



CITY COUNCIL AGENDA

October 02, 2023 at 7:00 PM

Wilsonville City Hall & Remote Video Conferencing

PARTICIPANTS MAY ATTEND THE MEETING AT:

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

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

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

TO PARTICIPATE REMOTELY OR PROVIDE PUBLIC COMMENT:

Register with the City Recorder:

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

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

City Recorder - Wilsonville City Hall

29799 SW Town Center Loop East, Wilsonville, OR 97070

CITY COUNCIL MISSION STATEMENT

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

EXECUTIVE SESSION [5:00 PM]

ORS 192.660(2)(a) Employment of Public Officers, Employees and Agents

ADJOURN [5:25 PM]

Break to switch Zoom accounts [10 min.]

REVIEW OF AGENDA AND ITEMS ON CONSENT [5:35 PM]

COUNCILORS' CONCERNS [5:40 PM]

PRE-COUNCIL WORK SESSION [5:45 PM]

- A. [Proposed Updates to Solid Waste Franchise Agreement and related Administrative Rules \(Guile-Hinman/Davidson\) \[15 min.\]](#)
- B. VHDZ/Town Center Urban Renewal Feasibility Study Follow Up Questions (Lorenzen) [40 min.]

ADJOURN [6:40 PM]

**AN URBAN RENEWAL AGENCY MEETING WILL
IMMEDIATELY FOLLOW THE WORK SESSION**

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, October 2, 2023 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10:00 a.m. on September 19, 2023. 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. [Upcoming Meetings](#)

COMMUNICATIONS [7:15 PM]

CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS [7:15 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.

5. Speaker Cards & Sign In Sheet

COUNCILOR COMMENTS, LIAISON REPORTS AND MEETING ANNOUNCEMENTS [7:25 PM]

6. Council President Akervall
7. Councilor Linville
8. Councilor Berry
9. Councilor Dunwell

CONSENT AGENDA [7:45 PM]

10. [Resolution No. 3024](#)

[A Resolution Of The City Of Wilsonville Supporting A 2023 Grant Application To The Oregon Parks And Recreation Department, Land And Water Conservation Fund For The Memorial Park Playground Replacement Project. \(Schull\)](#)

11. [Resolution No. 3079](#)

[A Resolution Of The City Of Wilsonville Supporting An Agreement With The Oregon Department Of Land Conservation And Development \(DLCD\) For A 2023-25 Planning Assistance Grant For Phase 3 Of Wilsonville's Housing Our Future Project To Fulfill Housing Capacity Analysis And Housing Production Strategy State Requirements. \(Rybold/Pauly\)](#)

12. [Resolution No. 3082](#)

[A Resolution Of The City Of Wilsonville Authorizing Acquisition Of Property And Property Interests Related To Construction Of The Willamette Water Supply Program Right-Of-Way Enhancement Projects. \(Rauthause\)](#)

13. [Minutes of the September 18, 2023 City Council Meeting. \(Veliz\)](#)

NEW BUSINESS [7:50 PM]

CONTINUING BUSINESS [7:50 PM]

14. [Ordinance No. 881](#) 2nd Reading

[An Ordinance Of The City Of Wilsonville Adopting Wilsonville Code Sections 10.800 Through 10.870 Governing Parking In City-Owned Parking Lots. \(Guile-Hinman\)](#)

15. [Ordinance No. 882](#) 2nd Reading

[An Ordinance Of The City Of Wilsonville Amending The Text Of The Development Code To Clarify Review Processes And Correct Inconsistencies. \(Rybold\)](#)

PUBLIC HEARING [8:10 PM]

16. [Resolution No. 3084](#) *(Legislative Hearing)*

[A Resolution Of The City Of Wilsonville Authorizing A Supplemental Budget Adjustment For Fiscal Year 2023-24. \(Smith\)](#)

CITY MANAGER'S BUSINESS [8:20 PM]

17. Opioid Settlement Funds

LEGAL BUSINESS [8:25 PM]

ADJOURN [8:30 PM]

INFORMATIONAL ITEMS – No Council Action Necessary

[Proclamation](#)

**AN URBAN RENEWAL AGENCY MEETING WILL
IMMEDIATELY FOLLOW THE WORK SESSION**

Time frames for agenda items are not time certain (i.e. agenda items may be considered earlier than indicated). The City will endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting by contacting the City Recorder at 503-570-1506 or CityRecorder@ci.wilsonville.or.us: assistive listening devices (ALD), sign language interpreter, and/or bilingual interpreter. Those who need accessibility assistance can contact the City by phone through the Federal Information Relay Service at 1-800-877-8339 for TTY/Voice communication.

Habr   int  rpretes disponibles para aqu  llas personas que no hablan Ingl  s, previo acuerdo. Comun  quese al 503-570-1506.



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 2, 2023	Subject: Proposed Updates to Solid Waste Franchise Agreement and related Administrative Rules Staff Member: Amanda Guile-Hinman, City Attorney; Stephanie Davidson, Assistant City Attorney Department: Legal	
Action Required	Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments:	
Staff Recommendation: N/A		
Recommended Language for Motion: N/A		
Project / Issue Relates To:		
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Provide policy guidance on proposed updates to the solid waste collection franchise agreement with Republic Services in consideration of updates to regulations concerning solid waste, recycling, and food waste collection services.

EXECUTIVE SUMMARY:

Republic Services holds exclusive right to transport, transfer, dispose of, or otherwise collect waste material to residents and businesses within the City of Wilsonville. The existing franchise agreement by and between the City and Republic Services was approved by City Council pursuant to Ordinance No. 814, taking effect on July 31, 2019 (the “Franchise Agreement”). In addition to the terms and conditions of the Franchise Agreement, Republic Services is bound by the terms and conditions of the Solid Waste Management and Collection Administrative Rules effective as of July 31, 2019 (the “Administrative Rules”).

The Franchise Agreement grants the exclusive franchise to Republic Services, and covers key aspects of the City’s relationship with Republic Services. In particular, the following subjects are addressed in the Franchise Agreement:

- The scope of Republic Services’ exclusive franchise;
- Fees (i.e., “rates”) payable by customers to Republic Services for service, and how and when those fees can and must be adjusted;
- Republic Services’ reporting obligations to the City;
- The City and Republic Services’ respective obligations and rights with respect to each other with respect to this franchise; and,
- Dispute resolution procedures that must be followed in the event of a conflict between the City and Republic Services.

The Administrative Rules addresses the manner in which Republic Services must provide service to its customers and the manner in which customers must prepare materials for collection by Republic Services. In particular, the following subjects are addressed in the Administrative Rules:

- The type and frequency of service that Republic Services must provide to various categories of customers (single-family residential, multi-family residential, and commercial) with respect to various categories of waste material;
- Customers’ rights (e.g., the right to a vacation credit) and obligations (e.g., source separation and waste preparation requirements); and,
- Consequences for a Customer’s failure to comply with the terms and conditions of the Administrative Rules.

The City and Republic Services now have four years of experience operating under the Franchise Agreement and Administrative Rules.

This staff report will: (1) Explain why City Council should consider updating the Franchise Agreement and Administrative Rules, (2) Outline recommended changes to the Franchise Agreement, and (3) Outline recommended changes to the Administrative Rules, with a particular focus on the Metro Business Food Waste Program and the new Recycle+ Program.

I. REASONS TO UPDATE THE FRANCHISE AGREEMENT AND ADMINISTRATIVE RULES

City staff recommend updating the Franchise Agreement and the Administrative Rules for the following reasons.

A. Metro Business Food Waste Program

The Metro Business Food Waste Program requires that certain business source separate food waste, and that waste haulers collect food waste separately from other waste materials. On July 26, 2018, the Metro Council adopted Ordinance No. 18-1418, which established the Metro Business Food Waste Program. This program was originally planned to take effect in March 2020, but was delayed for two years due to the impacts of COVID-19. Implementation of this program has been phased in over the past few years.

When the City was working on the Franchise Agreement and Administrative Rules, City staff were aware that Metro was considering a mandatory Food Waste collection program. Therefore, the Franchise Agreement, which was effective as of July 31, 2019, includes a *voluntary* Food Waste collection program (Republic Services must *offer* collection service for Food Waste, but customers are not required to use or obtain this service).

On August 5, 2019, the City adopted Ordinance No. 837 to comply with the requirements on local governments in Metro Ordinance No. 18-1418. Since then, Metro has adopted and revised administrative rules that govern the Metro Business Food Waste Program: [Metro's Administrative Rules 5.15-4000 through 4085](#), attached as **ATTACHMENT B**. These Metro administrative rules include a number of requirements that apply to local governments.

In order to comply with Metro's Code and Administrative Rules relating to its Food Waste Program, the City must amend its Franchise Agreement and Administrative Rules to add language that is mandated under the requirements set forth in [Metro's Administrative Rules 5.15-4000 through 4085](#), attached as **ATTACHMENT B**, and to make participation in the City's food waste collection program mandatory for certain businesses.

B. Other Updates to Metro's Code and Administrative Rules; Minimum Service Requirements for Multi-family Housing

On December 10, 2020, the Metro Council adopted Ordinance No. 20-1451, which updated the Metro Code Chapter 5.10 ("Regional Waste Plan") and Chapter 5.15 ("Local Government Requirements Under the Regional Waste Plan"). As a result, the portions of Metro's Code relating to solid waste disposal and recycling were re-organized.

In addition, Metro adopted administrative rules effective as of April 4, 2021 that add a number of requirements that apply to local governments. These requirements relate to solid waste and recycling requirements for service to single-family residential, multi-family residential, and business customers. The biggest changes are the new minimum service requirements for multi-

family residential customers. To comply with these portions of Metro’s Code, local governments must update their codes and administrative rules. In the City of Wilsonville, these changes will affect the way that Republic Services provides service to Wilsonville residents, and will directly impact the subject matter of the Franchise Agreement and Administrative Rules.

Wilsonville’s Franchise Agreement and Administrative Rules must be updated to incorporate these requirements.

C. Recycle+ Program

There is growing public demand for opportunities to recycle waste materials that currently are not available as part of the standard recycling services, particularly, different types of plastics, and other collection services are increasingly working to meet this demand. For Republic Services to retain its exclusive franchise with the City for all types of recycling collection services, it must be enabled to provide these additional recycling services pursuant to its franchise.

The following jurisdictions have already adopted their own versions of the Recycle+ Program: Clackamas County, Washington County, Beaverton, King City, Tigard, Gresham, and Durham. In addition, the following jurisdictions are actively working to adopt a version of the Recycle+ program: Tualatin, Lake Oswego, Hillsboro, Sherwood, and Oregon City.

Wilsonville’s Franchise Agreement and Administrative Rules must be updated to incorporate language relating to this new “Recycle+” program.

II. UPDATES TO FRANCHISE AGREEMENT

A. Summary of Changes

The following is a summary of the most significant changes City staff is recommending, and that have been incorporated into the draft ordinance attached as **ATTACHMENT A**:

1. The Franchise Agreement currently runs on a fiscal year basis (i.e., reporting and rate reviews are timed to coincide with the fiscal year). City staff recommend shifting to a calendar-year basis. This is the rhythm used by other nearby jurisdictions, and is the rhythm that City staff and Republic Services have been using in practice since the Franchise Agreement went into effect in 2019. References to “fiscal year” in the Franchise Agreement have been replaced by “year,” and dates and deadlines have been shifted to reflect this change.
2. The language regarding the recycling surcharge has been deleted because City Council eliminated the recycling surcharge and adjusted the standard service rates in 2021 (see Resolution No. 2931). Deleting this language removes obsolete language from the Franchise Agreement.

In addition, City staff have made revisions to tighten the language of the Franchise Agreement, and ensure that the definitions in the Franchise Agreement and Administrative Rules are identical. Further, Republic Services has requested two minor revisions to its indemnity and hold harmless obligations.

B. Questions for City Council

City staff request City Council's guidance regarding the following points:

1. **Should the City shift from a fiscal year basis to a calendar year basis?**
2. Republic Services is currently replacing its fleet vehicles with electric vehicles, and would like those costs to be allowable expenses. The Franchise Agreement currently excludes "vehicles or equipment that involve new or emerging technology or that are part of a pilot project or are prototypes of potential new fleet vehicles, such as electric Solid Waste trucks" from the definition of "Allowable Expenses." See Article IV, Section 2(e). Allowable Expenses are deducted from Republic Services' gross revenue to determine its "Operating Margin," another defined term under the Franchise Agreement, which impacts whether rates payable by Republic Services' customers are adjusted, either upward or downward. **Should these electric vehicle acquisition expenses be "Allowable Expenses," as that term is defined in the Franchise Agreement, thereby potentially reducing Republic Services' reported "Operating Margin"?** Republic Services has begun rolling out electric vehicles in other jurisdictions and has plans to replace some of its fleet with electric vehicles over time.
3. Republic Services has asked for clarification regarding whether City Council still desires a bi-annual report. See Article XI, Section 2. The bi-annual report is one of three reports that Republic Service must currently provide to the City pursuant to the Franchise Agreement:
 - a. The first report is a quarterly report that documents the quarterly franchise fee that Republic Services pays to the City; this report is limited to a statement of Republic Services' gross revenue for the prior quarter.
 - b. The bi-annual report was intended to give City Council a mid-year check on certain metrics, and requires disclosure of the following data with respect to the prior six-month period: the quantities of certain materials collected by Republic Services; a summary of communication, marketing, and educational outreach conducted by Republic Services; the number of and a summary of any customer complaints; and, any other data requested by the City Manager.
 - c. The annual report is used by the City during its annual rate review process, and contains essentially the same data reported in the quarterly and bi-annual reports, except that the reporting period is the prior year. The annual report

is broader than the quarterly and bi-annual reports because it also includes information such as Allowable Expenses and Unallowable Expenses, which are terms defined in the Franchise Agreement; a narrative description of Republic Services' operational experience; and, information regarding Republic Services' efficiency improvement measures.

Does City Council still want to receive a bi-annual report? If so, what should the scope of this report be?

III. UPDATES TO THE ADMINISTRATIVE RULES

City staff are still compiling proposed revisions to the Administrative Rules, and so the proposed revisions are not included with this Staff Report. Below is a high-level summary of proposed changes, which City staff plan to bring back for Council review at its October 16, 2023 work session.

A. Metro Food Waste Program

a. Which Businesses Must Participate in the City's Food Waste Collection Program?

"Covered Businesses," which is a term defined in Metro's Code and Administrative Rules, and in the proposed revisions to the City's Franchise Agreement and Administrative Rules, will be required to participate in the City's Food Waste collection program. Under the proposed revisions to the City's Franchise Agreement and Administrative Rules, a "Covered Business" is"

"a workplace or business that cooks, assembles, processes, serves, or sells food, or does so as a service provider for other enterprises that generates 250 pounds or more of Food Waste per week and that is subject to the Metro Business Food Waste Program."

b. What is "Food Waste"?

Under Metro's Code and Administrative Rules, and the proposed revisions to the City's Franchise Agreement and Administrative Rules, "Food Waste" is:

"waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, coffee grounds, and other food that results from the distribution, storage, preparation, cooking, handling, selling or serving of food for human consumption. "Food Waste" includes but is not limited to excess, spoiled or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food waste does not include liquids or large amounts of oils and meats which are

collected for rendering, fuel production or other non-disposal applications, or any food fit for human consumption that has been set aside, stored properly and is accepted for donation by a charitable organization and any food collected to feed animals in compliance with applicable regulations.”

Importantly, businesses such as nursing homes, hospitals, hotels, schools, and assisted living facilities are only subject to this regulation if the business has a full-service restaurant or on-site food preparation or service.

c. Public Outreach and Education

Metro and Clackamas County have already undertaken education and outreach to the Covered Businesses. Clackamas County, as part of this program, will continue education and outreach activities as this project moves forward.

In addition, City staff will include information in the Boones Ferry Messenger and will provide information on the City’s garbage and recycling services webpage on the City’s website: www.ci.wilsonville.or.us/residents/page/garbage-and-recycling-services.

Community Development Department staff also engage with businesses constituents regarding food waste collection requirements during in-person contact, by email, and through its regular monthly newsletter.

The City will work with its regional counterparts to administer the business waiver should any business request to do so.

d. Proposed Updates to Administrative Rules

Proposed revisions to the Administrative Rules to City Council include the following changes, which reflect requirements that local governments must comply with under Metro’s Code and Administrative Rules relating to its Food Waste Program:

- New enforcement and education requirements applicable to the City, Republic Services, and Covered Businesses;
- Fees payable by Covered Businesses for failing to source separate Food Waste from other forms of waste material, and,
- Language relating to waivers that Covered Businesses may seek, which would excuse a Covered Business from compliance with the Food Waste collection program.

B. Minimum Service Requirements for Multi-family Housing

a. Updated Definition of “Multifamily”

The current definition of this term is “any multi-dwelling building or group of buildings that contains three or more dwellings on a single tax lot.” City staff recommend referring to “a single lot,” rather than a “single tax lot,” because tax lots are relatively easy to change (e.g., split a single tax lot into more than one tax lot). Further, this definition currently refers to three or more dwellings for conformity with the City’s Development Code. However, City staff recommend limiting this definition to five or more dwellings for conformity with Metro’s Code and Administrative Rules and Oregon laws pertaining to solid waste and recycling services, and greater consistency for Republic Services.

b. New Minimum Service Requirements for Multi-family Customers

The most significant change with respect to multi-family customers in recent updates to Metro’s Administrative Rules is a requirement that local governments implement a new minimum service for multi-family customers: No less than 20 gallons per week of solid waste and co-mingled recycling service, and no less than one gallon per week of glass service. Further, Metro now has requirements regarding the types of receptacles that must be provided to multi-family customers by franchisees like Republic Services (e.g., prescribed colors and signage). Proposed revisions to the Administrative Rules include this language.

C. Recycle+ Program

a. Proposed Updates to Administrative Rules

City staff have drafted language to create a Recycle+ program modeled off Clackamas County’s administrative rules for its Recycle+ program, which includes the following components:

- Residential customers’ participation in the Recycle+ program is voluntary and optional – not mandatory;
- The Recycle+ program is an on-call program, meaning that customers are responsible for requesting collection service from Republic Services, and must pay an additional fee for enrollment in the program and each pick up;
- Republic Services is required to collect a specific list of materials, which the City and Republic Services will update over time based on Republic Services’ processing capacity and the availability of recycling markets;
- Customers are required to source separate materials that may be collected under this program, and use receptacles that meet certain specifications; and,
- Republic Services, may, but is not required to, offer this service to multi-family customers.

D. Other Notable Updates

City staff also propose the following relatively minor updates to the Administrative Rules:

- Waste drop off. Clarification that only certain recyclable materials – and not solid waste, yard debris, or organic materials – can be dropped off.
- Metro receptacle requirements. Addition of new Metro requirements regarding waste receptacles for all categories of customers (although, requirements that take effect in the future have not been incorporated, and City staff plan to update the City’s Administrative Rules in the future to capture these updates).
- Yard debris. Minor changes to ensure that references to yard debris service are accurate (e.g., removal of yard debris from minimum service requirements for commercial customers).
- Service Hours. Potential adjustment to service start time for areas that contain both commercial and residential customers.
- Parallel Updates with Franchise Agreement. Implement changes made to the City’s Franchise Agreement (e.g., switch from a fiscal year to a calendar year).
- Vacation Credits. Clarification regarding how customers may accrue and use vacation credits, and that only single-family residential customers (and not multi-family or commercial customers) are eligible for vacation credits.
- Access to receptacles and recycling facilities. Inclusion of new Metro requirement that landlord or property owners provide access for solid waste receptacles.
- Updated terms. Update to certain defined terms (e.g., “Multi-family” is now unhyphenated for greater consistency with Metro’s Code and Administrative Rules, use of broader term “Organic Materials” rather than just “Yard Debris” or “Food Waste” in many instances where that is appropriate).

EXPECTED RESULTS:

Amendment and restatement of the City’s Franchise Agreement and its related Administrative Rules. Updated commercial food waste program requirements, rollout of a new Recycle+ program, and new regulations regarding multi-family services.

TIMELINE:

Approximate timeline of expected upcoming events:

1. September 18, 2023 – First Council Work Session to review draft ordinance
2. October 16, 2023 – Second Council Work Session to review draft ordinance and related administrative rules
3. November 6, 2023 – First Reading of ordinance

4. November 20, 2023 – Second Reading of ordinance
5. January 1, 2024 – Ordinance and related administrative rules become effective

CURRENT YEAR BUDGET IMPACTS:

Staff do not anticipate any budgetary impacts.

COMMUNITY INVOLVEMENT PROCESS:

City staff have engaged in meetings with Republic Services and have collaborated with Republic Services to draft revisions to the Franchise Agreement and Administrative Rules.

Updates regarding rates and key changes to service will be published in December issue of the Boones Ferry Messenger.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Community members, particularly residents, will benefit from updates to the Franchise Agreement and Administrative Rules. The Recycle+ program will allow residents to recycle more materials and remove them from the solid waste disposal stream. The additional requirements for services to multi-family customers will improve the services that residents in multi-family housing receive. This is noteworthy given the number of Wilsonville residents living in multi-family housing.

ALTERNATIVES:

Retain existing Franchise Agreement and its related administrative rules, which is not ideal because they are out of date, and will not comply with updated Metro regulations.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Attachment A: Proposed revisions to the Franchise Agreement
2. Attachment B: [Metro's Administrative Rules 5.15-4000 through 4085](#) ("Business Food Waste Requirement")

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING THE FRANCHISE AGREEMENT FOR SOLID WASTE MANAGEMENT AND COLLECTION WITHIN THE CITY CREATED BY ORDINANCE NO. 814 AND REPEALING ORDINANCE NO. 814.

WHEREAS, Oregon Revised Statutes (ORS) Chapter 459 grants the City of Wilsonville (“City”) the authority to regulate solid waste collection and mandates the development of a recycling program; and

WHEREAS, the City desires to ensure efficient and comprehensive solid waste management and collection services are available to all residents, businesses, and organizations within the City; and

WHEREAS, the City Council has determined that public health, safety, and well-being require an exclusive franchise be awarded to a qualified company for the collection, transportation, processing, and disposal of solid waste, recyclables, yard debris, and food scraps, as more particularly described below; and

WHEREAS, the City Council declares its intention of maintaining reasonable rates and quality service related to the collection, transportation, processing, and disposal of solid waste, recyclables, yard debris, and food scraps; and

WHEREAS, the City Council desires to amend and restate the franchise agreement created by Ordinance No. 814, and repeal Ordinance No. 814.

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

ARTICLE I

Title

This Ordinance will be known as the “Solid Waste Management Ordinance,” and may be so cited and pleaded, and will be referred to herein as the “Ordinance.”

ARTICLE II

Purpose

It is the policy and purpose of the City to protect the health, safety, and welfare of the citizens and the physical environment of Wilsonville through the regulation of solid waste management. This regulation will:

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1. Ensure safe, economical, and comprehensive solid waste services, as further defined in this Ordinance;
2. Ensure rates that are just, reasonable, and adequate to provide necessary public services;
3. Prohibit rate preferences and any other practices that might be discriminatory;
4. Provide for technologically and economically feasible recycling and resource recovery, by and through the franchisee;
5. Meet or exceed all applicable ORS Chapter 459 [and Metro](#) regulations relating to solid waste management prescribed to local jurisdictions and their authorized franchisees; and
6. Ensure consistent and responsive service and communication with citizens regarding solid waste management operations, education, and requirements.

ARTICLE III

Scope

Services defined, regulated, and authorized in this Ordinance are applicable only within the City limits of the City of Wilsonville and all future annexations during the term of this Ordinance.

ARTICLE IV

Definitions

1. ~~Administrative Rules or Solid Waste Management and Collection Administrative Rules. All standards and rules adopted by the City Council upon adoption of this Ordinance defining specific operating rules and procedures that support and ensure compliance with this Ordinance, and which may be amended from time to time by the City Manager or designee upon review with Franchisee as provided in t~~The Solid Waste Management and Collection Administrative Rules attached hereto and incorporated herein as **Attachment 1**, ~~and as may be amended in accordance with this Franchise Agreement.~~
2. Allowable Expenses. Those expenses incurred by Franchisee in the performance of this Franchise that are allowed by the City as reimbursable by the Customer, as enumerated below. Allowable Expenses are allowable only to the extent that such expenses are known and measurable, calculated according to Generally Accepted

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Accounting Principles (GAAP) on an accrual basis, and comply with the Cost Allocation methodology contained within this Ordinance for the Franchisee's operations within the City, do not exceed the fair market value of comparable goods or services, and are commercially reasonable and prudently incurred by the Franchisee solely in the course of performing its obligations under the Franchise. See the definition for "Cost Allocation" regarding how certain overall costs are to be proportionately allocated. Allowable Expenses include the following:

- a. Costs of complying with all laws, regulations, or orders applicable to the obligations of Franchisees under federal, state, or local law, including this Ordinance, as well as costs for financial reporting, accounting, and regulatory processes associated with or required by this Franchise or under law, as now or hereafter amended;
- b. Costs of collection, transportation, transfer, and disposal, including tipping fees, excise taxes, Metro Regional System Fees and Excise Tax, and DEQ-imposed fees and taxes;
- c. Labor costs, including operational and supervisory labor, payroll taxes, workers' compensation, and benefits, as well as third-party transportation costs;
- d. Vehicle registration fees, motor fuel, oil, tires, repairs, and maintenance;
- e. New vehicle and equipment purchases, amortized according to applicable historical trends and Franchisee's fixed asset policy, excluding vehicles or equipment that involve new or emerging technology or that are part of a pilot project or are prototypes of potential new fleet vehicles, such as electric Solid Waste trucks;
- f. Expenses of maintaining other capital assets, including rental charges and/or operating lease payments and repair and maintenance, including container maintenance and repair costs;
- g. Performance bonds and insurance in at least the amounts and coverages required by the City;
- h. All administrative and management costs and expenses reasonably allocated for the Services required under this Franchise, including, but not limited to, compensation, management fees, and benefits for officers and employees,

Commented [DS1]: Discussion point for City Council.

payroll taxes, data processing, billing, equipment or facility rental or lease costs, supplies, finance and accounting, administration, human resource and labor management, rate analysis, and regulatory compliance;

- i. Utilities;
- j. Training, worker safety, and employee development expenses;
- k. Promotion and public education costs;
- l. Depreciation and amortization of capital assets, including any necessary stand-by or back-up equipment used on a regular and ongoing basis in the provision of Services under this Franchise over standardized economic useful lives of the various assets;
- m. Outside professional fees and costs, limited to two percentage points of revenue, unless an extraordinary circumstance exists;
- n. Interest expense, other than interest paid with respect to route or Franchise acquisitions, that is not in excess of market rates ordinarily charged for the various types of financing required for purchases or leases;
- o. Direct write-off charges for bad debts; and
- p. Franchise Fees assessed by the City.

Allowable Expenses, as defined above, shall be reasonable if they are comparable with the expenses incurred by similarly situated solid waste and recycling collection companies in Clackamas and Washington Counties of the State of Oregon. If there is any disagreement or discrepancy regarding what is considered an “Allowable Expense” or “Unallowable Expense,” or the amount of an “Allowable Expense,” Franchisee and the City will work together to resolve the discrepancy. If no resolution is reached, the parties will agree to mediate the discrepancy, in addition to any other legal or equitable remedies that may be available to the parties.

- 3. Annual Franchise Report. The report submitted by Franchisee to the City at the end of each ~~Fiscal Year~~calendar year, as more particularly described in Article XI, Section 3 herein.
- 4. Bi-Annual Informational Report. The report submitted by Franchisee to the City at the end of each quarter, as more particularly described in Article XI, Section 2.
- 5. City. The City of Wilsonville.

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6. Commercial. Stores, offices, including manufacturing and industry offices, restaurants, warehouses, schools, colleges, universities, hospitals, ~~manufacturing and industrial buildings and complexes~~ and other non-manufacturing entities. “Commercial” does not include ~~business, other~~ manufacturing activities or business, or processing activities ~~that occur in Residential-residential~~ dwellings.
7. Cost Allocation. The following allocation methodology will be used to determine certain Allowable Expenses attributable to Service rendered for the City:
 - a. Operational cost: The Franchisee will perform an annual survey or report to calculate the time spent in each jurisdiction Franchisee services by Residential, Multi-Ffamily, and Commercial route. The annual total hours and total cost will be used to proportionately allocate Franchisee’s overall operational costs, such as labor and benefits, fuel, oil, maintenance, vehicle and container leases, vehicle licenses, capital assets, utilities, and training, for Residential, Multi-Ffamily, and Commercial Service within the City (e.g., labor costs as an Allowable Expense should represent a proportionate share of Service within the City compared to Franchisee’s services utilized by other cities and counties).
 - b. Direct cost: The entire cost of Franchise Fees and other expenses directly related to Service within the City and that are not attributable to Franchisee’s services performed in other jurisdictions will be used to determine the Allowable Expenses attributable to Service rendered in the City.
8. Council. The City Council of the City of Wilsonville.
9. CPI. The ~~March to March~~-All Urban Consumers for West-Size Class A Consumer Price Index, as defined by the United States Bureau of Labor Statistics for the most recent twelve-month period reported by the Bureau as of September 1 for the applicable current year, rounded to the nearest hundredth percent, or other index that replaces this index, for the twelve-month period ending as of the most recent September 1.
10. Cure Period. The thirty (30) day period Franchisee has from date of Written Notice to correct any default pursuant to Article XIV. In the case of default by Franchisee, if Franchisee notifies the City that it cannot, in good faith, cure the

default within the thirty (30) day Cure Period, then the City may elect to extend the cure period to an agreed upon time period.

11. Customer(s). Individuals, groups, businesses, corporations, or other recognized entities receiving ~~Solid-Waste management services~~Service from the Franchisee within the City.
12. DEQ. State of Oregon Department of Environmental Quality.
13. EPA. United States Environmental Protection Agency.
- ~~14.~~ Extraordinary Rate Increases. Service Rate charged by Franchisee to its Customers sought to be increased by Franchisee under Article VIII of this Ordinance.
- ~~15.~~ Fiscal Year. ~~July 1 to June 30 of any year.~~
- ~~16.~~ Franchise. A contract with the City allowing ~~the Franchisee to use any City-owned~~ of public right-of-way to collect, transport, process, and dispose of ~~Solid-Waste, Recyclable Materials, Yard Debris, and food scraps~~ and to perform other responsibilities ~~as defined~~set out in this Ordinance and the Administrative Rules.
- ~~17.~~ Franchise Fee. Franchise Fee is defined in Article VII of this Ordinance.
- ~~18.~~ Franchisee. The Person granted the Franchise by this Ordinance. The particular Franchisee referred to in this Ordinance is Keller Drop Box, Inc., an Oregon corporation, dba Republic Services of Clackamas and Washington Counties.
- ~~19.~~ Gross Revenue. For any period of time:
 - a. Gross accrual-based billings by the Franchisee to Customers for Services provided under this Franchise; and
 - b. The allocated gain on the sale of fixed assets, the depreciation or amortization from which was an Allowable Expense under the terms of this Ordinance, and refunds, sales proceeds, or other reimbursements for any other expense that was an Allowable Expense under this Ordinance; ~~and~~
- ~~20.~~ Hazardous Waste. Hazardous Waste includes:
 - a. Discarded, useless or unwanted materials or residues resulting from any substance or combination of substances intended for the purpose of defoliating plants or for the preventing, destroying, repelling or mitigating of insects, fungi, weeds, rodents or predatory animals, including but not limited to defoliant, desiccants, fungicides, herbicides, insecticides, nematocides and rodenticides.

b. Residues resulting from any process of industry, manufacturing, trade or business or government or from the development or recovery of any natural resources, if such residues are classified as hazardous by order of the Oregon Environmental Quality Commission, after notice and public hearing. For purposes of classification, the Oregon Environmental Quality Commission must find that the residue, because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- i. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- ii. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or ~~Disposed~~ disposed of, or otherwise managed.

c. Discarded, useless or unwanted containers and receptacles used in the transportation, storage, use or application of the substances described in (a) and (b) of this subsection.

~~e.d.~~ To the extent not covered by the preceding subsections of this Section 19, any amount of waste listed or characterized as hazardous by the EPA or the State of Oregon pursuant to the Resource Conservation and Recovery Act and by any other applicable law, including but not limited to ORS Chapter 466.

~~24-20.~~ Multifamily. Any multi-dwelling building or group of buildings that contains ~~three~~ five or more dwellings on a single ~~tax~~-lot.

~~22-21.~~ Operating Margin. Gross Revenues minus Allowable Expenses within the ~~applicable calendar year~~ Fiscal Year.

~~23-22.~~ Organic Materials. Materials which can be biologically synthesized by plants or animals from simpler substances, are no longer suited for their intended purpose, and are readily broken down by biological processes into soil constituents. "Organic Materials" includes, but is not limited to, food waste, Yard Debris, paper, and putrescible materials which are generally a source of food for bacteria.

~~24-23.~~ Other Materials. Materials that the City and Franchisee agree Franchisee will collect, transport, treat, utilize, process, or otherwise haul from its Customers

pursuant to the Solid Waste Management and Collection Administrative Rules as further identified in Article XV herein, but excluding Recycle+ Materials.

~~25.~~24. Person. An individual, partnership, association, corporation, limited liability company, sole proprietorship, cooperative, estate, trust, firm, ~~estate~~governmental unit, or any other entity legal private entity in law or fact.

~~26.~~25. Quarterly Franchise Fee Report. The report submitted by Franchisee to the City at the end of each quarter, as more particularly described in Article XI, Section 1 herein.

~~27.~~26. Recyclable Materials. Any material or group of materials that can be collected and sold for Recycling at a net cost equal to or less than the cost of collection and disposal of the same material, or other materials as may be designated by the City.

27. Recycle+ Collection Service. An optional recycling service offered by Franchisee for the collection of Recycle+ Materials for reuse or recycling.

28. Recycle+ Materials. Recyclable Materials that are acceptable by Franchisee pursuant to the Recycle+ Collection Service, which are listed in the Administrative Rules.

~~28.~~29. Recycling. ~~Any process by which Solid Waste materials are reused or transformed into new products in a manner that the original products may lose their identity~~The collection, transportation, storage, and processing of Recyclable Materials.

~~29.~~30. Residential. A single-family dwelling unit or duplex (i.e., an attached two-dwelling unit) on a single ~~tax~~ lot.

~~30.~~31. Resource Recovery. The process of obtaining useful material or energy resources from ~~Solid~~ Waste, including energy recovery, materials recovery, Recycling, or reuse of ~~Solid~~ Waste.

~~31.~~32. Service. ~~Collection~~The collection, transportation, transfer, disposal ~~of~~, or Resource Recovery of ~~Solid~~ Waste, ~~Recyclable Materials, Yard Debris, Organic Materials, and Other Materials~~ by Franchisee pursuant to this Franchise Agreement, and the Administrative Rules.

33. Service Rate. The cost Customers pay for Service provided by Franchisee as stated in **Attachment 2** to this Ordinance and as adjusted pursuant to Article VIII of this Ordinance.

