



City Council Meeting February 1, 2021

**Executive Session 5:00 pm
Work Session 5:25 pm
Council Meeting 7:00 p.m.**

(All held in Council Chambers)

This meeting is taking place with social distancing precautions in place:

- Councilors are participating virtually, via Zoom videoconferencing.

To Provide Public Comment:

- Written comments may be submitted to the City Recorder (Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, OR 97070).
- Digital comments (email) may be submitted to cityrecorder@ci.wilsonville.or.us.
- Individuals may participate online through the Zoom videoconferencing platform.
- Contact City Recorder at (503) 570-1506 cityrecorder@ci.wilsonville.or.us to register.

You can watch the City Council Meeting here:

You Tube: [youtube.com/c/CityofWilsonvilleOR](https://www.youtube.com/c/CityofWilsonvilleOR)

Zoom: <https://us02web.zoom.us/j/81536056468>

City of Wilsonville

City Council Meeting

February 1, 2021



**AMENDED
AGENDA**

**WILSONVILLE CITY COUNCIL MEETING
FEBRUARY 1, 2021
7:00 P.M.**

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

Mayor Julie Fitzgerald

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, Work Session, City Council meetings
will be held in the Council Chambers, City Hall, 1st Floor**

- 5:00 P.M. EXECUTIVE SESSION [25 min.]**
A. Pursuant to: ORS 192.660 (2)(e) Real Property Transactions
ORS 192.660(2)(h) Legal Counsel / Litigation
- 5:25 P.M. REVIEW OF AGENDA AND ITEMS ON CONSENT [5 min.]**
- 5:30 P.M. COUNCILORS' CONCERNS [5 min.]**
- 5:35 P.M. PRE-COUNCIL WORK SESSION**
- A. City Council Representation Assignments to Tourism and Wilsonville – Metro Community Enhancement Committee (Monahan) [5 min.]
- B. Middle Housing Project (Pauly) [30 min.]
- C. Town Center Streetscape Plan (Bradford) [25 min.]
- D. Refunding of Outstanding Borrowings (Rodocker) [15 min.]
- 6:50 P.M. ADJOURN**
-

CITY COUNCIL MEETING

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, Monday, February 1, 2021 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on January 21, 2021. 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.

7:05 P.M. MAYOR'S BUSINESS

- A. Upcoming Meetings

7:15 P.M. COMMUNICATIONS

- A. Restaurant Relief Program Update (Neamtzu)

7:30 P.M. CITIZEN INPUT AND 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.

7:40 P.M. COUNCILOR COMMENTS, LIAISON REPORTS AND MEETING ANNOUNCEMENTS

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

7:50 P.M. CONSENT AGENDA

- A. Resolution No. 2872

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement Contract Amendment With Dowl, LLC For Advance Engineering Design Services For The I-5 Pedestrian Bridge Project. (Weigel)

- B. Minutes of the January 4, 2021 City Council meeting. (Veliz)

7:55 P.M. NEW BUSINESS

- A. Resolution No. 2878

Resolution Authorizing Refunding Of Outstanding Borrowings. (Rodocker)

8:05 P.M. CONTINUING BUSINESS

- A. None.

8:05 P.M. PUBLIC HEARING

- A. None.

8:05 P.M. CITY MANAGER'S BUSINESS

8:10 P.M. LEGAL BUSINESS

8:15 P.M. ADJOURN

INFORMATION ITEMS – No Council Action Necessary.

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.



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: February 1, 2021		Subject: City Council Representation Assignments to Tourism and Wilsonville – Metro Community Enhancement Committee	
		Staff Member: Zoe Monahan, Assistant to the City Manager	
		Department: Administration	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" 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	
		Comments: This outlines two City of Wilsonville Committees which requires City Council Appointments	
Staff Recommendations: City Council appoints members to act as the representatives to the Tourism Promotion Committee and Wilsonville – Metro Community Enhancement committee.			
Recommended Language for Motion: Not applicable.			
PROJECT / ISSUE RELATES TO:			
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Identify City Council representation on City Committees.

EXECUTIVE SUMMARY:

The City of Wilsonville currently has two committees, which specifically identifies City Council representation in their bylaws: the Tourism Promotion Committee, and Wilsonville- Metro Community Enhancement Committee.

Tourism Promotion Committee

The City Council officially created the Tourism Promotion Committee on June 15, 2015 by adopting Resolution 2541, which approved the Tourism Promotion Committee charter (Attachment A). The committee was established to implement the work outlined in the *Wilsonville Tourism Development Strategy* from May 2014. The Committee meets a minimum of four (4) times a year and it consists of seven (7) voting members from the hospitality and tourism industry and five (5) ex-officio, non-voting, members. One of the ex-officio members is a City Council member who serves as a Council Liaison for the Committee. Councilor Charlotte Lehan currently serves as the City Council liaison. The Tourism Promotion meeting has expressed their desire for Councilor Lehan to continue to serve as their City Council liaison.

Wilsonville – Metro Community Enhancement Committee

The Wilsonville- Metro Community Enhancement Committee (CEC) bylaws (Attachment B) were adopted on April 26, 2016 to establish the committee, which would oversee the Wilsonville- Metro Community Enhancement Program. The committee is responsible for reviewing grant applications and awarding funds to projects that meet a broad set of goals to enhance the community. The grant funds vary by year since they are collected based on Republic Services tipping fees. The program currently receives \$1 for every one (1) ton of wet waste processed in the Community.

This committee is made up of four (4) community members, two (2) City Councilors and one (1) Metro Councilor. The composition of the City Councilors has changed over time. Most recently, former Mayor Tim Knapp and Councilor Joann Linville have served on the committee. This committee meets two to three times in the spring to review and recommend grant applications. The committee will likely meet once or twice in the summer of fall to continue to improve the grant review and selection process. Councilor Linville’s expertise will be valuable to assist with this process. One additional City Council member is needed to fill the position vacated by Mayor Tim Knapp’s retirement.

TIMELINE:

The City Council may act its leisure; however, acting in February would be optimum to identify Council Representation on City Boards.

CURRENT YEAR BUDGET IMPACTS:

N/A

FINANCIAL REVIEW / COMMENT:

Reviewed by: CAR Date: 1/27/2021

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 1/27/2012

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

- A. Tourism Promotion Committee Charter
- B. Wilsonville – Metro Community Enhancement Committee Bylaws

City of Wilsonville Tourism Promotion Committee Charter

June 2015

The Tourism Promotion Committee is hereby created as a deliberative and recommending body of the Parks and Recreation Department with support from the City Manager's Office subject to the following section provisions:

Section 1. Name of Committee: Tourism Promotion Committee ("Committee").

Section 2. Vision and Mission: The Committee's Vision and Mission are adopted from the *Wilsonville Tourism Development Strategy, May 2014*:

Vision: "In 2023, Wilsonville is a welcoming, family-friendly community that is one of Oregon's premier destination cities, investing in tourism, meetings, leisure and recreation strengths, amenities and services to provide compelling year-round experiences."

Mission: "To facilitate the thoughtful development of Wilsonville's visitor economy for the benefit of visitors and partners, and to enhance the quality of life for those who live and work in the community."

Section 3. Purpose: The Committee has three primary areas of responsibility:

A. The Committee oversees implementation of the "Visit Wilsonville" Tourism Development Strategy and is charged specifically to develop a larger Five-Year Action Plan and annual One-Year Implementation Plans for fulfilling the Tourism Development Strategy, to be presented and recommended to City Council for approval.

B. The Committee makes recommendations to the City Council for tourism- and visitor-related marketing, promotions, expenditures and related programs and services that will result in increased tourism activity, as measured by overnight room stays at local lodging properties.

C. The Committee makes recommendations to City Council concerning the selection and disbursement of the annual Tourism Grant Programs operated by the City, including the Community Tourism Matching Grant Program (currently \$25,000 per year) and the Clackamas County Tourism Community Partnership Grant Program (currently \$20,000 per year).

Section 4. Appointment: The Mayor appoints and the City Council confirms Committee members, who serve at the pleasure of the Council.

Section 5. Membership: The Committee shall consist of twelve (12) members, including seven (7) voting members and five (5) non-voting ex-officio members:

The seven (7) voting members are to be drawn from the hospitality and tourism industry in the greater Wilsonville area, including representatives of the following stakeholders: Agri-Tourism, Arts & Culture, Community Events, Equestrian Tourism, Event Facility, General Retail, Lodging, Organized Sporting Events, Restaurants, and Outdoor Recreation and Tourism Attractions.

The five (5) ex-officio positions are a City Councilor who also acts as Council liaison for the committee; the City's Parks and Recreation Director, or his/her designee; a Wilsonville Chamber of Commerce representative; and two professional staff persons, one each from Clackamas County Tourism and Cultural Affairs Department and Washington County Visitors Association.

Section 6. Term of Voting-Member Appointments: Staggered three-year terms based on the fiscal year, scheduled so that two (2) or three (3) members are appointed or reappointed each year. A vacancy in a position may be appointed to fulfill the remainder of the term.

The appointment of a member shall automatically terminate upon the member's unexcused absence of three (3) consecutive meetings during a 12-month period. A member may serve a maximum of three (3) consecutive three-year terms; terms of appointment for less than three years shall not count towards the maximum time of service.

At the outset of the Committee, voting positions will be staggered as follows: Two (2) positions are one-year or slightly less in duration and two (2) positions are a two-year duration, and three (3) positions are full three-year appointments; assuming appointment by Oct. 1, 2015:

Position #1 – 1-year term: 10/1/15 – 6/30/16; next term: 7/1/16-6/30/19

Position #2 – 1-year term: 10/1/15 – 6/30/16; next term: 7/1/16-6/30/19

Position #3 – 2-year term: 10/1/15 – 6/30/17; next term: 7/1/17-6/30/20

Position #4 – 2-year term: 10/1/15 – 6/30/17; next term: 7/1/17-6/30/20

Position #5 – 3-year term: 10/1/15 – 6/30/18; next term: 7/1/18-6/30/21

Position #6 – 3-year term: 10/1/15 – 6/30/18; next term: 7/1/18-6/30/21

Position #7 – 3-year term: 10/1/15 – 6/30/18; next term: 7/1/18-6/30/21

Section 7. Organization: At the first meeting of each fiscal year, the Committee will elect a chair and vice-chair from the voting members.

The Chair (Vice Chair in the absence of the Chair) will preside over all meetings.

An appointed City staff person or outside contractor will serve as secretary to keep notes of each public meeting and assist with administrative tasks.

The Committee will meet on an agreed-upon schedule at least four (4) times per year. The Chair may also call a special meeting with one week's advance notice. Such meeting notice may be given by email or regular mail.

A meeting may be held without a quorum; however, a quorum of at least four (4) voting members is required in order for the Committee to vote on any matter.

Committee members may participate in a meeting telephonically.

All meetings will be announced and open to the public.

Section 8. Voting: All members are entitled to vote in person at a meeting, regular or special. Proxies are not allowed. A majority vote of the members voting on the question will be required to carry any matters submitted. A member who abstains from a vote shall be counted as present for purposes of the quorum but not counted as having voted on the question.

The Tourism Promotion Committee was created by the Wilsonville City Council upon adoption of Resolution No. 2541 on June 15, 2015.

For more information, contact:

Mark Ottenad, Public/Government Affairs Director
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, OR 97070
General: 503-682-1011
Direct: 503-570-1505
Email: ottenad@ci.wilsonville.or.us
Web: www.ci.wilsonville.or.us

Wilsonville-Metro Community Enhancement Committee

Bylaws

April 26, 2016

Article 1 — Name of Committee

The name of the Committee is the Wilsonville-Metro Community Enhancement Committee (“committee”). The working title shall be Community Enhancement Committee and may be abbreviated as “CEC.”

Article 2 — Authorization

The committee is established by the Wilsonville City Council, Resolution No. 2543, on July 6, 2015, and by Intergovernmental Agreement with Metro, Contract No. 933299 (2015), to oversee the administration of the Wilsonville-Metro Community Enhancement Program (“program”) that is funded by a Metro fee on solid-waste transferred in Wilsonville.

Article 3 — Purpose

The purpose of the committee is broadly to oversee implementation of the Wilsonville-Metro Community Enhancement Program and specifically to review and select projects for funding that meet the goals, criteria and requirements of the program.

Article 4 — Responsibility

The committee is responsible for implementation of the program, including without limitation:

- A.** Establishment of the enhancement area boundary.
- B.** Creation of committee bylaws.
- C.** Development of a process for soliciting and selecting solid waste community enhancement projects.
- D.** Compliance with the eligibility criteria set forth in Metro’s Solid Waste Community Enhancement Program Section 5.06.070 and the goals set forth in Section 5.06.080 and creation of additional criteria and goals where needed.
- E.** Annually review enhancement program revenue estimates provided by Metro staff and make recommendations to the Budget committee and City Council for how these funds will be allocated for the upcoming fiscal year or funding cycle.

- F.** Presentation of an annual report to the Metro and City Council on all projects approved for funding.
- G.** Maintenance of complete and accurate records related to the administration of the program, submitted to Metro annually.

Article 5 — Membership

The committee is to be composed of seven members:

- A.** Four (4) citizen/community members who are Wilsonville residents;
- B.** Two (2) City Council members; and
- C.** (One) 1 Metro Councilor, who may be a voting or ex-officio member at the Councilor's discretion except in the case of a tie-vote, where the Metro Councilor will vote on the matter under consideration.

Appointment to the committee of residents and City Councilors follows traditional City process where the Mayor appoints and City Council confirms committee members who serve at Council pleasure.

Terms of membership of citizen/community members are for a three-year period that corresponds with the City's fiscal year, July 1 of one year through June 30 of the following year. However, at the outset of the committee, two of the committee positions are for a two-year term so as to allow continuity in citizen/community representation and prevent a simultaneous turn-over of all citizen/community members.

Article 6 — Organization and Structure

At the first meeting of the committee in each fiscal year, the committee will elect a Chair who is a citizen/community member. Simultaneously, the committee will elect a Vice-Chair, who may be either a citizen/community member or member of the City Council. The Chair shall preside at all meetings of the committee, oversee the development and distribution a written agenda in sufficient time prior to any regular meeting; call special meetings of the committee as may be needed; and to see that all actions of the committee are properly taken. The Vice Chair may act in the absence of the Chair.

The committee is to be staffed by Administration Department or other personnel as designated by the City Manager. Administrative support to the committee includes keeping summary minutes of meetings, providing all notices required by law or required in the committee Bylaws;

preparing the agenda of meetings of the committee; and acting as custodian of committee records.

Article 7 — Meeting Procedures and Quorum

The committee shall hold meetings as needed to administer the program as determined by the Chair. Members will be noticed in writing by US Postal mail and/or electronic means such as email at least five (5) days prior to a scheduled meeting. The notice will include the date, time, location and agenda for the meeting. Summary minutes shall be taken for all meetings and shall be available for viewing by anyone, on request. Minutes are to be distributed to all members and others expressing an interest in receiving them.

Committee meetings shall be publicized in accordance with the Oregon public meetings law.

A quorum of the committee consists four or more members attending a duly called meeting. A quorum of the committee is required to conduct a vote; no action shall be taken unless a quorum is present.

Meetings shall be conducted in accordance with Roberts' Rules newly revised.

A report of the committee's activities shall be made to City Council and Metro annually.

Article 8 — Amendments

Amendments to these bylaws may be recommended at a meeting of the committee called for that purpose, provided that written or electronic notice such as email has been sent to each member at least fourteen (14) days before the meeting. The notice shall state the amendments that are proposed to be made in the bylaws. Only a change that has been specified in the notice shall become effective upon the affirmative vote of a majority of committee members and is subject to approval by City Council.

Article 9 — Approvals

The above bylaws for the Wilsonville-Metro Community Enhancement Committee have been duly considered and approved by a majority of the committee on April 26, 2016, and are hereby recommended for adoption by the Wilsonville City Council.



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: February 1, 2021		Subject: Middle Housing Project	
		Staff Member: Daniel Pauly, Planning Manager	
		Department: Planning Division, Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments: N/A	
Staff Recommendation: Staff recommends that Council provide feedback on the desired outcomes of the project as well as provide direction to staff on key questions/decision points.			
Recommended Language for Motion: NA			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Thoughtful, Inclusive Built Environment; Equitable Housing Strategic Plan	<input type="checkbox"/> Adopted Master Plan(s):	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Review the desired outcomes of the project as well as attached memoranda and provide direction on key questions and decision points for the project.

EXECUTIVE SUMMARY:

Background

House Bill 2001 directs cities throughout Oregon to take a number of actions allowing more middle housing development; the most noteworthy being the requirements to:

- Adopt regulations allowing duplexes on each lot or parcel zoned for residential use that allows for development of detached single-family dwellings.
- Adopt regulations allowing triplexes, quadplexes, cottage clusters, and townhouses “in areas zoned for residential use” that allow for the development of detached single-family dwellings.

City Council previously discussed steps for the City to comply with House Bill 2001 at November 2019 and September 2020 work sessions. During these work sessions, Council indicated support of a project to conform to the new laws by developing updates tailored to Wilsonville rather than adopting the State’s model code. In addition to compliance with state statute and rules, the project looks at implementation actions from the Equitable Housing Plan adopted by City Council last year. This includes Implementation Action 1B to “Incorporate Equitable Housing into Middle Housing Planning” (see Attachment 4).

Project Outcomes for Council Review

Staff drafted a list of project outcomes based on Council Goals adopted in 2019, the City’s Equitable Housing Strategic Plan, discussions with Council regarding middle housing and HB 2001, and recent community conversations around equity and inclusion.

Staff requests City Council review these outcomes and offer input to refine and update them. The Wilsonville Middle Housing project shall:

- Support the vision of a thoughtful, inclusive built environment.
- Comply with House Bill 2001 and related administrative rules adopted by the Land Conservation and Development Commission.
- Increase the opportunity for the development of more middle housing to help meet the housing needs of our diverse community.
- Include public outreach to inform middle housing design, particularly from historically marginalized communities of color.
- Create standards that have a high likelihood for use by developers/property owners and result in actual development of middle housing.
- Update infrastructure plans, as needed, to support additional middle housing production.
- Understand options for infrastructure financing related to middle housing.
- Evaluate and update parking strategies and policies to minimize parking congestion.

Comprehensive Plan, Development Code, and Master Plan Audits, Update on Planning Commission Work

City staff, supported by a consultant team, audited the City’s Comprehensive Plan, Development Code, and Legislative Master Plans for compliance with House Bill 2001, related State administrative rules, and the City’s Equitable Housing Strategic Plan. Based on the audit, the project team began drafting updates to the City’s various codes and plans. During a November work session with the Planning Commission, the project team presented the audit of the Comprehensive Plan and Development Code and sought recommendations on key policy questions.

Staff recommends the Council review Memorandum 1.1: Comprehensive Plan and Development Code Audit (Attachment 1), with particular attention to the Planning Commission recommendations in gray boxes on pages 5-7 and 11-12 of 20, and provide additional feedback and guidance.

In addition, the project team presented the audit of legislative master plans, the Villebois Village Master Plan and the Frog Pond West Master Plan, to the Planning Commission in January. The project team also looked at the Old Town Neighborhood Plan for updates that would make the Plan more consistent with updated State law. Staff recommends the Council review Memorandum 1.2: Legislative Master Plans Audit (Attachment 2) and provide direction to the project team. Feedback from the Planning Commission supported the approach for Villebois and Old Town as outlined in the memo. Discussion among the Commission regarding Frog Pond West focused on how to balance the 2017 Frog Pond West Master Plan and the recently adopted Equitable Housing Strategic Plan, which have different desired outcomes regarding housing, and contemplated the extent that the Equitable Housing Strategic Plan should be implemented in Frog Pond West. The Planning Commission supported the integration of middle housing in Frog Pond West beyond the minimum compliance of allowing duplexes. However, they also acknowledged the significant community input and planning that went into the 2017 Plan and a desire to maintain some consistency and ensure the adequacy of infrastructure.

Staff requests Council direction on the project team's recommended approach for Villebois and Old Town. In addition, staff requests the Council specifically consider the compliance options laid out in the memo for Frog Pond West and provide guidance on which option to pursue. In Attachment 2 the specific discussion about Frog Pond West and related Planning Commission feedback can be found on pages 3-6 of 12.

EXPECTED RESULTS:

Provide necessary guidance on the Middle Housing Project including confirming goals/outcomes for the project and providing guidance on key questions related to the Comprehensive Plan, Development Code, and Legislative Master Plan audits. Guidance from the City Council will inform draft code and plan updates that will be presented to the public.

TIMELINE:

Planning Commission and Council review follows the overall project timeline. Over the coming months the project team will focus on outreach and developing siting and design standards. At the same time, the project team will continue to refine code and plan updates identified in the audit process and as a result of discussions with the City Council and Planning Commission. The project team plans monthly Planning Commission work sessions as well as Council work sessions in April and May. In April and May the Council will be briefed on the outreach efforts and receive updates on the working amendments to the code and plans. The project schedule has a "hearings ready" package of updates substantially complete by late May. Additional work sessions will occur as necessary afterwards to review and update the package, followed by public hearings anticipated in the late summer/fall. The State requires the City to adopt updates complying with House Bill 2001 by June 2022. Grant funds received from the State, require major deliverables to be complete by the end of the 2020-21 Fiscal Year.

CURRENT YEAR BUDGET IMPACTS:

The main consultant contract is for \$125,000. \$95,000 is covered by a grant from the Oregon Department of Land Conservation and Development (DLCD). The remaining amount is covered by funds budgeted in the City’s FY 2020-2021 Budget. Specific outreach to the Latinx community and other historically marginalized communities is funded by an \$81,200 Metro grant.

FINANCIAL REVIEW / COMMENT:

Reviewed by: CAR Date: 1/27/2021

If work is completed as specified and grant funding not received within the fiscal year, Planning will need a Budget Supplemental to avoid overspending their program.

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 1/27/2021

COMMUNITY INVOLVEMENT PROCESS:

Community outreach will occur over winter and spring 2021, including to the Latinx community and other historically marginalized communities.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

A greater amount of middle housing in neighborhoods meeting standards with broad community support. A greater amount of middle housing will create more housing opportunities for a variety of incomes, needs, and preferences.

ALTERNATIVES:

The Council may recommend additional or modified approaches that help the City achieve compliance with House Bill 2001 and implement a key strategy from the Equitable Housing Strategic Plan. If the City does not adopt compliant standards by June 30, 2022, a state model code will come into effect for Wilsonville.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Memorandum 1.1 Comprehensive Plan and Development Code Audit
2. Memorandum 1.2 Legislative Master Plan Audit
3. Primer on Middle Housing in Wilsonville
4. Equitable Housing Strategic Plan Strategy 1B



MEMORANDUM

Plan and Code Audit Memo (Task 1.1) Wilsonville Middle Housing Code Update

DATE January 22, 2021
TO Dan Pauly, City of Wilsonville
FROM Kate Rogers and Joe Dills, Angelo Planning Group
CC Ben Weber, Emma-Quin Smith and Ross Determan, SERA Architects
Becky Hewitt and Tyler Bump, ECONorthwest

INTRODUCTION

Purpose and Approach

The purposes of this memorandum are to:

1. Assess regulatory land use barriers to development of middle housing in Wilsonville; and,
2. Identify where amendments to the Wilsonville Planning and Land Development Ordinance (Code) and Comprehensive Plan are needed to comply with Oregon House Bill 2001 (2019) (HB 2001).

