



CITY COUNCIL AGENDA

August 07, 2023 at 5:00 PM

Wilsonville City Hall & Remote Video Conferencing

PARTICIPANTS MAY ATTEND THE MEETING AT:

City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon

YouTube: <https://youtube.com/c/cityofwilsonvilleor>

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

TO PARTICIPATE REMOTELY OR PROVIDE PUBLIC COMMENT:

Register with the City Recorder:

CityRecorder@ci.wilsonville.or.us or 503-570-1506

Individuals may submit comments online at: <https://www.ci.wilsonville.or.us/SpeakerCard>,
via email to the address above, or may mail written comments to:

City Recorder - Wilsonville City Hall

29799 SW Town Center Loop East, Wilsonville, OR 97070

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.

COUNCILORS' CONCERNS [5:00 PM]

PRE-COUNCIL WORK SESSION [5:05 PM]

- A. [Willamette Falls Locks Authority Update \(Ottenad\) \[20 min.\]](#)
- B. Sofia Playground Replacement Project and Contract Award (Schull) [10 min.]
- C. [Development Code Process Clarifications \(Rybold\) \[10 min.\]](#)
- D. [Housing Our Future \(Rybold/Pauly\) \[25 min.\]](#)
- E. [Frog Pond East and South Master Plan Development Code \(Pauly\) \[30 min.\]](#)

ADJOURN [6:40 PM]

Time frames for agenda items are not time certain (i.e. agenda items may be considered earlier than indicated). The City will endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting by contacting the City Recorder at 503-570-1506 or

CityRecorder@ci.wilsonville.or.us: assistive listening devices (ALD), sign language interpreter, and/or bilingual interpreter. Those who need accessibility assistance can contact the City by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

*Habr  interpretes disponibles para aqu llas personas que no hablan Ingl s, previo acuerdo.
Com niquese al 503-570-1506.*



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: August 7, 2023		Subject: Willamette Falls Locks Authority Update	
		Staff Member: Mark Ottenad, Public/Government Affairs Director	
		Department: Administration	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input checked="" type="checkbox"/> Information Only <input checked="" type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendations: City continues to support work of the Willamette Falls Locks Authority in order to provide economic- and tourism-development opportunities for the City related to accessing and utilizing the Willamette River for watercraft transportation.			
Recommended Language for Motion: N/A			
PROJECT / ISSUE RELATES TO:			
<input checked="" type="checkbox"/> Council Goals/Priorities The City of Wilsonville supports efforts to reopen and maintain the operations of the Willamette Falls Locks and Canal.	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL

City Council members have expressed an interest in learning more about the City’s 12-year-long effort with other jurisdictions and entities to reopen the Willamette Falls Locks to river traffic. The recently created Willamette Falls Locks Authority is working with the United States (US) Army Corps of Engineers on the repair and ownership transfer of the Locks to the Authority to reopen the Locks for on-going operations connecting the lower and upper portions of the Willamette River.

EXECUTIVE SUMMARY

In 2021, the Oregon legislature passed HB 2564 (Exhibit A), which established the Willamette Falls Lock Authority (WFLA) to establish ownership, oversight, and management of the Willamette Falls Locks Project. WFLA is a state-chartered public corporation like Oregon Health and Science University, State Accident Insurance Fund and the Oregon State Fair that shares aspects of being both a state agency (state resources, insurance) and private corporation (flexibility).

The federal Water Resources Development Act of 2020 authorized the US Army Corps of Engineers to transfer the Willamette Falls Locks to an entity identified by the State of Oregon—WFLA—after carrying out seismic and safety upgrades as identified in the Willamette Falls Locks Disposition Study of 2019.

Section 3 of HB 2564 provides that the Authority’s board of directors may have seven to 11 members appointed by the Governor, composed of but not limited to:

- (a) Federally recognized Oregon Indian Tribes with treaty interests in the Willamette Falls area;
- (b) Regional or municipal governments;
- (c) The maritime industry;
- (d) The tourism industry;
- (e) Persons with experience in finance, marketing or economic development;
- (f) Adjacent property owners [i.e., West Linn Paper Co.]; or
- (g) Abutting energy facilities [i.e., Portland General Electric].

Additionally, four state legislators (two Senators and two Representatives) who act in advisory ex-officio capacity are appointed individually by the Senate President, Senate Minority Leader, House Speaker and House Minority Leader.

The Authority’s board currently includes representatives from Metro, Clackamas County, West Linn, Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz Indians, Willamette Falls and Landings Heritage Area Coalition and Portland General Electric. Metro Councilor Christine Lewis is the Chair; state legislators from the region also serve as non-voting advisors. Former Wilsonville City Councilor Charlotte Lehan applied to serve on WFLA and was appointed by the Governor in 2022; she subsequently resigned in 2023.

Demonstrations of support over the past decade by the City Council for active participation in efforts to reopen an operable Locks include, listed in chronological order:

2013 City Council adopts the Transportation System Plan, which states in part:

“The City’s policy is to “[m]aintain access to the Willamette River so that the river may be used for transportation purposes in the future. Acquire or improve access to Willamette River for public docking purposes and consider the potential development of a new port or ports.” Chapter 2: The Vision, Policy 25, page 2-8.

“[The] Willamette River Port can be considered to support businesses that ship goods using barges on the Willamette River.” Chapter 3: The Standards, Freight Routes, page 3-8.

“The City of Wilsonville...supports efforts by [the] Corps of Engineers to maintain...the Locks at Oregon City.” Chapter 4: The Needs, Water Needs, page 4-16.

2014 Resolution No. 2496: Resolution of the City of Wilsonville Supporting the Reopening of the Willamette Falls Locks

2014 City Council adopts the Wilsonville Tourism Development Strategy, which called for the City to improve recreational access and use of the Willamette River to promote tourism

2014 City Council agreed to help fund economics consulting firm ECONorthwest, under contract to the Willamette Falls Heritage Foundation, research and produce the *Willamette Locks Economic Potential Report, August 2014*, (Exhibit S) providing information on potential operating costs and community benefits of reopening the Locks to river traffic

2015 City Council adopted the *2015-16 State Legislative Agenda* on January 22, 2015, that adds a new provision under Section 2, Transportation & Transit Infrastructure, No. 2.4, “The City of Wilsonville supports efforts to re-open and maintain the operations of the Willamette Falls Locks and Canal”

2015 City testifies before Oregon legislature in support of SB 131 to establish the Task Force on the Willamette Falls Navigation Canal and Locks

2016 Resolution No. 2601: A Resolution of the City of Wilsonville Adopting as a Concurring Party the Willamette Falls Locks “Section 106” Memorandum of Agreement (“MOA”) And Exhibits

2017 City testifies before Oregon legislature in support of SB 256 to establish the Willamette Falls Locks Commission

2018 City Council nominates City Councilor Scott Starr for appointment by the Governor’s Office to serve on the Willamette Falls Locks Commission

- 2019 Resolution No. 2737: A Resolution of the City of Wilsonville Adopting An Intergovernmental Agreement With Clackamas County to Support the Work of the Willamette Falls Locks Commission
- 2019 City testifies before Oregon legislature in support of HB 5030 and HB 2304 to provide state funds in support of reopening the Locks
- 2019 City Council nominates City Councilor Ben West for appointment by the Governor’s Office to serve on the Willamette Falls Locks Commission; City Council nominates City Councilor Joann Linville for appointment by the Governor’s Office to serve on the Willamette Falls Locks Commission
- 2020 City testifies before Oregon legislature in support of HB 4150 2304 to provide state funds in support of reopening the Locks
- 2021 City testifies before Oregon legislature in support of HB 2564 and SB 5534 to provide state funds in support of reopening the Locks

House Bill 2564 of 2021, Section 2 (3), indicates that “The mission of the authority is to establish ownership, oversight and management of the Willamette Falls Locks project, for the purposes of:

- "(a) Enhancing the economic vitality of Oregon through facilitating the resiliency and navigability of the Willamette River; and
- "(b) Repairing, maintaining, upgrading and operating the Willamette Falls Locks project and associated properties and facilities for commercial, transportation, recreational, cultural, historic, heritage and tourism purposes.”

To date, \$16.75 million in federal and state funds have been allocated to Willamette Falls Locks project for repairing the Locks to operable condition and provide start-up operation and maintenance funds for WFLA. The total estimated costs in 2018 for repair and renovation of the Locks was \$15.5 million. Funds dedicated to date include:

- \$7.25M – 2023 state legislative appropriation (lottery bond funding)
- \$6.20M – 2022 federal earmark by Congressman Schrader and Senators Wyden and Merkley to US ACE for repairs
- \$3.30M –2021 and earlier state and federal appropriations

The Locks were suddenly closed without advance notice in 2011 by the operator US Army Corps of Engineers due to finding an “emergency life-safety” problem with the Locks gates’ mechanisms. The Corps’ initial recommendation for the Locks was to “abandon ship” and permanently cement closed the gates, preventing future use of the Locks that would forever split the Lower and Upper reaches of the Willamette River to boat traffic.

The formation of WFLA as a public corporation was recommended by the preceding Willamette Falls Locks Commission, established in 2017 by Oregon Senate Bill 256 (Exhibit K). Acting as the Willamette Falls Locks Coalition, the City, along with Clackamas County, Metro, and the cities of Oregon City and West Linn, lobbied for creation of a state-chartered commission to pull together resources and multiple interests and work the US Army Corps of Engineers to determine if the Willamette Falls Locks could be reopened for river traffic.

The Commission was tasked with identifying a non-federal transferee to assume ownership of the shuttered Willamette Falls Locks, and to propose a potential governance and finance plan for which to make a transfer successful. In 2019, the Army Corps of Engineers finalized a disposition study affirming a desire to transfer the facility to a non-federal owner and commit limited funding to seismic repairs on the upper gates of the Locks to remove flood liability of the upper-Willamette River pool.

Nominated by the City Council, former Council President Scott Starr was appointed by the Governor to the Commission in 2018, and he served through that year. Subsequently, the City Council nominated for the Governor's Office consideration Council Ben West, whose appointment was declined. The Council then nominated Councilor Joann Linville, who was appointed by the Governor in 2019 to the Commission and served through until 2022.

Starting in FY2020-21, the City Council honored a request by the Commission to provide \$7,000 per year over an approximate five-year period in financial support of the work of the Commission and subsequent Authority. Clackamas County has acted as the primary organizer and funder for lobbying efforts and staffing Locks-related work since 2015, working with Portland State University's Oregon Solutions Center as facilitator that was funded through approximately \$180,000 of state funding under SB 256.

The cumulative local stakeholder contribution totals just under \$1 million (not including staff time from Clackamas County, Metro, and West Linn), and includes funding partners from Metro, a variety of river users and advocates, the tourism industry, and a collection of cities, including Wilsonville for \$21,000. Portland General Electric and Wilsonville Concrete and Marine Industrial LLC, each of which have strategic interests in the Locks, have been two primary private-sector funders of the Commission's work. The City's first contribution of \$7,000 for the work of WFLA occurred in FY22-23; \$14,000 total was provided by the City in FY2020-21 and FY 2021-22 to support work of the Commission. In July 2023, the Clackamas County Board of County Commissioners approved a \$120,000 allocation over three years to WFLA.

The City's interests in the Locks is historical, reaching back to prior to the City's formation in 1968 when the area was known as Boone's Landing. Willamette Falls Locks opened in 1873, and was operated by a number of private owners before the US Army Corps of Engineers purchased the Locks in 1915. Following the purchase, the Corps began a series of renovations, which were completed in 1921. Currently, since the Corps stopped dredging the Willamette River in the 1980s due to endangered species issues, Wilsonville is the second highest "port of call" on the Willamette River that may be reached via motorboat from Portland.

The Congressional authorization for the Locks was based on the volume of commodity transportation through the Locks that was composed primarily of logs and aggregate. As the quantity of logs passing through the Locks dropped during the 1990s, one of the last regular Locks users was Wilsonville Concrete and Marine Industrial LLC, which transported aggregate via barge and moved tugboats through the Locks. Each barge carried the equivalent of 35-60 truckloads of heavy aggregate, saving wear-and-tear on City roads.

When the Corps suddenly closed without advance notice the Locks in 2011, a majority of Wilsonville Concrete and Marine Industrial LLC boats and barges were located near the confluence of the Columbia and Willamette Rivers, where the company was engaged in dredging activities for the Corps. The company's remaining vessels passed through the Locks a few years later. In August 2020, Wilsonville Concrete and Marine Industrial LLC announced that the marine operations of the company were relocating to the Port of St. Helens due to continued closure of the Locks; Wilsonville Concrete continues operations in Wilsonville, and has expanded to Salem.

Currently, US ACE has contracted to commence repairs and seismic retrofits to the Locks that are anticipated over the next two years. Additionally, due to the Locks placement on the National Register of Historic Places in 1974, the Corps has been undertaking a "Section 106 consultation" (Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108)) with the Oregon State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation. The Corps is in the process of preparing a Historic Property Management Manual for the Willamette Falls Locks in consultation with the Oregon SHPO, Indian Tribes, and concurring parties. Until the transfer to WFLA is finalized, the Corps will continue current caretaker activities commensurate with obligations under Section 110 of the National Historic Preservation Act.

The WFLA business plan is divided into two phases:

- Phase 1 covers approximately the first four (4) years of establishing and operating WFLA as a public corporation, negotiating transfer of the facility from the Corps, and managing the capital repairs of the Locks. Because no existing revenue mechanism presently exists for the Locks, and revenue is dependent on an operational Locks facility, the proposal to fund this phase is primarily through federal and state appropriations and ongoing local stakeholder contributions.

The anticipated expenses of Phase 1 of the Public Corporation total \$350,000 per year, over a period of three to five (5) years. Commission staff believes that work to repair, transfer, and reopen the Locks can occur in a three-year period, but years four and five are included for consideration to account for the volatility in the state and federal legislative process.

- Phase 2, starting in approximately five years, begins after the transfer and construction of the Locks are complete, and the facility has returned to operating status. During this phase, the expectation is for the Locks to meet revenue goals through a variety of usage fees, including commercial, tourism, and recreational uses.

EXPECTED RESULTS

The City Council is informed about the history of the City's efforts to reopen the Locks, including the formation of WFLA with the objective of reopening an operable Locks.

TIMELINE

N/A

CURRENT YEAR BUDGET IMPACTS

\$7,000 is budgeted for FY 2023/24 for WFLA.

COMMUNITY INVOLVEMENT PROCESS

The Corps, Clackamas County, Metro, and the state legislature led the public engagement process over a 12-year period.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY

An operational Locks would support new economic development opportunities on the Willamette River for Wilsonville, including outdoor recreation and tourism, river travel and seismic resilience transportation. Operators of the Portland Spirit have indicated interest in excursions to Oregon Wine Country with stops in Wilsonville and/or Newberg. Additionally, Wilsonville Concrete could consider restarting barging operations for river transportation of aggregate.

ALTERNATIVES

The City Council could opt out of support for WFLA.

CITY MANAGER COMMENT

The City has new economic development opportunities on the Willamette River with an operational Locks. Additionally, the City's modest contribution in support of WFLA leverages considerable funding by other stakeholders.

EXHIBITS: Listed in Reverse Chronological Order (most recent first)

- A. 2021 Enrolled House Bill 2564, "Relating to Willamette Falls Locks Authority; creating new provisions; amending sections 1, 2 and 4, chapter 734, Oregon Laws 2017; and declaring an emergency."
- B. Article "Quasi-government agency would oversee Willamette Falls locks: House bill would ease transfer from federal government and allow reopening after a decade," By Peter Wong, Portland Tribune, May 11 2021
- C. Testimony by City of Wilsonville Mayor Julie Fitzgerald Supporting an Amended SB 5534, Capitol Construction Funding Bill: "Strategic Use of State Funds to Leverage Federal Infrastructure Investment for Proposed Public Corporation to Reopen the Willamette Falls Locks"; Scheduled for public hearing on May 7, 2021, before the Joint Committee on Ways and Means Subcommittee on Capital Construction

- D. Testimony by City of Wilsonville Mayor Julie Fitzgerald Supporting HB 2564: “Proposed Legislation Provides for State to Accept Transfer Ownership of Willamette Falls Locks from Federal Government with Goal of Re-Opening”; Scheduled for public hearing on February 11, 2021, before the Joint Committee on Transportation
- E. Testimony by City of Wilsonville Mayor Tim Knapp Supporting HB 4150: “Proposed Legislation Provides Ability to Reopen the Willamette Falls Locks, Leverage Federal Funds and Advance State Goals for Tourism, Commerce and Resilience”; Scheduled for public hearing on February 4, 2020, before the Joint Committee on Transportation
- F. Letter from City of Wilsonville Mayor Tim Knapp to Joint Committee on Ways and Means, RE: City of Wilsonville Support for Proposed Willamette Falls Locks Authority Public Corporation and State Capital Investment, December 16, 2019
- G. Letter from City of Wilsonville Mayor Tim Knapp to Willamette Falls Locks Commission, RE: City of Wilsonville Support for Proposed Willamette Falls Locks Authority Public Corporation, December 16, 2019
- H. Testimony by City of Wilsonville Mayor Tim Knapp Supporting HB 2304-2: “Proposed Legislation Provides Ability to Re-Open Willamette Falls Locks, Leverage Federal Funds and Advance State Goals for Tourism, Commerce and Resilience”; Scheduled for public hearing on May 22, 2019, before the Joint Committee On Transportation
- I. Testimony by City of Wilsonville Mayor Tim Knapp Supporting HB 5030: “Proposed Legislation Funds Ability for State to Re-Open Willamette Falls Locks, Benefiting Tourism, Commerce and Resilience Goals”; Scheduled for public hearing on April 19, 2019, before the Joint Committee On Ways and Means Subcommittee On Capital Construction
- J. Resolution No. 2737: A Resolution of the City of Wilsonville Adopting An Intergovernmental Agreement With Clackamas County to Support the Work of the Willamette Falls Locks Commission, April 15, 2019
- K. 2017 Enrolled Senate Bill 256: “Relating to Willamette Falls navigation infrastructure”; and declaring an emergency.”
- L. 2015-2017 Local Contributions toward the Willamette Falls Locks Effort
- M. Testimony by Wilsonville Mayor Tim Knapp in Support of SB 256-3: “Establishes the Willamette Falls Locks Commission”; Scheduled for public hearing on June 14, 2017, before the Joint Committee on Ways and Means Subcommittee on Transportation and Economic Development
- N. Testimony by Wilsonville Mayor Tim Knapp in Support of SB 256: “Establishes the Willamette Falls Locks Commission”; Scheduled for public hearing on Feb. 15, 2017, before the Senate Committee on Business and Transportation

- O. Resolution No. 2601: A Resolution of the City of Wilsonville Adopting as a Concurring Party the Willamette Falls Locks "Section 106" Memorandum of Agreement ("MOA") And Exhibits, including Staff Report and Memorandum of Agreement Between the U.S. Army Corps of Engineers, Portland District and the Oregon State Historic Preservation Officer, and the Advisory Council On Historic Preservation Regarding the Interim Closure of the Willamette Falls Locks, West Linn, Oregon, Sept. 8, 2016
- P. Letter from Wilsonville Mayor Tim Knapp to Senate President Peter Courtney, RE: "Support for Willamette Falls Locks Economic Development Funding"; February 10, 2016
- Q. Testimony by Wilsonville Mayor Tim Knapp in Support of SB 131: "Establishing The Task Force on the Willamette Falls Navigation Canal and Locks"; For Public Hearing Scheduled on Feb. 18, 2015, Before the Senate Committee on Business and Transportation
- R. Resolution No. 2496: Resolution of the City of Wilsonville Supporting the Reopening of the Willamette Falls Locks, Nov. 3, 2014
- S. Willamette Locks Economic Potential Report by EcoNorthwest, August 2014

81st OREGON LEGISLATIVE ASSEMBLY--2021 Regular Session

Enrolled House Bill 2564

Sponsored by Representatives MEEK, LEWIS, REARDON, PRUSAK; Representatives EVANS, NERON, NOBLE, POST, POWER, SALINAS, Senators KENNEMER, WAGNER (Pre-session filed.)

CHAPTER

AN ACT

Relating to Willamette Falls Locks Authority; creating new provisions; amending sections 1, 2 and 4, chapter 734, Oregon Laws 2017; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Definition. As used in sections 1 to 11 of this 2021 Act, “Willamette Falls Locks project” means:

- (1) The project for navigation, Willamette Falls Locks, Willamette River, Oregon, authorized by the Act of June 25, 1910 (61 P.L. 264, 36 Stat. 630, 664, chapter 382);
- (2) Any land in which the federal government had a property interest for the project described in subsection (1) of this section as of the effective date of this 2021 Act; and
- (3) Any improvements on the land described in subsection (2) of this section.

SECTION 2. Establishment. (1) The Willamette Falls Locks Authority is established as a public corporation and shall exercise and carry out all powers, rights and privileges that are expressly conferred upon the authority, are implied by law or are incident to such powers, rights and privileges. The authority is an independent public corporation with a statewide mission and purposes and without territorial boundaries. The authority is a governmental entity performing governmental functions and exercising governmental powers but, except as otherwise provided by law, is not a unit of local or municipal government or a state agency for purposes of state statutes or constitutional provisions.

(2) Unless otherwise provided by law, the authority is not subject to ORS 35.550 to 35.575, 180.060, 180.210 to 180.235, 183.710 to 183.730, 183.745, 183.750, 190.430, 190.480 to 190.490, 192.105, 200.035, 236.605 to 236.640, 243.105 to 243.585, 243.696, 278.011 to 278.120, 283.085 to 283.092, 291.050 to 291.060, 357.805 to 357.895 and 656.017 (2) and ORS chapters 182, 183, 238, 238A, 240, 270, 273, 276, 282, 283, 291, 292, 293 and 297. The authority is a contracting agency for the purposes of ORS chapters 279A, 279B and 279C and shall purchase equipment, materials, supplies and services through the Oregon Department of Administrative Services as provided in ORS 279A.140 to 279A.161 and 279A.250 to 279A.290.

(3) The mission of the authority is to establish ownership, oversight and management of the Willamette Falls Locks project, for the purposes of:

- (a) Enhancing the economic vitality of Oregon through facilitating the resiliency and navigability of the Willamette River; and

(b) Repairing, maintaining, upgrading and operating the Willamette Falls Locks project and associated properties and facilities for commercial, transportation, recreational, cultural, historic, heritage and tourism purposes.

(4) The authority shall carry out the purposes described in this section and the duties of the authority under sections 1 to 11 of this 2021 Act in the manner that, in the determination of the authority, best promotes and implements the mission of the authority. Subject to any limitations established under sections 1 to 11 of this 2021 Act, the authority may take any necessary or expedient actions to:

(a) Enter into any agreements as necessary or expedient to perform any authorized function of the authority, including but not limited to any agreements with the Assistant Secretary of the Army (Civil Works) for the United States Army Corps of Engineers or other public or private entities to:

(A) Establish ownership by the authority of the Willamette Falls Locks project;

(B) Repair, maintain, upgrade and operate the Willamette Falls Locks project and associated property and facilities; and

(C) Provide for the training of personnel in operation of the navigation channel and locks;

(b) Ensure the financial viability of the authority;

(c) Promote the Willamette Falls Locks project to industries related to or interested in the authority's business operations, properties or facilities; and

(d) Undertake improvements and maintenance activities, including dredging and channelization activities as the authority determines are necessary or expedient to ensure the continued operation and utility of the Willamette Falls Locks project as a navigation facility.

SECTION 3. Authority members. (1) The Willamette Falls Locks Authority shall consist of no fewer than seven and no more than 11 individuals appointed by the Governor. An authority member holds office for a term of four years but may be removed at any time at the pleasure of the Governor. Members are eligible for reappointment. Prior to the expiration of the term of a member, the Governor shall appoint a successor. If a member position becomes vacant for any reason, the Governor shall appoint a successor to fill the unexpired term.

(2) A member of the authority must be a citizen of the United States and may not be an employee of the authority. In appointing members to the authority, the Governor shall consult with the employees of the authority, if any, and shall endeavor to appoint members with experience or expertise in a variety of subjects related to the mission and purposes of the authority or with other experience or expertise that the Governor determines are important to the success of the authority. **The Governor shall consider for appointment, but need not be limited to appointing, representatives of:**

(a) Federally recognized Oregon Indian Tribes with treaty interests in the Willamette Falls area;

(b) Regional or municipal governments;

(c) The maritime industry;

(d) The tourism industry;

(e) Persons with experience in finance, marketing or economic development;

(f) Adjacent property owners; or

(g) Abutting energy facilities.

(3) The authority shall elect one member as chairperson and one member as vice chairperson, with terms, duties and powers as determined by the authority. The authority shall adopt bylaws establishing the required frequency of meetings and quorum requirements.

(4) A member of the authority is not entitled to compensation, but may be reimbursed as provided by the policies and procedures of the authority for any actual and necessary travel and other expenses incurred by the member in the performance of the member's official duties.

(5) Four members of the Legislative Assembly shall act as a nonvoting observers and advisors to the authority and shall be appointed as follows:

(a) One shall be appointed by the President of the Senate from among members of the Senate;

(b) One shall be appointed by the Senate Minority Leader from among members of the Senate;

(c) One shall be appointed by the Speaker of the House of Representatives from among members of the House of Representatives; and

(d) One shall be appointed by the House Minority Leader from among members of the House of Representatives.

(6) The members of the Legislative Assembly selected under subsection (5) of this section may not exercise any power, right or privilege of a member of the authority.

SECTION 4. Initial membership. (1) The Governor shall appoint the initial members of the Willamette Falls Locks Authority no later than 180 days after the effective date of this 2021 Act.

(2) Notwithstanding the term of office specified in section 3 of this 2021 Act, of the members first appointed by the Governor to the authority:

(a) Two shall serve for a term ending one year after the date of appointment;

(b) Two shall serve for a term ending two years after the date of appointment; and

(c) Two shall serve for a term ending three years after the date of appointment.

SECTION 5. Authority director; status of authority director and employees. (1) The Willamette Falls Locks Authority shall appoint an executive director. The executive director is the executive officer of the authority responsible for day-to-day operations. Subject to the supervision of the authority, the executive director is authorized to direct the affairs of the authority. The executive director serves at the discretion of the authority and shall perform such duties as the authority prescribes.

(2) The executive director may employ subordinate employees as the executive director deems reasonable for carrying out business operations and the operation of the properties and facilities of the authority, including but not limited to the operation and maintenance of the Willamette Falls Locks project. The executive director may delegate any duty, function or power of the executive director to a subordinate employee except as otherwise prescribed by the authority.

(3) The members of the authority, the executive director and the employees of the authority are not state employees and are not eligible for participation in state employee health benefit plans, state employee deferred compensation plans or the Public Employees Retirement System. The authority shall determine the compensation and benefit package for the executive director and other employees of the authority. For purposes of any laws applicable to the authority as a public corporation, including but not limited to ORS 30.260 to 30.300, the members of the authority, the executive director and the employees of the authority are officers and employees of a public body.

(4) The authority and a state agency may enter into agreements for the state agency to provide support services to the authority. If a state agency provides support services to the authority, the state agency must provide the support services at the rate that the state agency would charge to other state agencies for the services.

(5) The authority may invest in the investment pool described in ORS 294.805. For purposes of ORS 294.805 to 294.895, the executive director is a local government official.

(6) The authority may retain private legal counsel or, notwithstanding ORS 180.060, may contract for representation by the Attorney General. If the authority contracts for representation by the Attorney General, the Attorney General shall charge the authority for services at the rate charged to state agencies for similar services.

SECTION 6. Powers and duties of authority. (1) Except as may otherwise be provided by law, the Willamette Falls Locks Authority may, within or outside the state:

(a) Adopt, alter, amend or repeal policies, procedures or bylaws for the organization, administration, development and management of the authority.

(b) Enter into contracts and agreements involving property, goods or services with any public or private entity as the authority deems reasonable to carry out the mission and purposes of the authority or to execute any duties, functions or powers of the authority, including but not limited to:

(A) Contracts and agreements related to the operation of the Willamette Falls Locks project and associated properties and facilities;

(B) The carrying out of the business operations of the authority;

(C) The construction, repair, maintenance, seismic stabilization, rehabilitation, upgrade or insurance of authority properties and facilities; and

(D) The coordination of activities as needed with the owner of the dam and power plant licensed by the Federal Energy Regulatory Commission.

(c) Establish advisory or technical committees and otherwise consult, cooperate or coordinate with any public or private entity as the authority deems necessary or expedient to broaden opportunities for public input on or to carry out the mission and purposes or duties of the authority.

(d) Acquire, purchase, receive, hold, control, convey, sell, manage, operate, lease, license, lend, invest, improve, develop, use, dispose of and hold title in the name of the authority to property constituting the Willamette Falls Locks project and associated lands, buildings, easements and museum facilities, and any other real or personal property of any nature.

(e) Obtain any permits, approvals or permissions needed in connection with the activities of the authority.

(f) Exercise the power of eminent domain under ORS chapter 35 to acquire any right or interest in real property as necessary or expedient to ensure the repair, upgrade, operation, maintenance or access to the Willamette Falls Locks project and any associated properties and facilities.

(g) Sue and be sued in its own name.

(h) Encourage and accept grants, gifts and donations for the benefit of the authority, and subject to the terms of the gift, retain, invest and use such gifts as deemed appropriate by the authority.

(i) Acquire, receive, hold, keep, pledge, control, convey, manage, use, lend, expend and invest funds, appropriations, grants, gifts, bequests, stock and revenue from any source.

(j) Borrow money for the needs of the authority, in such amounts and for such time and upon such terms as may be determined by the authority.

(k) Purchase any and all insurance, operate a self-insurance program or otherwise arrange for the equivalent of insurance coverage of any nature and for the indemnity and defense of the members of the authority or any officers, agents, employees or other persons designated by the authority to carry out or to further the mission and purposes of the authority.

(L) Establish charges and fees, including but not limited to charges and fees for services by the authority and for the use, lease or rental of authority properties and facilities.

(m) Contract for law enforcement or security services for authority properties and facilities.

(n) Establish and exercise broad operational authority over the Willamette Falls Locks project and associated properties and facilities, including but not limited to establishing days and times of service and a certification program to enable self-operation of the navigation canal and locks by certified users.

(o) Establish an operations training program that provides education for all operators of the locks, including but not limited to employees and volunteers of the authority, contractors or commercial operators, to operate the locks in conformance with all safety and operational requirements.

(p) Perform any other acts that in the judgment of the authority are necessary or expedient in accomplishing the public mission and purposes described in section 2 of this 2021 Act or carrying out the powers granted by sections 1 to 11 of this 2021 Act.

(2) The Willamette Falls Locks Authority shall at all times cooperate with owners of real property that adjoins the locks, particularly the owner of the dam and power plant licensed by the Federal Energy Regulatory Commission. The authority shall make all reasonable efforts to operate the locks in a manner that does not unreasonably interfere with, impair or disturb the owners' rights to the full use and enjoyment of the owners' real property that adjoins the locks.

SECTION 7. Creation of tax-exempt entity by authority. (1) Pursuant to section 6 of this 2021 Act, the Willamette Falls Locks Authority may create and maintain an entity that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, as amended, for the purpose of advancing the mission of the authority.

(2) Any entity created by the authority under subsection (1) of this section shall be considered:

- (a) A unit of local government for purposes of ORS 190.003 to 190.130;
- (b) A public body for purposes of ORS 30.260 to 30.300 and 307.112;
- (c) A contracting agency for purposes of ORS 200.090; and
- (d) A public corporation for purposes of ORS 307.090.

SECTION 8. Revenue bonds. (1) The Willamette Falls Locks Authority may from time to time issue and sell revenue bonds in accordance with ORS chapter 287A, except that ORS 287A.150 (2) to (6) do not apply to revenue bonds issued by the authority. Revenue bonds issued by the authority are not to any extent a general obligation of the authority nor a charge upon any revenues or property of the authority not specifically pledged as security for the revenue bonds. An obligation described in this section is not an indebtedness of the State of Oregon.

(2) Revenue bonds issued by the authority pursuant to ORS chapter 287A shall be considered to be bonds of a political subdivision of the State of Oregon for the purposes of all laws of the state.

(3) The authority may, pursuant to ORS 287A.360 to 287A.380, issue refunding bonds of the same character and tenor as the revenue bonds replaced by the refunding bonds.

SECTION 9. Financing agreements. (1) As used in this section:

(a) "Credit enhancement agreement" means any agreement or contractual relationship between the Willamette Falls Locks Authority and any bank, trust company, insurance company, surety bonding company, pension fund or other financial institution providing additional credit on or security for a financing agreement or certificates of participation.

(b) "Financing agreement" means a lease-purchase agreement, an installment sale agreement, a loan agreement, note agreement, short-term promissory notes, commercial papers, lines of credit or similar obligations or any other agreement to finance real or personal property that is or will be owned and operated by the authority, or to refinance previously executed financing agreements.

(c) "Personal property" means tangible personal property, software and fixtures.

(d) "Property rights" means, with respect to personal property, the rights of a secured party under ORS chapter 79 and, with respect to real property, the rights of a trustee or lender.

(e) "Software" means software and training and maintenance contracts related to the operation of computing equipment.

(2) The Willamette Falls Locks Authority may enter into financing agreements in accordance with this section, upon such terms as the authority determines to be necessary or desirable. Amounts payable by the authority under a financing agreement are limited to funds specifically pledged, budgeted for or otherwise made available by the authority. If there are insufficient available funds to pay amounts due under a financing agreement, the lender

may exercise any property rights that the authority has granted to the lender in the financing agreement against the property that was purchased with the proceeds of the financing agreement, and may apply the amounts so received toward payments scheduled to be made by the authority under the financing agreement.

(3) The authority may:

(a) Enter into agreements with third parties to hold financing agreement proceeds, payments and reserves as security for lenders, and to issue certificates of participation in the right to receive payments due from the authority under a financing agreement. Amounts held pursuant to this paragraph shall be invested at the direction of the authority. Interest earned on any investments held as security for a financing agreement may, at the option of the authority, be credited to the accounts held by the third party and applied in payment of sums due under a financing agreement.

(b) Enter into credit enhancement agreements for financing agreements or certificates of participation, provided that the credit enhancement agreements must be payable solely from funds specifically pledged, budgeted for or otherwise made available by the authority and amounts received from the exercise of property rights granted under the financing agreements.

(c) Use financing agreements to finance the costs of acquiring or refinancing real or personal property, plus the costs of reserves, credit enhancements and costs associated with obtaining the financing.

(d) Grant leases of real property with a trustee or lender.

(e) Grant security interests in personal property to trustees or lenders.

(f) Make pledges for the benefit of trustees and lenders.

(g) Purchase fire, liability, flood and extended insurance coverage or other casualty insurance for property that is acquired, transferred or refinanced with proceeds of a financing agreement, assign the proceeds thereof to a lender or trustee to the extent of their interest, and covenant to maintain the insurance while the financing agreement is unpaid, so long as available funds are sufficient to purchase such insurance.

(4) A lease or financing agreement under this section does not cause otherwise exempt property to be subject to property taxation. A lease or financing agreement is disregarded in determining whether property is exempt from taxation under ORS chapter 307.

SECTION 10. Audits; report to Legislative Assembly. (1) The Willamette Falls Locks Authority shall submit to periodic audits by the Secretary of State. The authority shall, no less than annually, retain a public accounting firm to examine and attest to the financial operations of the authority. The authority shall include the results of any public accounting in the annual report submitted to the Legislative Assembly under subsection (2) of this section.

(2) The authority shall, not later than April 15 of each year, file an annual report with the Governor and a committee or interim committee of the Legislative Assembly related to economic development. The report shall describe the activities and operations of the authority during the preceding calendar year.

SECTION 11. Unauthorized use of facilities; penalty. A person who gains or attempts to gain unauthorized access to or use of the properties or facilities of the Willamette Falls Locks Authority in violation of any use restriction or condition imposed by the authority, including assessment of any fees, commits a Class D violation. In addition to any enforcement officers specifically identified in ORS 153.005, the executive director of the Willamette Falls Locks Authority and other employees of the Willamette Falls Locks Authority may issue citations for violations of this section.

SECTION 12. Section 1, chapter 734, Oregon Laws 2017, is amended to read:

Sec. 1. (1) There is established the Willamette Falls Locks Commission for the purposes described in section 2, **chapter 734, Oregon Laws 2017, [of this 2017 Act,]** consisting of 23 members appointed as follows:

- (a) The Governor shall appoint:
- (A) One member who is the chair or a member of the Clackamas County Board of County Commissioners, pursuant to a recommendation of the board;
- (B) One member who is the chair or a member of the Marion County Board of County Commissioners, pursuant to a recommendation of the board;
- (C) One member who is the chair or a member of the Yamhill County Board of County Commissioners, pursuant to a recommendation of the board;
- (D) One member who is the president or a member of the governing body of the metropolitan service district for the Portland metropolitan area, pursuant to a recommendation from the governing body;
- (E) One member who is a representative of the Confederated Tribes of the Grand Ronde Community of Oregon, pursuant to a recommendation of the tribal council;
- (F) One member who is a representative of a Columbia River tribe that is a party to the terms of a treaty of 1855 between the tribe and the United States of America;
- (G) One member who is a representative of the State Parks and Recreation Department;
- (H) One member who is a representative of the Port of Portland;
- (I) One member who is a representative of the Department of Transportation;
- (J) One member who is a representative of the Oregon Business Development Department;
- (K) Pursuant to a recommendation by that city's governing body, one member who is the mayor or a member of the governing body of each of the following cities, to represent the cities' interests in the Willamette Falls navigation canal and locks:
- (i) The City of Oregon City;
- (ii) The City of West Linn; and
- (iii) The City of Wilsonville;
- (L) One member to represent the collective interests of local businesses and economic development in Clackamas County, pursuant to a recommendation of the Clackamas County Board of County Commissioners;
- (M) One member to represent the collective interests of the tourism and recreation industries in Clackamas County, pursuant to a recommendation by the Clackamas County Board of County Commissioners;
- (N) One member to represent the residents of Clackamas County, pursuant to a recommendation by the Clackamas County Board of County Commissions; and
- (O) One member to represent an environmental or ecological nonprofit organization.
- (b) The President of the Senate shall appoint one member from among the members of the Senate.
- (c) The Senate Minority Leader shall appoint one member from among the members of the Senate.
- (d) The Speaker of the House of Representatives shall appoint two members from among the members of the House of Representatives.
- (e) The House Minority Leader shall appoint two members from among the members of the House of Representatives.
- (2) The term of office of each member of the commission appointed by the Governor is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 1 of the following year. A member is eligible for reappointment.
- (3) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term.
- (4) Members of the commission are not entitled to compensation and may not be reimbursed for travel or other expenses incurred by them in the performance of their official duties.
- (5) Members of the Legislative Assembly appointed to the commission are nonvoting members of the commission and act in an advisory capacity only.

(6) The commission shall select one of its members as chairperson and another as vice chairperson, for terms and with duties and powers necessary for the performance of the functions of the offices as the commission determines.

(7) The commission may elect an executive committee to consist of three or more members. The executive committee has and may exercise all authority of the commission.

(8) Official action by the commission requires the approval of a majority of the voting members of the commission.

(9)(a) The commission shall meet [*no less than six times per year*] at times and places specified by the call of the chairperson or of a majority of the voting members of the commission. [*The commission shall include an opportunity for public comment as an item on the agenda of at least two meetings per year.*]

(b) The commission shall notify federally recognized Indian tribes and known interested parties of the dates and times of commission meetings.

(10) ORS 192.311 to 192.478 and 192.610 to 192.690 apply to the records and meetings of the commission.

SECTION 13. Section 2, chapter 734, Oregon Laws 2017, is amended to read:

Sec. 2. (1) As used in this section, "Willamette Falls Locks project" has the meaning given that term in section 1 of this 2021 Act.

[(1)] (2) The Willamette Falls Locks Commission shall:

[(a) *Serve as a body to advise state, local and regional government agencies on the development and implementation of state policies relating to the repair, reopening, operation and maintenance of the Willamette Falls navigation canal and locks;*]

[(b) *Address issues relating to the transfer of ownership, operation and financing of the navigation canal and locks from a state, local and regional perspective;*]

[(c) *Make recommendations for, and assist in coordination of, funding responsibilities, including possible recommendations for the formation of an intergovernmental agreement between state, local, regional and federal agencies for the repair, reopening, operation and maintenance of the navigation canal and locks;*]

[(d) *Investigate a framework for the ownership, operations and management of the navigation canal and locks;*]

[(e) *Negotiate ownership, operation and management of the navigation canal and locks with the United States Army Corps of Engineers;*]

[(f) *Communicate state policies relating to the repair, reopening, operation and maintenance of the navigation canal and locks to the Oregon Congressional Delegation; and*]

(a) Serve as a body to advise the Governor in appointment of the initial members of the Willamette Falls Locks Authority pursuant to section 3 of this 2021 Act;

(b) Provide advice and assistance to the Governor or the Willamette Falls Locks Authority established under section 2 of this 2021 Act, as requested by the Governor or the authority, on any matters relating to the Willamette Falls Locks project and as necessary to facilitate an orderly transition from the commission to the authority of responsibilities for the development and implementation of state policies relating to the Willamette Falls Locks project; and

[(g)] (c) Consider any other matters the commission considers necessary with respect to **advising the Willamette Falls Locks Authority on** the ownership and operation of the [*navigation canal and locks*] **Willamette Falls Locks project.**

[(2)] (3) The commission may establish advisory or technical committees as the commission considers necessary to aid and advise the commission in the performance of its functions. The committees may be continuing or temporary committees. The commission shall determine the representation, membership, terms and organization of the committees and shall appoint the members of the committees.

[(3)] (4) Oregon Solutions at Portland State University shall provide staffing and other resources as required by the commission to carry out the duties of the commission.

SECTION 14. Section 4, chapter 734, Oregon Laws 2017, is amended to read:

Sec. 4. Sections 1 and 2, **chapter 734, Oregon Laws 2017**, [of this 2017 Act] are repealed on [December 31, 2023] **June 30, 2022.**

SECTION 15. The section captions used in this 2021 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2021 Act.

SECTION 16. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by House May 11, 2021

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate May 27, 2021

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

.....
Shemia Fagan, Secretary of State

Quasi-government agency would oversee Willamette Falls locks

By Peter Wong, Portland Tribune

May 11 2021

<https://pamplinmedia.com/pt/9-news/508436-406689-quasi-government-agency-would-oversee-willamette-falls-locks>

House bill would ease transfer from federal government and allow reopening after a decade.

A new quasi-government agency would take over the operation of the Willamette Falls locks in Oregon City, closed for most of the past decade, under a bill that won approval of the Oregon House.

A 54-3 vote on Tuesday, May 11, sent House Bill 2564 to the Senate. The bill would create a Willamette Falls Locks Authority, which would acquire the locks from the U.S. Army Corps of Engineers, operator of the locks from 1915 until 2011. The locks were named to the National Register of Historic Places in 1974, 101 years after the first locks were built to bypass the falls.

Since the locks closed in 2011 — the same year the Blue Heron paper mill shut down — governments and businesses have sought ways to redevelop the area for tourism, recreation and other purposes. The 2017 Legislature created a commission, which will end in mid-2022 under the bill and be replaced by an authority with a board of seven to 11 members appointed by the governor.

Rep. Mark Meek, D-Oregon City, is a nonvoting member of the current commission and a chief sponsor of the bill to create an authority, which will be similar to the status of Oregon Health & Science University and the Oregon State Fair.

"It will ensure that the locks remain a public asset to be used and enjoyed by all Oregonians," Meek said.

He said virtually all participants support the idea.

"They support this effort because they understand the huge cultural, environmental and economic value that reopening the locks will have on the region," he said. "Establishing the Willamette Falls Locks Authority and reopening the locks will help unlock the potential of the region and positively affect our area for years to come."

The commission's primary task was to draft a plan for reopening the locks.

Meek said more than \$900,000 has been amassed for the plan, and more than \$650,000 for work to make them operational again.

"That area is a little bit shoddy looking right now. It is kind of run down," Rep. Jeff Reardon, D-Happy Valley, said. "But we are looking at a point where with the continuation of these locks is going to incentivize further development on both sides of the river."

The Confederated Tribes of Grand Ronde bought the 23-acre Blue Heron mill site in 2019. The tribe ceded the site to the U.S. government under a treaty in 1855, so its purchase reclaimed the land for the tribe. Earlier this year the tribe released its overall plans.

A long-awaited river walk will connect the falls with downtown Oregon City. Four governments — Oregon Parks and Recreation Department, Metro, Clackamas County and Oregon City —

have been working on it for years under the Willamette Falls Legacy Project. The project and the tribe have reached agreement on the first phase, which is estimated at \$12.5 million that has been collected already.

An overlook is planned for a second phase.

"This bill will be transformative for our state," Rep. Rachel Prusak, D-West Linn, said. "It will encourage tourism, expand transportation options, aid in disaster resiliency and preserve cultural and historical significance in this region."



Testimony by City of Wilsonville Mayor Julie Fitzgerald Supporting an Amended SB 5534, Capitol Construction Funding Bill

Strategic Use of State Funds to Leverage Federal Infrastructure Investment for Proposed Public Corporation to Reopen the Willamette Falls Locks

Scheduled for public hearing on May 7, 2021, before the Joint Committee on Ways and Means Subcommittee on Capital Construction

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

On behalf of the City of Wilsonville City Council, I am testifying in strong support of an amended SB 5534 that would provide the proposed Willamette Falls Locks Authority with an initial State investment through bonded lottery proceeds. The City supports an amendment for “Willamette Falls Locks Restoration - \$14 million” in bonding authority as leverage for additional federal funds.

The legislatively chartered Willamette Falls Locks Commission, created by SB 256 of 2017, has recommended to the Oregon Legislative Assembly to create the Willamette Falls Locks Authority as a state-chartered public corporation via HB 2564 this legislative session. Creation of a State-related entity is an essential first step in facilitating the ownership transfer of the Locks from the federal government via the U.S. Army Corps of Engineers (US ACE) to the State of Oregon. Transfer of the ownership of the Locks and a state/regional commitment to long-term maintenance that leverages federal funds provides the opportunity to repair and reopen the Locks to river travel.

In the Draft Disposition Study issued by the US ACE in May 2017, the Corps indicated a preference for transfer of the Locks to another entity or cementing the Locks shut permanently, foreclosing any future options for use. Reopening the Locks is crucial to maintaining a key river transportation infrastructure connecting the lower and upper portions of the Willamette River.

Passage of an amended SB 5534 with a Locks restoration budget allotment sends a strong message of reinforcement to Congress and the federal government that the State of Oregon is serious about reopening the Locks, and provides the State an opportunity to leverage substantial federal infrastructure funding for preliminary repairs for reopening the Locks.