~~32.~~ _____

~~33.~~34. **Solid Waste.** All useless or discarded putrescible and non-putrescible materials including, but not limited to, garbage; rubbish; refuse; ashes; useless or discarded commercial, industrial, demolition, and construction materials; discarded ~~home~~ residential, commercial, and industrial appliances (to the extent that such appliances do not contain Freon or other refrigerants); manure; equipment and furniture; manure; vegetable or animal solid or semisolid waste; dead animals; and infectious wastes. "Solid Waste" does not include:

- a. Unacceptable Waste;
- b. Sewer sludge, septic tank and cesspool pumping, or chemical toilet waste;
- ~~c. Reusable beverage containers;~~
- ~~d.~~c. Cardboard generated by a Person that is the generator or source, and baled and transported to a Resource Recovery facility— (Such such Person will be is deemed to have transported cardboard when it is hauled by a vehicle used in regular deliveries of merchandise to the cardboard generator's—Person's business);
- ~~e.~~d. Material used for fertilizer or other productive purposes in agricultural operations;
- e. Discarded or abandoned vehicles or parts of vehicles; ~~or~~
- f. Tires;
- g. Recyclable Materials, Organic Materials, Other Materials, or Alternative RecyclingRecycle+ Materials that are Source Separated and set out for Recycling; or
- h. Material that is not acceptable for disposal at the transfer station and/or disposal facility utilized by Franchisee or not acceptable for recycling at the recycling facility utilized by Franchisee, as provided in the Administrative Rules ~~attached hereto and incorporated herein as Attachment 1.~~

~~34.~~35. **Solid Waste Management and Collection.** The prevention or reduction of Solid Waste generation; management of the storage, collection, transportation, treatment, utilization, processing, and final disposition of Solid Waste; Resource Recovery

from Solid Waste; Recycling, reuse, and material or energy recovery from Solid Waste; and facilities necessary and convenient to such activities.

~~35.~~36. Source Separated Materials. ~~Sorting of different material~~ Material comprising a waste (such as glass, metals, paper, plastics) that has been separated at its point of generation, ~~for a simpler and more efficient Recycling or final disposal.~~

~~36.~~37. Unacceptable Waste. Unacceptable Waste means: (1) oils, fats, other liquids, and semi-solid wastes; (2) Hazardous Waste; and (3) any radioactive, volatile, corrosive, flammable, explosive, biomedical, infectious, biohazardous, or toxic waste as defined by applicable law or any otherwise regulated waste.

~~37.~~38. Unallowable Expenses. Includes the following:

a. All ~~charitable and~~ political contributions;

~~a-b.~~ Charitable expenses that are not expressly approved by the City as an Allowable Expense;

~~b-c.~~ Fines and penalties incurred by Franchisee, including, without limitation, judgments for violation of applicable laws.

~~e-d.~~ Payments for services provided by individuals related by blood or marriage or by affiliated companies to Franchisee to the extent that such payments exceed the reasonable cost that would be charged by an independent third party to provide the substantially equivalent service;

~~d-e.~~ Accruals for future unknown regulatory changes;

~~e-f.~~ Costs associated with purchase of other companies, including, but not limited to, employee stock ownership plan payments, goodwill, amortization of goodwill, and premiums on key-person life insurance policies;

~~f-g.~~ Principal or interest payments on the acquisition of any new Service routes;

~~g-h.~~ The purchase of equipment and/or facilities to the extent of the portion of the price that reflects goodwill or a premium in excess of fair market value at the time of acquisition;

~~h-i.~~ State and federal income taxes, and any federal, state, local or other taxes or fees not expressly listed as an Allowable Expense;

~~i-j.~~ Fees paid to a Franchisee's Board of Directors;

~~j-k.~~ Attorney's fees and related expenses resulting from:

- i. Any judicial proceeding in which the City and Franchisee are adverse parties;
- ii. Any judicial proceeding in which Franchisee is ruled to be liable due to willful misconduct, gross negligence, or in violation of law or regulation;

~~k-l.~~ Operation of community access recycling depot not physically located or operated in conjunction with Franchisee's transfer station;

~~l-m.~~ Recycling operations expenses already calculated and incorporated into Franchisee's tipping fees;

~~m-n.~~ Costs or expenses incurred for providing Service to another jurisdiction, or, when such costs or expenses are incurred for providing Service to multiple jurisdictions, any costs or expenses above the proportional share attributable to Service within the City;

~~n-o.~~ Donated Services, including the "Wilsonville Clean-Up Days" and the "Fall Leaf Clean-Up" events identified in the Administrative Rules ~~attached hereto as Attachment 1~~, except for Disposal costs associated with these Services;

~~o-p.~~ Any other expenses defined as "unallowable" and approved by mutual consent of Franchisee and the City.

If there is any disagreement or discrepancy regarding what is considered an "Allowable Expense" or "Unallowable Expense," Franchisee and the City will work together to resolve the discrepancy. If no resolution is reached, the parties will agree to mediate the discrepancy, in addition to any other legal or equitable remedies which may be available to the parties.

~~38.~~39. Written Notice. Any notice provided in writing pursuant to this Ordinance. Any applicable time period begins to run the next day after personal delivery of the Written Notice or three (3) days after mailing the Written Notice.

40. Waste. Material that is no longer usable or that is no longer wanted by the source generator of the material, which material is to be utilized or disposed of by another person. For the purpose of this paragraph, "utilized" means the productive use of wastes through recycling, reuse, salvage, resource recovery, composting, energy recovery, or land filling for reclamation, habilitation or rehabilitation of land.

“Waste” includes Solid Waste, Recyclable Materials, Other Materials, Organic Materials (and thus, ~~Food Waste and Yard Debris~~), Recycle+ Materials and Bulky Waste, as that term is defined in the Administrative Rules.

- 39-41. Yard Debris. Grass clippings, leaves, hedge trimmings, and similar vegetative waste of no greater than 4 inches in diameter and 36 inches in length, and other similar vegetative waste generated from landscaping activities or from Residential residential property. “Yard Debris” does not include stumps, rocks, ~~or~~ bulky wood materials, sod, or dirt.

ARTICLE V

Franchise Award

1. Exclusive Franchise. The City hereby grants to Franchisee, as of the effective date of this Ordinance, the exclusive right, privilege, and Franchise to provide Service within the City limits in the manner described in the Solid Waste Management and Collection Administrative Rules (Article XV herein), and in any area that may be hereafter annexed to the City. In particular, Franchisee will provide Solid Waste, Recycling, and Yard Debris Service to the City’s Residential, Multi Family, and Commercial Customers and will provide the option for Commercial Customers to have Organic Materials Service provided by Franchisee. Except as allowed in this Ordinance, no other Person may provide Service within the City or over the public roadways within the City limits.
2. Exceptions. Nothing in this Ordinance will:
 - a. Prohibit any Person from engaging in the collection of Source Separated Materials for Resource Recovery for the purpose of raising funds for a charitable, civic, or benevolent activity, or an educational project of a full time elementary or high school class, after notice to the Franchisee and permission from the Franchisee or the Council;
 - b. Prohibit any Person who is employed as a gardener, landscaper, groundskeeper, or remodeler for a property owner or tenant in the City, who produces ten (10) yards or less of Solid Waste or Yard Debris as a result of the Person’s work for a property owner or tenant in the City, from transporting Solid Waste or Yard Debris in the Person’s own equipment where the Solid Waste or Yard Debris

Commented [DS2]: Deleted because minimum service levels are stated with greater clarity in rules

produced is incidental to the particular job the Person is performing for a property owner or tenant in the City;

- c. Prohibit any Person from transporting Solid Waste the Person generates to an authorized disposal site or Resource Recovery facility. The Solid Waste generated by a tenant, licensee, occupant, or Person other than the owner of the premises is generated by such Person, and not by the property owner (e.g., a tenant may dispose of the tenant's own Solid Waste, but an owner cannot dispose of the tenant's Solid Waste by any means other than the Franchisee's Service);
 - d. Prohibit any Person from contracting with a state or federal agency to provide Service to such agency under a written contract with such agency.
 - e. Prohibit any Person from selling any Source Separated Material to the Franchisee, or making other arrangements mutually acceptable to the Franchisee and Customer, providing the Franchisee transports the material to the market or utilization facility for such Source Separated Material. The Franchisee is entitled to a reasonable charge for taking the material to market. The Person who is the immediate source of the material will receive credit for the sum received for the Resource Recovered material as against that Person's bill for Service from the Franchisee during the Franchisee's billing period. Any excess of the sum received for the material at the utilization or market facility over the Franchisee's bill for Service and transporting the Source Separated Material will be reimbursed to the Customer at the end of the billing period.
3. Solid Waste Removal. No Person, except the immediate generator of Solid Waste, may remove any product placed in a cart, container, drop box, or other receptacle, except to the extent allowed by applicable law. Nor may any Person other than the immediate generator remove or take possession of any Solid Waste, whether bundled, tied, or loose, placed by the source of the product for collection by the Franchisee. This provision does not:
- a. Apply to a government employee acting to remove Solid Waste or waste because of a present or imminent danger;

- b. Prohibit any Person transporting Solid Waste through the City that is not collected within the City;
 - c. Require Franchisee to store, collect, transport, dispose of, or Resource Recover any Unacceptable Waste; provided, however, that Franchisee may engage in a separate business of handling such wastes separate and apart from this Franchise and Chapter; or
 - d. Prevent the City from conducting an annual clean-up campaign for the collection of ~~Yard Debris, other~~ Recyclable Materials, Organic Materials, Solid Waste, ~~or Other Materials,~~ or Recycle+ Materials from the residences in the City, or in any other way providing for the beauty of the City and the safety and convenience of its citizens.
4. Unauthorized Use. No Person is permitted to place any material in a container, drop box, or other receptacle not provided for such Person's use without the permission of the Person receiving the Service from the Franchisee.
5. Title. Title to Solid Waste shall pass to Franchisee when loaded into Franchisee's collection vehicle or otherwise received by Franchisee. Title to and liability for any Unacceptable Waste shall at no time pass to Franchisee. Franchisee shall have the right to revoke acceptance of any Solid Waste at any time such Solid Waste is discovered to be or contain Unacceptable Waste.
- ~~6. Rejection of Unacceptable Waste. If Unacceptable Waste is discovered before it is collected by Franchisee, Franchisee may refuse to Service the entire Solid Waste, Recyclable Material, Yard Debris, or Organic Material container that contains the Unacceptable Waste.~~
- ~~a. In such situations, Franchisee will contact the Customer and the Customer must undertake appropriate action prior to the next scheduled Service day to ensure that such Unacceptable Waste is removed and properly disposed.~~
 - ~~b. In the event Unacceptable Waste is present but not discovered until after Service by Franchisee, Franchisee may, in its sole discretion, remove, transport, and dispose of such Unacceptable Waste at a facility authorized to accept such Unacceptable Waste in accordance with applicable law and charge the Customer or generator of such Unacceptable Waste for all direct and indirect~~

~~costs incurred due to the removal, remediation, handling, transportation, delivery, and disposal of such Unacceptable Waste. To the extent practicable, the City will assist Franchisee to determine the identity of the Customer or generator of the Unacceptable Waste.~~

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ARTICLE VI

Franchise Term

The rights, privileges, and Franchise herein granted will ~~continue for the Franchisee for a period of ten (10) years, commencing July 1, 2018~~terminate June 30, 2028, unless sooner terminated in accordance with the provisions herein. If mutually agreed upon, in writing, by the Franchisee and the City, the parties have the option to renew this Franchise for up to two (2) additional five (5) year periods.

ARTICLE VII

Franchise Fee

- ~~1. Initial Franchise Fee.~~ In consideration of the Franchise by this Ordinance, ~~for the first year of this Franchise,~~ the Franchisee ~~shall currently pay~~must pay to the City ~~five three~~ percent (~~53~~%) of the Gross Revenue collected by the Franchisee for Service within the corporate limits of the City for the rights, privileges, and Franchise granted by this Ordinance. The Franchise Fee is an Allowable Expense and, as such, will be included in determining Franchisee's Operating Margin.
- ~~2.1. Franchise Fee Increase.~~ ~~Beginning January 1, 2020, the initial Franchise Fee will increase to five percent (5%) of the Gross Revenue. The Franchise Fee increase may be passed on to the Customers. The Franchise Fee is an Allowable Expense and, as such, will be included in determining Franchisee's Operating Margin.~~
- ~~3.2. Franchise Fee Payment.~~ The Franchisee shall submit payments not later than forty-five (45) days after the end of each quarter (i.e., not later than forty-five (45) days after September 30, December 31, March 31, and June 30 of each year). Each quarterly payment will be accompanied by a complete statement setting forth the Gross Revenue collected for the quarter. There will be a reconciliation of final Gross Revenue on the quarterly report ending ~~June 30~~December 31 of each year for the prior ~~calendar year~~Fiscal Year.

- ~~4.3.~~ Late Payments; Interest. Should Franchisee fail or neglect to make the quarterly payment on the payment date stated in Section 3 of this Article, the City will provide Written Notice of failure of payment to Franchisee, either by personal delivery or certified mail. Franchisee will have ten (10) calendar days from the Written Notice to remit payment to the City. If Franchisee fails to pay within the ten (10) calendar days, the City may charge interest retroactive to the payment due date, at a rate of twelve percent (12%) per annum, and may, at its option, either continue the Franchise in force and proceed by suit or action to collect the payment, or declare a forfeiture of the Franchise because of the failure to make payment, but without waiving its right to collect earned Franchise payments and interest.

ARTICLE VIII

Establishment and Modification of Service Rates

1. Initial-Current Service Rate. The ~~initial~~ Service Rate Franchisee charges to Customers for its Service during the 2024 calendar year is set forth in **Attachment 2** to this Ordinance, which is incorporated by reference herein. Amendments to Attachment 2 to this Ordinance may be made by Council by resolution.
- ~~2. First Service Rate Adjustment. On October 1, 2018, the initial Service Rate will be increased by three and one quarter percent (3.25%).~~
- ~~3. Second Service Rate Adjustment. Prior to July 1, 2019, the City will undertake a review of Franchisee's books, records, and accounts to adjust the Service Rate to set a new Service Rate that achieves an Operating Margin equal to ten percent (10%) of Gross Revenues. The Service Rate may be adjusted higher or lower in order to achieve the Operating Margin equal to ten percent (10%) of Gross Revenues. The initial Service Rate will be charged to Customers from July 1, 2018 through and including September 30, 2018. The first Service Rate adjustment will be charged to Customers from October 1, 2018 through and including June 30, 2019. The second Service Rate adjustment will be charged to Customers from July 1, 2019 through and including June 30, 2020. The annual Service Rate adjustment~~

provided in Section 4 of this Article does not apply to the first or second Service Rate adjustments. For clarity, the table below illustrates the timing and adjustment of each of the Service Rates discussed in Sections 1 through 3 of this Article:

Title	Time	Service Rate
Initial Service Rate	July 1, 2018-September 30, 2018	Listed in Attachment 2
First Service Rate Adjustment	October 1, 2018-June 30, 2019	Service Rate increased by 3.25%
Second Service Rate Adjustment	July 1, 2019-June 30, 2020	Service Rate adjusted to achieve 10% Operating Margin

4.2. Annual Service Rate Adjustment. It is the goal of this Franchise Council to provide Franchisee with a target Operating Margin of ten percent (10%) of Gross Revenues, but no less than eight percent (8%) and no greater than twelve percent (12%). Except as provided in Sections 2, 3, or 5.3 of this Article, the Service Rate will be adjusted annually under the following circumstances:

- Service Rates will not increase ~~change~~ in the next Fiscal Year~~calendar year~~ if the expected Operating Margin in the next calendar year~~Fiscal Year~~ is equal to or greater than twelve percent (12%) of Gross Revenues.
- If the expected Operating Margin in the next calendar year~~Fiscal Year~~ is equal to or greater than ten percent (10%) but less than twelve percent (12%) of Gross Revenues, Service Rates will be adjusted to reflect seventy-five percent (75%) of the percentage increase, if any, in the CPI.
- If the expected Operating Margin in the next calendar year~~Fiscal Year~~ is equal to or greater than eight percent (8%) but less than ten percent (10%) of Gross Revenues, Service Rates will be adjusted to reflect seventy-five percent (100%) of the percentage increase, if any, in the CPI.
- If the expected Operating Margin in the next calendar year~~Fiscal Year~~ is less than eight percent (8%) of Gross Revenues and Franchisee is not entitled to an Extraordinary Rate Increase provided in Section 5 below, Service Rates will be adjusted to reflect one hundred twenty-five percent (125%) of the percentage increase, if any, in the CPI. For clarity, the table below illustrates the percent of the CPI increase, if any, that will be applied to the Service Rates depending on the projected Operating Margin:

Operating Margin	Percent of CPI Increase, If Any
12% or greater	No adjustment

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10% up to, but not including, 12%	75% of CPI increase
8% up to, but not including, 10%	100% of CPI increase
Less than 8%	125% of CPI increase

- e. The percentage increase of the Service Rate based on the CPI is capped at seven-and-one-half percent (7.5%) in any given year. If the CPI results in a negative percentage change or no change in any given year, then no Service Rate adjustment will occur for that ~~calendar year~~Fiscal Year.
- f. Franchisee will provide, in writing, its calculation of its expected Operating Margin for the next ~~calendar year~~Fiscal Year, together with supporting documentation, to the City Manager or designee no later than ~~May 1~~August 15. The City Manager or designee will certify the CPI and Service Rate adjustment, if any, in writing, to Franchisee ~~by June 1 on or about October 15~~. Any Service Rate adjustment allowed under this Section 4 will take effect at the beginning of the next ~~calendar year~~Fiscal Year commencing on ~~July~~January 1. Attachment 2 to this Franchise Agreement will be amended by the City Manager or designee to reflect the current Service Rates.
- g. The City has the authority to commission reviews or analysis of Franchisee's Annual Franchise Reports and other documents supporting a Service Rate adjustment to validate submissions. The City has further authority to review Franchisee's books, records, and accounts to verify the accuracy of Franchise Fees paid to the City, Franchisee's Operating Margin, and/or any Extraordinary Rate Increases as provided in Article XI herein.

5-3. Extraordinary Rate Increase. In the event an extraordinary or unanticipated event, including a change in law, a change in disposal site, an adjustment to the disposal rate by Metro, or a mandate from a government entity to provide a new type of Service, causes an increase greater than two percent (2%) in Franchisee's annual cost for Allowable Expenses, and is projected to decrease Franchisee's Operating Margin below eight percent (8%) of Gross Revenues, then Franchisee may submit a written request to the City Manager or designee for an Extraordinary Rate Increase. The written request must include Franchisee's calculations, and supporting documentation, of the impact of the change. Any requested

Commented [DS4]: Dates updated to reflect shift from fiscal year to calendar year

Extraordinary Rate Increase must be approved by ~~City~~ Council through a resolution. Franchisee's request for approval of an Extraordinary Rate Increase shall not be unreasonably withheld or delayed so long as Franchisee's request meets the requirements of this Section ~~53~~. This Section is not to be construed as to require the City to accept that Franchisee's calculations are correct or to allow an Extraordinary Rate Increase if the City finds that Franchisee's request does not meet the requirements of this Section. The City may undertake any review of Franchisee's books, records, and accounts necessary to evaluate the validity of Franchisee's request for an Extraordinary Rate Increase.

~~6.4.~~ Surcharges. The Franchisee may assess a surcharge on Customers to compensate for previously unforeseen, but likely temporary, additional costs to the Franchisee. Franchisee must submit a written request for a specific surcharge, with supporting documents, to the City Manager or designee. The City Manager or designee will perform a review of Franchisee's request and may seek additional documents or clarification from Franchisee. The City Manager or designee will present Franchisee's written request to Council not later than forty-five (45) days after receipt of the written request. Any such surcharges, other than the surcharge identified in subsection (a) herein, must be approved through a resolution adopted by Council prior to Franchisee assessing Customers. The resolution adopting a surcharge will set a date for Council to review whether to continue the surcharge to a later review date, modify the surcharge, or terminate the surcharge.

~~a. Recycling Surcharge. This Ordinance adopts a surcharge for recycling costs, which surcharge is stated in Attachment 2 to this Ordinance. The recycling surcharge will be reviewed by Council on or before January 1, 2019, at which time Council will adopt a resolution to continue the surcharge to a later review date, modify the surcharge, or terminate the surcharge. Approval of a continuing or modified surcharge shall not be unreasonably withheld by the Council.~~

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ARTICLE IX

Franchisee Responsibility

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1. The Franchisee must collect the Solid Waste at the various residences, business establishments, and other places within the corporate limits of the City where such Service is required or requested and haul such Solid Waste from the City authorized by the most recent rate schedule approved by the City Council. ~~In particular, Franchisee will provide Solid Waste, Recycling, and Yard Debris Service for Residential, Multi Family, and Commercial Customers and will provide Commercial Customers the option of Organic Materials Service.~~
2. The Franchisee shall:
 - a. Dispose of Solid Waste collected at a site approved by the local government unit having jurisdiction, or recover resources from the Solid Waste, in compliance with Oregon ~~Law~~law.
 - b. Provide sufficient collection vehicles, containers, facilities, personnel, and finances to provide all types of necessary Service. When necessary, the Franchisee may subcontract with others to provide certain types of specialized service, in accordance with the provisions of this Ordinance.
 - c. Equip trucks with a leak-proof, compactor-type metal body. If the Franchisee uses a specially-designed motorized local collection vehicle for transporting Solid Waste short distances from Residential, Multi-Ffamily, or Commercial stops to waiting trucks, the Franchisee must equip the container portion of the vehicle with a cover adequate to prevent scattering of the load. If any pickup truck or open-bed truck is used by the Franchisee, the Franchisee must equip the truck with an adequate cover to prevent scattering of the load. The Franchisee must operate all vehicles in conformity with all City ordinances.
 - d. ~~Give reasonable attention to the needs of physically handicapped Customers so that they may avail themselves of the Service offered without any additional charge.~~
 - e. Deposit a minimum of three (3), thirty (30) yard drop boxes at locations designated by the City, to be hauled away and replaced as many times as may be necessary for the one (1) week period during which the “Wilsonville Clean-Up Days” event takes place.
3. The Franchisee shall not:

Commented [DS6]: Deleted because minimum service levels are stated with greater clarity in rules

Commented [DS7]: Deleted because is stated in rules

- a. Be obligated to provide Service to non-owners of Residential property where the landlord does not request and pay the bill, unless payment for Service has been guaranteed in advance by the property owner or a satisfactory cash deposit or advance payment has been made by such non-owner requesting Service. The reference to residential property in this Section does not include trailer parks and apartment buildings.
 - b. Give any rate preference to any Person, locality, or type of Solid Waste stored, collected, transported, disposed of, or resources recovered. This paragraph does not prohibit uniform classes of rates based upon length of haul, time of haul, type or quantity of waste handled, and location of Customers, so long as such rates are reasonably based upon costs of the particular Service and are approved by the ~~City~~ Council in the same manner as other rates.
 - c. Transfer or assign this Franchise, except upon approval by the Council as a result of a resolution passed by the Council. The Council will approve the assignment or transfer if the new Franchisee meets all applicable requirements met by the original Franchisee. A pledge of this Franchise as security will not be considered a transfer or assignment for the purpose of this Section.
4. Supervision. Service provided under this Franchise is subject to the supervision of the City Manager or such person designated by the City Manager or by the Council.
 5. Access for Inspection and Delivery of Notices. Franchisee must make all of Franchisee's premises, facilities, equipment, and records related to its Solid Waste, Recyclable Materials, ~~Yard Debris,~~ Organic Materials, ~~and~~ Other Materials, and Recycle+ Materials collection services (including, but not limited to, offices, storage areas, financial records, non-financial records, records pertaining to the origin of any Solid Waste collected by Franchisee, receipts for sale or delivery of collected Recyclable Materials, Customer lists, and all records relating to vehicle maintenance and safety that are required under Oregon Department of Transportation motor carrier requirements and regulations and Oregon Revised Statutes Chapter 767) available for inspection by the City Manager or designee within forty-eight (48) hours of Written Notice by certified mail or personal

delivery. Such inspections are only for purposes of enforcing this Ordinance and are restricted to normal business hours. During normal business hours, Franchisee must make all company premises and facilities accessible to the City for delivery of any Written Notices. Where receptacles are stored in the public right-of-way, or when the City is inspecting a situation where the Franchisee is allegedly commingling Recyclable Materials, ~~Yard Debris~~, Organic Materials, ~~or Other Materials~~, or Recycle+ Materials with Solid Waste, the need for 48-hour prior Written Notice does not apply to inspection of receptacles or vehicles.

6. Service Interruption or Termination. The Franchisee shall not terminate Service to any or all of its Customers served under this Franchise except in accordance with the provisions of this Ordinance. Service may be interrupted or terminated when:
 - a. The street or road access is unavoidably blocked through no fault of the Franchisee and there is no reasonable alternate route to serve all or a portion of its Customers. In either event, the City will not be liable for any such blocked access; or
 - b. Adverse weather conditions render providing Service unduly hazardous to persons or equipment providing such Service or if such interruption or termination is caused by an act of God or a public enemy.
7. Subcontracts. The Franchisee may subcontract with others to provide specialized service or temporary service under this Ordinance only upon prior written consent of the City, which written consent will not be unreasonably withheld. Such subcontract will not relieve the Franchisee of total responsibility for compliance with this Ordinance.

ARTICLE X

Insurance and Bonds

1. Insurance. The Franchisee shall obtain, at Franchisee's expense, and keep in effect during the term of this Franchise:
 - a. Comprehensive Commercial General Liability Insurance. Commercial general liability insurance must cover bodily injury and property damage, written on an "occurrence" form policy. This coverage should be in the following minimum insurance coverage amounts: The coverage shall be in the amount of

\$5,000,000 for each occurrence and \$10,000,000 general aggregate, and shall include Products-Completed Operations Aggregate in the minimum amount of \$2,000,000 per occurrence, Fire Damage (any one fire) in the minimum amount of \$50,000, and Medical Expense (any one person) in the minimum amount of \$10,000. All of the foregoing coverage must be carried and maintained at all times during this Franchise.

- b. Workers Compensation Insurance. Franchisee and all employers providing work, labor, or materials under this Franchise that are subject employers under the Oregon Workers Compensation Law shall comply with ORS 656.017, which requires them to provide workers compensation coverage that satisfies Oregon law for all their subject workers under ORS 656.126. Out-of-state employers must provide Oregon workers compensation coverage for their workers who work at a single location within Oregon for more than thirty (30) days in a calendar year. This shall include Employer's Liability Insurance with coverage limits of not less than \$1,000,000 for each accident.
- c. Pollution Liability Coverage. Franchisee shall carry sudden and accidental and gradual release pollution liability coverage that will cover, among other things, any spillage of paints, fuels, oils, lubricants, de-icing, anti-freeze, or other hazardous materials, or disturbance of any hazardous materials, in accordance with DEQ and EPA clean-up requirements. The coverage shall be in the amount of \$2,000,000 for each occurrence and \$6,000,000 general aggregate.
- d. Business Automobile Liability Insurance. Franchisee shall provide the City a certificate indicating Franchisee has business automobile liability coverage for all owner, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than \$5,000,000.
- e. Insurance Carrier Rating. Coverages provided by Contractor must be underwritten by an insurance company deemed acceptable by the City, with an AM Best Rating of A or better. The City reserves the right to reject any or all insurance carrier(s) with a financial rating that is unacceptable to the City.
- f. Certificates of Insurance. As evidence of the insurance coverage required by this Franchise, Franchisee shall furnish a Certificate of Insurance to the City.

This Franchise shall not be effective, and Services shall not be performed hereunder, until the required certificates have been received and approved by the City. Franchisee agrees that it will not terminate or change its coverage during the term of this Franchise without giving the City at least thirty (30) days' prior advance notice, and Franchisee will obtain an endorsement from its insurance carrier, in favor of the City, requiring the carrier to notify the City of any termination or change in insurance coverage, as provided above.

2. Bonds. The Franchisee shall furnish a bond to the City that is acceptable to the City to ensure the faithful performance by the Franchisee of the Service the Franchisee is required to provide under this Ordinance. The bond will provide for liquidated damages as provided in Article XIV, Section 3.

ARTICLE XI

Review of Records

1. Quarterly Franchise Fee Reports. Franchisee must complete and remit to the City Manager or designee a Quarterly Franchise Fee Report no later than the date the quarterly Franchise Fee payment is due. The Quarterly Franchise Fee Report must include a statement of Gross Revenue for that quarter covered by the tendered Franchise Fee. Such statements are public records. Franchisee must maintain books and records disclosing the receipts derived from Service conducted within the City, which must be open at reasonable times for review by the City Manager or designee within forty-eight (48) hours of Written Notice by certified mail or by personal delivery. Intentional misrepresentation of Gross Revenue constitutes a material breach of the Franchise and this Ordinance and is cause to initiate the process to terminate the Franchise, in addition to any other legal or equitable remedies available to the City.
2. Bi-Annual Informational Reports. Franchisee must complete and remit to the City Manager or designee a Bi-Annual Informational Report no later than forty-five (45) days after each June 30 for the period of the immediately preceding January 1 to and including June 30- and no later than forty five (45) days after December 31 for

Commented [DS8]: Need for this report and its scope are discussion points for City Council.

the period of the immediately preceding July 1 to and including December 31. The Bi-Annual Informational Report must include the following information:

- a. The quantities of Solid Waste, Recyclable Materials, ~~Yard Debris~~, Organic Materials, and Other Materials by Customer classification collected within the City during the reporting period, the locations to which these materials were delivered, the number of Customer accounts, and other information requested by the City Manager or designee and mutually agreed upon by Franchisee;
- b. A summary of communication, marketing, and educational outreach conducted by Franchisee during the reporting period; and
- c. The number of Customer complaints and a summary of the type of complaints received, along with a summary of Franchisee's response to Customer complaints.

3. Annual Franchise Reports. Franchisee must complete and remit to the City Manager or designee an Annual Franchise Report, no later than forty-five (45) days after the last calendar day of the current ~~Fiscal Year~~calendar year (each ~~June 30~~December 31), with the following information:

- a. Franchisee must report its Gross Revenues and Allowable and Unallowable Expenses in an income statement format and provide information about Customer counts, Services provided, disposal volumes, and Recycling activities for all Customer classifications and for all programs identified in this Ordinance. Franchisee must report totals for all operations necessary to adequately verify compliance with the Service Rate allocation methodology as defined in this Ordinance. Resources allocated from regional or national corporate offices or affiliates must be distributed to appropriate expense line items, and must also be disclosed in a schedule describing total allocations and their distribution to individual expense line items.
- b. The Annual Franchise Report will also include a synopsis of the operations of the current ~~calendar year~~Fiscal Year, a description of the measures the Franchisee has taken to make its operations more efficient, a listing of efficiency measures which it intends to take in the next ~~calendar year~~Fiscal Year, a composite table showing the type and number of customer service

complaints and a description of the measures that the Franchisee has taken or is planning to take to correct the cause of commonly reported complaints, and such other information as requested by the City Manager or designee.

c. The Annual Franchise Report will also describe and quantify communication, outreach, and educational activities performed by Franchisee.

d. ~~The Annual Franchise Report will summarize food waste contamination instances, including information regarding the fees assessed and any rejected loads (e.g., amount of food waste disposed of as solid waste).~~

4. Franchisee may identify specific information submitted to the City in Quarterly Franchise Fee Reports, Annual Franchise Report, and any other documents or information provided to the City as “CONFIDENTIAL,” and it will not be subject to public disclosure except as required by applicable federal or state law. If the City receives a request for disclosure of information marked as “CONFIDENTIAL” pursuant to this Ordinance, the City Manager or designee will notify Franchisee within seven (7) calendar days after receiving the request to allow Franchisee an opportunity to defend against the requested disclosure through appropriate legal action. The City is not obligated to defend against the disclosure of any information marked “CONFIDENTIAL” by Franchisee.
5. No later than forty-eight (48) hours after Written Notice, Franchisee must make available for inspection, copying, and review by the City Manager or designee, at any time during normal business hours, all records in Franchisee’s possession that the City Manager or designee deems relevant to verifying the accuracy of Franchise Fees paid to the City, regulating Service Rates, or carrying out any responsibility that Franchisee or the City has under this Ordinance.
6. No more often than once during any ~~calendar year~~Fiscal Year, the City may perform a review of the books, records, and accounts of Franchisee for the prior year through a certified public accountant, or such other professional chosen by the City, to verify the accuracy of Franchise Fees paid to the City, Franchisee’s Operating Margin, and/or any Extraordinary Rate Increases.
 - a. In the event such review discloses any difference in payment due to either the City or Franchisee, the review will be submitted to the Council. The Council

may accept, reject, or modify the findings in the review. If the Council orders, by resolution, payment to the City or Franchisee, such payment owed is due and payable within thirty (30) calendar days of the date of the resolution.

- b. If the review discloses a discrepancy in Franchisee's actual Allowable Expenses upon which an -Extraordinary Rate Increase is approved by the ~~City~~-Council through resolution was based, Service Rates may be adjusted to reflect the Service Rates authorized under Article VIII, through resolution of the Council, within forty-five (45) calendar days of the date of the resolution.
- c. If Franchisee owes the City a payment of the Franchise Fee under (6)(a) of this Article, and the payment is more than one percent (1%) of the annual Franchise Fee, Franchisee will reimburse the City all its actual costs for the review and the City may request an additional review during the next ~~calendar year~~~~Fiscal Year~~, with all actual costs of such additional review paid by Franchisee. The City may also charge interest retroactive to the payment due date, at a rate of twelve percent (12%) per annum.
- d. City and Franchisee are not required to make payments to the other for years that previously have been, or could have been, reviewed by the City. Prior review years may not be reopened based on findings made in connection with the review of a subsequent year unless the City finds evidence implicating intentional misrepresentation by Franchisee.

ARTICLE XII

City Responsibility

1. Emergency Service. In the event the Council finds an immediate and serious danger to the public creating a hazard or serious public nuisance, the ~~City~~-Council may, after a minimum of twenty-four (24) hours' actual notice to the Franchisee, and a public hearing if Franchisee requests it, authorize another Person to temporarily provide Service under this Ordinance, or the City may provide such Service. Franchisee will make all reasonable efforts to assist the City in such emergency situations. In the event the power under this Section is exercised, the usual charges for Service will prevail, and the Franchisee is entitled to collect such

usual charges but shall reimburse the City for its actual cost, as determined by the City.

2. City Collection. Nothing herein contained is to be construed in any way as to prevent the City from conducting a semi-annual clean-up campaign for the collection of brush, cleaning out of garages or basements, or any other facility or location in the City so as to prevent public nuisances and so as to provide for the beauty of the City and the safety of its citizens.
3. City Enforcement. The City, through its appropriate officers, shall take all appropriate steps to protect the exclusive right of Franchise hereby granted to the Franchisee.
 - a. The City has the authority to enforce this Ordinance, the Administrative Rules ~~attached hereto and incorporated herein as Attachment 1~~, and any other rules and regulations adopted pursuant thereto. The City Manager or designee may entitle appropriate city employees, including police officers, and others to enter premises to ascertain compliance with this Ordinance and the Administrative Rules. No premises shall be entered without first attempting to obtain the consent of either the owner or person in control thereof, if different. If consent cannot be obtained, the City representative shall secure a search warrant from the appropriate court before attempting to gain entry and shall have recourse to every other remedy provided by law to secure such entry.
 - b. City shall seek to enforce the rights the City has granted to Franchisee hereunder, however the City shall not be obligated to instigate litigation to protect the rights of Franchisee. Franchisee may independently enforce its rights under this Solid Waste Management Ordinance and the Administrative Rules against third party violators, including but not limited to seeking injunctive relief, and the City shall use good faith efforts to cooperate in such enforcement actions brought by Franchisee without obligating the City to join any such litigation. Notwithstanding the foregoing, the City shall enforce its municipal ordinances in the ordinary course against third parties providing authorized Service and shall, if necessary, pass such additional ordinances as may be required to maintain the exclusiveness of the Franchise.

c. Damages and Penalties. The City may prosecute in the Wilsonville Municipal Court any Person's violation of or non-compliance with this Ordinance or the Administrative Rules in accordance with Wilsonville Code Chapter 1. Any Person who provides Services in violation of the Franchise or this Solid Waste Management Ordinance shall also be liable to Franchisee and the City, as applicable, for each of their damages, including without limitation, the following:

- i. Lost customer revenue due Franchisee;
- ii. Franchise fees owed the City;
- iii. Other appropriate legal or equitable remedy available to Franchisee and/or the City; and
- iv. Reasonable Attorney's fees, expenses and costs incurred by Franchisee in enforcing the Franchise and Solid Waste Collection Ordinance, including any attorney fees incurred at trial or on appeal.