This memo is a synthesis of: Code and Comprehensive Plan audits initially prepared by City staff; additional audit work by Angelo Planning Group; work sessions and a virtual tour of Wilsonville neighborhoods by the project team; and a Planning Commission work session on November 12, 2020. The memo provides background on HB 2001, explanations of code update issues for middle housing, and potential amendments proposed by the project team. In most cases, the concept and intent of the proposed amendment is identified – detailed code language will be prepared later in the project after the Planning Commission’s and City Council’s discussion of concepts. Highlighting used in this memo includes:

- Proposals by the project team are highlighted in **bold font**
- Key issues are highlighted in **call-out boxes**
- Oregon Administrative Rule compliance is highlighted in **red font**

As used in this memo and HB 2001, “middle housing” includes duplexes, triplexes, quadplexes, townhouses, and cottage clusters.

Background and Overview of HB 2001

The Oregon Legislature passed HB 2001 in August 2019 to help provide Oregonians with a wider range of housing choices. HB 2001 requires Oregon cities with populations over 25,000 and those within the Portland Metro boundary (collectively referred to as “Large Cities”) to adopt zoning code regulations and comprehensive plan amendments to permit middle housing types in residential zones. Specifically, Wilsonville and other Large Cities will need to allow:

- Duplexes on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings; and
- Triplexes, quadplexes, cottage clusters, and townhouses in areas zoned for residential use that allow for the development of detached single-family dwellings.

The City “may regulate siting and design of middle housing.” However, it may not adopt standards or requirements that result in unreasonable cost or delay in the development of middle housing. The Department of Land Conservation and Development (DLCD) adopted minimum standards for compliance with HB 2001 as well as a model code for middle housing on December 9, 2020. The City of Wilsonville is required to adopt standards that are consistent with state regulations by June 30, 2022. If the City does not meet the project deadline, the model code will automatically apply.

Status of State Rulemaking

DLCD recently completed the process of drafting the Oregon Administrative Rules (OARs) that will guide cities’ implementation of middle housing requirements. The final OARs were adopted at the December 9, 2020 hearing of the Land Conservation and Development Commission (LCDC).

The adopted rules for complying with HB 2001 are fairly prescriptive in defining what cities can and cannot do, but the City has some flexibility to make certain decisions related to its Development Code updates:

- **Siting Standards** – The City can adopt siting standards for middle housing, within limits. The OARs specifically limit certain siting standards, such as minimum lot size requirements and how many parking spaces the code can require. The limitations for duplexes are stricter than for other middle housing types. The rules generally state that duplex standards cannot be more restrictive than those applicable to detached single-family dwellings.
- **Design Standards** – The City also can adopt design standards for middle housing besides duplexes (i.e. triplexes, quadplexes, cottage clusters, and townhomes). However, the City will need to justify new design standards and demonstrate how they do not cause unreasonable cost or delay (based on a set of factors determined by the OARs). The Model Code has design standards the City may use, and the City may apply standards already in use for detached single-family dwellings.

The OARs also limit cities’ ability to cap residential density for middle housing, except in existing Master Planned Communities. This and other specific OAR provisions are identified throughout this memo as they apply to the Wilsonville Development Code.

Approach to the Code/Plan Audit and Amendments

The project team is applying three "lenses" to the Middle Housing Code Update process, and specifically to the code and plan audit:

- 1. Compliance with HB 2001 and the administrative rules.**

This is a primary focus of the code audit. Because the OARs are very prescriptive in specifying how cities must comply with the middle housing requirements, the minimum standards will largely drive Wilsonville's regulatory amendments for middle housing. This memo identifies code and plan text that will likely need to be amended in order to comply with the minimum standards in the OARs.

- 2. Likelihood of use by developers/property owners resulting in actual on-the-ground change.**

This memo identifies areas of the city which are most likely to see development of middle housing, and which warrant additional attention through the code update process. It will also be important to ensure that the Development Code not only meets the state's minimum requirements but truly seeks to facilitate development of middle housing. Meeting the OAR standards will get the City partway there, because the standards are geared toward ensuring that cities do not apply rules that render middle housing infeasible or that cause unreasonable cost or delay. The City may also consider additional ways to not only allow middle housing, but to encourage it. As the project moves forward, the team will seek feedback from developers and others regarding the working amendments.

- 3. Support for Equitable Housing Outcomes.**

New middle housing opportunities will implement recommendations included in the Wilsonville Equitable Housing Strategic Plan (EHSP) and be a tangible step forward along Wilsonville's roadmap to more equitable housing. This plan, adopted in June 2020, identifies a set of actions meant to move the city toward more equitable housing outcomes. Implementation Action 1B of the EHSP calls for the City to "Incorporate Equitable Housing Needs into Middle Housing Planning". The team is applying this lens in a qualitative manner at each step of the project. There is also project budget allocated for targeted financial analysis of feasibility of different middle housing types in Wilsonville.

COMPREHENSIVE PLAN AUDIT

This section of the memo summarizes key insights from the project team's audit of the Wilsonville Comprehensive Plan (updated in 2018). It also identifies where additional amendments to the plan's goals, policies, and/or implementation measures may be needed to comply with HB 2001 and the OARs, or to address barriers to middle housing.

The project team's audit focused primarily on the Residential Development section of the Plan's Land Use and Development chapter. The team identified several changes that should be made to the narrative introduction to this section. **We recommend reworking of the introduction text to incorporate concepts from the Equitable Housing Strategic Plan.** Per the EHSP, "The Plan's actions encourage the production of more diverse housing types with access to services, improve partnerships with housing providers, expand homeownership opportunities, and reduce displacement risk for Wilsonville residents." It will be important to incorporate the City's overall vision and goals for equitable housing as framing elements for the Residential Development section. The EHSP also includes data and other background information that may be useful in the Comprehensive Plan. **The introduction text should describe the requirements of HB 2001 and associated Administrative Rules and incorporate additional data and background information about middle housing.**

Within the policies and implementation measures, the team recommends the following:

- **Incorporate middle housing explicitly into the references to specific housing types.**
- **Add references to exemptions from density maximums and from discretionary review for middle housing.**
- **Incorporating the policy objectives and actions identified in the EHSP into the policies and implementation measures of the Comprehensive Plan.**
- **Amend the Residential Neighborhood (RN) policy (Policy 4.1.7.a) to add a provision (g): "Create housing opportunities for a variety of households"; this same statement would be added to the purpose statement of the RN zone.**

The above-referenced amendments are intended to address compliance with middle housing requirements and create enabling provisions for code amendments.

DEVELOPMENT CODE AUDIT

This section of the memo summarizes key findings from the project team's audit of the Wilsonville Development Code (Code), proposes initial ideas for code amendments, and identifies issues related to compliance with OARs and addressing barriers to middle housing. This section is organized by code section and includes only those sections for which amendments are likely to be needed. Key issues are highlighted in call-out boxes.

4.001 Definitions

The project team has identified a number of definitions that will need to be revised, added, or removed in order to implement middle housing code amendments. Amendments are needed to create a new category of “middle housing” and to define each middle housing type consistent with HB 2001. The Bill provides specific definitions of certain terms, including “cottage cluster” and “townhouse,” which will need to be incorporated. The team has also flagged some terms that could create potential conflicts with HB 2001 or should be revised for better clarity and consistency with needed code amendments for middle housing.

Middle Housing Definitions:

- **Duplex – Current Definition:** *Two attached dwelling units on a single lot, neither of which meets the definition of an accessory dwelling unit.* Definition currently meets minimum OAR compliance.
- **Triplex – Proposed new definition:** *Three attached dwelling units on a single lot, none of which meets the definition of an accessory dwelling unit.*
- **Quadplex – Proposed new definition:** *Four attached dwelling units on a single lot.* The proposed triplex and quadplex definitions should also be revised to allow detached units (see options below).

Key Issue: Allowing Detached Plexes

There are two primary options for how duplexes, triplexes, and quadplexes can be defined:

1. Limit the definition to attached units only; or
2. Allow units to be either attached or detached.

The existing duplex definition and current proposed triplex and quadplex definitions define these as attached units—consistent with the conventional understanding of these housing types. However, the OARs allow cities to expand the definition to include detached units as well. There are advantages to allowing detached units, such as promoting preservation of existing single-family homes by allowing detached units to be added to a lot, and, allowing increased flexibility for unusual site configurations (slopes, natural resources, etc.). However, allowing detached units may add complexity to the code—especially for design standards.

Planning Commission Feedback:

Across several topics, the Planning Commission expressed support for standards that encourage middle housing development and that afford maximum flexibility. All PC members who voiced opinions on this particular topic supported allowing both attached and detached configurations for duplexes, triplexes, and quadplexes (Option 2). Planning Commission also felt the definitions of duplex, triplex, and

quadplex should only include the traditional understanding of attached units and supported a subsequent staff suggestion of including “detached” duplexes, triplexes, and quadplexes, under the definition of “cluster housing”

- **Townhouse – Proposed revised definition:** *A type of dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot. This definition is specified by HB 2001 and differs from Wilsonville’s existing definition of “townhouse,” which is a type of multi-family dwelling with units on a single lot.*
- **Cottage cluster – Proposed new definition:** *Detached dwelling unit development of more than one unit arranged on a single lot. A type of middle housing.*
 - A. *Cottage Cluster: Cluster housing of four or more units where each unit does not exceed a 900 square foot footprint and units have a courtyard(s) containing shared green space and a public access sidewalk easement.*
 - B. *2-Unit Cluster Housing: Cluster housing containing two units where neither unit is an Accessory Dwelling Unit. A type of duplex as defined in OAR 660-008.*
 - C. *3-Unit Cluster Housing: Cluster housing containing three units. A type of triplex as defined in OAR 660-008.*
 - D. *4-Unit Cluster Housing: Cluster housing containing four units but not meeting the definition of cottage cluster. A type of quadplex as defined in OAR 660-008.* The definition of Cottage Cluster is consistent with the 900-sf building footprint limit specified by HB 2001. The proposed definition would make cottage cluster a subset of the existing “cluster housing” type that is currently used in the Village and Residential Neighborhood zones. The definition may also need to specify a minimum density of four units per acre, as defined by HB 2001. The x-Unit Cluster Housing definitions provide an alternative definition for detached plexes as suggested by the Planning Commission. See Planning Commission recommendation discussion.

Key Issue: Cottage Cluster Units on a Single Lot vs. Individual Lots

Cities have the option of allowing cottage clusters where all the units are on a single lot, where each unit is on an individual lot, or both. While permitting cottage clusters on a single lot is relatively straightforward, allowing each cottage to be on individual lots requires additional standards tailored to small cottage lots. The code would need to address perimeter setbacks and setbacks for individual lots, shared accessory structures, shared parking and open space tracts, cross-access easements, etc.

Developing units on individual lots is generally a more desirable path for builders, because the units can be owned “fee-simple”— with each unit owning the land underneath and having shared amenities owned in common. Units on a single parcel could be sold as condominiums (or rented), but this can be a less marketable option for ownership.

The team recommends that the code allow for both situations. The team needs to work through more details of the cottage cluster standards before bringing those details to the Planning Commission and City Council.

Planning Commission Feedback:

Similar to the detached plex issue, the PC voiced support for the more flexible option. After further discussion on the January work session the Planning Commission supported staff in tabling this topic pending potential related state legislation and addressing of some key issues in related state law.

- **Middle housing – The project team proposes a new definition that includes each of the housing types listed above.** Duplex could either be included or excluded from the definition, since different standards apply to duplexes than to the “higher” middle housing types.

Existing Definitions Needing Revision:

- **Accessory Dwelling Unit – Clarify definition to distinguish from duplex.**
- **Apartment – Distinguish this housing type from triplexes and quadplexes by specifying that they typically include five or more units.**
- **Dwelling Unit, Multiple-Family – Specify this does not include middle housing or ADUs.**
- **Dwelling Unit, Single-Family – Limit this to detached single-family units and ensure it is only used elsewhere in the code to refer to detached units.** This is not necessary for OAR compliance. Rather, it is intended to simplify the code by distinguishing single-family detached dwellings from townhouses (i.e., single-family attached dwellings).
- **Family / Household – Replace the term “family” in favor of the term “household,” which is more inclusive.** Revisions to other definitions and code provisions using the term “family” will need to be checked and updated.
- **Lot / Parcel – Clarify that both “lot” and “parcel” are inclusive of parcels created through a partition** (in anticipation of middle housing being created through partitions).
- **Parcel – Add to the definition to include parcels created through a partition.**
- **Row House – This term is used extensively in the Village zone and other Villebois documents to refer to both attached and detached units constructed in a row of similar houses. Clarify the somewhat overlapping relationship between “row house” and “townhouse.”**

Note: Additional definitions may also be needed, depending on which new siting and design standards the City adopts for middle housing (such as floor area ratio).

4.030 Jurisdiction and Powers of Planning Director and Community Development Director

This section lists the types of applications that are processed as Class I and Class II administrative actions. Subsection 4.030(.01)(A)(4) states that the following applications are subject to Class I

review: “Building permits for single family or two-family dwellings, and in the Village zone, row houses or apartments, meeting zoning requirements and located on lots that have been legally created.”

OAR Compliance: OAR 660-046-0215 states: *Large Cities must apply the same approval process to Middle Housing as applies to detached single-family dwellings in the same zone.* This subsection likely needs to be revised to include middle housing among the housing types subject to Class I review.

4.113 Standards Applying to Residential Developments in Any Zone

This section identifies general development standards for residential uses that apply in any zone, such as open space standards, setbacks, height, and standards for accessory dwelling units (ADUs).

(.01) Open Space

This section applies a minimum open space requirement to subdivisions (creation of four or more lots), planned developments (PDs), and multi-family development. The minimum standard is 25% of the Gross Development Area of the entire development. (Note: only shared open spaces are included; private open space on individual lot does not count toward the requirement.) The code states that the standards do not apply to non-multi-family partitions, so they would not apply to partitions for single-family dwellings or middle housing. Under the current regulations, infill development of middle housing within existing PDs (if permitted) would not be subject to the open space requirement, because they would be treated as a modification to the existing PD, for which 25% open space has already been set aside. **The project team proposes exempting middle housing created through subdivision of existing lots in previously-approved subdivisions.** This way, townhouse subdivisions (and potentially cottage clusters, if allowed on individual lots) would not need to provide additional open space beyond the original requirements for the existing subdivision. With the proposed changes, development of middle housing as part of a new PD or subdivision of previously undivided land (i.e., “greenfield development”) would still be subject to the open space requirement.

OAR Compliance: The OARs classify open space requirements as “design standards.” Per OAR 660-046-0225(1)(c), cities are allowed to apply “*The same clear and objective design standards that the Large City applies to detached single-family structures in the same zone.*” Because Wilsonville’s standard is the same for single-family detached dwellings as it would be for middle housing, with the proposed modifications these regulations would comply.

Best Practice: It is important to ensure that in no case would “infill” townhouses be subject to a 25% open space standard. A requirement to devote that much land to open space would likely render many townhouse developments infeasible.

(.02) Building Setbacks

The setback standards in this section apply to all residential development, unless superseded by standards elsewhere in the code or in a legislative master plan. The Village and Residential Neighborhood zones provide separate setback standards.

OAR Compliance: Per OAR 660-046-0220, *middle housing must be subject to the same or lesser setbacks as single-family detached dwellings, except perimeter setbacks for cottage clusters cannot exceed 10 feet and townhouses must be allowed zero side setback where units are attached. Because the setback standards in section 4.113(.02) apply to all housing types, they generally comply with the OARs.*

To comply with OARs for cottage clusters and townhouses, **the team proposes adding a 10-foot limit on cottage cluster setbacks and adding a zero setback allowance for townhouses.**

Best Practice: The City could also consider reducing setbacks for middle housing to promote development feasibility, particularly on smaller lots.

(.10) Accessory Dwelling Units

Currently, ADUs are permitted with single-family detached and attached dwellings. No changes to this allowance are recommended, but **revisions are needed to clarify the terminology for the housing types that allow ADUs (i.e., single-family detached dwellings, row houses, and townhouses). The project team proposes to delete language in this section related to density limits for duplexes (since OAR 660-046-0115(2) exempts duplexes from density calculations), and proposes to move ADU parking standards to Section 4.155 Parking, Loading, and Bicycle Parking.**

OAR Compliance: Proposed revisions are related more to policy direction and clarity than to OAR compliance. With the revisions noted here, this section should comply.

4.118 Standards Applying to All Planned Development Zones

Section 4.118 identifies standards that apply in all Planned Development zones, with a focus on granting the Development Review Board or Planning Director the ability to waive, modify, or add certain requirements and to apply certain conditions of approval for PD applications.

(.01) Height

This section gives the Development Review Board certain authority to regulate building height.

OAR Compliance: The project team proposes revisions to this section to ensure that height requirements are consistent with OAR height provisions for each middle housing type as follows:

- Duplex – Maximum height cannot be lower than the height limit for single-family detached dwellings.

- Triplex / Quadplex – Maximum height cannot be lower than the height limit for single-family detached dwellings; in no case can the height limit be less than 25 feet.
- Townhouse – Maximum height cannot be lower than the height limit for single-family detached dwellings; if covered or structured parking is required, the height standards must allow construction of at least three stories.
- Cottage cluster – [No restriction on height standards.]

(.03) Waiving or adopting development requirements

This section gives the Development Review Board authority to waive or adopt certain development standard in PD zones. **The project team proposes adding an exception that additional requirements or restrictions cannot conflict with established clear and objective standards or be grounds for denying a residential application that has selected the clear and objective path for approval.**

OAR Compliance: This is consistent with OAR 660-046-0215, which states that *“Large Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Middle Housing consistent with the requirements of ORS 197.307.”*

Nothing else in section 4.113 appears to be out of compliance with the OARs. The revisions noted here also comply.

4.120 RA-H Residential Agricultural – Holding Zone

Applicability of Middle Housing Requirements

As stated in subsection 4.120(.01), “the purpose of the RA-H zone is to serve as a holding zone to preserve the future urban level development potential as undeveloped property designated for more intensive development.” RA-H land is designated with a range of Comprehensive Plan map designations, including Residential at various densities, Village, and Industrial. Generally, this land must be rezoned consistent with the underlying Comprehensive Plan designation at the time development is proposed; however, development of one single-family dwelling and ADU is permitted per lot without a zone change. Because this zone does not strictly implement a residential Comprehensive Plan designation, it is our current understanding that the RA-H zone is not subject to middle housing requirements. HB 2001 states that the requirements apply to *“areas zoned for residential use,”* and per OAR 660-046-0020(19), *“Zoned for residential use” means a zoning district in which residential dwellings are the primary use and which implements a residential comprehensive plan map designation.”*

The project team proposes a review of options and potential amendments to section 4.120 to clarify the purpose and applicability of the zone—including renaming the zone as “Future Development Agricultural – Holding.”

Key Issue: Enabling New Housing on Small RA-H Zoned Lots, Including Old Town

Much of the Old Town Neighborhood is designated for residential use on the Comprehensive Plan map, with an assigned density of 6-7 dwelling units per acre; however, most of these lots are zoned RA-H. As noted above, the City requires Zoning Map amendments concurrent with applications for development proposals, except for development of a single-family home. Zoning will not be changed to be consistent with the Comprehensive Plan until a development application on a specific site has been reviewed by the Development Review Board and approved by the City Council.

The City recently adopted design standards to ensure new development in Old Town is consistent with the unique historic character of the neighborhood (see Section 4.138). Because existing homes are older and smaller, leading to lower improvement to land value ratio, this area may be more likely to see redevelopment—including development of middle housing. However, the requirement for a Zoning Map amendment is a significant barrier, as it adds to the time and cost of housing development, and potentially introduces a lot of uncertainty to the process, which increases risk. It can also present a false sense of ability for noticed neighbors to influence outcomes; there is typically only one rezoning option and the DRB and Council would have very few if any legal grounds to deny a rezoning request consistent with Comprehensive Plan.

How can the City address smaller RA_H zoned lots in Old Town developed as single-family? There are ways to work toward greater consistency between the Comprehensive Plan and zoning in this area. The project team has identified four primary options to consider:

1. **Legislative rezoning** for the residential lots that are currently zoned RA-H to be consistent with their Comprehensive Plan designation. Rezoning was recommended in the Old Town Neighborhood Plan, but did not move forward at the time the plan was adopted (in 2011). This would be the most straightforward approach, as it would remove the barrier imposed by the additional Zoning Map amendment process while delivering on an aspect of the neighborhood plan. However, it may not be favored by some existing Old Town residents, as it would have an effect of allowing middle housing without further public process or notice to neighbors.
2. **Conditional rezoning** pending property owner approval. This would rezone the residential RA-H properties consistent with the Old Town Neighborhood Plan, but the rezoning would only take effect on a given lot if its owner gives written approval. This would remove the Zoning Map amendment barrier, but may be more politically palatable than legislative rezoning because property owners could keep the current zoning if so desired.

3. **Amending the RA-H zone** to permit middle housing development without a rezone. This is a straightforward approach, but may not be consistent with the purpose of the RA-H zone, which is to preserve future potential for urban-level development.
4. **Streamlining or expediting the required process** for Zoning Map amendments. An example of an expedited rezone process is found in the Coffee Creek Industrial Design Overlay District. When a requested Zoning Map amendment in this area is consistent with the Comprehensive Plan designation, the request is reviewed by the City Council without needing review by the Development Review Board or Planning Commission. This would not entirely remove the process barrier, but would at least reduce the review time.

Note: The considerations noted above could potentially apply in more areas than just Old Town. There are several other parcels in the city that are less than 2 acres in size (and therefore not subject to Planned Development requirements) and are designated for residential use in the Comprehensive Plan and zoned RA-H (including several such lots near SW Canyon Creek Rd and Boeckman Rd, along Montgomery Way, and near Wilsonville Road and Brown Road). This is an issue that will need more attention through this Middle Housing Code Update process.

Planning Commission Feedback:

There was not clear direction from the PC on this topic, but they expressed the most support for rezoning the RA-H lots to facilitate middle housing development. Some PC members questioned the benefits of the “conditional rezoning” approach and suggested that legislative rezoning would be a more straightforward approach. The project team will continue exploring this issue as the project progresses.

4.122 Residential Zone

Single-family detached dwellings are permitted outright in this zone, therefore middle housing must also be permitted. **The project team proposes:**

- **Uses:** Adding middle housing to the list of permitted uses.
- **Density:**
 - Exempting duplexes, triplexes, quadplexes, and cottage clusters from density calculations as required by the OARs.
 - Applying a maximum density for townhouses of four times the density allowed for single-family development or 25 dwelling units per acre, whichever is less, as required by OAR 660-046-0220(3)(c).
- **Minimum Lot Size:** Updating the minimum lot size standards to generally be consistent with the OAR standards. The OAR minimum standards are as follows:

Duplexes: cities “may not require a minimum Lot or Parcel size that is greater than the minimum Lot or Parcel size required for a detached single-family dwelling in the same zone.”

