting date of the Planning Commission, the joint work session scheduled for October 29 with the Tualatin City Council to discuss Basalt Creek Planning, and the Tourism Task Force workshop.



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Councilor Stevens – Development Review Panels A and B; Wilsonville Seniors liaison noted the next DRB Panel A meeting would be cancelled; however, DRB Panel B would meet October 28. The Wilsonville Community Seniors Board voted to contribute funds to help replace the oven at the Community Center. The Councilor announced the fall leaf collection date and the date of the November Budget Committee workshop.

**CONSENT AGENDA**

Mr. Kohlhoff read the titles of the consent agenda into the record.

- A.     **Resolution No.2440**  
A Resolution Of The City Council Approving A Minor Amendment To The Year 2000 Plan, An Urban Renewal Plan Of The City Of Wilsonville, Related To Urban Renewal District Boundaries.
- B.     **Resolution No. 2441**  
A Resolution Of The City Council Concurring With The Revenue Sharing Formula In The Wilsonville TIF Zones.

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

**Vote:**         Motion carried 5-0.

**PUBLIC HEARING**

Mr. Kohlhoff read the titles of Ordinances No. 725, 726, 727, 728, 729, and 730 into the record noting the public hearing may be held en banc.

- A.     **Ordinance No. 725**– First Reading  
An Ordinance Making Certain Determinations And Findings Relating To And Approving A Single-Property Urban Renewal Plan Known As The **26755 SW 95<sup>th</sup> Avenue** TIF Zone. (staff – Retherford)
- B.     **Ordinance No. 726** – First Reading  
An Ordinance Making Certain Determinations And Findings Relating To And Approving A Single-Property Urban Renewal Plan Known As The **9805 SW Boeckman Road** TIF Zone. (staff – Retherford)
- C.     **Ordinance No. 727** – First Reading  
An Ordinance Making Certain Determinations And Findings Relating To And Approving A Single-Property Urban Renewal Plan Known As The **25600 SW Parkway Center Drive** TIF Zone. (staff – Retherford)

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- D. **Ordinance No. 728** – First Reading  
An Ordinance Making Certain Determinations And Findings Relating To And Approving A Single-Property Urban Renewal Plan Known As The **27255 SW 95<sup>th</sup> Avenue** TIF Zone. (staff – Retherford)
- E. **Ordinance No. 729** – First Reading  
An Ordinance Making Certain Determinations And Findings Relating To And Approving A Single-Property Urban Renewal Plan Known As The **29899 SW Boones Ferry Road** TIF Zone. (staff – Retherford)
- F. **Ordinance No. 730** – First Reading  
An Ordinance Making Certain Determinations And Findings Relating To And Approving A Single-Property Urban Renewal Plan Known As The **Bldg. 83- 26440 SW Parkway Avenue** TIF Zone. (staff – Retherford)

Mayor Knapp read the public hearing format into the record and opened the public hearing at 7:58 p.m.

Kristin Retherford provided the staff report which follows in its entirety for clarity.

“If adopted, the six subject ordinances will create six new single-property urban renewal districts called Tax Increment Finance Zones (TIF Zones) as to provide economic development incentives through partial property tax rebates.

**EXECUTIVE SUMMARY:**

On March 12, 2013 the citizens of Wilsonville voted in favor of creating up to six TIF Zones to incentivize capital investment and job creation by manufacturers. The election resulted from nearly a year of public process. An Economic Development Advisory Committee began their work in the spring of 2012. The City Council adopted an Economic Development Strategy in August. An Economic Development Task Force convened in November to further examine the issues of business incentives and attributes. The Task Force concluded their work on March 20, 2012 with a report containing their recommendations to City Council.

The purpose of the TIF Zones is to provide economic development incentives via property-tax rebates to encourage private-sector investment in vacant or underutilized industrial buildings. The TIF Zone program would provide manufacturing businesses with a financial incentive to make the substantial capital investment needed to upgrade large industrial properties into higher value manufacturing facilities that provide a larger number of higher-wage jobs and increased assessed valuation. The program would place the City of Wilsonville in a more competitive position in the greater Portland region, State of Oregon and global economy to ‘win’ a greater share of private-sector business investment.

Following a qualifying investment, which must be made within the first five years of the life of a given Zone, the Zone could have up to a ten-year term or lifespan at which time the Zone would be closed. Each Zone would share 25 percent of increased tax increment with other taxing districts such as schools and the fire district and rebate the balance of incrementally paid-taxes back to the company. That is, the company is rewarded for making the capital investment in Wilsonville by receiving back a portion of the increase in property taxes paid that result from the company’s investment. The greater the investment, the greater the rebate reward. Thus, the



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rebate is based on the company's performance and proportional to the level of capital investment and job creation.

The proposed Zones would rebate up to 75 percent of increased property tax increment for three years for each minimum qualifying investment and job creation for companies that:

1. Invest at least \$25 million in capital improvements and/or qualified equipment, and
2. Create 75 or more new full-time jobs paying at least 125 percent of the average Clackamas County wage.

Two additional years (5 total) would be available if the new jobs pay 150 percent of average wage paid in Clackamas County. Each Zone would terminate ten years after the first qualifying rebate. Non-performance during the term of the Zone would require repayment of rebates. If no qualifying investment occurs within five years of creating the Zone, the Zone would terminate.

A new three or five-year rebate period could begin with any additional round of new qualifying capital investment and job creation meeting the above minimum criteria, providing a maximum of 10 years of rebates period. Again, however, qualified investment needs to be made within 5 years of program adoption. This limits the potential life of the program to 15 years.

To create the TIF Zones, staff must follow the process outlined in statute for creating urban renewal districts. This process includes creation of a Plan and a Report for each proposed urban renewal area or TIF Zone.

Six draft urban renewal plans and reports ("Plans" and "Reports") to create the TIF Zone urban renewal areas ("Areas") have been prepared and are attached to the applicable ordinances as follows:

Ordinance No. 725: 26755 SW 95<sup>th</sup> Avenue TIF Zone Plan and Report  
Ordinance No. 726: 9805 SW Boeckman Road TIF Zone Plan and Report  
Ordinance No. 727: 25600 SW Parkway Center Drive TIF Zone Plan and Report  
Ordinance No. 728: 27255 SW 95<sup>th</sup> Avenue TIF Zone Plan and Report  
Ordinance No. 729: 29899 SW Boones Ferry Road TIF Zone Plan and Report  
Ordinance No. 730: Bldg. 83 – 26440 SW Parkway Avenue Plan and Report

The Plans address goals and objectives, identify activities and projects (in this case the rebate program), address property acquisition, disposition and relocation, tax increment financing of the Plan and the proposed maximum indebtedness, protocol for amending the Plan, and findings related to blight and conformance with the City's comprehensive plan. The Plans also include a legal description of the proposed urban renewal area.

The required Report for each Plan includes much of the same information, but is more technical in nature. The Reports examine the physical, social and economic conditions of the proposed urban renewal area and impact on municipal services. They contain a financial analysis that examines the cost of the program and financing, completion dates, estimated amounts of tax increment revenues to be used to reach the maximum indebtedness, and impacts to other taxing districts. They also document compliance with statutory limits on assessed value and acreage included in the City's urban renewal areas.



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Upon adoption of each Plan and Report by ordinance, the City of Wilsonville will still meet the parameters of the ORS 457 restriction that no more than 25 percent of the City's assessed value and 25 percent of the City's acreage is included in urban renewal areas.

The maximum indebtedness for each plan is \$12,000,000 and the maximum life span for each plan is 15 years.

### URBAN RENEWAL DISTRICT CREATION PROCESS

State law includes a number of limitations and restrictions on the use of urban renewal.

- No more than 25 percent of a city's land or 25 percent of its assessed valuation can be in urban renewal areas at any given time.  
*Note: Upon creation of the proposed TIF Zones, the City will be in compliance with this requirement and under both limits.*
- There is a requirement to notify and confer with the other taxing jurisdictions to assure that their interests have been communicated and considered.  
*Note: The City has mailed copies of the Plans and Reports to and conferred with the other taxing districts.*
- A termination date must be established for the Urban Renewal District. Any substantial amendment to extend the date or the maximum indebtedness must receive approval of 75 percent of the other taxing jurisdictions.  
*Note: The TIF Zones will terminate in fifteen years.*

The steps followed to establish the proposed TIF zones and adopt the proposed urban renewal plans (in compliance with State law) is presented below.

- A. Urban renewal plan preparation including opportunity for citizen involvement:
  - The TIF Zones are the result of a year and a half of public process.
  - Voters approved the creation of the TIF Zone by 79 percent in an advisory vote conducted in March of 2013.
  - The City of Wilsonville sponsored a public open house at City Hall on October 17, 2013.
  - At their September 11, 2013 regular meeting, the Planning Commission held a public hearing to receive testimony on the TIF Zones.
  - There will be a public hearing held before the City Council on October 21, 2013.
- B. Planning Commission review and recommendation:
  - At the September 11, 2013 public hearing, the Planning Commission voted that the TIF Zones conform to the Comprehensive Plan and recommended them to City Council for adoption.
- C. Notice to all citizens of Wilsonville of a hearing before the City Council:
  - Notice was provided by inclusion on the front page of the October 2013 Boones Ferry Messenger, which was mailed to all mailing addresses within the 97070 ZIP code and all postal patrons within the municipality
- D. Forward a copy of the proposed Plan and the Report to the governing body of each taxing district:
  - The taxing districts letters, along with copies of the Plans and the Reports, were sent out on September 9 and 23, 2013. Because the revenue sharing model proposed in the TIF Zones exceeds that required by statute, approval must be received by 75 percent of the taxing districts.
  - Staff conferred with the Chair of the Clackamas County Board of Commissioners and the County Administrator on September 23, 2013. The proposed TIF Zones are



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scheduled for an October 15, 2013 Board work session and will be placed on their October 17, 2013 consent agenda.

- Staff conferred with the Washington County Board of Commissioners at a work session on September 24, 2013. The TIF Zones will be presented to their Board for approval on October 15, 2013.
  - Tualatin Valley Fire and Rescue passed resolution 2013-09 concurring with the TIF Zones revenue sharing model on September 24, 2013.
  - Staff conferred with the West Linn/Wilsonville School District, and their Board approved the TIF zones and the revenue sharing formula by resolution at their October 7, 2013 meeting.
  - The Port of Portland has provided a letter approving the TIF Zones dated \_\_\_\_.
  - The Wilsonville City Council will consider approving the revenue sharing formula by resolution at their October 21, 2013 meeting.
  - When complete, together, these approvals represent over 75 percent of the taxing districts.
- E. Urban Renewal Agency review of the proposed Plan and accompanying Report and recommendation to City Council for adoption:
- At their September 5 and October, 2013 meetings, the Agency adopted URA Resolutions No. 234 and 235 recommending creation of the six TIF Zones and then forwarded copies of the Plans and Reports to the City.
- F. Hearing by City Council and adoption of the proposed Plan and accompanying Report by a non-emergency ordinance.
- The City Council public hearing with the first reading of the adoption is scheduled for October 21, 2013.
  - The date set for the second reading and final vote on the ordinances is November 4, 2013.
  - The ordinance must be a non-emergency ordinance, which means that the ordinance does not take effect until 30 days after its approval and during that period of time may be referred to Wilsonville voters if a sufficient number of signatures are obtained on a referral petition.

### **ORDINANCE ADOPTING THE PLAN**

The ordinance adopting each Plan requires the City Council to make certain findings. These findings are based on various documents and events and consist of the following:

1. The process for the adoption of the proposed Plan, has been conducted in accordance with the provisions of Chapter 457 of the Oregon Revised Statutes. A copy of the Plan for each TIF zone is attached to each adopting Ordinance as Exhibit "A";
2. The area designated in each Plan as the Area is blighted, as defined by ORS 457.010(1), and is eligible for inclusion within the Plan because of conditions described in Section II of the Report accompanying each Plan, including underdevelopment and underutilization of property within the Area;

*Note: This finding provides the basic justification for the Plan and the Council's finding is meant to make that justification explicit.*

3. The rehabilitation and redevelopment described in the Plan to be undertaken by the Agency is necessary to protect the public health, safety and welfare of the City because absent the completion of the urban renewal projects, the Area will fail to contribute its fair share of property

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tax revenues to support City services and will fail to develop and/or redevelop according to the goals of the City's Comprehensive Plan;

*Note: This finding states the public purpose of each Plan which is for the property in the Area to develop and redevelop according to the Comprehensive Plan. Property which is not developed or not fully developed and occupied does not contribute as much property taxes as fully developed property. The improvement of property in the Area will add to the tax base in the Area and further support additional economic activity in the Area.*

4. The Plan conforms to the Wilsonville Comprehensive Plan as a whole, and provides an outline for accomplishing the projects described in the Plan, as more fully described in Chapter XI of the Plan;

*Note: This finding is supported by Chapter XI of each Plan and the Planning Commission's adoption of a resolution that the Plan conforms to the City's Comprehensive Plan.*

5. The Plan conforms to the Wilsonville Economic Development Strategy as a whole, as described in Chapter XI of the Plan.

6. No acquisition of real property is provided for in the Plan. Therefore, no residential displacement will occur.

*Note: This finding clarifies that the Plans do not contemplate acquisition of property that would displace residents or businesses. Should the Plan be amended to include such acquisition, the Agency would be obligated to provide relocation assistance.*

7. Adoption and carrying out the Plan is economically sound and feasible in that funds are available to complete the Plan projects using urban renewal tax increment revenues derived from a division of taxes pursuant to section 1c, Article IX of the Oregon Constitution and ORS 457.440, and other available funding as shown in Sections V, VI, VII, VIII and IX of the Report;

*Note: Each Report contains information on the projected revenues and projected expenditures under the Plan and supports a finding that the Plan is economically sound and feasible.*

8. The City of Wilsonville shall assume and complete activities prescribed to it by the Plan;

*Note: This finding is intended to affirm that the City will complete any plan activities. However, these Plans do not specifically prescribe any activities to the City of Wilsonville.*

9. The Agency consulted and conferred with affected overlapping taxing districts prior to the Plan being forwarded to the City Council.

*Note: This finding affirms that the Agency, through city staff, sent a copy of the Plan and the Report to the affected overlapping taxing districts on September 9 and 23, 2013. The letter requested comments in writing on the Plan and Report. The finding also documents meetings to confer met with the Clackamas County Commission staff and the Washington county Commission.*

10. The ordinance also calls for publication of a notice that the Council has adopted the ordinance, for the recording of the Plan by the Clackamas County Clerk and the Washington County Clerk, as appropriate, and for transmitting the Plan to the Clackamas County Assessor and the Washington County Assessor, as appropriate.



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### **EXPECTED RESULTS:**

City Council's adoption of Ordinances 725, 726, 727, 728, 729 and 730 will result in the creation of six new single property urban renewal districts.

### **TIMELINE:**

The intent is to have the new urban renewal areas recorded with the counties by the end of December, 2013.

### **FINANCIAL REVIEW / COMMENTS:**

There is no financial impact in the current year due to this ordinance. If a qualifying investment is made in one of the TIF zones described in this ordinance the increase in property tax revenues due from the improvements should easily pay for the costs of financially managing the TIF zone.

### **POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:**

Adoption of the ordinance will allow the community to create six proposed TIF Zones to attract new business investment and jobs.

### **ALTERNATIVES:** Do not create the TIF Zones."

### Revised Reports

*After the packets were prepared, the report was revised as follows:*

"In response to verbal requests from some of the taxing districts with regard to the relationship between administrative fees and the revenue sharing model, the TIF Zone Reports have been revised to more clearly show that administrative fees will be taken from the portion of TIF to be rebated to business and not the portion to be shared with the taxing districts.

The following changes have been made to all TIF Zones Reports.

1. Table 1 revised to show reduced rebate due to taking administration out of developer's 75 percent share. (Page 10 in most reports)

| TIF Use            | Amount       |
|--------------------|--------------|
| URA Administration | \$141,367    |
| Rebate             | \$11,786,512 |
| Total              | \$11,927,879 |

2. Section VII. THE ESTIMATED AMOUNT OF TAX INCREMENT REVENUES REQUIRED AND THE ANTICIPATED YEAR IN WHICH INDEBTEDNESS WILL BE RETIRED.

(The tables vary in the 25600 SW Parkway Center Drive Report as it reflects Washington County.)

- a. Paragraph 1: changing amount developer will receive in rebates
- b. Paragraph 2: Inserting "The 25 percent to taxing jurisdictions is held constant, the administrative costs are deducted from the 75 percent share to the developer."
- c. Paragraph 3: changing numbers in the following sentence. "Table 2 shows the total projected rebate to the developer in this scenario would be \$11,786,512 dollars, while the amount received by taxing jurisdictions is estimated at

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\$8,282,830 dollars over the 15 year life of the Plan. This is actually 41 percent of the total tax increment revenue.”

- d. Replace Table 3 to show new allocations, reflecting impact of changing the administrative payment.

|       | URA Admin | Rebate       | Shared      | Total        |
|-------|-----------|--------------|-------------|--------------|
| 2013  | -         | -            | -           | -            |
| 2014  | -         | -            | -           | -            |
| 2015  | -         | -            | -           | -            |
| 2016  | -         | -            | -           | -            |
| 2017  | \$28,883  | \$1,165,514  | \$398,133   | \$1,592,530  |
| 2018  | \$17,390  | \$2,115,090  | \$710,826   | \$2,843,306  |
| 2019  | \$17,912  | \$2,865,034  | \$960,981   | \$3,843,927  |
| 2020  | \$18,449  | \$2,287,907  | \$768,785   | \$3,075,141  |
| 2021  | \$19,002  | \$1,826,030  | \$615,010   | \$2,460,042  |
| 2022  | \$19,572  | \$1,065,063  | \$883,364   | \$1,968,000  |
| 2023  | \$20,159  | \$461,872    | \$1,080,797 | \$1,562,828  |
| 2024  | \$0       | \$0          | \$1,204,211 | \$1,204,211  |
| 2025  | \$0       | \$0          | \$859,716   | \$859,716    |
| 2026  | \$0       | \$0          | \$515,223   | \$515,223    |
| 2027  | \$0       | \$0          | \$228,592   | \$228,592    |
| 2028  | \$0       | \$0          | \$57,192    | \$57,192     |
| 2029  | \$0       | \$0          | \$0         | \$0          |
| 2030  | \$0       | \$0          | \$0         | \$0          |
| Total | \$141,367 | \$11,786,512 | \$8,282,830 | \$20,210,708 |

3. Replace Tables 6a and 6b to reflect impact of changing the administrative payment.  
Tables 6a and 6b.



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| FYE          | Clackamas County   | Tualatin Valley Fire & Rescue | City of Wilsonville | Port of Portland | County Metro    | COUNTY EXTENSION & H | COUNTY LIBRARY   | COUNTY SOIL CONS | VECTOR CONTROL | Subtotal           |
|--------------|--------------------|-------------------------------|---------------------|------------------|-----------------|----------------------|------------------|------------------|----------------|--------------------|
| 2013         | -                  | -                             | -                   | -                | -               | -                    | -                | -                | -              | -                  |
| 2014         | -                  | -                             | -                   | -                | -               | -                    | -                | -                | -              | -                  |
| 2015         | -                  | -                             | -                   | -                | -               | -                    | -                | -                | -              | -                  |
| 2016         | -                  | -                             | -                   | -                | -               | -                    | -                | -                | -              | -                  |
| 2017         | (222,328)          | (141,043)                     | (233,092)           | (6,482)          | (8,933)         | (4,624)              | (36,750)         | (4,624)          | (601)          | (658,477)          |
| 2018         | (396,946)          | (251,818)                     | (416,164)           | (11,574)         | (15,949)        | (8,255)              | (65,613)         | (8,255)          | (1,073)        | (1,175,647)        |
| 2019         | (536,639)          | (340,438)                     | (562,621)           | (15,647)         | (21,562)        | (11,160)             | (88,703)         | (11,160)         | (1,451)        | (1,589,381)        |
| 2020         | (429,311)          | (272,351)                     | (450,097)           | (12,518)         | (17,250)        | (8,928)              | (70,963)         | (8,928)          | (1,161)        | (1,271,507)        |
| 2021         | (343,439)          | (217,874)                     | (360,067)           | (10,014)         | (13,799)        | (7,142)              | (56,768)         | (7,142)          | (929)          | (1,017,174)        |
| 2022         | (201,897)          | (126,081)                     | (211,672)           | (5,887)          | (8,112)         | (4,199)              | (33,372)         | (4,199)          | (546)          | (597,965)          |
| 2023         | (89,727)           | (56,922)                      | (94,071)            | (2,616)          | (3,605)         | (1,866)              | (14,831)         | (1,866)          | (243)          | (265,747)          |
| 2024         | -                  | -                             | -                   | -                | -               | -                    | -                | -                | -              | -                  |
| 2025         | -                  | -                             | -                   | -                | -               | -                    | -                | -                | -              | -                  |
| 2026         | -                  | -                             | -                   | -                | -               | -                    | -                | -                | -              | -                  |
| 2027         | -                  | -                             | -                   | -                | -               | -                    | -                | -                | -              | -                  |
| 2028         | -                  | -                             | -                   | -                | -               | -                    | -                | -                | -              | -                  |
| 2029         | -                  | -                             | -                   | -                | -               | -                    | -                | -                | -              | -                  |
| 2030         | -                  | -                             | -                   | -                | -               | -                    | -                | -                | -              | -                  |
| <b>Total</b> | <b>(2,220,287)</b> | <b>(1,408,527)</b>            | <b>(2,327,754)</b>  | <b>(64,738)</b>  | <b>(69,210)</b> | <b>(46,174)</b>      | <b>(367,000)</b> | <b>(46,174)</b>  | <b>(6,004)</b> | <b>(6,575,898)</b> |

| FYE          | COM COLL CLACK (perm) | ESD CLACKAMAS    | SCH WLINN/WILS (perm) | Subtotal Education | Subtotal Gen Govt  | Total               |
|--------------|-----------------------|------------------|-----------------------|--------------------|--------------------|---------------------|
| 2013         | -                     | -                | -                     | -                  | -                  | -                   |
| 2014         | -                     | -                | -                     | -                  | -                  | -                   |
| 2015         | -                     | -                | -                     | -                  | -                  | -                   |
| 2016         | -                     | -                | -                     | -                  | -                  | -                   |
| 2017         | (51,620)              | (34,096)         | (450,205)             | (535,921)          | (658,477)          | (1,194,398)         |
| 2018         | (92,162)              | (60,874)         | (803,797)             | (956,833)          | (1,175,647)        | (2,132,480)         |
| 2019         | (124,595)             | (82,297)         | (1,086,671)           | (1,293,563)        | (1,589,381)        | (2,882,944)         |
| 2020         | (99,676)              | (65,838)         | (869,337)             | (1,034,851)        | (1,271,507)        | (2,306,358)         |
| 2021         | (79,739)              | (52,669)         | (695,449)             | (827,857)          | (1,017,174)        | (1,845,031)         |
| 2022         | (46,876)              | (30,962)         | (408,832)             | (486,670)          | (597,965)          | (1,084,635)         |
| 2023         | (20,832)              | (13,760)         | (181,692)             | (216,284)          | (265,747)          | (482,031)           |
| 2024         | -                     | -                | -                     | -                  | -                  | -                   |
| 2025         | -                     | -                | -                     | -                  | -                  | -                   |
| 2026         | -                     | -                | -                     | -                  | -                  | -                   |
| 2027         | -                     | -                | -                     | -                  | -                  | -                   |
| 2028         | -                     | -                | -                     | -                  | -                  | -                   |
| 2029         | -                     | -                | -                     | -                  | -                  | -                   |
| 2030         | -                     | -                | -                     | -                  | -                  | -                   |
| <b>Total</b> | <b>(515,500)</b>      | <b>(340,496)</b> | <b>(4,495,983)</b>    | <b>(5,351,979)</b> | <b>(6,575,898)</b> | <b>(11,927,877)</b> |

End of staff report.

Mr. Kohlhoff recommended Council continue the public hearing after receiving public testimony. This would allow time for the other taxing districts to consider the City's TIF request at their board meetings. Mr. Kohlhoff read the titles of each of the ordinances into the record on first reading.



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Elaine Howard, Elaine Howard Consulting LLC, assisted Ms. Retherford with the presentation. Ms. Howard is an urban renewal consultant who has assisted in drafting the proposed Urban Renewal Plans and Reports for the six properties.

Ms. Retherford outlined the process of the public hearing. She noted the Plans and Reports accompanying the ordinances are still in draft format and will remain so until the final comments and testimony has been received from all taxing districts prior to the November 4<sup>th</sup> Council meeting. At that time the Plans and Reports would be finalized. A Power Point presentation was used during the hearing and has been made part of the record.

Ms. Retherford indicated Wilsonville did not have an Enterprise Zone, and historically has never offered any financial incentives. Instead, the City has had past success by leveraging the soft incentives such as location on I-5, public infrastructure and livability.

By the end of 2010, the city experienced a 45 percent vacancy rate and had about 2.5 million square feet of vacant industrial space. A significant amount of this space was due to a handful of large distribution centers the largest being the former Nike distribution center. This led to a new City Council goal to develop and implement an Economic Development Strategy.

In the winter of 2012 the city hired ECONorthwest to facilitate the process of developing a strategy and hired the FCS Group to update the Economic Opportunity Analysis with new data so the strategy work would reflect the impacts of the recession. In the spring of 2012 the City established a fourteen member Advisory Committee that included a broad representation of community interests. The Advisory Committee developed the nuts and bolts of the economic development strategy. Input was also received from focus groups, an economic development summit and a post-summit online survey so that the final document had been vetted through a great deal of outreach and public input.

City Council adopted the strategy in August of 2012. The strategy identified six areas of focus and specifies actions to be taken along with implementation timelines for each action. The highest priority actions are Action 1.1 and 6.2, which call for the creation of a Task Force to address business attributes and incentives.

A 23 member Task Force was convened in November of 2012 to look at what kinds of business attributes are desired, and whether the community should offer incentives for business retention or recruitment. Like the Advisory Committee, the Task Force was a diverse group representing the full range of community interests, and because urban renewal was likely to be considered as a funding mechanism for potential incentives, the Task Force also included representation from the both counties, the fire district, the school district and higher-education.

Rather than focusing on clusters or types of businesses the Advisory Committee felt a better approach was to focus on what specific business attributes would best fit with the community. The feeling was Wilsonville should be selective in the use of incentives and there should be strict criteria for businesses receiving incentives based on specific business attributes.



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While the Task Force was charged with looking at the broad range of attributes and incentives, they first tackled the issue of incentives for large levels of capital investment to see if a program could be established that might help keep a company in Wilsonville. The Task Force thought the limited use of urban renewal to provide partial property tax rebates, such as that proposed for SoloPower, was a concept that had merit. The Task Force proposed urban renewal based "Tax Increment Financing (TIF) Zones". Council placed a measure before the voters as an advisory vote in March 2012, which was approved by 79 percent of the electorate.

The TIF Zone program will provide incentives to businesses to convert large, currently vacant or under-utilized buildings to manufacturing use. The minimum building size considered for the program is 100,000 SF and the incentive is a rebate of up to 75 percent of new property tax increment for a 3-5 year period.

Ms. Howard explained Urban Renewal was defined by State Statue, defined by blight and generally covers underdevelopment or underutilization of property, poor condition of buildings including need for seismic upgrading and inadequate infrastructure including sidewalks. Ms. Howard talked about how Urban Renewal financing worked.

After an area is designated as an urban renewal area the tax assessed value of the properties within the area is frozen, taxes from that 'frozen base' go to all taxing jurisdictions; increases in taxes over the 'frozen base' go to the urban renewal agency for use in the area.

Single property urban renewal districts are scheduled to be created by the end of this year. The frozen base of each district will be established, and moving forward, the urban renewal agency will under levy or not collect the growth in tax increment so that it continues to be distributed to all the taxing agencies along with the frozen base. At the time a business occupies one of the TIF zones and qualifies for the rebate program, the under levy percentage will change so that a minimum of 25 percent (more than the statutory regulations) of the property tax increment will continue to go to the other taxing districts and up to 75 percent will be collected by the urban renewal agency and rebated back to the business. Upon closure of each TIF zone, which will have a maximum lifespan of 15 years, all property tax revenue will be back on the books and accrue to the various taxing agencies.

Maximum indebtedness was explained as the total amount of tax increment funds spent on projects and programs in an urban renewal area, which includes administration. The amount for any TIF zone is \$12 million. In TIF Zone plans these are estimates as the amount of real value of investments is unknown.

The statutory requirements for creation of the TIF Zones were explained, followed by the potential benefits of TIF Zone creation.

To qualify for a 3-year rebate there must be a minimum of \$25 million qualifying capital investment in building improvements or equipment, and at least 75 new, permanent, full-time jobs that pay at least 125 percent of average the Clackamas County wage must be created.



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Qualifications for a five-year rebate include a minimum of \$25 million qualifying capital investment in building improvements or equipment and the creation of at least 75 new, permanent, full-time jobs that pay at least 150 percent of average the Clackamas County wage.

The Task Force believed it was important to have a defined termination date so new assessed value is returned to the tax rolls and distributed to other agencies. To achieve that it was decided if there is no qualifying investment made during the first five years of creating a TIF Zone, it would be closed. The Task Force also decided a business could qualify more than one time for the program through additional investment and additional job creation, but there would be a maximum rebate period of ten years. If a business meets the criteria the first year a TIF Zone is created, the clock begins ticking. The business could meet the criteria again in future years, but at 10 years from their first rebate, the program would end. This means that each TIF Zone has a maximum lifespan of 15 years.

Councilor Starr wanted to know why manufacturing jobs were being targeted for the TIF Zones. Ms. Retherford explained manufacturing jobs tend to pay higher wages to their employees, and have a larger number of jobs.

Councilor Starr added the qualifying capital is typically higher in a manufacturing environment.

Ms. Retherford stated the city must receive 75 percent concurrency from the following taxing districts: City Council; TVF&R, West Linn-Wilsonville School District; Clackamas Community College, Washington County, Vector Control, and Clackamas County. Staff would be monitoring the upcoming meetings of taxing districts who have not yet provided their approval, which include Clackamas County, Clackamas County Library District, Clackamas County ESD, and Clackamas County 4-H who have their meetings scheduled between now and November 4, 2013.

Mr. Kohlhoff added there were two additional exhibits: the first is the Staff Report dated October 21, 2013; the second is the PowerPoint slide show. Ms. Retherford mentioned the changes to the fee schedule and making sure the reports reflected the administrative fees were coming from the 75 percent and not the 25 percent provided to the taxing districts.

Mayor Knapp invited the Councilors to ask clarifying questions of staff. There were no questions.

Mayor Knapp asked if the public notices had been updated with the addition of the sixth property and whether the six zones were tied together or were separately created.

Ms. Retherford said he super notice included the sixth property, and all of the taxing districts were notified as well. Each of the six zones operate on their own, but given that they are all being created at the same point in time, the five year window will end at the same time. If there is no qualifying investment the TIF Zone would end at the end of the five year window.

Councilor Goddard asked if the boundaries in the exhibits were drawn around a single tax lot.



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Ms. Retherford explained they were, with the exception of Building 83 on the Xerox Property, which is carved out legal description and is a portion of the larger property.

Mayor Knapp noted the property on Elligsen and Parkway Center encompasses more than one tax lot. Ms. Retherford stated the building was built across two tax lots and the district would include both underlying tax lots.

Councilor Starr clarified the Urban Renewal TIF Zones have a defined time to end, defined properties, and defined amounts of investment that will bring about a return on investment so that it puts the city in a very good place should the TIF Zones be used. The idea and process have been well thought out and included the public from the beginning, and were endorsed by a vote of the public.

Ms. Retherford added there was a question raised about this program taking away from revenue that supports the city's library. Existing revenues are not impacted by the TIF Zone program; the library revenues are included in the frozen base that will continue to be distributed to all of the taxing districts. They are temporarily forgoing an increase in property tax revenue only if there is a TIF Zone investment.

Mayor Knapp added they would share up to 25 percent of even the increase during that period. The Mayor understood none of the six districts would borrow money or be bonding for money to move the program forward.

Ms. Retherford stated the city is not borrowing any money for the program. There is a time lag from the time the company makes the investment, the investment must be assessed, the business pays their property taxes on the assessment, and after the property taxes have been paid the agency collects the urban renewal increment and at that point will rebate back up to 75 percent of the companies taxes.

Mr. Kohlhoff added in order to have urban renewal you do have to have debt. When the application is made by someone who is going to make this kind of investment, the City enters into a contractual obligation to make the refund of the 75 percent over a period of time, or we grant the 75 percent over a period of time. With that contract there becomes a "debt obligation" that qualifies. There is no typical bond to pay off, but the City has the obligation to refund their tax money to them.

