

# City of Wilsonville

City Council Meeting

October 7, 2019



**AGENDA**

**WILSONVILLE CITY COUNCIL MEETING  
OCTOBER 7, 2019  
7:00 P.M.**

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

Mayor Tim Knapp

Council President Kristin Akervall  
Councilor Charlotte Lehan

Councilor Joann Linville  
Councilor Ben West

**CITY COUNCIL MISSION STATEMENT**

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

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

- 5:00 P.M. EXECUTIVE SESSION** [30 min.]
  - A. Pursuant to: ORS 192.660 (2)(e) Real Property Transactions
  - ORS 192.660(2)(h) Legal Counsel / Litigation
  - ORS 192.660(2)(g) Trade Negotiations
  
- 5:30 P.M. REVIEW OF AGENDA AND ITEMS ON CONSENT** [5 min.]
  
- 5:35 P.M. COUNCILORS’ CONCERNS** [5 min.]
  
- 5:40 P.M. PRE-COUNCIL WORK SESSION**
  - A. Council Goal E-1 – Electric Vehicle (EV) Ready Homes (Carlson) [15 min.]
  - B. Tall Wood Structures – Fire Safety During Construction (Carlson) [20 min.]
  - C. PERS Contribution Rate Relief Through the State’s EIF & UALRP (Katko) [10 min.]
  - D. Tax Increment Financing Zone Program Expiration and Redesign (Vance) [15 min.]
  - E. 2019 Oregon Legislative Report (Ottenad) [15 min.]
  
- 6:55 P.M. ADJOURN**

**CITY COUNCIL MEETING**

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, Monday, October 7, 2019 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on September 17, 2019. 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 there with 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.

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

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

**7:15 P.M. MAYOR'S BUSINESS**

- A. World Polio Day Proclamation (Ottenad)
- B. Updating 2019 Wilsonville City Council Representative Appointments to Regional and State Intergovernmental Bodies. (Ottenad)
- C. Council Member Appointment to the Wilsonville-Metro Community Enhancement Committee (Monahan)
- D. Upcoming Meetings

**7:35 P.M. COUNCILOR COMMENTS**

- A. Council President Akervall
- B. Councilor Lehan
- C. Councilor West
- D. Councilor Linville

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

- A. **Resolution No. 2768** (*Legislative Hearing*)  
A Resolution Authorizing A Supplemental Budget Adjustment For Fiscal Year 2019-20. (Katko)

**7:55 P.M. CONTINUING BUSINESS**

- A. **Ordinance No. 838** – 2<sup>nd</sup> Reading  
An Ordinance Of The City Of Wilsonville Declaring And Authorizing The Vacation Of An Approximately 2,075 Square Foot Stub Of SW Cherbourg Lane Public Street Right-Of-Way North Of SW Berlin Avenue In Villebois Legally Described In Attachment 3. (Pauly)

**8:05 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 THE CITY COUNCIL MEETING**

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated.) 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 [cityrecorder@ci.wilsonville.or.us](mailto:cityrecorder@ci.wilsonville.or.us).



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> October 7, 2019	<b>Subject:</b> Council Goal E-1 – Electric Vehicle (EV) Ready Homes  <b>Staff Member:</b> Dan Carlson, Building Official  <b>Department:</b> Community Development	
<b>Action Required</b>	<b>Advisory Board/Commission Recommendation</b>	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable  <b>Comments:</b> N/A	
<b>Staff Recommendation:</b> Staff recommends that Council await the October 1, 2020 statewide adoption of construction codes for all new homes to be made EV ready. Approval by the state of a local amendment is not guaranteed and will be a significant work effort when a more certain statewide adoption is just on the horizon.		
<b>Recommended Language for Motion:</b> N/A		
<b>Project / Issue Relates To:</b>		
<input checked="" type="checkbox"/> Council Goals/Priorities: Council Goal E-1 – Electric Vehicle (EV) Ready Homes	<input type="checkbox"/> Adopted Master Plan(s):	<input type="checkbox"/> Not Applicable

### ISSUE BEFORE COUNCIL:

Council has adopted a goal (E-1) to research and explore new residential codes to accommodate electric vehicle charging in homes.

## **EXECUTIVE SUMMARY:**

### **Background**

The Oregon building codes do not currently contain an EV ready mandate for new single-family homes. New multi-family residential with parking structures are required to have a certain percentage of parking spaces designated as EV ready.

There are no industry standards for what constitutes an “EV ready” home because there are a number of variables with installing charging infrastructure for future use such as location, sizing the electrical service, and the location of the home. In general, industry discussion regarding standards for EV ready homes seems to center around upsizing the standard 200-amp electrical service (and panel) to 400-amps, adding a conduit and outlet box for future charger wiring, and ensuring there is future dedicated breaker capacity.

The State Building Codes Division (BCD) has statutory oversight over new construction codes in Oregon. The Oregon Building Code is a minimum/maximum code. State codes are the minimum standards builders must build to, and the maximum building code standards a jurisdiction can enforce. Except for local amendments that the state approves through OAR 918-020-0370 (attached), jurisdictions cannot enforce construction codes that are more restrictive than state code per ORS 455.040 (attached).

During two recent (April 23, 2019, and June 5, 2019) State Construction Industry Energy Board (CIEB) updates, BCD Administrator Mark Long indicated that BCD must adopt codes in the next statewide code change cycle to mandate all new homes in Oregon be constructed to EV ready standards (which are in the process of being defined). This is to meet the intent of Governor Brown’s Executive Order 17-20 (attached). Administrator Long indicated residential codes would be completed and implemented statewide effective on October 1, 2020.

### **Discussion**

#### **Options**

There are basically two paths in moving forward with a local EV ready mandate:

1. Petition the State Building Codes Division to approve a local amendment through OAR 918-020-0370.
2. Await the statewide adoption of new residential energy codes, which will be effective October 1, 2020, and will include a statewide mandate for EV ready construction.

#### **Challenges vs Upsides**

1. Local Amendment
  - a. Challenges
    - i. Must complete an application and provide detailed justification, which is listed in OAR. Labor intensive.
    - ii. Must conduct local outreach with industry and stakeholders and perform a cost analysis.
    - iii. Potential pushback from HBA regarding housing affordability.
    - iv. Must determine what constitutes an “EV Ready” standard.

- v. Must coordinate with Clackamas County Electrical Inspection staff since the City does not have the electrical inspection program for installations in Wilsonville.
  - vi. If we adopt local provisions that end up being inconsistent with the provisions adopted by the state, then we will need to re-do our work locally or, repeal it and point to the state adopted code.
- b. Upsides
- i. Potential to implement a local amendment slightly ahead of statewide adoption assuming the State BCD will approve (~Summer 2020).
  - ii. Fulfills a Council goal.
  - iii. A few more new homes in the community would potentially be made EV ready ahead of October 1, 2020.
2. Statewide Mandate (Effective October 1, 2020)
- a. Challenges
- i. Timeframe may not suit Council's desire.
  - ii. EV Ready standards are not clear at this time.
- b. Upsides
- i. Consistent statewide standards.
  - ii. Clackamas County would be receiving direction on inspection requirements from the State rather than the City.
  - iii. State conducts the outreach with stakeholders.

**EXPECTED RESULTS:**

EV ready homes will become a statewide code requirement.

**TIMELINE:**

Statewide adoption is set to occur on October 1, 2020.

**CURRENT YEAR BUDGET IMPACTS:**

N/A

**FINANCIAL REVIEW / COMMENT:**

Reviewed by: KAK Date: 9/24/2019

**LEGAL REVIEW / COMMENT:**

Reviewed by: BAJ Date: 9/26/2019

Legal agrees with the recommendation to wait and see what is enacted statewide.

**COMMUNITY INVOLVEMENT PROCESS:**

N/A

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

Impacts with the two options are as noted in the Executive Summary above.

**ALTERNATIVES:**

Alternatives are noted in the Executive Summary above.

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENTS:**

1. Council Goal E-1
2. Oregon Revised Statute 455.040
3. Oregon Administrative Rule 918-020-0370
4. Governor Brown's Executive Order 17-20

**Attachment 1 - Council Goal E-1**

**E. Thoughtful, Inclusive Built Environment**

1. Research and explore new residential codes to accommodate electric vehicle charging	
<b>Department: Staff Champion</b>	Community Development / Building: Carlson
<b>Expected accomplishments</b>	<input type="checkbox"/> Research Electric Vehicle (EV) Ready code options <ul style="list-style-type: none"> <li>• Governor’s 2017 Executive Order</li> <li>• Statewide mandate - All new homes in Oregon to be EV ready beginning October 1, 2020</li> <li>• State Building Codes Division is developing rules and building codes for EV ready</li> </ul>
<b>Process &amp; Timeline</b>	<input type="checkbox"/> Follow State regulations <input type="checkbox"/> Pre-installation of conduit and dedicated electrical breaker space for easier future installation of EV charging outlet and equipment. <input type="checkbox"/> Commercial/Multifamily code to be adopted in the Fall requiring parking structures to be EV ready. <input type="checkbox"/> Report back to City Council – Q3 2019
<b>Success &amp; Outcomes</b>	Research code and provide options.

**Attachment 2 - ORS 455.040**

**ORS 455.040 State building code preempts local ordinances and rules; exemptions; criteria.**

(1) The state building code shall be applicable and uniform throughout this state and in all municipalities, and no municipality shall enact or enforce any ordinance, rule or regulation relating to the same matters encompassed by the state building code but which provides different requirements unless authorized by the Director of the Department of Consumer and Business Services. The director’s authorization shall not be considered an amendment to the state building code under ORS 455.030. The director shall encourage experimentation, innovation and cost effectiveness by municipalities in the adoption of ordinances, rules or regulations which conflict with the state building code.

(2) Subsection (1) of this section is operative:

- (a) With regard to the state structural code, July 1, 1974.
- (b) With regard to the state mechanical, heating and ventilating code, on the effective date of such code as determined under ORS 183.355.
- (c) With regard to each specialty code not named by paragraphs (a) and (b) of this subsection, on the effective date, as determined under ORS 183.355, of the first amendments to such code adopted pursuant to this chapter. [Formerly 456.775]

**Attachment 3 - OAR 918-020-0370 (2 pgs)**

**OAR 918-020-0370 Local Amendment Requests**

(1) A local municipality may request under ORS 455.040 a local amendment relating to matters covered under the building code, by submitting to the division, in writing, a local amendment application. The application must include:

- (a) The reason for the request;
- (b) The name of, and contact information for, the building official responsible for submitting the request and enforcing and interpreting the local amendment if approved;
- (c) A copy of the municipality's proposed local ordinance or administrative rule; and
- (d) A copy of the report required by section (2)(b) of this rule.

(2) Prior to submitting a request for a local amendment under ORS 455.040, a municipality must:

- (a) Provide for a public hearing or public meeting in the manner required by applicable municipal or state law; and
- (b) Submit a report to the division. The report must:
  - (A) Summarize comments received;
  - (B) Outline the impacts of the local amendment;
  - (C) Explain how the municipality responded to the substantive concerns and issues raised during the public input period;
  - (D) Identify the financial or regulatory incentives provided by the municipality to businesses or contractors impacted by the local amendment request;
  - (E) Estimate the fiscal impact of the local amendment.
    - (i) If the proposed amendment impacts residential construction, identify the additional construction cost per square foot to develop a 6,000 square foot parcel and to construct a 1,200 square foot detached single family dwelling on that parcel; or
    - (ii) If the proposed amendment impacts commercial construction, identify the additional construction cost per square foot to develop a 20,000 square foot parcel and to construct a 10,000 square foot B or M occupancy type. If the proposed amendment does not impact B or M occupancy structures, then the local jurisdiction shall identify the structure type and provide similar construction cost information for the impacted type of structure to the extent it applies to the above parameters.
  - (F) Describe the stakeholder outreach, summarize groups communicated with and the result of that communication; and
  - (G) Identify any other communities the municipality discussed the proposed amendment with and whether a regional solution was considered.

(3) Local amendments shall not contain a severance clause. The content of the local amendment as interpreted and approved by the division represents the terms and conditions of the approval. Where one or more provisions are deemed invalid, the entire local amendment is invalidated.

(4) Once the local amendment request is received, the division will review the request and the municipality's proposed amendment, and either approve the proposed local amendment in whole or in part, or deny the request. The division may approve the local amendment with conditions.

(5) Once the local amendment's provisions are approved by the division they cannot be changed. If a municipality wishes to change the provisions, they must submit a new amendment request for the division's approval.

(6) The building official for the municipality, identified in subsection (1)(b) of this rule, requesting the local amendment will be responsible for enforcing and interpreting the amendment once it is approved.

(7) The division may, upon written request, issue a directive to the building official to ensure that the local amendment is being administered according to the terms and conditions of the approval.

(8) A local amendment may be reviewed occasionally by the division to determine if it continues to be viable.

(9) The division reserves the right to terminate approval of the local amendment based on new information, including but not limited to, changes in technology, conflicts with model codes, changes in accepted practices under the applicable model codes, and failure of the building official to uphold the terms, conditions, or any directives related to the local amendment.

Statutory/Other Authority: ORS 455.030

Statutes/Other Implemented: ORS 455.040

History: BCD 10-2013, f. 12-16-13, cert. ef. 1-1-14

BCD 8-2013(Temp), f. 9-27-13, cert. ef. 10-1-13 thru 3-30-14

BCD 28-2008, f. 12-31-08, cert. ef. 1-1-09

# Office of the Governor State of Oregon



## EXECUTIVE ORDER NO. 17-20

### ACCELERATING EFFICIENCY IN OREGON'S BUILT ENVIRONMENT TO REDUCE GREENHOUSE GAS EMISSIONS AND ADDRESS CLIMATE CHANGE

WHEREAS, climate change presents a significant threat to our livelihoods, economic security, environment, health, and well-being.

WHEREAS, there has been an increase in extreme weather events, including more frequent and intense heat waves and wildfires. According to the Oregon Climate Change Research Institute and other regional studies, the best available science indicates Oregon is at risk of serious impacts to its natural resources due to climate change.

- Water resources are being affected by decreased winter snowpack, changes to seasonal runoff patterns, decreased precipitation in Eastern Oregon, and increased intensity and occurrence of flooding.
- Agricultural resources are being affected by increases in temperatures.
- Ocean acidification is increasing and there are changes in ocean currents.
- Significant parts of the Oregon coastal region, stretching 363 miles, will be impacted by an expected rise in sea level up to 1 to 4 feet by 2100, incurring billions of dollars of damages and losses to roadways and structures.
- Climate change impacts threaten the State's agricultural, fishing, timber, recreation, and tourism industries, thereby threatening the livelihood of the State's residents and an important source of Gross State Product for the state.

WHEREAS, energy efficiency leads to significant greenhouse gas reductions that are essential to meeting our state greenhouse gas reduction goals and addressing climate change.

WHEREAS, Oregon is committed to meeting the international Paris Agreement targets to reduce greenhouse gas emissions by 26 to 28 percent below 2005 levels by 2025.

WHEREAS, Oregon has adopted goals to reduce greenhouse gas emissions to 10 percent below 1990 levels by 2020 and at least 75 percent below 1990 levels by 2050 as described in ORS 468A.20.



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WHEREAS, saving energy by using less energy in buildings is one of the least cost ways to achieve emissions reductions in the energy system – often with a net financial savings over the life of these energy efficiency measures, in particular as energy efficiency technology continues to improve.

WHEREAS, studies have found that building codes in Oregon have had a 97 percent compliance rate; and as building codes become more energy efficient, we will continue to strive toward excellence in construction and building codes, which are applicable statewide and provide uniformity and predictability for building owners and contractors and equity for residents and businesses.

WHEREAS, Oregon is an international leader in energy efficiency, has in-state energy efficiency expertise, and a skilled workforce to continue to be a leader; and Oregon can build on its reputation through emphasis on state leadership, building codes for newly constructed buildings, and retrofits for existing buildings.

WHEREAS, energy efficiency is a critical and growing portion of the State's clean energy economy. Investments in energy efficiency sustain a workforce of over 40,000 jobs statewide; 70 percent of these are small businesses with 11 employees or fewer. Investments in energy efficiency result in an average annual increase of gross state product of over \$132 million, and the resulting reduction in energy costs generates an additional \$32 million per year.

WHEREAS, low income and other underserved communities often struggle to access energy efficiency programs that will save them money and improve housing quality over the long-term and the State can take steps to implement policies that increase the availability of energy efficiency to these residents.

WHEREAS, state government has a responsibility to lead by example in its adoption of energy efficiency to achieve a more cost-effective and clean energy future.

WHEREAS, energy efficiency actions increase the health, safety, and resiliency of Oregon's buildings and homes, resulting in lower health care costs borne by the State and its residents.



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WHEREAS, an energy system with distributed generation, energy efficiency, and storage capacity can build resiliency in the face of climate change related disruptions and other disasters.

**NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:**

- 1. Definition.** For purposes of this Executive Order, “state agency” shall be defined as any agency within the Executive Department as defined in ORS 174.112, other than the Oregon Secretary of State, Oregon State Treasury, Oregon Department of Justice, and Oregon Bureau of Labor and Industries.
- 2. Statement of Policy.** It is the policy of the State of Oregon to establish an aggressive timeline to achieve net zero energy ready buildings as a standard practice in buildings across the state. Review and regular improvements to the energy provisions of the state building code will occur on at least a three-year cycle for residential and commercial buildings. Directives in this Executive Order related to energy efficiency, electric vehicle readiness, and solar installation readiness are essential to meeting this policy, as is a focus on retrofitting older, less-efficient buildings and demonstrating energy efficiency leadership in state-owned and state-leased buildings.
- 3. Energy Efficiency Leadership in State Buildings**
  - A. High Performance Energy Targets for Existing State Buildings.** State agencies will use high performance energy use targets for remodels in all existing state-owned buildings. Department of Administrative Services (DAS) and Oregon Department of Energy (ODOE) are directed to consider ASHRAE 100 Standard pathways and work with all state agencies to adopt targets for any remodels that begin after the date of this executive order. State agencies that are not meeting energy use targets will work with ODOE and DAS to undertake energy retrofits to increase the efficiency of their buildings. ODOE is directed to report on and track all state-owned building energy use to guide agencies to implement tactical and achievable energy use reductions. ODOE will work with all agencies to benchmark and identify buildings for retrofits. A database of all eligible state-owned buildings will be created by June 1, 2018.



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- B. Carbon-Neutral Operations for New State Buildings. DAS and ODOE are directed to work with state agencies to ensure that new state owned buildings permitted after January 1, 2022 and used primarily for office and other commercial work space are designed to be able to operate as carbon-neutral buildings defined with full fuel-cycle considerations that are inclusive of, but not limited to, off-site renewable energy and other provisions of ASHRAE standard 189.1. In addition, DAS and ODOE are directed to analyze feasible options with the Department of Environmental Quality that would lower the embodied carbon of building materials in new construction of state buildings.
- C. Statewide Plug-Load Strategy. DAS and ODOE are directed to develop a statewide plug-load management strategy and strategies for other occupant behavior changes to reduce energy uses not regulated by codes and standards. DAS and ODOE will develop a plug load strategy by January 1, 2019, and DAS will update policies for behavior-based efficiency by January 1, 2020.
- D. Energy Efficient Equipment. DAS, with support from ODOE, is directed to ensure that all equipment purchased by the state meets high-efficiency energy and water use specifications by incorporating efficiency standards into procurement requirements. DAS and ODOE will develop procurement requirements in the 2018-19 fiscal year.
- E. Lifecycle Cost Analysis. ODOE is directed to analyze state building costs, including lifecycle energy and water use costs or savings, when considering energy and water upgrades for state buildings. By January 1, 2019, ODOE, working with DAS, will develop analysis tools that can inform the high performance energy use targets and carbon neutral requirements for state buildings referenced above.
- 4. Increasing Energy and Water Efficiency in New Construction Across the State**
- A. Solar Ready Building Construction. The appropriate advisory board(s) and the Department of Business and Consumer Services Building Codes Division (BCD) are directed to conduct code amendment of the state



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building code to require all newly constructed buildings will be ready for the installation of solar panels and related technologies by October 1, 2020 for residential structures and October 1, 2022 for commercial structures. BCD may establish limited specific exemptions to this solar-ready policy for buildings where solar applications are infeasible.

- B. Electric Vehicle Ready Building Construction. The appropriate advisory board(s) and BCD are directed to conduct code amendment of the state building code to require that parking structures for all newly constructed residential and commercial buildings are ready to support the installation of at least a level 2 EV charger by October 1, 2022. BCD may establish limited specific exemptions related to types of parking lots, such as temporary parking lots.
- C. Zero-Energy Ready Homes. The appropriate advisory board(s) and BCD are directed to conduct code amendment of the state building code to require newly constructed residential buildings to achieve at least equivalent performance levels with the 2017 U.S. Department of Energy Zero Energy Ready Standard by October 1, 2023.
- D. Increasing Energy Efficiency in Commercial Construction. The appropriate advisory board(s) and BCD are directed to conduct code amendment of the state building code to require, by October 1, 2022, that newly constructed commercial buildings, averaged across building types, will exceed International Energy Conservation Code and ASHRAE 90.1 by achieving at least equivalent performance levels with the measurable prescriptive energy efficiency portions of the most current version of ASHRAE 189.1 that are construction-related.
- E. Helping Key, Expanding Industries to Save Costs by Reducing their Energy Footprint. ODOE, in consultation with BCD, is directed to work with industry stakeholders to identify key high-energy use industries that have the potential to realize significant cost savings and energy savings through building code amendments as it relates to their industrial building types. ODOE and BCD are directed to provide the Governor with a report of its analysis and findings by January 1, 2019.



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- F. Improved State Standards for Appliances. ODOE is directed to work with appliance industry stakeholders to identify categories of appliances for improved efficiency standards, while considering appliance standards of other states, potential efficiency gains, potential costs, and supply chains for the regional market for appliances. ODOE is directed to provide the Governor with a report of its analysis and identify categories of appliances for improved efficiency by November 1, 2018.
  - G. High Efficiency Water Fixtures. The appropriate advisory board(s) and BCD are directed to conduct code amendment of the state building code to require high-efficiency water fixtures in all new buildings by January 1, 2020.
  - H. Increased Water Efficiency in On-Site Reuse. The appropriate advisory board(s) and BCD are directed to conduct code amendment of the state building code to require water efficiency improvements in all newly constructed commercial buildings through standards for capture and safe reuse of water for irrigation purposes by October 1, 2025.
- 5. Increasing Energy Efficiency through Retrofits of Existing Buildings Across the State**
- A. Energy Trust of Oregon Pilot Programs. Oregon Public Utility Commission (PUC) is directed to work with the Energy Trust of Oregon and interested stakeholders to expand meter-based savings pilot programs, including pay-for-performance pilot programs, by January 1, 2019. PUC shall consider inclusion of pilot programs, which do not significantly raise energy efficiency delivery costs, and that focus on existing single family homes, multi-family residential buildings, commercial buildings, and methods to incentivize energy efficiency in building stock that is significantly below current building code requirements.
  - B. Prioritizing Energy Efficiency in Affordable Housing to Reduce Utility Bills. ODOE, PUC, and Oregon Housing and Community Services (OHCS) are directed to work together to assess energy use in all affordable housing stock and develop a ten-year plan for achieving



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maximum efficiency, as well as a continuum of efficiency levels up to maximum efficiency in affordable housing across the state by January 1, 2019. As part of the assessment, the agencies shall consider new resources and best practices and shall seek assistance from Energy Trust of Oregon and Bonneville Power Administration. OHCS is directed to expand its existing multi-family energy program and green energy path requirements, including a manufactured home replacement program through pilot programs and initiatives, while considering multiple values from energy efficiency improvements, such as health and habitability.

- C. Coordination of Data. ODOE and PUC are directed to support and assist private sector partners in efforts to coordinate sharing of data that shows projected energy use reductions in the region. This data will be made available to the public to inform energy efficiency policies, as appropriate, by January 1, 2020.
- D. Evaluation of Energy and Resiliency Efforts. ODOE and PUC are directed to evaluate the state's distributed energy resources and the efficiency of energy systems needed to improve Oregon's recovery from a disaster situation. ODOE and PUC are directed to provide the Governor with a report of their analysis and findings by January 1, 2019.
6. **Analysis of Cost.** State agencies are expected to implement this Executive Order using the least cost methods available. ODOE and BCD, in consultation with DAS, PUC, and OHCS, are directed to adopt a cost-analysis tool through a process that involves meaningful public input by December 1, 2019. State agencies shall use this cost analysis tool to determine whether any directive in this Executive Order should be deferred for one year or, if specific to a building code related directive, to the next building code cycle, due to significant cost at the time of implementation of that directive. All state agency processes for determining deferment of a directive in this Executive Order must include at least one public meeting that allows interested stakeholders to provide input.

# Office of the Governor State of Oregon

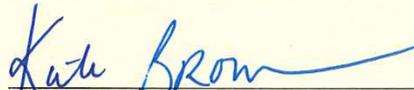


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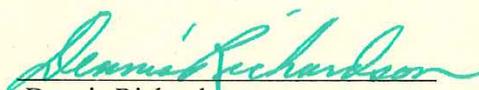
7. **Implementation.** The implementation of this Executive Order shall be coordinated through a Built Environment Efficiency Working Group, which will also identify any structural barriers or barriers to information sharing that may slow the progress of any directive in this Executive Order. The Built Environment Efficiency Working Group will review directives in this Executive Order, seek input from interested stakeholders, and recommend opportunities to provide equitable access to clean energy by removing barriers to achieving energy efficiency in the built environment to the Governor and state agencies. The Built Environment Efficiency Working Group shall include the following agencies: DAS, ODOE, BCD, PUC, and OHCS. Agencies shall implement each directive in this Executive Order using their existing internal processes and established rulemaking procedures, including recommendations from any boards. This Executive Order is intended to be consistent with obligations under federal and state law and shall be interpreted as to not violate any requirement of federal or state law.
8. The Governor encourages the Secretary of State, the State Treasurer, the Attorney General, and the Commissioner of the Bureau of Labor and Industries to adopt policies and practices to accelerate efficiency in the built environment consistent with measures in this Executive Order. DAS and ODOE are directed to assist the above-mentioned officials and entities of state government in accomplishing these objectives as they may request.

Done at Portland, Oregon, this 6<sup>th</sup> day of November, 2017.



  
 Kate Brown  
 GOVERNOR

ATTEST:

  
 Dennis Richardson  
 SECRETARY OF STATE



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> October 7, 2019	<b>Subject:</b> Tall Wood Structures – Fire Safety During Construction  <b>Staff Member:</b> Dan Carlson, Building Official  <b>Department:</b> Community Development	
<b>Action Required</b>	<b>Advisory Board/Commission Recommendation</b>	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
<b>Comments:</b> N/A		
<b>Staff Recommendation:</b> N/A		
<b>Recommended Language for Motion:</b> N/A		
<b>Project / Issue Relates To:</b> Building codes and fire codes, Villebois fire, and fire safety during the construction of tall wood structures.		
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable

### ISSUE BEFORE COUNCIL:

Community concerns have been expressed related to the vulnerability of tall wood frame structures while under construction and what can be done to reduce the risk of future fire or vandalism occurrences. For purposes of this staff report, tall wood frame buildings are defined as four (4) or more stories.

### Tall Wood Structures – Fire Safety During Construction Staff Report

Page 1 of 6

## **EXECUTIVE SUMMARY:**

### **Background**

On March 31, 2019, a 4-story 34-unit wood frame condominium structure (known as Sienna 2) caught fire in the central area of the Villebois neighborhood. The fire damaged or destroyed at least 16 buildings. While there were no deaths or injuries, numerous individuals were displaced and this was a very traumatic community event. The attached photos show the building a few weeks before and after the fire. In addition, the following are facts related to the building being constructed:

1. Plans show the maximum height of the structure at 44' to the exterior parapet.
2. Interior height was 39' from grade to the ceiling of the 4<sup>th</sup> floor.
3. The structure was nearing completion of the framing stage.
4. It had a flat roof installed. The roof was a rubber membrane over foam insulation.
5. The mechanical, electrical, and plumbing systems were just starting to be installed.
6. There were no gypsum firewalls and no fire sprinklers (including standpipes) installed at the time of the fire (typical for this stage of construction).
7. The non-compartmentalized and open nature of the building (which is typical due to the fact that it was under construction), along with light-wood framing that was extremely dry, resulted in a high fire-risk circumstance.
8. From a fire-safety perspective, the building was at its most vulnerable point in construction and the fire spread quickly.
9. The intensity of heat damaged numerous adjacent structures.
10. The building met state adopted building codes at the time of the fire.
11. The building was open without doors and did not have security fencing (as shown in attached photos).
12. The investigation continues into the cause of the fire. The nature of the fire was reported as "incendiary".

### **Discussion**

In light of the recent fire, questions have arisen which are addressed below:

#### **1. What are the codes that are in place for fire safety during construction?**

- a. Fire Code – The Oregon Fire Code (OFC) contains OFC Chapter 33 titled Safeguards During Construction, which regulates fire preventative measures during construction. This code is under the authority of the Oregon State Fire Marshal's Office (OSFM) and locally through Tualatin Valley Fire & Rescue (TVFR):
  - i. Firefighting Access & Water Supplies: TVFR reviews and enforces the firefighting access and water supply provisions of Chapter 33 during construction. Generally speaking, these provisions require access to the construction site for fire apparatus, and that fire hydrants are available once combustible materials are on site.

- ii. Precautions against fire – There are also numerous housekeeping type provisions in this short chapter including provisions for smoking, waste disposal, open burning, fire watches, welding, storage of flammable or combustible liquids, temporary heat equipment, building exits, fire extinguishers, a fire prevention plan, and others. Generally speaking, the OFC places the burden of compliance with housekeeping measures upon the owner. TVFR does not routinely inspect construction sites for compliance with housekeeping measures.
  - iii. OFC 33 does not require fencing, security guards, security cameras or other security provisions at construction sites.
- b. Building Code – The Oregon Structural Specialty Code (OSSC) is adopted by the State Building Codes Division (BCD) and administered locally by the City.
- i. According to BCD, “fire safety during construction” is not regulated by the adopted Oregon Structural Specialty Code (OSSC).
  - ii. A recent code change proposal to adopt these provisions was denied for the new statewide code, which is effective October 1, 2019.
  - iii. BCD has stated that fire safety during construction does not fall within the scope of the building code or adopting statute of ORS 455.020. Therefore, the City may adopt a local ordinance to regulate this specific area.
  - iv. In a meeting with the Tri-County Building Officials on Friday, August 9, 2019 (approximately 20 jurisdictions), and Mid-Valley Building Officials on Tuesday, August 6, 2019 (approximately 15 jurisdictions), this topic was discussed. There are no jurisdictions who have building departments that enforce fire safety provisions during construction. Jurisdictions either do not address the issue per direction from BCD, or do so through their Fire Department on a limited basis.

**2. How can we prevent a future fire, like the Villebois fire, and is there anything locally that can be done to strengthen codes or require additional fire preventative or security measures during construction?**

- a. BCD has recently clarified that the authority over fire safety during construction is not part of the Oregon Building Codes. The City could potentially pursue adoption of a local ordinance addressing the issue.
- b. If pursuing a local ordinance, the following should be considered:
  - i. Because the Fire Code regulates this issue, coordination with TVFR would need to occur to ensure there are no jurisdictional conflicts or overlapping requirements with the OFC.
  - ii. BCD will not allow building permit fees to be spent on support for fire prevention services by building department staff. A funding source will be needed to support services for additional plan reviews and inspections. This is funding that could support administration for either TVFR fire prevention, or City building department staff. This could be addressed in a future fee adjustment package.

- iii. A set of fire prevention standards would need to be decided upon and adopted by reference through ordinance. Specifics of the standards and administrative framework could be administered through development of a policy or guideline through cooperation between Building staff and TVFR staff.
  - iv. As a result of efforts by TVFR, OSFM and Representative Neron following the Villebois fire, the Governor's Fire Service Policy Council is planning to establish a task force to review existing regulations and make recommendations to improve fire safety during construction. This could include fire code amendments, changes in state regulations or laws, outreach, or best practices.
- c. Outreach – In preventing future events, contractor awareness is essential prior to and during construction.
- i. Since the Villebois fire, Building department staff began to include a construction site fire-safety brochure from FEMA (attached) with each permit for a new building. TVFR also is updating their review letters with information regarding fire safety during construction.
  - ii. During each pre-construction meeting, building staff discuss and encourage fire preventative measures during construction.
  - iii. During construction, inspection staff remain extra vigilant in bringing forward potential fire-safety issues to project superintendents, even though, according to the State BCD, this is outside the building inspectors' scope.

### **3. What about fire prevention measures for the future rebuild of Sienna 2 or the new Hilton Garden Inn Hotel?**

- a. Sienna Building 2
  - i. The former Sienna Building 2, constructed by Polygon Homes, was not secured or fenced. The site was open for easy entry at the time of the fire.
  - ii. Polygon has informed staff that in moving forward to rebuild, their insurance will require them to install security cameras and chain link security fencing around the site (fencing is already in place). The Building Division currently has no authority to require or maintain security fencing, cameras, or other fire preventative measures during construction.
  - iii. Timeline for reconstruction is said to be this fall. The City has issued the necessary demolition permits and rebuild permits, so work could commence at any time.
- b. Hilton Hotel
  - i. The Hilton (as shown in the attached photos) is currently under construction by SD Deacon Construction. The Hilton will be a 4-story 118-unit hotel, which reaches 58' in height. It is primarily a wood frame building with some structural steel.

- ii. SD Deacon has companywide protocols for fire safety during construction and employs a designated Safety Manager. Some of the safety measures include, or will include:
  - 1. The site is secured from entry at the perimeter with fencing and is posted with appropriate signage (see photo).
  - 2. A hydrant is at the ready with charged hose and extends to the site in case of fire (see photo).
  - 3. Posting “No Smoking” signs and designating smoking areas away from the structure and combustibles.
  - 4. Distribution of Fire extinguishers throughout every level of the structure (1 per 3,000 SF of building - per level including the roof when roof work is active).
  - 5. Hot work permit systems (welding/soldering) – which include a fire watch component.
  - 6. Posting signs or painting floor/level numbers in stairways
  - 7. Site orientations given for all personnel on site include emergency phone numbers and evacuation/assembly points.
  - 8. Invitations to local fire department for site visits throughout various stages of construction.
- iii. SD Deacon has provided a copy of their fire prevention program and Wilsonville safety orientation checklist for employees (attached).

### **Conclusion**

There are a variety of measures and influences, both regulatory and non-regulatory that contribute to the degree of fire safety during construction. The effectiveness of those measures and influences is debatable, depending on various roles and perceptions.

From the staff perspective, the state adopted OSSC and OFC do not contain language requiring additional security measures to prevent open access to construction sites. Preventing open access would have been a positive step in the level of fire safety afforded the Sienna Building 2 site.

Nearly all commercial contractors make the installation of construction fencing a matter of common practice, mainly to prevent theft and to address other regulatory requirements such as from their insurance and from OSHA. The future rebuild of Sienna 2 will have security measures installed, including fencing. The current Hilton project has construction fencing and numerous fire preventative measures in place.

Council could adopt a local ordinance requiring construction fencing or other measures. While this could be helpful, staff believes measures such as construction fencing will occur as a matter of construction practice and as driven from other regulatory influences. Aside from site security to prevent open access, the main issue influencing fire safety during construction is one of housekeeping. City and TVFR staff have increased communications and educational efforts with contractors in this area.

**EXPECTED RESULTS:**

Increased vigilance with construction site housekeeping and improved outreach/communications with contractors about construction site fire safety will help reduce the chances of fires during construction. Other regulatory drivers such as insurance and OSHA for site security will yield improvements in helping to prevent future construction site fire occurrences.

**TIMELINE:**

N/A

**CURRENT YEAR BUDGET IMPACTS:**

N/A

**FINANCIAL REVIEW / COMMENT:**

Reviewed by: KAK Date: 9/24/2019

**LEGAL REVIEW / COMMENT:**

Reviewed by: BAJ Date: 9/26/2019

Creation of an Ordinance requiring fencing, security cameras or other security measures is certainly feasible, should City Council wish to do so

**COMMUNITY INVOLVEMENT PROCESS:**

N/A

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

N/A

**ALTERNATIVES:**

Alternatives are discussed in the Executive Summary.

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENTS:**

1. Photo of site, pre-fire, Sienna Building 2
2. Photo of site, post-fire, Sienna Building 2
3. Photo of Hilton under construction (8/7/19)
4. FEMA Brochure – Preventing Arson at Construction Sites
5. SD Deacon Fire Prevention Program and Wilsonville Jobsite Safety Checklist



Attachment 1 - Photos Sienna Building 2: Approx 3 weeks Pre-Fire

Attachment 1 - Photos Sienna Building 2: Approx 3 weeks Pre-Fire



Attachment 2 - Photos Sienna Building 2: Post Fire April 2, 2019

Attachment 2 - Photos Sienna Building 2: Post Fire April 2, 2019



Attachment 3 - Photos: Hilton Site Security and Charged Fire Line

Attachment 3 - Photos: Hilton Site Security and Charged Fire Line

# Preventing Arson at Construction Sites



## Awareness is key. Everyone can help to prevent arson at construction sites.

### Contractors:

-  Store solvents, fuels and tools in a locked storage container or remove them from the job site when you are not using them.
-  Request additional patrols or drive-bys from your local law enforcement.
-  Remove trash and debris from the job site.
-  Try not to store excess materials on the job site.
-  Secure doors and windows on structures when crews are not actively working on the property.

### Community:

-  Awareness is essential. Become familiar with activities in your neighborhood.
-  Report odd or suspicious activities to your local law enforcement.

### For more information:

The National Association of State Fire Marshals offers free construction fire safety online training courses:

-  Building Inspector Fire Safety Course.
-  Overview for Safety Managers and Owners.
-  Construction Workers Fire Safety Course.

Visit [www.constructionfiresafety.training](http://www.constructionfiresafety.training) to enroll.

Visit [www.usfa.fema.gov/aaw](http://www.usfa.fema.gov/aaw) for more information.

Attachment 4





EMPLOYEE SAFETY ORIENTATION	
EMPLOYEE NAME: _____	EMPLOYER: _____ <input type="checkbox"/> PERM <input type="checkbox"/> TEMP
POSITION: _____	PROJECT NAME & NO: _____

Deacon Safety Program – *Deacon employee's ONLY (Show copy of IIPP and Code of Safe Practices)*  
 Deacon Hazard Communication Program – *Deacon employee's ONLY*  
 Subcontractor's S.D.S. (*On-site and up to date; S.D.S. location;*  
 Heat Illness Prevention Standards (*Adherence & application by subs; weekly meeting topic reminder*)  
 Emergency Action Plan/Crisis Response – (*Review procedures; Emergency Plan, Checklist, Medical Map*)  
 Evacuation Plan (*Assembly point; Primary and Secondary; Whistle, horn*)  
 Responding to Injuries (*Who does what: Guide @ Gate for Paramedics; who controls response; who stays with Injured*)  
 First Aid and First Aid Training (*Location: 1st Aid Kit; Grab & Run; Blood Cleanup & Phone for 911*)  
 Reporting (*Reporting any and all injuries to your Supervisor, immediately*)  
 Job Hazard Analysis (*JHA's required for hazardous tasks and/or as deemed necessary by Deacon.*)  
 Safety Meetings and Weekly Walk Around Audits (*Safety Meetings: where/ when; Weekly Audits*)

Personal Protective Equipment (PPE) (*dust mask, earplugs; safety glasses /face shield; boots; hardhats, high viz*)  
 Fall Protection (*100% tie off at all times when working above CA 7.5'; OR 6, WA 4'', no monitor system*)  
 Scaffolding (*Basic Awareness training; Confirmation; Dangers of plank collapse; wind uplift; guardrails. Need proof of training*)  
 Ladders (*Proper selection and use; Belt buckle rule*)  
 Trenching and Excavation (*No admittance to any un-shored trench deeper than 5 feet. (4' in WA)*)  
 Forklifts (*Certification, validation, checklists*)  
 Scissor Lift and Boom Lift (*Basic Awareness confirmation; Dangers: Boom lift catapult; scissor lift tip over; roll-stops; know where your wheels are at all times*)

Fire Prevention and Fire Protection (*Location of Fire Extinguishers-checked monthly; Removal of combustibles; fire watch*)

Hot Work (*Welding, burning, grinding; Fire Extinguishers; Combustible removal*)

Electrical Safety (*GFCI at all times; cord & tool inspection & spider box monthly inspection*)

Housekeeping (*Cleanup by Subcontractors or Deacon; Composite Crew*)

Project Sanitation (*Location of Porta-potty & hand wash stations*)

Job site worker Behavior Standards (*Define standards; Weekly meeting topic reminder; open store issues*)

You (subs) are encouraged to review the Sub Safety Exhibit contained in your subcontract agreement with Deacon. (Sub owners/supervision).

