

AGENDA

**WILSONVILLE CITY COUNCIL MEETING
MARCH 20, 2017
7:00 P.M.**

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

Mayor Tim Knapp

Council President Scott Starr
Councilor Susie Stevens

Councilor Kristin Akervall
Councilor Charlotte Lehan

CITY COUNCIL MISSION STATEMENT

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

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

- | | | | |
|------------------|--|-----------|--------|
| 5:00 P.M. | EXECUTIVE SESSION | [15 min.] | |
| A. | Pursuant to ORS 192.660 (2)(e) Real Property Transactions
ORS 192.660(2)(f) Exempt Public Records
ORS 192.660(2)(h) Litigation | | |
| 5:15 P.M. | REVIEW OF AGENDA | [5 min.] | |
| 5:20 P.M. | COUNCILORS’ CONCERNS | [5 min.] | |
| 5:25 P.M. | PRE-COUNCIL WORK SESSION | | |
| A. | Year 2000 Urban Renewal Plan (Kraushaar/Cole) | [15 min.] | Page 1 |
| B. | Wastewater Collection System Master Plan Project List
Amendment (Adams) | [5 min.] | |
| C. | Water distribution master plan project list amendment
(Adams) | [5 min.] | |
| D. | Basalt Creek Update (Bateschell) | [15 min.] | Page 6 |
| E. | Equitable Housing Strategic Plan Update (Bateschell/Gail) | [15 min.] | |
| F. | Acceptance of the Audit RFP (staff - Cole) | [5 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, March 20, 2017 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on 2017. Remonstrances and other documents pertaining to any matters listed in said summary filed at or prior to the time of the meeting may be considered therewith except where a time limit for filing has been fixed.

7:00 P.M. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance
- C. Motion to approve the following order of the agenda and to remove items from the consent agenda.

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

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

7:25 P.M. MAYOR'S BUSINESS

- A. 2017-19 City Council Goals Page 147
- B. Adopt 2017 Council Protocol Manual Page 180
- C. Upcoming Meetings Page 327

7:50 P.M. COUNCILOR COMMENTS

- A. Council President Starr
- B. Councilor Stevens
- C. Councilor Lehan
- D. Councilor Akervall

8:00 P.M. CONSENT AGENDA

- A. **Resolution No. 2615** Page 331
A Resolution Granting An Exemption From Property Taxes Under ORS 307.540 To ORS 307.548 For Autumn Park Apartments, A Low-Income Apartment Development Owned And Operated By Northwest Housing Alternatives, Inc. (staff - Rodocker)
- B. **Resolution No. 2616** Page 350
A Resolution Granting An Exemption From Property Taxes Under ORS 307.540 To ORS 307.548 For Charleston Apartments, A Low-Income Apartment Development Owned And Operated By Northwest Housing Alternatives, Inc. (staff - Rodocker)
- C. **Resolution No. 2617** Page 363
A Resolution Granting An Exemption From Property Taxes Under ORS 307.540 To ORS 307.548 For Creekside Woods LP, A Low-Income Apartment Development Owned And Operated By Northwest Housing Alternatives, Inc. (staff - Rodocker)
- D. **Resolution No. 2618** Page 380
A Resolution Granting An Exemption From Property Taxes Under ORS 307.540 To ORS 307.548 For Rain Garden Limited Partnership, A Low-Income Apartment Development Owned And Operated By Caritas Community Housing Corporation. (staff - Rodocker)
- E. **Resolution No. 2619** Page 396
A Resolution Granting An Exemption From Property Taxes Under ORS 307.540 To ORS 307.548 For Wiedemann Park, A Low-Income Apartment Development Owned And Operated By Accessible Living, Inc. (staff - Rodocker)

F. **Resolution No. 2621** Page 449
A Resolution Of The City Of Wilsonville Authorizing The City Manager Or His Designee To Appoint Audit Firm. (staff – Katko)

G. **Resolution No. 2622** Page 454
A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Moore Excavation, Inc. For The Charbonneau High Priority Utility Repair Phase II Project (Capital Improvement Project #2500 & 7500). (staff - Weigel)

H. **Resolution No. 2623** Page 461
A Resolution Of The City Of Wilsonville To Amend The 2015 Wastewater Collection System Master Plan Project List (Table 7-3 Capital Improvement Program, New Infra-Structure For Future Development) By Adding Project CIP-58 – Arrowhead Creek Planning Area – 5th Street / Kinsman Road Extension. (staff - Adams)

I. **Resolution No. 2624** Page 468
A Resolution Of The City Of Wilsonville To Amend The Adopted 2012 Water System Master Plan Project List (Table 5.2 – Priority Capital Improvements) To Add Project 176 – 12-Inch Loop On 5th/Kinsman/Brown Extensions. (staff – Adams)

8:05 P.M. PUBLIC HEARING

A. **Resolution No. 2625** Page 474
A Resolution Authorizing A Supplemental Budget Adjustment For Fiscal Year 2016-17. (staff – Rodocker)

B. Ordinance No. – *This ordinance will need to be continued to the April 17, 2017 Council Meeting.*
An Ordinance Amending the Comprehensive Plan Adopting a 21017 Transit Master Plan for the City of Wilsonville and Repealing Ordinance No. 653. (staff – Loomis)

8:20 P.M. NEW BUSINESS

A. **Resolution No.2620** Page 438
A Resolution Of The City Of Wilsonville Adopting A New Fee Schedule For Land Use Development And Planning Review Fees, And Repealing Resolution No. 2529 (staff – Kraushaar/Cole)

Information Only Items Page 484

8:35 P.M. CITY MANAGER’S BUSINESS

8:40 P.M. LEGAL BUSINESS

8:45 P.M. ADJOURN

AN URBAN RENEWAL AGENCY MEETING WILL IMMEDIATELY FOLLOW

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated.) 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

City Council

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persons with speech or hearing impairments. Qualified bilingual interpreters. To obtain services, please contact the City Recorder, (503)570-1506 or king@ci.wilsonville.or.us



**CITY COUNCIL MEETING – Work Session
STAFF REPORT**

<p>Meeting Date: March 20, 2017</p>	<p>Subject: Closure of Year 2000 Plan (Eastside) Urban Renewal District</p> <p>Staff Member: Susan Cole, Finance Director; Nancy Kraushaar, Community Development Director</p> <p>Department: Finance and Community Development</p>
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>
<p> <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1st Reading Date: <input type="checkbox"/> Ordinance 2nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda </p>	<p> <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable </p> <p>Comments: This District is slated to close in fiscal year 2020. The major street project of the “Boeckman Bridge” could be funded if this District were to remain open for three more years.</p>
<p>Staff Recommendation:</p>	
<p>Recommended Language for Motion:</p>	
<p>Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i></p>	
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input type="checkbox"/> Adopted Master Plan(s)</p>
<p><input type="checkbox"/> Not Applicable</p>	

ISSUE BEFORE COUNCIL:

Whether to proceed with Year 2000 Urban Renewal Plan closure or consider keeping it open to fund construction of the Boeckman Bridge.

EXECUTIVE SUMMARY:

The City of Wilsonville Year 2000 (Eastside) Urban Renewal Plan and Program is completing the projects that were outlined in the various plans, the most recent being the Wilsonville Urban Renewal Strategic Plan dated October of 2014. Therefore, the Finance Department is beginning the process of closing down this district, which includes restructuring its debt to ensure all obligations are satisfied, and potentially “under-levying” in the succeeding fiscal years by a greater extent than currently, to match requirements once the debt is restructured. The financial plan shows the District ceasing to collect tax increment revenue after the fiscal year of 2020. Once this District stops collecting tax increment, which currently is budgeted at about \$4 million, those funds are redirected to the overlapping taxing districts, including the City. The City stands to gain approximately \$725,000 in additional property tax revenue in fiscal year 2021 if the Year 2000 Plan District ceases to collect tax increment in fiscal year 2020.

However, the City is concerned about funding improvements to Boeckman Road, which has a major dip that impedes sight distance and is narrow, both conditions compromising the safe flow of road users. In the adopted 2013 and 2016 Transportation System Plan (TSP) update and in the Frog Pond Concept Plan, City has identified the need for a bridge that would fix this issue, estimated at approximately \$14 million.

The Boeckman Dip Bridge project area is within the Year 2000 Urban Renewal Plan area which could allow Year 2000 revenues to be used for a portion or the entire project. To do so, the plan would need to be amended to include the project (minor amendment). Funding the construction of the Boeckman Dip Bridge is projected to be in excess of the current maximum indebtedness of the District, necessitating a substantial amendment to increase it. The District may have approximately \$1 to \$2 million within its current debt limit depending upon the needs of other projects to begin preliminary planning and design, but construction funded with urban renewal funds would require a substantial amendment to increase the maximum indebtedness. Staff recommends that any amendments go through the Urban Renewal Task Force for their consideration and recommendation to the City Council and Urban Renewal Agency.

Finding other sources of funds for this project will be challenging. The Transportation System Development Charge could be a source, however this fund has approximately \$6.8 million in available fund balance to provide for \$6.7 million in projects slated for the next fiscal year. Over the next five years, this fund may bring in anywhere between \$7 and \$8 million, but the project list over that timeframe totals approximately \$12.9 million. Examples of projects slated for this funding source both next year and in the future includes completing the Kinsman Road Extension, improving roads and intersections surrounding the I-5 interchange to relieve congestion, the City’s share of the Meridian Creek Middle School transportation improvements, improving the south side of Boeckman Road, initial phases of Garden Acres Road, and initial phases of a walking/biking bridge spanning I-5.

Another possible funding source would include contributions from developers that are contemplating building out the Frog Pond and Stafford Road areas over the course of time. However, these areas need extensive infrastructure improvements that are likely going to require supplemental charges to appropriately build out needed roads, parks, water, and sewer systems. Adding a supplemental charge to developments to construct the Boeckman Dip Bridge, in

addition to likely other supplemental charges for needed infrastructure, could potentially place certain kinds of housing developments out of range. In addition, there are limits on how much can be equitably allocated to Frog Pond.

Using Urban Renewal as a funding source for the Boeckman Dip Bridge is within the spirit of the mission of urban renewal – to stimulate economic development where private development may not be feasible due to cost or other factors. Constructing the Boeckman Dip Bridge will improve traffic flow and safety (including trucks) and provide multi-modal transportation options to one of the City’s potential growth areas as well as serving the greater Wilsonville population.

Timing of this decision is important; the Year 2000 Plan District is at a fork in the road, to either prepare for closure, or to stay open and fund this additional project. Preparing the Year 2000 Plan District for closure is a multi-year endeavor that should begin with the next fiscal year, 2017-18. It is important for the District to carefully plan its cash flow, project timing, debt payments and tax increment received, and it can take a few years for these dynamics to unfold, and therefore should begin next fiscal year. The District should avoid over-collecting the increment, because then it would need to refund these payments back to the County Assessor, who in turn would need to refund it back to the over-lapping districts, and this can be administratively burdensome. Due to the success of the District, financial projections show that it has adequate resources to pay back its debt and complete the project list, while at the same time “under-levy” in subsequent fiscal years so that it has a soft-landing.

The following table displays the estimated amount of property tax revenue to each of the overlapping districts, the percent that is diverted to the Urban Renewal Year 2000 District, the amount of incremental property tax revenue received by the District, and the percent of the total to the Urban Renewal District. For example, less than one percent (0.61%) of Clackamas County’s property tax revenue is divided to the the Urban Renewal District, but that amount makes up 17.68% of the total revenue received by the Urban Renewal District.

The estimated property tax increment to the Urban Renewal District from each overlapping taxing jurisdiction will be approximately equal to the amount each taxing district will realize once the Urban Renewal District closes. This is because the Urban Renewal District “under-levys” by fixing the incremental assessed value each year to collect about \$4 million in taxes.

Taxing Jurisdiction	Total Est Property Tax Rev of District; FY 16-17	% of Total Prop Tax Est diverted to UR	Estimated Prop Tax Increment to UR Yr 2000; FY 16-17	% of UR Total
Clackamas County	\$114,156,200	0.61%	\$691,955	17.68%
County Extension & 4-H	\$2,128,745	0.67%	\$14,160	0.36%
County Library	\$16,906,295	0.68%	\$114,145	2.92%
County Soil Cons	\$2,129,285	0.67%	\$14,160	0.36%
City of Wilsonville	\$6,401,455	11.33%	\$725,455	18.54%
ESD Clackamas	\$14,901,775	0.71%	\$105,890	2.71%
Clack Comm Coll & Bond	\$22,106,970	0.92%	\$202,925	5.19%
TVF&R	\$90,023,400	0.49%	\$439,025	11.22%
Port of Portland	\$6,872,945	0.29%	\$20,045	0.51%
W Linn/WV School & Bond	\$35,359,130	4.39%	\$1,552,075	39.66%
Metro & Bond	\$9,320,020	0.34%	\$32,005	0.82%
Vector Control	\$282,675	0.63%	\$1,770	0.05%
			3,913,610	

However, one caveat is that it is not clear the total impact of closure on the West Linn-Wilsonville School District. Past analyses have shown that closure would negatively impact the School District's local option levy by increasing tax compression between \$280,000 and \$135,000, depending upon when the Urban Renewal District closes; the later it closes, the less impact on compression.

Staff is seeking direction on whether to pursue taking steps necessary to seek urban renewal funding for the Boeckman Road improvements.

EXPECTED RESULTS:

TIMELINE:

If Council would like to pursue urban renewal funding for the Boeckman Road improvements, staff would convene the Urban Renewal Task Force in early 2017.

CURRENT YEAR BUDGET IMPACTS:

The current year budget for the Urban Renewal Agency anticipates paying off certain portions of the urban renewal debt. If the District were to remain open, the debt may be restructured but not retired.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 3/7/2016

LEGAL REVIEW / COMMENT:

Reviewed by: Date:

COMMUNITY INVOLVEMENT PROCESS:

If the Council is interested in funding the Boeckman Dip Bridge with urban renewal revenue, staff recommends that the Urban Renewal Task Force be reconvened to provide input.

Depending on their recommendations and the Council's direction, an urban renewal plan amendment would be prepared in accordance with Oregon law.

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

ALTERNATIVES:

CITY MANAGER COMMENT:

ATTACHMENTS:



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: March 20, 2017		Subject: Basalt Creek Concept Plan	
		Staff Member: Miranda Bateschell	
		Department: Community Development Department	
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 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 type="checkbox"/> Not Applicable	
		Comments:	
Staff Recommendation: Staff recommends Council consider and provide direction on whether they agree to the proposed changes to the Basalt Creek Land Use Concept Map from the Tualatin City Council on February 13, 2017.			
Recommended Language for Motion: N/A			
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>			
<input checked="" type="checkbox"/> Council Goals/Priorities Basalt Creek Concept Plan		<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Since 2011, the Cities of Wilsonville and Tualatin, Washington County, and Metro have been working together to implement an Intergovernmental Agreement (IGA) to concept plan the Basalt Creek Planning Area. After five joint Council work sessions and two Public Open Houses, a preferred Basalt Creek Land Use Concept Plan was completed in September 2016, presenting a proposed jurisdictional boundary in conjunction with ten considerations for success.

On February 13, 2017, the Tualatin City Council, at a council work session, provided Tualatin city staff with direction to modify the previously agreed upon preferred Basalt Creek Land Use Concept Plan to show the Basalt Creek central subarea as residential on the Tualatin side of the conditional jurisdictional boundary.

The IGA requires joint agreement from the two cities on a jurisdictional boundary and the concept plan. *Staff is seeking direction from the City Council on whether they agree to the proposed changes to the Basalt Creek Land Use Concept Map from the Tualatin City Council on February 13, 2017.*

EXECUTIVE SUMMARY:

Foundational Documents & Agreements

There is a long history of planning and inter-governmental coordination for the Basalt Creek Planning Area.

- In 2004, Metro added the Basalt Creek Planning Area to the Metro Urban Growth Boundary as part of Ordinance No. 04-1040B for the purpose of amending the Metro urban growth boundary to increase the capacity of the region to accommodate growth in industrial employment (Attachment A).
- In July 2010, the Cities of Wilsonville and Tualatin entered into a Memorandum of Understanding for Concept Planning the Urban Growth Boundary Expansion Area known as the Basalt Creek Planning Area (Attachment B).
- In May 2011, the Cities of Wilsonville and Tualatin, Washington County, and Metro entered into an IGA for concept planning the Basalt Creek and West Railroad Planning Areas (Attachment C). This IGA had two amendments: first, in June 2013 acknowledging the Basalt Creek Transportation Refinement Plan (TRP), and second, extending the IGA for three additional years, until fall 2019, to complete the Basalt Creek Concept Plan.
- From October 2013 through 2016, the Wilsonville and Tualatin City Councils held five joint Council work sessions and two Public Open Houses considering several boundary and land use alternatives for the Basalt Creek Planning Area.

Conclusion: these planning actions outline the process and expectations for the Basalt Creek Planning Area and the four parties involved in adopting a concept plan for the area. They specifically state that both cities must agree on both a jurisdictional boundary and a concept plan that both cities adopt. The proposed changes to the Basalt Creek Land Use Concept Map from the Tualatin City Council on February 13, 2017 do not appear consistent with the planning to date (Metro Ordinance, TRP, and Joint Council recommendations, conclusions, and decisions) or to be compatible with a cohesive business district that accommodates successful industrial employment growth.

Guiding Principles

On October 29, 2013, the Wilsonville-Tualatin Joint City Council met to start the project with a shared understanding of the process and potential outcomes, and to identify issues and challenges that could be present during concept planning. There was also significant discussion around guiding principles for the project. A key discussion point was having a shared vision that also

respected each city's vision, and acknowledging that the plan that is advanced should be in consideration with the other city, must be compatible with, and enhance the other city. At the July 16, 2014 Wilsonville-Tualatin Joint City Council meeting, the Councils reviewed findings from the June Community Workshop and the existing conditions for the planning area, which included environmental constraints such as wetlands and slopes. The Councils also refined the Guiding Principles (Attachment D), which helped the project team create evaluation measures to be used in assessing alternative land use scenarios.

Conclusion: The proposed changes to the Basalt Creek Land Use Concept Map from the Tualatin City Council on February 13, 2017 do not appear to consider the joint vision established to-date for an economically viable employment district. They also do not consider compatibility with or enhancement of the proposed uses that are currently proposed to be City of Wilsonville in the preferred Basalt Creek Land Use Concept Map despite the importance of this being decided early on in the project. In addition, the proposal is not consistent with all of the Guiding Principles for the Basalt Creek Concept Plan.

GP2 "Recreation opportunities should be made accessible in the area through the creation of new open spaces and trails and integrating them with existing regional networks."

This will be much more difficult to achieve with residential uses, rather than employment uses, bordering the Basalt Creek Canyon to the west.

GP4 "Create a uniquely attractive business community unmatched in the metropolitan region."

It will be difficult to achieve a successful business community in this area without the appropriate industrial massing (acreage) and like uses and compatible design mirroring each other on both sides of the parkway and with non-compatible uses inserted into the employment area.

GP5 "Ensure appropriate transitions between land uses."

The proposal would place housing along a limited-access arterial intended for significant freight movement and across the street from manufacturing parks and industrial uses. There is a nearby cement batch plant that is now operating 24-7. The residential uses in the newly proposed location would be elevated, overlooking the Coffee Creek Correctional Facility. This is typically avoided in planning due to potential noise, traffic, vibration, light pollution, emissions and other environmental impacts.

GP6 "Meet regional responsibility for jobs and housing"

While the Metro Ordinance allowed for housing in the northern portion of the planning area, the 124th extension and Basalt Creek Parkway are being constructed farther south than the I-5-99W Connector as proposed and depicted in the Ordinance. As depicted, housing would be envisioned to or just south of Tonquin Loop, representing less than a quarter of the planning area. The Parkway is approximately 1600 feet farther south, representing a significant amount of acreage envisioned to accommodate industrial growth by the Metro Ordinance.

GP7 "Design cohesive and efficient transportation and utility systems."

The most efficient sanitary sewer system depicted a City of Wilsonville service area (and jurisdictional boundary) farther north than the Basalt Creek Parkway. The Basalt Creek TRP, its projects and trip assumptions, were based on a predominantly industrial area. Residential land

uses have higher trip rates than the currently modeled employment uses in the preferred Basalt Creek Land Use Concept Map.

GP9 “Total jobs allocated to prime flat industrial lands within the planning area.”

The preferred Basalt Creek Land Use Concept Map as well as the recent proposal from the Tualatin City Council includes acreage in the portion of the plan area proposed to be in City of Tualatin that is designated for housing despite limited constraints, flat topography, and overall attractiveness for employment uses. To-date Wilsonville concurred with the proposal, recognizing the need for Tualatin to meet a balance of residential and employment needs and allowing them to determine how; also, the adjacent land uses (residential and school) in that area could be considered more compatible with residential uses.

Basalt Creek Concept Plan Alternatives

Base Case Scenario (December 2014): At the Tualatin - Wilsonville Joint City Council meeting in December 2014, the project team presented a base-case infrastructure and land use scenario with an initial jurisdictional boundary along the future east-west connector, Basalt Creek Parkway (Attachment E). Members of the Councils directed staff to:

- Re-evaluate the sanitary sewer system due to concerns regarding the initial design and potential costs for sanitary sewer construction in the planning area.
- Examine additional boundary options that do not necessarily follow the future Basalt Creek Parkway alignment due to a desire for a cohesive set of uses and design along both sides of the future arterial.
- Aim for jurisdictional equity when considering the various measures altogether.
- Provide more residential capacity in the northern portion of the planning area for the City of Tualatin.
- Propose creative solutions for transitions from employment to housing.

Option 1 & Option 2 (June 2015): On June 17, 2015, there was a Joint Wilsonville-Tualatin City Council meeting to discuss two alternative land use concept plans with two alternative proposed jurisdictional boundaries (Attachments F and G). At that meeting, the two Councils discussed the land use types, key indicators and potential benefits of the two draft boundary options. The Tualatin City Council favored Option 1 while the Wilsonville City Council favored Option 2.

In particular, Tualatin Councilors expressed significant interest in designating the land south of the future Basalt Creek Parkway, along Boones Ferry Road and the Basalt Creek Canyon (“the tooth”), as future City of Tualatin residential land in recognition of the existing residential community. City of Wilsonville Councilors expressed concern over Option 1 regarding the disparity in benefits realized by each city (less for the City of Wilsonville across indicators), a lack of industrial massing near Grahams Ferry Road and Basalt Creek Parkway, and future transportation impacts from the high number of trips from the residential uses. The Councils also discussed the proposed sanitary sewer system, as it differs from the proposed boundary options; how to best serve the area; and how potential financial savings might be shared if Wilsonville handled sanitary sewer from the City of Tualatin resulting in fewer Clean Water Services pump stations. As a result of the discussion, the Joint Council made a recommendation to project staff to prepare an alternative option.

The Wilsonville City Council recognized the “tooth” area was a must-have for the City of Tualatin and compromised despite a desire for “the tooth” to provide a natural resource amenity to adjacent employment uses and trail opportunities for nearby employees, in addition to the fact all stormwater runoff from this area would flow to the City of Wilsonville. The Councils also agreed to work out the boundary on the west end, to the north of the Basalt Creek Parkway, acknowledging Wilsonville’s concerns regarding trips, sewer service for Tualatin users, and additional employment capacity. The meeting concluded with the sentiment that it was important for the plan to make sense for both communities, while being fiscally responsible in the end, and that the land for both communities be profitable.

Option 3 (September 2015): In preparation for a Joint Wilsonville-Tualatin City Council meeting scheduled in September 2015, the project team prepared Boundary Option 3 (Attachment H) responding to the Joint Council’s input and concerns from the June meeting.

- Boundary extended down Boones Ferry to include existing residential parcels in Tualatin’s jurisdiction to recognize existing community and ensure a cohesive residential zone.
- Boundary shifted north on the west side of the Basalt Creek canyon area to create a more cohesive industrial district and compatible employment uses between the cities while considering topography and parcel lines.

Boundary Option 3 also considered jurisdictional equity through the lens of developable acres, phasing and infrastructure costs, and more balanced property tax returns. The City of Tualatin will likely see a higher overall return on investment and ability to meet near-term residential demand and development desires. The City of Wilsonville is provided a little more land to offset higher overall infrastructure costs and service to Tualatin development, a delay in return on investment, and the city’s ability to fulfill the employment capacity expectations for the planning area.

Tualatin – Option 4 (September 2015): In preparation for the September 2015 Joint Council meeting, there was a Tualatin City Council Work Session where the Tualatin City Council expressed concerns about the limited employment land opportunities for the City of Tualatin and directed Tualatin City Staff to prepare information for a Boundary Option 4, which would follow Tonquin Road west of the Basalt Creek Canyon area (Attachment I). Given this proposed concept plan and boundary alternative was not completed together by the two cities via the project team or decided at a Joint City Council meeting, a full analysis of all performance indicators in Envision was not completed. In order for City of Wilsonville staff and City Council to review this Option, the September Joint Council meeting was postponed until December.

In preparation for the December Wilsonville-Tualatin Joint Council meeting, the Mayors and City Council Presidents of both cities met with staff to discuss the various boundary options to date and remaining issues not yet resolved.

- Tualatin Mayor Ogden and Councilor Beikman communicated “the tooth” was no longer a priority for the City of Tualatin, but rather additional acreage on the west side of the planning area for more employment acreage.

- Wilsonville Mayor Knapp and Councilor Starr communicated significant concerns about a boundary along Tonquin Road from a planning perspective, reiterated the importance of certainty of industrial acreage, and the need for benefits to offset the additional costs.

Mayor Knapp and Councilor Starr also expressed the boundary was not the paramount issue to the City, but rather how the systems work so the area functions well, including enough contiguous land for both cities to appeal to business, getting the value needed related to transportation and industrial massing, and meeting regional industrial land needs. Mayor Ogden and Councilor Beikman agreed these were joint concerns, not just Wilsonville concerns. Problems experienced in Wilsonville in the Basalt Creek Planning Area (e.g. at the Elligsen interchange) would impact the full planning area's success and would be a problem for both cities.

While Tualatin's Option 4 seemed a departure from previous Joint Council decisions to the Wilsonville City Council, the Council remained flexible to the needs of the City of Tualatin while ensuring good planning that met the agreed upon vision and enhanced both cities; and as such, presented the Basalt Creek Parkway as a boundary option upon resolution of these joint concerns. There was agreement to present the ideas and issues discussed as a packaged proposal at the December Wilsonville-Tualatin Joint Council meeting.

Preferred Boundary & Considerations for Success: On December 16, 2015, there was a Joint Wilsonville-Tualatin City Council meeting to discuss a preferred land use and boundary option for the Basalt Creek planning area. The Councils agreed to (1) a set of ten considerations for success (Attachment J), (2) a need to incorporate essential agreements into the Basalt Creek Concept Plan to refine and address those considerations, and (3) a preferred jurisdictional boundary along the Future Basalt Creek Parkway conditional upon successful incorporation of the ten considerations into the Basalt Creek Concept Plan. In addition, in response to Tualatin's disinterest in the West Railroad Area, Wilsonville accepted this area to be included in the City of Wilsonville in the future.

The ten considerations relate to the functional elements of the Concept Plan: sanitary sewer service, stormwater system design standards, industrial zoning certainty, trip caps, transportation projects and funding, transit service, trails and natural resource protections in the Basalt Creek Canyon area. It was intended those considerations would guide development of a preferred alternative for the Basalt Creek Concept Plan as well as outline implementation measures for success.

At the Joint Council meeting, both City Councils voiced a desire to memorialize and endorse these areas of general consensus. As a result, City of Wilsonville drafted Resolution No. 2569 and scheduled a hearing for March 14, 2016 to acknowledge those agreements made at the December Joint Council Meeting, including the ten considerations document. This hearing was rescheduled and cancelled indefinitely after the City of Tualatin cancelled adoption of the same document. The Resolution was never approved.

However, the project team advanced work on the ten considerations and developed a preferred Basalt Creek Land Use Concept Map (Option 5) for the public open house on April 28, 2016

(Attachment K). Essentially the land uses were very similar to what was presented in the Tualatin-proposed Option 4 with the boundary option along the Basalt Creek Parkway.

With positive feedback from the public open house, staff from both cities further refined the preferred Basalt Creek Land Use Concept Map to fix errors and align map designations with existing city comprehensive plan designations and zoning classifications. The draft, dated September 16, 2016 (Attachment L), was prepared for presentation at individual Council work sessions in October in order to move toward finalization of the Basalt Creek Concept Plan and a final Joint Council work session approving the Concept Plan. In addition, staff continued work to resolve issues through the ten considerations; while this advanced, complete agreement was not reached at this point in the project. As such, the map acknowledges the proposed Basalt Creek Land Use Concept Plan and jurisdictional boundary are subject to those considerations for success being integrated into the Concept Plan.

Washington County Basalt Creek Employment Site Evaluation (January 2017): Based on public input from property owners and residents in Tualatin at the October City of Tualatin Work Session meeting, Washington County commissioned a land suitability analysis from the firm Mackenzie for a portion of the planning area being called the “central subarea” to analyze slope and determine whether the land was in fact suitable for employment uses. The study concluded the “central subarea” is feasible for employment including flex business park, office campus, manufacturing, and commercial support services consistent with the City of Tualatin Manufacturing Park zoning classification (Attachment M).

Tualatin City Council Proposal (February 2017): The feedback from the property owner in the “central subarea” regarding the slopes in that area led to additional discussions with the Tualatin City Council and Planning Commission, eventually leading to the February 2017 proposal. On February 13, 2017, the Tualatin City Council, at a council work session, provided Tualatin city staff with direction to modify the previously agreed upon preferred Basalt Creek Land Use Concept Plan to show the Basalt Creek central subarea as residential on the Tualatin side of the conditional jurisdictional boundary (Attachment N).

Slopes in the area were discussed, and a map presented, as part of the Existing Conditions at the July 16, 2014 Joint Council meeting (Attachment O). In the past two and a half years, it was not determined that the slopes in the “central subarea” were not suitable for employment uses through the site suitability and market analyses completed as part of the Basalt Creek Planning process. Tualatin City Council’s conclusion that the slopes are too steep to accommodate employment uses is also contrary to the January 2017 Washington County Employment Site Evaluation. At this time, there is no additional evidence presented by the Tualatin City Council to contradict the previous studies and site evaluations.

Conclusion: In addition to not appearing consistent with the Metro Ordinance or Basalt Creek TRP, the proposed changes to the Basalt Creek Land Use Concept Map from the Tualatin City Council on February 13, 2017 are also inconsistent with the project’s guiding principles, what was presented at the public open houses, project and County-led land suitability analyses, and Joint Council recommendations, conclusions, and decisions made throughout the process.

- Through the planning process, every boundary option had employment on both sides of the Basalt Creek Parkway. Most options had employment on both sides of Tonquin Road as well. Only Option 1 had residential down to Tonquin, a boundary option that Tualatin City Council liked but requested land uses changed due to too much residential. The February 2017 proposal from Tualatin City Council would be a significant shift to the preferred Basalt Creek Land Use Concept Map and the Options studied and resulting from the exhaustive process to-date.
- The proposed changes do not meet the objectives for a cohesive Parkway, a transition between employment and residential uses (residential uses would abut industrial uses and the Parkway), housing in the northern portion of the planning area, or jurisdictional equity particularly as it relates to the transportation network (residential uses create more trips than employment uses and based on the conditional boundary, over half Tualatin's share of acreage would become residential under this proposal). These objectives were agreed to as early as the Joint Council meeting reviewing the Base Case Scenario (December 2014).
- The proposed changes do not meet the objectives agreed to at the June 2015 Joint Council either: there is lack of industrial massing near Grahams Ferry Road and Basalt Creek Parkway, there are potentially significant future transportation impacts from the high number of trips from the residential uses, and it may impact the ability for the land in both communities to be profitable. The potential conflict of uses, lack of cohesion along the Parkway and lack of industrial massing could impact the City of Wilsonville's efforts in the Basalt Creek Planning Area negatively, making it difficult to create the successful employment district both the City and Metro were envisioning this place to be.
- The proposal is also contrary to Joint Council decisions made in December 2015 where Tualatin desired more land to provide employment uses and pushed for a city boundary further south in order to do so. Wilsonville Council agreed to a boundary along the future Basalt Creek Parkway based on the 10 Considerations for Success that were also agreed to by both councils at that Joint Council meeting. Consideration 3 specifically called out: "recognizing the regional need for industrial lands and following through on employment development in both cities to help such development to be successful."

Wilsonville and Tualatin were set out to plan the Basalt Creek Planning Area in a cohesive way and in the regional context as a Regionally Significant Industrial Area (RSIA). While each city will have its own jurisdictional authority over the area designated to that city by the Basalt Creek Concept Plan, what happens where those two cities come together greatly matters and is extremely important to the success and livability of this future growth area. Planners study adjacency to ensure compatible uses and prevent negative consequences. What happens across the street, whether it is in the same city or a different city, will have either positive or negative impacts on that property. Staff would not recommend residential uses along the Basalt Creek Parkway and across from industrial uses and manufacturing parks. Locating residential uses in this area is also counter to recent efforts to restore environmental justice and social equity and presents concerns related to potential noise, traffic, vibration, light pollution, exposure to emissions, and other environmental impacts.

In Summary

The proposed changes to the Basalt Creek Land Use Concept Map from the Tualatin City Council on February 13, 2017 are 1) contrary to commitments and agreements made previously by the Wilsonville-Tualatin Joint Councils, 2) contrary to planning efforts, analyses and previous studies, and 3) inconsistent with contemporary planning policies and practices that are expected in Wilsonville and the region.

In addition, the full implications of the proposal are not understood since a complete analysis of its impact has not been completed. For example, what happens to the number of trips generated, but also how does this relate the assumptions in the Basalt Creek TRP and the project list that was created? Would a different project list be needed? How does it perform in regards to the project indicators: jobs, households, trips, assessed value, revenue and infrastructure costs?

Finally, given this recent shift, the Council may want to consider what certainty there is or is not that Tualatin City Council could change the concept plan in the future and how that could impact how the City of Wilsonville plans the area.

EXPECTED RESULTS:

Clear direction for staff to respond to the proposal from the City of Tualatin and how to coordinate with all IGA parties to move the Basalt Creek Concept Plan process forward. Once agreement is reached on a Basalt Creek Land Use Concept Map and Basalt Creek Concept Plan, both cities can adopt corresponding land use amendments. The IGA is to “remain in effect until the CITIES and COUNTY amend their respective Urban Planning Area Agreements (UPAAs) and incorporate the Basalt Creek Concept Plan into each CITIES respective comprehensive plans.”

TIMELINE:

Varies depending on direction. The IGA is currently in effect until October 2019.

CURRENT YEAR BUDGET IMPACTS:

The City of Tualatin received approximately \$350K from Metro’s Construction Excise Tax (CET) grant program to perform concept planning. The current scope of work and budget with the consultant and as outlined with Metro under the CET grant program does not include additional funds for analysis of additional land use alternatives. The City of Wilsonville has, and will continue to, invest staff time into the process.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: Date:

LEGAL REVIEW / COMMENT:

Reviewed by: Date:

COMMUNITY INVOLVEMENT PROCESS:

The project includes participation from affected residents, businesses, and property owners. Two open houses were held to engage and inform the public about the project. Additionally, the

website is updated to reflect the most recent work and staff sends out monthly updates to an interested parties list and property owners via email and U.S. postal mail.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

The Basalt Creek area is important for the long-term growth of Tualatin, Wilsonville, and the Metro region. Conducting a thorough and thoughtful planning process will identify and resolve each city's vision for the area and potential impacts on the community. The Basalt Creek area presents an opportunity to maximize assessed property value, integrate jobs and housing, develop efficient transportation and utility systems, create an attractive residential and business community, incorporate natural resource areas, and provide recreational opportunities as community amenities and assets.

ALTERNATIVES:

1. Agree with the Tualatin City Council February 2017 proposal and direct staff to move forward with the residential designation change to develop a final preferred land use concept map for the Basalt Creek Planning Area. A final concept plan could be adopted by 2017 with UPAA's amended in 2018.
2. Disagree with the Tualatin City Council February 2017 proposal, outline City of Wilsonville concerns, and direct staff to:
 - a. ask for another proposal from City of Tualatin that resolves both cities concerns;
OR
 - b. present a counter proposal from City of Wilsonville (as directed).
3. Request additional information and analysis to be completed by the City of Tualatin for the proposal addressing Wilsonville City Council questions and reporting the indicators for this alternative as presented for Options 1-3.

CITY MANAGER COMMENT:

ATTACHMENTS:

- Attachment A: Metro Ordinance No. 04-1040B
- Attachment B: Memorandum of Understanding for Concept Planning the Urban Growth Boundary Expansion Area known as the Basalt Creek Planning Area
- Attachment C: IGA for concept planning the Basalt Creek and West Railroad Planning Areas
- Attachment D: Basalt Creek Concept Plan Guiding Principles
- Attachment E: Base Case Scenario (December 2014)
- Attachment F: Boundary Option 1 (June 2015)
- Attachment G: Boundary Option 2 (June 2015)
- Attachment H: Option 3 (September 2015)
- Attachment I: Tualatin – Option 4 (September 2015)
- Attachment J: Considerations for Success (December 2015)
- Attachment K: Basalt Creek Land Use Concept Map Option 5 (April 2016)
- Attachment L: Preferred Basalt Creek Land Use Concept Map (September 2016)

Attachment M: Washington County Basalt Creek Employment Site Evaluation (January 2017)

Attachment N: Tualatin City Council Proposal (February 2017)

Attachment O: Slopes Map from Existing Conditions Report (July 2014)

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE)	ORDINANCE NO. 04-1040B	
METRO URBAN GROWTH BOUNDARY, THE)		
REGIONAL FRAMEWORK PLAN AND THE)		
METRO CODE TO INCREASE THE CAPACITY)		
OF THE BOUNDARY TO ACCOMMODATE)		
GROWTH IN INDUSTRIAL EMPLOYMENT)	Introduced by the Metro Council	
)		

WHEREAS, by Ordinance No. 02-969B (For The Purpose Of Amending The Urban Growth Boundary, The Regional Framework Plan And The Metro Code In Order To Increase The Capacity Of The Boundary To Accommodate Population Growth To The Year 2022), the Council amended Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan to increase the capacity of industrial land to accommodate industrial jobs; and

WHEREAS, the Metro Council adopted an Employment and Industrial Areas Map as part of Title 4 (Retail in Employment and Industrial Areas) in Ordinance No. 96-647C (For the Purpose of Adopting a Functional Plan for Early Implementation of the 2040 Growth Concept) on November 21, 1996; and

WHEREAS, the Council amended the Regional Framework Plan (RFP) by Exhibit D to Ordinance No. 02-969B (For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code in Order to Increase the Capacity of the Boundary to Accommodate Population Growth to the Year 2022), adopted on December 5, 2002, to establish a new 2040 Growth Concept design type entitled ‘Regionally Significant Industrial Area’ (RSIA) and to add Policies 1.4.1 and 1.4.2 to protect such areas by limiting conflicting uses; and

WHEREAS, by Exhibit F to Ordinance No. 02-969B the Council amended Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan (‘UGMFP’) to implement Policies 1.4.1 and 1.4.2 of the RFP; and

WHEREAS, by Exhibit E of Ordinance No. 02-969B the Council adopted a ‘Generalized Map of Regionally Significant Industrial Areas’ depicting certain Industrial Areas that lay within the UGB prior to its expansion as part of Task 2 of periodic review as RSIA’s; and

WHEREAS, Title 4 calls upon the Council to delineate specific boundaries for RSIA's derived from the "Generalized Map of Regionally Significant Industrial Areas" after consultation with cities and counties; and

WHEREAS, by Ordinance No. 02-969B, the Council added capacity to the UGB but did not add sufficient capacity to accommodate the full need for land for industrial use; and

WHEREAS, the Metro Council submitted Ordinance No. 969B, in combination with other ordinances that increased the capacity of the UGB, to the Land Conservation and Development Commission (LCDC) as part of Metro's periodic review of the capacity of its UGB; and

WHEREAS, on July 7, 2003, LCDC issued its "Partial Approval and Remand Order 03-WKTASK-001524" that approved most of the Council's decisions, but returned the matter to the Council for completion or revision of three tasks: (1) provide complete data on the number, density and mix of housing types and determine the need for housing types over the next 20 years; (2) add capacity to the UGB for the unmet portion of the need for land for industrial use; and (3) either remove tax lots 1300, 1400 and 1500 in Study Area 62 from the UGB or justify their inclusion; and

WHEREAS, the Council completed its analysis of the number, density and mix of housing types and the need for housing over the planning period 2002-2022 and incorporated its conclusions in a revision to its Housing Needs Analysis; and

WHEREAS, the Council increased the capacity of the UGB both by adding land to the UGB and by revising the Regional Framework Plan and Title 4 of the UGMFP to meet the previously unmet portion of the need for land for industrial use; and

WHEREAS, a change in design type designation of a portion of Study Area 12 added to the UGB on December 5, 2002, by Ordinance No. 02-969B from residential to industrial will help the region accommodate the need for industrial use without reducing the region's residential capacity below the region's residential need; and

WHEREAS, the Council decided to remove tax lots 1300, 1400 and 1500 in Study Area 62 from the UGB; and

WHEREAS, the Council consulted its Metropolitan Policy Advisory Committee and the 24 cities and three counties of the metropolitan region and considered comments and suggestions prior to making this decision; and

WHEREAS, prior to making this decision, the Council sent individual mailed notification to more than 100,000 households in the region and held public hearings on Title 4 and the efficient use of industrial land on December 4 and 11, 2003, public workshops at six locations around the region in March, 2004, on possible amendments to the UGB, and public hearings on the entire matter on April 22 and 29, May 6, [May 27](#), and June 10 and 24, 2004; now, therefore

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

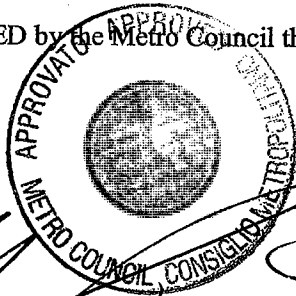
1. Policy 1.12 of the Regional Framework Plan is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance, to guide the choice of farmland for addition to the UGB when no higher priority land is available or suitable.
2. Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan is hereby amended, as indicated in Exhibit B, attached and incorporated into this ordinance, to improve implementation of Title 4 by cities and counties in the region.
3. The Employment and Industrial Areas Map is hereby amended, as shown in Exhibit C, attached and incorporated into this ordinance, to depict the boundaries of Regionally Significant Industrial Areas pursuant to Policy 1.4.1 of the Regional Framework Plan in order to ensure more efficient use of the areas for industries reliant upon the movement of freight and to protect the function and capacity of freight routes and connectors in the region.
4. The Revised Housing Needs Analysis, January 24, 2003, is hereby further revised, as indicated in Exhibit D, Addendum to Housing Needs Analysis, April 5, 2004, attached and incorporated into this ordinance, to comply with the first item in LCDC's "Partial Approval and Remand Order 03-WKTASK-001524."
5. The Metro UGB is hereby amended to include all or portions of the Study Areas shown on Exhibit E [with the designated 2040 Growth Concept design type, and more precisely identified in the Industrial Land Alternative Analysis Study, February, 2004, Item \(c\) in Appendix A](#), subject to the conditions set forth in Exhibit F, and to exclude tax lots 1300, 1400 and 1500 in Study Area 62 ~~and the southeast portion of Study Area 9 from the UGB~~, also shown on Exhibit E and more precisely identified in the Staff Report, "In Consideration of Ordinance No. 04-1040, For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code to increase the capacity of the Boundary to Accommodate Growth in Industrial Employment", Item (a) in Appendix A. Exhibits E and F are attached and incorporated into this ordinance to comply with the second and third items in LCDC's "Partial Approval and Remand Order 03-WKTASK-001524."

6. Ordinance No. 02-969B is hereby amended to change the 2040 Growth Concept design type designation for that 90-acre portion of Study Area 12 that projects from the rest of the study area to the southeast along Highway 26 from 'Inner Neighborhood' to 'Regionally Significant Industrial Area.'
67. The Appendix, attached and incorporated into this ordinance, is hereby adopted in support of the amendments to the UGB, the Regional Framework Plan and the Metro Code in sections 1 through 3 of this ordinance. The following documents comprise the Appendix:
- a. Staff Report, 'In Consideration of Ordinance No. 04-1040, For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code to increase the capacity of the Boundary to Accommodate Growth in Industrial Employment', April 5, 2004.
 - b. 2002-2022 Urban Growth Report: An Employment Land Need Analysis, June 24, 2004 Supplement.
 - c. Industrial Land Alternative Analysis Study, February, 2004.
 - d. Measure 26-29 Technical Report: Assessment of the Impacts of the June, 2004, UGB Expansion on Property Owners.
 - e. Industrial Land Expansion Public Comment Report, March, 2004.
 - f. 'An Assessment of Potential Regionally Significant Industrial Areas', memorandum from Mary Weber to Dick Benner, October 21, 2003.
 - g. 'Recommended Factors for Identifying RSIA's', memorandum from Mary Weber to MTAC, June 30, 2003.
 - h. 'Slopes Constraints on Industrial Development', memorandum from Lydia Neill to David Bragdon, November 25, 2003.
 - i. 'Limited Choices: The Protection of Agricultural Lands and the Expansion of the Metro Area Urban Growth Boundary for Industrial Use', prepared by the Metro Agricultural Lands Technical Workgroup, April, 2004.
 - j. 'Technical Assessment of Reducing Lands within Alternatives Analysis Study Areas', memorandum from Lydia Neill to David Bragdon, October 30, 2003.
 - k. Agriculture at the Edge: A Symposium, October 31, 2003, Summary by Kimi Iboshi Sloop, December, 2003.
 - m. 'Industrial Land Aggregation Methodology, Test and Results', memorandum from Lydia Neill to David Bragdon, September 24, 2003.
 - n. 'Industrial Areas Requested by Local Jurisdictions', memorandum from Tim O'Brien to Lydia Neill, July 29, 2003.

- o. 'Industrial Land Locational and Siting Factors', memorandum from Lydia Neill to David Bragdon, June 9, 2003.
- p. 'A Review of Information Pertaining to Regional Industrial Lands', memorandum from Dick Benner to David Bragdon, January 26, 2004.
- q. Map of Freight Network and Freight Facilities, Metro, November, 2003.
- r. 'Evaluating the Industrial Land Supply with Projected Demand', memorandum from Lydia Neill to David Bragdon, May 14, 2003.
- s. 'Identifying 2003 Industrial Land Alternatives Analysis Study Areas', memorandum from Tim O'Brien to Lydia Neill, July 9, 2003.
- t. 'For the Purpose of Reducing the Land Under Consideration in the 2002 and 2003 Alternatives Analysis for Meet the Remaining Need for Industrial Land through Urban Growth Boundary Expansion', Staff Report, November 18, 2003.
- u. 'Formation of Industrial Neighborhoods', memorandum from Lydia Neill to David Bragdon, October 24, 2003.
- v. 'Developed Lots 5 Acres and Smaller Outside the UGB', memorandum from Amy Rose to Lydia Neill, November 18, 2003.
- w. 'Employment Land Included in the 2002 Urban Growth Boundary Expansion', memorandum from Andy Cotugno to David Bragdon, March 10, 2003.
- x. 'Identifying Additional Land for Industrial Purposes', memorandum from Tim O'Brien to Lydia Neill, March 7, 2003.
- y. Staff Report, 'In Consideration of Ordinance No. 04-1040B, For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code to increase the Capacity of the Boundary to Accommodate Growth in Industrial Employment', June 21, 2004.

78. The Findings of Fact and Conclusions of Law in Exhibit G, attached and incorporated into this ordinance, explain how this ordinance complies with state law, the Regional Framework Plan and the Metro Code.

ADOPTED by the Metro Council this 24th day of June, 2004.



[Signature]
David Bragdon, Council President

ATTEST:

Approved as to Form:

[Signature]
Christina Billington, Recording Secretary

[Signature]
Daniel B. Cooper, Metro Attorney

Exhibit A to Ordinance No. 04-1040B

**REGIONAL FRAMEWORK PLAN POLICY 1.12
Protection of Agriculture and Forest Resource Land**

~~1.12.1.2.1~~ Agricultural and forest land outside the UGB shall be protected from urbanization, and accounted for in regional economic and development plans, consistent with this Plan. However, Metro recognizes that all the statewide goals, including Statewide Goal 10, and Goal 14, Urbanization, are of equal importance to Goals 3 and 4, which protect agriculture and forest resource lands. These goals represent competing and, some times, conflicting policy interests which need to be balanced.

~~**1.12.1 Rural Resource Lands**~~

~~Rural resource lands outside the UGB that have significant resource value should actively be protected from urbanization. However, not all land zoned for exclusive farm use is of equal agricultural value.~~

1.12.2 When the Council must choose among agricultural lands of the same soil classification for addition to the UGB, the Council shall choose agricultural land deemed less important to the continuation of commercial agriculture in the region.

~~**1.12.2 Urban Expansion**~~

~~Expansion of the UGB shall occur in urban reserves, established consistent with the urban rural transition objective. All urban reserves should be planned for future urbanization even if they contain resource lands.~~

1.12.3 Metro shall enter into agreements with neighboring cities and counties to carry out Council policy on protection of agricultural and forest resource policy through the designation of Rural Reserves and other measures.

~~**1.12.3 Farm and Forest Practices**~~

~~Protect and support the ability for farm and forest practices to continue. The designation and management of rural reserves by the Metro Council may help establish this support, consistent with the Growth Concept. Agriculture and forestry require long term certainty of protection from adverse impacts of urbanization in order to promote needed investments.~~

1.12.4 Metro shall work with neighboring counties to provide a high degree of certainty for investment in agriculture in agriculture and forestry and to reduce conflicts between urbanization and agricultural and forest practices.

Exhibit B to Ordinance No. 04-1040B

TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

3.07.410 Purpose and Intent

A. The Regional Framework Plan calls for a strong economic climate. To improve the region's economic climate, **[the plan] Title 4** seeks to **provide and** protect **[the] a** supply of sites for employment by limiting **[incompatible uses within] the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs)**, Industrial Areas and Employment Areas. **Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks [T]to** protect the capacity and efficiency of the region's transportation system for **the** movement of goods and services, and to **[promote the creation of jobs within designated Centers and discourages certain kinds of commercial retail development outside Centers] encourage the location of other types of employment in Centers, Employment Areas, Corridors, Main Streets and Station Communities. [It is the purpose of Title 4 to achieve these policies.] The Metro Council will [consider amendments to this title in order to make the title consistent with new policies on economic development adopted] evaluate the effectiveness of Title 4 in achieving these purposes** as part of **its** periodic **[review] analysis of the capacity of the urban growth boundary.**

3.07.420 Protection of Regionally Significant Industrial Areas

A. Regionally Significant Industrial Areas (RSIA) are those areas **[that offer the best opportunities for family-wage industrial jobs] near the region's most significant transportation facilities for the movement of freight and other areas most suitable for movement and storage of goods.** Each city and county with land use planning authority over **[areas] RSIAs** shown on the **[Generalized Map of Regionally Significant Industrial Areas adopted in Ordinance No. 02-969] Employment and Industrial Areas Map** shall derive specific plan designation and zoning district boundaries of **[the areas] RSIAs within its jurisdiction** from the Map, taking into account the location of existing uses that would not conform to the limitations on non-industrial uses in **[subsection C, D and E] this section**, and **[its] the** need **[of individual cities and counties]** to achieve a mix of **[types of]** employment uses.

B. **[Each city and county with land use planning authority over an area designated by Metro on the 2040 Growth Concept Map, as amended by Ordinance No. 02-969, as a Regionally Significant Industrial Area shall, as part of compliance with section 3.07.1120 of the Urban Growth Management Functional Plan, derive plan designation and zoning district boundaries of the areas from the Growth Concept Map] Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the size and location of new buildings for retail commercial uses - such as stores and restaurants - and retail and professional services that cater to daily customers – such as financial, insurance, real estate, legal, medical and dental offices - to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:**

1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and

2. Training facilities whose primary purpose is to provide training to meet industrial needs.

C. [After determining boundaries of Regionally Significant Industrial Areas pursuant to subsections A and B, the city or county] Cities and counties shall [adopt implementing ordinances that limit development in the areas to industrial uses, uses accessory to industrial uses, offices for industrial research and development and large corporate headquarters in compliance with subsection E of this section, utilities, and those non-industrial uses necessary to serve the needs of businesses and employees of the areas] review their land use regulations and revise them, if necessary, to include measures to limit the siting and location of new buildings for the uses described in subsection B and for non-industrial uses that do not cater to daily customers - such as bank or insurance processing centers - to ensure that such uses do not reduce off-peak performance on Main Roadway Routes and Roadway Connectors shown on Metro's Freight Network Map, November, 2003, below standards set in the 2004 Regional Transportation Plan or require added road capacity to prevent falling below the standards.

D. [Notwithstanding subsection C, a city or county shall not approve:

1. A commercial retail use with more that 20,000 square feet of retail sales area in a single building or in multiple buildings that are part of the same development project;
or

2. Commercial retail uses that would occupy more than five percent of the net developable portion of all contiguous Regionally Significant Industrial Areas] No city or county shall amend its land use regulations that apply to lands shown as RSIA on the Employment and Industrial Areas Map to authorize uses described in subsection B that were not authorized prior to July 1, 2004.

E. [As provided in subsection C of this section, a city or county may approve an office for industrial research and development or a large corporate headquarters if:

1. The office is served by public or private transit; and

2. If the office is for a corporate headquarters, it will accommodate for the initial occupant at least 1,000 employees]

[F. A city or county] Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:

1. Lots or parcels [less] smaller than 50 acres may be divided into any number of smaller lots or parcels[;].

2. Lots or parcels [50 acres or] larger than 50 acres may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields [the maximum number of lots or parcels of] at least [50 acres] one lot or parcel of at least 50 acres in size[;].

3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph (2) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has

been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed, with uses described in subsection B of this section.

4. Notwithstanding paragraphs 2[,] **and** 3 [**and**] of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:

- a. To provide public facilities and services;
- b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
- c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; **or**
- d. [**To reconfigure the pattern of lots and parcels pursuant to subsection G or this section**]

[e.] To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

[G. A city or county may allow reconfiguration of lots or parcels less than 50 acres in area if the reconfiguration would be more conducive to a permitted use and would result in no net increase in the total number of lots and parcels. Lots or parcels 50 acres or greater in area may also be reconfigured so long as the resulting area of any such lot or parcel would not be less than 50 acres.]

[H] F. Notwithstanding subsections [**C and D**] **B** of this section, a city or county may allow the lawful use of any building, structure or land existing at the time of adoption of its ordinance to implement this section to continue and to expand to add up to 20 percent more floor area and 10 percent more land area. Notwithstanding subsection E of this section, a city or county may allow division of lots or parcels pursuant to a master plan approved by the city or county prior to [**December 31, 2003**] **July 1, 2004**.

3.07.430 Protection of Industrial Areas

A. [**In Industrial Areas mapped pursuant to Metro Code section 3.07.130 that are not Regionally Significant Industrial Areas, c**] Cities and counties shall [limit new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees and residents of the Industrial Areas] **review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses - such as stores and restaurants - and retail and professional services that cater to daily customers – such as financial, insurance, real estate, legal, medical and dental offices - in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:**

1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and

2. Training facilities whose primary purpose is to provide training to meet industrial needs.

B. [In an Industrial Area, a city or county shall not approve:

1. A commercial retail use with more than 20,000 square feet of retail sales area in a single building or in multiple buildings that are part of the same development project; or

2. Commercial retail uses that would occupy more than ten percent of the net developable portion of the area or any adjacent Industrial Area] Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for the uses described in subsection A to ensure that they do not interfere with the efficient movement of freight along Main Roadway Routes and Roadway Connectors shown on Metro's Freight Network Map, November, 2003. Such measures may include, but are not limited to restrictions on access to freight routes and connectors, siting limitations and traffic thresholds. This subsection does not require cities and counties to include such measures to limit new other buildings or uses.

C. No city or county shall amend its land use regulations that apply to lands shown as Industrial Area on the Employment and Industrial Areas Map to authorize uses described in subsection A of this section that were not authorized prior to July 1, 2004.

D. Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:

1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.

2. Lots or parcels larger than 50 acres may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.

3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph (2) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed with uses described in subsection A of this section.

4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:

a. To provide public facilities and services;

b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;

c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or

d. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

E. Notwithstanding **[subsection B] subsection A** of this section, a city or county may allow the lawful use of any building, structure or land **existing** at the time of **[enactment of an] adoption of its ordinance [adopted pursuant to this section] to implement this section** to continue and to expand to add up to 20 percent more **[floorspace] floor area** and 10 percent more land area. **Notwithstanding subsection D of this section, a city or county may allow division of lots or parcels pursuant to a master plan approved by the city or county prior to July 1, 2004.**

3.07.440 Employment Areas

- A. Except as provided in subsections C, D and E, in Employment Areas mapped pursuant to Metro Code Section 3.07.130, cities and counties shall limit new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees and residents of the Employment Areas.
- B. Except as provided in subsections C, D and E, a city or county shall not approve a commercial retail use in an Employment Areas with more than 60,000 square feet of gross leasable area in a single building, or retail commercial uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.
- C. A city or county whose zoning ordinance applies to an Employment Area and is listed on Table 3.07-4 may continue to authorize retail commercial uses with more than 60,000 square feet of gross leasable area in that zone if the ordinance authorized those uses on January 1, 2003.
- D. A city or county whose zoning ordinance applies to an Employment Area and is not listed on Table 3.07-4 may continue to authorize retail commercial uses with more than 60,000 square feet of gross leasable area in that zone if:
 - 1. The ordinance authorized those uses on January 1, 2003;
 - 2. Transportation facilities adequate to serve the retail commercial uses will be in place at the time the uses begin operation; and
 - 3. The comprehensive plan provides for transportation facilities adequate to serve other uses planned for the Employment Area over the planning period.
- E. A city or county may authorize new retail commercial uses with more than 60,000 square feet of gross leasable area in Employment Areas if the uses:
 - 1. Generate no more than a 25 percent increase in site-generated vehicle trips above permitted non-industrial uses; and
 - 2. Meet the Maximum Permitted Parking – Zone A requirements set forth in Table 3.07-2 of Title 2 of the Urban Growth Management Functional Plan.

|

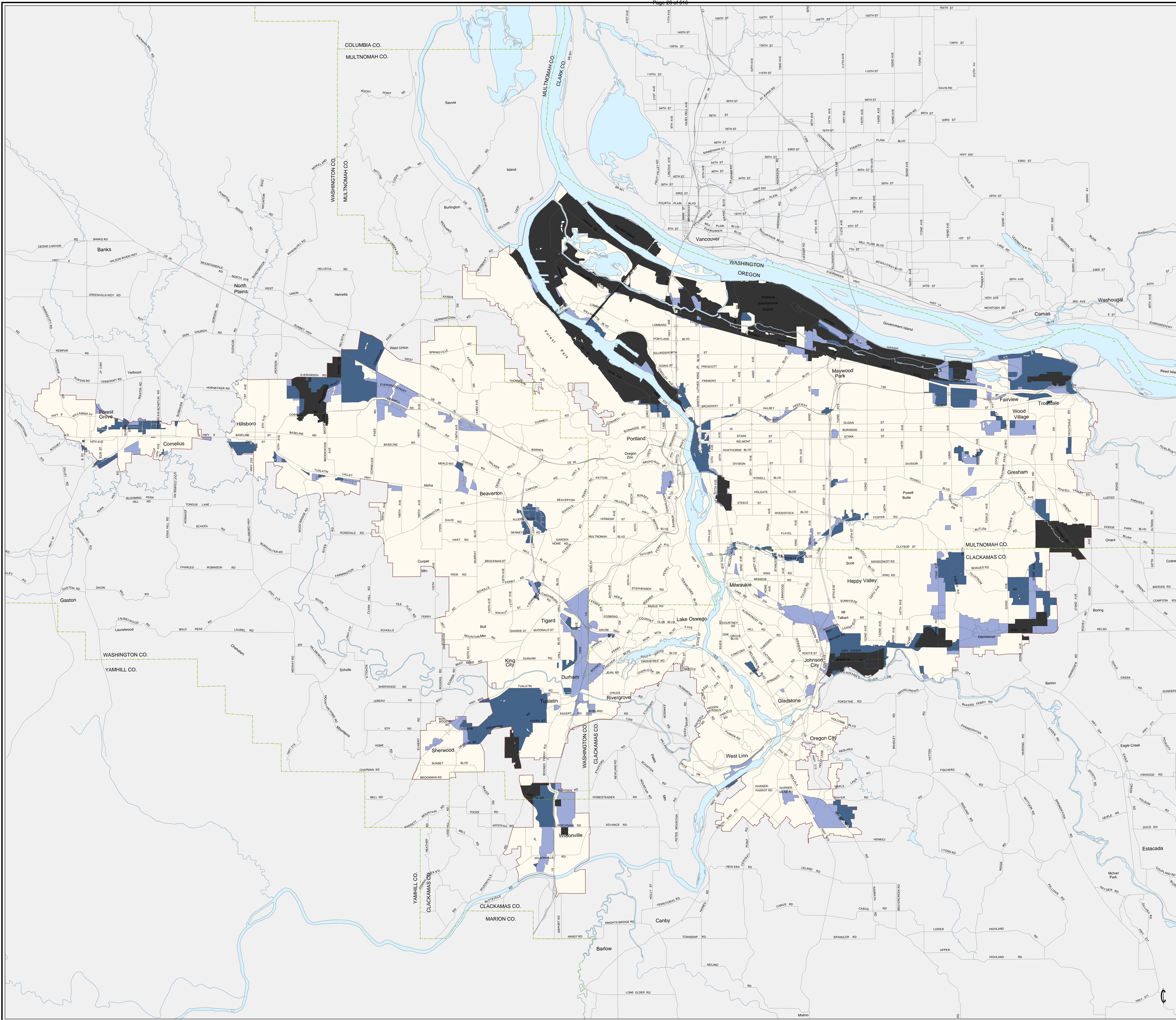
Title 4 Industrial and Employment Areas

Ordinance No. 04-1040B

Exhibit C

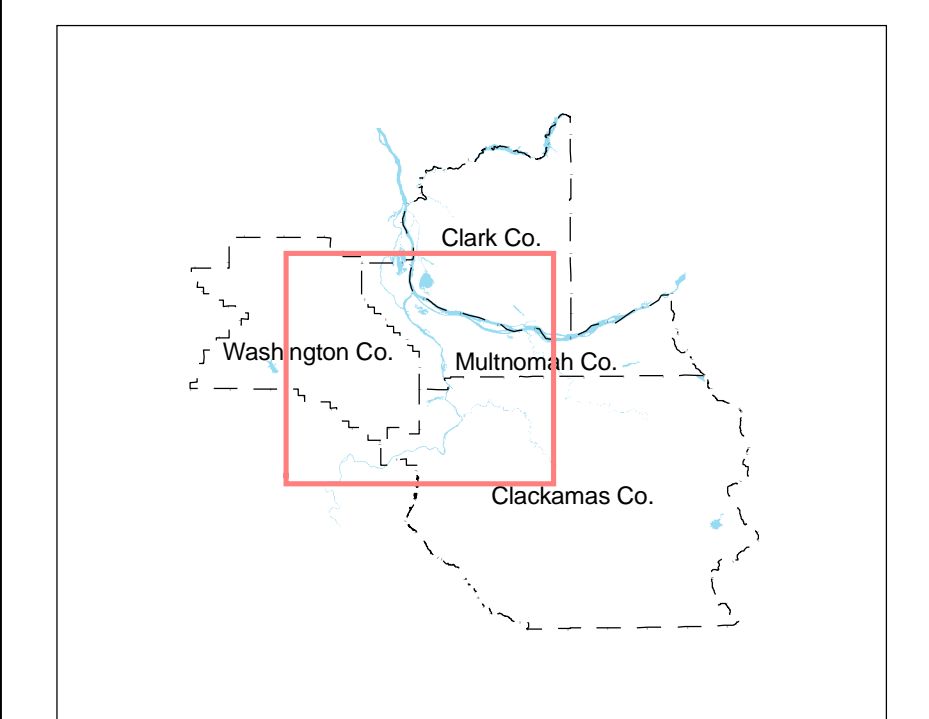
June 24, 2004

-  Employment Land
-  Industrial Land
-  Regionally Significant Industrial Areas



WARNING: Some maps combine data layers of differing map accuracies, e.g. flood plains can be based on tax lots. When this occurs, the map is not reliable to correctly show data at the tax lot level.

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the accuracy of the information or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



Location Map



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Exhibit D to Ordinance No. 04-1040B
Addendum to Housing Needs Analysis
April 5, 2004

I. INTRODUCTION

The attached three Tables satisfy the requirements of ORS 197.298(5)(a)(E) to provide at least 3 years of data on the number, density and average mix of housing for vacant, partially vacant, redevelopment and infill (refill) and mixed use designated land. Table 5(a)(E) – 1 provides number, density and mix data on refill land for the period 1997 through 2001. Table 5(a)(E) – 2 provides the same data for development on vacant and partially vacant land for the period 1998 through 2001. Table 5(a)(E) – 3 displays the number, density and mix data for development on mixed use land for the period 1998 – 2001.

As noted in the original Housing Needs Analysis submission, the data in the attached Tables are subsets of more aggregated data contained in the original Housing Needs Analysis Report. While interesting and informative, the data in the attached Tables do not contradict the conclusions and actions taken in conjunction with the Urban Growth Report and periodic review. Nor do the data affect the determinations of the overall average density and overall mix of housing types at which residential development must occur in order to meet housing needs through 2022, as depicted in the original Housing Needs Analysis, pages 2 through 7 and Figures 3.1, 3.2, 3.3, 5.1 and 5.3.

The remainder of the report consists of an explanation of methodology and data sources and a synopsis of the data content of each of the tables.

II. METHODOLOGY AND DATA SOURCES

A. Data Sources

In order to retrospectively meet the requirements of State Statute we made maximum use of Metro's RLIS archived data that extend back in some degree to 1995. These data consist of the following elements:

1. Land use data at the tax lot level designating land by vacant, developed and zoning category.
2. County assessor tax lot data showing use, value, sales data, etc.
3. Geo-coded building permit data by building type.
4. Air photos for each year taken approximately in July of each year with a trend of improving resolution level over time.

B. Sampling Approach

We elected to measure the data using a 20% sampling approach so that we could manually audit each of the selected data points to insure accuracy. Machine processing of the data is not possible due to the following sources of measurement error.

1. Building permit geo-coding variability as approximately 70% of building permits actually geo-code exactly to the correct tax lot.

2. Building permit data error due to incomplete reporting, undetected duplicates and inaccurate descriptions of building type, work done and location.
3. Slight registration discrepancies between tax lot maps, air photos and archived land use coverages.
4. Variability between the time a building permit is issued, building takes place and the tax lot is created and enumerated in the County Assessor's tax lot coverage. The practical consequence of this is often that a row house constructed on a 2,500 sq. ft. lot appears to be on a 100,000 sq. ft. plus lot because the subdivision plat is not yet available in the data base.

For multi-family units we modified the 20% sample to include 100% of all building permits for 20 or more units and applied the 20% rate to permits of under 20 units. This avoided the potential sampling errors associated with having a few permits for multi-family of over 100 or more units.

C. Expansion Back to the Population Totals

Because we elected a 100% count of multi-family the sample was not self-weighting. As a consequence after the analysis was complete we used a two phase approach to estimate the building permit population. First, we expanded our sample by building type back to the totals reported in our building permit data base. Secondly, since our building permit data base is incomplete relative to the totals reported to the State and Federal Government, we expanded our building permit data base to match the County totals by building type.

D. Definition of Entities Being Measure

State Statute requires we report on the number and densities by building type of development on "refill", "vacant", "partly vacant" and "mixed use" land. These entities we define and discuss in the context of our RLIS data base and measurement protocols as follows:

1. **Refill:** Housing units developed on land that Metro already considers developed in its data base. Refill is further divided into redevelopment and infill. Redevelopment occurs after an existing building has been removed. Infill is additional building without removal of existing buildings.
 - a. **Method of Measurement:** We measure refill by counting the number of permits that locate on land Metro considers developed in the next fiscal year. For instance for the year "1998" we would compare the RLIS developed and vacant lands inventory for the year ending June 30, 1998 with all building permits issued beginning July 1, 1998 and ending June 30, 1999. Building permits located on land Metro classed vacant as of June 30, 1998 would be classed as development on vacant land and permits landing on land Metro classed as developed as of June 30, 1998 would be classed as refill.
 - b. **Measurement Protocols:** As noted earlier we select a 20% sample of all permits for new residential construction from the RLIS data base for the relevant years (with the exception of the 100% of multi-family permits equal to or exceeding 20 units). Each permit is scrutinized manually by a

trained intern using the RLIS data base and air photos to insure it is properly located and that the permit is for valid construction that did occur as the permit indicated. The analyst then determines whether the permit constitutes refill or vacant land development. Beginning with this study the analyst further classifies the permit to “legal – Urban Growth Report” refill and “economic – MetroScope” refill. This distinction results from the fact that RLIS analysts classify some individual lots in developing green field areas as developed prior to actual development occurring and also classify land cleared for urban renewal areas as vacant. In the former case the economic interpretation is development on new and in the latter case the economic interpretation is refill development. However, to be consistent with the RLIS land accounting system on which the Urban Growth Report is based we classify development the way RLIS accounts for it. On the other hand, the MetroScope land use model used for forecasting and policy evaluation counts green field development as vacant land consumption and urban renewal as refill (redevelopment). Consequently, we report refill data for both classifications.

2. Vacant and partially vacant: In RLIS tax lots that are “completely vacant” (90% vacant) are classed as totally vacant. If the unoccupied portion of a tax lot with development exceeds ½ acre, the unoccupied portion is classed a partially vacant. Green field sites under development may transition from vacant to partially vacant, back to totally vacant to developed and back again to totally vacant depending on the patterns of tax lot subdivision activity and zone changes. This also is true for urban renewal redevelopment sites. There are also a limited number of partially vacant sites in established residential areas where present zoning would allow further subdivision and development.
 - a. **Method of Measurement**: Using the audited building permit sample we machine processed the permits classed as legally vacant to fully vacant and partially vacant. Due to map registration discrepancies the RLIS developed lands coverage for 1997 could not be used so we dropped 600 observations for that year. In addition, another 1400 observations failed the machine screening in that they could not be conclusively classed as either vacant or partially vacant without manual auditing. The 2000 observations excluded from the vacant and partially vacant analysis resulting in the number of units developed on some type of vacant land dropping from 39,000 to 25,000. Though not relevant to the refill study or overall results, discussions with RLIS analysts indicated that the machine filtering process was more likely to exclude partially vacant than vacant tax lots. The bias, resulting from this procedure was minimized, by restating our inventory totals of vacant and partially vacant land using the same screening procedures.
 - b. **Measurement Protocols**: Once the refill data base was reclassified between vacant and partially vacant, we tabulated all the development on vacant land by the type of vacant land it fell on by building type (multi-family and single family) and by lot size.

3. **Mixed use development:** In our RLIS data base mixed use development is classed as MUC1, MUC2 and MUC3. From the original audited refill data base we selected all the records of building permits that fell on land classed as MUC1, MUC2 or MUC3 regardless of whether it was refill, vacant or partially vacant. Again matching the RLIS land use inventory for 1997 proved problematic for machine selection procedures and this year was excluded. The resulting selection process produced 402 observations representing over 4,600 units constructed from 1998 through 2001.

E. Years of Data Included in the Retrospective Analysis

We included building permit data from 12/97 through 6/2002 that could be reliably recovered and geo-coded from our existing RLIS data base. This time period allows us to evaluate 5 years of recent history in regard to “refill” and 4 years of history for “vacant”, “partly vacant” and “mixed use” land.

III. SYNOPSIS OF RESULTS

A. Data Table 5E1: Refill Numbers by Type and Density 1997 – 2001

The data displayed on Table 5E1 show the amount of residential development of vacant and refill land that occurred during the period 1997 through 2001. During that period nearly 54,000 dwelling units located within the Metro region.¹ Of the 54,000 dwelling units, 26.5% occurred as refill according to the legal – Urban Growth Report definition. Using the economic-MetroScope definition 30.4% were refill reflecting the increasing importance of redevelopment in urban renewal areas and centers. Nearly 20,000 of the units constructed were multi-family with a legal refill rate of 31.5% and an economic rate of 40.2%. 34,000 units constructed were single family with a legal refill rate of 23.6% and an economic rate of 24.7%. Average lot sizes are also reported for every category.² For multi-family average lot sizes range from 1,800 to 2,000 sq. ft. depending on category. For single family average lot sizes range from 6,600 to 8,400 sq. ft. with refill development generally in the 6,500 – 7,000 sq. ft. range.

B. Table 5E1(a): Median Lot Size Data

This table provides additional and somewhat more meaningful weighted median lot size data. When we compare the average lot sizes in Table 5E1, we observe substantive differences in most cases. In general the median lot sizes are 30% less for vacant single family, 25% more for vacant multi-family, 25% less for refill single family and 30% less for refill multi-family. For all types combined the weighted median is 27% less for vacant and 26% less for refill. Assuming that the present median is a superior measure of long run average lot size, the combined weighted median of 4,417 sq. ft. should be used to determine vacant land consumption. This figure combined with the 39,619 units located on legally vacant land over the 5 year period implies a land consumption of slightly over 4,000 net buildable acres. Using a plausible range of gross to net conversion factors of .55 - .7 yields a gross buildable acre consumption of 1,150 to 1,450 acres per year, within the range estimated in the original Housing Needs Analysis.³

¹ **Real Estate Report for Metropolitan Portland, Oregon**, Spring 2003. Numbers are based on building permits summarized at the County level and only approximate the UGB. This procedure slightly overstates UGB land consumption.

² Average as contrasted to median inflates land consumption as the measure is substantially influenced by a few large lot single family permits on urban land still zoned RRFU that will subsequently be subdivided. RLIS procedure of assuming ½ acre of land consumption for permits on non-subdivided land also inflates average lot size.

³ While appearing precise, attempting to estimate long run densities and land consumption from individual lot sizes involves substantial uncertainties. The most serious of these is the gross to net conversion factor as we only observe

C. Table 5E2: Housing on Fully Vacant and Partially Vacant Land

The accompanying table presents the required data on development on a subcategory of vacant land – fully vacant land and land partially vacant. As noted in the methods section, fully or partially vacant is classified relative to the tax lot existing at the time of the RLIS vacant and developed lands inventory. As also noted in the methods section, due to procedures and quirks of the land development and reporting process land may be fully vacant, partially vacant or developed refill land several times during the development process. In addition as a result of attempting to categorize and measure “partially vacant” we discover that the acreage totals are extremely volatile and sensitive to whatever criteria we use in the machine query process to differ partial from full. Very minor discrepancies between vacant land coverages and assessor’s tax lot coverages can dramatically change the inventories of fully and partially vacant. In the methods section we note that we use the same selection criteria for both the inventory totals and the classification of the refill sample into fully and partially vacant.

Of the over 39,000 legal vacant units located in the Metro Region for the period 1997 – 2001 we were able to reliably classify 25,000 units covering the period 1998 – 2001. Of these 15,500 (62.6%) were on fully vacant land and 9,300 (37.4%) were on partially vacant land. Looking at *Table 5E2(a) Fully Vacant and Partially Vacant Land Inventory 1998 – 2001* (replacing Table 4.1AB in the original Housing Needs Analysis) that on average partially vacant comprised 34.3% of the vacant land inventory. In sum development on partially vacant land overall has been occurring at roughly the same rate as development on fully vacant land and appears to not be materially different.

At the same time we recognize that there are a number of instances where partially vacant land shares a tax lot with a high valued single family home. In order to better understand the likelihood of further development under these circumstances, we used our single family sales price study to estimate the “optimum lot size” by neighborhood and house size. We define optimum lot size as the lot size at which at the loss of value to a homeowner by selling off part of his lot just equals the amount he gains by selling the land. If the homeowner sells more land, the value of his house declines more than he gains by the sale. Conversely, if he sells less land, the land unsold contributes less to the value of his home than the amount he would receive were he to sell it. Making that calculation for Dunthorpe we found that a \$1,000,000 home on 5 acres would have a positive incentive to sell off land down to about 1 – 1.5 acres. By comparison, a \$600,000 home on 1 acre would have an incentive to sell off no more than ½ acre. Significantly, in 2000 the average Dunthorpe selling price was \$590,000 for a 3,100 sq. ft. house on a 22,000 sq. ft. lot, almost exactly the optimum lot size determined from our estimates. On average then we would expect Dunthorpe to have no additional capacity other than that resulting from subdivision of lots at least 1 acre to sizes no smaller than ½ acre. Optimum lot size calculations vary dramatically by neighborhood. For instance, the average house in the Powellhurst-Gilbert neighborhood has a positive incentive to sell off land down to and sometimes below a 5,000 sq. ft. lot minimum. This is more often the case within the Metro region notwithstanding the exceptionally high value areas such as Dunthorpe.

D. Table 5E3: Housing on Mixed Use Designated Land

As required by statute the accompanying table shows development for the period 1998 – 2001 that occurred on land Metro considered at the time of development to be MUC1, MUC2 and MUC3. As pointed out in the methods section, the mixed use inventory includes refill, vacant and partially vacant

net buildable land consumption and cannot measure land lost to streets, parks, schools, freeways, etc. The second drawback is that average lot size measures are always exaggerated by a few large lot placements (often of manufactured homes) done by private individuals that will undoubtedly be further subdivided sometime in the future.

lands. Over the 4 year period we noted 4,600 housing units developed of which 3,000 were multi-family and 1,600 were single family. Average lot size for multi-family was 1,400 sq. ft. and single family lot size was 2,300 sq. ft. Table 5E3(a) depicts the 2040 Plan mixed use capacity as of 8/98. Total mixed use capacity at that time was roughly 23,000 units. Mixed use development constituted about 11% of residential development for the 4 year period 98 – 2001. As of 1998, mixed use capacity of 23,000 units constituted 12% of the capacity 193,000 dwelling unit capacity estimated at the time. As was the case with vacant and partially vacant, this sub-classification of land type seems to produce housing at a rate commensurate with its proportion of the land inventory.

**Exhibit 5E1_: Housing on Vacant and Refill Land -
Number, Type and Density 1997 Through 2001**

Vacant/Refill Status	Year					2001 Grand Total
	1997	1998	1999	2000	2001	
Legal - Urban Growth Report Basis						
Vacant Legal						
Multi Family	4,412	3,761	2,407	1,824	1,274	13,678
Average Lot Size	2,208	2,021	813	1,244	2,502	1,810
Single Family	4,594	5,670	4,814	5,425	5,439	25,941
Average Lot Size	8,516	8,611	10,104	6,292	8,161	8,292
Total All Types	9,005	9,431	7,221	7,249	6,713	39,619
Average Lot Size	5,425	5,983	7,007	5,022	7,087	6,054
Refill Legal						
Multi Family	2,228	1,567	918	503	1,059	6,275
Average Lot Size	2,729	2,042	1,178	1,353	1,499	2,013
Single Family	2,446	1,451	1,994	958	1,170	8,020
Average Lot Size	6,017	7,505	5,787	7,521	9,260	6,882
Total All Types	4,675	3,018	2,912	1,461	2,229	14,295
Average Lot Size	4,450	4,669	4,334	5,397	5,573	4,744
Percent of Development Refill	34.2%	24.2%	28.7%	16.8%	24.9%	26.5%
Economic - MetroScope Basis						
Vacant Economic						
Multi Family	4,300	3,103	1,983	1,484	1,068	11,938
Average Lot Size	2,260	2,124	955	1,245	2,304	1,885
Single Family	5,196	4,962	5,466	4,503	5,455	25,582
Average Lot Size	8,352	9,035	9,614	6,463	8,178	8,384
Total All Types	9,496	8,065	7,449	5,986	6,523	37,520
Average Lot Size	5,593	6,376	7,309	5,169	7,216	6,317
Refill Economic						
Multi Family	2,340	2,225	1,342	843	1,265	8,015
Average Lot Size	2,608	1,894	852	1,309	1,830	1,856
Single Family	1,844	2,159	1,342	1,880	1,154	8,379
Average Lot Size	5,664	6,891	5,686	6,510	9,196	6,660
Total All Types	4,184	4,384	2,684	2,724	2,419	16,394
Average Lot Size	3,955	4,355	3,269	4,899	5,344	4,311
Percent of Development Refill	30.6%	35.2%	26.5%	31.3%	27.0%	30.4%

**Exhibit 5E1(a)_: Housing on Vacant and Refill Land -
Median Lot Size 1997 - 2001**

Year	Legal - Urban Growth Report Basis				2001 Totals	
	1997	1998	1999	2000		
Single Family						
Median Lot Size Vacant	5,936	5,887	6,021	5,268	5,001	5,605
Median Lot Size Refill	5,406	5,628	4,001	5,301	5,047	5,032
Multi Family						
Median Lot Size Vacant	3,550	2,348	352	825	2,377	2,242
Median Lot Size Refill	1,630	2,318	953	408	534	1,384
Total All Types						
Median Lot Size Vacant	4,684	4,480	4,159	4,105	4,562	4,417
Median Lot Size Refill	3,930	3,902	3,003	3,851	2,724	3,506
Economic - MetroScope Basis						
Single Family						
Median Lot Size Vacant	5,955	5,897	6,000	5,277	5,026	5,636
Median Lot Size Refill	5,196	5,569	3,177	5,267	5,001	4,958
Multi Family						
Median Lot Size Vacant	3,562	2,367	385	933	2,377	2,420
Median Lot Size Refill	1,100	2,007	485	404	1,172	1,131
Total All Types						
Median Lot Size Vacant	4,835	4,555	4,628	4,515	4,688	4,660
Median Lot Size Refill	3,031	3,739	1,731	3,218	2,816	2,997

**Exhibit 5E3_ : Housing on Mixed Use Designated Land by
Number, Type and Density 1998 Through 2001**

Land Use Class	Year				Grand Total
	1998	1999	2000	2001	
Mixed Use One					
Multi Family	1,116	367	262	321	2,066
Average Lot Size	1,834	1,427	1,437	2,313	1,786
Single Family	226	100	304	737	1,367
Average Lot Size	3,127	4,386	2,482	1,946	2,439
Mixed Use Two					
Multi Family	41	153	132	-	326
Average Lot Size	2,277	252	1,090	-	846
Single Family	40	87	55	25	207
Average Lot Size	1,919	2,159	1,265	1,574	1,803
Mixed Use Three					
Multi Family	133	203	146	107	590
Average Lot Size	1,605	345	250	100	561
Single Family	37	23	21	-	80
Average Lot Size	2,108	1,841	2,144	-	2,043
Total Mixed Use					
Multi Family	1,290	723	541	428	2,982
Average Lot Size	1,824	874	1,032	1,758	1,441
Single Family	303	210	380	763	1,655
Average Lot Size	2,845	3,187	2,287	1,934	2,340
Total All Types	1,593	933	920	1,190	4,637
Average Lot Size	2,018	1,394	1,549	1,870	1,762

Exhibit 5E3(a)_: Mixed Use 2040 Plan Designated Land Capacity 8/98
(Includes Capacity of Vacant, Infill and Redevelopment Land & Areas)

Plan Category	DU Capacity
MUC 1	10,320
MUC 2	7,250
MUC 3	4,650
Total Capacity	22,220

Source: Compiled from Urban Growth Report Addendum, August 1998, page 40.
MUC 1 includes MUEA capacity.

**Exhibit 5E2_: Housing on Fully Vacant and Partially
Vacant Land - Number, Type and Density 1998 Through 2001**

Land Vacancy Class	Year				Grand Total
	1998	1999	2000	2001	
Fully Vacant					
Multi Family	1,012	1,910	714	801	4,438
Average Lot Size	2,383	871	1,720	2,784	1,698
Single Family	2,554	2,894	2,808	2,951	11,206
Average Lot Size	6,517	6,743	5,684	5,327	6,054
Total	3,566	4,804	3,522	3,752	15,644
Average Lot Size	5,344	4,408	4,880	4,784	4,818
Partly Vacant					
Multi Family	2,496	319	271	126	3,213
Average Lot Size	1,847	638	778	1,339	1,617
Single Family	2,219	1,159	1,501	1,244	6,122
Average Lot Size	5,984	7,764	5,624	4,622	5,956
Total	4,715	1,478	1,772	1,370	9,335
Average Lot Size	3,794	6,227	4,882	4,320	4,463
Combined					
Multi Family	3,508	2,229	986	927	7,651
Average Lot Size	2,002	837	1,460	2,588	1,664
Single Family	4,773	4,053	4,309	4,194	17,329
Average Lot Size	6,269	7,035	5,663	5,118	6,019
Total	8,281	6,282	5,295	5,122	24,979
Average Lot Size	4,461	4,836	4,881	4,660	4,685
Percent Units on Fully Vacant:					62.6%
Percent Units on Partly Vacant:					37.4%

**Exhibit 5E2(a)_: Housing on Fully Vacant and Partially
Vacant Land - Inventory of Fully Vacant and Partially Vacant All Land Classes**

Land Vacancy Class	Year				2001 4 Year Average	Percent
	1998	1999	2000			
Fully Vacant	33,422	30,820	28,789	26,631	29,916	65.7%
Partly Vacant	16,678	15,776	15,401	14,738	15,648	34.3%
Total	50,100	46,596	44,190	41,369	45,564	100.0%

Filter Criteria: Full - 90% of year 1 tax lot is vacant

Maybe - Vacant area is <90% of year 1 taxlot and \geq 5,000 sq. ft. and <1/2 acre

Part - Vacant area is <90% of year 1 taxlot and \geq 1/2 acre

Sliver - vacant area is <90% of year 1 taxlot and < 5,000 sq. ft.

2004 UGB Expansion

Ordinance 04-1040B

Exhibit E

June 24, 2004

2040 Design Type

 Industrial Land

 Urban Growth Boundary

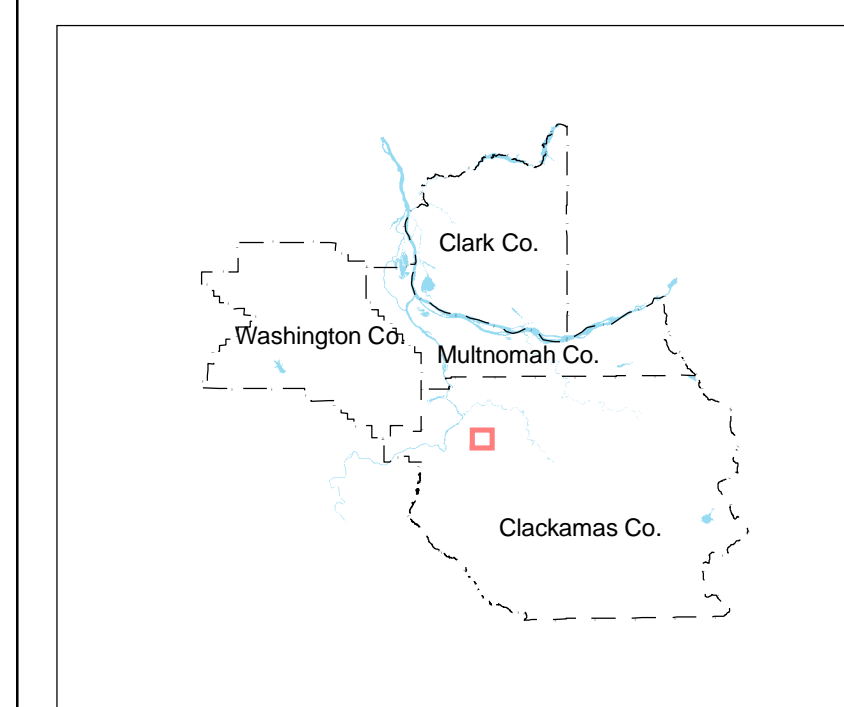
Beaver Creek Area

BEAVER CREEK RD
HENRICK RD

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1 inch equals 0.1 miles
0 0.05 0.1 0.2 Miles



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TUALATIN-SHERWOOD REGION

BOONES FERRY RD

WASHINGTON CO.

Sherwood

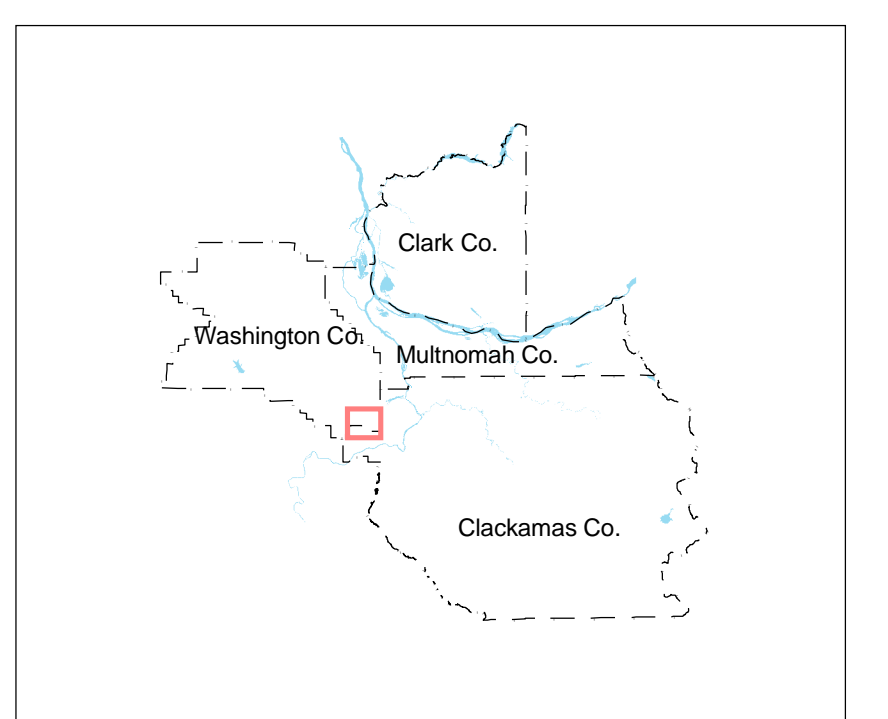
2004 UGB Expansion
Ordinance 04-1040B
Exhibit E
June 24, 2004

2040 Design Type
 Industrial Land
 Urban Growth Boundary

Coffee Creek Area

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Verboort

Forest Grove

Cornelius

Tualatin

River

HWY 8

HWY 17

R L I S
REGIONAL LAND INFORMATION SYSTEM

2004 UGB Expansion

Ordinance 04-1040B

Exhibit E

June 24, 2004

2040 Design Type



RSIA



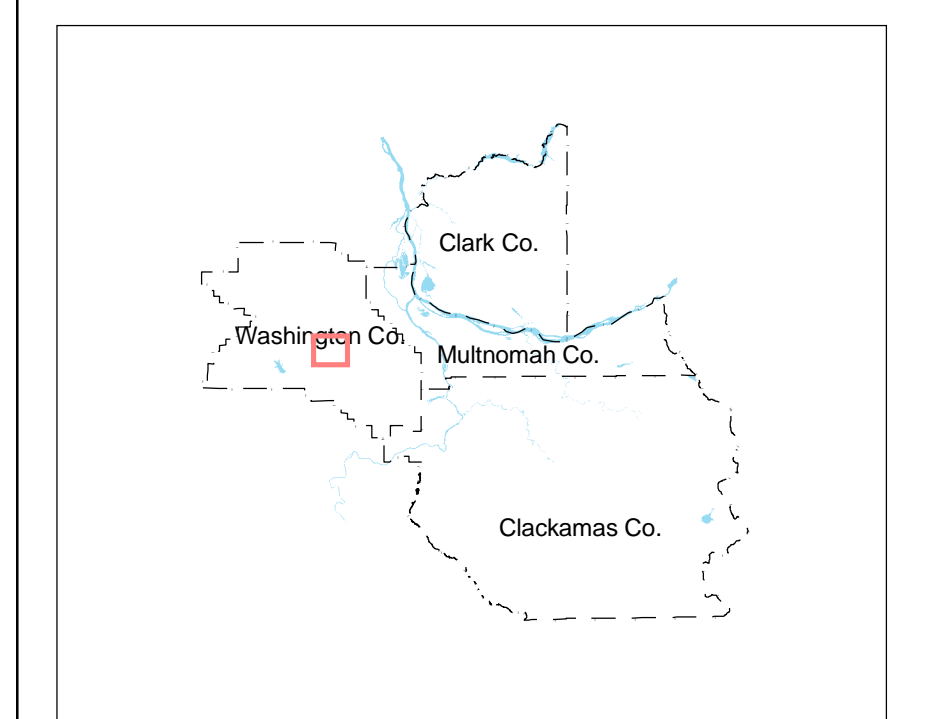
Urban Growth Boundary

Cornelius Area

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2004 UGB Expansion

Ordinance 04-1040B

Exhibit E

June 24, 2004

2040 Design Type

 Industrial Land

 Urban Growth Boundary

Damascus West Area

HWY 212

Damascus

Carver

HWY 224

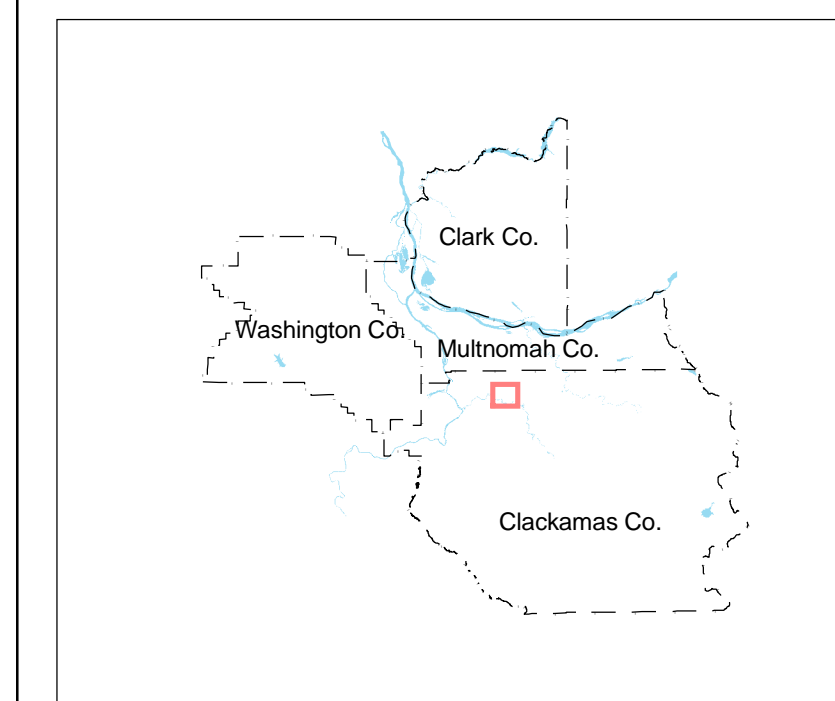
River

Clackamas

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1 inch equals 0.1 miles
0 0.04 0.08 0.16 Miles



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Helvetia

West Union

SUNSET HWY

RD

PASS

2004 UGB Expansion
Ordinance 04-1040B
Exhibit E
June 24, 2004

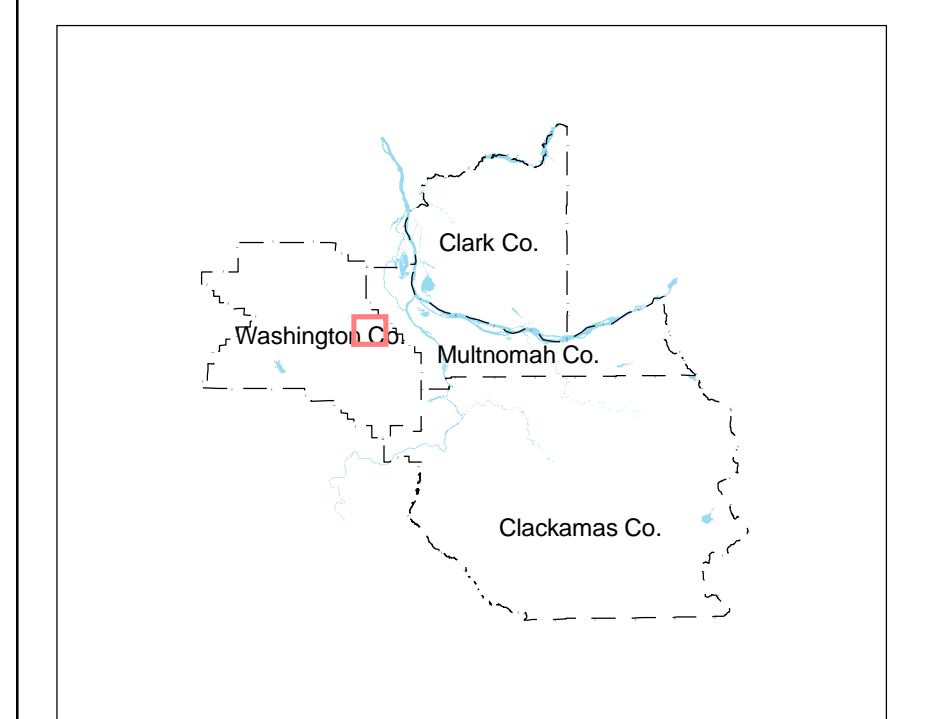
2040 Design Type
■ RSIA Land
— Urban Growth Boundary

Helvetia Area

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2004 UGB Expansion

Ordinance 04-1040B

Exhibit E

June 24, 2004

2040 Design Type

 RSIA

 Urban Growth Boundary

Orient
Area

Orient

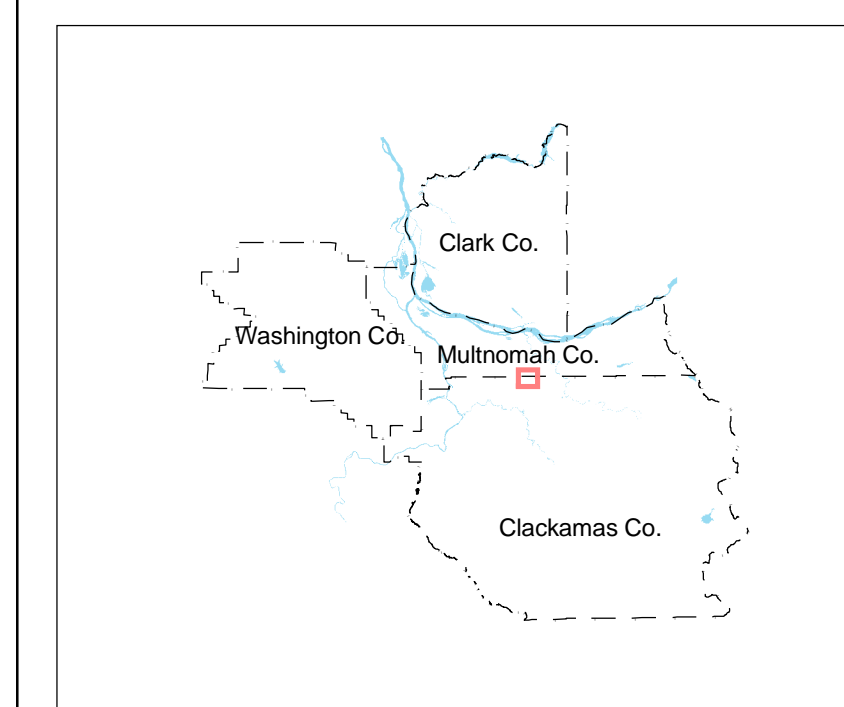
US

204

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1 inch equals 0.1 miles
0 0.03 0.06 0.12 Miles



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2004 UGB Expansion

Ordinance 04-1040B

Exhibit E

June 24, 2004

2040 Design Type

 Industrial Land

 Urban Growth Boundary

Quarry Area

Tualatin

TUALATIN-SHERWOOD RD

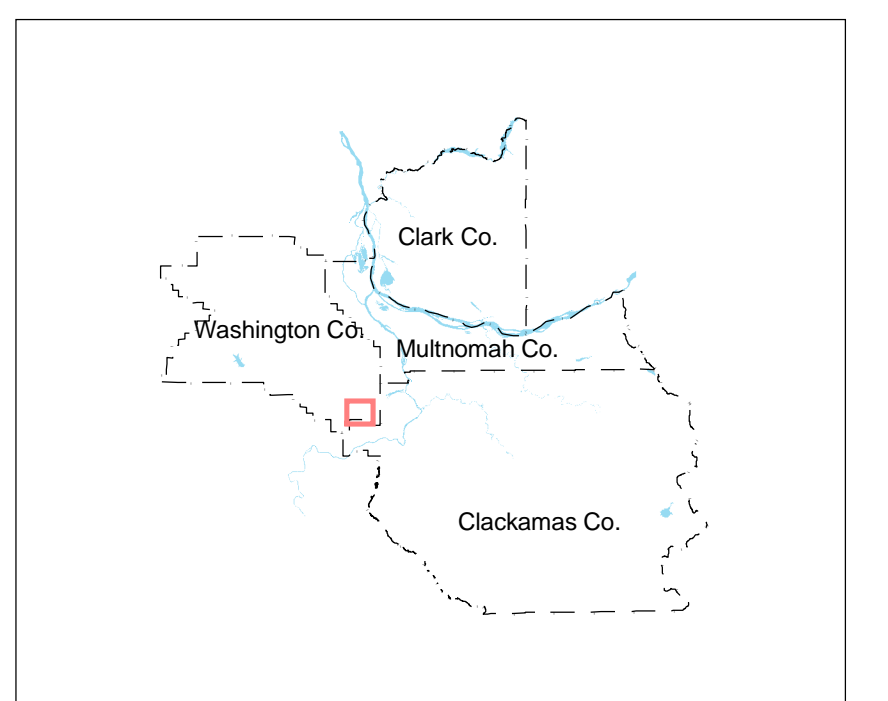
BOONES FERRY RD

Sherwood

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1 inch equals 0.1 miles
0 0.045 0.09 0.18 Miles



Location Map

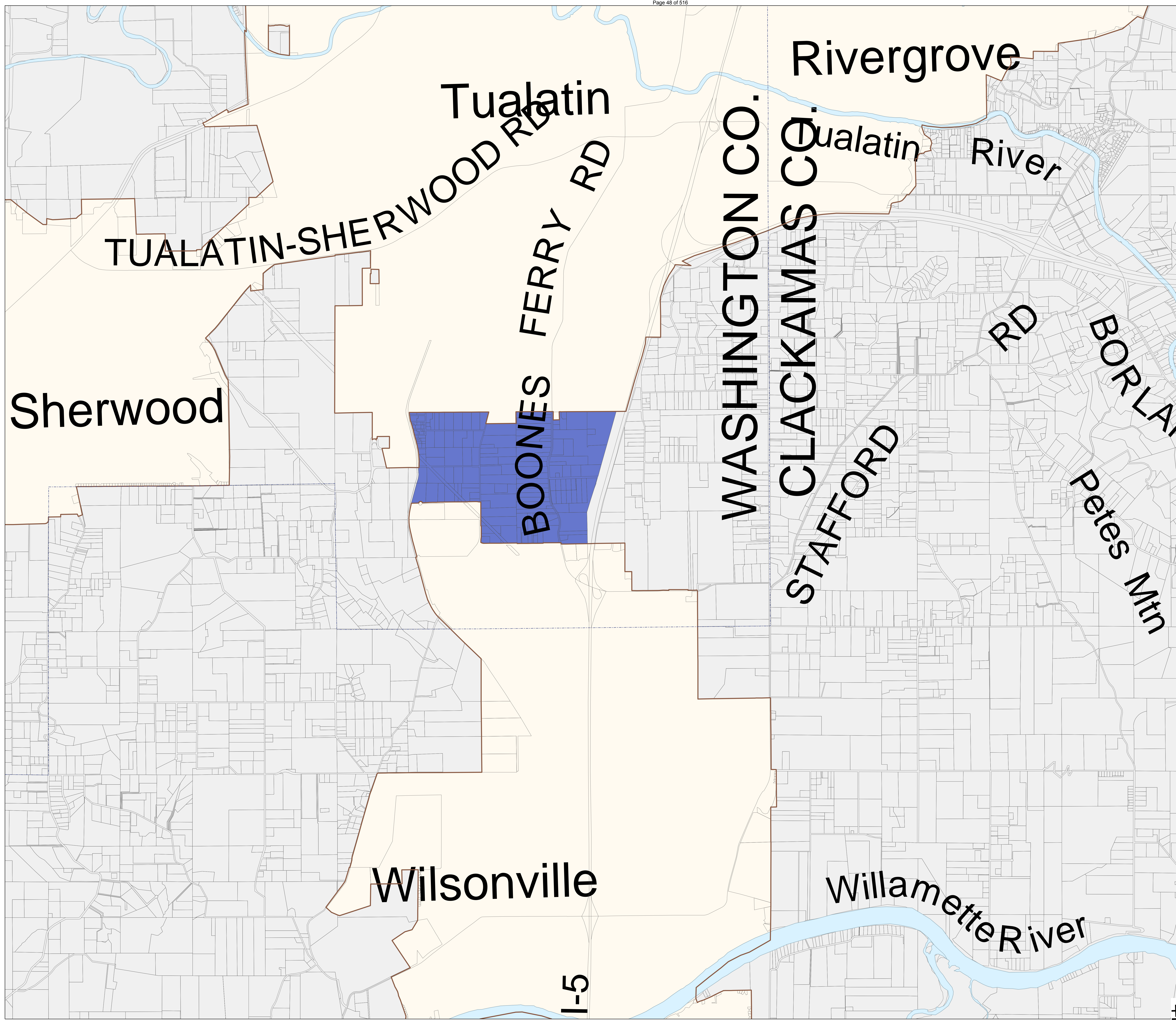


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2004 UGB Expansion
Ordinance 04-1040B
Exhibit E
June 24, 2004

2040 Design Type
 Industrial Land
 Urban Growth Boundary

Tualatin Area



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Exhibit F to Ordinance No. 04-1040B
Conditions on Addition of Land to the UGB

I. GENERAL CONDITIONS APPLICABLE TO ALL LANDS ADDED TO THE UGB

A. The city or county with land use planning responsibility for a study area included in the UGB shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan (“UGMFP”), section 3.07.1120 (“Title 11 planning”) for the area. Unless otherwise stated in specific conditions below, the city or county shall complete Title 11 planning within two years after the effective date of this ordinance. Specific conditions below identify the city or county responsible for each study area.