Mayor Knapp invited testimony, hearing nothing he asked for motion to continue the hearing to November 4, 2013 and the public hearing would remain open until then.

**Motion:** Councilor Fitzgerald moved to continue the public hearing until November 4<sup>th</sup>.  
Councilor Starr seconded the motion.

**Vote:** Motion carried 5-0.



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Mr. Kohlhoff suggested the Council pass a motion to adopt the ordinances on first reading subject to the continued public hearing and additional information that might affect some of the paragraphs regarding the 75 percent which will be added prior to the second reading.

**Motion:** Councilor Goddard moved to approve Ordinances No. 725, 726, 727, 728, 729, and 730 on first reading subject to receiving possible changes to be corrected at second reading November 4, 2013. Councilor Starr seconded the motion.

**Vote:** Motion carried 5-0.

**CONTINUING BUSINESS**

Mr. Kohlhoff read the title of Ordinance No. 724 into the record on second reading. No additional comments have been received since the first reading.

- A. **Ordinance No. 724** – second reading  
An Ordinance Of The City Of Wilsonville Amending The Villebois Village Master Plan For The “Future Study Area” Establishing The General Land Use Framework, Open Spaces, Circulation And Utilities.

Mayor Knapp asked staff to clarify what the Council was voting on.

Chris Neamtzu, Planning Director, explained the action before Council is a legislative action amending the Villebois Village Master Plan, which is a sub-element of the City's Comprehensive Plan. It is a high level policy document that guides the overall framework of the Villebois Project. Council was presented with a series of maps that had been revised for this specific parcel of land called the “Future Study Area” at their last meeting including: a land plan map, circulation map, open space and utilities.

Should Council approve Ordinance No. 724, the following actions will be a series of site specific development applications presented to the Development Review Board for approval. These applications would contain the detailed specifics of a subdivision proposal where a high level of specificity around traffic, specific trees to be saved or removed, and the type of lot size with specific dimensions. After the DRB completes the public hearing and review, they send a recommendation to the City Council for a zone map amendment approval.

Ordinance No. 724 is a high level master planning document. Subsequent actions will move through a series of “screens” with increasing amounts of detail to come before the Development Review Board and the Council.

Mayor Knapp stated making this choice before Council tonight would prevent the future study area property from being used in other ways – a truck stop for example, and only for residential development.

Mr. Neamtzu said that was correct, the property could only be developed as single family detached residential housing on medium, standard, and large lots. This would preclude



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commercial, retail, large institutional uses, attached row houses or multi-family housing uses. Council action would limit future actions to a single family detached neighborhood, similar in character to the surrounding neighborhood.

Councilor Fitzgerald understood the property has been designated as residential for some time.

Mr. Neamtzu indicated that was correct, through the Comprehensive Plan designation the area has the Village Zone designation. Within the Village Zone it allows all of the things in Villebois which does include retail; however the ordinance being considered will narrow and filter the uses.

Referring to the Planning Commission meeting minutes of September 4<sup>th</sup> Councilor Fitzgerald noted the previous owner, the Living Enrichment Center (LEC), looked at potential uses for the property related to the LEC operation which included expansion of the retreat center, a new teen center, sanctuary, additional housing, and senior care facilities. However, the application before Council was for the narrower use of residential single family detached homes.

Councilor Goddard asked if the Comprehensive Plan designation prevented a truck stop scenario from developing on the property absent any action by the Council on the legislative matter.

Mr. Neamtzu believed it would as it is not listed as a specific use within the Villebois Village.

Councilor Goddard had questions about the conclusionary findings and referred to Policy 3, finding VB9, on page 17 of 34, Exhibit No. 1; which says "the mix of housing shall be such that the development provided an overall average density of at least 10 dwelling units per net residential acre". The criteria are satisfied but it says that "with or without the proposed master plan amendment the average density for Villebois, as a whole, will continue to exceed this standard". The Councilor wanted to know by how much Villebois as a whole has exceeded the standard of 10 dwelling unit per acre standard.

Mr. Neamtzu did not have the information without additional research.

Councilor Goddard referred to Policy 4, overall number of residential units, there is a criteria that, "the Villebois Village shall accommodate a total of at least 2,300 dwelling units within the Villebois Village Master Plan". The finding also says, "with or without the proposed master plan amendment the number of planned or constructed dwelling units for Villebois as a whole will continue to exceed the 2,300 unit maximum". The Councilor wanted to know by how much the standard had been exceeded.

Mr. Neamtzu replied the 2,300 units referred to the Master Plan land use number that could be built; not all of those units have been built, but have been approved.

Mr. Kohlhoff added the City has entered into development agreements that speak in terms of 2,600 units.



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Councilor Goddard interpolated the number of approved units exceed the 2,300 number by about 20 percent. The Councilor referred to Policy 3.1.2 dealing with the concurrency requirement, that must be met for traffic and asked how we that requirement for traffic for this application and this amendment request had been met at this stage.

Mr. Neamtzu said the concurrency requirements refer to the Development Code standards, which are level of service (LOS) standards outlined in the Planned Development regulations. DKS conducts a site specific review of the development application and prepares a traffic report. The traffic report identifies the most probable used intersections of a development and the likely impacts are analyzed in detail with the number of PM peak hour trips generated by the project. Through this analysis the LOS-D is met or not. If traffic goes beyond LOS-D then mitigation measures need to occur in the form of additional striping, lane width or traffic mitigation measures like a traffic light to alleviate the impact and bring the flow of traffic through the intersection down to a level below LOS-D. At the Master Planning level there is a generic traffic memo from DKS that addresses the anticipated level of traffic impact and it passes the test for the Master Plan level of review, which is a very high level of review. The final approval would be at the DRB and Council level.

Councilor Starr asked for the application refinement process to be explained.

Mr. Neamtzu stated a specific development application in the form of a PDP (Preliminary Development Plan) will come to staff; notification will go out to citizens who have testified as part of this application of the DRB and Council dates for public hearings. The DRB will review the proposal and forward a recommendation to the City Council for the zone map amendments. If there are parts of the application the Council does not like, the Council has the authority to call-up any aspect of the detailed plans.

Councilor Starr referred to VB9 and VB10 where density has been exceeded in overall residential units; and asked if the overall plan to exceed the number of residential units will be communicated to the DRB. The Councilor asked when the DRB would have its first hearing.

Mr. Neamtzu said the DRB would be advised the overall plan exceeded the number of residential units. Regarding the future date of a DRB hearing Mr. Neamtzu noted the City has not received a formal application by the applicant. He speculated an application may be submitted at the end of November, with DRB hearings in the beginning of 2014.

Councilor Stevens asked if the area needed to conform to the Villebois Village Master Plan, could an applicant come forward with retail in the form of a coffee shop, pizza parlor, dentist or doctor's office? Mr. Neamtzu said those uses would be barred by the action the Council would be taking tonight.

Councilor Goddard wanted to know how the concerns of the neighborhoods were being addressed as a result of the petition and/or the comments from the first reading of the ordinance.

Mr. Neamtzu responded the applicant had an original concept with 121 dwelling units; after holding the neighborhood meetings the applicant reduced the number by eight and saved a grove



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of trees. The applicant responded to each of the issues raised during the neighborhood open houses.

Mayor Knapp repeated for clarity the specifics Mr. Neamtzu was speaking about were not being addressed and voted on tonight by the Council.

Mr. Neamtzu stated the Mayor was correct; those were revisions the applicant voluntarily made prior to the Planning Commission process.

Mr. Kohlhoff added the Council is addressing a big picture neighborhood residential Master Plan. Details such as the approvals for the number of homes would go through the Development Review Board.

Councilor Fitzgerald pointed out the Councilors were expressing sensitivity to the concerns made in a petition, testimony during the Planning Commission process, and the changes made to a concept. Page 2 of the September 11 Planning Commission staff report says, "However, these details are considered preliminary and are subject to substantial refinement during subsequent development review". She asked for a restatement of the public hearing process and notification provided to interested persons.

Mr. Neamtzu restated the notification process for the public hearing.

Mayor Knapp requested a motion from Council.

**Motion:** Councilor Stevens moved to approve Ordinance No. 724 on second reading.  
Councilor Starr seconded the motion.

Councilor Goddard asked that the record reflect his following comments. The Councilor pointed out, based upon the discussion at the last Council meeting and the additional input that staff provided, he still did not feel comfortable the applicant has adequately addressed the concerns that have been expressed by a couple hundred residents in the area related to traffic concerns, natural space, preservation, and other issues. As he pointed out in the public hearing he believed the findings and the staff report, the conclusionary findings point out that either with or without this master plan amendment our community has exceeded both the density requirements that were envisioned for Villebois, and the minimum number of dwelling units that were identified for Villebois. There have been a number of conversations since he has been on Council about increasing density pressures in our community. He has heard from many that have expressed concern about the increasing density in our community and we've had a number of discussions about when is, or isn't, the appropriate time to take that issue on. I think here we are finding ourselves on the front end of the process with a legislative action to address a request to modify a master plan, and so from what I've heard so far, my position is that the applicant has not adequately demonstrated the need for this master plan amendment. So I don't intend to support it this evening.



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Councilor Fitzgerald commented a property owner has a property that has been designated residential for several years. The Councilor was curious how Council could change the designation from residential at this point in time.

Mr. Kohlhoff stated the Planning Commission's recommendation is that the application meets the criteria. It is the applicant's burden to meet the criteria. If Council does not think the applicant has met the burden of proof for the criteria, it is stated on the record, and if the Council believes the applicant has the findings support that. Council has asked if they can "undo" the Villebois Master Plan, you probably can, but as a practical matter, whether you can do it legally, or whether or not you want to, that is something else again. There are expectations out there with long time Comprehensive Planning that has occurred. The City Attorney understood Councilor Goddard to say that he was not ready, at this time, to support this, not necessarily saying it ought not to have residential development.

Councilor Goddard said Mr. Kohlhoff interpreted his comments correctly. The Councilor was not suggesting to change the Villebois Village designation or that the area be designated anything other than residential. But that as we look at the plan as presented during first reading, we continue to depend on these designations as small, standard, large, estate sized lots and compare them to other lot sizes within the Villebois Village, and that is great if that gives some comfort, but by any other measure in our community those are small lots, and we are continuing to develop more small lots in our community when we already exceeded the minimum density requirements and the minimum number of units. The Councilor is hearing from many in the community and he wanted to be sure that the community understood at least one person on this Council is attempting to listen to those concerns, and that is why he intended to vote against.

Councilor Starr indicated he shared some of the same concerns as Councilor Goddard; however he wanted to allow the process to take place and permit the DRB to make their determinations. He encouraged the public to attend the DRB hearings.

Councilor Fitzgerald also had concerns about density. In the interest of getting the largest lots possible in this proposal that has been approved by the Planning Commission, the major caveat wanted to make sure there were as many of the larger lots as possible. For the record the comment was made about small lots and she wanted to clarify in the ordinance small lots are not included. The Councilor reiterated the discussion in the last Council meeting about the importance of the language on page 1 that says, "Single family lots within the medium to estate land use category". The estate size is larger than any lot that now exists in Villebois. The Councilor acknowledged Councilor Starr's comment about wanting this to go through the DRB where it stands a real test of the community. At the last Council meeting we heard concerns about maintaining bird habitat and sanctuary, the proposal is next door to a 250 acre preserve and is surrounded by 23 acres of open space. Councilor Fitzgerald was convinced the applicant had met the criteria and believed the community would continue to press them towards that.

Mayor Knapp thought it was appropriate to hold an applicant to the process under which they were applying. He agreed with Councilor Starr that the process to come is the one in which the details will be worked out and the public will have the opportunity to express their points of view and provide input. The Mayor did not think the other uses listed in the Villebois Village Master



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Plan were appropriate for this property. The proposal before Council would narrow the field to residential uses which are the preferred use of this acreage as voiced by members of the community. The comments regarding density targets being met with or without the amendment seem to be extraneous. At the time the plan for Villebois was established the housing calculations were done without the LEC property included since it was a church. Regarding the criticism that the applicant had not demonstrated the need for single family housing there have been discussions on the Council that the need for single family housing was a concern of many in the community, and it makes sense to move forward to designate the area for single family housing to help fulfill that need.

The Mayor agreed with Councilor Fitzgerald that small lots within the Villebois definition are not planned for this property; however there will be a mix of lots up to and including estate lots. The applicant will need to refine and fully develop their application before that discussion can occur. In addition, the concerns about traffic are not dealt with at this level of legislative action; rather it is done at the DRB level. The Mayor thought the area was appropriate for housing and noted a significant amount of natural area will be preserved to benefit residents of this future area. He encouraged the public to participate in the public hearing process and express their viewpoint.

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

**CITY MANAGER'S BUSINESS**

Mr. Cosgrove commented the Kitakata Sister City delegation would be at City Hall for breakfast on the 30<sup>th</sup> and they would be participating in a Halloween event on October 31<sup>st</sup>. The City Manager noted a memo had been included in Councilors packet about PGE LED street lighting, and that staff was still gathering information to be brought back to Council.

**LEGAL BUSINESS**

No report.

**ADJOURN**

The Mayor adjourned the Council meeting at 9:28 p.m.

Respectfully submitted,

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Sandra C. King, MMC, City Recorder

ATTEST:

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Tim Knapp, Mayor



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A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, November 4, 2013. Mayor Knapp called the meeting to order at 7:13 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp  
Council President Starr  
Councilor Goddard  
Councilor Fitzgerald  
Councilor Stevens

Staff present included:

Bryan Cosgrove, City Manager  
Jeanna Troha, Assistant City Manager  
Mike Kohlhoff, City Attorney  
Sandra King, City Recorder  
Kristin Retherford, Economic Development Manager  
Joanne Ossanna, Finance Director  
Holly Miller, Information Systems Manager  
Delora Kerber, Public Works Director  
Eric Mende, City Engineer  
Stephan Lashbrook, SMART Director

Motion to approve the order of the agenda.

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

**Vote:** Motion carried 5-0.

## **MAYOR'S BUSINESS**

### Welcome to Kitakata Sister City Delegation

Mayor Knapp welcomed Wilsonville's Sister City delegation from Kitakata, Japan to the Council meeting. The Mayor noted the sixteen students and two chaperones began their visit October 29<sup>th</sup> and were staying with local host families, visiting regional sites, and participating in activities at the Wilsonville High School.

Bev Schalk, President of Wilsonville's Sister City program noted this was the 25<sup>th</sup> Anniversary of the Sister City agreement, and she hoped the program would remain strong and viable. She noted information about the program is available on Facebook.

### Proclamation Declaring November 15, 2013 "America Recycles Day"

Mayor Knapp read the proclamation into the record.

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Upcoming Meetings

The Mayor announced upcoming meetings and noted he gave the commencement address at Pioneer Pacific College and attended regional meetings on behalf of the City.

**COMMUNICATIONS**

A. Metro Councilor Craig Dirksen, Metro Projects Update

Metro Councilor Craig Dirksen provided a general update on projects Metro is working on including transportation planning and projects; land use planning updates; a community investment initiative; climate smart communities; natural areas programs; and the Willamette Falls area redevelopment. He also spoke about what was happening at Metro venues.

B. WWTP Awarded "Project of the Year" by Oregon Chapter of American Public Works Association (APWA) Award (staff – Kerber)

Delora Kerber, Public Works Director and Eric Mende, Capital Projects Engineering Manager, announced the City received the 2013 Project of the Year Award from the Oregon Chapter of the American Public Works Association for the Waste Water Treatment Plan project. This project is the first design-build-operate-delivery platform in the Northwest which focused on minimizing energy use and the carbon footprint through technical innovation.

This award recognizes excellence, innovation and cooperation with regard to management and administration of public works projects through the alliance of the managing agency, consultant and contractor.

Mr. Mende added the project has been a team effort and the award should be shared with CH2M Hill and the owners' representative consultants.

**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.

There were none.

**COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS.**

Council President Starr – Park & Recreation Advisory Board, Chamber/City Leadership liaison, had no liaison reports. He announced the URA strategic plan meeting date in December, and invited the public to attend the Budget Committee's Workshop slated for November 21<sup>st</sup>.



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Councilor Goddard – Library Board, Chamber Board, and Clackamas County Business Alliance liaison, announced Fall Leaf Day set for November 16<sup>th</sup>; and the next meeting date of the Clackamas County Business Alliance Board.

Councilor Fitzgerald – Planning Commission; Committee for Citizen Involvement; and Library Board liaison reported the Library Board is moving ahead on their strategic planning; the Planning Commission would discuss Goal 10 Housing Needs Analysis at their next meeting; the Tourism Strategy Task Force will meet next November 12<sup>th</sup>; and there would be a Veteran's Day observance ceremony at the Visitor Center on November 11<sup>th</sup>.

Councilor Stevens – Development Review Panels A and B; Wilsonville Seniors liaison announced the November 11<sup>th</sup> meeting of the DRB Panel-A is cancelled. She reported on the approvals granted during the last DRB Panel-B meeting, and noted the Seniors would be holding a Thanksgiving Luncheon. The Councilor invited the public to participate in the Reindeer Romp event the first part of December.

**CONSENT AGENDA**

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

A. **Resolution No. 2442**

A Resolution Of The City Of Wilsonville Authorizing An Intergovernmental Agreement Between Metro And Wilsonville Accepting A Construction Excise Tax Grant To Fund The Frog Pond / Advance Road Planning Project. (staff – Mangle)

B. **Resolution No. 2443**

A Resolution Or The City Of Wilsonville Incorporating Previously Approved Quasi-Judicial Zoning Map Amendments Onto The Official Zoning Map And Readopting The Official Zoning Map. (Staff – Neamtzu)

C. **Resolution No. 2444**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Design And Build Contract With North Sky Communications, Inc. For Fiber Optic Cable Installation (Capital Improvement Project #8093). (staff – Miller)

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

**Vote:** Motion carried 5-0.

**CONTINUING BUSINESS**

Mr. Kohlhoff read each of the titles of Ordinances No. 725, 726, 727, 728, 729 and 730 into the record on second reading. The hearing was left open to receive responses from other taxing districts who met after the City's October 21<sup>st</sup> meeting. The Clackamas County Board of

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Commissioners, and Clackamas County Library and Clackamas County 4-H boards took an advisory vote during their last meeting. It was expected they would formalize those votes during their meetings Thursday, November 7<sup>th</sup>.

Ms. Retherford added the City had received 96 percent approval from Washington County taxing districts. For properties in Clackamas County the City has over the 75 percent required; if the Board of County Commissioners repeats the same vote as their advisory vote, the City would have 97.1 percent concurrence.

Mayor Knapp closed the public hearing at 8:10 p.m.

A. **Ordinance No. 725**– Second Reading

An Ordinance Making Certain Determinations And Findings Relating To And Approving A Single-Property Urban Renewal Plan Known As The **26755 SW 95<sup>th</sup> Avenue TIF Zone**. (staff – Retherford)

**Motion:** Councilor Goddard moved to approve Ordinance Nos. 725-730 on second reading. Councilor Starr seconded the motion.

Mayor Knapp complimented staff, members of the business community and the public for their innovative work leading to this point. He believed the TIF Zone program has the potential of pushing the City's economic vitality in a positive direction leaving the City well positioned. The Mayor thanked Council President Starr for chairing the Task Force.

Councilor Starr thanked Ms. Retherford and the Task Force for their work.

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

B. **Ordinance No. 726** – Second Reading

An Ordinance Making Certain Determinations And Findings Relating To And Approving A Single-Property Urban Renewal Plan Known As The **9805 SW Boeckman Road TIF Zone**. (staff – Retherford)

C. **Ordinance No. 727** – Second Reading

An Ordinance Making Certain Determinations And Findings Relating To And Approving A Single-Property Urban Renewal Plan Known As The **25600 SW Parkway Center Drive TIF Zone**. (staff – Retherford)

D. **Ordinance No. 728** – Second Reading



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An Ordinance Making Certain Determinations And Findings Relating To And Approving A Single-Property Urban Renewal Plan Known As The **27255 SW 95<sup>th</sup> Avenue** TIF Zone. (staff – Retherford)

E. **Ordinance No. 729** – Second Reading

An Ordinance Making Certain Determinations And Findings Relating To And Approving A Single-Property Urban Renewal Plan Known As The **29899 SW Boones Ferry Road** TIF Zone. (staff – Retherford)

F. **Ordinance No. 730** – Second Reading

An Ordinance Making Certain Determinations And Findings Relating To And Approving A Single-Property Urban Renewal Plan Known As The **Bldg. 83- 26440 SW Parkway Avenue** TIF Zone. (staff – Retherford)

**CITY MANAGER'S BUSINESS**

Mr. Cosgrove reported staff has followed up with the property owners who attended the October 29<sup>th</sup> Basalt Creek work session to answer their questions and provide information.

There will be no December 16, 2013 Council meeting.

The City Manager had the opportunity to deliver Meals on Wheels to homebound seniors, and thanked the volunteers for their work.

**LEGAL BUSINESS** - There was no report from the City Attorney.

**ADJOURN**

Mayor Knapp adjourned the Council meeting at 8:14 p.m.

Respectfully submitted,

\_\_\_\_\_  
Sandra C. King, MMC, City Recorder

ATTEST:

\_\_\_\_\_  
Tim Knapp, Mayor



## CITY COUNCIL MEETING STAFF REPORT

|  |  |  |  |
|--|--|--|--|
| <b>Meeting Date:</b><br><br>November 18, 2013  |  | <b>Subject: Resolution No.2446</b><br>Canyon Creek Road Extension Project Contract Award<br>– CIP #4184<br><br><b>Staff Members:</b> Steve Adams, Development<br>Engineering Manager<br><b>Departments:</b> Engineering                      |  |
| <b>Action Required</b><br><input checked="" type="checkbox"/> Motion<br><input type="checkbox"/> Public Hearing Date:<br><input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date:<br><input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date:<br><input checked="" type="checkbox"/> Resolution<br><input type="checkbox"/> Information or Direction<br><input type="checkbox"/> Information Only<br><input type="checkbox"/> Council Direction<br><input type="checkbox"/> Consent Agenda |  | <b>Advisory Board/Commission Recommendation</b><br><input type="checkbox"/> Approval<br><input type="checkbox"/> Denial<br><input type="checkbox"/> None Forwarded<br><input checked="" type="checkbox"/> Not Applicable<br><b>Comments:</b> |  |
| <b>Staff Recommendation:</b><br>Staff recommends approval of Resolution No. 2446.  |  |  |  |
| <b>Recommended Language for Motion:</b><br>I move to approve Resolution No. 2446.  |  |  |  |
| <b>PROJECT / ISSUE RELATES TO:</b> <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:**

A resolution describing the solicitation process, approving the public contracting process for engineering services, and awarding a Professional Services Agreement to Harper Houf Peterson Righellis, Inc. for the Canyon Creek Road Extension project.

## EXECUTIVE SUMMARY:

The Canyon Creek Road Extension project will extend Canyon Creek Road from south of Boeckman Road, at its current terminus, to Town Center Loop East and create a new intersection with Vlahos Drive. The project will install traffic signals at the intersection of Canyon Creek



Road and Town Center Loop East. The project is identified in the City of Wilsonville 2013 Transportation System Plan as a necessary project, and funds have been budgeted for this work.

In September 2013, requests for qualifications were solicited for the Canyon Creek Road Extension project in accordance with City of Wilsonville and State of Oregon public contracting code. On October 17, 2013, one statement of qualifications was received, and the consultant was found to meet the requested qualifications. The contract price was subsequently negotiated in the amount of \$400,992.18.

**EXPECTED RESULTS:**

The subject contract provides services for design and construction engineering services to extend Canyon Creek Road south to Town Center Loop East. Half street improvements (two travel lanes and sidewalk and bike lane on the east side) will be constructed north of the intersection with Vlahos Drive. Full roadway buildout that includes a center lane and the west-side sidewalk and bike lane will occur when the neighboring land develops to the west. The project will construct full street improvements between the new intersection of Canyon Creek Road and Vlahos Drive south to Town Center Loop East.

**TIMELINE:**

The proposed schedule indicates final design plans to be completed May 2, 2014, construction bidding to occur in May 2014, and project construction to begin in late June or early July 2014.

**CURRENT YEAR BUDGET IMPACTS:**

Project #4184 is funded through the 2001 Urban Renewal account. The adopted FY 2013/14 budget includes \$770,000 for project design and right-of-way / easement acquisition. Additional funding for construction is programmed in the Urban Renewal Plan and will be proposed for the FY 2014/15 budget.

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

**LEGAL REVIEW / COMMENT:**

Reviewed by: \_\_\_\_\_MEK\_\_\_\_\_ Date: \_\_11/7/13\_\_\_\_\_

Resolution is approved as to form.

**COMMUNITY INVOLVEMENT PROCESS:**

With creation and adoption of the 2013 Transportation System Plan, City staff met several times with the citizens and businesses of Wilsonville. Additional meetings with citizens and businesses are planned during the early design phases of the project.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:**

Project # 4184 will extend Canyon Creek Road south to Town Center Loop East, construct a new signalized intersection here, and provide a vital alternate north/south transportation route on the east side of the City.

**ALTERNATIVES:**

No alternatives were reviewed.

**CITY MANAGER COMMENT:**

**ATTACHMENTS**

1. Project Site Map
2. Resolution No. 2446
3. Professional Services Contract





*Project Location*





## **RESOLUTION NO. 2446**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HARPER HOUF PETERSON RIGHELLIS, INC. FOR THE CANYON CREEK ROAD SOUTH FROM BOECKMAN TO VLAHOS PROJECT (CAPITAL IMPROVEMENT PROJECT #4184).**

WHEREAS, the City has planned and budgeted for the design of Capital Improvement Project #4184, known as the Canyon Creek Road Extension project (the Project); and

WHEREAS, the City solicited statement of qualifications for the Project from Consulting firms in compliance with the City of Wilsonville Code and State of Oregon Statute; and

WHEREAS, City staff received several inquiries from potential consultants seeking clarification or additional information on the Project and scope of work; and

WHEREAS, statement of qualifications were received on October 17, 2013, and Harper Houf Peterson Righellis, Inc. (the Consultant) was the sole Consultant to submit a statement of qualifications; and

WHEREAS, the statement of qualifications was reviewed and evaluated by City staff and the Consultant was determined to meet the requested qualifications; and

WHEREAS, the City and Consultant mutually discussed, negotiated, and refined a scope of work, contract conditions, performance schedule, and compensation that were determined to be both reasonable and fair by the City.

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

1. The procurement process for the Project duly followed City of Wilsonville Code and State of Oregon Public Contracting Rules.



2. The contract is awarded to Harper Houf Peterson Righellis, Inc.
3. The City Council, acting as the Local Contract Review Board, authorizes the City Manager to enter into and execute, on behalf of the City of Wilsonville, a Professional Services Agreement with Harper Houf Peterson Righellis, Inc. for a not to exceed stated value of \$400,992.18.
4. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 18<sup>th</sup> day of November, 2013, and filed with the Wilsonville City Recorder this date.

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TIM KNAPP, MAYOR

ATTEST:

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Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

|                         |       |
|-------------------------|-------|
| Mayor Knapp             | _____ |
| Council President Starr | _____ |
| Councilor Goddard       | _____ |
| Councilor Fitzgerald    | _____ |
| Councilor Stevens       | _____ |

**CITY OF WILSONVILLE  
PROFESSIONAL SERVICES AGREEMENT  
Canyon Creek Road South from Boeckman to Vlahos**

This Professional Services Agreement ("Agreement") is made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ ("Effective Date") by and between the **City of Wilsonville**, a municipal corporation of the State of Oregon (hereinafter referred to as the "City"), and **Harper Houf Peterson Righellis, Inc.** an Oregon corporation (hereinafter referred to as "Consultant").

**RECITALS**

WHEREAS, the City requires services which Consultant is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, Consultant represents that Consultant is qualified to perform the services described herein on the basis of specialized experience and technical expertise; and

WHEREAS, Consultant is prepared to provide such services as the City does hereinafter require.

NOW, THEREFORE, in consideration of these mutual promises and the terms and conditions set forth herein, the parties agree as follows:

**AGREEMENT**

**Section 1. Term**

The term of this Agreement shall be from the Effective Date until all services required to be performed hereunder ("Services") are completed and accepted, unless earlier terminated in accordance herewith. Consultant shall diligently perform the Services according to the requirements and deliverable dates identified in the Scope of Services, attached hereto as **Exhibit A** and incorporated by reference herein. Except in the event of an extension of time, agreed to in writing by the City, all Services must be completed no later than December 31, 2014.

**Section 2. Consultant's Services**

2.1. Consultant will perform the Scope of Services, more particularly described on **Exhibit A**, for the Canyon Creek Road South from Boeckman to Vlahos project ("Project").

2.2. All written documents, drawings, and plans submitted by Consultant in conjunction with the Services shall bear the signature, stamp, or initials of Consultant's authorized Project Manager. Any documents submitted by Consultant which do not bear the signature, stamp, or initials of Consultant's authorized Project Manager, will not be relied upon by the City. Interpretation of plans and answers to questions regarding the Services or Scope of Services given by Consultant's Project Manager may be verbal or in writing, and may be relied upon by the City, whether given verbally or in writing. If requested by the City to be in writing, Consultant's Project Manager will provide such written documentation.

2.3. Consultant will not be responsible for damages, be in default, or be deemed to be in default by reason of delays in performance due to reasons beyond Consultant's reasonable control, including but not limited to strikes, lockouts, severe acts of nature, or other unavoidable delays or acts



of third parties not under Consultant's direction and control ("Force Majeure"). In the case of the happening of any Force Majeure event, the time for completion of the Services will be extended accordingly and proportionately by the City, in writing. Lack of labor, supplies, materials, or the cost of any of the foregoing shall not be deemed a Force Majeure event.

2.4. The existence of this Agreement between the City and Consultant shall not be construed as the City's promise or assurance that Consultant will be retained for future services beyond the Scope of Services described herein.

2.5. Consultant shall maintain the confidentiality of any confidential information that is exempt from disclosure under state or federal law to which Consultant may have access by reason of this Agreement. Consultant warrants that Consultant's employees assigned to work on the Services provided in this Agreement shall be clearly instructed to maintain this confidentiality. All agreements with respect to confidentiality shall survive the termination or expiration of this Agreement.

### **Section 3. City's Responsibilities**

3.1. The scope of the City's responsibilities, including those of the City's Project Manager, are also set forth in the Scope of Services. The City will designate a Project Manager to facilitate day-to-day communication between Consultant and the City, including timely receipt and processing of invoices, requests for information, and general coordination of City staff to support the Project.

3.2. The City hereby certifies that sufficient funds are available and authorized to finance the Compensation Amount set forth in **Section 4** of this Agreement.

### **Section 4. Compensation**

4.1. Except as otherwise set forth in this **Section 4**, the City agrees to pay Consultant a time and materials not to exceed price of **Four Hundred Thousand Nine Hundred Ninety Two and 18/100 DOLLARS (\$400,992.18)** for performance of the Services ("Compensation Amount"). Any compensation in excess of the Compensation Amount will require an express written Change Order to be executed between the City and Consultant.

4.2. During the course of Consultant's performance, if the City, through its Project Manager, specifically requests Consultant to provide additional services that are beyond the Scope of Services described on **Exhibit A**, Consultant shall provide such additional services and bill the City at the hourly rates outlined on Consultant's Rate Schedule, as set forth in **Exhibit B**. Compensation above the amount shown in **Subsection 4.1** above requires a written Change Order executed in compliance with the provisions of **Section 18**.

4.3. Unless expressly set forth on Consultant's Rate Schedule as a reimbursable expense item that is not included in the Compensation Amount of **Subsection 4.1**, or as an additional charge for which a written Change Order has been approved, in accordance with **Subsection 4.2** and the requirements of **Section 18**, Consultant shall only be entitled to the Compensation Amount specified in **Subsection 4.1**.

4.4. Except for amounts withheld by the City pursuant to this Agreement, Consultant will be paid for Services for which an itemized invoice is received by the City within thirty (30) days of receipt, unless the City disputes such invoice. In that instance, the undisputed portion of the invoice will be paid by the City within the above timeframe. The City will set forth its reasons for the disputed claim



amount and make good faith efforts to resolve the invoice dispute with Consultant as promptly as is reasonably possible.

4.5. The City will be responsible for the direct payment of required fees payable to governmental agencies, including but not limited to plan checking, land use, zoning, and all other similar fees resulting from this Project, that are not specifically covered by **Exhibit A**.

4.6. Consultant's Compensation Amount and Rate Schedule are all inclusive and include, but are not limited to, all work-related expenses, salaries or wages plus fringe benefits and contributions, including payroll taxes, workers' compensation insurance, liability insurance, profit, pension benefits and similar contributions and benefits, technology and/or software charges, office expenses, and all other indirect and overhead charges.