Additionally, the following actions will **NOT** be tolerated (will result in being removed from the project):

- Being inside an improperly shored/shielded/benched or sloped trench over 5' deep (4' in WA)
- Not utilizing personal fall protection or removing guardrails above OSHA threshold requirements.
- Creating /exposing themselves or others to an open electrical exposure over 200v (unlicensed and or unqualified personnel) with panel cover off; working on a panel without a JHA and PPE and/or barricades around work area.
- Removing, pinning or modifying any guards on power tools.

ORIENTATION RECEIVED & UNDERSTOOD BY: \_\_\_\_\_  
EMPLOYEE (SIGN NAME) (PRINT NAME)

ORIENTATION GIVEN BY: _____	PRESENTER (SIGN NAME)	(PRINT NAME)
DATE OF ORIENTATION: _____		



## 20. FIRE PROTECTION AND PREVENTION PROGRAM

<u>TABLE OF CONTENTS</u>	<u>Page</u>
GENERAL SAFETY RULES .....	20.1
FIRE WATCH INSTRUCTIONS .....	20.1
SAFETY WATCH INSTRUCTIONS .....	20.2
Sample – Hot Work Permit Checklist .....	20.3
Requirements of the Safety Watch .....	20.4

**GENERAL SAFETY RULES**

1. Warning signs prohibiting smoking and open flames shall be posted, maintained and enforced around storage areas for fuel and other flammable and combustible materials. Smoking in designated areas only.
2. Only approved containers and portable tanks shall be used for the storage and handling of flammable and combustible liquids. Containers shall be labeled as to contents, flammability and HazCom information, NFPA or HMIS Standards.
3. Fuel and oil spills shall be promptly cleaned up.
4. All gas or petroleum powered equipment shall be provided with a 5 lb. "ABC" rated fire extinguisher. Small portable gas power equipment shall have a fire extinguisher in the vicinity.
5. At least a 10 lb (or as required by state regulations) "ABC" rated fire extinguisher shall be readily accessible to all welding or similar operations.
6. In case of wood a water fire extinguisher is preferable.
7. All offices shall be equipped with 5 (or as required by state regulations) "ABC" rated fire extinguishers to meet local/state code requirements.
8. Priority shall be placed on the installation and activation of the permanent building fire protection system.
9. Specific fire protection plans will be made for each floor area of the facility which will include:
  - a. Provisions for adequate exits via stairs or ladders, etc., in case of emergency.
  - b. Specific locations for fire extinguishers in accordance with State Regulatory requirements.
  - c. Provisions for adequate ventilation of areas where vapors or fumes may be present, especially in connection with the operation of temporary heating units.
10. The project superintendents shall ensure that inspections are made at least monthly to assure that all equipment and signage is in place and that procedures are being followed. Record shall be kept of the inspections.
11. Weekly safety meetings shall include periodic instruction in the use of fire extinguishers and familiarization with emergency exit routes.
12. Fire extinguishers shall be placed in job vehicles, equipment and conveniently located throughout construction site for quick access. Fire extinguishers shall be no more than 75' lineal travel distance (150' apart) and at least one on each level.
13. Immediately after each use, fire extinguishers shall be replaced or recharged.

**FIRE WATCH INSTRUCTIONS**

Because of the important responsibilities you assume when you become a Fire Watch, you should be thoroughly familiar with the duties.

Attachment 5-4

Revised Feb. 5, 2016

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**READ THE FOLLOWING INSTRUCTIONS CAREFULLY.****1. Primary Responsibilities**

- a. Prevent ignition of any flammable material. Remove all combustible materials from the area.
- b. Should a fire occur, immediately extinguish it, notify the job superintendent or turn in a fire alarm. **CALL 911**
- c. Maintain the conditions and requirements listed on the safety permit.
- d. **STOP THE JOB** if you observe any condition which you consider to be hazardous and notify the Superintendent.

**2. Basic Duties**

Circumstances and conditions of the job determine what the safety requirements and fire watch duties will be. However, the following duties are basic to all jobs:

- a. Do not leave the jobsite while welding or spark-producing operations are in progress. If other duties require you to leave the jobsite, you must first **STOP THE WELDING AND SPARK-PRODUCING** operations or assign the responsibility to another qualified person.
- b. Before the job starts and during its progress, survey the entire area for the potential release of flammable liquids or vapors. Be on the lookout for possible operating upsets. Make sure that operations at nearby jobsites are aware of the work in progress.
- c. Prevent the taking of samples, venting or opening of piping or equipment in the immediate area of the hot work where such action would release flammable liquids or vapors and expose our workers to their danger.
- d. Determine the exact location of fire fighting equipment in the immediate area. Be certain that you know how to operate this equipment, i.e., fire extinguishers, hydrants, hose carts, fire alarm, etc.
- e. If you have any questions regarding the job, check with you supervisor.
- f. **BE ON THE ALERT.** Try to anticipate and prevent any condition that would be hazardous.
- g. Upon completion of the job and before departing from the site, make sure there are no hot sparks, burning embers, etc., still present. **30 minute fire watch is required.** Return any firefighting equipment to its original location.

Note: Authorities Having Jurisdiction (AHJ) or client may have more stringent requirements.

**SAFETY WATCH INSTRUCTIONS (For Jobs Other Than Welding Which Require a Fire Watch)**

The Safety Watch duties are to observe other employees while they are performing their work and identify potentially unsafe conditions that may cause an accident. In addition, the safety watch is to act as a communication link for employees performing the work. A Hot Work Permit outlining the requirements may be issued by the Deacon Construction, LLC. superintendent.

**Attachment 5-5**

Revised Feb. 5, 2016



### HOT WORK PERMIT CHECKLIST

**BEFORE INITIATING HOT WORK, ENSURE PRECAUTIONS ARE IN PLACE!  
MAKE SURE AN APPROPRIATE FIRE EXTINGUISHER IS READILY AVAILABLE!**

This Hot Work Permit is required for an operation involving open flames or producing heat and/or sparks. This included but is not limited to: Brazing, Cutting, Grinding, Soldering, Thawing Pipe, Torch Applied Roofing and Cadwelding.

INSTRUCTIONS	Required Precautions Checklist																																								
<p><b>A. Verify precautions listed at the right or do not proceed with the work.</b> <b>B. Complete and retain this Permit</b></p>	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 20px; text-align: center;"><input checked="" type="checkbox"/></td><td>Available sprinklers, hose streams, and extinguishers are in service / operable.</td></tr> <tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>Hot work equipment is in good repair and combustibles / openings are protected for 35'</td></tr> <tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>Flammable liquids, dust, lint, and oil deposits are removed.</td></tr> <tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>Explosive atmosphere in area is eliminated.</td></tr> <tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>Floors swept clean.</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td>Combustible floors wet down, covered with damp sand or fire resistant sheets.</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td>Remove other combustibles where possible, otherwise protect with fire-resistant tarpaulins, or metal shields.</td></tr> <tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>All wall and floor coverings covered.</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td>Fire-resistant tarpaulins suspended beneath work, work on walls or ceilings / enclosed equipment.</td></tr> <tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>Construction is noncombustible and without combustible covering or insulation.</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td>Combustibles on the other side of walls moved away.</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td>Danger exists by conduction of heat into another area.</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td>Enclosed equipment cleaned of all combustibles.</td></tr> <tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>Containers purged of flammable liquids / vapors. 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<p>Hot Work Done By:</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 20px; text-align: center;"><input checked="" type="checkbox"/></td><td>Employee</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td>Contractor</td></tr> </table> <p>Date: <u>2-16-14</u> Job No. <u>2641</u></p> <p>Location/Building &amp; Floor: <u>Stock room/1<sup>st</sup> floor overhead</u></p> <p>Nature of Job/Object: <u>Welding new ankle supports</u></p> <p>Name of Person doing Hot Work: <u>Becky Leach</u></p> <p>I verify the above location has been examined the precautions checked on the Required Precautions Checklist have been taken to prevent fires and permission is authorized for work.</p> <p style="text-align: center;"></p> <p><b>Signed:</b></p>	<input checked="" type="checkbox"/>	Employee	<input type="checkbox"/>	Contractor	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 20px; text-align: center;"><input type="checkbox"/></td><td>Permit Expires:</td></tr> <tr><td style="width: 20px; text-align: center;"><input type="checkbox"/></td><td>Date: <u>2/16/14</u></td></tr> <tr><td style="width: 20px; text-align: center;"><input type="checkbox"/></td><td>Time: <u>5PM</u></td></tr> </table>	<input type="checkbox"/>	Permit Expires:	<input type="checkbox"/>	Date: <u>2/16/14</u>	<input type="checkbox"/>	Time: <u>5PM</u>																														
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<p style="text-align: center;"><b>THIS PERMIT IS GOOD FOR ONE DAY ONLY</b></p>	<p style="text-align: center;"><b>Other Precautions Taken</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 20px; text-align: center;"><input type="checkbox"/></td><td>Confined entry permit required.</td></tr> <tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>Is area protected with smoke or heat detection? Yes _____ No _____</td></tr> <tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>Ample ventilation to remove smoke / vapor from work area.</td></tr> <tr><td style="text-align: center;"><input type="checkbox"/></td><td>Lock out / tag required.</td></tr> </table> <p>Verification or compliance or required conditions precautions checklist from signature below.</p> <p style="text-align: center;"></p> <p>Superintendent Signature</p>	<input type="checkbox"/>	Confined entry permit required.	<input checked="" type="checkbox"/>	Is area protected with smoke or heat detection? Yes _____ No _____	<input checked="" type="checkbox"/>	Ample ventilation to remove smoke / vapor from work area.	<input type="checkbox"/>	Lock out / tag required.																																
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<input type="checkbox"/>	Lock out / tag required.																																								

**Requirements of the Safety Watch (JHA is required for this duty)**

1. The Safety Watch must understand how the job is to be performed and what the conditions or limitations are on the fire watch permit, if there is one. Should these conditions change or employees not follow instructions on the permit, the Safety Watch shall shut the job down and report the change in conditions or that the employees are not following instruction on special jobs, to the supervisor.
2. The Safety Watch must maintain a constant means of communication with the employees performing hot work. Visual and voice contact will be kept when possible. A means of voice contact must be maintained whenever visual contact cannot be constant. The Safety Watch must be familiar with the communication systems, if they are used.
3. The Safety Watch should discuss the job with the supervisor assigning the job and those employees performing the job in order to determine what action should be taken in the event of an accident or emergency.
4. The Safety Watch must stay at the work site until authorized to leave as directed by the supervisor assigning the job. If for any reason the Safety Watch should have to leave the jobsite, STOP THE WORK or assign the Safety Watch to another qualified person and notify those employees you are standing by or that you are leaving the job.
5. The Safety Watch must be familiar with the location, operation and use of the fire and safety equipment in the work area. A fire extinguisher must be at the work site when burning or welding is in progress.
6. The Safety Watch shall immediately shut down the work if conditions change, presenting a hazard to workers, or to shut down the work if directed by a supervisor.
7. The Safety Watch may be responsible for other duties not listed above, as directed by the supervisor assigning the job.

Should there be any doubt or misunderstanding about the above requirements, you are to contact your supervisor immediately.

**References:**

Part D WAC 296-155-250 thru 296-155-280

<http://www.osha.org/pdf/pubs/3356.pdf> "Expecting the Unexpected"

[http://www.osha.org/pdf/pubs/fact\\_sheets/fs07.pdf](http://www.osha.org/pdf/pubs/fact_sheets/fs07.pdf) Fact sheet - Portable fire extinguishers.

Cal/OSHA, Title 8, Construction Safety Orders, Section 1920, 1921 & 1922,

Cal/OSHA, Title 8, General Industry Safety Orders, Section 6151.



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> 10/07/2019	<b>Subject:</b> PERS Contribution Rate Relief Through the State's Employer Incentive Fund (EIF) & Unfunded Actuarial Liability Resolution Program (UALRP)  <b>Staff Member:</b> Keith Katko, Assistant Finance Director and Cathy Rodocker, Finance Director  <b>Department:</b> Finance	
<b>Action Required</b>	<b>Advisory Board/Commission Recommendation</b>	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable  <b>Comments:</b> The Oregon Legislature created the EIF to help PERS-participating employers reduce future contribution rates. Employers can make a lump sum payment, which is matched 25% by the State, up to a certain limit, creating a side account to offset future PERS contribution rates.	
<b>Staff Recommendation:</b> Staff recommends that Council move to support participation in the State's contribution rate relief program making a lump sum payment of \$3,426,333 which is the allowable limit equal to 5% of the City's portion of the PERS unfunded actuarial liability (UAL) or \$17,131,655 (as of 12/31/17). This lump sum payment of \$3,426,333 by the City would be State matched \$856,583 creating a total \$4,282,916 rate relief side account.		
<b>Recommended Language for Motion:</b> N/A		
<b>Project / Issue Relates To:</b>		
<input checked="" type="checkbox"/> Council Goals/Priorities: Fiscal Discipline	<input type="checkbox"/> Adopted Master Plan(s):	<input type="checkbox"/> Not Applicable

### ISSUE BEFORE COUNCIL:

The Employer Incentive Fund (EIF) and the Unfunded Actuarial Liability Resolution Program (UALRP) are two programs established by the Oregon Legislature to help PERS participating employers reduce their contribution rates in the future. In order to participate, the City must apply to the EIF for matching funds; make a lump-sum payment of at least \$25,000 establishing a rate relief side account; and simultaneously commit to participation in the UALRP.

### PERS Staff Report

Under the program, lump sum payments to a side account made by an employer are matched 25% by the state up to 5% of an employer's UAL. The specific issue before Council is whether to participate (make a lump sum payment) and at what level.

### EXECUTIVE SUMMARY:

As of December 31, 2017, PERS was 73 percent funded (80 percent including employer side accounts). Side accounts hold deposits from PERS employers of pension obligation bond proceeds and other advance lump-sum payments that are amortized to offset that employer's contribution. As of December 31, 2017, the unfunded actuarial liability (UAL) was \$22.3 billion (\$16.7 billion including side accounts). That is the excess of the actuarial accrued liability over the actuarial value of assets. The UAL is amortized over a fixed period to determine the UAL rate component of employer contribution rates. The UAL fluctuates based on various factors including investment returns, PERS Board reserving policies, statutory plan design changes, and litigation outcomes.

The City's portion of the PERS UAL is \$17,131,655 (as of 12/31/17) and it does not currently have a side account. Side accounts are established when an employer elects to make a lump-sum payment to reduce its contribution rates. Side accounts are assets of the PERS Trust, but they only provide rate relief to the individual employer that funded the account. Side accounts are generally amortized over the same period as the employer's associated UAL, providing the employer with an offset of its employer rate. The goal is for the side account to provide rate relief to the employer until the associated UAL is paid off. Side account rate offsets are recalculated every two years, taking into consideration how much of the side account has been used, what earnings have been credited, and changes to the individual employer's payroll.

As noted, the City's portion of the PERS UAL is \$17,131,655 (as of 12/31/17). That represents 187% of the City's yearly payroll valuation. A few additional comparisons for context:

Entity	UAL	Payroll Valuation	UAL as % of Payroll
Sherwood School District	\$55,097,075	\$26,382,880	209%
City of Tualatin	\$22,931,720	\$11,247,074	204%
City of Lake Oswego	\$51,934,586	\$26,387,992	197%
City of Sherwood	\$13,540,426	\$7,134,755	190%
WLWV School District	\$94,118,412	\$51,064,474	184%
City of West Linn	\$14,660,653	\$8,665,416	169%

The first 90 days of the EIF Program application cycle (September 3 - December 1, 2019) are reserved for employers with an unfunded actuarial liability (UAL) that exceeds 200% of their payroll. The City of Wilsonville would be allowed to apply on or after December 2, 2019. Applications will be approved on a first come, first served basis. The application period will remain open until August 31, 2020, or until all available funds have been paid. The Legislature appropriated \$100 million in State general fund revenues into the EIF during the 2019 session and will be distributed on a first-come first serve basis. Employers already approved for EIF Matching Funds are listed in **Attachment 1** of this report.

The maximum lump sum payment the City can make is \$3,426,333. This lump sum payment would allow for the 25% matching benefit of an additional \$856,583. If the City were to proceed, the City's lump sum payment would be expensed proportionately to respective City Funds as outlined below:

Fund	%	City Expense
General Fund	49%	\$1,672,207
Fleet Fund	4%	\$125,534
Building Fund	6%	\$188,916
CD Fund	16%	\$553,741
Road Operating	2%	\$61,986
Transit Operating	18%	\$617,744
Water Operating	3%	\$102,650
Sewer Operating	2%	\$78,561
Storm Operating	1%	\$24,994
<b>TOTAL</b>	<b>100%</b>	<b>\$3,426,333</b>

### **EXPECTED RESULTS:**

If the City makes the \$3.4 million lump sum payment, it will be matched 25% by the State to create a \$4,282,916 side account. This side account is projected to create a rate reduction offset of 3.13% over the life of the amortized UAL of 20 years. A 3.13% PERS rate reduction in FY 2019-20 alone would be the equivalent of an approximately \$307,000 savings for the City.

While the rate reduction (3.13%) would remain constant, the yearly savings amount would increase as the total payroll valuation increase each year and as well, the overall PERS employer rates climb over the next 7 bienniums, with overall relief not expected until 2035. See **Attachment 2** for 20-year side by side graphical display of employer PERS contribution for the City without this EIF side account (in blue) and with side new side account (in red).

The value of the lump-sum payment will be used in calculating the employer's rates in the actuarial valuation for the year in which the employer makes the lump-sum payment, and will be made effective July 1 of the year following publication of that valuation. The City could also pay for an actuarial calculation (\$1,000) to start the employer rate offset earlier.

Conceptualized as in investment, and based on the projected cash flow savings, net the \$3.4 million lump sum payment, the internal rate of return (IRR) of this "investment" is 8.64%. The internal rate of return indicates the annualized rate of return for a given investment. Specifically, IRR is the interest rate at which the net present value of all the cash flows (both positive and negative) from an investment equal zero.

### **TIMELINE:**

N/A

### **CURRENT YEAR BUDGET IMPACTS:**

The \$3,426,333 lump-sum payment will need to be approved via a supplemental budget adjustment.

**FINANCIAL REVIEW / COMMENT:**

Reviewed by: CAR Date: 9/16/2019

**LEGAL REVIEW / COMMENT:**

Reviewed by: BAJ Date: 9/26/2019

A policy and financial decision.

**COMMUNITY INVOLVEMENT PROCESS:**

N/A

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

N/A

**ALTERNATIVES:**

Pay as we go in terms of PERS employer rate increases and push the UAL City liability out for future consideration.

**CITY MANAGER COMMENT:**

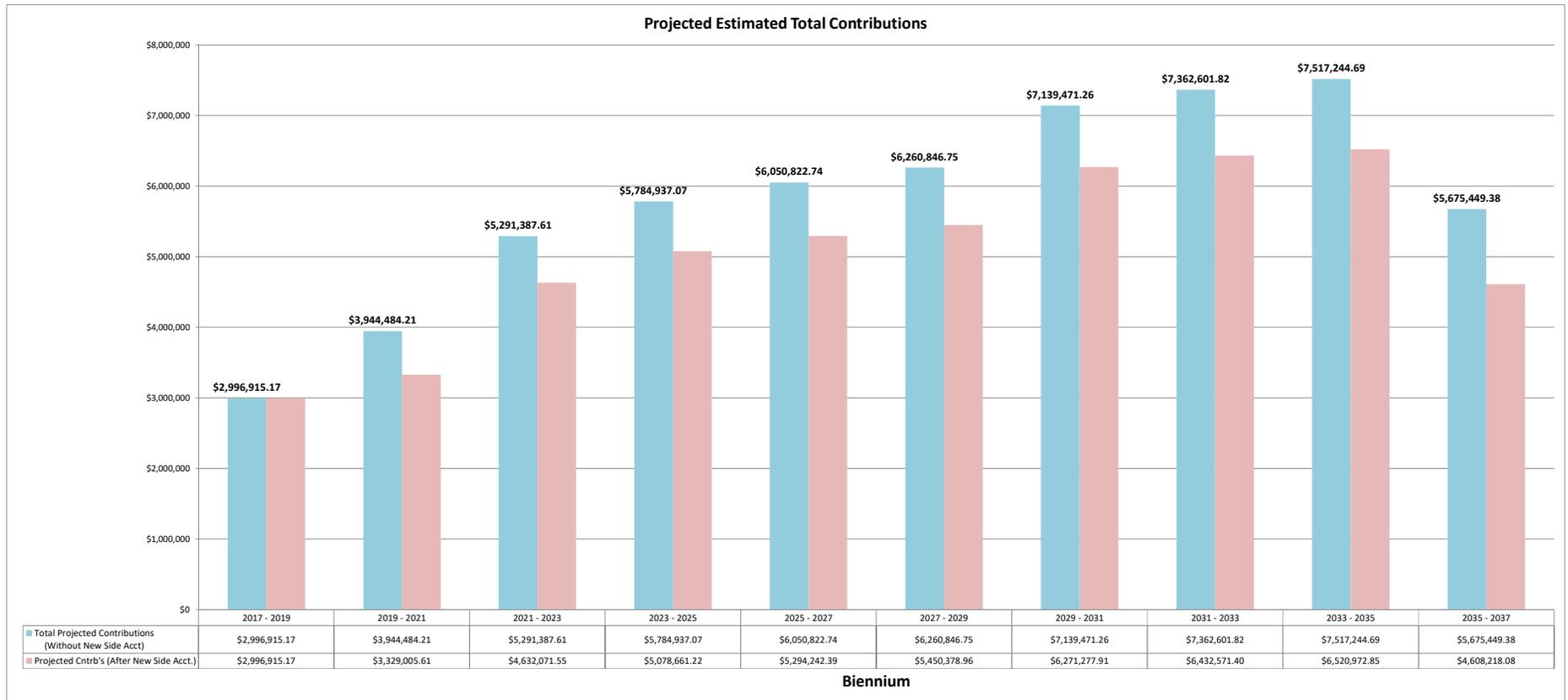
N/A

**ATTACHMENTS:**

1. Employers Approved for EIF Matching Funds (as of 09/06/19)
2. Graph of Expected Results over 20 years (PERS Rate Projection Model)

## ATTACHMENT 1: EIF APPROVED EMPLOYERS LIST (09/06/19)

Employers Approved for EIF Matching Funds			
Employer	Employer Name	Lump Sum Payment	EIF Match
2132	Eugene Water and Board	\$21,980,041.60	\$5,495,010.40
4219	Grant County Education Service District	\$250,000.00	\$62,500.00
2118	City of Ontario	\$2,192,548.94	\$548,137.23
3370	Grant County School District #4 (Prairie School District)	\$183,000.00	\$45,750.00
2111	City of Eugene	\$8,000,000.00	\$2,000,000.00
3372	Grant County School District #8 (Monument School District)	\$100,000.00	\$25,000.00
2526	Clatskanie PUD	\$1,200,000.00	\$300,000.00
2568	Molalla RFPD #73	\$25,000.00	\$6,250.00
2701	Sisters-Camp Sherman Fire District	\$1,200,000.00	\$300,000.00
2794	Siuslaw RFPD #1	\$300,000.00	\$75,000.00
4440	Sheridan AllPrep Academy	\$300,000.00	\$75,000.00
2648	Black Butte Ranch RFPD	\$250,000.00	\$62,500.00
3364	Condon Admin School District 25j	\$200,000.00	\$50,000.00
2008	Lane County	\$10,000,000.00	\$2,500,000.00
3520	Lane County School District #69 (Junction City SD #69)	\$400,000.00	\$100,000.00
2867	West Multnomah Soil and Water Conservation District	\$25,000.00	\$6,250.00
2288	City of Tualatin	\$648,461.00	\$162,115.00
2761	Clackamas River Water	\$25,000.00	\$6,250.00
3320	Camas Valley School District #21	\$250,000.00	\$62,500.00
4345	Oregon Trail School District #46	\$1,000,000.00	\$250,000.00
2773	Housing Authority of Jackson County	\$1,200,000.00	\$300,000.00
3970	Cove School District	\$250,000.00	\$62,500.00
4404	Alliance Charter Academy	\$250,000.00	\$62,500.00
3462	Paisley Charter School	\$400,000.00	\$100,000.00
3647	Scio School District #95c	\$1,604,735.80	\$401,183.95
2016	Sherman County	\$1,200,000.00	\$300,000.00
2710	Klamath County Emergency Communications District	\$130,000	\$32,500





## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> October 7, 2019	<b>Subject:</b> Tax Increment Financing (TIF) Zone Program Expiration and Redesign  <b>Staff Member:</b> Jordan Vance, Economic Development Manager  <b>Department:</b> Community Development	
<b>Action Required</b>	<b>Advisory Board/Commission Recommendation</b>	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	<b>Comments:</b> N/A
<b>Staff Recommendation:</b> Staff recommends that Council allow the existing TIF Zones to expire, and direct staff to develop a revised TIF Zone program.		
<b>Recommended Language for Motion:</b> N/A		
<b>Project / Issue Relates To:</b>		
<input checked="" type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

### ISSUE BEFORE COUNCIL:

Council to provide direction on the expiration of existing Tax Increment Finance (TIF) Zones for three sites in Wilsonville and to begin implementation of a revised TIF Zone program to provide more effective incentives for high-value, high-employment development.

## **EXECUTIVE SUMMARY:**

### **Program Background**

In 2013, the Wilsonville City Council approved the designation of six separate industrial properties as individual urban renewal districts. Each of these properties is referred to as a Tax Increment Financing (TIF) zone. The TIF zones use the same funding mechanism and State legislative framework as standard urban renewal districts. However, rather than fund large-scale, long-term projects, the TIF zones are intended to provide property tax rebates as a development incentive for qualifying companies who invest in any of the six properties.

As presently designed, each TIF zone would rebate up to 75 percent of increased property tax increment for three years for companies that invest at least \$25 million in capital improvements or equipment and create 75 or more new full-time jobs paying at least 125 percent of the average Clackamas County wage.

By 2014, three of the six TIF Zone sites had been leased or purchased by businesses who would not benefit from the TIF Zone program. Consequently, the City Council eliminated those three TIF Zones in the fall of 2014, leaving three remaining TIF Zones for which only one (Microsoft, 26755 SW 95th Avenue) converted the space into a higher-value manufacturing facility. The other two sites are in use as a warehouse (Pacific Foods, 27255 SW 95th Avenue) and a battery manufacturer (Energy Storage Systems Inc., 26440 SW Parkway Avenue, Building 83), which partially occupies Building 83. None of the projects utilized the TIF incentive program.

The TIF Zones were originally scheduled to sunset on November 4, 2018 (five years after the effective date of the plan); if no qualifying, investment has been made in the area. On October 15, 2018, City Council extended the termination date by one year for the three remaining TIF Zones to allow for analysis of potential changes to the TIF Zone incentive program to more effectively facilitate development of higher-value advanced manufacturing in applicable vacant facilities.

The existing TIF Zones incentive program is now set to expire in November 2019 and city staff have identified a potential new approach to modify the program going forward.

### **Benefits of Proposed Program**

The TIF program was originally designed in a post economic recession environment to incentivize development in vacant or under-utilized industrial warehouses and convert the spaces to higher-value manufacturing facilities.

The benefits offered and requirements for qualifying businesses were patterned off the Enterprise Zone program administered by the State of Oregon. Wilsonville did not meet State requirements to establish an Enterprise Zone (maximum thresholds for unemployment and median family income). The lack of an Enterprise Zone puts Wilsonville at a disadvantage when potential industrial developers compare sites in Wilsonville to sites in other communities where this tool is available. The TIF Zones helped to mitigate this disadvantage. However, the original approach to TIF Zones has limitations as an economic development tool:

- It required identifying a handful of specific sites in advance, and therefore is not applicable to the vast majority of potential development sites in the City.
- The thresholds for qualifying development are rigid, and did not allow flexibility to accommodate a wider range of potential businesses.
- Each site required the adoption of an urban renewal plan. Those plans have annual administrative requirements and require consultation with affected taxing districts to renew or extend the plans when they reach their scheduled termination dates.

City staff are recommending a new approach to TIF Zones, to resolve these limitations. Key elements of the proposed concept include:

- **Program Qualifications.** The three existing categories of program qualifications would remain the same under the new program: value of new construction, number of new employees, and wages of new employees. However, the thresholds may be adjusted, because no development in the past has qualified under the existing thresholds in the program,
- **Tiers of Benefits.** An option to have different levels of benefits based on varying thresholds is being considered. For example, if a development meets the threshold for two categories, but is low on the third, there still may be a partial benefit for that development.
- **Site Agnostic Zones.** The new program will not designate specific properties up-front, but allow any qualified development to utilize the program. This allows for increased flexibility. As economies and industries change, specific site needs may vary. Sites that city staff believe may be the most likely to develop under the program today may not be the same sites that would most likely to develop in the future. With the new program, this element of guesswork will be removed and allow the program to fit the conditions of the time.
- **Tax Rebate Program.** Qualified developments under the new program will receive a tax rebate if all standards are met (they will pay property tax up front and on time, but receive a partial or full rebate later if they demonstrate that they have met the required thresholds for construction value, employment, and wages). This is not a tax abatement, where properties would not be required to pay any tax.
- **TIF Zone Formation Approach.** City Council would adopt the TIF Zone framework and program criteria (i.e. investment, job creation, wage level), but would not adopt specific urban renewal areas. The site-specific urban renewal plan will be prepared by economic development staff as eligible development projects are brought forward. Each plan will be presented to City Council review and approval.

The new approach would provide the City with a more effective and attractive incentive program to attract new businesses.

If City Council approves of the general concept, city staff will work with the consultant team to develop the program details and test support (City Council, stakeholders, taxing districts) of the program (see attachment A, Scope of Work).

**EXPECTED RESULTS:**

The result of staff recommendation is the expiration of existing TIF Zones for three sites, as scheduled in November of 2019. Staff would then enter into a contract with a consultant team to develop the details of the revised TIF Zones program. Staff would return to Council for further discussion and adoption of the revised program in 2020.

**TIMELINE:**

Once directed by Council, staff could pursue modifications to the program and bring back to the Council for review in 2020.

**CURRENT YEAR BUDGET IMPACTS:**

The scope of work for the consultant team to assist in establishing the revised program has an estimated budget of \$18,360.

**FINANCIAL REVIEW / COMMENT:**

Reviewed by: KAK Date: 9/24/2019

**LEGAL REVIEW / COMMENT:**

Reviewed by: BAJ Date: 9/26/2019

Legal has not reviewed any of the ideas presented above to broaden the program for compliance with laws pertaining to such incentive programs by local government and therefore cannot comment on the legal viability of those ideas for expansion at this time. Because these types of programs can have negative connotations in the community, the City previously engaged a task force with a diverse group of members to develop the current program. I would assume the Council might want to convene that task force again to consider any expansion of the program.

**COMMUNITY INVOLVEMENT PROCESS:**

Received direction from Urban Renewal Task Force in 2017 to evaluate TIF Zone program and consider modifications. In redesigning the TIF Zone program, the City will need to test the support for the proposed program from the public and key stakeholders, including:

- Urban Renewal Task Force meeting
- City Council meeting
- Additional outreach to affected tasking districts (optional)
- Additional public outreach/engagement (optional)
- Advisory vote of the public (optional). In 2013, creation of TIF Zone program went out to advisory vote, which passed with 78.8% of the vote.

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

An updated TIF Zone incentive program has potential to bring more high-wage jobs to Wilsonville.

**ALTERNATIVES:**

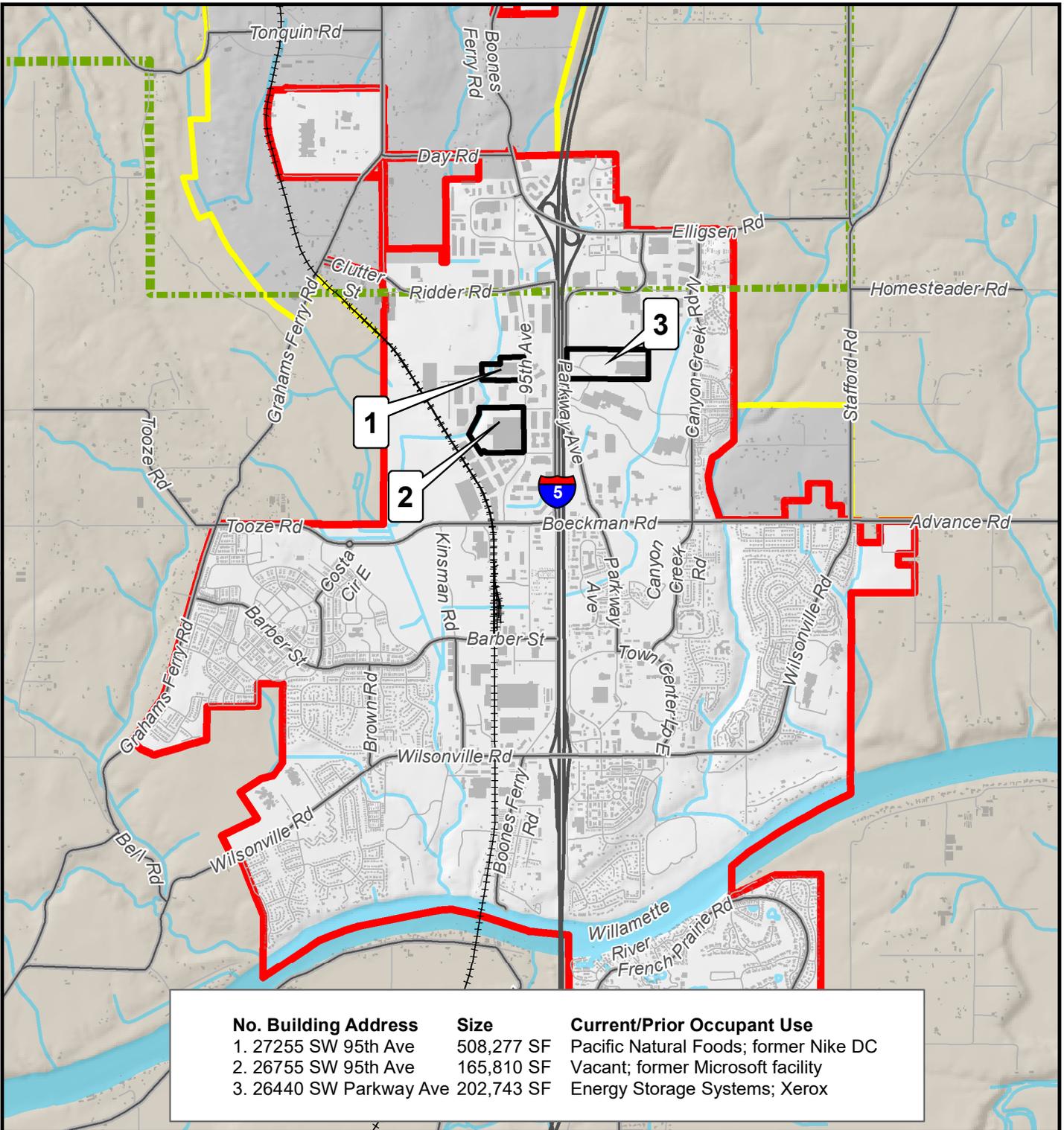
Allow TIF Zone sites to terminate without a replacement program, or extend existing TIF Zones again without modification.

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENTS:**

- A. Existing TIF Zone Tax Lots
- B. Tiberius Solutions, Scope of Work: Wilsonville TIF Zones – Program Establishment



No.	Building Address	Size	Current/Prior Occupant Use
1.	27255 SW 95th Ave	508,277 SF	Pacific Natural Foods; former Nike DC
2.	26755 SW 95th Ave	165,810 SF	Vacant; former Microsoft facility
3.	26440 SW Parkway Ave	202,743 SF	Energy Storage Systems; Xerox

**The City of Wilsonville, Oregon**  
 Clackamas and Washington Counties

- City Limits
- County Boundary
- UGB

10/4/2018

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# TIBERIUS SOLUTIONS

DATE: July 15, 2019  
 TO: Jordan Vance  
 FROM: Nick Popenuk  
 SUBJECT: SCOPE OF WORK: WILSONVILLE TIF ZONES – PROGRAM ESTABLISHMENT

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The City of Wilsonville (City) has asked Tiberius Solutions to assist in the establishment of a new Tax Increment Finance (TIF) Zone program to provide development incentives in the City of Wilsonville. The existing TIF Zones are set to expire in November 2019. The following tasks would be completed by Tiberius Solutions LLC and Elaine Howard Consulting, LLC.

## Task 1. Consensus on Proposed Concept

Prepare for and participate in a meeting with key staff at the City. The goals of this meeting will be to (1) provide context about why an update to the existing TIF zones is required, (2) come to a consensus on how the new TIF zone program should work at a conceptual-level, and (3) confirm the subsequent tasks in the scope of work and project timeline to implement the TIF zone program changes.

After meeting with staff, we will draft a summary memo of the TIF Zones concept. The intended audience for this memo will be City Council, to bring them up to speed and allow them to have an informed discussion on the topic.

**Meetings:** One meeting with City staff

**Deliverables:** Summary memo on TIF Zones concept

**Budget:** \$2,380

## Task 2: Development of Program Details

If City Council agrees with the general concept and directs staff to develop a more detailed program, we will work with City staff to clarify all of the necessary technical details. This work will include:

- Evaluate potential scoring criteria using example projects
- Finalize project application scoring template
- Create TIF/MI calculator template
- Document the process

### Evaluate potential scoring criteria using example projects

Previous analysis resulted in five potential scoring criteria systems. In this task, we will apply each of those scoring systems to evaluate 10-15 example development projects, and summarize the results to show how each development scored, and whether or not they would qualify for TIF zone benefits under each scoring system. Based on this analysis, City staff would select one scoring system to move forward as the preferred option.

**Assumptions:** The City will provide examples of various developments to be scored using potential scoring criteria. For each example project, the City will need to include data on the number of employees, average wage, and real market value of improvements. These examples can either be actual examples or hypothetical developments. Note that obtaining this information on actual example projects can be challenging, as employment and wage data can be confidential, and common

datasets for project value often only include the assessed value of abatements, and not necessarily the real market value of the total investment.

### Finalize project application scoring template

After one preferred scoring system is selected by City staff, we will finalize an application form template. This template will be used by the City and interested developers to evaluate whether or not they qualify for TIF zone benefits. The form will be Excel-based, and is intended to be simple and user-friendly.

### Create TIF/MI calculator template

In the future, when the City has a qualifying applicant for TIF zone benefits, the City will need to adopt an Urban Renewal Plan to implement those benefits. A core element of that plan is documentation of the maximum indebtedness (MI) and a determination of financial feasibility. For TIF zones, the maximum indebtedness would be equal to the total amount of tax revenue that would be generated by the URA and rebated to the qualifying development. Thus, the City will need an Excel spreadsheet that will be used by City staff to project future TIF revenue and Maximum Indebtedness, and prove financial feasibility for each new TIF Zone URA. This template will provide the financial elements required by Oregon Revised Statutes (ORS) for the urban renewal plans.

### Document the process

As a companion to the two spreadsheets discussed above (1. Project application scoring template, and 2. TIF/MI calculator template) we will prepare a memorandum that documents all the steps in the proposed TIF Zones process, including information on the basis of scoring, interpreting scores, how to use the TIF/MI template, and how to incorporate results into a new urban renewal plan. This memorandum will include all of the necessary information for administering the TIF zone program, and will also include an executive summary, so that interested stakeholders can understand the key concepts without reading the entirety of the memo.