B. The city or county with land use planning responsibility for a study area included in the UGB, as specified below, shall apply the 2040 Growth Concept design types shown on Exhibit E of this ordinance to the planning required by Title 11 for the study area.

C. The city or county with land use planning responsibility for a study area included in the UGB shall apply interim protection standards in Metro Code Title 11, UGMFP, section 3.07.1110, to the study area until the effective date of the comprehensive plan provisions and land use regulations adopted to implement Title 11.

D. In Title 11 planning, each city or county with land use planning responsibility for a study area included in the UGB shall recommend appropriate long-range boundaries for consideration by the Council in future expansions of the UGB or designation of urban reserves pursuant to 660 Oregon Administrative Rules Division 21.

E. Each city or county with land use planning responsibility for an area included in the UGB by this ordinance shall adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – in its land use regulations to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.

F. Each city or county with land use planning responsibility for a study area included in the UGB shall apply Title 4 of the UGMFP to those portions of the study area designated Regionally Significant Industrial Area (“RSIA”), Industrial Area or Employment Area on the 2040 Growth Concept Map (Exhibit C). If the Council places a specific condition on a RSIA below, the city or county shall apply the more restrictive condition.

G. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, each city and county with land use responsibility for a study area included in the UGB shall comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission (“LCDC”) to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 by the deadline for completion of Title 11 planning, the city or county shall consider, in the city or county’s application of Goal 5 to its Title 11 planning, any inventory of regionally significant Goal 5 resources and any preliminary decisions to allow, limit or prohibit conflicting uses of those resources that is adopted by resolution of the Metro Council.

[H. Each city and county shall apply the Transportation Planning Rule \(OAR 660 Div 012\) in the planning required by subsections F \(transportation plan\) and J \(urban growth diagram\) of Title 11.](#)

II. SPECIFIC CONDITIONS FOR PARTICULAR AREAS

A. Damascus Area

1. Clackamas County and Metro shall complete Title 11 planning requirements through the incorporation of this area into the greater Damascus/Boring Concept Plan planning effort currently underway. This planning shall be completed within the same time frame as specified in Ordinance No. 02-969B.
2. In the planning required by Title 11, subsections (A) and (F) of section 3.07.1120, Clackamas County or any future governing body responsible for the area shall provide for annexation of those portions of the area whose planned capacity is sufficient to support transit to the Tri-met District.
3. In the planning required by Title 11, subsections (A) and (F) of section 3.07.1120, Clackamas County or any future governing body responsible for the area shall provide for annexation of those portions of the area whose planned capacity is sufficient to support transit to the Tri-met District.

B. Beavercreek Area

1. Clackamas County or, upon annexation to Oregon City, the city and county, with Metro, shall complete Title 11 planning for the area.
2. This area shall be planned in conjunction with the adjoining tax lot added to the UGB in 2002, under Ordinance No. 02-969B.

~~C. Borland Area – North of I-205~~

- ~~1. Clackamas County or, upon annexation to the City of Tualatin, the city and county, in coordination with the Cities of Lake Oswego, Tualatin, and West Linn and Metro, shall complete Title 11 planning within four years following the effective date of Ordinance No. 04-1040. The county and city, in conjunction with Lake Oswego and West Linn and Metro shall recommend long range boundaries in the Stafford Basin and general use designations for consideration by the Council in future expansions of the UGB.~~
- ~~2. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.~~

~~DC. Tualatin Area~~

- ~~1. Washington County or, upon annexation to the Cities of Tualatin or Wilsonville, the cities, in conjunction with Metro, shall complete Title 11 planning within ~~four~~ two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Ordinance No. 04-1040, whichever occurs earlier.~~

2. Title 11 planning shall incorporate the general location of the projected right of way ~~location~~ alignment for the I-5/99W connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan. If the selected right-of-way for the connector follows the approximate course of the "South Alignment," as shown on the Region 2040 Growth Concept Map, as amended by Ordinance No. 03-1014, October 15, 2003, the portion of the Tualatin Area that lies north of the right-of-way shall be designated "Inner Outer Neighborhood" on the Growth Concept Map; the portion that lies south shall be designated "Industrial."
3. The governments responsible for Title 11 planning shall consider using the I-5/99W connector as a boundary between the city limits of the City of Tualatin and the City of Wilsonville in this area.

~~E~~D. Quarry Area

1. Washington County or, upon annexation to the cities of Tualatin or Sherwood, the cities, and Metro shall complete Title 11 planning for the area.
2. Title 11 planning shall, if possible, be coordinated with the adjoining area that was included in the UGB in 2002 under Ordinance No. 02-969B.
3. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.
4. Title 11 planning shall incorporate the general location of the projected right-of-way for the Tonquin Trail as shown on the 2004 Regional Transportation Plan.

~~F~~E. Coffee Creek Area

1. Washington and Clackamas Counties or, upon annexation of the area to the ~~City~~ cities of Tualatin or Wilsonville, the city, ~~and in conjunction with~~ Metro, shall complete the Title 11 planning for the area within ~~four~~ two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Ordinance No. 04-1040B, whichever occurs earlier.
2. ~~The concept~~ Title 11 planning shall incorporate the general location of the projected right of way location for the I-5/99W connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan.

~~G.~~ Wilsonville East Area

1. ~~Clackamas County or, upon annexation of the area to the City of Wilsonville, the city, and Metro shall complete the Title 11 planning for the area within two years of the effective date of Ordinance No. 04-1040.~~
2. ~~In the planning required by Title 11 a buffer shall be incorporated to mitigate any adverse effects of locating industrial uses adjacent to residential uses located southwest of the area.~~

- ~~3. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.~~

~~H~~F. Cornelius Area

1. Washington County, or, upon annexation of the area to the City of Cornelius, the city and Metro shall complete the Title 11 planning for the area.

~~I~~G. Helvetia Area

1. Washington County, or upon annexation of the area to the City of Hillsboro, the city, and Metro shall complete the Title 11 planning for the area.
2. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.

**Exhibit G to Ordinance No. 04-1040B
Findings of Facts, Conclusions of Law**

Introduction

The Metro Council adopted Ordinance 04-1040B in response to LCDC Partial Approval and Remand Order 03-WKTASK-001524, entered July 7, 2003. LCDC's order followed its review of seven ordinances (Nos. 02-969B, 02-983B, 02-984A, 02-985A, 02-986A, 02-987A and 02-990A) adopted by the Metro Council as part of Periodic Review Work Task 2. The findings of fact and conclusions of law that explained how those ordinances complied with state planning laws, together with the supplemental findings and conclusions set forth in this exhibit, are part of the explanation how Ordinance No. 04-1040B complies with those laws. These findings also explain how Ordinance No. 04-1040B complies with the three requirements of the remand order.

REQUIREMENT NO. 1:

REMAND ORDER ON SUBTASK 17: COMPLETE THE ACCOMMODATION OF THE NEED FOR THE INDUSTRIAL LAND NEED COMPONENT OF EMPLOYMENT LAND THAT REMAINS APPROVAL OF WORK TASK 2.

I. GENERAL FINDINGS FOR TASK 2 REMAND DECISION ON UGB

A. Coordination with Local Governments

Metro worked closely with the local governments and special districts that comprise the metropolitan region. The Metro Charter provides for a Metropolitan Policy Advisory Committee ("MPAC") composed generally of representatives of local governments, special districts and school districts in the region. MPAC reviewed all elements of this periodic review decision. MPAC made recommendations to the Metro Council on most portions of the decision. All recommendations were forwarded formally to the Council and the Council responded. Metro Councilors and staff held many meetings with local elected officials in the year since LCDC's remand (July 7, 2003).

The record of this decision includes correspondence between local governments and Metro, including Metro's responses to concerns and requests from local governments and local districts related to industrial land.

Metro accommodated the requests and concerns of local governments as much as it could, consistent with state planning laws and its own Regional Framework Plan (Policy 1.11) and Regional Transportation Plan (Policy 2.0).

B. Citizen Involvement

These findings address Goal 1 and Regional Framework Plan Policy 1.13.

To gather public input on this Task 2 remand decision, Metro conducted an extensive citizen involvement effort. The findings for Ordinance No. 02-969B set forth Metro's effort leading to adoption of that ordinance on December 5, 2002. Those findings are incorporated here. Since that time, the Metro notified by mail nearly 75,000 people of the pending decision to expand the UGB for industrial land. Metro also provided individual mailed notice to nearly 5,000 landowners of possible revisions to Title 4 (Industrial and Other Employment Areas) of the Urban Growth Management Functional Plan ("UGMFP"). In March, 2004, Metro held six workshops on industrial land throughout the region, attended by some 1,200 people. Finally, the Council held public hearings on the UGB expansion and Title 4 on December 4 and December 11 of 2003 and April 22 and 29, May 6 and 27, and June 10 and 24 of 2004.

These efforts bring Metro into compliance with Goal 1 and Metro's Regional Framework Plan. More important, this work to involve Metro area citizens has contributed greatly to their understanding of the importance of this set of decisions for the region and have brought Metro invaluable comment on options available to it.

C. Need for Land

These findings address ORS 197.296; ORS 197.732(1)(c)(A); Goal 2, Exceptions, Criterion (c)(1); Oregon Administrative Rules 660-004-0010(1)(c)(B)(i) and 660-004-0020(2)(a); Goal 9 (local plan policies); Goal 10; Goal 14, Factors 1 and 2; Metro Regional Framework Plan ("RFP") Policies 1.2, 1.4, 1.4.1 and 1.4.2; and Metro Code 3.01.020(b)(1) and (2).

The findings for Ordinance No. 02-969B set forth Metro's analysis of the need for land for new jobs through the year 2022. The Urban Growth Report-Employment ("UGR-E") provides the details of that analysis. The analysis indicates that the region will need approximately 14,240 acres to accommodate an additional 355,000 jobs (all employment, commercial and industrial). Based upon new information that came to the Council during hearings on Title 4 revisions and UGB expansion, Metro completed a supplement (Ordinance No. 04-1040B, Appendix A, Item b) to the UGR-E that describes emerging trends in industrial use.

Leading to adoption of the ordinances that expanded the UGB in December, 2002, Metro analyzed the capacity of the existing UGB to accommodate this employment growth. The analysis determined that the UGB contained a surplus of land (759.6 acres) for commercial employment and a deficit of land (5,684.9 acres) for industrial development. The UGR-E provides the details of this analysis.

Following adoption of the December, 2002, ordinances, Metro analyzed the capacity of the expanded UGB. Those ordinances left Metro with a deficit of 1,968 acres of industrial land and a surplus of 393 acres of commercial land. From this analysis, the Council concluded that the UGB, as expanded by ordinances in December, 2002, did not have sufficient capacity to accommodate the remaining unmet need for industrial land. This deficit was one reason for LCDC's July 7, 2003, remand order directing Metro to complete the accommodation of this need for industrial land.

Based upon interviews with industrial developers, brokers and consultants, the Regional Industrial Land Survey ("RILS") and Metro's UGR-E, Metro refined the need for industrial land. Not just any land will satisfy the need for industrial use. Metro defined the need as 1,968 acres of land composed generally of less than 10 percent slope that lies either within two miles of a freeway interchange or within one mile of an existing industrial area. RILS and the UGR-E also calculate the need for parcels of varying sizes by sectors of the industrial economy. Table 13 of the UGR-E shows a need for 14 parcels 50 acres or larger for the warehouse and distribution and tech/flex sectors (page 25).

D. Alternatives: Increase Capacity of the UGB

These findings address ORS 197.732(c)(B); Goal 14, Factors 3 and 4; Goal 2, Exceptions, Criterion 2; OAR 660-004-0010(1)(B)(ii) and 660-004-0020(2)(b); Metro Code 3.01.020(b)(1)(E); and RFP Policies 1.2, 1.3, 1.4, 1.6, 1.7, 1.8 and 1.9.

To address the shortfall in employment capacity, Metro considered measures to increase the efficiency of land use within the UGB designated for employment. Metro's UGMFP Title 4, first adopted in 1996, limited non-employment uses in areas designated Industrial and Employment. Analysis of results of local implementation of Title 4 indicates that commercial uses and other non-industrial uses are converting land designated for industrial use to non-industrial use.

In response to this information, the Metro Council amended the RFP in Ordinance No. 02-969B in December, 2002, to improve the protection of the existing industrial land base. The Council created a new 2040 Growth Concept design type – “Regionally Significant Industrial Land” (“RSIA”) – and revised Title 4 to establish new limitations on commercial office and commercial retail uses in RSIA. Metro estimated that these new measures would reduce the shortfall in industrial land by 1,400 acres by reducing encroachment by commercial uses. The Council counted this “savings” of industrial land in its determination that the deficit of industrial land following the December, 2002, expansion of the UGB was 1,968 net acres.

Following adoption of the December ordinances, the Council began implementation of the new policy and code, including the mapping of RSIA. The process of developing the map with cities and counties in the region uncovered implementation difficulties with the provisions of the new Title 4 that limited commercial retail and office uses. With Ordinance No. 04-1040B, the Council once again revised Title 4 with two objectives: greater flexibility for traded-sector companies and retention of the 1,400-acre “savings” estimated from the December, 2002, revisions. Based upon the analysis of Title 4 revisions in the supplement to the UGR-E (Ordinance No. 04-1040B, Appendix A, Item b), the Council estimates that the revisions, in combination with conditions placed upon areas added to the UGB for industrial use, will continue to “save” 1,400 acres of industrial land from intrusion by commercial uses.

During hearings on the remand from LCDC, the Council received testimony that an increasing number of industrial jobs is finding space in office buildings rather than in traditional industrial buildings. The Council relied upon this testimony to revise Title 4 limitations on offices in industrial areas. The Council also relied upon the testimony to apply the 393-acre surplus of commercial land taken into the UGB by the December, 2002, ordinances to the need for 1,968 acres of industrial land. The Council assumed that offices in the region’s designated Employment Areas, Centers, Corridors, Station Communities and Mains Streets would absorb industrial jobs. This assumption reduced the need for industrial land from 1,968 to 1,575 net acres.

Also during the hearings, the cities of Wilsonville, Oregon City and Fairview brought news of recent plan amendments (adopted after completion of Metro’s inventory of industrial land) adding land to the industrial land supply. The Council concluded that the land added by Wilsonville (127 acres) and Oregon City (74 acres) are actually available for industrial use, subject to timing and infrastructure requirements. The Council concluded that the Fairview land, though designation industrial in the city’s comprehensive plan, is not yet appropriately zoned to make it available for industrial use. These actions reduced the need for industrial land from 1,575 to 1,374 net acres.

The City of Gresham requested a change to the 2040 Growth Concept Map and the Title 4 Employment and Industrial Areas map for a 90-acre tract that is part of Study Area 12 and adjacent to land added to the UGB in December, 2002, for industrial use. The city says further planning work on its part has revealed that some 20 acres of the tract are suitable for industrial use. The Council makes this change in Ordinance No. 04-1040B, reducing the need from 1,374 to 1,354.

In a further effort to accommodate industrial development more efficiently within the UGB, the Council discovered that it had assumed a commercial development refill rate of 50 percent, lower than the most recently observed rate of 52 percent. For the reasons stated above, the Council concludes that this infill and re-development of lands in designated Employment Areas, Centers, Corridors, Station Communities and Mains Streets will accommodate some of the increasing number of industrial jobs that is locating in offices rather than factories or other traditional industrial buildings. Correction of the commercial refill rate assumption reduces the need for industrial land from 1,354 to 1,180 acres.

E. Alternatives: Expand the UGB

These findings address ORS 197.732(c)(B), (C) and (D) and Goal 2, Exceptions; ORS 197.298(1); Goal 11; Goal 14, Factors 3-7; OAR 660-004-0010(1) and 660-004-0020(2); RFP Policies 1.2, 1.3.1, 1.4, 1.4.1, 1.7, 1.7.2, 1.9, 1.12.1, 1.12.2 and 5.1.1; Regional Transportation Plan Policy 3.0 and Metro Code 3.01.020(b)(3) through (7) and 3.01.020(d)

The measures taken by the Council to increase the capacity of the existing UGB for industrial use, described above leave an unmet need for industrial land of 1,180 acres.

Metro began the search for the most appropriate land for inclusion in the UGB by applying the priorities in ORS 197.298(1). Because Metro has not re-designated "urban reserve" land since its 1997 designation was invalidated on appeal, the highest priority for addition of land is exception land.

Metro first included for consideration all exception land that was studied for inclusion in the December, 2002, ordinances, but not included at that time (59,263 acres). Metro then expanded the search to consider all other land, resource land included, that met the siting characteristics that help define the need for industrial land (less than 10 percent slope and within two miles of a freeway interchange or one mile of an existing industrial area (9,071 acres). In all, Metro looked at approximately 68,000 acres to find the most appropriate land.

Once Metro mapped land by its statutory priority, Metro analyzed the suitability of the land for industrial use, considering the locational factors of Goal 14, the consequences and compatibility criteria of the Goal 2 and statutory exceptions process, the policies of the Regional Framework Plan (RFP) and the criteria in the Metro Code that are based upon Goal 14. This analysis is set forth in the Alternatives Analysis Study, Item (c) in Appendix A of Ordinance No. 04-1040B and subsequent staff reports [Appendix A, Items (a) and (y)].

The Alternatives Analysis and testimony from the hearings gave the Council few easy or obvious choices among the lands it considered. The land most suitable for the types of industrial use forecast in the region for the next 20 years is flat land near freeway interchanges or near existing industrial areas. In addition, the region needs parcels 50 acres or larger for the warehouse and distribution and tech/flex sectors. The land most likely to meet these needs at the perimeter of the UGB is agricultural land, the last priority for inclusion under ORS 197.298(1).

The highest priority for inclusion, under the priority statute, where no urban reserves have been designated, is exception land. But the character of most exception areas makes them unable to fill the region's needs for industrial use. The great majority of exception land outside the UGB is designated for residential use, and most of that is settled with residences. Parcels are generally small (five acres and smaller), the topography is usually rolling and often steep, and streams, small floodplains and wildlife habitat are common. And residents, as evidenced by testimony at Council hearings, are often vigorously opposed to industrial intrusions into what they consider their neighborhoods.

The Council excluded from further consideration those exception lands that lie further than two miles from a freeway interchange and more than one mile from existing industries for the reason that these areas cannot meet the identified need for industrial land. The Staff Report [Appendix A, Item (a)] describes these specific areas in detail at pages 13 to 18.

The Council excluded other study areas (or portions of them) from further consideration even though they could meet the identified need (less than 10 percent slope and either within two miles from a freeway interchange or within one mile from existing industries) because they are unsuitable for industrial use. Further analysis showed that some combination of parcelization, existing development, limitations on use

imposed by Title 3 of the UGMFP (Water Quality, Flood Management and Fish and Wildlife Conservation), poor road access, difficulty in providing public services and negative effects of urbanization on nearby agricultural practices renders the areas unsuitable for industrial use. Portions of the areas contain designated farm or forest land. The Staff Report [Appendix A, Item (a)] describes these specific areas in detail at pages 18 to 25 (and portions of other areas at pages 13 to 18).

The Council also excluded those exception areas that are not contiguous to the UGB, or to areas added to the UGB for industrial use, and do not contain enough suitable land to comprise a minimum of 300 gross acres. Based upon an analysis of industrial areas within the pre-expansion UGB and reasoning set forth in "Formation of Industrial Neighborhoods", memorandum from Lydia Neill to David Bragdon, October 24, 2003, the Council concludes that these small areas cannot satisfy the need for industrial land.

The Council looked next to resource land, beginning with land of lowest capability. The Council included 354 acres (236 net acres) designated for agriculture in the Quarry Study Area, composed predominantly of the poorest soils (Class VII) in the region. Other land with poor soils in the vicinity were rejected due to steep slopes. The Council included 63 acres (30 net acres) designated for forestry in the Beaver Creek Study Area composed of Class IV and VI soils and 102 acres (69 net acres) of Class III and IV soils in the Damascus West Study Area. No other land with soil capability lower than Class II can meet the need for industrial use identified by the Council.

Finally, the Council turned to the many lands under consideration with predominantly Class II soils. To choose among thousands of acres of this flat farmland near urban industrial areas or near freeway interchanges, the Council considered the locational factors of Goal 14 and policies in its Regional Framework Plan ("RFP") and Regional Transportation Plan ("RTP"). Further, the Council sought advice from a group of farmers and agriculturalists in the three counties, assembled by the Oregon Department of Agriculture ("ODA"). This group submitted a report to the Council entitled "Limited Choices: The Protection of Agricultural Lands and the Expansion of the Metro Area Urban Growth Boundary for Industrial Use." [Appendix A, Item (i).] Preliminary guidance from ODA led the Council to consider an amendment to Policy 1.12 of the RFP on agricultural land, adopted and applied in Ordinance No. 04-1040B: "When the Council must choose among agricultural lands of the same soil classification for addition to the UGB, the Council shall choose agricultural land deemed less important to the continuation of commercial agriculture in the region." (Exhibit A.)

The Council finds that the region will be able to urbanize the lands it has added to the UGB in an efficient and orderly fashion. The Council concludes that the overall consequences of urbanization of these lands are acceptable, especially given the protections in place in the RFP and Metro Code for sensitive resources. Through mitigation measures required by the conditions in Exhibit F, the Council believes it can achieve compatibility between urbanization of the land added to the UGB and adjacent land outside the UGB.

The Council also believes that it is able to maintain separations between communities at the urban fringe sufficient to allow each community to retain a sense of place. The Council chose ridgelines, streams, power lines, roads and property lines to define the boundaries of the UGB in an effort to provide a distinct boundary and a clear transition between urban and rural uses.

The Council also finds that the lands it added to the UGB for industrial use contribute to a compact urban form. The lands are adjacent to the existing UGB. Many involve exception lands that are already partially urbanized and contain some components of public facilities needed to serve urban industrial uses. The Council rejected some areas of exception land that extend far from the UGB and would require long extensions of linear services such as sewer, water and stormwater lines. The Council chose land that adheres closely to siting characteristics needed by the industries likely to grow during the planning period: proximity

to existing industrial areas and accessibility to freeway interchanges. These choices contribute to the region's urban form which, among other things, calls for siting uses with higher densities (commercial and residential) in Centers and other design types served by high-capacity public transit.

Combined with areas added to the UGB for employment in the December, 2002, periodic review ordinances, areas added by Ordinance No. 04-1040B for industrial use are distributed round the region. Most of the jobs land was added to the east side of the region in December, 2002. This ordinance adds industrial land mostly to the south and west sides of the region. In particular, addition of 262 acres north of Cornelius will add jobs, income, investment and tax capacity to a part of the region with disproportionately little of those resources.

F. Water Quality

Each local government responsible for an area added to the UGB must complete the planning requirements of Title 11, Urban Growth Management Functional Plan ("UGMFP"), including compliance with the water quality provisions of Title 3 of the UGMFP.

G. Areas Subject to Natural Disasters and Hazards

The Council has excluded environmentally constrained areas from the inventory of buildable land (see UGRs) and from its calculation of the housing and jobs capacity of each study area (see Alternatives Analysis). Each local government responsible for an area added to the UGB must complete the planning requirements of Title 11, Urban Growth Management Functional Plan ("UGMFP"), including compliance with Title 3 of the UGMFP on floodplains and erosion control.

The Council considered the best information available on known hazards, including earthquake hazard. The study areas with the highest earthquake hazard have been rejected. The are small portions of several study areas with known earthquake hazards added to the UGB. Local governments responsible for Title 11 planning are required by that title (and Goal 7) to take these portions into account in their comprehensive plan amendments.

H. Economic Development

As part of Task 2 of periodic review, Metro reviewed the economic development elements of the comprehensive plans of each of the 24 cities and three counties that comprise the metro area. Metro used the review in its determination of the region's need for employment land and for coordination with local governments of its choices to add land to the UGB for employment purposes.

Revisions to Title 4 (Industrial and Other Employment Areas) of the UGMFP and the conditions placed upon lands added to the UGB (Exhibit F of Ordinance No. 04-1040B and exhibits to December, 2002, ordinances) add significant protection to sites designated for industrial use, both those added to the UGB and those within the UGB prior to expansion, to help ensure their availability for that purpose.

Inclusion of these areas adds 1,920 acres (1,047 net acres) to the UGB for industrial use. Combined with the efficiency measures described in Section D of these Findings (Alternatives: Increase Capacity of the UGB), above, and actions taken in December, 2002, these additions to the UGB accommodate approximately 99 percent of the need for industrial land [identified in the 2002-2022 Urban Growth Report: An Employment Land Need Analysis (9,366 net acres)]. Given the unavoidable imprecision of the many assumptions that underlie the determination of need for industrial land – the population forecast; the employment capture rate; the industrial refill rate; employment density (particularly given changes in building types used by industry over time); the rate of encroachment by non-industrial uses; and the vintage

industrial relocation rate – the Council concludes that its actions in the December, 2002, ordinances and in this Ordinance No. 04-1040B provide a 20-year supply of industrial land for the region and comply with part 2 (periodic review Subtask 17) of LCDC’s Partial Approval and Remand Order 03-WKTASK-001524, July 7, 2003.

II. SPECIFIC FINDINGS FOR PARTICULAR AREAS ADDED TO UGB IN TASK 2 REMAND DECISION

These findings address ORS 197.298; ORS 197.732(1)(c)(B), (C) and (D); Goal 2, Exceptions, Criteria (c)(2), (3) and (4); Oregon Administrative Rules (OAR) 660-004-0010(1)(B)(ii), (iii) and (iv); OAR 660-004-0020(2)(b), (c) and (d); Goal 5; Goal 11; Goal 12; Goal 14, Factors 3 through 7; Metro Code 3.01.020(b)(3) through (7) and 3.01.020(d); Metro RFP Policies 1.2, 1.3, 1.4, 1.6, 1.7, 1.11 and 1.12; and Regional Transportation Plan Policies 2.0, 3.0, 4.0 and 14.0.

A. Damascus West

The Council relies upon the facts and analysis in the Industrial Land Alternative Analysis Study [Appendix A, Item(c) in Ordinance No. 04-1040B, pp. 21-23; 111; A-1 – A-4] and the Staff Report [Appendix A, Item (a), p. 27] to support its conclusion that addition of a portion of Damascus West will provide for an orderly and efficient transition from rural to urban land use. The Council chose this area of resource land because it contains a concentration of larger parcels (five parcels between 10 and 20 acres). Parcels of this range are needed for the types of industries Metro expects will grow during the planning period (UGR-E, p. 25) and are generally unavailable in exception areas. Also, soils in the area are Class III and IV, of lower capability than other resource land under consideration. In addition, the area lies within a ground-water restricted area designated by the Oregon Department of Water Resources. Finally, it occupies a small notch that extends into land within the UGB and is relatively isolated by topography and forested land from other agricultural lands to the south, as noted in the report of the Metro Agricultural Lands Technical Workgroup led by the Oregon Department of Agriculture [“Limited Choices: The Protection of Agricultural Lands and the Expansion of the Metro Area Urban Growth Boundary for Industrial Use”, Appendix A, Item (i)].

1. Orderly Services

The Council relies upon the Study Area Goal 14 Analysis Summary and the Ratings for Transportation Services Feasibility contained in its Alternative Analysis Study (Appendix A, Item 6, pages 111 and Table A-2, respectively) for its determination that these services can be provided to the Damascus West area in an orderly and economic manner by extending services from existing serviced areas. Condition IIA(1) of Exhibit F calls for transportation and public facility and service plans within the same four years allowed for Title 11 planning of the entire Damascus area by Condition IIA(1) of Exhibit M of Ordinance No. 02-969B.

The Alternative Analysis Study (p. 20) sets forth the likely service providers for sewer, water and storm-water services and assigns a serviceability rating for the larger Damascus Study Area. Serviceability generally ranges from “easy” to “difficult” to serve (Table 1, p. 111) and compares favorably with areas not included (such as Borland Road South, Norwood/Stafford and Wilsonville West). Transportation services will be only moderately difficult to provide for reasons set forth in the Alternative Analysis Study, p. 21.

2. Efficiency

The Council relies on the same information on provision of essential services mentioned above for its conclusion that the area can urbanize efficiently, particularly knowing that Damascus West will be planned in conjunction with the greater Damascus area added to the UGB in December, 2002. The Council

also relies upon its findings and conclusions above (part I, General Findings, section D, Alternatives: Increase Capacity of UGB) regarding actions it has taken to increase the efficiency of the use of employment land within the existing UGB.

3. Consequences

The Council relies upon the analysis of the consequences of urbanization on the Damascus West area set forth in the Alternative Analysis Study, pp. 21-22 and Table A-3. The analysis indicates that the consequences will be low, especially considering the requirements of Title 11 of the UGMFP that comprehensive planning and land use regulations for the area protect the portions (streams, wetlands, floodplains and steep slopes) of the area subject to Title 3 of the UGMFP and the conditions in Exhibit F of Ordinance No. 04-1040B.

The Council has placed a condition on comprehensive planning for the area that the local government responsible for planning considered Metro's adopted Goal 5 inventory during its planning (see Condition IG, Exhibit F). The local governments will eventually adopt provisions to implement Metro's Goal 5 program following the Council's adoption of that program, if the local government's ordinance do not already comply.

4. Compatibility

The Agricultural Analysis Consequences shows that urbanization of the Damascus West area would have low adverse consequences for nearby agriculture (Alternative Analysis Study, p. 21; Table A-4). This is, in part, due to the facts that the area occupies a small notch that extends into land within the UGB and is relatively isolated by topography and forested land from other agricultural lands to the south, as noted in the report of the Metro Agricultural Lands Technical Workgroup led by the Oregon Department of Agriculture ["Limited Choices: The Protection of Agricultural Lands and the Expansion of the Metro Area Urban Growth Boundary for Industrial Use", Appendix A, Item (i)]. Ordinance No. 04-1040B, Exhibit F, imposes Condition IE upon urbanization of Damascus West to reduce conflict and improve compatibility between urban use in the area and agricultural use on land to the south.

5. Natural and Cultural Resources

The Alternative Analysis Study addresses Goal 5 and 6 resources in the Damascus West area protected by Clackamas County in its acknowledged comprehensive plan (p. 22). The county will be responsible for protecting these resources in the area when it amends its comprehensive plan and zoning ordinance to implement expansion of the UGB. Condition IG of Exhibit F requires the county to consider Metro's inventory of Goal 5 resources in their application of Goal 5 to the Damascus area. Title 3 (Water Quality, Flood Management and Fish and Wildlife Conservation) of the UGMFP requires Clackamas County to protect water quality and floodplains in the area. Title 11 of the UGMFP, section 3.07.1120G, requires the county to protect fish and wildlife habitat and water quality. Title 11, section 3.07.1110, protects the status quo in the interim period of county planning for the area.

6. Public Utilities and Services

Under statewide Planning Goal 11, Metro is responsible for coordination of the preparation of public facility plans within the district. Metro will fulfill this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Clackamas County from upzoning and from dividing land into resulting lots or parcels smaller than 20 acres until the county revises its comprehensive plan and zoning ordinances to authorize urbanization of land Metro brings into the UGB; and (2) requires the county to develop public facilities and services plans and urban growth diagrams with the general locations of necessary public

facilities such as sanitary sewers, storm sewers and water lines for the area. Metro and the county began this work with the evaluation of the serviceability of the Damascus area in the Alternative Analysis Study (pages 20-21 and 111).

7. Transportation

Metro shares responsibility to ensure that its Task 2 decision for the Damascus West area does not significantly affect a transportation facility or allow uses that are inconsistent with the identified function, capacity and performance standards of transportation facilities. Metro fulfills this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Clackamas County from upzoning and from land divisions into resulting lots or parcels smaller than 20 acres in the area until the county revises its comprehensive plans and zoning ordinances to authorize urbanization of land Metro brings into the UGB; and (2) requires the county to develop conceptual transportation plans and urban growth diagrams with the general locations of arterial, collector and essential local streets for the area. Metro and Clackamas County began this work with the evaluation of the serviceability of the area in the Alternative Analysis Study (p. 21 and Table A-2) and consideration of how to provide services as part of the analysis required to satisfy Goal 14, factors 3 and 4.

Metro's 2000 Regional Transportation Plan (RTP) anticipated inclusion of the area within the UGB. The plan's "Priority System" of planned transportation facilities shows improvements planned for the area to serve anticipated growth. Among the improvements is the Sunrise Highway, a likely alignment for which (shown on the 2040 Growth Concept Map) borders the portion of the Damascus West Study Area included by this ordinance. The "Financially Constrained System" includes improvements that will add capacity to East Sunnyside Road near the included area (see discussion of RTP below).

8. Regional Framework Plan

The area lies within ½-mile of Damascus Town Center and will provide additional employment to support the center. The area will not only provide employment opportunities for new residents of the Damascus area, but also improve the ratio between jobs and housing in the east side of the region.

9. Regional Transportation Plan

Through its Joint Policy Advisory Committee on Transportation, Metro has coordinated transportation planning and funding of transportation improvements with local governments in the region. The Regional Transportation Plan adopted a "Priority System" of improvements through the year 2020. The Priority System includes the most critical improvements needed to implement the 2040 Growth Concept. Among the improvements are the "East Multnomah County Transportation Projects" and the "Pleasant Valley and Damascus Transportation Projects" that will provide the basic transportation services to the area (pages 5-49 to 5-57). Figures 1.4, 1.12, 1.16, 1.17, 1.18 and 1.19 of the RTP show how the region's street design, motor vehicle, public transportation, freight, bicycle and pedestrian systems will extend into the Damascus area.

B. Beavercreek

The Council relies upon the facts and analysis in the Alternative Analyses Study [2003 in Appendix A, Item(d) in Ordinance No. 04-1040B, pp. 32-34; 111; A-1 – A-4] and the Staff Report [Appendix A, Item (a), p. 25] to support its conclusion that addition of a portion of the Beavercreek area will provide for an orderly and efficient transition from rural to urban land use. The Council added this single tract, zoned for forest use but occupied by a portion of a larger golf course, in part because the Council included the other half of the golf course in the UGB by Ordinance No. 02-969B in December, 2002 (as part of Task 2), and

designated it for industrial use. The predominant soils on the tract are Class IV and VI. This parcel (63 acres; 30 net acres) helps satisfy the identified need for large parcels (see UGR-E, page 25), particularly in combination with the other part of the golf course included in December, 2002.

1. Orderly Services

The Council relies upon the Study Area Goal 14 Analysis Summary and the Ratings for Transportation Services Feasibility contained in its Alternative Analysis Study (Appendix A, Item 6, pages 111 and Table A-2, respectively) for its determination that these services can be provided to this portion of the Beavercreek area in an orderly and economic manner by extending services from existing serviced areas. Condition IA of Exhibit F calls for transportation and public facility and service plans within two years. Condition IIB(2) specifies that Title 11 planning of the area be done in conjunction with Title 11 planning for the adjoining area added to the UGB by Ordinance No. 02-969B.

The Alternative Analysis Study (p. 32-33) sets forth the likely service providers for sewer, water and storm-water services and assigns a serviceability rating for the larger Beavercreek area. The developable portion of the area included in the UGB adjoins and will be served by the same providers that will serve the area added to the UGB in December, 2002. Serviceability generally ranges from “easy” to “difficult” to serve (Table 1, p. 111) and compares favorably with areas not included (such as Borland Road South, Norwood/Stafford and Wilsonville West). Table A-2 shows transportation services for the larger Beavercreek area to be difficult. However, for the portion of Beavercreek added, transportation services will be the same as those provided to the adjoining property added to the UGB in December, 2002.

2. Efficiency

The Council relies on the same information on provision of essential services mentioned above for its conclusion that the area can urbanize efficiently, particularly knowing that this portion of the Beavercreek area will be planned in conjunction with the portion added to the UGB and designated for industrial use in December, 2002. Both portions can be urbanized more efficiently if the portions are planned and urbanized together.

The Council also relies upon its findings and conclusions above (part I, General Findings, section D, Alternatives: Increase Capacity of UGB) regarding actions it has taken to increase the efficiency of the use of employment land within the existing UGB.

3. Consequences

The Council relies upon the analysis of the consequences of urbanization on this portion of the Beavercreek area set forth in the Industrial Land Alternative Analysis Study, p. 34 and Table A-3). The analysis indicates that the consequences will be high if the Council were to include the entire Beavercreek study area (2,540 acres). But Ordinance No. 04-1040B includes only a single, 63-acre tract, half of a golf course the other half of which was included in the UGB by Ordinance No. 02-969B. Title 11 of the UGMFP requires that comprehensive planning and land use regulations for the area protect the portions (streams, wetlands, floodplains and steep slopes) of the tract subject to Title 3 of the UGMFP and the conditions in Exhibit F of this ordinance.

The Council has placed a condition on comprehensive planning for the area that the local government responsible for planning considered Metro’s adopted Goal 5 inventory during its planning (see Condition IG, Exhibit F). The local governments will eventually adopt provisions to implement Metro’s Goal 5 program following the Council’s adoption of that program, if the local government’s ordinance do not already comply.

4. Compatibility

The Agricultural Analysis Consequences shows that urbanization of the Beaver creek area would have moderate adverse consequences for nearby agriculture (p. 111). There will be little effect on agriculture from urbanization of this small portion of the area, however, because the tract itself is part of a golf course, and there are no nearby agricultural activities.

5. Natural and Cultural Resources

The Alternative Analysis Study addresses Goal 5 and 6 resources in the larger Beaver creek area protected by Clackamas County in its acknowledged comprehensive plan (page 34). The single portion of the larger area added to the UGB by this ordinance contains no inventoried Goal 5 sites protected by Clackamas County. Condition IG of Exhibit F requires the county to consider Metro's inventory of Goal 5 resources in their application of Goal 5 to the small portion of the Beaver creek area included in the UGB. Title 3 (Water Quality, Flood Management and Fish and Wildlife Conservation) of the UGMFP requires Clackamas County to protect water quality and floodplains in the area. Title 11 of the UGMFP, section 3.07.1120G, requires the counties to protect fish and wildlife habitat and water quality. Title 11, section 3.07.1110, protects the status quo in the interim period of county planning for the area.

6. Public Facilities and Services

Under statewide Planning Goal 11, Metro is responsible for coordination of the preparation of public facility plans within the district. Metro will fulfill this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Clackamas County or Oregon City from upzoning and from dividing land into resulting lots or parcels smaller than 20 acres until the county or city revises its comprehensive plan and zoning ordinances to authorize urbanization of land Metro brings into the UGB; and (2) requires the county or city to develop public facilities and services plans and urban growth diagrams with the general locations of necessary public facilities such as sanitary sewers, storm sewers and water lines for the area. Metro, the county and the city began this work with the evaluation of the serviceability of the Beaver creek area in the Alternative Analysis Study done as part of Ordinance No.02-969B (pages 108-09; A-9, A-13;) and the Industrial Land Alternative Analysis Study done as part of Ordinance No. 04-1040A (pages 25, 32-33 and 111).

7. Transportation

Metro shares responsibility to ensure that its Task 2 decision for the Beaver creek area does not significantly affect a transportation facility or allow uses that are inconsistent with the identified function, capacity and performance standards of transportation facilities. Metro fulfills this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Clackamas County or Oregon City from upzoning and from land divisions into resulting lots or parcels smaller than 20 acres in the area until the county or city revises its comprehensive plan and zoning ordinances to authorize urbanization of land Metro brings into the UGB; and (2) requires the county or city to develop a conceptual transportation plan and urban growth diagram with the general locations of arterial, collector and essential local streets for the area. Metro, the county and the city began this work with the evaluation of the serviceability of the Beaver creek area in the Alternative Analysis done as part of Ordinance No.02-969B (pages 108-09; A-9, A-15-19) and the Analysis done as part of Ordinance No. 04-1040B (pages 25 and 33 and A-2).

The City of Oregon City indicates that the Beaver creek area can be provided with transportation services. The small included portion adjoins an area that is more serviceable than other portions of the larger Beaver creek area considered by the Council. It is contiguous to the city and can be served in an orderly manner.

8. Regional Framework Plan

This small addition of industrial land (63 acres) will be planned in combination with adjoining industrial land added by Ordinance No. 02-969B to comprise a more efficient industrial area. The area will provide employment to support the Oregon City Regional Center.

9. Regional Transportation Plan

Through its Joint Policy Advisory Committee on Transportation, Metro has coordinated transportation planning and funding of transportation improvements with local governments in the region. The Regional Transportation Plan adopted a "Priority System" of improvements through the year 2020. The Priority System includes the most critical improvements needed to implement the 2040 Growth Concept. Among the improvements is the "Highway 213 Corridor Study" to complete a long-term traffic management plan and identify projects to implement the plan (pages 5-59 to 5-61).

C. Quarry (Partial)

The Council relies upon the facts and analysis in the Industrial Land Alternative Analyses Study [Appendix A, Item(c) in Ordinance No. 04-1040B, pp. 64-66; 111; A-1 – A-4] and the Staff Report [Appendix A, Item (a), pp. 26-27] to support its conclusion that addition of a portion of the Quarry Study Area will provide for an orderly and efficient transition from rural to urban land use. The Council chose this area of resource land because it contains a concentration of larger parcels, relatively few of which are developed with residences. Parcels of this range are needed for the types of industries Metro expects will grow during the planning period (UGR-E, p. 25) and are generally unavailable in exception areas. Also, soils in the area are predominantly Class VII, of lower capability than other resource land under consideration. Significant portions are devoted to quarry operations, which have removed soils altogether. There are major quarry operations adjoining this area to the east and elsewhere nearby. There is also significant industrial development and zoning north and east of the Quarry area. See "Perfect for Industry", prepared by Davis, Wright, Tremaine, LLP, April 29, 2004. The Council included one of the quarry areas in the UGB in Ordinance No. 02-990A for industrial use. Some agricultural activity takes place in the northern section of this area, but it is isolated from other areas devoted to agriculture by quarry operations and other nonfarm activities [Tualatin Valley Sportsmens Club (gun club), for example].

1. Orderly Services

The Council relies upon the Quarry Study Area Goal 14 Analysis Summary and the Ratings for Transportation Services Feasibility contained in its Industrial Land Alternative Analysis Study (Appendix A, Item (c), pages 111 and Table A-2, respectively) for its determination that urban services can be provided to the Quarry area in an orderly and economic manner by extending services from existing serviced areas. Condition IIE(2) of Exhibit F calls for coordination of transportation and public facility and service planning for this area with the adjoining area added to the UGB for industrial use on December 12, 2002.

The Alternatives Analysis (p. 64-65) sets forth the likely service providers for sewer, water and storm-water services and assigns a serviceability rating for the Quarry Study Area. Serviceability ranges from "easy" to "moderately difficult" to serve (Table 1, p. 111) and compares favorably with areas not included (such as Borland Road South, Norwood/Stafford and Wilsonville West). Transportation services would be easy to provide for reasons set forth in the Alternative Analysis Study, p. 65.

2. Efficiency

The Council relies on the same information on provision of essential services mentioned above for its conclusion that the area can urbanize efficiently, particularly knowing that this portion of the Quarry Study Area will be planned in conjunction with the quarry area to the east, added to the UGB and designated for industrial use in December, 2002. This portion lies close to existing services and Tualatin-Sherwood and Oregon Roads. Both portions can be urbanized more efficiently if the portions are planned and urbanized together.

The Council also relies upon its findings and conclusions above (part I, General Findings, section D, Alternatives: Increase Capacity of UGB) regarding actions it has taken to increase the efficiency of the use of employment land within the existing UGB.

3. Consequences

The Council relies upon the analysis of the consequences of urbanization on this portion of the Quarry Study Area set forth in the Alternative Analysis Study, p. 65-66 and Table A-3). The analysis indicates that the environmental consequences will be low. In addition, Title 11 of the UGMFP requires that comprehensive planning and land use regulations for the area protect the portions (streams, wetlands, floodplains and steep slopes) of the area subject to Title 3 of the UGMFP and the conditions in Exhibit F of this ordinance.

The Council has placed a condition on comprehensive planning for the area that the local government responsible for planning considered Metro's adopted Goal 5 inventory during its planning (see Condition I G, Exhibit F). The local governments will eventually adopt provisions to implement Metro's Goal 5 program following the Council's adoption of that program, if the local government's ordinance do not already comply.

4. Compatibility

The Agricultural Analysis Consequences shows that urbanization of the Quarry Study Area would have few adverse consequences for nearby agriculture. The area has the UGB on three sides and quarry operations to the east and southeast. The portion devoted to agriculture is in the northwest portion, isolated from agricultural operations south of the quarries.

5. Natural and Cultural Resources

The Alternative Analysis Study addresses Goal 5 and 6 resources in the Quarry Study Area protected by Washington County in its acknowledged comprehensive plan (page 65-66). Significant portions of the area are identified as aggregate sites in the county's Goal 5 inventory and are protected by aggregate overlays. Under Metro's Title 11, current county land use regulations will remain in place until the county, or one of the cities (Tualatin or Sherwood), adopts new plan provisions and land use regulations to allow industrial uses in the area, at which time the county or city will apply Goal 5 to the area and re-consider the decision to protect the quarries under Goal 5.

Condition IG of Exhibit F requires the county or cities to consider Metro's inventory of Goal 5 resources in its application of Goal 5 to the Quarry area included in the UGB. Title 3 (Water Quality, Flood Management and Fish and Wildlife Conservation) of the UGMFP requires the county to protect water quality and wetlands in the area. Title 11 of the UGMFP, section 3.07.1120G, requires the county to protect fish and wildlife habitat and water quality. Title 11, section 3.07.1110, protects the status quo in the interim period of county or city planning for the area.

6. Public Facilities and Services

Under statewide Planning Goal 11, Metro is responsible for coordination of the preparation of public facility plans within the district. Metro will fulfill this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Washington County or the City of Sherwood or Tualatin from upzoning and from dividing land into resulting lots or parcels smaller than 20 acres until the county or city revises its comprehensive plan and zoning ordinances to authorize urbanization of land Metro brings into the UGB; and (2) requires the county or city to develop public facilities and services plans and urban growth diagrams with the general locations of necessary public facilities such as sanitary sewers, storm sewers and water lines for the area. Metro, the county and the cities began this work with the evaluation of the serviceability of the Quarry Study Area in the Alternative Analysis done as part of Ordinance No.02-969B (pages 161-63; A-9) and the Analysis done as part of Ordinance No. 04-1040B (pages 64-65 and 111).

7. Transportation

Metro shares responsibility to ensure that its Task 2 decision for the Quarry Study Area does not significantly affect a transportation facility or allow uses that are inconsistent with the identified function, capacity and performance standards of transportation facilities. Metro fulfills this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Washington County or the City of Sherwood or Tualatin from upzoning and from land divisions into resulting lots or parcels smaller than 20 acres in the area until the county or city revises its comprehensive plan and land use regulations to authorize urbanization of land Metro brings into the UGB; and (2) requires the county or city to develop a conceptual transportation plan and urban growth diagram with the general locations of arterial, collector and essential local streets for the area. Metro and the county and cities began this work with the evaluation of the serviceability of the area in the Alternatives Analysis done as part of Ordinances No.02-969B (pages 108-09; A-9, A-15-19) and 990A and the Analysis done as part of Ordinance No. 04-1040B (pages 64-65 and A-2). The cities indicate a willingness to serve the Quarry area with transportation services pending the determination of service boundaries.

8. Regional Framework Plan

This addition of industrial land will be planned in coordination with adjoining industrial land to the east added by Ordinance No. 02-990A to comprise a more efficient industrial area. The area will provide employment to support the Sherwood and Tualatin Town Centers. The Quarry area runs along the Tualatin-Sherwood Road within two miles of the two centers. Given that the added portion of the Quarry area is suitable for the types of industry likely to grow in the future, the Council includes the area notwithstanding that this part of the region is relatively well-endowed with employment.

By adding the Quarry area to the UGB, following addition of the quarry area to the east, Metro will be bringing a “notch” into the UGB that lies between the two cities of Sherwood and Tualatin. This keeps the form of the region compact and efficient.

9. Regional Transportation Plan

Through its Joint Policy Advisory Committee on Transportation, Metro has coordinated transportation planning and funding of transportation improvements with local governments in the region. The Regional Transportation Plan adopted a “Priority System” of improvements through the year 2020. The Priority System includes the most critical improvements needed to implement the 2040 Growth Concept. Among the improvements are the “The Tualatin-Sherwood Major Investment Study”, to complete environmental design for the I-5 to 99W principal arterial connector, and the “Tualatin-Sherwood

Connector”, to construct the four-lane tollway connection (pages 5-65 to 5-67). Although a final corridor for this facility has not yet been chosen, it is almost certain that it will pass less than a mile from the south border of the Quarry area.

D. Coffee Creek (partial)

The Council relies upon the facts and analysis in the Alternatives Analyses [Appendix A, Item(c) in Ordinance No. 04-1040B, pp. 58-60; 111; A-1 – A-4] and the Staff Report [Appendix A, Item (a), pp. 26] to support its conclusion that addition of a portion of the Coffee Creek Study Area [264 acres (97 net acres) of 442 in the study area] will provide for an orderly and efficient transition from rural to urban land use. The Council chooses this portion because it is almost entirely exception land (there is a 4.6-acre tract of resource at the northern edge), it can be planned in conjunction with land added to the UGB in December, 2002, for industrial use, urban services are available in the vicinity, and urbanization will have no effect on agricultural practices on adjacent land due to its isolation from agricultural activities.

1. Orderly Services

The Council relies upon the Coffee Creek Study Area Goal 14 Analysis Summary and the Ratings for Transportation Services Feasibility contained in its Industrial Land Alternative Analysis Study (Appendix A, Item 6, pages 111 and Table A-2, respectively) for its determination that urban services can be provided to the Quarry area in an orderly and economic manner by extending services from existing serviced areas. Condition IIF(1) of Exhibit F allows four years for Title 11 planning for this area so that planning for urban services can be done in conjunction with such planning for the adjoining area added to the UGB for industrial use on December 5, 2002.

The Alternative Analysis Study sets forth the likely service providers for sewer, water and storm-water services and assigns a serviceability rating for the Coffee Creek area (p. 58-60; Table 1, p. 111). Serviceability ranges from “moderate” to “difficult” to serve and compares favorably with areas not included (such as Borland Road South and Wilsonville West).

2. Efficiency

The Council relies on the same information on provision of essential services mentioned above for its conclusion that the area can urbanize efficiently, knowing that this portion of the Coffee Creek Study Area will be planned in conjunction with the area to the east, added to the UGB and designated for industrial use in December, 2002. The area lies adjacent to a principal north-south rail line that will make industrial use and movement of freight more efficient.

The Council also relies upon its findings and conclusions above (part I, General Findings, section D, Alternatives: Increase Capacity of UGB) regarding actions it has taken to increase the efficiency of the use of employment land within the existing UGB.

3. Consequences

The Council relies upon the analysis of the consequences of urbanization on this portion of the Coffee Creek area set forth in the Alternative Analysis Study, p. 58-60 and Table A-3). Because the Council included only the easternmost portion of the study area – the portion that borders the UGB on the west – the adverse consequences will be reduced. Title 11 of the UGMFP requires that comprehensive planning and land use regulations for the area protect the portions (streams, wetlands, floodplains and steep slopes) of the area subject to Title 3 of the UGMFP and the conditions in Exhibit F of this ordinance.

The Council has placed a condition on comprehensive planning for the area that the local government responsible for planning considered Metro's adopted Goal 5 inventory during its planning (see Condition IG, Exhibit F, Ordinance No. 04-1040B). The local government will eventually adopt provisions to implement Metro's Goal 5 program following the Council's adoption of that program, if the local government's ordinance do not already comply.

4. Compatibility

The Agricultural Analysis Consequences shows that urbanization of the included portion of the Coffee Creek area would have no adverse consequences for nearby agriculture (p. 111). The area has quarry operations nearby and is isolated from commercial agricultural activity by stream drainages.

5. Natural and Cultural Resources

The Alternative Analysis Study addresses Goal 5 and 6 resources in the Coffee Creek Study Area protected by Washington County in its acknowledged comprehensive plan (p. 60). The quarries in the area are protected by aggregate overlays by Washington County. Under Metro's Title 11, current county land use regulations will remain in place until the county, or the City of Wilsonville or Tualatin, adopts new plan provisions and land use regulations to allow industrial uses in the area, at which time the county or city will apply Goal 5 to the area and re-consider the decision to protect the quarries under Goal 5.

Condition IG of Exhibit F requires the county or city to consider Metro's inventory of Goal 5 resources in its application of Goal 5 to the portion of Coffee Creek area included in the UGB. The area contains streams, wetlands and floodplains. Title 3 (Water Quality, Flood Management and Fish and Wildlife Conservation) of the UGMFP requires the county or city to protect water quality and wetlands in the area. Title 11 of the UGMFP, section 3.07.1120G, requires the county or city to protect fish and wildlife habitat and water quality. Title 11, section 3.07.1110, protects the status quo in the interim period of county or city planning for the area.

6. Public Facilities and Services

Under statewide Planning Goal 11, Metro is responsible for coordination of the preparation of public facility plans within the district. Metro will fulfill this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Washington County or the City of Wilsonville or Tualatin from upzoning and from dividing land into resulting lots or parcels smaller than 20 acres until the county or city revises its comprehensive plan and zoning ordinances to authorize urbanization of the area; and (2) requires the county or city to develop public facilities and services plans and urban growth diagrams with the general locations of necessary public facilities such as sanitary sewers, storm sewers and water lines for the area.

7. Transportation

Metro shares responsibility to ensure that its Task 2 decision for the Coffee Creek Study Area does not significantly affect a transportation facility or allow uses that are inconsistent with the identified function, capacity and performance standards of transportation facilities. Metro fulfills this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits the county or city from upzoning and from land divisions into resulting lots or parcels smaller than 20 acres in the area until the county or city revises its comprehensive plan and zoning ordinance to authorize urbanization of the area; and (2) requires the county or city to develop conceptual transportation plans and urban growth diagrams with the general locations of arterial, collector and essential local streets for the area.

8. Regional Framework Plan

This addition of industrial land will be planned in combination with adjoining industrial land to the east added by Ordinance No. 02-969B to comprise a more efficient industrial area. The Coffee Creek Study Area will provide employment to support the Tualatin and Wilsonville Town Centers, to the north and south respectively. Given that the developable portion of the area is exception land and is suitable for the types of industry likely to grow in the future, the Council includes the Coffee Creek area notwithstanding that this part of the region is relatively well-endowed with employment.

Adding the Coffee Creek area to the UGB, lying between and adjacent to the Cities of Tualatin and Wilsonville, following addition of the area to the east, keeps the form of the region compact and efficient.

9. Regional Transportation Plan

Through its Joint Policy Advisory Committee on Transportation, Metro has coordinated transportation planning and funding of transportation improvements with local governments in the region. The Regional Transportation Plan (“RTP”) adopted a “Priority System” of improvements through the year 2020. The Priority System includes the most critical improvements needed to implement the 2040 Growth Concept. Among the improvements are improvements to Boones Ferry Road from Durham Road in the north to Elligsen Road in the south, east of the Coffee Creek Study Area.

The RTP also includes “The Tualatin-Sherwood Major Investment Study”, to complete environmental design for the I-5 to 99W principal arterial connector, and the “Tualatin-Sherwood Connector”, to construct the four-lane tollway connection (pages 5-65 to 5-67). Although a final corridor for this facility has not yet been chosen, it is almost certain that it will pass through or just to the north of the Coffee Creek area, likely enhancing its access to I-5. Finally, the principal north-south rail line that lies along the eastern boundary of the area will offer an additional mode of transport for movement of freight in the area.

E. Tualatin

The Council relies upon the facts and analysis in the Industrial Land Alternative Analyses Study [Appendix A, Item(c) in Ordinance No. 04-1040B, pp. 61-63; 111; A-1 – A-4] and the Staff Reports [Appendix A, Item (a), pp. 27-28] to support its conclusion that addition of a portion of the Tualatin Study Area will provide for an orderly and efficient transition from rural to urban land use. The Council chose this area because it is exception land (rural residential and rural industrial) with characteristics that make it suitable for industrial use. It lies within two miles of the I-5 corridor and within one mile of an existing industrial area, and portions of the area are relatively flat. These characteristics render it the most suitable exception area under consideration for warehousing and distribution, a significant industrial need facing the region.

The City of Tualatin and many residents of the area expressed concern about compatibility between industrial use and residential neighborhoods at the south end of the city. They have also worried about preserving an opportunity to choose an alignment between Tualatin and Wilsonville for the I-5/99W Connector; the south alignment for this facility passes through the northern portion of the Tualatin Study Area.

In response to these concerns, the Council placed several conditions upon addition of this area to the UGB. First, the Council extended the normal time for Title 11 planning for the area: two years following the identification of a final alignment for the Connector, or seven years after the effective date of Ordinance No. 04-1040B, whichever comes sooner. This allows Title 11 planning by Washington County, the cities of Tualatin and Wilsonville and Metro to accommodate planning for the Connector alignment. Second, the

Council states that, so long as the alignment for the Connector falls close to the South Alignment shown on the 2040 Growth Concept Map, it will serve as the buffer between residential development to the north (the portion least suitable for industrial uses) and industrial development to the south (the portion of the area most suitable for industrial use)

1. Orderly Services

The Council relies upon the Tualatin Study Area Goal 14 Analysis Summary and the Ratings for Transportation Services Feasibility contained in its Industrial Land Alternative Analysis Study (Appendix A, Item (c), pages 111 and Table A-2, respectively) for its determination that urban services can be provided to the area in an orderly and economic manner by extending services from existing serviced areas.

The Alternatives Analysis (pp. 61-62) sets forth the likely service providers for sewer, water and storm-water services and assigns a serviceability rating for the Tualatin Study Area. Serviceability ranges from “easy” to “difficult” to serve (Table 1, p. 111). Throughout Task 2 of periodic review the Council has found, however, that provision of services to almost every exception area is difficult and expensive. The City of Wilsonville anticipates further industrial development in the portion of the study area north and northwest of the existing city, in part due to the siting of the Coffee Creek Correctional Facility, and expects to be the service provider over time. Given the critical need for sites proximate to interchanges on I-5 and the rarity of such sites, the Council has decided to include the Tualatin Study Area notwithstanding.

2. Efficiency

The Council relies on the same information on provision of essential services mentioned above (Orderly Services) for its conclusion that the area can urbanize efficiently. The Council also relies upon its findings and conclusions above (part I, General Findings, section D, Alternatives: Increase Capacity of UGB) regarding actions it has taken to increase the efficiency of the use of employment land within the existing UGB.

This area lies between two cities and among areas added to the UGB for industrial use in December, 2002, making urbanization of the area more efficient than projecting urbanization from the UGB into a rural area. Given the likelihood that the region will build the I-5/99W Connector through this area, industrial development in the area will ensure efficient use of that facility.

3. Consequences

The Council relies upon the analysis of the consequences of urbanization on the Tualatin Study Area set forth in the Alternative Analysis Study, pp. 62-63 and Table A-3). The analysis indicates that the consequences will be low to moderate, especially considering the requirements of Title 11 of the UGMFP that comprehensive planning and land use regulations for the area protect the portions (streams, wetlands, floodplains and steep slopes) of the area subject to Title 3 of the UGMFP and the conditions in Exhibit F of Ordinance No. 04-1040B.

The Council has placed a condition on comprehensive planning for the area that the local government responsible for planning considered Metro’s adopted Goal 5 inventory during its planning (see Condition IG, Exhibit F). The local governments will eventually adopt provisions to implement Metro’s Goal 5 program following the Council’s adoption of that program, if the local government’s ordinance do not already comply.

4. Compatibility

The Agricultural Analysis Consequences shows that urbanization of the Tualatin Study Area would have low adverse consequences for agriculture (Alternative Analysis Study, p. 62; Table A-4). Although there are a few agricultural uses in the study area itself, the area is designated entirely for rural residential and rural industrial uses, pursuant to exceptions from statewide planning Goals 3 and 4. The area is isolated from land designated for agriculture by the UGB, I-5 and mining operations to the west. Hence, it is unlikely that industrial use will conflict with agricultural activities on land designated for agricultural or forest use.

5. Natural and Cultural Resources

The Alternative Analysis Study addresses Goal 5 and 6 resources in the Tualatin Study Area protected by Washington County in its acknowledged comprehensive plan (pp. 62-63). There are aggregate mines in the vicinity; portions of Washington County's Mineral and Aggregate Overlay District B cover small portions of the study area in the northwest and southwest corners and the top central portion.

The county, or the City of Wilsonville or Tualatin upon annexation to one of the cities, will be responsible for protecting these resources when it amends its comprehensive plan and zoning ordinance to implement expansion of the UGB. Condition IG of Exhibit F requires the county or city to consider Metro's inventory of Goal 5 resources in their application of Goal 5 to the Tualatin Study Area. Title 3 (Water Quality, Flood Management and Fish and Wildlife Conservation) of the UGMFP requires the county or city to protect water quality and floodplains in the area. Title 11 of the UGMFP, section 3.07.1120G, requires the county or city to protect fish and wildlife habitat and water quality. Title 11, section 3.07.1110, protects the status quo in the interim period of county or city planning for the area.

6. Public Facilities and Service

Under statewide Planning Goal 11, Metro is responsible for coordination of the preparation of public facility plans within the district. Metro will fulfill this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Washington County and the cities of Wilsonville and Tualatin from upzoning and from dividing land into resulting lots or parcels smaller than 20 acres until the county or city revises its comprehensive plan and zoning ordinances to authorize urbanization of the area; and (2) requires the county or city to develop public facilities and services plans and urban growth diagrams with the general locations of necessary public facilities such as sanitary sewers, storm sewers and water lines for the area.

7. Transportation

Metro shares responsibility to ensure that its Task 2 decision for the Tualatin Study Area does not significantly affect a transportation facility or allow uses that are inconsistent with the identified function, capacity and performance standards of transportation facilities. Metro fulfills this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Washington County and the cities of Tualatin and Wilsonville from upzoning and from land divisions into lots or parcels smaller than 20 acres in the area until the county or city revises its comprehensive plan and zoning ordinances to authorize urbanization of land added to the UGB; and (2) requires the county or city to develop conceptual transportation plans and urban growth diagrams with the general locations of arterial, collector and essential local streets for the area. Metro began this work with the evaluation of the serviceability of the area in the Alternative Analysis Study (pp. 61-62 and Table A-2) and consideration of how to provide services as part of the analysis required to satisfy Goal 14, factors 3 and 4.

Table A-2 recognizes that provision of transportation to new industrial uses in the area will be difficult. The Oregon Department of Transportation, Region 1 ("ODOT"), expects the volume-to-capacity ratio on I-5 in the vicinity of the North Wilsonville interchange to be "extremely poor" by 2025, and states

that the interchange “may need to be reviewed for impact” if the Council adds land to the UGB dependent upon the interchange. The “Priority System” in Metro’s RTP calls for improvement to Boones Ferry Road from Durham Road in Tualatin to Elligsen Road in Wilsonville and for construction of a four-lane tollway between I-5 and Highway 99W, the southern and most likely alignment of which passes through the study area. There is no planned improvement to the capacity of the freeway or the interchange in the RTP or either city’s TSP. In 2002, however, a joint ODOT/Wilsonville study concluded that in 2030, widening of I-5 to eight lanes would be required to meet interstate freeway capacity standards set by Metro and ODOT. This study will help Metro, ODOT, Wilsonville and Tualatin understand the improvements needed to accommodate industrial use in the study area. The 2004 Federal RTP also identifies a corridor refinement study for I-5 in the vicinity. These studies will inform Title 11 planning for the study area.

8. Regional Framework Plan

The Tualatin Study Area lies midway between the Tualatin and Wilsonville Town Centers, and is nearly as close to the Sherwood Town Center as to Tualatin and Wilsonville. Industrial development in the study area will provide additional employment to support businesses in those centers. The Council includes this area, notwithstanding that this part of the region is relatively well-endowed with employment, because it has more of the characteristics needed for warehousing and distribution than other areas considered. The Wilsonville South Area has many of the same characteristics. But it lies on the opposite side of the Willamette River and requires a trip on I-5 across the river to gain access to the Wilsonville Town Center. The Council concludes that addition of the north portion of the Tualatin Study Area provides better urban form to the city and the region than adding land on the south side of the Willamette River.

9. Regional Transportation Plan

Through its Joint Policy Advisory Committee on Transportation, Metro has coordinated transportation planning and funding of transportation improvements with local governments in the region. The Regional Transportation Plan adopted a “Priority System” of improvements through the year 2020. The Priority System includes the most critical improvements needed to implement the 2040 Growth Concept. Among the improvements in the vicinity of the Tualatin Study Area are improvement to Boones Ferry Road from Durham Road in Tualatin to Elligsen Road in Wilsonville and construction of a four-lane tollway between I-5 and Highway 99W, the southern and most likely alignment of which passes through the study area.

F. Helvetia (Partial)

The Council relies upon the facts and analysis in the Industrial Land Alternative Analyses Study [Appendix A, Item(c) in Ordinance No. 04-1040B, pp. 104-06; 111; A-1 to A-4] and the Staff Reports [Appendix A, Item (a), p. 28] to support its conclusion that addition of a 249-acre portion of the Helvetia Study Area will provide for an orderly and efficient transition from rural to urban land use. The Council chose this area because it has several characteristics that render it among the most suitable sites under consideration for industrial use: a large parcels; relatively flat land; and proximity to a freeway interchange. The Urban Growth Report-Employment (UGR-E) identifies a specific need for large parcels (50 acres or larger) (Ordinance No. 02-969B, Appendix A, Item 4, page 25). This portion of the Helvetia Study Area contains one parcel between 50 and 100 acres.

Two-thirds of this area (162 acres) is designated for agriculture in Washington County’s comprehensive plan (predominantly Class II soil). The farmland portion lies between the existing UGB (to the south and east) and the exception land portion to the west. West Union Road separates the included farmland from excluded farmland to the north. The Council includes this farmland because the exception land portion (87 acres) contains some land suitable for industrial use. Also, among farmlands considered,

this farmland is already affected by nearby urban and rural residential use. Further, the Council found only two areas designated for agriculture of higher priority (Class IV or III soils) suitable for industrial use (Damascus West and Quarry Study Areas) (see discussion of West Union Study Area, below).

The Council considered including a portion of the Evergreen Study Area, which also contains a combination of exception land and Class II farmland, because it, too, contains several large parcels. The Council favored the Helvetia area because the farmland portion of the Evergreen area that lies between the UGB to the east, the exception land to the west and NW Meek Road to the north includes considerably more farmland than the included portion of the Helvetia Area (478 acres versus 162 acres in Helvetia). Further, unlike the exception land portion of Helvetia, the exception land portion of the Evergreen Study Area does not contain land suitable for industrial use.

The Council also considered inclusion of the West Union Study Area, which contains farmland of Class II and III soils. The Council chose the Helvetia area rather than the West Union area because the portion of the West Union area with higher-priority Class III soils is not suitable for industrial use (slopes greater than 10 percent), and this portion lies to the north of the portion with predominantly Class II soils (adjacent to the UGB). Also, the Council found no good barrier in the West Union area to separate farmland included from farmland excluded until Cornelius Pass Road to the north, which would enclose many more acres of farmland (862 acres) than the 162 acres in the Helvetia area.

The Council also considered Class II farmland in the Wilsonville East Study Area in order to find large parcels suitable for industrial use. The Council chose the Helvetia Study Area over the Wilsonville area because the former will be considerably easier to provide with public facilities and services (p. 111). As a result, inclusion of the Helvetia area has the support of the City of Hillsboro, while the City of Wilsonville opposes inclusion of the Wilsonville East area.

The Council considered two other study areas composed predominantly of Class II soils: the Noyer Creek and South Hillsboro areas. According to the report of the Metro Agricultural Lands Technical Workgroup led by the Oregon Department of Agriculture [“Limited Choices: The Protection of Agricultural Lands and the Expansion of the Metro Area Urban Growth Boundary for Industrial Use”, Appendix A, Item (i)], both areas have higher value for commercial agriculture than the Helvetia area.

Finally, the Council considered Class II farmland south of Wilsonville, near the I-5 corridor on the south side of the Willamette River. The Council rejected this farmland because inclusion would constitute a projection away from the urbanization portion of the metropolitan region, toward Marion County to the south. Industrial development south of the river would also be separated from the services of the City of Wilsonville and the rest of the metropolitan region, connected only by a limited access (interstate highway) bridge across the river. Inclusion of the Helvetia area would better achieve the compact urban form sought by Policies 1 and 1.6 of the RFP and Policy 3 of the Regional Transportation Plan. The Oregon Department of Agriculture urged the Council not to add farmland south of the Willamette River because it would further introduce urban uses into that core area of the Willamette Valley’s commercial agriculture. Although the department also expressed concern about inclusion of the Helvetia area, it placed a higher priority on protection of farmland south of the Willamette River. The Council concludes that inclusion of the Helvetia area rather than the Wilsonville South Study area farmland better achieves Policy 1.12.2 of the RFP.

In short, of the Class II farmlands considered by the Council, this portion of the Helvetia Study Area best meets the identified need for industrial land and is most separated from nearby agricultural lands. Other than the exception lands that are part of this study area, there are no other exception lands that can help the region meet its need for larger parcels for industrial use.

1. Orderly Services

The Council relies upon the Helvetia Study Area Goal 14 Analysis Summary and the Ratings for Transportation Services Feasibility contained in its Industrial Land Alternative Analysis Study (Appendix A, Item (c), pages 111 and Table A-2, respectively) for its determination that urban services can be provided to the area in an orderly and economic manner by extending services from existing serviced areas.

The Alternatives Analysis (pp. 104-05) sets forth the likely service providers for sewer, water and storm-water services and assigns a serviceability rating for the larger Helvetia Study Area. Serviceability ranges from “easy” to “moderate” to serve the entire area (Table 1, p. 111). It will be easier to serve the smaller portion of the study area included by the Council because it is the portion closest to the existing UGB (borders on east and south) and services just to the east.

2. Efficiency

The Council relies on the same information on provision of essential services mentioned above (Orderly Services) for its conclusion that the area can urbanize efficiently. The Council also relies upon its findings and conclusions above (part I, General Findings, section D, Alternatives: Increase Capacity of UGB) regarding actions it has taken to increase the efficiency of the use of employment land within the existing UGB.

This area borders the UGB on two sides, with employment and industrial uses on the urban sides of the UGB, making urbanization of the area for industrial use more efficient than projecting urbanization from the UGB into a rural area.

3. Consequences

The Council relies upon the analysis of the consequences of urbanization on the Helvetia Study Area set forth in the Alternative Analysis Study, pp. 105-06 and Table A-3). The analysis indicates that the consequences will be moderate. The requirements of Title 11 of the UGMFP that comprehensive planning and land use regulations for the area protect the portions (streams, wetlands, floodplains and steep slopes) of the area subject to Title 3 of the UGMFP and the conditions in Exhibit F of Ordinance No. 04-1040B will reduce adverse consequences from urbanization of the area.

The Council has placed a condition on comprehensive planning for the area that the local government responsible for planning consider Metro’s adopted Goal 5 inventory during its planning (see Condition IG, Exhibit F). The local government will eventually adopt provisions to implement Metro’s Goal 5 program following the Council’s adoption of that program, if the local government’s ordinance do not already comply.

4. Compatibility

The Agricultural Analysis Consequences shows that urbanization of the Helvetia Study Area would have high adverse consequences for nearby agriculture (Alternative Analysis Study, pp. 105-06; Table A-4). The analysis, however, is based urbanization of the entire Helvetia Study Area (1,339 acres) rather than just the portion included within the UGB (249 acres). Adverse consequences and incompatibility from urbanization of the included portion will be much reduced, given that the UGB borders this portion on the east and south sides, West Union Road borders the portion on the north side, and much of this portion (87 acres) is exception area lying between the included farmland portion and the excluded farmland portion to the west.

According to the report of the Metro Agricultural Lands Technical Workgroup led by the Oregon Department of Agriculture [“Limited Choices: The Protection of Agricultural Lands and the Expansion of the Metro Area Urban Growth Boundary for Industrial Use”, Appendix A, Item (i)], the included portion of the Helvetia area is less important to commercial agriculture in the region than other agricultural areas under consideration because it lies amid urban and rural residential uses: “However, the workgroup could not ignore the land use pattern both within the area, the location of the area within a small notch of the current urban growth boundary and the two hard edges provided by Helvetia and West Union Roads” (p. 11).

Ordinance No. 04-1040B, Exhibit F, imposes Condition IE upon urbanization of the area to reduce conflict and improve compatibility between urban use in the area and agricultural use on land to the north and west.

5. Natural and Cultural Resources

The Alternative Analysis Study addresses Goal 5 and 6 resources in the Helvetia Study Area protected by Washington County in its acknowledged comprehensive plan (p. 106). The county, or the City of Hillsboro upon annexation to the city, will be responsible for protecting these resources in the area when it amends its comprehensive plan and zoning ordinance to implement expansion of the UGB. Condition IG of Exhibit F requires the county or the City of Hillsboro to consider Metro’s inventory of Goal 5 resources in their application of Goal 5 to the Helvetia area. Title 3 (Water Quality, Flood Management and Fish and Wildlife Conservation) of the UGMFP requires the county or city to protect water quality and floodplains in the area. Title 11 of the UGMFP, section 3.07.1120G, requires the county or city to protect fish and wildlife habitat and water quality. Title 11, section 3.07.1110, protects the status quo in the interim period of county or city planning for the area.

6. Public Facilities and Services

Under statewide Planning Goal 11, Metro is responsible for coordination of the preparation of public facility plans within the district. Metro will fulfill this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Washington County or the City of Hillsboro from upzoning or from dividing land into resulting lots or parcels smaller than 20 acres until the county or city revises its comprehensive plan and zoning ordinances to authorize urbanization of land Metro brings into the UGB; and (2) requires the county or city to develop public facilities and services plans and urban growth diagrams with the general locations of necessary public facilities such as sanitary sewers, storm sewers and water lines for the area.

7. Transportation

Metro shares responsibility to ensure that its Task 2 decision for the Helvetia Study Area does not significantly affect a transportation facility or allow uses that are inconsistent with the identified function, capacity and performance standards of transportation facilities. Metro fulfills this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Washington County or the City of Hillsboro from upzoning and from land divisions into resulting lots or parcels smaller than 20 acres in the area until the county or city revises its comprehensive plan and zoning ordinances to authorize urbanization of land Metro brings into the UGB; and (2) requires the county or city to develop conceptual transportation plans and urban growth diagrams with the general locations of arterial, collector and essential local streets for the area. Metro began this work with the evaluation of the serviceability of the area in the Alternative Analysis Study (pp. 104-05 and Table A-2) and consideration of how to provide services as part of the analysis required to satisfy Goal 14, factors 3 and 4.

The Oregon Department of Transportation (“ODOT”), Region 1, notes that the Shute Road interchange on Hwy. 26, to which most of the trips generated by development in the Helvetia area will go, “is already inadequate to accommodate the 2003 Urban Growth Boundary (“UGB”) expansion in this area.” Metro’s 2004 RTP includes an interchange improvement to serve the industrial land added to the UGB for industrial use in December, 2002, with partial funding. The RTP also identifies the need to widen several stretches of Hwy. 26 from four to six lanes. The county or city, together with Metro, will fully assess the effects of development on these facilities during Title 11 planning. Title 11 calls for a conceptual transportation plan as part of amendment of city or county comprehensive plans and land use regulations, to which statewide planning Goal 12 and the Transportation Planning Rule apply.

8. Regional Framework Plan

The Helvetia Study Area lies adjacent to, and will likely become part of the North Hillsboro Industrial Area. This industrial area is the anchor of the high tech cluster that runs from this tract to Wilsonville. It contains the largest concentration of high technology firms in the state. The area supports businesses in the Hillsboro Regional Center, other Centers on the west side of the region, and the Central City. Industrial development in the Helvetia Study Area will provide additional employment to support those centers. The Council includes this area, notwithstanding that this part of the region is relatively well-endowed with employment, because, as noted above, it the characteristics needed for the industrial sectors likely to grow during the planning period.

9. Regional Transportation Plan

Through its Joint Policy Advisory Committee on Transportation, Metro has coordinated transportation planning and funding of transportation improvements with local governments in the region. The Regional Transportation Plan (“RTP”) adopted a “Priority System” of improvements through the year 2020. The Priority System includes the most critical improvements needed to implement the 2040 Growth Concept. Among the improvements in the vicinity of the Helvetia Study Area in Metro’s 2004 RTP is an interchange improvement to serve the industrial land added to the UGB for industrial use in December, 2002, with partial funding.

G. Cornelius

The Council relies upon the facts and analysis in the Industrial Land Alternative Analyses Study [Appendix A, Item(c) in Ordinance No. 04-1040B, pp. 84-87; 111; A-1 to A-4] and the Staff Reports [Appendix A, Item (a), p. 27] to support its conclusion that addition of this 262-acre portion of the Cornelius Study Area will provide for an orderly and efficient transition from rural to urban land use. Slightly more than half (56 percent) of the included portion is designated for agriculture in Washington County’s comprehensive plan (predominantly Class II soil). The farmland portion lies in two tracts separated by an exception area. A second tract of exception land borders the farmland on the east side. Together, these four adjacent tracts comprise the portion of the study area included in the UGB.

The Council chose this portion of the study area because it has characteristics that render it suitable for industrial use: large and mid-sized parcels and relatively flat land. The Urban Growth Report-Employment (UGR-E) identifies a specific need for large parcels (50 acres or larger) (Ordinance No. 02-969B, Appendix A, Item 4, page 25). The included portion of the study area contains one parcel between 50 and 100 acres [Appendix A, Item (a), p.30].

The Council also chose this area to help achieve Policies 1.2, 1.3.1 and 1.4 of the Regional Framework Plan (RFP), which call, among other things, for an equitable and balanced distribution of employment opportunities, income, investment and tax capacity throughout the region. The Council considered the fiscal and equity effects of including this area on the City of Cornelius. Given that the city

has the highest poverty rate, the lowest property tax revenue per capita, the lowest land improvement market value and the longest average commute in the region, the Council concluded that industrial development in this area would help achieve these policies better than inclusion of any other Class II agricultural land.

The Council considered including a portion of the Evergreen Study Area, which also contains a combination of exception land and Class II farmland, because it, too, contains several large parcels. The Council favored the Cornelius area for the reasons stated above, and because the farmland portion of the Evergreen area that lies between the UGB to the east, the exception land to the west and NW Meek Road to the north includes considerably more farmland than the included portion of the Cornelius Study Area (478 acres versus 147 acres in the Cornelius area).

The Council also considered inclusion of the West Union Study Area, which contains farmland of Class II and III soils. The Council chose the Cornelius area rather than the West Union area because the portion of the West Union area with higher-priority Class III soils is not suitable for industrial use (slopes greater than 10 percent), and this portion lies to the north of the portion with predominantly Class II soils (adjacent to the UGB).

The Council also considered Class II farmland in the Wilsonville East Study Area in order to find large parcels suitable for industrial use. The Council chose the Cornelius area over the Wilsonville area for the reasons stated above, and because the former will be considerably easier to provide with public facilities and services (p. 111). As a result, inclusion of the Cornelius area has the support of the City of Cornelius, while the City of Wilsonville opposes inclusion of the Wilsonville East area.

The Council considered two other study areas composed predominantly of Class II soils: the Noyer Creek and South Hillsboro areas. The Cornelius area is easier to provide with public services than either Noyer Creek or South Hillsboro. Inclusion of industrial land in the Cornelius area will better accomplish Policies 1.2, 1.3.1 and 1.4 of the RFP than inclusion of Noyer Creek or South Hillsboro.

Finally, the Council considered Class II farmland south of Wilsonville, near the I-5 corridor on the south side of the Willamette River. The Council rejected this farmland because inclusion would constitute a projection away from the urbanization portion of the metropolitan region, toward Marion County to the south. Industrial development south of the river would also be separated from the services of the City of Wilsonville and the rest of the metropolitan region, connected only by a limited access (interstate highway) bridge across the river. Inclusion of the Cornelius area would better achieve the compact urban form sought by Policies 1 and 1.6 of the RFP and Policy 3 of the Regional Transportation Plan. The Oregon Department of Agriculture urged the Council not to add farmland south of the Willamette River because it would further introduce urban uses into that core area of the Willamette Valley's commercial agriculture. Although the department also expressed concern for expansion of the UGB north of Council Creek in the Cornelius area (part of the included area lies north of Council Creek; part lies south), it placed a higher priority on protection of farmland south of the Willamette River. The Council concludes that inclusion of the Cornelius area rather than the Wilsonville South Study Area farmland better achieves Policy 1.12.2 of the RFP.

1. Orderly Services

The Council relies upon the Cornelius Study Area Goal 14 Analysis Summary and the Ratings for Transportation Services Feasibility contained in its Industrial Land Alternative Analysis Study (Appendix A, Item (c), pages 111 and Table A-2, respectively) for its determination that urban services can be provided to the area in an orderly and economic manner by extending services from the City of Cornelius.

The Alternatives Analysis (pp. 84-85) sets forth the likely service providers for sewer, water and storm-water services and assigns a serviceability rating for the entire Cornelius Study Area. Serviceability ranges from “easy” to “moderate” to serve the entire area (Table 1, p. 111). It will be easier to serve the portion of the study area included by the Council because it is the portion closest to the existing UGB (borders on south) and existing services.

2. Efficiency

The Council relies on the same information on provision of essential services mentioned above (Orderly Services) for its conclusion that the area can urbanize efficiently. The Council also relies upon its findings and conclusions above (part I, General Findings, section D, Alternatives: Increase Capacity of UGB) regarding actions it has taken to increase the efficiency of the use of employment land within the existing UGB.

This area borders the UGB to the south, with employment and industrial uses along a portion of the urban side of the UGB. The included portion also includes two exception area of predominantly rural residential use. Inclusion of the exceptions areas will, over time, lead to more efficient use of the areas.

3. Consequences

The Council relies upon the analysis of the consequences of urbanization on the Cornelius Study Area set forth in the Alternative Analysis Study, pp. 86-87 and Table A-3). The analysis indicates that the consequences will be moderate. The requirements of Title 11 of the UGMFP that comprehensive planning and land use regulations for the area protect the portions (streams, wetlands, floodplains and steep slopes) of the area subject to Title 3 of the UGMFP and the conditions in Exhibit F of Ordinance No. 04-1040B will reduce adverse consequences from urbanization of the area.

The Council has placed a condition on comprehensive planning for the area that the local government responsible for planning consider Metro’s adopted Goal 5 inventory during its planning (see Condition IG, Exhibit F). The local government will eventually adopt provisions to implement Metro’s Goal 5 program following the Council’s adoption of that program, if the local government’s ordinance do not already comply.

4. Compatibility

The Agricultural Analysis Consequences shows that urbanization of the Cornelius Study Area would have high adverse consequences for nearby agriculture (Alternative Analysis Study, pp. 84-85; Table A-4). The analysis, however, is based urbanization of the entire study area (1,154 acres) rather than just the portion included within the UGB (262 acres). Adverse consequences and incompatibility from urbanization of the included portion will be much reduced, given that the UGB borders this portion on the south side, and that the farmland portions of the included area border two exception areas, also included.

Ordinance No. 04-1040B, Exhibit F, imposes Condition IE upon urbanization of the area to reduce conflict and improve compatibility between urban use in the area and agricultural use on land to the north and west.

5. Natural and Cultural Resources

The Alternative Analysis Study addresses Goal 5 and 6 resources in the Cornelius Study Area protected by Washington County in its acknowledged comprehensive plan (p. 86). The county, or the City of Cornelius upon annexation to the city, will be responsible for protecting these resources in the area when it amends its comprehensive plan and zoning ordinances to implement expansion of the UGB. Condition IG of

Exhibit F requires the county or the city to consider Metro's inventory of Goal 5 resources in their application of Goal 5 to the area. Title 3 (Water Quality, Flood Management and Fish and Wildlife Conservation) of the UGMFP requires the county or city to protect water quality and floodplains in the area. Title 11 of the UGMFP, section 3.07.1120G, requires the county or city to protect fish and wildlife habitat and water quality. Title 11, section 3.07.1110, protects the status quo in the interim period of county or city planning for the area.

6. Public Facilities and Services

Under statewide Planning Goal 11, Metro is responsible for coordination of the preparation of public facility plans within the district. Metro will fulfill this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Washington County or the City of Cornelius from upzoning or from dividing land into resulting lots or parcels smaller than 20 acres until the county or city revises its comprehensive plan and zoning ordinances to authorize urbanization of land Metro brings into the UGB; and (2) requires the county or city to develop public facilities and services plans and urban growth diagrams with the general locations of necessary public facilities such as sanitary sewers, storm sewers and water lines for the area.

7. Transportation

Metro shares responsibility to ensure that its Task 2 decision for the Cornelius Study Area does not significantly affect a transportation facility or allow uses that are inconsistent with the identified function, capacity and performance standards of transportation facilities. Metro fulfills this responsibility through implementation of Title 11 of the UGMFP, which (1) prohibits Washington County or the City of Cornelius from upzoning and from land divisions into resulting lots or parcels smaller than 20 acres in the area until the county or city revises its comprehensive plan and zoning ordinances to authorize urbanization of land Metro brings into the UGB; and (2) requires the county or city to develop conceptual transportation plans and urban growth diagrams with the general locations of arterial, collector and essential local streets for the area. Metro began this work with the evaluation of the serviceability of the area in the Alternative Analysis Study (pp. 85 and Table A-2) and consideration of how to provide services as part of the analysis required to satisfy Goal 14, factors 3 and 4.

The Oregon Department of Transportation ("ODOT"), Region 1, notes that industrial development in the Cornelius area will worsen the level of service on the Tualatin Valley Highway between Cornelius and Hillsboro. The "Financially Constrained" and "Priority System" in Metro's Regional Transportation Plan ("RTP") include several projects that will address congestion in the corridor (Projects 3156, 3164, 3166, 3167, 3168 and 3171). The county or city, together with Metro, will fully assess the effects of development on these facilities during Title 11 planning. Title 11 calls for a conceptual transportation plan as part of amendment of city or county comprehensive plans and land use regulations, to which statewide planning Goal 12 and the Transportation Planning Rule apply.

8. Regional Framework Plan

The included portion of the Cornelius Study Area lies directly north of and adjacent to the City of Cornelius. The area is within one mile of the designated Main Street of Cornelius (there is no designated Town Center). Industrial development in the included area will provide additional employment to support the businesses on Main Street, and provide employment opportunities for the many residents of Cornelius who now travel to other parts of the region for work. As stated above, industrial development in this area will help achieve Policies 1.2, 1.3.1 and 1.4 of the RFP better than inclusion of any other land, including other farmland.

9. Regional Transportation Plan

Through its Joint Policy Advisory Committee on Transportation, Metro has coordinated transportation planning and funding of transportation improvements with local governments in the region. The Regional Transportation Plan (“RTP”) adopted a “Priority System” of improvements through the year 2020. The Priority System includes the most critical improvements needed to implement the 2040 Growth Concept. Among the improvements in the vicinity of the included portion of the Cornelius Study Area in Metro’s RTP are intersection safety improvements on the TV Highway couplet and improved transit service (see list of projects noted in section 8, above).

REQUIREMENT NO. 2:

REMAND ORDER ON SUBTASK 17: EITHER REMOVE TAX LOTS 1300, 1400 AND 1500 FROM THE BOUNDARY OF EXPANSION AREA 62, OR JUSTIFY THEIR INCLUSION UNDER GOAL 14.

Ordinance No. 04-1040A amends the UGB to remove Tax Lots 1300, 1400 and 1500, all in Study Area 62, from the UGB (Exhibit E). The Council concludes that there is no need to include these lots given the small surplus of land for residential use that resulted from expansion of the UGB by Ordinance No. 02-969B.

REQUIREMENT NO. 3:

REMAND ORDER ON SUBTASK 12B: PROVIDE DATA ON THE ACTUAL NUMBER DENSITY AND AVERAGE MIX OF HOUSING TYPES AS REQUIRED BY ORS 197.296(5) AND DETERMINE THE OVERALL AVERAGE DENSITY MUST OCCUR IN ORDER TO MEET HOUSING NEEDS OVER THE NEXT 20 YEARS AS REQUIRED BY ORS 197.296(7)

Ordinance No. 04-1040A further revises the Revised Housing Needs Analysis (“HNA”) to display data required by ORS 197.296(5) (Exhibit D). The data show the number, density and average mix of housing types arranged by type of buildable land (vacant, partially vacant, redevelopment and infill and mixed-use land). These data were subsets of aggregated data in the HNA, but were not displayed in the Revised HNA submitted to LCDC with the Task 2 Submittal on January 24, 2003.

The purpose for collecting the data is to help determine “the overall average density and overall mix of housing types at which residential development of needed housing types must occur in order to meet housing needs over the next 30 years.” ORS 197.296(7). Metro determined the overall density and mix of needed housing types in the Revised HNA submitted on January 24, 2003 (see pages 2-7, Figures 3.1, 3.2, 3.3, 5.1 and 5.3). [add text and explanation from earlier HNA] The data newly displayed in this revision do not affect Metro’s earlier determination.

SUPPLEMENTAL STAFF REPORT

*IN CONSIDERATION OF ORDINANCE
NO. 04-1040B, FOR THE PURPOSE OF
AMENDING THE METRO URBAN GROWTH BOUNDARY,
THE REGIONAL FRAMEWORK PLAN AND THE METRO
CODE TO INCREASE THE CAPACITY OF
THE BOUNDARY TO ACCOMMODATE GROWTH
IN INDUSTRIAL EMPLOYMENT*

ORDINANCE NO. 04-1040B

Date: June 21, 2004

Prepared by: Lydia Neill

INTRODUCTION

This staff report is intended to summarize the deliberations by the Metro Council and the Metropolitan Policy Advisory Committee (MPAC) that have taken place since April 2004. Discussions and recommendations by MPAC are highlighted in italics. This report will also introduce several technical memorandums that address issues raised during testimony at public hearings in May and June 2004. Discussions in this supplemental staff report will address the Metro Council's revision to the Chief Operating Officer's (COO) recommendation. The primary staff report dated April 5, 2004 contains information that formed the basis for the COO recommendation.

BACKGROUND

Metro is required to assess the capacity of the urban growth boundary (UGB) every five years under ORS 197.299(1). Metro is currently in Periodic Review with the Department of Land Conservation and Development (DLCD) under work program approval order #001243. As part of this review Metro is required to forecast and provide a 20-year land supply for residential, commercial and industrial uses inside the UGB. The Metro Council had forecasted a shortage of 38,700 dwelling units, 140 acres of commercial land and 4,285 acres of industrial land for the period 2002 to 2022. In December 2002 the Metro Council added 18,638 acres of land to the UGB that satisfied all of the demand for residential and commercial uses but only a portion of the overall need for industrial land.

A remand work order was issued by the Land Conservation and Development Commission (LCDC) due to the incomplete actions on industrial lands and several other issues. The remand order 03-WK Task 001524 requires Metro to fulfill the industrial land need, complete the Housing Needs Analysis by providing data on the number mix and housing types required by ORS 197.296(5), and either remove tax lots 1300, 1400 and 1500 adjacent to King City or provide a justification for their inclusion in the UGB by June 2004.

The 2002-2022 Urban Growth Report: An Employment Land Need Analysis Updated December 2002 (Employment UGR), identified a demand for 4,285 net acres of industrial land and a demand for 140 net acres of commercial land. The Metro Council's December expansion decision included roughly half of the industrial land need. The 2002 UGB decision added 2,850 net acres of job land to the UGB that is divided among three 2040 design types; 533 net acres of employment land, 818 net acres of industrial land and 1,499 net acres of Regionally Significant Industrial Area (RSIA) land.¹ Thus, within the 2002 UGB expansion there is a current industrial land need of 1,968 net acres and a commercial land surplus of 393 net acres.

¹ RSIA's are a 2040 design type that identifies industrial areas that have regional significance because of their location near the region's most important transportation facilities for the movement of traded sector freight.

The Employment UGR identified the demand for vacant industrial land by employment sector and distributed the demand by parcel size. These sectors represent the industries that are expected to grow over the next 20 years and include their associated demand for land. This demand allocation reflects past demand, development practices and existing land use policies. The general demand for vacant industrial land is distributed as follows:

- 70 percent warehouse and distribution
- 13 percent general industrial
- 17 percent tech/flex²

Fulfilling the Need for Industrial Land

Adopting Efficiency Measures- Title 4

As part of the tasks to complete Periodic Review, Metro examined ways to use land more efficiently and adopted policies to maximize the use of land within the UGB. In 2002, Metro adopted provisions in the Urban Growth Management Functional Plan, Title 4, that limits non-industrial uses in industrial areas. Subsequent to its adoption, local governments and industry representatives have come before the Metro Council to make the case that traditional land use categories are now less relevant to understanding industrial uses because many industrial activities including research and development, office and manufacturing often occur in the same facility. Amendments to Title 4 are intended to preserve land for industrial uses by restricting the amount and types of commercial uses that currently locate on industrial land.

Changes to Title 4 will preserve the transportation capacity for the movement of goods and services and direct other types of employment to centers, employment areas, corridors, main streets and station communities. Both RSIA's and industrial areas place limitations on the size of the retail commercial uses not serving the industrial area. Allowances are made for locating training facilities in industrial areas and commercial uses in airport locations. A discussion of the legislative changes to Title 4 are included on pages 7 and 8.

Impacts of Adopting Title 4 on the UGR

New Title 4 regulations specifically limit the amount and square footage of retail and office uses justify the savings of industrial land discussed in the Employment UGR. The Employment UGR estimates a savings of 1,400 acres of industrial land from implementing new measures and mapping of RSIA lands.³ Table 1 discusses the supply of industrial land and the impact of the Title 4 policy changes to reduce the deficit of industrial land.

Reductions to the Industrial Land Need

Commercial Land Surplus

The Employment UGR identified a commercial land surplus of 393 acres. The surplus is based upon the available supply of land for commercial purposes and an assumption that a percentage of commercial activities would continue to take place on industrially zoned lands. Testimony received during the discussion of revisions to Title 4, argued the traditional building types accommodating office and industrial uses are merging based on the needs of a knowledge-based economy. Approximately 30 percent of the land need identified in the Employment UGR is for tech-flex and general industrial uses. These uses have higher job densities that are consistent with office type buildings. Based on this fact additional

² Tech-flex development is a building type that provides flexible space to accommodate a variety of users from light assembly, product storage and research.

³ Employment UGR, page 46.

flexibility has been incorporated into Title 4 regulations to accommodate the need for industrial office uses. Concurrently, these same types of office, industrial uses, (i.e. software development etc.) could also locate on commercial land in traditional office building types. Therefore, the surplus of commercial land is being applied to help satisfy the overall need for industrial lands.

Adjustments to the Commercial Refill Rate

This adjustment to the refill rate is reflective of the changes taking place in the industrial marketplace. As discussed above the industrial economy is transitioning from traditional manufacturing to more knowledge and information based economy which contains more office type uses and results in higher floor area ratios. A two percent adjustment to the commercial refill rate applied in the Employment UGR reduces the overall need for industrial land by 174 acres and reflects this change in the marketplace. An increase in the refill rate from 50 to 52 percent represents the observed refill rate. The observed rate was obtained from metroScope modeling work completed in 2002.

Table 1. Industrial Land Need Adjustments

Supply of Industrial Land	Net Vacant Acres
Industrial Deficit	1,968
<i>Application of the commercial land surplus</i>	393
<i>Less adjustment based on increasing the commercial refill rate</i>	174
<i>Less adjustments:</i>	
- <i>City of Oregon City (Comprehensive plan industrial)</i>	74
- <i>City of Wilsonville (Comprehensive plan industrial)</i>	127
- <i>Re-instatement of area south of Gresham</i>	20
Remaining Industrial Land Need	1,180

Employment UGR Conversion Rate

It was brought to Metro’s attention by the City of Wilsonville has asserted that Metro has misapplied the commercial conversion rate in the 2002-2022 Employment UGR calculations to determine the need for industrial land. A discussion of the how a rate of 15-20 percent was derived begins on page 16 of the Employment UGR. The rate was developed by performing an analysis of the covered geocodes of commercial uses located on industrially zoned land. The study found that 2 out of 10 jobs in industrial areas had a commercial standard industrial code (SIC). The confusion lies in calculating a conversion rate of 44 percent by including the marginal increases of land instead of all of the industrially zoned land supply to compute the correct rate of 22 percent.

Adjustments Based on Zoning

Both the City of Wilsonville and Oregon City have brought to Metro’s attention that several areas located within the current UGB have comprehensive plan designations of industrial but local zoning that does not reflect the future intent. Both cities use a two map system that anticipate rezoning of property consistent with the comprehensive plan. It is Metro’s practice to assess land based on zoning, not comprehensive plan designation. It was determined that it was appropriate to count these acres as industrially zoned because of the legislative intent. Since Metro has a surplus of housing units based on the 2002 decision, this change does not affect the housing need. The addition of 201 net acres of industrial land shown in Table 1. Industrial Land Need Adjustments.

The area south of the City of Gresham (20 acres) is described as a re-instatement after its recommended removal by the COO. This acreage is part of the Springwater industrial area (designated as an RSIA) that is currently under concept planning. When this area was added to the UGB in 2002 it received a 2040 designation of inner neighborhood. The concept planning for the broader area indicated that this area

should be planned for industrial development and receive a 2040 designation of RSIA. The 20 year housing supply is not affected because Metro had a surplus of 666 net acres of residential land.

Completing Periodic Review

After adjustments the remaining industrial land need is 1,1180 net acres. The Metro Council expanded the UGB by adding 1,047 acres of land to substantially satisfy the need for Industrial land over the next 20 years. These lands area located in the following areas: Damascus West, Tualatin, Beavercreek, Quarry, Coffee Creek, Cornelius and Helvetia. The areas are shown in Table 3. Metro Council UGB Expansion Areas, were chosen because they meet the requirements in Goal 14 in the following order:

- Exception lands that meet the suitability factors identified for warehouse and distribution; general industrial and tech flex uses;
- Successively lowest capability farmlands which meet the suitability factors or;
- Located on lower priority farmland but are necessary to meet specific industry needs.

Specifics of the suitability factors are outlined in the April 5, 2004 staff report. Departure from either the COO recommendation or the MPAC recommendation is discussed below. Careful consideration was paid to the potential impacts on farmland and farm industry operations.

Table 2. Chief Operating Officer's Recommendation

				SUITABILITY FACTORS		
EXPANSION AREAS	Total Acres	Net Acres	Dominant Earthquake Zone⁴	Access	Proximity	Slope less 10%
<i>Damascus West</i>	102	69	D	✓	✓	✓
<i>Tualatin (MPAC-partial)</i>	646	339	D	✓	✓	✓
<i>Quarry (partial)</i>	354	236	D	✓	✓	✓
<i>Borland Rd N. (partial)</i>	575	164	A	✓	✓	✓
<i>Beavercreek. (partial)</i>	63	30	D	--	✓	✓
<i>Coffee Creek (partial)</i>	264	97	D	✓	✓	✓
<i>Wilsonville East (partial)</i>	641	460	B	✓	✓	✓
<i>Cornelius (partial)</i>	206	91	B	✓	✓	✓
<i>Helvetia (partial)</i>	249	149	A	✓	✓	✓
Additional Areas						
<i>Evergreen</i>	985	730	A	✓	✓	✓
West Union	368	133	A & B	✓	--	✓
TOTAL	3,100	1,635				

*Areas shown in bold/ italics were included in MPAC's June 9th recommendation

Soil Classifications of Areas Under Consideration

Soil classifications of all areas under study. The soils were mapped to facilitate studying and choosing appropriate lands for UGB expansion that conform to Oregon Revised Statute 197.298. ORS 197.298 establishes a hierarchy of lands based on soil quality which is divided into tiers. These tiers establish a priority for urbanizing land with exception land being the first priority followed successively by better quality soils. The tier system used for analysis examined the class of soils in each area and determined which soil class was most prominent. As study area boundaries have changed over the course of the analysis the predominant soil type changed in some cases. Table 3. Metro Council UGB Expansion Areas, shown on page 10 contains the predominant soil type unique to each area. Attachment 1 contains a complete discussion of the soil classes in all areas.