4. Annexation. Immediately upon the annexation to the City of additional territory, the City shall take such steps as may be necessary to give the Franchisee the exclusive right to collect Solid Waste within the annexed area. The City shall notify any other Solid Waste collector to cease collection on or before ninety (90) days from the date of such notice. Franchisee shall endeavor to arrive at a mutually satisfactory agreement with any other Solid Waste collector who has been serving any such newly annexed area concerning appropriate compensation for the cessation of its Solid Waste collection Services. In the event the Franchisee and other Solid Waste collector cannot reach an agreement, the matter may be submitted to an arbitration board. The arbitration board will consist of one arbitrator selected by the Franchisee, one selected by the City, and one selected by the Solid Waste collector in the newly annexed area. The decision of the arbitration board will be binding on all parties to the arbitration, and the award of the arbitrators will be final. In the event of arbitration, it is contemplated that the award will include payment of money by the Franchisee to the Solid Waste collector in the newly annexed area.

ARTICLE XIII

Dispute Resolution

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1. Dispute Resolution with Customers. Upon receipt of any notice of dispute from a Customer about any bill, charge, Service, or customer service issue, Franchisee will thoroughly investigate the matter and promptly report the results of its investigation to the Customer. Except in the event a Customer has attempted to improperly dispose of Hazardous Waste in violation of federal, state, or local laws or regulations, Franchisee will not refuse Service to any Customer during a time of dispute. If Franchisee is not able to resolve a dispute with the Customer, the Customer may contact the City Manager or designee, who will act as an informal arbitrator in an attempt to resolve the matter. Should the dispute remain unresolved, Franchisee or Customer may then pursue the matter through any legal means available to the party.
2. Dispute Resolution with the City. During all disputes arising under this Franchise, including those subject to Article XIV, the City and Franchisee will continue to perform their respective obligations under this Franchise unless and until the Franchise is terminated. Notwithstanding Article XIV, Franchisee and the City will make good faith efforts to resolve any disputes, including, upon mutual agreement, undergoing mediation.

ARTICLE XIV

Suspension, Modification, or Revocation of Franchise

1. Default. Franchisee is in default of the Franchise upon failure to comply with Written Notice from the City to provide necessary Service or to otherwise fail to comply with the provisions of this Ordinance, state law and regulations, or federal law and regulations after Written Notice and reasonable opportunity to comply.
2. Timing after Notice. No later than the end of the Cure Period, the Franchisee shall comply with the Written Notice and this Franchise or else request a public hearing before the City Council. In the event of a public hearing, the Franchisee and other interested persons will have an opportunity to present information and oral or written testimony. If the Franchisee fails to comply within the specified time or fails to comply with the order of the City Council entered upon the basis of findings at the public hearing, the City Council, in its sole and absolute discretion, may suspend, modify, or revoke the Franchise or make such action contingent upon

continued noncompliance with this Ordinance. The Franchisee has the right to seek review of any such action by the ~~City~~ Council from the Clackamas County Circuit Court, pursuant to ORS 34.010 through ORS 34.102.

3. Liquidated Damages. The Franchisee's insurance bond provided for in Article X, Section 2, will provide that, in the event of default, the City will be entitled to One Thousand Dollars (\$1,000) as liquidated damages for each day that Franchisee is in default after the Cure Period for failure of the Franchisee to perform as required. The Franchisee and the City agree that this amount of liquidated damages is a reasonable forecast of just compensation for the harm caused by any breach by Franchisee and that the extent of damages will be impractical or impossible to calculate due to the variety of Services provided by the Franchisee and the vast number of Customers that rely on the Services.
4. Costs of Temporary Replacement Services. In the event of default uncured after the Cure Period, in lieu of liquidated damages, the City may obtain replacement Service from another party, and Franchisee must reimburse the City for all reasonable costs incurred by the City, including City staff time and resources, due to Franchisee's breach of this Franchise, and must pay to the City any Franchise Fees owed.

ARTICLE XV

Administrative Operations Standards and Rules

1. Administrative Rules. Operational standards are hereby adopted in conjunction with this Ordinance entitled, "Solid Waste Management and Collection Administrative Rules," which are attached hereto and incorporated herein as **Attachment 1**. The Solid Waste Management and Collection Administrative Rules may be amended from time to time by the City Manager or designee in consultation with Franchisee. The City will disseminate the Solid Waste Management and Collection Administrative Rules to the public in any manner the City deems appropriate. Franchisee will also retain a copy of the Solid Waste Management and Collection Administrative Rules and provide them to any current Customer, upon request of the Customer or the City, and to all new Customers.

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2. Enforcement of Administrative Rules. In addition to any enforcement allowed under state law, the City may prosecute in the Wilsonville Municipal Court any violation of or non-compliance with the Solid Waste Management and Collection Administrative Rules by a Customer, in accordance with Wilsonville Code Chapter 1. The burden of proof is on the City to prove an infraction by a preponderance of the evidence. Any violation or non-compliance of the Solid Waste Management and Collection Administrative Rules by Franchisee will be enforced pursuant to Articles XIII and XIV of this Ordinance.

ARTICLE XVI

General Provisions

1. Indemnity and Hold Harmless. The Franchisee shall indemnify the City, the ~~City~~ Council, and any officers, employees, representatives, or agents of the City and hold them harmless from all loss, damage, claim, expense, and liability arising out of the negligent or willful ~~operation-misconduct~~ by the Franchisee under this Franchise. In the event that any suit or action is brought for injury or damage to persons or property against any of the foregoing, based upon or alleged to be based upon any loss, damage, claim, expense, or liability arising out of the operation of the Franchisee under this Franchise, the Franchisee shall defend the same at its own cost and expense using legal counsel reasonably acceptable to the City. The Council and the City Manager reserve the right to retain counsel of their own choosing and to join in the defense of any such suit or action ~~with the reasonable cost of such additional counsel to be borne by the Franchisee.~~
2. Severability. Any finding by any court of competent jurisdiction that any portion of this Ordinance is unconstitutional or invalid will not invalidate any other provision of this Ordinance.
3. Forum. Any litigation between the City and the Franchisee arising under, relating to, or regarding this Franchise will occur in Clackamas County Circuit Court.
4. Written Acceptance. Within fourteen (14) days after this Ordinance becomes effective, Franchisee shall provide the City Recorder a written acceptance of this Franchise, executed by Franchisee on a form substantially similar to the form attached hereto as **Attachment 3**. A failure on the part of Franchisee to provide

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Commented [DS10]: 2 of 2 changes requested by RS.

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such written acceptance within such time shall be deemed an abandonment and rejection of the rights and privileges conferred hereby, and the Ordinance granting this Franchise shall thereupon be null and void. Such acceptance must be unqualified and will be construed as acceptance of all the terms and conditions contained in this Franchise.

5. Repealing Clause. Ordinance Nos. ~~204, 281, 424, and 443~~ and ~~Resolutions Nos. 1077 and 2566~~814 ~~are-is~~ hereby repealed, and upon acceptance by the Franchisee, all rights and obligations arising under Ordinance Nos. ~~204, 281, 424, and 443~~ and ~~Resolutions Nos. 1077 and 2566~~814 shall terminate.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the ____ day of _____ 2023, and scheduled for a second reading at a regular meeting of the Council on _____, 2023, commencing at the hour of 7 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 ____ day of _____ 2023, by the following
votes: Yes: _____ No: _____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor the ____ day of _____ 2023.

JULIE FITZGERALD, MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald
Council President Akervall

ORDINANCE NO. _____

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Councilor Linville
Councilor Berry
Councilor Dunwell

Attachments:

Attachment 1 – Solid Waste Management and Collection Administrative Rules

Attachment 2 – Rate Schedule

Attachment 3 – Written Acceptance of Ordinance No. ____

ORDINANCE NO. ____

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**Solid Waste
Administrative Rule**

AR 5.15-4000

**Administrative Rule of Metro Code Chapter 5.15
Administrative Rule Adoption Record and Findings**

**AR 5.15-4000 through 4085
Business Food Waste Requirement Administrative Rules**

These administrative rules are adopted under the authority of Metro Code Chapter 5.08, which authorizes the Chief Operating Officer (COO) to adopt and amend administrative rules. In accordance with Metro Code, the COO provided an opportunity for public comment and held a public hearing on these rules before their adoption.

The COO finds that these administrative rules are necessary to implement certain provisions of Metro Code Chapter 5.15 and hereby adopts Administrative Rules Nos. 5.15-4000 through 4085. The requirements of these administrative rules are in addition to all other requirements and provisions in Metro Code Chapter 5.15. These rules have the same force and effect as any other provision of Metro Code Chapter 5.15.

It is so ordered:



Marissa Madrigal
Metro Chief Operating Officer

01/15/2021

Date

SOLID WASTE

ADMINISTRATIVE RULES

AR 5.15-4000 through 4085

Business Food Waste Requirement

Effective: October 31, 2018

Revised September 10, 2020

Revised February 1, 2021

Renumbered per Ordinance 20-1451 March 10, 2021

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5.15 – 4000 Purpose

1. The purpose of these rules is to implement the provisions of the business food waste requirement set forth in Metro Code Section 5.15.410-5.15.470.
2. The purpose of the business food waste requirement is to provide a region-wide standard for the separation and collection of food waste from food-waste-generating businesses. For the purposes of these rules, Covered Businesses are defined as organizations that cook, assemble, process, serve, or sell food or do so as service providers for other enterprises.
3. Food is identified as a primary material for recovery within the Regional Solid Waste Management Plan because of its prevalence in the region's waste stream and the negative environmental impacts of disposing food in a landfill.
4. The prevention of food waste, the donation of edible food for human consumption and the use of food waste to feed animals are the region's preferred methods for managing surplus food. Food that has been stored properly, is fit for human consumption and is accepted for donation and food that

has been set aside and is destined for animal consumption in compliance with applicable regulations is not subject to this administrative rule.

5.15 – 4005 Policy and Legal Authority

1. Metro Code Chapter 5.15 requires local governments to establish mandatory programs to separate and collect food waste from certain food-waste generating businesses referred to in these rules as “Covered Businesses.”
2. These administrative rules are issued under the authority of Metro Code Section 5.15.080. These rules are in addition to all other requirements and provisions in Metro Code Chapter 5.15.

5.15 – 4010 Definitions

Unless otherwise specifically defined, all terms used are as defined in Metro Code Chapter 5.00.

“Covered Business” means an organization that cooks, assembles, processes, serves, or sells food or does so as a service provider for other enterprises.

“Business Groups” means groups of Covered Businesses subject to the business food waste requirement by certain effective dates as delineated in the Applicability section of these rules.

“Food waste” means waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, coffee grounds, and other food that results from the distribution, storage, preparation, cooking, handling, selling or serving of food for human consumption. Food waste includes but is not limited to excess, spoiled or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food waste does not include liquids or large amounts of oils and meats which are collected for rendering, fuel production or other non-disposal applications, or any food fit for human consumption that has been set aside, stored properly and is accepted for donation by a charitable organization and any food collected to feed animals in compliance with applicable regulations.

5.15 – 4015 Applicability of Rules and Effective Date

1. The business food waste requirement applies to all local governments within the Metro boundary.
2. Covered Businesses subject to the business food waste requirement include, but are not limited to:

Cafeterias & buffets	Grocery retail
Caterers	Grocery wholesale
Colleges & universities*	Hospitals*
Correctional facilities	Hotels*
Drinking places*	Limited service restaurants
Elementary and secondary schools*	Nursing & residential care*
Food product manufacturing	Retirement & assisted living*
Food service contractors	Specialty food markets
Full service restaurants	Warehouse clubs

*Only those businesses with full-service restaurants or on-site food preparation or service are subject to these rules.

3. Covered Businesses must meet the food waste requirement according to a schedule determined by the quantity of food waste they generate on average, in three phases as listed below. Implementation will begin with Business Group 1 and progress to the other groups according to the Effective Dates described in Rule 4020. Covered Businesses that demonstrate they generate less than 250 pounds per week of food waste are not subject to this requirement.

Business Group 1	Business Group 2	Business Group 3
≥0.5 ton (1,000 pounds) per week food waste generated	≥0.25 ton (500 pounds) per week food waste generated	≥0.125 ton (250 pounds) per week food waste generated

4. A person that provides space to a Covered Business must allow or facilitate provision of a food waste collection service for the Covered Business.

5.15 – 4020 Effective Dates

These rules are effective on October 31, 2018.

Local governments must meet the following deadlines:

1. Local Government Adoption of Requirement: July 31, 2019.
2. Implement Requirement for all Covered Businesses in Business Group 1: March 31, 2022-March 31, 2023.
3. Implement Requirement for all Covered Businesses in Business Group 2: March 31, 2022-September 30, 2023.
4. Implement Requirement for all Covered Businesses in Business Group 3: September 30, 2023-September 30, 2024.

5.15 – 4025 Exemptions

1. Governments Outside Metro Boundary: A local government outside of the Metro Boundary is exempt from this business food waste requirement.
2. No Commercial District: A local government that does not have a commercial zone or commercial district is exempt from this business food waste requirement.

5.15 – 4030 Compliance Waivers

Metro may grant a compliance waiver to a local government that meets the standards below.

1. Business quantity minimum threshold: Metro will waive application of the business food waste requirement for a local government with five or fewer Covered Businesses within its boundary. Metro will review the number of Covered Businesses in each local government jurisdiction annually. If Metro determines that a local government exceeds the minimum number of Covered Businesses during the review period, Metro will notify the local government of its findings in writing and will require the local government to comply with these rules within 12 months of the notification.

5.15 – 4035 Access to Services Payments

1. Franchised waste haulers: Metro may provide payments on a temporary basis to a waste hauler operating within the region under local government commercial collection franchise authority that is not within reasonable proximity of food waste transfer or processing services. Reasonable proximity is defined as within a distance that is equal to the average uncongested travel time one way to the nearest in-region transfer station that accepts municipal solid waste. Metro will establish zones to clearly define areas that are outside reasonable proximity and may apply a travel time inflator to account for congestion. Payment will be based on the number of loads per week of food waste generated within the zone at a 50% capture rate and the additional time required to deliver these loads to the nearest food waste transfer or processing services. Metro will determine whether a waste hauler is eligible to receive payment, the payment amount, disbursement method, and frequency of payments.
2. Metro will calculate the payment amount for a waste hauler using the following elements:
 - a. Average cost per hour to operate collection vehicle in the Metro region.
 - b. Number and type of Covered Businesses entities within the zone and within the waste hauler's collection franchise boundary.
 - c. Estimated total tons per week generated by Covered Businesses within the zone at a 50% capture rate.
 - d. Number of loads per week generated by Covered Businesses within the zone. Load size will be based on the average size of route truck food waste loads delivered to Metro Central Transfer Station over a 12 month period.
 - e. Maximum additional time round trip beyond reasonable proximity required to transport loads to food waste transfer or processing services.
 - f. Additional hours multiplied by cost per hour.
3. Metro will periodically review the elements used to calculate the payments and will make any adjustments that are necessary including utilizing new sources of data. Metro will notify waste haulers and local governments of any adjustments to the payment calculation elements within 30 days.
4. The following criteria must be met in order for a waste hauler to qualify for payment:
 - a. The local government must adopt a legally-enforceable mechanism that meets the business food waste requirement and performance standard by the adoption deadline.
 - b. Waste haulers must enter into a contractual agreement with Metro.
 - c. Waste haulers must submit annual reports to Metro no later than March 31. Reports must demonstrate that funds have been included in Detailed Cost Reports submitted annually by waste haulers to local governments.
 - d. Metro may request that local governments confirm that the payments received by waste haulers have been included in required Detailed Cost Reports and are factored into the collection rate-setting process. Cooperative programs may provide confirmation on behalf of member jurisdictions.
5. Metro will revoke payments if the waste hauler does not report payments or provides false or incomplete information.

6. Metro will discontinue payments to a waste hauler once transfer or processing services become available within reasonable proximity as determined by Metro. Metro will notify local governments and affected waste haulers at least 30 days before discontinuing payments.
7. Metro will re-evaluate the payments periodically and will automatically renew them until Metro determines that circumstances have changed. The waste hauler or local government does not need to take any action to renew payments unless otherwise directed by Metro.
8. Covered Businesses: Metro may provide payments on a temporary basis to a Covered Business that transports its own source-separated food waste. Food waste must be generated solely from its own operations and generated from a single location within the Metro boundary that is not within reasonable proximity of food waste transfer or processing services. Reasonable proximity is defined as within a distance that is equal to the average uncongested travel time one way to the nearest in-region transfer station that accepts commercially-derived municipal solid waste. Metro will determine whether a Covered Business is eligible to receive a payment, the payment amount, disbursement method and frequency.
9. Metro will calculate the payment amount for a Covered Business using the following elements:
 - a. Average cost per hour to operate collection vehicle in the Metro region.
 - b. Total loads and tons per week of acceptable food waste delivered to Metro Central Transfer Station based on actual delivery weights recorded by the Metro Central scale house.
 - c. Location zone of the point of generation of the food waste.
 - d. Maximum additional time round trip beyond reasonable proximity required to deliver loads to the nearest food waste transfer or processing services.
 - e. Additional hours multiplied by cost per hour.
10. Metro will periodically review the elements used to calculate the payments and will make any adjustments that are necessary including utilizing new sources of data. Metro will notify the Covered Business of any adjustments to the payment calculation elements within 30 days.
11. The following criteria must be met in order for a Covered Business to qualify for payment:
 - a. The business must be located within the jurisdictional boundaries of a local government that has adopted a legally-enforceable mechanism that meets the business food waste requirement and performance standard by the adoption deadline.
 - b. The business must apply for a payment and submit all required information in a format prescribed by Metro.
 - c. The business must fully comply with all program criteria or standards.
 - d. The business must demonstrate to Metro that its food waste is being disposed as waste in a landfill. A business does not qualify for payments if it transports its food waste to other locations for other uses or recovery.
 - e. A business must have a credit account with Metro for use of Metro Central station including obtaining Metro-issued RFID tags. Cash transactions are ineligible for access payments.
12. Metro will discontinue payment to a Covered Business once a transfer or processing facility becomes available within reasonable proximity to the business as determined by Metro. Metro will notify any affected Covered Businesses at least 30 days before discontinuing payments.

13. Metro will re-evaluate the payments periodically and will automatically renew them until Metro determines that circumstances have changed. Metro may revoke a payment to a Covered Business any time for a violation of any criteria or payment condition.

5.15 – 4040 Local Government Requirements

1. A local government must implement one of the following:
 - a. Adopt a legally-enforceable mechanism that meets the performance standard in rule 4050. A legally-enforceable mechanism includes but is not limited to local code, regulation, ordinance, or law.
 - b. Adopt the Business Food Waste Requirement Model Ordinance and require business food waste be delivered to a solid waste facility authorized by Metro.
2. A local government must require Covered Businesses within its jurisdiction to:
 - a. Separate food waste from all other solid waste for collection.
 - b. Recover food waste that is controlled by the business, agents, and employees. This requirement does not apply to food wastes controlled by customers or the public. At its discretion, a Covered Business may also collect food waste from customers but must ensure that food wastes are free of non-food items. K-12 schools may also include student-generated food waste from school cafeteria meals but must ensure that food wastes are free of non-food items.
3. A local government must require persons or entities that lease or provide space to a Covered Business to allow or facilitate the provision of food waste collection service for those Covered Businesses.
4. A local government must submit annual implementation plans to Metro according to the procedures set forth in these Administrative Rules.
5. A local government may:
 - a. Implement the program in the manner that is most efficient and effective for local conditions, local solid waste system considerations, geography, and that which best suits the Covered Businesses as long as the local government complies with the performance standard and deadlines.
 - b. Grant temporary waivers to a Covered Business according to the procedures set forth in these Administrative Rules.
 - c. Designate another agency or partner to implement the program on their behalf. A designated agency is a county agency, city agency or contracted agent that is responsible for designing and implementing the business food waste requirement according to the procedures set forth in these Administrative Rules.

5.15 – 4045 Local Government Annual Implementation Plan

A local government is required to submit to Metro an annual implementation plan regarding the business food waste requirement. A local government may develop and implement its plan individually or through cooperative or partnership agreements between governments. A local government may implement the business food waste requirement in a manner that best suits local conditions as long as

the local government meets or exceeds the performance standard. An implementation plan must meet the performance standard set forth in these Administrative Rules.

5.15 – 4050 Local Government Performance Standard

1. Business Notice of Requirement. After a local government adopts the business food waste requirement and according to the implementation schedule, the local government must send notice to Covered Businesses that outlines the requirement and how to comply and receive assistance. A local government must establish a mechanism to notify new Covered Businesses of the business food waste requirement.
2. Business Compliance. A local government must require that Covered Businesses comply with the business food waste requirement including, but not limited to:
 - a. Adherence with the implementation schedule.
 - b. Correctly-labeled and easily-identifiable collection receptacles.
 - c. Arranging for food waste collection service as necessary.
 - d. Ensuring building owners or managers of single or multi-tenant buildings containing Covered Businesses allow or otherwise enable the provision of food waste collection service to lessees or occupants subject to the business food waste requirement.
3. A local government must ensure appropriate collection receptacles and service are made available.
4. A local government must require that franchised or otherwise licensed waste haulers deliver food waste to a facility that complies with federal, state, regional and local laws and regulations.

5.15 – 4055 Business Assistance

A local government must provide educational materials and offer technical assistance to Covered Businesses to assist with program set-up, understanding program requirements and separation standards.

- a. Educational materials must include, at a minimum:
 - i. Labels for collection containers that clearly communicate what is allowed in the food waste collection system.
 - ii. Signs and/or posters that provide clear and simple instructions.
 - iii. All signs and program materials must be designed to be understood by people with limited English proficiency.
 - iv. Program contact phone number for businesses to call for program assistance.
- b. Technical assistance offered must include, at a minimum:
 - i. Education and assistance with food waste prevention techniques and edible food donation programs.
 - ii. Assistance with food waste collection program set up and training on-site at the business.
 - iii. Assistance with mitigating issues arising from program participation such as odors or vectors.
 - iv. Ensure correct labeling of all food waste collection receptacles.
 - v. Serve as a facilitator between the business and solid waste hauler as needed to assist with the provision of appropriate collection receptacles and service frequency.

5.15 – 4060 Local Government Enforcement of the Business Food Waste Requirement

A local government must establish a method for ensuring compliance with the business food waste requirement. Covered Businesses may be subject to enforcement actions should they not meet the compliance dates listed in section 5.15 – 4020.

5.15 – 4065 Local Government Temporary Compliance Waivers to Covered Businesses

1. A local government may establish a method for granting temporary waivers to Covered Businesses. A local government must obtain Metro approval of the waiver method and conditions.
2. Temporary waivers must meet the following minimum standard:
 - a. May not exceed 12 months, annual renewal allowed.
 - b. In order to be renewed, a local government must annually review waivers to determine if conditions that warrant the waiver are still in place and cannot be remedied.
 - c. Covered Businesses seeking a temporary waiver must agree to periodic waiver verification site visits. Local governments are responsible for determining if one or more of the following criteria warrant a temporary waiver:
 - i. Less than 250 pounds per week of food in the disposed waste.
 - ii. Food waste produced by the Covered Business is not suitable for inclusion in the program, or cannot be made suitable without unreasonable expense.
 - iii. Physical barriers to compliance exist and cannot be immediately remedied.
 - iv. Compliance results in unreasonable capital expense.
 - v. Compliance results in a violation of other government ordinance, health or safety code.

5.15 – 4070 Metro Enforcement of the Requirement

A local government may request that Metro assist with enforcement of the business food waste requirement. Metro will provide enforcement assistance after Metro and the local government establish an Intergovernmental Agreement.

5.15 – 4075 Self-Haul of Source-Separated Food Waste

The local government may allow a Covered Business to self-haul source-separated food waste generated by that business. The local government must require the Covered Business to comply with these rules, including without limitation delivery of the food waste to a facility authorized by Metro.

5.15 – 4080 Compliance Verification and Reporting

Local governments must collect and report data to Metro to demonstrate compliance and assist with program evaluation. Metro will determine reporting requirements and frequency, review data and make a determination of compliance as set forth in Annual Implementation Plans.

5.15 – 4085 Funding Guidelines

1. Metro may provide funding to support the implementation of the business food waste requirement to local governments upon adoption of the requirements by the Metro Council. Metro intends to

provide funding for the first five fiscal years of the business food waste requirement, subject to Metro Council approval of funding amounts during the annual budget process. After the first five years of implementation, ongoing program maintenance funding may also be provided subject to Metro Council approval during the annual budget process.

2. A local government must use funds for business assistance, infrastructure, compliance, and enforcement efforts to implement the business food waste requirement. Metro will review and approve the intended uses prior to distributing funds.
3. If a local government has designated another agency or partner to implement the program, Metro may, at its sole discretion, distribute funds to the designated agency. A designated agency is a county agency, city agency or contracted agent that is responsible for designing and implementing a waste reduction program including the business food waste requirement, on behalf of a local government.
4. In order to receive funding, a local government or its designated agency must submit documentation demonstrating compliance with the requirements of Metro Code 5.15.410-5.15.470 and these rules and enter into an Intergovernmental Agreement with Metro.
5. Metro will withhold funding associated with the implementation of the business food waste requirement from governments that do not comply with the business food waste requirement. If governments remain out of compliance for more than two years, funding associated with other programs may also be withheld or Metro may seek any remedy under applicable state law. Governments that are, in the sole opinion of Metro, actively making good faith efforts to adopt the business food waste requirement will remain eligible for associated funding. Metro will determine how any withheld funds will be utilized.

CITY COUNCIL ROLLING SCHEDULE
Board and Commission Meetings
Items known as of 09/20/23

Item 4.

October

10/9	Monday	6:30 pm	DRB – Panel A - CANCELLED	Council Chambers
10/10	Tuesday	6:00 pm	DEI Committee & Lecture Series Subcommittee	Council Chambers
10/11	Wednesday	6:00 pm	Kitakata Sister City Advisory Board	Parks & Rec
10/11	Wednesday	6:00 pm	Planning Commission	Council Chambers
10/12	Thursday	6:00 pm	Parks & Rec Advisory Board	Parks & Rec
10/16	Monday	7:00 pm	City Council	Council Chambers
10/18	Wednesday	5:00 pm	Arts, Culture, and Heritage Commission	Council Chambers
10/23	Monday	6:30 pm	DRB – Panel B	Council Chambers
10/25	Wednesday	6:30 pm	Library Board	Library

Community Events:

October

Disability Heritage Month

10/3 Ukulele Jam, 9:00 am, Parks & Rec
 Quilters, 9:00 am, Tauchman House
 AARP Smart Driver, 9:00 am, Community Center
 ODHS Drop-In Assistance, 10:00 am, Library
 Baby & Toddler Time, 10:30 am, Library
 English Class, 10:30 am, Library
 Stand, Sit and Be Fit, 11:00 am, Community Center
 Baby & Toddler Time, 11:15 am, Library
 Lunch at the Community Center, 12:00 pm, Community Center
 ODHS Drop-In Assistance, 1:00 pm Library
 Virtual Reality Fitness, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Tai Chi Continuing, 3:00 pm, Community Center
 Barre Tone, 5:45 pm, Community Center
 Discover Your Intuitive Voice – Writing Class, 6:00 pm, Library
 Gentle Flow Yoga, 7:15 pm, Community Center

- 10/4 International Walk+Roll to School Day, all day
 Healthy Bones and Balance, 8:30 am, Community Center
 Advanced Healthy Bones and Balance, 9:30 am, Community Center
 Digital Photography Club, 10:00 am, Community Center
 Family Storytime, 10:30 am, Library
 PROFILES (online), 11:00 am, Library
 Sit and Be Fit, 11:00 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Pinochle/Cribbage, 1:00 pm, Community Center
 Bingo, 1:00 pm, Community Center
 Teen Afterschool Drop-In Activities, 3:00 pm, Library
- 10/5 Gentle Yoga, 8:30 am, Community Center
 Family Storytime, 10:30 am, Library
 Ladies Afternoon Out, 1:00 pm, Community Center
 Meditation Group, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Tai Chi Continuing, 3:00 pm, Community Center
 Parenting the Love and Logic Way, 6:00 pm, Parks & Rec
 Restorative Yoga, 7:15 pm, Community Center
- 10/6 Healthy Bones & Balance, 8:30 am, Community Center
 Advanced Healthy Bones and Balance, 9:30 am, Community Center
 Play Group, 10:30 am, Library
 Bridge Group, 10:30 am, Community Center
 Stand, Sit and Be Fit, 11:00 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Mexican Train Dominoes, 1:00 pm, Community Center
 First Friday Films, 3:00 pm, Library
- 10/7 Bulky Waste Day, 9:00 am, Republic Services
 Daffodil Planting Volunteer Event, 9:00 am, Inza R. Wood Middle School
- 10/9 Library Closed – Staff In-Service day
 Healthy Bones & Balance, 8:30 am, Community Center
 Advanced Healthy Bones & Balance, 9:30 am, Community Center
 Life 101 Lecture Series: Understanding Responding to Dementia-Related Behavior, 10:30 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Weight Loss Support Group, 12:30 pm, Community Center
 Mexican Train Dominoes, 1:00 pm, Community Center
 Bridge Group, 1:00 pm, Community Center
 Body Sculpt, 6:00 pm, Community Center

10/10 Indigenous People Day – all day
 World Mental Healthy Day – all day
 Ukulele Jam, 9:00 am, Parks & Rec
 Quilters, 9:00 am, Tauchman House
 ODHS Drop-In Assistance, 10:00 am, Library
 English Class, 10:30 am, Library
 Stand, Sit and Be Fit, 11:00 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Caregiver/Alzheimer's Support Group, 1:00 pm, Community Center
 ODHS Drop-In Assistance, 1:00 pm, Library
 Virtual Reality Fitness, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Tai Chi Continuing, 3:00 pm, Community Center
 Barre Tone, 5:45 pm, Community Center
 Discover Your Intuitive Voice Writing Class, 6:00 pm, Library
 Gentle Flow Yoga, 7:15 pm, Community Center

10/11 National Coming Out Day – all day
 Healthy Bones and Balance, 8:30 am
 Advance Healthy Bones & Balance, 9:30 am
 Digital Photography Club, 10:00 am
 Sit and Be Fit, 11:00 am
 Lunch at the Community Center, 12:00 pm
 Pinochle/Cribbage, 1:00 pm
 Kindergarten Carnival, 3:00 pm

10/12 Gentle Yoga, 8:30 am, Community Center
 Kindergarten Carnival, 10:00 am, Library
 Ladies Afternoon Out, 1:00 pm, Community Center
 Meditation Group, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Tai Chi Continuing, 3:00 pm, Community Center
 "The Slow Way Home" documentary & discussion, 6:00 pm, Library
 Parenting the Love and Logic Way, 6:00 pm, Parks & Rec
 Restorative Yoga, 7:15 pm, Community Center

10/13 Healthy Bones & Balance, 8:30 am, Community Center
 Advanced Healthy Bones and Balance, 9:30 am, Community Center
 Bridge Group, 10:30 am, Community Center
 Stand, Sit and Be Fit, 11:00 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Mexican Train Dominoes, 1:00 pm, Community Center

10/14 Book Notes Concert, 2:00 pm, Library
 DEI Committee & Library Family Movie Matinee, 3:30 pm, Library

- 10/16 Healthy Bones & Balance, 8:30 am, Community Center
 Advanced Healthy Bones & Balance, 9:30 am, Community Center
 Life 101 Lecture Series: Estate Planning, 10:30 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Weight Loss Support Group, 12:30 pm, Community Center
 Mexican Train Dominoes, 1:00 pm, Community Center
 Bridge Group, 1:00 pm, Community Center
 Genealogy Club, 1:00 pm, Library
 Learn to Ride Bike Club, 4:00 pm, SMART
 Body Sculpt, 6:00 pm, Community Center
- 10/17 Ukulele Jam, 9:00 am, Parks & Rec
 Quilters, 9:00 am, Tauchman House
 ODHS Drop-In Assistance, 10:00 am, Library
 English Class, 10:30 am, Library
 Stand, Sit and Be Fit, 11:00 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 ODHS Drop-In Assistance, 1:00 pm, Library
 Virtual Reality Fitness, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Tai Chi Continuing, 3:00 pm, Community Center
 Learn to Ride Bike Clinic, 4:00 pm, SMART
 Barre Tone, 5:45 pm, Community Center
 Gentle Flow Yoga, 7:15 pm, Community Center
- 10/18 Healthy Bones and Balance, 8:30 am, Community Center
 Advance Healthy Bones & Balance, 9:30 am, Community Center
 Digital Photography Club, 10:00 am, Community Center
 Sit and Be Fit, 11:00 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Pinochle/Cribbage, 1:00 pm, Community Center
 Bingo, 1:00 pm, Community Center
 Learn to Ride Bike Clinic, 4:00 pm, SMART
- 10/19 Gentle Yoga, 8:30 am, Community Center
 Walking Book Club, 1:00 pm, Library
 Ladies Afternoon Out, 1:00 pm, Community Center
 Meditation Group, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Tai Chi Continuing, 3:00 pm, Community Center
 Learn to Ride Bike Clinic, 4:00 pm, SMART
 Parenting the Love and Logic Way, 6:00 pm, Parks & Rec
 Restorative Yoga, 7:15 pm, Community Center

- 10/20 Healthy Bones & Balance, 8:30 am, Community Center
 Advanced Healthy Bones & Balance, 9:30 am, Community Center
 Bridge Group, 10:30 am, Community Center
 Stand, Sit and Be Fit, 11:00 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Mexican Train Dominoes, 1:00 pm, Community Center
 Learn to Ride Bike Clinic, 4:00 pm, SMART
- 10/21 Harvest Festival 2023, 10:30 am, Stein-Boozier Barn
 Space Talks, 11:00 am, Library
- 10/23 Life 101 Lecture Series: Seasonal Nutrition, 10:30 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Weight Loss Support Group, 12:30 pm, Community Center
 Mexican Train Dominoes, 1:00 pm, Community Center
 Bridge Group, 1:00 pm, Community Center
 Teen Advisory Board Meeting, 4:15 pm, Library
 Body Sculpt, 6:00 pm
- 10/24 Ukulele Jam, 9:00 am, Parks & Rec
 Quilters, 9:00 am, Tauchman House
 ODHS Drop-In Assistance, 10:00 am, Library
 Baby & Toddler Time, 10:30 am, Library
 English Class, 10:30 am, Library
 Stand, Sit and Be Fit, 11:00 am, Community Center
 Baby & Toddler Time, 11:15 am, Library
 Lunch at the Community Center, 12:00 pm, Community Center
 ODHS Drop-In Assistance, 1:00 pm, Library
 Virtual Reality Fitness, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Tai Chi Continuing, 3:00 pm, Community Center
 Barre Tone, 5:45 pm, Community Center
 Gentle Flow Yoga, 7:15 pm, Community Center
- 10/25 Digital Photography Club, 10:00 am, Community Center
 Family Storytime, 10:30 am, Library
 Sit and Be Fit, 11:00 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Pinochle/Cribbage, 1:00 pm, Community Center
 STEAM Stuff, 1:00 pm, Library
 Teen Afterschool Drop-In Activities, 3:00 pm, Library

- 10/26 Gentle Yoga, 8:30 am, Community Center
 Family Storytime, 10:30 am, Library
 Ladies Afternoon Out, 1:00 pm, Community Center
 Meditation Group, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Tai Chi Continuing, 3:00 pm, Community Center
 Parenting the Love and Logic Way, 6:00 pm, Parks & Rec
 Restorative Yoga, 7:15 pm, Community Center
- 10/27 Play Group, 10:30 am, Library
 Bridge Group, 10:30 am, Community Center
 Stand, Sit and Be Fit, 11:00 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Mexican Train Dominoes, 1:00 pm, Community Center
 Teen Murder Mystery & Costume Contest, 6:30 pm, Library
- 10/28 Kitakata Student Visit, 8:00 am
 Paper Shredding Event, 9:00 am, City Hall
 Emergency Preparedness Fair, 10:00 am, Stein-Boozier Barn at Memorial Park
 Adult Murder Mystery Event, 7:00 pm, Library
- 10/29 Kitakata Student Visit, 8:00 am
- 10/30 Healthy Bones & Balance, 8:30 am, Community Center
 Advanced Healthy Bones & Balance, 9:30 am, Community Center
 Blood Drive, 11:00 am, Library
 Lunch at the Community Center, 12:00 pm, Community Center
 Weight Loss Support Group, 12:30 pm, Community Center
 Mexican Train Dominoes, 1:00 pm, Community Center
 Bridge Group, 1:00 pm, Community Center
 Body Sculpt, 6:00 pm, Community Center
- 10/31 Ukulele Jam, 9:00 am, Parks & Rec
 Quilters, 9:00 am, Tauchman House
 ODHS Drop-In Assistance, 10:00 am, Library
 Baby & Toddler Time, 10:30 am, Library
 English Class, 10:30 am, Library
 Stand, Sit and Be Fit, 11:00 am, Community Center
 Baby & Toddler Time, 11:15 am, Library
 Lunch at the Community Center, 12:00 pm, Community Center
 ODHS Drop-In Assistance, 1:00 pm, Library
 Virtual Reality Fitness, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Tai Chi Continuing, 3:00 pm, Community Center



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 2, 2023	Subject: Resolution No.3024 Resolution of the City of Wilsonville to apply for a Land and Water Conservation Fund Grant through the Oregon Parks and Recreation Department Staff Member: Dustin Schull, Parks Supervisor Department: Parks and Recreation	
Action Required <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input checked="" type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: Staff recommends Council adopt the Consent Agenda.		
Recommended Language for Motion: I move to approve the Consent Agenda.		
Project / Issue Relates To: Pursuing a grant from Oregon Parks and Recreation Department		
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

The Parks and Recreation Department is interested in submitting an application to the Oregon Parks and Recreation Department for the Land and Water Conservation Fund (LWCF) grant to replace the playground at Memorial Park. Per the grant requirements, a resolution authorizing staff to pursue the grant for the playground replacement project must be approved by the City Council.