### **Section 5. City's Project Manager**

The City's Project Manager is Steve Adams. The City shall give Consultant prompt written notice of any redesignation of its Project Manager.

### **Section 6. Consultant's Project Manager**

Consultant's Project Manager is Ben Austin, P.E. In the event that Consultant's designated Project Manager is changed, Consultant shall give the City prompt written notification of such redesignation. Recognizing the need for consistency and knowledge in the administration of the Project, Consultant's Project Manager will not be changed without the written consent of the City, which consent shall not be unreasonably withheld. In the event the City receives any communication from Consultant that is not from Consultant's designated Project Manager, the City may request verification by Consultant's Project Manager, which verification must be promptly furnished.

### **Section 7. Project Information**

Except for confidential information designated by the City as information not to be shared, Consultant agrees to share Project information with, and to fully cooperate with, those corporations, firms, contractors, public utilities, governmental entities, and persons involved in or associated with the Project. No information, news, or press releases related to the Project, whether made to representatives of newspapers, magazines, or television and radio stations, shall be made without the written authorization of the City's Project Manager.

### **Section 8. Duty to Inform**

If, at any time during the performance of this Agreement or any future phase of this Agreement for which Consultant has been retained, Consultant becomes aware of actual or potential problems, faults, or defects in the Project or Scope of Services, or any portion thereof; or of any nonconformance with federal, state, or local laws, rules, or regulations; or if Consultant has any objection to any decision or order made by the City with respect to such laws, rules, or regulations, Consultant shall give prompt written notice thereof to the City's Project Manager. Any delay or failure on the part of the City to provide a written response to Consultant shall neither constitute agreement with nor acquiescence to Consultant's statement or claim, nor constitute a waiver of any of the City's rights.



## **Section 9. Consultant Is Independent Contractor**

9.1. Consultant is an independent contractor for all purposes and shall be entitled to no compensation other than the Compensation Amount provided for under **Section 4** of this Agreement. Consultant will be solely responsible for determining the manner and means of accomplishing the end result of Consultant's Services. The City does not have the right to control or interfere with the manner or method of accomplishing said Services. The City, however, will have the right to specify and control the results of Consultant's Services so such Services meet the requirements of the Project.

9.2. Consultant may request that some consulting Services be performed on the Project by persons or firms other than Consultant, through a subcontract with Consultant. Consultant acknowledges that if such Services are provided to the City pursuant to a subcontract(s) between Consultant and those who provide such services, Consultant may not utilize any subcontractor(s), or in any way assign its responsibility under this Agreement, without first obtaining the express written consent of the City, which consent may be given or denied in the City's sole discretion. For all Services performed under subcontract to Consultant, as approved by the City, Consultant shall only charge the compensation rates shown on an approved Rate Schedule. Rate Schedules for named or unnamed subcontractors, and Consultant markups of subcontractor billings, will only be recognized by the City as set forth in Consultant's Rate Schedule, unless documented and approved, in writing, by the City pursuant to a modification to Consultant's Rate Schedule, per **Section 18** of this Agreement. In all cases, processing and payment of billings from subcontractors is solely the responsibility of Consultant.

9.3. Consultant shall be responsible for, and defend, indemnify and hold the City harmless against, any liability, cost, or damage arising out of Consultant's use of such subcontractor(s) and subcontractor's negligent acts, errors, or omissions. Unless otherwise agreed to, in writing, by the City, Consultant shall require that all of Consultant's subcontractors also comply with and be subject to the provisions of this **Section 9** and meet the same insurance requirements of Consultant under this Agreement.

9.4. Consultant shall make prompt payment for any claims for labor, materials, or services furnished to Consultant by any person in connection with this Agreement, as such claims become due. Consultant shall not permit any liens or claims to be filed or prosecuted against the City on account of any labor or material furnished to or on behalf of Consultant. If Consultant fails, neglects, or refuses to make prompt payment of any such claim, the City may, but shall not be obligated to, pay such claim to the subcontractor furnishing the labor, materials, or services and offset the amount of the payment against funds due or to become due to Consultant under this Agreement. The City may also recover any such amounts directly from Consultant.

9.5. Consultant must comply with all wage and hour laws. Consultant shall make all required workers' compensation and medical care payments on time. Consultant shall be fully responsible for payment of all employee withholdings required by law, including but not limited to taxes, including payroll, income, Social Security (FICA), and Medicaid. Consultant shall also be fully responsible for payment of salaries, benefits, taxes, Industrial Accident Fund contributions, and all other charges on account of any employees. Consultant shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167. All costs incident to the hiring of assistants or employees shall be Consultant's responsibility. Consultant shall defend, indemnify, and hold the City harmless from claims for payment of all such expenses. Unless otherwise expressly set forth on **Exhibit B** as a reimbursable expense item, specific costs associated with items set forth in this subsection shall be deemed as fully and conclusively included in the rate upon which Consultant's Compensation Amount is based.



9.6. No person shall be discriminated against by Consultant or any subcontractor in the performance of this Agreement on the grounds of sex, gender, race, color, creed, marital status, age, disability, or national origin. Any violation of this provision shall be grounds for cancellation, termination, or suspension of the Agreement, in whole or in part, by the City.

9.7. References to "subcontractor" mean a subcontractor at any tier.

## **Section 10. Indemnity and Insurance**

10.1. Consultant acknowledges responsibility for liability arising out of the performance of this Agreement, and shall defend, indemnify, and hold the City harmless from any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim resulting or allegedly resulting from Consultant's negligent acts, omissions, errors, or willful or reckless misconduct provided pursuant to this Agreement, or from Consultant's failure to perform its responsibilities as set forth in this Agreement. The review, approval, or acceptance by the City, its Project Manager, or any City employee of documents or other work performed, prepared, or submitted by Consultant shall not be considered a negligent act, error, omission, or willful misconduct on the part of the City, and none of the foregoing shall relieve Consultant of its responsibility to perform in full conformity with the City's requirements, as set forth in this Agreement, and to indemnify the City as provided above and to reimburse the City for any and all costs and damages suffered by the City as a result of Consultant's negligent performance of this Agreement, failure of performance hereunder, violation of state or federal laws, or failure to adhere to the standards of performance and care described in **Subsection 10.2**. Consultant shall defend the City (using legal counsel reasonably acceptable to the City) against any claim that alleges negligent acts, omissions, errors, or willful or reckless misconduct by Consultant.

### 10.2. Consultant's Standard of Care and Insurance Requirements.

10.2.1. Standard of Care: In the performance of professional services, Consultant agrees to use at least that degree of care and skill exercised under similar circumstances by reputable members of Consultant's profession practicing in the Portland metropolitan area. Consultant will re-perform any services not meeting this standard without additional compensation. Consultant's re-performance of any services, even if done at the City's request, shall not be considered as a limitation or waiver by the City of any other remedies or claims it may have arising out of Consultant's failure to perform in accordance with the applicable standard of care of this Agreement and within the prescribed timeframe.

10.2.2. Insurance Requirements: Consultant shall maintain insurance coverage acceptable to the City in full force and effect throughout the term of this Agreement. Such insurance shall cover all risks arising directly or indirectly out of Consultant's activities or work hereunder. The amount of insurance carried is in no way a limitation on Consultant's liability hereunder. The policy or policies of insurance maintained by Consultant shall provide at least the following minimum limits and coverages at all times during performance under this Agreement:

10.2.2.1. Commercial General Liability Insurance. Consultant shall obtain, at Consultant's expense, and keep in effect during the term of this Agreement, Comprehensive General Liability Insurance covering Bodily Injury and Property Damage, written on an "occurrence" form policy. This coverage shall include broad form Contractual Liability insurance for the indemnities provided under this Agreement and shall be for the following minimum insurance coverage amounts: must be carried and maintained at all times: The coverage shall be in the amount of **\$2,000,000** for



each occurrence and **\$3,000,000** general aggregate and Fire Damage (any one fire) in the minimum amount of **\$50,000**, and Medical Expense (any one person) in the minimum amount of **\$10,000**. All of the foregoing coverages must be carried and maintained at all times during this Agreement.

10.2.2.2. Professional Errors and Omissions Coverage. Consultant agrees to carry Professional Errors and Omissions Liability insurance on a policy form appropriate to the professionals providing the Services hereunder with a limit of no less than **\$2,000,000** per claim. Consultant shall maintain this insurance for damages alleged to be as a result of errors, omissions, or negligent acts of Consultant. Such policy shall have a retroactive date effective before the commencement of any work by Consultant on the Services covered by this Agreement, and coverage will remain in force for a period of at least three (3) years thereafter.

10.2.2.3. Business Automobile Liability Insurance. If Consultant will be using a motor vehicle in the performance of the Services herein, Consultant shall provide the City a certificate indicating that Consultant has business automobile liability coverage for all owned, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than **\$2,000,000**.

10.2.2.4. Workers' Compensation Insurance. Consultant and all employers providing work, labor, or materials under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide workers' compensation coverage that satisfies Oregon law for all their subject workers or employees that are exempt under ORS 656.126. Out-of-state employers must provide Oregon workers' compensation coverage for their workers who work at a single location within Oregon for more than thirty (30) days in a calendar year. Consultants who perform work without the assistance or labor of any employee need not obtain such coverage. This shall include Employer's Liability Insurance with coverage limits of not less than **\$500,000** each accident.

10.2.2.5. Insurance Carrier Rating. Coverages provided by Consultant must be underwritten by an insurance company deemed acceptable by the City with an AM Best Rating of A or better. The City reserves the right to reject all or any insurance carrier(s) with a financial rating that is unacceptable to the City.

10.2.2.6. Additional Insured and Termination Endorsements. Additional Insured coverage under Consultant's Commercial General Liability, Pollution Liability and Excess Liability Policy(ies), as applicable, will be provided by endorsement. Additional insured coverage shall be for both on-going operations via ISO Form CG 2010 or its equivalent, and products and completed operations via ISO Form CG 2037 or its equivalent. Coverage shall be Primary and Non-Contributory. Waiver of Subrogation endorsement via ISO form CG 2404 or its equivalent shall be provided. The following is included as additional insured: The City of Wilsonville, its elected and appointed officials, officers, agents, employees, and volunteers. An endorsement shall also be provided requiring the insurance carrier to give the City at least thirty (30) days' written notification of any termination or major modification of the insurance policies required hereunder.

10.2.2.7. Certificates of Insurance. As evidence of the insurance coverage required by this Agreement, Consultant shall furnish a Certificate of Insurance to the



City. This Agreement shall not be effective until the required certificates and the Additional Insured Endorsements have been received and approved by the City. Consultant agrees that it will not terminate or change its coverage during the term of this Agreement without giving the City at least thirty (30) days' prior advance notice and Consultant will obtain an endorsement from its insurance carrier, in favor of the City, requiring the carrier to notify the City of any termination or change in insurance coverage, as provided above.

10.2.3. The coverage provided by these policies shall be primary, and any other insurance carried by the City is excess. Consultant shall be responsible for any deductible amounts payable under all policies of insurance. In the event a dispute arises between the City and Consultant for which Consultant has obtained insurance, the maximum amount that may be withheld by the City for all such claims shall be no more than the amount of the applicable insurance deductible. If insurance policies are "Claims Made" policies, Consultant will be required to maintain such policies in full force and effect through any warranty period.

## **Section 11. Early Termination; Default**

11.1. This Agreement may be terminated prior to the expiration of the agreed upon terms:

11.1.1. By mutual written consent of the parties;

11.1.2. By the City, for any reason, and within its sole discretion, effective upon delivery of written notice to Consultant by mail or in person; and

11.1.3. By Consultant, effective upon seven (7) days' prior written notice in the event of substantial failure by the City to perform in accordance with the terms through no fault of Consultant, where such default is not cured within the seven (7) day period by the City. Withholding of disputed payment is not a default by the City.

11.2. If the City terminates this Agreement, in whole or in part, due to default or failure of Consultant to perform Services in accordance with the Agreement, the City may procure, upon reasonable terms and in a reasonable manner, services similar to those so terminated. In addition to any other remedies the City may have, both at law and in equity, for breach of contract, Consultant shall be liable for all costs and damages incurred by the City as a result of the default by Consultant, including, but not limited to all costs incurred by the City in procuring services from others as needed to complete this Agreement. This Agreement shall be in full force to the extent not terminated by written notice from the City to Consultant. In the event of a default, the City will provide Consultant with written notice of the default and a period of ten (10) days to cure the default. If Consultant notifies the City that it wishes to cure the default but cannot, in good faith, do so within the ten (10) day cure period provided, then the City may elect, in its sole discretion, to extend the cure period to an agreed upon time period, or the City may elect to terminate this Agreement and seek remedies for the default, as provided above.

11.3. If the City terminates this Agreement for its own convenience not due to any default by Consultant, payment of Consultant shall be prorated to, and include the day of, termination and shall be in full satisfaction of all claims by Consultant against the City under this Agreement.

11.4. Termination under any provision of this section shall not affect any right, obligation, or liability of Consultant or the City that accrued prior to such termination. Consultant shall surrender to the City items of work or portions thereof, referred to in **Section 15**, for which Consultant has received



payment or the City has made payment. The City retains the right to elect whether or not to proceed with actual construction of the Project.

## **Section 12. Suspension of Work**

The City may suspend, delay, or interrupt all or any part of the work for such time as the City deems appropriate for its own convenience by giving written notice thereof to Consultant. An adjustment in the time of performance or method of compensation shall be allowed as a result of such delay or suspension unless the reason for the delay is within Consultant's control. The City shall not be responsible for work performed by any subcontractors after notice of suspension is given by the City to Consultant. Should the City suspend, delay, or interrupt the work and the suspension is not within Consultant's control, then the City shall extend the time of completion by the length of the delay.

## **Section 13. Subcontractors and Assignments**

13.1. Unless expressly authorized in **Exhibit A** or **Section 9** of this Agreement, Consultant shall neither subcontract with others for any of the work prescribed herein, nor assign any of Consultant's rights acquired hereunder, without obtaining prior written approval from the City, which approval may be granted or denied in the City's sole discretion. Work may be performed by persons other than Consultant, provided Consultant advises the City of the names of such subcontractors and the work which they intend to perform, and the City specifically agrees in writing to such subcontracting. Consultant acknowledges such services will be provided to the City pursuant to a subcontract(s) between Consultant and subcontractor(s) and no privity of contract exists between the City and the subcontractor(s). Unless otherwise specifically provided by this Agreement, the City incurs no liability to third persons for payment of any compensation provided herein to Consultant. Any attempted assignment of this Agreement without the written consent of the City shall be void. Except as otherwise specifically agreed, all costs for services performed by others on behalf of Consultant shall not be subject to additional reimbursement by the City.

13.2. The City shall have the right to enter into other agreements for the Project, to be coordinated with this Agreement. Consultant shall cooperate with the City and other firms, engineers or subcontractors on the Project so that all portions of the Project may be completed in the least possible time and within normal working hours. Consultant shall furnish other engineers, subcontractors and affected public utilities, whose designs are fitted into Consultant's design, detail drawings giving full information so that conflicts can be avoided.

## **Section 14. Access to Records**

The City shall have access, upon request, to such books, documents, receipts, papers, and records of Consultant as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of four (4) years, unless within that time the City specifically requests an extension. This clause shall survive the expiration, completion, or termination of this Agreement.

## **Section 15. Property of the City**

15.1. Originals or certified copies of the original work forms, including but not limited to documents, drawings, tracings, surveying records, mylars, papers, diaries, inspection reports, and photographs, performed or produced by Consultant under this Agreement shall be the exclusive property of the City and shall be delivered to the City prior to final payment. Any statutory or common law rights to such property held by Consultant as creator of such work shall be conveyed to the City upon



request without additional compensation. Upon the City's approval, and provided the City is identified in connection therewith, Consultant may include Consultant's work in its promotional materials. Drawings may bear a disclaimer releasing Consultant from any liability for changes made on the original drawings and for reuse of the drawings subsequent to the date they are turned over to the City.

15.2. Consultant shall not be held liable for any damage, loss, increased expenses, or otherwise, caused by or attributed to the reuse by the City or its designees of all work performed by Consultant pursuant to this Agreement without the express written permission of Consultant.

## **Section 16. Laws of Oregon**

This Agreement shall be governed by the laws of the State of Oregon. All contractual provisions required by ORS Chapter 279A and 279C to be included in public agreements are hereby incorporated by reference and shall become a part of this Agreement as if fully set forth herein.

## **Section 17. Adherence to Law**

In the performance of this Agreement, Consultant shall adhere to all applicable federal and state laws, including but not limited to laws, rules, regulations, and policies concerning employer and employee relationships, workers' compensation, and minimum and prevailing wage requirements. Any certificates, licenses, or permits that Consultant is required by law to obtain or maintain in order to perform work described on **Exhibit A**, shall be obtained and maintained throughout the term of this Agreement.

## **Section 18. Modification/Change Orders**

Any modification of the provisions of this Agreement shall not be enforceable unless reduced to writing and signed by both the City and Consultant. A modification is a written document, contemporaneously executed by the City and Consultant, which increases or decreases the cost to the City over the agreed Compensation Amount in **Section 4** of this Agreement, or changes or modifies the Scope of Services or the time for performance. No modification shall be binding or effective until executed, in writing, by both Consultant and the City. In the event Consultant receives any communication of whatsoever nature from the City, which communication Consultant contends gives rise to any modification of this Agreement, Consultant shall, within five (5) days after receipt, make a written request for modification to the City's Project Manager in the form of a Change Order. Consultant's failure to submit such written request for modification in the form of a Change Order shall be the basis for refusal by the City to treat said communication as a basis for modification or to allow such modification. In connection with any modification to this Agreement affecting any change in price, Consultant shall submit a complete breakdown of labor, material, equipment, and other costs. If Consultant incurs additional costs or devotes additional time on Project tasks, the City shall be responsible for payment of only those additional costs for which it has agreed to pay under a signed Change Order. To be enforceable, the Change Order must describe with particularity the nature of the change, any delay in time the Change Order will cause, or any increase or decrease in the Compensation Amount. The Change Order must be signed and dated by both Consultant and the City before the Change Order may be implemented.

## **Section 19. Notices**

Any notice required or permitted under this Agreement shall be in writing and shall be given when actually delivered in person or forty-eight (48) hours after having been deposited in the United States mail as certified or registered mail, addressed to the addresses set forth below, or to such other address as one party may indicate by written notice to the other party.



To City: City of Wilsonville  
Attn: Steve Adams, P.E.  
29799 SW Town Center Loop East  
Wilsonville, OR 97070

To Consultant: Harper Houf Peterson Righellis, Inc.  
Attn: Ben Austin, P.E.  
205 SE Spokane Street, Suite 200  
Portland, OR 97202

## **Section 20. Miscellaneous Provisions**

20.1. Integration. This Agreement, including all exhibits attached hereto, contains the entire and integrated agreement between the parties and supersedes all prior written or oral discussions, representations, or agreements. In case of conflict among these documents, the provisions of this Agreement shall control.

20.2. Legal Effect and Assignment. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors, and assigns. This Agreement may be enforced by an action at law or in equity.

20.3. No Assignment. Consultant may not delegate the performance of any obligation to a third party unless mutually agreed, in writing. This Agreement cannot be assigned without the written consent of the other party, but all claims for overcharges of goods or other anti-trust violations in connection with this Agreement are assigned to the City of Wilsonville. Consultant warrants that its suppliers will also assign any such claims.

20.4. Governing Law/Jurisdiction. This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon. Venue for any dispute will be in Clackamas County Circuit Court.

20.5. Legal Action/Attorney Fees. If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U.S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Agreement or to interpret or enforce any rights or obligations hereunder, the prevailing party shall be entitled to recover attorney, paralegal, accountant, and other expert fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court or body at trial or on any appeal or review, in addition to all other amounts provided by law. If the City is required to seek legal assistance to enforce any term of this Agreement, such fees shall include all of the above fees, whether or not a proceeding is initiated. Payment of all such fees shall also apply to any administrative proceeding, trial, and/or any appeal or petition for review.

20.6. Nonwaiver. Failure by either party at any time to require performance by the other party of any of the provisions of this Agreement shall in no way affect the party's rights hereunder to enforce the same, nor shall any waiver by the party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

20.7. Severability. If any provision of this Agreement is found to be void or unenforceable to any extent, it is the intent of the parties that the rest of the Agreement shall remain in full force and effect, to the greatest extent allowed by law.



20.8. Modification. This Agreement may not be modified except by written instrument executed by Consultant and the City.

20.9. Time of the Essence. Time is expressly made of the essence in the performance of this Agreement.

20.10. Calculation of Time. Except where the reference is to business days, all periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday, or legal holiday observed by the City of Wilsonville, the period shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday. Where the reference is to business days, periods of time referred to herein shall exclude Saturdays, Sundays, and legal holidays observed by the City of Wilsonville. Whenever a time period is set forth in days in this Agreement, the first day from which the designated period of time begins to run shall not be included.

20.11. Headings. Any titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

20.12. Number, Gender and Captions. In construing this Agreement, it is understood that, if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that, generally, all grammatical changes shall be made, assumed, and implied to individuals and/or corporations and partnerships. All captions and paragraph headings used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Agreement.

20.13. Good Faith and Reasonableness. The Parties intend that the obligations of good faith and fair dealing apply to this Agreement generally and that no negative inferences be drawn by the absence of an explicit obligation to be reasonable in any portion of this Agreement. The obligation to be reasonable shall only be negated if arbitrariness is clearly and explicitly permitted as to the specific item in question, such as in the case of where this Agreement gives the City "sole discretion" or the City is allowed to make a decision in its "sole judgment."

20.14. Other Necessary Acts. Each party shall execute and deliver to the other all such further instruments and documents as may be reasonably necessary to carry out this Agreement in order to provide and secure to the other parties the full and complete enjoyment of rights and privileges hereunder.

20.15. Interpretation. As a further condition of this Agreement, the City and Consultant acknowledge that this Agreement shall be deemed and construed to have been prepared mutually by each party and it shall be expressly agreed that any uncertainty or ambiguity existing therein shall not be construed against any party. In the event that any party shall take an action, whether judicial or otherwise, to enforce or interpret any of the terms of the Agreement, the prevailing party shall be entitled to recover from the other party all expenses which it may reasonably incur in taking such action, including attorneys' fees and costs, whether incurred in a court of law or otherwise.

20.16. Entire Agreement. This Agreement and all documents attached to this Agreement represent the entire agreement between the parties.



20.17. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original Agreement but all of which together shall constitute one and the same instrument.

20.18. Authority. Each party signing on behalf of Consultant and the City hereby warrants actual authority to bind their respective party.

The Consultant and the City hereby agree to all provisions of this Agreement.

**CONSULTANT:**

HARPER HOUF PETERSON RIGHELLIS, INC.

By: \_\_\_\_\_

(Print Name) \_\_\_\_\_

As Its: \_\_\_\_\_

Employer I.D. No. \_\_\_\_\_

**CITY:**

CITY OF WILSONVILLE

By: \_\_\_\_\_

(Print Name) \_\_\_\_\_

As Its: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Barbara A. Jacobson, Assistant City Attorney  
City of Wilsonville, Oregon

**ATTESTED TO:**

\_\_\_\_\_  
Sandra C. King, MMC, City Recorder  
City of Wilsonville, Oregon

I:\contract\form\psa consultant long form-bj 2013

## ***EXHIBIT "A"***

### **SCOPE OF SERVICES**

#### **Canyon Creek Road South from Boeckman to Vlahos CIP #4184**

#### **Engineering, Design, and Construction Phase Services**

### **GENERAL INFORMATION & REQUIREMENTS**

#### **CITY**

As owner of the facility, City has overall authority in scope, schedule and budget of the Project. The City of Wilsonville ("City") anticipates a bid let date in May, 2014. This Statement of Work between Consultant and City is for the work necessary to provide preliminary engineering, final design, contract specifications, bidding assistance and construction engineering assistance for the **Canyon Creek Road South from Boeckman to Vlahos** project (CIP #4184).

City is responsible for the following:

- Provide electronic copies of City's Public Works Standards, 2012 Stormwater Master Plan, 2013 Transportation System Plan
- Provide access to MapOptix – Interactive Base Map and operational interface showing aerial photos, topographical information, existing utilities, and other information
- As-built record drawings and/or electronic information (if available) for adjacent projects and other pertinent information to the Consultant upon request
- Scheduling and hosting a public open house
- Printing and distribution of bid documents
- Advertising the project for bidding
- Point of contact for bidder questions and requests for information
- Evaluation of bids, audits and contract award
- Scheduling and hosting weekly construction meetings
- Review and approval of Concrete and Asphalt mix design review
- Processing Change Order Requests (COR's), Work Change Directives (WCD's), and Change Orders (CO's)
- Perform field measurement and calculations and prepare documentation for monthly construction progress estimates
- Reviewing and processing monthly pay estimates for construction contract

#### **CONSULTANT**

Consultant is the Engineer of Record for the Project. Consultant must notify City immediately (within 2 business days) upon discovery of any changes in the Project that impact scope, schedule or budget. Consultant shall provide all labor, equipment, and materials to provide the engineering services as outlined in this scope of work.



Consultant, in cooperation with the City of Wilsonville, will complete the required tasks as identified below. This project actually involves several iterations, but must begin with survey work, and preliminary design work sufficient to identify the required right-of-way and easements needed for the project.

**Consultant shall:**

- Provide services as outlined in tasks below
- Coordinate and schedule two introductory meetings to be held near the project site or at City Hall
- Attend Public Open House at City Hall
- Attend pre-construction meeting at City Hall
- Review and approve all construction shop drawings and submittals
- Attend, participate in and prepare minutes of weekly project construction meetings to be held at City Hall
- Provide construction oversight and special inspection services as requested by the City
- Complete and submit as-constructed plans, Mylar drawings and final AutoCAD files
- Review, provide comment and recommend needed design changes
- Review project schedule and construction progress on a weekly basis and provide written notification to City's representative at any sign of delays caused by City or any other entity outside the control of Contractor

**Project Phasing**

This Project is divided into three (3) phases:

- Phase 1: Preliminary Engineering and Design
- Phase 2: Final Design and Bidding Assistance
- Phase 3: Construction Engineering and Support

**Project Proposed Schedule**

This proposed Project Schedule is as follows:

|  |                |
|--|----------------|
| Council Approval of Consultant Contract .....          | Nov. 18, 2013  |
| Introductory Meetings with Wilsonville Citizens .....  | week of Dec. 2 |
| Legal descriptions due for ROW and Easements .....     | Jan. 6, 2014   |
| 50% Design Plans due .....                             | Jan. 17        |
| City review time – 1 week .....                        | Jan. 27        |
| Public open house.....                                 | week of Feb 3  |
| 90% Design Plans Due .....                             | Mar. 21        |
| City review time – 2 weeks.....                        | April 7        |
| 100% Design Plans Due .....                            | May 2          |
|  |                |
| Solicit Bids from Qualified Respondents .....          | May 5 and 7    |
| Bids from Qualified Respondents Opened .....           | May 27         |
| Notice of Intent' to Award Construction Contract ..... | May 28         |
| Council Award Construction Contract .....              | June 16        |
| Notice to Award Construction Contract .....            | June 17        |
| Pre-con meeting - Notice to Proceed .....              | TBD            |
| Project Substantial Completion .....                   | Oct. 31        |
| Project Completion .....                               | Nov 30         |

## **PHASE 1: PRELIMINARY ENGINEERING AND DESIGN**

### **TASK 1—PROJECT KICK-OFF MEETING**

A project kick-off meeting will be held with the Consultant, their sub-Consultants and key City staff to discuss the following items:

- Team contact information
- Project elements
- Design criteria
- Project timeline
- Input on preferences
- Neighborhood contact protocols

### **TASK 2 – GEOTECHNICAL INVESTIGATION**

Consultant or their sub-consultant shall perform a geotechnical investigation of the project site to assist the Consultant in determining the pavement structural design and signal pole foundation design. This investigation shall include an investigation and soil testing of both developed and undeveloped land. Borings should be done as described below with SPT tests done at 2.5, 5.0, 7.5, 10.0, and 15.0 feet at 15-foot target depths, with additional tests done at 20.0 and 25.0 foot depths for deeper borings. Shelby tube sampling may also be considered.

- A minimum of two borings should be done through the existing Vlahos Drive (Vlahos), with AC and rock depth measured; target depth of 15 feet
- A minimum three borings in the undeveloped field along the Canyon Creek Road alignment; target depth of 15 feet
- An additional boring where Vlahos will need to be relocated; target depth of 20 feet
- Three additional borings should be done at the three possible signal pole locations at Town Center Loop; target depth of 25 feet

Testing will include two Resilient Modulus tests and possibly other testing that would be needed to assist in designing structural sections for both an Asphaltic Concrete (AC) and Portland Cement Concrete (PCC) street for a minor arterial street, structural section for an AC local street, and for designing the proposed signal pole bases.

### **DELIVERABLES**

The project deliverables will include:

- Geotechnical Report including summary of work, plan showing boring locations, boring logs and soil testing results. Report shall include recommendations for AC and PCC structural sections for an arterial street and AC structural section for a local street

### **TASK 3 – SURVEYING**

All survey work and elevations on design plans shall be based on NAVD 88 Datum. The consultant team shall provide the following surveying services:

#### **3.1– PROJECT INITIAL RESEARCH AND PROJECT PLANNING**

- Consultant will request maps from all utility companies that have utilities within the subject area
- The Oregon Utility Notification Center will be contacted to field mark utilities throughout the subject area
- Consultant will thoroughly review all as-builts or record drawings, utility company information, and GIS maps



- Consultant will conduct survey research necessary to perform the field surveying tasks and resolve right of ways, property boundaries, and adjacent easements of record

### **3.2 – RIGHT-OF-WAY/EASEMENT SURVEYING AND LEGAL DESCRIPTIONS**

Consultant will perform surveying necessary to accurately locate the existing right of way lines and relevant easements. At a minimum, surveying will include the following:

- Reviewing record of surveys, plats, and deed documents of adjacent ownerships
- Establishing property, right-of-way, and easement lines adjacent to the project

Consultant shall identify, and prepare the necessary Legal Descriptions and Exhibits for the City to procure the right-of-way and permanent and construction easements necessary for construction of the project. Obtain title reports for seven (7) parcels. Consultant will prepare up to six (6) legal descriptions. Horizontal datum will be Oregon State Plane Coordinate North Zone (Ground Coordinates) based on available control points from SN 25218 and OPUS solution. Vertical datum will be NAVD88 based on survey control from “Boeckman Creek at Wilsonville Road” project or OPUS solution.

### **DELIVERABLES**

The project deliverables will include:

- Title reports, Legal descriptions and Exhibits for areas needed to be acquired for right-of-way or easement acquisition – Exhibits A and B (**final Legals deliverable by Jan. 6, 2014**)

### **3.3 – SITE/TOPOGRAPHIC/DESIGN SURVEYING**

Consultant will perform necessary site, topographic, and design surveying services for the eastern portion tax lot 02601, tax map 31W13B, from the terminus of Canyon Creek Road (CCR) to Vlahos and include the southeast corner of this tax lot where CCR will curve to the west, and along Vlahos beginning at the east edge of tax lot 00100, tax map 31W13CB, to its terminus at Town Center Loop East and to 20 feet beyond the edge of right-of-way on both sides of this street, and through the intersection of Vlahos and Town Center Loop East to 10 feet beyond where the proposed signal poles may be installed. At a minimum, surveying will include the following:

- Establishing a horizontal and vertical survey control network
- Referencing the network and all mapping to the City of Wilsonville approved vertical datum
- Surveying and preparing a map showing the following:
  - Locations, rim elevations, and invert elevations (of pipes) for all sanitary sewer and storm manholes within the project area
  - Utility poles, meters and overhead wires (including heights)
  - Located underground utilities
  - Crown line of streets
  - Edge of pavement
  - Fences
  - Ditches
  - Striping
  - Signage
  - Sidewalk
  - Wheelchair ramps
  - Driveways
  - Trees
  - Other important topographic features
  - Photos of site conditions
- The extents of the survey work will be as necessary to adequately design the proposed improvements

- Survey data will be compiled in digital format and a digital terrain model will be created which can be used for design purposes
- An existing conditions map, stamped by a Professional Land Surveyor registered in Oregon, will be prepared showing all the above items

A traffic control plan and flagging will not be required for survey work in the intersection of Vlahos Drive and Town Center Loop East.

### **3.3.1 – PRE-CONSTRUCTION SURVEYING**

The purpose of a pre-survey is to locate all existing monuments of record within the project limits to ensure that if they are destroyed during construction, they can be re-set. Consultant shall prepare a Pre-Construction Record of Survey to meet the requirement of ORS 209.155. The Pre-Construction Survey will include the location and description of all survey monuments that may be disturbed or destroyed during construction, existing right-of-way, controlling centerlines, survey control network, and proposed centerline.