**Meetings:** One with City staff to evaluate potential scoring criteria

**Deliverables:**

- Excel spreadsheet evaluating multiple scoring systems for multiple example projects
- Developer application form (Excel format) for scoring potential future development
- Excel spreadsheet for calculating TIF revenue and MI for future qualifying development
- Memo documenting how and when these spreadsheet templates should be used

**Budget:** \$3,400

## Task 3. Testing political support for TIF Zones

After defining the program details in Task 2, the City will need to test the support for the proposed program from the public and key stakeholders, including affected taxing districts. Additional direction from City staff and City Council will be needed to clarify the specific elements of this task, but it may include:

- Urban Renewal Task Force meeting
- City Council meeting
- Additional outreach to affected taxing districts (optional)
- Additional public outreach/engagement (optional)
- Advisory vote of the public (optional)

This base scope of work assumes that the Consultant Team will only participate in one meeting with the Urban Renewal Task Force. Optional tasks are listed later in the proposal, should the City desire consultant participation in other elements of public and stakeholder outreach.

## Task Force Meeting

Prepare for and participate in a meeting with Wilsonville's Urban Renewal Task Force. Preparation includes: preparing a PowerPoint presentation covering all of the work conducted in previous tasks.

**Meetings:** One meeting with Urban Renewal Task Force

**Deliverables:** PowerPoint presentation

**Budget:** \$2,780

## Task 4. Plan/Report Template Documents

Assuming the results of Task 3 show support from the public and key stakeholders for implementing the revised TIF Zones program, the next task will be to prepare the Urban Renewal Plan and Report template documents that the City will use in the future for qualifying developments. Elaine Howard Consulting would take the lead on this task, with staff from Tiberius Solutions providing assistance on the financial components of the Plan and Report documents, as well as reviewing the final draft document templates.

The Plan and Report will address requirements of ORS 457.085.

**Meetings:** None

**Deliverables:**

Urban Renewal Plan template (Word)

Urban Renewal Report template (Word)

**Budget:** \$7,800

## Optional Tasks

### A. City Council Meetings (Optional)

The base scope of work assumes City staff handle all meetings with City Council without involvement from the Consultant Team. We see three potential opportunities where consultant attendance at City Council meetings could be beneficial:

- At the conclusion of Task 1, presentation of TIF Zones concept, asking for official approval to move forward with the development of the program.
- During Task 3, presenting the detailed proposal and feedback received from the Urban Renewal Task Force, asking for City Council support of the program, and for direction on whether or not to proceed with an advisory vote or other outreach activities before proceeding with additional tasks.
- At the conclusion of Task 4, presentation of final TIF Zones program for approval.

These meetings are considered an optional task, as City staff could participate in these meetings without our involvement.

**Budget:**

Nick Popenuk: \$600 per meeting\*

Elaine Howard: \$780 per meeting\*

\*Assumes four hours of time per person per meeting, including travel, prep, and attendance. Preparation of PowerPoint presentations or other materials would have additional costs.

## **B. Ordinance (Optional)**

At the conclusion of Task 4, the tasks described in the base scope of work will provide the City with all the materials necessary to run the proposed TIF Zones program. However, that program will need to be adopted by City Council through an ordinance.. The scope of work assumes that City staff would prepare the ordinance but as an optional task, the Consultant Team could work with City staff to draft the ordinance.

**Budget:** \$2,000

## **C. Other Plan adoption documents (Optional)**

If desired by the City, Elaine Howard Consulting could produce other documents that are necessary for the adoption of an urban renewal plan. Other documents required for an urban renewal plan include an Agency Report and resolution, a Planning Commission report and resolution, public notices for the Planning Commission and City Council meetings, consult and confer letters with taxing districts and ordinance for adoption. Additionally, Elaine Howard Consulting typically develops PowerPoint presentations for Agency, Planning Commission and City Council meetings.

**Budget:** \$6,500

## **D. Public/Stakeholder/Taxing District Outreach (Optional)**

The base scope of work only calls for the Consultant Team to participate in one meeting of the Urban Renewal Task Force. It is possible that the City will also want to hold public open house events, publish informational materials, and meet with key stakeholders, such as affected taxing districts. If the City desires representatives of the Consultant Team to participate in these additional outreach efforts, it would require additional time and budget. Additionally, we could create summary materials to support these outreach efforts, for example handouts describing the impacts to taxing districts, FAQs, etc.

**Budget:** TBD

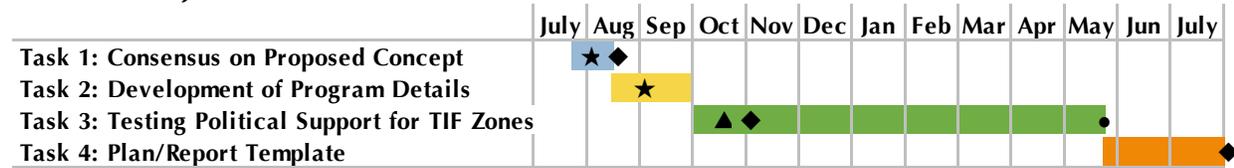
## **Contingency**

Our proposal includes \$2,000 in contingency, to cover any extraordinary efforts required to cover additional analysis and add-on tasks requested by the City, but not included in this scope of work. We will notify the City before accessing these contingency funds. Contingency will only be accessed with written approval from the City.

## Schedule

The technical work described in Tasks 1 through 3 will be completed in a period of three months. If the City chooses to pursue an advisory vote of the public, then that would most likely occur in the Spring of 2020, which would delay work on Task 4. Ultimately, work on Task 4 would take an additional two months, resulting in project completion in the summer of 2020. This schedule is illustrated in Exhibit 1.

### Exhibit 1. Project Schedule



- ★ Meetings With City Staff
- ◆ City Council Meetings (Optional)
- ▲ UR Task Force
- Advisory Vote

## Budget

All work will be completed for a base total cost not to exceed \$16,360 with an additional contingency of \$2,000 (as described above), resulting in a total budget of \$18,360. Additionally, the scope of work identifies optional add-on tasks. If the City opts to include any of these tasks in the scope of work, the budget would be adjusted accordingly. Key personnel and their billing rates are identified in Exhibit 2.

### Exhibit 2. Project Budget by Task

Task	Tiberius Solutions				Elaine Howard Consulting				Total	
	Nick Popenuk Director	Ali Danko Sr. Analyst	Subtotal		Elaine Howard Director	Scott Vanden Bos Manager	Subtotal			
	\$ 150 /hr	\$ 100 /hr	Hours	Cost	\$ 195 /hr	\$ 145 /hr	Hours	Cost		
1. Consensus on Concept	8	4	12	\$ 1,600	4	0	4	\$ 780	16	\$ 2,380
2. Program Details	12	16	28	\$ 3,400	0	0	0	\$ -	28	\$ 3,400
3. Testing Political Support	8	8	16	\$ 2,000	4	0	4	\$ 780	20	\$ 2,780
4. Plan/Report Templates	6	6	12	\$ 1,500	10	30	40	\$ 6,300	52	\$ 7,800
Subtotal - Proposed Tasks	34	34	68	\$ 8,500	18	30	48	\$ 7,860	116	\$ 16,360
Contingency										\$ 2,000
<b>Total</b>	<b>34</b>	<b>34</b>	<b>68</b>	<b>\$ 8,500</b>	<b>18</b>	<b>30</b>	<b>48</b>	<b>\$ 7,860</b>	<b>116</b>	<b>\$ 18,360</b>



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> October 7, 2019	<b>Subject:</b> 2019 Oregon Legislative Report	
	<b>Staff Member:</b> Mark Ottenad, Public/Government Affairs Director	
	<b>Department:</b> Administration	
<b>Action Required</b>	<b>Advisory Board/Commission Recommendation</b>	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable <b>Comments:</b> N/A	
<b>Staff Recommendations:</b> N/A		
<b>Recommended Language for Motion:</b> N/A		
<b>PROJECT / ISSUE RELATES TO:</b>		
<input checked="" type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

### ISSUE BEFORE COUNCIL:

Mark Ottenad and public-affairs consultant Greg Leo, principal of The Leo Co., provide a report on results of the 2019 Oregon legislative session and status of City priorities.

### EXECUTIVE SUMMARY:

On January 7, 2019, the City Council approved the City of Wilsonville's *2019-20 State Legislative Agenda* to guide City policy positions in relation to 2,768 bills of proposed legislation during the 2019 Oregon legislative session. The attached report provides highlights of issues considered by the Oregon Legislative Assembly and how specific issues of concern to the City fared during the session.

**EXPECTED RESULTS:**

City lobby team advances City Council priorities in conjunction with key coalition partners.

**TIMELINE:**

The 2019 Oregon legislative session ran Feb. 1 through June 30, 2019.

**CURRENT YEAR BUDGET IMPACTS:**

Unclear at this time on specific current year budget impacts of passes legislation.

**FINANCIAL REVIEW / COMMENT:**

Reviewed by: CAR Date: 8/29/2019

**LEGAL REVIEW / COMMENT:**

Reviewed by: BAJ Date: 8/29/2019

**COMMUNITY INVOLVEMENT PROCESS:**

N/A

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

Various specific legislative proposals that became law will have impacts to the community.

**ALTERNATIVES:**

N/A

**CITY MANAGER COMMENT:**

A City Council-adopted State Legislative Agenda is very helpful to focus staff and consultant on advancing City Council's legislative priorities.

**ATTACHMENTS:**

- A. 2019 State Legislative Session Report: Summary of Legislation Proposed/Passed and City of Wilsonville Policy Priorities, The Leo Co.



# **2019 State Legislative Session Report**

## **Summary of Legislation Proposed/Passed and City of Wilsonville Policy Priorities**

**80<sup>th</sup> Oregon Legislative Assembly  
January 22 to June 30, 2019**

**By Greg & Rachel Leo, Principals  
THE LEO COMPANY, LLC  
August 2019**

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*Marketing, Public & Government Affairs Counsel*  
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# 2019 State Legislative Session Report

## Summary of Legislation Proposed/Passed and City of Wilsonville Policy Priorities

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## Part One: 2019 Session Overview

The 80th Oregon Legislative Assembly began on January 22, 2019, and adjourned sine die on Sunday, June 30, just hours ahead of the constitutional Sine Die at Midnight on June 30. The state constitution allows up to 160 days for odd-numbered year sessions, known as “regular” sessions. As the five-month session drew to a close, the Legislature managed to balance the biennial budget; pass the “Student Success Act”, which included new revenue sources, and balanced the biennial State Budget, accomplishing a number of major policy laws.

### 2019 Legislature – By the Numbers

Total Bills – 2,768

- Pre-Session Filed Bills – 1,529

- Bills passed into law - 759

Priority Bills per legislator – 2

Committee Bills – no limit

A total of 2,768 bills were introduced in the 2019 session, of which the City of Wilsonville

Government Affairs and The Leo Company actively monitored and advocated a position on around 100 that were related to our city interests and of possibly interest/concern to Wilsonville. Of those, we provided testimony or letters in support or opposition on 24 bills, including recommended amendments to improve specific legislation.

### Corporate Receipts Tax: “Student Success Act”

The gross receipts tax package proposed as an historic investment in Oregon education passed on a party line votes in both chambers after many hours of floor debate. This new tax will raise more than \$2 billion for K-12 schools in the next biennium.

Passage of the Commercial Activity Tax quickly drew threats of a referral to the voters by business interests that consider the measure to be a legislative version of Measure 97, a proposed gross receipts tax that was turned down by voters in 2016.

### PERS Reform

Following on the heels of the education tax package, leadership pushed a proposal to reform the state’s Public Employees Retirement System (PERS). The proposed ‘PERS reform’ was largely developed behind closed doors by House and Senate leadership. Once the proposal was made public, it moved quickly with little modification. Labor unions strongly opposed a series of benefit changes. Republicans were not satisfied with the scope of it, wanting to see more of the unfunded liability paid down by changes to benefits.

The PERS reform bill moved quickly through the Senate, requiring three Republican votes to pass. In the House, no Republicans supported the bill, causing a dramatic moment when it appeared that the bill was going to die on the floor. The Speaker suspended the session and after conversations on and off the floor, two Democrats changed their vote to yes, and the bill barely passed with 31 votes.

The City of Wilsonville successfully worked in coalition with LOC and our city lobby colleagues to urge our respective legislators to include cities and other local governments in the PERS revenue and reform package. In the end, all four of the Wilsonville delegation members supported the PERS reform bill that passed.

Even though the passage of the education tax package meant the state would be bringing in significant new revenue, other agencies outside of K-12 were told to plan for potential budget cuts. In the final lap of the session, Ways and Means Subcommittees began to roll out budgets and a smattering of policy bills with fiscals.

### **Carbon Bill**

Meanwhile, the Cap & Invest package known as the ‘Carbon bill’ (HB 2020), which called on the Oregon Transportation to prioritize investments to implement the region’s Climate Smart Strategy, had several dozen hearings in the Capitol and throughout the state, with hundreds of pieces of testimony submitted in favor and in opposition to the bill, along with impassioned oral testimony by many as well. The support for Oregon to be at the forefront of solving this global crisis that can only be properly addressed if *everyone* takes action, was tempered by the impact that many felt would cause undue burden on Oregonians, in their personal finances as well as remaining globally competitive.

With amendments, the Carbon bill finally advanced and passed out of budget committees on party-line votes. After a marathon six-hour floor debate in the House, the bill passed the House and was scheduled on the Senate floor when all of the Senate Republicans walked out for a second time, to stop the vote by depriving the body of a quorum. The entire legislative process slowed, although bills already working their way through the House side continued to move.

A few days into the second Republican ‘walk-out’, Senate President Courtney announced that even on a party line vote, the Carbon bill would not have sufficient votes to pass in the Senate and negotiated the Senate Republicans to return with the promise that the Carbon bill was dead for this session. The entire legislature then went into overdrive and both bodies suspended rules in order to push through the overwhelming backlog of policy and agency budget bills before the deadline at midnight on June 30.

### **Housing Bills**

HB 2001, the “missing middle” housing bill, passed, includes elements that are problematic both technically and on a policy level for cities and regional governments. The City participated in a task force to improve this legislation, but eventually did not resolve all of our and the League of Oregon Cities concerns.

Meanwhile, SB 608 passed, establishing a statewide rent stabilization policy and prohibiting no-cause evictions under defined circumstances. The Legislature also provided significant funding for affordable housing.

HB 2003 requires the state to create and perform a regional housing needs analysis for each Regional Solutions area statewide. In addition, the bill requires cities with a population greater than 10,000 to create a “housing production strategy” every eight years; cities inside Metro must create a strategy every six years.

### **Transportation and Transit**

Proposed key improvements to I-205 failed to be funded. Although this important project that was earmarked in the last biennial Transportation Package, HB 2017 (2017) it was left unfunded when the final gavel fell. The City of Wilsonville and Clackamas County supported these needed improvement on I-205.

We monitored funding requests for the proposed Southwest Corridor light rail extension from Portland to Bridgeport Village in Tualatin which had broad regional support from Metro, counties and cities, but was not funded when the final budget passed.

The “WES to Salem” bill was introduced and passed the key Joint Transportation Committee but failed to be funded in the Ways and Means process.

## Part Two: Preview of 2019-2020 Interim Short Session

### Interim 2019

Additional ballot measures anticipated:

- The Tobacco Tax has been referred to voters by the Legislature for the November 2020 General Election.
- The Oregon Business Council is strongly considering a referral to voters that would require the state offer the option of a 401k retirement plan to public employees.

### Proposals that failed, likely to return in 2020

The following issues are likely to be addressed in the 2020 legislative session:

- *Climate*: depending on larger circumstances, supporters are likely to seek further improvements to climate legislation to ensure that it better supports implementation of Climate Smart Strategy
- *Household hazardous waste*: HHW product stewardship legislation with a broader coalition and possibly some policy improvements
- *Transportation*: state and regional partners should explore opportunities to provide additional revenue-raising authority for 2020 ballot measure; work with regional partners to obtain state share of funding for Southwest Corridor and I-205
- *Housing*: technical fixes to 2019 housing legislation needed
- *Willamette Falls Locks*: support finding the funds reopening Willamette Locks

Not all of these are necessarily city priorities or concerns, but they are issues we need to stay aware of.

### Key Dates and Deadlines for the 2020 Short Session:

- November 22, 2019: Concepts to Legislative Counsel for Drafting
- January 13, 2019: Legislative Counsel Return Draft Deadline
- January 17, 2019: Bill Filing Deadline
- February 3-March 8: 2020 Legislative Session

### Acknowledgements

The success of the City of Wilsonville is based on development of coalitions with governments and organizations focused on common legislative goals. In summarizing a very complex and dynamic Session, we want to acknowledge the support and help of our key allies at Metro, particularly Legislative Affairs Manager Randy Tucker; Clackamas County Public and Government Affairs Manager Chris Lyons, and Government Affairs Specialist Trent Wilson; Government Affairs Director Aaron Deas of TriMet; and League of Oregon Cities, including Legislative Director Jim McCauley, Intergovernmental Relations Associates Tracy Rutten and Scott Winkels (Wendy Johnson and Erin Doyle went on to other jobs shortly following the conclusion of the 2019 Session), and Intergovernmental Relations Assistant Jenna Jones. Other key governments and organizations include other Metro-area cities and counties, the Port of Portland and the Oregon Economic Development Association among others.

## Part Three: Review of Wilsonville’s 2019 Legislative Priorities

### A. City Priority Bills that Passed

The City of Wilsonville had a successful legislative sessions, which included the funding of our top priority: to advance the I-5 Wilsonville Facility Plan building of a southbound I-5 auxiliary lane on the Boone Bridge and seismic retrofit of the Boone Bridge.

1. Directing ODOT to undertake I-5 Wilsonville Facility Plan “Cost-to-Complete Study” and report back to the legislature
2. Supporting a statewide grocery checkout bag program to reduce waste – phase-out of single-use plastic checkout bags
3. Dialogue to mitigate problems with the “Missing Middle Housing” and other affordable housing proposals – not perfect, but improved
4. 911 System Funding – new revenue
5. Affordable Housing bills that may increase multi-family workforce housing in cities
6. Creation of a Harmful Algal Bloom (HAB) Workgroup, in lieu of funding a more formal Task Force; appointment of City of Wilsonville Public Works Director to the Prediction, Prevention, and Treatment Technology Subcommittee.

### B. Priority Bills that Failed

1. Funding reopening of the Willamette Falls Locks
2. Funding of I-205 Improvements for Abernathy Bridge and new third lane
3. Funding of Clackamas County Transportation Futures Study
4. Study of extension of West Side Express (WES) from Wilsonville to Salem
5. No funding was provided in HB 5030 (the lottery bond allocation bill) to support the loan element of the Oregon Industrial Site Readiness Program – this is a missed opportunity for the State to provide needed assistance in funding new industrial infrastructure.

### C. Other Notable Bills

1. Housing-related bills that preempt single-family zoning to encourage ‘missing middle’ housing and require additional housing needs analysis
2. PERS Reforms – Sets Pension System on a sustainable path
3. Resolution of Contracting for engineers, architects and surveyors, under \$100,000
4. Resolution of the long-standing issue of use of urban renewal for some public buildings
5. Public Records Law Clarifications – stopped records enforcement overreach
6. Wetland removal and fill legislation
7. Bills to protect Willamette River from environmental damage and boater safety through two bills impacting the Newberg Pool

As the Oregon Legislative Assembly closed out the 2019 Legislative Session on June 30, a number of bills were passed with both local and statewide implications. The City of Wilsonville, working through a City Council-adopted state legislative agenda, lobbied with

others on a number of bills. Following are two bills of note that may impact residents of Wilsonville the most:

### **I-5 Wilsonville Facility Plan for Boone Bridge Improvements Study to Proceed**

State Representative Courtney Neron was instrumental in obtaining a budget note from legislative leadership to House Bill 5050 that directs the Oregon Department of Transportation to produce an accurate cost-to-complete study of the proposed I-5 Wilsonville Facility Plan.

Developed jointly by ODOT and the City in 2018, the Plan proposes to build a “ramp-to-ramp” auxiliary lane on southbound I-5 from Wilsonville Road over the Boone Bridge past Miley Road (Charbonneau Exit 282 A) to connect directly with Oregon Highway 551 (Aurora-Canby-Hubbard Exit 282 B). The Plan found that traffic would flow smoother with less accident-inducing automobile weaving/lane-changing.

ODOT has issued a variety of cost estimates ranging from \$80–\$200 million for the I-5 Wilsonville Facility Plan’s addition of a southbound auxiliary lane, exit ramp modifications and bridge seismic retrofit. The cost-to-complete study will provide sufficient information for ODOT to make a more accurate cost estimate.

### **No More Single-Use Plastic Checkout Bags**

Another bill of interest to many residents based on feedback to City Council is a statewide prohibition on retailers providing plastic checkout bags for customers. HB 2509, which takes effect on Jan. 1, 2020, eliminates the use of plastic checkout bags and allows retailers to charge a nickel or more for paper checkout bags.

This was a unique case where Wilsonville conceded that pre-emption of city authority was necessary to having a consistent statewide policy to address this issue.

## **APPENDIX A**

### **City-Monitored Bill List**

# City of Wilsonville Legislative Bill List

## Post-Session Summary

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### GOVERNANCE

**HB 2509 A** – HB 2509 creates a statewide policy on single-use bags for restaurants and retail establishments, and requires a minimum fee of no less than 5 cents for each paper bag provided at retail establishments, including grocery stores. Existing ordinances that differ from HB 2509, with the exception of requiring a fee higher than 5 cents for bags and stiffer penalties than those imposed by the bill, are void. Local governments can adopt, amend and enforce penalties for violations of bag-ban provisions that differ from the enforcement provisions included in the bill and can require a restaurant or retail establishment to charge a fee of more than 5 cents. Provided written testimony by Mayor Knapp. Supported, without preemption of cities with pre-existing bag ban.

**Supported. Passed.**

*Effective date January 1, 2020*

*Chapter 434, (2019 Laws)*

**SB 90** – Ban wide use of plastic straws, prohibits food and beverage provider or convenience store from providing single-use plastic straw to consumer unless consumer specifically requests single-use plastic straw. Permits enforcement officer to enforce prohibition in course of conducting inspection of food and beverage provider or convenience store. Provides that violation of prohibition is subject to notice in first and second instance and to fine of \$25 for each subsequent instance. Caps allowable fines at \$300 during calendar year. Preempts local regulation after effective date of Act.

*Effective date, June 13, 2019*

*Chapter 362, 2019 Laws*

**HB 3427** – The Corporate Activity Tax/Student Success Act provided significant new education funding but pre-empted local governments from taxing commercial activity in ways that may affect the 2020 regional transportation ballot measure.

**Monitor. Passed.**

**HB 2449** – 911 Funding Bill will double the current 911 tax on mobile phone numbers to provide additional resources to emergency services dispatch across Oregon. This has significant support from local governments, Public Safety Answering Points (PSAPs), and public safety agencies across Oregon. Additional 9-1-1 resources are important for public safety in our community. The added revenue will help stabilize emergency communication operations in communities across Oregon. Funding stability is critical for the daily operational needs of many 9-1-1 facilities and the critical technology upgrades. Passed both chambers by wide margin. Provided letters of support to City's senators by Mayor Knapp (at request of LOC).

**Monitored/supported. Passed.**

*Effective date January 1, 2020*

*Chapter 653, (2019 Laws)*

**HB 2353** – Authorizes Attorney General, district attorney or court to award penalty to public records requester, or order fee waiver or fee reduction, if public body responds to request with undue delay or fails to be responsive to request. This is a bad bill. The current system works just fine. The only thing this legislation will do is encourage fishing expeditions on the city's dime, and place an additional burden on staff. Provided written testimony by Mayor Knapp.

**Opposed. Passed.**

*Effective date June 4, 2019*

*Chapter 205, 2019 Laws*

**HB 3136, HB 3137 and HB 3138** – Lodging Taxes

HB 3136 provides an appropriation for costs (up to \$900,000) associated with implementing a program for the state to collect and enforce local lodging taxes for local governments at the same time they collect the state lodging taxes. The program, authorized in the 2017 legislative session, will be permissive, and cities would opt-in by an intergovernmental agreement. The program will require state staff hiring and implementation time. Thus, the Oregon Department of Revenue collection for local governments will likely not begin until 2021.

HB 3137 clarified that taxes will be due AFTER a stay, and not when the stay is booked.

HB 3138 provides that if a lodging provider uses a lodging intermediary, taxes are due on day one (the less than 30 days in a year exception does not apply).

To take advantage of the new law, and be ready for state collection, cities must synchronize their ordinance definitions and provisions with the state transient lodging provisions as the state will not accept coverage variances (except for tax rate).

The two lodging tax law clarifications made via HB 3137 and HB 3138 may require further city ordinance adjustments. Local ordinance intermediary definitions (from HB 4120 passed in the 2018 legislative session) should be updated as well.

**Monitor. Passed.**

HB 3136 - Effective Date September 29, 2019

HB 3137 - Effective Date January 1, 2020

HB 3138 - Effective Date September 29, 2019

**TRANSPORTATION & TRANSIT INFRASTRUCTURE**

**SB 1021, later a budget note to HB 5050** – After receiving a hearing in Senate Transportation Committee with testimony by Mayor Knapp and other local and regional officials, the I-5 Wilsonville Facility Plan for Boone Bridge auxiliary lane addition and seismic retrofit bill SB 1021 died in Ways and Means, but became a budget bill footnote to HB 5050-2 that says: “The Department of Transportation shall study the I-5 Boone Bridge Project and provide an estimate of the cost to complete the project. The Department shall report back to the Joint Committee on Ways and Means and the Joint Committee on Transportation no later than February 1, 2021.” Provided written and oral testimony by Mayor Knapp for multiple hearings.

**Supported. Passed.**

*Effective date August 9, 2019*  
*Chapter 644, (2019 Laws)*

**HB 3213** – Allows counties to work with ODOT to designate high-crash areas as Rural Traffic Safety Corridors, provides some funding. Five-year pilot. Passed in amended form, weakened from original form; counties hope to strengthen provisions in 2020 Session.

**Monitored. Passed.**

*Effective date January 1, 2020*  
*Chapter 501, (2019 Laws)*

**SB 559** – Expands authority to operate fixed photo radar systems in high crash corridors to all cities. Makes permanent authority to operate fixed photo radar systems in high crash corridors. Supported by the LOC. Likely to be an effort in 2020 Session to try again; also to extend to Rural Traffic Safety Corridors.

**Monitored. Failed.**

**SB 560** – Authorizes all cities to elect to operate photo radar if city pays costs of operating photo radar. Relating to traffic offenses, expands authority to operate fixed photo radar systems in high crash corridors to all cities. Makes permanent authority to operate fixed photo radar systems in high crash corridors. Supported by LOC. Likely to be an effort in 2020 Session to try again; also to extend to Rural Traffic Safety Corridors.

**Monitored. Failed.**

**HB 2309** – Authorizes issuance of up to \$460M general obligation bonds for Interstate 205: Stafford Road to State Highway 213 Project.

**Monitored. Failed.**

**HB 3209** – Authorizes issuance of general obligation bonds for Interstate 205: Stafford Road to State Highway 213 Project, and seismically retrofits several bridges, including the vitally important I-205 Abernathy Bridge over the Willamette River. The City supports the efforts spearhead by Clackamas County for the I-205 Widening and Seismic Improvement Project, one of state and national significance. Provided written testimony and Mayor Knapp testified in person. Died in Committee.

**Supported. Failed.**

**HB 3440** – Authorizes diversion of half of Oregon's \$1.4 billion kicker rebate to I-205 bridge project, zero emissions. We support 205 funding in general, but even Clack Co didn't take a strong position on this.

**Monitored. Failed.**

**SB 413** – Proposes ability to form new transportation districts that preempt regional and state land use laws, and enable privately funded toll road. Specifically to allow a 'Westside Bypass' highway, but proposes generally to be applicable anywhere in Oregon. Very similar to failed HB 3231 (2017), sponsored by former Representative Richard Vial. Note that Hillsboro supports it, Washington County opposes. Provided written testimony by Mayor Knapp.

**Opposed. Failed.**

**HB 2304** – Authorizes issuance of lottery bonds to finance acquisition and restoration of Willamette Falls navigation canal and locks. Funding this offers potential including tourism and commerce. Died in Committee. Provided written testimony by Mayor Knapp.

**Supported. Failed.**

**HB 2219** – Creates a Task Force on Extending the Westside Express Service Commuter Line to Salem. As the Portland metro region increases in population and jobs, the area's freeway arterials are reaching peak traffic-handling capacity. And as housing costs escalate in the Portland area, more workers are living outside the metro region, leading to increased commuting on highways. A task force would explore the need, opportunity and feasibility of extending train service and connecting Portland to Salem. Provided written testimony by Mayor Knapp at multiple hearings. Oral testimony by Dwight Brasheer, SMART Director.

**Supported. Failed.**

## **ECONOMIC & COMMUNITY DEVELOPMENT**

**HB 2914** – Removes requirement that certain Metro lands be zoned for employment land of state significance. Allows re-designation of those lands by local government. This applies to Hillsboro Employment Lands, removing requirement that certain Metro lands be zoned for employment land of state significance. Preempting Metro land use, thus state land use laws.

**Monitored. Passed.**

*Effective date May 30, 2019*

*Chapter 199, (2019 Laws)*

**HB 2108** – Authorizes district or city to require consent to eventual annexation of property before providing extraterritorial service to property.

**Monitored. Failed.**

**HB 2109** – Requires that, in election proposing annexation, votes from city and territory to be annexed be counted separately to determine separate majorities if territory to be annexed includes 100 acres or more.

**Monitored. Failed.**

**SB 92** – Authorizes city to provide for as much as 20-year ramp-up to full taxation rate for property in annexed territory. Adds, for purposes of "island annexation," corporate boundaries of another city as permitted portion of boundary surrounding territory to be annexed. Provided written testimony by Mayor Knapp.

**Monitored. Passed.**

*Effective date, January 1, 2020*

*Chapter 315, 2019 Laws*

**HB 2577** – Requires minimum three-year delay of effective date for annexation of property that is zoned to allow residential use as permitted use in zone and is in residential use when annexation is initiated. Authorizes record owner of such real property located in territory to be annexed to waive delay of effective date. Would go into effect immediately if passed.

**Monitored. Passed.**

*Effective date May 30, 2019*

*Chapter 197, (2019 Laws)*

**HB 2001** – Addresses “Missing Middle Housing”: HB 2001 creates mandates for larger cities and cities within the Metro region related to zoning. It also amends how cities calculate the capacity of the land available for housing development. The changes required are highly technical and extensive. Other sections of the bill: creates a new process for approving an alternative method for conversion of single-family residences to triplexes or quadplexes; prevents regulations of accessory dwelling units (ADUs) that require off-street parking or owner-occupancy; and limits deed restrictions on new developments that would prevent middle housing construction. The bill includes technical assistance funds and requires the Oregon Department of Land Conservation and Development (DLCD) to create model codes to assist cities undertaking this work.

Cities outside the Metro region with a population between 10,000 and 24,999 must amend their code in zones that allow for development of a single-family dwelling to also allow a duplex on any lot or parcel by June 30, 2021. Cities in Metro with a population greater than 1,000 and cities outside Metro with a population greater than 25,000 must amend their zoning codes for areas that allow development of a single-family dwelling to also allow a duplex on any lot or parcel and allow the development of triplexes, quadplexes, cottage clusters or townhomes within these zones by June 30, 2022. All cities may review the sufficiency of the transportation, water, sewer and storm drainage in these areas and seek an exemption in a process that will be established by the DLCD.

Cities undertaking buildable land inventories and capacity calculations should review the new standards and adjust to the new requirements. Cities over 2,500 in population must also review any development requirements for ADUs to ensure they comply with the new “reasonable” standards. Finally, cities with building inspection programs must establish a process for appeals of denied applications for conversions of single-family dwellings into duplexes, triplexes or quadplexes.

City supported amendments removing some of the objectionable concepts like waiving SDCs, which are necessary to allow cities to keep up with and even ahead of critical residential development infrastructure. Speaker’s Priority Bill. Provided written testimony by Mayor Knapp. Oral testimony provided by Miranda Bateschell, Planning Director.

**Monitored. Supported as amended. Passed.**

*Effective date August 8, 2019*

*Chapter 639, (2019 Laws)*

**HB 2003** – HB 2003 requires the state to create and perform a regional housing needs analysis for each Regional Solutions area statewide. In addition, the bill requires cities with a population greater than 10,000 to create a “housing production strategy” every eight years; cities inside Metro must create a strategy every six years. The DLCD will set the schedule for cities to

complete the strategy, establish the rules for approving adopted strategies, and undertake an enforcement proceeding if a city fails to work toward the concepts included in their strategy. HB 2003 also requires the DLCDC to set a schedule for large cities to complete a land supply calculation two years prior to the required housing production strategy. The bill also included technical assistance financing for the first biennium's work on these analyses and plans. Upon the establishment of the schedule by the DLCDC, cities must prepare housing land supply analyses and housing production strategies based on that schedule. Cities should pay attention to rulemaking by the DLCDC to ensure they comply with the requirements. Provided written testimony by Mayor Knapp. Technical assistance provided by Miranda Bateschell, Planning Director.

**Monitored. Supported as amended. Passed.**

*Effective date August 8, 2019*

*Chapter 640, (2019 Laws)*

**HB 2006** – Appropriates moneys to Housing and Community Services Department for grants to support services and programs for families seeking or needing housing that have low or very low incomes.

**Monitored. Passed.**

*Effective date August 8, 2019*

*Chapter 640, (2019 Laws)*

**SB 737** – Supports Middle Housing by Extending Sunset on Local Property-Tax Exemption, helping Low-Income and Special Populations. The City Planning Department provided advice to the Speaker's office on amendments. Provided written testimony by Mayor Knapp. Oral testimony – Planning Director Miranda Bateschell.

**Supported. Failed.**

**HB 2306** – Building Permits Upon Substantial Completion. Requires city or county to issue residential building permits upon substantial completion of construction of public improvements in residential subdivisions.

HB 2306 prevents a city from denying a building permit on the basis that all the infrastructure is not completed in a subdivision. If a residential subdivision is built, the city must have a process to allow the builder to seek building permits upon "substantial completion" of the infrastructure required as a condition of development. HB 2306 established a ceiling for how substantial completion is defined, but allows a city to require fewer improvements be completed. The developer must also provide a financial guarantee, such as a bond, for the incomplete work. A certificate of occupancy may be withheld if all conditions for development are not met.

By January 1, 2020, cities must establish a process for certification of "substantial completion" when a subdivision is developed pursuant to a development agreement or conditional approval that includes the construction of public improvements. This includes coordinating with other agencies to ensure improvements are approved through inspections or testing, and confirmation that the financial guarantee is obtained prior to any building permit being issued. Finally, there must also be a process to prevent the issuance of certificates of occupancy until all improvements are completed. These last steps are significant for cities that do not manage all infrastructure systems or the local building permitting process.

Cities are concerned about being required to defer reimbursement for extending infrastructure and making improvements for new residential developments. Passed both chambers by a wide margin.

**Monitored. Passed.**

*Effective date January 1, 2020*

*Chapter 397, (2019 Laws)*

**SB 262** – Multifamily Tax Exemption for Transit-Oriented Development, extends the ability for a city to institute the optional property tax exemption for multifamily housing in transit-oriented areas through January 1, 2032.

**Monitored. Passed.**

*Effective date September 29, 2019*

*Chapter 322, 2019 Laws*

**SB 334** – Proposes to site Low-Income Housing on UGB edge which would not only preempt city, but would be detrimental to target population intended to help and to the community as a whole. Provided written testimony by Mayor Knapp.

**Opposed. Failed.**

**SB 10** – Establishes permissible density requirements within urban growth boundaries of cities within metropolitan service district or with population more than 10,000 for areas adjacent to transportation corridors and zoned to allow residential development. This bill has backing of transit/density advocates. Establishes permissible density requirements within urban growth boundaries of cities within metropolitan service district or with population more than 10,000 for areas adjacent to transportation corridors and zoned to allow residential development. Proposed amendments exempted Wilsonville and similar cities, neutralizing our opposition.

**Monitored. Failed.**

**SB 88** – Allows counties authority to approve limited use of Accessory Dwelling Units (ADUs) on rural residential property. Related to SB 930.

**Monitored. Failed.**

**SB 930** – Updates requirements to comply with wildfire hazard mitigation fire protection standards for accessory dwelling units based on risk. Related to SB 88.

**Monitored. Failed.**

**HB 2603** – Substantial Completion Building Permit prevents a city from denying a building permit on the basis that the supporting infrastructure is not completed in a subdivision. If a residential subdivision is built, the city must have a process to allow the builder to seek building permits upon “substantial completion” of the infrastructure required as a condition of development. Substantial completion is defined as a completed water system, fire hydrant system, sewer system, storm water drainage (but not including the landscaping that might be included), curbs, demarcation of streets so emergencies responders can navigate, and roads to the condition they can be accessible to emergency vehicles. The developer must also provide a financial guarantee, like a bond, for the incomplete work. A city may decline to issue the certificate of occupancy if all conditions for development are not met.

**Monitored. Passed.**

*Effective date January 1, 2020*  
*Chapter 47, (2019 Laws)*

**HB 2420** – Places new requirements on locally run building inspection programs. As introduced and amended, would require a city to have a government employed building official. It would allow cities to contract together or with councils of government to jointly hire an official. This bill also included increased certification and experience requirements for local building officials and, when a city's building official did not meet the new requirements, allowed a city program to qualify if another employee held the required level of experience and certification. There appears to have been an alleged issue of self-dealing by a city building official who was employed by a third-party, so the legislature considered if ethical standards applicable to elected officials are applicable to city building officials, as well as doing away with cities' ability to use third-party building inspectors. One proposed amendment would have required cities (or COGs) to have a building appeals board. Not a good bill, but would have been of greatest concern to small cities without building staff that contract out these services.

**Monitored. Failed.**

**HB 2769** – Permits contracting agency, in conducting procurement for architectural, engineering, photogrammetric mapping, transportation planning and land surveying services, to consider pricing policies, proposals and other pricing information as part of screening and selection of consultants in specified circumstances.

The existing QBS process remains in statute, meaning cities can continue to use that process if they choose. The new, optional process outlined in the bill would allow for the selection of up to three prospective consultants, based on qualifications. Pricing information could then be received from all three firms but could be weighted no more than 15 percent in the final evaluation and score. In addition, the bill clarifies that a prospective consultant has the right to protest solicitation documents or the agency's selection of a consultant.

Passed House unanimously. Provided written testimony by Mayor Knapp.

**Monitored. Passed.**

*Effective date September 29, 2019*  
*Chapter 55, (2019 Laws)*

**HB 2053** – Rural Industrial Property Tax Exemption Clarity. In 2016, a new local option rural industrial property tax exemption was created. Local governments can tailor the program, but there are minimum annual wage and annual average employment requirements. HB 2053 clarifies how the location of employees is to be used for making the calculations and provides that the deadline for the applicant to meet the requirements may be set by agreement between the governing body and the applicant but may be no later than the end of the first property tax year for which the exemption is granted. The bill would have also made other changes to the RSIS (Regional Significant Industrial Site) program and other Business Oregon programs, but the original bill proved too complex and it was pared back by amendment. The LOC supports expanding the eligibility of RSIS projects to include certain public-private funding projects.

**Monitored. Passed.**

**HB 5524** – Appropriates moneys from General Fund to Oregon Business Development Department for biennial expenses, particularly funding several Business Oregon Department community investment programs, and an allocation for \$4.1 million for workforce development programs in the Omnibus Bill. Specific community investment programs of significant value to Oregon and Wilsonville. Weighed in with legislators in support of these specific provisions – Mayor Knapp. Passed both by chambers by a wide margin.

**Supported. Passed.**

*Effective date, July 1, 2019*

*Chapter 522 (2019)*

**HB 2320** – Provides that fixed percentage of certain video lottery revenues be transferred to counties for economic development. Died in Ways and Means Committee on Adjournment.

**Monitored. Failed.**

**HB 2408** – Requires ‘prevailing wage in enterprise zones’. Referred to House Business and Labor Committee. OEDA priority bill. Died in Senate Workforce on adjournment.

**Monitored. Failed.**

**HB 2118** – Consumer Price Index - replaces state statutory and session law references to the Portland-Salem consumer price index (CPI) with references to the West Region CPI. In 2018, the U.S. Bureau of Labor Statistics discontinued calculating a monthly Portland- Salem consumer price index (CPI) and the West Region CPI is now the most applicable.