EXECUTIVE SUMMARY:

The Memorial Park playground replacement project will replace the primary traditional playground in Memorial Park. The current playground has needed significant repair and upkeep over the last several years. The community's high usage of Memorial Park paired with the current playground's lack of accessible amenities makes the replacement of this playground a priority in the Wilsonville parks system.

The estimated total cost of the project is \$1,000,000. Staff is seeking a grant that would cover 50% of the project costs. Funding for the City's 50% match will be included in the City's FY 2024-25 proposed budget.

EXPECTED RESULTS:

Applying for the grant would allow the Parks and Recreation team to submit to the competitive grant process for LWCF. If the application is successful, the funds will go towards building a new, inclusive focused playground in Memorial Park.

The new playground aligns with the 2015 Memorial Park Master Plan by utilizing the existing footprint. A new playground will offer inclusion for the community as well as a reduction in playground closures for maintenance and repair.

TIMELINE:

The grant application is due November 1, 2023 and will be reviewed by the LWCF advisory committee in March 2024. If the project is selected, the funds will be available in FY 2024-25.

CURRENT YEAR BUDGET IMPACTS:

There is no budget impact for the current fiscal year. Any expenditure of funds would occur in FY 2024-25.

COMMUNITY INVOLVEMENT PROCESS:

The Memorial Park Masterplan highlights the need for a protected playground given the site's close proximity to the athletic fields. The current playground design blends the Masterplan's focus on safety and City Council's current vision and values related to diversity, equity, and inclusion.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

The Memorial Park Playground replacement project will benefit all members of the Wilsonville community by ensuring there is an inclusive and safe playground option in Memorial Park.

ALTERNATIVES:

The alternative is to not pursue the LWCF grant and wait until it is financially feasible for the City to fully fund the project.

CITY MANAGER COMMENT:

N/A

ATTACHMENT:

1. Resolution No. 3024
2. Playground Preliminary Design

RESOLUTION NO. 3024**A RESOLUTION OF THE CITY OF WILSONVILLE SUPPORTING A 2023 GRANT APPLICATION TO THE OREGON PARKS AND RECREATION DEPARTMENT, LAND AND WATER CONSERVATION FUND FOR THE MEMORIAL PARK PLAYGROUND REPLACEMENT PROJECT.**

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Land and Water Conservation Fund; and

WHEREAS, the City of Wilsonville desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation acquisitions, improvements, and enhancements; and

WHEREAS, The City Council has identified the replacement of the playground at Memorial Park as a high priority need in Wilsonville; and

WHEREAS, the City of Wilsonville is able to provide the necessary local matching funds for this project if grant funds are awarded; and

WHEREAS, the City of Wilsonville will provide adequate funding for on-going operation and maintenance of the playground; and

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

1. Support the submittal of a grant application to Oregon Parks and Recreation Department for the Memorial Park Playground Replacement Project
2. Commitment of City resources, including matching funds, subject to budget approval, and staff, for the implementation of the project.
4. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting on this 2nd day of October 2023, and filed with the Wilsonville City Recorder this date.

Julie Fitzgerald, Mayor

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell









WILSONVILLE
MEMORIAL PARK
REVISION 2







CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 2, 2023		Subject: Resolution No. 3079 Council Support of Oregon Department of Land Conservation and Development (DLCD) Grant Application for the Housing Our Future Project Staff Members: Kimberly Rybold, AICP, Senior Planner Daniel Pauly, AICP, Planning Manager Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input checked="" type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: Staff recommends Council adopt the Consent Agenda.			
Recommended Language for Motion: I move to adopt the Consent Agenda.			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Increase housing opportunities for all	<input checked="" type="checkbox"/> Adopted Master Plan(s): Comprehensive Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

A Resolution supporting a grant application to the Oregon Department of Land Conservation and Development (DLCD) to fund consultant costs and a portion of City staff costs for Phase 3 of the Housing Our Future Project.

EXECUTIVE SUMMARY:

Since January 2023 the Planning Staff has been working on the Housing Our Future project, which will analyze Wilsonville's housing capacity and need followed by creating strategies to meet housing needs. Planning staff last discussed the project with the Council during an August 7 work session. The project is divided into three phases based on timing related to sources of funding:

- **Phase 1:** Preliminary Housing Needs and Capacity Analysis (HNCA) completed in mid-June 2023 under a DLCD project grant awarded in 2021. Information on Phase 1 was presented in the August 7, 2023 work session.
- **Phase 2:** Initial public engagement for the project, starting in August 2023 through late 2023. This included outreach during the August 24 Party in the Park and will include a community event currently scheduled for November 8. This phase is funded by the City to fill a gap between available DLCD grant funding.
- **Phase 3:** Completion of the HNCA and development of the Housing Production Strategy (HPS), starting in late 2023 and completed by mid-2025. This phase is planned to be funded through a second grant from DLCD. The City has received a preliminary notice of award, with finalization of the grant agreement later in 2023 contingent on Council support.

City Council's support via Resolution No. 3079 will allow the project to move forward to Phase 3 to meet State requirements as well as future Council goals related to housing.

EXPECTED RESULTS:

Council support of a grant from DLCD to support Phase 3 of the Housing Our Future Project.

TIMELINE:

City staff submitted the grant at the end of June and the City has been noticed that the project is being funded. However, a Resolution of Support is still required prior to finalizing the grant award and grant agreement. Phase 3 of the project will begin once the grant agreement is finalized, which is anticipated before the end of 2023.

CURRENT YEAR BUDGET IMPACTS:

General Planning overhead covered the cost of preparing the grant application. Project expenditures and grant reimbursement will occur consistent with the approved fiscal year 2023-2024 budget. Note the consultant working on the project will be paid directly by DLCD rather than DLCD reimbursing the City. DLCD will also reimburse the City for City staff time spent on the project.

COMMUNITY INVOLVEMENT PROCESS:

The project includes a community involvement plan using a variety a methods to reach a diverse cross-section of the community. The grant will help fund community involvement.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

The grant funds will allow completion of the State-required Housing Our Future project while minimizing the financial impact to the City. The Housing Our Future Project will be an important step in the City's ongoing effort to provide for a variety of housing needs.

ALTERNATIVES:

Not utilizing the grant would require the City to cover the project costs or seek alternative funding.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Resolution No. 3079
2. Grant Application Submitted June 28, 2023
3. Notice of DLCD Housing Planning Assistance Grant Award September 8, 2023

RESOLUTION NO. 3079**A RESOLUTION OF THE CITY OF WILSONVILLE SUPPORTING AN AGREEMENT WITH THE OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (DLCD) FOR A 2023-25 PLANNING ASSISTANCE GRANT FOR PHASE 3 OF WILSONVILLE'S HOUSING OUR FUTURE PROJECT TO FULFILL HOUSING CAPACITY ANALYSIS AND HOUSING PRODUCTION STRATEGY STATE REQUIREMENTS.**

WHEREAS, the City of Wilsonville is dedicated to partnerships to support development of housing to meet the variety of housing needs in the community and removing barriers to the development of housing that can meet a variety of needs; and

WHEREAS, in 2019 the Oregon Legislature adopted House Bill 2003 establishing new requirements for cities throughout Oregon regarding Housing Needs Analyses and directing the Oregon Land Conservation and Development Commission to establish a schedule for cities to adopt new or updated Housing Capacity Analyses and Housing Production Strategies; and

WHEREAS, the City refers to the combined project for an updated Housing Needs and Capacity Analysis and Housing Production Strategy as "Housing Our Future"; and

WHEREAS, the City completed Phase 1 of Housing Our Future in first half of 2023 with funding from a 2021-2023 DLCD Planning Assistance Grant; and

WHEREAS, Phase 1 included outreach planning, a buildable lands inventory, and beginning of other technical analysis regarding housing needs in Wilsonville; and

WHEREAS, the City is currently working on Phase 2 of Housing Our Future with City funds to continue public outreach between the prior State funding and anticipated future State funding; and

WHEREAS, the City received notice on September 8, 2023 that Phase 3 of Housing Our Future, including additional outreach and completion of both the Housing Capacity Analysis and Housing Production Strategy, is approved by DLCD for grant funding from funds allocated by the legislature by House Bill 2001 (2023) for the 2023-25 biennium; and

WHEREAS, the City will make City staff available and fund a portion of City staff time for the planned work; and

WHEREAS, a requirement of the grant request is to have a resolution of support of the grant application from the City Council prior to finalization of the grant reward and signing of the grant agreement, and this resolution serves that purpose.

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

1. Support for the 2023-2025 Planning Assistance Grant Application to the Oregon Department of Land Conservation and Development for Phase 3 of the Housing Our Future Project.
2. Commitment of adequate City staff and resources to support entering into a grant agreement and completion of the funded project.
3. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 2nd day of October, 2023, and filed with the Wilsonville City Recorder this date.

JULIE FITZGERALD, MAYOR

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell



Department of Land Conservation and Development 2023-25 HOUSING PLANNING ASSISTANCE APPLICATION

Please complete each section in the form below. Fill out the requested information in the spaces provided. **For applicants requesting multiple services, submit a separate form for each. Submit completed applications by COB July 31, 2023.**

Date of Application: 7/28/23

Applicant: City of Wilsonville

If applying on behalf of a jurisdiction or pursuing a joint project, please also include the recipient jurisdiction name(s)

Street Address: 29799 SW Town Center Loop East

City: Wilsonville

Zip: 97070

Contact name and title: Daniel Pauly, Planning Manager

Contact e-mail address: pauly@ci.wilsonville.or.us

Contact phone number: 503-570-1536

This \$90,000 budget is to help cover City staff time. It is in addition to the DLCD-provided consultant. See also supplemental materials.

Requested Service:

	Direct Grant (& budget estimate)	DLCD-Provided Consultant
Housing Planning Assistance Projects		
Development Code Amendment	<input type="checkbox"/> \$	<input type="checkbox"/>
Housing Capacity Analysis (HCA) ¹	<input checked="" type="checkbox"/> \$ 30,000	<input checked="" type="checkbox"/>
Housing Production Strategy (HPS)	<input checked="" type="checkbox"/> \$ 60,000	<input checked="" type="checkbox"/>
Housing Implementation Plan (not an HCA or HPS)	<input type="checkbox"/> \$	<input type="checkbox"/>
Urbanization Planning Assistance Projects		
Urban Growth Boundary Land Exchange	<input type="checkbox"/> \$	<input type="checkbox"/>
Urban Growth Boundary Amendment ²	<input type="checkbox"/> \$	<input type="checkbox"/>
Urban Reserves	<input type="checkbox"/> \$	<input type="checkbox"/>
Public Facilities Area Plan	<input type="checkbox"/> \$	<input type="checkbox"/>
<p>1. DLCD does not recommend commencing a housing capacity analysis in the 2023-25 biennium as administrative rules will be updated by January 1, 2025, consistent with House Bill 2001 (2023 Session). If your city has an upcoming HCA deadline, please contact the housing team at housing.dlcd@dlcd.oregon.gov</p> <p>2. A UGB amendment requires a land deficiency identified in a Housing Capacity Analysis (HCA).</p>		

Project Title:

WILSONVILLE HCA/HPS "Housing Our Future" Phase 3

Project Summary: (Summarize the project and products in 50 words or fewer)

Complete Wilsonville's HCA began in early 2023, develop Wilsonville's HPS building on action items from Wilsonville's Equitable Housing Strategic Plan adopted in 2020.

Project Description & Work Program

Please carefully review the attached Sample Work Program. The work programs included represent typical tasks and work products associated with common project types. If you expect the project to be substantially similar (i.e. there may be minor variations, but major project deliverables align with applicant expectations) to the scope included in the Sample Work Program, the applicant does not need to submit a work plan.

However, if the applicant anticipates a proposal for a project that is substantially different from the projects included in the Sample Work Program, please include an attachment detailing the proposed project, addressing each of the following in an attachment. *Applicants proposing distinct or unique projects are expected to submit detailed proposals that specify the work tasks, products, and timelines unique to their proposal. Priority will be given to proposals that provide well-defined tasks, products, and timelines.*

Is this project expected to be similar to the attached Sample Work Program? Yes ☒ No ☐

If "yes", please skip to the "Tasks, Timelines, and Budget" section below. If "no", please attach a detailed work program including the following.

A. Goals and Objectives. The purpose of housing planning assistance projects is outlined in the attached Sample Work Program. Please state the goals or overall purpose of the project. Describe particular objective(s) the community hopes to accomplish. Please indicate whether this is a stand-alone project or is part of a longer multi-year program. If it is the latter, describe any previous work completed, subsequent phases and expected results, and how work beyond this project will be funded.

B. Products and Outcomes. Please describe the product(s) and outcome(s) expected from the proposed project in detail, including a brief description of any anticipated significant effect the project would have on development, livability, regulatory streamlining, and compliance with state/federal requirements, equitable socioeconomic benefits, or other relevant factors.

C. Work Program, Timeline & Payment. Please include a comprehensive work program describing the specific tasks, timelines, expected budget, and deliverables. Public engagement is a necessary component of any planning process but may be tailored to fit the project context. Some projects, such as code amendment or technical projects, may not require extensive engagement in comparison to major projects with substantial local policy impacts. If other changes are necessary, please consult with your Regional Representative.

Tasks, Timelines, and Budget

List and describe the major tasks, including:

- The title of the task;
- Anticipated timeline for each task, including the tentative start date after the grant agreement or consultant contract is executed, task completion dates, and project completion date. Note that all tasks must be completed before the end of the biennium. We request that project timelines conclude no later than May 31, 2025;
- For direct grant projects, anticipated budget for the task; and
- Expected local contribution, including budget, staff time, and resources.

Important Planning Assistance Dates

Date	Planning Assistance Milestone
June 1, 2023	Application period opens; materials distributed
June 5, 2023 10:30a – 12p	Open Forum for follow-up question & answer Zoom link Meeting ID: 265 799 1542 Passcode: 664570
July 31, 2023	Application period closes; materials submittal deadline
September 1, 2023	Anticipated funding decision; award notices sent
October – November 2023	Direct grant agreements anticipated execution
November – December 2023	Consultant contract anticipated execution
May 31, 2025	Project completion deadline

Task	Title	Timeline (Month, Year)	Estimated Budget*	Local Contribution
1	(HCA/HPS) Project Kick-off and Management	12/23 to 05/25	\$ 5,000	\$ 1,000
2	(HCA) Residential Lands Needs Analysis	12/23 to 3/24	\$ 17,500	\$ 3,500
3	(HPS) Contextualized Housing Need	3/24 to 6/24	\$ 10,000	\$ 2,000
4	(HPS) Strategies to Accommodate Future Housing Need/ (HCA) Measures to Accommodate Needed Housing	4/24 to 8/24	\$ 17,500	\$ 3,500
5	(HPS) Draft and Final HPS Report	9/24 to 1/25	\$ 25,000	\$ 5,000
6	(HCA/HPS) Adoption	2/25 to 5/25	\$ 15,000	\$ 3,000
7		_____ to _____	\$ _____	\$ _____
8		_____ to _____	\$ _____	\$ _____
TOTAL		_____ to _____	\$ 90,000	\$ 18,000

* Budget estimates are only required for Direct Grant requests. Applicants requesting DLCD-provided consultants can leave this field blank.

This \$90,000 estimated budget is to help cover City staff time. It is in addition to the DLCD-provided consultant. See also supplemental materials.

If the project is part of a multi-year program, provide an overview of the expected timelines in sequence of expected start dates and completion date for each phase and describe subsequent phases to be completed.

Project Criteria and Additional Information

- 1. Evaluation Criteria.** Include a statement that addresses the program priorities and evaluation criteria presented in the application instructions (“Eligible Projects and Evaluation Criteria”).
Please see attached supplemental material.
- 2. Project Partners.** List any other public or private entities that will participate in the project, including federal and state agencies, council of governments, city and county governments, and special districts. Briefly describe the role of each (*e.g.*, will perform work under the grant; will advise; will contribute information or services, etc.). If the project includes multiple jurisdictions, briefly describe the capacity and support of those jurisdictions to support and participate in the project.
The project team will partner with relevant service providers and other local government around outreach efforts, availability of services impacted by strategies, and coordinated housing efforts. Some will have representatives on the advisory committee, others will only contribute specific requested information and feedback. Anticipated partners include West Linn-Wilsonville Schools,
- 3. Advisory Committees.** List any advisory committee or other committees that will participate in the project.
The City has a Planning Commission whose primary role is to act as a policy advisory committee. This project also plans to have a separate project advisory committee. See more information in attached supplemental material.
- 4. Cost-Sharing and Local Contribution.** DLCD funds may comprise a portion of overall project costs; if so, please identify sources and amounts of other funds, staff time, or services that will contribute to the project’s success. Cost-sharing (match) is not required but recommended. **Will a consultant be retained to assist in completing grant products?** Yes ☒ No ☐
Will you be utilizing this funding to dedicate your own staff resources in completing grant products? Yes ☒ No ☐

Local Official Support

The application ***must include a resolution or letter from the governing body*** of the city or county demonstrating support for the project. If the applicant is a regional entity proposing a joint project including multiple local governments, a letter from the local government governing body or administrator with authorization to execute intergovernmental agreements supporting the application may be included in lieu of a resolution. The letter of support may be received by DLCD after the application submittal deadline, but it must be received before planning assistance is awarded.

Submit your application electronically with all required information to:

Ethan Stuckmayer, Housing Program Division Manager
E-mail: DLCD.GFGrant@dlcd.oregon.gov

Please note that we will not be accepting applications by mail. If your jurisdiction requires special accommodations, please reach out to a Grant Program Contact as soon as possible.

If you have questions about the Housing Planning program or projects funded by this round of planning assistance, please contact:

DLCD Housing Team
Housing.dlcd@dlcd.oregon.gov

If you have questions about the Grant Program or application process, please contact:

Angela Williamson, Grants and Periodic Review Administrative Specialist
DLCD.GFGrant@dlcd.oregon.gov or (971) 239-2901

For all correspondence, please include the appropriate [Regional Representative](#).

Mid-Willamette Valley	Melissa Ahrens	melissa.ahrens@dlcd.oregon.gov
Central Oregon	Angie Brewer	angie.brewer@dlcd.oregon.gov
North Coast & Lower Columbia	Brett Estes	brett.estes@dlcd.oregon.gov
Eastern Oregon	Dawn Hert	dawn.hert@dlcd.oregon.gov
Portland Metro (West)	Laura Kelly	laura.kelly@dlcd.oregon.gov
Southern Oregon	Josh LeBombard	josh.lebombard@dlcd.oregon.gov
Portland Metro (East)	Kelly Reid	kelly.reid@dlcd.oregon.gov
South Coast	Hui Rodomsky	hui.rodomsky@dlcd.oregon.gov
South Willamette Valley	Patrick Wingard	patrick.wingard@dlcd.oregon.gov

APPLICATION DEADLINE: July 31, 2023

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Introduction

The City of Wilsonville requests grant funding of Phase 3 of the “Housing Our Future” Project, which is the City’s Housing Needs and Capacity Analysis and Housing Production Strategy. The City began work on the project in January 2023. Phase 1 of the project, focused on initial steps including an outreach plan and Buildable Lands Inventory, was completed in June 2023 under DLCD grant funding from the prior biennium. Phase 2 of the project is currently underway, consisting of City-funded outreach efforts to build project awareness and gather additional context on the community’s housing needs while awaiting funding for Phase 3. See below under “project description” for a list of tasks completed in Phase 1 and planned for Phase 2.

For Phase 3, the City request two separate types of financial support from the grant funds. First, the City requests a DLCD-provided consultant to manage and complete much of the work. Second, the City requests \$90,000 to help cover City staff time on the project. This is the same funding approach as Phase 1 of the same project during the 2021-2023 biennium. DLCD both provided a consultant and helped cover the cost of City staff time.

Project Criteria and Additional Information

Project Objectives/Program Priorities:

The requested grant will fund Phase 3 of Wilsonville’s ongoing efforts to complete the **statutory obligation** of the Housing Capacity Analysis (HCA) and Housing Production Strategy (HPS). The local project name is “Housing Our Future”. The HCA component commenced during the 2021-2023 biennium. This combined HCA/HPS “Housing Our Future” will build upon and continue Wilsonville’s housing planning and implementation efforts that include the following over the last decade:

2014	Residential Land Study (HNA)
2015	Frog Pond Area Plan
2017	Frog Pond West Master Plan
2018	UGB Expansion (Frog Pond East and South)
2019	Town Center Plan
2020	Residential Development Code Updates Equitable Housing Strategic Plan
2021	Middle Housing in Wilsonville
2022	Frog Pond East and South Master Plan

Building on these prior efforts, the project will explore a wide variety of strategies and options to facilitate housing production, particularly affordable housing, including by removing barriers and identifying strategic partnerships. Building on these prior efforts leverages them to move forward actions that **facilitate production of needed housing particularly**

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focused on affordability and a variety of choices in a high housing-demand area of Metro Portland. These prior actions have emphasized **fair and equitable housing outcomes** and this project will continue that emphasis. Specific examples from prior planning that this project aims to build on include:

- Focus on additional housing opportunities as Wilsonville's town center redevelops as a mixed-use urban area per the 2019 Town Center Plan.
- The removal of regulatory barriers to and the encouraging of the development of a variety of needed housing types, especially ADUs and middle housing, in the 2020 Residential Code Update, 2021 Middle Housing in Wilsonville Project, and the 2022 Frog Pond East and South Master Plan.
- Creation of two tiers of housing actions for the City to take as part of the 2020 Equitable Housing Strategic Plan. Tier 1 being actions to initiate in the near term, four of five of which have been taken as of 2022. Tier 2 are additional actions that need further research and community discussion that will be further considered during the current project.

Project Description of "Housing Our Future" Phases 1 and 2 Completed or In Process (These phases are not funded by this grant request, information provided for context)

Phase 1 (supported by DLCD grant during 2021-2023 biennium)

January 2023 to June 2023

Completed Tasks/Deliverables:

- Outreach plan covering all project phases
- Housing Capacity Analysis Background Research and Memorandum
- Updated Buildable Lands Inventory
- Preliminary Draft 2024-2044 Housing Needs and Capacity Analysis

Phase 2 (City funded, \$21,870 consultant cost, no grant support)

July 2023 to approximately November 2023

Planned tasks

- Publish information on Phase 1 work on the City's online engagement platform "Let's Talk, Wilsonville!"
- Conduct public survey per Outreach Plan developed in Phase 1
- 1 or 2 public tabling events to gather input from diverse community members per Outreach Plan
- Rent Burdened Public Meeting

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Project Description of "Housing Our Future" Phase 3 (to be funded by this grant request):

Phase 3 of the project will generally follow the standard HCA/HPS tasks as identified in the sample work programs. However, some modifications will be needed to acknowledge the work, outlined above, completed as part of Phase 1 and Phase 2 of the project as well as the desire to work on components of the HCA and HPS concurrently and, in the end, adopt them concurrently. See the specific break down of deliverables for consultant and City by task below:

Task	Title	Consultant Deliverables	City Deliverables
1	(HCA/HPS) Project Kick-off and Management	<ul style="list-style-type: none"> Summary of major tasks and action items for the Project Proposed Project schedule 	<ul style="list-style-type: none"> Redlines of draft consultant deliverables Copy of relevant comprehensive plan and code sections A copy of the pre-HPS survey, which includes a list of measures already adopted by the City that promote the development of needed housing Additional/updates on permit and housing data not shared during Phase 1 of project Participation in project management meetings
2	(HCA) Residential Lands Needs Analysis	<ul style="list-style-type: none"> Refined draft residential land need analysis building on what was completed in Phase 1. Presentation materials to introduce preliminary residential land need analysis and findings to the advisory committee, the public, and interest groups Outreach tasks (see outreach plan information below) 	<ul style="list-style-type: none"> Redlines of draft consultant deliverables Advisory committee and Planning Commission/City Council meeting notices and agendas Outreach tasks (see outreach plan information below)

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3	(HPS) Contextualized Housing Need	<ul style="list-style-type: none">• Analysis of contextualized housing needs including:<ul style="list-style-type: none">• Socio-economic and demographic trends of a jurisdiction's population, disaggregated by race to the extent possible with available data;• Market conditions affecting the provision of needed housing;• Existing and expected barriers to the development of needed housing;• Housing need for those experiencing homelessness, using the best available data;• Percentage of Rent Burdened Households;• Housing by Tenure (owner vs renter);• Percentage of housing stock that is market rate vs. subsidized; and• Units that are in the development pipeline by housing type;• Outreach tasks (see outreach plan information below)• Summary Document<ul style="list-style-type: none">• Outline of suggested questions and topics for outreach meeting with staff to plan for engagement with	<ul style="list-style-type: none">• Review and collaboration on analysis• Outreach tasks (see outreach plan information below)• Redlines of draft consultant deliverables
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		<p>housing consumers and producers; and</p> <ul style="list-style-type: none"> Contextualized Housing Needs memorandum. 	
4	<p>(HPS) Strategies to Accommodate Future Housing Need/ (HCA) Measures to Accommodate Needed Housing</p>	<ul style="list-style-type: none"> Options for changes to City's comprehensive plan and land use regulations to address housing and residential land needs Memorandum summarizing existing measures, previously identified strategies, and additional strategies for consideration to address contextualized housing needs; Memorandum providing additional evaluation and refinement of selected strategies; Memorandum summarizing the information required per the list is sample work program for each strategy; Final draft hearings-ready HNA Up to eight documented discussions with housing producers and/or service providers to seek input on the potential housing strategies; Agendas and presentations/meeting materials for Advisory Committee meetings; and 	<ul style="list-style-type: none"> Redlines of draft consultant deliverables Advisory committee and Planning Commission/City Council meeting notices and agendas Outreach tasks (see outreach plan information below)

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		<ul style="list-style-type: none"> • Presentation materials to introduce housing accommodation recommendations to the advisory committee, the public, and interest groups • Other outreach tasks (see outreach plan information below) 	
5	(HPS) Draft and Final HPS Report	<ul style="list-style-type: none"> • Public Review Draft HPS; • Agenda and presentation/meeting materials for one Advisory Committee meeting; • Presentation to Planning Commission and City Council; and • Final Housing Production Strategy 	<ul style="list-style-type: none"> • Redlines of draft consultant deliverables • Advisory committee and Planning Commission/City Council meeting notices and agendas
6	(HCA/HPS) Adoption	<ul style="list-style-type: none"> • Additional drafts of HCA/HPS documents as needed • Presentation materials to explain final draft updates to the hearings body or bodies 	<ul style="list-style-type: none"> • Redlines of draft consultant deliverables • Hearings notices, agendas, and minutes

Below, from the Public Engagement Plan developed as part of Phase 1, is (1) a description of planned public engagement activities with activities planned as part of Phase 3 noted ***in bold italics*** and (2) a division of responsibilities between the consultant and City.

Engagement Activity	Description
Project Advisory Committee (PAC)	<p>The PAC will be composed of people involved in real estate development (nonprofit and for profit) and agency partners with existing industry knowledge and experience around housing and housing development. The City may extend invitations for additional optional attendees, beyond these stakeholders, such as community members with unmet housing needs. <i>The PAC is part of Phase 3 of the project.</i></p> <p>The PAC will provide feedback, insight, and ideas throughout the project. Meetings will be in person.</p>

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	<ul style="list-style-type: none"> Meeting 1: Project Kickoff and Buildable Lands Inventory Meeting 2: Preliminary Housing Needs and Land Sufficiency <p>Meetings 3 through 6 will primarily focus on housing measures and potential strategies to address housing need.</p> <ul style="list-style-type: none"> Meeting 3: Existing housing policy, barriers to accessing housing, and potential actions to overcome the barriers Meeting 4: Refine and narrow actions Meeting 5: Refine and narrow actions Meeting 6: Finalize strategies
Interviews , focusing on groups affected by housing affordability issues	<p>Consultant will conduct 5 to 6 interviews with people such as: service providers for people experiencing homelessness, members of the Hispanic/Latine community, service providers, policy makers, and residents of Wilsonville confronting housing affordability issues. The focus of the interviews is on people with unmet housing needs in Wilsonville, especially communities who are typically underrepresented in public discussions. <i>The interviews are part of Phase 3 of the project.</i></p> <p>Interviews will focus on better understanding nuances of unmet housing need, barriers to attaining affordable housing, barriers to developing housing including land and infrastructure constraints, opportunities for preservation of existing affordable housing, approaches to limiting displacement of existing residents, and approaches to addressing the issues identified through the project. Consultant will review interviews conducted for similar past projects and will work with City staff to develop questions for the interviews. Interviews will be held by phone, video conference, or in person.</p>
Public Events	<p>The project includes up to seven public events, some of which will be held in-person and some will be online. The events may include:</p> <ul style="list-style-type: none"> Draft HNCA Results and Public Survey. This will be online information where we present key findings of the HNCA and solicit feedback about accessing housing and potential high-level approaches to addressing unmet housing need. This includes Spanish translation of materials. (July-September 2023): Phase 2 Wilsonville Annual Block Party. This will be an in-person event where we present key findings of the HNCA, discuss participants' personal housing concerns, needs for future housing, and solicit feedback about potential high-level approaches to addressing unmet housing need. (August 25, 2023): Phase 2 Rent Burdened Public meeting. This will be an open meeting to the public that engages in meaningful conversation regarding renters that experience cost burden and severe cost burden and their unique housing needs. The findings from the Draft HNCA and Online Public survey will be presented for discussion. Discussion will focus on barriers to accessing housing and potential approaches to overcoming these barriers. The Wilsonville Planning Commission will host this public meeting as a Committee for Community Involvement event. (November 8, 2023) Phase 2 Public Event TBD. This will be a 2 hour in person event where we present key findings of the HNCA, discuss participants' personal housing concerns, and solicit feedback about potential approaches to addressing unmet housing need. (options include Farmers' Market, Back to School Night, etc.) Phase 2.

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	<ul style="list-style-type: none"> ▪ Culturally Specific Community Event. This will be an in-person event where we present key findings of the HNCA, discuss participants' personal housing concerns, and solicit feedback about potential approaches to addressing unmet housing need. Specific events and dates are still to be determined and will be discussed with the Wilsonville DEI Committee. <i>(Phase 3, schedule TBD)</i> ▪ Housing Strategies Open House. This will be an in-person event (possibly at a PC meeting) where we will present results of the HNCA and solicit feedback on the proposed housing strategies. <i>(Phase 3, schedule TBD)</i> ▪ Final results. This will be an online open house event where we will present results of the entire project and solicit feedback, focusing on the Housing Production Strategy. <i>(Phase 3, schedule TBD)</i> <p>We will work with city staff, the PAC, and the Wilsonville DEI Committee to solicit participation in the public events. Key informational materials will be made available in both English and Spanish to help educate the community about the goals and objectives of the project</p>
Wilsonville Housing Conversation Guide	<p>To obtain rich community feedback from residents who do not necessarily interact with the City's traditional forms of input, the plan seeks to empower project participants to host conversations with friends, family, and colleagues to discuss housing needs and helpful supports the City could offer. <i>The Housing Conversations are part of Phase 3 of the project.</i></p> <p>The City will need to recruit people to host these conversations. Some source of hosts may include members of the DEI Committee, PAC members, decision makers, and other interested knowledgeable community members. Consultant will develop guidance for people hosting Housing Conversations. The guidance will provide background information about the project, instructions on how to host the conversations (including ideas for outreach), key questions for discussion, direction on documenting feedback from the discussions, and details about how to submit the results of the conversations (the key take-aways).</p> <p>Execution of Housing Conversations will be dependent on availability of funding and interest in community members and leaders to lead the conversations, with support from Consultant.</p> <p>Our estimate is that the Wilsonville Housing Conversations are concluded and the results of the conversations should be completed by summer 2024.</p>
Planning Commission and City Council meetings	<p>Consultant will present updates to the Planning Commission and City Council, including the final draft of the HNCA and HPS. The purpose will be to inform and educate the commission and Councilors of the findings, implications, and gather feedback that will be incorporated into the final HNCA and HPS. Once the final HNCA and HPS are complete the HNCA will go through a formal legislative process and the HPS may be formally adopted or acknowledged by resolution of the City Council. Consultant will provide presentation materials for this process but will not be otherwise involved in the hearing adoption process. Aside from the Planning Commission meeting in Phase 1 of the project, <i>these meetings are part of Phase 3 of the project.</i></p>

City of Wilsonville
2023-25 Housing Planning Assistance Grant Application
Supplemental Material

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Engagement Activity	Consultant Lead	City Lead
Project Advisory Committee Meetings (PAC)	Draft agendas and notices Meeting materials Logistics Facilitation Prepare meeting notes	Appoint committee members Obtain space for meetings Send notices and agenda Feedback on materials
Interviews	Interview questions Arrange & conduct interviews Interview Summary	Confirm list of groups and organizations Review and input on questions
Public Events	Activity format Secure place for events Advertise event Communications Logistics Event materials Facilitation Summaries	Obtain space for events when needed Post information to the City's website and social media Review event materials
Wilsonville Housing Conversations	Wilsonville Housing Conversation Guide Compiling results of the conversations Answering PAC member questions	Receiving feedback returned for each conversation Helping with logistics
Planning Commission and City Council meetings	Materials Facilitation	Notices and agenda Logistics Meeting minutes

Grantee Capacity:

The City of Wilsonville has planned this as part of the work program during the proposed project timeline, including planning adequate staff to manage and support the project. The City has a history of successfully managing grants with adequate staff capacity. Specific examples of recent successful housing-related grant projects managed by the same Wilsonville Planning staff that will be managing this project include:

- Equitable Housing Strategic Plan (2020) (Metro grant funded)
- Middle Housing in Wilsonville (2021) (DLCD grant funded)
- Engagement Framework Focused on Latinx Community (Metro grant funded)
- Frog Pond East and South Master Plan (2022) (Metro and DLCD grant funded)

Leverage:

Specifically for this project, the funding will leverage the City's commitment to fund a portion of City staff's time on the project as well as the City fully

City of Wilsonville
2023-25 Housing Planning Assistance Grant Application
Supplemental Material

Page 10 of 10

funding Phase 2 of the project during the gap between the State grant funding cycles from the 2021-2023 biennium and 2024-2025 biennium.

