



## CITY COUNCIL AGENDA

September 08, 2022 at 7:00 PM

Wilsonville City Hall & Remote Video Conferencing

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### 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](mailto: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.*

### REVIEW OF AGENDA AND ITEMS ON CONSENT [5:00 PM]

### COUNCILORS' CONCERNS [5:05 PM]

### PRE-COUNCIL WORK SESSION [5:10 PM]

- A. [Frog Pond East and South Master Plan \(Pauly\) \[30 min.\]](#)
- B. [Transit Master Plan Update and Community Engagement Plan \(Lewis\) \[20 min.\]](#)
- C. [City of Wilsonville Flag Policy \(Guile-Hinman\) \[25 min.\]](#)

### ADJOURN [6:25 PM]

### CITY COUNCIL MEETING

*The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, September 8, 2022 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10:00 a.m. on August 16, 2022. Remonstrances and other documents pertaining to any matters listed in said summary filed at or prior to the time of the meeting may be considered there with except where a time limit for filing has been fixed.*

**CALL TO ORDER [7:00 PM]**

1. Roll Call
2. Pledge of Allegiance
3. Motion to approve the following order of the agenda.

**MAYOR'S BUSINESS [7:05 PM]**

4. [Oregon Highway Plan \(OHP\) Tolling Policy Amendment](#)
5. [Upcoming Meetings](#)

**COMMUNICATIONS [7:25 PM]**

6. School Resource Officer Vehicle Design (*Wurpes/Troha*)
7. Employer Support of the Guard and Reserve (ESGR) Military Reservist Appreciation Award (*Dennis Klein/Lon Getlin*)
8. [ODOT Update on Oregon Highway Plan \(OHP\) Toll Amendment and Regional Mobility Pricing Project \(RMPP\) \(\*Erik Havig/Mandy Putney\*\)](#)

**CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS [8:20 PM]**

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

**COUNCILOR COMMENTS, LIAISON REPORTS AND MEETING ANNOUNCEMENTS [8:30 PM]**

9. Council President Akervall
10. Councilor Lehan - Excused
11. Councilor West - Excused
12. Councilor Linville

**CONSENT AGENDA [8:50 PM]**

13. [Resolution No. 2995](#)

[A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute An Amendment To The Professional Services Contract With Leland Consulting Group, Inc. For The Wilsonville Transit Center TOD Study. \(Brashear/Rybold\)](#)

14. [Minutes of the August 15, 2022 City Council Meeting. \(Veliz\)](#)

**NEW BUSINESS [8:55 PM]**

**CONTINUING BUSINESS [8:55 PM]**

**PUBLIC HEARING [8:55 PM]**

15. [Ordinance No. 866 - 1st Reading \(Quasi-Judicial Hearing\)](#)

[An Ordinance Of The City Of Wilsonville Annexing Approximately 11.17 Acres Of Property Located South Of SW Frog Pond Lane At 7480 And 7500 SW Frog Pond Lane For Development Of A 19-Lot Residential Subdivision. \(Luxhoj\)](#)

16. [Ordinance No. 867 - 1st Reading \(Quasi-Judicial Hearing\)](#)

[An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Rural Residential Farm Forest 5-Acre \(RRFF-5\) Zone To The Residential Neighborhood \(RN\) Zone On Approximately 10.94 Acres Located South Of SW Frog Pond Lane At 7480 And 7500 SW Frog Pond Lane For Development Of A 19-Lot Residential Subdivision. \(Luxhoj\)](#)

**CITY MANAGER'S BUSINESS [9:10 PM]**

**LEGAL BUSINESS [9:15 PM]**

**ADJOURN [9:20 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](mailto: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. Comun quese al 503-570-1506.*



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> September 8, 2022		<b>Subject:</b> Frog Pond East and South Master Plan	
		<b>Staff Member:</b> Daniel Pauly, Planning Manager	
		<b>Department:</b> Community Development	
<b>Action Required</b>		<b>Advisory Board/Commission Recommendation</b>	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input type="checkbox"/> Resolution <input 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  <b>Comments:</b> On August 10 Planning Commission held a work session and provided feedback that is integrated into the staff report and attachments.	
<b>Staff Recommendation:</b> Provide input regarding future policies for Frog Pond East and South.			
<b>Recommended Language for Motion:</b> N/A			
<b>Project / Issue Relates To:</b>			
<input checked="" type="checkbox"/> Council Goals/Priorities: Expand home ownership	<input checked="" type="checkbox"/> Adopted Master Plan(s): Frog Pond Area Plan	<input type="checkbox"/> Not Applicable	

### ISSUE BEFORE COUNCIL:

Provide feedback on residential policies for Frog Pond East and South. Specifically, provide additional guidance on housing variety policy and input on the design of parks and open spaces, pedestrian facilities, and bicycle facilities.

**EXECUTIVE SUMMARY:**

Following designation of the subject land as an urban reserve in 2010, the City adopted the Frog Pond Area Plan in 2015 to set the stage for additional planning and eventual development to meet identified housing needs. Besides the urban reserve area, the Frog Pond Area Plan also established a vision for growth for undeveloped land already within the City's Urban Growth Boundary (UGB) now known as Frog Pond West. In 2017, a Master Plan and implementing zoning code was adopted for Frog Pond West. The Master Plan provided the necessary regulatory framework for the residential neighborhood currently under development north of Boeckman Road and west of Stafford Road.

In 2018, Metro expanded the UGB to include the urban reserve land known as Frog Pond East and South. As part of the Metro Ordinance adopting the UGB expansion, Metro required Wilsonville to complete master planning to make the area development ready, from a regulatory standpoint, by December 2022. Similar to past master planning efforts, such as Villebois and Frog Pond West, this master planning effort will identify the types and locations of the homes, other land uses, parks, open spaces, streets, trails and neighborhood amenities to be built over the next 10-20 years. To support implementation of the plan, the process will also identify water, sewer, stormwater, and transportation infrastructure needs and funding sources.

This will be the City Council's seventh work session on the Frog Pond East and South Master Plan. The previous work sessions and their content were as follows:

*Work Session 1-October 2021:* Focus on overall project scope and the outreach plan.

*Work Session 2-January 2022:* Initial feedback on the needs and opportunities for affordable housing and housing variety.

*Work Session 3-March 2022:* Continuation of the topic of housing needs for more detailed feedback and direction, introduction of the neighborhood commercial evaluation.

*Work Session 4-May 2022:* Further discussion of the neighborhood commercial center and discussion of the design concepts for development of land use and urban design alternatives.

*Work Session 5-June 2022:* Provided direction on draft land use alternatives, including mapping the locations of different housing types and forms (grouped into Type 1, Type 2, and Type 3).

*Work Session 6-July 2022:* Reviewed the draft preferred land use alternative and gave direction on land use policies around housing variety.

During the last work session, Council expressed support for the housing variety policy approach recommended by the project team and the Planning Commission. That approach had two components:

- Component 1: Require a minimum amount of certain target housing types.
- Component 2: Cap the amount of any single housing type that can be within a given area.

This *Work Session 7* will build on the residential variety policy discussion from the last work session. Planning Commission had an extensive discussion during their August work session on different options for what that policy could look like. Council’s briefer work session will focus the discussion on how the residential variety policy can support Council’s goal of supporting first-time home ownership in Frog Pond East and South.

The project team seeks direction on whether the current policy direction on housing variety hits the mark for Council in regards to zoning that can encourage first-time home ownership. As noted previously in work sessions, zoning to encourage and allow is just one component of the effort to provide affordable ownership opportunities. Other programs and partnerships are needed to meet many of the City’s housing goals.

*Work Session 7* will also introduce the public realm component of the master plan (parks, streets, greenspaces) and seek Council feedback.

### **Housing Variety Policy**

In May, the City Council discussed design concepts that would guide decisions around land use and housing. A few of the design concepts are relevant and can serve as a guide to this housing variety policy discussion.

- **Housing Variety Throughout:** This concept focuses on mixing and integrating different housing types throughout each sub-district and block rather than having separate areas for separate housing types.
- **Affordable Housing Integration:** Integrate affordable housing “targets”, both subsidized housing as well as market-rate housing that is more economically attainable, described in the Affordable Housing Analysis. This includes affordable ownership opportunities, a goal of the City Council.
- **The Use of Sub-districts:** This concept focuses on sub-districts as geographies in which to form neighborhoods within neighborhoods. Each sub-district will have a green focal point and a variety of housing. The housing variety requirements are most likely to be applied at a sub-district level.

As described in the previous work session, the *preferred land use alternative* mapping of Type 1, Type 2, and Type 3 housing provides some housing variety (at a large or “zoomed-out” scale) across the master plan area. The *housing variety policy* provides a more granular (or “zoomed-in”) scale of housing variety within each sub-district and housing type (Type 1, Type 2, Type 3).

To refine the two components of the preferred housing variety policy approach, a few key questions are being considered by the project team and Planning Commission. The team seeks Council’s input as well, especially in regards to affordable home ownership.

1. What should be the target housing types (policy component 1)?

2. How much of the target housing types should be required (minimum percent)?
3. What should the cap be for development of any single unit type (policy component 2)?

The requirement for certain target housing types (Policy Component 1) is one tool for achieving some affordable housing integration. The project team recommends a criterion that the housing variety policy focus on targeting housing types that provide more affordable ownership opportunities. Requiring housing types that are likely to provide affordable ownership opportunities in all sub-districts of the master plan area, would be a meaningful step in reaching Council’s goal of expanding home ownership for lower-income and first-time homebuyers. Based on the Affordable Housing Analysis (Attachment 1), market rate development can support the construction of specific unit types at price points that would likely meet market-rate needs for households with incomes of 80%-120% Median Family Income (MFI)<sup>1</sup>. The unit types determined by the analysis include townhouses and condos, and while there is limited data on existing sales of cottages and plexes, they are expected to hit similar price points. While lower in price point than larger or detached products, new development on the edge will typically sell at the top of the price range for that unit type. An example code standard may be: 40% of units in each sub-district shall be either attached middle housing or small cottage units.

Setting a maximum amount of any single type of housing unit (Policy Component 2) helps achieve the desired design concept of providing housing variety throughout the master plan area. Requiring variety also caps the amount of more expensive housing types and thus, provides more opportunity for less expensive units to be produced; that also helps support Council’s goal of affordable home ownership. The project team aims to establish a maximum percentage for any single type of housing unit that is low enough to prevent development of a dominant housing type in the master plan area, and each of its sub-districts, while also providing enough flexibility for the market to produce needed housing. An example code standard may be: No more than 50% of land within a sub-district may be designated for development of a single unit type.

The project team has worked with the Planning Commission to develop criteria to evaluate different policy options. The team would appreciate Council’s guidance as well, especially in regards to criteria to encourage affordable home ownership. Based on direction from the Commission and Council, the project team will perform additional analysis and bring forward a specific housing variety policy recommendation, for Council’s consideration in an upcoming work session. The policy recommendation will include numerical options for the housing variety standards and how they perform relative to the identified criteria.

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<sup>1</sup> The stated requirements could also enable affordability below 80%, especially condos, but that other tools and financial subsidy are also needed in order to construct housing available to households with lower incomes. However, as stated, new construction in new urban areas tends to be at the high end of comparative sales of similar unit types.

## Public Realm Design

The second part of the work session is to discuss and get the City Council's feedback on design of elements of the public realm (parks, streets, greenspaces, etc.). Attachment 2 includes a variety of draft public realm documents for the City Council's review listed below.

- Significant Tree Inventory Map
- Street Demonstration Plan (two options)
- Bicycle Circulation Concept
- Advance Road Cross-Section Concept
- Park and Open Space Framework

The project team recommends the City Council carefully review Attachment 1 and offer feedback. The City Council is also invited to share their responses to questions outlined in the Public Spaces survey (Attachment 3). The survey was live through August. In addition to the standard online presence, the survey was available at a number of public events: Popsicles in the Park on August 9, joint events with the school district on August 17 and 23, and the Community Block Party on August 25. Staff will be prepared to share the preliminary results of the outreach at the work session, however the data is not available at publication of this staff report.

Attachment 2 also shows the preferred land use alternative, based on prior input from the Council, that the public was asked to respond to. In this alternative the neighborhood park and a portion of the Type 1 housing is re-oriented and located adjacent to the BPA Easement in Frog Pond East based on comments from the last City Council work session. This re-orientation was shared with the Planning Commission in their August work session, which they unanimously supported.

### Discussion Questions:

1. How should the City determine target housing variety requirements?
2. What are the Council's thoughts on meeting market-rate ownership needs for households making 80%-120% MFI as one of the key criteria for determining variety requirements?
3. What other criteria would the Council suggest for determining housing variety requirements?
4. What comments does the Council have about the public realm components (Attachment 2)?

### **EXPECTED RESULTS:**

Feedback and direction from the City Council on: developing key residential policies for housing variety in Frog Pond East and South and public realm planning.



**TIMELINE:**

This is the seventh in a series of work sessions for the City Council. The next work session is planned for October. The Master Plan is scheduled to be completed by December 2022, with some implementation elements extending into early 2023.

**CURRENT YEAR BUDGET IMPACTS:**

The project is funded by a combination of a \$350,000 Metro grant, an \$81,000 Oregon Department of Land Conservation and Development grant, and matching City funds in the form of staff time. \$311,000 is budgeted in FY 22/23 to complete the project.

**COMMUNITY INVOLVEMENT PROCESS:**

The project has a community engagement plan which lays out a robust public engagement program that will include meaningful and impactful involvement of people who identify with historically marginalized communities.

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

Furthering of the City's Equitable Housing Strategic Plan and Council's goal of affordable home ownership, while creating Wilsonville next great neighborhoods.

**ALTERNATIVES:**

The City Council and City Council can continue to direct changes to the draft plan elements. In addition, the City Council and City Council continues to have a number of options for policy related to housing variety.

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENTS:**

1. Affordable Housing Analysis (dated January 31, 2022)
2. Public Realm Planning packet showing preferred option along BPA Corridor (dated July 27, 2022)
3. Public Spaces survey (dated July 29, 2022)

DATE: January 31, 2022  
TO: Dan Pauly, Kim Rybold, City of Wilsonville  
FROM: Becky Hewitt, Kaitlin La Bonte, and Ariel Kane, ECONorthwest  
SUBJECT: Frog Pond East and South Affordable Housing Analysis

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## Section 1. Introduction

### Purpose

The Frog Pond East and South areas are important for the City of Wilsonville’s efforts to meet future housing needs and provide equitable housing options for residents. The City’s 2020 Equitable Housing Strategic Plan (EHSP) recognized this, and called for the Frog Pond East and South Master Plan to establish targets for affordability, specifically:

*“As part of the master planning requirements for Frog Pond East and South, the City will establish goals or targets for accessibility to services/amenities, unit types, and unit affordability levels. The targets for affordability levels (number of units and depth of affordability for those units) should be reasonably achievable, allowing for sufficient market-rate development to support key infrastructure investments. This approach will provide a methodology and framework that can be applied in other growth areas beyond Frog Pond.”*

This memorandum is intended to implement that direction from the EHSP and identify affordable housing targets and strategies to ensure these targets are met.

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**Key Term: Affordable Housing**

This memo addresses “affordable housing”. As used here, we are referring broadly to both market-rate housing that is economically attainable for moderate-income households as well as housing that is subsidized or otherwise supported for lower-income households. Where the memo refers to a specific sub-set of affordable housing it is indicated.

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### Background and Policy Direction

The EHSP also directs the Frog Pond East and South master planning effort to:

- Integrate affordable housing into the overall master plan, with access to amenities
- Identify specific properties that could help meet affordable housing targets
- Evaluate relationships to the infrastructure funding plan
- Engage affordable housing developers and other stakeholders to refine strategies

These efforts will be part of the planning process for Frog Pond East and South.

Other past policy guidance related to housing targets and mixes for this area are summarized below.

- Metro’s Conditions of Approval for Wilsonville’s 2018 Urban Growth Boundary expansion required the City to:
  - **Plan for at least 1,325 homes in the expansion area.**
  - **Allow townhomes, duplexes, triplexes, and fourplexes** (now referred to as “middle housing”) in all zones that permit single-family housing within the expansion area. (The requirement related to allowing middle housing in zones that allow single-family housing is now also required by the state under House Bill 2001 and the implementing administrative rules.)
- The 2015 Frog Pond Area Plan established direction for housing mix, lot size, and where different housing types would be allowed within the expansion area. The unit distribution options from the Area Plan are shown in Exhibit 11 and Exhibit 12 on page 17. At a high level, the Area Plan sets direction that the East neighborhood should provide for single-family detached housing on small to large lots, as well as townhomes, cottage lots, and duplexes, while the South neighborhood should provide only small- to large-lot detached housing. It also states that neighborhood-scale mixed use with residential above retail in the commercial center could be considered during the Master Plan process. Other types of housing, including apartments, were not identified as part of the final plan for the Frog Pond area. Note, however, that the Area Plan’s direction pre-dates and is no longer consistent with the Metro conditions of approval summarized above or with the requirements of House Bill 2001.

As of the end of 2021, the City of Wilsonville had 11,587 dwelling units with approximately 730 more planned to be built in the near future between Villebois and Frog Pond West. Frog Pond East and South will represent an approximately 10% plus increase in the number of dwellings in Wilsonville. The City also has roughly 450 government-subsidized housing units as of 2018.<sup>1</sup>

## Section 2. The Housing Spectrum: Meeting a Range of Housing Needs with New Housing

Delivering new housing affordable to a range of incomes requires a range of different approaches, as summarized in Exhibit 1.

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### Key Term: Median Family Income

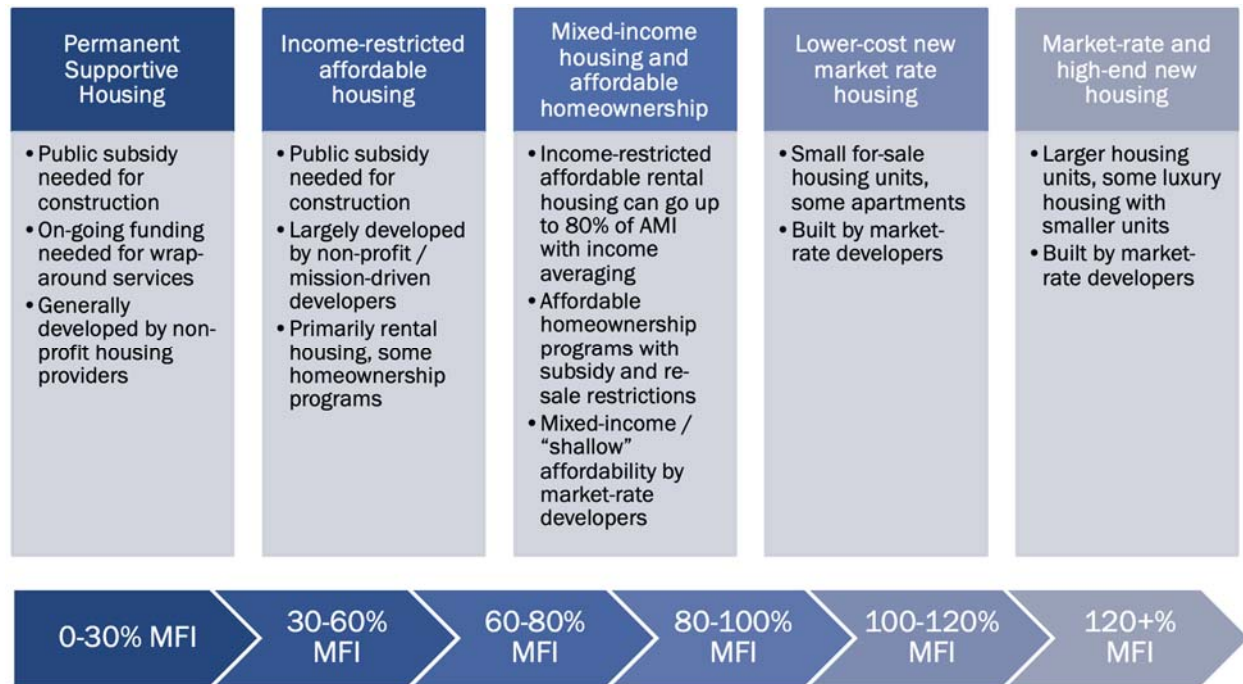
In setting affordability targets and requirements, it is common to express them in terms of a percentage of the Median Family Income (MFI), since this is how eligibility is established for income-restricted affordable housing. MFI is typically set at a regional level. In Wilsonville, the MFI is based on the three-county Portland region. In other words, the MFI for Wilsonville and Clackamas County is the same as that for the region overall. The MFI for a family of four in the Portland region as of 2021 is \$96,700. The U.S. Department of Housing and Urban Development (HUD) considers housing affordable to a given income level if housing costs (including utilities) account for no more than 30% of a household’s income.

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<sup>1</sup> Clackamas County Regional Housing Needs Analysis, ECONorthwest, 2018, page 199.

## Exhibit 1: Approaches to Delivering New Housing by Income Range

Source: ECONorthwest



### Housing for 60% of MFI and below

Meeting the housing needs of households earning less than 60% of MFI nearly always requires public subsidy. Development of income-restricted affordable housing typically relies on funding from the State, region, or County, in addition to any support from the City and other partners.

- **Affordable Rental Housing:** Even within publicly supported housing, most housing for this income range is rental housing. The Low Income Housing Tax Credit (LIHTC) program—the largest funding program in the US for affordable rental housing—largely serves households in the 30-60% of MFI range. While there are some for-profit developers who build income-restricted affordable housing, most is built by non-profits or Public Housing Authorities. Affordable rental housing development in suburban parts of the Portland region typically takes the form of three- to four-story apartments with surface parking.
- **Affordable homeownership:** There are some homeownership support programs (e.g., Habitat for Humanity, some Community Land Trusts, and down-payment assistance programs) that serve households earning as little as 35% of MFI (\$30,000-\$35,000). These programs tend to receive much less state and federal funding in aggregate than affordable rental housing.

To serve households earning less than 30% of MFI often requires additional subsidy beyond that needed to build housing for 60% of MFI due to the lower rents that are required. It also

sometimes requires support to provide wrap-around services that help residents remain in their housing. Sometimes tiny homes or cottage clusters are used for housing at this income level, but apartments are more common.

## Housing for 60% to 80% of MFI

Housing for households earning between 60% and 80% of MFI often comes in the form of older housing that has depreciated and become more affordable over time; however, delivering new housing in this affordability range can be challenging due to limited sources of public subsidy and the cost of building new market-rate housing. Options include:

- **Mixed-income and “shallow” affordability by market-rate developers:** Incentive programs and inclusionary zoning requirements can sometimes deliver units affordable to households earning less than 80% of MFI as part of a market-rate development if calibrated to align with market conditions. The affordability tends to be “shallow” in the sense that the private market generally cannot absorb rents or sales prices that are far below market rate without substantial incentives or subsidies. The most common form for mixed-income development by private developers is market-rate apartments that include some income-restricted affordable units.<sup>2</sup> However, affordability incentives for middle housing (primarily rental) may be able reach this income range in some circumstances.
- **Affordable homeownership:** Some affordable homeownership development targets this income range (e.g., Habitat for Humanity), using a mix of funding sources to subsidize costs. In the Portland region, this typically takes the form of either small detached housing or townhome-style attached housing.
- **Affordable rental housing with income averaging:** Low Income Housing Tax Credits, the largest funding program for affordable rental housing, allows developments to use income averaging to provide housing for households earning up to 80% of MFI as long as the average for the development overall remains at or below 60% of MFI. As noted above, this would typically be in the form of apartments.

## Housing for 80% of MFI and above

Households earning between 80% and 120% of MFI can often afford at least some of the existing market-rate housing stock in the community, such as apartments, older homes, or townhouses, though in very tight housing markets their options may be limited. For new construction, some smaller and lower-cost market-rate housing can be affordable in the 80-120% of MFI range, but most larger housing units and high-end small housing units tend to be affordable only to those earning at least 120% of MFI. (The expected pricing for market-rate housing in the Frog Pond East and South areas is described further in Section 4.) There are some local incentives and

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<sup>2</sup> Inclusionary Zoning can only be applied to multifamily housing (buildings with 20 or more units) under current Oregon law.

affordability programs that can support housing affordable at 80% to 100-120% of MFI, though state and federal funding is limited.

## Section 3. Opportunities and Constraints for Affordable Housing

There are several considerations and challenges for building affordable housing in the Frog Pond East and South area, including:

- **Infrastructure costs:** While vacant land at the urban fringe tends to cost less than land in already developed areas, this is largely because the cost of building the infrastructure needed to serve urban development is factored into land value and land sales prices. This project will: identify the infrastructure needed to support the East and South Neighborhoods; prepare a funding plan for that infrastructure; and consider the relationship between the need to fund infrastructure and the ability to deliver affordable housing.
- **Site control / property ownerships:** Acquiring property in a competitive market can be a substantial challenge for affordable housing developers. The City does not currently own any land within the Frog Pond East and South areas. The only City-owned land is land designated for a future park. The ability to secure land could be one of the biggest challenges for delivering affordable housing in the area.
- **Past policy guidance on housing types:** The final Frog Pond Area Plan did not include apartments as part of the housing mix for Frog Pond East and South. This limits the potential housing options in several ways:
  - As noted above, most affordable rental housing, which is the primary housing that serves households earning less than 60% of MFI, is built as apartments. The Area Plan notes potential for housing above commercial space, but while some affordable housing includes community spaces on the ground floor, there are financing challenges associated with building affordable housing as true mixed-use development with ground-floor commercial space. If apartments are not allowed in the area, this will significantly constrain the options and sources of funding for building affordable housing and limit the number of income-restricted affordable units that can realistically be developed in the area.
  - Market-rate multifamily housing (apartments or condominiums) can also provide housing affordable to households earning roughly 80% to 100% of MFI. Building apartments or condominiums as part of a mixed-use building increases costs and can make development infeasible or require higher rents or sales prices to justify the additional expense.
- **Challenges for affordable and low-cost homeownership options:** Income-restricted affordable homeownership models can work within a small detached or townhouse-style development, but there is limited state and federal funding for affordable homeownership programs, which means a relatively small number of subsidized

affordable homeownership units could realistically be built in the area. Other methods of providing lower-cost homeownership options without a subsidy, such as condominiums and co-op housing, face legal and financing challenges that make them difficult for many private developers to build. Addressing these legal and financing issues would require action at the state level and is beyond the City's control. However, there are developers working in the region who are willing to build condominiums despite the challenges, some of whom may pursue development within Frog Pond East and South.

**The opportunity for Frog Pond East and South is that the City is in a position to address many of these challenges in ways that can influence the outcome.** At a minimum, in the short term, the City can set land use regulations that allow for a broader range of housing types so that there are more options for market-rate and subsidized affordable housing development now and into the future. The City can establish requirements associated with annexation, which could allow for more specific agreements between the City and property owners seeking to annex. The City can also establish an infrastructure funding plan that limits the infrastructure cost burden on any income-restricted affordable housing built in the area. If financial resources allow, the City can negotiate with property owners to acquire suitable land for affordable housing that can then be transferred at little or no cost to affordable housing developers, or provide funding to support affordable homeownership development by a local Community Land Trust or a provider like Habitat for Humanity. These and other strategies to help deliver affordable housing in this area are addressed further beginning on page 21.

## Section 4. Expected Pricing of Market-Rate Housing

### For-Sale Housing: Market Sale Prices for Single-Family Homes, Townhouses, and Condominiums

Data from recent home transactions<sup>3</sup> for relatively newer housing<sup>4</sup> in Wilsonville and surrounding areas provides an indicator of likely pricing for new housing in Frog Pond East and South. The estimated range of home prices by housing type and unit size is shown in Exhibit 2. The estimated income needed to afford these purchase prices, given standard lending assumptions,<sup>5</sup> is shown as a percentage of the MFI for a four-person household<sup>6</sup> in Exhibit 3. The relevant data is summarized in table form in Exhibit 4.

<sup>3</sup> Sales transaction data is from Redfin for sales between October 2020 and October 2021.

<sup>4</sup> Data includes detached homes and townhouses built since 2010 as well as condominiums built since 2006 (to provide a larger sample size since there are few recently-built condominiums).

<sup>5</sup> Assumes 20% down payment, a 30-year fixed-rate mortgage at 3.5% interest, with estimates for property taxes and homeowners' insurance. Estimated homeowners' association fees are factored into total monthly housing costs based on averages for similar housing from recent sales transactions.

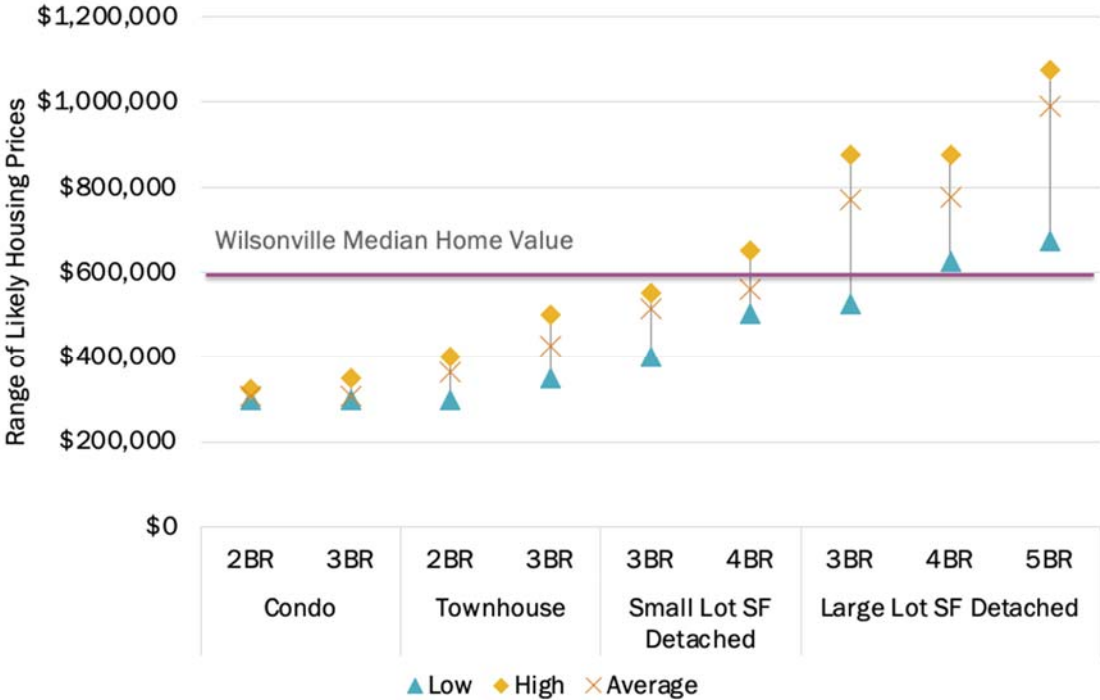
<sup>6</sup> In setting maximum allowed rents by unit size / bedroom count, HUD uses an assumed household size and multiplier relative to the MFI for a family of four. However, to allow for comparison to the income distributions, which are not adjusted for household size, we use the MFI for a four-person family throughout.

Given the recent escalation in home prices, new construction coming to market is likely to sell closer to the top end of the range seen among recent transactions for newer housing. Housing prices will likely continue to escalate over the coming years (though not to the extent seen in the past year), increasing the expected home values over time. However, the comparison between prices of new homes and the median price of existing homes or between new homes and regional average incomes are more likely to remain roughly consistent going forward. Based on these trends, we estimate the following ranges for affordability of new for-sale housing in Frog Pond East and South:

- New large-lot detached housing in Wilsonville will likely be affordable only to households earning more than 120% of MFI, and more expensive than most existing homes.<sup>7</sup>
- New small lot detached homes (on less than 4,500 SF lots) may sell for close to the median value of existing homes and are likely to be affordable mostly to households earning between 100% and 130% of MFI.
- New condominiums and townhouses will almost certainly sell for less than the median value of existing homes in Wilsonville and are likely to be affordable to households earning between roughly 70% and 100% of MFI depending on unit size.

**Exhibit 2. Typical Sales Prices for Recently Built Housing by Housing Type, Wilsonville and Surrounding Area**

Source: ECONorthwest Analysis of Redfin Data, October 2021



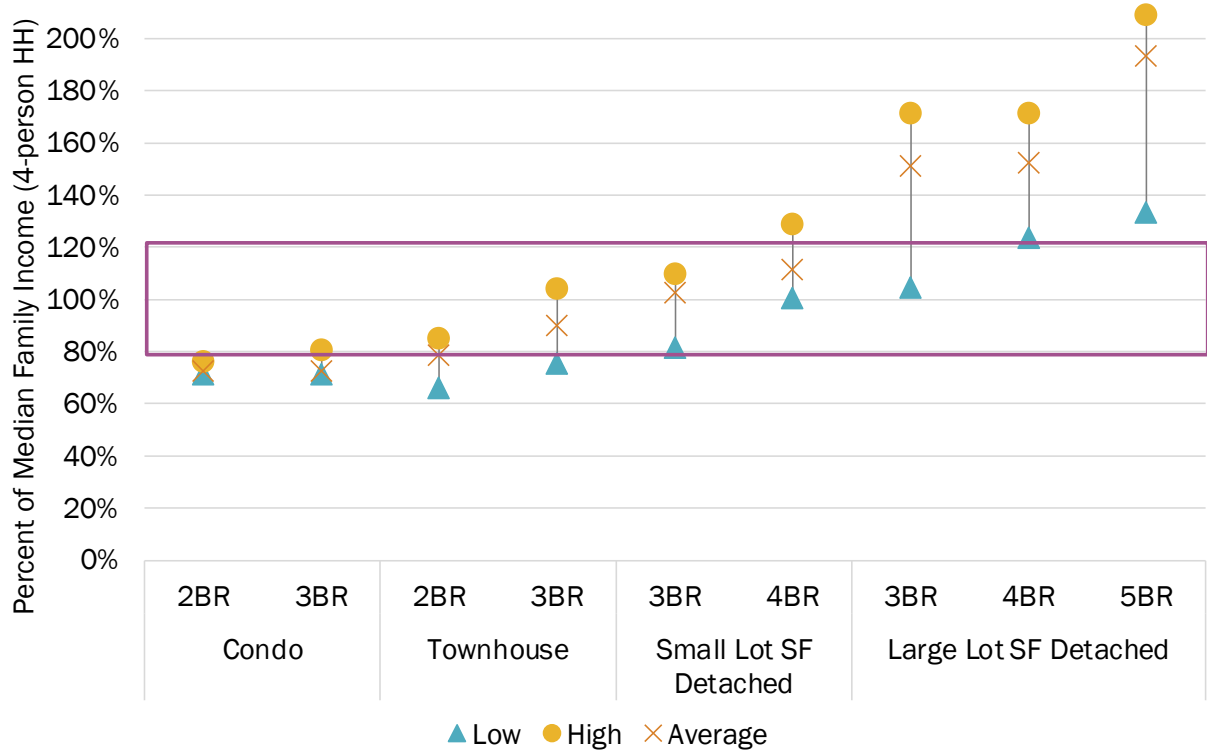
<sup>7</sup> The median value of existing homes in Wilsonville is around \$600,000, affordable to homeowners at 122% of the area MFI for a family of four, or an annual income of \$118,220.



### Exhibit 3. Housing Affordability as a Percent of Median Family Income\* by Housing Type for Recently Built Housing, Wilsonville and Surrounding Area

Source: ECONorthwest Analysis of Redfin Data, October 2021

\* Median family income from HUD for Clackamas County for a four-person household



**Exhibit 4: Sales Price, Income Required, and Income as a Percent of MFI for Newer Housing in and near Wilsonville, by Housing Type, 2021**

Source: ECONorthwest Analysis of Redfin Data, October 2021

	Condo		Townhouse		Small Lot SF Detached		Large Lot SF Detached		
	2BR	3BR	2BR	3BR	3BR	4BR	3BR	4BR	5BR
<b>Low Sales Price</b>									
Sales Price	\$300,000	\$300,000	\$300,000	\$350,000	\$402,500	\$502,500	\$525,000	\$625,000	\$675,000
Annual income needed to afford mortgage	\$69,110	\$69,110	\$64,110	\$73,290	\$78,940	\$97,310	\$101,440	\$119,810	\$128,990
Annual income needed as a percent of MFI*	71%	71%	66%	76%	82%	101%	105%	124%	133%
<b>High Sales Price</b>									
Sales Price	\$325,000	\$350,000	\$400,000	\$500,000	\$552,500	\$652,500	\$875,000	\$875,000	\$1,075,000
Annual income needed to afford mortgage	\$73,700	\$78,290	\$82,480	\$100,850	\$106,490	\$124,860	\$165,730	\$165,730	\$202,470
Annual income needed as a percent of MFI*	76%	81%	85%	104%	110%	129%	171%	171%	209%
<b>Average Sales Price</b>									
Sales Price	\$307,700	\$307,400	\$365,300	\$426,700	\$513,800	\$560,000	\$769,900	\$775,800	\$990,600
Annual income needed to afford mortgage	\$70,520	\$70,470	\$76,110	\$87,390	\$99,380	\$107,870	\$146,420	\$147,510	\$186,970
Annual income needed as a percent of MFI*	73%	73%	79%	90%	103%	112%	151%	153%	193%

\*As compared to 100% MFI for a four-person household in Clackamas County. Orange indicates less affordability; blue indicates greater affordability.

## Rental Housing: Market-Rate Apartments

Looking at the range of rents and unit sizes for apartments built in Wilsonville since 2010, there is a wide range of unit sizes and rents, as shown in Exhibit 5.

### Exhibit 5: Wilsonville Apartment Unit Sizes, Mix, and Rents, Developments Built Since 2010

Source: ECONorthwest analysis of CoStar data, November 2021

Unit Type	Most rent for	Average rent is	Most units are	% of Units
Studios	\$1,123	\$1,123	544 SF	4%
1 bedroom	\$1,277-\$1,667	\$1,599	1,275 - 1,630 SF	28%
2 bedrooms	\$1,651-\$1,902	\$1,778	1,020 - 1,110 SF	57%
3 bedrooms	\$2,154-\$2,263	\$2,203	2,150- 2,265 SF	5%
4 bedrooms	\$2,664-\$3,284	\$2,871	2,664 - 3,284 SF	5%

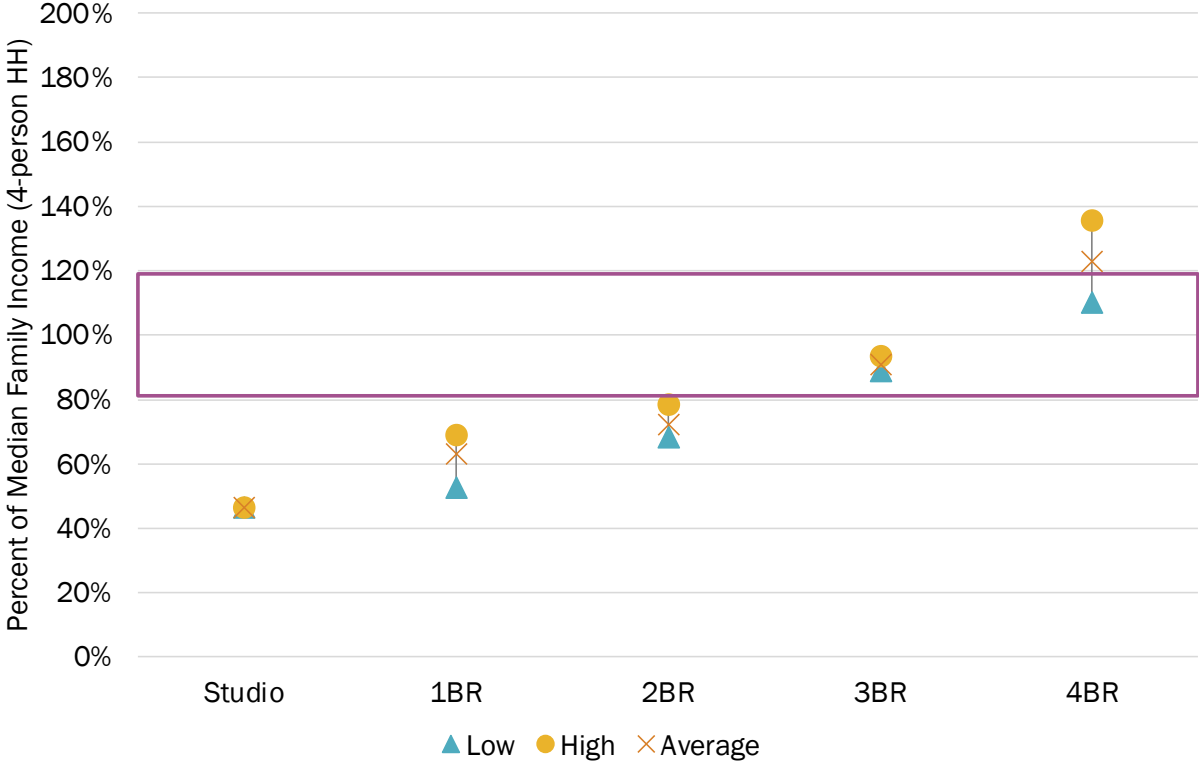
Converting these rents to the percent of MFI needed to afford them<sup>8</sup> shows that even at the top end, apartment units in newer buildings are generally affordable at or below 80% of MFI for a four-person household, and often around 80% of MFI, as shown in Exhibit 6. Very small studio units may be even more affordable, while very large four-bedroom units may be less affordable, but the bulk of units in newer apartments in Wilsonville would be considered affordable for households earning between 65% and 90% of MFI. New apartments would typically be expected to rent for near the upper end of this range (roughly 80% to 90% of MFI), assuming they have good access to amenities.

<sup>8</sup> In setting maximum allowed rents by unit size / bedroom count, HUD uses an assumed household size and multiplier relative to the MFI for a family of four. However, to allow for comparison to the income distributions, which are not adjusted for household size, we use the MFI for a four-person family throughout even though it is not realistic to expect a four-person family to occupy a studio apartment.

