



CITY COUNCIL AGENDA

March 04, 2024 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)(e) Real Property Transactions

ORS 192.660(2)(h) Legal Counsel/Litigation

ORS 192.660(2)(i) Performance Evaluations of Public Officer and Employees

ADJOURN [5:30 PM] - Break to switch Zoom accounts [5 min.]

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

COUNCILORS' CONCERNS [5:40 PM]

PRE-COUNCIL WORK SESSION [5:45 PM]

- A. [SMART Annual Rider Survey Results \(Brashear/MacCracken\) \[15 min.\]](#)
- B. [Housing Our Future \(Rybold/Pauly\) \[20 min.\]](#)
- C. [French Prairie Road Pathway Options \(Kerber/Weigel\) \[30 min.\]](#)

ADJOURN [6:50 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, March 4, 2024 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10:00 a.m. on February 20, 2024. 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](#)
5. [Diversity, Equity and Inclusion Committee Appointment](#)

COMMUNICATIONS [7:15 PM]

6. Clackamas Community College Bond (CCC Staff)

CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS [7:30 PM]

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

COUNCILOR COMMENTS, LIAISON REPORTS AND MEETING ANNOUNCEMENTS [7:40 PM]

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

10. Councilor Dunwell

CONSENT AGENDA [8:00 PM]

11. **Resolution No. 3106**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A First Amendment To The Intergovernmental Agreement On Broadband Services And Infrastructure Sharing Between The City Of Wilsonville And The City Of Sherwood. (Stone)

12. **Resolution No. 3115**

A Resolution Of The City Of Wilsonville Granting An Exemption From Property Taxes Under ORS 307.540 To ORS 307.548 For Autumn Park Apartments, A Low-Income Apartment Development Owned And Operated By Northwest Housing Alternatives, Inc. (Smith)

13. **Resolution No. 3116**

A Resolution Of The City Of Wilsonville Granting An Exemption From Property Taxes Under ORS 307.540 To ORS 307.548 For Charleston Apartments, A Low-Income Apartment Development Owned And Operated By Northwest Housing Alternatives, Inc. (Smith)

14. **Resolution No. 3117**

A Resolution Of The City Of Wilsonville Granting An Exemption From Property Taxes Under ORS 307.540 To ORS 307.548 For Creekside Woods LP, A Low-Income Apartment Development Owned And Operated By Northwest Housing Alternatives, Inc. (Smith)

15. **Resolution No. 3118**

A Resolution Of The City Of Wilsonville Granting An Exemption From Property Taxes Under ORS 307.540 To ORS 307.548 For Rain Garden Limited Partnership, A Low-Income Apartment Development Owned And Operated By Caritas Community Housing Corporation. (Smith)

16. **Resolution No. 3119**

A Resolution Of The City Of Wilsonville Granting An Exemption From Property Taxes Under ORS 307.540 To ORS 307.548 For Wiedemann Park, A Low-Income Apartment Development Owned And Operated By Accessible Living, Inc. (Smith)

17. **Resolution No. 3127**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Accept Assignment Of And Amend The Facilities Lease With Wilsonville Community Sharing. (Davidson)

18. **Resolution No. 3128**

[A Resolution Of The City Of Wilsonville Supporting A 2024 Grant Application To The Oregon State Parks, Local Government Grant Program For The Memorial Park Playground Replacement Project. \(Schull\)](#)

19. [Minutes of the February 22, 2024 City Council Meeting. \(City Recorder\)](#)

NEW BUSINESS [8:05 PM]

20. [Resolution No. 3112](#)

[A Resolution Of The City Of Wilsonville Authorizing A Preliminary Engineering Report To Consider Possible Formation Of A Local Improvement District For Public Improvements To SW Parkway Avenue And SW Printer Parkway. \(Guile-Hinman\)](#)

CONTINUING BUSINESS [8:20 PM]

PUBLIC HEARING [8:20 PM]

21. [Resolution No. 3120 \(Legislative Hearing\)](#)

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

22. [Ordinance No. 889 1st Reading \(Legislative Land Use Hearing\)](#)

[An Ordinance Of The City Of Wilsonville Amending The Text Of The Development Code To Make Minor Modifications To The Coffee Creek Industrial Design Overlay District Standards. \(Luxhoj\)](#)

CITY MANAGER'S BUSINESS [8:40 PM]

LEGAL BUSINESS [8:45 PM]

ADJOURN [8:50 PM]

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

Habr   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: March 4, 2024		Subject: SMART Annual Rider Survey Results	
		Staff Member: Anne MacCracken and Dwight Brashear	
		Department: SMART	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments: N/A	
Staff Recommendation: N/A			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s): Transit Master Plan	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

In 2019, SMART conducted its first on-board customer satisfaction survey to find how satisfied customers were with various elements of our service. Each year, SMART conducts on-board rider surveys. The rider satisfaction surveys are alternated with rider demographic surveys.

EXECUTIVE SUMMARY:

In October 2023, SMART completed its second annual Satisfaction Survey. With the help of eleven Summit Employment Professional associates, 166 surveys were collected on all routes from Tuesday, October 17 through Thursday, October 19 and Saturday, October 21. No significant changes were made to survey questions from 2019. Surveys were available in English and Spanish.

EXPECTED RESULTS:

The average rating of all questions was 4.5 out of 5 stars. This is approximately the same overall rating as the 2019 Satisfaction survey.

From the results, SMART identified four areas for improvement. These areas are bus reliability, clarity of information, frequency of notifications, and accuracy of information.

The number of completed surveys in October of 2023 was only about 60 percent of surveys in 2019. This drop can be attributed to lower ridership relative to 2019.

TIMELINE:

The Rider Survey occurred Tuesday, October 17 through Thursday, October 19 and Saturday, October 21.

CURRENT YEAR BUDGET IMPACTS:

The cost of staffing for surveying totaled \$4,035 to the transit fund under the “Other professional services” line item for FY23. This staffing cost increased 22% from last year due to the wage increases and using a different staffing agency.

COMMUNITY INVOLVEMENT PROCESS:

This surveying project relies on community input. More specifically, the responses that the community provides is used by staff to communicate well with our customers, understand their needs, and adjust our service if necessary. The customers’ willingness to provide feedback also shows that they care and have interest in the system they use.

This year, SMART also had surveys available on-line in addition to traditional paper surveys.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Conducting rider surveys allow staff to check in with our customers to ensure our service is meeting their needs. The survey responses are presented to management and Council to help direct future decision-making and improvements of SMART service.

ALTERNATIVES:

N/A

CITY MANAGER COMMENT:

N/A

ATTACHMENT:

1. Rider Survey English and Spanish

1. SURVEY CODE NUMBER, this is found on your QRcode slip or from your onboard surveyor.
Número de código de encuesta, se encuentra en su comprobante de código QR o con su topógrafo a bordo.

2. What Route are you currently riding? ¿En qué ruta estás viajando actualmente?

- ☐ 1X ☐ 2X ☐ 3X ☐ 4X
- ☐ 5 ☐ 6 ☐ Villebois Shopper Shuttle ☐ Medical Shuttle

3. Which direction are you traveling? ¿En qué dirección estás viajando?

- ☐ North / Norte ☐ South / Sur ☐ East / Este ☐ West / Oeste

Select how satisfied you are with each item listed below. From being not satisfied to being completely satisfied.

Seleccione su grado de satisfacción con cada uno de los elementos enumerados a continuación. De no estar satisfecho a estar completamente satisfecho.

4. Bus stop amenities (i.e. bus stop lighting, seating). Servicios de la parada de autobús (es decir, iluminación de la parada de autobús, asientos)

Not Satisfied No Satisfecho	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	Completely Satisfied Completamente Satisfecho	N/A <input type="radio"/>
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5. Cleanliness of bus stop. Limpieza de la parada de autobús.

Not Satisfied No Satisfecho	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	Completely Satisfied Completamente Satisfecho	<input type="radio"/>
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6. Cleanliness inside bus. Limpieza dentro del autobús.

Not Satisfied No Satisfecho	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	Completely Satisfied Completamente Satisfecho	N/A <input type="radio"/>
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7. Comfort on bus (i.e. noise level, seat availability). Comodidad en el autobús (es decir, nivel de ruido, disponibilidad de asientos).

Not Satisfied No Satisfecho	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	Completely Satisfied Completamente Satisfecho	N/A <input type="radio"/>
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8. Safety on bus. *Seguridad en el autobús.*

Not Satisfied <i>No Satisfecho</i>	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/>	Completely Satisfied <i>Completamente Satisfecho</i>	N/A <input type="radio"/>
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9. Bus reliability (i.e. on time). *Confiabilidad del autobús (es decir, llegar a tiempo).*

Not Satisfied <i>No Satisfecho</i>	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/>	Completely Satisfied <i>Completamente Satisfecho</i>	N/A <input type="radio"/>
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10. Convenience (i.e. to reach stop or destination). *Conveniencia (es decir, llegar a la parada o al destino).*

Not Satisfied <i>No Satisfecho</i>	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/>	Completely Satisfied <i>Completamente Satisfecho</i>	N/A <input type="radio"/>
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11. Operator conduct (i.e. friendly, knowledgeable). *Conducta del operador (es decir, amigable, bien informado).*

Not Satisfied <i>No Satisfecho</i>	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/>	Completely Satisfied <i>Completamente Satisfecho</i>	N/A <input type="radio"/>
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12. Ease of payment, if any. *Facilidad de pago, si lo hay.*

Not Satisfied <i>No Satisfecho</i>	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/>	Completely Satisfied <i>Completamente Satisfecho</i>	N/A <input type="radio"/>
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13. Quality of service for cost to ride. *Calidad de servicio por costo de viaje.*

Not Satisfied <i>No Satisfecho</i>	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/>	Completely Satisfied <i>Completamente Satisfecho</i>	N/A <input type="radio"/>
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14. Clarity of information from SMART. *Claridad de información de SMART.*

Not Satisfied <i>No Satisfecho</i>	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/>	Completely Satisfied <i>Completamente Satisfecho</i>	N/A <input type="radio"/>
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15. Frequency of notifications. *Frecuencia de notificaciones.*

Not Satisfied <i>No Satisfecho</i>	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/>	Completely Satisfied <i>Completamente Satisfecho</i>	N/A <input type="radio"/>
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16. Accuracy of information. *Exactitud de la información.*

Not Satisfied <i>No Satisfecho</i>	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/>	Completely Satisfied <i>Completamente Satisfecho</i>	N/A <input type="radio"/>
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17. Communication preference for service alerts. Check all that apply.

Preferencias de comunicación para alertas de servicio. Marque todo lo que corresponda.

- | | | |
|--|---|------------------------------------|
| <input type="checkbox"/> Text / Texto | <input type="checkbox"/> Facebook | <input type="checkbox"/> Instagram |
| <input type="checkbox"/> App notification
<i>Notificaciones de aplicación</i> | <input type="checkbox"/> Website/
<i>Sitio web</i> | |
| <input type="checkbox"/> Physical posters
<i>Carteles físicos</i> | <input type="checkbox"/> Onboard announcements
<i>Anuncios a bordo</i> | |

18. Communication preference for SMART events (i.e. Rider Appreciation Days, Be Seen. Be SMART.) Check all that apply. *Preferencia de comunicación para eventos de SMART (es decir, Días de Apreciación del Pasajero, Sea Visto. Sea SMART.). Marque todo lo que corresponda.*

- | | | |
|--|---|------------------------------------|
| <input type="checkbox"/> Text / Texto | <input type="checkbox"/> Facebook | <input type="checkbox"/> Instagram |
| <input type="checkbox"/> App notification
<i>Notificaciones de aplicación</i> | <input type="checkbox"/> Website
<i>Sitio web</i> | |
| <input type="checkbox"/> Physical posters
<i>Carteles físicos</i> | <input type="checkbox"/> Email
<i>Correo electrónico</i> | |

19. Does our service: *Nuestro servicio:*

- ☐ Exceed your expectations / *Supera sus expectativas*
- ☐ Meet your expectations / *Cumple sus expectativas*
- ☐ Not meet your expectations / *No cumple sus expectativas*

20. Would you recommend SMART to family and friends? *Usted recomendaría SMART a su familia y amigos?*

- ☐ Yes / *Sí* ☐ No / *No*

21. For future service enhancements, what is your highest priority? Select only one.

Para futuras mejoras del servicio, ¿cuál es su mayor prioridad? Seleccione solo uno.

- ☐ Less wait time for bus. / *Menos tiempo de espera para el autobús.*
- ☐ Service to new destinations. / *Servicio a nuevos destinos.*
- ☐ Longer service hours on weekdays. / *Más horas de servicio entre semana.*
- ☐ Longer service hours on Saturday. / *Más horas de servicio los sábados.*
- ☐ Service on Sunday. / *Servicio el domingo.*
- ☐ None of the above. / *Ninguna de las anteriores.*

22. What is your age? *¿Cuál es su edad?*

- ☐ 18 and Under / *Menos de 18*
- ☐ 19-29
- ☐ 30-65
- ☐ Over 65 / *Más de 65*

23. For demographic purposes select the option that best represents your gender.

Para propósitos demográficos, seleccione la opción que mejor represente su género.

- ☐ Woman / Mujer
- ☐ Man / Hombre
- ☐ Non-binary / No-binario
- ☐ Prefer not to disclose / Prefiero no revelar
- ☐ Self Identify / Auto identificarse

24. To which racial or ethnic group(s) do you most identify with?

¿Con qué grupo(s) racial o étnico(s) se identifica más?

- ☐ Asian or Asian American or Pacific Islander / Asiático o Asiático Americano o Isleño del Pacífico
- ☐ Caucasian or White /Caucásica o blanca
- ☐ Multi-racial / Multiracial
- ☐ African American or Black / Afroamericano o negro
- ☐ Latino or Hispanic / Latino o Hispano
- ☐ Native American or American Indian / Nativo Americano o Indio Americano
- ☐ Not listed: / No listado: _____

25. What is your annual income? ¿Cual es sus ingresos anual?

- ☐ Student / alumno
- ☐ Under 10,000 / Menos de \$10,000
- ☐ \$10,000 to \$29,999
- ☐ \$30,000 to \$49,999
- ☐ \$50,000 to \$69,999
- ☐ \$70,000 to \$89,000
- ☐ Over \$89,000 / Más de \$89,000

26. Home zip code: / Código postal: _____

27. Check any or all of the boxes below to receive. / Marque todos los que quiera recibir.

- ☐ Survey results / Resultados de encuesta
- ☐ Enter drawing for \$100 gift card / Participar en el sorteo de una tarjeta de regalo de \$100

28. Phone / Text if you should win the drawing / Teléfono / Texto si gana el sorteo: _____

29. Additional comments: / Comentarios adicionales:



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: March 4, 2024		Subject: Housing Our Future	
		Staff Members: Kimberly Rybold, AICP, Senior Planner Daniel Pauly, AICP, Planning Manager	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments: N/A	
Staff Recommendation: Select a City Council member to serve as a representative on the Project Advisory Committee.			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Increase housing opportunities for all and reach functional zero homelessness	<input checked="" type="checkbox"/> Adopted Master Plan(s): Comprehensive Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Staff will provide an update on the Housing Our Future project, including a summary of the project's initial outreach activities, and will seek a City Council representative for the upcoming Housing Our Future Project Advisory Committee (PAC).

EXECUTIVE SUMMARY:

The purpose of the Housing Our Future project is to analyze Wilsonville's housing capacity and need followed by creating strategies to meet housing needs. The City's last Housing Needs Analysis was adopted in 2014. Since that time, the City has taken a number of follow-up actions related to housing including completing Town Center and Frog Pond master plans and adopting the Equitable Housing Strategic Plan. The current project will build on these past housing initiatives and newly adopted policies. The project is required for continued compliance with Statewide Planning Goal 10 (Housing) under House Bill 2003 adopted by the Oregon legislature in 2019. Having begun in early 2023, the City anticipates the project to go through early to mid-2025.

The project includes two primary work products – the Housing Needs and Capacity Analysis (HNCA) and the Housing Production Strategy (HPS). The HNCA will identify unmet housing need in Wilsonville over the next 20 years, focusing on issues related to land need, as well as demographic change and housing affordability. This assessment consists of the following primary components:

- **Buildable lands inventory (BLI)** – The BLI examines the location of land within Wilsonville and its adjacent planning areas to determine where vacant and re-developable land exists, excluding areas with environmental constraints and areas not planned for future residential use.
- **Assessment of need** – This includes an examination of historical and recent development trends, demographics, housing affordability, and forecasted housing growth to determine the types and quantity of new housing units the City will need over the next 20 years.
- **Assessment of capacity** – Examining the BLI results and assessment of need, this assessment will determine if there is sufficient land to accommodate the expected housing growth over the next 20 years.

Upon substantial completion of the HNCA, the project team will begin work on the HPS. Using the recommended actions of the 2020 Equitable Housing Strategic Plan as a starting point, the project team will provide additional information about key unmet housing needs in Wilsonville and propose actions that Wilsonville can take to help address the unmet housing needs. Several methods of gathering community input, including establishing a project advisory committee, participation in public events, and engagement through *Let's Talk, Wilsonville!* will inform development of the HPS.

The project team is led by consultants from ECONorthwest under a grant from the Oregon Department of Land Conservation and Development (DLCD). To align with DLCD's grant cycles, the Housing Our Future project is organized into three phases:

- **Phase 1:** Preliminary HNCA analysis, completed in mid-June 2023 under a DLCD project grant awarded in 2021. Information from the preliminary HNCA analysis was presented at the August 7, 2023 work session.

- **Phase 2:** Initial public engagement for the project, starting in August 2023 through late 2023. This phase was funded by the City to fill a gap between available DLCD grant funding. At this work session, staff will provide an overview of the Phase 2 engagement, which will inform the HNCA and HPS. Summaries of these engagement efforts are provided in Attachments 1-3.
- **Phase 3:** Completion of the HNCA and development of the HPS, starting in early 2024 and completed by mid-2025. This phase is funded through a second grant from DLCD, which was awarded in late 2023.

A key element in developing the HPS during Phase 3 will be input from a Project Advisory Committee (PAC) composed of people involved in real estate development (nonprofit and for profit), organizations with existing industry knowledge and experience around housing and housing development, and other non-profit service providers working in the Wilsonville community. The PAC is expected to meet five times and, after reviewing information and findings from the HNCA and other public input, will provide recommendations on policies and actions for consideration in the HPS to Planning Commission and City Council. The project team invites a City Councilor to participate on the PAC, along with representatives from the Planning Commission and Diversity, Equity and Inclusion Committee. Staff expects the first PAC meeting to be held in spring 2024.

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

1. Which City Councilor will participate on the Housing Our Future PAC?
2. What additional questions does City Council have about the overall direction or timeline of the Housing Our Future project?

EXPECTED RESULTS:

Selection of a City Council representative to the PAC.

TIMELINE:

Preliminary work on the HNCA was completed in mid-June 2023. Initial public engagement events for the project, including an online survey, participation in the Community Party in the Park, and a Community Conversation on Cost Burden occurred in summer and fall 2023. Work to finalize the HNCA and develop the HPS will occur throughout 2024 into mid-2025.

CURRENT YEAR BUDGET IMPACTS:

A portion of City staff time in FY 2023-24 and 2024-25 is funded by a \$40,000 DLCD grant. Phase 3 consultant costs are funded directly by DLCD.

COMMUNITY INVOLVEMENT PROCESS:

The Housing Our Future project will be guided by an inclusive public outreach process. Proposed engagement includes creation of a project advisory committee, participation in a variety of public events, and engagement through *Let's Talk, Wilsonville!* Outreach will focus on engaging those most impacted by the high costs of housing, particularly those who are typically underrepresented in these conversations.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

As a result of this project, the City will have a clearer understanding of housing needs for the next 20 years and analysis to confirm if there is sufficient land area for the City to accommodate these needs. Creation of a HPS will provide an opportunity to assess the City's progress in implementing recommendations contained within the 2020 Equitable Housing Strategic Plan and prioritize additional actions the City should undertake to meet future housing needs of the community. Pursuit of strategies resulting from this project will continue Wilsonville's efforts to make housing more affordable and attainable for City residents and employees, ensuring Wilsonville provides housing opportunity for different household compositions, ages, and income ranges.

ALTERNATIVES:

City Council may choose to not have a representative on the PAC.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Party in the Park HNCA Public Engagement Summary – August 2023
2. Rent Burden Public Meeting Summary – November 2023
3. Housing Our Future Survey Summary – December 2023

DATE: August 28, 2023
 TO: Kim Rybold and Dan Pauly, Wilsonville
 FROM: Scott Goodman and Beth Goodman, ECONorthwest
 SUBJECT: Party in the Park HNCA Public Engagement summary

This is a brief summary of the community engagement for the Wilsonville Housing Needs and Capacity Analysis (HNCA) that took place on Thursday, August 24, 2023 at the Wilsonville Party in the Park. ECONorthwest and Wilsonville city staff tabled at the Party in the Park event with an informational board (HNCA housing statistics and project plan/process), a four-sided chalk board inviting participants to answer the question “What would make your house better?,” QR codes linking to the online housing survey, paper copies of the same survey in both English and Spanish, comment cards, and a jar/bean activity to gauge interest in eight housing strategies the city could consider. The majority of the community engagement occurred through the bean/jar activity and conversations with participants.

The jar/bean activity gave participants three beans to “vote with” and put their beans into the jars that corresponded with their top three housing priorities out of the eight housing priority options displayed on the informational board. The results of the jar/bean activity for housing focus prioritization are as follows:

- Funding to support construction of needed infrastructure for development, like roads, water mains, and sewer systems (26 votes)
- Partnering with organizations that provide services to help people transition from homelessness to being housed (19 votes)
- Partnering with nonprofits who build affordable rental units for low-income households (19 votes)
- Providing down payment assistance to low-income households (15 votes)
- Developing a local funding source to support housing development for low- and middle-income households (13 votes)
- Refining regulations and processes to remove barriers to housing development (12 vote)
- Providing funding to support housing rehabilitation and repair for low-income homeowners (10 votes)
- Partnering with nonprofits who build homeownership units for low-income households (7 votes)

Additional feedback resulting from conversations with participants included a desire for more homeownership opportunities, more single-dwelling units, more mixed-use developments, and concerns about the traffic that additional housing would bring. No paper surveys or comment cards were completed during the Party in the Park event.

Below are a selection of the photos taken during the event:

Exhibit 1. Voting by beans, partway through the event



Exhibit 2. ECONorthwest staff discussing housing 1



Exhibit 3. ECONorthwest staff discussing housing 2



Exhibit 4. ECONorthwest staff discussing housing 3



Exhibit 5. "What would make your housing better?" chalkboard 1

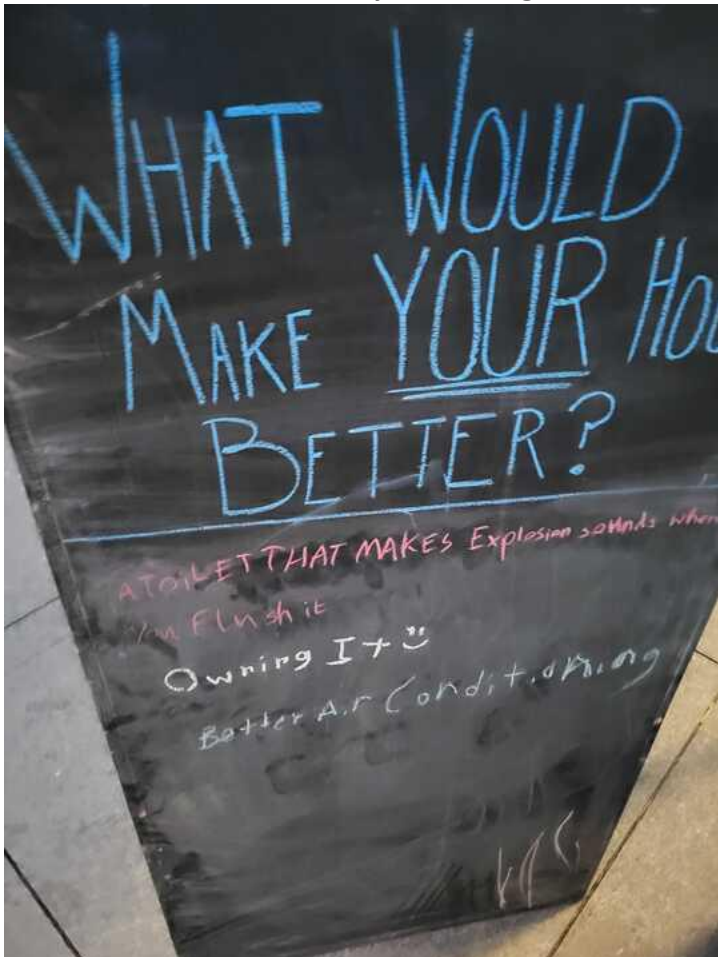


Exhibit 6. "What would make your housing better?" chalkboard 4

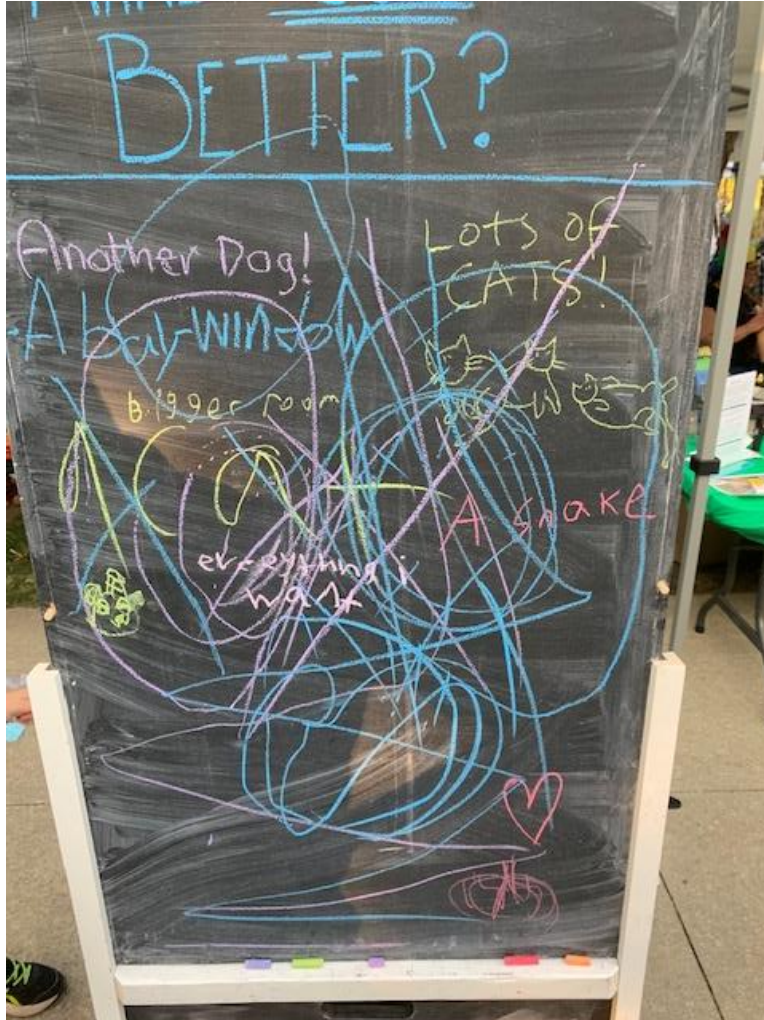
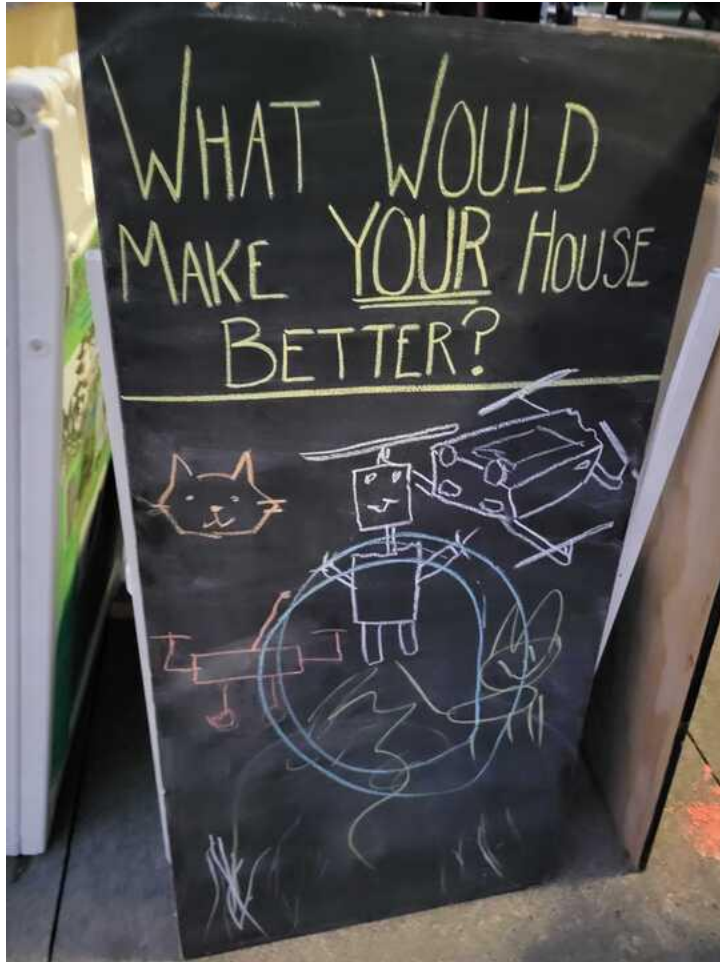


Exhibit 7. "What would make your housing better?" chalkboard 5



DATE: November 14, 2023
TO: Kim Rybold and Dan Pauly, Wilsonville
FROM: Scott Goodman and Beth Goodman, ECONorthwest
SUBJECT: Rent Burden Public Meeting Summary

The Wilsonville Planning Commission hosted a Community Conversation on Cost Burden on Wednesday, Nov 8, 2023. The meeting took place online and people could attend in person at the Wilsonville City Hall. City staff introduced the project overview for “Housing Our Future” and ECONorthwest presented key information from the HNCA related to renter households and cost burden and hosted a discussion to gather feedback related to two primary questions:

- What are the barriers to accessing affordable housing in Wilsonville?
- What would you like to see the City do to help increase access to affordable housing?

Eleven participants attended online, with eight of those attendees being officials from the Planning Commission and City Council. ECONorthwest used an online [MIRO board](#) to record participant feedback (screenshots from the MIRO board are included below in Exhibit 1 and Exhibit 2).

What are the barriers to accessing affordable housing in Wilsonville?

We grouped responses to this prompt into three primary categories: housing costs, cost of development, and rental ownership.

Housing Costs

Participants discussed the concerns of high housing costs for renters in addition to monthly rent payments, such as utilities, application fees, and first and last month rent payment, which all lead to additional housing cost burdens.

Cost of Development

Participants discussed the high costs and risks associated with developing housing, including the current trend in rising interest rates. The group also discussed concerns that rent caps could further inhibit the already challenging financing of new rental housing development since they would reduce potential revenue streams from rent for developers, while rising interest rates have also made financing more difficult. There is a worry that these dual pressures would hamper efforts to increase the supply of rental housing.

Ownership of Rental Properties

Participants discussed various challenges related to who owns rental properties and how they are managed. Local ownership with “mom and pop” landlords operate differently from larger, corporately owned, rental property agencies; more and more the larger, corporately owned, rental property agencies are controlling more of the rental housing stock.

Participants discussed the role of short-term rentals (Airbnb, VRBO, etc.) and its effect on rental housing, but this affects only a very small portion of the Wilsonville housing stock.

Participants discussed HOAs as an impediment to rental housing when there are prohibitions imposed on a unit's ability to be rented.

What would you like to see the City do to help increase access to affordable housing?

Topics discussed for what the City can do to help increase access to affordable housing included:

Rental Unit Development/Supply

- Pursue Multiple Unit Property Tax Exemption (MUPTE) options to increase multifamily rental housing options at specific income levels
- Pursue Public Private Partnerships, including non-profits, to assemble mixed-use affordable housing with public use commercial tenants (e.g. ground floor library or social service office)
- Pursue modular rental housing production partnerships
- Explore what role the City can have to restrict HOAs from limiting rental availability
- Explore the use of Urban Renewal funds for select housing development
- Explore scaling System Development Charges (SDCs) to the size of units instead of number of units to increase housing supply
- Explore property tax abatements or other incentives/programs to landlords of income restricted rental units owned by private homeowners
- Explore "mid-term" housing (2 weeks to 2 months) in existing commercial spaces to accommodate students, professors, or other temporary housing uses

Financing/Rent Cost Supports

- Explore a city-wide Affordable Housing bond measure
- Lobby with the State for stronger rent control protections
- Promote non-profit partnerships for grants to reduce renter utility costs
- Pursue locally controlled banking options
- Leverage local philanthropic funding to housing-related community based organizations

Homeownership Supports

- Explore alternative home ownership models such as limited equity coops

Additional feedback from participants included a desire to see further information on the income levels of Wilsonville renters (available in the Wilsonville HNCA) and a desire to see the quantity of short-term housing stock reported in Wilsonville.

Exhibit 1. MIRO board: What are the barriers to accessing affordable housing in Wilsonville?



Exhibit 2. What would you like to see the City do to help increase access to affordable housing?



Community Conversation on Cost Burden - 11.8.2023 - Meeting Attendees

Name	Affiliation
Nicole Hendrix	Planning Commission, Wilsonville Community Sharing
Caroline Berry	City Council
Morgan	not identified
Jennifer Willard	Planning Commission
Kaelyn Cassidy	Wilsonville Spokesman
Bob Zeil	Resident
Julie Fitzgerald	Mayor
Joanne Linville	City Council
Kamran Mesbah	Planning Commission
Kathryn Neil	Planning Commission
Kristen Akervall	City Council

Note: Due to the small size of Wilsonville, attendees are not representative of or affiliated with a specific geographic location in the City

Community Conversation on Cost Burden - Meeting Notification List*

Name	Affiliation
Maria Caballero Rubio	Centro Cultural
Mariana Valenzuela	Centro Cultural
Lyn Welchel	Heart of the City
Leigh Crosby	Wilsonville Community Sharing
General email	Housing Authority of Clackamas County
Devin Ellin	Housing Authority of Clackamas County
Trell Anderson	Northwest Housing Alternatives
General email	Cascade Management, Inc.
Robert Gibson	Palindrome
Heather Boyd	Palindrome
Maria Vargas	Latino Network
Sadie Wallenberg	Wilsonville Community Seniors
Seth Henderson	Level Development
Jennifer Jenkins	Level Development
Lauren Golden Jones	Capstone Partners
Stef Kondor	Related Northwest
General email	Chrisman Development
General email	Pinehurst Management
Eugene Labunsky	West Coast Home Solutions
General email	Clackamas County Social Services
General email	Caritas Community Housing Corporation
Zachary Howell	Accessible Living, Inc.
Jack Kohl	KWDS LLC
General email	Fair Housing Council of Oregon

*in addition to those who receive Planning Commission meeting notifications

DATE: Dec 12, 2023
 TO: Kim Rybold and Dan Pauly (City of Wilsonville)
 FROM: Armster Edwards, Scott Goodman, & Beth Goodman (ECONorthwest)
 SUBJECT: Housing Our Future Survey Summary

Survey Methodology and Information

To support Wilsonville's *Housing Our Future* project, the City distributed an online survey to gather feedback on residents' housing issues and proposed actions for addressing local housing needs. The online survey was open from late August through early October, 2023 and was advertised through "Let's Talk Wilsonville," email messaging, and at the Wilsonville Party in the Park. The following memorandum provides a summary of the survey responses.

The survey asked the following questions:

- Which of the following types of housing do you live in?
- Which of the following housing types would you live in, if single-family detached housing was not an option due to cost or availability?
- If you could improve on thing about your housing now, what would it be?
- Have you personally experienced discrimination in renting or buying housing?
- Do you think our children and young adults will be able to afford housing in Wilsonville in 10+ years?
- Which of the listed expenses could you afford?
- Which of the listed options should the City of Wilsonville prioritize to address affordable housing needs?

The survey was available in English and Spanish (all were completed in English and zero were completed in Spanish). The highest number of responses for any one of the questions was 27 and the fewest number of responses was one.

Note: The survey is not intended to be representative of all Wilsonville residents, as it is not a survey of randomly selected Wilsonville households. The information in the survey represents the opinions of the respondents and will be used to inform understanding of unmet housing needs in Wilsonville and provide input on potential options for housing policies for evaluation in the City's upcoming housing policy planning project.

Survey Respondent Housing Circumstances

We asked survey respondents about their current housing circumstances, including the type of housing they live in and whether they rent or own. Exhibit 1 shows most survey respondents—nearly 80 percent— live in a single dwelling detached home. The remainder of respondents were split among townhouse and apartment or condo. No survey respondents indicated they lived in multifamily, ADUs, or “Other” types of housing.

Exhibit 1. Housing types where respondents live

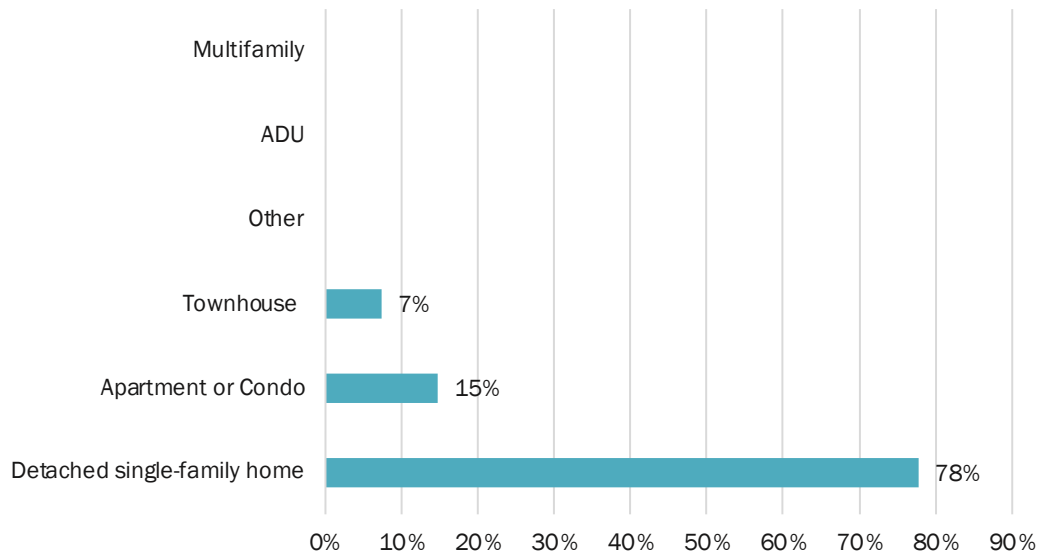
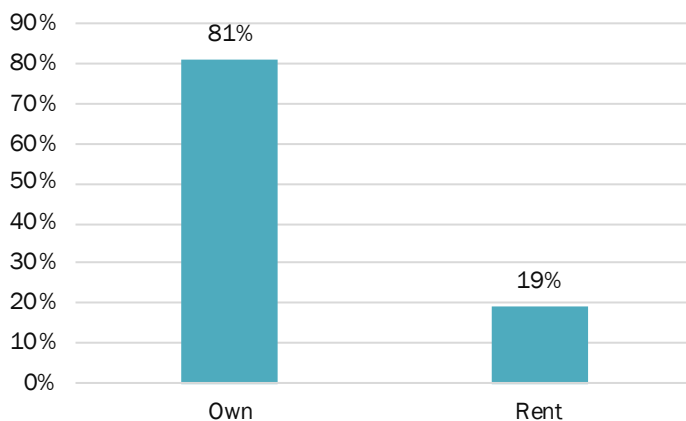


Exhibit 2. Portion of respondents who rent vs. own their housing

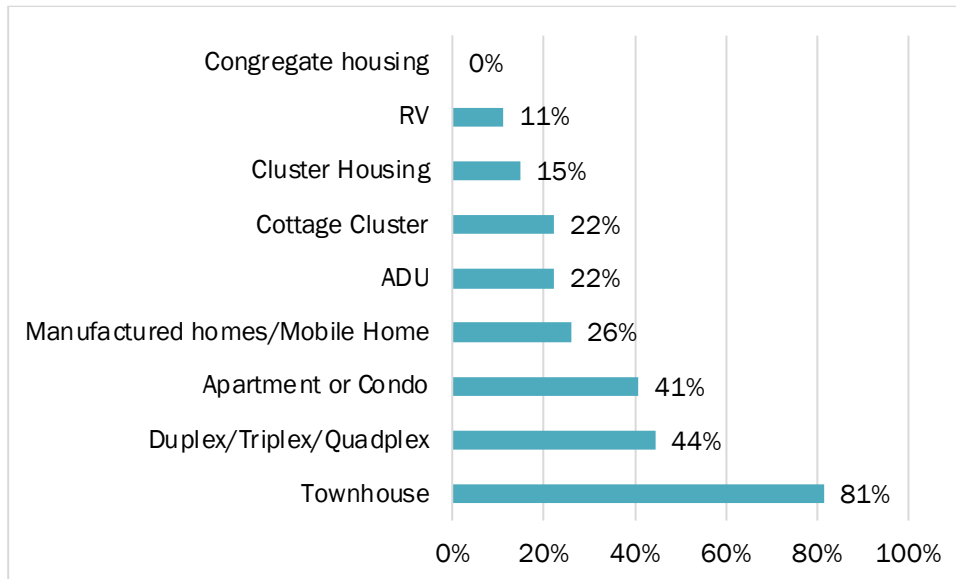


Given that most respondents indicated they live in single family detached housing, it is not surprising that most respondents also own their homes. While 81% of respondents own their homes, 19% rent their housing (Exhibit 2)¹

¹ Wilsonville’s overall households was reported as 49% owner-occupied and 51% renter-occupied according to the US Census Bureau 2017-2021 survey.

When asked to choose their preferred housing type *if single-family detached housing was too expensive or not available* (Exhibit 3), the most popular alternative housing type was townhouses, with 81% of respondents selecting this option. Apartment or Condo and Duplex/Triplex/Quadplex also had significant support, at 41% and 44% respectively. Less traditional options like accessory dwelling units (ADUs), manufactured homes, and cluster housing had lower support in the 15 to 26% range.

Exhibit 3. Preferred housing type of respondents if single-family detached weren't an option

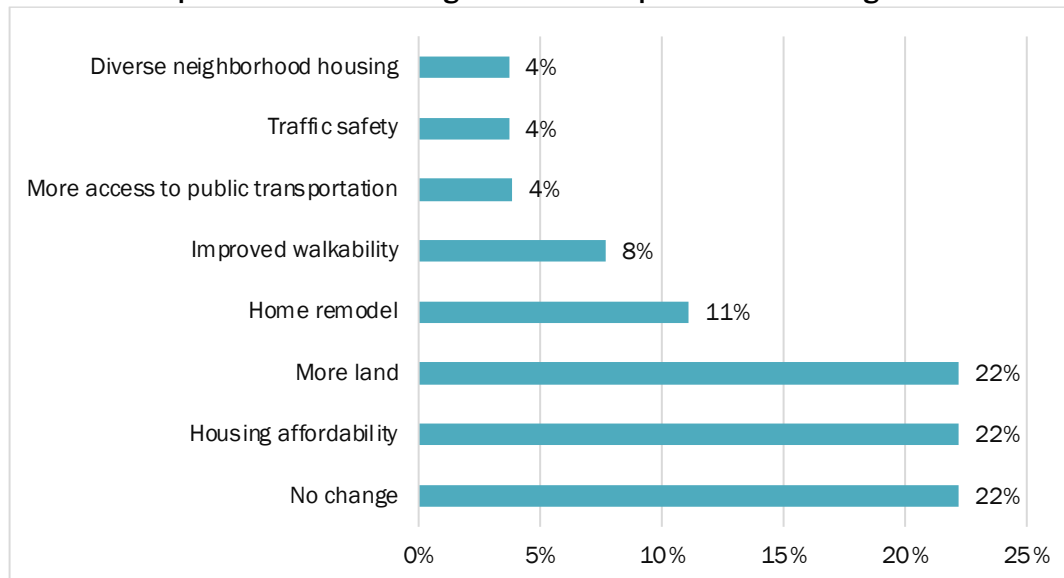


The survey suggests an openness of survey respondents to considering townhouses and also some willingness to consider apartments/plexes as housing options.

Resident Sentiments towards Housing in Wilsonville

When respondents were asked an open response question on what they would improve if they could improve their housing, responses varied (Exhibit 4). We grouped the responses by theme, the top responses were evenly split between desiring more land (22%), wanting more affordable housing (22%), and being satisfied with no change (22%). The next most common response was wanting to remodel their current home (11%) followed by improved walkability (8%), more access to public transportation (4%), traffic safety (4%), and neighborhood housing diversity (4%). The survey showed mixed opinions - a portion of respondents want more space or affordability, some appear content with the status quo, and others want to upgrade their existing home.

Exhibit 4. Respondents on one thing that would improve their housing in Wilsonville



When asked about personal experiences of discrimination when buying or renting housing, the vast majority (89%) of the respondents responded that they had not personally experienced housing discrimination. A small number (7.4%, 2 people) *did* report experiencing discrimination. One specified example cited discrimination experienced regarding a VA home loan, in which the seller reportedly said that they would have rejected the buyer had they known it entailed VA financing.

Respondents feel pessimistic about future housing affordability for the next generation in Wilsonville (Exhibit 5). More than half of respondents (52%) don't think that housing in Wilsonville will be affordable for future generations in 10+ years. Only 15% believe future generations will be able to afford housing in Wilsonville in 10+ years and the rest of the respondents (33%) were uncertain. The responses indicate a prevalent view that housing will become less affordable for young people in the coming decade(s) in Wilsonville. With well over half answering no or expressing uncertainty about ability to afford housing, there are strong concerns about priced-out futures for the next generation of residents.

Exhibit 5. Respondents when asked if they feel housing in Wilsonville will be affordable for future generations in 10+ years

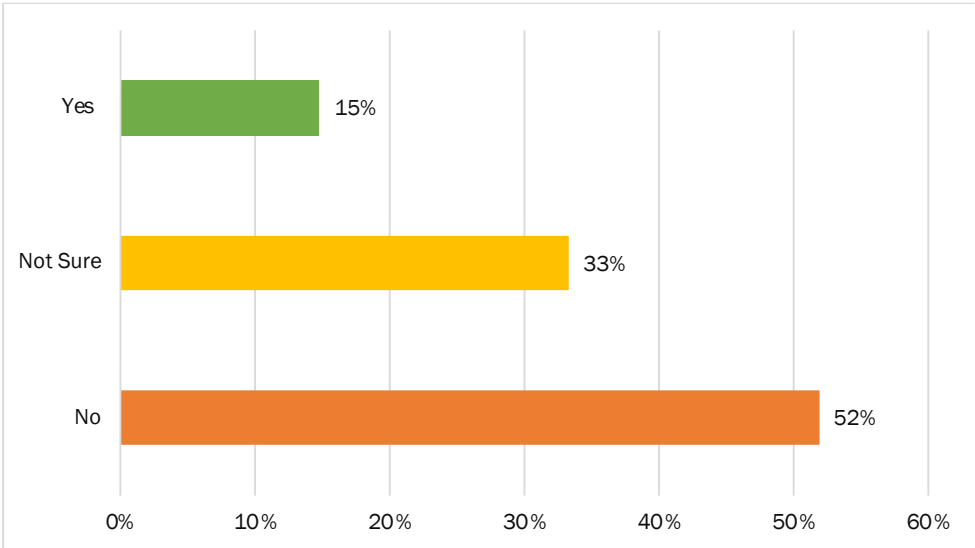
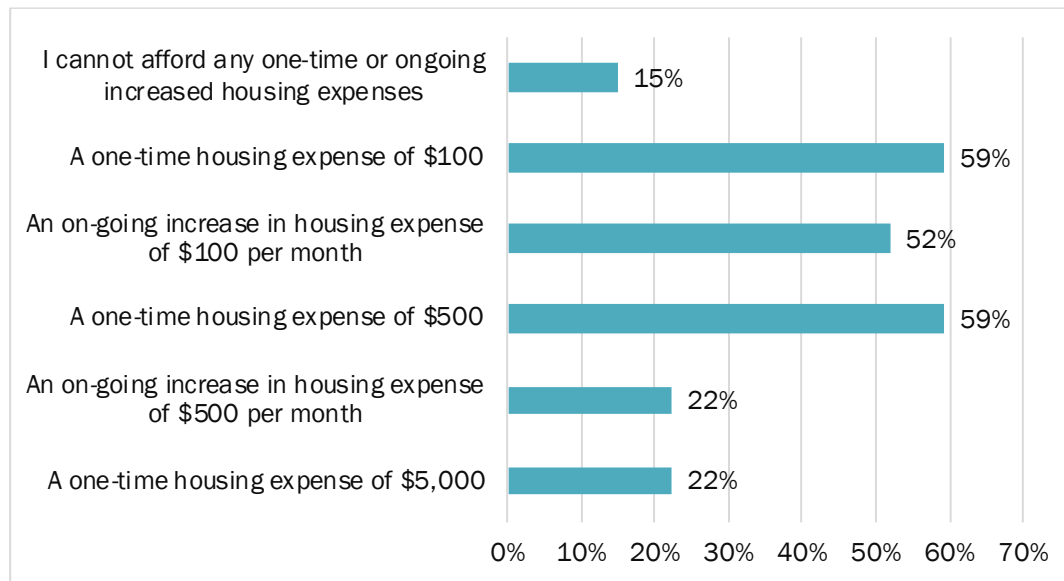


Exhibit 6 shows respondents' ability to afford additional housing expenses.

- The majority of respondents (59%) can afford relatively small *one-time* housing expenses of \$100 or \$500.
- Half of respondents (52%) could afford a moderate \$100 per month increase or one-time expense above \$500 (59%).
- About 15% of respondents could not afford any one-time or on-going increases in housing expenses.

Exhibit 6. Respondents' ability to afford additional housing expenses



Housing Action Priorities in Wilsonville

The survey asked respondents to rank eight different housing affordability solutions, from lowest to highest priority. Two housing solutions received a ranking of “highest priority” from over 50% of survey respondents and an overall highest average ranking amongst all potential solutions. These highest supported solutions, highlighted in green in Exhibit 7 and Exhibit 8, are:

- Funding to support **construction of needed infrastructure** for development, like roads, water mains, and sewer systems.
- Partnering with nonprofits who **build homeownership units** for low-income households.