The City of Wilsonville is one of three Willamette River cities appointed by the legislature to serve on the Willamette Falls Locks Commission. Wilsonville has vested interests along with other public- and private-sector stakeholders in reopening and sustainably operating the Locks, which significantly impact the recreational, tourism and commercial economy of the region, and provide a non-roadway mode of transportation crucial for recovery after the projected Cascadia 9.0 seismic event. Closure of the Locks since 2011 has placed a severe hardship on commercial, recreational and tribal river users, including long-time employer Wilsonville Concrete, Inc., and Marine Industrial Construction, LLC, which used the Locks for 129 years of commerce.

The City of Wilsonville respectfully requests your support for a budget allotment of \$14 million in restoration funds for the Willamette Falls Locks Authority in SB 5534. Thank you.

Sincerely,

Julie Fitzgerald, Mayor
City of Wilsonville



Testimony by City of Wilsonville Mayor Julie Fitzgerald Supporting HB 2564:

Proposed Legislation Provides for State to Accept Transfer Ownership of Willamette Falls Locks from Federal Government with Goal of Re-Opening

Scheduled for public hearing on February 11, 2021, before the Joint Committee on Transportation

Co-Chairs Beyer and McLain, and Members of the Committee:

On behalf of the City of Wilsonville City Council, I am testifying in support of HB 2564, which implements the legislatively chartered Willamette Falls Locks Commission recommendation to the Oregon Legislative Assembly to create the Willamette Falls Locks Authority as a state-chartered public corporation.

Creation of a State-related entity is an essential first step in facilitating the ownership transfer of the Locks from the federal government via the U.S. Army Corps of Engineers (US ACE) to the State of Oregon. Transfer of the ownership of the Locks and a state/regional commitment to long-term maintenance is an essential first step to reopening the Locks to river travel.

In the Draft Disposition Study issued by the US ACE in May 2017, the Corps indicated a preference for transfer of the Locks to another entity or cementing the Locks shut permanently, foreclosing any future options. Reopening the Locks is to crucial to maintaining a key river transportation infrastructure connecting the lower and upper portions of the Willamette River.

Passage of HB 2564 sends a strong message of reinforcement to Congress and the federal government that the State of Oregon is serious about reopening the Locks, and provides the State an opportunity to leverage federal infrastructure funding for preliminary repairs.

The City of Wilsonville is a founding member of the Willamette Falls Locks Working Group and was one of three Willamette River cities appointed by the legislature to serve on the Willamette Fall Locks Commission through SB 256 of 2017. Wilsonville has vested interests along with other public- and private-sector stakeholders in reopening and sustainably operating the Willamette Falls Locks, which significantly impact the recreational, tourism and commercial economy of the region and provide a non-roadway mode of transportation that may be crucial for recovery after the projected Cascadia 9.0 seismic event. Closure of the Locks since 2011 has placed a severe hardship on commercial, recreational and tribal river users, including long-time employer Wilsonville Concrete, Inc., and Marine Industrial Construction, LLC, which used the Willamette Falls Locks for 129 years of commerce.

The City of Wilsonville respectfully urges a DO PASS vote on HB 2564. Thank you.

Sincerely,

Julie Fitzgerald, Mayor
City of Wilsonville



Testimony by City of Wilsonville Mayor Tim Knapp Supporting HB 4150:

Proposed Legislation Provides Ability to Reopen the Willamette Falls Locks, Leverage Federal Funds and Advance State Goals for Tourism, Commerce and Resilience

Scheduled for public hearing on February 4, 2020, before the Joint Committee on Transportation

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

On behalf of the City of Wilsonville City Council, I am testifying in support of HB 4150, which implements the Willamette Falls Locks Commission recommendation to the Oregon Legislative Assembly to create the Willamette Falls Locks Authority as a state-chartered public corporation and to secure capital funding in the amount of \$14 million in lottery proceeds bonding for the repair and eventual reopening of the Locks.

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

Assuming successful passage of the needed legislation and on the commitments of other organizations as described in the “Willamette Falls Locks Business Plan,” the City is prepared to continue our support of the Locks Authority’s proposed Business Plan Phase 1 operations with a contribution of \$7,000 per year beginning in July 2020 and lasting a maximum of five years.

Reopening the Locks to crucial to maintaining a key river transportation infrastructure connecting the lower and upper portions of the Willamette River. In the Draft Disposition Study issued by the U.S. Army Corps of Engineers in May 2017, the Corps indicated a preference for transfer of the Locks to another entity or cementing the Locks shut permanently, foreclosing any future options.

Passage of HB 4150 sends a strong message of reinforcement to Congress and the federal government that the State of Oregon is serious about reopening the Locks, and provides the State an opportunity to leverage federal infrastructure funding for preliminary repairs.

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

The City of Wilsonville respectfully urges a DO PASS vote on HB 4150. Thank you.

Sincerely,

Tim Knapp, Mayor
City of Wilsonville



December 16, 2019

Senator Johnson, Senator Steiner Hayward and Representative Dan Rayfield, Co-Chairs
 Joint Committee on Ways and Means
 Oregon Legislative Assembly
 Oregon State Capitol
 900 State Street
 Salem, OR 97301

**RE: City of Wilsonville Support for Proposed Willamette Falls Locks Authority
 Public Corporation and State Capital Investment**

Dear Co-Chairs Johnson, Steiner Hayward and Rayfield and members of the committee:

I am writing to express the City of Wilsonville's steadfast and continued support for the multi-jurisdictional, public/private-sector collaborative effort to repair and reopen the Willamette Falls Locks for public use.

Specifically, the City supports the Willamette Falls Locks Commission recommendation to the Oregon Legislative Assembly to create the Willamette Falls Locks Authority as a state-chartered public corporation and to secure capital funding in the amount of \$14 million for urgently needed repairs to the Locks.

If these efforts are successful at the legislature, the City is prepared to continue our support of the Locks Authority's proposed Business Plan Phase 1 operations with a contribution of \$7,000 per year beginning in July 2020 and lasting a maximum of five years. This commitment is conditional on the successful passage of the needed legislation, and on the commitments of other organizations as described in the Willamette Falls Locks Business Plan.

The City of Wilsonville is a founding member of the Willamette Falls Locks Working Group formed in 2015 and was one of three Willamette River cities appointed to serve in 2017 on the Willamette Fall Locks Commission by Senate Bill 256. We look forward to continued partnership with the broader coalition to achieve the important goal of keeping the Willamette River as one river.

Sincerely,

Tim Knapp, Mayor
 City of Wilsonville



December 16, 2019

Mayor Russ Axelrod, Chair
Willamette Falls Locks Commission
c/o Turner Odell, Oregon Solutions
National Policy Consensus Center (NPCC), Portland State University
PO Box 751
Portland, OR 97207-0751

**RE: City of Wilsonville Support for Proposed
Willamette Falls Locks Authority Public Corporation**

Dear Chair Axelrod and members of the Willamette Falls Locks Commission:

I am writing to express the City of Wilsonville's steadfast and continued support for the multi-jurisdictional, public/private-sector collaborative effort to repair and reopen the Willamette Falls Locks for public use.

The City supports the Commission's recommendation to the Oregon Legislative Assembly to create the Willamette Falls Locks Authority as a state-chartered public corporation and to secure capital funding for urgently needed repairs to the Locks.

If these efforts are successful at the legislature, the City is prepared to continue our support of the Locks Authority's proposed Business Plan Phase 1 operations with a contribution of \$7,000 per year beginning in July 2020 and lasting a maximum of five years. This commitment is conditional on the successful passage of the needed legislation, and on the commitments of other organizations as described in the Willamette Falls Locks Business Plan.

The City of Wilsonville is a founding member of the Willamette Falls Locks Working Group formed in 2015 and was one of three Willamette River cities appointed to serve in 2017 on the Willamette Fall Locks Commission by Senate Bill 256. We look forward to continued partnership with the broader coalition to achieve the important goal of keeping the Willamette River as one river.

Sincerely,

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

Tim Knapp, Mayor
City of Wilsonville



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

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

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

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

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

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

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

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

Sincerely,

Tim Knapp, Mayor
City of Wilsonville



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

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

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

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

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

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

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

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

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

Sincerely,

Tim Knapp, Mayor
City of Wilsonville

RESOLUTION NO. 2737**A RESOLUTION OF THE CITY OF WILSONVILLE ADOPTING AN INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY TO SUPPORT THE WORK OF THE WILLAMETTE FALLS LOCKS COMMISSION.**

WHEREAS, the Wilsonville City Council adopted on November 4, 2014, Resolution No. 2496, "A Resolution of the City of Wilsonville Supporting the Reopening of the Willamette Falls Locks," that enumerated the history and importance of the Willamette Falls Locks and Canal in relation to the City of Wilsonville and the Willamette River; and

WHEREAS, the City Council adopted the 2015-16 State Legislative Agenda on January 22, 2015, that under Section 2, Transportation & Transit Infrastructure, contained agenda item No. 2.4, "The City of Wilsonville supports efforts to re-open and maintain the operations of the Willamette Falls Locks and Canal," and

WHEREAS, since 2015 the City Council has continued to support a policy "to re-open and maintain the operations of the Willamette Falls Locks and Canal" through adoption of the 2017-18 State Legislative Agenda on January 19, 2017, and the 2019-20 State Legislative Agenda on January 7, 2019; and

WHEREAS, the City of Wilsonville worked with Clackamas County, the City of West Linn and host of other partners to advance successfully Senate Bill 256 in the 2017 session of the Oregon Legislative Assembly that created and provided State matching funds for the work of a 23-member Willamette Falls Locks Commission as a policy-making and advisory board for issues relating to the repair, reopening, operation, maintenance and future transfer of ownership of the Willamette River navigational channel and locks system; and

WHEREAS, the City Council agreed during a May 7, 2018, work session to support financially the work of the Commission, for which the City of Wilsonville was designated one of three cities with a voting membership on recommendations originating from the Willamette Falls Locks Commission regarding the repair, reopening, operation, maintenance and future transfer of ownership of the Willamette River navigational channel and locks system; and

WHEREAS, the City Council nominated on October 16, 2017, for appointment by the Office of the Governor with Oregon Senate confirmation Councilor Scott Starr to serve as Wilsonville's representative to the Commission during 2018, and subsequently nominated on

January 7, 2019, Councilor Ben West to serve as Wilsonville’s representative to the Commission during 2019;

NOW THEREFORE, the Wilsonville City Council does hereby resolves to authorize the City Manager to execute an Intergovernmental Agreement Between Clackamas County and City of Wilsonville for the provision of project management and due diligence services provided to the Oregon State Commission for the Willamette Falls Locks.

ADOPTED by the Wilsonville City Council at a regular meeting on April 15, 2019, and filed with the Wilsonville City Recorder this date.


TIM KNAPP, MAYOR

ATTEST:


Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

- Mayor Knapp Yes
- Councilor Akervall Yes
- Councilor Stevens Yes
- Councilor Lehan Yes
- Councilor West Yes

Exhibit:

1. Intergovernmental Agreement Between Clackamas County and City of Wilsonville, for the provision of project management and due diligence services provided to the Oregon State Commission for Willamette Falls Locks

**INTERGOVERNMENTAL AGREEMENT
BETWEEN CLACKAMAS COUNTY
AND CITY OF WILSONVILLE**

This Intergovernmental Agreement ("Agreement") is entered into by and between **Clackamas County** ("County"), a political subdivision of the State of Oregon, and the **City of Wilsonville** ("City"), an Oregon municipal corporation, for the provision of project management and due diligence services provided to the **Oregon State Commission for the Willamette Falls Locks**, ("Commission"), formed under 2017 SB 256, 2017 Oregon Session Laws Ch. 734, ORS 358.640 (Temporary provisions relating to Willamette Falls Locks Commission). This Agreement is authorized pursuant to ORS 190.010, and ORS 190.110.

1. **Effective Date and Duration.** This Agreement shall become effective upon signature by City representative. Unless earlier terminated or extended, this Agreement shall expire on June 30, 2019 ("Expiration Date"). This Agreement may be otherwise extended by mutual written agreement of the parties at any time prior to its Expiration Date.
2. **Statement of Work.** County agrees to perform the project management and due diligence work in accordance with the terms and conditions of this Agreement as reflected in Attachment 1. County agrees that it shall use the contributions from the funding partners in support of consulting services pertaining to and in support of the Commission and the goals of the Project as defined in 2017 Oregon Session Laws Ch. 743, Section 2. The County agrees to solicit through a competitive process the required project management and due diligence consulting services. The County further agrees to convene the staff from the contributing partners to provide guidance and support to the Commission and consultants.
3. **Consideration.** City agrees that it shall contribute Fourteen Thousand and no/100 Dollars (\$14,000.00) to the County to support the project management and due diligence facilitation upon execution of this agreement.
4. **Schedule of Performance.** The delivery schedule for the provision of these services is intended to be completed by June 30, 2019.
5. **Project Managers; Notice.** Each party has designated a project manager to be the formal representative for this Agreement. All reports, notices, and other communications required under or relating to this Agreement shall be directed to the appropriate individual. To be effective, any notice required to be given under this Agreement may be given by personal delivery to the address below or may be sent by certified mail, return receipt requested and if sent via certified mail return receipt requested such notice will be deemed delivered three (3) business days after postmark. Notice may also be given by overnight delivery service, effective upon receipt of such delivery.

City of Wilsonville

Mark Ottenad
 Director, Public and
 Government Affairs
 29799 SW Town Center Loop East
 Wilsonville, OR 97070
 (503) 570-1505

Clackamas County

Gary Schmidt
 Administrator, Clackamas County
 2051 Kaen Rd., Suite 450
 Oregon City, OR 97045
 (503) 742-5908

6. **Amendments.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by both parties.
7. **Termination.**
- A. The parties may agree to an immediate termination of this Agreement or at a time certain upon mutual written consent.
- B. Either party may terminate this Agreement effective not less than 30 days from delivery of written notice for any reason. City shall be responsible for any costs of Work done on its behalf prior to the effective date of the termination.
- C. Either party may terminate this Agreement in the event of a breach by the other party. However, prior to such termination, the party seeking termination shall give the other party written notice of the party's intent to terminate. If the breaching party has not cured the breach within 10 days or a longer period as granted in the cure notice, the party seeking compliance may terminate this Agreement.
8. **Funds Available and Authorized.** Both parties certify that at the time the Agreement is written that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within each party's current appropriation and limitation through fiscal year 2018-2019. Both parties understand and agree that payment of amounts under this Agreement attributable to Work performed after the end of the current fiscal year is contingent on either party receiving appropriations, limitations, or other expenditure authority. This Contract is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10, of the Oregon Constitution, and is contingent upon funds being appropriated therefore. Any provisions herein which would conflict with law are deemed inoperative to that extent.
9. **Captions.** The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions of this Agreement.
10. **Access to Records.** Both parties and their duly authorized representatives shall have access to the documents, papers, and records which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcript.

11. **Compliance with Applicable Law.** Both parties shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the Work under this Agreement. Both party's performance under this Agreement is conditioned upon either parties compliance with the provisions of the Oregon Revised Statutes, including but not limited to ORS 279A, B, and C, which are incorporated by relevant reference herein. Notwithstanding the foregoing, the County is solely responsible for any and all contracts and subcontracts associated with the project management and due diligence work to be funded by this Agreement, including but not limited to procurement under applicable public contracting laws, contract management, and payments to contractors and subcontractors. County acknowledges that other than City's payment of funds to the County, City has no other obligation or responsibility for this the project management and due diligence work.
12. **No Third Party Beneficiary.** The County and City are the only parties to this Agreement and as such, are the only parties entitled to enforce its terms. Nothing contained in this Agreement gives or shall be construed to give or provide any benefit, direct, indirect, or otherwise to third parties unless third persons are expressly described as intended to be beneficiaries of its terms.
13. **Merger Clause.** This Agreement constitutes the entire agreement between the parties. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement.
14. **Oregon Law and Forum.** This Agreement shall be construed according to the laws of the State of Oregon, without giving effect to the conflict of law provisions thereof.
15. **Severability.** If any provision of this Agreement is found to be unconstitutional, illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken. The Court or other authorized body finding such provision unconstitutional, illegal or unenforceable shall construe this Agreement without such provision to give effect to the maximum extent possible the intentions of the parties.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate by their duly authorized officers or representatives as of the day and year first above written.

City of Wilsonville

Clackamas County Board of County Commissioners by:

Bryan Cosgrove, City Manager

Chair

Date

Date

Recording Secretary

Approved as to Form:

Approved as to Form:

City Attorney

County Counsel

Attachment 1

Project Management and Due Diligence Work Program

- Overall Project Management – A single overall project manager should be identified with responsibility to manage the full work program, including work elements being carried out by other consultants and agency staffs.
- Governance – A key conclusion of this effort will be to identify a transferee and the governance structure through which to implement the transfer of the Locks from the Corps to a new owner.
- Funding – The companion conclusion to the governance question will be to determine the appropriate funding strategy to implement needed capital repairs and support ongoing operations, maintenance, and periodic capital improvements.
- Engineering – The Consultant team should include a civil engineer with experience with locks. This person will be responsible for consulting with the Corps to fully understand their engineering assessment, verify the scope of work for each repair item, confirm costs and assist the Locks Commission in finalizing an agreed upon short- and long-term capital repair plan.
- Public Outreach – The Consultant, working with the assistance of the full partners group will design and implement an appropriate public outreach work program with an eye toward building a base of support for ultimate implementation.
- Advocacy – The Consultant will develop and manage the best approach for any state or federal legislative and administrative advocacy stemming from recommendations by the Commission or full partners group.
- Agency Organization Structure and Capabilities – With the assistance of the full partners group and accessing the experience of the Corps, the Consultant will be responsible for defining the staffing and resources required for the transferee to be successful.
- Other studies and issues as required – As the project manager, the Consultant will be required to identify issues to be addressed and ensure that resources from the Consultant and/or the full partners group are assigned to analyze or otherwise address the issue.

Commission Proposal – The Consultant will be responsible for drafting the final Commission proposal

79th OREGON LEGISLATIVE ASSEMBLY--2017 Regular Session

Enrolled Senate Bill 256

Sponsored by Senators DEVLIN, OLSEN, Representatives PARRISH, KENNEMER, LININGER, MEEK; Senators BURDICK, FREDERICK, GIROD, HANSELL, MONNES ANDERSON, MONROE, ROBLAN, TAYLOR, THOMSEN, WINTERS, Representatives BARKER, GOMBERG, HELM, HUFFMAN, KENY-GUYER, MCKEOWN, MCLAIN, NEARMAN, NOSSE, PILUSO, POWER, REARDON, WITT (Pre-session filed.)

CHAPTER

AN ACT

Relating to Willamette Falls navigation infrastructure; and declaring an emergency.

Whereas the Willamette Falls Navigation Canal and Locks were opened in 1873; and

Whereas the navigation canal and locks are a primary historic asset in the Willamette Falls State Heritage Area; and

Whereas the United States Army Corps of Engineers purchased the navigation canal and locks in 1915 to ensure free public passage through the navigation canal and locks; and

Whereas in 2011 the United States Army Corps of Engineers placed the navigation canal and locks into nonoperational status; and

Whereas in May 2017 the United States Army Corps of Engineers issued a draft disposition study stating an intent to divest federal ownership of the navigation canal and locks; and

Whereas the navigation canal and locks offer opportunities for economic development, recreation, transportation and cultural enrichment for the people of this state; and

Whereas the navigation canal and locks provide a transportation route in the event of a natural disaster; and

Whereas Columbia River tribes have usual and accustomed claims to use the Willamette Falls area; and

Whereas the Confederated Tribes of the Grand Ronde Community of Oregon have historical claims through treaty to the Willamette Falls area; and

Whereas the Confederated Tribes of the Grand Ronde Community of Oregon, Metro, Clackamas County, Marion County, Multnomah County, Linn County, Polk County and the cities of Eugene, Milwaukie, Portland, Oregon City, Salem, West Linn and Wilsonville have each adopted resolutions in support of the repair and reopening of the navigation canal and locks; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) There is established the **Willamette Falls Locks Commission** for the purposes described in section 2 of this 2017 Act, consisting of 23 members appointed as follows:

(a) The Governor shall appoint:

(A) One member who is the chair or a member of the Clackamas County Board of County Commissioners, pursuant to a recommendation of the board;

(B) One member who is the chair or a member of the Marion County Board of County Commissioners, pursuant to a recommendation of the board;

(C) One member who is the chair or a member of the Yamhill County Board of County Commissioners, pursuant to a recommendation of the board;

(D) One member who is the president or a member of the governing body of the metropolitan service district for the Portland metropolitan area, pursuant to a recommendation from the governing body;

(E) One member who is a representative of the Confederated Tribes of the Grand Ronde Community of Oregon, pursuant to a recommendation of the tribal council;

(F) One member who is a representative of a Columbia River tribe that is a party to the terms of a treaty of 1855 between the tribe and the United States of America;

(G) One member who is a representative of the State Parks and Recreation Department;

(H) One member who is a representative of the Port of Portland;

(I) One member who is a representative of the Department of Transportation;

(J) One member who is a representative of the Oregon Business Development Department;

(K) Pursuant to a recommendation by that city's governing body, one member who is the mayor or a member of the governing body of each of the following cities, to represent the cities' interests in the Willamette Falls navigation canal and locks:

(i) The City of Oregon City;

(ii) The City of West Linn; and

(iii) The City of Wilsonville;

(L) One member to represent the collective interests of local businesses and economic development in Clackamas County, pursuant to a recommendation of the Clackamas County Board of County Commissioners;

(M) One member to represent the collective interests of the tourism and recreation industries in Clackamas County, pursuant to a recommendation by the Clackamas County Board of County Commissioners;

(N) One member to represent the residents of Clackamas County, pursuant to a recommendation by the Clackamas County Board of County Commissioners; and

(O) One member to represent an environmental or ecological nonprofit organization.

(b) The President of the Senate shall appoint one member from among the members of the Senate.

(c) The Senate Minority Leader shall appoint one member from among the members of the Senate.

(d) The Speaker of the House of Representatives shall appoint two members from among the members of the House of Representatives.

(e) The House Minority Leader shall appoint two members from among the members of the House of Representatives.

(2) The term of office of each member of the commission appointed by the Governor is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 1 of the following year. A member is eligible for reappointment.

(3) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term.

(4) Members of the commission are not entitled to compensation and may not be reimbursed for travel or other expenses incurred by them in the performance of their official duties.

(5) Members of the Legislative Assembly appointed to the commission are nonvoting members of the commission and act in an advisory capacity only.

(6) The commission shall select one of its members as chairperson and another as vice chairperson, for terms and with duties and powers necessary for the performance of the functions of the offices as the commission determines.

(7) The commission may elect an executive committee to consist of three or more members. The executive committee has and may exercise all authority of the commission.

(8) Official action by the commission requires the approval of a majority of the voting members of the commission.

(9)(a) The commission shall meet no less than six times per year at times and places specified by the call of the chairperson or of a majority of the voting members of the commission. The commission shall include an opportunity for public comment as an item on the agenda of at least two meetings per year.

(b) The commission shall notify federally recognized Indian tribes and known interested parties of the dates and times of commission meetings.

(10) ORS 192.410 to 192.505 and 192.610 to 192.690 apply to the records and meetings of the commission.

SECTION 2. (1) The Willamette Falls Locks Commission shall:

(a) Serve as a body to advise state, local and regional government agencies on the development and implementation of state policies relating to the repair, reopening, operation and maintenance of the Willamette Falls navigation canal and locks;

(b) Address issues relating to the transfer of ownership, operation and financing of the navigation canal and locks from a state, local and regional perspective;

(c) Make recommendations for, and assist in coordination of, funding responsibilities, including possible recommendations for the formation of an intergovernmental agreement between state, local, regional and federal agencies for the repair, reopening, operation and maintenance of the navigation canal and locks;

(d) Investigate a framework for the ownership, operations and management of the navigation canal and locks;

(e) Negotiate ownership, operation and management of the navigation canal and locks with the United States Army Corps of Engineers;

(f) Communicate state policies relating to the repair, reopening, operation and maintenance of the navigation canal and locks to the Oregon Congressional Delegation; and

(g) Consider any other matters the commission considers necessary with respect to the ownership and operation of the navigation canal and locks.

(2) The commission may establish advisory or technical committees as the commission considers necessary to aid and advise the commission in the performance of its functions. The committees may be continuing or temporary committees. The commission shall determine the representation, membership, terms and organization of the committees and shall appoint the members of the committees.

(3) Oregon Solutions at Portland State University shall provide staffing and other resources as required by the commission to carry out the duties of the commission.

SECTION 3. In addition to and not in lieu of any other appropriation, there is appropriated to the Higher Education Coordinating Commission, for the biennium beginning July 1, 2017, out of the General Fund, the amount of \$190,000, for distribution to Portland State University for the purposes of sections 1 and 2 of this 2017 Act.

SECTION 4. Sections 1 and 2 of this 2017 Act are repealed on December 31, 2023.

SECTION 5. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by Senate July 3, 2017

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House July 7, 2017

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

.....
Dennis Richardson, Secretary of State

Local Contributions toward the Willamette Falls Locks Effort*

2015-17 State and Federal Advocacy and Support to Locks Task Force

	Clackamas County	\$158,250
	Metro	\$113,000
	Industry	\$16,000
Subtotal		\$287,250

2018-19 Due Diligence and support to Locks Commission

	Clackamas County	\$120,000
	Metro	\$120,000
	Marine industry	\$60,000
	Tourism Industry	\$100,000
Cities		
	West Linn	\$30,000
	Oregon City	\$14,000
	Wilsonville	\$14,000
	Lake Oswego	\$12,000
	Gladstone	\$5,000
	Milwaukie	\$5,000
	Newberg	\$2,500
Subtotal		\$482,500

2019 Additional Fees

	Clackamas County	\$3,780
Subtotal		\$3,780

GRAND TOTAL **\$773,530**

*Does not include staff time expended



**Testimony by Wilsonville Mayor Tim Knapp in Support of SB 256-3:
*Establishes the Willamette Falls Locks Commission***

Scheduled for public hearing on June 14, 2017, before the Joint Committee on Ways and Means SubCommittee on Transportation and Economic Development

Co-Chairs Johnson and Gomberg and Members of the Committee:

On behalf of the City of Wilsonville City Council, I am testifying in support of SB 256-3 that establishes the Willamette Falls Locks Commission as the policy-making and advisory body for issues relating to repair, reopening, operation, maintenance and future transfer of ownership of the navigational canal and locks, a transportation facility of state significance.

The City of Wilsonville is a founding member of the Willamette Falls Locks Working Group and welcomes the opportunity to serve on the proposed Commission. Local governments, businesses and advocates have been working collaboratively together and are requesting the State to become a partner through the formation of the Commission. With representation from ODOT, State Parks and Business Oregon on the Commission, the future economic, transportation, cultural, historic, recreational and emergency preparedness interests of the region and state are fully represented.

The passage of SB 256 is critical in this legislative session. In the Draft Disposition Study issued by the U.S. Army Corps of Engineers in May 2017 for public comment, the Corps indicated a preference for transfer of the Locks. Recommending a governance structure for a transferee and negotiating with the Corps for transfer of the Locks upgraded to an acceptable state of repair are critical if the Locks are to be reopened. If a transferee is not identified, the Corps has indicated a preference to construct a concrete bulkhead, which would close the Locks permanently to river traffic — and foreclose future options for use.

The City of Wilsonville has vested interests along with other stakeholders in reopening and sustainably operating the Willamette Falls Locks, which significantly impact the recreational, tourism and commercial economy of the community and the region. Closure of the Locks since 2011 has placed a severe hardship on commercial, recreational and tribal river users, including area recreationalists and businesses. Wilsonville-based Wilsonville Concrete, Inc., and Marine Industrial Construction, LLC, which used the Willamette Falls Locks for 127 years for transporting aggregate, logs and other goods and conducting dredging and towing operations, has 15–30 jobs that could be impacted if the Locks are not reopened on a permanent basis for the conduct of commerce.

The City of Wilsonville respectfully urges a DO PASS vote on SB 256-3. Thank you.

Sincerely,

Tim Knapp, Mayor
City of Wilsonville



**Testimony by Wilsonville Mayor Tim Knapp in Support of SB 256:
*Establishes the Willamette Falls Locks Commission***

For Public Hearing Scheduled on Feb. 15, 2017, Before the
Senate Committee on Business and Transportation

To Chair Beyer, Vice-Chair Thomsen, and Members of the Committee:

On behalf of the City of Wilsonville City Council, I am testifying in support of SB 256 that establishes the Willamette Falls Locks Commission as the policy-making and advisory body for issues relating to repair, reopening, operation, maintenance and future transfer of ownership of the navigational canal and locks.

The City, as a long-time advocate for reopening of the Willamette Falls Locks, greatly appreciates the efforts of Senators Devlin and Olsen and Representatives Parrish, Kennemer, Lininger and Meek for their sponsorship of this important legislation.

On November 3, 2014, the Wilsonville City Council unanimously approved Resolution No. 2496, "Resolution in Support of Reopening the Willamette Falls Locks" that called for creation of an all-inclusive state-chartered body to work with the U.S. Army Corps of Engineers to develop a plan for sustainable operations of the Willamette Falls Locks.

The City of Wilsonville has vested interests along with other stakeholders in reopening and sustainably operating the Willamette Falls Locks, which significantly impact the recreational, tourism and commercial economy of the community and the region. Closure of the Locks since 2011 has placed a severe hardship on commercial, recreational and tribal river users, including Wilsonville-area recreationalists and businesses.

Wilsonville Concrete, Inc., and Marine Industrial Construction, LLC, which had used the Willamette Falls Locks for 127 years for transporting aggregate, logs and other goods and conducting dredging and towing operations, has 15-30 jobs that could be impacted if the Locks are not reopened on a permanent basis for the conduct of commerce.

The City of Wilsonville respectfully urges a DO PASS vote on SB 256. Thank you for your time and consideration.

Sincerely,

Tim Knapp, Mayor
City of Wilsonville



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: September 8, 2016	Subject: Resolution No. 2601 Willamette Falls Locks “Section 106” Memorandum of Agreement (MOA) Staff Member: Mark Ottenad, Public/Government Affairs Director Department: Administration
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 checked="" type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: City Council reviewed MOA at August 15 work session and indicated support to advance to September 8 meeting Consent Agenda.
Staff Recommendations: Adopt Resolution No. 2601 to approve the MOA under Consent Agenda.	
Recommended Language for Motion: I move to adopt the Consent Agenda.	
PROJECT / ISSUE RELATES TO:	
<input checked="" type="checkbox"/> Council Goals/Priorities <input type="checkbox"/> Adopted Master Plan(s) <input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL

At the August 15, 2016, City Council work session, Council indicated support for adopting the Willamette Falls Locks “Section 106” Memorandum of Agreement (MOA) as a concurring party via resolution to be presented on the September 8 City Council meeting Consent Agenda.

EXECUTIVE SUMMARY

The City—along with other local governments, businesses and nonprofits—has been participating for the past four years as a “concurring party” in the ongoing process of Section 106 of the National Historic Preservation Act (NHPA) pertaining to the closure of the Willamette Falls Locks. The City is now invited to sign as a concurring party to the Memorandum of Agreement (MOA) between the U.S. Army Corps of Engineers and state and federal historic advisory bodies pertaining to the 2011 closure of the Locks.

Signing as a concurring party is primarily a way to express agreement with the contents of the MOA and acceptance of the outcome of the process. Concurring parties do not have the rights of signatories; their approval is not needed to execute, amend, or terminate the MOA. In essence, being a concurring party provides the City with opportunities to be notified and included in future meetings and the decision-making processes pertaining to disposition of the Locks. Signing the MOA does *not* obligate the City to any set funding amount or specific course of action.

Based on City Council priorities, the City has participated in local, state and federal activities designed to advance efforts to repair and re-open the Willamette Falls Locks to river traffic. Repairing and reopening the Willamette Falls Locks is a component of the City’s State and Federal Legislative Agendas.

The proposed MOA is required by federal regulations to accomplish the goal of mitigating adverse effects created with closure of the Locks. As required by the Section 106 under the NHPA, the Corps has developed an MOA in conjunction with the State Historic Preservation Office (SHPO) and the President's Advisory Council on Historic Preservation (ACHP). Under normal circumstances, this consultation and development of an MOA would have occurred prior to the emergency closure of the Locks in 2011.

Staff members of the U.S. Army Corps of Engineers, Portland District Office, have indicated a preference and willingness to assist in studying and funding repairs to the closed Willamette Falls Locks in order to facilitate transfer of ownership and operation to a new entity. A number of stakeholders known as the One Willamette River Coalition coordinated by the Willamette Falls Heritage Foundation and the National Trust for Historic Preservation, and now the Locks Working Group and Locks State Task Force are advancing efforts to actuate the proposed transfer of ownership and to restore and reopen the Locks.

The MOA in essence provides a “road map” forward for all parties regarding the Corps’ obligations in the process of documenting conditions of the Locks and advancing efforts to repair and re-open the Locks. The City Attorney’s legal review found:

“The MOA is odd in that it states, effectively, as a concurring party, the City agrees with the contents but is not an actual signatory with any rights thereunder, and the City agrees to all of the processes set forth in the agreement.

“Bottom line is that this MOA an odd legal document, but appears fine to sign as long as the City does intend to make some reasonable contribution at some point to the project, understanding that the City would have to find it reasonable and the document contains no set obligation.”

The City understands that a majority of the concurring parties intend to sign the MOA; tribal governments are likely to seek a different avenue to participate:

- | | | |
|---|---|--|
| <p>Local Governments</p> <ul style="list-style-type: none"> · Clackamas County · Metro · Oregon City · West Linn · Wilsonville <p>Businesses</p> <ul style="list-style-type: none"> · Portland General Electric | <ul style="list-style-type: none"> · Wilsonville Concrete / Marine Industrial Construction LLC · West Linn Paper <p>Nonprofits</p> <ul style="list-style-type: none"> · National Trust For Historic Preservation · One Willamette River Coalition | <ul style="list-style-type: none"> · Willamette Falls Heritage Foundation · Willamette Falls Heritage Area Coalition · Restore Oregon · [PS1]Clackamas County Historical Society · Willamette River Keepers |
|---|---|--|

BACKGROUND INFORMATION

The Corps of Engineers recognizes that the 140-year-old Willamette Falls Locks is a historical asset that can provide a number of benefits for various river users. However, due to the severe reduction over time of “tonnage” being transported through the Locks coupled with the costs of operations and maintenance and declining federal support, the Corps was having difficulty in continuing to operate or maintain the Locks.

In December 2011 the Corps closed the Locks indefinitely to river traffic and placed them in “non-operational” status due to finding a “life safety emergency” with key components used to operate the Locks. Normally, however, the Corps would have first conducted a Section 106 analysis under the National Historic Preservation Act (NHPA) and a “NEPA” review under the National Environmental Policy Act to study and disclose to the public and decision-makers the adverse effects of the proposed action to close the Locks. Both of these processes develop potential binding mitigation measures that can be either broad and all-embracing or narrow with incremental steps.

Over the past three years, the Corps has conducted the required NHPA Section 106 process to examine the impacts of the current decision to close the Locks.

The Portland Corps leadership has indicated a preference for reopening the Locks; however, to do so, the Corps anticipates transferring ownership and/or operations to another entity that is yet to be identified. The Corps states that “deauthorizing” the Locks as a federal project and transferring the facility to a new owner/operator would take two-plus years.

The Corps has received funds from the Office of Management and Budget to conduct a “disposition study” that would provide a complete, detailed assessment of the Lock’s condition and Analyze disposition options, including transfer or removing.

A coalition of businesses, local governments and nonprofit organizations known as the One Willamette River Coalition believes that the Lock facilities are vital for a wide range of river uses that include commercial, industrial, recreational, tourism and marine patrols. Clackamas County has convened a Willamette Falls Locks Working Group of stakeholders that is negotiating with the Corps and pursuing all options for repairing and reopening the Locks. The state legislature created a State Task Force to look at long-term solutions.

Because Wilsonville could benefit from an operational Locks, especially as it relates to the City Council’s goal for a vital multi-modal transportation network and economic development opportunities, the Foundation requested City support for funds for an economic study on the potential benefits for reopening the Locks. The City Council approved in January 2014 a \$2,500 contribution to the study conducted by ECONorthwest, which was released on September 30, 2014 as the *Willamette Locks Economic Potential Report*.

Subsequently, the City Council adopted Resolution No. 2496, “A Resolution of the City of Wilsonville Supporting the Reopening of the Willamette Falls Locks,” in November 2014. Similar resolutions were adopted by many local governments and organizations, including those that are now listed as concurring parties to the MOA. Additionally, the City Council adopted Resolution No. 2515, A Resolution of the City of Wilsonville Supporting Efforts to Create a Willamette Falls National Heritage Area and Urging Designation of Such By Congress in 2015.

In adopting the City’s 2015-16 State Legislative Agenda in January 2015, the City Council prioritized efforts to re-open and maintain the Locks in an operational status. Working in conjunction with the One Willamette River Coalition and Locks Working Group, the City assisted in successfully lobbying the Oregon Legislative Assembly to allocate \$500,000 for study and repair efforts. Concurrently the parties are working with Offices of U.S. Senators Ron Wyden and Jeff Merkley to obtain federal funds to match the state funds.

In addition to the direct and immediate river-based transportation objectives, operational Locks could provide additional benefits. Officials from Wilsonville Concrete, Inc., and Marine Industrial Construction, LLC, have indicated that 15–30 total jobs could be impacted if the Locks are not re-opened on a permanent basis. Wilsonville Concrete and Marine Industrial Construction, which has used the Locks for 127 years, currently conducts extensive work along the Willamette and Columbia Rivers for various businesses and agencies for marine repair and dredging operations, and historically have moved substantial amounts of aggregate to Wilsonville from down river. Each barge carries the volume of aggregate equivalent to 30–35 loaded dump trucks. On an annual basis, regular use of the river to transport aggregate to Wilsonville could reduce truck traffic in the city by more than 5,000 dump-truck trips and more than 360,000 truck miles annually on the Oregon roads systems.

Operational Locks would also allow the City to consider establishing a “port,” which could be eligible for various state and federal funding programs. Eventual development of a port at Wilsonville, the second highest navigable city on the Willamette River, could add to the sustainable logistics hub that Wilsonville is known for historically, while creating additional employment by attracting logistic firms to the area.

The Locks being open would also support the US Coast Guard-required maintenance schedule for the Canby Ferry at roughly 10% of the cost structure needed without the Locks being open. Additionally, state and local law enforcement would have additional capacity available for movement along the river if the Locks are operational.

As the City develops a tourism strategy, recreational access to and use of the Willamette River continues to rise as an issue deserving of further study and consideration. In addition to activities such as float trips on the Willamette River Water Trail, river cruises from Portland to Oregon wine country are a potential tourist attraction that could be developed if the Locks were operational.

CURRENT YEAR BUDGET IMPACTS

No current fiscal year budget impacts are anticipated.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: S Cole Date: August 1, 2016

No material budget impacts are known at this time.

LEGAL REVIEW / COMMENTS

Reviewed by: B Jacobson Date: August 1, 2016

See specific legal comments in the Executive Summary of this report.

CITY MANAGER COMMENT

Support for reopening of the Locks appears to be in alignment with City Council goals and City policies.

ATTACHMENTS

- A.** Resolution No. 2601, A Resolution of the City of Wilsonville Adopting as a Concurring Party the Willamette Falls Locks “Section 106” Memorandum of Agreement (MOA) and Exhibits.
- B.** Willamette Falls Locks “Section 106” Memorandum of Agreement (MOA) and Exhibits: *Memorandum of Agreement Between the U.S. Army Corps of Engineers, Portland District and the Oregon State Historic Preservation Officer, and the Advisory Council On Historic Preservation Regarding the Interim Closure of the Willamette Falls Locks, West Linn, Oregon*

ATTACHMENT A

RESOLUTION NO. 2601

A RESOLUTION OF THE CITY OF WILSONVILLE ADOPTING AS A CONCURRING PARTY THE WILLAMETTE FALLS LOCKS “SECTION 106” MEMORANDUM OF AGREEMENT (“MOA”) AND EXHIBITS

WHEREAS, the U.S. Army Corps of Engineers, Portland District (“Corps”), has invited local governments, businesses and nonprofits—including Clackamas County; Metro; the cities of Oregon City, West Linn and Wilsonville; Portland General Electric Company; Wilsonville Concrete LLC; Marine Industrial Construction LLC; WCP, Inc.; Clackamas County Historical Society; National Trust for Historic Preservation; Willamette Falls Heritage Area Coalition; Willamette Falls Heritage Foundation; Restore Oregon—and other stakeholders to participate as concurring parties in a Memorandum of Agreement (“MOA”) between the Corps and the Oregon State Historic Preservation Officer and the Advisory Council on Historic Preservation regarding the Interim Closure of the Willamette Falls Locks (“Locks”), West Linn, Oregon; and,

WHEREAS, the Corps acknowledges that since 2011 when the Corps, under emergency operational authority closed the Locks to vessel traffic (the “undertaking”) due to life-safety concerns related to the potentially unsafe physical conditions, there has been continued impact on certain cultural, economic, and recreational goals of the proposed Willamette Falls National Heritage Area, the 2015-designated State Heritage Area, the 2012-designated National Water Trail, and the 1999-designated American Heritage River; to all of which the Locks is a significant and contributing resource; and,

WHEREAS, the Locks are a historic property that was listed in the National Register of Historic Places in 1974, and therefore, pursuant to 36 C.F.R. § 800.5(1), the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), the Corps notified the Oregon State Historic Preservation Officer (SHPO) on May 15, 2014 that the undertaking posed an adverse effect to the features and qualities that made the Locks eligible for listing, (MOA Appendix A) to which the SHPO agreed; and

WHEREAS, the Corps acknowledges that the undertaking has eliminated the potential of commercial navigation through the Locks, resulting in a loss of economic opportunity for some

sectors of the community, and that the concurring parties and others endorse the repair and reopening of the Locks in order to achieve potential cultural, economic, commercial and recreational goals of state and local stakeholders; and,

WHEREAS, the Corps has received initial funding to conduct an investigation for the final disposition/divestiture report, and in accordance with 36 C.F.R. § 800.6(a)(1), the Corps has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effects determination with specified documentation, and the ACHP has chosen to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and,

WHEREAS, the parties to the MOA acknowledge additional Section 106 consultations are required prior to a future decision regarding the permanent long term disposition of the facility, and that the Corps is committed to conducting regular informational meetings no less than twice a year with signatories and concurring parties to report on progress made toward accomplishing stipulations under the MOA; and,

WHEREAS, the Corps is committed to conducting a meeting with signatories, concurring parties, and other Federal and non-Federal stakeholders a minimum of every two months, or as required, to discuss possible options for the long term disposition of the Locks, and that such a meeting would be with local interests that have organized under the leadership of the Clackamas County (identified as the Willamette Falls Locks Working Group) to study issues relating to repair, reopening and operation of the Locks; and,

WHEREAS, within twelve (12) months of execution of this MOA, the Corps plans to have investigated and discussed the results of an investigation of the Locks with the Willamette Falls Working Group the need for the Locks to be repaired and operational prior to transfer; and,

WHEREAS, being a concurring party provides the City with opportunities to be notified and included in future meetings and the decision-making processes pertaining to disposition of the Locks; and signing the MOA does not obligate the City contribute to any set funding amount or to undertake a specific course of action; and,

WHEREAS, the City of Wilsonville has a vested interest in the outcome of the Section 106 consultations and resulting disposition study and long-term operational future of the Locks, as evidenced by prior City actions, including adoption of Resolution No. 2496, A Resolution of the City of Wilsonville Supporting the Reopening of the Willamette Falls Locks (2014);

Resolution No. 2515, A Resolution of the City of Wilsonville Supporting Efforts to Create a Willamette Falls National Heritage Area and Urging Designation of Such By Congress (2015); and inclusion of reopening of the Locks as a priority issue for the City in both recent State and Federal Legislative Agendas;

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

1. The City of Wilsonville adopts the Willamette Falls Locks “Section 106” MOA as a concurring party; and
2. The City of Wilsonville thanks the Corps of Engineers for working with local stakeholders to assess and mitigate the adverse effects of the closure and urges the Corps to expedite the needed repairs and craft a plan for sustainable operations of the Locks.
3. This resolution is effective immediately upon adoption.