### Exhibit 6: Wilsonville Apartment Rent Affordability as a Percent of Median Family Income\* by Unit Size, Developments Built Since 2010

Source: ECONorthwest Analysis of CoStar Data, November 2021

\* Median family income from HUD for Clackamas County for a four-person household



## Section 5. Affordable Housing Targets

The City does not control housing pricing and affordability directly, but there are many factors that the City does control that affect how much housing is likely to be produced within different affordability levels. Setting reasonably achievable affordable housing targets for the Frog Pond East and South neighborhoods is intended to guide the City’s strategies and policies for this area so that the resulting neighborhoods offer housing options for households at a range of income levels.

### Reference Points

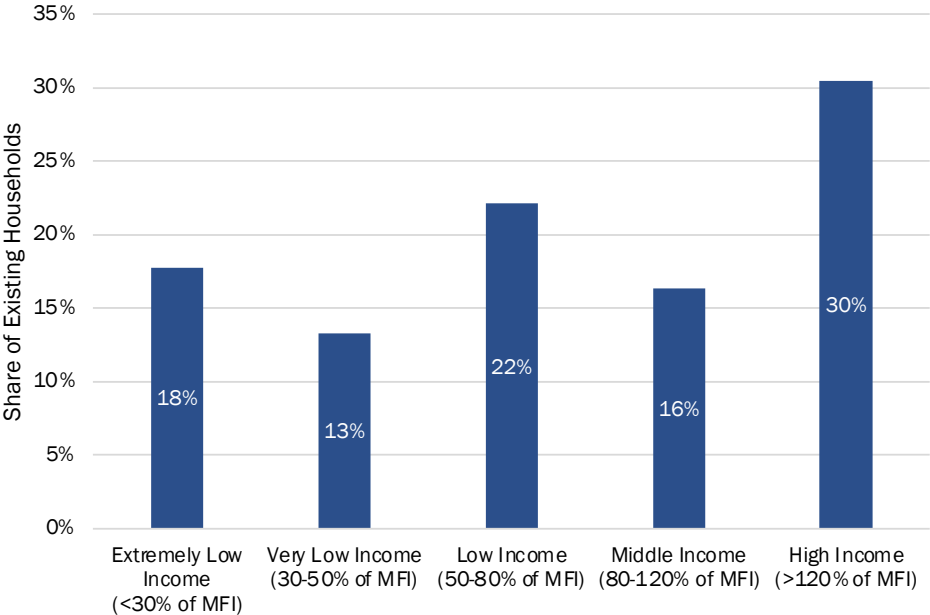
In setting an appropriate and achievable affordable housing target, it is helpful to consider multiple reference points that inform the distribution of housing that may be needed and that may be possible. This section outlines several reference points for housing distribution by affordability level: current income distribution in Wilsonville, current regional income distribution, existing housing gaps at the City and County scale, and the distribution expected based on prior plan policy direction and existing affordable housing tools. These reference points are intended to inform establishing achievable affordable housing targets for Frog Pond East and South, which will ultimately be determined by City Council.

### City of Wilsonville Income Distribution

This reference point offers one way of understanding what it would look like for this area to contribute proportionately to meeting overall housing needs for the city. However, this approach does not consider the specific types of housing needs that may best be met in the new growth area versus other areas of the city, and it does not account for changing demographic needs or needs that are not currently met in the city. The current distribution of Wilsonville households based on how their household income compares to the MFI for Clackamas County for a four-person household is shown in Exhibit 7.

#### Exhibit 7. Wilsonville Households by Percentage of MFI, 2021

Source: American Community Survey, 2019, 5-year estimates

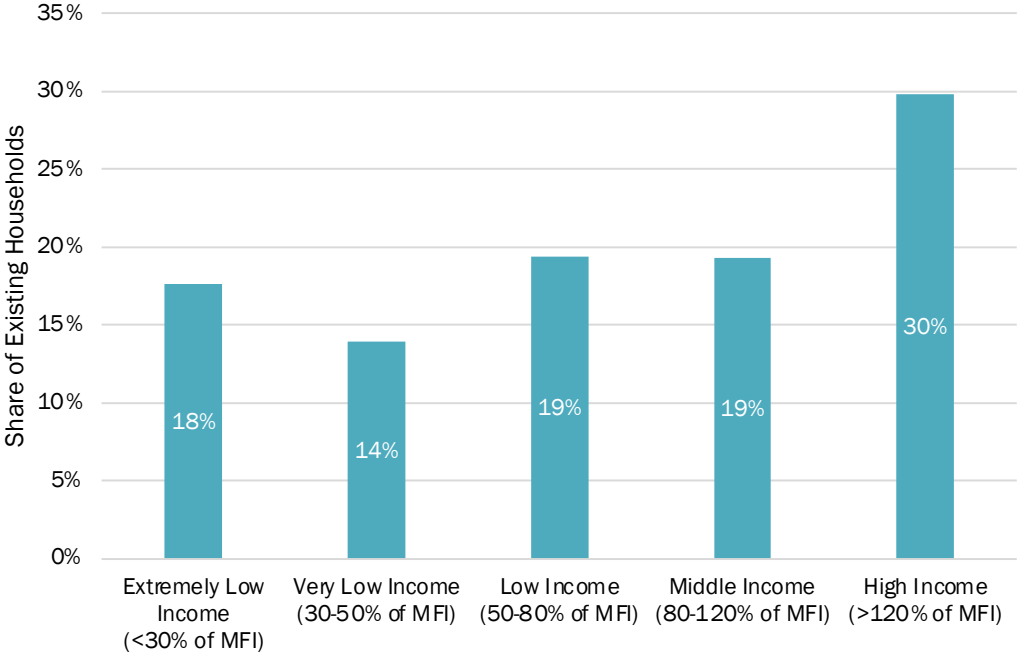


### Regional Income Distribution

Looking at overall regional income distribution can be useful to highlight housing affordability levels and incomes that may be under-represented in Wilsonville compared to the region as a whole. It provides a sense of what mix of housing affordability levels would best meet the needs of people living in the region as a whole. The current distribution of households by income level in the three-county Portland region is shown in Exhibit 8. In the region overall, the share of middle-income residents is somewhat higher than in the city of Wilsonville, while the share of low-income residents is somewhat lower. The share of extremely low income and very low-income residents is similar in the City and in the region overall.

### Exhibit 8. Portland Region Households by Percentage of MFI, 2021

Source: American Community Survey, 2019, 5-year estimates

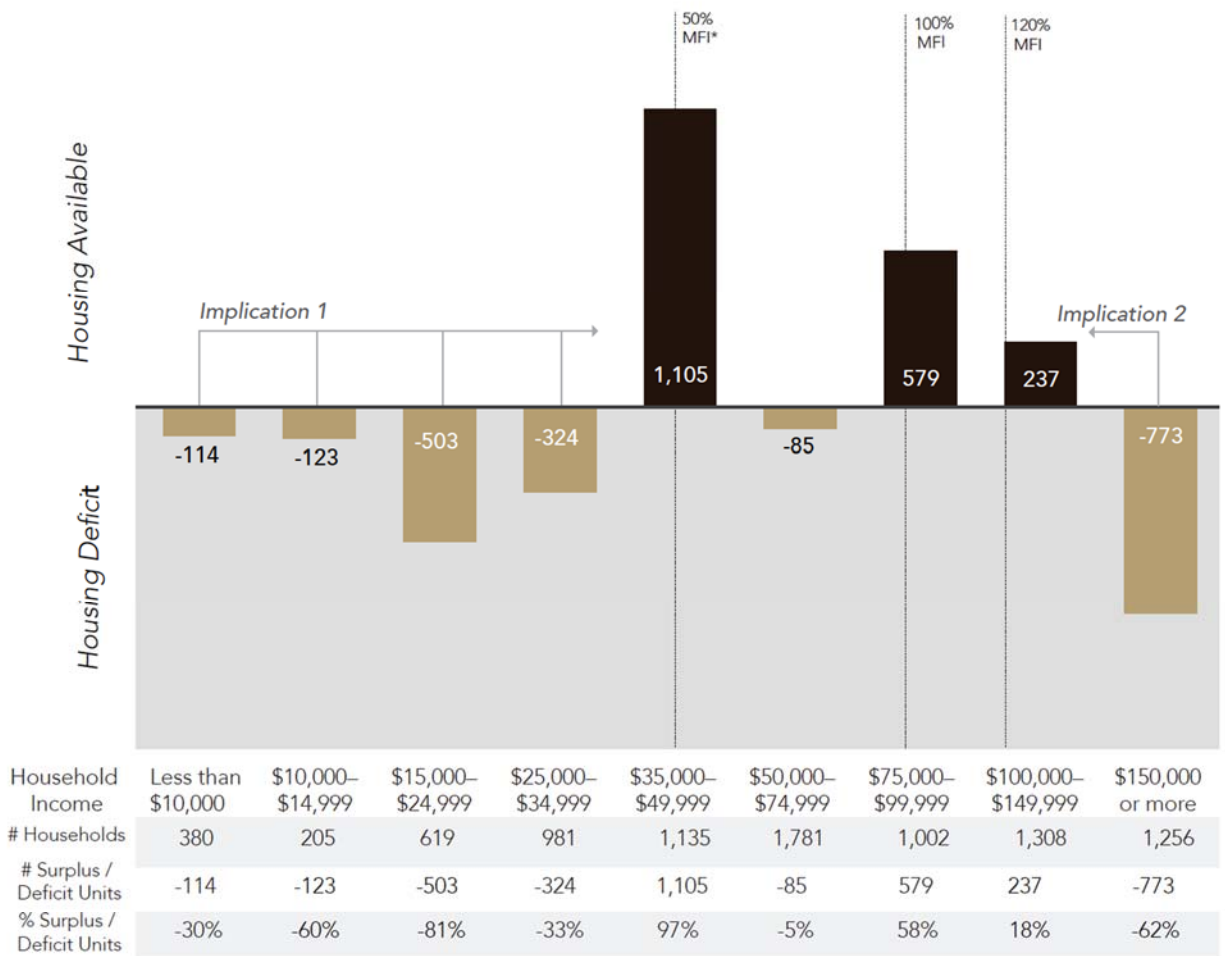


### Current City and County Housing Gaps

Based on the most recent Housing Needs Analysis for the City of Wilsonville (which was done as part of a county-wide Housing Needs Analysis in 2018), there is a deficit of housing units for households earning less than \$35,000 per year, but also a deficit of high-amenity housing for households earning more than \$150,000 per year.

### Exhibit 9: Affordable Housing Costs and Units by Income Level, Wilsonville, 2018

Source: Clackamas County Regional Housing Needs Analysis, page 281



\*Median Family Income for a family of four

**Implication 1**

Some lower-income households live in housing that is more expensive than they can afford because affordable housing is not available. These households are cost burdened.

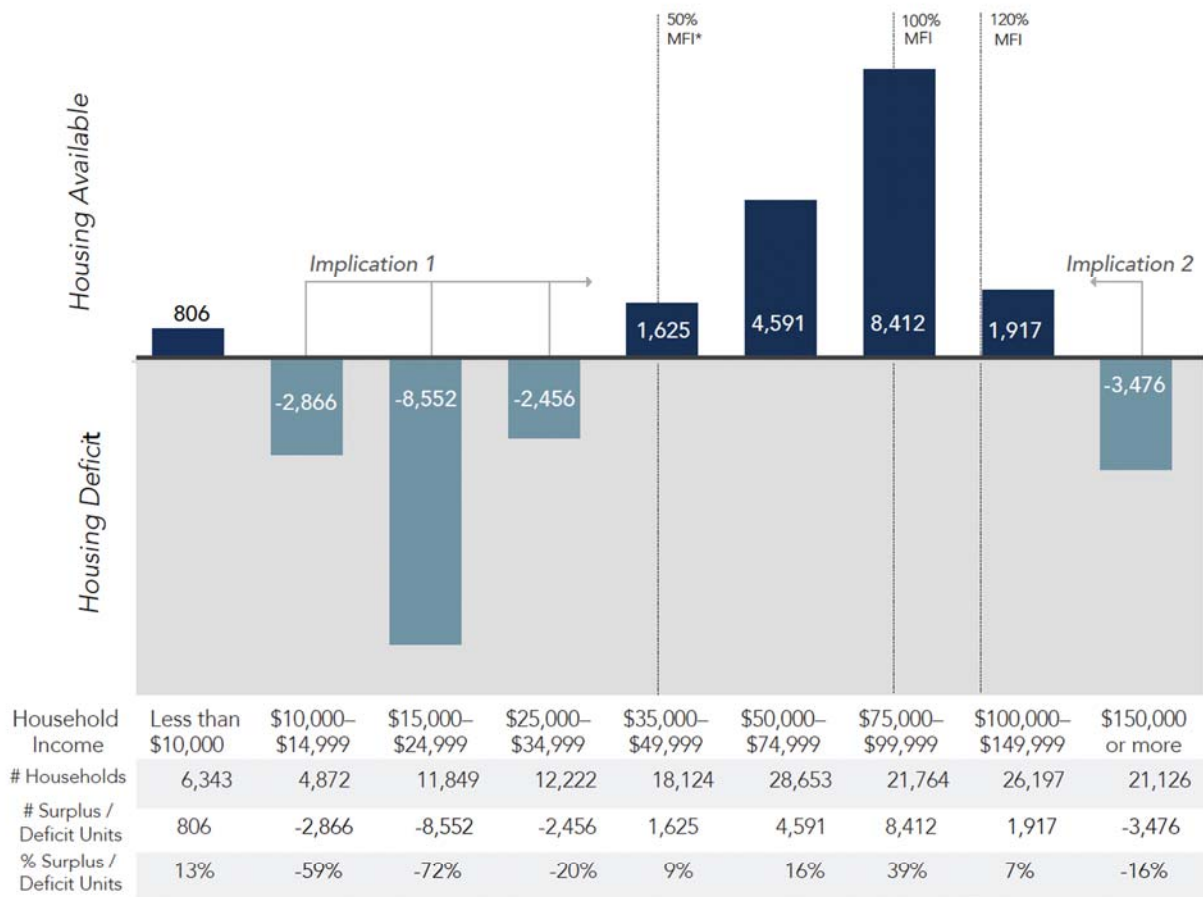
**Implication 2**

Some higher-income households choose housing that costs less than they can afford. This may be the result of the household's preference or it may be the result of a lack of higher-cost and higher-amenity housing that would better suit their preferences.

The overall housing gaps for Clackamas County also show a deficit of housing for households earning less than \$35,000 per year and high-amenity housing for households earning \$150,000 or more.

**Exhibit 10: Affordable Housing Costs and Units by Income Level, Clackamas County Overall, 2017**

Source: Clackamas County Regional Housing Needs Analysis, page 74



\*Median Family Income for a family of four

**Implication 1**

Some lower-income households live in housing that is more expensive than they can afford because affordable housing is not available. These households are cost burdened.

**Implication 2**

Some higher-income households choose housing that costs less than they can afford. This may be the result of the household's preference or it may be the result of a lack of higher-cost and higher-amenity housing that would better suit their preferences.

This reference point suggests a focus on expanding housing supply at the top and bottom of the income spectrum. Providing high-amenity housing for higher-income households can reduce upward pressure on prices for older homes that could be remodeled, while providing housing affordable to lower-income households can reduce cost-burdening and allow households more resources to meet their other needs and remain more stable in their housing.

**Prior Area Plan Policy Direction & Existing Affordable Housing Tools**

This reference point anticipates the outcomes that would be most likely for this area if the City maintains the policy direction from the Area Plan and does not implement any additional strategies to support affordable housing in this area. It provides a reference point for a policy baseline to see how much intervention may be required to achieve the City's equitable housing



goals in this area. The distribution of housing units by type / density established in the Frog Pond Area Plan is summarized in Exhibit 11 and Exhibit 12. As described in the Area Plan:

*At the time of adoption there were two general proposals regarding residential land use in the East and South Neighborhoods. The first proposal was the Planning Commission-recommended option (Option G), with the condition to re-examine the R2.5 densities and commercial site location at a future date of master planning. The second proposal was that there should be a minimum lot size of 4,000 square feet. The Council considered these proposals carefully, along with all of the rationale, implications and issues. Working from the premises that: (1) both points of view should be honored and represented in the Plan; (2) many years will pass before final decisions need to be made; and (3) the range of housing choices and price ranges should increase in the future when these neighborhoods are developed – the Council struck a balance. The balance was to include both options in the Plan with a commitment to revisit the densities and commercial site in the future as part of master planning. An additional idea was added to consider, during Master Planning, neighborhood scale mixed use, where residential would be allowed over the retail in the commercial center.<sup>9</sup>*

The primary difference for purposes of this document is that Option G included an allowance for attached / cottage single-family, with lots between 2,000 and 3,000 square feet. Neither option included an allowance for multifamily housing. As noted above, the City must provide for at least 1,325 units in this area (Option H would provide only 1,258) and must allow attached / cottage single-family and other middle housing types in any zone that allows single-family housing.<sup>10</sup> Thus, ECONorthwest used Option G as a starting point for this scenario, since it aligns better with recent requirements.

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<sup>9</sup> Frog Pond Area Plan, A Concept Plan for Three New Neighborhoods in East Wilsonville, 2015, page 24.

<sup>10</sup> While Option G did not assume that middle housing would be allowed throughout the East and South neighborhoods, the total percentage of middle housing and small lot detached housing, at roughly one third of all housing units, remains a reasonable estimate of the amount of middle housing and small-lot detached housing that the market might deliver in this area after accounting for HB 2001.

**Exhibit 11. Land Use Metrics and Capacity "Option G"**

Source: Frog Pond Area Plan, A Concept Plan for Three New Neighborhoods in East Wilsonville, 2015

Residential Designation	Average Lot Size (SF)	Max Units/ac net	East Neighborhood Units	South Neighborhood Units	East+ South Units	% of East + South Units
Future R-8 Single Family (7,000 - 9,000 SF)	8,000	5.40	120	28	148	11%
Future R-6 Single Family (5,000 - 7,000 SF)	6,000	7.30	125	162	287	22%
Future R-4 Single Family (3,000 - 5,000 SF)	4,000	10.90	165	286	451	34%
Future R-2.5 (2,000 - 3,000 SF)	2,500	17.40	436		436	33%
<b>Total Units</b>			<b>846</b>	<b>476</b>	<b>1,322</b>	<b>100%</b>

**Exhibit 12. Land Use Metrics and Capacity ("Option H" - No R2.5 in East Neighborhood)**

Source: Frog Pond Area Plan, A Concept Plan for Three New Neighborhoods in East Wilsonville, 2015

Residential Designation	Average Lot Size (SF)	Max Units/ac net	East Neighborhood Units	South Neighborhood Units	East+ South Units	% of East + South Units
Future R-8 Single Family (7,000 - 9,000 SF)	8,000	5.40	120	28	148	13%
Future R-6 Single Family (5,000 - 7,000 SF)	6,000	7.30	125	162	287	25%
Future R-4 Single Family (3,000 - 5,000 SF)	4,000	10.90	437	286	723	62%
Future R-2.5 (2,000 - 3,000 SF)	2,500	17.40				0%
<b>Total Units</b>			<b>682</b>	<b>476</b>	<b>1,158</b>	<b>100%</b>

To translate this housing mix into an expected distribution by income level, ECONorthwest used the expected pricing of market-rate housing by housing type summarized in Section 4:

- The Future R-2.5 units are assumed to be primarily middle housing similar to townhouses based on the density and housing types described for this zone. Given estimated pricing, these units would generally be affordable to households between 80% and 120% of MFI.
- Small-lot detached housing ranges slightly above and below 120% of MFI. Half of the R-4 housing units are assumed to be affordable at 80-120% of MFI, while the other half are assumed to be affordable to households at 120% or more of MFI.
- Medium- to large-lot single-family is affordable only above 120% of MFI. All of the R-6 and R-8 units plus half of the R-4 units are assumed to be affordable to households earning 120% or more of MFI.

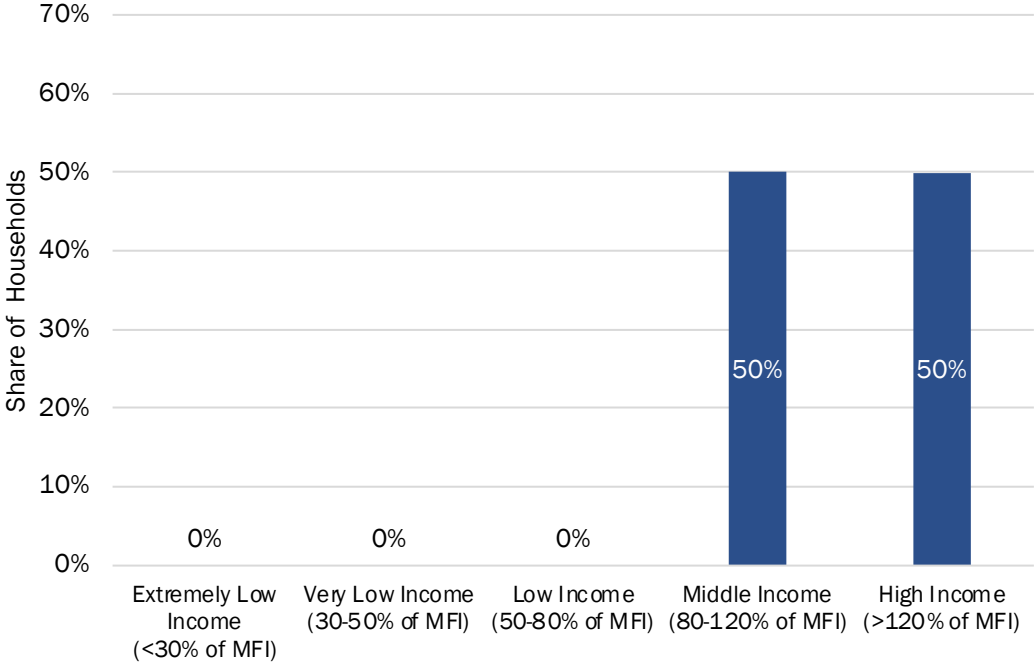
Because Option G did not include multifamily housing in the land use metrics, this reference point assumes that no regulated affordable rental housing or market-rate multifamily are built

in the area. While some affordable homeownership housing is possible under existing policy guidance, the City has no existing programs in place to support this, so the assumption is that this would not occur without additional support. These factors mean that the current policy guidance and existing programs would be unlikely to deliver housing to serve households earning less than 80% of MFI.

The expected distribution of housing by income level under existing policy is shown in Exhibit 13.

**Exhibit 13: Expected Distribution of Housing by Affordability Level Under Existing Policy**

Source: ECONorthwest calculations based on Frog Pond Area Plan Option G and market pricing



### Proposed Affordable Housing Targets

The proposed affordable housing targets are intended to provide achievable goals for this area if the City addresses the constraints noted previously and implements a set of feasible strategies to support affordable housing. The types of strategies needed to meet these proposed targets are described in Section 6.

Given the context and the scale of the area, the City could target the following for publicly supported, income-restricted affordable housing development:

- One affordable multifamily rental development serving households earning up to 60% of MFI, or an average 60% of MFI, with income averaging that offers some units for households earning up to 80% of MFI. This would likely be between 120 and 180 units and roughly 30 units per acre based on typical development of this type, requiring four to six acres of land.

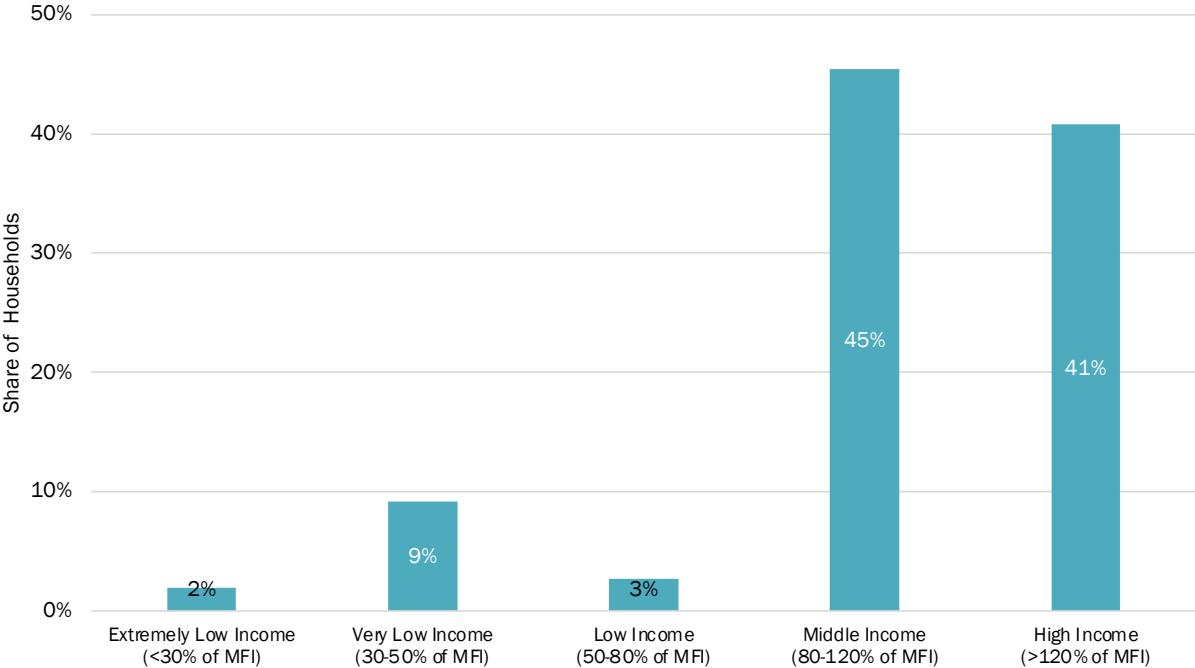
- One small cottage/tiny home/courtyard development for households earning less than 30% of MFI, low-income seniors, veterans, or people with disabilities. This could be between 5 and 50 units and might require between a quarter of an acre and two acres, depending on scale and design.
- One to two townhome or cottage cluster affordable homeownership developments for households earning 35% to 80% of MFI (e.g., Habitat for Humanity or Proud Ground). This could be between 10 and 40 units and might require between one and two acres, depending on scale and design.

In addition to these goals for income-restricted affordable housing, the City can target providing a mix of housing within the market rate development that offers roughly half of units that are likely to be affordable to households earning less than 120% of MFI. This could mean a similar mix of housing types as identified in Option G in the Area Plan (even if the locations for middle housing are no longer restricted), resulting in a roughly even split between housing for households earning 80% to 120% of MFI and households earning more than 120% of MFI for the market-rate for-sale housing. Allowing opportunities for some market-rate apartment development without ground floor commercial space to further expand the range of housing options for households earning less than 100% of MFI.

**Error! Reference source not found.** provides an illustrative example of the approximate distribution of housing by income level based on the ranges of units above and rough estimates of the amount of market-rate housing that could be built if the land above were dedicated to affordable housing. These estimates are preliminary and may be refined through the planning process.

**Exhibit 14: Approximate Distribution of Housing by Income Level for Affordable Housing Target**

Source: ECONorthwest

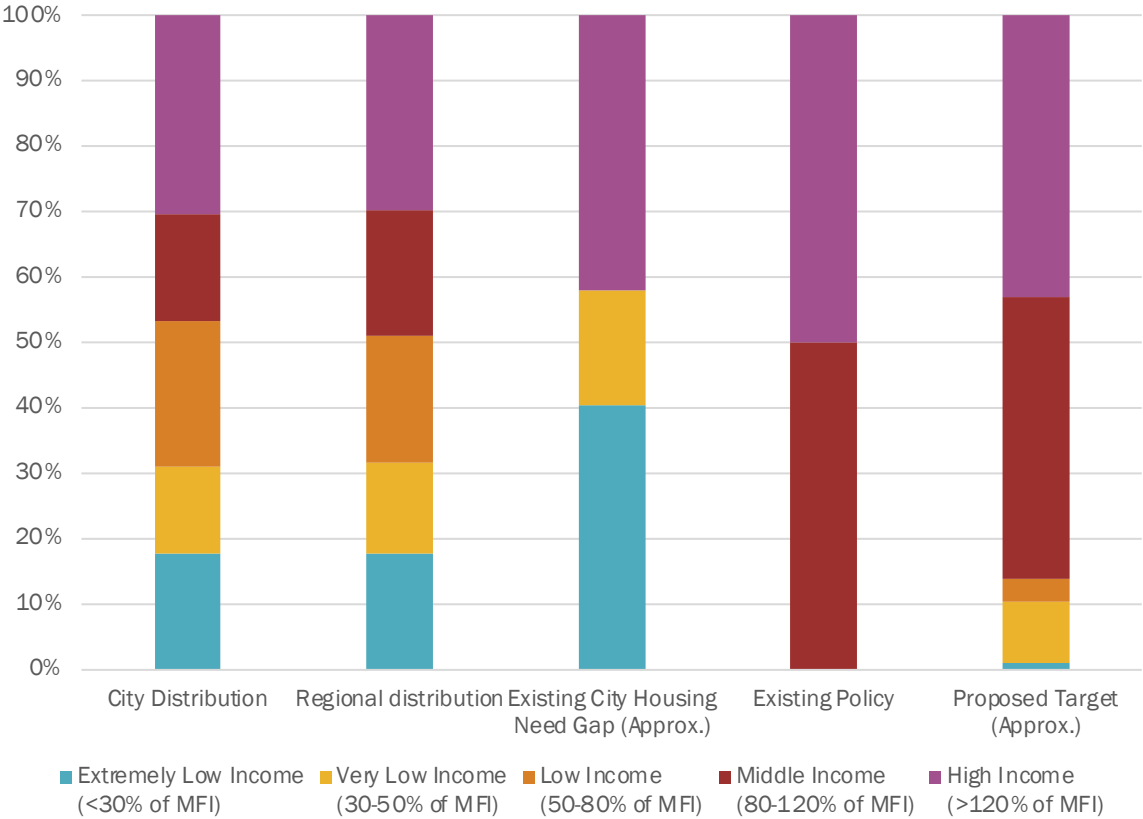


# Comparison to Reference Points and Implications

**Error! Reference source not found.** summarizes the unit counts that would result from applying the distribution for each scenario to the 1,325 housing units required by Metro. (As noted previously, the total unit count may vary between the scenarios or be refined through the process of establishing land use scenarios—these unit counts are illustrative only at this stage.) Exhibit 15 illustrates the comparison between the scenarios in terms of the income distribution in each.

**Exhibit 15: Distribution of Housing by Income Level for Housing Target Compared to Reference Points, Frog Pond East and South**

Source: ECONorthwest



## Implications:

- To reach the affordable housing policy directives from the Equitable Housing Strategic Plan with development in Frog Pond East and South the City will need to allow a full range of housing types and make investments to support affordable housing development.
- Even if the City does make changes to policy and takes action to dedicate funding to support affordable housing, the share of affordable housing is likely to fall short of meeting a proportionate share of overall housing needs at the City or regional level during initial build-out.

- Adding to housing supply across a range of affordability levels in Frog Pond East and South will help meet housing needs overall and would be a one step forward in a larger series of housing-related initiatives by the City, even if it does not match the overall distribution or address all the existing gaps for affordable housing.
- Middle housing and condominiums can offer homeownership opportunities to middle income households without public subsidy, making land use regulations and infrastructure funding decisions that affect the feasibility of multi-family and middle housing an important consideration for affordability.

## Section 6. Affordable Housing Strategies

The City can support development of affordable and mixed-income housing in a number of ways. The EHSP lays out a range of strategies to advance the City’s equitable housing goals. The City will also be required to adopt a Housing Production Strategy (HPS) soon under recent changes to state rules, and will need to identify and prioritize strategies to support housing production across a range of housing needs. This section outlines the strategies that are likely to have the greatest impact for Frog Pond East and South, building on those in the EHSP.

- **Zone for All Housing Types:** Enable a full range of housing types in Frog Pond East and South, including multifamily, to expand first time homebuyer opportunities and to make it possible to build affordable rental housing using common sources of funding. Align zoning for multifamily with areas that are suitable for affordable housing. Flexibility needs to be in place to take advantage of affordable housing opportunities both now and during the longer-term build out of Frog Pond East and South.
- **Acquire Land for Affordable Housing:** Attempt to find willing sellers for suitable properties for affordable housing within Frog Pond East and/or South, to ensure an opportunity to build affordable housing in the area. This would likely require funding, particularly if the City intends to offer the land for affordable housing development for little or no cost to make affordable housing development more viable. However, the City could consider asking the current owner to ground lease the property to the City and have the development pay for it in future, or seek an option on a property rather than acquiring it outright. It would also require staff time to manage the property owner negotiations and (if successful), the land disposition process (e.g., a Request for Proposals for development). With private developers also seeking to secure land or options to purchase property, the sooner the City acts, the better its chances. The City should prioritize sites that meet the following criteria:
  - Close proximity to existing transit (e.g., the stop at Meridian Creek Middle School), or near an area that has a high probability of future transit service upon development.
  - Close proximity to parks, schools, future commercial areas, and other amenities.

- Sites that are between four and six acres of buildable land if targeting affordable rental housing; smaller sites (e.g., half-acre to two acres) for homeownership housing.
- Sites without major development constraints or especially costly infrastructure needs. Sites should not be in the floodplain.
- **Partner with a Community Land Trust:** A community land trust (CLT) such as Proud Ground could help deliver affordable homeownership housing in Frog Pond East and South. If the City is unable to secure land for affordable housing, it could explore other ways to support a CLT in building affordable homes, such as direct subsidy (e.g., using Metro Bond money), SDC waivers, or tax abatements (see further discussion below).
- **Waive, Reduce, or Defer SDCs for Affordable Units:** The cost of SDCs and other infrastructure costs for greenfield development can become prohibitive for affordable housing. Options to reduce SDC cost impacts on affordable housing will be addressed as part of the infrastructure funding plan for Frog Pond East and South to ensure that overall infrastructure needs can be met. Waiving SDCs entirely for income-restricted affordable housing has the greatest impact, but reductions and deferral can also help reduce the funding gap for affordable housing. This requires engagement with other infrastructure providers.
- **Incentivize Smaller and Lower-Cost Middle Housing:** Middle housing will be allowed broadly in Frog Pond East and South, and some developers have expressed interest in middle housing development in the area. Because middle housing generally offers lower price-points than single-family detached housing, it offers middle-income housing options and potential for lower-cost homeownership. There are several incentives that could be effective tools to support middle housing development that is affordable to middle-income households:
  - The Multiple Unit Property Tax Exemption (MUPTE) is a flexible program that can be used to incent multiple-unit rental housing with particular features or at particular price points by offering qualifying developments a partial property tax exemption for 10 years. The City could offer MUPTE for middle housing rental developments with small units that are more likely to be affordable. (The City could also choose to offer MUPTE only in exchange for income and rent restrictions, but would need to be able to monitor compliance with these restrictions over the 10-year abatement period.) This program requires support from overlapping taxing districts.
  - The Homebuyer Opportunity Limited Tax Exemption (HOLTE) program allows cities to offer a 10-year partial property tax exemption on for-sale properties valued at no more than 120% of the median sales price that meet any additional city-imposed income and owner-occupancy requirements. Portland has paired it with an SDC exemption to incentivize new moderately-priced for-sale housing. This program requires support from overlapping taxing districts.
  - SDCs that scale with unit size can also incentivize smaller, lower-cost middle housing units by right-sizing fees to the impacts of different housing types and sizes.

This will be considered through the infrastructure funding plan and requires engagement with other infrastructure providers.

- The City could consider allowing small “multiplex” development (e.g., 6-12 units) on sites that would allow a fourplex under new middle housing rules, if the units are under a certain size limit so that the overall volume of the building is still similar to a fourplex.
- **Reduce Multifamily Parking Requirements:** If the City adopts zoning for Frog Pond East and South that allows multifamily development in portions of the area, it should also evaluate reducing parking requirements for multifamily. (This could be done citywide or applied only within the Frog Pond East and South areas.) Currently, at least one space per unit is required, even for units less than 500 sq. ft.; most units require 1.25 to 1.75 spaces per unit. If parking requirements exceed what is needed to serve affordable housing, this adds cost to build spaces that do not generate revenue and reduces the number of units that fit on site. If land and funding are available for affordable housing, reducing parking requirements can ensure that it can be built efficiently and optimize the amount of housing on the site.
- **Incentivize Housing with Accessible or Visitable Units:** With substantial new housing construction coming for Frog Pond East and South, the City can encourage units designed to be accessible or visitable to better meet the needs of individuals with mobility limitations in the community. The City can apply some of the same incentives noted above to apply to accessible or visitable units, such as tax abatements, SDC reductions, or allowances to build additional units.

## Section 7. Conclusions and Next Steps

If the City does not take further action to support affordable housing and does not change course from prior policy direction on housing types for Frog Pond East and South, there will be few opportunities for affordable housing and little chance that it will get built. If the City allows a full range of housing types and implements additional affordable housing strategies, particularly related to proactive land acquisition, the chances for affordable housing increase substantially. Financial and regulatory incentives could also encourage developers to build smaller, lower-cost housing units with or without income restrictions, or to build units that are accessible or visitable for residents with mobility limitations. These strategies align with those outlined in the EHSP and provide input to a future HPS.

While meeting a proportionate share of citywide or regional housing needs by income may not be possible for greenfield development, there are important opportunities for affordable homeownership and expanding housing options across a range of incomes and housing needs. The proposed housing targets include a mix of market-rate housing at typical price-points and a few affordable housing developments of various scales and forms. These targets are intended to be achievable with implementation of the recommended housing strategies. This area can play an important role in a broader citywide effort to provide needed housing. Additional work will



be needed to meet housing needs in other parts of the City that cannot feasibly be met in this greenfield area.

Next steps within this process include identifying specific properties that could help meet affordable housing targets; evaluating relationships to the infrastructure funding plan of potential SDC reductions or waivers; engaging affordable housing developers and other stakeholders to refine strategies; and subsequent work to learn more about community perspectives/preferences, which could lead to refinements in the targets and strategies laid out in this document.

# FROG POND EAST & SOUTH MASTER PLAN

## PUBLIC REALM PLANNING MEMO

TO: City Council

FROM: Project Team

DATE: August 2, 2022 updated August 16, 2022

This memo describes an important part of the Frog Pond East and South Master Plan: public realm planning. **The public realm is the combination of all public spaces—including streets, alleys, parks, plazas, and other publicly-accessible areas—that define the experience of living in or visiting a city or neighborhood.** A well-designed and cohesive public realm will be an essential part of the success and livability of this new area of Wilsonville. The Master Plan will provide guidance about how the public realm can be designed to work together with existing site qualities and future development to create healthy, connected, sustainable, and beautiful neighborhoods for diverse families to thrive.

The design of the public realm in Frog Pond East and South will achieve several key elements.

- **Places for gathering and civic life for a diverse community.** The public realm should support a broad range of social activities, including opportunities to gather formally and informally. Meeting places like neighborhood commercial areas, parks, schools, and even sidewalks can be designed to provide space for varied social and cultural activities.
- **Community design that celebrates and enhances neighborhood character.** Streets and trails should be laid out to emphasize views of natural features of the site like forested creek corridors, parks, or destination points. Unique and historical elements like

the Frog Pond Grange should be integrated thoughtfully into overall neighborhood design. For example, the Grange site could provide collocated gathering space, green space, and visibility and direct access to the trails and open space of the BPA corridor. Additionally, more detailed elements of the public realm like lighting, street trees, and signage should be cohesive with the existing fabric of Wilsonville, particularly the adjacent Frog Pond West area.

- **Integrated parks and green spaces.** Parks and green spaces are a vital part of creating healthy, active, and livable neighborhoods. Parks and smaller open spaces within neighborhoods should be centrally located and visible and accessible to all. In addition to a 10-acre community park and a 2.5 to 3-acre neighborhood park, each walkable sub-district should include its own “green focal point”, which could be a pocket park, tot lot, community garden, plaza, or other gathering place.
- **Preserved and restored natural resources.** Existing natural resources, including trees, wetlands, and creek corridors, should be preserved and restored within and around new development. Streets, parks, and public spaces provide opportunities to protect existing trees. Additionally, incorporating stormwater planters and green infrastructure can preserve watershed health by cleaning and slowing runoff.

### ELEMENTS OF THE PUBLIC REALM



Places for **gathering and civic life** for a **diverse community**



Community design that **celebrates and enhances neighborhood character**



Integrated **parks and green spaces**



Preserved and restored **natural resources**



**Convenient, safe, and low-stress transportation options**

- **Convenient, safe, and low-stress transportation options.** A connected network of streets and trails should prioritize the safety and comfort of the most vulnerable road users. Streets should be designed to encourage and prioritize walking, biking, rolling, transit, and other low-carbon modes of travel. Street and block layout should make it easy for residents to access schools, parks, and neighborhood services without a car.

The draft exhibits on the following pages are a starting point to illustrate the intent for key elements of the public realm for Frog Pond East and South. These draft materials will be refined and further illustrations will be prepared as part of a final memo that provides guidance toward creating a cohesive public realm.

The final public realm recommendations will address the following categories:

- Tree Preservation Strategy
- Street and Trail Demonstration Plans and Cross Sections
- Park and Open Space Framework
- Public Street Design Elements (including recommendations for lighting, street trees, etc.)

The following pages contain these draft exhibits:

- **Significant Tree Inventory Map (p. 3-5).** This map represents the latest inventory<sup>1</sup> of significant trees in the planning area to inform preservation strategies. Precedent images illustrate potential approaches to tree preservation.
- **Street Demonstration Plans (p. 6-9).** These two options illustrate potential layouts of streets, blocks, and multi-use paths that would achieve the intent of providing connected, convenient, safe, and low-stress transportation options. These plans also explore different approaches to frontage on SW Stafford Road: front doors facing the street or backs of homes facing the street. Each demonstration plan also shows different options for the number and location of pedestrian crossings on SW Advance Road. Options for crossings and intersection treatments are currently under study.
- **Bicycle Circulation Concepts (p.10-11).** These maps explore a potential hierarchy for bike circulation and how it could connect with multi-use paths in each street demonstration plan option. These studies are preliminary and subject to determining intersection types that will prioritize safe routes to schools.