Triplexes:

- “If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 5,000 square feet or less, the minimum Lot or Parcel size for a Triplex may be up to 5,000 square feet.
- If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 5,000 square feet, the minimum Lot or Parcel size for a Triplex may not be greater than the minimum Lot or Parcel size for a detached single-family dwelling.”

Quadplexes and Cottage Clusters:

- “If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a fourplex may be up to 7,000 square feet.
- If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Quadplex may not be greater than the minimum Lot or Parcel size for a detached single-family dwelling.”

Townhouses: “the average minimum Lot or Parcel size may not be greater than 1,500 square feet.”

The minimum lot size for single-family detached dwellings in the R zone is 5,000 sf. Therefore, to meet the minimum OAR standards in this zone:

- The minimum lot size for duplexes and triplexes can be no more than 5,000 sf.
- The minimum lot size for quadplexes and cottage clusters can be no more than 7,000 sf.
- For townhouses, the average minimum lot size can be no more than 1,500 sf. **For the R zone, the project team proposes going beyond the minimum OAR standards for townhouses by applying a minimum lot size of 1,250 sf.** This would be consistent with allowing four times the density for townhouses compared to a single unit on a 5,000-sf lot (as proposed above).
- **Minimum Lot Width / Street Frontage:** Reducing the minimum lot width and street frontage for townhouses to 20 ft.
- **Maximum Lot Coverage:**
 - The current maximum lot coverage standard is 30% for all buildings. For minimum compliance, the lot coverage standards for middle housing need only be the same as or less restrictive than the standard for single-family detached dwellings. The exception is cottage clusters, which must be exempt from lot coverage standards.

- **The project team’s initial proposal is to update the maximum lot coverage standards applicable to all housing types (except cottage clusters) to be consistent with the standards in the PDR zones. The lot coverage standards would be scaled to the size of the lot, so smaller lots would be allowed additional lot coverage.**
- Lot coverage is a primary barrier to making changes to existing homes as homes are often built to maximum lot coverage. Not updating lot coverage to be consistent throughout the City would be a substantial barrier to middle housing on many R zoned lots.

OAR Compliance: With the amendments proposed above, this section is expected to comply.

Best Practice: While not required by the OARs, lot coverage that works for single-family detached dwellings may not work for townhouses and some other types of middle housing. This potential barrier will be further explored during the Siting and Design Concepts phase of the project (Task 2.3).

4.124 Standards Applying to All Planned Development Residential Zones

Single-family detached dwellings, duplexes, and multiple-family dwellings are among the uses “typically permitted” in all PDR zones; therefore, most middle housing types are already permitted in these zones. **Amendments to this section are needed to make this use allowance more explicit and to update the development standards for middle housing. The project team’s proposed amendments include:**

- **Uses:** Adding middle housing to the list of “typically permitted” uses.
- **Density:** Adding density exemptions (same as noted above for Section 4.122).
- **Minimum Lot Size:** Updating the minimum lot size standards consistent with the OAR minimum standards (see Section 4.122 for the OAR standards).
 - In all PDR zones, apply the same minimum lot size for duplexes as that for single-family detached dwellings. Apply a minimum lot size for townhouses of 1,500 sf.
 - PDR-3 through PDR-7: These zones have minimum lot sizes of less than 5,000 sf; therefore, the team proposes a minimum lot size of 5,000 sf for triplexes and 7,000 sf for quadplexes and cottage clusters.
 - PDR-1 and PDR-2: These zones have minimum lot sizes of 20,000 sf and 7,000 sf, respectively. Therefore, the team proposes the same minimum lot sizes for triplexes, quadplexes, and cottage clusters.
- **Minimum Lot Width / Frontage:** Updating the minimum lot width and street frontage standards for townhouses to be 20 ft, consistent with minimum OAR compliance.
- **Maximum Lot Coverage:** Exempting cottage clusters from maximum lot coverage standards.

OAR Compliance: With the amendments proposed above, the development standards in this section are expected to comply.

Best Practice: Similar to the R zone, the project team proposes to examine maximum lot coverage standards in the PDR zones to consider whether they pose barriers to middle housing development.

4.125 V – Village Zone

The Village zone applies within the Villebois Village Master Plan area. The OARs provide some alternative options for compliance with the middle housing requirements in existing Master Planned Communities. Per OAR 660-046-0205(2)(c)(B), a city may regulate or limit development of “higher” middle housing (types other than duplexes) in undeveloped portions of the master planned area (as of January 1, 2021), as long as it permits a net residential density of 8 units per net acre overall and permits duplexes on every lot. After a master planned area is built out, cities cannot limit development of middle housing (i.e., as infill or redevelopment) beyond the minimum OAR compliance standards.

The preliminary amendments proposed for the Village zone assume that Villebois meets the residential density threshold for the alternative compliance option in existing Master Planned Communities. **The team proposes the addition of a new subsection intended to allow the potential future redevelopment of additional middle housing units, as required by the OAR. The proposed new language would comply with OAR standards by providing:**

- **Density exemptions for middle housing;**
- **Minimum lot size standards consistent with minimum OAR compliance; and**
- **A 10-ft limit for cottage cluster setbacks.**

The proposed new subsection also applies the design standards of the Architectural Pattern Book that corresponds to the applicable Preliminary Development Plan (PDP). Lastly, the proposed amendments also prohibit application of the V zone outside the Villebois Village Master Plan boundaries.

It is important to note that because Villebois was developed so recently, and relatively densely, redevelopment is unlikely for many years, if at all. Additional consideration of the V zone and Villebois Village Master Plan is incorporated into memo 1.2, which addresses modifications to legislative master plans.

OAR Compliance: The existing design standards in subsection 4.125(.14) and in the Architectural Pattern Books apply to single-family detached dwellings. OAR 660-046-0225(1)(c) allows cities to apply the same standards to middle housing as apply to single-family dwellings, as long as the standards are clear and objective and the requirements do not scale based on the number of units. For example, if main entries for single-family dwellings are required to be covered, the code cannot require the entry for each unit of a quadplex to be covered. Some modifications to the Villebois design standards will be needed to comply with this requirement. This will be further explored in Task 2.3.

With the proposed amendments, Table V-1 meets the OAR standards in terms of minimum lot size, minimum lot width, maximum building height, and minimum setbacks. The table will also meet minimum standards for maximum lot coverage, as long as cottage clusters are exempted.

4.127 RN – Residential Neighborhood Zone

The Residential Neighborhood zone implements the Frog Pond West Master Plan and will implement future phases of the Frog Pond Plan (East and South). The zoning designation will be applied within the Frog Pond area as development is proposed and as land is annexed into the city. Because much of Frog Pond is not yet developed, or has not yet received land use entitlements, this is a key opportunity area for middle housing development and will be a focus of the Middle Housing in Wilsonville Project. Several middle housing types—attached single-family dwelling units (i.e., townhouses), duplexes, and cluster housing—are already permitted in the RN zone.

While the OARs provide alternative options for compliance with the middle housing requirements in existing Master Planned Communities, the Frog Pond West Master Plan does not currently meet the necessary criteria for these options. As noted above for the Village zone, the OARs allow cities to regulate or limit development of “higher” middle housing areas with an existing master plan, as long as they permit a net residential density of 8 units per net acre overall and permit duplexes on every lot. However, based on the maximum unit counts assigned to each subdistrict in the Frog Pond West Master Plan, a density of 8 units/net acre will not be achieved (Frog Pond West has an average net density of 6.7 dwellings per acre). Without changes to the master plan, the City must allow all middle housing types in the RN zone.

The City will have options to consider regarding its approach to middle housing in Frog Pond West of either allowing all middle housing types or modifying the existing master plan to reach 8 dwelling units per acre. This issue is explored further in memo 1.2 and warrants additional attention through the Middle Housing Code Update process.

As a starting point, the project team proposes amendments to section 4.127 consistent with the compliance approach selected for the Frog Pond West Master Plan.:

OAR Compliance: As noted above, the OARs allow the City to apply the same design standards to middle housing that apply to single-family detached dwellings; however, the standards cannot scale based on the number of units. Some initial amendments to the design standards are proposed to address this issue, but additional revisions may be needed. This will be further addressed in Task 2.3.

Best Practice: The project team also proposes adding a purpose statement to this section that addresses equity and affordability, consistent with the Equitable Housing Strategic Plan and consistent with any updated to the Frog Pond West Master Plan.

4.138 Old Town (O) Overlay Zone and Old Town Single-Family Design Standards

The Old Town overlay zone establishes design standards within the Old Town neighborhood. This code section references the Old Town Single-Family Design Standards Book as applying to single-family and duplex development within the overlay zone. **The design standards in section 4.138 and the design standards book will need to be updated so they apply to higher middle housing types as well.**

OAR Compliance: As noted previously in this memo, the City may apply the same design standards to middle housing as apply to single-family detached dwellings, provided they do not scale based on the number of units. Some of the design standards will likely need to be revised to comply with this provision. Further, design standards cannot apply to middle housing created by converting or adding to existing single-family detached dwellings (per OAR 660-046-0225(2)). This will be further addressed in Task 2.3.

Middle housing must also be permitted through the same approval process as single-family detached dwellings. Per subsection 4.138(.03)(B), single-family and duplex developments in the O zone are reviewed through the Class I Administrative Procedure concurrently with building plan review. The same procedure must also apply to middle housing.

4.139.00 – 4.139.11 Significant Resource Overlay Zone (SROZ)

This section of the code implements Wilsonville’s natural resource protection regulations, in compliance with Statewide Planning Goal 5 and Titles 3 and 13 of the Metro Urban Growth Management Functional Plan. Per OAR 660-046-0010, local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals. While duplexes must be allowed on every lot or parcel that allows development of a single-family detached dwelling, higher middle housing may be restricted in Goal 5 riparian areas, wetlands, and wildlife habitat areas.

OAR Compliance: Subsection 4.139.04(.17) states that new single-family dwellings are exempt from these regulations as long as the building does not encroach into the Impact Area and/or SROZ; this exemption must be extended to the development of new duplexes as well. Similarly, the allowance for single-family dwellings on lots with limited buildable land through Class II review must also apply to duplexes.

4.140 Planned Development Regulations

This section provides the review process, submittal requirements, and approval criteria for planned developments (PDs).

Planned Development Approval Process

Per OAR 660-046-0215, middle housing must be subject to the same approval process as applies to detached single-family dwellings in the same zone and must be subject to only clear and objective

standards, criteria, and procedures. Even though the Planned Development process includes review by a board and is therefore discretionary, review of housing development for compliance with siting and design standards is clear and objective. During Planned Development review, the Development Review Board reviews the overall development and lot configuration for consistency with the Comprehensive Plan, Development Code, traffic impacts, and availability of facilities and services. When it comes time to apply for building permits on individual lots, single-family dwellings, duplexes, and certain other housing developments are reviewed administratively for compliance with the applicable siting and design standards. **Middle housing will need to be subject to this same process that applies to single-family dwellings.**

Adherence to Approved Plans

All residential sites greater than two acres must be developed as PDs. As such, most of the neighborhoods in Wilsonville were created through the PD process. Once a final plan is approved, per subsection 4.140(.09)(L), “The approved final plan and stage development schedule shall control the issuance of all building permits and shall restrict the nature, location and design of all uses.” In other words, the PD essentially overrides the underlying zoning regulations. This is an issue for middle housing because residential PDs allow only single-family detached dwellings in areas of the PD planned and approved for single-family. Thus, even if the City amends the PDR zones to allow middle housing, the use provisions of the approved PD would override the zoning, serving as a barrier to construction to new middle housing in areas of the city where it is not already built and approved.

The project team proposes that language be added in this section to provide a path for updated PDR zoning standards to apply within an existing PD. At that point, the PD would be considered “legal non-conforming” and would be subject to the standards of Sections 4.189 through 4.192. As proposed, this would happen when one of the following takes place:

1. The zoning of land within the PD area has been changed since adoption of the plan;
2. The zoning standards for the zone under which the PD was approved have been substantially modified (as defined by the new proposed code); or
3. City Council declares all PDs within a certain zone are to become legal non-conforming—either as a standalone ordinance or as part of updating or replacing zoning standards. This would allow PDs to be made legal non-conforming even if amended zoning standards do not quite meet the threshold for “substantial modification.”

These proposed additions are intended to ensure that any code amendments to allow middle housing in the PDR zones would apply even within approved PDs.

4.155 General Regulations – Parking, Loading and Bicycle Parking

The OARs place limits on the amount of off-street parking that can be required for middle housing. Wilsonville’s existing parking standards comply with OAR standards, as they require only one parking space per dwelling for residential developments with nine or fewer units. **Accordingly, a**

minor amendment is needed to the off-street parking standards in Table 5 to add a reference to middle housing.

Separate from middle housing, HB 2001 also prohibits cities from applying off-street parking mandates to ADUs. **This should be addressed by stating that no parking is required for ADUs.**

Also somewhat separate from middle housing, a new subsection 4.155(.02)Q is proposed that applies additional standards for garages. This proposed amendment relates to a previous study regarding the City's parking standards. The intent of the standards is to address a common complaint that garages placed to meet minimum parking standards are not being used for parking. This is an opportunity to ensure that garages associated with middle housing—and other housing types—are used for their intended purpose, and not for other uses like storage.

OAR Compliance: With the proposed revisions, this section should comply.

4.177 Street Improvement Standards

The project team proposes only one minor change to this section. Currently, residential private access drives can provide primary access to no more than four dwelling units. This effectively disallows any of the existing homes on a property that is served by a private access drive from being redeveloped as middle housing. **The team proposes to change the allowance to four residential lots.** A per-lot basis would allow each of those lots served by a private drive to be a single-family home or multi-unit middle housing.

OAR Compliance: It appears no other changes are needed for minimum compliance.

4.400 – 4.450 Site Design Review

As noted above in relation to section 4.030, building permits for single-family dwellings are reviewed through the Class I administrative procedure, and the same approval process must apply to middle housing. Accordingly, single-family dwellings, and other housing types subject to Class I review, are exempted from the Site Design Review provisions. **The only change proposed for this section is to add middle housing to the list of exempted development types.**

Additional Middle Housing Barrier: Existing CC&Rs

It should be noted that existing covenants, conditions, and restrictions (CC&Rs) are likely to restrict middle housing within many existing neighborhoods in Wilsonville. CC&Rs are rules established by a developer or homeowners association that govern residences in a particular development—typically a subdivision or planned development. CC&Rs are usually attached to the title of a property and may place certain restrictions on uses, activities, and improvements in a development. Some CC&Rs associated with new developments prohibit more than one dwelling unit on a lot and can effectively prohibit the development of middle housing. HB 2001 prohibits the establishment of new CC&Rs or similar instruments that would prohibit middle housing or accessory dwelling units in a residential neighborhood. However, Wilsonville and other cities do not have the authority to eliminate, or enforce,

existing CC&Rs. This will likely limit the potential for infill development in many areas of the city. CC&Rs are a significant barrier to middle housing that the City can do little to address at this time.



MEMORANDUM**Master Plan Audit Memo (Task 1.2)**
Wilsonville Middle Housing Code Update

DATE January 22, 2021
TO Dan Pauly, City of Wilsonville
FROM Kate Rogers and Joe Dills, Angelo Planning Group
CC Ben Weber, Emma-Quin Smith and Ross Determan, SERA Architects
Becky Hewitt and Tyler Bump, ECONorthwest

I. INTRODUCTION

The purpose of this memorandum is to identify potential amendments to Wilsonville’s adopted legislative master plans necessary to comply with Oregon House Bill 2001 (2019) (HB 2001) and/or increase opportunities for middle housing in Wilsonville. The audit focuses on the Frog Pond West Master Plan and Villebois Village Master Plan. In addition to legislative master plans, it includes a review of the Old Town Neighborhood Plan and how any planned implementation tasks are impacted by HB 2001. This is a continuation of the project team’s work in auditing the Wilsonville Development Code and Comprehensive Plan (Task 1.1).

This memo is a synthesis of: audits initially prepared by City staff; additional audit work by Angelo Planning Group; work sessions by the project team; and a Planning Commission work session on January 13, 2021. As used in this memo and HB 2001, “middle housing” includes duplexes, triplexes, quadplexes, townhouses, and cottage clusters.

Why Master Plan Revisions are Needed

The Frog Pond West and Villebois Village plans are both considered “legislative master plans” and were adopted by ordinance by the Wilsonville City Council. Wilsonville’s legislative master plans are considered “supporting documents” of the Wilsonville Comprehensive Plan (Plan), with the regulatory force and effect of the Plan. As such, amendments to legislative master plans are needed to comply with HB 2001 in the same way that Comprehensive Plan amendments are needed (as described in the Task 1.1 memo). Further, the Development Code references parts of the master plans as regulatory elements, which are applied as standards and review criteria during development review.

The Old Town Neighborhood Plan was adopted by resolution, rather than by ordinance, with a direction to work on specific tasks in the future. It was not adopted with the force of law to be used in itself for review of land use applications; therefore, amendments to the Old Town plan are not necessary for legal compliance with state law. However, amendments may be needed to ensure that the plan continues to be a useful policy document going forward, and contributes to the larger goal of increasing opportunities for middle housing in the city. Review of the document as part of this audit focuses on future recommended actions and supporting materials, but does not seek to update all outdated content in the plan.

Approach to the Master Plan Audit

The project team is applying three "lenses" to the Middle Housing Code Update process, and specifically to the Master Plan Audit:

1. **Compliance with HB 2001 and the administrative rules.**

This is a primary focus of the master plan audit. The Oregon Administrative Rules (OAR) that will guide cities' compliance with HB 2001 (OAR 660-046) are very prescriptive in specifying how cities must comply with the middle housing requirements. This memo identifies master plan content that will likely need to be amended in order to comply with the OARs.

2. **Likelihood of use by developers/property owners resulting in actual on-the-ground change.**

This memo focuses, in part, on areas of the city that are most likely to see future development of middle housing—particularly Frog Pond West, part of which is annexed and developing. In assessing development feasibility, the team is seeking to not only meet the state's minimum requirements but to facilitate and encourage middle housing development, where appropriate. As the project moves forward, the team will seek feedback from developers and others regarding the working amendments.

3. **Support for Equitable Housing Outcomes.**

New middle housing opportunities will implement the recommendations in the Wilsonville Equitable Housing Strategic Plan (EHSP) and be a tangible step forward along Wilsonville's roadmap to more equitable housing. This plan, adopted in June 2020, identifies a set of actions meant to move the city toward more equitable housing outcomes. Implementation Action 1B of the EHSP calls for the City to "Incorporate Equitable Housing Needs into Middle Housing Planning". The team is applying this lens in a qualitative manner at each step of the project.

II. FROG POND WEST MASTER PLAN

Background

The Frog Pond West Master Plan applies to a 181-acre area west of Stafford Road and north of Boeckman Road in East Wilsonville, which was added to the Metro region's Urban Growth Boundary in 2002. Frog Pond West is approximately one-third of the area that was concept planned as part of the Frog Pond Area Plan, which the Wilsonville City Council adopted in 2015. The Frog Pond West Master Plan, adopted in 2017, established a more detailed framework for developing a neighborhood of 452-571 homes—primarily detached single-family homes with a few duplexes. Portions of the Frog Pond West neighborhood have now been annexed into the City and are actively under development.

The Frog Pond East and South neighborhoods were added to the Urban Growth Boundary in 2018. The outcomes of this middle housing project will inform the future master planning work for those neighborhoods.

Assumptions About HB 2001 Compliance

The Oregon Administrative Rules (OARs) that implement HB 2001 provide alternative options for compliance with middle housing requirements in **existing Master Planned Communities**. Per OAR 660-046-0205(2)(c)(B):

If a Large City has adopted a master plan or a plan that functions in the same manner as a master plan before January 1, 2021, it may limit the development of Middle Housing other than Duplexes provided it authorizes in the entire master plan area a net residential density of at least eight dwelling units per acre and allows all dwelling units, at minimum, to be detached single-family dwellings or Duplexes. A Large City may only apply this restriction to portions of the area not developed as of January 1, 2021, and may not apply this restriction after the initial development of any area of the master plan or a plan that functions in the same manner as a master plan, except that a Large City may prohibit redevelopment of other housing types, such as multi-family residential structures and manufactured home parks.

This provision allows a city to limit development of “higher” middle housing (types other than duplexes) in undeveloped portions of the master planned area as long as it permits a net residential density of **8 units per acre overall** and permits duplexes on every lot. After a master planned area is built out, cities cannot limit development of middle housing (i.e., as infill or redevelopment) and must comply with the minimum OAR standards.

As adopted, the Frog Pond West Master Plan does not meet the residential density needed to qualify for this alternative compliance option. Based on the maximum unit counts assigned to each subdistrict in the Frog Pond West Master Plan, a density of 8 units/net acre will not be achieved (Frog Pond West is planned for an average net density of 6.7 dwellings per acre).

Primary Options for Compliance

NOTE: These are the options that were presented to Planning Commission at their January 13 work session. Additional or hybrid options may also be considered. See the Planning Commission feedback summary at the end of Section II.

- **Option 1:** Keep the Master Plan’s current housing unit counts, but allow each single-family lot to be a duplex as required by House Bill 2001. The added capacity of the duplex allowance increases the net density above 8 dwelling units per net acre.
- **Option 2:** Modify the Frog Pond West Master Plan to specifically increase the number of units in various subdistricts to increase the residential net density to at least 8 units per acre.
- **Option 3:** Modify the Master Plan to allow all middle housing types and to reflect the OAR minimum standards.

Option 1 would retain the stated minimum and maximum standards for single-family detach housing in each subdistrict, but would not count duplex units toward those maximums (i.e., additional units could be permitted during review of development). By allowing duplex units to exceed unit maximums, Frog Pond West would achieve the increased density allowance that is required to qualify for the alternative compliance option. Considerations for this approach include:

- The Frog Pond Area Plan envisioned the West neighborhood as primarily single-family, with greater housing variety and higher densities planned for the East and South neighborhoods. Under Option 1 **single-family detached homes would likely continue to be the predominant housing type** because the market is strong for that form. From that perspective, this option may prove to be fairly consistent with the existing master plan. **Infrastructure impacts and feasibility for potential increased duplex units would need to be verified.** Likely, the cost-effectiveness of the infrastructure would be improved because more housing would be served by the same level of infrastructure investment.
- By allowing a duplex on every lot, the **density allowance in Frog Pond West increases by approximately 80-90% taking into account lots already developed.** As noted above, the actual increase in housing would likely be far less.

In **Option 2**, the City would amend the Master Plan to achieve a higher minimum density of 8 units per acre (an increase of about 91 dwelling units), and therefore be eligible for the alternative compliance option for existing master-planned communities—meaning the City would not need to allow all middle housing types per the standard minimum compliance requirements. Additional density could be achieved in a few different ways:

1. By increasing the maximum dwelling unit counts (likely in the Large Lot and/or Medium Lot subdistricts) and lowering minimum lot sizes in those subdistricts as needed;
2. By modifying the subdistrict boundaries to increase the area of the Small Lot subdistricts; or
3. By allowing lot size reductions on a limited basis—say, as a percentage of lots within a given block.