At a minimum, surveying will include the following:

- Locations of all survey monuments that may be disturbed or destroyed by construction.
- Descriptions of all located survey monuments

### **DELIVERABLES**

The project deliverable will be a complete summary report of the existing conditions. This document will include:

- An existing conditions survey map
- Raw field survey data and field notes
- Digital terrain model in AutoCad format complete with all external references such that the DTM is fully usable by the City without additional software or reference data
- Pre-Construction Record of Survey (including map and narrative) recorded with the Clackamas County Surveyors Office
- Utility locate ticket numbers and maps provided by utility carriers
- Site photographs

### **3.3.1 – PRE-CONSTRUCTION SURVEYING**

At the request of the City, topographic survey of the existing water quality detention pond located at Murase Plaza off of Memorial Drive. No boundary survey will be completed of this facility.

### **TASK 4 – TREE EVALUATION**

In accordance with the City of Wilsonville requirements, Consultant will perform a tree survey by a Certified Arborist to include the following information:

- Species
- Diameter
- Health
- Wind throw resistance

An inventory of up to 200 trees could be needed; each tree shall be marked and numbered with a brass tag for reference

### **DELIVERABLES**

The project deliverables will include:

- Tree inventory and assessment



## **PHASE 2: FINAL DESIGN AND BIDDING ASSISTANCE**

### **TASK 5 -- CIVIL ENGINEERING**

Following completion of the Assessment of Existing Conditions, Consultant will proceed with the CCR design. The objective is to design half-street improvements for CCR along the eastern portion of tax lot 02601, tax map 31W13B.

The intersection of CCR and Vlahos is planned on being designed completely and built as a full cross, with three-lane sections for CCR, a two-lane section for Vlahos, and a two-lane arm to the northwest. North of this intersection CCR will be designed as a PCC street and will transition to a half-street with two 12-foot travel lanes just past the left-turn lane to Vlahos, plus planter strip and sidewalk to the east. The intersection, Vlahos and CCR south will be designed as AC streets.

The full width improvements to CCR will include:

- Two 11 to 12-foot travel lanes
- A 12 to 14-foot center median/turn lane
- Two 6-foot bike lanes
- Two 13½ to 15½-foot planter strip/sidewalks

Local streets shall be designed for a street width of 32 feet with 10½ to 12-foot planter strip/sidewalks. A driveway to tax lot 00100, tax map 31W13CB will need to be relocated with this project.

Streets shall be designed for expected traffic counts and truck ratios. Additionally the existing AC multi-use path on tax lot 02601 will need to be designed west of the roadway improvements and tying into those portions of the path not required to be removed.

Consultant shall coordinate design work with franchise utilities and include their needs for conduits and vaults in the project plans.

### **5.1 PRELIMINARY STREET DESIGN 50%**

The purpose of the preliminary street design is to determine the extent of grading necessary to construct the required street improvements (full street, half street, curb and gutter, driveways and sidewalk).

Consultant shall prepare a preliminary design memorandum documenting critical design decisions, analysis of alternatives considered and preliminary construction cost estimate. Consultant will prepare a preliminary street design to include the following:

- Plan
- Profile
- Cross-sections every 50 feet
- Finish grade contours
- Preliminary design estimate

Consultant shall conduct a traffic analysis to determine 2035 traffic volumes based on the recent 2035 traffic forecasts completed as part of the City's Transportation System Plan update. Collect 24-hour speed, volume and classification counts on Canyon Creek Road North to assist in the pavement design for the south segment.

### **DELIVERABLES**

The project deliverables will include:

- Preliminary design memorandum.
- Submit preliminary 50% design plans that can be used to discuss alternatives with City staff
- Submit preliminary cost estimate based on the 50% design plans
- Traffic analysis memo summarizing the data obtained in the traffic count

### **5.1.1 PUBLIC INVOLVEMENT**

Consultant shall prepare a public involvement and community outreach plan. In the vicinity of the project there is an apartment complex, two senior living centers, three residential subdivisions and commercial development. Initially, the City is considering holding two introductory meetings (same day) in meeting rooms near the project in early December and then hosting an evening public open house at City Hall in January.

### **DELIVERABLES**

The project deliverables will include:

- Printed poster, minimum 22" x 34" size, showing layout of proposed roadway design to be presented to the public
- Provide a minimum of two staff members to attend meetings

### **5.1.2 STORMWATER ANALYSIS**

Consultant shall prepare a Stormwater Drainage Report in conformance with the City of Wilsonville Public Works Standards – 2006 section 301.3.10.

Stormwater quality shall be required to be in conformance with the 2012 Stormwater Master Plan.

Storm detention basins could be located on either side of Vlahos at the planned intersection with CCR or an existing pond located on Memorial Drive near Murase Park could be analyzed for capacity and upgraded to include runoff from this project.

Make any corrections to the report based on comments by City staff.

### **DELIVERABLES**

The project deliverables will include:

- Submit a draft copy Stormwater Drainage Report for review by City staff.
- Submit a final copy Stormwater Drainage Report.

### **5.2 REVIEW MEETING**

Consultant will hold a meeting with City Staff. Meeting topics will include:

- Review of the Preliminary 50% Street Design
- Determination of how to handle stormwater quality and quantity requirements
- Value engineering options
- Any concerns or issues

### **DELIVERABLES**

The project deliverables will include:

- Meeting notes

### **5.3 – FINAL STREET DESIGN (90% SET)**

The purpose of the final street design is to prepare the final construction documents necessary to construct the required street improvements. Consultant will prepare a final street design to include the following minimum sheets in this order:

- Cover Sheet
- Legend and Construction Notes
- Existing Conditions Plan
- Tree Removal and Protection Plan with Notes
- Erosion Control Plan
- Site Plan



- Grading Plan
- Composite Utility Plan
- Street Plan and Profile
- Street Details, Curb>Returns and Cross-Sections
- Storm Water Plan and Profile
- Water and Sanitary Plan and Profile
- Applicable City of Wilsonville Detail Drawings
- Franchise Utility Plan
- Striping and Signage Plan
- Illumination Plan
- Traffic Signal Plan
- Traffic Signal Details
- Landscape Plan

In addition to preparing the above plans, Consultant will prepare the following documents:

- Bid sheet and Bid Item Descriptions
- Engineer's construction cost estimate
- Project Special Provisions (Note: Construction Specifications and General Conditions shall be based on ODOT 2008 Standard Specifications, as modified by the Project Special Provisions. The Project Special Provisions shall clearly document deletions from, additions to, and modifications from the ODOT standard specifications.)
- The traffic signal plan shall include a signal interconnect design along Canyon Creek Road extension (to the existing Canyon Creek Road stub) and along Town Center Loop East from Wilsonville Road to Parkway

#### **DELIVERABLES**

The project deliverables will include:

- Engineering plans (90% plans)
- Bid sheet
- Updated engineer's construction cost estimates
- Project Special Provisions

#### **5.4 – PLAN REVIEW MEETING**

Consultant will hold a "plan review" meeting with City Staff to review the 90% plans, updated materials quantities estimates, and updated engineer's construction cost estimates.

#### **DELIVERABLES**

The project deliverables will include:

- Meeting notes

#### **5.5 – FINAL STREET DESIGN (100% SET)**

Following review of the 90% Street Design, Consultant will make any revisions based on comments received from the City and re-submit the 100% Street Design, Bid Sheet, Project Special Provisions and Engineer's Construction Cost Estimate to the City for bidding.

**DELIVERABLES**

The project deliverables will include:

- Engineering plans (100% plans), three printed 22"x34" copies and ten 11"x17" copies (stamped by a Professional Engineer registered in the State of Oregon), and electronic Adobe PDF copies
- Bid sheet (in MS Excel format)
- Updated engineer's construction cost estimates (in MS Excel format)
- Project Special Provisions (in MS Word format)
- Provide responses to questions from bidders

**PHASE 3: CONSTRUCTION ENGINEERING****TASK 6 -- CONSTRUCTION PHASE SERVICES**

The objective is to provide construction phase services to assist the City of Wilsonville and ensure successful construction of the improvements during the summer/fall of 2014.

**6.1 - MEETINGS**

Consultant will attend the project's pre-construction meeting and weekly construction meetings to be scheduled by the City and to be held at Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR.

**DELIVERABLES**

The project deliverables will include:

- Meeting notes
- Answers to any questions arising from the meetings

**6.2 - CONSTRUCTION SURVEYING**

Consultant will provide the following construction surveying:

- One set of storm system stakes for both line and grade shall be provided; maximum of 50-foot intervals for straight lines, and at all tees, cleanouts, manholes, catch basins, area drains and water quality facilities
- One set of sanitary sewer stakes for both line and grade shall be provided; maximum of 50-foot intervals for straight lines, and at all tees, cleanouts and manholes
- One set of water system stakes shall be provided; maximum of 50-foot intervals for water lines and at all tees, crosses, bends, fire hydrants, blow-offs, isolation valves and vaults
- One set construction stakes and marks to establish the lines, grades, slopes and curbs for roadwork
- One set of stakes for signal pole locations
- One set of stakes for franchise utility vaults
- Consultant to field mark location of monument boxes during construction
- All construction surveying will be coordinated with the Consultant and City

**DELIVERABLES**

The project deliverables will include:

- Copies of Consultant staking requests
- Copies of staking maps
- Copies of cut sheets/field notes



### **6.2.1 – TRAFFIC CONTROL**

Consultant will produce traffic control plans for reconstruction of Vlahos Drive from Town Center Loop East to the planned new Vlahos intersection, including construction of the traffic signal system at Town Center Loop East.

#### **DELIVERABLES**

The project deliverables will include:

- Traffic control plan for detouring Vlahos traffic
- Traffic control plan for construction of traffic signal system

### **6.3 –PROJECT CONSTRUCTION**

- Consultant shall review and approve all submittals by the contractor
- Consultant or sub-consultants will conduct periodic site visits as necessary
- Consultant shall clarify construction plans or contract documents upon requests by the City
- Consultant shall process Requests For Information (RFI's) and respond to Clarifications from the contractor
- Consultant shall produce changes to the plans as needed for reasons including changes in field conditions, conflicts, or changes to the plans authorized by the City

### **6.3.1 – SPECIAL INSPECTIONS**

Consultant will provide special inspection services during construction. The extent of services can be refined once final construction drawings are prepared; however these services should be expected to include:

- Density testing of trench backfill
- Density testing of roadway base rock
- Density testing of Asphaltic Concrete
- Lab testing of rock and AC materials
- Testing of Portland Cement Concrete
- Rebar inspection of signal pole foundations
- Other testing as requested by the City

### **6.4 – POST-CONSTRUCTION**

If survey monuments of record are destroyed during construction, Consultant will perform a post-construction survey in accordance with all County and State standards. This proposal assumes that property monuments will be re-set within 90 days of disturbance/destruction. At a minimum, surveying will include the following:

- Re-setting destroyed monuments of record
- Preparing a Record of Survey showing the locations of all survey monuments disturbed or destroyed by construction and reset existing monuments of record
- Descriptions of all reset survey monuments

#### **DELIVERABLES**

The project deliverables will include:

- Post-Construction Survey (including map and narrative) recorded with the Clackamas County Surveyor's Office

### **6.5 – AS-BUILT SURVEY AND DRAWINGS**

All elevations on record drawings shall be based on NAVD 88 Datum. Consultant shall prepare a Post-Construction Record of Survey to meet the requirement of ORS 209.155. The Post-Construction Survey will include the location and description of all survey monuments that were disturbed or destroyed during construction, re-setting of destroyed monuments, setting of centerline monuments, newly acquired right-

of-way, existing right-of-way where applicable, roadway centerlines, visible utility structures (manholes, curb inlets, water valves, etc.) , invert elevations on storm and sanitary sewer structures, signal poles, mapping of curbs at Point of Tangency and Point of Curvature, and survey control network.

Consultant will perform the following services:

- Survey the 'As-Built' project improvements
- Prepare 'As-Built' plans based on the survey data
- Submit the 'As-Built' plans to the City for review and comment
- Make any necessary changes and submit Mylar 'As-Built' Plans (3-mil thickness) to the City

**DELIVERABLES**

The project deliverables include:

- Post-Construction Record of Survey (including map and narrative) recorded with the Clackamas County Surveyors Office.
- Mylar copy of 'As-Built' plans
- AutoCAD copy, current version, of 'As-Built' plans
- Digitally signed PDF copy of 'As-Built' plans



# Harper Houf Peterson Righellis Inc.

## Standard Billing Rates For 2013

| <b>Classification</b>             | <b>Standard Rate</b> |
|-----------------------------------|----------------------|
| Senior Principal                  | \$ 195.00 /Hr.       |
| Associate Principal               | \$ 160.00 /Hr.       |
| Structural Manager                | \$ 140.00 /Hr.       |
| Project Manager                   | \$ 160.00 /Hr.       |
| Project Engineer                  | \$ 150.00 /Hr.       |
| Construction Manager              | \$ 140.00 /Hr.       |
| Civil Engineer                    | \$ 125.00 /Hr.       |
| Structural Engineer               | \$ 110.00 /Hr.       |
| Land Use Planner                  | \$ 125.00 /Hr.       |
| Senior Landscape Architect        | \$ 120.00 /Hr.       |
| Landscape Architect               | \$ 110.00 /Hr.       |
| Environmental Landscape Architect | \$ 120.00 /Hr.       |
| Quality Control Engineer          | \$ 160.00 /Hr.       |
| Senior Civil Designer             | \$ 120.00 /Hr.       |
| Civil Designer                    | \$ 95.00 /Hr.        |
| Structural Designer               | \$ 85.00 /Hr.        |
| Inspector                         | \$ 90.00 /Hr.        |
| Inspector - Full Time             | \$ 85.00 /Hr.        |
| BIM Specialist                    | \$ 100.00 /Hr.       |
| CAD Technician                    | \$ 80.00 /Hr.        |
| CAD Technician II                 | \$ 60.00 /Hr.        |
| Survey Manager                    | \$ 140.00 /Hr.       |
| Project Surveyor                  | \$ 120.00 /Hr.       |
| Survey Technician                 | \$ 90.00 /Hr.        |
| Survey Crew (Crew Chief)          | \$ 100.00 /Hr.       |
| Survey Crew (Instrument Person)   | \$ 50.00 /Hr.        |
| Senior Clerical                   | \$ 95.00 /Hr.        |
| Graphics Artist                   | \$ 95.00 /Hr.        |
| Clerical                          | \$ 65.00 /Hr.        |

### **Expenses**

|                |               |
|----------------|---------------|
| <b>Mileage</b> | \$ 0.565 /Mi. |
|----------------|---------------|

|                      |                         |
|----------------------|-------------------------|
| <b>Reimbursables</b> | At Cost With 5% Mark-Up |
|----------------------|-------------------------|

|                        |                         |
|------------------------|-------------------------|
| <b>Sub-Consultants</b> | At Cost With 5% Mark-Up |
|------------------------|-------------------------|



## Fee Schedule

*Effective January 1, 2013 through December 31, 2013*

| <i>ENGINEERS and PLANNERS</i> |             |          |             | <i>TECHNICIANS and SUPPORT STAFF</i> |             |
|-------------------------------|-------------|----------|-------------|--------------------------------------|-------------|
| Grade                         | Hourly Rate | Grade    | Hourly Rate | Tech Level                           | Hourly Rate |
| Grade 1                       | \$55.00     | Grade 16 | \$130.00    | Tech Level A                         | \$35.00     |
| Grade 2                       | 60.00       | Grade 17 | 135.00      | Tech Level B                         | 40.00       |
| Grade 3                       | 65.00       | Grade 18 | 140.00      | Tech Level C                         | 45.00       |
| Grade 4                       | 70.00       | Grade 19 | 145.00      | Tech Level D                         | 50.00       |
| Grade 5                       | 75.00       | Grade 20 | 150.00      | Tech Level E                         | 55.00       |
| Grade 6                       | 80.00       | Grade 21 | 155.00      | Tech Level F                         | 60.00       |
| Grade 7                       | 85.00       | Grade 22 | 160.00      | Tech Level G                         | 65.00       |
| Grade 8                       | 90.00       | Grade 23 | 165.00      | Tech Level H                         | 70.00       |
| Grade 9                       | 95.00       | Grade 24 | 170.00      | Tech Level I                         | 75.00       |
| Grade 10                      | 100.00      | Grade 25 | 175.00      | Tech Level J                         | 80.00       |
| Grade 11                      | 105.00      | Grade 26 | 180.00      | Tech Level K                         | 85.00       |
| Grade 12                      | 110.00      | Grade 27 | 185.00      | Tech Level L                         | 90.00       |
| Grade 13                      | 115.00      | Grade 28 | 190.00      | Tech Level M                         | 95.00       |
| Grade 14                      | 120.00      | Grade 29 | 195.00      | Tech Level N                         | 100.00      |
| Grade 15                      | 125.00      | Grade 30 | 200.00      | Tech Level O                         | 105.00      |
|                               |             |          |             | Tech Level P                         | 110.00      |
|                               |             |          |             | Tech Level Q                         | 115.00      |

- Project expenses will be billed at *cost plus ten percent* for service and handling. Project expenses include project-related costs such as reproduction through outside services, transportation, subsistence, delivery/postage and subcontractor services.
- All invoices are due and payable within 30 days of date of invoice. Invoices outstanding over 30 days will be assessed a 1 1/4 percent service charge, compounded, for each 30 days outstanding beyond the initial payment period. Service charges are not included in any agreement for maximum charges.
- Reimbursable costs are billed as follows:
  - 8-1/2 x 11 B/W, at cost, up to \$0.10 per page
  - 11 x 17 B/W bond, at cost, up to \$0.50 per page
  - 24 x 36 B/W bond, at cost, up to \$1.00 per page
  - 11 x 17 B/W mylar, at cost, up to \$ 3.50 per page
  - 24 x 36 B/W mylar, at cost, up to \$ 7.00 per page
  - 8-1/2 x 11 color, at cost, up to \$ 0.90 per page
  - 11 x 17 color, at cost, up to \$ 1.75 per page



## GEOTECHNICAL SCHEDULE OF CHARGES

### COMPENSATION

Our compensation will be determined on the basis of time and expenses in accordance with the following schedule unless a fixed fee amount is so indicated in the proposal or services agreement. Contracted professional and technical services will be charged at the applicable hourly rates as listed below. Staff time spent in depositions, trial preparation, and court or hearing testimony will be billed at one and one-half times the below rates. Time spent in either local or inter-city travel, when travel is in the interest of this contract, will be charged in accordance with the foregoing schedule; when traveling by public carrier, a maximum charge of eight hours per day will be made. Current rates are as follows:

| Personnel                | Hourly Rate |
|--------------------------|-------------|
| Support Staff            | \$ 63       |
| Project Assistant        | \$ 74       |
| Senior Project Assistant | \$ 80       |
| Technician I             | \$ 68       |
| Technician II            | \$ 78       |
| Senior Technician        | \$ 84       |
| CAD                      | \$ 84       |
| Staff I                  | \$ 87       |
| Staff II                 | \$ 100      |
| Staff III                | \$ 110      |
| Project Manager I        | \$ 127      |
| Project Manager II       | \$ 135      |
| Senior Project Manager   | \$ 144      |
| Associate                | \$ 158      |
| Senior Associate         | \$ 168      |
| Principal                | \$ 184      |

| Equipment   | Rate     |
|---|----------|
| Air compressor, generator (per day)   | \$ 42    |
| Cement scale and pan (per day)  | \$ 25    |
| Core drill (per day)  | \$ 200   |
| Cross-hole sonic logger (CSL) (half day, maximum \$450/day)                                   | \$ 225   |
| Digital camera (per day)  | \$ 10    |
| Drilled shaft inspection camera (DSIC) (half day, maximum \$900/day)                          | \$ 450   |
| Field California bearing ratio (CBR) equipment (per day)                                      | \$ 220   |
| Falling weight deflectometer (FWD) (per day)  | \$ 1,700 |
| Falling weight deflectometer (FWD) with GPR (per day)   | \$ 2,900 |
| Global positioning system (GPS) - differential (per day)                                      | \$ 75    |
| Global positioning system (GPS) - hand-held (per day)   | \$ 25    |
| Ground penetrating radar (GPR) - hand-pushed (per day)  | \$ 400   |
| Ground penetrating radar (GPR) - truck-mounted (per day)                                      | \$ 1,200 |
| Hand auger (per day)  | \$ 35    |
| Hydroacoustic Monitoring Equipment (per day)  | \$ 250   |
| Miscellaneous field equipment (per item, per day)   | \$ 10    |
| Nuclear density gauge equipment (per hour)  | \$ 10    |
| Pile Driving Analyzer (PDA) (half day, maximum \$500/day)                                     | \$ 250   |
| Pile Integrity Tester (per day)   | \$ 200   |
| Satellite Phone (per day)   | \$ 20    |
| Slope inclinometer equipment (per casing)   | \$ 75    |
| Soil samples in brass or stainless sleeves (per sample)                                       | \$ 10    |
| Soil samples in rings (per sample)  | \$ 10    |
| Specialty software (MODFLOW, PLAXIS, etc., per hour)  | \$ 15    |
| Total Station - Survey Equipment (Precision Geomorphic Surveys) (per hour, maximum \$400/day) | \$ 50    |
| Vehicle (company) usage (half day, plus \$0.60 per mile charge)                               | \$ 10    |
| Vehicle (company) usage (full day, plus \$0.60 per mile charge)                               | \$ 20    |
| Vehicle (personal) usage (per mile)   | \$ 0.60  |
| Vibration monitoring equipment (per day, maximum \$250/week)                                  | \$ 50    |

| Reproduction   | Black/White | Color   |
|--|-------------|---------|
| 8 1/2 x 11 (per finished page)                                 | \$ 0.12     | \$ 1.15 |
| 11 x 17 (per finished page)                                    | \$ 0.30     | \$ 1.50 |
| C- or D-size plots (black/white and color - per finished plot) |             | \$ 25   |
| D-size scan  |             | \$ 12   |

### OTHER SERVICES, SUPPLIES, AND SPECIAL TAXES

Outside services (equipment, supplies, and facilities not furnished in accordance with the above schedule, and any unusual items of expense not customarily incurred in our normal operations) are charged at cost plus 12 percent. This includes shipping charges, subsistence, transportation, printing and reproduction, miscellaneous supplies and rentals, surveying services, drilling equipment, construction equipment, watercraft, aircraft, and special insurance which may be required. Specialized equipment will be quoted on a per-job basis. In-house disposable field supplies (routinely used field supplies stocked in-house by GeoDesign) at current rates. List available upon request. Taxes required by local jurisdictions for projects in specific geographic areas will be charged to projects at direct cost.

All rates are subject to change upon notification.

## LABORATORY SCHEDULE OF CHARGES

| TYPE OF TEST  | UNIT PRICE |
|---|------------|
| Atterberg Limits (ASTM D 4318-05)   | \$ 163     |
| CBR with 3-Point Proctor (ASTM D 1883-07)                                       | \$ 620     |
| Compaction (ASTM D 1557-07/ASTM D 698-07; Methods A, B, and C)                  |            |
| 1 point   | \$ 95      |
| 4 points  | \$ 231     |
| Consolidation (ASTM D 2435-04)<br>(with 2 timed rebounds)                       | \$ 420     |
| Direct Shear (ASTM D 3080-04)   |            |
| Per point   | \$ 231     |
| 3 points  | \$ 441     |
| Moisture Content-Oven Method (ASTM D 2216-05)                                   | \$ 25      |
| Moisture/Density  |            |
| Rings   | \$ 37      |
| Shelby tubes  | \$ 37      |
| Organic Content (ASTM D 2974)   | \$ 84      |
| Particle Size Analysis  |            |
| Sieve (ASTM C 117-04/ASTM C 136-06) (includes -200 Wash, Dry Sieve)             | \$ 126     |
| Percent passing No. 200 (ASTM C 117-04/ASTM D 1140-00)                          | \$ 79      |
| Combined sieve and hydrometer (ASTM D 422-63)                                   | \$ 210     |
| Permeability  |            |
| Falling head in rigid wall permeameter (Army Corps Eng. EM 1110-2-1906, VII-13) | \$ 368     |
| In triaxial cell with back pressure saturation (ASTM D 5084-03)                 | \$ 420     |
| pH of Soil (ASTM G 51)  | \$ 84      |
| Resilient Modulus (AASHTO T 307-99)   |            |
| In situ sample  | \$ 600     |
| Remolded sample (includes compaction and sample preparation)                    | \$ 900     |
| Rice Density (ASTM D 2041)  | \$ 126     |
| Soil Resistivity  | \$ 194     |
| Specific Gravity  |            |
| Parafilm coated core  | \$ 47      |
| Rice  | \$ 95      |
| Gravity-core specific gravity   | \$ 16      |
| Gravel specific gravity   | \$ 75      |
| Sand specific gravity   | \$ 100     |
| Soil  | \$ 105     |
| Triaxial Compression  |            |
| Unconsolidated, undrained (back pressure saturation) (ASTM D 2850-03)           | \$ 320     |
| Consolidated, undrained, 1 point (ASTM D 4767-06)                               | \$ 420     |
| Consolidated, undrained, strength envelope (ASTM D 4767-06)                     | \$ 1260    |
| Unconfined Compression  |            |
| Unconfined compression of undisturbed soil samples (ASTM D 2166-06)             | \$ 121     |
| Unconfined compression of cement-treated soils (ASTM D 1633-00)                 | \$ 82      |

Sample preparation and other tests charged at hourly rates.

GeoDesign, Inc. reserves the right to subcontract any laboratory testing listed in our scope of work and to apply charges for subcontracted testing at the rates listed above.



## **Morgan Holen & Associates**

### **Fee Schedule**

Consultant Rate: \$150/hr

Mileage: at the current IRS mileage rate

Miscellaneous expenses at cost

# Carlson Testing, Inc.

## Project Estimate (See attached notes & assumptions)

Revision # 0 10/30/2013  
 Bid Jobno: Q0011395. CANYON CREEK ROAD SOUTH  
 Client: X  
 Proposal To: CITY OF WILSONVILLE - BEN AUSTIN  
 Project Manager: STEVEN W. LEACH

| Code | Activity/Comments             | # Of<br>Trips | UM   | Qty/<br>Hours | OT Hrs<br>/Trips | Hourly<br>Rate | Mileage   | Total Charge |
|------|-------------------------------|---------------|------|---------------|------------------|----------------|-----------|--------------|
| L201 | ROCK COMPACTION               | 18            | TRIP | 3.00          | 0.00             | \$ 60.00       | \$ 292.50 | \$ 3,532.50  |
| L207 | PROOFROLLING INSPECTION       | 3             | TRIP | 3.00          | 0.00             | \$ 60.00       | \$ 48.75  | \$ 588.75    |
| E200 | MOISTURE-DENSITY CURVE        | 3             | EA   | 1.00          | 0.00             | \$ 220.00      | \$ 0.00   | \$ 660.00    |
| E202 | SIEVE ANALYSIS - WASHED       | 3             | EA   | 1.00          | 0.00             | \$ 120.00      | \$ 0.00   | \$ 360.00    |
| L300 | ASPHALT COMPACTION            | 6             | TRIP | 3.00          | 0.00             | \$ 60.00       | \$ 97.50  | \$ 1,177.50  |
| E305 | SPECIFIC GRAVITY - RICE VALUE | 3             | EA   | 1.00          | 0.00             | \$ 100.00      | \$ 0.00   | \$ 300.00    |
| L100 | CONCRETE FIELD                | 10            | TRIP | 3.00          | 0.00             | \$ 58.00       | \$ 162.50 | \$ 1,902.50  |
| E100 | COMPRESSIVE STRENGTH TESTS    | 10            | SETS | 4.00          | 0.00             | \$ 22.00       | \$ 0.00   | \$ 880.00    |
| E724 | PICK-UP                       | 10            | TRIP | 1.00          | 0.00             | \$ 45.00       | \$ 0.00   | \$ 450.00    |
| E720 | FINAL SUMMARY LETTER          | 1             | EA   | 1.00          | 0.00             | \$ 200.00      | \$ 0.00   | \$ 200.00    |
|      |                               |               |      |               |                  |                |           |              |
|      |                               |               |      |               |                  |                |           |              |
|      |                               |               |      |               |                  |                |           |              |
|      |                               |               |      |               |                  |                |           |              |
|      |                               |               |      |               |                  |                |           |              |
|      |                               |               |      |               |                  |                |           |              |
|      |                               |               |      |               |                  |                |           |              |
|      |                               |               |      |               |                  |                |           |              |

\$ 10,051.25

Total Estimated Cost  
 Round Trip Miles to Site 25  
 Round Trip Miles to Shop  
 Mileage Rate .650  
 OT Multiplier 1.50



# Carlson Testing, Inc.

Bend Office (541) 330-9155  
Geotechnical Office (503) 601-8250  
Eugene Office (541) 345-0289  
Salem Office (503) 589-1252  
Tigard Office (503) 684-3460

October 31, 2013

Ben Austin  
Harper Houf Peterson Righellis, Inc.  
205 SE Spokane Street, Suite 200  
Portland, OR 97202

Re: Inspection & Testing Services  
*Canyon Creek Road South*

Dear Mr. Austin:

Carlson Testing, Inc. (CTI) sincerely appreciates the opportunity to submit our rates to provide construction inspection and testing services. We propose to provide services on a time and materials basis subject to the following hourly and unit rates and the attached General Conditions dated 3/2013.

## Field Services

Concrete/Shotcrete Special Inspector Services..... \$58.00/hour  
Nuclear Densometer Technician - Soils & Asphalt..... \$60.00/hour  
(Includes nuclear gauge)  
Epoxy/Adhesive Anchor Inspector Services ..... \$58.00/hour

## Laboratory Services

Concrete Test Cylinders, Cubes, 4 x 8 Prisms..... \$22.00/each  
Laboratory Proctor Test - Soil ..... \$220.00/each  
Laboratory Proctor Test - Rock..... \$220.00/each  
Specific Gravity - Rice..... \$100.00/hour

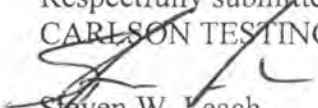
## Miscellaneous

Cylinder Pickups..... \$45.00/trip  
Final letter for Certificate of Occupancy ..... \$200.00  
Transportation ..... \$0.65/mile  
Overtime: Time in excess of 8 hours per day on project site, or before  
7:00 a.m. and after 5:00 p.m. & Saturdays, Sundays and Holidays..... 1.5 x hourly

All rates listed are portal-to-portal and field services are subject to a 3-hour minimum charge (4 hours on weekends and holidays). Testing and inspection rates cover all costs for scheduling of services, providing the testing or inspection including standard reports, and providing a standard billing invoice.

We thank you for this opportunity to provide these rates and hope to be of service to you in the future. If you need anything further please contact me at (503) 419-4534 or email at sleach@carlsontesting.com.

Respectfully submitted,  
CARLSON TESTING INC.

  
Steven W. Leach  
Estimator


**CITY COUNCIL MEETING  
STAFF REPORT**

|  |  |   |  |
|--|--|---|--|
| <b>Meeting Date:</b><br><br>November 18, 2013  |  | <b>Subject: Resolution No. 2445</b><br>SMART's proposed project list in the 2014 Regional Transportation Plan (RTP)   |  |
|  |  | <b>Staff Member:</b> Stephan Lashbrook<br><b>Department:</b> Transit  |  |
| <b>Action Required</b>   |  | <b>Advisory Board/Commission Recommendation</b>   |  |
| <input checked="" type="checkbox"/> Motion<br><input type="checkbox"/> Public Hearing Date:<br><input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date:<br><input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date:<br><input checked="" type="checkbox"/> Resolution<br><input type="checkbox"/> Information or Direction<br><input type="checkbox"/> Information Only<br><input type="checkbox"/> Council Direction<br><input type="checkbox"/> Consent Agenda |  | <input type="checkbox"/> Approval<br><input type="checkbox"/> Denial<br><input type="checkbox"/> None Forwarded<br><input checked="" type="checkbox"/> Not Applicable<br><b>Comments:</b> |  |
| <b>Staff Recommendation:</b> Staff recommends that Council take action in support of SMART's proposed 2014 – 2040 Regional Transportation Plan project list.   |  |   |  |
| <b>Recommended Language for Motion:</b> I move to approve Resolution No. 2445.   |  |   |  |
| <b>PROJECT / ISSUE RELATES TO:</b>   |  |   |  |
| <input type="checkbox"/> Council Goals/Priorities  | <input checked="" type="checkbox"/> Adopted Master Plan(s):<br>The City's adopted Transit Master Plan and Transportation Systems Plan contain language supporting the proposed projects. | <input type="checkbox"/> Not Applicable   |  |

**ISSUE BEFORE COUNCIL:** Consideration of the list of projects proposed by SMART staff for inclusion in the 2014 update of the Regional Transportation Plan (RTP).