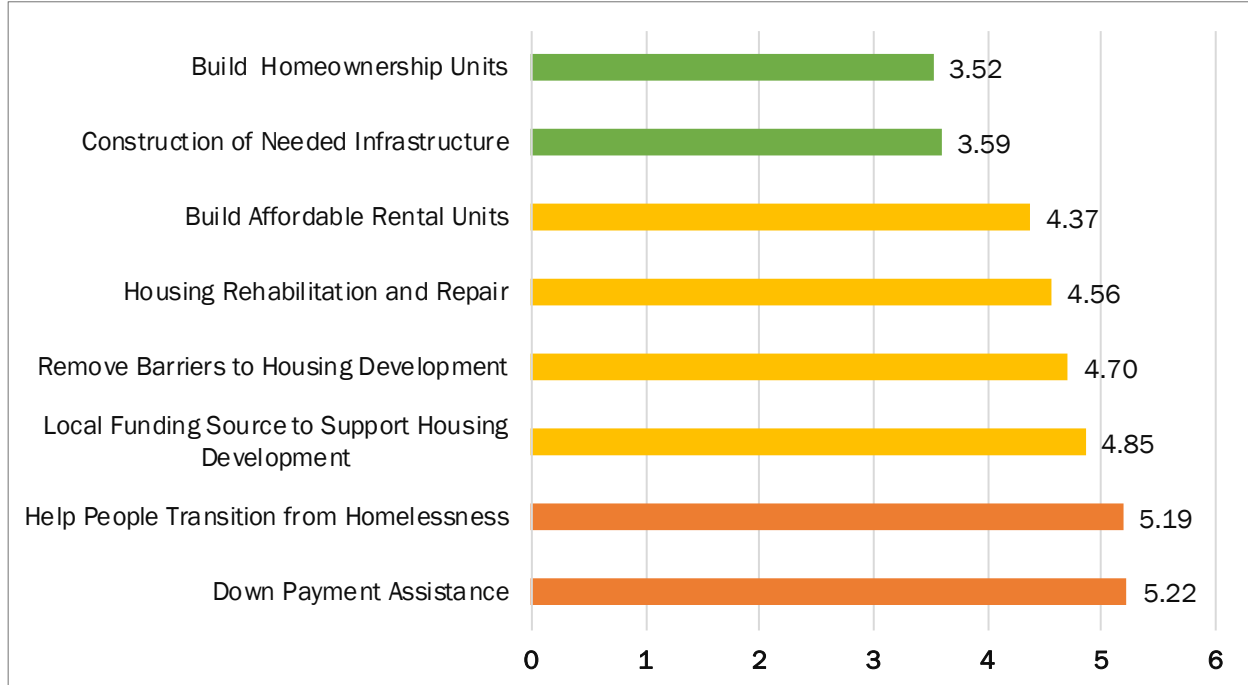
Exhibit 7 shows the percentage of respondents that ranked each solution as one of their top three priorities.

Exhibit 7. Respondents' prioritization of housing affordability solutions

Description	Highest Priority
Funding to support construction of needed infrastructure for development, like roads, water mains, and sewer systems.	56%
Partnering with nonprofits who build homeownership units for low-income households.	52%
Partnering with nonprofits who build affordable rental units for low-income households.	37%
Providing funding to support housing rehabilitation and repair for low-income homeowners.	37%
Providing down payment assistance to low-income households.	33%
Refining regulations and processes to remove barriers to housing development .	30%
Developing a local funding source to support housing development for low- and middle-income households.	30%
Partnering with organizations that provide services to help people transition from homelessness to being housed	26%

Exhibit 8 shows the *average* ranking given to each housing solution, with lower average numbers indicating higher priority solutions. The top two solutions by highest average ranking also include build homeownership units and construction of needed infrastructure, matching the Exhibit 7 data for highest priorities as well.²

Exhibit 8. Average respondent rankings of housing affordability solutions



Note: Lower average number corresponds to higher priority.

² Note that the ordering of solutions does not exactly match between Exhibit 7 and Exhibit 8, this is because Exhibit 7 only shows the percentage of respondents ranking each solution as high priority (top three), while Exhibit 8 shows the average ranking across high, medium and low priorities (a ranking of one equates to the top priority for a respondent and a ranking of eight equates to the lowest priority for a respondent). For example, the build affordable rental units solution had a 33% top priority rank (5th highest) in Exhibit 7, but it has an overall average ranking of 5.22 (lowest) in Exhibit 8. This suggests that while some participants ranked it as high priority, there were also many who ranked it medium or low priority, which affected its relative average ranking.

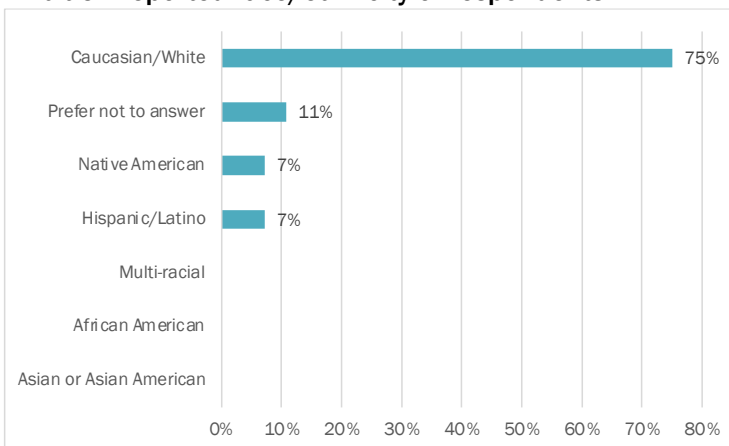
Demographics of Respondents

To better understand the perspectives represented in the results, the following sections provide a brief demographic analysis of the survey respondents. As we review the findings, it is important to consider whether certain voices may be overrepresented while others underrepresented or missing entirely.

The survey received 27 responses in total. The housing survey respondents predominantly identified as Caucasian/White and middle-aged, with more female respondents than male.

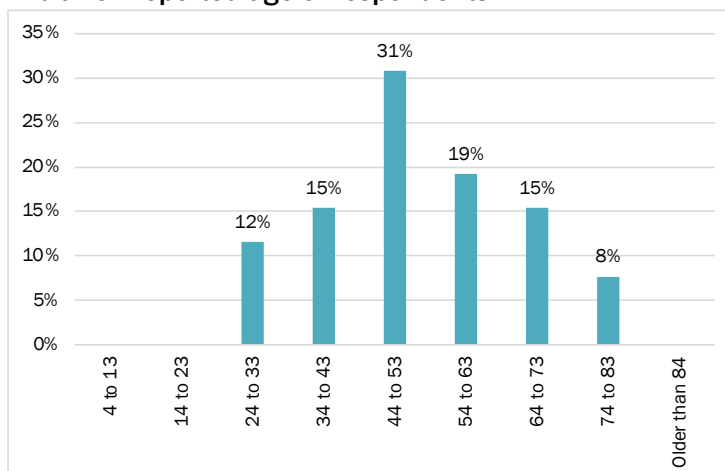
With regards to race/ethnicity (Exhibit 9), the majority of respondents (75%) identified as Caucasian/White. Two respondents (7%) identified as Hispanic/Latino and two (7%) identified as Native American. Three respondents (11%) preferred not to provide their race/ethnicity.

Exhibit 9. Reported race/ethnicity of respondents



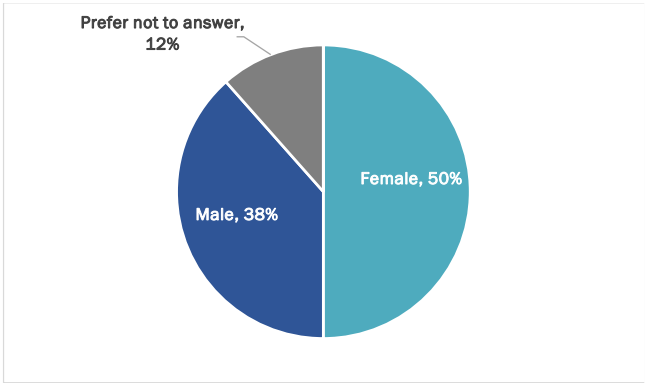
For respondents by age (Exhibit 10), the survey asked respondents to report the decade they were born. The largest share of respondents were aged 44-53 (31%). The next most common age group was 54-63 (19.2%), followed by 34-43 and 64-73 (both 15.4%). Only 12% of respondents were aged 24-33 and no respondents were under 24 or over 84 years old.

Exhibit 10. Reported age of respondents



In terms of gender, 13 respondents (50%) identified as female, 10 (38%) identified as male, and 3 (12%) preferred not to answer (Exhibit 11).

Exhibit 11. Reported gender of respondents





CITY COUNCIL MEETING STAFF REPORT

Meeting Date: March 4, 2024		Subject: French Prairie Road Pathway Options	
		Staff Member: Delora Kerber, PE, Public Works Director and Zach Weigel, PE, City Engineer	
		Department: Public Works and Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments: N/A	
Staff Recommendation: N/A			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input checked="" type="checkbox"/> Adopted Master Plan(s): 2006 Bike and Pedestrian Master Plan – Project C13 2013 Transportation System Plan – Project BW-10 Charbonneau Consolidated Improvement Plan		<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

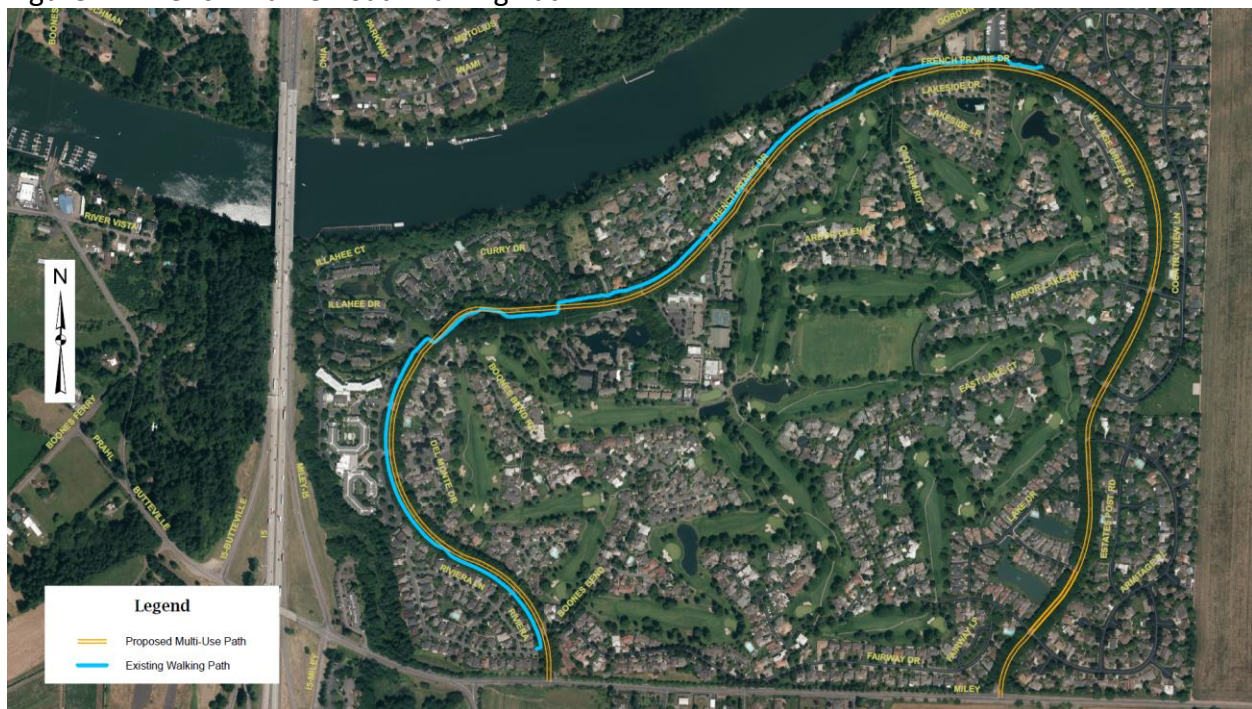
In response to a petition submitted by Wilsonville residents at the November 6, 2023 City Council meeting requesting the City repair and upgrade the French Prairie Road pathway, staff will share with City Council the French Prairie Road walking path maintenance history and planning work completed to date and seek City Council confirmation on steps forward to provide walking and biking facilities along the full length of French Prairie Road.

EXECUTIVE SUMMARY:

French Prairie Road functions as the principal collector roadway, looping through the Charbonneau community, connecting the local neighborhood and business streets to Miley Road, the minor arterial route. The existing French Prairie Road is 2.2 miles long and consists of four vehicle travel lanes (two in each direction) with a center planted median that serves as a left turn pocket at the higher traveled local street connections. The roadway, largely built in phases through the 1970's, is deficient in modern pedestrian and bike facilities with the exception of a paved asphalt walking path that extends on the west and north sides of French Prairie Road between Juliette Drive and Country View Lane. The existing path is 1.35 miles in length, leaving 0.85 miles of French Prairie Road with no path or sidewalk.

The French Prairie Road walking path (Figure 1) is a 5-foot wide, asphalt walkway that is approaching 50 years in age and is in a state of significant deterioration. Due to the condition of the pathway or lack of any pathway, many Charbonneau residents walk in the street to avoid the loose asphalt, poor drainage, and tripping hazards due to the intrusion of tree roots under the walking path.

Figure 1 – French Prairie Road Walking Path



Typically, maintenance of a sidewalk or walkway falls under the responsibility of the fronting property owner. However, in 1998 the City Council adopted Resolution No. 1465, approving a Memorandum of Understanding (MOU) between the City of Wilsonville and the Charbonneau Country Club. As part of the MOU, the City accepted ownership and maintenance responsibility for the French Prairie Road walking path.

Over the years, the City has performed a number of maintenance and upgrade projects along the pathway, as well as advanced planning work to address both the extension and addition of modern bike and pedestrian facilities and long term replacement of the deteriorating pathway. These actions are summarized as follows:

2006 Bicycle and Pedestrian Master Plan – Charbonneau Pedestrian Path (Project C13):

This Master Plan introduced a capital improvement project to bring the existing French Prairie Road walking path up to Americans with Disabilities Act (ADA) design standards, extended a new 8-10 foot wide pathway along French Prairie Road from Country View Lane to Miley Road (east), and added shared bike lane markings to each outside lane on French Prairie Road. The project also introduced the concept of converting the outside travel lanes to create curbside pathways for both pedestrians and bicyclists. The project cost estimate at that time was \$1.11 million.

2012 Stormwater Master Plan (Draft) – French Prairie Green Street (Project LID8):

During the initial draft of the Stormwater Master Plan, a project was contemplated that combined improvement of the quality of storm water runoff with addition of a multi-use pathway along French Prairie Road, as envisioned by the Bicycle and Pedestrian Master Plan. The project included conversion of the outside lanes of French Prairie Road to a bike, pedestrian, and golf cart pathway, separated from vehicle lanes with water quality swales. Ultimately, the project was removed from the final Stormwater Master Plan due to the high cost at \$4.60 million and impact on utility rates.



2013 Transportation System Plan – French Prairie Drive Pathway (Project BW-10):

In 2013, the Charbonneau Pedestrian Path project from the Bicycle and Pedestrian Master Plan was further refined and incorporated into the updated Transportation System Plan as a high priority project. The project is defined as either constructing a new 10-foot wide multi-use path along the north and east sides of French Prairie Road between Country View Lane and Miley Road (east) or converting the outside vehicle lanes to shared bicycle and pedestrian pathways. The project cost estimate at that time was \$1.14 million.

2014 Charbonneau Consolidate Improvement Plan

In 2014, Council adopted the Charbonneau Consolidated Improvement Plan (CCIP), a Charbonneau neighborhood specific plan to coordinate replacement of aging, substandard public infrastructure, including street, drinking water, wastewater, and storm drainage utility pipelines.

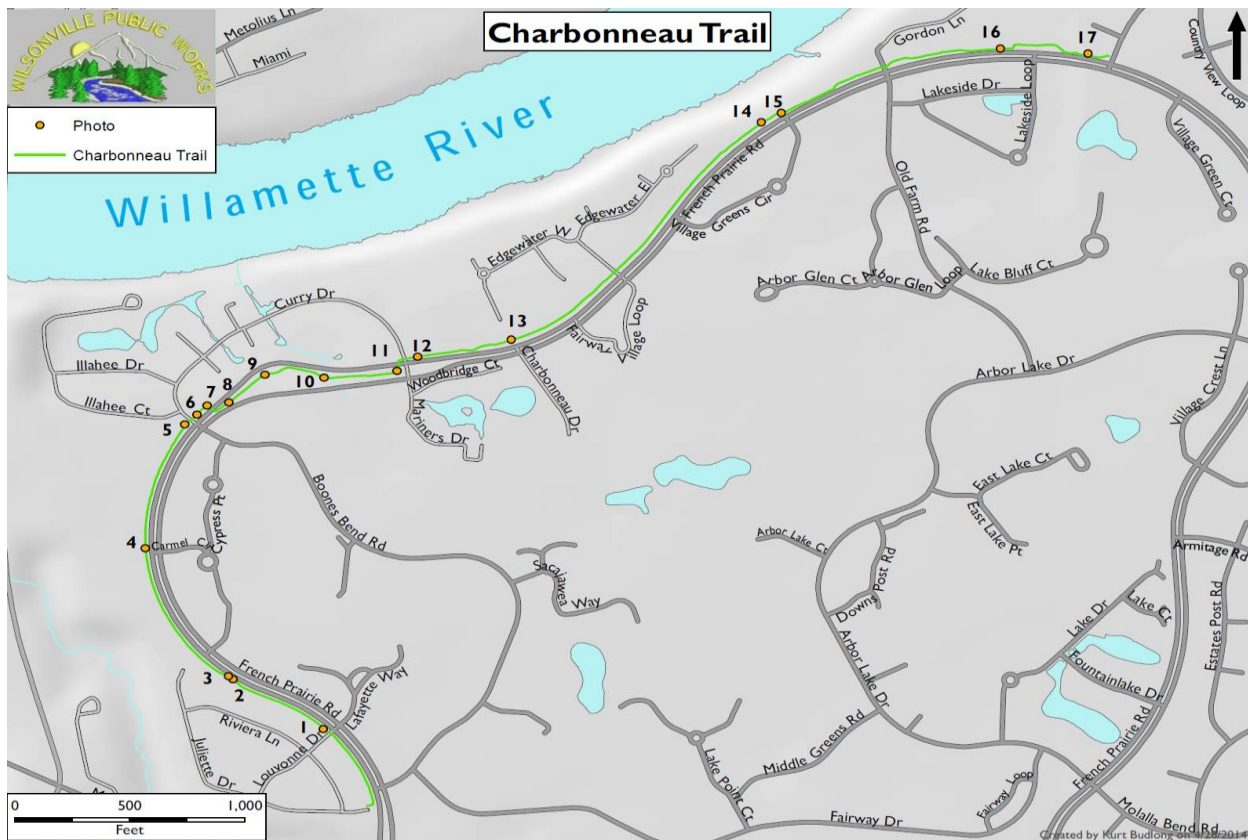
As part of this plan, a detailed inspection and inventory of the French Prairie Road walking path was conducted and documented, which identified a number of safety concerns, including potential trip hazards, unstable surface conditions, and poor drainage. The safety issues were largely determined to be caused by damage from tree roots and deterioration of the asphalt walking surface due to age. The CCIP recommended a short-term pathway repair project to correct the identified deficiencies on a condensed time line, which was estimated in 2014 to cost \$73,000.

The CCIP acknowledged that the overall condition of the French Prairie Road walking path was significantly deteriorated and recommended a long-term replacement plan be pursued. Three replacement options were provided with updated cost estimates as follows:

- Alternative 1 – Replace the existing 1.35 miles of existing asphalt pathway in the current location between Juliette Drive and Country View Lane (Figure 1) with a 5-foot wide concrete sidewalk meeting current ADA standards. This alternative was considered the minimum work necessary to address the failing condition of the pathway and was estimated in 2014 to cost \$625,000.
- Alternative 2 – Convert the outside vehicle lanes in each direction on French Prairie Road to a multi-use path for bikes and pedestrians in line with the recommended Transportation System Plan project. The multi-use path would be separated from vehicular traffic with concrete curbing and upgraded to meet ADA standards. The cost estimate in 2014 for this option totaled \$1.75 million.
- Alternative 3 – Similar to Alternative 2, but instead of a curb separating the multi-use path and vehicle travel lane, a vegetated water quality swale would be constructed to create the separation. This alternative is similar to the draft stormwater master plan project and would provide the added benefit of improved quality of storm water runoff within Charbonneau. This alternative was estimated in 2014 to cost \$5.70 million.

2016 Charbonneau Pathway Repair Project

In June 2016, the City began a project to repair and make ADA upgrades along the French Prairie Road walking path, as recommended by the short term repair project identified in the Charbonneau Consolidated Improvement Plan. The project consisted of pathway repairs at 17 locations, as shown in the image below, including 620 lineal feet of asphalt pathway, replacement of 210 lineal feet of asphalt pathway with concrete sidewalks, installation of five (5) ADA curb ramps, and removal of three (3) large trees. The project cost totaled approximately \$140,000.



2018 Charbonneau Pathway Pilot Project

In January 2018, City staff began working with Metro on a potential grant application to study bike and pedestrian alternatives on French Prairie Road and to fund a demonstration project to implement the design changes on a short segment of roadway on a temporary basis. One of the new design alternatives to be included in the study involved shifting all vehicle traffic to one side of the roadway (one travel lane in each direction like a typical roadway) and creating a wide bike, pedestrian, and golf cart pathway using the two vehicle travel lanes on the other side of the street. Unfortunately, Metro later determined the project was not eligible for the grant funding and the project work did not proceed.

2020 French Prairie Road Phase II Project

In April 2020, the City began construction of a utility replacement project on French Prairie Road between Village Greens Circle and Country View Lane. The project included additional repairs and ADA upgrades to the French Prairie Road walking path to address complaints from community members and identified deterioration that had occurred since the last repair project in 2016. The project consisted of repair of 85 lineal feet of asphalt pathway, 460 lineal feet of concrete sidewalk, and installation of four ADA ramps. The pathway repair work totaled approximately \$100,000.

2020 Parks Bond Task Force

A Parks Bond Task Force was created in 2020 to review, evaluate, and recommend parks projects that benefit the greater community for funding through a potential Parks bond measure. Although the Parks general obligation bond did not move forward due to impacts associated with the COVID-19 pandemic, the Task Force did recommend in the final summary report that the existing French Prairie Road walking path repair and replacement, as well as extension of the existing walk path be included on the priority bond project list. The Task Force further recommended the City conduct additional research to determine if extension of the walking path for an additional cost was preferred by voters. The City also updated the cost estimates for the two projects with the existing walking path replacement estimated at \$1.5M and extension of the walking path for an additional \$2.5M.

French Prairie Road Walking Path Status

City staff has again been receiving increasing concerns from the Charbonneau Country Club board and community members regarding the deteriorating condition of the French Prairie Road walking path. Another substantial repair project is needed to address additional tripping hazards and unstable surface conditions that have occurred since the last repair project. To mitigate the most uneven areas of the path, potholes would be filled and high areas of pavement would be ground down followed by a 2-inch asphalt overlay at spot locations between Juliette Drive and Curry Drive. The cost estimate for the necessary repairs totals \$50,000.

Moving forward with a capital project to address the long-term replacement and extension of the French Prairie Road walking path and addition of bicycle facilities has been a challenge due to the number of design alternatives, evolving community project support, and available funding sources. In review of the Transportation System Development Charge (TSDC) project list, the French Prairie Drive Pathway (Project BW-10) is only 28% eligible for TSDC funds. The remainder of the project would need to be funded through other sources, such as Road Operations (gas tax), Clackamas Vehicle Registration Fee (VRF), or General Fund. These other eligible sources of funding do not generate enough revenue to fund a project the size and scope needed to address the walking path. As a result, improvements to the existing walking path have been limited to repair and maintenance on an as needed basis, occurring every 4-5 years on average.

In an effort to advance the addition of modern bike and pedestrian facilities along French Prairie Road and eliminate the need to further repair the existing walking path, staff recommends a project, referred to as French Prairie Road Pathway, be included in the upcoming fiscal year 2024-2025 Capital Improvement Plan budget. The project is to include a study of up to three alternatives for walking and biking improvements on French Prairie Road, including engagement with the Charbonneau community in the selection of a preferred alternative, advancing to conceptual design for cost estimating. This is a necessary step to identify a solution that meets the expectations of the Charbonneau neighborhood, documents a specific design solution, and establishes a project cost, such that a funding plan can be developed and design and construction work can be advanced. It is anticipated that such a project would cost \$250,000.

EXPECTED RESULTS:

Perform work necessary to identify a preferred design concept with the Charbonneau community and identify project costs to inform development of a funding plan to advance design and construction of the French Prairie Pathway project.

TIMELINE:

Upon direction from Council, a capital improvement project to advance the French Prairie Pathway project through conceptual design will be drafted and incorporated into the fiscal year 2024 -2025 Budget for consideration by the Wilsonville Budget Committee and City Council. If approved, consultant selection to perform the work could begin as soon as the fourth quarter of 2024.

CURRENT YEAR BUDGET IMPACTS:

There are no current year budget impacts. If directed by Council, a capital improvement project to advance the French Prairie Pathway project will be included in the fiscal year 2024 -2025 Budget.

COMMUNITY INVOLVEMENT PROCESS:

Each of the Wilsonville Master Plan documents that include a project to replace, extend, or improve pedestrian and bicycle facilities on French Prairie Road each went through an extensive community involvement process to determine the City's transportation enhancement priorities and was subsequently adopted by the City Council through a public hearing. However, it should be noted that portions of the Charbonneau community have been previously resistant to implementation of changes to French Prairie Road. It is likely that many of those concerns still exist today. However, a growing number of Charbonneau community members with support from the Charbonneau Country Club Board have more recently expressed desire for improved bike and pedestrian facilities along French Prairie Road.

If authorized by Council, staff will develop a public engagement plan that will involve the Charbonneau community and stakeholders in developing a preferred concept for improving pedestrian and bike facilities along French Prairie Road.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

The French Prairie Road Pathway project will provide modern pedestrian and bicycle facilities along French Prairie Road, addressing the continued liability and maintenance obligation associated with the existing incomplete and deficient walking path, while providing the Charbonneau community with a safer alternative to walking in the existing vehicle travel lanes.

ALTERNATIVES:

Council could decide to delay implementation of the French Prairie Road Pathway project and direct staff to continue to perform regular maintenance and repair of the existing walking path. However, as the walking path continues to age, Council should expect the frequency, size, and cost of the repairs to continue to increase.

CITY MANAGER COMMENT:

N/A

ATTACHMENT:

- A. Petition for Repair and Upgrade of Pedestrian Path/Sidewalk along French Prairie Road in Charbonneau dated November 6, 2023.

City of Wilsonville
City Council Meeting

Item C.

SPEAKER CARD

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

NAME: NOFAL KASRAWI
(Please print legibly)

Date: 11/6/2023

ORGANIZATION OR BUSINESS AFFILIATION: CHARBONNEAU

ADDRESS: 3405 SW CUREY DRIVE WILSONVILLE, OR 97055

TELEPHONE: 503 894 3683 E-MAIL: NOFALITO@COMCAST.NET

AGENDA ITEM YOU WANT TO ADDRESS: NON AGENDA, NEW ITEM

PETITION TO REPAIR & UPGRADE WALKING PATH AT FRENCH PRAIRIE

Note: If written documentation is presented please furnish at least one copy, along with this form, to the City Recorder for the official record. Thank you.

November 6, 2023

Mayor Julie Fitzgerald
City Council
Wilsonville City Hall
29799 SW Town Center Loop E
Wilsonville, OR 97070

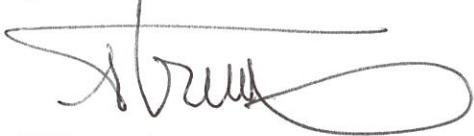
Subject: Petition for the repair and upgrade of the pedestrian path/sidewalk along French Prairie Road in Charbonneau.

This path, from Miley Road to Country View Lane, approximately 1.2 miles, is used frequently by residents of the Community. It is the main exercise option for the elderly. It is also a recreational means for families and individuals of various age groups for walking their pets. Others use it for jogging.

In various areas, the pathway is in need of repair and upgrade to make it safer for all users. Due to the uneven surface of the path, several elderly residents have fallen and hurt themselves and are now opting to walk on the street which is not safe.

An attempt was made in the past to upgrade the path but was limited to a small section between Country View Lane and Lake Side Drive. This partial upgrade is pleasant, safe and wide enough for two people to walk side by side and easy to maintain.

For petitioners:

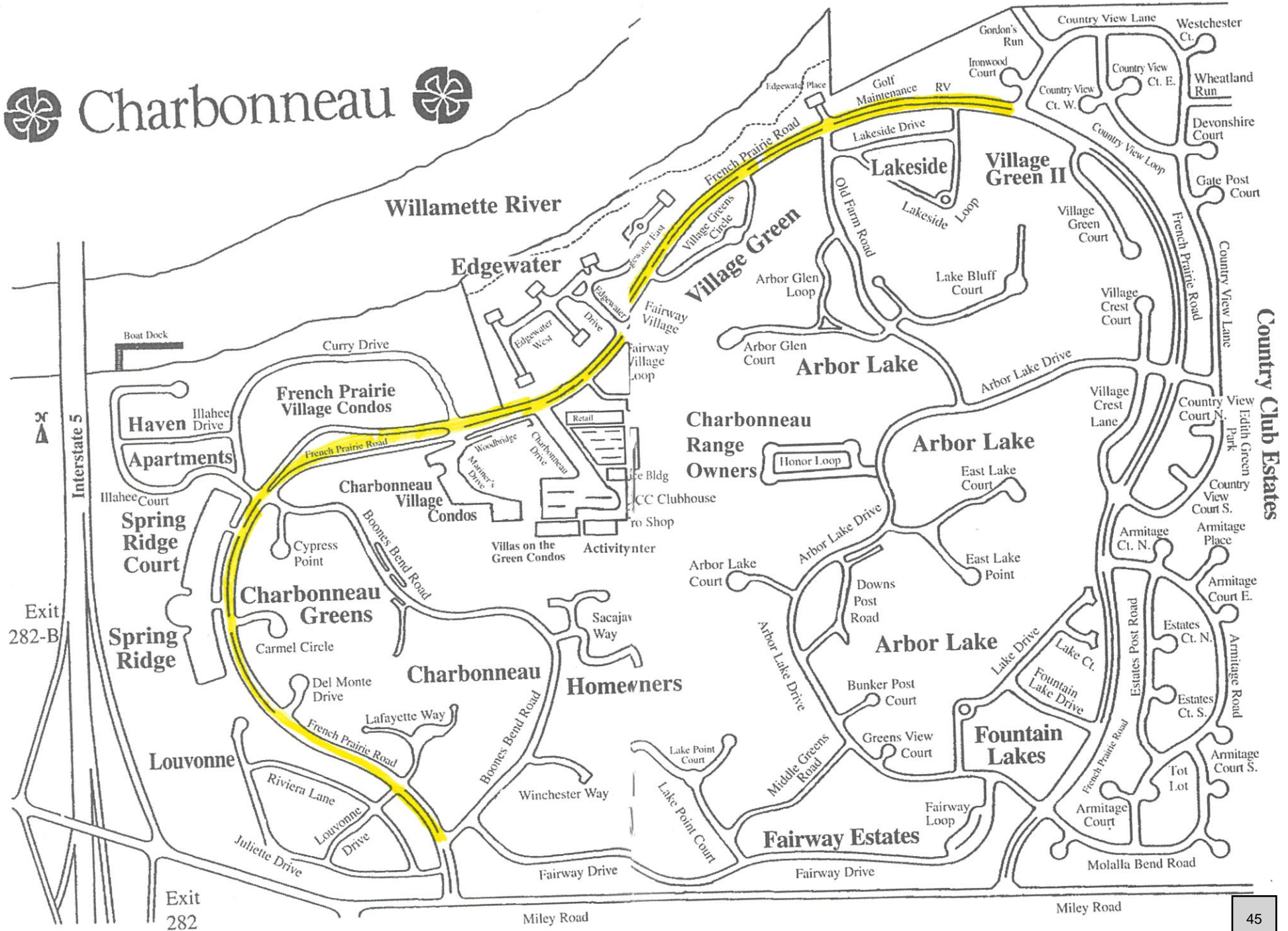


Nofal Kasrawi
8405 SW Curry Drive, Unit B
Wilsonville, OR 97070

nofalito@comcast.net

Attachments

Charbonneau



PETITION FOR REPAIR OF PATHWAY ALONG FRENCH PRAIRIE ROAD IN CHARBONNEAU

NAME	ADDRESS	SIGNATURE	DATE
Kellie M. Skerandore Elisa Dale	8600 SW Curry Dr, unit A Wilsonville, OR 97070	Kellie M. Skerandore	9/16/23
Elisa Dale	8425 ^{#1} SW Curry Dr 97070 Wilsonville	Elisa Dale	9/16/23
Janine Olson	8430 SW Curry Drive Unit A	Janine Olson	9/16/23
Joy McBride	8405 SW Curry Dr unit C	Joy	9/16/23
Nick McBride	8405 SW Curry Dr Unit C	Nick	9/16/23
Kailea Snider	8405 SW Curry Dr Unit D	Kailea	9/16/23
Jaden Hoerner	8405 SW Curry Dr Unit D	Jaden	9/16/23
Andrew Hess	8405 SW Curry Dr. Unit D	Andrew	9/16/23

PETITION FOR REPAIR OF PATHWAY ALONG FRENCH PRAIRIE ROAD IN CHARBONNEAU

NAME	ADDRESS	SIGNATURE	DATE
Richard P Smith	8425 S.W Curry Dr unit A Wilsonville, OR 97070	Richard P Smith	9-16-23
NASSER KHATCHOULI	8635 S.W. CURRY DR. #D	Nasser Khatchouli	9/16/23
Kari Fulce	8615 SW Curry #A	Kari Fulce	9-16
Darin Fulce	8615 SW Curry #A	Darin Fulce	9-16
Guy Krane	8435 SW Curry Dr. Unit A	Guy Krane	9/16/23
Beverly Burge	8515 SW Curry Unit A	Beverly Burge	9/16/23
Lindy Blaesing	8435 SW Curry Dr Unit A	Lindy Blaesing	9/16/23
Laura Grow	8425 SW Curry Dr. Unit C	Laura Grow	9/16/23

PETITION FOR REPAIR OF PATHWAY ALONG FRENCH PRAIRIE RD IN CHARBONNEAU.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>	<u>DATE</u>
Steve Patterson	32150 SW Juliette Dr 97070	Steve Patterson	9/17/2023
LOIS MCKEE	84529 BACSTON RD. 97070	Lois McKee	9/17/2023
ERAINA DUFFY	8232 SW EDGECLATER W	Era Duffy	9/17/23
Walker York	8762 SW Illahee Dr. Apt. 501, Wilsonville 97070	Walker York	9/17/23
Ron Ulrich	7529 SW Honor Loop Wilsonville OR 97070	Ron Ulrich	9/17/23
Marie Werts	7483 SW Lakeside Loop Wilsonville, OR 97070	Marie Werts	"
Iena Smith	8770 SW Illahee Ct Wilsonville OR 97070	Iena Smith	9/17/23
James Smith	↓	James Smith	9/17/23

PETITION FOR REPAIR OF PATHWAY ALONG FRENCH PRAIRIE RD IN CHARBONNEAU.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>	<u>DATE</u>
John Stephen Werts	7483 SW Lakeside Loop Wilsonville, OR	John Stephen Werts	9/17/23
Sage Freeburg	8805 SW Illahee CT #1009 Wilsonville OR 97070	Sage Freeburg	9/17/23
Sherry Dye	8400 SW Curry Dr. Wilsonville D.	Sherry Dye	9-21-23
LINDA WANLESS	8130 SW Woodbridge Ct Wilsonville 97070	Linda Wanless	9-21-23
Andine Kao	8192 Edgewater W Wilsonville OR 97070	Andine Kao	9-21-23
Bradley Batie	8144 SW Woodbridge Ct Wilsonville OR 97070	Bradley Batie	9-21-23
LUCIA Nebert	31009 SW Country View Ln Wilsonville, OR 97070	Lucia Nebert	9/21/23
Richard Mayes	8186 Mariners Dr Wilsonville OR 97070	Richard Mayes	9/21/23

PETITION FOR REPAIR OF PATHWAY ALONG FRENCH PRAIRIE RD IN CHARBONNEAU.

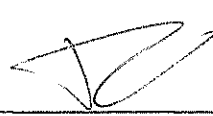

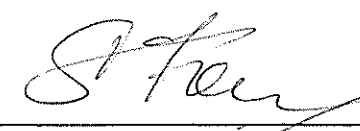


Item C.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>	<u>DATE</u>
Matt Lander	31300 Country View Ln	M Lander	9-23-23
Janet Robertson	32480 SW Juliette Dr.	J Robertson	9-23-23
Tracy Meyer	32480 SW JULIETTE	T Meyer	9/23/23
Mike TEWELL	8305 SW CURRY DR. UNIT D	M Teowell	9-23-23
Ginger Robbins	8705 SW CURRY Dr. Unit D	Ginger Robbins	9/23/23
Jennifer Arritola	8455 SW Curry Dr. #B Wilsonville, OR 97070	J Arritola	9/25/23
TROY ARBITOLA	8455 SW Curry Dr. #B Wilsonville, OR 97070	T. Arbitola	9/25/2023
Don Simpson	8440 B Wilsonville 97070	D Simpson	9/25/23

PETITION FOR REPAIR OF PATHWAY ALONG FRENCH PRAIRIE RD IN CHARBONNEAU.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>	<u>DATE</u>
Janet I. Newton	8400-C SW CURRY DR	Janet I. Newton	9.25-2023
Amy Call	8625 SW Curry Dr. unit B	Amy Call	9/25/23
CAROL KEATH	8745 SW CURRY DR UNIT D	Carol Keath	9/25/23
LYNDA DYER	8762 SW ILLANEE DR #505	Lynda Dyer	9/25/23
James Dwyer James Dwyer James Dwyer	8530 SW CURRY DR. # D WILSONVILLE OR 97070	James Dwyer	9-29-23
Dennis Carey	8137 SW Edgebrook	Dennis Carey	9/29/23
DAVID SAGE	8795 S.W. ILLANEE # I 904	David Sage	9-29-2023
Michael Weber	8405 SW Curry Dr #A	Michael Weber	9/29/23

PETITION FOR REPAIR OF PATHWAY ALONG FRENCH PRAIRIE ROAD IN CHARBONNEAU

NAME	ADDRESS	SIGNATURE	DATE
Tristan Overcash	8405 Curry Dr Unit A		9/29/2023
JOHN HUNTER	7680 SW FAIRWAY Dr		10/14/23
Christine Hagen	32455 SW Armitage Rd	Christine Hagen	10-14-23
Svetlana Fadden	3500 SW Village Green Ct		10/14/23
JOAN THOM HOPPERT	31121 SW French Prairie Rd Wilsonville, OR	J. H. Hoppert	10/14/23
Rob ^F Fotheringham	21267 SW French Prairie Wilsonville 97070		10/14/23
Guliz Tokadli	8795 SW Illabee Ct #907 Wilsonville 97070		10/15/23
Karen Miller	8343 SW Lafayette Way Wilsonville	Karen Miller	10/15/23

PETITION FOR REPAIR OF PATHWAY ALONG FRENCH PRAIRIE ROAD IN CHARBONNEAU

NAME	ADDRESS	SIGNATURE	DATE
Marshall Wadsworth	8520 SW Curry Dr Unit B Wilsonville, OR 97070	<i>Marshall Wadsworth</i>	10/15/23
Jane Alwen	31740 SW Village Crest Wilsonville, OR 97070	<i>Jane Alwen</i>	10/16/23
DARRYL WARE	8520 SW CURRY DR WILSONVILLE OR 97070	<i>DW</i>	19. OCT. 23
Macquez Bernice J	8625 SW Curry Dr Unit B Wilsonville OR 97070	<i>Bernice J Macquez</i>	OCT 19 23
Gregg & Mary Bailey	8279 SW MARQUERS DR WILSONVILLE 97070	<i>Mary Bailey</i> <i>Mary Lynn Bailey</i>	10-19-23
Judy Dolan	3767 SW Hillside Dr Wilsonville OR 97070	<i>Judy Dolan</i>	10-19-23
Betsy Terry	8265 SW Marmon Dr. Wilsonville, Or. 97070	<i>Betsy Terry</i>	10/19/23
Shirley Hoem	8301 SW Lafayette Way Wilsonville	<i>Shirley Hoem</i>	10-19-23

PETITION FOR REPAIR OF PATHWAY ALONG FRENCH PRAIRIE ROAD IN CHARBONNEAU

NAME	ADDRESS	SIGNATURE	DATE
Deborah Lawrence	31 31760 SW Village Crest Ln Wilsonville OR 97070	Deborah Lawrence	10/19/2023
Judith Wintner	31323 SW French Prairie Rd Wilsonville, CA 97070	Judith Wintner	10/19/23
William Wintner	31323 SW French Prairie Rd Wilsonville OR 97070	William Wintner	10/19/23
Richard Miller	32200 SW French Prairie Rd	Richard Miller	10/19/23
Janel Mabney	8767 SW Illahee Dr. #610 Wilsonville, OR	Janel Mabney	10/19/23
Lesa Cox	8820 SW Coney Dr C Wilsonville, OR	Les Cox	10/24/23
Michael CATARDO	31291 SW French Prairie Rd Wilsonville, OR 97070	Michael Catardo	20 OCT 2023
Joanne M. Fairchild	31291 SW French Prairie Rd Wilsonville, OR 97070	Joanne Fairchild	OCT 2023

PETITION FOR REPAIR OF PATHWAY ALONG FRENCH PRAIRIE ROAD IN CHARBONNEAU

NAME	ADDRESS	SIGNATURE	DATE
Hengameh Mansoubi	31736 SW Fairway Village loop, Wilsonville 97070	Hengameh Mansoubi	10/20/23
SEYED A. HOSSEINIPOUR	3736 SW Fairway Village loop, Wilsonville 97070	Seyed A. Hosseini	10/20/23
Tim Johnson	8635 SW Curry Dr. Wilsonville OR 97070	Tim Johnson	10/23/23
Patty Slowik	8535 SW Curry Dr. #C Wilsonville	P. Slowik	10/23/23
Diane Bohr	8505 SW Curry Dr. #D Wilsonville	Diane Bohr	10/23/23
Royann Land	8430 SW Curry Dr. "D" Wilsonville	Royann Land	10/23/23
SAM Jo HANSTON	8715 SW Curry Dr. "D"	SAM Jo HANSTON	10-23-23
Paula Robb	8725 SW Curry Dr, A Wilsonville	Paula Robb	10/23/23

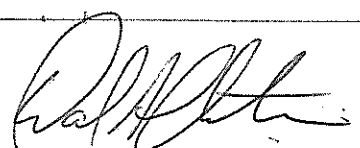
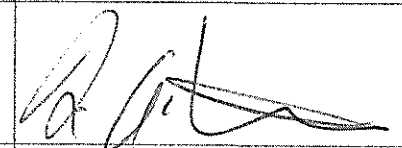


PETITION FOR REPAIR OF PATHWAY ALONG FRENCH PRAIRIE ROAD IN CHARBONNEAU

NAME	ADDRESS	SIGNATURE	DATE
Shirley Wilkinson	31625 ^{Loop} S.W. Arbor Glen	Shirley Wilkinson	10/17/23
MARY COSTA	7663 SW Arbor Glen Ct	Mary Costa	10/17/23
Karen Giardina	32125 SW East Lake Pt	Karen D G	10/17/23
Cecilia BRAZELTON	31935 CHARBONNEAU DR.	Cecilia Brazelton	10/17/23
Deanna Morgan	8150 SW Woodbridge	Deanna Morgan	10/17/23
Sandy SHANER	7465 SW LAKESIDE DR	Sandy Shaner	10/17/23
Victoria Koach	8435 S.W. Curry Dr	V Koach	10/17/23
Matt Statler	8530 SW Curry Dr #B	Matt Statler	10/29/23

PETITION FOR REPAIR OF PATHWAY ALONG FRENCH PRAIRIE ROAD IN CHARBONNEAU

NAME	ADDRESS	SIGNATURE	DATE
Judy Flure	8545 SW Cuyler Rd Wilsonville, OR	Judy Flure	10/20/23
Elizabeth Knudsen	8012 SW Sackjawa Way Wilsonville, OR 97070	Elizabeth Knudsen	10/20/23
Victoria Moore	8435 SW Cuyler Rd	Victoria Moore	10/20/23
Denise Moody	15735 NE Browndale Farm Rd	Denise Moody	10/29/23
Ron Moody	15735 NE Browndale Farm Rd	Ron Moody	10/29/23
Maryjo Pridemore	31950 SW French Prairie Rd	Maryjo Pridemore	10/31/23
Nancy McElwain	7235 SW Mountain Lake	Nancy McElwain	10/31/23
Jan Krier	6825 SW Devonshire Ct	Jan Krier	10/31/23

PETITION FOR REPAIR OF PATHWAY ALONG FRENCH PRAIRIE RD. IN CHARBONNEAU.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>	<u>DATE</u>
David Christiansen	8415 SW Curry Dr. Unit D Wilsonville, OR 97070		10/24/23
Richard MANEIS	32400 SW Bel Monte Dr Wilsonville 97070		10/31/23
Al Van Horn	8062 8082 SW Edgewater W Wilsonville, 97070	Al Van Horn	10/31/23
Sue Traeger	8445 S Curry Dr. #C Wilsonville, OR 97070	Sue Traeger	10/31/23
Lois Traeger	8445 SW Curry Dr SW Wilsonville OR 97070		10/31/23
ELENA WEBER	3455 D S.W. Curry 97070		11/2/23
Jack Henry	8043 SW Sacajawea Way Wilsonville, OR 97070	Jack A Henry	11/4/23
Mary T. Henry	8043 SW Sacajawea Wilsonville, OR 97070	Mary T Henry	11/4/23

PETITION FOR REPAIR OF PATHWAY ALONG FRENCH PRAIRIE RD. IN CHARBONNEAU.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>	<u>DATE</u>
Catherine Fahy	32498 S.W. Juliette Dr.	CATHERINE FAHY	11/2/23
Rita Campbell	32504 SW Riviera	RITA Campbell	11/2/23
Sue Wright	32508 SW Riviera	Sue Wright	11/2/23
David Woodcock	32566 SW Juliette Dr.	David Woodcock	11/2/2023
Nadine Kincaid	32489 SW Juliette Dr.	Nadine Kincaid	11/02/2023
Judy Schaumburg	32505 SW Juliette Dr.	Judy L. Schaumburg	11/02/2023
Joe Kincaid	32489 SW Juliette Dr.	Joe W. Kincaid	11/02/23
Sullivan Peters	32481 S.W. Juliette Dr.	Sullivan Peters	11/02/23

PETITION FOR REPAIR OF PATHWAY ALONG FRENCH PRAIRIE RD IN CHARBONNEAU.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>	<u>DATE</u>
John McLean	32204 SW Boomer Bend Road	[Signature]	11/2/23
Rafael & Emily Toler	8180 SW Fairway Dr.	[Signature]	11/2/23
Chris Ratto	31550 SW Village Green Ct Wilsonville, Ca. 97070	[Signature]	11/2/23
Ann Kari Lyshaug	7910 Fairway Dr Wilsonville Ore	[Signature]	11/3/23
PATRICK DONALDSON	7450 SW DOWNS ROAD ROAD POST 97070	[Signature]	11/3/2023
HACKENBERGER, HALIE	32485 SW JULIETTE 97076	[Signature]	11/3/2023
Sandra Batte	32345 SW Del Monte Dr Wilsonville OR 97070	[Signature]	11/3/2023
ROBERT BATTE	32345 SW DEL MONTE DR WILSONVILLE, OR. 97070	[Signature]	11/3/23

PETITION FOR REPAIR OF PATHWAY ALONG FRENCH PRAIRIE RD. IN CHARBONNEAU.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>	<u>DATE</u>
Laura Bales	8019 SW Sacajawea Way 97070	Laura Bales	11/4/23
PAULA NEWMAN	8031 SW SACTAJWEA WAY 97070	Paula Newman	11/4/23
MARY CAIN	8067 SW SACTAJWEA WAY ⁹⁷⁰⁷⁰	Mary Cain	11/6/23
JACK CAIN	8067 S.W. SACTAJWEA WAY	Jack Cain	11/5/23

CITY COUNCIL ROLLING SCHEDULE
Board and Commission Meetings
Items known as of 03/04/24

Item 4.