Also, like Option 1, duplexes would be permitted on any lot and would not count toward density maximums.

Considerations for this approach include:

- Like Option 1, **infrastructure impacts and feasibility would need to be verified**. The cost-effectiveness of the infrastructure would likely be improved because more housing would be served by the same level of infrastructure investment.
- In round numbers, Option 2 would result in **about a 120-130% increase in density allowance** in Frog Pond West. The density increase is approximately 20% in the approximately 91 new identified units, with the other 100-110% in duplex potential less likely to be built.

Option 3 would allow all middle housing types in Frog Pond West and would not limit densities for middle housing consistent with the standard minimum compliance standards in the OAR. This option also focuses on modifying the implementing zoning (RN—Residential Neighborhood zone) rather than the Master Plan. Considerations for this approach include:

- This option is the most different housing concept from the Frog Pond West Master Plan – it **maximizes the opportunity for middle housing** in this first Frog Pond neighborhood. Because much of Frog Pond is not yet annexed or has land use entitlements, there is significant potential for additional middle housing.
- The potential for substantially more housing in Frog Pond West **would require a re-analysis of the infrastructure systems**. The presence of already built water and sewer lines at the southern (downstream) end of the neighborhood may (or may not) constrain the size of infrastructure in the unbuilt areas of the neighborhood. As described above, the cost per

Planning Commission Feedback:

- The Commission acknowledged that public outreach will be important for changes to Frog Pond West. The more the variation from the currently adopted plan and code, the more robust the outreach should be.
- Several Planning Commissioners stated that Frog Pond West updates related to middle housing should be in keeping with the Equitable Housing Strategic Plan – i.e., that Frog Pond West is an opportunity to build housing that is called for in the strategy. (Note: the unbuilt capacity remaining in Frog Pond West is approximately 500 homes).
- Commissioners recognized that allowing middle housing in Frog Pond West is just an enabling step and may not result in any middle housing units actually being built (other than the small amount of duplexes already required in Small Lot Subdistricts).
- Other Preference: in an option poll, the Commission:
 - Supported Option 2 with the caveat that added units should be middle housing
 - Noted Option 3 goes too far
 - Generally thought Option 1 was too minimal an approach

dwelling for infrastructure would be less, potentially substantially. Traffic impacts would also need to be more intensely analyzed with this option.

- In round numbers, this option is about a **theoretical increase in density allowance of about 300%. However, in practice, the actual number would be less** because of market preferences and various requirements that would limit the land available (needs for storm water facilities, street and path connectivity, tree preservation and similar factors).

Potential Amendments for Frog Pond West

A summary of potential amendments needed to comply with HB 2001 is provided below. They are stated as “proposals,” meaning they are proposed for Planning Commission consideration and use in stakeholder outreach. Some amendments are needed regardless of which of the above options the City chooses as its path to compliance. Where different amendments would be needed for different options, those are identified as “Option 1,” “Option 2,” or “Option 3.” NOTE: HB 2001 could have significant implications for Frog Pond West, however, few actual amendments to the Master Plan text are expected to be necessary. Most of the amendments that will be needed for compliance with state law are in the Development Code (i.e., the Residential Neighborhood zone).

Vision, Principles, and Intent

The team proposes to add a section summarizing and explaining the Master Plan update:

- Describe recent City planning efforts (Equitable Housing Strategic Plan) and changes to state law (HB 2001).
- Explain how integrating Middle Housing into Frog Pond West helps implement the EHSP and HB 2001. Summarize the purpose of the Master Plan revisions.

Land Use

The Frog Pond Area Plan map (Figure 4) identifies subareas in Frog Pond West (R-10 Large Lot SF, R-7-Medium Lot SF, and R-5 Small Lot SF). Because modifications to the overall Area Plan are not proposed, we do not propose changes to this map. However, a disclaimer could be added stating that refinements/clarifications have been made as part of the Master Plan revisions.

- **Subdistrict Labels** – Remove references to “single-family” from residential subdistrict designations. (Do this throughout the Master Plan.)
 - R-10 Large Lot ~~Single-Family~~
 - R-7-Medium Lot ~~Single-Family~~
 - R-5 Small Lot ~~Single-Family~~

Even if the City limits middle housing in Frog Pond West (per Options 1-2), it will need to allow duplexes throughout each subdistrict; therefore, the “single-family” label no longer applies.

- **Maximum Densities**
 - Option 1 and Option 2: Exempt only duplexes from maximum density calculations.

- Option 3: Exempt duplexes, triplexes, quadplexes, and cottage clusters from maximum density calculations. Selection of this option means that the maximum density for townhouses would be four times that otherwise stated, with a cap of 25 units per acre (as allowed by OAR).
- **Table 1. Minimum and Maximum Dwelling Units Permitted in Each Subdistrict**
 - Option 2: The approach to modifying Table 1 depends on the chosen approach for achieving an overall density of 8 dwelling units per net acre, as noted above. If additional units are assigned to specific subdistricts or the Small Lot subdistrict boundaries are modified, those changes will need to be reflected in Table 1. Some considerations for how additional units are assigned:
 - The Large Lot and Medium Lot subdistricts likely offer the best opportunity to increase unit counts.
 - The Small Lot subdistrict is already challenged to achieve maximum unit counts, given requirements for connectivity, stormwater, open space, etc.
 - Minimum lot sizes may need to be amended to achieve higher unit counts.
 - The distribution of additional units may also depend on which subdistricts are currently being developed.
 - All Options: Potentially add a note about density exemptions for middle housing.
- **Figure 6. Frog Pond West Land Use and Subdistricts**
 - Option 2: If the Small Lot subdistrict boundaries are modified to increase overall density, this will need to be reflected (or noted) in the land use map.

Residential and Community Design

- **Consistency with RN Design Standards** (all Options) – Amendments may be needed for consistency with the OAR provisions for design standards in the RN zone. For example, per OAR 660-046-0225, the City can apply the same design standards to middle housing that apply to single-family detached dwellings, but the standards cannot scale based on the number of units.
- **Precedent Images** – Consider adding precedent examples of duplexes (for Options 1 or 2) and other middle housing types (for Option 3).

Residential Design Standards:

This section outlines key residential design principles and standards, including windows and articulation, architectural detailing, and house plan variety.

- **House Plan Variety** (Option 3) – Potentially amend this section to reference middle housing types. Clarify whether and how the elevation of each townhouse/row house unit must be differentiated, or whether a set of attached units can be considered a single elevation for the purpose of house plan variety.

Lot and Site Design in Small Lot Subdistricts:

This section includes special standards and allowances for development in the Small Lot

subdistricts. This includes allowances for units to be grouped around a common green/courtyard and for entries to face a pedestrian path.

- **Cluster Housing** (Option 3) – Potentially add reference to cottage clusters where “cluster housing” is mentioned. (Cottage clusters are very similar to cluster housing, but must meet the state’s definition, including the 900-sf limit on building footprint.)

Parks and Open Space Concept

The Master Plan intends for Frog Pond West to be a green community, with ample parks and open spaces that are integrated into a green and walkable open space system. The system includes natural areas (principally Boeckman Creek), the powerline corridor, a 2.5-acre neighborhood park, a 1.5-acre trailhead park, open space at the planned school, preserved trees and undeveloped wetlands, pedestrian greenways, tree-lined streets, platted open spaces, and 10% open-space areas in the Small Lot Subdistricts. This approach was developed over the course of many discussions with the Planning Commission and stakeholders.

With the addition of middle housing, Frog Pond will potentially have more homes than currently planned and the need for additional open space. The project team believes the most appropriate way to address this issue is to require an open space set-aside per development in the form of accessible greens, courtyards, community gardens, tot lots, public pedestrian ways and similar active green spaces. This provision is already in place for the Small Lot subdistricts and could be applied in the Medium and Large Lot subdistricts as well. An example of how this could be accomplished in the Development Code is to trigger the 10% open space requirement when an applicant proposes XX percent more units than what’s defined in the Master Plan (e.g., 30% increase in units). The project team will need to determine an appropriate trigger for the additional open space requirement, in order to avoid an oversupply of open space in Frog Pond West.

Implementation: Infrastructure Funding Plan

The Master Plan outlines a strategy for financing needed improvements to Boeckman Road, Stafford Road, and the Neighborhood Park. The strategy establishes a supplemental fee for all development in Frog Pond West. However, the current Master Plan assumes development of only single-family homes and some duplexes, and the revenue estimates for the fee were made using 80% of maximum density to yield a conservative estimate of potential revenue. It will be important to determine how financing will work if duplexes are allowed on every lot (per Options 1 or 2) or if all middle housing is allowed (per Option 3). The fee structure will be an important consideration for middle housing feasibility. There are two basic options to consider in structuring the fee:

- Apply the same fee per unit, regardless of housing type, toward the goal of generating additional revenue for Frog Pond infrastructure.
- Apply the supplemental fee based on land area and allow middle housing to pay only a percentage of the fee, toward the goal of providing economies of scale for additional middle housing. The reduced fee would act as an incentive for middle housing development, which would be in line with the goals of the Equitable Housing Strategic Plan. Further, even if fees

are divided among dwelling units, the total should still add up to be an amount that's adequate to construct all the necessary infrastructure.

III. VILLEBOIS VILLAGE MASTER PLAN

Background

The Villebois Village Master Plan was first adopted in 2003 (amended several times since) and establishes a development plan for an approximately 480-acre area on the west side of Wilsonville. The Master Plan followed adoption of the Villebois Village Concept Plan, which envisioned the area to become an “innovative mixed-use community that will include three distinct residential neighborhoods with more than 2,300 homes, a viable commercial and employment core, an interconnected series of roads and trails, and a strong commitment to natural spaces and the environment.” Today, Villebois has been largely built-out consistent with the Concept Plan and Master Plan. Villebois already incorporates several types of middle housing, including row houses, duplexes, and cluster housing, as well as larger multi-family dwellings.

Assumptions about HB 2001 Compliance

The project team's assumption regarding Villebois Village is that it qualifies for the OAR specific provisions for **existing Master Planned Communities**, as described in the previous section. The overall residential density planned for Villebois Village is at least 10 dwelling units per net acre, which exceeds the minimum threshold of 8 units per acre. This allows the undeveloped portions of the Master Plan area to build out as previously planned other than allowing duplexes on all lots that allow single-family. For the built-out portions of Villebois and the undeveloped areas after they are developed, the City will need to allow middle housing to be developed in the future as infill or redevelopment on any lot where single-family detached dwellings are allowed. (However, as noted in the Task 1.1 Plan and Code Audit memo, because Villebois was developed so recently, and relatively densely, redevelopment is unlikely for many years, if at all.)

Potential Amendments for Villebois

The team expects that few amendments to the Villebois Village Master Plan will be needed to comply with HB 2001. The purpose of the Master Plan is to guide initial development in Villebois (which has mostly already happened). After that, the Village zone regulations and Architectural Pattern Books for specific areas will guide any future infill development or redevelopment. The few amendments that the project team does propose are listed below.

- **Master Plan Update** – In an introductory section, include an update similar to the one proposed for the Frog Pond West Master Plan explaining the changes to state law and any amendments to the plan.

- **Implementation Measures** – Section 2.2 outlines goals, policies, and implementation measures to guide the development of Villebois Village. The team recommends adding implementation measures that address the required middle housing provisions:
 - Any lots not yet developed as of January 1, 2021 that are designated for single-family dwellings must also allow a duplex.
 - After initial development, all lots designated for single-family dwellings must allow redevelopment to add any middle housing type.
- **Glossary** – Update the definition of “row house” to be consistent with the Development Code definition—including any revisions as part of the Middle Housing Code Update. The Development Code defines row houses as rows of often identical homes that can either be attached or detached.

Planning Commission Feedback: The information presented was consistent with the Commission’s discussion in December. The potential amendments for Villebois are very minor. There were no further questions or comments regarding Villebois.

IV. OLD TOWN NEIGHBORHOOD PLAN

Background

The Old Town Neighborhood is located along SW Boones Ferry Road, just north of the Willamette River. Old Town represents the oldest neighborhood in the city, with some homes dating back to the 1880s and early 1900s. The neighborhood developed incrementally with a variety of architectural styles reflecting housing trends from each respective period. Most of the development occurred in the county before Wilsonville was incorporated. Dwellings are mostly single story with large yards and mature trees.

Assumptions About HB 2001 Compliance

Old Town does not qualify for any special provisions in the OAR and must be treated as any other existing residential neighborhood in Wilsonville, allowing middle housing on lots that are zoned for single-family dwellings. Also, as noted in this memo’s introduction, amendments to the Old Town Neighborhood Plan are not necessary for legal compliance with state law. Proposed updates focus on updating the regulatory context of the plan (i.e., reflecting HB 2001 and state ADU requirements) and updating the plan’s recommended actions.

Potential Amendments for Old Town

The project team’s proposed amendments focus on Chapter 6, Land Use.

- **State Regulations** – In the section summarizing state rules and regulations, include a summary of the state’s requirements regarding middle housing and ADUs.

- **Metro Regulations** – Provide a summary of the Metropolitan Housing Rule (OAR 660-007) and related Metro code.
- **Comprehensive Plan Recommendations** – Update to reflect recent changes in ownership and development plans for specific lots referenced in the recommendations.
- **Zoning Designations**
 - Potentially update this section, which explains the required rezoning process for lands zoned RA-H, depending on the City’s approach to enabling development in Old Town, as discussed in the Task 1.1 Plan and Code Audit memo (or add a statement that these provisions have changed).
 - Potentially update Table 6.1, which compares the PDR-4, Old Town Overlay, and R zones, to reflect zone amendments for middle housing (or add a statement that these provisions have changed).
- **Zoning Recommendations** – Update recommendations regarding rezoning of residential lots in Old Town, depending on the City’s chosen approach. Options suggested by the project team—including legislative rezoning and “conditional rezoning”—are discussed in the Task 1.1 Plan and Code Audit memo.
- **Accessory Dwelling Units** – This section describes the City’s current provisions (at the time of plan adoption) regarding ADUs, as well as alternative proposals suggested by Old Town residents and developers.
 - Add an explanation of the state’s more recent requirements for ADU provisions, as enacted by Senate Bill 1051 (2017) and HB 2001. These laws require the City to allow an ADU on any residentially-zoned lot with a detached single-family dwelling. The statutes prohibit certain regulations, including owner-occupancy and off-street parking requirements and density limits for ADUs.
 - Update Table 6.2 (which compares the Old Town residents’ and developers’ proposals for ADUs to the Development Code standards) and the ADU recommendations to remove standards not allowed by state statute.

Planning Commission Feedback: The information presented was consistent with the Commission’s discussion of potential amendments for Old Town discussed in December. A Commissioner asked about how to protect the unique character of Old Town. Staff noted that the Old Town Residential Design Standards would continue to apply and serve the purpose of regulating quality design.

V. CONCLUSION

As proposed above, the amendments to the Frog Pond West and Villebois Village Legislative Master Plans should bring these plans into compliance with House Bill 2001 and associated statutes and Administrative Rules. The proposed amendments to the Old Town Neighborhood Plan should help ensure that the plan continues to be a useful policy document going forward.

Key considerations for each plan are summarized below.

Frog Pond West Master Plan: The most critical issue for Frog Pond West will be determining an approach to compliance with middle housing density requirements—to either ensure that adequate density is permitted so the City may qualify for the alternative compliance option, or to permit all middle housing types in undeveloped areas. This decision will impact the necessary amendments to the Master Plan as well as to implementing provisions in the Development Code (Section 4.127). Key issues include implementation of Wilsonville’s Equitable Housing Strategy, verification of needed infrastructure, the provision of adequate open space, and infrastructure funding.

Villebois Village Master Plan: The City’s approach to Villebois Village is much more straightforward and focused on ensuring middle housing is permitted in the future as infill or redevelopment.

Old Town Neighborhood Plan: Many of the proposed amendments to this plan focus on updating the narrative to be consistent with current laws and reflecting necessary amendments to the Development Code.

“Middle Housing” and Pending Changes to Wilsonville’s Housing Regulations

The passage of House Bill 2001 by the Oregon legislature in 2019 is requiring cities to conform to new requirements to support the growth of “Middle Housing,” which includes duplexes, triplexes, quadplexes, rowhouses, and cottage clusters (4+ smaller detached houses surrounding a shared courtyard).

Passage of HB2001 is requiring updates to the City’s Development Code and other documents to ensure compliance. Simultaneously, the City is working to implement action items identified in the City’s Equitable Housing Strategic Plan, adopted in June 2020, that might necessitate additional changes.

This document is intended to help community members become more familiar with the impacts of HB2001, the process of making Code adjustments and potential outcomes of the changes.

What is Middle Housing?

Many homes in Wilsonville are detached single-family homes or apartments. Middle Housing consists of housing types that typically fall somewhere in between those types. Middle Housing may include few units on a single lot (duplex, triplex) or homes on their own lots that share a common wall (row houses, attached single-family homes).

Does Middle Housing already exist in Wilsonville?

Yes. Examples of Middle Housing developed under existing zoning rules include: many single-family homes in Charbonneau and Villebois that share a common wall, duplexes along Metolius Lane, Montebello Drive, and Serene Drive, row houses in Villebois, and a cottage cluster development on Fir Avenue in Old Town.

Since we already support Middle Housing, what is changing?

House Bill 2001 includes changes to streamline the process developers must complete to build Middle Housing. Additionally, the bill exempts some middle housing from current density requirements.

What is the intent of these changes?

Changes are required in Wilsonville so that the City’s Development Code complies with the new State law. One of the State’s intentions with the passage of HB2001 is to provide more affordable housing options for more Oregonians. Additionally, the bill acknowledges that single-family zoning has historically been used as a tool to exclude communities of color, and revises zoning processes to support more inclusive communities.

The City’s Equitable Housing Strategic Plan, adopted in 2020, includes a recommendation to address potential barriers to inclusion within existing housing regulations. Implementation could require additional Code changes above and beyond those required by HB2001.

How will I know if Middle Housing is being built in my neighborhood?

The new State law allows Middle Housing to proceed with the same review process in place for detached single-family homes; generally, the only requirement is a building permit.

Currently, many Middle Housing types -- including triplexes (3-units), quadplexes (4-units), and cottage clusters (4 or more detached units around a shared courtyard) -- require notice to neighbors and a public hearing where neighbors can provide feedback on the design and other components. These public processes have been used by some neighbors to fight and exclude Middle Housing.

How are these changes likely to impact existing neighborhoods?

The City would begin using new process to review new development and redevelopment of single-family homes and Middle Housing. Much of the community outreach occurring in the coming months will focus on siting and design standards to ensure Middle Housing can integrate seamlessly into existing neighborhoods as well as future planned neighborhoods.

In the short-term, not much is changing. Gradually, over an extended period of time as redevelopment takes place in existing neighborhoods, actual density may increase. The City's siting and design standards are being updated to ensure that future development does not drastically alter the aesthetic, or perceived density, of existing neighborhoods.

How is new zoning affecting density?

The new state law removes much of Wilsonville's ability to limit "actual density" of Middle Housing through zoning rules but does allow reasonable control of "perceived density".

Most people perceive density by the look and feel of a neighborhood, considerate of the bulk or size of buildings and the separation among them. In terms of "perceived" density, the State law allows cities to adopt reasonable standards controlling the look and feel of Middle Housing. This includes regulating such things as setbacks and bulk of buildings as well as architecture. These rules comprise "siting and design standards" and by law, they cannot be different than rules that apply to detached single-family homes. Also, siting and design standards cannot substantially increase the cost of development or otherwise restrict Middle Housing. Upcoming community outreach is focusing on these siting and design standards to ensure future Middle Housing integrates into existing and planned neighborhoods.

In terms of mathematical (actual) density, HB2001 is requiring middle housing types (with the exceptions of row houses) to be exempt from density limitations. Row houses are permitted to be up to four times the otherwise maximum density, or up to 25 units per acre. Gradually, over an extended period of time, the new regulations do have the potential to increase actual density in existing neighborhoods where private covenants (CC&R's) do not prevent or restrict additional units. Greater density is likely in future neighborhoods not yet planned or developed.

Can private agreements/restrictions like CC&R's restrict Middle Housing?

The new State law prohibits new deed restrictions or real estate documents (including CC&R's) from restricting Middle Housing, but does not appear to apply retroactively. Existing neighborhoods with active HOA's generally have CC&R's that could restrict Middle Housing development. Because the City is not involved in the enforcement of CC&R's, an appropriate legal expert should be consulted to verify the applicability/enforceability of any private restrictions. After adoption of the updated Middle Housing zoning rules, the City would permit Middle Housing according to the City code. It would be up to a developer/property owner to verify any private restrictions, and up to an HOA or other private party to enforce.

Does increased Middle Housing mean more cars parked in neighborhoods and/or more availability of parking?

Wilsonville's existing rules generally require at least one parking space per housing unit. The new State law requires that Wilsonville maintain this ratio for Middle Housing units.

The City can consider the implementation of regulations to help ensure garages or driveways are used for parking, and not storage or other uses, in order to reduce the demand for street parking and shared spaces. The City cannot increase the required parking.

Where Can I learn more?

Oregon House Bill 2001: <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001>

Middle housing administrative rules adopted by the Oregon Land Conservation and Development Commission: <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=5988>

Equitable Housing Strategic Plan: <https://www.ci.wilsonville.or.us/planning/page/equitable-housing-strategic-plan>

1B: Incorporate Equitable Housing Needs in Middle Housing Planning

Summary

Oregon HB 2001 requires that local jurisdictions adopt zoning code regulations or comprehensive plan amendments to permit middle housing types in all areas that are zoned for residential use and allow for detached single-family dwellings. Middle Housing is considered “missing” because many cities’ zoning codes disallowed this type of housing in the postwar period. Middle housing encompasses housing types that fall between single-family development and larger, multiunit apartment buildings, such as duplexes, triplexes, and townhomes.

These changes will allow a diversity of unit types throughout Wilsonville, but the City will need to assess its own plans for future planning areas for Frog Pond as well as the restrictions in each of its existing neighborhoods. The City could explore implementation actions beyond HB 2001’s requirements, such as code changes to encourage accessibility or design options to promote affordability.

Wilsonville’s unique circumstances require a creative approach to implementing the HB 2001 requirements. Most of the City’s established neighborhoods are in planned unit developments, and a majority of planned housing units are located in large master plan areas with a variety of housing types. The City of Wilsonville is spearheading a project that will ensure that tools are in place to support the development of a range of housing types. As part of this project, the City will complete the following activities:

1. **Public outreach and education:** public events, a public engagement website, and a memo for duplex and middle housing design based on community inputs.
2. **Updating plans and codes:** review of density limits and other codes, revision of Frog Pond West master plan, and updated zoning code amendments. This will include an analysis of how zoning code requirements may affect the affordability of housing.
3. **Developing architectural standards:** research of architectural standards and architectural renderings.
4. **Reviewing and updating infrastructure plans:** projection of infrastructure needs, revision of Frog Pond West infrastructure plan, and citywide infrastructure update recommendations.
5. **Funding infrastructure:** analysis of various public service charge and permitting process options.

This action will intersect with **Action 1C**, which includes approaches for equitable development in newly master planned areas.