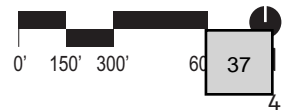
- **Advance Road Cross-Section (p.12).** This draft cross section of SW Advance Road illustrates a concept of a walkable streetscape and the potential benefit of laying out blocks so that homes face the community park across the street. This concept is under study and will be refined, and similar cross-sections will be prepared to study other key streets in the area.
- **Park and Open Space Framework (p.13-14).** The map illustrates the intent to provide “green focal points” in central locations to each sub-district of the planning area, ensuring that each neighborhood has a small destination or gathering place that gives it character. These green focal points are flexible in location, but the map indicates general areas that are central to each sub-district. Examples of types and uses of smaller neighborhood destinations are provided to support the map.

1. Tree inventory completed on January 26, 2022 by Morgan Holen Associates, followed by additional inventory of trees by AKS and Morgan Holen Associates in April 2022.





**TREE INVENTORY MAP - AERIAL**  
 DRAFT 8.02.2022





1



2



3

1. An existing mature tree on SW Brisband Street in Frog Pond West was preserved within the design of a street corner.

2. A mature white oak tree was preserved within parking lot landscaping for Wilsonville High School.

3. Private development can preserve significant trees within central open spaces or green spaces.

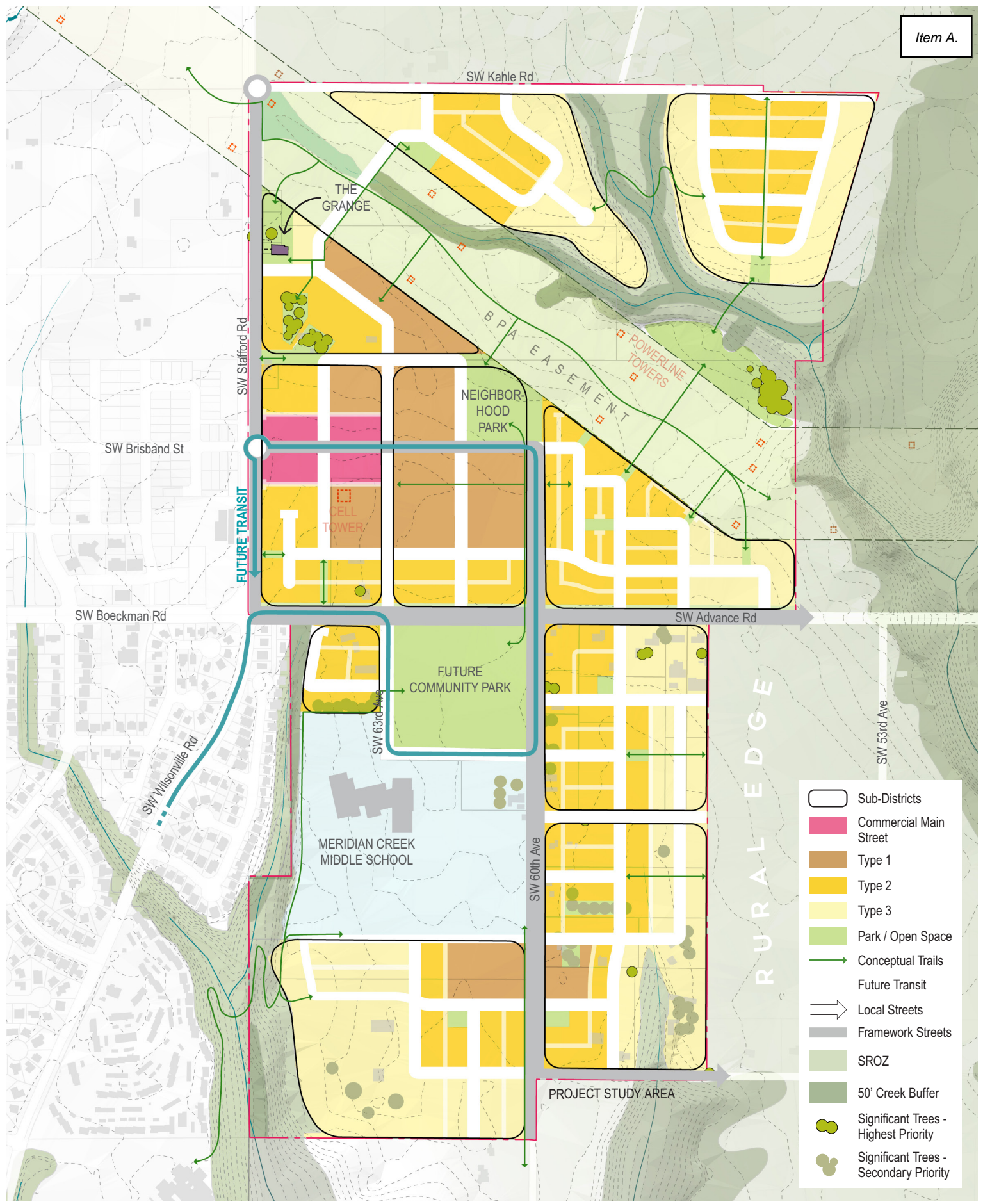
While tree preservation will ultimately be implemented during the design and construction of public and private development, the Master Plan identifies opportunities for preservation of significant trees in public open spaces, street rights-of-way, and within private development sites. Wilsonville's existing natural resource preservation policy and tree protection code provide a supporting framework for tree preservation in this area.

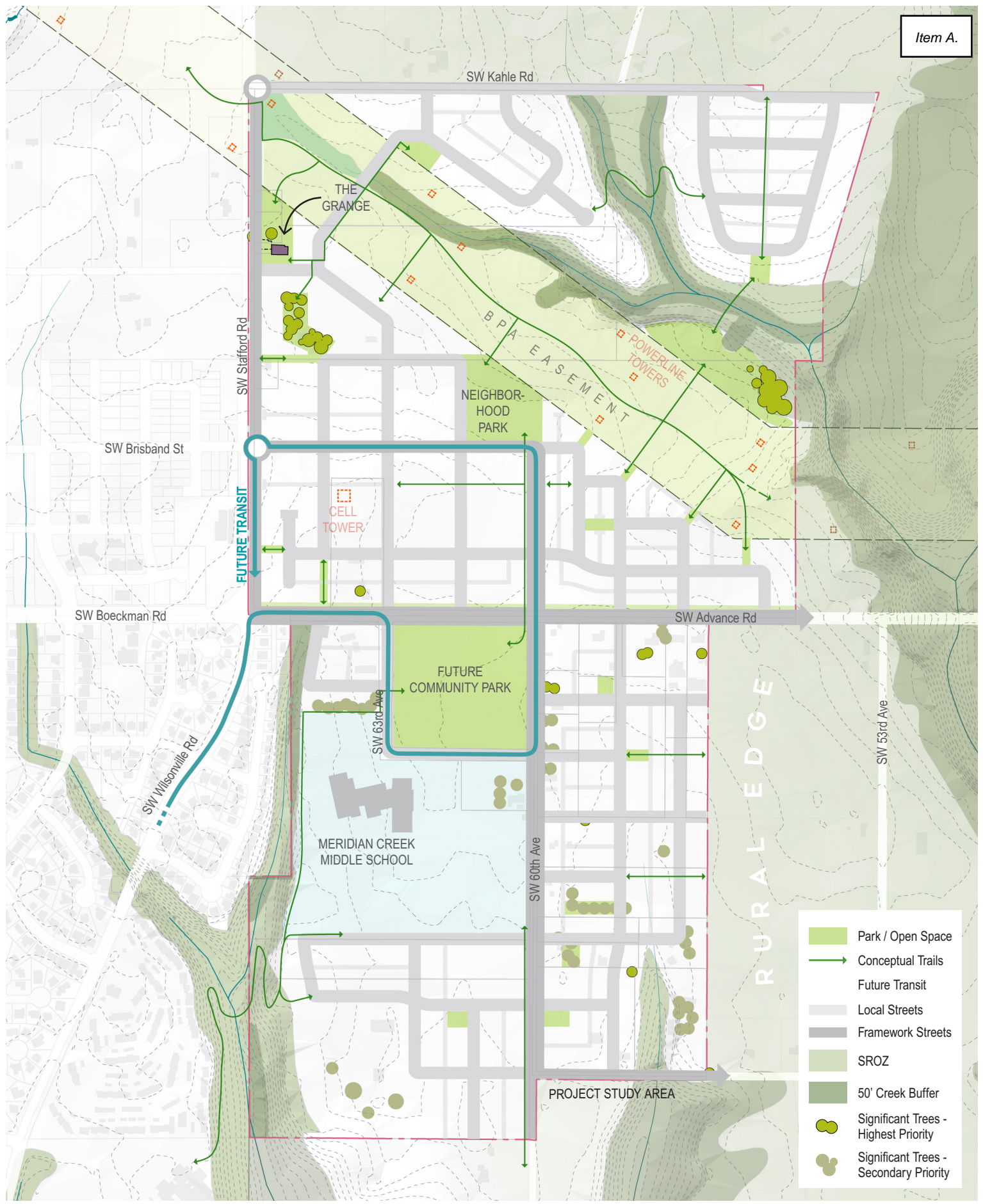
The Master Plan's tree inventory map identifies trees that are highest priority to preserve, meaning that these should be preserved within infrastructure, development, or green space to the greatest extent possible. Preservation of these trees may be achieved through development standards. Trees noted as secondary priority should be preserved if

possible, especially if they are healthy and growing within an area that is a suitable location for green space or infrastructure that can accommodate preserved trees.

Public infrastructure and private development can preserve trees through thoughtful design and layout of streets and blocks, as seen on SW Willow Creek Drive and SW Brisband Street in Frog Pond West, or by locating green space strategically to preserve significant trees. Site design for individual buildings or homes can also incorporate tree preservation.

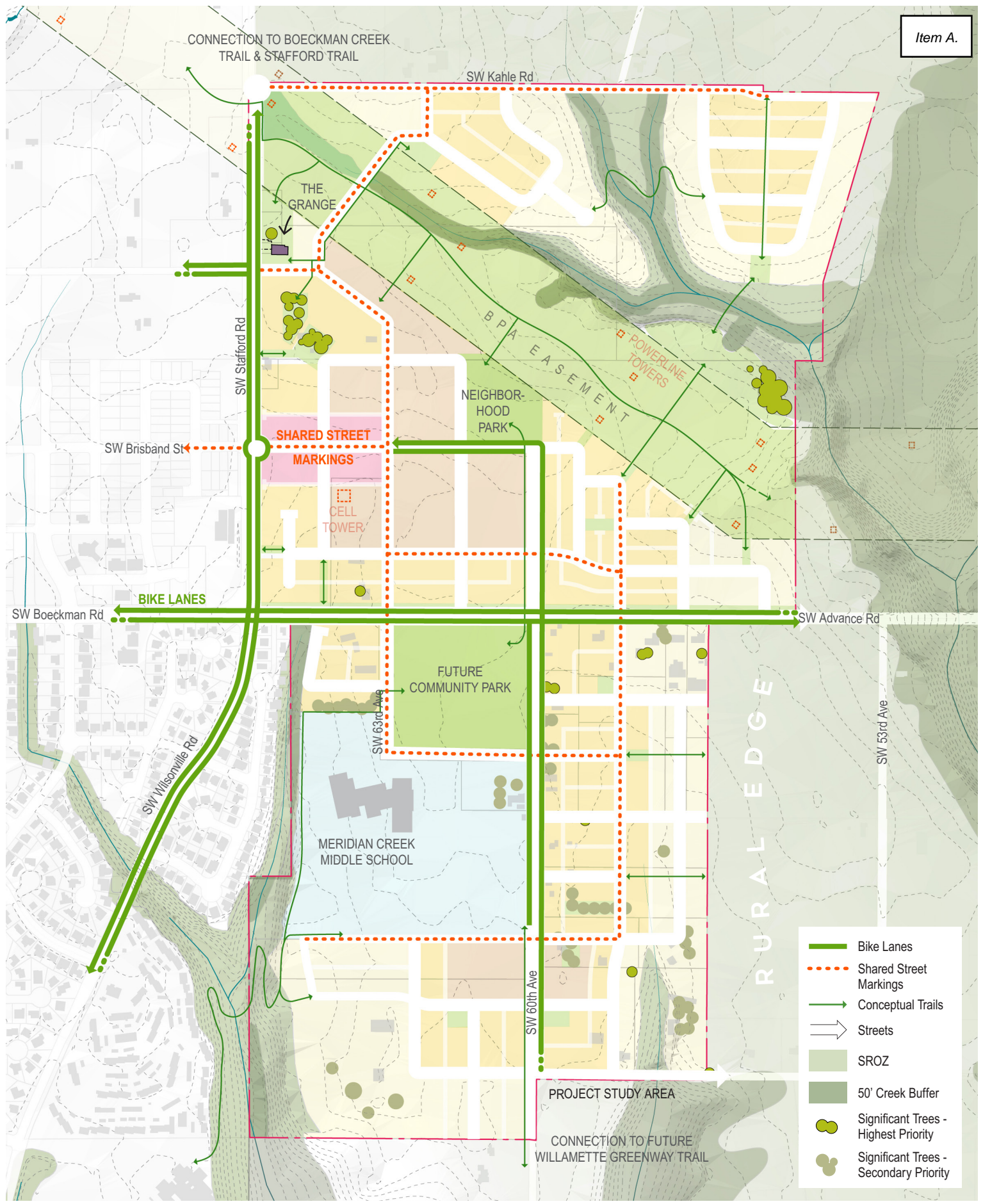
The tree inventory identified potentially significant trees and groves based on species, size, and general condition, and some trees may need closer examination to verify their significance.





- Park / Open Space
- Conceptual Trails
- Future Transit
- Local Streets
- Framework Streets
- SROZ
- 50' Creek Buffer
- Significant Trees - Highest Priority
- Significant Trees - Secondary Priority





- Bike Lanes
- Shared Street Markings
- Conceptual Trails
- Streets
- SROZ
- 50' Creek Buffer
- Significant Trees - Highest Priority
- Significant Trees - Secondary Priority



This cross-section shows a draft concept for SW Advance Road, a Collector road, where it passes the future community park. It includes generous sidewalks, buffered bike lanes, wide planter strips that ensure tree health, and a planted median to create a comfortable and inviting environment for pedestrians. Planted areas in the right-of-way also offer opportunities for capturing and infiltrating stormwater.

Future development on the north side of the street, across from the future community park, should be laid out so that front doors face the park. This, combined with homes fronting the park on its east and west sides, will create a sense of community and integration of the park within the neighborhood.

This concept for SW Advance Road would create a continuous streetscape with SW Boeckman Road where it continues west of SW Stafford Road. Existing high-voltage power poles on the north side of the street can be incorporated within a wide planter strip.



- Sub-Districts
- Park
- Green Focal Point
- Conceptual Trails
- Streets
- Alleys
- SROZ
- 50' Creek Buffer
- Significant Trees - Highest Priority
- Significant Trees - Secondary Priority



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 sub-district 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 should be fronted by homes and provide clear and inviting access for public use.

Many different kinds of uses and activities are envisioned for these 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 can also provide opportunities to preserve mature and significant trees.

## Public Space Design

### Parks and Open Spaces

The first series of questions seek your input on parks and open spaces to guide the design of parks and open spaces in Frog Pond East and South.

What are your favorite **large amenities or areas** (i.e. sports fields, trails, shelters for large gatherings, natural areas, etc.) in Wilsonville's City parks? What do you like about these amenities or areas?

What are your favorite **small to medium amenities or areas** (i.e. benches, sitting areas, picnic covers, playgrounds, etc.) in Wilsonville's City parks? What do you like about these amenities or areas?

Is there an area or feature of in one or more of Wilsonville's City parks you avoid? If so, where? Please explain why.

What is the most important things that should be considered in designing a City park in Frog Pond East and South?

# Frog Pond East and South Master Plan

Let's Talk, Wilsonville!

---

Please rank the following in order of important for inclusion in neighborhood parks and green spaces

(Rank each option)

- \_\_\_\_\_ Playground structure
- \_\_\_\_\_ Benches
- \_\_\_\_\_ Open grass areas
- \_\_\_\_\_ Trees and shade
- \_\_\_\_\_ Covered area for gatherings
- \_\_\_\_\_ Trails for walking/biking
- \_\_\_\_\_ Community Garden
- \_\_\_\_\_ Pet Exercise Area

What other amenities not includes in Question 5 are important to include in neighborhood parks and greenspaces?

## Sidewalks and Pedestrian Street Crossings

The next few questions ask about sidewalks for pedestrian use along streets as well as pedestrian crossings of streets.

What makes a street crossing or sidewalk comfortable for you?

Not including parks, what is your favorite neighborhood or area to walk in Wilsonville? What do you enjoy about the neighborhood or area?

Let's Talk, Wilsonville!

---

Is there a certain neighborhood or area you avoid walking in Wilsonville? If yes, please explain why.

What are the most important things that should be considered in designing new sidewalks and pedestrian street crossings in Frog Pond East and South?

## Bicycle Amenities and Infrastructure

These next few questions relate to paths and streets designed for bicycling.

How often do you ride a bicycle in Wilsonville?

(Choose any 1 options)

- Never
- A few times a year or less
- At least once a month on average
- Multiple times a month
- Daily or multiple times a week

If you ride a bicycle in Wilsonville, where is your favorite place to ride? What do you enjoy about it?

What are the most important things that should be considered in designing bicycle lanes and paths in Frog Pond East and South?

# Frog Pond East and South Master Plan

Let's Talk, Wilsonville!

How comfortable and safe do you feel riding a bicycle on the following paths or streets?

Questions	Very comfortable and safe	Somewhat comfortable and safe	Not sure	Somewhat uncomfortable and unsafe	Very uncomfortable and unsafe
Dedicated bike and pedestrian path that is not along a street					
Low traffic neighborhood street without bike lanes or markings					
Moderate traffic neighborhood street marked for shared bicycle/vehicle use					
Bike lane along major street road with no barrier or buffer					
Bike lane along major street or road with added painted buffer					
Bike lane along major street or road with physical separation such as with a landscape strip or curb					





**CITY COUNCIL MEETING  
STAFF REPORT**

<b>Meeting Date:</b> September 8, 2022		<b>Subject:</b> Transit Master Plan Update and Community Engagement Plan	
		<b>Staff Member:</b> Kelsey Lewis, Grants & Programs Manager	
		<b>Department:</b> SMART	
<b>Action Required</b>		<b>Advisory Board/Commission Recommendation</b>	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input type="checkbox"/> Resolution <input 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	
		<b>Comments:</b> N/A	
<b>Staff Recommendation:</b> Review the public engagement strategy for the Transit Master Plan Update and provide feedback.			
<b>Recommended Language for Motion:</b> N/A			
<b>Project / Issue Relates To:</b>			
<input type="checkbox"/> Council Goals/Priorities:	<input checked="" type="checkbox"/> Adopted Master Plan(s): Transit Master Plan	<input type="checkbox"/> Not Applicable	

**ISSUE BEFORE COUNCIL:**

Staff and consultants will introduce the public engagement strategy for the Transit Master Plan update.

**EXECUTIVE SUMMARY:**

The City Council adopted the current Transit Master Plan as a sub-element of the City's Comprehensive Plan in 2017, and amended it in 2018 to include the Programs Enhancement Strategy. In order to address changing conditions and engage with the community to consider transit service enhancements and new projects, the City has hired a consultant to assist in updating the Transit Master Plan.

The consultant Jarrett Walker and Associates has recently completed the Existing Conditions Report, and the key questions section is included as an attachment to this staff report to provide context for the outreach staff plans to conduct (Attachment 1).

Staff will introduce the Transit Master Plan Update and seek feedback from the Council. In particular, staff seeks input on the following questions:

1. What questions or input does the Council have on the outreach strategies planned for this project?
2. What questions will the Council need to have answered during this project to be comfortable adopting an updated Transit Master Plan?

**EXPECTED RESULTS:**

Presentation of the outreach strategy for the Transit Master Plan and guidance from the City Council.

**TIMELINE:**

This is the first presentation of the Transit Master Plan Update to the City Council. Staff tentatively plans to return for two meetings in spring 2023 for the adoption of the plan.

**CURRENT YEAR BUDGET IMPACTS:**

The development of this Transit Master Plan update is primarily funded by two State grants through the Oregon Department of Transportation. The remainder is funded by transit tax revenue. This project is budgeted in the FY 2022-23 budget.

**COMMUNITY INVOLVEMENT PROCESS:**

To ensure that the final document represents the diverse interests of the Wilsonville community, this Transit Master Plan process is intended to have an extensive and inclusive public engagement process. Outreach efforts are tailored to reach people in practical and convenient ways to reflect the perspectives of a wide spectrum of current and potential system users, the business community, and residents.

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

When implemented, the new plan is expected to improve efficiencies, increase travel independence, and to reduce traffic congestion by providing travelers an alternative to travel in single-occupancy vehicles. A successful outreach strategy is a large part of a successful master plan.

**ALTERNATIVES:**

N/A

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENTS:**

1. Key Questions, Section 6 from the Existing Conditions Report
2. PowerPoint Presentation on Outreach Plan (dated September 8, 2022)

## **6. Key Questions for Future Service Planning**

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This report has described SMART's existing network and demand-response programs and local and regional markets. However, the future development of SMART's network can only be *informed* by such analysis. The actual choices about what SMART should do in the future will be made based on input from the public, stakeholders and elected officials about what values, goals and priorities should shape the agency's service improvement efforts.

Based on our evaluation of existing conditions, we identify several key questions for the future. These are not questions with a technical answer; instead, their resolution will depend on a conversation between SMART and its riders and other community members.

### How much should SMART's network focus on WES?

WES was designed to fill a critical regional mobility need - north/south connectivity between Wilsonville and Beaverton, passing through busy, fast-growing places on the way. However, ridership on WES has historically been very low, with the lowest levels occurring during the pandemic. TriMet's operating agreement with FTA is ending during the next decade, which puts the future of the rail line into question.

The WES connection is extremely useful in terms of the places it can open up access to. Currently, there is no replacement that

would be as quick and easy a method of reaching critical network nodes like Tigard or Beaverton Transit Centers. But it is also only available during rush hours, and people in Wilsonville need to travel at all sorts of times beyond the traditional morning and afternoon commuting windows.

As long as WES is the focus on the network, the current network design makes sense. Most areas of Wilsonville are directly connected to WES, making the peak connection north available to as many people as possible.

As a result, there is a major question for SMART and the community it serves: to what degree should your transit network focus on connecting with WES?

### When we improve local service, what are the most important priorities? Ridership or coverage?

SMART's local routes serve all parts of Wilsonville, but their service level is highly variable. One important question for the public is what SMART should focus its local service resources on. For example, should it concentrate more service into making busy corridors like Route 4 more useful, even if this meant that it invests less in peak-only services like Route 5 or 6 that serve fewer riders? This is the substance of the ridership-coverage tradeoff described earlier in this document.

However, this question is only particularly relevant if SMART were to change the basic principle of the network away from the current imperative to connect all areas to WES.

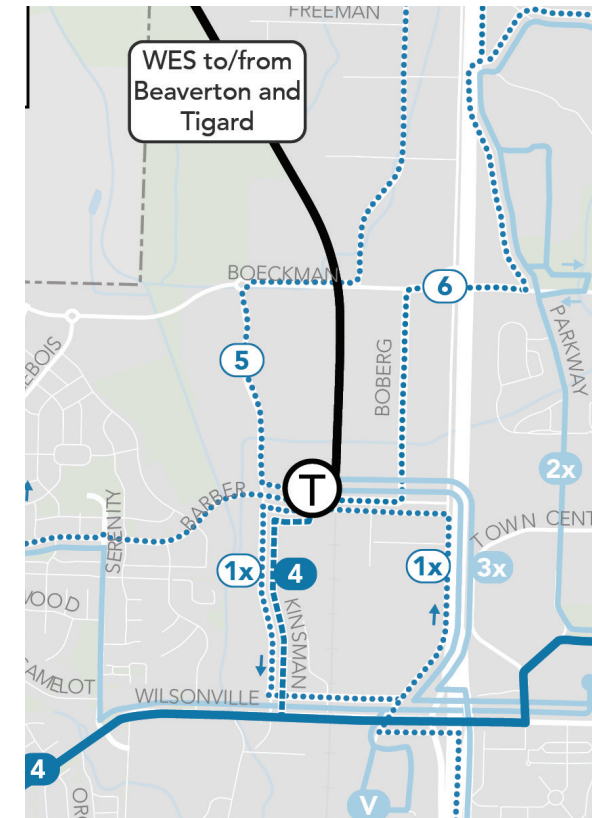


Figure 56: SMART's network converges at the SMART Transit Center and connection to WES. All SMART services reach this point, including Route 4, which deviated to the transit center during rush hours when WES is running.

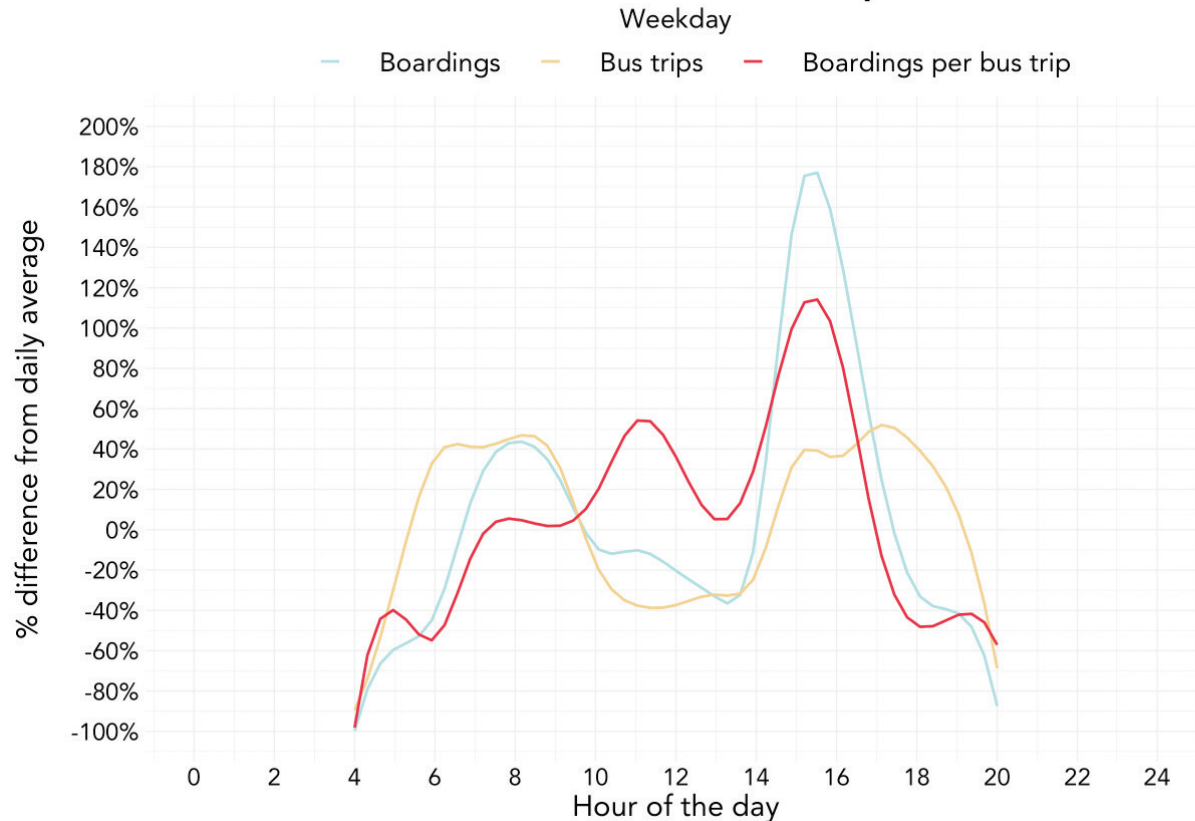
### How should SMART balance services oriented towards peak commuters vs. service available at other times?

Because SMART’s service is built around WES, many of its routes primarily serve the needs of people commuting during the rush hours. Routes 5 and 6 only operate when WES is running, and regional services like 2X and 3X run extra trips during this period, or have their schedules aligned with WES arrivals. This approach to network design maximizes the usefulness of the network during the rush hour periods when many people need to travel.

This rush hour focus comes at a cost. For example, the areas served by Route 5 and 6 aren’t reachable at all during the middle of the day, or on Saturdays. The extra trips Route 2X makes during rush hour are trips it can’t make later in the evening, or earlier in the morning.

Since the onset of the pandemic, the commuting patterns of the workers whose schedules were previously most aligned with the traditional rush hour (office and professional workers) have changed dramatically. Most major cities’ downtown cores are still challenged by much higher vacancy rates than before the pandemic, and commute-oriented services operated by TriMet and other large transit agencies have lagged in ridership recovery compared to routes oriented toward the all-day demand generated by retail and service workers, and the customers that visit their places of employment.

### SMART Service and Ridership - 2022



Source: SMART boardings data and GTFS from April 2022

Figure 57: SMART Service and Ridership by Hour

Earlier in this report, we examined the chart shown above, which compares ridership and service level throughout the day. Ridership and service (number of trips) are both higher during the rush hours than during the midday or evening, but importantly, the number of people who board each trip doesn’t drop in the midday. This is evidence that people are finding SMART’s service useful throughout the

midday, even though there is less service offered.

These observations about the rush hour raise an important question for future service planning: is this focus on the rush hour the right service design, given current performance and changing travel patterns? Ultimately, this is again a question about what people value - a service that is easier

to use during rush hour, or a service that is available over a wider range of hours, perhaps even on weekends?

**How should SMART balance improvements to regional or local services?**

In the 2017 TMP process, one of the major questions for the public and stakeholders was about whether SMART’s network should focus more or less on local or regional services. While some regional services can be funded through grants or interagency partnerships, it is also important to gain greater understanding from the public about whether SMART should focus on making it easier to get around Wilsonville, or making it easier to travel between Wilsonville and neighboring communities.

**When we improve regional service, what are the most important destinations to serve?**

This document has reviewed a range of data describing some of SMART’s potential regional markets, like the table of commute trips between Wilsonville and other destinations shown on this page. There are good reasons to make investments in service improvements oriented north, northeast, and south toward Salem. So one of the most important questions for the public to inform SMART’s future planning is which of these connections are the highest priority for Wilsonville’s residents?

City	Direction	Total Trips	Pct of Total
Portland	W/NW, E/NE	4644	15%
Wilsonville	Local	1802	11%
Tualatin	W/NW	1416	4%
Beaverton	W/NW	1399	4%
Tigard	W/NW	1394	4%
Salem	S	1137	4%
Hillsboro	W/NW	1025	3%
Lake Oswego	W/NW	934	3%
Woodburn	S	725	2%
Canby	E/NE	718	2%
Oregon City	E/NE	612	2%
Sherwood	W/NW	575	2%
West Linn	W/NW	517	2%
Newberg	W/NW	495	2%
Gresham	E/NE	444	1%
Aloha	W/NW	406	1%
Vancouver	W/NW	258	1%
Milwaukie	E/NE	256	1%
Keizer	S	246	1%
Happy Valley	E/NE	211	1%
Eugene	S	206	1%
Albany	S	176	1%
McMinnville	W/NW	175	1%
Hubbard	S	161	1%
Oak Grove	E/NE	158	<1%

Figure 58: Commute trips to and from Wilsonville (top 25)

# Next Steps

This report is only the first step in this project. It lays out the current conditions of the network and poses questions, but this report cannot determine what SMART should do to improve its network in the future. Those questions can only be answered through engagement with the community that SMART serves.

In late summer and fall 2022, SMART will conduct an engagement process focused on these very questions. Using online and in-person methods, the agency will ask the public to help it determine what it should be focusing on in the coming years as it seeks to improve service.



Figure 59: SMART TMP Update Project Timeline



# SMART Transit Master Plan Update

Wilsonville Council September 8, 2022

**Kelsey Lewis**  
SMART Grants and Programs Manager

**Michelle Poyourow**  
Jarrett Walker + Associates

**Brenda Martin**  
Envirolssues

# Our agenda today

- Our team
- What is the Transit Master Plan?
- Project schedule
- Public Engagement
  - Public Survey
  - Stakeholder Workshop
- Questions

# Our team

Michelle Poyourow, *Project Manager*  
Álvaro Caviedes, *Lead Analyst & DPM*  
Evan Landman, *Planner*  
Shreya Jain, *Analyst*



Brenda Martin, *Engagement Lead*  
Sarah Omlor, *Engagement Task support*



*Support operations,  
capital, fleet  
planning*



# What are we doing here?

- The TMP Update will identify transit improvement projects that could be implemented over the next 3-5 years.
- Update to the last TMP completed in 2017.
- Since 2017, there has been:
  - Changes in funding / operating resources
  - New service areas
  - Changes in goals & priorities
  - Changes resulting from the pandemic
  - What else?

Item B.



City of Wilsonville  
Transit Master Plan  
**SMART**  
SOUTH METRO AREA REGIONAL TRANSIT

CONVENIENCE

SAFETY

RELIABILITY

EFFICIENCY

FISCAL RESPONSIBILITY

FRIENDLY SERVICE

EQUITY & ACCESS

ENVIRONMENTAL RESPONSIBILITY



JUNE 2017

# Project Timeline



# Key Planning Questions

- What times of day and week are most important?
- How should investments in new regional and local services be balanced?
  - Which regional destinations are most important?
  - Are there local areas or destinations that should be better-served?
- What is the biggest “center” in Wilsonville? There are three possibilities, but transit can’t be concentrated in all three.

# Public Engagement

May 2022- July 2023	Project Schedule
Ongoing	Website updates
Summer 2022	First round of Public Engagement Presentation to Planning Commission Presentation to Council Public survey
Fall 2022	Stakeholder workshops Summary of input received for PE #1 Presentation of summary to Planning Commission
Spring 2022	Second round of Public Engagement Present summary to Council

# Survey – Summer/Fall 2022

- Summer events to let the public know about the TMP update
- Intercept surveys on board SMART
- Survey asking people for their feedback on:
  - Their travel patterns
  - How SMART can improve service to better fit the needs of residents and visitors to Wilsonville
  - Locations that are important for SMART to serve
  - Regional destinations that SMART should prioritize





# Stakeholders Workshop – September 2022

Item B.

- Goal: Collect feedback on priorities for transit within and outside of Wilsonville
- Intensive half-day workshop for key stakeholders
- Around 20 stakeholders from key organizations, agencies, and community groups
- Focused on considerations of service for local and regional transit routing options
- Interactive exercises for participants, including
  - live polling
  - a briefing presentation
  - discussions topics about trade-offs



# Stakeholders Workshop – September 2022

List of stakeholders to invite:

- Jurisdictional partners
- Wilsonville Community Sharing
- Wilsonville Chamber of Commerce
- Members of the DEI commission
- Apartment complex representatives
- Homeowner Associations
- Youth representatives
- Faith leaders
- Wilsonville Community Seniors, Inc.
- Assisted living facilities

**Whom else should we reach out to  
for the workshops?**



## CITY COUNCIL MEETING STAFF REPORT

<b>Meeting Date:</b> September 8, 2022		<b>Subject:</b> City of Wilsonville Flag Policy	
		<b>Staff Member:</b> Amanda Guile-Hinman, City Attorney	
		<b>Department:</b> Legal	
<b>Action Required</b>		<b>Advisory Board/Commission Recommendation</b>	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input type="checkbox"/> Resolution <input 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 checked="" type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable  <b>Comments:</b> Sought input from the Diversity, Equity and Inclusion Committee and will seek its recommendation once the Council provides feedback on a draft City of Wilsonville Flag Policy.	
<b>Staff Recommendation:</b> N/A			
<b>Recommended Language for Motion:</b> N/A			
<b>Project / Issue Relates To:</b>			
<input type="checkbox"/> Council Goals/Priorities:	<input checked="" type="checkbox"/> Adopted Master Plan(s): DEI Committee Strategic Plan	<input type="checkbox"/> Not Applicable	

### ISSUE BEFORE COUNCIL:

Review draft of City Flag Policy and provide any feedback to staff.

**EXECUTIVE SUMMARY:**

The City of Wilsonville Flag Policy will codify a framework for the City to display commemorative flags on City flag poles and in City facilities, among other regulations. This Staff Report explains the background leading to developing a flag policy and explains some of the policy choices currently reflected in this draft Flag Policy.

**A. Background**

The impetus to create a City of Wilsonville Flag Policy arises from five (5) key considerations.

First, the Diversity, Equity and Inclusion (DEI) Committee developed a Diversity, Equity and Inclusion Committee Strategic Plan (the “Plan”) that the Council adopted via Resolution No. 2979 on July 18, 2022. Objective 3 in the Plan is “Inclusive Cultural Events, Celebrations and Holiday Recognitions.” One of the Strategic Actions listed under Objective 3 is “Visual representation (flags, symbols, holiday decor on City property).” The inclusion of flags as part of the visual representation warrants the City developing a flag policy as a framework for how, when, and what flags can be displayed on City flag poles and in City facilities. As discussed below, staff presented to the DEI Committee at its August 2022 meeting a prior draft of the Flag Policy for its feedback. The draft Flag Policy attached to this Staff Report (Attachment 1) includes the revisions discussed with the DEI Committee.

Second, in January 2022, the United States Supreme Court issued its decision in the matter, *Shurtleff v. City of Boston*, 142 S. Ct. 1583 (2022). That case involved a lawsuit brought against the City of Boston by a private organization when the city refused to display the organization’s self-described “Christian flag” on one of the city’s flag poles in its City Hall Plaza when the city allowed other groups and individuals to hoist a flag of their choosing on the particular flag pole. The crux of the case centered on the difference between government speech and private expression protected by the First Amendment. Government speech is when a government entity chooses what it says or does not say.

As the Court noted, the line between government speech and private expression is blurred when the government invites people to participate in a program. The Court focused particular attention on the extent to which the city had actively shaped or controlled the message. The Court found that the city did not shape or control the messages of previously allowed flags and did not have any written policies or internal guidance about what flags groups could fly on the City flag pole. The Court held that Boston’s denial was a violation of the private organization’s constitutional rights.

Third, Wilsonville Code (WC) 6.150(2) allows persons who obtain a special event permit to display banners consistent with the regulations stated in WC 6.150(2). That section includes reference to a plan set out by the Public Works Department, which is currently a written internal banner policy that has not been updated since 2011.

Fourth, as mentioned, the City has an internal banner policy for banners that may be placed on certain streetlights. This internal policy should be updated and incorporated into any overarching commemorative flag policy to provide one document for the City and the public to reference.

Fifth, in December 2021, the League of Oregon Cities published its *Guide to the Public Display of Flags on Government Buildings*. See Attachment 2. Staff relied on this Guide to develop the draft City Flag Policy.

**B. Policy Choices in Current Draft Flag Policy**

To aid the Council’s discussion of the draft Flag Policy, this Staff Report provides an overview of each section of the Flag Policy, with particular emphasis on Sections 5 and 6 of the Flag Policy (items 3 and 4 below). To the extent that the DEI Committee discussed a particular section in its August 2022 meeting, a summary of the discussion is included.

**1. Section 1 of Flag Policy – Purpose**

Section 1 of the draft Flag Policy includes a purpose statement. Initially, Section 1 was entitled “Background” and only included the first sentence. The DEI Committee discussed a more in-depth purpose statement in Section 1 that goes beyond the legal aspects of the Flag Policy to identify the City’s intention in promoting visual representation, as expressed in the Plan.

**2. Sections 2-4 of Flag Policy – Federal, State, and City Flags**

Section 2 of the Flag Policy is essentially a recitation of the federal regulations governing the U.S. Flag. The draft Flag Policy does not and cannot deviate from those federal regulations. Similarly Section 3 of the Flag Policy follows the Oregon statutes governing the State of Oregon Flag and the POW/MIA Flags. Section 4 covers a City of Wilsonville Flag should the City ever adopt an official City flag. The regulations for such a flag are consistent with the federal and state regulations for the respective US Flag and Oregon Flag.

**3. Section 5 of Flag Policy – Commemorative Flags**

Section 5 is a crucial policy discussion point, as it is directed toward the City’s visual representation through flags and is in response to the *Shurtleff* decision. While subsections 5.2 and 5.3 follow the same general format as the prior sections for the federal and state flags, Section 5 begins with a description of the types of flags that are considered commemorative flags and the “General Requirements” subsection 5.1 is different. Initially, the Flag Policy was drafted to provide the City Council or the City Manager with the authority to authorize the display of a commemorative flag. The DEI Committee, after extensive discussion, opted to have the decision rest only with the City Council and then add the City Manager to the list of people who may request the display of a commemorative flag.

The last sentence of subsection 5.1 expressly states that members of the public cannot directly request the Council allow them to display flags so as to create a clear delineation between government speech and private expression in light of the *Shurtleff* decision.

**4. Section 6 of Flag Policy – Banners**

Section 6 governs banners. The section is generally reflective of the City’s internal banner policy, with modifications, as provided by the Public Works Department, since it is the department tasked with having a banner plan under WC 6.150. A key distinction in Section 6 is that WC 6.150(2) does allow the use of certain streetlights for permitted Large Special Events and so there is the possibility of some private expression to occur on certain streetlights. However, no one, outside of the City itself, may have a banner placed on a streetlight without the required permit.

Staff also notes that Villebois has its own banner program as part of the Master Sign and Wayfinding Plans approved as a component of each Sub Area Plan (SAP). Outside of ensuring compliance with the Master Sign and Wayfinding Plans, the City does not operate, manage, or maintain banners within Villebois. Thus, this distinction is expressly called out in subsection 6.1.1.3 of the draft Flag Policy.