ADOPTED by the Wilsonville City Council at a special meeting on September 8, 2016, and filed with the Wilsonville City Recorder this date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

- Mayor Knapp _____
- Councilor Starr _____
- Councilor Fitzgerald _____
- Councilor Stevens _____
- Councilor Lehan _____

**MEMORANDUM OF AGREEMENT
BETWEEN
THE U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT
AND THE
THE OREGON STATE HISTORIC PRESERVATION OFFICER,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE INTERIM CLOSURE OF THE WILLAMETTE FALLS LOCKS,
WEST LINN, OREGON**

WHEREAS on December 1, 2011 the Dam Safety Officer for the Portland District, U.S. Army Corps of Engineers recommended Gates 2, 3, and 4 be red-tagged for use until the gudgeon anchors are replaced; and subsequently on December 5, 2011 the U.S. Army Corps of Engineers, Portland District (Corps), under its emergency operational authority, closed the Willamette Falls Locks (Locks) to vessel traffic (the “undertaking”) due to life safety concerns related to the potentially unsafe physical conditions of the gudgeon anchors on Gates 2, 3, and 4; and,

WHEREAS the repairs to address the immediate dam safety and operational safety concerns has been estimated to cost between three to five million dollars; and,

WHEREAS the decline of commercial tonnage through the Locks from 1990 to 1997 caused more than a 99% decline in navigational benefits causing in a commensurate decline in funding for Operations, Maintenance, Repair, Replacement, and Rehabilitation activities to support the navigation authority of the Locks which led to Caretaker funding for minimal maintenance activities of the facility starting in 2006; and as the decline in commerce has persisted for more than 15 years, the repairs to the underground gudgeon anchors at Gates 2, 3 and 4 are deemed not economically justified; and,

WHEREAS the Locks are a historic property that was listed in the National Register of Historic Places in 1974, and therefore, pursuant to 36 C.F.R. § 800.5(1), the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f), the Corps notified the Oregon State Historic Preservation Officer (SHPO) on May 15, 2014 that the undertaking posed an adverse effect to the features and qualities that made the Locks eligible for listing, (Appendix A) to which the SHPO agreed; and,

WHEREAS the Corps has defined the undertaking's area of potential effects (APE) as the Locks, associated structures, and environs, to include the Lock Operator and Administration buildings, dock, and park easement along the west side of the Locks chambers (map of APE is attached as Appendix B); and,

WHEREAS the undertaking resulted in adverse effects to historical associations, specifically, associations with transportation and navigation history, and with tribal access to the Willamette Falls via the Locks to conduct traditional cultural practices; and,

WHEREAS, although no immediate or additional adverse effect to the physical engineering qualities of the Locks was realized by the undertaking, further examination of materials and operating components of lock walls and gudgeon anchors on Gates 2, 3, and 4 would be necessary to determine if, and to what degree, further decline may have occurred since closure; and,

WHEREAS the Corps acknowledges that, since 2011, there has been continued impact on certain cultural, economic, and recreational goals of the proposed Willamette Falls National Heritage Area, the 2015-designated State Heritage Area, the 2012-designated National Water Trail, and the 1999-designated American Heritage River; to all of which the Locks is a significant and contributing resource; and,

WHEREAS the Corps acknowledges that the undertaking has eliminated the potential of commercial navigation through the Locks, resulting in a loss of economic opportunity for some sectors of the community; and,

WHEREAS the Corps considers the undertaking to be an essential and immediate response to an emergency condition threatening both life and property; the Corps has, through this consultation, notified SHPO, the Council, and the tribes within the time and resources available (36 C.F.R. § 800.12 (b)(2)) so that comments and suggestions on how to appropriately mitigate for the subject undertaking could be provided. Stipulations provided in this agreement address adverse effects that resulted from the undertaking in 2011, although the last vessel permitted through the Locks occurred in July 2013. No data or information has been identified or presented to demonstrate that the mitigation needs have changed since the date of closure; and,

WHEREAS the Locks chambers and environs are no longer publicly accessible on a regular basis due to safety concerns and budgetary constraints, the Corps has provided supervised, infrequently scheduled opportunities for on-site viewing to requesting parties and has supported various events such as the Willamette Falls Heritage Foundation's Lock Fest; and,

WHEREAS the Corps invited participation of the Confederated Tribes of Grand Ronde (CTGR), the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of Siletz Indians who attach religious and cultural significance to lands within the Willamette Falls Locks and around the Willamette Falls; and,

WHEREAS the Corps has invited the West Linn Certified Local Government, National Trust for Historic Preservation (NTHP), Willamette Falls Heritage Foundation (WFHF), Clackamas County (CC), Clackamas County Historical Society, Willamette Falls Heritage Area Coalition (WFHAC), Metro, Oregon Marine Board, Oregon City, Portland General Electric Company, Wilsonville Concrete LLC, Marine Industrial Construction LLC, WCP INC, Pacific Northwest Waterways Association (PNWA), Restore Oregon, City of Wilsonville and other identified stakeholders to participate as concurring parties; and,

WHEREAS many of the consulting parties endorse the repair and reopening of the Locks in order to achieve potential cultural, economic, commercial and recreational goals of state and local stakeholders; and acknowledge since closure of the Locks, the Corps' annual requests for Congressionally appropriated funding for repairs have not been successful because the costs of rehabilitation outweigh the commercial navigation benefits to the nation and therefore, agree, although not part of the current undertaking or this Section 106 consultation, the most viable long term disposition of the Locks may be through a transfer of ownership to another agency or via alternative management of the facility through cost-sharing of repairs, leasing the facility, or other arrangement; and,

WHEREAS the Corps serves as an ex-post participant in the Senate Bill 131 Task Force whose purpose is to: 1) compile information related to the Willamette Falls Locks and Canal; 2) consider means of facilitating the repair and reopening of the facility; 3) develop a plan for its sustainable operation; and 4) deliberate the future disposition of the facility via either the future lease or transfer from the Corps to a specified non-federal entity. It is anticipated much of the future Federal investigation described in Stipulation III below will be helpful to the Task Force when developing the future governance model and funding mechanism for the long term repair and operation of the facility.

WHEREAS the Corps has received initial funding to conduct an investigation for the final disposition / divestiture report.

WHEREAS in accordance with 36 C.F.R. § 800.6(a)(1), the Corps has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effects determination with specified documentation, and the ACHP has chosen to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and,

WHEREAS the parties acknowledge additional Section 106 consultations will be required prior to a future decision regarding the permanent long term disposition of the facility;

NOW, THEREFORE, the Corps, SHPO, and the ACHP agree that the Corps will implement the following stipulations in order to mitigate adverse effects to the Locks caused by the undertaking:

STIPULATIONS

The Corps shall ensure that the following measures are carried out:

- I. Conduct regular informational meetings no less than twice a year with signatories and concurring parties to report on progress made toward accomplishing Stipulations III-V.
- II. Conduct a meeting with signatories, concurring parties, and other Federal and non-Federal stakeholders a minimum of every two months, or as required, to discuss possible options for the long term disposition of the Locks. Such a meeting would be with local interests that have organized under the leadership of the Clackamas County (identified as the Willamette Falls Locks Working Group) to study issues relating to repair, reopening and operation of the Locks. The goal of the process is to develop a report described in Stipulations IIIA or IIIB. This meeting can be accomplished during one of the meetings described in Stipulation I.
- III. Future investigations, which shall include but not be limited to:
 - A. Beginning in Fiscal Year 2017, will conduct a three year, 100% federally funded engineering investigation of the Locks' essential operating materials and components in order to identify the condition of the facility and/or repairs needed to meet standards established by the Corps that would support either the deauthorization, decommissioning, and divestment of the Locks or a complete change in management of the facility, whereby reopened operations result from contributed funds and provide the future owner and/or operator guidance in mid and long-term capital needs. This investigation may include the following:

1. A forensic investigation of the operating components (gudgeon anchors, masonry, and wood materials of the lock walls) using minimally invasive techniques and technologies to probe non-visible conditions and substrates;

2. An updated technical condition of the facility;

3. An updated economic analysis to identify the least cost alternative to decommission the facility; an environmental condition of the property to assess the presence, abundance and cleanup requirements resulting from hazardous and toxic materials exposed within the locks and ship canal.

4. Pertinent structural repairs to the locks so that the locks are returned to a safe and operable condition

5. May include pertinent assessments identified in Stipulation IIIB.

B. Will pursue with the Willamette Falls Locks Working Group a 50/50 cost share study to identify the necessary analysis and administrative steps necessary for alternate ownership or management of the Locks. The study, if pursued, may include the following:

1. An updated technical condition of the facility to assess the rate of deterioration, the risks and potential liabilities associated with the facility, and the need, if any, for dredging and proper disposal of dredge materials;

2. Consideration, including an economic assessment, of transfer of ownership and/or operations of the facility to an identified transferee;

3. An economic evaluation of potential reauthorization of the facility to a different mission;

4. An economic analysis of the status quo closure condition;

5. Evaluation, including economic assessment, of de-authorization, decommissioning and divestment of the facility;

6. A current cost estimate to repair and return the Locks to safe operability;

7. An economic opportunity analysis of reopening and continued operation;

8. A full investigation of all environmental and regulatory requirements, including addressing NEPA and Section 106 requirements of both repair and final disposition options;

9. An assessment of the real estate title and boundary issues, resulting in a detailed scope, schedule, and budget to resolve any potential real estate issues;

10. An environmental condition of the property to assess the presence, abundance and cleanup requirements resulting from hazardous and toxic materials exposed within the locks and ship canal; and,

11. Assessment of any continued Corps regulatory oversight requirements that may transfer to a new third-party operator.

Should a cost shared study be of mutual interest, the Corps shall execute a separate agreement with the appropriate non-federal sponsor.

IV. Continue current caretaker activities commensurate with obligations under Section 110 of the National Historic Preservation Act to preserve and protect significant character defining features of the property, defined herein as the inspection and monitoring of the Locks' status through scheduled operation of gates to identify mechanical changes in performance; surface observation and monitoring of condition and potential deterioration of gudgeon anchors and lock walls; removal of intrusive objects or plant material that may cause harm to operating components; the monitoring of any geophysical activities that may pose harm to the resource; and the prevention of public access that may result in vandalism or other deliberately imposed harm.

V. Continue support of public outreach endeavors, including, but not limited to:

A. In cooperation with any volunteers, permit public tours of the Locks concurrent with Corps personnel on-site inspections and minimal maintenance activities, and continue to support local endeavors to heighten public awareness and appreciation of the Locks, as exemplified by the Willamette Falls Heritage Foundation's Lock Fest.

B. Upon requests and invitations, the Corps shall provide public presentations of the Locks' Past, Present and Future to interested organizations.

C. Corps shall conduct on-going conditions assessment of interpretive displays and shall inventory historical items, photographs, archives, and artifacts on display at the Lock Operator's Building and Museum, and seek professional services within the USACE or other curation facilities to inventory and conserve artifacts, archives and photos, and upgrade interpretive exhibits, so long as the Locks is in caretaker status. SHPO shall be afforded 30 days to review and comment on revisions and/or layout and content when interpretive elements are modified or replaced. The Corps shall review requests and facilitate the temporary loan of historic artifacts and resources to qualified local museums for public education purposes.

D. In consultation with signatories to this agreement, the Corps shall contract the development of a book, website, or video documentary to commemorate the history of the Willamette Falls Locks.

E. The Willamette Falls Locks and Navigation Canal will be documented for submittal to the Historic American Engineering Record (HAER) by a qualified professional meeting National Park Service Standards (36 C.F.R. part 61) in coordination with appropriate NPS staff. HAER documentation will incorporate, expand upon, and complete HAER documentation previously prepared for the Willamette Falls Locks Chamber No. 1 (completed in 1980). Draft documentation will be submitted to Oregon SHPO and the NPS for review and approval. The Corps will assure that any required modifications or revisions necessary for NPS approval of the HAER submittal are accomplished in a timely manner. Once NPS has reviewed and accepted the final documentation, it will be duplicated in either digital or hardcopy as preferred and supplied to NPS, SHPO, University of Oregon and the Oregon Historical Society. Proof of submittal of the NPS-approved HAER documentation to each of the above repositories will be provided to SHPO, completing this stipulation within four years of the final signature of this Memorandum of Agreement (MOA).

F. Within one of year of execution of this MOA, the Corps will further consult with the tribes to develop a mutually agreeable plan to enable means for conducting traditional cultural practices at Willamette Falls Locks.

G. Within twelve months of execution of this MOA, the Corps will have investigated and discussed the results of their investigation with the Willamette Falls Working Group the need for the Locks to be repaired and operational prior to transfer.

VI. ANTI-DEFICIENCY ACT

A. The Corps shall make reasonable and good faith efforts to secure the necessary Federal funds to implement this MOA. The parties agree that any requirement for obligation of funds arising from the terms of this agreement shall be subject to inclusion in the President's Budget and the availability of congressionally appropriated funds for that purpose. This agreement shall not be interpreted to require the obligation or expenditure of funds in violation of the Anti-Deficiency Act.

B. If compliance with the Anti-Deficiency Act alters or impairs the Corps' ability to implement the stipulations of this MOA within the term of this agreement, the Corps shall conduct supplementary consultation with the signatories and concurring parties in accordance with Stipulations VII and VIII below.

VII. DURATION

This MOA will expire upon completion of requirements in the above Stipulations, or if its terms are not carried out, within ten years from the date of its execution. Prior to such time, the Corps may consult with the other signatories and concurring parties to reconsider the terms of the MOA and amend or renew it in accordance with Section IX below.

VIII. MONITORING AND REPORTING

Each year following the execution of this MOA until it expires or is terminated, the Corps shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the Corps' efforts to carry out the terms of this MOA. In addition to an annual report, per Stipulation I above, the Corps will conduct meetings as required with signatories, concurring parties and other stakeholders to report on progress made toward accomplishing the terms of this agreement.

IX. DISPUTE RESOLUTION

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the Corps shall consult with such party to resolve the objection. If the Corps determines that such objection cannot be resolved, the Corps will:

1. Forward all documentation relevant to the dispute, including the Corps' proposed resolution, to the ACHP. The ACHP shall provide the Corps with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Corps shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories, and concurring parties, and provide them with a copy of this written response. The Corps will then proceed according to its final decision.

2. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the Corps may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Corps shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

3. The Corps shall carry out all other actions subject to the terms of this MOA that are not the subject of the dispute.

X. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XI. TERMINATION

A. If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Section IX above. If, within thirty (30) days (or another time period agreed to by all signatories), an amendment cannot be reached, any signatory may terminate their interest in the MOA upon written notification to the other signatories.

B. If the MOA is terminated, and, prior to work continuing on the undertaking, the Corps must either (a) execute an MOA pursuant to 36 C.F.R. § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. The Corps shall notify the signatories as to the course of action it will pursue.

C. Execution of this MOA by the Corps, SHPO, and ACHP, and implementation of its terms evidences that the Corps has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

**U.S. ARMY CORPS OF ENGINEERS,
PORTLAND DISTRICT**

**OREGON STATE HISTORIC
PRESERVATION OFFICER**

Jose L. Aguilar
Colonel, Corps of Engineers
District Commander

Date: _____

Ms. Christine Curran
Deputy

Date: _____

**ADVISORY COUNCIL ON
HISTORIC PRESERVATION**

Mr. John M. Fowler
Executive Director

Date: _____

CONCURRING PARTIES:

Signing as a concurring party is primarily a way to express agreement with the contents of the MOA and acceptance of the outcome of the process (36 CFR 800.6(c)(3). Concurring parties do not have the rights of signatories; their approval is not needed to execute, amend, or terminate the MOA.

CONFEDERATED TRIBES OF GRAND RONDE

Reynold L. Leno, Chair

Date: _____

CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

[insert name and title]

Date: _____

CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION

[insert name and title]

Date: _____

NATIONAL TRUST FOR HISTORIC PRESERVATION

_____ Date: _____
[insert name and title]

CLACKAMAS COUNTY

_____ Date: _____
[insert name and title]

METRO

_____ Date: _____
[insert name and title]

OREGON CITY CERTIFIED LOCAL GOVERNMENT

_____ Date: _____
[insert name and title]

WEST LINN CERTIFIED LOCAL GOVERNMENT

_____ Date: _____
[insert name and title]

ONE WILLAMETTE RIVER COALITION

_____ Date: _____
[insert name and title]

WILLAMETTE FALLS HERITAGE FOUNDATION

_____ Date: _____
[insert name and title]

WILLAMETTE FALLS HERITAGE AREA COALITION

_____ Date: _____
[insert name and title]

RESTORE OREGON

_____ Date: _____
[insert name and title]

PORTLAND GENERAL ELECTRIC

_____ Date: _____
[insert name and title]

CITY OF WILSONVILLE

_____ Date: _____
[insert name and title]

PACIFIC NORTHWEST WATERWAYS ASSOCIATION

_____ Date: _____
[insert name and title]

CLACKAMAS COUNTY HISTORICAL SOCIETY

_____ Date: _____
[insert name and title]

WILSONVILLE CONCRETE / MARINE INDUSTRIAL CONSTRUCTION LLC

_____ Date: _____
[insert name and title]

WEST LINN PAPER

[insert name and title]

Date: _____

WILLAMETTE RIVER KEEPERS

[insert name and title]

Date: _____

eNRG KAYAKING

[insert name and title]

Date: _____



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, PORTLAND DISTRICT
PO BOX 2946
PORTLAND OR 97208-2946

MAY 15 2014

Planning, Programs and Project
Management Division

Mr. Roger Roper
Deputy State Historic Preservation Officer
Oregon Parks and Recreation Department
State Historic Preservation Office
725 Summer Street NE, Suite C
Salem, OR 97301-1266

RE: Continued Section 106 Consultation Regarding the Caretaker Status of the Willamette Falls Locks, Oregon City, Clackamas County, Oregon

Dear Mr. Roper:

The U.S. Army Corps of Engineers, Portland District (Corps) is writing to notify you of its finding, pursuant to Section 106 (16 U.S.C. § 470f; 36 C.F.R. part 800) of the National Historic Preservation Act (Act), regarding the closure in November 2011 of the Willamette Falls Lock (locks), a property listed in the National Register of Historic Places (National Register). Please recall we previously notified you on August 21, 2013 about the potential for this action to cause effects on the resource in order to initiate compliance with the Corps' responsibilities under the Act. We have since determined that the closure of the locks to vessel traffic has had – and may continue to have – adverse effects on the character defining features and qualities that made the locks eligible for listing in the National Register.

Following our initial letter regarding this action, the Corps convened a Section 106 information meeting for consulting and invited parties wherein the Corps outlined the status of compliance, and sought input about the effects of the closure. The meeting took place February 25, 2014 at the Corps' Portland District office. A number of parties identified over the past year were invited to participate, including representatives from the Oregon State Historic Preservation Office, Certified Local Governments, historical organizations, elected officials, tribes, and leaders from the industrial, commercial, and recreation sectors. The Corps asked for comment specifically about the effects of the closure on the aspects of integrity that originally made the locks eligible for listing in the National Register, and also requested suggestions for developing the Area of Potential Effects (APE). Comments were recorded on paper and compiled for the record. At the conclusion of the meeting, the Corps explained that further comments would be received until March 28, 2014, at which time the Corps would communicate its findings of effects to the SHPO.

The following is a summary of considerations made by the Corps in developing an APE, and a rationale for a finding of adverse effects for the locks closure as regards National Register criteria and integrity guidelines.

Area of Potential Effects

Based upon review of comment letters and its own investigations, the Corps recommends that the APE for the closure action is defined by the entirety of the Corps owned resource, including the adjacent park land that includes buildings and structures incidental to the historic period. A map of the proposed APE is attached for your reference. While there are clearly a number of contemporary recreational and commercial uses that have relied upon the locks throughout the years, as well as potential cultural activities that may realize future benefits from a functioning locks, none of these interests – even if potentially historic – has lost measurable integrity due to closure.

The Corps considered whether a potential historic property outside of the locks boundaries, upstream or downstream, would lose its criterion A associations because the locks has ceased to pass vessels. It was determined that such a property would lose critical historical associations only if its eligibility has been visually or functionally dependent upon the operation of the locks. An example would be a river front structure fifty years of age that derived its primary significance from the servicing or outfitting of vessels before they entered the locks. The Corps has not identified properties with such associations that have been compromised by the closure. However, should specific examples of this association be presented, further investigation of property eligibility and effects can be made.

The Corps also did not find evidence that architectural or engineering values of properties located outside of the locks have been affected with respect to design, style, workmanship, or materials, though it can be asserted that the locks itself has experienced a loss of physical integrity, as discussed below.

In developing the APE, the presence of other National Register listed and eligible properties adjacent to or nearby the locks was also considered, including the Sullivan Power Plant and West Linn Paper Company, as well as the potential of a larger historic district that encompasses properties on Moore Island, as well as the locks. However, it was determined that, while certain economic relationships may have changed somewhat with the closure of the locks to vessel traffic, even if listed or eligible, these properties did not lose any critical historical associations or material integrity.

Finally, given the interest in establishing a heritage area in and around the falls, the Corps also considered the potential effects of the closure on a designation of this section of the river. While an operating locks might benefit commercial and recreational interests within a heritage corridor, the aggregate of historic properties – including a contributing, but non-active locks – could easily meet eligibility standards for such a designation. The Corps recommends that the

3

closure of the locks does not compromise the potential nomination and listing of a Willamette Falls heritage area. However, it can be anticipated that a broader thematic designation focused around a functioning locks could generate important benefits to the area through heritage tourism and related economic activities.

Navigation/Transportation - Criterion A

The Corps acknowledges the pivotal role the locks have played in the navigational and transportation history of the Willamette River and environs at this locale since its operation began in 1873. Certain vessels no longer congregate before the locks and cannot use the waterway as a viable avenue of transport. The ability to understand and experience the historic function the locks had in moving commerce and people around the falls was best understood by the actual operation of the gates and the passage of vessels through them. The closure has created a degree of isolation of the facility from both vehicle and foot access and thereby reduced the associative and experiential qualities of a vibrant water passage with river traffic moving through the lock chambers. Although the gates are periodically exercised, without the direct association of watercraft an understanding of the locks' mechanical operation and historical role is no longer fully understood or conveyed. It is therefore concluded that a degree of visual association with navigation and transportation history has been lost within the immediate boundaries of the resource where those activities took place and were in display.

Architecture/Engineering - Criterion C

The Corps acknowledges its obligation to meet the standard of preservation of the locks, defined as measures that stabilize, repair, and retain a property's existing form as evolved over time. Toward this goal, the Corps performs basic maintenance and exercises the gates on a regular basis, and conducted an engineering inspection and evaluation of components to identify conditions and associated costs to address critical needs. Reporting has shown the gudgeon anchors may be in decline and should be replaced, although the level of suspected deterioration is not fully known, due to limited funding to fully probe the status of these components. To date, this lack of funding has prevented the Corps from reaching definite conclusions about the condition of the anchors and their ability to support the gates, beyond the finding that safety risks are too high to continue allowing the public and vessels into the locks' chambers.

However, the Corps believes that deferring replacement of the anchors could result in some type of failure of these components at an indeterminate point in time, and that higher costs may be incurred if this work is postponed long term. Other aspects of the locks that may require future repair include the masonry walls and timber components, all of which receive basic monitoring as part of the overall custodial care of the facility. Therefore, although a complete picture of the locks' mechanical and physical status can only be speculated, the Corps recommends that without replacement of the gudgeon anchors some degree of adverse effects to the engineering values of the resource may occur.

Traditional Culture

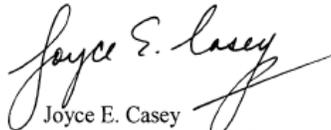
Comments from tribal representatives have shown that the locks were adapted during the historic period for various religious and cultural activities when full access to the falls was cut off by development. Though not cited in the National Register nomination, it has been demonstrated that access above the falls via the locks was essential for the continuance of traditional cultural and educational practices such as the canoe journey. Because the closure prevents native people from conducting these traditions and teachings to new generations, the Corps acknowledges the action has had an adverse effect on the tribes' ability to maintain certain aspects of their traditional culture. Non- native life ways based upon shipping and river transportation may also be viewed as aspects of traditional culture that have been curtailed to some degree by the closure action.

The Corps has determined that the closure of the Willamette Falls Locks to vessels has an adverse effect on the aspects of setting, association, and feeling that originally made the locks eligible for listing in the National Register, and that there is some potential for adverse effects to the character defining design, materials, features, and workmanship of the resource as long as the status of the gudgeon anchors and other materials and components remains partly unknown.

The Corps believes that continued engagement of all consulting and invited parties will be essential in crafting a meaningful resolution of adverse effects. The Corps also anticipates that all parties with cultural, historical, recreational, and commercial interests in the locks will provide valuable input into a separate Section 106 consultation if there is a future transfer of the property out of federal ownership. We look forward to further discussion of the Willamette Falls Locks closure with regard to this finding, and your advisement in developing the most appropriate means of avoiding, minimizing or mitigating the adverse effects of the closure action.

Questions regarding this evaluation may be directed to Ms. Lauren McCroskey, Program Manager, Technical Center of Expertise for the Preservation of Historic Buildings and Structures at (206) 764-3538, or by email at lauren.l.mccroskey@usace.army.mil.

Sincerely,



Joyce E. Casey
Chief, Environmental Resources Branch

Appendix A – Copy of Letter of Adverse Effects to State Historic Preservation Office



Appendix B – Boundary for the Area of Potential Effect is the “Project Boundary” outlined in red, constituting the Federal ownership, including the easement right-of-way for the Picnic Area.

February 10, 2016

The Honorable Peter Courtney, Senate President
Oregon State Senate
900 Court St. NE, S-201
Salem, OR 97301



RE: Support for Willamette Falls Locks Economic Development Funding

Dear Senator Courtney:

The City of Wilsonville strongly supports efforts that advance reopening of the Willamette Falls Locks, a key historical transportation linchpin for use of the Willamette River for recreational, commercial, industrial and cultural activities. Closure of the Locks since 2011 has rendered the mid-Willamette River non-navigable and negatively impacted local jobs and recreational and tourism opportunities for many communities located above the Locks, including Wilsonville.

Closure of the Locks has placed a severe hardship on Wilsonville-based river users and businesses such as Wilsonville Concrete, Inc., and Marine Industrial Construction, LLC, which have used the Locks for 127 years for transporting aggregate, logs and other goods and conducting dredging and towing operations. These local businesses report that 15–30 jobs could be impacted if the Locks are not reopened on a permanent basis.

The Wilsonville City Council unanimously approved in November 2014 Resolution No. 2496, “Resolution in Support of Reopening the Willamette Falls Locks,” that buttresses efforts to reopen the Locks, including creation of the State Task Force in 2015 to work with the US Army Corps of Engineers (USACE) to develop a plan for sustainable operations of the Locks.

The City of Wilsonville respectfully urges consideration of including the Willamette Falls Locks Funding Proposal as a component of an Economic Development Funding package under discussion by legislative leaders. Specifically, we support funding of an economic benefits study to demonstrate the local and regional economic significance of the Locks that would supplement an economic impact analysis by USACE that focuses only on national benefits. The proposal also provides funds for short-term repairs that are needed to reopen the Locks on an interim basis and two years of seasonal operational funds. Thank you for your time and consideration.

Sincerely,


Tim Knapp, Mayor

cc: Representatives Davis and Kennemer; Senators Thatcher and Olsen; Clackamas County Board of County Commissioners; Metro Council; City Councils of Canby, Keizer, Oregon City, Newberg, Salem and West Linn; National Trust for Historic Preservation; One Willamette River Coalition; Hooley and Naito, LLC; Wilsonville Concrete, Inc., and Marine Industrial, LLC



**Testimony by Wilsonville Mayor Tim Knapp
in Support of SB 131:
Establishing The Task Force on the Willamette Falls
Navigation Canal and Locks**

For Public Hearing Scheduled on Feb. 18, 2015, Before the
Senate Committee on Business and Transportation

To Chair Beyer, Vice-Chair Girod, and Members of the Committee:

The City of Wilsonville supports SB 131 to establish the Task Force on the Willamette Falls Navigation Canal and Locks in order to study issues relating to repair, reopening and operation of the canal and locks. The City is appreciative of the efforts of Senators Devlin and Olsen and Representatives Barton, Davis, Kennemer, Parrish and Read for their sponsorship of this proposed legislation.

On November 3, 2014, the Wilsonville City Council unanimously approved Resolution No. 2496, “Resolution in Support of Reopening the Willamette Falls Locks,” attached. The resolution specially called for creation of a State Task Force to work with the Corps of Engineers to develop a plan for sustainable operations of the Willamette Falls Locks.

The City of Wilsonville has vested interests in re-opening and operation of the Locks that impact the recreational, tourism and commercial economy of the community and the region.

Closure has placed a severe hardship on commercial, recreational and tribal river users, including Wilsonville-based recreationalists and businesses such as Wilsonville Concrete, Inc., and Marine Industrial Construction, LLC, which have used the Willamette Falls Locks for 127 years for transporting aggregate, logs and other goods and conducting dredging and towing operations and has 15–30 jobs that could be impacted if the Locks are not reopened on a permanent basis.

The City of Wilsonville respectfully urges a DO PASS vote on SB 131. Thank you for your time and consideration.

Sincerely,

Tim Knapp, Mayor
City of Wilsonville

RESOLUTION NO. 2496

A RESOLUTION OF THE CITY OF WILSONVILLE SUPPORTING THE REOPENING OF THE WILLAMETTE FALLS LOCKS

WHEREAS, On January 1, 1873, the Willamette Falls Locks opened to allow passage around the waterfall at Oregon City thereby providing access to a one river system; and

WHEREAS, in 1915, the U.S. Army Corps of Engineers purchased the Locks from the private operator thereby ensuring free public passage through the Locks; and

WHEREAS, in 1974, the Willamette Falls Locks were listed on the National Register of Historic Places; it was the first significant facility built to improve navigation on the Columbia-Snake River Inland Waterway system and through 1939, the most important; and

WHEREAS, in 1991, the Willamette Falls Locks was designated as a State Historic Civil Engineering Landmark by the American Society of Civil Engineers; and

WHEREAS, in 2006, Governor Kulongoski designated the Willamette Falls Locks as an Oregon Solutions project and formed the Willamette Falls Locks Oregon Solutions Task Force, which continues today as the One Willamette River Coalition coordinated by the Willamette Falls Heritage Foundation, to preserve the Locks and support its continued operation; and

WHEREAS, on October 23, 2008, the Center for Economic Development Education and Research released a report under contract to the Willamette Falls Heritage Foundation, entitled *The Willamette Falls Locks: A Case Study Analysis of Potential Transfer Issues*; and

WHEREAS, from 2006 through 2010, funding provided to the Corps from the Oregon Department of Transportation, Clackamas County and the U.S. Congress allowed for seasonal operations and selected structural upgrades, including \$2.2 million in funds from the American Recovery and Reinvestment Act of 2009 (PL 111-5); and

WHEREAS, in November, 2011, the Willamette Falls Locks were placed into “non-operational” status and on short notice were closed to vessel passage based upon an engineering assessment that identified safety concerns of potential failure; and

WHEREAS, closure has placed a severe hardship on commercial, recreational and tribal river users, including Wilsonville-based recreationalists and businesses such as Wilsonville

Concrete, Inc., and Marine Industrial Construction, LLC, which have used the Willamette Falls Locks for 127 years for transporting aggregate, logs and other goods and conducting dredging and towing operations and has 15–30 jobs that could be impacted if the Locks are not reopened on a permanent basis; and

WHEREAS, in March 2012, the National Trust for Historic Preservation declared the Willamette Falls Locks as one of the most threatened National Treasures, thereby providing added technical assistance; and

WHEREAS, in 2012, the Historic Preservation League of Oregon (now Restore Oregon) named the Willamette Falls Locks as one of its 10 “Most Endangered Places”; and

WHEREAS, the Locks are a primary historic asset under applications being prepared for designation of the area at the Willamette Falls as State and National Heritage Areas; and

WHEREAS, on September 23, 2013, the Corps of Engineers gave notice of their intent to initiate a public consultation process under Section 106 of the National Historic Preservation Act to determine whether the closure action has an adverse effect on the historic integrity of the Locks based upon the defining qualities and features that made the Locks eligible for listing on the National Register of Historic Places; and

WHEREAS, on May 15, 2014, the Corps of Engineers released their finding of historic adverse effect under Section 106 of the Historic Preservation Act and announced their intent to proceed with development of an agreement to establish how to best “avoid, minimize or mitigate” the identified adverse effect to the historic character of the Locks; and

WHEREAS, on June 17, 2013, the Wilsonville City Council adopted the *Wilsonville Transportation System Plan 2013*, that states in part:

The City’s policy is to “[m]aintain access to the Willamette River so that the river may be used for transportation purposes in the future. Acquire or improve access to Willamette River for public docking purposes and consider the potential development of a new port or ports.” Chapter 2: The Vision, Policy 25, page 2-8.

“[The] Willamette River Port can be considered to support businesses that ship goods using barges on the Willamette River.” Chapter 3: The Standards, Freight Routes, page 3-8.

“The City of Wilsonville...supports efforts by [the] Corps of Engineers to maintain...the Locks at Oregon City.” Chapter 4: The Needs, Water Needs, page 4-16; and

WHEREAS, on January 6, 2014, the Wilsonville City Council approved \$2,500 in funding support to the Willamette Falls Heritage Foundation for an economic analysis of reopening the Willamette Falls Locks; and

WHEREAS, on May 5, 2014, the Wilsonville City Council adopted the *Wilsonville Tourism Development Strategy* that called for the City to improve recreational access and use of the Willamette River to promote tourism; and

WHEREAS, on September 30, 2014, economics consulting firm ECONorthwest, under contract to the Willamette Falls Heritage Foundation, published the *Willamette Locks Economic Potential Report* providing information on potential operating costs and community benefits of reopening the Locks.

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

1. The City of Wilsonville urges the Corps of Engineers to reopen the Willamette Falls Locks to general public commercial, recreational and cultural marine traffic.
2. The City of Wilsonville thanks the Corps of Engineers for working with local stakeholders to assess and mitigate the adverse effects of the closure and urges the Corps of Engineers to expedite the needed repairs and craft a plan for sustainable operations of the Locks.
3. The City of Wilsonville supports recognition of the Willamette Falls Locks in the Regional Transportation Plan and inclusion of the Willamette Falls Locks as a Metro JPACT federal priority.
4. The City of Wilsonville supports creation of a State Task Force to work with the Corps of Engineers to develop a plan for sustainable operations of the Willamette Falls Locks.
5. The City of Wilsonville urges the Oregon Congressional delegation to support the expedited repair and reopening of the Willamette Falls Locks.

ADOPTED by the Wilsonville City Council at a regular meeting on November 3, 2014,
and filed with the Wilsonville City Recorder this date.

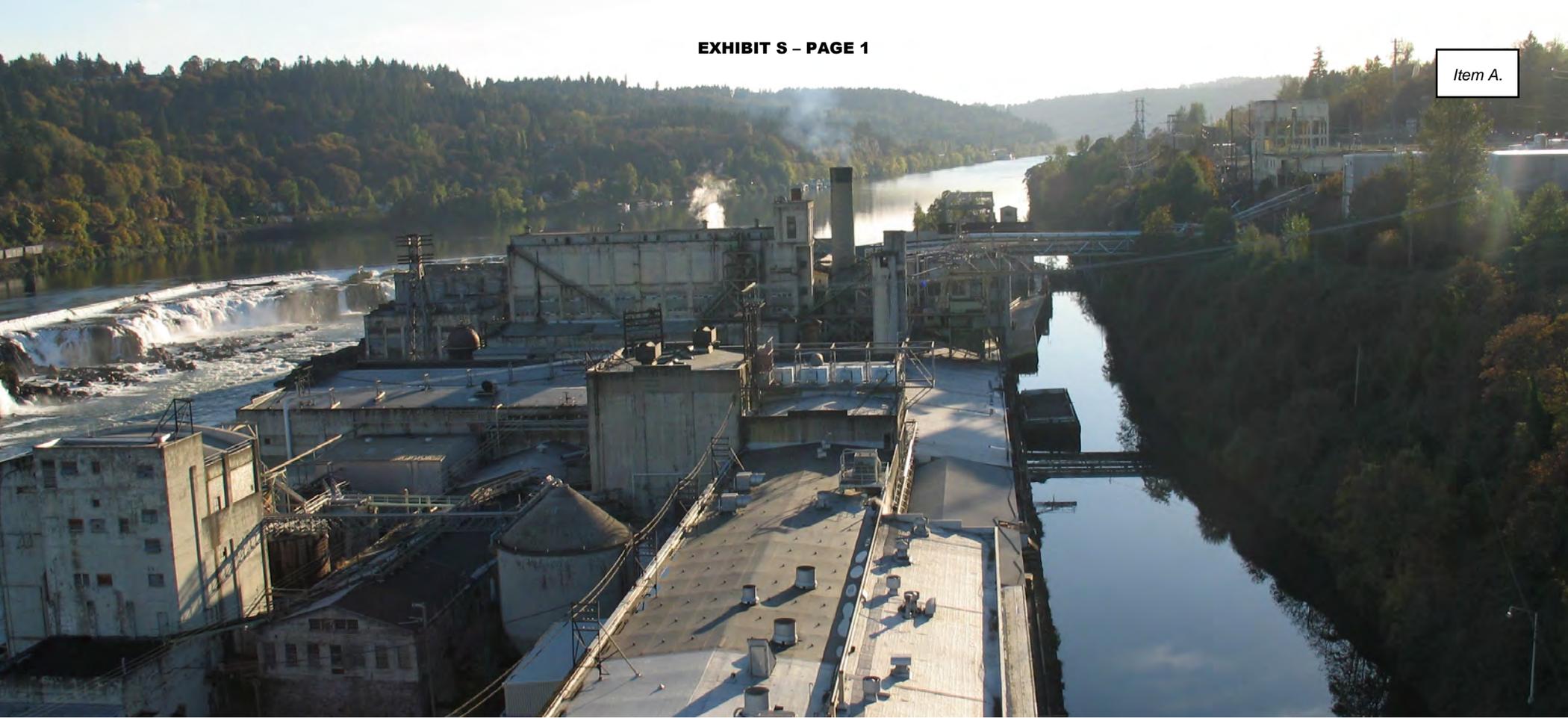

TIM KNAPP, MAYOR

ATTEST:


Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Goddard	Yes
Councilor Starr	Yes
Councilor Fitzgerald	Yes
Councilor Stevens	Yes



Willamette Locks Economic Potential Report

August 2014

PREPARED BY:

ECONorthwest

ECONOMICS • FINANCE • PLANNING

ECONorthwest

ECONOMICS • FINANCE • PLANNING

Ed MacMullan, Lisa Rau, and Carsten Jensen prepared this report.

ECONorthwest is solely responsible for its content.

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Item A.

INTRODUCTION

On January 1, 1873, the Willamette Falls Locks (WFL) opened and allowed passage around Willamette Falls, the second largest waterfall by volume in the US behind Niagara Falls. The WFL were one of the first multi-lift tandem navigation locks¹ built in the US.² The initial design for the way the WFL gates are beveled upstream came directly from drawings by Leonardo da Vinci. The locks were considered an engineering marvel at the time and dramatically reduced transit times and transportation costs.³

Fast-forward 138 years. In response to dwindling commercial tonnage passing through the WFL, and a mounting bill for deferred maintenance and repairs, the US Army Corps of Engineers (ACoE) changed the operational status of the WFL from “caretaker status” to “non-operational status” in December 2011.⁴ That decision effectively cut the Willamette River in two. Commercial and recreational users upstream from Oregon City and Willamette Falls (Falls) can no longer access markets, customers, or recreation sites downstream via the river. Likewise, downstream business and recreational river users can no longer access sites upstream from the Falls.

WL00149 1894 Willamette Locks Locking Upstream

George Matile



Willamette Locks, 1894.

¹Each of the WFL's four tandem or adjacent lift-chambers provide 10-12 feet of elevation change.

²Lewis, Alan. No Date. Conquering the Falls, The Willamette Falls Locks. Willamette Falls Heritage Foundation. www.willamettefalls.org/hisLocks; Willamette River Initiative. Willamette Falls. <http://willametteinitiative.org/topics/willamette-falls>.

³Clackamas County Historical Society. 2013. Willamette Falls Locks: Past, Present, and Future — Army Corps of Engineers at MOOT. OregonLive blog. http://blog.oregonlive.com/my-oregon-city/print.html?entry=/2013/09/willamette_falls_locks_past_pr.html. September 27; Dungca, Nicole. 2009. Second Chance for Willamette Falls Locks, An Oregon Treasure. OregonLive blog. http://blog.oregonlive.com/clackamascounty_impact/print.html?entry=/2009/10/second_chance_for_an_oregon_tr.html. October 28.

⁴Oregon Solutions. Willamette Falls Locks. <http://orsolutions.org/osproject.willamette-falls-locks>, accessed July 2014; Clackamas County Historical Society, 2013; In a December 1, 2011 press release, the ACoE indicated that “caretaker status” involved operating the locks at least once a month for maintenance. “Non-operational status” means they will not operate the locks at all. US Army Corps of Engineers, Portland District. News Release. Corps Changes Status of Willamette Falls Locks. Release Number 11-076, December 1, 2011; As we understand, the ACoE changed the locks status from “operational” to “caretaker” sometime prior to 2011. This change reduced funding, operations and number of lockages., and effectively began the process of shutting down the locks, which occurred with the change from “caretaker” to “non-operational” status.

“The recreational boating use (both motorized and non-motorized) and commercial tourist boating on the Willamette River will grow and could become a significant tourism asset for Oregon and the Willamette Valley region.” -Travel Oregon

The ACoE’s decision to close the WFL does not reflect their historical and navigational significance, especially to Oregonians. In 1974, the WFL were listed on the National Register of Historic Places.⁵ In 1991, they were designated a State Historic Civil Engineering Landmark by the American Society of Civil Engineers.⁶ In 2012, the WFL were named a National Trust for Historic Preservation “National Treasure,” and the Historic Preservation League of Oregon (now Restore Oregon) named it one of the ten “Most Endangered Places.” The WFL facilitates movement on the Willamette River, which has been designated both an American Heritage River and a National Water Trail.⁷

Local interest in the WFL is also reflected in the efforts taken by Oregonians to keep them open and to describe their navigation and economic significance. These efforts include:⁸

- In 2005, then U.S. Representative Darlene Hooley convened a Willamette River United conference, which explored ideas for keeping the WFL open.
- Governor Ted Kulongoski designated keeping the WFL open an Oregon Solutions project. This led to a Declaration of Cooperation in May 2006, signed by more than 20 public and private organizations, to collectively commit to keep WFL open.

- The ACoE signed an agreement with Oregon Department of Transportation (ODOT) and Clackamas County to accept funds raised locally and provided by state agencies, that helped keep the locks open during 2006 and 2007.
- The City of West Linn submitted annual Congressional Budget requests, which provided O&M funding. The funding amount in the fiscal year 2008 appropriations was \$157,000.
- The Willamette Falls Heritage Foundation provides public education and outreach regarding the WFL and their historical significance. Their work includes sponsoring the annual Lock Fest celebration, which included rides through the locks prior to the ACoE shutting them down.
- Clackamas County coordinated with the Willamette Falls Heritage Foundation and took on the responsibility and cost of nominating the WFL as a National Historic Landmark.
- Inca Engineering undertook a \$50,000 engineering study that provided the first assessment of the locks’ structural and operational conditions. The Clackamas Heritage Partners managed and administered the funds donated for the study commissioned by the One Willamette River Coalition, which came from: The Kinsman Foundation, Metro, Oregon Department of Parks

and Recreation, Oregon State Marine Board, Columbia River Yachting Association, Clackamas County, and the City of Keizer.

- Travel Oregon provide \$26,000 to fund public outreach and education about WFL. This project also produced a new name for partners collaborating to keep the locks open: The One Willamette River Coalition.
- ODOT contributed \$118,000 to fund the ACoE’s inspection of the locks.
- The Oregon Solutions partnership secured \$1.8 million in stimulus funding to complete needed structural inspections.

In 2009, the Oregon Solutions project organized another Declaration of Cooperation, signed by public and private parties in support of keeping the WFL open. Signers included: Clackamas County, Wilsonville Concrete, the Governor’s Economic Revitalization Team, ODOT, Clackamas Heritage Partners, Oregon Marine Board, the City of Oregon City, Oregon Department of Parks and Recreation, Portland General Electric, Travel Oregon, Willamette Falls Heritage Foundation, Northwest Oregon Resource Conservation & Development Council, ACoE, the Port of Portland, and the City of West Linn. A number of signers noted the significance of keeping WFL open including:

⁵Clackamas County Historical Society, 2013.

⁶Lewis, A. 2004. “The Willamette Falls Canal,” American Canals, Bulletin of the American Canal Society. Vol. 33, No. 2, Spring, pp 1 – 4.

⁷Clackamas County Historical Society, 2013.

⁸Oregon Solutions. Declaration of Cooperation, The Willamette Falls Locks’ Oregon Solution, May 2009.



believe the revitalized locks at Willamette Falls can play a key role in the reintroduction of thriving commercial river traffic along the entire navigable length of the Willamette River.”¹⁰

The efforts described above reflect local, regional and state interests in the locks and how much stakeholders value the locks’ scenic, historic, transportation, and engineering attributes.

Between 2001 and 2006, the number of lockages steadily declined. Lockages increased between 2006 and 2007, which coincided with a temporary increase in funding for WFL operations brought about by an innovative community partnership agreement that allowed an ODOT Transportation Enhancement grant to be used for operations for two years. Funding, operations and lockages declined again in 2008, and the locks were closed in 2009 for inspection. Operations and lockages increased dramatically in 2010 as a result of the funding provided through the Oregon Solutions project.¹¹ One could interpret these two episodes of lockages and use responding to increased funding and operations as indicative of pent-up demand for the types of river access that the WFL provide.

In 2005, BST Associates completed a report for the Clackamas County Tourism Development Council and Oregon Tourism Commission that described an analysis of the costs of keeping the WFL open, and the economic spending by the primarily recreational users. The authors concluded that the economic benefits of keeping the WFL open far outweighed the costs.¹² In a 2008 report for the One Willamette River Coalition, CEDER, Synergy Northwest, LLC,

■ Travel Oregon: “We continue to believe that recreational boating use (both motorized and non-motorized) and commercial tourist boating on the Willamette River will grow and could become a significant tourism asset for Oregon and the Willamette Valley region.”⁹

■ Port of Portland: “The Port of Portland is pleased to support the repair and refurbishment of the locks at Willamette Falls. Our hope is that this investment will allow a historical piece of infrastructure to contribute to the economic growth of the region for another 100 years to come. Moreover, we

⁹Oregon Solutions, 2009, p. 13.

¹⁰Oregon Solution, 2009, p. 17.

¹¹U.S. Army Corps of Engineers, Lock Performance Monitoring System, <http://www.ndc.iwr.usace.army.mil/lpms/lpms.htm>; U.S. Army Corps of Engineers, Corps of Engineers Financial Management System year-end 3011a reports.

¹²BST Associates. 2005. Willamette Falls Locks Economic Impact Analysis Final Report. Prepared for Clackamas County Tourism Development Council and Oregon Tourism commission. March.



and Chenoweth Consulting described the results of a case study of transferring ownership and operations of the WFL from the ACoE to another entity. The authors reviewed the transfer of three other locks from ACoE and the associated transfer issues, challenges and lessons learned.¹³ In July of 2011, Michael Bernert outlined the economic and environmental advantages of shipping municipal waste, pulp and paper, steel, bulk agricultural commodities and bulk building materials such as sand and gravel via barge vs. rail or truck.¹⁴

Our report describes the economic potential of the WFL if they were functioning and operating on a regular schedule. By economic potential we mean describing the types of demand for river access that the WFL would facilitate. Our analysis builds on past studies of the WFL and includes three major parts. First, we summarized and updated the description by CEDER et al. (2008) of the three transfers to date of ACoE locks to other entities.

The ACoE's decision to change the status of the WFL to non-operational makes more challenging an assessment of the future economic potential of the WFL. Hence, we review experiences of other lock transfers for insights into the WFL's future economic potential. Second, we describe the results of our assessment of the demand for WFL services based on key-informant interviews we conducted with representatives from various stakeholder groups. Third, we outline three potential operating scenarios for the WFL with varying number of lockages, operating costs, and revenues.

The remaining sections of this report are as follows. In Section 2, *River Locks Transfers*, we describe the issues behind the ACoE transferring ownership or operations of three sets of locks to state or regional groups. The circumstances that led to the transfers are similar to conditions at the WFL today. All of the locks were built at a time when rivers provided the main transportation mode for commerce. Eventually rail and then road systems competed with river transport. As a result, the amount of commerce transported by river and through the locks gradually declined. As commercial lockages declined, however, recreational lockages increased. In spite of the increased recreational use, the ACoE, guided by the WFL's strictly "navigation authorization," eventually decided that the small amounts of commerce passing through the locks did not justify the expense of operating them. Prior to closure in 2011, recreational boaters were the dominant users of the locks' services, with limited commercial use.