Rationale

The City will explore design standards and incentives to further expand the housing variety in Wilsonville. Not all residential communities have explicitly considered housing variety in previous planning efforts. Now there is an opportunity to address equitable housing concerns related to HB 2001.

Policy Objectives

1 (Diversity of Unit Types), 3 (Homeownership), 5 (Accessible Locations), 7 (Social Equity)

Summary of Stakeholder Feedback	There is interest in a broader variety of housing types, including starter homes and middle housing types, but the ability to incorporate those housing types into existing neighborhoods requires further study.
Potential Impact	◆◆ Changes are expected to happen incrementally. Some neighborhoods will likely see more of a diversity of development proposals than other neighborhoods, depending on building age, location, and other factors. When combined with financial incentives, these changes could have a greater impact on development feasibility for middle housing types.
Administrative Effort	◆◆ The City will explore potential amendments to the Development Code through a public process, adopt any Development Code changes that emerge from that process, and then review proposals through the existing development review process.
Applicable Geographies	Citywide, with a focus on Frog Pond
Partners	DLCD, Metro
Potential Funding Sources	DLCD grant, other regional funding sources, General Fund
Next Steps	<ul style="list-style-type: none"> • Understand state rulemaking around HB 2001 and implications for current master plans. • Assess to what degree the statewide requirements affect an area that has a master plan. • Identify regulatory barriers to duplex and middle housing development and needed updates for regulatory compliance. • Discuss possible financial, design, or other regulatory incentives for missing middle housing, and whether to target to specific geographies. Prior to the passage of HB 2001, other communities have used the following approaches to encourage middle housing outside: <ul style="list-style-type: none"> ○ Incentives for internal conversations, including alternative paths to code compliance, implementing exemptions to SDCs for internal conversions, reductions or waivers of off-street parking requirements. ○ Zoning code and regulatory approaches that incent middle housing development, such as modifications to development and design standards in the base zone, density bonus options, the creation of new zoning designations, or the implementation of an overlay zone. ○ Financial incentives, such as a middle housing property tax abatement or SDC waivers. • Resources to start with include: <ul style="list-style-type: none"> ○ Making Room: Housing for a Changing America. 2018. AARP. https://www.aarp.org/makingroom ○ Sightline Institute's research on affordable housing incentives and attitudes. https://www.sightline.org/



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: February 1, 2021		Subject: Town Center Streetscape Plan	
		Staff Member: Philip Bradford, Associate Planner	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: N/A			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Town Center Plan Implementation	<input checked="" type="checkbox"/> Adopted Master Plan(s): Town Center Master Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Staff will introduce the Town Center Streetscape Plan project, provide an overview on the work that has been completed on the project thus far, and present preliminary design concepts for City Council confirmation prior to the next round of public outreach.

EXECUTIVE SUMMARY:

In 2019, the Wilsonville City Council adopted the Wilsonville Town Center Plan, establishing a vision for a vibrant, walkable community hub that inspires people to come together and socialize, shop, live, and work. The Plan envisions a mixed-use development pattern that will result in a walkable and vibrant Town Center, home to active parks, civic spaces, and amenities that provide year-round, compelling experiences.

The intent of the Town Center Streetscape Plan project is to create a document that contains the specificity necessary to guide the future construction of the multi-modal street network identified in the Town Center Plan that achieves the well-designed public realm envisioned by the Plan. The Town Center Streetscape Plan will include sidewalk and street cross-sections that clearly define widths, amenity zones, and landscaping zones along with selecting specific street furniture, lighting, and materials to create a distinct visual appearance for Town Center. The Streetscape Plan will include streetscape treatments specific to the “Main Street District”, and also further refine design elements and street cross-sections for specific projects contained in the Town Center Plan such as parklets, a festival street, and components of the Emerald Chain.

The project team, led by project consultant SERA Architects, began evaluation of existing conditions and opportunities for the Town Center streetscape with a site visit in September 2020. This information, along with an overview of key streetscape concepts, was presented at online public forums in November. The forums provided an opportunity for attendees to learn more about the project and provide input on important streetscape elements to consider in the plan. Staff also created an ideas board on *Let’s Talk, Wilsonville!* to gather additional input on streetscape elements the public would like to see in Town Center. The project team shared the results of this input with the Planning Commission in November, gathering additional feedback on elements that will be critical in shaping the Streetscape Plan. A summary of key themes from these engagement efforts is attached (Attachment 1).

Using design input and themes gathered during the Town Center Plan as well as those highlighted in past City projects, such as the I-5 Bike and Pedestrian Bridge, Signage and Wayfinding Plan, and Bike and Connectivity Plan, the project team developed three preliminary design concepts – *Agricultural Legacy*, *River*, and *Technology*. Each design concept evokes a specific Wilsonville related theme that emerged while reviewing past projects. The themes will help ensure the plan fits the context of Town Center and reflects community preferences. At this work session, staff will present a brief overview of these preliminary design concepts, which will be the primary focus of upcoming online forums scheduled for February 9. Prior to seeking public input on the concepts, the project team seeks feedback from the Council on the following question:

- Are these three design concepts consistent with community expectations determined through prior public engagement and Town Center planning?
- After reviewing the design concepts, are there specific elements that capture the vision of Town Center that you would like to see emphasized in the streetscape plan?

At the upcoming online forums, the public will be able to learn more about the concepts and provide input on them to guide development of the Streetscape Plan. A short survey will also be available on *Let’s Talk, Wilsonville!* during February. Based on this feedback, the project team will develop a refined streetscape concept to serve as the basis for the Streetscape Plan. Additional work sessions are planned with the Planning Commission and City Council to review and provide input on the refined concept.

EXPECTED RESULTS:

The project team will incorporate City Council feedback as the three concepts are refined into a single concept to serve as the basis for the draft Town Center Streetscape Plan.

TIMELINE:

Project work and public engagement activities will continue throughout 2021 to further inform the design concepts utilized in the Streetscape Plan. Additional public engagement, including online forums and outreach on *Let's Talk, Wilsonville!* will occur in February 2021 to gather input on the three design concepts. Additional work sessions will be facilitated with Planning Commission and City Council over the course of the project. Refined design concepts and the draft plan will be presented to City Council in the spring of 2021. Adoption of the plan is anticipated during the summer of 2021.

CURRENT YEAR BUDGET IMPACTS:

The adopted budget for FY2020-21 includes \$185,000 for Town Center Implementation Activities in CIP project #3004. The Streetscape Plan is estimated to cost \$50,000, with all of these funds anticipated to be spent in the FY2020-21 budget year.

FINANCIAL REVIEW / COMMENT:

Reviewed by: CAR Date: 1/27/2021

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 1/27/2021

COMMUNITY INVOLVEMENT PROCESS:

The project team anticipates community outreach will be conducted through public forums conducted via Zoom, and other input opportunities on *Let's Talk, Wilsonville!* Stakeholder interviews are planned along with additional work sessions and public hearings before the Planning Commission and City Council.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

As a result of undertaking the Town Center Plan's implementation activities, including the Streetscape Plan, the City will begin to realize the community's vision for a more commercially vibrant, walkable, mixed-use Town Center.

ALTERNATIVES:

City Council can provide input on additional design elements and aesthetic themes to be considered in development of the Streetscape Plan.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Community Engagement Summary
2. PowerPoint Presentation



Public Forum / Planning Commission Feedback Summary – Town Center Streetscape Plan

The project team conducted two online public forums on November 10, 2020. The project team shared the results of the forums and sought additional feedback from the Planning Commission on November 12, 2020. Participants of the public forums and Planning Commissioners were asked the same four questions, which are as follows:

- The Town Center Plan feedback favored a modern /natural design aesthetic and use of wood, stone, glass, and brick; do you support these as some of the primary materials in the streetscape?
- Are there designs and key features in the Town Center today that you like and want to build upon for the Streetscape?
- Based on the example streetscapes just shown, are there any specific elements you would like us to consider as part of the design concepts for the streetscape?
- Do the three preliminary concepts capture the range of themes and ideas you would like to see further developed as we continue designing?

The purpose of this attachment is to provide an overview of the themes that emerged in response to these questions from public forum participants and the Planning Commission in order to familiarize City Council with the feedback received on the initial aesthetic direction of the Town Center Streetscape Plan.

Public Forums November 10, 2020

- Fully support modern / natural aesthetic
- Maintain similar look and feel as Murase Plaza and Town Center Park
- Expand upon and build new parks, open space areas, and fountains within future streetscapes
- Preference for natural, sustainable, and easy to maintain materials
- Incorporate covered / protected areas
- Improve lighting for pedestrian and bicycle safety
- Additional landmarks and wayfinding elements needed
- Develop a cohesive design aesthetic throughout Town Center
- Select appropriate tree species that will be viable long term
- Support for streetscapes such as Lake Oswego, OR and Bainbridge Island, WA (Winslow Way)



Planning Commission November 12, 2020

- Support for materials palette including wood, stone, and glass along with the incorporation of steel
- Use brick sparingly
- End result should have a timeless look
- Ensure materials can work with preference toward curvy lines
- Existing art is good but ensure more art can be incorporated for an outdoor art gallery feel
- Emphasize and connect existing features such as fountains, memorials, and public art
- Maintain uniformity but incorporate unique elements where appropriate such as "Emerald Chain"
- Concepts demonstrate project team is headed in the right direction
- Avoid hay bale planters shown
- River theme pairs well with I-5 Bike & Ped Bridge design aesthetic

CITY COUNCIL WORK SESSION

FEBRUARY 1, 2021

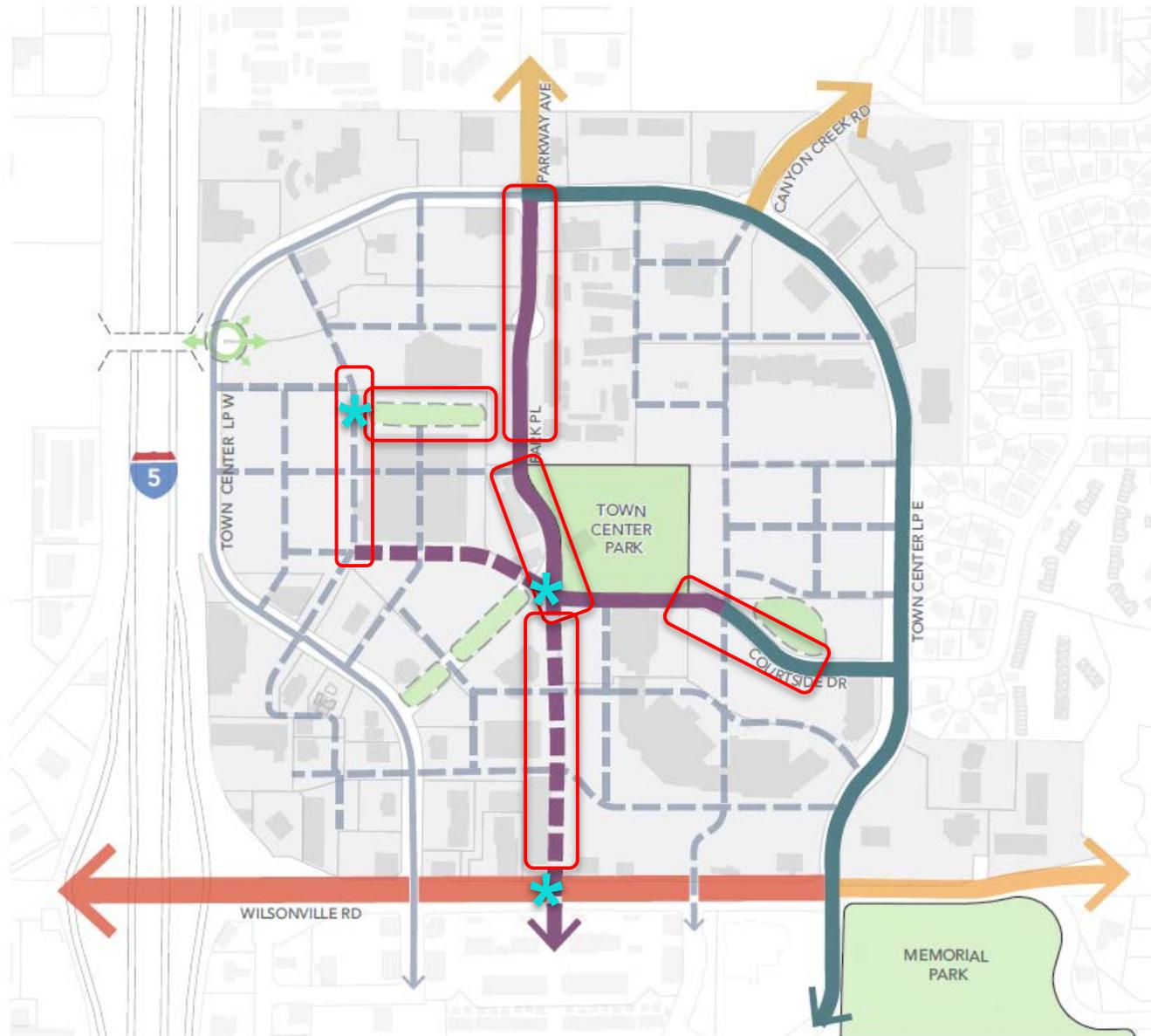


WILSONVILLE TOWN CENTER
STREETSCAPE PLAN

Meeting Agenda 02.01.21

- Project Introduction and Overview
- Existing Conditions
- Community Engagement Approach
- Preliminary Concepts
- Draft Refined Concepts
- Questions and Discussion

TOWN CENTER STREETScape DESIGN

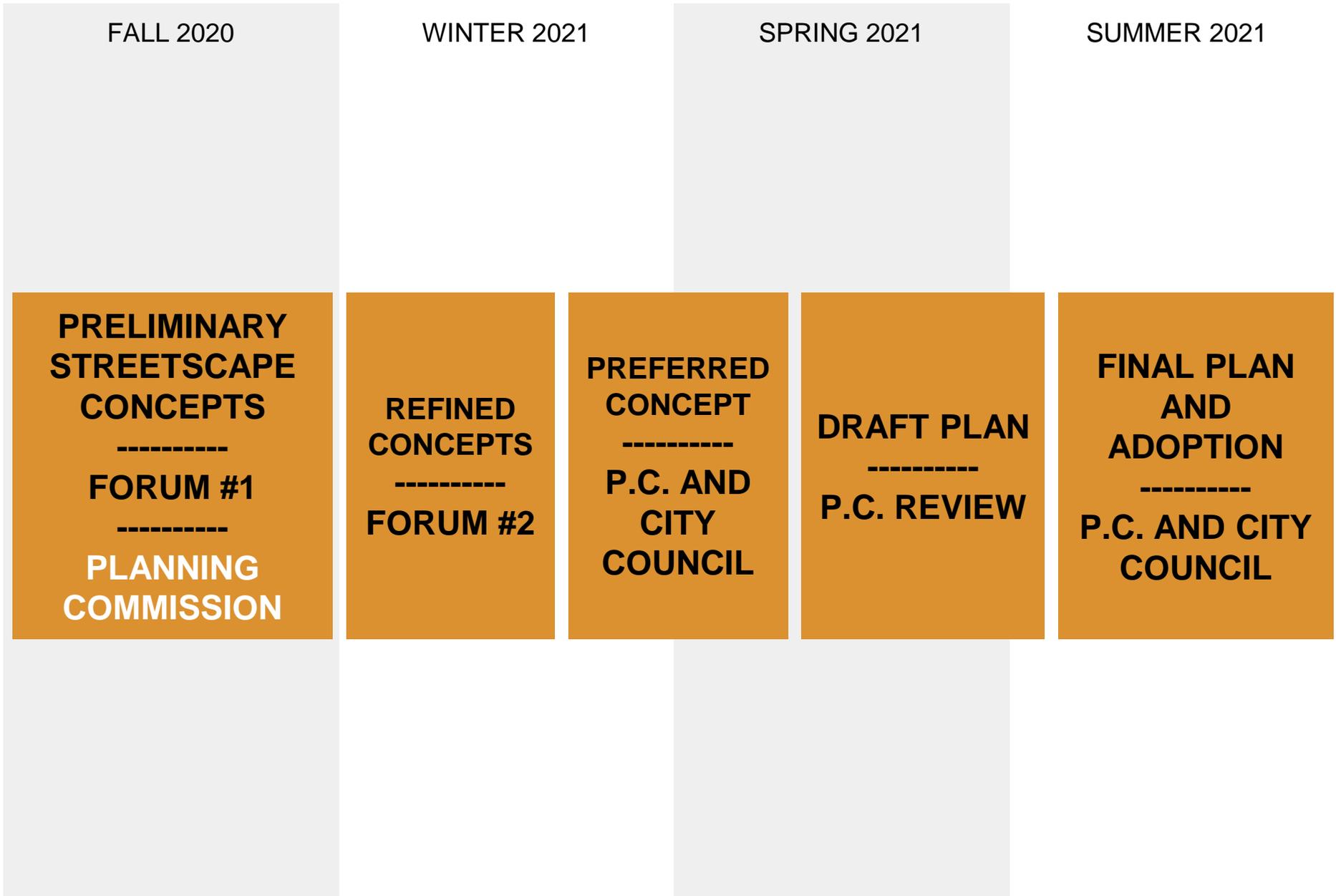


- Up to 8 street type designs (some types may get more than one design option)
- * Up to 3 unique location designs

STREETSCAPE PLAN

Prepare a unified design concept that is then tailored to different street types and specific unique locations

PROJECT SCHEDULE



EXISTING CONDITIONS _ SITE VISIT 09.30.20



DRAFT COMMUNITY ENGAGEMENT APPROACH

- **STAKEHOLDER INTERVIEWS**
- **BUSINESS OUTREACH**
- **COMMUNITY FORUMS**
 - NOVEMBER 10, 2020
 - FEBRUARY 9, 2021
- **CITY COORDINATION**
 - PLANNING, SMART,
 - PUBLIC WORKS,
 - NATURAL RESOURCES,
 - PARKS & REC

SPACE TYPOLOGY: AGRICULTURAL LEGACY

PURPOSEFUL - STRUCTURED - TIMELESS



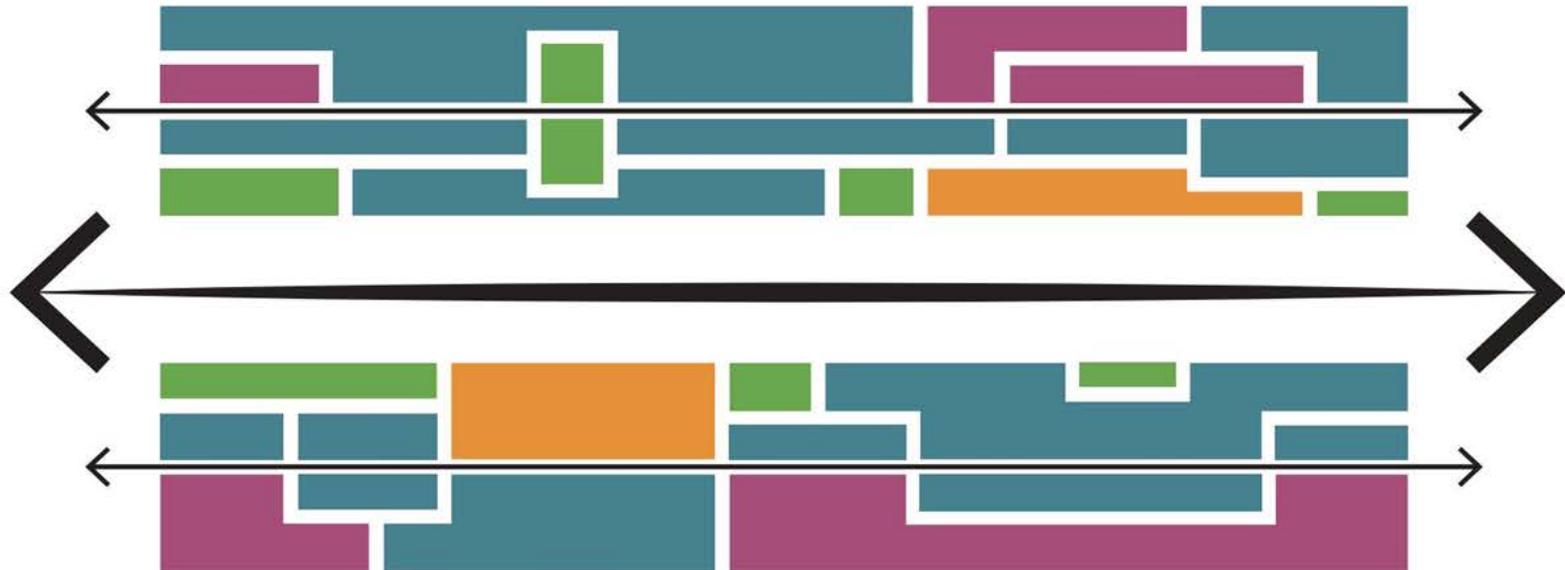
DESIGN PALETTE: AGRICULTURAL LEGACY

PURPOSEFUL - STRUCTURED - HISTORIC



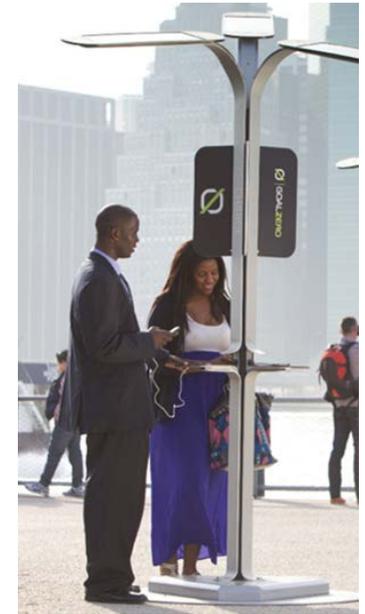
DESIGN CONCEPT: TECHNOLOGICAL INNOVATION