⁴ Based on 1997 Department of Geology and Mineral Study. Rating of A-D with D being the lowest hazard area.

Industrial Land Supply Available to Meet Demand

The need for industrial land is classified by parcel size. The majority of the need for industrial land is contained in the smaller lot size categories that range from under 1 acre up to 25 acres. A need has been identified for large parcels to accommodate warehouse and distribution, general industrial and tech flex uses (25 acres up to 100 acres). Some of the areas under consideration due to their existing lotting patterns fulfill the large lot need better than other areas. Assembly of large lots can be reasonably accomplished if there are adjacent parcels of sufficient size or are under the same ownership. An aggregation study of these areas which is contained in the April 5, 2004 staff report, demonstrated that the need for large parcels can be met in the areas slated for UGB expansion. The best potential for addressing large lot needs can be found in Damascus West, Quarry, Coffee Creek, Helvetia and Cornelius areas.

Assessment of Earthquake Hazards

All of the areas included in the UGB were evaluated for their relative earthquake hazard potential. This evaluation was based on the 1997 Oregon Department of Geology and Minerals Study. The areas were ranked from A through with D being the lowest hazard potential. The western portion of the region that contains the Cornelius, Helvetia areas have the highest hazard potential. The higher hazard potential in these areas will be addressed during Title 11 concept planning by the responsible city or county pursuant to Metro Code 3.07.1120(G) and Statewide planning Goal 7. The hazard potential is shown in Table 2 and a full discussion of this study is included in Attachment 2.

COO Recommendation - Areas Excluded

Assessment of Areas Excluded from Consideration

A full discussion of this analysis of all lands under study that were excluded from consideration is included in the staff report dated April 15, 2004 and in the 2003 Alternatives Analysis and Addendum.

Borland Road Area- North of I-205

The Borland Road area has not been included in the UGB based on additional information contained in the record and further examination by staff. Although this area is composed entirely of exception land, a number of factors make it suitable for industrial use. The area previously under consideration contains 575 gross acres of land with a number of conflicting uses (schools, churches, rural residential uses) and slopes/natural resources and yields only 164 net developable acres of land. The developable land is insufficient to allow formation of a cohesive industrial neighborhood and too small and too far from the existing UGB to justify the extension of urban services (see "Formation of Industrial Neighborhoods", Appendix A, Item (u) of Ordinance No. 04-1040B).

Previous work by staff to reduce the total number of acres under consideration from 68,334 acres of land to a more manageable 29,000 acre study area applied the following decision rules. The decision rules included: 1) non-contiguous to the UGB, 2) predominance of lots under 5 acres in size, 3) large areas of steep slopes and floodplains, 4) less than 300 acres and failure to meet both the proximity to other industry (1 mile) or access requirements (2 miles within an interchange). The Borland Road area has access to I-205 but is not located adjacent to a developed industrial area. Based on possible access to I-205 this area was thought to be suitable for warehouse and distribution uses. A baseline size was established for industrial neighborhoods of 300 acres. This 300 acre threshold was obtained by analyzing metroScope results and comparing the sizes of different industrial areas located within the UGB. The Borland Road area has little chance of forming a 300 acre industrial neighborhood due to the fragmented buildable lands available in this area.

On June 9, 2004 MPAC recommended that this area be removed from consideration for UGB expansion.

Wilsonville East

The Wilsonville East area which contains over 400 net acres was removed from consideration due to servicing concerns raised by the City of Wilsonville and impacts on an existing single family neighborhood located south of the site. This site contains class II agricultural land. The Metro Council chose the Helvetia study area which also contains class II soils and exception lands over the Wilsonville East area due to the serviceability and because the area contained exception lands. The Helvetia area is particularly well suited to satisfy the demand for tech flex or general industrial land.

On June 9, 2004 MPAC recommended that this area be removed from consideration for UGB expansion.

Additional Areas Added to the COO Recommendation

No additional areas were added to the COO recommendation.

On June 9, 2004 MPAC recommended that the Evergreen area be considered by the Metro Council to satisfy the need for industrial land.

The Metro Council considered the inclusion of the Evergreen site to meet the need for industrial land. Deliberations weighed the potential impacts on the farm economy and the issue of establishing logical boundaries between urban and farm uses in this area.

Expansion of the Cornelius Area

The Metro Council expanded the Cornelius area (206 to 262 gross acres) to provide an additional 36 net acres of industrial land. Inclusion of this area will provide for an orderly and efficient transition from rural to urban use. Approximately 56 percent of the area is designated for agricultural use in the Washington County Comprehensive Plan and it contains class II soils. A total of 56 gross acres are isolated from the agricultural lands located north of Council creek. The Council chose this land because a portion of this land is located adjacent to an existing industrial area located south of Council Creek and contains large flat parcels suitable for industry.

The Employment UGR identifies a specific need for large parcels (50 acres or larger) (Ordinance No. 02-969B, Appendix A, Item 4, page 25). The included portion of the study area contains one parcel between 50 and 100 acres (Appendix A, Item (a), p.30).

The Council also chose this area to help achieve Policies 1.2, 1.3.1 and 1.4 of the Regional Framework Plan (RFP), which call, among other things, for an equitable and balanced distribution of employment opportunities, income, investment and tax capacity throughout the region. The Council compared the fiscal and equity effects of including this area on the City of Cornelius. Given that the City of Cornelius has the highest poverty rate, the lowest property tax revenue per capita, the lowest land improvement market value and the longest average commute in the region, the Council concluded that industrial development in this area would help achieve these policies better than inclusion of any other Class II agricultural land.

On June 9, 2004 MPAC recommended that the expanded Cornelius area be considered by the Metro Council to satisfy the need for industrial land.

Other Changes to the COO Recommendation

The COO recommendation called for removal of a small area south of Gresham based upon impacts to the Green Corridor Agreement with the City of Sandy. This area includes 90 gross acres of land that was proposed in the 2002 UGB expansion for residential use. The area will remain in the UGB and be assigned a 2040 designation as RSIA consistent with the area north of the site (Springwater Industrial

Area) which was also added to the UGB in 2002. The area provides approximately 20 net acres of land for industrial purposes.

On June 9, 2004 MPAC did not recommend that this area remain in the UGB.

Assigning 2040 Design Types and Conditions

All areas included in the UGB must be assigned a 2040 design type of either Industrial or RSIA. Concept planning as required in Title 11 of the Functional Plan will determine the location and extent of the boundaries of all of the industrial areas. The 2040 design types are included on maps of all expansion areas in Ordinance No. 04-1040B in Exhibit E and the specific conditions are contained in Exhibit F.

Generalized and specific conditions pertaining to all areas included in the UGB are found in Exhibit F.

The Council added or revised conditions recommended by the COO to address concerns raised in testimony following the April 15, 2004, COO recommendation. New conditions address compatibility between industrial use and nearby residential use, coordination of the timing of comprehensive planning and transportation planning, and improved protection of the future right-of-way for the I-5/99W Connector.

The Oregon Department of Transportation (ODOT) submitted general information about the likely effects of new industrial development on lands added to the UGB on a number of state transportation facilities in the region. Of particular concern to ODOT are areas added in the vicinity of the North Wilsonville interchange on I-5 in Wilsonville and of the Shute Road interchange on U.S. Highway 26 at Hillsboro. ODOT believes that adoption of an “interchange area management plan”(IAMP), as described in the Oregon Highway Plan and outlined in ODOT rules (OAR 734-051-0125), would protect the capacity and function of the interchanges and improve their management. ODOT prefers adoption of an IAMP at the time of Title 11 planning, prior to urban development.

Local governments believe IAMPs are more likely to add value to what statewide planning Goal 12 (Transportation) and the Transportation Planning Rule (TPR) already require if the IAMPs are adopted at the time that plans and commitments are made for improvements to the interchanges. They worry that limitations on industrial development that might be written into an IAMP prior to commitment of funding for improvements to the interchanges might, in light of budgetary constraints, become permanent or long-range limitations, denying the region of the full benefits of industrial development near the interchanges.

The Council shares ODOT’s concern that new industrial development in the region not cause the region’s transportation system to fail or fall below standards. The Council understands that new development, without timely investment in the region’s transportation system, will likely degrade the system. The Council expects, however, that, given the high priority state government places on making industrial sites ready for development, the region (Metro and other local governments), with the aid of state government, will find the resources to make the necessary improvements. In pursuit of those improvements, Metro will encourage and facilitate the adoption of IAMPs in cooperation with local governments at the earliest appropriate time in the process of approval of improvements to the Shute Road and North Wilsonville interchanges.

Policy Changes

Part of Metro’s review of the UGB includes examining ways to obtain more efficient utilization of land currently inside of the UGB. The proposed Title 4 amendments are one way of demonstrating to LCDC that Metro is achieving efficiencies inside of the UGB to meet the need for land in addition to expanding the UGB. The Metro Council adopted new measures to protect and maintain the supply of industrial land for future industrial uses in Ordinance 02-969B, adopted December 5, 2002. Title 4 Industrial and Other

Employment Areas regulations were amended in order to increase the capacity of industrial areas for industrial uses and to encourage non-industrial uses to locate in Centers and other more appropriate 2040 design type areas.

Metro staff, after consulting with cities, counties and other interests, developed a set of factors to consider in the identification of RSIA's. Metro staff worked with cities and counties in the region to apply the proposed factors to designated Industrial Areas within their jurisdictions. Several local governments, Portland, Gresham, Wilsonville and Clackamas County, submitted recommended Industrial Areas for consideration as RSIA's. Striving for region-wide consistency, Metro staff also applied the factors to areas in cities and counties that chose not to submit candidate areas. The factors are:

- *Distribution* - Area serves as support industrial land for major regional transportation facilities such as marine terminals, airports and rail yards;
- *Services* - Availability and access to specialized utilities such as specialty gases, triple redundant power, abundant water, dedicated fire and emergency response services;
- *Access* - Within 3 miles of I-5, I-205, I-84 (within the UGB), State Route 224 (within the UGB);
- *Proximity* - Located within close proximity of existing like uses; and
- *Primary Use* - Predominantly industrial uses.

Considering these factors and much input from local governments, the Metro Council by Ordinance No. 04-1040B (Exhibit C) adopted a generalized map of RSIA areas. Title 4 is amended to include a limitation on retail uses for single users of 5,000 square feet in Industrial areas and 3,000 square feet in RSIA areas, and added a performance based transportation requirement for non-industrial offices. The 3,000 and 5,000 square foot limitations as it relates to commercial eating establishments refers to the size of the seating area and not to kitchen or storage areas. The Title 4 language changes are included in Exhibit B of Ordinance No. 04-1040B. The map depicting RSIA's is included in Attachment 3.

On April 14, 2004 MPAC recommended that Title 4 be amended to limit non-industrial retail uses to a maximum of 5,000 square foot for individual uses and 20,000 square foot for single buildings in both RSIA's and industrial areas. This recommendation was incorporated into ordinance No. 03-1021B for Metro Council consideration. Other provisions were consistent with the language in ordinance No. 04-1040B.

Regional Framework Plan Amendments

The Regional Framework Plan is amended to add policy language to guide UGB decisions and minimize impacts on the agricultural industry. Comments from participants at the symposium called "Agriculture at the Edge" spurred the proposed policy changes. Expansion of the UGB has different impacts on nursery operations, farm related businesses and individual operations. Changes to Chapter 1, Land Use Policy 1.12 provide greater certainty for farmers regarding urbanization and reduce potential conflicts between farm operations and urban uses. The changes the Regional Framework Plan provide the following policy guidance:

- When choosing land among lands with the same soil class, chose land less important for commercial agriculture, and
- Develop agreements with neighboring cities and counties to protect agriculture.

On April 24, 2004 MPAC recommended that the original proposal introduced by Councilor Hostica in Ordinance No. 04-1041 included defining the region's urbanizable area by restricting future urban growth boundary expansions to an area north of the Willamette River and east of Pudding River as well as containing the additional language to address the impacts on the agricultural industry and additional criteria to choose land for urbanization.

The Metro Council considered this recommendation to establish a hard boundary at the Willamette River and chose to defer this issue until a comprehensive region-wide discussion can take place to consider other areas that may be effected by similar circumstances. There are number of areas in the region where a policy of establishing a hard edge could be used effectively. The Metro Council expressed a desire to explore the use of this concept more fully in upcoming work that may take a longer view of planning for the region's growth.

Fulfilling The Remaining Periodic Review Requirements

Housing Needs Analysis

A revised Housing Needs Analysis report was prepared pursuant to the remand work order. The report addresses densities by housing type. The supplemental information provided in this report does not materially change the conclusions found in the UGR. The supplemental study does not change the overall density or mix of housing types needed for the next 20 years. Revised refill rates are in the range of 25-30 percent.

KNOWN OPPOSITION

The selection of lands for inclusion into the UGB has been hotly debated in a number of areas for both inclusion and exclusion from the UGB. Details of the comments received throughout the workshops and public hearing processes are detailed in the Public Comment reports, Volume I and II dated May 2004 and the addendums to the original reports dated June 2004 contain comments up through the final hearing on June 24, 2004.

LEGAL ANTECEDENTS

Title 4 is part of the adopted and acknowledged Urban Growth Management Functional Plan. Authority to amend the 2040 Growth Concept map comes from ORS 268.380 and ORS 268.390(5). UGB evaluation and amendment requirements are found in ORS 197.298 and 197.299.

ANTICIPATED EFFECTS

Adoption of Ordinance No. 04-1040B will result in fulfilling the requirements in Metro code section 3.07.420I, which requires Metro to adopt a map of Regionally Significant Industrial Areas with specific boundaries that is derived from the Generalized Map of Regionally Significant Industrial Areas adopted in Ordinance No. 02-969B. Amendments to Title 4 address implementation issues and provides local governments with clear instructions as to the Metro Council's policy intent on preserving industrial lands. This ordinance also satisfies the three requirements of LCDC's Partial Approval and Remand Order #03-WK Task 001524. The effective date of the new Title 4 regulations is September 24, 2004. Local governments will have two years following LCDC's acknowledgement to adopt a local map and make changes to their codes.

Adoption of amendments to the UGB provide the industrial land necessary for the continued economic growth over the next 20 years.

BUDGET IMPACTS

The UGB and Metro Code amendments become effective September 2004. Any additions to the UGB require FTE for monitoring and minor participation in Title 11 concept planning. Metro has a commitment of 1.43 FTE dedicated to ongoing concept planning in Hillsboro, Damascus, Gresham and the City of Tualatin. Additional FTE and potential grants to local governments may be needed to assist in the concept planning process. Implementation of Metro Code changes requires a corresponding amendment of local planning ordinances to implement the intent of these policies. Compliance monitoring is already included in the 2004/ 2005 budget. Community Development staff currently

monitors all ongoing zone, comprehensive plan and code changes at the jurisdictional level as well as other project responsibilities.

DECISION

The Metro Council expanded the UGB by adding 1,047 acres of land to substantially satisfy the need for Industrial land over the next 20 years. The removal of tax lots 1300, 1400 and 1500 adjacent to King City and the completion of the addendum to the Housing Needs Analysis addresses all of the outstanding issues in LCDC's Partial Approval and Remand Order #03-WK Task 001524.

Table 3. Metro Council UGB Expansion Areas

EXPANSION AREAS	Total Acres	Net Acres	2040 Design Type	Soil Class
Damascus West	102	69	Industrial	class II & III
Tualatin	646	339	Industrial	class IV & III
Quarry (partial)	354	236	Industrial	class VII
Beavercreek	63	30	Industrial	class IV & V
Coffee Creek (partial)	264	97	Industrial	exception land
Cornelius (partial)	262	127	RSIA	class II
Helvetia (partial)	249	149	RSIA	exception land & class II
TOTAL	1,940	1,047		

Attachments:

Attachment 1- Dominant Soil Classification for Proposed UGB Expansion Areas, dated June 15, 2004

Attachment 2- Earthquake Hazard Memorandum, dated June 15, 2004

Attachment 3- Title 4 Map

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M E M O R A N D U M

600 Northeast Grand Avenue
(tel) 503-797-1700

Portland, Oregon
97232-2736
(fax) 503-797-1797



METRO

Date: June 16, 2004

To: Lydia Neill, Principal Regional Planner

From: Amy Rose, Assistant Regional Planner

Re: *Dominant soil classifications for proposed UGB expansion areas*

Background

The Metro Council is currently in the process of selecting land for inclusion in the urban growth boundary (UGB) for industrial use. The selection of appropriate land is dictated largely by Oregon Revised Statute (ORS) 197.298 that sets forth a hierarchical, tier-based system of land categorization, which indicates the order land should be considered for inclusion in the UGB based on comprehensive plan designations. Resource land is further prioritized on soil classification, which indicates the capability level of the farmland and ultimately its place in the hierarchy of land. The hierarchical tiers of land identified in ORS 197.298 are defined as follows:

- Tier 1 – exception land contiguous to the UGB and non-high value resource land completely surrounded by exception land.
- Tier 1a – exception land not contiguous to the UGB (within the one mile extent of study area boundaries).
- Tier 2 – marginal land, a unique classification of non-resource land in Washington County that allows dwelling units on EFU land.
- Tier 3 – resource land that may be needed to serve exception land.
- Tier 4 – resource land, majority of class III & IV soils, some class I & II soils.
- Tier 5 – resource land, majority class I & II soils, some class III & IV soils.

Purpose

The purpose of this memorandum is to identify the dominant soil classification and resulting tier category under ORS 197.298 for each of the resource land areas proposed for inclusion in the UGB for industrial use. The dominant soil classification has been determined using GIS soil data, displayed on a map dated October 30, 2002 in the record and was only undertaken for study areas identified as resource land. This information is presented in tabular form.

Soil Classifications by study area

Recommended Expansion Areas	Total Acres	Net Acres	Tier	Dominant Soil Classification
Damascus West	102	69	Tier 4	Class 3 & 4
Quarry (p)	354	236	Tier 4	Class 7
Beavercreek (p)	63	30	Tier 4	Class 4 & 6
Wilsonville East (p)	641	460	Tier 5	Class 2
Revised Wilsonville East	412	295	Tier 5	Class 2
Cornelius (p)	206	91	Tier 5	Class 2
Revised Cornelius	56	36	Tier 5	Class 2
Helvetia (p)	249	149	Tier 5	Class 2
West Union (p)	368	133	Tier 5	Class 2
Evergreen	985	730	Tier 5	Class 2
Noyer Creek	381	266	Tier 5	Class 2
Hillsboro South	791	695	Tier 5	Class 2

*Analysis was only undertaken for study areas identified as resource land.

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M E M O R A N D U M600 Northeast Grand Avenue | Portland, Oregon 97232-2736
(tel) 503-797-1700 | (fax) 503-797-1797**METRO**

DATE: June 16, 2004

TO: Dick Benner, Senior Metro Attorney

FR: Tim O'Brien, Senior Regional Planner

RE: ***RELATIVE EARTHQUAKE HAZARD FOR PROPOSED INDUSTRIAL LAND EXPANSION AREAS***

Background

In 1997 the Oregon Department of Geology and Mineral Industries (DOGAMI) produced data on the relative earthquake hazard for land in the Portland metropolitan region including a significant portion of land outside the Urban Growth Boundary (UGB). The information included individual hazard factors of liquefaction, slope instability, and amplification, as well as a composite relative earthquake hazard map based on the individual factors. Metro's Data Resource Center (DRC) mapped the relative earthquake hazard data utilized in this analysis. The map information does not cover all of the potential expansion areas nor has the information been updated since 1997.

Analysis

The relative earthquake hazard composite map is separated into four zones, A, B, C, and D, with A being the highest hazard, and D the lowest hazard. The dominant zone for each of the proposed expansion areas is reported in the table below, along with additional comments.

Relative Earthquake Hazard

Expansion Area	Dominant Zone	Comments
Damascus	D	Small areas of C & B
Beavercreek	D	Significant portion of C and two pockets of B
Borland Road	A	One large area of B southeast of Borland Rd./Stafford Rd. intersection
Wilsonville East	B	Significant portions of C & D
Coffee Creek	D	Areas of A, B & C. No information for southwest corner of expansion area
Tualatin	D	Significant areas of B & C
Quarry	D	Pockets of C and minor area of B
Cornelius	B	A few pockets of A scattered throughout area
Helvetia	A	Two pockets of B, one in the center and one at the very top of the area
Evergreen	A	Some B, no information for northern portion of area
West Union	B & A	Some areas of C, area of A along stream corridor

RELATIVE EARTHQUAKE HAZARD...

June 16, 2004

Page 2

Summary

Information for two of the areas, Evergreen and Coffee Creek, is incomplete. In general the areas are either at the high or low hazard end of the range. The Borland Road North, Helvetia, Evergreen and West Union expansion areas contain the most Zone A classified land and thus have the highest earthquake hazard status. The Damascus, Beaver Creek, Coffee Creek, Tualatin, and Quarry expansion areas contain mostly Zone D classified land and thus have the lowest earthquake hazard status.

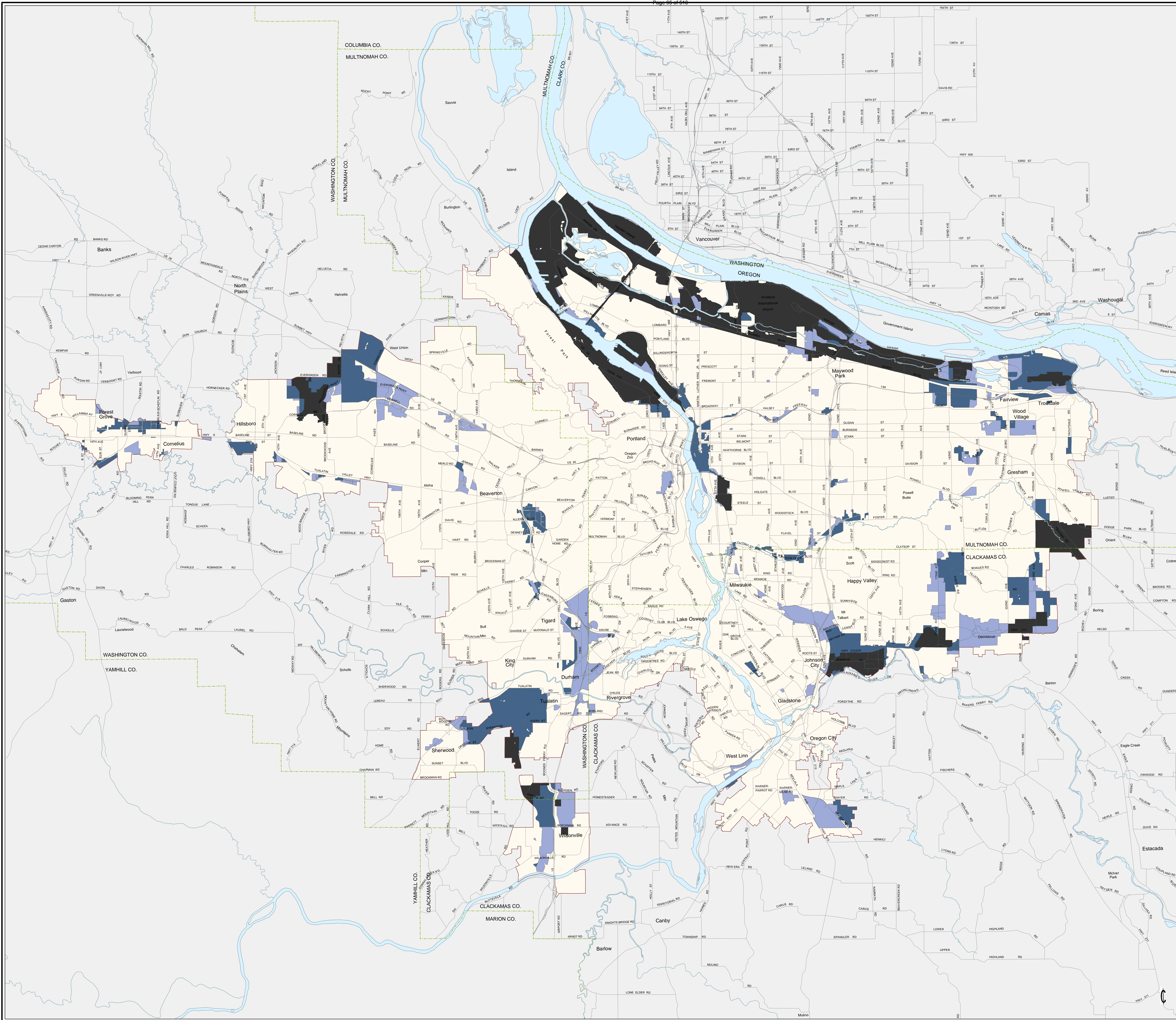
The Council has decided not to include the North Borland, Evergreen or West Union Areas (areas with the highest hazard). The small hazard areas mapped in the Helvetia Area (also high) and other areas included in the UGB will be addressed in Title 11 planning by the responsible city or county, pursuant to Metro Code Section 3.07.1120G and statewide planning Goal 7.

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Title 4 Industrial and Employment Areas

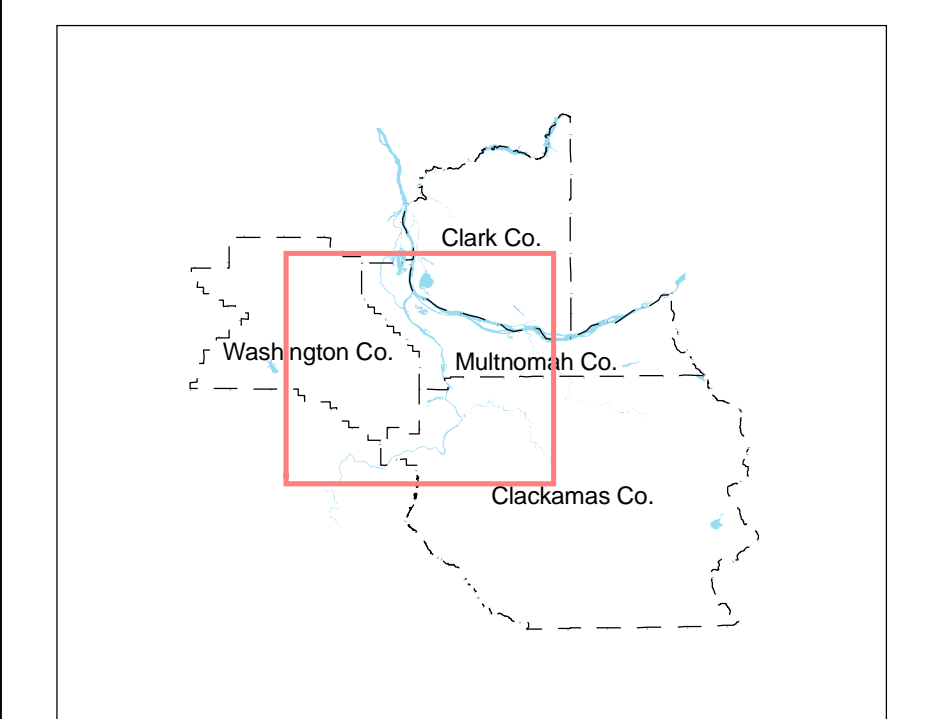
Ordinance No. 04-1040B
Exhibit C
Attachment 3
June 24, 2004

-  Employment Land
-  Industrial Land
-  Regionally Significant Industrial Areas



WARNING: Some maps combine data layers of differing map accuracies, e.g. flood plains can be based on tax lots. When this occurs, the map is not reliable to correctly show data at the tax lot level.

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the accuracy or completeness of the information for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



Location Map



METRO DATA RESOURCE CENTER
600 NORTHEAST GRAND AVENUE PORTLAND, OREGON 97232-2736
TEL: (503) 737-1742 FAX: (503) 737-1909
drc@metro.dst.or.us www.metro-region.org

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITIES OF TUALATIN AND WILSONVILLE
FOR CONCEPT PLANNING THE URBAN GROWTH BOUNDARY
EXPANSION AREA (BASALT CREEK/WEST RAILROAD PLANNING AREA)**

Whereas, in 2004 the Metro Council added an area located generally between the Cities of Tualatin and Wilsonville, to the Urban Growth Boundary (UGB) for residential and industrial uses in Metro Ordinance No. 04-1040B; and

Whereas, the two Cities have agreed to refer to the area generally as the Basalt Creek Planning Area; and

Whereas, the two Cities wish to work together to complete concept planning for this area to assure carefully planned development in the Basalt Creek/West Railroad Planning Area that will be of benefit to both Cities and their residents; and

Whereas, Metro conditioned that the UGB expansion undergo Title 11 concept planning as defined in Metro Code Chapter 3.07, cited as the Urban Growth Management Functional Plan (UGMFP), and that the concept planning be completed in accordance with Exhibit F of Metro Ordinance 04-1040B; and

Whereas, recent action by the Oregon Transportation Commission (OTC), and by the Metro Council on the Regional Transportation Plan, support a southerly extension of SW 124th Avenue from SW Tualatin-Sherwood Road and ending at SW Tonquin Road and continuing via existing streets and rights-of-way to Interstate 5, in order to provide freight access to Tualatin's industrial areas in the vicinity of SW 124th Avenue; and

Whereas, the OTC has also approved the transfer of jurisdiction over SW Boones Ferry Road between Norwood Road and Day Road from the State to Washington County, authorizing \$2 million dollars in improvements to that section of roadway; and

Whereas, street connectivity within the study area will be necessary to support a functioning transportation system; and

Whereas, the property owners within the Basalt Creek/West Railroad Planning Area have been unable to pursue the urban development of their land, in spite of the fact that it has been within the UGB for approximately six years, because no Concept Plan has been prepared for the area; and

Whereas, Metro has allocated \$365,000 of Construction Excise Tax funding to pay for Concept Planning in the area, and

Whereas, once concept planning is complete, the two Cities intend to enter into an intergovernmental agreement (IGA) that will finalize the intent and understandings set forth in this Memorandum of Understanding (MOU); and

Whereas, there exists a somewhat isolated area west of the railroad tracks (labeled the West Railroad Planning Area) which was part of the same UGB expansion as the remainder of the Basalt Creek Planning Area and for which the City of Wilsonville intends to provide planning services; and

Whereas, Tualatin and Wilsonville approach planning differently in terms of legislative decision-making, with Tualatin using a single map for both Comprehensive Plan land use designations and zoning, while Wilsonville uses a separate map for each. Also, Tualatin's City Council conducts its own legislative hearings without a Planning Commission, while Wilsonville's City Council acts after receiving the recommendation of its Planning Commission. These differences will require staffs and consultants to coordinate with one another in ways that might not typically be needed and will require the two City Councils to work together in a cooperative manner; and

Whereas, Oregon Statewide Planning Goal 1 requires public involvement and Goal 2 requires intergovernmental coordination, this MOU is intended to indicate to private property owners in the area, Washington County, Metro, the State or Oregon, and all other interested parties the cooperative nature of the planning effort being undertaken by the Cities of Tualatin and Wilsonville; and

Whereas, both the Cities of Wilsonville and Tualatin expect to amend their existing Urban Planning Area Agreements (UPAAs) with Washington County to reflect the future city limit lines of each City, when the Concept Plan has been completed.

Now, therefore, the Cities of Tualatin and Wilsonville set forth their understanding as follows:

A. Subject Land Area

1. The Basalt Creek/West Railroad concept planning area between Tualatin and Wilsonville is mapped in Exhibit 1.

B. Urban Planning Area Agreements (UPAAs)

1. Both the City of Tualatin and the City of Wilsonville have UPAAs with Washington County that will have to be amended once jurisdictional boundaries are determined in the Concept Plan work. It is recognized that Washington County adopts annual land use and transportation work

programs, and this concept planning effort will require coordination to fit within the work program of Washington County.

C. Title 11 Concept Planning

1. The Cities of Tualatin and Wilsonville acknowledge that they will fulfill the requirements of Title 11 related to future land use, affordable housing, transportation, environmental conservation, potable water, sanitary sewer, stormwater management, parks, police, fire protection, and public school siting and will address additional topics including, but not limited to, citizen involvement, fiscal analysis, intergovernmental coordination, capital improvements, economic development, natural hazards, solid waste management, and general local government services.
2. The two Cities will initiate concept planning on or after July 2, 2010 and before December 31, 2010 as long as Metro authorizes the use of \$365,000 of construction excise tax (CET) grant funds, and both Cities allocate funds through their respective budgets to conduct the Title 11 concept planning work. If for whatever reason Metro does not grant CET funds, then either party to this Memorandum of Understanding (MOU) may either revoke the MOU without obligation or penalty or the two Cities may jointly amend the MOU.
3. Tualatin will act as the fiscal agent of the Metro CET grant funds.
4. The two Cities jointly will prepare a scope of work (***note draft scope of work outline attached as Appendix 1***) in coordination with Metro to establish key milestones for deliverables by addressing:
 - a. a CET grant as the funding source
 - b. City responsibilities
 - c. RFP process
 - d. eligible expenses for a CET grant
 - e. payment procedures
 - f. project records retention
 - g. records audit and inspection
 - h. term of contract
 - i. amendment, and
 - j. relationship to other legal agreements.
5. At the conclusion of the concept planning process, the two Cities intend to enter into an IGA to delineate the ultimate municipal boundary between the two Cities.

6. Based on mutual agreement the two Cities will share equally the additional cost if the cost of concept planning exceeds the amount of the CET grant funds. The sharing may be in the form of in-kind services as well as cash.
7. The two Cities jointly will draft and issue a Request for Proposals (RFP) for consultant services to conduct the concept planning work activities and will jointly chose a consultancy.
8. The two Cities jointly will fund using Metro CET grant funds one consultancy to aid completion of concept planning.
9. The two Cities jointly will establish criteria for review of candidate consultancies.
10. The two Cities will establish through the chosen consultancy a joint set of goals and objectives as well as criteria to guide project-related decisions.
11. The two Cities acknowledge that further amendment of their UPAAAs will be necessary following completion of concept planning.

D. Comprehensive Planning

1. Each City is responsible for conducting its own Comprehensive Plan amendments.

E. City Council Coordination

1. The Cities of Tualatin and Wilsonville acknowledge that they will hold joint City Council meetings at key milestones to be determined.

F. Intergovernmental Agreement (IGA)

1. Based on the outcome of the concept planning work, the Cities of Tualatin and Wilsonville and other involved parties may as necessary establish an intergovernmental agreement (IGA).

G. Dispute Resolution

1. If a boundary dispute arises, and Tualatin and Wilsonville cannot resolve the dispute, the two Cities acknowledge that in 1997, the Oregon state legislature granted Metro authority to establish requirements for boundary

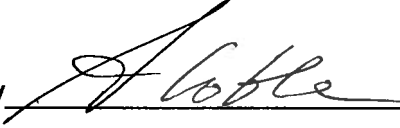
changes within its district. The Boundary Appeals Commission would arbitrate the dispute.

ENTERED into this 12 day of JULY, 2010.

CITY OF TUALATIN, Oregon

By  _____

CITY OF WILSONVILLE, Oregon

By  _____

ATTEST:

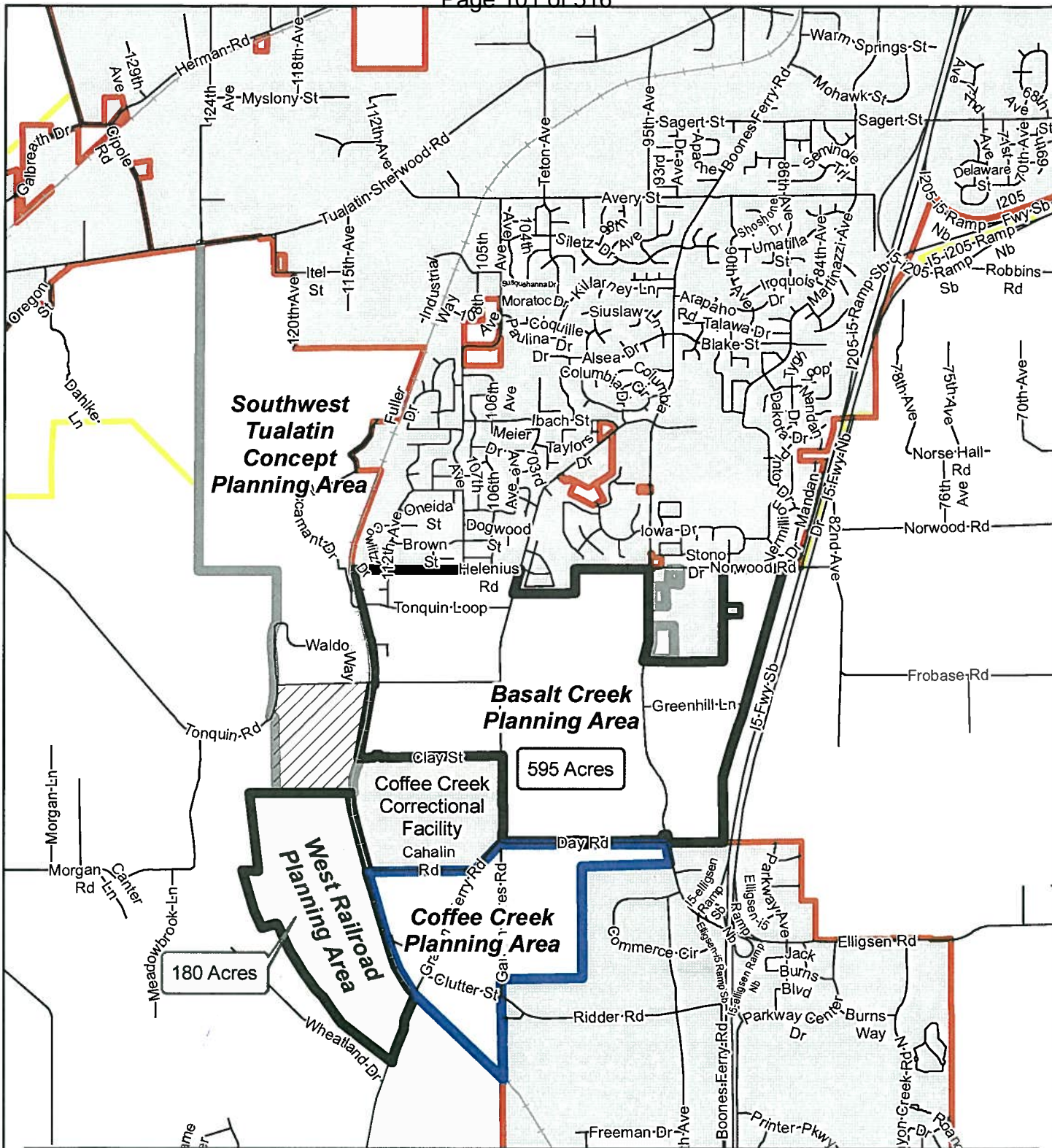
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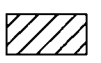


By  _____

APPROVED AS TO LEGAL FORM


CITY ATTORNEY



The Cities of Wilsonville and Tualatin

-  Tualatin Planning Area
-  Proposed Tualatin/Wilsonville Joint Planning Area
-  Wilsonville Planning Area
-  Added to Southwest Tualatin Concept Planning Area
-  City Limit
-  UGB



May 2010



Draft Scope of Work:

Project Cooperation

Key Personnel

Project Purpose

Transportation Relationships and Benefits

Description of Project Area

Background

Objectives

Expectations About Written and Graphic Deliverables

Establish Technical Advisory Committee and Complete Goal Setting

Establish Public Involvement Process

Existing Conditions, Review, Research and Report

Develop Evaluative Criteria and Conceptual Alternatives

Traffic Analysis

Annexation/Cost Impact Analysis

Alternatives Evaluation

Draft Concept Plan

Final Concept Plan, Amendments, Adoption

Project Management

Draft Concept Plan outline:

I. Introduction

Context and setting – including a description of what already exists in the planning area.

Plan summary.

II. Planning Process

What is a Concept Plan -- including an explanation of how one would use it.

A description of the Concept Plan's relationship to the Tualatin and Wilsonville Comprehensive Plans.

An explanation of how was the Concept Plan was developed.

III. Concept Plan

Land use and development plan.

Traffic analysis and circulation plan (including 124th Ave. extension).

Infrastructure needs.

Natural and cultural resources.

IV. Implementation

Provision of urban services.

Cost estimates.

Funding options.

Fiscal impact findings.

Consistency with other City plans and policies.

A list or chart showing who will do what and the date by which it will be done.

**INTERGOVERNMENTAL AGREEMENT
BETWEEN METRO, WASHINGTON COUNTY, AND THE CITIES OF TUALATIN AND
WILSONVILLE FOR CONCEPT PLANNING THE URBAN GROWTH BOUNDARY
EXPANSION AREAS KNOWN AS THE "BASALT CREEK" AND "WEST
RAILROAD" PLANNING AREAS**

This Intergovernmental Agreement (IGA) is entered into by the following parties: METRO, the Portland area metropolitan service district; WASHINGTON COUNTY, a political subdivision in the State of Oregon, hereinafter referred to as "COUNTY"; and the CITY OF TUALATIN and CITY OF WILSONVILLE, incorporated municipalities of the State of Oregon, hereinafter referred to as "CITIES".

Whereas, in 2004 METRO's Council added two areas known as the Basalt Creek and West Railroad Planning Areas, located generally between the CITIES, to the Urban Growth Boundary (UGB) for industrial uses, via Metro Ordinance No. 04-1040B; and

Whereas, METRO conditioned that these UGB expansion areas undergo Title 11 concept planning as defined in Metro Code Chapter 3.07, cited as the Urban Growth Management Functional Plan ("UGMFP"), and that the concept planning be in accordance with Exhibit F of Metro Ordinance 04-1040B; and

Whereas, on June 10, 2010 the METRO Council adopted its 2035 Regional Transportation Plan ("2035 RTP") via Metro Ordinance 10-1241B, with a Project List including an extension of SW 124th Avenue (Project #10736) south of SW Tualatin-Sherwood Road and several projects related to the proposed I-5 to Hwy 99W Connector Project Alternative 7 "Southern Arterial", which is planned as a continuous east-west roadway between I-5 and Hwy 99W passing through the subject UGB expansion areas; and

Whereas, in recognition of the immediate needs of the region, the parties of this IGA support the extension of SW 124th Avenue from Tualatin-Sherwood Road to the vicinity of Tonquin Road, and ultimately to Boones Ferry Road via an east-west alignment yet to be determined through the planning efforts initiated pursuant to this IGA; and

Whereas, METRO has allocated \$365,000 of Construction Excise Tax funding to CITIES to pay for Concept Planning in the subject area; and

Whereas, COUNTY and CITIES have agreed to consider both areas in a single concept planning effort, and to refer to the two subject UGB expansion areas generally as the "Basalt Creek Planning Area;" and

Whereas, COUNTY currently has primary planning responsibility in the subject area; and

Whereas, COUNTY and CITIES wish to work together to complete integrated land use and transportation system concept planning to assure carefully planned development in the Basalt Creek Planning Area that will be of benefit to COUNTY, CITIES, and their residents; and

Whereas, Oregon Statewide Planning Goal 1 requires public involvement and Goal 2 requires intergovernmental coordination, this IGA is intended to indicate to private property owners in the area, METRO, the State of Oregon, and all other interested parties the cooperative nature of the planning effort being undertaken by the CITIES and COUNTY for the Basalt Creek Planning Area; and

Whereas, COUNTY and the CITIES anticipate amending existing Urban Planning Area Agreements (UPAAs) between the CITIES and the COUNTY to reflect the future limits of each city and to establish requirements for transfer of planning authority to the respective city.

Now, therefore, COUNTY, the CITIES, and METRO agree as follows:

A. Subject Land Area

1. The Basalt Creek Planning Area subject to this IGA is depicted on Exhibit 1.

B. Agency Roles and Responsibilities

1. COUNTY will:
 - a. Allow CITIES to jointly take the lead in managing concept planning of the Basalt Creek Planning Area, in coordination with COUNTY, METRO, and the Oregon Department of Transportation (“ODOT”), recognizing that the CITIES will complete the concept planning in compliance with Title 11 of the UGMFP and the CITIES will ultimately be responsible for providing urban level services and governance to the area. The foregoing statement does not create or imply any obligation on the part of the CITIES under this agreement to fund right-of-way acquisition or to construct the I-5/99W “Southern Arterial.”
 - b. Retain planning authority for the Basalt Creek Planning Area until such authority is transferred to the CITIES, pursuant to the terms of UPAAs with each city, as amended pursuant to Section D of this IGA.
 - c. In coordination with the parties to this IGA and ODOT, provide funding, establish a scope of work, retain a consultant, and provide project management services for planning of the major roadway system in the Basalt Creek Planning Area, including preliminary project development for the SW 124th Avenue extension project from Tualatin-Sherwood Road to SW Boones Ferry Road, whether following existing right-of-way alignments

or new right-of-way alignments, which may include portions of an east-west arterial that is consistent with the future “Southern Arterial” elements outlined in the 2035 RTP.

It is acknowledged that the RTP requires compliance with specific conditions before the construction of the “Southern Arterial.” Consistency with the “Southern Arterial” elements of the RTP can be assured only when the conditions related to the “Southern Arterial” have been fully addressed. However, due to the immediate needs of the region in the interim period, the RTP allows the extension of SW 124th Avenue, as described in the paragraph above, to be completed with minimal extra conditions.

In an effort to provide timely answers to the property owners in the Basalt Creek Planning Area, a sufficient amount of this study must be complete within six (6) months following the effective date of this IGA in order to allow the Cities to begin concept planning. Accordingly, this task is budgeted to last for up to six (6) months. As part of the transportation planning effort, COUNTY will address the following in coordination with the CITIES, METRO and ODOT:

- i. The conditions related to the ‘Southern Arterial’ in the METRO 2035 RTP (as described in Exhibits 2, 3, and 4), as applicable;
 - ii. Strategies for maintaining freight access to and freight mobility within the planning area;
 - iii. Potential I-5/Elligsen Road interchange improvements, including a split-diamond interchange option;
 - iv. Potential I-5 overcrossing north of Elligsen Road interchange; without a direct connection to I-5, which does not preclude arterial options on the east side of I-5; and
 - v. Potential roadway connections directly to I-5, subject to satisfaction of applicable 2035 RTP conditions.
- d. Consider acquisition of right-of-way and/or construction of portions of the SW 124th Avenue extension project improvements as described in Paragraph B.1.c. above, subject to availability of funding.
- e. In order to preserve the ability for a future potential roadway connection, consider acquisition of right-of-way for a potential future east-west arterial roadway connection between SW Boones Ferry Road and I-5, subject to availability of funding. It is acknowledged that no new east-west roadway may be constructed between SW Boones Ferry Road and I-5 until applicable RTP “Southern Arterial” conditions have been satisfied.
- f. In coordination with CITIES, consider potential funding and/or construction of permanent or interim improvements to the existing roadway network in

and adjacent to the planning area prior to funding and/or construction of the “Southern Arterial.”

2. CITIES will:

- a. Assume primary project management responsibly for concept planning of the Basalt Creek Planning Area, in coordination with COUNTY and METRO, effective as of the date of execution of this IGA. Concept planning shall conform to Metro UGMFP Title 11 requirements in effect when the subject planning areas were added to the Urban Growth Boundary.
- b. Mutually agree upon a future city limit boundary through the concept planning process.
- c. Incorporate into the final Basalt Creek Concept Plan and any city comprehensive plans, transportation plans and/or implementing regulation amendments those major transportation facilities identified by COUNTY, in collaboration with METRO, CITIES, and ODOT, pursuant to B.1. above. CITIES shall incorporate into their amended plans and regulations reasonable measures to identify and assist in the protection of the approved major transportation facility corridors from development encroachment in order to implement the final Basalt Creek Concept Plan as agreed upon by the parties to this IGA. The parties to this IGA acknowledge that such reasonable protection measures are subject to constitutional limitations on property takings, and are not intended to require the CITIES to in any way violate constitutional property protections or to incur a financial obligation to purchase right-of-way to preserve the identified transportation corridors. It is acknowledged by the parties to this IGA that construction of some new roadway facilities may be subject to the conditions set forth in the RTP relative to the proposed I-5 to 99W Connector Project Alternative 7 Southern Arterial (refer to Exhibits 2, 3, and 4).

3. METRO will:

- a. Provide CET funding to CITIES for concept planning activities in the subject planning area.
- b. Participate in ongoing concept and transportation planning efforts with COUNTY and CITIES as warranted.

C. Coordination of Concept Planning Activities

1. COUNTY and CITIES shall:

- a. Engage in a facilitated concept plan partnering and scoping session following the execution of this IGA.

development applications within the subject planning area, as well as encouraging all potential development applicants to contact the CITIES for additional information on the concept planning efforts.

D. Urban Planning Area Agreements (UPAAs)

1. Both the CITIES have UPAAs with COUNTY that will have to be amended upon adoption of the final Basalt Creek Concept Plan, as agreed upon by the parties to this IGA.
2. The CITIES and COUNTY agree that the amended UPAAs will reflect which areas within the Basalt Creek Planning Area will be governed by which city, as determined through the concept planning process, and that the respective areas will be under the CITIES respective jurisdictions, and not the COUNTY, as the areas urbanize.
3. The amended UPAAs will specify conditions to be met prior to COUNTY transfer of planning authority to each of the CITIES, such as adoption of comprehensive plans, transportation plans and/or implementing regulation amendments by each of the CITIES necessary to implement the final Basalt Creek Concept Plan, as agreed upon by the parties to this IGA.
4. It is recognized that COUNTY adopts annual land use and transportation work programs, and this concept planning effort will require coordination to fit within the work program of COUNTY.

This IGA shall become effective upon full execution by all parties. The effective date of this IGA shall be the last date of signature on the attached signature pages. This IGA shall be in effect until the CITIES and COUNTY amend their respective UPAAs and incorporate the Basalt Creek Concept Plan into each CITIES respective comprehensive plans or until 5 years following the execution of this IGA, whichever occurs earlier.

Attachments:

Exhibit 1 – Plan Areas Map

Exhibit 2 – Excerpt from Regional Transportation Plan

Exhibit 3 – Regional Transportation Plan Appendix 3.3 (I-5/99W Conditions)

Exhibit 4 – Excerpt from Regional Transportation Plan Project List

(Four separate signature pages follow)

CITY OF TUALATIN, Oregon

By: _____
Lou Ogden
Mayor

Date: _____

ATTEST:

By: _____

CITY OF WILSONVILLE, Oregon

By: _____
Tim Knapp
Mayor

Date: _____

ATTEST:

By: _____

WASHINGTON COUNTY

By: _____
Andy Duyck
Chair, Board of County Commissioners

Date: _____

ATTEST:

By: _____

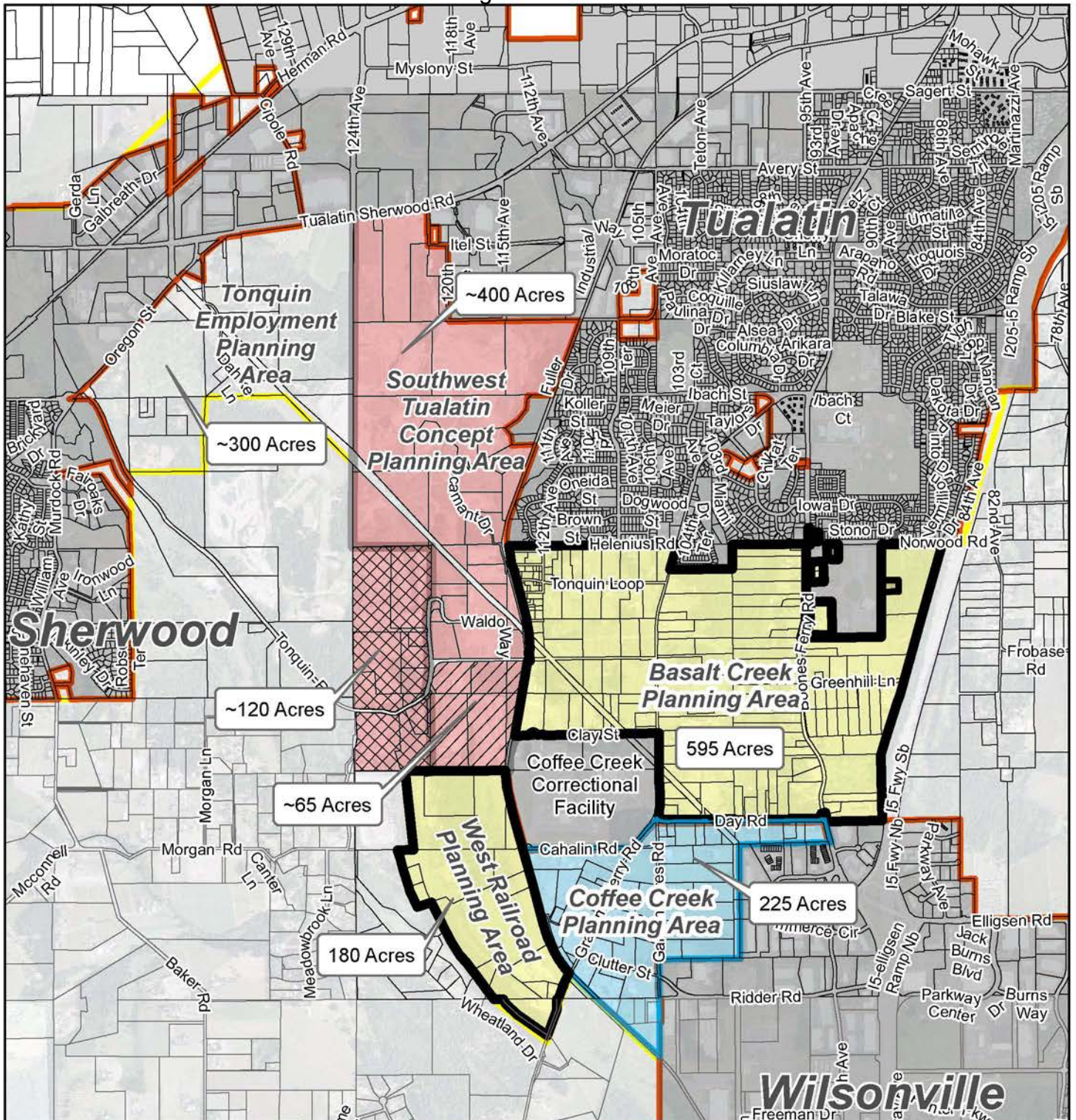
METRO

By: _____
Dan Cooper
Acting Chief Operating Officer

Date: _____


ATTEST:

By: _____



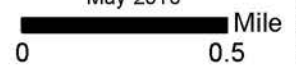
The Cities of Wilsonville and Tualatin

Areas Currently In UGB

-  Proposed Tualatin/Wilsonville Joint Planning Area
-  Wilsonville Planning Area
-  Tualatin Planning Area
-  Added to Southwest Tualatin Concept Planning Area
-  Tualatin UGB Expansion Request
-  City Limit
-  UGB

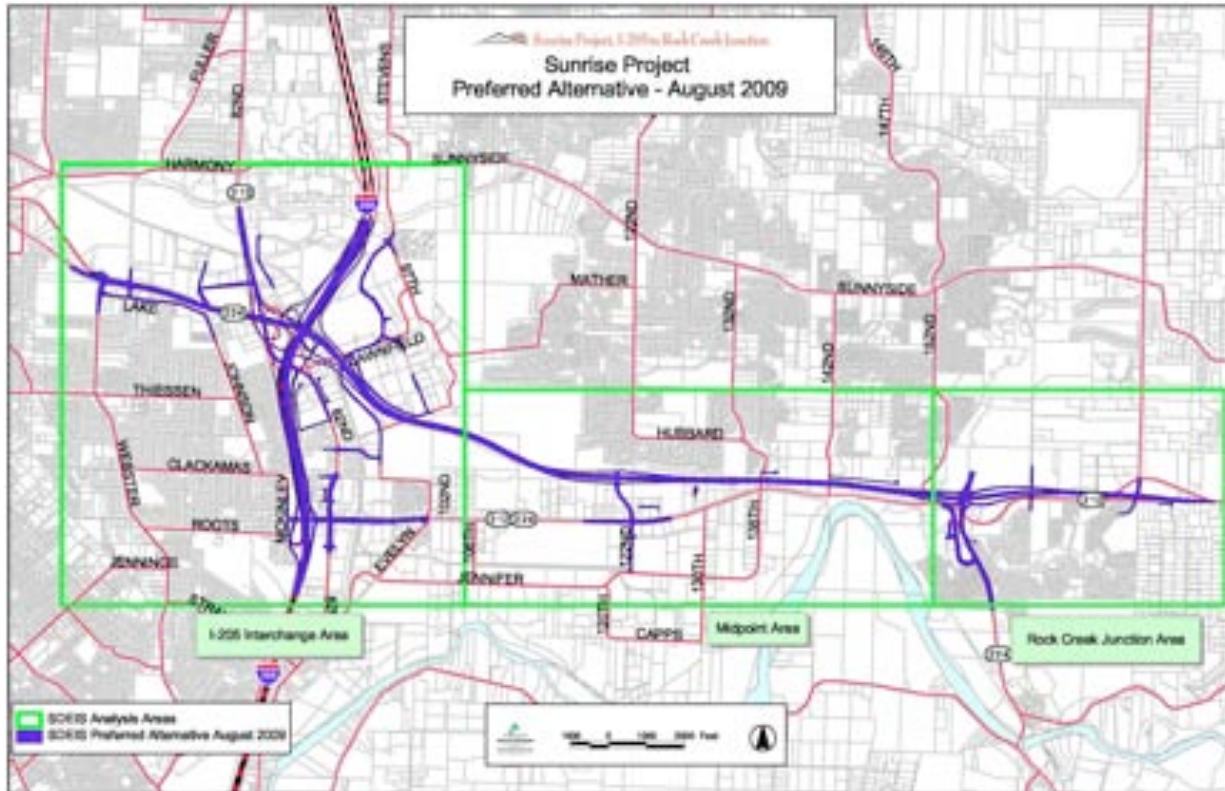


May 2010



and OR 212 corridor study will provide further direction for solutions in this corridor. Further map refinements and project recommendations may be identified through this work.

Figure 6.2
Sunrise Project Preferred Alternative (as Recommended by the project’s Policy Review Committee)



6.3.2.3 I-5/99W Connector Study Recommendations and Implementation (Tigard to Sherwood - Mobility Corridor #20)

Between 2006 and 2009, the I-5/99W Corridor Study identified a number of improvements in this corridor to support access to 2040 land uses, address existing deficiencies and serve increased travel demand. One primary function of this route is to connect the Washington Regional Center to the cities of Tigard, Tualatin and Sherwood, and provide access to the Tualatin/Sherwood Industrial Area and Tualatin National Wildlife Refuge. This corridor provides shortline heavy rail access to the region from the Willamette Valley and connects agricultural areas to the interstate highway system in this region. This mobility corridor also serves as a secondary gateway to the region, connecting communities in Yamhill County and the Central Oregon Coast to the Portland metropolitan region.

In February 2009, the I-5/99W Connector Project Steering Committee (PSC) was unable at the end of its process to reach a unanimous recommendation for the I-5/99W Corridor Study as required by the PSC Partnership Agreement in order to forward a Recommended Corridor Alternative to the

RTP. However, there was unanimous agreement on some aspects of the Connector that could be reflected in the RTP:

- Identify projects for inclusion in the RTP with minimal extra conditions, particularly the extension of SW 124th from SW Tualatin Sherwood Road to the I-5/North Wilsonville Interchange,
- Identify conditions to be met before a new Southern Arterial is implemented to ensure integration with surrounding land use and transportation plans, particularly an I-5 South Corridor Study,
- Determine an incremental phasing plan to ensure the projects with the most benefit that can reasonably be built within the 20-year horizon be included in the RTP Financially Constrained list.

The recommendations for the I-5/99W Corridor Study proposed for inclusion in the RTP are based upon the conclusions reached by the Project Steering Committee (PSC) as follows:

- The 3 options consisting of a new limited access expressway from I-5 to OR 99W (2 alignments north of Sherwood and 1 alignment south of Sherwood) were unacceptable due to high impact on the natural and built environment, the need for extensive improvements to I-5, high cost and concern about the potential for induced growth to Yamhill County, and
- The option focused on expanding Tualatin-Sherwood Road was unacceptable due to the very large size it would need to be and the resulting impacts on the Tualatin and Sherwood Town Centers.
- The alternative recommended is based upon the principle that it is preferable to spread the traffic across three smaller arterials rather than one large expressway. The analysis concluded this approach could effectively serve the traffic demand, would provide better service to urban land uses in the Tualatin/Sherwood area, especially industrial lands, and could be built incrementally based upon need to serve growth and revenue



The I-5/99W Corridor Study recommended a variety of transportation investments to improve the area's road, transit, bicycle, pedestrian and trail networks and to distribute traffic across a network of three arterials so that no single route would function as a defacto through "connector." The RTP places additional conditions on the "Three Arterial" recommendation and implementation.

availability. The overall concept is structured around a Northern, Central and Southern arterial providing east-west access between OR 99W and I-5 with an extension of SW 124th providing north-south connectivity (see diagram).

The City of Wilsonville was and continues to raise objections to the Southern Arterial component throughout this process. The City is very concerned about growing I-5 congestion and the City's dependence on effective access to the two I-5 interchanges. The City is concerned that the Southern Arterial connecting into the I-5/North Wilsonville interchange will significantly increase traffic and impair that access.

When the PSC considered the recommendation, the Clackamas County Commission representative introduced a series of amendments to the conditions to ensure that the Southern Arterial would be examined in greater detail to:

- evaluate alignment options and their environmental impact;
- integrate the proposal with the concept plan and transportation system plan for the newly expanded UGB area and any new Urban Reserves that are designated in the area;
- address any requirements that may result from adoption of an exception to Goal 14 (if needed) for an urban facility outside the UGB;
- integrate the proposal with a Tigard to Wilsonville Corridor Study (Corridor #3) to ensure these east-west arterials and I-5 itself could effectively function together; and
- determine the most appropriate approach to connecting the Southern Arterial to I-5, including options for an interchange at the I-5/North Wilsonville interchange or consideration of extending the Southern Arterial across I-5 to Stafford Road east of I-5, thereby providing better access to I-205.

The Project Steering Committee acknowledged many significant issues to be addressed before the Southern Arterial can proceed to construction, and approved the proposed conditions unanimously. The detailed conditions can be found in Appendix 3.3.

Typically, there is a need to transition from a “planning” level of detail to a “project” level of detail which involves better definition of alignments and designs and consideration of impacts on the natural and built environment and how to mitigate those impacts. These conditions proposed by the Project Steering Committee add in the need to integrate the recommendation with land use planning for recent UGB expansion areas and potential Urban Reserves (still to be defined) and the importance of integrating the overall system for the area with an I-5 corridor strategy.

The RTP places additional conditions on the “Three Arterial” recommendation and implementation, as reflected below:

Short-term phasing strategy (2008-2017)

- Identify replacement solutions for the Tualatin Road project recommended by the I-5/Connector study as part of the next Tualatin TSP update. This project was removed from the RTP based on community concerns and lack of support by the Tualatin City Council. The two-lane connection from the Tualatin Road/Herman road intersection to I-5 at Lower Boones Ferry Road was not intended to serve through traffic, but rather to provide access to the surrounding industrial area and neighborhoods. The planning work will consider alternative alignments and designs across the Tualatin River and I-5 near the I-5/Lower Boones Ferry Road interchange to mitigate impacts. If Tualatin (through their TSP update) does not identify project(s) to adequately address the capacity/connectivity issues identified in this area, then the RTP will be amended to direct the Corridor Refinement Plan effort for corridors #2, 3 and 20 to address this need in that planning effort. The need would go unaddressed until completion of that corridor refinement plan, or the next RTP update.
- Begin construction of the Tonquin Trail (RTP Projects #10092 and #10854).
- Upgrade existing streets to two lanes with turn lanes, traffic signal timing, bike lanes and sidewalks, including Herman Road, Tualatin-Sherwood Road, 95th Avenue (RTP Projects #10715, #10718, #10852).
- Add southbound auxiliary lane from I-205 to I-5/Elligsen Road and northbound auxiliary lane from I-5/Elligsen Road to I-205 interchange. (RTP Projects #10872 and #11177)
- Conduct more detailed project planning and begin construction of a two-lane extension of SW 124th Avenue (RTP Project #10736: 124th Avenue) from Tualatin-Sherwood Road to I-5/North Wilsonville interchange to support its operation as an industrial access route. The planning work will further consider potential impacts on the existing development and the natural environment. It will also include more detailed definition of the design and alignment to mitigate impacts and to integrate with land use and transportation plans for the area.
- Conduct more detailed planning to meet all of the conditions placed on new Southern Arterial project, including:
 1. Conduct the I-5 South Corridor Refinement Plan (includes I-5 from Portland to Tigard, I-5 from Tigard to Wilsonville, and OR 99W from I-5 through Tigard and Sherwood) and land use planning for areas recently added to the urban growth boundary and any land designated as urban reserves. These planning efforts will include opportunities for further public participation and input.
 2. Conduct more detailed project planning on potential Southern Arterial impacts on existing development and the natural environment to develop more detailed definition of the design and alignment to mitigate impacts and coordinate with land use and transportation plans for the area, including integration with land use plans for UGB expansion areas and Urban Reserves, conducting the I-5 South Corridor Refinement Plan, including Mobility Corridors 2, 3 and 20, and resolution of access between I-5 and southern arterial with no negative

impacts to I-5 and I-205 beyond the forecast No-Build condition, addressing NEPA to determine the preferred alignment and addressing any conditions associated with land use goal exception for the southern arterial. This planning effort will include opportunities for further public participation and input.

Tualatin-Sherwood Road is sized in the recommended alternative based upon the expectation there will be a Southern Arterial and will fail due to insufficient capacity without a Southern Arterial and further expansion is incompatible with the plans for the Tualatin and Sherwood Town Centers. If the Southern Arterial is dropped through future studies, there is a major unresolved issue addressing east-west travel through this area. The RTP will need to be amended to direct the Corridor Refinement Plan effort for corridors #2, 3 and 20 to address this need. The need would go unaddressed until completion of that corridor refinement plan, or the next RTP update.

Medium-term phasing strategy (2018-2025)

- Widen existing streets to four lanes with turn lanes, traffic signal timing, bike lanes and sidewalks, including Tualatin-Sherwood Road, Roy Rogers Road, Boones Ferry Road and Herman Road (RTP Projects #10568, #10700, #10708, #10732 and #10735)
- Program right-of-way acquisition for the Southern Arterial project in the 2018 - 2025 time period to allow time to conduct the I-5 South refinement plan and land use plans for designated urban reserves in the area.

Longer-term phasing strategy (2026-2035)

- Construct the Southern Arterial connection to I-5 or other surface arterials in the vicinity of the I-5/North Wilsonville Interchange when all the project conditions are met.

6.4 CONGESTION MANAGEMENT PROCESS

A key change from SAFETEA-LU was an updated requirement for a CMP for metropolitan planning organizations (MPOs) in Transportation Management Areas (TMAs – urban areas with over 200,000 in population). This change is intended to build on the previous requirement of a congestion management system (CMS), placing a greater emphasis on management and operations and enhancing the linkage between the CMP and the long-range regional transportation plan (RTP) through an objectives driven, performance-based approach.

A CMP is a systematic approach for managing congestion that provides information on transportation system performance. It recommends a range of strategies to minimize congestion and enhance the mobility of people and goods. These multimodal strategies include, but are not limited to, operational improvements, travel demand management, policy approaches, and additions to capacity. The region's CMP will advance the goals of the 2035 RTP and strengthen the connection between the RTP and the Metropolitan Transportation Improvement Program (MTIP). A "Roadmap" of the region's CMP can be found in Appendix 4.4.

Basalt Creek Planning Area
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Exhibit 3
Page 1 of 2

At their meeting on February 25, 2009, the PSC agreed on the following conditions as amended from those presented to them in the Alternative 7 Recommendation Memorandum dated February 17, 2009 to accompany the RTP recommendation of Alternative 7:

1. **Future phasing plans for implementing Alternative 7 projects must take into consideration the transportation, environmental, and economic impacts of advancing some improvements sooner than others.** The sequencing of affordable improvements should be done in a manner that does not create new transportation problems or liabilities for the vitality of affected jurisdictions.
 2. **The timing and priority of an I-5 corridor study must be considered in the RTP adoption process for Alternative 7.** The connector project development process emphasized the need for a corridor study along I-5 from Portland to the Willamette River. The results of this study may affect the timing and designs of some improvements within Alternative 7.
 3. **Access between I-5 and the southern arterial must be resolved.** Additional study is required to fully understand the impacts and trade offs between transportation solutions and land use, economic and environmental consequences of a new southern arterial. The impacts on rural lands are of particular importance and must be further evaluated before pursuing an exceptions process. The study area may need to be expanded to include connections to Stafford Road and additional areas along the OR 99W corridor that were not included in the alternatives analysis. The alternatives analysis process determined the general corridor location for the new southern arterial. However, additional preliminary engineering and planning work is needed to determine the optimal access option and configuration for connecting the southern arterial to I-5, OR 99W, and other arterials in the expanded study area. Construction of the southern arterial should be conditioned on defining the I-5 improvements needed to accommodate it and ensuring no negative impacts to I-5 and I-205 occur beyond the forecast No-Build condition as a result of Alternative 7. Options to be explored include modifying the I-5/North Wilsonville Interchange into a tight split-diamond interchange, or extending a new arterial connection crossing over I-5 and connecting to Stafford Road and/or Elligsen Road on the east side of I-5 for regional traffic benefits.
 4. **Completion and construction of major project elements is subject to compliance with the National Environmental Policy Act (NEPA) and design refinement.** The Alternative 7 concept provides only the general locations and functional characteristics of new transportation facilities. A fully collaborative public/agency involvement and environmental analysis process must be conducted in developing the design details of any major construction element of Alternative 7. Subsequent project development work will need to define the actual alignments and designs of each of these facilities within the framework of these general parameters. On-going coordination with the Tualatin River National Wildlife Refuge must also occur to ensure optimum compatibility of Alternative 7 elements with refuge objectives.
 5. **Land Use Concept Planning for UGB expansion areas should be coordinated with the refinement of these transportation recommendations.**
 6. **The design of the southern arterial; must incorporate any conditions that may come out of land use goal exceptions processes (if required) by Metro, Washington County, and Clackamas County.** Portions of Alternative 7 may require exceptions under state land use goals that have not yet been studied or approved in order to be adopted in the RTP and to achieve needed federal and jurisdictional approvals. The extent of this issue may be affected by Metro's coming decisions on rural/urban land use reserves. Portions of proposed new transportation facilities are outside Metro's jurisdictional boundaries and will require coordination of actions between Metro and other affected jurisdictions. Possible design requirements may include forms of access management and land use control measures.
 7. **State highway system routing and ODOT mobility standards must be key considerations in the design and future ownership of improvements within Alternative 7.** Current RTP assumptions are that a new limited-access connector would be built between I-5 and 99W, and that this roadway would become the new state route, possibly replacing OR 99W through Tigard. Alternative 7 does not result in
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Basalt Creek Planning Area
City-County-Metro IGA
Exhibit 3
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Page 2

a limited-access connector, which may result in OR 99W remaining the designated state highway route through Sherwood, King City and Tigard.

8. **Strategic protection of right-of-way should be considered by agencies for the Alternative 7 elements within the UGB and along potential alignments where land development could conflict with the future implementation of corridor improvements.** Protective measures could include property setbacks, dedication of right-of-way, specific acquisition(s), and/or right-of-way purchases within the UGB consistent with NEPA process.

Following agreement on the above conditions, PSC representatives of Washington County, ODOT, Metro, and the cities of Tualatin and Sherwood voted in favor of recommending Alternative 7 with the conditions as amended above. PSC representatives of the City of Wilsonville and Clackamas County voted against this recommendation.

2035 RTP Project List
 Basalt Creek Planning Area
 City-County-Metro IGA
 Exhibit 4
 Page 1 of 1

Metro Project ID	Nominating Agency	Facility Owner / Operator	Project/Program Name	Project Start Location (Identify starting point of project)	Project End Location (Identify terminus of project)	Local Functional Classification	Project Purpose	Description	Estimated Cost (\$2007)	Estimated Cost (YOES)	Time Period	Federal FC Project	2040 Land Use	Mobility Corridor or Community Building?	HCT Priority as Adopted by JPACT and Metro Council	Primary Mode	Secondary Mode(s)	Project located in EJ Community?	Project located in Goal 5 Resources?
10598	Washington Co.		I-5/99W Southern Arterial ROW	Hwy. 99W	I-5	Arterial	Provide congestion relief.	Purchase right-of-way when all project conditions are met: including integration with land use plans for UGB expansion areas and Urban Reserves. Conducting the I-5 South Corridor Refinement Plan, including Mobility Corridors 2, 3, and 20 and resolution of access between I-5 and southern arterial with no negative impacts to I-5 and I-205 beyond the forecasted No-Build condition, addressing NEPA to determine the preferred alignment and addressing any conditions associated with land use goal exception for southern arterial.	\$ 90,000,000	\$ 133,221,986	2008-2017		Industrial area	CB		Roads/bridges	Freight	Yes	
10736	Tualatin	Tualatin	124th Ave	Tualatin-Sherwood	Tonquin	Minor Arterial	Economic development and freight movement.	Construct new street from Tualatin-Sherwood to Tonquin Rd - 5 lanes.	\$ 82,500,000	\$ 122,120,154	2008-2017	x	Industrial Area	CB		Roads/bridges	Freight		Yes
11339	Washington Co.		I-5/99W Southern Arterial Improvements	Hwy. 99W	124th Ave. Extension	Arterial	Provide congestion relief.	Construct the initial 2-3 lane arterial phase of the Southern Arterial from OR99W to the SW 124th Ave. Extension when all project conditions are met: including integration with land use plans for UGB expansion areas and Urban Reserves. Conducting the I-5 South Corridor Refinement Plan, including Mobility Corridors 2, 3, and 20 and resolution of access between I-5 and southern arterial with no negative impacts to I-5 and I-205 beyond the forecasted No-Build condition, addressing NEPA to determine the preferred alignment and addressing any conditions associated with land use goal exception for southern arterial.	\$ 130,000,000	\$ 263,356,147	2018-2025		Industrial area	MC		Roads/bridges			
11340	Washington Co.		I-5/99W Southern Arterial Improvements	Hwy. 99W	I-5	Arterial	Provide congestion relief.	Expand to 4-5 lanes to serve growth in the area after improvements to Tualatin-Sherwood Rd. and an improved connection from SW Tualatin Rd. to the I-5/Lower Boones Ferry Rd. Interchange and when all project conditions are met: including integration with land use plans for UGB expansion areas and Urban Reserves. Conducting the I-5 South Corridor Refinement Plan, including Mobility Corridors 2, 3, and 20 and resolution of access between I-5 and southern arterial with no negative impacts to I-5 and I-205 beyond the forecasted No-Build condition, addressing NEPA to determine the preferred alignment and addressing any conditions associated with land use goal exception for southern arterial.	\$ 80,000,000	\$ 239,896,266	2026-2035		Industrial area	MC		Roads/bridges			
11342	Washington Co.		I-5/99W Connector Southern Arterial/I-5 Interface	Hwy. 99W @ I-5		Arterial	Improve access to and from the Southern Arterial and I-5	Connect the Southern Arterial to I-5 or other surface arterials in the vicinity of the N. Wilsonville interchange when all project conditions are met: including integration with land use plans for UGB expansion areas and Urban Reserves. Conducting the I-5 South Corridor Refinement Plan, including Mobility Corridors 2, 3, and 20 and resolution of access between I-5 and southern arterial with no negative impacts to I-5 and I-205 beyond the forecasted No-Build condition, addressing NEPA to determine the preferred alignment and addressing any conditions associated with land use goal exception for southern arterial.	\$ 50,000,000	\$ 149,935,166	2026-2035		2040 Corridor	MC		Roads/bridges	Throughways		

MEMORANDUM

Basalt Creek: Guiding Principles and Evaluation Criteria

TO: Basalt Creek Project Management Team (Cities of Tualatin and Wilsonville)

FROM: Leila Aman, Project Lead, Fregonese Associates

DATE: December 29, 2014

RE: Guiding Principles and Evaluation Criteria for the Basalt Creek Concept Plan

Purpose of Guiding Principles

Guiding Principles are intended to represent the collective interests and goals for the Basalt Creek planning area. The guiding principles provide a framework for gathering input and developing transparent and meaningful measures that can help inform the decision making process.

Purpose of Scenario Indicators

Indicators are the outputs of evaluation criteria which are created near the beginning of the scenario planning process. They generally reflect the guiding principles as well as previously adopted community goals. Indicators may also be related to new or emerging community goals or issues: such as transit access, housing costs, or air quality.

The indicators will be used during the development and evaluation of the scenarios within Envision Tomorrow to communicate the benefits, impacts and tradeoffs of different policy choices and investments. Using Envision Tomorrow, alternative scenarios are tested and refined, and then compared and evaluated based on their indicator performance. Indicators enable Envision Tomorrow users to tie the scenario results to the community values and guiding principles.

In practice, this approach not only allows the public to visualize their region's future, final plans created using our scenario planning process will come with a dashboard of indicators so policymakers can monitor their progress and make adjustments along the way, in concert with established guiding principles and long-term vision.

Guiding Principles

Qualitative Guiding Principles

1. Maintain and complement the Cities' unique identities

The cities of Wilsonville and Tualatin each have unique qualities that draw people to live and work there. Those qualities should be maintained and enhanced by development in the Basalt Creek planning area.

2. Capitalize on the area's unique assets and natural location

Development in the planning area should preserve and leverage the natural beauty of Basalt Creek by protecting key natural resources and sensitive areas while minimizing the negative impacts of new development. Recreation opportunities should be made accessible in the area through the creation of new open spaces and trails and integrating them with existing regional networks.

3. Explore creative approaches to integrate jobs and housing

Long distances between centers of employment and residential neighborhoods can cause long travel times, congestion and pollution. Planning for the Basalt Creek area should consider a range of methods (and the feasibility of those methods) for integrating residential and employment land uses to create more high quality living and working environments.

4. Create a uniquely attractive business community unmatched in the metropolitan region

Planning for the Basalt Creek area should capitalize on its unique assets - the location of the planning area near the center of one of the region's largest clusters of employment land, projections for rapid employment growth in the local market, and superior access to major transportation routes (I-5, I-205 and Highway 217) – to facilitate development of high quality employment facilities and opportunities that will benefit both the local and regional economies.

5. Ensure appropriate transitions between land uses

While integration of housing and employment can enrich a community, there remains a need for physical separation between uses that might negatively impact one another. Land uses should be arranged within the study area to minimize these impacts, such as excessive noise, traffic, nighttime light, or air pollution. Use of buffers to mitigate auditory, aesthetic, and safety impacts may include swaths of vegetated land, sound walls, or commercial development (among others).

Quantitative Guiding Principles

Associated measures from Envision Tomorrow and other quantitative analysis that will be conducted as part of the concept planning process are described.

6. Meet regional responsibility for jobs and housing

Population and employment forecast performance

Using output from the Envision Tomorrow scenario modeling tool added jobs and housing units will be compared back to the regional forecast estimate (from Metro's Gamma model) for jobs and households within the planning area.

7. Design cohesive and efficient transportation and utility systems

Evaluation of Wet Infrastructure

Aggregate water and sewer requirements will be developed for each of the three (3) alternatives. A comparison will be provided indicating required capacity and potential infrastructure elements based on each alternative land use plan and the existing systems inventory.

Performance of transportation systems

Motor vehicle transportation system for each of three alternatives will be evaluated including the development of future year 2035 PM peak hour volumes using a focus-area travel demand model. Intersection operation analysis (level of service and v/c ratios) based on the forecasted 2035 PM volumes will be conducted using Synchro.

Internal water consumption and Landscaping water consumption

Water consumption has a major impact both financially and environmentally. Water bills can make up a large proportion of household or business utility costs, and excessive water consumption can put a strain on water supplies and infrastructure, especially in regions with water scarcity. Anticipated domestic and irrigation water consumption by residential households and commercial or industrial businesses will be estimated based on existing usage patterns within Tualatin and Wilsonville."

8. Maximize assessed property value

Building value and local revenue

Adding new housing and employment space to a community brings additional tax revenue that can be used for new infrastructure and services to support new and existing residents and businesses. Different scenarios can produce different amounts of tax

revenue (property tax, sales tax and transportation impact fee (TIF)) due to the differing values of particular building types and locations. .

9. Incorporate natural resource areas and provide recreational opportunities as community amenities and assets

Percent of Natural Area Protected within the planning area

Types of natural areas to be considered for protection from development include:

- Wetlands and Floodplains
- Metro Title 3 Lands
- Metro Title 13 Lands

Some development may occur in these areas. However, the proportion of total development planned for non-environmentally sensitive areas should be maximized in order to preserve habitat, ecosystem services, open space, and recreation opportunities in the planning area.

Environmentally sensitive lands are identified and described in the Basalt Creek Existing Conditions Report.

Total jobs allocated to prime flat industrial lands within the planning area

The largest proportion possible of new jobs forecasted for the planning area should be allocated to lands identified as suitable for industrial and/or office development, one factor of which is the absence of sensitive environmental features and constraints.

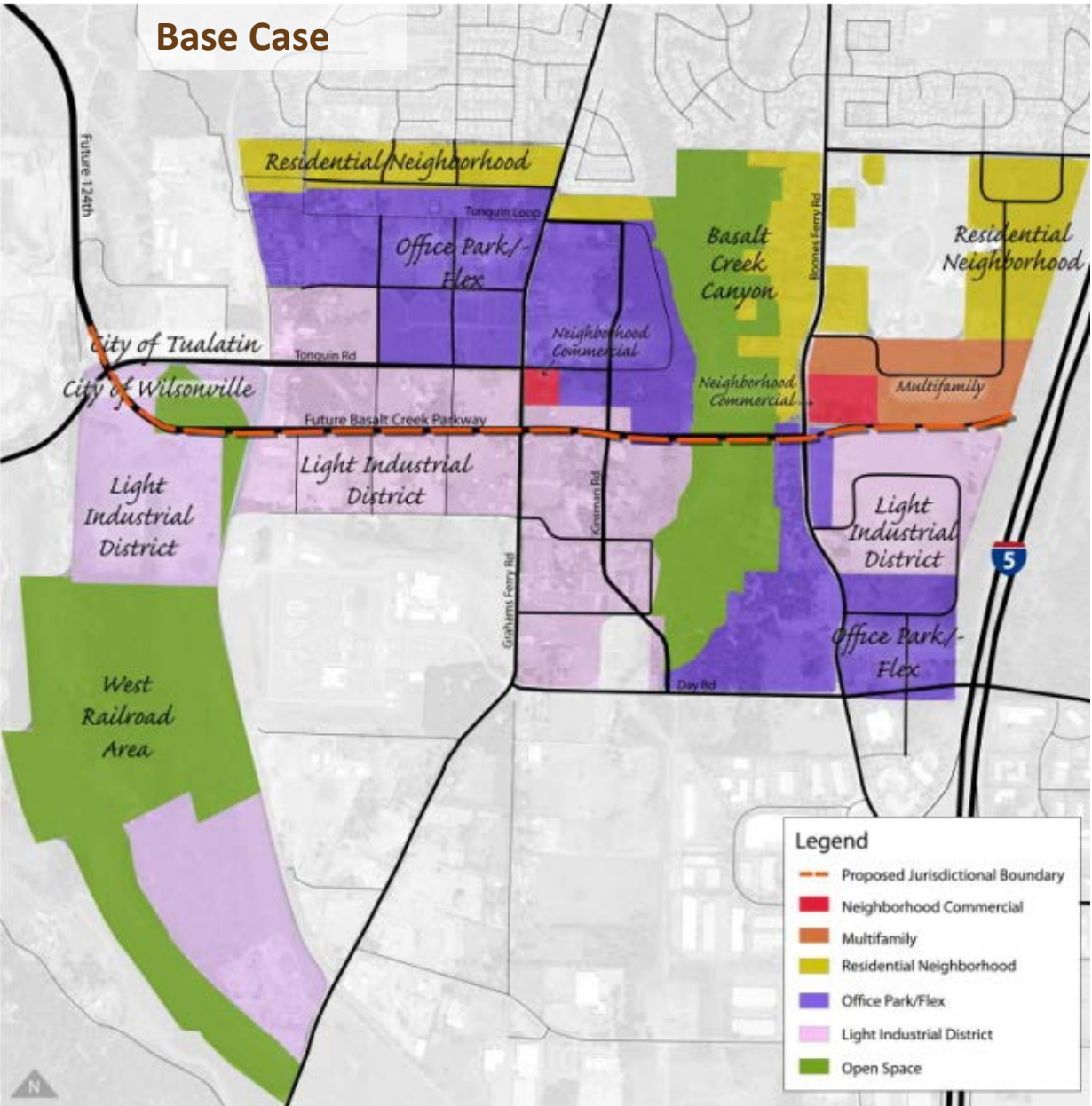
Land suitable for industrial and/or office development is identified and described in the Basalt Creek Existing Conditions Report.

Acres of impervious surface

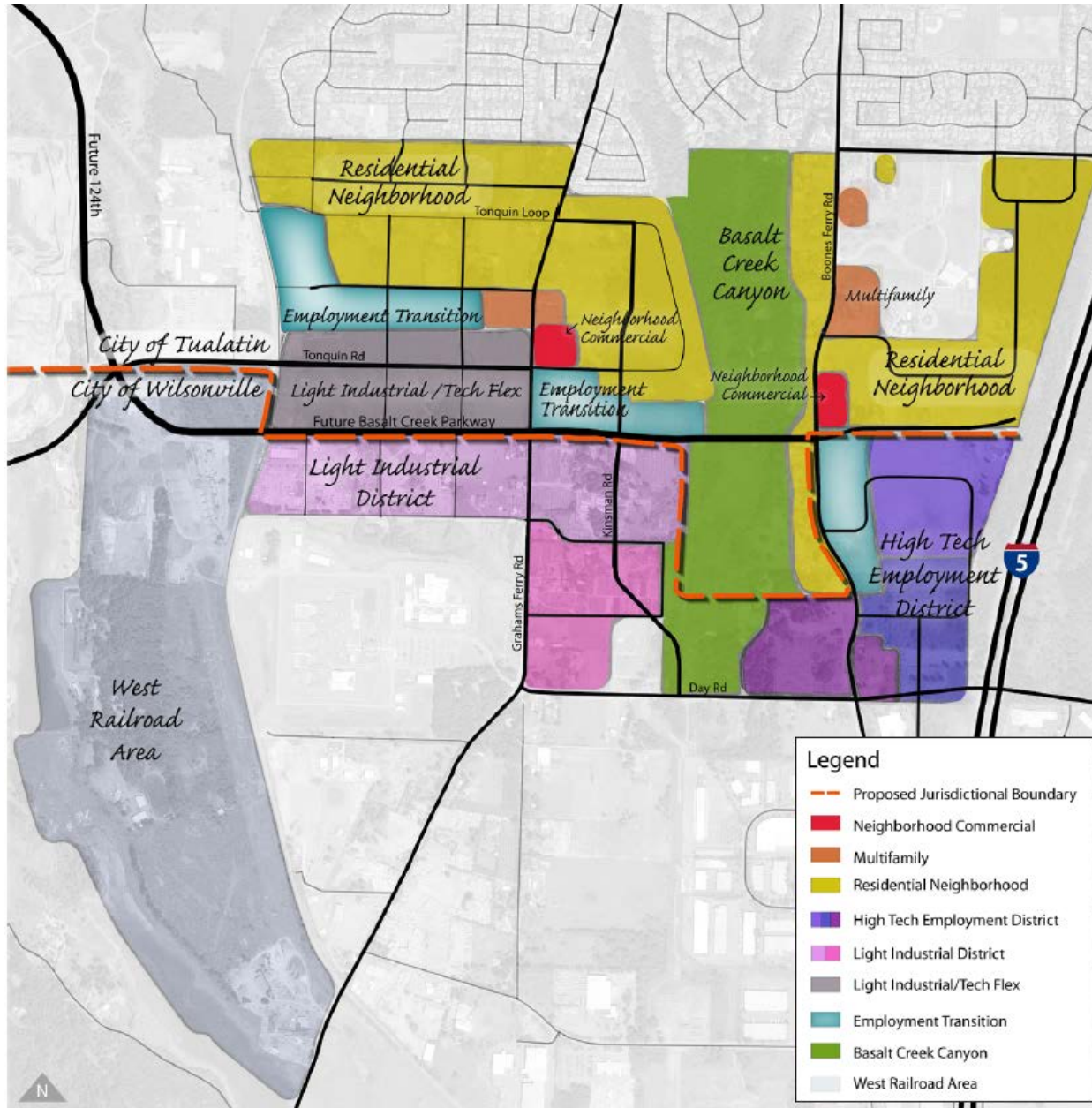
Impervious surface can have a negative impact on the health of a region's waterways. Instead of soaking in and filtering through the soil, rainwater runs off impervious surfaces, washing many polluting substances such as pesticides and oils into streams and other aqueous habitats. Increasing impervious surface runoff also increases the volume of runoff, and the speed which the water is delivered to streams, resulting in higher peak flows.

Base Case Scenario (Dec 2014)

Attachment E

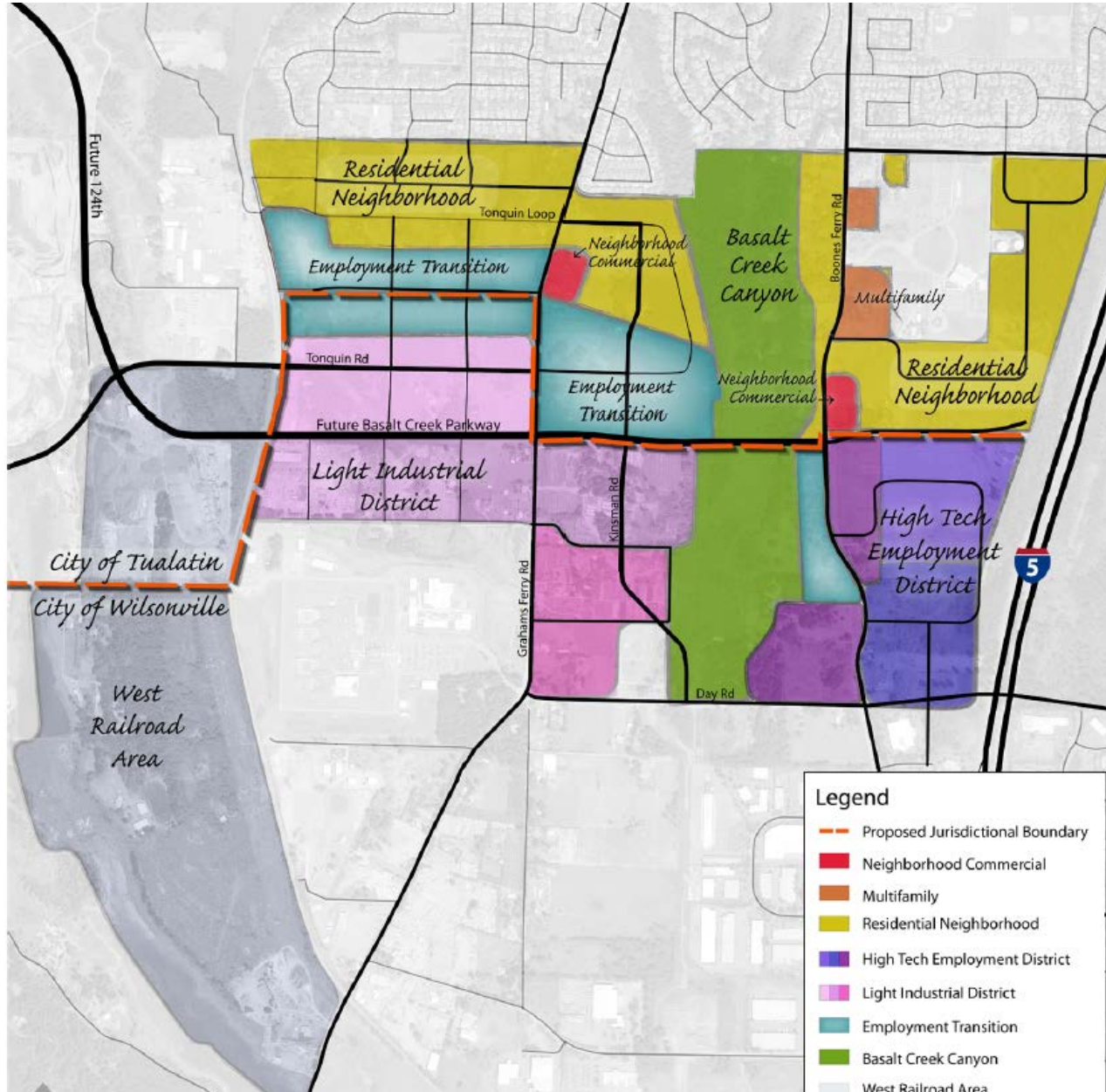


Option 1 (June 2015)



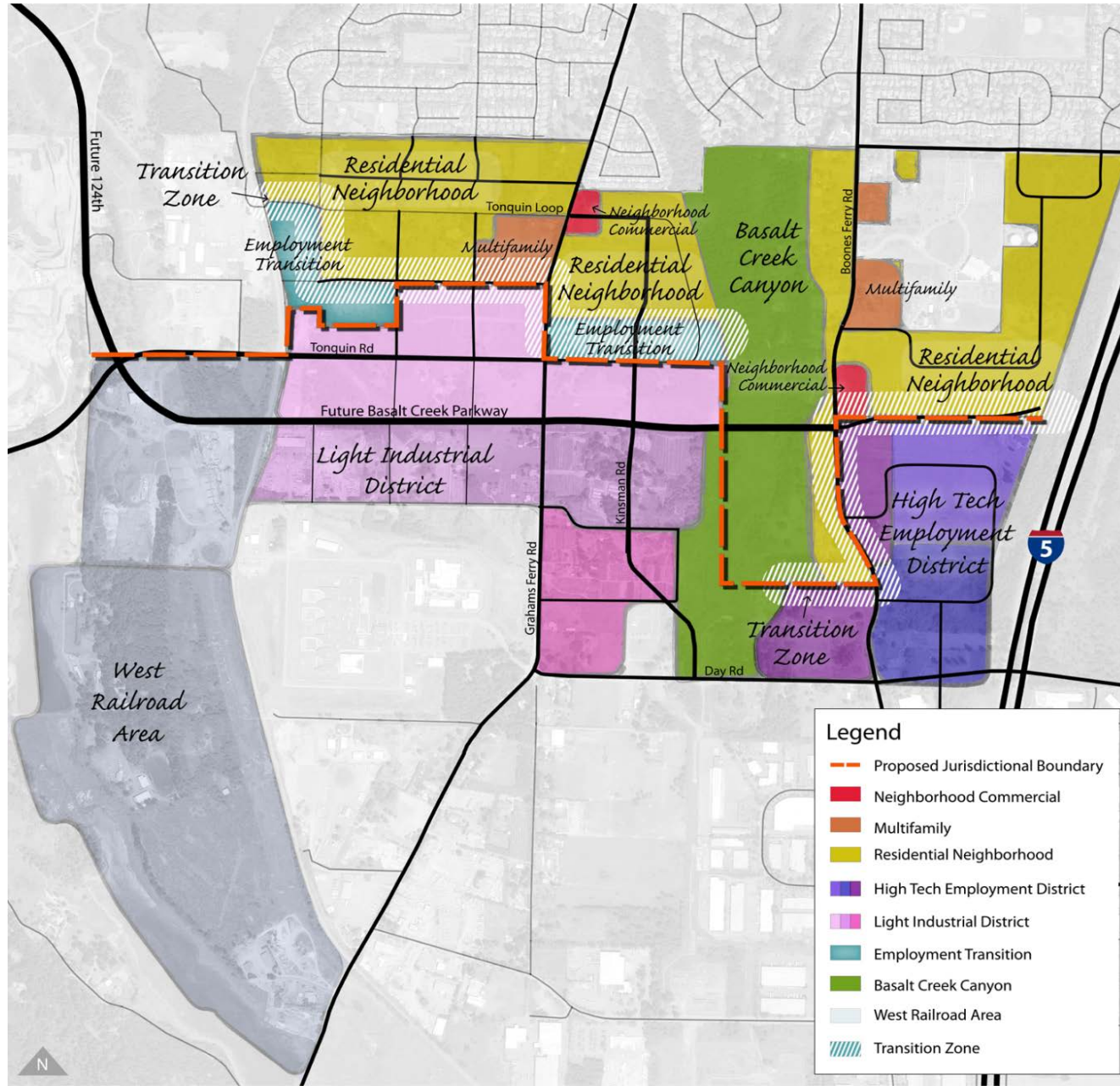
Option 2 (June 2015)

Attachment G



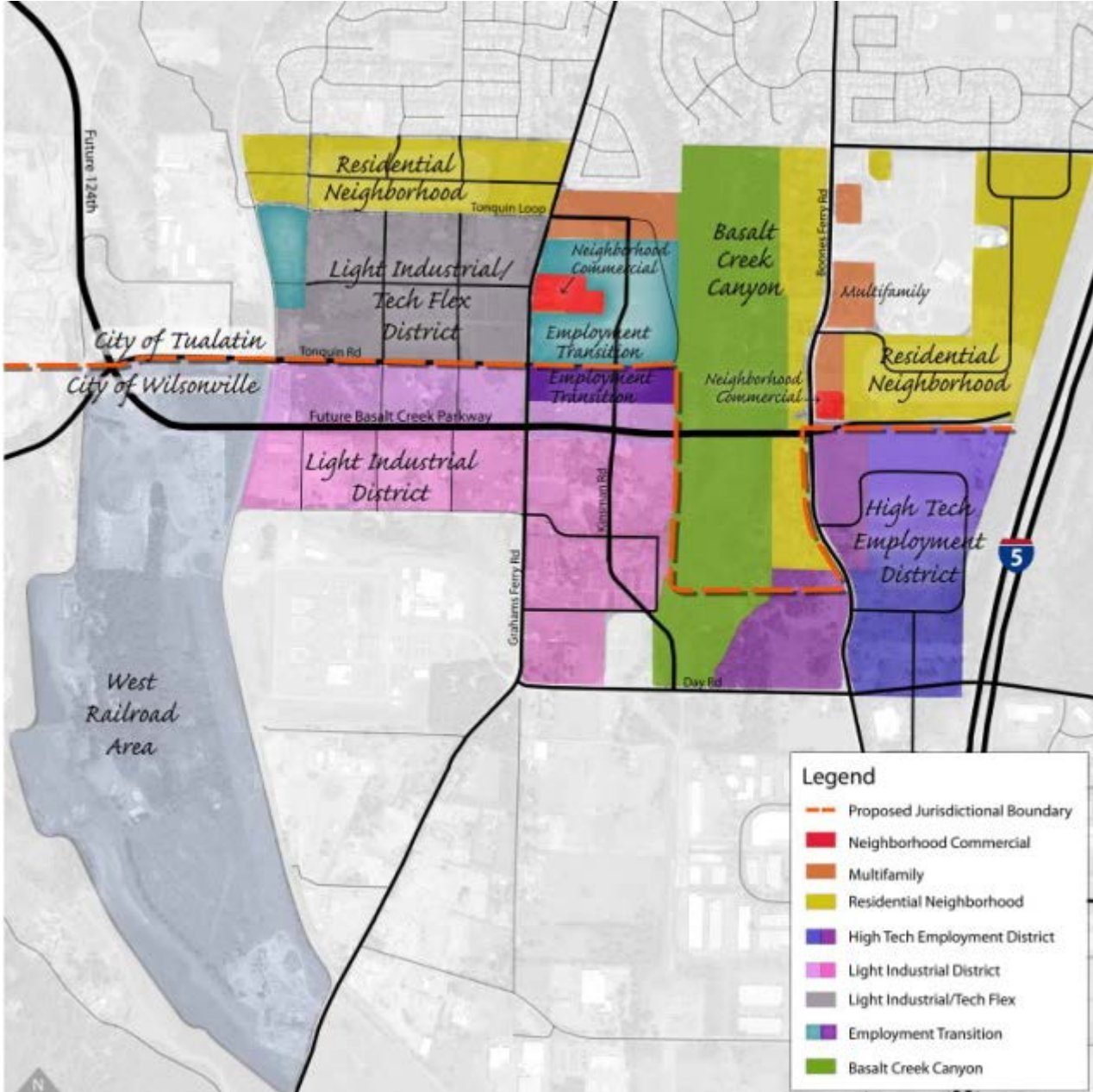
Option 3 (Sept. 2015)

Attachment H



Tualatin-Option 4 (Sept. 2015)

Attachment I



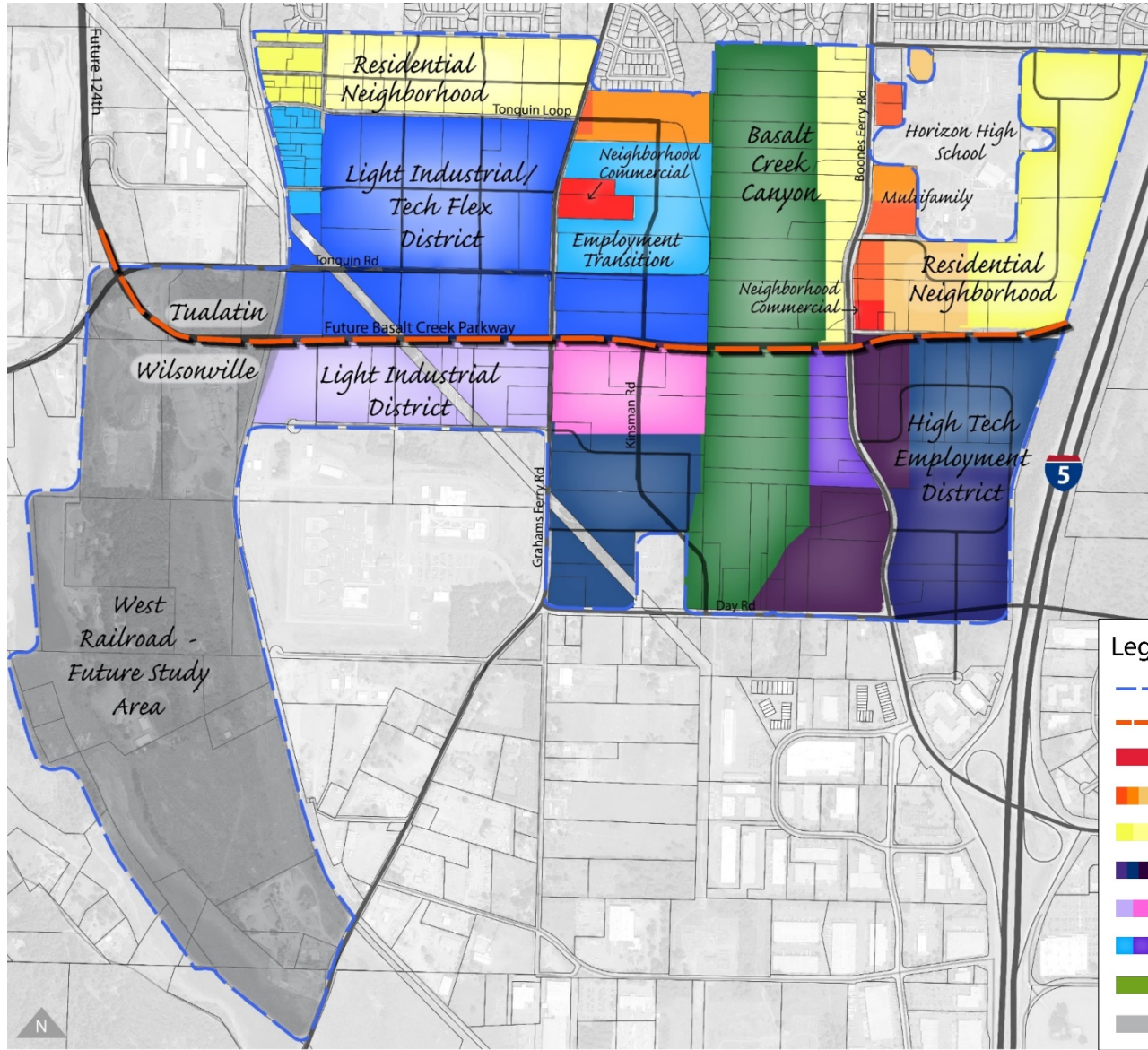
Basalt Creek Development – Considerations for Success

- 1) Sewer- Each City serve its' own area, as much as possible. This will help each city operate independently, without needing to coordinate on each development in their jurisdictional part of Basalt.
- 2) Stormwater- All flows received by WV to be guided by WV protocols and design standards. WV must meet the standards for discharge under the WV permits.
- 3) Recognize Regional need for industrial lands drove the Basalt designation in 2004. Consider Regional all Title 4 designation on the Basalt lands best suited and concept planned for industrial in both cities. Assurance of consistent follow through on industrial/employment development in both cities will be of joint benefit, and help such development to be successful.
- 4) Recognize the critical need for receiving roadways to be improved BEFORE the Parkway sends transportation load onto them. Invest SDC's, TLT TDT, and potential Supplemental SDC's generated by Basalt development in both cities, INTO Basalt improvements. (Past Washington County precedent has been to spend 75% of such supplemental SDC's and TDT in the originating area.)
- 5) Recognize that the transportation improvements agreed to and planned (in the Basalt Creek Transportation Refinement Plan) are based on projected loads from the identified system. Any substantial additional traffic loads from external locations will likely overload the system and cause into fail. Therefore major re-evaluation and additional system capacity improvements will be necessary in the event the Region decides to direct other traffic through Basalt.
- 6) It is important that both cities respect the trip cap for the area and find a way to preserve each city's share. Additional review of trip caps with land uses should occur moving forward.
- 7) Recognize the need for both cities to be jointly committed to seeking Regional investment in future I-5 crossings. Those crossings will become critical to allowing industrial/employment growth in Basalt, thereby meeting Regional objectives. Without Regional involvement, the crossings will never get built.
- 8) Strongly consider not building Kinsman Rd. north of day. Constraints on its' intersection location w/Day, high cost of new construction, and fact it would serve only development on its' west side all indicate a poor return for the investment. Invest in Grahams Ferry Rd. improvements instead, which will serve the same lands.
- 9) Plan on having a joint City agreement on managing the Natural Area along Basalt Canyon. Development is eventually expected along the west side of the canyon, which would then be an appropriate location for a bike/ped trail connecting the cities. Such connection would be an asset to both residents and employees in the area, if thoughtfully planned and connected to "through" trails on both north and south.