In addition, the State funding builds on and leverages a long-running work program in the City focused on housing as outlined under Project Objectives/Program Priorities above.



Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD

September 8, 2023

Daniel Pauly, Planning Manager
City of Wilsonville
29799 SW Town Center Loop East
Wilsonville, Oregon 97070



SENT VIA E-MAIL

RE: Notice of DLCD Housing Planning Assistance grant award

Dear Daniel:

I am pleased to offer City of Wilsonville a Housing Planning Assistance award for 2023-2025. Your application was selected from among many proposals submitted to the Department of Land Conservation and Development for this biennium. Your proposal aligns well with the priorities established in the Land Conservation and Development Commission's Grants Allocation Plan, funding priorities outlined in House Bills 2001 and/or 3395, and Housing Planning Assistance funding priorities. The department is prepared to provide a consultant team for the Wilsonville Housing Capacity Analysis/Housing Production Strategy "Housing Our Future" Phase 3.

In the coming weeks, DLCD staff will be matching local governments with one of several qualified consultant teams to develop a detailed work program and budget. If you have specific preferences on consultant pairings, please reach out to DLCD staff so we are aware and can incorporate this into our decision-making. Once the pairing is made, that consultant team will reach out to complete a draft scope of work for negotiation with the agency. Once a consultant contract and grant agreement is executed by all parties, reimbursable work on the project may begin.

Oregon's current budget provides funding to support the House Bill 2001 (2023) and House Bill 3395 (2023) grant program. Please note, **DLCD has not committed a specific amount of funding to any project at this time.** The specific funding amounts will be determined as grant agreements and consultant contracts are developed in accordance with projected costs and balanced to ensure all awarded projects are adequately funded. Additionally, in the event of a significant change in state revenue we may be required to limit a portion of the grant award.

If you have any questions about the award, please contact Kelly Reid, DLCD Regional Representative, at 971-345-1987, kelly.reid@dlcd.oregon.gov, and Thea Chroman, DLCD Housing Division Staff, at 503-798-3621, thea.chroman@dlcd.oregon.gov.

Thanks for your interest, and compliments on your successful application. We look forward to working with you on the project.

Yours truly,

City of Wilsonville
September 8, 2023
Page 2 of 2



Ethan Stuckmayer
Housing Services Division Manager

cc: Senator Aaron Woods
Representative Courtney Neron
Amelia Porterfield, Regional Solutions Team Coordinator
Kelly Reid, DLCD Regional Representative
Thea Chroman, DLCD Housing Team Staff
Angela Williamson, DLCD Grants Administrative Specialist



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 2, 2023		Subject: Resolution No. 3082 Authorizing Acquisition of Property and Property Interests Related to Construction of the Willamette Water Supply Program Right-of-Way Enhancement Projects (CIP #1127) Staff Members: Andrew Barrett, PE, Capital Projects Engineering Manager and Marissa Rauthause, PE, Civil Engineer Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: Staff recommends Council adopt Resolution No. 3082			
Recommended Language for Motion: I move to adopt Resolution No. 3082.			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

A City of Wilsonville Resolution authorizing acquisition of property and property interests, with the potential for eminent domain procedures, needed to construct the Willamette Water Supply Program (WWSP) Right-of-Way Enhancement Projects. The properties consist of approximately 2,150 square feet for right-of-way, 1,209 square feet for permanent easements, and 2,026 square feet for temporary easements.

Resolution No. 3082 Staff Report

C:\Users\MeetingsOfficeUser6\AppData\Local\Temp\tmpD513.tmp

EXECUTIVE SUMMARY:

The Willamette Water Supply System (WWSS) Commission, an Oregon intergovernmental entity formed by Tualatin Valley Water District, the City of Hillsboro, and the City of Beaverton is developing an additional, resilient water supply for Washington County. The new water supply consists of raw water intake improvements at the Willamette River Water Treatment Plant in Wilsonville, currently under construction. From there, raw water is to be pumped to the Willamette Water Supply System Water Treatment Plant, a new, seismically resilient water treatment plant near the intersection of SW 124th Avenue and SW Tualatin-Sherwood Road. A new 66-inch diameter pipeline will carry the raw Willamette River water from the intake structure, through Wilsonville, to the new Willamette Water Supply System treatment plant.

On May 1, 2017, Wilsonville City Council approved Resolution No. 2628 authorizing the City Manager to enter into a Ground Lease Agreement with the Willamette Water Supply System Commission in which the City leased land along an agreed upon route for a period of 99 years to place underground the 66-inch diameter raw water pipeline. As additional consideration, the Ground Lease Agreement includes six (6) significant infrastructure improvements, referred to as Right-of-Way Enhancement Projects and Deficiencies (Enhancement Projects). These projects are needed City infrastructure improvements along the raw water pipeline route to be constructed as part of the Willamette Water Supply System project.

On September 20, 2021, the City Council approved Resolution No. 2919 to amend the original Ground Lease agreement terms to add and remove certain elements of the Enhancement Projects project list.

In order to construct the Enhancement Projects, the City Council needs to authorize acquisition of property and use of eminent domain. On September 19, 2022, the City Council approved Resolution No. 2986, authorizing the first phase of property and property interest acquisition related to construction of the Willamette Water Supply Program Right-of-Way Enhancement Projects.

Design of the remaining Enhancement Projects is nearing completion and City Council authorization is needed to acquire the second and final phase of property and property interests, as identified in the following table:

File No.	Property Owner	TLID	Right of Way (square feet)	Easement Permanent (square feet)	Easement Temporary (square feet)
1	McLellen Estate Co.	31W11C00603	953	0	0
2	McLellen Estate Co.	31W11C00603	0	0	1682
3	Portland General Electric Co.	31W14A02200	0	0	344
4	Swire Pacific Holdings Inc.	31W14C00103	1197	1209	0
			2150	1209	2026

Detailed legal descriptions of the property to be acquired along with an illustrative map showing impacted properties are included as **Exhibit A** and **Exhibit B** to Resolution No. 3082. The legal descriptions reflect the least amount of property necessary for the construction of the Enhancement Projects.

The legal descriptions included in **Exhibit A** provide the best estimates of areas to be acquired based on the most current design plans. They are considered to be reasonably accurate at this time, although modifications may need to occur depending on final design details and site conditions, to be approved and verified by the City Engineer.

EXPECTED RESULTS:

Upon Council authorization to begin acquisition of the property necessary to construct the Project, WWSS staff will proceed with updating appraisals and initiate negotiations with property owners. If settlement has not been achieved by the end of the mandatory 40-day consideration period, the Council will be updated on the status of negotiations and any recommendations to commence with condemnation proceedings.

TIMELINE:

Property acquisition is anticipated to be completed in the first quarter of 2024 and construction of the Enhancement Projects commencing shortly thereafter.

CURRENT YEAR BUDGET IMPACTS:

Cost associated with property acquisition for the Enhancement Projects will be paid for by the Willamette Water Supply System. City overhead costs will be reimbursed by the Willamette Water Supply System in accordance with the Ground Lease Agreement.

COMMUNITY INVOLVEMENT PROCESS:

The WWSS is implementing a robust and inclusive public outreach process for the construction of the raw water pipeline and enhancement projects, including regular stakeholder and interested citizen meetings, newsletter updates, and coordination with Wilsonville public information staff.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Construction of the raw water pipeline will result in temporary traffic congestion and delays through the City as the project continues along the planned alignment. This inconvenience is offset by the regional need for this facility and the Enhancement Projects that WWSS will be constructing, improving City infrastructure that directly benefits the citizens of Wilsonville.

ALTERNATIVES:

Council authorization to proceed with acquisition of property is necessary to construct the Enhancement Projects. Council could choose not to authorize acquisition of property, which would prevent the Willamette Water Supply System from moving forward with construction of the Enhancement Projects required by the Ground Lease Agreement. This option is not recommended.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Resolution No. 3082
 - A. Willamette Water Supply Program Right-of-Way Enhancement Projects Property Acquisition Legal Descriptions
 - B. Willamette Water Supply Program Right-of-Way Enhancement Project Property Acquisition Map

RESOLUTION NO. 3082**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY AND PROPERTY INTERESTS RELATED TO CONSTRUCTION OF THE WILLAMETTE WATER SUPPLY PROGRAM RIGHT-OF-WAY ENHANCEMENT PROJECTS.**

WHEREAS, under and by virtue of the laws of the State of Oregon, the City of Wilsonville is duly authorized and lawfully empowered to acquire real property as may be deemed necessary and proper for such planned public improvements; and

WHEREAS, the Willamette Water Supply PLM_1.3 Pipeline Project (the “Project”), to be constructed by the Willamette Water Supply Program (the “Program”), will construct sections of 66-inch diameter raw water pipeline through areas of City rights-of-way, including Kinsman Road from south of Wilsonville Road to Barber Street, Boeckman Road from Kinsman Road to 95th Avenue, 95th Avenue from Boeckman Road to Ridder Road, and Ridder Road from 95th Avenue to east of Garden Acres Road; and improve impacted and other agreed upon City infrastructure including curb ramps, sidewalk, vehicular and pedestrian signals and crossings, underground utilities, and roadway surfaces (the “Enhancement Projects”); and

WHEREAS, the Project is identified in the FY 2023/24 Capital Improvement Project Budget as Project No. 1127; and

WHEREAS, construction began in October 2022; and

WHEREAS, in order to construct the Project, the amount of property the City needs to acquire is approximately 2,150 square feet of right-of-way, 1,209 square feet of permanent easements, and 2,026 square feet of temporary easements; and

WHEREAS, the property interests to be acquired for the Project include, but may not be limited, to those legally described in **Exhibit A** and illustrated in **Exhibit B**, both attached hereto and incorporated herein; and

WHEREAS, although the attached legal descriptions and estimated areas of taking are considered to be reasonably accurate at this time, modifications may need to occur depending on final design details and site conditions, to be approved and verified by the City Engineer; and

WHEREAS, the acquisition of the properties generally described in **Exhibit A**, is necessary and will benefit the general public and will be used for public purposes; and

WHEREAS, the City acquires real property in accordance with guidelines set forth by law;
and

WHEREAS, the City is authorized to acquire property by any legal means, including eminent domain, and shall conform to all statutory requirements to ensure that property owners' rights are fully respected; and

WHEREAS, ORS Chapter 35 empowers cities and agencies to acquire by condemnation real property whenever in the judgment of the City there is a public necessity for the proposed use of the property, the property is necessary for such proposed use and the proposed use planned is located in a manner which will be most compatible with the greatest public good and the least private injury; and

WHEREAS, the acquisitions presented herein are estimated to reflect the least amount of property interest to be acquired to ensure safe, efficient and adequate public improvements; and

WHEREAS, title to the acquired property interest shall be acquired using Willamette Water Supply Program funds but title to the acquired land will vest in the name of the City of Wilsonville to provide for necessary care, maintenance and public safety authority.

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

Section 1. The Wilsonville City Council finds that:

- a. There is a public necessity for the construction of the Enhancement Projects; and
- b. The legal descriptions for the land set forth in **Exhibit A** are necessary for the construction of the Enhancement Projects but may be modified as set forth in Section 3 below, as design is refined; and
- c. The proposed Enhancement Projects are planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 2. The City, Program staff, and Project consultants are authorized and directed to:

- a. Negotiate with the owners of the real property herein described as to the compensation to be paid for the acquisition of the property; and
- b. In the event agreement cannot be reached, to commence and prosecute to final determination such proceeding as may be necessary, including condemnation of the property, to acquire real property and interest therein, and that upon the filing of such proceeding may seek immediate possession of any of the real properties described in **Exhibit A** in order to meet the right-of-way certification deadline necessary to complete the construction of the Enhancement Projects in a timely and efficient manner.

Section 3. The descriptions provided in **Exhibit A** are to the best of the City's knowledge at this time, prior to completion of final design and commencement of construction. Modifications to the legal descriptions may be required for a variety of reasons including, but not limited to, design revisions or construction conditions later discovered. Therefore, in the event that legal descriptions must be reasonably modified, for any reason, as the Project moves forward, the City Engineer is hereby authorized, without further approval from Council, to modify the attached legal descriptions, as necessary, to conform to final engineering design for the Enhancement Projects and/or field conditions.

Section 4. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 2nd day of October, 2023, and filed with the Wilsonville City Recorder this date.

JULIE FITZGERALD, MAYOR

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell

EXHIBITS:

- A. Willamette Water Supply Program Right-of-Way Enhancement Projects Property Acquisition Legal Descriptions
- B. Willamette Water Supply Program Right-of-Way Enhancement Projects Property Acquisition Map

Resolution 3082 - Exhibit A
Willamette Water Supply Program Right-of-Way Enhancement
Projects Property Acquisition Legal Descriptions

Item 12.

Exhibit A

City of Wilsonville
August 14, 2023

MCLELLAN ESTATE CO.
Portion of 31W11C 00603

Parcel 1
Right of Way

A tract of land being a portion of Lot 3 of Wilsonville Business Center Phase 3, Clackamas County Plat Records, said tract being a portion of that property conveyed to "McLellan Estate Co." and described in Document Number 2015-079713, Clackamas County Deed Records; said parcel being described as follows:

Commencing at a 2½" Brass Cap in a monument box marked "City of Wilsonville 2008 PLS 53760" at the centerline-centerline intersection of Boeckman Road and 95th Avenue; thence along the centerline of said 95th Avenue, North 01°34'01" East a distance of 87.63 feet; thence leaving said centerline, North 88°25'59" West a distance of 31.00 feet to the West right of way line of said 95th Avenue as shown on said plat and the **Point of Beginning**; thence along said right of way line and along the north right of way line of said Boeckman Road the following four (4) courses: South 01°34'01" West a distance of 17.18 feet; South 10°40'23" West a distance of 12.45 feet; South 53°25'01" West a distance of 31.54 feet, and North 88°38'55" West a distance of 29.12 feet; thence leaving said Boeckman Road right of way line North 01°21'05" East a distance of 11.77 feet; thence North 74°13'40" East a distance of 47.70 feet; thence North 25°49'56" East a distance of 25.32 feet to the **Point of Beginning**.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

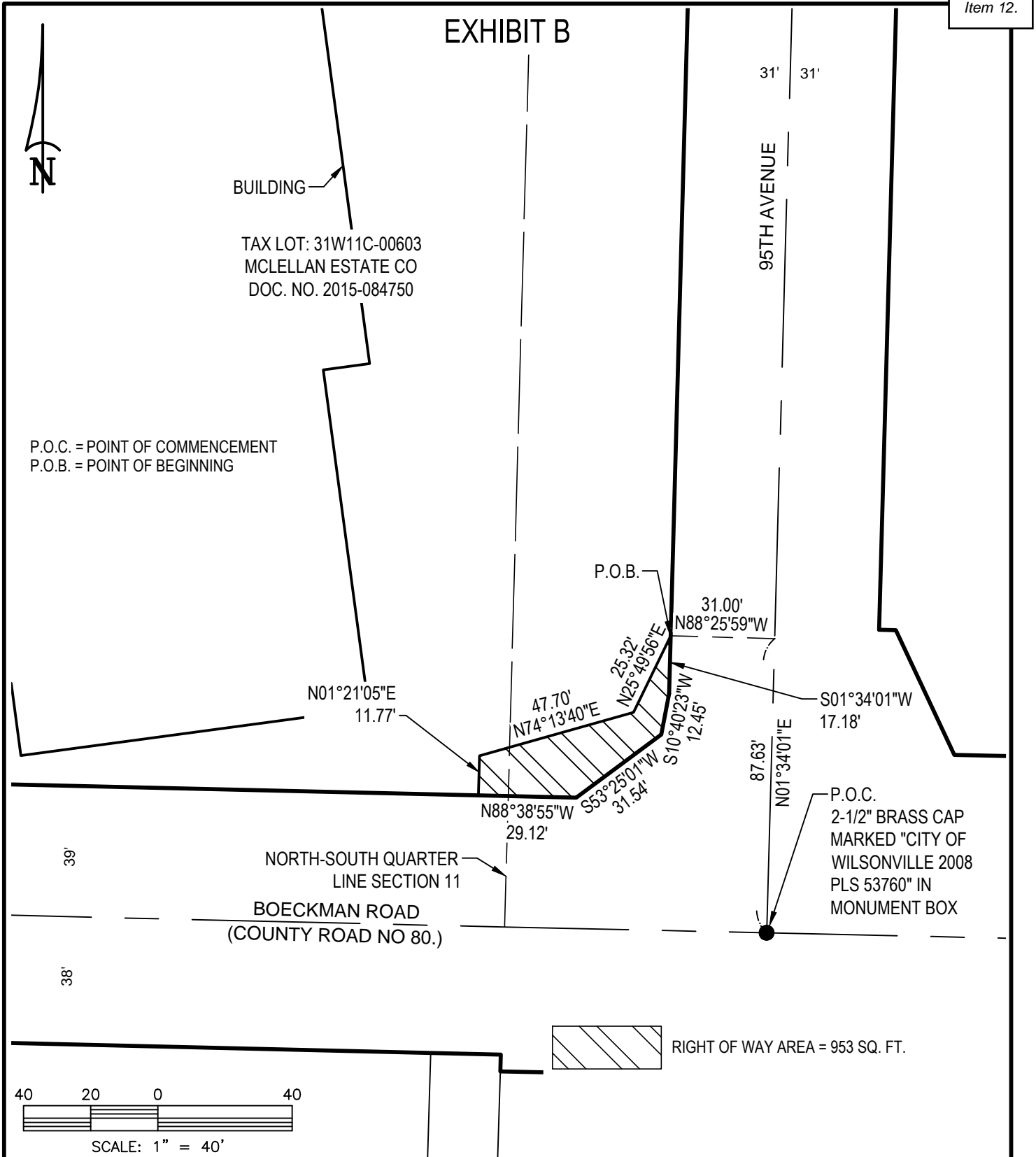
This tract of land contains 953 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2024

EXHIBIT B



CITY OF WILSONVILLE - PUBLIC WORKS
30000 SW Town Center Loop E
Wilsonville, Oregon 97070
Phone: (503) 682-4092

ACQUISITION MAP
PAGE 1 OF 1
SW1/4 S11 T3S R1W - TAX LOT 603

DATE
08/08/2023

DRAWN BY
AJ

CHECKED BY
JMY

Otak
808 SW 3rd Ave., Ste. 800
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 18341

Exhibit A

City of Wilsonville
September 13, 2023

MCLELLAN ESTATE CO.
Portion of 31W11C 00603

Parcel 1 Temporary Construction Easement

A tract of land being a portion of Lot 3 of Wilsonville Business Center Phase 3, Clackamas County Plat Records, said tract being a portion of that property conveyed to "McLellan Estate Co." and described in Document Number 2015-079713, Clackamas County Deed Records; said parcel being described as follows:

Commencing at a 2½" Brass Cap in a monument box marked "City of Wilsonville 2008 PLS 53760" at the centerline-centerline intersection of Boeckman Road and 95th Avenue; thence along the centerline of said 95th Avenue, North 01°34'01" East a distance of 93.73 feet; thence leaving said centerline, North 88°25'59" West a distance of 31.00 feet to the West right of way line of said 95th Avenue as shown on said plat and the **Point of Beginning**; thence leaving said West right of way line, South 67°38'19" West a distance of 84.74 feet; thence South 01°08'22" East a distance of 20.90 feet to the North right of way line of Boeckman Road; thence along said North right of way line South 88°38'55" East a distance of 20.58 feet; thence leaving said North right of way line North 01°21'05" East a distance of 11.77 feet; thence North 74°13'40" East a distance of 47.70 feet; thence North 25°49'56" East a distance of 25.32 feet to a point on said West right of way line; thence along said West right of way line North 01°34'01" East a distance of 6.10 feet to the **Point of Beginning**.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

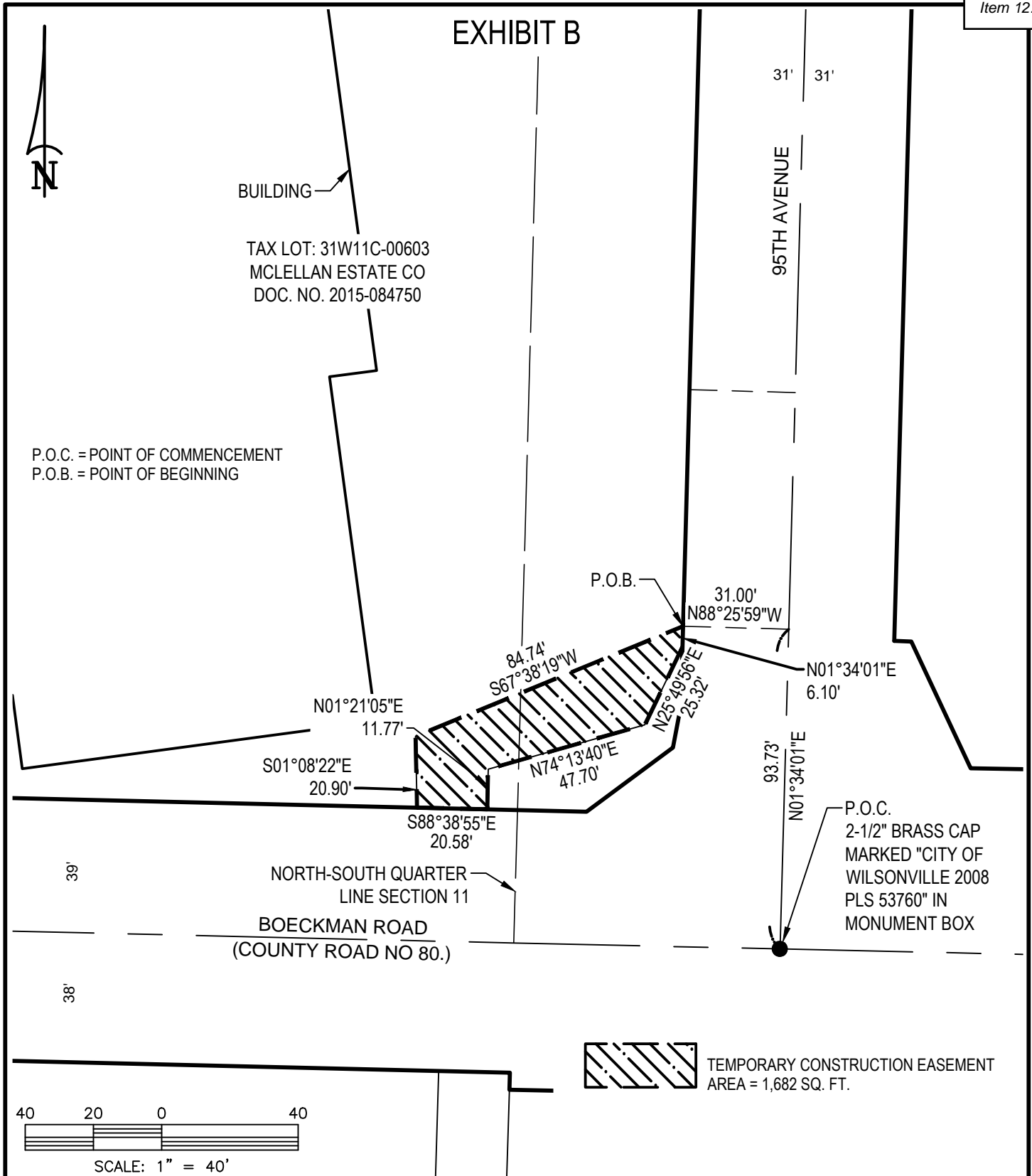
This tract of land contains 1,682 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWES 6/30/2024

EXHIBIT B



CITY OF WILSONVILLE - PUBLIC WORKS
30000 SW Town Center Loop E
Wilsonville, Oregon 97070
Phone: (503) 682-4092

ACQUISITION MAP
PAGE 1 OF 1
SW1/4 S11 T3S R1W - TAX LOT 603

DATE
09/07/2023

DRAWN BY
AJ

CHECKED BY
JMY



808 SW 3rd Ave., Ste. 800
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 18341

Exhibit A

City of Wilsonville
August 24, 2023

Portland General Electric Co.
Portion of 31W14A 02200

Parcel 1 Temporary Construction Easement

A tract of land being a portion of Parcel 1 of Partition Plat 1990-83, Clackamas County Plat Records, said tract being a portion of that property conveyed to "Portland General Electric Co." and described in Document Number 1996-039542, Clackamas County Deed Records; said tract being described as follows:

Commencing at a 2½" Brass Cap in a monument box marked "City of Wilsonville 2008 PLS 53760" at the centerline-centerline intersection of Boeckman Road and 95th Avenue; thence along the centerline of said Boeckman Road North 88°43'34" West a distance of 34.71 feet; thence South 01°16'31" West a distance of 50.52 feet to the south right of way line of Boeckman Road and the south line of that right of way dedication recorded as Document No. 2006-022012, Clackamas County Deed Records and the **Point of Beginning**; thence along said south right of way line and along said south dedication line South 88°42'15" East a distance of 68.75 feet; thence South 01°17'45" West a distance of 5.00 feet; thence parallel with and 5.00 feet southerly of said south right of way line North 88°42'15" West a distance of 68.75 feet; thence North 01°17'45" East a distance of 5.00 feet to the **Point of Beginning**.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

This tract of land contains 344 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2024

EXHIBIT B



P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING

95TH AVENUE

31' 31'

BOECKMAN ROAD
(COUNTY ROAD NO 80.)

NORTH-SOUTH QUARTER
LINE SECTION 11

N88°43'34"W 34.71'

P.O.C.
2-1/2" BRASS CAP
MARKED "CITY OF
WILSONVILLE 2008
PLS 53760" IN
MONUMENT BOX

S01°16'31"W 50.52'

DEDICATION DOC. NO. 2006-022012

P.O.B.

S88°42'15"E 68.75'

N88°42'15"W 68.75'

N01°17'45"E 5.00'

S01°17'45"W 5.00'

PARCEL 1
PARTITION PLAT 1990-083
DOC. NO. 1996-039542
PORTLAND GENERAL ELECTRIC CO.



TEMPORARY CONSTRUCTION EASEMENT = 344 SQ. FT.



SCALE: 1" = 40'



CITY OF WILSONVILLE - PUBLIC WORKS
30000 SW Town Center Loop E
Wilsonville, Oregon 97070
Phone: (503) 682-4092

ACQUISITION MAP
PAGE 1 OF 1
NE1/4 S14 T3S R1W - TAX LOT 02200

DATE
08/22/2023

DRAWN BY
AJ

CHECKED BY
JMY



808 SW 3rd Ave., Ste. 800
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 18341

Exhibit A

City of Wilsonville
August 14, 2023

SWIRE PACIFIC HOLDINGS INC.
Portion of 31W14C 00103

Parcel 1 Right of Way

That tract of land in the Southwest One-Quarter of Section 14, Township 3 South, Range 1 West, of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, being a portion that property conveyed to “Swire Pacific Holdings Inc. D/B/A Swire Coca-Cola, USA, a Delaware Corporation” and described in Document Number 2017-083456, Clackamas County Deed Records; said tract being described as follows:

Commencing at a 5/8” Iron Rod with Yellow Plastic Cap stamped “PLS 53760”, set in Survey Number 2009-013, Clackamas County Survey Records, said Iron Rod being on the centerline of Kinsman Road; thence along said center line, South 01°24’56” West a distance of 114.43 feet; thence leaving said center line, South 88°35’04” East a distance of 30.00 feet to the East right of way line of Kinsman Road and the **Point of Beginning**; thence leaving said East right of way line, South 55°14’26” East a distance of 19.85 feet; thence South 03°01’09” West a distance of 67.23 feet; thence South 64°12’12” West a distance of 16.53 feet to said East right of way line; thence along said East right of way line North 01°24’56” East a distance of 85.68 feet to the **Point of Beginning**.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

These tracts of land contain 1,197 square feet more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWS 6/30/2024

Exhibit A

City of Wilsonville
August 14, 2023

SWIRE PACIFIC HOLDINGS INC.
Portion of 31W14C 00103

Parcel 2 Public Utility Easement

That tract of land in the Southwest One-Quarter of Section 14, Township 3 South, Range 1 West, of the Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, being a portion that property conveyed to “Swire Pacific Holdings Inc. D/B/A Swire Coca-Cola, USA, a Delaware Corporation” and described in Document Number 2017-083456, Clackamas County Deed Records; said tract being described as follows:

Commencing at a 5/8” Iron Rod with Yellow Plastic Cap stamped “PLS 53760”, set in Survey Number 2009-013, Clackamas County Survey Records, said Iron Rod being on the centerline of Kinsman Road; thence along said center line, South 01°24’56” West a distance of 114.43 feet; thence leaving said center line, South 88°35’04” East a distance of 30.00 feet to the East right of way line of Kinsman Road and the **Point of Beginning**; thence along said East right of way line North 01°24’56” East a distance of 11.97 feet; thence leaving said East right of way line, South 55°14’26” East a distance of 32.00 feet; thence South 03°01’09” West a distance of 78.72 feet; thence South 64°12’12” West a distance of 27.58 feet to said East right of way line; thence along said East right of way line North 01°24’56” East a distance of 96.92 feet to the **Point of Beginning**.

Except Parcel 1.

Bearings and distances are based on grid, Oregon State Plane Coordinate System of 1983, North Zone.

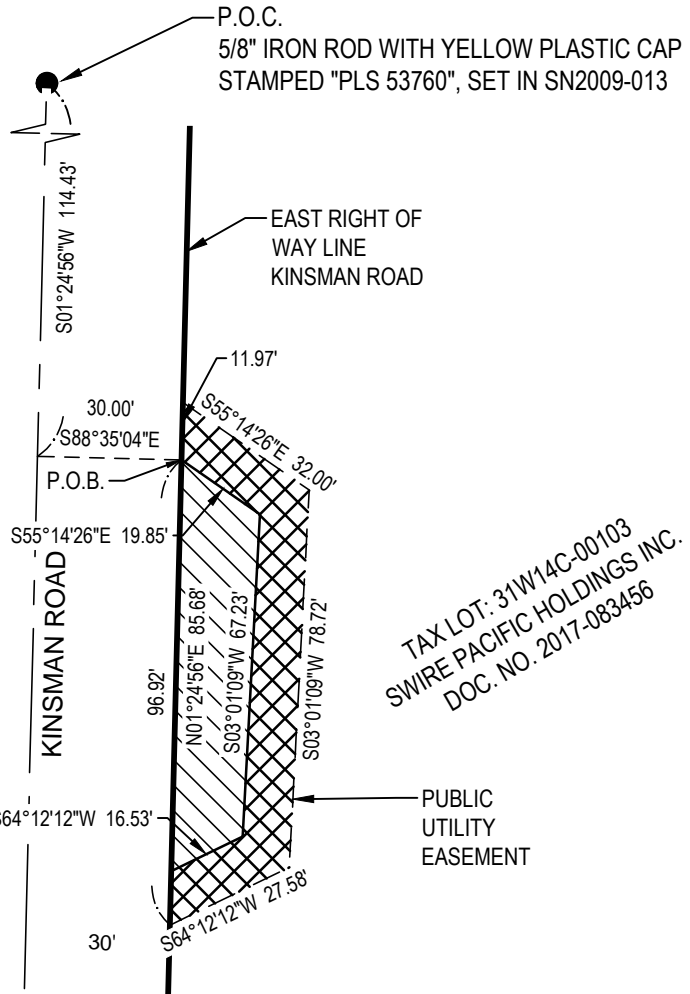
These tracts of land contain 1,209 square feet more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

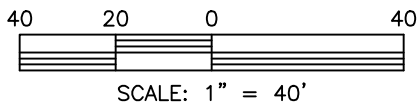
OREGON
JANUARY 12, 2002
JON M. YAMASHITA
53760LS

RENEWES 6/30/2024

EXHIBIT B



P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING



PUBLIC UTILITY EASEMENT
AREA = 1,209 SQ. FT.



RIGHT OF WAY AREA = 1,197 SQ. FT.



CITY OF WILSONVILLE - PUBLIC WORKS
30000 SW Town Center Loop E
Wilsonville, Oregon 97070
Phone: (503) 682-4092

ACQUISITION MAP PAGE 1 OF 1 SW1/4 S14 T3S R1W - TAX LOT 103

DATE
08/08/2023

DRAWN BY
AJ

CHECKED BY
JMY



808 SW 3rd Ave., Ste. 800
Portland, Oregon 97204
Phone: (503) 287-6825
www.otak.com
project: 18341

Exhibit B

Item 12.

Files No. 1 and 2 - 31W11C 00603
MCLELLAN ESTATE CO.

Files No. 3 - 31W14A 02200
PORTLAND GENERAL ELECTRIC CO.

Files No. 4 - 31W14C 00103
SWIRE PACIFIC HOLDINGS INC.

Please See Resolut on 3082
Exhibit A for Acquisit on Details



WWSP Right-of-Way Enhancement
Projects Property Acquisit on Map

□ Tax Lots
▨ Impacted Properties



CITY COUNCIL MINUTES

September 18, 2023 at 7:00 PM

Wilsonville City Hall & Remote Video Conferencing

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, September 18, 2023 Mayor Fitzgerald called the meeting to order at 7:17 p.m., followed by roll call and the Pledge of Allegiance.