Subsection 6.3 also includes the current costs that must be paid to the City for installing and removing banners for special events, since WC 6.150(2)(b) requires that City staff install and remove the banners.

**5. Section 7 of Flag Policy – Amendments**

Since the DEI Committee recommended that only the City Council approve commemorative flags, Section 7 states that amendments to the Flag Policy, outside of changes in federal or state law regarding the U.S. or Oregon Flag, must be approved by Council.

**C. Other Items Discussed by the DEI Committee**

During discussion of the draft Flag Policy, members of the DEI Committee expressed interest in exploring the creation of a City of Wilsonville flag and specific designs of the official flag for various events and particular months in the year. The DEI Committee decided to put this discussion in its “parking lot” of ideas that could be further explored as it set its strategic priorities from the Plan.

A member of the DEI Committee also raised a question about the Rotary Club of Wilsonville’s “Peace Poles” that are installed on City properties. While outside the scope of the Flag Policy, staff will recommend that the resolution adopting the Flag Policy include language that codifies the City’s desire to have these poles on City property as well, with placement subject to approval by the City Manager.

**EXPECTED RESULTS:**

An adopted Flag Policy will codify a framework for the City to display commemorative flags on City flag poles and in City facilities.

**TIMELINE:**

Staff plans to attend the September 2022 DEI Committee meeting to seek a recommendation from the Committee to the Council to adopt the City Flag Policy. Staff will then return to Council for adoption.

**CURRENT YEAR BUDGET IMPACTS:**

N/A

**COMMUNITY INVOLVEMENT PROCESS:**

Staff sought feedback from the DEI Committee at its August 2022 meeting on the draft Flag Policy and staff will seek a recommendation from the DEI Committee at its September 2022 meeting for Council to adopt the Flag Policy.

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

As identified in the DEI Strategic Plan, flags can serve as visual representation of the City's mission and values. As identified in the 2021-23 City Council Goals, the Council identified the opportunity to continue supporting a focus on diversity, equity, and inclusion and to create an environment where people feel safe to engage.

**ALTERNATIVES:**

The City may decide to forgo a Flag Policy and choose not to display commemorative flags on City flag poles or in City facilities.

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENTS:**

1. Draft City of Wilsonville Flag Policy
2. *Guide to the Public Display of Flags on Government Buildings*, League of Oregon Cities (Dec. 2021).



# City of Wilsonville Flag Policy

## 1. Purpose

The City of Wilsonville seeks to codify a flag policy for City-owned property that incorporates federal and State of Oregon flag display requirements, along with City-specific requirements. Additionally, the City adopted the Diversity, Equity and Inclusion (DEI) Strategic Plan on July 18, 2022 via Resolution No. 2979. The DEI Strategic Plan includes a strategic action item of “visual representation,” and references flags in that strategic action item. This Flag Policy establishes the framework for the City to engage in visual representation through flags.

## 2. United States Flag

### 2.1. General Requirements

The City must procure for each City-owned building a United States flag (“US Flag”) of suitable size, as determined by the City Manager or designee. The City will comply with the federal flag regulations as provided in 4 USC § 1-10, as may be amended and as summarized herein. The City may also consult the US Department of Veterans Affairs’ *Guidelines for Display of the Flag* attached as **Exhibit 1** for any further guidance regarding displaying the US Flag.

### 2.2. Time and Occasions for Display

#### 2.2.1. Outdoor Flags

The US Flag must be placed upon or near each City-owned building and displayed from sunrise to sunset and on stationary flagstaffs in the open, except as otherwise provided herein. The US Flag may be displayed for 24 hours a day if properly illuminated during the hours of darkness. The US Flag should not be displayed on days of inclement weather unless an all-weather US Flag is displayed.

#### 2.2.2. Indoor Flags

The US Flag must be displayed, at a minimum, in the City Council Chambers. The City Manager or designee may authorize the display of the US Flag in other City buildings.

#### 2.2.3. Displaying at Half-Staff

The US Flag should be displayed at half-staff on each Memorial Day until noon and should be displayed at half-staff when otherwise ordered by the President of the United State or the Oregon Governor.



### **2.3. Position and Manner of Display**

When displayed on the same staff, the US Flag must be at the peak, followed by the Oregon Flag, then the POW/MIA Flag, then the Wilsonville Flag (if one is created), and finally any other authorized flag. If one other flag is displayed on a staff next to the US Flag, the US Flag should be displayed on the left-most staff and positioned higher than the other flag. In a group of flags displayed from staffs, the US Flag should be at the center and the highest point. When the flags are flown from adjacent staffs, the US Flag should be hoisted first and lowered last.

The US Flag should be hoisted briskly and lowered ceremoniously.

## **3. State of Oregon Flag and POW/MIA Flag**

### **3.1. General Requirements**

The City must procure for each City-owned building a State of Oregon flag (“Oregon Flag”) and, except as provided herein, a National League of Families' POW/MIA flag (“POW/MIA Flag”), each of suitable size, as determined by the City Manager or designee. The City will comply with the Oregon flag regulations as provided in ORS 186.110 and 186.120, as may be amended and as summarized herein.

The City is required to purchase and display a POW/MIA Flag only with respect to public buildings that have existing flagpoles or other infrastructure installed to properly display all three flags (US Flag, Oregon Flag, and POW/MIA Flag), except that any newly constructed City building must include sufficient infrastructure to properly display all three flags.

### **3.2. Time and Occasion for Display**

#### **3.2.1. Outdoor Flags**

The City will display the Oregon Flag and the POW/MIA Flag with the US Flag upon or near the City buildings during the hours when the US Flag is customarily displayed, except in inclement weather, and at such other times as seems proper, as determined by the City Manager or designee.

#### **3.2.2. Indoor Flags**

The Oregon Flag must be displayed, at a minimum, in the City Council Chambers. The City Manager or designee may authorize the display of the Oregon Flag in other City buildings.

#### **3.2.3. Displaying at Half-Staff**

The Oregon Flag and POW/MIA Flag should be displayed at half-staff when the US Flag is also displayed at half-staff or if otherwise ordered to be displayed at half-staff by the Oregon Governor.

### **3.3. Position and Manner of Display**

When displayed on the same staff, the US Flag must be at the peak, followed by the Oregon Flag, then the POW/MIA Flag, then the Wilsonville Flag, and finally any other authorized flag. In a group of flags displayed from staffs, the US Flag should be at the center and the highest point.

## **4. City of Wilsonville Flag**

If the City approves an official City of Wilsonville flag, the following regulations will apply to such flag.

### **4.1. General Requirements**

The City must procure for City Hall and, as authorized by the City Manager or designee, at any other City-owned building a City of Wilsonville flag (“Wilsonville Flag”) of suitable size, as determined by the City Manager or designee.

### **4.2. Time and Occasion for Display**

#### **4.2.1. Outdoor Flags**

Where the City displays the Wilsonville Flag, it must be displayed with the US Flag upon or near the City building during the hours when the US Flag is customarily displayed, except in inclement weather, and at such other times as seems proper, as determined by the City Manager or designee.

#### **4.2.2. Indoor Flags**

The City Manager or designee may authorize the display of the Wilsonville Flag in any City buildings.

#### **4.2.3. Displaying at Half-Staff**

The Wilsonville Flag should be displayed at half-staff when the US Flag is also displayed at half-staff or if otherwise ordered to be displayed at half-staff by the Mayor or the City Manager.

### **4.3. Position and Manner of Display**

When displayed on the same staff, the US Flag must be at the peak, followed by the Oregon Flag, then the POW/MIA Flag, then the Wilsonville Flag, and finally any other authorized flag. In a group of flags displayed from staffs, the US Flag should be at the center and the highest point.

## **5. Commemorative Flags**

A commemorative flag is a flag that identifies with a specific historical event, cause, nation, or group of people that the City Council chooses to honor or commemorate consistent with the City's mission and priorities. A commemorative flag may include, but is not limited to, a Sister City flag; the World flag; flags received for awards for which the City has applied (e.g., Tree City USA flag); or flags displayed in conjunction with official actions, ceremonies, or proclamations of the City.

### **5.1. General Requirements**

As an expression of the City's official government speech, the City Council may authorize the display of a commemorative flag to be displayed at City buildings. The City's flagpoles are not to serve as a forum for free expression by the public. The City Council will only consider a request to display a commemorative flag if the request is made by any one of the following: (1) the City Manager; (2) a member of Council; or (2) a recommendation from one of the City's committees, boards, or commissions. Requests directly by members of the public to display a commemorative flag will not be considered.

### **5.2. Time and Occasion for Display**

#### **5.2.1. Generally**

Commemorative flags will be displayed for a period of time that is reasonable or customary for the subject that is be commemorated, which period of time may be permanent or temporary. Commemorative flags must be either purchased by the City or temporarily donated for the City's use and must be clean, without holes and tears. Commemorative flags must be the same size or smaller than the US Flag and Oregon Flag that are displayed.

#### **5.2.2. Outdoor Flags**

If a commemorative flag is displayed with the US Flag, it must be displayed for no longer than the hours when the US Flag is customarily displayed, except in inclement weather, and at such other times as seems proper, as determined by the City Manager or designee.

#### **5.2.3. Indoor Flags**

The City Manager or designee may authorize the display of any approved commemorative flag in any City buildings.

#### **5.2.4. Displaying at Half-Staff**

If any other flag is displayed at half-staff, the commemorative flag will also be displayed at half-staff.

### 5.3. Position and Manner of Display

When displayed on the same staff, the US Flag must be at the peak, followed by the Oregon Flag, then the POW/MIA Flag, then the Wilsonville Flag, and finally any other authorized flag. In a group of flags displayed from staffs, the US Flag should be at the center and the highest point.

## 6. Banners

### 6.1. Generally

As an expression of the City’s official government speech, the City Manager may authorize the display of banners to be displayed adjacent to City streets attached to public street lights or utility poles. The street lights and utility poles are not to serve as a forum for free expression by the public, except as otherwise provided in WC 6.150(2) for certain permitted Large Special Events. The length of display of banners is at the discretion of the City Manager.

#### 6.1.1. Location of Public Streetlights and Utility Poles

The City has three districts/corridors where banners are displayed by the City or allowed on public streetlight or utility poles:

##### 6.1.1.1. Wilsonville Road Gateway Corridor

This corridor between the railroad tracks on the west side of I-5 and Boeckman Creek Bridge on the east side of I-5 serves as a Gateway to the City. The City installs and rotates City-owned seasonal banners along this corridor to enhance the gateway. However, the City may select to substitute the seasonal banners with another theme. Select streetlight poles along the corridor may be available to organizations hosting Large Special Events pursuant to WC 6.150 (2).

##### 6.1.1.2. Town Center Loop

Town Center Park is one of the City’s premier gathering places and the space is used for many of the City’s Large Special Events. Pursuant to WC 6.150 (2) organizations requesting Large Special Events are eligible to place banners on certain streetlight poles along SW Town Center Loop East and West, as well as Memorial Drive and Courtside Drive. Spacing is determined by the Public Works Department based on the number of banners being installed.

##### 6.1.1.3. Villebois Village

Villebois has a specific banner program approved as part of the Master Sign and Wayfinding Plans approved as a component of each Sub Area Plan (SAP). Outside of ensuring compliance with the Master Sign and Wayfinding Plans, the City does not operate, manage, or maintain banners within Villebois.

## 6.1.2. Banner Design

6.1.2.1. Special Event banners will be designed and produced in a color scheme complementary to the existing city seasonal banners.

6.1.2.2. City seasonal banners will have the following color schemes, which may be modified as authorized by the City Manager or designee:

6.1.2.2.1. Spring: Lavender, Yellow, White

6.1.2.2.2. Summer: Dark Blue, Sky Blue, Yellow

6.1.2.2.3. Fall: Yellow, Purple, Rust, Orange

6.1.2.2.4. Winter: Blue, Yellow, White

## 6.1.3. Banner Production

### 6.1.3.1. Sizes

6.1.3.1.1. Wilsonville Road (West of I-5), Boones Ferry Road: Banners must meet the following dimensional requirements: 28.5 inches wide and 48 inches long.

6.1.3.1.2. Wilsonville Road (East of I-5), Town Center Loop, Elligsen Road, Courtside Drive, Memorial Drive: Banners must meet the following dimensional requirements: 28.5 inches wide and 96 inches long.

### 6.1.4. Post Sleeves

Banners shall be installed on upper and lower posts securely attached to the pole. All banners will include an upper and lower sleeve of 4 to 6 inches wide, double stitched, for banners being installed by Public Works, and widths as required by the installer for signs being installed by contractors. Banners shall include grommets on side of banner that will be next to pole for attachment to pole with zip ties. There must be one grommet on top and one on the bottom, 4 inches from the top or bottom of the banner.

### 6.1.5. Clearance Requirements

For banners extending over a vehicle travel lane, bike lane, or curb area, the minimum clearance is fourteen feet (14'). For all other banners the minimum clearance is eight feet (8').

## **6.2. Time and Occasion for Display**

6.2.1. Special Event banners must be installed no earlier than fourteen days before the start of the Special Event and removed no later than fourteen days after the end of the Special Event, unless as otherwise provided in the Special Event Permit.

6.2.2. City seasonal banners will be installed consistent with the following schedule:

6.2.2.1. Spring: March 1

6.2.2.2. Summer: June 1

6.2.2.3. Fall: September 1

6.2.2.4. Winter: December 1

6.2.3. Except in Villebois, placement and removal of all banners will be done only by Public Works employees or contractors agreed upon by the Public Works Department.

## **6.3. Installation Fee and Responsibility.**

The City Manager may charge a fee for the installation of Special Event banners, which is currently set at \$1,300 per Special Event (\$650 to install and \$650 to remove), payable in advance. This fee covers installation and removal only, and does not cover banner construction, maintenance, or storage, which the City does not provide. Banners must be installed by City Public Works employees only, as provided in WC 6.150(2)(b). The City of Wilsonville is not responsible for any damage to non-City banners from vehicles, vandalism, or any other cause.

## **7. Amendments to Flag Policy and Other Regulations**

The City Manager is authorized to amend this Flag Policy to reflect any changes in federal or state law regarding the U.S. Flag, the State of Oregon Flag, or the POW/MIA Flag. Any other revisions to this Flag Policy must be approved by the City Council.

## EXHIBIT 1 TO FLAG POLICY



U.S. Department of Veterans Affairs  
Washington, D.C. 20420

## Guidelines for Display of the Flag

Public Law 94-344, known as the Federal Flag Code, contains rules for handling and displaying the U.S. flag. While the federal code contains no penalties for misusing the flag, states have their own flag codes and may impose penalties. The language of the federal code makes clear that the flag is a living symbol.







In response to a Supreme Court decision which held that a state law prohibiting flag burning was unconstitutional, Congress enacted the Flag Protection Act in 1989. It provides that anyone who knowingly desecrates the flag may be fined and/or imprisoned for up to one year. However, this law was challenged by the Supreme Court in a 1990 decision that the Flag Protection Act violates the First Amendment free speech protections.

### Important Things to Remember

Traditional guidelines call for displaying the flag in public only from sunrise to sunset. However, the flag may be displayed at all times if it's illuminated during darkness. The flag should not be subject to weather damage, so it should not be displayed during rain, snow and wind storms unless it is an all-weather flag.

It should be displayed often, but especially on national and state holidays and special occasions.

The flag should be displayed on or near the main building of public institutions, schools during school days, and polling places on election days. It should be hoisted briskly and lowered ceremoniously.

Image	Description
	<p>When carried in procession with other flags the U.S. flag should be either on the marching right (the flag's right) or to the front and center of the flag line. When displayed on a float in a parade, the flag should be hung from a staff or suspended so it falls free. It should not be draped over a vehicle.</p>
	<p>When displayed with another flag against a wall from crossed staffs, the U.S. flag should be on its own right (left to a person facing the wall) and its staff should be in front of the other flag's staff.</p>
	<p>In a group of flags displayed from staffs, the U.S. flag should be at the center and the highest point.</p>
	<p>When the U.S. flag is displayed other than from a staff, it should be displayed flat, or suspended so that its folds fall free. When displayed over a street, place the union so it faces north or east, depending upon the direction of the street.</p>
	<p>When the U.S. flag is displayed from as projecting from a building, the union of the flag should be placed at the peak of the unless the flag is at half-staff. When suspended from a rope extending from the building on a pole, the flag should be hoisted out, union first from the building.</p>
	<p>When flags of states, cities or organizations are flown on the same staff, the U.S. flag must be at the top (except during church services conducted at sea by Navy chaplains)</p>



The flag should never be draped or drawn back in folds. Draped red, white and blue bunting should be used for decoration, with the blue at the top and red at the bottom.

The flag may be flown at half-staff to honor a newly deceased federal or state government official by order of the president or the governor, respectively. On Memorial Day, the flag should be displayed at half-staff until noon.

### **Other Things Not to Do with the Flag**

Out of respect for the U.S. flag, never:

- dip it for any person or thing, even though state flags, regimental colors and other flags may be dipped as a mark of honor.

- display it with the union down, except as a signal of distress.

- let the flag touch anything beneath it: ground, floor, water, merchandise.

- carry it horizontally, but always aloft.

- fasten or display it in a way that will permit it to be damaged or soiled.

- place anything on the flag, including letters, insignia, or designs of any kind.

- use it for holding anything.

- use it as wearing apparel, bedding or drapery. It should not be used on a costume or athletic uniform. However, a flag patch may be attached to the uniform of patriotic organizations, military personnel, police officers and firefighters.

- use the flag for advertising or promotion purposes or print it on paper napkins, boxes or anything else intended for temporary use and discard.

During the hoisting or lowering of the flag or when it passes in parade or review, Americans should stand at attention facing the flag and place their right hand over the heart. Uniformed military members render the military salute. Men not in uniform should remove any headdress and hold it with their right hand at their left shoulder, the hand resting over the heart. Those who are not U.S. citizens should stand at attention.

When the flag is worn out or otherwise no longer a fitting emblem for display, it should be destroyed in a dignified way, preferably by burning.



# Guide to the Public Display of Flags on Government Buildings

DECEMBER 2021

# Guide to the Public Display of Flags on Government Buildings

Any guide and model document provided by the LOC is intended to be used as a starting point in an individual city's development of its own policies and documents. Each city is unique, and any adopted document or policy should be individually tailored to meet a city's unique needs.

This guide is not intended as a substitute for legal advice. Cities should consult with their city attorney to ensure that it complies with all flag-related aspects of federal, state and local law.

## Introduction

The image of a flag flying over a government building is not uncommon. Typically, government entities – including cities – will fly the national and state flag on their buildings. The flying of some flags is even mandated by law. This guide will cover: how and when city flags should be flown; and when other non-governmental flags should be flown; and how to dispose of older flags.

## The Display of Governmental Flags

The rules and regulations impacting the display of governmental flags varies between federal and state law.

### Federal Flag Regulations

Federal law does not mandate the display of the United States flag. However, should a city choose to display the flag, it should follow the federal flag display guidelines. The United States flag should only be displayed from sunrise to sunset unless it is properly illuminated during the hours of darkness.<sup>1</sup> The flag should be displayed on or near the main building of public institutions and should be hoisted briskly and lowered ceremoniously and should not be displayed on days where the weather is inclement unless an all-weather flag is displayed.<sup>2</sup> When the United States flag is flown on the same halyard as another state or city flag, the United States flag shall be at the peak.<sup>3</sup> For further details on the display of the United States flag, a copy of *Guidelines for Display of the Flag* issued by the U.S. Department of Veterans Affairs is provided for easy reference at the end of this guide.

### State Flag Regulations

Unlike the federal requirements, the state of Oregon requires two types of flags in addition to the American flag to be displayed. All public institutions must display the United States flag, the Oregon state flag, and the National League of Families POW/MIA flag.<sup>4</sup> Both state and POW/MIA flags must be displayed during the same time when the United States flag is customarily displayed.<sup>5</sup> In addition to the display of governmental flags, state statute provides that necessary funds to defray the expenses incurred for such flags and for poles and appliances necessary in connection therewith and for the care thereof shall be paid out of the funds available for the care and maintenance of the public building.<sup>6</sup>

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<sup>1</sup> 4 USCA § 6 (West).

<sup>2</sup> 4 USCA §§ 4, 6 (West).

<sup>3</sup> 4 USCA § 7 (West).

<sup>4</sup> ORS 186.110.

<sup>5</sup> *Id.*

<sup>6</sup> ORS 186.120.

## City Flag Regulations

The rules and regulations around the display of city flags is unique to each individual city. To promote consistency, cities may choose to implement a city flag display policy via resolution passed by the city council. A sample city flag resolution is provided at the end of this guide.

## Flag Etiquette

There are federal and state guidelines as to when certain flags must be flown at half-staff, which is done during periods of mourning. For example, flags are to be flown at half-staff on all federal buildings during Memorial Day or when the President orders flags to be flown at half-staff. Similarly, the Oregon governor has similar authority to order when flags should be flown at half-staff within the state. Cities may also order flags to be flown at half-staff. Once a flag is worn out or otherwise unfit for display, it should be destroyed in a dignified manner, preferably by burning.

## The Display of Non-Governmental Flags

When a city or other government entity chooses to fly a flag on city property, this is considered government speech.<sup>7</sup> Unlike the public's First Amendment right to freedom of speech, the government is not required to display any and everything that is requested by members of the public. Rather, the city may choose to fly the non-governmental flags and commemorative flags of its choosing. It is recommended that the city council develop a policy regarding the types of flags the city will fly whether by request of a member of the public, city staff, or the council itself. Cities have broad discretion on the extent of its non-governmental flag policy. A city may choose to ban the flying on non-governmental flag outright, allow certain flags upon request, or allow all flags. If a city chooses to fly certain flags upon request of the public, it is important that the city reviews the requests in a non-discriminatory manner. Examples of various flag policies from select cities are included at the end of this guide.

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<sup>7</sup> See, for example, *Shurtleff v. City of Boston*, 986 F3d 78 (1<sup>st</sup> Cir 2021) (holding the city's display of third-party flags on the city hall flagpole constitutes government speech and decision to deny Christian organization's application to display Christian flag on city flagpole did not implicate free speech rights).



U.S. Department of Veterans Affairs  
Washington, D.C. 20420

## Guidelines for Display of the Flag

Public Law 94-344, known as the Federal Flag Code, contains rules for handling and displaying the U.S. flag. While the federal code contains no penalties for misusing the flag, states have their own flag codes and may impose penalties. The language of the federal code makes clear that the flag is a living symbol.







In response to a Supreme Court decision which held that a state law prohibiting flag burning was unconstitutional, Congress enacted the Flag Protection Act in 1989. It provides that anyone who knowingly desecrates the flag may be fined and/or imprisoned for up to one year. However, this law was challenged by the Supreme Court in a 1990 decision that the Flag Protection Act violates the First Amendment free speech protections.

### Important Things to Remember

Traditional guidelines call for displaying the flag in public only from sunrise to sunset. However, the flag may be displayed at all times if it's illuminated during darkness. The flag should not be subject to weather damage, so it should not be displayed during rain, snow and wind storms unless it is an all-weather flag.

It should be displayed often, but especially on national and state holidays and special occasions.

The flag should be displayed on or near the main building of public institutions, schools during school days, and polling places on election days. It should be hoisted briskly and lowered ceremoniously.

Image	Description
	<p>When carried in procession with other flags the U.S. flag should be either on the marching right (the flag's right) or to the front and center of the flag line. When displayed on a float in a parade, the flag should be hung from a staff or suspended so it falls free. It should not be draped over a vehicle.</p>
	<p>When displayed with another flag against a wall from crossed staffs, the U.S. flag should be on its own right (left to a person facing the wall) and its staff should be in front of the other flag's staff.</p>
	<p>In a group of flags displayed from staffs, the U.S. flag should be at the center and the highest point.</p>
	<p>When the U.S. flag is displayed other than from a staff, it should be displayed flat, or suspended so that its folds fall free. When displayed over a street, place the union so it faces north or east, depending upon the direction of the street.</p>
	<p>When the U.S. flag is displayed from as projecting from a building, the union of the flag should be placed at the peak of the unless the flag is at half-staff. When suspended from a rope extending from the building on a pole, the flag should be hoisted out, union first from the building.</p>
	<p>When flags of states, cities or organizations are flown on the same staff, the U.S. flag must be at the top (except during church services conducted at sea by Navy chaplains)</p>

The flag should never be draped or drawn back in folds. Draped red, white and blue bunting should be used for decoration, with the blue at the top and red at the bottom.

The flag may be flown at half-staff to honor a newly deceased federal or state government official by order of the president or the governor, respectively. On Memorial Day, the flag should be displayed at half-staff until noon.

### **Other Things Not to Do with the Flag**

Out of respect for the U.S. flag, never:

- dip it for any person or thing, even though state flags, regimental colors and other flags may be dipped as a mark of honor.

- display it with the union down, except as a signal of distress.

- let the flag touch anything beneath it: ground, floor, water, merchandise.

- carry it horizontally, but always aloft.

- fasten or display it in a way that will permit it to be damaged or soiled.

- place anything on the flag, including letters, insignia, or designs of any kind.

- use it for holding anything.

- use it as wearing apparel, bedding or drapery. It should not be used on a costume or athletic uniform. However, a flag patch may be attached to the uniform of patriotic organizations, military personnel, police officers and firefighters.

- use the flag for advertising or promotion purposes or print it on paper napkins, boxes or anything else intended for temporary use and discard.

During the hoisting or lowering of the flag or when it passes in parade or review, Americans should stand at attention facing the flag and place their right hand over the heart. Uniformed military members render the military salute. Men not in uniform should remove any headdress and hold it with their right hand at their left shoulder, the hand resting over the heart. Those who are not U.S. citizens should stand at attention.

When the flag is worn out or otherwise no longer a fitting emblem for display, it should be destroyed in a dignified way, preferably by burning.



MODEL RESOLUTION REGARDING THE DISPLAY OF FLAGS ON CITY PROPERTY

CITY OF [Insert name of city], OREGON [Insert name of city], CITY COUNCIL

**RESOLUTION NUMBER: [Insert appropriate number]**

A RESOLUTION OF THE [Insert name of city] CITY COUNCIL GOVERNING THE DISPLAY OF FLAGS ON CITY PROPERTY.

---

WHEREAS, the city council desires to establish clear guidelines regarding the display of all flags flown on city-owned or city-maintained properties; and

WHEREAS, in adopting this resolution, the city council declares that flagpoles owned or maintained by the City of [Insert name of city] are not intended to serve as a forum for free expression by the public, but rather as a non-public forum for the display of any governmental and non-governmental flag authorized by the City Council either required by law or as an expression of the City Council's official government speech.

NOW, THEREFORE, BE IT RESOLVED by the [Insert name of city] City Council that:

SECTION 1: Flags shall be displayed in accordance with Federal and State statutes and regulations, including but not limited to, United States Code, Title 4, Chapter 1 and ORS 186.110 and 186.120.

SECTION 2 City Flag. The City of [Insert name of city] flag shall fly at half-staff if either the United States or Oregon flag is at half-staff. The mayor may order the City of [Insert city name] flag to fly at half-staff at the death of a current or former Council Member, current City staff member, or a historically significant member of the community.

SECTION 3 Commemorative Flag.

1. As an expression of the City's official government speech, the City Council may authorize the display of a commemorative flag to fly at city-owned or city-maintained properties.
2. The City Council shall only consider a request to display a commemorative flag if the request is made by a member of the City Council. Requests to fly a commemorative flag by members of the public will not be considered.
3. The decision to approve or deny a request to display a commemorative flag shall be made at a publicly noticed council meeting.
4. Commemorative flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated.
5. Commemorative flags must be either purchased by the City or temporarily donated for the City's use and must be clean, without holes and tears and be made of an all-weather

fabric. Commemorative flags but be the same size or smaller than the United States and Oregon flags that are flown.

6. If any other flag is flown at half-staff, the commemorative flag will also be flown at half-staff.
7. A “commemorative flag” as defined in this Policy shall mean a flag that identifies with a specific historical event, cause, nation or group of people that the City Council choses to honor or commemorate consistent with the City’s mission and priorities. The following are not allowed as Commemorative Flags and will not be considered by the City Council:
  - a. Flags of a particular religious movement or creed to avoid the appearance of City government endorsing religion or a particular religious movement or creed;
  - b. Flags of a political party to avoid the appearance of City government endorsing a political party; and
  - c. Flags advocating a certain outcome in an election.

SECTION 4: This Resolution is effective immediately upon passage.

PASSED: This [Insert date of passage].

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## POLICY 29 FLAG DISPLAY

Effective Date: September, 2015

### **SECTION INDEX: Flag Display**

- [1](#) Purpose
- [2](#) Reference
- [3](#) Application
- [4](#) Guidance

#### **1. PURPOSE**

It is the intent of the City of Olympia to establish a policy which follows the Washington State provisions governing the display of flags, including the United States flag, the State flag, the City flag, and the POW/MIA flag. Any additions must be approved by the City Manager.

#### **2. REFERENCE**

- Washington State provisions governing the display of flags.

#### **3. APPLICATION**

This Policy applies to all individuals employed by or who volunteer with the City of Olympia, unless a provision of the policy conflicts with a contract or statute (e.g., Collective Bargaining Agreement (CBA), Civil Service Rule, or Memorandum of Understanding (MOU)).

Failure to comply with this Policy may result in disciplinary action up to and including termination from City service.

#### **4. GUIDANCE**

##### **A. Display of Flags Outside Buildings**

The City of Olympia follows the Washington State provisions governing the display of flags, including the United States flag, the State flag, the City flag, and the POW/MIA flag.

##### **B. Display of Flags Inside Buildings**

In addition to the above flags, other flags may be displayed on a permanent or temporary basis within the building. Examples include the Sister City flag, the World flag, flags received for awards which the City has applied (e.g., the Tree City flag), flags received from visiting groups, or flags designating an event or accomplishment. All flags will be displayed with authorization by the City Manager.

Revision history: Created September, 2015

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**City of San José, California**

**COUNCIL POLICY**

<b>TITLE</b> EXHIBITION OF FEDERAL, STATE, AND CITY FLAGS FROM CITY BUILDINGS – ALL OCCASIONS	<b>PAGE</b>  1 of 3	<b>POLICY NUMBER</b>  2-1
<b>EFFECTIVE DATE</b> April 27, 1970	<b>REVISED DATE</b> October 17, 2006	
<b>APPROVED BY COUNCIL ACTION</b> 4-27-70; 8-3-82, Item 11 k; 9-28-82, Item 12 a; 4-2-85, Item 7 e; 10-17-2006, Item 3.7a; 11-14-2006; Item 3.5c, Res. 73490		

**PURPOSE**

To establish guidelines for: (1) the exhibition of the flag of the United States of America, the California State flag, the San Jose City flag from City buildings and the New City Hall flag at City Hall, and (2) the display of street flags for parades and holidays, and (3) the display of ceremonial flags.

**POLICY**

It is the policy of the City of San José that flags should be displayed in conformance with Federal and State policies, as stated in the Federal "Our Flag" publication of the Congress, House Document No. 96-144; and the State of California Government Code Sections 430 and 437.

In order to establish a policy with respect to the locations and days when the United States of America, California State, and San Jose City flags should be displayed, the following standards should be followed.

The Director of General Services is responsible for ensuring the proper execution of this policy at all City facilities except the Airport, where the Director of Aviation is responsible for proper execution of this policy.

**STANDARDS**

**A. Federal, State and City Flags**

1. Outdoor flags will be flown at City facilities in the following order of precedence: first, the United States flag; second, the California State flag; third, the San Jose City flag; and fourth, the New City Hall flag.
2. Weather permitting, flags should be displayed daily in front of or at a location near City Hall, the Police Administration Building, the Civic Auditorium, the Airport, and all Fire and Police facilities during business hours.
3. Flags should not be displayed in inclement weather. However, all-weather flags may be flown on a 24-hour basis as long as they are illuminated from sunset to sunrise.

## City of San José, California

<b>TITLE</b>	<b>PAGE</b>	<b>POLICY NUMBER</b>
EXHIBITION OF FEDERAL, STATE, AND CITY FLAGS FROM CITY BUILDINGS – ALL OCCASIONS	2 of 3	2-1

The City Hall flags shall be all-weather flags, shall be flown on a 24-hour basis and shall be illuminated at night.

4. The San Jose City flag will be flown wherever there are sufficient poles to do so in accordance with #2 above. The City flag may be displayed on the same pole with, and underneath the State flag, whenever the pole is of sufficient height. The Federal, State, and City flags shall not be flown on a single pole of any height.
5. New City facilities where any flags are to be flown shall be constructed with a sufficient number of poles to allow the City flag to be flown.
6. Indoor City flags shall be displayed at a minimum in the City Council Chambers and in the Mayor's Office.
7. On recognized Federal and/or State holidays, and on other special occasions as listed below, flags should be flown from all locations listed in paragraph A-2 above.
  - a) January 1, New Year's Day
  - b) January 20, (2001, 2005, 2009, etc., every fourth year) on the day the President of the United States is inaugurated
  - c) Third Monday in January, Martin Luther King's birthday
  - d) Third Monday in February, Presidents' Day
  - e) Second Sunday in May, Mother's Day
  - f) Third Saturday in May, Armed Services Day
  - g) Last Monday in May, Memorial Day. The flags to be flown at half-staff (first raise to top, then slowly lower to half-staff) until noon and at full staff from noon until sunset. NOTE: The United States flag must always be flown by itself when displayed at half-staff.
  - h) Third Sunday in June, Father's Day
  - i) June 14, Flag Day
  - j) July 4, Independence Day
  - k) First Monday in September, Labor Day
  - l) September 9, Admission Day
  - m) September 17, Constitution Day
  - n) Second Monday in October, Columbus Day
  - o) The first Tuesday after the first Monday in November of a presidential election year and gubernatorial election days
  - p) November 11, Veteran's Day
  - q) Fourth Thursday in November, Thanksgiving Day
  - r) December 25, Christmas Day
  - s) State holidays
  - t) Special occasions of Federal, State and local proclamation
8. Flags at all City facilities shall be displayed in accordance with the above standards. However, the City Manager may order flags to be lowered to half staff including, but not limited to flags of the United States of America and State of California in honor of the death of a City employee killed in the line of duty.

## City of San José, California

<b>TITLE</b> EXHIBITION OF FEDERAL, STATE, AND CITY FLAGS FROM CITY BUILDINGS – ALL OCCASIONS	<b>PAGE</b> 3 of 3	<b>POLICY NUMBER</b> 2-1
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### B. Street Flags

Street flags are defined as flags flown on a guy wire over a city street. The guy wire is generally attached to city streetlights and is oriented perpendicular to the flow of traffic. Street flags may be flown in the downtown area on Veteran’s Day and Memorial Day, if requested by a group sponsoring an event on that day and approved by the City Council. Funding for this flag flying may be provided by an outside agency or at the City’s expense, depending on the decision of the City Council.

### C. Ceremonial Flags

The City’s flagpoles are not intended to serve as a forum for free expression by the public. The following flags may be displayed by the City as an expression of the City’s official sentiments:

1. Flags of Governments Recognized by the United States. Flags of the governments recognized by the United States may be displayed upon the request of the Mayor, a member of the City Council or the City Manager.
2. Flags of Sister Cities: The flags of official Sister Cities of San Jose may be displayed in conjunction with an event involving the Sister City.
3. Flags Displayed in Conjunction With Official Ceremonial Items: Other flags may be displayed in conjunction with official actions, ceremonial items, or proclamations of the City Council.
4. Flags of Professional Sports Teams: The City Manager may order the display of the flag of a professional sports team in commemoration of a significant achievement involving the City of San Jose.

## Chapter 1.14 FLAG DISPLAY

Sections:

**1.14.010 Intent – Governing law.**

**1.14.020 Definitions.**

**1.14.030 Time and occasions for display.**

**1.14.040 Position and manner of display.**

### **1.14.010 Intent – Governing law.**

It is the intent of this chapter to provide guidance for the display of the following flags at City owned or operated facilities within the City of Sunnyside:

- A. The flag of the United States as defined in [4 U.S.C. 1](#).
- B. The National League of Families' POW-MIA flag as defined in [36 U.S.C. 902](#).
- C. The flag of the state of Washington as defined in RCW [1.20.010](#). [Ord. 2011-19 § 1 (Exh. A), 2011.]

### **1.14.020 Definitions.**

- A. "Hoist" means the act or function of raising a flag, as on a rope.
- B. "Lower" means the act or function of taking down the flag, as on a rope.
- C. "Half-staff" or "half-mast" means a style of flag display where the flag is flown at the width of the flag from the top. Usually done by first hoisting the flag to the top, then lowering it the width of the flag. [Ord. 2011-19 § 1 (Exh. A), 2011.]

### **1.14.030 Time and occasions for display.**

A. The flag of the United States and flag of the state of Washington shall be displayed on all days at the following locations:

- 1. City Hall;
- 2. Police Department;
- 3. Fire Department;
- 4. Centennial Square.

B. The National League of Families' POW-MIA flag shall be displayed along with the flag of the United States and the flag of the state of Washington upon or near at least one of the locations identified in this section on the following days:

- 1. Armed Forces Day on the third Saturday in May;

2. Memorial Day on the last Monday in May;
3. Flag Day on June 14th;
4. Independence Day on July 4th;
5. National POW-MIA Recognition Day; and
6. Veteran's Day on November 11th.

If the designated day falls on a Saturday or Sunday, then the National League of Families' POW-MIA flag will be displayed on the preceding Friday. [Ord. 2011-19 § 1 (Exh. A), 2011; Ord. 2011-15 § 1, 2011.]

**1.14.040 Position and manner of display.**

The Mayor or Deputy Mayor in the absence of the Mayor on behalf of the City Council will, by proclamation or executive order, direct the City Manager to lower the flag to half-staff on the following occasions:

- A. Peace Officers Memorial Day, May 15th (unless that day is also Armed Forces Day);
  - B. Patriot Day, September 11th;
  - C. National Pearl Harbor Remembrance Day, December 7th;
  - D. In the event of the death of a principal federal and state government official;
  - E. In the event of the death of a City employee, or a member of the public safety community, killed in the line of duty;
  - F. In the event of the death of a member of the armed forces from Washington State while serving on active duty;
  - G. At the direction of the President of the United States; and
  - H. At the request of the Governor of the state of Washington. [Ord. 2011-19 § 1 (Exh. A), 2011.]
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Home

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The Sunnyside Municipal Code is current through Ordinance 2021-12, passed September 13, 2021.

Item C.

Disclaimer: The City Clerk's Office has the official version of the Sunnyside Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.sunnyside-wa.gov/>

City Telephone: (509) 837-3782

[Code Publishing Company](#)

**Mayor’s Business Agenda Item**  
**Sept. 8, 2022, Wilsonville City Council Meeting**



**Oregon Highway Plan (OHP) Tolling Policy Amendment**

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## Draft amendment to Oregon's tolling policy ready for public review

June 13, 2022

For more information: [Shelley M. Snow](#), Communications, 503-881-5362

SALEM – The public is invited to review a draft amendment to the Oregon Highway Plan that will guide the state in using tolling as a way to raise funds for transportation system improvements. The comment period is **open until August 1**. Read the draft amendment here (PDF): [OHP Policy Amendment Draft for Public Review.pdf \(oregon.gov\)](#).

An informational webinar about the draft amendment is scheduled for June 30, and a public hearing will be held on July 20 at 1 p.m. Information on how to access these events will be [posted on the website](#) when details are available.

### What is it?

The Oregon Highway Plan has an existing policy section on tolling. This draft policy amendment proposes an update to that section, which is "Goal No. 6: Tolling." The draft amendment is intended to modernize the state's pricing and tolling policy. It defines terms, such as congestion pricing, and it offers guidance for the use of revenue and setting rates (but it does not set rates). It also provides the Oregon Transportation Commission with clearer direction for decision making. There are 15 policies in the draft amendment, each with actions to guide implementing the policy.

Note: This amendment is not about whether or not the state should toll roads; instead, it provides guidance for doing so if the state decides to use tolling.

Public input will inform potential revisions to the plan amendment. The goal is to have a final version ready for adoption later this year. If you would like to comment, please [review the draft amendment](#). You may also want to attend the webinar and hearing scheduled for later. An online comment card [on the website](#) will be available soon to submit comments. You can also send an email with comments to [OHPmanager@odot.oregon.gov](mailto:OHPmanager@odot.oregon.gov).

### Background

The Oregon Highway Plan is the state's primary highway guide, establishing a 20-year vision and strategic framework for Oregon's road system. The [current plan](#) (PDF) was approved by the commission in 1999 and has been modified numerous times, including in 2012 to add the current section on tolling.