Cities are not required to use the West Region CPI, but may have references to now discontinued CPI references in their bargaining agreements, human resource materials, etc.

Cities should consider making an update. The West Region CPI info can be found at

[www.bls.gov/regions/west](http://www.bls.gov/regions/west).

*Effective Date: January 1, 2020*

**SB 34** – Amends industrial site readiness to allow Business Oregon to reimburse site preparation costs with private owners. Provided written testimony by Mayor Knapp.

**Supported. Failed.**

**HB 2174** – For urban renewal plan proposed on or after effective date of Act, that includes public building project, requires concurrence of at least three of four taxing districts estimated to forgo most property tax revenue under proposed plan. The definition of “public building project” is narrowly defined in the bill. The bill makes numerous technical changes to the urban renewal statutes. HB 2174 clarifies substantial amendment triggers associated with land area additions (1% is cumulative calculation).

Cities adopting a new urban renewal plan must follow the new notice and public building project concurrence requirements of HB 2174. Projects in existing urban renewal plans are grandfathered, but certain amendments to plans may trigger the new requirements. The required annual urban renewal statement (due January 31), must contain additional maximum indebtedness information next year, and the report must be distributed to all affected taxing districts. In addition, a representative from the urban renewal agency must be made available to consult with the affected taxing districts and respond to questions each year.

This is a compromise bills which requires consultation with other tax districts when urban renewal is used for a public purpose. Passed both chambers near unanimous votes.

**Monitored. Passed.**

*Effective date September 29, 2019*

*Chapter 580, (2019 Laws)*

**HB 2263** – Directs Department of Education, in collaboration with Higher Education Coordinating Commission, to administer Accelerated College Credit Planning Partnership Grant Program to encourage partnerships between school districts and post-secondary institutions of education to offer accelerated college credit programs.

**Monitored. Passed.**

*Effective date June 4, 2019*

*Chapter 204, (2019 Laws)*

**SB 418** – Modifies requirement that start-up businesses that may be assisted by regional collaboration facilitated by Oregon Business Development Department have as purpose commercialization of university-based or university-assisted research, academic activities and increasing number, and ensuring retention, of such businesses. Appropriates moneys to Oregon Business Development Department for direct distribution pro rata to Oregon State University Advantage Accelerator (OSU Advantage) and Regional Accelerator & Innovation Network (RAIN Eugene) and requires equal match. Provides that start-up businesses assisted with appropriated moneys must be traded sector businesses or businesses with traded sector potential, with stated exceptions. Requires OSU Advantage and RAIN Eugene each to submit report to interim legislative committees related to economic development on or before September 15, 2020. There are small, rural communities that have made repeated investments in developing its local entrepreneurial ecosystem, but do not have the critical mass of people to sustain larger, more intensive business programming like that offered by the OSU Advantage Accelerator, so funding for this expanded program could really help with economic development in some small towns. Died in Ways and Means.

**Monitored. Failed.**

**SB 479** – Requires public employers to establish policies and procedures for addressing reports of workplace harassment. Requires employer to follow up with victim of reported harassment to determine whether harassment has stopped or if victim has experienced retaliation.

Sponsored by Senators Sara Gelsler (D-Corvallis) and Tim Knopp (R-Bend), is specific to public employers. The bill requires policies to protect and hold accountable employees, elected officials and volunteers. It has been common practice for employers to have such policies in place and these are strongly encouraged by City & county Insurance Services and legal counsel.

**Monitored. Passed.**

*Effective date September 29, 2019*

*Chapter 463, 2019 Laws*

**SB 726** – Makes unlawful employment practice for employer to enter agreement that would prevent employee from disclosing or discussing conduct that constitutes unlawful discrimination, including sexual assault. Similar to SB 479 but applies to all employers and

extends the statute of limitations on misconduct claims from one to five years. Passed both chambers by wide margin.

**Monitored. Passed.**

*Effective date September 29, 2019*

*Chapter 343, 2019 Laws*

**HB 2016** – Requires public employer to grant reasonable paid time to public employee who is designated representative to engage in certain activities. Passed both chambers on party line votes.

Requires public employers to allow persons designated by a bargaining unit to conduct union related activities during their normal work hours. Further, the bill requires employers to deduct union dues of employees who are on a list the collective bargaining unit provides. It also requires employers to allow meetings hosted by the bargaining unit in workplace common areas and allow the bargaining unit access to new employees after they are hired.

Cities must allow employees designated by the bargaining unit to perform certain union related activities on the clock and make new hires available to union representatives. The bill specifically states that upon request from an exclusive representative, cities must reopen their existing collective bargaining agreements to deal with the release time (see Section 4(3)). LOC is recommending consultation with LGPI or a city's labor attorney on implementing this new law.

**Monitored. Passed**

*Effective date January 1, 2020*

*Chapter 429, (2019 Laws)*

**HB 2643** – Assessments on public employers that have employees who may choose to join labor organizations, possible shift of cost of union representation from employees to employers, which would be an unfunded mandate if the employer has to pay and unconstitutional per Janus legal case if cost of representation is deducted from of employee wages.

**Monitored. Failed.**

## **ENVIRONMENTAL IMPACT/WATER QUALITY**

### **HB 2007: Clean Diesel Vehicles**

HB 2007 implements “clean diesel” standards for medium and heavy-duty trucks registered in Washington, Clackamas and Multnomah counties.

The requirements are as follows:

- As of January 1, 2025 - Oregon Department of Transportation (ODOT) may not issue a certificate of title for model year 2009 or older engines for medium duty trucks (weighing between 14,000-26,000 pounds) and model year 2006 or older engines for heavy-duty trucks (defined as weighing greater than 26,000 pounds).

- As of January 1, 2023 - ODOT may not issue a registration or renewal of registration for medium-duty trucks or heavy-duty trucks with diesel engines that are model year 1996 or older.
- As of January 1, 2029 - ODOT may not issue a registration or renewal of registration for:
  - Medium-duty trucks with 2009 or older diesel engines:
  - Heavy-duty trucks with 2006 or older diesel engines (unless the heavy-duty truck is owned by a public body);
  - Heavy-duty trucks that are owned by a public body, including a city, that are powered by a model year 2009 or older diesel engine.

The bill includes numerous exemptions from the requirements, including an exemption for emergency vehicles and ambulances.

If a city is in Washington, Clackamas or Multnomah County and has adopted a vehicle replacement schedule or policy, those schedules and policies should be reviewed and potentially revised to reflect the requirements in HB 2007. Cities in the impacted counties should be aware of HB 2007 and may want to begin budgeting for potential vehicle replacements or retrofits.

**Monitored. Passed.**

*Effective Date: Multiple*

**HB 2020** – This ‘cap and invest’ bill would have established a Carbon Policy Office within DAS directs Director to adopt Oregon Climate Action Program by rule and create a tax on carbon emission generation and use the revenue to fund energy alternatives. This was a Leadership Priority. Nine Hearings held in Salem and around the state. Failed to pass Senate after Republic walk-out; did not have the votes in the Senate for passage. Bill will likely come back in some form during the 2020 ‘Short’ Session or a special session.

**Monitored. Failed.**

**HB 2437** – Authorizes maintenance activities in dry, traditionally maintained channels to be conducted without removal or fill permit subject to certain conditions, and impacting Wetlands removal fill. The main concerns of the City included: Allows removal/fill permits for up to 3,000 cubic yards of material—equivalent to 300 dump-truck loads; Allows placement of up to 3,000 cubic yards of material removed from the stream to be placed on wetlands for up to one year; Provides for no public notice or comment for wetland removal/fill actions, including no notice to state or federal agencies, local governments or adjacent landowners. Weighed in directly with Reps Neron and Drazan.

**Monitored. Opposed certain provisions. Passed.**

*Effective date August 9, 2019*

*Chapter 699, (2019 Laws)*

**HB 2351** – Authorizes State Marine Board to adopt special regulations to protect shoreline in Willamette River Greenway, a finite section of the Willamette River that includes French Prairie and Wilsonville. This bill clarifies the Oregon State Marine Board must consider State Land Use Goal 14 when regulating boating statewide.

**Monitored. Passed.**

*Effective date January 1, 2020*

*Chapter 192, (2019 Laws)*

**HB 2352** – Creates regulation of Wake and Surf boating in the Newberg Pool by the State Marine Board, requiring specific education and certification for safe and courteous use of certain towed watersports in certain waters, to reduce conflicted uses. Also increasing penalties for violations. Was amended to pertain only to the Newberg Pool, limiting the viability to raise enough revenue to increase enforcement.

**Monitored. Passed.**

*Effective date January 1, 2020*

*Chapter 651, (2019 Laws)*

**2769 Green Energy Technology Mandate Modifications**

HB 2496 modifies current state law which requires public contracting agencies, including cities, to reserve 1.5% of the total contract price for certain public building projects to incorporate green energy technology as part of the project. The bill increases the project threshold for required compliance from \$1 million to \$5 million and modifies the definition of “total contract price” to provide additional clarity. HB 2496 also allows the 1.5% funds to be used for battery storage or passive solar energy efficiency that reduces energy use from other sources by at least 10% (the current passive solar provision requires reductions of at least 20%).

If cities are planning to construct or reconstruct a public building, they should be familiar with ORS 279C.527 and ORS 279C.528 and the changes included in HB 2496. Cities can also contact the Oregon Department of Energy to inquire whether the mandate to include green energy technology applies to a specific public building project.

**Monitored. Passed.**

*Effective Date: September 29, 2019*

**SB 935** – Modifying licensing requirements for Irrigation System Installation, Creates modified landscape construction professional license; LOC is very concerned about lowering standards of licensure to install irrigations systems which would potentially have negative impact on the municipal water systems. Passed both chambers by a wide margin.

**Monitored. Passed.**

*Effective date September 29, 2019*

*Chapter 682, 2019 Laws*

**SB 47** – Requires person operating small, non-motorized watercraft to have waterway access permit (but not aquatic invasive species permit). Includes canoes, kayaks, SUPs, other. One pass per person, transferable to the non-motorized vessel in use. Will increase funds for OSMB, including enforcement of rules. Passed both chambers on party line votes. Creates new revenue for recreational access to Oregon waterways.

**Monitored. Passed.**

*Effective date September 29, 2019*

*Chapter 507, 2019 Laws*

**HB 3273** – Legislation establishing a statewide drug take-back program requires drug manufacturers to fund a program allowing consumers to dispose of unneeded medications in a secure manner in order to prevent them from being misused or placed in the waste stream. It directs each covered manufacturer of covered drugs that are sold within this state to develop

and implement drug take-back program for purpose of collecting from individuals and nonbusiness entities covered drugs for disposal, administered by DEQ. The bill stipulates that this act supersedes and preempts any local ordinance or other regulation enacted before, on or after the effective date of this 2019 Act. In the case of the City, we would need to discontinue our drug take-back program that operates out of PW/Police facility. Requires covered manufacturers subject to Act to first submit plan for participating in drug take-back program on or before November 1, 2020. Requires drug take-back programs to be operational by July 1, 2021. Becomes operative January 1, 2020. Sunsets September 15, 2031. Pre-emption of city policy is not optimal, but not all cities had a program in place; a statewide program should result in keeping more medications out of the waste stream, including our water treatment plant, and ultimately the Willamette River.

**Monitored. Passed.**

*Effective date September 29, 2019*

*Chapter 659, (2019 Laws)*

**HB 2772** – Establishes product stewardship program for household hazardous waste. Establishes Household Hazardous Waste Stewardship Fund. Becomes operative January 1, 2020. Requires initial plans for household hazardous waste stewardship programs to be submitted to Department of Environmental Quality no later than April 1, 2021. Requires household hazardous waste stewardship program developed pursuant to approved plan to be implemented no earlier than January 1, 2022. Imposes penalty.

Monitored. Failed.

**HB 2944** – Establishes Task Force on Oregon Domestic Use Water Supply, with special focus on Harmful Algal Blooms (HABs) that impact municipal drinking water. Died in Ways and Means on Adjournment. Provided written testimony by Mayor Knapp. Oral testimony by Delora Kerber, Public Works Director, appointed to Interim HAB Work Group. Subsequently, Rep. Ken Helm formed a work group that includes the City to focus on various issues related to HABs.

**Monitored. Supported. Failed.**

**HB 3326** – Declares harmful algal blooms to be menace to public health and welfare. Appropriates moneys to Department of Environmental Quality to fund laboratory services for public water systems that are susceptible to hazardous algal blooms and to Oregon Health Authority to hire recreational hazardous algal bloom coordinator. Died in Ways and Means on Adjournment. Provided written testimony by Mayor Knapp.

**Monitored. Supported. Failed.**

**HB 3340** – Declares harmful algal blooms to be menace to public health and welfare. Directs OHA to identify susceptible waters and develop protocol for advisory alerts. Directs DEQ to develop response strategy to harmful algal blooms, produce and maintain relevant data, identify sources of pollutants, develop strategies to reduce pollutants, determine causes and prepare biennial report. Died in Ways and means on Adjournment.

**Monitored. Supported. Failed.**

**HB 5030** – In a lottery funds allocation bill that was passed in the final hours of the session, the City of Salem secured state money to fund their failing drinking water system (\$14M):

*Section 28 - (2) Net proceeds of lottery bonds issued under this section must be transferred to the Oregon Business Development Department for deposit in the OBDD Economic Development Distributions Fund established under section 28, chapter 748, Oregon Laws 2017, for distribution to the City of Salem for drinking water system improvements.*

The bill as originally introduced proposed to fund a set of improvements to the Willamette Falls Locks, which the City supported. However, an amended version of the bill that passed removed the Locks funding component since legislators sought greater clarity on the Locks ownership and governance issue. Provided written testimony by Mayor Knapp to support funding for Willamette Falls Locks.

**Monitored. Passed.**

**HB 5017** – Amendments Oregon Department of Environmental Quality Budget, supported by the City of Wilsonville which works closely with DEQ to protect Oregon's waterways. The City operates water-treatment, wastewater-treatment and storm water facilities in the watershed of the Willamette River, supports a balanced approach to budget, opposes excessive fee increases disproportionate the service and support. Supported the budget with amendments to seek a more balanced approach to how fees are assessed and agency resources allocated. Provided written testimony by Mayor Knapp to amend bill.

**Support. Passed.**

*Effective date August 9, 2019*

*Chapter 663, (2019 Laws)*

**HB 2619-1** – Proposed Legislation Stops Use of Pesticides Shown to Cause Substantial Long-Term Environmental, Health and Economic Harm. Passage of this bill would require the Oregon Department of Agriculture to remove from use neonicotinoids and chlorpyrifos, pesticides found to have substantial long-term environmental, health and economic damages. Died in committee. Provided written testimony by Mayor Knapp.

**Supported. Failed**

**HB 3058** – Requires State Department of Agriculture to review current scientific data regarding safety of pesticide products containing chlorpyrifos, a highly toxic pesticide with substantial environmental and health impacts, and to classify neonicotinoids as restricted-use pesticides. Provided written testimony by Mayor Knapp.

**Supported. Failed.**

**SB 853** – Prohibits sale, purchase or use of pesticide chlorpyrifos, highly toxic pesticides with substantial environmental and health impacts, and to classify neonicotinoids as restricted-use pesticides. Provided written testimony by Mayor Knapp.

**Supported. Failed.**

## **APPENDIX B**

### **Policy Statements, Testimony, Letters and Factsheets Submitted by City (in chronological order)**



**Testimony by City of Wilsonville Mayor Tim Knapp in Support of SB 34:  
*Changes to Business Program Can Facilitate State Assistance to Local  
Governments to Develop Industrial Sites for High-Wage Income Jobs***

Scheduled for public hearing on January 31, 2019, before the Senate  
Committee on Business and General Government

**Chair Riley and Members of the Committee:**

The City of Wilsonville supports modifications of Senate Bill 34 proposed for Business Oregon's relatively new Industrial Site Readiness Program as recommended by the Governor's Office. As a new program, a few adjustments may be anticipated at the outset.

The proposal to reduce the average annual wage threshold from 150% to 130% of county/state average annual wage is a realistic program adjustment and one that benefits rural communities that tend to have a lower average annual wage.

The proposal to reduce the required number of jobs to participate in the program to 50 new jobs in an urban area is again an adjustment to market realities. An Oregon Employment Dept. report on Wilsonville employment projections for the period 2012-2022 shows that the average number of new industrial employee-jobs per firm is expected to be 34.

As a municipality that works closely with private-sector businesses, developers have expressed interest to us in SB 34's proposed limited, private property-owner reimbursement of up to 50% of site-readiness costs. The City of Wilsonville is diligently working with developers and other government entities to promote new industrial development that produces high-wage/income-tax producing jobs in the Coffee Creek and Basalt Creek areas in or near Wilsonville.

Specifically, Wilsonville is working with Business Oregon to look at the tax-reimbursement portion of the Industrial Site Readiness Program for the Metro-designated, regionally significant 225-acre Coffee Creek Industrial Area. In Wilsonville's Coffee Creek case, extensive work to aggregate smaller, privately-owned parcels and extend public infrastructure are costly obstacles to advancing timely shovel-ready sites for industrial firms to produce an estimated 1,500 family-wage jobs with a direct annual payroll over \$95 million.

And finally, while not a component of SB 34, we support the Oregon Economic Development Association's proposed \$5 million state investment to capitalize the loan portion of the RSIS program, thereby allowing both smaller, rural communities and larger local governments with more revenue and debt capacity to potentially participate.

The City of Wilsonville respectfully urges a DO PASS vote on SB 34. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Tim Knapp".

Tim Knapp, Mayor  
City of Wilsonville



**Testimony by City of Wilsonville Mayor Tim Knapp to Amend HB 2001:  
*Cities Need Flexibility to Adapt to Specific, Local Situations***

Scheduled for public hearing on February 11, 2019, before the  
House Committee on Human Services and Housing

**Chair Keny-Guyer and Members of the Committee:**

As one of Oregon’s fastest growing communities for the past 20 years—doubling in population to over 25,000 during that timeframe—the City of Wilsonville has become very familiar with housing developments of all types. In fact, 50% of our residents live in single-family homes and 50% live in multi-family housing—a higher percentage of residents living in multi-family communities than even Portland.

As a basic premise, Wilsonville tends to be concerned about state preemption of local authority and the imposition of unfunded mandates on local government: one size often does not fit all. The City has concerns about portions of the proposed bill that may not adequately account for complex local, on-the-ground situations and could produce unintended consequences detrimental to the bill’s long-term objectives of encouraging the production of more “middle housing.”

**SDCs are crucial to finance public infrastructure expansion to accommodate new development:** Section 6 is of particular concern since systems development charges (SDCs) are the method by which a community is able to pay for the extension of public infrastructure that serves new development. Without collecting the SDC charge when the occupancy permit is issued, there is no guarantee the City will ever receive that payment; the City has found over time that ability to utilize the occupancy permit as leverage for payment of SDCs is crucial to making the public whole.

By law, cities can include only very specific, quantifiable infrastructure projects that are paid for in part or whole by SDCs. Reducing a city’s ability to collect necessary SDCs harms that community’s ability to build infrastructure to accommodate future growth.

**“Middle housing” is missing one housing type:** The City suggests that Section 2 be broadened to include in the “middling housing” definition Row Homes, which provide the same density or often higher than duplexes, triplexes and cottage clusters and are often within the same price range.

**Significant differences between existing and new neighborhoods need to be recognized:** Sections 3 and 4 carry different implications for planning new neighborhoods compared to existing neighborhoods where the change occurs through infill and redevelopment. There are important differences between new and existing neighborhoods that should be considered, and the City suggests different standards are appropriate. Not all

older neighborhoods were necessarily built with sufficient infrastructure to accommodate additional in-fill development. A blanket expectation by law may not match reality on or under the ground.

We suggest modifying the Section 3 to recommend that the changes be adopted by December 31, 2020, *only for new neighborhoods and new area plans* (concept and master plans). However, for existing neighborhoods, local governments should be given more time and resources to assess older, existing neighborhoods and to make zoning changes effective after infrastructure analysis and planning can occur. Cities seek to provide adequate water, sewer and transportation services to our community, which is essential to maintaining livability for our existing and new residents.

**Target larger community areas for change, rather than focus on individual parcels:**

In general, Wilsonville would prefer to see HB 2001 move away from re-zoning at the parcel level, and rather focus on the community and neighborhood level to provide cities with an opportunity to provide unique, diverse, inclusive, mixed-income communities. For example, it could be reasonable to require specific performance standards, such as:

- (1) Planning for a new neighborhood has to allow a mix of single-family and middle housing, with middle housing allowed on a percentage of the parcels in that neighborhood.
- (2) Requiring a percentage of all citywide residential land to allow for middle housing with density requirements that match those housing types on a set percentage of parcels. This provides more flexibility to provide more diverse neighborhoods and to locate appropriate housing types in the right places in a neighborhood; *e.g.*, denser development sited near public transit corridors.

For example, specifically 52% of Wilsonville's housing supply is categorized as multi-family residential and 48% as single-family residential; however, most of Wilsonville's attached units (duplexes, row homes, and any side-to-side triplexes or quadplexes) are considered single-family residences due to having their own taxlot, and thus are included in that 48% of single-family dwelling. Therefore, approximately 10% of that housing supply would fall into the "middle housing" category—a cursory glance at the taxlot classification of "single family dwelling" may not indicate that in fact the "dwelling" contains more than one "middle housing" residence.

Following is an attachment that illustrates some of the middle housing available already in Wilsonville brought about by careful planning. The City of Wilsonville respectfully urges as outlined above consideration of amendments to HB 2001. Thank you.

Sincerely,

  
Tim Knapp, Mayor  
City of Wilsonville

## City of Wilsonville Middle Housing

### Villebois 'urban village'

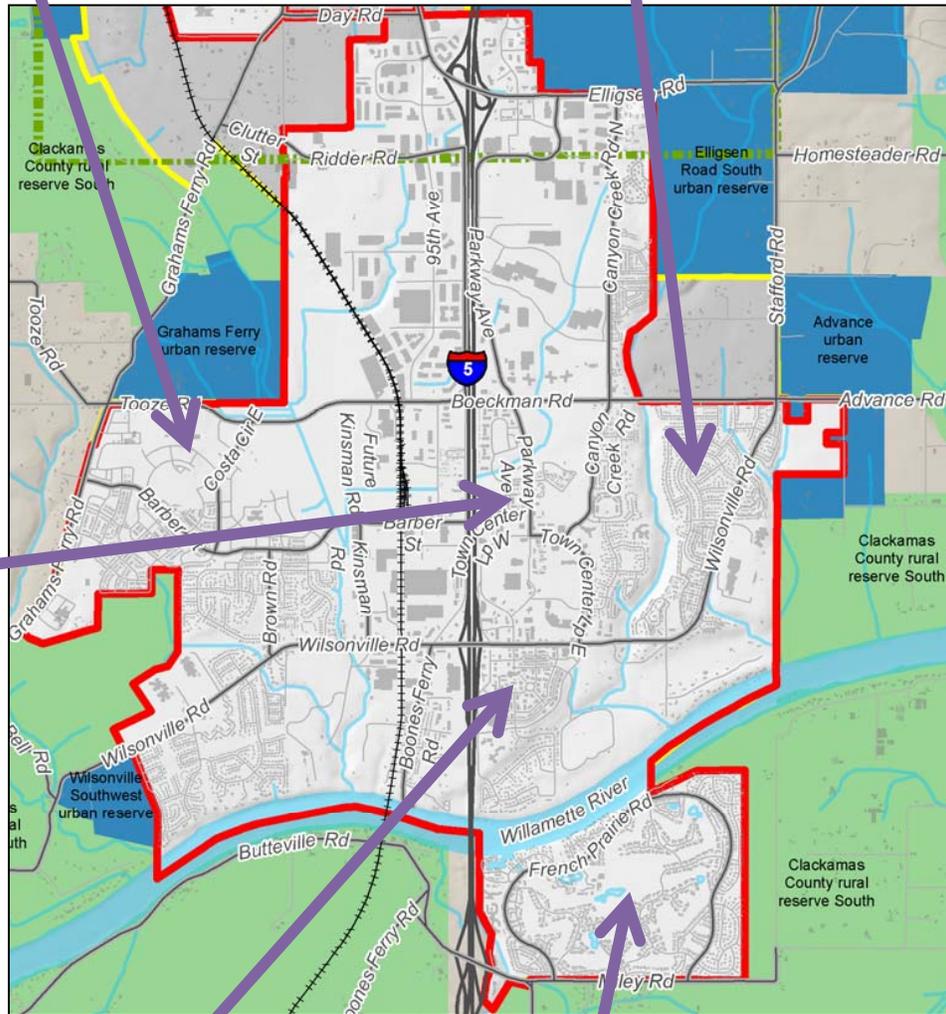
- 1665 single-family residences of various sizes from 2,300 s.f. to 9,000 s.f.
- 433 row houses, includes middle housing types like fourplexes
- 365 apartments
- 85 condos

### Robert Randall developments

- 281 single-family residences at Wilsonville Meadows
- 834 apartments at Boulder Creek, Berkshire Court and Hathaway Court

### Jory Trail and The Grove

- 724 apartments
- 57 single-family residences



### Village at Main Street

- 464 apartments
- 36 stacked condos
- 34 for-sale row houses (4-6 plexes)
- 18 for rent row houses
- 32 single-family residences

### Charbonneau District

- 388 apartments
- 233 condos
- 468 attached single-family residences
- 611 detached single-family residences



**Testimony by City of Wilsonville Mayor Tim Knapp to Amend HB 5017:  
*Improve State Support for Local Communities' Water Infrastructure***

Scheduled for public hearing on February 21, 2019, before the Joint Committee on Ways and Means Subcommittee on Natural Resources

**Co-Chairs Taylor and Reardon and Members of the Committee:**

As one of Oregon's fastest growing communities for the past 20 years—doubling in population to over 25,000 during that timeframe—the City of Wilsonville has become very familiar with domestic-water infrastructure and water-quality related issues. The City operates water-treatment, wastewater-treatment and stormwater facilities in the watershed of the Willamette River, and provides water to the City of Sherwood. The City is also working with the Tualatin Valley Water District (TVWD) on the Willamette Water Supply Project to provide a long-term water supply to Washington County customers of TVWD and the cities of Hillsboro and Beaverton.

The City of Wilsonville works closely the Oregon Department of Environmental Quality (DEQ) to protect Oregon's waterways. We share DEQ's objective and commitment to protecting public health and improving water quality through sound public policy and the timely issuance of scientifically based permits. In order to do this important job well, DEQ needs resources for all aspects of its water quality mission, including the Total Maximum Daily Load (TMDL), water quality standards and permitting programs.

We have been tracking DEQ's budget proposal concepts and have worked closely with League of Oregon Cities (LOC) and Oregon Association of Clean Water Agencies (OACWA) to develop an alternative proposal that would provide a more modest and balanced approach with lower fee impacts to permittees. The Governor's proposed budget for DEQ Water Quality programs would be very problematic if adopted.

The DEQ budget package before this committee includes a large amount of additional resources and staffing only in the Water Quality Permitting program. Wilsonville supports a more modest and balanced approach that includes providing resources to the important foundational programs of DEQ.

We acknowledge and appreciate the strides made by new leadership at DEQ, but more needs to be done to improve the permitting process, work quality, responsiveness and accountability—the volume of permits is not the only consideration of success; rather, quality and the ability to implement are also important. In addition, fee impacts to local, especially small, communities must be considered.

The DEQ budget package would result in permit fee increases greater than 40% over the biennium, which would be a substantial burden on our ratepayers and our community. Already the costs of providing clean water and planning to expand water-related infrastructure are raising complaints from residents and businesses impacted by rising water rates and increasing systems development charges to fund capacity improvements.

The City of Wilsonville suggests that a more balanced approach should include several important elements:

- The 40% rate increase in the proposed budget is too high for local communities; a lower rate with a phased-in approach would allow local governments to plan and budget in way that does not harm other important community programs;
- Balance new resources across the TMDL, water quality standards, and permitting programs;
- Ensure all Oregonians are investing in clean water by retaining public investment in an effective permit program by adhering to the longstanding 60% fees and 40% general fund agreement;
- No increase in stormwater fees for the permitting program since increases in 2018 were very high and were not balanced with any general fund support for the permitting program; and
- Avoid overly centralizing DEQ, instead resuming support of hands-on involvement of regional staff in permitting.

The City of Wilsonville respectfully urges as outlined above consideration of amendments to HB 5017. Thank you.

Sincerely,



Tim Knapp, Mayor  
City of Wilsonville



**Testimony by City of Wilsonville Mayor Tim Knapp to Support SB 737:**

***Extending Sunset on Local Property-Tax Exemption Supports  
“Missing Middle Housing” for Low-Income and Special Populations***

Scheduled for public hearing on February 21, 2019,  
before the Senate Committee On Human Services

**Co-Chairs Gelsler and Heard and Members of the Committee:**

As one of Oregon’s fastest growing communities for the past 20 years—doubling in population to over 25,000 during that timeframe—the City of Wilsonville has become very familiar with housing developments of all types. In fact, 50% of our residents live in single-family homes and 50% live in multi-family housing—a higher percentage of residents living in multi-family communities than even Portland.

Extending the sunset on the local property-tax exemption for rental housing for low-income and special populations is an affordable method for the State to empower local communities to directly support “missing middle housing.” This program costs state government nothing; it is the local jurisdictions that relinquish a portion of their tax base to support affordable housing opportunity for those most in need in our communities.

Providing affordable housing in our community has been a long standing goal of the Wilsonville City Council. Currently five multi-family complexes that receive a property tax-exemption status offer 366 units available for a low-income housing-rental rate-reductions with rents ranging from \$93/month to \$243/month; the five properties have an assessed value of \$24 million and receive a property tax-exemption from all taxing districts of approximately \$450,000/year.

The rate reduction per residential unit varies from complex to complex as the reduction is based on the property’s tax-exemption the property receives and the number of reduced rate units in the complex. The complex passes the tax-exemption savings onto their renters and most complexes provide additional services including monthly activities. And while the State sets the required threshold for low-income housing rental-rates, credits such as the Property Tax Abatement allows these organizations to offer rates that are lower than required to qualified tenants. Wait lists for these facilities are often one year or longer.

The City of Wilsonville respectfully urges a Do-Pass vote on SB 727. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Tim Knapp".

Tim Knapp, Mayor  
City of Wilsonville



February 23, 2018

Business Oregon  
Attn: Mindee Sublette  
Legislative & Policy Coordinator  
775 Summer St., NE  
Salem, OR 97301-1280

*Sent via email to:  
Mindee.Sublette@oregon.gov*

**RE: Comments on the Oregon Industrial Site Readiness Program**

Dear Ms. Sublette:

The City of Wilsonville appreciates the opportunity to provide comments to the Oregon Industrial Site Readiness Program.

The City of Wilsonville supports the Oregon Industrial Site Readiness Program that seeks to provide state tools to leverage local funds to reduce the cost and risk to local jurisdictions that make regionally significant industrial sites market-ready.

**Recommended Department Actions**

**1. 123-097-2000, Eligible and Ineligible Site Preparation Costs**

The City of Wilsonville favors eligibility of private sector investment as a reimbursable cost under the following conditions:

- If private sector incurs costs in preparing industrial sites for development that are in the public interest, as defined by City's Public Works Standards (i.e. SDC's, half street improvements), a portion of the costs could be eligible for reimbursement through state grants. Depending upon the requirements, meeting the City's Public Works Standards and paying the required System Development Charges could be a barrier to entry into the market due to potentially high costs and the lack of appropriate collateral or security interest for bank financing.
- City proposes that State provide upfront reimbursement for eligible private and public costs without any requirement of a developer agreement in place, as developer agreements can be administratively burdensome, require too much upfront private capital, and create too much uncertainty and risk. Instead, City proposes that City provide certified documents to state to verify public/private

contribution levels that would be eligible for partial reimbursement of upfront state grants.

- Private sector costs incurred for site aggregation and other front-end costs may be more appropriate for private/bank financing, as these may involve real property and other tangible assets that can be used as collateral and more readily liquidated by the private sector if the industrial development does not go forward. .
- Retain provision that allows reimbursement of costs from 18 months prior to application. Since the goal of the program is site readiness statewide and we have few tools at the state or local level, why not maximize the flexibility of the tools we have. This would help address concerns for the City of Wilsonville in working on site readiness for the Coffee Creek Industrial Area.

## **2. 123-097-1500, Application and Approval Process**

- Having a timeline within which the department commits to review an application provides certainty and accountability to the process and the program for program applicants. The proposed administrative rules did not include a commitment by Business Oregon to provide a letter to an applicant from the department confirming the designation of the site. We recommend Business Oregon include a defined application review period in the proposed administrative rules. However, a 60-day review may be more appropriate, if multiple applications are in the queue. We also recommend that the department include a letter from the department confirming the designation.

In Wilsonville's case, extensive work to extend infrastructure to develop the Metro-designated, regionally significant 225-acre Coffee Creek Industrial Area is a costly obstacle to advancing timely shovel-ready sites for industrial firms to produce an estimated 1,500 family-wage jobs with a direct annual payroll over \$55 million. Support from the Oregon Industrial Site Readiness Program for a portion of both public and private sector costs could provide catalytic help in completing our first capital project—Garden Acres Road, estimated at \$17 million—, which will make private sector development feasible in Coffee Creek for high-wage employment.

Please contact Jordan Vance, Economic Development Manager, at 503-570-1539, [ovance@ci.wilsonville.or.us](mailto:ovance@ci.wilsonville.or.us), for questions pertaining to the City's comments.

Sincerely,

Jordan Vance

City of Wilsonville Letter to Business Oregon from Jordan Vance, Economic Development Manager  
RE: Comments on the Oregon Industrial Site Readiness Program

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ATTACHMENT A  
Page 3

Economic Development Manager  
City of Wilsonville

Direct: 503-570-1539

Cell: 503-826-7500

[vance@ci.wilsonville.or.us](mailto:vance@ci.wilsonville.or.us)



**Testimony by City of Wilsonville Mayor Tim Knapp to Support HB 2219:**

***Extension of WES from Portland Area to Salem Could Provide a Missing Transit Commute Option that Decreases I-5 Traffic Congestion***

Scheduled for public hearing on March 4, 2019, before  
the Joint Committee on Transportation

**Co-Chairs Beyer and McKeown and Members of the Committee:**

As the operator of South Metro Area Regional Transit (SMART) and a partner with TriMet on the Westside Express Service (WES) commuter rail line, the City of Wilsonville strongly supports advancing HB 2219, which creates a task force to study extending WES to Salem.

As the Portland metro region increases in population and jobs, the area's freeway arterials are reaching peak traffic-handling capacity. And as housing costs escalate in the Portland area, more workers are living outside the metro region, leading to increased commuting on highways.

Everyday commuters who drive I-5 to/from the Portland metro area to Salem and points south jam the South Metro/North Willamette Valley I-5 corridor, with the Boone Bridge over the Willamette River acting as a major chokepoint. ODOT reports that in 2016 129,400 vehicles daily crossed the I-5 Boone Bridge — 10,000 more vehicles than just five years earlier in 2011. Some estimates indicate that over 50% of I-5 traffic is attributable to single-occupancy commuter vehicles traveling between the Valley and Portland area. ODOT indicates the currently estimated \$80 million project to improve the I-5/Boone Bridge bottleneck is programmed to occur in 2040.

ODOT's 2016 Portland Region Traffic Performance Report shows that I-5 NB and SB during the PM peak-hours experiences some of the most unreliable travel times in the region. The report indicates that Daily Vehicle Hours Delay for the I-5 corridor has increased between 2013 and 2015 for both NB by 18% and SB by 24%, meaning that trips on I-5 are taking considerably longer now than just a few years ago.

Wilsonville's SMART provides over 300,000 rides per year, with 40,000 of those rides shared with Salem-Keizer "Cherriots" Transit for Portland area-Salem commuters. SMART meets each WES train at the Wilsonville Transit Center, whisking employees to worksites in Wilsonville within 10 minutes of arrival—solving the 'last-mile' transit connection dilemma—and providing connecting service to/from Salem along with Cherriots. If WES was extended to Salem, SMART maybe positioned to re-deploy assets to provide even more service to communities in the North Willamette Valley and South Metro Area that are located away from I-5 that parallels the Oregon Electric Rail line that WES would use, thereby extending transit service to an even larger area.

The City of Wilsonville respectfully urges a Do-Pass vote on HB 2219. Thank you.

Sincerely,

  
Tim Knapp, Mayor  
City of Wilsonville



March 7, 2019

Legislative Leadership  
Oregon State Capitol  
Salem, OR 97301

Re: I-205 Widening and Seismic Improvements Project

Dear Ways and Means Co-Chairs Johnson, Steiner Hayward & Rayfield, and Joint Transportation Committee Co-Chairs McKeown & Beyer,

As officials elected by and/or representing the residents of the Portland metropolitan region, we share an obligation to protect their safety and promote a healthy economy that is accessible to all. The health and safety of our region and our state are inextricably linked to the infrastructure that connects them. In our region, millions depend on Interstate 205 for that connection.

Thanks to HB 2017, the Legislature identified the I-205 bottleneck between Stafford Road and OR 213 as a signature congestion relief project for the state. With ODOT's subsequent investment of \$53.7 million for planning and design, the project is expected to be shovel ready in early 2020 at a cost of \$460 million. Unfortunately, under current plans, construction will be delayed until 2026 at

the earliest due to a lack of funding. And each year that we wait, the estimated project cost increases by \$15 million. **We believe it's our duty to act now to protect this important lifeline by funding these essential upgrades to I-205 in the 2019 legislative session.**

This project reflects several important values that Oregonians expect from their transportation system:

**Safety** – As a designated statewide north-south lifeline route, I-205 will be called upon to provide supplies and services to the region shortly after a disaster. Immediate action is needed to seismically upgrade the Abernethy Bridge and replace or retrofit eight additional bridges in the project area to withstand a major earthquake.

**Economic opportunity** – The federal government has designated I-205 as a High Priority Corridor in the Portland metropolitan area. It connects employers, the traveling public, and businesses to the Portland International Airport, the State of Washington, and numerous local jurisdictions. This corridor serves as vital infrastructure for the economic health of both the region and the entire State of Oregon.

**Quality of life** – When the Governor’s Transportation Vision Panel met with communities statewide in 2016 seeking input on a transportation package, the public and businesses from all corners of Oregon sent a clear message on the need to address highway congestion in the Portland region, including the I-205 bottleneck.

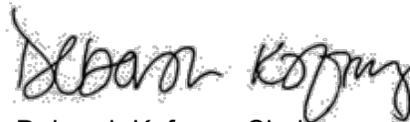
**We can’t let these critical capacity and seismic upgrades languish while waiting at least seven more years for new revenues. We must begin right away and ask the Legislature to find resources this biennium to enable the project to move ahead while honoring commitments made to other projects as part of HB 2017.**

Thank you for your attention to this important issue and we urge your support for a funding solution in the 2019 legislative session to ensure that I-205 improves the quality of life of all Oregonians.