Basalt Creek Land Use Concept Map

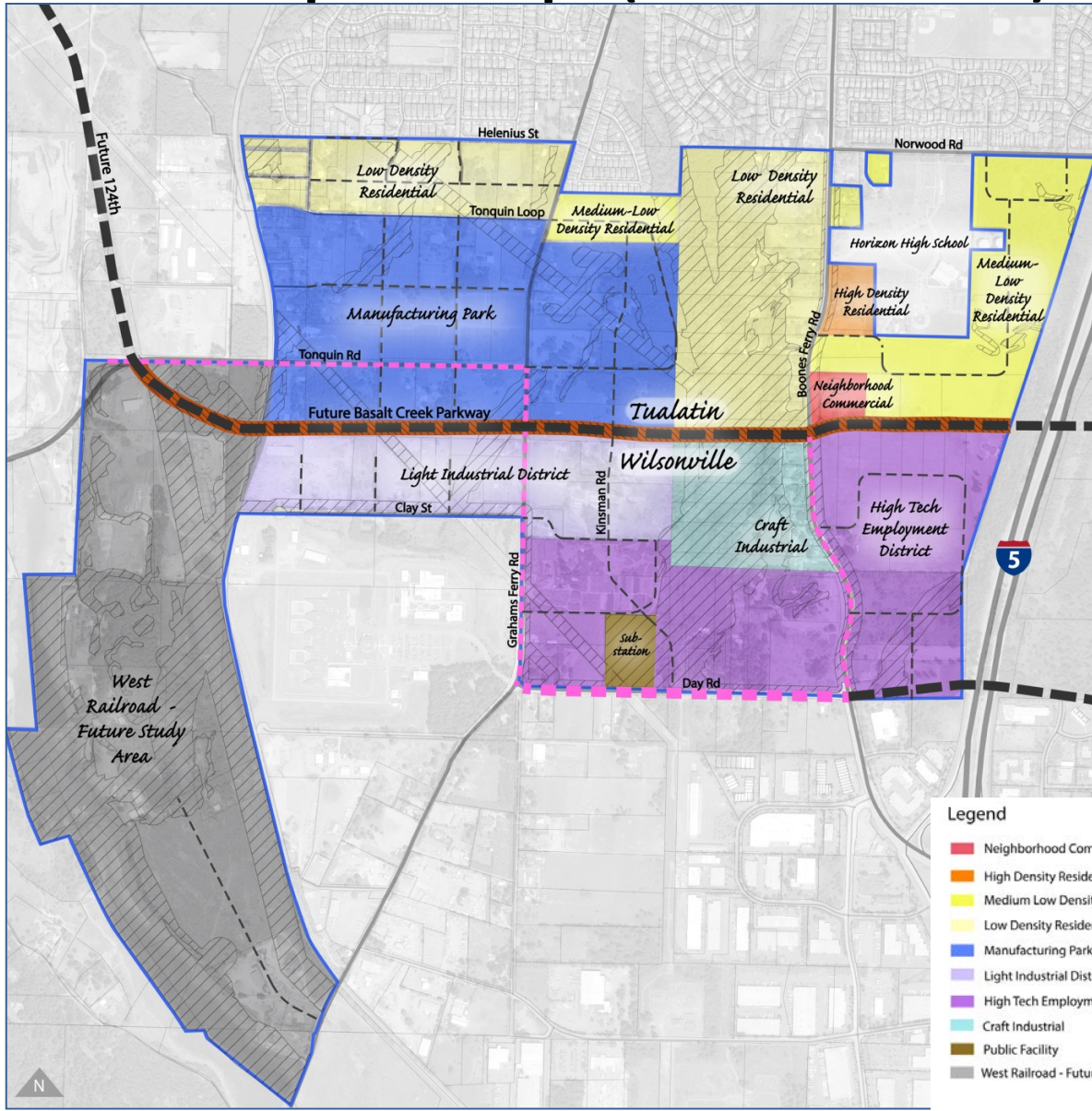
Option 5 (April 2016)

Attachment K



Preferred Basalt Creek Land Use Concept Map (Oct. 2016)

Attachment L



- Legend**
- Neighborhood Commercial
 - High Density Residential
 - Medium Low Density Residential
 - Low Density Residential
 - Manufacturing Park
 - Light Industrial District
 - High Tech Employment District
 - Craft Industrial
 - Public Facility
 - West Railroad - Future Study Area
 - Study Area Boundary
 - Proposed Jurisdictional Boundary*
 - Hard Constraints**
 - Arterial Road
 - Local Road
 - Arterial Roadway Widening
 - Collector Roadway Widening
- * Subject to considerations for success
 ** Hard constraints represents riparian, open water, wetland, steep slopes, PGE/BPA easements, natural gas, slope stability, Metro Title 3 and 13 and 100-Year Floodplain

January 11, 2017

Washington County
Attention: Erin Wardell
Department of Land Use & Transportation
155 N First Ave, Suite 350 MS16
Hillsboro, OR 97124

Re: **Basalt Creek Employment Site Evaluation**
Project Number 2150111.01

Dear Erin:

Washington County contracted with Mackenzie to review the subject site based on Mackenzie's experience with planning and design for development of industrial and employment lands in the Portland region. The goal of this effort is to assist County staff in understanding the likely development opportunities and patterns that might occur on the subject site based on general site development factors including but not limited to potential physical site development constraints.

The 63-acre site (see attached), located within the Basalt Creek planning area is currently planned for future industrial/employment development. We understand there are questions that, given the topography and potential wildlife habitat/wetlands on site, the site may be better suited for uses other than industrial/employment (e.g., residential). This letter summarizes our preliminary opinion on the developability of the subject site for industrial/employment uses from a concept planning level only. Our review is based on limited information regarding existing conditions provided by Washington County on December 20, 2016.

The County's Goal 5 inventory shows the entire subject site as significant natural area and 2.75 acres in the northeast corner as wetland and fish wildlife habitat. In addition, nearly 70% of the subject site is Metro Title 13 Riparian areas with riparian wildlife habitat areas and impact areas. The exact location and classification of these features is unknown at this time and is beyond the scope of this evaluation. It is possible that there are no significant natural features located on the subject site, except for the NE portion of the site which has a ravine with natural resources discussed below. These potential natural features and wildlife habitat must be confirmed prior to development and it is recommended that prior to further master planning and/or zoning this property, a natural feature inventory and/or survey is performed on this site to further refine the net developable acreage. Only after a wetland delineation and/or survey would we will be able to confirm the developable acreage of this site and confirm whether the concept plan in Figure 3 is feasible as it was created using publicly available GIS data only. Therefore, we did not consider Goal 5 or Title 13 as a factor in this effort as there is not enough information at this time to confirm exact feature locations.

Therefore, this memo assumes that the Goal 5 and Title 13 resources are developable at this time, except for the stream and ravine in the most northeastern corner of the site. While we are aware of the potential location of natural resources, physical topography, site size, and site configuration were the largest factors taken into consideration in the conceptual site plan shown in figure 3. In discussion with County staff, Goal 5 and Title 13 are not regulated at the development level. Wetland delineation and surveys are required through the development review process, prior to development, to confirm any potential on site constraints. The Goal 5 designation requires the current or future property owner(s) to conduct a wetland delineation to confirm any potential resources as well as an assessment of



Washington County
Basalt Creek Employment Site Evaluation
Project Number 2150111.01
January 11, 2017
Page 2

those resources. In addition, site development should take into consideration potentially geological challenges related to the Tonquin Scablands, which may impact the subject site and were not reviewed as a part of this analysis.

INDUSTRIAL/EMPLOYMENT LAND SUITABILITY FACTORS

There are several physical factors that are utilized to determine the feasibility for development of industrial and employment uses, but the most critical is the need for generally “flat” land. Flat land in a concept planning analysis for industrial/employment development is commonly assumed to be less than 5% slope. Generally, increased slope results in smaller building footprints, less flexibility in building location and building orientation, and/or increased costs for grading. Although slopes from 5% to 10% can accommodate some employment uses, the site preparation costs and loss of efficiency increase dramatically. These factors in turn translate into a more limited range of potential users, ultimately limiting the marketability and underlying value of the site. Other factors for industrial/employment development include site size and configuration as well as proximity to major transportation corridors and private and public utilities. Market factors such as prevailing lease rates, market vacancy, and market depth may also impact the suitability of a development site.

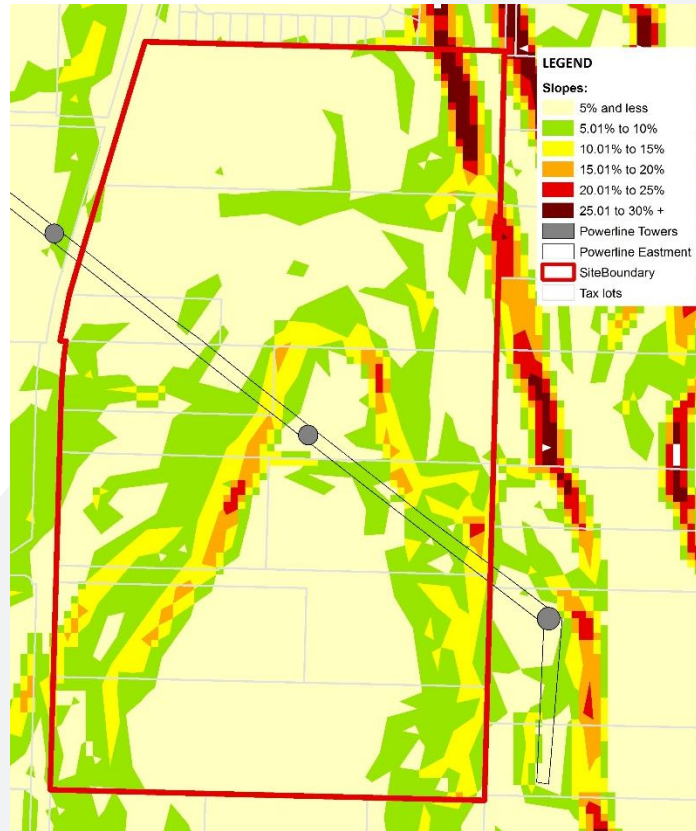
SITE EVALUATION

Our approach was to “test” the site in two ways and compare the results. First, we reviewed the site from a high-level planning perspective utilizing GIS data and looking at general use and land efficiency factors. The second approach involved evaluation and conceptual site design by a Mackenzie architect who has decades of experience in industrial/employment development projects in the Portland region.

The high-level planning approach was to evaluate the existing slopes on site utilizing GIS data. As indicated below, the topography of the site lends itself to a natural divide into northern and southern development areas. The slope analysis in Figure 1 was completed utilizing the 2-foot contour GIS shapefile as provided by Washington County.



Figure 1: Slopes Map

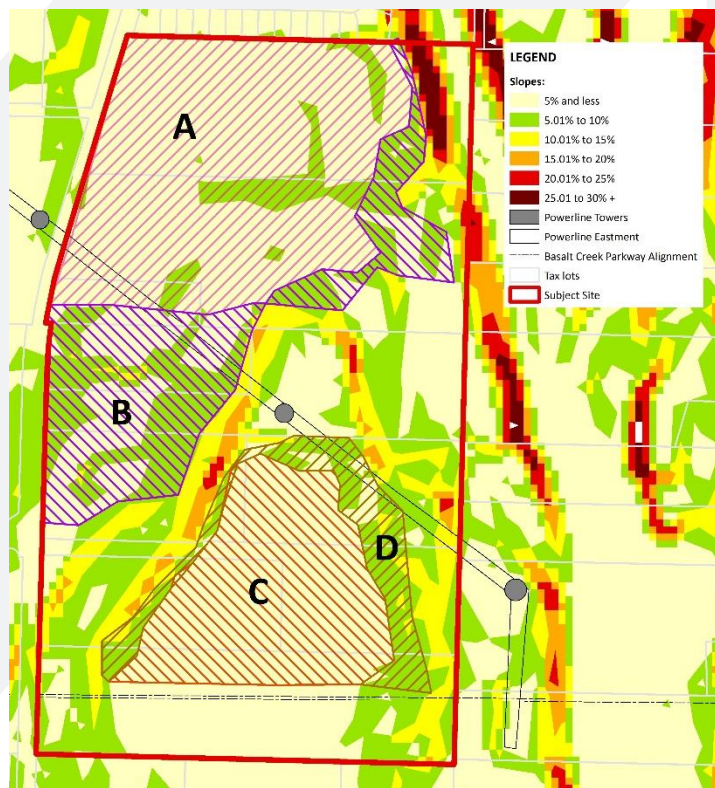


The table below identifies potential development areas for two critical slope categories: areas that are slopes 5% and less, and slopes above 5% to 10% slopes. Of the 63 gross acres, approximately half of the site (about 37 acres) may be suitable for employment development, if slopes ranging above 5% to 10% can be mitigated. Less than a third of the property (areas A and C) has slopes less than 5%, which are most suitable for employment development. These areas will still require some cut/fill earthwork for building pads. Areas B and D will require additional and more significant cut/fill balance to acquire the additional development areas.

Nearly a third of this site, approximately 22 acres, contain slopes greater than 10% or are surrounded by 10% and greater slopes, which is extremely difficult to develop for industrial/employment uses. Additionally, approximately 9 acres of the site will be utilized for right-of-way dedication of the future Basalt Creek Parkway alignment. Approximately 5 of these 9 acres have slopes less than 5%. Lastly, the northeastern portion of the site contains a ravine with natural resource conditions making that portion difficult for any development type/use.

Table 1: Estimated Development Area			
	Estimated Development Area with Slopes mostly 5% and less	Estimated Development Area with Slopes above 5% to 10%	Total potential development area
Northern Development Area (Areas A and B)	16 acres (Area A)	+ additional 10 acres (Area B)	26 acres
Southern Development Area (Areas C and D)	8 acres (area C)	+ additional 3 acres (area D)	11 acres
Total:	24 acres	+ additional 13 acres	37 acres

Figure 2: Estimated Development Area Acreages and Slopes Map

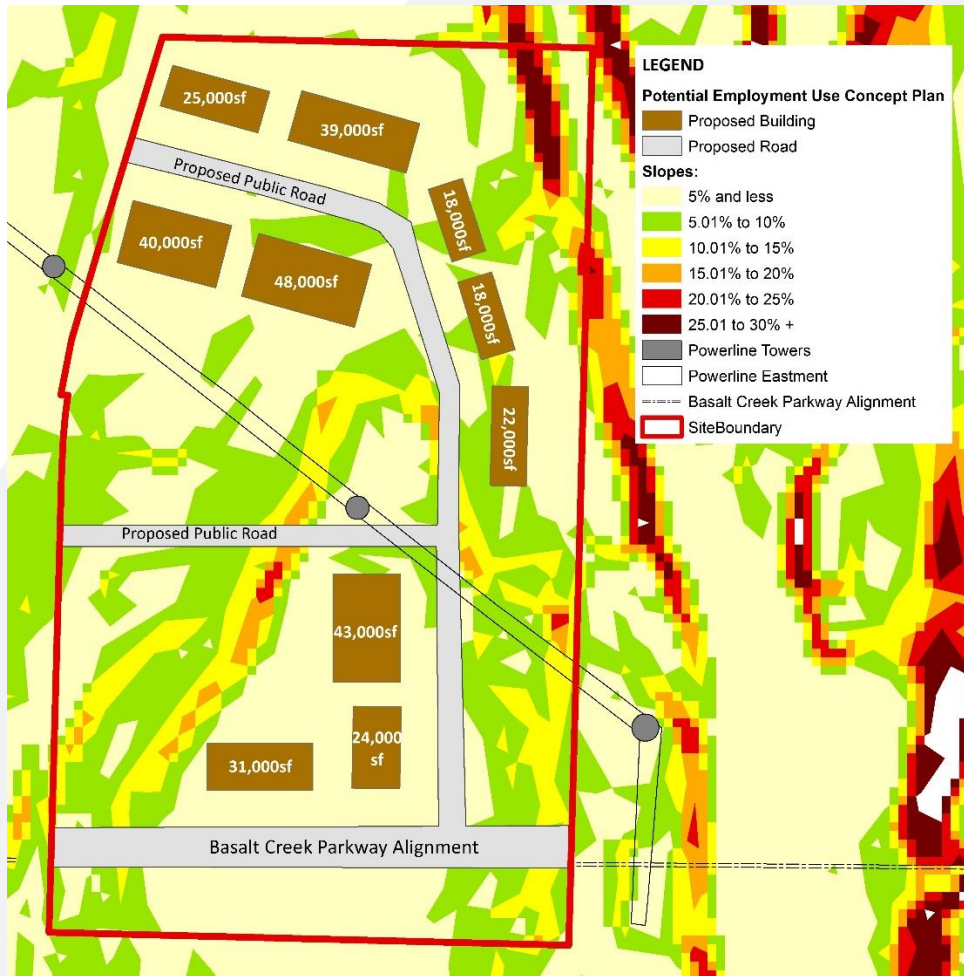


However, the difficulty with utilizing only the high-level planning approach is that number of acres don't necessarily tell the whole story regarding the developability of the subject site. Size and configuration of sites usually results in less building coverage because buildings are rectangular and physical site conditions are usually not. Therefore, a second approach to testing the site was utilized to provide a better picture of potential for industrial/employment uses. A Mackenzie architect experienced in industrial/employment development evaluated existing site conditions and created a conceptual site plan responding to size, configuration and access considerations. Given the topography challenges, existing power lines and structures, the future Basalt Creek Parkway alignment (and required right-of-way dedications) and access limitations, we determined that the subject site could potentially support approximately 315,000 sf of



industrial/employment uses in 10 buildings, ranging in size from 18,000 sf to 43,000 sf. The conceptual plan below results in approximately 40% developable area, which includes the public roads, buildings, and associated parking areas, and is based on a building coverage factor that would result in the potential for approximately 315,000 sf of building area. This conceptual plan is shown in Figure 3 below and Exhibit B.

Figure 3: Conceptual employment use concept plan



OTHER CONSIDERATIONS

When comparing the land use concept of Basalt Creek, as shown on the Basalt Creek Concept Plan website¹ as of April 2016, the plan identifies the majority of the subject site as Employment with some Light Industrial/ Tech Flex and the northern taxlot as Multi-Family Residential. The property directly to the east is identified as the Basalt Creek Canyon, to the south is identified as a Light Industrial District, to the west is identified as Light Industrial/Tech Flex District, and

¹ http://www.basaltcreek.com/wp-content/uploads/2016/04/Basalt-Posters_042816_small.pdf



Washington County
Basalt Creek Employment Site Evaluation
Project Number 2150111.01
January 11, 2017
Page 6

Residential is designated to the north. Proximity to other industrial development will be important for industry synergies and future market growth.

CONCLUSION

The site is certainly feasible for employment, and given the existing site conditions and subject site location, the following employment uses may be suitable for this site:

- Flex business park (health services, professional services, support services, administration/back office support operations, incubator space)
- Office or office campus
- Manufacturing (food processing, metals, chemicals, equipment, machinery, product/components assembly)
- Commercial support services (restaurants, coffee shops, print shops) along the future Basalt Creek Parkway

NEXT STEPS

Significant transportation and utility planning must occur during the concept planning process to identify infrastructure needed to support the development of this site and adjacent uses. Infrastructure needs analysis, transportation analysis, and/or costing are not a part of this effort, however, we caution that this information is necessary along with a geotechnical report and ALTA survey to provide a complete analysis and recommendation.

Lastly, a market study to determine the need for employment uses and others (retail, commercial, residential, etc.) may assist the County and the cities of Wilsonville and Tualatin in determining the appropriate amount of industrial, employment, commercial, retail, and residential land requirements in the Basalt Creek Planning Area. The market study would further bring clarity to the market's ability to execute development across varying uses and determine the highest and best use of the subject property.

Sincerely,

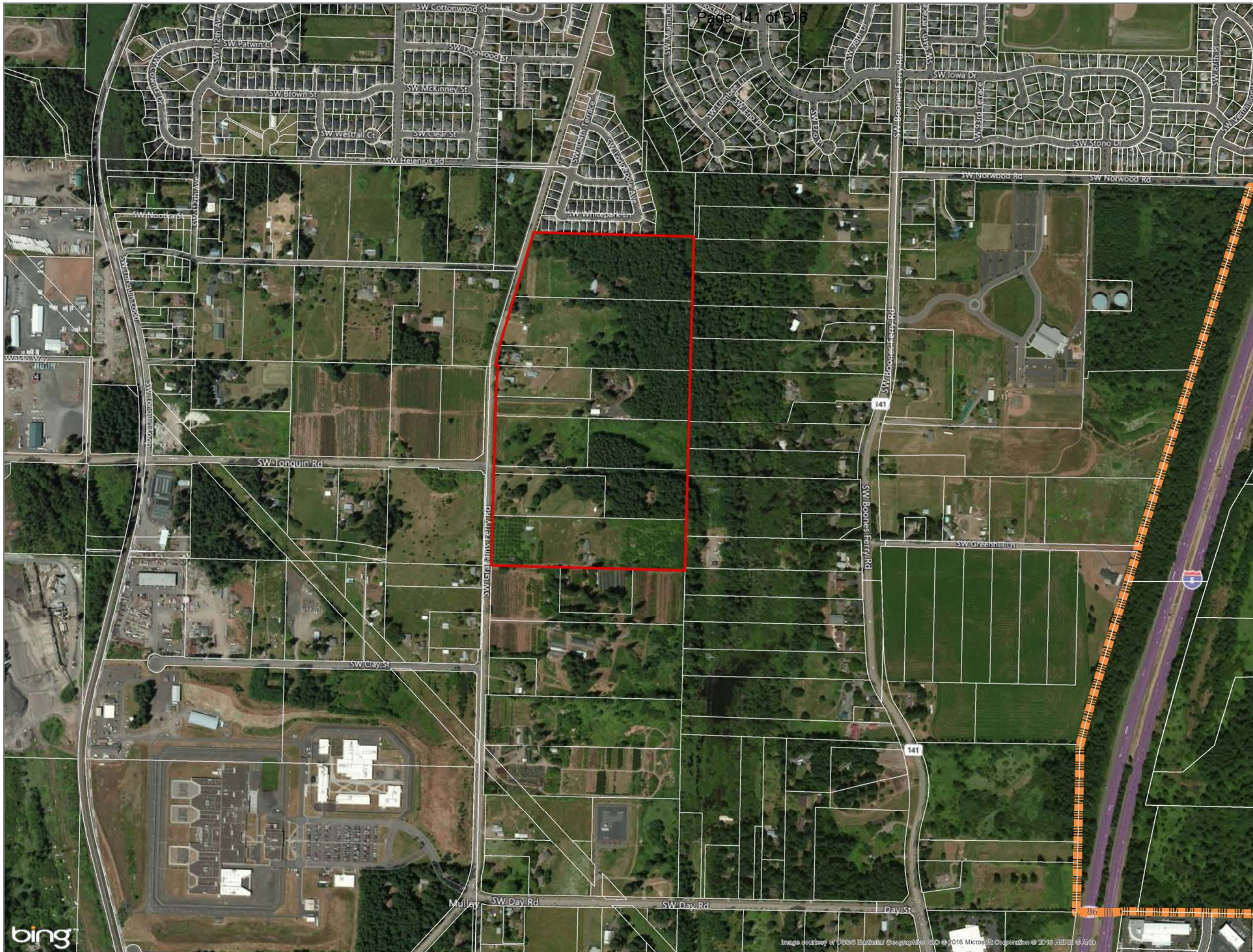


Gabriela Frask
Land Use Planner, Associate
Assistant Department Head




Enclosure(s): Existing conditions map
Concept plan

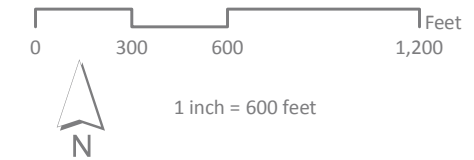
c: Todd Johnson - Mackenzie

Basalt Creek Employment Site Washington County, Oregon



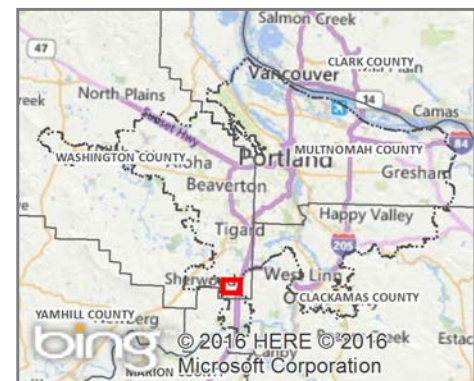
LEGEND

-  Subject Site
-  Tax lots
-  Urban Growth Boundary (UGB)



SOURCE DATA: Metro RUS Lite Base Data, Nov 2016
 GEOGRAPHIC PROJECTION: NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 12/22/2016 Map Created By: GF
 File: SiteAerial_11x17_ExhibitA Project No: 2150111.01

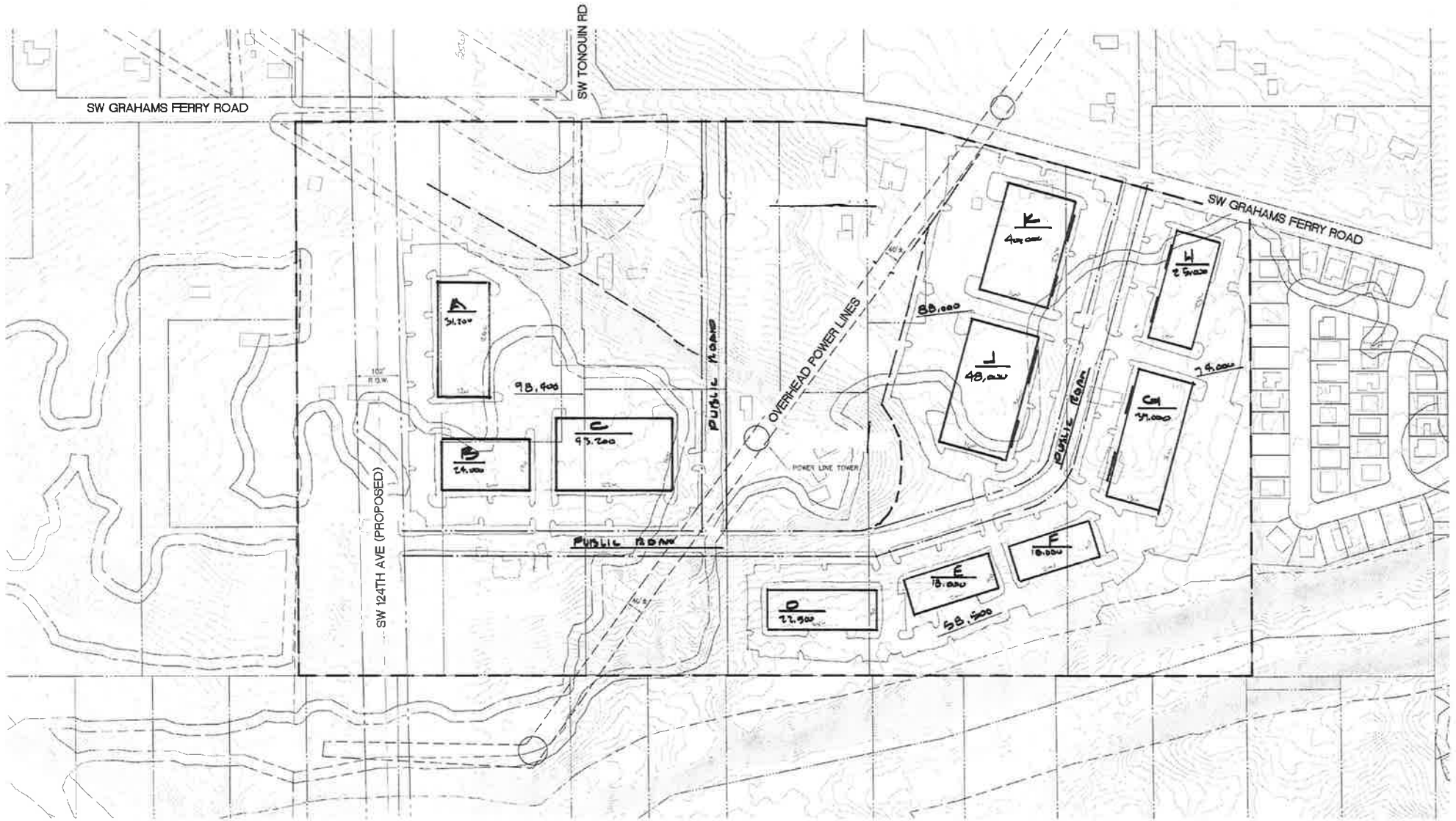


MACKENZIE.

P 503.224.9560 • F 503.228.1285 • W MCKNZE.COM
 RiverEast Center, 1515 SE Water Avenue, #100, Portland, OR 97214

Portland, Oregon • Vancouver, Washington • Seattle, Washington





SITE XX
BASALT CREEK SITE
SW 124TH AVE
WASHINGTON COUNTY, OREGON



NOTE: CONTOURS SHOWN AT 2-FT INTERVALS
12.20.2016 - 2150111.01

SITE DATA

BUILDING	SITE AREA	BUILDING AREA	PARKING SPACES	PARKING RATIO	NET DEVELOPABLE AREA AND % (EXCLUDING RIGHT OF WAY)
PROPOSED BUILDING A, D + C	98,400	98,400 SF	71000	71000	98,400 SF 7%
PROPOSED BUILDING B, E + F	93,200	93,200 SF	71000	71000	93,200 SF 7%
PROPOSED BUILDING G + H	74,000	74,000 SF	71000	71000	74,000 SF 7%
PROPOSED BUILDING I + K	68,900	68,900 SF	71000	71000	68,900 SF 7%

318,500 SF

LEGEND

- SITE BOUNDARY
- PROPOSED R.O.W.
- ELEVATION CONTOUR (10')
- RIPARIAN AREAS

OPTION ONE

DEC. 21, 2016

318,500 SF "EMPLOYMENT BUILDINGS"

M Mackenzie
 Portland 903.224.8560 Vancouver 604.593.7079 Seattle 206.465.8591
 www.mcknze.com
 Architecture • Interiors
 Planning • Engineering



January 12, 2017

Attachment Mb

Mayor Lou Ogden
Tualatin City Council
18880 SW Martinazzi Ave.
Tualatin, OR 97062

Dear Mayor Ogden and Members of the Tualatin Council:

Please find the attached site analysis for 63 acres of property on the northeast corner of Graham's Ferry Road and the Basalt Creek Parkway. The County commissioned a study of the property by Mackenzie. This analysis asked a simple question: based on topography and natural resource constraints, is it physically feasible to develop business park/employment land uses on the property. The conclusion of the analysis is that it is feasible to develop such uses on this land.

Previously we had staff from the Department of Land Use & Transportation take a look at the site and a nearby business park that was also on similarly constrained land. Our staff felt that business uses could be constructed on the Basalt Creek/Graham's Ferry site. We commissioned the Mackenzie analysis to either confirm or refute staff's analysis. I would have been able to live with either outcome. However, based upon the Mackenzie analysis, I reiterate the concern I stated in my October 27, 2016 letter.

The Basalt Creek planning area contains some of the most significant employment land in the Portland metro region. The area was brought into the UGB in 2004 for this purpose. I continue to stress that, given the analysis, the land should remain employment land as indicated in the planning work conducted by the cities of Tualatin and Wilsonville.

Thank you for your consideration,

Andy Duyck, Chairman
Washington County Board of Commissioners

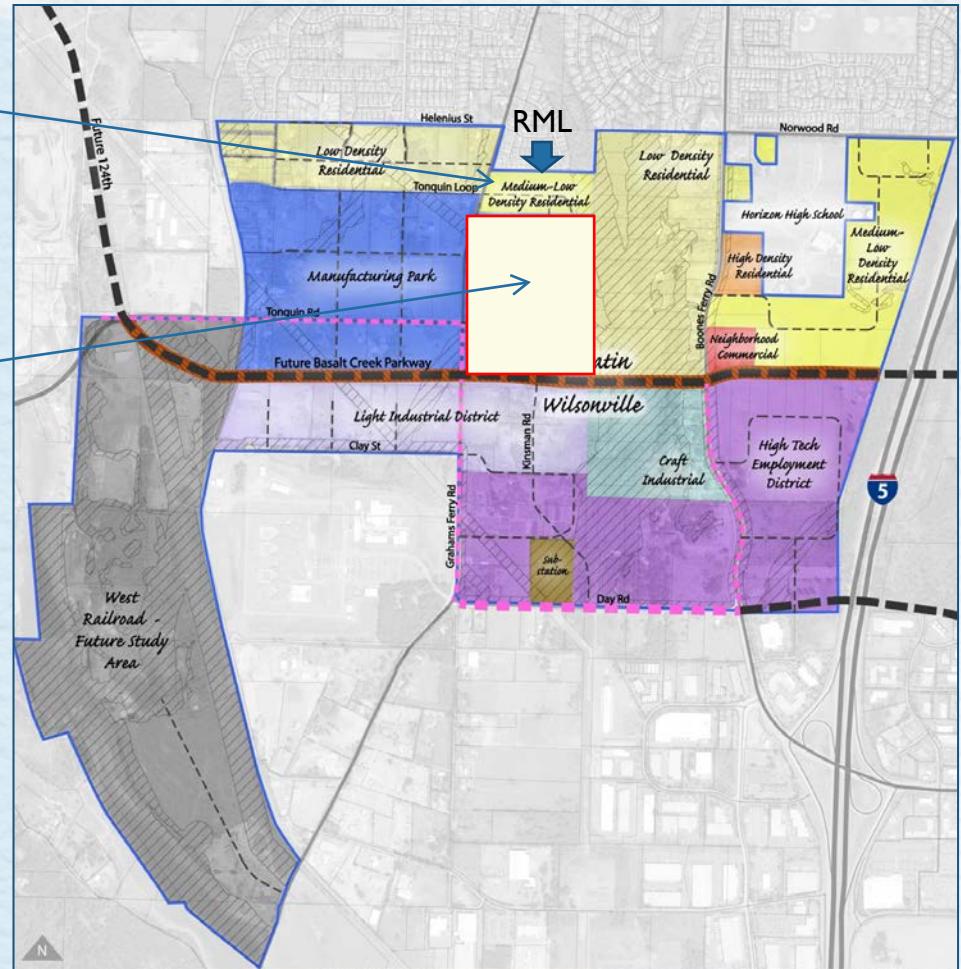
cd/cj

cc: Washington County Board of Commissioners
Mayor Tim Knapp, Wilsonville
Andrew Singelakis, Director, Land Use & Transportation
Sherilyn Lombos, City Manager, Tualatin
Elissa Gertler, Planning & Development Director, Metro

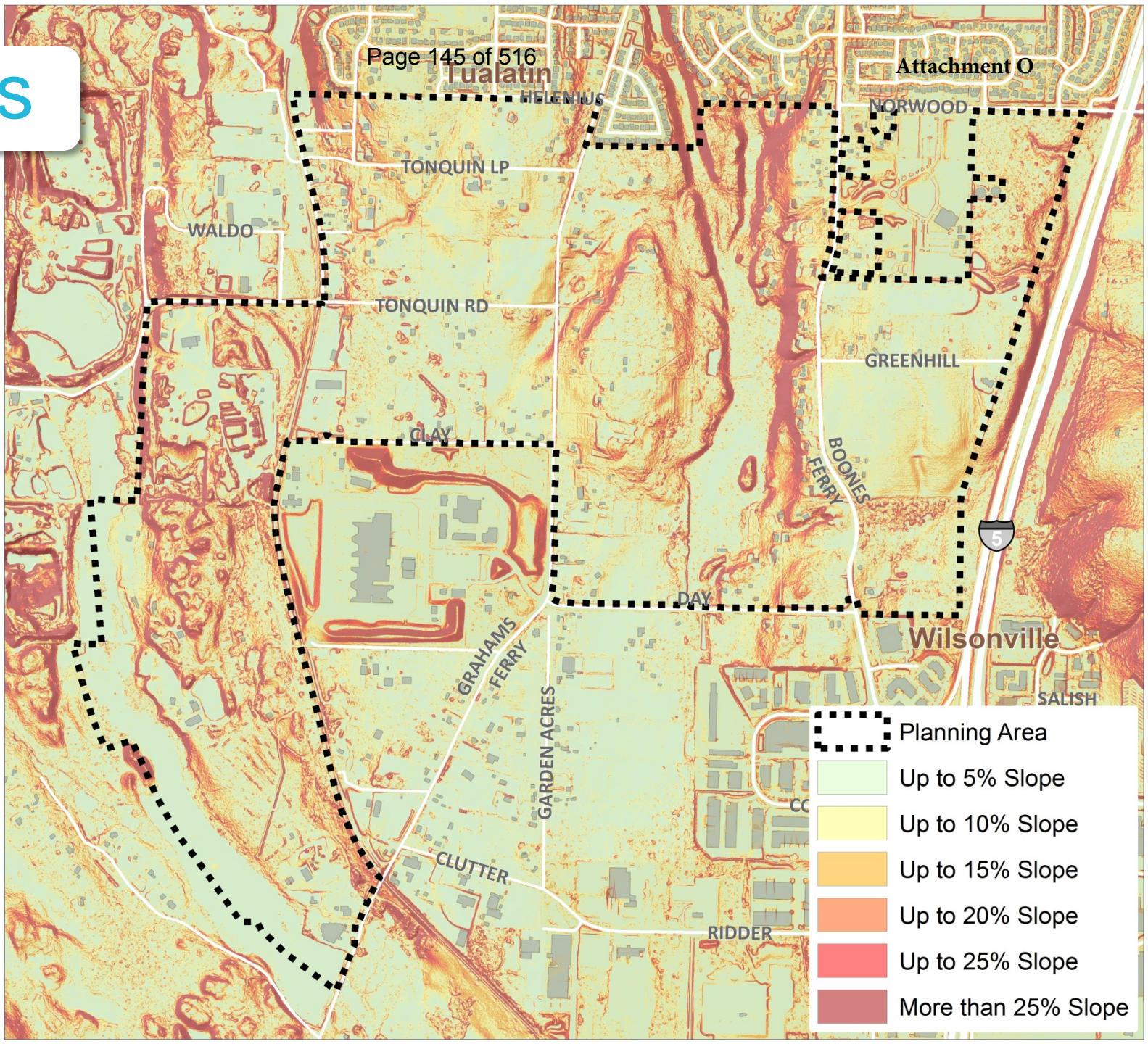
Direction from Council

Attachment N

- A. For area immediately south of Victoria Gardens, match with same Planning District as Victoria Gardens - RML/ Medium Low Density
- B. For remainder of central subarea on Tualatin side between Grahams Ferry Road and Boones Ferry Road, land use to be residential.

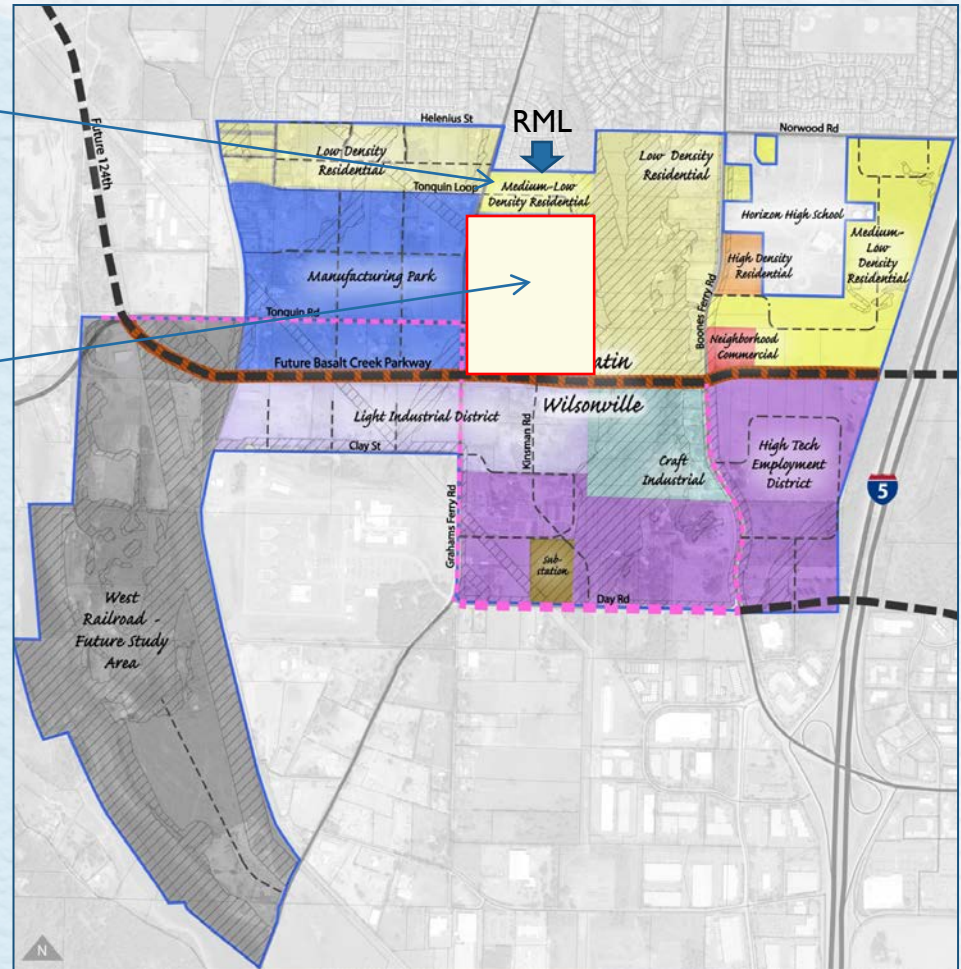


Slopes



Direction from Council

- A. For area immediately south of Victoria Gardens, match with same Planning District as Victoria Gardens - RML/ Medium Low Density
- B. For remainder of central subarea on Tualatin side between Grahams Ferry Road and Boones Ferry Road, land use to be residential.





CITY COUNCIL GOAL SETTING RETREAT SUMMARY REPORT

PREPARED FOR:

CITY OF WILSONVILLE

BY

JENSEN STRATEGIES, LLC

FEBRUARY 2017

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INTRODUCTION

On February 10 and 11, 2017, the Wilsonville City Council convened for a two-day organizational development process comprised of a training session and a goal setting retreat. The City retained Jensen Strategies, LLC (consultant) to facilitate the proceedings. The training session took place at Wilsonville City Hall (29799 Town Center Loop East) and the goal setting retreat was held at the Wilsonville Water Treatment Plant (10350 SW Arrowhead Creek Lane).

The February 10 training session was attended by the following individuals:

- Tim Knapp, Mayor
- Kristin Akervall, Councilor
- Charlotte Lehan, Councilor
- Susie Stevens, Councilor
- Bryan Cosgrove, City Manager
- Barbara Jacobson, City Attorney
- Sandra King, City Recorder
- Erik Jensen, Jensen Strategies
- Jeff Aprati, Jensen Strategies

On February 11, the above attendees were joined by:

- Scott Starr, Council President
- Jeanna Troha, Assistant City Manager
- Susan Cole, Finance Director
- Patrick Duke, Library Director
- Delora Kerber, Public Works Director
- Nancy Kraushaar, Community Development Director
- Eric Loomis, SMART Field Supervisor

DAY 1 TRAINING

COUNCILOR INTRODUCTIONS

The Council began the first session by offering insight into their points of view and perspectives. While Councilors spend a significant amount of time working together, they often do not have opportunities to discuss their values and aspirations as elected officials. The consultant encouraged each Councilor to share their reasons for running for Council the first time, the values they hold as a Councilor, and the highest priority item they would like the City to accomplish in the next year. Their answers were as follows:

Motivations for Running

- Providing commercial services – commercial zone planning.
- Continue shaping policy in the public interest.
- Continue the good work the City had been engaged in.
- Appointed – responsibility to serve.

Values

- Transparency and inclusion.
- Environmental protection, tree and farm land preservation, connectivity, preserving the community's heritage.
- Being proactive, promoting connectivity – both physical and social.
- Empathy and inclusion (x2).
- Honesty, integrity, and respect for the community.

Highest Priority for Accomplishment in Next Biennium

- Building the French Prairie Bridge, addressing the affordable housing challenge, addressing the traffic issues.
- Beauty and the Bridge, organize city archives and make accessible.
- Town Center Task Force (x2).
- Developing a clear set of goals.
- Facilitating riverfront objectives.

EFFECTIVE CITY COUNCILS

The consultant gave a presentation and subsequently facilitated a discussion on optimizing the effectiveness of the Council as a governing body. While it was noted the Council already functions effectively, it was recognized that regular focus and improvement of internal dynamics is critical for groups to function at a high level on an ongoing basis.

EFFECTIVE CITY COUNCILS PRESENTATION

The consultant framed the effective councils discussion by delivering a presentation on the ten characteristics of effective city councils. The presentation was adapted from material developed by Carl H. Neu Jr. of the Center for the Future of Local Governance. The ten characteristics presented are listed below. The PowerPoint slides from this presentation, which include details and sub-bullets, are included in [Appendix A](#).

Ten Characteristics of Effective City Councils

1. Think and act strategically
2. Understand and demonstrate the elements of teams and teamwork.
3. Master small group decision-making.
4. Clearly define roles and responsibilities.
5. Establish and abide by a Council-staff partnership.
6. Allocate Council time and energy wisely.
7. Set and maintain clear rules and procedures for Council meetings.
8. Conduct systematic assessments of policy implementation.
9. Solicit the public's feedback on the Council's performance.
10. Practice continuous personal learning and leadership development.

WILSONVILLE COUNCIL INTERNAL EXPECTATIONS

Building upon the effective councils presentation and discussion, the Council established a set of its own internal expectations. These are intended to serve as ongoing mutual commitments between the Council members to guide their work together as productively and effectively as possible. The expectations, as agreed at the retreat, are listed below:

Wilsonville Council Internal Expectations

1. Come to meetings familiar with the material.
2. Assume everyone's best intentions.
3. Assist fellow Councilors with procedural issues – be open to giving and receiving constructive criticism.
4. Vote your conscience and then move on – accept the decision of the Council once it is made.
5. Promote collegiality, positivity, and fun.
6. Study pros and cons before making policy decisions.
7. Come to meetings with an open mind.
8. Actively share in Council dialogues.
9. Vote within your interpretation of the City's Mission Statement.

COUNCIL INTERVIEW DEBRIEF

Prior to the retreat, the consultant conducted interviews with each member of the Council to solicit their input and individual perspectives on the state of the City, their mutual working relationships, and preliminary ideas for future policy goals. The individual interviews were confidential; however, common themes emerged in the responses of the participants, which were shared with the whole Council at the retreat. The common themes included:

General City Status

- Overall, things are going well for the City.

- Long-term planning and growth management has generally been successful.
- Finances are strong.
- Satisfaction with City services is high.

Key Words Used to Describe Wilsonville

- Progressive
- Livable
- Affluent
- Safe
- Appealing
- Personable
- Growing

Council Dynamics

- Works together very well – respectful of diverse opinions and perspectives.
- Able to make difficult decisions together.
- Assertive with opinions while maintaining decorum.

Policy Challenges

- Traffic.
- Housing mix.
- Continuing to plan for the long-term future.
- Remaining focused, given the many day-to-day demands.

COUNCIL ADMINISTRATIVE ISSUES

Building upon the progress made in enhancing their internal dynamics, the Council utilized the training session to address several administrative issues related to Council efficiency and effectiveness. These included (1) reexamining the Council liaison system, (2) assessing the effectiveness of Council meetings and work sessions, and (3) reviewing and revising the Council Protocol Manual.

COUNCIL LIAISONS

The Council's practice has been to designate liaisons to the City's various boards, commissions, committees, and task forces. According to chapter nine of the Protocol Manual, the purpose of liaisons has been "to provide a direct communication channel between the Board, Commission, or Committee and the City Council; aid in the understanding by the Councilor of the operations of and any recommendations made by the Board, Commission, or Committee to which the Councilor has been appointed as liaison; and as may from time to time arise, provide the experience of the Councilor as may benefit the Board, Commission, or Committee."

In an effort to continually improve the efficiency of the City's policy making structure, the Council engaged in a conversation analyzing the current effectiveness of the Councilor liaison system. The Council determined that (1) minimal value is being added from the liaison communication function; (2) contact with certain internal appointed boards/commissions, such as the Development Review Board, creates potential ex parte contact challenges; and (3) Council reports to/from these groups are not providing significant value or timely input.

In light of these difficulties, the Council recommended a new coordination approach in lieu of the previous liaison system. Specifically, the Council suggested that formal designated Councilor liaisons to individual boards and committees may no longer be necessary. Instead, future engagement with these internal groups should include facilitated annual retreat with the Council and all boards and commissions, Council work session reports from boards and commissions on an as-needed basis, and regular updates on board and commission activities through the City Manager and staff members. The Council also encouraged boards and commissions be given an opportunity to provide feedback on this alternative approach to engagement.

COUNCIL MEETING AND WORK SESSION EFFECTIVENESS

The Council continued its review by discussing the effectiveness of their meetings and work sessions.

Regular Sessions: The consultant first asked the Council to gauge the strengths of Council meetings as they are currently conducted, as well as the ways in which the meetings could be more effective. Their findings included:

Council Meeting Strengths

- Debates and discussions at meetings are generally positive and constructive.
- The Mayor is effective at ensuring everyone at the dais has a chance to speak.
- Councilors consistently refrain from deliberating on policy decisions until informational questions have been asked of staff.
- Councilors maintain professional demeanor and decorum.
- Citizen input and concerns are valued.
- The City Attorney's legal advice provides important insight.
- The City Recorder provides efficient and excellent support.
- The City Manager's tact and expertise has been essential.
- The information provided by staff before meetings is comprehensive and useful.

Opportunities to Enhance Council Meeting Effectiveness

- Brief staff, as needed, on protocols for hearings in which their participation is required.
- Provide citizens and guests a chance to speak before the Mayor's and Councilor's comment periods.
- Make citizens feel comfortable at meetings and help them understand the meeting process. Brochures outlining citizen comment procedures should be readily available.
- Ensure that participants wait for recognition from the Mayor before speaking.
- Provide a rolling calendar of upcoming City events for the following two weeks should be displayed during the Mayor's comments.

Work Sessions: Subsequently, the consultant asked the Council to examine the effectiveness of Council work sessions. As before, Councilors were first asked to evaluate the strengths of work sessions as they are currently conducted, as well as the ways in which they could be improved. Their determinations are below:

Work Session Strengths

- Staff reports are useful; increased focus on required Council decision points has been helpful.
- Staff does an excellent job coordinating packets and business agendas.

Opportunities to Enhance Work Session Effectiveness

- Consider Councilor commute schedules when setting start times.
- Reserve sufficient time for Council discussion after presentations.

COUNCIL PROTOCOL MANUAL

To complete the administrative section of the training session, the Council considered possible amendments to its Protocol Manual, which was adopted in 2011 with the goal of “conduct[ing] its meetings in a manner that is courteous, effective and efficient, while fostering an environment that is fair, open and responsive to the needs of the community.” The Protocol Manual, along with its City Code and other source material, can be referenced in Appendix B. Regular review and updating of the manual is prudent given the myriad of contextual and technological changes that can arise over a several-year period. In its consideration of the Protocol Manual, the Council was mindful of the assessments it previously made of its liaison system, regular meetings and work sessions. The Council agreed the following proposed manual revisions are warranted:

Adherence to Protocols (Protocol Manual Ch. XI ¶ 4)

The City Attorney should provide suggested language clarifying the Mayor’s role in ensuring Council adherence to the adopted procedures and protocols.

Alternative Meeting Locations (Protocol Manual Ch. I ¶ 1(a))

The Council suggested exploring the possibility of holding occasional meetings at other locations within the city, particularly at park facilities during the summer months.

Council Liaisons (Protocol Manual Ch. IX; VII ¶ 1)

As explained above, after assessing and analyzing the Council’s communication and coordination practices with boards and commissions, the Council suggested

that formal designated Councilor liaisons to individual boards and committees may no longer be necessary. Instead, future emphasis should be placed on holding a facilitated annual retreat with the Council and all boards and commissions, Council work session reports from boards and commissions on an as-needed basis, and regular updates on board and commission activities through the City Manager and staff members. Boards and commissions should be given an opportunity to provide feedback on this alternative approach to engagement. It was recommended the City Attorney draft alternative language delineating this new board/commission engagement strategy.

Disturbances at Meetings (City Code 2.003(17)(b))

Due to recent court decisions regarding disturbances at council meetings, the City Attorney should draft replacement language reflecting the ability of the Council to bar individuals from meetings.

Dress Code (Protocol Manual Ch. III ¶ 19)

The Council suggested that the majority of language in this subsection is unnecessary and could be eliminated, with the exception of the first sentence: “It is the policy of Council to create a dignified and professional environment for Council meetings and should dress accordingly.”

Email Correspondence (Protocol Manual Ch. X ¶ 1)

As email is now an extremely common medium of correspondence received by Councilors, it was suggested the City Attorney provide additional language outlining policies for processing email communications.

Order of Business (Protocol Manual Ch. II ¶ 1; City Code 2.003(8)(1-12))

The Council suggested that for maximum expediency, the order of business for Council meetings should reflect the list below. The Protocol Manual should be updated to reflect this amended order, and to facilitate any future revisions, the City Code should no longer explicitly list the order.

Call to Order
Roll Call
Pledge of Allegiance
Motion to approve the order of the agenda
Communications
Citizen Input & Community Announcements
Mayor's Business
Councilor Comments, Liaison Reports & Meeting Announcements
Consent Agenda
New Business
Continuing Business
Public Hearing
City Manager's Business
Legal Business
Adjourn

Policies on Use of Electronic Devices During Meetings (P. Manual Ch. III ¶ 20):

In contrast with previous years, Councilors now regularly use City-issued electronic devices during meetings as part of discharging their official duties. Such use generates discoverable public records and is to be for Council business only. It was recommended the City Attorney draft proposed language to reflect this new reality.

DAY 2 RETREAT

COUNCIL / STAFF EXPECTATIONS

With the addition of the City's department managers, the second day of the retreat was designed to enhance working relationships between the Council and staff. To this end, the staff and Council were divided into separate groups and led through facilitated discussions wherein they developed sets of expectations of the other group. These expectations identified mutual commitments to help both staff and elected officials perform their City roles as productively and effectively as possible.

COUNCIL EXPECTATIONS OF STAFF

The Council developed the following set of expectations of the staff, intended to promote a high-functioning City organization:

Council Expectations of Staff

1. Keep the Council informed in a timely manner.
2. Be good stewards of public money and operate efficiently.
3. Effectively use in-house resources to maximize any outsourced services.
4. Be sensitive to community needs/issues and be responsive – practice high quality customer service.
5. Be aware of Council priorities when conducting work.
6. Work as a team and maintain a positive working environment – maintain the City’s current excellent reputation.
7. Exercise high professional standards.
8. Present information succinctly to the Council.
9. Be innovative to achieve enhanced outcomes.
10. Maintain a culture of pride, service, and passion.

STAFF EXPECTATIONS OF COUNCIL

The staff developed the following expectations of the Council to maximize their ability to perform their functions effectively:

Staff Expectations of Council

1. Give honest, clear, proactive, and timely communication and feedback.
2. Start meetings on time having read the material.
3. Trust staff expertise and recognize everyone is on one team.
4. Create well thought out policy for the greater good; recognize when to say no.

5. Set clear priorities from the Council as a whole.
6. Give clear direction on next steps.

SANCTUARY CITY DISCUSSION

Given the rising interest throughout the country, the Council briefly discussed sanctuary cities, and specifically whether the Council should take a position for or against Wilsonville designating itself as such. It was noted that Wilsonville does not have a police department and contracts with the Clackamas County Sheriff's Office for police services. Accordingly, the ability of the City to promote sanctuary policies through its law enforcement would be limited.

During the discussion, the Council acknowledged the option of publically affirming the current Clackamas County Sheriff policies regarding immigration status, and reinforcing that City services such as water, library, and recreation programs are administered without requiring proof of legal residency. The Council agreed any formal action or decision would need to be made at a regular Council business meeting which would afford the public opportunities to provide input.

COUNCIL GOAL SETTING

The City's practice has been to adopt Council Goals every two years for the subsequent biennium. These goals serve as overarching policy guidance for the Council and City organization; they assist the City in focusing its time and resources toward achieving strategic outcomes, despite the day-to-day challenges that inevitably arise.

To begin the discussion, the consultant led the Council through a holistic, outcome-focused goal setting process designed to foster integrative, vertical connections. This approach was designed to link any and all outcomes back to the Mission Statement. Starting with the Council's previously adopted Key Performance Areas, long-term objectives would be developed that would lead to the 2017-2019 biennium goals. These different levels of detail offer an opportunity to develop goals in the context of the City's overall mission and long-term direction. The following figure illustrates the interconnected structure:



MISSION STATEMENT

The consultant asked the Council to confirm the continued applicability of its Mission Statement, adopted in the late 1990s. The Council confirmed that despite the passage of time, the statement still accurately describes the aspirations and long-term direction of Wilsonville. The City’s Mission Statement is:

Wilsonville 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.”

KEY PERFORMANCE AREAS

Subsequently, the consultant asked the Council to revisit the Key Performance Areas adopted for the 2015-17 biennium. These twelve areas further define the Mission Statement, articulating key elements that, together, characterize the ideal community to which Wilsonville aspires. As with the Mission Statement, the Council affirmed that the Key Performance Areas remain relevant. The twelve areas are listed below and are further defined in Appendix C.

Wilsonville Key Performance Areas

1. Quality education
2. Fiscal discipline
3. Environmental stewardship
4. Clear vision and community design
5. Thoughtful land use
6. Well-maintained infrastructure
7. Community amenities and recreation
8. Welcoming, engaged, and satisfied residents
9. Multi-modal transportation network
10. Safe, healthy, and aesthetically pleasing community
11. Economic development
12. Regional awareness and influence

LONG-TERM OBJECTIVES

With the overarching guiding elements reaffirmed, the Council began the process of developing its long-term objectives, intended to provide broad policy direction for the City for approximately a ten-year period. The consultant led the Council through a brainstorming process to develop an initial list of objective ideas; this longer list was then condensed and synthesized into a final set of 13 objectives.

To help set the discussion context, the consultant made resources and input available to the Council, starting with the results of the National Citizen Survey conducted in Wilsonville in 2016, asking respondents what they think is “the biggest priority facing the City of Wilsonville in the next five years.” This content can be referenced in [Appendix D](#). The consultant also provided input from the Wilsonville Leadership Academy participants, who were asked by the consultant at a meeting on January 18 to describe their long-term vision for the city. Their responses are included in [Appendix E](#). The final list of objectives developed by the Council is displayed below:

Long-Term Objectives

1. Revise the Development Code to streamline and modernize it.
2. Promote stronger connectivity and access to the Willamette River.
3. Enhance tourism, recreation, resiliency, redundancy, economic development, and connectivity.
4. Promote and make available numerous options for convenient sustainable choices.
5. Create a parks and recreation system, in conjunction with partners, that includes high-capacity use, multi-use facilities, and revenue generating capabilities.
6. Pursue a balanced housing mix with a variety of choices to meet the needs of current and future residents of varying financial levels.
7. Develop a robust, attractive, and viable commercial center with amenities to serve the community.
8. Promote vibrant arts, cultural, and heritage programs and facilities.
9. Build fully interconnected and effective transportation modes enabling all kinds of movement among neighborhoods, commercial/employment areas, schools, parks, library, and government.
10. Promote farm and forest land protection.
11. Promote a healthy urban forest.
12. Enable and promote healthy living.
13. Embrace technology proactively in future planning, operations, and customer service.

2017-2019 COUNCIL GOALS

After establishing the long-term objectives, the Council began developing goals for the 2017-2019 biennium. The consultant led the Council through a brainstorming process to develop a list of goal ideas, which was then synthesized into a final list of goals for the coming biennium. The final list of the Council's 2017-2019 goals was as follows:

2017-2019 Council Goals

- A. Complete the French Prairie Bridge feasibility study.
- B. Install interpretive signage for Beauty and the Bridge and on Murase architectural features; inventory all public art with interpretive recognition.
- C. Organize Library archives; capture history as it happens and before it changes, including coordinating photography.
- D. Explore the establishment of an Arts and Culture Commission, based on the results of the Arts and Culture Commission Study, and develop a strategy to reinstitute the sculpture program.
- E. Conduct a study of the Arrowhead Creek Area considering river access options, transportation, and land use issues.
- F. Complete the Parks Master Plan and, subsequently, master planning for Boones Ferry Park.
- G. Complete design work and seek funding for the East-West Bridge.
- H. Continue to negotiate with TriMet to adjust its service boundaries.
- I. Complete the preliminary work necessary to begin soliciting bids on Phase I of the Boones Ferry / Brown Road project.
- J. Evaluate the results of the housing affordability study and begin policy development, including addressing housing mix.
- K. Hold educational town hall / summit meeting(s) regarding traffic challenges, affordable housing, building elevation, and density policy trade-offs.
- L. Complete form-based code work currently underway.
- M. Complete the fiber business plan.
- N. Update the solid waste franchise agreement and consider curbside composting options.
- O. Become a bee city.
- P. Develop and implement a street tree replacement program.
- Q. Improve Wilsonville's Walk Score.
- R. Complete the Town Center Master Plan, including an International Square.
- S. Develop a wayfinding program.

ADMINISTRATIVE DIRECTIVES

In the course of brainstorming its 2017-2019 goals, the Council identified a number of needed administrative actions that, unlike policy goals, were more operational in nature. The Council termed these administrative directives, and asked the City Manager to ensure their accomplishment over the following biennium. These directives included:

Administrative Directives

- i. Advocate for an auxiliary lane on Interstate 5 southbound over the Boone Bridge.
- ii. Advocate for more funding for all transportation facilities.
- iii. Continue to monitor volumes on major transportation corridors entering Wilsonville.
- iv. Complete congestion mitigation projects related to Interstate 5.
- v. Explore sustainable funding for SMART.
- vi. Advocate for increased WES service.
- vii. Explore the Blue Zone concept.
- viii. Educate, inform, and monitor the Big Pipe project.
- ix. Update the City website including a database of City plants with recommendations of hearty plants suited to the area.
- x. Create a coordinated calendar for Councilor-attended events.

APPENDICES

APPENDIX A: EFFECTIVE CITY COUNCILS PRESENTATION

1. Think and Act Strategically

- ▶ Plan long-term - visioning, strategic planning
- ▶ Bring balance to policy choices - set priorities
- ▶ Do the homework - use professional resources

2. Understand and Demonstrate the Elements of Teams and Teamwork

- ▶ "There is no 'I' in team."
- ▶ Membership is diverse but share function/purpose
- ▶ Collectively achieves goals that no member can do individually
- ▶ Teamwork requires clear roles and relationships
- ▶ Requires a climate of trust, openness and mutual respect

3. Master Small Group Decision Making

- ▶ Interpersonal - ability to work with others
- ▶ Task - knowledge to do the job
- ▶ Rational - ability to address issues rationally

4. Clearly Define Roles and Responsibilities

- ▶ Function - define the functions of the role
- ▶ Performance - agreed behavior parameters
- ▶ “Stay in Your Lane” - policy vs. operations

5. Establish and Abide By a Council-Staff Partnership

- ▶ Strong partnerships with council and professional staff
- ▶ Understanding policy vs. operational contexts but be sensitive to “blurred lines”

6. Allocate Council Time and Energy Appropriately

- ▶ Balance the time among four arenas:
 - Goal-setting (e.g., retreats)
 - Exploration and analysis (e.g., work sessions)
 - Disposition/legislation (e.g., formal Council meetings)
 - Community relations (e.g., community and other agency interactions)

7. Set and Maintain Clear Rules and Procedures for Council Meetings

- ▶ Help to maintain focus and productivity
- ▶ Bring clarity to decision-making
- ▶ Foster equity of participation - everyone knows what the rules are

8. Conduct Systematic Assessments of Policy Implementation

- ▶ Ask staff for updates on major policy implementation items through reports, status memos, or presentations.
 - Allow opportunity for staff to share challenges
 - Determine if policy course change is warranted

9. Solicit the Public's Feedback on the Council's Performance

- ▶ Use market research tools (e.g., focus groups, questionnaires, online surveys) for feedback on collective performance
- ▶ Opportunity to keep in touch with community perceptions and priorities - allowing Council to be more responsive

10. Practice Continuous Personal Learning and Leadership Development

- ▶ Take opportunities to learn from multiple sources
 - Reading relevant materials
 - Attending conferences
 - Talk with your elected peers

2017-19 Council Goals

LAND USE

- Complete form-based code work currently underway.
- Conduct a study of the Arrowhead Creek Area considering river access options, transportation, and land use issues.

COMMUNITY ENGAGEMENT

- Hold educational town hall / summit meeting(s) regarding traffic challenges, affordable housing, building elevation, and density policy trade-offs.

BIKE/PED

- Complete the French Prairie Bridge feasibility study.
- Complete design work and seek funding for the East-West Bridge.
- Improve Wilsonville's Walk Score.

COMMUNITY DESIGN AND LIVABILITY

- Install interpretive signage for Beauty and the Bridge and on Murase architectural features; inventory all public art with interpretive recognition.
- Complete the Town Center Master Plan, including an International Square.
- Explore the establishment of an Arts and Culture Commission, based on the results of the Arts and Culture Commission Study, and develop a strategy to reinstitute the sculpture program.
- Organize Library archives; capture history as it happens and before it changes, including coordinating photography.
- Develop and implement a street tree replacement program.
- Become a bee city.
- Develop wayfinding program

TRANSPORTATION

- Complete the preliminary work necessary to begin soliciting bids on Phase I of the Boones Ferry / Brown Road project.

PARKS

- Complete the Parks Master Plan and, subsequently, master planning for Boones Ferry Park.

HOUSING

- Evaluate the results of the housing affordability study and begin policy development, including addressing housing mix.

TECHNOLOGY

- Complete the fiber business plan.
- Update City's Website

Council Long Term Objectives and 2017-19 Council Goals

On February 11, 2017, the Wilsonville City Council met at an all-day retreat to generate a set of long-term policy objectives and biennium goals for 2017-2019. The long-term objectives offer broad policy direction for the City for approximately the next 10 years. The 2017-19 Council goals provide more specific short-term policy level actions for the City to take in the upcoming biennium to help achieve the long-term objectives. During the discussions, the City Council also identified some general administrative directives. As a result of their discussion the Council agreed on the following objectives, goals, and administrative directives:

Bold -= Objectives

Italics = Goal may fit under multiple objectives.

1. **Revise the Development Code to streamline and modernize it.**
 - Complete form-based code work currently underway.
 - *Hold educational town hall / summit meeting(s) regarding traffic challenges, affordable housing, building elevation, and density policy trade-offs.*
2. **Promote stronger connectivity and access to the Willamette River.**
 - Conduct a study of the Arrowhead Creek Area considering river access options, transportation, and land use issues.
 - *Complete the French Prairie Bridge feasibility study.*
 - Complete design work and seek funding for the East-West Bridge.
 - *Improve Wilsonville's Walk Score.*
3. **Enhance tourism, recreation, resiliency, redundancy, economic development, and connectivity.**
 - *Install interpretive signage for Beauty and the Bridge and on Murase architectural features; inventory all public art with interpretive recognition.*
 - *Complete the French Prairie Bridge feasibility study.*
 - *Complete the preliminary work necessary to begin soliciting bids on Phase I of the Boones Ferry / Brown Road project.*
4. **Promote and make available numerous options for convenient sustainable choices.**
5. **Create a parks and recreation system, in conjunction with partners, that includes high-capacity use, multi-use facilities, and revenue generating capabilities.**
 - Complete the Parks Master Plan and, subsequently, master planning for Boones Ferry Park.
6. **Pursue a balanced housing mix with a variety of choices to meet the needs of current and future residents of varying financial levels.**
 - *Hold educational town hall / summit meeting(s) regarding traffic challenges, affordable housing, building elevation, and density policy trade-offs.*
 - Evaluate the results of the housing affordability study and begin policy development, including addressing housing mix.

7. **Develop a robust, attractive, and viable commercial center with amenities to serve the community.**
 - Complete the Town Center Master Plan, including an International Square.
 - *Complete the preliminary work necessary to begin soliciting bids on Phase I of the Boones Ferry / Brown Road project.*

8. **Promote vibrant arts, cultural, and heritage programs and facilities.**
 - Explore the establishment of an Arts and Culture Commission, based on the results of the Arts and Culture Commission Study, and develop a strategy to reinstitute the sculpture program.
 - Organize Library archives; capture history as it happens and before it changes, including coordinating photography.
 - *Install interpretive signage for Beauty and the Bridge and on Murase architectural features; inventory all public art with interpretive recognition.*

9. **Build fully interconnected and effective transportation modes enabling all kinds of movement among neighborhoods, commercial/employment areas, schools, parks, library, and government.**
 - Develop a wayfinding program.
 - *Complete the preliminary work necessary to begin soliciting bids on Phase I of the Boones Ferry / Brown Road project.*

10. **Promote farm and forest land protection.**
 - *Become a bee city.*

11. **Promote a healthy urban forest.**
 - Develop and implement a street tree replacement program.
 - *Become a bee city.*

12. **Enable and promote healthy living.**
 - *Improve Wilsonville's Walk Score.*

13. **Embrace technology proactively in future planning, operations, and customer service.**
 - Complete the fiber business plan.

Administrative Directives

- a. Advocate for an auxiliary lane on Interstate 5 southbound over the Boone Bridge.
- b. Advocate for more funding for all transportation facilities.
- c. Continue to monitor volumes on major transportation corridors entering Wilsonville.
- d. Complete congestion mitigation projects related to Interstate 5.
- e. Explore sustainable funding for SMART.
- f. Advocate for increased WES service.
- g. Explore the Blue Zone concept.
- h. Educate, inform, and monitor the Big Pipe project.
- i. Update the City website including a database of City plants with recommendations of hearty plants suited to the area.
- j. Create a coordinated calendar for Councilor-attended events.
- k. Continue to negotiate with TriMet to adjust its service boundaries.
- l. Update the solid waste franchise agreement and consider curbside composting options.

PREFACE

The following is a single source reference document on the Wilsonville City Council's protocols and communication guidelines. The protocols and guidelines included in this reference document have been formally adopted by **Council Resolution No. 2322**.

The Wilsonville City Council believes that effective municipal governance requires that individual Council members adhere to a general set of principles when dealing with each other and the general public. Furthermore, the City Council desires to conduct its meetings in a manner that is courteous, effective and efficient, while fostering an environment that is fair, open and responsive to the needs of the community. Members of the Wilsonville City Council will:

- ✓ Trust and respect the opinions of fellow Council members, and be well informed and participate in the decisions of the Council.
- ✓ Accept responsibility to attend all Council meetings and Council sub-committees assigned.
- ✓ Fulfill obligations to share with other Council members the membership on the committees assigned.
- ✓ Provide appropriate notification to the Mayor, Council President, City Manager, or City Recorder of an absence as soon as possible prior to the meeting time.
- ✓ Not disclose information which is confidential and, when asked by the public for information that is still confidential, will state that the information is confidential.
- ✓ Make every attempt to resolve any conflict with a fellow Council member prior to bringing the conflict to the attention of the Council.
- ✓ Expect to be informed of all issues and data in a timely manner.

COUNCIL MEETING EXPECTATIONS

- ✓ Try to make the citizens comfortable and part of the process at the meetings.
- ✓ Make visitors comfortable by being courteous, respecting their opinions, and by showing trust and respect for visitors.
- ✓ Do my best to communicate in clear, concise and audible language and written communications.

- ✓ Strive to maintain a tone of voice that is friendly and sincere.
- ✓ Honor and act on all requests for action and/or information in a timely and courteous manner.
- ✓ Discuss issues, but not personalities, with non-Council members. After an issue has been voted on, a councilor will speak for him/her carefully, in a manner that does not undermine the integrity or motives of the Council, if his/her opinions are different from the Council's.

COUNCIL FINAL AUTHORITY ON GUIDELINES: All questions regarding these guidelines shall be resolved by majority vote of the City Council.

**WILSONVILLE CITY COUNCIL
PROTOCOLS & GUIDELINES**

I. COUNCIL MEETINGS

1. **Regular Meetings** – Consistent with Charter Section 13, regular meetings shall be held at least once each month in the city at a time and place which it designates. Pursuant to Section 2.003(1) of the Wilsonville Code (WC), **R**egular meetings of the Council shall be held on the first and third Monday of the month at 7 p.m. in the City Council Chambers, Wilsonville City Hall, 29799 SW Town Center Loop **E**ast, except that when a first or third Monday falls on a legal or national holiday, there will be no regular City Council meeting held that week. However, this shall not prevent the City Council from otherwise calling a special meeting for such purposes as it determines. All regular meetings of the Council shall be held within the City of Wilsonville.
 - a. **Other Locations** – The Council may, from time to time, elect to meet at other locations within the City and, upon such election, shall give public notice of the change of location in accordance with provisions of Oregon Revised Statutes (ORS) 192.610-690.
 - b. **Location During Local Emergency** – If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the Council Chambers, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor, **or** if the Mayor does not so designate, by the Council President or City Manager.
 - c. **Canceled Meetings** – When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that month shall be held on such date and at such times as may be directed by the Council.
2. **Special Meetings & Emergency Meetings** – Special meetings and emergency meetings of the Council may be called and held consistent with WC Section 2.003(2) and ORS 192.640.
3. **Adjourned Meetings** – The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment.
4. **Executive Sessions** – Consistent with ORS 192.640-660, the Council may hold an Executive Session during any regular or special meeting, or any time otherwise authorized by State law to consider or hear any matter

which is authorized by State law to be heard or considered in closed session.

- a. The City Council may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions.
- b. Council members may not reveal the nature of discussion from a closed session unless required by State law.
- c. The City Council shall take no final action on any matter discussed or deliberated on while in executive session.
- d. The general subject matter for consideration shall be expressed in an open meeting before such session is held. Executive sessions may be held to discuss certain matters specified by State law, including:
 1. Initial employment of public officials and employees;
 2. Dismissal or disciplining of an officer or employee or performance evaluation of an officer or employee, unless the officer or employee requests an open meeting;
 3. Deliberations with persons designated to negotiate real property transactions;
 4. Deliberations with persons designated to conduct labor negotiations;
 5. Discussion of records that are exempt from public inspection;
 6. Negotiations involving matters of trade and commerce when the unit of government is in competition with other areas;
 7. Legal rights and duties of a public body with regard to current litigation or litigation likely to be filed;
 8. Review and evaluation of an executive officer, public officer, employee or staff member, unless an open hearing is requested by the person being reviewed; or
 9. Negotiations regarding public investments.

5. **Cancellation of Regular Meetings** – Any meeting of the Council may be canceled in advance by a majority vote of the Council, provided that the Council meets the “one meeting per month” provision of the City’s charter.
6. **Quorum** – Consistent with Charter Section 15, a majority of the incumbent members of the Council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.
7. **Chair** – Consistent with Charter Section 17, the Mayor shall preside over Council deliberations and shall have a vote on all questions before the Council. The Mayor is responsible for preserving order, enforcing Council rules, and determining the order of business under the rules of the Council.
 - a. **Absence of Mayor** – Consistent with Charter Section 18, ~~F~~^The Council President shall preside in the absence of the Mayor and shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order.
 - b. **Mayor & Council President Absence** – In the absence or unavailability of the Mayor and the President of the Council, the City Recorder, shall call the Council to order, whereupon a temporary chairman shall be elected by the members of the ~~e~~Council present and that person, for the time being, shall have the powers of the Mayor. Upon arrival of the mayor or the President of the Council, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.
8. **Attendance by the Public** – Pursuant to ORS 192.610-690, and except as specifically provided by State law for executive sessions, all meetings of the Council shall be open, public and accessible.
9. **Minutes** – Minutes of the Council will include paraphrased information on what took place at a given meeting, final motions, vote tally (in the event of a no vote by one or more Council members, the tally shall indicate yes and no votes by name-), attendance of Council members and staff, and the names of any interested party providing testimony before the Council. Speeches, presentations, statements or discussions will not be described verbatim, except when the information is necessary to understand what took place. An electronic recording of the meeting shall be kept and maintained in accordance with ORS 192.005 to 192.710.
 - a. **Comments for the Record** – If a Council member desires for a comment to be included in the minutes, it is his or her

responsibility to indicate that the statement is “for the record” before making the comment(s).

- b. **Timing of Council Approval of Minutes** – Minutes of meetings are generally submitted for Council approval at the next regularly scheduled meeting, for approval as provided in W.C. 2.003(g).
- c. **Recording of Meetings** – Audio recordings of proceedings are maintained by the City Clerk for a period specified by State law.

II. ORDER OF BUSINESS

- 1. **General Order** – Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the City Recorder, City Attorney and City Manager shall take their regular stations in the Council Chambers, and the **B**usiness of the Council shall be taken up for consideration and disposition in the order set forth below (unless otherwise specified). A closed session may be held at any time during a meeting consistent with State law. The Council may, at its discretion and upon the approval of a majority of a quorum present, change the order of business before it.

Call to Order

Roll Call

Pledge of Allegiance

Motion to approve the order of the agenda

~~Mayor's Business~~

Communications

Citizen Input & Community Announcements

~~Mayor's Business~~

~~Councilor Comments, Liaison Reports & Meeting Announcements~~

Consent Agenda

New Business

Continuing Business

Public Hearing

City Manager's Business

Legal Business

Adjourn

- 2. **Items on the Agenda - WC2.003(3)** – All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall, at least twenty-four (24) business hours prior to each Council meeting, be delivered to the City Recorder whereupon the City Recorder shall immediately arrange a list of such matters according to the Order of Business and furnish each member of the Council, the City Manager and the City Attorney with a copy of the

same prior to the Council meeting and as far in advance of the meeting as time for preparation will permit. As a general rule the packet of such items, together with the agenda, shall be delivered to the Council one week in advance of the meeting.

3. **Items ~~n~~Not on the Agenda** – Pursuant to ORS 192.640, the City shall publish a list of the principal subjects anticipated to be considered at the meeting, “but this requirement shall not limit the ability of a governing body to consider additional subjects.”
4. **Communications** – All special presentations will be calendared and coordinated through the Mayor and will be limited to a time period not to exceed 15 minutes at each Council meeting. The Mayor may grant an exception to this requirement on a case-by-case basis.
5. **Citizen Input and Community Announcements** – This is a time for citizens to address the Council on items not on the agenda for public hearing or to make community announcements. Generally, three minutes shall be allotted for speaking time, but the Mayor may grant an exception to this requirement on a case-by-case basis.
- ~~6. **Council Comments, Liaison Reports and Meeting Announcements** –
 - a. ~~The Council Comments and Liaison Reports~~ section of the agenda provides Council the opportunity to briefly comment on Council business, City operations or projects; provide verbal reports as sitting members of or as a liaison to, regional or local boards/commission/committees.
 - b. ~~Council Announcements~~ – Council announcements will be limited to notifications of community events, functions, and other activities. Concerns or matters of current, pending or future Council deliberation are not considered announcements.~~
- ~~7.6.~~ **Consent Agenda** – Routine items of business that require a vote but are not expected to require discussion or explanation shall be placed on the consent calendar. These items are voted on as one item to reduce the length of the agenda and the length of Council meetings. Any item that is placed on the consent calendar may be pulled for discussion at the request of a Councilor.
- ~~8.7.~~ **New Business** – Items scheduled that are expected to have staff explanation and/or presentation and councilor discussion prior to a vote.
- ~~9.8.~~ **Continuing Business** – Business that is returning to Council for further discussion, information or, in the case of ordinances, a second reading, prior to a vote of the Council.

~~40.9.~~ **Public Hearing** – An evidentiary hearing (quasi-judicial) or legislative hearing before the Council. (See Section V.1.)

~~41.10.~~ **City Manager’s Business**

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a. **Monthly Reports** – The following reports will be included in the agenda packet for the first regularly scheduled meeting of each month, and others as appropriate or requested by Council:

1. **Financial Report** – A condensed report of the City’s finances by operating fund. The City Council shall receive one detailed financial report on a quarterly basis.
2. **Master Calendar** – A calendar of major agenda items planned for upcoming meetings.
3. **Council Discussion Items Follow-up Report** – A simple spreadsheet documenting issues raised by Council members during the Council Discussion portion of the agenda that require further follow-up by staff.
4. **Public Projects Update** – A brief description of current or planned public projects, updated monthly.
5. **Planning Report** – A brief description of planning and land use related issues.
6. **Police Report** – A brief report on crimes and traffic citations pertinent to the City of Wilsonville.
7. **Building Permit Activity Report** – A monthly report of all commercial, industrial and residential building permit activity in the City of Wilsonville.

8. **Board and Commission Activity / Decisions** – This is a brief report covering the decisions made by the standing Boards, Commissions, and task forces, prepared by staff.

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b. The Council may comment on any such report during Council Comments or under City Manager’s Business thereafter.

~~42.11.~~ **Standard Adjournment** – The Council establishes 10:00 p.m. as the hour of adjournment and will not continue beyond 10:00 without a majority vote of the Council. To assist in making the determination to continue an item under consideration, the Council should find that

discussion, deliberation, and action on the item can be concluded by 11:00 p.m.

The Council will not hear any new agenda items past 10:00 p.m. without a majority vote of the Council. A determination should be made by Council that any new item(s) can be discussed, deliberated and action taken before 11:00 p.m.

If an agenda item(s) remains after the 10:00 p.m. adjournment, a special meeting may be scheduled or the item(s) deferred until the next regular meeting.

III. RULES OF CONDUCT FOR COUNCIL MEETINGS

1. **General Procedure** – It is the policy of the Council not to become involved in the entanglements over “parliamentary procedure.” Consistent with the City Charter and any applicable City ordinance, statute or other legal requirement, any issue or procedure relating to the conduct of a meeting or hearing not otherwise provided for herein may be determined by the Mayor, or the presiding officer, subject to appeal to the full Council in accordance with W.C. 2.003(4).
2. **Addressing Members of the Public or Staff** – In addressing the public and members of the City’s staff, Council members will generally refer to persons as Mr. or Mrs., or Ms., followed by their surname. Staff shall refer to Council members as Mayor or Councilor, followed by the surname of the person being referred to.
3. **Authority of the Chair** –
 - a. The Mayor or presiding officer shall preserve strict order and decorum at all regular and special meetings.
 - b. Subject to appeal to the full Council, the Mayor shall have the authority to prevent misuse of motions, or the abuse of privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous, fair, and should presume that the moving party is acting in good faith.
 - c. If a member, while speaking, be called to order, he/she shall cease speaking until the question of order be determined and if in order, the member shall be permitted to proceed.

4. **Mayor to Facilitate Council Meetings** – In the role as facilitator, the Mayor will assist the Council to focus on the agenda, discussions and deliberations.
5. **Council Deliberation & Order of Speakers** – The Mayor is delegated the responsibility to control debate and the order of speakers. Speakers will generally be called upon in the order they make the request to speak.
 - a. **Questions Addressed to Another Councilor** – With the concurrence of the Mayor, a Council member holding the floor may address a question to another Council member and that Council member may respond while the floor is still held by the Council member asking the question. A Council member may opt not to answer a question while another Council member has the floor.
6. **Limit Deliberations to Item at Hand** – Council members will limit their comments to the subject matter, item or motion being currently considered by the full Council and shall avoid all personalities and indecorous language.
7. **Length of Council Comments** – Council members will govern themselves as to the length of their comments or presentation, preferably no longer than 3 to 5 minutes. However, no member shall speak on any one matter in excess of ten minutes without the consent of the members constituting a quorum.
 - a. The Mayor shall act as the arbiter in determining how long an individual Council member may speak on an item. The intent of this policy is not to limit debate, but rather to assist Council members in their efforts to communicate concisely.
8. **Obtaining the Floor** – Any member of the Council wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any Council member who seeks the floor when appropriately entitled to do so.
9. **Motions** – Motions may be made by any member of the Council, including the Council President. Any member of the Council, other than the person offering the motion, may second the motion.
10. **Procedure for Motion** – The following is the general procedure for making motions:
 - a. Before a motion can be considered or debated it must be seconded.

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- b. Council members wanting to make a motion should notify the Mayor of their intent to do so.
- c. A Council member wishing to second a motion should do so through a verbal request to the Mayor.
- d. Once the motion has been properly made and seconded, the Mayor shall open the matter for discussion to the full Council.
- e. Once the matter has been fully discussed and the Mayor calls for a vote, no further discussion will be allowed; provided, however, Council members may be allowed to explain their vote.

11. **Motion Amendments** – When a motion is on the floor, and an amendment is offered, the amendment should be acted upon prior to acting on the main motion.

12. **Motion of Intention** – A Motion of Intention process is generally limited to matters legally required to be supported by findings.

- a. In proceedings identified as quasi-judicial on the agenda, when the City Council takes an action that is substantially different from the staff recommendation, the Council may utilize the Motion of Intention process.
- b. A Motion of Intention provides staff direction as to the City Council's action through a formal motion.
- c. Based on this motion, staff revises the necessary findings, resolutions and or/implementing documentation for the City Council's action at the next scheduled meeting.
- d. Upon receiving a Motion of Intention by a Council member, the Mayor should make sure that the hearing on the matter resulting in the motion is closed prior to a vote.

13. **Ordinances** – Motions offering ordinances are deemed to include waiver of full reading of the ordinance unless otherwise specifically stated.

14. **Voting** – Pursuant to Charter Section 19, the concurrence of a majority of the Council voting when a quorum of the Council is present shall decide any question before it. No Council member present at a Council meeting shall abstain from voting without first stating reasons in detail at the meeting. If the vote is a voice vote, the Mayor shall declare the result. The results of the vote shall be clearly set forth in the record.

15. **Abstention** – If a Council member abstains because of a legal conflict, he/she is not counted as present for quorum purposes and is not deemed to be voting for the purposes of determining whether there has been a majority vote of those members present and voting.

- a. When a Council member abstains or excuses themselves from a portion of a Council meeting because of a legal conflict of interest, the Council member must briefly state on the record the nature of the conflict. The inclusion of this information in the public record is required by law.

16. **Tie Votes** – A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

17. **Motions for Reconsideration** –

- a. Motions for reconsideration of a matter may be made at the same meeting or at the next succeeding meeting following a Council action.
- b. A proposed motion for reconsideration at the next succeeding meeting must comply with Oregon Open Meeting Laws.
- c. Motions for reconsideration may only be made by a Council member that voted with the majority of the City Council on the action proposed to be reconsidered by the Council.
- d. In the case of a tie vote, the prevailing side or the majority of the Council will be deemed to be those Council members who voted in the negative.
- e. Any member of the Council may second a motion for reconsideration.

18. **Non-Observance of Rules** – Rules adopted to expedite and facilitate the transaction of the business of the Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rule shall not affect the jurisdiction of, or invalidate any action taken by, the Council.

19. **Dress Code for City Council Members** – It is the policy of Council to create a dignified and professional environment for Council meetings and should dress accordingly. ~~“Business casual” is an acceptable manner of dress for all Council meetings, workshops, committee and sub-committee meetings, and all other events in which Council participates or attends. The Dress Code policy shall also apply to any individual Councilor representing the City in their official capacity as a City Councilor.~~

1. ~~“Business Casual” shall mean, with respect to male members:~~

- ~~1. Dress slacks with dress shirt.~~
- ~~2. Dress slacks with sweater.~~
- ~~3. Khaki slacks with dress shirt or sweater.~~
- ~~4. Casual shirts with collars or band collars, golf shirts, and turtlenecks are acceptable.~~
- ~~5. Shorts, when appropriate.~~

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2. ~~“Business Casual” shall mean, with respect to female members:~~

- ~~1. Shirt or slacks with shirt, blouse or sweater.~~
- ~~2. Dress, or skirt with shirt, blouse, or sweater~~
- ~~3. Dress capris or crop pants.~~
- ~~4. Sleeveless top with appropriate cover.~~
- ~~5. Shorts, when appropriate.~~

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20. **Use of Handheld Electronic Devices During Council Meetings** –

~~Councilors have been issued an iPad to receive their City email, maintain their City calendar, and to access, read, and annotate their meeting packets, both before and during City Council meetings. The use of other personal handheld electronic devices by members of the Council, the City Manager and the City Attorney during City Council meetings while behind the dais is discouraged in that such use may be perceived by the public or other Council members as the Council or staff not paying attention or, worse, engaging in inappropriate ex parte contact. Notwithstanding the foregoing, it is reasonable and acceptable that Council and staff may need to have their personal devices at the dais for personal or work related reasons. In those instances, such devices should be placed on silent ring mode and only checked as reasonably necessary. If more than a quick text response is required, the Council member or staff should step away from the dais, in a non-disruptive fashion, to respond to the message or call, outside of the Council Chambers. Members of the public and staff in the audience are likewise expected to limit the distracting use of electronic devices during meetings and, in all cases, silence cell phone ringers. It is recognized that members of the press and staff located in the back of the room may use laptops or tablets during the meeting but they are also expected to do so in a respectful and non-distracting manner, and the general public is prohibited during Council meetings. Council finds the use of these types of devices an impediment~~

~~to conducting respectful and efficient meetings. However, in the event of a personal/family emergency, a Councilor may announce he/she is responding to a personal phone call and leave the dais to do so. This prohibition does not apply to members of the press, or to any staff member needing to operate such devices in the normal scope of their job responsibilities or in the case of an emergency.~~

IV. QUASI-JUDICIAL PROCEEDINGS

1. **Defined** – Quasi-judicial proceedings are those proceedings in which the City Council is required to make findings based on an evidentiary record as to the entitlement. This type of hearing is also referred to as an “Evidentiary Hearing.” In quasi-judicial proceedings, the City Council sits as the judge and jury, and is required to make findings based on the evidence and records presented. Examples of quasi-judicial proceedings include conditional use permits, variances, site development applicant appeals, and enforcement of nuisance provisions.
2. **Identification on the Agenda** – Quasi-judicial proceedings will be identified as such on the Council agenda by including in the heading “Quasi-Judicial Proceeding.”
3. **Ex-Parte Communications** – An ex-parte communication is a communication made with a Council member outside the Council Chambers, with any person except the City Attorney concerning a quasi-judicial proceeding to be heard by the City Council, or a staff member concerning a quasi-judicial land use matter to be heard by the City Council.
 - a. When a Council member has an ex-parte communication concerning a subject that is the basis of a quasi-judicial proceeding before the Council, the Council member must state for the public record the nature of that communication. Council members must indicate with whom the ex-parte communication was made and provide a brief statement as to the substance of the communication.
 - b. A Council member may make an oral presentation of the nature of the communication or provide a written statement to be read into the public record.
 - c. If challenged by a member of the public in attendance that such ex parte contact has otherwise prejudiced or biased the member in hearing the matter, the Council shall determine the issue before proceeding.

V. PUBLIC HEARINGS

1. **General Procedure** – WC 5.560 provides for evidentiary hearing procedures (quasi-judicial) and the Council may also conduct legislative public hearings. While there may be some differences depending on the type of hearing, the Council procedure for the conduct of a public hearing is generally as follows:
 - a. The Mayor opens the public hearing.
 - b. Staff presents the staff report.
 - c. Council may ask questions of staff for clarification on issues raised in the staff report.
 - d. In an evidentiary hearing the applicant or appellant then has the opportunity to present comments, testimony, or arguments. In the case of an appeal when the appellant is different from the applicant, the appellant should be called up first to provide comments or testimony.
 - e. Members of the public are provided with the opportunity to present their comments, testimony or argument. Generally, the order of public comment will be: those in favor, those in opposition, and those neither in favor nor opposed.
 - f. In an evidentiary hearing the applicant or appellant is given an opportunity for rebuttal or concluding comments. In the case of an appeal when the appellant is different from the applicant, the appellant is given the opportunity for closing comments.
 - g. The public hearing is closed.
 - h. The Council deliberates on the issue.
 - i. If the Council raises new issues through deliberation and seeks to take additional public testimony, (questions of the public, applicant or appellant), the public hearing must be reopened. At the conclusion of the public testimony, the public hearing is again closed. Note: in land use matters, special rules may apply for leaving the record open and staff or the City Attorney may be consulted in this regard.
 - j. The Council deliberates and takes action.
 - k. The Mayor announces the final decision of the Council.

2. **Time for Consideration** – Matters noticed to be heard by the Council will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and will continue until the matter has been completed or until other disposition of the matter has been made.
3. **Continuance of Hearing** – Any hearing being held or noticed or ordered to be held by the Council at any meeting of the Council may, by order or notice or continuance, be continued or re-continued to any subsequent meeting.
4. **Public Discussion at Hearings** – When a matter for public hearing comes before the Council, the Mayor will open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter, in addition to those who have filled out speaker cards.
 - a. **Public Member Request to Speak** – Any person desiring to speak or present evidence shall make his/her presence known to the Mayor and, upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor. All persons providing testimony should fill out a “request to speak” slip and clearly state their name and address for the record.
 - b. **Council Questions of Speakers** – Members of the Council who wish to ask questions of the speakers or each other during the public hearing portion may do so, but only after first being recognized by the Mayor. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue. Council members should avoid raising questions as a method to extend the allocated time for a speaker.
 - c. **Due Process** – The Mayor shall conduct the meeting in such a manner as to afford due process.
 - d. **Public Oral Presentations** – All Council rules pertaining to oral presentation by members of the public apply during public hearings. The Mayor, subject to appeal to the full Council, may limit or extend the time to speak. Generally, individuals should be limited to 3 to 5 minutes, and group presentations, such as an applicant team in a land use matter, to 15 minutes.

- e. **Materials for Public Record** – All persons interested in the matter being heard by the Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented will be retained by the City Clerk as part of the official record of the hearing, unless otherwise directed.
 - f. **Germane Comments** – No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being discussed. A determination of relevance shall be made by the Mayor, but may be appealed to the full Council.
5. **Communications and Petitions** – Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Mayor. A reading in full shall take place if requested by a majority of the Council.
6. **Admissible Evidence** – Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered if it is the sort of evidence upon which a reasonable and responsible person is accustomed to rely upon in the conduct of serious affairs.

VI. ADDRESSING THE CITY COUNCIL

1. **Staff Presentations** – Staff presentations will be limited to 10 minutes. Longer staff presentations must be approved by the City Manager prior to the Council meeting.
2. **Oral Presentations by Members of the Public** – Oral presentations by members of the public at City Council meetings are as follows:
- a. Prior to the meeting, or during the meeting prior to a matter being reached, persons wishing to address the Council should fill out a speaker card and submit it to the City Recorder who will give it to the Mayor.
 - b. When called upon, the person should come to the podium, state his/her name and address for the record, and, if speaking for an organization or other group, identify the organization or group represented.
 - c. All remarks should be addressed to the Council as a whole, not to individual members thereof.

- d. Questions, if any, should be directed to the presiding officer who will determine whether, or in what manner, an answer will be provided.
3. **Citizen Input** – Citizen Input is that portion of the City Council meeting set aside for members of the public to address the City Council on items of any eCity business other than scheduled agenda items.
- a. **Timing** – Citizen Input is generally permitted at the beginning of a Council meeting just after ~~Mayor’s Business and~~ Communications and before Mayor’s Business. Public comment is limited to 3 minutes per speaker, but may be extended at the discretion of the Mayor.
 - b. **Speaker Cards** – Persons wishing to speak under Citizen Input should identify themselves at the appropriate time.
 - c. **City Business** – Presentations under Citizen Input are limited to items within the subject matter jurisdiction of the City.
 - d. **Council Response Prohibited** – Where a speaker requests a City response under Citizen Input, the City Council or staff, at the Council direction, may answer the request if sufficient facts are known and can be readily answered. The Mayor, however, may request the City Manager to provide additional information at a later date on a matter of general interest to the full Council or the public at large. To ensure the most efficient use of staff time, and to ensure that a majority of the Council wishes to take formal action on a matter brought before the Council during Citizen Input, Council member requests for policy consideration or reconsideration should be made through the Council’s Request for Policy Consideration process.
 - e. **Council Interaction with the Public** – If a Council member believes that a material misstatement of fact has been made by a person during the public comment portion of the agenda, the Council member may ask the City Manager or City Attorney to correct or otherwise clarify the matter or the Council member may provide a direct response at that time. If a spontaneous response is not possible, the Mayor should direct the City Manager to either respond directly to the individual making the request, once all the facts are established, or require the City Manager to clarify the issue at the next regular Council meeting for the benefit of the Council and the general public.

f. **Repetitious or Dilatory Comments Prohibited**

1. A speaker shall not present the same or substantially same items or arguments to the Council repeatedly or in a dilatory manner. If a matter has been presented orally before the Council, whether the Council has taken action, or determined to take no action, the same or substantially same matter may not be presented orally by the same person any further.

Nothing in the foregoing precludes submission of comments to the City Council in writing for such action or non-action as the Council, in its discretion, may deem appropriate.

2. In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged.

Whenever a group of people wish to address the Council on the same subject matter, those persons are encouraged to designate a spokesperson to address the City Council. The Mayor may extend the time allocation for a designated spokesperson.

- g. **Waiver of Rules** – Any of the foregoing rules may be waived by majority vote of the Council when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.
- h. **Non-Exclusive Rules** – The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time or in a particular circumstance for purposes of orderly and effective conduct of the affairs of the City.

VII. POLICY DECISION-MAKING PROCESSES

1. **Council Member Appointments and Assignments** – The Mayor appoints, and the City Council confirms, Council member assignments to outside agencies, committees, and taskforces ~~and liaison roles~~, as outlined in Resolution No. ~~2267~~ 2321, attached hereto as Appendix G D.

WC 2.320(1)(a) in part reads: ~~“Members of the City Planning Commission shall be residents of the City who are appointed by the~~

Mayor with the consent of the eCity eCouncil and may be removed by the Mayor with the consent of the eCity eCouncil.” This is the same language used for the DRB, Library Board Members; Community Center Advisory Commission, and Parks and Recreation Advisory Board.

2. **Mayor to Act as Council Ceremonial Representative** – The Mayor has been delegated the responsibility to act as the City Council’s ceremonial representative at public events and functions. In the Mayor’s absence, the Council President assumes this responsibility. In both the Mayor and Council President’s absence, the Mayor will appoint another Council member to assume this responsibility.

3. **Proclamations** –

- a. Incoming requests for a proclamation to be presented at an event or Council meeting should be provided to the Mayor for approval. All proclamation requests are provided in writing two weeks prior to the event/Council meeting date and also include a draft proclamation. The Mayor would read the approved proclamation into the record and then present it to the person who requested it. The requestor is encouraged to attend the meeting to receive the proclamation and may be invited by the Mayor to say a few words about the reasons for the proclamation.
- b. Once the Mayor approves the proclamation request, the proclamation is either scheduled for reading at an upcoming Council meeting, presented at an event, or the proclamation is picked up/mailed to the requesting entity/person. In the event the Mayor is unable to attend an event, the Council President or a Council member attends on behalf of the Council. In this case, the Mayor along with the attending Council President/Council member may sign the proclamation.