**EXECUTIVE SUMMARY:** Metro updates the RTP every four years. Each updated RTP includes transportation projects from all around the region. Most of those projects are recommended by the cities and counties within Metro's jurisdiction. SMART and TriMet each have their own project lists that are separate from the city and county lists.



Inclusion of a project on the RTP list is not a commitment to develop the listed project, but it is a statement of local priorities, should funding become available. Projects listed in the RTP stand a much better chance of receiving state or federal funding than projects that are not listed. In fact, some funding is only available for projects listed in the RTP.

The project list for SMART contained in the current RTP (adopted in 2010) included 10 projects. One of those projects (construction of a SMART administrative building) has been completed and should now be removed from the RTP list. Some of the other projects on the list should be modified to reflect changed priorities for SMART. The staff now also recommends the addition of two new projects, one for the creation of vanpools and one supporting the development of fueling stations for alternative fuel buses (e.g., liquefied natural gas, compressed natural gas, or electric vehicle charging stations).

**EXPECTED RESULTS:** Metro will be receiving input from throughout the region before it finalizes work on the new RTP next year. The list of projects proposed by SMART, as well as the City's project list prepared by the Community Development Department, can be expected to be included within the new RTP. This will facilitate the receipt of state and federal transportation funds for at least some of those projects in the next four years.

**TIMELINE:** The City has until December 6, 2013, to submit proposed changes to the RTP project list to Metro. Metro will then undertake a lengthy public involvement process that will lead to adoption of the new RTP in late 2014.

**CURRENT YEAR BUDGET IMPACTS:** Not applicable.

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by:    JEO    Date:   11/6/13    
No financial impact.

**LEGAL REVIEW / COMMENT:**

Reviewed by:   MEK   Date: 11/7/2013    
Resolution approved as to form.

**COMMUNITY INVOLVEMENT PROCESS:** The City went through a significant public outreach process in the preparation of the Transit Master Plan, adopted in 2008, and in the adoption of the new Transportation Systems Plan in 2012. SMART relies on both of those documents for policy direction. SMART staff is now beginning work on an update of the 2008 Transit Master Plan, but that project is expected to continue through 2014.

**POTENTIAL IMPACTS or BENEFITS TO THE COMMUNITY:**

By having projects listed in the RTP, SMART's odds of securing state or federal funds for needed transit infrastructure are greatly enhanced. Potential benefits range from more user-friendly bus stops to more modern, more fuel-efficient buses.

**ALTERNATIVES:** The City Council could choose not to amend the RTP project list for

SMART, but doing so would limit options for future funding and leave SMART with the list submitted for the last RTP.

**CITY MANAGER COMMENT:**

**ATTACHMENTS**

- A. Resolution No. 2445
- B. Exhibit 1 – Proposed SMART Project List for 2014 RTP
- C. Exhibit 2 - SMART Project List From RTP Adopted In 2010
- D. Transit Master Plan Support for Proposed TRP Projects

***Please note:***

***Staff is waiting for more information from Metro. If that information indicates that more of SMART's operations costs can be included in our proposed project list, staff will provide a modified version of Exhibit 1 in advance of the City Council meeting on November 18, 2013.***



**RESOLUTION NO. 2445**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILSONVILLE AUTHORIZING THE SOUTH METRO AREA REGIONAL TRANSIT DEPARTMENT (SMART) TO SUBMIT A LIST OF PROJECTS FOR INCLUSION IN METRO'S 2014 – 2040 REGIONAL TRANSPORTATION PLAN.**

**WHEREAS**, the Portland area Metropolitan Service District (Metro) is charged with preparing and regularly updating a Regional Transportation Plan (RTP) for the metropolitan region; and

**WHEREAS**, South Metro Area Regional Transit (SMART) has projects listed for potential funding within the RTP; and

**WHEREAS**, it is now timely to update the SMART project list shown in the previous RTP update; and

**WHEREAS**, having projects and programs listed in the RTP improves the chances that SMART will be able to acquire state or federal funding to help pay for those projects or programs; and

**WHEREAS**, updated project lists are due to be filed with Metro before December 7, 2013, in order for them to be included in the 2014 RTP update; and

**WHEREAS**, the City Council has considered the extensive public input gained through the adoption of the Transit Master Plan in 2008 and the Transportation System Plan in 2013 in support of the proposed project list for SMART.

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

1. Based on the above recitals, which are incorporated herein, the City Council, does hereby approve and authorize SMART to submit the proposed project list, which is Exhibit 1 to this Resolution; and
2. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting on November 18, 2013,  
and filed with the Wilsonville City Recorder this date.

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TIM KNAPP, MAYOR

ATTEST:

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Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Knapp - \_\_\_\_

Councilor Goddard - \_\_\_\_

Councilor Starr - \_\_\_\_

Councilor Fitzpatrick - \_\_\_\_

Councilor Stevens - \_\_\_\_

Attachments:

Exhibit 1 – Proposed SMART Project List for 2014 RTP

Exhibit 2 – SMART Project List From RTP adopted in 2010



**#11108 Expand Service Through Villebois and Other West Side Areas**

Page 14 Phase Three – Expansion to New Development / Recommended Villebois Route:

*"...SMART will provide a new route linking Villebois with commuter rail, Town Center, Murase/Memorial Park, and Memorial Drive. Another route will provide local service to connect Villebois and commuter rail with employment, shopping and residential areas on the east side of Wilsonville. These new routes will begin service when development is more complete..." (Note: this has only been partially implemented.)*

**#11109 Bus Replacements**

Page 62 Capital Projects -- Upgrade SMART's Bus Fleet

*"In order to improve SMART's operations in terms of fuel efficiency and maintenance, SMART intends to upgrade and replace older buses...Investing in a 21<sup>st</sup> century fleet is critical to SMART's long term success."*

**11110 Wilsonville Park & Ride Expansion**

Page 41 -- Automobile Access (Park & Ride); Implementation measures 3.14:

*"Reassess the need for an additional park & ride lot after the commuter rail lot is operational. At that time options can be evaluated based on number of spaces needed."*

**#11111 SMART Administrative Building**

Project completed.

**#11112 SMART Fleet Facility -- Phase II**

Page 62 -- Capital Projects; Fleet Maintenance Facility and Administrative Offices:

*"A new facility will be built on the land adjacent to TriMet's rail maintenance facility. This project will fall into the five to fifteen year window of the Transit Master Plan and may be phased as funding is available." (Note that the first phase was completed in 2013.)*

**#11113 TMA**

Page 43 -- Implementation measures 4.1 through 4.13:

4.1: *"Plan for facilities and services to meet anticipated demands in new growth areas..."*

4.2: *"...Equipment and facilities should meet the requirements of the Americans with Disabilities Act." (ADA)*

4.3: *"Coordinate with TriMet to transfer any lands annexed by Wilsonville from TriMet's service district into the SMART service area."*

4.4: *"Strive to provide service within 1/4 mile of all existing and new development..."*

- 4.5: *"Conduct...surveys of residents and employees...on travel needs and preferences..."*
- 4.6: *"Expand or extend service based on needs..."*
- 4.7: *"Charge fares for any intercity service. Evaluate fares annually..."*
- 4.8: *"Evaluate routes on an annual basis..."*
- 4.9: *"Continue to provide demand-response service within the City..."*
- 4.10: *"Support new regional studies for commuter rail all-day service, and for extension...to Salem."*
- 4.11: *"Assist in setting up vanpools where sufficient interest exists."*
- 4.12: *"Pursue funding for vanpools to Wilsonville employment sites."*
- 4.13: *"Research the feasibility and interest in forming a Transportation Management Area (TMA)...once the Coffee Creek area is developed."*

**#11327 Expansion of Service to Neighboring Communities**

Page 16: *"...Further development of the Coffee Creek II area and land north of Wilsonville may require additional frequency or service to meet demand."*

Page 20: *"...Once ODOT completes construction of an interchange and park & ride lot on I-5 at Woodburn, SMART will stop in Woodburn and pick up passengers there with almost no delay."*

**#11328 New Service to CTC**

Page 42 -- Service expansion Goal 5:  
*"Facilitate regional/intercity connectivity."*

**#11343 Pedestrian Improvements**

Page 38 – Bus Shelters and Seat Poles; Implementation Measures 3.1 through 3.7:

- 3.1: This Implementation Measure lists 13 priority locations for bus shelters. Five of them have been installed.
- 3.2: This Implementation Measure calls for the installation of seats at bus stops, subject to specified criteria.
- 3.3: *"Require each traffic study to include the effects on transit services, circulation, and access for pedestrians and bicyclists on major transit streets."*
- 3.4: *"Amend the Comp Plan and ...Development Code as appropriate to include Transit Facilities Design Standards."*
- 3.5: *"Continue to require new developments on major transit streets to be designed to support transit use..."*
- 3.6: This Implementation Measure calls for exactions for transit facilities based on peak-hour traffic resulting from new development.
- 3.7: This Implementation Measure calls for the Development Code to be amended to require new large developments to prepare Transportation Demand Management (TDM) plans.



Page 40 – Pedestrian and Bicycle Access; Implementation Measures 3.8 through 3.12:

3.8: *"Improve pedestrian and bicycle connectivity to transit routes to the maximum extent possible..."*

3.9: This Implementation Measure calls for the installation of bike racks capable of carrying three bikes on SMART buses.

3.10: *"Encourage employers to improve on-site provisions for bicyclists such as weather-protected parking facilities, showers, and lockers at point of destination."*

3.11: *"Make accommodations for bicyclists and pedestrians at park-and-ride lots and transportation transfer locations..."*

3.12: *"Develop a loaner bicycle program..."*

#### **#XXXXXX Vanpool Services (Proposed)**

Pages 26 and 27 explain Wilsonville's plans for future vanpools.

Page 43: Implementation Measures 4.11 and 4.12 are more direct:

4.11: *"Assist in setting up vanpools where sufficient interest exists."*

4.12: *"Pursue funding for vanpools to Wilsonville employment sites."*

#### **#XXXXXX Bus Alternative Fuel Charging Stations (Proposed)**

Page 46 provides background information on alternative fuels and solar options.

Implementation Measures 5.10 through 5.12 add more support:

5.10: This Implementation Measure calls for the study of alternative fuels for transit use.

5.11: This Implementation Measure calls for the installation of solar lighting or photo-luminescent materials at bus stops.

5.12: This Implementation Measure calls for SMART to work cooperatively with other organizations to promote clean and efficient energy use.



| Status  | Metro Project ID | Nominating Agency | Facility Owner/ Operator | Project/Program Name   | Project Start Location (Identify starting point of project) | Project End Location (Identify terminus of project) | Local Functional Classification | Project Purpose   | Description  | Estimated Cost (\$2014) | Time Period (choose from the following: 2014-2017, 2017-2024, 2025-2032, 2033-2040. N/A - State System) | Federal FC Project | 2040 Land Use (choose from the following: Portland Central City, Regional Center, Industrial Area, Intermodal Facility, Town Center, Station Community, Main Street, Employment Area, Corridor, Neighborhood, Other) | Primary Mode (choose from the following: Throughways, Roads/Bridges, Transit Capital, Freight, Regional Trail, Bike, Pedestrian, Regional Program) |
|---------|------------------|-------------------|--------------------------|--|---|---|---------------------------------|---|--|-------------------------|---|--------------------|--|--|
| Updated | 11107            | SMART             |                          | Expand transit service from Wilsonville to downtown Portland |   |   | Other                           | Development of high-quality peak hour transit service   | Additional Service hours for new services and related bus stop and ROW improvements  | \$ 3,000,000            | 2014-2017   | X                  | Portland Central City  | Transit capital  |
| Updated | 11108            | SMART             |                          | Expand Service through Villebois and other west side areas   |   |   | Other                           | Development of high-quality transit service   | Additional Service hours for new services and related bus stop and ROW improvements  | \$ 1,000,000            | 2014-2017   | X                  | Neighborhood   | Transit capital  |
| Updated | 11109            | SMART             |                          | Bus Replacements - including Alternative Fuel Vehicles       |   |   | N/A                             | Purchase modern replacement buses to ensure safe, efficient and reliable service, reduce GHG and integrate state of the art technology. | Purchase buses to replace those that are out of date, unreliable or inoperable   | \$ 4,000,000            | 2014-2017   | X                  | Other  | Transit capital  |
| Keep    | 11110            | SMART             |                          | Wilsonville Park & Ride Expansion                            |   |   | N/A                             | 250 Space Expansion of Wilsonville Park & Ride  | Design & construct an additional 250 spaces of parking at the Wilsonville Stations   | \$ 4,500,000            | 2017-2024   |                    | Station community  | Transit capital  |
| Delete  | 11111            | SMART             |                          | SMART Administrative Building                                |   |   | N/A                             | Enhance Administrative Office Space to meet the needs of the growing SMART system   | Design and construct SMART offices near the Wilsonville commuter rail station  | \$ 4,000,000            |   |                    | Other  | Transit capital  |
| Updated | 11112            | SMART             |                          | Wilsonville SMART Fleet Services Facility Phase II           |   |   | N/A                             | Enhance Maintenance Facility to meet the needs of the growing SMART system  | Completion of fleet maintenance facility consisting of previously designed and planned Phase II  | \$ 3,000,000            | 2017-2024   |                    | Station community  | Transit capital  |
| Updated | 11113            | SMART             |                          | Transportation Management Association (TMA)                  |   |   | N/A                             | Form a TMA to provide coordinated transportation services to local employers  | Form a transportation management association (TMA) to provide transportation services and information on alternatives to local employers and employees   | \$ 1,190,000            | 2017-2024   |                    | Employment Area  | TDM  |
| Updated | 11327            | SMART             |                          | Expansion of commuter bus service to neighboring communities |   |   |                                 | Development of high-quality commuter services to key neighboring communities like Tualatin/Sherwood, etc.                               | Additional Service hours for new services and related bus stop and ROW improvements  | \$ 4,000,000            | 2017-2024   |                    | Regional and Town Center   | Transit capital  |
| Updated | 11328            | SMART             |                          | New Service to Clackamas Town Center and Oregon City         |   |   |                                 | Development of high quality transit services from Wilsonville to Clackamas Town Center  | Additional Service hours for new services and related bus stop and ROW improvements  | \$ 9,000,000            | 2017-2024   |                    | Regional Center  | Transit capital  |
| Updated | 11343            | SMART             |                          | Pedestrian Improvements                                      |   |   |                                 | Development and improvement of infrastructure and access to support transit   | Design & construct a variety of improvements to enhance access to transit including bus stops, bus shelters (with solar or conventional lighting), bus pull-outs, ADA improvements at stops, interactive kiosks, etc | \$ 1,200,000            | 2014-2017   | X                  | Town Center and Other  | Transit capital  |
| New     |                  | SMART             |                          | Vanpool Services   |   |   |                                 | Development of vanpool program to support employment trips  | Development of Vanpool Program to augment transportation options for commuters in Wilsonville  | \$ 1,000,000            | 2014-2017   | X                  | Employment area  | TDM  |
| New     |                  | SMART             |                          | Bus Alternative Fuel Charging Stations                       |   |   |                                 | Development of alternative fuel (EV/LNG/CNG) charging stations  | Design & construct two alternative fuel (EV/LNG/CNG) charging stations within Wilsonville  | \$ 3,000,000            | 2017-2024   |                    | Other  | Transit capital  |

Resolution 2445  
Replacement exhibit



| Metro Project ID | Nominating Agency | Facility Owner/ Operator | Project/Program Name   | Project Start Location (Identify starting point of project) | Project End Location (Identify terminus of project) | Local Functional Classification | Project Purpose   | Description  | Estimated Cost (\$2014) | Time Period (choose from the following: 2014-2017, 2017-2024, 2025-2032, 2033-2040. N/A - State System) | Federal FC Project | 2040 Land Use (choose from the following: Portland Central City, Regional Center, Industrial Area, Intermodal Facility, Town Center, Station Community, Main Street, Employment Area, Corridor, Neighborhood, Other) | Primary Mode (choose from the following: Throughways, Roads/Bridges, Transit Capital, Freight, Regional Trail, Bike, Pedestrian, Regional Program) |
|------------------|-------------------|--------------------------|--|---|---|---------------------------------|---|--|-------------------------|---|--------------------|--|--|
| 11107            | SMART             |                          | Extension of transit service from Wilsonville to downtown Portland |   |   | Other                           | Development of high-quality transit service                                       | Additional Service hours for new services and related bus stop and ROW improvements  | \$ 1,152,000            | 2008-2017   | X                  | Other  | Transit capital  |
| 11108            | SMART             |                          | New Service to West Wilsonville Developments                       |   |   | Other                           | Development of high-quality transit service                                       | Additional Service hours for new services and related bus stop and ROW improvements  | \$ 1,550,000            | 2008-2017   | X                  | Town Center  | Transit capital  |
| 11109            | SMART             |                          | Bus Replacements   |   |   | N/A                             | Purchase replacement buses to ensure safe and reliable service.                   | Purchase buses to replace those that are no longer safe or reliable.   | \$ 14,000,000           | 2008-2035   | X                  | Other  | Transit capital  |
| 11110            | SMART             |                          | Wilsonville Park & Ride Expansion                                  |   |   | N/A                             | 250 Space Expansion of Wilsonville Park & Ride                                    | Design & construct an additional 250 spaces of parking at the Wilsonville Stations   | \$ 4,500,000            | 2008-2017   | X                  | Station community  | Transit capital  |
| 11111            | SMART             |                          | SMART Administrative Building                                      |   |   | N/A                             | Enhance Administrative Office Space to meet the needs of the growing SMART system | Design and construct SMART offices near the Wilsonville commuter rail station  | \$ 4,000,000            | 2008-2017   | X                  | Other  | Transit capital  |
| 11112            | SMART             |                          | Wilsonville SMART Fleet Services Facility                          |   |   | N/A                             | Enhance Maintenance Facility to meet the needs of the growing SMART system        | Design and construct a transit fleet services facility near the Wilsonville commuter rail station  | \$ 8,000,000            | 2008-2017   | X                  | Other  | Transit capital  |
| 11113            | SMART             |                          | Transportation Management Association (TMA)                        |   |   | N/A                             | Form a TMA to provide coordinated transportation services to local employers      | Form a transportation management association (TMA) to provide transportation services and information on alternatives to local employers and employees | \$ 1,190,000            | 2018-2035   | X                  | Employment area, Industrial area   | TDM  |
| 11327            | SMART             |                          | Commuter Service to Tualatin/Sherwood                              |   |   |                                 | Development of high-quality commuter services                                     | Additional Service hours for new services and related bus stop and ROW improvements  | \$ 600,000              | 2018-2035   |                    | Employment area, Industrial area   | TDM  |
| 11328            | SMART             |                          | New Service to Clackamas TC  |   |   |                                 | Development of high-quality grid-like transit service from Wilsonville to CTC     | Additional Service hours for new services and related bus stop and ROW improvements  | \$ 3,000,000            | 2018-2035   |                    | Employment area, Regional Center   | Transit capital  |
| 11343            | SMART             |                          | Pedestrian Improvements  |   |   |                                 | Development and improvement of pedestrian access to transit                       | Design & construct a variety of pedestrian improvements to enhance access to transit   | \$ 7,000,000            | 2008-2017   |                    | Town Center  | Transit capital  |

Exhibit 2



## **Transit Master Plan (TMP) Support for Proposed RTP Projects**

This attachment demonstrates the connections between SMART's proposed RTP projects and the text of the City's adopted Transit Master Plan.

All of the proposed RTP projects support the TMP's two primary Goals and 6 primary Policies (pages 3 & 4):

**Goal 1:** "... an effective transit system that is a viable alternative to single-occupant vehicles..."

**Goal 2:** "...implement transportation demand management..."

Policy 1: "Increase public awareness of transit..."

Policy 2: "Provide coordinated service that is convenient, comfortable and safe."

Policy 3: "Promote...standards that improve accessibility of transit..."

Policy 4: "Expand service..."

Policy 5: "Strive to improve air quality and traffic congestion..."

Policy 6: "Create a sense of community ownership of the transit system..."

Service Goals to Accommodate Growth (page 11):

1. "Provide service to new developments in Wilsonville."
2. "Provide increased opportunities for residents, employees, and visitors to connect to jobs, shopping, parks and community activities."
3. "Facilitate connections between transit and other travel modes, including walking, bicycling, rail and air travel."
4. "Facilitate regional/intercity connectivity."
5. "Increase frequencies to improve convenience and coordination between routes."
6. "Extend service times to accommodate travel needs."

**Note: Phase One of Service Expansion involved connecting to TriMet's commuter rail (WES) line. That was implemented in 2009.**

### **Project #11107 Expand Service from Wilsonville to Downtown Portland**

Recommended Bus Routes and Service

Page 14 Phase Two – Downtown Portland Extension

*"Downtown Portland: Direct service to downtown Portland is a high priority for existing and prospective riders. The Plan (Transit Master Plan) proposes an extension to downtown Portland for the route that currently serves TriMet's Barbur Transit Center. This will allow people traveling to and from Wilsonville to make direct connections to MAX, Portland Streetcar, and a large number of TriMet bus lines..."*





# CITY COUNCIL MEETING STAFF REPORT

|  |   |   |  |
|--|---|---|--|
| <b>Meeting Date:</b><br>November 18, 2013  |   | <b>Subject: Ordinance No. 731</b><br>Amending Wilsonville Code Section 8.210(9)   |  |
|  |   | <b>Staff Member:</b> Nancy Kraushaar, PE, Community Development Director<br><b>Departments:</b> Community Development   |  |
| <b>Action Required</b>   |   | <b>Advisory Board/Commission Recommendation</b>   |  |
| <input checked="" type="checkbox"/> Motion<br><input type="checkbox"/> Public Hearing Date:<br><input checked="" type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date:<br><input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date:<br><input type="checkbox"/> Resolution<br><input type="checkbox"/> Information or Direction<br><input type="checkbox"/> Information Only<br><input type="checkbox"/> Council Direction<br><input type="checkbox"/> Consent Agenda |   | <input type="checkbox"/> Approval<br><input type="checkbox"/> Denial<br><input type="checkbox"/> None Forwarded<br><input checked="" type="checkbox"/> Not Applicable |  |
|  |   | <b>Comments:</b>  |  |
| <b>Staff Recommendation:</b><br>Staff recommends approval of Ordinance No. 731.  |   |   |  |
| <b>Recommended Language for Motion:</b><br>I move to approve Ordinance No.731.   |   |   |  |
| <b>PROJECT / ISSUE RELATES TO:</b> <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:**

An ordinance amending code requirements for providing cover for specified outdoor storage areas.

## EXECUTIVE SUMMARY:

The subject current code was enacted to reduce the potential for outdoor storage areas to be pollutant sources that could impact water quality in streams and rivers. City Council requested staff to review the effectiveness of the subject current code requirement after receiving a complaint that the requirement was not practical for their site.

Staff completed the review and determined that there are a number of issues with trash enclosures that merit further Wilsonville Code review. Future code review and modifications should address size spacing, location, maintenance, and aesthetic standards.

Staff recommends that further exploration occur to establish better city-wide trash area maintenance, best management practices for food establishments, and improved coordination with the franchise hauler.

The current code section states:

“Outside storage areas for grease, oil, waste products, recycling, garbage, and other sources of contaminants shall be a covered enclosure adequately sized to allow all containers to be accessible. No drainage is allowed to enter the storm sewer system.”

Staff recommends that this code section be amended as follows:

“Outside storage areas for grease, oil, waste products, recycling, garbage, and other sources of contaminants shall be adequately sized to allow all containers to be accessible. Grease, oil, waste products, garbage, and other contaminants from the storage area are prohibited from entering the storm sewer system.”

**EXPECTED RESULTS:**

The overall trash area review is expected to clarify and improve code or policy requirements and result in practical implementation, safety, reduced pollutant sources, effective screening, and convenient use of trash enclosures.

**TIMELINE:**

Additional code revisions and a new policy or program will be drafted by staff for expected future City Council consideration in April 2014.

**CURRENT YEAR BUDGET IMPACTS:**

Staff time is primary budget impact at this time.

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by:   JEO   Date:   11/6/13  

All costs are the current year approved budget.

**LEGAL REVIEW / COMMENT:**

Reviewed by:   MEK   Date:   11/9/13  

The ordinance is approved as to form.

**COMMUNITY INVOLVEMENT PROCESS:**

Staff met with Republic Services, Wilsonville's franchise hauler. Future work will include meetings with Republic and other stakeholders to be determined.

**POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:**

To better manage trash enclosures to reduce potential pollutants, protect public health, promote successful recycling, improve aesthetics, provide for convenient use, improve waste grease



management, and assure overall tidy conditions.

**ALTERNATIVES:**

N/A

**CITY MANAGER COMMENT:**

**ATTACHMENTS:**

Ordinance No. 731

**ORDINANCE NO. 731**

**AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE  
CODE 8.210(9)**

WHEREAS, Wilsonville Code Chapter 8 is entitled Environment, section 8.210 is entitled Public Sewers – Construction, and sub-subsection 8.210(9) states, “Outside storage areas for grease, oil, waste products, recycling, garbage, and other sources of contaminants shall be a covered enclosure adequately sized to allow all containers to be accessible. No drainage is allowed to enter the storm sewer system.”

WHEREAS, this code sub-section was adopted to reduce the potential for pollutants from trash enclosure areas to be conveyed through the City’s storm sewer system and impact water quality in streams and rivers; and.

WHEREAS, the Wilsonville City Council asked staff to review the effectiveness of the requirement for covered trash enclosures; and

WHEREAS, staff visited commercial, industrial, and multi-family sites to observe trash enclosure areas, both with and without covers, with a focus on conditions that could be a source of pollutants and impact water quality in streams and rivers; and

WHEREAS, staff found a variety of trash enclosure area conditions, including: clean and orderly; undesirable with overflowing trash, open waste grease containers, grease buildup in the area, and trash and grease in storm sewer catch basins; trash containers outside of enclosures and scattered around parking lots; and recycle materials stored outside of the recycling receptacle; and

WHEREAS, staff concluded that a trash enclosure that is covered does not necessarily preclude the area from being a source of pollutants that could impact water quality in streams and rivers; and



WHEREAS, staff concluded that there are a variety of trash enclosures issues that could be improved, including their location, size, overall condition, pollutant source potential, maintenance, and aesthetics; and

WHEREAS, staff recommends that Wilsonville Code sub-section 8.210(9) be amended to remove the requirement for a covered enclosure while maintaining protection against potential pollutants entering the storm sewer system and impacting water quality; and

WHEREAS, staff recommends that modifications are also needed in the Wilsonville Code Section 4.179 Mixed Use Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings to address size, spacing, location, and aesthetic standards; and

WHEREAS, staff recommends that future requirements or programs also address trash area maintenance, best management practices for food establishments, and improved partnering and communication with the franchise hauler.

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

Section 1. Wilsonville Code 8.210(9), "Outside storage areas for grease, oil, waste products, recycling, garbage, and other sources of contaminants shall be a covered enclosure adequately sized to allow all containers to be accessible. No drainage is allowed to enter the storm sewer system." is hereby amended as follows:

"Outside storage areas for grease, oil, waste products, recycling, garbage, and other sources of contaminants shall be adequately sized to allow all containers to be accessible. Grease, oil, waste products, garbage and other contaminants from the storage area are prohibited from entering the storm sewer system."

Section 2. The amendment shall be retroactive to February 8, 2013 to allow subsequent applications to be relieved of covered trash enclosure requirement that was removed by this ordinance.

Section 3. Additional code revisions or trash area management programs will be developed by staff and brought back to the City Council for future consideration.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 18th day of November, 2013, and scheduled for a second reading at a regular meeting of the City Council on the 2nd day of December, 2013 at the Wilsonville City Hall.

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Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the \_\_\_\_ day of December, 2013, by the following  
votes:                                      Yes:                                      No:

DATED and signed by the Mayor this \_\_\_\_ day of December, 2013.

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TIM KNAPP, MAYOR

**SUMMARY OF VOTES:**

Mayor Knapp  
Council President Starr  
Councilor Goddard  
Councilor Fitzgerald  
Councilor Stevens



## CITY COUNCIL MEETING STAFF REPORT

|   |  |
|---|--|
| <b>Meeting Date:</b><br><br>November 18, 2013   | <b>Subject: Ordinance No. 732</b><br><br>Ordinance Amending Ordinance 353 to correct legal descriptions of vacated utility easements in Day Dream River Estates<br><br><b>Staff Member:</b> Michael Kohlhoff<br><b>Department:</b> Legal   |
| <b>Action Required</b><br><input type="checkbox"/> Motion<br><input type="checkbox"/> Public Hearing Date:<br><input checked="" type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date:<br><input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date:<br><input type="checkbox"/> Resolution<br><input type="checkbox"/> Information or Direction<br><input type="checkbox"/> Information Only<br><input type="checkbox"/> Council Direction<br><input type="checkbox"/> Consent Agenda | <b>Advisory Board/Commission Recommendation</b><br><input type="checkbox"/> Approval<br><input type="checkbox"/> Denial<br><input type="checkbox"/> None Forwarded<br><input checked="" type="checkbox"/> Not Applicable<br><br><b>Comments:</b><br>The City Council intended to vacate certain utility easements associated with an earlier plat that were replaced in the subsequent plat, but failed to fully describe the intended vacated easements and included a description of a storm sewer that was in use and not replaced. |
| <b>Staff Recommendation:</b><br>Approve Ordinance No. 732 on first reading.   |  |
| <b>Recommended Language for Motion:</b><br>I move to adopt Ordinance No. 732 on first reading.  |  |
| <b>PROJECT / ISSUE RELATES TO:</b> <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:**

Whether to correct improperly described easements to clear up title issues.

**EXECUTIVE SUMMARY:**

When Engineering researched the manhole tie in for the neighboring Renaissance development

with the 15 inch storm pipe running through the easterly portion of Day Dream River Estates it was discovered that Ordinance 353 improperly identified the storm drain as having been replaced and therefore vacated. Two property owners were affected and their title reports reference vacation Ordinance 353. Legal was asked to research the issue and a legal opinion was issued. As it turns out the other easements intended to be vacated used only the second page of the description document which did not fully and correctly describe the easements. This ordinance is prepared to amend Ordinance 353 and provide the correct legal descriptions.

**EXPECTED RESULTS:**

Clean up titles to property by vacating only the intended easements that were replaced.

**TIMELINE:**

N/A

**CURRENT YEAR BUDGET IMPACTS:**

None

**FINANCIAL REVIEW / COMMENTS:**

Reviewed by:    JEO    Date:   11/6/13  

No financial impact.

**LEGAL REVIEW / COMMENT:**

Reviewed by: [MEK] Date: November 5, 2013

Author of report.

**COMMUNITY INVOLVEMENT PROCESS:**

Steve Adams has been working with the affected property owners.

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

Cleans up title; preserves public health and welfare.

**ALTERNATIVES:**

Within Council jurisdiction to correct.