Sincerely,



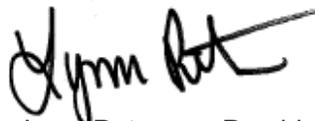
Jim Bernard, Chair  
Clackamas County Board of Commissioners



Deborah Kafoury, Chair  
Multnomah County Board of Commissioners



Kathryn Harrington, Chair  
Washington County Board of Commissioners



Lynn Peterson, President  
Metro



Russ Axelrod, Mayor  
City of West Linn



Dan Holladay, Mayor  
City of Oregon City

Curtis Robinhold, Executive Director  
Port of Portland

Martha Schrader, President  
Association of Oregon Counties

Frank Angelo, Transp. Committee Chair  
Westside Economic Alliance

Nellie deVries, Executive Director  
Clackamas County Business Alliance

Laura Edmonds, CEO  
North Clackamas Chamber of Commerce

Tim Knapp, Mayor  
City of Wilsonville

Steve Callaway, Mayor  
City of Hillsboro

Denny Doyle, Mayor  
City of Beaverton

Frank Bubenik, Mayor  
City of Tualatin

Tom Ellis, Mayor  
City of Happy Valley

Kent Studebaker, Mayor  
City of Lake Oswego

Brian Hodson, Mayor  
City of Canby

Shane Bemis, Mayor  
City of Gresham

Tammy Stempel, Mayor  
City of Gladstone

Sean Drinkwine, Mayor  
City of Estacada

Dan Huff, City Manager  
City of Molalla

Metro Mayors Consortium

Portland General Electric

CC: Governor Brown, Speaker Kotek, President Courtney

**SB 5524: OEDA & OEDA Members Support****March 7, 2019****Business Oregon Budget and Key Policy Option Packages Within Budget**

We urge continued investment in the Oregon Business Development Department's (OBDD) biennial budget. OBDD, generally referred to as Business Oregon, is responsible for providing economic and community development enhancement throughout the state—*the work this agency does is relied upon by all of our organizations.*

Business Oregon administers critical programs that assist businesses, local governments, and communities across the state to grow Oregon businesses and jobs. *We understand that lottery dollars are always in short supply and there is great competition for these dollars—these are our priority budget requests as these appropriations will each fill critical economic development needs:*

**POP 104: Special Public Works Fund (SPWF): \$85 million in Lottery Bonds to recapitalize fund**

- This fund provides market rate and below market rate loans and some grants for municipal infrastructure and other facilities that support economic and community development. Specifically, the fund is used to build/rebuild essential infrastructure including levees, water systems, sewer systems, fiber/broadband, and roads. Without infrastructure, there is not capacity for business growth nor housing for employee growth.
- The fund money is also used to leverage more federal dollars by supporting the local match requirements for the Safe Drinking Water program, Community Development Block Grant program, and FEMA emergency funding. CDBG awards need a 2% match for state administration of the federal program. Similarly, SPWF provides the necessary 20% state match for Safe Drinking Water Fund projects and needed match for FEMA emergency projects. We can't afford to leave federal money on the table and SPWF provides critical match funding.
- Much of Oregon's infrastructure is over 70 years old and is failing-- upgrades are greatly needed. We can't afford to get further behind on infrastructure upgrades and replacements – without them businesses and communities can't grow. SPWF is the key state fund for infrastructure financing.
- We request the appropriation to this fund be made without restrictions, i.e. without ear-marked SPWF projects. Unrestricted funds will ensure that project requests meet program requirements throughout the biennium and that Business Oregon will have appropriate flexibility within its programs and resources to finance projects.
- *Significant recapitalization is needed this session as both construction costs and infrastructure needs continue to rise, and the fund has been depleted in recent biennium.*
- Note: this requested amount is slightly above the Governor's Recommended Budget (GRB), but the request is consistent with the initial agency request and economic development community needs.

**POP 107: Brownfields Redevelopment Fund: \$10.0 million in Lottery Bonds to recapitalize fund**

- The Brownfield Redevelopment Fund provides loans and some grants to communities to support industrial/employment land readiness, affordable housing development, reuse of underutilized properties, and other community and public infrastructure investments on brownfield sites.
- Our state is littered with thousands of brownfield sites (some small and some large industrial sites) and this fund is critical to revitalization efforts of brownfield properties.

**POP 108: Regionally Significant Industrial Site (RSIS) Fund: \$5.0 million in Lottery Bonds to capitalize fund**

- There is a shortage of shovel-ready industrial sites in Oregon. Capitalization of the RSIS loan fund will enable Business Oregon to help expand the supply and readiness of shovel-ready industrial sites, leading to job creation and improving local economies.
- The RSIS program was created in 2013 and both SB 34 (bill that makes program improvements) and the funding of this program are OEDA priorities this session because without more ready industrial sites, industry cannot

grow. There are 17 potential sites across the state that have expressed interest in applying for the loan program, if funded.

- Note: this budget line was not in the Governor’s Recommended Budget, but the request is consistent with the initial agency request and economic development community needs.

**POP 110: Regional Infrastructure Fund (RIF): \$15.0 million in Lottery Bonds to fund regional projects**

- The Governor’s Regional Solutions Teams work locally to identify priorities, solve problems, and seize opportunities to get key economic and community development projects done.
- RIF money is used to fill funding gaps for priority regional projects.

Each of these policy option package investments will support long-term economic growth, particularly in rural Oregon by focusing on infrastructure needs that directly support business expansion and job expansion. We urge your support.





**Testimony by City of Wilsonville Mayor Tim Knapp to Oppose SB 334:**

***Proposed Legislation to Site Low-Income Households Housing on UGB Edge Detrimental to Target Population and Community as a Whole***

Scheduled for public hearing on March 11, 2019, before  
the Senate Committee On Housing

**Chair Fagan, Vice-Chair Heard and Members of the Committee:**

As one of Oregon’s fastest growing communities for the past 20 years—doubling in population to over 25,000 during that timeframe—the City of Wilsonville has become very familiar with housing developments of all types. In fact, 50% of our residents live in single-family homes and 50% live in multi-family housing—a higher percentage of residents live in multi-family communities in Wilsonville than even in the City of Portland.

As a home-rule municipality with carefully crafted urban growth plans, the City of Wilsonville opposes the preemptions of SB 334 as poor public policy that is detrimental to both lower-income residents and the community as a whole and deprives the City of negotiating capacity.

The proposed legislation would site “workforce housing” locations for “moderate \* \* \* or low income households” on the urban growth boundary (UGB) edge. This kind of policy harms both the intended beneficiaries of such a policy—lower-income residents seeking affordable housing—and the greater community.

The City believe that it is poor public policy to site affordable housing on the UGB edge due to the general lack of public transit service and no ready-access to key commercial retail and social services that are generally located toward the city core areas. Rather, affordable housing should be located near or in the heart of the city along transit corridors and near commercial retail and social services needed by lower-income residents.

Placing affordable housing on the UGB edge forces lower-income residents to spend limited financial resources on operating a vehicle to travel distance, or make cumbersome alternative transportation arrangements. In essence, congregating affordable housing into low-income housing projects on the UGB edge appears to be a policy favoring the creation of “suburban slums” that harm all residents of a community.

The City objects to the preemption that requires local governments, upon petition by a landowner, to include land designated as urban reserves within the UGB. The reality of development, however, is that the City and landowner often negotiate regarding potential land-uses and other infrastructure issues prior to UGB addition or annexation occurring. Additionally, the City has obligations to the Metro region for Urban Reserve areas as part of the conditions for acquiring new UGB areas that this type of language would seem to preempt.

The City respectfully urges the committee to take no action on SB 334. Thank you.

Sincerely,

  
Tim Knapp, Mayor  
City of Wilsonville



**Testimony by City of Wilsonville Mayor Tim Knapp to  
Support Amended HB 3326 and HB 3340:**

***Protecting Water Sources and Improving Domestic Water-Treatment  
Communications and Protocols Are Crucial for Public Safety***

Scheduled for public hearing on March 14, 2019, before the  
House Committee on Energy and Environment

**Chair Helm, Vice-Chairs Reschke and Schouten, and Members of the Committee:**

The City of Wilsonville supports the rationale behind and the proposed actions of HB 3326 and HB 3340, both of which could be merged and strengthened with minor amendments.

**Wilsonville Knows Water Quality Issues:** The City of Wilsonville operates a domestic water-treatment facility along the Willamette River that supplies 45,000 residents of the communities of Sherwood and Wilsonville and an extensive array of businesses, including a major soft-drink/water-beverage bottling operation. Additionally, Wilsonville is working with the City of Hillsboro and the Tualatin Valley Water District on the \$1 billion Willamette Water Supply Project that is to supply domestic water to an additional 400,000+ metro-area residents and businesses of Washington County.

During the summer of 2018, the City worked with the Oregon Health Authority (OHA) and Department of Environmental Quality (DEQ) on water-treatment and public-communications issues pertaining to “harmful algal blooms” occurring in the Willamette River and tributaries. In addition to modifying the City’s water-treatment procedures to increase the use of the Ozonation Disinfection Process—one of the few known existing methods of treating cyanotoxin-contaminated water—the City also elected out of an abundance of caution to issue a public notice.

**OHA Mandates:** The City strongly supports both bills’ mandates to OHA to identify sources of pollutants, strategies to reduce pollutants and monitoring those reduction results; we applaud HB 3340’s going further to “determine the causes of harmful algal blooms” and “to develop pollution reduction plans.” The City suggests an additional step is for OHA to “Develop and monitor the effectiveness of strategies for water treatment processes affected by harmful algal blooms and create a set of protocols for water treatment.”

**Communications are Critical:** The City suggests that Section 4 of HB 3326 should be amended to further augment the ability of OHA to share information with and provide expert advice to public water-treatment facilities that share a common watershed. When the City of Salem issued a public advisory in summer 2018 for water drawn from the North Santiam River, a tributary of the Willamette River, OHA should have been in a position to

alert immediately all North Santiam River and downstream Willamette River public water-treatment facilities, which could then take additional precautions or issue a public notice or advisory as needed. The legislation should require OHA to create a system that promotes among public-water systems the rapid sharing of information on water-quality test results and provides expert recommendations for effective water-treatment processes.

**State Funding Support Needed:** The City ardently supports the proposed funding allocation to the Department of Environmental Quality as found in Section 5 of HB 3326 and is omitted from HB 3340. OHA’s Drinking Water Services Division, which regulates all 3,000 water systems in the state, has shed almost a third of the office’s “staff since 2011, forcing remaining employees to prioritize regulating some systems over others and stop all but the most critical data management,” according to a June 13, 2018, article in the Statesman Journal. Recent water-quality crisis events have demonstrated a need for greater capacity for OHA to implement effective water-quality oversight and interagency- and public-communications programs that require additional state funding.

**Water Systems Should Receive Ozonation Credit:** The City recommends that the legislature instruct OHA to credit water systems using Ozonation Disinfection Process. Currently OHA does not recognize the disinfection benefits of ozone prior to filtration, and therefore fails to credit water-treatment facilities with this additional step, which is one of the few existing methods of treating cyanotoxin-contaminated water. The legislature should instruct OHA to undertake a rule-change to recognize the disinfection benefits of ozone prior to filtration and to credit water-treatment facilities with this treatment process.

**Increased Federal/State Investment for Water Is Needed:** In order to maintain and restore public confidence in public-water systems, the legislature should seek additional state and/or federal funds for increased investments in public drinking-water systems. The Statesman Journal reports that OHA has identified at least 41 water systems in the state at risk for toxic algae blooms out of about 300 Oregon drinking water systems that utilize surface-water sources. Therefore, the City suggests recapitalizing the Business Development Department’s “Special Public Works Fund” at the amount recommended by the Oregon Economic Development Assn. of \$85 million, as well as supplementing federal funds with additional state funds to augment the “Safe Drinking Water Revolving Loan Fund” and “Drinking Water Source Protection Fund.” These programs provide low-interest loans or grants to finance improvements to drinking water systems or sources.

The City of Wilsonville respectfully urges passing a merged version of HB 3326 and HB 3340 with minor amendments as outlined in this testimony. Thank you.

Sincerely,



Tim Knapp, Mayor  
City of Wilsonville



## **Testimony by City of Wilsonville Mayor Tim Knapp to Support HB 2944:**

### ***Public Water-Systems Representatives Should Be Included in Proposed Task Force on Oregon Domestic Use Water Supply***

Scheduled for public hearing on March 14, 2019, before the  
House Committee on Energy and Environment

#### **Chair Helm, Vice-Chairs Reschke and Schouten, and Members of the Committee:**

The City of Wilsonville supports with a minor amendment HB 2944, which would create the Task Force on Oregon Domestic Use Water Supply under the aegis of the Water Resources Department.

The City of Wilsonville has expertise in many aspects of water processing. The City operates a domestic water-treatment facility along the Willamette River that supplies 45,000 residents of the communities of Sherwood and Wilsonville and an extensive array of businesses, including a major beverage bottling operation.

Wilsonville is working with the City of Hillsboro and the Tualatin Valley Water District on the \$1 billion Willamette Water Supply Project that is to supply water to an additional 400,000 metro-area residents and businesses in Washington County.

The City of Wilsonville also operates a fully compliant, state-of-the-art wastewater treatment facility along the Willamette River, and works with Oregon Department of Environmental Quality on stormwater-related issues.

**The City highly recommends amending Section 1(2)(c)(C) regarding “Five members who are knowledgeable about Oregon’s domestic use water supply” to specify that “three of the five members represent public water systems that serve populations respectively under 10,000, 10,000 to 50,000, and over 50,000 residential customers.”**

Cities and urbanized areas are the primary location of residence for Oregonians and deserve to have representation on this state task force.

The City of Wilsonville respectfully urges passing HB 2944 with a minor amendment. Thank you.

Sincerely,

Tim Knapp, Mayor  
City of Wilsonville



**Testimony by City of Wilsonville Mayor Tim Knapp to Supporting HB 2219:  
*Extension of WES from Portland Area to Salem Could Provide a Critical,  
Missing Transit Commute Option as Alternative to I-5 Traffic Congestion***

Scheduled for work session on March 27, 2019, before  
the Joint Committee on Transportation

**Co-Chairs Beyer and McKeown and Members of the Committee:**

As the operator of South Metro Area Regional Transit (SMART) and a partner with TriMet on the Westside Express Service (WES) commuter rail line, the City of Wilsonville is encouraged that the Joint Committee on Transportation is holding a work session to consider furthering HB 2219, which creates a task force to study extending WES commuter train service to Salem.

As a community with a substantial industrial-employment base that hosts over 21,000 jobs where 9 out of 10 jobs are filled by workers who commute into Wilsonville, providing transit commute options is crucial to employers for workforce recruitment/retention and in reducing single-occupancy vehicles that aggravate traffic congestion.

Because providing a transit commute option is so important to Wilsonville, the city formed South Metro Area Regional Transit (SMART) 30 years ago in order to focus on improving public transit service in the South Metro region. Wilsonville worked closely with Washington County and the Westside communities to develop WES as a transit alternative to the increasingly congested South Metro I-5/Highway 217 corridor. Wilsonville currently contributes over \$330,000/year to help offset the cost of WES operations.

Metro regional government in Portland is considering in collaboration with local area governments advancing a major transportation-funding measure for voters' consideration in 2020. As a member of the advisory Metro Regional Transportation Task Force and Clackamas County Cities Representative to Metro's Joint Policy Alternatives Committee on Transportation (JPACT), I have nominated both the existing WES Corridor (Wilsonville to Beaverton) and proposed WES Corridor Expansion (Wilsonville to Salem) as major transportation corridors worthy of study and potential improvements.

As the Portland metro region increases in population and jobs, the area's freeway arterials are reaching peak traffic-handling capacity. And as housing costs escalate in the Portland area, more workers are living outside the metro region, leading to increased commuting on highways such as the South Metro I-5 Corridor to the North Willamette Valley.

Everyday commuters who drive I-5 to/from the Portland metro area to Salem and points south jam the South Metro/North Willamette Valley I-5 corridor, with the Boone Bridge over the Willamette River acting as a major chokepoint. The Oregon Department of Transportation (ODOT) reports that in 2016 129,400 vehicles daily crossed the I-5 Boone Bridge — 10,000 more vehicles than just five years earlier in 2011.

The I-5 Boone Bridge carries nearly as much traffic as the I-5 Interstate “CRC” Bridge, but 30% more freight trucks, making the South Metro I-5 Corridor a crucial West Coast arterial for the movement of freight. Some estimates indicate that over 50% of I-5 traffic is attributable to single-occupancy commuter vehicles traveling between the Willamette Valley and Portland area. ODOT indicates the currently estimated \$80 million project to improve the I-5/Boone Bridge bottleneck is programmed to occur in 2040, when the cost estimate escalates to \$200 million.

ODOT’s 2016 Portland Region Traffic Performance Report shows that I-5 NB and SB during the PM peak-hours experiences some of the most unreliable travel times in the region. The report indicates that Daily Vehicle Hours Delay for the I-5 corridor has increased between 2013 and 2015 for both NB by 18% and SB by 24%, meaning that trips on I-5 are taking considerably longer now than just a few years ago.

The 2017 Washington County Transportation Futures Study show that the daily number of total person trips from Wilsonville and West Clackamas County to Washington County are estimated to increase by 199%—from 36,300 to 108,700—between 2010 and 2055.

Wilsonville’s SMART provides over 300,000 rides per year, with 40,000 of those rides shared with Salem-Keizer “Cherriots” Transit for Portland area-Salem commuters. SMART meets each WES train at the Wilsonville Transit Center, whisking employees to worksites in Wilsonville within 10 minutes of arrival—solving the ‘last-mile’ transit connection dilemma—and providing connecting service to/from Salem along with Cherriots.

If WES is extended to Salem, SMART maybe positioned to re-deploy assets to provide even more transit service to communities in the North Willamette Valley and South Metro Area that are located away from I-5 that parallels the Oregon Electric Rail line that WES would use, thereby extending transit service to an even larger area. Extending WES’ operation from Salem to Wilsonville would provide a public transit option that benefits commuting employees and their employers, thereby strengthening the Oregon economy.

The City of Wilsonville respectfully urges a Do-Pass vote on HB 2219. Thank you.

Sincerely,

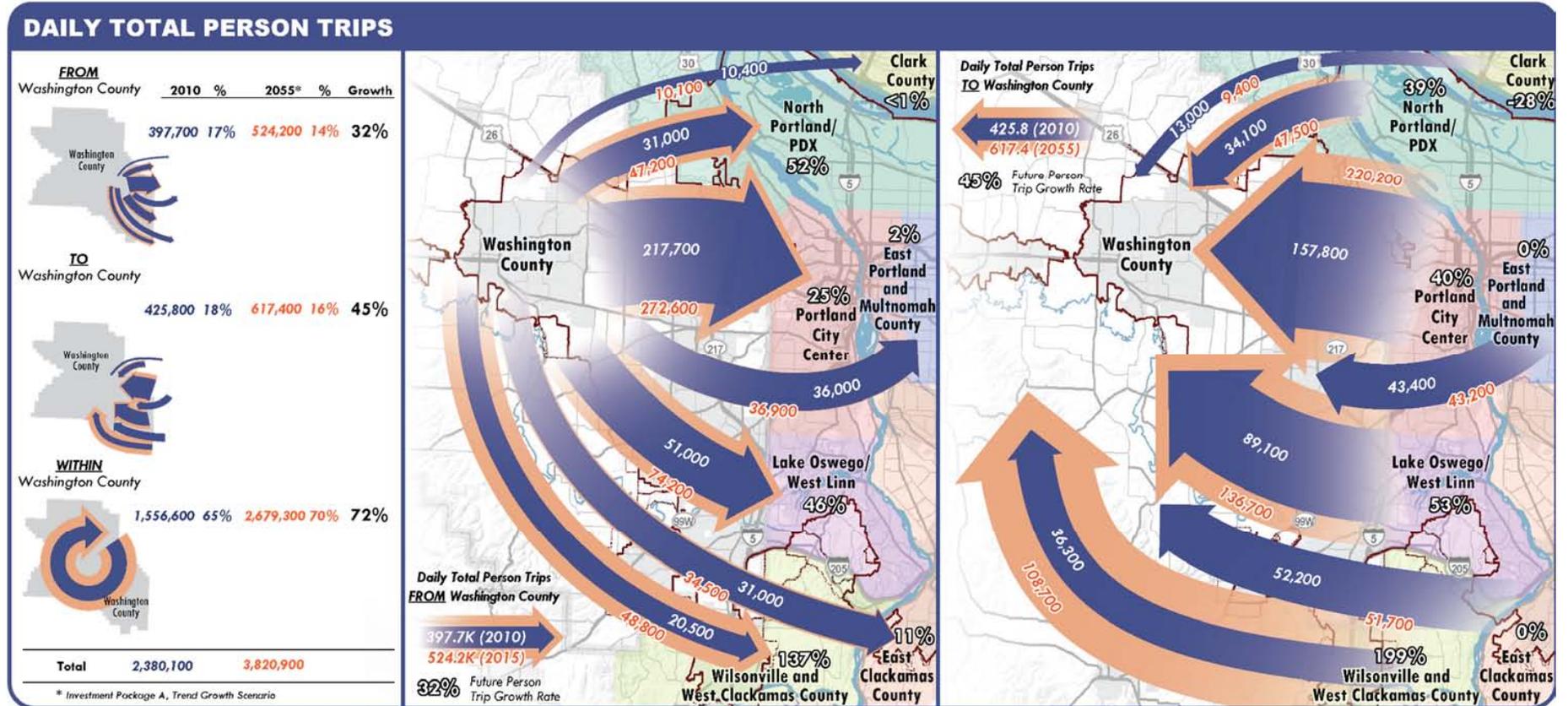


Tim Knapp, Mayor  
City of Wilsonville

Enc:

- Excerpts 2017 Washington County Transportation Futures Study, Figure 7-3: Daily Person-Trip Travel Patterns, Figure 7-5: Vehicle Travel – PM Peak, 2-Hour Period.
- Except of South Metro / North Willamette Valley Region from ODOT Traffic Flow Map 2016

Figure 7-3: Daily Person-Trip Travel Patterns – Washington County



- Total number of trips across all modes increases by over 60%.
- Share of trips that stay within the county is expected to increase from 65% today to 72%.
- More trips are expected *into* (425,800) than *out of* Washington County (397,700).

# Results

## Evaluations Results

### 7.2 Evaluation Findings

The notable findings from the evaluation of the investment packages are summarized in the following five sections: (1) System Performance by Travel Mode, (2) Land Use and Community, (3) Health and Safety, (4) Environmental Sustainability, and (5) Cost. In each section, the Study impact categories are noted that correspond to the Study *Evaluation Framework* as outlined in Chapter 6.

#### 7.2.1 System Performance

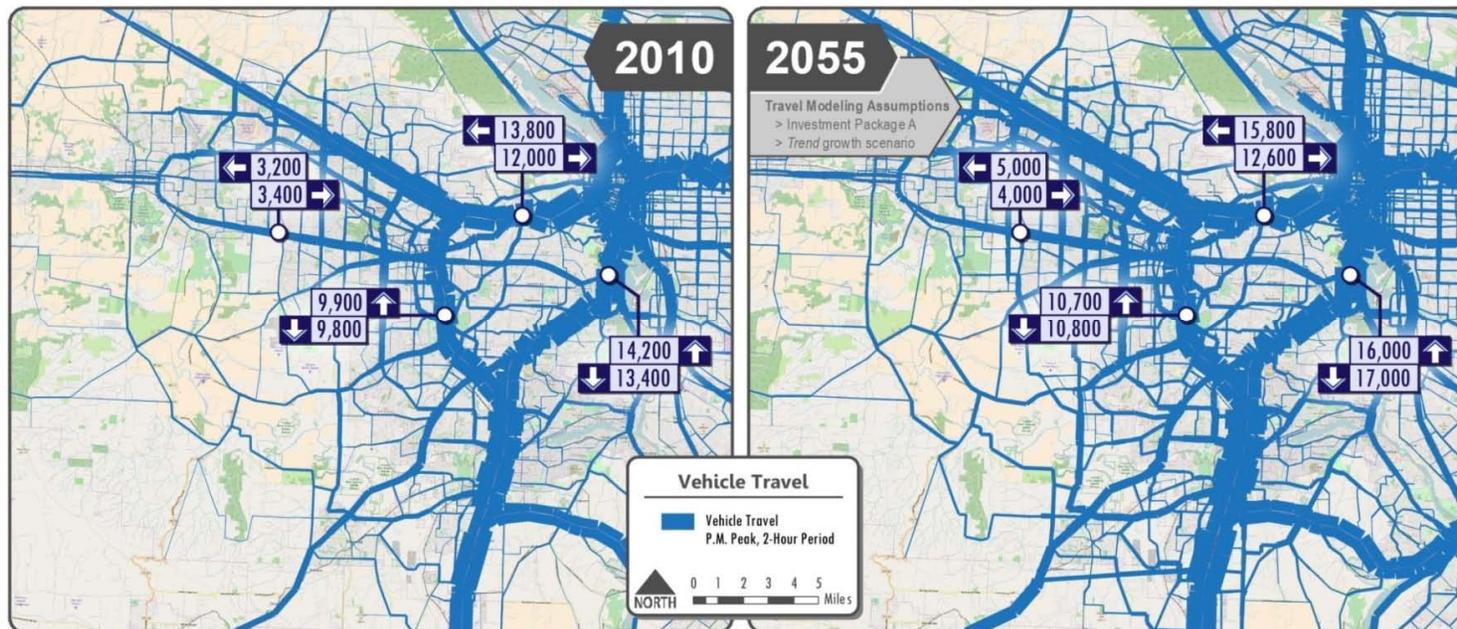


##### Roadway System Performance

Despite a shift to more non-auto travel, the future volume of vehicle trips will increase in Washington County by between 40% and 55%. As shown in **Figure 7-5**, significant traffic growth is expected on the county’s highway, arterial, and collector street network during the PM peak, two-hour period.

Without additional roadway investments and demand management strategies beyond those planned, the county will experience increased traffic delay, reliability problems, and related effects such as cut-through traffic.

Figure 7-5: Vehicle Travel – PM Peak, 2-Hour Period



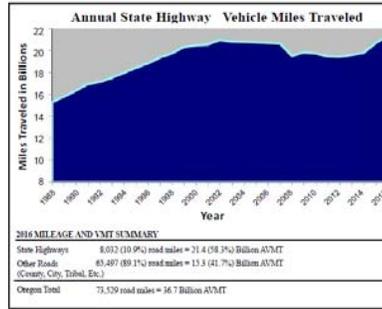
- Expect an increase of 105% to 165% in vehicle hours of delay compared to today (with Trend scenario).
- Traffic on US 26, I-5, I-205, and Highway 217 will experience severe congestion most parts of the day.
- This congestion will overflow onto major roads resulting in more cut-through traffic on local streets.

# TRAFFIC FLOW MAP 2016

## OREGON STATE HIGHWAY SYSTEM

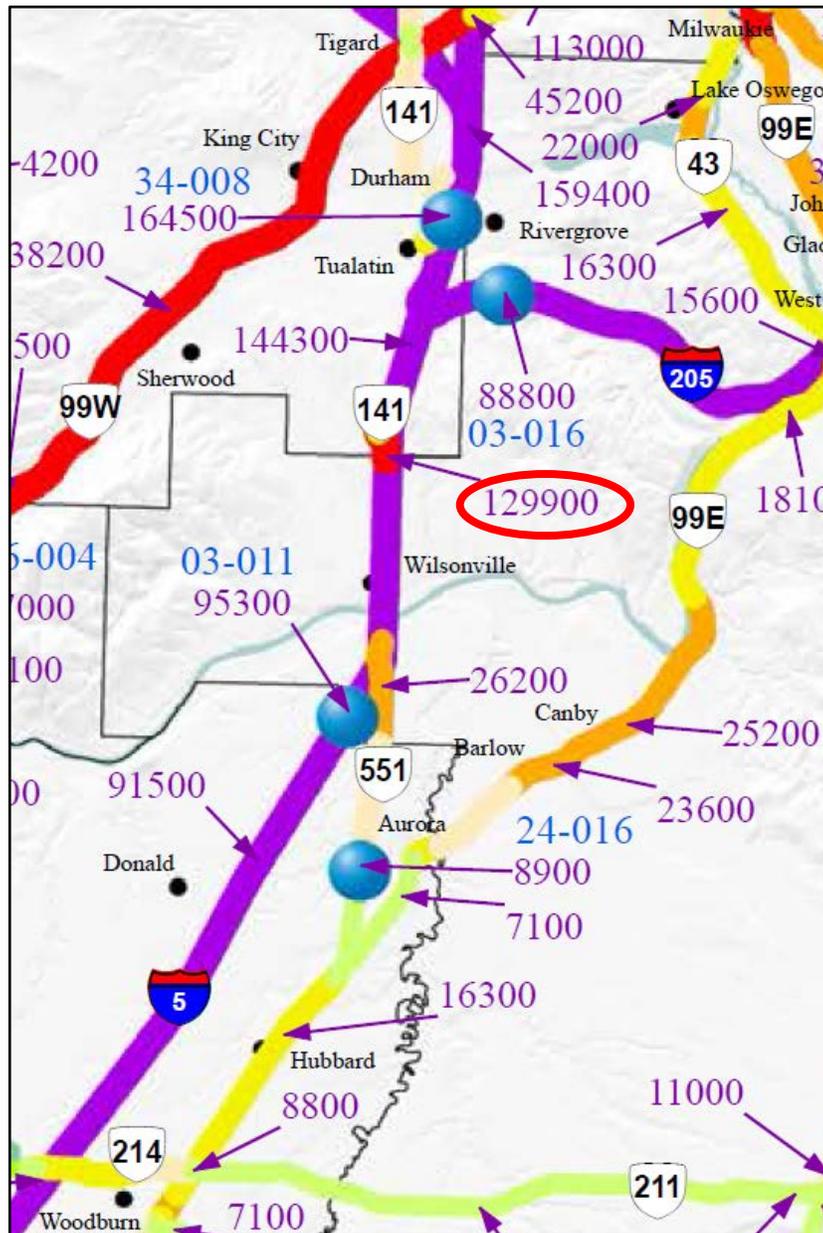
VOLUMES SHOWN ARE ALL VEHICLE ANNUAL AVERAGE DAILY TRAFFIC

- 6900 AADT Volume
  - Automatic Traffic Recorder Station
  - 24-016 Station Number
- Traffic Flow Segments**
- AADT**
- 0 - 1000
  - 1001 - 2500
  - 2501 - 5000
  - 5001 - 10000
  - 10001 - 15000
  - 15001 - 20000
  - 20001 - 30000
  - 30001 - 50000
  - 50001 - 75000
  - 75001 +
- Interstate - US Route - OR Route
- 



**DISCLAIMER**  
 This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering or financial purposes. Users of this information should review or consult the primary data and information sources to ascertain the reliability of the information.

### Except of South Metro / North Willamette Valley Region





## **Oral Testimony by City of Wilsonville Public Works Director Delora Kerber to Support Amended HB 3326 and HB 3340:**

Scheduled for public hearing on March 14, 2019, before the  
House Committee on Energy and Environment

Chair Helm, Vice-Chairs Reschke and Schouten, and Members  
of the Committee:

The City of Wilsonville supports HB 3326 and HB 3340, both of  
which could be merged and strengthened with minor  
amendments.

### **Wilsonville Knows Water Quality Issues:**

- supplies 45,000 residents of the communities of Sherwood and
- working with the City of Hillsboro and the Tualatin Valley  
Water District on the \$1 billion Willamette Water Supply  
Project — additional 400,000+ metro-area residents

During the summer of 2018, City worked with OHA and DEQ on  
water-treatment and public-communications issues pertaining to  
“harmful algal blooms” occurring in the Willamette River and

### **OHA Mandates:**

- City strongly supports both bills’ mandates to OHA to identify  
sources of pollutants, strategies to reduce pollutants and  
monitoring those reduction results
- Support HB 3340’s going further to “determine the causes of  
harmful algal blooms” and “to develop pollution reduction  
plans.”

- Suggest adding for OHA to “Develop and monitor the effectiveness of strategies for water treatment processes affected by harmful algal blooms and create a set of protocols for water treatment.”

### **Communications are Critical:**

- Section 4 of HB 3326 should be amended to further augment the ability of OHA to share information with and provide expert advice to public water-treatment facilities that share a common watershed.
  - When the City of Salem issued a public advisory in summer 2018, OHA should have been in a position to alert immediately all North Santiam River and downstream Willamette River public water-treatment facilities, which could then take additional precautions or issue a public notice or advisory as needed.
- Legislation should require OHA to:
  - create a system that promotes among public-water systems the rapid sharing of information on water-quality test results; and
  - provides expert recommendations for effective water-treatment processes.

### **State Funding Support Needed:**

- Support proposed funding allocation to DEQ in Section 5 of HB 3326 (omitted from HB 3340)

- Recent water-quality crisis events show need for greater capacity for OHA to implement effective water-quality oversight and interagency- and public-communications.

### **Water Systems Should Receive Ozonation Credit:**

- Legislature should instruct OHA to undertake a rule-change to recognize the disinfection benefits of ozone prior to filtration and to credit water-treatment facilities with this treatment process.
  - Currently OHA does not recognize the disinfection benefits of ozone prior to filtration, and therefore fails to credit water-treatment facilities.
    - one of the few existing methods of treating cyanotoxin-contaminated water.

### **Increased Federal/State Investment for Water Is Needed:**

- Restore public confidence in public-water systems
  - Additional state and/or federal funds for increased investments in public drinking-water systems
  - At least 41 water systems in the state at risk for toxic algae blooms out of about 300 Oregon drinking water systems that utilize surface-water sources.
  - Suggest recapitalizing the Business Development Department's "Special Public Works Fund" at the amount recommended by the Oregon Economic Development Assn. of \$85 million.

March 19, 2015

The Honorable Betsy Johnson and David Gomberg  
 Joint Ways and Means Subcommittee on  
 Transportation and Economic Development  
 State Capitol  
 900 Court St NE  
 Salem, OR 97301

Dear Co-Chair Johnson and Co-Chair Gomberg:

Availability of development-ready industrial sites is critical to traded-sector development – the centerpiece of state and regional economic development efforts. Traded-sector industries bring new money to the state, pay higher wages, and provide tax base for schools and other public services. But Oregon currently lacks a robust inventory of development-ready industrial sites that can attract these industries and their jobs to our state and its communities.

To address the shortfall of industrial sites that are ready for development, public and private entities throughout Oregon have joined together to identify potential industrial sites and develop financing tools that can attract investment in new industrial facilities. We work frequently with Business Oregon and appreciate the agency's focus on industrial site readiness. We support Business Oregon's budget request and ask the Ways and Means Subcommittee on Transportation and Economic Development to also consider funding current statutory programs designed to address industrial site readiness in Oregon.

Identifying constraints to development readiness and investing in site preparation are critical to ensuring a competitive supply of industrial lands for business expansion and recruitment of traded-sector companies to Oregon as the economy rebounds. The unrealized state economic benefit from successful traded-sector development (direct and indirect jobs, income and property tax revenues) is significant. In fact, growth in income tax revenues would make the state's general fund the largest beneficiary from an increase in traded-sector industrial jobs.

The 2013 Legislature recognized the need for industrial site readiness and passed two new programs sponsored by Senator Beyer and Representative Read:

- **ORS 285B.637 (SB 253) - Due diligence grants:** Assist regions in conducting an inventory and readiness assessment of large industrial sites in their area. Make available a limited pool of grants to conduct necessary investigations to better understand constraints on large industrial sites, reduce uncertainty about mitigation costs, and help prioritize investments.
- **ORS 285B.627 (SB 246) - Direct site preparation assistance:** Provide forgivable loans and/or state tax sharing to underwrite a portion of the

## Industrial Land Coalition

Oregon Economic  
Development Association

Associated Oregon  
Industries

Oregon Business Council

Oregon Business  
Association

Oregon Public Ports  
Association

Association of Oregon  
Counties

League of Oregon Cities

1000 Friends of Oregon

Oregon State Building and  
Construction Trades  
Council

International Brotherhood  
of Electrical Workers Local  
48

NAIOP, Oregon Chapter –  
The Commercial Real  
Estate Development  
Association

Oregon Association of  
Realtors

Oregon Homebuilders  
Association

Port of Portland

Metro

Portland Business Alliance

Clackamas County

City of Portland

ATTACHMENT A

Industrial Land Coalition  
March 19, 2015  
Page Two

costs of site preparation for strategic industrial sites identified by regions across the state. Investments would lay the foundation for site certification by Business Oregon, new jobs, state and local revenues, and economic prosperity for Oregon.

These two programs remain unfunded. The 2015 Oregon Business Plan identified funding for industrial site readiness as one of the state's key priorities. Regional Solutions Teams across Oregon have also identified site readiness as an important issue.

While supporting Business Oregon's recommended budget, our coalition urges your committee to consider an allocation of lottery funding for these two programs under the agency's Lands Program.

**Industrial Land Coalition**

c: Steve Bender  
Eric Sorenson



**Testimony by City of Wilsonville Mayor Tim Knapp Supporting HB 3058:  
*Proposed Legislation Stops Use of a Toxic Pesticide, Restricts Use of  
Neonicotinoid Pesticides Shown to Be Harmful to Pollinators***

Scheduled for public hearing on March 26, 2019, before the  
House Committee on Agriculture and Land Use

**Chair Clem, Vice-Chairs McLain and Post, and Members of the Committee:**

On behalf of the City of Wilsonville City Council, I am testifying in support of HB 3058, which requires the Oregon Department of Agriculture to remove from use chlorpyrifos, a highly toxic pesticide with substantial environmental and health impacts, and to classify neonicotinoids as restricted-use pesticides.

In 2017, the National Marine Fisheries Service determined that chlorpyrifos jeopardizes the survival and recovery of all species of salmon and steelhead listed as endangered in Oregon, Washington and California. In 2018 the California Department of Pesticide Regulation released a scientific assessment that concluded that chlorpyrifos should be listed as a toxic air contaminant based on evidence of its neurological effects and exposure risks. Recognizing the harmful impacts, the U.S. Environmental Protection Agency (EPA) was reportedly ready to ban this insecticide in 2017, but suddenly changed course in 2018. Subsequently, a federal court ordered the EPA to ban the use of chlorpyrifos; however, the EPA appealed that ruling, which is scheduled for a hearing this month.

Wilsonville was the site in June 2013 of reportedly the largest pollinator bumble bee-kill in the history of the United States—a distinction that our community does not relish—due to the application of neonicotinoid pesticides by trained professional applicators. This powerful class of pesticides has been shown conclusively to harm pollinators throughout the life-cycle of the product, with detrimental effects continuing long after initial treatment since plants take-up the pesticide into their tissues.

The environmental impact of neonicotinoids has come under increasing scrutiny worldwide. In 2014, the European Union banned the use of three types of neonicotinoid pesticides in crops that attract bees. While HB 3058 does not ban the use of neonicotinoids, placing restrictions on the use of this powerful class of pesticides can reduce chances of bee kills.

Many local, Wilsonville-area farming and nursery businesses are dependent upon pollinator health for propagation of key nut, fruit and vegetable crops. Pacific Natural Foods, a major national organic food-processor with substantial employment and operations in Tualatin and Wilsonville, is dependent on healthy populations of pollinators for successfully farming over 1,000 acres in the Willamette Valley.

The Department of Agriculture found that four separate bumble bee-kill incidents in 2013 and three separate bee-kill incidents in 2014 were due to applications of neonicotinoid pesticides.

The City notes that each of these pollinator-killing incidents was brought about by the use of neonicotinoid insecticides by duly licensed pesticide applicators — technicians trained in correct pesticide application who readily used the pesticides since their use was not restricted sufficiently.

The City of Wilsonville respectfully urges a DO PASS vote on HB 3058. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Tim Knapp".

Tim Knapp, Mayor  
City of Wilsonville



**Testimony by City of Wilsonville Mayor Tim Knapp Supporting SB 853:  
*Proposed Legislation Stops Use of a Toxic Pesticide, Restricts Use of  
 Neonicotinoid Pesticides Shown to Be Harmful to Pollinators***

Scheduled for public hearing on March 26, 2019, before the  
 Senate Committee on Environment and Natural Resources

**Chair Dembrow, Vice-Chair Olsen, and Members of the Committee:**

On behalf of the City of Wilsonville City Council, I am testifying in support of SB 853, which requires the Oregon Department of Agriculture to remove from use chlorpyrifos, a highly toxic pesticide with substantial environmental and health impacts, and to classify neonicotinoids as restricted-use pesticides.

In 2017, the National Marine Fisheries Service determined that chlorpyrifos jeopardizes the survival and recovery of all species of salmon and steelhead listed as endangered in Oregon, Washington and California. In 2018 the California Department of Pesticide Regulation released a scientific assessment that concluded that chlorpyrifos should be listed as a toxic air contaminant based on evidence of its neurological effects and exposure risks. Recognizing the harmful impacts, the U.S. Environmental Protection Agency (EPA) was reportedly ready to ban this insecticide in 2017, but suddenly changed course in 2018. Subsequently, a federal court ordered the EPA to ban the use of chlorpyrifos; however, the EPA appealed that ruling, which is scheduled for a hearing this month.

Wilsonville was the site in June 2013 of reportedly the largest pollinator bumble bee-kill in the history of the United States—a distinction that our community does not relish—due to the application of neonicotinoid pesticides by trained professional applicators. This powerful class of pesticides has been shown conclusively to harm pollinators throughout the life-cycle of the product, with detrimental effects continuing long after initial treatment since plants take-up the pesticide into their tissues.