PRESENT

Mayor Fitzgerald
 Council President Akervall
 Councilor Linville
 Councilor Berry
 Councilor Dunwell

STAFF PRESENT

Amanda Guile-Hinman, City Attorney
 Chris Neamtzu, Community Develop. Director
 Cindy Luxhoj, Associate Planner
 Georgia McAlister, Assistant Planner
 Jeanna Troha, Assistant City Manager
 Kimberly Rybold, Senior Planner
 Kimberly Veliz, City Recorder
 Mark Ottenad, Public/Government Affairs Director
 Miranda Bateschell, Planning Director
 Zoe Mombert, Assistant to the City Manager

3. Motion to approve the following order of the agenda.

Motion: Moved to approve the following order of agenda.

Motion made by Councilor Linville, Seconded by Councilor Berry.

Voting Yea:

Mayor Fitzgerald, Councilor Akervall, Councilor Linville, Councilor Berry, Councilor Dunwell

Vote: Motion carried 5-0.

MAYOR'S BUSINESS

4. Upcoming Meetings

The Mayor briefed the audience on the below events:

Labor Day and Other Holidays

- The Mayor hoped all enjoyed the Labor Day holiday and called to attention the following holidays and/or upcoming celebrations that the Diversity, Equity and Inclusion Committee called out as significant for the community:
 - Rosh Hashanah, September 15-17, 2023
 - Yom Kippur on September 24, 2023
 - Hispanic Heritage Month, September 15 through October 15, 2023

DEI Committee & Library Family Movie Matinee

- Hispanic Heritage Month family movie matinee to be held on October 14, 2023 at the Library.

Washington County Coordinating Committee

- The Mayor noted a change in the Council representation to the Washington County Coordinating Committee (WCCC).
- The Mayor noted that due to a change in Council President Akervall's schedule, Councilor Dunwell would be appointed to the position as the City Representative. The Mayor would continue to serve as the City's alternate.
- The WCCC is composed of county and city officials and representatives of Metro and TriMet who discuss both long- and short-term land-use and transportation issues. Owing to our location in two counties, Wilsonville participates in both the Clackamas County and Washington County Coordinating Committees.

Party in the Park

- The City hosted in August the Party in the Park, formerly known as the Community Block Party.
- The Mayor noted there was great attendance for the event, which included several booths, activities, food, and a bike repair workshop.
- The Mayor thanked staff for putting together this event.

Clackamas County Business Alliance

- The first week of September the Mayor attended the Clackamas County Business Alliance event with Congresswoman Lori Chavez–DeRemer.
- Congresswoman Lori Chavez–DeRemer is the Representative of the Fifth Congressional District, former Happy Valley Mayor.
- The Representative spoke about her experience as freshman member of Congress.
- She expressed considerable interest in a number of issues, including the proposed expansion and tolling of I-205 and repair of the Willamette River Locks.

Clackamas County Coordinating Committee

- The Mayor and Councilor Berry attended the September meeting of the Clackamas County Coordinating Committee (C4).
- Governor Kotek's new Regional Solutions Director Amelia Porterfield, presented at the meeting.
- The Mayor added that she would be meeting with the new Regional Solutions Director later in the month to discuss the Aurora Airport and possible partnership with the City.
- At the C4 meeting, also discussed was ODOT's I-5 / I-205 Regional Tolling Project.
- The Mayor explained ODOT asked all cities to submit a list of Nexus projects as they call them, which would be between highway tolling and local traffic diversion impacts.
- It was further explained that list was not prioritized and included very expensive traffic mitigation and enhancement projects.
- It was shared that ODOT's Regional Tolling Nexus process provides another potential funding source for City transportation projects.

Clackamas County Commission Regional Addiction Recovery Summit

- The Mayor attended this half-day event on September 14, 2023.
- At the summit were attendees throughout Clackamas County, whom were working together to provide increased resources for those needing recovery from addiction.

Next, the Mayor announced these upcoming meetings and events of note:

- Clackamas County Business Alliance Board meeting
- Metropolitan Mayors Consortium meeting
- City Council Meeting
 - The next City Council meeting was scheduled for Monday, October 2, 2023.

COMMUNICATIONS

5. Mediterranean Oak Borer

Chris Neamtzu, Community Development Director; Georgia McAlister, Associate Planner; Morgan Holen of Morgan Holen & Associates; and Lyle Feilmeier of Bartlett Tree Experts reported on the Mediterranean Oak Borer (MOB). A PowerPoint summarizing the staff report was displayed and added to the record.

The Mediterranean Oak Borer (MOB) is a new pest that had been found in Wilsonville. The MOB was responsible for the rapid decline of several Oregon white oak trees in Wilsonville. Council was informed on the City's mitigation efforts are underway to preserve and protect significant trees.

Council discussion occurred throughout the presentation.

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.

Steven Benson of Wilsonville thanked staff for moving so quickly in response to the Mediterranean Oak Borer. He wondered if there was a mechanism such as an ordinance that could compel that a tree be taken down or removed if infected.

The Mayor asked staff to add this question to the list of questions posed by Council during staff's presentation on the Mediterranean Oak Borer.

COUNCILOR COMMENTS, LIAISON REPORTS AND MEETING ANNOUNCEMENTS

6. Council President Akervall

The Council President provided details on the following events:

- Party in the Park
 - Councilor Akervall emphasized the comments of appreciation made by the Mayor regarding staff's role in facilitating and hosting the event.
- Forget Me Not documentary viewing and Q&A
 - Hosted by the West Linn-Wilsonville School District on August 23, 2023
- Wilsonville Childcare Consortium
 - The Economic Development Manager set up meeting to hear feedback from childcare providers in Wilsonville.
- Wood Middle School Door Decoration Contest
 - The Mayor and Councilor Akervall served, as judges for the schools door decoration competition.

7. Councilor Linville

Councilor Linville reported on the Opioid Settlement Prevention, Treatment and Recovery Board (OSPTR Board) meeting she attended on September 6, 2023. The meeting focused on a visioning exercise, and consensus building on the boards' role and function on how to arrive at decision making for distribution of funds.

Councilor Linville asked that Council figure out a way to come to some agreement about how the City wants to use the portion of funds that comes directly to the City of Wilsonville.

The Mayor asked the Assistant City Manager to place the opioid settlement funds discussion on the next Council agenda item.

Councilor Linville shared she would attend the following meetings:

- Greater Portland Inc. (GPI) Annual Economic Development Summit on September 21, 2023
- GPI Small Cities Consortium on September 28, 2023
- Oregon Department of Aviation (ODAV) meeting on September 28, 2023

Councilor Linville reported on the following upcoming events:

- Wilsonville Community. Seniors Spaghetti Fundraiser On September 23, 2023
- Fall Harvest Festival on October 21, 2023

8. Councilor Berry

Councilor Berry provided a report on the below meetings, she attended or planned to attend:

- Wilsonville-Metro Community Enhancement Committee meeting on August 29, 2023
- Tourism Promotion Committee meeting on September 6, 2023
- Metro Clackamas County Coordinating Committee (C4) Subcommittee meeting on September 20, 2023

9. Councilor Dunwell

Councilor Dunwell shared details of the Washington County Coordinating Committee meeting she attended earlier that day (September 18, 2023).

Councilor Dunwell announced she also attended the Party in the Park and while there, she spent time encouraging some local youth to participate in local government. She talked with the youth about the role of a City Councilor. In addition, she encouraged them to think about running for Council as soon as they are legally eligible.

CONSENT AGENDA

The City Attorney read the items on the Consent Agenda into the record.

10. Resolution No. 3085

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Enter Into An Intergovernmental Agreement With Metro For Receipt Of Local Share Funds.

11. Resolution No. 3086

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute The Tri-County Metropolitan Transportation District Of Oregon (TriMet) Subrecipient Agreement.

12. Minutes of the August 21, 2023 City Council Meeting.

Motion: Moved to approve the Consent Agenda as read.

Motion made by Councilor Akervall, Seconded by Councilor Berry.

Voting Yea:

Mayor Fitzgerald, Councilor Akervall, Councilor Linville, Councilor Berry, Councilor Dunwell

Vote: Motion carried 5-0.

NEW BUSINESS

There was none.

CONTINUING BUSINESS

There was none.

PUBLIC HEARING**13. Ordinance No. 881 1st Reading (*Legislative Non-Land Use Hearing*)**

An Ordinance Of The City Of Wilsonville Adopting Wilsonville Code Sections 10.800 Through 10.870 Governing Parking In City-Owned Parking Lots.

The City Attorney read the title of Ordinance No. 881 into the record on first reading.

The Mayor provided the public hearing format and opened the public hearing at 8:27 p.m.

The City Attorney then provided the staff report and PowerPoint, which has been made a part of the record.

Council asked clarifying question.

The Mayor invited public testimony, seeing none the Mayor closed the public hearing on Ordinance No. 881 at 8:43 p.m.

The Mayor then requested a motion on Ordinance No. 881.

Motion: Moved to adopt Ordinance No. 881 on first reading.

Motion made by Councilor Berry, Seconded by Councilor Linville.

Voting Yea:

Mayor Fitzgerald, Councilor Akervall, Councilor Linville, Councilor Berry, Councilor Dunwell

Vote: Motion carried 5-0.

14. Ordinance No. 882 1st Reading (*Legislative Land Use Hearing*)

An Ordinance Of The City Of Wilsonville Amending The Text Of The Development Code To Clarify Review Processes And Correct Inconsistencies.

The City Attorney read the title of Ordinance No. 882 into the record on first reading.

The Mayor provided the public hearing format and opened the public hearing at 8:46 p.m.

Kimberly Rybold, Senior Planner provided the staff report and PowerPoint, which has been made a part of the record.

At the beginning of the presentation, the Senior Planner reminded for the record that the purpose of these amendments was to do a couple of quick housecleaning clarification types of amendments to the development code.

The Senior Planner shared that during the Planning Commissions review of the development code amendments they had some clarifying questions. However, there were no major recommendations or edits to that proposed language that was provided in Council's packet.

The Mayor invited public testimony, seeing none the Mayor closed the public hearing on Ordinance No. 882 at 8:53 p.m.

The Mayor then requested a motion on Ordinance No. 882.

Motion: Moved to adopt Ordinance No. 882 on first reading.

Motion made by Councilor Berry, Seconded by Councilor Linville.

Voting Yea:

Mayor Fitzgerald, Councilor Akervall, Councilor Linville, Councilor Berry, Councilor Dunwell

Vote: Motion carried 5-0.

CITY MANAGER'S BUSINESS

The Assistant City Manager shared the following upcoming events:

- Story walk ribbon cutting on October 13, 2023
- October 28, 2023 Emergency Preparedness Fair

LEGAL BUSINESS

There was none.

ADJOURN

The Mayor adjourned the meeting at 8:57 p.m.

Respectfully submitted,

Kimberly Veliz, City Recorder

ATTEST:

Julie Fitzgerald, Mayor



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 2, 2023	Subject: Ordinance No. 881- 2nd Reading An Ordinance of the City of Wilsonville Adopting Wilsonville Code Sections 10.800 through 10.870 Governing Parking in City-Owned Parking Lots Staff Member: Amanda Guile-Hinman, City Attorney Department: Legal	
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: September 18, 2023 <input type="checkbox"/> Ordinance 1 st Reading Date: September 18, 2023 <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: October 2, 2023 <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	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: Staff recommends Council adopt Ordinance No. 881 on 2 nd Reading.		
Recommended Language for Motion: I move to adopt Ordinance No. 881 on 2 nd Reading.		
Project / Issue Relates To:		
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

Consider adopting code provisions delegating authority to the City Manager, or designee, to establish parking rules in City-owned public parking lots.

EXECUTIVE SUMMARY:

Recent changes in state law have raised the question of whether the City should consider imposing time limits for parking in City-owned public parking lots. Namely, the state has generally limited the City's ability to impose minimum parking requirements for new development. Additionally, as part of the City's response to HB 3115 (2021) regarding camping on public property, the City offers a portion of its City Hall parking lot for limited-duration vehicle camping – 9 pm to 7 am.

At the August 21, 2023 work session, the Council considered whether to adopt regulations imposing new time limits for the public to park in City-owned parking lots, and if so, what type of regulations should be adopted. The Council's preference was to delegate authority to the City Manager to adopt parking rules for the City-owned public parking lots.

This staff report provides the context for the Council's consideration of new regulations concerning City-owned parking lots and reviews the regulations in the proposed Ordinance No. 881.

1. Background

a. State-Mandated Exemptions to City Parking Minimums

With the adoption of new state regulations under the state's Climate Friendly and Equitable Communities (CFEC) policy, the state significantly limited local jurisdictions' ability to impose minimum parking requirements on many new developments. Most properties within the city limits are exempt from the City's regulation of parking minimums. Only Charbonneau, part of Frog Pond, and the northwest area of the City are outside of the areas exempt from parking minimums.

As parts of the City develop or redevelop, such as Town Center, parking may become an increasing concern. It is possible that City-owned parking lots will be utilized by residents, customers, and employees of surrounding properties as overflow parking. The City does not currently have a mechanism to regulate the use of its parking lots.

b. City Response to HB 3115

HB 3115 requires all cities and counties that regulate acts of sitting, lying, sleeping, or keeping warm and dry outdoors on public property to have objectively reasonable time, place, and manner regulations with regards to persons experiencing homelessness. The new law went into effect on July 1, 2023. In response to the mandate in HB 3115 to adopt objectively reasonable time, place, and manner regulations, the City adopted Ordinance No. 879 and Resolution No. 3058, which established two designated areas for camping for survival – one for vehicle camping and one for non-vehicle camping. The vehicle camping designated area is located in part of the western portion of the City Hall parking lot, and camping in the designated area is allowed from 9 pm to 7 am. Camping at any other time or in any other location outside of the designated areas is prohibited under the new City regulations.

A potential concern has arisen of how to distinguish vehicle camping from parking in the City Hall parking lot. In other words, what prevents a person from “camping” overnight in the designated area and “parking” during the day in the City Hall parking lot, thereby circumventing the intent of the City’s new camping for survival regulations? While this issue has generally been avoided through consistent outreach and education by the City’s Code Compliance Coordinator, it raises the question of whether a regulation regarding parking should be considered. Coupled with the potential overflow parking issues the City may realize due to the state-mandated exemptions from minimum parking requirements, consideration of time limits in City-owned parking lots is timely.

2. Proposed New Wilsonville Code Provisions

Based on Council’s feedback from the August 21, 2023 work session, staff drafted new code provisions modeled off of jurisdictions like Tualatin and Ashland that delegate authority to the City Manager to establish appropriate parking regulations, where needed. This will allow the City to quickly respond to specific needs for each City-owned parking lot. Ordinance No. 881 (**Attachment 1** attached hereto) seeks to add Section 10.800 through 10.870 to the Wilsonville Code (Exhibit A to Ordinance No. 881). Below is a summary of the key regulations proposed in Exhibit A:

- Delegates authority to the City Manager, or designee, to adopt regulations governing City-owned parking lots
- Generally requires the City to provide public notice prior to adoption, amendment, or repeal of any parking rules
 - But allows the City Manager to adopt temporary or emergency rules without notice, which will expire within 180 days
- Provides the City Council the authority to review any new or proposed parking rules
- Establishes enforcement under the City’s enforcement regulations in Chapter 1 of the Wilsonville Code

EXPECTED RESULTS:

If the Council decides to adopt the new code provisions, staff expects to develop, adopt, and implement new City-owned parking lot regulations when and where needed in the coming months. Key priorities are the City Hall parking lot, Library parking lot, and Community Center/Public Works parking lot.

TIMELINE:

First reading: September 18, 2023

Second reading: October 2, 2023

Effective date: November 1, 2023

CURRENT YEAR BUDGET IMPACTS:

Minor budget impacts may exist if new signage is ordered for parking lots and could be absorbed within the existing fiscal year 2023-24 budget.

COMMUNITY INVOLVEMENT PROCESS:

Public hearing for consideration of the code amendments will be held on September 18, 2023. Any new parking regulations will be subject to the public notice and comment period contemplated in proposed Section 10.830.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Members of the public who seek to utilize City buildings should not struggle to find parking in City parking lots. Ensuring that overflow parking does not occur and that vehicles do not remain in a particular parking lot for extended periods of time should keep parking spaces available for public use.

ALTERNATIVES:

Retain status quo in which the City does not impose time limitations on parking in City-owned parking lots.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Ordinance No. 881
 - a. Exhibit A attached thereto

ORDINANCE NO. 881**AN ORDINANCE OF THE CITY OF WILSONVILLE ADOPTING WILSONVILLE CODE SECTIONS 10.800 THROUGH 10.870 GOVERNING PARKING IN CITY-OWNED PARKING LOTS.**

WHEREAS, recent changes in state law may impact the use and potential misuse of City-owned parking lots; and

WHEREAS, the City currently lacks clear regulation concerning use of City-owned parking lots; and

WHEREAS, the City Council seeks to efficiently and nimbly respond to issues and concerns regarding use of City-owned parking lots; and

WHEREAS, in order to appropriately respond to use of City-owned parking lots, the City Council seeks to empower the City Manager by delegating authority to the City Manager to determine site-specific regulations for the various City-owned parking lots.

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

Section 1. Findings. The above-stated recitals and the staff report accompanying this Ordinance are incorporated as the City Council's findings to support the consideration and adoption of this Ordinance.

Section 2. The City Council hereby adopts Wilsonville Code Section 10.800 governing parking in City-owned parking lots, which is attached hereto and incorporated by referenced herein as **Exhibit A**.

Section 3. The City Recorder is hereby authorized to correct any scrivener's errors and to conform Section 10.800 to the Wilsonville Code with appropriate numbering.

Section 4. 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 18th day of September, 2023, and scheduled the second reading on October 2, 2023 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 2nd day of October, 2023, by the following votes:

Yes: _____ No: _____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this _____ day of _____, 2023

JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell

EXHIBIT:

A. Wilsonville Code Section 10.800

PARKING REGULATIONS FOR CITY-OWNED PARKING LOTS

10.800	Purpose
10.810	Definitions
10.820	City Manager Authority
10.830	Public Notice
10.840	Temporary Rules and Emergency Rules
10.850	Council Review of Administrative Rules
10.860	Enforcement of Parking Rules
10.870	Severability

10.800 Purpose.

The purpose of these regulations is to provide for administrative parking regulations for all public parking spaces owned by the City of Wilsonville.

10.810 Definitions.

- (1) “Parking Regulations” means the regulations governed by Wilsonville Code Section 10.800 through 10.870.
- (2) “Parking Rules” means the rules governing City-owned parking lots issued pursuant to Section 10.820 herein.
- (3) “City” means the City of Wilsonville, Oregon.
- (4) “City Manager” means the City of Wilsonville City Manager or designee.
- (5) “Council” means the City Council of the City of Wilsonville.

10.820 City Manager Authority.

- (1) Delegation of Authority. The City Manager is delegated the authority to issue Parking Rules to govern the use of the public parking spaces in City-owned parking lots.
- (2) Evidentiary Record Not Required. Unless otherwise required by law, the adoption, amendment, or repeal of a Parking Rule need not be based upon, or supported by, an evidentiary record.
- (3) Effective Date. The City Manager will designate a date upon which a proposed Parking Rule will become effective.
- (4) Notice Required. Except as allowed in Section 10.840, the City Manager must provide notice to the public in the manner described in Section 10.830 herein prior to adopting, amending, or repealing a Parking Rule.

(5) Parking Rules Publication. Parking Rules issued by the City Manager must be filed with the City Recorder. Copies of the current Parking Rules must be made available to the public on the City's website.

10.830 Public Notice.

(1) Prior to the adoption, amendment, or repeal of Parking Rules, the City Manager must:

(a) Give public notice in the manner described in subsection (b) herein of the proposed Parking Rules that:

- (i) Generally states the proposed Parking Rules;
- (ii) States the time, place, and manner for persons to submit written comments about the proposed Parking Rules; and
- (iii) States the date upon which the proposed Parking Rules will become effective.

(b) The notice must be posted on the City's website and in at least one conspicuous location in the Library.

(2) The City Manager must allow at least seven (7) calendar days to receive written comments after posting notice. For clarity, the date of posting is not included in the calculation of the seven (7) calendar days for written comment.

(3) If the City Manager receives any comments within the time allowed for written comments, the City Manager must consider such comments received prior to adopting the Parking Rules that are the subject of the notice; however, the City Manager is not required to change the City Manager's proposed Parking Rules due to comments received.

10.840 Temporary Rules and Emergency Rules

(1) Temporary Rules. Parking Rules may be adopted without notice or opportunity to comment if needed to implement the provisions of any new or amended ordinance upon the ordinance's effective date.

(2) Emergency Rules. Parking Rules may be adopted, amended, or suspended without prior notice or opportunity to comment, or upon an abbreviated notice and opportunity to comment, if the City Manager adopts written findings that an emergency exists, and the failure to act promptly may result in prejudice or harm to the public interest.

(3) Duration of Temporary and Emergency Rules. Any temporary or emergency Parking Rule adopted, amended, or suspended is effective for a period of not more than 180 calendar days from effective date. The adoption of a temporary or emergency Parking Rule does not

preclude the subsequent adoption of an identical Parking Rule that the City Manager adopts in accordance with Section 10.820 and 10.830.

10.850 Council Review of Administrative Rules

No Council action is required for the City Manager to adopt or implement a Parking Rule; however, the Council has the opportunity to review any Parking Rule as follows:

- (1) The Council, upon its own motion, may review a proposed or adopted Parking Rule at any time.
- (2) After review of a proposed or adopted Parking Rule, the Council may decide to take no action, amend, or repeal a Parking Rule.
- (3) If the Council chooses to amend or repeal a Parking Rule, the amendment or repeal of the Parking Rule must be by resolution of the Council.

10.860 Enforcement of Parking Rules

Parking Rules may be enforced in the manner prescribed in Chapter 1 of the Wilsonville Code.

10.870 Severability

If any section, paragraph, subdivision, clause, sentence, or provision of these Parking Regulations shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the validity of the remaining portions of the Parking Regulations.



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 2, 2023	Subject: Ordinance No. 882 – 2nd Reading Development Code Process Clarifications Staff Members: Kimberly Rybold, AICP, Senior Planner Department: Community Development	
Action Required <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: September 18, 2023 <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: September 18, 2023 <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: October 2, 2023 <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	Advisory Board/Commission Recommendation <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments: The Planning Commission adopted Resolution No. LP23-0002 on September 13, 2023, recommending adoption of the Development Code Process Clarifications by City Council.	
Staff Recommendation: Staff recommends Council adopt Ordinance No. 882 on 2 nd Reading.		
Recommended Language for Motion: I move to adopt Ordinance No. 882 on 2 nd reading.		
Project / Issue Relates To:		
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

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

EXECUTIVE SUMMARY:

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

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

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

Other process clarifications are proposed as noted below:

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

- **General Administration** – Clarification in Section 4.011 (How Applications are Processed) that to be considered filed, applications must include authorization as specified in Section 4.009 (Who May Initiate Applications). Clarification within Section 4.022 (Appeal and Call-up Procedures) that appeals of Development Review Board decisions must include a payment of a filing fee within the 14-day appeal period. Addition of Type B Tree Removal Permits to the list of Class 2 Administrative Review applications consistent with Section 4.610.30 (Type B Permit).

The final draft of the proposed amendments (Attachment 1, Exhibit A) incorporates clarification on outstanding items identified in the first draft of amendments presented to Planning Commission and City Council at work sessions in summer 2023. The Planning Commission held a public hearing on LP23-0002 on September 13, 2023, recommending the City Council adopt the proposed Development Code amendment. Planning Commission Resolution LP23-0002 and the associated record and findings of fact are attached as Exhibit B to the Ordinance.

EXPECTED RESULTS:

City Council adoption of the proposed Development Code amendments to provide clarity on review processes.

TIMELINE:

The public hearing is scheduled with the City Council on September 18, 2023, with second reading scheduled for October 2, 2023.

CURRENT YEAR BUDGET IMPACTS:

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

COMMUNITY INVOLVEMENT PROCESS:

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

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

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

ALTERNATIVES:

City Council can adopt, adopt with modifications, or deny the proposed amendments. If more time is needed to consider the proposed amendments, the Commission may also continue the hearing to a date certain.

CITY MANAGER COMMENT:

N/A

ATTACHMENT:

1. Ord. No. 882
 - A. Proposed Development Code Amendments – September 2023
 - B. Resolution No. LP23-0002 Planning Commission Record

ORDINANCE NO. 882**AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING THE TEXT OF THE DEVELOPMENT CODE TO CLARIFY REVIEW PROCESSES AND CORRECT INCONSISTENCIES.**

WHEREAS, in 2016 the City adopted Ordinance No. 797 which amended Sections 4.800 through 4.804 of the Wilsonville Code (WC) and added Sections 4.805 through 4.814 to respond to new Federal Communications Commission (FCC) regulations, pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. § 1455(a)), requiring that cities provide a faster expedited review of certain new co-located wireless communication facilities applications; and

WHEREAS, in 2019, the City adopted Ordinance No. 831 which amended Sections 4.800 through 4.814 in response to new FCC regulations for small wireless facilities to include a Class 1 Administrative Review process for these facilities due to the required review timelines; and

WHEREAS, per the FCC regulations applications for co-location pursuant to Section 6049(a) are subject to a review timeline of 60 days, which timeframes warrant a Class 1 Administrative Review process instead of the current Class 2 Administrative Review process under the Wilsonville Development Code; and

WHEREAS, clarification of application requirements listed in WC Section 4.801 for different wireless communication facility application types will reduce confusion for applicants, staff, and the public; and

WHEREAS, in 2009, the City adopted Ordinance No. 666 which amended WC Section 4.023 to allow for administrative review of time extensions and included special provisions for development approval extensions during 2009 and 2010; and

WHEREAS, adoption of this Ordinance resulted in inconsistent review processes for development approval extensions in WC Sections 4.023 and 4.140; and

WHEREAS, minor edits to procedural requirements in WC Sections 4.011, 4.022, 4.030, and 4.156.09 will provide additional clarity for applicants, staff, and the public; and

WHEREAS, the Planning Commission of the City has the authority to review and make recommendations to the City Council regarding legislative changes to the Development Code pursuant to WC Sections 2.322 and 4.032; and

WHEREAS, the Planning Director submitted a Staff Report and Findings, in accordance with the public hearing and notice procedures that are set forth in WC Sections 4.008, 4.012, and 4.197; and

WHEREAS, following the timely mailing, posting, and publication of the required notice, the Planning Commission conducted a public hearing on September 13, 2023, to review the proposed Development Code amendments, and to gather additional testimony and evidence regarding the proposed amendments, and thereafter deliberated and voted to approve Resolution No. LP23-0002 recommending adoption to the City Council; and

WHEREAS, a copy of the record of the aforementioned Planning Commission action and recommendation is marked Exhibit B, attached hereto and incorporated by reference herein; and

WHEREAS, following the Planning Commission public hearing, the Planning Director forwarded the recommended amendments to the Wilsonville Development Code onto the City Council, along with a Staff Report and attachments, in accordance with the public hearing and notice procedures that are set forth in Sections 4.008, 4.012 and 4.197 of the Wilsonville Code; and;

WHEREAS, the City Council, after public hearing notices advertised in printed media, emailed, and posted in several locations throughout the City and on the City website, held a public hearing on September 18, 2023 to review the recommended amendments to the Wilsonville Development Code, and to gather additional evidence and testimony regarding the amendments; and

WHEREAS, the City Council afforded all interested parties an opportunity to be heard on the subject and has entered all available evidence and testimony into the public record of its proceeding; and

WHEREAS, the City Council duly considered the Planning Commission recommendation and all the exhibits and testimony introduced and offered by all interested parties.

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

Section 1. Findings. The above-recited findings are adopted and incorporated by reference herein as findings and conclusions of Resolution No. LP23-0002,

which includes the staff report. The City Council further finds and concludes that the adoption of the proposed Development Code amendments is necessary for the good of the public of the municipality as described in Exhibit B.

Section 2. Determination. Based on such findings, the City Council hereby adopts the Development Code amendments, attached hereto as Exhibit A. The City Recorder is hereby directed to prepare final formatting to make sure such style and conforming changes match the format and style of the Wilsonville Development Code.

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 18th day of September, 2023, and scheduled the second reading on the 2nd day of October, 2023, 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 2nd day of October, 2023, by the following votes:

Yes: _____ No: _____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 2nd day of October, 2023.

JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell

EXHIBITS:

- A. Proposed Development Code Amendments – September 2023
- B. [Planning Commission Resolution No. LP23-0002 and Record](#)

Proposed Development Code Edits – September 2023

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

Section 4.011. How Applications are Processed.

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

No additional changes proposed in this section

Section 4.022. Appeal and Call-up Procedures.

- (.01) *Administrative Action Appeals.* A decision by the Planning Director on issuance of a Site Development Permit may be appealed. Such appeals shall be heard by the Development Review Board for all quasi-judicial land use matters except expedited land divisions and middle housing land divisions requiring expedited review under state law, as indicated in Section 4.232, which may be appealed to a referee selected by the City to consider such cases. Only the applicant may appeal a Class I decision unless otherwise specified in Section 4.030, and such appeals shall be filed, including all of the required particulars and filing fee, with the City recorder as provided in this Section. Any affected party may appeal a Class II decision by filing an appeal, including all of the required particulars and filing fee, with the City Recorder within 14 calendar days of notice of the decision. Either panel of the Development Review Board, or both panels if convened together, may also initiate a call-up of the Director's decision by motion, without the necessity of paying a filing fee, for matters other than expedited land divisions and middle housing land divisions requiring expedited review under state law, as indicated in Section 4.232. The notice of appeal shall indicate the nature of the action or interpretation that is being appealed or called up and the matter at issue will be a determination of the appropriateness of the action or interpretation of the requirements of the Code.
- (.02) *Board Action.* A decision of the Development Review Board may be appealed to the Council by any affected party who participated in the hearing before the Board by filing an appeal, **including all of the required particulars and filing fee**, within 14 calendar days of the posting of the notice of decision, or by the call-up procedures listed below. The notice of appeal shall indicate the decision that is being appealed.

No additional changes proposed in this section

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

- (.01) Except for Specific Area Plans (SAP), land use and development permits and approvals, including both Stage I and Stage II Planned Development approvals, shall be valid for a maximum of two years, unless extended as provided in this Section. Specific Area Plan approvals shall not expire.
- A. Substantial development, as defined in this Chapter, has taken place in compliance with the permit or approval; or
 - B. A time extension has been granted by city staff for good cause. ~~Except as provided in subsection (.05) below, n~~ **Not more than three such extensions may be granted, for not more than one year each.**
- (.02) If the development approval is for a subdivision or partition, the developer has two years from the date of approval to submit the final plat for recordation, unless a time extension has been granted as specified in

Section 4.023(.01), above. Use of the site or substantial development does not obviate the need for submittal of the final plat within the specified time limits.

- (.03) Zone changes shall not expire unless expiration provisions are specifically included in the zone order adopted by the City Council.
- (.04) Requests for time extensions shall be submitted in writing, including written justification therefore, and received by the Planning Department not less than ~~eight (8)~~ **one** calendar days prior to the expiration date of the permit or approval. **A development approval shall not expire prior to a decision on the granting of this time extension if the request was submitted in accordance with this subsection.**
- ~~(.05) Notwithstanding the limitations and requirements in Section 4.023(.01)(B.) and (.04), beginning June 1, 2009 and ending June 1, 2010, city staff shall approve all applications for one year extensions, which applications shall not require a demonstration of good cause, but shall be accompanied by a filing fee which shall not exceed the fee for a Class 1 Administrative Review, and which extensions shall not be counted toward the maximum number of extensions allowed in Subsection 4.023(.01)(B.).~~

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

- (.01) *Authority of Planning Director.* The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority as follows:
 - A. A Class I application shall be processed as a ministerial action without public hearing, shall not require public notice, and shall not be subject to appeal or call-up, except as noted below. Pursuant to Class I procedures set forth in Section 4.035, and upon finding that a proposal is consistent with the provisions of this Code and any applicable Conditions of Approval, shall approve the following, with or without conditions:
 - 1. Minor site clearing and grading, prior to the approval of a Site Development Plan, provided that:
 - a. No clearing or grading occurs within the Significant Resource Overlay Zone. Clearing or grading in the Significant Resource Overlay Zone shall require, at a minimum, approval of a Class II permit through the procedures specified below;
 - b. No clearing or grading occurs within 25 feet of an area that has been identified by the City as a wetland;
 - c. Not more than three trees are proposed to be removed;
 - d. No fill or removal is proposed;
 - e. Adequate measures are utilized to control erosion and runoff from the site and that the applicant will submit a final Site Development application within seven days of submitting the minor site grading application. All grading activities require compliance with the requirements of the applicable building code and City Public Works standards.
 - 2. Class I Sign Permits, and Temporary Sign Permits for 30 days or less.
 - 3. Architectural, landscape, tree removal, grading and building plans that substantially conform to the plans approved by the Development Review Board and/or City Council. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.

4. Building permits for single family dwellings, middle housing, and in the Village zone, row houses or apartments, meeting zoning requirements and located on lots that have been legally created. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.
5. Lot line adjustments, where none of the lots increase in area by 50 percent or more, subject to the standards specified in Section 4.233.
6. A temporary use permit for not more than 30 days, **Permitted days may or may not be consecutive, but shall not exceed 30 days within the calendar year for which the permit was applied. Temporary use permits are** subject to the following standards:
 - a. The applicant has the written permission of the property owner to use the site;
 - b. The proposed use will not create an obstruction within a sight vision clearance area that would impair the vision of motorists entering onto or passing by the property;
 - c. Adequate parking is provided;
 - d. Signs shall meet the standards of Section 4.156.09. ~~A maximum of two signs, not exceeding a combined total of 24 square feet, are allowed;~~ and
 - e. The proposed use has the approval of the Fire Marshal.
7. Determination that an existing use or structure is a non-conforming use or non-conforming structure, as defined in this Code. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the history of the property, choose to process such determinations through the Class II procedures below.
8. Actions taken subject to Site Development Permits which have been approved by the appropriate decision-making body of the City.
9. Final plats for condominiums, subdivisions, or partitions that are substantially the same as tentative plats approved by the City and which are submitted for review and signature prior to recordation with the appropriate county.
10. Type A tree removal permits as provided in Section 4.600.
11. Determination, based upon consultation with the City Attorney, whether a given development application is quasi-judicial or legislative. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the nature of the application, choose to process such determinations through the Class II procedures below.
12. Expedited land divisions and middle housing land divisions requiring expedited review under state law. Applications for expedited land divisions and middle housing land divisions requiring expedited review under state law, as provided for in Section 4.232 of this Code and ORS Chapter 197 shall be processed without public hearing, and shall be subject to appeal through the special appeal procedures specified in Section 4.232.
 - a. Authority of Planning Director. The Planning Director shall have authority to review applications for expedited land divisions and middle housing land divisions requiring expedited review under state law and to take action approving, approving with conditions, or denying such applications, based on findings of fact.
 - b. Tentative Plat Requirements for Expedited Land Divisions and middle housing land divisions requiring expedited review under state law. Tentative plats and all other application requirements for expedited land divisions and middle housing land divisions requiring

expedited review under state law shall be the same as for other forms of land divisions, except as those requirements are specifically altered by the Oregon Revised Statutes.

- c. Administrative Relief Not Available. In taking action on an application for an expedited land division or middle housing land divisions requiring expedited review under state law, the Planning Director is not authorized to grant Variances or waivers from the requirements of the Code.
- d. Residential Areas Only. As specified in ORS 197, expedited land divisions shall only be approved in areas zoned for residential use.