In the event the Mayor receives a request for a proclamation where the subject matter is questionable as to the appropriateness, the Mayor will forward the request to the full Council for a vote. *[Staff usually asks the Mayor and/or CM if there is a question regarding appropriateness.]*

4. **Certificates of Recognitions** –

- a. Incoming requests for certificates of recognition to be presented at an event or Council meeting should be provided to the Mayor for approval. All certificate requests are provided in writing two weeks prior to event/Council meeting date and also include certificate verbiage.

- b. Once the Mayor approves the certificate request, the certificate is either scheduled to be presented at an upcoming Council meeting, presented at an event or is picked up/mailed to the recognized entity/person. In the event that the Mayor is unable to attend an event, the Council President or a Council member attends on behalf of the Council. In this case, the Mayor along with the attending Council President/Council member may sign the certificate of recognition.
 - c. In the event the Mayor receives a certificate request where the subject matter is questionable as to the appropriateness, the Mayor will forward the request to the full Council for a vote.
5. **Council Member Participation in Community Activities** – From time to time, Council members may choose to participate in community activities, committees, events, task forces and civic groups. When a Council member participates in these types of activities, he/she is acting as an interested party rather than acting on behalf of the City Council. Acting or participating on behalf of the City Council is limited to those instances when the Council has formally designated the Council member as its representative for the matter.
6. **Study/Work Session** – Study or Work Session items may be placed on regular or special meeting agendas for the purpose of open discussion. During Study or Work Sessions, Council members will ask questions ~~that~~ which staff records. For those questions that staff cannot readily answer, responses will be provided for the Council, transmitted in writing at the earliest possible date.
7. **Advance Administrative and Informational Reports** – Administrative and Informational reports will be forwarded to the Council as part of the agenda packets.
- ~~8. **Policy Decision Making Process Steps** – As illustrated in Appendix A, the Policy Decision Making Process may be initiated by individual Council members, appointed Committees/Commissions, and/or staff members. These individuals or groups may request the full Council to consider the review or revision of existing policies or request the consideration of new policy. Members of the public may request a Council member to initiate the full Council's consideration.~~
- ~~a. **Step 1 Initial Inquiry** – Step 1 is accomplished by including the matter on an upcoming meeting agenda for the Council's consideration. A brief write up of the matter is included on the Request for Policy Consideration Form (Appendix B). The~~

~~Request for Policy Consideration Form briefly lays out the request so that Council can choose if they wish to dedicate staff time and resources to review the matter.~~

~~At this juncture, a poll of the Council is taken to determine if the Council feels they have adequate information to make a decision, or Council may direct the City Manager to dedicate staff time and resources to investigate and review revisions, or possible modifications to Council policy.~~

~~**Action Taken**—If the Council feels they have adequate information to make a decision, action is taken at this juncture.~~

~~**No Further Consideration**—If the majority of the Council chooses not to dedicate staff time and resources to investigate and review policy changes at this time, the decision-making process is complete.~~

~~**Further Consideration**—If the majority of the Council chooses to dedicate staff time and resources to review current policy for possible modifications or the consideration of new policy, additional steps in the Policy Decision Making Process are triggered as follows:~~

- ~~b. **Step 2 Scope & Assignment**—Step 2 of the process includes the City Council, with the assistance of the City Manager, defining the scope of the investigations to be undertaken and assigning primary responsibility for the task to a commission, board, committee or staff. The Council will generally define the scope and assign the task directly after the majority has chosen to have a policy/issue reviewed. The responsible commission, board, committee or staff will proceed to complete the review.~~
- ~~c. **Step 3 Analysis of Alternatives**—Step 3 in the process includes completing the alternatives analysis. After the background and current status are completed, alternatives are identified and an analysis is completed. At any time during this process, an administrative report may be prepared to seek confirmation regarding the identified alternatives' consistency with Council's direction. This feedback option will ensure that additional time is not spent on alternatives that may be inconsistent with the Council's direction.~~
- ~~d. **Step 4 Administrative Report**—Step 4 is the preparation of an Administrative Report. After the analysis of alternatives is completed, recommendations are prepared for the Council's~~

~~consideration. The recommendations are included on an upcoming Council agenda for discussion and action.~~

~~e. **Step 5 Policy Direction**— Step 5 includes the Council providing policy direction. At the conclusion of their discussion regarding the alternatives and recommended actions, the majority of the Council reaches a decision and provides direction as to which alternative will be implemented.~~

~~f. **Routine Matters**— The policy decision making process is not intended for routine matters where Council, by majority vote, can provide direction to staff to remediate a problem or issue for a member of the community. The process is intended for more complex issues that involve significant staff/board/commission time, where the Council desires to explore all alternatives before reaching a decision.~~

VIII. COUNCIL COMMITTEES

1. **Task Forces and Ad Hoc Committees of the Council** – From time to time the Council may establish Task Forces or Ad Hoc special committees of the Council to deal with a specific issue or problem in the community, as the need arises. Establishing a task force or ad hoc committee shall have the support of a majority of Council.

a. **Task Force or Ad Hoc Committee Defined** – A Task Force or Ad Hoc special committee of the Council is one that: (1) does not have a continuing subject matter jurisdiction, and has a limited time frame to complete its task or assignment, (2) does not have a meeting schedule that is fixed by ordinance, resolution or other formal action of the Council. In addition, an ad hoc committee may not consist of more than two Council members, and (3) has its members and duties assigned at the time of establishment.

b. **Conduct of Ad Hoc Committee Meetings** – Meetings of an ad hoc committee of the Council are generally informal, but ad hoc committees are subject to the same open meeting laws and requirements as City Council meetings.

IX. COUNCIL LIAISONS TO BOARDS, COMMISSIONS, COMMITTEES AND TASK FORCES

~~1. With the exception of the Budget Committee upon which they all serve, each City Councilor shall have the opportunity to serve as a liaison to the Parks and Recreation Advisory Board, the Planning Commission, the Development Review Board, the Library Board, and Committee for Citizen Input. The purposes served are to provide a direct communication channel between the Board, Commission, or Committee and the City Council; aid in the understanding by the Councilor of the operations of and any recommendations made by the Board, Commission, or Committee to which the Councilor has been appointed as liaison; and as may from time to time arise, provide the experience of the Councilor as may benefit the Board, Commission, or Committee.~~

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~~2. Annually during the month of January, the City Council shall discuss Council liaison assignments and interests. The Council President shall contact each of the other Councilors to determine, what, if any, preference each Councilor has to serve as a liaison and/or alternate liaison to Board, Commission, or Committee named in Section XI(1) above. The Council President shall endeavor to resolve any duplicate preferences among the Councilors and the Council President shall report to the Mayor the Council President's recommendations, including recommendation for resolution of any remaining duplication.~~

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~~3. At the last regular meeting in January or at the first regular meeting of February of each year, the Mayor, giving due consideration to the Council President's report and recommendations, shall announce the Councilor liaison appointments for the Council's consent.~~

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~~4. The various appointment processes set forth above, including that of Councilor liaison appointments, is to be guided by collegiality and working together cooperatively to meet the general public good.~~

[We can leave out any reference to liaisons altogether, or may use this language in place of what was there if we want this to be part of protocol:]

1. In the past, City Councilors have been assigned by the Mayor as liaisons to various boards, commissions, committees, and task forces. Due to the increasing number of these various boards, commissions, committees, and task forces, as well as other expanding meetings and social functions that place demands on the time of the City Councilors, the City Councilors and Mayor have jointly determined that the Mayor will no longer formally appoint City Councilors to be the liaisons to the various boards, commissions, committees, and task forces. Instead, staff will be responsible for ensuring that the members of the various boards, commissions, committees, and task forces are kept informed about City Council actions. Additionally, any of the boards, commissions,

committees, and task forces may request the attendance of a Council member of their choosing to attend a meeting where such attendance is deemed to be helpful or warranted.

2. To ensure an ongoing relationship and dialogue between the City Council and all of the various boards, commissions, committees, and task forces, the City Manager will arrange an annual retreat/meeting to which all City Councilors and all board, commission, committee, and task force members will be invited to attend. At this meeting they will be encouraged to interact in a meaningful way and to share their thoughts and ideas regarding their various roles, responsibilities, ideas, and suggestions.

3. In addition to the above-described annual meeting, Council may invite each board and commission to attend a City Council work session in order to discuss the goals and objectives of that board or commission and to seek any information or guidance from Council as the members and Council deem appropriate. (Page 23.)

X. COUNCIL MEMBER ADMINISTRATIVE SUPPORT

1. Mail –

- a. **Letters and Email Addressed to Mayor and/or City Council –** All letters and email addressed to the Mayor and/or entire City Council requiring a response from staff are copied to all Council members with a note as to which staff person will be preparing a response for the Mayor’s signature. A copy of the response mailed, along with the original letter or email will be provided to each Council member. *[Do we actually do this or do we just copy the mayor in some cases?]*

Letters and Email addressed to the Mayor and/or entire City Council that do not require a response, but provide information on Council agenda items or like matters, are copied to the full Council.

Mail and email ~~Cards and other mail~~ addressed to the Mayor or Council marked “personal” and/or “confidential” will not be opened.

- b. **Letters Addressed to Individual Council Members –** All letters addressed to individual Council members will not be opened. The envelopes will be delivered/mailed to the individual Council member’s home address. If a Council member is requesting a response to be prepared by staff, the letter is copied to all members of the Council with a note as to which staff

person will be preparing a response for the addressee's signature. A copy of the response mailed, along with the original letter, will be provided to each Council member.

2. **Council Correspondence** – All Council member correspondence written with City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full Council, not individual Council members' positions. All Council member correspondence using City resources will be copied to the full Council. For example, if a citizen writes a letter [or email](#) to an individual Council member, the response to the letter [or email](#), along with a copy of the citizen's letter [or email](#), will be copied to the full Council.
 - a. **Personal Correspondence** – City Council members will have access to individual stationery and envelopes for use in communications reflecting their personal opinions and positions, not the position of the full Council. These communications will be prepared and sent at the expense of individual Council members. Council members may utilize the City's outgoing mail service; however, postage will be at the Council member's expense.
3. **Clerical Support** – The City Manager's Office will coordinate the typing of correspondence [or email messages](#) requested by individual Council members. All correspondence typed for Council members will be on City letterhead, [and email will use the appropriate signature blocks](#), and will reflect the position of the full Council, not individual Council members, and will be copied to the full Council.
 - a. From time to time, citizens write [or email](#) to the Mayor to voice concern, request assistance, or ~~to~~ request information on an issue/item. When such letters [or email](#) are addressed to the Mayor, the City Manager [or his/her designee](#) will prepare a response letter [or email](#) for the Mayor's review and signature. The response, along with a copy of the citizen's letter [or email](#), will be copied to the full Council.
4. **Master Calendar** – A master calendar of Council events, upcoming agenda items, functions or meetings will be provided to the full Council. Functions, events or meetings to be attended by individual Council members will only be included on the master calendar at the request of individual Council members.
5. **Requests for Research or Information** – All requests for information or research from individual Council members shall be directed through the City Manager's office. Requests for new information or policy direction

will be brought to the full Council at a regular meeting for consideration. All written products will be copied to the full Council.

- a. From time to time Council members will call or email the City Manager to request information or bring attention to a matter that needs to be addressed (e.g., code enforcement issue, pothole, etc.). In all such instances, these matters will be addressed in the most expeditious manner possible.

When such calls for information deal with policy-related matters, the City Manager shall inform the full Council of the nature of the call/email, and provide the full Council with any response that was given to the Council member who made the request. The intent of this protocol is to ensure that all Council members are being provided with the same information.

6. **Tickets to City Events** – The Wilsonville City Council places a high value on community involvement and encourages its members to participate actively in community-related events. When attendance to an event is by ticket, two tickets for each Council member will be made available for events hosted by the City. Departments hosting City events will coordinate the distribution of tickets to Council members with the City Manager’s office. The availability of tickets for events hosted by other organizations which the City sponsors will be at the discretion of the organizing agency. When the City is a major sponsor of an event, staff will endeavor to include the availability of tickets in the sponsorship agreement or contract.

The Council may elect to provide tickets to individual Council members and their spouse for other city-related/community events where the City’s presence is expected and/or required. The Council will make such determinations on a case-by-case basis. The making available of tickets to any event shall comply with the Oregon Laws, Regulations, and Ethics Standards as to gifts and conflicts of interest.

7. **Council Notification of Significant Incidents** – In conjunction with the City’s Police Department and Tualatin Valley Fire and Rescue (TVF&R), the City Manager’s office will coordinate the notification to Council of major crime, fire or other incidents. This will be accomplished concurrently through email and/or phone calls for the more significant incidents. In addition, the City Manager will endeavor to keep the Council informed by email of incidents/issues that occur in the community that do not rise to the level of a “significant incident.”

XI. PROTOCOL & GUIDELINE ADMINISTRATION

1. **Biennial Review of City Council Protocols & Guidelines** – The Council will review and revise the City Council Protocols and Guidelines, as needed, or every two years.
2. **Adherence to Protocols and Guidelines** – During City Council discussions, deliberations and proceedings, the Mayor is delegated the primary responsibility to ensure that the City Council, staff and members of the public adhere to the Council’s adopted protocols.
3. **City Attorney as Protocol Advisor** – The City Attorney assists the Mayor as a resource to confer with, and acts as an advisor for interpreting the City Council’s adopted protocols and guidelines.

4. **Adherence to Administrative Procedure & Process Protocols** – The City Council has delegated the Mayor responsibility to discuss, on behalf of the full Council, any perceived or inappropriate administrative action with a Council member. The Mayor will discuss with the Council member the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the Mayor will report the concern to the full Council.

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5. **Interference in Administration** – A member of the Council shall not, directly or indirectly, by suggestion or otherwise, attempt to influence the manager in making an appointment, or in removal of an employee, or in purchasing supplies, or attempt to exact a promise relative to an appointment from any candidate for manager.

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A violation of this section forfeits the office of the offending member of the eCouncil, who may be removed by the eCouncil or a court of competent jurisdiction. The eCouncil may, however, in session, discuss with or suggest to the manager anything pertinent to eCity affairs or the interests of the eCity. Further, a councilmember may, at any time, request and receive from the manager or any other eCity employee information to which a private citizen is entitled.

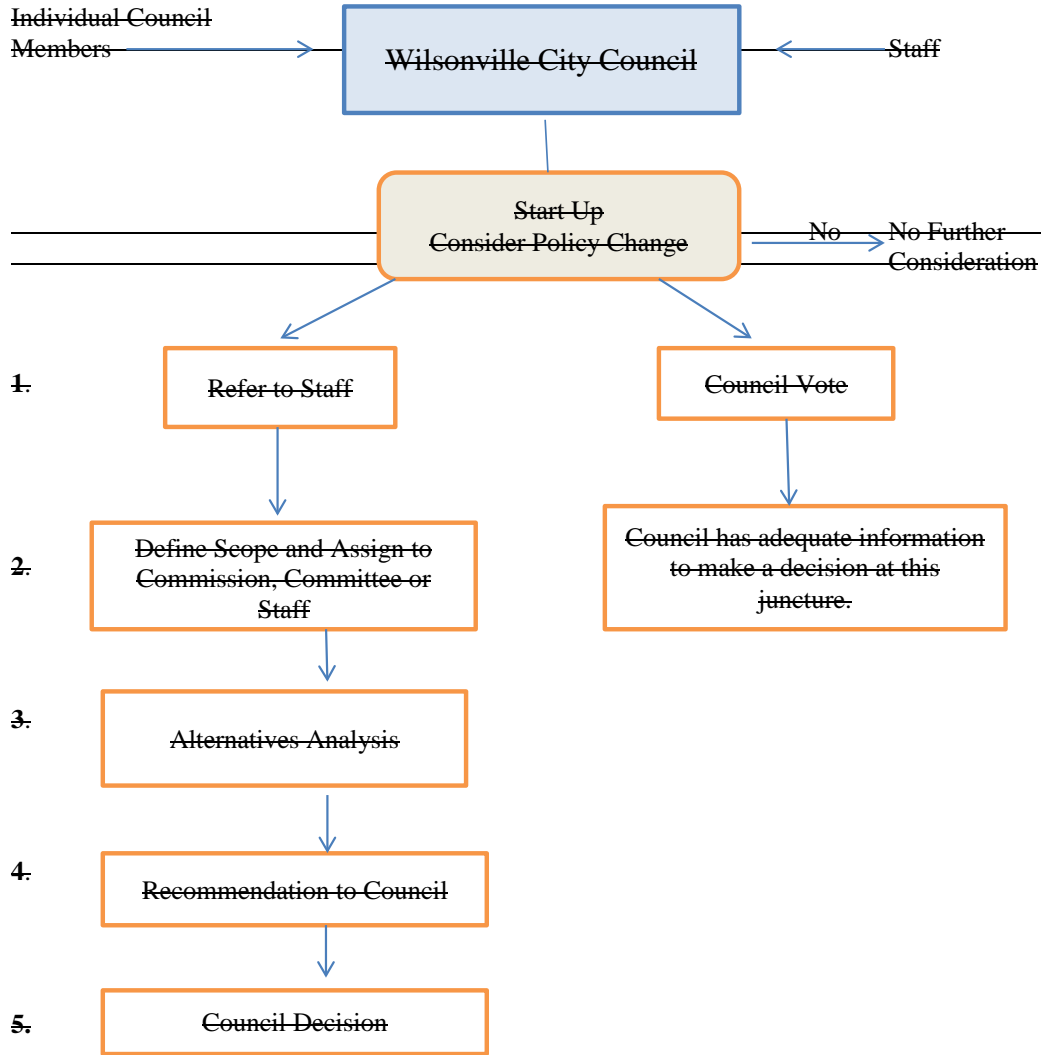
Revised February 2017

~~Appendix A~~

~~Policy Decision-Making Process Illustration~~

City Council
Policy Decision Making Process

Committees, Commissions and Boards



~~Appendix B~~

~~Request for Policy Consideration Form~~

Request for Policy Consideration

Agenda Item Number: _____

Council Meeting Date: _____

Introduced by: _____

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Problem / Issue / Idea Name:

Requested Action:

Description of Problem / Issue / Idea:

Appendix € A

Wilsonville City Charter

Enacted January 1, 1987

Amended September 1999, Section 43.

Amended November 2002, Section 44.

Amended November 2004, Section 44

CHARTER OF THE CITY OF WILSONVILLE

To provide for the government of the City of Wilsonville, Clackamas and Washington Counties, Oregon; and to repeal all Charter provisions the city enacted prior to the time this Charter takes effect.

Be it enacted by the people of the City of Wilsonville, Clackamas and Washington Counties, Oregon

CHAPTER I

NAME AND BOUNDARIES

Section 1. **TITLE OF ENACTMENT.** This enactment may be referred to as the Wilsonville Charter of 1987 and shall become effective January 1, 1987.

Section 2. **NAME OF CITY.** The City of Wilsonville, Clackamas and Washington Counties, Oregon, shall continue to be a municipal corporation with the name, "City of Wilsonville".

Section 3. **BOUNDARIES.** The city shall include all territory encompassed by its boundaries as they now exist or are hereafter modified pursuant to law. The City Recorder shall keep an accurate, up-to-date description of the boundaries and make copies of this charter and boundary descriptions available for public inspection.

CHAPTER II

POWERS

Section 4. **POWERS OF THE CITY.** The city shall have all powers that the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5. **CONSTRUCTION OF CHARTER.** In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to this end that the city may have all powers necessary

or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

CHAPTER III

FORM OF GOVERNMENT

Section 6. **WHERE POWERS VESTED.** Except as this charter provides otherwise, all powers of the city are vested in the Council; the elected officers of the city.

Section 7. **COUNCIL.** The Council shall be composed of a Mayor and four Councilors elected from the city at large.

Section 8. **COUNCILORS.** Councilors in office at the time this charter takes effect shall continue in office until the end of the present term of office of each. At each biennial general election after this charter takes effect, two Councilors shall be elected, each for a term of four years.

Section 9. **MAYOR.** At the biennial general election held in 1988, and every fourth year thereafter, a Mayor shall be elected for a term of four years. The term of Mayor elected at the 1986 general election shall continue until January 1, 1989.

Section 10. **APPOINTIVE OFFICERS.** Additional officers of the city shall be a City Manager, City Attorney and Municipal Judge and other officers and the Council deems necessary. The Council shall appoint and may remove any of these officers by a majority vote of all incumbent members of the Council. In judicial functions, the Municipal Judge shall not be subject to supervisory by any other officer.

Section 11. **SALARIES.** The compensation for the service of each city officer and employee shall be the amount fixed by the Council.

Section 12. **QUALIFICATIONS OF ELECTED OFFICERS.** No person shall be eligible for an elective office of the city unless at the time of his election, he is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. No person shall hold an elected office of the city if the person is an employee of the city. The Council shall be the final judge of the qualifications and election of its own members.

CHAPTER IV

CITY COUNCIL

Section 13. **MEETINGS.** The Council shall hold a regular meeting at least once each month in the city at a time and place with it designates. It shall adopt rules for the government of its members and proceedings. The Mayor or three Council members may call special meetings of the Council. Special meetings may also be held at any time by the common consent of a quorum of all members of the Council at any regular meeting.

Section 14. **RECORDS OF PROCEEDINGS.** The Council shall cause a record of its proceedings to be kept.

Section 15. **QUORUM.** A majority of the incumbent members of the Council shall constitute a quorum for its business.

Section 16. **PROCEEDINGS TO BE PUBLIC.** No action by the Council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

Section 17. **MAYOR'S FUNCTIONS AT COUNCIL MEETINGS.** The Mayor shall preside over Council deliberations and shall have a vote on all questions before the Council. The Mayor shall preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

Section 18. **PRESIDENT OF THE COUNCIL.** At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the Council shall elect a president from its membership. In the Mayor's absence from a Council meeting, the president shall preside over it. Whenever the council determines that the Mayor is unable to perform the functions of the office, the president shall act as Mayor.

Section 19. **VOTE REQUIRED.** Except as this charter otherwise provides, the concurrence of a majority of members of the Council voting when a quorum of the Council is present shall decide any questions before it.

CHAPTER V

POWERS AND DUTIES OF OFFICERS

Section 20. **MAYOR.** The Mayor shall appoint the Council committees provided by the rules of the Council. The Mayor shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within three days after their passage. After the Council approves a bond of a city officer or a bond for a license, contract or proposal, the Mayor shall endorse the bond.

Section 21. **CITY MANAGER.** (a) Qualifications. The City Manager shall be the administrative head of the government of the city. The City Manager shall be chosen by the Council without regard to political considerations and solely with reference to executive and administrative qualifications. The manager need not be a resident of the city or of the state at the time of appointment.

(b) Terms. The manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council. Upon any vacancy occurring in the office of manager after the first appointment pursuant to this charter, the Council at its next meeting shall adopt a resolution of its intention to appoint another manager. Not later than six months after adopting the resolution, the Council shall appoint a manager to fill the vacancy.

(c) Powers and Duties. The powers and duties of the manager shall be as follows:

(1) The manager shall devote full-time to the discharge of the manager's official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep the Council advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the city.

(2) The City Manager shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed.

(3) The manager shall designate a City Recorder and shall appoint and may remove appointive city officers and employees

except as this charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The City Manager shall organize and supervise the departments to the end of obtaining the utmost efficiency in each of them. The manager shall have no control, however, over the Council, over the Mayor, over the City Attorney, or over the judicial activities of the Municipal Judge.

(4) The manager shall act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by the manager or his designate.

(5) The manager shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

(6) The manager shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.

(d) Seats at Council Meetings. The manager and such other officers as the Council designates shall be entitled to sit with the Council but shall have no vote on questions before it. The manager may take part in all Council discussion.

(e) Manager Pro Tem. Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever the office becomes vacant, the Council shall appoint a manager pro tem, who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employee except with the approval of the Council. No manager pro tem shall hold the position as such for more than six months, and no appointment of a manager pro tem shall be consecutively renewed.

Section 22. **MUNICIPAL JUDGE.** The Municipal Judge shall be the judicial officer of the city. The judge shall hold within the city, a court known as the municipal court for the City of Wilsonville, Clackamas and Washington Counties, Oregon. The

court shall be open for the transaction of judicial business at times specified by the Council. All areas within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined or authorized by ordinances of the city. The judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before the judge, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Notwithstanding this section or section 10 of this charter, the Council may provide for the transfer of powers and duties of the municipal court to the appropriate district court of the State of Oregon.

Section 23. **CITY RECORDER.** The City Recorder shall serve ex officio as clerk of the Council, attend all its meetings unless excused therefrom by the Council and keep an accurate record of its proceedings. In the Recorder's absence from a Council meeting, the Mayor shall appoint a clerk of the Council pro tem, who, while acting in that capacity, shall have all the authority and duties of the Recorder.

CHAPTER VI

ELECTIONS

Section 24. **REGULATION OF ELECTIONS GENERALLY.** Except as this charter provides otherwise and as the Council provides otherwise by ordinance, the general laws of the state shall apply to city elections.

Section 25. **TIE VOTES.** In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Council.

Section 26. **COMMENCEMENT OF TERMS OF OFFICE.** The term of office of a person elected to a city office at a regular city election commences on January 1st of the year immediately following the election.

Section 27. **OATH OF OFFICE.** Before commencing the duties of elective office, each officer shall take an oath or shall affirm faithful performance of the duties of the office and support for the constitutions and laws of the United States and the State of Oregon.

Section 28. **NOMINATIONS.** A qualified elector who shall have resided in the city during the 12 months immediately preceding the election may be nominated for an elective city position. Nomination shall be by petition specifying the position sought in a form prescribed by the Council. Such petition shall be signed by not fewer than 20 electors. Nomination petitions shall be in the form and filed in the manner and within the time prescribed by ordinance and state law. The City Recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed.

CHAPTER VII

VACANCIES IN OFFICE

Section 29. **VACANCY.** An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, resignation or recall or upon the incumbent's ceasing to possess the qualifications necessary for the office; or upon the failure of the person elected or appointed to an office to qualify therefor within ten days after the time for the term of office to commence; and in the case of Mayor or Councilor, upon the absence from meetings from the Council for 60 days or absence from the city for 30 days without consent of the Council; and upon a declaration by the Council of the vacancy.

Section 30. **FILLING OF VACANCIES.** Vacancies in elective offices of the city shall be filled by appointment by a majority of the incumbent membership of the Council. The appointee's terms of office shall begin immediately upon appointment and shall continue until the first day of January following the next biennial election; and if the term of office does not then expire, the remainder thereof shall be filled by election at

such biennial election. During the temporary disability of any officer or during the absence temporarily from the city for any cause, the office may be filled pro tem, in the manner provided for filling vacancies in office permanently.

CHAPTER VIII

ORDINANCES

Section 31. **ENACTING CLAUSE.** The enacting clause of all ordinances hereafter enacted shall be “The City of Wilsonville Ordains as Follows”.

Section 32. **MODE OF ENACTMENT.** (1) Except as subsection (2) and (3) provides to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.

(2) Except as sub-section (3) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all incumbent Council members, upon being read first in full and then by title.

(3) Any of the readings may be by title only (a) if no Council member present at the meeting requests to have the ordinance read in full; or (b) if a copy of the ordinance is provided for each Council member and a copy is provided for public inspection in the office of the City Recorder not later than one week before the first reading of the ordinance and notice of their availability is given forthwith upon the filing by written notice posted in the City Hall and two other public places in the city; or advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

(4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered into the record of proceedings.

(5) Upon the enactment of any ordinance, the City Recorder shall sign it with the date of its passage and the Recorder’s name and title of office, and within three days thereafter the Mayor shall sign it with the date of signature, name and the title of office.

Section 23. **WHEN ORDINANCES SHALL TAKE EFFECT.** An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of emergency, it may take effect immediately.

CHAPTER IX

PUBLIC IMPROVEMENTS

Section 34. **CONDEMNATION.** Any necessity of taking property for the city by condemnation shall be determined by the Council and declared by a resolution of the Council describing the property and stating the uses to which it shall be devoted. All such proceedings shall be in accordance with existing state laws pertaining to condemnation.

Section 35. **IMPROVEMENTS.** The procedure for making, altering, vacating or abandoning a public improvement shall be governed by ordinance or, to the extent not so governed, by the applicable general laws of the State of Oregon.

Section 36 **SPECIAL ASSESSMENTS.** The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by ordinance or to the extent not so governed, by the applicable general laws of the State of Oregon.

Section 37. **PUBLIC CONTRACTING.** Except as authorized by Oregon Public Contracting law or general ordinance, all city contracts shall be based on competitive bids.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 38. **DEBT LIMIT.** Except by consent of the voters, the city's voluntary floated indebtedness shall not exceed ten percent of the current budget, nor its bonded indebtedness exceed that as may be set by Oregon law. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees

who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 39. **TORTS.** In no event shall the city be liable in damages except as provided by Oregon law.

Section 40. **EXISTING ORDINANCES CONTINUED.** All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 41. **REPEAL OF PREVIOUSLY ENACTED PROVISIONS.** All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed except those charter amendments giving authority for the issuance of general obligation bonds which shall remain in full force and effect.

Section 42. **TIME OF EFFECT OF CHARTER.** This charter shall take effect January 1, 1987.

Section 43. **USE OF WILLAMETTE RIVER.** The City of Wilsonville shall not use Willamette River water as a drinking water source for its citizens unless the question of so using the Willamette River water as a drinking water source has received the affirmative majority of the total number of legal votes cast on such measure and entitled to be counted thereon. *[Section 43 is a Charter Amendment voted upon and approved by a majority of the qualified voters of the City of Wilsonville in a special election September 20, 1999.]*

Section 44. **REQUIRES VOTER APPROVAL BEFORE CITY EXPENDS RESOURCES TO CONSTRUCT ANY NEW CITY HALL BUILDING.** The city shall not expend resources on the construction of a new City Hall Building without first obtaining approval of a majority of voters casting ballots during a regularly scheduled City election. A regularly scheduled city election shall be defined as the general election

held on the first Tuesday after the first Monday of November in even numbered years or such special election called by the City council for a statutorily scheduled county election date in March, May, September or November. Any ballot proposal seeking such approval must include the total cost of completing the construction project in its title caption. The total cost of construction must be detailed in a proposal summary and shall include principal construction costs, infrastructure costs, the commercially zoned market value of any land acquired or appropriated for the project, the maximum cost of paying interest on any bonded indebtedness attached to the project, and an estimate of any other costs necessary to complete the project. The term 'City Hall Building' includes any significant structure housing one or more chief administrative functions of the city." Spending necessary to determine costs is not restricted. *[Section 44 is a Charter Amendment voted upon and approved by a majority of the qualified voters of the City of Wilsonville in a regular election held November 5, 2002.]*

Amended September 1999, Section 43.

Amended November 2002, Section 44.

Amended November 2004, Section 44 to clarify 'regularly scheduled election'

Appendix DB

Chapter 2.003
Wilsonville Code
Administration – General

ADMINISTRATION

GENERAL

- 2.001 Office Hours of City Offices
- 2.003 City Council Meetings
- 2.005 City Council Special Committees
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GENERAL

2.001 Office Hours of City Offices.

The hours of business for all city offices shall be set and established by the Council.

2.003 City Council Meetings.

(1) Regular meetings of the Council shall be held on the first and third Monday of the month at 7 p.m. except that when a first or third Monday falls on a legal or national holiday, there will be no regular City Council meeting held that week. However, this shall not prevent the City council from otherwise calling a special meeting for such purposes as it determines. All regular meetings of the Council shall be held within the City of Wilsonville.

Amended by Ord. #390-August 5, 1991

Amended by Ord. #422 – December 20, 1993

(2) Special meetings of the Council shall be called by the Mayor or, in his absence, the president of the Council whenever in his opinion the public business may require it, or at the express written request of any three members of the Council. Whenever a special meeting is called a notice shall be served upon each member of the Council either in person or by notice left at the councilor's place of residence, stating the date, place, and hour of the meeting and the purpose for which such meeting is called. Unless an emergency exists, no special meeting shall be held without at least 24 hours' notice to the members of the Council the news media, and the general public. In case of an actual emergency, a meeting may held upon such notice as is appropriate to the circumstances but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice unless otherwise required by law or necessitated by an emergency.

(3) All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall, at least twenty-four (24) business hours prior

to each Council meeting, be delivered to the City Recorder whereupon the City Recorder shall immediately arrange a list of such matters according to the Order of Business and furnish each member of the Council, the City Manager and the City Attorney with a copy of the same prior to the Council meeting and as far in advance of the meeting as time for preparation will permit. None of the foregoing matters shall be presented to the Council by administrative officials except those of an urgent nature, and the same, when so presented, shall have approval of the Mayor or City Manager before presentation.

(4) The Presiding Officer of the Council shall be the Mayor. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject; however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. He shall vote on all questions. He shall sign all ordinances and resolutions adopted by the Council during his presence. In the event of the absence or unavailability of the Mayor, the Presiding officer as designated in Section 2.003(5) shall sign ordinances or resolutions as then adopted.

(5) The Mayor, or in his absence or unavailability, the President of the Council shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence or unavailability of the Mayor and the President of the Council, the City Recorder, shall call the Council to order, whereupon a temporary chairman shall be elected by the members of the council present. Upon arrival of the Mayor or the President of the Council, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

(6) Before proceeding with the business of the Council, the City Recorder shall call the roll of the members, and the names of those present shall be entered in the minutes.

(7) A majority of all the members elected to the Council shall constitute a quorum at any regular or special meeting of the Council.

(8) All meetings of the Council shall be open to the public in accordance with ORS 192.610 et seq. Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the City Recorder, City Attorney and City Manager shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition in the following order:

(9) The Council may, at its discretion and upon the approval of a majority of a quorum present, change the order of business before it.

(10) Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the City Recorder has previously furnished each member with a copy or synopsis thereof.

(11) The following constitute the adopted rules of debate:

(a) The Mayor or President of the Council or such other member of the Council as may be presiding, may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the right and privileges of a Councilor by reason of his acting as the Presiding Officer.

(b) Every member desiring to speak shall address the chair, and upon recognition by the Presiding Officer, shall confine themselves to the question under debate, avoiding all personalities and indecorous language.

(c) A member, once recognized, shall not be interrupted when speaking unless it is to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order is determined, and if in order, he shall be permitted to proceed. Notwithstanding the above, no member shall speak at any one time in excess of ten minutes without the consent of the members constituting a quorum.

(d) The Councilor moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(e) A motion to reconsider any action taken by the Council may be made only on the date such action was taken, either immediately during the same session or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

(f) A councilor may request, through the Presiding Officer the privilege of having an abstract of his statement on any subject under consideration by the Council entered in toto into the minutes; if the Council consents thereto, such statement shall be entered in the minutes in toto.

(g) The City Recorder may enter in the minutes a synopsis of the discussion on any question coming regularly before the council, at the direction of the Presiding officer and with consent of the Council.

(h) A journal of the proceedings consisting of minutes of the meeting and an electronic recording of the meeting shall be kept; on call of any two of its members, the Presiding Officer may cause the yeas and nays to be taken and entered in its journal upon any question before it.

(12) To address the Council, any person shall first secure the permission of the Presiding Officer; provided, however, that under the following heading of business, unless the

Presiding Officer rules otherwise, any qualified person may address the Council without securing such prior permission:

(a) By written communications, interested parties or their authorized representatives may address the Council in regard to matters there under discussion.

(b) By oral communications taxpayers or residents of the City, or their authorized legal representatives, may address the Council on any matter concerning the City's business or any matter over which the Council has control; provided, however, that preference shall be given to those person who may have notified the City Recorder I the advance of their desire to speak in order that the same may appear on the agenda of the Council.

(c) By reading of protests, petitions, or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions, or similar matter, interested persons or their representatives may address the council in regard to matters then under consideration.

(13) After a motion is made by the council, no person shall address the Council without first securing the permission of the presiding Officer to do so.

(14) Each person addressing the Council shall do so in the following manner: Come to the designated area for persons to address the Council, give his or her name and address in an audible tone of voice for the records; limit his address to three (3) minutes unless further time is granted by the Presiding Officer of the council; and address all remarks to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor, shall per permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No questions shall be asked of a Councilor except through the Presiding Officer.

(15) No person, except City Officials, their representatives and newspaper reporters, shall be permitted within normal seating area of the City Council without the express consent of the presiding officer.

(16) Unless a member of the Council states that he is not voting his silence shall be recorded as an affirmative vote.

(17) The following constitutes the rules of decorum:

(a) While the council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.

(b) Any person whose conduct at a council meeting intentionally, recklessly, or knowingly causes or attempts to cause a disturbance of the order or decorum of the proceedings may be barred from the Council meeting by a majority vote of the Council.

Amended by Ord. #380 – March 4, 1991 [Mike K. review this against recent case law].

(18) The law enforcement officer of the city, or such member or members of his office or department as he may designate, shall be Sergeant at Arms of the Council meetings, He or they shall carry out all orders and instructions given by the Presiding Officer for purposes of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant at Arms or any of them present; to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of this Code, and the complaint shall be signed by the Presiding Officer.

(19) Any member shall have the right to have the reasons for his dissent from or protest against any action of the Council entered on the minutes.

(20) No account or other demand against the city shall be allowed until the same has been considered and reported upon to the Council.

(21) All reports and resolutions shall be filed with the City Recorder and entered on the minutes.

(22) A motion to adjourn shall always be in order and decided without debate.

(23) Any person violating the provisions of Section 2.003(17)(b) of this Code shall upon first conviction be guilty of a violation and shall be punished pursuant to Section 1.012, and shall upon any subsequent conviction be guilty of a Class C Misdemeanor and shall be punished pursuant to Section 1.011. In any suit, action or claim of relief, inclusive of appeal, to enforce any provisions of the Section, the City shall recover its costs, inclusive or reasonable attorney fees.

(24) In all other instances not covered by the provisions of this Section, Robert's Rules of Order shall be followed. The City Attorney, or in the absence of the City Attorney, his or her designee, shall serve as the parliamentarian for City Council meetings and such other City meetings as may be needed.

Amended by Ord. #381 – March 4, 1991

2.005 City Council Special Committees.

(1) All special committees shall be appointed and assigned respectively by the presiding officer, unless otherwise directed by the council.

(2) Committees shall make their reports in writing or have them recorded verbatim by an electronic recording device and a transcript made thereof, and shall return the petition,

resolution, account, or other paper submitted for consideration to the Council at a regular meeting.

2.007 City Council Evidentiary Hearings.

In all evidentiary hearings before the Council, the procedures prescribed by Section 2.560 shall apply.

2.009 City Council Mode of Introducing and Enacting Ordinances, Resolutions, and Other Matters or Subjects Requiring Action by the Council.

(1) All ordinances, resolutions, and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or his authorized representative.

(2) Ordinances, resolutions, and other matters or subjects requiring action by Council must be introduced and sponsored by a member of the Council, except that the Mayor, City manager or City Attorney may present ordinances, resolutions and other matters or subjects to the Council, and any Councilor may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.

(3) Enacting or Adopting Clause. The enacting clause of all ordinances hereafter enacted shall be "The City of Wilsonville Ordains as Follows". The adopting clause of all resolutions hereafter enacted shall be "The City of Wilsonville resolves as follows".

(4) Except as subsection (5) and (6) provides to the contrary, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.

(5) Except as subsection (6) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all incumbent Council members, upon being read first in full and then by title.

(6) Any of the readings may be title only if (a) if no council member present at the meeting requests to have the ordinance read in full; or (b) if a copy of the ordinance is provided for each Council member and a copy is provided for public inspection in the office of the city Recorder not later than one week before the first reading of the ordinance and notice of their availability is given forthwith upon the filing by written notice posted in the City Hall and two other public places in the city; or advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

(7) Upon the final vote of any ordinance, the ayes and nays of the members shall be taken and entered into the record of proceedings.

(8) Upon the enactment of any ordinance, the City Recorder shall sign it with the date of its passage and the Recorder's name and title of office and within three days thereafter the Mayor shall sign it with the date of signature, name and title of office.

(9) When ordinances shall take effect. An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the council deems it advisable; however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

(10) Resolutions may be read by title only and shall be adopted on the date of passage unless the resolution otherwise provides.

2.010 Election of City Councilors

In cases where both two and four-year terms for City Councilors are available due to vacancies in office, the candidate(s) receiving the highest number of votes shall be elected to the longer term(s). In cases of tie votes, Section 25 of the City Charter shall apply.

Amended by Ord #325 – April 4, 1988

2.011 City Council Election of Officers.

2.013 City Council Executive Sessions.

Executive Sessions may be held by the Council in accordance with the provisions of ORS Chapter 192.

OFFICERS AND EMPLOYEES

2.100 Mayor.

(1) The Mayor shall preside over Council deliberations and shall have a vote on all questions before the Council. The mayor shall preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

(2) The Mayor shall appoint the Council committees provided by the rules of the Council. The Mayor shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within three days of their passage. After the Council approves a bond of a city officer or a bond for a license contract or proposal, the mayor shall endorse the bond.

Appendix E C

Section(s) 192.610-710
Oregon Revised Statutes
Oregon Open Meeting Law

PUBLIC MEETINGS

192.610 Definitions for ORS 192.610 to 192.690. As used in ORS 192.610 to 192.690:

(1) “Decision” means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.

(2) “Executive session” means any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.

(3) “Governing body” means the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.

(4) “Public body” means the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.

(5) “Meeting” means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. “Meeting” does not include any on-site inspection of any project or program. “Meeting” also does not include the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong. [1973 c.172 §2; 1979 c.644 §1]

192.620 Policy. The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. [1973 c.172 §1]

192.630 Meetings of governing body to be open to public; location of meetings; accommodation for person with disability; interpreters. (1) All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.

(2) A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.

(3) A governing body may not hold a meeting at any place where discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, age or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place does not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominate use.

(4) Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized

Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.

(5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.

(b) The person requesting the interpreter shall give the governing body at least 48 hours' notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.

(c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

(d) If certification of interpreters occurs under state or federal law, the Oregon Health Authority or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.

(e) As used in this subsection, "good faith effort" includes, but is not limited to, contacting the department or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more qualified interpreters to provide interpreter services. [1973 c.172 §3; 1979 c.644 §2; 1989 c.1019 §1; 1995 c.626 §1; 2003 c.14 §95; 2005 c.663 §12; 2007 c.70 §52; 2007 c.100 §21; 2009 c.595 §173]

192.640 Public notice required; special notice for executive sessions, special or emergency meetings. (1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

(2) If an executive session only will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

(3) No special meeting shall be held without at least 24 hours' notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice. [1973 c.172 §4; 1979 c.644 §3; 1981 c.182 §1]

192.650 Recording or written minutes required; content; fees. (1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the

meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- (a) All members of the governing body present;
- (b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- (c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
- (d) The substance of any discussion on any matter; and
- (e) Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting.

(2) Minutes of executive sessions shall be kept in accordance with subsection (1) of this section. However, the minutes of a hearing held under ORS 332.061 shall contain only the material not excluded under ORS 332.061 (2). Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, that material may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility.

(3) A reference in minutes or a recording to a document discussed at a meeting of a governing body of a public body does not affect the status of the document under ORS 192.410 to 192.505.

(4) A public body may charge a person a fee under ORS 192.440 for the preparation of a transcript from a recording. [1973 c.172 §5; 1975 c.664 §1; 1979 c.644 §4; 1999 c.59 §44; 2003 c.803 §14]

192.660 Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits. (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.

(2) The governing body of a public body may hold an executive session:

- (a) To consider the employment of a public officer, employee, staff member or individual agent.
- (b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.

(c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063 including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.

(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

(f) To consider information or records that are exempt by law from public inspection.

(g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

(j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.

(k) If the governing body is a health professional regulatory board, to consider information obtained as part of an investigation of licensee or applicant conduct.

(L) If the governing body is the State Landscape Architect Board, or an advisory committee to the board, to consider information obtained as part of an investigation of registrant or applicant conduct.

(m) To discuss information about review or approval of programs relating to the security of any of the following:

(A) A nuclear-powered thermal power plant or nuclear installation.

(B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.

(C) Generation, storage or conveyance of:

(i) Electricity;

(ii) Gas in liquefied or gaseous form;

(iii) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

(iv) Petroleum products;

(v) Sewage; or

(vi) Water.

(D) Telecommunication systems, including cellular, wireless or radio systems.

(E) Data transmissions by whatever means provided.

(3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.

(4) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061 (2) but the governing body may require that specified information be undisclosed.

(5) When a governing body convenes an executive session under subsection (2)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

(6) No executive session may be held for the purpose of taking any final action or making any final decision.

(7) The exception granted by subsection (2)(a) of this section does not apply to:

(a) The filling of a vacancy in an elective office.

(b) The filling of a vacancy on any public committee, commission or other advisory group.

(c) The consideration of general employment policies.

(d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:

(A) The public body has advertised the vacancy;

(B) The public body has adopted regular hiring procedures;

(C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and

(D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

(8) A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.

(9) Notwithstanding subsections (2) and (6) of this section and ORS 192.650:

(a) ORS 676.175 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of licensee or applicant conduct investigated by a health professional regulatory board.

(b) ORS 671.338 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of registrant or applicant conduct investigated by the State Landscape Architect Board or an advisory committee to the board. [1973 c.172 §6; 1975 c.664 §2; 1979 c.644 §5; 1981 c.302 §1; 1983 c.453 §1; 1985 c.657 §2; 1995 c.779 §1; 1997 c.173 §1; 1997 c.594 §1; 1997 c.791 §9; 2001 c.950 §10; 2003 c.524 §4; 2005 c.22 §134; 2007 c.602 §11; 2009 c.792 §32]

192.670 Meetings by means of telephonic or electronic communication. (1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.

(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the governing body of the public body is present. [1973 c.172 §7; 1979 c.361 §1]

192.680 Enforcement of ORS 192.610 to 192.690; effect of violation on validity of decision of governing body; liability of members. (1) A decision made by a governing body of a public body in violation of ORS 192.610 to 192.690 shall be voidable. The decision shall not be voided if the governing body of the public body reinstates the

decision while in compliance with ORS 192.610 to 192.690. A decision that is reinstated is effective from the date of its initial adoption.

(2) Any person affected by a decision of a governing body of a public body may commence a suit in the circuit court for the county in which the governing body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of ORS 192.610 to 192.690, by members of the governing body, or to determine the applicability of ORS 192.610 to 192.690 to matters or decisions of the governing body.

(3) Notwithstanding subsection (1) of this section, if the court finds that the public body made a decision while in violation of ORS 192.610 to 192.690, the court shall void the decision of the governing body if the court finds that the violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the governing body, unless other equitable relief is available. The court may order such equitable relief as it deems appropriate in the circumstances. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney fees at trial and on appeal, by the governing body, or public body of which it is a part or to which it reports.

(4) If the court makes a finding that a violation of ORS 192.610 to 192.690 has occurred under subsection (2) of this section and that the violation is the result of willful misconduct by any member or members of the governing body, that member or members shall be jointly and severally liable to the governing body or the public body of which it is a part for the amount paid by the body under subsection (3) of this section.

(5) Any suit brought under subsection (2) of this section must be commenced within 60 days following the date that the decision becomes public record.

(6) The provisions of this section shall be the exclusive remedy for an alleged violation of ORS 192.610 to 192.690. [1973 c.172 §8; 1975 c.664 §3; 1979 c.644 §6; 1981 c.897 §42; 1983 c.453 §2; 1989 c.544 §1]

192.685 Additional enforcement of alleged violations of ORS 192.660. (1) Notwithstanding ORS 192.680, complaints of violations of ORS 192.660 alleged to have been committed by public officials may be made to the Oregon Government Ethics Commission for review and investigation as provided by ORS 244.260 and for possible imposition of civil penalties as provided by ORS 244.350.

(2) The commission may interview witnesses, review minutes and other records and may obtain and consider any other information pertaining to executive sessions of the governing body of a public body for purposes of determining whether a violation of ORS 192.660 occurred. Information related to an executive session conducted for a purpose authorized by ORS 192.660 shall be made available to the Oregon Government Ethics Commission for its investigation but shall be excluded from public disclosure.

(3) If the commission chooses not to pursue a complaint of a violation brought under subsection (1) of this section at any time before conclusion of a contested case hearing, the public official against whom the complaint was brought may be entitled to reimbursement of reasonable costs and attorney fees by the public body to which the official's governing body has authority to make recommendations or for which the official's governing body has authority to make decisions. [1993 c.743 §28]

192.690 Exceptions to ORS 192.610 to 192.690. (1) ORS 192.610 to 192.690 do not apply to the deliberations of the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS 9.568, meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS 418.747, the child fatality review teams required to review child fatalities in accordance with the provisions of ORS 418.785, the peer review committees in accordance with the provisions of ORS 441.055, mediation conducted under ORS 36.250 to 36.270, any judicial proceeding, meetings of the Oregon Health and Science University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.

(2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530. [1973 c.172 §9; 1975 c.606 §41b; 1977 c.380 §19; 1981 c.354 §3; 1983 c.617 §4; 1987 c.850 §3; 1989 c.6 §18; 1989 c.967 §§12,14; 1991 c.451 §3; 1993 c.18 §33; 1993 c.318 §§3,4; 1995 c.36 §§1,2; 1995 c.162 §§62b,62c; 1999 c.59 §§45a,46a; 1999 c.155 §4; 1999 c.171 §§4,5; 1999 c.291 §§25,26; 2005 c.347 §5; 2005 c.562 §23; 2007 c.796 §8; 2009 c.697 §11]

Note: The amendments to 192.690 by section 11, chapter 697, Oregon Laws 2009, become operative July 1, 2010. See section 22, chapter 697, Oregon Laws 2009, as amended by section 76, chapter 828, Oregon Laws 2009. The text that is operative until July 1, 2010, is set forth for the user's convenience.

192.690. (1) ORS 192.610 to 192.690 do not apply to the deliberations of the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS 9.568, meetings of the Health Professionals Program Supervisory Council established under ORS 677.615, meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS 418.747, the child fatality review teams required to review child fatalities in accordance with the provisions of ORS 418.785, the peer review committees in accordance with the provisions of ORS

441.055, mediation conducted under ORS 36.250 to 36.270, any judicial proceeding, meetings of the Oregon Health and Science University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.

(2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530.

192.695 Prima facie evidence of violation required of plaintiff. In any suit commenced under ORS 192.680 (2), the plaintiff shall be required to present prima facie evidence of a violation of ORS 192.610 to 192.690 before the governing body shall be required to prove that its acts in deliberating toward a decision complied with the law. When a plaintiff presents prima facie evidence of a violation of the open meetings law, the burden to prove that the provisions of ORS 192.610 to 192.690 were complied with shall be on the governing body. [1981 c.892 §97d; 1989 c.544 §3]

Note: 192.695 was added to and made a part of ORS chapter 192 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

192.710 Smoking in public meetings prohibited. (1) No person shall smoke or carry any lighted smoking instrument in a room where a public meeting is being held or is to continue after a recess. For purposes of this subsection, a public meeting is being held from the time the agenda or meeting notice indicates the meeting is to commence regardless of the time it actually commences.

(2) As used in this section:

(a) "Public meeting" means any regular or special public meeting or hearing of a public body to exercise or advise in the exercise of any power of government in buildings or rooms rented, leased or owned by the State of Oregon or by any county, city or other political subdivision in the state regardless of whether a quorum is present or is required.

(b) "Public body" means the state or any department, agency, board or commission of the state or any county, city or other political subdivision in the state.

(c) "Smoking instrument" means any cigar, cigarette, pipe or other smoking equipment. [1973 c.168 §1; 1979 c.262 §1]

Appendix FD

Resolution No. 2321

RESOLUTION NO. 2321

A RESOLUTION OF THE CITY OF WILSONVILLE ADOPTING A PROCESS FOR RECEIPT OF APPLICATIONS AND AN APPOINTMENT PROCESS TO THE CITY'S BOARDS, COMMISSIONS, COMMITTEES AND TASK FORCES AND REPEALING RESOLUTION NO. 2267.

WHEREAS, the City Council, desired to have a formal written process for the receipt of applications, and the appointment process for the City's Boards, Commissions, Committees, and Task Force; and

WHEREAS, Council adopted Resolution No. 2267, on February 7, 2011 which memorialized the formal application and selection process; and

WHEREAS, the intent of Resolution No. 2267 was that written guidelines would help to ensure a greater applicant pool with a broader range of background and interests for those desiring to volunteer their time in service to the community; and

WHEREAS, upon working with the process in Resolution No. 2267, the Council found the process contained in Resolution No. 2267 could be simplified and desires to do so.

NOW, THEREFORE THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. Except for the appointment of Council liaisons, where the Council appoints itself as a whole, or to the extent it is required by law to serve on or as a Board, Commission, Committee, or Task Force (e.g. Local Contract Board, Urban Renewal Board, Budget Committee), the following appointment process for Boards, Commissions, Committees, including the non-Council members of the Budget Committee, and Task Forces shall apply as guidelines for appointment to both existing Boards, Commissions, Committees, and Task Forces established by the Council and to those Boards, Commissions, Committees, and Task Forces subsequently established by the Council.

2. The guidelines shall apply to the following existing Boards, Commissions, and Committees:
 - 2.1. The Park and Recreation Advisory Board, WC 2.300 et seq.
 - 2.2. The Planning Commission, WC 2.320 et seq.
 - 2.3. The Development Review Board (sits as two panels), WC 2.330 et seq.
 - 2.4. The Library Board, WC 2.350 et seq.
 - 2.5. The Budget Committee, ORS 294.336 et seq., Council est. 1/10/69
3. Boards and commission members' duties and qualifications are set forth in their respective boards and commission provision of Chapter 2 of the Wilsonville Code.
4. When there is a vacancy, the City Recorder shall advise the council, and unless the Council directs otherwise the City Recorder shall advertise the vacancy(s) in the Wilsonville Spokesman, the local newspaper of general circulation, on the City's website, in the City newsletter, local access cable channel, with general announcements at city meetings and posted at city hall.
 - 4.1 Such advertisement should announce the opening and provide a brief description of the duties, any qualifications that apply to the position, the length of the term to be filled, and where an application can be obtained.
 - 4.2 The recruitment process shall be open for 30 days.
 - 4.3 The City Recorder shall provide for those interested in applying a City application form to be filled out and returned to the Recorder, which shall be in the general form as attached hereto and marked as Exhibit A.
 - 4.4. Existing Board and Commission members who wish to be reappointed when their term has expired need not submit a formal application but may submit a letter expressing continued interest in serving another term to the Mayor and the City Council.

5. Upon closure of the recruitment period, the applications and any supporting documents shall be copied to the entire City Council.
6. All applications and supporting documentation shall be kept on file in the City Recorders office for one year. Should a vacancy occur, the applications on file and any new applications received during the recruitment period shall be sent to the City Council for review.
7. Before making their recommendations, individual Councilors may interview any applicant. City Council members shall make their recommendations to the Mayor for appointment within two weeks of receiving the applications. Thereafter the Mayor shall make the appointment subject to Council approval at a Council meeting.
8. The Mayor or Council President will invite the new appointee to attend a regular Council meeting where the appointee may be officially introduced.
9. Guidelines for appointing Task Forces and Ad Hoc Committees:
 - 9.1. Task Forces and Ad Hoc special committees are established by the City Council as the need arises, generally on a short term basis to study an issue of concern or need.
 - 9.2. Duties of the Task Force or the Ad Hoc Committee and the respective membership of each are assigned at the time of establishment.
10. ~~Appointment of Council Liaisons to Boards, Commissions, Committees, and Task Forces.~~
 - 10.1. ~~With the exception of the Budget Committee upon which they all serve, each City Councilor shall have the opportunity to serve as a liaison to a Board, Commission, or Committee named in Section 2 above as their term of office may allow. Non voting liaison positions to the City's Boards and Commissions are to foster communication and understanding. At the last regular meeting in January or at the first regular meeting of February of each year, the City Councilors shall discuss liaison appointments and announce the Council liaison appointments for the upcoming year.~~

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11. Resolution No. 2267 is repealed.
12. This resolution becomes effective upon adoption.

ADOPTED, by the Wilsonville City council at a regular meeting thereof this 19th day of September, 2011 and filed with the Wilsonville City Recorder this date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp - Yes

Council President Núñez - Yes

Councilor Hurst - Excused

Councilor Goddard - Yes

Councilor Starr - Yes

Attachments:

Exhibit A –Application for Appointment to Board/Commission Form



29799 Town Center Loop East
Wilsonville, OR 97070
503-682-1011 - Phone
503-682-1015 - Fax

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APPLICATION FOR APPOINTMENT TO BOARD/COMMISSION

Name: _____ Date: _____
Last First Middle

Home Address: _____

City/State/Zip: _____

Is this address within the City? _____ I've lived in Wilsonville since: _____

Telephone No.: _____
Home Work Cell/Mobile

E-Mail Address: _____

Are you a registered Voter with the State of Oregon? _____

Present Occupation: _____

Which Committee(s) would you like to be appointed to:

*Dates of meetings are listed at the end of this application.
Please make sure those dates work with your schedule before you apply.*

- Budget Committee
- Parks and Recreation Advisory Board
- Library Advisory Board
- Development Review Board
- Planning Commission
- [Wilsonville-Metro Community Enhancement Committee](#)

Employment, professional, and volunteer background:

Previous City appointments, offices or activities:

As additional background for the Mayor and City Council, please answer the following questions. Feel free to add additional pages.

1. What experience/training/qualifications do you have for this particular board or commission? You may attach a resume.

2. What specific contribution do you hope to make?
3. What community topics concern you that relate to this board or commission? Why do you want to become a member?
4. Describe your involvement in relevant community groups and activities. (Lack of previous involvement will not disqualify you from consideration.)

Signature: _____ Date: _____

Meeting dates (all meeting dates are subject to change or additions)

- Budget Committee – typically meets in April-May to consider City budget for new fiscal year
- Development Review Board – Second and fourth Mondays of the month
- Library Board – Fourth Wednesday of the month
- Parks & Recreation Advisory Board – Second Thursday of the month
- Planning Commission – Second Wednesday of the month

*Please be advised members of the City Council, the Planning Commission and Development Review Board are required to file an annual **Statement of Economic Interest** with the State of Oregon. A sample reporting form is available from the City Records Office at 29799 SW Town Center Loop East indicating the type of information you will be required to disclose if you are appointed.*

For office use only:

Date Received: _____

Date Considered: _____

Action by Council: _____

Term Expires: _____

Please return this form to:

City Recorder
29799 SW Town Center Loop E.,
Wilsonville, OR 97070
(503) 570-1506 FAX (503) 682-1015
E-mail: king@ci.wilsonville.or.us

Appendix GE

Resolution No. 2322

RESOLUTION NO. 2322

A RESOLUTION OF THE CITY OF WILSONVILLE ADOPTING A CITY COUNCIL PROTOCOL MANUAL, ESTABLISHING COMMUNICATION GUIDELINES AND COUNCIL PROTOCOLS AS SINGLE SOURCE REFERENCE DOCUMENT.

WHEREAS, the Wilsonville City Council believes effective municipal governance requires that individual Council members adhere to a general set of principles when dealing with each other and the general public; and

WHEREAS, the Council desires to conduct its meetings in a manner that is courteous, effective, and efficient; and

WHEREAS, providing a single source reference document containing the Council protocol and communication guidelines will aid in fostering an environment that is fair, open and responsive.

NOW THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council adopts the *City of Wilsonville City Council Protocol Manual*, attached here to as Exhibit A, as if fully set forth herein, as a single source reference on Council protocol and communication.
2. This resolution is effective the date of adoption.

ADOPTED by the City of Wilsonville at a regular meeting thereof this 19th day of September, 2011 and filed with the Wilsonville City Recorder this date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp - Yes
Council President Núñez - Yes
Councilor Hurst - Excused
Councilor Goddard - Yes
Councilor Starr - Yes

Appendix [HF](#)

Best Practices for an Elected
Governing Council

By

Joe Hertzberg
February 2011

|

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CITY OF WILSONVILLE

CITY COUNCIL PROTOCOL MANUAL



**ADOPTED BY RESOLUTION NO. 2322
SEPTEMBER 19, 2011
REVISED MARCH 6, 2017**

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Dated February 2011.....64-69

PREFACE

The following is a single source reference document on the Wilsonville City Council's protocols and communication guidelines. The protocols and guidelines included in this reference document have been formally adopted by **Council Resolution No. 2322**.

The Wilsonville City Council believes that effective municipal governance requires that individual Council members adhere to a general set of principles when dealing with each other and the general public. Furthermore, the City Council desires to conduct its meetings in a manner that is courteous, effective and efficient, while fostering an environment that is fair, open and responsive to the needs of the community. Members of the Wilsonville City Council will:

- ✓ Trust and respect the opinions of fellow Council members, and be well informed and participate in the decisions of the Council.
- ✓ Accept responsibility to attend all Council meetings and Council sub-committees assigned.
- ✓ Fulfill obligations to share with other Council members the membership on the committees assigned.
- ✓ Provide appropriate notification to the Mayor, Council President, City Manager, or City Recorder of an absence as soon as possible prior to the meeting time.
- ✓ Not disclose information which is confidential and, when asked by the public for information that is still confidential, will state that the information is confidential.
- ✓ Make every attempt to resolve any conflict with a fellow Council member prior to bringing the conflict to the attention of the Council.
- ✓ Expect to be informed of all issues and data in a timely manner.

COUNCIL MEETING EXPECTATIONS

- ✓ Try to make the citizens comfortable and part of the process at the meetings.
- ✓ Make visitors comfortable by being courteous, respecting their opinions, and by showing trust and respect for visitors.
- ✓ Do my best to communicate in clear, concise and audible language and written communications.

- ✓ Strive to maintain a tone of voice that is friendly and sincere.
- ✓ Honor and act on all requests for action and/or information in a timely and courteous manner.
- ✓ Discuss issues, but not personalities, with non-Council members. After an issue has been voted on, a councilor will speak for him/her carefully, in a manner that does not undermine the integrity or motives of the Council, if his/her opinions are different from the Council's.

COUNCIL FINAL AUTHORITY ON GUIDELINES: All questions regarding these guidelines shall be resolved by majority vote of the City Council.

**WILSONVILLE CITY COUNCIL
PROTOCOLS & GUIDELINES**

I. COUNCIL MEETINGS

1. **Regular Meetings** – Consistent with Charter Section 13, regular meetings shall be held at least once each month in the city at a time and place which it designates. Pursuant to Section 2.003(1) of the Wilsonville Code (WC), regular meetings of the Council shall be held on the first and third Monday of the month at 7 p.m. in the City Council Chambers, Wilsonville City Hall, 29799 SW Town Center Loop East, except that when a first or third Monday falls on a legal or national holiday, there will be no regular City Council meeting held that week. However, this shall not prevent the City Council from otherwise calling a special meeting for such purposes as it determines. All regular meetings of the Council shall be held within the City of Wilsonville.
 - a. **Other Locations** – The Council may, from time to time, elect to meet at other locations within the City and, upon such election, shall give public notice of the change of location in accordance with provisions of Oregon Revised Statutes (ORS) 192.610-690.
 - b. **Location During Local Emergency** – If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the Council Chambers, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor, or if the Mayor does not so designate, by the Council President or City Manager.
 - c. **Canceled Meetings** – When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that month shall be held on such date and at such time as may be directed by the Council.
2. **Special Meetings & Emergency Meetings** – Special meetings and emergency meetings of the Council may be called and held consistent with WC Section 2.003(2) and ORS 192.640.
3. **Adjourned Meetings** – The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment.
4. **Executive Sessions** – Consistent with ORS 192.640-660, the Council may hold an Executive Session during any regular or special meeting, or any time otherwise authorized by State law to consider or hear any matter

which is authorized by State law to be heard or considered in closed session.

- a. The City Council may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions.
- b. Council members may not reveal the nature of discussion from a closed session unless required by State law.
- c. The City Council shall take no final action on any matter discussed or deliberated on while in executive session.
- d. The general subject matter for consideration shall be expressed in an open meeting before such session is held. Executive sessions may be held to discuss certain matters specified by State law, including:
 1. Initial employment of public officials and employees;
 2. Dismissal or disciplining of an officer or employee or performance evaluation of an officer or employee, unless the officer or employee requests an open meeting;
 3. Deliberations with persons designated to negotiate real property transactions;
 4. Deliberations with persons designated to conduct labor negotiations;
 5. Discussion of records that are exempt from public inspection;
 6. Negotiations involving matters of trade and commerce when the unit of government is in competition with other areas;
 7. Legal rights and duties of a public body with regard to current litigation or litigation likely to be filed;
 8. Review and evaluation of an executive officer, public officer, employee or staff member, unless an open hearing is requested by the person being reviewed; or
 9. Negotiations regarding public investments.

5. **Cancellation of Regular Meetings** – Any meeting of the Council may be canceled in advance by a majority vote of the Council, provided that the Council meets the “one meeting per month” provision of the City’s charter.
6. **Quorum** – Consistent with Charter Section 15, a majority of the incumbent members of the Council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.
7. **Chair** – Consistent with Charter Section 17, the Mayor shall preside over Council deliberations and shall have a vote on all questions before the Council. The Mayor is responsible for preserving order, enforcing Council rules, and determining the order of business under the rules of the Council.
 - a. **Absence of Mayor** – Consistent with Charter Section 18, the Council President shall preside in the absence of the Mayor and shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order.
 - b. **Mayor & Council President Absence** – In the absence or unavailability of the Mayor and the President of the Council, the City Recorder shall call the Council to order, whereupon a temporary chairman shall be elected by the members of the Council present and that person, for the time being, shall have the powers of the Mayor. Upon arrival of the mayor or the President of the Council, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.
8. **Attendance by the Public** – Pursuant to ORS 192.610-690, and except as specifically provided by State law for executive sessions, all meetings of the Council shall be open, public and accessible.
9. **Minutes** – Minutes of the Council will include paraphrased information on what took place at a given meeting, final motions, vote tally (in the event of a no vote by one or more Council members, the tally shall indicate yes and no votes by name), attendance of Council members and staff, and the names of any interested party providing testimony before the Council. Speeches, presentations, statements or discussions will not be described verbatim, except when the information is necessary to understand what took place. An electronic recording of the meeting shall be kept and maintained in accordance with ORS 192.005 to 192.710.
 - a. **Comments for the Record** – If a Council member desires for a comment to be included in the minutes, it is his or her

responsibility to indicate that the statement is “for the record” before making the comment(s).

- b. **Timing of Council Approval of Minutes** – Minutes of meetings are generally submitted for Council approval at the next regularly scheduled meeting, for approval as provided in W.C. 2.003(g).
- c. **Recording of Meetings** – Audio recordings of proceedings are maintained by the City Clerk for a period specified by State law.

II. ORDER OF BUSINESS

1. **General Order** – Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the City Recorder, City Attorney and City Manager shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition in the order set forth below (unless otherwise specified). A closed session may be held at any time during a meeting consistent with State law. The Council may, at its discretion and upon the approval of a majority of a quorum present, change the order of business before it.

Call to Order

Roll Call

Pledge of Allegiance

Motion to approve the order of the agenda

Communications

Citizen Input & Community Announcements

Mayor’s Business

Consent Agenda

New Business

Continuing Business

Public Hearing

City Manager’s Business

Legal Business

Adjourn

2. **Items on the Agenda - WC2.003(3)** – All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall, at least twenty-four (24) business hours prior to each Council meeting, be delivered to the City Recorder whereupon the City Recorder shall immediately arrange a list of such matters according to the Order of Business and furnish each member of the Council, the City Manager and the City Attorney with a copy of the same prior to the Council meeting and as far in advance of the meeting as

time for preparation will permit. As a general rule the packet of such items, together with the agenda, shall be delivered to the Council one week in advance of the meeting.

3. **Items Not on the Agenda** – Pursuant to ORS 192.640, the City shall publish a list of the principal subjects anticipated to be considered at the meeting, “but this requirement shall not limit the ability of a governing body to consider additional subjects.”
4. **Communications** – All special presentations will be calendared and coordinated through the Mayor and will be limited to a time period not to exceed 15 minutes at each Council meeting. The Mayor may grant an exception to this requirement on a case-by-case basis.
5. **Citizen Input and Community Announcements** – This is a time for citizens to address the Council on items not on the agenda for public hearing or to make community announcements. Generally, three minutes shall be allotted for speaking time, but the Mayor may grant an exception to this requirement on a case-by-case basis.
6. **Consent Agenda** – Routine items of business that require a vote but are not expected to require discussion or explanation shall be placed on the consent calendar. These items are voted on as one item to reduce the length of the agenda and the length of Council meetings. Any item that is placed on the consent calendar may be pulled for discussion at the request of a Councilor.
7. **New Business** – Items scheduled that are expected to have staff explanation and/or presentation and councilor discussion prior to a vote.
8. **Continuing Business** – Business that is returning to Council for further discussion, information or, in the case of ordinances, a second reading, prior to a vote of the Council.
9. **Public Hearing** – An evidentiary hearing (quasi-judicial) or legislative hearing before the Council. (See Section V.1.)
10. **City Manager’s Business**
 - a. **Monthly Reports** – The following reports will be included in the agenda packet for the first regularly scheduled meeting of each month, and others as appropriate or requested by Council:
 1. **Financial Report** – A condensed report of the City’s finances by operating fund. The City Council shall receive one detailed financial report on a quarterly basis.

2. **Master Calendar** – A calendar of major agenda items planned for upcoming meetings.
3. **Council Discussion Items Follow-up Report** – A simple spreadsheet documenting issues raised by Council members during the Council discussion portion of the agenda that require further follow-up by staff.
4. **Public Projects Update** – A brief description of current or planned public projects, updated monthly.
5. **Planning Report** – A brief description of planning and land use related issues.
6. **Police Report** – A brief report on crimes and traffic citations pertinent to the City of Wilsonville.
7. **Building Permit Activity Report** – A monthly report of all commercial, industrial and residential building permit activity in the City of Wilsonville.
8. **Board and Commission Activity / Decisions** – This is a brief report covering the decisions made by the standing Boards, Commissions, and task forces, prepared by staff.

- b. The Council may comment on any such report during Council Comments or under City Manager’s Business thereafter.

11. **Standard Adjournment** – The Council establishes 10:00 p.m. as the hour of adjournment and will not continue beyond 10:00 without a majority vote of the Council. To assist in making the determination to continue an item under consideration, the Council should find that discussion, deliberation, and action on the item can be concluded by 11:00 p.m.

The Council will not hear any new agenda items past 10:00 p.m. without a majority vote of the Council. A determination should be made by Council that any new item(s) can be discussed, deliberated and action taken before 11:00 p.m.

If an agenda item(s) remains after the 10:00 p.m. adjournment, a special meeting may be scheduled or the item(s) deferred until the next regular meeting.

III. RULES OF CONDUCT FOR COUNCIL MEETINGS

1. **General Procedure** – It is the policy of the Council not to become involved in the entanglements over “parliamentary procedure.” Consistent with the City Charter and any applicable City ordinance, statute or other legal requirement, any issue or procedure relating to the conduct of a meeting or hearing not otherwise provided for herein may be determined by the Mayor, or the presiding officer, subject to appeal to the full Council in accordance with W.C. 2.003(4).
2. **Addressing Members of the Public or Staff** – In addressing the public and members of the City’s staff, Council members will generally refer to persons as Mr. or Mrs., or Ms., followed by their surname. Staff shall refer to Council members as Mayor or Councilor, followed by the surname of the person being referred to.
3. **Authority of the Chair** –
 - a. The Mayor or presiding officer shall preserve strict order and decorum at all regular and special meetings.
 - b. Subject to appeal to the full Council, the Mayor shall have the authority to prevent misuse of motions, or the abuse of privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous, fair, and should presume that the moving party is acting in good faith.
 - c. If a member, while speaking, be called to order, he/she shall cease speaking until the question of order be determined and if in order, the member shall be permitted to proceed.
4. **Mayor to Facilitate Council Meetings** – In the role as facilitator, the Mayor will assist the Council to focus on the agenda, discussions and deliberations.
5. **Council Deliberation & Order of Speakers** – The Mayor is delegated the responsibility to control debate and the order of speakers. Speakers will generally be called upon in the order they make the request to speak.
 - a. **Questions Addressed to Another Councilor** – With the concurrence of the Mayor, a Council member holding the floor may address a question to another Council member and that Council member may respond while the floor is still held by the Council member asking the question. A Council member may opt not to answer a question while another Council member has the floor.

6. **Limit Deliberations to Item at Hand** – Council members will limit their comments to the subject matter, item or motion being currently considered by the full Council and shall avoid all personalities and indecorous language.
7. **Length of Council Comments** – Council members will govern themselves as to the length of their comments or presentation, preferably no longer than 3 to 5 minutes. However, no member shall speak on any one matter in excess of ten minutes without the consent of the members constituting a quorum.
 - a. The Mayor shall act as the arbiter in determining how long an individual Council member may speak on an item. The intent of this policy is not to limit debate, but rather to assist Council members in their efforts to communicate concisely.
8. **Obtaining the Floor** – Any member of the Council wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any Council member who seeks the floor when appropriately entitled to do so.
9. **Motions** – Motions may be made by any member of the Council, including the Council President. Any member of the Council, other than the person offering the motion, may second the motion.
10. **Procedure for Motion** – The following is the general procedure for making motions:
 - a. Before a motion can be considered or debated it must be seconded.
 - b. Council members wanting to make a motion should notify the Mayor of their intent to do so.
 - c. A Council member wishing to second a motion should do so through a verbal request to the Mayor.
 - d. Once the motion has been properly made and seconded, the Mayor shall open the matter for discussion to the full Council.
 - e. Once the matter has been fully discussed and the Mayor calls for a vote, no further discussion will be allowed; provided, however, Council members may be allowed to explain their vote.

11. **Motion Amendments** – When a motion is on the floor, and an amendment is offered, the amendment should be acted upon prior to acting on the main motion.
12. **Motion of Intention** – A Motion of Intention process is generally limited to matters legally required to be supported by findings.
 - a. In proceedings identified as quasi-judicial on the agenda, when the City Council takes an action that is substantially different from the staff recommendation, the Council may utilize the Motion of Intention process.
 - b. A Motion of Intention provides staff direction as to the City Council’s action through a formal motion.
 - c. Based on this motion, staff revises the necessary findings, resolutions and or/implementing documentation for the City Council’s action at the next scheduled meeting.
 - d. Upon receiving a Motion of Intention by a Council member, the Mayor should make sure that the hearing on the matter resulting in the motion is closed prior to a vote.
13. **Ordinances** – Motions offering ordinances are deemed to include waiver of full reading of the ordinance unless otherwise specifically stated.
14. **Voting** – Pursuant to Charter Section 19, the concurrence of a majority of the Council voting when a quorum of the Council is present shall decide any question before it. No Council member present at a Council meeting shall abstain from voting without first stating reasons in detail at the meeting. If the vote is a voice vote, the Mayor shall declare the result. The results of the vote shall be clearly set forth in the record.
15. **Abstention** – If a Council member abstains because of a legal conflict, he/she is not counted as present for quorum purposes and is not deemed to be voting for the purposes of determining whether there has been a majority vote of those members present and voting.
 - a. When a Council member abstains or excuses themselves from a portion of a Council meeting because of a legal conflict of interest, the Council member must briefly state on the record the nature of the conflict. The inclusion of this information in the public record is required by law.
16. **Tie Votes** – A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is no

action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

17. Motions for Reconsideration –

- a. Motions for reconsideration of a matter may be made at the same meeting or at the next succeeding meeting following a Council action.
- b. A proposed motion for reconsideration at the next succeeding meeting must comply with Oregon Open Meeting Laws.
- c. Motions for reconsideration may only be made by a Council member that voted with the majority of the City Council on the action proposed to be reconsidered by the Council.
- d. In the case of a tie vote, the prevailing side or the majority of the Council will be deemed to be those Council members who voted in the negative.
- e. Any member of the Council may second a motion for reconsideration.

18. Non-Observance of Rules – Rules adopted to expedite and facilitate the transaction of the business of the Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rule shall not affect the jurisdiction of, or invalidate any action taken by, the Council.

19. Dress Code for City Council Members – It is the policy of Council to create a dignified and professional environment for Council meetings and should dress accordingly.

20. Use of Handheld Electronic Devices During Council Meetings – Councilors have been issued an iPad to receive their City email, maintain their City calendar, and to access, read, and annotate their meeting packets, both before and during City Council meetings. The use of other personal handheld electronic devices by members of the Council, the City Manager and the City Attorney during City Council meetings while behind the dais is discouraged in that such use may be perceived by the public or other Council members as the Council or staff not paying attention or, worse, engaging in inappropriate ex parte contact. Notwithstanding the foregoing, it is reasonable and acceptable that Council and staff may need to have their personal devices at the dais for

personal or work related reasons. In those instances, such devices should be placed on silent ring mode and only checked as reasonably necessary. If more than a quick text response is required, the Council member or staff should step away from the dais, in a non-disruptive fashion, to respond to the message or call, outside of the Council Chambers. Members of the public and staff in the audience are likewise expected to limit the distracting use of electronic devices during meetings and, in all cases, silence cell phone ringers. It is recognized that members of the press and staff located in the back of the room may use laptops or tablets during the meeting but they are also expected to do so in a respectful and non-distracting manner..

IV. QUASI-JUDICIAL PROCEEDINGS

1. **Defined** – Quasi-judicial proceedings are those proceedings in which the City Council is required to make findings based on an evidentiary record as to the entitlement. This type of hearing is also referred to as an “Evidentiary Hearing.” In quasi-judicial proceedings, the City Council sits as the judge and jury, and is required to make findings based on the evidence and records presented. Examples of quasi-judicial proceedings include conditional use permits, variances, site development applicant appeals, and enforcement of nuisance provisions.
2. **Identification on the Agenda** – Quasi-judicial proceedings will be identified as such on the Council agenda by including in the heading “Quasi-Judicial Proceeding.”
3. **Ex-Parte Communications** – An ex-parte communication is a communication made with a Council member outside the Council Chambers, with any person except the City Attorney concerning a quasi-judicial proceeding to be heard by the City Council, or a staff member concerning a quasi-judicial land use matter to be heard by the City Council.
 - a. When a Council member has an ex-parte communication concerning a subject that is the basis of a quasi-judicial proceeding before the Council, the Council member must state for the public record the nature of that communication. Council members must indicate with whom the ex-parte communication was made and provide a brief statement as to the substance of the communication.
 - b. A Council member may make an oral presentation of the nature of the communication or provide a written statement to be read into the public record.

- c. If challenged by a member of the public in attendance that such ex parte contact has otherwise prejudiced or biased the member in hearing the matter, the Council shall determine the issue before proceeding.

V. PUBLIC HEARINGS

1. **General Procedure** – WC 5.560 provides for evidentiary hearing procedures (quasi-judicial) and the Council may also conduct legislative public hearings. While there may be some differences depending on the type of hearing, the Council procedure for the conduct of a public hearing is generally as follows:
 - a. The Mayor opens the public hearing.
 - b. Staff presents the staff report.
 - c. Council may ask questions of staff for clarification on issues raised in the staff report.
 - d. In an evidentiary hearing the applicant or appellant then has the opportunity to present comments, testimony, or arguments. In the case of an appeal when the appellant is different from the applicant, the appellant should be called up first to provide comments or testimony.
 - e. Members of the public are provided with the opportunity to present their comments, testimony or argument. Generally, the order of public comment will be: those in favor, those in opposition, and those neither in favor nor opposed.
 - f. In an evidentiary hearing the applicant or appellant is given an opportunity for rebuttal or concluding comments. In the case of an appeal when the appellant is different from the applicant, the appellant is given the opportunity for closing comments.
 - g. The public hearing is closed.
 - h. The Council deliberates on the issue.
 - i. If the Council raises new issues through deliberation and seeks to take additional public testimony (questions of the public, applicant or appellant), the public hearing must be reopened. At the conclusion of the public testimony, the public hearing is again closed. Note: in land use matters, special rules may apply

for leaving the record open and staff or the City Attorney may be consulted in this regard.

- j. The Council deliberates and takes action.
 - k. The Mayor announces the final decision of the Council.
2. **Time for Consideration** – Matters noticed to be heard by the Council will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and will continue until the matter has been completed or until other disposition of the matter has been made.
 3. **Continuance of Hearing** – Any hearing being held or noticed or ordered to be held by the Council at any meeting of the Council may, by order or notice or continuance, be continued or re-continued to any subsequent meeting.
 4. **Public Discussion at Hearings** – When a matter for public hearing comes before the Council, the Mayor will open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter, in addition to those who have filled out speaker cards.
 - a. **Public Member Request to Speak** – Any person desiring to speak or present evidence shall make his/her presence known to the Mayor and, upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor. All persons providing testimony should fill out a “request to speak” slip and clearly state their name and address for the record.
 - b. **Council Questions of Speakers** – Members of the Council who wish to ask questions of the speakers or each other during the public hearing portion may do so, but only after first being recognized by the Mayor. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue. Council members should avoid raising questions as a method to extend the allocated time for a speaker.
 - c. **Due Process** – The Mayor shall conduct the meeting in such a manner as to afford due process.

- d. **Public Oral Presentations** – All Council rules pertaining to oral presentation by members of the public apply during public hearings. The Mayor, subject to appeal to the full Council, may limit or extend the time to speak. Generally, individuals should be limited to 3 to 5 minutes, and group presentations, such as an applicant team in a land use matter, to 15 minutes.
 - e. **Materials for Public Record** – All persons interested in the matter being heard by the Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented will be retained by the City Clerk as part of the official record of the hearing, unless otherwise directed.
 - f. **Germane Comments** – No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being discussed. A determination of relevance shall be made by the Mayor, but may be appealed to the full Council.
- 5. **Communications and Petitions** – Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Mayor. A reading in full shall take place if requested by a majority of the Council.
 - 6. **Admissible Evidence** – Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered if it is the sort of evidence upon which a reasonable and responsible person is accustomed to rely upon in the conduct of serious affairs.

VI. ADDRESSING THE CITY COUNCIL

- 1. **Staff Presentations** – Staff presentations will be limited to 10 minutes. Longer staff presentations must be approved by the City Manager prior to the Council meeting.
- 2. **Oral Presentations by Members of the Public** – Oral presentations by members of the public at City Council meetings are as follows:
 - a. Prior to the meeting, or during the meeting prior to a matter being reached, persons wishing to address the Council should fill out a speaker card and submit it to the City Recorder who will give it to the Mayor.

- b. When called upon, the person should come to the podium, state his/her name and address for the record, and, if speaking for an organization or other group, identify the organization or group represented.
 - c. All remarks should be addressed to the Council as a whole, not to individual members thereof.
 - d. Questions, if any, should be directed to the presiding officer who will determine whether, or in what manner, an answer will be provided.
3. **Citizen Input** – Citizen Input is that portion of the City Council meeting set aside for members of the public to address the City Council on items of any City business other than scheduled agenda items.
- a. **Timing** – Citizen Input is generally permitted at the beginning of a Council meeting just after Communications and before Mayor’s Business. Public comment is limited to 3 minutes per speaker, but may be extended at the discretion of the Mayor.
 - b. **Speaker Cards** – Persons wishing to speak under Citizen Input should identify themselves at the appropriate time.
 - c. **City Business** – Presentations under Citizen Input are limited to items within the subject matter jurisdiction of the City.
 - d. **Council Response Prohibited** – Where a speaker requests a City response under Citizen Input, the City Council or staff, at the Council direction, may answer the request if sufficient facts are known and can be readily answered. The Mayor, however, may request the City Manager to provide additional information at a later date on a matter of general interest to the full Council or the public at large. To ensure the most efficient use of staff time, and to ensure that a majority of the Council wishes to take formal action on a matter brought before the Council during Citizen Input, Council member requests for policy consideration or reconsideration should be made through the Council’s Request for Policy Consideration process.
 - e. **Council Interaction with the Public** – If a Council member believes that a material misstatement of fact has been made by a person during the public comment portion of the agenda, the Council member may ask the City Manager or City Attorney to correct or otherwise clarify the matter or the Council member may provide a direct response at that time. If a spontaneous

response is not possible, the Mayor should direct the City Manager to either respond directly to the individual making the request, once all the facts are established, or require the City Manager to clarify the issue at the next regular Council meeting for the benefit of the Council and the general public.

f. **Repetitious or Dilatory Comments Prohibited**

1. A speaker shall not present the same or substantially same items or arguments to the Council repeatedly or in a dilatory manner. If a matter has been presented orally before the Council, whether the Council has taken action, or determined to take no action, the same or substantially same matter may not be presented orally by the same person any further.

Nothing in the foregoing precludes submission of comments to the City Council in writing for such action or non-action as the Council, in its discretion, may deem appropriate.

2. In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged.

Whenever a group of people wish to address the Council on the same subject matter, those persons are encouraged to designate a spokesperson to address the City Council. The Mayor may extend the time allocation for a designated spokesperson.

- g. **Waiver of Rules** – Any of the foregoing rules may be waived by majority vote of the Council when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.
- h. **Non-Exclusive Rules** – The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time or in a particular circumstance for purposes of orderly and effective conduct of the affairs of the City.

VII. POLICY DECISION-MAKING PROCESSES

1. **Council Member Appointments and Assignments** – The Mayor appoints, and the City Council confirms, Council member assignments to outside agencies, committees, and taskforces, as outlined in Resolution No. 2321, attached hereto as Appendix D.

WC 2.320(1)(a), in part, reads: “Members of the City Planning Commission shall be residents of the City who are appointed by the Mayor with the consent of the City Council and may be removed by the Mayor with the consent of the City Council.” This is the same language used for the DRB, Library Board Members; Community Center Advisory Commission, and Parks and Recreation Advisory Board.

2. **Mayor to Act as Council Ceremonial Representative** – The Mayor has been delegated the responsibility to act as the City Council’s ceremonial representative at public events and functions. In the Mayor’s absence, the Council President assumes this responsibility. In both the Mayor and Council President’s absence, the Mayor will appoint another Council member to assume this responsibility.
3. **Proclamations** –
 - a. Incoming requests for a proclamation to be presented at an event or Council meeting should be provided to the Mayor for approval. All proclamation requests are provided in writing two weeks prior to the event/Council meeting date and also include a draft proclamation. The Mayor would read the approved proclamation into the record and then present it to the person who requested it. The requestor is encouraged to attend the meeting to receive the proclamation and may be invited by the Mayor to say a few words about the reasons for the proclamation.
 - b. Once the Mayor approves the proclamation request, the proclamation is either scheduled for reading at an upcoming Council meeting, presented at an event, or the proclamation is picked up/mailed to the requesting entity/person. In the event the Mayor is unable to attend an event, the Council President or a Council member attends on behalf of the Council. In this case, the Mayor along with the attending Council President/Council member may sign the proclamation.

In the event the Mayor receives a request for a proclamation where the subject matter is questionable as to the appropriateness, the Mayor will forward the request to the full Council for a vote. [*Staff*

usually asks the Mayor and/or CM if there is a question regarding appropriateness.]

4. **Certificates of Recognition** –
 - a. Incoming requests for certificates of recognition to be presented at an event or Council meeting should be provided to the Mayor for approval. All certificate requests are provided in writing two weeks prior to event/Council meeting date and also include certificate verbiage.
 - b. Once the Mayor approves the certificate request, the certificate is either scheduled to be presented at an upcoming Council meeting, presented at an event or is picked up/mailed to the recognized entity/person. In the event that the Mayor is unable to attend an event, the Council President or a Council member attends on behalf of the Council. In this case, the Mayor along with the attending Council President/Council member may sign the certificate of recognition.
 - c. In the event the Mayor receives a certificate request where the subject matter is questionable as to the appropriateness, the Mayor will forward the request to the full Council for a vote.
5. **Council Member Participation in Community Activities** – From time to time, Council members may choose to participate in community activities, committees, events, task forces and civic groups. When a Council member participates in these types of activities, he/she is acting as an interested party rather than acting on behalf of the City Council. Acting or participating on behalf of the City Council is limited to those instances when the Council has formally designated the Council member as its representative for the matter.
6. **Study/Work Session** – Study or Work Session items may be placed on regular or special meeting agendas for the purpose of open discussion. During Study or Work Sessions, Council members will ask questions which staff records. For those questions that staff cannot readily answer, responses will be provided for the Council, transmitted in writing at the earliest possible date.
7. **Advance Administrative and Informational Reports** – Administrative and Informational reports will be forwarded to the Council as part of the agenda packets.

VIII. COUNCIL COMMITTEES

1. **Task Forces and Ad Hoc Committees of the Council** – From time to time the Council may establish Task Forces or Ad Hoc special committees of the Council to deal with a specific issue or problem in the community, as the need arises. Establishing a task force or ad hoc committee shall have the support of a majority of Council.
 - a. **Task Force or Ad Hoc Committee Defined** – A Task Force or Ad Hoc special committee of the Council is one that: (1) does not have a continuing subject matter jurisdiction, and has a limited time frame to complete its task or assignment, (2) does not have a meeting schedule that is fixed by ordinance, resolution or other formal action of the Council. In addition, an ad hoc committee may not consist of more than two Council members, and (3) has its members and duties assigned at the time of establishment.
 - b. **Conduct of Ad Hoc Committee Meetings** – Meetings of an ad hoc committee of the Council are generally informal, but ad hoc committees are subject to the same open meeting laws and requirements as City Council meetings.

IX. COUNCIL LIAISONS TO BOARDS, COMMISSIONS, COMMITTEES AND TASK FORCES

1. In the past, City Councilors have been assigned by the Mayor as liaisons to various boards, commissions, committees, and task forces. Due to the increasing number of these various boards, commissions, committees, and task forces, as well as other expanding meetings and social functions that place demands on the time of the City Councilors, the City Councilors and Mayor have jointly determined that the Mayor will no longer formally appoint City Councilors to be the liaisons to the various boards, commissions, committees, and task forces. Instead, staff will be responsible for ensuring that the members of the various boards, commissions, committees, and task forces are kept informed about City Council actions. Additionally, any of the boards, commissions, committees, and task forces may request the attendance of a Council member of their choosing to attend a meeting where such attendance is deemed to be helpful or warranted.
2. To ensure an ongoing relationship and dialogue between the City Council and all of the various boards, commissions, committees, and task forces, the City Manager will arrange an annual retreat/meeting to which all City Councilors and all board, commission, committee, and task force members will be invited to attend. At this meeting they will be encouraged to

interact in a meaningful way and to share their thoughts and ideas regarding their various roles, responsibilities, ideas, and suggestions.

3. In addition to the above-described annual meeting, Council may invite each board and commission to attend a City Council work session in order to discuss the goals and objectives of that board or commission and to seek any information or guidance from Council as the members and Council deem appropriate. (Page 23.)

X. COUNCIL MEMBER ADMINISTRATIVE SUPPORT

1. Mail –

- a. **Letters and Email Addressed to Mayor and/or City Council –** All letters and email addressed to the Mayor and/or entire City Council requiring a response from staff are copied to all Council members with a note as to which staff person will be preparing a response for the Mayor’s signature. A copy of the response, along with the original letter or email will be provided to each Council member.

Letters and Email addressed to the Mayor and/or entire City Council that do not require a response, but provide information on Council agenda items or like matters, are copied to the full Council.

Mail and email addressed to the Mayor or Council marked “personal” and/or “confidential” will not be opened.

- b. **Letters Addressed to Individual Council Members –** All letters addressed to individual Council members will not be opened. The envelopes will be delivered/mailed to the individual Council member’s home address. If a Council member is requesting a response to be prepared by staff, the letter is copied to all members of the Council with a note as to which staff person will be preparing a response for the addressee’s signature. A copy of the response mailed, along with the original letter, will be provided to each Council member.
2. **Council Correspondence –** All Council member correspondence written with City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full Council, not individual Council members’ positions. All Council member correspondence using City resources will be copied to the full Council. For example, if a citizen writes a letter or email to an individual Council member, the response to the letter or email,

along with a copy of the citizen's letter or email, will be copied to the full Council.

- a. **Personal Correspondence** – City Council members will have access to individual stationery and envelopes for use in communications reflecting their personal opinions and positions, not the position of the full Council. These communications will be prepared and sent at the expense of individual Council members. Council members may utilize the City's outgoing mail service; however, postage will be at the Council member's expense.
3. **Clerical Support** – The City Manager's Office will coordinate the typing of correspondence or email messages requested by individual Council members. All correspondence typed for Council members will be on City letterhead, and email will use the appropriate signature blocks, and will reflect the position of the full Council, not individual Council members, and will be copied to the full Council.
 - a. From time to time, citizens write or email the Mayor to voice concern, request assistance, or request information on an issue/item. When such letters or email are addressed to the Mayor, the City Manager or his/her designee will prepare a response letter or email for the Mayor's review and signature. The response, along with a copy of the citizen's letter or email, will be copied to the full Council.
 4. **Master Calendar** – A master calendar of Council events, upcoming agenda items, functions or meetings will be provided to the full Council. Functions, events or meetings to be attended by individual Council members will only be included on the master calendar at the request of individual Council members.
 5. **Requests for Research or Information** – All requests for information or research from individual Council members shall be directed through the City Manager's office. Requests for new information or policy direction will be brought to the full Council at a regular meeting for consideration. All written products will be copied to the full Council.
 - a. From time to time Council members will call or email the City Manager to request information or bring attention to a matter that needs to be addressed (e.g., code enforcement issue, pothole, etc.). In all such instances, these matters will be addressed in the most expeditious manner possible.

When such calls for information deal with policy-related matters, the City Manager shall inform the full Council of the nature of the call/email, and provide the full Council with any response that was given to the Council member who made the request. The intent of this protocol is to ensure that all Council members are being provided with the same information.

6. **Tickets to City Events** – The Wilsonville City Council places a high value on community involvement and encourages its members to participate actively in community-related events. When attendance to an event is by ticket, two tickets for each Council member will be made available for events hosted by the City. Departments hosting City events will coordinate the distribution of tickets to Council members with the City Manager’s office. The availability of tickets for events hosted by other organizations which the City sponsors will be at the discretion of the organizing agency. When the City is a major sponsor of an event, staff will endeavor to include the availability of tickets in the sponsorship agreement or contract.

The Council may elect to provide tickets to individual Council members and their spouses for other city-related/community events where the City’s presence is expected and/or required. The Council will make such determinations on a case-by-case basis. The making available of tickets to any event shall comply with the Oregon Laws, Regulations, and Ethics Standards as to gifts and conflicts of interest.

7. **Council Notification of Significant Incidents** – In conjunction with the City’s Police Department and Tualatin Valley Fire and Rescue (TVF&R), the City Manager’s office will coordinate the notification to Council of major crime, fire or other incidents. This will be accomplished concurrently through email and/or phone calls for the more significant incidents. In addition, the City Manager will endeavor to keep the Council informed by email of incidents/issues that occur in the community that do not rise to the level of a “significant incident.”

XI. PROTOCOL & GUIDELINE ADMINISTRATION

1. **Biennial Review of City Council Protocols & Guidelines** – The Council will review and revise the City Council Protocols and Guidelines, as needed, or every two years.
2. **Adherence to Protocols and Guidelines** – During City Council discussions, deliberations and proceedings, the Mayor is delegated the primary responsibility to ensure that the City Council, staff and members of the public adhere to the Council’s adopted protocols.

3. **City Attorney as Protocol Advisor** – The City Attorney assists the Mayor as a resource to confer with, and acts as an advisor for interpreting the City Council’s adopted protocols and guidelines.
4. **Adherence to Administrative Procedure & Process Protocols** – The City Council has delegated the Mayor responsibility to discuss, on behalf of the full Council, any perceived or inappropriate administrative action with a Council member. The Mayor will discuss with the Council member the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the Mayor will report the concern to the full Council.
5. **Interference in Administration** – A member of the Council shall not, directly or indirectly, by suggestion or otherwise, attempt to influence the manager in making an appointment, in removal of an employee, or in purchasing supplies, or attempt to exact a promise relative to an appointment from any candidate for manager.

A violation of this section forfeits the office of the offending member of the Council, who may be removed by the Council or a court of competent jurisdiction. The Council may, however, in session, discuss with or suggest to the manager anything pertinent to City affairs or the interests of the City. Further, a councilmember may, at any time, request and receive from the manager or any other City employee information to which a private citizen is entitled.

Revised February 2017

Appendix A

Wilsonville City Charter

Enacted January 1, 1987

Amended September 1999, Section 43.

Amended November 2002, Section 44.

Amended November 2004, Section 44

CHARTER OF THE CITY OF WILSONVILLE

To provide for the government of the City of Wilsonville, Clackamas and Washington Counties, Oregon; and to repeal all Charter provisions the city enacted prior to the time this Charter takes effect.

Be it enacted by the people of the City of Wilsonville, Clackamas and Washington Counties, Oregon

CHAPTER I

NAME AND BOUNDARIES

Section 1. **TITLE OF ENACTMENT.** This enactment may be referred to as the Wilsonville Charter of 1987 and shall become effective January 1, 1987.

Section 2. **NAME OF CITY.** The City of Wilsonville, Clackamas and Washington Counties, Oregon, shall continue to be a municipal corporation with the name, "City of Wilsonville".

Section 3. **BOUNDARIES.** The city shall include all territory encompassed by its boundaries as they now exist or are hereafter modified pursuant to law. The City Recorder shall keep an accurate, up-to-date description of the boundaries and make copies of this charter and boundary descriptions available for public inspection.

CHAPTER II

POWERS

Section 4. **POWERS OF THE CITY.** The city shall have all powers that the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5. **CONSTRUCTION OF CHARTER.** In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to this end that the city may have all powers necessary

or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

CHAPTER III
FORM OF GOVERNMENT

Section 6. **WHERE POWERS VESTED.** Except as this charter provides otherwise, all powers of the city are vested in the Council; the elected officers of the city.

Section 7. **COUNCIL.** The Council shall be composed of a Mayor and four Councilors elected from the city at large.

Section 8. **COUNCILORS.** Councilors in office at the time this charter takes effect shall continue in office until the end of the present term of office of each. At each biennial general election after this charter takes effect, two Councilors shall be elected, each for a term of four years.

Section 9. **MAYOR.** At the biennial general election held in 1988, and every fourth year thereafter, a Mayor shall be elected for a term of four years. The term of Mayor elected at the 1986 general election shall continue until January 1, 1989.

Section 10. **APPOINTIVE OFFICERS.** Additional officers of the city shall be a City Manager, City Attorney and Municipal Judge and other officers and the Council deems necessary. The Council shall appoint and may remove any of these officers by a majority vote of all incumbent members of the Council. In judicial functions, the Municipal Judge shall not be subject to supervisory by any other officer.

Section 11. **SALARIES.** The compensation for the service of each city officer and employee shall be the amount fixed by the Council.

Section 12. **QUALIFICATIONS OF ELECTED OFFICERS.** No person shall be eligible for an elective office of the city unless at the time of his election, he is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. No person shall hold an elected office of the city if the person is an employee of the city. The Council shall be the final judge of the qualifications and election of its own members.

CHAPTER IV

CITY COUNCIL

Section 13. **MEETINGS.** The Council shall hold a regular meeting at least once each month in the city at a time and place with it designates. It shall adopt rules for the government of its members and proceedings. The Mayor or three Council members may call special meetings of the Council. Special meetings may also be held at any time by the common consent of a quorum of all members of the Council at any regular meeting.

Section 14. **RECORDS OF PROCEEDINGS.** The Council shall cause a record of its proceedings to be kept.

Section 15. **QUORUM.** A majority of the incumbent members of the Council shall constitute a quorum for its business.

Section 16. **PROCEEDINGS TO BE PUBLIC.** No action by the Council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

Section 17. **MAYOR'S FUNCTIONS AT COUNCIL MEETINGS.** The Mayor shall preside over Council deliberations and shall have a vote on all questions before the Council. The Mayor shall preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

Section 18. **PRESIDENT OF THE COUNCIL.** At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the Council shall elect a president from its membership. In the Mayor's absence from a Council meeting, the president shall preside over it. Whenever the council determines that the Mayor is unable to perform the functions of the office, the president shall act as Mayor.

Section 19. **VOTE REQUIRED.** Except as this charter otherwise provides, the concurrence of a majority of members of the Council voting when a quorum of the Council is present shall decide any questions before it.

CHAPTER V

POWERS AND DUTIES OF OFFICERS

Section 20. **MAYOR.** The Mayor shall appoint the Council committees provided by the rules of the Council. The Mayor shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within three days after their passage. After the Council approves a bond of a city officer or a bond for a license, contract or proposal, the Mayor shall endorse the bond.

Section 21. **CITY MANAGER.** (a) Qualifications. The City Manager shall be the administrative head of the government of the city. The City Manager shall be chosen by the Council without regard to political considerations and solely with reference to executive and administrative qualifications. The manager need not be a resident of the city or of the state at the time of appointment.

(b) Terms. The manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council. Upon any vacancy occurring in the office of manager after the first appointment pursuant to this charter, the Council at its next meeting shall adopt a resolution of its intention to appoint another manager. Not later than six months after adopting the resolution, the Council shall appoint a manager to fill the vacancy.

(c) Powers and Duties. The powers and duties of the manager shall be as follows:

(1) The manager shall devote full-time to the discharge of the manager's official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep the Council advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the city.

(2) The City Manager shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed.

(3) The manager shall designate a City Recorder and shall appoint and may remove appointive city officers and employees

except as this charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The City Manager shall organize and supervise the departments to the end of obtaining the utmost efficiency in each of them. The manager shall have no control, however, over the Council, over the Mayor, over the City Attorney, or over the judicial activities of the Municipal Judge.

(4) The manager shall act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by the manager or his designate.

(5) The manager shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

(6) The manager shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.

(d) Seats at Council Meetings. The manager and such other officers as the Council designates shall be entitled to sit with the Council but shall have no vote on questions before it. The manager may take part in all Council discussion.

(e) Manager Pro Tem. Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever the office becomes vacant, the Council shall appoint a manager pro tem, who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employee except with the approval of the Council. No manager pro tem shall hold the position as such for more than six months, and no appointment of a manager pro tem shall be consecutively renewed.

Section 22. **MUNICIPAL JUDGE.** The Municipal Judge shall be the judicial officer of the city. The judge shall hold within the city, a court known as the municipal court for the City of Wilsonville, Clackamas and Washington Counties, Oregon. The

court shall be open for the transaction of judicial business at times specified by the Council. All areas within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined or authorized by ordinances of the city. The judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before the judge, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Notwithstanding this section or section 10 of this charter, the Council may provide for the transfer of powers and duties of the municipal court to the appropriate district court of the State of Oregon.

Section 23. **CITY RECORDER.** The City Recorder shall serve ex officio as clerk of the Council, attend all its meetings unless excused therefrom by the Council and keep an accurate record of its proceedings. In the Recorder's absence from a Council meeting, the Mayor shall appoint a clerk of the Council pro tem, who, while acting in that capacity, shall have all the authority and duties of the Recorder.

CHAPTER VI

ELECTIONS

Section 24. **REGULATION OF ELECTIONS GENERALLY.** Except as this charter provides otherwise and as the Council provides otherwise by ordinance, the general laws of the state shall apply to city elections.

Section 25. **TIE VOTES.** In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Council.

Section 26. **COMMENCEMENT OF TERMS OF OFFICE.** The term of office of a person elected to a city office at a regular city election commences on January 1st of the year immediately following the election.