March

3/6	Wednesday	5:00 pm	Arts, Culture & Heritage	Council Chambers
3/7	Thursday	4:00 pm	Parks & Advisory Board-Special Session	Parks & Rec
3/11	Monday	6:30 pm	DRB – Panel A	Council Chambers
3/12	Tuesday	6:00 pm	DEI Committee	Council Chambers
3/13	Wednesday	6:00 pm	Planning Commission	Council Chambers
3/13	Wednesday	6:00 pm	Kitakata Sister City Advisory Board	Parks & Rec Admin
3/18	Monday	5:00 pm	City Council	Council Chambers
3/14	Tuesday	6:30 pm	Wilsonville-Metro Community Enhancement Committee	Council Chambers
3/25	Monday	6:30 pm	DRB – Panel B	Council Chambers
3/27	Wednesday	6:30 pm	Library Board	Library

April

4/1	Monday	6:00 pm	City Council	Council Chambers
4/8	Monday	6:30 pm	DRB – Panel A	Council Chambers
4/9	Tuesday	6:00 pm	DEI Committee	Council Chambers
4/10	Wednesday	6:00 pm	Planning Commission	Council Chambers
4/10	Wednesday	6:00 pm	Kitakata Sister City Advisory Board	Parks & Rec. Admin Bldg.
4/11	Thursday	6:00 pm	Parks & Recreation Advisory Board	Parks & Rec. Admin Bldg.
4/15	Monday	6:00 pm	City Council	Council Chambers
4/16	Tuesday	6:30 pm	Wilsonville Metro CEC	Council Chambers
4/17	Wednesday	5:00 pm	Arts, Culture & Heritage Commission	Council Chambers
4/22	Monday	6:30 pm	DRB – Panel B	Council Chambers
4/24	Wednesday	6:30 pm	Library Board	Library

Community Events:

March

- 3/4 Life 101 Lecture Series: Dementia Conversations, Community Center
Terrific Toddlers, 10:30 am, Library
Beginning English Class, 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 Play, 1:00 pm, Community Center
 Body Sculpt with Jules Moody, 6:00 pm, Community Center

- 3/5 Ukulele Jam, 9:00 am, Parks & Rec
 Piecemakers Quilters, 9:00 am, Tauchman House
 ODHS Drop-In Assistance 10:00 am, Library
 Intermediate English Class, 10:30 am, Library
 Baby & Toddler Time, 10:30 am, Library
 Baby & Toddler Time, 11:15 am, Library
 Stand, Sit and Be Fit, 11:15 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Partners Bridge, 12:30 pm, Community Center
 Poetry Club, 1:00 pm, Community Center
 ODHS Drop-In Assistance, 1:00 pm, Library
 Virtual Reality Fitness, 1:00 pm, Community Center
 Oil Painting with Judy Stubb-Storm on the Horizon, 5:30 pm, Parks & Rec
- 3/6 Digital Photography Club, 10:00 am, Community Center
 Family Storytime, 10:30 am, Library
 PROFILE (online), 11:00 am, Library
 Sit and Be Fit, 11:15 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 STEAM Stuff, 1:00 pm, Library
 Pinochle/Cribbage, 1:00 pm, Community Center
 Bingo, 1:00 pm, Community Center
 Teen Afterschool Drop-In Activities, 3:00 pm, Library
 DEI Speaker Series: LGBTQIA+: Understanding and Allyship, 6:00 p.m. Clackamas Community College - Wilsonville (Room 155)
- 3/7 I-5 Connection Chorus Group, 10:00 am, Community Center
 Bridge for Beginners Lessons, 10:00 am, Community Center
 Family Storytime, 10:30 am, Library
 Grief Support Group, 1:00 pm, Community Center
 Ladies Afternoon Out, 1:00 pm, Community Center
 Nutritious (and Delicious!) Foods with Sam-Baking Sourdough at Home, 6:00 pm, CC
- 3/8 Play Group, 10:30 am, Library
 Bridge for Intermediate Lessons, 10:30 am, Community Center
 Stand, Sit and Be Fit, 11:00 am, Community Center
 Bridge Group Play, 10:30 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Mexican Train Dominoes, 1:00 pm, Community Center
- 3/9 Oil Painting with Judy Stubb - Mary's Macaw, 10:00 am, Parks & Rec
 Book Notes Concert, 2:00 pm, Library
 Personal Choices, Healthy Living, Part 3 Lecture Series, 3:00 pm, Parks & Rec

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

Bingo Night, 6:30 pm, Community Center

- 3/10 Ramadan Begin (all day)
Abstract Watercolor Painting, 10:00 am, Parks & Rec
- 3/11 Healthy Bones and Balance, 8:30 am, Community Center
Advanced Healthy Bones and Balance, 9:30 am, Community Center
Life 101 Lecture Series: Daily Choices Promote Personal Health, 10:30 am, CC
Terrific Toddlers, 10:30 am, Library
Beginning English Class, 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 Play, 1:00 pm, Community Center
TAB meeting, 4:15 pm, Library
Body Sculpt with Jules Moody, 6:00 pm, Community Center
- 3/12 Ukulele Jam, 9:00 am, Parks & Rec
Piecemakers Quilters, 9:00 am, Tauchman House
ODHS Drop-In Assistance 10:00 am, Library
Intermediate English Class, 10:30 am, Library
Baby & Toddler Time, 10:30 am, Library
Medicare 101, 10:30 am, Community Center
Baby & Toddler Time, 11:15 am, Library
Stand, Sit and Be Fit, 11:15 am, Community Center
Lunch at the Community Center, 12:00 pm, Community Center
Partners Bridge, 12:30 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
Soul Flow Yoga, 7:15 pm, Community Center
- 3/13 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
Sit and Be Fit, 11:15 am, Community Center
Lunch at the Community Center, 12:00 pm, Community Center
Pinochle/Cribbage, 1:00 pm, Community Center
Teen Afterschool Drop-In Activities, 3:00 pm, Library
- 3/14 Gentle Yoga (Morning), 8:30 am, Community Center
I-5 Connection Chorus Group, 10:00 am, Community Center
Bridge for Beginners Lessons, 10:00 am, Community Center
Family Storytime, 10:30 am, Library
Grief Support Group, 1:00 pm, Community Center
Art Club, 1:00 pm, Community Center

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

Ladies Afternoon Out, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Tai Chi Continuing, 3:00 pm, Community Center
 Restorative Yoga, 7:15 pm, Community Center

- 3/15 Healthy Bones and Balance, 8:30 am, Community Center
 Advance Healthy Bones and Balance, 9:30 am, Community Center
 Play Group, 10:30 am, Library
 Bridge for Intermediate Lessons, 10:30 am, Community Center
 Stand, Sit and Be Fit, 11:00 am, Community Center
 Bridge Group Play, 10:30 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Mexican Train Dominoes, 1:00 pm, Community Center
- 3/16 Personal Choices, Healthy Living, Part 3 Lecture Series, 3:00 pm, Parks & Rec
- 3/17 Abstract Watercolor Painting, 10:00 am, Parks & Rec
- 3/18 Healthy Bones and Balance, 8:30 am, Community Center
 Advanced Healthy Bones and Balance, 9:30 am, Community Center
 Life 101 Lecture Series: Healthy Bones and Aging, Community Center
 Terrific Toddlers, 10:30 am, Library
 Beginning English Class, 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 Play, 1:00 pm, Community Center
 Genealogy Club, 1:00 pm, Library
 Body Sculpt with Jules Moody, 6:00 pm, Community Center
- 3/19 Nowruz (all day)
 Ukulele Jam, 9:00 am, Parks & Rec
 Piecemakers Quilters, 9:00 am, Tauchman House
 ODHS Drop-In Assistance 10:00 am, Library
 Intermediate English Class, 10:30 am, Library
 Baby & Toddler Time, 10:30 am, Library
 Baby & Toddler Time, 11:15 am, Library
 Stand, Sit and Be Fit, 11:15 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Partners Bridge, 12:30 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
 Soul Flow Yoga, 7:15 pm, Community Center
- 3/20 Healthy Bones and Balance, 8:30 am, Community Center
 Advanced Healthy Bones and Balance, 9:30 am, Community Center

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

Digital Photography Club, 10:00 am, Community Center
 Family Storytime, 10:30 am, Library
 Sit and Be Fit, 11:15 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 STEAM Stuff, 1:00 pm, Library
 Pinochle/Cribbage, 1:00 pm, Community Center
 Bingo, 1:00 pm, Community Center
 Teen Afterschool Drop-In Activities, 3:00 pm, Library

- 3/21 Gentle Yoga (Morning), 8:30 am, Community Center
 I-5 Connection Chorus Group, 10:00 am, Community Center
 Bridge for Beginners Lessons, 10:00 am, Community Center
 Family Storytime, 10:30 am, Library
 Walking Book Club, 1:00 pm, Library
 Ladies Afternoon Out, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Tai Chi Continuing, 3:00 pm, Community Center
 Restorative Yoga, 7:15 pm, Community Center
- 3/22 Healthy Bones and Balance, 8:30 am, Community Center
 Advance Healthy Bones and Balance, 9:30 am, Community Center
 Play Group, 10:30 am, Library
 Bridge for Intermediate Lessons, 10:30 am, Community Center
 Stand, Sit and Be Fit, 11:00 am, Community Center
 Bridge Group Play, 10:30 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Mexican Train Dominoes, 1:00 pm, Community Center
- 3/23 Personal Choices, Healthy Living, Part 3 Lecture Series, 3:00 pm, Parks & Rec
- 3/24 Abstract Watercolor Painting, 10:00 am, Parks & Rec
- 3/25 Holi (all day)
 Healthy Bones and Balance, 8:30 am, Community Center
 Advanced Healthy Bones and Balance, 9:30 am, Community Center
 Chess Wizards-Spring Break Camp, 9:00 am, Tauchman House
 Life 101 Lecture Series: The Grocery is the Pharmacy, Community Center
 Beginning English Class, 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 Play, 1:00 pm, Community Center
 Body Sculpt with Jules Moody, 6:00 pm, Community Center
- 3/26 Chess Wizards-Spring Break Camp, 9:00 am, Tauchman House
 Ukulele Jam, 9:00 am, Parks & Rec
 Piecemakers Quilters, 9:00 am, Tauchman House
 ODHS Drop-In Assistance 10:00 am, Library

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

Intermediate English Class, 10:30 am, Library
 Stand, Sit and Be Fit, 11:15 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Partners Bridge, 12:30 pm, Community Center
 ODHS Drop-In Assistance, 1:00 pm, Library
 Learn to Ride a Bike, 1:00 pm, Wilsonville Transit Center
 Virtual Reality Fitness, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Tai Chi Continuing, 3:00 pm, Community Center
 Soul Flow Yoga, 7:15 pm, Community Center

3/27 Healthy Bones and Balance, 8:30 am, Community Center
 Advance Healthy Bones and Balance, 9:30 am, Community Center
 Chess Wizards-Spring Break Camp, 9:00 am, Tauchman House
 Digital Photography Club, 10:00 am, Library
 Stand, Sit and Be Fit, 11:00 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Learn to Ride a Bike, 1:00 pm, Transit Center
 Pinochle/Cribbage, 1:00 pm, Community Center

3/28 Gentle Yoga (Morning), 8:30 am, Community Center
 Chess Wizards-Spring Break Camp, 9:00 am, Tauchman House
 I-5 Connection Chorus Group, 10:00 am, Community Center
 Bridge for Beginners Lessons, 10:00 am, Community Center
 Learn to Ride a Bike, 10:00 am, Transit Center
 Ladies Afternoon Out, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Tai Chi Continuing, 3:00 pm, Community Center
 Restorative Yoga, 7:15 pm, Community Center

3/29 Healthy Bones and Balance, 8:30 am, Community Center
 Advance Healthy Bones and Balance, 9:30 am, Community Center
 Chess Wizards-Spring Break Camp, 9:00 am, Tauchman House
 Bridge for Intermediate Lessons, 10:30 am, Community Center
 Blood Drive, 11:00 am, Library
 Stand, Sit and Be Fit, 11:00 am, Community Center
 Bridge Group Play, 10:30 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Mexican Train Dominoes, 1:00 pm, Community Center
 Learn to Ride a Bike, 1:00 pm, Wilsonville Transit Center

3/30 Wilsonville Egg Hunt, 10:00 am, Memorial Park Sports Field

April

4/1 Deaf Heritage Month (all day)
 Arab American Heritage Month (all day)
 Healthy Bones and Balance, 8:30 am, Community Center
 Advanced Healthy Bones and Balance, 9:30 am, Community Center

Terrific Toddlers, 10:30 am, Library
 Beginning English Class, 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 Play, 1:00 pm, Community Center

4/2 Ukulele Jam, 9:00 am, Parks & Rec
 Piecemakers Quilters, 9:00 am, Tauchman House
 ODHS Drop-In Assistance 10:00 am, Library
 Intermediate English Class, 10:00 am, Library
 Baby & Toddler Time, 10:30 am, Library
 Baby & Toddler Time, 11:15 am, Library
 Stand, Sit and Be Fit, 11:15 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Partners Bridge, 12:30 pm, Community Center
 Poetry Club, 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
 Oil Painting with Judy Stubb-Storm on the Horizon, 5:30 pm, Parks & Rec
 Soul Flow Yoga, 7:15 pm, Community Center

4/3 Earth Month Walk+Roll (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
 PROFILE (online), 11:00 am, Library
 Sit and Be Fit, 11:15 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
 Nutritious (and Delicious!) Foods with Sam-No Knead Focaccia, 6:00 pm, City Council

4/4 Gentle Yoga (Morning), 8:30 am, Community Center
 I-5 Connection Chorus Group, 10:00 am, Community Center
 Bridge for Beginners Lessons, 10:00 am, Community Center
 Family Storytime, 10:30 am, Library
 Ladies Afternoon Out, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Tai Chi Continuing, 3:00 pm, Community Center
 DEI Speaker Series: A Couple's Search for Sanctuary, 6:00 p.m. Clackamas Community College -
 Wilsonville (Room 155)
 Restorative Yoga, 7:15 pm, Community Center

**Diversity, Equity and Inclusion Committee
Appointment
March 4, 2024 Council Meeting**

Item 5.

Diversity, Equity and Inclusion Committee – Appointment

Appointment of Elisabeth Garcia Davidson to the Diversity, Equity and Inclusion Committee for a term beginning 3/4/2024 to 12/31/2025.

Motion: I move to ratify the appointment of Elisabeth Garcia Davidson to the Diversity, Equity and Inclusion Committee for a term beginning 3/4/2024 to 12/31/2025.



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: March 4, 2024		Subject: Resolution No. 3106 Amendment to Intergovernmental Agreement (IGA) with City of Sherwood Regarding Broadband Services and Infrastructure Sharing Staff Member: Andy Stone, IT Director Department: Information Technology	
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 type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Consideration of an amendment to the Intergovernmental Agreement (IGA) between the City of Sherwood and the City of Wilsonville for building fiber infrastructure that was approved in April 2023.

EXECUTIVE SUMMARY:

In 2021, the City of Sherwood partnered with the City of Wilsonville to request American Rescue Plan Act (ARPA) funding to expand the broadband infrastructure within Sherwood and Wilsonville. With the support of Senator Thatcher and Representative Neron, the project was awarded an ARPA grant of \$1,665,000. After adoption of IGA 3050 in April 2023, construction began. It is currently on track to be completed in June 2024.

This ARPA fiber project in Wilsonville is managed by the City of Sherwood including management of all design and construction contracts. Sherwood has demonstrated a great deal of expertise in managing significant size regional fiber projects. Wilsonville staff has a long-standing relationship with Sherwood related to information technology and providing regional coordination to create connectivity for public entities.

As the City of Sherwood works to complete the project, an opportunity has been identified to add a section of fiber conduit along Boberg road to Boeckman that will significantly benefit the City. This conduit would connect the SMART Administration and Public Works facilities to the new fiber infrastructure currently being installed.

The construction of this conduit would create redundant pathways for the SMART Administration and Public Works buildings resulting in a stronger network. Pursuing this project now allows the City to take advantage of construction that is currently mobilized and prior to a planned resurfacing of Boberg Road, ultimately saving the City time and money and adhering to our opportunistic fiber build strategy.

This project would be managed by the City of Sherwood as described in the existing IGA. The City of Wilsonville would pay \$145,000 to the City of Sherwood for the construction and management of the project. The city attorneys for both cities have reviewed and approved the amendment to the IGA. It is anticipated that the project would be completed by June 30, 2024.

EXPECTED RESULTS:

Completion of this project will connect the Public Works Complex and SMART Admin building with a resilient connection to the City's network.

TIMELINE:

Based on the schedule the project is expected to start immediately and complete by June 30, 2024.

CURRENT YEAR BUDGET IMPACTS:

Funding for this project is allocated in fiscal year 2023-2024 CIP 8093 (Fiber Connectivity Project).

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

The project takes advantage of the economies of scale with the existing fiber project and will strengthen the redundancy of Wilsonville's fiber network.

ALTERNATIVES:

To add a resilient path to the Public Works Complex and the SMART Admin other than this project would require the addition of third party communication lines that have ongoing costs and are generally not as reliable.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

- A. Resolution No. 3106
 - 1. IGA Amendment & Map

RESOLUTION NO. 3106**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT ON BROADBAND SERVICES AND INFRASTRUCTURE SHARING BETWEEN THE CITY OF WILSONVILLE AND THE CITY OF SHERWOOD.**

WHEREAS, the City of Sherwood (“Sherwood”) and the City of Wilsonville (“Wilsonville”) are parties to the Intergovernmental Agreement on Broadband Services and Infrastructure Sharing dated April 4, 2023 (the “IGA”); and

WHEREAS, the IGA was the result of collaboration between Sherwood and Wilsonville to use grant funds to expand the broadband infrastructure within Sherwood and Wilsonville; and

WHEREAS, the work completed as a result of the IGA has furthered the City’s efforts to strengthen its broadband infrastructure and to provide expanded and equitable access to high-speed internet; and

WHEREAS, Wilsonville has identified an opportunity to add broadband fiber conduit along SW Boberg Road that will connect the SMART administrative and new Public Works facilities to Wilsonville’s broadband network (the “Boberg Road Network Expansion”), which would strengthen Wilsonville’s broadband infrastructure by adding redundant pathways; and

WHEREAS, the City separately plans to resurface Boberg Road later this year as part of the City’s street maintenance program; and

WHEREAS, completing the Boberg Road Network Expansion before Boberg Road is resurfaced will allow Wilsonville to save time and money; and

WHEREAS, the expected cost to complete the Boberg Road Network Expansion is less than or equal to \$145,000.

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

Section 1. Findings. The above-recitals are incorporated as if fully set forth herein as findings of the City Council, along with the staff report accompanying this Resolution.

Section 2. The City Manager is hereby authorized to enter into a First Amendment to Intergovernmental Agreement on Broadband Services and Infrastructure Sharing between the City of Wilsonville and the City of Sherwood, in a form substantially similar to **Exhibit 1** (the “First

Amendment"). Further, the City Manager is hereby authorized to approve any amendment to the First Amendment resulting in an increase in total compensation payable under the First Amendment of no more than 15% of the Consideration, as that term is defined in the First Amendment.

Section 3. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4th day of March, 2024, 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

EXHIBIT:

1. First Amendment to Intergovernmental Agreement on Broadband Services and Infrastructure Sharing Between the City of Wilsonville and the City of Sherwood

FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT ON BROADBAND SERVICES AND INFRASTRUCTURE SHARING

This First Amendment to the Intergovernmental Agreement, dated April 4, 2023 (respectively, this “First Amendment” and the “IGA”), regarding broadband services and infrastructure sharing is entered into by and between the **City of Sherwood**, a municipal corporation of the State of Oregon (“Sherwood”), and the **City of Wilsonville**, a municipal corporation of the State of Oregon (“Wilsonville”) (individually, a “Party,” and collectively, the “Parties”), as of March ____, 2024 (“Effective Date”), pursuant to ORS 190.003 to 190.110, which allows units of government to enter into agreements for the performance of any or all functions and activities which such units have authority to perform.

RECITALS

WHEREAS, Wilsonville requires additional services which Sherwood is capable of providing, under the terms and conditions of this First Amendment (“Additional Services”); and

WHEREAS, Sherwood is prepared to provide such Additional Services for additional compensation, as described in this First Amendment;

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

AGREEMENT

The IGA is amended as follows:

SECTION 1. Additional Services to be Provided by Sherwood

Sherwood will perform the following Additional Services for the Project:

Provide Wilsonville with fiber conduit and fiber splicing from Wilsonville Public Works on Boberg Road to Boeckman Road splice vault, as identified in **Exhibit A** attached hereto and described in Section 3 herein.

SECTION 2. Consideration

Notwithstanding Section 4.1 of the IGA, the City agrees to pay Sherwood a not-to-exceed amount of ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$145,000) for performance of the Additional Services (the “Consideration”); *provided, however*, Wilsonville agrees to pay any costs incurred by Sherwood related to the Additional Services in excess of the Consideration that are approved in advance in writing by Wilsonville. The Consideration is all inclusive and includes, but is not limited to, all aspects of the project, including construction, design, and management; costs, expenses, salaries or wages, plus fringe benefits and contributions, including payroll taxes, workers compensation insurance, liability insurance, profit, pension

benefits, and all other contributions and benefits; office expenses; travel expenses; mileage; and all other indirect and overhead charges.

SECTION 3. Exhibit A

Exhibit A to the IGA is hereby amended and restated by the map attached hereto as **Exhibit A.**

SECTION 4. All Other Terms

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

IN WITNESS WHEREOF, the Parties hereto agree to the foregoing.

CITY OF SHERWOOD

CITY OF WILSONVILLE

By: _____
Tim Rosener
As Its: Mayor

By: _____
Bryan Cosgrove
As Its: City Manager

ATTESTED:

ATTESTED:

Sylvia Murphy, City Recorder
City of Sherwood

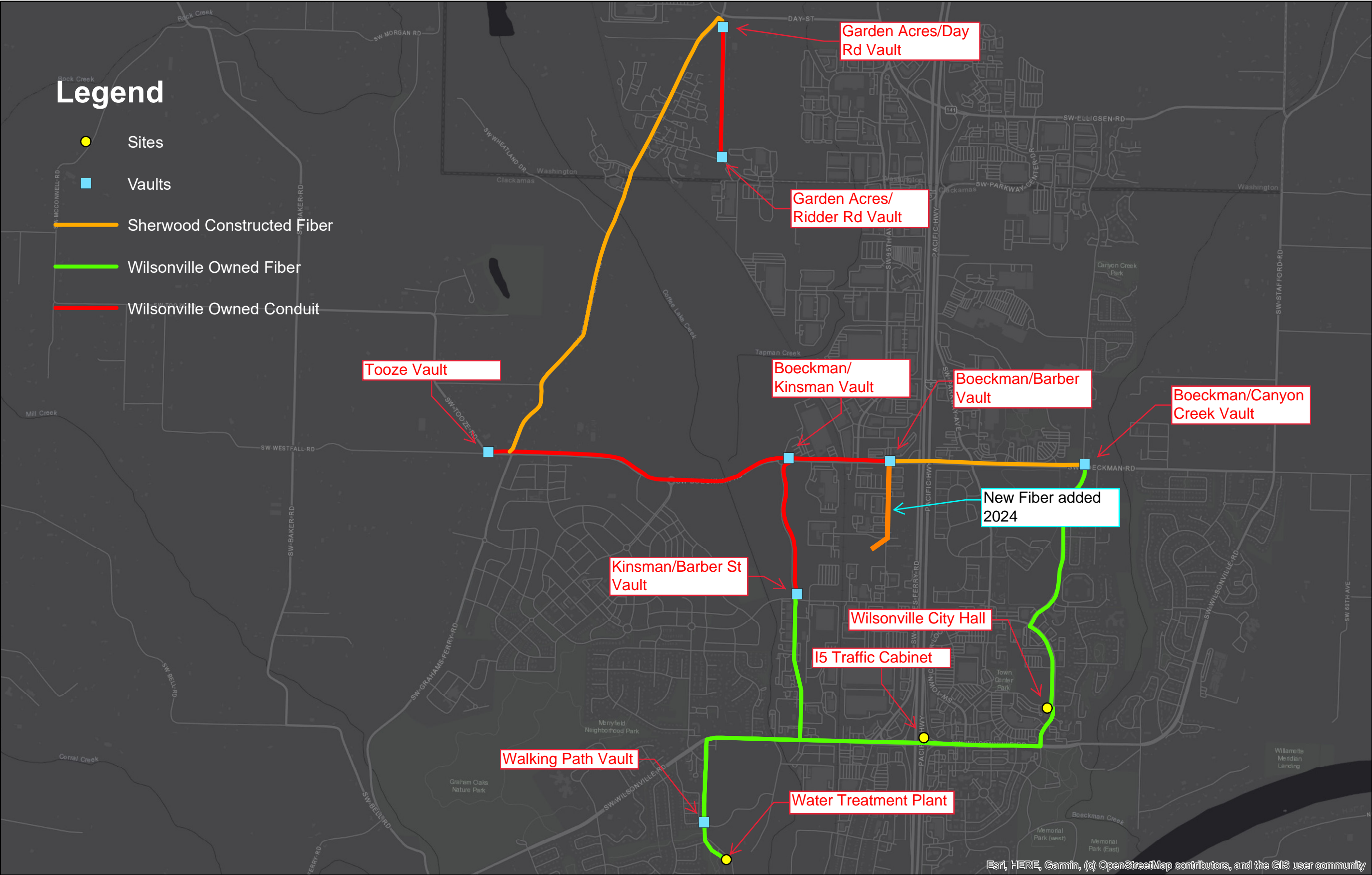
Kimberly Veliz, City Recorder
City of Wilsonville

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Ryan Adams, City Attorney
City of Sherwood

Amanda Guile-Hinman, City Attorney
City of Wilsonville





CITY COUNCIL MEETING STAFF REPORT

Meeting Date: March 4, 2024		Subject: Resolution Nos. 3115, 3116, 3117, 3118 and 3119 Property tax exemption requests for low-income housing held by charitable, nonprofit organizations including: Autumn Park Apartments, Charleston Apartments, Creekside Woods, Rain Garden Apartments, and Wiedemann Apartments Staff Member: Katherine Smith, Assistant Finance Director Department: Finance	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input 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:	<input type="checkbox"/> Adopted Master Plan(s):	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Whether to approve annual property tax exemptions for various properties in the City.

EXECUTIVE SUMMARY:

In 1985, the Oregon legislature authorized a property tax exemption for low-income housing held by charitable, nonprofit organizations (ORS 307.540). The tax exemption is to benefit low-income renters by alleviating the property tax burden on those agencies that provide this housing opportunity. Properties must be owned or leased by a 501(c) charitable corporation and provide housing opportunity limited to persons at or below 60 percent of the area median income (AMI), with an annual exemption application required to the City.

Providing affordable housing in Wilsonville has been a long-standing goal with City Council. The five complexes noted in the chart below have received property tax exemption status in previous years and are in compliance with the requirements stated in ORS 307.540-307.548 (*Nonprofit Corporation, Low Income Housing*) and have submitted the required annual application for exemption continuation. In total, 365 units are currently available for a low-income housing under this program. All properties are required to meet State and Federal funding requirements, which include annual physical inspections, an annual audit of financial activity, and programmatic compliance.

The rate reduction per apartment varies from complex to complex as the reduction is based on the property's tax exemption the property receives and the number of reduced rate units in the complex. The complex passes the tax exemption savings onto their renters and most complexes provide additional services including monthly activities. The properties requesting continuance of the property tax exemption status for low-income housing include:

Apartment	501(c) Corp. Name	Address	No. of Residential Units	2023 Assessed Value	Estimated City Tax Abate
Autumn Park	NW Housing Alternative	10922 SW Wilsonville Rd	144	\$10,012,115	\$43,296
Charleston	NW Housing Alternative	11609 SW Toulouse St	51	\$1,707,847	\$7,385
Creekside Woods	NW Housing Alternative	7825 SW Wilsonville Rd	84	\$2,974,680	\$12,864
Rain Garden	Caritas Community	29197 SW Orleans Ave	29	\$965,415	\$4,175
Wiedemann	Accessible Living Inc.	29940 SW Brown Rd	57	\$3,094,640	\$13,383
TOTALS			365	\$18,754,697	\$81,103

While the State sets the required threshold for low-income housing rental rates, credits such as the Property Tax Abatement allows these organizations to offer rates that are lower than required to qualified tenants. In total, the amount of credit directly related to the property tax exemption from all taxing districts is approximately \$358,745.

EXPECTED RESULTS:

Council approval of consent agenda resolutions for the property tax exemption requests for Autumn Apartments, Charleston Apartments, Creekside Woods, Rain Garden Apartments, and Wiedemann Apartments.

TIMELINE:

Applications for renewal requests were due February 9, 2024. Initial property tax exemption requests are required to pay a \$250 application fee for each property. Renewal requests require a \$50 application fee. The City certifies the property tax exemption with the Assessor's office at Clackamas County immediately following Council's approval. The deadline to certify to the Assessor's office is April 1, 2024.

CURRENT YEAR BUDGET IMPACTS:

The assessed value of the all exempt properties totals \$18,754,697. Based on property estimation methodology including the effects of the division of taxes, under Urban Renewal, the total amount of forgone property tax revenue for the City is approximately \$81,103. This amount is built into the City's financial planning.

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Property tax exemptions assist in the availability of housing for low-income families and individuals.

ALTERNATIVES:

1. Discontinue property tax exemption program.
2. Reduce the number of qualifying units.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Resolution No. 3115
 - A. Property Tax Exemption Application
2. Resolution No. 3116
 - A. Property Tax Exemption Application
3. Resolution No. 3117
 - A. Property Tax Exemption Application
4. Resolution No. 3118
 - A. Property Tax Exemption Application
5. Resolution No. 3119
 - A. Property Tax Exemption Application

RESOLUTION NO. 3115**A RESOLUTION OF THE CITY OF WILSONVILLE GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER ORS 307.540 TO ORS 307.548 FOR AUTUMN PARK APARTMENTS, A LOW-INCOME APARTMENT DEVELOPMENT OWNED AND OPERATED BY NORTHWEST HOUSING ALTERNATIVES, INC.**

WHEREAS, maintaining Wilsonville's existing affordable housing supply is necessary for its continued health and growth; and

WHEREAS, Northwest Housing Alternatives (NHA), a not-for-profit organization, has owned and maintained Autumn Park, an affordable housing development located at 10922 SW Wilsonville Road, Wilsonville, Oregon; and

WHEREAS, Autumn Park includes 144 residential units for people with low income; and

WHEREAS, NHA is currently seeking to preserve Autumn Park as affordable housing; and

WHEREAS, a property tax exemption is essential to Autumn Park's continuation as affordable housing; and

WHEREAS, ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by not-for-profit corporations and occupied by low-income persons; and

WHEREAS, the City of Wilsonville wishes to adopt and/or ratify the policy set forth in those sections; and

WHEREAS, NHA has requested a property tax exemption for its Autumn Park development, pursuant to ORS 307.543(2); and

WHEREAS, the City of Wilsonville and West Linn-Wilsonville School District property tax levies jointly comprise of more than 51% of the total combined rate of taxation on Autumn Park Apartments; and

WHEREAS, NHA has received an exempt status from the West Linn-Wilsonville School District for the Autumn Park for property taxation arising under its jurisdiction unless and until terminated pursuant to ORS 307.548.

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

Section 1. The City of Wilsonville adopts the provisions of ORS 307.540 to 307.548.

- Section 2. NHA and its affordable housing development, Autumn Park, qualify for a property tax exemption pursuant to ORS 307.540 to 307.548.
- Section 3. The Assistant Finance Director is directed to request the Clackamas County Assessor to exempt Autumn Park Apartments from taxation by all taxing jurisdictions pursuant to ORS 307.543(2), commencing on the first day of the tax assessment year beginning July 1, 2024.
- Section 4. Effective Date. This Resolution is effective upon adoption for the upcoming 2024/2025 tax year.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4th day of March 2024, 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

EXHIBIT:

- A. Property Tax Exemption Application

APPLICATION

PROPERTY TAX EXEMPTION FOR LOW-INCOME HOUSING HELD BY CHARITABLE, NONPROFIT ORGANIZATIONS

(For Office Use Only)

City of Wilsonville, Oregon	\$250 Application Fee _____
Date Received: _____	\$50 Renewal Fee _____
	Receipt No. _____

CONTENTS

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Section A.	Application Information	1
	B. Property to be considered for exemption	2
	C. Leasehold Interest in Eligible Property	2
	D. Description of Charitable Purpose/Project Benefit	3
	E. Declarations	4

Section A – Applicant Information

Corporate Name: Northwest Housing Alternatives, Inc.

Address: 2316 SE Willard Street, Milwaukie, OR 97222

Telephone: <u>(503) 654-1007</u>	
Business	Residence (Optional)

Email Address: cleveland@nwhousing.org

Chief Executive Officer: Trell Anderson

Contact Person: Ray Hackworth Telephone: (503) 654-1007 x 101

Section B – Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each building for which you are requesting a tax exemption)

Organization: Autumn Park Apartments

Property Address: 10920 SW Wilsonville Road, Wilsonville, OR 97070

Assessor's Property Tax Account Number(s): 00818388

(Be sure to identify all account numbers for both land and improvements on the property for which you are requesting tax exemption, in some cases, land and improvements may have separate property tax account numbers.)

Total number of residential units in the building: 144

Number of residential units occupied by very low-income people: 144

Total square feet in building: 116,928

Total square feet used to house very low-income people¹ 116,928

Section C – Leasehold Interest in Eligible Property

Do you own the property in question? X Yes No

If you answered "no" to the above question, do you have leasehold interest in the property?
 Yes No

If yes, please include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants served rather than the owner or corporation from whom you lease.

¹ This includes halls, baths, dining, and other space dedicated to residential use. Retail uses and other accessory uses not related to residential use are not to be counted.

Section D – Description of Charitable Purpose/Project Benefit (Use for multiple projects if same conditions apply)

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

1. Reduce the rents that your very low-income residential tenants pay on the property in question? X Yes No If so, by approximately how much? \$90/unit/month
2. Provide greater services to your very low income residential tenants? X Yes No.
3. If yes, in what way(s)? All cost savings are passed directly through to the tenants in the form of reduced rents
4. Provide any other benefit to your very low-income residential tenants? X Yes No
If yes, please explain: NHA Provides a robust Resident Services program that directly benefits residents

If you lease the property identified in this application, to what extent does your lease agreement coincide with the timeframe of the qualifying tax year? Please Explain:

Section B – Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each building for which you are requesting a tax exemption)

Organization: The Charleston Apartments

Property Address: 11609 SW Toulouse Road, Wilsonville, OR 97070

Assessor's Property Tax Account Number(s): 05021215, 05021232

(Be sure to identify all account numbers for both land and improvements on the property for which you are requesting tax exemption, in some cases, land and improvements may have separate property tax account numbers.)

Total number of residential units in the building: 52

Number of residential units occupied by very low-income people: 51

Total square feet in building: 35,493

Total square feet used to house very low-income people¹ 35,493

Section C – Leasehold Interest in Eligible Property

Do you own the property in question? X Yes No

If you answered "no" to the above question, do you have leasehold interest in the property?
 Yes No

If yes, please include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants served rather than the owner or corporation from whom you lease.

¹ This includes halls, baths, dining, and other space dedicated to residential use. Retail uses and other accessory uses not related to residential use are not to be counted.

Section D – Description of Charitable Purpose/Project Benefit (Use for multiple projects if same conditions apply)

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

1. Reduce the rents that your very low-income residential tenants pay on the property in question? ☒ Yes ☐ No If so, by approximately how much? \$47/unit/month
2. Provide greater services to your very low income residential tenants? ☒ Yes ☐ No.
3. If yes, in what way(s)? all cost savings are passed directly through to the tenants in the form of reduced rents
4. Provide any other benefit to your very low-income residential tenants? ☒ Yes ☐ No
If yes, please explain: NHA provides a robust Resident Services program that directly benefits residents.

If you lease the property identified in this application, to what extent does your lease agreement coincide with the timeframe of the qualifying tax year? Please Explain:

Section B – Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each building for which you are requesting a tax exemption)

Organization: Creekside Woods Limited Partnership

Property Address: 7825 SW Wilsonville Road, Wilsonville, OR 97070

Assessor's Property Tax Account Number(s): 05022666

(Be sure to identify all account numbers for both land and improvements on the property for which you are requesting tax exemption, in some cases, land and improvements may have separate property tax account numbers.)

Total number of residential units in the building: 84

Number of residential units occupied by very low-income people: 84

Total square feet in building: 73,042

Total square feet used to house very low-income people¹ 73,042

Section C – Leasehold Interest in Eligible Property

Do you own the property in question? X Yes No

If you answered "no" to the above question, do you have leasehold interest in the property?
 Yes No

If yes, please include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants served rather than the owner or corporation from whom you lease.

¹ This includes halls, baths, dining, and other space dedicated to residential use. Retail uses and other accessory uses not related to residential use are not to be counted.

Section D – Description of Charitable Purpose/Project Benefit (Use for multiple projects if same conditions apply)

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

1. Reduce the rents that your very low-income residential tenants pay on the property in question? X Yes No If so, by approximately how much? \$35/unit/month
2. Provide greater services to your very low income residential tenants? X Yes No.
3. If yes, in what way(s)? All cost savings are passed directly through to the tenants in the form of reduced rents
4. Provide any other benefit to your very low-income residential tenants? X Yes No
If yes, please explain: NHA provides a robust Resident Services program that directly benefits the residents

If you lease the property identified in this application, to what extent does your lease agreement coincide with the timeframe of the qualifying tax year? Please Explain:

Section E- Declarations

Please read carefully and sign below before a notary.

1. I have attached to this application the IRS declaration of the status of application as a tax exempt corporation under 26 U.S.C. Section 501(c)(3) or (4).
2. I am aware that the income qualifying tenants must meet the income guidelines in accordance with 42 U.S.C. Section 1437 (a)(b)(2) as amended. See Attachment A, Income Eligibility Schedule). Tenant incomes do not exceed these limitations, as I verily believe.
3. I am aware of all requirements for tax exemption imposed by ORS 307.540-307.545 (Chapter 660 Oregon Laws 1985, as amended by Chapter 756 Oregon Laws 1987) and implemented by Resolution No. 1854 of the City of Wilsonville.
4. The above-described properties qualify or will qualify upon completion of any rehabilitation improvements and subsequent occupancy by very low-income residents for property tax exemption within 30 days of the April 1st application or the date of approval.

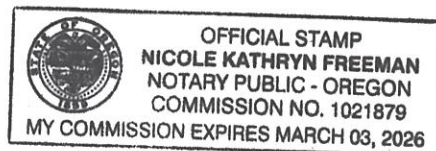
By: Trell Anderson
Agency Chief Executive Officer (Signature)

Trell Anderson
Agency Chief Executive officer (Print or typed)

For: Northwest Housing Alternatives, Inc.
Corporate Name (Print or type)

Subscribed and sworn to before me this 25 day of JANUARY, 2023.

Nicole Kathryn Freeman
Notary Public For Oregon
My Commission Expires: MARCH 03 2026





2316 SE Willard, Milwaukie, Oregon 97222
p: 503.654.1007 • f: 503.654.1319 • www.nwhousing.org

January 12, 2024

City of Wilsonville
Attn: Finance Department
29799 SW Town Center Loop East
Wilsonville, OR 97070

Dear Katherine,

At the time of submission of our application for property tax exemption, NHA's Wilsonville properties have the following vacancy statistics:

- Autumn Park Apartments – 5 units vacant, 97% occupancy
- The Charleston Apartments – 1 units vacant, 98% occupancy
- Creekside Woods Apartments – 5 unit vacant, 94% occupancy

These units are intended to be occupied within the year. Like all other units at the properties listed above, they will be available exclusively to eligible low-income persons.

Thank you for your consideration of our application.

Kind Regards,

A handwritten signature in blue ink that reads "Trell Anderson".

Trell Anderson
Executive Director

RESOLUTION NO. 3116**A RESOLUTION OF THE CITY OF WILSONVILLE GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER ORS 307.540 TO ORS 307.548 FOR CHARLESTON APARTMENTS, A LOW-INCOME APARTMENT DEVELOPMENT OWNED AND OPERATED BY NORTHWEST HOUSING ALTERNATIVES, INC.**

WHEREAS, maintaining Wilsonville's existing affordable housing supply is necessary for its continued health and growth; and

WHEREAS, Northwest Housing Alternatives (NHA), a not-for-profit organization, constructed the Charleston Apartments, an affordable housing development located at 11609 SW Toulouse Street, Wilsonville, Oregon; and

WHEREAS, Charleston Apartments includes 15 units reserved for people with chronic mental illness and the 36 units designated as affordable housing; and

WHEREAS, NHA is currently seeking to preserve Charleston Apartments as affordable housing; and

WHEREAS, a property tax exemption is essential to Charleston Apartments continuation as affordable housing; and

WHEREAS, ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by not-for-profit corporations and occupied by low-income persons; and

WHEREAS, the City of Wilsonville wishes to adopt and/or ratify the policy set forth in those sections; and

WHEREAS, NHA has requested a property tax exemption for its Charleston Apartments development, pursuant to ORS 307.543(2); and

WHEREAS, the City of Wilsonville and West Linn-Wilsonville School District property tax levies jointly comprise of more than 51% of the total combined rate of taxation on Charleston Apartments; and

WHEREAS, NHA has received an exempt status from the West Linn-Wilsonville School District for the Charleston Apartments for property taxation arising under its jurisdiction unless and until terminated pursuant to ORS 307.548.

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

Section 1. The City of Wilsonville adopts the provisions of ORS 307.540 to 307.548.

Section 2. NHA and its affordable housing development, Charleston Apartments, qualify for a property tax exemption pursuant to ORS 307.540 to 307.548.

Section 3. The Assistant Finance Director is directed to request the Clackamas County Assessor to exempt Charleston Apartments from taxation by all taxing jurisdictions pursuant to ORS 307.543(2), commencing on the first day of the tax assessment year beginning July 1, 2024.

Section 4. Effective Date. This Resolution is effective upon adoption for the upcoming 2024/2025 tax year.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4th day of March 2024, 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

EXHIBIT:

A. Property Tax Exemption Application

APPLICATION

PROPERTY TAX EXEMPTION FOR LOW-INCOME HOUSING HELD BY CHARITABLE, NONPROFIT ORGANIZATIONS

(For Office Use Only)

City of Wilsonville, Oregon	\$250 Application Fee _____
Date Received: _____	\$50 Renewal Fee _____
	Receipt No. _____

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Section A – Applicant Information

Corporate Name: Northwest Housing Alternatives, Inc.

Address: 2316 SE Willard Street, Milwaukie, OR 97222

Telephone: <u>(503) 654-1007</u>	
Business	Residence (Optional)

Email Address: cleveland@nwhousing.org

Chief Executive Officer: Trell Anderson

Contact Person: Ray Hackworth Telephone: (503) 654-1007 x 101

Section B – Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each building for which you are requesting a tax exemption)

Organization: Autumn Park Apartments

Property Address: 10920 SW Wilsonville Road, Wilsonville, OR 97070

Assessor's Property Tax Account Number(s): 00818388

(Be sure to identify all account numbers for both land and improvements on the property for which you are requesting tax exemption, in some cases, land and improvements may have separate property tax account numbers.)

Total number of residential units in the building: 144

Number of residential units occupied by very low-income people: 144

Total square feet in building: 116,928

Total square feet used to house very low-income people¹ 116,928

Section C – Leasehold Interest in Eligible Property

Do you own the property in question? X Yes No

If you answered "no" to the above question, do you have leasehold interest in the property?
 Yes No

If yes, please include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants served rather than the owner or corporation from whom you lease.

¹ This includes halls, baths, dining, and other space dedicated to residential use. Retail uses and other accessory uses not related to residential use are not to be counted.

Section D – Description of Charitable Purpose/Project Benefit (Use for multiple projects if same conditions apply)

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

1. Reduce the rents that your very low-income residential tenants pay on the property in question? X Yes No If so, by approximately how much? \$90/unit/month
2. Provide greater services to your very low income residential tenants? X Yes No.
3. If yes, in what way(s)? All cost savings are passed directly through to the tenants in the form of reduced rents
4. Provide any other benefit to your very low-income residential tenants? X Yes No
If yes, please explain: NHA Provides a robust Resident Services program that directly benefits residents

If you lease the property identified in this application, to what extent does your lease agreement coincide with the timeframe of the qualifying tax year? Please Explain:

Section B – Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each building for which you are requesting a tax exemption)

Organization: The Charleston Apartments

Property Address: 11609 SW Toulouse Road, Wilsonville, OR 97070

Assessor's Property Tax Account Number(s): 05021215, 05021232

(Be sure to identify all account numbers for both land and improvements on the property for which you are requesting tax exemption, in some cases, land and improvements may have separate property tax account numbers.)

Total number of residential units in the building: 52

Number of residential units occupied by very low-income people: 51

Total square feet in building: 35,493

Total square feet used to house very low-income people¹ 35,493

Section C – Leasehold Interest in Eligible Property

Do you own the property in question? X Yes No

If you answered "no" to the above question, do you have leasehold interest in the property?
 Yes No

If yes, please include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants served rather than the owner or corporation from whom you lease.

¹ This includes halls, baths, dining, and other space dedicated to residential use. Retail uses and other accessory uses not related to residential use are not to be counted.

Section D – Description of Charitable Purpose/Project Benefit (Use for multiple projects if same conditions apply)

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

1. Reduce the rents that your very low-income residential tenants pay on the property in question? x Yes No If so, by approximately how much? \$47/unit/month
2. Provide greater services to your very low income residential tenants? x Yes No.
3. If yes, in what way(s)? all cost savings are passed directly through to the tenants in the form of reduced rents
4. Provide any other benefit to your very low-income residential tenants? x Yes No
If yes, please explain: NHA provides a robust Resident Services program that directly benefits residents.

If you lease the property identified in this application, to what extent does your lease agreement coincide with the timeframe of the qualifying tax year? Please Explain:

Section B – Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each building for which you are requesting a tax exemption)

Organization: Creekside Woods Limited Partnership

Property Address: 7825 SW Wilsonville Road, Wilsonville, OR 97070

Assessor's Property Tax Account Number(s): 05022666

(Be sure to identify all account numbers for both land and improvements on the property for which you are requesting tax exemption, in some cases, land and improvements may have separate property tax account numbers.)

Total number of residential units in the building: 84

Number of residential units occupied by very low-income people: 84

Total square feet in building: 73,042

Total square feet used to house very low-income people¹ 73,042

Section C – Leasehold Interest in Eligible Property

Do you own the property in question? X Yes No

If you answered "no" to the above question, do you have leasehold interest in the property?
 Yes No

If yes, please include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants served rather than the owner or corporation from whom you lease.

¹ This includes halls, baths, dining, and other space dedicated to residential use. Retail uses and other accessory uses not related to residential use are not to be counted.

Section D – Description of Charitable Purpose/Project Benefit (Use for multiple projects if same conditions apply)

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

1. Reduce the rents that your very low-income residential tenants pay on the property in question? X Yes No If so, by approximately how much? \$35/unit/month
2. Provide greater services to your very low income residential tenants? X Yes No.
3. If yes, in what way(s)? All cost savings are passed directly through to the tenants in the form of reduced rents
4. Provide any other benefit to your very low-income residential tenants? X Yes No
If yes, please explain: NHA provides a robust Resident Services program that directly benefits the residents

If you lease the property identified in this application, to what extent does your lease agreement coincide with the timeframe of the qualifying tax year? Please Explain:

Section E- Declarations

Please read carefully and sign below before a notary.

1. I have attached to this application the IRS declaration of the status of application as a tax exempt corporation under 26 U.S.C. Section 501(c)(3) or (4).
2. I am aware that the income qualifying tenants must meet the income guidelines in accordance with 42 U.S.C. Section 1437 (a)(b)(2) as amended. See Attachment A, Income Eligibility Schedule). Tenant incomes do not exceed these limitations, as I verily believe.
3. I am aware of all requirements for tax exemption imposed by ORS 307.540-307.545 (Chapter 660 Oregon Laws 1985, as amended by Chapter 756 Oregon Laws 1987) and implemented by Resolution No. 1854 of the City of Wilsonville.
4. The above-described properties qualify or will qualify upon completion of any rehabilitation improvements and subsequent occupancy by very low-income residents for property tax exemption within 30 days of the April 1st application or the date of approval.

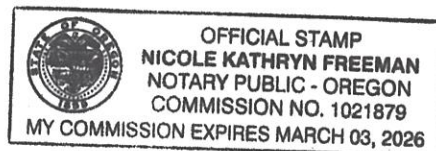
By: Trell Anderson
Agency Chief Executive Officer (Signature)

Trell Anderson
Agency Chief Executive officer (Print or typed)

For: Northwest Housing Alternatives, Inc.
Corporate Name (Print or type)

Subscribed and sworn to before me this 25 day of JANUARY, 2023.

Nicole Kathryn Freeman
Notary Public For Oregon
My Commission Expires: MARCH 03 2026





2316 SE Willard, Milwaukie, Oregon 97222
p: 503.654.1007 • f: 503.654.1319 • www.nwhousing.org

January 12, 2024

City of Wilsonville
Attn: Finance Department
29799 SW Town Center Loop East
Wilsonville, OR 97070

Dear Katherine,

At the time of submission of our application for property tax exemption, NHA's Wilsonville properties have the following vacancy statistics:

- Autumn Park Apartments – 5 units vacant, 97% occupancy
- The Charleston Apartments – 1 units vacant, 98% occupancy
- Creekside Woods Apartments – 5 unit vacant, 94% occupancy

These units are intended to be occupied within the year. Like all other units at the properties listed above, they will be available exclusively to eligible low-income persons.

Thank you for your consideration of our application.

Kind Regards,

A handwritten signature in blue ink that reads "Trell Anderson".

Trell Anderson
Executive Director

RESOLUTION NO. 3117**A RESOLUTION OF THE CITY OF WILSONVILLE GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER ORS 307.540 TO ORS 307.548 FOR CREEKSIDE WOODS LP, A LOW-INCOME APARTMENT DEVELOPMENT OWNED AND OPERATED BY NORTHWEST HOUSING ALTERNATIVES, INC.**

WHEREAS, maintaining Wilsonville's existing affordable housing supply is necessary for its continued health and growth; and

WHEREAS, Northwest Housing Alternatives (NHA), a not-for-profit organization, constructed the Creekside Woods LP, an affordable housing development located at 8725 SW Wilsonville Road, Wilsonville, Oregon; and

WHEREAS, Creekside Woods LP includes 84 residential units for people with low income; and

WHEREAS, NHA is currently seeking to preserve Creekside Woods LP as affordable housing; and

WHEREAS, a property tax exemption is essential to Creekside Woods LP's continuation as affordable housing; and

WHEREAS, ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by not-for-profit corporations and occupied by low-income persons; and

WHEREAS, the City of Wilsonville wishes to adopt and/or ratify the policy set forth in those sections; and

WHEREAS, NHA has requested a property tax exemption for its Creekside Woods LP development, pursuant to ORS 307.543(2); and

WHEREAS, the City of Wilsonville and West Linn-Wilsonville School District property tax levies jointly comprise of more than 51% of the total combined rate of taxation on Creekside Woods LP; and

WHEREAS, NHA has received an exempt status from the West Linn-Wilsonville School District for the Creekside Woods LP for property taxation arising under its jurisdiction unless and until terminated pursuant to ORS 307.548.

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

Section 1. The City of Wilsonville adopts the provisions of ORS 307.540 to 307.548.

Section 2. NHA and its affordable housing development, Creekside Woods LP, qualify for a property tax exemption pursuant to ORS 307.540 to 307.548.

Section 3. The Assistant Finance Director is directed to request the Clackamas County Assessor to exempt Creekside Woods LP from taxation by all taxing jurisdictions pursuant to ORS 307.543(2), commencing on the first day of the tax assessment year beginning July 1, 2024.

Section 4. Effective Date. This Resolution is effective upon adoption for the upcoming 2024/2025 tax year.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4th day of March 2024, 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

EXHIBIT:

A. Property Tax Exemption Application

APPLICATION

PROPERTY TAX EXEMPTION FOR LOW-INCOME HOUSING HELD BY CHARITABLE, NONPROFIT ORGANIZATIONS

(For Office Use Only)

City of Wilsonville, Oregon	\$250 Application Fee _____
Date Received: _____	\$50 Renewal Fee _____
	Receipt No. _____

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	C. Leasehold Interest in Eligible Property	2
	D. Description of Charitable Purpose/Project Benefit	3
	E. Declarations	4

Section A – Applicant Information

Corporate Name: Northwest Housing Alternatives, Inc.

Address: 2316 SE Willard Street, Milwaukie, OR 97222

Telephone: <u>(503) 654-1007</u>	
Business	Residence (Optional)

Email Address: cleveland@nwhousing.org

Chief Executive Officer: Trell Anderson

Contact Person: Ray Hackworth Telephone: (503) 654-1007 x 101

Section B – Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each building for which you are requesting a tax exemption)

Organization: Autumn Park Apartments

Property Address: 10920 SW Wilsonville Road, Wilsonville, OR 97070

Assessor's Property Tax Account Number(s): 00818388

(Be sure to identify all account numbers for both land and improvements on the property for which you are requesting tax exemption, in some cases, land and improvements may have separate property tax account numbers.)

Total number of residential units in the building: 144

Number of residential units occupied by very low-income people: 144

Total square feet in building: 116,928

Total square feet used to house very low-income people¹ 116,928

Section C – Leasehold Interest in Eligible Property

Do you own the property in question? X Yes No

If you answered "no" to the above question, do you have leasehold interest in the property?
 Yes No

If yes, please include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants served rather than the owner or corporation from whom you lease.

¹ This includes halls, baths, dining, and other space dedicated to residential use. Retail uses and other accessory uses not related to residential use are not to be counted.