13. Development approval extensions as provided in Section 4.023.

- B. A Class II application shall be processed as an administrative action, with or without a public hearing, shall require public notice, and shall be subject to appeal or call-up, as noted below. Pursuant to Class II procedures set forth in Section 4.035, the Director shall approve, approve with conditions, deny, or refer the application to the Development Review Board for a hearing:
 - 1. Minor alterations to existing buildings or site improvements of less than 25 percent of the previous floor area of a building, but not to exceed 1,250 square feet, or including the addition or removal of not more than ten parking spaces. Minor modifications to approved Architectural and Site Development Plans may also be approved, subject to the same standards.
 - 2. Residential accessory buildings or structures with less than 120 square feet of floor area located within the Willamette River Greenway Boundary pursuant to Section 4.500 and subject to the flood plain development standards of Section 4.172. Approval of such accessory structures in the Greenway shall be based on all of the following findings of fact:
 - a. The building or structure is located so that the maximum amount of landscape area, open space and/or vegetation is provided between the river and the building;
 - b. Public access to the river is preserved or is provided in accordance with an approved and adopted plan; and
 - c. That the change of use, intensification of use, or development will be directed away from the river to the greatest possible degree while allowing a reasonable use of the property.
 - 3. Written interpretations of the text or maps of this Code, the Comprehensive Plan or sub-elements of the Comprehensive Plan, subject to appeal as provided in Section 4.022. The Planning Director may review and interpret the provisions and standards of Chapter 4 (Planning) of the Wilsonville Code upon receiving the required filing fee along with a specific written request. The Director shall publish and mail notice to affected parties and shall inform the Planning Commission and City Attorney prior to making a final written decision. The Director's letter and notice of decision shall be provided to the applicant, the Planning Commission, the City Council, and City Attorney and the notice shall clearly state that the decision may be appealed in accordance with Section 4.022 (Appeal Procedures). A log of such interpretations shall be kept in the office of the Planning Department for public review.
 - 4. A permit to locate an accessory use on a lot adjacent to the site of the principal use.
 - 5. Subdivisions located within the Coffee Creek Industrial Design Overlay District and land partitions, other than expedited land divisions, pursuant to Section 4.210. Approval shall be based on all of the following findings of fact:
 - a. The applicant has made a complete submittal of materials for the Director to review, as required in Section 4.210;

- b. The proposed plan meets the requirements of the Code regarding minimum lot size and yard setbacks;
 - c. The approval will not impede or adversely affect the orderly development of any adjoining property or access thereto;
 - d. The public right-of-way bordering the lots or parcels will meet City standards;
 - e. Any required public dedications of land have been approved for acceptance by the City and will be recorded with the County prior to final plat approval;
 - f. Adequate easements are proposed where an existing utility line crosses or encroaches upon any other parcel to be created by the partition;
 - g. All public utilities and facilities are available or can be provided prior to the issuance of any development permit for any lot or parcel; and
 - h. Roads extended or created as a result of the land division will meet City standards.
6. Decisions on the following:
- a. Lot line adjustments, where any of the lots increase by more than 50 percent in area, subject to the provisions of Section 4.233.
 - b. Temporary use permits for periods exceeding 30 days **but not more than 120 days. Permitted days may or may not be consecutive, but shall not exceed 120 days within the calendar year for which the permit was applied.** Temporary use permits may allow specific activities associated with the primary use or business located on the property for up to 120 days provided that:
 - i. the property owners have given written permission;
 - ii. no structure, sign or any other object shall exceed 20 feet in height;
 - iii. adequate parking is provided in designated spaces;
 - iv. signs **shall meet the standards of Section 4.156.09**~~are limited to a maximum of two and shall not exceed a total combined area of 24 square feet;~~
 - v. electrical and building permits are obtained as required;
 - vi. undue traffic congestion will not result and, if traffic congestion is expected, a traffic control plan is submitted along with the application that identifies the traffic control procedures that will be used;
 - vii. the activity and/or use shall not unduly interfere with motorists driving on adjacent roads and streets, including I-5; and
 - viii. public notice has been provided and the comments of interested parties have been considered in the action that has been taken-;
 - ix. the proposed use will not create an obstruction within a sight vision clearance area that would impair the vision of motorists entering onto or passing by the property; and**
 - x. the proposed use has the approval of the Fire Marshal.**
7. Solar access permits, as specified in Section 4.137.3.
8. Class II Sign Permits.

9. Site design review, as authorized in Section 4.400 for properties located within the Coffee Creek Industrial Design Overlay District, which satisfy all applicable standards and adjustment criteria in Section 4.134.10.
10. Review of Stage I and Stage II Planned Development applications for properties located within the Coffee Creek Industrial Design Overlay District, which satisfy all applicable standards and adjustment criteria in Section 4.134.

11. Type B tree removal permits as provided in Section 4.600.

- ~~12~~1. Type C tree removal permits as provided in Section 4.600 for properties located within the Coffee Creek Industrial Design Overlay District.

No additional changes proposed in this section

Section 4.140. Planned Development Regulations.

No changes proposed in Subsections (.01) to (.08)

(.09) *Final Approval (Stage Two):*

[Note: Outline Number is incorrect.]

- A. Unless an extension has been granted by the ~~Development Review Board or~~ Planning Director, ~~as applicable,~~ within two years after the approval or modified approval of a preliminary development plan (Stage I), the applicant shall file with the City Planning Department a final plan for the entire development or when submission in stages has been authorized pursuant to Section 4.035 for the first unit of the development, a public hearing shall be held on each such application as provided in Section 4.013. As provided in Section 4.134, an application for a Stage II approval within the Coffee Creek Industrial Design Overlay District may be considered by the Planning Director without a public hearing as a Class II Administrative Review as provided in Section 4.035(.03).
- B. The Development Review Board or Planning Director, as applicable, shall determine whether the proposal conforms to the permit criteria set forth in this Code, and shall approve, conditionally approve, or disapprove the application.
- C. The final plan shall conform in all major respects with the approved preliminary development plan, and shall include all information included in the preliminary plan plus the following:
 1. The location of water, sewerage and drainage facilities;
 2. Preliminary building and landscaping plans and elevations, sufficient to indicate the general character of the development;
 3. The general type and location of signs;
 4. Topographic information as set forth in Section 4.035;
 5. A map indicating the types and locations of all proposed uses; and
 6. A grading plan.
- D. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development or phase of development. However, Site Design Review is a separate and more detailed review of proposed design features, subject to the standards of Section 4.400.

- E. Copies of legal documents required by the Development Review Board or Planning Director, as applicable, for dedication or reservation of public facilities, or for the creation of a non-profit homeowner's association, shall also be submitted.
- F. Within 30 days after the filing of the final development plan, the Planning staff shall forward such development plan and the original application to the Tualatin Valley Fire and Rescue District, if applicable, and other agencies involved for review of public improvements, including streets, sewers and drainage. The Development Review Board or Planning Director, as applicable, shall not act on a final development plan until it has first received a report from the agencies or until more than 30 days have elapsed since the plan and application were sent to the agencies, whichever is the shorter period.
- G. Upon receipt of the final development plan, the Development Review Board or Planning Director, as applicable shall examine such plan and determine:
1. Whether it conforms to all applicable criteria and standards; and
 2. Whether it conforms in all substantial respects to the preliminary approval; or
 3. Require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards.
- H. If the Development Review Board or Planning Director, as applicable, permits the applicant to revise the plan, it shall be resubmitted as a final development plan within 60 days. If the Board or Planning Director approves, disapproves or grants such permission to resubmit, the decision of the Board shall become final at the end of the appeal period for the decision, unless appealed to the City Council, in accordance with Sections 4.022 of this Code.
- I. All Stage II Site Development plan approvals shall expire two years after their approval date, if substantial development has not occurred on the property prior to that time. Provided, however, that the ~~Development Review Board or Planning Director, as applicable,~~ may extend these expiration times for up to three additional periods of not more than one year each. Applicants seeking time extensions shall make their requests in writing at least ~~30~~one days in advance of the expiration date. **A development approval shall not expire prior to a decision on the granting of this time extension if the request was submitted in accordance with this subsection.** Requests for time extensions shall only be granted upon (1) a showing that the applicant has in good faith attempted to develop or market the property in the preceding year or that development can be expected to occur within the next year, and (2) payment of any and all Supplemental Street SDCs applicable to the development. Upon such payment, the development shall have vested traffic generation rights under [section] 4.140(.10), provided however, that if the Stage II approval should expire, the vested right to use trips is terminated upon City repayment, without interest, of Supplemental Street SDCs. For purposes of this Ordinance, "substantial development" is deemed to have occurred if the required building permits or public works permits have been issued for the development, and the development has been diligently pursued, including the completion of all conditions of approval established for the permit.
- J. A planned development permit may be granted by the Development Review Board or Planning Director, as applicable, only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Section 4.140:
1. The location, design, size and uses, both separately and as a whole, are consistent with the Comprehensive Plan, and with any other applicable plan, development map or Ordinance adopted by the City Council.
 2. That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of Level of Service D, as defined in the Highway Capacity Manual published by the National Highway Research Board, on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.

Immediately planned arterial and collector streets are those listed in the City's adopted Capital Improvement Program, for which funding has been approved or committed, and that are scheduled for completion within two years of occupancy of the development or four year if they are an associated crossing, interchange, or approach street improvement to Interstate 5.

- a. In determining levels of Service D, the City shall hire a traffic engineer at the applicant's expense who shall prepare a written report containing the following minimum information for consideration by the Development Review Board:
 - i. An estimate of the amount of traffic generated by the proposed development, the likely routes of travel of the estimated generated traffic, and the source(s) of information of the estimate of the traffic generated and the likely routes of travel;
 - ii. What impact the estimate generated traffic will have on existing level of service including traffic generated by (1) the development itself, (2) all existing developments, (3) Stage II developments approved but not yet built, and (4) all developments that have vested traffic generation rights under section 4.140(.10), through the most probable used intersection(s), including state and county intersections, at the time of peak level of traffic. This analysis shall be conducted for each direction of travel if backup from other intersections will interfere with intersection operations.
- b. The following are exempt from meeting the Level of Service D criteria standard:
 - i. A planned development or expansion thereof which generates three new p.m. peak hour traffic trips or less;
 - ii. A planned development or expansion thereof which provides an essential governmental service.
- c. Traffic generated by development exempted under this subsection on or after Ordinance No. 463 was enacted shall not be counted in determining levels of service for any future applicant.
- d. Exemptions under 'b' of this subsection shall not exempt the development or expansion from payment of system development charges or other applicable regulations.
- e. In no case will development be permitted that creates an aggregate level of traffic at LOS "F".
3. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or immediately planned facilities and services.
- K. Mapping: Whenever a Planned Development permit has been granted, and so long as the permit is in effect, the boundary of the Planned Development shall be indicated on the Zoning Map of the City of Wilsonville as the appropriate "PD" Zone.

No additional changes proposed in this section

Section 4.156.09. Temporary Signs in all Zones.

~~The following temporary signs may be permitted:~~ In addition to the permanent signs allowed in different zones and exempt temporary signs, unless specifically prohibited in a master sign plan or other sign approval, the following temporary signs may be permitted through a temporary sign permit:

- (.01) *General Allowance.* Except as noted in subsection (.02) below up to two temporary signs not exceeding a combined total of 24 square feet may be permitted per lot or non-residential tenant. Such signs may be banners, rigid signs, lawn signs, portable signs, or other signs of similar construction.

No additional changes proposed in this section

Section 4.800. Wireless Communications Facilities—Permitted, Conditionally Permitted, and Prohibited Uses.

Purpose:

Wireless Communications Facilities ("WCF") play an important role in meeting the communication needs of the Wilsonville community citizens. This Section aims to balance the proliferation of and need for WCF with the importance of keeping Wilsonville a livable and attractive City, consistent with City regulations for undergrounding utilities to the greatest extent possible.

In accordance with the guidelines and intent of Federal law and the Telecommunications Act of 1996, these regulations are intended to: 1) protect and promote the public health, safety, and welfare of the Wilsonville community citizens; 2) preserve neighborhood character and overall City-wide aesthetic quality; and 3) encourage siting of WCF in locations and by means that minimize visible impact through careful site selection, design, configuration, screening, and camouflaging techniques.

As used herein, reference to Wireless Communications Facilities is broadly construed to mean any facility, along with all of its ancillary equipment, used to transmit and/or receive electromagnetic waves, radio or television signals including, but not limited to, antennas, dish antennas, microwave antennas, small cells, distributed antenna systems ("DAS"), 5G, small cell sites/DAS, and any other types of equipment for transmission or receipt of signals, including telecommunication towers, poles, and similar supporting structures, equipment cabinets or buildings, parking and storage areas, and all other accessory development.

Reference to Small Wireless Facilities (SWF) herein is construed to mean ~~telecommunications facilities~~ **WCF** and associated equipment that meet the definition of small wireless facilities as stated in 47 C.F.R. § 1.6002(l).

Reference to Macro WCF means WCF that do not meet the definition of small wireless facilities.

This Section does not apply to (i) amateur radio stations defined by the Federal Communication Commission and regulated pursuant to 47 C.F.R. Part 97; or (ii) WCF owned by, or operated solely for, the City of Wilsonville.

If any provision of this Code directly conflicts with State or Federal law, where State or Federal law preempts local law, then that provision of this Code shall be deemed unenforceable, to the extent of the conflict, but the balance of the Code shall remain in full force and effect.

Nothing contained in this Section shall be construed in any way to waive or limit the City's proprietary rights over its real and personal property, including without limitation any proprietary interest in the right-of-way. Thus, if it is determined the City has authority to exert greater rights or impose additional conditions or limitations beyond those set forth in this Section, the City reserves the absolute right to do so, as it determines appropriate or necessary.

(.01) Permitted Uses:

- A. **New** ~~T~~-towers, poles, and structures for **Macro** WCF and ancillary facilities thereto are permitted in all of the following locations:
 1. Any property owned by the City of Wilsonville, including public right-of-way;
 2. Any property owned by the West Linn - Wilsonville School District;
 3. Any property owned by the Tualatin Valley Fire District;

4. Any property within an electric utility substation.
 - B. ~~Co-located WCF~~ **pursuant to Section 4.802** ~~is encouraged on all existing, legally established, towers, poles, and structures in all zones and may be required on City property.~~
 - C. **Modification of existing towers, poles, and structures for WCF and ancillary facilities not meeting the co-location requirements of Section 4.802.**
 - D. **SWF as follows:**
 1. **Attached to an existing structure (i.e., utility pole, tower, streetlight, traffic signal, building, etc.) within the public right-of-way.**
 2. **Incorporated into a freestanding or replacement structure (i.e., a standalone pole intended to support only the wireless equipment or a replacement pole that supports both the wireless equipment and the other utilities, traffic control or other pre-existing attachments) within the public right-of-way.**
 3. **Attached or mounted to an existing structure (i.e., rooftop, building façade, sports field light, etc.) outside the public right-of-way.**
 - E. **Satellite communications antennas:**
 1. **Not exceeding one meter in diameter shall be permitted in any zone without requiring Administrative Review.**
 2. **One meter or larger shall be subject to Administrative Review.**
 - C. ~~Satellite communications antennas not exceeding one meter in diameter shall be permitted in any zone without requiring Administrative Review.~~
 - D. ~~Camouflaged WCF antennas attached to existing light, power, or telephone poles are permitted in all zones, subject to the development standards of Section 4.803.~~
 - F. ~~The City of Wilsonville is an underground utility City (Undergrounding District) where mandatory aesthetic design standards do not unreasonably preclude WCF by requiring undergrounding of all equipment to the maximum extent possible. Therefore, no new vertical elements will be allowed on City property if there are existing facilities available to reasonably accommodate the WCF, and all equipment other than the antennas shall be placed underground to the maximum extent possible. The following shall be used to determine maximum extent possible:~~
 1. ~~Equipment functional underground;~~
 2. ~~Location available to underground near associated antenna; and~~
 3. ~~Conflicts with other underground uses as determined by the City~~
- (.02) Conditional Uses. ~~Except as indicated as permitted in (.01) above, WCF can be conditionally permitted in all zones, pursuant to Section 4.184 of the Wilsonville Code~~
- A. **Historical Buildings and Structures. No WCF shall be allowed on any building or structure, or in any district, that is listed on any Federal, State, or local historical register unless it is determined by the Development Review Board that the facility will have no adverse effect on the appearance of the building, structure, or district. No change in architecture and no high visibility facilities are permitted on any such building, any such site, or in any such district.**
 - B. **Tower or Pole Heights. Towers or poles may exceed the height limits otherwise provided for in the Development Code with compelling justification only. Costs and cost efficiency are not compelling justifications.**

C. Lighting. If beacon lights or strobe lights are required by the Federal Aviation Administration (FAA) or other applicable authority, the Development Review Board shall review the available alternatives and approve the design with the least visual impact.

D. Except as indicated as permitted in (.01) above, WCF can be conditionally permitted in all zones, pursuant to Section 4.184 of the Wilsonville Code.

(.03) Prohibited Uses. WCF are prohibited on all lands designated as within the Significant Resource Overlay Zone lands.

(.04) Exemptions. The following shall be considered exempt structures or activities under this Code Chapter:

A. Antennas (including direct-to-home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations regardless of zone capacity.

B. Cell on Wheels (COW), which are permitted as temporary uses in nonresidential zones for a period not to exceed 60 days, except that such time period may be extended by the City during a period of emergency as declared by the City, County, or State.

C. Replacement antennas or equipment, provided the replacement antennas and/or equipment have the same function, size, and design to the replaced antenna and/or equipment and do not exceed the overall size of the original approved antenna and/or equipment.

(.05) Undergrounding Requirement. The City of Wilsonville is an underground utility City (Undergrounding District) for the purposes of public safety, service reliability, and aesthetic design; where these mandatory design standards do not unreasonably preclude WCF by requiring undergrounding of all equipment to the maximum extent possible. Therefore, no new vertical elements will be allowed on City property if there are existing facilities available to reasonably accommodate the WCF, and all equipment other than the antennas shall be placed underground to the maximum extent possible. The following shall be used to determine maximum extent possible:

A. Equipment functional underground;

B. Location available to underground near associated antenna; and

C. Conflicts with other underground uses as determined by the City.

(Ord. No. 831, 1-24-2019)

Section 4.801. Application Requirements.

Cable providers that occupy any portion of the City's right-of-way are required to enter into a Franchise Agreement with the City. Other utilities, including Competitive Local Exchange Competitor carriers are subject to the terms of the City's Privilege Tax Ordinance No. 616. In order to be permitted, an applicant must complete: 1) a Site Development Permit Application; 2) a Public Works Permit; 3) a Building Permit; and 4) enter into a Lease Agreement with the City for use of the public Right-of-Way. In preparing the Application, the applicant should review all provisions of this Code Section, particularly the portion attached to the Development Review Standards. The WCF Application process shall include all of the following:

(.01) Cable and telecommunication providers that occupy any portion of the City's right-of-way are required to enter into a Franchise Agreement with the City. Other utilities, including Competitive Local Exchange Competitor carriers are subject to the terms of the City's Privilege Tax Ordinance No. 616. In order to be permitted, an applicant must complete:

A. A Site Development Permit Application;

B. A Public Works Permit;

C. A Building Permit; and**D. Enter into a Lease Agreement with the City for use of the public Right-of-Way.****(.02) Required for all WCF, including SWF applications:**

A. Property Owner Signature. The signature of the property owner(s) on City of Wilsonville application forms or a written signed statement from the property owner(s) granting authorization to proceed with the land use application and building permits, pursuant to WC Section 4.009.

B. ~~(.01)~~ *Speculation.* No Application for a WCF shall be approved from an applicant that constructs WCF and leases tower space to service providers that is not itself a wireless service provider, unless the applicant submits a binding written commitment or executed lease from a service provider to utilize or lease space on the WCF.

C. ~~(.02)~~ *Geographical Survey.* The applicant shall identify the geographic service area for the proposed WCF, including a map showing all of the applicant's existing sites in the local service network associated with the gap that the proposed WCF is proposed to close. The applicant shall **identify technically feasible alternative site locations within the geographic service area** describe how this service area fits into and is necessary for the service provider's service network.

- 1.** Prior to the issuance of any building permits, applicants for WCF shall provide a copy of the corresponding FCC Construction Permit or license for the facility being built or relocated, if required.
- 2.** The applicant shall include a vicinity map clearly depicting where, within a one-half mile radius, any portion of the proposed WCF could be visible, and a graphic simulation showing the appearance of the proposed WCF and all accessory and ancillary structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation and screening measures. Such points are to be mutually agreed upon by the Planning Director or the Planning Director's designee and the applicant. ~~This Section (2) is not applicable to applications submitted subject to the provisions of 47 U.S.C. 1455(a).~~

D. ~~(.03)~~ *Visual Impact, Technological Design Options, and Alternative Site Analysis.* The applicant shall provide a visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette, and proposed screening for all components of the facility. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility as seen from multiple directions. The applicant shall include a map showing where the photos were taken. The applicant shall include an analysis of alternative sites **that would meet City design and locational standards** and **alternative** technological design options for the WCF, within and outside of the City, ~~that~~ **which** are capable of meeting the same service objectives as the preferred site with an equivalent or lesser visual impact. If a new tower or pole is proposed as a part of the proposed WCF, the applicant must demonstrate the need for a new tower and pole and why existing locations or design alternatives, such as the use of microcell technology, cannot be used to meet the identified service objectives. Documentation and depiction of all steps that will be taken to screen or camouflage the WCF to minimize the visual impact of the proposed facility must be submitted.

E. ~~(.04)~~ **Application Narrative.** ~~Number of WCF.~~ The Application shall include a detailed narrative of all of the equipment and components to be included with the WCF, including, but not limited to, antennas and arrays; equipment cabinets; back-up generators; air conditioning units; poles; towers; lighting; fencing; wiring, housing; and screening. The applicant must provide the number of proposed WCF at each location and include renderings of what the WCF will look like when screened. The Application must contain a list of all equipment and cable systems to be installed, including the maximum and minimum dimensions of all proposed equipment. Wilsonville is an Undergrounding District, meaning that the City will require any utility that can

be fully or partially located underground to the maximum extent possible to help preserve the aesthetic appearance of the right-of-way and community and to prevent aboveground safety hazards. Therefore, all components of the WCF must be undergrounded to the extent reasonably feasible. Those components of the WCF that must be above ground must be identified by type of facility, dimension of facility, with proposed screening to reduce to the maximum extent possible the visual impact of aboveground facilities and equipment. A written narrative of why any portion of the WCF must be above ground is required.

F. ~~(.05)~~ *Safety Hazards.* Any and all known or expected safety hazards for any of the WCF facilities must be identified and the applicant who must demonstrate how all such hazards will be addressed and minimized to comply with all applicable safety codes.

G. ~~(.06)~~ *Landscaping.* The Application shall provide a landscape plan, drawn to scale, that is consistent with the need for screening at the site, showing all proposed landscaping, screening and proposed irrigation (if applicable), with a discussion of how proposed landscaping, at maturity, will screen the site. Existing vegetation that is proposed to be removed must be clearly indicated and provisions for mitigation included.

H. ~~(.07)~~ *Height.* The Application shall provide an engineer's diagram, drawn to scale, showing the height of the WCF and all of its above-ground components. Applicants must provide sufficient evidence that establishes that the proposed WCF is designed to the minimum height required to meet the carrier's coverage objectives. If a tower or pole height will exceed the base height restrictions of the applicable zone, this narrative shall include a discussion of the physical constraints (topographical features, etc.) making the additional height necessary. The narrative shall include consideration of design alternatives, including the use of multiple sites or designs that would avoid the need for the new WCF or over zone height WCF. Except as noted in (a) and (b) below, the maximum height allowed in the right-of-way is 50 feet.

1. ~~A.~~ The maximum height for a freestanding SWF in the public right-of-way is no more than ten percent taller than other adjacent structures in the right-of-way.

2. ~~B.~~ When collocated on an existing structure in the public right-of-way, the SWF and the existing structure (including the antenna and any equipment enclosures contained within the structure) shall not exceed 50 feet or more than ten percent of the existing structure or nearby structures, whichever is greater.

I. ~~(.08)~~ *Construction.* The Application shall describe the anticipated construction techniques and time frame for **construction or** installation of the WCF. **This narrative must include all temporary staging, site access, and the types of vehicles and equipment to be used.**

J. ~~(.09)~~ *Maintenance.* The Application shall describe the anticipated maintenance and monitoring program for the WCF, including antennas, back-up equipment, poles, paint, and landscaping; **and a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.**

K. ~~(.10)~~ *Noise/Acoustical Information.* The Application shall provide manufacturer's specifications for all noise-generating equipment, such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties. The applicant shall provide a noise study prepared and sealed by a qualified Oregon-license Professional Engineer that demonstrates that the WCF will comply with intent and goals of Section 6.204 et seq. of this Code.

~~(.11)~~ *Parking.* The Application shall provide a site plan showing the designated parking areas for maintenance vehicles and equipment, if any. **No parking of maintenance vehicles and equipment parking shall be permitted in any red curb zone, handicap parking zone, or loading zone.**

~~(.12)~~ **Co-Location.** In the case of new multi-user towers, poles, or similar support structures, the applicant shall submit engineering feasibility data and a letter stating the applicant's willingness to allow other carriers to co-locate on the proposed WCF.

L. (.13) *Lease.* The site plan shall show the lease area of the proposed WCF.

M. (.14) *FCC License and Radio Frequency Safety Compliance.* The Application shall provide a copy of the applicant's FCC license and/or construction permit, if an FCC license and/or construction permit is required for the proposed facility. The applicant shall provide documentation showing that the party responsible for radio frequency transmissions is in planned or actual compliance with all FCC RF emissions safety standards and guidelines at 47 C.F.R. § 1.1307 et seq. and FCC Office of Engineering Technology Bulletin 65.

N. (.15) *Lighting and Marking.* The Application shall describe any proposed lighting and marking of the WCF, including any required by the FAA.

O. (.16) *Co-Location Feasibility.* A feasibility study for the co-location of any WCF as an alternative to new structures must be presented and certified by an Oregon-licensed Professional Engineer. Co-location will be required when determined to be feasible. The feasibility study shall include:

- 1.A** An inventory, including the location, ownership, height, and design of existing WCF within one-half mile of the proposed location of a new WCF. The planning director may share such information with other applicants seeking permits for WCF, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
- 2.B** Documentation of the efforts that have been made to co-locate on existing or previously approved towers, poles, or structures. The applicant shall make a good faith effort to contact the owner(s) of all existing or approved towers, poles, or structures and shall provide a list of all owners contacted in the area, including the date, form, and content of such contact.
- 3.C** Documentation as to why co-location on existing or proposed towers, poles, or commercial structures within 1,000 feet of the proposed site is not practical or feasible. Co-location shall not be precluded simply because a reasonable fee for shared use is charged or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The Planning Director and/or Development Review Board may consider expert testimony to determine whether the fee and costs are reasonable when balanced against the market and the important aesthetic considerations of the community.

P. (.17) *Engineering Report for New Location.* ~~A.~~ An Application for a new WCF, whether co-located or new, shall include, as applicable, a report from an Oregon licensed Professional Engineer documenting the following:

1. A description of the proposed WCF height and design, including technical, engineering, and other pertinent factors governing selection of the proposed design. A cross-section of the proposed WCF structure shall be included. The engineer shall document whether the structure is at its maximum structural capacity and, if not, the additional weight the structure could support.
2. Documentation that the proposed WCF will have sufficient structural integrity for the proposed uses at the proposed location, in conformance with the minimum safety requirements of the State Structural Specialty Code and EIA/TIA 222 (Structural Standards for Communication and Small Wind Turbine Support Structures), latest edition at the time of the application.

- ~~3B.~~ A description of mitigation methods which will be employed to avoid ice hazards, including increased setbacks, and/or de-icing equipment, if required by any safety law, regulation, or code.
- 4C. Evidence that the proposed WCF will comply with all applicable requirements of the Federal Aviation Administration, the Aeronautics Section of the Oregon Department of Transportation, and the Federal Communications Commission.
- ~~(.18) Maintenance.~~ The applicant shall provide a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.
- ~~(.19) Recordation Requirements.~~ If a new WCF is approved, the owner shall be required, as a condition of approval, to:
 - A. ~~Record the conditions of approval specified by the City with the Deeds Records Office in the Office of the County Recorder of the county in which the WCF is located;~~
 - B. ~~Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;~~
 - C. ~~Negotiate in good faith for shared use by others; and~~
 - D. ~~Such conditions shall run with the land and be binding on subsequent purchasers of the WCF.~~

Q. All SWF applications must demonstrate compliance with all requirements in Section 2 "Design Elements" of the "City of Wilsonville Small Wireless Facility Infrastructure Design Standards".

- R. (.20)** The Planning Director may request any other information deemed necessary to fully evaluate and review the information provided in the application.

(.03) Additional Application Requirements for new Macro WCF applications.

- A. **Parking.** The Application shall provide a site plan showing the designated parking areas for maintenance vehicles and equipment, if any. No parking of maintenance vehicles and equipment parking shall be permitted in any red curb zone, handicap parking zone, or loading zone.
- B. **Co-Location.** In the case of new multi-user towers, poles, or similar support structures, the applicant shall submit engineering feasibility data and a letter stating the applicant's willingness to allow other carriers to co-locate on the proposed WCF.
- C. **Recordation Requirements.** If a new WCF is approved, the owner shall be required, as a condition of approval, to:
 - 1. **Record the conditions of approval specified by the City with the Deeds Records Office in the Office of the County Recorder of the county in which the WCF is located;**
 - 2. **Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;**
 - 3. **Negotiate in good faith for shared use by others; and**
 - 4. **Such conditions shall run with the land and be binding on subsequent purchasers of the WCF.**

Section 4.802. Co-Location.

In order to encourage shared use of towers, poles, or other facilities for the attachment of WCF, **pursuant to the provisions of 47 U.S.C. 1455(a)**, no conditional use permit shall be required for the addition of equipment, provided that:

- (.01) There is no change to the type of tower or pole.
- (.02) All co-located WCF shall be designed in such a way as to be visually compatible with the structures on which they are placed.

- (.03) All co-located WCF must comply with the conditions and concealment elements of the original tower, pole, or other facility upon which it is co-locating.
- (.04) Shall not disturb, or will mitigate any disturbed, existing landscaping elements.
- (.05) Does not entail excavation or deployment outside site of current facility where co-location is proposed.
- (.06) All co-located WCF, and additions to existing towers, poles, or other structures, shall meet all requirements of the State of Oregon Structural Specialty Code and EIA/TIA 222 (Structural Standards for Communication and Small Wind Turbine Support Structures), latest edition at the time of the application. A building permit shall be required for such alterations or additions. Documentation shall be provided by an Oregon-licensed Professional Engineer verifying that changes or additions to the tower structure will not adversely affect the structural integrity of the tower.
- (.07) Additional Application Requirements for Co-Location:
 - A. A copy of the site plan approved for the original tower, pole, or other base station facility to which the co-location is proposed.
 - B. A site survey delineating development on-the-ground is consistent with the approved site plan.

Section 4.803. Development Review Standards.

All WCF shall comply with the following Development Review standards, unless ~~grandfathered~~ **exempted** under State or Federal law:

- (.01) **The following development standards are applicable to all WCF and SWF applications:** ~~Visual Impact:~~
 - A. *Maximum Number of High Visibility Facilities Per Lot or Parcel.* No more than one high visibility WCF is allowed on any one lot or parcel of five acres or less. The Development Review Board may approve exceeding the maximum number of high visibility WCF per lot or parcel if one of the following findings is made through a Class III review process: (1) co-location of additional high visibility WCF is consistent with neighborhood character, (2) the provider has shown that denial of an application for additional high visibility WCF would prohibit or have the effect of prohibiting service because the WCF would fill a significant gap in coverage and no alternative locations are available and technologically feasible, or (3) the provider has shown that denial of an application for additional high visibility WCF would unreasonably discriminate among providers of functionally equivalent services. In such cases, the Development Review Board shall be the review authority for all related applications.
 - B. *Height.* **The height of WCF is regulated as follows:**
 - 1.** The tower or pole height of a freestanding WCF in R, PDR and ~~FDA-HRA-H~~ zones shall not exceed 50 feet, except the following:
 - ~~**1a.**~~ ~~**FDA-HRA-H**~~ zoned property occupied by the City Wastewater Treatment Plant and the PDR zoned property occupied by the Elligsen Road Water Reservoir shall be exempted from the height limitations of the subject zones, ~~and subsection 4.803(.01)A, above, shall apply.~~
 - 2b.** Small Wireless Facilities in the public right-of-way. SWF in the public right-of-way shall not exceed the height permitted under WC 4.801~~(.07)~~**(.02)H.**
 - 2.** **In all other zones, towers or poles shall not** exceed the height limits ~~otherwise~~ provided for in the Development Code with out compelling justification. Costs and cost efficiency are not compelling justifications.

- C. *WCF Adjacent to Residentially Designated Property.* In order to ensure public safety, all WCF located adjacent to any property designated as residential in Wilsonville shall be set back from all residential property lines by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto. The setback shall be measured from that part of the WCF that is closest to the neighboring residentially designated property.
- ~~D. *Historical Buildings and Structures.* No WCF shall be allowed on any building or structure, or in any district, that is listed on any Federal, State, or local historical register unless it is determined by the Development Review Board that the facility will have no adverse effect on the appearance of the building, structure, or district. No change in architecture and no high visibility facilities are permitted on any such building, any such site, or in any such district.~~
- ~~E. *Tower or Pole Heights.* Towers or poles may exceed the height limits otherwise provided for in the Development Code with compelling justification only. Costs and cost efficiency are not compelling justifications.~~
- D. F. *Accessory Building Size.* Within the public right-of-way, no above-ground accessory buildings shall be permitted. Outside of the public right-of-way, all accessory buildings and structures permitted to contain equipment accessory to a WCF shall not exceed 12 feet in height unless a greater height is necessary and required by a condition of approval to maximize architectural integration. Each accessory building or structure is limited to 200 square feet, unless approved through a Conditional Use Permit.
- E. G. *Utility Vaults and Equipment Pedestals.* Within the public right-of-way, utility vaults and equipment pedestals associated with WCF must be underground to the maximum extent possible.
- F. H. *Visual Impact.* All WCF shall be designed to minimize the visual impact to the maximum extent possible by means of placement, screening, landscaping, and camouflage. All WCF shall also be designed to be compatible with existing architectural elements, building materials, and other site characteristics. All WCF shall be sited in such a manner as to cause the least detriment to the viewshed from other properties. The use of radomes and/or other camouflage techniques acceptable to the City to conceal antennas, associated equipment and wiring, and antenna supports is required.
- G. I. *Color Schemes.* For the sake of visual impact, no wooden poles are allowed except Small Wireless Facilities on existing poles with high voltage power lines that would require thermal hydraulic cooling if undergrounded. Color schemes must be approved by the City to best camouflage with the surrounding landscape.
- H. J. *Antennas.* Façade-mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. As appropriate, antennas shall be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than two feet out from the building face. Roof-mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the building edge as possible or otherwise screened to minimize visibility from the public right-of-way and adjacent properties.
- I. K. *Noise.* Noise from any equipment supporting the WCF shall meet the requirements of City Code Section 6.204—Noise.
- J. L. *Signage.* No signs, striping, graphics, or other attention-getting devices are permitted on any WCF except for warning and safety signage with a surface area of no more than three square feet. Except as required by law, all signs are prohibited on WCF except for one non-illuminated sign, not to exceed two square feet, which shall be provided at the main entrance to the WCF, stating the owner's name, the wireless operator(s) if different from the owner, and address and a

contact name and phone number for emergency purposes. WCF may be placed entirely behind existing street or building signs as one method of camouflage.