**CITY MANAGER COMMENT:**

**ATTACHMENTS**

A. Ordinance No. 732

B. Legal Opinion Without Exhibits



## **ORDINANCE NO. 732**

### **AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING ORDINANCE NO. 353 TO CORRECT LEGAL DESCRIPTIONS OF EASEMENTS INTENDED TO BE VACATED AND INCORPORATED INTO THE DULY RECORDED PLAT OF DAY DREAM RIVER ESTATES IN THE CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON**

WHEREAS, Ordinance No. 353 was originally enacted to vacate certain easements granted in 1980 to the City in conjunction with the 1979 Day Dream Ranch plat (townhouses), but were replaced in conjunction with the 1983 replat into Day Dream River Estates (single family) and its subsequent construction; and

WHEREAS, Exhibit "A1," titled "Sanitary Sewer," to Ordinance No. 353, adopted June 19, 1989, purports to vacate a 1980 sanitary sewer utility easement which was replaced in the 1983 Day Dream River Estates plat, but failed to include the full legal description as contained in the Sanitary Sewer Easement, recorded December 15, 1980, Clackamas County Deed Records No. 80-48030; and

WHEREAS, Exhibit "A2," titled "Water," to Ordinance No. 353, adopted June 19, 1989, purports to vacate a 1980 water utility easement which was replaced in the 1983 Day Dream River Estates plat, but failed to include the full legal description as contained in the Water Easement, recorded December 15, 1980, Clackamas County Deed Records No. 80-48029; and

WHEREAS, Exhibit "A3," titled "Storm Sewer," to Ordinance No. 353, adopted June 19, 1989, purports to vacate a 1980 storm sewer utility easement which ran parallel to the westerly boundary of Day Dream Ranch and which was replaced in the 1983 Day Dream River Estates plat, but not only failed to include the full legal description as contained in the Storm Sewer Easement, recorded December 15, 1980, Clackamas County Deed Records No. 80-48031, but also included the description under the same recorded Storm Sewer Easement No. 80-48031 for the storm sewer easement running generally parallel to the easterly property line, which was not replaced in the 1983 Day Dream River Estates plat, was required for construction of the subdivision, was not intended to be vacated, and has been actively in continuous use since the subdivision was constructed;

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

1. Ordinance No. 353 is amended by:
  - A. Deleting Exhibit "A1" and replacing it with Exhibit 1, attached hereto and incorporated by reference as if fully set forth herein, as the described Sanitary Sewer Easement vacated.
  - B. Deleting Exhibit "A2" and replacing it with Exhibit 2, attached hereto and incorporated by reference as if fully set forth herein, as the described Water Easement vacated.
  - C. Deleting Exhibit "A3" and replacing it with Exhibit 3, attached hereto and incorporated by reference as if fully set forth herein, only as to the described Storm Sewer Easement vacated along the westerly border of the 1983 Day Dream River Estates plat.
  - D. The Storm Sewer Easement along the easterly property line of the 1983 Day Dream River Estates plat that is also described in Clackamas County Deed Records No. 80-48031 was neither replaced or intended to be vacated, was required for construction of the 1983 Day Dream River Estates plat subdivision, has been in continuous use since the subdivision was constructed, is necessary for the public, health, and welfare of those properties and persons in the eastern portion of the Day Dream River Estates subdivision, and is not vacated. The easterly non-vacated easement is described on the 1983 Day Dream River Estates plat and is also described herein as follows:

"A 15.00 foot wide storm sewer easement lying 7.50 feet on each side of the following described centerline:

Commencing at a point being located East 217.95 feet and South 3,137.98 feet from the Northeast corner of Section 23, Township 3 South, Range 1 West, Willamette Meridian, in the City of Wilsonville, Clackamas County, Oregon; thence North 28°34'15" West 59.05 feet to a point being on the arc of a 50.00 foot radius curve to the right (the radius point of which bears South 61°25'44" West); thence along said curve to the right for an arc distance of 77.26 feet through a central angle of 88°31'38" to the Point of Beginning of the centerline; thence South 43°25'08" East 57.30 feet; thence South 00°14'10" West 243.83 feet; thence



South 09°44'10" West 154.98 feet; thence South 11°40'50" East 30.00 feet to the point of terminus."

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 18<sup>th</sup> day of November, 2013, and scheduled for second reading on \_\_\_\_\_, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

\_\_\_\_\_  
Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2013, by the following votes:                      Yes: \_\_\_\_                      No: \_\_\_\_

\_\_\_\_\_  
Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
TIM KNAPP, MAYOR

**SUMMARY OF VOTES:**

Mayor Knapp  
Council President Starr  
Councilor Goddard  
Councilor Fitzgerald  
Councilor Stevens

**Attachments:**

Exhibit 1 – Sanitary Sewer Easement  
Exhibit 2 – Water Easement  
Exhibit 3 – Storm Sewer Easement

SANITARY SEWER EASEMENT

Edwards Industries, Inc., Grantor, an Oregon Corporation, does hereby grant to the City of Wilsonville, Clackamas County, Oregon, its successors and assigns, Grantee, a permanent right-of-way and easement to construct, reconstruct, operate, repair and maintain sanitary sewer lines and all necessary related facilities over, across and under the following described real property:

A 15.00 foot wide sanitary sewer easement described as follows:

Commencing at a point being located East 217.95 feet and South 3,137.98 feet from the Northeast corner of Section 23, Township 3 South, Range 1 West, Willamette Meridian, in the City of Wilsonville, Clackamas County, Oregon; thence North 28°34'15" West 59.05 feet to a point being on  
(continued on back of page)

TO HAVE AND TO HOLD THE ABOVE EASEMENT unto the Grantee, its successors and assigns, forever.

Grantor reserves the right to use the surface of the land for building walkways, driveways, planting and related purposes. No structure shall be erected upon said easement without the written consent of the Grantee.

Dated this 5th day of February, 1980.

APPROVED for recording by the Wilsonville City Council on the 6th day of Oct., EDWARDS INDUSTRIES, INC., An Oregon Corporation 1980.

CITY OF WILSONVILLE

By: Allen C. Edwards, Jr.  
Allen C. Edwards, Jr. - President

By: Deanna J. Thom  
Deanna J. Thom, City Recorder

By: Wayne E. Coffee  
Wayne E. Coffee - Secretary

STATE OF OREGON     }  
County of Clackamas) ss

On this 5th day of February, 1980 before me, personally appeared Allen C. Edwards, Jr., known to me to be the Corporation President, and Wayne E. Coffee, known to me to be the Corporation Secretary and acknowledged the foregoing instrument to be their voluntary act and deed.

Clifford O. Ruston  
Notary Public for Oregon  
My Commission Expires: 9/21/81



the arc of a 50.00 foot radius curve to the right (the radius point of which bears South 61°25'44" West); thence along said curve to the right for an arc distance of 104.52 feet through a central angle of 119°46'25" to the Point of Beginning; thence South 25°30'00" East 8.22 feet; thence South 64°30'00" West 106.85 feet; thence South 25°30'00" East 77.09 feet; thence North 77°23'56" East 87.71 feet; thence South 25°30'00" East 5.33 feet; thence South 12°36'04" East 9.80 feet; thence South 77°23'56" West 90.56 feet; thence South 03°42'19" West 138.18 feet; thence North 86°17'41" West 15.00 feet; thence North 03°42'19" East 132.14 feet; thence South 59°09'45" West 360.97 feet; thence South 80°25'53" West 373.52 feet; thence North 01°27'02" West 15.15 feet; thence North 80°25'53" East 138.84 feet; thence South 10°16'33" East 2.52 feet; thence North 79°43'27" East 33.00 feet; thence North 10°16'33" West 2.11 feet; thence North 80°25'53" East 196.72 feet; thence North 59°09'45" East 365.59 feet; thence North 25°30'00" West 88.87 feet; thence North 64°30'00" East 111.69 feet, to a point being on the arc of a 50.00 foot radius curve to the left (the radius point of which bears North 15°14'11" East); thence along said curve to the left for an arc distance of 12.25 feet through a central angle of 14°02'02" to the Point of Beginning.

After Recording Return to:

BETTIS AND REIF  
Attorneys-at-Law  
160 N. W. 3rd Ave.  
Canby, Oregon 97013

2

STATE OF OREGON )  
County of Clackamas ) ss.

I, George D. Poppen, County Clerk, Ex-Officio Recorder of Conveyances and Ex-Officio Clerk of the Circuit Court of the State of Oregon, for the County of Clackamas, do hereby certify that the within instrument of writing was received for and recorded in the records of said county at

80 DEC 15 P2:04



Witness my hand and seal this 15th day of December, 1980.  
*George D. Poppen*  
GEORGE D. POPPEN  
County Clerk

Recording Certificate

80 48030

CCP-R4



20/

7

WATER EASEMENT

Edwards Industries, Inc., Grantor, an Oregon Corporation, does hereby grant to the City of Wilsonville, Clackamas County, Oregon, its successors and assigns, Grantee, a permanent right-of-way and easement to construct, reconstruct, operate, repair and maintain water lines and all necessary related facilities over, across and under the following described real property:

An easement being variable in width and being a portion of the Common Area Tract "A" of the Day Dream Ranch Townhouses located in the East-half Section 23 and in the West-half Section 24, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, more fully described as follows:

(continued on back of page)

TO HAVE AND TO HOLD THE ABOVE EASEMENT unto the Grantee, its successors and assigns, forever.

Grantor reserves the right to use the surface of the land for building walkways, driveways, planting and related purposes. No structure shall be erected upon said easement without the written consent of the Grantee.

Dated this 5th day of February, 1980.

APPROVED for recording by the Wilsonville  
City Council on the 6th day of Oct.,  
1980.

CITY OF WILSONVILLE

EDWARDS INDUSTRIES, INC., an Oregon Corp.

By: Allen C. Edwards, Jr.  
Allen C. Edwards, Jr. - President

By: Deanna J. Thom  
Deanna J. Thom, City Recorder

By: Wayne E. Coffee  
Wayne E. Coffee - Secretary

STATE OF OREGON }  
County of Clackamas } ss

On this 5th day of February, 1980 before me, personally appeared Allen C. Edwards, Jr., known to me to be the Corporation President, and Wayne E. Coffee, known to me to be the Corporation Secretary and acknowledged the foregoing instrument to be their voluntary act and deed.

Clifford O. Rutter  
Notary Public for Oregon  
My Commission Expires: 9/21/81



Commencing at the Northeast corner of Section 23; thence East 217.95 feet; thence South 3,137.98 feet; thence North 28°34'15" West 59.05 feet to a point being on the arc of a 50.00 foot radius curve to the right (the radius point of which bears South 61°25'44" West); thence along said curve to the right for an arc distance of 143.78 feet through a central angle of 164°45'12"; thence along a curve to the left having a radius of 20.00 feet and a central angle of 71°40'56" for an arc distance of 25.02 feet; thence South 64°30'00" West 54.37 feet to the Point of Beginning; thence South 25°30'00" East 143.59 feet; thence South 2°36'00" East 58.53 feet; thence South 21°32'27" West 12.59 feet; thence South 47°34'12" West 82.24 feet; thence South 73°44'10" West 147.00 feet; thence South 69°07'12" West 21.80 feet; thence South 73°44'10" West 71.00 feet; thence South 16°15'50" East 8.00 feet; thence South 73°44'10" West 71.00 feet; thence South 71°33'16" West 49.57 feet; thence South 80°25'53" West 44.66 feet; thence South 87°19'18" West 150.43 feet; thence North 03°57'02" West 3.50 feet; thence South 86°02'59" West 71.00 feet; thence North 03°57'02" West 15.00 feet; thence North 87°49'08" East 212.80 feet; thence North 10°16'33" West 147.12 feet; thence North 79°43'27" East 10.79 feet; thence along a 376.00 foot radius curve to the left, 4.21 feet (central angle of 00°38'31"); thence South 10°16'33" East 148.43 feet; thence North 80°25'53" East 35.82 feet; thence North 69°54'20" East 40.11 feet; thence North 20°05'40" West 18.00 feet; thence North 69°54'20" East 15.00 feet; thence South 20°05'40" East 17.64 feet; thence North 68°32'32" East 65.07 feet; thence North 73°44'10" East 71.00 feet; thence North 69°07'12" East 21.80 feet; thence North 73°44'10" East 136.71 feet; thence North 47°34'12" East 89.04 feet; thence North 02°36'30" West 51.76 feet; thence North 25°30'00" West 140.55 feet; thence North 64°30'00" East 15.00 feet to the Point of Beginning.

AFTER RECORDING RETURN TO:

BETTIS AND REIF  
Attorneys-at-Law  
160 N. W. 3rd Ave.  
Canby, Oregon 97013

2

STATE OF OREGON )  
County of Clackamas ) ss.

I, George D. Poppen, County Clerk, Ex-Officio  
Recorder of Conveyances and Ex-Officio Clerk  
of the Circuit Court of the State of Oregon, for  
the County of Clackamas, do hereby certify that  
the within instrument of writing was received for  
and recorded in the records of said county at

80 DEC 15 P 2: 04



Witness my

*George D. Poppen*  
GEORGE D. POPPEN  
County Clerk  
Recording Certificate

CCB - 84 00 10000



STORM SEWER EASEMENT

Edwards Industries, Inc., Grantor, an Oregon Corporation, does hereby grant to the City of Wilsonville, Clackamas County, Oregon, its successors and assigns, Grantee, a permanent right-of-way and easement to construct, reconstruct, operate, repair and maintain storm lines and all necessary related facilities over, across and under the following described real property:

A 15.00 foot wide storm sewer easement lying 7.50 feet on each side of the following described centerline:

Commencing at a point being located East 217.95 feet and South 3,137.98 feet from the Northeast corner of Section 23, Township 3 South, Range 1 West, Willamette Meridian, in the City of Wilsonville, Clackamas County,  
(continued on back of page)

TO HAVE AND TO HOLD THE ABOVE EASEMENT unto the Grantee, its successors and assigns, forever.

Grantor reserves the right to use the surface of the land for building walkways, driveways, planting and related purposes. No structure shall be erected upon said easement without the written consent of the Grantee.

Dated this 5th day of February, 1980,

APPROVED for recording by the  
Wilsonville City Council on the  
6th day of Oct, 1980.

CITY OF WILSONVILLE

EDWARDS INDUSTRIES, INC., an Oregon Corp.

By: Allen C. Edwards, Jr.  
Allen C. Edwards, Jr. - President

By: Deanna J. Thom  
Deanna J. Thom, City Recorder

By: Wayne E. Coffee  
Wayne E. Coffee - Secretary

STATE OF OREGON     )  
                              ) ss  
County of Clackamas)

On this 5th day of February, 1980, before me, personally appeared Allen C. Edwards, Jr., known to me to be the Corporation President, and Wayne E. Coffee, known to me to be the Corporation Secretary and acknowledged the foregoing instrument to be their voluntary act and deed.

Charles O. Burton  
Notary Public for Oregon  
My Commission Expires: 9/21/81



Oregon; thence South 00°14'10" West 463.38 feet; thence South 63°44'26" West 126.51 feet; thence South 80°13'11" West 151.54 feet; thence South 68°05'09" West 159.94 feet; thence South 80°11'01" West 151.81 feet; thence South 87°28'29" West 228.72 feet; thence North 83°55'05" West 20.60 feet to the True Point of Beginning of said centerline; thence North 01°27'02" West 330.00 feet to the point of terminus.

NOT VACATED

ALSO:

Commencing at a point being located East 217.95 feet and South 3,137.98 feet from the Northeast corner of Section 23, Township 3 South, Range 1 West, Willamette Meridian, in the City of Wilsonville, Clackamas County, Oregon; thence North 28°34'15" West 59.05 feet to a point being on the arc of a 50.00 foot radius curve to the right (the radius point of which bears South 61°25'44" West); thence along said curve to the right for an arc distance of 77.26 feet through a central angle of 88°31'38" to the Point of Beginning of the centerline; thence South 43°25'08" East 57.30 feet; thence South 00°14'10" West 243.83 feet; thence South 09°44'10" West 154.98 feet; thence South 11°40'50" East 30.00 feet to the point of terminus.

AFTER RECORDING RETURN TO:

BETTIS AND REIF  
Attorneys-at-Law  
160 N. W. 3rd Ave.  
Canby, Oregon 97013

2

STATE OF OREGON )  
County of Clackamas ) ss.

I, George D. Poppen, County Clerk, Ex-Officio Recorder of Conveyances and Ex-Officio Clerk of the Circuit Court of the State of Oregon, for the County of Clackamas, do hereby certify that the within instrument of writing was received for and recorded in the records of said county at

80 DEC 15 P 2:04



Witness my hand and seal this 15th day of December, 1980.

*George D. Poppen*  
GEORGE D. POPPEN  
County Clerk  
Recording Certificate

80 48031

CCP-R4



## MEMORANDUM

TO: Steve Adams, Engineering Manager

FROM: Michael E. Kohlhoff, City Attorney

DATE: September 10, 2013

RE: Day Dream River Estates — Ordinance No. 353

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### Issue

You have requested a legal opinion as to the validity of Ordinance No. 353, enacted in 1989, which purports to vacate a storm sewer easement where a required storm pipe was constructed in 1984, is necessary to convey stormwater and prevent flooding within the Day Dream River Estates, and has been in continuous use since 1984.

### Short Answer

The short answer is the vacation of the easement is invalid under the intent of the Ordinance and against public policy upon which the intent is based and, therefore, is void.

### Analysis

ORS 271.130 provides: "(1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. \*\*\*\*" *West Linn Corporate Park, LLC v. City of West Linn*, 349 Or. 58, 101, 240 P.3d 29 (2010).

ORS 271.080 provides for the vacation of "all or part of any ... plat ..."

In 1989, the City enacted Ordinance No. 353 to vacate certain utility easements in the Day Dream River Estates platted subdivision. A copy of Ordinance No. 353 is attached as **Exhibit 1**. The Ordinance recites the City's intent:

"WHEREAS, the City of Wilsonville has initiated vacation proceedings as authorized by ORS 271.080 without a petition or consent of property owners; and





WHEREAS, the locations of several easements in the Day Dream River Estates subdivision are prohibiting the real estate transactions of several single-family lots and are creating a substantial hardship for prospective residents; and

WHEREAS, the utilities intended to be associated with the easements have already been constructed in easements located elsewhere within the subdivision;  
\*\*\*"

The court applies to municipal ordinances the same rules as govern the construction of statutes. *Harris v. Sanders*, 142 Or. App. 126, 130, 919 P.2d 512, rev. denied, 324 Or. 322, 927 P.2d 598 (1996); *Lane County v. R.A. Heintz Const. Co., et al.*, 228 Or. 152, 157, 280 P.2d 359 (1961).

In construing the meaning of a municipal ordinance or statute, the court begins with the text as the best evidence of the legislative body's intent. *Eduardo v. Clatsop Community Resources*, 168 Or. App. 383, 387, 4 P.3d 83 (2000).

The text of the recitals provides the best evidence that the City's intent was to vacate those certain easements where construction of the associated public utilities had been constructed elsewhere within the subdivision.

Ordinance No. 353 goes on to ordain:

"A. That the portion of 'Day Dream River Estates' as described in Exhibit 'A1', 'A2', and 'A3', shall be vacated and the vacation thereof shall be effective on the adoption of this ordinance after second and final reading."

Thus, it appears that the portions of Day Dream River Estates described in Exhibits A1, A2, and A3 are being vacated consistent with the intent of vacating easements without associated utilities because the utilities have been constructed elsewhere in the plat. But, when reading Exhibits A1, A2, and A3, each one is ambiguous on its face.

Exhibit A1 consists of two pages. The first page is entitled "Sanitary," and contains only a partial legal description and a crossed-through Clackamas County Recorder's Recording Certificate No. 80-48030. The second page is a copy of a tax lot map with dotted lines ostensibly showing the general location of the sanitary sewer easement.

Exhibit A2 similarly consists of two pages, with the first page entitled "Water," and it, too, contains only a partial legal description and a crossed-through Clackamas County Recorder's Recording Certificate No. 80-48029. The second page is also a copy of a tax lot map with dotted lines ostensibly showing the general location of the water line easement.

Exhibit A3 likewise consists of two pages. While the first page is entitled "Storm Sewer" and contains a partial legal description, it then goes on to contain a second legal description in full. It also bears a crossed-through Clackamas County Recorder's Recording Certificate No. 80-48031. The attached tax lot map generally locates by dotted lines, ostensibly, two easements, one traversing north and south of the plat, parallel to the westerly boundary line of the plat, and



ending at the southerly boundary line of the plat, and one north and south along the easterly boundary line of the plat and then to the southwest to the southerly boundary line of the plat. The southerly boundary is coterminous with the Willamette River.

To decipher the ambiguities provided by Exhibits A1, A2, and A3, it is necessary to examine the history of the Day Dream River Estates plat and its easements. As set forth in *Eduardo, supra*, the court also looks “at context, including ‘other provisions of the same statute and related statutes’ [citation omitted], prior enactments and prior judicial interpretations of those and related statutes [citation omitted], and the historical context of the relevant enactments [citation omitted].”

### **History**

In 1979, a plat for a town house development, known as Day Dream Ranch Townhouses, was recorded (**Exhibit 2**). The property platted was to be the last phase of a single family development known as Day Dream Ranch. In conjunction with this plat, the developer-owner, Edward Industries, Inc., granted to the City a sanitary sewer easement, a water line easement, and a storm sewer easement. They were subsequently recorded in Clackamas County Deed Records, respectively as Recorder’s No. 80-48030, 80-48029, and 80-48031 (**Exhibits 3, 4 and 5**). The second page of each of these exhibits corresponds to the first page of Exhibits A1, A2, and A3, respectively. The granted storm sewer easement described two 15' wide easements generally running north and south, with one generally along the westerly boundary and the other generally along the easterly boundary on the 1979 plat. Both easements end along the southerly boundary of the platted property, which coincides with the north bank of the Willamette River. Thus, the stormwater conveyed by any constructed storm line within each of the easements would ultimately be discharged into the Willamette River.

In 1983, the developer-owner petitioned the City to vacate the 1979 townhouse plat and authorize replatting of a single family subdivision, Day Dream River Estates (also known as Day Dream Ranch River Estates). The City granted the petition, vacated the 1979 plat, and authorized the replat by Ordinance No. 241, An Ordinance Declaring The Day Dream Ranch Townhouse Plat Undeveloped, Recommending Vacation Of Said Plat And Approving Replatting In Accordance With Preliminary Plat For The Day Dream Ranch River Estates And Adopting Planning Commission Resolution No. 83 P.C. 16. See **Exhibit 6**, attached.

The City required that a discharge storm sewer pipe be located adjacent to the easterly property line and be a minimum of 15 inches. This is set forth at page 2 of the Memorandum from Larry Blanchard to Ben Altman contained as an exhibit to the Planning Commission Resolution exhibit in Ordinance No. 241.

The plat for Day Dream River Estates was recorded in December 1983 (**Exhibit 7**). All utility easements, but for the easterly utility easement for storm sewer, were described differently and located in different places on the plat than the respective easements recorded in 1980 associated with the 1979 vacated plat. Specifically, two exhibits have been prepared and attached to show that the 1983 replatted westerly storm sewer easement was moved a short distance to the east while the 1983 replatted easterly storm sewer easement remained coterminous with the eastern



easement on the 1979 plat (**Exhibits 8 and 9**). The City's 1984 as-built records establish that there is a storm sewer pipe in the replatted westerly easement and one constructed in the replatted easterly easement (**Exhibit 10**).

It can be reasonably construed that the easements without constructed utilities to be vacated, referred to in A1, A2, and A3, were intended to be the easements described in the three easements recorded in 1980 that had no utilities constructed within them. When compared with the 1979 plat and 1980 recorded easements, the accompanying tax lot maps to Exhibits A1, A2, and A3 locate the described portions of the easements in locations consistent with the 1979 plat, except for the southerly portion of the easterly storm sewer easement. The tax lot map for A3 has the easterly easement traversing further to the southwest and into tax lot 7. The tax lot map location of the terminus of the easterly easement in tax lot 7 may have contributed to the inclusion of the easterly storm water easement in A3, as the easterly easement on the 1983 plat terminates wholly on tax lot 6, but such a supposition cannot be made with any certainty.

What we do know as fact is a 15" storm sewer line was required to be constructed in the easterly easement, was constructed in 1984, and is in continuous use. We also know, and Ordinance No. 353 supports, that by 1989, the subdivision had its utilities in the platted easements and lots were being sold for home construction. The reason needed for vacation of the easements is simple. The 1980 easements were separately recorded documents and, while the 1979 plat was vacated, the 1980 easements, being separately recorded, were not. As previously stated, except for the easterly easement, no public utilities were constructed in the 1980 recorded easements and they were not needed to service the replatted subdivision, Day Dream River Estates.

To the extent Ordinance No. 353 created vested interests, the City intended to do so only in those lots which were subject to the unused 1980 easements because no public purpose was being served, as other easements on the 1983 plat were being used. There was no intent to create a vested interest in any lot owner subject to the 1983 plat easements where utilities were constructed. Given the public purpose of storm sewer lines to prevent surface stormwater from flooding associated developed subdivision lots due to development creating impervious surface, given all the impervious surface created by the subdivision and the previous subdivisions to the north, which is commonly known go up a steep hillside, and the location of Day Dream River Estates, including lots 5 and 6, are downhill from the above developments and are directly benefitted by the public conveyance of such surface stormwater; it can be clearly understood why it is necessary to require the storm drainage in the easterly easement. Under the circumstances, it would be contrary to the City stormwater policy and the public health, welfare, and interest to vacate the easterly storm sewer easement with a constructed storm sewer line, the location of which was not only required to carry away public storm discharge, but was constructed and in use. There is no other storm sewer for the eastern portion of the subdivision but the one located in the easterly easement, as described in the 1983 plat, which is coterminous with the 1980 easement.

Thus, I am of the opinion that in construing the meaning of Ordinance No. 353, the vacation of the easterly storm sewer easement was not intended. It is described on the 1983 plat and, as of 1984, had the required associated storm sewer constructed within it and the storm sewer was being used before and continuously after 1989, consistent with the requirements of the City's

stormwater policy based on public health, safety, and welfare. Therefore, any creation of a private vested right under the circumstances would violate the public stormwater policy of the City and was not the intent of Ordinance No. 353. Thus, the vacation of the easterly easement as described on Exhibit A3 of Ordinance No. 353 is invalid and void as against public policy.

To avoid future confusion, I also recommend an ordinance curing by amendment the ambiguity in the exhibits as to their legal descriptions and restating the easterly storm sewer easement described on the 1983 plat contains a storm sewer line and is not vacated.

*Attachments:*

Exhibit 1: Ordinance No. 353, enacted June 19, 1989

Exhibit 2: Day Dream Ranch Townhouses Plat No. 2480

Exhibit 3: Water Easement, recorded in Clackamas County December 15, 1980, as Document No. 80-48029.

Exhibit 4: Sanitary Sewer Easement, recorded in Clackamas County December 15, 1980, as Document No. 80-48030.

Exhibit 5: Storm Sewer Easement, recorded in Clackamas County December 15, 1980, as Document No. 80-48031.

Exhibit 6: Ordinance No. 241, enacted September 6, 1983

Exhibit 7: Day Dream Ranch Estates Plat No. 2640

Exhibit 8: Easement Exhibit 1 of 2, a portion of the plat "Day Dream River Estates"

Exhibit 9: Easement Exhibit 2 of 2, a portion of the plat "Day Dream River Estates"

Exhibit 10: 1984 As-Built, Day Dream Ranch





City of Wilsonville

October 2013

# Community Development

## FROM THE DIRECTOR'S OFFICE

Happy Harvest Days to You!

It feels like the Community Development Department has been harvesting results in our own way this fall. It is worthwhile to take a minute and recognize ongoing and completed activities in our work program that were once just ideas: New building construction, a city-wide urban renewal strategy, new TIF zones, groundbreaking on approved design review applications, and closeout of summer construction projects.

Similarly, Metro and ODOT are reaching milestones on two important projects that deserve Wilsonville's attention and involvement:

ODOT is approaching preliminary corridor selection decisions for passenger rail between the Columbia River and Eugene. ODOT has been studying options for improved service along this 125-mile segment. ODOT and the Federal Railroad Administration are preparing a Tier 1 Environmental Impact Statement (EIS) to make a number of important decisions, including selection of the general rail alignment and communities where stations would be located. The project will also determine number of daily trips, travel time objectives and the technologies to be used.

After a series of open houses and public outreach in October and November, the project Leadership Council will make a recommendation on which route alternatives should receive more detailed study. Please check out the latest information about Oregon Passenger rail at [www.oregonpassengerrail.org](http://www.oregonpassengerrail.org). The October newsletter for the project can be found at [www.oregonpassengerrail.org/files/library/newsletter/oct-newsletter-web.pdf](http://www.oregonpassengerrail.org/files/library/newsletter/oct-newsletter-web.pdf).

Metro is completing the 2nd phase of the Climate Smart Communities project. Three approaches to meeting state mandates for greenhouse gas reduction and achieving community visions have been evaluated. In November and December, the results will be reported back to the Metro Council, regional advisory committees, and county coordinating committees. From January to April 2014, community and business leaders, local governments, and the public will be asked to weigh in on which investments and actions should be included in the region's preferred approach. Please become engaged in the upcoming discussions—check out the latest information at [www.oregonmetro.gov/climatescenarios](http://www.oregonmetro.gov/climatescenarios).

Please read on to learn the details of the significant ongoing work in Community Development.

Respectfully,

Nancy J.T. Kraushaar, PE



## Inside this issue:

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## Building Division, Current Projects

### **Major Developments under construction:**

#### **Permits reviewed (2013):**

##### *Single Family:*

Villebois: 128

Other: 60

##### *Commercial/Industrial:*

Tenant improvements: 116

includes Microsoft/  
Perceptive Pixel, Renaissance Boat Club grading,  
Boone Building T.I., Wilsonville Rd. Business Park T.I.'s.

#### **Permits Issued (2013):**

##### *Single Family:*

Villebois: 105

Other: 45

##### *Commercial/Industrial: 111*



Completed Fire Station

## Engineering Division, Capital Projects



### **Boeckman Road Reconstruction**

**(4177):** Roadway has been repaved and crews are currently working on striping, landscaping, and work at the roundabout. Scheduled to be reopened by November 25.



## Engineering, Capital Projects, cont'd

**Rivergreen Storm Outfall (7012):** Construction work has been largely completed.



**Morey's Landing Storm Channel (7044):** Construction of the storm channel is about 50% completed, and work is expected to be completed in November.



**Kinsman Transmission Main Phase 3b (1055):**

Pipeline installation is 95% complete. Flushing, pressure testing, and disinfection will occur in November, with the pipeline in service approximately mid-December.



**Barber Street Bridge (4116)** Design is approximately 50% complete. Acquisition is being expedited in order to advance the bid date from summer 2015 to summer 2014.

**Kinsman Road (4004)** Final design and permitting began in October. A grant application for an additional \$2.23M of STIP funds was approved by ODOT. Construction target date is summer 2015.

Continued on next page



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## Engineering, Capital Projects, cont'd

**Canyon Creek Road Extension (4184):** Negotiations with a design consultant are in progress. Construction is scheduled for summer 2014.

**Waste Water Treatment Plant DBO (2082):** Construction is at approximately 92% complete. On schedule for acceptance testing in December and final acceptance in March 2014.

**Autumn Park Sewer (2091):** Final punch list and project closeout are pending.

**Memorial Park Parking Lot (9142)** Contractor is working on new storm sewer piping. Asphalt to follow.

**4th Street Water Line (1048)** Valley Pacific won the bid at \$75K. Construction will begin November 4th.

## Engineering, Private Development

**Renaissance Boat Club:** Project plans approved for this 33-lot subdivision located adjacent to Memorial Park and the Day Dream Ranch subdivision. Construction of underground utilities is underway.



**Carl's Jr:** Located at 95th Avenue and Boones Ferry Road, construction is almost completed. Developer expects to open the restaurant in November.

**Villebois North PDP 1 Phase 2—Polygon Northwest:** Construction work is mostly completed.

**Brenchley:** Holland has installed the public infrastructure for Terrene Terrace and expects to open Ash Meadows sections associated with that project to the public in November.



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## Engineering, Private Development, cont'd



**Villebois Tonquin Meadow Sanitary Sewer—Polygon Northwest:** Construction has been completed on a sanitary sewer main line to service proposed development in Villebois SAP Central PDP 4 and SAP North PDP 2. Sewer is to be located in the open fields east of 110th Ave.

**Villebois North PDP 2 / Central PDP 4—Polygon Northwest:** Construction of underground utilities is underway for the first phase of this 147-lot subdivision located on the north edge of Villebois Central.

Continued on next page

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## Engineering, Private Development, cont'd

**Villebois East PDP 2—Lennar Homes:** Construction of underground utilities is underway for this 88-lot subdivision located on the east side of Villebois.



## Planning Division, Current

**RESOLUTION 263. RETHERFORD MEADOWS Temporary Use Permit:** Lennar Homes, owner. DRB Panel B approved a Five-Year Temporary Use Permit for a model home sales office (Lot 43) in Retherford Meadows Subdivision in SAP-East, Villebois prior to final plat and two additional model homes after final plat (Lots 44 and 69). An associated Temporary Parking Area for five vehicles was approved on Lot 42. Staff: Amanda Hoffman.

**RESOLUTION 264. HEALTHY RESTAURANT:** Argyle Capital, LLC—applicant/owner. DRB Panel B approved a casual dining restaurant named Café Yumm that will be located between the America's Tire Store and Burger King on SW Robert Burns Drive. Staff: Blaise Edmonds.



Healthy Restaurant  
Argyle Square, Wilsonville, OR  
Exterior Aerial View 08.01.13

**RESOLUTION 265. RENAISSANCE BOAT CLUB:** Renaissance Development, applicant. DRB Panel B approved a Type C Tree Removal Plan for previously approved Tract 'B' of a 33-lot residential planned development (Renaissance Boat club, formerly known as Willamette Landing). The subject site is located at 8455 SW Metolius Lane. Staff: Michael Wheeler.