Section D – Description of Charitable Purpose/Project Benefit (Use for multiple projects if same conditions apply)

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

1. Reduce the rents that your very low-income residential tenants pay on the property in question? X Yes No If so, by approximately how much? \$90/unit/month
2. Provide greater services to your very low income residential tenants? X Yes No.
3. If yes, in what way(s)? All cost savings are passed directly through to the tenants in the form of reduced rents
4. Provide any other benefit to your very low-income residential tenants? X Yes No
If yes, please explain: NHA Provides a robust Resident Services program that directly benefits residents

If you lease the property identified in this application, to what extent does your lease agreement coincide with the timeframe of the qualifying tax year? Please Explain:

Section B – Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each building for which you are requesting a tax exemption)

Organization: The Charleston Apartments

Property Address: 11609 SW Toulouse Road, Wilsonville, OR 97070

Assessor's Property Tax Account Number(s): 05021215, 05021232

(Be sure to identify all account numbers for both land and improvements on the property for which you are requesting tax exemption, in some cases, land and improvements may have separate property tax account numbers.)

Total number of residential units in the building: 52

Number of residential units occupied by very low-income people: 51

Total square feet in building: 35,493

Total square feet used to house very low-income people¹ 35,493

Section C – Leasehold Interest in Eligible Property

Do you own the property in question? X Yes No

If you answered "no" to the above question, do you have leasehold interest in the property?
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If yes, please include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants served rather than the owner or corporation from whom you lease.

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Will the cost savings resulting from the proposed tax exemption enable you to do the following?

1. Reduce the rents that your very low-income residential tenants pay on the property in question? ☒ Yes ☐ No If so, by approximately how much? \$47/unit/month
2. Provide greater services to your very low income residential tenants? ☒ Yes ☐ No.
3. If yes, in what way(s)? all cost savings are passed directly through to the tenants in the form of reduced rents
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If yes, please explain: NHA provides a robust Resident Services program that directly benefits residents.

If you lease the property identified in this application, to what extent does your lease agreement coincide with the timeframe of the qualifying tax year? Please Explain:

Section B – Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each building for which you are requesting a tax exemption)

Organization: Creekside Woods Limited Partnership

Property Address: 7825 SW Wilsonville Road, Wilsonville, OR 97070

Assessor's Property Tax Account Number(s): 05022666

(Be sure to identify all account numbers for both land and improvements on the property for which you are requesting tax exemption, in some cases, land and improvements may have separate property tax account numbers.)

Total number of residential units in the building: 84

Number of residential units occupied by very low-income people: 84

Total square feet in building: 73,042

Total square feet used to house very low-income people¹ 73,042

Section C – Leasehold Interest in Eligible Property

Do you own the property in question? X Yes No

If you answered "no" to the above question, do you have leasehold interest in the property?
 Yes No

If yes, please include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants served rather than the owner or corporation from whom you lease.

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Section D – Description of Charitable Purpose/Project Benefit (Use for multiple projects if same conditions apply)

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

1. Reduce the rents that your very low-income residential tenants pay on the property in question? X Yes No If so, by approximately how much? \$35/unit/month
2. Provide greater services to your very low income residential tenants? X Yes No.
3. If yes, in what way(s)? All cost savings are passed directly through to the tenants in the form of reduced rents
4. Provide any other benefit to your very low-income residential tenants? X Yes No
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If you lease the property identified in this application, to what extent does your lease agreement coincide with the timeframe of the qualifying tax year? Please Explain:

Section E- Declarations

Please read carefully and sign below before a notary.

1. I have attached to this application the IRS declaration of the status of application as a tax exempt corporation under 26 U.S.C. Section 501(c)(3) or (4).
2. I am aware that the income qualifying tenants must meet the income guidelines in accordance with 42 U.S.C. Section 1437 (a)(b)(2) as amended. See Attachment A, Income Eligibility Schedule). Tenant incomes do not exceed these limitations, as I verily believe.
3. I am aware of all requirements for tax exemption imposed by ORS 307.540-307.545 (Chapter 660 Oregon Laws 1985, as amended by Chapter 756 Oregon Laws 1987) and implemented by Resolution No. 1854 of the City of Wilsonville.
4. The above-described properties qualify or will qualify upon completion of any rehabilitation improvements and subsequent occupancy by very low-income residents for property tax exemption within 30 days of the April 1st application or the date of approval.

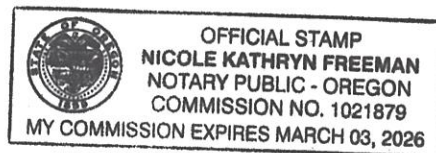
By: Trell Anderson
Agency Chief Executive Officer (Signature)

Trell Anderson
Agency Chief Executive officer (Print or typed)

For: Northwest Housing Alternatives, Inc.
Corporate Name (Print or type)

Subscribed and sworn to before me this 25 day of JANUARY, 2023.

Nicole Kathryn Freeman
Notary Public For Oregon
My Commission Expires: MARCH 03 2026





2316 SE Willard, Milwaukie, Oregon 97222
p: 503.654.1007 • f: 503.654.1319 • www.nwhousing.org

January 12, 2024

City of Wilsonville
Attn: Finance Department
29799 SW Town Center Loop East
Wilsonville, OR 97070

Dear Katherine,

At the time of submission of our application for property tax exemption, NHA's Wilsonville properties have the following vacancy statistics:

- Autumn Park Apartments – 5 units vacant, 97% occupancy
- The Charleston Apartments – 1 units vacant, 98% occupancy
- Creekside Woods Apartments – 5 unit vacant, 94% occupancy

These units are intended to be occupied within the year. Like all other units at the properties listed above, they will be available exclusively to eligible low-income persons.

Thank you for your consideration of our application.

Kind Regards,

A handwritten signature in blue ink that reads "Trell Anderson".

Trell Anderson
Executive Director

RESOLUTION NO. 3118**A RESOLUTION OF THE CITY OF WILSONVILLE GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER ORS 307.540 TO ORS 307.548 FOR RAIN GARDEN LIMITED PARTNERSHIP, A LOW-INCOME APARTMENT DEVELOPMENT OWNED AND OPERATED BY CARITAS COMMUNITY HOUSING CORPORATION.**

WHEREAS, maintaining Wilsonville's existing affordable housing supply is necessary for its continued health and growth; and

WHEREAS, Caritas Community Housing Corporation, a not-for-profit organization, constructed the Rain Garden Apartments, an affordable housing development located at 29197 SW Orleans Avenue, Wilsonville, Oregon; and

WHEREAS, Rain Garden Apartments includes 29 residential units for people with low income; and

WHEREAS, Caritas Community Housing Corporation is currently seeking to preserve the Rain Garden Apartments as affordable housing; and

WHEREAS, a property tax exemption is essential to Caritas Community Housing Corporation's continuation as affordable housing; and

WHEREAS, ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by not-for-profit corporations and occupied by low-income persons; and

WHEREAS, the City of Wilsonville wishes to adopt and/or ratify the policy set forth in those sections; and

WHEREAS, Caritas Community Housing Corporation has requested a property tax exemption for its Rain Garden Apartment development, pursuant to ORS 307.543(2); and

WHEREAS, the City of Wilsonville and West Linn-Wilsonville School District property tax levies jointly comprise of more than 51% of the total combined rate of taxation on the Caritas Community Housing Corporation at Rain Garden Apartments; and

WHEREAS, Caritas Community Housing Corporation has received an exempt status from the West Linn-Wilsonville School District for the Rain Garden Apartments for property taxation arising under its jurisdiction unless and until terminated pursuant to ORS 307.548.

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

Section 1. The City of Wilsonville adopts the provisions of ORS 307.540 to 307.548.

Section 2. Caritas Community Housing Corporation and its affordable housing development, Rain Garden Apartments qualify for a property tax exemption pursuant to ORS 307.540 to 307.548.

Section 3. The Assistant Finance Director is directed to request the Clackamas County Assessor to exempt Rain Garden Apartments from taxation by all taxing jurisdictions pursuant to ORS 307.543(2), commencing on the first day of the tax assessment year beginning July 1, 2024.

Section 4. Effective Date. This Resolution is effective upon adoption for the upcoming 2024/2025 tax year.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4th day of March 2024, 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

EXHIBIT:

- A. Property Tax Exemption Application

CITY OF WILSONVILLE

Instructions and Application for Property Tax Exemption For Low-Income Housing Held by Charitable, Nonprofit Organizations

Please note that the City requires a copy of the IRS declaration of the status of application as a tax exempt corporation under 26 U.S.C. Section 501(c)(3) or (4) for each application.

Instructions and Application for property Tax Exemption For Very Low-Income Housing Held by Charitable, Nonprofit Organizations

What is It?

The 1985 Oregon legislature authorized a property tax exemption for low-income housing held by charitable, non-profit organizations.¹ The tax exemption is intended to benefit low-income renters and is available for qualifying property located within the City of Wilsonville.

Who is Eligible?

- Charitable, non-profit organizations that provide housing to low-income persons² are eligible.
- The organization must be certified by the Internal Revenue Services as 501(c) (3) or (4).
- Organizations must own or have a leasehold interest in the property or participate in a partnership so long as the non-profit organization is responsible for the day-to-day management of the property. The site must be occupy-able during the upcoming tax year by income eligible households, although vacant land intended to be developed as low-income housing is eligible for the exemption provided under this program.
- Applicants who are leaseholders must have a sign leasehold agreement by the April 1st application deadline. *Applicants may also apply for the exemption for properties expected to be acquired by July 1 of the tax year but the application form must be submitted by the February 9th deadline.*

Note: You may already be exempted from taxation under the statutory provision for qualifying benevolent, charitable and scientific institutions or for nonprofit organizations providing housing and *care* to the elderly. These two programs are administered by Clackamas County.

If you qualify for these other programs, please do not complete this application. Questions concerning these exemptions should be directed to the Clackamas County Division of Assessment and Taxation at 503-655-8671

What is Eligible?

Only the residential portion of a property located within the City of Wilsonville, which is used to house low-income people, is eligible for a property tax exemption. For example, the commercial space in a mixed-use building would not be eligible for tax exemption. Application for the exemption must be made *annually*.

Who Administers the Program?

The City of Wilsonville's Finance Department administers this program. Please call Katherine Smith, Assistant Finance Director at (503) 570-1511 if you have questions.

¹ SB 503 Chapter 660 Oregon's Laws 1985 and chapter 108 Oregon Laws 1993 amending Oregon Revised Statutes 307.540-.548.

² "Low-income persons" are individuals earning 60% or less of the area median income. See Income Eligibility Schedule (Attachment A) [U.S.C. Section 1437(a)(b)(2)].

How to Apply?

Submit a completed application, which includes the following:

1. A complete application – complete Section A and E for your organization. Complete Sections B, C, and D for *each* building for which a property tax exemption is being requested.
2. All applications must be signed and notarized – Section E is required to be notarized for each organization and application only, *not for each building*.
3. New applications must include a copy of IRS 501(c)(3) or (4) letter certifying your organization's eligible charitable nonprofit status.
4. Application fee – Attach a check or money order payable to the City of Wilsonville in the amount of \$250 for new applications and \$50 for renewal applications. Application fee is for each organization, not each building, however the renewal fee is per building. Applicants who apply for exemptions by the April 1 deadline do not need to pay an additional fee to apply for exemption for property acquired before the July 1 purchase deadline.
5. **Applications must be received at the City of Wilsonville Finance Department no later than February 9th. *Applications received after this date will not be accepted.*** Submit applications to the address below: City of Wilsonville, Attn: Finance Department, 29799 SW Town Center Loop East, Wilsonville, OR 97070
6. If you have any questions about the application, please call Katherine Smith, Assistant Finance Director at (503) 570-1511.

ATTACHMENT A

2023-24 INCOME ELIGIBILITY SCHEDULE

The following income eligibility schedule is to be used in determining the amount of eligible property. Only units which are intended for occupancy by households with incomes at or below these income guidelines are eligible for the exemption.

Household Size	Household Income Not To Exceed ³
1	\$33,427
2	\$43,712
3	\$53,997
4	\$64,282
5	\$74,567
6	\$84,852

Note: Unoccupied housing units at the time of application may be included in the total eligible units if the applicant meets the following conditions:

1. The units will be available exclusively to eligible low-income persons;
2. The units are intended to be occupied within the year;
3. The applicant must provide a written statement to the effect of 1 and 2 above, and attach it to the application.

(Source: <https://www.oregon.gov/ohcs/energy-weatherization/Pages/utility-bill-payment-assistance.aspx>
Oregon Low Income Energy Assistance Program)

APPLICATION

PROPERTY TAX EXEMPTION FOR LOW-INCOME HOUSING HELD BY
CHARITABLE, NONPROFIT ORGANIZATIONS

(For Office Use Only)

City of Wilsonville, Oregon \$250 Application Fee _____
 Date Received: _____ \$50 Renewal Fee _____
 Receipt No. _____

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Section A – Applicant Information

Corporate Name: Rain Garden LP c/o Caritas Community Housing CorporationAddress: 2740 SE Powell Boulevard
Portland, OR 97202Telephone: (503) 231-4866 N/A
Business Residence (Optional)Email Address: mpierce@ccoregon.orgChief Executive Officer: Natalie WoodContact Person: Marci Pierce Telephone: (503) 231-4866

Section B – Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each building for which you are requesting a tax exemption)

Organization: Rain Garden LP

Property Address: 29197 SW Orleans Avenue, Wilsonville, OR 97070

Assessor's Property Tax Account Number(s): 05019399 Map 31W15DB07500

(Be sure to identify all account numbers for both land and improvements on the property for which you are requesting tax exemption, in some cases, land and improvements may have separate property tax account numbers.)

Total number of residential units in the building: 29

Number of residential units occupied by very low-income people: 29

Total square feet in building: 21,243

Total square feet used to house very low-income people: 21,243

Section C – Leasehold Interest in Eligible Property

Do you own the property in question? X Yes _____ No

If you answered "no" to the above question, do you have leasehold interest in the property?
 _____ Yes _____ No

If yes, please include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants served rather than the owner or corporation from whom you lease.

Caritas Community Housing Corporation (CCHC) a subsidiary of Catholic Charities. Catholic Charities is the non-profit sole member of the ownership entity general partner Rain Garden GP LLC. CCHC is responsible for ensuring that all operating costs are paid, including taxes due. The very low-income residents of Rain Garden are charged rents well below market. The savings realized from the property tax exemption are passed through to reduce rents.

This includes halls, baths, dining, and other space dedicated to residential use. Retail uses and other accessory uses not related to residential use are not to be counted.

Section D – Description of Charitable Purpose/Project Benefit (Use for multiple projects if same conditions apply)

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

1. Reduce the rents that your very low-income residential tenants pay on the property in question? X Yes No If so, by approximately how much? \$75.00
2. Provide greater services to your very low-income residential tenants? X Yes No
3. If yes, in what way(s)? By reducing costs
4. Provide any other benefit to your very low-income residential tenants? X Yes No
If yes, please explain: Preserves financial stability, and therefore longevity of the project.

If you lease the property identified in this application, to what extent does your lease agreement coincide with the timeframe of the qualifying tax year? Please Explain:

Section E- Declarations

Please read carefully and sign below before a notary.

1. I have attached to this application the IRS declaration of the status of application as a tax exempt corporation under 26 U.S.C. Section 501(c)(3) or (4).
2. I am aware that the income qualifying tenants must meet the income guidelines in accordance with 42 U.S.C. Section 1437 (a)(b)(2) as amended. See Attachment A, Income Eligibility Schedule). Tenant incomes do not exceed these limitations, as I verily believe.
3. I am aware of all requirements for tax exemption imposed by ORS 307.540-307.545 (Chapter 660 Oregon Laws 1985, as amended by Chapter 756 Oregon Laws 1987) and implemented by Resolution No. 1854 of the City of Wilsonville.
4. The above-described properties qualify or will qualify upon completion of any rehabilitation improvements and subsequent occupancy by very low-income residents for property tax exemption within 30 days of the April 1st application or the date of approval.

By: _____

Natalie Wood

Agency Chief Executive Officer (Signature)

Natalie Wood

Agency Chief Executive officer (Print or typed)

For: Caritas Community Housing Corporation

Sole member of Rain Garden GP LLC,

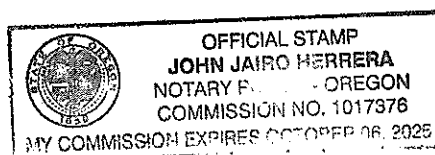
General Partner of Rain Garden LP

Corporate Name (Print or type)

Subscribed and sworn to before me this 6th day of February, 2024.

Notary Public For Oregon

My Commission Expires: October 6, 2025



INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: OCT 25 2005

CARITAS COMMUNITY HOUSING
CORPORATION
231 SE 12TH AVE
PORTLAND, OR 97214-0000

Employer Identification Number:
94-3395473
DLN:
17053267784075
Contact Person: ID# 31309
DEL TRIMBLE
Contact Telephone Number:
(877) 829-5500
Public Charity Status:
170(b)(1)(A)(vi)

Dear Applicant:

Our letter dated OCTOBER 2001, stated you would be exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, and you would be treated as a public charity, rather than as a private foundation, during an advance ruling period.

Based on the information you submitted, you are classified as a public charity under the Code section listed in the heading of this letter. Since your exempt status was not under consideration, you continue to be classified as an organization exempt from Federal income tax under section 501(c)(3) of the Code.

Publication 557, Tax-Exempt Status for Your Organization, provides detailed information about your rights and responsibilities as an exempt organization. You may request a copy by calling the toll-free number for forms, (800) 829-3676. Information is also available on our Internet Web Site at www.irs.gov.

If you have general questions about exempt organizations, please call our toll-free number shown in the heading between 8:30 a.m. - 5:30 p.m. Eastern time.

Please keep this letter in your permanent records.

Sincerely yours,



Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

Letter 1050 (DO/CG)

RESOLUTION NO. 3119**A RESOLUTION OF THE CITY OF WILSONVILLE GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER ORS 307.540 TO ORS 307.548 FOR WIEDEMANN PARK, A LOW-INCOME APARTMENT DEVELOPMENT OWNED AND OPERATED BY ACCESSIBLE LIVING, INC.**

WHEREAS, maintaining Wilsonville's existing affordable housing supply is necessary for its continued health and growth; and

WHEREAS, Accessible Living, Inc., a not-for-profit organization, owns and manages the Wiedemann Park Apartments, an affordable housing development located at 29940 SW Brown Road, Wilsonville, Oregon; and

WHEREAS, Wiedemann Park includes 57 residential units for seniors with low income; and

WHEREAS, Accessible Living, Inc. is currently seeking to preserve Wiedemann Park as affordable housing; and

WHEREAS, a property tax exemption is essential to Wiedemann Park's continuation as affordable housing; and

WHEREAS, ORS 307.540 to 307.548 authorizes property tax exemptions for affordable housing owned by not-for-profit corporations and occupied by low-income persons; and

WHEREAS, the City of Wilsonville wishes to adopt and/or ratify the policy set forth in those sections; and

WHEREAS, Accessible Living Inc. has requested a property tax exemption for its Wiedemann Park development, pursuant to ORS 307.543(2); and

WHEREAS, the City of Wilsonville and West Linn-Wilsonville School District property tax levies jointly comprise of more than 51% of the total combined rate of taxation on Accessible Living Inc.'s development at Wiedemann Park; and

WHEREAS, Accessible Living, Inc. has received an exempt status from the West Linn-Wilsonville School District for the Wiedemann Park for property taxation arising under its jurisdiction unless and until terminated pursuant to ORS 307.548.

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

- Section 1. The City of Wilsonville adopts the provisions of ORS 307.540 to 307.548.
- Section 2. Accessible Living, Inc. and its affordable housing development, Wiedemann Park, qualify for a property tax exemption pursuant to ORS 307.540 to 307.548.
- Section 3. The Assistant Finance Director is directed to request the Clackamas County Assessor to exempt Wiedemann Park Apartments from taxation by all taxing jurisdictions pursuant to ORS 307.543(2), commencing on the first day of the tax assessment year beginning July 1, 2024.
- Section 4. Effective Date. This Resolution is effective upon adoption for the upcoming 2024/2025 tax year.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4th day of March 2024, 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

EXHIBIT:

- A. Property Tax Exemption Application

CITY OF WILSONVILLE

Instructions and Application for Property Tax Exemption For Low-Income Housing Held by Charitable, Nonprofit Organizations

Please note that the City requires a copy of the IRS declaration of the status of application as a tax exempt corporation under 26 U.S.C. Section 501(c)(3) or (4) for each application.

Instructions and Application for property Tax Exemption For Very Low-Income Housing Held by Charitable, Nonprofit Organizations

What is It?

The 1985 Oregon legislature authorized a property tax exemption for low-income housing held by charitable, non-profit organizations.¹ The tax exemption is intended to benefit low-income renters and is available for qualifying property located within the City of Wilsonville.

Who is Eligible?

- Charitable, non-profit organizations that provide housing to low-income persons² are eligible.
- The organization must be certified by the Internal Revenue Services as 501(c) (3) or (4).
- Organizations must own or have a leasehold interest in the property or participate in a partnership so long as the non-profit organization is responsible for the day-to-day management of the property. The site must be occupy-able during the upcoming tax year by income eligible households, although vacant land intended to be developed as low-income housing is eligible for the exemption provided under this program.
- Applicants who are leaseholders must have a sign leasehold agreement by the April 1st application deadline. *Applicants may also apply for the exemption for properties expected to be acquired by July 1 of the tax year but the application form must be submitted by the February 9th deadline.*

Note: You may already be exempted from taxation under the statutory provision for qualifying benevolent, charitable and scientific institutions or for nonprofit organizations providing housing and *care* to the elderly. These two programs are administered by Clackamas County.

If you qualify for these other programs, please do not complete this application. Questions concerning these exemptions should be directed to the Clackamas County Division of Assessment and Taxation at 503-655-8671

What is Eligible?

Only the residential portion of a property located within the City of Wilsonville, which is used to house low-income people, is eligible for a property tax exemption. For example, the commercial space in a mixed-use building would not be eligible for tax exemption. Application for the exemption must be made *annually*.

Who Administers the Program?

The City of Wilsonville's Finance Department administers this program. Please call Katherine Smith, Assistant Finance Director at (503) 570-1511 if you have questions.

¹ SB 503 Chapter 660 Oregon's Laws 1985 and chapter 108 Oregon Laws 1993 amending Oregon Revised Statutes 307.540-.548.

² "Low-income persons" are individuals earning 60% or less of the area median income. See Income Eligibility Schedule (Attachment A) [U.S.C. Section 1437(e)(2)].

How to Apply?

Submit a completed application, which includes the following:

1. A complete application – complete Section A and E for your organization. Complete Sections B, C, and D for *each* building for which a property tax exemption is being requested.
2. All applications must be signed and notarized – Section E is required to be notarized for each organization and application only, *not for each building*.
3. New applications must include a copy of IRS 501(c)(3) or (4) letter certifying your organization's eligible charitable nonprofit status.
4. Application fee – Attach a check or money order payable to the City of Wilsonville in the amount of \$250 for new applications and \$50 for renewal applications. Application fee is for each organization, not each building, however the renewal fee is per building. Applicants who apply for exemptions by the April 1 deadline do not need to pay an additional fee to apply for exemption for property acquired before the July 1 purchase deadline.
5. Applications must be received at the City of Wilsonville Finance Department no later than February 9th. *Applications received after this date will not be accepted.* Submit applications to the address below: City of Wilsonville, Attn: Finance Department, 29799 SW Town Center Loop East, Wilsonville, OR 97070
6. If you have any questions about the application, please call Katherine Smith, Assistant Finance Director at (503) 570-1511.

ATTACHMENT A**2023-24 INCOME ELIGIBILITY SCHEDULE**

The following income eligibility schedule is to be used in determining the amount of eligible property. Only units which are intended for occupancy by households with incomes at or below these income guidelines are eligible for the exemption.

Household Size	Household Income Not To Exceed³
1	\$33,427
2	\$43,712
3	\$53,997
4	\$64,282
5	\$74,567
6	\$84,852

Note: Unoccupied housing units at the time of application may be included in the total eligible units if the applicant meets the following conditions:

1. The units will be available exclusively to eligible low-income persons;
2. The units are intended to be occupied within the year;
3. The applicant must provide a written statement to the effect of 1 and 2 above, and attach it to the application.

(Source: <https://www.oregon.gov/ohcs/energy-weatherization/Pages/utility-bill-payment-assistance.aspx>
Oregon Low Income Energy Assistance Program)

APPLICATION

PROPERTY TAX EXEMPTION FOR LOW-INCOME HOUSING HELD BY CHARITABLE, NONPROFIT ORGANIZATIONS

(For Office Use Only)

City of Wilsonville, Oregon	\$250 Application Fee _____
Date Received: _____	\$50 Renewal Fee _____
	Receipt No. _____

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C.	Leasehold Interest in Eligible Property	2
D.	Description of Charitable Purpose/Project Benefit	3
E.	Declarations	4

Section A – Applicant Information

Corporate Name: Accessible Living Inc. _____

Address: PMB# 258, 9220 SW Barbur Blvd. Ste 119, Portland, OR 97219

Telephone: 503-272-8908	503-740-3931
Business	Residence (Optional)

Email Address: karen@housingindependence.org

Chief Executive Officer: Karen Voiss

Contact Person: Karen Voiss Telephone: 503-272-8909

Section B – Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each building for which you are requesting a tax exemption)

Organization: Wiedemann Park Apartments Limited Partnership

Property Address: 29940 SW Brown Rd., Wilsonville, OR 97070

Assessor's Property Tax Account Number(s): #00810590, #05001064

(Be sure to identify all account numbers for both land and improvements on the property for which you are requesting tax exemption, in some cases, land and improvements may have separate property tax account numbers.)

Total number of residential units in the building: 58

Number of residential units occupied by very low-income people: 57

Total square feet in building: 45,999

Total square feet used to house very low-income people⁴ 45,999

Section C – Leasehold Interest in Eligible Property

Do you own the property in question? ☒ Yes ☐ No

If you answered "no" to the above question, do you have leasehold interest in the property?
☐ Yes ☐ No

If yes, please include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants served rather than the owner or corporation from whom you lease.

⁴ This includes halls, baths, dining, and other space dedicated to residential use. Retail uses and other accessory uses not related to residential use are not to be counted.

Section D – Description of Charitable Purpose/Project Benefit (Use for multiple projects if same conditions apply)

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

1. Reduce the rents that your very low-income residential tenants pay on the property in question? ☒ Yes ☐ No If so, by approximately how much? \$260,004 annual savings_____
2. Provide greater services to your very low income residential tenants? ☒ Yes ☐ No.
3. If yes, in what way(s)? Resource and referral_____
4. Provide any other benefit to your very low-income residential tenants? ☐ Yes ☒ No
If yes, please explain: _____

If you lease the property identified in this application, to what extent does your lease agreement coincide with the timeframe of the qualifying tax year? Please Explain:

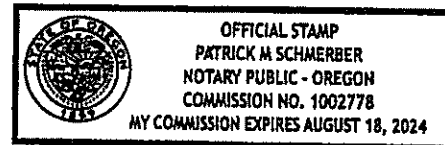
Section E- Declarations

Please read carefully and sign below before a notary.

1. I have attached to this application the IRS declaration of the status of application as a tax exempt corporation under 26 U.S.C. Section 501(c)(3) or (4).
2. I am aware that the income qualifying tenants must meet the income guidelines in accordance with 42 U.S.C. Section 1437 (a)(b)(2) as amended. See Attachment A, Income Eligibility Schedule). Tenant incomes do not exceed these limitations, as I verily believe.
3. I am aware of all requirements for tax exemption imposed by ORS 307.540-307.545 (Chapter 660 Oregon Laws 1985, as amended by Chapter 756 Oregon Laws 1987) and implemented by Resolution No. 1854 of the City of Wilsonville.
4. The above-described properties qualify or will qualify upon completion of any rehabilitation improvements and subsequent occupancy by very low-income residents for property tax exemption within 30 days of the April 1st application or the date of approval.

By: Karen A. Voiss
 Agency Chief Executive Officer (Signature)

Karen Voiss
 Agency Chief Executive officer (Print or typed)



For: Accessible Living Inc.
 Corporate Name (Print or type)

Subscribed and sworn to before me this 11th day of January, 202~~1~~.

Patrick M. Schmerber
 Notary Public For Oregon
 My Commission Expires: August 18 2024



January 9, 2024

Wiedemann Park is comprised of 34, 1-bedroom apartments and 24, 2-bedroom apartments. One-bedroom allowable rent is \$1,295 per unit for a total allowable of \$44,030 monthly. The two-bedroom allowable rents are \$1,554, for \$37,296. The total allowable monthly rents are \$81,326.

The actual total monthly rents are \$59,659. The difference is $\$21,667 \times 12 = \$260,004$ in annual savings.

Units are exclusively available to low-income people meeting the 2023-2024 income eligibility schedule. Any unit that goes vacant will be occupied within a year.



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: March 4, 2024		Subject: Resolution No. 3127 A Resolution Of The City Of Wilsonville Authorizing The City Manager To Accept Assignment Of And Amend The Facilities Lease With Wilsonville Community Sharing Staff Member: 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 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 type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Consideration of whether to accept assignment of and amend the Facilities Lease between the Urban Renewal Agency of the City of Wilsonville and Wilsonville Community Sharing (respectively, "WCS" and the "Lease").

EXECUTIVE SUMMARY:

Wilsonville Community Sharing (WCS) is a food bank and provides related social services to Wilsonville residents. The Urban Renewal Agency of the City of Wilsonville (URA) entered into the Lease with WCS, which was effective as of July 1, 2022, pursuant to which WCS uses and occupies approximately 1,116 square feet of the building commonly known as the “Art Tech Building” located at 29796 SW Town Center Loop East in Wilsonville.

The URA is the “Lessor” under the Lease. However, because the Art Tech Building is located in The Year 2000 Plan Area (i.e., the East Side District), which has been closed, the Lease should be assigned to the City of Wilsonville. City staff have prepared an Assignment and Assumption of Facilities Lease by and between the City of Wilsonville and the URA, which is attached as **Exhibit A** to Resolution no. 3127, to effect this assignment (the “Assignment”).

Further, two amendments to the Lease are necessary: (1) the current Lease term ends on July 1, 2024, and the parties desire to extend the term by two years, until July 1, 2026, and (2) the parties originally intended for WCS to move into the Kiva Building, which was recently demolished, so all references to the Kiva Building should be removed from the Lease. City staff have prepared a First Amendment to Facilities Lease by and between the City of Wilsonville and WCS, which is attached as **Exhibit B** to Resolution no. 3127, to make these amendments (the “Amendments”).

EXPECTED RESULTS:

If Resolution 3127 is adopted, the Lease’s term will be extended to July 1, 2026, and the City of Wilsonville will become the “Lessor” under the Lease.

TIMELINE:

All parties to the Lease desire the Assignment and the Amendments to take effect as soon as possible.

CURRENT YEAR BUDGET IMPACTS:

N/A

COMMUNITY INVOLVEMENT PROCESS:

WCS consents to the Assignment and the Amendments.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

The City of Wilsonville benefits by WCS maintaining its presence in the community. In particular, residents that are food insecure benefit because WCS is one of Wilsonville’s few food banks.

ALTERNATIVES:

Allow the lease to terminate on July 1, 2024.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Resolution No. 3127
 - A. Assignment and Assumption of Facilities Lease by and between the City of Wilsonville and the Urban Renewal Agency of the City of Wilsonville
 - B. First Amendment to Facilities Lease by and between the City of Wilsonville and Wilsonville Community Sharing

RESOLUTION NO. 3127**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO ACCEPT ASSIGNMENT OF AND AMEND THE FACILITIES LEASE WITH WILSONVILLE COMMUNITY SHARING.**

WHEREAS, the Urban Renewal Agency of the City of Wilsonville (the “URA”) entered into a Facilities Lease (“Lease”) with Wilsonville Community Sharing (“WCS”) effective as of July 1, 2022, pursuant to which WCS uses and occupies approximately 1,116 square feet of the building commonly known as the “Art Tech Building” located at 29796 SW Town Center Loop East, Wilsonville, Clackamas County, Oregon; and

WHEREAS, the URA desires to assign its rights and obligations under the Lease to the City, and the City desires to accept the URA’s rights and obligations under the Lease;

WHEREAS, the parties collectively initially intended for WCS to occupy the Kiva Building, which is also located on the same property as the Art Tech Building, but due to severe roof damage the Kiva Building has been demolished, and further the “Lease Term” provided in the Lease expires on July 1, 2024; and

WHEREAS, the parties collectively desire to amend the Lease to remove all references to the Kiva Building and to extend the Lease Term by two (2) years.

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

Findings. The above-recitals are incorporated as if fully set forth herein as findings of the City Council, along with the staff report accompanying this Resolution.

Section 2. The City Manager is hereby authorized to enter into an Assignment and Assumption of Facilities Lease by and between the City of Wilsonville and the Urban Renewal Agency of the City of Wilsonville, in a form substantially similar to **Exhibit A**.

Section 2. The City Manager is hereby authorized to enter into a First Amendment to Facilities Lease by and between the City of Wilsonville and Wilsonville Community Sharing, in a form substantially similar to **Exhibit B**.

Section 3. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4th day of March, 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. Assignment and Assumption of Facilities Lease by and between the City of Wilsonville and the Urban Renewal Agency of the City of Wilsonville
- B. First Amendment to Facilities Lease by and between the City of Wilsonville and Wilsonville Community Sharing

CITY OF WILSONVILLE
ASSIGNMENT AND ASSUMPTION OF FACILITIES LEASE

This Assignment and Assumption Agreement (this “Agreement”) is effective the ____ day of _____ 2024 (“Effective Date”), by and between **Urban Renewal Agency of the City of Wilsonville**, an Oregon public body corporate and politic (“Assignor”), and the **City of Wilsonville**, a municipal corporation of the State of Oregon (“Assignee”), upon the terms and conditions set forth below.

RECITALS

WHEREAS, the Assignor is the “Lessor” under the Facilities Lease dated July 1, 2022 (“Lease”), pursuant to which Wilsonville Community Sharing, an Oregon public benefit non-profit corporation, leases, uses, and occupies approximately 1,116 square feet of the building commonly known as the “Art Tech Building” located at 29796 SW Town Center Loop East, Wilsonville, Clackamas County, Oregon.

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

AGREEMENT

The terms of the Lease are hereby amended as follows:

- 1. Assignment and Transfer.** As of the Effective Date, Assignor assigns, transfers, and conveys to Assignee, Assignor’s right, interest, duties, and obligations in and to the Lease, as it may be amended from time to time.
- 2. Acceptance of Assignment.** As of the Effective Date, Assignee accepts the assignment, transfer, and conveyance of Assignor’s right, interest, duties, and obligations in and to the Lease.

ASSIGNOR:

CITY OF WILSONVILLE

By: _____

Print Name: _____

As Its: _____

ASSIGNEE:

CITY OF WILSONVILLE

By: _____

Print Name: _____

As Its: _____

APPROVED AS TO FORM:

Amanda Guile-Hinman, City Attorney
City of Wilsonville, Oregon

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**CITY OF WILSONVILLE
FIRST AMENDMENT TO FACILITIES LEASE**

This First Amendment to Facilities (“First Amendment”) is effective the ____ day of _____ 2024 (“Effective Date”), by and between the **City of Wilsonville**, a municipal corporation of the State of Oregon (“Lessor”), and **Wilsonville Community Sharing**, an Oregon non-profit corporation (“Lessee”), upon the terms and conditions set forth below.

RECITALS

WHEREAS, the Urban Renewal Agency of the City of Wilsonville (“Original Lessor”) entered into a Facilities Lease (“Lease”) with Lessee on July 1, 2022, relating to Lessee’s use and occupancy of approximately 1,116 square feet of the building commonly known as the “Art Tech Building” located at 29796 SW Town Center Loop East, Wilsonville, Clackamas County, Oregon; and

WHEREAS, on _____, 2024, Original Lessor assigned the Lease and all its rights, responsibilities, and obligations therein to Lessor; and

WHEREAS, Lessor and Lessee initially intended for Lessee to occupy the Kiva Building, which is also located on the same property as the Art Tech Building, but due to severe roof damage, Lessor determined that it was necessary to demolish the Kiva Building; and

WHEREAS, the Lease Term provided in the Lease expires on July 1, 2024; and

WHEREAS, Lessor and Lessee mutually desire to amend the Lease to remove all references to the Kiva Building and to extend the term under which Lessee may continue to use and occupy the Art Tech Building in exchange for payment of Rent;

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

AGREEMENT

The terms of the Lease are hereby amended as follows:

1. AGREEMENT TO LEASE

1.1 Description of Premises and Condition

Subsection 1.1 is hereby deleted and replaced with the following:

“1.1 Description of Premises and Condition

Lessor hereby leases to Lessee a portion of the Building (“Leased Space”), as depicted in **Exhibit A** in the Art Tech Building. This will include the use of certain Common Areas, as also shown and described on **Exhibit A** (collectively the “Premises”), subject to the terms of this Lease. The Premises are leased in “As Is” condition. Lessee is responsible for insuring all of Lessee’s property and improvements located within the Premises.”

1.1.1 Relocation to Kiva Building

Subsection 1.1.1 is hereby deleted and replaced with the following:

“1.1.1 Deleted.”

1.2 Use of Common Areas

Subsection 1.2 is hereby deleted and replaced with the following:

“1.2 Use of Common Areas

Lessor grants to Lessee the nonexclusive right to use, in common with Lessor, other tenants of the Building, and the public, the areas of the Premises designated by Lessor to be Common Areas, including the parking lot, walkways, streets, roadways, landscape areas, and other public conveniences (“Common Areas”), as depicted on **Exhibit A**.”

2. TERM

Section 2 is hereby deleted and replaced with the following:

“This Lease shall be binding on the Parties as of July 1, 2022 (‘Effective Date’). The term of this Lease (the ‘Lease Term’) shall commence on the Effective Date, and shall continue thereafter for a period of four (4) years from the Effective Date (the ‘Expiration Date’). Thereafter, unless otherwise terminated, in writing, by Lessor or Lessee with thirty (30) days’ advance notice, the Lease will continue on a month-to-month basis for up to an additional twelve (12) months, unless a new lease term is agreed upon, in writing. Any Lease termination date earlier or later than the Expiration Date is referred to herein as the ‘Termination Date.’”

3. RENT

3.2 Adjustments to Rent

The last two sentences in Subsection 3.2 are hereby deleted.

4. EXHIBITS A-1 AND A-2 AND KIVA BUILDING

Exhibit A-1 is renumbered as Exhibit A, which is attached hereto for reference. Exhibit A-2 is deleted. For avoidance of doubt, the parties agree that Lessee will not be able to relocate to the Kiva Building, as it was demolished by Lessor due to significant roof damage.

5. ALL OTHER TERMS

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

Lessee and Lessor hereby agree to all provisions of this First Amendment.

LESSEE:

WILSONVILLE COMMUNITY SHARING

By: _____

Print Name: _____

As Its: _____

EIN/Tax I.D. No. _____

CITY:

CITY OF WILSONVILLE

By: _____

Print Name: _____

As Its: _____

APPROVED AS TO FORM:

Amanda Guile-Hinman, City Attorney
City of Wilsonville, Oregon

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CITY COUNCIL MEETING STAFF REPORT

Meeting Date: March 4, 2024	Subject: Resolution No. 3128 Oregon State Parks Local Government Grant Program Staff Member: Dustin Schull, Parks Supervisor Department: Parks and Recreation	
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: Pursuing a grant from Oregon State Parks		
<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 Local Government Grant Program (LGGP) 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 make the replacement of this playground a priority in the Wilsonville parks system.

The estimated total cost of the project is \$1,100,000. Staff is seeking two grants that would potentially cover 100% of the project costs. Funding for the City's 50% match, if needed, will be included in the City's fiscal year 2024-25 proposed budget.

EXPECTED RESULTS:

Applying for the grant would allow the Parks and Recreation team to submit an application to the LGGP. If the application is successful, the funds would help to build 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 April 1, 2024 with scoring and ranking to be conducted by the LGGP advisory committee in June. If the project is selected the funds would be made available following the scoring and ranking process.

CURRENT YEAR BUDGET IMPACTS:

No budget impact for the current fiscal year. This grant does require a minimum 50% match, which will be funded out of the fiscal year 2024-2025 budget. The 50% match may also come from other grant applications including the Land and Water Conservation Fund (LWCF). The Parks and Recreation Team has concurrently submitted a grant application to the LWCF process.

COMMUNITY INVOLVEMENT PROCESS:

The Memorial Park Masterplan highlighted 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 LGGP 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. 3128
2. Playground Preliminary Design

RESOLUTION NO. 3128**A RESOLUTION OF THE CITY OF WILSONVILLE SUPPORTING A 2024 GRANT APPLICATION TO THE OREGON STATE PARKS, LOCAL GOVERNMENT GRANT PROGRAM FOR THE MEMORIAL PARK PLAYGROUND REPLACEMENT PROJECT.**

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Local Government Grant Program; 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 4th day of March 2024, 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



COLOR KEY

- OLIVE
- BLUE
- RED
- ORANGE
- YELLOW
- RED/WHITE



3D Designer: Heidi



TREE BRANCH CLIMBER



COBRA SLIDE® CORKSCREW



BRAVA® SWING



STEMPLAY™ CIRCUIT



CLOCK PANEL



EVOLUTION® ARCH CLIMBER



INNOVA® BRIDGE



CITY COUNCIL MINUTES

February 22, 2024 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 Thursday, February 22, 2024. The Mayor called the meeting to order at 7:02 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
 Andrew Barrett, Capital Projects Engineering Manager
 Bill Evans, Communications & Marketing Manager
 Bryan Cosgrove, City Manager
 Chris Neamtzu, Community Develop. Director
 Kimberly Veliz, City Recorder
 Mark Ottenad, Public/Government Affairs Director
 Robert Wurpes, Chief of Police
 Stephanie Davidson, Assistant City Attorney
 Zach Weigel, City Engineer
 Zoe Mombert, Assistant to the City Manager

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

Motion: Moved to approve the order of the agenda.

Motion made by Councilor Akervall, Seconded by Councilor Linville.

Voting Yea:

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

Vote: Motion carried 5-0.

MAYOR'S BUSINESS

4. Declaration of 35th Anniversary of Sister City Relationship

The Mayor showed the lacquerware art panel, which was personalized and gifted to the City during the recent trip to Kitakata, Japan. The Mayor explained the elaborate lacquerware process was done thru a special process using tree sap.

The Mayor and members of the City Council visited Kitakata, Japan, earlier the month of February 2024 for the occasion of celebrating the 35th anniversary of the Sister City relationship.

Kitakata Mayor Endo and City Council President Kobayashi hosted and showed those on the trip many beautiful sites in Kitakata.

It was shared that Kitakata was blessed with an abundance of water and rice, and was, located in the Fukushima Prefecture, which was known for its famous ramen and excellent sake.

While in Kitakata, Council President Akervall and the Mayor signed the Declaration of 35th Anniversary of Sister City Relationship of Wilsonville and Kitakata.

The Mayor read the declaration into the record:

In October 1988, the cities of Wilsonville and Kitakata established a sister city relationship in order to deepen understanding and friendship between the two cities through an exchange program in such fields as education, culture and economy.

Over the years, intercultural exchanges between civic leaders, community members, and students in a wide range of fields have facilitated deeper understanding, stronger connections, and many friendships between our cities.

To commemorate the 35th anniversary, we hereby declare that our two cities will continue to promote even broader exchanges, building on the trust and ties we have developed.

Signed this 4th day of February, 2024.

Motion: Moved to ratify the Declaration of the 35th Anniversary of the Sister City Relationship between Wilsonville, Oregon and Kitakata, Japan.

Motion made by Councilor Akervall, Seconded by Councilor Berry.

Councilor Linville recalled over 400 students between Kitakata and the West Linn – Wilsonville School District had participated in the exchange program. It was noted that some of the Kitakata Sister City Advisory Board members were once exchange students. In addition, some of the adults they met on the trip to Japan had also participated in the exchange program. Therefore, the Councilor found no reason not to ratify the declaration.

Voting Yea:

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

Vote: Motion carried 5-0.

5. Upcoming Meetings

The Mayor provided a reported on a few past and upcoming events.

DEI Speakers Series

- Before leaving for Japan, the Mayor had a chance to attend a Diversity Equity and Inclusion Committee DEI Speakers Series event at Clackamas Community College Wilsonville campus.
- The event presented a fascinating discussion led by Karla Brashear of the City's DEI Committee and her mother, Elizabeth.
- During the presentation, the audience heard about Elizabeth's experience fleeing her home and coming to the United States.
- The Mayor encouraged the audience to attend the next event in the series, scheduled on Wednesday, March 6, 2024.
- Erika Pham, who chairs the DEI Committee, would host the discussion on how to better understand and be an ally to people in the LGBTQIA+ community.

Clackamas County Business Alliance Luncheon

- On February 23, 2024, the Mayor along with other Portland-area mayors would present at the Clackamas County Business Alliance luncheon in Oregon City.
- Other Mayor's presenting included:
 - Mayor Batey of Milwaukie,
 - Mayor Bialostosky of West Linn
 - Mayor Buck of Lake Oswego
 - Mayor Ellis of Happy Valley
 - Mayor McGriff of Oregon City
 - Mayor Milch of Gladstone, and
 - Mayor Pulliam of Sandy
- Each Mayor would present on local economic-development issues and city priorities for 2024.

Clackamas Community College Annual State of the College Address

- February 23, 2024 Clackamas Community College President Tim Cook would present the annual State of the College address at the Oregon City campus.

Master Municipal Clerk Certification (MMC)

- Congratulated and recognized Kimberly Veliz, City Recorder on achieving the Master Municipal Clerk Certification.
- The MMC program was the second and more advanced of the two professional designations granted by International Institute of Municipal Clerks (IIMC).
- The MMC program was an advanced continuing education program that prepares participants to perform complex municipal duties.
- The program has an extensive and rigorous educational component and a professional contribution component. The MMC applicant must demonstrate that they have actively pursued education and professional activities.

2024 Oregon Legislative Assembly Short Session

- The Mayor attended the Metropolitan Mayor's Consortium meeting on February 22, 2024 where together Mayors pushed towards legislative outcomes that benefits cities.
- The Mayor summarized some of the Senate Bills (SB) supported by the Metropolitan Mayor's Consortium.
- The Mayor shared SMART and many other cities and transit agencies have supported SB 1572, which was to fund an ODOT study of extending the West Side Express commuter train from Wilsonville to Salem. There had also been interest for extending even further to Eugene.
- SB 1572 had been heard before the Joint Committee on Transportation, and it had support from a range of constituencies, including lawmakers in both major parties and in the House and the Senate.
- On February 22, 2024, a Work Session was scheduled to refer SB 1572 to the joint Ways and Means Committee.
- The City provided testimony in support of SB 1576, which restores recreational immunity for public use of trails.
- SB 1576 came out of a court case, which exposed cities and other agencies and companies to liability if a member of the public was injured when using a free trail.
- The Senate Committee on Judiciary appeared poised to adopt SB 1576, which would temporarily restore recreational immunity until 2025, when legislators would seek a more permanent fix.
- Legislators were looking to create a State Residential Housing Infrastructure Fund, which the City supported in SB 1530.
- SB 1537 would allow the State to preempt certain land-use and permitting decisions by cities. The bill overrides land-use laws for UGB Urban Growth Boundary Expansion that was opposed by the City of Wilsonville and the Metropolitan Mayor's Consortium.
- The legislature heard a bill that would Reauthorize and fund the business Oregon Regionally Significant Industrial Sites (RSIS) Program.
- The City was one of a dozen local governments that had applied to participate in the program when it is funded.

- The Mayor shared that the League of Oregon Cities (LOC) and the Metropolitan Mayor's Consortium had discussed House Bill (HB) 4002-24 and Measure 110. Further, information would be shared regarding these topics during the Communications portion of the agenda.

City Council Meeting

- The next City Council meeting was scheduled for Monday, March 4, 2024.

6. Appointment of Council Member to Willamette Valley Commuter Rail Advisory Committee

The Mayor asked Council to consider if anyone would be interested in representing the City on the Westside Express Advisory Committee, if the WES to Salem Commuter Train Study were to pass.

COMMUNICATIONS

7. Crime Stats

Robert Wurpes, Chief of Police provided summary data on the volume and types of crimes taking place in Wilsonville. The Chief noted a decline in property-related crimes in 2023. The PowerPoint shown has been added to the record.

Council comments and questions followed the presentation.

Next, the Chief spoke about Measure 110, which legalized user possession of all drugs, creating cultural shifts and challenges. The Chief shared law enforcement aims to support rehabilitation over incarceration, working towards a stabilization center for crisis intervention. However, funding was needed for treatment centers.

The Mayor then read into the record the following Statement of Commitment:

We will work with local partners, including but not limited to, behavioral health resource networks, community mental health providers, community-based organizations, peer support organizations, law enforcement agencies, district attorneys, courts and local county and city governments to develop County and/or City specific service plans/programs. Our efforts will focus on evidence-based solutions, like mobile crisis teams or LEADS-like programs.

We will apply for funding, if needed, to the 'Improving People's Access to Community-based Treatment, Supports and Services' (IMPACTS) Grant Review Committee. We also agree to participate in the IMPACTS data collection and review process. If barriers other than funding prevent programs from being stood up, we will work in partnership with the legislature and the IMPACTS Grant Review Committee to identify solutions by September 1, 2024.

As soon as funding is received, we will work to immediately stand-up programs in our communities. Once developed, funded, and stood up, our law enforcement partners commit to divert individuals that are facing a PCS-U charge based off objective evidence-based national standards. Additionally, our District Attorney will divert all successful participants away from the criminal justice system and not pursue the PCS-U charge.

The Mayor then requested a motion to sign the Statement of Commitment.

Motion: Moved to accept the Measure 110, Legislative HB 4002-24 pre-booking diversion letter, which has been discussed tonight at this meeting.

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.

CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS

This is an opportunity for visitors to address the City Council on any matter concerning City's Business or any matter over which the Council has control. It is also the time to address 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.

The following individuals spoke in support of Resolution Nos. 3125 and 3126:

- John Vandenberg
- Wayne Richards
- Richard (Dick) Spence
- Siobhan Murphy
- Paul Diller

The following individuals spoke in opposition of Resolution Nos. 3125 and 3126:

- Doris Wehler
- Dina Ochs
- Eric Winters
- John Ludlow - Also, commented on urban renewal.
- Kristin Roche

Tristan Roland spoke about concerns regarding the SMART public transit system.

COUNCILOR COMMENTS, LIAISON REPORTS AND MEETING ANNOUNCEMENTS

8. Council President Akervall

Councilor Akervall provided details on these past and upcoming events:

- Wilsonville Child Care Consortium on February 12 and 28, 2024
- Frank Walsh 100th Birthday Party on February 13, 2024
- Tolling Poll meetings on February 1 and 21, 2024

9. Councilor Linville

Councilor Linville provided details on the following past and upcoming events:

- Opioid Settlement Prevention, Treatment and Recovery Board (OSPTR) on February 7 and March 6, 2024
- Aurora State Airport Master Planning Advisory Committee meeting on March 12, 2024
- Wilsonville-Metro Community Enhancement Committee on February 27, 2024

10. Councilor Berry

Councilor Berry provided details on the following past and upcoming events:

- Clackamas County Coordinating Committee (C4) Subcommittee on February 14, 2024
- Wilsonville-Metro Community Enhancement Committee on February 27, 2024
- Tourism Promotion Committee on February 28, 2024

11. Councilor Dunwell

As a Tribal Member was pleased that the opioid settlement recognized although Native people only represent 2% of the U.S. population, they have the highest rate of drug use and alcoholism within the country. Councilor Dunwell shared it was important that all were aware the fentanyl crisis was hitting the reservations at a higher rate, in particular Montana, than the rest of the population.