In Section 3, *The Locks and River Users*, describe the results of our assessment of the demand for the types of river access that the WFL provide. Our assessment relies on our interviews with key-informants from stakeholder groups including: recreational users; commercial or industrial users; economic development officials from area jurisdictions; and county and state emergency managers.

In Section 4, *Operating Scenarios*, we describe three operating scenarios. The assumptions in our scenarios reverse the ramp down in WFL operations that the ACoE implemented over the previous years. That is, we start with limited service during summer months, increase service to six months, then increase to twelve months of operations. The first two scenarios rely primarily on recreational users. We assume that for the most part, commercial shippers will not begin using the WFL until they have some assurances that the locks will operate on a regular basis, so our third scenario assumes both recreational and commercial users. We include in our operating scenarios estimated lockages, operations and maintenance costs, revenues generated by user fees, and revenues that could be generated by a transportation district established to support the WFL. The spreadsheet accompanying this Section has the details of our assumptions, analyses and results.

In Section 5, *Economic Potential*, we describe our conclusions based on information in the proceeding Sections.

¹³CEDER, Synergy Northwest, LLC, and Chenoweth Consulting. 2008. The Willamette Falls Locks: A Case Study Analysis of Potential Transfer Issues. Prepared for the One Willamette River Coalition. October 23.

¹⁴Bernert, Michael. 2011. Reclaim Our River, Environmental, Economic and Community Advantages of a United Willamette River. July 17.

RIVER LOCKS TRANSFERS

The ACoE's decision to change the status of the WFL from "caretaker status" to "non-operational status," makes more challenging the task of estimating future demand for, and use of, the WFL. For insights into the future economic potential of the WFL, we collected and reviewed information on three locks systems that the ACoE transferred to other entities. We began by reviewing the CEDER et al. (2008) report that describes transfer issues in general, and issues specific to the three locks systems. We then reviewed other sources, e.g., web sites, and contacted representatives of the locks with follow up questions and requests for information. At the end of our summary for each lock system, we describe similarities, differences and other insights relative to the WFL.

Locks Case Studies

We summarize the available information on current operations and usage details for three systems of locks that the ACoE turned over to regional or state entities:

- Muskingum River Parkway Locks in Ohio
- Kentucky River Locks in Kentucky
- Lower Fox River Locks in Wisconsin

We also summarize use and operations information

for the Hiram Chittenden Locks in Seattle. The ACoE operates these locks, but we include them in our summary because of their geographic proximity to the WFL, and because their mix of recreation and commercial users is comparable to what could be expected at the WFL. We also mention other lock systems that the ACoE currently owns and maintains in "non-operational" status that local stakeholders are interested in transferring ownership from the ACoE to other entities.

Muskingum River Parkway Locks, Ohio

The ACoE transferred ownership of the Muskingum River Parkway Locks to the State of Ohio in 1958. The flat-water lock system consists of ten, hand-operated locks distributed along a 112-mile stretch of the Muskingum River in southeast Ohio. Operating the locks employs 14 seasonal workers.¹⁵ Most of the locks are 184 feet long, 36 feet wide, and accommodate boats up to 160 feet long.¹⁶ The Ohio State Parks (OSP) department manages locks operations and maintenance.

The locks currently operate seasonally, with daytime operating hours on Saturdays and Sundays from May 10, 2013 through October 12, 2014, and additional Friday and Monday hours between Memorial Day weekend and early September. Special arrangements for lockages outside of normal operational hours can be made

with 48 hours notice and an additional launch ramps are provided at five of the ten locks.¹⁷

The Ohio State Parks charge daily user fees of \$5, annual fees of between \$15 and \$50, and special fees for lockages outside of normal operations times of \$15 or \$25.¹⁸ Gross user fees collected in 2013 totaled \$8,501. Revenues from user fees goes into the State's general fund and does not directly offset the costs of operating and maintaining the locks. Annual maintenance costs totaled \$67,000 in recent years.¹⁹

As is the case with many of the country's older locks systems, the Muskingum River Locks have a backlog of needed repairs. Locks #7 and #10 needed emergency repair work in recent years. The Ohio Department of Natural Resources, which oversees the OSP, place a priority on bringing the locks to full operations before peak summer seasons.^{20,21} This can be challenging at times. For example, Lock #11 is currently under repair and not operational for the 2014 summer recreational season.

Today, most of the lockages are for recreational boaters and anglers who fish from boats.²² The river has a reputation among fishers for the unique "pools" between locks that contain a variety of bass and catfish species.²³ The number of recreational boaters has been estimated at roughly 7,000 per year.²⁴ Staff at the Ohio Department of Parks and

¹⁵Ohio State Parks representative, July 3rd, 2014, Interview.

¹⁶American Society of Civil Engineers. Muskingum River Navigation System. <http://www.asce.org/People-and-Projects/Projects/Landmarks/Muskingum-River-Navigation-System/>. Accessed July 2014.

¹⁷Ohio State Parks, Ohio Department of Natural Resources Division. Muskingum River State Park. <http://parks.ohiodnr.gov/muskingumriver>. Accessed July 2014.

¹⁸LAWriter Ohio Laws and Rules. 1501:41-2-30 Muskingum river parkway lock fee. <http://codes.ohio.gov/oac/1501:41-2-30>

¹⁹Ohio State Parks representative, July 3rd, 2014, Interview.

²⁰Hannahs, Nichole. 2013. Canal Leak Serious Issue. <http://www.whiznews.com/content/news/local/2013/01/15/canal-leak-serious-issue>. January 15.

²¹Ohio State General Assembly. Balderson Announces Funding For Emergency Repairs To The Muskingum River Parkways Lock. 2012. <http://www.ohiosenate.gov/senate/balderson/press/balderson-announces-funding-for-emergency-repairs-to-the-muskingum-river-parkway-lock>. April 24.

²²Most of the locks are 184-feet long and 36 feet wide, with the ability to handle boats up to 160 feet long.

²³OhioBassAngler.com. Muskingum River Update. 2013. <http://www.ohiobassangler.com/blog/2013/1/Muskingum-River-Update>. January 13.

²⁴Ohio Water Trails. Muskingum River Water Trail. <http://watercraft.ohiodnr.gov/Portals/watercraft/pdfs/maps/wtmuskingum.pdf>. Accessed July 2014.

Recreation report recent declines in the number of lockages, primarily due to weather causing poor boating conditions.

Comparison with WFL:

- Ten sets of flat-water locks spread over 110 miles vs. a bypass canal with four 210-foot tandem lift locks, a boat basin and a 210-foot guard lock, all in less than one-half mile for WFL.²⁵
- Operating the locks takes 14 seasonal workers. When last operational, the WFL employed two fulltime workers.
- Lockages driven primarily by fishing demand, and factors that affect fishing, e.g., weather, will also affect demand for lockages. Lockages at WF served a broader group of users and the lock chambers contain no fish.
- Locks were transferred from the ACoE 56 years ago, which shows it's possible for an entity other than the ACoE to operate and maintain a system of locks over a long time.
- Users pay fees to access the locks. The ACoE did not charge user fees for the WFL. Our operating scenarios include user fees.

Kentucky River Locks, Kentucky

The Kentucky River Locks consist of 14 flat-water lock and dam sites along 245 miles of the Kentucky River. The Commonwealth of Kentucky took over ownership of locks #5 through #14 in 1986, under the administration of the Kentucky

River Authority(KRA), which was established to manage the system. The KRA also manages the ACoE-owned locks #1 through #4. The ACoE is currently in the process of transferring ownership of these four locks to the KRA.²⁶

Currently, only two of the 14 locks are operational. These are locks #3 and #4, two of the locks managed, but not currently owned, by the KRA. These two locks operate seasonally, Friday and Saturday, between May 23rd and October 26th.²⁷ The KRA plan to bring an additional three locks back into service.²⁸

The locks upstream from Frankfort are not operational.²⁹ Locks above this point are primarily used for pooling water that creates a water source for the local population. The ACoE conducted a study published in February 2014 that recommended the “disposal” of these locks (permanent blockage by concrete barriers) or removal of many of the locks upstream. The KRA is assessing the stability of the locks and dams for their impacts on ecosystem restoration projects and water supply.

The KRA's most recent budget is approximately \$4 million. Fees assessed on water users supplied by the pool behind the locks upstream from Frankfort generate approximately \$250,000. Revenues allocated from the State general fund make up the shortfall between water fees and operating costs.³⁰

The KRA does not operate the locks for commercial traffic.³¹ The areas between dams are frequented



by anglers attracted by the area's healthy fish stocks,³² but the dams pose a risk to small vessels like kayaks and canoes that try to pass over them.³³

Comparison with WFL:

- A larger number of flat-water locks spread out over a much longer stretch of river relative to the WFL.
- Some locks provide pooling, which supplies water users. Fees from water users help fund locks O&M. The WFL has no user fees under the ACoE.
- State ownership with support from the State general fund makes up the large majority of operating funds. ACoE funds the current “non-operational status” of the WFL.

²⁵Lewis, 2004.

²⁶<http://finance.ky.gov/offices/Pages/LocksandDams.aspx>

²⁷<http://finance.ky.gov/offices/Documents/2014/2014%20Lock%20Schedule.doc>

²⁸Jerry, Kentucky River Authority, July 3rd, 2014, Interview.

²⁹<http://www.kentucky.com/2009/10/19/982597/kentucky-river-a-river-to-nowhere.html>

³⁰Jerry Graves, Kentucky River Authority, July 3rd, 2014, Interview.

³¹Jerry Graves, Kentucky River Authority, July 3rd, 2014, Interview.

³²<http://www.worldfishingnetwork.com/news/post/good-fish-populations-in-kentucky-river>

³³<http://www.lrl.usace.army.mil/Portals/64/docs/CWPProjects/Green%20and%20Barren%20dispo/Main%20Report.pdf>

Item A.

Lower Fox River Locks, Wisconsin

The Lower Fox River Locks system, located along the Lower Fox River in Wisconsin, consists of eight locks sites along 39 river miles, with three sites of five, four, and three locks each, and five sites with only one lock. The sites with five and three locks, as well as one of the single locks, are currently undergoing restoration. The vertical drop across the Lower Fox River locks is approximately 180 feet.³⁴

The State of Wisconsin took ownership of the lock system in September 2004. The State created the Fox River Navigational System Authority (Authority) to manage the lock system. The Authority is a public body overseen by a board of nine directors, consisting of two representatives from each of the counties from where the locks are located and the additional three designated by the Department of Natural Resources, Department of Transportation, and Director of the State Historical Society.³⁵

Among the eight operational locks, service is provided on a seasonal basis, with start dates for 2014 ranging from April 18th to May 23rd, with regular service ending on either September 1st or October 5th. Days of operation vary, with some operating on weekdays and all operating Friday through Sunday.

Funding for the transfer, rehabilitation, and operation and maintenance of the locks is outlined in a joint funding agreement between the state and the ACoE. The agreement outlines the creation of

Figure 1. Annual Lockages, Craft, and Passengers Passing Through Lower Fox River Locks

Year	Lockages	Craft	Passengers
2007	3,781	6,158	23,925
2008	3,300	5,073	20,226
2009	4,001	6,051	23,263
2010	3,297	5,223	20,303
2011	3,377	5,095	19,233
2012	3,876	5,921	23,298
2013	3,467	4,954	20,723
Average	3,586	5,496	21,567

Source: Fox River Navigational System Authority, reported by lock tenders as boats travel through the locks

a trust consisting of combined funds of roughly \$22.8 million dollars. The agreement stated that the ACoE would contribute \$11.8 million, the State of Wisconsin would contribute \$5.5 million and the federal government would contribute \$5.5 million in matched funds. The State responsibility of \$5.5 million is broken into \$2.75 million from the state general fund and \$2.75 million in local and private funds to be raised by the contractor operating the locks, which is the Fox River Navigation System Authority.³⁶ Based on the most recent May 2014 reporting by the Authority, funds are currently stable at roughly \$20.1 million available and is considered within budget.³⁷

The Authority currently charges user fees through daily or seasonal permits. Daily permits cost either \$6 or \$12, based on boat length and seasonal permits are either \$120 or \$140, depending on the intended use. Special lockages are available, with

12 hours notice, on an hourly basis for between \$15 and \$50 per hour with a two hour minimum charge.³⁸

Currently, recreational use dominates lock usage, but there is potential for more commercial use.³⁹ Figure 1 shows total lockages for all lock sites. These include lockages of commercial and recreational craft. The number of operational locks changes over time; only three locks operated between 2007 and 2010.⁴⁰

Comparisons with WFL:

- The lock system is much larger and includes many more locks than the WFL.
- Lower Fox River locks operations and maintenance is supported by funds including those supplied by the ACoE, the State of Wisconsin, and the Federal government.

³⁴<http://www.friendsofthefox.org/friendsofthefox/river+navigation/lock+and+bridge+schedules+-+procedures.asp>; http://foxriverlocks.org/index.php?option=com_content&view=article&id=11&Itemid=4.

³⁵http://foxriverlocks.org/index.php?option=com_content&view=article&id=3&Itemid=6.

³⁶<https://docs.legis.wisconsin.gov/statutes/statutes/237/08/2>

³⁷http://foxriverlocks.org/frnsa_committeeminutes/2014/052714.pdf

³⁸<http://www.friendsofthefox.org/friendsofthefox/river+navigation/lock+and+bridge+schedules+-+procedures.asp>

³⁹Harlan Kiesow, Fox River Locks CEO. July 22nd, 2014. Interview

⁴⁰http://foxriverlocks.org/index.php?option=com_content&view=article&id=6&Itemid=5

- A mix of recreational and commercial vessels use the lock system, similar to the expected use of the WFL.
- Users pay fees to access the locks. When operated by the ACoE, the WFL had no user fees. We include user fees in our operating scenarios.

Hiram M. Chittenden (Ballard Locks), Washington

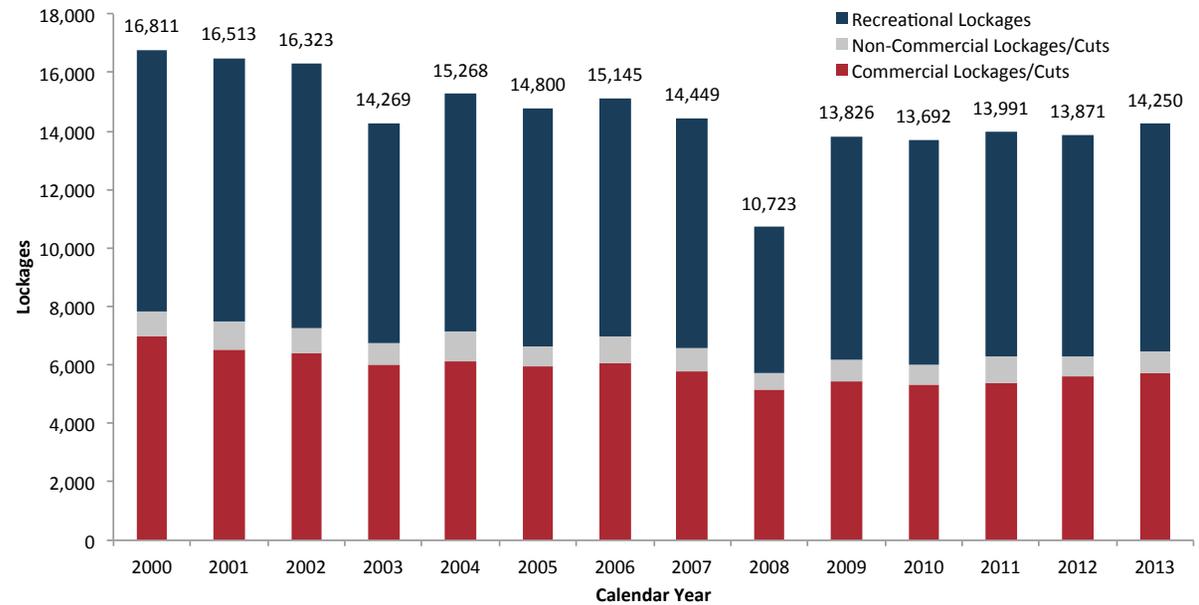
The Hiram M. Chittenden Locks, known as the Ballard Locks, in Seattle, Washington is a single site lock, like the WFL, consisting of one larger lock, with a length of 825 feet and width of 80 feet, and an auxiliary lock that is 150 feet long and 28 feet wide. The Ballard Locks are currently owned and operated by the ACoE.⁴¹ The Ballard Locks are authorized for both navigation (commercial cargo) and recreational use.⁴²

The locks operate all days of the year and at all hours. The locks employ roughly 60 staff, including visitor center personnel and administration. The budget for the locks fluctuates greatly due to capital investments, but it is usually in excess of \$5 million, annually.⁴³ The ACoE does not charge user fees to access the locks.

The ACoE Navigation Data Center reported that the lockages for recreational purposes have generally been slightly more than half of all lockages on an annual basis, as shown in Figure 2.⁴⁴

Use of the locks is highly seasonal. Commercial users include sand and gravel barges, tugboats,

Figure 2. Ballard Locks Lockages by User Type



Source: OHSU, ECONorthwest, IMPLAN 2012 data

north Pacific fishing fleet, fuel barges, and drydock and repair traffic.⁴⁵

Comparison with WFL:

- The locks have an authorization for both navigation (commercial cargo movement) and recreation. The WFL have a navigation authorization only, though there is interest and efforts in expanding the ACoE authorization for the WFL to include recreational use.⁴⁶

- The locks are proximate to a larger population than the WFL.
- Both locks serve recreational and commercial users.
- ACoE maintains the locks and does not charge user fees. ACoE no longer operates the WFL.
- The staff and operating budget are significantly larger than that for the WFL when they were operating.

⁴¹<http://www.nws.usace.army.mil/Missions/CivilWorks/LocksandDams/ChittendenLocks.aspx>

⁴²Personal Communication. 2014. Peggy Sigler, National Trust for Historic Preservation.

⁴³Jay Wells, ACOE Visitor Center Representative. July 2, 2014. Interview.

⁴⁴<http://www.navigationdatacenter.us/lpms/lock2013web.htm>

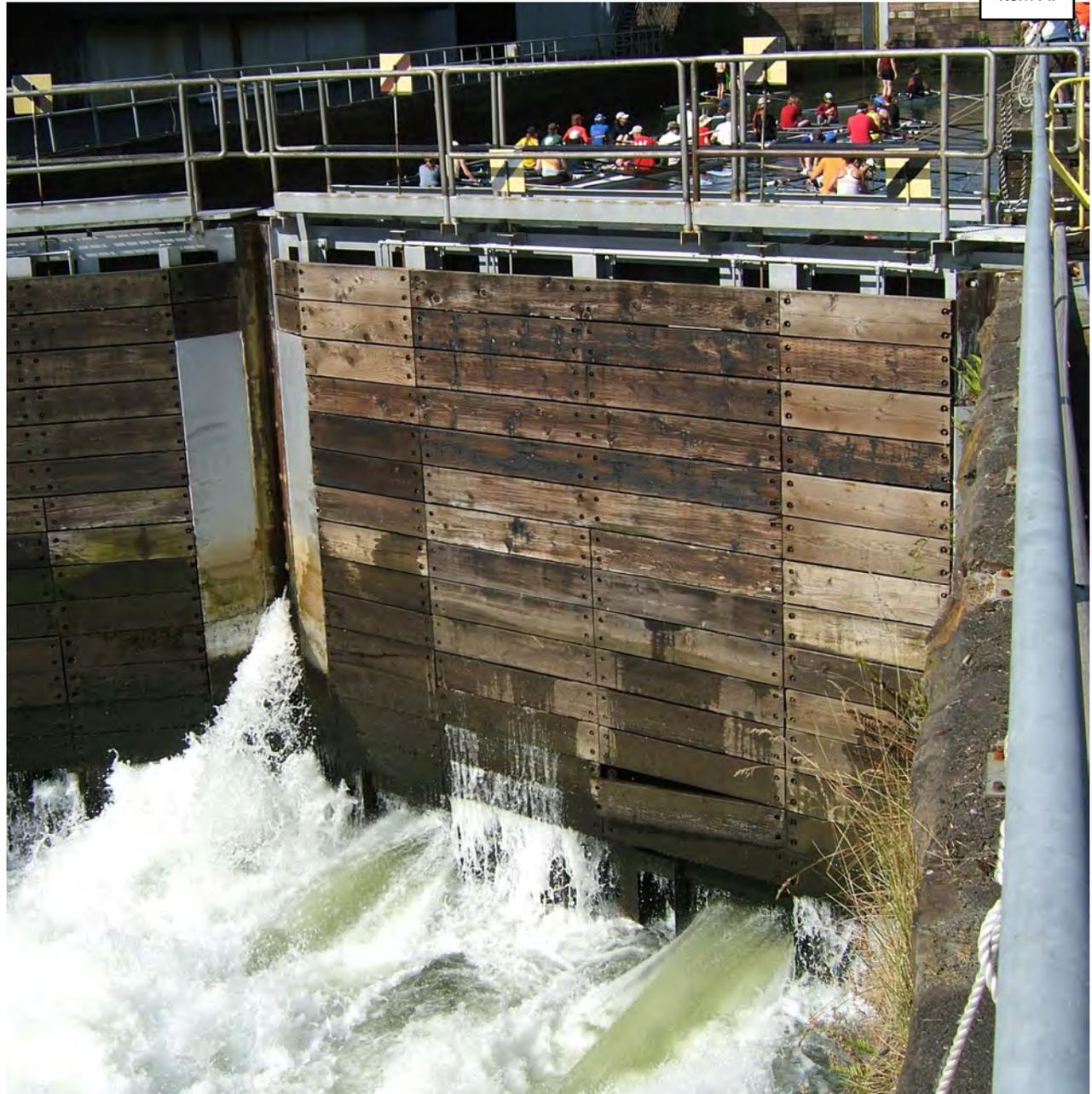
⁴⁵Jay Wells, ACOE Visitor Center Representative, July 2, 2014, Interview.

⁴⁶Personal communication, Sandy Carter, Willamette Falls Heritage Foundation, 2014.⁴⁷<http://www.kittanningpaper.com/2014/01/20/fundraising-to-reopen-river-locks-starting-soon/42955>

Allegheny River Locks

The WFL is not the only ACoE-owned locks looking for alternative ownership or operations arrangements. The Allegheny River Locks, located in Pennsylvania, has struggled to maintain regular operations of its roughly 90-year old locks with the sole source of funding provided through the ACoE. A local non-profit, the Allegheny River Development Corporation (ARDC) and the local county commissioners, both interested in seeing the reopening of many of the system's 23 locks and dams, have organized to apply for the ability to contribute funds to the repair and operations of the locks.⁴⁷ The County would serve as a pass-through entity to provide funds to the ACoE.

The recently enacted 2013 Water Resources Reform Development Act, signed by President Obama on June 10, 2014, means that this process will become simpler. The Act allows non-profits to negotiate directly with the local ACoE.⁴⁸ Although raising funds is still an issue, this Act will allow interested parties more options for supporting locks operations. Local stakeholders are considering this option as a means of funding operations for the WFL as well.⁴⁹



⁴⁷<http://www.kittanningpaper.com/2014/01/20/fundraising-to-reopen-river-locks-starting-soon/42955>

⁴⁸<http://www.boatlocal.com/articles/2014/ardc-gets-approval>

⁴⁹Personal communication, Sandy Carter, Willamette Falls Heritage Foundation, 2014.

THE LOCKS AND RIVER USERS

The trend in use of WFL mirrors that of the three locks described in the previous section. The WFL were built at a time when rivers were the primary transportation mode for personal or commercial travel. Railroads and then highways eventually provided alternative means of moving people and cargo. Commercial use of the WFL declined, while recreational use increased. In response to declining commercial tonnage passing through the WFL, which caused a lack of funds for inspection and maintenance, the ACoE closed the locks in December of 2011 for safety reasons.

As part of our evaluation of the economic potential of the WFL, we conducted an assessment of the likely future demand for the WFL if they were reopened and operating on a regular schedule. Our assessment included interviews with key-informants from stakeholder groups (e.g., recreational users; commercial or industrial users; economic development officials from area jurisdictions; and county and state emergency managers), as well as reviewing literature and reports that pertain to stakeholder groups.

Our assessment of demand also help inform the details of the three operating scenarios, which we describe in the next section.

Recreation

The recreational demand for WFL services would come primarily from three user groups: non-motorized vessel users, motorized vessel users, and commercial recreational users.

To inform our assessment of the demand for recreational use of the Willamette River and the



WFL, we conducted interviews with the following key informants:

- Dennis Corwin, Explorer Tours (Portland Spirit)
- Kate Ross, Willamette Riverkeeper, Outreach and Education Coordinator
- Alexandra Phillips, Oregon Parks and Recreation, Water Recreation Coordinator
- Eric Dye, Sportcraft Landing Moorages
- Sam Drevo, eNRG Kayaks

Non-motorized vessel users

Non-motorized users include paddling vessels such as kayaks, canoes, and rafts, and can include both long and short distance trips. The Willamette River is a nationally recognized water body for paddling. In 2012, the Secretary of the Interior designated the Willamette River a National Water Trail. The Willamette River Water Trail (Trail) stretches from Creswell to St. Helens, Oregon and includes 187 miles of the Willamette River as well as 29 miles of connecting rivers. The Trail passes

through the heart of the Willamette Valley, flowing past urban and rural landscapes where seventy percent of Oregonians live.⁵⁰ The Willamette Riverkeeper, a non-profit organization dedicated to the preservation of the Willamette River, manage the Trail.^{51, 52} *Canoeroots* magazine profiled the Trail and described it as one of the 13 “awesome canoe trips of a lifetime.” The group of 13 includes the Yukon River.⁵³ The Oregon Parks and Recreation Department manages Willamette Greenway sites from upstream of Eugene to Portland that facilitate access and recreation along the Trail.⁵⁴

Although there are no formal records kept on the number of paddlers that use the river each year, Willamette Riverkeeper and the Oregon Parks and Recreation Department reported that they receive many inquiries from Oregonians and interested paddlers from other states and countries about paddling the river. Inquiries have increased since the Willamette’s addition to the National Water Trail System.

According to the staff at Willamette Riverkeeper, many paddlers travel the entire length of the Trail. Most through-paddles of the Willamette River occur during the summer months, and include several organized trips that occur annually. These trips include Paddle Oregon and the Corvallis-Portland Row. The 2014 Paddle Oregon begins in Corvallis and ends at Canby, upriver from

Figure 3. SCORP Water-based Recreation Participation, Region 2 and 3, 2011

	Using Personal Water Craft, Such As Jet Ski		Power Boating (Cruising/Water Skiing)		Flat-Water Canoeing, Sea Kayaking, Rowing, Stand-Up Paddling, Tubing/Floating		Beach Activities (Lakes, Reservoirs, Rivers, Etc.)	
	# of trips	% of region population	# of trips	% of region population	# of trips	% of region population	# of trips	% of region population
Region 2	558,185	3.6%	2,600,014	12.8%	1,717,149	9.9%	3,728,314	30.0%
Region 3	221,999	4.6%	1,600,679	17.4%	456,208	12.8%	2,810,191	36.5%

Source: OSU College of Forestry, Oregon Resident Outdoor Recreation Demand Analysis

Willamette Falls and the WFL. But for the fact that WFL are not operating, the trip could extend all the way downstream to Portland and the confluence with the Columbia River.⁵⁵

There is also demand from a growing community of paddlers seeking new and less congested options for paddling day trips in the Portland area. Demand for flat-water paddling and tubing activities in Oregon Department of Parks and Recreation Region 2, which includes the Portland and Salem metropolitan regions and the Willamette River north of Albany, is significant and includes participation by almost 10 percent of the Region’s population. Demand from Region 3, which includes Benton, Linn and non-coastal Lane Counties, amounts to almost 13 percent of the Region’s population. Additional details of local recreational demand based on the 2011 survey completed in preparation for the 2013-2017 Oregon Statewide Comprehensive Outdoor Recreation Plan can be found in Figure 3.⁵⁶

Most paddlers end their trip upstream of the Willamette Falls because of the challenging logistics of portaging around them. Moving past the Falls requires a several-mile vehicle trip, with takeout and put-in on opposite sides of the river. According to Willamette Riverkeeper staff, many paddlers inquire about going through the WFL and are disappointed when they learn that this is not an option. The last organized paddles or cruises by Willamette Riverkeeper through the locks occurred in 2005.

Motorized vessel users

Motorized vessels include anything from yachts to smaller recreational motorboats and personal watercraft. In the past, yacht clubs based on the Willamette and Columbia Rivers took two- or three-day trips up the river and through the WFL. The SCORP results in Figure 3 show that a significant percentage of Oregonians living in the Willamette River drainage are involved in powerboating.

⁵⁰National Water Trails System, <http://www.nps.gov/WaterTrails/Trail>.
⁵¹<http://www.nps.gov/WaterTrails/Trail/Info/36>
⁵²<http://willamette-riverkeeper.org/WRK/about.html>
⁵³Willamette River Water Trail, <http://willamettewatertrail.org/>.
⁵⁴http://www.oregonstateparks.org/index.cfm?do=parkPage.dsp_parkHistory&parkId=194
⁵⁵Paddle Oregon, <http://www.paddleoregon.org/>.
⁵⁶http://www.oregon.gov/oprd/PLANS/docs/scorp/2013-2018_SCORP/Demand_Analysis.pdf



Closing the WFL increased the costs of maintaining recreational docks and moorages upstream. Prior to closure, tugboats and crane barges were easily transported upstream. After the closure, equipment needed upstream is either transported around the WFL, at greater cost, or contractors use more costly construction and maintenance methods. Two dredges, three tugboats and four barges were able to negotiate passing downstream through the WFL during the specially scheduled opening for Canby Ferry in 2013, which needed to be repaired in Portland.⁵⁷

Commercial recreational users

Commercial recreational users include commercial tour boats, charter boats, and other local river-based recreation businesses. River cruises would likely take advantage of the re-opened WFL to expand their offerings on the Willamette River. Prior to the closure, Explorer Tours, which runs the Portland Spirit, was looking into the feasibility of starting a through-locks tour. Representatives of the company believe that the tours would sell well.

If implemented, the tours would occur weekly from June through September, and could accommodate 35 people per tour.

Some river-based recreation businesses, such as eNRG Kayaks, locate near the falls and WFL to take advantage of the tourism and recreation interest in these attractions. Their customers and other paddlers visit the falls every year. According to representatives of these businesses, there would be strong demand from river paddlers for the types of river access that the WFL would facilitate.

Past Recreational Use and Demand

Figure 4 shows the number of recreational vessels that passed through the WFL in previous years. The decline in use reflects the trend of reduced operating budgets and months and days of operations. The two spikes in use, in 2007 and 2010, are in response to two episodes of temporary funding increases and operations. One could interpret these increases in use as indicative of pent up recreational demand for access through the WFL.

Tourism and Economic Development

Prior to closure the WFL were a tourism destination for local and regional visitors. Prior to the ACoE's closure, visitors came to see the locks operate and to learn about their historical significance.

For information on the tourism and economic development potential of the WFL, we contacted economic development officials in municipal jurisdictions along the Willamette River. We asked if their economic development plans included river access or river activities that could be affected by the reopening of the WFL. We conducted interviews with staff at the following jurisdictions:

Figure 4. Recent Recreational WFL Activity

Year	Recreational Vessels	Recreational Lockages
2000	2,548	1,221
2001	1,831	731
2002	1,068	605
2003	756	408
2004	787	160
2005	612	227
2006	795	304
2007	1,053	406
2008	2	0
2009	0	0
2010	899	380
2011	11	5

Source: US Army Corps of Engineers Navigation Data Center

- City of Wilsonville
- City of Oregon City
- Marion County
- Clackamas County Tourism and Cultural Affairs Office

⁵⁷http://www.oregonlive.com/west-linn/index.ssf/2013/01/willamette_falls_locks_open_br.html

Item A.

Historical and Cultural Tourism

The WFL provide a multi-faceted recreational experience unmatched in the region. According to Willamette Riverkeeper, many paddlers express interest in learning about the history of the river. The WFL are a key feature of that history, and provided an additional draw for many paddlers, from both the local area and outside the region. The SCORP data on historical visits by Oregonians in Figure 5, shows a significant percent of the population has an interest in learning about the state’s historic sites.

Figure 5. SCORP Historic Site Recreation, Region 2 and 3, 2011

Visiting Historic Sites/History-Themed Parks (History-Oriented Museums, Outdoor Displays, Visitor Centers, Etc.)		
	# of trips	% of region population
Region 2	4,238,756	43.3%
Region 3	905,598	42.4%

Source: OSU College of Forestry, Oregon Resident Outdoor Recreation Demand Analysis

A coalition of those interested in protecting and making more accessible the historical and cultural resources of the Willamette Falls and the WFL recently completed a feasibility study of creating a Willamette Falls Heritage Area.⁵⁸ The report describes the historical and cultural importance of the Falls and WFL area. The coalition includes stakeholders from political, business, Tribal,

utilities, and non-profit groups, and illustrates the widespread support for the area’s cultural resources.

Economic Development

Many of the local jurisdictions included access to the river or the river itself as an asset for tourism-driven economic development. The City of Wilsonville’s Tourism Development Strategy notes “increasing access and recreation on the river, including the Willamette River Trail” as a key opportunity and consideration in their strategy going forward. The strategy document also notes that additional infrastructure development is needed to move river recreation up to a priority status in terms of strong markets for their target audiences.⁵⁹ Reopening the WFL would help support the City’s river-related economic development goals.

The City of Oregon City commented that the river and river access support area tourism and recreation businesses, and that reopening the WFL would provide new tourism opportunities.

Marion County noted that tourism is an economic development priority and that any development that draws tourists will increase economic activity. The river is not specifically mentioned in the County’s economic development plan, but, increasing activities such as kayaking, boating, and fishing are. Reopening the WFL may strengthen these activities. Lack of river access is a limiting factor.

The Clackamas County Tourism and Cultural Affairs Office stated that supporting river-based recreation is a County priority.⁶⁰ Reopening the WFL would allow tourism access that connects

downstream and upstream portions of the river. The County could then promote river recreation all the way downriver to Portland, which the County believes would be popular among local recreationists and tourists. Boating, fishing, and kayaking have become very popular near the WFL, but lack of connectivity to the river and through the locks or around the falls limits the tourism and recreation potential. The historical aspect of the WFL draws tourists to the area. If the locks were not maintained, it would be a lost historical and cultural opportunity. The County currently owns and operates a boat landing on the south side of the WFL. If the locks were operational, the County expects this landing would get more use.

Commercial and Industrial

Commercial and industrial users of the WFL include industries or businesses that produce goods that could be, or had previously been, transported via barge down the Willamette River. These include aggregate producers, agricultural and logging companies, trash transport, and marine construction.

To inform our assessment of the demand for commercial or industrial use of the Willamette River and the WFL, we conducted interviews with the following key informants:

- Dave Bernert, Wilsonville Concrete Products and Marine Industrial Construction
- Baker Rock Resources
- Oregon Concrete and Aggregate Producers Association

⁵⁸Willamette Falls Heritage Area Coalition. 2013. Willamette Falls Heritage Area A National Heritage Area Feasibility Study. August.

⁵⁹<http://ci.wilsonville.or.us/DocumentCenter/View/6023>

⁶⁰https://www.mthoodterritory.com/Scripts/tiny_mce/jscripts/tiny_mce/plugins/filemanager/files/master_plan.pdf

Item A.

- Ross Island Sand and Gravel
- Oregon Seed Association
- Marion Agricultural Services
- Oregon Feed and Grain Association
- Dr. Starr McMullen, Oregon State University, Professor of Economics, transportation researcher
- Oregon Forest Industries Council
- Dr. Darius Adams, Oregon State University, College of Forestry
- Oregon Marine Construction
- Sportcraft Landing Moorages/Ken’s Flotation Services Inc.
- Portland Metro
- Pacific Northwest Waterway Association
- Portland General Electric

Aggregate

Aggregate, typically in the form of sand or gravel, can be found in relative abundance along the Willamette River. Moving aggregate and other heavy materials can cost less by barge than by truck, but, moving materials by truck may require less handling. Producers who source gravel close up or downstream from the WFL could benefit from reopening the locks. Producers further from the WFL may not move significant amounts of aggregate through the locks given the abundance of aggregate and the possibility of additional handling steps and associated costs.

Loading and unloading aggregate requires minimal infrastructure. Barges or riverside sites with portable conveyors and hoppers are sufficient. Investments in large or permanent infrastructure are

not required. Moving aggregate further upstream from the WFL may require dredging the navigation channel. Also, not all aggregate producers have barges that would fit through the locks.

Data compiled by the ACoE lists “sand and gravel” as the only commodity shipped on the Willamette River between Portland and Harrisburg in recent years.⁶¹ The ACoE, however, do not track all materials moved along the river and thus relying on the ACoE data would give an incomplete picture of river transport upstream and downstream from the locks.

Agriculture and Lumber

Rail companies prefer consolidating rail shipments at central rail yards. This requires grain or seed producers to transport their products by truck to rail lines. Rail companies do not stop for small volumes of materials, preferring instead to assemble large rail shipments at central yards and not stopping along their route to add small shipments of one or a few cars. According to the local agricultural producers we spoke with, the Willamette Valley does not produce grain in sufficient volumes to support multiple shipping points.

The seed and grain key informants expressed the following concerns regarding moving grain by barge:

- The uncertainty of adding barge to their current transportation modes
- The lack of loading and unloading infrastructure specific to barge transport
- The additional handling step and cost of moving grain from truck to barge to truck, or truck to barge to rail
- Logging and forestry key informants expressed



the same reservations to barging as agricultural producers:

- The lack of loading and unloading facilities; and
- The additional handling step and cost of moving logs from truck to barge to truck or truck to barge.

These informants stated that barging would likely cost less per mile, but the additional handling and costs required to add barge transport could negate the cost-per-mile savings. The actual cost benefits or increases of barging relative to other transportation modes are unknown at this time. We

⁶¹2006 through 2011, the most recent data available.

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note that containerized wood products produced upriver of the locks currently travel to Portland, Rainer, Tacoma, or Seattle for export.

Construction and Maintenance

Marine-based construction key-informants expressed varied interest in the reopening the WFL. One marine construction key informant stated that they have made investments in infrastructure and rolling stock that suit their needs and business model. These investments do not include barges and moving material through the WFL. Another key informant from a construction operation that focuses on recreational docks and facilities expressed strong interest in having the WFL available again. He used the WFL to transport tugs and crane barges upstream to repair and construct docks. Without the WFL, his costs have increased because he must either take equipment out of the water and transport it around the falls, or use more time consuming and expensive construction techniques. He indicated a willingness to pay a fee for using the locks.

Trash haulers noted higher costs and dredging concerns as factors that could inhibit moving trash by barge through the WFL. In the past, barging through the WFL was considered a competing mode for transporting trash, which placed pressure on truck and rail modes to keep prices down. Closing the locks foreclosed this competition pressure to keep prices down.⁶²

Portland General Electric commented that the WFL might have a slight beneficial effect on their operations in that they could possibly use them to help facilitate maintenance on their equipment and facilities at the Falls.

Past Commercial and Industrial Use and Demand

Figure 6 shows the general decline in commercial lockages over time. It also shows how commercial users responded to the two episodes of increased funding and operations in 2006 and 2010 by increasing lockages.

In the past, the WFL facilitated river transport as an alternative to truck and rail, which helped promote competition and reduced transportation costs. Closing the WFL foreclosed the competition option. The importance of the WFL to industrial and commercial users will likely increase in the future with continued economic growth in the I-5 corridor, increased congestion on road and rail lines, and uncertainty over reducing congestion at the I-5 Columbia River crossing.

Transportation and Emergency Planning

Jurisdictions in the area recognize the benefits that the WFL could provide for transportation more generally. For example, the City of Wilsonville includes the WFL and river access as part of their transportation plan. The City’s 2013 Transportation System Plan (TSP) establishes the continued maintenance of access to the Willamette River as a policy and supports the availability of river access for potential future transportation purposes. The TSP’s goals include improving access for public docking, and designating sites for potential future ports. The TSP also suggests that the City would benefit from increased marine and barge traffic on the river. The TSP describes the City’s past and ongoing support of the ACoE’s of Engineer’s efforts to maintain the WFL and periodically dredge the channel to maintain the river as a viable transportation facility.⁶³

Figure 6. Recent Commercial WFL Activity

Year	Commercial Vessels	Commercial Lockages
2000	443	272
2001	338	190
2002	229	180
2003	145	140
2004	149	149
2005	84	76
2006	231	181
2007	215	174
2008	10	6
2009	61	61
2010	183	160
2011	113	98
2012	2	2

Source: US Army Corps of Engineers Navigation Data Center

We also spoke to emergency managers to ask about the benefits of using the Willamette River and the WFL for transportation in the aftermath of a natural disaster, such as an earthquake that destroys bridges, roads, and rail transportation systems. Clackamas County’s hazards plan does not specifically mention using the river for transportation. However, they noted that it has possibilities. Yamhill County does not include the river in its hazard mitigation planning.

⁶³<http://or-wilsonville.civicplus.com/DocumentCenter/Home/View/661>

According to staff from the State of Oregon's Office of Emergency Management, the river will be an important transportation asset in the event of a natural disaster. River transport may be one of the few transportation routes serving areas along the river. The WFL would facilitate moving longer distances down and up river. ODOT Director Matt Garrett also commented that the WFL could have a potentially important role as a redundant transportation mode in the aftermath of the Cascadia earthquake.⁶⁴ Some relevant questions when assessing the role of the WFL in the event of a natural disaster include the extent to which they would function in the aftermath of an earthquake, and how debris flows would affect their operations.

Overall, Emergency Managers at the State level see the WFL as a potential asset for facilitation transport in the aftermath of a natural disaster, while local emergency managers had more questions or concerns.



⁶⁴Personal communication, Peggy Sigler, Oregon Field Officer, National Trust for Historic Preservation.

OPERATING SCENARIOS

Transferring ownership of the locks from the ACoE to another entity will require both parties and interested stakeholders addressing a number of issues. The report by CEDER, et al., describes these issues for the WFL, which include clearing property titles, addressing existing easements, and other real estate matters.⁶⁵ The WFL status on the National Register of Historic Places means that the ACoE must fulfill certain requirements that protect and preserve historic resources as part of changing ownership. For example, in this instance, Section 110 of the National Historic Preservation Act (Act) requires that the ACoE preserve and maintain the WFL, or pay other entities to preserve and maintain them.⁶⁶ On this topic, CEDER, et al., compared the preservation needs of the WFL with three locks transferred from ACoE to other entities and found that the needs specific to the WFL, "... are both resolvable and of smaller scope."⁶⁷ As we noted in Section 2, the ACoE, the State of Wisconsin, and the Federal government entered into a joint funding agreement that established a trust of \$22.8 million for the transfer, rehabilitation, and operation and maintenance of the Lower Fox River locks.

As we understand it, the ACoE must also fulfill requirements under Section 106 of the Act. This

section requires that the ACoE mitigate for any adverse effects on the WFL caused by their decision to move the locks to non-operational status. ACoE did not complete a Section 106 assessment prior to shutting down the locks due to their determination of safety concerns of continued operations.⁶⁸ In a May 15, 2014 letter to the Oregon State Historic Preservation Office, the ACoE stated that, "We have...determined that the closure of the locks to vessel traffic has had—and may continue to have—adverse effects on the character defining features and qualities that made the locks eligible for listing in the National Register."⁶⁹ Future meetings between ACoE staff and stakeholders will address the next steps regarding mitigating the adverse effects on the WFL caused by the ACoE closure.⁷⁰

Our economic analysis of operating scenarios for the WFL begins after ownership of the locks has transferred to another entity. That is, our analysis focuses on use of the locks and associated costs and revenues after necessary preservation repairs and maintenance issues have been dealt with and transfer of ownership has occurred. We developed the details of the three operating scenarios based on past studies of the locks, historical ACoE records of lock usage and operations and maintenance costs, and our recent interviews.⁷¹ The ACoE records show that through the mid to

late 1990s the locks operated year round. In 1999 and 2004, the ACoE operated the locks six months per year. After 2005, operations dropped to summer months only.

Our scenarios reverse the ACoE's ramping down lock operations over the years.⁷² Our first scenario assumes three months of operations during the summer. Our second scenario assumes six months of operations. Our third scenario assumes year-round operations. We anticipate that demand for the locks will come primarily from recreational and tourism users. As we describe in Section 3, it is unlikely that commercial haulers, e.g., barge operators, would use the locks to any significant degree until they are operating consistently on a regular basis. This is a likely necessary condition before commercial users would make investments and expand the transportation modes they use to include barging in addition to road and rail modes.

In each of our scenarios, we describe a high and low estimated number of lockages, operating costs, user fees, and tax revenues that support locks operations. We estimated the number of lockages based on available ACoE records of lockages over the years.⁷³ We estimated operations and maintenance costs based on the costs reported by BST Associates in their 2005 analysis, which was the average cost from 2002 to 2004.⁷⁴ During those

⁶⁵See the CEDER et al., 2008, report for the complete list of transfer issues.

⁶⁶National Historic Preservation Act of 1966, Public Law 102-575, <http://www.nps.gov/history/local-law/nhpa1966.htm>.

⁶⁷CEDER et al., 2008, page 27.

⁶⁸Willamette Falls Heritage Foundation, 2013, Winter Newsletter. December. www.willamettefalls.org; Willamette Falls Heritage Foundation, 2014, Spring Newsletter. March. www.willamettefalls.org.

⁶⁹Casey, J. 2014. Letter to Mr. Roger Roper, Deputy State Historic Preservation Officer, Oregon Parks and Recreation Department, State Historic Preservation Office, RE: Continued Section 106 Consultation Regarding the Caretaker Status of the Willamette Falls Locks, Oregon, City, Clackamas County, Oregon. May 15, p. 1.

⁷⁰Casey, 2014.

⁷¹US Army Corps of Engineers, Corps of Engineers Financial Management System (CEFMS), <http://www.usace.army.mil/FinanceCenter.aspx>.

⁷²Contact the Willamette Falls Heritage Foundation, 503-650-9570, for a copy of the spreadsheet model that accompanies this Section.

⁷³Army Corps of Engineers, Locks Performance Monitoring System (LPMS), <http://www.ndc.iwr.usace.army.mil/lpms/lpms.htm>.

⁷⁴BST Associates, 2005.

years, the WFL operated for 6-months annually. We recalculated this average to account for inflation.⁷⁵ This amount was halved for the 3-month operating scenario, and doubled for the 12-month operating scenario. We also included a contingency factor of from 0 to 30 percent to account for the uncertainty of projecting future operating costs.

Our model also includes two other costs specific to operating and maintaining the WFL. Given the fact that the WFL were constructed over 140 years ago, and the findings of the CEDER et al. report regarding the recommendations for maintaining structures of that age, our model includes options of adding costs for deferred maintenance and a set-aside for future capital upgrades. Our annual deferred maintenance amounts in the model range from \$0 to \$225,000, and the annual capital set-aside ranges from \$0 to \$150,000. Our use of the term, operating costs, includes costs for operations and maintenance, deferred maintenance and set-aside capital amounts.