K. M. *Traffic Obstruction.* Maintenance vehicles servicing facilities located in the public right-of-way shall not park on the traveled way or in a manner that obstructs traffic. No maintenance vehicle parking shall be permitted in red curb zones, handicap zones, or loading zones.

L. N. *Parking.* No net loss in minimum required parking spaces shall occur as a result of the installation of any WCF.

M. O. *Sidewalks and Pathways.* Cabinets and other equipment shall not impair pedestrian use of sidewalks or other pedestrian paths or bikeways on public or private land and shall be screened from view. Cabinets shall be undergrounded, to the maximum extent possible.

N. P. *Lighting.* WCF shall not include any beacon lights or strobe lights, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If beacon lights or strobe lights are required, the Development Review Board shall review the available alternatives and approve the design with the least visual impact. All other site lighting for security and maintenance purposes shall be shielded and directed downward, and shall comply with the City's outdoor lighting standards in City Code Section 4.199, unless otherwise required under Federal law.

O. Q. *Paint and Finish.* Towers, poles, antennas, and associated equipment shall either maintain a galvanized steel finish or be painted a non-reflective, neutral color, as approved by the Planning Director or Development Review Board, to minimize visibility. Attached communication facilities shall be painted so as to be identical to or compatible with the existing structure. Towers more than 200 feet in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration rules. Applicants shall attempt to seek a waiver of OSAD and FAA marking requirements. When a waiver is granted, towers shall be painted and/or camouflaged in accordance with subsection (.01), above. All ancillary facilities shall be colored or surfaced so as to blend the facilities with the surrounding natural and built environment.

P. R. *Use of Concealments.* Concealments are customized structures engineered to cover cell towers, antennas, DAS equipment and beautify them and make them either less visible or more pleasing to have in the landscape. Applicant shall present a proposal for concealment intended to meet the foregoing goal.

Q. S. *Public Works Standards.* Additional applicable construction and design standards are as set forth in the City's 2015 Public Works Standards.

R. T. *Compliance With All Laws.* Every WCF shall comply with all local, state, and federal laws, codes, and regulations including without limitation to the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

~~(.02) Site Size.~~ The site on which a transmission tower/pole is located shall be of a sufficient shape and size to provide all required setbacks as specified in this Code Section. Towers or poles only as permitted herein may be located on sites containing other principal uses in the same buildable area as long as all of the other general requirements of this Code Section are met.

~~(.03) Separation and Setbacks.~~

~~A. WCF shall be set back from any other property line by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto unless this requirement is specifically waived by the Planning Director or the Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.~~

~~B. A guyed tower located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 100 percent~~

breakpoint or 25 feet, unless this requirement is specifically waived by the Planning Director or Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.

- ~~C. WCF mounted on rooftops or City-approved alternative tower structures shall be exempt from these minimum separation requirements. However, WCF and related equipment may be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties and must be screened.~~
- ~~D. WCF towers and poles are prohibited in the required front yard, back yard, or side yard setback of any lot in any zone, and no portion of any antenna array shall extend beyond the property lines. For guyed towers or poles, all guy anchors shall be located outside of the setback from all abutting properties.~~

T. (.04) *Security Fencing.* WCF or towers shall be enclosed by decay-resistant security fencing not less than six feet in height and shall be equipped with an appropriate anti-climbing device. Fencing shall be compatible with other nearby fencing. Such requirements may be waived for attached WCF.

U. (.05) *Landscaping.* Landscaping shall be placed around the outside perimeter of the security fencing and shall consist of fast growing vegetation that can be expected to reach a minimum height of six feet and form a continuous hedge within two years of planting. Drought tolerant landscaping materials shall be required and otherwise meet the landscaping standards of City Code Section 4.176. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height and would not affect the stability of the guys should they be uprooted. Landscaping shall be compatible with other nearby landscaping.

V. (.06) *Conflict with Right-of-Way.* No WCF shall be located within a planned or existing public right-of-way, unless it is specifically designed for the purpose in a way that will not impede pedestrian, bicycle, or vehicular traffic and the installation of any sidewalk or path that is a planned future improvement.

W. (.07) *Change to Approved WCF.* Any change to or expansion of a WCF that will in any way change the physical appearance of the WCF will require a new application.

(.02) Additional development standards applicable to new Macro WCF:

A. Site Size. The site on which a transmission tower/pole is located shall be of a sufficient shape and size to provide all required setbacks as specified in this Code Section. Towers or poles only as permitted herein may be located on sites containing other principal uses in the same buildable area as long as all of the other general requirements of this Code Section are met.

B. Separation and Setbacks.

- 1. WCF shall be set back from any other property line by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto unless this requirement is specifically waived by the Planning Director or the Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.**
- 2. A guyed tower located on sites containing other principal uses must maintain a minimum distance between the tower and other principal uses of the greater of 100 percent breakpoint or 25 feet, unless this requirement is specifically waived by the Planning Director or Development Review Board for purposes of mitigating visual impacts or improving compatibility with other uses on the property.**
- 3. WCF mounted on rooftops or City-approved alternative tower structures shall be exempt from these minimum separation requirements. However, WCF and related equipment may be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties and must be screened.**

4. **WCF towers and poles are prohibited in the required front yard, back yard, or side yard setback of any lot in any zone, and no portion of any antenna array shall extend beyond the property lines. For guyed towers or poles, all guy anchors shall be located outside of the setback from all abutting properties.**

Section 4.804. Review Process and Approval Standards.

(.01) *Class I Process.* The following WCF are allowed with the approval of a WCF Site Plan to be reviewed by the Planning Director pursuant to a Class I process under City Code Section 4.030 (.01) A:

- A. Small Wireless Facilities in the public right-of-way.
- B. ~~Replacement of existing antennas on approved tower at same height.~~ **WCF Co-locations meeting the criteria outlined in Wilsonville Code Section 4.802.**

(.02) *Class II Process.* The following WCF are allowed with the approval of a WCF Site Plan to be reviewed by the Planning Director pursuant to a Class II process under City Code Section 4.030(.01)B:

- A. **New Macro** WCF proposed in the following locations excepted as noted in (.01) above:
 - 1. Any property owned by the City of Wilsonville, including public right-of-way;
 - 2. Any school property owned by any public school district;
 - 3. Any fire station property owned by any fire district;
 - 4. Any property within an electric utility substation.
- B. ~~WCFs attached to existing light, power, or telephone poles in all zones, subject to the development standards of Section 4.803.~~
- BC. WCF Co-locations **not** meeting the criteria outlined in Wilsonville Code **Section** 4.802.
- CD. Satellite dishes larger than one meter.

(.03) *Conditional Use Permit Requirements.* Applications for WCF in all other locations and situations, including moderate or high visibility facilities that exceed the height limit of the applicable zone, shall also require a Conditional Use Permit to be reviewed by the Development Review Board. In addition to the approval standards in City Code Section 4.030, the applicant shall demonstrate that the WCF Site Plan approval standards in this Section are met.

(.04) *Approval Criteria.* The Development Review Board shall approve the use and WCF Site Plan for any of the WCF listed in subsections of this Section upon a determination that the following criteria are met:

- A. The height of the proposed WCF does not exceed the height limit of the underlying zoning district, or does not increase the height of an existing facility.
- B. The location is the least visible of other possible locations and technological design options that achieve approximately the same signal coverage objectives.
- C. The location, size, design, and operating characteristics of the proposed WCF will be compatible with adjacent uses, residences, buildings, and structures, with consideration given to:
 - 1. Scale, bulk, coverage, and density;
 - 2. The suitability of the site for the type and intensity of the proposed WCF; and
 - 3. Any other relevant impact of the proposed use in the setting where it is proposed.
- D. All required public facilities have adequate capacity, as determined by the City, to serve the proposed WCF; and
- E. The proposed WCF complies with all of the general regulations contained in this Section 4.800—4.812.

(.05) *Conditions of Approval.* The City may impose any other reasonable condition(s) deemed necessary to achieve compliance with the approval standards, including designation of an alternate location. If compliance with all of the applicable criteria cannot be achieved through the imposition of reasonable conditions, the Application shall be denied.

(Ord. No. 831, 1-24-2019)

Section 4.805. Exemptions.

The following shall be considered exempt structures or activities under this Code Chapter:

- ~~(.01) Antennas (including direct to home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations regardless of zone capacity.~~
- ~~(.02) Cell on Wheels (COW), which are permitted as temporary uses in nonresidential zones for a period not to exceed 60 days, except that such time period may be extended by the City during a period of emergency as declared by the City, County, or State.~~
- ~~(.03) Replacement antennas or equipment, provided the replacement antennas and/or equipment have the same function, size, and design to the replaced antenna and/or equipment and do not exceed the overall size of the original approved antenna and/or equipment.~~

(Ord. No. 831, 1-24-2019)

Section 4.8056. Damage, Destruction, or Interference to Other Utilities.

In the installation of any WCF within the right-of-way, care must be taken to install in such a way that does not damage, interfere with, or disturb any of the several other utilities that may already be located in the area. Any damage done to such other utilities must be immediately reported to both the City and the owner of the damaged utility, and must be promptly repaired by the permittee or the utility owner, with the permittee being responsible for all costs of repair, including any extra charges that may be assessed for emergency repairs. Failure to notify the City and the damaged utility provider will result in revocation of the WCF. When approving the location for a WCF, the location of other utilities, or the need for the location of other utilities, within the right-of-way must be considered before approval to locate the WCF will be given in order to ensure those other services to the public are not disrupted.

No additional changes proposed in this section, Sections 4.806 through 4.814 to be renumbered accordingly

**LP23-0002 Development Code Process Clarifications
Planning Commission Public Hearing Record Index
FINAL (September 13, 2023)**

Link to Ordinance No. 882 Exhibit 2:

https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/city_council/meeting/125104/d.ordinance.no.882.exhibit.b.pdf



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 2, 2023	Subject: Resolution No. 3084 Supplemental Budget Adjustment Staff Member: Katherine Smith, Assistant Finance Director Department: Finance	
Action Required	Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: October 2, 2023 <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
Comments: N/A		
Staff Recommendation: Staff recommends Council adopts Resolution No. 3084		
Recommended Language for Motion: I move to adopt Resolution No. 3084		
Project / Issue Relates To:		
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

A supplemental budget resolution for the FY 2023-24 budget year.

EXECUTIVE SUMMARY:

Oregon's Local Budget Law allows the Council to amend the adopted budget for an occurrence or condition that was not known at the time the budget was adopted. A special hearing must be held to discuss and adopt the supplemental budget. The governing body holds the public hearing although the budget committee is not required to be involved. Public notice of the hearing must be published 5 to 30 days before the hearing. The governing body enacts a resolution to adopt the supplemental budget after the hearing.

This supplemental budget includes:

(1) CIP Rollovers:

The re-appropriation of funds from the prior fiscal year for capital projects (CIPs) that were started but not completed in that fiscal year. The CIP rollover request of \$8,376,087 includes \$8,117,951 of direct costs and \$258,136 of overhead costs, as detailed in **Attachment #1**.

(2) New Requests: Unanticipated changes to legal appropriations, of \$3,651,914, includes:

- a. Parks Maintenance: Rollover request for Parks Maintenance Vehicle - \$37,177
- b. Information Technology: Rollover request for Other Professional Services - \$14,823
- c. Water Operations: Compliance study as a component to the 20MGD Plant Expansion - \$40,000
- d. Sewer Capital Improvement:
 - CIP 2104 (Wastewater Treatment Plant Master Plan) - \$125,000
- e. Roads Capital Improvement:
 - CIP 3000 (Basalt Creek Planning) - \$100,000
 - CIP 3001 (Frog Pond / Advance Road Master Planning) - \$138,714
- f. Stormwater Capital Improvement:
 - CIP 7067 (Meridian Creek Culvert Replacement) - \$1,199,000
- g. Facilities Capital Improvements:
 - CIP 8158 (Community Center Block Master Plan) - \$50,000
 - CIP 8165 (Replace IT Virtual Infrastructure) - \$150,000
- h. Parks Capital Improvements:
 - CIP 9088 (Tree Mitigation – White Oaks) - \$25,000
 - CIP 9152 (Annual Play Structure Replacement) - \$75,000
 - CIP 9175 (Frog Pond West Neighborhood Park) - \$1,497,200
 - For land acquisition. Funding source is Metro Local Share from the 2019 Natural Areas Bond Measure.
 - CIP 9177 (Water Feature Controllers) - \$200,000

EXPECTED RESULTS:

The supplemental budget adjustment adopted by the Council at regularly scheduled meeting.

TIMELINE:

As required by Local Budget Law, a notice for the public hearing has been published in the Wilsonville Spokesman on September 21, 2023 and September 28, 2023. The adoption of the Supplemental Budget Adjustment is required prior to the end of the fiscal year, June 30, 2024.

CURRENT YEAR BUDGET IMPACTS:

See detail outlined in Exhibit A.

COMMUNITY INVOLVEMENT PROCESS:

The public hearing will be held on October 2, 2023 as a part of the adoption process.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

The amended budget provides for the delivery of services and construction of capital projects throughout the community.

ALTERNATIVES:

Not approving the attached supplemental budget could result in overspending current budget appropriations. The City is required to disclose all excess of expenditures over appropriations in the Annual Comprehensive Financial Report (ACFR).

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. CIP Rollover Supplemental Budget Adjustments
2. Resolution No. 3084
 - A. Exhibit A - Need, Purpose and Amount: Detail by Fund & Category

ATTACHMENT #1 - CIP ROLLOVER SUPPLEMENTAL BUDGET ADJUSTMENTS

FUND	CIP#	CIP Description	Direct	Overhead
Water CIP	1048	Annual - Water Distribution System	30,000	1,050
Water CIP	1121	Annual - Pipeline, Valve, and Hydrant Replacement	10,000	350
Water CIP	1126	Seg 3B Water Line Mitigation Site	4,200	737
Water CIP	1139	5th Street / Kinsman Extension Water line	31,901	1,117
Water CIP	1144	WTP 20 MGD Expansion	1,536,642	23,050
Water CIP	1148	Priority 1B Water Distribution Improvements	323,570	20,625
Water CIP	1149	West Side Level B Reservoir	113,738	3,981
Sewer CIP	2060	Annual - Small Sewer Projects	10,000	350
Sewer CIP	2066	Sewer Rate and SDC Study Update	-	5,000
Sewer CIP	2099	5th Street / Kinsman Extension Sewer Line	186,978	6,544
Sewer CIP	2100	Boberg Diversion Structure	65,088	14,708
Sewer CIP	2102	Boeckman Road Sanitary Improvement - Frog Pond	1,001,447	35,051
Sewer CIP	2105	Corral Creek and Rivergreen Pump	91,379	3,198
Sewer CIP	2106	Charbonneau Lift Station Rehab	21,192	742
Sewer CIP	2108	Coffee Creek Interceptor Phase II	32,145	8,125
Road CIP	3004	Town Center Plan Implementation	24,376	25,000
Road CIP	4192	Transportation Performance Modeling	12,128	16,777
Road CIP	4194	5 Year Monitoring: Barber Rd	20,000	2,200
Road CIP	4196	5th Street / Kinsman Extension	154,637	-
Road CIP	4202	I-5 Pedestrian Bridge	160,711	5,625
Road CIP	4205	Boeckman Rd Street Improvements - Frog Pond	773,302	27,066
Road CIP	4206	Canyon Creek/Boeckman Traffic Signal	174,586	6,110
Road CIP	4717	Pedestrian Enhancements	24,607	10,861
Road CIP	4722	LED Street Light Conversion	134,738	4,716
Storm CIP	7048	Annual - City Wide Storm Sewer Pipe Replacement	18,546	649
Storm CIP	7064	Stormwater Master Plan Update	69,976	2,449
Storm CIP	7067	Meridian Creek Culvert Replacement	25,848	938
Facilities CIP	8093	Fiber Connectivity Project	54,304	-
Facilities CIP	8097	Library Wayfinding	32,033	-
Facilities CIP	8105	City Hall Roof Repair	36,091	-
Facilities CIP	8106	Annual - City Facility Repairs	32,584	-
Facilities CIP	8113	Public Works Complex	1,553,649	-
Facilities CIP	8125	Annual Furniture Replacement	17,459	-
Facilities CIP	8129	Security Access System	34,008	-
Facilities CIP	8151	Facility Parking Lot Repairs	69,084	-
Facilities CIP	8153	KIVA / Art Tech Renovation	66,892	-
Facilities CIP	8155	Exterior Envelope Sealing	15,000	-
Parks CIP	9132	Memorial Park Master Plan Implementation	133,079	-
Parks CIP	9148	Boeckman Trail Slope Stabilization	23,470	-
Parks CIP	9149	Boeckman Creek Regional Trail	200,000	17,000
Parks CIP	9152	Annual - Play Structure Replacement	60,413	-
Parks CIP	9161	Parks SDC Study	17,712	620
Parks CIP	9165	Urban Forest Management Plan	15,850	-
Parks CIP	9167	Villebois Parks - RP7/RP8	151,329	8,296
Parks CIP	9171	Boones Ferry Park Master Plan Implementation	175,022	-
Parks CIP	9173	Merryfield Trail Update	100,000	-
Parks CIP	9174	Parks and Green Spaces ADA Implementation	120,866	-
Parks CIP	9175	Frog Pond West Neighborhood Park	143,389	5,201
Parks CIP	9177	Water Feature Controllers	6,834	-
Parks CIP	9179	Urban Forest Climate Resilience	7,148	-
			<u>\$ 8,117,951</u>	<u>\$ 258,136</u>

RESOLUTION NO. 3084**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING A SUPPLEMENTAL BUDGET ADJUSTMENT FOR FISCAL YEAR 2023-24.**

WHEREAS, the City adopted a budget and appropriated funds for fiscal year 2023-24 by Resolution 3084; and

WHEREAS, certain expenditures are expected to exceed the original adopted budget in some of the City's funds and budgetary transfers are necessary within these funds to provide adequate appropriation levels to expend the unforeseen costs; and

WHEREAS, ORS 294.463 provides that a city may adjust appropriations within appropriation categories provided the enabling resolution states the need for the adjustment, purpose of the expenditure and corresponding amount of appropriation; and,

WHEREAS, all transfers from contingencies within the fiscal year to date that exceed fifteen percent (15%) of the fund's total appropriations are included in the supplemental budget adjustment request; and,

WHEREAS, all expenditure transfers within the fiscal year to date in aggregate exceed ten percent (10%) of the fund's total expenditures are included in the supplemental budget adjustment request; and,

WHEREAS, consistent with local budget law and based upon the foregoing, the staff report in this matter and public hearing input, the public interest is served in the proposed supplemental budget adjustment,

WHEREAS, to facilitate clarification of the adjustments in this resolution, Attachment A to this resolution provides a summary by fund of the appropriation categories affected by the proposed transfer of budget appropriation and the purpose of the expenditure.

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

The City amends and adjusts the estimated revenues and appropriations within the funds and categories delineated and set forth in Attachment A, attached hereto and incorporated by reference herein as if fully set forth.

This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 2nd day of October, 2023, and filed with the Wilsonville City Recorder this date.

JULIE FITZGERALD, MAYOR

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell

EXHIBITS:

A. Need, Purpose and Amount: Detail by Fund & Category

ATTACHMENT A

NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

		Current	Change in	Amended
		Appropriations	Appropriations	Appropriations
110-General Fund				
Resources				
	Taxes	\$ 15,090,000	\$ -	\$ 15,090,000
	Licenses and permits	242,800	-	242,800
	Intergovernmental	2,715,173	-	2,715,173
	Charges for services	413,164	-	413,164
	Other Revenues	181,450	-	181,450
	Fines and forfeitures	250,000	-	250,000
	Investment Revenue	304,600	-	304,600
	Proceeds of interfund loan	1,015,100	-	1,015,100
	Transfers in	4,822,641	234,755	5,057,396
	Fund balances - beginning	18,658,339	-	18,658,339
	Total Resources	\$ 43,693,267	\$ 234,755	\$ 43,928,022
Requirements				
	Administration	\$ 2,226,115	\$ -	\$ 2,226,115
	Finance	1,873,530	-	1,873,530
	Information Technology/GIS	1,785,245	14,823	1,800,068
	Legal	782,122	-	782,122
	Human Resources and Risk Management	1,179,950	-	1,179,950
	Public Works Administration	988,470	-	988,470
	Facilities	1,984,287	-	1,984,287
	Parks Maintenance	2,656,990	37,177	2,694,167
	Parks & Recreation	2,020,258	-	2,020,258
	Library	2,493,968	-	2,493,968
	Law/Code Enforcement	6,557,308	-	6,557,308
	Municipal Court	256,060	-	256,060
	Debt Service	1,134,284	-	1,134,284
	Transfers to Other Funds	7,523,981	1,753,862	9,277,843
	Contingency	6,588,499	(1,571,107)	5,017,392
	Unappropriated	3,642,200	-	3,642,200
	Total Requirements	\$ 43,693,267	\$ 234,755	\$ 43,928,022
Budget request is to recognize unspent budget authority from FY 2022-23. This request is for Information Technology (Other Professional Services), Parks Maintenance (vehicle), and overhead from capital improvement project changes.				

231-Community Development Fund			
Resources			
Licenses and permits	\$ 848,302	\$ -	\$ 848,302
Intergovernmental	-	21,713	21,713
Charges for services	727,900	19,814	747,714
Other Revenues	-	-	-
Investment Revenue	44,400	-	44,400
Transfers in	3,027,023	308,362	3,335,385
Fund balances - beginning	1,455,375	-	1,455,375
Total Resources	<u>\$ 6,103,000</u>	<u>\$ 349,889</u>	<u>\$ 6,452,889</u>
Requirements			
C.D. Administration	\$ 656,240	\$ -	\$ 656,240
Engineering	2,477,824	-	2,477,824
Planning	1,354,580	-	1,354,580
Transfers to Other Funds	607,926	121,713	729,639
Contingency	108,730	228,176	336,906
<i>Unappropriated</i>	897,700	-	897,700
Total Requirements	<u>\$ 6,103,000</u>	<u>\$ 349,889</u>	<u>\$ 6,452,889</u>
Budget request is to recognize unspent budget authority from FY 2022-23. The request is for overhead from capital improvement project changes.			
240-Road Operating Fund			
Requirements			
Road Operations	\$ 1,440,582	\$ -	\$ 1,440,582
Debt Service	358,000	-	358,000
Transfers to Other Funds	2,161,694	546,768	2,708,462
Contingency	1,513,685	(546,768)	966,917
<i>Unappropriated</i>	228,500	-	228,500
Total Requirements	<u>\$ 5,702,461</u>	<u>\$ -</u>	<u>\$ 5,702,461</u>
Budget request is to recognize unspent budget authority from FY 2022-23. The request is for CIP 4196 (5th Street to Kinsman), CIP 4717 (Pedestrian Enhancements), and CIP 8113 (Public Works Complex).			
510-Water Operating Fund			
Requirements			
Water Distribution	\$ 1,687,774	\$ -	\$ 1,687,774
Water Treatment Plant	4,705,889	40,000	4,745,889
Debt Service	371,000	-	371,000
Transfers to Other Funds	11,003,045	1,340,372	12,343,417
Contingency	10,961,360	(1,380,372)	9,580,988
<i>Unappropriated</i>	1,148,000	-	1,148,000
Total Requirements	<u>\$ 29,877,068</u>	<u>\$ -</u>	<u>\$ 29,877,068</u>
Budget request is to recognize unspent budget authority from FY 2022-23 for capital improvement project changes, and a Water Treatment Plant compliance study.			

520-Sewer Operating Fund			
Requirements			
Wastewater Collections	\$ 1,364,647	\$ -	\$ 1,364,647
Wastewater Treatment Plant	3,332,276	-	3,332,276
Debt Service	2,880,000	-	2,880,000
Transfers to Other Funds	11,357,299	970,760	12,328,059
Contingency	2,678,577	(970,760)	1,707,817
<i>Unappropriated</i>	915,000	-	915,000
Total Requirements	<u>\$ 22,527,799</u>	<u>\$ -</u>	<u>\$ 22,527,799</u>
Budget request is to recognize unspent budget authority from FY 2022-23 for capital improvement project changes.			
550-Street Lighting Operating Fund			
Requirements			
Street Lighting	\$ 366,450	\$ -	\$ 366,450
Transfers to Other Funds	522,500	139,454	661,954
Contingency	534,644	(139,454)	395,190
<i>Unappropriated</i>	73,300	-	73,300
Total Requirements	<u>\$ 1,496,894</u>	<u>\$ -</u>	<u>\$ 1,496,894</u>
Budget request is to recognize unspent budget authority from FY 2022-23 for capital improvement project changes.			
570-Stormwater Fund			
Requirements			
Stormwater Maintenance	\$ 1,155,160	\$ -	\$ 1,155,160
Debt Service	838,000	-	838,000
Transfers to Other Funds	6,224,965	920,893	7,145,858
Contingency	1,651,784	(920,893)	730,891
<i>Unappropriated</i>	232,000	-	232,000
Total Requirements	<u>\$ 10,101,909</u>	<u>\$ -</u>	<u>\$ 10,101,909</u>
Budget request is to recognize unspent budget authority from FY 2022-23 for capital improvement project changes.			
515-Water Capital Projects Fund			
Resources			
Intergovernmental	\$ 4,899,610	\$ 519,377	\$ 5,418,987
Investment Revenue	40,000	-	40,000
Lease Revenue	173,577	-	173,577
Transfers in	18,732,933	1,502,229	20,235,162
Fund balances - beginning	1,333,218	-	1,333,218
Total Resources	<u>\$ 25,179,338</u>	<u>\$ 2,021,606</u>	<u>\$ 27,200,944</u>
Requirements			
Capital Projects	\$ 22,513,541	\$ 1,973,950	\$ 24,487,491
Transfers to Other Funds	1,060,018	47,656	1,107,674
Contingency	1,605,779	-	1,605,779
Total Requirements	<u>\$ 25,179,338</u>	<u>\$ 2,021,606</u>	<u>\$ 27,200,944</u>
Budget request is to recognize unspent budget authority from FY 2022-23 for CIP 1144 (WTP 20 MGD Expansion), CIP 1148 (Priority IB Water Distribution Implementation), and CIP 1149 (West Side Level B Reservoir).			

525-Sewer Capital Projects Fund			
Resources			
Investment Revenue	\$ 1,500	\$ -	\$ 1,500
Transfers in	10,091,086	1,606,947	11,698,033
Fund balances - beginning	56,323	-	56,323
Total Resources	\$ 10,148,909	\$ 1,606,947	\$ 11,755,856
Requirements			
Capital Projects	\$ 9,303,662	\$ 1,509,678	\$ 10,813,340
Transfers to Other Funds	528,104	97,269	625,373
Contingency	317,143	-	317,143
Total Requirements	\$ 10,148,909	\$ 1,606,947	\$ 11,755,856
Budget request is to recognize unspent budget authority from FY 2022-23 for capital improvement projects, and an increased budget request for CIP 2104 (Wastewater Treatment Plant Master Plan).			
345-Road Capital Projects Fund			
Resources			
Intergovernmental	\$ 528,077	\$ -	\$ 528,077
Investment Revenue	60,000	-	60,000
Transfers in	21,840,593	1,901,154	23,741,747
Fund balances - beginning	3,525,766	-	3,525,766
Total Resources	\$ 25,954,436	\$ 1,901,154	\$ 27,855,590
Requirements			
Capital Projects	\$ 24,428,011	\$ 1,647,799	\$ 26,075,810
Transfers to Other Funds	1,021,691	253,355	1,275,046
Contingency	504,734	-	504,734
Total Requirements	\$ 25,954,436	\$ 1,901,154	\$ 27,855,590
Budget request is to recognize unspent budget authority from FY 2022-23 for capital improvemt projects, and an increased budget request for CIP 3000 (Basalt Creek Planning) and CIP 3001 (Frog Pond / Advance Rd Master Planning).			
575-Stormwater Capital Projects Fund			
Resources			
Investment Revenue	\$ 300	\$ -	\$ 300
Transfers in	5,742,100	1,317,407	7,059,507
Fund balances - beginning	9,731	-	9,731
Total Resources	\$ 5,752,131	\$ 1,317,407	\$ 7,069,538
Requirements			
Capital Projects	\$ 5,100,839	\$ 1,272,856	\$ 6,373,695
Transfers to Other Funds	333,201	44,551	377,752
Contingency	318,091	-	318,091
Total Requirements	\$ 5,752,131	\$ 1,317,407	\$ 7,069,538
Budget request is to recognize unspent budget authority from FY 2022-23 for capital improvement projects, and an increased budget request for CIP 7067 (Meridian Creek Culvert Replacement).			

335-Facilities Capital Projects Fund				
Resources				
	Intergovernmental	\$ 200,000	\$ -	\$ 200,000
	Investment Revenue	45,000	-	45,000
	Transfers in	4,761,221	2,111,104	6,872,325
	Fund balances - beginning	5,621,398	-	5,621,398
	Total Resources	<u>\$ 10,627,619</u>	<u>\$ 2,111,104</u>	<u>\$ 12,738,723</u>
Requirements				
	Capital Projects	\$ 10,270,557	\$ 2,111,104	\$ 12,381,661
	Transfers to Other Funds	63,464	-	63,464
	Contingency	293,598	-	293,598
	Total Requirements	<u>\$ 10,627,619</u>	<u>\$ 2,111,104</u>	<u>\$ 12,738,723</u>
Budget request is to recognize unspent budget authority from FY 2022-23 for capital improvement projects, an increased budget request for CIP 8158 (Community Center Block Master Plan), and a new request for CIP 8165 (To replace the IT Virtual Infrastructure).				
395-Parks Capital Projects Fund				
Resources				
	Licenses and permits	\$ 5,000	\$ -	\$ 5,000
	Investment Revenue	9,200	-	9,200
	Transfers in	3,978,400	3,013,429	6,991,829
	Fund balances - beginning	335,394	-	335,394
	Total Resources	<u>\$ 4,327,994</u>	<u>\$ 3,013,429</u>	<u>\$ 7,341,423</u>
Requirements				
	Capital Projects	\$ 3,560,000	\$ 2,949,069	\$ 6,509,069
	Transfers to Other Funds	241,700	64,360	306,060
	Contingency	526,294	-	526,294
	Total Requirements	<u>\$ 4,327,994</u>	<u>\$ 3,013,429</u>	<u>\$ 7,341,423</u>
Budget request is to recognize unspent budget authority from FY 2022-23 for capital improvement projects, and an increased budget request for CIP 9088 (Tree Mitigation - White Oaks), CIP 9152 (Annual Play Structure Replacement), CIP 9175 (Frog Pond West Neighborhood Park), and CIP 9177 (Water Feature Controllers).				
516-Water Development Charges Fund				
Requirements				
	Materials & Services	\$ 26,980	\$ -	\$ 26,980
	Debt Service	452,000	-	452,000
	Transfers to Other Funds	8,803,824	684,002	9,487,826
	Contingency	1,899,135	(684,002)	1,215,133
	Total Requirements	<u>\$ 11,181,939</u>	<u>\$ -</u>	<u>\$ 11,181,939</u>
Budget request is to recognize unspent budget authority from FY 2022-23 for capital improvement project changes.				

526-Sewer Development Charges Fund				
Resources				
	System Development Charges	\$ 725,000	\$ -	\$ 725,000
	Investment Revenue	9,900	-	9,900
	Fund balances - beginning	996,343	299,942	1,296,285
	Total Resources	\$ 1,731,243	\$ 299,942	\$ 2,031,185
Requirements				
	Materials & Services	\$ 22,930	\$ -	\$ 22,930
	Transfers to Other Funds	1,605,323	299,942	1,905,265
	Contingency	102,990	-	102,990
	Total Requirements	\$ 1,731,243	\$ 299,942	\$ 2,031,185
Budget request is to recognize unspent budget authority from FY 2022-23 for capital improvement project changes.				
346-Road Development Charges Fund				
Resources				
	System Development Charges	\$ 1,800,000	\$ -	\$ 1,800,000
	Investment Revenue	40,000	-	40,000
	Fund balances - beginning	9,252,656	800,000	10,052,656
	Total Resources	\$ 11,092,656	\$ 800,000	\$ 11,892,656
Requirements				
	Materials & Services	\$ 43,130	\$ -	\$ 43,130
	Transfers to Other Funds	10,712,968	736,591	11,449,559
	Contingency	336,558	63,409	399,967
	Total Requirements	\$ 11,092,656	\$ 800,000	\$ 11,892,656
Budget request is to recognize unspent budget authority from FY 2022-23 for capital improvement project changes.				
336-Frog Pond West Fund				
Resources				
	Licenses and permits	\$ 2,000,000	\$ -	\$ 2,000,000
	Investment Revenue	28,300	-	28,300
	Fund balances - beginning	2,015,874	2,001,165	4,017,039
	Total Resources	\$ 4,044,174	\$ 2,001,165	\$ 6,045,339
Requirements				
	Materials & Services	\$ 36,180	\$ -	\$ 36,180
	Transfers to Other Funds	3,199,297	1,248,157	4,447,454
	Contingency	808,697	753,008	1,561,705
	Total Requirements	\$ 4,044,174	\$ 2,001,165	\$ 6,045,339
Budget request is to recognize unspent budget authority from FY 2022-23 for capital improvement project changes.				
576-Stormwater Development Charges Fund				
Requirements				
	Materials & Services	\$ 5,980	\$ -	\$ 5,980
	Transfers to Other Funds	360,603	780,265	1,140,868
	Contingency	4,001,249	(780,265)	3,220,984
	Total Requirements	\$ 4,367,832	\$ -	\$ 4,367,832
Budget request is to recognize unspent budget authority from FY 2022-23 for capital improvement project changes.				

396-Parks Development Charges Fund			
Requirements			
Materials & Services	\$ 17,570	\$ -	\$ 17,570
Transfers to Other Funds	1,111,946	394,957	1,506,903
Contingency	528,882	(394,957)	133,925
Total Requirements	\$ 1,658,398	\$ -	\$ 1,658,398
Budget request is to recognize unspent budget authority from FY 2022-23 for capital improvement project changes.			

Dyslexia Awareness Month Proclamation

WHEREAS, Oregon is committed to building an equitable and social and emotionally supportive learning environment for students, including identifying and removing obstacles to student success; and

WHEREAS, Dyslexia is a neurological difference, often inherited, that makes it difficult for students to read, write, and spell, and that may include problems in reading comprehension and reduced reading experience, which can impede vocabulary growth and acquisition of knowledge; and

WHEREAS, Dyslexia affects all segments of society, regardless of race, income, educational background, or ability; and

WHEREAS, Literacy is a critical skill needed for educational success, and students who do not read at grade level by third grade are four times more likely not to graduate from high school with a diploma; and

WHEREAS, Teacher graduates often receive no training on dyslexia despite research conducted by the National Institutes of Health indicating that as many as one in every five individuals struggle with dyslexia and related learning disabilities.

NOW THEREFORE, I, Julie Fitzgerald, Mayor of the City of Wilsonville, do hereby October 2023 to be Dyslexia Awareness Month in Oregon.

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of the City of Wilsonville, Oregon to be affixed.

Dated the 2nd day of October 2023.

Julie Fitzgerald, Mayor

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