Councilor Dunwell provided details on the past meeting:

- French Prairie Forum meeting on February 21, 2024

CONSENT AGENDA

The City Attorney read the titles of the Consent Agenda items into the record.

12. **Resolution No. 3114**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement With Brown And Caldwell, Inc. For Engineering Consulting Services For The Boeckman Creek Flow Mitigation Project (Capital Improvement Project No. 7068).

13. Minutes of the January 18, 2024 City Council Meeting.

Motion: Moved to adopt 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

14. **Resolution No. 3123**

A Resolution Of The City Of Wilsonville Amending Resolution No. 3046 To Further Phase-In The Implementation Of The Parks System Development Charge For Single-Family Residential Development.

The City Attorney read the title of Resolution No. 3123 into the record.

Chris Neamtzu, Community Development Director summarized the staff report.

The Mayor requested a motion on Resolution No. 3123.

Motion: Moved to adopt Resolution No 3123.

Motion made by Councilor Linville, Seconded by Councilor Dunwell.

Council discussed the process relating to the prior outreach to the Home Builders Association (HBA). It was recalled that despite challenges in communication and outreach, efforts were made to collaborate with HBA. The importance of SDCs for City infrastructure was acknowledged, with a focus on maintaining a high living standard. The importance of partnership between the City and homebuilders was recognized.

Voting Yea:

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

Vote: Motion carried 5-0.

15. **Resolution No. 3124**

A Resolution Of The City Of Wilsonville Adopting The Findings And Recommendations Of The 2023 Solid Waste Collection Rate Report, Amended January 2024, And Modifying The Republic Services Rate Schedule For Collection And Disposal Of Solid Waste, Recyclables, Organic Materials And Other Materials, Effective February 1, 2024, Amended On February 22, 2024.

The City Attorney read the title of Resolution No. 3124 into the record.

Mark Ottenad, Public/Government Affairs Director provided the staff report and PowerPoint, which had been made a part of the record.

Staff explained the rate review mistakenly used rates from 2022 instead of the current rates. This oversight went unnoticed until January 2024 when Republic Services entered the data into the customer billing system.

The Mayor requested a motion on Resolution No. 3124.

Motion: Moved to approve Resolution No 3124.

Motion made by Councilor Dunwell, Seconded by Councilor Berry.

Councilor Linville expressed concerns about the process and lack of confidence in the information provided regarding the rate increase was why she did not vote for it. Councilor Linville hoped for future refinements, separating rate reports, and rate schedule from the rate increases for clarity and confidence.

Voting Yea:

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

Vote: Motion carried 5-0.

The Mayor thanked those that provided their opinions and testimony on Resolution Nos. 3125 and 3126. It was recalled these resolutions came about from prior input from community members.

16. Resolution No. 3125

A Resolution Of The City Of Wilsonville Referring To The Electors Of The City Of Wilsonville The Question Of Amending The City Charter To Refine Mayoral Term Limits In Certain Circumstances.

City Attorney read the title of Resolution No. 3125 into the record.

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

Council asked clarifying question and discussed the language specifically the word refine.

Motion: Moved for a five-minute recess.

Motion made by Councilor Dunwell, Seconded by Councilor Akervall.

Voting Yea:

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

Vote: Motion carried 5-0.

The Mayor reconvened the City Council meeting at 9:32 p.m.

There was no further clarifying questions. Therefore, the Mayor requested a motion on Resolution No. 3125.

Original Motion: Moved to adopt Resolution No. 3125 as distributed on February 22, 2024.

Motion made by Councilor Berry, Seconded by Councilor Dunwell.

Council discussion ensued.

Councilor Dunwell, a first-time City Council member, reflected on the challenges and responsibilities of the role. Councilor Dunwell expressed gratitude for City staff, discussed personal motivations for running for office, and expressed pride in serving the community. Moreover, the importance of continuous improvement and respect for fellow elected officials and the City's future leadership was expressed.

Councilor Berry shared her background was in city planning and joined the City Council, realizing the significant workload involved. City Council packets can be hundreds of pages, and the role is voluntary with long hours. Despite supporting term limits in the past, Councilor Berry believed in retaining dedicated officials. She acknowledged the steep learning curve for Councilors and highlighted the differences between being a Councilor and Mayor. Building strong relationships with staff and other entities is crucial. The Councilor valued community engagement and believed in the democratic process, emphasized the importance of voting to voice opinions.

Councilor Linville addressed the importance of community involvement in City Council meetings. The Councilor clarified she will not run for Mayor and emphasized the need for decisions to benefit the City. Councilor Linville discussed term limits for Mayors, highlighting the importance of citizen input and the need for clarity on current language. She further expressed support for allowing citizens to vote on the issue and emphasized the importance of decisions being in the City's best interest.

Council President Akervall agreed with many comments made by fellow Councilors. Councilor Akervall supported the community voting on the decision to modify term limits for the City Council. Moreover, clarification was needed to ensure the intended charter language was clear and simple. It was emphasized that the goal was not to establish 20-year term limits.

Mayor Fitzgerald shared her personal reasons for running for office, highlighting Wilsonville's unique qualities and her desire to contribute to its growth. She explained that serving as a City Councilor for less than 60 days can count as a full four-year term, and this ambiguity can lead to confusion in future elections. The Mayor advocated for a measure to clarify the term length for City Councilors and Mayors, as the current system can be difficult to understand and lead to inconsistent decision-making. The Mayor expressed gratitude for serving and shared she would consider running for office again if the rules change, citing a desire to continue serving the City's best interests.

The City Attorney recommended due to the time the Council make a motion to extend the time for the Council meeting, which would trump any pending motion.

Motion Extend Meeting: Moved to extend the Council meeting to 10:30 p.m.

Motion made by Councilor Linville, Seconded by Councilor Dunwell.

Motion Extend Meeting Voting Yea:

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

Motion Extend Meeting Vote: Motion carried 5-0.

The Mayor then requested a motion to amend Resolution No. 3125.

Amended Motion: Moved to amend the motion proposed to remove the word refine and replace it with modify.

Motion made by Councilor Berry, Seconded by Councilor Dunwell.

The Caption for Exhibit B was amended to read as follows:

Amends Charter to Modify Mayoral Term Limits in Certain Circumstances.

The Summary for Exhibit B was amended to read as follows:

The Measure would amend the Charter of the City of Wilsonville to modify the term limits for the Office of Mayor. If passed, the Measure would allow a person to serve two terms (up to 8 years) as a City Councilor followed by two consecutive terms (8 years) as Mayor, in a 20-year period.

The existing City Charter imposes term limits on a person serving on City Council as Mayor, Councilor, or a combination of the two offices, to no more than 12 years in a 20-year period. Under the current Charter language, if a person previously served two terms as a City Councilor, the person is limited to serving one term (4 years) as Mayor, in a 20-year period. The measure would modify the Charter such that a person who previously served two terms as a City Councilor could serve two consecutive terms as Mayor, for a total of up to 16 years on City Council in a 20-year period. In all other circumstances, the 12-year limit in a 20-year period applies.

The Explanatory Statement for Exhibit C was amended to read as follows:

This Measure, if approved, would amend Section 29 of the Charter of the City of Wilsonville ("Charter") to modify the term limits applicable to the office of Mayor in certain circumstances. If passed, the Measure would allow a person who has previously served two terms (up to 8 years) as a City Councilor to be eligible to serve two consecutive terms (8 years) as Mayor, if elected, in a 20-year period.

The City Council consists of the Mayor and four City Councilors. Each position is separately elected in accordance with the Charter. The Charter provides that the Mayor is elected to a four-year term and each City Councilor is elected to a four-year term. The existing Charter language imposes term limits to prohibit a person from serving on Council to no more than 12 years in a 20-year period. The 12-year limit in the Charter applies to the total amount of time a person serves on the City Council, whether the person is serving as Mayor, City Councilor, or any combination of the two offices.

This Measure would amend the Charter to modify the term limits applicable to the office of the Mayor in the circumstance where the person has previously served two terms (up to 8 years) as a City Councilor. Under the existing Charter language, if a person previously served two terms (up to 8 years) as a City Councilor, the person can only serve one term (4 years) as Mayor, in a 20-year period. If approved, this Measure would allow a person to serve as Mayor for two consecutive terms (8 years), instead of only one term (4 years).

The effect of the Measure would allow a person to possibly serve a total of up to 16 years on City Council in a 20-year period if the person serves two terms (up to 8 years) as City Councilor and then two consecutive terms (8 years) as Mayor. In all other circumstances, the general term limit of 12 years in any 20-year period would apply to the office of Mayor. The Measure does not change the term limits for City Councilors.

This Measure would become effective immediately upon passage.

Amended Motion Voting Yea:

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

Amended Motion Vote:

Motion carried 5-0.

The Council then reverted to the original motion with the amendments for the vote.

Original Motion Voting Yea:

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

Original Motion Vote:

Motion carried 5-0.

17. Resolution No. 3126

A Resolution Of The City Of Wilsonville Referring To The Electors Of The City Of Wilsonville The Question Of Amending The City Charter To Clarify The Calculation Of Years Of Service Relating To Term Limits.

City Attorney read the title of Resolution No. 3126 into the record.

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

Council asked questions of the City Attorney.

The City Attorney noted no concerns for using the word clarify in the ballot measure language.

Council discussed amendments to the ballot title summary language found on Exhibit B.

The Mayor requested a motion on Resolution No. 3126.

Original Motion: Moved to adopt Resolution No. 3126 as distributed on February 22, 2024.

Motion made by Councilor Berry, Seconded by Councilor Dunwell.

Amended Motion: Moved to amend Resolution No. 3126, the summary ballot measure language as previously described in the meeting tonight.

Motion made by Councilor Berry, Seconded by Councilor Dunwell.

The Summary for Exhibit B was amended to read as follows:

The Measure would amend the Wilsonville City Charter to clarify the calculation of years of service relating to term limits. If passed, the Measure would not count the number of days served during an appointment to Council to fill a vacancy when the number of days served during the appointment are less than 365.25 days.

The existing City Charter calculates how many years a person served in a 20-year period by determining the aggregate number of days served on Council within the 20 years prior to commencement of the proposed term and then attributing a year of service for every 365.25 days of service within that period. The Charter does not state whether service on Council for less than 365.25 days equals a year of service when determining the number of years of service. The measure would clarify that if a person is appointed to fill a vacant position on the City Council for less than 365.25 days, the days attributable to filling the vacancy are not counted toward the calculation of years of service.

Amended Motion Voting Yea:

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

Amended Motion Vote:

Motion carried 5-0.

The Council then reverted to the original motion with the amendments for the vote.

Original Motion Voting Yea:

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

Original Motion Vote:

Motion carried 5-0.

CONTINUING BUSINESS

The City Attorney read the title of Ordinance Nos. 886 and 887 into the record on second reading.

18. Ordinance No. 886 - 2nd Reading (Quasi-Judicial Land Use)

An Ordinance Of The City Of Wilsonville Annexing Approximately 5.00 Acres Of Property Located At 7252 SW Frog Pond Lane For Development Of A 17-Lot Residential Subdivision.

The Mayor read the second reading script.

No Councilor declared a conflict of interest, bias, or conclusion from information gained outside the hearing. No member of the audience challenged any of the Councilor's participation.

There was no further input from staff.

The Mayor requested a motion on Ordinance No. 886 on second reading.

Motion: Moved to approve Ordinance No. 886 on second reading.

Motion made by Councilor Dunwell, Seconded by Councilor Linville.

Voting Yea:

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

Vote: Motion carried 5-0.

19. Ordinance No. 887 - 2nd Reading (Quasi-Judicial Land Use)

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Rural Residential Farm Forest 5-Acre (RRFF-5) Zone To The Residential Neighborhood (RN) Zone On Approximately 5.00 Acres Located At 7252 SW Frog Pond Lane For Development Of A 17-Lot Residential Subdivision.

The Mayor read the second reading script.

No Councilor declared a conflict of interest, bias, or conclusion from information gained outside the hearing. No member of the audience challenged any of the Councilor's participation.

There was no further input from staff.

The Mayor requested a motion on Ordinance No. 887 on second reading.

Motion: Moved to approve Ordinance No. 887 on second reading.

Motion made by Councilor Dunwell, Seconded by Councilor Berry.

Voting Yea:

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

Vote: Motion carried 5-0.

Mayor read appeal rights for Ordinance Nos. 886 and 887. The audience was informed if desired to appeal these decision to the Oregon Land Use Board of Appeals (LUBA), they must file a notice of intent to appeal stating the grounds of appeal in the form and within the time prescribed by state law.

PUBLIC HEARING

There was none.

CITY MANAGER'S BUSINESS

The City Manager announced the buyer of the Village at Main Center did not contact City staff prior to purchase. Staff was only aware of what was reported on in the newspaper article. Which that it was a full cash purchase from a buyer located on the east coast. Therefore, it was unlikely the new owners are aware of the Town Center Plan.

LEGAL BUSINESS

There was none.

ADJOURN

The Mayor adjourned the meeting at 10:28 p.m.

Respectfully submitted,

Kimberly Veliz, City Recorder

ATTEST:

Julie Fitzgerald, Mayor



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: March 4, 2024		Subject: Resolution No. 3112 A Resolution of the City of Wilsonville Authorizing a Preliminary Engineering Report to Consider Possible Formation of a Local Improvement District for Public Improvements to SW Parkway Avenue and SW Printer Parkway Staff Member: Amanda Guile-Hinman, City Attorney Department: Legal	
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. 3112.			
Recommended Language for Motion: I move to adopt Resolution No. 3112.			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input checked="" type="checkbox"/> Adopted Master Plan(s): Transportation System Plan	<input type="checkbox"/> Not Applicable	

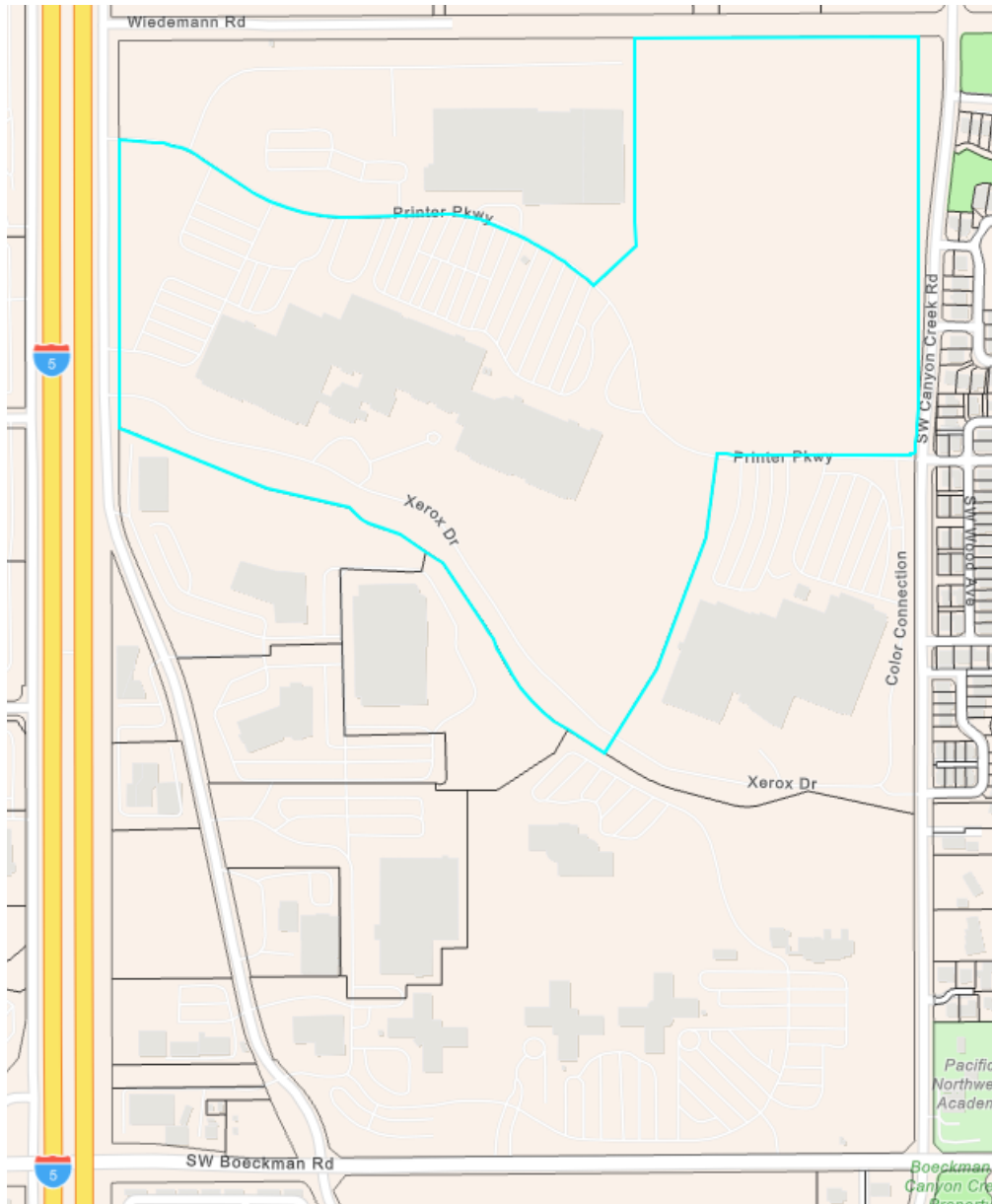
ISSUE BEFORE COUNCIL:

Whether to conduct a preliminary engineering report to consider forming a local improvement district to construct improvements to SW Parkway Avenue and SW Printer Parkway.

EXECUTIVE SUMMARY:

I. BACKGROUND

The City of Wilsonville (“City”) is currently processing a land use application to partition the real property located at 26600 SW Parkway Avenue, Wilsonville, Oregon (the “Property”) and to construct a manufacturing/warehouse facility on the Property (the “Proposed Development”). The Property location is outlined in blue below:



The Applicant, ScanlanKemperBard Companies, LLC, and the Property Owner, SKB-Parkworks, LLC, seek to partition a portion of the eastern part of the Property along SW Parkway Avenue and to the south of SW Printer Parkway.

A. Street Improvements

Wilsonville Code (WC) generally requires that, when development occurs, the applicant must construct roads fronting the site to meet current, applicable City standards, which are established through the City's Transportation System Plan ("TSP") and Public Works Standards ("PW Standards"). Section 201.2.18 of the Public Works Standards requires a minimum of 24-foot wide pavement for arterial and collector streets and the TSP establishes the required cross-sections for minor arterials and collectors.

SW Parkway Avenue is identified in the 2013 Transportation System Plan as a Minor Arterial and designated freight route. However, the portion of Parkway that fronts the proposed development is not constructed to current City standards for minor arterials – it was initially constructed under then-applicable Clackamas County road standards prior to the City's incorporation in 1968, and the general cross section has not changed since that time. SW Parkway Avenue currently has a minimally developed cross-section with two 11-foot wide travel lanes and lacks bicycle lanes. There is a path on the eastern side of the right-of-way that is not compliant with Americans with Disabilities Act (ADA) standards for a public sidewalk, and ODOT right-of-way is on the western side of the road.

Similarly, SW Printer Parkway is identified as a Collector in the Transportation System Plan, but is currently a private access asphalt road that is minimally developed with two 14-foot wide travel lanes and lacks any sidewalks or bicycle lanes.

Thus, both SW Parkway Avenue and SW Printer Parkway will need to be improved for the Proposed Development. City staff, the Applicant, and the Property Owner have identified, when discussing the improvements to SW Parkway Avenue and SW Printer Parkway, that these improvements require significant financial investment. As developed from meetings between City staff, the Applicant, and the Property Owner, one funding resource that may represent a practical solution to construct these improvements is the formation of a local improvement district ("LID") to finance construction of SW Parkway Avenue and SW Printer Parkway.

II. LOCAL IMPROVEMENT DISTRICT

A LID is a method often used by cities to construct and finance local, public improvements, that is, public improvements, such as streets and sewer, water, and stormwater infrastructure, which typically benefit a specific area and would not otherwise be identified by the City as a City capital improvement project. A LID allows the City to assess properties and impose a lien on those properties to pay for the improvements and the City can then finance projects based on the assessment. The LID process consists of three (3) phases: formation of the district, assessment, and financing.

A. Formation

A LID can be initiated by property owner petition, City staff recommendation, or Council passing a resolution stating its intent to initiate formation of the LID. If not by Council resolution (i.e., either if a petition or staff recommendation is made), Council must direct staff to proceed with formation. **It is important to note, as explained in Section III below, Resolution No. 3112 is not a resolution stating Council's intent to initiate formation of the LID.** Such a resolution, if appropriate, will likely be forthcoming in the next twelve (12) months.

The resolution of intent directs staff to prepare an engineering report that provides a detailed description of the project(s), an estimate of probable cost(s), which property(ies) will be benefited, and a recommendation regarding the feasibility of the project. Prior to consideration of the resolution, state law requires notice to property owners of the possibility of formation of the LID. A hearing must also be held when the resolution is considered. Wilsonville Code Section 3.218 also requires a financial report to be prepared for Council review.

B. Assessment

If a LID is formed, the City will establish an estimated assessment to impose a lien on benefited properties. If the final assessment is of actual costs is higher than the estimated assessment, the deficit assessment must be spread proportionately. As discussed below, one of the key benefits of a LID is the City's ability to obtain full project cost recovery instead of encountering the common issue of under-collecting the needed funds.

When an estimated and final assessment process is utilized, as typical, a financing assessment ordinance is often done separately from the formation resolution or ordinance because state law requires each action be noticed and a public hearing held. There are many different ways to calculate the assessments against benefited properties. Ultimately, the assessment formula must reasonably apportion the costs according to the benefits.

C. Financing

Property owners have the right to pay the assessment in installments, with interest. Because local governments cannot require collection of assessments immediately, they must fund construction of the local improvements with other funds. Commonly, cities use short-term financing to pay for the costs of constructing the local improvements, and then obtain long-term financing after the assessments are levied.

Cities may obtain long-term financing under a variety of statutes, but the most common is to issue bonds and pledge the assessment installment payments. In other words, a city's lien (and thus, its secured right to collect the installment payments) is used as security for the bonds.

III. BENEFITS OF A LID AND CONSIDERATION OF RESOLUTION NO. 3112

Based on initial staff research, in the 1990s and early 2000s, the City previously formed LIDs to construct public improvements in the area of Ridder, Clutter, and Garden Acres Roads; SW Canyon Creek Road; and within Villebois related to the construction of the I-5/SW Wilsonville Road interchange. However, it does not appear that LIDs have been utilized by the City as a financing tool since, at the latest, 2005.

LIDs likely have not been utilized since 2005 because a significant portion of development within Wilsonville since then has been residential development, and LIDs are more typical for public improvements benefiting large landowners where there are fewer properties to assess. LIDs do require some significant administrative work to be established and so cities generally want agreement by those benefiting property owners to the formation of the LID before pursuing the LID.

A LID in this particular circumstance, may be the most practical avenue for constructing the needed improvements. First, there are relatively few prospective benefiting property owners because the area is industrial with large parcels. Second, although there is an administrative burden to establish the LID, a LID allows for full cost recovery of the public improvement projects. Third, the City secures a lien against benefiting parties, and thus has additional protections against nonpayment. Fourth, the lien allows the City financing opportunities rather than relying on current fund balances to pay for the improvements.

Staff recommends Resolution No. 3112 as a preliminary step before the Council considers establishing a LID because there are still unknowns that need to be better defined before a resolution or ordinance of intent is brought to Council. Staff, the Property Owner, and the Applicant recognize that the scope of the projects in such a local improvement district is unknown, as other adjacent industrial property owners may benefit from such improvements and may also have an interest in continuation of the street improvements adjacent to their properties. Moreover, there is not sufficient time to undertake the resolution or ordinance of intent prior to other required land use decisions on the Proposed Development.

This preliminary action, along with a memorandum of understanding (“MOU”) that is currently being negotiated with the Applicant and the Property Owner (see **Attachment 2** – a draft of the MOU), are important to document the intent of the parties thus far with regard to the LID, knowing that the resolution or ordinance of intent is likely to follow soon hereafter. If the Council decides to adopt Resolution No. 3112, staff intends to include the Resolution in the record of the Proposed Development’s land use application.

Staff also highlights that outreach to the City of Portland, which has a LID administrator, shows promise of a future intergovernmental agreement whereby Portland’s LID administrator can provide assistance to City staff as the City works through the required statutory steps to form and administer a LID.

EXPECTED RESULTS:

A preliminary engineering report to better define local, public improvement projects, scope of the projects, and prospective benefiting property owners. Separate from the result of this Resolution, staff anticipates a possible intergovernmental agreement with the City of Portland, a future resolution or ordinance of intent, and an assessment ordinance.

TIMELINE:

The draft timeline for forming the LID, as contemplated in the draft MOU attached hereto as Attachment 2, is as follows:

- a. Resolution for Preliminary Engineer's Report. On March 4, 2024, the City intends to provide to the City Council for consideration a resolution to direct the City to pursue a preliminary engineering report to recommend the LID boundary, infrastructure improvements, and estimated costs.
- b. Intergovernmental Agreement. The City will pursue an intergovernmental agreement ("IGA") with the City of Portland for technical assistance regarding the formation and implementation of a LID. Assuming the City of Portland's willingness, the City anticipates City Council consideration of an IGA on or before May 20, 2024.
- c. Property Owner Outreach. The Parties will collaborate on outreach to adjacent property owners to discuss the possibility of inclusion in a LID. The Parties intend to promote a LID as a reasonable financing tool for public infrastructure that is needed for both private development and public benefit.
- d. Procedural Resolution. The Parties will collaborate on drafting a procedural resolution described in ORS 223.389(1) for City Council consideration, anticipated to occur in summer or fall 2024.
- e. Enacting Resolution. The Parties will collaborate on drafting a resolution establishing the LID and the assessments against each benefiting property for City Council consideration, anticipated to occur early in calendar year 2025.

CURRENT YEAR BUDGET IMPACTS:

City staff anticipates that a preliminary engineering report may cost approximately \$10,000, and can be absorbed in current professional services budgets.

COMMUNITY INVOLVEMENT PROCESS:

If a LID is pursued, public hearings will be required for the formation and assessment. Moreover, the related Proposed Development land use application process has provided a public hearing to any interested parties or individuals. Additionally, as identified in the timeline, staff anticipate reaching out to adjacent property owners to discuss the scope of improvements that may benefit them and also help spur new and expanded industrial development adjacent to the Proposed Development.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

The improvements to SW Parkway Avenue and SW Printer Parkway are necessary, as documented in the City's TSP. However, the requirements regarding timing of constructing the improvements, particularly considering the lack of currently available funding sources, are problematic to the Proposed Development. Although a LID is an administrative burden, it represents a practical financial tool that supply both the benefiting property owners and users of the public facilities the needed safety enhancements of these streets.

Furthermore, the cost of street improvements may be a barrier to adjacent property owners expanding or developing on their industrial properties. If the LID includes improvements along other properties, those owners may be more inclined to pursue new and expanded industrial development adjacent to the Proposed Development.

ALTERNATIVES:

The City can implement its standard approach of requiring the Applicant to construct the projects and issue systems development charges credits for the portion that is not the Applicant's proportionate responsibility. However, such an approach appears not practical due to the significant street improvement needs.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Resolution No. 3112
2. Draft Memorandum of Understanding with Property Owner and Applicant

RESOLUTION NO. 3112**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING A PRELIMINARY ENGINEERING REPORT TO CONSIDER POSSIBLE FORMATION OF A LOCAL IMPROVEMENT DISTRICT FOR PUBLIC IMPROVEMENTS TO SW PARKWAY AVENUE AND SW PRINTER PARKWAY.**

WHEREAS, the City of Wilsonville ("City") is currently processing a land use application to partition the real property located at 26600 SW Parkway Avenue, Wilsonville, Oregon (the "Property") and to construct a manufacturing/warehouse facility on the Property (the "Proposed Development"); and

WHEREAS, SW Parkway Avenue is a public street designated in the City's Transportation System Plan ("TSP") as a minor arterial and freight route and is adjacent to the Property to the east; and

WHEREAS, SW Printer Parkway is a public access drive designated in the City's Transportation System Plan ("TSP") as a collector and runs east-to-west adjacent-to and through the Property; and

WHEREAS, requirements in the City Code, Public Works Standards, and TSP require SW Parkway Avenue and SW Printer Parkway to be upgraded in conformance with their designations; and

WHEREAS, the City, the Property Owner, and the Applicant recognize that these improvements require significant financial investment; and

WHEREAS, the requirements regarding timing of constructing the improvements, particularly considering the lack of currently available funding sources, are problematic to the Proposed Development; and

WHEREAS, one funding resource that may represent a practical solution to construct these improvements is the formation of a local improvement district; and

WHEREAS, the City, the Property Owner, and the Applicant recognize that the scope of the projects in such a local improvement district is unknown, as other adjacent industrial property owners may benefit from such improvements and may also have an interest in continuation of the street improvements adjacent to their properties; and

WHEREAS, a preliminary engineering report that investigates the scope, cost, properties, and feasibility of a local improvement district is necessary to determine whether to further pursue a local improvement district.

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

Section 1. Findings. The above-stated recitals and the Staff Report accompanying this Resolution are incorporated by reference as if fully set forth herein as the findings of the City Council.

Section 2. The City Council authorizes a preliminary engineering report to investigate the scope, cost, properties, projects, and feasibility of a local improvement district for street improvements and any other related public improvements to SW Parkway and SW Printer Parkway.

Section 3. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4th day of March, 2024, 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

MEMORANDUM OF UNDERSTANDING FOR ESTABLISHING A LOCAL IMPROVEMENT DISTRICT TO PROVIDE PUBLIC INFRASTRUCTURE IMPROVEMENTS

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made and entered into as of the ____ day of _____ 2024 (“Effective Date”) by and between the **City of Wilsonville**, an Oregon municipal corporation (“City”) and **ScanlanKemperBard Companies, LLC**, an Oregon limited liability company and **SKB-Parkworks, LLC**, a Delaware limited partnership (collectively “SKB”). The City and SKB may each be referred to herein as “Party” and collectively as the “Parties.”

RECITALS

A. SKB-Parkworks, LLC owns the real property located at 26600 SW Parkway Avenue, Wilsonville, Clackamas County, Oregon (the “Property”).

B. SKB proposes to partition the Property into two parcels – proposed Parcel 5 and Parcel 6 – with Parcel 6 housing the existing development and Parcel 5 serving as the location for a new industrial manufacturing/warehouse development (the “Proposed Development”). If approved, the Proposed Development will consist of a 91,773 square-foot building and related improvements which would front SW Parkway Avenue to the west (“Parkway”) and SW Printer Parkway to the north (“Printer Parkway”).

C. The Parties have actively negotiated in good faith to resolve outstanding issues surrounding the City’s requirements for improvements to Parkway and Printer Parkway along SKB’s frontage (“Street Improvements”).

D. The Parties acknowledge that neither is well-positioned to carry the burden of constructing the Street Improvements with compensation provided by the other Party due to the uncertainty of construction costs and timing of payments.

E. As a result of the ongoing negotiations, the Parties understand that the formation of a local improvement district, pursuant to ORS 223.387 *et seq.* (“LID”), appears to be an appropriate method to fund the Street Improvements and for the City to finance construction of the Street Improvements.

F. This MOU provides the Parties with a framework to continue to cooperatively engage with one another to establish a LID (the “Project”). This MOU is not otherwise binding to either Party to require the formation of a LID.

NOW, THEREFORE, in the context of the above Recitals, and in the interest of furthering negotiations and achieving a fair and reasonable result, the City and SKB acknowledge the following Mutual Understandings:

MUTUAL UNDERSTANDINGS

1. Project Managers. The City's Project Manager is _____ [insert name, email, phone]. SKB's Project Manager is _____ [insert name, email, phone].

2. Communication. The Project Managers will coordinate regularly (not less than monthly) regarding Project progress and issues encountered. At a minimum, this will consist of a phone call, but may also include in-person meetings as requested by either Party.

3. Timeline. The Parties will endeavor to meet the following timeline for establishing a LID:

3.1. Resolution for Preliminary Engineer's Report. On March 4, 2024, the City intends to provide to the City Council for consideration a resolution to direct the City to pursue a preliminary engineering report to recommend the LID boundary, infrastructure improvements, and estimated costs.

3.2. Intergovernmental Agreement. The City will pursue an intergovernmental agreement ("IGA") with the City of Portland for technical assistance regarding the formation and implementation of a LID. Assuming the City of Portland's willingness, the City anticipates City Council consideration of an IGA on or before May 20, 2024.

3.3. Property Owner Outreach. The Parties will collaborate on outreach to adjacent property owners to discuss the possibility of inclusion in a LID. The Parties intend to promote a LID as a reasonable financing tool for public infrastructure that is needed for both private development and public benefit.

3.4. Procedural Resolution. The Parties will collaborate on drafting a procedural resolution described in ORS 223.389(1) for City Council consideration, anticipated to occur in Summer or Fall 2024.

3.5. Enacting Resolution. The Parties will collaborate on drafting a resolution establishing the LID and the assessments against each benefiting property for City Council consideration, anticipated to occur early in calendar year 2025.

4. Duration. The term of this MOU will be from the Effective Date until passage of an enacting resolution described in subsection 3.5 above or not later than twenty-four (24) months from the Effective Date, whichever is earlier.

5. Due Diligence. The City and its authorized representatives, consultants, contractors, agents, and employees may conduct due diligence and inspections of the Property, including such physical, legal, and engineering inspections, tests, and investigations as it may deem necessary or desirable, including soils and environmental studies along, within, over, under, and adjacent to Parkway and Printer Parkway for the purpose of determining scope, type, need, and feasibility of public infrastructure. Such studies and investigations may include, without

limitation, environmental, title, design review, project feasibility, and related matters (the “Due Diligence Information”). The scope and cost of the due diligence and inspections shall be the responsibility of the City but the City may elect to include such costs as reimbursement in a future LID assessment. The City, or its authorized representatives, consultants, contractors, or agents, will repair or restore any damage caused by the entry of or testing by the City or its authorized representatives, consultants, contractors, agents, and employees upon or under the Property.

5.1. SKB Approval to Enter Site. Prior to the City or its authorized representatives, consultants, contractors, agents, and employees commencing any onsite due diligence, the City will request, no less than seventy-two hours (72) hours prior to entry, to the SKB Project Manager approval to enter the site and to conduct specific testing. SKB’s approval to enter the site and to conduct testing will not be unreasonably withheld.

6. Communications with the Public and Property Owners. Both Parties shall work in good faith to coordinate Project-related public communications, including press releases, statements to the media, public testimony, and communications to adjacent property owners.

7. Miscellaneous Provisions.

7.1. Integration. This MOU, including all exhibits attached hereto, contains the entire and integrated understanding between the Parties and supersedes all prior written or oral discussions, representations, or agreements. In case of conflict among these or any other documents, the provisions of this MOU shall control.

7.2. No Assignment. SKB may not assign this MOU, nor delegate the performance of any obligations hereunder, unless agreed to in advance and in writing by the City.

7.3. Governing Law. This MOU shall be construed in accordance with and governed by the laws of the State of Oregon, regardless of any conflicts of laws.

7.4. Jurisdiction. Jurisdiction and venue for any dispute will be in Clackamas County Circuit Court, Clackamas County, Oregon.

7.5. Modification. This MOU may not be modified except by written instrument executed by SKB and the City.

7.6. Good Faith and Cooperation. The Parties agree that they will exercise good faith, cooperation, and due diligence in the performance of all understandings set forth in this MOU

7.7. Interpretation. The Parties acknowledge that this MOU has been collaboratively prepared by the Parties, and any uncertainty or ambiguity existing within the MOU shall not be construed against any Party.

7.8. Counterparts. This MOU may be executed in one or more counterparts, each of which shall constitute an original MOU but all of which together shall constitute one and the same instrument.

7.9. Authority. Each party signing on behalf of SKB and the City hereby warrants actual authority to bind their respective party.

IN WITNESS WHEREOF, each Party has caused its authorized representative to execute this MOU on its behalf.

**SCANLANKEMPERBARD
COMPANIES, LLC**

By: _____

Print Name: _____

As Its: _____

CITY OF WILSONVILLE

By: _____

Print Name: _____

As Its: _____

SKB-PARKWORKS, LLC

By: _____

Print Name: _____

As Its: _____

APPROVED AS TO FORM:

Christe White, Counsel for SKB

Amanda Guile-Hinman, City Attorney
City of Wilsonville, Oregon

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CITY COUNCIL MEETING STAFF REPORT

Meeting Date: March 4, 2024		Subject: Resolution No. 3120 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: March 4, 2024 <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 checked="" 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. 3120.			
Recommended Language for Motion: I move to adopt Resolution No. 3120.			
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 fiscal year 2023-2024 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 unanticipated changes to legal appropriations, of \$4,110,397. This includes:

- a. Parks and Recreation: To account for Metro grant revenue for park purchase - \$1,387,200
- b. Public Works: Increased utility costs of new Public Works complex - \$50,000
- c. Water Capital Improvements:
 - CIP 1139 (5th Street / Kinsman Extension Water Line) - \$27,394
 - CIP 1155 (Boeckman Road Water Relocation) - \$550,000
 - CIP 1156 (Basalt Creek Parkway Water Line) - \$58,995
- d. Sewer Capital Improvements:
 - CIP 2100 (Boberg Diversion Structure) - \$20,704
 - CIP 2102 (Boeckman Road Sanitary Improve. – Frog Pond) - \$1,174,702
 - CIP 2109 (Wastewater Treatment Plant UV Disinfection Replacement) - \$97,975
- e. Roads Capital Improvement:
 - CIP 3001 (Frog Pond / Advance Road Master Planning) - \$134,975
- f. Street Capital Improvement:
 - CIP 4212 (Boeckman Dip Bridge) - \$32,672
- g. Stormwater Capital Improvement:
 - CIP 7064 (Stormwater Master Plan Update) - \$26,928
- h. Facilities Capital Improvements:
 - CIP 8113 (Public Works Complex) - \$350,000
- i. Parks Capital Improvements:
 - CIP 9087 (Tree Mitigation – Non-White Oaks) - \$16,000
 - CIP 9171 (Boones Ferry Master Plan Implementation) - \$50,000
 - CIP 9175 (Frog Pond West Neighborhood Park) - \$110,000
 - CIP 9179 (Urban Forest Climate Resilience CIP) - \$22,852

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 February 22, 2024. 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 March 4, 2024 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. Resolution No. 3120
 - A. Exhibit A - Need, Purpose and Amount: Detail by Fund & Category

RESOLUTION NO. 3120**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 3120; 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 4th day of March, 2024, 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

ATTACHMENT:

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

ATTACHMENT A NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

		Current Appropriations	Change in Appropriations	Amended Appropriations
110-General Fund				
Resources				
	Taxes	\$ 15,090,000	\$ -	\$ 15,090,000
	Licenses and permits	242,800	-	242,800
	Intergovernmental	2,715,173	1,387,200	4,102,373
	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	5,057,396	31,892	5,089,288
	Fund balances - beginning	18,658,339	-	18,658,339
	Total Resources	\$ 43,928,022	\$ 1,419,092	\$ 45,347,114
Requirements				
	Administration	\$ 2,226,115	\$ -	\$ 2,226,115
	Finance	1,873,530	-	1,873,530
	Information Technology/GIS	1,800,068	-	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	2,694,167	-	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	9,277,843	1,611,027	10,888,870
	Contingency	5,017,392	(191,935)	4,825,457
	<i>Unappropriated</i>	3,642,200	-	3,642,200
	Total Requirements	\$ 43,928,022	\$ 1,419,092	\$ 45,347,114
<p>Resource increases are due to overhead from CIP changes, and Metro grant funding for park purchase. Requirement increases are to fund: park purchase, Frog Pond/Advance Road Master Planning (CIP 3001), Tree Mitigation - Non-White Oaks (CIP 9087), Boones Ferry Master Plan Implementation (CIP 9171), and Urban Forest Climate Resilience (CIP 9179).</p>				

231-Community Development Fund				
Resources				
	Licenses and permits	\$ 848,302	\$ -	\$ 848,302
	Intergovernmental	21,713	-	21,713
	Charges for services	747,714	-	747,714
	Investment Revenue	44,400	-	44,400
	Transfers in	3,335,385	108,550	3,443,935
	Fund balances - beginning	1,455,375	-	1,455,375
	Total Resources	\$ 6,452,889	\$ 108,550	\$ 6,561,439
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	729,639	-	729,639
	Contingency	336,906	108,550	445,456
	<i>Unappropriated</i>	897,700	-	897,700
	Total Requirements	\$ 6,452,889	\$ 108,550	\$ 6,561,439
Resource increases are due to overhead from CIP changes.				
240-Road Operating Fund				
Requirements				
	Road Operations	\$ 1,440,582	\$ -	\$ 1,440,582
	Debt Service	358,000	-	358,000
	Transfers to Other Funds	2,708,462	87,500	2,795,962
	Contingency	966,917	(87,500)	879,417
	<i>Unappropriated</i>	228,500	-	228,500
	Total Requirements	\$ 5,702,461	\$ -	\$ 5,702,461
Requirement increase to fund Public Works Complex (CIP 8113).				
510-Water Operating Fund				
Requirements				
	Water Distribution	\$ 1,687,774	\$ -	\$ 1,687,774
	Water Treatment Plant	4,745,889	-	4,745,889
	Debt Service	371,000	-	371,000
	Transfers to Other Funds	12,343,417	696,495	13,039,912
	Contingency	9,580,988	(696,495)	8,884,493
	<i>Unappropriated</i>	1,148,000	-	1,148,000
	Total Requirements	\$ 29,877,068	\$ -	\$ 29,877,068
Requirement increase to fund Boeckman Road Water Relocation (CIP 1155), Basalt Creek Parkway Water Line (CIP 1156), and Public Works Complex (CIP 8113).				

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	12,328,059	1,380,881	13,708,940
Contingency	1,707,817	(1,380,881)	326,936
<i>Unappropriated</i>	915,000	-	915,000
Total Requirements	\$ 22,527,799	\$ -	\$ 22,527,799
Requirement increase to fund Boberg Diversion Structure (CIP 2100), Boeckman Road Sanitary Improvements (CIP 2102), Wastewater Treatment Plant UV Disinfection Replacement (CIP 2109), and Public Works Complex (CIP 8113).			
570-Stormwater Fund			
Requirements			
Stormwater Maintenance	\$ 1,155,160	\$ -	\$ 1,155,160
Debt Service	838,000	-	838,000
Transfers to Other Funds	7,145,858	100,964	7,246,822
Contingency	730,891	(100,964)	629,927
<i>Unappropriated</i>	232,000	-	232,000
Total Requirements	\$ 10,101,909	\$ -	\$ 10,101,909
Requirement increase to fund Stormwater Master Plan Update (CIP 7064), and Public Works Complex (CIP 8113).			
515-Water Capital Projects Fund			
Resources			
Intergovernmental	\$ 5,418,987	\$ -	\$ 5,418,987
Investment Revenue	40,000	-	40,000
Lease Revenue	173,577	-	173,577
Transfers in	20,314,517	636,389	20,950,906
Fund balances - beginning	1,333,218	-	1,333,218
Total Resources	\$ 27,280,299	\$ 636,389	\$ 27,916,688
Requirements			
Capital Projects	\$ 24,563,592	\$ 609,640	\$ 25,173,232
Transfers to Other Funds	1,110,928	26,749	1,137,677
Contingency	1,605,779	-	1,605,779
Total Requirements	\$ 27,280,299	\$ 636,389	\$ 27,916,688
Resource increase is for capital improvement project changes. Requirement increases are to fund 5th Street / Kinsman Extension Water Line (CIP 1139), Boeckman Road Water Relocation (CIP 1155), and Basalt Creek Parkway Water Line (CIP 1156), with transfers to other funds for overhead costs.			

525-Sewer Capital Projects Fund				
Resources				
	Investment Revenue	\$ 1,500	\$ -	\$ 1,500
	Transfers in	11,698,033	1,293,381	12,991,414
	Fund balances - beginning	56,323	-	56,323
	Total Resources	<u>\$ 11,755,856</u>	<u>\$ 1,293,381</u>	<u>\$ 13,049,237</u>
Requirements				
	Capital Projects	\$ 10,813,340	\$ 1,223,557	\$ 12,036,897
	Transfers to Other Funds	625,373	69,824	695,197
	Contingency	317,143	-	317,143
	Total Requirements	<u>\$ 11,755,856</u>	<u>\$ 1,293,381</u>	<u>\$ 13,049,237</u>
Requirement increases are to fund Boberg Diversion Structure (CIP 2100), Boeckman Road Sanitary Improvements - Frog Pond (CIP 2102), and Wastewater Treatment Plan UV Disinfection Replacement (CIP 2109), with transfer in from Sewer Operating Fund.				
345-Road Capital Projects Fund				
Resources				
	Intergovernmental	\$ 528,077	\$ -	\$ 528,077
	Investment Revenue	60,000	-	60,000
	Transfers in	23,741,747	38,286	23,780,033
	Fund balances - beginning	3,525,766	-	3,525,766
	Total Resources	<u>\$ 27,855,590</u>	<u>\$ 38,286</u>	<u>\$ 27,893,876</u>
Requirements				
	Capital Projects	\$ 26,075,810	\$ -	\$ 26,075,810
	Transfers to Other Funds	1,275,046	38,286	1,313,332
	Contingency	504,734	-	504,734
	Total Requirements	<u>\$ 27,855,590</u>	<u>\$ 38,286</u>	<u>\$ 27,893,876</u>
Requirement increase for Frog Pond / Advance Road Master Planning (CIP 3001) with transfer in from Road Operating Fund.				
575-Stormwater Capital Projects Fund				
Resources				
	Investment Revenue	\$ 300	\$ -	\$ 300
	Transfers in	7,059,507	26,928	7,086,435
	Fund balances - beginning	9,731	-	9,731
	Total Resources	<u>\$ 7,069,538</u>	<u>\$ 26,928</u>	<u>\$ 7,096,466</u>
Requirements				
	Capital Projects	\$ 6,373,695	\$ 11,525	\$ 6,385,220
	Transfers to Other Funds	377,752	15,403	393,155
	Contingency	318,091	-	318,091
	Total Requirements	<u>\$ 7,069,538</u>	<u>\$ 26,928</u>	<u>\$ 7,096,466</u>
Requirement increase for Strmwtr Master Plan Update, with transfer in from Stormwater Operating Fund and Stormwater SDC Fund.				

335-Facilities Capital Projects Fund				
Resources				
	Intergovernmental	\$ 200,000	\$ -	\$ 200,000
	Investment Revenue	45,000	-	45,000
	Transfers in	6,872,325	350,000	7,222,325
	Fund balances - beginning	5,621,398	-	5,621,398
	Total Resources	<u>\$ 12,738,723</u>	<u>\$ 350,000</u>	<u>\$ 13,088,723</u>
Requirements				
	Capital Projects	\$ 12,381,661	\$ 350,000	\$ 12,731,661
	Transfers to Other Funds	63,464	-	63,464
	Contingency	293,598	-	293,598
	Total Requirements	<u>\$ 12,738,723</u>	<u>\$ 350,000</u>	<u>\$ 13,088,723</u>
Requirement increase to fund Public Works Complex (CIP 8113), with transfer in from: Roads, Water, Sewer, and Stormwater Operating Funds.				
395-Parks Capital Projects Fund				
Resources				
	Licenses and permits	\$ 5,000	\$ -	\$ 5,000
	Investment Revenue	9,200	-	9,200
	Transfers in	6,991,829	88,852	7,080,681
	Fund balances - beginning	335,394	-	335,394
	Total Resources	<u>\$ 7,341,423</u>	<u>\$ 88,852</u>	<u>\$ 7,430,275</u>
Requirements				
	Capital Projects	\$ 6,509,069	\$ 66,000	\$ 6,575,069
	Transfers to Other Funds	306,060	22,852	328,912
	Contingency	526,294	-	526,294
	Total Requirements	<u>\$ 7,341,423</u>	<u>\$ 88,852</u>	<u>\$ 7,430,275</u>
Requirement increase to fund Tree Mitigation - Non-White Oaks (CIP 9087), Boones Ferry Master Plan Implementation (CIP 9171), and Urban Forest Climate Resilience (CIP 9179), with transfer in from the General Fund.				
516-Water Development Charges Fund				
Requirements				
	Materials & Services	\$ 26,980	\$ -	\$ 26,980
	Debt Service	452,000	-	452,000
	Transfers to Other Funds	9,487,826	27,394	9,515,220
	Contingency	1,215,133	(27,394)	1,187,739
	Total Requirements	<u>\$ 11,181,939</u>	<u>\$ -</u>	<u>\$ 11,181,939</u>
Requirement increase to fund 5th Street / Kinsman Extension Water Line (CIP 1139).				

336-Frog Pond West Fund			
Requirements			
Materials & Services	\$ 36,180	\$ -	\$ 36,180
Transfers to Other Funds	4,447,454	110,000	4,557,454
Contingency	1,561,705	(110,000)	1,451,705
Total Requirements	<u>\$ 6,045,339</u>	<u>\$ -</u>	<u>\$ 6,045,339</u>
Requirement increase to fund parks capital improvement projects.			
576-Stormwater Development Charges Fund			
Requirements			
Materials & Services	\$ 5,980	\$ -	\$ 5,980
Transfers to Other Funds	1,140,868	13,464	1,154,332
Contingency	3,220,984	(13,464)	3,207,520
Total Requirements	<u>\$ 4,367,832</u>	<u>\$ -</u>	<u>\$ 4,367,832</u>
Requirement increase to fund Stormwater Master Plan Update (CIP 7064).			



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: March 4, 2024		Subject: Ordinance No. 889 – 1st Reading Coffee Creek Code Amendments	
		Staff Member: Cindy Luxhoj AICP, Associate Planner	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: March 4, 2024 <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: March 4, 2024 <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: March 18, 2024 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable	
		Comments: The Planning Commission adopted Resolution No. LP24-0001 on February 14, 2024, recommending adoption of the Coffee Creek Code Amendments by City Council	
Staff Recommendation: Staff recommends Council adopt Ordinance 889 on 1 st Reading.			
Recommended Language for Motion: I move to adopt Ordinance No. 889 on 1 st Reading.			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Attract high-quality industry and increase investment in industrial areas	<input checked="" type="checkbox"/> Adopted Master Plan(s): Coffee Creek Master Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Proposed Development Code amendments of the Coffee Creek Industrial Design Overlay District in Section 4.134 of City Code to more closely align the standards with current and future needs of prospective industrial users while not compromising the City's ability to continue creating a connected, high-quality employment center in Coffee Creek.