# Metro Council/JPACT Work Session

Garet Prior – Toll Policy Manager  
Amanda Pietz – Policy, Data, and Analysis Administrator  
July 28, 2022



## Oregon Highway Plan Toll Policy Amendment

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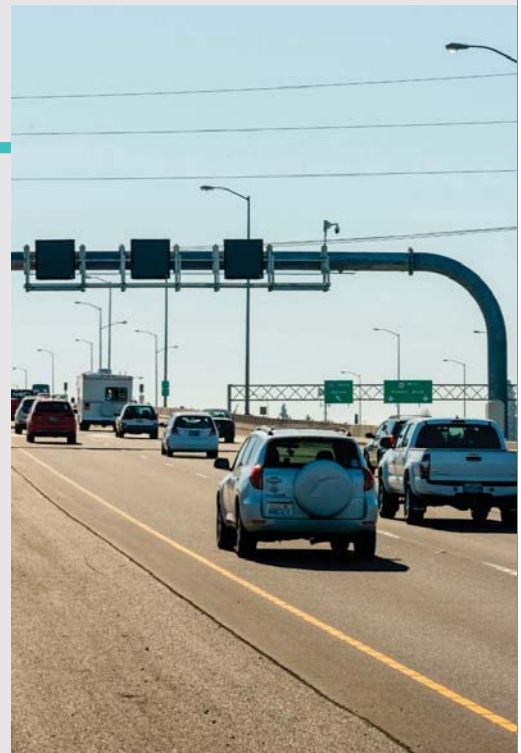
## Context

- Current policy, adopted in 2012, needs to be updated address current climate, equity, and administrative goals
- The policy will:
  - Define key terms and types of road pricing
  - Clarify the need and goals
  - Provide guidance on rate setting and uses of revenue



## Overview

- Context
- Types of Road Pricing
- Road Pricing Objectives
- Rate Structures, Pricing Considerations, Exemptions and Discounts
- Use of Revenue
- Infrastructure and Management



# Schedule



# Next steps

- **Public comment period extended to September 15 – please review the draft and email us your comments at [OHPManager@odot.oregon.gov](mailto:OHPManager@odot.oregon.gov)**
- Regional Toll Advisory Committee to begin meeting in August
- Continue collaboration with Metro and regional policy update – presentations and discussion at Metro committees in September (TPAC, MTAC, MPAC, JPACT, and Metro Council)
- Final Oregon Highway Plan Toll Amendment prepared for the Oregon Transportation Commission’s November meeting



## Goal 6: Tolling and Congestion Pricing

### Introduction

There are many mechanisms to price the transportation system to raise revenue and/or help achieve desired outcomes. These mechanisms can be used in concert with one another when a single system is insufficient at either purpose. The focus of this section is to outline roadway pricing mechanisms to pay for specific high-cost infrastructure or to achieve congestion reduction or other outcomes along discrete sections of roadways. “Tolls” are included in this section, which refer to roadway pricing that focuses on creating revenue for the construction, and other outcome-based mechanisms targeting a desired performance on a roadway, segment, or area, such as helping to reduce congestion. These roadway pricing mechanisms are defined in this policy to help identify when use may be most appropriate and further policy direction is provided to outline how these mechanisms should be applied.

As with all transportation programs, Oregon will fulfill obligations under Federal law for the implementation of road pricing on the interstate system. Tolling and pricing have requirements and obligations that are unique to those programs and the state will ensure that all of these are met.

### Types of Road Pricing

To simplify the various terms that are used for road pricing and align them with different policies, the following definitions will be used as key terms:

1. **Flat rate toll** – A fee set by the Oregon Transportation Commission (OTC) and charged by a road pricing operator for the use of traveling on said facility. The flat rate toll rate does not change throughout the day. Revenues from this type of road pricing are used for specific infrastructure such as bridges or tunnels and other costs associated with the tolled infrastructures.
2. **Congestion pricing** – Fee ranges are set by OTC and charged by a toll facility operator. Rates are higher during peak travel periods (such as morning and evening commute) and lower during off-peak periods. Current prices are displayed on electronic signs prior to the beginning of each priced section. With congestion pricing, motorists receive a reliable and less congested trip in exchange for the payment. Oregon will focus on scheduled variable rate congestion pricing.

Scheduled variable rate pricing, typically called “variable pricing” varies by time of day according to a published schedule, which can be updated periodically. Although rates can be different for each hour and for each day, they are known to users in advance of travel. This encourages motorists to plan travel in advance to use the roadway during less-congested periods or use a different mode and allows traffic to flow more freely during peak times.

## Road Pricing Objectives

Tolling and congestion pricing are tools used to help achieve specific outcomes and can be used together.

### **6.1 Policy Utilize tolling, congestion pricing or a combination to achieve documented outcomes**

#### 6.1.A Action

When tolling is used to fund a specific improvement, consider adding congestion pricing if high levels of congestion exist or it is anticipated within the planning horizon.

#### 6.1.B Action

Develop application specific objectives for tolling and congestion pricing consistent with the policies in this plan, recognizing more than one objective can be achieved but should be balanced.

#### 6.1.C Action

Road pricing options must not conflict with, and try to support, other statewide goals around sustainability and climate, health and equity, with an emphasis on addressing the needs of historically or currently underrepresented and underserved communities.

#### 6.1.D Action

Any road pricing options must consider the purpose and function of the facility, recognizing that the interstate and freeway system should serve longer trips and movement of people and goods to major employment and commerce locations.

### **6.2 Policy Utilize road tolls to help fund infrastructure improvements**

#### 6.2.A Action

Consider tolling for major investment projects on Oregon's freeways and bridges as a source for initial and sustainable funding when other funding sources are inadequate for investment needs.

#### 6.2.B Action

Utilize flat-rate tolling to raise funds for construction, operations, maintenance and administration of specific infrastructure, recognizing that such toll may have less impacts to congestion and climate when compared to congestion pricing.

#### 6.2.C Action

Evaluate if tolling should be used to help pay for any project that is for the construction or re-construction of a freeway or bridge and anticipated to cost more than \$100 million.

#### 6.2.D Action

Complete a comprehensive funding plan for projects utilizing tolling to pay for improvements. Include in the plan funding sources and relative funding shares, as well as analysis of the viability of the project if tolling does not move forward. Reasons for not pursuing tolling must verify how other funding sources will be impacted if the project still moves forward.



## 6.2.E Action

Consider tolling to cover the short- and long-term costs of the infrastructure improvement, as is required by law and financing obligations, including: the initial capital outlay, cost of operating the tolling program, and revenue needed to cover long term maintenance, operations, and administration functions.

**6.3 Policy Use congestion pricing to reduce traffic congestion**

Reduce delays, stops-and-starts, and increase reliability of travel times through congestion pricing to improve overall mobility on Oregon's interstates and freeways where mobility targets are not met and the system is experiencing regular recurring congestion. The intent of congestion pricing is to change some users' behavior so that they choose a different mode of transportation, time of day, route or not to make the trip. Congestion pricing can be considered as a complimentary part of a tolling project incorporating new or upgraded infrastructure, but also can be considered as a travel demand strategy for an interstate or freeway segment without any planned infrastructure projects.

## 6.3.A. Action

Evaluate if congestion pricing should be used to help manage congestion for any interstate or freeway that exceeds an Annual Average Daily Traffic (AADT) to Capacity ratio (AADT/C) of 9.0 or greater or where average vehicle speeds are less than 45 mph.

## 6.3.B Action

Prior to adding new throughway capacity such as the addition of new through travel lanes, demonstrate that system and demand management strategies, transit service and multimodal connectivity improvements, and pricing cannot adequately address throughway deficiencies and bottlenecks.

## 6.3.C Action

Pair pricing with other actions to address roadway congestion holistically, including the use of ITS technology, access control and management, increasing modal options and implementing other demand management tools.

## 6.3.D Action

Utilize congestion pricing to have a moderate impact on reducing vehicle travel on interstates and freeways through an expected schedule (e.g. during peak hours) with the ability to manage impacts to people experiencing low-income and diversion (rerouting) and especially when there few available alternate route and mode options for real-time decisions.

**6.4 Policy Connect to our climate goals and targets**

Ensure that potential application of congestion pricing evaluates how it will help support state climate change goals and targets.

## 6.4.A Action

Recognize that implementation of any road pricing mechanism is likely to impact overall VMT and therefore should be structured to minimize diversion of freight or longer trips to local roads and encourage VMT reduction.

## 6.4.B Action

Evaluate implementation of road pricing as a strategy to limit or reduce future vehicular travel demand from planned land use development. Analysis should specifically look at projects that are adding significant through travel roadway capacity such as additional through lanes.

**6.5 Policy Connect shifting travel to off-peak hours and to biking, walking, and public transportation to the design and operations of road pricing mechanisms**

Ensure that road pricing as strategy evaluates potential shift to other travel times and modes of transportation (e.g. public transportation, carpools, biking, and walking), telecommute, or times of travel to reduce climate impacts.

## 6.5.A Action

Pursue congestion pricing strategies to manage demand so that the recurring congestion performance objectives are met during all hours of the day.

## 6.5.B Action

Upon completing toll bond obligations, consider congestion pricing strategies for ongoing reliability and demand management purposes.

## 6.5.C Action

While developing the tolling project and/or road pricing application, collaborate with transit agencies, local jurisdictions, and other modal groups on the following:

- Increase (or support) public transportation services, transportation option service providers, or biking and walking options for those unable to afford tolls within the project or project area
- Understand how the benefits of a better managed, less congested interstate or freeway may provide opportunities for new, expanded, or enhanced transit service
- Understand how the impacts of diversion (rerouting) of vehicle trips may impact existing or planned transit service routes

**6.6 Policy Center equity when designing tolling and pricing frameworks**

While the reason to price the system will not be to improve equity directly, equity must be considered and addressed in the design, execution and management of any road pricing program. Equity efforts must focus on both “process equity” and “outcome equity,” which are defined as follows:

*Process equity* means that the planning process, from design to post-implementation monitoring and evaluation, actively and successfully encourages the meaningful participation of individuals and groups from historically excluded and underserved communities.

*Outcome equity* means that the toll or roadway pricing project will acknowledge existing inequities and will strive to prevent historically excluded and underserved communities from bearing the burden of

negative effects that directly or indirectly result from the priced projects, and will further seek to improve overall transportation affordability, accessible opportunity, and community health.

#### 6.6.A Action

Engrain equity into decision-making processes and ensure equity outcomes are achieved when developing, implementing, and managing road pricing programs, by:

- Ensure full **participation** of impacted populations and communities throughout the project and applications by identifying specific populations, groups, or geographic areas that will be used to discern for equity. The Agency must be accountable and transparent.
- Explore how road pricing application will impact overall household budgets, populations and communities and maintain **affordability**, in balance with other objectives.
- Projects will identify ways to support multi-modal access through partnerships and expand **opportunities** for historically excluded and underserved communities.
- Projects will consider the project impacts to outcomes such as community health, including air quality, noise, traffic safety, economic impacts and other potential effects on historically or currently excluded and underserved communities.

**Table XX: Summary of Road Pricing Mechanisms and Associated User Impact and Goals**

Mechanism	Flat rate toll	Congestion Pricing
Types of System Pricing	Flat rate toll	Variable rate
<b>USER EXPERIENCE</b>		
One price to use	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Price changes throughout day	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Predictable price for travelers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>DEMAND MANAGEMENT</b>		
Encourage shifts away from single-occupancy vehicle travel	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Encourage shifts from peak travel to off-peak travel	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>TRAFFIC OPERATIONS</b>		
Manages recurring traffic congestion (congestion pricing)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Responsive to day-to-day variations and real-time conditions	<input type="checkbox"/>	<input type="checkbox"/>



- Does achieve



- Does not achieve

## Rate Structures, Pricing Considerations, Exemptions and Discounts

Rate setting will be a critical step in tolling and congestion pricing processes. Specific rates are to be set in rule and the policy below provides the overarching structure for doing so.

### **6.7. Policy Structure rates so as not to impose unfair burdens on people experiencing low-income and to advance equity**

#### 6.7.A Action

When planning for, implementing, and managing road pricing systems including rate setting, engage the following groups for feedback and analysis:

- People experiencing low-income or economic disadvantage
- Black, indigenous and people of color (BIPOC)
- Older adults and youth
- Persons who speak non-English languages, especially those with limited English proficiency
- Persons living with a disability
- Small, minority, and woman- owned businesses
- Other populations and communities historically underrepresented by transportation projects – this shall be determined at the project-level

#### 6.7.B Action

While setting or adjusting road pricing rates, analyze the impacts to affordability by the percentage of household income for lower- income drivers compared to middle and higher-income drivers.

#### 6.7.C Action

Set a no- or low minimum balance requirement for loading or maintaining road pricing accounts used by the public.

#### 6.7.D Action

Road pricing should not contribute to major financial indebtedness for people experiencing low income. Establish rate discounts, exemptions, account supplementation and/or other processes for low-income users.

### **6.8 Policy Set rates to help achieve desired outcomes**

Structure rates to help achieve targeted revenue or performance outcomes as outlined in policy and specified by the project or desired application.

#### 6.8.A Action

Set rates to achieve outcomes and performance targets with the understanding that outcomes will not likely be achieved through road pricing alone and additional revenue sources may supplement funding needs. Structure rates to meet the desired share from toll revenues.

## 6.8.B Action

Establish rates consistent with the roadway classification, purpose, and function; and the desired use of such facilities. As such:

- Discourage short trips (three miles or less) and prioritize longer-distance travel on interstates and freeways; when evaluating diversion (rerouting) to local streets, limiting these new short trips should not be a priority as compared to limiting diversion (rerouting) of freight or longer trips (three miles or more)
- Any change of 0.05 to the existing/planned V/C from diverted traffic is considered significant and mitigation may be considered
- Keep freight on interstates and freeways and off local streets, when possible.

## 6.8.C Action

Set rates sufficient to:

- Cover the cost of the tolling or congestion pricing system and administration as is required by law
- Reach the desired revenue needed to pay for the planned share from tolling for the infrastructure improvement, operations, and maintenance
- Manage congestion to desired travel times, speeds, or reliability thresholds established for the project
- Meet any additional system performance metrics, defined for corridors, a series of corridors or by segments.

## 6.8.D Action

Rate setting decisions must be based on the following considerations that include equitable rate parameters. At a minimum, rate setting should include:

- Definition of a rate range to set a minimum and maximum threshold
- Consideration of condition thresholds for when a rate range may be exceeded
- Provision of discounted or free passage to be used for certain vehicles
- Definition of the corridor for investment.

## 6.8.E Action

Quarterly review rates to assess goal achievement and need for additional or revised exemptions and discounts.

## 6.8.F Action

When rate pricing over a longer length of roadway, allow variable rates to be applied in different roadway segments by defining road pricing zones. Zones should be as long as possible and should only be divided where there is a major system connection location that significantly changes the traffic characteristics as compared to an adjacent zone. The rates are then allowed to vary between zones.

**6.9 Policy Provide discounts or exemptions to incentivize certain travel behaviors or address impacts**

Understand how pricing impacts users and incorporate considerations for system users while achieving pricing outcomes.

## 6.9.A Action

Provide exemptions for active response vehicles (police, fire, EMS/ambulatory service).

6.9.B Action

Provide an exemption to public transportation vehicles, including private coaches as required under Federal law.

6.9.C Action

Provide discounts or account supplements for people who are experiencing low income and who are struggling to meet basic needs (e.g. food, shelter, clothing).

6.9.D Action

Ensure fairness in pricing and balance low income programs with revenue needs and congestion pricing goals.

6.9.E Action

Incentivize high occupancy vehicles, such as shuttles, and carpools at the project-level or if multiple projects are operating within a region, at the regional-level.

6.9.F Action

Analyze and consider reducing toll rates when funding needs are achieved for the infrastructure improvement but ensure that toll remains to cover maintenance, operation and administration costs and that reduced rates will remain consistent with both project and statewide goals of congestion reduction.

## Use of Revenue

### **6.10 Policy Utilize tolling or roadway pricing revenue within the project corridor**

Use funds on the tolled/priced project corridor. The corridor is defined as the tolled/priced roadway and the immediate area of impact adjacent to the project, generally within 1 mile of the priced facility or as defined through the project-specific NEPA process identifying significant impacts. Additionally the corridor should be limited to arterials that generally move traffic in the same direction. If no arterial exists within, then a collector that generally moves traffic in the same direction as priced roadways may be considered. Diversion that is considered significant is when there is a substantial increase in large trucks or an increase in non-short distance trips to the local system that changes the potentially impacted facility's v/c ratio by 0.05 or more.

#### 6.10.A Action

Ensure compliance with U.S. Code Title 23 [Section 129](#) when a toll project is approved under this section. This section requires toll revenue first go to paying for transportation improvements with capital investments to which the toll project is linked.

### **6.11 Policy Meet all revenue obligations first and prioritize revenue usage**

When construction projects are bonded, certain financial obligations must be met before discretionary spending may occur. Net revenues after such obligations should be targeted to meet statewide goals and meet all requirements identified in Oregon's constitution, federal requirements and others as appropriate. ORS 383.009(2)(j) states that moneys in the toll program fund may be used for improvements on the tollway, adjacent, connected and parallel highways to reduce congestion, improve safety and address impacts of diversion as a result of the tollway.

When implementing tolling as a way to help fund key infrastructure projects, revenues should be first directed toward financial obligations, construction, maintenance, and operation of the related infrastructure. A toll may be reduced once obligations are met.

Spend revenue utilizing the following hierarchy:

- Cover the cost of the tolling/pricing system and administration first as consistent with bond indenture requirements; and then
- Reach the desired share of revenue needed to pay for the infrastructure improvement, direct project mitigation, operations, and maintenance; and/or then
- For congestion pricing, discretionary spending should be targeted to manage congestion to desired travel times, speeds, or reliability thresholds established for the project; and then
- Meet any additional system performance metrics, defined for corridors, a series of corridors or by segments.

#### 6.11.A Action

Identify corridor priorities for construction (seismic improvements, bottleneck relief projects, etc.) and operations, maintenance, administration for revenue usage.



**6.11.B Action**

Target net revenues for larger congestion management related projects in corridor as part of project mitigation, including enhanced transit, modal overpasses, etc.

**6.11.C Action**

Transit and multimodal transportation options should be increased with congestion pricing projects. This can be done through direct toll revenue allocation, when compliant with the Oregon Constitution, or through partnerships. Larger investments in transit-supportive infrastructure, such as bus-on-shoulder and park-and-rides, could be funded through a capital investments approach. Investments in carpools, vanpools, shuttles, and other demand responsive type of shifts to higher occupancy vehicles should also be considered as they may better match the needs of longer-trip users of the interstate and freeway system.

**6.12 Policy Address impacts to neighborhood health and safety within the corridor (mitigation)**

Acknowledge that diversion, the choice of some drivers to choose off priced system routes, may have impacts to adjacent communities and coordinate with these communities to mitigate significant impacts when feasible.

**6.12.A Action**

Tolling and congestion pricing projects should be planned and operated to limit longer-trip diversion (rerouting) through local communities on parallel roads.

**6.12.B Action**

Trips that previously used the interstate or freeway for local travel / short trips (three miles or less) should not be considered as diversion. Local trips are better served on local roads and preserve capacity on the interstates and freeways for their purpose in connecting people on longer trips.

**6.12.C Action**

When providing investments to address neighborhood health and safety impacts in communities because of diversion (rerouting), prioritize capital investments in biking and walking networks, consistent with constitutional restrictions.

**6.12.D Action**

Partner with communities when providing investments related to diversion and consider improvements to all modes.

## Infrastructure and Management

### **6.13 Policy The Oregon Transportation Commission is Oregon's toll and roadway pricing authority**

Per ORS 383.004 the OTC has been given authority over tolling and road pricing design, execution and management rules and decisions.

The OTC will implement pricing programs to raise revenue and/or manage congestion, independent of land use actions and decisions. Since pricing is a mechanism for system management, such as ramp metering, establishment of pricing rate adjustments are not to be considered land use actions.

### **6.14 Policy Ensure interoperability of toll rate collection systems**

Design systems that are easy to use and maximize interoperability with other known systems of neighboring states, weight mile tax devices and ITS systems while maximizing options for users.

#### 6.14.A Action

Deploy technology that facilitates interoperability with tolling systems of neighboring states whenever possible.

#### 6.14.B Action

For any proposed tolling or congestion pricing project on an interstate or freeway, ODOT shall develop tolling systems that rely on all-electronic collection mechanisms, and enable at least one manner of toll collection that does not require a transponder.

#### 6.14.C Action

For any proposed tolling or road pricing project on an interstate or freeway, ODOT will develop and utilize tolling technologies and systems that are based on common standards and an operating sub-system accessible by the marketplace where components performing the same function can be readily substituted or provided by multiple providers to the extent possible while compatible with tolling systems in the Washington and California whenever possible.

#### 6.14.D Action

Provide a "cash preferred" option for paying road pricing fees in order to reduce barriers to use of the transponders.

### **6.15 Policy Complete program assessment, monitoring, and adjustments**

Once established, evaluate tolling and congestion pricing programs regularly against project specific objectives. Along with financial obligations, this will inform any future adjustments to the rate schedule and other program design adjustments.

#### 6.15.A Action

Establish a monitoring and reporting program, which should include: vehicle speed, volume, driver pattern changes within the corridor (e.g. diversion or rerouting), levels of congestion, modal shifts, air quality, GHG

emissions, and equity goals identified on a project-level basis. Data should capture the benefits and impacts to multimodal transportation, which includes: freight, light rail, transit, passenger vehicles (single and high-occupancy), bike, walk, and telecommute. It is acknowledged that varying levels of data exist for these modes and thus information may vary by level of detail or frequency.

6.15.B Action

The OTC will evaluate and adjust all road pricing programs on a regular basis with a minimum of annual review, with consideration to effectiveness toward goals, rate adjustments and revenue generation thresholds.

6.15.C Action

Continually assess the cumulative impact of fees and tolled/priced areas on people experiencing low income.

6.15.D Action

Actively monitor cost allocation between light and heavy vehicles as a part of the highway cost allocation and adjust as needed and ensure compliance with Oregon state constitution requirements.



September 1, 2022

**DRAFT-6**

Submitted via email to:  
OHPManager@odot.oregon.gov  
OTCAAdmin@odot.oregon.gov

Honorable Bob Van Brocklin, Chair  
Honorable Alando Simpson, Vice Chair  
Oregon Transportation Commission  
Oregon Department of Transportation  
c/o Roseann O’Laughlin, Principal Planner

**RE: Comment on Oregon Highway Plan – 2022 Goal 6 Tolling Policy Amendment**

Dear Chair Van Brocklin, Vice Chair Simpson and Members of the Commission:

The City of Wilsonville appreciates the opportunity to provide comment on the proposed Oregon Highway Plan – 2022 Goal 6 Policy Amendment for Tolling of interstate highways.

The City of Wilsonville is actively engaged in working with ODOT on many aspects of improving traffic flow and providing public-transit mobility options on I-5 and I-205. The City provided comment previously in August 2021 during the identified Purpose and Need of various alternatives being considered by ODOT during the I-205 NEPA Alternatives comment period. The City is also a participating agency in the I-205 Toll Project Draft Agency Coordination Plan. Additionally, the City’s South Metro Area Regional Transit (SMART) Director also participates on the Equity and Mobility Advisory Committee and the Tolling – Transit Work Group.

**Comment #1:** As a city straddling both I-5 and the Willamette River with a residential population over 27,000, a significant portion of our community composed of over 3,000 residents could be substantially impacted by the proposed amendment. ODOT’s Regional Mobility Pricing Project (RMPP) and Urban Mobility Strategy propose a toll gantry at the I-5 Boone Bridge for northbound traffic into the Portland metro region at Wilsonville; see *Figure 1*.



*Figure 1: RMPP Toll Evaluation Area includes I-5 Boone Bridge as potential I-5 northbound toll gantry, which directly impacts residents of the Charbonneau District of Wilsonville south of the Willamette River.*

The Charbonneau District of South Wilsonville located south of the I-5 Boone Bridge over the Willamette River is dependent upon using I-5 and the Boone Bridge to access vital urban services and amenities located in the commercial hubs of Wilsonville. The Charbonneau District was designed in the early 1970s as a “retirement community” that is still composed primarily of older, senior residents, many of whom live on fixed incomes.

While the City understands the Commission’s desire to maintain highway capacity for the movement of long-distance traffic and especially freight, none of the proposed Actions of 6.12 Policy to “Address impacts to neighborhood health and safety within the corridor (mitigation)” address this situation *per se*.

**That is, prior historical ODOT policies allowed interstate highway interchanges to be located less than a mile apart and for the use of the interstate freeway to provide local community access—both circumstances that Wilsonville and Charbonneau find ourselves in today.**

During the 1960s and ’70s, ODOT built four (4) I-5 interchanges within two (2) miles, contributing to the traffic merging/weaving and accident-inducing nature of the I-5 Boone Bridge bottleneck zone.

**Additionally, ODOT policy either allowed or did not address the issue of the Charbonneau District’s development, which was dependent upon the I-5 Boone Bridge for local access to the remainder of Wilsonville, to advance during the 1970s; see Figure 2.**

While such older policies ODOT and City now recognize are not beneficial to the efficient operation of the interstate highway, the resulting mobility infrastructure needs of dependent populations should be accommodated when newer OHP policies are considered. **That is, the older senior residents of the Charbonneau District live in a residential community with no other route to access the remainder of Wilsonville other than over the I-5 Boone Bridge. In a similar manner, Wilsonville residents and businesses north of the I-5 Boone Bridge/Willamette River who visit or serve Charbonneau are similarly impacted.**



Figure 2: Map illustrating South Metro I-5 area of Wilsonville and Charbonneau District that is located south of I-5 Boone Bridge, which is RMPP proposed I-5 northbound toll gantry.

Additionally 2020 US Census data demonstrates that residents of the Charbonneau District area of Clackamas County Census Tract 228 are mostly older seniors with a significant percentage living on fixed or lower incomes:

- The Median Age of residents of the Charbonneau District area is 59, which is more than 1.5 times the median age of 36.5 in Wilsonville and 1.4 times the median age of 41.7 in Clackamas County.
- Nearly half of the residents (48%) of the Charbonneau District area are over age 60, with 34% being over age 65 — more than double the rate of Wilsonville and nearly double the rate of Clackamas County.
- Just over one-third (34%) of Charbonneau District area residents have a household income under \$50,000/year, about 10% higher than the rate of Wilsonville and 20% higher than the rate of Clackamas County.
- Over 11% of Charbonneau District area residents live in poverty, which is similar to Wilsonville’s rate of 11% poverty and more than 1.5 times the rate of poverty in Clackamas County.

Citation: U.S. Census Bureau (2020). American Community Survey 5-year estimates. Retrieved from Census Reporter Profile page for Census Tract 228, Clackamas, OR <<http://censusreporter.org/profiles/14000US41005022800-census-tract-228-clackamas-or/>>

The City actively works to comply with and advance key principles outlined in the proposed OHP amendment pertaining to advancing alternative transportation modes:

- The City provides free no-charge SMART bus public-transit service in Wilsonville that serves Charbonneau District with both fixed-route and dial-a-ride services, the latter which accounts for about 20% or over 2,000 rides for all city dial-a-ride services.
- SMART Bus-on-Shoulder peak-hour congestion pilot project with ODOT now on I-5 between Tualatin and Wilsonville and subsequently also planned for new public-transit service on I-205 between Tualatin/Wilsonville and Oregon City/Clackamas area.
- Support for bike-ped mobility infrastructure by working with ODOT to advance the proposed French Prairie ‘Bike-Ped-Emergency’ Bridge over the Willamette River as the I-5 Boone Bridge and Seismic Improvement Project’s alternative-transportation facility.

**Proposed Goal 6.12.B Action does *not* address the situation of a community’s dependence upon the interstate highway to provide local access when there is no alternate route, as in the case of the Charbonneau District of Wilsonville. Thus, the City proposes that ODOT amend the draft OHP to provide an additional Action Goal to accommodate this situation.**

“Proposed Goal Action 6.12.E

“Tolling is waived for trips on the interstate by residents and businesses of a community historically dependent upon use of the interstate for local access when there is no viable alternative to access the city center.”

**The proposed goal amendment would allow ODOT to deal equitably with the residential population dependent historically upon the interstate for local access to essential goods and services, including medical appointments, and other amenities. Such a Goal Action provides for ODOT accommodation of those instances where prior ODOT policy or lack thereof helped to create the condition of highway dependency for local access without penalizing those residents.**

**Comment #2:** As a newer Portland metro “UGB edge” city incorporated in 1968 situated at the foot of the North Willamette Valley, historically few roadways existed in the far South Metro area. Primarily agricultural communities like Canby, Sherwood and Wilsonville had ‘farm-to-market’ roads and frequent rail service, and did not develop a street grid network as older areas of Portland developed.

As a city split in half by I-5 during a historical time when “the car was king” for personal transportation, residents and businesses of Wilsonville have continued to depend on a functional I-5 and I-205 for a majority of Portland Metro regional trips. Thus, a concern expressed by our constituents focus on a maximum daily toll for those trips that require multiple occasions to access the interstate system. That is, residents and businesses may need to “jump” on and off the interstate during the course of running errands or making deliveries, and piling on more toll charges would fail the test of fair, equitable treatment.

**The City proposes a new Proposed Goal Action to explicitly accommodate this common occurrence of multiple trips on a tolled interstate highway in a fair, equitable manner:**

“Proposed Goal Action 6.12.F

“ODOT will develop a maximum daily tolling limit to accommodate a toll user’s multiple trips on the tolled interstate highway.”

We appreciate ODOT’s serious consideration of the issues of concern raised in these comments. The City and our SMART transit agency look forward to continued work with ODOT to improve regional mobility in an equitable fashion. Thank you.

Sincerely,

Julie Fitzgerald, Mayor  
City of Wilsonville

cc: ODOT Region 1 Area Commission on Transportation: [Region1ACT@odot.state.or.us](mailto:Region1ACT@odot.state.or.us)  
Joint Policy Advisory Committee (JPACT), Metro: [transportation@oregonmetro.gov](mailto:transportation@oregonmetro.gov)  
Clackamas County Coordinating Committee (“C4”): [twilson2@clackamas.us](mailto:twilson2@clackamas.us)  
Washington County Coordinating Committee (“WCCC”): [lutdir@co.washington.or.us](mailto:lutdir@co.washington.or.us)



## DISCUSSION DRAFT FOR SEPTEMBER 1 C4 MEETING

September **DRAFT**, 2022

Oregon Transportation Commission  
 c/o Oregon Highway Plan Manager  
 OHPmanager@odot.oregon.gov

Dear Oregon Transportation Commissioners:

On behalf of the Clackamas County Coordinating Committee (C4), we'd like to thank you and the Oregon Department of Transportation (ODOT) for extending the comment period for this important discussion and proposed amendment to the Oregon Highway Plan. C4 initially commented on the proposed Goal 6 Amendment, focusing on the request to extend the timeline and adding several preliminary responses. With the benefit of added time, our comments below reflect a deeper narrative and several recommendations in response to the proposed amendment.

### **Local and regional engagement on tolling programs must happen at all levels**

The Proposed Goal 6 amendment is alarmingly silent on how ODOT is to engage the public and local and regional governments when implementing tolling and congestion pricing. We submit that by not having a proposed and named strategy for public engagement that ODOT will fail to meet the equity goals outlined Section 6.6, be plagued with accusations about transparency, and minimize – and potentially negate – the role of policy makers elected to represent the communities where tolling is proposed.

Much can be learned from ODOT's current engagement efforts to toll I-205. The current trust deficit between Clackamas communities and ODOT is indicative of not enough local engagement, varying access to information for policy makers, and infrequent and inconsistent communication between ODOT and cities/county on the development of the I-205 toll program. Yet, positive things have occurred too. Cooperative development of the C4 I-205 Diversion Subcommittee, establishment of the Regional Toll Advisory Committee, and staff-to-staff connections between ODOT and the county/cities. ODOT often describes the development and engagement of the I-205 Toll Programs as "building the plane as we fly it." We strongly recommend other communities not experience a similar process.

***Recommend:** Adopt language that creates standards for local and regional public engagement when deciding where to toll a project and how jurisdictions and communities stay informed, and provides transparent access to information.*

### **Corridors should have a "minimal state of readiness" before starting a congestion pricing program**

Congestion pricing is not a one-size fits all formula, and to effectively meet the desired outcome of influencing travel behavior requires alternative mode infrastructure and services to be in place ahead of

*Promoting partnership among the County, its Cities and Special Districts*



implementing congestion priced corridors. The I-205 corridor in Clackamas County has no meaningful alternative transportation mode for commuters, but rather a six to eight mile corridor where the only way through is along I-205. There are no bus or train options and no contiguous bike or pedestrian routes. Over 100,000 vehicles cross the Abernethy Bridge every day, and with no alternative modes available – save for a singular pilot project that has not started yet – we can only assume the only behavior change for drivers along I-205 will be to divert from I-205 into local streets, many of which are already at or beyond capacity.

Further, congestion pricing assumes that people may have the option of shifting their travel time to avoid higher tolls at peak travel times. Yet we know lower income jobs, shift labor, and families navigating childcare will not have that luxury. Implementing congestion pricing where alternative modes are not available will inherently place greater burdens on people.

*Recommend: Add language to Goal 6 that identifies a minimal state of readiness to accommodate mode shifts and address diversion before implementing congestion pricing.*

**The definition of “diversion” is too prescriptive and does not adequately acknowledge freeway use in urban areas**

Goal 6.12 presently identifies “longer trips” as the target for diversion mitigation, suggests that trips of three miles or less should not be considered diversion, and defines diversion as a “choice by some drivers to choose off priced systems routes”. We object to all of these assumptions.

In urban areas especially, the freeway system serves broader needs than just medium to long trips. Freeways connect people to schools, grocery stores, jobs, and more. Wilsonville provides a good example where the Willamette River divides the city and I-5 is the only connector. When tolling takes place on I-5 to repair or replace the Boone Bridge, the current definition of longer trips versus short trips will ignore freeway dependent communities.

Not only do “short trips” affect diversion, they are affected by diversion and can create additional local diversion. Traffic to avoid tolls into local communities could, and in most cases will, enter local systems that are already at or beyond capacity. When freeway traffic creates additional burden on local systems, it will influence local trips to avoid the diversion caused by tolling. Said another way, a local trip down an arterial may shift to neighborhood streets to avoid traffic caused by freeway diversion. These are unsafe scenarios caused by tolling a freeway system. If ODOT is not accounting for “short trips” in addition to long trips it will not adequately capture the impacts of their pricing policies and consequently create unsafe communities.

It is also short sighted to refer to diversion as a “choice.” A choice requires options, and in addition to our comments above regarding “minimal state of readiness,” relegating diversion to merely a “choice” overlooks people who do not have the option to pay for new transportation costs yet are still reliant on the existing freeway route. For example, the I-205 toll program has been modelled at \$2.20 per toll gantry at peak hours, with two gantries in each direction. Therefore, a round trip for someone needing “through traffic” could be \$8.80 per day. For a minimum wage worker in Oregon, they just lost half of their first hour of income to go to work. Assuming 20 working days per month, that totals \$176 per month and \$2,112 per year. There are many families in Oregon to whom diversion will not be a choice, but a requirement to pay their bills and feed their families.

*Recommend: Acknowledge that freeway travel accommodates many trip types (short and long), that local traffic and impacts should be accounted for in diversion modeling no matter the length of travel, and that diversion can be defined simply as an increase in off-system traffic caused by tolling.*

**The definition of “corridor” is too prescriptive**

Section 6.10 goes out of its way to define a corridor, and leaves too many questions about where the responsibility lies to make traffic and safety investments resulting from tolling. It remains unclear why “generally within 1-mile of the priced facility” is a criteria worth defining as a project impact area. While NEPA is also mentioned as conditional criteria, the I-205 toll project has taught our communities that not all projects are created equal. Early modeling shows the impact area does include many needed adjustments within 1-mile, but also many outside of the 1-mile corridor.

*Recommend: Remove the “1-mile” language and insert a process that favors working with local and regional partners to identify the impacts of any given corridor.*

**Comments related to rate setting, use of revenue**

We are supportive of efforts to create solutions that remove or reduce the impacts of tolling to people with low incomes and marginalized experiences. We strongly support the formation of the Equity and Mobility Advisory Committee and feel that committee should have better presence in the proposed amendment. Yet, we still feel the greatest solution to overcome the tolling barrier is to offer a free lane on tolled and congestion priced corridors. We can appreciate there are many complications related to this concept, but for people without choices on where they work and live we submit the best way to reintroduce a “choice” on a tolled corridor is to ensure their current route on an existing facility includes a free lane. We want to reemphasize this would be particularly beneficial on corridors that lack a minimal state of readiness (see comments above).

Further, it is unclear who will be making rate setting decisions “in rule,” how those rules will be different from the Oregon Highway Plan, and how the public will be able to engage in that process. More clarity should be introduced to identify those questions.

Last, we strongly urge that every toll project that is used to fund a specific capital projects (such as I-205 or Interstate Bridge) include a “sunset” date whereby tolling is removed once capital construction funding obligations have been met. We submit this provides a necessary infusion of public and transparent discussions about the price of the projects, decisions about the rates of tolls, disclosure of how funds are distributed, and a projected end date that will benefit communities and local businesses.

*Recommend: Install rate setting consideration that includes “free lane” alternatives for corridors that do not meet a minimum state of readiness, clarify the process for what will be decided “in rule,” and include language that sunsets toll projects intended to pay for specific facilities.*

The implementation of toll and congestion priced projects on the state highway and interstate system will affect how people travel for generations. Even though Goal 6 will have statewide implications, it is not lost on us that all of the currently proposed toll projects are in the Portland area – and the very first expected right here in Clackamas County. We all need to be working in partnership to understand how our transportation facilities support each other and, in some cases, how they could negatively affect people and businesses.

Thank you for the opportunity to comment.

Sincerely,

**DRAFT**

Paul Savas, Commissioner  
Clackamas County  
C4 Co-Chair  
R1ACT Vice Chair

**DRAFT**

Brian Hodson, Mayor  
City of Canby  
C4 Co-Chair  
R1ACT Member

**C4 Membership:** Clackamas County; the Clackamas Cities of Canby, Estacada, Gladstone, Happy Valley, Lake Oswego, Milwaukie, Molalla, Oregon City, Rivergrove, Sandy, Tualatin, West Linn, Wilsonville; Clackamas CPOs, Hamlets, and Special Districts; Ex Officio Members including Metro, MPAC Citizen Port of Portland, Urban and Rural Transit



July 12, 2022

Oregon Transportation Commission  
 c/o Oregon Highway Plan Manager  
 OHPmanager@odot.oregon.gov

Dear Oregon Transportation Commissioners:

Thank you for the opportunity to comment on the proposed amendments to the Goal 6: Tolling and Congestion Pricing included within the Oregon Highway Plan. The Clackamas County Coordinating Committee (C4) includes all jurisdictions of Clackamas County, including the county, cities, Metro, special districts, and more.

Because the I-205 project has been chosen as the first major toll project in the state, we have been engaged several years now on the studies and projects related to tolling, both at the regional and state level. We recognize the proposed amendment to the Oregon Highway Plan is not project specific, but will affect specific projects and how tolling is utilized and how impacts to tolling will be mitigated. The development of toll policies has moved quickly over the last 1-2 years and at various decision tables. Our comments today will reflect both a keen desire to ensure these various processes are working in a clear and coordinated fashion, as well as a need to give this process the appropriate amount of time for due diligence.

**First, the open comment period for jurisdictions to review and provide feedback on a policy that will have generational impacts to Oregonians is much too short. We recommend extending the comment period by no less than 60-days.** C4 and the jurisdictions expecting impacts caused by tolling I-205 first in the region and state have been deeply engaged with ODOT and still find that the proposed amendments do not match what the region has been working toward and does not compliment much of what ODOT has communicated thus far regarding their role in mitigating impacts caused by tolling I-205. If a 45 day comment window is too short for the communities that have been the closest to trying to understand the impacts of tolling, then it merits that communities who are just now becoming aware of these proposed changes – if they are even aware of them – need additional and sufficient time. Important work is being conducted that should be reflected accurately and clearly, such as developing the Low Income Toll Report (which has a parallel comment period) and finalizing the recommendations from the Equitable Mobility Advisory Committee being presented to the Oregon Transportation Commission in July. In addition, the short review period does not provide local governments sufficient time to coordinate with the regional congestion pricing policies being considered by Metro, scheduled for regional discussion at the end of July.

It is with great consternation that we provide these comments so early, recognizing that if we had waited until our next meeting we would have missed the August 1 deadline. As such, our comments

below reflect our initial response to the amendments. Should an extension be granted, we are confident you will receive more robust and helpful feedback from the communities anticipating toll impacts.

**We have significant concerns about how “diversion” is defined with the proposed amendments.**

Safety is the number one concern for us on all of our roadway systems, both the interstates and local roads. Diversion impacting local roads is a significant issue for all of the traveling public. Being prescriptive and limiting the type of traffic that can be considered “diversion” when implementing a tolling project hinders the ability to adequately address the impact that tolling will have on the local street networks.

**Another place where there is unnecessary and concerning detail included within the proposed amendments is within the definition of a “corridor.”** Proposed Policy 6.10 includes guidance that the impact area should be defined as one-mile from the priced facility, and that the corridor should be limited to arterials moving traffic in the same direction. Our experience is that ODOT’s own modeling proves that significant, unexpected impacts can occur outside of the areas as defined by these amendments. For example, tolling I-205 at the Abernethy Bridge will have proven negative impacts on traffic on OR99E in Canby – roughly nine miles away from the toll corridor. The corridor and impact area should be set during the NEPA phase of each project and on a project-by-project level. Having the prescriptive guidance within the Oregon Highway Plan does not provide public benefit and only limits the ability to address impacts from tolling.

**Local input at all stages of the process is essential.** While Policy 6.13 calls out that the Oregon Transportation Commission is the Toll Authority, there needs to be specific action under this policy that elevate the role of local policymakers and stakeholder by creating Regional Toll Policy Committees and acknowledge their role in decision-making for the investments of the toll revenue. Additional actions should be added under this proposed amendment that reflect ODOT’s commitments made when Metro approved the RTP amendment for the I-205 toll project in Spring 2022. These commitments are essential for addressing diversion impacts and mitigation plans, coordinating tolling projects and providing fiscal transparency.

**The language within Goal 6: Tolling and Congestion Pricing should reflect tolling best practices from locations already implementing tolling, as well as build on the agreements and work that have been underway within the Portland Metropolitan area.** Since the Policies and Actions should support implementation in local areas, use the information from the Metro Congestion Pricing report and policies, as well as other documents being created by the I-205 Tolling Project, to inform these amendments. Presently, many of the proposed amendments actually conflict with much of what has produced and worked on for the I-205 Tolling Project. Not only should these policies align, they should clearly communicate how their input is reflected in the amendments.