Section 27. **OATH OF OFFICE.** Before commencing the duties of elective office, each officer shall take an oath or shall affirm faithful performance of the duties of the office and support for the constitutions and laws of the United States and the State of Oregon.

Section 28. **NOMINATIONS.** A qualified elector who shall have resided in the city during the 12 months immediately preceding the election may be nominated for an elective city position. Nomination shall be by petition specifying the position sought in a form prescribed by the Council. Such petition shall be signed by not fewer than 20 electors. Nomination petitions shall be in the form and filed in the manner and within the time prescribed by ordinance and state law. The City Recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed.

CHAPTER VII

VACANCIES IN OFFICE

Section 29. **VACANCY.** An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, resignation or recall or upon the incumbent's ceasing to possess the qualifications necessary for the office; or upon the failure of the person elected or appointed to an office to qualify therefor within ten days after the time for the term of office to commence; and in the case of Mayor or Councilor, upon the absence from meetings from the Council for 60 days or absence from the city for 30 days without consent of the Council; and upon a declaration by the Council of the vacancy.

Section 30. **FILLING OF VACANCIES.** Vacancies in elective offices of the city shall be filled by appointment by a majority of the incumbent membership of the Council. The appointee's terms of office shall begin immediately upon appointment and shall continue until the first day of January following the next biennial election; and if the term of office does not then expire, the remainder thereof shall be filled by election at

such biennial election. During the temporary disability of any officer or during the absence temporarily from the city for any cause, the office may be filled pro tem, in the manner provided for filling vacancies in office permanently.

CHAPTER VIII

ORDINANCES

Section 31. **ENACTING CLAUSE.** The enacting clause of all ordinances hereafter enacted shall be “The City of Wilsonville Ordains as Follows”.

Section 32. **MODE OF ENACTMENT.** (1) Except as subsection (2) and (3) provides to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.

(2) Except as sub-section (3) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all incumbent Council members, upon being read first in full and then by title.

(3) Any of the readings may be by title only (a) if no Council member present at the meeting requests to have the ordinance read in full; or (b) if a copy of the ordinance is provided for each Council member and a copy is provided for public inspection in the office of the City Recorder not later than one week before the first reading of the ordinance and notice of their availability is given forthwith upon the filing by written notice posted in the City Hall and two other public places in the city; or advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

(4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered into the record of proceedings.

(5) Upon the enactment of any ordinance, the City Recorder shall sign it with the date of its passage and the Recorder’s name and title of office, and within three days thereafter the Mayor shall sign it with the date of signature, name and the title of office.

Section 23. **WHEN ORDINANCES SHALL TAKE EFFECT.** An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of emergency, it may take effect immediately.

CHAPTER IX

PUBLIC IMPROVEMENTS

Section 34. **CONDEMNATION.** Any necessity of taking property for the city by condemnation shall be determined by the Council and declared by a resolution of the Council describing the property and stating the uses to which it shall be devoted. All such proceedings shall be in accordance with existing state laws pertaining to condemnation.

Section 35. **IMPROVEMENTS.** The procedure for making, altering, vacating or abandoning a public improvement shall be governed by ordinance or, to the extent not so governed, by the applicable general laws of the State of Oregon.

Section 36 **SPECIAL ASSESSMENTS.** The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by ordinance or to the extent not so governed, by the applicable general laws of the State of Oregon.

Section 37. **PUBLIC CONTRACTING.** Except as authorized by Oregon Public Contracting law or general ordinance, all city contracts shall be based on competitive bids.

CHAPTER X

MISCELLANEOUS PROVISIONS

Section 38. **DEBT LIMIT.** Except by consent of the voters, the city's voluntary floated indebtedness shall not exceed ten percent of the current budget, nor its bonded indebtedness exceed that as may be set by Oregon law. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees

who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 39. **TORTS.** In no event shall the city be liable in damages except as provided by Oregon law.

Section 40. **EXISTING ORDINANCES CONTINUED.** All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 41. **REPEAL OF PREVIOUSLY ENACTED PROVISIONS.** All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed except those charter amendments giving authority for the issuance of general obligation bonds which shall remain in full force and effect.

Section 42. **TIME OF EFFECT OF CHARTER.** This charter shall take effect January 1, 1987.

Section 43. **USE OF WILLAMETTE RIVER.** The City of Wilsonville shall not use Willamette River water as a drinking water source for its citizens unless the question of so using the Willamette River water as a drinking water source has received the affirmative majority of the total number of legal votes cast on such measure and entitled to be counted thereon. *[Section 43 is a Charter Amendment voted upon and approved by a majority of the qualified voters of the City of Wilsonville in a special election September 20, 1999.]*

Section 44. **REQUIRES VOTER APPROVAL BEFORE CITY EXPENDS RESOURCES TO CONSTRUCT ANY NEW CITY HALL BUILDING.** The city shall not expend resources on the construction of a new City Hall Building without first obtaining approval of a majority of voters casting ballots during a regularly scheduled City election. A regularly scheduled city election shall be defined as the general election

held on the first Tuesday after the first Monday of November in even numbered years or such special election called by the City council for a statutorily scheduled county election date in March, May, September or November. Any ballot proposal seeking such approval must include the total cost of completing the construction project in its title caption. The total cost of construction must be detailed in a proposal summary and shall include principal construction costs, infrastructure costs, the commercially zoned market value of any land acquired or appropriated for the project, the maximum cost of paying interest on any bonded indebtedness attached to the project, and an estimate of any other costs necessary to complete the project. The term 'City Hall Building' includes any significant structure housing one or more chief administrative functions of the city." Spending necessary to determine costs is not restricted. *[Section 44 is a Charter Amendment voted upon and approved by a majority of the qualified voters of the City of Wilsonville in a regular election held November 5, 2002.]*

Amended September 1999, Section 43.

Amended November 2002, Section 44.

Amended November 2004, Section 44 to clarify 'regularly scheduled election'

Appendix B

Chapter 2.003 Wilsonville Code Administration – General

ADMINISTRATION

GENERAL

- 2.001 Office Hours of City Offices
- 2.003 City Council Meetings
- 2.005 City Council Special Committees
- 2.007 City Council Evidentiary Hearings
- 2.009 City Council Mode Of Introducing And Enacting Ordinances, Resolutions And Other Matters Or Subjects Requiring Action By The Council.
- 2.010 Election of City Councilors
- 2.011 City Council Election of Officers
- 2.013 City Council Executive Session
- 2.020 Fees Generally
- 2.025 Interest Rates
- 2.030 City Records Retention and Destruction

GENERAL

2.001 Office Hours of City Offices.

The hours of business for all city offices shall be set and established by the Council.

2.003 City Council Meetings.

(1) Regular meetings of the Council shall be held on the first and third Monday of the month at 7 p.m. except that when a first or third Monday falls on a legal or national holiday, there will be no regular City Council meeting held that week. However, this shall not prevent the City council from otherwise calling a special meeting for such purposes as it determines. All regular meetings of the Council shall be held within the City of Wilsonville.

Amended by Ord. #390-August 5, 1991

Amended by Ord. #422 – December 20, 1993

(2) Special meetings of the Council shall be called by the Mayor or, in his absence, the president of the Council whenever in his opinion the public business may require it, or at the express written request of any three members of the Council. Whenever a special meeting is called a notice shall be served upon each member of the Council either in person or by notice left at the councilor's place of residence, stating the date, place, and hour of the meeting and the purpose for which such meeting is called. Unless an emergency exists, no special meeting shall be held without at least 24 hours' notice to the members of the Council the news media, and the general public. In case of an actual emergency, a meeting may held upon such notice as is appropriate to the circumstances but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice unless otherwise required by law or necessitated by an emergency.

(3) All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall, at least twenty-four (24) business hours prior

to each Council meeting, be delivered to the City Recorder whereupon the City Recorder shall immediately arrange a list of such matters according to the Order of Business and furnish each member of the Council, the City Manager and the City Attorney with a copy of the same prior to the Council meeting and as far in advance of the meeting as time for preparation will permit. None of the foregoing matters shall be presented to the Council by administrative officials except those of an urgent nature, and the same, when so presented, shall have approval of the Mayor or City Manager before presentation.

(4) The Presiding Officer of the Council shall be the Mayor. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject; however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. He shall vote on all questions. He shall sign all ordinances and resolutions adopted by the Council during his presence. In the event of the absence or unavailability of the Mayor, the Presiding officer as designated in Section 2.003(5) shall sign ordinances or resolutions as then adopted.

(5) The Mayor, or in his absence or unavailability, the President of the Council shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence or unavailability of the Mayor and the President of the Council, the City Recorder, shall call the Council to order, whereupon a temporary chairman shall be elected by the members of the council present. Upon arrival of the Mayor or the President of the Council, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

(6) Before proceeding with the business of the Council, the City Recorder shall call the roll of the members, and the names of those present shall be entered in the minutes.

(7) A majority of all the members elected to the Council shall constitute a quorum at any regular or special meeting of the Council.

(8) All meetings of the Council shall be open to the public in accordance with ORS 192.610 et seq. Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the City Recorder, City Attorney and City Manager shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition in the following order:

(9) The Council may, at its discretion and upon the approval of a majority of a quorum present, change the order of business before it.

(10) Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the City Recorder has previously furnished each member with a copy or synopsis thereof.

(11) The following constitute the adopted rules of debate:

(a) The Mayor or President of the Council or such other member of the Council as may be presiding, may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the right and privileges of a Councilor by reason of his acting as the Presiding Officer.

(b) Every member desiring to speak shall address the chair, and upon recognition by the Presiding Officer, shall confine themselves to the question under debate, avoiding all personalities and indecorous language.

(c) A member, once recognized, shall not be interrupted when speaking unless it is to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order is determined, and if in order, he shall be permitted to proceed. Notwithstanding the above, no member shall speak at any one time in excess of ten minutes without the consent of the members constituting a quorum.

(d) The Councilor moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(e) A motion to reconsider any action taken by the Council may be made only on the date such action was taken, either immediately during the same session or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

(f) A councilor may request, through the Presiding Officer the privilege of having an abstract of his statement on any subject under consideration by the Council entered in toto into the minutes; if the Council consents thereto, such statement shall be entered in the minutes in toto.

(g) The City Recorder may enter in the minutes a synopsis of the discussion on any question coming regularly before the council, at the direction of the Presiding officer and with consent of the Council.

(h) A journal of the proceedings consisting of minutes of the meeting and an electronic recording of the meeting shall be kept; on call of any two of its members, the Presiding Officer may cause the yeas and nays to be taken and entered in its journal upon any question before it.

(12) To address the Council, any person shall first secure the permission of the Presiding Officer; provided, however, that under the following heading of business, unless the

Presiding Officer rules otherwise, any qualified person may address the Council without securing such prior permission:

(a) By written communications, interested parties or their authorized representatives may address the Council in regard to matters there under discussion.

(b) By oral communications taxpayers or residents of the City, or their authorized legal representatives, may address the Council on any matter concerning the City's business or any matter over which the Council has control; provided, however, that preference shall be given to those person who may have notified the City Recorder I the advance of their desire to speak in order that the same may appear on the agenda of the Council.

(c) By reading of protests, petitions, or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions, or similar matter, interested persons or their representatives may address the council in regard to matters then under consideration.

(13) After a motion is made by the council, no person shall address the Council without first securing the permission of the presiding Officer to do so.

(14) Each person addressing the Council shall do so in the following manner: Come to the designated area for persons to address the Council, give his or her name and address in an audible tone of voice for the records; limit his address to three (3) minutes unless further time is granted by the Presiding Officer of the council; and address all remarks to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor, shall per permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No questions shall be asked of a Councilor except through the Presiding Officer.

(15) No person, except City Officials, their representatives and newspaper reporters, shall be permitted within normal seating area of the City Council without the express consent of the presiding officer.

(16) Unless a member of the Council states that he is not voting his silence shall be recorded as an affirmative vote.

(17) The following constitutes the rules of decorum:

(a) While the council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.

(b) Any person whose conduct at a council meeting intentionally, recklessly, or knowingly causes or attempts to cause a disturbance of the order or decorum of the proceedings may be barred from the Council meeting by a majority vote of the Council.

Amended by Ord. #380 – March 4, 1991 [Mike K. review this against recent case law].

(18) The law enforcement officer of the city, or such member or members of his office or department as he may designate, shall be Sergeant at Arms of the Council meetings, He or they shall carry out all orders and instructions given by the Presiding Officer for purposes of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant at Arms or any of them present; to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of this Code, and the complaint shall be signed by the Presiding Officer.

(19) Any member shall have the right to have the reasons for his dissent from or protest against any action of the Council entered on the minutes.

(20) No account or other demand against the city shall be allowed until the same has been considered and reported upon to the Council.

(21) All reports and resolutions shall be filed with the City Recorder and entered on the minutes.

(22) A motion to adjourn shall always be in order and decided without debate.

(23) Any person violating the provisions of Section 2.003(17)(b) of this Code shall upon first conviction be guilty of a violation and shall be punished pursuant to Section 1.012, and shall upon any subsequent conviction be guilty of a Class C Misdemeanor and shall be punished pursuant to Section 1.011. In any suit, action or claim of relief, inclusive of appeal, to enforce any provisions of the Section, the City shall recover its costs, inclusive or reasonable attorney fees.

(24) In all other instances not covered by the provisions of this Section, Robert's Rules of Order shall be followed. The City Attorney, or in the absence of the City Attorney, his or her designee, shall serve as the parliamentarian for City Council meetings and such other City meetings as may be needed.

Amended by Ord. #381 – March 4, 1991

2.005 City Council Special Committees.

(1) All special committees shall be appointed and assigned respectively by the presiding officer, unless otherwise directed by the council.

(2) Committees shall make their reports in writing or have them recorded verbatim by an electronic recording device and a transcript made thereof, and shall return the petition,

resolution, account, or other paper submitted for consideration to the Council at a regular meeting.

2.007 City Council Evidentiary Hearings.

In all evidentiary hearings before the Council, the procedures prescribed by Section 2.560 shall apply.

2.009 City Council Mode of Introducing and Enacting Ordinances, Resolutions, and Other Matters or Subjects Requiring Action by the Council.

(1) All ordinances, resolutions, and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or his authorized representative.

(2) Ordinances, resolutions, and other matters or subjects requiring action by Council must be introduced and sponsored by a member of the Council, except that the Mayor, City manager or City Attorney may present ordinances, resolutions and other matters or subjects to the Council, and any Councilor may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.

(3) Enacting or Adopting Clause. The enacting clause of all ordinances hereafter enacted shall be “The City of Wilsonville Ordains as Follows”. The adopting clause of all resolutions hereafter enacted shall be “The City of Wilsonville resolves as follows”.

(4) Except as subsection (5) and (6) provides to the contrary, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.

(5) Except as subsection (6) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all incumbent Council members, upon being read first in full and then by title.

(6) Any of the readings may be title only if (a) if no council member present at the meeting requests to have the ordinance read in full; or (b) if a copy of the ordinance is provided for each Council member and a copy is provided for public inspection in the office of the city Recorder not later than one week before the first reading of the ordinance and notice of their availability is given forthwith upon the filing by written notice posted in the City Hall and two other public places in the city; or advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

(7) Upon the final vote of any ordinance, the ayes and nays of the members shall be taken and entered into the record of proceedings.

(8) Upon the enactment of any ordinance, the City Recorder shall sign it with the date of its passage and the Recorder's name and title of office and within three days thereafter the Mayor shall sign it with the date of signature, name and title of office.

(9) When ordinances shall take effect. An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the council deems it advisable; however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

(10) Resolutions may be read by title only and shall be adopted on the date of passage unless the resolution otherwise provides.

2.010 Election of City Councilors

In cases where both two and four-year terms for City Councilors are available due to vacancies in office, the candidate(s) receiving the highest number of votes shall be elected to the longer term(s). In cases of tie votes, Section 25 of the City Charter shall apply.

Amended by Ord #325 – April 4, 1988

2.011 City Council Election of Officers.

2.013 City Council Executive Sessions.

Executive Sessions may be held by the Council in accordance with the provisions of ORS Chapter 192.

OFFICERS AND EMPLOYEES

2.100 Mayor.

(1) The Mayor shall preside over Council deliberations and shall have a vote on all questions before the Council. The mayor shall preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

(2) The Mayor shall appoint the Council committees provided by the rules of the Council. The Mayor shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within three days of their passage. After the Council approves a bond of a city officer or a bond for a license contract or proposal, the mayor shall endorse the bond.

Appendix C

Section(s) 192.610-710
Oregon Revised Statutes
Oregon Open Meeting Law

PUBLIC MEETINGS

192.610 Definitions for ORS 192.610 to 192.690. As used in ORS 192.610 to 192.690:

(1) “Decision” means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.

(2) “Executive session” means any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.

(3) “Governing body” means the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.

(4) “Public body” means the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.

(5) “Meeting” means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. “Meeting” does not include any on-site inspection of any project or program. “Meeting” also does not include the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong. [1973 c.172 §2; 1979 c.644 §1]

192.620 Policy. The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. [1973 c.172 §1]

192.630 Meetings of governing body to be open to public; location of meetings; accommodation for person with disability; interpreters. (1) All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.

(2) A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.

(3) A governing body may not hold a meeting at any place where discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, age or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place does not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominate use.

(4) Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized

Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.

(5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.

(b) The person requesting the interpreter shall give the governing body at least 48 hours' notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.

(c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

(d) If certification of interpreters occurs under state or federal law, the Oregon Health Authority or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.

(e) As used in this subsection, "good faith effort" includes, but is not limited to, contacting the department or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more qualified interpreters to provide interpreter services. [1973 c.172 §3; 1979 c.644 §2; 1989 c.1019 §1; 1995 c.626 §1; 2003 c.14 §95; 2005 c.663 §12; 2007 c.70 §52; 2007 c.100 §21; 2009 c.595 §173]

192.640 Public notice required; special notice for executive sessions, special or emergency meetings. (1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

(2) If an executive session only will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

(3) No special meeting shall be held without at least 24 hours' notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice. [1973 c.172 §4; 1979 c.644 §3; 1981 c.182 §1]

192.650 Recording or written minutes required; content; fees. (1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the

meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- (a) All members of the governing body present;
- (b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- (c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
- (d) The substance of any discussion on any matter; and
- (e) Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting.

(2) Minutes of executive sessions shall be kept in accordance with subsection (1) of this section. However, the minutes of a hearing held under ORS 332.061 shall contain only the material not excluded under ORS 332.061 (2). Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, that material may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility.

(3) A reference in minutes or a recording to a document discussed at a meeting of a governing body of a public body does not affect the status of the document under ORS 192.410 to 192.505.

(4) A public body may charge a person a fee under ORS 192.440 for the preparation of a transcript from a recording. [1973 c.172 §5; 1975 c.664 §1; 1979 c.644 §4; 1999 c.59 §44; 2003 c.803 §14]

192.660 Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits. (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.

(2) The governing body of a public body may hold an executive session:

- (a) To consider the employment of a public officer, employee, staff member or individual agent.
- (b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.
- (c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063 including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.
- (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

- (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- (f) To consider information or records that are exempt by law from public inspection.
- (g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.
- (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
- (j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.
- (k) If the governing body is a health professional regulatory board, to consider information obtained as part of an investigation of licensee or applicant conduct.
- (L) If the governing body is the State Landscape Architect Board, or an advisory committee to the board, to consider information obtained as part of an investigation of registrant or applicant conduct.
- (m) To discuss information about review or approval of programs relating to the security of any of the following:
 - (A) A nuclear-powered thermal power plant or nuclear installation.
 - (B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.
 - (C) Generation, storage or conveyance of:
 - (i) Electricity;
 - (ii) Gas in liquefied or gaseous form;
 - (iii) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);
 - (iv) Petroleum products;
 - (v) Sewage; or
 - (vi) Water.
 - (D) Telecommunication systems, including cellular, wireless or radio systems.
 - (E) Data transmissions by whatever means provided.
- (3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.
- (4) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061 (2) but the governing body may require that specified information be undisclosed.
- (5) When a governing body convenes an executive session under subsection (2)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

(6) No executive session may be held for the purpose of taking any final action or making any final decision.

(7) The exception granted by subsection (2)(a) of this section does not apply to:

(a) The filling of a vacancy in an elective office.

(b) The filling of a vacancy on any public committee, commission or other advisory group.

(c) The consideration of general employment policies.

(d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:

(A) The public body has advertised the vacancy;

(B) The public body has adopted regular hiring procedures;

(C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and

(D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

(8) A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.

(9) Notwithstanding subsections (2) and (6) of this section and ORS 192.650:

(a) ORS 676.175 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of licensee or applicant conduct investigated by a health professional regulatory board.

(b) ORS 671.338 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of registrant or applicant conduct investigated by the State Landscape Architect Board or an advisory committee to the board. [1973 c.172 §6; 1975 c.664 §2; 1979 c.644 §5; 1981 c.302 §1; 1983 c.453 §1; 1985 c.657 §2; 1995 c.779 §1; 1997 c.173 §1; 1997 c.594 §1; 1997 c.791 §9; 2001 c.950 §10; 2003 c.524 §4; 2005 c.22 §134; 2007 c.602 §11; 2009 c.792 §32]

192.670 Meetings by means of telephonic or electronic communication. (1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.

(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the governing body of the public body is present. [1973 c.172 §7; 1979 c.361 §1]

192.680 Enforcement of ORS 192.610 to 192.690; effect of violation on validity of decision of governing body; liability of members. (1) A decision made by a governing body of a public body in violation of ORS 192.610 to 192.690 shall be voidable. The decision shall not be voided if the governing body of the public body reinstates the

decision while in compliance with ORS 192.610 to 192.690. A decision that is reinstated is effective from the date of its initial adoption.

(2) Any person affected by a decision of a governing body of a public body may commence a suit in the circuit court for the county in which the governing body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of ORS 192.610 to 192.690, by members of the governing body, or to determine the applicability of ORS 192.610 to 192.690 to matters or decisions of the governing body.

(3) Notwithstanding subsection (1) of this section, if the court finds that the public body made a decision while in violation of ORS 192.610 to 192.690, the court shall void the decision of the governing body if the court finds that the violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the governing body, unless other equitable relief is available. The court may order such equitable relief as it deems appropriate in the circumstances. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney fees at trial and on appeal, by the governing body, or public body of which it is a part or to which it reports.

(4) If the court makes a finding that a violation of ORS 192.610 to 192.690 has occurred under subsection (2) of this section and that the violation is the result of willful misconduct by any member or members of the governing body, that member or members shall be jointly and severally liable to the governing body or the public body of which it is a part for the amount paid by the body under subsection (3) of this section.

(5) Any suit brought under subsection (2) of this section must be commenced within 60 days following the date that the decision becomes public record.

(6) The provisions of this section shall be the exclusive remedy for an alleged violation of ORS 192.610 to 192.690. [1973 c.172 §8; 1975 c.664 §3; 1979 c.644 §6; 1981 c.897 §42; 1983 c.453 §2; 1989 c.544 §1]

192.685 Additional enforcement of alleged violations of ORS 192.660. (1)

Notwithstanding ORS 192.680, complaints of violations of ORS 192.660 alleged to have been committed by public officials may be made to the Oregon Government Ethics Commission for review and investigation as provided by ORS 244.260 and for possible imposition of civil penalties as provided by ORS 244.350.

(2) The commission may interview witnesses, review minutes and other records and may obtain and consider any other information pertaining to executive sessions of the governing body of a public body for purposes of determining whether a violation of ORS 192.660 occurred. Information related to an executive session conducted for a purpose authorized by ORS 192.660 shall be made available to the Oregon Government Ethics Commission for its investigation but shall be excluded from public disclosure.

(3) If the commission chooses not to pursue a complaint of a violation brought under subsection (1) of this section at any time before conclusion of a contested case hearing, the public official against whom the complaint was brought may be entitled to reimbursement of reasonable costs and attorney fees by the public body to which the official's governing body has authority to make recommendations or for which the official's governing body has authority to make decisions. [1993 c.743 §28]

192.690 Exceptions to ORS 192.610 to 192.690. (1) ORS 192.610 to 192.690 do not apply to the deliberations of the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS 9.568, meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS 418.747, the child fatality review teams required to review child fatalities in accordance with the provisions of ORS 418.785, the peer review committees in accordance with the provisions of ORS 441.055, mediation conducted under ORS 36.250 to 36.270, any judicial proceeding, meetings of the Oregon Health and Science University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.

(2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530. [1973 c.172 §9; 1975 c.606 §41b; 1977 c.380 §19; 1981 c.354 §3; 1983 c.617 §4; 1987 c.850 §3; 1989 c.6 §18; 1989 c.967 §§12,14; 1991 c.451 §3; 1993 c.18 §33; 1993 c.318 §§3,4; 1995 c.36 §§1,2; 1995 c.162 §§62b,62c; 1999 c.59 §§45a,46a; 1999 c.155 §4; 1999 c.171 §§4,5; 1999 c.291 §§25,26; 2005 c.347 §5; 2005 c.562 §23; 2007 c.796 §8; 2009 c.697 §11]

Note: The amendments to 192.690 by section 11, chapter 697, Oregon Laws 2009, become operative July 1, 2010. See section 22, chapter 697, Oregon Laws 2009, as amended by section 76, chapter 828, Oregon Laws 2009. The text that is operative until July 1, 2010, is set forth for the user's convenience.

192.690. (1) ORS 192.610 to 192.690 do not apply to the deliberations of the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS 9.568, meetings of the Health Professionals Program Supervisory Council established under ORS 677.615, meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS 418.747, the child fatality review teams required to review child fatalities in accordance with the provisions of ORS 418.785, the peer review committees in accordance with the provisions of ORS

441.055, mediation conducted under ORS 36.250 to 36.270, any judicial proceeding, meetings of the Oregon Health and Science University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.

(2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530.

192.695 Prima facie evidence of violation required of plaintiff. In any suit commenced under ORS 192.680 (2), the plaintiff shall be required to present prima facie evidence of a violation of ORS 192.610 to 192.690 before the governing body shall be required to prove that its acts in deliberating toward a decision complied with the law. When a plaintiff presents prima facie evidence of a violation of the open meetings law, the burden to prove that the provisions of ORS 192.610 to 192.690 were complied with shall be on the governing body. [1981 c.892 §97d; 1989 c.544 §3]

Note: 192.695 was added to and made a part of ORS chapter 192 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

192.710 Smoking in public meetings prohibited. (1) No person shall smoke or carry any lighted smoking instrument in a room where a public meeting is being held or is to continue after a recess. For purposes of this subsection, a public meeting is being held from the time the agenda or meeting notice indicates the meeting is to commence regardless of the time it actually commences.

(2) As used in this section:

(a) “Public meeting” means any regular or special public meeting or hearing of a public body to exercise or advise in the exercise of any power of government in buildings or rooms rented, leased or owned by the State of Oregon or by any county, city or other political subdivision in the state regardless of whether a quorum is present or is required.

(b) “Public body” means the state or any department, agency, board or commission of the state or any county, city or other political subdivision in the state.

(c) “Smoking instrument” means any cigar, cigarette, pipe or other smoking equipment. [1973 c.168 §1; 1979 c.262 §1]

Appendix D

Resolution No. 2321

RESOLUTION NO. 2321

A RESOLUTION OF THE CITY OF WILSONVILLE ADOPTING A PROCESS FOR RECEIPT OF APPLICATIONS AND AN APPOINTMENT PROCESS TO THE CITY'S BOARDS, COMMISSIONS, COMMITTEES AND TASK FORCES AND REPEALING RESOLUTION NO. 2267.

WHEREAS, the City Council, desired to have a formal written process for the receipt of applications, and the appointment process for the City's Boards, Commissions, Committees, and Task Force; and

WHEREAS, Council adopted Resolution No. 2267, on February 7, 2011 which memorialized the formal application and selection process; and

WHEREAS, the intent of Resolution No. 2267 was that written guidelines would help to ensure a greater applicant pool with a broader range of background and interests for those desiring to volunteer their time in service to the community; and

WHEREAS, upon working with the process in Resolution No. 2267, the Council found the process contained in Resolution No. 2267 could be simplified and desires to do so.

NOW, THEREFORE THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. Except for the appointment of Council liaisons, where the Council appoints itself as a whole, or to the extent it is required by law to serve on or as a Board, Commission, Committee, or Task Force (e.g. Local Contract Board, Urban Renewal Board, Budget Committee), the following appointment process for Boards, Commissions, Committees, including the non-Council members of the Budget Committee, and Task Forces shall apply as guidelines for appointment to both existing Boards, Commissions, Committees, and Task Forces established by the Council and to those Boards, Commissions, Committees, and Task Forces subsequently established by the Council.

2. The guidelines shall apply to the following existing Boards, Commissions, and Committees:
 - 2.1. The Park and Recreation Advisory Board, WC 2.300 et seq.
 - 2.2. The Planning Commission, WC 2.320 et seq.
 - 2.3. The Development Review Board (sits as two panels), WC 2.330 et seq.
 - 2.4. The Library Board, WC 2.350 et seq.
 - 2.5. The Budget Committee, ORS 294.336 et seq., Council est. 1/10/69
3. Boards and commission members' duties and qualifications are set forth in their respective boards and commission provision of Chapter 2 of the Wilsonville Code.
4. When there is a vacancy, the City Recorder shall advise the council, and unless the Council directs otherwise the City Recorder shall advertise the vacancy(s) in the Wilsonville Spokesman, the local newspaper of general circulation, on the City's website, in the City newsletter, local access cable channel, with general announcements at city meetings and posted at city hall.
 - 4.1 Such advertisement should announce the opening and provide a brief description of the duties, any qualifications that apply to the position, the length of the term to be filled, and where an application can be obtained.
 - 4.2 The recruitment process shall be open for 30 days.
 - 4.3 The City Recorder shall provide for those interested in applying a City application form to be filled out and returned to the Recorder, which shall be in the general form as attached hereto and marked as Exhibit A.
 - 4.4. Existing Board and Commission members who wish to be reappointed when their term has expired need not submit a formal application but may submit a letter expressing continued interest in serving another term to the Mayor and the City Council.

5. Upon closure of the recruitment period, the applications and any supporting documents shall be copied to the entire City Council.
6. All applications and supporting documentation shall be kept on file in the City Records office for one year. Should a vacancy occur, the applications on file and any new applications received during the recruitment period shall be sent to the City Council for review.
7. Before making their recommendations, individual Councilors may interview any applicant. City Council members shall make their recommendations to the Mayor for appointment within two weeks of receiving the applications. Thereafter the Mayor shall make the appointment subject to Council approval at a Council meeting.
8. The Mayor or Council President will invite the new appointee to attend a regular Council meeting where the appointee may be officially introduced.
9. Guidelines for appointing Task Forces and Ad Hoc Committees:
 - 9.1. Task Forces and Ad Hoc special committees are established by the City Council as the need arises, generally on a short term basis to study an issue of concern or need.
 - 9.2. Duties of the Task Force or the Ad Hoc Committee and the respective membership of each are assigned at the time of establishment.
- 10.
11. Resolution No. 2267 is repealed.
12. This resolution becomes effective upon adoption.

ADOPTED, by the Wilsonville City council at a regular meeting thereof this 19th day of September, 2011 and filed with the Wilsonville City Recorder this date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp - Yes

Council President Núñez - Yes

Councilor Hurst - Excused

Councilor Goddard - Yes

Councilor Starr - Yes

Attachments:

Exhibit A –Application for Appointment to Board/Commission Form

Appendix F

Best Practices for an Elected Governing Council

By

Joe Hertzberg
February 2011



DECISIONS
DECISIONS

Best Practices for an Elected Governing Council

Joe Hertzberg

February 2011

The following guidelines are based on many years of experience with city councils, county commissions, and other elected governing bodies. However, every council is unique, and each should discuss and adopt its own guidelines. Most questions have no “right” or “wrong” answers, but it is important that councilors have the same expectations. It is helpful to review and revise guidelines at least annually.

Expectations and Courtesies

- Make every effort to attend every meeting, to arrive on time, and to be prepared.
- Do not criticize any councilor, staff member, or citizen in public.
- No surprises: Whenever possible, inform others before they learn important news in public.
- Speak only when recognized by the chair. Don’t interrupt or engage in side conversations when another councilor is speaking.
- Be brief and to the point.
- Say what you mean and mean what you say: Limit political speeches and don’t posture or grandstand.
- Clearly explain how you got to your position and how it serves the public interest. This is especially important when you disagree with a staff or committee recommendation.
- Share credit generously. Spread opportunities to get positive recognition and spread responsibilities to do things that will evoke criticism.
- Support the legitimacy of Council decisions, even those you didn’t vote for. When a decision is made, move on.

Good Process and Procedure

Meetings

- The Mayor and City Manager usually work together to set the agenda.
- The allocation of meeting time should reflect the priority among issues.

- Council packets should be available a set number of days time prior to business meetings. Councilors are encouraged to submit questions and comments at least 2 business days preceding the business meeting.
- Any member can pull an item from the consent agenda to discuss separately at the meeting.
 - ✦ Contact the City Manager in advance and explain your reason for pulling the item.
 - ✦ If you thought about pulling an item but got further information that changed your mind, inform others so they have the same information.
- Pulling an item from the agenda to defer consideration is a Council decision.
- The Council's goal is to adjourn by a fixed time unless extended by majority consent of members present. Around 30 minutes before this fixed time, any member may call for a review of remaining agenda items. The Council may reset or reschedule items that may not be reached prior to the regular time of adjournment.
- The purpose of the question and answer period during a public hearing is to elicit information. Councilors should not use it as a forum to express their own positions. This should be reserved for the discussion period.
- At a study session, any councilor may propose that it would be more appropriate to discuss the matter during a business meeting. The Council will decide whether the discussion should continue or be held during a business meeting.

Issues for Discussion and Decision

- Decisions with major financial implications should be considered in the context of citywide priorities, as part of the regular budget process. Cuts or increases should not be made piecemeal.
- Council agreement is required to start, slow down, or stop a project.
- Process for emerging ideas:
 - ✦ Don't bring an issue to the Council until it is ready.
 - ✦ Consult with the City Manager to help frame issues before introducing new directions or amendments.
 - ✦ Have individual conversations with other councilors, but be careful to give them consistent messages so all have the same information.
 - ✦ When the idea is ripe, schedule a study session for general discussion and to identify next steps.

Internal Communication

- Limit use of email to other councilors:
 - ✦ To transmit information.
 - ✦ To express your own individual opinion.
 - ✦ To suggest that a matter should be discussed by the full Council.



- ◆ Reply only to comment on whether a matter should be discussed by the full Council.
- Occasionally, there may be special reasons for individual briefings rather than a work session for the full Council. When councilors are individually briefed, it is important for all to get the same information.

External Communication

General

- The City Manager or Mayor responds to communications directed to the full Council.
- If a communication is directed to an individual councilor, you may choose to respond as an individual or refer to the City Manager.
- The City must speak with one voice on labor issues. Councilors who are contacted individually should make no comment and should report the contact to the City Manager.

Communication with Partners and Allies

- In general, the Mayor or City Manager speaks for the City.
- In public settings, members must be crystal-clear whether they are speaking as an individual or for the Council.

Communication with Boards, Commissions, and Committees

- No councilor should try to influence the deliberation or outcomes of board proceedings.
- The Liaison's role is to facilitate two-way communication, helping the board to understand the Council and the Council to understand the board.
- Liaison assignments should be equitably allocated among Council members based on their interests, availability, tenure on the Council, and other factors.

Working Relationship between Council and Staff

Council and staff are partners in serving the public. As members of the City team, they play different roles, but they should be working toward the same goals. Mutual trust, confidence, and respect are the keys to effective working relationships.

Communication between Councilors, City Manager, and Staff

- In general, councilors should communicate only with the City Manager or department heads. Department heads will inform the City Manager when they have significant conversations with councilors. There are several exceptions:
 - ◆ You may communicate directly with staff members working with you on an ongoing assignment to a particular project.
 - ◆ You may communicate directly with seasoned staff members with whom you have a long-term working relationship.
 - ◆ Discuss personnel issues only with the City Manager.



- ◆ Councilors are encouraged to attend staff occasions, celebrations, and recognition events.
- Only the full Council may give direction to employees, and only through the City Manager. As a rule of thumb, this applies to any activity that takes more than one hour of staff time.
- Councilors are encouraged to take issues to the City Manager first, giving as much information as possible to ensure a thorough response.
- The City Manager shares information equally with all councilors.
- Staff should understand that different Council members prefer to communicate in different modes – telephone, email, in person.

Staff Reports

- Staff's role is to gather facts, present objective analysis, and make recommendations based on their best professional judgment.
- Written reports should be succinct and prepared in a style agreed to by the Council.
- Presentations in public settings should be brief, in plain language, and supported with appropriate visuals.
- Councilors are encouraged to pose questions and concerns to staff members in advance of public meetings. This allows staff to respond thoroughly and accurately. It is especially important not to surprise staff in public.
- If substantive information is provided to one councilor, staff will provide the same information to all.
- Council decisions may take into consideration many other factors in addition to the staff recommendation.
- Regular and honest feedback helps everyone to work together more effectively.

Tips for Effective Councilors

- Respect the different styles of fellow councilors.
- Be open to changing your mind based on new information.
- Maintain your independence. Do not allow yourself to be seen as a member of a bloc.
- Take personal responsibility for encouraging respectful behavior among your fellow councilors.
- Strive for consensus, but don't settle for the lowest common denominator. When you have exhausted all avenues to come to agreement, accept that divided votes are simply part of the process.
- If you have a concern with another member, speak directly to that person.
- Be open with sharing information. Give unto others information you would want them to give unto you.



- Spend some casual time together. Invite fellow councilors to get together informally, particularly those of opposing views.
- Pick your spots. Try hard to win on matters important to you, and let others win on matters important to them and not so important to you.
- Recognize that you are seen as a councilor at all times, no matter how you may see yourself.
- Whenever you put anything in writing, assume that everyone in the city is looking over your shoulder.
- Be welcoming to speakers and treat them with respect. Remember that for many citizens, speaking in front of the Council is an unfamiliar and difficult experience.
- Learn the various businesses of the City. Schedule visits, walk-throughs, and ride-alongs to better understand the day-to-day picture as a basis for making policy decisions.
- Everyone does not have to weigh in on every question. Sometimes it's OK to just vote.
- When a discussion grinds, you might suggest taking a break.
- In general, praise people in public and criticize in private.



CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2016

Items known as of 03/14/17

MARCH

DATE	DAY	TIME	EVENT	LOCATION
3/6	Monday	7 p.m.	City Council Meeting	Council Chambers
3/8	Wednesday	1 p.m.	Wilsonville Community Seniors	Community Center
3/8	Wednesday	6 p.m.	Planning Commission	Council Chambers
3/9	Thurs	4:30 p.m.	Parks and Recreation Advisory Board	Park and Rec Admin Offices
3/13	Monday	6:30 p.m.	DRB Panel A	Council Chambers
3/15	Wednesday	6 p.m.	Budget Committee Mid-Year Review	Council Chambers
3/20	Monday	7 p.m.	City Council Meeting	Council Chambers
3/22	Wednesday	6:30 p.m.	Library Board	Library
3/27	Monday	6:30 p.m.	DRB Panel B - CANCELLED	Council Chambers



**CITY COUNCIL MEETING
STAFF REPORT**

<p>Meeting Date: March 20, 2017</p>	<p>Subject: Property Tax exemptions requests for Autumn Park Apartments, Charleston Apartments, Creekside Woods, Wiedemann Apartments and Rain Garden Apartments.</p> <p>Staff Member: Cathy Rodocker Department: Finance</p>	
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>	
<p> <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1st Reading Date: <input type="checkbox"/> Ordinance 2nd 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 </p>	<p> <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable </p> <p>Comments:</p>	
<p>Staff Recommendation: Staff recommends that Council Approve the consent agenda items for Resolutions No. 2615, 2616, 2617, 2618 and 2619.</p>		
<p>Recommended Language for Motion: Approve the consent agenda items for Resolutions No. 2615, 2616, 2617, 2618 and 2619.</p>		
<p>Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i></p>		
<p><input checked="" type="checkbox"/> Council Goals/Priorities</p>	<p><input type="checkbox"/> Adopted Master Plan(s)</p>	<p><input type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

Each year property tax exemptions are requested for the properties located within the city limits that offer lower rent to families, seniors and individuals meeting the low income requirement. This requirement, set by the Federal Government, is 60% of the estimated state median income.

The five complexes noted above have received property tax exemption status in previous years and are in compliance with the requirements stated in ORS 307.540-307.548.

EXECUTIVE SUMMARY:

Providing affordable housing in Wilsonville has been a long standing goal with City Council. Current and past Council have authorized five apartment complexes with a property tax exemption status. In total, 366 units are currently available for a low income housing rental rate reductions. All properties are required to meet State and Federal funding requirements which include annual physical inspections and an annual audit of financial activity and programmatic compliance.

The rate reduction per apartment varies from complex to complex as the reduction is based on the property's tax exemption the property receives and the number of reduced rate units in the complex. The complex passes the tax exemption savings onto their renters and most complexes provide additional services including monthly activities. The properties requesting continuance of the property tax exemption status for low-income housing include:

Autumn Park Apartments, 10920 SW Wilsonville Rd (1, 2 and 3 bedroom units)
NW Housing Alternatives: 144 units, Reduced rent = \$76/month per unit

Charleston Apartments, 11609 SW Toulouse St (1 bedroom units)
NW Housing Alternatives: 51 units, Reduce rent =\$44/month per unit

Creekside Woods, 7825 SW Wilsonville Rd (1 and 2 bedroom units)
NW Housing Alternatives: 84 units, Reduced rent =\$48/month per unit

Rain Garden Apartments, 29197 SW Orleans Ave (Studio Apartments)
Caritas Community Housing Corp: 29 units, Reduced rent =\$50/month per unit

Wiedemann Apartments, 29940 SW Brown Rd, (1 and 2 bedroom units)
Accessible Living, Inc: 58 units, Reduced rent = \$93/month per unit

In total, rents for low income families, seniors, and individuals will be lowered by approximately \$288,768 over a twelve month period. This estimate includes the property tax savings from all taxing districts.

Also attached please find the inspection reports submitted by each complex as per Council's requests.

EXPECTED RESULTS:

Council approval of consent agenda resolutions for the property tax exemption requests for Autumn Apartments, Charleston Apartments, Creekside Woods, and Rain Garden Apartments.

TIMELINE:

Applications for renewal requests are received prior to March 10th Initial property tax

exemption requests are required to pay a \$250 application fee for each property. Renewal requests require a \$50 application fee. The City certifies the property tax exemption with the Assessor's office at Clackamas County immediately following Council's approval. The deadline to certify to the Assessor's office is April 1st.

CURRENT YEAR BUDGET IMPACTS:

The assessed value of the all exempt properties totals \$20,550,880. Based on the City's current tax rate of \$2.5206/\$1000, the total amount of forgone property tax revenue \$51,801.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: March 6, 2017

LEGAL REVIEW / COMMENT:

Reviewed by: _____ Date: _____

COMMUNITY INVOLVEMENT PROCESS:

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY: Property tax exemptions assist in the availability of housing for low-income families and individuals.

ALTERNATIVES: The property tax exemption may be removed if the property is being used for any purpose other than the provision of low income housing, or if the property is no longer eligible under the stated provisions of ORS 307.540 to 307.548. Section E of the renewal application requires the applicant to acknowledge compliance with the requirements.

CITY MANAGER COMMENT:

ATTACHMENTS:

Resolutions No. 2615, 2616, 2617, 2618 and 2619.

RESOLUTION NO. 2615

A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER ORS 307.540 TO ORS 307.548 FOR AUTUMN PARK APARTMENTS, A LOW-INCOME APARTMENT DEVELOPMENT OWNED AND OPERATED BY NORTHWEST HOUSING ALTERNATIVES, INC.

WHEREAS, maintaining Wilsonville's existing affordable housing supply is necessary for its continued health and growth; and

WHEREAS, Northwest Housing Alternatives (NHA), a not-for-profit organization, has owned and maintained Autumn Park, an affordable housing development located at 10920 S.W. Wilsonville Road; and

WHEREAS, Autumn Park includes 144 residential units, for people with very low income; and

WHEREAS, NHA is currently seeking to preserve Autumn Park as affordable housing; and

WHEREAS, a property tax exemption is essential to Autumn Park's continuation as affordable housing; and

WHEREAS, ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by not-for-profit corporations and occupied by low-income persons; and

WHEREAS, the City of Wilsonville wishes to adopt and/or ratify the policy set forth in those sections; and

WHEREAS, NHA has requested a property tax exemption for its Autumn Park development, pursuant to ORS 307.543(2); and

WHEREAS, the City of Wilsonville and West Linn-Wilsonville School District property tax levies jointly comprise of more than 51% of the total combined rate of taxation on Autumn Park Apartments; and

WHEREAS, NHA has received that the West Linn-Wilsonville School District exempt Autumn Park from property taxation arising under its jurisdiction unless and until terminated pursuant to ORS 307.548;

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

- Section 1: The City of Wilsonville adopts the provisions of ORS 307.540 to 307.548.
- Section 2: NHA and its affordable housing development, Autumn Park, qualify for a property tax exemption pursuant to ORS 307.540 to 307.548.
- Section 3: The Finance Director is directed to request the Clackamas County Assessor to exempt Autumn Park Apartments from taxation by all taxing jurisdictions pursuant to ORS 307.543(2), commencing on the first day of the tax assessment year beginning July 1, 2017.
- Section 4: This Resolution shall take effect upon the occurrence of the following:
a) Submission, to the City of Wilsonville's City Manager, of an application conforming to the requirements of ORS 307.545 requesting a property tax exemption for Autumn Park Apartments.
- Section 5: This Resolution is to remain in effect unless and until termination occurs pursuant to ORS 307.548.
- Section 6: This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of March 2017 and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp -
Council President Starr -
Councilor Stevens -
Councilor Lehan -
Councilor Akervall -

APPLICATION

PROPERTY TAX EXEMPTION FOR LOW-INCOME HOUSING HELD BY CHARITABLE, NONPROFIT ORGANIZATIONS

(For Office Use Only)

City of Wilsonville, Oregon

Date Received: 2/24/17

\$250 Application Fee

\$50 Renewal Fee

Receipt No.

Handwritten notes: Charleston ✓ #1350, Creekside ✓ #1351, Autumn Park ✓ #1349

CONTENTS

Table with 2 columns: Section (A-E) and Page (1-4)

Section A – Applicant Information

Corporate Name: Northwest Housing Alternatives

Address: 2316 SE Willard St., Milwaukie OR 97222

Telephone: (503) 654-1007

Business

Residence (Optional)

Email Address: grau@nwhousing.org

Chief Executive Officer: Martha McLennan

Contact Person: Ray Hackworth Telephone: (503) 654-1007 x101

Section B – Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each building for which you are requesting a tax exemption)

Organization: Autumn Park Apartments

Property Address: 10920 SW Wilsonville Rd., Wilsonville, OR 97070

Assessor’s Property Tax Account Number(s): C127801

(Be sure to identify all account numbers for both land and improvements on the property for which you are requesting tax exemption, in some cases, land and improvements may have separate property tax account numbers.)

Total number of residential units in the building: 144

Number of residential units occupied by very low-income people: 144

Total square feet in building: 116,928

Total square feet used to house very low-income people⁴ 116,928

Section C – Leasehold Interest in Eligible Property

Do you own the property in question? X Yes No

If you answered “no” to the above question, do you have leasehold interest in the property?
 Yes No

If yes, please include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants served rather than the owner or corporation from whom you lease.

⁴ This includes halls, baths, dining, and other space dedicated to residential use. Retail uses and other accessory uses not related to residential use are not to be counted.

Section D – Description Of Charitable Purpose/Project Benefit (Use for multiple projects if same conditions apply)

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

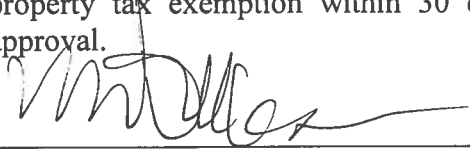
1. Reduce the rents that your very low-income residential tenants pay on the property in question? Yes No If so, by approximately how much? \$76/unit/month
2. Provide grater services to your very log income residential tenants? Yes No.
3. If yes, in what way(s)? All cost savings are passed directly through to the tenants in the form of reduced rents.
4. Provide any other benefit to your very low-income residential tenants? Yes No.
If yes, please explain: _____

If you lease the property identified in this application, to what extent does your lease agreement coincide with the timeframe of the qualifying tax year? Please Explain:

Section E- Declarations

Please read carefully and sign below before a notary.


1. I have attached to this application the IRS declaration of the status of application as a tax exempt corporation under 26 U.S.C. Section 501(c)(3) or (4).
2. I am aware that the income qualifying tenants must meet the income guidelines in accordance with 42 U.S.C. Section 1437 (a)(b)(2) as amended. See Attachment A, Income Eligibility Schedule). Tenant incomes do not exceed these limitations, as I verily believe.
3. I am aware of all requirements for tax exemption imposed by ORS 307.540-307.545 (Chapter 660 Oregon Laws 1985, as amended by Chapter 756 Oregon Laws 1987) and implemented by Resolution No. 1854 of the City of Wilsonville.
4. The above-described properties qualify or will qualify upon completion of any rehabilitation improvements and subsequent occupancy by very low-income residents for property tax exemption within 30 days of the April 1st application or the date of approval.

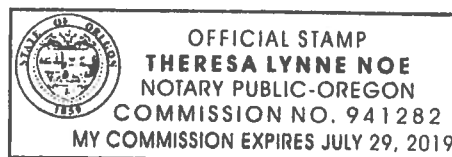
By: 
 Agency Chief Executive Officer (Signature)

Martha McLennan
 Agency Chief Executive officer (Print or typed)

For: Northwest Housing Alternatives
 Corporate Name (Print or type)

Subscribed and sworn to before me this 20 day of February, 2017.


 Notary Public For Oregon
 My Commission Expires: 7/29/2019



Internal Revenue Service
District Director
P O BOX 486
LOS ANGELES, CA 900530486

Department of the Treasury

AUG 24 1988

Date:

NORTHWEST HOUSING ALTERNATIVES INC
2316 SOUTH EAST WILLARD STREET
MILWAUKIE, OR 97222

Employer Identification Number:
93-0814473
Case Number:
958131104
Contact Person:
TERRY IZUMI
Contact Telephone Number:
(213) 894-4170

Our Letter Dated:
Dec.17, 1985
Caveat Applies:
no

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code, because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi). Your exempt status under section 501(c)(3) of the code is still in effect.

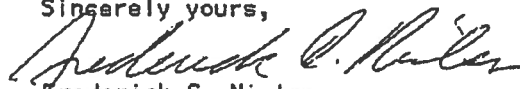
Grantors and contributors may rely on this determination until the Internal Revenue Service publishes a notice to the contrary. However, a grantor or a contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(1) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(1) organization.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If the heading of this letter indicates that a caveat applies, the caveat below or on the enclosure is an integral part of this letter.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,


Frederick C. Nielsen
District Director



Oregon

Governor Kate Brown

Housing and Community Services

North Mall Office Building
725 Summer St NE, Suite B
Salem, OR 97301-1266
PHONE: (503) 986-2000
FAX: (503) 986-2020
TTY: (503) 986-2100
www.ohcs.oregon.gov

March 8, 2017

Jody Brents
Cascade Management Inc.
13221 SW 68th Parkway Suite 310
Portland, Oregon 97223

Re: 2016 LIHTC/HDGP/Risk Sharing Program Review – Autumn Park Apartments (#OR04-527)

Dear Jody:

On November 3, 2016, the LIHTC, HDGP, and Risk Sharing physical inspection for the above-referenced property was conducted.

Enclosed is a list of items that need to be addressed in regard to the physical inspection. All items listed that require responses have spaces to the right allowing you to insert the completion dates of your corrections.

Items listed as “Notes” are for informational purposes only and do not require responses.

Please email your corrective action report to OHCSresponses@oregon.gov no later than December 28, 2016 to prevent any further non-compliance issues.

This review has not yet been rated. The ratings for this review will be included in the final closing letter.

Thank you for the courtesy and assistance extended during the inspection and review. Please contact me at 503-986-6772 or by e-mail at Allen.McCartt@oregon.gov if you have any questions.

Sincerely,

Allen McCartt

Allen McCartt
Compliance Officer
Asset Management and Compliance Section

cc: Owner
Working File

2016 LIHTC/HDGP/Sharing Program Physical Inspection Report

Property Name: Autumn Park Apartments

Property ID: OR04-527

Review Date: 11/03/16

Property Overview

Autumn Park Apartments is a 144 unit property comprised of eighteen buildings located on a spacious site in Wilsonville, Oregon. The property contains 40 one-bedroom, 80 two-bedroom, and 24 three-bedroom units. A laundry facility is located on site.

The day of the inspection the property had good curb appeal. The signage and the grounds at the Wilsonville Road entrance are in satisfactory condition.

PHYSICAL INSPECTION

In order to standardize and clarify our inspection reports, multi-bedroom units will be identified as follows: Each bedroom will be numbered consecutively starting with the first bedroom on the left (#1), after entering the unit, and continuing clockwise (#2, etc.). Units with unusual configurations may require more explanation.

UNITS INSPECTED: 6, 7, 10, 16, 17, 20, 26, 32, 35, 39, 40, 47, 49, 56, 59, 62, 63, 75, 78, 81, 87, 91, 94, 98, 102, 106, 111, 115, 118, 122, 132, 134, 135, 140, and 143

Only the units listed below have notes/findings; all other inspected units had no findings. All items listed with "Date Completed" require a response and is potentially reportable to the IRS on Form 8823. Items listed as "Notes" are for informational purposes only and do not require responses.

Deficiency Area	Deficiency	Location	Date Completed
Building Exterior			
FHEO - Accessibility to Main Floor Entrance	BE- Obstructed or Missing Accessibility Route (FHEO Accessibility to Main Floor Entrance)	Bldg: 1 - 0452701-10900	
Roofs	BE- Missing/Damaged Components from Downspout/Gutter (Roofs)	Bldg: 10 - 0452710-10990 Comments: Remove debris from gutters	
Roofs	BE- Missing/Damaged Components from Downspout/Gutter (Roofs)	Bldg: 11 - 0452711-11000 Comments: Remove debris from gutters	
Roofs	BE- Missing/Damaged Components from Downspout/Gutter (Roofs)	Bldg: 12 - 0452712-11010 Comments: Remove debris from gutters	
FHEO - Accessibility to Main Floor Entrance	BE- Obstructed or Missing Accessibility Route (FHEO Accessibility to Main Floor Entrance)	Bldg: 2 - 0452702-10910 Comments: missing ada route	

Walls	BE- Missing Pieces/Holes/Spalling (Walls)	Bldg: 4 - 0452704-10930 Comments: wall damage hole in trim near unit 33 second floor	
Walls	BE- Missing Pieces/Holes/Spalling (Walls)	Bldg: 6 - 0452706-10950 Comments: vinyl siding damage in areas around building	
Roofs	BE- Damaged Soffits/Fascia (Roofs)	Bldg: 8 - 0452708-10970 Comments: Soffit unattached near unit 64	
Unit			
Ceiling	Unit - Mold/Mildew/Water Stains/Water Damage (Ceiling)	Bldg: 1 - 0452701-10900 Unit: 7 Room: Bathroom	
Walls	Unit - Damaged (Walls)	Bldg: 1 - 0452701-10900 Unit: 7 Room: Bedroom Comments: bedroom 2 hole in wall behind door	
Smoke Detector	Unit - Missing/Inoperable (Smoke Detector)	Bldg: 1 - 0452701-10900 Unit: 7 Room: Bedroom Comments: bedroom 2 smoke detector inoperable	11/04/16
Outlets/ Switches	Unit - Missing (Outlets/Switches)	Bldg: 1 - 0452701-10900 Unit: 7 Room: Living Area Comments: living room outlet damaged	11/07/16
Hazards	HS - Other (Hazards)	Bldg: 10 - 0452710-10990 Unit: 81 Comments: Bedroom #1 heater blocked	11/04/16
Hazards	HS - Other (Hazards)	Bldg: 10 - 0452710-10990 Unit: 87 Comments: Flammable items stored in oven	11/04/16
Bathroom Items	Unit - Lavatory Sink - Damaged/Missing (Bathroom)	Bldg: 11 - 0452711-11000 Unit: 91 Room: Bathroom Comments: Sink stopper inoperable	
Windows	Unit - Damaged/Missing Screens (Windows)	Bldg: 11 - 0452711-11000 Unit: 91 Room: Bedroom Comments: Bedroom #1 window blind damaged	
Hazards	HS - Other (Hazards)	Bldg: 11 - 0452711-11000 Unit: 94 Comments: Flammable items stored in oven	11/04/16
Kitchen Items	Unit - Refrigerator - Missing/Damaged/Inoperable (Kitchen)	Bldg: 11 - 0452711-11000 Unit: 94 Room: Kitchen Comments: Repair refrigerator doors seal	

Windows	Unit - Damaged/Missing Screens (Windows)	Bldg: 12 - 0452712-11010 Unit: 102 Room: Bedroom Comments: Bedroom #1 window blinds damaged	
HVAC System	Unit - Convection/Radiant Heat System Covers Missing/Damaged (HVAC)	Bldg: 12 - 0452712-11010 Unit: 102 Room: Bedroom	
Hazards	HS - Other (Hazards)	Bldg: 12 - 0452712-11010 Unit: 102 Comments: Bedroom #1 heater blocked	11/04/16
Windows	Unit - Damaged/Missing Screens (Windows)	Bldg: 12 - 0452712-11010 Unit: 102 Room: Bedroom Comments: Bedroom window screen damaged	
Kitchen Items	Unit - Range/Stove-Missing/Damaged/Inoperable (Kitchen)	Bldg: 12 - 0452712-11010 Unit: 102 Room: Kitchen Comments: Oven door hinge damaged	
Bathroom Items	Unit - Bathroom Cabinets - Damaged/Missing (Bathroom)	Bldg: 12 - 0452712-11010 Unit: 106 Room: Bathroom Comments: Bathroom drawer missing	
Electrical System	Unit - Missing Breakers/Fuses (Electrical System)	Bldg: 12 - 0452712-11010 Unit: 106 Room: Bedroom Comments: Electrical panel labels missing	
Kitchen Items	Unit - Cabinets - Missing/Damaged (Kitchen)	Bldg: 12 - 0452712-11010 Unit: 106 Room: Kitchen Comments: Kitchen sink cabinet door missing	
Kitchen Items	Unit - Refrigerator - Missing/Damaged/Inoperable (Kitchen)	Bldg: 12 - 0452712-11010 Unit: 106 Room: Kitchen Comments: Refrigerator door seal damaged	
Floors	Unit - Soft Floor Covering Missing/Damaged (Floors)	Bldg: 12 - 0452712-11010 Unit: 106 Room: Living Area Comments: Carpet stained in living room	
Lighting	Unit - Missing/Inoperable Fixture (Lighting)	Bldg: 12 - 0452712-11010 Unit: 106 Room: Patio/Porch/Balcony Comments: Patio light inoperable	
Floors	Unit - Soft Floor Covering Missing/Damaged (Floors)	Bldg: 12 - 0452712-11010 Unit: 98 Room: Bedroom Comments: Bedroom #1 and #2 - repair - carpet damaged in doorways	

Lighting	Unit - Missing/Inoperable Fixture (Lighting)	Bldg: 12 - 0452712-11010 Unit: 98 Room: Kitchen Comments: Light over sink inoperable	
Hazards	HS - Other (Hazards)	Bldg: 13 - 0452713-11020 Unit: 111 Comments: Bedroom 1 heater blocked	11/04/16
Floors	Unit - Soft Floor Covering Missing/Damaged (Floors)	Bldg: 13 - 0452713-11020 Unit: 115 Room: Living Area	
Hazards	HS - Tripping (Hazards)	Bldg: 13 - 0452713-11020 Unit: 115 Comments: Cable trip hazard	11/07/16
Kitchen Items	Unit - Range/Stove-Missing/Damaged/Inoperable (Kitchen)	Bldg: 13 - 0452713-11020 Unit: 115 Room: Kitchen	
Hazards	HS - Other (Hazards)	Bldg: 13 - 0452713-11020 Unit: 115 Comments: Flammables stored in oven	11/04/16
Hazards	HS - Other (Hazards)	Bldg: 13 - 0452713-11020 Unit: 115 Comments: Bedroom #2 heater blocked	11/04/16
Windows	Unit- Missing/Deteriorated Caulking/Seals/Glazing Compound (Windows)	Bldg: 13 - 0452713-11020 Unit: 115 Room: Bedroom Comments: Mildew in window sill	
Hazards	HS - Other (Hazards)	Bldg: 14 - 0452714-11030 Unit: 122 Comments: Flammable items stored in oven	11/04/16
Lighting	Unit - Missing/Inoperable Fixture (Lighting)	Bldg: 14 - 0452714-11030 Unit: 122 Room: Patio/Porch/Balcony Comments: Patio light inoperable	
Bathroom Items	Unit - Lavatory Sink - Damaged/Missing (Bathroom)	Bldg: 15 0452715--11040 Unit: 132 Room: Bathroom Comments: Stopper inoperable	
Hazards	HS - Other (Hazards)	Bldg: 15 0452715--11040 Unit: 132 Room: Kitchen Comments: Flammable items stored in oven	11/04/16
Hazards	HS - Other (Hazards)	Bldg: 15 0452715--11040 Unit: 134 Comments: Bedroom #1 and 2 heater blocked	11/04/16
Kitchen Items	Unit - Cabinets - Missing/Damaged (Kitchen)	Bldg: 15 0452715--11040 Unit: 134 Room: Kitchen Comments: Kitchen cabinet door near refrigerator hardware damaged	

Bathroom Items	Unit - Lavatory Sink - Damaged/Missing (Bathroom)	Bldg: 15 0452715--11040 Unit: 135 Room: Bathroom Comments: Stopper missing	
Hazards	HS - Other (Hazards)	Bldg: 16 - 0452716-11050 Unit: 140 Comments: Bedroom #1 heater blocked	11/04/16
Electrical System	Unit - Blocked Access to Electrical Panel (Electrical System)	Bldg: 16 - 0452716-11050 Unit: 143 Room: Bedroom Comments: Electrical panel is not labeled	
Hazards	HS - Other (Hazards)	Bldg: 16 - 0452716-11050 Unit: 143 Comments: Flammable items stored in oven	11/04/16
Bathroom Items	Unit - Lavatory Sink - Damaged/Missing (Bathroom)	Bldg: 2 - 0452702-10910 Unit: 16 Room: Bathroom Comments: pop up inoperable	
Electrical System	Unit - Blocked Access to Electrical Panel (Electrical System)	Bldg: 2 - 0452702-10910 Unit: 16 Room: Bedroom Comments: electrical panel painted shut	
Doors	Unit - Damaged Surface (Holes/Paint/Rust/Glass) (Doors)	Bldg: 2 - 0452702-10910 Unit: 16 Room: Kitchen Comments: closet door damaged hole patched not complete	
Doors	Unit - Damaged Surface (Holes/Paint/Rust/Glass) (Doors)	Bldg: 3 - 0452703-10920 Unit: 17 Room: Bathroom Comments: hole in bathroom door	
Hazards	HS - Other (Hazards)	Bldg: 3 - 0452703-10920 Unit: 20 Comments: bedroom 1 baseboard heater blocked	
Doors	Unit - Damaged Surface (Holes/Paint/Rust/Glass) (Doors)	Bldg: 3 - 0452703-10920 Unit: 26 Room: Bedroom Comments: bedroom 1 door surface damage hole	
Electrical System	Unit - Blocked Access to Electrical Panel (Electrical System)	Bldg: 3 - 0452703-10920 Unit: 26 Room: Bedroom Comments: electrical panel painted shut	
Walls	Unit - Damaged (Walls)	Bldg: 3 - 0452703-10920 Unit: 26 Room: Hallway Comments: hole in wall near entry door	

Electrical Hazards	HS - Exposed Wires/Open Panels (Electrical Hazards)	Bldg: 4 - 0452704-10930 Unit: 32 Comments: Opening in electrical panel larger than 1/4 in	11/07/16
Bathroom Items	Unit - Shower/Tub - Damaged/Missing (Bathroom)	Bldg: 5 - 0452705-10940 Unit: 40 Room: Bathroom Comments: pop up broken shower curtain fell damaged wall mirror in bathroom peeling finish	
Walls	Unit - Damaged (Walls)	Bldg: 6 - 0452706-10950 Unit: 49 Room: Living Area Comments: hole in wall	
Bathroom Items	Unit - Plumbing - Leaking Faucet/Pipes (Bathroom)	Bldg: 7 - 0452707-10960 Unit: 56 Room: Bathroom Comments: toilet runs	
Outlets/Switches	Unit - Missing/Broken Cover Plates (Outlets/Switches)	Bldg: 7 - 0452707-10960 Unit: 59 Room: Hallway Comments: hall light switch damaged	
Hazards	HS - Other (Hazards)	Bldg: 7 - 0452707-10960 Unit: 59 Comments: bedroom 2 heater blocked	
Hazards	HS - Other (Hazards)	Bldg: 9 - 0452709-10980 Unit: 75 Comments: Bedroom #1 heater blocked	11/04/16
Hazards	HS - Other (Hazards)	Bldg: 9 - 0452709-10980 Unit: 78 Comments: Bedroom #1 heater blocked	11/04/16



13221 SW 68th Parkway, Suite 310, Portland, OR 97223
p 503 682 7788 | f 503 682 5656 | TTY 771

December 27th, 2016

Housing and Community Services
North Mall Office Building
725 Summer St NE, Suite B
Salem, OR 97301-1266
Attn: Allen McCartt

Dear Allen,


This letter is in response to the physical inspection performed at Autumn Park Apartments (#OR04-527). Please see my notes below for all addressed items:

- **Building Exterior:**
All items have been completed with the exception of ramps. A bid for a ramp is included with this response and will be discussed with the ownership group.
Please see attached checklist for dates on all other completed items.

- **Unit:**
All items have been completed. Please see attached checklist for dates of completed items.

Please let me know if you have any questions at all.

Sincerely,



Gosia Holcomb
Portfolio Manager
13221 SW 68th Parkway, Suite 310
Portland, OR 97223



Cascade Management, Inc., does not discriminate on the basis of handicapped status in the admission or access to, or treatment or employment in, its programs and activities. The Compliance Officer is designated as the 504 Compliance Coordinator.



Oregon

Governor Kate Brown

Housing and Community Services

North Mall Office Building
725 Summer St NE, Suite B
Salem, OR 97301-1266
PHONE: (503) 986-2000
FAX: (503) 986-2020
TTY: (503) 986-2100
www.ohcs.oregon.gov

March 1, 2017

Gosia Holcomb
Cascade Management, Inc.
13221 SW 68th Parkway, Suite 310
Portland, OR 97223

Sent via EMAIL only

Re: 2016 Extended-Use LIHTC/Risk Sharing Physical Review – 333 Oak Apartments (#OR99-016)

Dear Gosia:

In response to the OHCS physical inspection conducted on November 9, 2016 at the above-referenced project, all of the items have been satisfactorily addressed.

The possible ratings for the review categories are “Does Not Meet” or “Meets”.

The 2017 review of the above-referenced property has received the following ratings per category:

Property Maintenance Operations: Meets

Because this project has entered the Extended Use Compliance Period, we are not required to issue Form 8823 to the IRS showing correction of any noncompliance items discovered during this review.

Thank you for the courtesy and assistance during this process. Please contact me at 503-986-2021 or by e-mail at heather.oie@oregon.gov if you have any questions.

Sincerely,

Heather Oie

Heather Oie
Compliance Officer
Asset Management and Compliance Section

cc: Martha McLennan, Designated Owner
Working File

RESOLUTION NO. 2616

A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER ORS 307.540 TO ORS 307.548 FOR CHARLESTON APARTMENTS, A LOW-INCOME APARTMENT DEVELOPMENT OWNED AND OPERATED BY NORTHWEST HOUSING ALTERNATIVES, INC.

WHEREAS, maintaining Wilsonville's existing affordable housing supply is necessary for its continued health and growth; and

WHEREAS, Northwest Housing Alternatives (NHA), a not-for-profit organization, constructed the Charleston Apartments, an affordable housing development located at 11609 SW Toulouse St., Wilsonville OR; and

WHEREAS, the Charleston Apartments includes 15 units reserved for people with chronic mental illness and the 36 units designated as affordable housing; and

WHEREAS, NHA is currently seeking to preserve the Charleston Apartment's as affordable housing; and

WHEREAS, a property tax exemption is essential to Charleston Apartment's continuation as affordable housing; and

WHEREAS, ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by not-for-profit corporations and occupied by low-income persons; and

WHEREAS, the City of Wilsonville wishes to adopt and/or ratify the policy set forth in those sections; and

WHEREAS, NHA has requested a property tax exemption for its Charleston Apartment development, pursuant to ORS 307.543(2); and

WHEREAS, the City of Wilsonville and West Linn-Wilsonville School District property tax levies jointly comprise more than 51% of the total combined rate of taxation on Charleston Apartments; and

WHEREAS, NHA has received an exempt status from the West Linn-Wilsonville School District for the Charleston Apartments for property taxation arising under its jurisdiction unless and until terminated pursuant to ORS 307.548;

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

- Section 1: The City of Wilsonville adopts the provisions of ORS 307.540 to 307.548.
- Section 2: NHA and its affordable housing development, Charleston Apartments, qualify for a property tax exemption pursuant to ORS 307.540 to 307.548.
- Section 3: The Finance Director is directed to request the Clackamas County Assessor to exempt Charleston Apartments from taxation by all taxing jurisdictions pursuant to ORS 307.543(2), commencing on the first day of the tax assessment year beginning July 1, 2017.
- Section 4: This Resolution shall take effect upon the occurrence of the following:
- a) Submission, to the City of Wilsonville's City Manager, of an application conforming to the requirements of ORS 307.545 requesting a property tax exemption for Charleston Apartments.
- Section 5: This Resolution is to remain in effect unless and until termination occurs pursuant to ORS 307.548.
- Section 6: This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting there of this 20th day of March 2017, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp -
Council President Starr -
Councilor Stevens -
Councilor Lehan -
Councilor Akervall -

APPLICATION

PROPERTY TAX EXEMPTION FOR LOW-INCOME HOUSING HELD BY CHARITABLE, NONPROFIT ORGANIZATIONS

(For Office Use Only)

City of Wilsonville, Oregon

Date Received: 2/24/17

\$250 Application Fee

\$50 Renewal Fee

Receipt No.

Handwritten notes: Charleston ✓ #1350, Creekside ✓ #1351, Autumn Park ✓ #1349

CONTENTS

Table with 3 columns: Section, Description, Page. Includes Section A (Application Information), B (Property to be considered for exemption), C (Leasehold Interest in Eligible Property), D (Description of Charitable Purpose/Project Benefit), and E (Declarations).

Section A – Applicant Information

Corporate Name: Northwest Housing Alternatives

Address: 2316 SE Willard St., Milwaukie OR 97222

Telephone: (503) 654-1007

Business

Residence (Optional)

Email Address: grau@nwhousing.org

Chief Executive Officer: Martha McLennan

Contact Person: Ray Hackworth Telephone: (503) 654-1007 x101

Section B – Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each building for which you are requesting a tax exemption)

Organization: Charleston Limited Partnership

Property Address: 11609 SW Toulouse Rd., Wilsonville, OR 97070

Assessor's Property Tax Account Number(s): 3S1W1502907

(Be sure to identify all account numbers for both land and improvements on the property for which you are requesting tax exemption, in some cases, land and improvements may have separate property tax account numbers.)

Total number of residential units in the building: 52

Number of residential units occupied by very low-income people: 51

Total square feet in building: 35,493

Total square feet used to house very low-income people⁵ 35,493

Section C – Leasehold Interest in Eligible Property

Do you own the property in question? Yes No

If you answered "no" to the above question, do you have leasehold interest in the property?

Yes No

If yes, please include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants served rather than the owner or corporation from whom you lease.

⁵ This includes halls, baths, dining, and other space dedicated to residential use. Retail uses and other accessory uses not related to residential use are not to be counted.

Section D – Description Of Charitable Purpose/Project Benefit (Use for multiple projects if same conditions apply)

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

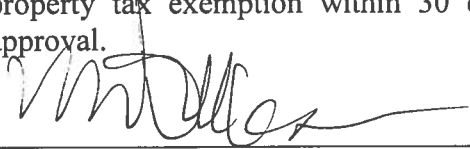
1. Reduce the rents that your very low-income residential tenants pay on the property in question? Yes No If so, by approximately how much? \$44/unit/month
2. Provide grater services to your very log income residential tenants? Yes No.
3. If yes, in what way(s)? All cost savings are passed directly through to the tenants in the form of reduced rents.
4. Provide any other benefit to your very low-income residential tenants? Yes No.
If yes, please explain: _____

If you lease the property identified in this application, to what extent does your lease agreement coincide with the timeframe of the qualifying tax year? Please Explain:

Section E- Declarations

Please read carefully and sign below before a notary.


1. I have attached to this application the IRS declaration of the status of application as a tax exempt corporation under 26 U.S.C. Section 501(c)(3) or (4).
2. I am aware that the income qualifying tenants must meet the income guidelines in accordance with 42 U.S.C. Section 1437 (a)(b)(2) as amended. See Attachment A, Income Eligibility Schedule). Tenant incomes do not exceed these limitations, as I verily believe.
3. I am aware of all requirements for tax exemption imposed by ORS 307.540-307.545 (Chapter 660 Oregon Laws 1985, as amended by Chapter 756 Oregon Laws 1987) and implemented by Resolution No. 1854 of the City of Wilsonville.
4. The above-described properties qualify or will qualify upon completion of any rehabilitation improvements and subsequent occupancy by very low-income residents for property tax exemption within 30 days of the April 1st application or the date of approval.

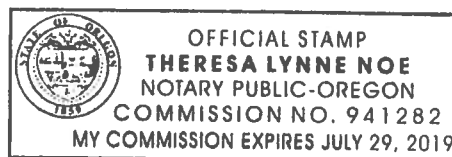
By: 
 Agency Chief Executive Officer (Signature)

Martha McLennan
 Agency Chief Executive officer (Print or typed)

For: Northwest Housing Alternatives
 Corporate Name (Print or type)

Subscribed and sworn to before me this 20 day of February, 2017.


 Notary Public For Oregon
 My Commission Expires: 7/29/2019



Internal Revenue Service
District Director
P O BOX 486
LOS ANGELES, CA 900530486

Department of the Treasury

AUG 24 1988

Date:

NORTHWEST HOUSING ALTERNATIVES INC
2316 SOUTH EAST WILLARD STREET
MILWAUKIE, OR 97222

Employer Identification Number:
93-0814473
Case Number:
958131104
Contact Person:
TERRY IZUMI
Contact Telephone Number:
(213) 894-4170

Our Letter Dated:
Dec.17, 1985
Caveat Applies:
no

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code, because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi). Your exempt status under section 501(c)(3) of the code is still in effect.

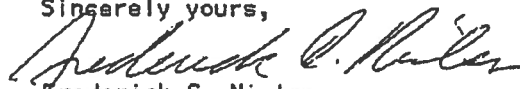
Grantors and contributors may rely on this determination until the Internal Revenue Service publishes a notice to the contrary. However, a grantor or a contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(1) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(1) organization.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If the heading of this letter indicates that a caveat applies, the caveat below or on the enclosure is an integral part of this letter.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,


Frederick C. Nielsen
District Director



NOAH PROPERTY INSPECTION REPORT

Inspection Date: 01/18/17
Physical Occupancy (at inspection): 100%
Property Name: Charleston
Property Address: 11609 SW Toulouse St, Wilsonville
Property Management Company: Cascade Management
Sponsor: Northwest Housing Alternatives
Sponsor Contact: Liz Hutchinson

Loan Balance: \$576,252
As of: 1/26/17
Risk Rating: 1

Overall Condition on Date of Inspection:

Superior Above Average Satisfactory Below Average Unsatisfactory

Deferred Maintenance: Yes No
Follow-up Needed from Owner/Management: Yes No
Immediate Action: Yes No
General Inspection Findings: Yes No

Summary Inspection Comments:

The property exterior and units are in excellent condition. The site is extremely tidy. Management and maintenance are doing a great job keeping up with property demands.

Date Next Inspection Due:

Frequency Indicated: Every three years (\leq \$500,000)
 Every two years (\geq \$500,000 and \leq \$1,000,000)
 Annual (\geq \$1,000,000)

Exterior Condition of Property	Acceptable Condition	Comments
Roofing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Siding	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Gutters and downspouts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Exterior Doors	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Foundation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Sidewalks	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Pavement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Light Standards	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Mail Boxes	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Property Sign	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Landscaping	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Windows	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Play Areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Fencing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Garbage Areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Other		

Overall Rating of Exterior Condition of Property:

Superior Above Average Satisfactory Below Average Unsatisfactory

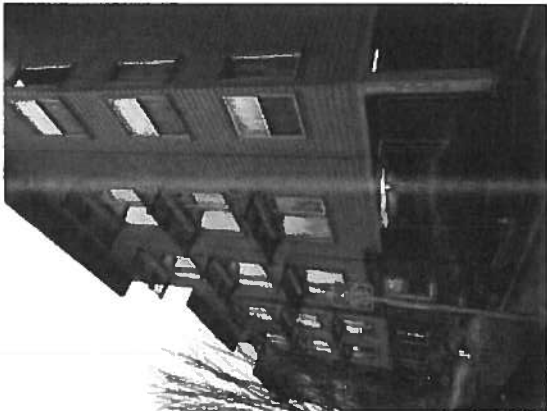
Common Area Condition	Area: Office	Area: Common Room	Area: Laundry Room
Functioning Smoke Detectors:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walls and Ceilings free of water stains and/or mold and mildew:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Flooring free of spongy/soft spots, excessive wear and tear, or tripping hazards:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Window sills are free of condensation:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Area is free of potential fire hazards from heaters or flammable items being stored:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Stove indicator light is functioning:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Sinks free of leaks:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Adequate Ingress and Egress:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Free of Infestation:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Fire extinguishers inspections current:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Fire alarm system inspection current:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Elevator inspection current:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Free of exposed or rusted/corroded electrical wiring:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Free of flammable items beyond size for normal household usage:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Breaker box accessible and labeled:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Free of Other Notable Health/Safety Concerns:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments: Common areas in superior condition and no findings were noted.			

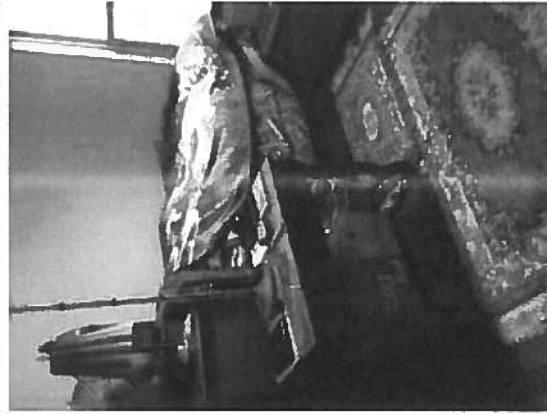
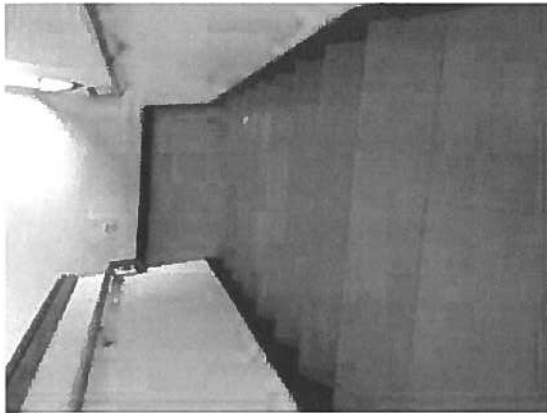
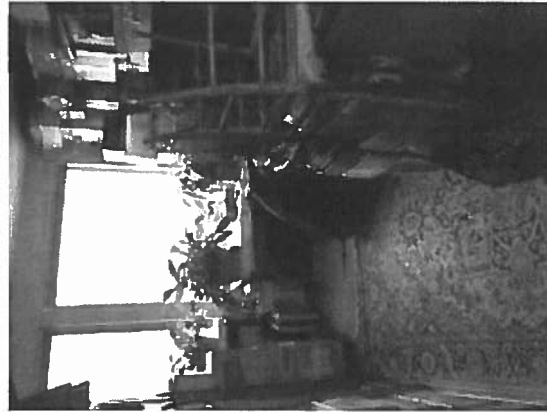
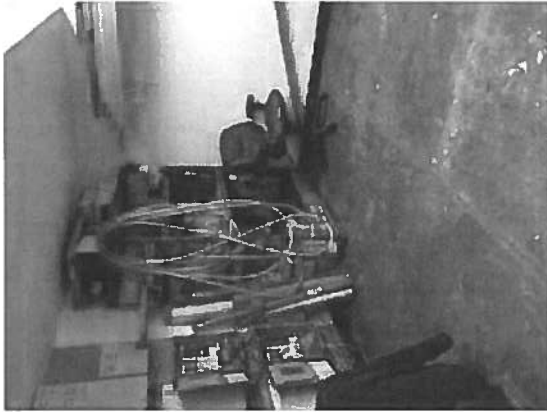
Overall Rating of Common Area Condition:
 Superior Above Average Satisfactory Below Average Unsatisfactory

Unit Interior Condition	Unit #	1-102	1-205	1-210	1-307	1-307
Functioning Smoke Detectors:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walls and Ceilings free of water stains and/or mold and mildew:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Flooring free of spongy/soft spots, excessive wear and tear, or tripping hazards:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Window sills are free of condensation:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of potential fire hazards from heaters or flammable items being stored in the ovens:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Stove indicator light is functioning:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Sinks free of leaks:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Adequate Ingress and Egress (bedrooms require two forms for egress):		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of infestation:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Breaker box accessible and labeled:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of exposed or rusted/corroded electrical wiring:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of flammable items beyond size for normal household usage:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of Other Notable Health/Safety Concerns:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments: <i>Units are in excellent condition. No major findings noted during the inspection.</i>		Organic growth noted in bathroom				

Overall Rating of Unit Interior Condition:

Superior Above Average Satisfactory Below Average Unsatisfactory





RESOLUTION NO. 2617

A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER ORS 307.540 TO ORS 307.548 FOR CREEKSIDE WOODS LP, A LOW-INCOME APARTMENT DEVELOPMENT OWNED AND OPERATED BY NORTHWEST HOUSING ALTERNATIVES, INC.

WHEREAS, maintaining Wilsonville's existing affordable housing supply is necessary for its continued health and growth; and

WHEREAS, Northwest Housing Alternatives (NHA), a not-for-profit organization, constructed the Creekside Woods LP, an affordable housing development located at 8725 SW Wilsonville Road, Wilsonville OR; and

WHEREAS, the Creekside Woods LP includes 84 residential units, for people with very low income; and

WHEREAS, NHA is currently seeking to preserve Creekside Woods LP as affordable housing; and

WHEREAS, a property tax exemption is essential to Creekside Woods LP's continuation as affordable housing; and

WHEREAS, ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by not-for-profit corporations and occupied by low-income persons; and

WHEREAS, the City of Wilsonville wishes to adopt and/or ratify the policy set forth in those sections; and

WHEREAS, NHA has requested a property tax exemption for its Creekside Woods LP development, pursuant to ORS 307.543(2); and

WHEREAS, the property was formally owned by the City of Wilsonville and West Linn-Wilsonville School District property tax levies jointly comprise more than 51% of the total combined rate of taxation on Creekside Woods, LP; and

WHEREAS, NHA has received an exempt status from the West Linn-Wilsonville School District for the Creekside Woods LP for property taxation arising under its jurisdiction unless and until terminated pursuant to ORS 307.548;

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

- Section 1: The City of Wilsonville adopts the provisions of ORS 307.540 to 307.548.
- Section 2: NHA and its affordable housing development, Creekside Woods LP, qualify for a property tax exemption pursuant to ORS 307.540 to 307.548.
- Section 3: The Finance Director is directed to request the Clackamas County Assessor to exempt Autumn Park Apartments from taxation by all taxing jurisdictions pursuant to ORS 307.543(2), commencing on the first day of the tax assessment year beginning July 1, 2017.
- Section 4: This Resolution shall take effect upon the occurrence of the following:
- a) Submission, to the City of Wilsonville’s City Manager, of an application conforming to the requirements of ORS 307.545 requesting a property tax exemption for Autumn Park Apartments.
- Section 5: This Resolution is to remain in effect unless and until termination occurs pursuant to ORS 307.548.
- Section 6: This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of March 2017 and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp -
Council President Starr -
Councilor Stevens –
Councilor Lehan -
Councilor Akervall –

APPLICATION

PROPERTY TAX EXEMPTION FOR LOW-INCOME HOUSING HELD BY CHARITABLE, NONPROFIT ORGANIZATIONS

(For Office Use Only)

City of Wilsonville, Oregon

Date Received: 2/24/17

\$250 Application Fee

\$50 Renewal Fee

Receipt No.

Handwritten notes: Charleston ✓ #1350, Creekside ✓ #1351, Autumn Park ✓ #1349

CONTENTS

	Page
Section A. Application Information	1
B. Property to be considered for exemption	2
C. Leasehold Interest in Eligible Property	2
D. Description of Charitable Purpose/Project Benefit	3
E. Declarations	4

Section A – Applicant Information

Corporate Name: Northwest Housing Alternatives

Address: 2316 SE Willard St., Milwaukie OR 97222

Telephone: (503) 654-1007

Business

Residence (Optional)

Email Address: grau@nwhousing.org

Chief Executive Officer: Martha McLennan

Contact Person: Ray Hackworth Telephone: (503) 654-1007 x101

Section B – Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each building for which you are requesting a tax exemption)

Organization: Creekside Woods Limited Partnership

Property Address: 7825 SW Wilsonville Rd., Wilsonville, OR 97070

Assessor’s Property Tax Account Number(s): 05022666

(Be sure to identify all account numbers for both land and improvements on the property for which you are requesting tax exemption, in some cases, land and improvements may have separate property tax account numbers.)

Total number of residential units in the building: 84

Number of residential units occupied by very low-income people: 84

Total square feet in building: 73,042

Total square feet used to house very low-income people⁶ 73,042

Section C – Leasehold Interest in Eligible Property

Do you own the property in question? Yes No

If you answered “no” to the above question, do you have leasehold interest in the property?
 Yes No

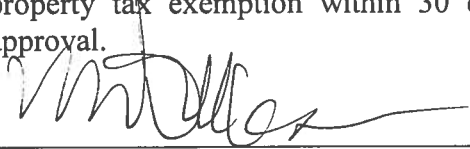
If yes, please include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants served rather than the owner or corporation from whom you lease.

⁶ This includes halls, baths, dining, and other space dedicated to residential use. Retail uses and other accessory uses not related to residential use are not to be counted.

Section E- Declarations

Please read carefully and sign below before a notary.


1. I have attached to this application the IRS declaration of the status of application as a tax exempt corporation under 26 U.S.C. Section 501(c)(3) or (4).
2. I am aware that the income qualifying tenants must meet the income guidelines in accordance with 42 U.S.C. Section 1437 (a)(b)(2) as amended. See Attachment A, Income Eligibility Schedule). Tenant incomes do not exceed these limitations, as I verily believe.
3. I am aware of all requirements for tax exemption imposed by ORS 307.540-307.545 (Chapter 660 Oregon Laws 1985, as amended by Chapter 756 Oregon Laws 1987) and implemented by Resolution No. 1854 of the City of Wilsonville.
4. The above-described properties qualify or will qualify upon completion of any rehabilitation improvements and subsequent occupancy by very low-income residents for property tax exemption within 30 days of the April 1st application or the date of approval.

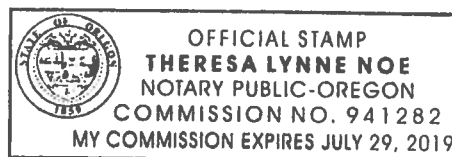
By: 
 Agency Chief Executive Officer (Signature)

Martha McLennan
 Agency Chief Executive officer (Print or typed)

For: Northwest Housing Alternatives
 Corporate Name (Print or type)

Subscribed and sworn to before me this 20 day of February, 2017.


 Notary Public For Oregon
 My Commission Expires: 7/29/2019



Internal Revenue Service
District Director
P O BOX 486
LOS ANGELES, CA 900530486

Department of the Treasury

AUG 24 1988

Date:

NORTHWEST HOUSING ALTERNATIVES INC
2316 SOUTH EAST WILLARD STREET
MILWAUKIE, OR 97222

Employer Identification Number:
93-0814473
Case Number:
958131104
Contact Person:
TERRY IZUMI
Contact Telephone Number:
(213) 894-4170

Our Letter Dated:
Dec.17, 1985
Caveat Applies:
no

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code, because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi). Your exempt status under section 501(c)(3) of the code is still in effect.

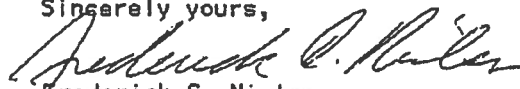
Grantors and contributors may rely on this determination until the Internal Revenue Service publishes a notice to the contrary. However, a grantor or a contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(1) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(1) organization.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If the heading of this letter indicates that a caveat applies, the caveat below or on the enclosure is an integral part of this letter.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,


Frederick C. Nielsen
District Director

NOAH Property Inspection Report

Inspection Date: April 8, 2016
Physical Occupancy as of the date of the inspection: April 8, 2016
Property Name: Creekside Woods
Property Address: 7825 SW Wilsonville Rd, Wilsonville, OR 97070
Property Management Company: IMP
Sponsor: NW Housing Alternatives
Sponsor Contact: Liz Hutchinson

Loan Balance: \$1,337,253 As of: 12/22/16 Risk Rating: 1

Overall Condition on Date of Inspection:

Superior Above Average Satisfactory Below Average Unsatisfactory

Deferred Maintenance: Yes No

Comments:

Some of the window mechanics and siding is failing, but these are within warranty and are being addressed.

Summary Inspection Comments:

The property looks so good that many of the minor flaws stand out like some small cracks and water staining on the end rafters. The tenants keep good care of their units. There was only one instance of flammable materials near the heater. The landscaping is good but there are a few weeds here and there that could be easily taken care of. NHA is currently in a nation-wide lawsuit with the siding manufacturer and the siding is slowly being replaced. Some of the window mechanics are failing. They are under warranty and are being replaced as needed. The fire alarms have been tested and the building system is current. The sprinkler system will be tested next week, making it not current, but since it's scheduled, it is good. In the electrical room there were some metal chairs within 2 feet of the main electrical box. Since these were not flammable, I did not include this in the report.

Frequency Indicated: Every three years (\leq \$500,000)
 Every two years (\geq \$500,000 and \leq \$1,000,000)
 Annual (\geq \$1,000,000)

Property Condition Summary and Follow-up (For FICS Entry)

Date of Inspection: April 7, 2016

Date Next Inspection Due:

Follow-up Needed from Owner/Management: Yes No

Immediate Action: Yes No

General Inspection Findings: Yes No

Exterior Condition of Property	Acceptable Condition	Comments
Roofing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The end caps have staining.
Siding	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Some of the panels are cracking. There is a national lawsuit in progress with the manufacturer and the siding is slowly being replaced on the property. The natural wood is showing stains just under the window vents.
Gutters and downspouts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Secure and no splash back since they are pulled away from the building.
Exterior Doors	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Foundation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Foundation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	No cracks
Sidewalks	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Pavement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Light Standards	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Mail Boxes	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Property Sign	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Landscaping	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Windows	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Some of the window mechanics are failing. These are within the warranty period and are being replaced over the years.
Play Areas	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
Fencing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Garbage Areas	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Comments:		

Exterior Condition of Property : Overall Rating

Superior Above Average Satisfactory Below Average Unsatisfactory

Common Area Condition	Area: community room	Area: mechanical room	Area: electrical room	Area: offices
Functioning Smoke Detectors:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walls and Ceilings free of water stains and/or mold and mildew:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Flooring free of spongy/soft spots, excessive wear and tear, or tripping hazards:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Window sills are free of condensation:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of potential fire hazards from heaters or flammable items being stored in the ovens (Note: items in front of heaters only applicable if the heating system is baseboard or cadet)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Stove indicator light is functioning:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Sinks free of leaks:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Adequate Ingress and Egress:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Free of Infestation:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Fire extinguishers inspections current:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Fire alarm system inspection current:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Elevator inspection current:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Free of exposed or rusted/corroded electrical wiring:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Free of flammable items beyond size for normal household usage:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Breaker box accessible and labeled:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Free of Other Notable Health/Safety Concerns:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments	Traps out for sugar ants. Split at storage room joint.	Cleared by fire department.	Metal chairs by breaker box. To be moved.	
Sprinkler system will be tested soon but the alarm system is current.				

Common Area Condition: Overall Rating

- Superior Above Average Satisfactory Below Average Unsatisfactory

Unit Interior Condition

Unit #	433	430	331	236
Unit Size				
Functioning Smoke Detectors:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walls and Ceilings free of water stains and/or mold and mildew:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Flooring free of spongy/soft spots, excessive wear and tear, or tripping hazards:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Window sills are free of condensation:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of potential fire hazards from heaters or flammable items being stored in the ovens (Note: items in front of heaters only applicable if the heating system is baseboard or cadet):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Stove indicator light is functioning:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Sinks free of leaks:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Adequate Ingress and Egress (bedrooms require two forms for egress):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of Infestation:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Breaker box accessible and labeled:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of exposed or rusted/corroded electrical wiring:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of flammable items beyond size for normal household usage:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of Other Notable Health/Safety Concerns:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments			Easter baskets next to heater.	

Unit Interior Condition: Overall Rating

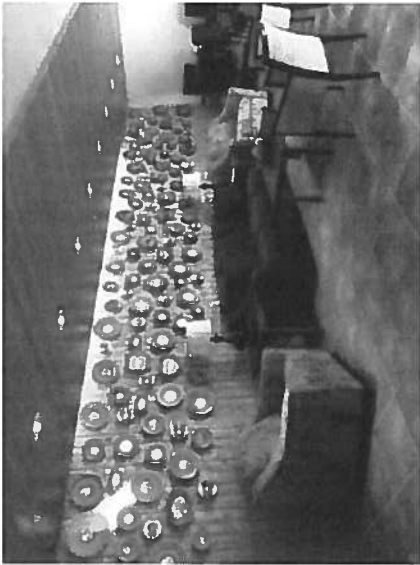
Superior Above Average Satisfactory Below Average Unsatisfactory

Unit Interior Condition

Unit #	131	105	211	303
Unit Size				
Functioning Smoke Detectors:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walls and Ceilings free of water stains and/or mold and mildew:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Flooring free of spongy/soft spots, excessive wear and tear, or tripping hazards:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Window sills are free of condensation:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of potential fire hazards from heaters or flammable items being stored in the ovens (Note: items in front of heaters only applicable if the heating system is baseboard or cadet):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Stove indicator light is functioning:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Sinks free of leaks:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Adequate Ingress and Egress (bedrooms require two forms for egress):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of Infestation:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Breaker box accessible and labeled:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of exposed or rusted/corroded electrical wiring:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of flammable items beyond size for normal household usage:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of Other Notable Health/Safety Concerns:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments		Bathroom switch flickers. Larry will replace the switch. Sink to be cleared.		

Unit Interior Condition

Unit #	305
Unit Size	
Functioning Smoke Detectors:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walls and Ceilings free of water stains and/or mold and mildew:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Flooring free of spongy/soft spots, excessive wear and tear, or tripping hazards:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Window sills are free of condensation:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of potential fire hazards from heaters or flammable items being stored in the ovens (Note: items in front of heaters only applicable if the heating system is baseboard or cadet):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Stove indicator light is functioning:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Sinks free of leaks:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Adequate Ingress and Egress (bedrooms require two forms for egress):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of Infestation:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Breaker box accessible and labeled:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of exposed or rusted/corroded electrical wiring:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of flammable items beyond size for normal household usage:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Unit is free of Other Notable Health/Safety Concerns:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments	





7825 SW Wilsonville Road | Wilsonville, Oregon 97070
Office 503-855-4426 | Fax 503-855-4427 | creekside@ipmco.com

April 12th 2016

Unit# 331, Figueiredo

RE: NOAH Inspection

Hello Rachel

Thank you again for your time Friday regarding the NOAH Inspection. I know that inspections by lenders/funders place a burden on tenants, so we appreciate your time and hospitality.

There was one health and safety findings that required immediate action. The Easter baskets next to the base board heater in the bedroom needs to be moved **8-10 inches away from the heater**.

Please contact me when you have moved the items so that I can confirm the completion in my report to NOAH. If you have any questions or concerns feel free to call or come by the office M-F from 9-5pm.

Thank you for your time in this matter,

Laura Blackburn | Property Manager
Creekside Woods, Senior Living Community

CC: Resident File



NOAH INSPECTION FINDINGS REQUIRING IMMEDIATE ACTION

Property Name: Creekside Woods

Inspection Date: April 8, 2016

The following items from the inspection noted above require immediate action to address health and safety concerns. Unless otherwise specified, these items should be addressed within three business days of the inspection. Please return this completed form to:

Inspector Name: Webly Bowles

Email: weblyb@mpoweroregon.com

Response Due Date: April 11, 2016

Unit #/ Area	Action Item	Completion Date	Notes
331	Remove Easter baskets next to heater.	4/12/16	Notified resident in writing and in person to cure. LB

Response Submitted By: Laura Blackburn

Response Date: 4/12/16

RESOLUTION NO. 2618

A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER ORS 307.540 TO ORS 307.548 FOR RAIN GARDEN LIMITED PARTNERSHIP, A LOW-INCOME APARTMENT DEVELOPMENT OWNED AND OPERATED BY CARITAS COMMUNITY HOUSING CORPORATION.

WHEREAS, maintaining Wilsonville's existing affordable housing supply is necessary for its continued health and growth; and

WHEREAS, Caritas Community Housing Corporation, a not-for-profit organization, constructed the Rain Garden Apartments, an affordable housing development located at 29197 SW Orleans Avenue, Wilsonville OR; and

WHEREAS, the Rain Garden Apartments includes 29 residential units, for people with very low income; and

WHEREAS, Caritas Community Housing Corporation is currently seeking to preserve Rain Garden Apartments as affordable housing; and

WHEREAS, a property tax exemption is essential to Caritas Community Housing Corporation continuation as affordable housing; and

WHEREAS, ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by not-for-profit corporations and occupied by low-income persons; and

WHEREAS, the City of Wilsonville wishes to adopt and/or ratify the policy set forth in those sections; and

WHEREAS, Caritas Community Housing Corporation has requested a property tax exemption for its Rain Garden Apartment development, pursuant to ORS 307.543(2); and

WHEREAS, the City of Wilsonville and West Linn-Wilsonville School District property tax levies jointly comprise more than 51% of the total combined rate of taxation on the Caritas Community Housing Corporation development at Rain Garden Apartments; and

WHEREAS, Caritas Community Housing Corporation has received an exempt status from the West Linn-Wilsonville School District for the Rain Garden Apartments for property taxation arising under its jurisdiction unless and until terminated pursuant to ORS 307.548;

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

- Section 1: The City of Wilsonville adopts the provisions of ORS 307.540 to 307.548.
- Section 2: Caritas Community Housing Corporation and its affordable housing development, Rain Garden Apartment development, qualify for a property tax exemption pursuant to ORS 307.540 to 307.548.
- Section 3: The Finance Director is directed to request the Clackamas County Assessor to exempt Autumn Park Apartments from taxation by all taxing jurisdictions pursuant to ORS 307.543(2), commencing on the first day of the tax assessment year beginning July 1, 2017.
- Section 4: This Resolution shall take effect upon the occurrence of the following:
- a) Submission, to the City of Wilsonville's City Manager, of an application conforming to the requirements of ORS 307.545 requesting a property tax exemption for Autumn Park Apartments.
- Section 5: This Resolution is to remain in effect unless and until termination occurs pursuant to ORS 307.548.
- Section 6: This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of March 2017 and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp -
Council President Starr -
Councilor Stevens -
Councilor Lehan -
Councilor Akervall -

APPLICATION

PROPERTY TAX EXEMPTION FOR LOW-INCOME HOUSING HELD BY CHARITABLE, NONPROFIT ORGANIZATIONS

(For Office Use Only)

City of Wilsonville, Oregon

\$250 Application Fee _____

Date Received: 2/24/17

\$50 Renewal Fee ✓ #002702

Receipt No. _____

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Section A – Applicant Information

Corporate Name: Rain Garden Limited Partnership c/o Caritas Community Housing Corporation.

Address: 2740 SE Powell Blvd. Portland, OR 97202

Telephone: 503-688-2651
Business

Residence (Optional)

Email Address: sperez@ccoregon.org

Chief Executive Officer: Trell Anderson

Contact Person: Sandra Perez

Telephone: 503-688-2651

Section B – Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each building for which you are requesting a tax exemption)

Organization: Rain Garden LP

Property Address: 29197 SW Orleans Ave. Wilsonville, OR 97070

Assessor’s Property Tax Account Number(s): 31W15DB07500

(Be sure to identify all account numbers for both land and improvements on the property for which you are requesting tax exemption, in some cases, land and improvements may have separate property tax account numbers.)

Total number of residential units in the building: 29 Units

Number of residential units occupied by very low-income people: 29 Units

Total square feet in building: 21,243

Total square feet used to house very low-income people⁴ 21,243

Section C – Leasehold Interest in Eligible Property

Do you own the property in question? Yes No

If you answered “no” to the above question, do you have leasehold interest in the property?
 Yes No

If yes, please include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants served rather than the owner or corporation from whom you lease.

Caritas Community Housing Corporation (CCHC) a subsidiary of Catholic Charities is the non-profit sole member of the ownership entity General Partner for Rain Garden GP LLC. CCHC is responsible for all the operations costs and to maintain the rents low to ensure that the very low income individuals can reside at the property. Rents are below market rent and residents not only have a place to live, but also the have resident services available to them.

⁴ This includes halls, baths, dining, and other space dedicated to residential use. Retail uses and other accessory uses not related to residential use are not to be counted.

Section D – Description Of Charitable Purpose/Project Benefit (Use for multiple projects if same conditions apply)

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

1. Reduce the rents that your very low-income residential tenants pay on the property in question? Yes No If so, by approximately how much?
 _keeping rents below 60% AMI \$50⁰⁰/per unit *Cal*
2. Provide greater services to your very low income residential tenants? Yes No.
3. If yes, in what way(s)? Full array of services available from Clackamas Co. & Cascadia Behavioral Health for individuals living with mental health _____
4. Provide any other benefit to your very low-income residential tenants? Yes No.

If yes, please explain: Contributes to have the project financially stable, so we can maintain the property in good physical condition keeping the low rents.

If you lease the property identified in this application, to what extent does your lease agreement coincide with the timeframe of the qualifying tax year? Please Explain:

Section E- Declarations

Please read carefully and sign below before a notary.