The environmental impact of neonicotinoids has come under increasing scrutiny worldwide. In 2014, the European Union banned the use of three types of neonicotinoid pesticides in crops that attract bees. While SB 853 does not ban the use of neonicotinoids, placing restrictions on the use of this powerful class of pesticides can reduce chances of bee kills.

Many local, Wilsonville-area farming and nursery businesses are dependent upon pollinator health for propagation of key nut, fruit and vegetable crops. Pacific Natural Foods, a major national organic food-processor with substantial employment and operations in Tualatin and Wilsonville, is dependent on healthy populations of pollinators for successfully farming over 1,000 acres in the Willamette Valley.

The Department of Agriculture found that four separate bumble bee-kill incidents in 2013 and three separate bee-kill incidents in 2014 were due to applications of neonicotinoid pesticides.

The City notes that each of these pollinator-killing incidents was brought about by the use of neonicotinoid insecticides by duly licensed pesticide applicators — technicians trained in correct pesticide application who readily used the pesticides since their use was not restricted sufficiently.

The City of Wilsonville respectfully urges a DO PASS vote on SB 853. Thank you.

Sincerely,

  
 Tim Knapp, Mayor  
 City of Wilsonville



## Testimony by City of Wilsonville Mayor Tim Knapp Amending HB 2509-5:

### ***Proposed Legislation Ends Usage of Single-Use Retail Plastic Checkout Bags and Creates Uniform Standards Statewide***

Scheduled for work session on April 2, 2019, before the  
House Committee on Energy and Environment

#### **Chair Helm, Vice-Chairs Reschke and Schouten, and Members of the Committee:**

On behalf of the City of Wilsonville City Council, I am testifying in support of an amended version of HB 2509-5. While Wilsonville like most cities prefers to maintain local decision-making authority, discontinuing the usage of single-use retail plastic checkout bags appears to make more sense on a statewide basis, rather than on a community-by-community basis.

The City understands that the business community by and large would prefer a uniform, standard set of rules that apply throughout the state. A consistent, standard method of conducting business is preferable for business operations with multiple retail locations than conforming to a hodge-podge of various rules across the state.

Consumers too will benefit by having a consistent, standard process when shopping anywhere in Oregon. The environment and solid-waste and recycling processes will also benefit from a reduction in the generation and disposal of single-use plastic checkout bags.

The City supports League of Oregon Cities' proposed HB 2509-5 amendments to Sections 3 and 4 to grandfather existing local ordinances and establish a statewide minimum instead of a statewide ceiling. Therefore, the City opposes the preemptions of local government authority found in Section 3 of the -5 and -9 amendments.

Additionally, I encourage the Committee to consider amending all versions of HB 2509 to use the definition of "reusable" adopted by the Lake Oswego City Council, Ordinance No. 2806 (2019), which aims to truly eliminate plastic checkout bags:

**"Reusable Bag.** A bag made of machine washable cloth, woven synthetic fiber, or woven and non-woven polypropylene with handles that is specifically designed and manufactured for long-term multiple reuses."

The Lake Oswego ordinance does not allow any plastic bag of any thickness to be defined as "reusable"; nor are "compostable" or "biodegradable" bags to be provided or sold by retailers as checkout bags. The ordinance actually seeks to reduce the number of plastic and bioplastic bags that end-up clogging the recycling stream or are destined for the landfill.

The City of Wilsonville respectfully urges a DO PASS vote on an amended version of HB 2509-5 as noted above. Thank you.

Sincerely,

  
Tim Knapp, Mayor  
City of Wilsonville



**Testimony by City of Wilsonville Mayor Tim Knapp Supporting HB 2619-1:  
*Proposed Legislation Stops Use of Pesticides Shown to Cause  
 Substantial Long-Term Environmental, Health and Economic Harm***

Scheduled for public hearing on April 9, 2019, before the  
 House Committee on Energy and Environment

**Chair Helm, Vice-Chairs Reschke and Schouten, and Members of the Committee:**

On behalf of the City of Wilsonville City Council, I am testifying in support of HB 2619-1, which requires the Oregon Department of Agriculture to remove from use neonicotinoids and chlorpyrifos, pesticides found to have substantial long-term environmental, health and economic damages.

Wilsonville was the site in June 2013 of reportedly the largest pollinator bumble bee-kill in the history of the United States—a distinction that our community does not relish—due to the application of neonicotinoid pesticides by trained professional applicators. This powerful class of pesticides has been shown conclusively to harm pollinators throughout the life-cycle of the product, with detrimental effects continuing long after initial treatment since plants take-up the pesticide into their tissues.

The environmental impact of neonicotinoids has come under increasing scrutiny worldwide. In 2014, the European Union banned the use of three types of neonicotinoid pesticides in crops that attract bees.

In 2017, the National Marine Fisheries Service determined that chlorpyrifos jeopardizes the survival and recovery of all species of salmon and steelhead listed as endangered in Oregon, Washington and California. In 2018 the California Department of Pesticide Regulation released a scientific assessment that concluded that chlorpyrifos should be listed as a toxic air contaminant based on evidence of its neurological effects and exposure risks. Recognizing the harmful impacts, the U.S. Environmental Protection Agency (EPA) was reportedly ready to ban this insecticide in 2017, but suddenly changed course in 2018. Subsequently, a federal court ordered the EPA to ban the use of chlorpyrifos; however, the EPA appealed that ruling, which was scheduled for a hearing in March 2019.

Many local, Wilsonville-area farming and nursery businesses are dependent upon pollinator health for propagation of key nut, fruit and vegetable crops. Pacific Natural Foods, a major national organic food-processor with substantial employment and operations in Tualatin and Wilsonville, is dependent on healthy populations of pollinators for successfully farming over 1,000 acres in the Willamette Valley.

The Oregon Department of Agriculture found that four separate bumble bee-kill incidents in 2013 and three separate bee-kill incidents in 2014 were due to applications of neonicotinoid pesticides.

The City notes that each of these pollinator-killing incidents was brought about by the use of neonicotinoid insecticides by duly licensed and trained professional pesticide applicators, demonstrating the extreme environmental impact of this powerful class of pesticides.

The City of Wilsonville respectfully urges a DO PASS vote on HB 2619-1. Thank you.

Sincerely,

Tim Knapp, Mayor  
 City of Wilsonville



**Testimony by City of Wilsonville Mayor Tim Knapp Opposing SB 413:  
*Proposed Legislation Disrupts Portland Metro Land Reserves Agreements,  
Aggravates Property-Tax Compression Losses for Jurisdictions, Allows  
Violating of Intergovernmental Contracts and Balkanizes State Road Network***

Scheduled for public hearing on April 10, 2019, before the  
Joint Committee on Transportation

**Co-Chairs Beyer and McKeown and Members of the Committee:**

On behalf of the City of Wilsonville City Council, I am testifying in opposition to SB 413 that would allow formation of a new kind of special “highway district” to levy new property taxes and charge road tolls. While the concept may be worthy of consideration, the City would prefer to see a more involved public discussion with all potential stakeholders and impacted interests over time to evaluate the merits and disadvantages of the proposal.

A major issue with the proposed legislation is the suspension of the Rural Reserve protections that are designed to encourage long-term investments in agriculture. A key component of the 2010 Metro-area Urban and Rural Reserves compromise was the protection of agricultural lands from urban encroachment and new highways that take land out of production and leave remnant parcels that are too small or inaccessible to be farmed effectively. These protections provide farmers with the certainty needed for capital investments in farming infrastructure, such as new crops, processing facilities, irrigation systems and ag-related equipment.

Many Wilsonville-area farming and nursery businesses rely on land-use protections to make capital investments for future economic growth. Pacific Natural Foods, a major national organic food-processor with substantial employment and operations in Tualatin and Wilsonville, farms over 1,000 acres in the Willamette Valley and contracts with other farmers who would be negatively impacted by the uncertainty this bill would introduce.

The bill allows the new special highway district to levy property taxes that would further compress funds for all affected taxing jurisdictions, depriving school districts and others of revenue. As a practical matter, the district would need to levy and collect property taxes in order to fund operations long before tolls would ever be collected as a revenue source.

The bill explicitly allows the new highway district to abrogate intergovernmental contractual agreements that is contrary to democratic processes and good government business practices.

The proposed legislation would further balkanize the state’s road network by creating yet another bureaucratic layer on top of city, county, and state road-authorities.

The City of Wilsonville respectfully urges a DO NOT PASS vote on SB 413. Thank you.

Sincerely,

  
Tim Knapp, Mayor  
City of Wilsonville



April 10, 2019

Co-Chairs Beyer and McKeown and Members of the Joint Transportation Committee:

As public entities charged with managing transportation in the greater Portland metropolitan region, we are writing to urge you not to move Senate Bill 413 forward.

We represent diverse communities and different political perspectives. We do not always agree on transportation matters. Over time, however, we have found that working together has proven to be the best way to achieve transportation outcomes that best serve the residents of our region and its constituent communities. And we all value the accountability that comes from sitting around the same table and listening to each other. So we have serious concerns about SB 413 and the unaccountable process that it would establish.

It is important to note that our region has repeatedly declined to pursue projects like those that would be enabled by SB 413. Instead, we have focused our energy on more realistic and collaborative solutions to our region's transportation challenges.

- Working together, we have invested in a balanced transportation system of roads, transit, and bicycle and pedestrian facilities integrated with our region's long-range land use plan, thereby enabling our residents to take care of their daily needs while reducing per capita vehicle miles traveled.
- Working together, when we have focused on highways, we have prioritized projects to address major bottlenecks on our current system.
- Working together, we have invested in projects and programs that protect the region's air quality, thereby protecting public health and retaining airshed capacity for job-creating industry.

- Working together, our region unanimously adopted a new 20-year Regional Transportation Plan just last December that includes more than \$15 billion in capital projects and does not include projects like those contemplated by SB 413.
- Working together, we have adopted a state-approved strategy for reducing greenhouse gas emissions from cars and light trucks to meet state climate targets, and integrated that strategy into the Regional Transportation Plan.
- And working together with a broad range of stakeholders from the public, private and community sectors, we are assembling a transportation proposal to present to the region's voters in 2020 that would represent the largest voter-approved funding measure in the history of Oregon – a measure that will respond to the multimodal needs identified in the Regional Transportation Plan and will not include highways through rural reserves like those envisioned in SB 413.

The cities and counties of our region, in collaboration with districts including Metro, the Port of Portland and TriMet, have done all of this work with a process that is open, inclusive, and accountable to the people of our region. The fact that SB 413 explicitly exempts the district it would create from various levels of public review and accountability demonstrates the incompatibility of this approach with the values of our region and our state. We urge you to reject SB 413.



**Testimony by City of Wilsonville Mayor Tim Knapp Supporting HB 2509-A13:**

***Proposed Legislation Ends Usage of Single-Use Retail Plastic Checkout Bags and Creates Uniform Standards Statewide***

Scheduled for public hearing on April 22, 2019,  
before the House Committee on Rules

**Chair Holvey, Vice-Chairs Williamson and Wilson, and Members of the Committee:**

On behalf of the City of Wilsonville City Council, I am testifying in support of HB 2509-A13. While Wilsonville like most cities prefers to maintain local decision-making authority, discontinuing the usage of single-use retail plastic checkout bags appears to make more sense on a statewide basis, rather than on a community-by-community basis.

The City understands that the business community by and large would prefer a uniform, standard set of rules that apply throughout the state. A consistent, standard method of conducting business is preferable for business operations with multiple retail locations than conforming to a hodge-podge of various rules across the state.

Consumers too will benefit by having a consistent, standard process when shopping anywhere in Oregon. The environment and solid-waste and recycling processes will also benefit from a reduction in the generation and disposal of single-use plastic checkout bags.

The City is pleased to that the A-Engrossed version avoids preemption of existing municipal ordinances by providing that a local government can allow a restaurant or retail establishment to charge a fee that is less than the fee established in the bill as a statewide fee (5 cents) if the local government charged that lesser fee prior to the effective date of the Act.

The proposed amendment (-A13) provides that a local government may adopt, amend or enforce a local provision to require a restaurant or retail establishment to charge a fee of more than five cents. Essentially, this means that a jurisdiction cannot allow a fee that is less than 5 cents, but could require a fee that is more than 5 cents, thereby in effect setting a statewide floor/minimum. Again, Wilsonville is pleased that the legislature is not preempting local government authority should a community's businesses need a fee greater than 5 cents to recoup additional costs for using or providing bags other than single-use retail plastic checkout bags.

The City of Wilsonville respectfully urges a DO PASS vote on HB 2509-A13. Thank you.

Sincerely,

  
Tim Knapp, Mayor  
City of Wilsonville



**Testimony by City of Wilsonville Mayor Tim Knapp Supporting HB 5030:  
*Proposed Legislation Funds Ability for State to Re-Open Willamette Falls  
Locks, Benefiting Tourism, Commerce and Resilience Goals***

Scheduled for public hearing on April 19, 2019, before the Joint Committee  
On Ways and Means Subcommittee On Capital Construction

**Co-Chairs Girod and Holvey, and Members of the Committee:**

On behalf of the City of Wilsonville City Council, I am testifying in support of HB 5030, which provides \$7.5 million in lottery proceeds bonding for the repair and eventual reopening of the Willamette Falls Locks. Furthermore, the City supports amending HB 5030 as requested by the Willamette Fall Locks Commission for the full \$14.42 million needed in bond proceeds.

The City of Wilsonville is a founding member of the Willamette Falls Locks Working Group and was one of three Willamette River cities appointed to serve in 2017 on the Willamette Fall Locks Commission by SB 256.

The work of the Commission is critical to maintaining a key river transportation infrastructure of the Locks, which allows passage connecting the lower and upper portions of the Willamette River. In the Draft Disposition Study issued by the U.S. Army Corps of Engineers in May 2017 for public comment, the Corps indicated a preference for transfer of the Locks to another entity — or cementing the Locks shut permanently, foreclosing any future options for use.

The Commission's charge is to recommend a governance structure for a transferee and negotiating with the Corps for transfer of the Locks upgraded to an acceptable state of repair. Passage of HB 5030 sends a strong message of reinforcement to Congress and the federal government that the State of Oregon is serious about maintaining and reopening the Locks.

The City of Wilsonville has vested interests along with other stakeholders in reopening and sustainably operating the Willamette Falls Locks, which significantly impact the recreational, tourism and commercial economy of the community and the region. Closure of the Locks since 2011 has placed a severe hardship on commercial, recreational and tribal river users, including area recreationalists and businesses. Wilsonville-based Wilsonville Concrete, Inc., and Marine Industrial Construction, LLC, which used the Willamette Falls Locks for 129 years for transporting aggregate, logs and other goods and conducting dredging and towing operations, has 15–30 jobs that could be impacted if the Locks are not reopened on a permanent basis for the conduct of commerce.

The City of Wilsonville respectfully urges a DO PASS vote on an amended HB 5030 as noted above. Thank you.

Sincerely,

A handwritten signature in blue ink that reads 'Tim Knapp'.

Tim Knapp, Mayor  
City of Wilsonville



**Testimony by City of Wilsonville Mayor Tim Knapp Amending HB 2353-A:  
*Proposed Legislation Has Adverse Consequences that Could Hurt Local-  
Governments, Facilitate Tax-Payer Funded Research for Companies***

Scheduled for public hearing on May 14, 2019, before the  
Senate Committee on Business and General Government

**Chair Riley, Vice-Chair Girod and Members of the Committee:**

On behalf of the City of Wilsonville City Council, I am testifying in opposition to HB 2353-A that would authorize the Attorney General, district attorney, or court to require a public body to pay a penalty, including reasonable attorney fees, to a requester upon determining that the public body failed to respond to the request or responded to the request with undue delay. I would respectfully request that the bill be amended to exclude local governments or those with a smaller population from the penalty provisions.

This proposed legislation may be appropriate for executive-level state agencies; however, it carries potential substantial negative impacts to local governments, especially smaller cities with less staffing capacity. Of the 241 cities in Oregon 192 of them—nearly 80%—have a population of under 10,000. Very nearly all – if not all – of these cities have just one person responsible for public records requests, the city recorder. This person usually is responsible for multiple duties that can include risk management, human resources, finance and administration.

The City of Wilsonville has found increasingly that nearly all public-records requests received are from for-profit companies seeking to have City staff conduct research on the companies' behalf. Adopting a policy that allows for financial penalties against local governments without any kind of recourse or appeal is undemocratic and encourages 'fishing expeditions' by special interests on the public's dime. I do not believe that this result is the intent of the bill sponsors and would therefore encourage consideration of an amendment.

I urge you to reconsider this legislation to amend so as to exclude local governments from the penalty provisions. Thank you.

Sincerely,

A handwritten signature in blue ink that reads 'Tim Knapp'.

Tim Knapp, Mayor  
City of Wilsonville



**Testimony by City of Wilsonville Mayor Tim Knapp Supporting HB 3209:  
*Proposed Legislation Advances Critical Transportation Project of State and  
National Significance for I-205 Traffic-Congestion and Seismic Resilience***

Scheduled for public hearing on May 15, 2019, before the  
Joint Committee on Transportation

**Co-Chairs Beyer and McKeown and Members of the Committee:**

On behalf of the City of Wilsonville City Council, I am testifying in strong support of HB 3209, which provides the Oregon Department of Transportation (ODOT) with up to \$460 million in bonding authority to advance the I-205 Widening and Seismic Improvement Project. This key transportation project adds a critically needed third lane in each direction on the seven-mile stretch of I-205 between Stafford Road and OR 213, and seismically retrofits several bridges, including the vitally important I-205 Abernathy Bridge over the Willamette River.

This portion of I-205 is the last stretch of I-205 in Oregon that is only two lanes in each direction, causing significant traffic congestion resulting in lengthy bottlenecks that increase personal and business costs, emissions and freight delays. Over 100,000 vehicles use this section of I-205 each day, where drivers experience 5½ hours of congestion daily and traffic back-ups commonly extend for five to seven miles in the two-lane portion of I-205 during daily commute hours.

The I-205 Widening and Seismic Improvement Project is one of state and national significance. The I-205 corridor is a key interstate freight-movement route that bypasses Portland urban core. When the 9.0 Cascadia subduction zone earthquake strikes, seismic reinforcement of the I-205 Abernathy Bridge over the Willamette River and other I-205 overpass bridges will be crucial for recovery of the Portland metro region and the entire Westside of Oregon and Washington.

Traded-sector, industrial businesses in Wilsonville have expressed concern over increasing traffic congestion on I-5 and I-205 that impacts travel and delays freight deliveries. Major employers of Wilsonville with substantial commuting employees and/or freight shipments include Siemens/Mentor Graphics Corp., Sysco Food Services, Collins Aerospace (fka Rockwell), FLIR, Swire Coca-Cola USA, Tyco Electronics Medical Devices, Southern Glazer Wines & Spirits, Dealer Spike, DW Fritz Automation, Rite Aid Distribution Center, Campbell Soup's Pacific Natural Foods, Owens & Minor, OrePac Building Products and Hartung Glass Industries.

Many of your constituents who travel the South Metro I-205 Corridor would appreciate your support of HB 3209. Thank you.

Sincerely,

  
Tim Knapp, Mayor  
City of Wilsonville



**Spoken Testimony by City of Wilsonville Mayor Tim Knapp Supporting HB 3209:**

***Proposed Legislation Advances Critical Transportation Project of State and National Significance for I-205 Traffic-Congestion and Seismic Resilience***

Scheduled for public hearing on May 15, 2019, before the Joint Committee on Transportation

Co-Chairs Beyer and McKeown and Members of the Committee:

I am Tim Knapp and serve as the Mayor of the City of Wilsonville.

On behalf of the City of Wilsonville City Council, I am testifying in strong support of House Bill Thirty-Two Owe Nine (HB 3209) that advances the I-205 Widening and Seismic Improvement Project.

This key transportation project adds a critically needed third lane in each direction on the seven-mile stretch of I-205 between Stafford Road and OR 213, and seismically retrofits several bridges, including the vitally important I-205 Abernathy Bridge over the Willamette River.

This portion of I-205 is the last stretch of I-205 in Oregon that is only two lanes in each direction, causing significant traffic congestion resulting in lengthy bottlenecks that increase personal and business costs, emissions and freight delays.

Over 100,000 vehicles use this section of I-205 each day, where drivers experience 5½ hours of congestion daily and traffic back-ups commonly extend for five to seven miles in the two-lane portion of I-205 during daily commute hours.

The I-205 Widening and Seismic Improvement Project is one of state and national significance. The I-205 corridor is a key interstate freight-movement route that bypasses Portland urban core.

When the 9.0 Cascadia subduction zone earthquake strikes, seismic reinforcement of the I-205 Abernathy Bridge over the Willamette River and other I-205 overpass bridges will be crucial for recovery of the Portland metro region and the entire Westside of Oregon and Washington.

Traded-sector, industrial businesses in Wilsonville have expressed concern over increasing traffic congestion on I-5 and I-205 that impacts travel and delays freight deliveries.

Major employers of Wilsonville with substantial commuting employees and/or freight shipments include Siemens/Mentor Graphics Corp., Sysco Food Services, Collins Aerospace, FLIR, Swire Coca-Cola USA, Tyco Electronics Medical Devices, Southern Glazer Wines & Spirits, Dealer Spike, DW Fritz Automation, Rite Aid Distribution Center, Campbell Soup's Pacific Natural Foods, Owens & Minor, OrePac Building Products and Hartung Glass Industries.

Many of your constituents who travel the South Metro I-205 Corridor would appreciate your support of HB 3209. Thank you.



## **Testimony by City of Wilsonville Mayor Tim Knapp Supporting SB 1021:**

### ***Proposed Legislation Advances Critical ODOT Project to Fix and Seismically Retrofit the I-5 Boone Bridge Traffic-Congestion Chokepoint***

Scheduled for public hearing on May 15, 2019, before the  
Joint Committee on Transportation

#### **Co-Chairs Beyer and McKeown and Members of the Committee:**

On behalf of the City of Wilsonville City Council, I am testifying in strong support of SB 1021, which directs the Oregon Department of Transportation (ODOT) to advance the critically needed “I-5 Wilsonville Facility Plan” for Boone Bridge Southbound Auxiliary Lane and Seismic Resilience Retrofit Project. I also support a friendly amendment by Representative Courtney Neron to this bill that would appropriate \$3.5 million from state gas tax revenues to ODOT for project-acceptance development, including preliminary engineering and design.

The I-5 Boone Bridge, which traverses the Willamette River between Portland and Salem at Wilsonville, is one of the most traveled bridges in Oregon. Each day over 130,000 vehicles cross the I-5 Boone Bridge, which carries nearly as much traffic as the “CRC Columbia River Crossing” I-5 Interstate Bridge between Oregon and Washington states but 33% more trucks.

The I-5 Boone Bridge, located six miles south of the I-5/I-205 interchange, provides a vital link for commuters, freight commerce, and emergency services throughout the state, region, and the West Coast. However, the I-5 Boone Bridge is inadequate for current, growing traffic patterns and is in critical need of seismic upgrading to withstand a Cascadia 9.0 earthquake.

With the population and employment of both the Portland metro area and North Willamette Valley region rapidly increasing, severe traffic congestion due to a lack of adequate bridge capacity causes chronic slowdowns. Traffic back-ups commonly extend for five to ten miles in either direction of the Boone Bridge during daily commute hours and Sunday evenings, with up to 4.5 hours of daily congestion and evening commute speeds dropping to 25 mph.

ODOT, in collaboration with a \$50,000 grant from the City of Wilsonville, studied the flow of traffic on this portion of the South Metro I-5/Boone Bridge Corridor in 2018. The study assessed traffic patterns, such as busiest travel times and typical routes of travel, to determine a range of potential solutions and relative costs/benefits.

The “I-5 Wilsonville Facility Plan” concluded that the most feasible and cost-effective solution to the problem is to add a one-mile-long southbound ramp-to-ramp auxiliary lane on the bridge. The study determined that this proposal would maximize traffic flow by reducing accident-inducing lane changes and providing travel-through lanes. In essence, this project corrects a design deficiency when Oregon Route 99E connector Wilsonville-Hubbard State Highway 551 that serves Canby, Molalla and Woodburn merges with I-5 at the Boone Bridge.

Seismic upgrades are a critical component of the project. Currently, the Boone Bridge is not built to withstand a catastrophic Cascadia earthquake, jeopardizing the state’s and region’s ability to respond after a major seismic event. Traffic movement throughout the region and along the West

Coast's I-5 lifeline would be crippled if the bridge were to become impassable, with the nearest Willamette River crossings located over 15 miles away in either direction.

Unlike some other highway auxiliary lanes proposed in the Portland area, public sentiment strongly supports ODOT's proposed I-5 Wilsonville Facility Plan Boone Bridge project. A poll conducted during the project's study-period showed strong public support for the auxiliary lane proposal, and the City of Wilsonville has identified I-5 Boone Bridge-related traffic as a top transportation priority to improve.

Many Wilsonville businesses have expressed concern over increasing traffic congestion at the I-5 Boone Bridge bottleneck that impacts travel and delays freight deliveries. Major employers of Wilsonville with substantial commuting employees and/or freight shipments include Siemens/Mentor Graphics Corp., Sysco Food Services, Collins Aerospace (fka Rockwell), Swire Coca-Cola USA, Tyco Electronics Medical Devices, Southern Glazer Wines & Spirits, Dealer Spike, DW Fritz Automation, Rite Aid Distribution Center, Campbell Soup's Pacific Natural Foods, Owens & Minor, OrePac Building Products and Hartung Glass Industries.

Together with government agencies, Wilsonville's 1,080 businesses provide 20,317 jobs, with nearly half of these positions in high-wage professional/technical or industrial occupations engaged in manufacturing, software, engineering and wholesale distribution. Total direct annual payroll by Wilsonville-based employers exceeds \$1.1 Billion—an 80% increase since 2000—that generates a total direct/indirect regional economic-multiplier impact of over \$3.2 billion per year.

To be competitive in the global economy, employers in Wilsonville seek to recruit and retain a skilled workforce from across the Portland metro and North Willamette Valley regions. Over 9 out of 10 Wilsonville-employed workers commute from residences elsewhere to jobs in Wilsonville.

Many of your constituents who travel the South Metro I-5 Corridor would appreciate your support of SB 1021. The City of Wilsonville respectfully urges a DO PASS vote on SB 1021 as amended above. Thank you.

Sincerely,



Tim Knapp, Mayor  
City of Wilsonville

### Residences of Wilsonville Workers

<b>Clackamas County</b>	<b>27%</b>	<b>5,486</b>
Wilsonville	9%	1,815
West Linn	3%	605
Canby	3%	605
Other	12%	2,420
<b>Washington County</b>	<b>28%</b>	<b>5,689</b>
Beaverton	4%	807
Tualatin	4%	807
Tigard	4%	807
Hillsboro	3%	605
Sherwood	2%	403
Other	11%	2,218
<b>Multnomah County</b>	<b>14%</b>	<b>2,844</b>
Portland	12%	2,420
Other	2%	403
<b>Marion County</b>	<b>11%</b>	<b>2,235</b>
Salem	3%	605
Woodburn	2%	403
Other	6%	1,210
<b>Other Oregon locations</b>	<b>16%</b>	<b>3,251</b>
<b>Out of state</b>	<b>4%</b>	<b>813</b>
<b>TOTAL WORKFORCE</b>	<b>100%</b>	<b>20,317</b>

SOURCE: US Census Bureau with 2017 PSU Population Center update



**Spoken Testimony by City of Wilsonville Mayor Tim Knapp Supporting SB 1021:**

***Proposed Legislation Advances Critical ODOT Project to Fix and Seismically Retrofit the I-5 Boone Bridge Traffic-Congestion Chokepoint***

Scheduled for public hearing on May 15, 2019, before the Joint Committee on Transportation

Co-Chairs Beyer and McKeown and Members of the Committee:

I am Tim Knapp and serve as the Mayor of the City of Wilsonville.

On behalf of the City of Wilsonville City Council, I am testifying in strong support of Senate Bill Ten Twenty-one (SB 1021).

This bill directs ODOT to advance the critically needed “I-5 Wilsonville Facility Plan” for the I-5 Boone Bridge Southbound Auxiliary Lane and Seismic Resilience Retrofit Project.

I also support the friendly Dash 1 amendment by Representative Courtney Neron that appropriates \$3.5 million to ODOT for project development, including preliminary engineering and design.

The I-5 Boone Bridge is one of the most traveled bridges in Oregon. Each day over 130,000 vehicles cross the I-5 Boone Bridge, which carries nearly as much traffic as the “CRC Columbia River Crossing” I-5 Interstate Bridge between Oregon and Washington states, but 33% more semi-trucks carrying freight.

Traffic back-ups commonly extend for 5 to 10 miles in either direction of the Boone Bridge during daily commute hours and Sunday evenings, with up to 4.5 hours of daily congestion and evening commute speeds dropping to 25 mph.

ODOT, in collaboration with a \$50,000 grant from the City of Wilsonville, studied the flow of traffic on this portion of the South Metro I-5 Corridor in 2018.

The “I-5 Wilsonville Facility Plan” concluded that the most feasible and cost-effective solution to the problem is to add a one-mile-long southbound, ramp-to-ramp auxiliary lane on the Boone Bridge from Wilsonville Road to State Highway 551.

The study determined that this proposal would maximize traffic flow by reducing accident-inducing lane changes and providing travel-through lanes.

This project corrects a design deficiency where the Oregon Route 99E connector, ‘Wilsonville-Hubbard’ State Highway 551 that serves Canby, Molalla and Woodburn, merges with I-5 at the Boone Bridge.

Unlike some other highway auxiliary lanes proposed in the greater Portland area, public sentiment strongly supports ODOT’s proposed I-5 Boone Bridge auxiliary lane project.

Many Wilsonville businesses have expressed concern over increasing traffic congestion at the I-5 Boone Bridge bottleneck that impacts travel and delays freight deliveries.

I was recently in the nation’s capital to meet with members and staff of the Oregon Congressional delegation as part of the annual Washington, DC, lobby trip by Metro JPACT — the Joint Policy Advisory Committee on Transportation, where I participate as the representative of the Cities of Clackamas County.

Congressman Peter DeFazio, Chair of the House Transportation & Infrastructure Committee, and Senator Jeff Merkley, who sits on the Senate Environment and Public Works Committee that funds highways, both spoke about reauthorization now of the federal surface-transportation legislation known as the FAST Act.

Each indicated that improving infrastructure resilience is to be featured in a highway authorization bill. Congressman DeFazio went further and indicated interest in funding specifically a program to rehabilitate I-5 bridges.

I suggest to the committee that advancing this bill now prepares Oregon to leverage potential federal funding that could contribute significantly to improving I-5 Boone Bridge congestion and earthquake resilience. The seed money provided by the dash 1 amendment is intended to allow ODOT to gain a firm scope, design and cost of the project so as to be ready for potential federal investment.

To conclude, the I-5 Boone Bridge is inadequate for current, growing traffic congestion and is in critical need of seismic upgrading to withstand a Cascadia 9.0 earthquake.

Many of your constituents who travel the South Metro I-5 Corridor would appreciate your support of Senate Bill 1021 dash 1. Thank you.

May 17, 2018

Governor Kate Brown  
Oregon State Capitol  
900 Court Street, Suite 254  
Salem, OR 97301-4047

Dear Governor Brown:

Since 2013, a broad coalition of interests in the public, private and nonprofit sectors has been advocating for legislation and funding to help build a competitive supply of market-ready industrial sites statewide. The availability of such industrial sites is a key asset for areas hoping to expand or attract traded-sector businesses that create family wage jobs and provide critical tax base for public services.

However, many regions of the state lack an adequate supply of such sites. Even when land is zoned, planned and designated for future industrial jobs, significant capital investments (e.g., infrastructure, brownfield cleanup, wetland mitigation and site aggregation) may be required to make it market ready. Many local jurisdictions are unable to afford these investments or are not in a position to incur significant up-front costs by themselves.

The Legislature addressed this problem in 2013 by creating the Oregon Industrial Site Readiness Program. Senate Bill 246 authorized Business Oregon to offer partially forgivable loans or reimbursement of project costs to help public sector sponsors remove constraints to market readiness on regionally significant industrial sites in exchange for job creation commitments. These loans and reimbursements would be funded by a portion of the income taxes generated by new employment made possible by the project. Unfortunately, the program has not been fully implemented, primarily due to a lack of startup funding for the loan program.

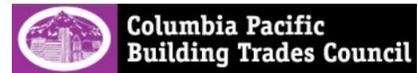
It is our understanding that Business Oregon is requesting \$5 million to capitalize the Oregon Industrial Site Readiness Program loan fund in the 2019 legislative session. The department has also proposed three narrow statutory changes to increase access to the program in all parts of Oregon, but most notably in rural communities. Taken together, these proposals can help build a competitive supply of market-ready industrial lands needed to drive Oregon's economic growth over the next 20 years.

**We urge you to include Business Oregon's funding request for the Oregon Industrial Site Readiness Program in your recommended budget and to support the proposed statutory refinements to the program.**

The potential economic benefit from successful traded-sector development (direct and indirect jobs, income and property tax revenues) that remains unrealized due to site constraints is significant. Growth in income tax revenues would make the state's general fund the largest beneficiary from an increase in traded-sector industrial jobs. By helping to reduce barriers to traded-sector industrial development, the Oregon Industrial Site Readiness Program should provide significant return on investment to both the state and local governments.

Thank you very much for your consideration of this request.

Sincerely,





**Testimony by City of Wilsonville Mayor Tim Knapp Supporting HB 2304-2:  
*Proposed Legislation Provides Ability to Re-Open Willamette Falls Locks, Leverage  
Federal Funds and Advance State Goals for Tourism, Commerce and Resilience***

Scheduled for public hearing on May 22, 2019,  
before the Joint Committee On Transportation

**Co-Chairs Beyer and McKeown, and Members of the Committee:**

On behalf of the City of Wilsonville City Council, I am testifying in support of HB 2304-2, which provides \$14.42 million in lottery proceeds bonding for the repair and eventual reopening of the Willamette Falls Locks. The City of Wilsonville is a founding member of the Willamette Falls Locks Working Group and was one of three Willamette River cities appointed to serve in 2017 on the Willamette Fall Locks Commission by SB 256.

The work of the Commission is critical to maintaining a key river transportation infrastructure of the Locks, which allows passage connecting the lower and upper portions of the Willamette River. In the Draft Disposition Study issued by the U.S. Army Corps of Engineers in May 2017, the Corps indicated a preference for transfer of the Locks to another entity — or cementing the Locks shut permanently, foreclosing any future options for use.

**The Commission’s charge is to recommend a governance structure for a transferee and negotiating with the Corps for transfer of the Locks upgraded to an acceptable state of repair. Passage of HB 2304-2 sends a strong message of reinforcement to Congress and the federal government that the State of Oregon is serious about reopening the Locks, and provides the State with an opportunity to leverage potential federal infrastructure funding.**

The City of Wilsonville has vested interests along with other stakeholders in reopening and sustainably operating the Willamette Falls Locks, which significantly impact the recreational, tourism and commercial economy of the community and the region and provide a non-roadway mode of transportation that may be crucial for recovery after the projected Cascadia 9.0 seismic event. Closure of the Locks since 2011 has placed a severe hardship on commercial, recreational and tribal river users, including area recreationalists and businesses. A local, long-time employer, Wilsonville Concrete, Inc., and Marine Industrial Construction, LLC, which used the Willamette Falls Locks for 129 years, has 15–30 jobs that could be impacted if the Locks are not reopened on a permanent basis for the conduct of commerce.

The City of Wilsonville respectfully urges a DO PASS vote on HB 2304-2. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Tim Knapp". The signature is written in a cursive, flowing style.

Tim Knapp, Mayor  
City of Wilsonville



May 30, 2019

The Honorable Kim Thatcher, Senator  
Oregon State Capitol  
900 Court St NE, S-307  
Salem, OR, 97301

*Sent via email PDF attachment to  
Sen.KimThatcher@oregonlegislature.gov*

**RE: Support for 2509-B, Proposed Legislation Ends Usage of Single-Use Retail Plastic Checkout Bags, Creates Uniform Standards Statewide, Supports Local Jobs**

Dear Senator Thatcher:

On behalf of the City of Wilsonville City Council, I am writing to request your support of HB 2509-B. While Wilsonville like most cities prefers to maintain local decision-making authority, discontinuing the usage of single-use retail plastic checkout bags appears to make more sense on a statewide basis, rather than on a community-by-community basis as has been occurring in Oregon.

The City understands that the business community by and large would prefer a uniform, standard set of rules that apply throughout the state. A consistent, standard method of conducting business is preferable for business operations with multiple retail locations than conforming to a hodge-podge of various rules across the state.

Consumers too will benefit by having a consistent, standard process when shopping anywhere in Oregon. The environment and solid-waste and recycling processes will also benefit from a reduction in the generation and disposal of single-use plastic checkout bags. Representatives of solid-waste collection firm Republic Services indicate that dealing with single-use plastic checkout bags in the recycling stream is costly, contributing to excessive recycling equipment downtime.

Since Oregon and the Pacific Northwest is the source of much of the nation's paper pulp, the legislation will stimulate demand for paper bags that translates into increased business activity and employment for the local pulp-and-paper industry.

HB 2509-B provides for common-sense exemption for certain types of bags from the definition of "single-use checkout bag," including bags provided to package bulk items such as fruit or vegetables; contain or wrap frozen food, flowers, or other item because of dampness or sanitation; contain an unwrapped prepared food or bakery good; contain a prescription drug; dry cleaning bags; and bags sold in a package for food storage, trash bags, or pet waste collection.

The City is pleased to that the B-Engrossed version avoids preemption of existing municipal ordinances by providing that a local government can allow a restaurant or retail establishment to charge a fee that is less than the fee established in the bill as a statewide fee (5 cents) if the local government charged that lesser fee prior to the effective date of the Act.

The City of Wilsonville respectfully urges a DO PASS vote on HB 2509-B. Thank you.

Sincerely,

  
Tim Knapp, Mayor  
City of Wilsonville



May 30, 2019

The Honorable Alan Olsen, Senator  
Oregon State Capitol  
900 Court St NE, S-425  
Salem, OR, 97301

*Sent via email PDF attachment to  
Sen.AlanOlsen@oregonlegislature.gov*

**RE: Support for 2509-B: Proposed Legislation Ends Usage of Single-Use Retail Plastic Checkout Bags, Creates Uniform Standards Statewide, Supports Local Jobs**

Dear Senator Olsen:

On behalf of the City of Wilsonville City Council, I am writing to request your support of HB 2509-B. While Wilsonville like most cities prefers to maintain local decision-making authority, discontinuing the usage of single-use retail plastic checkout bags appears to make more sense on a statewide basis, rather than on a community-by-community basis as has been occurring in Oregon.

The City understands that the business community by and large would prefer a uniform, standard set of rules that apply throughout the state. A consistent, standard method of conducting business is preferable for business operations with multiple retail locations than conforming to a hodge-podge of various rules across the state.

Consumers too will benefit by having a consistent, standard process when shopping anywhere in Oregon. The environment and solid-waste and recycling processes will also benefit from a reduction in the generation and disposal of single-use plastic checkout bags. Representatives of solid-waste collection firm Republic Services indicate that dealing with single-use plastic checkout bags in the recycling stream is costly, contributing to excessive recycling equipment downtime.

Since Oregon and the Pacific Northwest is the source of much of the nation's paper pulp, the legislation will stimulate demand for paper bags that translates into increased business activity and employment for the local pulp-and-paper industry.

HB 2509-B provides for common-sense exemption for certain types of bags from the definition of "single-use checkout bag," including bags provided to package bulk items such as fruit or vegetables; contain or wrap frozen food, flowers, or other item because of dampness or sanitation; contain an unwrapped prepared food or bakery good; contain a prescription drug; dry cleaning bags; and bags sold in a package for food storage, trash bags, or pet waste collection.

The City is pleased to that the B-Engrossed version avoids preemption of existing municipal ordinances by providing that a local government can allow a restaurant or retail establishment to charge a fee that is less than the fee established in the bill as a statewide fee (5 cents) if the local government charged that lesser fee prior to the effective date of the Act.

The City of Wilsonville respectfully urges a DO PASS vote on HB 2509-B. Thank you.