**Build a policy for Oregonians, not for ODOT.** The proposed amendments create a cookie cutter approach to implementing toll policies across the region and the state, but not all communities are the same – even in the Metro region. Congestion pricing is intended to “encourage” other modes of travel, utilization of other local infrastructure, and reduce carbon emission. And in some areas of the region that might work, but we know well those resource do not exist on the I-205 corridor. Not only would the proposed tolling amendments ignore that, they propose policy glide paths that will allow, dare we say encourage, ODOT to justify leaving behind provable diversion mitigation needs. For example, the Oregon constitution limits how transportation revenue can be used to advance transit projects. No

meaningful transit route currently exists that provides an alternative mode of transportation through the proposed I-205 toll corridor, and per the Oregon constitution no meaningful way exists to fund one. This will not be a concern in other parts of the region where transit infrastructure is more robust, but the proposed amendments here ignore the obvious need and place the burden on the tolled communities – not the tolling agency – to mitigate this.

The implementation of tolling projects on the state highway and interstate system will impact how people travel for generations, and the choices about how the local and state transportation system is used by the residents and businesses in Oregon. Since tolling will be relatively new to residents of the state, it is difficult to model and design a system with minimal impacts. We all need to be working in partnership, not racing through policy development, and acknowledge how our individual transportation facilities support each other.

In closing, we want to reiterate the comments here reflect 30 minutes of discussion upon an initial presentation about the proposed amendments. Recognizing there would be no time for this group to meet again before the proposed comment period ends we felt obliged to comment on what we could initially learn. Extending the comment period will provide jurisdictions with a more reasonable timeline to fully understand the proposed amendment, ask relevant questions that apply to their communities, align the work with regional discussions on tolling, and ultimately provide ODOT with a better product to add to the Oregon Highway Plan.

Thank you for the opportunity to comment.

Sincerely,



Paul Savas, Commissioner  
Clackamas County  
C4 Co-Chair  
R1ACT Vice Chair



Brian Hodson, Mayor  
City of Canby  
C4 Co-Chair  
R1ACT Member

**C4 Membership:** Clackamas County; the Clackamas Cities of Canby, Estacada, Gladstone, Happy Valley, Lake Oswego, Milwaukie, Molalla, Oregon City, Rivergrove, Sandy, Tualatin, West Linn, Wilsonville; Clackamas CPOs, Hamlets, and Special Districts; Ex Officio Members including Metro, MPAC Citizen Port of Portland, Urban and Rural Transit

August 15, 2022

Mr. Bob Van Brocklin, Chair  
Oregon Transportation Commission  
355 Capitol St. MS 11  
Salem, Or 97301-8871

## **Re: Charbonneau Country Club Statement on Proposed ODOT Tolling of Interstate-5 Highway**

The Charbonneau Country Club, the principal community homeowners' association (HOA) composed of 13 different Charbonneau District neighborhood HOAs that represent over 3,000 mostly senior-age Wilsonville residents, has a number of concerns regarding proposed tolling of I-5.

2020 US Census highlights data about the residents of the Charbonneau District area of Clackamas County Census Tract 228:

- The Median Age of residents of the Charbonneau District area is 59, which is more than 1.5 times the median age of 36.5 in Wilsonville and 1.4 times the median age of 41.7 in Clackamas County.
- Nearly half of the residents (48%) of the Charbonneau District area are over age 60, with 34% being over age 65 — more than double the rate of Wilsonville and nearly double the rate of Clackamas County.
- Just over one-third (34%) of Charbonneau District area residents have a household income under \$50,000/year, about 10% higher than the rate of Wilsonville and 20% higher than the rate of Clackamas County.

Charbonneau recognizes that the Oregon legislature directed the Oregon Department of Transportation (ODOT) in House Bill 2017 of 2017 and House Bill 3055 of 2021 to study and implement tolling on all or portions of I-5 and I-205 in the Portland metro area. Charbonneau understands that new highway tolls are designed to generate revenue for roadway-improvement construction projects and to reduce traffic congestion during peak rush hours.

The legislation also named several major “mega-highway” construction improvement projects in the metro region for ODOT to advance, including the nationally significant I-5 Boone Bridge for rebuilding to be seismically resilient and provide safer merging traffic conditions to reduce accidents. Although Charbonneau does not favor tolling the interstate highways, the organization does recognize that it may not be realistic to expect the federal government to pick-up the multi-billion-dollar tab for all of these proposed highway improvements.

While these are laudable goals, proposed Oregon Highway Plan (OHP) Toll Amendments under consideration by ODOT do not recognize the unique situation of Charbonneau, which was designed as a retirement community.

As part of the Toll Evaluation Area, ODOT’s Urban Mobility Strategy Office and Regional Mobility Pricing Project propose a toll gantry at the I-5 Boone Bridge for northbound traffic into the Portland metro region at Wilsonville, effectively splitting off Charbonneau from the remainder of Wilsonville.

The Charbonneau District of South Wilsonville, located south of the I-5 Boone Bridge over the Willamette River, is dependent upon using I-5 and the Boone Bridge to access vital urban services and amenities located in the commercial hubs of Wilsonville. During the 1970s, ODOT policy either allowed or did not address the issue of the City of Wilsonville’s Charbonneau District development, which depended upon using the I-5 Boone Bridge for local access to the remainder of Wilsonville.

While such older policies ODOT now recognizes are not beneficial to the efficient operation of the interstate highway, the resulting mobility infrastructure needs of historically dependent populations should be accommodated when newer OHP policies are considered. That is, primarily older senior residents who compose the Charbonneau District live in a residential community with no other route to access the remainder of Wilsonville other than over the I-5 Boone Bridge. In a similar manner, Wilsonville residents and businesses north of the I-5 Boone Bridge/Willamette River who visit or serve Charbonneau are similarly impacted.

**Proposed OHP Goal 6.12.B Action does *not* address the situation of a community’s dependence upon the interstate highway to provide local access when there is no alternate route, as in the case of the Charbonneau District of Wilsonville. Thus, Charbonneau proposes that ODOT amend the draft OHP**



**to provide an additional Action Goal to accommodate this situation that ODOT policies assisted in creating.**

“Proposed Goal Action 6.12.E

“Tolling is waived for trips on the interstate by residents and businesses of a community historically dependent upon use of the interstate for local access when there is no viable alternative to access the city center.”

**The proposed goal amendment would allow ODOT to deal equitably with the residential population composed mostly of senior citizens dependent historically upon the interstate for local access to essential goods and services, including shopping and medical appointments, and other amenities. Such a Goal Action provides for ODOT accommodation of those instances where prior ODOT policy or lack thereof helped to create the condition of highway dependency for local access without penalizing those residents.**

# Charbonneau country club

Item 4.

32000 S.W. Charbonneau Drive • Wilsonville, OR 97070  
Phone 503-694-2300 • Fax 503-694-5783 • Email Jim@charbonneaucountryclub.com



ODOT's Regional Mobility Pricing Project Toll Evaluation Area illustrates the I-5 Boone Bridge as potential I-5 northbound toll gantry, which directly impacts residents of the Charbonneau District of Wilsonville south of the Willamette River.

Sincerely,

Gary Newbore

President

Charbonneau Board of Directors

cc: Wilsonville Mayor Julie Fitzgerald

Charbonneau Board of Directors

Charbonneau Neighborhood HOA Presidents



July 19, 2022

Oregon Transportation Commission  
 c/o Oregon Highway Plan Manager  
 OHPmanager@odot.oregon.gov

**RE: Comments regarding Goal 6: Tolling and Congestion Pricing Policy from the Oregon Highway Plan**

Dear Oregon Transportation Commissioners:

Thank you for the opportunity to comment on the proposed amendments to the Goal 6: Tolling and Congestion Pricing included within the Oregon Highway Plan.

Given the I-205 project was selected to be the first major toll project in the state, Clackamas County has been deeply engaged for the past two years on the studies and projects related to tolling, both at the regional and state level. We understand that the proposed amendment to the Oregon Highway Plan is not project specific, but that it will guide how tolling is used and how impacts to tolling will be mitigated for all tolling projects in the state. The development of toll policies has evolved rapidly over the past two years and has occurred at various decision tables. In short, the process has felt frantic, uncoordinated and lacking genuine engagement between ODOT and its regional partners and the community.

**It is critical that these programs and policies be developed in a coordinated and clear manner. It is also critical that you ensure the appropriate amount of time for due diligence and true engagement and feedback from the public.**

**First, we echo and uplift our Clackamas County Coordinating Committee's request that the open comment period for review and feedback be extended by no less than 60 days.** Clackamas County and the jurisdictions expecting negative impacts caused by tolling I-205 first in the region have been deeply engaged with ODOT and with the OTC. Despite our genuine efforts for collaboration, we still find that the proposed amendments do not match what the region has been working toward and does not compliment what ODOT has communicated thus far regarding their role in mitigating impacts caused by tolling I-205.

We do not believe that ODOT has taken the necessary steps to meaningfully engage the community on these proposed changes. A 45-day comment window is too short for the communities that have been the closest in trying to understand the impacts of tolling, then communities who are just now becoming aware of these proposed changes—if they are even aware of them—need additional and sufficient time to engage & provide feedback. Further, the short review period does not provide local governments sufficient time to coordinate with the

regional congestion pricing policies being considered by JPACT & Metro Council, scheduled for regional discussion at the end of July.

While we do not feel that you have provided sufficient review time, we also expect that our request for more review time may not be granted, therefore we submit the following preliminary comments with the intention to return with more detailed comments if our extension request is granted.

1. **The definition of “diversion” is not acceptable as included in the proposed amendments.** Safety is the number one concern for all of us on our roadway systems. Safety is critical on both the interstates and our local roads. Current modeling from the I-205 project shows that there will be significant diversion of trips from the interstate to the local roads caused by the implementation of tolling. The impacts to local roads will cause significant safety issues for all of the traveling public. Being prescriptive and limiting the type of trips that will be considered “diversion” when implementing a tolling project limits our ability to adequately address the impact that tolling will have on the local street networks.
2. **The definition of a “corridor” is too detailed and prescriptive and is not acceptable as included in the proposed amendments.** Proposed Policy 6.10 includes guidance that the impact area should be defined as one mile from the priced facility, and that the corridor should be limited to arterials moving traffic in the same direction. ODOT’s modeling proves that significant, unexpected impacts can occur outside of the areas as defined by these amendments. For example, severe impacts in Canby are expected from the I-205 Toll project, yet that area would be excluded using this definition of corridor. Each corridor is unique. That is why the corridor and impact area should be established during the NEPA phase for each project individually. Having the prescriptive guidance within the Oregon Highway Plan does not provide public benefit and only limits our ability to address impacts from tolling.
3. **Local input at all stages of the process is essential.** While Policy 6.13 calls out that the Oregon Transportation Commission is the Toll Authority, there needs to be specific action under this policy that elevates the role of local policymakers and stakeholders by creating corridor-specific Toll Policy Committees and acknowledges their role in decision-making for the investments of the toll revenue. Additional actions should be added under this proposed amendment that reflect the commitments ODOT made when JPACT and Metro Council approved the RTP amendment for the I-205 toll project in Spring 2022. These commitments are essential for addressing diversion impacts and mitigation plans, coordinating tolling projects and providing fiscal transparency.
4. **The language within Goal 6: Tolling and Congestion Pricing must reflect tolling best practices from locations already implementing tolling, as well as build on the agreements and work that have been underway within the Portland Metropolitan area.** Since the Policies and Actions should support implementation in local areas, use the information from the Metro Congestion Pricing report and policies, as well as other documents being created by the I-205 Tolling Project, to inform these amendments. Many of the proposed amendments conflict with much of what has been produced and

developed for the I-205 Tolling Project. Not only should these policies align, they should clearly communicate how their input is reflected in the amendments.

5. **Local involvement in rate setting, discounts and exemptions.** Policies 6.8 and 6.9 address Rate setting, discounts and exemptions. We understand that during the review of these proposed amendments, the OTC is still receiving input from the Equity and Mobility Advisory Committee and from the public about the Low Income Toll Report. We would like to understand how the EMAC recommendations and the Low Income Toll Report will influence these policies. In addition, beyond these two sources, it is important to Clackamas County that local residents who live near these facilities are not unduly burdened by the tolls and that small businesses that are located near the tolled facilities have exemptions or discounts. Finally, we request that Clackamas County has a representative on the Toll Rate Setting Rule Making Committee.
  
6. **Build a policy that works for all Oregonians.** The proposed amendments create a cookie cutter approach to implementing toll policies across the region and the state, but not all communities are the same—even in the Metro region. Congestion pricing is intended to “encourage” other modes of travel, utilization of other local infrastructure, and reduce carbon emission. In some areas of the region this approach might work. However, this segment of the I-205 corridor lacks these alternative modes. Not only would the proposed tolling amendments ignore that, they propose policy glide paths that will allow ODOT to justify leaving behind provable diversion mitigation needs. For example, the Oregon constitution limits how transportation revenue can be used to advance transit projects. No meaningful transit route currently exists that provides an alternative mode of transportation through the proposed I-205 toll corridor, and per the Oregon constitution no meaningful way exists to fund one. This will not be a concern in other parts of the region where transit infrastructure is more robust, but the proposed amendments here ignore the obvious need and place the burden on the tolled communities—not the tolling agency—to mitigate this.

The implementation of tolling projects on the state highway and interstate system will impact how people travel for generations, and the choices about how the local and state transportation system is used by the residents and businesses in Oregon. Since tolling will be relatively new to residents of the state, it is difficult to model and design a system with minimal impacts. We have to work together and take the time necessary to do this right. This process is too rushed and is not providing appropriate time for review and meaningful engagement. Please provide more time so that we can work together to make a program that will work for all Oregonians.

Thank you for your consideration.

Sincerely,



Tootie Smith, Chair

On Behalf of the Clackamas County Board of Commissioners



July 27, 2022

Oregon Transportation Commission  
Oregon Department of Transportation  
355 Capitol Street NE, MS11 Salem, OR 97301

## **RE: Oregon Highway Plan (OHP) Toll Policy Amendment**

Chair Van Brocklin and Commissioners,

On behalf of the Tualatin City Council, I am writing to thank you for providing jurisdictions in Clackamas County with the opportunity to submit public testimony on the draft Oregon Highway Plan Toll Policy Amendment. The City of Tualatin has had several months to discuss the need for, and nuances of, toll policy to guide ODOT's I-205 Toll Project pilot. Building on our local experience, please consider the following insights and requests as the Commission fine-tunes the draft OHP policy for statewide application:

### **Consider the impacts and broaden the definition of diversion and significant re-routing.**

The City regularly receives complaints from community members about congestion on our transportation system. When traffic is backed up on I-5, drivers use Tualatin roads like Boones Ferry Road, 65<sup>th</sup> Avenue, and Nyberg Street to avoid traffic on the freeway. The city has limited funding available to mitigate traffic congestion and lacks comprehensive public transit options which would provide an alternative to single-occupancy vehicles. Additionally, safety is a major concern in Tualatin. Freeway traffic has a much lower rate of fatally serious injury crashes, compared to local arterials. The rate of serious injury is several times higher when traffic diverts onto local streets.

The City of Tualatin is deeply concerned about the potential impact that diversion may have on vulnerable neighbors, the environment, and livability in the City and in Clackamas County. As our region prepares to discuss mitigations for short- and long-term diversion from the I-205 Toll Project, we urge the OTC not to adopt an overly prescriptive definition of diversion or "significant" re-routing. Rather, the statewide policy should contemplate the context and comprehensive impacts of diversion, recognizing that traffic will behave differently in areas with fewer (or no) routes or modal alternatives. Broadening the definition of diversion will help the Oregon Transportation Commission prevent serious injuries and deaths, as well as abrupt changes in traffic flow that may contribute to these losses.

### **Clarify how toll policy will advance goals at the project level.**

We appreciate the OTC's role in clarifying how tolling could advance our mutual priorities of equity, climate stewardship, and vibrant communities. Please consider additional language to strengthen how the statewide policy will translate to meaningful project-level outcomes. For example, how will a statewide policy build on a diversion policy to shift trips to active transportation? How will a statewide policy hold projects accountable to profoundly advance equitable and climate friendly outcomes?

### **Incorporate language to support additional, vulnerable communities.**

Each day, approximately 40 thousand employees come to work in Tualatin, a city with a population of just under 28 thousand. Tolling will not only impact the business that call Tualatin home, but also the employees who travel here for work, particularly those who work in low-wage jobs. Furthermore, 65<sup>th</sup> Avenue, Borland Road, and Sagert Street are frequent routes for drivers diverting off the freeway, and are

home to many low-income and non-English speaking communities. These communities will bear the brunt of diversion and re-routing.

We appreciate and support the important work underway at the Equity and Mobility Advisory Committee and through the Low Income Toll Report. In addition to the good work already occurring, the statewide policy should remain flexible to consider impacts and exemptions for additional groups that may be disproportionately impacted by tolling.

As our valued partner, we ask that the Commission leverage its OHP policy to bring resolution to our region's outstanding I-205 Toll Project questions.

Thank you for considering the concerns raised in this letter. We appreciate the Oregon Transportation Commission's desire for innovative transportation solutions and look forward to partnering with ODOT in the future.

Sincerely,

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

Frank Bubenik  
Mayor, City of Tualatin



January 13, 2022

Oregon Transportation Commission  
 Oregon Department of Transportation  
 355 Capitol Street NE, MS11 Salem, OR 97301-3871

**RE: Joint Clackamas County Chair and Cities of Clackamas County Letter of Concern re: I-205 Toll Project**

Chair Van Brocklin and Commissioners,

We write today as leaders of the communities who will be the most impacted by implementation of the proposed I-205 toll project. We recognize that you are working at the direction of the legislature to develop a toll program for I-205 and I-5, primarily due to the lack of dedicated funds to the project. We also believe that the passage of the IJA creates a unique opportunity to work in partnership with the region to develop a cohesive, coordinated approach with aligned implementation timelines instead of seeking approval for the I-205 Toll Program ahead of the development of the Regional Mobility Pricing Project.

Our jurisdictions support a functional regional interstate system that prioritizes equity, safety, a vibrant economy, healthy and active communities, climate action, disaster resilience, and the reliable movement of people and goods. The existing bottleneck on I-205 between Stafford Road and OR 99E results in significant congestion, unnecessary safety issues, and diversion into local communities. Governor Brown and the Oregon Legislature heard these concerns from Oregonians across the state, leading to the legislature prioritizing the I-205 bottleneck project as part of HB 2017.

The current proposal to toll I-205 does not meet the needs or resolve the diversion currently affecting our communities and will likely do more harm to the environment and quality of life in Clackamas County by redistributing traffic and emissions in areas unprepared for it. While we appreciate and support the upcoming construction of Phase 1A of the I-205 Capital Improvements Project, which



includes needed seismic improvements to the Abernethy Bridge, our concerns about the impacts of diversion continue to grow.

We recognize that ODOT will be modeling the system and analyzing the impacts in early 2022, but we are not convinced that the impacts are possible to mitigate due to already existing high volumes of diversion resulting from lack of infrastructure and a complicated geography. Additional diversion threatens the safety of those most vulnerable and the economic potential of our communities.

To be clear, if the toll project creates additional diversion beyond what we are already experiencing today, then it does not accomplish one of the goals that the capital improvements project set out to achieve for Clackamas County, the region, and the state.

We request the OTC and ODOT respond to the following requests and actively work with our communities to resolve the underlying concerns before asking for changes to regional and statewide plans.

***First, we request that the OTC provide an explicit commitment that all impacts of tolling, especially diversion, will be mitigated to protect the health of our communities and the economic viability of our region. To advance this commitment, we request that ODOT establish an agreement including a formal structure and process with impacted local jurisdictions that will identify and prioritize mitigation projects, monitor performance, and make ongoing investment decisions. This should occur before we are asked to support currently proposed changes to regional and statewide plans.***

As proposed by ODOT, the I-205 Toll Project will toll all lanes in an effort to raise revenue and reduce congestion on the freeway. This proposal will only serve to increase the problem of diversion in local communities, especially if I-205 is tolled ahead of the rest of the region.

We have seen no evidence that the proposed toll project will help to resolve the original diversion that was to be solved with the bottleneck project and no evidence that the toll project will mitigate additional diversion resulting from tolling. The RMMP Summer 2021 Engagement Report highlights that many community members plan on rerouting their trips to avoid tolls. Preliminary modeling data shows widespread diversion impacts that will be difficult, if not impossible, to mitigate. Early analysis projects diversion impacts in the areas of the county with higher percentages of low income, seniors, and Latinx households. Yet, despite this lack of information and concerning early information, our communities are being asked to go along with the I-205 toll project as a sole source of revenue, approve regional and statewide plans, and trust this process will simply work out. This expectation is unacceptable. Trust is not built on faith, but rather transparency, predictability, and dialog.

***Second, we ask that the OTC not move forward with tolling or congestion pricing on I-205 prior to full system implementation of regional congestion pricing.***

Despite repeated requests and input to ensure that tolling is implemented on the region's highway system at roughly the same time, ODOT's current proposal would toll the I-205 corridor as soon as 2024 while tolling in the rest of the region is slated for 2025 or later, if at all.

The current approach appears piecemeal and it remains unclear how the toll project would be integrated with the broad plan for congestion pricing in the region. Further, it places a unique economic

hardship on our communities – and only our communities – for an uncertain amount of time and, we feel, puts at risk the likelihood of success for a regional toll program.

**Finally, we ask that the OTC direct the use of some of the federal infrastructure funds to construct Phase 1A of the I-205 Capital Improvements project to allow the region time to develop a cohesive, coordinated approach to congestion pricing and to allow implementation to occur at the same time.**

We applaud and appreciate ODOT’s forward thinking in joining us and many other regional partners in submitting a letter to the federal delegation back in June of 2021 (attached) which asserted that federal funding for Phase 1A will allow an opportunity to diversify the funding for the project and prevent the need to toll the project ahead of the development and implementation of a comprehensive regional pricing program.

While we recognize there are many transportation needs across the state, the recent passage of the Infrastructure Investments and Jobs Act (IIJA) provides an estimated \$1.2 billion in new revenue to ODOT and is a timely resource to help pay for the projects of statewide significance identified in HB 2017, including I-205 and Rose Quarter. Additionally, IIJA reauthorizes a variety of nationwide grants that could reduce or even negate the need to toll the I-205 project ahead of congestion pricing. HB 3055 provided flexibility of the penny gas tax created in HB 2017 and expanded ODOT’s bonding authority. At a minimum, the flexible penny in combination with the expanded bonding capacity and the federal funding should be utilized to finance construction of these projects which will allow time for the region to develop a coordinated approach to congestion pricing and tolling with comprehensive analysis and aligned implementation timelines.

We look forward to your response to our urgent requests, particularly regarding diversion.

Thank you for your consideration.

Sincerely,



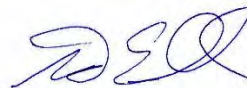
Tootie Smith, Chair  
Clackamas County Board of Commissioners



Tammy Stempel, Mayor  
City of Gladstone



Rachel Lyles Smith, Mayor  
City of Oregon City



Tom Ellis, Mayor  
City of Happy Valley



Sean Drinkwine, Mayor  
City of Estacada



Jules Walters, Mayor  
City of West Linn



Frank Bubenik, Mayor  
City of Tualatin



Mark Gamba, Mayor  
City of Milwaukie



Joe Buck, Mayor  
City of Lake Oswego



Stan Pulliam, Mayor  
City of Sandy



Scott Keyser, Mayor  
City of Molalla



Julie Fitzgerald, Mayor  
City of Wilsonville



Traci Hensley, Council President  
City of Canby



**Testimony by City of Wilsonville Mayor Julie Fitzgerald on HB 3065-8:**

***If Metro-Area Highway Tolling Is Implemented, then Legislation Should Establish Key Principles for Use of Revenues and Increase Public Transit***

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

**Co-Chairs Beyer and McLain, Vice-Chairs Boquist and Noble, and Members of the Committee:**

On behalf of the City of Wilsonville, I am testifying regarding HB 3065-8.

The City agrees with legislative leadership that Oregon’s transportation system is woefully underfunded. The revenue increases provided by the legislature’s bold 2017 transportation package (HB 2017) have proven to be insufficient at funding key projects on highway corridors of regional, state and national significance such as the I-205/Abernathy Bridge improvement project.

**The City appreciates that HB 3065-8 explicitly names the Interstate 5 Boone Bridge and Seismic Improvement Project as a priority facility for the Oregon Department of Transportation to advance.**

While the City applauds the legislature’s foresight to seek a mechanism for creating a regional/state funding match to a pending federal transportation infrastructure program of considerable significance, serious concerns remain by many segments of the public. Members of the City Council and our constituents seek answers and to resolve issues around the impacts of tolling on our communities on the proposed legislation.

**If tolling of the freeways is implemented, then new highway facilities, improved corridor arterials and increased public transit/alternative transportation options must be realized.** We agree with the many of the Portland metro-area local elected leaders that if tolling is to be implemented, it must be done in a thoughtful, systemic manner that provides equitable transportation options for all segments of society and results in less traffic congestion:

- **Revenue generated by tolling should be used for new facilities that improve that highway corridor’s traffic-flow and sustainability.** Many Oregonians believe that the current highway system has been paid for already. Therefore, it is crucial that if tolling is implemented, then revenues must be used to pay for new highway facilities that replace and improve the traffic-handling capacity and seismic-resilience of outdated facilities on that highway.
- **Impacts of increased highway diversion onto local arterials must be adequately mitigated:** ODOT forecasts that tolling will add to the increasing number of vehicles diverted away from the region’s freeway system and onto local roads. The legislature should create a process for ODOT and the Oregon Transportation Commission to designate in conjunction with local jurisdictions specific highway-corridor arterials impacted by diversion traffic, and a program that funds mitigation measures for road improvements and maintenance of those impacted arterials.

We appreciate legislative leadership’s specific named inclusion of the Interstate 5 Boone Bridge and Seismic Improvement Project in Section 18 of the -8 amendment that provides for tolling

revenues to fund highway diversion mitigations in subsection (4) that “(a) Reduce traffic congestion not only on the tollway but also on adjacent, connected or parallel highways to the tollways, regardless of ownership; and (b) Improve safety not only on the tollway but also on adjacent, connected or parallel highways to the tollways, regardless of ownership;” and subsection (5) to “(b) Determine appropriate investments or efforts that may minimize or reduce any potential impacts”.

The City respectfully suggests that this same approach as outlined in Section 18 to address tolled highway traffic diversion impacts mitigation be applied *to all and only tolled highway corridors* where diversion is impacting local arterial facilities. Providing similar benefit to the tolled highway corridors’ arterials can help generate support from local jurisdictions impacted by traffic diversion.

- **Approaches to tolling should be system-wide:** The City agrees with metropolitan mayors that if tolling is implemented, then a system-wide approach should apply to both the Metro-area I-5 and I-205 corridors simultaneously to ensure a more efficient and equitable regional system.
- **Multimodal transportation alternatives and public transit must be expanded and coordinated:** Tolling will significantly increase the cost of travel in private vehicles in the Metro region, and therefore will have a greater cost-impact to lower-income communities. Therefore, bus and light-rail transit services and bike and pedestrian infrastructure be expanded and coordinated in order to provide viable transportation alternatives, including advancing highway bus-on-shoulder options. Particularly in the southern half of the Metro area, transit service is inadequate for many work and school commutes.

Since the Oregon Constitution limits funds raised by fuel taxes and user fees to be spent solely on roads and related bike/ped facilities, the legislature will need to provide alternative sources of funding, such as the State Transportation Improvement Fund (STIF) program, to ensure that transit service can be expanded and coordinated to meet growing demand, particularly for both the suburban and urban-rural interface areas. Additionally, public subsidies to lower-income populations to support work/school commuting should be considered as an option for communities impacted by tolled highways.

The City of Wilsonville greatly values our partnership with the leadership of the Oregon Legislative Assembly and ODOT to advance strategic programs that advance Oregon’s transportation system for all segments of society and our economy. We recognize that Oregon faces some big-ticket costs ahead to replace key highway facilities, including \$500 million for the I-205/Abernathy Bridge capacity- and seismic-improvement project, \$500 million for the I-5 Boone Bridge and seismic improvement project, over \$750 million I-5/I-84 Rose Quarter improvement project, and the +\$1 billion Interstate Bridge replacement project. It is unrealistic to expect that the “feds” will bail us out on all of these projects, and therefore we need to look for ways to pull ourselves up by our own bootstraps and use funds generated by the region and state to leverage even greater amounts of federal funds to improve our transportation system. Thank you consideration of this testimony.

Sincerely,



Julie Fitzgerald, Mayor  
City of Wilsonville



September 30, 2020

*Submitted via email to  
oregontolling@odot.state.or.us*

Lucinda Broussard, Toll Program Director  
Oregon Department of Transportation  
355 Capitol Street NE, MS 11  
Salem, OR 97301-3871

**RE: I-205 NEPA Alternatives Comment Period**

Dear Ms. Broussard:

The City of Wilsonville appreciates the opportunity to provide comment on the identified Purpose and Need of various alternatives being considered by ODOT during the I-205 NEPA Alternatives comment period. We also appreciate the time that you took to visit with the Wilsonville City Council on August 17 to more fully explain this important project.

As a participating agency in the I-205 Toll Project Draft Agency Coordination Plan, the City of Wilsonville has significant interest in this project that could carry major ramifications for both highway traffic and local-area streets congestion. The City's South Metro Area Regional Transit (SMART) Director also participates on the Equity and Mobility Advisory Committee and the Tolling – Transit Work Group.

As a city with a residential population of 25,000 that hosts over 20,000 jobs, thousands of workers commute daily from as well as to Wilsonville from every corner of the Portland metro region and North Willamette Valley. Approximately half of these jobs (10,000) are in manufacturing and wholesale distribution where both commuting workforce mobility and the timely movement of freight are crucial for Oregon's continued economic development.

The "proposed project purpose" is stated as:

The purpose of the I-205 Toll Project is to manage congestion on I-205 between Stafford Road and OR 213 and raise revenue to fund congestion relief projects through the application of variable-rate tolls.

The project purpose, while led by legislative direction, appears too limiting to either raise sufficient revenue or provide congestion relief. That is, tolling one small segment of highway would appear to neither generate significant revenue to be meaningful nor provide region-wide congestion relief. Therefore, the NEPA analysis should be expanded in scope to look more holistically at the region-wide traffic-congestion impacts and revenue generation of tolling the interconnected Interstate freeway system of the Portland metro region with at least I-5 and I-205 being analyzed.

We agree with the key lead points of the comment letter submitted by the Clackamas County Coordinating Committee dated August 13:

**“First, the financial necessity and the benefits of tolling this section of I-205 have not been clearly articulated.** After years of improving the highway system of Oregon without the use of tolling, many residents and businesses in Clackamas County question why it is necessary that this project be tolled. The communities of Clackamas County request that a financial analysis of the I-205 Widening and Seismic Improvements project be released that justifies tolling and demonstrates that it cannot be completed without toll funding.

**“Second, we request the OTC clarify its policy for funding of major highway improvements and assure stakeholders that tolling will be applied equitably to major highway improvements in the region,** including this I-205 improvement as well as other proposed improvements on I-5, I-84, I-405, and OR 217. Our hope is for this analysis to either clarify or alleviate the growing concern that tolls will not be imposed to pay for other major highway improvements elsewhere in the Portland region and in Oregon, leaving Clackamas County businesses and residents to shoulder a major share of the cost of this improvement to the state highway system.

**“Third, we are concerned about a lack of clarity around the intentions and policies regarding toll revenue allocation, and urge that toll revenue generated in a project area should remain in that project area.** Based on recent comments from ODOT tolling staff we understand that their intent at the August 13th OTC meeting is to seek policy direction to ensure that toll revenue collected in the corridor remains in the corridor. We strongly support ODOT staff’s intention and the concept that the toll revenue collected in a corridor should remain in that corridor.”

Bold in original text.

Additionally, the City provides the following specific comments and recommendations:

1. **Long-term impacts of tolling on the surrounding communities:** The 2027 travel-demand modeling used to select alternatives does not appear to adequately account for the long-term impacts of tolling on the surrounding communities. The City requests that ODOT use Metro’s 2040 travel-demand model to assess the long-term re-routing of traffic that will result from the implementation of tolling on this segment of I-205 and impact our communities.

Additionally, the current scope of alternatives analysis does not study the potential impacts of tolling on the economies of impacted jurisdictions, nor how community quality-of-life may be affected. Therefore, the City requests that ODOT study in the various alternatives both economic and quality-of-life impacts on communities directly impacted by proposed tolling, including the City of Wilsonville.

2. **Increases in diversion on local roads:** The City requests that ODOT study both the difference between the increase of vehicles created by diversion and the impact of those increases on local roads where diversion and delays already occur. To achieve this, ODOT could apply traffic simulation to determine the impacts of traffic congestion and delay on the arterial roads and signalized intersections that will be

impacted by traffic re-routing from I-205 as a result of the implementation of tolling. This analysis should include state highways – and the roads that feed them – that serve as major arterials in surrounding communities, including but not limited to OR 99E, OR 212, OR 43, and OR 213.

3. **I-205 tolling location potential impacts:** The City is concerned about proposals to toll I-205 from a location *west of the Stafford Road interchange*, which modeling demonstrates leads to a substantial increase in traffic at the I-5 Elligsen Road interchange in Wilsonville. The I-5 Elligsen Road interchange is the last exit on northbound I-5 prior to reaching I-205, and therefore the potential location of tolling on I-205 appears to have a substantial impact on the interchange prior to tolling location. The City requests that ODOT provide additional traffic-impact studies of a toll location west of the Stafford Road interchange and potential mitigation strategies.
4. **Analyzing traffic impacts beyond Clackamas County:** The City requests that ODOT quantify the impacts of traffic re-routing on state highways and major city and county roads throughout the full extent of Clackamas, Multnomah, and Washington Counties, rather than focusing solely on highways and roads in Clackamas County. As a city located in both Clackamas and Washington Counties, the City believes that this project will have region-wide impacts and that to meet the intent of NEPA it is necessary that those impacts be analyzed.
5. **Analyzing region-wide value-pricing:** The City requests that ODOT uses this NEPA process to additionally assess the original intent of HB 2017 to toll the entirety of I-5 and I-205, between the Columbia River and their intersection north of Wilsonville or possibly south at the I-5 Boone Bridge. Value pricing as a means of congestion relief cannot be achieved as a pilot program where select communities bear the burden of receiving additional freeway traffic congestion on local roads.

If value pricing is to have a true impact in our region, ODOT and the region at large benefits by studying those impacts now, and potentially pursuing those methods of value pricing if they truly model congestion relief. This approach not only favors a system-wide approach to congestion relief, but also removes the already observable and unfair model of penalizing several small communities to fund a project of statewide significance. Therefore, tolling should be considered at a regional-wide scale to address the major chokepoints of the I-5 Boone Bridge and I-5 Interstate Bridge/Columbia River Crossing. The current situation of spot tolling has unequal impacts on the region, as only certain communities will bear the greatest burden.

6. **Alternative transportation and public-transit options should be studied:** The I-205 corridor has limited parallel transportation routes and many of those are severely lacking basic safety infrastructure for pedestrians and cyclists. The City expects the NEPA analysis to inform how ODOT plans to remedy the impacts of tolling diversion where transportation gaps exist in this area, including a need for improved transit alternatives such as bus-on-shoulder access and connection routes around the project, improved bicycle-pedestrian accommodation on projects where diversion will increase, and additional river crossings to accommodate diversion.



Additionally, the current approach by ODOT to the NEPA analysis fails to assess how transit-dependent populations would be impacted by the proposed toll, which could further widen the equity gap. As noted in more detail in the following point, equity and environment justice considerations are to be addressed in NEPA.

- 7. Health and Equity analysis of the alternatives:** The City requests that ODOT assess the health and equity impacts of each alternative in the Environmental Assessment. The City recognizes that the Equity and Mobility Advisory Committee (EMAC) is scheduled to provide a more robust analysis of this need; however, this is an opportunity for ODOT to incorporate health and equity criteria into the performance measures analysis, perform an equity analysis by analyzing the performance measures for subareas with a high percentage of marginalized and vulnerable populations, and partner with Oregon Health Authority (OHA) Environmental Health to explore modeling options of health outcomes.

The chief concern is that those persons least financially able to bear additional costs for their transportation for school, work, childcare, medical and family matters are those most impacted by tolls. Lower-income populations will seek to find alternative routes, schedules and transportation modes to try and reduce the financial impact of the tolls. Thus, the alternatives should provide specific information on how the inequitable impact of tolls on lower-income communities is to be addressed.

Thank you for your efforts to create a more complete and resilient transportation system for the benefit of our region.

Sincerely,



Tim Knapp, Mayor  
City of Wilsonville

cc: Oregon Transportation Commission (OTC): [OTCAdmin@odot.state.or.us](mailto:OTCAdmin@odot.state.or.us)  
ODOT Region 1 Area Commission on Transportation: [Region1ACT@odot.state.or.us](mailto:Region1ACT@odot.state.or.us)  
Joint Policy Advisory Committee (JPACT), Metro: [transportation@oregonmetro.gov](mailto:transportation@oregonmetro.gov)  
Clackamas County Coordinating Committee ("C4"): [twilson2@clackamas.us](mailto:twilson2@clackamas.us)  
Washington County Coordinating Committee ("WCCC"): [lutdir@co.washington.or.us](mailto:lutdir@co.washington.or.us)

**CITY COUNCIL ROLLING SCHEDULE**  
**Board and Commission Meetings**  
**Items known as of 09/06/22**

**September**

<b>Date</b>	<b>Day</b>	<b>Time</b>	<b>Event</b>	<b>Location</b>
9/12	Monday	6:30 pm	DRB Panel A	City Hall
9/13	Tuesday	6:00 pm	Diversity, Equity and Inclusion Committee	City Hall
9/14	Wednesday	1:00 pm	Tourism Promotion Committee	City Hall
9/14	Wednesday	6:00 pm	Planning Commission	City Hall
9/15	Thursday	6:30 pm	Wilsonville – Metro Community Enhancement Committee	City Hall
9/19	Monday	5:00 pm	Executive Session & Work Session	City Hall
9/19	Monday	7:00 pm	City Council Meeting	City Hall
9/20	Tuesday	5:00 pm	Municipal Traffic Court	City Hall
9/21	Wednesday	5:00 pm	Arts, Culture, and Heritage Commission	Library
9/26	Monday	6:30 pm	DRB Panel B - CANCELLED	City Hall
9/28	Wednesday	6:30 pm	Library Board Meeting	Library

**Community Events:**

- 9/9** Lunch at the Community Center, 12:00 pm, Community Center  
 Mexican Train Dominoes, 1:00 pm, Community Center
- 9/10** Book Notes Concert, 2:00 pm, Public Library
- 9/12** Weight Loss Support Group, 12:30 pm, Community Center  
 Bridge Group, 1:00 pm, Community Center
- 9/13** Quilters, 9:00 am, Tauchman House  
 Ukulele Jam, 9:00 am, Parks & Rec Admin Bldg.  
 DHS Drop-In Assistance, 10:00 am, Public Library  
 Medicare 101 – Extra Help, 10:30 am, Community Center
- 9/14** Digital Photography, 10:00 am, Community Center  
 Walk at Lunch, 12:00 pm, City Hall  
 Lunch at the Community Center, 12:00 pm, Community Center  
 Pinochle/Cribbage, 1:00 pm, Community Center
- 9/15** Ladies Afternoon Out, 1:00 pm, Community Center
- 9/16** Lunch at the Community Center, 12:00 pm, Community Center  
 Mexican Train Dominoes, 1:00 pm, Community Center
- 9/17** Emergency Preparedness Fair, 10:00 am, Stein-Boozier Barn at Memorial Park  
 Space Talk: Paths to Saturn V, 11:00 am, Public Library
- 9/19** Weight Loss Support Group, 12:30 pm, Community Center  
 Bridge Group, 1:00 pm, Community Center  
 Genealogy Club, 1:00 pm, Public Library

- 9/20** Quilters, 9:00 am, Tauchman House  
 Ukulele Jam, 9:00 am, Parks & Rec Admin Bldg.  
 DHS Drop-In Assistance, 10:00 am, Public Library
- 9/21** Digital Photography, 10:00 am, Community Center  
 Walk at Lunch, 12:00 pm, Lux Sucre Charbonneau  
 Lunch at the Community Center, 12:00 pm, Community Center  
 Pinochle/Cribbage, 1:00 pm, Community Center  
 Bridge, 1:00 pm, Community Center
- 9/22** Ladies Afternoon Out, 1:00 pm, Community Center
- 9/23** Lunch at the Community Center, 12:00 pm, Community Center  
 Mexican Train Dominoes, 1:00 pm, Community Center
- 9/24** Bulky Waste Day, 9:00 am, Republic Services
- 9/26** Weight Loss Support Group, 12:30 pm, Community Center  
 Bridge Group, 1:00 pm, Community Center
- 9/27** Quilters, 9:00 am, Tauchman House  
 Ukulele Jam, 9:00 am, Parks & Rec Admin Bldg.  
 DHS Drop-In Assistance, 10:00 am, Public Library
- 9/28** Digital Photography, 10:00 am, Community Center  
 Walk at Lunch, 12:00 pm, Clackamas Community College  
 Lunch at the Community Center, 12:00 pm, Community Center  
 Pinochle/Cribbage, 1:00 pm, Community Center
- 9/29** Ladies Afternoon Out, 1:00 pm, Community Center
- 9/30** Lunch at the Community Center, 12:00 pm, Community Center  
 Mexican Train Dominoes, 1:00 pm, Community Center



# Tolling in the Portland Metro Region

## Purpose

Tolling is part of ODOT’s long-term strategy to manage congestion and sustainably raise revenue for roadway and multimodal investments. The Oregon Toll Program consists of two toll projects: I-205 Toll Project and the Regional Mobility Pricing Project.

Toll revenues will help fund transportation projects in the Portland metropolitan area and maintain and improve our multimodal transportation system.