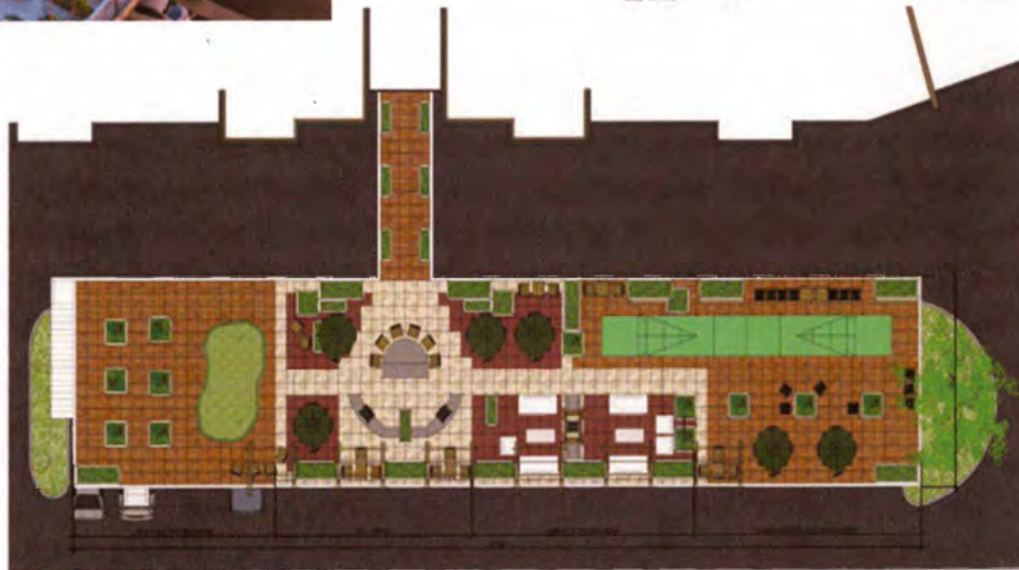


## Planning Division, Current, cont'd

On September 23rd DRB Panel B approved modifications to the Stage II Final Plan and Site Design Review Plan for the Active Adults at the Grove Apartments. Approved is a 6,000 sq. ft. recreational sky deck over the west parking lot next to the building's second level and 30 under-structure garages. Applicants: Holland Partner Group/Brenchley Estates Partners, L.P. and CRP & Holland Brenchley Estates II L.P. Staff: Amanda Hoffman.



2 TERRACE SCREEN CONCEPT  
SCALE 1/8" = 1'-0"



1 TERRACE SECOND FLOOR PLAN  
SCALE 1/8" = 1'-0"

DULT AT THE GROVE  
ILLE, OREGON





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## Planning Division, Long Range

### **HOUSING NEEDS ASSESSMENT**

At its meeting on November 13, the Planning Commission reviewed the Goal 10 draft analysis of Wilsonville's long-term housing needs with respect to Metro's forecast for population growth. The analysis shows that Wilsonville's capacity for new housing will be very close to the forecasted need, meaning the City may run out of land for housing within the 20-year planning horizon. The Commission discussed strategies for addressing this need, a discussion that will be continued during a joint work session with City Council in December.

### **REGIONAL TRANSPORTATION PLAN UPDATE**

Planning staff is assisting with updating the Regional Transportation Plan (RIP) list of capital projects that will be eligible for state and federal funding through the year 2040. This involves adding information on Wilsonville's transportation projects that appear in the recently adopted Transportation System Plan, and remov-

### **FROG POND-ADVANCE ROAD**

Staff is working with Metro to prepare an Intergovernmental Agreement to accept the Community Planning and Development grant awarded to fund the Frog Pond-Advance Road Planning project. The City sent a letter to all property owners in the study area updating them on the project, and staff is in contact directly with many owners and developers who are eager to participate.

Staff is preparing a Request for Proposals to hire a team of consultants to support Community Development on this project over the next two years, and is working with the GIS department to develop a mapping atlas of existing conditions information.

### **WEST LINN-WILSONVILLE SCHOOL DISTRICT PUBLIC HEARING ON A MAJOR AMENDMENT TO THE UGB**

On October 10th, the Metro Council conducted a public hearing and rendered final approval on the West Linn-Wilsonville School District's request to add 40 acres at Advance Road to the UGB, setting the stage for future school and park construction.

### **INDUSTRIAL FORM BASED CODE AND PATTERN BOOK**

Staff and consultants have kicked off work on the Coffee Creek Industrial Area Form Based Code and Pattern Book. This project will evolve over the next eight months.

### **BICYCLE AND PEDESTRIAN CONNECTIVITY ACTION PLAN**

In response to Council Goal #4a, staff is creating a Bicycle and Pedestrian Action Plan that touches on both planning and implementation. The purpose of this project is to articulate the City's vision for connecting the community and to outline the near-term priorities for implementation. The City has many long-range plans that clearly identify needs, outline future connections, and plan for specific actions to improve connections within the community. The outcome of this effort will be 1) a spreadsheet inventory of the programs and projects that are on the City's work program over the next three years, 2) a set of performance indicators to measure our progress, and 3) a brochure and website designed to convey this work program to the community.



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# Economic Development Division

## **TIF ZONE CREATION**

A City Council public hearing was held on October 21, 2013 with the second reading scheduled for November 4, 2013.

## **URBAN RENEWAL STRATEGIC PLAN**

The second Task Force meeting was held on October 17, 2013, with the third meeting scheduled for December 11, 2013.

## **BUSINESS OUTREACH**

Outreach meetings were held with DW Fritz and Ionbond, and a building tour was conducted based on an inquiry received through Business Oregon ("Project Hawthorne"). This is a low water user food processing business and a building in Wilsonville is one of four sites short-listed by the company.



**Patrick Duke**  
**Library Director**

**LIBRARY**  
**BOARD**  
**Hilly Alexander**  
**Chair**

**La Rue Williams**

**Caroline Berry**

**Reggie Gaines**

**Alan Steiger**

## **Wilsonville Public Library Monthly Report to Council November 2013**

### **September Statistics**

- **Physical item circulation:** 43,498 items checked out or renewed.
- **E-book and downloadable audiobook circulation:** 1,405, up 77% from last October.

### **Administration**

- **Strategic Planning update**

The Library has a preliminary selection of service priorities for the Strategic Plan. The draft priorities are:

- **Create Young Readers** – which is a focus on early literacy
- **Visit a Comfortable Place** – a focus on physical and virtual space
- **Connect to the Online World** – which includes both access to technology within the library as well as access to online resources remotely.
- **Stimulate Imagination** – reading and viewing for pleasure for all ages
- **Celebrate Diversity** – embracing and responding to the needs of various cultures in the community

These are draft priorities that will be refined as we push forward. On Tuesday, November 5<sup>th</sup>, Library staff performed a SWOT analysis for each of these draft priorities, which yielded important information about how these might ultimately look. On November 21<sup>st</sup>, the Community Advisory Panel will review these priorities, along with the SWOT analysis, and make final recommendations to staff. The plan is due at the end of January.

### **Adult Services**

- September adult programming attendance was 396, including 110 at the History Presentation by former Mayor Lehan.

### **October Programming:**

- **Oregon History Program at Mc Menamins Old Church and Pub**  
**Sold Down the River: How the Willamette Valley Became Dammed. Tuesday, November 26 6:30 PM - 8:00 PM.**
- **Book Notes Concert: Calamity Jazz. 2pm, October 12th.**
- **Nanowrimo Check-in. 6pm November 12th.**
- **The Genealogy Club meets on November 18 at 1pm.**

See more events at [www.wilsonvillelibrary.org](http://www.wilsonvillelibrary.org)



## Youth Services

- September Youth Services programming attendance was 2,992.

## September Programming

- **Storytime and other preschool programming** starts on September 10<sup>th</sup>  
This year's schedule:

**Toddler Time**  
Tuesdays 10 am

**Babytime**  
Tuesdays 11 am

**Family Storytime**  
Tuesday 6:30 pm  
Wednesday 10:30 am,  
and 1:00 pm  
Thursday 10:30 am

**La Hora del Cuento**  
(Bilingual Storytime)  
Monday 6 pm

**School age programming**  
each month.

- **Teen Hunger Games Event, November 15<sup>th</sup>, 6:30 pm**  
Experience our own Hunger Games, if slightly less deadly.
- **K-2 Book Adventures, November 21, 4pm**

## Affiliates

- **Wilsonville Friends of the Library**  
Friends will meet on November 19<sup>th</sup>.
- **Wilsonville Public Library Foundation**  
Foundation will meet on November 20th



### Fall Harvest Fest

On October 26th, approximately 400 individuals joined Parks and Recreation staff for the 5th annual Fall Harvest Fest in the Stein Boozier Barn.

Guests were treated to pumpkin decorating, horse and wagon rides, story time provided by the Library and arts and crafts.

A costume parade highlighted the event with princesses, super heroes, and everything in between marching around Murase Plaza showing off their Halloween spirit.

Family Fun Center and Bullwinkles Restaurant donated coupons for free miniature golf or the kidopolis playland and Lambs Thriftway donated 200 pumpkins for the event.



### Medicare Annual Check-Up

Twenty five seniors were assisted by Clackamas County's S.H.I.B.A. (Senior Health Insurance Benefits Assistance) volunteers at a clinic on Thursday, October 31st. According to Jodine Sampson, who coordinates the program, "Every year there are changes around Medicare. There might be changes in your individual health and prescription needs. The Centers for Medicare Services recommends that Medicare recipients participate in a Medicare checkup every year to make sure they are making the best use of their benefit." This is the 3rd year the Center has helped to facilitate the S.H.I.B.A. clinic.

### Kitakata Delegation Tours the Community Center



A group of students and chaperones from Wilsonville's sister city of Kitakata, Japan toured the Community Center the day before Halloween. The Center's nutrition staff, Jennifer Nelson and Dolores Mouck, treated the group with a selection of Halloween treats that included popcorn hands, and monstrous cookies.



# Parks and Recreation Department



"My husband and I came to this Center more than ten years ago. I am really impressed by all the programs and activities that are available now. Back then it was just bingo and bunko and now we have all these lectures and exercise classes. It's really wonderful."

- Jeanette Ross, Lunchtime Lecture Attendee

## Nutrition Program News

### Home Delivered Meal Help

On Tuesday, October 29th, City Manager, Bryan Cosgrove spent some time assisting with the Center's Senior Nutrition Program. Bryan worked with the nutrition staff and Gale Lasko, the Home Delivered Meals volunteer for the day. Gale is also the Director at Lamb's Thriftway, and drives two routes each month for the program. Home delivered meals are available to seniors in need five times per week.



### Oktoberfest

The annual Oktoberfest at the Center had a record turnout with 110 individuals between the congregate and home delivered meals. Guests at the Center had the opportunity to enjoy the German themed menu featuring: sausage, sauerkraut, apple dumplings, as well as the accordion music that accompanied the feast.



## Mini Hoopers Basketball

The 2013 Mini Hooper Basketball season got started on October 26th with the Pre-Season Players and Coach Clinic. The clinic was an opportunity for players to learn basic skills while playing a number of fun and exciting games. 11 of the 12 volunteer coaches in the Mini Hooper program were on hand learning age appropriate games and practice ideas for the upcoming season.

## Upcoming Events

- \* Tuesday, November 19 - Lung Cancer Vigil - Town Center Park from 7:00 pm to 8:30 pm
- \* Saturday, December 14 - Reindeer Romp 5k and Kids Fun Run - Town Center Park at 9:00 am
- \* Thursday, December 19 - Holiday Fun Fest - Community Center from 4:00 pm to 6:00 pm



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**City Council Activities  
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| Permit Number             | Permit Description   | Applicant/Staff                       | Meeting Date(s) / Actions  |
|---------------------------|--|---------------------------------------|--|
| <b>DB13-0013</b>          | <b>VILLEBOIS PDP 4 CENTRAL (TONQUIN WOODS #5 &amp; POLYGON NW AT VILLEBOIS #2)</b><br>Villebois PDP AND PDP Modification<br><b>DB13-0014</b> - Villebois SAP and SAP Amendment<br><b>DB13-0015</b> - Villebois SAP and SAP Amendment<br><b>DB13-0016</b> - <b>Quasijudicial-Zone Map Amendment</b><br><b>DB13-0017</b> - Class 3 Tentative Plat Review<br><b>DB13-0018</b> - Class 3 Tree Removal Plan<br><b>DB13-0019</b> - Villebois Final Development Plan (FDP)<br>Current Owner: Polygon at Villebois III LLC                       | POLYGON PAYMASTER, LLC                | <b>DRB Recommendation</b><br>June 10<br><br><b>CC Public Hearing</b><br>DB13-0016<br>June 17<br>July 15<br><b>Ordinance No. 721 adopted</b>  |
| <b>DB13-0020</b>          | <b>VILLEBOIS PDP 2 NORTH (TONQUIN WOODS #4)</b><br>Villebois PDP AND PDP Modification<br><b>DB13-0021</b> - Villebois SAP and SAP Amendment<br><b>DB13-0022</b> - Villebois SAP and SAP Amendment<br><b>DB13-0023</b> - <b>Quasijudicial-Zone Map Amendment</b><br><b>DB13-0024</b> - Class 3 Tentative Plat Review<br><b>DB13-0025</b> - Class 3 Tree Removal Plan<br><b>DB13-0026</b> - Villebois Final Development Plan (FDP)<br><b>SI13-0001</b> - Significant Resource Impact Report<br>Current Owner: Polygon at Villebois III LLC | POLYGON PAYMASTER, LLC                | <b>DRB Recommendation</b><br>June 10<br><br><b>CC Public Hearing</b><br>DB13-0023<br>June 17<br>July 15<br><b>Ordinance No. 720 adopted</b>  |
| <b>Joint Work Session</b> | <b>Joint work session with Planning Commission on the Housing Needs Analysis and Metro's Climate Smart Communities</b>   |                                       | July 15  |
| <b>DB13-0008</b>          | <b>BRENCHLEY ESTATES – SOUTH (ACTIVE ADULTS AT THE GROVE)</b><br>Class 3 Planned Development: Stage 1 Preliminary Plan to amend the Branchley Estates Master Plan<br><b>DB13-0009</b> - Class 3 Waiver<br><b>DB13-0010</b> - Stage 2 Final Development Plan<br><b>DB13-0011</b> - Site Design Review for 112 apartments within one 4-story building on lot 3<br><b>DB13-0012</b> - Type C Tree Removal Plan for Lot 3 (See DB12-0012 et al for previous approval)<br>28035 SW PARKWAY AVE  | BRENCHLEY ESTATES PARTNERS, PHASE III | <b>DRB Recommendation</b><br>May 30<br>The DRB recommended that City Council modify Ord. No. 703 to allow for additional density<br><br><b>CC Public Hearing</b><br>July 15<br>August 5<br><b>Ord. No. 717 adopted</b> |
| <b>Res. No. 2435</b>      | A Resolution Of The City Of Wilsonville Authorizing The First Addendum To The 2011 Intergovernmental Agreement Between Metro, Washington County, And The Cities Of Tualatin And Wilsonville Acknowledging The Basalt Creek Transportation Refinement Plan.   | NEAMTZU                               | Resolution No. 2435<br><b>Adopted</b>  |



**Wilsonville Planning Division  
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**Planning Commission Activities  
July through September 2013**

| Permit Number      | Project Description   | Applicant/Staff        | Meeting Date(s) / Actions  |
|--------------------|---|------------------------|--|
| Joint Work Session | Joint work session with Planning Commission on the Housing Needs Analysis and Metro's Climate Smart Communities   |                        | July 15  |
| LP13-0005          | <b>VILLEBOIS LEGISLATIVE</b><br>Legislative: Master Plan<br>Villebois Village Master Plan Amendment for future study area proposed development plan (Former LEC site) | POLYGON PAYMASTER, LLC | <u>Work Session</u><br>July 10<br><u>Public Hearing</u><br>August 14<br>September 11<br><b>Recommendation for adoption to City Council</b><br>CC Hearing: Oct. 7 |
| UR13-0001          | <b>TAX INCREMENT FINANCING (TIF) ZONES:</b><br>Multiple Single-Property Urban Renewal Districts To Be Called Tax Increment Finance Zones                              |                        | <u>Work Session</u><br>August 14<br><u>Public Hearing</u><br>September 11<br><b>Recommendation for adoption to City Council</b><br>CC Hearing: Oct. 21           |
| Work Sessions      | Statewide Goal 10 – Housing Needs Analysis  | Mangle                 | <u>Work Sessions</u><br>August 14<br>September 11  |

**Development Review Board Panel A Activities  
July through September 2013**

| Permit Number | Permit Description   | Applicant/Staff               | Hearing Date(s) / Actions      |
|---------------|--|-------------------------------|--------------------------------|
| DB13-0032     | <b>CHAD WARD - KINSMAN RD/WILSONVILLE BUSINESS PARK</b><br>An approximately 24,463 sq. ft. industrial, office complex-technology and commercial building.<br>Class 3 Planned Development Stage 2 Final Plan<br><b>DB13-0033</b> - Class 3 Waiver<br><b>DB13-0034</b> - Class 3 Site Design Review<br>29900 SW KINSMAN RD | VAN BILSEN INVESTMENTS<br>LLC | September 9<br><b>Approved</b> |

**Wilsonville Planning Division  
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**Development Review Board Panel B Activities  
July through September 2013**

| Permit Number | Permit Description  | Applicant                         | Hearing Date(s) / Actions       |
|---------------|---|-----------------------------------|---------------------------------|
| DB13-0005     | <b>MILEY RD. OFFICE BUILDING</b><br>Class 3 Master Sign Plan<br>8995 SW MILEY RD  | RUDNICK ELECTRIC                  | September 23<br><b>Approved</b> |
| DB13-0036     | <b>BRENCHLEY ESTATES - SOUTH</b><br>Active Adults at the Grove Multi-Family - Revisions<br>Class 3 Planned Development - Revised Stage II Final Plan<br><b>DB13-0037</b> - Class 3 Site Design Review<br>28035 SW PARKWAY AVE | BRENCHLEY EST. PART.<br>PHASE III | September 23<br><b>Approved</b> |

**Pending City Council Activities**

**Planning Projects Scheduled for Hearings / Work Sessions during 2013 FOURTH QUARTER**

| Permit Number | Permit Description  | Applicant              | Hearing Date(s) / Actions  |
|---------------|---|------------------------|--|
| LP13-0005     | <b>VILLEBOIS LEGISLATIVE</b><br>Legislative: Master Plan<br>Villebois Village Master Plan Amendment for future study area proposed development plan (Former LEC site) | POLYGON PAYMASTER, LLC | PC Recommendation<br>Sept. 11<br><br><u>CC Public Hearing</u><br>Oct. 7      |
| UR13-0001     | <b>TAX INCREMENT FINANCING (TIF) ZONES:</b><br>Multiple Single-Property Urban Renewal Districts To Be Called Tax Increment Finance Zones                              |                        | PC Recommendation<br>September 11<br><br><u>CC Public Hearing</u><br>Oct. 21 |

**Pending Planning Commission/CCI Activities**

**Planning Projects Scheduled for Hearings/Work Sessions during 2013 FOURTH QUARTER**

| Permit Number | Project Description  | Staff  | Work Sessions/ Public Hearings |
|---------------|--|--------|--------------------------------|
|               | <b>Statewide Planning Goal 10 –Housing Needs Analysis</b>  | MANGLE | <u>Work Sessions</u>           |
|               | <b>Projects being actively worked on in preparation for future PC Work Sessions:</b> <ul style="list-style-type: none"> <li>• Basalt Creek Concept Planning</li> <li>• Density Inconsistency Code Amendments</li> <li>• Frog Pond/Advance Road Concept Plan</li> <li>• Industrial Form-Based Code</li> </ul> |        |                                |



**Wilsonville Planning Division  
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**Pending Development Review Board Activities  
Planning Projects Scheduled for Hearings / Work Sessions after September 30, 2013**

| Permit Number | Permit Description  | Applicant                      | Hearing Date(s) / Actions |
|---------------|---|--------------------------------|---------------------------|
| DB13-0038     | <b>ARGYLE SQUARE</b><br>Pad 1 for a healthy food restaurant<br>Class 3 Site Design Review<br><b>DB13-0042</b> - Type C Tree Removal Plan<br>8699 SW ROBERT BURNS DR | AWJ ARCHITECTURE               | Oct. 28                   |
| DB13-0039     | <b>RENAISSANCE BOAT CLUB/WILLAMETTE LANDING/ABELE</b><br>Type C Tree Removal Plan<br>Prior approval: DB07-0071 et seq<br>8455 SW METOLIUS LN                        | RENAISSANCE DEVELOPMENT CORPOR | Oct. 28                   |
| DB13-0035     | <b>VILLEBOIS PDP 7 SOUTH</b><br>Villebois SAP and SAP Amendment<br>SAP South Amendment to Add SAP South Plan Area 2<br>29500 SW GRAHAMS FERRY RD                    | POLYGON PAYMASTER, LLC         | TBD                       |
| DB13-0040     | <b>VILLEBOIS RETHERFORD MEADOWS</b><br>Class 3 Temporary Use Permit-DRB Review<br>Temporary use for model homes, sales office and visitor parking                   | LENNAR NORTHWEST INC           | TBD                       |

**Scheduled Pre-Application Meetings  
July through September 2013**

| Number    | Description   |
|-----------|---|
| PA13-0010 | Stand alone building with drive-thru for a healthy restaurant |
| PA13-0011 | Building expansion and reduced setback                        |
| PA13-0012 | Drive-thru coffee at Boones Ferry Pointe                      |
| PA13-0013 | 8 Lot PDR In-Fill Subdivision on Canyon Creek Rd. S           |
| PA13-0014 | Zone change and partition                                     |
| PA13-0015 | Addition of modular on church campus                          |
| PA13-0016 | Temporary Auto Dealership                                     |
| PA13-0017 | Wilsonville Road-12 ROW homes                                 |

**Wilsonville Planning Division  
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**Administrative Reviews  
July through September 2013**

| Permit Number | Permit Description  | Applicant                         | Hearing Date(s) / Actions |
|---------------|---|-----------------------------------|---------------------------|
| AR12-0026     | <b>TONQUIN WOODS NO. 2/VILLEBOIS SAP 1 NORTH</b><br>Planning Class I Review<br>Final Plat Review  | POLYGON<br>NORTHWEST/PAYMASTER    | Plat Recorded             |
| AR12-0053     | <b>VILLEBOIS VILLAGE CENTER</b><br>Planning Class II Review<br>Final Plat Piazza Partition  | PACIFIC COMMUNITY<br>DESIGN       | Pending                   |
| AR12-0058     | <b>BRENCHLEY ESTATES - NORTH</b><br>Final Subdivision Plat (Phase 1) Two (2) Lots only. Includes<br>portion of Lot Line Adjustment approved in AR12-0031<br>28375 SW PARKWAY AVE  | BRENCHLEY ESTATES<br>PARTNERS LP  | Pending                   |
| AR13-0023     | <b>VILLEBOIS SAP NORTH PDP 1</b><br><b>Tonquin Woods at Villebois No. 3:</b><br>Planning Class I Review<br>60 Lots<br>Final Plat Review   | POLYGON PAYMASTER,<br>LLC         | Issued                    |
| AR13-0033     | <b>CHAD WARD</b><br>Planning Class II Review<br>Tentative Partition Plat<br>29900 SW KINSMAN RD   | VAN BILSEN INVESTMENTS<br>LLC     | Issued                    |
| AR13-0034     | <b>PIONEER PACIFIC COLLEGE</b><br>Planning Class II Review<br>Change of use from warehouse to laboratory<br>27375 SW PARKWAY AVE  | PACIFIC EDUCATION<br>CORPORATION  | Issued                    |
| AR13-0035     | <b>PROJECT PIXEL</b><br>Planning Class II Review<br>Site alterations<br>26755 SW 95TH AVE   | OAC                               | Issued                    |
| AR13-0036     | <b>BRENCHLEY ESTATES - NORTH</b><br>Planning Class I Review<br>Changes to layout of private park approved in DB12-<br>0018  | BRENCHLEY EST. PART.<br>PHASE III | Issued                    |
| AR13-0037     | <b>BOONES FERRY POINTE (CARL'S JR AND COMMERCIAL<br/>CENTER)</b><br>Planning Class I Review<br><ul style="list-style-type: none"> <li>• Adjust Location of Landscape Island in NE parking row</li> <li>• Add curb along drive-thru</li> <li>• Increase height of Chevron trash enclosure by 2 feet.</li> <li>• Add curb along edge of landscaping on north end<br/>(added 9/11/13)</li> </ul> 25300 SW 95TH AVE | WILSONVILLE DEVCO LLC             | Issued                    |
| AR13-0038     | <b>POLYGON NW</b><br>Planning Class I Review<br>Review of revised grading plan for Construction Phase 1<br>of 2N/4C (stockpile east of future hilltop park)   | POLYGON PAYMASTER,<br>LLC         | Issued                    |
| AR13-0039     | <b>VILLEBOIS SAP CENTRAL, PDP 2, FDP CARVALHO,<br/>SEVILLE, TRAFALGAR FLATS</b><br>Planning Class I Review<br>Final Plat Review Costa Circle West Rowhomes<br>"Beausoleil"  | POLYGON PAYMASTER,<br>LLC         | Pending                   |



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**Administrative Reviews  
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| Permit Number | Permit Description  | Applicant                     | Hearing Date(s) / Actions |
|---------------|---|-------------------------------|---------------------------|
| AR13-0040     | <b>VILLEBOIS PDP 4 CENTRAL</b><br>Planning Class I Review<br>Final Plat Tonquin Woods at Villebois No. 5  | POLYGON PAYMASTER, LLC        | Pending                   |
| AR13-0041     | <b>VILLEBOIS PDP 2 NORTH</b><br>Planning Class I Review<br>Final Plat Tonquin Woods No. 4 (Only lots and alleys for Construction Phase 1 are created, other construction phases indicated as tracts). | POLYGON PAYMASTER, LLC        | Pending                   |
| AR13-0042     | <b>VILLEBOIS PDP 1 CENTRAL/ TOULOUSE PETIT</b><br>Planning Class I Review<br>Final Plat   | POLYGON PAYMASTER, LLC        | Pending                   |
| AR13-0043     | <b>BRENCHLEY ESTATES/JORY TRAIL</b><br>Planning Class II Review<br>Parking lot modification<br>28035 SW PARKWAY AVE   | CRP/HOLLAND BRENCHLEY ESTATES | Pending                   |
| AR13-0044     | <b>VILLEBOIS PDP 2 NORTH</b><br>Planning Class I Review<br>Retaining Wall Design pursuant to Condition of Approval PDG 4 from DB13-0026.  | POLYGON PAYMASTER, LLC        | Issued                    |
| AR13-0045     | Planning Class I Review<br>Reduced Setback agreement<br>32547 SW RIVIERA LN   | GERNHARDT JOHN P & DOROTHY A  | Issued                    |
| AR13-0046     | <b>VILLEBOIS PDP 3 EAST &amp; PDP 4 EAST</b><br>Planning Class II Review<br>Phasing Amendment<br>29092 SW 110TH AVE   | POLYGON PAYMASTER, LLC        | Pending                   |
| AR13-0047     | <b>VILLEBOIS PDP 2 E/RETFERFORD MEADOWS</b><br>Planning Class I Review<br>FINAL PLAT REVIEW-  | LENNAR NORTHWEST INC          | Pending                   |

**Sign Reviews  
July through September 2013**

| Permit Number | Permit Description  | Applicant                 | Hearing Date(s) / Actions |
|---------------|---|---------------------------|---------------------------|
| SR13-0009     | <b>MENTOR GRAPHICS CORP</b><br>Class II Sign Permit<br>Data Center Sign<br>8005 SW BOECKMAN RD                  | MENTOR GRAPHICS CORP      | Issued                    |
| SR13-0027     | <b>VETERINARY HOSPITAL</b><br>Class II Sign Permit<br>Major Modification to Master Sign Plan<br>8313 SW MAIN ST | INTEGRITY SIGNS OREGON    | Issued                    |
| SR13-0033     | <b>STREAM</b><br>Planning Class 1 Sign Review<br>Temporary Signs<br>9275 SW PEYTON LN                           | STREAM INTERNATIONAL INC. | Issued                    |
| SR13-0034     | <b>PACIFIC FOODS</b><br>Class II Sign Permit<br>27255 SW 95TH AVE   | RAMSAY SIGNS              | Issued                    |



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**Sign Reviews  
July through September 2013**

| Permit Number | Permit Description   | Applicant                       | Hearing Date(s) / Actions |
|---------------|--|---------------------------------|---------------------------|
| SR13-0035     | <b>CARL'S JR</b><br>Planning Class 1 Sign Review<br>25410 SW 95TH AVE  | ADVANCED ELECTRIC<br>SIGNS INC  | Issued                    |
| SR13-0036     | <b>COLUMBIA BANK</b><br>Planning Class 1 Sign Review<br>Tenant Signs-DENIED-Does not meet Master Sign Plan<br>8229 SW WILSONVILLE RD           | MEYER SIGN COMPANY<br>OF OREGON | Issued                    |
| SR13-0037     | <b>NORTHWEST MAN CAVE</b><br>Planning Class 1 Sign Review<br>30789 SW BOONES FERRY RD  | PROFESSIONAL SIGN &<br>GRAPHICS | Issued                    |
| SR13-0038     | <b>BRENCHLEY ESTATES</b><br>Planning Class 1 Sign Review<br>Temporary Banner for home sales<br>28629 SW TERRENE LN                             | POLYGON NORTHWEST               | Issued                    |
| SR13-0039     | <b>THE BEER STATION</b><br>Planning Class 1 Sign Review<br>Temporary Banner For Grand Opening For 30 Days Until<br>Oct 28th<br>8633 SW MAIN ST | THE BEER STATION                | Issued                    |
| SR13-0040     | <b>NW SPINE &amp; LASER SURGERY CENTER</b><br>Planning Class 1 Sign Review<br>8995 SW MILEY RD   | RUDNICK ELECTRIC                | Pending                   |

**Tree Reviews  
July through September 2013**

| Permit Number | Permit Description  | Applicant  | Hearing Date(s) / Actions |
|---------------|---|--|---------------------------|
| TR13-0035     | <b>WILLAMETTE LANDING</b><br>Type C Tree Removal Permit<br>8455 SW METOLIUS LN  | RENAISSANCE DEV CORP                                       | Issued                    |
| TR13-0036     | <b>VILLEBOIS: RETHERFORD MEADOWS</b><br>Type C or Type D Class 1 Tree Removal Permit  | WESTLAKE CONSULTANTS<br>INC                                | Issued                    |
| TR13-0037     | Type A Class 1 Tree Removal Permit<br><ul style="list-style-type: none"> <li>• 2 Deador Cedar in rear yard. Declining Street tree (to be replaced)</li> <li>• 1 Ash street tree (declining, will be replaced with similar tree in same location)</li> </ul> 29826 SW CAMELOT ST | CITY WIDE TREE SERVICE<br>PROPERTY OWNER: JAMES<br>KLEINKE | Issued                    |
| TR13-0038     | Type C or Type D Class 1 Tree Removal Permit<br>Remove Tree due to construction impact per Blaise/Amanda site visit<br>8445 SW ELLIGSEN RD  | TIMOTHY MCCULLAUGH   | Issued                    |
| TR13-0039     | Type A Class 1 Tree Removal Permit<br>Two Weeping Birch Trees<br>29621 SW YOUNG WAY   | ARSENAULT CORY   | Issued                    |
| TR13-0040     | Type A Class 1 Tree Removal Permit<br>One non-ornamental prune tree with multiple trunks from one root ball<br>8900 SW CITIZENS DR  | DOVENBERG CARY   | Issued                    |