In addition to incurring costs from operating the locks, the new entity that takes over the WFL could generate revenues through user fees. Our model includes a range of user fees per lockage from \$0 to \$15. We know, however, based on our review of data from the other locks that the ACoE turned over, and from our analysis of the WFL, that user fees will cover only a small portion of operating costs, and possibly not enough to offset the cost of administering the fee. We therefore considered other possible funding sources to make up the shortfall.

Figure 7: Illustrative Model Run #1

Operating Scenario: 3 Months (300 to 600 lockages)
 Transportation District: Clackamas County Boundary
 Deferred Maintenance: \$25,000

Set-Asides For Future Capital Improvements: \$50,000
 User Fees: \$5 per lockage

Costs	Low Estimate	High Estimate
Operations & Maintenance	\$156,900	\$156,900
O&M Contingency (10%)	0	15,690
Deferred Maintenance	25,000	25,000
Set-Asides For Capital Improvements	50,000	50,000
Total	\$231,900	\$247,590
Revenues	Low Estimate	High Estimate
From User Fees	\$1,500	\$3,000
From Clackamas County Boundary	231,900	246,090
Total	\$233,400	\$249,090
Tax Impacts		
Tax per \$1,000 Assessed Value	0.81¢	0.89¢
Net Tax Increase	0.04%	0.04%

Oregon Statue includes provisions for a number of possible funding models that could support the WFL operations. We considered four possibilities and included the one we felt was most likely in our model. The first is creating a public corporation.⁷⁶ A public corporation can provide services, generate operating funds via taxes (though not through property taxes), is self-governed, but must be approved by the State legislature. Examples include the Port of Portland, TriMet and Oregon Health Sciences University.

The next possibility we considered was creating a new transportation agency via intergovernmental

Model Run #1 assumes three months of operations, a 10% contingency factor for operating costs, \$25,000 a year in deferred maintenance, \$50,000 per year set-aside for future capital improvements, a \$5 per lockage user fee, and a transportation district equivalent to the Clackamas County boundary.

⁷⁵ Using the US Producer Price Index.

⁷⁶www.oregonlaws.org.

Figure 8: Illustrative Model Run #2

Operating Scenario: 6 Months (1,000 to 1,500 lockages)

Set-Asides For Future Capital Improvements: \$100,000

Transportation District: Metro Region Boundary

User Fees: \$8 per lockage

Deferred Maintenance: \$50,000

Costs	Low Estimate	High Estimate
Operations & Maintenance	\$313,800	\$313,800
O&M Contingency (10%)	0	31,380
Deferred Maintenance	50,000	50,000
Set-Asides For Capital Improvements	100,000	100,000
Total	\$463,800	\$495,180
Revenues	Low Estimate	High Estimate
From User Fees	\$8,000	\$12,000
From Metro Region Boundary	463,800	487,180
Total	\$471,800	\$499,180
Tax Impacts		
Tax per \$1,000 Assessed Value	0.34¢	0.37¢
Net Tax Increase	0.02%	0.02%

Model Run #2 assumes six months of operations, a 10% contingency factor for operating costs, \$50,000 a year in deferred maintenance, \$100,000 per year set-aside for future capital improvements, a \$8 per lockage user fee, and a transportation district equivalent to the Metro boundary.

Figure 9: Illustrative Model Run #3

Operating Scenario: 12 Months (1,700 to 2,500 lockages)

Set-Asides For Future Capital Improvements: \$150,000

Transportation District: Port of Portland District Boundary

User Fees: \$0 per lockage

Deferred Maintenance: \$100,000

Costs	Low Estimate	High Estimate
Operations & Maintenance	\$627,600	\$627,600
O&M Contingency (10%)	0	62,760
Deferred Maintenance	100,000	100,000
Set-Asides For Capital Improvements	150,000	150,000
Total	\$877,600	\$940,360
Revenues	Low Estimate	High Estimate
From User Fees	\$0	\$0
From Port of Portland District Boundary	877,600	940,360
Total	\$877,600	\$940,360
Tax Impacts		
Tax per \$1,000 Assessed Value	0.58¢	0.64¢
Net Tax Increase	0.03%	0.03%

Model Run #3 assumes twelve months of operations, a 10% contingency factor for operating costs, \$100,000 a year in deferred maintenance, \$150,000 per year set-aside for future capital improvements, a \$0 per lockage user fee, and a transportation district equivalent to the Port of Portland jurisdictional boundary.

agreement, as described under Oregon Statute 190.⁷⁷ Government parties to the agreement must decide on the operating and financing details of the agreement and the services provided. Funding cannot come from property taxes. Establishing a new agency would include additional administrative fees, staff, and offices.

The third option is creating a service district, as described in Oregon Statute 451.⁷⁸ Creating such a district would require negotiations among entities that would form the boundary of the district. Examples of services districts formed in Oregon include districts for water and sewer services, parks and recreation, solid waste disposal, and emergency medical services, e.g., ambulance. Typically, the district services directly benefit the users who pay district fees.

The fourth option, and the one we include in our model, is forming a transportation district as described in Oregon Statute 391.550.⁷⁹ Currently, eleven transportation districts operate in Oregon including, TriMet, South Clackamas Transportation District, Salem Area Mass Transit District, and Land Transit District.⁸⁰ A district can be formed across jurisdictional boundaries of interested constituents. We included the transportation district option in our analysis because they are prevalent across the state, the process for establishing a district is relatively well known, and transportation districts can be funded by property taxes.

To help illustrate the amounts of revenues that a WFL-specific transportation district could generate, we developed transportation districts using jurisdictional boundaries of four entities. We stress that these transportation districts are illustrative only. We use these jurisdictional boundaries for convenience because assessed values for property taxes are available for these boundaries, and because they illustrate districts covering a range of geographies, from large to small. We use jurisdictional boundaries for the Port of Portland, Metro, TriMet, and Clackamas County in our model. Our model calculates tax revenues generated from each jurisdictional boundary that would be needed to make up the revenue shortfall between user fees and operating costs. Our model calculates total revenues generated from a transportation district, the tax amount per \$1,000 of assessed value, and the percent net tax increase attributed to the district-specific tax amounts.

As described above, our model includes a number of assumptions and choices that affect the number of lockages, operating costs, and revenues. We reproduce below results from three illustrative model runs using different assumptions and choices.

Our three illustrative model runs show results across a range of operating possibilities for the WFL. Despite this range, we can draw a number of conclusions about the outcomes of likely future operations of the WFL.

- User fees will cover but a small portion of operating costs. If actual lockages were greater than the numbers in our operating scenarios, it is unlikely that the impacts on user fees would significantly reduce the demand for supplemental funding from other sources, e.g., a transportation district.
- The revenues provided by a transportation district based on the boundaries in our analysis would result in less than a tenth of a percent increase in taxes paid by property owners within the district boundaries.
- The highest operating costs from our illustrative model run #3, in which we assume 12 months of operations, would represent a very small portion of current budgets for area jurisdictions. For example, Metro's fiscal year (FY) 2013-14 total budget is \$490 million. The \$940 thousand WFL operating costs for 12 months works out to less than 0.2% of Metro's budget.⁸¹ TriMet's adopted budget for FY 2014-15 is comparable to Metro's, at \$494 million,⁸² as is the Port of Portland's adopted budget for FY 2014-15, of \$489 million.⁸³ Clackamas County's FY 2014-15 adopted budget is \$606 million.⁸⁴ Costs of operating WFL for 12 months represents 0.16% of the County's budget.

Readers interested in running alternative operating scenarios to those reported above can select from a menu of values for model inputs and the model will generate new results.⁸⁵

⁷⁷2011 ORS § 190.010 Authority of local governments to make intergovernmental agreement, <http://www.oregonlaws.org/ors/190.010>.

⁷⁸2011 ORS § 451.010 Facilities and services provided by service districts, <http://www.oregonlaws.org/ors/451.010>.

⁷⁹2011 ORS § 391.550 Powers of Mass Transportation Financing Authority, <http://www.oregonlaws.org/ors/391.550>.

⁸⁰Oregon Blue Book, Transit Districts, <http://bluebook.state.or.us/local/other/other05.htm#r>. ⁸¹Metro. Adopted Budget FY 2013-14. www.oregonmetro.gov.

⁸²Tri-County Metropolitan Transportation District of Oregon. Adopted Budget 2014-2015. [Trimet.org/budget/](http://trimet.org/budget/).

⁸³Port of Portland, 2014-15 Adopted Budget, www.portofportland.com/strategicplanbudget.aspx.

⁸⁴Clackamas County, Amended FY 2013-14 vs. Adopted FY 2014-15 Budgets. www.clackamas.us/budget/documents/budportala.pdf.

⁸⁵Contact the Willamette Falls Heritage Foundation, 503-650-9570, for a copy of the spreadsheet model that accompanies this Section.

ECONOMIC POTENTIAL

The economic potential of WFL is multidimensional. The WFL are a unique historical, commercial and recreational piece of Oregon's transportation infrastructure. Demands for the locks' services changed over time. Commercial use dominated the large majority of years the locks were in service. More recently, demand from paddlers and boaters eclipsed that from commercial users. The locks proximity to Willamette Falls generates demand from those interested in the region's historic and cultural aspects.

In this section we provide a summary of the main points regarding the WFL's economic potential.

Recreational and Tourism Demand

The primary demand for lock services comes from recreational and tourism use.

- The shift from predominantly commercial to predominantly recreational demand for locks services is similar to the changes in demand at other locks that the ACoE turned over.
- Our analysis of demand for WFL services found strong demand from local recreational and tourism groups and participants.
- Facilitating recreational and tourism access up and downstream on the Willamette River would help support economic development goals of jurisdictions along the river.
- The locks provide a unique draw for visitors interested in the region's historical and cultural attributes.
- Developing the former Blue Heron Paper Company site across the river will draw more attention to Willamette Falls and WFL, and increase the public's awareness of the area's attributes.⁸⁶



User Fees and Other Funding

- Any entity that takes over ownership and operation of the WFL will need a dedicated funding source.
- User fees will cover but a small portion of the costs to operate and maintain the locks. This situation is common to the other locks that the ACoE turned over.
- Oregon Statutes include a range of funding mechanisms that jurisdictions throughout the state use to support the services they provide. These funding mechanisms could potentially be used to support locks operations.

- Our illustrative operating scenarios based on funding from a transportation district found that supporting the locks would require very small increases in tax assessments per \$1,000 of assessed value. For example, our six-month operating scenario resulted in a tax per \$1,000 of assessed value of between 0.3 and 0.4 cents.
- Our operating scenarios also found that the net tax increase to tax payers would also be very small. For our six-month operating scenario and a property with \$300,000 in assessed value, the tax increase would be approximately \$1.20 per year.

⁸⁶Willamette Falls Legacy Project. <http://www.rediscoverthefalls.com/>.

Commercial Demand

Even though the locks were originally built to satisfy commercial demand, we would expect only modest demand for lockages from commercial users at this time.

- A few commercial operators that currently transport commodities, mostly aggregate, up and down the Willamette River would take advantage of the locks reopening.
- We would also expect one-off demands from other users with special transportation needs. For example, moving ferries or other vessels to and from Portland for repairs. Clackamas County Director of Transportation and Development Cam Gilmour, stated that moving the Canby Ferry through the WFL in 2013 for repairs and biannual Coast Guard inspection saved Clackamas County \$500,000.⁸⁷
- We would not expect significant commercial demand until the locks are operating on a regular schedule for a period of time. Another necessary condition is that commercial operators have confidence that the locks will be operating in the future. Without this assurance, it is unlikely that potential commercial users would make the necessary investments in barges and related infrastructure.
- The amount of commodities that currently move through Oregon includes commodities that could potentially move by barge through the WFL. Recent data on the state's production of commodities is illustrated in Figure 10 and Figure 11.

Figure 10: Shipments Originating in Oregon, by Transportation Mode

Mode type	Value (millions)	Tons (thousands)	Ton-miles (millions)
Single modes			
Truck	\$101,093	149,917	27,962
Rail	3,353	7,204	9,889
Water	1,859	8,454	379
Air*	5,262	13	21
Pipeline	23	89	1
Subtotal, single modes	\$111,590	165,677	38,252
Multiple modes	28,450	8,312	11,083
Other and unknown modes	6,846	10,749	514
Total	\$146,886	184,738	49,849

*Includes truck & air multi-mode

Source: 2007 Commodity Flow Survey, U.S. Bureau of Transportation Statistics.

⁸⁷Wilsonville Area Chamber of Commerce, 2012, Canby Ferry Closed for Retrofitting. December 12. <http://business.wilsonvillechamber.com/news/details/canby-ferry-closed-for-retrofitting>.

Figure 11: Shipments Originating in Oregon, by Commodity

Commodity type	Value (millions)	Tons (thousands)	Ton miles (millions)
Cereal grains (includes seed)	\$3,262	14,541	34
Agricultural products (excludes animal feed, cereal grains, and forage products)	5,340	3,190	3,795
Animal feed, eggs, honey, and other products of animal origin	ND	ND	279
Meat, poultry, fish, seafood, and their preparations	1,864	561	151
Milled grain products and preparations and bakery products	2,009	1,533	571
Other prepared foodstuffs and fats and oils	8,112	6,344	5,262
Alcoholic beverages	1,474	1,130	149
Tobacco products	137	3	ND
Monumental or building stone	ND	ND	60
Natural sands	ND	2,147	63
Gravel and crushed stone (excludes dolomite and slate)	404	47,978	1,148
Other nonmetallic minerals, nec	111	1,442	309
Metallic ores and concentrates	ND	8	ND
Gasoline and aviation turbine fuel	4,614	7,076	228
Fuel oils	2,580	4,292	215
Other coal and petroleum products, nec	1,938	5,468	368
Basic chemicals	765	617	146
Pharmaceutical products	ND	ND	2
Fertilizers	358	892	209
Chemical products and preparations, nec	3,141	1,002	508
Plastics and rubber	3,828	1,234	657
Logs and other wood in the rough	ND	357	ND
Wood products	11,076	23,169	19,530
Pulp, newsprint, paper, and paperboard	2,754	4,251	3,503
Paper or paperboard articles	1,985	1,668	442
Printed products	1,511	493	348
Textiles, leather, and articles of textiles or leather	5,666	135	127
Nonmetallic mineral products	5,023	ND	ND
Base metal in primary or semifinished forms and in finished basic shapes	4,439	2,791	950
Articles of base metal	4,434	980	478
Machinery	6,270	485	441
Electronic and other electrical equipment and components and office equipment	21,208	262	104
Motorized and other vehicles (including parts)	6,958	835	618
Transportation equipment, nec	993	19	23
Precision instruments and apparatus	8,441	51	103
Furniture, mattresses and mattress supports, lamps, lighting fittings, and illuminated signs	1,227	152	98
Miscellaneous manufactured products	5,760	806	584
Waste and scrap	1,258	4,363	320
Mixed freight	14,834	4,926	1,030
Total	\$146,886	184,738	49,849

ND = Not disclosed.

Source: 2007 Commodity Flow Survey, U.S. Bureau of
Transportation Statistics.



Other factors that could contribute to increasing demand from commercial users for locks services include:

- The region's projected population increase and resulting demands on transportation infrastructure.
- Congestion on the regions roads. A recent study ranked Portland as the ninth worst for traffic congestion in the US.⁸⁸

- Congestion on the region's rail system. This could become especially problematic if coal exports increase in the future.⁸⁹
- A report prepared for the Oregon Business Council and Portland Business Alliance described the consequences of congested road and rail systems to the region's economy:

"The state's economy is transportation-dependent. Despite Oregon's excellent rail, marine, highway and air connections to national and international destinations, projected growth in freight and general traffic cannot be accommodated on the current system. Increasing congestion and travel time delay—even with currently planned improvement—will significantly impact the state's ability to maintain and grow business, as well as our quality of life."⁹⁰

- When the Cascadia earthquake hits, the Willamette River could revert to a major transportation route in the likely event of downed bridges and other disruptions to road and rail systems. To the extent that the locks function after the event, they would be critical to moving goods and people up and down the river.

Transfer and Related Issues

Even though our report focuses on WFL operations after transfer from the ACoE to another entity, a number of transfer and related issues could affect the economic potential of the locks and so we mention them here.

- The recent determination under Section 106 of the National Historic Preservation Act (Act) that the ACoE's shutting down the locks caused

adverse effects on the locks' historical attributes is significant. This means the ACoE must take actions to mitigate the adverse effects. In this case, those actions could include addressing some of the locks' deferred maintenance issues.

- As evidenced by the Oregon Solutions projects, and current efforts by the Willamette Falls Heritage Foundation and other local groups, there is significant support among the region's population, government entities, non-profit interest groups, and area business to reopen the locks.
- The ACoE has contributed funding to the repair and maintenance of locks it transferred to other entities. As we note in Section 2, the ACoE, the State of Wisconsin, and the Federal government entered into a joint funding agreement that established a trust of \$22.8 million for the transfer, rehabilitation, and operation and maintenance of the Lower Fox River locks. A comparable funding agreement may be feasible for the WFL.
- In addition to transferring ownership and operations of the locks, stakeholders are interested in exploring the option of expanding the ACoE's authorization for the WFL to include recreational use. This could increase the likelihood of additional ACoE funding for the locks.
- Local stakeholders are also considering how the recently passed Water Resources Reform Development Act, which allows non-profits to provide funding to ACoE in support of locks operations, could be used to help fund WFL operations.

⁸⁸Loos, Mary. 2014. "Study Ranks Portland 9th Worst for Traffic Congestion." KATU.com. June 5. <http://www.katu.com/news/local/New-study-ranks-Portland-for-traffic-congestion-261860261.html>.

⁸⁹Stewart, Bonnie. 2013. Northwest Railroads Will Need Improvements to Handle Coal Trains. OBP.org. April 1. <http://earthfix.opb.org/communities/article/northwest-railroads-already-congested/>.

⁹⁰Economic Development Research Group. 2007. The Cost of Highway Limitation and Traffic Delay to Oregon's Economy. Executive Summary. March. Prepared for Oregon Business Council and Portland Business Alliance. Page 1.

Item A.



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: August 7, 2023		Subject: Development Code Process Clarifications	
		Staff Members: Kimberly Rybold, AICP, Senior Planner	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: Review draft Development Code amendments that clarify review processes for certain development application types.			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

The project team will present proposed Development Code amendments to clarify the review process for certain application types, including wireless communications facilities, extensions of development approvals, and temporary use and sign permits.

EXECUTIVE SUMMARY:

The proposed Development Code process clarifications will update review processes for certain application types, clarify application requirements, and correct inconsistencies in the Development Code regarding existing review processes. The proposed amendments (Attachment 1) are intended to reduce confusion among applicants and the broader public on required review processes and information needed for certain application types. The proposed amendments will also adjust the review process for some Wireless Communications Facility (WCF) applications.

The primary focus of this work is to clarify application requirements and review processes for various types of WCF applications to better reflect Federal review and approval requirements and the level of information needed to review different types of WCFs. Key amendments include the following:

- **Review Process for Co-locations** – Revisions to Section 4.804 (Review Process and Approval Standards) to enable WCF applications subject to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. § 1455(a)) to be reviewed through the Class 1 Administrative Review process. Section 6409(a) applications are required to be reviewed in a condensed timeline of 60 days (with limited tolling of this review timeline) and must be approved if all applicable criteria are met. Given the ministerial nature of this review and the inability to incorporate input received through the public comment period, a Class 1 Administrative Review process is most appropriate for these application types. This would be the same as the review process for Small Wireless Facilities (SWFs), which are governed by similar Federal review mandates.
- **Application Requirements** – Specificity added to Section 4.800 about the different WCF types to directly address which ones are permitted, conditional, prohibited, or exempt. Within Section 4.801, the proposed amendments clarify what application materials must be submitted for different WCF types. This clarification will reduce applicant confusion for co-locations and SWFs, as many of the required items are only applicable to new WCF.

Other process clarifications are proposed as noted below:

- **Extension of Development Approvals** – Revisions to Sections 4.023 (Expiration of Development Approvals) and 4.140 (Planned Development Regulations) to resolve conflicting process language regarding the review process for development approval extensions. Revisions would clarify that these requests are reviewed as a Class 1 Administrative Review.
- **Temporary Use Permits** – Amendments to Section 4.030 (Jurisdiction and Powers of Planning Director and Community Development Director) clarify how the time period of the permit is calculated consistent with current practice that allows permits for non-consecutive days. Approval criteria for Class 2 Temporary Use Permits would be updated to be consistent with Class 1 Temporary Use Permits.
- **Temporary Sign Permits** – Amendments adding clarifying language to Section 4.156.09 (Temporary Signs in all Zones) describing which temporary signs need a permit.

- **General Administration** – Clarification in Section 4.011 (How Applications are Processed) that to be considered filed, applications must include authorization as specified in Section 4.009 (Who May Initiate Applications). Addition of Type B Tree Removal Permits to the list of Class 2 Administrative Review applications consistent with Section 4.610.30 (Type B Permit).

During this work session the project team will look for the following question to be answered by City Council:

- What comments or questions does City Council have about the proposed Development Code amendments?

EXPECTED RESULTS:

Presentation of proposed Development Code amendments.

TIMELINE:

Upon review of City Council feedback, the Development Code amendments will be scheduled for adoption in fall 2023.

CURRENT YEAR BUDGET IMPACTS:

Consultant costs will be paid by the Planning Division’s professional services budget. Staff time for this update will be paid from the Planning Division’s budget.

COMMUNITY INVOLVEMENT PROCESS:

Existing Development Code regulations were adopted by the City after community outreach. The proposed Development Code amendments are procedural, not policy-based, in nature. The community will be notified of Planning Commission and City Council public hearings and will have the opportunity to provide oral or written testimony on the amendments.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Adoption of the proposed Development Code modifications will provide applicants and the community additional clarity and certainty on the review process for affected development applications.

ALTERNATIVES:

City Council may suggest modifications to the proposed Development Code amendments to add additional clarity.

CITY MANAGER COMMENT:

N/A

ATTACHMENT:

1. DRAFT Proposed Development Code Edits – July 2023

DRAFT Proposed Development Code Edits – July 2023

Proposed added language **bold underline**. Proposed removed language ~~struck through~~.

Section 4.011. How Applications are Processed.

- (.01) Applications submitted without the required filing fee, **or the correct authorization as specified in Section 4.009**, shall not be considered to be "filed" and shall be returned to the prospective applicant without being processed.

No additional changes proposed in this section

Commented [JC1]: Suggested for redundancy based on the practice of not accepting development applications without property owner signatures.

Section 4.023. Expiration of Development Approvals (See also Section 4.140).

- (.01) Except for Specific Area Plans (SAP), land use and development permits and approvals, including both Stage I and Stage II Planned Development approvals, shall be valid for a maximum of two years, unless extended as provided in this Section. Specific Area Plan approvals shall not expire.
- A. Substantial development, as defined in this Chapter, has taken place in compliance with the permit or approval; or
 - B. A time extension has been granted by city staff for good cause. ~~Except as provided in subsection (.05) below, a~~ **Not more than three such extensions** may be granted, for not more than one year each.
- (.02) If the development approval is for a subdivision or partition, the developer has two years from the date of approval to submit the final plat for recordation, unless a time extension has been granted as specified in Section 4.023(.01), above. Use of the site or substantial development does not obviate the need for submittal of the final plat within the specified time limits.
- (.03) Zone changes shall not expire unless expiration provisions are specifically included in the zone order adopted by the City Council.
- (.04) Requests for time extensions shall be submitted in writing, including written justification therefore, and received by the Planning Department not less than ~~eight (8)~~ **30** calendar days prior to the expiration date of the permit or approval.
- ~~(.05) Notwithstanding the limitations and requirements in Section 4.023(.01)(B.) and (.04), beginning June 1, 2009 and ending June 1, 2010, city staff shall approve all applications for one year extensions, which applications shall not require a demonstration of good cause, but shall be accompanied by a filing fee which shall not exceed the fee for a Class 1 Administrative Review, and which extensions shall not be counted toward the maximum number of extensions allowed in Subsection 4.023(.01)(B.).~~

Section 4.030. Jurisdiction and Powers of Planning Director and Community Development Director.

- (.01) *Authority of Planning Director.* The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority as follows:
- A. A Class I application shall be processed as a ministerial action without public hearing, shall not require public notice, and shall not be subject to appeal or call-up, except as noted below. Pursuant to Class I

procedures set forth in Section 4.035, and upon finding that a proposal is consistent with the provisions of this Code and any applicable Conditions of Approval, shall approve the following, with or without conditions:

1. Minor site clearing and grading, prior to the approval of a Site Development Plan, provided that:
 - a. No clearing or grading occurs within the Significant Resource Overlay Zone. Clearing or grading in the Significant Resource Overlay Zone shall require, at a minimum, approval of a Class II permit through the procedures specified below;
 - b. No clearing or grading occurs within 25 feet of an area that has been identified by the City as a wetland;
 - c. Not more than three trees are proposed to be removed;
 - d. No fill or removal is proposed;
 - e. Adequate measures are utilized to control erosion and runoff from the site and that the applicant will submit a final Site Development application within seven days of submitting the minor site grading application. All grading activities require compliance with the requirements of the applicable building code and City Public Works standards.
2. Class I Sign Permits, and Temporary Sign Permits for 30 days or less.
3. Architectural, landscape, tree removal, grading and building plans that substantially conform to the plans approved by the Development Review Board and/or City Council. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.
4. Building permits for single family dwellings, middle housing, and in the Village zone, row houses or apartments, meeting zoning requirements and located on lots that have been legally created. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.
5. Lot line adjustments, where none of the lots increase in area by 50 percent or more, subject to the standards specified in Section 4.233.
6. A temporary use permit for not more than 30 days, **Permitted days may or may not be consecutive, but shall not exceed 30 days within the calendar year for which the permit was applied. Temporary use permits are** subject to the following standards:
 - a. The applicant has the written permission of the property owner to use the site;
 - b. The proposed use will not create an obstruction within a sight vision clearance area that would impair the vision of motorists entering onto or passing by the property;
 - c. Adequate parking is provided;
 - d. Signs shall meet the standards of Section 4.156.09. A maximum of two signs, not exceeding a combined total of 24 square feet, are allowed; and
 - e. The proposed use has the approval of the Fire Marshal.
7. Determination that an existing use or structure is a non-conforming use or non-conforming structure, as defined in this Code. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the history of the property, choose to process such determinations through the Class II procedures below.
8. Actions taken subject to Site Development Permits which have been approved by the appropriate decision-making body of the City.

Commented [JC2]: Codifies the City's interpretation for multi-week temporary use permits. Ex. a permit for every Saturday over a three-month period.

9. Final plats for condominiums, subdivisions, or partitions that are substantially the same as tentative plats approved by the City and which are submitted for review and signature prior to recordation with the appropriate county.
 10. Type A tree removal permits as provided in Section 4.600.
 11. Determination, based upon consultation with the City Attorney, whether a given development application is quasi-judicial or legislative. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the nature of the application, choose to process such determinations through the Class II procedures below.
 12. Expedited land divisions and middle housing land divisions requiring expedited review under state law. Applications for expedited land divisions and middle housing land divisions requiring expedited review under state law, as provided for in Section 4.232 of this Code and ORS Chapter 197 shall be processed without public hearing, and shall be subject to appeal through the special appeal procedures specified in Section 4.232.
 - a. Authority of Planning Director. The Planning Director shall have authority to review applications for expedited land divisions and middle housing land divisions requiring expedited review under state law and to take action approving, approving with conditions, or denying such applications, based on findings of fact.
 - b. Tentative Plat Requirements for Expedited Land Divisions and middle housing land divisions requiring expedited review under state law. Tentative plats and all other application requirements for expedited land divisions and middle housing land divisions requiring expedited review under state law shall be the same as for other forms of land divisions, except as those requirements are specifically altered by the Oregon Revised Statutes.
 - c. Administrative Relief Not Available. In taking action on an application for an expedited land division or middle housing land divisions requiring expedited review under state law, the Planning Director is not authorized to grant Variances or waivers from the requirements of the Code.
 - d. Residential Areas Only. As specified in ORS 197, expedited land divisions shall only be approved in areas zoned for residential use.
- B. A Class II application shall be processed as an administrative action, with or without a public hearing, shall require public notice, and shall be subject to appeal or call-up, as noted below. Pursuant to Class II procedures set forth in Section 4.035, the Director shall approve, approve with conditions, deny, or refer the application to the Development Review Board for a hearing:
1. Minor alterations to existing buildings or site improvements of less than 25 percent of the previous floor area of a building, but not to exceed 1,250 square feet, or including the addition or removal of not more than ten parking spaces. Minor modifications to approved Architectural and Site Development Plans may also be approved, subject to the same standards.
 2. Residential accessory buildings or structures with less than 120 square feet of floor area located within the Willamette River Greenway Boundary pursuant to Section 4.500 and subject to the flood plain development standards of Section 4.172. Approval of such accessory structures in the Greenway shall be based on all of the following findings of fact:
 - a. The building or structure is located so that the maximum amount of landscape area, open space and/or vegetation is provided between the river and the building;
 - b. Public access to the river is preserved or is provided in accordance with an approved and adopted plan; and
 - c. That the change of use, intensification of use, or development will be directed away from the river to the greatest possible degree while allowing a reasonable use of the property.

3. Written interpretations of the text or maps of this Code, the Comprehensive Plan or sub-elements of the Comprehensive Plan, subject to appeal as provided in Section 4.022. The Planning Director may review and interpret the provisions and standards of Chapter 4 (Planning) of the Wilsonville Code upon receiving the required filing fee along with a specific written request. The Director shall publish and mail notice to affected parties and shall inform the Planning Commission and City Attorney prior to making a final written decision. The Director's letter and notice of decision shall be provided to the applicant, the Planning Commission, the City Council, and City Attorney and the notice shall clearly state that the decision may be appealed in accordance with Section 4.022 (Appeal Procedures). A log of such interpretations shall be kept in the office of the Planning Department for public review.
4. A permit to locate an accessory use on a lot adjacent to the site of the principal use.
5. Subdivisions located within the Coffee Creek Industrial Design Overlay District and land partitions, other than expedited land divisions, pursuant to Section 4.210. Approval shall be based on all of the following findings of fact:
 - a. The applicant has made a complete submittal of materials for the Director to review, as required in Section 4.210;
 - b. The proposed plan meets the requirements of the Code regarding minimum lot size and yard setbacks;
 - c. The approval will not impede or adversely affect the orderly development of any adjoining property or access thereto;
 - d. The public right-of-way bordering the lots or parcels will meet City standards;
 - e. Any required public dedications of land have been approved for acceptance by the City and will be recorded with the County prior to final plat approval;
 - f. Adequate easements are proposed where an existing utility line crosses or encroaches upon any other parcel to be created by the partition;
 - g. All public utilities and facilities are available or can be provided prior to the issuance of any development permit for any lot or parcel; and
 - h. Roads extended or created as a result of the land division will meet City standards.
6. Decisions on the following:
 - a. Lot line adjustments, where any of the lots increase by more than 50 percent in area, subject to the provisions of Section 4.233.
 - b. Temporary use permits for periods exceeding 30 days **but not more than 120 days. Permitted days may or may not be consecutive, but shall not exceed 120 days within the calendar year for which the permit was applied.** Temporary use permits may allow specific activities associated with the primary use or business located on the property for up to 120 days provided that:
 - i. the property owners have given written permission;
 - ii. no structure, sign or any other object shall exceed 20 feet in height;
 - iii. adequate parking is provided in designated spaces;
 - iv. signs **shall meet the standards of Section 4.156.09 and** are limited to a maximum of two and shall not exceed a total combined area of 24 square feet;
 - v. electrical and building permits are obtained as required;

- vi. undue traffic congestion will not result and, if traffic congestion is expected, a traffic control plan is submitted along with the application that identifies the traffic control procedures that will be used;
 - vii. the activity and/or use shall not unduly interfere with motorists driving on adjacent roads and streets, including I-5; and
 - viii. public notice has been provided and the comments of interested parties have been considered in the action that has been taken-;
 - ix. the proposed use will not create an obstruction within a sight vision clearance area that would impair the vision of motorists entering onto or passing by the property; and**
 - x. the proposed use has the approval of the Fire Marshal.**
7. Solar access permits, as specified in Section 4.137.3.
 8. Class II Sign Permits.
 9. Site design review, as authorized in Section 4.400 for properties located within the Coffee Creek Industrial Design Overlay District, which satisfy all applicable standards and adjustment criteria in Section 4.134.10.
 10. Review of Stage I and Stage II Planned Development applications for properties located within the Coffee Creek Industrial Design Overlay District, which satisfy all applicable standards and adjustment criteria in Section 4.134.
- 11. Type B tree removal permits as provided in Section 4.600.**
- ~~12.~~ Type C tree removal permits as provided in Section 4.600 for properties located within the Coffee Creek Industrial Design Overlay District.

No additional changes proposed in this section

Section 4.140. Planned Development Regulations.

No changes proposed in Subsections (.01) to (.08)

(.09) Final Approval (Stage Two):

[Note: Outline Number is incorrect.]

- A. Unless an extension has been granted by the ~~Development Review Board or~~ Planning Director, ~~as applicable,~~ within two years after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development or when submission in stages has been authorized pursuant to Section 4.035 for the first unit of the development, a public hearing shall be held on each such application as provided in Section 4.013. As provided in Section 4.134, an application for a Stage II approval within the Coffee Creek Industrial Design Overlay District may be considered by the Planning Director without a public hearing as a Class II Administrative Review as provided in Section 4.035(.03).
- B. The Development Review Board or Planning Director, as applicable, shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.
- C. The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:

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1. The location of water, sewerage and drainage facilities;
 2. Preliminary building and landscaping plans and elevations, sufficient to indicate the general character of the development;
 3. The general type and location of signs;
 4. Topographic information as set forth in Section 4.035;
 5. A map indicating the types and locations of all proposed uses; and
 6. A grading plan.
- D. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development. However, Site Design Review is a separate and more detailed review of proposed design features, subject to the standards of Section 4.400.
- E. Copies of legal documents required by the Development Review Board or Planning Director, as applicable, for dedication or reservation of public facilities, or for the creation of a non-profit homeowner's association, shall also be submitted.
- F. Within 30 days after the filing of the final development plan, the Planning staff shall forward such development plan and the original application to the Tualatin Valley Fire and Rescue District, if applicable, and other agencies involved for review of public improvements, including streets, sewers and drainage. The Development Review Board or Planning Director, as applicable, shall not act on a final development plan until it has first received a report from the agencies or until more than 30 days have elapsed since the plan and application were sent to the agencies, whichever is the shorter period.
- G. Upon receipt of the final development plan, the Development Review Board or Planning Director, as applicable shall examine such plan and determine:
1. Whether it conforms to all applicable criteria and standards; and
 2. Whether it conforms in all substantial respects to the preliminary approval; or
 3. Require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards.
- H. If the Development Review Board or Planning Director, as applicable, permits the applicant to revise the plan, it shall be resubmitted as a final development plan within 60 days. If the Board or Planning Director approves, disapproves or grants such permission to resubmit, the decision of the Board shall become final at the end of the appeal period for the decision, unless appealed to the City Council, in accordance with Sections 4.022 of this Code.
- I. All Stage II Site Development plan approvals shall expire two years after their approval date, if substantial development has not occurred on the property prior to that time. Provided, however, that the ~~Development Review Board or Planning Director, as applicable~~, may extend these expiration times for up to three additional periods of not more than one year each. Applicants seeking time extensions shall make their requests in writing at least 30 days in advance of the expiration date. Requests for time extensions shall only be granted upon (1) a showing that the applicant has in good faith attempted to develop or market the property in the preceding year or that development can be expected to occur within the next year, and (2) payment of any and all Supplemental Street SDCs applicable to the development. Upon such payment, the development shall have vested traffic generation rights under [section] 4.140(.10), provided however, that if the Stage II approval should expire, the vested right to use trips is terminated upon City repayment, without interest, of Supplemental Street SDCs. For purposes of this Ordinance, "substantial development" is deemed to have occurred if the required building permits or public works permits have been issued for the development, and the development has been diligently pursued, including the completion of all conditions of approval established for the permit.
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- J. A planned development permit may be granted by the Development Review Board or Planning Director, as applicable, only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:
1. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.
 2. That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity Manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.
 - a. In determining levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Development Review Board:
 - i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel;
 - ii. What impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection operations.
 - b. The following are exempt from meeting the Level of Service D criteria standard:
 - i. A planned development or expansion thereof which generates three new p.m. peak hour traffic trips or less;
 - ii. A planned development or expansion thereof which provides an essential governmental service.
 - c. Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant.
 - d. Exemptions under 'b' of this subsection shall not exempt the development or expansion from payment of system development charges or other applicable regulations.
 - e. In no case will development be permitted that creates an aggregate level of traffic at LOS "F".
 3. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.
-

- K. Mapping: Whenever a Planned Development permit has been granted, and so long as the permit is in effect, the boundary of the Planned Development shall be indicated on the Zoning Map of the City of Wilsonville as the appropriate "PD" Zone.

No additional changes proposed in this section

Section 4.156.09. Temporary Signs in all Zones.

~~The following temporary signs may be permitted:~~ In addition to the permanent signs allowed in different zones and exempt temporary signs, unless specifically prohibited in a master sign plan or other sign approval, the following temporary signs may be permitted through a temporary sign permit:

- (.01) *General Allowance.* Except as noted in subsection (.02) below up to two temporary signs not exceeding a combined total of 24 square feet may be permitted per lot or non-residential tenant. Such signs may be banners, rigid signs, lawn signs, portable signs, or other signs of similar construction.

No additional changes proposed in this section

Section 4.800. Wireless Communications Facilities—Permitted, Conditionally Permitted, and Prohibited Uses.

Purpose:

Wireless Communications Facilities ("WCF") play an important role in meeting the communication needs of the Wilsonville community citizens. This Section aims to balance the proliferation of and need for WCF with the importance of keeping Wilsonville a livable and attractive City, consistent with City regulations for undergrounding utilities to the greatest extent possible.

In accordance with the guidelines and intent of Federal law and the Telecommunications Act of 1996, these regulations are intended to: 1) protect and promote the public health, safety, and welfare of the Wilsonville community citizens; 2) preserve neighborhood character and overall City-wide aesthetic quality; and 3) encourage siting of WCF in locations and by means that minimize visible impact through careful site selection, design, configuration, screening, and camouflaging techniques.

As used herein, reference to Wireless Communications Facilities is broadly construed to mean any facility, along with all of its ancillary equipment, used to transmit and/or receive electromagnetic waves, radio or television signals including, but not limited to, antennas, dish antennas, microwave antennas, small cells, distributed antenna systems ("DAS"), 5G, small cell sites/DAS, and any other types of equipment for transmission or receipt of signals, including telecommunication towers, poles, and similar supporting structures, equipment cabinets or buildings, parking and storage areas, and all other accessory development.

Reference to Small Wireless Facilities (SWF) herein is construed to mean ~~telecommunications facilities~~ WCF and associated equipment that meet the definition of small wireless facilities as stated in 47 C.F.R. § 1.6002(l).

Reference to Macro WCF means WCF that do not meet the definition of small wireless facilities.

This Section does not apply to (i) amateur radio stations defined by the Federal Communication Commission and regulated pursuant to 47 C.F.R. Part 97; or (ii) WCF owned by, or operated solely for, the City of Wilsonville.

If any provision of this Code directly conflicts with State or Federal law, where State or Federal law preempts local law, then that provision of this Code shall be deemed unenforceable, to the extent of the conflict, but the balance of the Code shall remain in full force and effect.

Nothing contained in this Section shall be construed in any way to waive or limit the City's proprietary rights over its real and personal property, including without limitation any proprietary interest in the right-of-way. Thus, if it is

determined the City has authority to exert greater rights or impose additional conditions or limitations beyond those set forth in this Section, the City reserves the absolute right to do so, as it determines appropriate or necessary.

(.01) Permitted Uses:

- A. ~~New~~ towers, poles, and structures for Macro WCF and ancillary facilities thereto are permitted in all of the following locations:
 1. Any property owned by the City of Wilsonville, including public right-of-way;
 2. Any property owned by the West Linn - Wilsonville School District;
 3. Any property owned by the Tualatin Valley Fire District;
 4. Any property within an electric utility substation.

B. ~~Co-located~~ WCF pursuant to Section 4.802 is ~~encouraged~~ on all existing, legally established, towers, poles, and structures in all zones ~~and may be required on City property.~~

C. Modification of existing towers, poles, and structures for WCF and ancillary facilities not meeting the co-location requirements of Section 4.802.

D. SWF as follows:

1. Attached to an existing structure (i.e., utility pole, tower, streetlight, traffic signal, building, etc.) within the public right-of-way.
2. Incorporated into a freestanding or replacement structure (i.e., a standalone pole intended to support only the wireless equipment or a replacement pole that supports both the wireless equipment and the other utilities, traffic control or other pre-existing attachments) within the public right-of-way.
3. Attached or mounted to an existing structure (i.e., rooftop, building façade, sports field light, etc.) outside the public right-of-way.

E. Satellite communications antennas:

1. Not exceeding one meter in diameter shall be permitted in any zone without requiring Administrative Review.
2. One meter or larger shall be subject to Administrative Review.

~~C. Satellite communications antennas not exceeding one meter in diameter shall be permitted in any zone without requiring Administrative Review.~~

~~D.F. Camouflaged WCF antennas, excluding SWF, attached to existing light, power, or telephone poles are permitted in all zones, subject to the development standards of Section 4.803.~~

~~F. The City of Wilsonville is an underground utility City (Undergrounding District) where mandatory aesthetic design standards do not unreasonably preclude WCF by requiring undergrounding of all equipment to the maximum extent possible. Therefore, no new vertical elements will be allowed on City property if there are existing facilities available to reasonably accommodate the WCF, and all equipment other than the antennas shall be placed underground to the maximum extent possible. The following shall be used to determine maximum extent possible:~~

1. ~~Equipment functional underground;~~
2. ~~Location available to underground near associated antenna; and~~
3. ~~Conflicts with other underground uses as determined by the City.~~

Commented [JC3]: Reorganization / clarification - same language and intent

Commented [RK4]: Confirm if this would apply to anything other than SWFs

Commented [JC5]: Reorganized - repeated below with same language and intent

(.02) Conditional Uses. Except as indicated as permitted in (.01) above, WCF can be conditionally permitted in all zones, pursuant to Section 4.184 of the Wilsonville Code

Commented [JC6]: Moved below to (.02)(D)

A. Historical Buildings and Structures. No WCF shall be allowed on any building or structure, or in any district, that is listed on any Federal, State, or local historical register unless it is determined by the Development Review Board that the facility will have no adverse effect on the appearance of the building, structure, or district. No change in architecture and no high visibility facilities are permitted on any such building, any such site, or in any such district.

B. Tower or Pole Heights. Towers or poles may exceed the height limits otherwise provided for in the Development Code with compelling justification only. Costs and cost efficiency are not compelling justifications.

C. Lighting. If beacon lights or strobe lights are required by the Federal Aviation Administration (FAA) or other applicable authority, the Development Review Board shall review the available alternatives and approve the design with the least visual impact.

Commented [JC7]: Referenced in other areas of the code as being conditional uses. Brought here for clarity

D. Except as indicated as permitted in (.01) above, WCF can be conditionally permitted in all zones, pursuant to Section 4.184 of the Wilsonville Code.

Commented [JC8R7]: Previously: WC 4.803(.01)(D) , WC 4.803(.01)(E), WC 4.803(.01)(P)

(.03) Prohibited Uses. WCF are prohibited on all lands ~~designated as~~ within the Significant Resource Overlay Zone ~~lands~~.

(.04) Exemptions. The following shall be considered exempt structures or activities under this Code Chapter:

A. Antennas (including direct-to-home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations regardless of zone capacity.

B. Cell on Wheels (COW), which are permitted as temporary uses in nonresidential zones for a period not to exceed 60 days, except that such time period may be extended by the City during a period of emergency as declared by the City, County, or State.

C. Replacement antennas or equipment, provided the replacement antennas and/or equipment have the same function, size, and design to the replaced antenna and/or equipment and do not exceed the overall size of the original approved antenna and/or equipment.

Commented [JC9]: Referenced in other areas of the code as being exempt

(.05) Undergrounding Requirement. The City of Wilsonville is an underground utility City (Undergrounding District) for the purposes of public safety, service reliability, and aesthetic design; where these mandatory design standards do not unreasonably preclude WCF by requiring undergrounding of all equipment to the maximum extent possible. Therefore, no new vertical elements will be allowed on City property if there are existing facilities available to reasonably accommodate the WCF, and all equipment other than the antennas shall be placed underground to the maximum extent possible. The following shall be used to determine maximum extent possible:

A. Equipment functional underground;

B. Location available to underground near associated antenna; and

C. Conflicts with other underground uses as determined by the City.

(Ord. No. 831, 1-24-2019)

Section 4.801. Application Requirements.

Cable providers that occupy any portion of the City's right-of-way are required to enter into a Franchise Agreement with the City. Other utilities, including Competitive Local Exchange Competitor carriers are subject to the terms of the City's Privilege Tax Ordinance No. 616. In order to be permitted, an applicant must complete: 1) a Site

Development Permit Application; 2) a Public Works Permit; 3) a Building Permit; and 4) enter into a Lease Agreement with the City for use of the public Right-of-Way. In preparing the Application, the applicant should review all provisions of this Code Section, particularly the portion attached to the Development Review Standards. The WCF Application process shall include all of the following:

Commented [JC10]: Rearranged and moved to standard (.01)

(.01) Cable providers that occupy any portion of the City's right-of-way are required to enter into a Franchise Agreement with the City. Other utilities, including Competitive Local Exchange Competitor carriers are subject to the terms of the City's Privilege Tax Ordinance No. 616. In order to be permitted, an applicant must complete: 1) a Site Development Permit Application; 2) a Public Works Permit; 3) a Building Permit; and 4) enter into a Lease Agreement with the City for use of the public Right-of-Way.

(.02) Required for all WCF, including SWF applications:

A. Property Owner Signature. The signature of the property owner(s) on City of Wilsonville application forms or a written signed statement from the property owner(s) granting authorization to proceed with the land use application and building permits, pursuant to WC Section 4.009.

B. ~~(.01)~~ Speculation. No Application for a WCF shall be approved from an applicant that constructs WCF and leases tower space to service providers that is not itself a wireless service provider, unless the applicant submits a binding written commitment or executed lease from a service provider to utilize or lease space on the WCF.