## How Oregon Tolls Would Work

**Drivers do not stop and pay.** An all-electronic collection system allows drivers to keep moving. Toll systems read a transponder — a small device placed on the inside of the windshield associated with an account — or capture a picture of the vehicle’s license plate to collect a toll. The tolls will vary according to a set schedule, with higher rates during peak travel hours – Variable Rate Toll. Drivers will know the cost before going on the toll road.

*Tolls would benefit those who pay the toll with a faster, more reliable trip and provide funds for highway and multimodal improvements to improve mobility and safety.*

### Toll rates

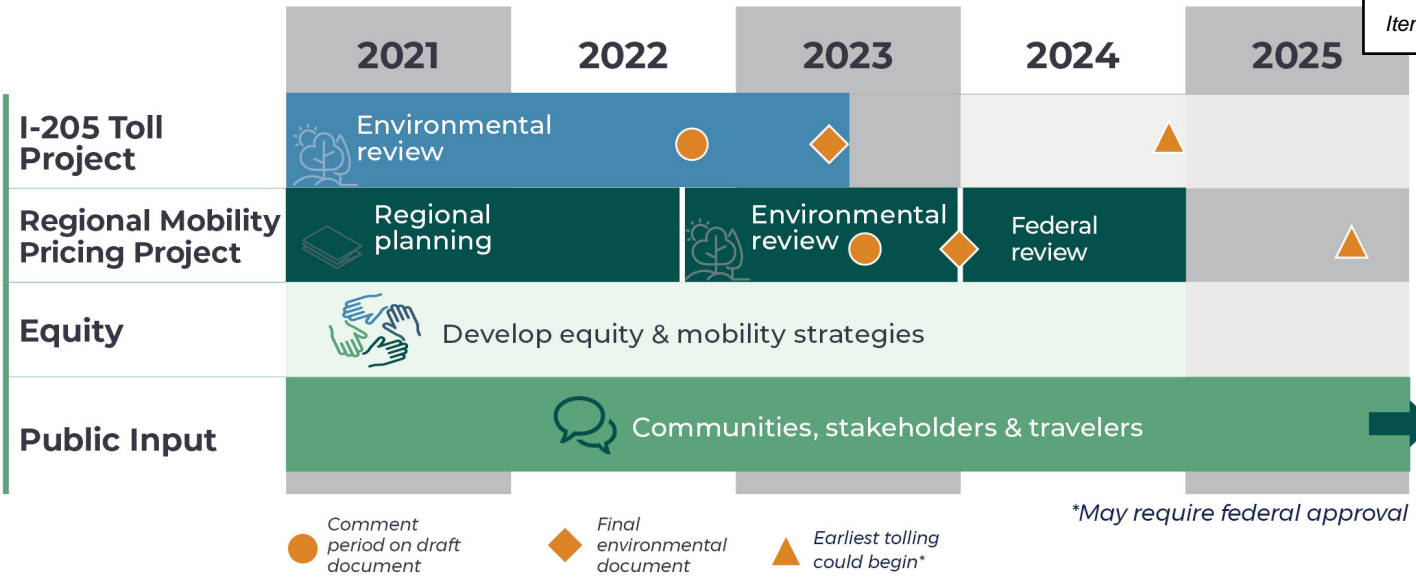
The Oregon Transportation Commission will set toll rates based on public input, cost of living, inflation, congestion relief goals, and revenue needs. Toll rates will be determined after the environmental review process and **about six months before tolls begin.** Tolling is anticipated to start in late 2024 on I-205.

## I-205 Toll Project & Regional Mobility Pricing Project Map



## Benefits

- ✓ Improves travel time on I-5 and I-205 and increases reliability, safety, and efficiency.
- ✓ Reduces greenhouse gas emissions and fuel consumption.
- ✓ Creates new, sustainable funding source through a user fee.
- ✓ Supports enhanced transportation equity and mobility.



### Equity is Guiding Our Work

Equity is a priority for ODOT. The goal is to create better solutions for those historically and currently excluded and underserved. We are:

- Collaborating with community partners.
- Applying an equity framework for project development to measure and support community engagement.
- We are engaging the Equity and Mobility Advisory Committee to improve outcomes for communities.

### What's Next

#### I-205 Tolling

ODOT will use variable-rate tolls on the Abernethy and Tualatin River Bridges to raise revenue to complete the [I-205 Improvements Project](#) and manage congestion. ODOT is moving forward with development of the Environmental Assessment. It will be available for public review and comment in fall 2022.


#### Regional Mobility Pricing Project

We are currently in the initial planning phase for the Regional Mobility Pricing Project, which evaluates tolling the entire I-5 and I-205 corridor. ODOT will study tolling options, identify strategies to make tolling easier on travelers and historically excluded and underserved communities, and invite public input.

The **Oregon Department of Transportation's Urban Mobility Strategy** is a cohesive approach to make everyday travel safer and more efficient in the Portland area.

Website: [OregonTolling.org](https://OregonTolling.org)  
 Phone: 503-837-3536  
 Sign up for e-News @[OregonTolling.org](https://OregonTolling.org). Click on "Contact Us."  
 Twitter: [@UrbMobilityOfc](https://twitter.com/UrbMobilityOfc)

Scan the code to go to the website.



For Americans with Disabilities Act or Civil Rights Title VI accommodations, translation/interpretation services, or more information call 503-731-4128, TTY (800) 735-2900 or Oregon Relay Service 7-1-1.

Si desea obtener información sobre este proyecto traducida al español, sírvase llamar al 503-731-4128.  
 Nếu quý vị muốn thông tin về dự án này được dịch sang tiếng Việt, xin gọi 503-731-4128.  
 Если вы хотите чтобы информация об этом проекте была переведена на русский язык, пожалуйста, звоните по телефону 503-731-4128.  
 如果您想了解这个项目，我们有提供简体中文翻译，请致电：503-731-4128  
 The information in this document, and the public and agency input received, may be adopted or incorporated by reference into a future environmental review process to meet the requirements of the National Environmental Policy Act.

# Share Your Feedback!

The Oregon Department of Transportation is working to **reduce traffic jams** and make your trip more reliable and safer. Help us **improve mobility** through the Portland metropolitan area by participating in the four comment periods below.

**Learn about several public comment opportunities happening this fall.**

## Oregon Highway Plan

**What are we planning?** Updating the plan to modernize toll policies and connect to the state's equity and climate goals. This influences policy on use of toll revenue.

**How can you get involved?** Provide comment on the draft amendment that will guide the state in using tolling as a way to raise funds for transportation system improvements by **September 15, 2022**. Visit ([oregon.gov/odot/Planning/Pages/Oregon-Highway-Plan-Update.aspx](http://oregon.gov/odot/Planning/Pages/Oregon-Highway-Plan-Update.aspx))

## Regional Mobility Pricing Project

**What are we planning?** Reducing traffic and providing more reliable travel by applying congestion pricing, also called variable rate tolling, on all lanes of I-5 and I-205 in the Portland metropolitan area. Toll rates would vary based on time and location.

**How can you get involved?** Give us your input during the **30-day comment period** anticipated to begin **this September**. Receive updates at [oregontolling.org](http://oregontolling.org).

## I-5 Rose Quarter Improvement Project

**What are we planning?** Adding auxiliary lanes and shoulders that smooth traffic flow on I-5 between I-84 and I-405, reconnecting the Historic Albina neighborhood with a highway cover, and adding street improvements that will enhance safety and access on local streets.

**How can you get involved?** A **public comment period for the Supplemental Environmental Assessment is anticipated in mid-October**. Receive updates at [i5rosequarter.org](http://i5rosequarter.org).

## I-205 Improvements & I-205 Toll Project

**What are we planning?** Improving I-205 from Stafford Road to OR 213, including a third travel lane in each direction and increasing earthquake resilience. Variable-rate tolls would manage congestion and raise revenue to complete the improvements.

**How can you get involved?** **Review and comment on the formal environmental review document in fall 2022**. Sign-up for weekly construction updates for the I-205 Improvements Project at [i205corridor.org](http://i205corridor.org).



The **Oregon Department of Transportation's Urban Mobility Strategy** is a cohesive approach to make everyday travel safer and more efficient in the Portland area.

**Website:** [www.oregon.gov/odot/UMO/Pages/default.aspx](http://www.oregon.gov/odot/UMO/Pages/default.aspx)

**Sign up for e-News:** [OregonTolling.org](http://OregonTolling.org) and click "Contact Us"



**CITY COUNCIL MEETING  
STAFF REPORT**

<b>Meeting Date:</b> September 8, 2022		<b>Subject: Resolution No. 2995</b>	
		<b>Staff Member:</b> Dwight Brashear, Transit Director; Kimberly Rybold, AICP, Senior Planner	
		<b>Department:</b> SMART; Community Development	
<b>Action Required</b>		<b>Advisory Board/Commission Recommendation</b>	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input checked="" type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable <b>Comments:</b> N/A	
<b>Staff Recommendation:</b> Staff recommends that Council adopt the consent agenda.			
<b>Recommended Language for Motion:</b> I move to adopt the consent agenda.			
<b>Project / Issue Relates To:</b>			
<input checked="" type="checkbox"/> Council Goals/Priorities: Transit-Oriented Development at Wilsonville Transit Center	<input checked="" type="checkbox"/> Adopted Master Plan(s): Equitable Housing Strategic Plan	<input type="checkbox"/> Not Applicable	

**ISSUE BEFORE COUNCIL:**

Council to decide whether to approve a contract amendment with Leland Consulting Group for professional services for the Wilsonville Transit Center Transit-Oriented Development (TOD) project to incorporate funding for additional due diligence in the developer solicitation process.

**EXECUTIVE SUMMARY:**

The City continues work on the study of Transit-Oriented Development (TOD) at the Wilsonville Transit Center. This work began with a Development Opportunity Study to assess the City's goals for the site and better understand the types of development that may be feasible. The project scope also included preparation of a Request for Qualifications (RFQ) document and a Request for Proposals (RFP) document to be used as part of a two-step process to solicit interested development partners. The initial contract amount was \$80,000 to complete this work.

As the project progressed, City staff saw the need for additional consultant assistance in managing the developer solicitation process through the release of the RFQ and RFP and evaluation of responses. The City Manager signed a First Amendment to the Professional Services Agreement in March for an additional \$20,000 to cover the consultant cost of this additional assistance.

In order to thoroughly vet the three development teams that responded to the RFP, additional consultant assistance is required. As the current contract amount is not to exceed \$100,000, any additional funds that are added to this contract must be approved by a resolution of City Council. This resolution authorizes a Second Amendment to the Professional Services Agreement for \$10,000 to cover additional due diligence work required to support City staff in selecting a preferred development team.

**EXPECTED RESULTS:**

Council approval of a contract amendment to support additional due diligence in the developer selection process for the Wilsonville Transit Center TOD project.

**TIMELINE:**

The work under the existing contract is underway. The additional work will be incorporated into the current project timeline. Selection of a preferred development team is expected in early Fall 2022.

**CURRENT YEAR BUDGET IMPACTS:**

Consultant services will be funded by professional services funds from the SMART budget.

**COMMUNITY INVOLVEMENT PROCESS:**

The priorities identified in the Equitable Housing Strategic Plan, including exploration of transit-oriented development at the Wilsonville Transit Center, were generated through a community input process that included focus groups, surveys, and Task Force input. Any TOD project at the Wilsonville Transit Center will go through the typical City development review process before the Development Review Board, which allows for public comment from residents, neighbors and property owners.



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

The additional due diligence will ensure that the City selects a development team capable of constructing a TOD project meeting the City's goals. A TOD project at the Wilsonville Transit Center would provide needed affordable housing opportunities in close proximity to transit service. Locating housing in close proximity to transit service can generate additional transit ridership. With SMART, Salem Cherriots and the TriMet WES train providing regular service, the Wilsonville Transit Center is one of the City's limited opportunities to provide true transit-oriented development within the community.

**ALTERNATIVES:**

The alternative is to not pursue the work to conduct additional due diligence prior to selecting a preferred development team.

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENTS:**

1. Resolution No. 2995
  - A. Amended Professional Services Agreement between the City of Wilsonville and Leland Consulting Group, Inc., Wilsonville Transit Center TOD Study

**RESOLUTION NO. 2995****A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH LELAND CONSULTING GROUP, INC. FOR THE WILSONVILLE TRANSIT CENTER TOD STUDY.**

WHEREAS, on June 29, 2021 the City Manager entered into a professional services contract with Leland Consulting Group for the Wilsonville Transit Center TOD Study in the amount of \$80,000; and

WHEREAS, following execution of the contract, City staff saw a need for consultant assistance with managing developer solicitation through the release of a Request for Qualifications followed by a Request for Proposals and evaluation of responses; and

WHEREAS, on March 14, 2022 the City Manager signed a First Amendment to the Professional Services Agreement to add \$20,000 to the contract amount to cover consultant assistance with that developer solicitation process; and

WHEREAS, the City Council desires to authorize a Second Amendment to the Professional Services Agreement to add \$10,000 to complete additional due diligence associated with the developer solicitation process.

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

Section 1. The procurement process for the Project duly followed Oregon Public Contracting Rules, and Leland Consulting Group, Inc. submitted the most qualified proposal.

Section 2. The City of Wilsonville City Council acting as the Local Contract Review Board authorizes the City Manager to enter into and execute, on behalf of the City of Wilsonville, an amendment to the contract Leland Consulting Group, Inc. increasing the stated value by \$10,000 for a cumulative \$30,000 (37.5%) change from \$80,000 to \$110,000 which amended contract must be substantially similar to Exhibit A attached hereto and incorporated herein.

Section 3. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 8<sup>th</sup> day of September 2022, and filed with the Wilsonville City Recorder this date.

---

JULIE FITZGERALD, MAYOR

ATTEST:

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Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Lehan

Councilor West

Councilor Linville

EXHIBIT:

- A. Amended Professional Services Agreement between the City of Wilsonville and Leland Consulting Group, Inc., Wilsonville Transit Center TOD Study

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

**Wilsonville Transit Center TOD Study**

This Second Amendment to Professional Services Agreement (“Second Amendment”) is effective the \_\_\_\_ day of September 2022 (“Effective Date”), by and between the **City of Wilsonville**, a municipal corporation of the State of Oregon (“City”), and **Leland Consulting Group, Inc.**, an Oregon corporation (“Consultant”), upon the terms and conditions set forth below.

**RECITALS**

WHEREAS, the City entered into a Professional Services Agreement (“Agreement”) with Consultant on June 29, 2021, relating to the Wilsonville Transit Center TOD Study Project (“Project”); and

WHEREAS, the City entered into a First Amendment to Professional Services Agreement (“First Amendment”) with Consultant on March 14, 2022; and

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

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

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

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

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

**AGREEMENT**

The Agreement is amended as follows:

**Section 1. Term**

The term of the Agreement is hereby extended to October 30, 2022.

**Section 2. Additional Services To Be Provided**

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

**Section 3. Time for Completion of Additional Services**

The Additional Services provided by Consultant pursuant to this Second Amendment shall be completed by no later than October 30, 2022.

**Section 4. Compensation**

The City agrees to pay Consultant on a time and materials basis, guaranteed not to exceed TEN THOUSAND DOLLARS (\$10,000), for performance of the Additional Services (“Second Amendment Compensation Amount”) which, when totaled with the Total Compensation Amount from the First Amendment, equals a total not-to-exceed amount of ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000) for the performance of the Services and Additional Services (“Total Compensation Amount”). The term “Total Compensation Amount,” as defined in the First Amendment, is hereby deleted and replaced with the term “Total Compensation Amount” as defined above.

**Section 5. All Other Terms**

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

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

**CONSULTANT:**

**CITY:**

LELAND CONSULTING GROUP, INC.

CITY OF WILSONVILLE

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

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

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

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

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

EIN/Tax I.D. No.: 93-0995780

APPROVED AS TO FORM:

\_\_\_\_\_  
Amanda Guile-Hinman, City Attorney  
City of Wilsonville, Oregon

k:\dir\affordable housing\tod study\doc\2nd amd psa tod study~leland (ag^).docx

## EXHIBIT A SCOPE OF WORK

### RE: Ongoing Development Advisory Services for the Wilsonville TOD Project

Our core team will remain the same as in previous phases of work; I will be the day-to-day contact and Darcy will lead our efforts regarding affordable housing process and financial feasibility.

- Work with City of Wilsonville staff during August, September, and if budget allows, October 2022.
- Finalize follow-up questions to be asked of development teams.
- Participate in phone calls with City staff and developers, in order to explain the process and questions (e.g., in August) and hear developers’ responses (e.g., in September).
- With City staff, conduct reference check calls and/or emails.
- Review materials received from developers, including written responses to questions, pro formas, and other materials.
- Meet with the City team to discuss the development teams, deliberate, and ideally select a preferred development team that can be recommended to Council. We cannot guarantee that a development team will be selected, for example, in the event that none of the three short listed teams appear to meet the City’s expectations.
- Regular communication via phone and email.
- Prepare email summaries of the LCG team’s evaluation of development teams.

If time and budget allow, we may participate in other activities, such as site visits to developers’ affordable housing projects, and communication with third parties such as TriMet, HACC, Metro, etc.

The budget for this work is not to exceed \$10,000, including all time and materials. We estimate the following hours/split between LCG and DDV:

Wilsonville TOD Project	LCG: Vanneman	Subtotal	DDV: Vincent	Subtotal	Total
	\$200		\$140		
Ongoing Development Advisory Services	30	\$5,996	26	\$3,640	\$9,636
Hours	30		26		56
Fee	\$5,996	\$5,996	\$3,640.00	\$3,640	\$9,636
Subconsultant Multiplier (10%)				\$364	\$364
<b>Total</b>		<b>\$5,996</b>		<b>\$4,004</b>	<b>\$10,000</b>



## CITY COUNCIL MINUTES

August 15, 2022 at 7:00 PM

Wilsonville City Hall & Remote Video Conferencing

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### CALL TO ORDER

1. Roll Call
2. Pledge of Allegiance

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, August 15, 2022. Mayor Fitzgerald called the meeting to order at 7:00 p.m., followed by roll call and the Pledge of Allegiance.

### PRESENT:

Mayor Fitzgerald  
Council President Akervall  
Councilor Lehan  
Councilor West  
Councilor Linville

### STAFF PRESENT:

Bryan Cosgrove, City Manager  
Jeanna Troha, Assistant City Manager  
Amanda Guile-Hinman, City Attorney  
Kimberly Veliz, City Recorder  
Andy Stone, IT Director  
Bill Evans, Communications & Marketing Manager  
Dan Pauly, Planning Manager  
Matt Lorenzen, Economic Development Manager  
Masha Mironova, Administration Intern  
Zoe Mombert, Assistant to the City Manager  
Ryan Adams, Assistant City Attorney

3. Motion to approve the following order of the agenda.

The City Manager requested that Council consider amending the agenda. He suggested the Citizen Input and Community Announcements section be moved before the Community Survey as there was a citizen wanting to provide public comment.

**Motion:** Moved to approve the amended agenda as described by the City Manager.

Motion made by Council President Akervall, Seconded by Councilor West.

**Voting Yea:**

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

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

**MAYOR'S BUSINESS**

4. Upcoming Meetings

The Mayor reported on the following meetings she attended since Council last met:

Oregon Mayors Association Annual Conference

- The Mayor attended the Oregon Mayors Association Annual Conference the past weekend held in Newport.
- Attendees toured the Pacific seafood plant and heard about how they have to provide workforce housing using area motels.
- Attendees toured the Hatfield Marine science center and saw the earthquake ready rooftop platform.
- League of Oregon Cities (LOC) held a session on legislative concepts under considered.

Clackamas County Coordinating Committee (C4) and Washington County Coordinating Committee

- The Mayor attended coordinating meetings for both Clackamas and Washington counties.
- The Primary topic for both meetings was transportation.

The Mayor then announced the following upcoming events:

Community Block Party

- The City's "Community Block Party" was scheduled for August 25, 2022, from 5:30 p.m. to 8:30 p.m. The event would feature live music, food trucks, train rides, lawn games, and various family activities.
- City staff was to be present to share information and gather feedback on City projects, such as the Boeckman Road Corridor Improvements, and the Frog Pond East and South Master Plan.

Emergency Preparedness Fair

- Reminded September is Emergency Preparedness Month.
- City hosted Emergency Preparedness Fair scheduled for September 17, 2022 from 10:00 a.m. to noon, at the Stein-Boozier Barn in the Murase Plaza area of Memorial Park.
- The first one hundred attendees to show their completed "Go Bag" receive a battery cell phone charger.



### City Council Meeting

- The first Monday of September is Labor Day, so the next City Council meeting is scheduled for Thursday, September 8, 2022 at 7:00 pm.

### **CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS**

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

Jeff Lewis, Wilsonville resident readdressed the issue of noise affecting the Morey's Landing neighborhood.

The Assistant City Manager then explained to Council that staff was working with Wilsonville Concrete to schedule a meeting with neighbors to discuss concerns.

### **COMMUNICATIONS**

#### 5. Community Survey Results

Bill Evans, Communications & Marketing Manager shared a PowerPoint detailing summary data from the 2022 National Citizen Survey (NCS). The survey conducted by the National Research Center occurs every two years to gather resident's opinions. The PowerPoint and Survey Results Report have been added to the record.

Council comments followed the presentation.

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

#### 6. Council President Akervall

The Council President encouraged the audience to participate in the Wilsonville Childcare Survey for employers and families with children.

Council President Akervall reported on the following meetings/events she attended:

- Clackamas County Childcare Taskforce
- Kiva Building Tour
- Waste Water Treatment Plant Tour
- Skate Park Grand Opening

Council President Akervall also announced upcoming meetings/events she planned to attend:

- League of Oregon Cities Women's Caucus on August 16, 2022
- Roller Skating Disco at City Hall Parking Lot on September 17, 2022
- Urban Renewal Taskforce meeting on August 31, 2022

## 7. Councilor Lehan

Councilor Lehan reported on the Skate Park Grand Opening.

Councilor Lehan mentioned she had heard many compliments about the City Hall front desks remodel.

It was also shared by Councilor Lehan that there are two Alders trees in the City Hall parking lot that were dying and should be replaced with a different type of tree. Councilor Lehan also mentioned health concerns for an Oak tree located off Kinsman Road.

Lastly, Councilor Lehan announced she resigned from Willamette Falls and Landing Heritage Area Coalition (WFLHAC). She further explained she is on many boards/commissions and did not have the time to participate. She mentioned that it seemed increasingly unlikely that in the near future that area would attain National Heritage status.

## 8. Councilor West

Councilor West described his experience representing the City and serving as a volunteer at the TACE event. He explained TACE is an acronym for "Through A Child's Eyes." He further described the event was founded by Wilsonville Rotarian and former Mayor John Ludlow along with resident Doris Wehler. Since, the founding of TACE Wilsonville Rotary has sponsored the program annually at Coffee Creek Correctional Facility in Wilsonville. During, the TACE event children come and get to have a normal prosocial environment with their incarcerated mother.

## 9. Councilor Linville

Councilor Linville announced the following meetings she attended and/or planned to attend:

- Oregon Department of Aviation board online meeting on August 10, 2022
- Clackamas County Coordinating Committee Metro Subcommittee meeting on August 17, 2022
- Clackamas Workforce Partnership board retreat on August 22, 2022

Councilor Linville congratulated City of Wilsonville Permit Technician Becky White for being recognized as Oregon's 2022 permit technician of the year.

## CONSENT AGENDA

### 10. Resolution No. 2990

Authorizing The City Manager To Execute A Systems Development Charges Refund Agreement With Coffee Creek Logistics Holdings, LLC For The Construction Of Oversized Public Sewer And Water Infrastructure Improvements.

### 11. Resolution No. 2992

A Resolution Of The City Of Wilsonville Clarifying The Tax Exemption Calculation Methodology To Be Utilized Under The City's Vertical Housing Development Zone Program.

12. Authorize the City Manager to Sign an Intergovernmental Agreement (IGA) Between Clackamas County Sheriff's Office, West Linn - Wilsonville School District and City of Wilsonville for School Resource Officer Program.

13. Minutes of the August 1, 2022 City Council Meeting.

**Motion:** Moved to approve the consent agenda as read.

Motion made by Councilor Lehan, Seconded by Council President Akervall.

**Voting Yea:**

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

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

**NEW BUSINESS**

There was none.

**CONTINUING BUSINESS**

**14. Ordinance No. 865 – 2<sup>nd</sup> Reading**

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Future Development Agricultural – Holding (FDA-H) Zone To The Planned Development Industrial (PDI) Zone On Approximately 0.55 Acre Located At 28505 SW Boones Ferry Road; The Land Is More Particularly Described As Tax Lot 800, Section 14A, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Davidsons Boones Ferry Industrial LLC, Owner/Applicant.

The City Attorney read the title of Ordinance No. 865 into the record on second reading.

The Mayor read the second reading script.

No Councilor declared a conflict of interest, bias, or conclusion from information gained outside the hearing. No member of the audience challenged any of the Councilor's participation.

There was no further input from staff or applicants.

The Mayor then called for the motion on Ordinance No. 865.

**Motion:** Moved to adopt Ordinance No. 865 on second reading.

Motion made by Council President Akervall, Seconded by Councilor West.

**Voting Yea:**

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

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

**PUBLIC HEARING**

There was none.

**CITY MANAGER'S BUSINESS**

The City Manager shared staff was looking into the tree issue at the City Hall parking lot mentioned by Councilor Lehan. Staff would also investigate the tree issue mentioned by Councilor Lehan on Kinsman Road.

Lastly, Council was reminded they had been invited to local resident's Ruth Johnson centenary birthday party on August 27, 2022.

**LEGAL BUSINESS**

None.

**ADJOURN**

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

Respectfully submitted,

---

Kimberly Veliz, City Recorder

ATTEST:

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Julie Fitzgerald, Mayor



**CITY COUNCIL MEETING  
STAFF REPORT**

<b>Meeting Date: September 8, 2022</b>		<b>Subject: Ordinance Nos. 866 and 867</b>	
		<b>Staff Member:</b> Cindy Luxhoj, AICP, Associate Planner	
		<b>Department:</b> Community Development	
<b>Action Required</b>		<b>Advisory Board/Commission Recommendation</b>	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: September 8, 2022 <input checked="" type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: September 8, 2022 <input checked="" type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: September 19, 2022 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable  <b>Comments:</b> During a public hearing on August 22, 2022, Development Review Board Panel 'B' reviewed and recommended adoption of the Annexation and Zone Map Amendment to City Council and approved the associated Frog Pond Terrace subdivision.	
<b>Staff Recommendation:</b> Staff recommends Council adopt Ordinance Nos. 866 and 867 on 1 <sup>st</sup> Reading.			
<b>Recommended Language for Motion:</b> In two separate motions, I move to adopt Ordinance Nos. 866 on 1 <sup>st</sup> Reading and I move to adopt Ordinance 867 on 1 <sup>st</sup> Reading.			
<b>Project / Issue Relates To:</b>			
<input type="checkbox"/> Council Goals/Priorities:	<input checked="" type="checkbox"/> Adopted Master Plan(s): Frog Pond West	<input type="checkbox"/> Not Applicable	

**ISSUE BEFORE COUNCIL:**

Approve, modify, or deny Ordinance Nos. 866 and 867 to annex approximately 11.17 acres and rezone approximately 10.94 acres on the south side of SW Frog Pond Lane at 7480 and 7500 SW Frog Pond Lane within the Frog Pond West Master Plan area, enabling development of a 19-lot residential subdivision.

**EXECUTIVE SUMMARY:**

The proposed 19-lot subdivision is the ninth development proposal in Frog Pond West. The subdivision will connect to the concurrently proposed Frog Pond Overlook to the north, previously approved Frog Pond Vista subdivision to the northeast, and Morgan Farm subdivision to the south, blending together as one cohesive neighborhood consistent with the Frog Pond West Master Plan. Concurrent with the adoption of the Frog Pond West Maser Plan, the City added a new zoning district, Residential Neighborhood (RN), intended for application to the Master Plan area. The requested zone map amendment proposes applying the Residential Neighborhood (RN) Zone to the Frog Pond Terrace subdivision consistent with this intention.

**EXPECTED RESULTS:**

Adoption of Ordinance Nos. 866 and 867 will bring this portion of the Frog Pond West Master Plan area into the City and zone it for development consistent with the Master Plan.

**TIMELINE:**

The Annexation and Zone Map Amendment will be in effect 30 days after ordinance adoption on second reading and upon filing the annexation records with the Secretary of State as provided by ORS 222.180.

**CURRENT YEAR BUDGET IMPACTS:**

The project will result in income and expenditures consistent with the infrastructure financing plan of the Frog Pond West Master Plan.

**COMMUNITY INVOLVEMENT PROCESS:**

Staff sent the required public hearing notices. In addition, significant public involvement occurred during development and approval of the Frog Pond Area Plan and Frog Pond West Master Plan, with which the proposed actions are consistent.

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

Annexation and development of the subject land will provide additional housing choices and continued development of quality neighborhoods.

**ALTERNATIVES:**

The alternatives are to modify, approve, or deny the annexation and zone map amendment requests.

**CITY MANAGER COMMENT:**

N/A

**ATTACHMENTS:**

1. Ordinance No. 866
  - A. Legal Description and Sketch Depicting Land/Territory to be Annexed
  - B. Petition for Annexation
  - C. Annexation Findings

- D. Development Review Board Panel 'B' Resolution No. 406 Recommending Approval of Annexation
- 2. Ordinance No. 867
  - A. Zoning Order ZONE22-0003 Including Legal Description and Sketch Depicting Zone Map Amendment
  - B. Zone Map Amendment Findings
  - C. Development Review Board Panel 'B' Resolution No. 406 Recommending Approval of Zone Map Amendment

**ORDINANCE NO. 866****AN ORDINANCE OF THE CITY OF WILSONVILLE ANNEXING APPROXIMATELY 11.17 ACRES OF PROPERTY LOCATED SOUTH OF SW FROG POND LANE AT 7480 AND 7500 SW FROG POND LANE FOR DEVELOPMENT OF A 19-LOT RESIDENTIAL SUBDIVISION.**

WHEREAS, an application has been submitted by West Hills Land Development LLC – Applicant, and Douglas E. and Colleen R. George, and Donnie L. Martin – Owners, in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code; and

WHEREAS, the subject site is located at 7480 and 7500 SW Frog Pond Lane on Tax Lots 2800, 2801, and 3500, and a portion of SW Frog Pond Lane right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon; and

WHEREAS, a petition (Exhibit B) submitted to the City requests annexation of certain real property legally described and depicted in Exhibit A; and

WHEREAS, Douglas E. and Colleen R. George, and Donnie L. Martin, together representing 100 percent of the property ownership within the annexation area signed the petition; and

WHEREAS, Douglas E. and Colleen R. George, and Donnie Martin, together representing a majority of the electors within the annexation area signed the petition; and

WHEREAS, ORS 227.125 authorizes the annexation of territory based on consent of all owners of land and a majority of electors within the territory and enables the City Council to dispense with submitting the questions of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, the land to be annexed is within the Urban Growth Boundary and has been master planned as part of the Frog Pond West Neighborhood; and

WHEREAS, the land to be annexed is contiguous to the City and can be served by City services; and

WHEREAS, Panel B of the Development Review Board considered the annexation and after a duly advertised public hearing held on August 22, 2022, adopted Resolution No. 406 (Exhibit D) unanimously recommending City Council approve the annexation; and

WHEREAS, on September 8, 2022, the City Council held a public hearing as required by Metro Code 3.09.050; and



WHEREAS, reports were prepared and considered as required by law; and because the annexation is not contested by any party, the City Council chooses not to submit the matter to the voters and does hereby favor the annexation of the subject tract of land based on findings, conclusions, and the Development Review Board's recommendation to City Council.

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

- Section 1. Findings. The tract of land, described and depicted in Exhibit A, is declared annexed to the City of Wilsonville.
- Section 2. Determination. The findings and conclusions incorporated in Exhibit C are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005. The annexation shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.
- Section 3. Effective Date. This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED by the Wilsonville City Council at a regular meeting thereof this 8<sup>th</sup> day of September, 2022, and scheduled the second reading on the 19<sup>th</sup> day of September, 2022, commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

---

Kimberly Veliz, City Recorder

ENACTED by the City Council on the 19<sup>th</sup> day of September, 2022, by the following votes:

Yes: \_\_\_\_\_ No: \_\_\_\_\_

---

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 19<sup>th</sup> day of September, 2022.

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JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Lehan

Councilor West

Councilor Linville

EXHIBITS:

- A. Legal Description and Sketch Depicting Land/Territory to be Annexed
- B. Petition for Annexation
- C. Annexation Findings
- D. Development Review Board Panel B Resolution No. 406 Recommending Approval of Annexation

**EXHIBIT A**  
**LEGAL DESCRIPTION for ANNEXATION**  
 May 17, 2022 (Otak #20015)

Those properties described in Statutory Warranty Deed to Marchil Investments, LLC recorded February 6, 2006 as Document No. 2006-011023, in Quitclaim Deed to Donnie L. Martin recorded November 5, 2021 as Document No. 2021-098893, and in Statutory Bargain and Sale Deed to Douglas E. George and Colleen R. George, Trustees, recorded September 8, 2020 as Document No. 2020-073265, all of Clackamas County Records, together with portions of S.W. Frog Pond Lane, (County Road No. 2362), in the southeast quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with yellow plastic cap marked "PIONEER DESIGN" found at the northwest corner of MORGAN FARM NO. 2, Plat No. 4610, Clackamas County Records which bears North 01°40'13" East along the east line of the southeast quarter of said section a distance of 858.59 feet, and North 88°36'41" West along the north line of said MORGAN FARM NO. 2 and the easterly extension thereof a distance of 3212.90 feet from the southeast corner of said section, said POINT OF BEGINNING being the southwest corner of said Marchil Investments property;

thence along the east lines of those properties described in deeds to William Z. Spring recorded June 1, 1985 recorded as Document No. 1985-019621, and to Jonathan A. and Laurie E. Clarke recorded June 2, 2015, as Document No. 2015-033122, both of Clackamas County Records, North 05°28'14" West a distance of 173.82 feet to a 2 inch by 2 inch H-beam survey monument found at an angle point in the east lines of said Document No. 2015-033122 property;

thence along the east line of said Clarke property, North 12°48'33" East a distance of 31.08 feet to a 5/8 inch iron rod found at the southeast corner of Partition Plat No. 1998-137, Clackamas County Records

thence along the east line of said Partition Plat, North 13°45'33" East a distance of 184.36 feet to a 5/8 inch iron rod with red plastic cap marked "CENTERLINE CONCEPTS" found at the southeast corner of Tract E, COPPER CREEK, Plat No. 4357, Clackamas County Records;

thence along the east lines of said Tract E through the following two courses:  
 North 13°21'42" East a distance of 219.83 feet to a 5/8 inch iron rod with yellow plastic cap marked "DE HASS ASSOC. INC.",  
 and North 62°40'55" East a distance of 165.32 feet to a 5/8 inch iron rod with yellow plastic cap marked "DE HASS ASSOC. INC." found at an angle point in the east lines of said Tract E;

thence along the east lines of said Tract E, of that property described deed to the City of Wilsonville recorded March 7, 1997 as Document No. 97-016880, Clackamas County Records, and of Tract R of CANYON CREEK MEADOWS recorded in Book 108, Page 16, Clackamas County Plat Records, North 50°52'05" East a distance of 278.16 feet to a point on the south right of way line of 33.00 foot wide S.W. Frog Pond Lane at the westerly terminus thereof;

thence along said westerly terminus of S.W. Frog Pond Lane (County Road No. 2362) also being a portion of the southeast line of said Tract R, North 50°52'05" East a distance of 50.77 feet to a point on the north right of way line of said S.W. Frog Pond Lane;

thence along said north right of way line, South 88°35'30" East a distance of 288.75 feet;

thence South 01°24'30" West a distance of 33.00 feet to a point on said south right of way line;

thence along said south right of way line, North 88°35'30" West a distance of 80.43 feet to the northeast corner of that property described in Quitclaim Deed to Donnie L. Martin recorded November 5, 2021 as Document No. 2021-098893, Clackamas County Records;

thence along the southeast line of said Martin property, South 46°32'22" West a distance of 36.85 feet to the southwest corner of said Martin property and a point on the west line of that property described in Statutory Bargain and Sale Deed to P.J. O'Hogan and Sharon L. O'Hogan, Trustees, recorded June 30, 2003 as Document No. 2003-083133, Clackamas County Records;

thence along said west line, South 01°40'13" West a distance of 832.25 feet to a point on the north line of said MORGAN FARMS NO. 2 referenced by a 5/8 inch iron rod with no cap found North 51°42'34" East a distance of 0.07 feet of said point;

thence along said north line, North 88°36'41" West a distance of 643.63 feet to the POINT OF BEGINNING.

Contains 11.168 acres, more or less.

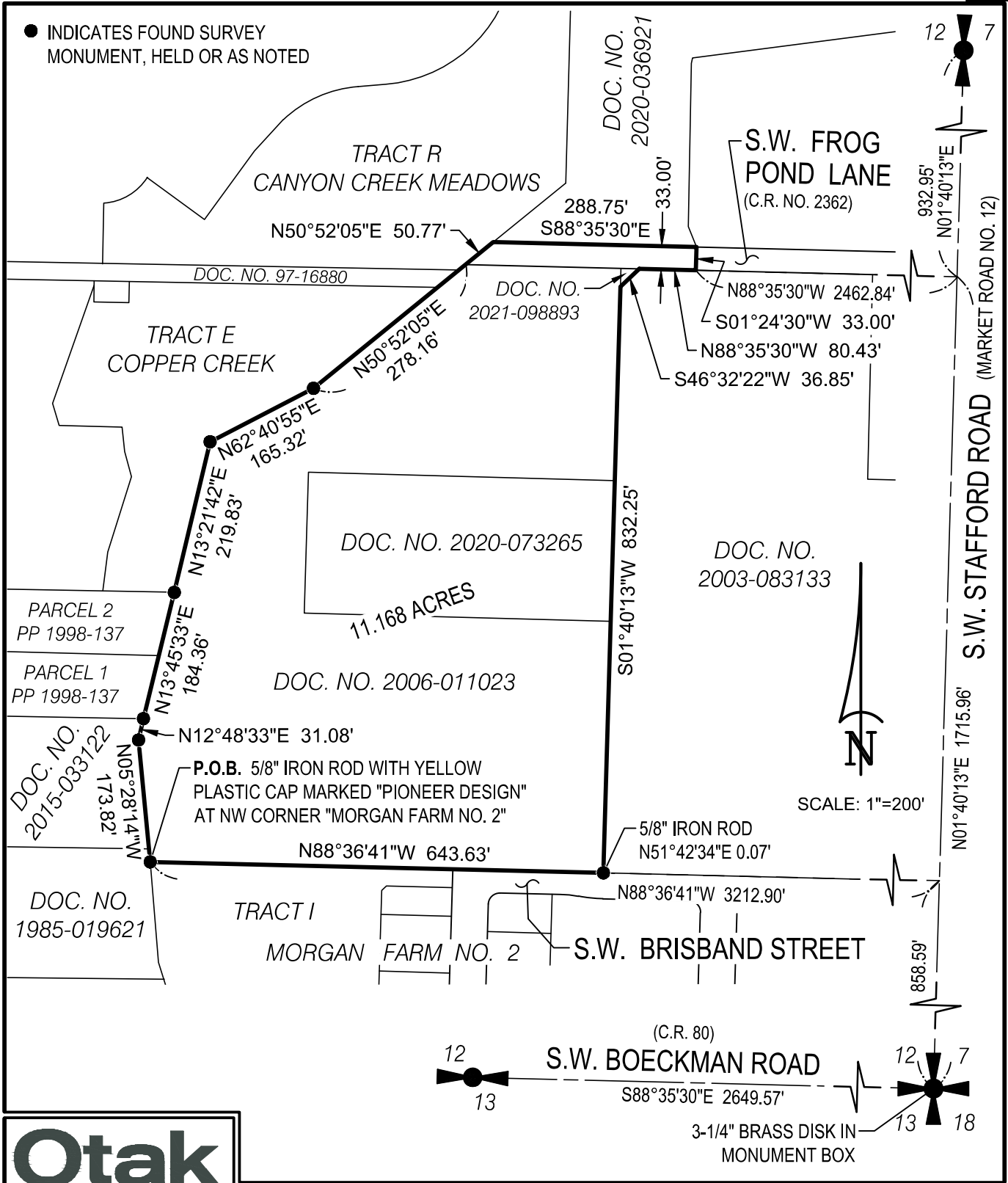
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

2022.05.17  
11:26:47-07'00'

OREGON  
NOVEMBER 12, 2013  
MICHAEL D. SPELTS  
87475PLS

RENEWS: JUNE 30, 2024

● INDICATES FOUND SURVEY MONUMENT, HELD OR AS NOTED



# Otak

808 SW 3rd Ave., Ste. 800  
 Portland, Oregon 97204  
 Phone: (503) 287-6825  
 www.otak.com  
 project: 20015

ANNEXATION OF THE MARTIN, MARCHIL & GEORGE  
 PROPERTIES & A PORTION OF S.W. FROG POND LANE  
 IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1  
 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

MAY 17, 2022

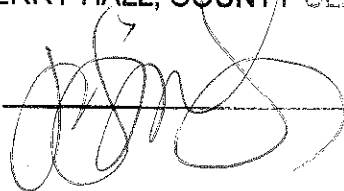
**CERTIFICATION OF REGISTERED VOTERS**

I hereby certify that the attached petition contains the names of at least 50% of the electors registered in the territory proposed for annexation as described in the attached petition.



NAME Jennifer Wessels  
TITLE Deputy Clerk  
DEPARTMENT Elections  
COUNTY OF Clackamas  
DATE 2-3-2028

**CERTIFIED COPY OF THE ORIGINAL  
SHERRY HALL, COUNTY CLERK**

BY: 











Ordinance No. 866 Exhibit C  
Annexation Findings

Frog Pond Terrace 19-Lot Subdivision

City Council  
Quasi-Judicial Public Hearing

---

**Hearing Date:** September 8, 2022  
**Date of Report:** August 12, 2022

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**Application No.:** ANNX22-0002 Annexation

**Request/Summary:** City Council approval of quasi-judicial annexation of approximately 11.17 acres for a 19-lot residential subdivision concurrently with proposed development consistent with the Frog Pond West Master Plan.