1. I have attached to this application the IRS declaration of the status of application as a tax exempt corporation under 26 U.S.C. Section 501(c)(3) or (4).
2. I am aware that the income qualifying tenants must meet the income guidelines in accordance with 42 U.S.C. Section 1437 (a)(b)(2) as amended. See Attachment A, Income Eligibility Schedule). Tenant incomes do not exceed these limitations, as I verily believe.
3. I am aware of all requirements for tax exemption imposed by ORS 307.540-307.545 (Chapter 660 Oregon Laws 1985, as amended by Chapter 756 Oregon Laws 1987) and implemented by Resolution No. 1854 of the City of Wilsonville.
4. The above-described properties qualify or will qualify upon completion of any rehabilitation improvements and subsequent occupancy by very low-income residents for property tax exemption within 30 days of the April 1st application or the date of approval.

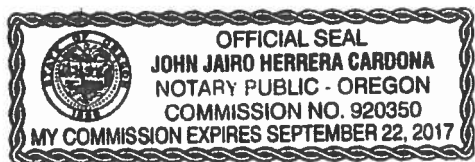
By: Trell Anderson
 Agency Chief Executive Officer (Signature)

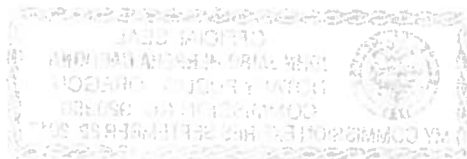
Trell Anderson
 Agency Chief Executive officer (Print or typed)

For: Caritas Community Housing Corporation, sole member of Rain Garden GP LLC, General Partner of Rain Garden LP
 Corporate Name (Print or type)

Subscribed and sworn to before me this 17th day of February, 2017.

[Signature]
 Notary Public for Oregon
 My Commission Expires: SEP. 22, 2017





Streamlining Compliance in Oregon Affordable Housing

August 12, 2016

Clackamas County



Sonia Romero
Cascade Management, Inc
13221 SW 68th Parkway, Suite 310
Portland, OR 97223

City of Eugene



Re: 2016 Streamlining Review Report – Rain Garden Apartments (OR08-737)

Dear Sonia:

On June 14, 2016, the Streamlining Review consisting of a physical inspection and file review for the above-referenced property was conducted. This inspection met program requirements for OHCS and participating lenders of the above-referenced property.

Housing Authority
of Portland



homeforward

Enclosed is a list of items that need to be addressed. All items listed that require responses have spaces to the left allowing you to insert the completion dates of your corrections and are potentially reportable to the IRS on Form 8823. Please include further comments on a separate sheet of paper.

Oregon Housing and
Community Services



Items listed in **bold** followed by two asterisks (**) **should have been addressed within 72 hours of this inspection, as they relate to tenant safety**. Findings noted repeatedly from past inspections are in **bold** and are followed by **(REPEAT FINDING)**. Items listed as "Notes" are for informational purposes only and do not require responses.

Portland Housing
Bureau



Please email your corrective action report to OHCSresponses@oregon.gov no later than **September 12, 2016** to prevent any further non-compliance issues. Please only provide copies of supporting documentation if specifically requested. Requests for documentation are highlighted in **bold**. **NOTE: This review has not yet been rated. The ratings for this review will be included in the final closing letter.**

City of Salem



Thank you for the courtesy and assistance extended during the inspection and review. Please contact me at 503-986-2120 or by e-mail at Sarah.Reed@oregon.gov if you have any questions.

Washington County



Sincerely,

Sarah Reed

Sarah Reed
Compliance Officer
Asset Management and Compliance Section

cc: Sandra Perez, Catholic Charities
Kevin Ko, Clackamas County

Streamlining Compliance in Oregon Affordable Housing

2016 Streamlining Review Report

Property Name: Rain Garden Apartments
 Property ID: OR08-73701
 Review Date: June 14, 2016

Property Overview

Rain Garden Apartments is a two-story 29-unit supportive and affordable housing building located in Wilsonville, Oregon. Rain Garden is located closely to nearly 700 upscale houses and condos at Wilsonville's Villebois "urban village."

Each apartment is thoughtfully detailed and well-lit with convenient amenities including, but not limited to:

- Fully equipped kitchen and stainless steel appliances
- Spacious and open floor plans
- Additional Storage
- High-speed Internet and Cable Ready

Individuals and families enjoy the community center equipped with a computer center, meeting room, kitchen, and bathroom. Site amenities include coin-operated laundry, BBQ area, gardening plots, and landscaped courtyard with park-like setting.

Physical Inspector noted:

On the day of the review the property had good curb appeal with nice easily seen signage at the property entrance. The office, common interior spaces, BBQ area, and outdoor seating areas were clean, easily located and appeared well-maintained.

The 24-hr staff room, common interior spaces, and outdoor areas were clean, easily located and appeared well-maintained. All building systems were in working condition with no signs of deferred maintenance.

Exterior siding of the buildings were found to be in good condition. Roofs, gutters, and downspouts were in working order and exterior siding was clean and free of moss.

Inside the community, common area activity room was available for the residents which included a computer center and a resident library. The staff room office, shared spaces, and hall ways were clean and free of debris. Shared external spaces offered ample privacy while creating a sense of community. The courtyard was beautifully landscaped and free of any major deficiencies. Outdoor seating areas were pleasant and well-maintained.

No reported or observed signs of deferred maintenance to the building or the common areas.

A. Property Maintenance Operations

Certificates on File

Certification Date

Management reports the following information on certifications and effective dates:

Fire Extinguishers..... 2-2016

Streamlining Compliance in Oregon Affordable Housing

UNITS INSPECTED: *103, 104, 110, 112, 114, 202* and 208 (HOME units in *bold italics*)

Only the units listed below have notes/findings; all other inspected units had no findings. All items listed with "Date Completed" require responses and are potentially reportable to the IRS on Form 8823. Items listed as "Notes" are for informational purposes only and do not require responses.

**Date
Completed**

#110

- 6/17/16 - Kitchen – repair/replace – broken cabinet door (under sink on right side)
6/17/16 - Living Area – repair/trim – nonfunctioning/missing blind (drags on sill; missing 1 slat)
6/17/16 - Bathroom – repair – slow drip/leaking lavatory sink faucet

#114

- 6/17/16 - Kitchen – repair – slow drip/leaking sink faucet
6/17/16 - Kitchen – inspect/repair or replace – nonfunctioning range top (3 elements do not work)
6/17/16 - Kitchen – inspect/repair or replace – nonfunctioning dishwasher (not installed properly)
6/17/16 - Living Area – replace – missing/damaged window blind slats

NOTE: Monitor Housekeeping

#202

- 6/17/16 - Kitchen – replace – damaged drip pans (range top)
6/17/16 - Bathroom – replace – missing toilet bolt covers

NOTE: Monitor Housekeeping

B. Leasing and Occupancy Operations

Maximum Rent and Income Limits

In a LIHTC/HOME unit, the max rent for both programs must be compared and the rents charged must be the most restrictive. Clackamas HOME units are low-HOME and LIHTC units are restricted at 50%.

This property is subject to HOME and LIHTC restrictions. The HOME Monitoring Report reflects correct unit designations and rents. The HOME designation is two studio Low HOME and eight studio High HOME units.

8609s

According to the Owner's election on Forms 8609 Line 8b, this property is treated as a multi-building property. The owner elected to begin the credit period the first year the building was placed in service. The placed in service date was August 19, 2009; therefore, the property enters the post-15 monitoring period on January 1, 2023.

HDGP

The property is also funded through a Housing Development Grant which requires that 29 units are rented to households at or below 50% of AMI. Based on the documentation provided for the review, it appears the set-asides are being met.

Streamlining Compliance in Oregon Affordable Housing

Fire Alarm Systems.....	2-2016
Sprinkler Systems.....	2-2016

Preventative Maintenance

Per the Management Review Questionnaire, the following maintenance schedule was reported:

- Grounds Maintenance: annually
- Sewer lines, roofs, gutters, etc. are cleaned: annually
- Exterior entries, siding, windows, etc. are cleaned: annually
- Heating and A/C equipment: quarterly
- Water Heaters: annually
- Cleaning Carpets & Drapes: turnover
- Inspect Roofs & Fascia: annually
- Major Appliances: annually

Date smoke and carbon monoxide detectors were last tested: May 2016

Lead-Based Paint

This property was built post-1978 and therefore has no requirement for lead-based paint monitoring.

Infestation

Management reports that the property has not experienced any infestations over the past twelve months.

Capital Needs Assessment

Per the Management Review Questionnaire no capital repair or replacement items are scheduled for the next five years. Based on the age of the property it is important to have a five-year capital needs plan to address future repairs and replacements of capital items. This is a standard process for any property owner and is important to the life and long-term condition of the property. It can also prevent extensive costs due to deferred maintenance.

ACTION: Submit a plan for the property demonstrating that it has been evaluated for future capital needs items. Specify items that may need to be repaired or replaced in the next five years and approximate timeframes for each item.

Unit Turnover

Management reports that the average length of time it takes to prepare a vacant unit for occupancy is five days. Four units have been prepared for occupancy in the past twelve months. Management inspects the units bi-annually, with the last inspection taking place in May of 2016.

Per management no units have required substantial rehab or been taken off-line in the last twelve months due to deferred maintenance or disaster. Please remember to report units taken off-line using the OHCS Casualty Loss Report. This report can be found on the OHCS website at www.ohcs.oregon.gov under Asset Management.

PHYSICAL INSPECTION

In order to standardize and clarify our inspection reports, multi-bedroom units will be identified as follows: Each bedroom will be numbered consecutively starting with the first bedroom on the left (#1), after entering the unit, and continuing clockwise (#2, etc.). Units with unusual configurations may require more explanation.

Streamlining Compliance in Oregon Affordable Housing

Resident Selection and Application Processing

The application, supplemented with the Applicant/Resident Questionnaire form, appears to contain sufficient information to determine eligibility. Management checks employment and previous landlord references and conducts a screening for criminal and credit history. Denied applicants are provided with a written explanation for rejection. The screening cost per application is \$42.

Waiting Lists

All HOME-assisted properties are required to maintain a waiting list of prospective residents. After the units are initially occupied, the Owner/Agent must establish a waiting list containing the names of eligible applicants. The waiting list should be maintained in such a way that OHCS and/or HUD can easily follow the progression of applicant placement. Applicants must be notified of their eligible/ineligible status. A written application is required for placement on the waiting list. Once an application is received, the applicant must be notified in writing that either they are ineligible, along with the reason for such determination, or that they appear to be eligible and will be contacted when an appropriate unit becomes available. The notification of apparent eligibility should include the approximate amount of time it will take for a unit to become available. Applicants must be housed in the order indicated by a written Resident Selection Policy. Applicants must be accepted or rejected before the unit is offered to the next applicant on the list.

ACTION: A waiting list must be established. Submit verification of the waiting list with your response.

Marketing

Management reports that marketing efforts have included: local agencies, county referrals, and Cascade's website. The marketing efforts appear to be effective based on the low-vacancy rate.

Leases and Deposits

The lease and addendums currently in use appear to include all provisions required by the funding sources attached to the property. The security deposits being charged are reported to be fully refundable.

The HOME Lease Compliance form was found in all reviewed files.

Rent and Utility Allowances

Management reports the following current rents and utility allowances:

Block/Unit Size	Current Rent	Utility Allowance	Effective Date
studio	\$459-549	\$56	4-2016

The utility allowance source document was provided for the review and the source document process has been approved by OHCS.

Resident File Review Summary

General Findings

- Ensure all required OHCS forms are being used when appropriate; found at www.ohcs.oregon.gov.
- Ensure all forms are current; checking the OHCS website at least quarterly for new forms and procedures.

Properties with an affordability period of more than ten years are required to collect and examine source documentation every sixth year of the affordability period to verify tenant income. The Owner/Agent must complete a HOME TIC and third-party verifications for all HOME households during their move-in anniversary

RESOLUTION NO. 2619

A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER ORS 307.540 TO ORS 307.548 FOR WIEDEMANN PARK, A LOW-INCOME APARTMENT DEVELOPMENT OWNED AND OPERATED BY ACCESSIBLE LIVING, INC.

WHEREAS, maintaining Wilsonville's existing affordable housing supply is necessary for its continued health and growth; and

WHEREAS, Accessible Living, Inc., a not-for-profit organization, owns and manages the Wiedemann Park Apartments, an affordable housing development located at 29940 SW Brown Road, Wilsonville OR; and

WHEREAS, the Wiedemann Park Apartments includes 58 residential units, for seniors with very low income; and

WHEREAS, Accessible Living, Inc., is currently seeking to preserve Wiedemann Park as affordable housing; and

WHEREAS, a property tax exemption is essential to Accessible Living, Inc's continuation as affordable housing; and

WHEREAS, ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by not-for-profit corporations and occupied by low-income persons; and

WHEREAS, the City of Wilsonville wishes to adopt and/or ratify the policy set forth in those sections; and

WHEREAS, Accessible Living Inc. has requested a property tax exemption for its Wiedemann Park development, pursuant to ORS 307.543(2); and

WHEREAS, the City of Wilsonville and West Linn-Wilsonville School District property tax levies jointly comprise more than 51% of the total combined rate of taxation on Accessible Living Inc.'s development at Wiedemann Park; and

WHEREAS, Accessible Living, Inc. has received an exempt status from the West Linn-Wilsonville School District for the Wiedemann Park Apartments for property taxation arising under its jurisdiction unless and until terminated pursuant to ORS 307.548;

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

- Section 1: The City of Wilsonville adopts the provisions of ORS 307.540 to 307.548.
- Section 2: Accessible Living, Inc. and its affordable housing development, Wiedemann Park Apartments, qualify for a property tax exemption pursuant to ORS 307.540 to 307.548.
- Section 3: The Finance Director is directed to request the Clackamas County Assessor to exempt Autumn Park Apartments from taxation by all taxing jurisdictions pursuant to ORS 307.543(2), commencing on the first day of the tax assessment year beginning July 1, 2017.
- Section 4: This Resolution shall take effect upon the occurrence of the following:
- a) Submission, to the City of Wilsonville's City Manager, of an application conforming to the requirements of ORS 307.545 requesting a property tax exemption for Autumn Park Apartments.
- Section 5: This Resolution is to remain in effect unless and until termination occurs pursuant to ORS 307.548.
- Section 6: This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of March 2017 and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp -
Council President Starr -
Councilor Stevens -
Councilor Lehan -
Councilor Akervall -

APPLICATION

PROPERTY TAX EXEMPTION FOR LOW-INCOME HOUSING HELD BY CHARITABLE, NONPROFIT ORGANIZATIONS

(For Office Use Only)

City of Wilsonville, Oregon

\$250 Application Fee _____

Date Received: 2/27/17

\$50 Renewal Fee ✓ # 006415

Receipt No. _____

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Section A – Applicant Information

Corporate Name: Accessible Living Inc.

Address: 6160 SW Main St Beaverton, OR 97008

Telephone: 503-272-8908
Business

503-740-3931
Residence (Optional)

Email Address: Karenv@housingindependence.org

Chief Executive Officer: Karen Voiss

Contact Person: Karen Voiss Telephone: 503-272-8908

Section B – Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each building for which you are requesting a tax exemption)

Organization: Wiedemann Park Apartments Limited Partnership

Property Address: 29940 SW Brown Road, Wilsonville OR 97070

Assessor’s Property Tax Account Number(s): #00810590, # 05001064

(Be sure to identify all account numbers for both land and improvements on the property for which you are requesting tax exemption, in some cases, land and improvements may have separate property tax account numbers.)

Total number of residential units in the building: 58

Number of residential units occupied by very low-income people: 58

Total square feet in building: 45,999

Total square feet used to house very low-income people⁴ 45,999

Section C – Leasehold Interest in Eligible Property

Do you own the property in question? Yes No

If you answered “no” to the above question, do you have leasehold interest in the property?
 Yes No

If yes, please include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants served rather than the owner or corporation from whom you lease.

⁴ This includes halls, baths, dining, and other space dedicated to residential use. Retail uses and other accessory uses not related to residential use are not to be counted.

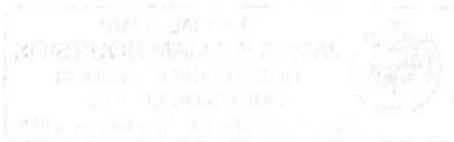
Section D – Description Of Charitable Purpose/Project Benefit (Use for multiple projects if same conditions apply)

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

1. Reduce the rents that your very low-income residential tenants pay on the property in question? Yes No If so, by approximately how much? \$92,688.
2. Provide grater services to your very log income residential tenants? Yes No.
3. If yes, in what way(s)? The exemption will ensure residents services continue to be provided per OHCS management plan.
4. Provide any other benefit to your very low-income residential tenants? Yes No.
If yes, please explain: _____

If you lease the property identified in this application, to what extent does your lease agreement coincide with the timeframe of the qualifying tax year? Please Explain:

N/A



Section E- Declarations

Please read carefully and sign below before a notary.

1. I have attached to this application the IRS declaration of the status of application as a tax exempt corporation under 26 U.S.C. Section 501(c)(3) or (4).
2. I am aware that the income qualifying tenants must meet the income guidelines in accordance with 42 U.S.C. Section 1437 (a)(b)(2) as amended. See Attachment A, Income Eligibility Schedule). Tenant incomes do not exceed these limitations, as I verily believe.
3. I am aware of all requirements for tax exemption imposed by ORS 307.540-307.545 (Chapter 660 Oregon Laws 1985, as amended by Chapter 756 Oregon Laws 1987) and implemented by Resolution No. 1854 of the City of Wilsonville.
4. The above-described properties qualify or will qualify upon completion of any rehabilitation improvements and subsequent occupancy by very low-income residents for property tax exemption within 30 days of the April 1st application or the date of approval.

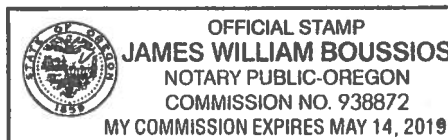
By: *Karen A Voiss*
 Agency Chief Executive Officer (Signature)

Karen A. Voiss
 Agency Chief Executive officer (Print or typed)

For: Accessible Living Inc.
 Corporate Name (Print or type)

Subscribed and sworn to before me this 9th day of February, 2016.

James Boussios
 Notary Public For Oregon
 My Commission Expires: 05-14-2019





Cascade
Management, Inc.

Annual Safety Inspection Checklist

Community Manager: Kim Schellman Date: 2/27/17

Property Name: Wiedemann Park Property Code _____

ITEM/AREA REVIEWED	OK	N/A	COMMENTS
EXTERIOR - TRAFFIC CONTROL			
Crosswalks marked? Speed bumps and curbs painted?	X		
Stop signs and speed limits clearly posted/marked?		X	
Fire lanes clearly marked?	X		
EXTERIOR - PARKING LOT			
Free of potholes/cracks?	X		
Free of oil build-up?	X		
Tire stops secure? In good condition?	X		
Adequate lighting provided and functioning?	X		
Electronic gate properly functioning?		X	
Landscape trimmed to allow good visibility?	X		
EXTERIOR - SIDEWALKS			
Level walking surfaces free from trip hazards? Hoses, moss etc.	X		
Walking surfaces are non-skid?	X		
Any sprinkler overflow mopped up?	X		
Handrails secure for stairs?	X		
Stairs have non-skid tread or riser tips painted with contrast striping?		X	
EXTERIOR - PLAYGROUND			
Equipment in good condition? No worn chains, deterioration?		X	No playground
Sufficient surface material beneath equipment? Is not compacted?		X	
Surface material free of any foreign matter?		X	
Rules posted, sign in good condition, easily seen?		X	

Inspection Certificate

For

CMI Wiedmann Park Senior
Apartments
29940 SW Brown Rd
Wilsonville, OR 97070

This Inspection was performed in accordance with applicable standards. The subsequent pages of this report provide performance measurements, listed ranges of acceptable results, and complete documentation of the inspection. Whenever discrepancies exist between acceptable performance standards and actual test results, notes and/or recommended solutions have been proposed or provided for immediate review and approval.

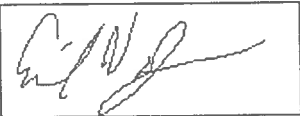
Inspection Date
Sep 20, 2016

Building: CMI Wiedmann Park Senior Apartments
Contact: Kim Schellman
Title: Property Manager

Company: Performance Systems Integration, LLC. - Portland
Contact: Erik VanDyke
Title: Sprinkler Technician

Executive Summary

Generated by: BuildingReports.com

Building Information								
Building: CMI Wiedmann Park Senior Apartments	Contact: Kim Schellman							
Address: 29940 SW Brown Rd	Phone: 503-582-9550							
Address:	Fax:							
City/State/Zip: Wilsonville, OR 97070	Mobile:							
Country: United States of America	Email: wiedemannpark@cascade-management.com							
Inspection Performed By								
Company: Performance Systems Integration, LLC. - Portland	Inspector: Erik VanDyke							
Address: 7324 SW Durham Road	Phone: 1111111111							
Address:	Fax:							
City/State/Zip: Portland, Oregon 97224	Mobile:							
Country: United States of America	Email: ErikV@psintegrated.com							
Inspection Summary								
Category	Total Items		Serviced		Passed		Failed/Other	
	Qty	%	Qty	%	Qty	%	Qty	%
Fire	19	100.00%	19	100.00%	19	100.00%	0	0%
Totals	19	100%	19	100.00%	19	100.00%	0	0%
Certification								
Company: Performance Systems Integration, LLC. - Portland	Building: CMI Wiedmann Park Senior Apartments							
Inspector: Erik VanDyke	Contact: Kim Schellman							
	Signed:							
Signed: Sep 20, 2016 10:47:45 AM	Signed:							

Inspection & Testing

Generated by: *BuildingReports.com*

Building: CMI Wiedmann Park Senior Apartments				
<p><i>The Inspection & Testing section lists all of the items inspected in your building. Items are grouped by Passed or Failed/Other. Items are listed by Category. Each item includes the services performed, and the time & date at which testing occurred.</i></p>				
Device Type	Location	ScanID : S/N	Service	Date/Time
Passed				
Fire				
Fire Extinguisher, 10 Lbs, A.B.C.	1st Aisle By Elevator	19172428 : RG-691170	Annual Service	09/20/16 9:54:47 AM
Fire Extinguisher, 10 Lbs, A.B.C.	1st Aisle By Room 105	19172426 : RH-302656	Annual Service	09/20/16 9:48:45 AM
Fire Extinguisher, 10 Lbs, A.B.C.	1st Aisle By Room 108	19172427 : RH-306388	Annual Service	09/20/16 9:53:14 AM
Fire Extinguisher, 10 Lbs, A.B.C.	1st Aisle By Room 113	19172430 : RH-302642	Annual Service	09/20/16 9:55:55 AM
Fire Extinguisher, 10 Lbs, A.B.C.	1st Aisle By Room 114	19172431 : RG-684642	Annual Service	09/20/16 10:01:01 AM
Fire Extinguisher, 10 Lbs, A.B.C.	1st Aisle By Room 116	19172432 : RG-684641	Annual Service	09/20/16 10:02:28 AM
Fire Extinguisher, 5 Lbs, A.B.C.	1st In Elevator Room	19172429 : 917	Annual Service	09/20/16 10:33:51 AM
Fire Extinguisher, 10 Lbs, A.B.C.	2nd Aisle By Elevator	19172423 : RG-684643	Annual Service	09/20/16 10:12:38 AM
Fire Extinguisher, 10 Lbs, A.B.C.	2nd Aisle By Room 205	19172425 : RG-684645	Annual Service	09/20/16 10:16:29 AM
Fire Extinguisher, 10 Lbs, A.B.C.	2nd Aisle By Room 208	19172424 : RH-302658	Annual Service	09/20/16 10:15:11 AM
Fire Extinguisher, 10 Lbs, A.B.C.	2nd Aisle By Room 213	19172422 : RH-309095	Annual Service	09/20/16 10:10:41 AM
Fire Extinguisher, 10 Lbs, A.B.C.	2nd Aisle By Room 214	19172421 : RH-309845	Annual Service	09/20/16 10:05:22 AM
Fire Extinguisher, 10 Lbs, A.B.C.	2nd Aisle By Room 216	19172420 : RK-580542	Annual Service	09/20/16 10:03:52 AM
Fire Extinguisher, 10 Lbs, A.B.C.	3rd Aisle By Elevator	19172416 : RH-302643	Annual Service	09/20/16 10:23:53 AM
Fire Extinguisher, 10 Lbs, A.B.C.	3rd Aisle By Room 306	19172414 : Rg 691171	Annual Service	09/20/16 10:17:52 AM
Fire Extinguisher, 10 Lbs, A.B.C.	3rd Aisle By Room 308	19172415 : RH-302646	Annual Service	09/20/16 10:20:07 AM
Fire Extinguisher, 10 Lbs, A.B.C.	3rd Aisle By Room 313	19172417 : RG-684640	Annual Service	09/20/16 10:26:59 AM
Fire Extinguisher, 10 Lbs, A.B.C.	3rd Aisle By Room 314	19172418 : RH-302669	Annual Service	09/20/16 10:28:10 AM
Fire Extinguisher, 10 Lbs, A.B.C.	3rd Aisle By Room 316	19172419 : RH-302647	Annual Service	09/20/16 10:29:18 AM

Service Summary

Generated by: BuildingReports.com

Building: CMI Wiedmann Park Senior Apartments		
<i>The Service Summary section provides an overview of the services performed in this report.</i>		
Device Type	Service	Quantity
<i>Passed</i>		
Fire Extinguisher, 10 Lbs, A.B.C.	Annual Service	18
Fire Extinguisher, 5 Lbs, A.B.C.	Annual Service	1
Total		19

Fire Extinguisher Maintenance Report

Generated by: BuildingReports.com

Building: CMI Wiedmann Park Senior Apartments					
<p><i>This report provides details on the Hydrostatic Test and Maintenance/Breakdown dates for fire extinguishers. Items that will need either of these services at any time in the next two years are displayed. Items are grouped together by year for budgeting purposes.</i></p>					
ScanID	Location	Serial #	Hydro	Breakdown	Mfr Date
Due in 2017					
Breakdown/Maintenance					
Fire Extinguisher, A.B.C., 10 Lbs					
19172426	1st Aisle By Room 105	RH-302656	09/19/11	09/19/11	09/19/11
19172427	1st Aisle By Room 108	RH-306388	09/19/11	09/19/11	09/19/11
19172428	1st Aisle By Elevator	RG-691170	09/19/11	09/19/11	09/19/11
19172430	1st Aisle By Room 113	RH-302642	09/19/11	09/19/11	09/19/11
19172431	1st Aisle By Room 114	RG-684642	09/19/11	09/19/11	09/19/11
19172432	1st Aisle By Room 116	RG-684641	09/19/11	09/19/11	09/19/11
19172420	2nd Aisle By Room 216	RK-580542	09/19/11	09/19/11	09/19/11
19172421	2nd Aisle By Room 214	RH-309845	09/19/11	09/19/11	09/19/11
19172422	2nd Aisle By Room 213	RH-309095	09/19/11	09/19/11	09/19/11
19172423	2nd Aisle By Elevator	RG-684643	09/19/11	09/19/11	09/19/11
19172424	2nd Aisle By Room 208	RH-302658	09/19/11	09/19/11	09/19/11
19172425	2nd Aisle By Room 205	RG-684645	09/19/11	09/19/11	09/19/11
19172414	3rd Aisle By Room 306	Rg 691171	09/19/11	09/19/11	09/19/11
19172415	3rd Aisle By Room 308	RH-302646	09/19/11	09/19/11	09/19/11
19172416	3rd Aisle By Elevator	RH-302643	09/19/11	09/19/11	09/19/11
19172417	3rd Aisle By Room 313	RG-684640	09/19/11	09/19/11	09/19/11
19172418	3rd Aisle By Room 314	RH-302669	09/19/11	09/19/11	09/19/11
19172419	3rd Aisle By Room 316	RH-302647	09/19/11	09/19/11	09/19/11
					Total Fire Extinguisher, A.B.C., 10 Lbs: 18
Fire Extinguisher, A.B.C., 5 Lbs					
19172429	1st In Elevator Room	917	09/19/11	09/19/11	09/19/11
					Total Fire Extinguisher, A.B.C., 5 Lbs: 1

Inventory & Warranty Report

Generated by: BuildingReports.com

Building: CMI Wiedmann Park Senior Apartments				
<p><i>The Inventory & Warranty Report lists each of the devices and items that are included in your Inspection Report. A complete inventory count by device type and category is provided. Items installed within the last 90 days, within the last year, and devices installed for two years or more are grouped together for easy reference.</i></p>				
Device or Item	Category	% of Inventory	Quantity	
Fire Extinguisher	Fire	100.00%	19	
Type	Qty	Model #	Description	Manufacture Date
<i>In Service - 5 Years to 10 Years</i>				
Amerex				
Fire Extinguisher	1	500	A.B.C.	09/19/2011
Fire Extinguisher	10	A456	A.B.C.	09/19/2011
Fire Extinguisher	8	B456	A.B.C.	09/19/2011

Fire Alarm and Life Safety System Inspection Certificate

For

CMI Wiedmann Park Senior
Apartments
29940 SW Brown Rd
Wilsonville, OR 97070

Tested to NFPA 72 Standards

This Inspection was performed in accordance with applicable NFPA Standards. The subsequent pages of this report provide performance measurements, listed ranges of acceptable results, and complete documentation of the inspection. Whenever discrepancies exist between acceptable performance standards and actual test results, notes and/or recommended solutions have been proposed or provided for immediate review and approval.

Inspection Date
Sep 20, 2016

Building: CMI Wiedmann Park Senior Apartments
Contact: KIm Schellman
Title: Property Manager

Company: Performance Systems Integration, LLC. - Portland
Contact: Brittany Johnston
Title: Inspection Tech

Executive Summary

Generated by: BuildingReports.com

Building Information		
Building: CMI Wiedmann Park Senior Apartments Address: 29940 SW Brown Rd Address: City/State/Zip: Wilsonville, OR 97070 Country: United States of America	Contact: Kim Schellman Phone: 503-582-9550 Fax: Mobile: Email: wiedemannpark@cascade-management.com	
Inspection Performed By		
Company: Performance Systems Integration, LLC. - Portland Address: 7324 SW Durham Road Address: City/State/Zip: Portland, Oregon 97224 Country: United States of America	Inspector: Brittany Johnston Phone: 503-853-6931 Fax: Mobile: Email: brittany@psintegrated.com	
System Control Unit		
Manufacturer: Fire-Lite Model Number: MS-9200UDLS Software Version: Location: 2nd At FACP Room	Inspection Date: 09/20/2016 Install Date: 06/19/2015 Version Date: 06/19/2015 Current Protection: Breaker	IDC Style: SLC Style: NAC Style:
Monitoring		
Company:	Phone:	Account #:
Central Station Signal Verification		
Type: Digital Communicator Test Time/Date: 9/20/16 9:16:50 AM	Mfg: Fire-Lite Restore Time	Model #: MS-9200
Type of Signal	Signal Confirmation	Notes
Type: Alarm/Trouble/Supervisory	Confirmed Time:	

Inspection Summary								
Category	Total Items		Serviced		Passed		Failed/Other	
	Qty	%	Qty	%	Qty	%	Qty	%
Supervisory	2	1.43%	2	100.00%	2	100.00%	0	0%
Monitor	1	0.71%	1	100.00%	1	100.00%	0	0%
Auxiliary	6	4.29%	6	100.00%	6	100.00%	0	0%
Sound Test	3	2.14%	3	100.00%	3	100.00%	0	0%
Initiating	120	85.71%	120	100.00%	120	100.00%	0	0%
Control	8	5.71%	8	100.00%	8	100.00%	0	0%
Totals	140	100%	140	100.00%	140	100.00%	0	0%

Certification	
Company: Performance Systems Integration, LLC. - Portland	Building: CMI Wiedmann Park Senior Apartments
Inspector: Brittany Johnston	Contact: KIm Schellman
Signed:	Signed:

Notes & Recommendations

Generated by: BuildingReports.com

Building: CMI Wiedmann Park Senior Apartments		Control Panel: 1 - Fire-Lite MS-9200UDLS		
<i>The Notes & Recommendations Report details additional inspection notes made by the Inspectors during the course of the building inspection. Notes are grouped by Category.</i>				
ScanID	Note	Device Type	Location	Comment
Control				
33122037	1	Control Panel	2nd At FACP Room	Passed
Sensitivity testing recommended. System needs to be investigated by a technician. Investigate addressable module compatibility with conventional smoke detectors.				

Inspection & Testing

Generated by: BuildingReports.com

Device Type	Location	Service	Time	Date
Building: CMI Wiedmann Park Senior Apartments		Control Panel: 1 - Fire-Lite MS-9200UDLS		
<p><i>The Inspection & Testing section lists all of the items inspected in your building. Items are grouped by Passed or Failed/Other. Items are listed by Category. Each item includes the services performed, and the time & date at which testing occurred.</i></p>				
Passed				
Auxiliary				
Elevator	1st At Elevator Machine Room	Tested	2:43:53 PM	09/20/2016
Elevator	1st At Elevator Machine Room	Tested	2:44:12 PM	09/20/2016
Elevator	1st At Elevator Machine Room	Tested	2:44:50 PM	09/20/2016
Elevator	1st At Elevator Machine Room	Tested	2:45:18 PM	09/20/2016
Elevator	1st At Elevator Machine Room	Tested	2:45:54 PM	09/20/2016
Releasing Device	All Floors	Tested	11:36:01 AM	09/20/2016
Control				
Annunciator	1st At Main Entrance	Tested	12:50:09 PM	09/20/2016
Battery	2nd At FACP Room	Tested	3:00:11 PM	09/20/2016
Battery	2nd At FACP Room	Tested	3:00:41 PM	09/20/2016
Battery	2nd At FACP Room	Tested	3:01:16 PM	09/20/2016
Battery	2nd At FACP Room	Tested	3:02:15 PM	09/20/2016
Communicator	2nd At FACP Room	Tested	9:16:50 AM	09/20/2016
Control Panel	2nd At FACP Room	Tested	3:49:58 PM	09/20/2016
Expander Panel	2nd At FACP Room	Tested	2:59:26 PM	09/20/2016
Initiating				
Heat Detector	1st At Elevator Machine Room	Tested	2:45:45 PM	09/20/2016
Heat Detector	1st At Men's Restroom Near Room 119	Tested	12:04:36 PM	09/20/2016
Heat Detector	1st At Riser Room	Tested	12:03:54 PM	09/20/2016
Heat Detector	1st At Room 101	Tested	3:22:40 PM	09/20/2016
Heat Detector	1st At Room 102	Tested	12:06:42 PM	09/20/2016
Heat Detector	1st At Room 103	Tested	12:06:35 PM	09/20/2016
Heat Detector	1st At Room 104	Tested	12:06:28 PM	09/20/2016
Heat Detector	1st At Room 105	Tested	12:06:20 PM	09/20/2016
Heat Detector	1st At Room 106	Tested	12:06:10 PM	09/20/2016
Heat Detector	1st At Room 107	Tested	12:06:02 PM	09/20/2016
Heat Detector	1st At Room 108	Tested	12:05:53 PM	09/20/2016
Heat Detector	1st At Room 109	Tested	12:05:44 PM	09/20/2016
Heat Detector	1st At Room 110	Tested	12:01:49 PM	09/20/2016
Heat Detector	1st At Room 111	Tested	3:20:43 PM	09/20/2016
Heat Detector	1st At Room 113	Tested	12:01:34 PM	09/20/2016
Heat Detector	1st At Room 114	Tested	12:00:42 PM	09/20/2016
Heat Detector	1st At Room 115	Tested	12:00:17 PM	09/20/2016
Heat Detector	1st At Room 116	Tested	11:59:05 AM	09/20/2016
Heat Detector	1st At Room 117	Tested	11:58:55 AM	09/20/2016
Heat Detector	1st At Room 118	Tested	11:58:44 AM	09/20/2016

Device Type	Location	Service	Time	Date
<i>Passed</i>				
Heat Detector	1st At Room 119	Tested	3:24:35 PM	09/20/2016
Heat Detector	1st At Women's Restroom Near Room 113	Tested	12:04:46 PM	09/20/2016
Heat Detector	2nd At Room 201	Tested	11:34:31 AM	09/20/2016
Heat Detector	2nd At Room 202	Tested	3:02:52 PM	09/20/2016
Heat Detector	2nd At Room 203	Tested	11:49:10 AM	09/20/2016
Heat Detector	2nd At Room 204	Tested	11:51:03 AM	09/20/2016
Heat Detector	2nd At Room 205	Tested	3:04:50 PM	09/20/2016
Heat Detector	2nd At Room 206	Tested	11:51:18 AM	09/20/2016
Heat Detector	2nd At Room 207	Tested	11:51:26 AM	09/20/2016
Heat Detector	2nd At Room 208	Tested	11:51:39 AM	09/20/2016
Heat Detector	2nd At Room 209	Tested	11:51:48 AM	09/20/2016
Heat Detector	2nd At Room 210	Tested	11:55:50 AM	09/20/2016
Heat Detector	2nd At Room 211	Tested	2:59:52 PM	09/20/2016
Heat Detector	2nd At Room 212	Tested	11:55:58 AM	09/20/2016
Heat Detector	2nd At Room 213	Tested	11:55:35 AM	09/20/2016
Heat Detector	2nd At Room 214	Tested	11:56:08 AM	09/20/2016
Heat Detector	2nd At Room 215	Tested	11:56:17 AM	09/20/2016
Heat Detector	2nd At Room 216	Tested	11:56:24 AM	09/20/2016
Heat Detector	2nd At Room 217	Tested	11:56:34 AM	09/20/2016
Heat Detector	2nd At Room 218	Tested	11:56:50 AM	09/20/2016
Heat Detector	2nd At Room 219	Tested	11:56:57 AM	09/20/2016
Heat Detector	2nd At Room 222	Tested	11:57:16 AM	09/20/2016
Heat Detector	2nd At Room 222	Tested	11:57:24 AM	09/20/2016
Heat Detector	3rd At Room 301	Tested	10:51:56 AM	09/20/2016
Heat Detector	3rd At Room 302	Tested	10:52:06 AM	09/20/2016
Heat Detector	3rd At Room 303	Tested	10:53:58 AM	09/20/2016
Heat Detector	3rd At Room 304	Tested	11:27:20 AM	09/20/2016
Heat Detector	3rd At Room 305	Tested	10:51:38 AM	09/20/2016
Heat Detector	3rd At Room 306	Tested	3:07:55 PM	09/20/2016
Heat Detector	3rd At Room 307	Tested	11:27:34 AM	09/20/2016
Heat Detector	3rd At Room 308	Tested	11:27:42 AM	09/20/2016
Heat Detector	3rd At Room 309	Tested	11:27:51 AM	09/20/2016
Heat Detector	3rd At Room 310	Tested	11:28:07 AM	09/20/2016
Heat Detector	3rd At Room 311	Tested	11:31:43 AM	09/20/2016
Heat Detector	3rd At Room 312	Tested	11:31:26 AM	09/20/2016
Heat Detector	3rd At Room 313	Tested	11:31:33 AM	09/20/2016
Heat Detector	3rd At Room 314	Tested	3:11:12 PM	09/20/2016
Heat Detector	3rd At Room 315	Tested	11:31:55 AM	09/20/2016
Heat Detector	3rd At Room 316	Tested	2:33:32 PM	09/20/2016
Heat Detector	3rd At Room 317	Tested	11:32:10 AM	09/20/2016
Heat Detector	3rd At Room 318	Tested	11:32:19 AM	09/20/2016
Heat Detector	3rd At Room 319	Tested	11:32:28 AM	09/20/2016
Heat Detector	3rd At Room 322	Tested	11:32:35 AM	09/20/2016
Pull Station	1st At Community Room Exit	Tested	2:50:13 PM	09/20/2016
Pull Station	1st At Hallway Exit Near Room 105	Tested	12:27:17 PM	09/20/2016
Pull Station	1st At Hallway Exit Near Room 116	Tested	12:58:32 PM	09/20/2016
Pull Station	1st At Main Entrance	Tested	12:49:20 PM	09/20/2016
Pull Station	1st At Stairwell Exit Near Room 105	Tested	2:49:54 PM	09/20/2016
Pull Station	1st At Stairwell Exit Near Room 116	Tested	2:50:26 PM	09/20/2016
Pull Station	2nd At Hallway Near Room 205	Tested	10:18:00 AM	09/20/2016

Device Type	Location	Service	Time	Date
<i>Passed</i>				
Pull Station	2nd At Hallway Near Room 216	Tested	10:05:59 AM	09/20/2016
Pull Station	2nd At Hallway Near Room 222	Tested	10:02:40 AM	09/20/2016
Pull Station	3rd At Hallway Exit Near Room 305	Tested	10:22:07 AM	09/20/2016
Pull Station	3rd At Hallway Near Room 312	Tested	10:26:40 AM	09/20/2016
Pull Station	3rd At Hallway Near Room 316	Tested	12:07:13 PM	09/20/2016
Smoke Detector	1st At Community Room	Tested	2:50:03 PM	09/20/2016
Smoke Detector	1st At Elevator Machine Room	Tested	2:45:30 PM	09/20/2016
Smoke Detector	1st At Hallway Near Riser Room	Tested	12:39:27 PM	09/20/2016
Smoke Detector	1st At Hallway Near Room 101	Tested	12:30:04 PM	09/20/2016
Smoke Detector	1st At Hallway Near Room 102	Tested	2:48:57 PM	09/20/2016
Smoke Detector	1st At Hallway Near Room 103	Tested	12:28:46 PM	09/20/2016
Smoke Detector	1st At Hallway Near Room 105	Tested	12:26:59 PM	09/20/2016
Smoke Detector	1st At Hallway Near Room 106	Tested	12:28:23 PM	09/20/2016
Smoke Detector	1st At Hallway Near Room 110	Tested	2:41:05 PM	09/20/2016
Smoke Detector	1st At Hallway Near Room 114	Tested	12:56:19 PM	09/20/2016
Smoke Detector	1st At Hallway Near Room 116	Tested	2:49:40 PM	09/20/2016
Smoke Detector	1st At Hallway Near Room 118	Tested	12:56:37 PM	09/20/2016
Smoke Detector	1st At Hallway Near Room 119	Tested	12:51:51 PM	09/20/2016
Smoke Detector	1st At Laundry Room	Tested	12:32:01 PM	09/20/2016
Smoke Detector	1st At Main Entrance	Tested	2:49:18 PM	09/20/2016
Smoke Detector	1st At Office	Tested	12:42:43 PM	09/20/2016
Smoke Detector	2nd At FACP Room	Tested	10:14:30 AM	09/20/2016
Smoke Detector	2nd At Hallway Near Room 201	Tested	10:15:57 AM	09/20/2016
Smoke Detector	2nd At Hallway Near Room 202	Tested	10:16:21 AM	09/20/2016
Smoke Detector	2nd At Hallway Near Room 203	Tested	10:17:02 AM	09/20/2016
Smoke Detector	2nd At Hallway Near Room 205	Tested	12:25:46 PM	09/20/2016
Smoke Detector	2nd At Hallway Near Room 206	Tested	10:17:21 AM	09/20/2016
Smoke Detector	2nd At Hallway Near Room 211	Tested	2:40:41 PM	09/20/2016
Smoke Detector	2nd At Hallway Near Room 212	Tested	10:12:46 AM	09/20/2016
Smoke Detector	2nd At Hallway Near Room 214	Tested	10:10:45 AM	09/20/2016
Smoke Detector	2nd At Hallway Near Room 216	Tested	10:04:52 AM	09/20/2016
Smoke Detector	2nd At Hallway Near Room 217	Tested	10:08:45 AM	09/20/2016
Smoke Detector	2nd At Hallway Near Room 219	Tested	10:11:11 AM	09/20/2016
Smoke Detector	2nd At Laundry Room Near Room 213	Tested	10:11:25 AM	09/20/2016
Smoke Detector	3rd At Elevator Shaft	Tested	2:41:15 PM	09/20/2016
Smoke Detector	3rd At Hallway Near Room 301	Tested	2:48:07 PM	09/20/2016
Smoke Detector	3rd At Hallway Near Room 302	Tested	10:24:10 AM	09/20/2016
Smoke Detector	3rd At Hallway Near Room 303	Tested	10:23:49 AM	09/20/2016
Smoke Detector	3rd At Hallway Near Room 305	Tested	10:22:58 AM	09/20/2016
Smoke Detector	3rd At Hallway Near Room 306	Tested	10:23:18 AM	09/20/2016
Smoke Detector	3rd At Hallway Near Room 311	Tested	2:40:19 PM	09/20/2016
Smoke Detector	3rd At Hallway Near Room 312	Tested	10:26:16 AM	09/20/2016
Smoke Detector	3rd At Hallway Near Room 314	Tested	12:03:30 PM	09/20/2016
Smoke Detector	3rd At Hallway Near Room 316	Tested	2:48:31 PM	09/20/2016
Smoke Detector	3rd At Hallway Near Room 317	Tested	12:04:00 PM	09/20/2016
Smoke Detector	3rd At Hallway Near Room 319	Tested	12:02:53 PM	09/20/2016
Smoke Detector	3rd At Laundry Room Near Room 313	Tested	10:27:40 AM	09/20/2016
Smoke Detector	3rd At Stairwell Near Room 305	Tested	10:21:51 AM	09/20/2016
Smoke Detector	3rd At Stairwell Near Room 316	Tested	12:14:49 PM	09/20/2016
Waterflow Switch	1st At Riser Room	Tested	12:04:06 PM	09/20/2016

Device Type	Location	Service	Time	Date
<i>Passed</i>				
Monitor				
Monitoring	2nd At FACP Room	Tested	9:14:19 AM	09/20/2016
Supervisory				
Tamper Switch	1st At Riser Room	Tested	12:04:16 PM	09/20/2016
Tamper Switch	1st At Riser Room	Tested	12:04:58 PM	09/20/2016

Service Summary

Generated by: BuildingReports.com

Building: CMI Wiedmann Park Senior Apartments		
The Service Summary section provides an overview of the services performed in this report.		
Device Type	Service	Quantity
<i>Passed</i>		
Annunciator	Tested	1
Battery	Tested	4
Communicator	Tested	1
Control Panel	Tested	1
Elevator	Tested	5
Expander Panel	Tested	1
Heat Detector	Tested	63
Monitoring	Tested	1
Pull Station	Tested	12
Releasing Device	Tested	1
Smoke Detector	Tested	44
Tamper Switch	Tested	2
Waterflow Switch	Tested	1
Total		137

Auxiliary Functions Testing

Generated by: *BuildingReports.com*

Type	Location	Comment	ScanID	Simulated
Passed				
Elevator				
Sign-Off Log	1st At Elevator Machine Room	Passed	20651544	<input checked="" type="checkbox"/>
Fire Hat	1st At Elevator Machine Room	Passed	20651548	<input checked="" type="checkbox"/>
Recall Primary	1st At Elevator Machine Room	Passed	20651546	<input checked="" type="checkbox"/>
Recall Alternate	1st At Elevator Machine Room	Passed	20651547	<input checked="" type="checkbox"/>
Shunt Trip	1st At Elevator Machine Room	Passed	20651545	<input type="checkbox"/>
Releasing Device				
Door Holder	All Floors	Passed	00000001	<input checked="" type="checkbox"/>
Smoke Detector				
Elevator Recall	1st At Elevator Machine Room	Passed	20651549	<input type="checkbox"/>
Elevator Recall	1st At Hallway Near Room 110	Passed	20651543	<input type="checkbox"/>
Elevator Recall	2nd At Hallway Near Room 211	Passed	20651528	<input type="checkbox"/>
Elevator Recall	3rd At Elevator Shaft	Passed	22217034	<input type="checkbox"/>
Elevator Recall	3rd At Hallway Near Room 311	Passed	20651512	<input type="checkbox"/>

Sound and Visual Testing

Generated by: BuildingReports.com

Building: CMI Wiedmann Park Senior Apartments						
<p>The Sound and Visual Testing section lists various points throughout your building where audible and visual alarm notification devices were tested. Any bar-coded audible and visual devices will appear in the Inspection and Testing section of this report. Items in this section are grouped by Passed or Failed/Other. Where specific decibel readings were recorded, they will appear under the ambient and alarm columns. The Voice column indicates whether the Sound Test Point passed the Voice Intelligibility requirements. The STI or Sound Transmission Index is shown if recorded.</p>						
Location	Comment	Ambient	Alarm	Intelligibility		Sound Test
		dB	dB	Voice	STI	
Passed						
Sound Test Points						
1st Floor	Passed			<input type="checkbox"/>		0001
2nd Floor	Passed			<input type="checkbox"/>		0002
3rd Floor	Passed			<input type="checkbox"/>		0003

Smoke Management Testing

Generated by: *BuildingReports.com*

Building: CMI Wiedmann Park Senior Apartments		Control Panel: 1 - Fire-Lite MS-9200UDLS		
<p><i>The Smoke Management Testing section details the test and inspection of device items that are involved in controlling the spread of smoke in a building. Items are grouped by Passed or Failed/Other.</i></p>				
Location	Description	Comment	ScanID	Simulated
<i>Passed</i>				
Releasing Device				
All Floors	Door Holder	Passed	00000001	<input checked="" type="checkbox"/>

Battery & Power Supply Testing

Generated by: BuildingReports.com

Building: CMI Wiedmann Park Senior Apartments	Control Panel: 1 - Fire-Lite MS-9200UDLS
---	--

The Control & Power Testing section details the readings and measurements of batteries and power supplies used to provide power to the fire alarm and life safety systems. Items are grouped by Passed or Failed/Other.

Type	Location	Rated Ah	Rated Volts	Pre Test	Post Test	Min Ah	Tested Ah
<i>Passed</i>							
Battery							
Sealed Lead Acid	2nd At FACP Room	7	12	13.47	13.47		6.62
Sealed Lead Acid	2nd At FACP Room	7	12	13.50	13.50		7.00
Sealed Lead Acid	2nd At FACP Room	7	12	13.37	13.37		7.00
Sealed Lead Acid	2nd At FACP Room	7	12	13.41	13.41		7.00

Inventory & Warranty Report

Generated by: BuildingReports.com

Building: CMI Wiedmann Park Senior Apartments		Control Panel: 1 - Fire-Lite MS-9200UDLS		
<p><i>The Inventory & Warranty Report lists each of the devices and items that are included in your Inspection Report. A complete inventory count by device type and category is provided. Items installed within the last 90 days, within the last year, and devices installed for two years or more are grouped together for easy reference.</i></p>				
Device or Item	Category	% of Inventory	Quantity	
Monitoring	Monitor	0.71%	1	
Communicator	Control	0.71%	1	
Pull Station	Initiating	8.57%	12	
Smoke Detector	Initiating	31.43%	44	
Heat Detector	Initiating	45.00%	63	
Releasing Device	Auxiliary	0.71%	1	
Waterflow Switch	Initiating	0.71%	1	
Tamper Switch	Supervisory	1.43%	2	
Annunciator	Control	0.71%	1	
Elevator	Auxiliary	3.57%	5	
Expander Panel	Control	0.71%	1	
Battery	Control	2.86%	4	
Control Panel	Control	0.71%	1	
Type	Qty	Model #	Description	Install Date
<i>In Service - 1 Year to 2 Years</i>				
Yuasa				
Battery	4	NP7-12	Sealed Lead Acid	06/28/2015
Fire-Lite				
Control Panel	1	MS-9200UDLS		06/19/2015
<i>In Service - 3 Years to 5 Years</i>				
Alternate				
Elevator	1	Recall	Recall Alternate	09/19/2012
Central Station				
Monitoring	1	XE2-1757	Alarm/Trouble/Supervisory	09/19/2012
Chemetron				
Heat Detector	63	601	Rate-of-Rise	09/19/2012
Fire				
Elevator	1	Hat	Fire Hat	09/19/2012
Fire Door				
Releasing Device	1	Global Release	Door Holder	09/19/2012
Fire-Lite				
Annunciator	1	--	LCD Display	09/19/2012
Communicator	1	MS-9200	Digital Communicator	09/19/2012
Expander Panel	1	FSPS-24F		09/19/2012

Pull Station	12	BG-12L	Single Action	09/19/2012
Potter Electric				
Tamper Switch	1	PTS-B		09/19/2012
Tamper Switch	1	PTS-C		09/19/2012
Waterflow Switch	1	VSR-SF		09/19/2012
Primary				
Elevator	1	Recall	Recall Primary	09/19/2012
Shunt				
Elevator	1	Trip	Shunt Trip	09/19/2012
Sign-Off				
Elevator	1	Log	Sign-Off Log	09/19/2012
System Sensor				
Smoke Detector	33	2400TH	Photoelectric	09/19/2012
Smoke Detector	11	2W-B	Photoelectric	09/19/2012

Sprinkler Inspection Certificate

For

CMI Wiedmann Park Senior
Apartments
29940 SW Brown Rd
Wilsonville, OR 97070

Tested to NFPA 25 Standards

This Inspection was performed in accordance with applicable NFPA Standards. The subsequent pages of this report provide performance measurements, listed ranges of acceptable results, and complete documentation of the inspection. Whenever discrepancies exist between acceptable performance standards and actual test results, notes and/or recommended solutions have been proposed or provided for immediate review and approval.

Inspection Date
Sep 20, 2016

Building: CMI Wiedmann Park Senior Apartments
Contact: Kim Schellman
Title: Property Manager

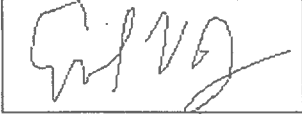
Company: Performance Systems Integration, LLC. - Portland
Contact: Erik VanDyke
Title: Sprinkler Technician

Executive Summary

Generated by: BuildingReports.com

Building Information			
Building: CMI Wiedmann Park Senior Apartments	Contact: Klm Schellman		
Address: 29940 SW Brown Rd	Phone: 503-582-9550		
Address:	Fax:		
City/State/Zip: Wilsonville, OR 97070	Mobile:		
Country: United States of America	Email: wiedemannpark@cascade-management.com		
Inspection Performed By			
Company: Performance Systems Integration, LLC. - Portland	Inspector: Erik VanDyke		
Address: 7324 SW Durham Road	Phone: 1111111111		
Address:	Fax:		
City/State/Zip: Portland, Oregon 97224	Mobile:		
Country: United States of America	Email: ErikV@psintegrated.com		
System Control Unit			
System Type	System Location	Protected Area	Devices
Wet Pipe		Building-	13

Inspection Summary								
Category	Total Items		Serviced		Passed		Failed/Other	
	Qty	%	Qty	%	Qty	%	Qty	%
Valve	3	23.08%	3	100.00%	3	100.00%	0	0%
Hose	1	7.69%	1	100.00%	1	100.00%	0	0%
Device	3	23.08%	3	100.00%	3	100.00%	0	0%
Sprinkler	3	23.08%	3	100.00%	3	100.00%	0	0%
Alarm	3	23.08%	3	100.00%	3	100.00%	0	0%
Totals	13	100%	13	100.00%	13	100.00%	0	0%

Certification	
Company: Performance Systems Integration, LLC. - Portland	Building: CMI Wiedmann Park Senior Apartments
Inspector: Erik VanDyke	Contact: Kim Schellman
	
Signed: Sep 20, 2016 12:28:39 PM	Signed:

Inspection & Testing

Generated by: *BuildingReports.com*

Building: CMI Wiedmann Park Senior Apartments

The Inspection & Testing section lists all of the items inspected in your building. Items are grouped by Passed or Failed/Other. Items are listed by Category. Each item includes the services performed, and the time & date at which testing occurred.

Device Type	Location	Service	Time	Date
<i>Passed</i>				
Wet Pipe, Building-				
Tamper Switch	1st Sprinkler Room	Tested	12:26:57 PM	09/20/2016
Tamper Switch	1st Sprinkler Room	Tested	12:27:25 PM	09/20/2016
Waterflow Switch	1st Sprinkler Room	Tested	12:26:29 PM	09/20/2016
Drain	1st Sprinkler Room	Tested	12:26:20 PM	09/20/2016
Electric Bell	Outside Southwest Wall	Tested	12:26:51 PM	09/20/2016
Gauge	1st Sprinkler Room	Inspected	12:27:20 PM	09/20/2016
Fire Dep't Connection	Ground By Sidewalk	Inspected	12:27:33 PM	09/20/2016
Fast Response	Throughout	Inspected	12:26:41 PM	09/20/2016
Piping	Throughout	Inspected	12:26:38 PM	09/20/2016
Sprinkler Box Spares	1st Sprinkler Room	Inspected	12:27:11 PM	09/20/2016
Backflow Prevention	1st Sprinkler Room	Tested	12:27:07 PM	09/20/2016
Control Valve	1st Sprinkler Room	Tested	12:27:02 PM	09/20/2016
Inspector's Test	1st Sprinkler Room	Tested	12:25:54 PM	09/20/2016

Wet Pipe Fire Sprinkler Systems

Generated by: *BuildingReports.com*

Building: CMI Wiedmann Park Senior Apartments		Building-					
<p><i>A sprinkler system employing automatic sprinklers attached to a piping system containing water and connected to a water supply so that water discharges immediately from sprinklers opened by heat from a fire.</i></p>							
Alarms							
Tamper Switch							
Type	Description	Manufacturer	Sec	Zone/Address	OK	ScanID	
Plug	Supervisory	Potter Electric		1	<input checked="" type="checkbox"/>	19172437	
Plug	Supervisory	Potter Electric		1	<input checked="" type="checkbox"/>	29049353	
Waterflow Switch							
Type	Manufacturer	Model #	Sec	Size	Zone/Address	OK	ScanID
Vane	Potter Electric	VSR-SF	21	1.5	1	<input checked="" type="checkbox"/>	9 72433
Components							
Backflow Prevention							
Manufacturer	Model #	Size	Type	Service Type	Install Date		
Ames	2000B	1.5"	Double Check	Fire Line	09 19 1999		
Location	Water Purveyor	Meter Account #	Serial Number				
1st Sprinkler Room			02504				
Initial Test							
Check Valve 1	Check Valve 2	Relief Valve	Pressure Vacuum Breaker				
Held At	Repairs or Notes						
Final Test							
Check Valve 1	Check Valve 2	Relief Valve	Pressure Vacuum Breaker				
Held At	Condition of Control Valve 1	Condition of Control Valve 2					
Control Valve							
Type	Manufacturer	Size	Position	Status	OK	ScanID	
Ball		1.5"			<input checked="" type="checkbox"/>	19172438	
Inspector's Test							
Manufacturer	Model #	Pressure psi	Trip Time Sec	Flow Sec	OK	ScanID	
Central	F202	/	/	21	<input checked="" type="checkbox"/>	19172435	

<i>Devices</i>							
Drain							
Current Inspection							
Type	Size	Supply psi	Static psi	Residual psi	Sec	OK	ScanID
Main	1"	102	102	85		<input checked="" type="checkbox"/>	19172434
Previous Inspections							
September 18, 2015							
Type	Size	Supply psi	Static psi	Residual psi	Sec	OK	ScanID
Main	1"	100	100	93		<input checked="" type="checkbox"/>	19172434
September 22, 2014							
Type	Size	Supply psi	Static psi	Residual psi	Sec	OK	ScanID
Main	1"	95	95	85	1	<input checked="" type="checkbox"/>	19172434
Fast Response							
Qty	Type	Size	KFactor	Finish	Temperature	OK	ScanID
	Pendant	0.5	3.8			<input checked="" type="checkbox"/>	19172441
Location				Description			
Throughout				White			
Fire Dep't Connection							
Location		Type	BallDrip	Rotating Swivels	Size	OK	ScanID
Ground By Sidewalk		Freestanding			4"	<input checked="" type="checkbox"/>	19172442
Gauge							
Type	Location		Static psi	Fill Type	Size	OK	ScanID
System Pressure	1st Sprinkler Room		102		1/4	<input checked="" type="checkbox"/>	19172444
Piping							
Location		Type	Size	Service Date	Internal Inspection Due Date		
Throughout		Steel	1.5	09/22/2014	09/22/2014		
Hangers		Braces	Fittings	Identified	Antifreeze	ScanID	
Normal		Normal		Tagged	NA	24361769	
Sprinkler Box Spares							
Qty	Type	KFactor	Manufacturer	Location		OK	ScanID
6	Pendant	3.9	Rasco	1st Sprinkler Room		<input checked="" type="checkbox"/>	19172440

Inventory & Warranty Report

Generated by: BuildingReports.com

Building: CMI Wiedmann Park Senior Apartments

The Inventory & Warranty Report lists each of the devices and items that are included in your Inspection Report. A complete inventory count by device type and category is provided. Items installed within the last 90 days, within the last year, and devices installed for two years or more are grouped together for easy reference.

Device or Item	Category	% of Inventory	Quantity
Inspector's Test	Valve	7.69%	1
Drain	Device	7.69%	1
Waterflow Switch	Alarm	7.69%	1
Piping	Sprinkler	7.69%	1
Fast Response	Sprinkler	7.69%	1
Electric Bell	Device	7.69%	1
Tamper Switch	Alarm	15.38%	2
Control Valve	Valve	7.69%	1
Backflow Prevention	Valve	7.69%	1
Sprinkler Box Spares	Sprinkler	7.69%	1
Gauge	Device	7.69%	1
Fire Dep't Connection	Hose	7.69%	1

Device or Item	Qty	Model #	Description	Install Date
<i>In Service - 3 Years to 5 Years</i>				

Wet Pipe, Building-

Gauge	1	water	System Pressure	09/19/2012
-------	---	-------	-----------------	------------

In Service - 15 Years to 25 Years

Wet Pipe, Building-

Control Valve	1		Ball	09/19/1999
Electric Bell	1			09/19/1999
Fire Dep't Connection	1		Freestanding	09/19/1999
Piping	1		Steel	09/19/1999
Backflow Prevention	1	2000B	Double Check	09/19/1999
Drain	1	F202	Main	09/19/1999
Inspector's Test	1	F202		09/19/1999
Tamper Switch	1	PTS-B	Plug	09/19/1999
Tamper Switch	1	PTS-C	Plug	09/19/1999
Waterflow Switch	1	VSR-SF	Vane	09/19/1999
Fast Response	1	F1	Pendant	09/19/1999
Sprinkler Box Spares	1	F1	Pendant	09/19/1999

Notes & Recommendations

Generated by: BuildingReports.com

Building: CMI Wiedmann Park Senior Apartments				
<i>The Notes & Recommendations Report details additional inspection notes made by the Inspectors during the course of the building inspection. Notes are grouped by SystemID.</i>				
Note	Device Type	Location	Comment	ScanID
<i>Wet Pipe, Building-</i>				
1	Fire Dep't Connection Fully painted yellow	Ground By Sidewalk	Passed	19172442



NORTH DIVISION

20665 SW Blanton St
Aloha, OR 97078
503-259-1400 - Office
503-259-1224 - Fax

CENTRAL DIVISION

11945 SW 70th St
Tigard, OR 97223
503-649-8577 - Office
503-642-4814 - Fax

SOUTH DIVISION

8445 SW Elligsen Rd
Wilsonville, OR 97070
503-259-1500 - Office
503-259-1520 - Fax

Inspection Field Report

Assigned to: Jeffery Lee [0624]

Signature Date: 5/12/16

Name: Wiedemann Park Apts

Agency #: 6888D-003-000

Address: 29940 SW BROWN RD

Occupancy #: 5194070

Phone: (503) 570-2765

FMZ: 6888D

District: South

Activities

Scheduled

Status

Apartment

5/12/2016

Completed

Repair or replace emergency light by 2nd Fl southside stairwell entrance OFC 1006 / BATTERY

Repair or replace emergency light in 1st Fl. westside stairwell OFC 1006 / REPLACE UNIT

Repair or replace emergency light by 1st Fl. ~~entr~~ southside stairwell and exit door OFC 1006 / BATTERY

Sq Feet

Re-inspection in approximately 30 days

No violations noted at time of inspection

Other: _____

Kim Schellma

Occupant Signature

Wiedemannpark@cascade-management.com

Occupant Email

[Signature] 0624 5/12/16

Inspector Signature / Personnel ID

Date



NORTH DIVISION

CENTRAL DIVISION

SOUTH DIVISION

20665 SW Blanton St
Aloha, OR 97078
503-259-1400 - Office
503-259-1224 - Fax

11945 SW 70th St
Tigard, OR 97223
503-649-8577 - Office
503-642-4814 - Fax

8445 SW Elligsen Rd
Wilsonville, OR 97070
503-259-1500 - Office
503-259-1520 - Fax

Re-Inspection Field Report for: Wiedemann Park Apts

Agency #: 6888D-003-000 | FMZ: 6888D

Address: 29940 SW BROWN RD

Occupancy #: 5194070

Main Bus Phone: | Assigned To: Jeffery Lee

Re-Inspection Date: 6/11/2016

CONTACTS: Name	Priority	Day Phone	Mobile Phone	Email
Kim Schellman	1	(503) 570-2765		wiedemannpark@cascade-management.com
Opal Kuhnert	2	(503) 570-2765	(503) 314-9373	

Findings: Re-inspection # 1

Repair/Maintain emergency lighting by 1st Fl southside stairwell and exit in corridor. OFC 1006

Cleared

Repair/Maintain emergency lighting by 2nd Fl. southside stairwell entrance. OFC 1006

Cleared:

Repair/Maintain emergency lighting inside 1st Fl. stairwell. OFC 1006

Cleared:

Frank + Bame
503-287-4604

Re-inspection in approximately ____ days

No violations noted at time of inspection

Other: _____

Kim Schellman
Occupant Signature

Occupant-Email

Jeff Lee 0624 5/24/16
Inspector Signature / Personnel ID Date TVF&R

ITEM/AREA REVIEWED	OK	N/A	COMMENTS
EXTERIOR - TRASH CONTROL			
Adequate number of dumpsters and trash cans provided?	X		
Dumpsters stored away from general public, area kept clean?	X		
Trash chutes cleaned regularly?	X		
INTERIOR			
Non-skid surfaces in tub/shower areas?		X	
Storage/Maintenance areas kept locked when not in use?	X		
Interiors checked at least annually for unsafe conditions?	X		
Corridors provided with emergency lighting/lit exits? Checked regularly?	X		
Shower/tub water temperature less than 125 degrees?	X		
LAUNDRY ROOMS			
Locked during afterhours?	X		
Floor area clean of water and debris?	X		
Equipment properly functioning?	X		
SWIMMING POOL/HOT TUB			
Water tested regularly?		X	No pool
Outlets are GFCI?		X	
Chemicals stored away from public?		X	
Lifesaving equipment easily accessible?		X	
Rules/Regulations clearly posted? "No Diving Sign" clearly visible?		X	
Self-closing gate properly functioning?		X	
Depth separation/floatation rope for shallow and deep ends of pool?		X	
Depth markings easily visible on inside and outside perimeter of pool?		X	
Pool deck in good condition? Free of trip/fall hazards?		X	
Pool ladders/handrails securely anchored?		X	
Hot tub water temperature controlled and set not to exceed 104 degrees F.?		X	
Furniture in good condition?		X	
Pool chairs/tables/equipment kept at least four feet from pool edge?		X	

ITEM/AREA REVIEWED	OK	N/A	COMMENTS
EXERCISE ROOM/SAUNA			
Equipment in good operating condition?		X	
Outlets are GFCI?		X	
Notice posted that tenants are to use at their own risk?		X	
Equipment use instructions posted for exercise equipment?		X	
Time limit sign posted for sauna?		X	
Time and heating element for sauna functioning properly? Serviced?		X	
Notice not to pour water over hot rocks in dry sauna?		X	
FIRE PROTECTION			
Smoke detector in all sleeping units?	X		
Smoke detection checked during past 12 months? Batteries changed annually?	X		
HVAC serviced within past six months?	X		
Chimneys clean for units with solid fuel burning fireplaces?		X	No fireplace
Fire Hydrants located onsite serviced?	X		
Fire extinguishers serviced within past 12 months? Service tag attached?	X		
Fire sprinkler systems serviced within past 12 months?	X		
Central station alarm tested within past 12 months?	X		
Three foot aisles clearance to main sprinkler valves?	X		
PIV or OS&Y locked in open position?			
Flammable/Combustible liquids and aerosols stored in metal cabinets? (Note: HUD properties above not permitted)	X		
Roofs checked/cleaned regularly?	X		
Evacuation procedures provided/posted?		X	
SECURITY			
Vacant units locked?	X		
Exterior lighting functioning in all walkways, dark areas?	X		



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: March 20, 2017	Subject: Resolution No. 2620 Community Development Planning Fee Restructure Staff Member: Susan Cole, Finance Director; Nancy Kraushaar, Community Development Director Department: Finance, Community Development	
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments: Resolution to restructure planning permit fees based upon the consultant work of the FSC Group.	
Staff Recommendation: Staff recommends Council Adopt Resolution No. 2620.		
Recommended Language for Motion: I move to approve Resolution No. 2620.		
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL: Based on the Evaluations of Land Use Development and Planning Review Fees completed by FCS Group and presented to Council most recently at the February 23, 2017 Council work session, staff is presenting a resolution for approval to restructure and realign the fees.

EXECUTIVE SUMMARY: The analysis and report completed by FCS Group concluded that the Land Use Development and Planning Review Fees only recover 45% of their cost with no other clear revenue source. In order to maintain the high level of service and benefits to the community provided by the Planning Division, a closer look at these fees and how they are

structured needed to occur. The main objective of maintaining a sustainable revenue source is to ensure that the Division has the resources to continue to provide a customer service level that makes certain growth occurs in a manner that benefits the whole community. One example of this high level of service can be found in the efforts that have gone into Villebois.

The planning process is very labor intensive and can span long periods of time. Staff prides themselves on providing excellent customer service, not only to those wanting to develop, but also to the community in the form of reviews by the Planning Commission and the Development Review Board. Many of the steps in the planning process do not trigger a fee per se, but nonetheless are part of the process and utilize staff resources. Thus, the fee schedule being presented attempts to recover the costs along the entire planning process in the fees that are charged.

In preparing the fee structure presented (see **Attachment 1**), many considerations were taken into account. Goals considered in the process included maintaining the high level of service provision, cost recovery, ensuring competitive pricing through market comparisons, and impact on users to ensure the new structure is more understandable. The new structure includes four new fees categories, four fee categories that have been restructured and simplified, eight fees that are being reduced, nineteen fees that are remaining the same, and forty-nine fees that are being increased.

From the fees presented on February 23rd, 2017 the following adjustments have been made:

- Temporary Use and Sign Permits DRB Review more than 120 days has been reduced to 50% cost recovery resulting in an 85% increase over the current fee. Fee will increase from \$950 to \$1,760. Previous proposal was a 271% increase to \$3,525.
- Staff Interpretation fees have been reduced to 50% recovery resulting in a 149% increase over the current fee for fees with public notice. Fee will increase from \$667 to \$1,660. Previous proposal was a 385% increase to \$3,230.
- Adjusted the new fee of Urban Reserve Concept Plan – initiated by owners to be scalable by property size as shown below.

Urban Reserve Concept Plan – initiated by owners	
0 to 50 Acres Base Fee	\$2,500
+ per hour for Staff Review/Report/Research Time	\$150
Not to exceed	\$12,000
51 to 250 Acres Base Fee	\$5,000
+ per hour for Staff Review/Report/Research Time	\$150
Not to exceed	\$22,035
251+ Acres Base Fee	\$7,500
+ per hour for Staff Review/Report/Research Time	\$150

FCS Group conducted several staff interviews and identified areas of significant staff time that had no fee set to recover those efforts. As a result, Staff has included four new fee categories in the proposed fee structure. The new fees are listed below:

Erosion Control Inspection Fee	
Base	\$400
Per additional Inspection	\$75
Recorded Matter - per document	\$335
Urban Reserve Concept Plan – initiated by owners	
0 to 50 Acres Base Fee	\$2,500
+ per hour for Staff Review/Report/Research Time	\$150
Not to exceed	\$12,000
51 to 250 Acres Base Fee	\$5,000
+ per hour for Staff Review/Report/Research Time	\$150
Not to exceed	\$22,035
251+ Acres Base Fee	\$7,500
+ per hour for Staff Review/Report/Research Time	\$150
Zoning Verification Letter	\$300

In an effort to simplify the fees and enhance customer understanding, Planning staff took an in depth look at how the fee structure is being applied and found simplifications to incorporate. The Planned Unit Development Fees are proposed to reduce from twenty-five codes and multipliers down to ten, of which four of those remaining are only applicable to Villebois. Other changes include Tentative Plat Reviews, reducing from fourteen codes down to four; Pre-application Conference from five down to three; and Site design review is proposed to increase from one line to three in order to better capture customer needs. With many of these simplifications, customers will be able to easily calculate their own fees.

Planning staff also took into careful consideration the impact each fee would have on customers as well as the market rate of the fees as compared to neighboring jurisdictions. Staff wants to ensure the City remains both fair and competitive with the city's planning fees. To accomplish this goal staff is proposing several fees remain the same, including those associated with Villebois, Administrative Appeals, and Requests for Time Extension. Other areas were increased to recover some costs, but remained at a reduced rate to ensure we were not being cost prohibitive. For example, it was decided to keep Tree permits around 25% cost recovery, and Final Plat reviews as well as some sign permits at 50% cost recovery on average.

The analysis by FCS Group looked at the cost recovery of each fee individually and identified some that were being over-recovered. In an effort to bring all fees within the same recovery goal, staff is proposing to reduce some fees. The most significant area of decrease is the Temporary Use and Sign Permits; four fees in those categories are being reduced by an average of 36%. Type D Tree permits are also proposed to be reduced by 21% and DRB Review of Type C Tree Removal Plan by 77%.

In order to improve the cost recovery, it is necessary to increase fees. Some fees with the highest proposed increases include:

- Appeals requiring DRB or Planning Commission Action increasing 265% from \$950 to \$3,465. This increase reflects an intentional cost recovery of 25%. Full cost recovery was deemed to be price-prohibitive.
- Final Plat Reviews increasing on average 367% to meet a cost recovery of 50%. The fee for Partition increasing from \$190 to \$1,155, and for Subdivision from \$760 to \$2,480.

- SROZ Review Verification of Boundary Abbreviated increasing 316% from \$95 to \$395 and Review of Mitigation Monitoring Report increasing 232% from \$143 to \$475. These fees will have 100% cost recovery.

All of the changes presented result in an estimated system-wide average of 84% cost recovery, and would have brought in \$186,750 in additional revenue in year studied. These changes would bring the fee structure in line with the City's Financial Policies, which state that fees should recover the direct and indirect costs associated with the fees. Costs not recovered include departmental and City-wide overhead.

Not yet included in the fee structure are optional surcharges for technology and long-range planning. As discussed with the FCS Group, some jurisdictions apply a small percent on top of each fee to recover costs associated with technological upgrades and long-range planning efforts. Adding a 1% surcharge on fees would raise approximately \$5,000 each year, depending upon the volume and type of permits.

Through the process staff took a close look at comparable jurisdictions. Highlights of the comparisons are included in **Attachment 2** and reflect efforts to remain cost competitive.

EXPECTED RESULTS:

Approve resolution restructuring and simplifying the Land Use Development and Planning Review Fees.

TIMELINE:

Fee Resolution would be effective May 1, 2017.

CURRENT YEAR BUDGET IMPACTS:

Restructuring the planning fees would impact the Community Development Fund's revenue and put it on the path of long-term financial sustainability.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 3/8/17

LEGAL REVIEW / COMMENT:

Reviewed by: Date:

COMMUNITY INVOLVEMENT PROCESS:

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups): While this fee restructure will increase certain planning fees, it will enable the City to maintain its high level of customer service to the development community, and at the same time safeguard the City's aesthetic values in reviewing new development.

Restructured fees will put the Planning Division on solid financial footing for the future, while remaining competitive with neighboring jurisdictions.

ALTERNATIVES:

The Council could decide to not raise the fees at this time, or could direct any number of different alternatives.

CITY MANAGER COMMENT:

ATTACHMENTS:

1. Resolution No. 2620
2. Proposed Fee Structure
3. Fee comparisons

RESOLUTION NO. 2620

A RESOLUTION OF THE CITY OF WILSONVILLE ADOPTING A NEW FEE SCHEDULE FOR LAND USE DEVELOPMENT AND PLANNING REVIEW FEES, AND REPEALING RESOLUTION NO. 2529

WHEREAS, the Wilsonville City Council finds it necessary and reasonable to establish fees for the purpose of defraying actual costs for Land Use and Development Planning reviews; and

WHEREAS, the Wilsonville City Council finds that Oregon State law allows the City to recover its actual costs; and

WHEREAS, the City's Financial Policy states user fees should recover a minimum of direct costs and preferably direct plus indirect costs, and

WHEREAS, the City hired FCS Group to conduct a comprehensive analysis on the Community Development fund including the cost recovery rate of the Land Use Development and Planning Review Fees, and

WHEREAS, the analysis conducted by FCS Group concluded that the City currently recovers only 45% of the full cost of service of Land Use Development and Planning Review Fees; and

WHEREAS, the analysis conducted by FCS Group also concluded that total direct costs are 53% of full cost of recovery and indirect costs are 23% for a total minimum recovery of 76%, and

WHEREAS, the City is restructuring the fees to achieve a greater cost recovery and better align the fees with customer needs, and

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

Section 1. The City Council finds the proposed recovery of administrative costs for planning review and land use development services are actual, reasonable and necessary, therefore, the Planning fees are hereby established as set out in Exhibit “A”, which is attached to this resolution and incorporated by reference as if fully set forth herein.

Section 2. The fee schedule as proposed shall become effective May 1, 2017.

Section 3. These fees will be adjusted annually no later than March 1 each year to reflect the increase in the Portland/Salem area consumer price index for the prior calendar year.

Section 4. Resolution No. 2529 is hereby repealed and this Resolution takes effect upon adoption

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of March 2017, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Akervall
Councilor Stevens
Councilor Lehan

Attachments:

Exhibit A Planning Fees Structure

City of Wilsonville

Planning Division Proposed Fees				Planning Division Current Fees	
	Proposed	Estimated Cost	Estimated Recovery	Current	Percentage Change
Administrative Review				Administrative Review	
Class I	\$335	\$337	99%	\$190	76%
Class II	\$1,455	\$1,455	100%	\$666	118%
Annexation (+Metro)				Annexation (+Metro)	
	\$4,365	\$4,367	100%	\$2,851	53%
Appeals				Appeals	
Administrative Decision or Interpretation	\$475	\$1,529	31%	\$475	0%
DRB or Planning Commission Action	\$3,465	\$13,838	25%	\$950	265%
Referee Decision (expedited land division)	\$1,140	\$3,814	30%	\$1,141	0%
Architectural Review (Villebois)				Architectural Review (Villebois)	
Single Family	\$380	\$233	163%	\$381	0%
Multi-family per Unit	\$95	\$5	1900%	\$95	0%
Change of non-conforming use				Change of non-conforming use	
	\$1,010	\$1,008	100%	\$666	52%
Comprehensive Plan Amendment				Comprehensive Plan Amendment	
Legislative text	\$9,495	\$9,495	100%	\$3,802	150%
Legislative text with BM 56 notice	\$10,345	\$10,344	100%	\$7,033	47%
Legislative map	\$6,400	\$6,401	100%	\$3,802	68%
Legislative map with BM 56 notice	\$7,250	\$7,251	100%	\$7,033	3%
Quasi-judicial map	\$3,115	\$3,115	100%	\$2,851	9%
Quasi-judicial map with BM 56 notice	\$3,965	\$4,627	86%	\$6,083	-35%
Conditional use permit				Conditional use permit	
Accessory Use to SFD in Wilamette River Greenway	\$1,710	\$1,707	100%	\$666	157%
All Others	\$2,530	\$2,532	100%	\$2,281	11%
Erosion Control Inspection Fee				Erosion Control Inspection Fee	
Base	\$400	\$1,887	21%		New
Per additional Inspection	\$75	n/a			
Expedited Land Division				Expedited Land Division	
Under ORS 197	\$1,140	\$1,008	113%	\$1,141	0%
+per lot	\$20	n/a		\$19	5%
Villebois	Double regular fee	n/a		Double regular fee	
Final Plat Review Fee				Final Plat Review Fee	
Partition	\$1,155	\$2,312	50%	\$190	508%
Subdivision	\$2,480	\$4,965	50%	\$760	226%
Parks Plan Review Fee				Parks Plan Review Fee	
	\$2,610	\$5,221	50%	\$594	339%
Planned Unit Development				Planned Unit Development	
Stage I Any Use	\$2,120	\$2,121	100%	\$1,520	
Stage I Modified	\$1,190	\$2,387	50%	\$1,520	
Stage I Villebois SAP Modification	\$1,520	\$2,906	52%	\$1,520	
Stage II < 2 gross acres	\$7,825			\$1,520	
Stage II 2 to 10 gross acres	\$9,785	\$9,807	100%	\$2,281	
Stage II > 10 gross acres	\$11,740			\$1,520	
Stage II Modified	\$2,820	\$5,647	50%	\$2,281	
				\$285	
				\$19	
				\$2,281	
				\$285	
				\$0.029	
				\$2,281	
				\$285	
				\$0.029	
				\$2,281	
				\$285	
				\$0.029	
				\$2,281	
				\$285	
				\$19	
				\$2,281	
				\$3,208	
				\$2,281	
				formula	
Preapplication Conference				Preapplication Conference	
Residential, less than 10 lots/units	\$400	\$1,599	25%	\$190	
Other Signs only	\$190	\$290	66%	\$381	
All Others	\$835	\$1,672	50%	\$190	
				\$475	
				\$760	
Recorded Matter - per document				Recorded Matter - per document	
	\$335	n/a			New
Request for special meeting				Request for special meeting	
Staff	\$285	n/a		\$285	0%
DRB or Planning Commission	\$2,590	\$2,588	100%	\$1,141	127%
City Council	\$2,855	\$2,856	100%	\$2,281	25%

City of Wilsonville

Planning Division Proposed Fees				Planning Division Current Fees	
	Proposed	Estimated Cost	Estimated Recovery	Current	Percentage Change
Request for Time Extension					
Administrative	\$95	\$667	14%	\$95	0%
DRB Review: First Extension	\$475	\$667	71%	\$475	0%
DRB Review: Second Extension	\$950	\$667	142%	\$950	0%
DRB Review: Third Extension	\$1,900	\$667	285%	\$1,901	0%
Request to Modify Conditions of Approval					
Administrative	\$925	\$928	100%	\$475	95%
DRB Review	\$2,385	\$2,383	100%	\$1,141	109%
City Council	\$3,380	\$3,377	100%	\$1,141	196%
Review of Bldg Permit Application					
Residential - Deck/Garage/Carport etc.	\$260	\$262	99%	\$119	118%
All other Residential	\$320	\$319	100%	\$190	68%
All other	\$945	\$943	100%	\$615	54%
or % of value of bldg, whichever is greater not to exceed	0.0076 \$14,255	n/a n/a		0.0076 \$14,256	0% 0%
SROZ Review					
Verification of Boundary Abbreviated	\$395	\$394	100%	\$95	316%
Verification of Boundary Standard	\$485	\$487	100%	\$190	155%
SRIR Review Abbreviated	\$560	\$562	100%	\$570	-2%
SRIR Review Standard	\$1,590	\$1,590	100%	\$1,426	12%
Review Mitigation Monitoring Report	\$475	\$475	100%	\$143	232%
Signs Permits and Review (Except Temporary Signs)					
Class I Sign Permit	\$190	\$161	118%	\$190	0%
Minor Adjustment as Part of Class I Sign Permit	\$95	\$29	328%	\$95	0%
Class II Sign Permit	\$540	\$1,078	50%	\$475	14%
Class III Sign Permit	\$800	\$1,605	50%	\$666	20%
Master Sign Plan	\$1,340	\$1,343	100%	\$1,141	17%
Site Design Review					
Base Fee	\$2,120	\$5,152	41%	\$1,520	Complete Restructure
Additional per Occupied Building subject to review	\$1,515	n/a			
Additional per 5 acres, or portion thereof, of net site area (exclud	\$1,515	n/a			
Staff interpretation (written)					
Without public notice (including zone compliance letter)	\$255	\$511	50%	\$190	34%
With public notice	\$1,660	\$3,323	50%	\$666	149%
Street Vacation					
	\$3,980	\$3,982	100%	\$2,281	74%
Temporary Use and Sign Permits					
Class I < 15 days	\$65	\$88	74%	\$95	-32%
Class I 15 - 30 days	\$90	\$88	102%	\$190	-53%
Class I Annual Event Signs	\$45	\$88	51%	\$59	-24%
Class II 31-60 days	\$410	\$548	75%	\$285	44%
Class II 61-120 days (signs only)	\$550	\$548	100%	\$381	44%
Class II 61-120 days (other temporary uses, may incorporate co	\$615	\$614	100%	\$950	-35%
DRB Review more than 120 days (non-sign temporary uses only	\$1,760	\$3,525	50%	\$950	85%
Tentative Plat Review					
Partition Administrative Review	\$1,010	\$1,008	100%	\$666	Complete Restructure
Partition DRB Review	\$2,120	\$2,121	100%	\$1,520	
Subdivision Base Fee	\$3,050	\$3,052	100%	\$1,520	
+ per lot	\$35	n/a		\$285	
				\$19	
				\$1,520	
				\$285	
				\$19	
				\$1,520	
				\$285	
				\$19	
Tree Permit					
Type A 3 or fewer	\$20	\$44	45%	\$19	5%
Type B or C 3 or fewer	\$100	\$400	25%	\$95	5%
Type B or C 4-10	\$140	\$557	25%	\$95	47%
+ per tree	\$10	\$19	53%	\$10	0%
Type B or C 11-25	\$290	\$1,156	25%	\$143	103%
+ per tree	\$10	\$19	53%	\$10	0%
Type B or C 26 or more	\$310	\$1,244	25%	\$190	63%
+ per tree	\$10	\$19	53%	\$10	0%
Type D	\$750	\$750	100%	\$950	-21%
DRB Review of Type C Removal Plan	\$155	\$158	98%	\$666	-77%

City of Wilsonville

Planning Division Proposed Fees				Planning Division Current Fees		
	Proposed	Estimated Cost	Estimated Recovery		Current	Percentage Change
Urban Reserve Concept Plan – initiated by owners				Urban Reserve Concept Plan – initiated by owners		
0 to 50 Acres Base Fee	\$2,500					
+ per hour for Staff Review/Report/Research Time	\$150					
Not to exceed	\$12,000	\$22,035	54%			
51 to 250 Acres Base Fee	\$5,000					New
+ per hour for Staff Review/Report/Research Time	\$150					
Not to exceed	\$22,035	\$22,035	100%			
251+ Acres Base Fee	\$7,500					
+ per hour for Staff Review/Report/Research Time	\$150					
Variance				Variance		
Administrative	\$665	\$1,008	66%	Administrative	\$666	0%
DRB Review	\$3,020	\$6,041	50%	DRB Review	\$2,281	32%
Waiver (per waiver)	\$550	\$1,104	50%	Waiver (per waiver)	\$190	189%
	Double applicable fee	n/a			Double applicable fee	
Villebois Expedited Review				Villebois Expedited Review		0%
Villebois FDP	\$1,520	\$4,818	32%	Villebois FDP	\$1,520	0%
Zone Change				Zone Change		
Legislative text	\$9,495	\$9,495	100%	Legislative text	\$3,802	150%
Legislative text with BM 56 notice	\$10,345	\$10,344	100%	Legislative text with BM 56 notice	\$7,033	47%
Legislative Map	\$6,400	\$6,401	100%	Legislative Map	\$3,802	68%
Legislative Map with BM 56 notice	\$7,250	\$7,251	100%	Legislative Map with BM 56 notice	\$7,033	3%
Quasi-judicial Map	\$3,115	\$3,115	100%	Quasi-judicial Map	\$1,520	105%
Zoning Verification Letter	\$300	\$709	42%			New

Planning Fee Sample Survey

Fee Category	Wilsonville Current	Wilsonville Proposed	Sherwood	Hillsboro	Happy Valley	West Linn	Tigard
Administrative Review	\$190 to \$665	\$335 to \$1,455	\$276 to \$2,425				\$90 to \$357
Annexation	\$2,851 +Metro	\$4,365 +Metro	100% actual cost including staff time; \$7,500 deposit	\$1,260 +Metro	Actual Cost with \$3,000 or \$10,000 Deposit	\$15,000 +\$1,000 Per Acre up to \$20,000	\$3,353
Appeals	\$475 to \$1,1141	\$475 to \$3,465	\$250 or 50% of original fees	50% original application fee	Actual Cost with \$1,500 or \$2,500 Deposit	\$400	\$300 to \$3,372
Change of non-conforming use	\$665	\$1,010	\$1,000	\$1,785	\$500	\$1,000 to \$3,000	\$731
Comprehensive Plan Admendment	\$3,802 to \$7,033	\$3,115 to \$10,345		\$4,200	\$500 to \$10,989		
Conditional use permits	\$665 to \$2,281	\$1,710 to \$2,530	\$2,072 to \$4,145	\$2,625	\$500 to \$3,140	\$200 to \$4,500	\$731 to \$6,676
Erosion Control Inspection Fee	\$0	\$400 +\$75 each additional	\$295 New Cosntructio; \$105 Additions; \$295 plus \$295 per acre for development	\$295 New Cosntructio; \$105 Additions; \$295 plus \$295 per acre for development	\$400 per building	\$450 to \$875	\$295 New Cosntructio; \$105 Additions; \$295 plus \$295 per acre for development
Expedited Land Division	\$1,141 +\$19 per lot	\$1,010 +\$20 per lot	\$550 to \$2,205		\$10,203	\$4,000 +\$300 per lot	\$4,830
Final Plat Review	\$190 to \$760	\$1,155 to \$2,480 +\$335 per legal document fee	\$550 to \$6,222 + \$20 per lot	\$790	\$1,000	\$200 to \$800	\$1,122
Planned Unit Developemnt	\$1,520 to \$2,281 + \$285 per acre + \$19 per lot	\$1,190 to \$11,740	\$2,205 + site plan review fees	\$735 to \$5,250 +\$20 per lot	\$250 to \$2,803 +\$300 per lot	\$4,200 +\$400 AC	\$9,286 + SDR fees
Preapplication Conference	\$190 to \$760	\$190 to \$835	\$400		\$500 to \$1,000	\$350 to \$1,000	\$300 to \$718
Request for Time Extension	\$95 to \$1,901	\$95 to \$1,901	\$150 to \$300		\$100		\$357
SROZ Review	\$95 to \$1,426	\$395 to \$1,590		\$1,315 to \$2,100	\$505 to \$2,525	\$250 to \$2,600	\$731 to \$3,464
Sign Permits and Review (Except Temporary Signs)	\$190 to \$1,141	\$190 to \$1,340	\$150 & fines for portable sign violation	\$60 to \$500	\$50 to \$150	\$50 to \$250	\$63 to \$201
Site Design Review	\$1,520	\$2,120 + \$1,515 per occupied bldg + \$1,515 per 5 acres	\$276 to \$6,222	\$315 to \$5,775	\$250 to \$2,803 +\$300 per lot	\$2,100 + 4% of construction value	\$5,664 to \$7,358 +\$6 per \$10k over \$1m
Staff Interpretation	\$190 to \$665	\$510 to \$3,230	\$330	\$315		\$850	\$731
Street Vacation	\$2,281	\$3,980			\$1,500	\$1,000 to \$6,000	
Temporary Use and Sign Permits	\$59 to \$950	\$45 to \$3,525	\$335	\$15 to \$100	\$100 to \$300	\$280 to \$3,500	\$63 to \$357
Tentative Plat Review	\$665 to \$1,520 +\$285 per acre +\$19 per lot	\$1,010 to \$3,050 + \$35 per lot		\$2,100 to \$3,545	\$500 to \$8,809+	\$2,800	\$4,017 to \$8,890
Tree Permit	\$19 to \$950; \$95 to \$190 +\$10 per tree	\$20 to \$750; \$100 to \$310 +\$10 per tree	\$60 to \$107		\$50 to \$5,000		\$703 to \$2,712
Variance	\$665 to \$2,281	\$665 to \$3,020	\$50 to \$4,145	\$525 to \$1,785	\$303 to \$2,828	\$825 to \$2,900	\$357 to \$783
Waiver	\$190	\$550					
Zone Change	\$1,520 to \$7,033	\$3,115 to \$10,345	\$5,330	\$2,625		\$3,000	\$4,218 to \$11,211
Zoning Verification Letter	\$0	\$300	\$50				\$107 to \$731



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date:	Subject: Resolution No. 2621 Selection of the CPA firm, Merina & Co. LLP, to provide audit services for the City and the Urban Renewal Agency Staff Member: Keith Katko Department: Finance Department	
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 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 checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments:	
Staff Recommendation: Staff recommends that Council approve a motion selecting Merina & Co., LLP to provide audit services for the City and Urban Renewal Agency.		
Recommended Language for Motion: I move that we approve selecting Merina & Co., LLP to provide audit services for the City and Urban Renewal Agency.		
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>		
<input checked="" type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

To select Merina & Co. LLP, a qualified certified public accounting firm (Auditor) to perform auditing services for the City and the Wilsonville Urban Renewal Agency for a contract period

of three (3) years with an option to extend the contract for two (2) additional one (1) year contract extensions.

The Auditor will be responsible for performing auditing services for the City and the Wilsonville Urban Renewal Agency for each of fiscal years 2017, 2018, and 2019 pursuant to Generally Accepted Accounting Principles (GAAP), Generally Accepted Auditing Standards (GAAS), and Governmental Auditing Standards (GAS), and in compliance with federal, state, and local laws and regulations.

Additionally, the Auditor shall provide that observations, opinions, and comments concerning the inadequacies of internal control or other weaknesses, and recommendations as to corrections of these weaknesses, will be included in a separate management letter, addressed to the Mayor and City Council.

EXECUTIVE SUMMARY:

Pursuant to state law and the City's Comprehensive Financial Management Policies, the City shall have an annual financial and compliance audit, and prepare financial statements based on the audited financial information. The audit shall be performed by a certified public accounting (CPA) firm, licensed to practice as Municipal Auditors in the State of Oregon.

As best practice, the City seeks request for proposals (RFP) for audit service at the term of any existing audit contract. The City's previous audit contract with the CPA firm of Grove, Mueller, and Swank, P.C. ended December 31, 2016. The City had contracted with Grove, Mueller, and Swank, P.C. for two (2) five (5) year contracts beginning with Fiscal Year 2004-05.

In January 2017, the City sought out requests for proposals from qualified certified public account firms to perform auditing services. The City received four (4) proposals back. Based on an evaluation process considering the proposer's Oregon municipal audit experience, Government Finance Officers Association reporting program knowledge, approach to the project, and their cost effectiveness, an audit selection review committee selected Merina & Co. LLP subject to your confirmation.

EXPECTED RESULTS:

Contract approval with Merina & Co., LLP and their subsequent performance of required audit services.

TIMELINE:

The Initial Term covers tax audit years July 1, 2016 through June 30, 2017, July 1, 2017 through June 30, 2018, and July 1, 2018 through June 30, 2019.

CURRENT YEAR BUDGET IMPACTS:

Initial contract fee is not to exceed \$31,000.00. Should the City receive more than \$750,000 in federal funds an additional Single Audit would be required. The Single audit fee would be \$5,000. Any portion of the audit service performed in the current year would have a current year impact.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 3/7/2017

LEGAL REVIEW / COMMENT:

Reviewed by: Date:

COMMUNITY INVOLVEMENT PROCESS:

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

ALTERNATIVES:

CITY MANAGER COMMENT:

ATTACHMENTS:

RESOLUTION NO. 2621

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPOINT AUDIT FIRM

WHEREAS, Oregon Revised Statutes 297.425 require annual financial audits of municipalities; and

WHEREAS, the City of Wilsonville has need for the services of a company with particular training, ability, knowledge and experience possessed by a qualified audit firm; and

WHEREAS, the City issued a Request for Proposal for Auditing Services and received four responses; and

WHEREAS, the City has selected a qualified audit firm from among the respondents;

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

1. The City Manager or his designee is authorized to enter into a professional services agreement for auditing services for the fiscal years of 2016-17, 2017-18, 2018-19 and as may be extended two additional years.
3. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of March , 2017, and filed with the Wilsonville City Recorder this date.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the ____ day of _____, 2017, by the following votes: Yes: _____ No: _____

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this ____ day of _____, 2017.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Stevens

Councilor Lehan

Councilor Akervall



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: March 20, 2017		Subject: Resolution No. 2622 Charbonneau High Priority Utility Repair Phase II CIP 2500, 7500 – Construction Contract Award Staff Member: Zachary Weigel, P.E., Civil Engineer 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:	
Staff Recommendation: Staff recommends that Council approve Resolution No. 2622			
Recommended Language for Motion: I move to approve Resolution No. 2622			
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>			
<input checked="" type="checkbox"/> Council Goals/Priorities Well-Maintained Infrastructure		<input checked="" type="checkbox"/> Adopted Master Plan(s) Charbonneau Consolidated Improvement Plan	
<input type="checkbox"/> Not Applicable			

ISSUE BEFORE COUNCIL:

A City of Wilsonville resolution approving the public bid process, accepting the lowest, responsible bidder, and awarding a construction contract to Moore Excavation, Inc. in the amount of \$966,764.00 for the construction of the Charbonneau High Priority Utility Repair Phase II project.

EXECUTIVE SUMMARY:

The Charbonneau High Priority Utility Repair Phase II project will repair, rehabilitate and replace approximately 4000 feet of Priority I sanitary and storm pipe, between 8” and 30” in diameter, at seven locations within the Charbonneau district. A map of the project locations is provided in Attachment A.

The Charbonneau Consolidated Improvement Plan, adopted on August 4, 2014, identified these sewer and storm pipe lines as being the most deficient and given the highest priority for repair. This project represents the second of three planned phases to repair and/or replace the Charbonneau high priority utilities. The first phase of construction was substantially completed in December 2016.

This project was approved for funding in the City’s adopted FY2016-17 budget as Sewer Operations Allocation to Charbonneau (CIP No. 2500) and Stormwater Operations Allocation to Charbonneau (CIP No. 7500).

The City received six (6) bids by the February 28, 2017 deadline (see Attachment B for bid summary), of which Moore Excavation, Inc. submitted the lowest, responsive bid.

EXPECTED RESULTS:

Repair, rehabilitate, and replace approximately 4000 feet of sanitary and storm pipeline at seven locations within the Charbonneau District.

TIMELINE:

Construction is expected to begin April 10, 2017 with a final completion scheduled for August 14, 2017.

CURRENT YEAR BUDGET IMPACTS:

The sewer portion, Project #2500 is funded through sewer operating fees. The amended FY 2016-17 Wilsonville Budget includes \$610,275.00 for design, construction, contract administration, and overhead of a portion of the Charbonneau Phase I project and the entirety of Phase II. As of January 31, 2017, the remaining fund balance is \$522,162.00. The sewer portion of the Phase II construction contract is \$183,327.03, in addition to the projected FY 2016-17 expenses for design and construction administration of \$30,000, is within the remaining budgeted amount.

The storm portion, Project #7500 is funded through an interfund loan from the General Fund, which will be paid back with stormwater operation fees. The approved FY2016-17 Wilsonville budget includes \$1,075,980.00 for design, construction, contract administration, and overhead for the entirety of the Charbonneau Phase II project. However, construction of Charbonneau Phase I carried over into FY 2016-17, and as a result the remaining fund balance as of January 31, 2017 is \$559,453.00. A supplemental budget request to carry over the unspent Charbonneau Phase I construction funds in the amount of \$422,000 from the FY2015-16 budget is before

Council on March 20, 2017. Should Council authorize the budget request, the remaining Project #7500 fund balance will be \$981,453.00. The storm portion of the Phase II construction contract is \$783,436.97, in addition to the projected FY2016-17 expenses for design, construction administration, and overhead of \$100,000, is within the adjusted budgeted amount.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: CARodocker Date: 3/8/17

LEGAL REVIEW / COMMENT:

Reviewed by: Date:

COMMUNITY INVOLVEMENT PROCESS:

A public open house was held on Tuesday, November 17, 2015 for community members to review and comment on the type of construction to be utilized and the proposed grouping and timing of each of the three project phases. Notice of the open house was mailed to residents and businesses located within the project area construction zone, as well as published in the Boones Ferry Messenger and The Charbonneau Villager. Approximately 150 interested persons attended the meeting and the project team was able to address concerns raised during the meeting.

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

The Charbonneau High Priority Utility Repair project will replace the most deficient sections of sewer and storm pipe within the Charbonneau District. The Wilsonville community will benefit from the project by replacing again and deficient infrastructure with newer materials that are expected to remain in good working condition for the next 75 plus years.

ALTERNATIVES:

City staff considered a number of design and phasing alternatives as part of this utility repair and replacement project. Cured-in-Place Pipe (CIPP), a trenchless method of pipe repair, is being implemented where feasible to minimize the amount of open trench construction and lessen construction impacts on the community. Where open trench construction is necessary, new sections of pipeline have been located as to minimize impacts to mature landscaping as much as possible.

Also, the high priority utility repair projects have been phased as to avoid continued construction impacts in the same area over multiple construction projects, while still combining similar type of construction work to minimize construction costs.

CITY MANAGER COMMENT:

ATTACHMENTS:

- A. Project Location Map
- B. Bid Summary

RESOLUTION NO. 2622

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH MOORE EXCAVATION, INC. FOR THE CHARBONNEAU HIGH PRIORITY UTILITY REPAIR PHASE II PROJECT (CAPITAL IMPROVEMENT PROJECT #2500 & 7500).

WHEREAS, the City has planned, designed, and budgeted for the completion of Capital Improvement Project #2500 & 7500, known as Charbonneau High Priority Utility Repair Phase II project (the Project); and

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

WHEREAS, six bids were received and opened on February 28, 2017, and Moore Excavation, Inc. submitted a bid of \$966,764.00 for the Project, which was subsequently evaluated as the lowest responsive and responsible bid.