C. ~~(.02)~~ Geographical Survey. **This Section (C) is not applicable to applications submitted subject to the provisions of 47 U.S.C. 1455(a).** The applicant shall identify the geographic service area for the proposed WCF, including a map showing all of the applicant's existing sites in the local service network ~~associated with the gap that the proposed WCF is proposed to close.~~ The applicant shall **identify technically feasible alternative site locations within the geographic service area** ~~describe how this service area fits into and is necessary for the service provider's service network.~~

Commented [JC11]: Moved from below. This states that 6409(a) applications need not comply. Need to confirm if this still applies to SWFs

1. Prior to the issuance of any building permits, applicants for WCF shall provide a copy of the corresponding FCC Construction Permit or license for the facility being built or relocated, if required.

2. The applicant shall include a vicinity map clearly depicting where, within a one-half mile radius, any portion of the proposed WCF could be visible, and a graphic simulation showing the appearance of the proposed WCF and all accessory and ancillary structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation and screening measures. Such points are to be mutually agreed upon by the Planning Director or the Planning Director's designee and the applicant. ~~This Section (2) is not applicable to applications submitted subject to the provisions of 47 U.S.C. 1455(a).~~

D. ~~(.03)~~ Visual Impact, Technological Design Options, and Alternative Site Analysis. The applicant shall provide a visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette, and proposed screening for all components of the facility. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility as seen from multiple directions. The applicant shall include a map showing where the photos were taken. The applicant shall include an analysis of alternative sites **that would meet City design and locational standards** and **alternative** technological design options for the WCF, within and outside of the City, ~~that~~ **which** are capable of meeting the same service objectives as the preferred site with an equivalent or lesser visual impact. If a new tower or pole is proposed as a part of the proposed WCF, the applicant must demonstrate the need for a new tower and pole and why existing locations or design alternatives, such as the use of microcell technology, cannot be used to meet the identified service objectives. Documentation and depiction of all steps that

will be taken to screen or camouflage the WCF to minimize the visual impact of the proposed facility must be submitted.

- E. (-04) Application Narrative.** ~~Number of WCF.~~ The Application shall include a detailed narrative of all of the equipment and components to be included with the WCF, including, but not limited to, antennas and arrays; equipment cabinets; back-up generators; air conditioning units; poles; towers; lighting; fencing; wiring, housing; and screening. The applicant must provide the number of proposed WCF at each location and include renderings of what the WCF will look like when screened. The Application must contain a list of all equipment and cable systems to be installed, including the maximum and minimum dimensions of all proposed equipment. Wilsonville is an Undergrounding District, meaning that the City will require any utility that can be fully or partially located underground to the maximum extent possible to help preserve the aesthetic appearance of the right-of-way and community and to prevent aboveground safety hazards. Therefore, all components of the WCF must be undergrounded to the extent reasonably feasible. Those components of the WCF that must be above ground must be identified by type of facility, dimension of facility, with proposed screening to reduce to the maximum extent possible the visual impact of aboveground facilities and equipment. A written narrative of why any portion of the WCF must be above ground is required.
- F. (-05) Safety Hazards.** Any and all known or expected safety hazards for any of the WCF facilities must be identified and the applicant who must demonstrate how all such hazards will be addressed and minimized to comply with all applicable safety codes.
- G. (-06) Landscaping.** The Application shall provide a landscape plan, drawn to scale, that is consistent with the need for screening at the site, showing all proposed landscaping, screening and proposed irrigation (if applicable), with a discussion of how proposed landscaping, at maturity, will screen the site. Existing vegetation that is proposed to be removed must be clearly indicated and provisions for mitigation included.
- H. (-07) Height.** The Application shall provide an engineer's diagram, drawn to scale, showing the height of the WCF and all of its above-ground components. Applicants must provide sufficient evidence that establishes that the proposed WCF is designed to the minimum height required to meet the carrier's coverage objectives. If a tower or pole height will exceed the base height restrictions of the applicable zone, this narrative shall include a discussion of the physical constraints (topographical features, etc.) making the additional height necessary. The narrative shall include consideration of design alternatives, including the use of multiple sites or designs that would avoid the need for the new WCF or over zone height WCF. Except as noted in (a) and (b) below, the maximum height allowed in the right-of-way is 50 feet.
- 1. A-** The maximum height for a freestanding SWF in the public right-of-way is no more than ten percent taller than other adjacent structures in the right-of-way.
- 2. B-** When collocated on an existing structure in the public right-of-way, the SWF and the existing structure (including the antenna and any equipment enclosures contained within the structure) shall not exceed 50 feet or more than ten percent of the existing structure or nearby structures, whichever is greater.
- I. (-08) Construction.** The Application shall describe the anticipated construction techniques and time frame for **construction or** installation of the WCF. **This narrative must include all temporary staging, site access, and the types of vehicles and equipment to be used.**
- J. (-09) Maintenance.** The Application shall describe the anticipated maintenance and monitoring program for the WCF, including antennas, back-up equipment, poles, paint, and landscaping; **and a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.**

Commented [JC12]: This requirement predominately asks for narrative descriptions, and so I believe the name is misleading.

Commented [JC13]: Merged from repeated maintenance standard contained in (.18)

K. ~~(.10)~~ *Noise/Acoustical Information.* The Application shall provide manufacturer's specifications for all noise-generating equipment, such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties. The applicant shall provide a noise study prepared and sealed by a qualified Oregon-license Professional Engineer that demonstrates that the WCF will comply with intent and goals of Section 6.204 et seq. of this Code.

~~(.11) Parking.~~ The Application shall provide a site plan showing the designated parking areas for maintenance vehicles and equipment, if any. No parking of maintenance vehicles and equipment parking shall be permitted in any red curb zone, handicap parking zone, or loading zone.

Commented [JC14]: Only applicable to new macro WCF

~~(.12) Co-Location.~~ In the case of new multi-user towers, poles, or similar support structures, the applicant shall submit engineering feasibility data and a letter stating the applicant's willingness to allow other carriers to co-locate on the proposed WCF.

Commented [JC15]: Only applicable to new macro WCF

L. ~~(.13)~~ *Lease.* The site plan shall show the lease area of the proposed WCF.

M. ~~(.14)~~ *FCC License and Radio Frequency Safety Compliance.* The Application shall provide a copy of the applicant's FCC license and/or construction permit, if an FCC license and/or construction permit is required for the proposed facility. The applicant shall provide documentation showing that the party responsible for radio frequency transmissions is in planned or actual compliance with all FCC RF emissions safety standards and guidelines at 47 C.F.R. § 1.1307 et seq. and FCC Office of Engineering Technology Bulletin 65.

N. ~~(.15)~~ *Lighting and Marking.* The Application shall describe any proposed lighting and marking of the WCF, including any required by the FAA.

O. ~~(.16)~~ *Co-Location Feasibility.* A feasibility study for the co-location of any WCF as an alternative to new structures must be presented and certified by an Oregon-licensed Professional Engineer. Co-location will be required when determined to be feasible. The feasibility study shall include:

Commented [RK16]: Need to clarify if this should only apply to Macro WCF. If so move to (.03)

- 1.A** An inventory, including the location, ownership, height, and design of existing WCF within one-half mile of the proposed location of a new WCF. The planning director may share such information with other applicants seeking permits for WCF, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
- 2.B** Documentation of the efforts that have been made to co-locate on existing or previously approved towers, poles, or structures. The applicant shall make a good faith effort to contact the owner(s) of all existing or approved towers, poles, or structures and shall provide a list of all owners contacted in the area, including the date, form, and content of such contact.
- 3.C** Documentation as to why co-location on existing or proposed towers, poles, or commercial structures within 1,000 feet of the proposed site is not practical or feasible. Co-location shall not be precluded simply because a reasonable fee for shared use is charged or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The Planning Director and/or Development Review Board may consider expert testimony to determine whether the fee and costs are reasonable when balanced against the market and the important aesthetic considerations of the community.

P. ~~(.17)~~ *Engineering Report for New Location-A.* An Application for a new WCF, whether co-located or new, shall include, as applicable, a report from an Oregon licensed Professional Engineer documenting the following:

1. A description of the proposed WCF height and design, including technical, engineering, and other pertinent factors governing selection of the proposed design. A cross-section of the proposed WCF structure shall be included. The engineer shall document whether the

structure is at its maximum structural capacity and, if not, the additional weight the structure could support.

2. Documentation that the proposed WCF will have sufficient structural integrity for the proposed uses at the proposed location, in conformance with the minimum safety requirements of the State Structural Specialty Code and EIA/TIA 222 (Structural Standards for Communication and Small Wind Turbine Support Structures), latest edition at the time of the application.
- ~~3B.~~ A description of mitigation methods which will be employed to avoid ice hazards, including increased setbacks, and/or de-icing equipment, if required by any safety law, regulation, or code.
- 4C. Evidence that the proposed WCF will comply with all applicable requirements of the Federal Aviation Administration, the Aeronautics Section of the Oregon Department of Transportation, and the Federal Communications Commission.

~~(-18) Maintenance. The applicant shall provide a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.~~

Commented [JC17]: Repeated above

~~(-19) Recordation Requirements. If a new WCF is approved, the owner shall be required, as a condition of approval, to:~~

- A. ~~Record the conditions of approval specified by the City with the Deeds Records Office in the Office of the County Recorder of the county in which the WCF is located;~~
- B. ~~Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;~~
- C. ~~Negotiate in good faith for shared use by others; and~~
- D. ~~Such conditions shall run with the land and be binding on subsequent purchasers of the WCF.~~

Commented [JC18]: Applies to new WCF

Q. All SWF applications must demonstrate compliance with all requirements in Section 2 "Design Elements" of the "City of Wilsonville Small Wireless Facility Infrastructure Design Standards".

~~R. (-20)~~ The Planning Director may request any other information deemed necessary to fully evaluate and review the information provided in the application.

(.03) Additional Application Requirements for new Macro WCF applications.

- A. **Parking. The Application shall provide a site plan showing the designated parking areas for maintenance vehicles and equipment, if any. No parking of maintenance vehicles and equipment parking shall be permitted in any red curb zone, handicap parking zone, or loading zone.**
- B. **Co-Location. In the case of new multi-user towers, poles, or similar support structures, the applicant shall submit engineering feasibility data and a letter stating the applicant's willingness to allow other carriers to co-locate on the proposed WCF.**
- C. **Recordation Requirements. If a new WCF is approved, the owner shall be required, as a condition of approval, to:**
 1. **Record the conditions of approval specified by the City with the Deeds Records Office in the Office of the County Recorder of the county in which the WCF is located;**
 2. **Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;**
 3. **Negotiate in good faith for shared use by others; and**
 4. **Such conditions shall run with the land and be binding on subsequent purchasers of the WCF.**

Commented [JC19]: No language change - just restructuring

Section 4.802. Co-Location.

In order to encourage shared use of towers, poles, or other facilities for the attachment of WCF, no conditional use permit shall be required for the addition of equipment, provided that:

- (.01) There is no change to the type of tower or pole.
- (.02) All co-located WCF shall be designed in such a way as to be visually compatible with the structures on which they are placed.
- (.03) All co-located WCF must comply with the conditions and concealment elements of the original tower, pole, or other facility upon which it is co-locating.
- (.04) Shall not disturb, or will mitigate any disturbed, existing landscaping elements.
- (.05) Does not entail excavation or deployment outside site of current facility where co-location is proposed.
- (.06) All co-located WCF, and additions to existing towers, poles, or other structures, shall meet all requirements of the State of Oregon Structural Specialty Code and EIA/TIA 222 (Structural Standards for Communication and Small Wind Turbine Support Structures), latest edition at the time of the application. A building permit shall be required for such alterations or additions. Documentation shall be provided by an Oregon-licensed Professional Engineer verifying that changes or additions to the tower structure will not adversely affect the structural integrity of the tower.
- (.07) Additional Application Requirements for Co-Location:
 - A. A copy of the site plan approved for the original tower, pole, or other base station facility to which the co-location is proposed.
 - B. A site survey delineating development on-the-ground is consistent with the approved site plan.

Section 4.803. Development Review Standards.

All WCF shall comply with the following Development Review standards, unless grandfathered under State or Federal law:

- (.01) **The following development standards are applicable to all WCF and SWF applications:** ~~Visual Impact:~~
 - A. *Maximum Number of High Visibility Facilities Per Lot or Parcel.* No more than one high visibility WCF is allowed on any one lot or parcel of five acres or less. The Development Review Board may approve exceeding the maximum number of high visibility WCF per lot or parcel if one of the following findings is made through a Class III review process: (1) co-location of additional high visibility WCF is consistent with neighborhood character, (2) the provider has shown that denial of an application for additional high visibility WCF would prohibit or have the effect of prohibiting service because the WCF would fill a significant gap in coverage and no alternative locations are available and technologically feasible, or (3) the provider has shown that denial of an application for additional high visibility WCF would unreasonably discriminate among providers of functionally equivalent services. In such cases, the Development Review Board shall be the review authority for all related applications.
 - B. *Height.* The tower or pole height of a freestanding WCF in R, PDR and RA-H zones shall not exceed 50 feet, except the following:
 - 1. RA-H zoned property occupied by the City Wastewater Treatment Plant and the PDR zoned property occupied by the Elligsen Road Water Reservoir shall be exempted from the height limitations of the subject zones, and subsection 4.803(.01)A, above, shall apply.

2. **Small Wireless Facilities in the public right-of-way.** SWF in the public right-of-way shall not exceed the height permitted under WC 4.801(.07).

- C. *WCF Adjacent to Residentially Designated Property.* In order to ensure public safety, all WCF located adjacent to any property designated as residential in Wilsonville shall be set back from all residential property lines by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto. The setback shall be measured from that part of the WCF that is closest to the neighboring residentially designated property.
- D. ~~*Historical Buildings and Structures.* No WCF shall be allowed on any building or structure, or in any district, that is listed on any Federal, State, or local historical register unless it is determined by the Development Review Board that the facility will have no adverse effect on the appearance of the building, structure, or district. No change in architecture and no high visibility facilities are permitted on any such building, any such site, or in any such district.~~
- D. ~~E.~~ *Tower or Pole Heights.* ~~Towers or poles may~~ **WCFs shall not** exceed the height limits ~~otherwise~~ provided for in the Development Code with **out a conditional use review and** compelling justification ~~only~~. Costs and cost efficiency are not compelling justifications.
- E. ~~F.~~ *Accessory Building Size.* Within the public right-of-way, no above-ground accessory buildings shall be permitted. Outside of the public right-of-way, all accessory buildings and structures permitted to contain equipment accessory to a WCF shall not exceed 12 feet in height unless a greater height is necessary and required by a condition of approval to maximize architectural integration. Each accessory building or structure is limited to 200 square feet, unless approved through a Conditional Use Permit.
- F. ~~G.~~ *Utility Vaults and Equipment Pedestals.* Within the public right-of-way, utility vaults and equipment pedestals associated with WCF must be underground to the maximum extent possible.
- G. ~~H.~~ *Visual Impact.* All WCF shall be designed to minimize the visual impact to the maximum extent possible by means of placement, screening, landscaping, and camouflage. All WCF shall also be designed to be compatible with existing architectural elements, building materials, and other site characteristics. All WCF shall be sited in such a manner as to cause the least detriment to the viewshed from other properties. The use of radomes and/or other camouflage techniques acceptable to the City to conceal antennas, associated equipment and wiring, and antenna supports is required.
- H. ~~I.~~ *Color Schemes.* For the sake of visual impact, no wooden poles are allowed except Small Wireless Facilities on existing poles with high voltage power lines that would require thermal hydraulic cooling if undergrounded. Color schemes must be approved by the City to best camouflage with the surrounding landscape.
- I. ~~J.~~ *Antennas.* Façade-mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. As appropriate, antennas shall be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than two feet out from the building face. Roof-mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the building edge as possible or otherwise screened to minimize visibility from the public right-of-way and adjacent properties.
- J. ~~K.~~ *Noise.* Noise from any equipment supporting the WCF shall meet the requirements of City Code Section 6.204—Noise.
- K. ~~L.~~ *Signage.* No signs, striping, graphics, or other attention-getting devices are permitted on any WCF except for warning and safety signage with a surface area of no more than three square feet. Except as required by law, all signs are prohibited on WCF except for one non-illuminated

Commented [JC20]: These references need to be corrected when agreed-upon structure is final.

sign, not to exceed two square feet, which shall be provided at the main entrance to the WCF, stating the owner's name, the wireless operator(s) if different from the owner, and address and a contact name and phone number for emergency purposes. WCF may be placed entirely behind existing street or building signs as one method of camouflage.

- ~~L. M.~~ *Traffic Obstruction.* Maintenance vehicles servicing facilities located in the public right-of-way shall not park on the traveled way or in a manner that obstructs traffic. No maintenance vehicle parking shall be permitted in red curb zones, handicap zones, or loading zones.
- ~~M. N.~~ *Parking.* No net loss in minimum required parking spaces shall occur as a result of the installation of any WCF.
- ~~N. O.~~ *Sidewalks and Pathways.* Cabinets and other equipment shall not impair pedestrian use of sidewalks or other pedestrian paths or bikeways on public or private land and shall be screened from view. Cabinets shall be undergrounded, to the maximum extent possible.
- ~~O. P.~~ *Lighting.* WCF shall not include any beacon lights or strobe lights, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If beacon lights or strobe lights are required, the Development Review Board shall review the available alternatives and approve the design with the least visual impact. All other site lighting for security and maintenance purposes shall be shielded and directed downward, and shall comply with the City's outdoor lighting standards in City Code Section 4.199, unless otherwise required under Federal law.
- ~~P. Q.~~ *Paint and Finish.* Towers, poles, antennas, and associated equipment shall either maintain a galvanized steel finish or be painted a non-reflective, neutral color, as approved by the Planning Director or Development Review Board, to minimize visibility. Attached communication facilities shall be painted so as to be identical to or compatible with the existing structure. Towers more than 200 feet in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration rules. Applicants shall attempt to seek a waiver of OSAD and FAA marking requirements. When a waiver is granted, towers shall be painted and/or camouflaged in accordance with subsection (.01), above. All ancillary facilities shall be colored or surfaced so as to blend the facilities with the surrounding natural and built environment.
- ~~Q. R.~~ *Use of Concealments.* Concealments are customized structures engineered to cover cell towers, antennas, DAS equipment and beautify them and make them either less visible or more pleasing to have in the landscape. Applicant shall present a proposal for concealment intended to meet the foregoing goal.
- ~~R. S.~~ *Public Works Standards.* Additional applicable construction and design standards are as set forth in the City's 2015 Public Works Standards.
- ~~S. T.~~ *Compliance With All Laws.* Every WCF shall comply with all local, state, and federal laws, codes, and regulations including without limitation to the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

~~(.02) Site Size.~~ The site on which a transmission tower/pole is located shall be of a sufficient shape and size to provide all required setbacks as specified in this Code Section. Towers or poles only as permitted herein may be located on sites containing other principal uses in the same buildable area as long as all of the other general requirements of this Code Section are met.

~~(.03) Separation and Setbacks.~~

- ~~A.~~ WCF shall be set back from any other property line by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto unless this requirement is specifically waived by the Planning Director or the Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.

- ~~B. A guyed tower located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 100 percent breakpoint or 25 feet, unless this requirement is specifically waived by the Planning Director or Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.~~
- ~~C. WCF mounted on rooftops or City approved alternative tower structures shall be exempt from these minimum separation requirements. However, WCF and related equipment may be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties and must be screened.~~
- ~~D. WCF towers and poles are prohibited in the required front yard, back yard, or side yard setback of any lot in any zone, and no portion of any antenna array shall extend beyond the property lines. For guyed towers or poles, all guy anchors shall be located outside of the setback from all abutting properties.~~

~~I. (-04) Security Fencing.~~ WCF or towers shall be enclosed by decay-resistant security fencing not less than six feet in height and shall be equipped with an appropriate anti-climbing device. Fencing shall be compatible with other nearby fencing. Such requirements may be waived for attached WCF.

~~U. (-05) Landscaping.~~ Landscaping shall be placed around the outside perimeter of the security fencing and shall consist of fast growing vegetation that can be expected to reach a minimum height of six feet and form a continuous hedge within two years of planting. Drought tolerant landscaping materials shall be required and otherwise meet the landscaping standards of City Code Section 4.176. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height and would not affect the stability of the guys should they be uprooted. Landscaping shall be compatible with other nearby landscaping.

~~V. (-06) Conflict with Right-of-Way.~~ No WCF shall be located within a planned or existing public right-of-way, unless it is specifically designed for the purpose in a way that will not impede pedestrian, bicycle, or vehicular traffic and the installation of any sidewalk or path that is a planned future improvement.

~~W. (-07) Change to Approved WCF.~~ Any change to or expansion of a WCF that will in any way change the physical appearance of the WCF will require a new application.

(.02) Additional development standards applicable to new Macro WCF:

A. **Site Size.** The site on which a transmission tower/pole is located shall be of a sufficient shape and size to provide all required setbacks as specified in this Code Section. Towers or poles only as permitted herein may be located on sites containing other principal uses in the same buildable area as long as all of the other general requirements of this Code Section are met.

B. **Separation and Setbacks.**

1. **WCF shall be set back from any other property line by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto unless this requirement is specifically waived by the Planning Director or the Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.**
2. **A guyed tower located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 100 percent breakpoint or 25 feet, unless this requirement is specifically waived by the Planning Director or Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.**
3. **WCF mounted on rooftops or City-approved alternative tower structures shall be exempt from these minimum separation requirements. However, WCF and related equipment may**

Commented [RK21]: Moved from (.01)

be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties and must be screened.

4. WCF towers and poles are prohibited in the required front yard, back yard, or side yard setback of any lot in any zone, and no portion of any antenna array shall extend beyond the property lines. For guyed towers or poles, all guy anchors shall be located outside of the setback from all abutting properties.

Section 4.804. Review Process and Approval Standards.

(.01) *Class I Process.* The following WCF are allowed with the approval of a WCF Site Plan to be reviewed by the Planning Director pursuant to a Class I process under City Code Section 4.030 (.01) A:

- A. Small Wireless Facilities in the public right-of-way.
- B. ~~Replacement of existing antennas on approved tower at same height.~~ WCF Co-locations meeting the criteria outlined in Wilsonville Code Section 4.802.

Commented [JC22]: Clarify if this applies to both colocation and free standing.

Also, for SWF outside of the ROW - Class 2 if current language does not change.

(.02) *Class II Process.* The following WCF are allowed with the approval of a WCF Site Plan to be reviewed by the Planning Director pursuant to a Class II process under City Code Section 4.030(.01)B:

- A. New Macro WCF proposed in the following locations excepted as noted in (.01) above:
1. Any property owned by the City of Wilsonville, including public right-of-way;
 2. Any school property owned by any public school district;
 3. Any fire station property owned by any fire district;
 4. Any property within an electric utility substation.
- B. Camouflaged WCFs attached to existing light, power, or telephone poles in all zones, subject to the development standards of Section 4.803.
- C. WCF Co-locations not meeting the criteria outlined in Wilsonville Code Section 4.802.
- D. Satellite dishes larger than one meter.

Commented [RK23]: Clarify if this is still needed

(.03) *Conditional Use Permit Requirements.* Applications for WCF in all other locations and situations, including moderate or high visibility facilities that exceed the height limit of the applicable zone, shall also require a Conditional Use Permit to be reviewed by the Development Review Board. In addition to the approval standards in City Code Section 4.030, the applicant shall demonstrate that the WCF Site Plan approval standards in this Section are met.

(.04) *Approval Criteria.* The Development Review Board shall approve the use and WCF Site Plan for any of the WCF listed in subsections of this Section upon a determination that the following criteria are met:

- A. The height of the proposed WCF does not exceed the height limit of the underlying zoning district, or does not increase the height of an existing facility.
- B. The location is the least visible of other possible locations and technological design options that achieve approximately the same signal coverage objectives.
- C. The location, size, design, and operating characteristics of the proposed WCF will be compatible with adjacent uses, residences, buildings, and structures, with consideration given to:
1. Scale, bulk, coverage, and density;
 2. The suitability of the site for the type and intensity of the proposed WCF; and
 3. Any other relevant impact of the proposed use in the setting where it is proposed.

- D. All required public facilities have adequate capacity, as determined by the City, to serve the proposed WCF; and
- E. The proposed WCF complies with all of the general regulations contained in this Section 4.800—4.812.

(.05) *Conditions of Approval.* The City may impose any other reasonable condition(s) deemed necessary to achieve compliance with the approval standards, including designation of an alternate location. If compliance with all of the applicable criteria cannot be achieved through the imposition of reasonable conditions, the Application shall be denied.

(Ord. No. 831, 1-24-2019)

Section 4.805. Exemptions.

The following shall be considered exempt structures or activities under this Code Chapter:

- (.01) ~~Antennas (including direct to home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations regardless of zone capacity.~~
- (.02) ~~Cell on Wheels (COW), which are permitted as temporary uses in nonresidential zones for a period not to exceed 60 days, except that such time period may be extended by the City during a period of emergency as declared by the City, County, or State.~~
- (.03) ~~Replacement antennas or equipment, provided the replacement antennas and/or equipment have the same function, size, and design to the replaced antenna and/or equipment and do not exceed the overall size of the original approved antenna and/or equipment.~~

(Ord. No. 831, 1-24-2019)

Commented [JC24]: Moved above to use section

Section 4.8056. Damage, Destruction, or Interference to Other Utilities.

In the installation of any WCF within the right-of-way, care must be taken to install in such a way that does not damage, interfere with, or disturb any of the several other utilities that may already be located in the area. Any damage done to such other utilities must be immediately reported to both the City and the owner of the damaged utility, and must be promptly repaired by the permittee or the utility owner, with the permittee being responsible for all costs of repair, including any extra charges that may be assessed for emergency repairs. Failure to notify the City and the damaged utility provider will result in revocation of the WCF. When approving the location for a WCF, the location of other utilities, or the need for the location of other utilities, within the right-of-way must be considered before approval to locate the WCF will be given in order to ensure those other services to the public are not disrupted.

No additional changes proposed in this section

Commented [JC25]: Renumber from here down - no other changes proposed past this point.



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: August 7, 2023		Subject: Housing Our Future	
		Staff Members: Kimberly Rybold, AICP, Senior Planner Daniel Pauly, AICP, Planning 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 type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: Review initial data from the Housing Needs and Capacity Analysis and the draft Public Engagement Plan for the project.			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Increase housing opportunities for all and reach functional zero homelessness	<input checked="" type="checkbox"/> Adopted Master Plan(s): Comprehensive Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Staff will introduce the Housing Our Future project, including initial findings from the Housing Needs and Capacity Analysis (HNCA) and a draft Public Engagement Plan for the project.

EXECUTIVE SUMMARY:

The Housing Our Future project will analyze Wilsonville’s housing capacity and need followed by creating strategies to meet housing needs. The City’s last Housing Needs Analysis was adopted in 2014. Since that time the City has taken a number of follow up actions related to housing including completing Town Center and Frog Pond master plans and adopting the Equitable Housing Strategic Plan (Attachment 1). The current project will build on these past housing initiatives and newly adopted policies. The project is required for continued compliance with Statewide Planning Goal 10 (Housing) under House Bill 2003 adopted by the Oregon legislature in 2019. Having begun in early 2023, the City anticipates the project to go through early to mid-2025.

The project includes two primary work products – the HNCA and the Housing Production Strategy (HPS). The HNCA will identify unmet housing need in Wilsonville over the next 20 years, focusing on issues related to land need, as well as demographic change and housing affordability. This assessment consists of the following primary components:

- **Buildable lands inventory (BLI)** – The BLI examines the location of land within Wilsonville and its adjacent planning areas to determine where vacant and redevelopable land exists, excluding areas with environmental constraints and areas not planned for future residential use.
- **Assessment of need** – This includes an examination of historical and recent development trends, demographics, housing affordability, and forecasted housing growth to determine the types and quantity of new housing units the City will need over the next 20 years.
- **Assessment of capacity** – Examining the BLI results and assessment of need, this assessment will determine if there is sufficient land to accommodate the expected housing growth over the next 20 years.

Upon substantial completion of the HNCA, the project team will begin work on the HPS. Using the recommended actions of the 2020 Equitable Housing Strategic Plan as a starting point, the project team will provide additional information about key unmet housing needs in Wilsonville and propose actions that Wilsonville can take to help address the unmet housing needs. Several methods of gathering community input, including establishing a project advisory committee, participation in public events, and engagement through *Let’s Talk, Wilsonville!* will inform development of the HPS as outlined in the draft Public Engagement Plan (Attachment 2).

The project team is led by consultants from ECONorthwest under a grant from the Oregon Department of Land Conservation and Development (DLCD). To align with DLCD’s grant cycles, the Housing Our Future project will be developed in three phases:

- **Phase 1:** Preliminary HNCA analysis, completed in mid-June 2023 under a DLCD project grant awarded in 2021. Information from the preliminary HNCA analysis will be presented at this work session.
- **Phase 2:** Initial public engagement for the project, starting in August 2023 through late 2023. This phase will be funded by the City to fill a gap between available DLCD grant funding.

- **Phase 3:** Completion of the HNCA and development of the HPS, starting in late 2023 and completed by mid-2025. This phase is expected to be funded through a second grant from DLCD, which would be awarded in late 2023.

During this work session the project team will look for the following questions to be answered by City Council:

1. What comments or questions does City Council have about the draft public engagement plan?
2. What comments or questions does City Council have about the overall scope, direction, or timeline of the Housing Our Future project?

EXPECTED RESULTS:

Presentation of the overall project approach and initial data and findings from the HNCA.

TIMELINE:

Preliminary work on the HNCA was completed in mid-June 2023. Initial public engagement events for the project, including an online survey and participation in the Community Party in the Park will occur in summer 2023, with additional engagement extending into late 2023. Work to finalize the HNCA and develop the HPS will occur throughout 2024 into early 2025.

CURRENT YEAR BUDGET IMPACTS:

In FY 2023-24, Phase 2 consultant costs, estimated to be \$30,000, will be paid by the Planning Division’s professional services budget. Staff time for Phase 2 will be paid from the Planning Division’s budget. Phase 3 consultant costs in FY 2023-24 and a portion of City staff time are anticipated to be funded by a DLCD grant in an amount to be determined.

COMMUNITY INVOLVEMENT PROCESS:

As proposed in the draft Public Engagement Plan, the Housing Our Future project will be guided by an inclusive public outreach process. Proposed engagement includes creation of a project advisory committee, participation in a variety of public events, and engagement through *Let’s Talk, Wilsonville!* Outreach will focus on engaging those most impacted by the high costs of housing, particularly those who are typically underrepresented in these conversations.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

As a result of this project, the City will have a clearer understanding of housing needs for the next 20 years and analysis to confirm if there is sufficient land area for the City to accommodate these needs. Creation of a HPS will provide an opportunity to assess the City’s progress in implementing recommendations contained within the 2020 Equitable Housing Strategic Plan and prioritize additional actions the City should undertake to meet future housing needs of the community. Pursuit of strategies resulting from this project will continue Wilsonville’s efforts to make housing more affordable and attainable for City residents and employees, ensuring Wilsonville provides housing opportunity for different household compositions, ages, and income ranges.

ALTERNATIVES:

While the scope and minimum project requirements for the HNCA and HPS are guided by State rules, City Council may suggest modifications to the public engagement approach for the project.

CITY MANAGER COMMENT:

N/A

ATTACHMENT:

1. Timeline of Housing-Related Planning Projects Since 2014
2. Wilsonville Housing Needs and Capacity Analysis & Housing Production Strategy – Draft Public Engagement Plan – May 25, 2023

Wilsonville Housing Related Projects Since 2014

Past Projects Dates Indicate Adoption Dates



DATE: May 25, 2023
TO: Dan Pauly, Kim Rybold
FROM: Cadence Petros, Beth Goodman, & Scott Goodman (ECONorthwest)
SUBJECT: Wilsonville Housing Needs and Capacity Analysis & Housing Production Strategy –
DRAFT Public Engagement Plan

To address issues of housing availability and affordability, the City of Wilsonville is working with ECONorthwest to develop a Housing Needs and Capacity Analysis (HNCA) and a Housing Production Strategy (HPS). The HNCA will identify unmet housing need in Wilsonville, focusing on issues related to land need, as well as demographic change and housing affordability. The HPS will provide additional information about key unmet housing needs in Wilsonville and propose actions that Wilsonville can take to help address the unmet housing needs.

Engaging stakeholders and community members is essential to ensure that the HNCA and HPS reflect the needs of community members, particularly those most impacted by the high costs of housing, with an emphasis on hearing from people who are typically underrepresented in these conversations. This document outlines strategies to obtain community input on the development of the City’s HNCA and HPS.

The Wilsonville HNCA and HPS will be developed in three phases:

- Phase 1: Preliminary HNCA analysis, completed by June 15, 2023. This phase is funded through a grant from DLCD.
- Phase 2: Public outreach for the HNCA, started in July 2023 and completed before mid-November 2023
- Phase 3: Completion of the HNCA and development of the HPS, starting in Fall 2023 and completed by early 2025. This phase is expected to be funded through a grant from DLCD, which should be awarded and work started late in 2023.

Purpose and Desired Outcomes of the Engagement

The purpose of the engagement activities is to develop an understanding of community housing needs and preferences and solicit input on housing strategies to address these needs in a fair and equitable way.

Stakeholders will inform the City’s understanding of housing and land needs in Wilsonville and help shape how the City may address these needs by providing input into housing strategy development, evaluation, and prioritization. The team will use the information gleaned from the community engagement, along with technical analysis to:

1. Better understand Wilsonville’s unmet housing needs and residential land challenges.
2. Identify barriers to building housing, considering land constraints, regulatory issues, market feasibility, and challenges of development of affordable housing.

3. Identify strategies to help overcome barriers to development of future housing.
4. Identify strategies to preserve existing affordable housing and increase housing options for people experiencing homelessness.
5. Evaluate strategies to achieve fair and equitable housing outcomes.

Community Engagement Overview

This engagement plan seeks to leverage existing city events and assets to provide multiple avenues for community education and feedback, as well as holding project specific community events. The plan also includes formation of a Project Advisory Committee (PAC), as well as interviews to inform and obtain more detailed input from targeted populations and knowledgeable stakeholders.

The PAC will inform and provide input on the HNCA and HPS. The PAC will include stakeholders and actors already involved with and familiar with housing and housing development (nonprofit and for-profit developers, general contractors, service providers, etc.). The PAC is not a decision-making body but will provide feedback, insight, and ideas throughout the project and make recommendations to the project team. All advisory committee meetings for the PAC are scheduled to occur in Phase 3.

The project team will identify an initial list of organizations and individual stakeholders who may be interested in weighing in on potential housing production strategies in Wilsonville. In developing the list, the team will consider groups with the greatest unmet need for housing in Wilsonville and would benefit most from this project; stakeholders with knowledge of infrastructure and other land use constraints; and potential partners of the city for implementing the actions in the HPS.

At this point in the project, the outreach priorities include:

- **Community members and housing consumers**, such as people living in Wilsonville with priority for underrepresented communities within the city, including renters, low-income households, Hispanic/Latine residents, other racial and ethnic minorities and immigrant or refugee communities, veterans, people with disabilities, seniors, agricultural workers, and formerly and currently unhoused people.
- **Developers and others involved in housing development and preservation**, focusing on affordable and market-rate housing developers who build housing in Wilsonville.
- **Service providers**, such as providers for housing services, health care services, services for underserved communities, and other service providers.
- **Elected and appointed officials**, in the form of the Wilsonville City Council and Planning Commission.

Advertising for community engagement events will take place through strategic project partners (Wilsonville DEI Committee, city staff), “Let’s Talk, Wilsonville!” printed mailers, and social media.

Community Engagement Activities

The following table summarizes key engagement opportunities and tools to inform, consult and involve community members in the planning process.

Engagement Activity	Description
<p>Project Advisory Committee (PAC)</p>	<p>The PAC will be composed of people involved in real estate development (nonprofit and for profit) and agency partners with existing industry knowledge and experience around housing and housing development. The City may extend invitations for additional optional attendees, beyond these stakeholders, such as community members with unmet housing needs. The PAC is part of Phase 3 of the project.</p> <p>The PAC will provide feedback, insight, and ideas throughout the project. Meetings will be in person.</p> <ul style="list-style-type: none"> ▪ Meeting 1: Project Kickoff and Buildable Lands Inventory ▪ Meeting 2: Preliminary Housing Needs and Land Sufficiency <p>Meetings 3 through 6 will primarily focus on housing measures and potential strategies to address housing need.</p> <ul style="list-style-type: none"> ▪ Meeting 3: Existing housing policy, barriers to accessing housing, and potential actions to overcome the barriers ▪ Meeting 4: Refine and narrow actions ▪ Meeting 5: Refine and narrow actions ▪ Meeting 6: Finalize strategies
<p>Interviews, focusing on groups affected by housing affordability issues</p>	<p>ECONorthwest will conduct 5 to 6 interviews with people such as: service providers for people experiencing homelessness, members of the Hispanic/Latine community, service providers, policy makers, and residents of Wilsonville confronting housing affordability issues. The focus of the interviews is on people with unmet housing needs in Wilsonville, especially communities who are typically underrepresented in public discussions. The interviews are part of Phase 3 of the project.</p> <p>Interviews will focus on better understanding nuances of unmet housing need, barriers to attaining affordable housing, barriers to developing housing including land and infrastructure constraints, opportunities for preservation of existing affordable housing, approaches to limiting displacement of existing residents, and approaches to addressing the issues identified through the project. ECONorthwest will review interviews conducted for similar past projects and will work with City staff to develop questions for the interviews. Interviews will be held by phone, video conference, or in person.</p>

<p>Public Events</p>	<p>The project includes up to seven public events, some of which will be held in-person and some will be online. The events may include:</p> <ul style="list-style-type: none"> ▪ Draft HNCA Results and Public Survey. This will be online information where we present key findings of the HNCA and solicit feedback about accessing housing and potential high-level approaches to addressing unmet housing need. This includes Spanish translation of materials. (July-September 2023) ▪ Wilsonville Annual Block Party. This will be an in-person event where we present key findings of the HNCA, discuss participants’ personal housing concerns, needs for future housing, and solicit feedback about potential high-level approaches to addressing unmet housing need. (August 25, 2023) ▪ Rent Burdened Public meeting. This will be an open meeting to the public that engages in meaningful conversation regarding renters that experience cost burden and severe cost burden and their unique housing needs. The findings from the Draft HNCA and Online Public survey will be presented for discussion. Discussion will focus on barriers to accessing housing and potential approaches to overcoming these barriers. The Wilsonville Planning Commission will host this public meeting as a Committee for Community Involvement event. (November 8, 2023) ▪ Public Event TBD. This will be a 2 hour in person event where we present key findings of the HNCA, discuss participants’ personal housing concerns, and solicit feedback about potential approaches to addressing unmet housing need. (options include Farmers’ Market, Back to School Night, etc.) ▪ Culturally Specific Community Event. This will be an in-person event where we present key findings of the HNCA, discuss participants’ personal housing concerns, and solicit feedback about potential approaches to addressing unmet housing need. Specific events and dates are still to be determined and will be discussed with the Wilsonville DEI Committee. (Phase 3, schedule TBD) ▪ Housing Strategies Open House. This will be an in-person event (possibly at a PC meeting) where we will present results of the HNCA and solicit feedback on the proposed housing strategies. (Phase 3, schedule TBD) ▪ Final results. This will be an online open house event where we will present results of the entire project and solicit feedback, focusing on the Housing Production Strategy. (Phase 3, schedule TBD) <p>We will work with city staff, the PAC, and the Wilsonville DEI Committee to solicit participation in the public events. Key informational materials will be made available in both English and Spanish to help educate the community about the goals and objectives of the project</p>
<p>Wilsonville Housing Conversation Guide</p>	<p>To obtain rich community feedback from residents who do not necessarily interact with the City’s traditional forms of input, the plan seeks to empower project participants to host conversations with friends, family, and colleagues to discuss housing needs and helpful supports the City could offer. The Housing Conversations are part of Phase 3 of the project.</p> <p>The City will need to recruit people to host these conversations. Some source of hosts may include members of the DEI Committee, PAC members, decision makers, and other interested knowledgeable community members. ECONorthwest will develop guidance for people</p>

	<p>hosting Housing Conversations. The guidance will provide background information about the project, instructions on how to host the conversations (including ideas for outreach), key questions for discussion, direction on documenting feedback from the discussions, and details about how to submit the results of the conversations (the key take-aways).</p> <p>Execution of Housing Conversations will be dependent on availability of funding and interest in community members and leaders to lead the conversations, with support from ECONorthwest.</p> <p>Our estimate is that the Wilsonville Housing Conversations are concluded and the results of the conversations should be completed by summer 2024.</p>
<p>Planning Commission and City Council meetings</p>	<p>ECONorthwest will present updates to the Planning Commission and City Council, including the final draft of the HNCA and HPS. The purpose will be to inform and educate the commission and Councilors of the findings, implications, and gather feedback that will be incorporated into the final HNCA and HPS. Once the final HNCA and HPS are complete the HNCA will go through a formal legislative process and the HPS may be formally adopted or acknowledged by resolution of the City Council. ECONorthwest will provide presentation materials for this process but will not be otherwise involved in the hearing adoption process. Aside from the Planning Commission meeting in Phase 1 of the project, these meetings are part of Phase 3 of the project.</p>

Roles and Responsibilities

The following table summarizes consultant team and City staff responsibilities.

Engagement Activity	Consultant Lead	City Lead
<p>Project Advisory Committee Meetings (PAC)</p>	<p>Draft agendas and notices Meeting materials Logistics Facilitation Prepare meeting notes</p>	<p>Appoint committee members Obtain space for meetings Send notices and agenda Feedback on materials</p>
<p>Interviews</p>	<p>Interview questions Arrange & conduct interviews Interview Summary</p>	<p>Confirm list of groups and organizations Review and input on questions</p>
<p>Public Events</p>	<p>Activity format Secure place for events Advertise event Communications Logistics Event materials Facilitation Summaries</p>	<p>Obtain space for events when needed Post information to the City's website and social media Review event materials</p>
<p>Wilsonville Housing Conversations</p>	<p>Wilsonville Housing Conversation Guide Compiling results of the conversations Answering PAC member questions</p>	<p>Receiving feedback returned for each conversation Helping with logistics</p>

Planning Commission and City Council meetings	Materials Facilitation	Notices and agenda Logistics Meeting minutes
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Project Schedule

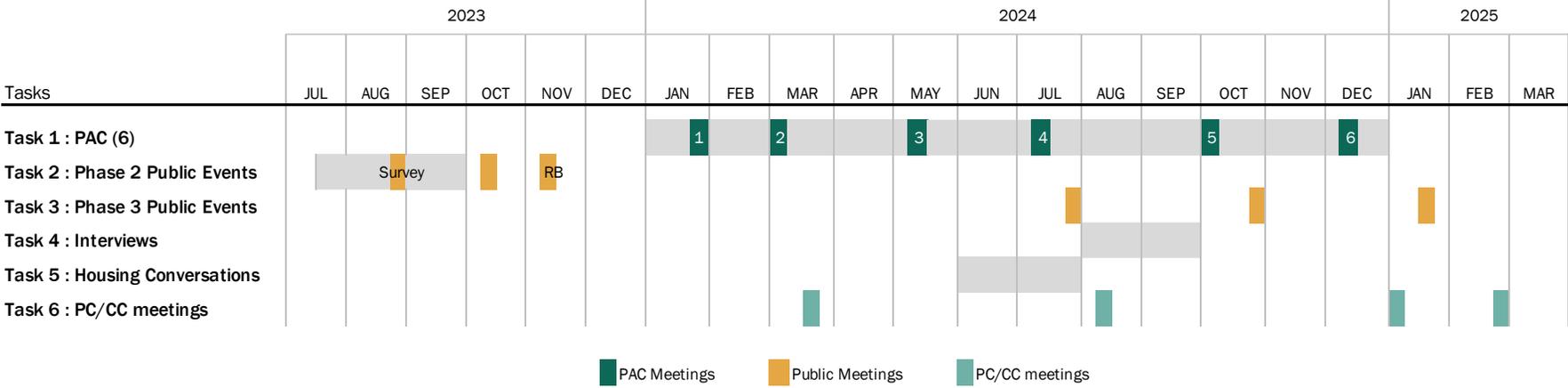
The public engagement is for this project is divided into three phases.

- Phase 1 includes the HNCA draft analysis and refinement of this community engagement document.
- Phase 2 will include initial public outreach with the Wilsonville Annual Block Party public engagement event (August 24, 2023), an online survey (July – September), and may include the Rent Burdened Public meeting (November 8, 2023).
- Phase 3 will include finalizing the HNCA and HPS and all committee meetings (PAC) and additional public engagement. Most public engagement will occur in Phase 3.

Project Budget

Task	Estimated Budget
Task 1: Project Advisory Committee (6)	\$18,182
Task 2: Public Events (Phase 2)	\$21,871
Task 3: Public Events (Phase 3)	\$14,711
Task 4: Interviews (6)	\$5,710
Task 5: Housing Conversation Guide	\$10,010
Task 6: Planning Commission and City Council (8)	\$15,385
Total	\$85,869

Engagement Schedule





CITY COUNCIL MEETING STAFF REPORT

Meeting Date: August 7, 2023		Subject: Frog Pond East and South Master Plan Development Code	
		Staff Member: Daniel Pauly, Planning 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 type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: The Planning Commission held a work session on the same topic and their feedback is reflected in the attachments.	
Staff Recommendation: Provide requested input on draft Development Code amendments.			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Expand home ownership	<input checked="" type="checkbox"/> Adopted Master Plan(s): Frog Pond East and South Master Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL

An important next step in realizing the vision of the Frog Pond East and South Master Plan is to write implementing Development Code amendments. This work session focuses on details of the proposed Development Code amendments related to urban form and building architecture.

EXECUTIVE SUMMARY:

The Frog Pond East and South Master Plan, adopted by City Council in December 2022, provides clear policy direction and guidance for future development in Frog Pond East and South. However, an important implementation step is to develop a detailed set of Development Code standards consistent with the Master Plan. These standards will be relied on by developers to plan and design development. These standards will also be relied on by City reviewers to ensure development meets City expectations.

This work session will bring forward draft Development Code amendments related to design standards (Attachment 1) developed by the project team and reviewed and supported by the Planning Commission in a work session. The amendments include:

- Defining “urban form” and related terms as they are used in the regulatory approach for this area;
- Establishing architectural design standards for structures outside the Brisband Main Street (the standards for Brisband mixed-use buildings were reviewed in a previous work session) that are clear and objective and have direct relationships to maintaining a pedestrian supportive environment and overall quality and interest of design; and
- Special design standards for development along Stafford Road and Advance Road due to the visual prominence of these areas.

Attachment 2 includes, for ease of reference, excerpts from the Frog Pond East and South Master Plan that give specific direction for implementing Development Code related to these items.