**Location:** 7480 and 7500 SW Frog Pond Lane. The property is specifically known as TLID 2800, 2801, and 3500, and a portion of SW Frog Pond Lane right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.

**Owners/Electors/  
Petitioners:** Donnie L. Martin (TLID 2800 and 3500)  
Douglas E and Colleen R. George (TLID 2801)

**Applicant:** West Hills Land Development LLC (Contact: Dan Grimberg)

**Applicant’s Rep.:** OTAK, Inc. (Contact: Li Alligood AICP)

**Comprehensive Plan Designation:** Residential Neighborhood

**Zone Map Classification (Current):** Rural Residential Farm Forest 5-Acre (RRFF-5)

**Zone Map Classification (Proposed  
Concurrent with Annexation):** Residential Neighborhood (RN)

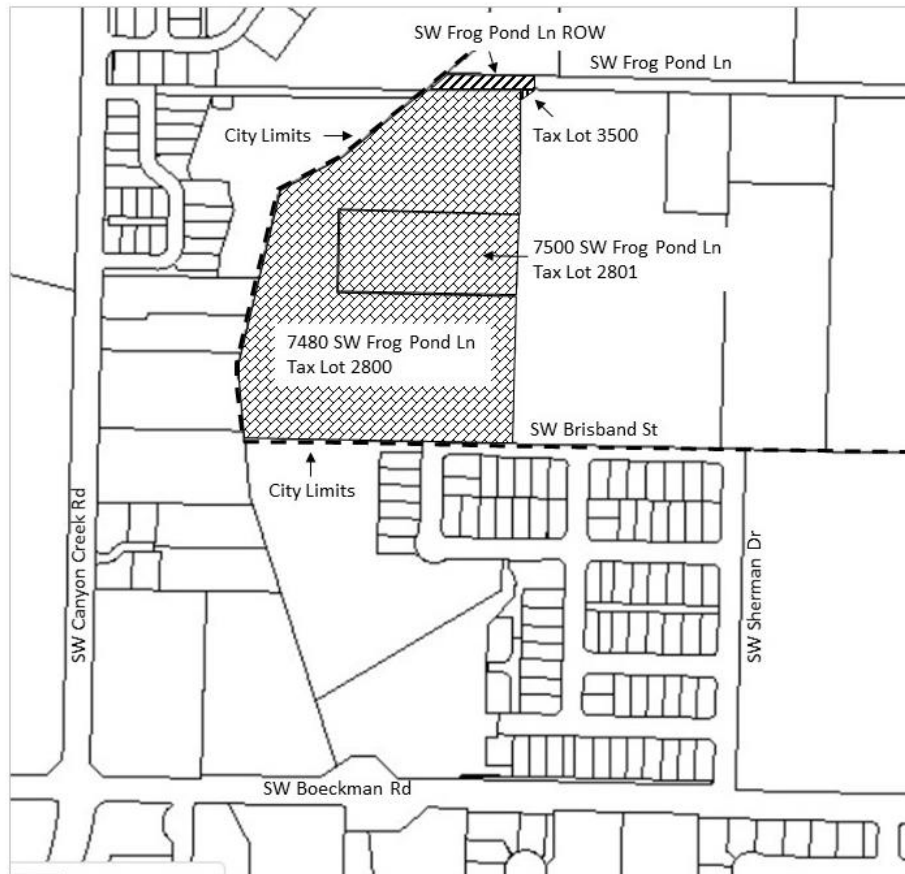
**Staff Reviewer:** Cindy Luxhoj AICP, Associate Planner

**Staff/DRB Recommendation:** Approve the requested annexation.

**Applicable Review Criteria:**

<b><u>Development Code:</u></b>	
Section 4.700	Annexation
<b><u>Comprehensive Plan and Sub-elements:</u></b>	
Citizen Involvement	
Urban Growth Management	
Land Use and Development	
Plan Map	
Area of Special Concern L	
Transportation Systems Plan	
Frog Pond West Master Plan	
<b><u>Regional and State Law and Planning Documents</u></b>	
Metro Code Chapter 3.09	Local Government Boundary Changes
ORS 222.111	Authority and Procedures for Annexation
ORS 222.125	Annexation by Consent of All Land Owners and Majority of Electors
ORS 222.170	Annexation by Consent Before Public Hearing or Order for Election
Statewide Planning Goals	

## Vicinity Map



## Background/Summary:

The subject property has long been rural/semi-rural, adjacent to the growing City of Wilsonville. Metro added the 181-acre area now known as Frog Pond West to the Urban Growth Boundary in 2002 to accommodate future residential growth. To guide development of the area and the urban reserve areas to the east and southeast, the City of Wilsonville adopted the Frog Pond Area Plan in November 2015. The Frog Pond Area Plan envisions that: "The Frog Pond Area in 2035 is an integral part of the Wilsonville community, with attractive and connected neighborhoods. The community's hallmarks are the variety of quality homes; open spaces for gathering; nearby services, shops and restaurants; excellent schools; and vibrant parks and trails. The Frog Pond Area is a convenient bike, walk, drive, or bus trip to all parts of Wilsonville."

As a follow up to the Area Plan and in anticipation of forthcoming development, in July 2017 the City of Wilsonville adopted the Frog Pond West Master Plan for the area within the UGB. To guide development and implement the vision of the Area Plan, the Master Plan includes details on land use (including residential types and unit count ranges), residential and community design, transportation, parks and open space, and community elements such as lighting, street trees, gateways, and signs. The Master Plan also lays out the infrastructure financing plan.

The proposed 19-lot subdivision is the ninth development proposal in Frog Pond West. The subdivision will connect to the concurrently proposed Frog Pond Overlook to the north, previously approved Frog Pond Vista subdivision to the northeast, and Morgan Farm subdivision to the south, blending together as one cohesive neighborhood consistent with the Frog Pond West Master Plan.

One nearby land use application has been submitted for a site near the subject property. Frog Pond Overlook (DB22-0002) is located north of Frog Pond Terrace and contains features such as street extensions, pedestrian connections, and street trees that will interface with this application. Staff have reviewed this application in the context of the property to ensure all shared components are consistently applied across both subdivisions.

All property owners and a majority of electors in the annexation area have consented in writing to the annexation.

### **Conclusion and Conditions of Approval:**

Staff and the Development Review Board recommend the City Council annex the subject property with the following condition:

Request: Annexation (ANNX22-0002)

<p><b>PDA 1.</b></p>	<p><b><u>Prior to issuance of any Public Works permits by the City within the annexation area:</u></b> The developer shall be subject to a Development and Annexation Agreement with the City of Wilsonville as required by the Frog Pond West Master Plan. The developer shall enter into the Development and Annexation Agreement prior to issuance of any public works permits by the City within the annexation area.</p>
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## Findings:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

### General Information

#### Application Procedures-In General Section 4.008

The City's processing of the application is in accordance with the applicable general procedures of this Section.

#### Initiating Application Section 4.009

The owners of all property included in the application signed the application forms. West Hills Land Development LLC initiated the application with their approval.

### Request: Annexation (ANNX22-0002)

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

## Comprehensive Plan-Annexation and Boundary Changes

#### Consistent with Future Planned Public Services Implementation Measure 2.2.1.a.

**A1.** The Frog Pond West Master Plan establishes the future planned public services and funding plan for the subject property. The development of public services and funding will be consistent with the Frog Pond West Master Plan thus allowing the annexation to proceed. West Hills Land Development LLC and the City will enter into a Development and Annexation Agreement detailing provision and development of public services as required by Conditions of Approval.

#### Demonstrated Need for Immediate Urban Growth Implementation Measure 2.2.1.a.

**A2.** Metro brought the subject area into the Urban Growth Boundary (UGB) in 2002 to meet demonstrated regional housing needs. With adoption for the Frog Pond West Master Plan the subject area is now primed for development to help meet regional housing needs.

#### Adherence to State and Metro Annexation Laws and Standards Implementation Measure 2.2.1.e.

**A3.** This review applies all applicable Metro and State rules, regulations, and statutes as seen in findings below.

**Orderly, Economic Provision of Public Facilities and Services**  
Implementation Measure 2.2.1.e. 1.

- A4. The Frog Pond Area Plan includes implementation measures to ensure the orderly and economic provision of public facilities and services for the Frog Pond Area, including Frog Pond West. The applicant proposes site development with concurrent applications for Stage 1 and Stage 2 Planned Unit Development and Land Division, which proposes the extension of public facilities and services to the Frog Pond Terrace site. These proposed services are generally consistent with the Frog Pond Area Plan and Frog Pond West Master Plan, and the City's Finance Plan and Capital Improvements Plan.

**Availability of Sufficient Land for Uses to Insure Choices over 3-5 Years**  
Implementation Measure 2.2.1.e. 2.

- A5. The inclusion of the Frog Pond area within the UGB and the adoption of the Frog Pond Area Plan demonstrate the need for residential development in the Frog Pond area. Annexation of the subject site will allow development of the uses envisioned by the adopted Frog Pond West Master Plan.

**Wilsonville Development Code-Annexation**

**Authority to Review Quasi-Judicial Annexation Requests**  
Subsections 4.030 (.01) A, 11, 4.031 (.01) K, 4.033 (.01) F., and 4.700 (.02)

- A6. The review of the quasi-judicial annexation request by DRB and City Council is consistent with the authority established in the Development Code.

**Procedure for Review, Etc.**  
Subsections 4.700 (.01). and (.04)

- A7. The submission materials from the applicant include an annexation petition signed by the necessary parties, a legal description and map of the land to be annexed, and a narrative describing conformance with applicable criteria. City Council, upon recommendation from the DRB, will declare the subject property annexed.

**Adoption of Development Agreement with Annexation**  
Subsection 4.700 (.05)

- A8. Subject to requirements in this subsection and the Frog Pond West Master Plan, Conditions of Approval require the necessary parties enter into a Development and Annexation Agreement with the City covering the annexed land.

## **Metro Code**

### Local Government Boundary Changes Chapter 3.09

- A9.** The request is within the UGB, meets the definition of a minor boundary change, satisfies the requirements for boundary change petitions, and is consistent with both the Comprehensive Plan and the Frog Pond West Master Plan.

## **Oregon Revised Statutes (ORS)**

### Authority and Procedure for Annexation ORS 222.111

- A10.** The request meets the applicable requirements in State statute including the facts that the subject property is within the UGB and is contiguous to the City, the request has been initiated by the property owners of the land being annexed, and all property owners and a majority of electors within the annexed area consent in writing to the annexation.

### Procedure Without Election by City Electors ORS 222.120

- A11.** The City charter does not require elections for annexation, the City is following a public hearing process defined in the Development Code, and the request meets the applicable requirements in State statute including the facts that all property owners and a majority of electors within the annexed area consent in writing to the annexation. Annexation of the subject property thus does not require an election.

### Annexation by Consent of All Owners and Majority of Electors ORS 222.125

- A12.** All property owners and a majority of electors within the annexed area have provided their consent in writing. However, the City is following a public hearing process as prescribed in the City's Development Code concurrent with a Zone Map Amendment request and other quasi-judicial land use applications.

## **Oregon Statewide Planning Goals**

### Planning Goals – Generally Goals 1, 2, 5, 6, 8, 9, 11, 12, 13, 14

- A13.** The area proposed for annexation will be developed consistent with the City's Comprehensive Plan and the Frog Pond West Master Plan, both of which have been found to meet the Statewide Planning Goals.



## Housing

### Goal 10

The proposed Comprehensive Plan map amendments will continue to allow the City to meet its housing goals and obligations reflected in the Comprehensive Plan. Specifically:

- The City has an existing Housing Needs Analysis and Buildable Lands Inventory adopted in 2014 collectively known as the Wilsonville Residential Land Study. The key conclusions of this study are that Wilsonville: (1) may not have a 20-year supply of residential land and (2) the City's residential policies meet Statewide Planning Goal 10 requirements.
- Under the Metro forecast, Wilsonville is very close to having enough residential land to accommodate expected growth. Wilsonville could run out of residential land by 2032.
- If Wilsonville grows faster than the Metro forecast, based on historic City growth rates, the City will run out of residential land before 2030.
- Getting residential land ready for development is a complex process that involves decisions by Metro, City decision makers, landowners, the Wilsonville community, and others. The City has started the master planning process for Frog Pond East and South neighborhoods to ensure that additional residential land is available within the City. The City also adopted a new plan and development standards for more multi-family units in the Wilsonville Town Center. Finally, the City provides infill opportunities, allowing properties with existing development at more rural densities to be re-zoned for more housing, which this application falls under.
- Wilsonville is meeting Statewide Planning Goal 10 requirements to "provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing" and to "provide for an overall density of 8 or more dwelling units per net buildable acre."
- Wilsonville uses a two-map system, with a Comprehensive Plan Map designating a density for all residential land and Zone Map with zoning to implement the Comprehensive Plan designation. Rezoning the subject property to a higher density zone consistent with the Comprehensive Plan will ensure related Zone Map Amendment and development approvals support the Comprehensive Plan and Goal 10.
- The proposal increases density allowed and development capacity within the existing urban growth boundary and improving the capacity identified in the 2014 study. The type of housing is anticipated to be single-family; however, the approval will allow middle housing consistent with House Bill 2001 and newly implemented City code to allow middle housing types.

- The proposal directly impacts approximately 2.9% of the developable residential land identified in the 2014 Wilsonville Residential Land Study (approximately 10.9 of 477 acres).

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 406**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF ANNEXATION OF APPROXIMATELY 11.17 ACRES AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO RESIDENTIAL NEIGHBORHOOD (RN) OF APPROXIMATELY 10.94 ACRES, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE 1 PRELIMINARY PLAN, STAGE 2 FINAL PLAN, SITE DESIGN REVIEW OF PARKS AND OPEN SPACE, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, ABBREVIATED SROZ MAP VERIFICATION, AND ABBREVIATED SRIR REVIEW FOR A 19-LOT RESIDENTIAL SUBDIVISION.**

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted by Dan Grimberg, West Hills Land Development LLC – Applicant and Donnie L. Martin (TLID 2800 and 3500) and Douglas E. and Colleen R. George (TLID 2801) – Owners in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the subject site is located at 7480 and 7500 SW Frog Pond Lane on Tax Lots 2800, 2801, and 3500, and a portion of SW Frog Pond Lane right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated August 15, 2022, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on August 22, 2022, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated August 15, 2022, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

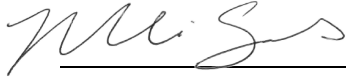
DB22-0003 Frog Pond Terrace: Annexation (ANNX22-0002), Zone Map Amendment (ZONE22-0003), Stage 1 Preliminary Plan (STG122-0003), Stage 2 Final Plan (STG222-0003), Site Design Review of Parks and Open Space (SDR22-0003), Tentative Subdivision Plat (SUBD22-0002), Type C Tree Plan (TPLN22-0002), Abbreviated SROZ Map Verification (SROZ22-0005), and Abbreviated SRIR Review (SRIR22-0003).

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 22<sup>nd</sup> day of August, 2022, and filed with the Planning Administrative Assistant on August 23, 2022 . This resolution is final on the 15<sup>th</sup> calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the Council in accordance with *WC Sec 4.022(.03)*.

*Nicole Hendrix*

\_\_\_\_\_  
Nicole Hendrix, Chair - Panel B  
Wilsonville Development Review Board

Attest:



M. Simmons for Shelley White

\_\_\_\_\_  
Shelley White, Planning Administrative Assistant

**ORDINANCE NO. 867****AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE CLACKAMAS COUNTY RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) ZONE TO THE RESIDENTIAL NEIGHBORHOOD (RN) ZONE ON APPROXIMATELY 10.94 ACRES LOCATED SOUTH OF SW FROG POND LANE AT 7480 AND 7500 SW FROG POND LANE FOR DEVELOPMENT OF A 19-LOT RESIDENTIAL SUBDIVISION.**

WHEREAS, an application has been submitted by West Hills Land Development LLC – Applicant, and Douglas E. and Colleen R. George, and Donnie L. Martin – Owners, in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code; and

WHEREAS, the subject site is located at 7480 and 7500 SW Frog Pond Lane on Tax Lots 2800, 2801, and 3500, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon; and

WHEREAS, certain real property within the Frog Pond West Master Plan is being annexed into the City; and

WHEREAS, the City of Wilsonville desires to have the properties zoned consistent with their Wilsonville Comprehensive Plan Map designation of “Residential Neighborhood” rather than maintain the current Clackamas County zoning designation; and

WHEREAS, concurrent with the adoption of the Frog Pond West Master Plan and designating the subject property as “Residential Neighborhood” in the Comprehensive Plan Map, the City added a new zoning district Residential Neighborhood (RN) intended for application to the Master Plan area; and

WHEREAS, the Zone Map Amendment is contingent on annexation of the property to the City of Wilsonville, which annexation has been petitioned for concurrently with the Zone Map Amendment request; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for the Development Review Board, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment, which staff report was presented to the Development Review Board on August 22, 2022; and

WHEREAS, the Development Review Board Panel 'B' held a duly advertised public hearing on the application for a Zone Map Amendment on August 22, 2022, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 406 (Exhibit C) which recommends City Council approval of the Zone Map Amendment request (Case File No. ZONE22-0003; see DB22-0003), adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on September 8, 2022, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board, including the Development Review Board and City Council staff reports; took public testimony; and, upon deliberation, concluded that the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code.

**NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:**

- Section 1. Findings. The City Council adopts, as findings and conclusions, the forgoing Recitals and the Zone Map Amendment Findings in Exhibit B, as if fully set forth herein.
- Section 2. Determination. The official City of Wilsonville Zone Map is hereby amended, upon finalization of the annexation of the property to the City, by Zoning Order ZONE22-0003, attached hereto as Exhibit A, from the Clackamas County Rural Residential Farm Forest 5 (RRFF-5) Zone to the Residential Neighborhood (RN) Zone.
- Section 3. Effective Date. This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED by the Wilsonville City Council at a regular meeting thereof this 8<sup>th</sup> day of September, 2022, and scheduled the second reading on the 19<sup>th</sup> day of September, 2022 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

\_\_\_\_\_  
Kimberly Veliz, City Recorder

ENACTED by the City Council on the 19<sup>th</sup> day of September, 2022, by the following votes:

Yes: \_\_\_\_\_ No: \_\_\_\_\_

\_\_\_\_\_  
Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 19<sup>th</sup> day of September, 2022.

\_\_\_\_\_  
JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

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

EXHIBITS:

- A. Zoning Order ZONE22-0003 Including Legal Description and Sketch Depicting Zone Map Amendment
- B. Zone Map Amendment Findings
- C. Development Review Board Panel B Resolution No. 406 Recommending Approval of Zone Map Amendment

**BEFORE THE CITY COUNCIL OF THE CITY  
OF WILSONVILLE, OREGON**

In the Matter of the Application of )  
West Hills Land Development LLC )  
for a Rezoning of Land and Amendment ) **ZONING ORDER ZONE22-0003**  
of the City of Wilsonville Zoning Map )  
Incorporated in Section 4.102 of the )  
Wilsonville Code. )

The above-entitled matter is before the Council to consider the application of ZONE22-0003, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on the attached legal description and sketch, has heretofore appeared on the Clackamas County zoning map Rural Residential Farm Forest 5-Acre (RRFF-5).

The Council having heard and considered all matters relevant to the application for a Zone Map Amendment, including the Development Review Board record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that the Property, consisting of approximately 10.94 acres located south of SW Frog Pond Lane at 7480 and 7500 SW Frog Pond Lane comprising Tax Lots 2800, 2801, and 3500 of Section 12D, as more particularly shown and described in the attached legal description and sketch, is hereby rezoned to Residential Neighborhood (RN), subject to conditions detailed in this Order’s adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This 19<sup>th</sup> day of September, 2022.

\_\_\_\_\_  
JULIE FITZGERALD, MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
Amanda Guile-Hinman, City Attorney



ATTEST:

\_\_\_\_\_  
Kimberly Veliz, City Recorder

Attachment: Legal Description and Sketch Depicting Land/Territory to be Rezoned

**EXHIBIT A**  
**LEGAL DESCRIPTION for ZONE CHANGE**  
 May 17, 2022 (Otak #20015)

Those properties described in Statutory Warranty Deed to Marchil Investments, LLC recorded February 6, 2006 as Document No. 2006-011023, in Quitclaim Deed to Donnie L. Martin recorded November 5, 2021 as Document No. 2021-098893, and in Statutory Bargain and Sale Deed to Douglas E. George and Colleen R. George, Trustees, recorded September 8, 2020 as Document No. 2020-073265, all of Clackamas County Records, in the southeast quarter of Section 12, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with yellow plastic cap marked "PIONEER DESIGN" found at the northwest corner of MORGAN FARM NO. 2, Plat No. 4610, Clackamas County Records which bears North 01°40'13" East along the east line of the southeast quarter of said section a distance of 858.59 feet, and North 88°36'41" West along the north line of said MORGAN FARM NO. 2 and the easterly extension thereof a distance of 3212.90 feet from the southeast corner of said section, said POINT OF BEGINNING being the southwest corner of said Marchil Investments property;

thence along the east lines of those properties described in deeds to William Z. Spring recorded June 1, 1985 recorded as Document No. 1985-019621, and to Jonathan A. and Laurie E. Clarke recorded June 2, 2015, as Document No. 2015-033122, both of Clackamas County Records, North 05°28'14" West a distance of 173.82 feet to a 2 inch by 2 inch H-beam survey monument found at an angle point in the east lines of said Document No. 2015-033122 property;

thence along the east line of said Clarke property, North 12°48'33" East a distance of 31.08 feet to a 5/8 inch iron rod found at the southeast corner of Partition Plat No. 1998-137, Clackamas County Records

thence along the east line of said Partition Plat, North 13°45'33" East a distance of 184.36 feet to a 5/8 inch iron rod with red plastic cap marked "CENTERLINE CONCEPTS" found at the southeast corner of Tract E, COPPER CREEK, Plat No. 4357, Clackamas County Records;

thence along the east lines of said Tract E through the following two courses:  
 North 13°21'42" East a distance of 219.83 feet to a 5/8 inch iron rod with yellow plastic cap marked "DE HASS ASSOC. INC.",  
 and North 62°40'55" East a distance of 165.32 feet to a 5/8 inch iron rod with yellow plastic cap marked "DE HASS ASSOC. INC." found at an angle point in the east lines of said Tract E;

thence along the east lines of said Tract E, of that property described deed to the City of Wilsonville recorded March 7, 1997 as Document No. 97-016880, Clackamas County Records, and of Tract R of CANYON CREEK MEADOWS recorded in Book 108, Page 16, Clackamas County Plat Records, North 50°52'05" East a distance of 278.16 feet to a point on the south right of way line of 33.00 foot wide S.W. Frog Pond Lane (County Road No. 2362) at the westerly terminus thereof;

thence along said south right of way line, South 88°35'30" East a distance of 246.90 feet to the northeast corner of that property described in Quitclaim Deed to Donnie L. Martin recorded November 5, 2021 as Document No. 2021-098893, Clackamas County Records;

thence along the southeast line of said Martin property, South 46°32'22" West a distance of 36.85 feet to the southwest corner of said Martin property and a point on the west line of that property described in Statutory Bargain and Sale Deed to P.J. O'Hogan and Sharon L. O'Hogan, Trustees, recorded June 30, 2003 as Document No. 2003-083133, Clackamas County Records;

thence along said west line, South 01°40'13" West a distance of 832.25 feet to a point on the north line of said MORGAN FARMS NO. 2 referenced by a 5/8 inch iron rod with no cap found North 51°42'34" East a distance of 0.07 feet of said point;

thence along said north line, North 88°36'41" West a distance of 643.63 feet to the POINT OF BEGINNING.

Contains 10.935 acres, more or less.

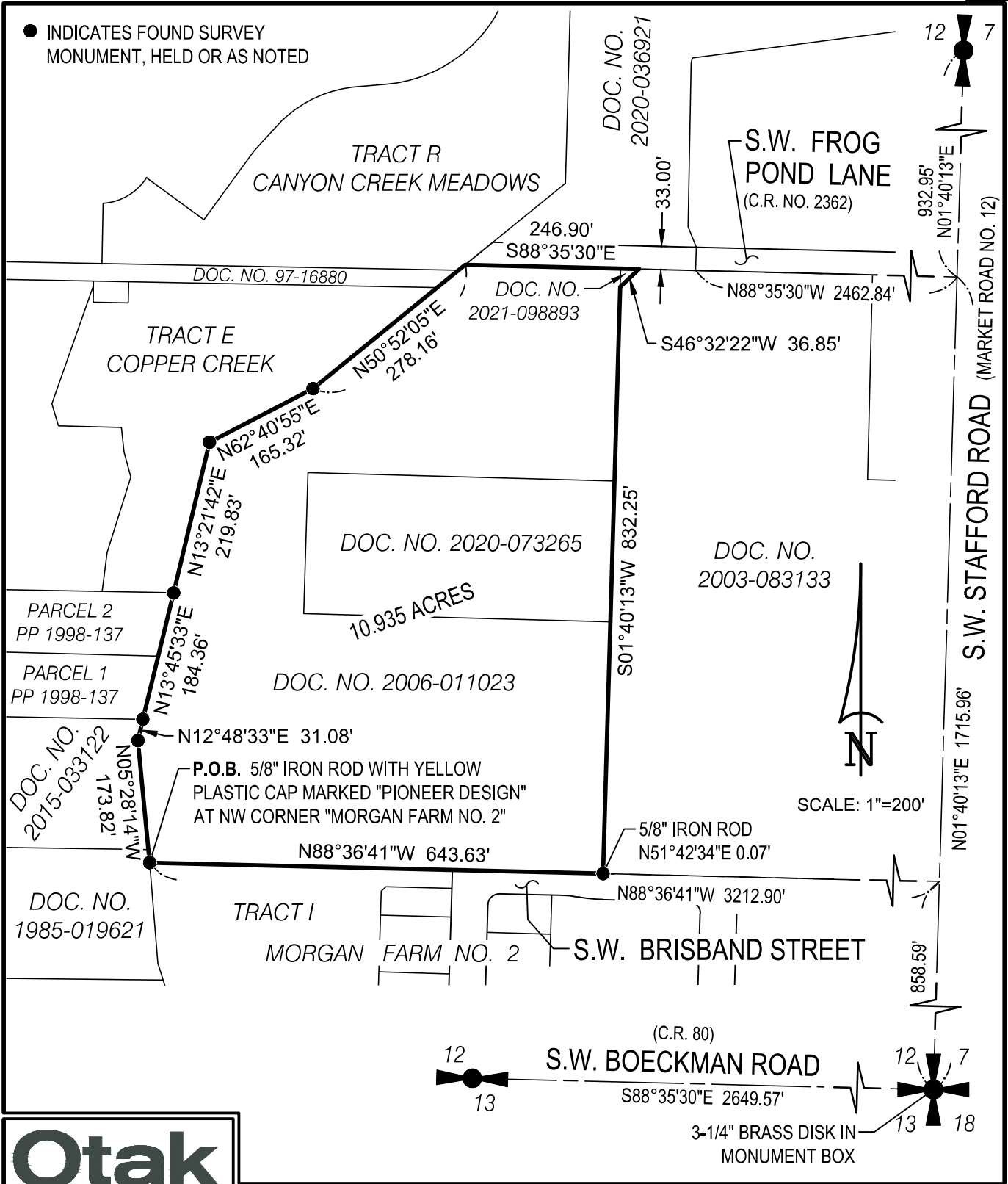
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

2022.05.17  
11:24:18-07'00'

OREGON  
NOVEMBER 12, 2013  
MICHAEL D. SPELTS  
87475PLS

RENEWS: JUNE 30, 2024

● INDICATES FOUND SURVEY MONUMENT, HELD OR AS NOTED



**Otak**

808 SW 3rd Ave., Ste. 800  
Portland, Oregon 97204  
Phone: (503) 287-6825  
www.otak.com  
project: 20015

**ZONE CHANGE, MARTIN, MARCHIL & GEORGE PROPERTIES**  
IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1  
WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

MAY 17, 2022



Ordinance No. 867 Exhibit B  
Zone Map Amendment Findings

Frog Pond Terrace 19-Lot Subdivision

City Council  
Quasi-Judicial Public Hearing

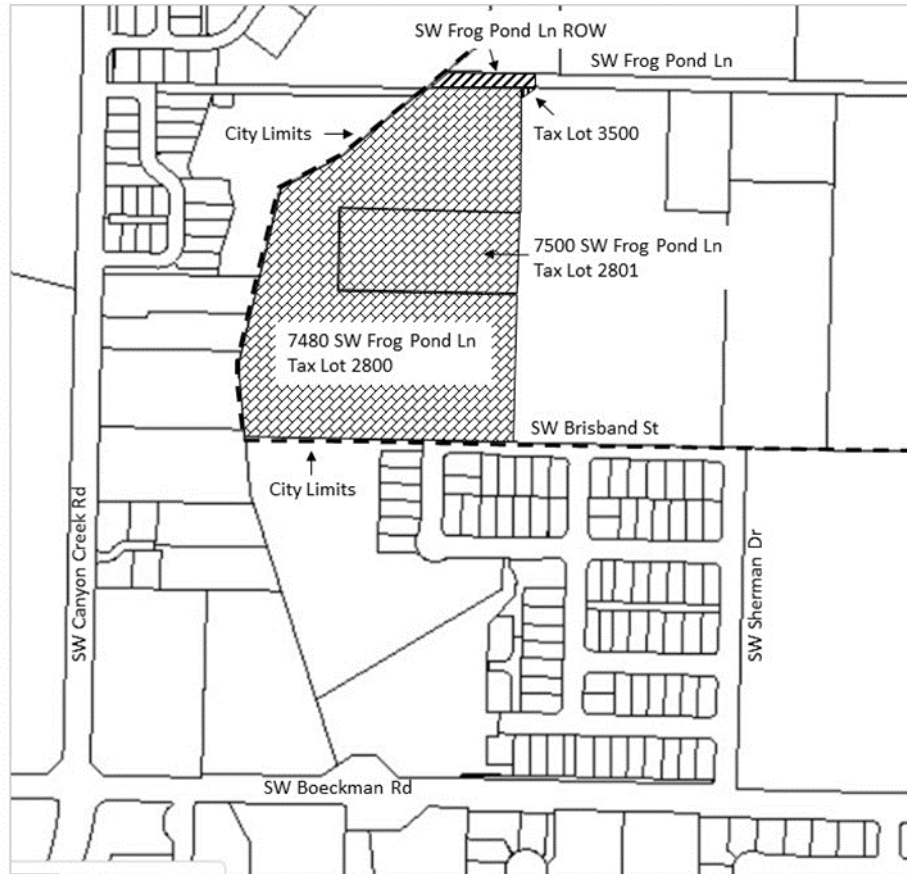
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<b>Hearing Date:</b>	September 8, 2022
<b>Date of Report:</b>	August 12, 2022
<b>Application No.:</b>	ZONE22-0003 Zone Map Amendment
<b>Request:</b>	The request before the City Council is a Zone Map Amendment for approximately 10.94 acres.
<b>Location:</b>	7480 and 7500 SW Frog Pond Lane. The property is specifically known as TLID 2800, 2801, and 3500, and a portion of SW Frog Pond Lane right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon.
<b>Owners:</b>	Donnie L. Martin (TLID 2800 and 3500) Douglas E and Colleen R. George (TLID 2801)
<b>Applicant:</b>	West Hills Land Development LLC (Contact: Dan Grimberg)
<b>Applicant's Rep.:</b>	OTAK, Inc. (Contact: Li Alligood AICP)
<b>Comprehensive Plan Designation:</b>	Residential Neighborhood
<b>Zone Map Classification (Current):</b>	Rural Residential Farm Forest 5-Acre (RRFF-5)
<b>Zone Map Classification (Proposed Concurrent with Annexation):</b>	Residential Neighborhood (RN)
<b>Staff Reviewer:</b>	Cindy Luxhoj AICP, Associate Planner
<b>Staff/DRB Recommendation:</b>	<u>Adopt</u> the requested Zone Map Amendment.

**Applicable Review Criteria:**

<b><u>Development Code:</u></b>	
Section 4.110	Zones
Section 4.127	Residential Neighborhood (RN) Zone
Section 4.197	Zone Changes
<b><u>Comprehensive Plan and Sub-elements:</u></b>	
Citizen Involvement	
Urban Growth Management	
Public Facilities and Services	
Land Use and Development	
Plan Map	
Area of Special Concern L	
Transportation Systems Plan	
Frog Pond West Master Plan	
<b><u>Regional and State Law and Planning Documents</u></b>	
Statewide Planning Goals	

## Vicinity Map



### Summary:

#### Zone Map Amendment (ZONE22-0003)

Concurrent with the adoption of the Frog Pond West Master Plan, the City added a new zoning district, Residential Neighborhood (RN), intended for application to the Master Plan area. The applicant proposes applying the RN Zone to the annexed area consistent with this intention.

### Conclusion and Conditions of Approval:

Staff and the Development Review Board recommend the City Council approve the Zone Map Amendment with the following condition:

#### Request: Zone Map Amendment (ZONE22-0003)

This action is contingent upon annexation of the subject properties to the City of Wilsonville (ANNX22-0002).

## Findings:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

### General Information

#### Application Procedures-In General Section 4.008

The City's processing of the application is in accordance with the applicable general procedures of this Section.

#### Initiating Application Section 4.009

The owners of all property included in the application signed the application forms. West Hills Land Development LLC initiated the application with their approval.

### Request: Zone Map Amendment (ZONE22-0003)

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

## Comprehensive Plan

"Residential Neighborhood" on Comprehensive Plan Map, Purpose of "Residential Neighborhood" Designation  
Policy 4.1.7.a.

**B1.** The subject area has a Comprehensive Plan Map Designation of "Residential Neighborhood". The designation enables development of the site consistent with the purpose of this designation as set forth in the legislatively adopted Frog Pond West Master Plan, resulting in an attractive, cohesive and connected residential neighborhood with high quality architecture and community design, transportation choices, and preserved and enhanced natural resources.

"Residential Neighborhood" Zone Applied Consistent with Comprehensive Plan  
Implementation Measure 4.1.7.c.

**B2.** The applicant requests the subject area receive the zoning designation of Residential Neighborhood (RN) as required for areas with the Comprehensive Plan Map Designation of "Residential Neighborhood".

Safe, Convenient, Healthful, and Attractive Places to Live



Implementation Measure 4.1.4.c.

- B3.** The proposed RN zoning allows the use of planned developments consistent with the legislatively adopted Frog Pond West Master Plan, enabling development of safe, convenient, healthful, and attractive places to live.

### Residential Density

Implementation Measure 4.1.4.u.

- B4.** The subject area will be zoned RN allowing application of the adopted residential densities of the Frog Pond West Master Plan. The sub-districts established in the Frog Pond West Master Plan govern the allowed residential densities. See also Request C, Stage 1 Preliminary Plan.

## Development Code

### Zoning Consistent with Comprehensive Plan

Section 4.029

- B5.** The applicant requests a zone change concurrently with a Stage 1 Preliminary Plan, Stage 2 Final Plan, and other related development approvals. The proposed zoning designation of RN is consistent with the Comprehensive Plan “Residential Neighborhood” designation. See also Finding B2 above.

### Base Zones

Subsection 4.110 (.01)

- B6.** The requested zoning designation of RN is among the base zones identified in this subsection.

## Residential Neighborhood (RN) Zone

### Purpose of the Residential Neighborhood (RN) Zone

Subsection 4.127 (.01)

- B7.** The request to apply the RN Zone on lands designated “Residential Neighborhood” on the Comprehensive Plan Map enables a planned development process implementing the “Residential Neighborhood” policies and implementation measures of the Comprehensive Plan and the Frog Pond West Master Plan.

### Permitted Uses in the Residential Neighborhood (RN) Zone

Subsection 4.127 (.02)

- B8.** Concurrent with the Zone Map Amendment request the applicant requests approval of a 19-lot residential subdivision. Single-family dwelling units, Duplex, Triplex, Quadplex, Cluster Housing, Cohousing, Cluster Housing (Frog Pond West Master Plan), open space, and public and private parks are among the permitted uses in the RN Zone.

### Residential Neighborhood (RN) Zone Sub-districts and Residential Density

Subsection 4.127 (.05) and (.06)

**B9.** The The proposed number of residential lots, preservation of open space, and general block and street layout are generally consistent with the Frog Pond West Master Plan. Specifically in regards to residential lot count, the proposed Stage 1 area includes a portion of medium lot Sub-district 4 and a portion of large lot Sub-district 7. The following table summarizes how the proposed residential lots in each Sub-district are consistent with the Master Plan recommendations.

The applicant proposes 16 lots in Sub-district 4, which is two (2) greater than the maximum allowed, and three (3) lots in Sub-district 7, which is one (1) lot fewer than the minimum proportional density calculation. However, the total number of 19 lots proposed is within the proportional range of 16-19 lots for the entire site.

Subdistrict and Land Use Designation	Gross Site Area (ac)	Percent of Sub-district	Established lot range for Sub-district	Lot Range for Site	Proposed Lots	Total lots within Sub-district - Approved and Proposed
4 – R-7	3.4	13.5%	86-107	12-14 <sup>*1</sup>	16	32 Approved 16 Proposed 48 Total
7 – R-10	1.6	16.4%	24-30	4-5 <sup>*2</sup>	3	5 Approved 3 Proposed 8 Total
Total	5.0			16-19	19	

<sup>\*1</sup> Per Section 4.127 (.06) A. 2., up to an additional 10% of maximum density is allowed based on a SROZ boundary verification; this allows one (1) additional lot for a maximum of 15 lots.  
<sup>\*2</sup> Per Section 4.127 (.06) B., the City may allow a reduction in the minimum density for a sub-district when it is demonstrated that the reduction is necessary due to topography, protection of trees, wetlands and other natural resources, constraints posed by existing development, infrastructure needs, provision of non-residential uses and similar physical conditions

With regard to Sub-district 4, per Section 4.127 (.06) A. 2., the City may allow an increase in the maximum density up to a maximum of 10% of what would otherwise be permitted based on an adjustment to an SROZ boundary that is consistent with Section 4.139.06. As a result of SROZ map verification in Sub-district 4, the maximum of 14 lots may be increased by one (1) lot to 15 allowed. The applicant proposes 16 lots in Sub-district 4, one (1) greater than the maximum with the allowed additional lot.

With regard to Sub-district 7, per Section 4.127 (.06) B., the City may allow a reduction in the minimum density for a sub-district when it is demonstrated that the reduction is necessary due to topography, protection of trees, wetlands and other natural resources, constraints posed by existing development, infrastructure needs, provision of non-residential uses and similar physical conditions. One (1) fewer lot than the minimum

density is proposed in Sub-district 7 due to a combination of factors related to topography, infrastructure needs, and provision of non-residential uses.

The proposed development of one (1) fewer lot in the Sub-district 7 portion of the site allows for future development that meets all dimensional standards for lots in this part of the site. Because the Sub-district 4 portion of the site has substantially fewer development constraints, it can easily accommodate the one (1) additional lot needed to satisfy the minimum density requirement for Sub-district 7. As proposed the total number of lots meets the overall minimum proportional density for the site when the two Sub-districts are combined.

The configuration of lots as proposed, which meet all dimensional requirements for the individual lots, will allow for buildout of these sub-districts consistent with the Master Plan recommendations.

**DEVELOPMENT REVIEW BOARD  
RESOLUTION NO. 406**

**A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF ANNEXATION OF APPROXIMATELY 11.17 ACRES AND ZONE MAP AMENDMENT FROM RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5) TO RESIDENTIAL NEIGHBORHOOD (RN) OF APPROXIMATELY 10.94 ACRES, AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE 1 PRELIMINARY PLAN, STAGE 2 FINAL PLAN, SITE DESIGN REVIEW OF PARKS AND OPEN SPACE, TENTATIVE SUBDIVISION PLAT, TYPE C TREE PLAN, ABBREVIATED SROZ MAP VERIFICATION, AND ABBREVIATED SRIR REVIEW FOR A 19-LOT RESIDENTIAL SUBDIVISION.**

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted by Dan Grimberg, West Hills Land Development LLC – Applicant and Donnie L. Martin (TLID 2800 and 3500) and Douglas E. and Colleen R. George (TLID 2801) – Owners in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the subject site is located at 7480 and 7500 SW Frog Pond Lane on Tax Lots 2800, 2801, and 3500, and a portion of SW Frog Pond Lane right-of-way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated August 15, 2022, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on August 22, 2022, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated August 15, 2022, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations for:

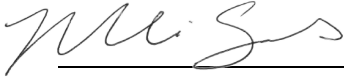
DB22-0003 Frog Pond Terrace: Annexation (ANNX22-0002), Zone Map Amendment (ZONE22-0003), Stage 1 Preliminary Plan (STG122-0003), Stage 2 Final Plan (STG222-0003), Site Design Review of Parks and Open Space (SDR22-0003), Tentative Subdivision Plat (SUBD22-0002), Type C Tree Plan (TPLN22-0002), Abbreviated SROZ Map Verification (SROZ22-0005), and Abbreviated SRIR Review (SRIR22-0003).

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 22<sup>nd</sup> day of August, 2022, and filed with the Planning Administrative Assistant on August 23, 2022 . This resolution is final on the 15<sup>th</sup> calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the Council in accordance with *WC Sec 4.022(.03)*.

*Nicole Hendrix*

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Nicole Hendrix, Chair - Panel B  
Wilsonville Development Review Board

Attest:



M. Simmons for Shelley White

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Shelley White, Planning Administrative Assistant