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**Tree Reviews  
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| <b>Permit Number</b> | <b>Permit Description</b>   | <b>Applicant</b>               | <b>Hearing Date(s) / Actions</b> |
|----------------------|---|--------------------------------|----------------------------------|
| TR13-0041            | Type B Class II Tree Removal Permit<br>Six trees<br>29100 SW TOWN CENTER LOOP W   | 29100 TOWN CENTER LLC          | Issued                           |
| TR13-0042            | Type C or Type D Class 1 Tree Removal Permit<br>Fox Center Townhomes<br>30625 SW WILLAMETTE WAY E   | MILDREN DESIGN GROUP           | Issued                           |
| TR13-0043            | Type A Class 1 Tree Removal Permit<br>Two Cottonwoods<br>10862 SW PARKWOOD AVE  | PACE RONALD E & CONNIE J       | Issued                           |
| TR13-0044            | <b>TOWN CENTER MERCANTILE</b><br>Type B Class II Tree Removal Permit<br>East of Plaid Pantry<br>29880 SW TOWN CENTER LOOP W                                   | CRYSTAL GREENS LANDSCAPING INC | Issued                           |
| TR13-0045            | Type A Class 1 Tree Removal Permit<br>Three Fir Trees<br>31045 SW NEHALEM CT  | LOWRIE KENNETH W & TRINA M     | Issued                           |
| TR13-0046            | Type A Class 1 Tree Removal Permit<br>Two Ash Trees<br>29573 SW CAMELOT ST  | TERRY KESTER                   | Issued                           |
| TR13-0047            | Type A Class 1 Tree Removal Permit<br>Three trees<br>28496 SW MEADOWS LOOP  | JUDSON ROBERT & SHARON         | Issued                           |
| TR13-0048            | Type A Class 1 Tree Removal Permit<br>Remove one (1) tree.<br>26680 SW COLVIN LN  | COLIN JAMES                    | Issued                           |
| TR13-0049            | Type A Class 1 Tree Removal Permit<br>Two trees: one Cherry & one Sweet Gum<br>11209 SW CHAMPOEG CT   | COLLINS JULIE M                | Issued                           |
| TR13-0050            | Type A Class 1 Tree Removal Permit<br>One dead Maple tree   | ASH MEADOWS HOMEOWNERS ASSN    | Pending                          |
| TR13-0051            | <b>POLYGON AT VILLEBOIS II LLC &amp; POLYGON AT VILLEBOIS III LLC</b><br>Type C or Type D Class 1 Tree Removal Permit<br>Phase 1 of PDP 4 Central/PDP 2 North | POLYGON PAYMASTER, LLC         | Issued                           |
| TR13-0052            | Type A Class 1 Tree Removal Permit<br>One dead tree<br>9275 SW BARBER ST  | WILSONVILLE VETERINARY CLINIC  | Issued                           |
| TR13-0053            | Type A Class 1 Tree Removal Permit<br>One Plum Tree<br>29800 SW BOONES FERRY RD   | BOONES FERRY/ANGEL LLC         | Issued                           |
| TR13-0054            | Type A Class 1 Tree Removal Permit<br>Three trees<br>10280 SW BRYTON CT   | BEACH DAVID                    | Issued                           |
| TR13-0055            | Type B Class II Tree Removal Permit<br>Two Locust trees<br>28721 SW CRESTWOOD DR  | GREEN OPTIONS TREE CARE        | Issued                           |
| TR13-0056            | Type A Class 1 Tree Removal Permit<br>Remove one (1) Maple tree.<br>29715 SW JACKSON WAY  | SHANE CRAWFORD                 | Issued                           |

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**Tree Reviews  
July through September 2013**

| <b>Permit Number</b> | <b>Permit Description</b>  | <b>Applicant</b>                 | <b>Hearing Date(s) /<br/>Actions</b> |
|----------------------|--|----------------------------------|--------------------------------------|
| <b>TR13-0057</b>     | Type A Class 1 Tree Removal Permit<br>Remove three (3) trees<br>28500 SW MEADOWS LOOP                        | MCKNIGHT SCOTT &<br>ALYS         | Issued                               |
| <b>TR13-0059</b>     | Type B Class II Tree Removal Permit<br>One Maple tree<br>30050 SW TOWN CENTER LOOP W                         | NW TREE SPECIALISTS              | Issued                               |
| <b>TR13-0060</b>     | Type B Class II Tree Removal Permit<br>Three Maple trees<br>29697 SW ROSE LN                                 | NW TREE SPECIALISTS              | Issued                               |
| <b>TR13-0061</b>     | Type A Class 1 Tree Removal Permit<br>Three Ponderosa Pine trees<br>28445 SW HIGHLAND CIR                    | LANG KELLY E & JULIE D           | Issued                               |
| <b>TR13-0062</b>     | <b>PIONEER PACIFIC COLLEGE</b><br>Type B Class II Tree Removal Permit<br>Three trees<br>27375 SW PARKWAY AVE | PACIFIC EDUCATION<br>CORPORATION | Issued                               |
| <b>TR13-0063</b>     | Type A Class 1 Tree Removal Permit<br>Two trees-Douglas Fir and White Oak<br>7736 SW CARRIAGE OAKS LN        | FLAIG JASON                      | Issued                               |
| <b>TR13-0064</b>     | Type A Class 1 Tree Removal Permit<br>Two Flowering Plum trees<br>7773 SW TOURNAMENT CT                      | LOWRIE WAYNE                     | Issued                               |
| <b>TR13-0065</b>     | Type A Class 1 Tree Removal Permit<br>Three trees<br>30526 SW RUTH ST  | PAULY DANIEL E                   | Issued                               |
| <b>TR13-0066</b>     | Type A Class 1 Tree Removal Permit<br>Three Trees<br>7902 SW COURTSIDE WAY                                   | JF NELSON LTC EA                 | Issued                               |
| <b>TR13-0067</b>     | Type A Class 1 Tree Removal Permit<br>Two backyard Spruce trees<br>29523 SW VILLEBOIS DR S                   | HAYES ROSS                       | Issued                               |
| <b>TR13-0068</b>     | Type B Class II Tree Removal Permit<br>Neighborhood Street Tree<br>10665 SW EDGEWOOD CT                      | NEIL OCHS                        | Issued                               |
| <b>TR13-0069</b>     | Type B Class II Tree Removal Permit<br>Neighborhood Street Tree<br>10680 SW EDGEWOOD CT                      | JESSICA L MERMIS                 | Issued                               |
| <b>TR13-0070</b>     | Type B Class II Tree Removal Permit<br>Neighborhood Street Tree<br>10754 SW PARKVIEW DR                      | SUSAN OR DAVID BLOHN             | Issued                               |
| <b>TR13-0071</b>     | Type B Class II Tree Removal Permit<br>Neighborhood Street Tree<br>10668 SW EDGEWOOD CT                      | LESLEY R BERRY                   | Issued                               |
| <b>TR13-0072</b>     | Type B Class II Tree Removal Permit<br>Neighborhood Street Tree<br>10669 SW EDGEWOOD CT                      | SCOTT AND CONNIE HIX             | Issued                               |
| <b>TR13-0073</b>     | Type A Class 1 Tree Removal Permit<br>Two Ash trees<br>28650 SW SANDALWOOD DR                                | BUZO MANUEL DAVID<br>TRUSTEE     | Issued                               |



**Wilsonville Planning Division  
2013 Third Quarter Report  
July through September**

**Tree Reviews  
July through September 2013**

| Permit Number | Permit Description   | Applicant                         | Hearing Date(s) / Actions |
|---------------|--|-----------------------------------|---------------------------|
| TR13-0074     | Type A Class 1 Tree Removal Permit<br>Removal and replacement for two street trees<br>28640 SW CRESTWOOD DR  | ALL OREGON<br>LANDSCAPING INC     | Issued                    |
| TR13-0075     | <b>BRENCHLEY ESTATES – SOUTH/ACTIVE ADULTS AT THE GROVE</b><br>Type C or Type D Class 1 Tree Removal Permit<br>Remove 38 trees for public street and building/parking lot construction<br>28855 SW PARKWAY AVE | BRENCHLEY EST. PART.<br>PHASE III | Issued                    |
| TR13-0076     | <b>BRENCHLEY ESTATES - SOUTH/ACTIVE ADULTS AT THE GROVE</b><br>Type B Class II Tree Removal Permit<br>Seven Trees<br>28855 SW PARKWAY AVE  | BRENCHLEY EST. PART.<br>PHASE III | Issued                    |
| TR13-0077     | Type A Class 1 Tree Removal Permit<br>One (1) Sweetgum tree.<br>30850 SW SALMON LN   | MARK PLEDGER                      | Issued                    |
| TR13-0078     | Type A Class 1 Tree Removal Permit<br>One Maple tree to be replaced with a Japanese Maple<br>28657 SW CRESTWOOD DR   | MICHAEL SNYDER TRUST              | Issued                    |
| TR13-0079     | Type A Class 1 Tree Removal Permit<br>One Cedar tree in poor health<br>8715 SW MIAMI   | YOUNG VICTORIA L<br>TRUSTEE       | Issued                    |
| TR13-0080     | Type A Class 1 Tree Removal Permit<br>Two trees<br>31030 SW SANDY CT   | PARRY JESSE N TRUSTEE             | Issued                    |
| TR13-0081     | Type B Class II Tree Removal Permit<br>One Scotch Pine Tree<br>8699 SW ROBERT BURNS DR   | LANDGRAPHICS INC                  | Issued                    |
| TR13-0082     | <b>RON TONKIN GRAN TURISMO</b><br>Type C or Type D Class 1 Tree Removal Permit<br>Remove four (4) trees damaged during construction.<br>Case file is DB12-0060 et seq.<br>25300 SW PARKWAY AVE                 | JEFF STUMBAUGH                    | Issued                    |
| TR13-0083     | Type B Class II Tree Removal Permit<br>Neighborhood Street Tree<br>10753 SW PARKVIEW DR  | DYKZEUL MICHAEL J &<br>CARIN D    | Issued                    |
| TR13-0084     | Type B Class II Tree Removal Permit<br>Neighborhood Street Tree<br>10616 SW EDGEWOOD CT  | MCDONALD GEORGE<br>DUNCAN & JANET | Issued                    |
| TR13-0085     | Type B Class II Tree Removal Permit<br>Neighborhood Street Tree<br>10635 SW EDGEWOOD CT  | VANLOON MARTIN<br>GLASTRA & ANGIE | Issued                    |
| TR13-0086     | Type A Class 1 Tree Removal Permit<br>For one hazard Maple tree<br>28444 SW MEADOWS LOOP   | OTT MERLE E & MARY E              | Issued                    |
| TR13-0088     | Type A Class 1 Tree Removal Permit<br>2 Aspen Trees<br>29745 SW JACKSON WAY  | VOGT RUBY I TRUSTEE               | Issued                    |
| TR13-0089     | Type B Class II Tree Removal Permit<br>Neighborhood Street Tree Removal<br>31406 SW OLYMPIC DR   | TAYLOR JEAN                       | Issued                    |

**Wilsonville Planning Division  
2013 Third Quarter Report  
July through September**

**Tree Reviews  
July through September 2013**

| Permit Number | Permit Description   | Applicant  | Hearing Date(s) / Actions |
|---------------|--|--|---------------------------|
| TR13-0090     | Type B Class II Tree Removal Permit<br>Canyon Creek Meadows Subdivision<br><i>Tree removal permits will be submitted seperately by property owners</i> | CREEK (27) OPERATING<br>COMMUNITY MNGT INC<br>CANYON | Pending                   |
| TR13-0091     | Type B Class II Tree Removal Permit<br>Neighborhood Street Tree Removal<br>10615 SW EDGEWOOD CT  | MADDOX LEWIS J &<br>MARLENE L                        | Issued                    |
| TR13-0092     | Type A Class 1 Tree Removal Permit<br>One Sweet Gum tree<br>28645 SW CRESTWOOD DR  | COWAN CHAD D &<br>JOLENE K                           | Issued                    |
| TR13-0093     | Type A Class 1 Tree Removal Permit<br>One Oak tree<br>7669 SW WIMBLEDON CIR N  | ZURCHER TIMOTHY SCOTT<br>& LISA                      | Issued                    |
| TR13-0094     | Type A Class 1 Tree Removal Permit<br>3 Pine trees<br>29804 SW CAMELOT ST  | WAHL TIMOTHY L &<br>EVELYN J                         | Issued                    |
| TR13-0095     | Type A Class 1 Tree Removal Permit<br>Removal of diseased Douglas fir on Frontier property on<br>Parkway Avenue<br>28800 SW PARKWAY AVE                | RANDALL MIHALKO                                      | Issued                    |
| TR13-0096     | Type B Class II Tree Removal Permit<br>6 street trees<br>28299 SW BOBERG RD  | LLC IOSCO<br>WAREHOUSING &<br>DISTRIBUTI             | Pending                   |
| TR13-0097     | Type A Class 1 Tree Removal Permit<br>One Red Maple<br>30924 SW BOONES FERRY RD  | COPPING RITA Y                                       | Issued                    |
| TR13-0098     | Type A Class 1 Tree Removal Permit<br>Remove (1) Ash Tree along Cascade Loop severely<br>damaged during 9/28/13 storm<br>28508 SW CASCADE LOOP         | HEDBERG ALAN S                                       | Issued                    |
| TR13-0099     | Type A Class 1 Tree Removal Permit<br>Remove one (1) spruce tree in rear yard<br>7692 SW THORNTON DR   | EDMONDS BLAISE                                       | Issued                    |
|               |  |  |                           |

**Code Enforcement  
July through September 2013**

| Permit Number | Code Enforcement Description                          | Action   |
|---------------|---|----------|
| CE13-0008     | Daycare/Preschool operating without permits           | Resolved |
| CE13-0009     | Pre-school operating without a Conditional Use Permit | Resolved |



**Wilsonville Planning Division  
2013 Third Quarter Report  
July through September**

**Planning Staff Activities, Projects and Meetings  
July through September 2013**

**Recurring Activities**

|  |   |
|--|---|
| Archiving/Purging of Planning Records              | Parks Team Meetings                           |
| Counter – Customer Service                         | Posting of Public Notices on project sites    |
| Conditions of Approval Tracking                    | Pre-Construction meetings                     |
| Development Coordination Meetings                  | Project Site Visits/inspections               |
| Eden Permit Tracking                               | Updating Planning's web pages                 |
| French Prairie Bicycle/Pedestrian/Emergency Bridge | Villebois Meetings                            |
| Metro Committee meetings                           | Washington County Planning Directors meetings |

# Public Works Department Report to City Council

August, September, and October 2013

## Wheel of Disaster

In late August, the Public Works Emergency Management staff participated in Charbonneau's New Comer Event. It was an opportunity to discuss with residents how to be better prepared in case of an emergency. Pamphlets, workbooks and fliers related to emergency preparedness were available for citizen's to take.

A prize wheel AKA Wheel of Disaster was used to highlight preparedness tips such as "store food you will enjoy", "don't forget to store utensils" and "build an emergency kit". Depending on where the tab landed on the wheel, the participants were bestowed a useful flashlight, helpful multi-tool or a yummy granola bar.



## Storm Clean-Up

Due to high winds coupled with rain in late September there were multiple incidences of downed trees and vegetation debris. Public Works crews were called in after hours to remove these public hazards and clear out the debris.

## Holiday Season is Just Around the Corner

Public Works crews have started the installation of the holiday lighting on the trees in the median along Wilsonville Road. The area from Kolbe Lane to the I-5 interchange has been completed and the remaining sections should be done by the end of November. The lights will officially be turned on for the holiday season on the Wednesday prior to Thanksgiving Day.

## Getting Help Up

With the assistance of the building department, Ivan Crumrine designed and built a loading platform for better access to the second floor of the Memorial Park maintenance barn. In addition to the construction of an exterior balcony, tie off points were installed on the interior building thereby enabling staff to be securely harnessed while unloading materials from platform into the barn.







### Hop, Skip and a Trip?

Pavement on two paths within the Landover neighborhood – from Essex Court and Morgan Street to Wilsonville Road - had buckled and presented potential trip hazards to pedestrians. So Public Works staff removed the asphalt pavement, cut the roots of trees adjacent to the pathways and installed root barrier to prevent further intrusions. Staff then reestablished the pathways with concrete pavement.



### Drain - O

Modifications were made to the French Drain under the Fleet bus wash area to better capture sediments prior to water being discharged into the oil water separator. Matt Baker and Sean Byrne, cut then jack-hammered eight inches of concrete around the existing p-trap. After the concrete was removed, Vactor Truck Operators Mark Folz and Paul Haven3 further excavated the area using the vacuum truck. Once the pavement and p-trap were removed a modified French Drain with catch basin was installed. Then concrete was poured and finished.



# American Public Works Association

Your Comprehensive Public Works Resource



November 3, 2013

Delora Kerber, P.E., Director of Public Works  
City of Wilsonville  
29799 SW Town Center Loop E  
Wilsonville, Oregon 97070

Dear Ms. Kerber:

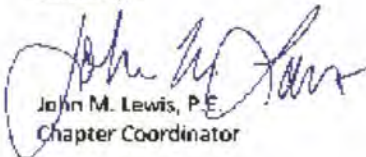
Congratulations! As you are aware, the **Wilsonville Wastewater Treatment Plant Improvements Project** was selected as the Oregon Chapter of the American Public Works Association's Public Works Project of the Year 2013 - Category Environmental, Division \$25 million to \$75 million.

Oregon APWA is proud of you and your project partner, CH2M HILL, for the work performed on this project which epitomizes the public works profession and our association. Your award is a very special acknowledgement of the work of your project team and we appreciate the opportunity to fully recognize your contributions and achievements in the field of public works.

We would like to encourage you to pursue a national award submission for this project. National awards have a submission deadline of March 3, 2014. More information including application forms are available on the national website at [www.apwa.net/awards](http://www.apwa.net/awards). If you do decide to submit your project for a national award, please don't forget to list the Oregon APWA as the nominating agency and provide us with a copy of your application package.

If you have any questions or need additional information, please do not hesitate to contact me at 503.496.1545 or [jmlewis@orc.org](mailto:jmlewis@orc.org).

Sincerely,

  
John M. Lewis, P.E.  
Chapter Coordinator

c: CH2M HILL

[www.oregonapwa.org](http://www.oregonapwa.org)

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## From the Director

Most Wilsonville residents know that SMART is a City Department, charged with improving transportation options for local residents and people who come here to work. Some people still have trouble distinguishing SMART from TriMet, or any of the other transit agencies in the area. To make the situation even more confusing, there is a very small part of Wilsonville that remains within the service boundary of TriMet.

There also are properties that are outside the TriMet District boundary that have not yet been annexed into the City of Wilsonville and other properties within TriMet that the City intends to annex in the future. It's no wonder some people are confused.

There are hundreds of acres designated for future growth along the north side of Wilsonville. This includes the anticipated school sites along Advance Road, future housing in the Frog Pond area north of Boeckman Road, industrial land in the Coffee Creek area and more land north of Day Road in the Basalt Creek area. Some of these lands are already master planned for development; others are not. They all can be expected to build out in coming years.

As the City expands, SMART needs to be prepared to provide transit service into every area that is added to the City limits. The best argument for adding those lands to SMART's service territory will be that we can provide a level of service there that TriMet will not provide.

City leaders and TriMet will have some interesting discussions about this in the months ahead. I will do my best to keep you informed as those discussions go forward.

*Stephan Lashbrook*  
*Transit Director*



SMART Central Station — October 2013

## In This Issue

- Operations
- Transit Integration Project
- Options Programs
- Fleet Update



# Fleet Update

SMART recently purchased two used 30' buses to replace older vehicles and to accommodate increased ridership on certain routes. Although these buses received minor refurbishment prior to being delivered to SMART, the City's mechanics still had a great deal of work to complete to bring the buses up to the City's service standards.

Installation of communications equipment, security cameras, fare collection equipment, bike racks, and numerous other items were handled at the City shop.

Installation of digital destination signs, and exterior decals was performed by outside contractors.



Two 30' buses join the SMART fleet

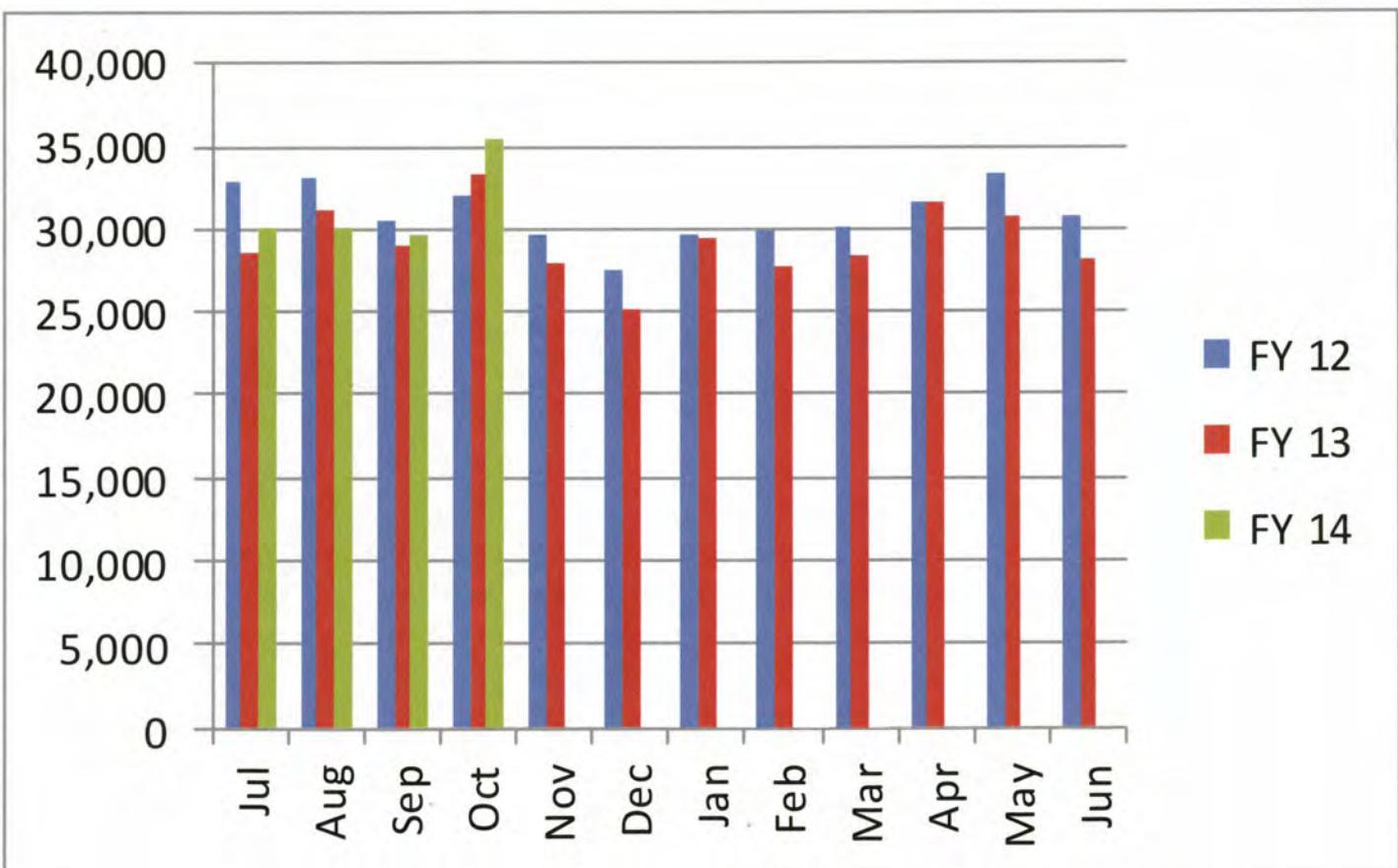


## Operations — Record Ridership

The month of October saw the most ridership ever recorded—35,481, a gain of 6.5% over last October's 33,326, which was the previous record holder. October is usually a high ridership month due to several reasons such as a 31 day month, no holidays during the month and a low vacation travel month with school in full swing.

Contributing to the ridership record are Routes 1X Salem, 2X Barbur, and 4 Crosstown, which saw almost 14,000 riders. We believe that employees of Stream Global have contributed to these increases, as those who can't take WES during commute times are connecting to the 2X at the Tualatin Park & Ride lot, along with some who have moved to Wilsonville who can take Route 2X or Route 4 from their homes directly to work. The Salem 1X has also regained ridership, increasing several hundred from the recent downturn that has occurred since last April. Ridership on the 1X is back up over 5,000 to 5,333.

The newly established 8X and 9X continue to lag behind expectations. After three months of service, ridership on Route 8X created for evening Stream employees remains flat, with no growth, averaging just 243 rides per month. After its first full month of service, Route 9X saw just 49 students from OIT ride during October. Both new routes are being paid for by new revenue from both Stream Global and OIT.





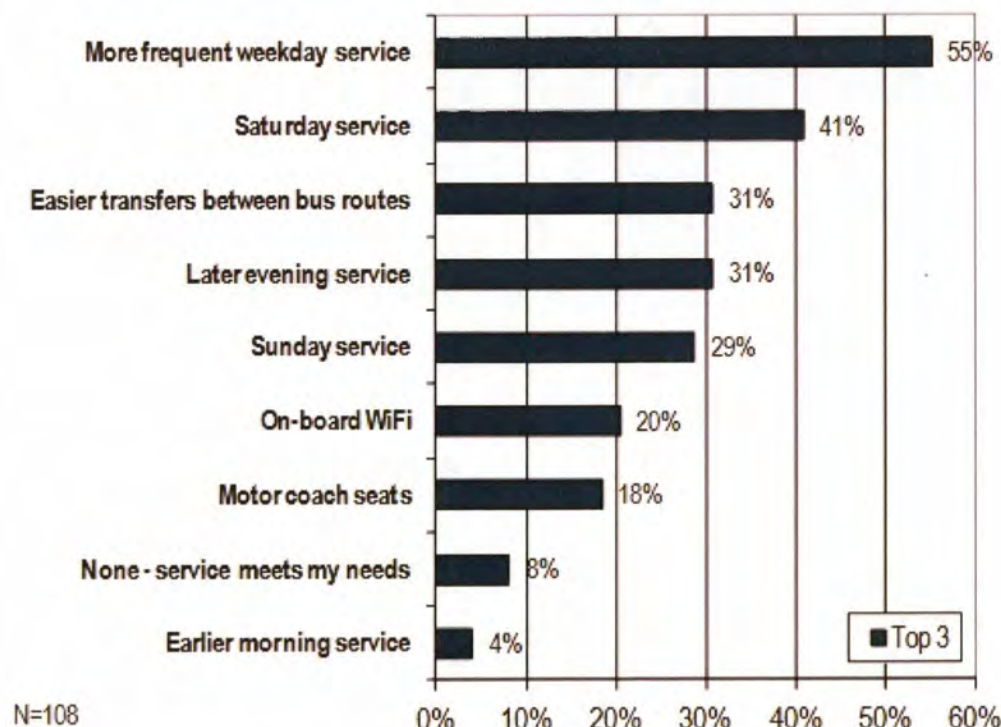
## Transit Integration Project

As part of the project's first phase, SMART conducted stakeholder interviews, group presentations and three surveys, including an on-line community survey and onboard surveys of riders on SMART Route 2X and TriMet Line 96.

During October, SMART hosted an online virtual open house and two in-person open house opportunities to present information and collect feedback to guide the direction of phase 2 which will fine tune potential strategies for a new service plan with increased efficiency and connections.

A City Council work session is tentatively scheduled for January 6, 2014.

Good connections to other transit services, convenience of service, and service to seniors and persons with disabilities are cited as SMART's strengths. Desired improvements include expanded hours of operation, more service during peak periods, and more access to medical appointments outside of Wilsonville. Of note is that 25% of survey respondents indicate that current services meet their needs.



(Excerpt from SMART's October Open House events)



## Options Outreach Programs

- During the month of October, 90+ Stream Global employees signed up for the Walk Smart Program and pledged to log their steps as they walk around town for transportation and recreation.
- SMART Options staff volunteered to help chaperone Wood Middle School's semi-annual Bicycle Safety Class. This unique opportunity is offered at Wood Middle School during the fall and spring of each year.



Students learn about the rules of the road, how to cycle safely, and to gain confidence out in our community while riding with their peers and more experienced bicycle riders.



**2013 Halloween Trolley at Lamb's Thriftway**

## Contact Us

**Stephan Lashbrook**  
Transit Director  
503-570-1576  
[Lashbrook@ridesmart.com](mailto:Lashbrook@ridesmart.com)

**Steve Allen**  
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**Jen Massa Smith**  
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[Massa@ridesmart.com](mailto:Massa@ridesmart.com)

City of Wilsonville  
November 18, 2013 City Council Meeting

SPEAKER CARD

- Says "R-L" departure as 35 is optional & not widely used.
- Huge educational need with pilots.
- City should attempt to be included in ICA on impacts for planning & mitigation.

NAME:

TONY HOLT

ADDRESS:

7670 SW VILLAGE GREENS CIRCLE

TELEPHONE:

503-694-2333

E-MAIL

ajholt36@aol.com

AGENDA ITEM YOU WANT TO ADDRESS:

AURORA AIRPORT

Please limit your comments to 3 minutes. Thank you.



Prev. Friends of Friend Province

City of Wilsonville

November 18, 2013 City Council Meeting

SPEAKER CARD

Favor Tower  
Opposes Runway extension.  
Opposes impacts on farmland.  
Says "future airport development  
will most likely be on farmland  
at south end of airport."

NAME:

Ben Williams

ADDRESS:

23013 Jeany Ln, Aurora OR 97002

TELEPHONE:

503/568-5670

E-MAIL

ben.williams@citurgica.com

AGENDA ITEM YOU WANT TO ADDRESS:

Aurora Airport  
Layout Plan

Please limit your comments to 3 minutes. Thank you.

# City of Wilsonville

## November 18, 2013 City Council Meeting Action Minutes

| COUNCILORS           | STAFF           | STAFF             |
|----------------------|-----------------|-------------------|
| Mayor Knapp          | Bryan Cosgrove  | Chris Neamtzu     |
| Councilor Goddard    | Mike Kohlhoff   | Delora Kerber     |
| Councilor Starr      | Jeanna Troha    | Stephan Lashbrook |
| Councilor Fitzgerald | Sandra King     | Mark Ottenad      |
| Councilor Stevens    | Nancy Kraushaar | Jen Massa-Smith   |
|                      | Joanne Ossanna  | Angela Handran    |
|                      | Katie Mangle    |                   |

| AGENDA  | ACTIONS  |
|---|--|
| <b>WORK SESSION</b>   |  |
| <u>Councilor Concerns</u>   |  |
| <ul style="list-style-type: none"> <li>Councilor Starr wanted confirmation the Boeckman Road extension repair would be completed by Thanksgiving.</li> <li>LED Streetlights</li> <li>Bike/Pedestrian Connectivity Action Plan</li> <li>Highway 99/Newberg Bypass</li> </ul> | <ul style="list-style-type: none"> <li>Staff advised the roadway would be completed the Monday before Thanksgiving; however the street lights would not be installed until a later date.</li> <li>Staff explained the four options available under PGE's LED conversion program, and is analyzing what makes the most sense for the City.</li> <li>The Mayor asked for a financial analysis of the options and return on investment. Staff will provide the information at a future work session.</li> <li>An update on the steps taken to articulate the goal for connecting the community and identifying near-term priorities for implementation was provided. A draft of a map outlining the connections and information about the Action Plan was circulated.</li> <li>Councilors received a letter from the Ladd Hill Neighborhood Association expressing their concern about increased traffic on Wilsonville Rd due to the alignment of the Hwy 99W/Newberg Bypass proposed by ODOT.</li> <li>Staff will contact the city of Newberg to learn how they view the CPO concerns and the alignment.</li> </ul> |
| <b>REGULAR MEETING</b>  |  |
| <u>Mayor's Business</u>   |  |
| <ul style="list-style-type: none"> <li>Proclamation Honoring Fallen Officer</li> </ul>  | <ul style="list-style-type: none"> <li>Proclamation read by Mayor; Sgt Jansen provided information on how to contribute to</li> </ul>  |



|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>Upcoming Meetings</li> </ul>   | <ul style="list-style-type: none"> <li>the Benevolent Fund for the Libke family.</li> <li>Announced by Mayor</li> </ul>                                    |
| <u>Communications</u> <ul style="list-style-type: none"> <li>Aurora Airport Master Plan Update, M. Swecker, Director Oregon Department of Aviation</li> </ul>   | <ul style="list-style-type: none"> <li>Mr. Swecker presented a report on the completed Aurora Master Plan and Aurora Air Traffic Control Tower.</li> </ul> |
| <u>Consent Agenda</u> <ul style="list-style-type: none"> <li>Resolution No. 2446 – authorizing execution of PSA for Canyon Creek Rd south from Boeckman to Vlahos project.</li> <li>Minutes of Oct. 7, 21 and Nov. 4 Council meetings.</li> </ul>   | Consent Agenda adopted 5-0.  |
| <u>New Business</u> <ul style="list-style-type: none"> <li>Resolution No. 2445 – Authorizing SMART to submit list of projects for inclusion in Metro’s 2014-2040 RTP</li> </ul>   | Adopted 5-0.   |
| <u>Public Hearing</u> <ul style="list-style-type: none"> <li>Ordinance 731- amending Code Section 8.210(9)</li> <li>Ordinance 732 – Amending Ord. 353 to correct legal descriptions of vacated easements in Day Dream Ranch</li> <li>Ordinance 733 – amending public contracting portion of code</li> </ul> | <p>Ordinance Nos. 731 and 732 adopted on first reading 5-0.</p> <p>Ordinance No. 733 continued to unspecified date</p>                                     |
| <u>City Manager’s Business</u><br>No report.  |  |
| <u>Legal Business</u><br>No report  |  |
| <b>URBAN RENEWAL AGENCY</b>   |  |
| <u>New Business</u> <ul style="list-style-type: none"> <li>URA Resolution 237 – property acquisition for Barber Street extension from Kinsman to Coffee Creek Drive project</li> </ul>  | Adopted 5-0.   |
| <u>Consent Agenda</u> <ul style="list-style-type: none"> <li>Minutes of 10/7/13 meeting</li> </ul>  | Adopted 5-0.   |

**RECORDED BY: SCK**