For the City Council’s reference to understand the existing citywide design standards proposed to apply to Frog Pond East and South, staff included the existing Subsection 4.113(.14) (Attachment 3). Most of these citywide design standards were adopted as part of the Middle Housing in Wilsonville Project in 2021.

The project team invites the City Council to review the draft code amendments and supporting information, ask any clarifying questions, and provide feedback.

EXPECTED RESULTS:

Feedback from the meeting will guide completion of a package of Development Code amendments for adoption in the coming months.

TIMELINE:

The project team and Planning Commission will continue to work through the proposed Development Code amendments to implement the Frog Pond East & South Master Plan over the coming months. City Council action on the Planning Commission’s recommendation is planned for later in 2023 or early 2024.

CURRENT YEAR BUDGET IMPACTS:

The majority of the work related to the Development Code presented in this work session was done under the budget authorized in the prior fiscal year. This work has primarily been funded from the \$350,000 Metro grant for the Frog Pond East and South Master Plan and matching City funds in the form of staff time. With changes to residential zoning approaches related to middle housing, and the Council’s goals for housing equity and variety, the project team finds it advisable to extend the project timeline to invest in testing the draft code standards and further developing them during the FY 23-24. While remaining rolled-over grant funding is anticipated to cover a good amount of this additional work, there is potential for additional funding needs. If additional funding is needed, professional services funds from the planning division budget will pay for related consultant work or staff will submit a supplemental budget request for Council consideration.

COMMUNITY INVOLVEMENT PROCESS:

During this implementation phase the primary focus is on honoring past input. However, the project team is engaging key stakeholders for input on draft Development Code amendments.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Realization of the policy objectives set out in the Frog Pond East and South Master Plan to create Wilsonville’s next great neighborhoods as well as updated certain citywide residential standards and review processes. This includes furthering of the City’s Equitable Housing Strategic Plan and Council’s goal of affordable home ownership.

ALTERNATIVES:

The project team prepared draft amendments to help implement intent in the Frog Pond East and South Master Plan. A number of alternative amendments can be considered to meet the same intent.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

- 1. Draft Development Code Amendments Related to Design (May 2023)
- 2. Excerpts from Frog Pond East and South Master Plan related to Development Code Implementation
- 3. Wilsonville Development Code Subsection 4.113 (.14) Residential Design Standards (citywide)

Frog Pond East and South Implementation

Draft Development Code Amendments Related to Design and Supporting Information (May 2023)

1. Define "Urban Form" and related terms:

- **Intent:** Since "Urban Form" is a new term for Wilsonville's Development Code that is tied directly to control of development related definitions will help provide clarity to what it is and how it is used in regulating development.
- **Explanation:** Specific definitions are proposed for "Urban Form", "Urban Form Type", and "Urban Form Type Designation"
- **Code Reference:** Section 4.001 *Definitions*
- **Draft Code Amendment:**

4.001 (.XXX) Urban Form – The physical characteristics of an area determined by the bulk, placement, and spacing of buildings and related site improvements.

4.001 (.XXX) Urban Form Type – In the Residential Neighborhood (RN) Zone, a categorization between different planned Urban Forms with Type 1 having the most urban look and feel and Type 3 having the least urban look and feel.

4.001 (.XXX) Urban Form Type Designation – A designation applied to land within the Residential Neighborhood (RN) Zone that determines what lot and structure standards apply to guide Urban Form.

2. Architectural Design Standards for Frog Pond East and South besides Brisband Main Street:

- **Intent:** To clarify which of the design standards established for the Residential Neighborhood (RN) Zone for Frog Pond West apply to Frog Pond East and South versus citywide design standards in Subsection 4.113 (.14). These design standards will apply to Frog Pond East and South residential development except the mixed-use on Brisband Street which will be subject to the main street standards the Commission reviewed in March.
- **Explanation:** Edit language in Section 4.127 and 4.113 to clarify which design standards apply to Frog Pond East and South. The general default is to rely on citywide design standards unless the particular standard has specific relevance to the design intent of the area or consistency with Frog Pond West.

RN Zone Standards for Frog Pond West to apply:

- Main entrance standards

- Garage standards (simplified)
- Prohibited Materials
- Fences
- Design adjacent to school and parks

RN Zone Standards for Frog Pond West to not apply:

- Window and glazing standards (typically met anyway)
- Articulation (duplicative of new citywide standards)
- Residential design menu (key standards apply citywide, not seen as necessary)
- House plan variety (duplicative of new citywide standards)
- **Code Reference:** Section 4.127 (.14) through (.18) *Residential Neighborhood (RN) Zone Residential Design and Similar Standards. Section 4.113 (.14) Residential Design Standards (citywide)*
- **Draft Code Amendment:**

Note: Commentary in is added in *gray italics* from Planning staff, including the planners that have reviewed the majority of the house permits under the current RN zone requirements.

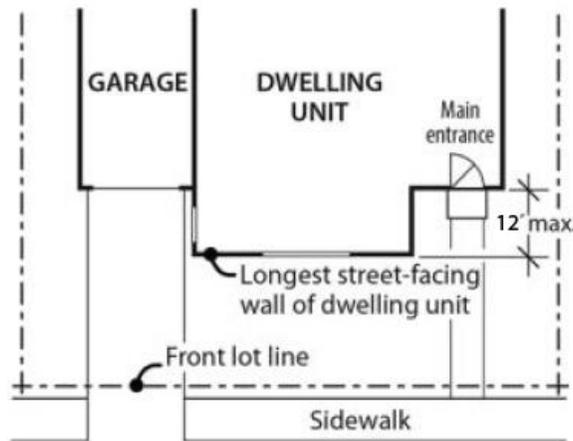
Section 4.127

(.14) *Main Entrance Standards:*

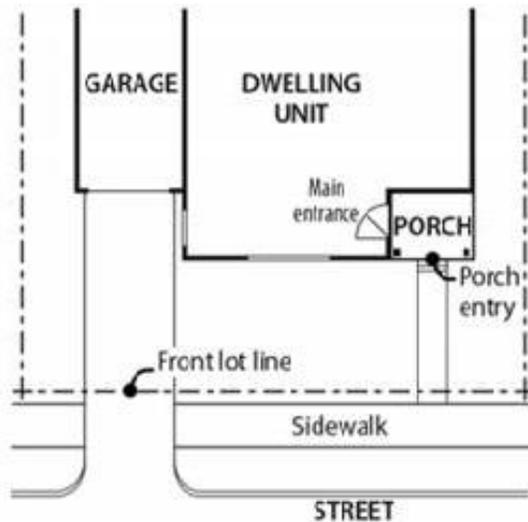
Commentary: These standards are simple to apply, consistent with the desired pedestrian orientation of Frog Pond, and are similar to citywide standards applied to some middle housing types. Staff recommends applying fully to Frog Pond East and South. The exception is C. regarding height of front door, which has not been used and could preclude "brownstone" style townhouses.

- A. *Purpose.* These standards:
1. Support a physical and visual connection between the living area of the residence and the street;
 2. Enhance public safety for residents and visitors and provide opportunities for community interaction;
 3. Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
 4. Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.
- B. *Location.* At least one main entrance for each structure must:

1. Be within 12 feet of the longest street-facing front wall of the dwelling unit; and
2. Either;
 - a. Face the street;
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a porch. The porch must:
 - (i) Be at least six feet deep;
 - (ii) Have at least one entrance facing the street; and
 - (iii) Be covered with a roof or trellis.



Main Entrance Opening onto a Porch



~~C. Distance from grade. Main entrances meeting the standards in subsection B., above, must be within four feet of grade. For the~~

~~purposes of this Subsection, grade is the average grade measured along the foundation of the longest street-facing wall of the dwelling unit.~~

(.15) *Garage Standards:*

Commentary: Generally these have been useful standards. However in implementation staff feels the garage wall for wider homes over just garage door for all homes has added complexity without notable benefit. Staff suggests removing garage wall standard unless a compelling benefit to keeping is identified, while still requiring garage door and other standards.

A. *Purpose.* These standards:

1. Ensure that there is a physical and visual connection between the living area of the residences and the street;
2. Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than garages;
3. Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
4. Provide for a pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
5. Enhance public safety by preventing garages from blocking views of the street from inside the residence.

B. *Street-Facing Garage Walls:*

1. Where these regulations apply. Unless exempted, the regulations of this subsection apply to garages accessory to residential units.
2. *Exemptions:*
 - a. Garages on flag lots.
 - b. Development on lots which slope up or down from the street with an average slope of 20 percent or more.
3. *Standards:*
 - a. ~~The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. For middle housing, this standard applies to the total length of the street-facing façades. For detached single-family and accessory structures, the standards apply to the street-facing façade of each unit. For corner lots, this standard applies to only one street side of the lot. For lots less than~~

~~are less than 50 feet wide at the front lot line, the standard in (b) below applies.~~

~~a.b. For lots less than 50 wide at the front lot line, the following standards apply:~~

~~(i) The width of the garage door(s) may be up to 50 percent of the length of the street-facing façade.~~

~~b.(ii) The garage door must be recessed at least four feet from the front façade or six feet from the front of a front porch.~~

~~c.(iii) The maximum driveway width is 18 feet.~~

- d. Where a dwelling abuts a rear or side alley or a shared driveway, the garage shall orient to the alley or shared drive.
- e. Where three or more contiguous garage parking bays are proposed facing the same street, the garage opening closest to a side property line shall be recessed at least two feet behind the adjacent opening(s) to break up the street facing elevation and diminish the appearance of the garage from the street. Side-loaded garages, i.e., where the garage openings are turned away from the street, are exempt from this requirement.
- f. A garage entry that faces a street may be no closer to the street than the longest street facing wall of the dwelling unit. There must be at least 20 feet between the garage door and the sidewalk. This standard does not apply to garage entries that do not face the street.

(.16) Residential Design Standards:

Commentary: Many of these standards fall under two categories in staff's review in support of not applying them in Frog Pond East and South: (1) duplicative of citywide standards adopted as part of Middle Housing in Wilsonville project; (2) complex to administer without substantial benefit. In general, staff feels citywide residential design standards should apply unless there is a compelling reason not to.

A. Purpose. These standards:

1. Support consistent quality standards so that each home contributes to the quality and cohesion of the larger neighborhood and community.
2. Support the creation of architecturally varied structures, blocks and neighborhoods, whether a neighborhood develops all at once or one lot at a time, avoiding homogeneous street frontages that detract from the community's appearance.

B. *Applicability.* **In Frog Pond West** these standards apply to all façades facing streets, pedestrian connections, parks, open space tracts, the Boeckman Trail, or elsewhere as required by this Code or the Development Review Board. Exemptions from these standards include: (1) Additions or alterations adding less than 50 percent to the existing floor area of the structure; and, (2) Additions or alterations not facing a street, pedestrian connection, park, or open space tract. **In Frog Pond East and South the design standards in 4.113 (.14) apply to all public-facing facades.**

C. *Windows.* The standards for minimum percentage of façade surface area in windows are below. These standards apply only to facades facing streets, pedestrian connections, parks, and open space tracts.

Commentary: The language is left in because it remains applicable to Frog Pond West. However, as defined in the applicability subsection B. it is proposed that these standards not apply in Frog Pond East and South.

1. For two-story structures:
 - a. 15 percent front facades.
 - b. 12.5 percent—front facades if a minimum of six design elements are provided per Section 4.127(0.15)E., Design Menu.
 - c. Ten percent—front facades facing streets if a minimum of seven design elements are provided per Section 4.127(0.15)E., Design Menu.
2. For one-story structures:
 - a. 12.5 percent—front facades.
 - b. Ten percent—front facades if a minimum of six design elements are provided per Section 4.127(0.15)E., Design Menu.
3. For all structures: Five percent for street-side facades.
4. Windows used to meet this standard must provide views from the building to the street. Glass block does not meet this standard. Windows in garage doors and other doors count toward this standard.
5. Street-facing facades along Boeckman Road and Stafford Road must meet the standards for front facades.

D. *Articulation.* Plans for residential buildings shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations. Such elements shall occur at a minimum interval of 30 feet on façades facing streets,

pedestrian connections, parks, open space tracts, or elsewhere as required by this Code or the Development Review Board. Where a façade governed by this standard is less than 30 feet in length, at least one of the above-cited features shall be provided.

Commentary: The language is left in because it remains applicable to Frog Pond West. However, as defined in the applicability subsection B, it is proposed that these standards not apply in Frog Pond East and South.

- E. **Residential Design Menu.** Residential structures shall provide a minimum of five of the design elements listed below for front façades and façades facing Boeckman Road and Stafford Road, unless otherwise specified by the code. For side façades facing streets, pedestrian connections, parks, open space tracts, a minimum of three of the design elements must be provided. Where a design feature includes more than one element, it is counted as only one of the five required elements.

Commentary: The language is left in because it remains applicable to Frog Pond West. However, as defined in the applicability subsection B, it is proposed that these standards not apply in Frog Pond East and South.

1. Dormers at least three feet wide.
2. Covered porch entry—minimum 48 square foot covered front porch, minimum six feet deep and minimum of a six foot deep cover. A covered front stoop with minimum 24 square foot area, four foot depth and hand rails meets this standard.
3. Front porch railing around at least two sides of the porch.
4. Front facing second story balcony - projecting from the wall of the building a minimum of four feet and enclosed by a railing or parapet wall.
5. Roof overhang of 16 inches or greater.
6. Columns, pillars or posts at least four inches wide and containing larger base materials.
7. Decorative gables - cross or diagonal bracing, shingles, trim, corbels, exposed rafter ends or brackets (does not include a garage gable if garage projects beyond dwelling unit portion of street façade).
8. Decorative molding above windows and doors.
9. Decorative pilaster or chimneys.
10. Shakes, shingles, brick, stone or other similar decorative materials occupying at least 60 square feet of the street façade.

11. Bay or bow windows - extending a minimum of 12 inches outward from the main wall of a building and forming a bay or alcove in a room within the building.
 12. Sidelight and/or transom windows associated with the front door or windows in the front door.
 13. Window grids on all façade windows (excluding any windows in the garage door or front door).
 14. Maximum nine foot wide garage doors or a garage door designed to resemble two smaller garage doors and/or windows in the garage door (only applicable to street facing garages).
 15. Decorative base materials such as natural stone, cultured stone or brick extending at least 36 inches above adjacent finished grade occupying a minimum of ten percent of the overall primary street facing façade.
 16. Entry courtyards which are visible from, and connected directly to, the street. Courtyards shall have a minimum depth of ten feet and minimum width of 80 percent of the non-garage/driveway building width to be counted as a design element.
- F. *House Plan Variety.* No two directly adjacent or opposite residential structures may possess the same front or street-facing elevation. A structure containing multiple middle housing units shall be considered a single residential structure for the purpose of house plan variety. This standard is met when front or street-facing elevations differ from one another due to different materials, articulation, roof type, inclusion of a porch, fenestration, and/or number of stories. Where façades repeat on the same block face, they must have at least three intervening residential structures between them that meet the above standard. Small Lot developments over ten acres shall include duplexes and/or two-unit townhouses comprising ten percent of the homes—corner locations are preferred.

Commentary: The language is left in because it remains applicable to Frog Pond West. However, as defined in the applicability subsection B, it is proposed that these standards not apply in Frog Pond East and South.

- G. *Prohibited Building Materials.* The following construction materials may not be used as an exterior finish:

Commentary: The language is left in because it remains applicable to Frog Pond West. However, as defined in the applicability subsection B, it is proposed that these standards not apply in Frog Pond East and South.

1. Vinyl siding.

2. Wood fiber hardboard siding.
3. Oriented strand board siding.
4. Corrugated or ribbed metal.
5. Fiberglass panels.

(.17) *Fences:*

Commentary: Has similar applicability to Frog Pond East and South as West.

A. ~~Within Frog Pond West, f~~**F**ences shall comply with standards in 4.113 (.07) except as follows:

1. Columns for the brick wall along Boeckman Road and Stafford Road shall be placed at lot corners where possible.
2. A solid fence taller than four feet in height is not permitted within eight feet of the brick wall along Boeckman Road and Stafford Road, except for fences placed on the side lot line that are perpendicular to the brick wall and end at a column of the brick wall.
3. Height transitions for fences shall occur at fence posts.

(.18) *Residential Structures Adjacent to Schools, Parks and Public Open Spaces.*

Commentary: Has similar applicability to Frog Pond East and South as West.

- A. *Purpose.* The purpose of these standards is to ensure that development adjacent to schools and parks is designed to enhance those public spaces with quality design that emphasizes active and safe use by people and is not dominated by driveways, fences, garages, and parking.
- B. *Applicability.* These standards apply to development that is adjacent to or faces schools and parks. As used here, the term adjacent includes development that is across a street or pedestrian connection from a school or park.
- C. *Development must utilize one or more of the following design elements:*
 1. Alley loaded garage access.
 2. On corner lots, placement of the garage and driveway on the side street that does not face the school, park, or public open space.
 3. Recess of the garage a minimum of four feet from the front façade of the home. A second story above the garage, with windows, is encouraged for this option.

- D. Development must be oriented so that the fronts or sides of residential structures face adjacent schools or parks. Rear yards and rear fences may generally not face the schools or parks, unless approved through the waiver process of 4.118 upon a finding that there is no practicable alternative due to the size, shape or other physical constraint of the subject property.

Section 4.113

(.14) Design Standards for Detached Single-family and Middle Housing.

Commentary: Language added to clarify exceptions to citywide standards in the RN Zone only apply to the Frog Pond West neighborhood. The citywide standards are proposed to apply in Frog Pond East and South.

- A. The standards in this subsection apply in all zones, except as indicated in 1.–~~2~~**3**. below:
1. The Façade Variety standards in Subsection C.1. do not apply in the Village Zone or **the Frog Pond West neighborhood in the Residential Neighborhood Zones**, as these zones have their own variety standards, except that the standards do apply within middle housing development with multiple detached units on a single lot which the standards of these zones do not address;
 2. The entry orientation and window standards for triplexes, quadplexes, and townhouses in Subsections D.1–2. and E. 2–3. do not apply in the Village Zone or Residential Neighborhood Zone as these zones have their own related standards applicable to all single-family and middle housing.
 - 3. The window standards for triplexes, quadplexes, and townhouses in Subsection D. 2. And E. 3. do not apply in the Village Zone or the Frog Pond West neighborhood in the Residential Neighborhood Zone as these zones have their own related standards applicable to all single-family and middle housing.**

3. Special Design Addresses from Master Plan:

- **Intent:** Establish standards for special urban design treatments along Stafford and Advance Roads consistent with the Frog Pond Area Plan, interface with Frog Pond West, and the Frog Pond East and South Master Plan.
- **Explanation:** Add language establishing the special requirements along Stafford and Advance Roads including fencing requirements,

structure orientation and entrances. See Master Plan Implementation Measure 9 on page 107-108 of the Master Plan.

- **Code Reference:** New Subsection 4.127(.22) Residential Neighborhood Zone-Special Design Addresses in Frog Pond East and South.
- **Draft Code Amendment:**

- (.22) Residential Neighborhood Zone-Special Design Addresses in Frog Pond East and South.
- A. Purpose. The purpose of the design standards in this subsection are to provide clear and objective standards to enhance the look and feel of development along SW Stafford Road and SW Advance Road.
- B. Applicability. The design standards are applicable to all structures along or surrounding the designated streets.
- C. Special Design Address Standards for east side of SW Stafford Road as well as the north side of SW Advance Road from Stafford Road to the wetland approximately 250 feet east of SW Stafford Road:
1. Courtyard Walls and Pedestrian Access Points:
 - a. Except for pedestrian access points, the frontage of each lot or tract (not counting any landscape tract running parallel with the road) shall have a four-foot red-brick courtyard wall matching the style shown in Figure X. below.



Figure X. 4 Foot Wall Along Stafford Road

- b. Except for corner lots at SW Stafford Road and SW Brisband Street, each lot shall have at least one paved walkway extending from the Stafford Road sidewalk providing a pedestrian access point. Any gates at pedestrian access point shall have a black "iron style" gate matching the style shown in Figure X2. below.



Figure X2. 4-Foot High Gate for Pedestrian Access Points along SW Stafford Road

2. Structure and Entry Orientation:
 - a. Except for corner lots at SW Stafford Road and SW Brisband Street, the facades of structures facing SW Stafford Road shall meet all design standards for front facades. Generally this will be the front façade of the structure, but if it is the side or rear façade, the façade must still meet front façade standards including having at least one building entrance oriented towards SW Stafford Road.
- D. Special Design Address Standards for SW Advance Road, except for the portion on the north side included in the Stafford Road Design Address C. above:
 1. Only front yards shall be oriented towards SW Advance Road with front entrances facing the street, except for corner lots at intersecting streets where side yards and side facades may front SW Advance Road, as necessary.
 2. Lots shall have courtyard fencing matching Figure X. including any side yards for lots oriented on intersecting streets.



(image to be updated once confirmed desired design)

3. No motor vehicle access is allowed directly from SW Advance Road except for emergency access requested by the Fire District and approved by the City Engineer.
4. Lots shall be considered to front SW Advance Road even if a landscape tract exists between the lot and the SW Advance Road right-of-way.

FROG POND EAST & SOUTH MASTER PLAN



**A VISION AND IMPLEMENTATION PLAN FOR TWO NEW
NEIGHBORHOODS IN EAST WILSONVILLE**



**ADOPTED BY WILSONVILLE CITY COUNCIL
ORDINANCE NO. 870**

DECEMBER 19 2020

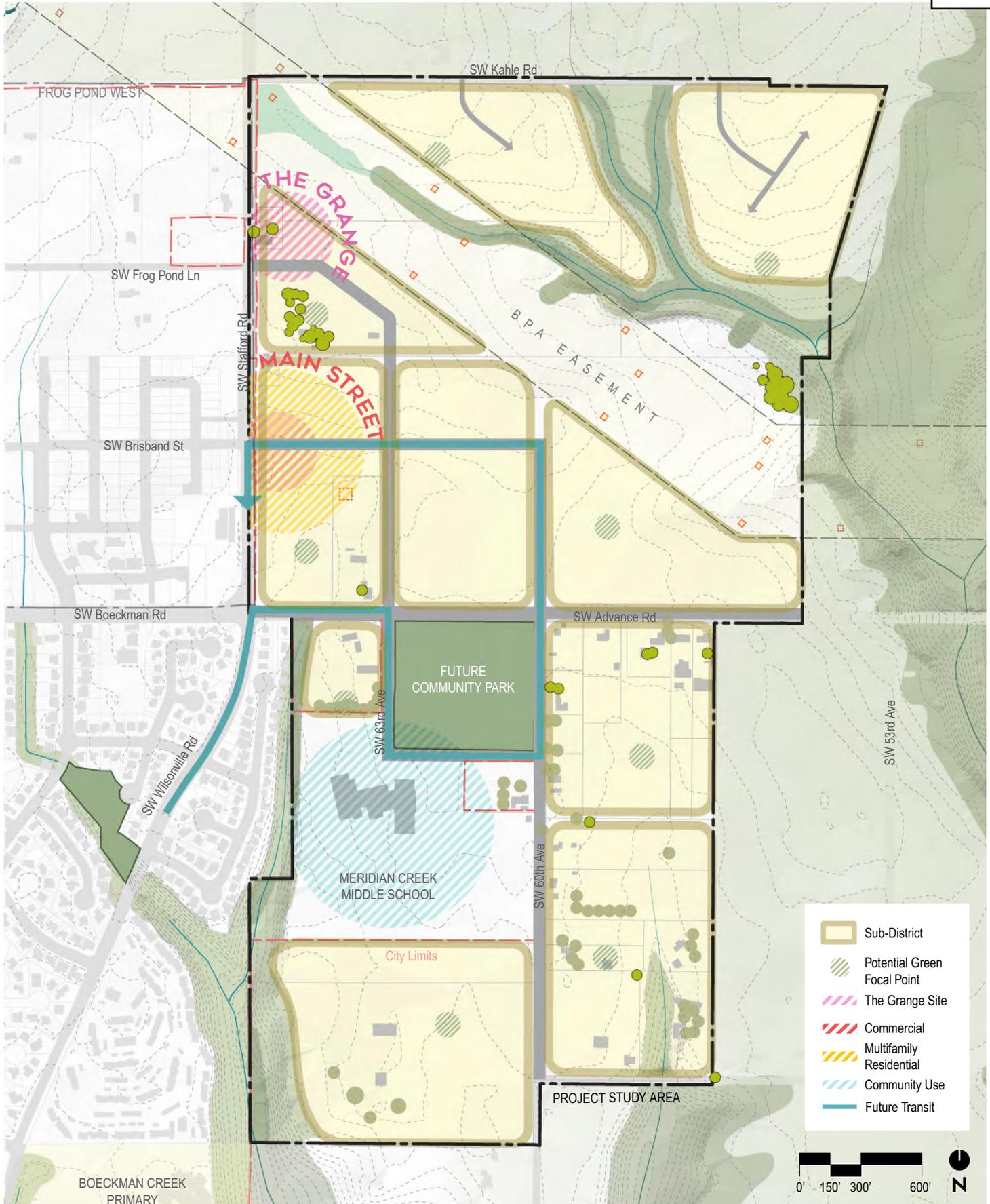


COMMUNITY DESIGN CONCEPTS

SUBDISTRICTS

Figure 14 shows the concept of “subdistricts” within Frog Pond East and South. The subdistricts are intended as “neighborhoods within neighborhoods” – areas with cohesive building form, public realm features, and other characteristics that give them identity. There are ten subdistricts planned for Frog Pond East and South. Each will have a “green focal point” that is central in the subdistrict and/or aligned with a key feature such as a tree grove. The focal points, together with the neighborhood destinations, will provide many community gathering places in Frog Pond East and South.







COMMUNITY DESIGN CONCEPTS

IMPLEMENTING THE DESIGN CONCEPTS

The design concepts discussed above are the foundation of the Master Plan's intent to create a strong sense of place and identity in Frog Pond East and South. The Master Plan's Land Use and Urban Form Plan is shown on Figure 15. The following section summarizes how the Master Plan's key features and intended outcomes implement the design concepts. Additional descriptions are provided in the Land Use and Public Realm chapters of this report.

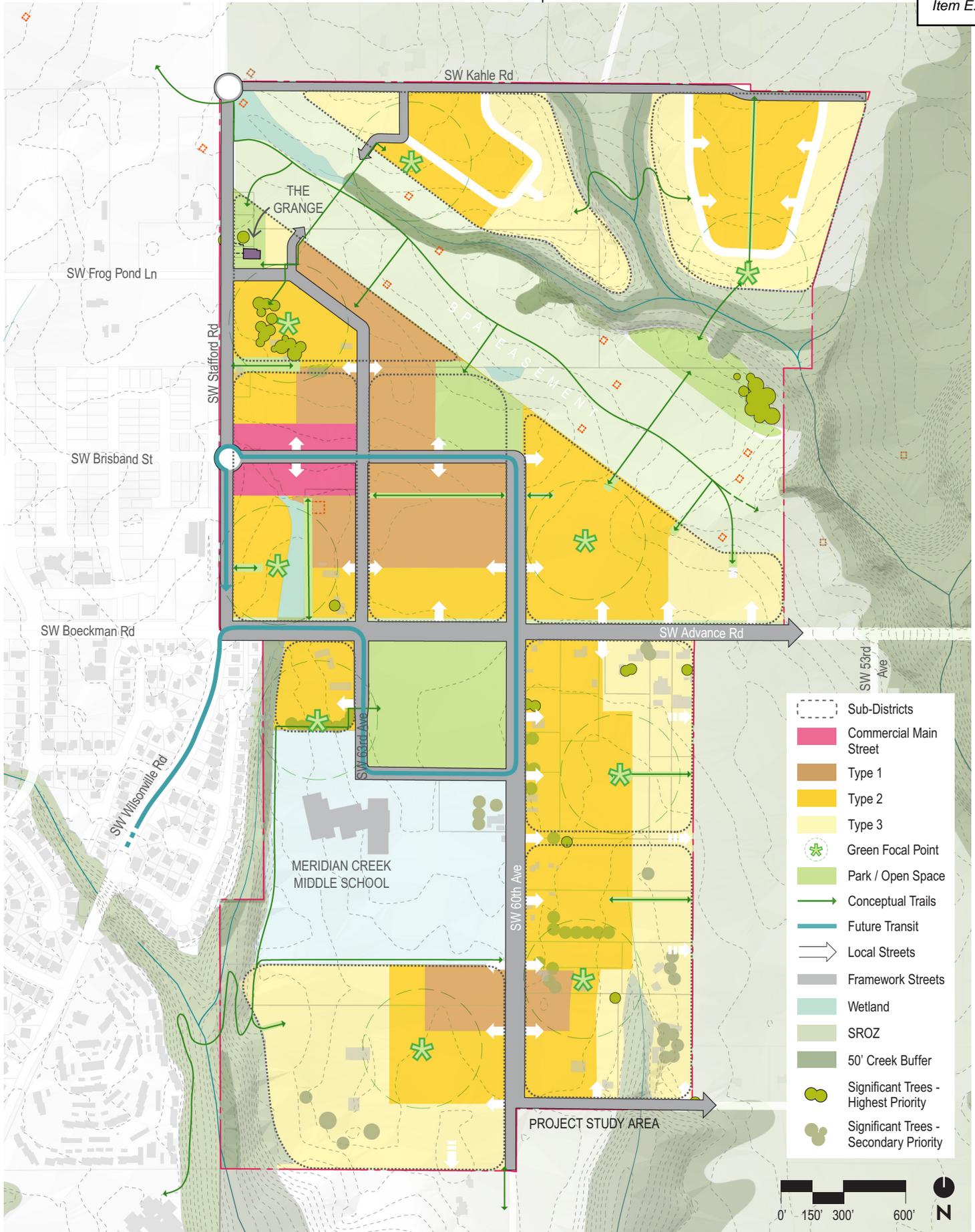
NEIGHBORHOOD DESTINATIONS WITHIN FROG POND EAST AND SOUTH

- Park/gathering space at the Frog Pond Grange
- A Future Frog Pond East Neighborhood Park
- The SW Brisband Main Street as a neighborhood-scale commercial and mixed-use center
- The Frog Pond South Community Park
- Meridian Creek Middle School
- "Green focal points" within each subdistrict
- Meridian Creek and Newland Creek natural areas
- Significant tree groves



Figure 15. Land Use and Urban Form Plan

Item E.





COMMUNITY DESIGN CONCEPTS

FORM BASED DESIGN AND TRANSECT

- More compact housing is in “Type 1” urban form areas (see Chapter 6 for more description of the urban form types)
- Adjacent areas are less compact and result in a transect or transition to even less compact housing form
- The East Neighborhood has its Type 1 housing in the central area adjacent to the Brisband Main Street, future Frog Pond East Neighborhood Park and BPA Easement
- The South Neighborhood has a small node of Type 1 housing located south of the Meridian Middle School property.
- In both neighborhoods, Type 2 and 3 housing form “feathers out” from the Type 1 areas.

A WIDE VARIETY OF HOUSING CHOICES

- Opportunities for a wide spectrum of housing choices: townhomes, quadplexes, tri-plexes, duplexes, cottage clusters, cottage developments, small-lot detached homes, medium and larger lot detached homes, accessory dwelling units, apartments/condos, tiny homes and co-housing
- Requirements for a mix of housing choices in each subdistrict
- Housing capacity for an estimated minimum of 1587 dwellings (See Chapter 6 for housing and land use metrics)





LAND USE

RESIDENTIAL LAND USE AND URBAN FORM

KEY OUTCOMES

The Land Use and Urban Form Plan includes residential areas intended to create three key outcomes:

- **A variety of housing choices** throughout the East and South Neighborhoods
- **Opportunities for affordable housing choices** integrated into the neighborhoods
- A planned **“transect”** of housing form in order to create a cohesive neighborhood that maximizes the amenities available to residents while creating an urban form sensitive to the local context.

VARIETY THROUGHOUT

The Master Plan creates opportunities for a wide variety of housing choices in each neighborhood and subdistrict. This concept focuses on mixing and integrating different housing choices throughout each subdistrict and block rather than having separate areas for separate types of housing units.

The plan defines and maps three types of urban form for housing – Types 1, 2, and 3 – that define the look and feel of the different subdistricts within the neighborhoods. The focus of this typology is urban form: the bulk, height and spacing of buildings. Each urban form type allows for a full array of housing choices.

For example, a detached home may exist in any of the urban form types, but for Type 1 it would have a smaller footprint and, be closer to adjoining homes, and for Type 3 it would have a larger footprint and be farther apart from adjoining homes. Building height will also tend to be taller where Type 1 is designated with height trending down in areas with Type 2 and Type 3 building form. A multi-family building also may exist in any of the urban forms, but for Type 1 the building would be taller and wider with more units per building and closer to adjoining buildings. For Type 3, a multi-family building would be shorter and smaller (similar to the size of a larger single-family home) with fewer units per building, and buildings would be further apart, likely interspersed with single-family homes.



LAND USE

TYPE 1 RESIDENTIAL URBAN FORM

Type 1 residential urban form is the most compact and urban of the three forms:

- Buildings 2-4 stories tall close to the street
- Buildings are closely spaced from each other
- Townhouse, condo/apartment buildings, and similar are not limited in width allowing larger buildings that may even occupy an entire block face
- Lot area per building for detached homes will be small with less yard space than in Type 2 and Type 3
- Townhouses, closely spaced detached homes, and multi-family buildings are expected to be common housing choices provided; cottages or similar small-unit housing is also likely to be built





LAND USE

TYPE 2 RESIDENTIAL URBAN FORM

Type 2 residential urban form is less compact than Type 1 but more compact than Type 3:

- Buildings are intended to be 2 stories, with 3 stories allowed under applicable State law for certain housing categories
 - Moderate setbacks from the street
 - Building separation is generally 10 feet,
 - Building width is moderately limited, to maintain a building bulk consistent among multi-family, middle housing, and single-family detached housing choices
- Detached home lot size is approximately double that of Type 1 allowing for larger home footprints and larger yards than Type 1
 - Small to medium sized single-family detached homes and townhouses are expected to be common housing choices, with duplexes, triplexes, quadplexes, cottage clusters, and smaller multi-family buildings also likely to be built.





LAND USE

TYPE 3 RESIDENTIAL URBAN FORM

Type 3 is the least compact residential urban form, characteristics include:

- Buildings primarily 1-2 stories in height, with 3 stories allowed for certain housing categories consistent with applicable State law
- Buildings are set back from the street
- Width of buildings is limited to create smaller buildings, which limits the number of units in multifamily or middle housing structures
- Building separation generally more than 10 feet
- Lot size for detached single-family homes generally 1.5 times that of Type 2 and 3 times that of Type 1, allowing for larger homes and yards
- Medium to large single-family detached homes along with smaller townhouse and duplex buildings are expected to be common housing choices, cottage clusters would be well-suited to this Type, and triplexes, quadplexes, and small multi-family buildings may also be built





PUBLIC REALM

GREEN FOCAL POINTS

In addition to the planned Community Park in Frog Pond South and the Neighborhood Park in Frog Pond East, several “green focal points” are identified in central locations within each walkable subdistrict of the planning area. These are flexible in location and size but are intended to serve as central neighborhood destinations or gathering places that contribute to neighborhood character and identity. In addition to being centrally located, these focal points will be integrated into the neighborhood with front doors facing them, where possible, and provide clear and inviting access for public use.

Many different kinds of uses and activities are envisioned for the green focal points. Examples include community garden plots, small playgrounds or splash pads, nature play areas, pocket parks or plazas, and central green courtyards within housing developments. These smaller open spaces also provide opportunities to preserve mature and significant trees and provide visible stormwater treatment.





IMPLEMENTATION

IMPLEMENTATION MEASURE 4.1.7.D

Implementation of the Frog Pond East & South Master Plan will include the following:

1. Designation and mapping of subdistricts. Subdistricts are smaller geographic areas within each neighborhood where specific regulations may be applied to implement the Master Plan.
2. Clear and objective Development Code standards that:
 - a. Set minimum number of units at the subdistrict or tax lot level.
 - b. Establish height, setback and other development standards for the Type 1, Type 2, and Type 3 Urban Forms described and mapped in the Frog Pond East & South Master Plan.
 - c. Require a variety of housing and include minimum and maximum amounts of specific housing types at the subdistrict or tax lot level.
 - d. Require middle housing.
3. Zoning provisions that provide an alternative path of discretionary review to provide flexibility for development while still achieving the intent of the Master Plan and Development Code.
 - a. The alternative path will include criteria to guide flexibility from the clear and objective height, setback, and other similar development standards for buildings in specific urban design contexts.
4. Define categories of housing for use in implementing housing variety standards.
5. Coordination with the owners of the Frog Pond Grange to coordinate and support continued use and development of the Grange as a community destination. Any future public ownership or use of the Grange building is dependent on future funding not yet identified.
6. Coordination with the Bonneville Power Administration (BPA) on land use and development within their easement in the East Neighborhood.
7. A future study of design options for the creek crossings shown on the Park and Open Space plan in this Master Plan. This work will address potential structured crossings.
8. The City may initiate a Main Street study to evaluate specific designs and implementation for the SW Brisband Main Street.
9. Special provisions will be in place for design of both the public realm and private development along the east side of SW Stafford Road and SW Advance Road and surrounding the East Neighborhood Park.



IMPLEMENTATION

ZONING IMPLEMENTATION

ZONING MAP AMENDMENTS AND IMPLEMENTATION

Table 7 lists the zone districts that will implement each of the Comprehensive Plan designations identified within the planning area.

Table 7. Implementing Zoning Designations

COMPREHENSIVE PLAN DESIGNATION	IMPLEMENTING ZONE
Residential Neighborhood	Residential Neighborhood (RN)
Commercial	Planned Development Commercial (PDC)
Public	Public Facilities (PF)
All, where applicable	Significant Resource Overlay Zone (SROZ)

Zoning will be applied concurrent with the annexation and development review process for individual properties.

CODING FOR VARIETY AND PRIORITY HOUSING TYPES

Providing a variety of housing types, and particular housing types, throughout the East and South neighborhoods are important intended outcomes for the Master Plan. There are many examples of how variety and specific housing is designed and delivered in master planned communities such as Northwest Crossing in Bend and like Villebois here in Wilsonville. In those communities, a master developer defines and maps the planned housing types at a very site-specific level such as individual lots or blocks. Master planned communities can also implement specific and strategic phasing of infrastructure and housing types.

The Frog Pond East & South Master Plan aspires to have the detailed variety of a master planned community like Villebois even though it does not have the oversight of a single master developer. There is an opportunity to require and encourage housing that is a priority for the City. Examples include: home ownership opportunities for households of modest income (80-120% of AMI), middle housing units, dwellings that provide for ground floor living (full kitchen, bath and master bedroom on the main floor), and dwellings that provide for ADA³ accessibility.

The standards for Frog Pond’s housing variety will also recognize and accommodate several development realities:

3 Americans with Disabilities Act (1990).



IMPLEMENTATION

- The neighborhoods will develop incrementally. There may be several larger projects where a developer prepares a coordinated plan for relatively large areas (e.g. 20+ acres). However, there will also be many smaller developments that will occur by different developers, on varied parcel sizes, and at different points of time. The code’s variety standards must work for the likely range of differently scaled projects.
- Flexibility will be needed for evolving market and housing needs over time, including to reflect the City’s future Housing Needs Analyses and Housing Production Strategies..
- All standards that address housing must be clear and objective. A discretionary review path can be provided as an alternative to provide additional flexibility.

Below is a list of potential strategies for requiring variety throughout Frog Pond East and South. These show the intent of the implementing standards and are subject to refinement or change as the development code is prepared.

Strategy 1: Permit a wide variety of housing types.

Amend the RN Zone to allow the following types in Frog Pond East and South:

- Single-Family Dwelling Units⁴
- Townhouses
- Duplex, Triplex, and Quadplex
- Cluster Housing
- Multiple-Family Dwelling Units
- Cohousing
- Manufactured Dwellings⁵
- Accessory Dwelling Units

Strategy 2: Define “categories” of housing units to be used for implementing variety standards.

Each category would provide a range of housing units to choose from when meeting the variety standards. The categories will be based on the policy objectives of the Council for equitable housing opportunities. They will also include specific housing types desired by the City (e.g. accessory dwelling units). The categories will be defined as part of the development code.

4 Tiny homes are included in this use type
5 Manufactured dwellings are subject to the definitions and requirements of ORS 443.



IMPLEMENTATION

Strategy 3: Establish minimum dwelling unit requirements

Establish the minimum number of dwelling units required in each subdistrict (or on each pre-existing tax lot). The minimum number of required dwellings will help ensure the provision of attached housing forms.

Minimum number of dwelling unit requirements helps ensure variety by preventing a lower production of units than anticipated by the Master Plan. The unit count anticipated in the Master Plan assumes a variety of housing and meeting the minimum is not anticipated to be met without provision of a variety of housing.

Note: The housing capacity estimates prepared for the Master Plan could be used as the basis for the minimums.

Strategy 4: Create development standards for lots and structures that regulate built form according to the mapped Type 1, Type 2, and Type 3 urban form typologies.

This strategy uses form-based standards to create the transect of most compact urban form in Type 1 areas to least compact urban form in Type 3 areas. For each of the Urban form types, define standards for:

- Minimum lot size
- Minimum lot width/street frontage
- Maximum height setbacks for front, side, and rear yards, and garages
- Minimum building spacing
- Maximum lot coverage
- Maximum building width

Strategy 5: Establish minimum housing variety standards by subdistrict and development area.

For each subdistrict (or existing tax lots within subdistricts), define:

- The minimum number of categories required. This standard ensures variety at the subdistrict or tax lot level.
- The maximum percent of net development area for a category. This standard ensures no single category dominates a subdistrict.
- The minimum percent of net development area for categories that represent more affordable and/or accessible housing choices not traditionally provided by the private market and meeting City housing objectives..

Strategy 6: Encourage variety at the block level



IMPLEMENTATION

Housing variety on the block level prevents segregation of housing types that often subsequently segregates populations by economic status. Code provisions, likely incentives but potentially requirements, related to the percent of net area of blocks by housing category will help ensure a fine grained variety of housing type and integration of lower cost housing.

CODING FOR MAIN STREET

The Brisband Main Street received very strong support in open houses, focus groups, tabling events and surveys for the Master Plan. Community members were excited that Main Street could become a walkable and attractive destination with restaurants, shops and services.

Wilsonville has existing and future models of the type of pedestrian-oriented commercial center envisioned for the Frog Pond's Main Street. The village center in Villebois is an anchor point for that community with its well-designed public realm, higher density housing, mixed-use, and strong connections to the adjacent neighborhoods. Wilsonville's Town Center Main Street is a central element of the Town Center Plan and will include attractive streetscapes, mixed-use buildings, and three-to-four story building form.

To achieve the vision for the Brisband Main Street, the following design and development strategies for the Brisband Main Street will be implemented:

- Permit neighborhood-scale retail, services, mixed-use, multi-family residential
- Prohibit drive-through uses and facilities
- Adopt development standards such as:
 - › Shallow setbacks to bring buildings close to Main Street's sidewalks
 - › Up to 4-story building height

"The overall vision for the neighborhood commercial center is that it is a place that provides local goods and services within easy access of the local neighborhoods, has a high quality and pedestrian-oriented design, and serves as a gathering place for the community. Due to its small scale and local orientation, it will not compete with other commercial areas in Wilsonville."

— Frog Pond Area Plan



IMPLEMENTATION

- › Tall ground floors to emphasize storefront character
- › Building frontages that occupy a high percentage of the block faces along Main Street
- Adopt design standards such as:
 - › Primary entrances oriented to Brisband or its intersections
 - › Front setback areas designed for pedestrian use
 - › Parking to the sides or rears of buildings
 - › Small plazas designed as an accessible amenity
 - › Weather protection (awnings and/or canopies) along sidewalks
 - › Building articulation, fenestration, and materials that make Main Street an attractive place and contribute to the vitality of the street environment

The City may initiate a design study for Main Street to evaluate detailed public realm improvements and coordinate them with private development.



Section 4.113. Standards Applying to Residential Developments in any Zone.

(.14) Design Standards for Detached Single-family and Middle Housing.

- A. The standards in this subsection apply in all zones, except as indicated in 1.—2. below:
 1. The Façade Variety standards in Subsection C.1. do not apply in the Village Zone or Residential Neighborhood Zones, as these zones have their own variety standards, except that the standards do apply within middle housing development with multiple detached units on a single lot which the standards of these zones do not address;
 2. The entry orientation and window standards for triplexes, quadplexes, and townhouses in Subsections D.1-2. and E. 2-3. do not apply in the Village Zone or Residential Neighborhood Zone as these zones have their own related standards applicable to all single-family and middle housing.
- B. For the purpose of this subsection the term "residential structure" is inclusive of a series of structures that are attached to one another such as a grouping of townhouses.
- C. Standards applicable to all residential structures except as noted in I. below.
 1. *Façade Variety:*
 - a. Each public-facing façade of a residential structure shall differ from the public-facing façades of directly adjacent residential structures in at least one of the three ways listed in Subsection d. below.
 - b. Where public-facing façades repeat on the same block, at least two residential structures with different public-facing façades shall intervene between residential structures with the same public-facing façades, with sameness defined by not differing in at least one of the three ways listed in Subsection d. below.
 - c. For façades of residential structures facing a public street, the façade of any residential structures directly across the street shall differ in at least one of the three ways listed in Subsection d. below. Directly across means any residential structure façade intersected by imaginary lines extending the shortest distance across the street from the mid-point of a façade and from the edges of a façade. See Figure 1 below.
 - d. A façade shall be considered different if it differs from another façade in at least one of the following ways:
 - i. Variation in type, placement, or width of architectural projections (such as porches, dormers, or gables) or other features that are used to meet the Articulation standards in Subsection (.14)C.2.b or Subsection (.14)E.4. If adjacent or opposite façades feature the same projection type, the projections on adjacent/opposite façades must differ in at least one of the following ways:
 - At least 20 percent difference in width; or
 - Horizontally offset by at least five feet. For the purposes of this standard, "offset" means a measurable difference of at least five feet from the left edge of the projection to the left edge of the front façade or at least five feet from the right edge of the projection to the right edge of the front façade.
 - ii. At least 20 percent of the façade (excluding glazing) is covered by different exterior finish materials. The use of the same material in different types of

siding (e.g., cedar shingles vs. cedar lap siding) shall be considered different materials for the purpose of this standard.

- iii. Variation in primary paint color as determined by a LRVR (Light Reflectance Value) difference of at least 15 percent.