EXECUTIVE SUMMARY:

At the September 18 and December 18, 2023 City Council work sessions, staff presented the results of the assessment of the Coffee Creek Industrial Design Overlay District form-based code (FBC) and recommended minor modifications to the standards. The objective of the Development Code amendments is to enable applicants to use the Class 2 Administrative Review track while not compromising the City's ability to continue creating a connected, high-quality employment center in Coffee Creek.

Specifically, staff identified the following nine standards in Table CC-3 and Table CC-4 of Subsection 4.134 (.11) to which minor modifications are warranted, as summarized below:

- **Table CC-3: Site Design**

- Parcel Access: Parcel Driveway Width – Modify to include two driveway width maximums, one for trucks and one for passenger vehicles
- Parcel Pedestrian Access: Parcel Pedestrian Access Width – Modify to limit where an access width of eight feet is required
- Parking Location and Design: Parking Location and Extent – Modify to eliminate the parking bay limitation and require 50% of spaces to be designated for short-term uses
- Grading and Retaining Walls: Maximum Height; Retaining Wall Design – Modify to increase allowed height of walls not visible from adjacent streets and clarify meaning of “horizontal offset” by providing explanatory text

- **Table CC-4: Building Design**

- Primary Building Entrance: Accessible Entrance; Required Canopy – Modify to increase the allowed adjustment for canopy height from 10% to 20% and add a footnote to Table CC-4 to allow corresponding reduction in minimum height of the primary building entrance and ground floor when an applicant elects to use the allowed adjustment to reduce required canopy height
- Overall Building Massing: Allowance of Primary Building Entrance; Ground Floor Height – Modify to add a footnote allowing reduction in height of building entrance and ground floor corresponding to canopy height reduction
- Overall Building Massing: Base Design – Add “and/or” after “finish” under (a.) to clarify the intent of the standard

The final draft of the proposed Development Code amendments (Attachment 1, Exhibit A) incorporates minor modifications to the standards based on feedback from stakeholders and comments received by Planning Commission and City Council at work sessions in fall 2023. The Planning Commission held a public hearing on LP24-0001 on February 14, 2024, and recommended that the City Council adopt the proposed Development Code amendments. Planning Commission Resolution LP24-0001 and the associated record and findings of fact are attached as Exhibit B to Ordinance 889.

EXPECTED RESULTS:

City Council adoption of the proposed Development Code amendments to make compliance with the Class 2 Administrative Review process more achievable for applicants in the Coffee Creek Industrial Design Overlay District.

TIMELINE:

The public hearing is scheduled with the City Council on March 4, 2024, with second reading scheduled for March 18, 2024.

CURRENT YEAR BUDGET IMPACTS:

Funding for the Coffee Creek Code Assessment work is allocated in the fiscal year 2023-2024 Planning Division budget.

COMMUNITY INVOLVEMENT PROCESS:

The Coffee Creek Master Plan, as well as the Coffee Creek Industrial Design Overlay District drafting and review process, included comprehensive community involvement to gather input. For the current Coffee Creek Code Assessment project, staff has focused on gathering input from recent applicants and their consultant teams to inform the evaluation and provide input on the process and standards to inform the recommended Development Code amendments.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Refinement of the Coffee Creek form-based code to facilitate future development while continuing to create the desired connected, high-quality employment center envisioned in the Master Plan will result in efficiencies for future industrial users, as well as inform planning for the Basalt Creek industrial area to the north, which will benefit all members of the Wilsonville community who live nearby and work in these industrial areas.

ALTERNATIVES:

- Adopt the proposed amendments.
- Make no modifications to the Coffee Creek Industrial Design Overlay District standards.
- Propose alternative modifications to the Coffee Creek Industrial Design Overlay District Code standards.
- Modify the Coffee Creek Industrial Design Overlay District standards related to the land use review process for applicants.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Ordinance No. 889
 - A. Proposed Development Code Amendments – February 2024
 - B. Resolution No. LP24-0001 Planning Commission Record

ORDINANCE NO. 889**AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING THE TEXT OF THE DEVELOPMENT CODE TO MAKE MINOR MODIFICATIONS TO THE COFFEE CREEK INDUSTRIAL DESIGN OVERLAY DISTRICT STANDARDS.**

WHEREAS, in 2018, the City adopted Ordinance No. 812, which amended Section 4.134 of the Wilsonville Development Code and adopted the Coffee Creek Industrial Design Overlay District Form-based Code and Pattern Book to create standards supporting development of employment lands in the Coffee Creek Industrial Area; and

WHEREAS, to facilitate a predictable and timely process for reviewing industrial development applications in Coffee Creek, two land use review tracks were established, including Class 2 Administrative Review of applications meeting all the clear and objective standards of the Form-based Code, and Development Review Board review of applications requesting one or more waivers to the standards; and

WHEREAS, the City also modified procedures governing City Council review of annexations and Zone Map amendments in Coffee Creek to allow for City Council review of the requests without prior review or recommendation by the Development Review Board, thus facilitating concurrent processing with other related development permit applications for a project, such as Stage 1, Stage 2, Site Design Review, etc.; and

WHEREAS, when adopted, the Form-based Code standards and review process was subject to a pilot period of three completed development applications or five years, whichever came first; and

WHEREAS, during the pilot period, certain metrics were to be tracked including, but not limited to, number and type of requested waivers, time to approval, and quantity of testimony at public hearing or via other means; a survey of applicants was to be conducted upon conclusion of the land use review process to gain feedback from a customer service standpoint; and nearby citizens, if any, were to be surveyed to understand any questions or concerns about the Class 2 Administrative Review process; and

WHEREAS, the conclusion of the pilot period would allow an opportunity to modify the Form-based Code standards and implementation process, as needed, to ensure that they meet

the overall objective of providing a clear development review process that fosters the creation of a connected, high-quality employment center in Coffee Creek; and

WHEREAS, as of 2023, both pilot period milestones had been achieved, with four completed industrial development projects in various stages of construction throughout the Coffee Creek area within five years of adoption of the Form-based Code and Pattern Book; and

WHEREAS, in 2023, in accordance with the pilot period guidance, the City initiated review of the Coffee Creek standards in Section 4.134 of the Wilsonville Development Code to determine whether modifications are warranted to the standards, process, or both; and

WHEREAS, no public comments were received and no testimony was presented at public hearing for any of the four industrial development projects; and

WHEREAS, none of the applications were processed as a Class 2 Administrative Review and, therefore, no nearby citizens expressed any questions or concerns about the process; and

WHEREAS, the assessment included a review of the timeline to land use approval for the four completed development projects in Coffee Creek, a compilation of types of waivers to the Form-based Code standards requested by applicants that triggered review by the Development Review Board, and focused discussions with applicants and their consultant teams to gain feedback from a customer service standpoint about the Form-based Code and understand in more depth which of the standards could more closely align with current and future needs of prospective industrial users in the Coffee Creek area; and

WHEREAS, based on this review, the City determined that modification of the land use review tracks and process for application review is not needed, but minor modifications to the standards are warranted to make compliance more achievable for applicants, thus enabling applicants to use the Class 2 Administrative Review track for development that meets all the clear and objective standards; and

WHEREAS, at work sessions in September and December 2023, the Planning Commission and City Council were presented with information about the Coffee Creek Assessment, and reviewed and provided input on recommended Code amendments to achieve the objectives outlined above; and

WHEREAS, minor modifications to the Form-based Code standards of Wilsonville Development Code Section 4.134 will make compliance more achievable for applicants, streamline development review in the Coffee Creek Industrial Design Overlay District, and provide clarity for applicants, staff, and the public while not compromising the City's ability to continue creating a connected, high-quality employment center in Coffee Creek; and

WHEREAS, the Planning Commission has the authority to review and make recommendations to City Council regarding legislative changes to the Development Code pursuant to 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 set forth in Wilsonville Development Code 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 February 14, 2024, 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. LP24-0001 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 set forth in Sections 4.008, 4.012 and 4.197; 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 March 4, 2024, 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. LP24-0001, 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 4th day of March, 2024, and scheduled the second reading on the 18th day of March, 2024, 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 4th day of March, 2024, by the following votes:

Yes: _____ No: _____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this 4th day of March, 2024.

JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Linville

Councilor Berry

Councilor Dunwell

EXHIBITS:

- A. Proposed Development Code Amendments – February 2024
- B. Planning Commission Resolution No. LP24-0001 and Record

Proposed Development Code Amendments – February 2024

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

Section 4.134. Coffee Creek Industrial Design Overlay District.

(.11) *Development Standards Table*. Areas bounded by Addressing Streets, Supporting Streets and Through Connections shall be designated as a Parcel and subject to the Development Standards in Tables CC-1 through CC-4.

Table CC-3: Site Design			
	Addressing Streets	Supporting Streets	Through Connections
1. Parcel Access			
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none"> Section 4.177(.02) for street design; Section 4.177(.03) to (.10) for sidewalks, bike facilities, pathways, transit improvements, access drives & intersection spacing. The following Development Standards are adjustable: <ul style="list-style-type: none"> Parcel Driveway Spacing: 20% Parcel Driveway Width: 10% 		
Parcel Driveway Access	Not applicable	Limited by connection spacing standards Parcel Driveway Access may be employed to meet required connectivity, if it complies with Supporting Street Standards for Connection Spacing and Connection Type, see Figure CC-6. Subject to approval by City Engineer	Limited by connection standards for motorized vehicle access. Parcel Driveway Access may be employed to meet required connectivity, if it complies with Through Connection Standards for Connection Spacing and Connection Type, see Figure CC-6. Subject to approval by City Engineer
Parcel Driveway Spacing	Not applicable	150 feet, minimum See Figure CC-6	150 feet, minimum See Figure CC-6
Parcel Driveway Width	Not applicable	24 feet, maximum or complies with Supporting Street Standards <u>for primary driveway providing access for passenger vehicles, light delivery, etc.</u> <u>40 feet, maximum for secondary driveway providing access for heavy delivery vehicles, large trucks, etc.</u>	24 feet, maximum or complies with Through Connection Standards <u>for primary driveway providing access for passenger vehicles, light delivery, etc.</u> <u>40 feet, maximum for secondary driveway providing access for heavy delivery vehicles, large trucks, etc.</u>
2. Parcel Pedestrian Access			
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none"> Section 4.154 (.01) for separated & direct pedestrian connections between parking, entrances, street right-of-way & open space Section 4.167 (.01) for points of access 		
Parcel Pedestrian Access Spacing	No restriction		

Parcel Pedestrian Access Width	8 feet wide, minimum for pedestrian connections between the primary street frontage and Primary Building Entrance(s).		
Parcel Pedestrian Access to Transit	Provide separated & direct pedestrian connections between transit stops and parking, entrances, street right-of-way & open space.		
3. Parcel Frontage			
Parcel Frontage, Defined	Parcel Frontage shall be defined by the linear distance between centerlines of the perpendicular Supporting Streets and Through-Parcel Connections. Where Parcel Frontage occurs on a curved segment of a street, Parcel Frontage shall be defined as the linear dimension of the Chord.		
Primary Frontage, Defined	The Primary Frontage is the Parcel Frontage on an Addressing Street. If the parcel is not bounded by Addressing Streets, it is the Parcel Frontage on a Supporting Street. See Figure CC-5.		
Parcel Frontage Occupied by a Building	A minimum of 100 feet of the Primary Frontage shall be occupied by a building. The maximum Primary Frontage occupied by a building shall be limited only by required side yard setbacks.	No minimum	
4. Parking Location and Design			
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none">• Section 4.155 (03) Minimum and Maximum Off-Street Parking Requirements• Section 4.155 (04) Bicycle Parking• Section 4.155 (06) Carpool and Vanpool Parking Requirements• Section 4.176 for Parking Perimeter Screening and Landscaping—permits the parking landscaping and screening standards as multiple options The following Development Standards are adjustable: <ul style="list-style-type: none">• Parking Location and Extent: up to 20 spaces permitted on an Addressing Street		
Parking Location and Extent	Limited to one double-loaded bay of parking , 16 spaces, maximum, 50% of spaces designated for short-term (1 hour or less), visitor, and disabled parking only between right-of-way of Addressing Street and building.	Parking is permitted between right-of-way of Supporting Street and building.	Parking is permitted between right-of-way of Through Connection and building.
Parking Setback	20 feet minimum from the right-of-way of an Addressing Street.	15 feet minimum from the right-of-way of a Supporting Street.	10 feet minimum from the right-of-way of a Through Connection.
Parking Lot Sidewalks	Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, sidewalks adjacent to the curbs shall be increased to a minimum of seven (7) feet in depth.	Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planted areas adjacent to the curbs shall be increased to a minimum of nine (9) feet in depth.	
Parking Perimeter Screening and Landscaping	Screen parking area from view from Addressing Streets and Supporting Streets by means of one or more of the following: <ul style="list-style-type: none">a. General Landscape Standard, Section 4.176 (.02) C.b. Low Berm Standard, Section 4.176 (.02) E., except within 50 feet of a perpendicular Supporting Street or Through Connection as measured from the centerline.		Screen parking area from view from Through Connections by means of <ul style="list-style-type: none">a. Low Screen Landscape Standard, Section 4.176(.02) D., orb. High Screen Landscaping Standard, Section 4.176(.02)F., or

		c. High Wall Standard, Section 4.176(.02)G., or d. Partially Sight-obscuring Fence Standard, Section 4.176(.02)I.
Off-Street Loading Berth	One loading berth is permitted on the front façade of a building facing an Addressing Street. The maximum dimensions for a loading are 16 feet wide and 18 feet tall. A clear space 35 feet, minimum is required in front of the loading berth. The floor level of the loading berth shall match the main floor level of the primary building. No elevated loading docks or recessed truck wells are permitted. Access to a Loading Berth facing an Addressing Street may cross over, but shall not interrupt or alter, a required pedestrian path or sidewalk. All transitions necessary to accommodate changes in grade between access aisles and the loading berth shall be integrated into adjacent site or landscape areas. Architectural design of a loading berth on an Addressing Street shall be visually integrated with the scale, materials, colors, and other design elements of the building.	No limitation. Shall meet minimum standards in Section 4.155(.05).
Carpool and Vanpool Parking	No limitation	
5. Grading and Retaining Walls		
General	The following Development Standards are adjustable: <ul style="list-style-type: none">Retaining Wall Design: 20%	
Maximum height	Where site topography requires adjustments to natural grades, landscape retaining walls shall be 48 inches tall maximum <u>when visible from adjacent streets and 60 inches tall maximum when visible only to users from within a site.</u> Where the grade differential is greater than 30 inches, retaining walls may be stepped.	
Required Materials	Materials for retaining walls shall be unpainted cast-in-place, exposed-aggregate, or board-formed concrete; brick masonry; stone masonry; or industrial-grade, weathering steel plate.	
Retaining Wall Design	Retaining walls longer than 50 linear feet shall <u>be tiered,</u> introducing a 5-foot, minimum horizontal offset <u>between the lowest part and upper part(s) of the wall</u> to reduce their apparent mass.	
6. Planting		
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none">Section 4.176 Landscaping and Screening Standards	
Landscaping Standards Permitted	General Landscape Standard, Section 4.176(.02	General Landscape Standard, Section

	C. Low Berm Standard, Section 4.176(.02)E., except within 50 feet of a perpendicular Supporting Street or Through Connection as measured from the centerline	4.176(.02)C. Low Screen Landscape Standard, Section 4.176(.02)D. Screen loading areas with High Screen Landscaping Standard, Section 4.176(.02)F., and High Wall Standard, Section 4.176(.02)G.	
7. Location and Screening of Utilities and Services			
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none"> Sections 4.179 and 4.430. Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings 		
Location and Visibility	Site and building service, equipment, and outdoor storage of garbage, recycling, or landscape maintenance tools and equipment is not permitted	Site and building service, utility equipment, and outdoor storage of garbage, recycling, or landscape maintenance tools and equipment is not permitted within the setback	No limitation
Required Screening	Not permitted	High Screen Landscaping Standard, Section 4.176(.02)F. and/or High Wall Standard, Section 4.176 (.02) G.	

Table CC-4: Building Design			
	Addressing Streets	Supporting Streets	Through Connections
1. Building Orientation			
Front Façade	Buildings shall have one designated front façade and two designated side façades. If one of the streets or connections bounding a parcel is an Addressing Street, the front façade of the building shall face the Addressing Street. If two of the streets or connections bounding a parcel are Addressing Streets, the front façade of the building may face either Addressing Street, except when one of the Addressing Streets is Day Road. In that case, the front façade must face Day Road. If none of the bounding streets or connections is an Addressing Street, the front façade of the building shall face a Supporting Street. See Figure CC-5.		
Length of Front Façade	A minimum of 100 feet of the Primary Frontage shall be occupied by a building. The maximum Primary Frontage occupied by a building shall be limited only by required side yard setbacks.		
Articulation of Front Façade	Applies to a Front Façade longer than 175 feet that has more than 5,250 square feet of street-facing façade area: At least 10% of the street-facing façade of a building facing an Addressing Street must be divided into façade planes that are offset by at least 2 feet from the rest of the façade. Façade area used to meet this standard may be recessed behind, or project out from, the primary façade plane.		
2. Primary Building Entrance			
General	The following Development Standards are adjustable: <ul style="list-style-type: none">Required Canopy: 10% 20%Transparency: 20%		
Accessible Entrance *	The Primary Building Entrance shall be visible from, and accessible to, an Addressing Street (or a Supporting Street if there is no Addressing Street frontage). A continuous pedestrian pathway shall connect from the sidewalk of an Addressing Street to the Primary Building Entrance with a safe, direct and convenient path of travel that is free from hazards and provides a reasonably smooth and consistent surface consistent with the requirements of Americans with Disabilities Act (ADA). The Primary Building Entrance shall be 15 feet wide, minimum and 15 feet tall, minimum.		

Location	150 feet, maximum from right-of-way of an Addressing Street, see Figure CC-7.	150 feet, maximum from right-of-way of a Supporting Street, if there is no Addressing Street Frontage, see Figure CC-7.	
Visibility	Direct line of sight from an Addressing Street to the Primary Building Entrance.		
Accessibility	Safe, direct, and convenient path from adjacent public sidewalk.		
Required Canopy *	Protect the Primary Building Entrance with a canopy with a minimum vertical clearance of 15 feet and an all-weather protection zone that is 8 feet deep, minimum and 15 feet wide, minimum.		
Transparency	Walls and doors of the Primary Building Entrance shall be a minimum of 65% transparent.		
Lighting	The interior and exterior of the Primary Building Entrance shall be illuminated to extend the visual connection between the sidewalk and the building interior from day to night. Pathway lighting connecting the Primary Building Entrance to the adjacent sidewalk on an Addressing Street shall be scaled to the needs of the pedestrian. Comply with Outdoor Lighting, Section 4.199		
3. Overall Building Massing			
General	The following Development Standards are adjustable: <ul style="list-style-type: none">• Required Minimum Height: 10%• Ground Floor Height: 10%• Base, Body, and Top Dimensions: 10%• Base Design: 10%• Top Design: 10%		
Front Setback	30 feet, minimum, except as provided below	30 feet maximum	30 feet maximum
Allowance of Primary Building Entrance *	Where the Primary Building Entrance is located on an Addressing Street it may extend into the required front yard setback by 15 feet maximum provided that: <ul style="list-style-type: none">a. It has a two-story massing with a minimum height of 24 feet;b. The Parcel Frontage on the Addressing Street is limited to 100 feet;c. The building extension is 65% transparent, minimum;d. The entrance is protected with a weather-protecting canopy with a minimum vertical clearance of 15 feet; ande. The standards for site design and accessibility are met.	Not applicable	Not applicable
Required Minimum Height	30 feet minimum.		
Ground Floor Height *	The Ground Floor height shall measure 15 feet, minimum from finished floor to finished ceiling (or 17.5 feet from finished floor to any exposed structural member).		
Base, Body, and Top Dimensions	Buildings elevations shall be composed of a clearly demarcated base, body and top. <ul style="list-style-type: none">a. For Buildings 30 feet in height (unless lower by adjustment):<ul style="list-style-type: none">i. The base shall be 30 inches, minimum.ii. The body shall be equal to or greater than 75% of the overall height of the building.iii. The top of the building shall be 18 inches, minimum.b. For Buildings between 30 feet and 5 stories in height:<ul style="list-style-type: none">i. The base shall be 30 inches, minimum; 2 stories, maximum.ii. The body shall be equal to or greater than 75% of the overall height of the building.		

	<ul style="list-style-type: none"> iii. The top of the building shall be 18 inches, minimum. c. For Buildings greater than 6 stories in height: <ul style="list-style-type: none"> i. The base shall be 1 story, minimum, 3 stories, maximum. ii. The body shall be equal to or greater than 75% of the overall height of the building. iii. The top of the building shall be 18 inches, minimum.
Base Design	<p>The design of the building Base shall:</p> <ul style="list-style-type: none"> a. Use a material with a distinctive appearance, easily distinguished from the building Body expressed by a change in material, a change in texture, a change in color or finish; and/ or b. Create a change in surface position where the Base projects beyond the Body of the building by 1½ inches, minimum; and/or c. Low Berm Landscape Standard, Section 4.176(.02)E.
Top Design	<p>Building Tops define the skyline.</p> <p>The design of the Building Top shall:</p> <ul style="list-style-type: none"> a. Use a material with a distinctive appearance, easily distinguished from the building Body expressed by a change in material, a change in texture, a change in color or finish; and/ or b. Create a change in surface position where the Top projects beyond, or recesses behind, the Body of the building by 1½ inches, minimum.
Required Screening of Roof-mounted Equipment	<p>Screen roof-mounted equipment with architectural enclosures using the materials and design of the building Body and/ or the building Top. No roof-mounted equipment shall be visible from an Addressing Street or Supporting Street.</p>

*** When an applicant elects to use the allowed adjustment to reduce Required Canopy height to less than 15 feet, corresponding reduction in minimum height is allowed for Accessible Entrance, Allowance of Primary Building Entrance, and Ground Floor Height.**

*****No additional changes proposed in this section*****

PLANNING COMMISSION AND CITY COUNCIL MEETINGS

February 14, 2024 - Planning Commission Public Hearing
Resolution LP24-0001
Staff Report and Attachments
Presentation
Affidavit of Notice of Hearing

December 18, 2023 - City Council Work Session
Staff Report and Attachments
Presentation
Action Minutes

December 13, 2023 - Planning Commission Work Session
Staff Report and Attachments
Presentation
Minutes Excerpt

September 18, 2023 - City Council Work Session
Staff Report and Attachments
Presentation
Action Minutes

September 13, 2023 - Planning Commission Work Session
Staff Report and Attachments
Presentation
Minutes Excerpt

PUBLIC ENGAGEMENT

Summary of Feedback from Coffee Creek Form-Based Code Focused Discussions
2023 Focus Group Dates: September 7, July 27, July 24, July 20

COMMENTS/ARTICLES

None Received



PUBLIC HEARING

2. Coffee Creek Code Amendments (Luxhoj) (45 minutes)

**PLANNING COMMISSION
RESOLUTION NO. LP24-0001**

A RESOLUTION OF THE CITY OF WILSONVILLE PLANNING COMMISSION RECOMMENDING THE WILSONVILLE CITY COUNCIL AMEND THE TEXT OF THE DEVELOPMENT CODE TO MAKE MINOR MODIFICATIONS TO THE COFFEE CREEK INDUSTRIAL DESIGN OVERLAY DISTRICT STANDARDS.

WHEREAS, in 2018, the City adopted Ordinance No. 812, which amended Section 4.134 of the Wilsonville Development Code and adopted the Coffee Creek Industrial Design Overlay District Form-based Code and Pattern Book to create standards supporting development of employment lands in the Coffee Creek Industrial Area; and

WHEREAS, to facilitate a predictable and timely process for reviewing industrial development applications in Coffee Creek, two land use review tracks were established, including Class 2 Administrative Review of applications meeting all the clear and objective standards of the Form-based Code, and Development Review Board review of applications requesting one or more waivers to the standards; and

WHEREAS, the City also modified procedures governing City Council review of annexations and Zone Map amendments in Coffee Creek to allow for City Council review of the requests without prior review or recommendation by the Development Review Board, thus facilitating concurrent processing with other related development permit applications for a project, such as Stage 1, Stage 2, Site Design Review, etc.; and

WHEREAS, when adopted, the Form-based Code standards and review process was subject to a pilot period of three completed development applications or five years, whichever came first; and

WHEREAS, during the pilot period, certain metrics were to be tracked including, but not limited to, number and type of requested waivers, time to approval, and quantity of testimony at public hearing or via other means; a survey of applicants was to be conducted upon conclusion of the land use review process to gain feedback from a customer service standpoint; and nearby citizens, if any, were to be surveyed to understand any questions or concerns about the Administrative Review process; and

WHEREAS, the conclusion of the pilot period would allow an opportunity to modify the Form-based Code standards and implementation process, as needed, to ensure that they meet the overall objective of providing a clear development review process that fosters the creation of a connected, high-quality employment center in Coffee Creek; and

WHEREAS, as of 2023, both pilot period milestones had been achieved, with four completed industrial development projects in various stages of construction throughout the Coffee Creek area within five years of adoption of the Form-based Code and Pattern Book; and

WHEREAS, in 2023, in accordance with the pilot period guidance, the City initiated review of the Coffee Creek standards in Section 4.134 to determine whether modifications are warranted to the standards, process, or both; and

WHEREAS, no public comments were received and no testimony was presented at public hearing for any of the four industrial development projects; and

WHEREAS, none of the applications were processed as an Administrative Review and, therefore, no nearby citizens expressed any questions or concerns about the process; and

WHEREAS, the assessment included a review of the timeline to land use approval for the four completed development projects in Coffee Creek, a compilation of types of waivers to the Form-based Code standards requested by applicants that triggered review by the Development Review Board, and focused discussions with applicants and their consultant teams to gain feedback from a customer service standpoint about the Form-based Code and understand in more depth which of the standards could more closely align with current and future needs of prospective industrial users in the Coffee Creek area; and

WHEREAS, based on this review, the City determined that modification of the land use review tracks and process for application review is not needed, but minor modifications to the standards are warranted to make compliance more achievable for applicants, thus enabling applicants to use the Class 2 Administrative Review track for development that meets all the clear and objective standards; and

WHEREAS, at work sessions in September and December 2023, the Planning Commission and City Council were presented with information about the Coffee Creek Assessment, and

reviewed and provided input on recommended Code amendments to achieve the objectives outlined above; and

WHEREAS, minor modifications to the Form-based Code standards of Section 4.134 will make compliance more achievable for applicants, streamline development review in the Coffee Creek Industrial Design Overlay District, and provide clarity for applicants, staff, and the public while not compromising the City's ability to continue creating a connected, high-quality employment center in Coffee Creek; and

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

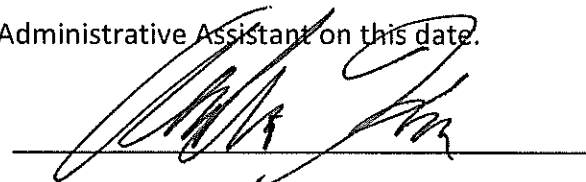
WHEREAS, following the timely mailing, posting, and publication of the required notice, the Planning Commission conducted a public hearing on February 14, 2024, to review the proposed Development Code amendments, and to gather additional testimony and evidence regarding the proposed amendments; and

WHEREAS, the Planning Commission has duly considered the subject, including the staff recommendation and all the exhibits and testimony introduced and offered by all interested parties.


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

- Section 1. The Wilsonville Planning Commission does hereby adopt the Planning Staff Report and Attachments (attached hereto as Exhibit A), as presented at the February 14, 2024 public hearing, including the findings and recommendations contained therein.
- Section 2. The Planning Commission does hereby recommend that the Wilsonville City Council adopt the proposed amendments to the Wilsonville Development Code.
- Section 3. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville Planning Commission at a regular meeting thereof this 14th day of February, 2024, and filed with the Planning Administrative Assistant on this date.


PLANNING COMMISSION CHAIR KARR

ATTEST:


Mandi Simmons, Administrative Assistant III

SUMMARY OF VOTES:

Andrew Karr, Chair

Ronald Heberlein, Vice-Chair

Matt Constantine

Nicole Hendrix

Sam Scull

Yana Semenova

Jennifer Willard

EXHIBITS:

A. Staff Report and Attachments



PLANNING COMMISSION MEETING STAFF REPORT

Meeting Date: February 14, 2024		Subject: Coffee Creek Code Amendments	
		Staff Members: Cindy Luxhoj AICP, Associate Planner	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input 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: Adopt Resolution No. LP24-0001 recommending adoption of Development Code amendments that make minor modifications to the Coffee Creek Industrial Design Overlay District standards in Section 4.134.			
Recommended Language for Motion: I move to adopt Resolution No. LP24-0001.			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Attract high-quality industry and increase investment in industrial areas	<input checked="" type="checkbox"/> Adopted Master Plan(s): Coffee Creek Master Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COMMISSION:

Staff will present for the Commission's consideration proposed Development Code amendments to more closely align the standards of the Coffee Creek Industrial Design Overlay District in Section 4.134 with current and future needs of prospective industrial users while not compromising the City's ability to continue creating a connected, high-quality employment center in Coffee Creek.

EXECUTIVE SUMMARY:

At the September 13 and December 13, 2023 Planning Commission work sessions, staff presented the results of the assessment of the Coffee Creek Industrial Design Overlay District form-based code (FBC) and recommended minor modifications to the standards to make compliance more achievable for applicants. The objective of the Code amendments is to enable applicants to use the Class 2 Administrative Review track while not compromising the City's ability to continue creating a connected, high-quality employment center in Coffee Creek.

Specifically, staff identified the following nine standards in Table CC-3 and Table CC-4 of Subsection 4.134 (.11) to which minor modifications are warranted, as summarized below:

- **Table CC-3: Site Design**
 - Parcel Access: Parcel Driveway Width – Modify to include two driveway width maximums, one for trucks and one for passenger vehicles
 - Parcel Pedestrian Access: Parcel Pedestrian Access Width – Modify to limit where an access width of eight feet is required
 - Parking Location and Design: Parking Location and Extent – Modify to eliminate the parking bay limitation and require 50% of spaces to be designated for short-term uses
 - Grading and Retaining Walls: Maximum Height; Retaining Wall Design – Modify to increase allowed height of walls not visible from adjacent streets and clarify meaning of “horizontal offset” by providing explanatory text
- **Table CC-4: Building Design**
 - Primary Building Entrance: Accessible Entrance; Required Canopy – Modify to increase the allowed adjustment for canopy height from 10% to 20% and add a footnote to Table CC-4 to allow corresponding reduction in minimum height of the primary building entrance and ground floor when an applicant elects to use the allowed adjustment to reduce required canopy height
 - Overall Building Massing: Allowance of Primary Building Entrance; Ground Floor Height – Modify to add a footnote allowing reduction in height of building entrance and ground floor corresponding to canopy height reduction
 - Overall Building Massing: Base Design – Add “and/or” after “finish” under (a.) to clarify the intent of the standard

The final draft of the proposed Code amendments is included in Attachment 1. These incorporate minor modifications to the standards based on feedback from stakeholders and comments received by Planning Commission and City Council at work sessions in fall 2023.

EXPECTED RESULTS:

Recommendation to the City Council to adopt the Development Code amendments to make compliance with the Class 2 Administrative Review process more achievable for applicants in the Coffee Creek Industrial Design Overlay District.

TIMELINE:

This item is scheduled for public hearing with the City Council on March 4, 2024, pending the Commission's recommendation. Second reading is scheduled for March 18, 2024.

CURRENT YEAR BUDGET IMPACTS:

Funding for the Coffee Creek Code Assessment work is allocated in the FY2023-24 Planning Division budget.

COMMUNITY INVOLVEMENT PROCESS:

The Coffee Creek Master Plan, as well as the Coffee Creek Industrial Design Overlay District drafting and review process, included comprehensive community involvement to gather input. For the current Coffee Creek Code Assessment project, staff has focused on gathering input from recent applicants and their consultant teams to inform the evaluation and provide input on the process and standards to inform the recommended Code amendments.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Refinement of the Coffee Creek FBC to facilitate future development while continuing to create the desired connected, high-quality employment center envisioned in the Master Plan will result in efficiencies for future industrial users, as well as inform planning for the Basalt Creek industrial area to the north, which will benefit all members of the Wilsonville community who live nearby and work in these industrial areas.

ALTERNATIVES:

Alternatives include:

- Adopt the proposed amendments.
- Make no minor modifications to the Coffee Creek Industrial Design Overlay District standards.
- Propose alternative modifications to the Coffee Creek Industrial Design Overlay District Code standards.
- Modify the Coffee Creek Industrial Design Overlay District standards related to the land use review process for applicants.

ATTACHMENTS:

1. Development Code Amendments
2. LP24-0001 Compliance Findings
3. LP24-0001 Planning Commission Record

LP24-0001: Proposed Development Code Edits – February 2024

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

Section 4.134. Coffee Creek Industrial Design Overlay District.

(.11) *Development Standards Table*. Areas bounded by Addressing Streets, Supporting Streets and Through Connections shall be designated as a Parcel and subject to the Development Standards in Tables CC-1 through CC-4.

Table CC-3: Site Design			
	Addressing Streets	Supporting Streets	Through Connections
1. Parcel Access			
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none"> Section 4.177(.02) for street design; Section 4.177(.03) to (.10) for sidewalks, bike facilities, pathways, transit improvements, access drives & intersection spacing. The following Development Standards are adjustable: <ul style="list-style-type: none"> Parcel Driveway Spacing: 20% Parcel Driveway Width: 10% 		
Parcel Driveway Access	Not applicable	Limited by connection spacing standards Parcel Driveway Access may be employed to meet required connectivity, if it complies with Supporting Street Standards for Connection Spacing and Connection Type, see Figure CC-6. Subject to approval by City Engineer	Limited by connection standards for motorized vehicle access. Parcel Driveway Access may be employed to meet required connectivity, if it complies with Through Connection Standards for Connection Spacing and Connection Type, see Figure CC-6. Subject to approval by City Engineer
Parcel Driveway Spacing	Not applicable	150 feet, minimum See Figure CC-6	150 feet, minimum See Figure CC-6
Parcel Driveway Width	Not applicable	24 feet, maximum or complies with Supporting Street Standards <u>for primary driveway providing access for passenger vehicles, light delivery, etc.</u> <u>40 feet, maximum for secondary driveway providing access for heavy delivery vehicles, large trucks, etc.</u>	24 feet, maximum or complies with Through Connection Standards <u>for primary driveway providing access for passenger vehicles, light delivery, etc.</u> <u>40 feet, maximum for secondary driveway providing access for heavy delivery vehicles, large trucks, etc.</u>
2. Parcel Pedestrian Access			
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none"> Section 4.154 (.01) for separated & direct pedestrian connections between parking, entrances, street right-of-way & open space Section 4.167 (.01) for points of access 		
Parcel Pedestrian Access Spacing	No restriction		

Parcel Pedestrian Access Width	8 feet wide, minimum for pedestrian connections between the primary street frontage and Primary Building Entrance(s).		
Parcel Pedestrian Access to Transit	Provide separated & direct pedestrian connections between transit stops and parking, entrances, street right-of-way & open space.		
3. Parcel Frontage			
Parcel Frontage, Defined	Parcel Frontage shall be defined by the linear distance between centerlines of the perpendicular Supporting Streets and Through-Parcel Connections. Where Parcel Frontage occurs on a curved segment of a street, Parcel Frontage shall be defined as the linear dimension of the Chord.		
Primary Frontage, Defined	The Primary Frontage is the Parcel Frontage on an Addressing Street. If the parcel is not bounded by Addressing Streets, it is the Parcel Frontage on a Supporting Street. See Figure CC-5.		
Parcel Frontage Occupied by a Building	A minimum of 100 feet of the Primary Frontage shall be occupied by a building. The maximum Primary Frontage occupied by a building shall be limited only by required side yard setbacks.	No minimum	
4. Parking Location and Design			
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none">• Section 4.155 (03) Minimum and Maximum Off-Street Parking Requirements• Section 4.155 (04) Bicycle Parking• Section 4.155 (06) Carpool and Vanpool Parking Requirements• Section 4.176 for Parking Perimeter Screening and Landscaping—permits the parking landscaping and screening standards as multiple options The following Development Standards are adjustable: <ul style="list-style-type: none">• Parking Location and Extent: up to 20 spaces permitted on an Addressing Street		
Parking Location and Extent	Limited to one double-loaded bay of parking , 16 spaces, maximum, 50% of spaces designated for short-term (1 hour or less), visitor, and disabled parking only between right-of-way of Addressing Street and building.	Parking is permitted between right-of-way of Supporting Street and building.	Parking is permitted between right-of-way of Through Connection and building.
Parking Setback	20 feet minimum from the right-of-way of an Addressing Street.	15 feet minimum from the right-of-way of a Supporting Street.	10 feet minimum from the right-of-way of a Through Connection.
Parking Lot Sidewalks	Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, sidewalks adjacent to the curbs shall be increased to a minimum of seven (7) feet in depth.	Where off-street parking areas are designed for motor vehicles to overhang beyond curbs, planted areas adjacent to the curbs shall be increased to a minimum of nine (9) feet in depth.	
Parking Perimeter Screening and Landscaping	Screen parking area from view from Addressing Streets and Supporting Streets by means of one or more of the following: <ul style="list-style-type: none">a. General Landscape Standard, Section 4.176 (.02) C.b. Low Berm Standard, Section 4.176 (.02) E., except within 50 feet of a perpendicular Supporting Street or Through Connection as measured from the centerline.		Screen parking area from view from Through Connections by means of <ul style="list-style-type: none">a. Low Screen Landscape Standard, Section 4.176(.02) D., orb. High Screen Landscaping Standard, Section 4.176(.02)F., or

		c. High Wall Standard, Section 4.176(.02)G., or d. Partially Sight-obscuring Fence Standard, Section 4.176(.02)I.
Off-Street Loading Berth	One loading berth is permitted on the front façade of a building facing an Addressing Street. The maximum dimensions for a loading are 16 feet wide and 18 feet tall. A clear space 35 feet, minimum is required in front of the loading berth. The floor level of the loading berth shall match the main floor level of the primary building. No elevated loading docks or recessed truck wells are permitted. Access to a Loading Berth facing an Addressing Street may cross over, but shall not interrupt or alter, a required pedestrian path or sidewalk. All transitions necessary to accommodate changes in grade between access aisles and the loading berth shall be integrated into adjacent site or landscape areas. Architectural design of a loading berth on an Addressing Street shall be visually integrated with the scale, materials, colors, and other design elements of the building.	No limitation. Shall meet minimum standards in Section 4.155(.05).
Carpool and Vanpool Parking	No limitation	
5. Grading and Retaining Walls		
General	The following Development Standards are adjustable: <ul style="list-style-type: none">Retaining Wall Design: 20%	
Maximum height	Where site topography requires adjustments to natural grades, landscape retaining walls shall be 48 inches tall maximum <u>when visible from adjacent streets and 60 inches tall maximum when visible only to users from within a site.</u> Where the grade differential is greater than 30 inches, retaining walls may be stepped.	
Required Materials	Materials for retaining walls shall be unpainted cast-in-place, exposed-aggregate, or board-formed concrete; brick masonry; stone masonry; or industrial-grade, weathering steel plate.	
Retaining Wall Design	Retaining walls longer than 50 linear feet shall <u>be tiered,</u> introducing a 5-foot, minimum horizontal offset <u>between the lowest part and upper part(s) of the wall</u> to reduce their apparent mass.	
6. Planting		
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none">Section 4.176 Landscaping and Screening Standards	
Landscaping Standards Permitted	General Landscape Standard, Section 4.176(.02	General Landscape Standard, Section

	C. Low Berm Standard, Section 4.176(.02)E., except within 50 feet of a perpendicular Supporting Street or Through Connection as measured from the centerline	4.176(.02)C. Low Screen Landscape Standard, Section 4.176(.02)D. Screen loading areas with High Screen Landscaping Standard, Section 4.176(.02)F., and High Wall Standard, Section 4.176(.02)G.	
7. Location and Screening of Utilities and Services			
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none"> Sections 4.179 and 4.430. Mixed Solid Waste and Recyclables Storage in New Multi-Unit Residential and Non-Residential Buildings 		
Location and Visibility	Site and building service, equipment, and outdoor storage of garbage, recycling, or landscape maintenance tools and equipment is not permitted	Site and building service, utility equipment, and outdoor storage of garbage, recycling, or landscape maintenance tools and equipment is not permitted within the setback	No limitation
Required Screening	Not permitted	High Screen Landscaping Standard, Section 4.176(.02)F. and/or High Wall Standard, Section 4.176 (.02) G.	

Table CC-4: Building Design			
	Addressing Streets	Supporting Streets	Through Connections
1. Building Orientation			
Front Façade	Buildings shall have one designated front façade and two designated side façades. If one of the streets or connections bounding a parcel is an Addressing Street, the front façade of the building shall face the Addressing Street. If two of the streets or connections bounding a parcel are Addressing Streets, the front façade of the building may face either Addressing Street, except when one of the Addressing Streets is Day Road. In that case, the front façade must face Day Road. If none of the bounding streets or connections is an Addressing Street, the front façade of the building shall face a Supporting Street. See Figure CC-5.		
Length of Front Façade	A minimum of 100 feet of the Primary Frontage shall be occupied by a building. The maximum Primary Frontage occupied by a building shall be limited only by required side yard setbacks.		
Articulation of Front Façade	Applies to a Front Façade longer than 175 feet that has more than 5,250 square feet of street-facing façade area: At least 10% of the street-facing façade of a building facing an Addressing Street must be divided into façade planes that are offset by at least 2 feet from the rest of the façade. Façade area used to meet this standard may be recessed behind, or project out from, the primary façade plane.		
2. Primary Building Entrance			
General	The following Development Standards are adjustable: <ul style="list-style-type: none">Required Canopy: 10% 20%Transparency: 20%		
Accessible Entrance *	The Primary Building Entrance shall be visible from, and accessible to, an Addressing Street (or a Supporting Street if there is no Addressing Street frontage). A continuous pedestrian pathway shall connect from the sidewalk of an Addressing Street to the Primary Building Entrance with a safe, direct and convenient path of travel that is free from hazards and provides a reasonably smooth and consistent surface consistent with the requirements of Americans with Disabilities Act (ADA). The Primary Building Entrance shall be 15 feet wide, minimum and 15 feet tall, minimum.		

Location	150 feet, maximum from right-of-way of an Addressing Street, see Figure CC-7.	150 feet, maximum from right-of-way of a Supporting Street, if there is no Addressing Street Frontage, see Figure CC-7.	
Visibility	Direct line of sight from an Addressing Street to the Primary Building Entrance.		
Accessibility	Safe, direct, and convenient path from adjacent public sidewalk.		
Required Canopy *	Protect the Primary Building Entrance with a canopy with a minimum vertical clearance of 15 feet and an all-weather protection zone that is 8 feet deep, minimum and 15 feet wide, minimum.		
Transparency	Walls and doors of the Primary Building Entrance shall be a minimum of 65% transparent.		
Lighting	The interior and exterior of the Primary Building Entrance shall be illuminated to extend the visual connection between the sidewalk and the building interior from day to night. Pathway lighting connecting the Primary Building Entrance to the adjacent sidewalk on an Addressing Street shall be scaled to the needs of the pedestrian. Comply with Outdoor Lighting, Section 4.199		
3. Overall Building Massing			
General	The following Development Standards are adjustable: <ul style="list-style-type: none">• Required Minimum Height: 10%• Ground Floor Height: 10%• Base, Body, and Top Dimensions: 10%• Base Design: 10%• Top Design: 10%		
Front Setback	30 feet, minimum, except as provided below	30 feet maximum	30 feet maximum
Allowance of Primary Building Entrance *	Where the Primary Building Entrance is located on an Addressing Street it may extend into the required front yard setback by 15 feet maximum provided that: <ul style="list-style-type: none">a. It has a two-story massing with a minimum height of 24 feet;b. The Parcel Frontage on the Addressing Street is limited to 100 feet;c. The building extension is 65% transparent, minimum;d. The entrance is protected with a weather-protecting canopy with a minimum vertical clearance of 15 feet; ande. The standards for site design and accessibility are met.	Not applicable	Not applicable
Required Minimum Height	30 feet minimum.		
Ground Floor Height *	The Ground Floor height shall measure 15 feet, minimum from finished floor to finished ceiling (or 17.5 feet from finished floor to any exposed structural member).		
Base, Body, and Top Dimensions	Buildings elevations shall be composed of a clearly demarcated base, body and top. <ul style="list-style-type: none">a. For Buildings 30 feet in height (unless lower by adjustment):<ul style="list-style-type: none">i. The base shall be 30 inches, minimum.ii. The body shall be equal to or greater than 75% of the overall height of the building.iii. The top of the building shall be 18 inches, minimum.b. For Buildings between 30 feet and 5 stories in height:<ul style="list-style-type: none">i. The base shall be 30 inches, minimum; 2 stories, maximum.ii. The body shall be equal to or greater than 75% of the overall height of the building.		

	<p>iii. The top of the building shall be 18 inches, minimum.</p> <p>c. For Buildings greater than 6 stories in height:</p> <p>i. The base shall be 1 story, minimum, 3 stories, maximum.</p> <p>ii. The body shall be equal to or greater than 75% of the overall height of the building.</p> <p>iii. The top of the building shall be 18 inches, minimum.</p>
Base Design	<p>The design of the building Base shall:</p> <p>a. Use a material with a distinctive appearance, easily distinguished from the building Body expressed by a change in material, a change in texture, a change in color or finish; <u>and/ or</u></p> <p>b. Create a change in surface position where the Base projects beyond the Body of the building by 1½ inches, minimum; and/or</p> <p>c. Low Berm Landscape Standard, Section 4.176(.02)E.</p>
Top Design	<p>Building Tops define the skyline.</p> <p>The design of the Building Top shall:</p> <p>a. Use a material with a distinctive appearance, easily distinguished from the building Body expressed by a change in material, a change in texture, a change in color or finish; and/ or</p> <p>b. Create a change in surface position where the Top projects beyond, or recesses behind, the Body of the building by 1½ inches, minimum.</p>
Required Screening of Roof-mounted Equipment	<p>Screen roof-mounted equipment with architectural enclosures using the materials and design of the building Body and/ or the building Top. No roof-mounted equipment shall be visible from an Addressing Street or Supporting Street.</p>

*** When an applicant elects to use the allowed adjustment to reduce Required Canopy height to less than 15 feet, corresponding reduction in minimum height is allowed for Accessible Entrance, Allowance of Primary Building Entrance, and Ground Floor Height.**

*****No additional changes proposed in this section*****

Attachment 2
Planning Commission Resolution LP24-0001 Staff Report
Compliance Findings

Coffee Creek Code Amendments

Date of Findings:	February 14, 2024
Request:	Amend the Wilsonville Development Code Text to make minor modifications to the Coffee Creek Industrial Design Overlay District standards in Section 4.134.
Affected Properties:	Coffee Creek Industrial Design Overlay District Area
Staff Reviewer:	Cindy Luxhoj AICP, Associate Planner
Staff Recommendation:	<u>Recommend adoption</u> of the Development Code amendments to the Wilsonville City Council.

Applicable Review Criteria:

<u>Statewide Planning Goals:</u>	
Goal 1	Citizen Involvement
Goal 2	Land Use Planning
Goal 9	Economic Development
<u>Wilsonville Comprehensive Plan:</u>	
Goal 1.1 and applicable Policy and Implementation Measures	Encourage Public Involvement
Goal 1.2 and applicable Policy and Implementation Measures	Interested, Informed, and Involved Citizenry
Goal 1.3 and applicable Policy and Implementation Measures	Coordinate with Other Agencies and Organizations
Goal 4.1 and applicable Policy and Implementation Measures	Attractive, Functional, Economically Vital Community
<u>Development Code:</u>	
Section 4.197	Changes and Amendments to Development Code

Compliance Findings

As described in the Findings below, the request meets the applicable criteria.

Statewide Planning Goals

Citizen Involvement

Goal 1

1. As discussed in Findings 4 through 11 below, the citizen involvement processes and requirements established in Wilsonville's Comprehensive Plan consistent with Goal 1 are being followed.

Land Use Planning

Goal 2

2. The proposed Development Code text amendments support the goal of establishing processes and policy as a basis for making decisions on land use consistent with a Comprehensive Plan.

Economic Development

3. By enabling a more streamlined process to approval for applicants while not compromising the City's ability to continue creating high-quality industrial development in Coffee Creek, the proposed Code amendments support the goal of providing economic development opportunities in the community and promoting diversified economic growth.

Wilsonville Comprehensive Plan-Public Involvement

Public Involvement-In General

Goal 1.1, Policy 1.1.1.

4. By following the applicable implementation measures (see Findings 5 through 11 below), the City provided opportunities for public involvement encouraging and providing means for involvement of interested parties.

Early Involvement

Implementation Measure 1.1.1.a.

5. Planning Commission practice is to conduct a minimum of one work session per proposed Development Code revision allowing for early involvement. This item was discussed at the September 13 and December 13, 2023 Planning Commission meetings. Draft versions of the proposed Code amendments have been available on the City's website.

Encourage Participation of Certain Individuals, Including Residents and Property Owners

Implementation Measure 1.1.1.e.

6. The City encouraged residents, property owners, and other interested parties impacted by the proposed Code amendments to participate as described in Finding 8.

Procedures to Allow Interested Parties to Supply Information

Implementation Measure 1.1.1.f.

7. The City will afford interested parties the opportunity to provide oral input and testimony during the public hearings. In addition, the City afforded them the opportunity to provide written input and testimony.

Types of Planning Commission Meetings, Gathering Input Prior to Public Hearings

Implementation Measure 1.1.1.g.

8. Prior to the scheduled public hearing on the proposed Development Code amendments, the Planning Commission held work sessions open to the public on September 13 and December 13, 2023, during which the Planning Commission provided feedback incorporated into the current draft.

Public Notices for Planning Commission Meetings

Implementation Measure 1.1.1.h.

9. The notice regarding the public hearing clearly indicated the type of meeting.

User Friendly Information for Public

Policy 1.2.1, Implementation Measures 1.2.1.a., b., c.

10. The published mailings and notices provided user-friendly information about the purpose, location, and nature of the meetings. The mailings widely publicized different ways for impacted parties to participate. The information given to impacted parties gave access to the information on which the Planning Commission will base their decision. Staff provided contact information to potentially impacted parties and answered questions raised throughout the project.

Coordinate Planning Activities with Affected Agencies

Implementation Measure 1.3.1.b.

11. The proposed Development Code amendments will have limited or no impact to other agencies.

Wilsonville Comprehensive Plan-Land Use and Development

Simplify and Streamline Planning and Zoning Review Process

Policy 4.1.1, Implementation Measures 4.1.1.d.