MODULARITY - SIMPLICITY - CONTRAST



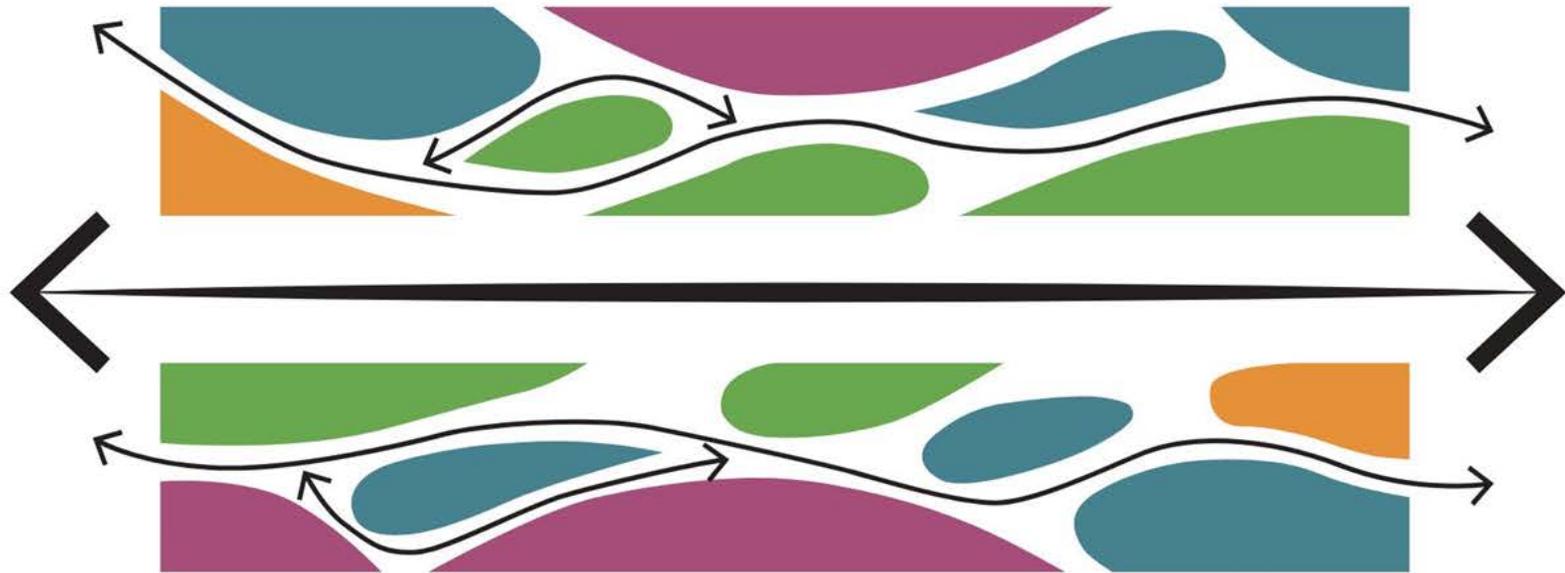
DESIGN PALETTE: TECHNOLOGICAL INNOVATION

MODULARITY - SIMPLICITY - CONTRAST



DESIGN CONCEPT: RIVER

NATURAL - FLUIDITY - ORGANIC



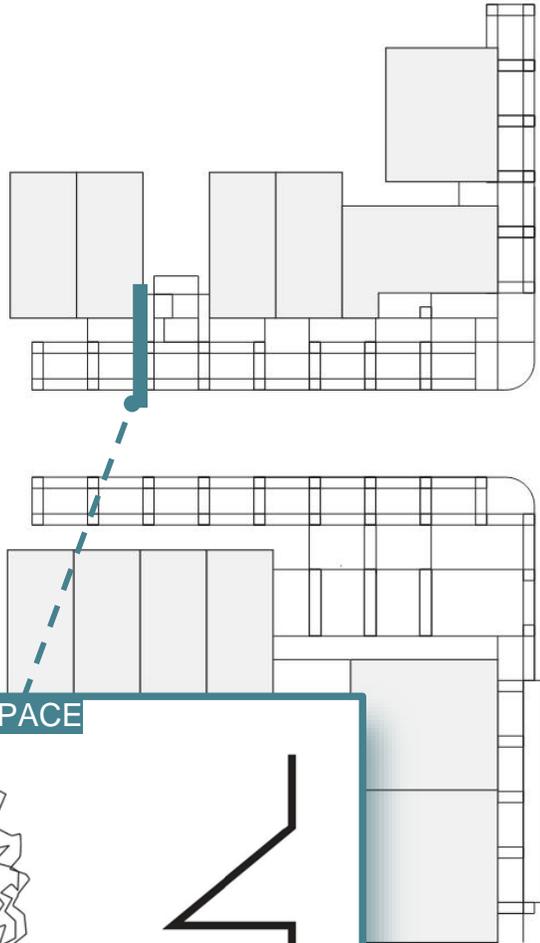
DESIGN PALETTE: RIVER, ORGANIC

NATURAL - FLUIDITY

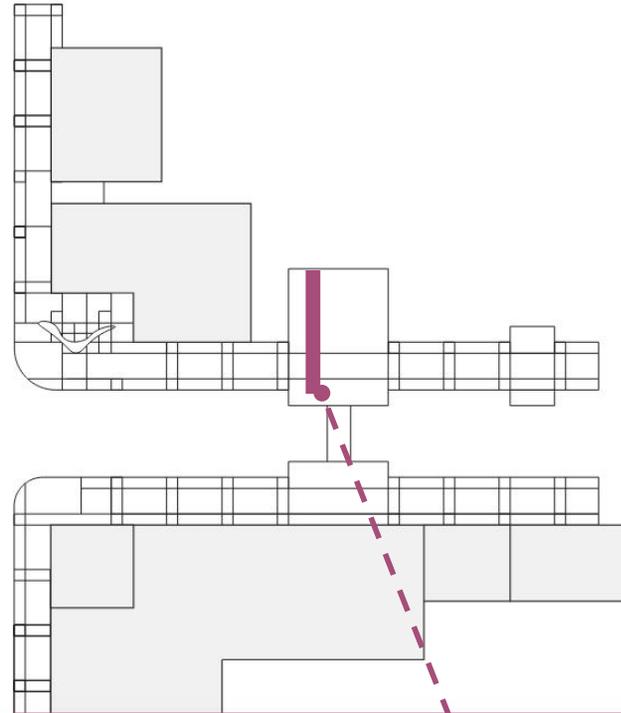
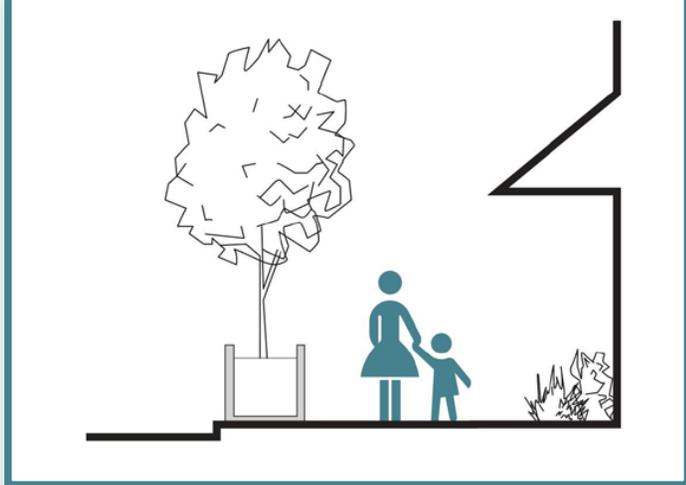


DESIGN CONCEPT: AGRICULTURAL LEGACY

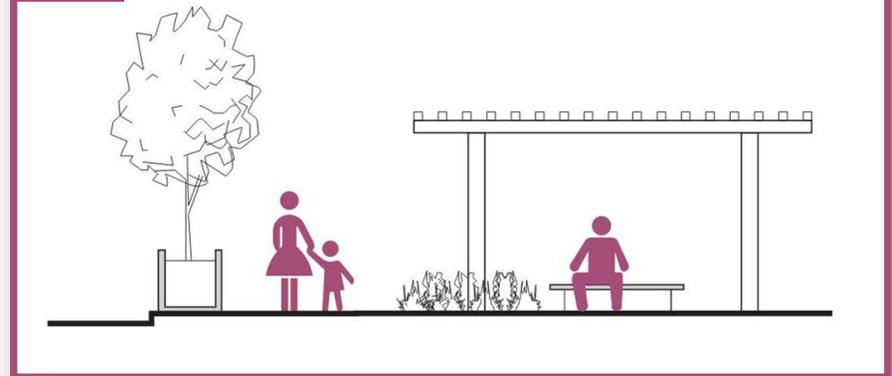
PURPOSEFUL - STRUCTURED - TIMELESS



SECTION: MOTIVE SPACE

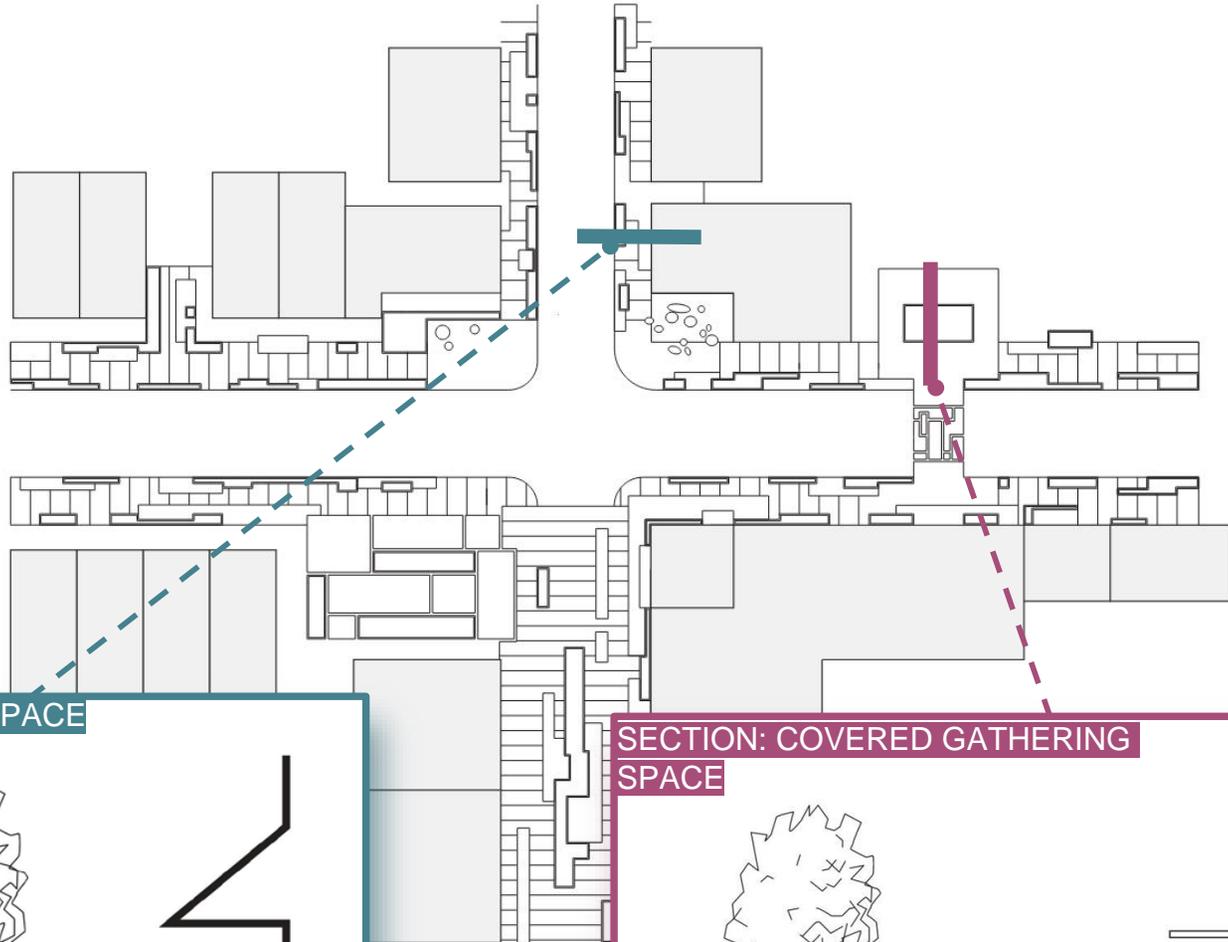


SECTION: COVERED GATHERING SPACE

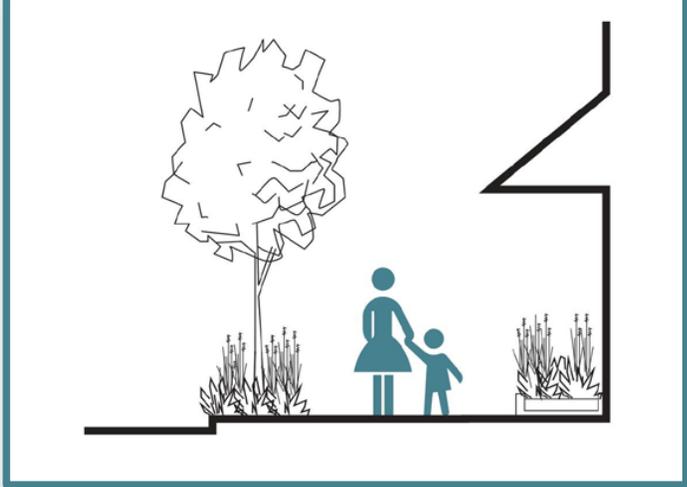


DESIGN CONCEPT: TECHNOLOGICAL INNOVATION

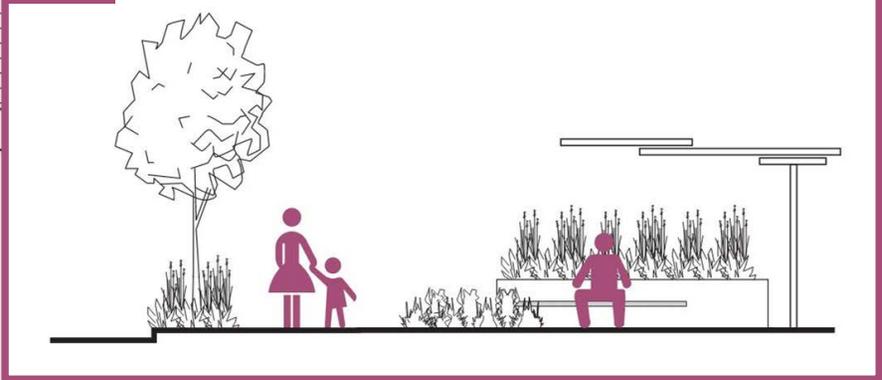
MODULARITY - SIMPLICITY - CONTRAST



SECTION: MOTIVE SPACE

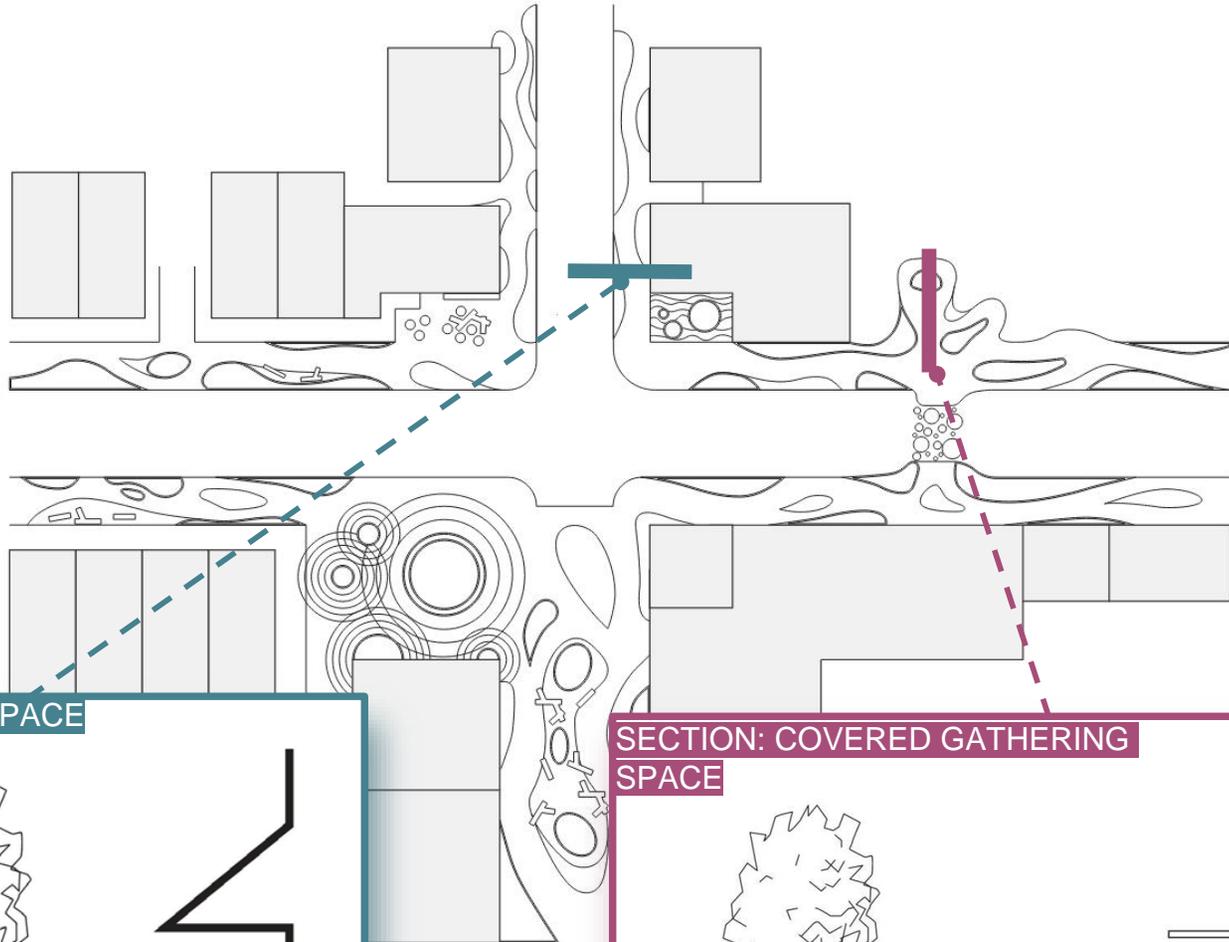


SECTION: COVERED GATHERING SPACE



DESIGN CONCEPT: RIVER

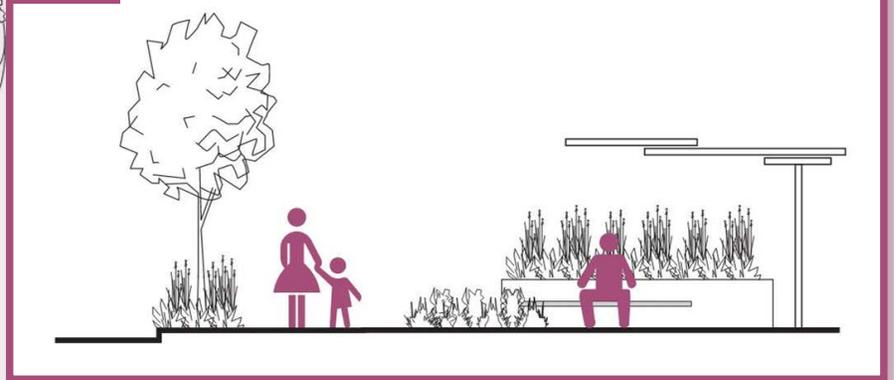
NATURAL - FLUIDITY - ORGANIC



SECTION: MOTIVE SPACE



SECTION: COVERED GATHERING SPACE

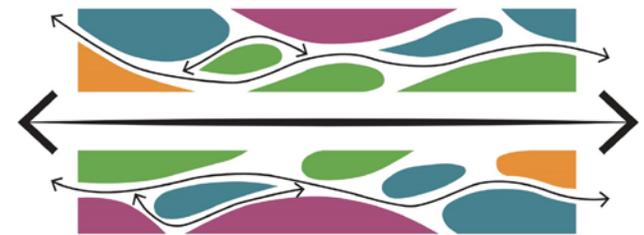
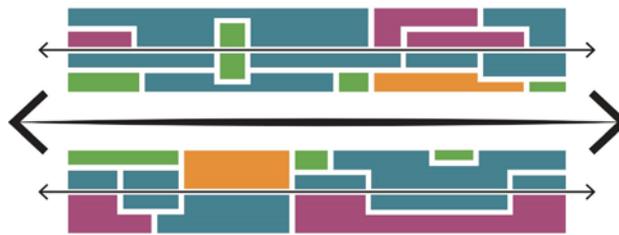
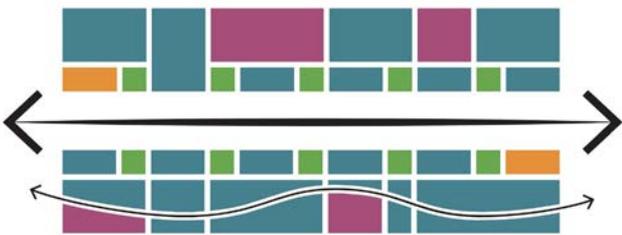
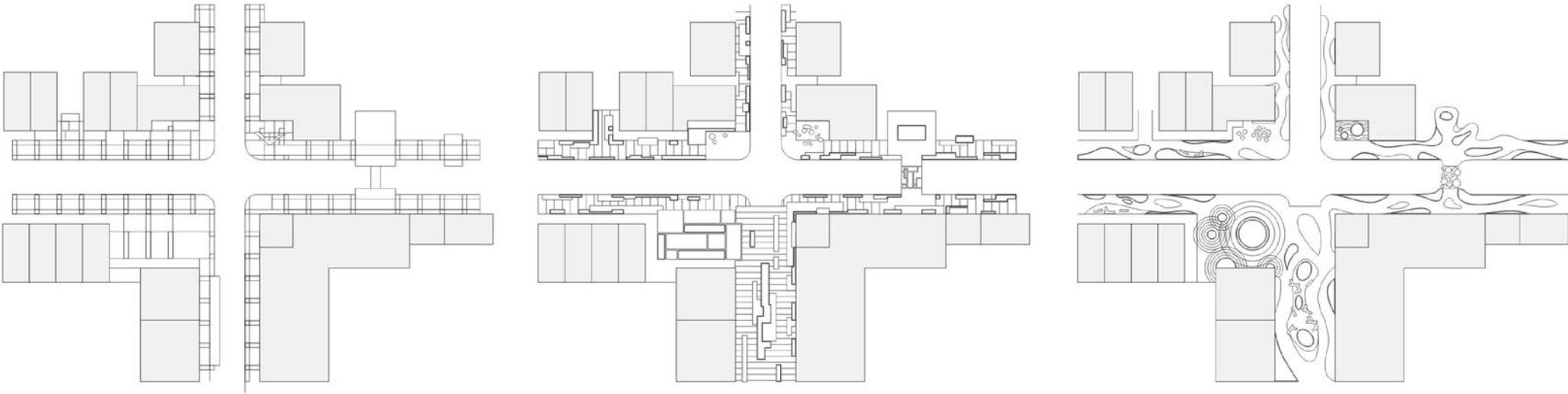


QUESTIONS:

Are these three design concepts consistent with community expectations determined through prior public engagement and Town Center planning?

After reviewing the design concepts, are there specific elements that capture the vision of Town Center that you would like to see emphasized in the streetscape plan?