Sincerely,

  
Tim Knapp, Mayor  
City of Wilsonville



June 7, 2019

The Honorable Courtney Neron, Representative  
Oregon State Capitol  
900 Court St NE, H-281  
Salem, OR 97301

*Sent via email PDF attachment to  
Rep.CourtneyNeron@oregonlegislature.gov*

**RE: Oppose HB 2437-A: Proposed Legislation Carries Substantial Risk of Unintended Consequences and Deprives Public of Notice of Wetland Removal/Fill Actions**

Dear Representative Neron:

I am writing to request your opposition to HB 2437-A that may come to the House floor as soon as June 10. The City of Wilsonville has serious concerns about the proposed legislation, including unintended consequences that could be detrimental to water quality and wildlife habitat and that the bill deprives the public of notice that currently exists in law.

While HB 2437-A has been promoted as a tool for agricultural channel maintenance bill to streamline the existing process of unclogging ditches, this bill *is not limited* to irrigation ditches and, as such, poses a substantial potential risk to Oregon's streams and wetlands. In a nutshell, the bill allows an exemption from Oregon's removal/fill permits for up to 3,000 cubic yards of material—equivalent to 300 dump-truck loads. This bill is not a pilot project but a permanent change in law.

HB 2437-A allows the placement of up to 3,000 cubic yards of material removed from the stream to be placed on wetlands for up to one year. This is not limited to "converted wetlands" but includes any wetland, no matter how high the quality might be. Allowing this large amount of potential wetland disturbance undermines decades of work to strengthen Oregon's wetland laws, regulations and wetland restoration work.

HB 2437-A provides for no public notice or comment for wetland removal/fill actions, including no notice to state or federal agencies, local governments or adjacent landowners. Under current law, for removal or fill of material over 50 cubic yards, all these entities would be notified and have an opportunity to voice concerns; HB 2437-A bill does not provide for public notice or comment.

HB 2437-A expands Department of State Lands general permits for "wet" work on all waters of the state; HB 2437-A greatly expands the current removal fill provisions for general permits for perennial streams, including those that provide essential salmonid habitat. Current law sets a general permit with a cap of 100 cubic yards for agricultural maintenance; this bill requires DSL to adopt a rule to allow for a general permit that would allow removal of undefined amounts of material from streams where flowing water is present, including streams that are essential salmonid habitat. The bill does not set a cap but leaves it open ended, which could lead to extensive environmental degradation.

For these reasons, the City of Wilsonville respectfully urges a nay vote on HB 2437-A. Thank you.

Sincerely,

  
Tim Knapp, Mayor  
City of Wilsonville



June 7, 2019

The Honorable Christine Drazan, Representative  
Oregon State Capitol  
900 Court St NE, H-388  
Salem, OR 97301

*Sent via email PDF attachment to  
Rep.ChristineDrazan@oregonlegislature.gov*

**RE: Oppose HB 2437-A: Proposed Legislation Carries Substantial Risk of Unintended Consequences and Deprives Public of Notice of Wetland Removal/Fill Actions**

Dear Representative Drazan:

I am writing to request your opposition to HB 2437-A that may come to the House floor as soon as June 10. The City of Wilsonville has serious concerns about the proposed legislation, including unintended consequences that could be detrimental to water quality and wildlife habitat and that the bill deprives the public of notice that currently exists in law.

While HB 2437-A has been promoted as a tool for agricultural channel maintenance bill to streamline the existing process of unclogging ditches, this bill *is not limited* to irrigation ditches and, as such, poses a substantial potential risk to Oregon's streams and wetlands. In a nutshell, the bill allows an exemption from Oregon's removal/fill permits for up to 3,000 cubic yards of material—equivalent to 300 dump-truck loads. This bill is not a pilot project but a permanent change in law.

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For these reasons, the City of Wilsonville respectfully urges a nay vote on HB 2437-A. Thank you.

Sincerely,

  
Tim Knapp, Mayor  
City of Wilsonville



June 17, 2019

The Honorable Kim Thatcher, Senator  
Oregon State Capitol  
900 Court St NE, S-307  
Salem, OR, 97301

*Sent via email PDF attachment to  
Sen.KimThatcher@oregonlegislature.gov*

**RE: Support for HB 2449: Proposed Legislation Provides Crucially Needed Revenues to Stabilize 9-1-1 Emergency Communication Operations in Communities Across Oregon**

Dear Senator Thatcher:

On behalf of the City of Wilsonville City Council, I am writing to request your support of HB 2449-B Engrossed, which is currently sitting in the Senate Finance and Revenue Committee waiting for a hearing. On June 6, the House moved the bill off the floor with a solid 48-10-2 bi-partisan vote.

The adopted A-13 amendments form a compromise bill that increases the monthly 9-1-1 fee on land lines and cell phones by \$0.50, with subsequent increases of \$0.25 in 2020 and another \$0.25 in 2021, bringing the total monthly 9-1-1 fee to \$1.25. HB 2449 has significant support from local governments, Public Safety Answering Points (PSAPs), and public safety agencies across Oregon.

Additional 9-1-1 resources are important for public safety in our community. The added revenue will help stabilize emergency communication operations in communities across Oregon. Funding stability is critical for the daily operational needs of many 9-1-1 facilities and the critical technology upgrades.

9-1-1 fees have not been increased since 1995, yet costs related to implementing a state-wide digital network, text-to-9-1-1 service, hardware upgrades, software needs, increased staffing to handle call volume, and other costs associated with operating a 24/7 9-1-1 facility have increased.

This small tax increase directly improves emergency-services communications, something that is critical for communities across Oregon. The City of Wilsonville respectfully urges your support to advance HB 2449. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Tim Knapp".

Tim Knapp, Mayor  
City of Wilsonville



June 17, 2019

The Honorable Alan Olsen, Senator  
Oregon State Capitol  
900 Court St NE, S-425  
Salem, OR, 97301

*Sent via email PDF attachment to  
Sen.AlanOlsen@oregonlegislature.gov*

**RE: Support for HB 2449: Proposed Legislation Provides Crucially Needed Revenues to Stabilize 9-1-1 Emergency Communication Operations in Communities Across Oregon**

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Tim Knapp, Mayor  
City of Wilsonville



June 19, 2019

The Honorable Kim Thatcher, Senator  
Oregon State Capitol  
900 Court St NE, S-307  
Salem, OR, 97301

*Sent via email PDF attachment to  
Sen.KimThatcher@oregonlegislature.gov*

**RE: Support for SB 5524 Business Oregon Investment Programs and an Appropriation in the Omnibus Bill for Workforce Development**

Dear Senator Thatcher:

On behalf of the City of Wilsonville City Council, I am writing to request your support of SB 5524, which funds several Business Oregon Department community investment programs, and an allocation for \$4.1 million for workforce development programs in the Omnibus Bill.

Specific community investment programs of significant value to Oregon include:

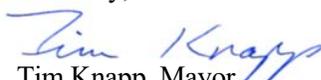
- Special Public Works Fund (SPWF): \$80 million in Lottery Bonds to recapitalize fund for critical community infrastructure like water and wastewater storage facilities and certain transportation projects. This is critical to help communities finance infrastructure and address capacity for housing and business growth.
- Brownfields Redevelopment Fund: \$10.0 million in Lottery Bonds to recapitalize fund. This will facilitate addressing contaminated sites, bringing them back to productive use and generating local property tax revenue.
- Regionally Significant Industrial Site (RSIS) Fund: \$5.0 million in Lottery Bonds to capitalize fund for bringing industrial properties to shovel-ready status, attracting new, well-paying manufacturing investment and long-term jobs in our communities.
- Regional Infrastructure Fund (RIF): \$15.0 million in Lottery Bonds to fund the regional projects identified by local regional solutions teams.

Additionally, \$4.1 million in additional workforce resources requested by the Governor were not included in the HECC Budget approved by the Ways & Means Education Sub-Committee on June 11, 2019. This decision will have a devastating impact on Oregon's local workforce development efforts and will disproportionately harm our most vulnerable residents.

We urge you to advocate for \$4.1 million in workforce resources in the Omnibus Bill. This investment leverages federal and local workforce development resources and infrastructure, supports Oregonians who want and need to work, but can't afford or aren't ready to pursue post-secondary education, and helps rapidly meet the needs of employers who are desperate to find qualified workers.

The City of Wilsonville respectfully urges your support to advance SB 5524 and a \$4.1 million appropriation for workforce development in the Omnibus Bill. Thank you.

Sincerely,

  
Tim Knapp, Mayor  
City of Wilsonville



June 19, 2019

The Honorable Alan Olsen, Senator  
Oregon State Capitol  
900 Court St NE, S-425  
Salem, OR, 97301

*Sent via email PDF attachment to  
Sen.AlanOlsen@oregonlegislature.gov*

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Appropriation in the Omnibus Bill for Workforce Development**

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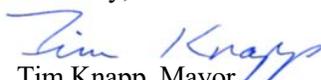
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The City of Wilsonville respectfully urges your support to advance SB 5524 and a \$4.1 million appropriation for workforce development in the Omnibus Bill. Thank you.

Sincerely,

  
Tim Knapp, Mayor  
City of Wilsonville

## **APPENDIX C**

### **2019-20 Wilsonville/SMART State Legislative Agenda**

# 2019-20



# State Legislative Agenda



### Wilsonville City Council

Tim Knapp, Mayor

Susie Stevens, Councilor

Kristin Akervall, Councilor

Charlotte Lehan, Councilor

Ben West, Councilor

### City Appointed Management

Bryan Cosgrove, City Manager

Barbara Jacobson, City Attorney

### CITY OF WILSONVILLE, OREGON / SOUTH METRO AREA REGIONAL TRANSIT (SMART)

**Mark Ottenad, Public/Government Affairs Director**

503-570-1505; [ottenad@ci.wilsonville.or.us](mailto:ottenad@ci.wilsonville.or.us)

**Greg Leo, Public Affairs Consultant, The Leo Co.**

503-804-6391; [greg@theleocompany.com](mailto:greg@theleocompany.com)

29799 SW Town Center Loop East

Wilsonville, OR 97070

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



Acting on behalf of the residents and businesses of the City of Wilsonville and SMART, the City Council adopts this legislative agenda to guide municipal policy positions in the 2019-20 session of the Oregon Legislative Assembly.

*Wilsonville City Council, January 7, 2019*



## 1. GOVERNANCE

### ■ Local Autonomy

1.1 The City of Wilsonville supports the home-rule autonomy of local governments and opposes efforts to preempt local-government authority to work on behalf of the city’s residents and businesses. The City seeks opportunities to restore municipal authority where it has previously been pre-empted by state law.

### ■ State Shared Revenues / Unfunded Mandates

1.2 The City of Wilsonville supports the State Shared Revenue formula and opposes efforts to shift service-costs from the State to local governments, often referred to as “unfunded mandates.” The City opposes efforts to reduce traditional “shared revenues,” which include alcoholic beverage and cigarette taxes and other state shared revenue that pay for essential local services.

## 2. TRANSPORTATION & TRANSIT INFRASTRUCTURE

### ■ Transportation

2.1 The City of Wilsonville supports multi-modal transportation options—including roadways, transit services and bike/ped alternatives—for residents, commuting workers and businesses.

2.2 The City of Wilsonville supports strategies and plans that maintain or increase the traffic-handling capacity of I-5 for the timely movement of freight and conduct of commerce, including the stretch of I-5 Boone Bridge crossing the Willamette River.

2.3 The City of Wilsonville supports increased funding by federal and state governments of public transportation infrastructure.

2.4 The City of Wilsonville supports efforts to re-open and maintain the operations of the Willamette Falls Locks and Canal.



### ■ Transit

2.5 The City of Wilsonville supports increased funding and access to increased transit services that provide residents and commuting workers with an affordable option for personal mobility.

2.6 The City of Wilsonville supports expanded Westside Express Service (WES) commuter rail transit service for full-day and Saturday service and extension of service to Salem.

### 3. ECONOMIC & COMMUNITY DEVELOPMENT

#### ■ Land Use and Development

3.1 The City of Wilsonville supports sustainable, “smart-growth” concepts that include objectives such as walkable neighborhoods, compact urban development, the conservation of valuable resource lands and the protection of prime agricultural soils outside the urban growth boundary (UGB).

3.2 The City of Wilsonville supports Oregon land-use law that calls for intergovernmental coordination and urban-development activities to occur in cities—areas with municipal governance and supporting infrastructure—and opposes efforts to encourage activities outside of cities that result in urban-level development.

3.3 The City of Wilsonville supports initiatives that reclaim industrial “brownfield” sites in urban settings for productive re-use and that assists cities to develop existing industrial lands. These kinds of initiatives maximize the benefit from existing public resources and reduce the need for urban-growth boundary expansions to accommodate industrial development.

3.4 The City of Wilsonville supports the creation or extension of additional economic-development tools that cities may utilize as they wish, including implementing the Oregon Industrial Site Readiness Program that complies with current state law and making the state “Enterprise Zone” and similar designations available to more cities.



#### ■ Workforce Development

3.5 The City of Wilsonville supports adequate funding for institutions of higher education in order to provide more comprehensive workforce development opportunities for future and current employees of industrial employers.

3.6 The City of Wilsonville supports efforts to improve the overall quality of K–12 education, and in particular to strengthen Science-Technology-Engineering-Math (STEM) education, as well as post-secondary education that prepare tomorrow’s workforce.

### 4. ENVIRONMENTAL IMPACT

4.1 The City of Wilsonville supports the protection of the environment and important natural resources for the benefit of human health, quality of life for citizens, recreational opportunities, and wildlife habitat.



## FAST FACTS: City of Wilsonville & South Metro Area Regional Transit (SMART)

### Population: One of Oregon's fastest growing cities

For the past 20 years, Wilsonville has been one of Oregon's fastest growing cities with population over 10,000. Wilsonville is now the state's 22<sup>nd</sup> largest city.

Jurisdiction	2000 Census	2018 PSU Est.	% Change
City of Wilsonville	13,991	25,250	96.9%
Portland metro region*	1,444,219	1,839,005	22.2%
State of Oregon	3,421,399	4,195,300	22.6%

\* Clackamas, Multnomah and Washington Counties

### SMART Transit: I-5 Corridor Public Transportation Service

South Metro Area Regional Transit (SMART) provides transit services six days per week for 300,000 riders composed of commuting workers and residents. SMART links with regional transit providers, including TriMet and WES (Westside Express Service) commuter trains, Salem Area Mass Transit District ("Cherriots") and Canby Area Transit (CAT), as well as providing in-town fixed-route and paratransit services.



### Education & Workforce Development: In-Demand Skills Training

OregonTech Wilsonville is the metro-area campus of the Oregon Institute of Technology (OIT), the state's premier university of advanced engineering and applied-technology studies. OregonTech Wilsonville works closely with the region's high-tech employers and area high schools to promote hands-on, practical Science-Technology-Engineering-Math (STEM) curriculum.

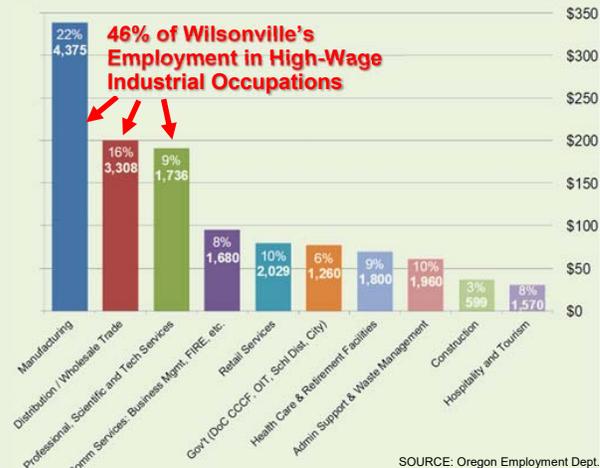


Clackamas Community College, Wilsonville Training Center Campus  
West Linn-Wilsonville School District and Canby School District



### Employment: Over 20,000 Jobs with \$1.1 Billion Direct Annual Payroll

Wilsonville's 1,080 businesses provide 20,317 full-time equivalent jobs, of which about half are in high-wage industrial occupations of manufacturing—primarily in high-tech and software engineering—wholesale distribution and professional services. Nine out of 10 employees commute to jobs in Wilsonville primarily from the Portland metro-area and North Willamette Valley, Canby, Woodburn and Salem/Keizer.



### Top-10 Private-Sector Wilsonville Employers

Sorted descending by Number of Full-Time Equivalent (FTE) Jobs

Business	Type	Jobs
1. Siemens Mentor Graphics Corp.	Software	986
2. Xerox Corp.	Manufacturing	687
3. Sysco Food Services	Wholesale Dist.	545
4. Rockwell Collins	Manufacturing	475
5. Swire Coca-Cola USA	Mfg/Dist.	366
6. TE Medical Tyco Electronics Connectivity	Manufacturing	359
7. Costco Wholesale	Retail	292
8. Southern Wines & Spirits	Wholesale Dist.	283
9. Fred Meyer Stores	Retail	261
10. OptiMiM	Manufacturing	255



The Wilsonville SMART Transit Center serves as the TriMet Westside Express Service (WES) commuter rail train station that features a 400-car park-and-ride lot that can be expanded. Each WES train is met by SMART buses that whisk employees to the worksite within 10 minutes of arrival in Wilsonville, providing key 'last-mile' public transit service.

**PROCLAMATION  
WORLD POLIO DAY  
OCTOBER 24, 2019**

**WHEREAS**, Rotary is a global network of 1.2 million neighbors, friends, leaders, and problem-solvers who unite and take action to create lasting change in communities across the globe; and

**WHEREAS**, the Rotary motto, Service Above Self, inspires members to provide humanitarian service, follow high ethical standards, and promote goodwill and peace in the world; and

**WHEREAS**, Rotary in 1985 launched PolioPlus and in 1988 helped establish the Global Polio Eradication Initiative, which today includes the World Health Organization, U.S. Centers for Disease Control and Prevention, UNICEF, and the Bill & Melinda Gates Foundation, to immunize the children of the world against polio; and

**WHEREAS**, polio cases have dropped by 99.9 percent since 1988 and the world stands on the threshold of eradicating the disease; and

**WHEREAS**, to date, Rotary has contributed more than US\$1.9 billion and countless volunteer hours to protecting more than 2.5 billion children in 122 countries; and

**WHEREAS**, Rotary is working to raise an additional \$50 million per year, which would be leveraged for maximum impact by an additional \$100 million annually from the Bill & Melinda Gates Foundation; and

**WHEREAS**, these efforts are providing much-needed operational support, medical staff, laboratory equipment, and educational materials for health workers and parents; and

**WHEREAS**, in addition, Rotary has played a major role in decisions by donor governments to contribute more than \$8 billion to the effort; and

**WHEREAS**, the Rotary Club of Wilsonville raised \$7,400 dollars during the 2019 Rotary Summer Concert Series – all of which will be contributed to the PolioPlus fund; and

**WHEREAS**, the Rotary Club of Wilsonville has raised over \$100,000 over the past 15 years via the Rotary Summer Concert Series; all of which contributed to the PolioPlus fund; and

**WHEREAS**, the Rotary Club of Wilsonville proudly ranks as the #1 club in northern Oregon for dollars per member donated to PolioPlus during the past 10 years;

**NOW, THEREFORE**, I, Tim Knapp, Mayor of the City of Wilsonville Oregon, do hereby proclaim October 24, 2019, as:

**WORLD POLIO DAY**

I encourage all Wilsonville residents to join Rotary International and me in the fight for a polio-free world.

Dated this 7<sup>th</sup> day of October 2019

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



## 2019 Wilsonville City Council Representative Appointments to Regional and State Intergovernmental Bodies



Appointments by Council made on Jan. 7, 2019 for one-year terms of appointment

Leadership Body	When/Where	City Position	2017-18 Reps.	2019 Reps.
1. <b>Clackamas County Coordinating Committee (C4)</b>	<i>Monthly:</i> 1 <sup>st</sup> Thursday 6:45 – 8:30 pm Oregon City	Representative	Tim Knapp	Tim Knapp
		Alternate	Kristin Akervall	Kristin Akervall
		Staff	Mark Ottenad, Dwight Brashear, Nancy Kraushaar	Mark Ottenad Dwight Brashear Chris Neamtzu
2. <b>Clackamas County Coordinating Committee Metro Subcommittee (C4 Metro Subcom.)</b>	<i>Monthly:</i> 1 <sup>st</sup> Thursday 7:30 – 9 am Oregon City	Representative	Tim Knapp	Tim Knapp
		Alternate	Scott Starr	Ben West
		Staff	Mark Ottenad Dwight Brashear Nancy Kraushaar	Mark Ottenad Dwight Brashear Chris Neamtzu
3. <b>French Prairie Forum Local Governments Working Group</b>	<i>Monthly:</i> 3 <sup>rd</sup> Wednesday 2 – 4 pm Aurora	Representative	Susie Stevens	<b>Susie Stevens</b>
		Alternate	Charlotte Lehan	Charlotte Lehan
		Staff	Mark Ottenad	Mark Ottenad
4. <b>Greater Portland, Inc., (GPI) Small Cities Consortium (SCC)</b>	<i>Monthly:</i> 2 <sup>nd</sup> Wednesday 1:30 – 2:30 pm Tualatin	Representative	Tim Knapp	Tim Knapp
		Alternate	Susie Stevens	Susie Stevens
		Staff	Jordan Vance	Jordan Vance
5. <b>Washington County Coordinating Committee (WCCC)</b>	<i>Monthly:</i> 2 <sup>nd</sup> or 3 <sup>rd</sup> Monday 12 – 1:30 pm Beaverton	Representative	Tim Knapp	Tim Knapp
		Alternate	Kristin Akervall	Kristin Akervall
		Staff/Alternate 2	Mark Ottenad Dwight Brashear	Mark Ottenad Dwight Brashear
6. <b>Willamette Intake Facilities (WIF) Commission Board, Tualatin Valley Water Dist. (TVWD)</b>	<i>Quarterly:</i> Beaverton	Representative	Tim Knapp	Tim Knapp
		Alternate	Kristin Akervall	Kristin Akervall
		Staff	Delora Kerber Nancy Kraushaar	Delora Kerber Chris Neamtzu
7. <b>Willamette Falls Locks Commission</b>	<i>Periodic; 4-hour-long meeting</i> West Linn	Representative	Scott Starr	<b>Ben West – Declined by Gov's Office</b>
		Staff	Mark Ottenad	Mark Ottenad

NOTE: The City withdrew from the Regional Water Providers Consortium Board in 2016.

## **CITY COUNCIL ROLLING SCHEDULE**

### **Board and Commission Meetings 2019**

**Items known as of 09/27/19**

#### **October**

<b>DATE</b>	<b>DAY</b>	<b>TIME</b>	<b>EVENT</b>	<b>LOCATION</b>
10/9	Wednesday	6:00 p.m.	Planning Commission	Council Chambers
10/10	Thursday	6:00 p.m.	Parks and Recreation Advisory Board	Parks and Recreation Administration Building
10/14	Monday	6:30 p.m.	DRB Panel A - <b>Cancelled</b>	Council Chambers
10/21	Monday	7:00 p.m.	City Council Meeting	Council Chambers
10/28	Monday	6:30 p.m.	DRB Panel B	Council Chambers
10/23	Wednesday	6:30 p.m.	Library Board	Library

#### **November**

<b>DATE</b>	<b>DAY</b>	<b>TIME</b>	<b>EVENT</b>	<b>LOCATION</b>
11/4	Monday	7:00 p.m.	City Council Meeting	Council Chambers
11/13	Wednesday	6:00 p.m.	Planning Commission	Council Chambers
11/14	Monday	6:30 p.m.	DRB Panel A - <b>Tentative</b>	Council Chambers
11/25	Monday	6:30 p.m.	DRB Panel B	Council Chambers
11/27	Wednesday	6:30 p.m.	Library Board	Library

#### **Community Events:**

- 10/14** Library closed for Staff In-service.
- 10/26** Fall Frolic 5k & Kids Dash Costume Run at Stein Boozier Barn 8:00 a.m.
- 10/26** Fall Harvest Festival at Stein Boozier Barn 9:30 a.m. -12:00 p.m.
- 10/26** Bulky Waste Day at Republic Services (10295 SW Ridder Road) 9:00 a.m. – 1:00 p.m.
- 10/29** History Pub at McMenamin's Old Church, 6:30 p.m. – 8:00 p.m.
- 11/9** Leaf Drop-Off Day at Wilsonville City Hall Parking Lot, 9:00 a.m. – 2:00 p.m.
- 11/9** International Games Day at Wilsonville Library, 12:00 p.m. – 4:00 p.m.
- 11/9** A Toast to Imagination Wine Tasting at Wilsonville Library, 7:00 p.m. – 9:30 p.m.
- 11/11** City Offices closed in observance of Veteran's Day.
- 11/26** History Pub at McMenamin's Old Church, 6:30 p.m. – 8:00 p.m.
- 11/28-11/29** City Offices closed in observance of Thanksgiving.

All dates and times are tentative; check the City's online calendar for schedule changes at [www.ci.wilsonville.or.us](http://www.ci.wilsonville.or.us).



**CITY COUNCIL MEETING  
STAFF REPORT**

<p><b>Meeting Date:</b> October 7, 2019</p>	<p><b>Subject: Resolution No. 2768</b> Supplemental Budget Adjustment</p> <p><b>Staff Member:</b> Keith Katko, Assistant Finance Director</p> <p><b>Department:</b> Finance</p>	
<p><b>Action Required</b></p>	<p><b>Advisory Board/Commission Recommendation</b></p>	
<p><input type="checkbox"/> Motion</p> <p><input checked="" type="checkbox"/> Public Hearing Date:</p> <p><input type="checkbox"/> Ordinance 1<sup>st</sup> Reading Date:</p> <p><input type="checkbox"/> Ordinance 2<sup>nd</sup> Reading Date:</p> <p><input checked="" type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Information or Direction</p> <p><input type="checkbox"/> Information Only</p> <p><input type="checkbox"/> Council Direction</p> <p><input type="checkbox"/> Consent Agenda</p>	<p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input checked="" type="checkbox"/> Not Applicable</p>	
<p><b>Comments:</b> N/A</p>		
<p><b>Staff Recommendation:</b> Staff recommends that Council adopt Resolution No. 2768.</p>		
<p><b>Recommended Language for Motion:</b> I move to approve Resolution No. 2768.</p>		
<p><b>Project / Issue Relates To:</b></p>		
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input type="checkbox"/> Adopted Master Plan(s)</p>	<p><input checked="" type="checkbox"/> Not Applicable</p>

**ISSUE BEFORE COUNCIL:**

A supplemental budget resolution for the FY2019/20 budget year.

**EXECUTIVE SUMMARY:**

Oregon’s Local Budget Law allows the Council to amend the adopted budget for an occurrence or condition that was not known at the time the budget was adopted. A transfer resolution moves expenditures from one category to another within a specific fund and does not increase the overall budget that was approved during the annual budget process. A supplemental budget adjustment can impact the budget by increasing revenues and/or expenditures. The supplemental adjustment can also recognize expenditures that exceed 10% of the adopted budget expenditures or 15% of the adopted contingency in a fund.

As the first Supplemental Budget Adjustment for FY2019/20, a number of requests are to rollover unused funds from the prior fiscal year. In total, 29 Capital Improvement Projects (CIP) will need to have the unused budgets rolled into the current year. The rollovers total \$6,207,204. Please note that these requested rollovers do not increase the overall project cost as detailed in the adopted budget document. A detailed listed is attached as **Attachment 1**.

Also included are three requests totaling \$145,000 for Water Treatment Plant related capital assets including \$40,000 as a rollover from prior year for the repair/replacement of the access gate to the treatment plant; \$55,000 as a rollover from prior year for Willamette River Water Treatment Plant (WRWTP) Admin Building HVAC system; and \$50,000 previously unforeseen to replace four existing Actiflo Hydrocyclones. Actiflo is the physicochemical process for settling out solids from the influent river water. The existing hydrocyclones and hoppers are original equipment and as such, have sand scoured for over 17 years, which has recently caused holes to develop. Funding is requested to complete construction by June 2020, in accordance with line 10 of the 2017 Master Plan.

Additionally, in order to participate in the PERS Oregon Incentive Fund to mitigate future PERS contribution rates, the City will need to budget \$3,426,333 assuming the maximum allowable contribution. A detailed breakdown by Fund is attached as **Attachment 1**.

**EXPECTED RESULTS:**

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

**TIMELINE:**

As required by Local Budget Law, a notice for the public hearing has been published in the Wilsonville Spokesman. The notice was published on Wednesday, September 25, 2019. Adoption of the Supplemental Budget Adjustment is required prior to the end of the fiscal year, June 30, 2020.

**FINANCIAL REVIEW / COMMENT:**

Reviewed by: CAR Date: 9/17/2019

**LEGAL REVIEW / COMMENT:**

Reviewed by: BAJ Date: 9/26/2019

**COMMUNITY INVOLVEMENT PROCESS:**

As required by Local Budget Law, a notice for the public hearing has been published in the Wilsonville Spokesman. The notice has also been published on the City's website. As the accompanying resolution is a budget adjustment, a public hearing must be part of the adoption process.

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

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

**ALTERNATIVES:**

Not approving the attached supplemental budget could result in overspending current budget appropriations. The City is required to disclose all excess of expenditures over appropriations in the Comprehensive Annual Financial report.

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENTS:**

1. Supplemental Budget Adjustments
2. Resolution No. 2768
  - A. Need, Purpose And Amount: Detail By Fund & Category

## Attachment #1-Supplemental Budget Adjustments

### Budget Requests -Non-Capital Project Related

#### PERS

PERS Employer Incentive Fund	\$ 1,672,207	General Fund
	125,534	Fleet Fund
	188,916	Building Fund
	553,741	CD Fund
	61,986	Road Operating Fund
	617,744	Transit Fund
	102,650	Water Operating Fund
	78,561	Sewer Operating Fund
	24,994	Stormwater Operating Fund

#### Public Works

Capital Outlay	40,000	Rollover unused funds for the repairs of the Access Gate
Capital Outlay	50,000	WTP Actiflo Hydrocyclones System Replacement
Capital Outlay	55,000	Rollover unused funds for the Water Treatment Plant HVAC

Total Departmental Requests	3,571,333
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### Budget Requests -Capital Projects

#### Rollover available funds from FY2018

1083-Well Facility Rehab	\$ 5,459	Rollover unused funds for CIP project from FY2019
1111-Water Treatment Plant Surge Tank	686,208	Rollover unused funds for CIP project from FY2019
1123-Water Rate Study	6,724	Rollover unused funds for CIP project from FY2019
1144-WTP 20 MGD Expansion	43,262	Rollover unused funds for CIP project from FY2019
2079-Coffee Creek Interceptor	30,204	Rollover unused funds for CIP project from FY2019
2085-Memorial Drive Splitter	80,936	Rollover unused funds for CIP project from FY2019
2500-Sewer Ops Allocation to Charbonneau	44,664	Rollover unused funds for CIP project from FY2019
3003-Citywide Signage	59,819	Rollover unused funds for CIP project from FY2019
4004-Kinsman Rd Extension	100,000	Rollover unused funds for CIP project from FY2019
4014-Street Maintenance	2,194,100	Rollover unused funds for CIP project from FY2019
4118-Signal Improvements	173,016	Rollover unused funds for CIP project from FY2019
4192-Transportation Performance Modeling	29,085	Rollover unused funds for CIP project from FY2019
4199-Exit 283 Congestion Improvements	32,876	Rollover unused funds for CIP project from FY2019
4201-Garden Acres Rd	468,899	Rollover unused funds for CIP project from FY2019
4205-Boeckman Rd Street Improvements-Frog F	94,657	Rollover unused funds for CIP project from FY2019
4500-Street Maintenance allocation to Charbonn	33,384	Rollover unused funds for CIP project from FY2019
7053-Willamette River Outfalls	83,378	Rollover unused funds for CIP project from FY2019
7061-Garden Acres Rd Storm System	134,200	Rollover unused funds for CIP project from FY2019
7500-Stormwater Allocation to Charbonneau	190,645	Rollover unused funds for CIP project from FY2019
9137-French Prairie Bridge	46,173	Rollover unused funds for CIP project from FY2019
9152-Annual Play Station	28,669	Rollover unused funds for CIP project from FY2019
9155-Ice Age Tonquin Trail	307,458	Rollover unused funds for CIP project from FY2019
9161-Parks SDC Rate Study	36,225	Rollover unused funds for CIP project from FY2019
9165-Urban Forest Management Program	15,407	Rollover unused funds for CIP project from FY2019
9167-Villebois Praks SAP E SDC Reimburseme	417,668	Rollover unused funds for CIP project from FY2019
9169-Dog Run/Community Garden Restroom	53,000	Rollover unused funds for CIP project from FY2019
8098-Library Renovations (Furniture)	240,472	Rollover unused funds for CIP project from FY2019
8122-Copier Purchases	4,405	Rollover unused funds for CIP project from FY2019
8126-ERP Replacement	566,211	Rollover unused funds for CIP project from FY2019

Total City Requests	6,207,204
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Total City Requests	\$ 9,778,537
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**RESOLUTION NO. 2768**

**A RESOLUTION AUTHORIZING A SUPPLEMENTAL BUDGET ADJUSTMENT FOR FISCAL YEAR 2019-20.**

WHEREAS, the City adopted a budget and appropriated funds for fiscal year 2019-20 by Resolution No. 2750; and,

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

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

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

WHEREAS, all expenditure transfers within the fiscal year to date in aggregate exceed ten percent (10%) of the fund's total expenditures, are included in the supplemental budget adjustment request; and,

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

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

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

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

This resolution becomes effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 7<sup>th</sup> day of October 2019 and filed with Wilsonville City Recorder this same date.

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TIM KNAPP, MAYOR

ATTEST:

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Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Knapp  
Councilor President Akervall  
Councilor Lehan  
Councilor West  
Councilor Linville

ATTACHMENT:

A. Need, Purpose And Amount: Detail By Fund & Category

## ATTACHMENT A

### NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
<b>General Fund</b>			
Interfund transfers	\$ 3,599,940	\$ 167,872	\$ 3,767,812
All other resources	41,798,160	-	41,798,160
Total increase in resources	45,398,100	<b>167,872</b>	45,565,972
Finance	\$ 1,597,474	\$ 1,672,207	\$ 3,269,681
Interfund transfers	4,003,336	893,266	4,896,602
Contingency	10,109,050	(2,397,601)	7,711,449
All other requirements	29,688,240	-	29,688,240
Net change in requirements	\$ 45,398,100	<b>\$ 167,872</b>	\$ 45,565,972
Interfund transfers revenue increase recognizes additional resources for the overhead charges on capital improvement projects. Increases to the Finance program recognizes the General Fund's contribution to the PERS Employee Incentive Fund to create a side account to reduce the City's unfunded liability. Interfund transfers requirements will fund the following capital projects: Citywide Signage, Garden Acres Rd, Annual Play Structure Replacements, Urban Forest Management Program, Library Renovatiom Furniture Replacement, and the ERP Replacement project.			
<b>Building Fund</b>			
Interfund transfers	\$ 38,173	\$ 3,813	\$ 41,986
All other resources	3,859,025	-	3,859,025
Total increase in resources	3,897,198	<b>3,813</b>	3,901,011
Building	1,230,033	188,916	1,418,949
Interfund transfers	650,393	286,211	936,604
Contingency	1,770,672	(471,314)	1,299,358
All other requirements	246,100	-	246,100
Net change in requirements	\$ 3,897,198	<b>\$ 3,813</b>	\$ 3,901,011
Interfund transfers revenue increase recognizes additional resources for the overhead charges on capital improvement projects. Increase to Building program recognizes the funds' contribution to the PERS Employee Incentive Fund to create a side account to reduce the City's unfunded liability. Interfund transfers requirements will fund the following capital projects: The ERP Replacement project.			
<b>Community Development Fund</b>			
Interfund Transfers	\$ 2,882,543	\$ 319,161	\$ 3,201,704
Charges for services	904,335	171,993	1,076,328
All other resources	3,285,117	-	3,285,117
Total increase in resources	7,071,995	<b>491,154</b>	6,486,821
CD Administration	\$ 614,444	\$ 553,741	\$ 1,168,185
Interfund transfers	\$ 577,223	\$ 4,405	581,628
Contingency	1,810,715	\$ (66,992)	1,743,723
All other requirements	4,646,836	-	4,646,836
Net change in requirements	\$ 7,649,218	<b>\$ 491,154</b>	\$ 8,140,372
Interfund transfers revenue increase recognizes additional resources for the overhead charges on capital improvement projects. Increase to CD Administration program recognizes the funds' contribution to the PERS Employee Incentive Fund to create a side account to reduce the City's unfunded liability. Interfund transfers requirements will fund the following capital projects: Copier Purchases.			
<b>Road Operating Fund</b>			
Road Operating	\$ 898,835	\$ 61,986	\$ 960,821
Interfund transfers	1,279,014	\$ 173,016	1,452,030
Contingency	1,049,416	(235,002)	814,414
All other requirements	261,800	-	261,800
Net change in requirements	\$ 3,489,065	<b>\$ -</b>	\$ 3,489,065
Increase to the Road Operating program recognizes the funds' contribution to the PERS Employee Incentive Fund to create a side account to reduce the City's unfunded liability. Interfund transfers requirements will fund the following capital projects: Signal Improvments.			

	Current Appropriations	Change in Appropriations	Amended Appropriations
<b>Road Maintenance Fund</b>			
Interfund transfers	\$ 1,797,040	\$ 2,243,922	\$ 4,040,962
Contingency	2,284,414	(2,243,922)	40,492
Net change in requirements	\$ 4,081,454	\$ -	\$ 4,081,454
Interfund transfer requirements will fund the following capital improvement projects: Street Maintenance, Exit 283 Congestion Improvements, and Street Maintenance allocation to Charbonneau.			
<b>Transit Fund</b>			
Transit	\$ 10,807,133	\$ 617,744	\$ 11,424,877
Contingency	\$ 2,680,324	\$ (617,744)	\$ 2,062,580
Net change in requirements	\$ 13,487,457	\$ -	\$ 13,487,457
Increase to the Transit program recognizes the funds' contribution to the PERS Employee Incentive Fund to create a side account to reduce the City's unfunded liability.			
<b>Water Operating Fund</b>			
Water Operations	\$ 1,566,273	\$ 102,650	\$ 1,668,923
Water Treatment	3,777,349	145,000	3,922,349
Interfund Transfers	4,321,744	22,869	4,344,613
Contingency	13,368,689	(270,519)	13,098,170
All other requirements	2,832,000	-	2,832,000
Net change in requirements	\$ 25,866,055	\$ -	\$ 25,866,055
Increase to the Water Operations program recognizes the funds' contribution to the PERS Employee Incentive Fund to create a side account to reduce the City's unfunded liability. Increase to the Water Treatment program is request for Access Gate, Activflo Hydrocyclone System Replacement, and HVAC system. Interfund transfers will fund the following projects: Well Facility Rehab, Water Rate Study, and WTP 20 MGD Expansion.			
<b>Sewer Operating Fund</b>			
Sewer Operations	\$ 988,863	\$ 78,561	\$ 1,067,424
Interfund Transfers	4,022,036	140,400	4,162,436
Contingency	12,652,084	(218,961)	12,433,123
All other requirements	6,700,061	-	6,700,061
Net change in requirements	\$ 24,363,044	\$ -	\$ 24,363,044
Increase to the Sewer program recognizes the funds' contribution to the PERS Employee Incentive Fund to create a side account to reduce the City's unpaid liability. Interfund transfers will fund the following projects: Coffee Creek Interceptor, Memorial Drive Splitter, Sewer Ops Allocation to Charbonneau.			
<b>Stormwater Operating Fund</b>			
Stormwater Operations	\$ 802,339	\$ 24,954	\$ 827,293
Interfund transfers	3,553,189	175,046	3,728,235
Contingency	262,925	(200,000)	62,925
All other requirements	668,500	-	668,500
Net change in requirements	\$ 5,286,953	\$ -	\$ 5,286,953
Increase to the Stormwater program recognizes the funds' contribution to the PERS Employee Incentive Fund to create a side account to reduce the City's unpaid liability. Interfund transfers will fund the following projects: Willamette Rivers Outfalls, Allocation to Charbonneau.			
<b>Fleet Fund</b>			
Fleet	\$ 1,680,451	\$ 125,534	\$ 1,805,985
Contingency	929,828	(125,534)	804,294
Net change in requirements	\$ 2,610,279	\$ -	\$ 2,610,279
Increase to the Fleet program recognizes the funds' contribution to the PERS Employee Incentive Fund to create a side account to reduce the City's unfunded liability.			
<b>Water Capital Projects Fund</b>			
Interfund transfers	\$ 5,732,853	\$ 488,011	\$ 6,220,864
All other resources	2,409,411	253,642	2,663,053
Total increase in resources	\$ 8,142,264	\$ 741,653	\$ 8,883,917
Water capital projects	6,566,093	618,320	7,184,413
Interfund Transfers	721,783	123,333	845,116
Contingency	854,388	-	854,388
Net change in requirements	\$ 8,142,264	\$ 741,653	\$ 8,883,917
The interfund transfers and the corresponding requirements for water capital projects and transfers to other funds are for the following projects: Well Facility Rehab, WTP Surge Tank, Water Rate Study, and WTP 20 MGD Expansion. Additional resources reflect Sherwood contribution.			