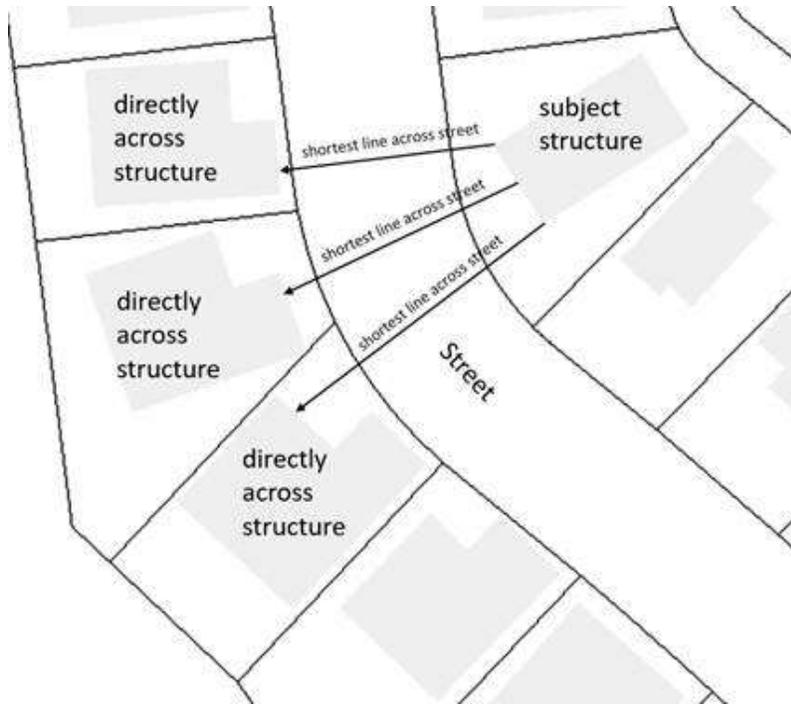


Figure 1. Determining If A Residential Structure is Directly Across the Street from Another

2. *Architectural Consistency and Interest.*

- a. Architectural styles shall not be mixed within the same residential structure (a series of attached structures is one structure for the purpose of these standards). Architectural style consistency is defined by adherence to all of the following:
 - i. Use of the same primary and supporting façade materials throughout the structure.
 - ii. Use of no more than two roof pitch angles.
 - iii. Use of the same door size for each primary entrance in the structure.
- b. Articulation. All public-facing façades of residential structures, other than townhouses, shall incorporate the following design elements at a minimum interval of every 30 feet, except as noted in 2.c. below. The minimum number of design elements is determined by dividing the façade length by 30 and rounding up to the nearest whole number. For townhouse articulation standards, see subsection (.14)E.4.
 - i. varying rooflines.
 - ii. offsets of at least 12 inches.
 - iii. balconies.
 - iv. projections of at least 12 inches and width of at least three feet.

- v. porches.
 - vi. entrances that are recessed at least 24 inches or covered.
 - vii. dormers at least three feet wide.
- c. For structures with two or more dwelling units, a single design element that spans at least 50 percent of the façade of two adjacent units can count as two articulation elements to meet the standard in subsection b. and can meet the standard for 60 feet of façade width (two adjacent 30 foot intervals). Such elements may overlap horizontally with other required design elements on the façade.
- d. Articulation Element Variety: Different articulation elements shall be used as provided below. For the purpose of this standard, a "different element" is defined as one of the following: a completely different element from the list in subsection 2.b above; the same type of element but at least 50 percent larger; or for varying rooflines, vertically offset by at least three feet.
- i. Where two to four elements are required on a façade, at least two different elements shall be used.
 - ii. Where more than four elements are required on a façade, at least three different elements shall be used.
- e. Reductions to required windows percentage: The required percent of façade of a residential structure in the public-facing façade covered by windows or entry doors for single-family or middle housing in any zone may be reduced to the percentages that follows:
- i. For of 1.5 or 2-story façades facing the front or rear lot line:
 - 12.5 percent if six of the design features in Subsection e.v. below are used.
 - Ten percent if seven or more of the design features in Subsection e.v. below are used.
 - ii. For 1-story façades facing the front or rear lot line;
 - 12.5 percent if less than six design features in Subsection e.v. are used
 - ten percent if six or more design features in Subsection e.v. are used
 - iii. For façades facing a side lot line:
 - Five percent regardless of the number of design features
 - iv. Glass block does not count towards meeting window and entry percentage
 - v. Window reduction design features:
 - Dormers at least three feet wide.
 - Covered porch entry—minimum 48 square foot covered front porch, minimum six feet deep and minimum of a six foot deep cover. A covered front stoop with minimum 24 square foot area, four foot depth and hand rails meets this standard.
 - Front porch railing around at least two sides of the porch.

- Second story balcony—projecting from the wall of the building a minimum of four feet and enclosed by a railing or parapet wall.
- Roof overhang of eight inches or greater.
- Columns, pillars or posts at least four inches wide and containing larger base materials.
- Decorative gables—cross or diagonal bracing, shingles, trim, corbels, exposed rafter ends or brackets (does not include a garage gable if garage projects beyond dwelling unit portion of street façade).
- Decorative molding above windows and doors.
- Decorative pilaster or chimneys.
- Bay or bow windows—extending a minimum of 12 inches outward from the main wall of a building and forming a bay or alcove in a room within the building.
- Sidelight and/or transom windows associated with the front door or windows in the front door.
- Window grids on all façade windows visible from behind fences (excluding any windows in the garage door or front door).
- Maximum nine foot wide garage doors or a garage door designed to resemble two smaller garage doors and/or windows in the garage door (only applicable to street facing garages).
- Decorative base materials such as natural stone, cultured stone or brick extending at least 36 inches above adjacent finished grade occupying a minimum of ten percent of the overall primary street facing façade. This design element does not count if behind a site-obscuring fence.
- Entry courtyards which are visible from, and connected directly to, the street. Courtyards shall have a minimum depth of ten feet and minimum width of 80 percent of the non-garage/driveway building width to be counted as a design element.

D. Standards applicable to Triplexes and Quadplexes except as noted in I. below.

1. *Entry Orientation.*

- a. At least one main entrance for each triplex or quadplex must meet the standards in subsections b. and c. below.
- b. The entrance must be within eight feet of the longest street-facing exterior wall of the dwelling unit or if no exterior wall faces a street the front of the dwelling unit facing a common drive or open space as designated by the applicant; and
- c. The entrance must either:
 - i. Face the street (see Figure 2. Main Entrance Facing the Street);
 - ii. Be at an angle of up to 45 degrees from the street (see Figure 3. Main Entrance at 45 degree angle from the street); or
 - iii. Open onto a porch (see Figure 4. Main Entrance Opening onto a Porch). The porch must:

- Be at least 25 square feet in area; and
- Have at least one entrance facing the street or have a roof.

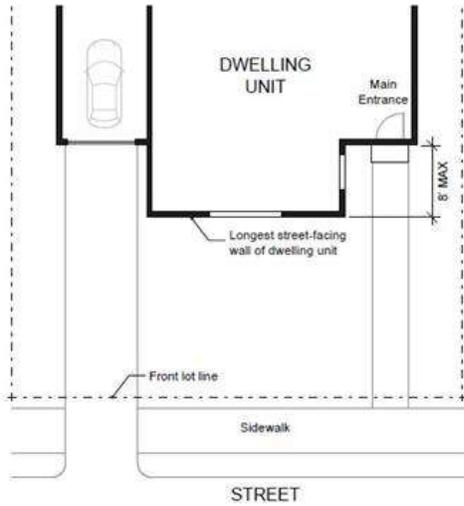


Figure 2. Main Entrance Facing the Street

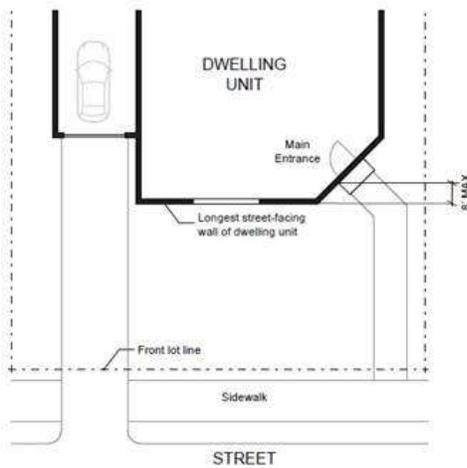


Figure 3. Main Entrance at 45° Angle from the Street

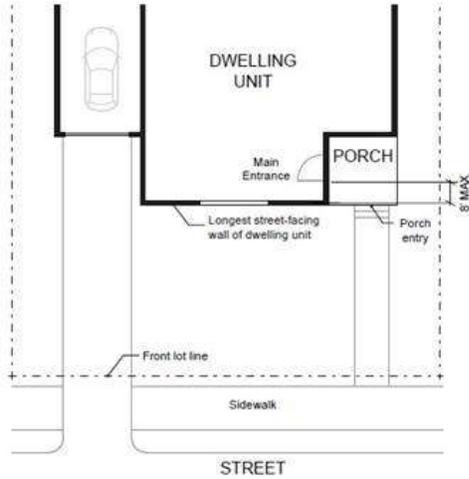


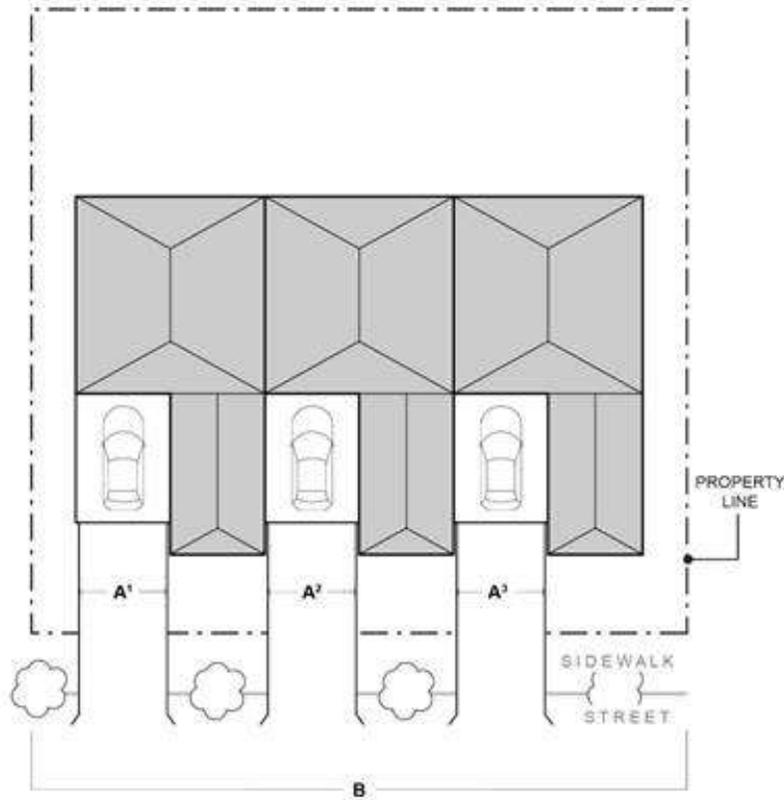
Figure 4. Main Entrance Opening onto a Porch

2. *Windows.* A minimum of 15 percent of the area of all street-facing façades must include windows or entrance doors. Façades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 5. Window Coverage.



Figure 5. Window Coverage

3. *Garages and Off-Street Parking Areas.* The combined width of all garages and outdoor on-site parking and maneuvering areas shall not exceed a total of 50 percent of any street frontage (other than an alley) (see Figure 6. Width of Garages and Parking Areas).



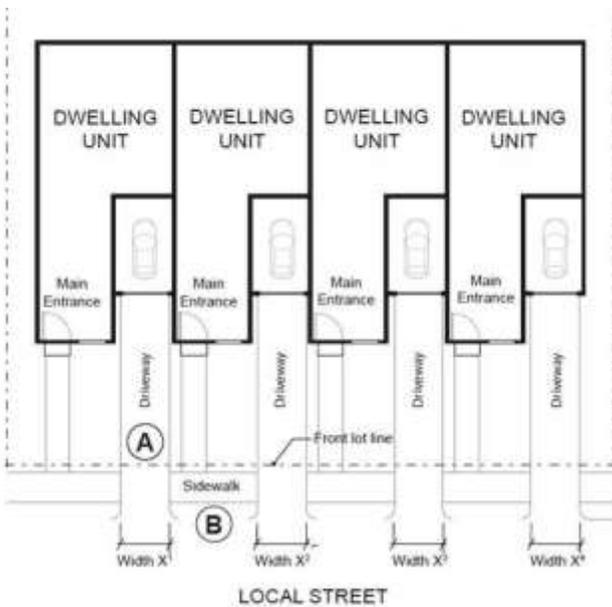
- (A) Garage and on-site parking and maneuvering areas
- (B) Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

Figure 6. Width of Garages and Parking Areas

4. *Driveway Approach.* Driveway approaches must comply with all of the following:
 - a. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line (see Figure 7. Driveway Approach Width and Separation on Local Street). For lots or parcels with more than one frontage, see subsection c.
 - b. Driveway approaches may be separated when located on a local street.
 - c. In addition, lots or parcels with more than one frontage must comply with the following:
 - i. Lots or parcels must access the street with the lowest transportation classification for vehicle traffic. For lots or parcels abutting an alley that is improved with a paved surface, access must be taken from the alley (see Figure 8. Alley Access).
 - ii. Lots or parcels with frontages only on collectors and/or arterial streets must meet the access standards in the Wilsonville Public Works Standards.

- iii. Lots or parcels with frontages only on local streets may have either:
- Two driveway approaches not exceeding 32 feet in total width on one frontage; or
 - One maximum 16-foot-wide driveway approach per frontage (see Figure 9. Driveway Approach Options for Multiple Local Street Frontages).



(A) $X^1 + X^2 + X^3 + X^4$ must not exceed 32 feet per frontage.

(B) Driveway approaches may be separated when located on a local street

Figure 7. Driveway Approach Width and Separation on Local Street

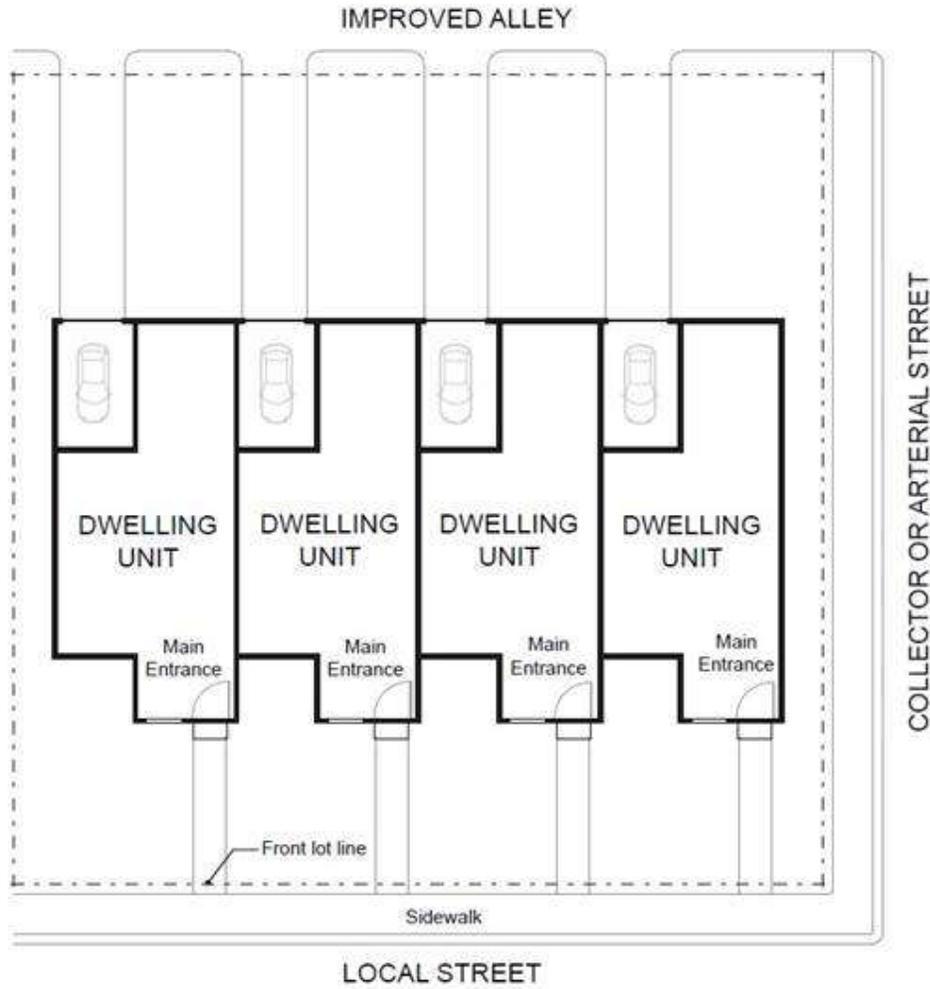
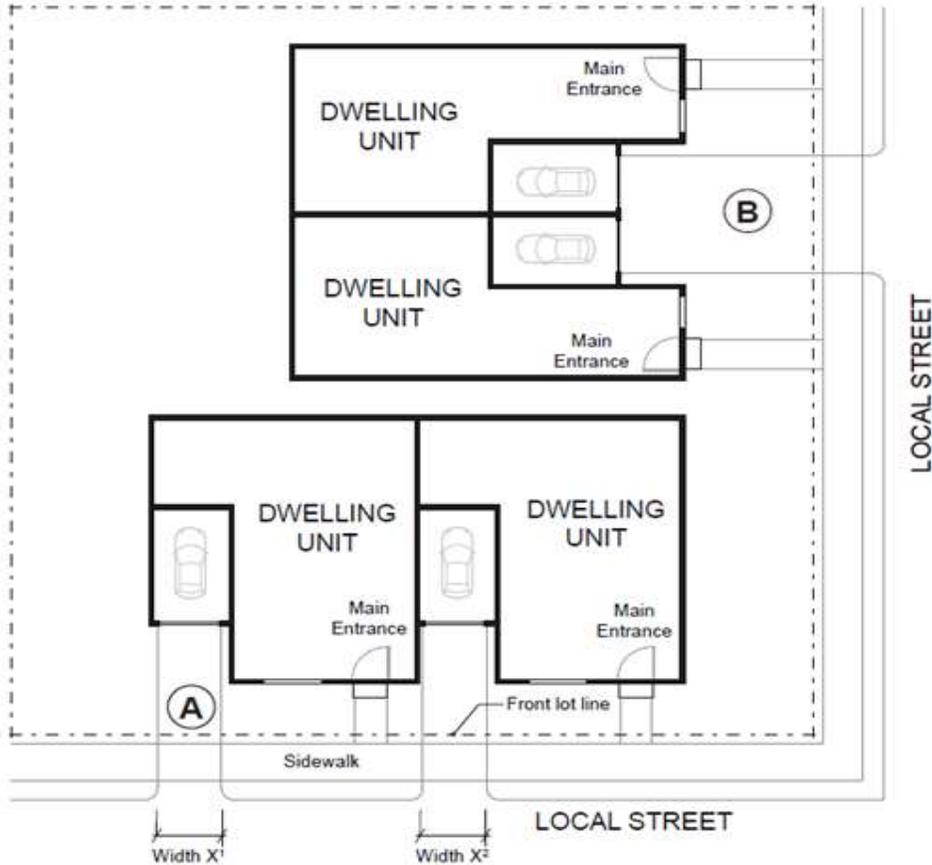


Figure 8. Alley Access



Options for site with more than one frontage on local streets:

- (A)** Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured $X1 + X2$); or
- (B)** One maximum 16-foot-wide driveway approach per frontage.

(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)

Figure 9. Driveway Approach Options for Multiple Local Street Frontages

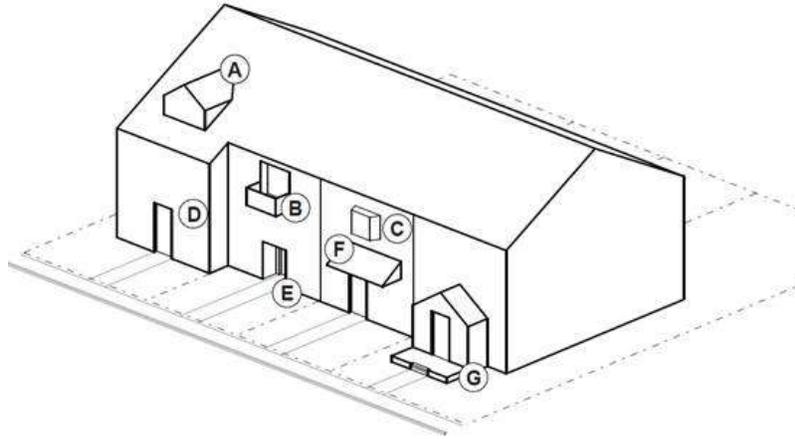
E. Standards applicable to Townhouses.

1. *Number of Attached Dwelling Units.*

- a. Minimum. A townhouse project must contain at least two attached units.
- b. Maximum. The maximum number of townhouse units that may be attached together to form a group is specified below.
 - R, OTR, PDR-1—PDR-3 Zones: maximum four attached units per group
 - RN, V, PDR-4—PDR-7 Zones: maximum eight attached units per group, except for initial development in Frog Pond West per Section 4.124.

2. *Entry Orientation.* The main entrance of each townhouse unit must:

- a. Be within eight feet of the longest wall of the dwelling unit facing a street or private drive; and
- b. Either:
 - i. Face the street or private drive (see Figure 2. Main Entrance Facing the Street);
 - ii. Be at an angle of up to 45 degrees from the street or private drive (see Figure 3. Main Entrance at 45° Angle from the Street);
 - iii. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides; or
 - iv. Open onto a porch (see Figure 4. Main Entrance Opening onto a Porch). The porch must:
 - A. Be at least 25 square feet in area; and
 - B. Have at least one entrance facing the street or private drive or have a roof.
3. *Windows.* A minimum of 15 percent of the area of all public-facing façades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 5. Window Coverage.
4. *Unit definition.* Each townhouse unit must include at least one of the items listed in a. through g. below on at least one public-facing façade (see Figure 10. Townhouse Unit Definition). Alternatively, if a single item from the list below spans across at least 50 percent of two adjacent townhouse units, it can meet the standard for two units.
 - a. A roof dormer a minimum of four feet in width, or
 - b. A balcony a minimum of two feet in depth and four feet in width and accessible from an interior room, or
 - c. A bay window that extends from the façade a minimum of two feet, or
 - d. An offset of the façade of a minimum of two feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or
 - e. An entryway that is recessed a minimum of three feet, or
 - f. A covered entryway with a minimum depth of four feet, or
 - g. A porch meeting the standards of subsection (.14)E.2.b.iv.Balconies and bay windows may encroach into a required setback area, pursuant to Section 4.180.



- (A) Roof dormer, minimum of 4 feet wide
- (B) Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- (C) Bay window extending minimum of 2 feet from facade
- (D) Facade offset, minimum of 2 feet deep
- (E) Recessed entryway, minimum 3 feet deep
- (F) Covered entryway, minimum of 4 feet deep
- (G) Porch, meets standards of subsection (1)(b)(iv) of section (C)

Figure 10. Townhouse Unit Definition

5. *Driveway Access and Parking.* Townhouses with frontage on a street or private drive shall meet the following standards:
 - a. *Alley Access.* Townhouse project sites abutting an alley that is improved with pavement shall take access to the rear of townhouse units from the alley rather than the public street.
 - b. *Front Access.* Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 11. Townhouses with Parking in Front Yard).
 - i. Each townhouse lot has a street frontage of at least 20 feet on a local street.
 - ii. A maximum of one driveway approach is allowed for every townhouse. Driveway approaches and/or driveways may be shared.
 - iii. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.

- iv. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

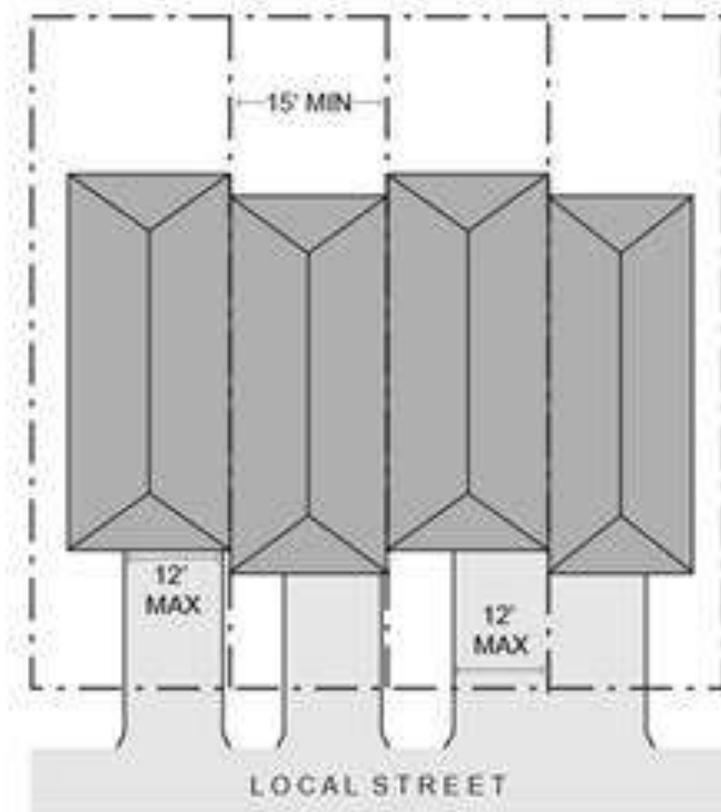


Figure 11. Townhouses with Parking in Front Yard

- c. *Shared Access.* The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsections a. or b.
 - i. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.
 - ii. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 12. Townhouses on Corner Lot with Shared Access.

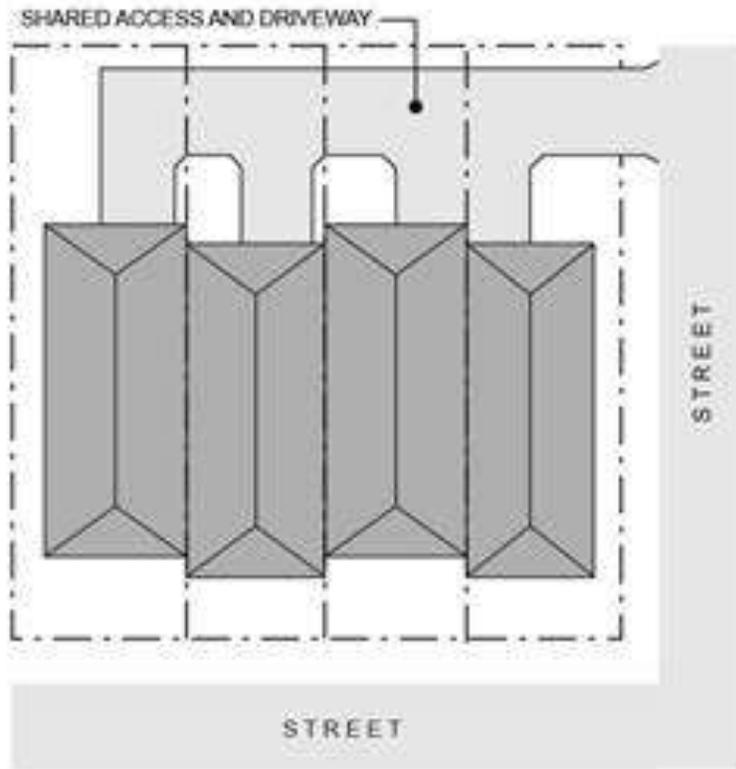


Figure 12. Townhouses on Corner Lot with Shared Access

- iii. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 13. Townhouses with Consolidated Access.

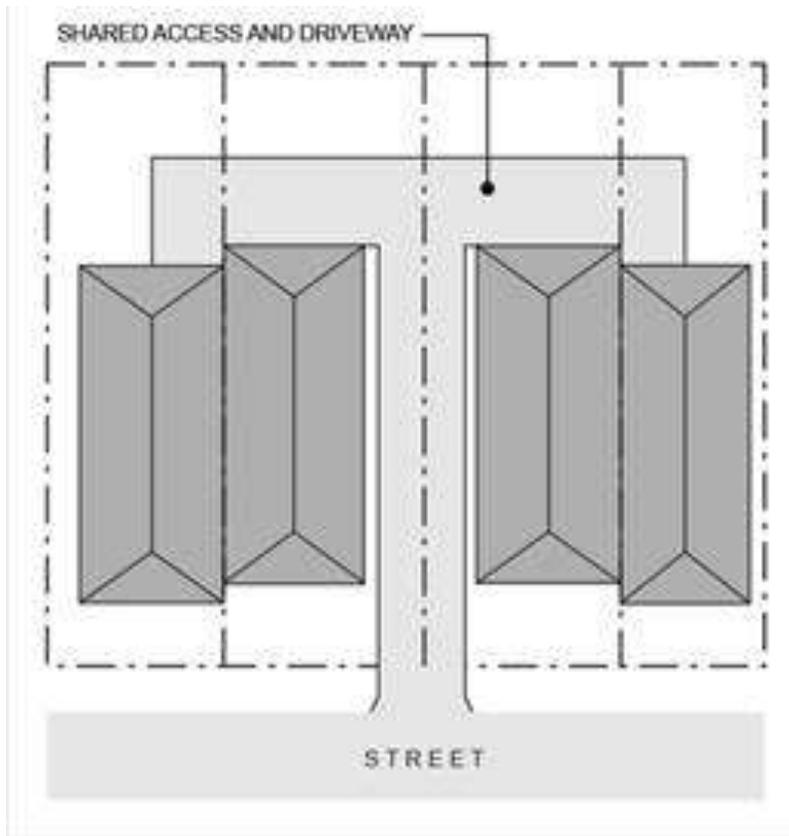
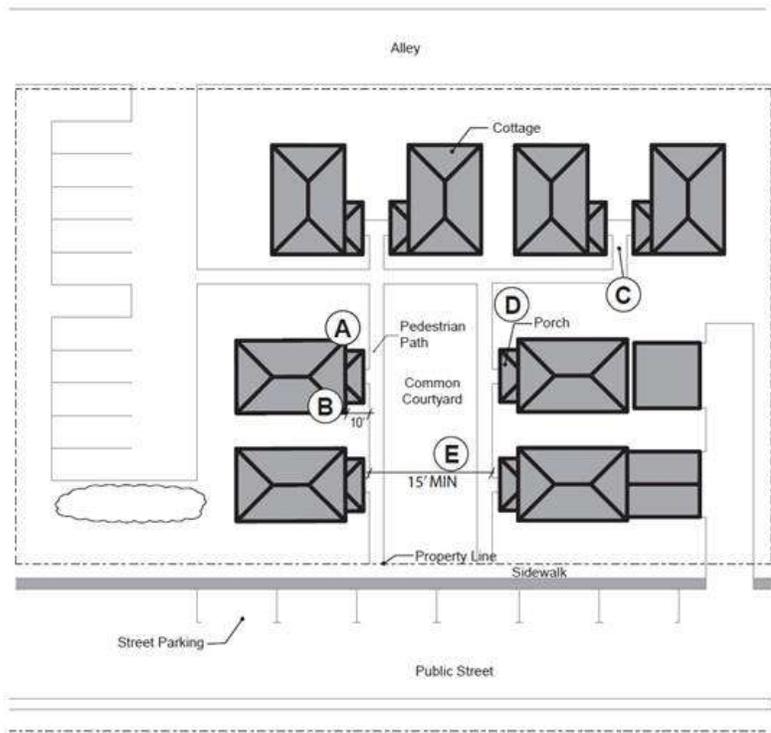


Figure 13. Townhouses with Consolidated Access

- iv. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.
- F. Standards applicable to Cottage Clusters.
- 1. *Courtyard Required.* All cottages within a single cottage cluster must share a common courtyard. A cottage cluster project may include more than one cluster and more than one common courtyard.
 - 2. *Number of Dwellings.*
 - a. A single cottage cluster shall contain a minimum of four and a maximum of eight cottages.
 - 3. *Setbacks.*
 - a. *Building Separation.* Cottages shall be separated by a minimum distance of six feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
 - b. All other setbacks are provided in section (.02) or in the applicable base zone.
 - 4. *Building Height.* The maximum building height for all structures is 25 feet.

5. *Footprint.* The maximum building footprint for each cottage is 900 square feet. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint.
6. *Maximum Habitable Floor Area.* The maximum habitable floor area of each cottage is 1,400 square feet.
7. *Cottage Orientation.* Cottages must be clustered around a common courtyard and must meet the following standards (see Figure 14. Cottage Cluster Orientation and Common Courtyard Standards):
 - a. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
 - b. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
 - i. Have a main entrance facing the common courtyard;
 - ii. Be within ten feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - iii. Be connected to the common courtyard by a pedestrian path.
 - c. Cottages within 20 feet of a street property line may have their entrances facing the street.
 - d. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
8. *Common Courtyard Design Standards.* Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 14. Cottage Cluster Orientation and Common Courtyard Standards):
 - a. The common courtyard must be a single, contiguous piece.
 - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
 - c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
 - d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
 - e. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
 - f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.



- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at its narrowest width.

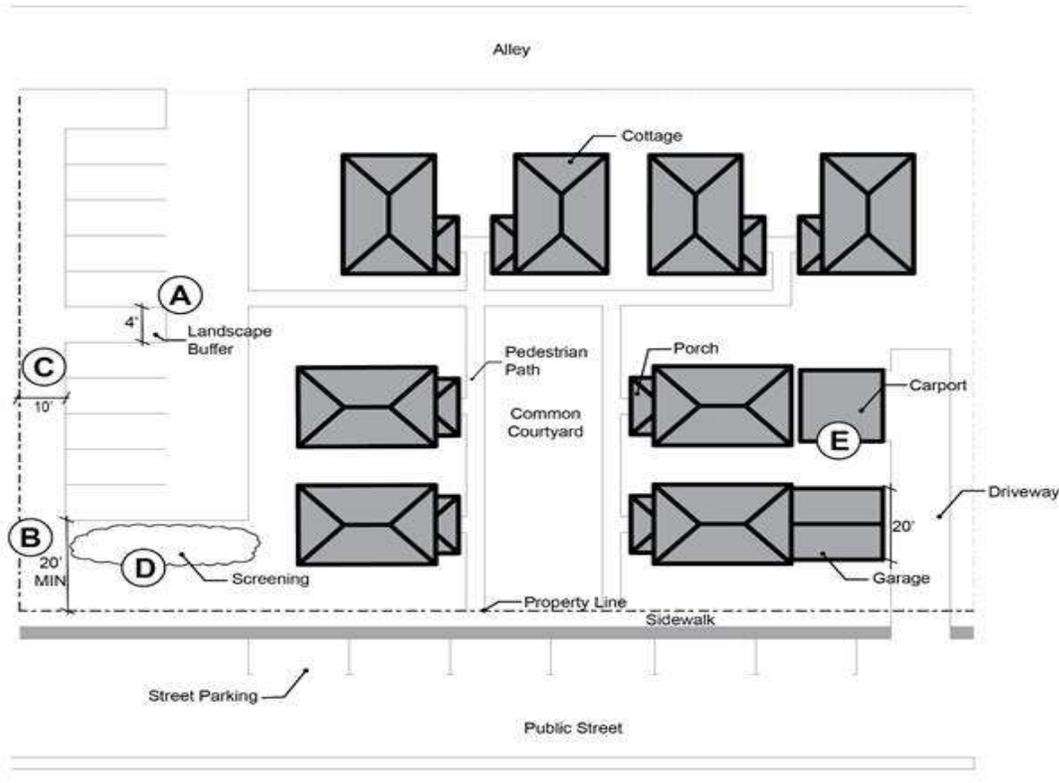
Figure 14. Cottage Cluster Orientation and Common Courtyard Standards

9. *Community Buildings.* Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
 - a. Each cottage cluster is permitted one community building.
 - b. The community building shall have a maximum floor area of 1,400 sf.
 - c. A community building that meets the definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages (pursuant to subsection (.14)(F.5.)), unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
10. *Pedestrian Access.*

- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - i. The common courtyard;
 - ii. Shared parking areas;
 - iii. Community buildings; and
 - iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
- b. The pedestrian path must be hard-surfaced and a minimum of four feet wide.
11. *Windows.* Cottages within 20 feet of a street property line must meet any window coverage requirements of the applicable base zone.
12. *Parking Design (see Figure 15. Cottage Cluster Parking Design Standards).*
 - a. *Clustered parking.* Off-street parking may be arranged in clusters, subject to the following standards:
 - i. A parking cluster must not exceed five contiguous spaces.
 - ii. Parking clusters must be separated from other spaces by at least four feet of landscaping.
 - iii. Clustered parking areas may be covered.
 - iv. Parking areas must also meet the standards in Subsections 4.155(.02)—(.03), except where they conflict with these standards.
 - b. *Parking location and access.*
 - i. Off-street parking spaces and vehicle maneuvering areas shall not be located between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
 - ii. Off-street parking spaces shall not be located within ten feet of any property line, except alley property lines.
 - iii. Driveways and drive aisles are permitted within ten feet of property lines.
 - c. *Screening.* Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
 - d. *Garages and carports.*
 - i. Garages and carports (whether shared or individual) must not abut common courtyards.
 - ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - iii. Individual detached garages must not exceed 400 square feet in floor area.
 - iv. Garage doors for attached and detached individual garages must not exceed 20 feet in width.
13. *Accessory Buildings.* Accessory buildings must not exceed 400 square feet in floor area.
14. *Existing Structures.* On a lot or parcel to be used for a cottage cluster project, an existing detached single-family detached dwelling on the same lot at the time of proposed development

of the cottage cluster may remain within the cottage cluster project area under the following conditions:

- a. The existing dwelling may be nonconforming with respect to the requirements of this subsection (.14)F.
- b. The existing dwelling may be expanded up to a maximum height of 25 feet or a maximum building footprint of 900 square feet; however, existing dwellings that exceed these maximum height and/or footprint standards may not be expanded.
- c. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (.14)F.7.b.



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

Figure 15. Cottage Cluster Parking Design Standards

- G. Standards applicable to Cluster Housing besides Cottage Clusters.

1. *Architectural Consistency.* Architecture shall be consistent within the same two-unit, three-unit, or four-unit cluster. However, facade variety standards in Subsection (.14)C.1. shall continue to apply. Architectural consistency is defined by adherence to all of the following:
 - a. Use of the same primary and supporting façade materials throughout the cluster.
 - b. Use of no more than two roof pitch angles.
 - c. Use of the same door size for each primary entrance in the structures.
2. *Entry Orientation.*
 - a. The entry orientation standards apply as follows:
 - i. At least one main entrance for each cluster home must meet the standards in subsections b and c below.
 - b. The entrance must be within eight feet of the longest street-facing exterior wall of the dwelling unit or if no exterior wall faces a street the front of the dwelling unit, facing a common drive or open space as designated by the applicant; and
 - c. The entrance must either:
 - i. Face the street (see Figure 2. Main Entrance Facing the Street);
 - ii. Be at an angle of up to 45 degrees from the street (see Figure 3. Main Entrance at 45° Angle from the Street); or
 - iii. Open onto a porch (see Figure 4. Main Entrance Opening onto a Porch). The porch must:
 - Be at least 25 square feet in area; and
 - Have at least one entrance facing the street or have a roof.
3. *Windows.* A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 5. Window Coverage.
4. *Garages and Off-Street Parking Areas.* The combined width of all garages and outdoor on-site parking and maneuvering areas shall not exceed a total of 50 percent of any street frontage (other than an alley). Garages and off-street parking areas that are separated from the street property line by a dwelling are not subject to this standard. (See Figure 6. Width of Garages and Parking Areas).
5. *Driveway Approach.* Driveway approaches must comply with all of the following:
 - a. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line (see Figure 7. Driveway Approach Width and Separation on Local Street). For lots or parcels with more than one frontage, see subsection c.
 - b. Driveway approaches may be separated when located on a local street.
 - c. In addition, lots or parcels with more than one frontage must comply with the following:
 - i. Lots or parcels must access the street with the lowest transportation classification for vehicle traffic. For lots or parcels abutting an alley that is improved with pavement access must be taken from the alley (see Figure 8. Alley Access).

- ii. Lots or parcels with frontages only on collectors and/or arterial streets must meet the access standards in the Wilsonville Public Works Standards.
 - iii. Lots or parcels with frontages only on local streets may have either:
 - Two driveway approaches not exceeding 32 feet in total width on one frontage; or
 - One maximum 16-foot-wide driveway approach per frontage (see Figure 9. Driveway Approach Options for Multiple Local Street Frontages).
6. *Setbacks.*
- a. **Building Separation.** Cluster housing structures shall be separated by a minimum distance of six feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
 - b. All other setbacks are provided in the applicable base zone.
7. *Pedestrian Access.*
- a. An accessible pedestrian path must be provided that connects the main entrance of each unit to the following:
 - i. Shared open space;
 - ii. Shared parking areas; and
 - iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
 - b. The pedestrian path must be hard-surfaced and a minimum of four feet wide.
- H. **Combining Unit Types in One Development.**
- 1. If a project proposes a mix of middle housing types which creates a conflict with various standards, the more restrictive standards shall apply.
- I. **Existing Structures and Conversions:**
- 1. Where a residential structure is converted from one type of dwelling unit to another without any additions, the design standards in C.—H. do not apply.
 - 2. Where a residential structure is added on to, the design standards in C.—H. only apply if the footprint is expanded by 25 percent or more.
- J. **Alternative Discretionary Review:** As an alternative to meeting one or more design standards of this subsection an applicant may request Site Design Review by the Development Review Board of a proposed design. In addition to the Site Design Review Standards, affirmative findings shall be made that the following standards are met:
- 1. The request is compatible with existing surrounding development in terms of placement of buildings, scale of buildings, and architectural design;
 - 2. The request is due to special conditions or circumstances that make it difficult to comply with the applicable Design Standards, or the request would achieve a design that is superior to the design that could be achieved by complying with the applicable Design Standards; and
 - 3. The request continues to comply with and be consistent with State statute and rules related to Middle Housing, including being consistent with State definitions of different Middle Housing types.

Frog Pond East and South Development Code Amendments

Item E.

Wilsonville City Council
Work Session
August 7, 2023



Define “Urban Form”

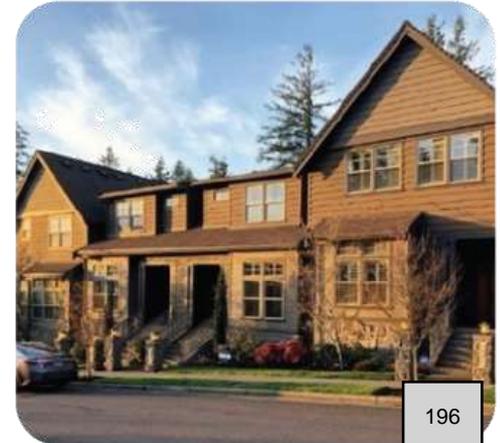
Item E.



Define “Urban Form”



- Why?
 - Need clarity of new terms
- How?
 - Add definitions for “Urban Form”, “Urban Form Type”, and “Urban Form Type Designation”



Define “Urban Form”



- **Urban Form** – The physical characteristics of an area determined by the bulk, placement, and spacing of buildings and related site improvements.
- **Urban Form Type** – In the Residential Neighborhood (RN) Zone, a categorization between different planned Urban Forms with Type 1 having the most urban look and feel and Type 3 having the least urban look and feel.
- **Urban Form Type Designation** – A designation applied to land within the Residential Neighborhood (RN) Zone that determines what lot and structure standards apply to guide Urban Form.



Design Standards for Housing

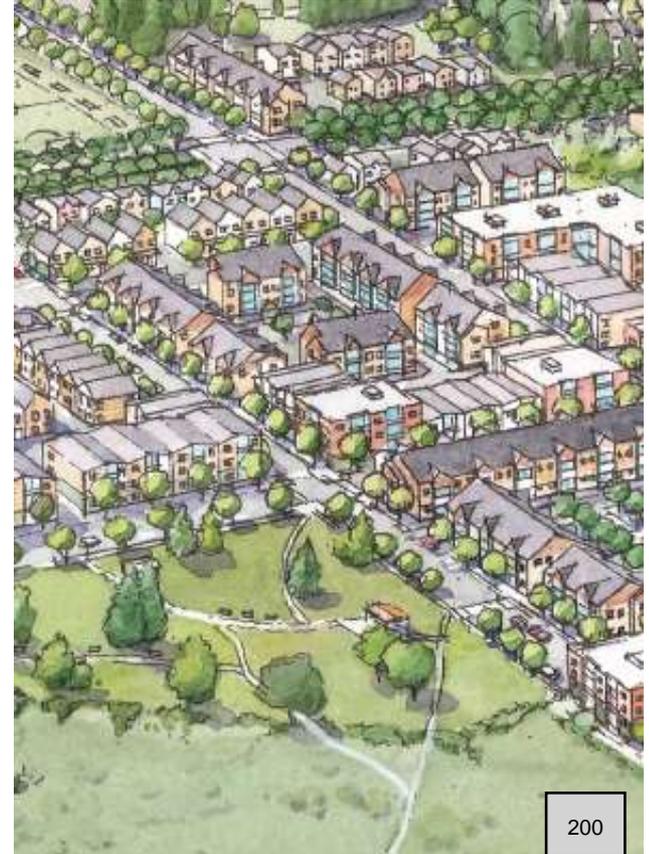
Item E.



Design Standards for Housing



- Why?
 - Clarify application of Frog Pond West vs Citywide standards
- How?
 - Edit language to provide the clarity



Design Standards for Housing



- Frog Pond West Standards to Apply

- Main entrance standards
- Garage standards (simplified)
- Prohibited Materials
- Fences
- Design adjacent to school and parks

- Citywide standards to Apply

- Facade variety
- Articulation
- Middle Housing specific standards
 - Window coverage
 - Driveway and parking area standards

Design Addresses

Item E.



Special Design Addresses



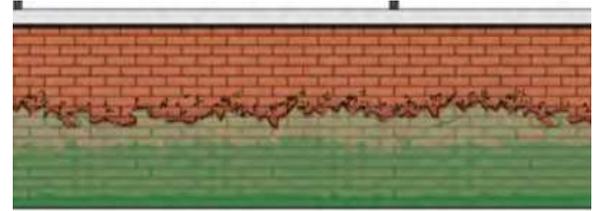
- Why?
 - Direction from Master Plan for Stafford and Advance Roads
 - Pedestrian orientation
 - Complement design in FP West
- How?
 - Add specific new standards



Special Design Addresses-Stafford Road



- Stafford Road Requirements in Master Plan
 - Structure have entrances facing Stafford
 - Brick courtyard fences matching materials used in Frog Pond West
 - Height transition from Brisband Main Street



Special Design Addresses-Advance Road



- Advance Road Requirements in Master Plan
 - Building main entrances facing Advance
 - Feel similar to Willow Creek Drive in Frog Pond West



Questions?