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

1. The procurement process for the Project duly followed Oregon Public Contracting Rules, and Moore Excavating, Inc. submitted the lowest responsive and responsible bid.
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 Construction Contract with Moore Excavating, Inc. for a stated value of \$966,764.00.
3. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th

day of March 2017, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Stevens

Councilor Lehan

Councilor Akervall

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ATTACHMENT A
PHASE II - SITE LOCATIONS





BID SUMMARY

Project: Charbonneau High Priority Utility Repair - Phase II

CIP No: 2500 / 7500

File No: 16 11 001

Bid Date: February 28, 2017 @ 2:00 PM

Open Order	Bidder	Envelope Marked	First Tier Sub-Con.	Bid Security Amount	Type	Proposal Complete	Addenda	Proposal Signed	Pre-Qualify	Bid Amount:	Rank
		Y/N	Y/N	%	Check /Bond	Y/N - Why?	Y/N	Y/N	Y/N		DQ?
--	Engineer's Estimate									\$1,267,949.00	
1	Canby Excavating, Inc.	Y	Y	10%	Bond	Yes	Y	Y	Y	\$1,080,880.00	2
2	Emery & Sons Construction Group	Y	Y	10%	Bond	Yes	Y	Y	Y	\$1,396,204.50	6
3	K & E Excavating, Inc.	Y	Y	10%	Bond	Yes	Y	Y	Y	\$1,149,708.00	4
4	Moore Excavation, Inc.	Y	Y	10%	Bond	Yes	Y	Y	Y	\$966,764.00	1
5	Pacific Excavation, Inc.	Y	Y	10%	Bond	Yes	Y	Y	Y	\$1,089,000.00	3
6	Wildish Standard Paving Co.	Y	Y	10%	Bond	Yes	Y	Y	Y	\$1,226,298.51	5

Attachment B

Resolution No. 2622
Attachment B



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: March 20, 2017	Subject: Resolution 2623 Wastewater Collection System Master Plan – Amended Project List Staff Member: Steve R. Adams, PE, Development Engineering Manager 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 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:	
Staff Recommendation: Staff recommends Council adopt Resolution 2623.		
Recommended Language for Motion: I move to approve Resolution 2623.		
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>		
<input checked="" type="checkbox"/> Council Goals/Priorities Project RE-04A	<input checked="" type="checkbox"/> Adopted Master Plan(s) 2013 TSP (Updated in 2016)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Adding one project to the 2015 Wastewater Collection System Master Plan project list, under Table 7-3 Capital Improvement Program, New Infrastructure for Future Development, CIP-58 – Arrowhead Creek Planning Area – 5th Street / Kinsman Road Extension.

EXECUTIVE SUMMARY:

The 2013 Transportation Systems Plan (TSP, amended in 2016) includes Project RE-04B Brown Road Extension to extend Brown Road to Boones Ferry Road and includes a connection to Kinsman Road. The alignment for this new road was adopted by the City Council in December 2016.

New roadways typically include extending the sanitary sewer lines, especially where they are needed to serve future development. The 2015 Wastewater Collection System Master Plan did not foresee a sewer line extension in this area because the planning for the new road had not reached sufficient detail at that time. This resolution adds a 15-inch gravity sewer to the master plan project list. Inclusion on the master plan project list allows it to be eligible for Sanitary Sewer System Development Charges (SDCs) funding. SDC funding for the project is appropriate because the sewer is required to support future development within the Arrowhead Creek Planning Area.

The new 15-inch gravity sewer project will also serve to replace an existing project in the Wastewater Collection System Master Plan, Project ID No. CIP-13, Seely Ditch Undercrossing, which is currently included in the adopted 2016-17 budget as CIP 2098 (Woods School Trunk Improvements - \$385,900). Rather than rehabbing this undersized section of the Wood School Interceptor line under Coffee Lake Creek, the new 15-inch pipe will be designed to convey those flows as well as serve future development in the area. This solution will result in greater capacity for a 3,200 foot segment of the Coffee Creek Interceptor.

EXPECTED RESULTS

Installation of this sanitary sewer main with the 5th Street / Kinsman Road Extension project will provide service to approximately 50 acres of land within the Arrowhead Creek Planning Area.

TIMELINE:

The sanitary sewer main within 5th Street and Kinsman Road will be constructed in coordination with CIP 4196, 5th Street – Kinsman Extension Project (Boones Ferry Road to Brown Road – Phase 1 Construction). Construction is anticipated to occur from spring 2018 to autumn 2019.

CURRENT YEAR BUDGET IMPACTS:

The preliminary construction cost estimate for a 15-inch sanitary sewer main line in the 5th Street / Kinsman Road Extension project is approximately \$745,000. Additional engineering design, contingency and construction administration costs bring this estimated cost to \$1,135,000. Of this amount there is \$385,900 currently budgeted for CIP 2098 that could potentially be redirected to this project. Approximately \$95,000 of design cost is expected to be expensed between both the FY 2016/17 and FY 2017/18. The remaining construction cost of \$1,040,000 could occur over FY 2018/19 and FY 2019/20.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 3/10/2017

LEGAL REVIEW / COMMENT:

Reviewed by: Date:

COMMUNITY INVOLVEMENT PROCESS:

The Boones Ferry Road to Brown Road Connector Corridor Plan included an extensive community involvement process with multiple stakeholder meetings, two public meetings, an on-line survey, and hearings before both City Council and the Planning Commission.

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

Installation of this sanitary sewer main with the 5th Street / Kinsman Road Extension project will serve future private development of an approximate 50-acre area within the Arrowhead Creek Planning Area. The project will also serve to replace the Seely Ditch Undercrossing and result in greater capacity for a 3,200 foot segment of the Coffee Creek Interceptor.

ALTERNATIVES: Sanitary sewer mains are best located within the right-of-way and included with new roadway extensions. No other alternative locations for the sanitary sewer main were reviewed or are considered practical.

CITY MANAGER COMMENT:

ATTACHMENTS:

Resolution 2623

RESOLUTION NO. 2623

A RESOLUTION OF THE CITY OF WILSONVILLE TO AMEND THE 2015 WASTEWATER COLLECTION SYSTEM MASTER PLAN PROJECT LIST (TABLE 7-3 CAPITAL IMPROVEMENT PROGRAM, NEW INFRA-STRUCTURE FOR FUTURE DEVELOPMENT) BY ADDING PROJECT CIP-58 – ARROWHEAD CREEK PLANNING AREA – 5TH STREET / KINSMAN ROAD EXTENSION.

WHEREAS, the 2013 Transportation Systems Plan (TSP, amended in 2016) includes Project RE-04B Brown Road Extension to extend Brown Road to Boones Ferry Road and includes a connection to Kinsman Road; and

WHEREAS, the alignment for Project RE-04B was adopted by the City Council in December 2016; and

WHEREAS, new roadway design and construction typically includes extending sanitary sewer service, especially where needed to serve future development; and

WHEREAS the 2015 Wastewater Collection System Master Plan did not foresee a sewer extension project at this location because the planning for the new road had not reached sufficient detail at that time; and

WHEREAS, this sewer system extension project needs to be added to the master plan project list so that the project can be programmed into the City's capital improvement program; and

WHEREAS, inclusion on the master plan project list allows the project to be eligible for Sanitary Sewer System Development Charges (SDCs) funding, and SDC funding for this project is appropriate because the sewer line is required to serve future development within the Arrowhead Creek Planning Area; and

WHEREAS, adding the sewer project at this time is important because design is underway for the first phase of Project RE-04B and including the sewer is practical and will result in overall cost efficiencies and fewer long-term construction impacts; and

WHEREAS, the new project will serve to replace another project in the master plan, CIP-13 – Seeley Ditch Undercrossing, a deficient and undersized pipe section, and allow for more efficient system improvements.

WHEREAS, Replacement Table 7-3 is attached hereto and incorporated herein for inclusion in the 2015 Wastewater Collection System Master Plan.

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

1. To amend Table 7-3 - Capital Improvement Program, New Infrastructure for Future Development of the 2015 Wastewater Collection System Master Plan, to add project CIP-58 – Arrowhead Creek Planning Area – 5th Street / Kinsman Road Extension, type is Gravity – New Pipe, described as 2,500 LF 15-inch diameter, project limits are from 5th Street/Boones Ferry Road to the Wood School Interceptor Line, estimated total cost of \$1,135,000, prioritization category UGB, time frame of 0-5 years, percent related to growth 80%, and driver being UGB development.
2. The findings presented in this resolution supporting this amendment are hereby adopted.
3. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of March 2017, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Stevens

Councilor Lehan

Councilor Akervall

Attachments:

2015 Wastewater Collection System Master Plan – Replacement Table 7-3 Capital Improvement Program, New Infrastructure for Future Development (Adopted March 2017)

REPLACEMENT Table 7-3 Capital Improvement Program, New Infrastructure for Future Development									
Project ID No.	Project Information				Estimated Cost ^{1,2}	Oversize Cost ¹⁰	Prioritization Category	Time Frame ³	Driver
	Name	Type	Description ⁴	Project Limits					
CIP-27	Coffee Creek - Clutter Road	Gravity - New Pipe	1,410 LF 15"Ø	From Grahams Ferry Road to Garden Acres Road	\$1,990,000	\$310,000	UGB	0-5 Years	Coffee Creek development
CIP-28	Coffee Creek - Ridder Road	Gravity - New Pipe	910 LF 18"Ø	From Garden Acres Road to BPA Substation	\$1,890,000	\$370,000	UGB	0-5 Years	Coffee Creek development
CIP-29	Coffee Creek - Grahams Ferry Road	Gravity - New Pipe	600 LF 8"Ø; 580 LF 12"Ø	From Clutter Road to Cahalin Road	\$1,100,000	\$70,000	UGB	0-5 Years	Coffee Creek development
CIP-30	Coffee Creek - Garden Acres	Gravity - New Pipe	1,480 LF 8"Ø	From 25450 SW Garden Acres Road to Cahalin Road	\$990,000	\$0	UGB	0-5 Years	Coffee Creek development
CIP-31	Coffee Creek - Day Road	Gravity - New Pipe	2,060 LF 18"Ø; 900 LF 12"Ø	From Grahams Ferry Road to Boones Ferry Road	\$2,790,000	\$580,000	UGB	0-5 Years	Coffee Creek development
CIP-32	Coffee Creek - Kinsman Road	Gravity - New Pipe	3,100 LF 18"Ø	From Day Road to Ridder Road	\$5,390,000	\$1,120,000	UGB	0-5 Years	Coffee Creek development
CIP-33	Frog Pond/Advance Rd URA - SW Boeckman Road	Gravity - New Pipe	2,800 LF 18"Ø	From Stafford Road to Boeckman Creek	\$4,170,000	\$910,000	UGB	0-5 Years	Frog Pond development
CIP-34	Frog Pond/Advance Rd URA - SW Stafford Road	Gravity - New Pipe	2,700 LF 12"Ø	From Kahle Road to Boeckman Road	\$2,520,000	\$300,000	UGB	0-5 Years	Frog Pond development
CIP-35	Frog Pond/Advance Rd URA - Boeckman Interceptor Extension	Gravity - New Pipe	3,350 LF 12"Ø	From UGB to Boeckman Road	\$3,970,000	\$480,000	UGB	0-5 Years	Frog Pond development
CIP-36	Frog Pond/Advance Rd URA - South Of Frog Pond Lane	Gravity - New Pipe	1,800 LF 10"Ø	From Frog Pond Lane to Boeckman Road	\$820,000	\$80,000	UGB	0-5 Years	Frog Pond development
CIP-37	Frog Pond/Advance Rd URA - SW 60th Avenue	Gravity - New Pipe	1,850 LF 10"Ø; 1,250 LF 12"Ø	From 28424 SW 60th Avenue to Advance Road	\$2,180,000	\$210,000	UGB	0-5 Years	Advance Rd School development
CIP-38	Frog Pond/Advance Rd URA - SW 60th Avenue Pump Station	Pump Station + Force Main - New	1,350 LF 8"Ø FM, ~600 gpm pump station	From pump station to 60th Avenue sewer	\$1,360,000	Note 11	UGB	0-5 Years	Advance Rd School development
CIP-39	Area 1 (Basalt Creek - East) ⁹	Gravity - New Pipe	13,100 LF 10-12"Ø	Basalt Creek East - Concept Plan Required	\$10,490,000	\$1,470,000	UGB	6-10 Years	Basalt Creek development
CIP-40	Area 2 (Basalt Creek - Central) ⁹	Gravity - New Pipe	9,900 LF 10-12"Ø	Basalt Creek Central - Concept Plan Required	\$7,920,000	\$1,110,000	UGB	6-10 Years	Basalt Creek development
CIP-41	Area 3 (Basalt Creek - West) ⁹	Gravity - New Pipe	6,600 LF 10"Ø	Basalt Creek West - Concept Plan Required	\$4,930,000	\$380,000	UGB	6-10 Years	Basalt Creek development
CIP-42	Area 4 (SW Tualatin) ⁹	Pump Station + Force Main - New	4,200 LF 8"Ø FM, ~300 gpm pump station	SW Tualatin - Concept Plan Required	\$2,260,000	Note 11	UGB	6-10 Years	SW Tualatin development
CIP-43	Area 5 (West Railroad - North) ⁹	Pump Station + Force Main - New	3,300 LF 12"Ø FM; ~800 gpm pump station	West Railroad North - Concept Plan Required	\$3,060,000	Note 11	UGB	6-10 Years	West Railroad development
CIP-44	Area 6 (West Railroad - South) ⁹	Pump Station + Force Main - New	1,400 LF 6"Ø FM; ~200 gpm pump station	West Railroad South - Concept Plan Required	\$1,170,000	Note 11	UGB	6-10 Years	West Railroad development
CIP-45	Area 9 (South UGB - West) ⁹	Pump Station + Force Main - New	2,600 LF 8"Ø FM; ~400 gpm pump station	South UGB West - Concept Plan Required	\$1,660,000	Note 11	UGB	6-10 Years	South UGB development
CIP-46	Area 10 (South UGB - East) ⁹	Pump Station + Force Main - New	1,300 LF 6"Ø FM; ~200 gpm pump station	South UGB East - Concept Plan Required	\$1,130,000	Note 11	UGB	6-10 Years	South UGB development

REPLACEMENT Table 7-3 Capital Improvement Program, New Infrastructure for Future Development									
Project ID No.	Project Information				Estimated Cost ^{1, 2}	Oversize Cost ¹⁰	Prioritization Category	Time Frame ³	Driver
	Name	Type	Description ⁴	Project Limits					
CIP-47	Frog Pond/Advance Rd URA - Advance Road	Gravity - New Pipe	1,150 LF 10"Ø; 1,450 LF 15"Ø	From 5696 SW Advance Road to Stafford Road	\$2,110,000	\$300,000	Advance Road URA	6-10 Years	URA development (adjacent to Advance Road and Frog Pond)
CIP-48	Frog Pond/Advance Rd URA - SW Briar Patch Lane	Gravity - New Pipe	1,200 LF 10"Ø	From Newland Creek to Stafford Road	\$1,460,000	\$90,000	Advance Road URA	6-10 Years	URA development (adjacent to Advance Road and Frog Pond)
CIP-49	Frog Pond/Advance Rd URA - North Neighborhood Pump Station 1	Pump Station + Force Main - New	2,400 LF 4"Ø FM, ~200 gpm pump station	From pump station to Briar Patch Lane sewer	\$1,680,000	Note 11	Advance Road URA	6-10 Years	URA development (adjacent to Advance Road and Frog Pond)
CIP-50	Frog Pond/Advance Rd URA - North Neighborhood Pump Station 2	Pump Station + Force Main - New	1,100 LF 4"Ø FM, ~200 gpm pump station	From pump station to Briar Patch Lane sewer	\$1,140,000	Note 11	Advance Road URA	6-10 Years	URA development (adjacent to Advance Road and Frog Pond)
CIP-51	Frog Pond/Advance Rd URA - North Neighborhood Pump Station 3	Pump Station + Force Main - New	860 LF 4"Ø FM, ~200 gpm pump station	From pump station to Advance Road sewer	\$1,050,000	Note 11	Advance Road URA	6-10 Years	URA development (adjacent to Advance Road and Frog Pond)
CIP-52	Area 7 (URA Near Westfall Rd & Grahams Ferry Rd) ⁹	Gravity - New Pipe	13,100 LF 10"Ø	URA West Falls and Grahams Ferry North - Concept Plan Required	\$11,280,000	\$2,220,000	URA	11-20 Years	URA development
CIP-53	Area 8 (URA Near Willamette Way & Wilsonville Rd) ⁹	Pump Station + Force Main - New	1,800 LF 8"Ø FM; ~300 gpm pump station	URA Willamette and Wilsonville - Concept Plan Required	\$1,340,000	Note 11	URA	11-20 Years	URA development
CIP-54	Area 11 (URA Northeast - To Canyon Creek Interceptor - South) ⁹	Gravity - New Pipe	8,200 LF 10-12"Ø	URA Northeast, Canyon Creek Trunk South - Concept Plan Required	\$6,600,000	\$920,000	URA	11-20 Years	URA development
CIP-55	Area 12 (URA Northeast - To Boeckman Interceptor) ⁹	Gravity - New Pipe	14,200 LF 10-15"Ø	URA Northeast, Boeckman Trunk - Concept Plan Required	\$12,240,000	\$2,410,000	URA	11-20 Years	URA development
CIP-56	Area 13 (URA Northeast - To Canyon Creek Interceptor - North) ⁹	Gravity - New Pipe	8,300 LF 10-12"Ø	URA Northeast, Canyon Creek Trunk North - Concept Plan Required	\$6,700,000	\$940,000	URA	11-20 Years	URA development
CIP-57	Area 14 (URA Northeast - To Parkway Interceptor) ⁹	Gravity - New Pipe	8,300 LF 10-12"Ø	URA Northeast, Parkway Trunk - Concept Plan Required	\$6,680,000	\$940,000	URA	11-20 Years	URA development
				Total	\$114,070,000	\$15,210,000			

This project list amended by City of Wilsonville Resolution 2623 to include:

CIP-58 - Arrowhead Creek Planning Area - 5th Street/Kinsman Road Extension - Gravity - New Pipe - 2,500 LF 15" DIA - 5th Street/Boones Ferry Road to the Wood School Interceptor Line - Est Cost=\$1,135,000 - Oversize Cost= \$908,000 - UGB - 0-5 Years - UGB development



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: March 20, 2017		Subject: Resolution 2624 2012 Water System Master Plan – Amended Project List Staff Member: Steve R. Adams, PE, Development Engineering Manager 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 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:	
Staff Recommendation: Staff recommends Council adopt Resolution 2624.			
Recommended Language for Motion: I move to approve Resolution 2624.			
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>			
<input checked="" type="checkbox"/> Council Goals/Priorities Project RE-04A	<input checked="" type="checkbox"/> Adopted Master Plan(s) 2013 TSP (Updated in 2016)	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Adding one project to the 2012 Water System Master Plan project list, under Table 5.2 – Priority Capital Improvements, Priority 1B Water Distribution Piping. This project is identified Project 176 – 12-inch Loop on 5th/Kinsman/Brown Extensions.

EXECUTIVE SUMMARY:

The 2013 Transportation Systems Plan (TSP, amended in 2016) includes Project RE-04B Brown Road Extension to extend Brown Road to Boones Ferry Road and includes a connection to Kinsman Road. The alignment for this new road was adopted by the City Council in December 2016.

New roadway design and construction typically includes extending the waterlines, especially in this case where they are needed to serve future development. The 2012 Water System Master Plan did not foresee a waterline extension in this area because the planning for the new road had not reached sufficient detail at that time. This resolution adds a 12-inch waterline extension to the master plan project list. Inclusion on the master plan project list allows it to be eligible for Water System Development Charges (SDCs) funding. SDC funding for the project is appropriate because the waterline is required to support future development within the Arrowhead Creek Planning Area.

EXPECTED RESULTS:

This 12-inch water main will provide the “backbone” water system for approximately 130 acres of land within the Arrowhead Creek Planning Area.

TIMELINE:

The segment of the waterline within 5th Street and Kinsman Road will be constructed in coordination with CIP 4196, 5th Street – Kinsman Extension Project. Construction is anticipated to occur from spring 2018 to autumn 2019.

CURRENT YEAR BUDGET IMPACTS:

The estimated cost for construction of the 12-inch water main for the 5th Street / Kinsman Extension Project is \$593,000. Additional engineering design, contingency and construction administration costs bring this estimated cost to \$905,000. Approximately \$75,000 of design cost is expected to be expensed between both the current FY and FY 2017/18. The remaining cost of \$830,000 would occur over FY 2018/19 and FY 2019/20.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 3/10/17

LEGAL REVIEW / COMMENT:

Reviewed by: Date:

COMMUNITY INVOLVEMENT PROCESS:

The Boones Ferry Road to Brown Road Connector Corridor Plan included an extensive community involvement process with multiple stakeholder meetings, two public meetings, an on-line survey, and hearings before both City Council and the Planning Commission.

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

Installation of this water main with the 5th Street / Kinsman Road Extension project will serve future development within the Arrowhead Creek Planning Area and will improve water system

flow and redundancy for the Old Town Neighborhood area.

ALTERNATIVES:

Waterlines are typically installed with new roadway extensions because it is practical and achieves economic efficiencies and fewer long-term construction impacts. Other alternative locations for the waterline are not considered practical.

CITY MANAGER COMMENT:

ATTACHMENTS:

Resolution 2624

RESOLUTION NO. 2624

A RESOLUTION OF THE CITY OF WILSONVILLE TO AMEND THE ADOPTED 2012 WATER SYSTEM MASTER PLAN PROJECT LIST (TABLE 5.2 – PRIORITY CAPITAL IMPROVEMENTS) TO ADD PROJECT 176 – 12-INCH LOOP ON 5TH/KINSMAN/BROWN EXTENSIONS.

WHEREAS, the 2013 Transportation Systems Plan (TSP, amended in 2016) includes Project RE-04B Brown Road Extension to extend Brown Road to Boones Ferry Road and includes a connection to Kinsman Road; and

WHEREAS, the alignment for Project RE-04B was adopted by the City Council in December 2016; and

WHEREAS, new roadway design and construction typically includes extending waterlines, especially in the case where needed to serve future development; and

WHEREAS, the 2012 Water System Master Plan did not foresee a waterline extension in this location because the planning for the new road had not reached sufficient detail at that time; and

WHEREAS, the waterline needs to be added to the master plan project list so that the project can be programmed into the City's capital improvement program; and

WHEREAS, inclusion on the master plan project list allows the project to be eligible for Water System Development Charges (SDCs) funding, and SDC funding for this project is appropriate because the waterline is required to serve future development within the Arrowhead Creek Planning Area; and

WHEREAS, adding the waterline project at this time is important because design is underway for the first phase of Project RE-04B and including the waterline is practical and will result in overall cost efficiencies and fewer long-term construction impacts; and

WHEREAS, the project is needed to serve future development in the Arrowhead Creek Planning Area and improve water system flow and redundancy for the Old Town Neighborhood; and

WHEREAS, Replacement Table 5.2 is attached hereto and incorporated herein for inclusion in the 2012 Water Master Plan.

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

1. To amend Table 5.2 - Priority Capital Improvements of the 2012 Water System Master Plan to add Project 176 – 12-inch Loop on 5th/Kinsman/Brown Extensions with a total estimated cost of \$905,000, 100% apportioned to growth, and an additional annual O&M of \$500.
2. The findings presented in this resolution supporting this amendment are hereby adopted.
3. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of March, 2017, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Stevens
Councilor Lehan
Councilor Akervall

Attachments:

2012 Water Master Plan - Replacement Table 5.2 – Priority Capital Improvements
(Adopted March 2017)

Amended March 2017

REPLACEMENT TABLE 5.2 – Priority Capital Improvements

ID#**	Item	Primary Purpose	Total Estimated Cost	Growth Apportionment		Operating Fund	Additional Annual O&M
				%	Cost		
Priority 1A Improvements (by 2017)							
Water Supply							
106	Portable Flow Meter (for well tests)	Operations	\$ 13,000	0%	\$ -	\$ 13,000	\$ 1,360
Water Treatment and Transmission							
	Surge Tank	Operations	\$ 170,000	100%	\$ 170,000	\$ -	\$ 960
	Clearwell Improvements (assume policy change)	Operations	\$ -	100%	\$ -	\$ -	
Water Storage							
121	C Level Reservoir Security and Sampling Improvements	Operations	\$ 18,000	0%	\$ -	\$ 18,000	\$ 640
123	Charbonneau Reservoir Chlorine Monitoring	Operations	\$ 7,000	0%	\$ -	\$ 7,000	\$ 960
124	Automated Valve at Tooze/Westfall (West Side Tank)	Operations	\$ 58,000	100%	\$ 58,000	\$ -	\$ 580
125	3.0 Million Gallon West Side Tank and 24-inch Transmission (in Pre-design)*	Growth	\$ 5,840,000	100%	\$ 5,840,000	\$ -	\$ 17,160
126	Elligsen West Tank - Add Altitude Valve	Operations	\$ 31,000	100%	\$ 31,000	\$ -	\$ 580
Booster Stations & Turnouts							
140	Charbonneau Booster PRV & SCADA	Operations	\$ 22,000	20%	\$ 4,400	\$ 17,600	\$ 920
Water Distribution Piping							
163	18-inch Loop on Barber St. (Montebello to Kinsman)	Growth	\$ 371,000	100%	\$ 371,000	\$ -	\$ 320
165	48-inch Transmission on Kinsman St. - Barber to Boeckman (in Design)*	Growth	\$ 3,960,000	100%	\$ 3,960,000	\$ -	\$ 3,000
Total Priority 1A Improvements			\$ 10,490,000		\$ 10,434,400	\$ 55,600	\$ 26,480
Priority 1B Improvements (by 2022)							
Water Supply							
110	Nike Well Telemetry & Msc. Improvements	Operations	\$ 35,000	32%	\$ 11,300	\$ 23,700	\$ 420
111	Wiedeman Well Generator & Telemetry	Operations	\$ 98,000	12%	\$ 11,300	\$ 86,700	\$ 2,460
112	Boeckman Well Telemetry Upgrade	Operations	\$ 26,000	43%	\$ 11,300	\$ 14,700	\$ 420
113	Gesellschaft SCADA & Instrumentation	Operations	\$ 32,500	35%	\$ 11,300	\$ 21,200	\$ 420
114	Elligsen Well Instrumentation	Operations	\$ 20,000	29%	\$ 5,700	\$ 14,300	\$ 120
Booster Stations & Turnouts							
143	Charbonneau Booster Flow Meter Vault	Replacement/ Operations	\$ 29,000	54%	\$ 15,700	\$ 13,300	\$ 380
Water Distribution Piping							
160	8-inch Upgrade on Jackson St.	Fire Flow	\$ 64,000	0%	\$ -	\$ 64,000	\$ 100
161	8-inch Upgrade on Evergreen St.	Fire Flow	\$ 83,000	0%	\$ -	\$ 83,000	\$ 200
162	8-inch Loop N. of Seely St.	Fire Flow	\$ 8,000	0%	\$ -	\$ 8,000	\$ 100
164	10-inch Extension on Montebello St.	Growth (School)	\$ 217,000	100%	\$ 217,000	\$ -	\$ 400
166	8-inch Loop between Boberg St. & RR (north of Barber)	Fire Flow	\$ 78,000	0%	\$ -	\$ 78,000	\$ 200
167	8-inch Loop on Boones Ferry (north of Barber)	Operations	\$ 19,000	0%	\$ -	\$ 19,000	\$ 100
168	10-inch Loop (Appts E. of Canyon Creek/Burns)	Fire Flow	\$ 41,000	0%	\$ -	\$ 41,000	\$ 100
169	8-inch Loop between Vlahos & Canyon Creek	Fire Flow	\$ 42,000	0%	\$ -	\$ 42,000	\$ 100
170	8-inch Upgrade on Metolius cul-de-sac	Fire Flow	\$ 54,000	0%	\$ -	\$ 54,000	\$ 100
171	8-inch Loop on Metolius private drive	Operations	\$ 20,000	0%	\$ -	\$ 20,000	\$ 100
172	8-inch Upgrade on Middle Greens	Hydrant Coverage	\$ 68,000	0%	\$ -	\$ 68,000	\$ 200
173	Fairway Village Hydrant on French Prairie	Hydrant Coverage	\$ 10,000	0%	\$ -	\$ 10,000	\$ 100
175	16-inch Willamette River Crossing to Charbonneau District	Displace Charb. Tank	\$ 1,532,000	0%	\$ -	\$ 1,532,000	\$ 3,600
Total Priority 1B Improvements			\$ 2,476,500		\$ 283,600	\$ 2,192,900	\$ 9,620

* Needed projects previously identified in 2002 Water Master Plan, but not yet completed

** Colored/Bold ID #s are mapped on Figure 4 in Appendix A for reference

NOTE: Costs are in 2012 dollars

This project list amended in March 2017 by City of Wilsonville Resolution 2624 to include:**Project 176 - 12-inch Loop 5th/Kinsman/Brown Extensions - Flow, Redundancy - \$905,000 - 100% - \$905,000 - \$0 - \$500**

Resolution No. 2624



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: March 20, 2017		Subject: Resolution No. 2625 Supplemental Budget Adjustment Staff Member: Cathy Rodocker Department: Finance	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments:	
Staff Recommendation: Staff recommends that Council adopt Resolution No.2625			
Recommended Language for Motion: I move to approve Resolution No.2625			
Project / Issue Relates To: <i>[Identify which goal(s), master plans(s) your issue relates to.]</i>			
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

A supplemental budget resolution for the FY2016-17 budget year.

EXECUTIVE SUMMARY:

Oregon's Local Budget Law allows the Council to amend the adopted budget for an occurrence or condition that was not known at the time the budget was adopted. A transfer resolution moves expenditures from one category to another within a specific fund and does not increase the

overall budget that was approved during the annual budget process. A supplemental budget adjustment will impact the budget by increasing revenues and/or expenditures. The supplemental adjustment can also recognize expenditures that exceed 10% of the adopted budget expenditures or 15% of the funds' adopted contingency.

Non-Capital Project Budget Requests:

- The Metro Community Enhancement Grant oversight has been moved to the Administration Program. A zero dollar budget transfer will move the revenue and corresponding budget authority from the Parks and Recreation Program.
- As a result of greater than anticipated utility revenues in the Water and Sewer Programs, additional budget authority is needed to meet the Franchise Fees requirements. The Franchise Fee paid to the General Fund is 4% of sales. An additional \$43,000 is needed in the Water Fund and \$17,500 in the Sewer Fund.
- The Water Treatment plant ozone generator cell replacement will provide for more permanent repair to the equipment. Total budget request, \$80,000.

Capital Project Budget Requests:

- Stormwater Ops allocation to Charbonneau-\$422,084. The request 'rolls over' the unused portion of the budget from FY2015-16.
- An additional funding request is needed for the project management fees for the French Prairie Bridge Project, \$70,000.
- Two new projects will require funding including the Exit #283-Congestion Improvements Phase I, \$192,961 and the Boones Ferry Rd Right-Of-Way Acquisition, \$39,200. Both projects will be funded by the Kinsman/Wilsonville Rd Truck Turning Improvement project.
- A number of zero dollar transfers will be made to align the project management fees in various projects:

Water Treatment Plant Master Plan	\$	27,000
Willamette River Water Supply		6,000
Water Ops Allocation to Charbonneau		6,000
Well Facility Rehab and Upgrades		(9,000)
WTP Surge Tank		(13,650)
Tooze Rd 18" Waterline (110th to Grahams Ferry Rd)		(12,000)
Annual Well Upgrades and Maintenance		(4,350)
Basalt Creek Planning		(20,000)
Frog Pond Advance Rd Master Planning		20,000
Wilsonville Rd Interchange		(13,850)
Kinsman Rd Extension		(5,500)
Street SDC Update		12,400
5 Year Monitoring: Barber Rd		2,000
Kinsman/Wilsonville Rd Truck Turning Imp		(2,300)
Chabonneau Walking Path		1,750
5 Yr and Annual Street CIP Budget		5,500
Annual Citywide Storm Sewer Pipe Replacement		1,500
Willametter River Outfalls		(1,500)
Annual CD Support		39,800
Willametter River Outfalls		(39,800)
Annual CD Support for Misc Projects		10,500
I-5 Undercrossing Trail		(10,500)

Please refer to Attachment A.

EXPECTED RESULTS:

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

TIMELINE:

As required by Local Budget Law, a notice for the public hearing has been published in the Wilsonville Spokesman. The notice was published on Wednesday, March 8, 2017. Adoption of the Supplemental Budget Adjustment is required prior to the end of the fiscal year, June 30, 2017

CURRENT YEAR BUDGET IMPACTS:

Resources:		Expenditures:	
Charges for service	\$ 137,000	Capital Projects	\$ 492,084
Project Management Fees	85,429	Material and Services	60,500
		Capital Outlay	80,000
		Contingencies	(410,155)
Total Resources	<u>\$ 222,429</u>	Total Expenditures	<u>\$ 222,429</u>

FINANCIAL REVIEW / COMMENTS:

Reviewed by: SCole Date: 3/10/17

LEGAL REVIEW / COMMENT:

Reviewed by: Date:

COMMUNITY INVOLVEMENT PROCESS:

As required by Local Budget Law, a notice for the public hearing has been published in the Wilsonville Spokesman. The notice has also been published on the City's website. As the accompanying resolution is a budget adjustment, a public hearing must be part of the adoption process.

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

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

ALTERNATIVES:

Not approving the attached supplemental budget could result in overspending current budget appropriations. The City is required to disclose all excess of expenditures over appropriations in the Comprehensive Annual Financial report.

CITY MANAGER COMMENT:

ATTACHMENTS:

- A. *Attachment #1-Supplemental Budget Adjustments*

Attachment #1-Supplemental Budget Adjustments

Budget Requests	Supplemental Budget Requests				Total	Funding Sources
	Other Expenditures	Capital Outlay	CD OH	GF OH		
Deferred CIP Balances being "Rolled Over" from FY2015-16						
7500-Stormwater OPS Allocation to Charbonneau		\$ 406,655	\$ 14,233	\$ 1,196	\$ 422,084	89.5% Stormwater Loan/10.5% Stormwater Operations
Deferred CIP Balances being "Rolled Over" from FY2015-16		406,655	14,233	1,196	422,084	Funding: Contingency
Additional CIP Funding Requests						
9137-French Prairie Bridge		-	70,000	-	70,000	Parks SDC
Additional CIP Funding Requests		-	70,000	-	70,000	Funding: Contingency
New Project Requests: Funded by Reduction of existing projects						
4199-Exit 283-Congestion Improvements Phase 1		171,682	15,000	6,009	192,691	50% Road Operating/50% Roads SDC
4198-Kinsman/Wilsonville Rd Truck Turning Improvements		(171,682)	(15,000)	(6,009)	(192,691)	50% Road Operating/50% Roads SDC
4200-Boones Ferry Rd ROW Acquisition		35,000	3,500	700	39,200	50% Road Operating/50% Roads SDC
4198-Kinsman/Wilsonville Rd Truck Turning Improvements		(35,000)	(3,500)	(700)	(39,200)	50% Road Operating/50% Roads SDC
Additional CIP Funding Requests		-	-	-	-	Funding: Reduction of existing projects
CIPS Requiring Zero Dollary Adjustments						
1122-Water Treatment Plant Master Plan			27,000			15% Water Operating/85% Water SDC
1127-Willamette River Water Supply			6,000			55% Water Operating/45% Water SDC
1500-Water Ops Allocation to Charbonneau			6,000			Water Operating
1083-Well Facility Rehab and Upgrades			(9,000)			Water Operating
1111-WTP Surge Tank			(13,650)			Water SDC
1131-Tooze Rd 18" Waterline (110th to Grahams Ferry Rd)			(12,000)			Water SDC
1128-Annual Well Upgrades and Maintenance			(4,350)			Water Operating
3000-Basalt Creek Planning			(20,000)			General Fund
3001-Frog Pond Advance Rd Master Planning			20,000			General Fund
4002-Wilsonville Rd Interchange			(13,850)			Roads SDC
4004-Kinsman Rd Extension			(5,500)			Roads SDC
4189-Street SDC Update			12,400			Roads SDC
4194-5 Year Monitoring: Barber Rd			2,000			Roads SDC
4198-Kinsman/Wilsonville Rd Truck Turning Imp			(2,300)			Road Operating
4715-Chabonneau Walking Path			1,750			Road Operating
4998-5 Yr and Annual Street CIP Budget			5,500			10% Road Operating/90% Road SDC
7048-Annual Citywide Storm Sewer Pipe Replacement			1,500			Stormwater Operating
7053-Willametter River Outfalls			(1,500)			Stormwater Operating
7990-Annual CD Support			39,800			Stormwater Operating
7053-Willametter River Outfalls			(39,800)			Stormwater Operating
9990-Annual CD Support for Misc Projects			10,500			Parks SDC
9146-I-5 Undercrossing Trail			(10,500)			Parks SDC
CIPS Requiring Zero Dollar Adjustments		-	-	-	-	Funding: Reduction of existing projects
Material and Services Budget Requests						
Ozone Generator Cell Replacement-WTP		80,000			80,000	Water Operations Contingency
Franchise Fees-Water		43,000			43,000	Increased Water Sales
Water Sales		(43,000)			(43,000)	Increased Water Sales
Franchise Fees-Sewer		17,500			17,500	Increased Sewer Sales
Sewer Sales		(17,500)			(17,500)	Increased Sewer Sales
Metro Enhance Grant-Correct Program Budget from Parks to Admin		85,000			85,000	Metro Grant Proceeds
Metro Enhance Grant-Correct Program Budget from Parks to Admin		(85,000)			(85,000)	Metro Grant Proceeds
Material and Services Budget Requests		80,000			80,000	Funding: Various

RESOLUTION NO. 2625

A RESOLUTION AUTHORIZING A SUPPLEMENTAL BUDGET ADJUSTMENT FOR FISCAL YEAR 2016-17.

WHEREAS, the City adopted a budget and appropriated funds for fiscal year 2016-17 by Resolution 2587; and,

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

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

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

WHEREAS, all expenditure transfers within the fiscal year to date in aggregate exceed ten percent (10%) of the fund's total expenditures, are included in the supplemental budget adjustment request; and,

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

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

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

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

This resolution becomes effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 20th day of March 2017 and filed with Wilsonville City Recorder this same date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp
Councilor Starr
Councilor Stevens
Councilor Lehan
Councilor Akervall

ATTACHMENT A
NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
General Fund			
Interfund transfers	\$ (3,254,197)	\$ (1,196)	\$ (3,255,393)
All other resources	(27,239,219)	-	(27,239,219)
Total increase in resources	\$ (30,493,416)	\$ (1,196)	\$ (30,494,612)
Interfund transfers	\$ 2,003,275	\$ -	\$ 2,003,275
Contingency	8,778,657	1,196	8,779,853
All other requirements	19,711,484	-	19,711,484
Net change in requirements	\$ 30,493,416	\$ 1,196	\$ 30,494,612
Additional project overhead revenue will be recognized for the Stormwater Allocation to Charbonneau project. A net zero transfer will reallocating overhead revenue between the following projects: Exit #283-Congestion Improvements Phase 1, Kinsman/Wilsonville Rd Truck Turning Improvements and Boones Ferry Rd ROW Acquisition. A net zero transfer for the revenues and expenditures associated with the Metro Grant will correct the programming between Administration and Parks and Recreation programs. A net zero transfer will reallocate the funding between the Basalt Creek Planning and Frog Pond/Advance Raod Master Planning projects.			
Community Development Fund			
Interfund transfers	\$ (2,053,148)	\$ (84,233)	(2,137,381)
Charges for services	(618,000)	(76,500)	(694,500)
All other resources	(3,544,603)	-	(3,544,603)
Total increase in resources	\$ (6,215,751)	\$ (160,733)	\$ (6,376,484)
Contingency	\$ 1,736,273	\$ 160,733	\$ 1,897,006
All other requirements	4,479,478	-	4,479,478
Net change in requirements	\$ 6,215,751	\$ 160,733	\$ 6,376,484
Interfund transfers increase recognizes additional resources for the overhead charges on capital improvement projects.			
Road Operating Fund			
Transfers	\$ 644,033	\$ -	\$ 644,033
All other requirements	1,655,598	-	1,655,598
Net change in requirements	\$ 2,299,631	\$ -	\$ 2,299,631
Net zero transfers will reallocate funding between the following capital projects: Kinsman/Wilsonville Rd Truck Turning Improvements, Charbonneau Walking Path, 5 Yr and Annual Street CIP Budget and Exit #283 Congestion Improvements Phase I.			
Water Operating Fund			
Charges for services	\$ 7,552,582	\$ 43,000	\$ 7,595,582
All other resources	9,922,198	-	9,922,198
Net changes in resources	\$ 17,474,780	\$ 43,000	\$ 17,517,780
Water Distribution and Sales	\$ 1,404,126	\$ 123,000	\$ 1,527,126
Interfund transfers	3,248,803	-	3,248,803
Contingency	7,284,876	(80,000)	7,204,876
All other requirements	5,536,975	-	5,536,975
Net change in requirements	\$ 17,474,780	\$ 43,000	\$ 17,517,780
Additional water sales will offset increase in Franchise Fees in the Water Distribution and Sales program. Additionally, repairs to the ozone generator cell replacment will be funded. A net zero transfer will reallocate funding between the following capital projects: Water Treatment Master Plan, Willamette River Water Supply, Water Allocation to Charbonneau, Well Facility Rehab and Upgrades and Well Upgrades and Maintenance.			
Sewer Operating Fund			
Charges for services	\$ 7,764,750	\$ 17,500	\$ 7,782,250
All other resources	10,943,320	-	10,943,320
Net changes in resources	\$ 18,708,070	\$ 17,500	\$ 18,725,570
Sewer Operating	\$ 1,404,126	\$ 17,500	\$ 1,421,626
All other requirements	17,303,944	-	17,303,944
Net change in requirements	\$ 18,708,070	\$ 17,500	\$ 18,725,570
Additional sewer sales will offset increase in Franchise Fees in the Sewer Operating program.			

ATTACHMENT A

NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
Stormwater Operating Fund			
Interfund transfers	\$ 1,003,792	\$ 44,319	\$ 1,048,111
Contingency	341,189	(44,319)	296,870
All other requirements	1,738,128	-	1,738,128
Net change in requirements	\$ 3,083,109	\$ -	\$ 3,083,109
Increase in interfund transfers will recognize additional funding required for the Stormwater Allocation to Charbonneau project. A net zero transfer will reallocate funding between the following capital projects: Annual-Citywide Storm Pipe Replacement, Willamette River Outfalls and Annual CD Support.			
Water Capital Projects Fund			
Interfund transfers	\$ (2,085,209)	\$ -	\$ (2,085,209)
All other resources	(42,697)	-	(42,697)
Total increase in resources	\$ (2,127,906)	\$ -	\$ (2,127,906)
Transfers to other funds	\$ 217,487	\$ -	\$ 217,487
Contingency	1,910,419	-	1,910,419
Net change in requirements	\$ 2,127,906	\$ -	\$ 2,127,906
A net zero transfer will reallocate funding and transfers between the following capital projects: Waer Treatment Master Plan Update, Willamette River Water Supply, Water Allocation to Charbonneau, Secondary Power Supply for Wells, Water Treatment Plant Surge Tank, Tooze Rd 18" waterline and Annual Well Upgrades and Maintenance.			
Streets Capital Projects Fund			
Interfund transfers	\$ (7,213,839)	\$ -	\$ (7,213,839)
All other resources	(1,343,072)	-	(1,343,072)
Total increase in resources	\$ (8,556,911)	\$ -	\$ (8,556,911)
Streets capital projects	\$ 6,163,367	\$ -	\$ 6,163,367
Transfers to other funds	1,289,114	-	1,289,114
Contingency	1,104,430	-	1,104,430
Net change in requirements	\$ 8,556,911	\$ -	\$ 8,556,911
A net zero entry to interfund transfers and the corresponding requirements are for the following capital projects: Basalt Creek Planning, Frog Pond Master Planning, I-5 Interchange, Kinsman Rd Extension, Street SDC Study, 5 Year monitoring: Barber Rd, Kinsman/Wilsonville Truck Turning Improvements, Charbonneau Walking Path, Exit #283 Congestion Improvements Phase I, Boones Ferry Rd Right of Way acquisition, 5 year and Annual Budget.			
Stormwater Capital Projects Fund			
Interfund transfers	\$ (1,395,654)	\$ (44,319)	\$ (1,439,973)
All other resources	(1,153,089)	-	(1,153,089)
Total increase in resources	\$ (2,548,743)	\$ (44,319)	\$ (2,593,062)
Stormwater capital projects	\$ 1,633,300	\$ 406,655	\$ 2,039,955
Transfers to other funds	505,137	15,429	520,566
Contingency	410,306	(377,765)	32,541
Net change in requirements	\$ 2,548,743	\$ 44,319	\$ 2,593,062
Additional resources include transfers from the following project: Willamette River Outfalls. Net zero transfers will reallocate funding between the following projects: Citywide Stormwater Sewer Pipes, Annual CD Support for Miscellaneous Projects and Willamette River Outfalls. Additional budget authority, recognizing unspent budget from prior fiscal year, is for the Stormwater Allocation to Charbonneau project.			
Parks Capital Projects Fund			
Interfund transfers	\$ (2,939,947)	\$ (70,000)	\$ (3,009,947)
All other resources	(233,788)	-	(233,788)
Total increase in resources	\$ (3,173,735)	\$ (70,000)	\$ (3,243,735)
Transfers to other funds	\$ 247,157	\$ 70,000	\$ 317,157
Contingency	2,926,578	-	2,926,578
Net change in requirements	\$ 3,173,735	\$ 70,000	\$ 3,243,735
The interfund transfers and the corresponding requirements for transfers to other funds is for the following project: French Prairie Bridge. A net zero entry will reallocate funding and transfers between the following capital projects: CD Support for Miscellaneous Projects and I-5 Undercrossing Trail. Parks SDC Reimbursements/Credits.			

ATTACHMENT A
NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
Water SDC Fund			
Transfers	\$ 1,231,792	\$ -	\$ 1,231,792
All other requirements	4,838,872	-	4,838,872
Net change in requirements	<u>\$ 6,070,664</u>	<u>\$ -</u>	<u>\$ 6,070,664</u>
Net zero entry will reallocate funding between the following projects: Water Treatment Master Plan, Willamette River Water Supply, Water Treatment Plant Surge Tank and Tooze Rd 18" Waterline.			
Street SDC Fund			
Transfers	\$ 5,633,414	\$ -	\$ 5,633,414
All other requirements	4,806,648	-	4,806,648
Net change in requirements	<u>\$ 10,440,062</u>	<u>\$ -</u>	<u>\$ 10,440,062</u>
Net zero entry will reallocate funding between the following projects: I-5 Interchanges, Kinsman Rd Extension, Street Maintenance and SDC Update, 5 Year Monitoring: Barber Rd, Exit #283-Congestion Improvements Phase 1, Kinsman/Wilsonville Rd Truck Turning Improvements, Boones Ferry Rd Right of Way Acquisition and 5 Year and Annual Budget.			
Parks SDC Fund			
Transfers	\$ 2,727,447	\$ 70,000	\$ 2,797,447
All other requirements	3,313,993	(70,000)	3,243,993
Net change in requirements	<u>\$ 6,041,440</u>	<u>\$ -</u>	<u>\$ 6,041,440</u>
Increases to interfund transfer expense is for the following project: French Prairie Bridge. A net zero entry will reallocate funding between the following projects: Annual CD Support for Miscellaneous Projects and I-5 Undercrossing Trail.			

DRAFT

RESOLUTION NO.

A RESOLUTION DECLARING THAT THE CITY OF WILSONVILLE, OREGON IS AN INCLUSIVE CITY

Whereas, the City of Wilsonville is committed to living its values as a welcoming city for all individuals and is a community that seeks to accept everyone, regardless of a person's race, ethnicity, place of origin or immigration status; and

Whereas, all people within the city need to feel safe to contact local law enforcement or city government and be able to freely access critical public safety services without fear; and

Whereas, the City of Wilsonville follows state law, Oregon Revised Statute 181A.820, adopted nearly 30 years ago, which states that: "No law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws"; and

Whereas, the City of Wilsonville defines inclusivity as committed to providing a safe community for individuals, regardless of race, ethnicity, place of origin, or immigration status, and works to ensure that all members of our community are safe and can call for public safety assistance without fear of reprisal based solely on federal immigration status, in accordance with current Oregon law; and

Whereas, the City of Wilsonville is committed to ensuring that the provision of services and benefits by the City shall not be conditioned upon a community member's federal immigration status, except as required by law; now therefore

Whereas, we are united in our belief that through hard work and care for one another, we can make our hometown an even better place to live. Our residents, business owners, and community partners reflect that commitment to improving our quality of life for each subsequent generation. Wilsonville remains a welcoming community for all and will not change.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILSONVILLE, OREGON:

We declare the City of Wilsonville as an Inclusive City, as a statement of unity for our community, as defined by this resolution.

FOR DISCUSSION PURPOSES ONLY

DRAFT

Resolution No.

A RESOLUTION TO DECLARE THE CITY OF WILSONVILLE AS AN INCLUSIVE CITY FOR ALL PERSON, REGARDLESS IF RACE, COLOR, NATIONAL ORIGIN, IMMIGRATION OR REFUGEE STATUS, RELIGION, SEX, MENTAL, EMOTIONAL AND PHYSICAL ABILITY, AGE, OR ECONOMIC STATUS.

RECITALS:

Persons of all races, colors, national origins, immigration or refugee status, religions, sexes, disabilities, ages, or economic status contribute to the health, well-being, and general welfare of the City as families, neighbors, workers and taxpayers.

Inclusion and integration of all residents is a vital concern for the general welfare of the City in all respects, and discrimination based on the race, color, national origin, immigration or refugee status, religion, sex, gender identity (including gender expression), sexual orientation, mental, emotional, and physical ability, age or economic status of any person is contrary to the public policy of the City, except as otherwise allowed or required by law.

Chronic discrimination against any group of persons can negatively impact the health, well-being and general welfare of the City by leading to community disengagement, diminished economic and educational opportunities, increase stigmatization, diminished physical, mental and emotional health.

The City recognizes the inherent worth and dignity of all persons, who should be treated with compassion and respect regardless of race, color, national origin, immigration or refugee status, religion, sex, mental, emotional, and physical ability, age, or economic status.

THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

The City of Wilsonville is an inclusive City that embraces, celebrates, and welcomes the collective contributions to the prosperity of the City of all persons regardless of race, color, national origin, immigration or refugee status, religion, sex, mental, emotional and physical ability, age, or economic status.

Consistent with the laws of the United States of America, the State of Oregon and the City of Wilsonville, the use of City funds, personnel or equipment for the enforcement of federal immigration law is prohibited. This policy shall not be read as an authorization or encouragement to violate the requirements of such laws.

Police, Fire/EMS and other City services will be provided regardless of immigration status. Further, City staff will not ask for or otherwise seek out an individual's immigration status as a condition of providing city services, unless the provision of such services has a legal requirement to obtain such information.

This Resolution takes effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

FOR DISCUSSION PURPOSES ONLY



Sanctuary City Resolution

Adopted December 12, 2016

RESOLUTION 2016-50

A RESOLUTION DECLARING THE CITY OF CORVALLIS A "SANCTUARY CITY"

Minutes of the December 12, 2016, Corvallis City Council meeting; continued.

A resolution submitted by: Councilor Hirsch.

WHEREAS, Section 4 of the City of Corvallis Charter states: "Responsibility to All People. The City shall exercise its power to ensure the equal protection, treatment, and representation of all persons without discrimination including, but not limited to, age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income. Corvallis is a community that honors diversity and diverse interests, and aspires to be free of prejudice, bigotry, and hate"; and

WHEREAS, the City of Corvallis adopted Resolution 2016-01, resolving on January 19, 2016 to be a "city that welcomes people of good will from all religions and all cultures"; and

WHEREAS, through Resolution 2016-01, the City particularly affirmed its welcome for Muslim communities; and

WHEREAS, the City of Corvallis adopted Resolution 2016-38, the Imagine Corvallis 2040 Vision, aspiring to be "a safe, secure, and welcoming community for everyone, promoting respectful relations and collaboration between community members and those providing public safety services"; and

WHEREAS, the City Council of the City of Corvallis adopted Council Policy Area 5 – Community Safety, consisting of Council Policy 5.02, Public Safety and Constitutional Rights, Council Policy 5.03, A Family-Friendly Community, and Council Policy 5.04 Hate/Bias Violence, all affirming the City's commitment to protecting the rights and safety of all members of our community; and

WHEREAS, the City Council enacted Chapter 1.23 of the Corvallis Municipal Code, addressing Civil Rights, which states that it is the policy of the City "to eliminate discrimination based on age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income. Such discrimination poses a threat to the health, safety and general welfare of the citizens of Corvallis and menaces the institutions and foundation of our community"; and

WHEREAS, Corvallis Municipal Code Chapter 1.23 states that "it is the intent of the City that no person be denied the equal protection of the laws, nor shall any person be denied the enjoyment of his/her civil or political rights or be discriminated against because age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income"; and

WHEREAS, at times like the current period, events and actions take place in our local, state, and national community that result in many individuals fearing for their safety, the safety of others, and the potential for loss of civil liberties; and

WHEREAS, the City of Corvallis acknowledges that all non-Native Americans are all of immigrant-heritage to our community; and

WHEREAS, the City of Corvallis affirms the protections of the First Amendment for the free practice of religion; and

WHEREAS, Oregon law prohibits the use of state and local resources to enforce federal immigration laws; and

WHEREAS, the City of Corvallis must act now and always to uphold the community's commitment to be a community "free of prejudice, bigotry, and hate."

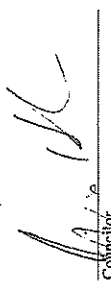
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the City of Corvallis is a "Sanctuary City"; and

BE IT FURTHER RESOLVED THAT the City will not honor or enforce federal immigration laws, detainers or raids, inquire about immigration status of any person, or engage in activities designed to ascertain the immigration status of any person of foreign citizenship whose only violation is that they are present in the United States in violation of federal immigration laws; and

BE IT FURTHER RESOLVED that the City of Corvallis will not participate in or facilitate any federal efforts to register individuals based on their real or perceived religious affiliation or other status protected by Oregon law; and

BE IT FURTHER RESOLVED that the City of Corvallis publicly proclaims that it strives to be a community free of hostilities, aggressions, and bullying - especially on matters related to age, citizenship status, color, familial status, gender identity or expression, marital status, national origin, physical and intellectual abilities, race, religion, religious observance, sex, sexual orientation, and source or level of income; and

BE IT FURTHER RESOLVED THAT the City of Corvallis will send this resolution to OSU President Ed Ray, Benton County Commissioners, Corvallis School District, and the City's elected officials (Oregon Rep. Dan Rayfield, Oregon Sen. Sam Gelsler, Gov. Kate Brown, Rep. Kurt Schrader, Rep. Peter DeFazio, Sen. Jeff Merkley, Sen. Ron Wyden, President Barack Obama, and President-Elect Donald Trump).


Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.



- Immigration laws are federally enforced, and Oregon State law prohibits local agencies from enforcing the federal immigration statute. (Oregon Revised Statutes 181A.820). The Statute reads;

“No law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.”

- The Corvallis Police Department does not ask about someone’s immigration status, and that status has no effect on our criminal investigation enforcement, prevention or service to persons in Corvallis.
- The Corvallis Police Department does not participate, assist or facilitate in any way citizenship status checks for the purposes of federal immigration laws.
- Corvallis Police Department policy prohibits any form of discrimination, to include discrimination based on a person’s citizenship status.
- Corvallis Police, including all law enforcement are required to fulfill Consular Notification if a person arrested on criminal charges is from a list of participating countries of the Vienna Convention on Consular Relations. Upon arrest an officer may inquire if the suspect is from one of those listed countries and may be in need of assistance from their consulate. Most often these required notifications occur at a correctional facility. This is not for immigration enforcement but is intended to provide the individual resources they are entitled to by law.

The Corvallis Police Department adheres to the City philosophy of inclusion within the community, and our policies and practices will continue to reflect that philosophy.



- Las leyes de inmigración son aplicadas por el gobierno federal, y la ley del estado de Oregon prohíbe a las agencias locales aplicar la ley federal de inmigración. (Estatutos Revisados de Oregon 181A.820). El Estatuto dice:

“Ninguna agencia policial del Estado de Oregon o de ninguna subdivisión política del estado usará fondos de la agencia, equipo o personal con el propósito de detectar o aprehender a personas cuya única violación de la ley es que son personas de ciudadanía extranjera presentes en los Estados Unidos en violación de las leyes federales de inmigración.”

- El Departamento de Policía de Corvallis no pregunta sobre la situación de inmigración de una persona, y la situación de inmigración no tiene efecto en la aplicación de nuestra investigación criminal, prevención o el servicio a las personas en Corvallis.
- El Departamento de Policía de Corvallis no participa, ayuda o facilita de ninguna manera al estado de su situación de inmigración para los propósitos de las leyes federales de inmigración.
- Las políticas del Departamento de Policía de Corvallis prohíbe cualquier forma de discriminación, incluyendo la discriminación basada en la situación de inmigración de una persona.
- La Policía de Corvallis, incluidas todas las fuerzas del orden, deben cumplir con la Notificación Consular si una persona detenida por cargos penales proviene de una lista de países participantes de la Convención de Viena sobre Relaciones Consulares. Si es arrestado, un oficial puede preguntar si el sospechoso es de uno de esos países y puede necesitar asistencia de su consulado. La mayoría de las veces estas notificaciones requeridas ocurren en un centro correccional. Esto no es para la aplicación de la ley de inmigración, sino que proporciona los recursos individuales a sus derechos por ley.

El Departamento de Policía de Corvallis se adhiere a la filosofía de incluir a todas las personas de Corvallis en la comunidad y nuestras políticas y prácticas seguirán reflejando esa filosofía.



يتم تطبيق قوانين الهجرة الاتحادية, قوانين ولاية اوريغون تحضر الوكالات المحلية من فرض النظام الأساسي للهجر الفيدرالية (ولاية اوريغون المعدل الأساسي A.820181) يقرأ

لايسمح لأي وكالة محلية في ولاية اوريغون اواي وحدة سياسية باستخدام المال المعدات والافراد للتحقيق والقبض على الأشخاص الذين انتهاكهم الوحيد هو قانون الهجرة الفدرالية وهم يحملون جنسية اجنبية ويقيمون في الولايات المتحدة وينتهكون قانون الهجرة الفدرالية.

مديرية الشرطة في كورفالس لاتسأل اي شخص عن اوراق الاقامة وهذا الوضع ليس له علاقة او تأثير بالتحقيق وايقاف المجرمين ومنع اوخدمة الأشخاص في مدينة كورفالس.

مديرية الشرطة في كورفالس لاتتشارك ولاتساعد اوتسهل في اي شكل من الأشكال في الطرق للبحث عن حالة الجنسية لأغراض قانون الهجرة الفدرالية.

السياسة العامة لمديرية الشرطة في كورفالس تمنع اي نموذج من التمييز وايضاً تمنع التمييز القائم على اساس موطن الاشخاص.

شرطة كورفالس, تشمل تطبيق كل القوانين اللازمة للوفاء والإخطار القنصلي إذا كان الشخص اعتقل بتهم جنائية وهو من قائمة الدول المشاركة من اتفاقية فيينا للعلاقات القنصلية. عند إلقاء القبض على الضابط أن يستفسر إذا كان المشتبه به هو من واحدة من تلك البلدان المذكورة، وربما تكون في حاجة إلى مساعدة من قنصليتهم. غالباً ما تحدث هذه الإخطارات المطلوبة في الاستثمارات. هذه ليست لتطبيق قوانين الهجرة ولكن المقصود هو توفير الموارد الفردية التي يستحقونها بموجب القانون.

تلتزم ادارة الشرطة في كورفالس الى ادراج الفلسفة في المدينة وتشمل المجتمع, وممارسة سياستنا وسوف نعمل للمواصلة لنعكس هذه الفلسفة.

**Proclamation in Honor of 2017 Martin Luther King, Jr. Day:
Declaring Wilsonville, Oregon, as a Community That
Welcomes People of All Ethnicities, Fosters Mutual
Respect and Encourages Volunteer Service**

January 5, 2017



WHEREAS, In 1963 the Reverend Dr. Martin Luther King, Jr., addressing our entire country from the Lincoln Memorial in Washington, D.C., declared that, "I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character." And,

WHEREAS, Dr. King believed deeply in America's ideals of "liberty and justice for all" that are embodied in our Pledge of Allegiance, which principles countless Americans have served to defend, even to making the ultimate sacrifice when necessary; and

WHEREAS, The Framers of the United States Declaration of Independence affirmed that "We hold these truths to be self evident, that all men are created equal," thereby enshrining the fundamental conviction that all persons are entitled to equal protection and opportunity under the law; and

WHEREAS, The Civil Rights Acts of 1964 and 1968 and laws of the State of Oregon together prohibit discrimination based on race, national origin, religion, gender, family status, pregnancy, physical and mental disability, veteran status, age and military service; and

WHEREAS, President Ronald Reagan said in November 1983 when signing the bill designating the birthday of Martin Luther King, Jr., as a national holiday that, "Dr. King had awakened something strong and true, a sense that true justice must be colorblind" and that "we cannot walk alone." And,

WHEREAS, Wilsonville residents, employees and visitors come from diverse cultural backgrounds, speak many languages, are young and old, differ ethnically and racially, vary by gender, sexual identification, family composition, and freely practice a variety of religious or spiritual beliefs; and

WHEREAS, Many Americans are troubled by recent reports of harassment and expressions of hate or intolerance based on ethnicity, gender, national origin or other characteristics; and

WHEREAS, Acts or words of racism, religious intolerance, homophobia and ethnic bigotry hurt others and undermine our community, our schools, and the promise of equal justice under the law for all; and

WHEREAS, The Martin Luther King, Jr., holiday calls for all of us to transform Dr. King's life and teachings on social equity and inclusion into local actions and service, the better to empower and strengthen local communities, on this Day of Service and throughout the year.

NOW, THEREFORE, I, Mayor Tim Knapp, proclaim Wilsonville, Oregon, as a community that welcomes people of all races, ethnicities, beliefs, and personal differences; that fosters mutual respect for others, and encourages volunteer service as we honor the legacy of Martin Luther King, Jr., on January 16, 2017.

Tim Knapp, Mayor, City of Wilsonville, Oregon
January 5, 2017



CLACKAMAS COUNTY SHERIFF'S OFFICE	
Chapter: 3	Printed copies are for reference only. Please refer to the electronic copy for the latest version.
Section: 3.5	
References: <u>ORS 131.915</u> to <u>ORS 131.925</u>	

PROFILING PROHIBITED

General

1. Deputies will base all investigative stops, field interviews, arrests, searches and seizures on a standard of reasonable suspicion and/or probable cause as required by Oregon and federal laws.
2. Deputies will not target an individual for suspicion of violating a provision of law based solely on the real or perceived factor of an individual's age, race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the deputy is acting on a suspect description or information related to an identified or suspected violation of a provision of law.
3. Employees are prohibited from taking or not taking law enforcement action motivated by biased policing. Employees shall report any observed violations of this policy.

Complaints and Reporting Requirements

4. All complaints that identify profiling as a basis for law enforcement action will be promptly investigated by the Professional Standards Unit (PSU) in accordance with CCSO Policy 3.7 PROFESSIONAL STANDARDS. CCSO may reject a profiling complaint if the complaint is received more than 180 days after the date of the alleged incident.
5. No person shall be discouraged, intimidated, or coerced from filing a complaint, and no person shall be discriminated against because a complaint is filed.
6. PSU Lieutenant will act as liaison to the Law Enforcement Contacts Policy and Data Review Committee (LECC) to appropriately address the reporting, investigation and disposition of all profiling complaints. PSU shall:
 - a. accept profiling complaints in any form (facsimile, email, telephone, etc.) whether anonymous or not; and
 - b. facilitate the investigation, disposition and notification of a complaint to/from the LECC and/or complainant.



CLACKAMAS COUNTY SHERIFF'S OFFICE	
Chapter: 3	Printed copies are for reference only. Please refer to the electronic copy for the latest version.
Section: 3.5	
References: <u>ORS</u> 131.915 to ORS 131.925	

7. PSU will include a summary of profiling complaints and their disposition within the annual PSU Report.

Training

8. The Support Services Division will ensure annual in-service training is provided on this policy.



RESOLUTION No. 2017-3359

A RESOLUTION TO DECLARE THE CITY OF NEWBERG AS AN INCLUSIVE CITY FOR ALL PERSON, REGARDLESS IF RACE, COLOR, NATIONAL ORIGIN, IMMIGRATION OR REFUGEE STATUS, RELIGION, SEX, MENTAL, EMOTIONAL AND PHYSICAL ABILITY, AGE, OR ECONOMIC STATUS.

RECITALS:

1. Persons of all races, colors, national origins, immigration or refugee status, religions, sexes, disabilities, ages, or economic status contribute to the health, well-being, and general welfare of the City as families, neighbors, workers and taxpayers.
2. Inclusion and integration of all residents is a vital concern for the general welfare of the City in all respects, and discrimination based on the race, color, national origin, immigration or refugee status, religion, sex, gender identity (including gender expression), sexual orientation, mental, emotional, and physical ability, age or economic status of any person is contrary to the public policy of the City, except as otherwise allowed or required by law.
3. Chronic discrimination against any group of persons can negatively impact the health, well-being and general welfare of the City by leading to community disengagement, diminished economic and educational opportunities, increase stigmatization, diminished physical, mental and emotional health.
4. The City recognizes the inherent worth and dignity of all persons, who should be treated with compassion and respect regardless of race, color, national origin, immigration or refugee status, religion, sex, mental, emotional, and physical ability, age, or economic status.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

5. The City of Newberg is an inclusive City that embraces, celebrates, and welcomes the collective contributions to the prosperity of the City of all persons regardless of race, color, national origin, immigration or refugee status, religion, sex, mental, emotional and physical ability, age, or economic status.
6. Consistent with the laws of the United States of America, the State of Oregon and the City of Newberg, the use of City funds, personnel or equipment for the enforcement of federal immigration law is prohibited. This policy shall not be read as an authorization or encouragement to violate the requirements of such laws.
7. Police, Fire/EMS and other City services will be provided regardless of immigration status. Further, City staff will not ask for or otherwise seek out an individual's immigration status as a

condition of providing city services, unless the provision of such services has a legal requirement to obtain such information.

8. This Resolution takes effect immediately upon passage and shall continue in full force and effect until revoked or replaced.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: _____, 201x.

ADOPTED by the City Council of the City of Newberg, Oregon, this ____ day of _____, 201x.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of _____, 201x.

Bob Andrews, Mayor

RESOLUTION NO. 2017-22

A RESOLUTION DECLARING THAT THE CITY OF SALEM, OREGON IS AN INCLUSIVE CITY

Whereas, Immigrants and refugees of all nations have contributed to the health, well-being, and general welfare of the City of Salem as families and neighbors;

Whereas, Immigrants and refugees of all nations have contributed to the prosperity of Oregon as workers and taxpayers;

Whereas, Inclusion and integration of all residents of Salem is a vital concern for the general welfare of Salem in all respects;

Whereas, Discrimination based on national origin, race, ethnicity, or religion or perceived national origin is a chronic aspect of life for immigrant and refugee populations of Oregon;

Whereas, Chronic discrimination leads to community disengagement, diminished opportunities for integration, increased stigmatization, greater incidents of health morbidity;

Whereas, Chronic discrimination negatively impacts local economic activity;

Whereas, Promotion of health, well-being, and general welfare are core obligations of Salem;

Whereas, Prosperity requires harnessing all Salem's available labor, skills, and ideas to grow Salem's economy and expand opportunities;

Whereas, Every Salem resident should be treated with compassion and respect regardless of national origin or citizenship status;

Whereas, Under the United States Constitution, the immigration power to exclude and deport is reserved exclusively to the federal government;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SALEM, OREGON RESOLVES AS FOLLOWS:

Section 1. Salem is an Inclusive City that embraces, celebrates, and welcomes its immigrant and refugee residents and their contributions to the collective prosperity of all residents.

Section 2. The use of City funds, personnel or equipment for the enforcement of federal immigration law is prohibited. Nothing in this section shall be construed to prohibit City personnel from complying with a lawfully issued warrant.

Section 3. The provision of services or benefits by City of Salem shall not be conditioned upon a resident's federal immigration status, except as required by federal or State law.

RESOLUTION NO. 4429

A RESOLUTION DECLARING THE CITY OF BEAVERTON A SANCTUARY CITY

Whereas, the City of Beaverton is committed to living its values as a welcoming city for all individuals and is a community that seeks to accept everyone, regardless of a person's race, ethnicity, place of origin or immigration status; and

Whereas, all people within the city need to feel safe to contact local law enforcement or city government and be able to freely access critical public safety services without fear; and

Whereas, the City of Beaverton follows state law, Oregon Revised Statute 181A.820, adopted nearly 30 years ago, which states that: "No law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws"; and

Whereas, the City of Beaverton defines "Sanctuary City" as a city that is committed to providing a safe community for individuals, regardless of race, ethnicity, place of origin, or immigration status, and works to ensure that all members of our community are safe and can call for public safety assistance without fear of reprisal based solely on federal immigration status, in accordance with current Oregon law; and

Whereas, the City of Beaverton is committed to ensuring that the provision of services and benefits by the City shall not be conditioned upon a community member's federal immigration status, except as required by law; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:

We declare the City of Beaverton as a Sanctuary City, as a statement of unity for our community, as defined by this resolution.

Adopted by the City Council this 10th day of January, 2017.

Approved by the Mayor this 11th day of January, 2017.

Ayes: 5

Nays: 0

Attest:

Approved:


Catherine Jansen, City Recorder


Dennis Doyle, Mayor

RESOLUTION NO. 4304

**A RESOLUTION TO DECLARE BEAVERTON A WELCOMING CITY AND AFFIRM
MEMBERSHIP IN THE NATIONAL WELCOMING CITIES AND COUNTIES
INITIATIVE**

WHEREAS, fostering a welcoming environment for all individuals, regardless of race, ethnicity, or place of origin, enhances Beaverton's cultural fabric, economic growth, global competitiveness and overall prosperity for current and future generations; and

WHEREAS, Beaverton has been recognized as a welcoming place where people, families and institutions thrive and the contributions of all are celebrated and valued; and

WHEREAS, Beaverton is committed to continue building a welcoming and neighborly atmosphere in our community, where all people, including immigrants, are welcomed, accepted and integrated; and

WHEREAS, community efforts that promote understanding and collaboration between long-time residents and foreign-born community members are crucial to ensuring a welcoming environment; and

WHEREAS, Beaverton encourages the business leadership, civic groups, other government agencies and community institutions and residents to join in a community-wide effort to expand prosperity, integration and inclusion for all residents;

NOW, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:

That the City Council declares Beaverton a Welcoming City and proud member of the National Welcoming Cities and Counties Initiative. Further, the City Council commits to promote and celebrate the diversity of Beaverton through local policies, services and practices.

Adopted by Council this 7th day of April, 2015.


Approved by the Mayor this 8th day of April, 2015.

Ayes: 3

Nays: 0

ATTEST:

APPROVED:


CATHERINE JANSEN, City Recorder


DENNY DOYLE, Mayor

RESOLUTION NO. 4367

A RESOLUTION TO DECLARE SUPPORT FOR THE MUSLIM COMMUNITY AND REAFFIRM BEAVERTON AS A WELCOMING CITY

WHEREAS, actively fostering a welcoming and inclusive environment for all people, regardless of race, ethnicity, place of origin or religion, is a core value and priority of the City of Beaverton; and

WHEREAS, Beaverton officially declared itself a Welcoming City for immigrants and refugees in April 2015, joining other local jurisdictions across the country in leading the national welcoming movement; and

WHEREAS, anti-Muslim rhetoric has increased in the national discourses and rates of hate violence targeting Muslim families and children are at record highs across our nation, which is detrimental to all people who cherish freedom and liberty; and

WHEREAS, Muslims, both native born and immigrant, represent an increasingly important thread in the tapestry of American society and that of our local community; and

WHEREAS, one in four residents of Beaverton were born outside of the United States and a significant percentage of these immigrants and refugees are Muslim and have come to Beaverton seeking a safe place to work, study or raise a family; and

WHEREAS, Beaverton strives to be a place where individuals and families from all backgrounds feel safe, are treated with respect and dignity, and are recognized for their contributions to building a strong and vibrant community;

WHEREAS, the city's Diversity Advisory Board, which has been tasked with advising the city on equity and inclusion strategies that strengthen connections between diverse communities and city government, prepared this resolution;

NOW, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:

That the City of Beaverton does not tolerate discrimination, hate speech or violent acts committed against any individual or community, including those who are Muslim or perceived as being Muslim, their places of worship, businesses, schools, and community centers. We encourage our residents to recognize and celebrate the diversity that is represented in our city and to make extra efforts to ensure the safety of our Muslim, immigrant and refugee neighbors.

Adopted by Council this 1st day of March, 2016.


Approved by the Mayor this 2nd day of March, 2016.

Ayes: 5

Nays: 0

ATTEST:

APPROVED:


CATHERINE JANSEN, City Recorder


DENNY DOYLE, Mayor

RESOLUTION NO. 4367

Agenda Bill: 16048

RESOLUTION NO. 2552

A RESOLUTION DECLARING THE CITY OF HILLSBORO AS A SANCTUARY CITY AS DEFINED BY THIS RESOLUTION.

WHEREAS, the City of Hillsboro is an inclusive and welcoming place where we all work together to lift each other up, and we value and honor both long-time and newly-arrived residents who plant roots in our city and join us in our common effort to grow great things; and

WHEREAS, we are united in our belief that through hard work and care for one another, we can make our hometown an even better place to live. Our residents, business owners, and community partners reflect that commitment to improving our quality of life for each subsequent generation. Hillsboro remains a welcoming community for all, and that will not change; and

WHEREAS, the City of Hillsboro adheres to Oregon Revised Statute (ORS) 181A.820, which prohibits any law enforcement agency in the State of Oregon from using any resources “for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws;” and

WHEREAS, the City of Hillsboro defines “Sanctuary City” as a city that is committed to providing a safe community for all individuals, regardless of ethnicity or immigration status, and ensures that all members of our community are safe and can call upon public safety assistance whenever necessary, without being questioned about federal immigration laws and without fear of reprisal based solely on legal status, in accordance with Oregon State Law.

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

Section 1. We declare the City of Hillsboro as a Sanctuary City, as a statement of unity for our community. The City of Hillsboro will continue to provide a safe community for all residents, regardless of immigration status, in accordance with ORS 181A.820.

Section 2. This resolution is effective immediately upon adoption.

Approved and adopted by the Hillsboro City Council at a regular meeting held on the 7th day of March 2017.

Steve Callaway, Mayor

ATTEST:

Amber Ames, City Recorder

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
RESOLUTION NO. _____**

Resolution Declaring Multnomah County a Sanctuary County

The Multnomah County Board of Commissioners Finds:

- a. Across the nation, recent political events have continued to spur and build a climate of hatred, bigotry, and discrimination toward many in our communities.
- b. Multnomah County is home to individuals who represent a myriad of races, ethnicities, and nationalities, including immigrants and refugees from all over the world.
- c. Many community members and groups have expressed fears regarding their ability to access Multnomah County government services such as health clinics, libraries, homeless shelters, domestic violence services, SUN programming, etc.
- d. The deterioration of trust in one aspect of government jeopardizes trust in other aspects of government, including the provision of other County services.

The Multnomah County Board of Commissioners Resolves:

1. The Multnomah Board of County Commissioners recognizes the public's deep concern regarding whether community members will be able to continue accessing government resources and services.
2. The Board of County Commissioners supports and endorses the Multnomah County Sheriff's Office's continued compliance with ORS 181A.820 and applicable federal law in regards to federal immigration detainees.
3. The Board of County Commissioners seeks to reaffirm and declare its commitment to equity and respect for all community members by ensuring and affirming they are able to continue accessing County resources and services regardless of their immigration status.

ADOPTED this ____ day of _____, 20__.

**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**



Multnomah County Sheriff's Office
501 SE HAWTHORNE BLVD., Suite 350 • Portland, OR 97214

MICHAEL REESE
SHERIFF

Exemplary service for a safe, livable community

503 988-4300 PHONE
503 988-4500 TTY
www.mcso.us

September 21, 2016

The Multnomah County Sheriff's Office primary mission is to work toward a safer community for all residents of the county. We do this in a variety of ways, including patrol and investigative policing functions and operation of the county jail system. In all of these roles, we follow state and federal laws.

The Sheriff's Office is not responsible for enforcing federal immigration policy. We are primarily responsible for local law enforcement. In this role, it is vital community members feel comfortable calling 911 to report crimes and to participate as witnesses and victims in our local system, without fear of that information being shared with ICE.

MCSO follows the direction of the Federal District Court of Oregon prohibiting local jail systems from honoring ICE detainers. Additionally, there are provisions of Oregon law which restrict our cooperation with federal immigration authorities. Sheriff Reese is firm in his commitment that he will not violate either federal or state law surrounding the enforcement of federal immigration policy.

The Priority Enforcement Program (PEP) has been presented to command and legal representatives of the Multnomah County Sheriff's Office. We have not agreed to any involvement in the PEP program because we believe the program is in conflict with Oregon law. Although the program name and forms have changed over the last 24 months, the basic principles of PEP are not compatible with our overall mission of making the community safe for all. Simply put, The Multnomah County Sheriff's Office does not hold persons in jail based upon their immigration status.

Additionally, the Sheriff's Office is involved in outreach efforts in our U Visa outreach program. In this program, Deputy Bickford interacts with community members and immigration rights advocates to ensure U Visa status is available to victims of certain crimes who are assisting law enforcement in the investigation or prosecution of those crimes. These outreach efforts are an example of our agency mission and direction in serving the needs of the immigrant community within the State of Oregon. Community trust is vital to performing our mission of safe, livable communities. I am committed to building and reinforcing your trust in the Multnomah County Sheriff's Office.

Sincerely,

A handwritten signature in cursive script that reads "Michael Reese".

Michael Reese
Sheriff

CITY OF WILSONVILLE

Monthly Report

COMMUNITY DEVELOPMENT DEPARTMENT



February 2017

FROM THE DIRECTOR'S OFFICE

February brought a flurry of activities for our two (2) newest projects. The first task force meeting and open house were held for the French Prairie Bike/Ped/Emergency Bridge. An online version of the open house will continue through March 12. The task force was very engaged and we enjoyed a large turnout (70) at the open house. The top two (2) topics of importance identified at the open house are: 1) Sensitivity to homes at the bridge landings and traffic impacts to neighbors and residents (23), and 2) Bicycle-pedestrian connectivity at bridge landings and to the greater networks, for both residents and tourists (15). Please check out the website at <http://frenchprairiebridgeproject.org>.



The Town Center Master Plan also took off with a visit from Bob Gibbs, a nationally recognized retail expert, who shared his many perspectives on Town Center ideas. More than 70 community members gathered in



WILSONVILLE TOWN CENTER PLAN

City Hall for interactive activities, a presentation, and small group discussions about the future of Town Center. Participants contributed their visions for Town Center and identified issues and opportunities. The event included youth activities and we heard from several of our community's youngest visionaries. Our Planning Division's hard work really paid off in getting the community excited about this very important planning effort.

Please check out the website at <http://www.wilsonvilletowncenter.com>.

The Washington County Transportation Futures Study was published. The study continues to identify a potential arterial connection between 99W in Sherwood and I-5 in Wilsonville. CD staff provided input throughout the project and written comments articulating our concerns about such an arterial that would greatly impact I-5 and our local system. The Regional Transportation Plan (RTP) includes a long list of conditions that need to be met before such a project would move forward. Until then, preserving the capacity of I-5 and our two (2) interchanges remains a top priority for Wilsonville.

Planning and coordination efforts for the Willamette Water Supply Program (WWSP) will be a key focus area for the Engineering Division over the next few years. WWSP's schedule calls for all facilities to be in place and operational by 2025. There will be significant impacts on Wilsonville facilities as their projects are undertaken. Our goal is to coordinate pipeline construction with planned new roads, including Kinsman Road (under construction), Garden Acres Road (future Coffee Creek Urban Renewal Area) and the 5th Street/Kinsman Extension project (starting design). Existing roads that will be affected by the pipeline route through town include Kinsman from Wilsonville Road to Barber, 95th Avenue from Boeckman to Ridder, and Ridder Road from 95th to Garden Acres. We are also coordinating with them on a major (\$10-\$12M) seismic upgrade to the slope below the existing water treatment plant, major upgrades to the raw water pump station (in conjunction with existing pump replacements), and locating the route for WWSP's 66-inch pipe from the river to Wilsonville Road.

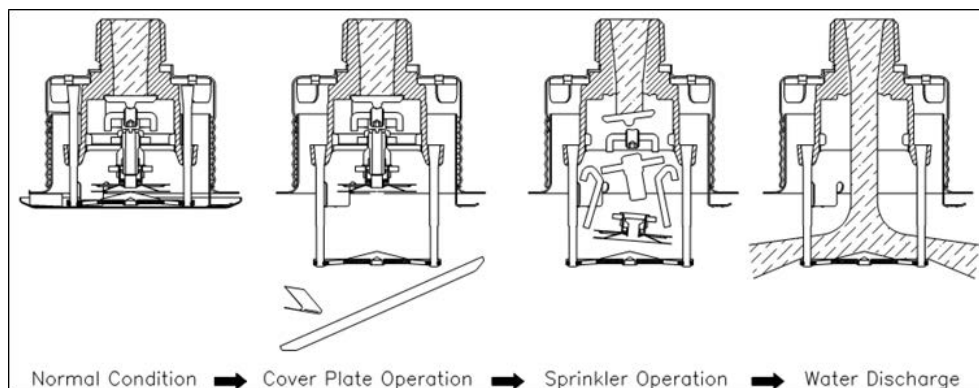
Happy longer days and spring blossoms! -Nancy Kraushaar, PE

Building Division

Whatcha' Looking At?

Most new homes in the Villebois neighborhood are required to be equipped with a residential fire sprinkler system. Fire sprinklers are quickly becoming a popular safety trend in new construction – a trend that adds tremendous safety, value, and in many cases, reduces homeowners insurance by as much as 10%.

When installed properly and inspected, home fire sprinkler systems are designed to control the spread of fire allowing time for occupants to escape. In most cases fire sprinklers actually extinguish the fire with activation from just one or two heads discharging water.



Fire sprinkler heads have white cover plates that melt at 140^o F and drop away during a fire. This action exposes the sprinkler head with built in heat collectors called “fusible links” that melt when the temperature rises to 162^o F. Once the fusible links melt, water rapidly discharges through the sprinkler head to control or extinguish the fire as seen in the illustration above (courtesy Senju Sprinkler Co.).

Below is a photo of Building Safety Inspector Brian Pascoe verifying that fire sprinkler heads are placed appropriately so the system will function as designed. In this case the sprinkler head must be located no further than 8 feet from the wall and no closer than 8 feet apart. There are maximum sprinkler head spacing requirements as well, depending on the system design.



A few common points of verification during the inspection include:

- System pressure test
- Type of sprinkler head, size, and spacing
- Sprinkler pipe materials, size and support
- Fittings approved for potable water or not
- Piping protection from freezing
- Installation complies with plans and codes

For questions about fire sprinkler systems and other construction topics, Building staff are a resource and happy to answer questions.

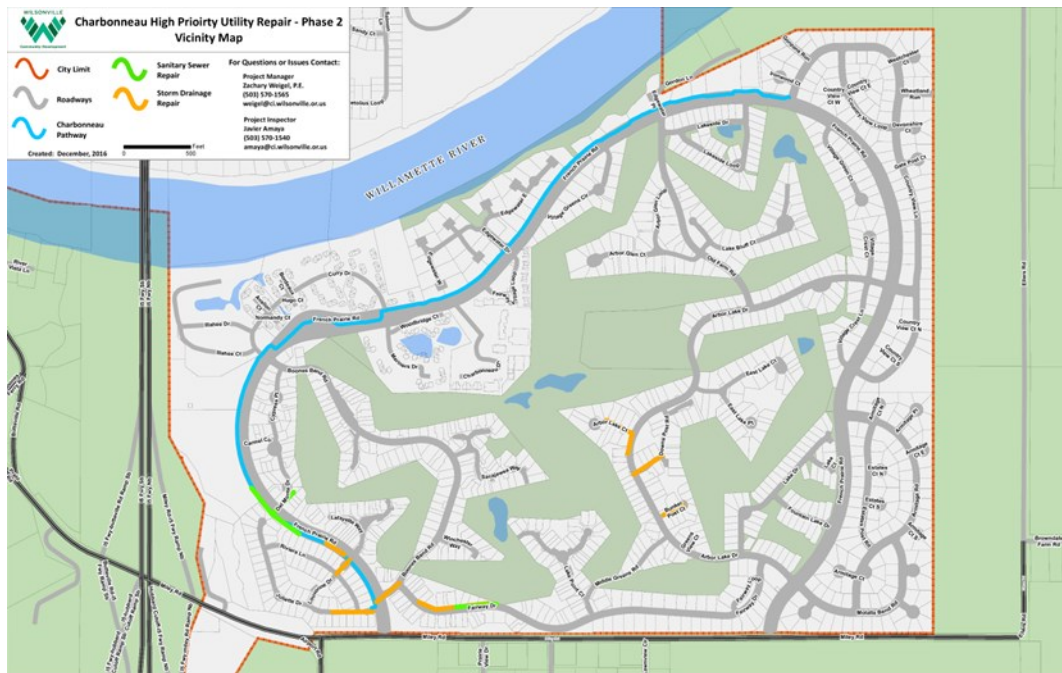
And that's what we're looking at.

Engineering Division, Capital Projects

5th Street / Kinsman Road Extension (4196): Engineering has selected Otak, Inc. for design and construction services for this project and are presently working on a scope of work and contract price. We expect to have Council approve the Consultant contract on March 20.

Charbonneau High Priority Utility Repair Phase I (1500/2500/7500): This project involves the replacement and repair of the most deficient sewer and storm pipes within Charbonneau in three (3) phases over the next three (3) years. Also, the project includes replacement of a recently failed 12" water line between Boones Bend Road and Mariner's Village. Construction of Phase I is complete for the most part. The contractor is waiting for warmer, drier weather to finish minor concrete work, which should be complete by mid-March.

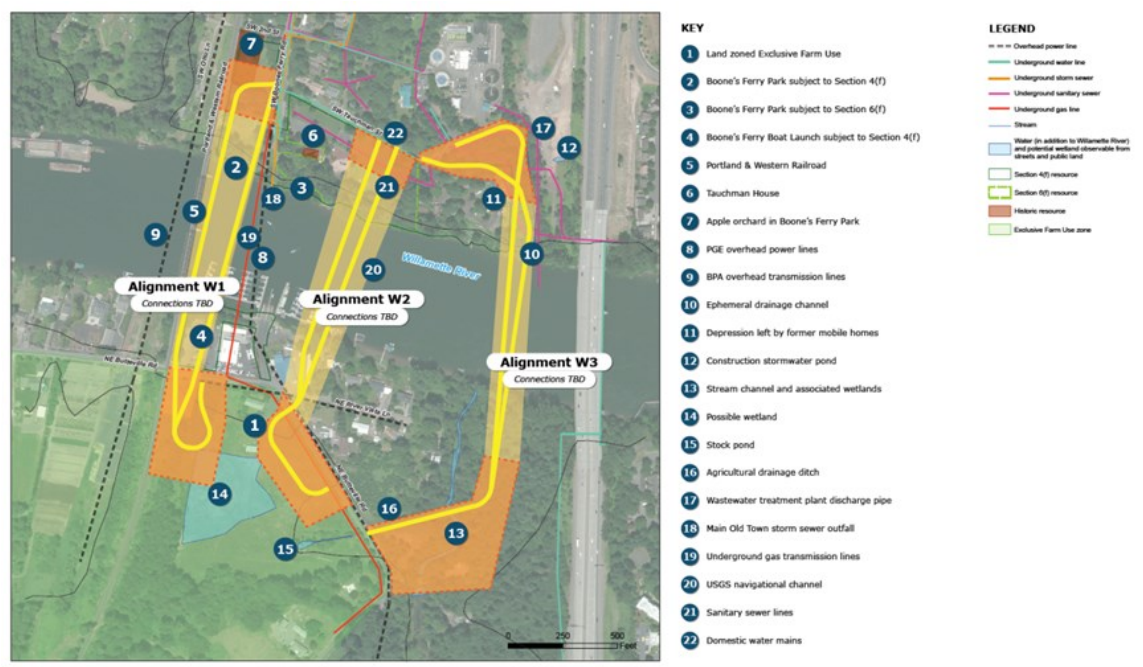
Charbonneau High Priority Utility Repair Phase II (2500/7500): This project continues the replacement and repair of the most deficient sewer and storm pipes within Charbonneau. This project represents the second of three (3) planned phases to construction over three (3) years. The City received six (6) bids from qualified contractors for the construction of the utility improvements with Moore Excavation being the low bidder. Council will consider award of the construction contract at the March 20 Council meeting. Construction is anticipated to begin in April 2017 and wrap up at the end of summer 2017.



Exit 283 Congestion Improvements (4199): 3 of 4 task orders for design services are in place. ODOT indicates an IGA and expense reimbursement agreement is necessary to allow Wilsonville to construct projects in ODOT Right of Way.

Engineering Division, Capital Projects, Cont.

French Prairie Bridge (9137): This project will determine the final location, alignment, and design type and includes preparation of preliminary construction and environmental documents for a new pedestrian, bike, and emergency vehicle bridge over the Willamette River in the vicinity of Boones Ferry Road. The first project open house was held on February 22 where attendees provided feedback on evaluation criteria for determining bridge alignment, type selection, and design. A draft of potential bridge alignments is shown below. An online open house is available to interested persons to review open house materials and provide feedback to the project team until March 12. Project completion is anticipated for July 2018.



Gesellschaft Well Facility Upgrades (1083): This project includes upgrades and modification to the Gesellschaft Well controls and piping to convert the well operation to an emergency back-up supply of potable water. Design plans and specification prepared by the City's engineering consultant, Keller Associates, are being finalized. Construction is anticipated to begin late spring 2017.

Kinsman Road Extension (4004): This project involves construction of a new section of Kinsman Road between Barber Street and Boeckman Road and includes upsizing and relocation of a 30" sanitary sewer pipe (Coffee Creek Interceptor Upsizing (CIP 2079) and installation of a 66" water line for the Willamette Water Supply Program (CIP 1127). Roadway fill north of the box culvert is being installed. Sanitary sewer line and water line installation along the new Kinsman Road alignment will continue throughout the winter. Construction is anticipated to be complete in June 2018.

Engineering Division, Capital Projects, Cont.

Library Improvement (8098): Concept design efforts continue with the involvement of library staff. Various layouts are being considered.

Street Maintenance (4014): Staff has identified neighborhoods for slurry seal (portions of Villebois, the Park at Merryfield, and Arbor Crossing), as well as concrete panel repair along 95th Avenue, pavement repair on Day Road, and assorted other pavement maintenance projects.

Tooze Road (4146): Right of way acquisition is in process with 9 of 12 homeowners having signed agreements with the City. ODOT is reviewing the final plans and will begin review of the right of way process once it has been completed.

Transportation SDC Update (4189): Home Builders Association met with staff for a briefing on the work related to the TSDC update. FCS Group has worked with the City to update methodology and review the project lists from the Regional Transportation Plan, the 2013 Transportation System Plan, and the 2016 TSP addendum, to ensure everything is accounted for but not duplicated. Staff intends to bring this work to Council in May.

Water Treatment Plant Master Plan Update (1122): A Request For Proposals was issued for consulting services for a “mini Master Plan” for the existing plant. Proposals are due back March 14.

Willamette River Stormwater Outfalls (7053): Consultant is anticipating submitting plans to Army Corps of Engineers and to Oregon Department of State Lands this month to obtain federal and state permitting. Receiving these permits typically takes 6 to 9 months.

WWSP Coordination (1127): Meetings are being held on a bi-weekly basis to facilitate coordination of the WWSP pipeline with various important City projects, including Kinsman road (CIP 4004), the East-West Connector (CIP 4196), and the Coffee Creek Urban Renewal Plan. Other coordination/meetings on raw water and seismic upgrades at the WTP are also occurring.

WWTP Outfall Replacement (2095): 90% plans are in review. Permitting has been delayed and may cause a slip in the construction schedule because the Corp of Engineers forgot to forward the permit application to NMFS (National Marine Fisheries Service) for concurrent review.

Engineering Division, Private Development

Aspen Meadows Canyon Creek Subdivision (formerly Boeckman-Lewallen): Construction is ongoing on this 14-lot subdivision at Canyon Creek Road South and Daybreak Street.

Meridian Creek Middle School: Early off-site construction work was started around the intersection of Boeckman, Stafford, Advance, and Wilsonville Roads, mainly involving tree removal and installation of franchise utilities. K&E Excavating, Inc. plans to start installing utility lines later this month. Businesses and citizens should anticipate off and on lane closures as work progresses. Project completion is expected before start of school in September, 2017.

Villebois: PW construction is almost completed with both Grande Pointe Phase 2 (44 lots) and Tonquin Meadows 3 (109 lots); home building permits have been issued in each subdivision. VB Central - Berkshire (10 lots located on south side of Barber near Costa Circle West) is under construction. VB East - Tonquin Meadows 4 (57 lots located north of Lowrie Primary) plans have been approved; VB Central - Berkshire No. 2 (17 lots located on north side of Barber near Costa Circle West) plans are under review.

Villebois Parks: Construction has started on the remaining portions of Trocadero Park (RP-5) located just east of Edelweiss Park and north of Berlin Avenue.

Natural Resources

Stormwater System Annual Inspection and Maintenance Reports

The City has stormwater maintenance agreements with property owners for the operation and maintenance of private stormwater systems. By May 1 of each year, an annual inspection and maintenance report is due from the owner or responsible party (e.g., management company, HOA). In March, 78 letters were mailed to property owners, including a report form, reminding them to submit the annual report. The required information includes the inspection date and any maintenance, repair, or replanting activities that were completed. After receiving the reports, City staff will conduct an inspection to verify the information in the report.

Planning Division, Current

Projects Being Prepared for DRB Hearings

- Marion's Carpets Boones Ferry Road

Administrative Decisions Issued

- Modification of architecture for a single-family home at 31020 SW Boones Ferry Road
- Collocation of Wireless Antenna at 29722 SW Boones Ferry Road
- 2-Parcel Partitions at 28855 SW Boones Ferry Road
- New Fence and Landscaping along I-5 for Al's Garden and Home
- New Building Sign for Al's Garden and Home
- 1 Class I Administrative Review
- 2 Final Subdivision Plats
- 17 Type A Tree Permits
- 1 Type B Tree Permit
- 2 Class I Sign Permits
- Single-family permits

Planning Division, Long Range

BASALT CREEK CONCEPT PLAN



On Monday, February 13, 2017, the Tualatin City Council held a work session and provided the following direction to their staff regarding the Basalt Creek project: 1) Show the Basalt Creek central subarea as residential on the Tualatin side of the proposed jurisdictional boundary, 2) Work with Intergovernmental Agreement (IGA) partners including City of Wilsonville, Washington County and Metro, and 3) Discuss the possibility of a WES station with Tri-Met near the WES line. Given the significant shift toward residential uses in the plan area, Wilsonville staff is reaching out to IGA partners Metro and Washington County to determine next steps. The Basalt Creek Concept Plan is scheduled for City Council Work Session on March 20, 2017. General project information is available on the project website <http://www.basaltcreek.com/>.

Planning Division, Long Range, Cont.



WILSONVILLE TOWN CENTER PLAN

TOWN CENTER PLAN

The Wilsonville Town Center Plan focuses on creating a community-driven vision for the Town Center and a plan that will guide for future development.

On February 6-7, Bob Gibbs, a well-known retail expert, met with Wilsonville City Council, city staff, Planning Commissioners, local developers and other interested parties to discuss Town Center development opportunities. In conjunction with Mr. Gibbs' visit, the Chamber of Commerce co-hosted an evening event where Mr. Gibbs shared national trends for Town Centers and how that relates to the Wilsonville Town Center.

The City of Wilsonville hosted a community kickoff event on February 28, 2017. Business owners, residents, property owners, families and other interested parties participated in the evening's activities sharing how they currently use the Town Center and their thoughts on what they would like to see in the future Town Center. A survey is now available for additional input on the project website at www.wilsonvilletowncenter.com.

The first meeting of the Town Center Task Force, comprised of business owners, residents, property owners, and other stakeholders is scheduled for Tuesday, March 14, at 6 pm at Wilsonville City Hall.

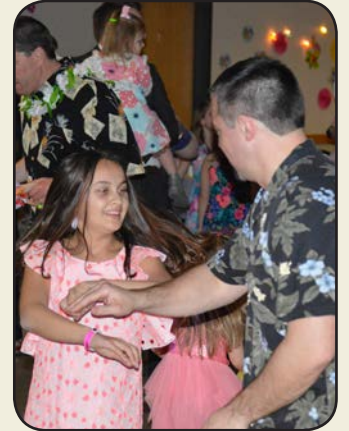
FROG POND

The Frog Pond West Master Plan (phase 2) will guide future development of the Frog Pond West neighborhood.



The project team met in February to continue discussions regarding the Infrastructure Funding Plan, which is needed to ensure the financial feasibility of required master plan projects. On February 6 the City Council received a briefing on the draft Master Plan document. This draft master plan is available on the Frog Pond Plan project web page <http://www.ci.wilsonville.or.us/628/Frog-Pond-Plan>. The project team presented the residential neighborhood zones and project update at the February 8, 2017 Planning Commission work session. The City Council conducted a work session on the draft Development Code at their March 6 meeting. The Wilsonville Planning Commission held a public hearing on Wednesday, March 8, 2017 regarding the Frog Pond Master Plan. Information presented can be found in the meeting packet on our Planning Commission Agenda website at <http://www.ci.wilsonville.or.us/AgendaCenter>.

Program News



The Daddy Daughter Dance took place at the Community Center. This annual event sold out with 130 dads and daughters enjoying the night.



Fitness Specialist, Brad Moore, led a Family Fitness class at the Library's Family Heart Healthy Fair

- 15 attended the Estate Planning Workshop led by Richard Schneider at the Parks Admin Building
- 12 drivers attended a Home Delivered Meals training offered by Clackamas Co.
- Sadie Wallenberg and Kristen Dunlap were recognized for their generosity, compassion, and thoughtfulness for helping a lost senior citizen relocate his assisted living facility. He was found in the City Hall parking lot by Taylor Sorgenfrie and had no recollection of his identity or residence.

Board Updates

* Parks and Recreation Advisory Board

Approved conceptual plan for the Memorial Park Community Garden and Dog Park Parking Lot. Staff is currently researching the most appropriate way to route traffic to the site.

* Wilsonville Community Seniors, Inc.

Board is exploring additional opportunities for generating revenue.

Began preliminary work on a survey in an effort to gain information on senior program desires.

Parks Maintenance Update



Cleaned up down tree at Boones Ferry Park



Repaired Boeckman Creek Trail Sinkhole



Tommy Reeder completed Community Tree Management Institute training



Completed planting at the Parkway Stormwater Project



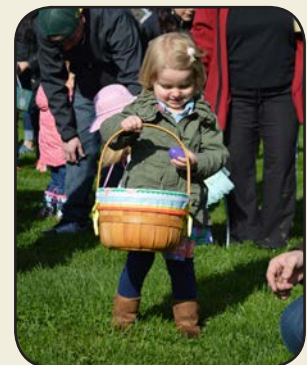
Pruned apple orchard at Boones Ferry Park



Replaced damaged gate at Memorial Park

Upcoming Events

- * Wilsonville Egg Hunt: Saturday, April 15th
10am at Memorial Park Ball Fields
- * Holistic Health Fair (formerly Spa Saturday): Saturday, April 22nd
10am at the Community Center
- * WERK Day: Saturday, May 13th
8am at the Community Center





**Wilsonville Public Library
Monthly Report to Council
March 2017**

Headlines:

Library Board notes from Feb 22, 2017 meeting.

- Youth Services: Teen Lego night was February 17th. A smallish crowd of 20 enjoyed a number of lego challenges while the Lego Movie played in the background. Next teen event is a Game Night.
- Librarian's Report:
 - Library staff are working with folks to restore the Historical Society. A recent meeting drew 17 interested folks.
 - Dolly Parton's Imagination Library in Wilsonville turned 5 years old. Findlay Auto dealership celebrated DPIL during the month of February and hosted an anniversary celebration.
 - The Library turned 35 years old on February 14th.
 - The renovation design process continues to press forward.
 - The RFID project continues to press forward.
 - Library Family Nights have been modestly successful. The Library Foundation purchased books for all kids who attended.
- Discussion about the FY18 Library Budget. Small add packages to cover RFID maintenance and scheduling software, as well as a Foundation funded addition to the Outreach Librarian hours.

Renovation design under way

Library staff and others have met with Woofter Architecture twice to review conceptual designs and give feedback. A new design is due in a week or so.

RFID tagging

RFID tagging will begin on March 27th. Library staff will need to place tags into 120,000 items owned by the library. As planned, the work should take approximately 6 weeks. Hopefully, there will be some, but minimal interruption to services and the library does not plan to close.

Next Library Board meeting: March 22nd at 6:30pm in the library

PUBLIC WORKS

FEBRUARY 2017

DIRECTOR'S WORK DAY AND UTILITY LOCATES

Utilities – Water Distribution

The water crew enjoyed a work day with Public Works Director Delora Kerber, who joined in with the crew to perform routine meter maintenance and a new meter installation. Delora is pictured below left, digging out a meter box in Charbonneau. Thank you Delora!

Utility locating continues year round in Wilsonville, snow and all. Water Technician Shawn Powlison and others performed 1,156 utility locates during the month of February.



“ROOT MONSTERS”

Utilities – Stormwater/Sewer Collections

The collections crew finished cleaning priority stormwater mains and catch basins this month. Near the end of this effort, the crew discovered a portion of line which was slow to drain into a privately maintained detention pond. Water Technician Shawn Powlison, left, helped to clear the opening. Vactor Operator Paul Havens, Utility Maintenance Specialists Ian Eglitis and Sam Kinnaman, right, found the “root” of the problem, which turned out to be a 16 foot long raft of fine roots growing up the outlet pipe from a nearby willow tree. The crew has transitioned to sewer cleaning now, but responds routinely to stormwater issues that come up. This effort helps keep hazardous materials out of landfills.



RECYCLING STATS

Facilities

This quarter the City recycled 86 pounds of alkali batteries, 190 pounds of lighting ballast and 235 light bulbs of various types



WINTER STORM – DOWNED TREES

Roads

It's official – 2017 holds the record for the wettest February. The rainfall in February broke decades-long records at Portland International Airport (PDX) and in Salem. PDX recorded **10.36 inches** last month, breaking the 10.03-inch record set in 1996.

With this record setting rainfall Wilsonville did not go unscathed and had some localized flooding. Town Center Loop West had water across all four lanes, closing this section of road. Flooding was caused by a beaver dam in a culvert belonging to ODOT.



WATER FEATURE OFF-SEASON MAINTENANCE AND MODERNIZATION

Facilities

The Murase water feature has been undergoing some needed maintenance as well as some modernization. Facility crews had to remove the manifold that disperses the water to the different sections of the spray deck. The underground equipment vault that houses the manifold and other operating equipment is a very corrosive environment causing the manifold to develop pin-hole leaks in the welds as well as signs of rust.

The manifold was taken to a nearby machine shop for leak repairs, a new coat of paint and then reinstalled in preparation for the valve modernization project. The modernization part of the project replaces the original pneumatic (air actuated) with new slow open/close electric valves. The new valves coupled up with some controls work, will allow crews to program the water show for the spray deck from the public works building. The new system allows for the removal of the air compressor and the outdated controls system from the underground vault, reducing maintenance, noise, and entries while increasing the level of service for the users.