QUESTIONS AND FEEDBACK



CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2021

Items known as of 01/27/21

February

DATE	DAY	TIME	EVENT	LOCATION
2/1	Monday	7:00 p.m.	City Council Meeting	Council Chambers
2/8	Monday	6:30 p.m.	DRB Panel A	Council Chambers
2/10	Wednesday	6:00 p.m.	Planning Commission	Council Chambers
2/11	Thursday	4:00 p.m.	Parks and Recreation Advisory Board	Parks & Recreation Admin Building
2/18	Thursday	7:00 p.m.	City Council Meeting	Council Chambers
2/22	Monday	6:30 p.m.	DRB Panel B	Council Chambers
2/24	Wednesday	6:30 p.m.	Library Board	Library

March

DATE	DAY	TIME	EVENT	LOCATION
3/1	Monday	7:00 p.m.	City Council Meeting	Council Chambers
3/8	Monday	6:30 p.m.	DRB Panel A	Council Chambers
3/10	Wednesday	6:00 p.m.	Planning Commission	Council Chambers
3/15	Monday	7:00 p.m.	City Council Meeting	Council Chambers
3/22	Monday	6:30 p.m.	DRB Panel B	Council Chambers
3/24	Wednesday	6:30 p.m.	Library Board	Library

Community Events:

- 2/2** American Red Cross blood drive at the Library from 10:00 a.m. – 3:00 p.m.
- 2/2** Toddler and Baby Time LIVE (online) at 10:30 a.m. – 11:00 a.m.
- 2/2** English Conversation Group (online) from 6:00 p.m. – 7:00 p.m.
- 2/3** Profiles (online) featuring *Unsung Heroes of the Civil Rights Movement* from 11:00 a.m. – 12:30 p.m.
- 2/4** Story Time LIVE (online) at 10:30 a.m. to 11:00 a.m.
- 2/12** Drive-Thru Valentine's Event (55+) at the Community Center parking lot from 1 p.m. to 2 p.m.
- 2/15** City Offices Closed in Observance of Presidents' Day.

All dates and times are tentative; check the City's online calendar for schedule changes at www.ci.wilsonville.or.us.



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: February 1, 2021	Subject: Resolution No. 2872 Authorizing the City Manager to Execute a Second Amendment to the Professional Services Agreement with DOWL, LLC for Phase II – Advance Engineering Design Services for the I-5 Pedestrian Bridge project (Capital Improvement Project No. 4202) Staff Member: Zachary Weigel, P.E. Capital Projects Engineering Manager Department: Community Development	
Action Required	Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input checked="" type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: Staff recommends that Council adopt the Consent Agenda.		
Recommended Language for Motion: I move to approve the Consent Agenda.		
Project / Issue Relates To:		
<input checked="" type="checkbox"/> Council Goals/Priorities: Goal H3: Develop strategies for building the I-5 Pedestrian Bridge	<input checked="" type="checkbox"/> Adopted Master Plan(s): Transportation System Plan (BW-09); Town Center Plan (IN.1)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

A City of Wilsonville Resolution approving a Second Amendment to the Professional Services Agreement with DOWL, LLC in the amount of \$1,115,262.30 for Phase II – Advance Engineering Design Services for the I-5 Pedestrian Bridge (CIP #4202) project.

EXECUTIVE SUMMARY:

The I-5 Pedestrian Bridge project (Project) will construct a safe, non-vehicular bridge crossing of Boones Ferry Road, Interstate 5, and Town Center Loop West, directly connecting the Villebois neighborhood and WES/SMART Central transit to the Wilsonville Town Center. The Project is identified as a high priority in the 2013 Transportation System Plan. As part of the Town Center Plan adoption in May 2019, the community identified the Project as one of four framework projects for achieving the Town Center vision, further elevating the Project's priority. In addition, the community identified the need for the bridge landing in Town Center to incorporate a community gathering space, a bridge landing plaza that is included as part of the Project design work.

On February 10, 2017, the City of Wilsonville obtained a \$1.55 million Regional Flexible Fund Allocation (RFFA) federal grant through Metro for the design of the I-5 Pedestrian Bridge project. With approval of Resolution No. 2696 on July 16, 2018, City Council entered into an Intergovernmental Agreement (IGA) with Metro, exchanging the federal grant funds with overmatch local dollars on the already federally funded Kinsman Road Extension project. This fund exchange allowed the City to keep the grant funding, but remove the federal requirements from the I-5 Pedestrian Bridge project. As part of the IGA, the City agreed to complete design of the Project using the exchanged local dollars before September 2021. Due to project schedule impacts in 2020 associated with COVID-19 and air quality associated with nearby wildfires, the Metro IGA completion date has been extended to December 2021.

On December 2, 2019, City Council approved Resolution No. 2773, entering into a Professional Services Agreement (PSA) with OBEC Consulting Engineering, now DOWL, LLC for Phase I – Preliminary (30%) Engineering Design for the I-5 Pedestrian Bridge project. Since that time, one minor contract amendment to the DOWL, LLC PSA has been issued, which extended the contract time to allow the consultant team more time to complete the preliminary design work due to schedule delays as previously stated.

Now that the preliminary engineering work is nearly complete and a preferred bridge design has been selected, the scope of work for the Phase II – Advance (90%) Engineering Design has been developed and the cost negotiated with DOWL, LLC. An amendment to the DOWL, LLC Professional Services Agreement is necessary to add this work to the contract. Should construction funding be identified and budgeted before completion of the work, further contract amendments with DOWL, LLC are anticipated for Phase III – final engineering design plans and construction documents and Phase IV – construction engineering services.

EXPECTED RESULTS:

DOWL, LLC will provide engineered design plans and construction specifications for the I-5 Pedestrian Bridge and Town Center Gateway Plaza making the project ready for bid and construction.

TIMELINE:

The Phase 1 preliminary engineering design work for the Project will be complete in February 2021. The advance engineering design as part of the Phase 2 project work is anticipated to be complete by December 2021, meeting the timeframe agreed to in the fund exchange IGA with Metro.

CURRENT YEAR BUDGET IMPACTS:

The amended FY20/21 budget includes \$6,513,809.00 in Transportation SDC's for CIP project #4202. The remaining FY20/21 contract amount for Phase 1 – Preliminary Engineering Design Services contract with DOWL, LLC is \$973,426.72. The contract amount for the PSA Second Amendment for Phase 2 – Advance Engineering Design Services is \$1,115,262.30. The combined Phase 1 and Phase 2 contract total is within the budgeted amount for the Project. The remaining budget is intended to begin to accrue funds to pay for project construction in future years.

FINANCIAL REVIEW / COMMENT:

Reviewed by: CAR Date: 1/19/2021

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 1/27/2021

COMMUNITY INVOLVEMENT PROCESS:

The pedestrian and bikeway bridge was identified as a high priority project through the last update to the Wilsonville Transportation System Plan, which included an extensive community involvement process. Likewise, the RFFA grant process included a public review and comment period in which the project garnered positive feedback from the community. In addition, the Town Center Plan included a robust and inclusive public outreach process where the Bridge Project was identified as a key framework project through extensive community support.

There have been several opportunities to participate in the design of the Bridge Project and Gateway Plaza as scoped within the Public Engagement Plan for the project. In addition to the public kickoff event, outreach opportunities included an online open house, online surveys, stakeholder interviews, and pop-up information displays. The project team will provide additional input opportunities through *Let's Talk, Wilsonville!* as design progresses. The engagement plan is designed to reach as broad an audience as possible and to gather the variety of perspectives in the community. It also includes targeted outreach to specific stakeholders more impacted by activity in the Town Center.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

The Bridge Project will provide a safe bike and pedestrian crossing of I-5 that is separated from vehicular traffic with direct access to essential services in the Wilsonville Town Center, SMART Central Station and WES commuter rail, employment areas, and educational resources. The bridge will serve all populations within and around the project area and will help the Town Center become a more vibrant, pedestrian and transit-supportive mixed-use district. Public art and environmental features integrated into the Bridge Project and plaza will help to create an attractive and accessible place for visitors and residents of all ages to shop, eat, live, work, learn, and play. The bridge and plaza investment will exemplify the City's commitment to realizing the community's vision for Town Center and serve as an incentive for private investment.

ALTERNATIVES:

As preliminary design of the I-5 Pedestrian Bridge and Gateway Plaza has progressed, a number of design alternatives regarding bridge landing configuration, bridge alignment, bridge type, gateway plaza design, as well as bridge and plaza amenities have been assessed and selected to

incorporate into the final design. Continuing through advance design, additional alternatives regarding aesthetics, including design options for retaining walls, lighting, landscaping, storm water treatment, public art, etc. will be presented for public feedback and consideration by Planning Commission and City Council.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Resolution No. 2872
 - A. I-5 Pedestrian Bridge Second Amendment to Professional Services Agreement

RESOLUTION NO. 2872

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT CONTRACT AMENDMENT WITH DOWL, LLC FOR ADVANCE ENGINEERING DESIGN SERVICES FOR THE I-5 PEDESTRIAN BRIDGE PROJECT.

WHEREAS, the City has planned and budgeted for engineering design of Capital Improvements Project #4202, known as the I-5 Pedestrian Bridge project (the Project); and

WHEREAS, the City entered into an intergovernmental agreement (Resolution No. 2696) with METRO for a Federal fund exchange associated with the Project; and

WHEREAS, the City agreed to complete engineering design of the Project by December 2021 as part of the Federal fund exchange; and

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

WHEREAS, OBEC Consulting Engineers, now DOWL, LLC, was selected as the most qualified consultant, was awarded a contract for preliminary engineering design services, and performed and completed services to the satisfaction of the City; and

WHEREAS, the City desires to amend the Professional Services Agreement contract with DOWL, LLC to perform advance engineering design services for the Project; and

WHEREAS, completion of the advance engineering design will fulfill the requirements of the intergovernmental agreement with METRO;

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

Section 1. The procurement process for the Project duly followed Oregon Public Contracting Rules, and DOWL, LLC has provided a responsive and responsible proposal for engineering design services.

Section 2. The City of Wilsonville, acting as the Local Contract Review Board, authorizes the City Manager to enter into and execute, on behalf of the City of Wilsonville, a Professional Services Agreement contract amendment with DOWL, LLC for a not –to-exceed amount of \$1,115,262.30.

Section 3. In order to allow future minor contract amendments, if needed, to occur without having to come back to City Council, the authorized Construction Contract total is hereby adjusted to up to \$2,874,833.43, allowing for continued Contracting Agency approval of contract amendments that exceed this adjusted amount by fifteen percent (15%) in accordance with City Code requirements.

Section 4. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting there of this 1st day of February 2021, and filed with the Wilsonville City Recorder this date.

Julie Fitzgerald, Mayor

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Lehan

Councilor West

Councilor Linville

EXHIBIT:

A. Second Amendment to I-5 Pedestrian Bridge Professional Services Agreement

**CITY OF WILSONVILLE
SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT**

I-5 Bicycle and Pedestrian Bridge

This Second Amendment to Professional Services Agreement (“Second Amendment”) is effective the ____ day of _____ 2021 (“Effective Date”), by and between the **City of Wilsonville**, a municipal corporation of the State of Oregon (“City”), and **DOWL, LLC**, an Alaska limited liability company (formerly known as OBEC Consulting Engineers, Inc.) (“Consultant”), upon the terms and conditions set forth below.

RECITALS

WHEREAS, the City entered into a Professional Services Agreement (“Agreement”) with Consultant on December 10, 2019, relating to the I-5 Bicycle and Pedestrian Bridge Project (“Project”); and

WHEREAS, the City entered into a First Amendment to Professional Services Agreement (“First Amendment”) with Consultant on December 10, 2020 to extend time for performance with no change in cost; and

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

WHEREAS, the City and Consultant anticipate that additional time is needed to complete the Services stated in the Agreement and the Additional Services described in this Second Amendment; and

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

WHEREAS, Consultant is prepared to provide such Additional Services as the City does hereinafter require;

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

AGREEMENT

The Agreement is amended as follows:

Section 1. Term

The term of the Agreement is hereby extended to December 31, 2021.

Section 2. Additional Services To Be Provided

Consultant will perform the Additional Services more particularly described in **Exhibit A**, attached hereto and incorporated by reference herein, for the Project pursuant to all original terms of the Agreement, except as modified herein.

Section 3. Time for Completion of Additional Services

The Additional Services provided by Consultant pursuant to this Second Amendment shall be completed by no later than December 31, 2021.

Section 4. Compensation

The City agrees to pay Consultant on a time and materials basis, guaranteed not to exceed ONE MILLION ONE HUNDRED FIFTEEN THOUSAND TWO HUNDRED SIXTY-TWO DOLLARS AND THIRTY CENTS (\$1,115,262.30), for performance of the Additional Services (“Additional Compensation Amount”) which, when totaled with the Compensation Amount, equals a total not-to-exceed amount of TWO MILLION FOUR HUNDRED NINETY-NINE THOUSAND EIGHT HUNDRED FIFTY-FIVE DOLLARS AND SIXTEEN CENTS (\$2,499,855.16) for the performance of the Services and Additional Services (“Total Compensation Amount”). Consultant’s estimate of time and materials is attached hereto as **Exhibit B**, and incorporated herein by reference.

Section 5. All Other Terms

All of the other terms and conditions of the Agreement shall remain in full force and effect, as therein written. Unless otherwise defined herein, the defined terms of the Agreement shall apply to this Second Amendment.

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

CONSULTANT:

CITY:

DOWL, LLC

CITY OF WILSONVILLE

By: _____

By: _____

Print Name: _____

Print Name: _____

As Its: _____

As Its: _____

Employer I.D. No. _____

APPROVED AS TO FORM:

Ryan Adams, Assistant City Attorney
City of Wilsonville, Oregon



EXHIBIT A



WILSONVILLE TOWN CENTER PLAN

Amendment No. 1 I-5 PEDESTRIAN BRIDGE SCOPE OF WORK

Project Scope:

The second phase of this design contract will include services through 90% Design Documents. The design tasks and level of effort are based on the preferred bridge alternative of a two-span tied arch with main spans of 160-feet and 170-feet.

Organization of Work Tasks:

The following work tasks are provided to develop a project delivery plan and provide a basis for the level of effort and design fee required for its execution.

Task 1: Project Management

Consultant shall provide management and coordination for the tasks included in this Scope. Consultant shall manage Services performed by Consultant's staff and sub-consultants. Consultant shall coordinate with the City on work tasks performed by others. Project duration is assumed to be 10 months for the base tasks identified through the 90% Design phase.

1.1 Project Management and Coordination (Additional Effort)

Additional effort to provide project management and design oversight for the consultant team for an additional 10 months.

1.2 Project Meetings (Additional Effort)

Meetings are assumed to be held via video conference, and the number and additional effort for them are noted below:

- Project meetings – Up to five Consultant staff shall meet with the City for six periodic meetings, for up to two (2) hours each, to discuss the work plan, project schedule, design criteria, alternatives analysis, project issues, and/or stakeholder engagement.
- 60% design review meeting – Up to five Consultant staff shall meet with the City for up to two (2) hours to discuss review comments on the 60% Design.
- 90% design review meeting – Up to five Consultant staff shall meet with the City for up to two (2) hours to discuss review comments on the 90% Design.

1.3 Quality Control (Additional Effort)

Consultant shall perform senior reviews of the milestone deliverables at 60% and 90% according to the PQP and Consultant's Quality Management Program.

Task 1 Deliverables

- Decision Log
- Initial design schedule for 90% design documents delivery and up to one schedule update.
- Monthly progress report and invoice
- Meeting agendas and summaries
- QC Checklists at each milestone

Task 2: Survey

2.1 Horizontal and Vertical Control (No additional work)

2.2 Location Survey, Base Map, and Digital Terrain Model (DTM) (Additional Effort)

Additional effort to perform topographic survey to support design needs for up to 2 additional days of field work. Additional effort to affix tree identification tags within the survey limits.

Task 2 Deliverables

- One (1) scanned copy of field notes
- Copy of the electronic CADD Files Location Base Map in AutoCAD format with Civil3D DTM



EXHIBIT A



- 2.3 Horizontal Control, Monument Recovery and Retracement Survey (No additional work)**
- 2.4 Right of Way Base Map (No additional work)**
- 2.5 Description and Exhibit Maps (No additional work)**
- 2.6 Staking for Acquisition (No additional work)**

Task 3: Public Engagement

Consultant shall perform and manage the public engagement plan and efforts. Consultant shall work closely with the City to prepare and execute the plan.

- 3.1 Vision and Goals Document (No additional work)**
- 3.2 Public Engagement Plan (No additional work)**
- 3.3 Public Information Materials (No additional work)**
- 3.4 Stakeholder Meetings (No additional work)**
- 3.5 Public Kickoff, Online Surveys and Citywide Block Party (No additional work)**
- 3.6 Planning Commission and City Council Meetings (No additional work)**
- 3.7 60% and 90% Planning Commission and City Council Meetings (New Task)**

Consultant shall create and present project updates or briefings to Planning Commission and City Council Meetings at each submittal (4 total presentations). Meetings will be conducted via Zoom or another virtual platform. An allowance for creation of public information graphics, illustratives and/or public survey(s) has been included in this task to help convey design efforts more graphically than construction documents will show. Specific elements to be coordinated with the team and the City.

Deliverables - Electronic copy of presentation and public information materials

Task 3 Deliverables

- Present at Planning Commission and City Council meetings

Task 4: Environmental Documentation & Permitting

Consultant shall perform background research and field investigations. Up to the level of effort provided, Consultant shall prepare reports and applications in support of permits acquisition and approvals from ODOT and regulatory agencies.

- 4.1 Transportation Management Plan (TMP) (No additional work)**
- 4.2 Historic Baseline Report (Reduced level of effort)**
 - The level of effort has been reduced to reflect the work performed.
- 4.3 Phase 1 Archaeology Report (Reduced level of effort)**
 - The level of effort has been reduced to reflect the work performed.



EXHIBIT A



WILSONVILLE TOWN CENTER PLAN

C4.3.1 Phase 2 Archaeology Fieldwork and Report (Task Removed)

- This Task will be removed as part of this amendment.

4.4 Environmental Site Assessment, Phase 1 & 2 (No additional work)**C4.4.3 Geophysical Survey (Task Removed)**

- This Task will be removed as part of this amendment.

4.5 Pre-Permitting Environmental Review (No additional work)**4.6 No Effect Memorandum (No additional work)****4.7 Utility Coordination and Relocation (No additional work)****4.8 Arborist Review and Recommendations (No additional work)****4.9 ODOT Coordination and Approvals (Additional Effort)**

Additional effort to coordinate with ODOT through 90% deliverables including up to two additional Mobility Advisory Committee Presentations, 60% review meeting and 90% review meeting.

Additional budget is not included with this task based on the team's current understanding that our concepts and approach are acceptable to ODOT. This understanding is based on feedback from the MAC at two meetings and Region 1 technical staff. If ODOT or MAC's perspective changes an amendment for additional hours may be required.

Task 4 Deliverables

- ODOT District Permit Application

*Task 5: Geotechnical Investigation***5.1 Field Exploration (Additional Work)**

Consultant shall perform additional geotechnical field explorations and laboratory testing to confirm subsurface conditions for the approach retaining walls. The approach retaining walls are assumed to be MSE walls with 15-foot maximum exposed height and approximately 200-feet long on each approach. Consultant shall provide final geotechnical data sheets for the bridge and retaining walls. Consultant shall develop geotechnical investigation in accordance with AASHTO LRFD.

Prior to beginning the field explorations, the Consultant shall prepare a Field Testing Work Plan showing the proposed exploration locations and outlining the drilling and sampling procedures, preliminary laboratory testing plan, and the traffic control plans for borings located in the roadway. No fieldwork is to be performed, other than initial site reconnaissance, until the work plan is reviewed and approved by the City.

The consultant shall develop a Field Safety Plan (FSP) for fieldwork. FSP shall be submitted to the City and approved prior to the start of investigation work.

Consultant shall perform exploration work in accordance with all Federal, State, and Local regulations. Consultant shall complete a subsurface exploration program that consists of the following:

- Retaining Walls - Advance two borings to a depth of approximately 30 feet bgs for retaining wall design. Borings will be completed with a truck mounted rig.

Field explorations will be conducted during daytime hours using a truck-mounted drill rig as described above. Drilling will be conducted using mud rotary drilling techniques. Soil samples will be obtained at 2-1/2 foot to 5-foot intervals using either a standard penetration sampler or a thin-walled Shelby tube. No rock coring is anticipated for the project. The borings will be abandoned and backfilled according to Oregon Water Resources Department regulation.



EXHIBIT A

**Assumptions:**

- The City will negotiate, acquire, and provide all necessary site access and any necessary right of entry permits for the borings located at private properties to the Consultant, based on Consultant's Subsurface Exploration Work Plan.
- The subsurface material is not contaminated, and no testing will be performed to investigate the possible presence of toxic or hazardous materials and petroleum products.
- Consultant will acquire the necessary City ROW permits.
- Explorations will be drilled off of the roadway and will not require traffic control.
- Geotechnical borings at each of the 9 proposed bridge bents will not be required due to consistency of subsurface conditions encountered in borings B-1 through B-5 during the initial field explorations.
- The field explorations schedule will be confirmed within one week of approval of the Filed Exploration Work Plan.

5.2 Laboratory Testing (Additional Work)

Consultant shall perform laboratory tests on disturbed and undisturbed soil samples obtained from the explorations to characterize the subgrade soils and to develop soil properties for retaining wall design. The laboratory testing program may consist of up to ten moisture content tests; four Atterberg limits tests, one sieve analysis tests, and one one-dimensional consolidation test.

5.3 Geotechnical Design Analysis (Additional Work)

Consultant shall update analyses based on the additional field and laboratory test data to develop geotechnical design and construction recommendations for the retaining walls. Consultant shall conduct the geotechnical analyses and design in accordance with most current version of the ODOT Geotechnical Design Manual, and AASHTO and FHWA design guidelines. The following engineering items will be updated:

- The bridge approach Retaining wall design recommendations including bearing resistance, wall global stability, and lateral resistance design parameters.
- Three Geotechnical Data Sheets (GDS) including one GDS for bridge, and two GDSs for retaining walls.

5.4 Pavement Design (Removed)**5.5 Geotechnical Design Report (Additional Work)**

Consultant shall update the geotechnical design report to incorporate the additional explorations and geotechnical design analysis. Consultant shall prepare a draft final report for the project for Agency, and the City to review and comment. A final report will be developed based upon the City review comments. The final design geotechnical report will summarize all field explorations and engineering analyses and provide recommendations for design and construction of the bridge and retaining walls.

5.6 Geotechnical Design Coordination (New Task)

Consultant shall provide final design support and review the plans and specifications for the 60% and 90% design deliverables.

Task 5 Deliverables

- Final stamped Geotechnical Engineering Report
- Final stamped Geotechnical Data Sheets



EXHIBIT A



- Draft specifications for foundation construction elements

Task 6: Bridge Type, Size, and Location Report (No additional work)

Task 7: Gateway Plaza Conceptual Design (Reduced Level of Effort)

- The level of effort has been reduced to reflect the work performed.

Task 8: Public Art (Task Removed)

- This Task will be removed as part of this amendment.

Task 9: Stormwater Analysis (No additional work)

Task 10: Design Documents

10.2 60% Design (New Task)

Consultant shall advance the design of the project features and disciplines, and address and/or incorporate City and ODOT comments from Task 10.1. Consultant shall prepare 60% design level plan sheets, provide a list of anticipated specification sections, and update the cost and construction time estimates.

For the lighting design, up to 5 meetings with PGE are included for power coordination and service cabinet power needs.

The curb ramp at the SE corner of Boones Ferry and Barber will be replaced. No other intersection work shall be performed.

Consultant shall complete quality control and quality assurance according to their QMP. Consultant shall submit the 60% Design package for City, Metro and ODOT review.

10.3 90% Design (New Task)

Consultant shall advance the design of the project features and disciplines, and address and/or incorporate City and ODOT comments from Task 10.2. Consultant shall prepare 90% design level plan sheets and update the cost and construction time estimates. Consultant shall prepare project special provisions in accordance with 2021 APWA /Oregon Standard Specifications for Construction and ODOT Boilerplates. The project will not be required to obtain ODOT concurrences on edits to boilerplate special provisions.