12. The proposed Development Code amendments give careful consideration to the current and future needs of prospective industrial users in the Coffee Creek Industrial Area by making minor modifications to some standards that have needed waivers and required Development Review Board review of development applications. The Code amendments are designed to enable applicants to more easily meet the clear and objective standards of the form-based code, thus facilitating their use of the Class 2 Administrative Review track, a shorter and more streamlined process to approval. The Code amendments accomplish this

objective while not compromising the City's ability to continue creating a connected, high-quality employment center in Coffee Creek.

Minimize Deterrents to Desired Industrial Development

Implementation Measure 4.1.1.e.

13. The proposed Development Code amendments attempt to minimize deterrents to desired industrial development by making minor modifications to the form-based code standards, with the objective of reducing the need for waiver requests, thus enabling applicants to use the Class 2 Administrative Review track, a shorter and more streamlined process to approval.

Maintain High-Quality Industrial Development

Policy 4.1.3, Implementation Measure 4.1.3.b.

14. The proposed Development Code amendments do not compromise the City's ability to continue creating high-quality industrial development in Coffee Creek that enhances the livability of the area and promotes diversified economic growth and a broad tax base.

Wilsonville Development Code-Amendments to the Code

Planning Commission Public Hearing, Recommendation to City Council

Subsection 4.197 (.01) A.

15. The Planning Commission will conduct a public hearing and then, by resolution, forward Findings and a recommendation to the Wilsonville City Council within the allowed 40-day timeframe.

Findings Required: Compliance with Procedures of 4.008

Subsection 4.197 (.01) B. 1., Section 4.008, Sections 4.009 through 4.024 as applicable

16. The City mailed notices to affected properties and published/posted notices consistent with established procedures for legislative actions. The City produced written Findings of fact regarding the application in this document for adoption by the Planning Commission. The City also published the Findings and other elements a week prior to the Public Hearing as required by law.

Findings Required: Compliance with Goals, Policies, and Objectives of Comprehensive Plan

Subsection 4.197 (.01) B. 2.

17. Findings 4 through 14 above provide Findings related to the applicable goals, policies, objectives, and implementation measures of Wilsonville's Comprehensive Plan.

Findings Required: No Conflict with Over Code Provisions

Subsection 4.197 (.01) B. 3.

18. While drafting the Code amendments staff took care to ensure the proposed Code changes do not conflict with or endanger other provisions of the Development Code.

Findings Required: Compliance with Statewide Land Use Planning Goals, State Rules and Statutes, Federal Statutes
Subsection 4.197 (.01) B. 4.-5.

19. Findings 1 through 3 above provide Findings related to compliance with the applicable Statewide Land Use Planning Goals as well as applicable State statutes.

Affirmative Findings Required
Subsection 4.197 (.03)

20. Findings 1 through 20 provide the required affirmative Findings on which a recommendation can be made to City Council for adoption of the requested amendments to the Wilsonville Development Code.

PLANNING COMMISSION AND CITY COUNCIL MEETINGS

February 14, 2024 - Planning Commission Public Hearing
Resolution LP24-0001 (*included above, adoption pending*)
Staff Report and Attachments (*included above, adoption pending*)
Presentation (*not included at this time*)
Affidavit of Notice of Hearing

December 18, 2023 - City Council Work Session
Staff Report and Attachments
Presentation
Action Minutes

December 13, 2023 - Planning Commission Work Session
Staff Report and Attachments
Presentation
Minutes Excerpt

September 18, 2023 - City Council Work Session
Staff Report and Attachments
Presentation
Action Minutes

September 13, 2023 - Planning Commission Work Session
Staff Report and Attachments
Presentation
Minutes Excerpt

PUBLIC ENGAGEMENT

Summary of Feedback from Coffee Creek Form-Based Code Focused Discussions
2023 Focus Group Dates: September 7, July 27, July 24, July 20

COMMENTS/ARTICLES

None Received

The Coffee Creek Code Amendments (LP24-0001)
Record can be found on the February 14, 2024
Planning Commission meeting page, in the “Agenda
Packet” (<https://www.ci.wilsonville.or.us/bc-pc/page/planning-commission-73>)



Coffee Creek Code Amendments

Planning Commission Public Hearing

February 14, 2024

Presented by: Cindy Luxhoj AICP, Associate Planner

Coffee Creek Assessment Steps

May to August 2023

- Reviewed timeline to land use approval and requested waivers to form-based code standards.
- Conducted focused discussion with applicants and consultant teams.



September to December 2023

- Identified minor modifications to form-based code standards to make compliance more achievable for applicants.
- Sought direction at Planning Commission and City Council work sessions.



January to March 2024

- Finalized proposed Development Code amendments.
- Planning Commission and City Council public hearings and adoption.

Proposed Code Amendments

- Table CC-3: Site Design
 - Parcel Driveway Width
 - Parcel Pedestrian Access
 - Parking Location and Extent
 - Retaining Wall Height and Design
- Table CC-4: Building Design
 - Required Canopy
 - Building Base Design

Table CC-3: Site Design

Parcel Drive Width

Ord. No. 889 Attachment 1 Exhibit B

Item 22.

- Allow two driveway width maximums

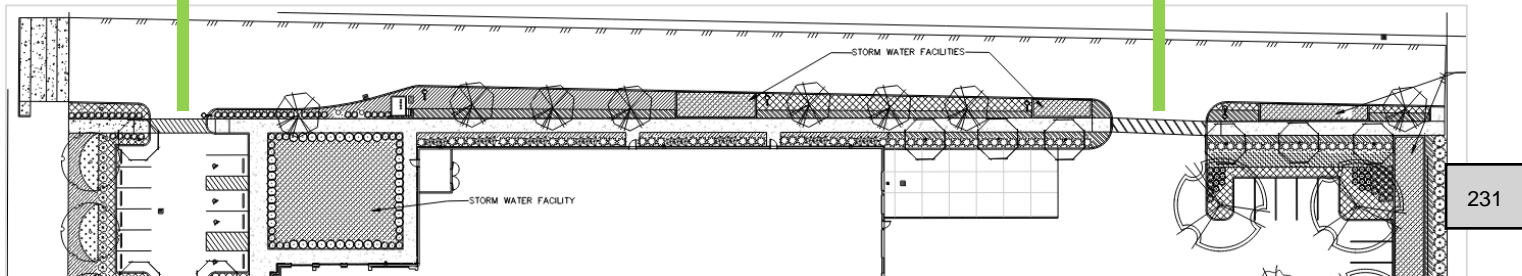


Table CC-3: Site Design

Parcel Pedestrian Access

Ord. No. 889 Attachment 1 Exhibit B

Item 22.

- Limit where 8-foot access width is required



Primary access:
8 ft minimum



Other access:
Minimum meeting
accessibility
requirements

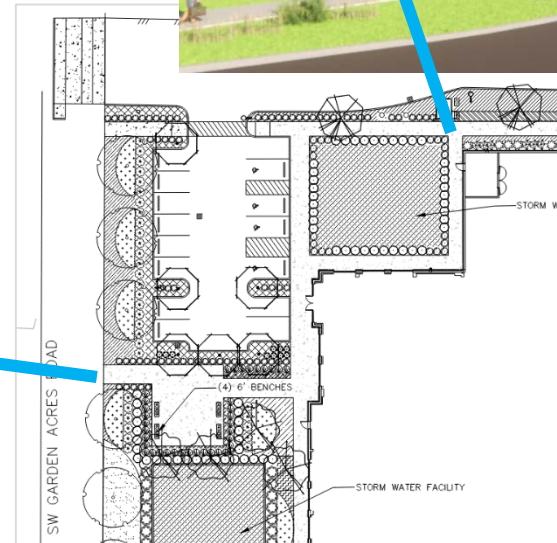


Table CC-3: Site Design

Ord. No. 889 Attachment 1 Exhibit B

Item 22.

Parking Location and Extent

- Eliminate parking bay limit and allow some parking use for longer duration

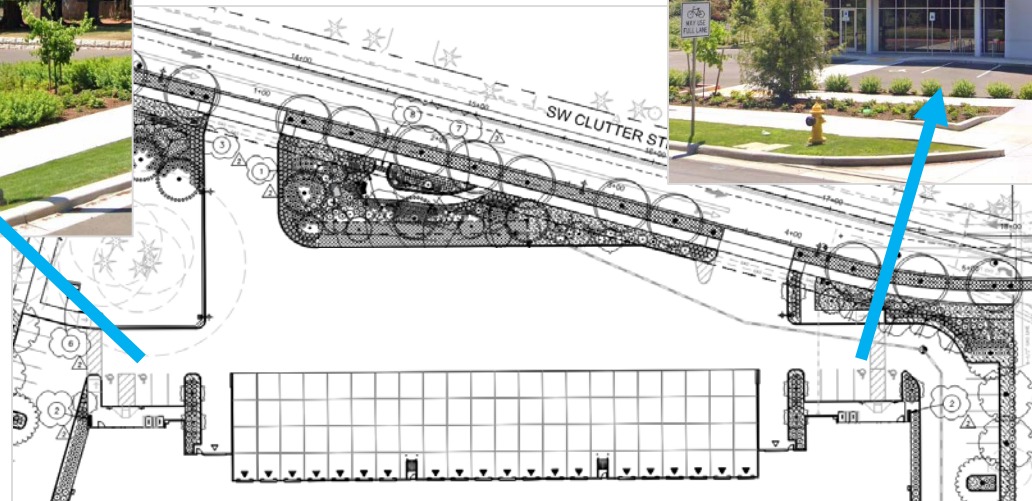


Table CC-3: Site Design

Ord. No. 889 Attachment 1 Exhibit B

Item 22.

Grading and Retaining Walls

- Increase height of walls not visible from adjacent streets



Retaining wall:
48 in maximum when
visible from street

Retaining wall:
60 in maximum when
visible from within site

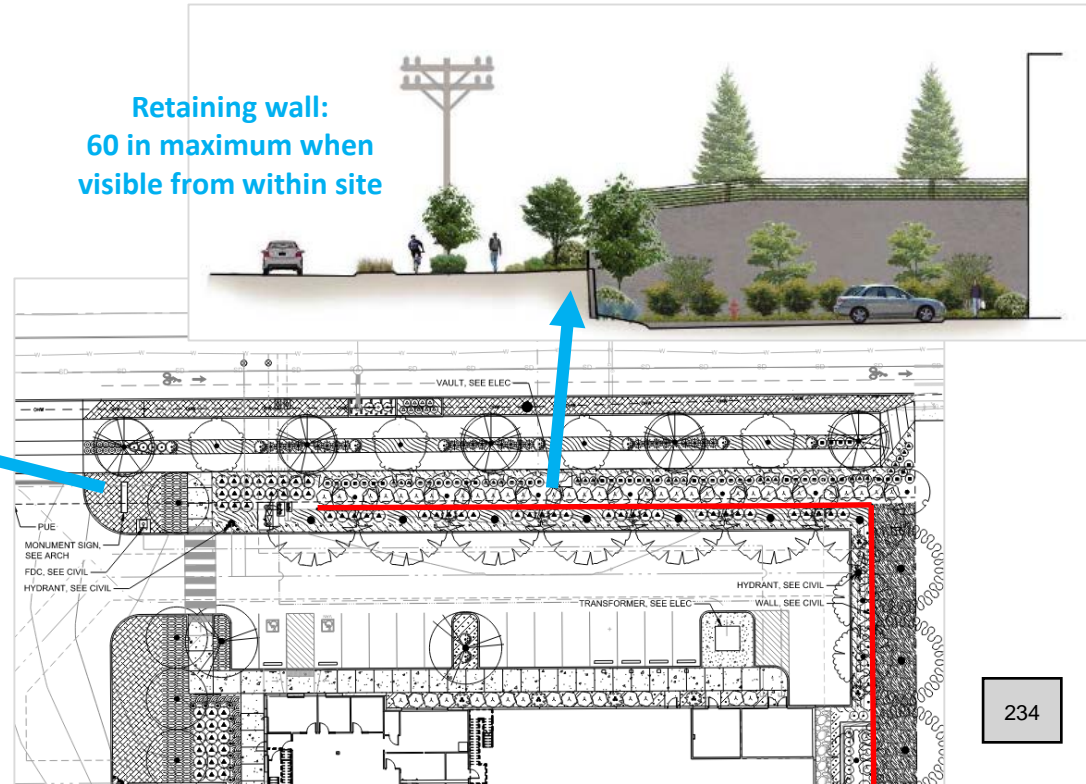


Table CC-3: Site Design Grading and Retaining Walls

- Clarify meaning of “horizontal offset”

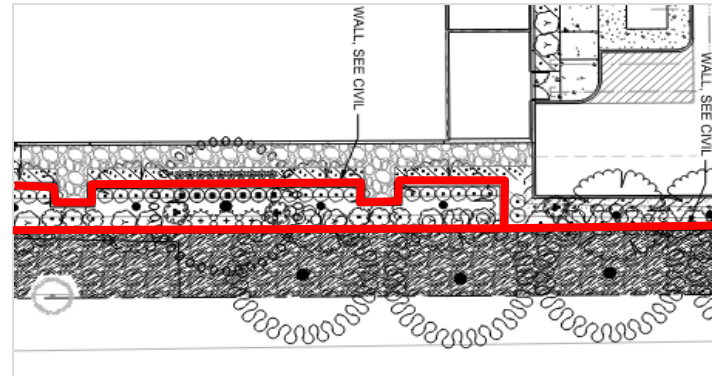


Table CC-4: Building Design Required Canopy

Ord. No. 889 Attachment 1 Exhibit B

Item 22.

- Increase allowance to 20% to allow 12-foot minimum canopy height



16-ft canopy height



12-ft canopy height

Table CC-4: Building Design Base Design

Ord. No. 889 Attachment 1 Exhibit B

Item 22.

- Clarify that any one of three options satisfies requirement for building base design



Base



Base

Adoption Hearings

February 2024

Planning Commission
Public Hearing

March 2024

City Council Public
Hearing and Adoption

Questions?

**AFFIDAVIT OF MAILING AND POSTING NOTICE OF
PUBLIC HEARING IN THE CITY OF WILSONVILLE**

STATE OF OREGON)

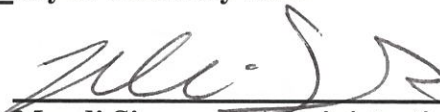
COUNTIES OF CLACKAMAS)
AND WASHINGTON)

CITY OF WILSONVILLE)

I, Mandi Simmons, do hereby certify that I am Administrative Assistant for the City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, that the attached copy of Notice of Public Hearing is a true copy of the originals of the following that I did cause to be mailed/displayed copies of said public hearing in the exact form hereto attached:


- Single-paged notice was emailed on January 24, 2024 to the attached list of affected agencies
- Single-paged notice was sent to the Wilsonville Spokesman for publication in the February 1, 2024 newspaper issue
- The content of the notice was posted on January 24, 2024 on the City's website
- Single-paged notice was posted at physical locations listed below on January 24, 2024
 - City Hall, 29799 SW Town Center Loop, East, Wilsonville OR 97070
 - Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, OR 97070
 - Library, 8200 SW Wilsonville Road, Wilsonville OR 97070

Witness my hand this 5th day of February 2024



Mandi Simmons, Administrative Assistant

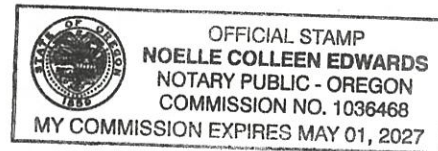
Acknowledged before me this 5th day of February 2024, in Clackamas County, Oregon



Signature of Oregon Notary



Printed Notary Name



NOTARY PUBLIC

My Commission Expires 5-1-27

NOTICE OF LEGISLATIVE PUBLIC HEARING BEFORE THE PLANNING COMMISSION AND CITY COUNCIL: COFFEE CREEK CODE ADJUSTMENTS, CASE FILE LP24-0001

PLANNING COMMISSION

On **Wednesday, February 14, 2024, beginning at 6 pm**, the Planning Commission will hold a public hearing regarding the **Coffee Creek Code Adjustments**, and will consider whether to recommend adoption of the updates to City Council.

You will not receive another notice unless you: submit a request in writing or by phone, or submit testimony or sign-in at the hearing.

CITY COUNCIL

On **Monday, March 4, 2024, beginning at 7 pm**, the City Council will hold a public hearing regarding the **Coffee Creek Code Adjustments**, after which it may make the final decision.

The hearings will take place at **Wilsonville City Hall**, 29799 SW Town Center Loop East. A complete copy of the project record, including staff report, findings, and recommendations, will be available online and at City Hall for viewing seven (7) days prior to each public hearing.

SUMMARY OF PROPOSAL

The City recently completed an assessment of the Coffee Creek Industrial Design Overlay District standards in Section 4.134 of the Development Code. Based on this work, slight adjustments to some of the standards are recommended to more closely align them with current and future needs of prospective industrial users while not compromising the City's ability to continue creating a connected, high-quality employment center in Coffee Creek. There are nine standards in Subsection 4.134 (.11) that will be adjusted by the proposed amendments. No other Development Code language or standards are affected.

HOW TO COMMENT: Oral or written testimony may be presented at the public hearings. Written comment on the proposal is also welcome prior to the public hearings. To have your written comments or testimony distributed to the Planning Commission before the meeting, it must be received by 2 pm on February 6, 2024. **Direct written comments to** Mandi Simmons, Administrative Assistant, 29799 SW Town Center Loop East, Wilsonville, Oregon, 97070 or msimmons@ci.wilsonville.or.us

*Note: Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting. **The City will endeavor to provide qualified sign language interpreters and/or bilingual interpreters, without cost, if requested at least 48 hours prior to the meeting.** To obtain such services, please call Mandi Simmons, Administrative Assistant at (503) 682-4960.*

Pat McGough
West Linn/Wilsonville School District 3J
2755 SW Borland Road
Tualatin, OR 97062

Andy Back
Wash. County Long Range Planning
155 N. First Avenue
Hillsboro, OR 97124

Steve Koper
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062

Attn: Development Review
ODOT Region 1
123 NW Flanders Street
Portland, OR 97209

Ben Baldwin
Tri-Met Project Planning Dept
4012 SE 17th Avenue
Portland, OR 97202

Bill Ferber, Region Manager
Oregon Water Resources Department
725 Summer Street, NE
Salem, OR 97301

Dr. Kathy Ludwig
West Linn/Wilsonville School District 3J
22210 SW Stafford Road
Tualatin, OR 97062

Tracy Wilder, Department of Corrections
Facilities Services
3601 State Street
Salem, Oregon 97301

Steve Hursh, Service & Design Supervisor
Portland General Electric
2213 SW 153rd Drive
Beaverton, OR 97006

Land Use Contact, Planning Department
Metro
600 NE Grand Ave
Portland, OR 97232

Nina Carlson
NW Natural Gas
250 SW Taylor St.
Portland, OR 97204

John Olivares, Operations Manager
Republic Services of Clackamas &
Washington Counties
10295 SW Ridder Road
Wilsonville, OR 97070

City Planner
City of Canby
P.O. Box 930
Canby, OR 97013

Diane Taniguchi-Dennis
Clean Water Services
2550 SW Hillsboro Hwy.
Hillsboro, OR 97123

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2575 Center Street NE
Salem, OR 97310

John Lilly
Department of State Lands
775 Summer Street, NE
Salem, OR 97301

Roseann Johnson, Assistant Director of
Government Affairs
Home Builders Associations
15555 SW Bangy Road, Suite 301
Lake Oswego, OR 97035

Sherwood School Dist Admin Office
23295 SW Main Street
Sherwood, OR 97140

Clackamas County Planning Director
150 Beavercreek Road
Oregon City, OR 97045

Oregon Dept of Environ Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232

Tualatin Valley Water District
1850 SW 170th Ave.
Beaverton, OR 97005

Planning Director
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

James Clark
BPA, Realty Department
2715 Tepper Lane
Keizer, OR 97013

Tualatin Valley Fire and Rescue
29875 SW Kinsman Road
Wilsonville, OR 97070

Tualatin Valley Fire and Rescue
South Division
8445 SW Elligsen Road
Wilsonville, OR 97070

PamplinMediaGroup

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This is the proof of your ad, scheduled to run on the dates indicated below. Please proofread carefully, and if changes are needed, please contact Sarah Penn prior to deadline at or spenn@pamplinmedia.com.

<p>Date: 01/24/24 Account #: 108863 Reference #: LP24-0001 COFFEE CREEK CODE ADJUSTMENTS Company Name: WILSONVILLE, CITY OF Contact: Address: 29799 SW TOWN CENTER LOOP E WILSONVILLE Telephone: (503) 570-1510 Fax: (503) 682-1015</p>	<p>Ad ID: 314710 Start: 01/31/24 Stop: 02/01/24 Total Cost: \$136.72 Ad Size: 7.903 Column Width: 1 Column Height: 7.903 Ad Class: 1202 Phone # Email: spenn@pamplinmedia.com</p>
<p>Run Dates:</p> <p>Wilsonville Spokesman 02/01/24</p>	

**NOTICE OF LEGISLATIVE PUBLIC HEARING
BEFORE THE PLANNING COMMISSION AND
CITY COUNCIL:
COFFEE CREEK CODE ADJUSTMENTS,
CASE FILE LP24-0001**

PLANNING COMMISSION:

On **Wednesday, February 14, 2024, beginning at 6 pm**, the Planning Commission will hold a public hearing regarding the **Coffee Creek Code Adjustments**, and will consider whether to recommend adoption of the updates to City Council.

You will not receive another notice unless you: submit a request in writing or by phone, or submit testimony or sign-in at the hearing.

CITY COUNCIL:

On **Monday, March 4, 2024, beginning at 7 pm**, the City Council will hold a public hearing regarding the **Coffee Creek Code Adjustments**, after which it may make the final decision.

The hearings will take place at **Wilsonville City Hall**, 29799 SW Town Center Loop East. A complete copy of the project record, including staff report, findings, and recommendations, will be available online and at City Hall for viewing seven (7) days prior to each public hearing.

SUMMARY OF PROPOSAL:

The City recently completed an assessment of the Coffee Creek Industrial Design Overlay District standards in Section 4.134 of the Development Code. Based on this work, slight adjustments to some of the standards are recommended to more closely align them with current and future needs of prospective industrial users while not compromising the City's ability to continue creating a connected, high-quality employment center in Coffee Creek. There are nine standards in Subsection 4.134 (.11) that will be adjusted by the proposed amendments. No other Development Code language or standards are affected.

HOW TO COMMENT:

Oral or written testimony may be presented at the public hearings. Written comment on the proposal is also welcome prior to the public hearings. To have your written comments or testimony distributed to the Planning Commission before the meeting, it must be received by 2 pm on February 6, 2024. **Direct written comments to** Mandi Simmons, Administrative Assistant, 29799 SW Town Center Loop East, Wilsonville, Oregon, 97070 or msimmons@ci.wilsonville.or.us.

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Publish February 1, 2024

WS314710



WORK SESSION

Coffee Creek Assessment (Luxhoj)



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: December 18, 2023		Subject: Coffee Creek Code Assessment	
		Staff Member: Cindy Luxhoj AICP, Associate Planner	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments: N/A	
Staff Recommendation: Staff recommends Council provide requested input on direction of possible Development Code amendments to the Coffee Creek Industrial Design Overlay District form-based code.			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Attract high-quality industry and increase investment in industrial areas	<input checked="" type="checkbox"/> Adopted Master Plan(s): Coffee Creek Master Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Staff is seeking input on possible Development Code amendments to the Coffee Creek Industrial Design Overlay District form-based code standards.

EXECUTIVE SUMMARY:

As discussed at the September 18, 2023 City Council work session, staff has initiated an assessment of the Coffee Creek Industrial Design Overlay District form-based code, which was subject to a pilot period of three completed development applications or five years when it was adopted in 2018. As of 2023, both milestones have been achieved, with four completed industrial development projects in various stages of construction throughout the Coffee Creek area.

To date, staff has reviewed the timeline to land use approval and the types of requested waivers to the form-based code for the four completed development projects in Coffee Creek. In July 2023, staff conducted three focused discussions with applicants and their consultant teams to gain feedback from a customer service standpoint about the form-based code, as well as engaged in a follow-up discussion with one of the applicants to understand in more depth which of the form-based code standards could more closely align with current and future needs of prospective industrial users in the Coffee Creek area. Participants offered helpful suggestions for adjustments to the standards, particularly related to project waiver requests.

Based on this initial work and input from Planning Commission and City Council work sessions, staff determined that modification to the land use review tracks and process is not needed. However, slight adjustments to the form-based code standards are needed to make compliance more achievable for applicants, with the objective of enabling applicants to use the Class 2 Administrative Review track while not compromising the City's ability to continue creating a connected, high-quality employment center in Coffee Creek.

Specifically, staff has identified the following six form-based code standards in Table CC-3 and Table CC-4 of Subsection 4.134 (.11), five of which had waiver requests from two or more applicants, to which slight adjustment is warranted:

- Table CC-3: Site Design
 - Parcel Access: Parcel Driveway Width – Modify to include two driveway width maximums
 - Parcel Pedestrian Access: Parcel Pedestrian Access Width – Modify to limit where an access width of 8 feet is required
 - Parking Location and Design: Parking Location and Extent – Modify to eliminate parking bay limitation and require 50% of spaces to be designated for short-term uses
 - Grading and Retaining Walls: Maximum Height; Retaining Wall Design – Modify to increase height of walls not visible from adjacent streets and allow horizontal and/or vertical offset to reduce mass
- Table CC-4: Building Design
 - Primary Building Entrance: Accessible Entrance; Required Canopy – Modify to increase the allowed adjustment from 10% to 20%
 - Overall Building Massing: Allowance of Primary Building Entrance; Ground Floor Height; Base Design – Modify to add a footnote allowing reduction in height of building entrance and ground floor corresponding to canopy height reduction

Attachment 1 includes proposed Code amendments and rationale for the proposed changes that were reviewed by the Planning Commission at their December 13, 2023 meeting and are presented here for the City Council to consider.

At this work session, staff is seeking the following feedback from City Council:

- Does the City Council agree with the standards identified by staff for modifications?
- Does the City Council have other comments about the proposed modifications?

EXPECTED RESULTS:

Feedback from this meeting will guide completion of a package of Development Code amendments that staff will present to Planning Commission for public hearing and to City Council for adoption.

TIMELINE:

Planning Commission provided input on the possible modifications at their December 13, 2023 meeting. A Planning Commission public hearing and recommendation to City Council on the Development Code amendments is expected in early 2024. City Council public hearing and adoption is anticipated in the first half of 2024.

CURRENT YEAR BUDGET IMPACTS:

Funding for the Coffee Creek Code Assessment work is allocated in the fiscal year 2023-24 Planning Division budget.

COMMUNITY INVOLVEMENT PROCESS:

The Coffee Creek Master Plan, as well as the Coffee Creek Industrial Design Overlay District drafting and review process, included comprehensive community involvement to gather input. For the current Coffee Creek Code Assessment project, staff has focused on gathering input from recent applicants and their consultant teams to inform the evaluation and provide input on the process and standards.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Refinement of the Coffee Creek form-based code to facilitate future development while continuing to create the desired connected, high-quality employment center envisioned in the Master Plan will result in efficiencies for future users, as well as inform planning for the Basalt Creek industrial area to the north, which will benefit all members of the Wilsonville community who live and work in these industrial areas.

ALTERNATIVES:

- Make no modifications to the Coffee Creek Industrial Design Overlay District standards.
- Propose alternative modification to the Coffee Creek Industrial Design Overlay District code standards.
- Modify the Coffee Creek Industrial Design Overlay District standards related to the land use review process for applicants.

CITY MANAGER COMMENT:

N/A

ATTACHMENT:

1. Proposed Amendments to the Coffee Creek Industrial Design Overlay District Form-based Code (December 2023)

Proposed Amendments to the Coffee Creek Industrial Design Overlay District Form-based Code

*Note: The tables below contain current Code language. Text highlighted in **red** is the subject of the proposed Code amendments.*

Wilsonville Development Code

Section 4.134 (.11) Coffee Creek Industrial Design Overlay District

Table CC-3: Site Design			
	Addressing Streets	Supporting Streets	Through Connections
1. Parcel Access			
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none"> Section 4.177(.02) for street design; Section 4.177(.03) to (.10) for sidewalks, bike facilities, pathways, transit improvements, access drives & intersection spacing. The following Development Standards are adjustable: <ul style="list-style-type: none"> Parcel Driveway Spacing: 20% Parcel Driveway Width: 10% 		
Parcel Driveway Width	Not applicable	24 feet, maximum or complies with Supporting Street Standards	24 feet, maximum or complies with Through Connection Standards

Proposed Code Amendments:

Modify the standard to include two driveway width maximums:

- Keep 24-foot width with 10% allowed adjustment to 26.4 feet for the primary driveway providing access for passenger vehicles, light delivery, etc.
- Increase the driveway width to 40 feet maximum with 10% allowed adjustment to 44 feet for a secondary driveway or a driveway that provides access for heavy delivery vehicles, large trucks, etc.

Rationale for Proposed Changes:

- Two waivers were requested to allow increased width of a secondary driveway from a Supporting Street for heavy vehicle ingress/egress.
- The allowed driveway width, even with a 10% adjustment, was not sufficient for large truck ingress/egress from a Supporting Street or Through Connection.
- Applicants suggest a maximum of 40 to 45 feet would be adequate for a driveway providing truck ingress/egress.
- Auto-only driveway width of 24 feet with allowed adjustment to 26.4 feet is sufficient.
- While the main goal of the driveway maximum width is limiting the distance that pedestrians have to cross a driveway, thus providing for better pedestrian connectivity, the pedestrian crossing distance needs to be balanced with safe turning radius for larger

vehicles to prevent traffic slowdowns and stacking on the street, and damage to curbs and landscape areas from turning trucks.

Table CC-3: Site Design			
	Addressing Streets	Supporting Streets	Through Connections
2. Parcel Pedestrian Access			
Parcel Pedestrian Access Width	8 feet wide minimum		

Proposed Code Amendments:

Modify the standard to limit where an access width of 8 feet is required:

- Specify that the 8-foot access width is for pathways between the public ROW and Primary Building Entrance(s).

Rationale for Proposed Changes:

- No waivers were requested, but clarification is needed of specific locations where the access width must be 8 feet versus where 5 feet is sufficient.
- While the width requirement appears to apply to all connections into a site, it seems overly burdensome to require all connections from the public right-of-way to be 8 feet wide.
- The highest priority should be connecting the primary frontage to the primary building entrance.

Table CC-3: Site Design			
	Addressing Streets	Supporting Streets	Through Connections
4. Parking Location and Design			
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none"> • Section 4.155 (03) Minimum and Maximum Off-Street Parking Requirements • Section 4.155 (04) Bicycle Parking • Section 4.155 (06) Carpool and Vanpool Parking Requirements • Section 4.176 for Parking Perimeter Screening and Landscaping—permits the parking landscaping and screening standards as multiple options The following Development Standards are adjustable: <ul style="list-style-type: none"> • Parking Location and Extent: up to 20 spaces permitted on an Addressing Street 		
Parking Location and Extent	Limited to one double-loaded bay of parking, 16 spaces, maximum, designated for short-term (1 hour or less), visitor, and disabled parking only between right-of-way of Addressing Street and building.	Parking is permitted between right-of-way of Supporting Street and building.	Parking is permitted between right-of-way of Through Connection and building.

Proposed Code Amendments:

Modify the standard to eliminate the limitation of one parking bay and allow some parking to be used for a longer duration:

- Keep the number of spaces unchanged at 16 spaces maximum with allowed adjustment to 20 spaces.
- Eliminate the requirement that all allowed spaces be located within one double-loaded bay of parking.
- Require that 50% of allowed spaces be designated for short-term, visitor, and disabled parking only, allowing other spaces to be utilized by other users or for longer duration.

Rationale for Proposed Changes:

- Three waivers were requested: one to the number of spaces due to unique site constraints and the waiver gave the City extra leverage to get enhanced landscaping along the frontage; another to allow two different parking bays, rather than one on an Addressing Street, while still meeting the maximum number of spaces; and two to allow some of the parking along an Addressing Street to be used by employees.
- Much of the development thus far (3 of 4 projects) tends not to have many customers or visitors; a majority of employees might work in the office area at the front of the building.
- Minimization of the appearance of parking from an Addressing Street is a key focus in the Pattern Book with the intent of providing a human scale to the public realm.

Table CC-3: Site Design			
	Addressing Streets	Supporting Streets	Through Connections
5. Grading and Retaining Walls			
General	The following Development Standards are adjustable: <ul style="list-style-type: none"> Retaining Wall Design: 20% 		
Maximum height	Where site topography requires adjustments to natural grades, landscape retaining walls shall be 48 inches tall maximum. Where the grade differential is greater than 30 inches, retaining walls may be stepped.		
Retaining Wall Design	Retaining walls longer than 50 linear feet shall introduce a 5-foot, minimum horizontal offset to reduce their apparent mass.		

Proposed Code Amendments:

Modify the standard to increase the maximum height for walls not visible from the right-of-way of adjacent streets and to allow a horizontal and/or vertical offset to reduce their mass.

- Keep the maximum height of 48 inches with a 20% allowed adjustment to 57.6 inches for retaining wall that are visible from the right-of-way of adjacent streets.
- Increase the height maximum to 60 inches with a 20% allowed adjustment to 72 inches for retaining walls that are only visible to users from within a site.
- Keep the requirement for an offset in walls longer than 50 linear feet, but clarify the meaning of “horizontal offset” by providing explanatory text or graphics/illustrations.

Rationale for Proposed Changes:

- Two waivers were requested to allow taller retaining walls to accommodate large flat buildings that require a level expanse within which to build, to meet grade at adjacent street right-of-way, and due to unique, site-specific design challenges.
- It is unclear how the requirement for a 5-foot minimum horizontal offset should be applied. Because it focuses on the linear length of the wall, rather than its height, it seems that the offset should be a vertical, rather than horizontal. Introducing a vertical offset can result in stability issues. It can lead to water penetration and wall failure.
- The Pattern Book (pages 23-24) emphasizes the intent to minimize site grading to preserve the natural character of a site. Contoured slopes are generally preferred to the installation of retaining walls. Where retaining walls are necessary to support site development, they should facilitate surface drainage, limit soil erosion, and avoid increasing instability of native soils. Retaining walls should be integrated with other site design features, such as stairs, ramps, and planters wherever possible.

Table CC-4: Building Design			
	Addressing Streets	Supporting Streets	Through Connections
2. Primary Building Entrance			
General	The following Development Standards are adjustable: <ul style="list-style-type: none">• Required Canopy: 10%• Transparency: 20%		
Accessible Entrance	The Primary Building Entrance shall be visible from, and accessible to, an Addressing Street (or a Supporting Street if there is no Addressing Street frontage). A continuous pedestrian pathway shall connect from the sidewalk of an Addressing Street to the Primary Building Entrance with a safe, direct and convenient path of travel that is free from hazards and provides a reasonably smooth and consistent surface consistent with the requirements of Americans with Disabilities Act (ADA). The Primary Building Entrance shall be 15 feet wide, minimum and 15 feet tall, minimum.		
Required Canopy	Protect the Primary Building Entrance with a canopy with a minimum vertical clearance of 15 feet and an all-weather protection zone that is 8 feet deep, minimum and 15 feet wide, minimum.		
3. Overall Building Massing			
Allowance of Primary Building Entrance	Where the Primary Building Entrance is located on an Addressing Street it may extend into the required front yard setback by 15 feet maximum provided that: <ul style="list-style-type: none">a. It has a two-story massing with a minimum height of 24 feet;b. The Parcel Frontage on the Addressing Street is limited to 100 feet;c. The building extension is 65% transparent, minimum;d. The entrance is protected with a weather-protecting canopy with a minimum vertical clearance of 15 feet; ande. The standards for site design and accessibility are met.	Not applicable	Not applicable
Ground Floor Height	The Ground Floor height shall measure 15 feet, minimum from finished floor to finished ceiling (or 17.5 feet from finished floor to any exposed structural member).		

Proposed Code Amendments:

Modify the standard to increase the allowed adjustment for required canopy height:

- Increase the allowed adjustment for required canopy height from 10% to 20% to allow a minimum canopy height of 12 feet.
- Add a footnote to Table CC-4 at the standards for “Accessible Entrance”, “Allowance of Primary Building Entrance”, and “Ground Floor Height” to allow corresponding reduction in the minimum height of the primary building entrance and ground floor height when an applicant elects to use the allowed adjustment to reduce the required canopy height.

Rationale for Proposed Changes:

- Two waivers were requested to reduce the required canopy height to 12 feet and two waivers were requested to adjust the interior ground floor height to 12 feet.
- A canopy height of 10 to 12 feet is the standard storefront dimension, where a height above 12 feet requires a curtain wall system, which is more expensive and likely requires custom fabrication.
- A lower canopy height may allow for better weather protection at the primary entrance, and can facilitate interior/exterior integration and line of sight.
- Applicants noted that an interior ceiling height requirement matching the exterior canopy feels more spacious in comparison to the typical dropped ceiling of 9 to 10 feet.
- If the allowed adjustment is changed to 20% from 10%, the resulting minimum would be 12 feet, which is the standard storefront dimension.

Table CC-4: Building Design			
	Addressing Streets	Supporting Streets	Through Connections
3. Overall Building Massing			
Base Design	The design of the building Base shall: a. Use a material with a distinctive appearance, easily distinguished from the building Body expressed by a change in material, a change in texture, a change in color or finish; b. Create a change in surface position where the Base projects beyond the Body of the building by 1½ inches, minimum; and/or c. Low Berm Landscape Standard, Section 4.176(.02)E.		

Proposed Code Amendments:

Modify the standard to clarify that any one of the three design options satisfies the requirement:

- Add “and/or” after “finish;” under (a.) in the standard.

Rationale for Proposed Changes:

- No waivers were requested, but clarification is needed as to whether the intent of the standard is to require (a.) **and/or** (b.), similar to with the Top Design, or to require **both** (a.) and (b.)
- Having a base that is both visually (a.) **and** dimensionally (b.) distinct is difficult to achieve, particularly with tilt-up concrete construction technology that has a large flat surface that is poured on the ground. Projecting panels, mesh treatment, or other means must be used to achieve the change in surface position.



Coffee Creek Code Assessment

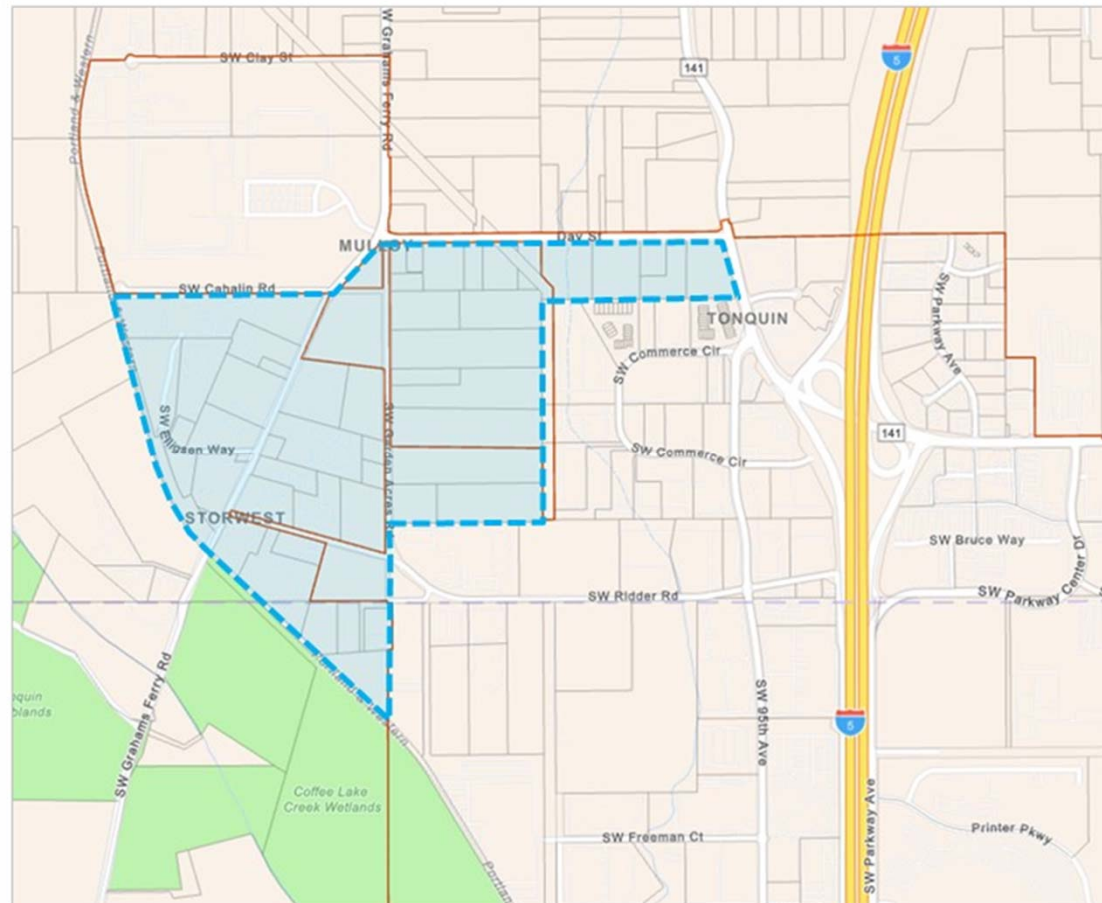
City Council Work Session

December 13, 2023

Presented by: Cindy Luxhoj AICP, Associate Planner



Coffee Creek Master Plan Area





Coffee Creek Assessment Steps Completed to Date

May/June 2023

- Reviewed timeline to land use approval and requested waivers to form-based code standards

July/September 2023

- Conducted focused discussion with applicants and consultant teams

September 2023

- Sought direction at Planning Commission and City Council work sessions

October/November 2023

- Identified slight modifications to form-based code standards to make compliance more achievable for applicants



Form-based Code Standards Proposed for Modifications

- Table CC-3: Site Design
 - Parcel Driveway Width
 - Parcel Pedestrian Access
 - Parking Location and Extent
 - Retaining Wall Maximum Height and Design
- Table CC-4: Building Design
 - Required Canopy Height at Primary Building Entrance
 - Building Base Design



Table CC-3: Site Design Parcel Drive Width

- Allow two driveway width maximums

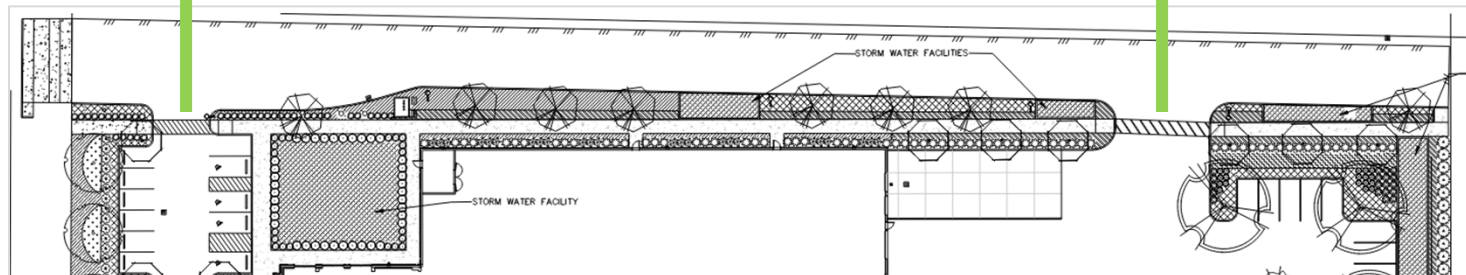




Table CC-3: Site Design Parcel Pedestrian Access

- Limit where 8-foot access width is required

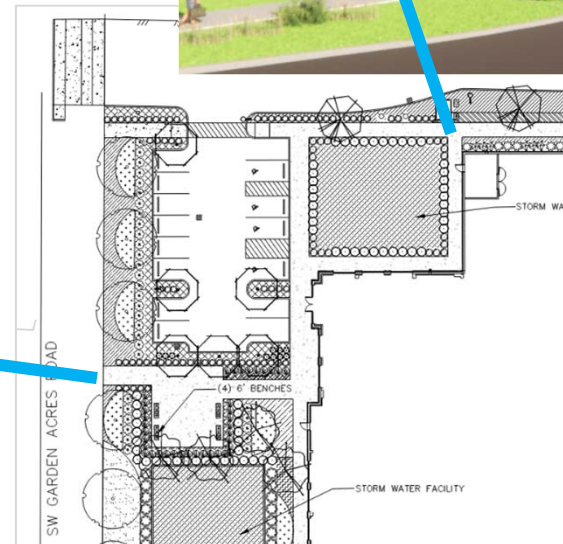




Table CC-3: Site Design Parking Location and Extent

- Eliminate parking bay limit and allow some parking use for longer duration

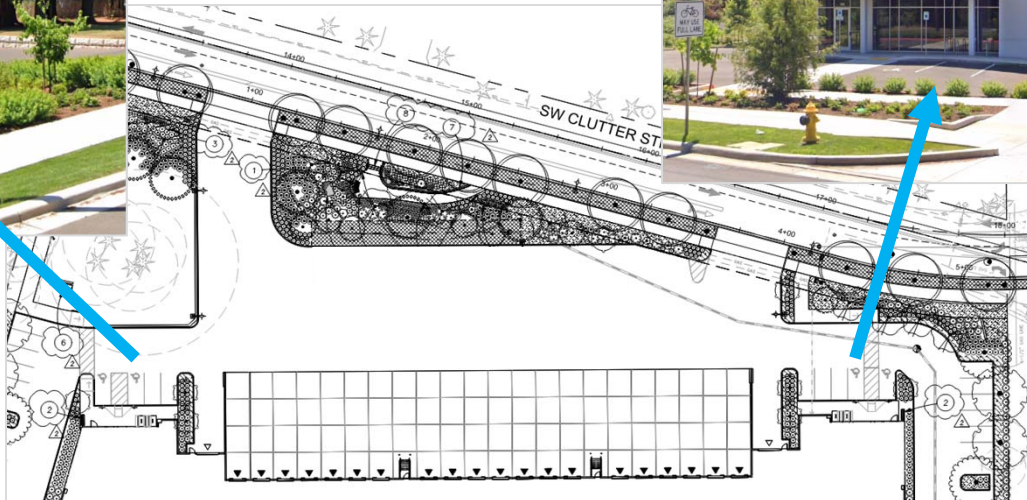




Table CC-3: Site Design

Grading and Retaining Walls

- Increase height of walls not visible from adjacent streets

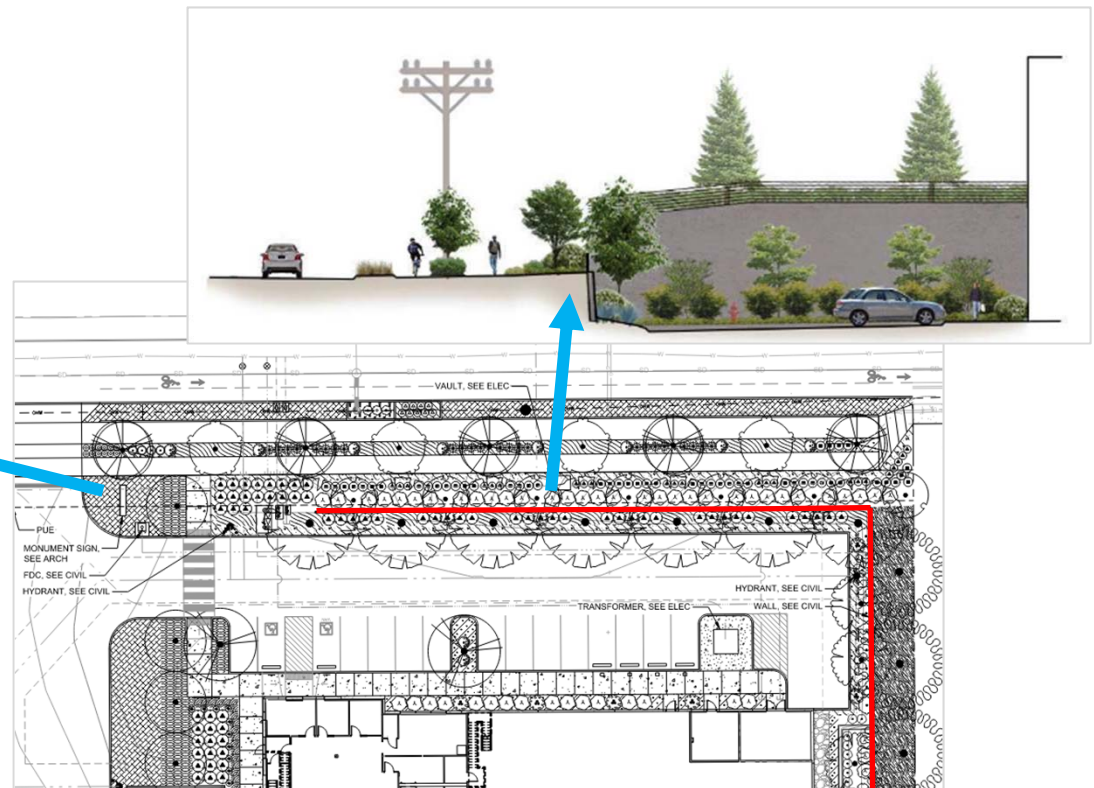




Table CC-3: Site Design Grading and Retaining Walls

- Clarify meaning of “horizontal offset”

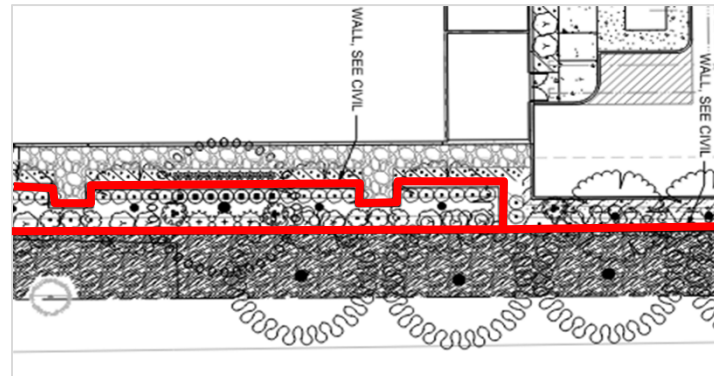




Table CC-4: Building Design Required Canopy

- Increase allowed adjustment to 20% to allow 12-foot minimum canopy height





Table CC-4: Building Design Base Design

- Clarify that any one of three options satisfies requirement for building base design



Base



Base



Planning Commission Feedback

- Appreciated judicious approach taken by staff
- Expressed unanimous support for proposed modifications



Next Steps

February 2024

Planning Commission
Public Hearing

March/April 2024

City Council Public
Hearing and Adoption



Questions for City Council

- Does the City Council agree with the standards identified by staff for modifications?
- Does the City Council have other comments about the proposed modifications?