	Current Appropriations	Change in Appropriations	Amended Appropriations
<b>Sewer Capital Projects Fund</b>			
Interfund transfers	\$ 9,008,096	\$ 155,804	\$ 9,163,900
All other resources	15,548	-	15,548
Total increase in resources	\$ 9,023,644	<b>\$ 155,804</b>	\$ 9,179,448
Sewer capital projects	8,426,623	139,756	8,566,379
Interfund Transfers	468,400	16,048	484,448
Contingency	128,621	-	128,621
Net change in requirements	\$ 9,023,644	<b>\$ 155,804</b>	\$ 9,179,448
The interfund transfers and the corresponding requirements for stormwater capital projects and transfer requirements are for the following capital projects: Coffee Creek Interceptor, Memorial Drive Splitter, and Sewer Operations Allocation to Charbonneau.			
<b>Streets Capital Projects Fund</b>			
Interfund transfers	\$ 9,633,812	\$ 3,185,836	\$ 12,819,648
All other resources	1,567,612	-	1,567,612
Total increase in resources	\$ 11,201,424	<b>\$ 3,185,836</b>	\$ 14,387,260
Streets capital projects	9,432,056	2,973,501	12,405,557
Interfund Transfers	634,858	212,335	847,193
Contingency	1,134,510	-	1,134,510
Net change in requirements	\$ 11,201,424	<b>\$ 3,185,836</b>	\$ 14,387,260
The interfund transfers and the corresponding requirements for street capital projects and transfers to other funds is for the following projects: Citywide Signage, Kinsman Rd Ext, Street Maintenance, Signal Improvements, Transportation Performance Modeling, Exit 283 Congestion Improvements, Garden Acres Rd, Boeckman Rd Street Improvements-Frog Pond, and Street Maintenance Charbonneau.			
<b>Stormwater Capital Projects Fund</b>			
Interfund transfers	\$ 3,800,779	\$ 408,223	\$ 4,209,002
All other resources	230,623	-	230,623
Total increase in resources	\$ 4,031,402	<b>\$ 408,223</b>	\$ 4,439,625
Streets capital projects	3,343,477	369,569	3,713,046
Interfund Transfers	411,193	38,654	449,847
Contingency	276,732	-	276,732
Net change in requirements	\$ 4,031,402	<b>\$ 408,223</b>	\$ 4,439,625
The interfund transfers and the corresponding requirements for stormwater capital projects and transfers to other funds is for the following projects: Willamette River Outfalls, Garden Acres Rd Storm System, and Stormwater Ops Allocation to Charbonneau.			
<b>Facilities/Information Services Capital Projects Fund</b>			
Interfund transfers	\$ 4,365,880	\$ 611,088	4,976,968
Beginning Fund Balance	13,622	200,000	213,622
All other resources	286,419	-	286,419
Total increase in resources	\$ 4,665,921	<b>\$ 811,088</b>	5,477,009
Facilities/Information Services capital projects	\$ 4,591,297	\$ 807,275	\$ 5,398,572
Interfund Transfers	52,635	3,813	56,448
Contingency	21,989	-	21,989
Net change in requirements	\$ 4,665,921	<b>\$ 811,088</b>	\$ 5,477,009
The interfund transfers and the corresponding requirements for facilities/information services capital projects and transfers to other funds is for the following capital project: Library Improvements, ERP, Copier Replacements. Beginning Fd Balace restated to actual with offset to contingency.			
<b>Parks Capital Projects Fund</b>			
Interfund transfers	\$ 4,476,524	\$ 904,600	\$ 5,381,124
All other resources	202,005	-	202,005
Total increase in resources	\$ 4,678,529	<b>\$ 904,600</b>	\$ 5,583,129
Parks capital projects	\$ 4,061,823	\$ 807,937	\$ 4,869,760
Interfund Transfers	366,513	96,663	463,176
Contingency	250,193	-	250,193
Net change in requirements	\$ 4,678,529	<b>\$ 904,600</b>	\$ 5,583,129
The interfund transfers and the corresponding requirements for parks capital projects and transfer to other funds is for the following capital projects: French Prairie Bridge, Annual Play Station, Ice Age Tonquin Trail, Parks SDC Rate Study, Urban Forest Mgmt Plan, Villebois Park SAP ESDC Reimbursement, Dog Run/Community Garden Restroom.			

	Current Appropriations	Change in Appropriations	Amended Appropriations
<b>Water SDC Fund</b>			
Interfund Transfers	\$ 2,706,159	\$ 465,142	\$ 3,171,301
Contingency	3,852,473	(465,142)	3,387,331
Materials and Services	5,935	-	5,935
Net change in requirements	\$ 6,564,567	\$ -	\$ 6,564,567
The interfund transfers and the corresponding reduction to contingency is for funding projects: WTP Surge Tank, WTP 20 MGD Expansion.			
<b>Sewer SDC Fund</b>			
Interfund Transfers	\$ 6,599,310	\$ 15,404	\$ 6,614,714
Contingency	2,176,851	(15,404)	2,161,447
Materials and Services	5,749	-	5,749
Net change in requirements	\$ 8,781,910	\$ -	\$ 8,781,910
The interfund transfers and the corresponding reduction to contingency is for funding projects: Coffee Creek Interceptor.			
<b>Street SDC Fund</b>			
Interfund Transfers	\$ 5,699,712	\$ 240,180	\$ 5,939,892
Contingency	2,046,698	(240,180)	1,806,518
Materials and Services	9,829	-	9,829
Net change in requirements	\$ 7,756,239	\$ -	\$ 7,756,239
The interfund transfers and the corresponding reduction to contingency is for funding projects: Kinsman Rd Ext, Transportation Performance Modeling, Exit 283 Congestion Improvements, and Boeckman Rd Street Improvements -Frog Pond.			
<b>Stormwater SDC</b>			
Interfund Transfers	\$ 1,115,107	\$ 233,177	\$ 1,348,284
Contingency	2,391,078	(233,177)	2,157,901
Materials and Services	1,607	-	1,607
Net change in requirements	\$ 3,507,792	\$ -	\$ 3,507,792
The interfund transfers and the corresponding reduction to contingency is for funding projects: Willamette River Outfalls, and Garden Acres Road Stormwater System.			
<b>Parks SDC Fund</b>			
Interfund Transfers	\$ 3,796,589	\$ 860,524	\$ 4,657,113
Contingency	1,934,524	(860,524)	1,074,000
Materials and Services	4,046	-	4,046
Net change in requirements	\$ 5,735,159	\$ -	\$ 5,735,159
The interfund transfers and the corresponding reduction to contingency is for funding projects: French Prairie Bridge, Ice Age Tonquin Trail, Parks SDC Rate Study, Villebois Parks SAP E SDC Reimbursement, and the Dog Run/Community Garden Restroom.			



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> October 7, 2019	<b>Subject: Ordinance No. 838 – 2<sup>nd</sup> Reading</b> An Ordinance Of The City Of Wilsonville Declaring And Authorizing The Vacation Of An Approximately 2,075 Square Foot Stub Of SW Cherbourg Lane Public Street Right-Of-Way North Of SW Berlin Avenue In Villebois Legally Described In Attachment 3.  <b>Staff Member:</b> Daniel Pauly AICP, Planning Manager  <b>Department:</b> Community Development	
<b>Action Required</b>	<b>Advisory Board/Commission Recommendation</b>	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: September 16, 2019 <input checked="" type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: September 16, 2019 <input checked="" type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: October 7, 2019 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial  <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable  <b>Comments:</b> Following their review at the August 26, 2019 meeting, the Development Review Board, Panel B, recommended approval of a vacation of the subject right-of-way.	
<b>Staff Recommendation:</b> Staff recommends that Council adopt Ordinance No. 838 on second reading.		
<b>Recommended Language for Motion:</b> I move to approve Ordinance No. 838 on second reading.		
<b>Project / Issue Relates To:</b>		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable

### ISSUE BEFORE COUNCIL:

Consideration of Ordinance No. 838, which vacates a small stub of SW Cherbourg Lane previously dedicated to the City and constructed with the development of Tonquin Woods at Villebois No. 6 (2014).

**EXECUTIVE SUMMARY:**

During approval of Villebois Phase 5 North (Clermont), the City found the segment of SW Cherbourg Lane between SW Berlin Avenue and SW Stockholm Avenue was not feasible due to topography (see page 2 of Attachment 1). The approval of Phase 5 North Villebois included a Condition of Approval from the Engineering Division to vacate a stub of SW Cherbourg Lane previously constructed on the north side of SW Berlin Avenue. Polygon submitted the necessary petitions to request the vacation of the stub, and the Council is now requested to take the action to vacate the road segment consistent with the previous Condition of Approval and the recommendation from the Development Review Board. The approved plans for Phase 5 North shows the vacated area will be incorporated into a mid-block pedestrian connection, an alley, and portions of two residential lots.

**EXPECTED RESULTS:**

Adoption of Ordinance No. 838.

**TIMELINE:**

The property transfer can occur 30 days after ordinance adoption and once City conditions to provide easements are met. Once the certified Ordinance along with associated required documents including easements are recorded with the county, the street vacation takes effect.

**CURRENT YEAR BUDGET IMPACTS:**

None.

**FINANCIAL REVIEW / COMMENT:**

Reviewed by: CAR Date: 9/6/2019

**LEGAL REVIEW / COMMENT:**

Reviewed by: BAJ Date: 9/4/2019

The vacation is conditioned on execution delivery of certain easements, none of which have yet been executed or delivered, so this vacation will not be effective until that happens and the Ordinance and Easement are simultaneously filed.

**COMMUNITY INVOLVEMENT PROCESS:**

Staff sent the required public hearing notices and held the required public hearings. Staff made materials regarding the application readily available to the public. In addition, a full public process occurred for the approval of Phase 5 North of Villebois, which included the vacation of the subject area.

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

The vacation will enable development consistent with Development Review Board and City Council approved plans.

**ALTERNATIVES:**

The alternatives are to approve or deny the Street Vacation request.

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENTS:**

- A. Ordinance No. 838 Street Vacation
  - 1. Street Vacation Findings
  - 2. Street Vacation Petitions
  - 3. Legal Description of Area to be Vacated
  - 4. Development Review Board Resolution No. 363

**ORDINANCE NO. 838**

**AN ORDINANCE OF THE CITY OF WILSONVILLE DECLARING AND AUTHORIZING THE VACATION OF AN APPROXIMATELY 2,075 SQUARE FOOT STUB OF SW CHERBOURG LANE PUBLIC STREET RIGHT-OF-WAY NORTH OF SW BERLIN AVENUE IN VILLEBOIS LEGALLY DESCRIBED IN ATTACHMENT 3.**

WHEREAS, the right-of-way dedications for the Tonquin Woods at Villebois No. 6 subdivision in 2014 included a street stub for the future extension of SW Cherbourg Lane north of SW Berlin Avenue; and

WHEREAS, consistent with the amended Villebois Specific Area Plan North and Preliminary Development Plan 5 North, the once contemplated street is no longer planned to be extended; and

WHEREAS, the Development Review Board and City Council have approved development of portions of single-family home lots, a portion of a pedestrian pathway, and a portion of a private alley over the subject property; and

WHEREAS, Condition of Approval PFC 6 of the approval of the Preliminary Development Plan for Villebois Phase 5 North, City Case File DB18-0051, requires the Applicant for the Preliminary Development Plan to “work with the City to abandon or transfer ownership of the existing right-of-way”; and

WHEREAS, such Condition of Approval was adopted by the Development Review Board upon recommendation of the City’s Engineering Division and was subsequently accepted by the Applicant for the Preliminary Development Plan; and

WHEREAS, Victor and Allen Chang and Polygon at Villebois III LLC were the Applicant for Preliminary Development Plan; and

WHEREAS, consistent with the Condition of Approval, Victor and Allen Chang and Polygon at Villebois III LLC have filed Street Vacation Petitions, attached hereto as Attachment 2, with the City of Wilsonville requesting vacation proceedings be initiated for the approximately 2,075 square foot stub of SW Cherbourg Lane north of SW Berlin Avenue, as authorized by ORS 271.080-271.170; being owners of all land adjacent to the subject right-of-way; and

WHEREAS, staff has reviewed the submitted Street Vacation Petitions against the applicable city code and state statutory review requirements and has found the petitions to be in compliance

with all the requirements as set forth in Attachment 1, Street Vacation Findings, attached hereto and incorporated by reference as if fully set forth herein; and

WHEREAS, the vacation is conditioned on those taking title to the vacated land, concurrently with the land transfer, providing easements, private or public as appropriate, for all existing utilities including public pipelines; and

WHEREAS, the public notice has been duly published and posted on the property as required in ORS 271.110 (Notice of Public Hearing) and the requisite affidavits are on file with the office of the City Recorder; and

WHEREAS, staff has also presented its City Council Meeting Staff Report, which has been made part of the record of this hearing and sets forth that the Development Review Board conducted a public hearing on August 26, 2019, affording the public an opportunity to comment on the proposed tracts for street vacation, and then passed Resolution No. 363, Attachment 4, recommending approval of the street vacation to the City Council; and

WHEREAS, on September 16, 2019, the City Council duly conducted a public hearing on the above referenced petitions for street vacation, and based on the record, the attachments and exhibits, and testimony provided, and being fully advised, the Council finds that the proposed vacation is consistent with all applicable land use regulations, the City Code requirements for street vacations, as well as the statutory requirements as set forth in Attachments 1, 2, and 3; and

WHEREAS, as required by ORS 271.120, the Council further finds that the public interest is not prejudiced by vacation of the public right-of-way due to the fact that a street is no longer planned at the location consistent with the approved modified Villebois Specific Area Plan North and Preliminary Development Plan for Villebois Phase 5 North.

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

1. The City Council adopts, as its findings, determinations, and conclusions, the above Recitals and incorporates them by reference as if fully set forth herein.
2. The City hereby declares vacated an approximately 2,075 square foot stub of SW Cherbourg Lane north of SW Berlin Avenue, as more fully described in Attachment 3, situated in the northeast quarter of Section 15, Township 3 South, Range 1 West of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, subject to those taking title to the vacated land, concurrently with the land transfer, providing

easements, private or public as appropriate, for all existing utilities including public pipelines.

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

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 16<sup>th</sup> day of September 2019, and scheduled for second reading on the 7<sup>th</sup> day of October 2019, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall.

\_\_\_\_\_  
Kimberly Veliz, City Recorder

ENACTED by the City Council on the 7<sup>th</sup> day of October 2019 by the following votes:

Yes: \_\_\_\_ No: \_\_\_\_

\_\_\_\_\_  
Kimberly Veliz, City Recorder

DATED and signed by the Mayor this \_\_\_\_\_ day of October 2019.

\_\_\_\_\_  
TIM KNAPP, MAYOR

**SUMMARY OF VOTES:**

- Mayor Knapp
- Council President Akervall
- Councilor Lehan
- Councilor West
- Councilor Linville

**ATTACHMENTS:**

1. Street Vacation Findings
2. Street Vacation Petitions
3. Legal Description of Area to be Vacated
4. Development Review Board Resolution No. 363

Ordinance No. 838 Attachment 1  
Street Vacation Findings

Vacation of SW Cherbourg Lane North of SW Berlin Avenue

City Council

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**Hearing Date:** September 16, 2019  
**Date of Report:** August 30, 2019

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**DRB Application No.:** DB19-0006 Street Vacation

**Request/Summary** The requests before the Development Review Board include a vacation (abandon and transfer ownership to adjacent properties) of a street stub of SW Cherbourg Lane north of SW Berlin Avenue. The total area proposed for vacation is 2,075 Square Feet. The vacation reflects the fact the City no longer plans an extension of SW Cherbourg Lane through this block.

**Location:** SW Cherbourg Lane right-of-way north of SW Berlin Avenue, Section 15AB, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon.

**Petitioners:** Victor C. Chang, Allen Y. Chang, Polygon at Villebois III LLC

**Applicant's Rep.:** Pacific Community Design, Inc.

**Comprehensive Plan Map Designation:** Residential-Village

**Zone Map Classification:** V (Village)

**Staff Reviewers:** Daniel Pauly AICP, Planning Manager  
Dominique Huffman PE, Civil Engineer  
M. Patty Nelson PE, City Engineer

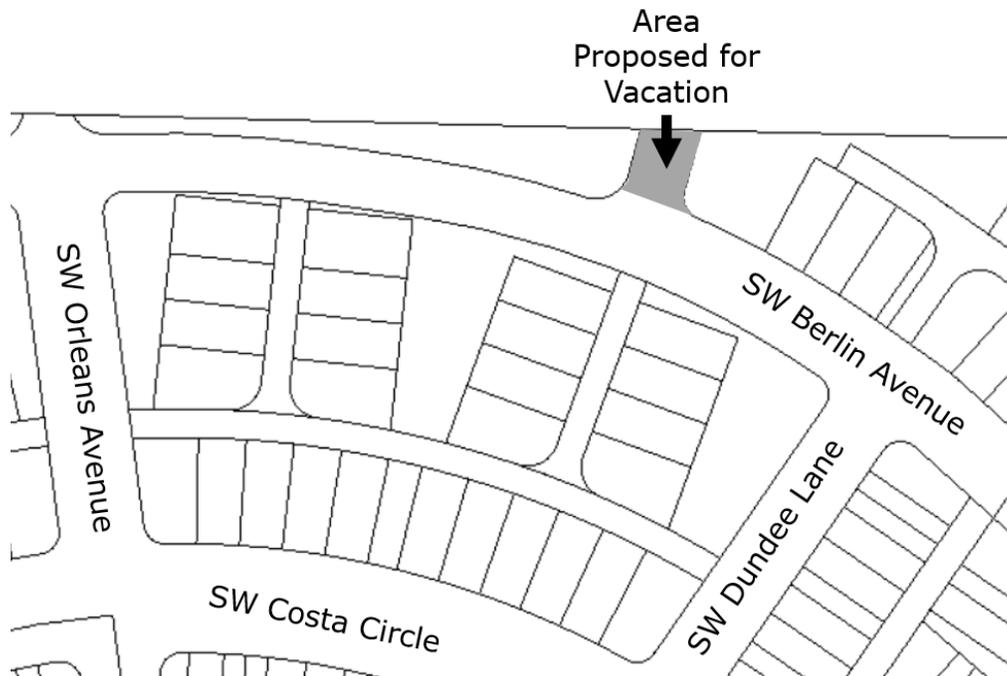
**Staff Recommendations:** Adopt of the requested right-of-way vacation with Conditions.

**Applicable Review Criteria**

Development Code	
Section 4.008	Application Procedures-In General
Section 4.009	Who May Initiate Application
Section 4.010	How to Apply
Section 4.011	How Applications are Processed
Section 4.014	Burden of Proof
Subsection 4.031 (.01) L.	Authority of the Development Review Board: Street Vacations
Subsection 4.032 (.01) D.	Authority of the Planning Commission: Street Vacations
Subsection 4.033 (.01) H.	Authority of the City Council: Street Vacations

Subsection 4.034 (.07)	Street Vacation Review Standards and Procedures
Other City Planning Documents	
Villebois Village Master Plan	
Transportation Systems Plan	
SAP North Approval Documents	
PDP 5 North Approval Documents	
Oregon Revised Statutes	
ORS 271.080	Vacation in incorporated cities; petition; consent of property owners.
ORS 271.120	Vacation hearing; determination.
ORS 271.140	Title to vacated areas.
ORS 271.150	Vacation records to be filed; costs.
ORS 271.190	Vacation consent of owners of adjoining properties; other required approval.
ORS 271.200	Vacation Petition; notice

**Vicinity Map**



**Findings of Fact:**

1. Surrounding land uses are as follows:

Compass Direction	Zone:	Existing Use:
North:	Clackamas County EFU	Agriculture
East:	V	Residential
South:	V	Residential
West:	V	Residential

2. Prior land use actions include:

Legislative:

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

Quasi Judicial:

- DB07-0054 et seq – SAP-North
- DB07-0087 et seq – PDP-1N, Arbor at Villebois
- DB11-0024 et seq – PDP-1N Modification, SAP North Amendment Polygon NW
- DB12-0066 et seq – PDP-1N Modification, SAP North Amendment Polygon NW
- DB13-0020 et seq – PDP-2N, SAP North Amendment Polygon NW
- DB14-0009 et seq – PDP-3N, SAP North Amendment Polygon NW
- DB15-0084 et seq – PDP 4N, SAP North Amendment Polygon NW
- DB18-0049 et seq – PDP 5N, SAP North Amendment Polygon NW
- AR19-0004 – Minor Modifications to Park Area, Number of Lots, and Pedestrian Connection

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

## Conclusionary Findings

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

### Request Street Vacation

As described in the Findings below, the request meets the applicable criteria or will by Condition of Approval.

## Planning and Land Development Ordinance

### Authority to Review Street Vacations

Subsections 4.031 (.01) L., 4.032 (.01) D., Subsection 4.033 (.01) H.

1. The City previously approved specific development applications for the land being vacated subject to approval of the street vacation. The approved plans show the vacated land developed as a portion of a mid-block pedestrian crossing, a portion of an alley, and portions of two residential lots. See case files DB18-0049 et. seq. and AR19-0004. Due to the previous submission of specific development application for the subject land, the Development Review Board is reviewing the street vacation to make a recommendation to City Council. The City Council will then take the final action on the request.

Street Vacation Reviewed In Accordance with ORS 271.  
Subsection 4.034 (.07)

2. As shown in Findings 4-7 below, the City's review of the street vacation request is in accordance with ORS 271.

## Previous Land Use Approvals

### Condition of Approval to Vacate

DB18-0051 SAP-East PDP 5N, Preliminary Development Plan, Condition of Approval PFC 6.

3. The Condition of Approval requires, "with previous development a stub of Cherbourg Lane was constructed off the north side of Berlin Avenue. Applicant shall submit the required exhibits and work with the City to abandon or transfer ownership of the existing right-of-way, demolish the roadway and reconstruct the north edge of Berlin Avenue with curb and gutter, sidewalk, landscape and irrigation." The proposed street vacation enables this Condition of Approval to be met.

## Oregon Revised Statutes

Petition for Street Vacation/Proposed Use of Vacated Ground/Public Hearings  
ORS 271.080 (1), ORS 271.090, ORS 271.100, ORS 271.110, ORS 271.120

4. Polygon Homes and Victor and Allen Chang filed the described petition. Petitioners are receiving notice of the public hearings for the requested vacation along with all other required notices for the public hearings. The previous land use approvals for the Clermont subdivision establish the subject area will be incorporated into portions a mid-block pedestrian connection, portion of an alley, and portions of two residential lots.

Consent of All Adjoining Properties and 2/3 of Affected Properties  
ORS 271.080 (2)

5. The petition has been signed by all owners of abutting property, who are also the owners of more than two-thirds (2/3) of real property affected thereby. The total size of real property affected thereby is 225,963 SF. The sum of the area of real property affected thereby that is also within the abutting tax lots is 200,690 SF, or 90% of the total real property affected thereby. Given that the petition has been signed by all owners of abutting property, consent of property owners for 90% (i.e. greater than two-thirds) of the area of the real property affected has been provided on the attached petition.

Title to Vacated Area  
ORS 271.140

6. The title to the vacated area will be attached to the bordering properties consistent with state statute.

Vacation Records to be Filed  
ORS 271.150

7. The ordinance approving the street vacation will be duly recorded in the records of Clackamas County, the cost of which will be borne by the petitioners.

### Street Vacation Petition

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This petition must be signed by all abutting property owners, and the owners of not less than 2/3 of the area of the real property "affected thereby", as defined in ORS 271.080 (2) and as shown on the attached Street Vacation Map, attached hereto as **Exhibit A**. All signatures must be in ink. A listing of the names and addresses of all abutting and affected area property owners, as shown on the attached Street Vacation Map, was obtained from the Clackamas County real property tax roll records and is attached hereto as **Exhibit B**.

#### REQUIRED SIGNATURES:

We, the owner in fee simple of the following described real properties consent to the vacation of all of SW Cherbourg Lane ROW, North of Berlin Avenue, in the City of Wilsonville, Clackamas County, Oregon, as shown on the attached Street Vacation Map, and as described in the application narrative, attached hereto as **Exhibit C**.

) Polygon at Villebois III, LLC.  
Property Owner's Name

  
Signature Jason Baker

Taxlot(s) 31W15AB00543 & 8130  
Property Street Address and Legal Description

3/4/19  
Date

### Street Vacation Petition

---

This petition must be signed by all abutting property owners, and the owners of not less than 2/3 of the area of the real property “affected thereby”, as defined in ORS 271.080 (2) and as shown on the attached Street Vacation Map, attached hereto as **Exhibit A**. All signatures must be in ink. A listing of the names and addresses of all abutting and affected area property owners, as shown on the attached Street Vacation Map, was obtained from the Clackamas County real property tax roll records and is attached hereto as **Exhibit B**.

#### REQUIRED SIGNATURES:

We, the owner in fee simple of the following described real properties consent to the vacation of all of SW Cherbourg Lane ROW, North of Berlin Avenue, in the City of Wilsonville, Clackamas County, Oregon, as shown on the attached Street Vacation Map, and as described in the application narrative, attached hereto as **Exhibit C**.

) Allen Chang  
Property Owner’s Name



Signature

Victor Chang  
Property Owner’s Name

Signature

28201 SW 110th Avenue, Wilsonville, OR 97070 (TL 31W15AB07400 & 7600)  
Property Street Address and Legal Description

Date

---

### Street Vacation Petition

---

This petition must be signed by all abutting property owners, and the owners of not less than 2/3 of the area of the real property "affected thereby", as defined in ORS 271.080 (2) and as shown on the attached Street Vacation Map, attached hereto as **Exhibit A**. All signatures must be in ink. A listing of the names and addresses of all abutting and affected area property owners, as shown on the attached Street Vacation Map, was obtained from the Clackamas County real property tax roll records and is attached hereto as **Exhibit B**.

#### REQUIRED SIGNATURES:

We, the owner in fee simple of the following described real properties consent to the vacation of all of SW Cherbourg Lane ROW, North of Berlin Avenue, in the City of Wilsonville, Clackamas County, Oregon, as shown on the attached Street Vacation Map, and as described in the application narrative, attached hereto as **Exhibit C**.

) Allen Chang  
Property Owner's Name

\_\_\_\_\_  
Signature

Victor Chang  
Property Owner's Name

Victor C. Chang  
Signature

28201 SW 110th Avenue, Wilsonville, OR 97070 (TL 31W15AB07400 & 7600)  
Property Street Address and Legal Description

2/26/2019  
Date

# EXHIBIT A



## LEGAL DESCRIPTION Right-of-Way Vacation Map 3S1W15

A tract of land being SW Cherbourg Lane Right-of-Way located in the Northeast Quarter of Section 15, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, State of Oregon, more particularly described as follows:

BEGINNING at the Northeast corner of Tract "FFF", plat of "Tonquin Woods At Villebois No. 6";

thence along the northerly plat boundary line of said plat, South 88° 34' 09" East, a distance of 41.67 feet to the Northwest corner of Tract "GGG" of said plat;

thence along the westerly line of said Tract "GGG", South 15° 00' 55" West, a distance of 44.62 feet to a point of tangential curvature;

thence continuing along said westerly line, along a 15.00 foot radius tangential curve to the left, arc length of 21.19 feet, central angle of 80° 57' 09", chord distance of 19.47 feet, and chord bearing of South 25° 27' 39" East to a point on the northerly Right-of-Way line of SW Berlin Avenue;

thence along a 727.50 foot radius curve, being parallel with and 27.50 feet northerly from the centerline of SW Berlin Avenue, with a radius point bearing South 24° 03' 46" West, arc length of 52.56 feet, central angle of 04° 08' 23", chord distance of 52.55 feet, and chord bearing of North 68° 00' 25" West;

thence continuing along said parallel line, North 70° 13' 10" West, a distance of 3.62 feet to a point on the easterly line of said Tract "FFF";

thence along said easterly line, along a 24.00 foot radius non-tangential curve, concave northwesterly, with a radius point bearing North 47° 54' 33" West, arc length of 11.34 feet, central angle of 27° 04' 31", chord distance of 11.24 feet, and chord bearing of North 28° 33' 11" East to a point of tangency;

thence continuing along said easterly line, North 15° 00' 55" East, a distance of 32.04 feet to the POINT OF BEGINNING.

Containing 2,075 square feet, more or less.

Property Vested in:

Polygon at Villebois III, L.L.C.

Map 3S1W15

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2019

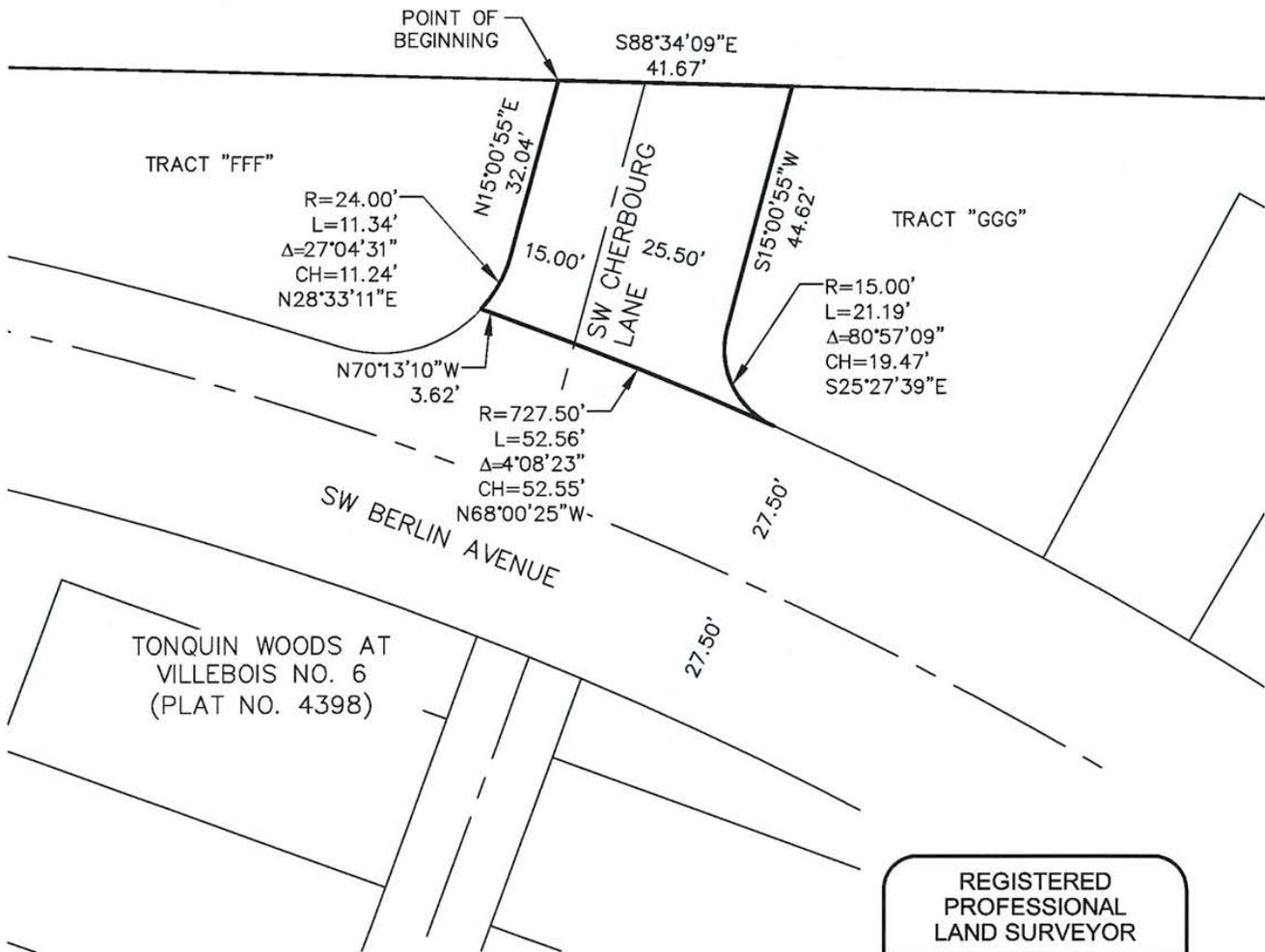


# EXHIBIT B

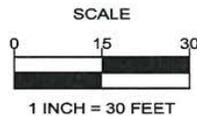


## SKETCH TO ACCOMPANY LEGAL DESCRIPTION RIGHT-OF-WAY VACATION MAP 3S1W15

DOCUMENT NO.  
91-08203



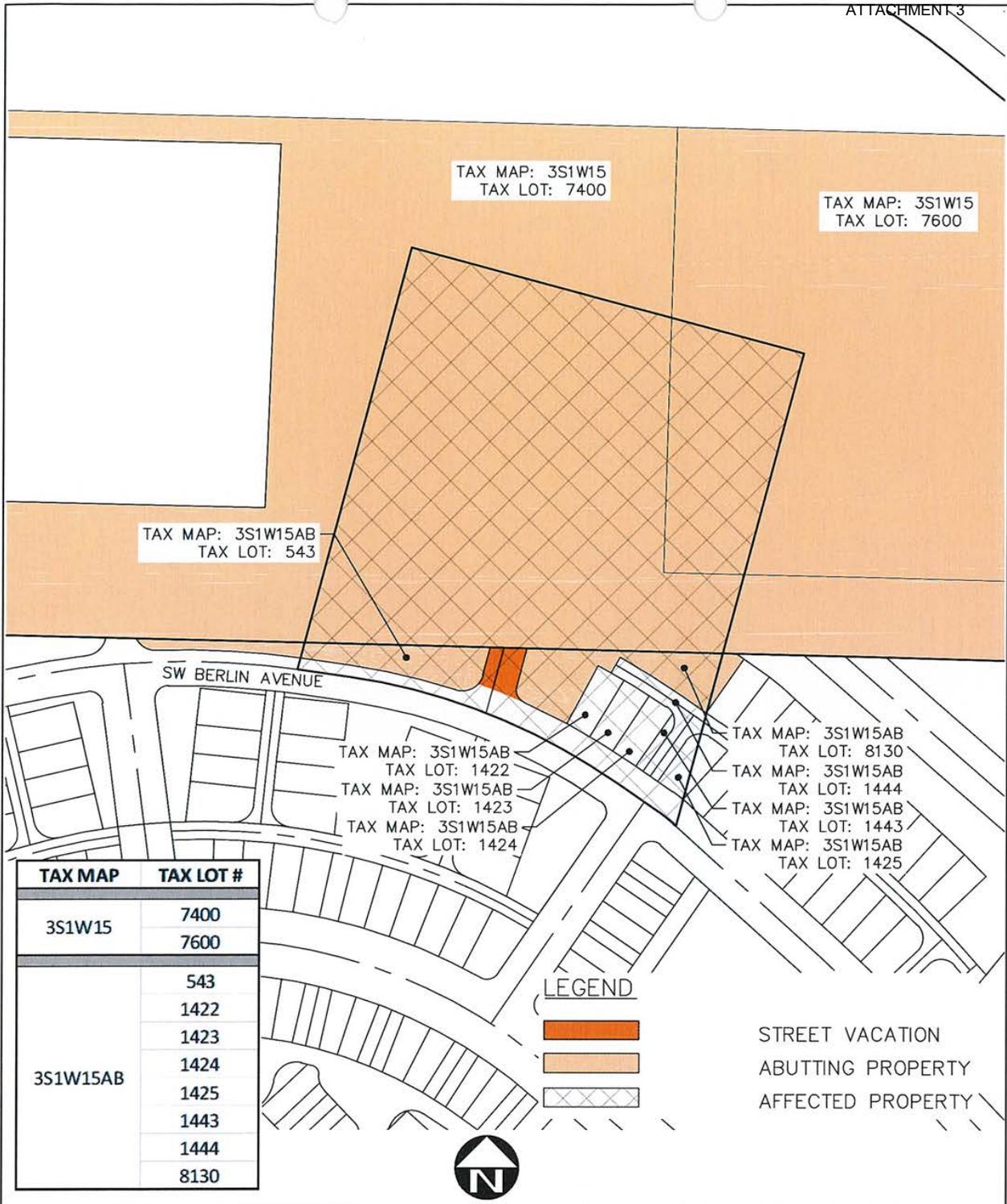
Property Vested in:  
POLYGON AT VILLEBOIS III, L.L.C.  
MAP 3S1W15



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 9, 2002  
TRAVIS C. JANSEN  
57751

RENEWS: 6/30/2019



TAX MAP: 3S1W15AB  
TAX LOT: 543

TAX MAP: 3S1W15  
TAX LOT: 7400

TAX MAP: 3S1W15  
TAX LOT: 7600

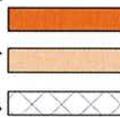
SW BERLIN AVENUE

TAX MAP: 3S1W15AB  
TAX LOT: 1422  
TAX MAP: 3S1W15AB  
TAX LOT: 1423  
TAX MAP: 3S1W15AB  
TAX LOT: 1424

TAX MAP: 3S1W15AB  
TAX LOT: 8130  
TAX MAP: 3S1W15AB  
TAX LOT: 1444  
TAX MAP: 3S1W15AB  
TAX LOT: 1443  
TAX MAP: 3S1W15AB  
TAX LOT: 1425

TAX MAP	TAX LOT #
3S1W15	7400
	7600
3S1W15AB	543
	1422
	1423
	1424
	1425
	1443
	1444
	8130

LEGEND



STREET VACATION  
ABUTTING PROPERTY  
AFFECTED PROPERTY



N:\proj\395-079\09 Drawings\06 Survey\Exhibits\395079 ROW Vacation Exhibit SW Berlin Ave.dwg - SHEET: 1 Oct. 4, 18 - 2:06 PM fatemah

DRAWN BY: FAA DATE: 10/04/18  
 REVIEWED BY: TCJ DATE: 10/04/18  
 PROJECT NO.: 395-079  
 SCALE: 1"=200'  
 PAGE 1 OF 1



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

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 363**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL OF A REQUEST FOR THE CITY TO VACATE SW CHERBOURG LANE RIGHT-OF-WAY NORTH OF SW BERLIN AVENUE, SECTION 15AB, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF WILSONVILLE, CLACKAMAS COUNTY, OREGON. POLYGON AT VILLEBOIS III LLC AND ALLEN AND VICTOR CHANG – PETITIONERS.**

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

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated August 19, 2019, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel A at a scheduled meeting conducted on August 26, 2019, at which time exhibits, together with findings and public testimony were entered into the public record, and

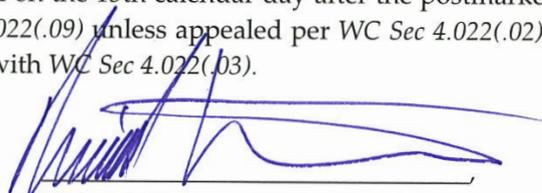
WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

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

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated August 19, 2019, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

DB19-0006: Street Vacation

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 26<sup>th</sup> day of August, 2019 and filed with the Planning Administrative Assistant on Aug 27, 2019. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per WC Sec 4.022(.09) unless appealed per WC Sec 4.022(.02) or called up for review by the council in accordance with WC Sec 4.022(.03).



Richard Martens, Chair - Panel B  
Wilsonville Development Review Board

Attest:

A handwritten signature in blue ink, appearing to read "Shelley White", is written over a horizontal line.

**Shelley White, Planning Administrative Assistant**