Consultant shall complete quality control and quality assurance according to their QMP. Consultant shall submit the 90% Design package for City, Metro and ODOT review. Consultant shall advance the design of the project features and disciplines, and address and/or incorporate City, Metro and ODOT comments from the 90% review.

Task 10 Deliverables

- 60% Plans and Estimate
- 90% Plans, Specifications, and Estimate
- Respond to and incorporate City comments at each milestone

EXHIBIT B
 Summary of Estimate for Services
 DOWL LLC
 Preliminary Engineering Design
I-5 Pedestrian Bridge: Barber St. to Wilsonville Town Center
Project 0256-0042

Direct Salary Cost

<u>Personnel</u>	<u>Hours</u>	<u>Rate of Pay</u>	<u>Estimated Cost</u>
Senior Manager V	40	\$ 285.00	\$ 11,400.00
Senior Manager III	232	\$ 245.00	\$ 56,840.00
Engineer VI	324	\$ 160.00	\$ 51,840.00
Engineer VIII	32	\$ 185.00	\$ 5,920.00
Engineer VIII	960	\$ 185.00	\$ 177,600.00
Engineer IV	772	\$ 155.00	\$ 119,660.00
Engineer I	820	\$ 95.00	\$ 77,900.00
Engineer III	40	\$ 135.00	\$ 5,400.00
CAD Drafter IV	1,121	\$ 110.00	\$ 123,310.00
Senior Manager II	63	\$ 210.00	\$ 13,230.00
Engineer VIII	40	\$ 185.00	\$ 7,400.00
Engineer II	126	\$ 110.00	\$ 13,860.00
Engineer VI	276	\$ 160.00	\$ 44,160.00
Project Manager VI	265	\$ 200.00	\$ 53,000.00
Senior CAD Drafter	271	\$ 130.00	\$ 35,230.00
CAD Drafter II	288	\$ 90.00	\$ 25,920.00
Professional Land Surveyor IX	9	\$ 170.00	\$ 1,530.00
Professional Land Surveyor X	7	\$ 190.00	\$ 1,330.00
Survey Tech VII	66	\$ 110.00	\$ 7,260.00
Survey Technician V	20	\$ 95.00	\$ 1,900.00
Survey Tech IV	14	\$ 85.00	\$ 1,190.00
Project Controller	96	\$ 125.00	\$ 12,000.00
Total OBEC Hours	5,882		

DOWL Total Labor =	\$ 847,880.00
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Direct Nonsalary Costs

a. Mileage	\$ 150.80	
b. Travel and Per Diem	\$ -	
c. Reproduction Expenses	\$ -	
d. Equipment Rental	\$ -	
e. Communications	\$ -	
f. Surveying Supplies & Expenses	\$ 75.00	
g. Miscellaneous Office Expense	\$ -	
h. Plotter Copies	\$ -	
i. Other	\$ -	
j. Outside Consultants		\$ 225.80

Non-Contingency Total

MIG	\$199,320.00	16.8%
JIRI	\$46,200.00	3.9%
DKS	\$60,535.00	5.1%
S&W	\$32,194.50	2.7%
AINW	\$0.00	0.0%
AKANA	\$0.00	0.0%
Morgan Holan	\$0.00	0.0%

Total Estimate:	\$ 1,186,355.30
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NON-CONTINGENCY TOTAL NOT TO EXCEED =	\$ 1,186,355.30
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EXHIBIT B
 Summary of Estimate for Services
 DOWL LLC
 Preliminary Engineering Design
I-5 Pedestrian Bridge: Barber St. to Wilsonville Town Center
Project 0256-0042

Contingency Total	
DOWL	\$0.00
MIG	\$0.00
JIRI	\$0.00
DKS	\$0.00
S&W	\$0.00
AINW	\$0.00
AKANA	\$0.00
Morgan Holan	\$0.00

CONTINGENCY ESTIMATE =	\$ -
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Base + Contingency Total		
DOWL	\$848,105.80	\$848,105.80
MIG	\$199,320.00	\$199,320.00
JIRI	\$46,200.00	\$46,200.00
DKS	\$60,535.00	\$60,535.00
S&W	\$32,194.50	\$32,194.50
AINW	\$0.00	\$0.00
AKANA	\$0.00	\$0.00
Morgan Holan	\$0.00	\$0.00

TOTAL w/ Contingencies NOT TO EXCEED =	\$ 1,186,355.30
	\$ 1,186,355.30

Remove Task C4.3.1 Phase 2 Archaeology Fieldwork and Report	\$ (27,065.00)
Remove Task C4.4.3 Geophysical Survey	\$ (9,604.00)
Remove Task 8 Public Art	\$ (13,424.00)
Reduce Task 7 by \$10,000 to recognize efficiencies	\$ (10,000.00)
Reduce Task 4.2 by \$5,600 (AINW)	\$ (5,600.00)
Reduce Task 4.3 by \$5,400 (AINW)	\$ (5,400.00)

TOTAL w/ Contingencies NOT TO EXCEED =	\$ 1,115,262.30
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Original contract	\$ 1,384,592.86
TOTAL	\$ 2,499,855.16

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on January 4, 2021

The following City Council members were present:

Mayor Fitzgerald
Council President Akervall
Councilor Lehan
Councilor West
Councilor Linville

Staff present included:

Bryan Cosgrove, City Manager
Jeanna Troha, Assistant City Manager
Barbara Jacobson, City Attorney
Kimberly Veliz, City Recorder
Mark Ottenad, Public/Government Affairs Director
Beth Wolf, Systems Analyst
Zoe Monahan, Assistant to the City Manager
Andy Stone, IT Director
Matt Palmer, Associate Engineer
Khoi Le, Development Engineering Manager
Kerry Rappold, Natural Resources Manager
Fred Weinhouse, Municipal Court Judge

SWEARING IN CEREMONY

City Manager Cosgrove introduced Judge Fred Weinhouse.

Judge Weinhouse administered the oaths of office to Mayor-Elect Julie Fitzgerald followed by Councilor-Elects Kristin Akervall and Joann Linville.

Mayor Fitzgerald called the meeting to order at 7:07 p.m.

After the opening of the meeting newly, elected officials Fitzgerald, Akervall, and Linville provided comments on their elections.

Roll call and the Pledge of Allegiance followed.

Motion to approve the order of the agenda.

Motion: Councilor West moved to approve the order of the agenda. Councilor Lehan seconded the motion.

Vote: Motion carried 5-0.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

SUMMARY OF VOTES

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

MAYOR’S BUSINESS

A. Elect City Council President

Mayor Fitzgerald announced per City Charter Council is required to elect a member of the Council to serve as Council President at the first meeting of each odd numbered year. The Council President presides over Council meetings in the Mayor's absence. Additionally, the Council President performs the duties of Mayor if the Council determines that the Mayor is unable to perform their duties.

Motion: Councilor Lehan moved to nominate Councilor Akervall. Councilor West seconded the motion.

Motion: Councilor Linville moved to close nominations. Councilor West seconded the motion.

Mayor Fitzgerald then called for the vote for Councilor Kristin Akervall to serve as Council President for the term of January 2021 through December 2022.

Vote: Motion carried 4-0-1.

SUMMARY OF VOTES

Mayor Fitzgerald	Yes
Council President Akervall	Abstain
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

Council then provided comments of support for Kristin Akervall to serve another term as Council President.

Ms. Akervall thanked Council for their trust, encouragement, and confidence in her continuing in the position as Council President.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

B. Upcoming Meetings

The announcement was made that the second meeting in January would normally fall on the third Monday. However, in observance of the Martin Luther King Jr. holiday the meeting would convene on Thursday, January 21, 2021. Work Session would begin at 5:00 p.m. followed by the City Council meeting at 7:00 p.m.

Mayor Fitzgerald reminded additional meeting dates are listed on the website and in the Boones Ferry Messenger.

COMMUNICATIONS

A. None.

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.

Resident Wayne Richards expressed his opinion that the voters would like to keep the City's triple A bond rating and continue to remain in the top 10 out of 500 communities across America in the National Citizen Survey (NCS).

Resident Bob Harland said he is commenting to reinforce the decision made by voters in the November Election, that the City has been moving in the right direction and should continue to move in that direction.

Resident Jami Arbon explained that she is responding to the comments made about her at the December 21, 2020 City Council meeting by Councilor Ben West.

Aurora resident Douglas Landpheare spoke in support of the appointment of Jami Arbon to the Development Review Board. Additionally, Mr. Landpheare wrote a letter which was added to the record.

Maplewood, New Jersey resident KC (Karin) Dickerson provided a statement in support of Jami Arbon.

Staff acknowledged that any correspondence written letters and/or emails received have been entered into the record.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

COUNCILOR COMMENTS

A. Council President Akervall

Councilor Akervall wished everyone a happy New Year.

Ms. Akervall announced there is a virtual tour available to the public thru YouTube of the Willamette Intake Facility. The virtual tour shows some of the stabilization work that is being done at the raw water treatment plant. Ms. Akervall noted that community members might have noticed the work because it is quite a big change, at the wall of the raw water treatment plant. Moreover, the stabilization modifications, or changes are so the intake facility would be helped in withstanding a Cascadia Subduction Zone earthquake.

City Manager Cosgrove informed he would direct staff to push out the virtual tour link on the City's website, Facebook page and other social media platforms.

B. Councilor Lehan

Councilor Lehan wished everyone a happy New Year. She then welcomed the newly elected Mayor and Councilors. Ms. Lehan shared over the past 25 or 30 years she has served on Council off and on, she has never served with Councilors who came better prepared and more engaged than these three members.

C. Councilor West

Councilor West hoped everybody had a great Christmas and New Year.

Mr. West stated some students go back to school tomorrow with many already starting today.

Mr. West shared he looks forward to working with other Councilor in spring, to set the Council goals for the next two years moving forward.

Mr. West revealed that Council has many things coming down the line such as continuing to help small businesses and being responsive to citizens. Moreover, Council is trying to do the best they can to meet basic and practical needs for those in the service industry that are not receiving paychecks.

D. Councilor Linville

Councilor Linville added New Year's best wishes to Council, staff, and Wilsonville citizens.

Ms. Linville shared concerns that the state legislature did not extend the moratorium on foreclosures. However, the legislature did extend the rental eviction deadline past the end of the month.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Councilor Linville plans to attend the following:

- Clackamas County Business Alliance (CCBA) Annual Legislative Submit; and
- League of Oregon Cities weekly conference call on January 8, 2021; and
- Councilor Lehan’s presentation to the Charbonneau Women's Association on myths and milestones in Wilsonville on January 11, 2021.

CONSENT AGENDA

Ms. Jacobson read the titles of the Consent Agenda items into the record.

A. **Resolution No. 2848**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement With Brown And Caldwell To Provide Engineering Consulting Services For The Stormwater Master Plan Update Project (Capital Improvement Project #7064).

B. **Resolution No. 2862**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement With Keller Associates, Inc. To Provide Engineering Consulting Services For The Elligsen Well Facility Rehab And Upgrades Project (Capital Improvement Project #1083).

C. **Resolution No. 2870**

A Resolution And Order Amending Resolution No. 2864 To Further Extend The Local State Of Emergency And Emergency Measures, As Authorized By Resolution No. 2803.

D. Minutes of the December 7, 2020 City Council Meeting.

Motion: Councilor Lehan moved to approve the Consent Agenda as read. Councilor Akervall seconded the motion.

Vote: Motion carried 5-0.

SUMMARY OF VOTES

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

NEW BUSINESS

A. None.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

CONTINUING BUSINESS

A. Boards & Commissions Appointment

Mayor Fitzgerald stated continuing business for the meeting is regarding the appointment of Jami Arbon to the Development Review Board. The Mayor explained she read all of the materials and interviewed Jami. Arbon. Mayor Fitzgerald said that after reviewing all materials and listening to public input, she sees nothing in the record that would preclude Jami Arbon from being a contributing member of the Development Review Board. The Mayor then stated she would entertain a motion to approve the appointment of Jami Arbon to the Development Review Board for a term beginning on January 5, 2021 extending through December 31, 2022.

Motion: Councilor Linville moved to ratify to the appointment of Jami Arbon to the Development Review Board for a term beginning 1/5/2021 through 12/31/2022. Councilor Lehan seconded the motion.

Vote: Motion carried 4-1.

SUMMARY OF VOTES

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	No
Councilor Linville	Yes

PUBLIC HEARING

A. None.

CITY MANAGER'S BUSINESS

City Manager Cosgrove wish Council a happy New Year.

He congratulated Mayor Fitzgerald, Council President Akervall, and Councilor Linville for being elected.

Mr. Cosgrove added he looks forward to working with the entire Council. He also, looks forward to getting Council back in Council Chambers and having the community back into City facilities.

Encouraged everyone to get a vaccination when they have the opportunity, as vaccinations are the surest route to getting back on track.

Mr. Cosgrove reminded Council their presentations to Citizens Academy are coming up.

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

LEGAL BUSINESS

City Attorney Jacobson recalled Council compensation is highly scrutinized under Oregon ethics laws. No person who will benefit from Council compensation directly or who will benefit from it during his or her current term can vote on it. Only those not benefiting during a current term can vote.

Ms. Jacobson shared three Councilors who could not; benefit at the time had earlier expressed strong support for Council compensation at a prior Work Session. Ms. Jacobson took this information to the Oregon Government Ethics Commission (OGEC) to confirm if Council could hold a vote and enact Council compensation for the new Councilors and Mayor. She then clarified that new Councilors means those re-elected.

She further explained per her conversation with OGEC legal counsel as long as there was a quorum present Council could move forward with the vote on Council compensation. Ms. Jacobson described she had not discussed the possibility of a less than unanimous vote with the legal counsel and therefore circled back to discuss the vote after the December 21, 2020 City Council meeting.

Ms. Jacobson described the City Charter expressly provides in Chapter 4, Section 15 that a majority of the incumbent members of City Council shall constitute a quorum for its business. Ms. Jacobson said Section 19 of the Charter goes on to state except as this chapter otherwise provides the concurrence of a majority of the members of the Council voting when a quorum of the Council is present shall decide any question before it. Ms. Jacobson shared Council had a two to one vote thus when reviewing the language with OGEC legal counsel following the two to one vote she was advised and agreed that there is nothing in ethics regulations or their interpretations of them that would override the City Charter on the vote. Even though a unanimous vote would have been preferred, the two to one vote did pass the compensation measure as presented per Wilsonville City Charter.

Ms. Jacobson reiterated the two to one vote at the last meeting although not unanimous was sufficient to pass the resolution on Council compensation. Therefore, if Councilors elect to accept the compensation it would begin July 1, 2021.

Council was reminded they can opt into or out of the benefit at any time. In addition, Councilors should contact their financial advisor or accountant to see how the compensation could affect them.

ADJOURN

Mayor Fitzgerald adjourned the meeting at 8:07 p.m.

**CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES**

Respectfully submitted,

Kimberly Veliz, City Recorder

ATTEST:

Julie Fitzgerald, Mayor

DRAFT



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: February 1, 2021		Subject: Resolution No. 2878 Refunding of Outstanding Borrowings	
		Staff Member: Cathy Rodocker, Finance Director	
		Department: Finance	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments: N/A	
Staff Recommendation: Staff recommends Council adopt Resolution No. 2878.			
Recommended Language for Motion: I move to approve Resolution No. 2878.			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Resolution to authorize staff to proceed with the refunding of the outstanding borrowings for the Full Faith and Credit Revenue Refunding Bonds issued to finance the Waste Water Treatment Plan Rehabilitation project.

EXECUTIVE SUMMARY:

In December 2011, the City Issued \$38,940,000 in Full Faith and Credit Revenue Bonds for the Waste Water Treatment Rehabilitation project. The current interest rate for this debt is 3.45%. The bonds will be eligible to refinance in June of this year and staff is recommending that we move forward to refinance the remaining debt of \$26,130,000.

Current interest rates for public borrowing are ranging between 1.25% and 2.25%. With the reduction in interest rates, the City could see anywhere between \$1.5 to \$3 million dollars in interest savings over the life of the debt. While backed by the full faith and credit of the General Fund, the semi-annual payments are currently being made directly from the Wastewater Operating Fund. The Wastewater System Development (SDC) charges have also contributed towards the debt but as plant is reaching its capacity, SDC funds will no longer be able to contribute.

The City is currently working with PFM Financial Advisors as our municipal advisor and Hawkins Delafield & Wood as our bond council. Both firms were also involved in the original financing in 2011. An RFP has been distributed to potential lenders and the responses are due back on Friday, February 5, 2021.

The resolution before Council this evening will grant the Finance Director or the City Manager the ability to select the lending institution that will refinance all of the current outstanding debt for the Waste Water Treatment Plant. It further allows negotiation of the financing agreement, the interest rates, and payment dates.

Council will be notified as to lender, amount, interest rates and expected savings by February 16, 2021.

EXPECTED RESULTS:

Refinancing the current debt for the Waste Water Treatment Plant.

TIMELINE:

Submittals to the refinancing RFP are due on Friday, February 5, 2021. The refinancing date of completion is scheduled for June 1, 2021.

FINANCIAL REVIEW / COMMENT:

Reviewed by: CAR Date: 1/15/2021

The FY20-2021 Adopted Budget includes the anticipated costs associated with the refinancing.

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 1/27/2021

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Potential interest savings will be recognized in the Wastewater Operating Fund.

ALTERNATIVES:

The City Council could choose not to refinance the 2011 Wastewater Bonds and continue with the current contract.

CITY MANAGER COMMENT:

N/A

ATTACHMENT:

1. Resolution No. 2878

RESOLUTION NO. 2878

RESOLUTION AUTHORIZING REFUNDING OF OUTSTANDING BORROWINGS.

The City Council of the City of Wilsonville, Oregon, finds as follows:

WHEREAS, the City of Wilsonville, Oregon (the “City”) is authorized by Oregon Revised Statutes Section 271.390 to enter into financing agreements to finance or refinance real or personal property which the City Council determines is needed so long as the estimated weighted average life of the financing agreement does not exceed the estimated dollar weighted average life of the property that is financed or refinanced; and

WHEREAS, it may be beneficial to refinance all or a portion of the City’s Full Faith and Credit Obligations, Series 2011 (the “Outstanding Borrowings”) outstanding in the approximate principal amount of \$26,130,000, which financed and refinanced improvements to the City’s sanitary sewer system (the “Refunded Project”); and

WHEREAS, the City Council hereby determines that the Refunded Project was needed at the time the Outstanding Borrowings were issued and remains needed, and that it is desirable to authorize the refinancing of those projects pursuant to ORS 271.390 and ORS 287A.360; and

WHEREAS, the City intends to pay amounts due under the financing agreement authorized by this resolution (the “Financing Agreement”) from sanitary sewer system revenues, has projected that it will have enough sanitary sewer system revenues to make the payments, and therefore the refunding does not constitute voluntary floating indebtedness under Section 39 of the City Charter;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wilsonville, Oregon as follows:

Section 1. Financing Agreement Authorized. The City is authorized to enter into the Financing Agreement pursuant to ORS 271.390, 287A.360 and the other applicable provisions of ORS Chapter 287A to refinance all or any portion of the Outstanding Borrowings. The Financing Agreement may be issued in an amount that is sufficient to refund all or any portion of the Outstanding Borrowings and to pay estimated costs related to issuing the Financing Agreement and refunding the Outstanding Borrowings.

Section 3. Delegation. The Finance Director or the City Manager, or the person designated by the Finance Director or the City Manager (each of whom is referred to herein as a “City Official”) are hereby authorized, on behalf of the City and without further action by the City Council, to:

- A. Select all or a portion of the Outstanding Borrowings to be refunded and take action to defease and prepay the Outstanding Borrowings;
- B. Negotiate, execute and deliver the Financing Agreement. Subject to the limitations of this Resolution, the Financing Agreement may be in the form of an agreement, credit facility, or other document that describes the terms and administrative provisions related to the borrowing. The Financing Agreement may contain such terms as the City Official may approve;
- C. Determine the final principal amount, interest rates, payment dates, prepayment rights and all other terms of the financing;
- D. Select a commercial bank or another lender to fund the Financing Agreement;
- E. Covenant for the benefit of the lender to comply with all provisions of the Internal Revenue Code of 1986, as amended (the “Code”) which are required for the interest paid under the Financing Agreement to be excluded from gross income for federal income tax purposes, if applicable;
- F. Appoint and enter into agreements with Hawkins Delafield & Wood LLP as bond counsel, PFM Financial Advisors LLC as municipal advisor and other service providers for the Financing Agreement; and;
- G. Execute and deliver any other certificates or documents and take any other actions which the City Official determines are desirable to carry out this resolution.

Section 4. Security. Pursuant to ORS 287A.315, the City is authorized to pledge its full faith and credit and taxing power within the limitations of Sections 11 and 11b of Article XI of the Oregon Constitution to pay the amounts due under the Financing Agreement. The City is not authorized to levy additional taxes to pay the amounts due under the Financing Agreement.

Section 5. Effective Date. This resolution is effective immediately upon its passage.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 1st day of February, 2021 and filed with Wilsonville City Recorder this same date.

Julie Fitzgerald, Mayor

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

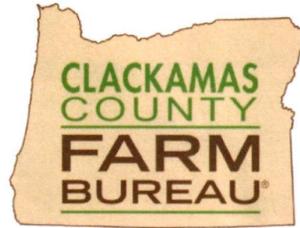
Mayor Fitzgerald

Council President Akervall

Councilor Lehan

Councilor West

Councilor Linville



January 18, 2021

Marion County Planning Division

5155 Silverton Rd NE
Salem, OR 97305

City of Wilsonville

29799 SE Town Center Loop E
Wilsonville, OR 97070

Land Use Board of Appeals

775 Summer St. NE #300
Salem, OR 97301

Clackamas County Board of Commissioners

2051 Kaen Rd
Oregon City, OR 97045

City of Aurora

21420 Main Street
Aurora, OR 97002

To Whom it May Concern,

On behalf of the Clackamas County Farm Bureau, it has been the consensus that the group is not opposed to development at the old church property next to the Aurora Airport. The property is currently owned by TLM Holdings LLC and is located along airport road.

The lot is not conducive to farming due to lack of an irrigation well, the cost prohibitive nature of drilling a well, and soils that are marginal for drainage. In addition, it is surrounded by Aurora Airport on three sides with the fourth side being Airport Road. Clackamas County Farm Bureau has concluded production agriculture is not the highest and best use of the TLM Holdings property. It's our position that development on the property should be allowed to help create jobs and be a productive piece of real estate to the business, surrounding communities, and to Marion County and the State of Oregon through property and income tax dollars.

In closing, Clackamas County Farm Bureau believes development should be allowed on the TLM holdings property at the Aurora Airport.

Sincerely,

A handwritten signature in black ink that reads "Frank Battilega". The signature is written in a cursive, flowing style.

Frank Battilega
President

Clackamas County Farm Bureau

Clackamas County Farm Bureau

P.O. Box 961 Canby, OR 97013

Phone: (971) 350-8908