COUNCILORS PRESENT

Mayor Fitzgerald
 Council President Akervall
 Councilor Linville
 Councilor Berry
 Councilor Dunwell

STAFF PRESENT

Amanda Guile-Hinman, City Attorney
 Bryan Cosgrove, City Manager
 Cindy Luxhoj, Associate Planner

Chris Neamtzu, Community Development Director
 Dan Pauly, Planning Manager
 Jeanna Troha, Assistant City Manager
 Kimberly Rybold, Senior Planner
 Kimberly Veliz, City Recorder
 Mark Ottenad, Public/Government Affairs Director
 Matt Lorenzen, Economic Development Manager
 Scott Simonton, Fleet Services Manager
 Stephanie Davidson, Assistant City Attorney
 Zoe Mombert, Assistant to the City Manager

AGENDA ITEM	ACTIONS
WORK SESSION	START: 5:00 p.m.
A. Town Center Urban Renewal Feasibility Study	Staff discussed preparing a resolution that, if adopted, would place an advisory vote on the May 2024 ballot that asks voters to consider whether the City should utilize Urban Renewal as a mechanism to fund infrastructure development to activate the Town Center Plan.
B. Frog Pond East and South Development Code	Staff sought guidance on the development of code amendments that would define development standards in Frog Pond East and South.
C. Coffee Creek Draft Assessment	Staff provided Council with an update on the status of the Coffee Creek Industrial Design Overlay District form-based code assessment, and sought Council input on possible modifications to the form-based code standards.
D. Transit-Oriented Development (TOD) Financing	Staff presented on Resolution No. 3096, which authorizes applying the Current Parks System Development Charge To The Multifamily Portion Of The Wilsonville Transit Center Transit-Oriented Development Project.

REGULAR MEETINGMayor's Business

A. Reappointments / Appointment

Arts, Culture, and Heritage Commission – Appointment

Appointment of Nadine Elbitar to the Arts, Culture, and Heritage Commission for a term beginning 1/1/2024 to 6/30/2024. Passed 5-0.

Budget Committee – Appointment

Appointment of Christopher Moore to the Budget Committee for a term beginning 1/1/2024 to 12/31/2024. Passed 5-0.

Budget Committee – Appointment

Appointment of Tabi Traugher and Tyler Beach to the Budget Committee for a term beginning 1/1/2024 to 12/31/2026. Passed 5-0.

DRB – Reappointment

Reappointment of John Andrews and Megan Chuinard to the Development Review Board for a term beginning 1/1/2024 to 12/31/2025. Passed 5-0.

DRB – Appointment

Appointment of Kamran Mesbah to the Development Review Board for a term beginning 1/1/2024 to 12/31/2025. Passed 5-0.

DEI Committee – Reappointment

Reappointment of David Siha, Tracy (Tre) Hester and Fay Gyapong-Porter to the Diversity, Equity and Inclusion Committee for a term beginning 1/1/2024 to 12/31/2026. Passed 5-0.

DEI Committee – Appointment

Appointment of Justin Brown to the Diversity, Equity and Inclusion Committee for a term beginning 1/1/2024 to 12/31/2024. Passed 5-0.

DEI Committee – Appointment

Appointment of Carolina Wilde to the Diversity, Equity and Inclusion Committee for a term beginning 1/1/2024 to 12/31/2026. Passed 5-0.

DEI Committee – Student Appointment

Reappointment of George Luo and Aasha Patel to the Diversity, Equity and Inclusion Committee for a term beginning 1/1/2024 to 12/31/2024. Passed 5-0.

Kitakata Sister City Advisory Board – Reappointment

Reappointment of John (Michael) Bohlen and Adrienne Scritsmier to the Kitakata Sister City Advisory Board for a term beginning 1/1/2024 to 12/31/2026. Passed 5-0.

Kitakata Sister City Advisory Board – Appointment

Appointment of Karen Kreitzer to the Kitakata Sister City Advisory Board for a term beginning 1/1/2024 to 12/31/2026. Passed 5-0.

Parks and Recreation Board – Appointment

Appointment of Bill Bagnall and Paul Diller to the Parks and Recreation Board for a term beginning 1/1/2024 to 12/31/2027. Passed 5-0.

Planning Commission – Reappointment

Reappointment of Jennifer Willard to the Planning Commission for a term beginning 1/1/2024 to 12/31/2027. Passed 5-0.

Planning Commission – Appointment

Appointment of Matt Constantine, Sam Scull and Yana Semenova to the Planning Commission for a term beginning 1/1/2024 to 12/31/2027. Passed 5-0.

Tourism Promotion Committee –
Appointment

Appointment of Lynn Sanders to the Tourism Promotion Committee for a term beginning 1/1/2024 to 6/30/2026. Passed 5-0.

B. Upcoming Meetings

Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.

Consent Agenda

A. **Resolution No. 3096**

A Resolution Of The City Of Wilsonville Authorizing Applying The Current Parks System Development Charge To The Multifamily Portion Of The Wilsonville Transit Center Transit-Oriented Development Project.

B. **Resolution No. 3097**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Construction Contract With Tapani, Inc. For The Charbonneau Lift Station Rehabilitation Project (Capital Improvement Project #2106).

C. **Resolution No. 3104**

A Resolution Of The City Council Revising Section 4.E. Of The Diversity, Equity And Inclusion (DEI) Committee Charter.

D. **Resolution No. 3105**

A Resolution Of The City Of Wilsonville Authorizing The Purchase Of One Asphalt Patch Truck From Premier Truck Group Of Portland.

E. Minutes of the December 4, 2023 Council Meeting.

The Consent Agenda was approved 5-0.

New Business

A. None.

Continuing Business

A. **Resolution No. 3091**

A Resolution Of The City Of Wilsonville Adopting The Findings And Recommendations Of The Solid Waste Collection Rate Report Date October 2023 And Modifying The Current Republic Services Rate

Resolution No. 3091 was adopted by a vote of 4-1.

Schedule For Collection And Disposal Of Solid Waste, Recyclables, Organic Materials And Other Materials, Effective February 1, 2024.	
<u>Public Hearing</u> A. <u>Ordinance No. 884</u> An Ordinance Of The City Of Wilsonville Annexing Approximately 2.02 Acres Of Property Located At The Northwest Corner Of SW Frog Pond Lane And SW Stafford Road For Development Of An 11-Lot Residential Subdivision B. <u>Ordinance No. 885</u> An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Rural Residential Farm Forest 5-Acre (RRFF-5) Zone To The Residential Neighborhood (RN) Zone On Approximately 2.02 Acres Located At The Northwest Corner Of SW Frog Pond Lane And SW Stafford Road For Development Of An 11-Lot Residential Subdivision.	<p>After a public hearing was conducted, Ordinance No. 884 was adopted on first reading by a vote of 5-0.</p> <p>After a public hearing was conducted, Ordinance No. 885 was adopted on first reading by a vote of 5-0.</p>
<u>City Manager's Business</u>	Councilors discussed the materials in the monthly City Manager reports.
<u>Legal Business</u>	No report.
<u>Communications</u> A. Polling on Tolling Request	West Linn Mayor Rory Bialostosky discussed collaboration among local jurisdictions to better understand resident attitudes toward tolling and requested Council contribute \$5,000 towards the administration of a statistically valid survey. Passed 5-0.
ADJOURN	9:00 p.m.



WORK SESSION

3. Coffee Creek Assessment (Luxhoj) (45 Minutes)



PLANNING COMMISSION MEETING STAFF REPORT

Meeting Date: December 13, 2023		Subject: Coffee Creek Code Assessment	
		Staff Member: Cindy Luxhoj AICP, Associate Planner	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments:	
Staff Recommendation: Provide requested input on direction of possible Development Code amendments to the Coffee Creek Industrial Design Overlay District.			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Attract high-quality industry and increase investment in industrial areas	<input checked="" type="checkbox"/> Adopted Master Plan(s): Coffee Creek Master Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COMMISSION

At the September 13, 2023 Planning Commission work session, staff provided information about the recently-initiated assessment of the Coffee Creek Industrial Design Overlay District form-based code (FBC). At tonight's meeting, staff is seeking input on possible Development Code amendments to the FBC standards planned for a public hearing before the Planning Commission on February 14, 2024.

EXECUTIVE SUMMARY:

As discussed at the September 13, 2023 Planning Commission work session, staff has initiated an assessment of the Coffee Creek Industrial Design Overlay District form-based code (FBC), which were subject to a pilot period of three completed development applications or five years when they were adopted in 2018. As of 2023, both milestones have been achieved, with four completed industrial development projects in various stages of construction throughout the Coffee Creek area.

To date, staff has reviewed the timeline to land use approval for the four completed development projects in Coffee Creek and types of requested waivers to the FBC. In July 2023, staff conducted three focused discussions with applicants and their consultant teams to gain feedback from a customer service standpoint about the FBC, as well as engaged in a follow-up discussion with one of the applicants to understand in more depth which of the FBC standards could more closely align with current and future needs of prospective industrial users in the Coffee Creek area. Participants offered helpful suggestions for adjustments to the standards, particularly related to project waiver requests.

Based on this initial work and input from Planning Commission and City Council work sessions, staff determined that modification to the land use review tracks and process is not needed. However, slight adjustments to the FBC standards are needed to make compliance more achievable for applicants, with the objective of enabling applicants to use the Class 2 Administrative Review track while not compromising the City's ability to continue creating a connected, high-quality employment center in Coffee Creek.

Specifically, staff has identified the following six FBC standards in Table CC-3 and Table CC-4 of Subsection 4.134 (.11), five of which had two or more waiver requests, to which modification are warranted:

- Table CC-3: Site Design
 - Parcel Access: Parcel Driveway Width – Modify to include two driveway width maximums
 - Parcel Pedestrian Access: Parcel Pedestrian Access Width – Modify to limit where an access width of 8 feet is required
 - Parking Location and Design: Parking Location and Extent – Modify to eliminate parking bay limitation and require 50% of spaces to be designated for short-term uses
 - Grading and Retaining Walls: Maximum Height; Retaining Wall Design – Modify to increase height of walls not visible from adjacent streets and allow horizontal and/or vertical offset to reduce mass
- Table CC-4: Building Design
 - Primary Building Entrance: Accessible Entrance; Required Canopy – Modify to increase the allowed adjustment from 10% to 20%

- Overall Building Massing: Allowance of Primary Building Entrance; Ground Floor Height; Base Design – Modify to add a footnote allowing reduction in height of building entrance and ground floor corresponding to canopy height reduction

Attachment 1 includes proposed Code amendments and rationale for the proposed changes.

At this work session, staff is seeking the following feedback from the Planning Commission:

- Does the Planning Commission agree with the standards identified by staff for modifications?
- Does the Planning Commission have comments about the possible modifications recommended by staff?

EXPECTED RESULTS:

Feedback from this meeting will guide completion of a package of Development Code amendments that staff will present to Planning Commission for public hearing at the February 2024 meeting.

TIMELINE:

A Planning Commission public hearing on the Development Code amendments is expected in February 2024 with City Council adoption in March 2024.

CURRENT YEAR BUDGET IMPACTS:

Funding for the Coffee Creek Code Assessment work is allocated in the FY2023-24 Planning Division budget.

COMMUNITY INVOLVEMENT PROCESS:

The Coffee Creek Master Plan, as well as the Coffee Creek Industrial Design Overlay District drafting and review process, included comprehensive community involvement to gather input. For the current Coffee Creek Code Assessment project, staff has focused on gathering input from recent applicants and their consultant teams to inform the evaluation and provide input on the process and standards.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Refinement of the Coffee Creek FBC to facilitate future development while continuing to create the desired connected, high-quality employment center envisioned in the Master Plan will result in efficiencies for future users, as well as inform planning for the Basalt Creek industrial area to the north, which will benefit all members of the Wilsonville community who live and work in these industrial areas.

ALTERNATIVES:

Alternatives include:

- Make no modifications to the Coffee Creek Industrial Design Overlay District standards.
- Modify the Coffee Creek Industrial Design Overlay District standards related to the land use review process for applicants.

ATTACHMENTS:

1. Proposed Amendments to the Coffee Creek Industrial Design Overlay District Form-based Code

Proposed Amendments to the Coffee Creek Industrial Design Overlay District Form-based Code

*Note: The tables below contain current Code language. Text highlighted in **red** is the subject of the proposed Code amendments.*

Wilsonville Development Code

Section 4.134 (.11) Coffee Creek Industrial Design Overlay District

Table CC-3: Site Design			
	Addressing Streets	Supporting Streets	Through Connections
1. Parcel Access			
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none"> Section 4.177(.02) for street design; Section 4.177(.03) to (.10) for sidewalks, bike facilities, pathways, transit improvements, access drives & intersection spacing. The following Development Standards are adjustable: <ul style="list-style-type: none"> Parcel Driveway Spacing: 20% Parcel Driveway Width: 10% 		
Parcel Driveway Width	Not applicable	24 feet, maximum or complies with Supporting Street Standards	24 feet, maximum or complies with Through Connection Standards

Proposed Code Amendments:

Modify the standard to include two driveway width maximums:

- Keep 24-foot width with 10% allowed adjustment to 26.4 feet for the primary driveway providing access for passenger vehicles, light delivery, etc.
- Increase the driveway width to 40 feet maximum with 10% allowed adjustment to 44 feet for a secondary driveway or a driveway that provides access for heavy delivery vehicles, large trucks, etc.

Rationale for Proposed Changes:

- Two waivers were requested to allow increased width of a secondary driveway from a Supporting Street for heavy vehicle ingress/egress.
- The allowed driveway width, even with a 10% adjustment, was not sufficient for large truck ingress/egress from a Supporting Street or Through Connection.
- Applicants suggest a maximum of 40 to 45 feet would be adequate for a driveway providing truck ingress/egress.
- Auto-only driveway width of 24 feet with allowed adjustment to 26.4 feet is sufficient.
- While the main goal of the driveway maximum width is limiting the distance that pedestrians have to cross a driveway, thus providing for better pedestrian connectivity, the pedestrian crossing distance needs to be balanced with safe turning radius for larger

vehicles to prevent traffic slowdowns and stacking on the street, and damage to curbs and landscape areas from turning trucks.

Table CC-3: Site Design			
	Addressing Streets	Supporting Streets	Through Connections
2. Parcel Pedestrian Access			
Parcel Pedestrian Access Width	8 feet wide minimum		

Proposed Code Amendments:

Modify the standard to limit where an access width of 8 feet is required:

- Specify that the 8-foot access width is for pathways between the public ROW and Primary Building Entrance(s).

Rationale for Proposed Changes:

- No waivers were requested, but clarification is needed of specific locations where the access width must be 8 feet versus where 5 feet is sufficient.
- While the width requirement appears to apply to all connections into a site, it seems overly burdensome to require all connections from the public right-of-way to be 8 feet wide.
- The highest priority should be connecting the primary frontage to the primary building entrance.

Table CC-3: Site Design			
	Addressing Streets	Supporting Streets	Through Connections
4. Parking Location and Design			
General	Unless noted otherwise below, the following provisions apply: <ul style="list-style-type: none"> • Section 4.155 (03) Minimum and Maximum Off-Street Parking Requirements • Section 4.155 (04) Bicycle Parking • Section 4.155 (06) Carpool and Vanpool Parking Requirements • Section 4.176 for Parking Perimeter Screening and Landscaping—permits the parking landscaping and screening standards as multiple options The following Development Standards are adjustable: <ul style="list-style-type: none"> • Parking Location and Extent: up to 20 spaces permitted on an Addressing Street 		
Parking Location and Extent	Limited to one double-loaded bay of parking, 16 spaces, maximum, designated for short-term (1 hour or less), visitor, and disabled parking only between right-of-way of Addressing Street and building.	Parking is permitted between right-of-way of Supporting Street and building.	Parking is permitted between right-of-way of Through Connection and building.

Proposed Code Amendments:

Modify the standard to eliminate the limitation of one parking bay and allow some parking to be used for a longer duration:

- Keep the number of spaces unchanged at 16 spaces maximum with allowed adjustment to 20 spaces.
- Eliminate the requirement that all allowed spaces be located within one double-loaded bay of parking.
- Require that 50% of allowed spaces be designated for short-term, visitor, and disabled parking only, allowing other spaces to be utilized by other users or for longer duration.

Rationale for Proposed Changes:

- Three waivers were requested: one to the number of spaces due to unique site constraints and the waiver gave the City extra leverage to get enhanced landscaping along the frontage; another to allow two different parking bays, rather than one on an Addressing Street, while still meeting the maximum number of spaces; and two to allow some of the parking along an Addressing Street to be used by employees.
- Much of the development thus far (3 of 4 projects) tends not to have many customers or visitors; a majority of employees might work in the office area at the front of the building.
- Minimization of the appearance of parking from an Addressing Street is a key focus in the Pattern Book with the intent of providing a human scale to the public realm.

Table CC-3: Site Design			
	Addressing Streets	Supporting Streets	Through Connections
5. Grading and Retaining Walls			
General	The following Development Standards are adjustable: <ul style="list-style-type: none"> Retaining Wall Design: 20% 		
Maximum height	Where site topography requires adjustments to natural grades, landscape retaining walls shall be 48 inches tall maximum. Where the grade differential is greater than 30 inches, retaining walls may be stepped.		
Retaining Wall Design	Retaining walls longer than 50 linear feet shall introduce a 5-foot, minimum horizontal offset to reduce their apparent mass.		

Proposed Code Amendments:

Modify the standard to increase the maximum height for walls not visible from the right-of-way of adjacent streets and to allow a horizontal and/or vertical offset to reduce their mass.

- Keep the maximum height of 48 inches with a 20% allowed adjustment to 57.6 inches for retaining wall that are visible from the right-of-way of adjacent streets.
- Increase the height maximum to 60 inches with a 20% allowed adjustment to 72 inches for retaining walls that are only visible to users from within a site.
- Keep the requirement for an offset in walls longer than 50 linear feet, but clarify the meaning of “horizontal offset” by providing explanatory text or graphics/illustrations.

Rationale for Proposed Changes:

- Two waivers were requested to allow taller retaining walls to accommodate large flat buildings that require a level expanse within which to build, to meet grade at adjacent street right-of-way, and due to unique, site-specific design challenges.
- It is unclear how the requirement for a 5-foot minimum horizontal offset should be applied. Because it focuses on the linear length of the wall, rather than its height, it seems that the offset should be a vertical, rather than horizontal. Introducing a vertical offset can result in stability issues. It can lead to water penetration and wall failure.
- The Pattern Book (pages 23-24) emphasizes the intent to minimize site grading to preserve the natural character of a site. Contoured slopes are generally preferred to the installation of retaining walls. Where retaining walls are necessary to support site development, they should facilitate surface drainage, limit soil erosion, and avoid increasing instability of native soils. Retaining walls should be integrated with other site design features, such as stairs, ramps, and planters wherever possible.

Table CC-4: Building Design			
	Addressing Streets	Supporting Streets	Through Connections
2. Primary Building Entrance			
General	The following Development Standards are adjustable: <ul style="list-style-type: none">• Required Canopy: 10%• Transparency: 20%		
Accessible Entrance	The Primary Building Entrance shall be visible from, and accessible to, an Addressing Street (or a Supporting Street if there is no Addressing Street frontage). A continuous pedestrian pathway shall connect from the sidewalk of an Addressing Street to the Primary Building Entrance with a safe, direct and convenient path of travel that is free from hazards and provides a reasonably smooth and consistent surface consistent with the requirements of Americans with Disabilities Act (ADA). The Primary Building Entrance shall be 15 feet wide, minimum and 15 feet tall, minimum.		
Required Canopy	Protect the Primary Building Entrance with a canopy with a minimum vertical clearance of 15 feet and an all-weather protection zone that is 8 feet deep, minimum and 15 feet wide, minimum.		
3. Overall Building Massing			
Allowance of Primary Building Entrance	Where the Primary Building Entrance is located on an Addressing Street it may extend into the required front yard setback by 15 feet maximum provided that: <ul style="list-style-type: none">a. It has a two-story massing with a minimum height of 24 feet;b. The Parcel Frontage on the Addressing Street is limited to 100 feet;c. The building extension is 65% transparent, minimum;d. The entrance is protected with a weather-protecting canopy with a minimum vertical clearance of 15 feet; ande. The standards for site design and accessibility are met.	Not applicable	Not applicable
Ground Floor Height	The Ground Floor height shall measure 15 feet, minimum from finished floor to finished ceiling (or 17.5 feet from finished floor to any exposed structural member).		

Proposed Code Amendments:

Modify the standard to increase the allowed adjustment for required canopy height:

- Increase the allowed adjustment for required canopy height from 10% to 20% to allow a minimum canopy height of 12 feet.
- Add a footnote to Table CC-4 at the standards for “Accessible Entrance”, “Allowance of Primary Building Entrance”, and “Ground Floor Height” to allow corresponding reduction in the minimum height of the primary building entrance and ground floor height when an applicant elects to use the allowed adjustment to reduce the required canopy height.

Rationale for Proposed Changes:

- Two waivers were requested to reduce the required canopy height to 12 feet and two waivers were requested to adjust the interior ground floor height to 12 feet.
- A canopy height of 10 to 12 feet is the standard storefront dimension, where a height above 12 feet requires a curtain wall system, which is more expensive and likely requires custom fabrication.
- A lower canopy height may allow for better weather protection at the primary entrance, and can facilitate interior/exterior integration and line of sight.
- Applicants noted that an interior ceiling height requirement matching the exterior canopy feels more spacious in comparison to the typical dropped ceiling of 9 to 10 feet.
- If the allowed adjustment is changed to 20% from 10%, the resulting minimum would be 12 feet, which is the standard storefront dimension.

Table CC-4: Building Design			
	Addressing Streets	Supporting Streets	Through Connections
3. Overall Building Massing			
Base Design	<p>The design of the building Base shall:</p> <ul style="list-style-type: none"> a. Use a material with a distinctive appearance, easily distinguished from the building Body expressed by a change in material, a change in texture, a change in color or finish; b. Create a change in surface position where the Base projects beyond the Body of the building by 1½ inches, minimum; and/or c. Low Berm Landscape Standard, Section 4.176(.02)E. 		

Proposed Code Amendments:

Modify the standard to clarify that any one of the three design options satisfies the requirement:

- Add “and/or” after “finish;” under (a.) in the standard.

Rationale for Proposed Changes:

- No waivers were requested, but clarification is needed as to whether the intent of the standard is to require (a.) and/or (b.), similar to with the Top Design, or to require both (a.) and (b.)
- Having a base that is both visually (a.) and dimensionally (b.) distinct is difficult to achieve, particularly with tilt-up concrete construction technology that has a large flat surface that is poured on the ground. Projecting panels, mesh treatment, or other means must be used to achieve the change in surface position.



Coffee Creek Code Assessment

Planning Commission Work Session

December 13, 2023

Presented by: Cindy Luxhoj AICP, Associate Planner

Coffee Creek Assessment Steps Completed to Date

May/June 2023

- Reviewed timeline to land use approval and requested waivers to form-based code standards

July/September 2023

- Conducted focused discussion with applicants and consultant teams

September 2023

- Sought direction at Planning Commission and City Council work sessions

October/November 2023

- Identified slight modifications to form-based code standards to make compliance more achievable for applicants

Form-based Code Standards Proposed for Modifications

- Table CC-3: Site Design
 - Parcel Access: Parcel Driveway Width
 - Parcel Pedestrian Access: Parcel Pedestrian Access
 - Parking Location and Design: Parking Location and Extent
 - Grading and Retaining Walls: Maximum Height; Retaining Wall Design
- Table CC-4: Building Design
 - Primary Building Entrance: Accessible Entrance; Required Canopy; and Overall Building Massing: Allowance of Primary Building Entrance; Ground Floor Height
 - Overall Building Massing: Base Design

Table CC-3: Site Design

Parcel Drive Width

- Current standard:
 - 24 feet maximum, or complies with Supporting Street Standards
 - Allowed adjustment: 10% to 26.4 feet
- Modify to include two driveway width maximums:
 - Keep current standard for primary driveway providing access for passenger vehicles, light delivery, etc.
 - Increase driveway width to 40 feet maximum with 10% allowed adjustment to 44 feet for a secondary driveway or a driveway providing access for heavy delivery vehicles, large trucks, etc.

Table CC-3: Site Design

Parcel Pedestrian Access

- Current standard:
 - 8 feet wide minimum on Addressing Streets, Supporting Streets, and Through Connections
- Modify to limit where an access width of 8 feet is required:
 - Specify that 8-foot access width is for pathways between public right-of-way and primary building entrance(s)

Table CC-3: Site Design

Parking Location and Extent

- Current standard:
 - One double-loaded bay, 16 spaces, maximum
 - Allowed adjustment: Up to 20 spaces permitted
 - All spaces designated for short-term (1 hour or less), visitor, and disabled parking only between right-of-way of Addressing Street and building
- Modify to eliminate parking bay limitation and allow some parking to be used for longer duration:
 - Keep number of spaces unchanged.
 - Eliminate requirement that all allowed spaces be located within one double-loaded bay of parking.
 - Require that 50% of allowed spaces be designated for short-term, visitor, and disabled parking only, allowing other spaces to be utilized by other users or for longer duration.

Table CC-3: Site Design

Grading and Retaining Walls

- Current standard:
 - Maximum height of 48 inches
 - Allowed Adjustment: 20% to 57.6 inches
 - Walls longer than 50 linear feet must introduce a 5-foot minimum horizontal offset to reduce their apparent mass
- Modify to increase height of wall not visible from adjacent streets and clarify the meaning of “horizontal offset”:
 - Keep maximum height of current standard for retaining walls that are visible from adjacent street right-of-way.
 - Increase height maximum to 60 inches with a 20% allowed adjustment to 72 inches for retaining walls that are only visible to users from within a site.
 - Keep requirement for an offset in walls longer than 50 linear feet, but clarify meaning of “horizontal offset” by providing explanatory text or graphics/illustrations.

Table CC-4: Building Design Required Canopy

- Current standard:
 - Vertical clearance of 15 feet minimum
 - All-weather protection zone minimum 8 feet deep and 15 feet wide
 - Allowed adjustment: 10% to 13.5 feet
- Modify to increase allowed adjustment to 20%:
 - Increase allowed adjustment for required canopy height from 10% to 20% to allow minimum canopy height of 12 feet.
 - Add footnote at the standards for “Accessible Entrance”, “Allowance of Primary Building Entrance”, and “Ground Floor Height” to allow corresponding reduction in minimum height of primary building entrance and ground floor height when applicant elects to use allowed adjustment to reduce required canopy height.

Table CC-4: Building Design Base Design

- Current standard:
 - Building base design that:
 - (a.) Uses change in material, texture, color or finish to create a distinctive appearance;
 - (b.) Creates a change in surface position; and/or
 - (c.) Meets the Low Berm Landscape standard
- Modify to clarify that any one of three design options satisfies the requirement:
 - Add “and/or” after the last word under (a.) in the standard

Next Steps

February 2024

Planning Commission
Public Hearing

March/April 2024

City Council Public
Hearing and Adoption

Questions for Planning Commission

- Does the Planning Commission support the draft standards modifications?
- Comments on the modifications?

- Mr. Price clarified the triggers on the plot indicated when the equipment or facilities were expected to be in place, so cash should be expended prior to the date shown, which was reflected in the cash flow projection.

Chair Heberlein called for public testimony regarding the Wastewater Treatment Master Plan and confirmed with Staff that no one present at City Hall or on Zoom indicated they wanted to provide testimony. He closed the public hearing at 6:41 pm.

Commissioner Hendrix moved to adopt Resolution No. LP22-0001 as presented. Commissioner Willard seconded the motion. Following a roll call vote, the motion passed unanimously.

WORK SESSION

3. Coffee Creek Assessment (Luxhoj)

Cindy Luxhoj, Associate Planner, updated on the Coffee Creek form-based code assessment via PowerPoint, which involved the four completed development projects in Coffee Creek. She reviewed the steps completed to date, noting Staff determined no modifications were needed to the land use review tracks and process, and presented the proposed modifications to six form-based code standards in Table CC-3 Site Design and Table CC-4 Building Design. The modifications were detailed in Attachment 1, including one proposed modification to the base design of the building not included in the Staff report. (Slide 9) The proposed modifications would come before the Planning Commission for public hearing in February 2024 and before Council for adoption in March or April.

Comments and feedback from the Planning Commission was as follows with responses to Commissioner questions as noted:

- Overall, the Commission was satisfied with the proposed modifications.
- Initially, the potential for dramatic changes was a concern, but the adjustments were acceptable, and Staff's judicious approach was appreciated.
- Ms. Luxhoj confirmed the short-term parking standard modification only applied to parking on an Addressing Street, not additional parking for employees in the back or on other streets, such as supporting streets and through connections. The goal was to limit the extent of the parking on the Addressing Street to maintain a more personable public realm.
- For the next meeting, Staff was asked to provide an example of a five-ft offset to provide a clearer understanding of what that would look like in the real world. (Slide 7)
- What was the purpose of defining a maximum but allowing adjustment? Why not just define the maximum as what the City actually wanted the maximum to be?
 - Daniel Pauly, Planning Manager, agreed it was a good question, especially for the legislature. If an adjustment standard was written, but there was no standard for that adjustment, then it was the maximum, so it might as well be written as the maximum.
 - The difference was some rationale must be provided to get an adjustment. Big picture is important, because often, when creating clear and objective standards to make the process easier, a number had to be chosen, so allowing some flexibility for that number to be a broader gray line often made sense. However, the City still defaulted to whatever number was identified until the rationale for changing it, such as improved design, was provided.

The goal was to make the process easy and not trigger a full public hearing for minor changes.

- Ms. Bateschell citing the Panattoni building project in Coffee Creek where multiple interrelated waivers were triggered to preserve a cluster of trees that both the applicant and the City wanted to save. From a design perspective, it was a much better project, but it went to the Development Review Board (DRB) creating a longer process for the applicant.
- The form-based code was intended to create an administrative path for industrial buildings. While 15 ft was the standard for canopy height was a 12-ft high canopy unacceptable when a great project resulted?
- The idea was to create some small buffers above and below the desired number. Providing flexibility in a project that delivers a better result was fine; it was close to the other number, but the City wanted a reason for it, rather than just approving waiver requests with no discussion about how the decision was made. Approving a waiver could allow things the City did not want to see on every project site, but in Panattoni's case, the better site orientation preserved the trees.
- The clear and objective standard was what the City wanted to see, but adjustments provided the planning director some wiggle room when site conditions made it difficult for the project to meet those standards to grant, if justified, the requested modifications without a full public hearing process.
- Staff was asked to carefully examine the modifications, and if adjustments were allowed, to ensure there was a clear reason that would trigger the adjustment to be acceptable. If not, the language should be changed to an actual maximum or revise the language to differentiate between the recommended and maximum values, because it was not a maximum if there was an allowance to adjust it later.
- Ms. Luxhoj clarified that the scope of adjustments would be applied downward for minimum standards, and upward for maximum standards. An adjustment to a minimum height would allow for a reduction in height and if the scenario regarded a maximum height, the adjustment would allow for an increase in height.
- Discussion continued about the need for the Code to be clear about the rationale for accepting adjustments if a Code minimum or maximum was provided and what triggers the variance to be something acceptable to approve.
 - The purpose of a variance/adjustment was to provide flexibility, and if that flexibility was limited to only certain items, then the flexibility is reduced. Unless a specific list of all the possible justifications for variances was created, there was no way to justify the adjustment. The idea was to look at the different circumstances of each site, and some adjustments result on a much better design based on the Staff's justification to allow the requested variance. As noted, a specific justification might be a cluster of trees. Listing all the possibilities was impossible.
 - Mr. Pauly did not believe listing all the possibilities for variances would be necessary, the justification would be similar to the City's waiver criteria. Applicants had to provide a reasonable statement justifying their request based on the purpose of the Code or the Planned Development Standards, such as taking advantage of improved technology, making a better site plan, etc., rather than a specific list of qualifications.

- Ms. Bateschell noted criteria already existed in the Code requiring applicants to show how the original intent of the standard within the form-based code was being met in order to obtain the adjustment.
 - For the Black Creek project site, parking beyond the maximum allowed on Garden Acres Rd, the Addressing Street frontage, required a waiver and therefore, had to go through the hearing process. The project still had to meet the Code's intent, which was to not have a sea of parking out front, not that much depth before getting to the building and have it oriented in a certain way. Because of the waiver, additional landscaping and screening was required to diminish the view of the parking lot. The design standards and handbook of the form-based code provided some criteria for how to evaluate such adjustments.
- Knowing something in the Code outlined the process for obtaining an adjustment was helpful and having staff's documented justification of the Black Creek project addressed concerns about adjustments being approved willy-nilly; otherwise, the City was setting a precedent by waiving a rule without justifying it properly and the next applicant would expect the same.
- Ms. Luxhoj explained the thoughtful approach taken in the recommended modifications to the form-based code without losing sight of its intent while also providing the waiver process. Based on discussions with former applicants, considerations were made about what could be tweaked to reduce the number of requested waivers, such as having a wider width on a secondary driveway, while keeping the primary driveway at the narrower width.
 - The aim was to balance adjustments that made compliance more feasible for future projects while preserving the Code's intent and maintaining waivers for more substantial changes, like extensive parking or tall retaining walls, where proper justification would still be required through the waiver process.

Commissioner Mesbah commended Ms. Luxhoj for her clear explanation of the rules and codes, without any reference to the public good that should come from enforcing the Code, noting the potential for such regulations to become overly bureaucratic.

4. Frog Pond East and South Implementation-Development Code (Pauly)

Daniel Pauly, Planning Manager, continued the discussion on the Frog Pond East and South Implementation Code Amendments via PowerPoint, updating the Commission on specific draft Development Code amendments for Siting and Design Development Standards, further describing the removal of minimum lot sizes, as well as updating other key standards, including front setbacks, maximum building width, and draft floor to area ratios (FARs). (Slides 3-18)

- He clarified the State rules requiring the allowance of three-story middle housing was only if parking was required; the City could limit the height to two-stories if parking was not required, which would be the case in Frog Pond. As the Code continued to be refined, the maximum building height could potentially be adjusted down. The 35-ft height maximum was based on an old, traditional 10-ft story and current development patterns now had slightly higher ceiling heights. (Slide 9)

Comments from the Planning Commission on the Draft Development Standards topics were as follows with responses to Commissioner questions as noted:



WORK SESSION

Coffee Creek Assessment (Luxhoj)



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: September 18, 2023		Subject: Coffee Creek Code Assessment	
		Staff Member: Cindy Luxhoj AICP, Associate Planner	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments: N/A	
Staff Recommendation: Staff recommends Council provide requested input on direction of possible Development Code amendments to the Coffee Creek Industrial Design Overlay District.			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Attract high-quality industry and increase investment in industrial areas	<input checked="" type="checkbox"/> Adopted Master Plan(s): Coffee Creek Master Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Staff has initiated an assessment of the Coffee Creek Industrial Design Overlay District form-based code, which was adopted in 2018 for the Coffee Creek Master Plan area, and is seeking input from City Council on the direction of possible Development Code amendments to the form-based code standards and review process.

EXECUTIVE SUMMARY:

The City adopted the Coffee Creek Master Plan in 2007 to guide industrial development in the Coffee Creek area. In 2018, the City adopted the Coffee Creek Industrial Design Overlay District form-based code (Development Code Section 4.134) and accompanying Pattern Book to establish clear and objective regulations and guidelines for the area. These standards guide street design and connectivity, site design, circulation, building form and architecture, and landscaping for future development.

To facilitate a predictable and timely process for reviewing industrial development applications in Coffee Creek, two land use review tracks were established:

- Class 2 Administrative Review of applications meeting all the clear and objective standards of the form-based code.
- Development Review Board review of applications requesting one or more waivers to the standards.

The City also modified procedures governing City Council review of annexations and Zone Map amendments in Coffee Creek. These modifications allow for City Council review of the requests without prior review or recommendation by the Development Review Board, thus facilitating concurrent processing with other related development permit applications for a project, such as Stage 1, Stage 2, Site Design Review, etc.

When adopted, the form-based code standards and review process was subject to a pilot period of three completed development applications or five years, whichever comes first. As of 2023, both milestones have been achieved, with four completed industrial development projects in various stages of construction throughout the Coffee Creek area (see Attachment 1); thus, staff is assessing the form-based code. This review will enable the City to determine whether adjustments are warranted to the standards, process, or both, to achieve the overall objective of providing a clear and quick development review process that fosters creation of a connected, high-quality employment center in Coffee Creek.

To date, staff has reviewed the timeline to land use approval for the four completed development projects in Coffee Creek (see Attachment 2) and types of requested waivers to the form-based code standards (see Attachment 3). The timeline to approval, from complete application to final land use approval, has varied from roughly three (3) to seven (7) months. Each application applied for at least one waiver triggering review by the Development Review Board and so, to date, the Class 2 review process has not been utilized. Waivers requested have been for driveway width on a Supporting Street, parking location and use at the front of a building on an Addressing Street, retaining wall height and design, and building entrance canopy and ground floor ceiling height, among others.

In July 2023, staff also conducted three focused discussions with applicants and their consultant teams to gain feedback from a customer service standpoint about the form-based code to inform the current assessment (see Attachment 4). Earlier this month, staff engaged in a follow-up discussion with one of the applicants to understand in more depth which of the form-based code standards could more closely align with current and future needs of prospective industrial users in the Coffee Creek area.

In regards to process, applicants stated a preference for more definite guidance upfront from City staff about specific Code requirements and the development review timeline. They also desired more frequent communication about application deficiencies during completeness review and preparation of the land use decision so that they could address issues as they arose. Many of these comments about the timeliness and predictability of the development permit process were not specific to the form-based code, and when applicants focused on Coffee Creek their comments were mostly positive. The ability to take an application to City Council public hearing prior to Development Review Board review was greatly appreciated and added appreciable time savings to the process. Related to the form-based code standards, applicants offered helpful suggestions for adjustments to the standards, particularly related to project waiver requests, which will help inform discussions about what Code amendments could improve and streamline the development review process while maintaining the desired high-quality design in the Coffee Creek Industrial Area (see Attachment 5).

Based on this initial work, it appears that the land use review process is overall working as designed to facilitate a predictable and timely process for reviewing industrial development applications in Coffee Creek. Concurrent City Council review of annexations and Zone Map amendments, which all four projects requested, in particular is enabling a more streamlined land use review process. However, none of the projects has been able to meet all the form-based code standards and utilize the Class 2 Administrative Review track. Rather, they all have required at least one waiver and, thus, review by the Development Review Board, which has resulted in longer timelines to obtaining approval.

Therefore, staff has determined that modification to the land use review tracks and process is not needed. However, staff is recommending the City Council consider slight adjustments to the form-based code standards to make compliance more achievable for applicants, with the objective of enabling applicants to use the Class 2 Administrative Review track while not compromising the City's ability to continue creating a connected, high-quality employment center in Coffee Creek.

At this work session, staff is seeking the following feedback from City Council:

- What questions does City Council have about the Coffee Creek Code Assessment project?
- Does City Council agree with the direction of possible Development Code amendments described by staff that maintains the review process and focuses on adjusting the form-based code standards to reduce the need for waiver requests?

EXPECTED RESULTS:

Feedback from the meeting will guide staff in drafting a package of proposed Development Code amendments that staff will present to City Council for feedback this winter.

TIMELINE:

Planning Commission was briefed on the Coffee Creek Code Assessment at their September 13, 2023 meeting. Work sessions with Planning Commission and City Council are anticipated in December 2023. A Planning Commission public hearing and recommendation to City Council on the Development Code amendments is expected in February 2024. City Council public hearing and adoption is anticipated in March or April 2024.

CURRENT YEAR BUDGET IMPACTS:

Funding for the Coffee Creek Code Assessment work is allocated in the FY2023-24 Planning Division budget.

COMMUNITY INVOLVEMENT PROCESS:

The Coffee Creek Master Plan, as well as the Coffee Creek Industrial Design Overlay District drafting and review process, included comprehensive community involvement to gather input. For the current Coffee Creek Code Assessment project, staff has focused on gathering input from recent applicants and their consultant teams to inform the evaluation and provide input on the process and standards.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Refinement of the Coffee Creek form-based code to facilitate future development while continuing to create the desired connected, high-quality employment center envisioned in the Master Plan will result in efficiencies for future users, as well as inform planning for the Basalt Creek industrial area to the north, which will benefit all members of the Wilsonville community who live and work in these industrial areas.

ALTERNATIVES:

Alternatives include:

- Make no modifications to the Coffee Creek Industrial Design Overlay District standards.
- Modify the Coffee Creek Industrial Design Overlay District standards related to the land use review process for applicants.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Coffee Creek Regulating Plan with Location of Approved Developments
2. Coffee Creek Industrial Area Application Timeline to Approval
3. Waiver Requests for Approved Developments in Coffee Creek
4. Participant List and Questions for Coffee Creek Form-based Code Discussions
5. Summary of Feedback from Coffee Creek Form-based Code Focused Discussions

Coffee Creek Regulating Plan with Location of Approved Developments

1. Coffee Creek Logistics
2. Black Creek Group
3. Precision Countertops
4. Delta Logistics



Figure CC-1 - Regulating Plan

COFFEE CREEK INDUSTRIAL AREA APPLICATION TIMELINE TO APPROVAL

TIMELINE TO APPROVAL	BLACK CREEK GROUP INDUSTRIAL	COFFEE CREEK LOGISTICS	DELTA LOGISTICS SITE EXPANSION	PRECISION COUNTERTOPS
Length of Review, Complete Application through Final Approval (end of City Council or DRB appeal period, whichever is latest)	3 months 6 days (March 10, 2022 through June 15, 2022)	3 months 21 days (July 1, 2020 through October 21, 2020)	7 months 11 days (October 14, 2022 through May 24, 2023)	4 months 20 days (December 14, 2022 through May 3, 2023)
Pre-Application Meeting	June 17, 2021 (PA21-0015)	September 26, 2019 (PA19-0019)	April 15, 2021 (PA21-0007)	July 29, 2021 (PA21-0019)
Completeness Review – 1st Application				
o Submitted	December 21, 2021 (DB21-0083 et seq)	February 27, 2020 (DB20-0017 et seq)	April 19, 2022 (DB22-0007)	October 8, 2021 (DB21-0049 et seq; Reassigned to AR21-0050)
o Incomplete Notice issued	January 20, 2022	March 26, 2020	May 19, 2022	November 5, 2021
o Resubmitted	February 14, 2022	July 1, 2020 ^{*1}	August 26, 2022	--
o 2 nd Incomplete Notice issued	--	--	September 16, 2022	--
o Resubmitted	--	--	October 12, 2022 ^{*2}	--
o Complete Notice issued	March 10, 2022	July 1, 2020	October 14, 2022	--
o Withdrawn	--	--	--	March 23, 2022
o 180-day Review Period ended	--	--	--	April 6, 2022
Completeness Review – 2nd Application				
o Submitted	--	--	--	July 8, 2022 (AR22-0008; Reassigned to DB22-0011)
o Incomplete Notice issued	--	--	--	August 5, 2022
o Resubmitted	--	--	--	November 14, 2022
o Complete Notice issued	--	--	--	December 14, 2022
City Council				
o 1 st Reading	May 2, 2022	September 10, 2020	January 5, 2023	March 20, 2023
o 2 nd Reading	May 16, 2022	September 21, 2020	January 19, 2023	April 3, 2023
o Ordinance Effective Date	June 15, 2022	October 21, 2020	February 18, 2023	May 3, 2023
Development Review Board				
o Public Hearing	May 23, 2022	September 28, 2020	May 8, 2023 ^{*3}	April 10, 2023 ^{*4}
o Notice of Decision	May 24, 2022	September 29, 2020	May 9, 2023	April 11, 2023
o Appeal Period ended	June 8, 2022	October 14, 2020	May 24, 2023	April 26, 2023
120-day Review Period ended	July 8, 2022	October 29, 2020	February 11, 2023	April 13, 2023
o 120-day Waiver extending Review Period ended	--	--	March 30, 2023	May 3, 2023
o 2 nd 120-day Waiver extending Review Period ended	--	--	June 30, 2023	--
Subsequent Class 2 Administrative Review				
o Submitted	June 23, 2022	May 20, 2022	--	--
o Pending Notice issued	July 21, 2022	June 2, 2022	--	--
o Notice of Decision issued	September 26, 2022	June 16, 2022	--	--
o Appeal Period ended	October 10, 2022	June 30, 2022	--	--
Notes:				
^{*1} Resubmittal included request to deem application complete per ORS 227.178(2)(b)				
^{*2} Request to deem application complete per ORS 227.178(2)(b) received on October 14, 2022				
^{*3} Public Hearing rescheduled from January 23, 2023, to February 13, 2023; February 13, 2023 to March 27, 2023; and March 27, 2023, to May 8, 2023, at applicant's request.				
^{*4} Public Hearing rescheduled from March 27, 2023, to April 10, 2023, at applicant's request.				

WAIVER REQUESTS FOR APPROVED DEVELOPMENT IN COFFEE CREEK

Subsection 4.134(.11)	Development Standard	Waiver Request
Table CC-3 1. Parcel Access / Parcel Driveway Width / Supporting Streets	24 feet, maximum, or complies with Supporting Street Standards <u>Allowed adjustment:</u> 10% (to 26.4 feet)	<p><u>Black Creek Group Industrial</u> Applicant proposed to increase the width of the southwest driveway to 50 feet to accommodate vehicle turning movements into the site from the Supporting Street.</p> <p><u>Precision Countertops</u> Applicant proposes to increase the width of the east driveway to 40 feet to accommodate vehicle turning movements into the site from the Supporting Street.</p>
Table CC-3 4. Parking Location and Design / Parking Location and Extent / Addressing Streets	Limited to one double-loaded bay of parking, 16 spaces, maximum, designated for short-term (1 hour or less), visitor, and disabled parking only between right-of-way of Addressing Street and building. <u>Allowed adjustment:</u> Up to 20 spaces permitted on an Addressing Street	<p><u>Black Creek Group Industrial</u> Applicant proposed to locate 49 of 71 spaces of provided parking between the right-of-way of SW Garden Acres Road (Addressing Street) and the front of the building. In addition, the applicant proposed to use the spaces for employee parking, as well as the permitted uses of short-term, visitor, and disabled parking.</p> <p><u>Coffee Creek Logistics Center</u> Applicant proposed two (2) parking bays, one (1) containing four (4) spaces and the other containing five (5) spaces outside the office endcaps at the front of the building on SW Clutter Street, rather than one (1) double-loaded bay.</p> <p><u>Delta Logistics Site Expansion</u> Applicant proposed to locate 15 of 41 spaces of provided parking between the right-of-way of SW Day Road (Addressing Street) and the front of the building. Of these spaces, the applicant proposed to use six (6) of the spaces for the permitted uses of short-term, visitor, and disabled parking, and requested a waiver to use nine (9) of the spaces for employee parking,</p>

Subsection 4.134(.11)	Development Standard	Waiver Request
Table CC-3 4. Parking Location and Design / Parking Setback / Addressing Streets	20 feet minimum from the right-of-way of an Addressing Street	<u>Black Creek Group Industrial</u> Applicant proposed a narrower 9-foot setback from the right-of-way of SW Garden Acres Road (Addressing Street) than the 20-foot minimum.
Table CC-3 4. Parking Location and Design / Off Street Loading Berth / Addressing Streets	One loading berth is permitted on the front façade of a building facing an Addressing Street. The maximum dimensions for a loading are 16 feet wide and 18 feet tall. A clear space 35 feet, minimum is required in front of the loading berth. The floor level of the loading berth shall match the main floor level of the primary building. No elevated loading docks or recessed truck wells are permitted. Access to a Loading Berth facing an Addressing Street may cross over, but shall not interrupt or alter, a required pedestrian path or sidewalk. All transitions necessary to accommodate changes in grade between access aisles and the loading berth shall be integrated into adjacent site or landscape areas. Architectural design of a loading berth on an Addressing Street shall be visually integrated with the scale, materials, colors, and other design elements of the building.	<u>Coffee Creek Logistics Center</u> Applicant proposed one at-grade loading berth and 19 recessed loading berths on the front façade of the building facing an addressing street.
Table CC-3 5. Grading and Retaining Walls / Maximum Height / Addressing Streets	Where site topography requires adjustments to natural grades, landscape retaining walls shall be 48 inches tall maximum. Where the grade differential is greater than 30 inches, retaining walls may be stepped. Allowed adjustment: 20% (to 57.6 inches)	<u>Black Creek Group Industrial</u> Applicant proposed a retaining wall on the western side of the drive aisle along SW Grahams Ferry Road, the middle, roughly 105-foot-long section of which varied from 48 inches to 57 inches in height, exceeding the maximum height limitation. <u>Delta Logistics Site Expansion</u> Applicant proposed two (2) retaining walls, one (1) on the east side of the SROZ and one (1) on the north, east, and south sides of the building on the east part of the site. The east retaining wall, with a maximum height of over 18 feet, exceeded the allowed height by several feet.

Subsection 4.134(.11)	Development Standard	Waiver Request
Table CC-3 7. Location and Screening of Utilities and Services / Location and Visibility / Addressing Streets	Site and building service, equipment, and outdoor storage of garbage, recycling, or landscape maintenance tools and equipment is not permitted	<u>Black Creek Group Industrial</u> Applicant proposed to locate the trash/recycling enclosure adjacent to SW Grahams Ferry Road (Addressing Street) on the western side of the building.
Table CC-4 2. Primary Building Entrance Accessible Entrance / Required Canopy	Protect the Primary Building Entrance with a canopy with a minimum vertical clearance of 15 feet and an all-weather protection zone that is 8 feet deep, minimum and 15 feet wide, minimum. <u>Allowed adjustment:</u> 10% (to 13.5 feet)	<u>Black Creek Group Industrial</u> Applicant proposed a canopy height of 12 feet. <u>Coffee Creek Logistics Center</u> Applicant proposed a canopy height of 12 feet.
Table CC-4 3. Overall Building Massing / Base, Body, and Top Dimensions	Buildings elevations shall be composed of a clearly demarcated base, body and top. b. For Buildings between 30 feet and 5 stories in height: i. The base shall be 30 inches, minimum; 2 stories, maximum. ii. The body shall be equal to or greater than 75% of the overall height of the building. iii. The top of the building shall be 18 inches, minimum. <u>Allowed adjustment:</u> 10% (Body: to 67.5 %)	<u>Coffee Creek Logistics Center</u> Applicant proposed a body that is 66.25% of overall building height.
Table CC-4 3. Overall Building Massing / Ground Floor Height	The Ground Floor height shall measure 15 feet, minimum from finished floor to finished ceiling (or 17.5 feet from finished floor to any exposed structural member). <u>Allowed adjustment:</u> 10% (to 13.5 feet)	<u>Black Creek Group Industrial</u> Applicant proposed an interior ground floor height of 12 feet. <u>Coffee Creek Logistics Center</u> Applicant proposed an interior ground floor height of 12 feet.

PARTICIPANT LIST AND QUESTIONS FOR COFFEE CREEK FBC DISCUSSIONS

PARTICIPANTS

FOCUSED DISCUSSION – JULY 20, 2023

- Projects: Precision Countertops
 - Will Grimm, First Forty Feet
 - Simone O-Halloran, MDG Architecture/Interiors

FOCUSED DISCUSSION – JULY 24, 2023

- Projects: Coffee Creek Logistics, Black Creek Group, Delta Logistics
- Participants:
 - Lee Leighton, Mackenzie
 - Scott Moore, Mackenzie
 - Nicole Burrell, Mackenzie

FOCUSED DISCUSSION – JULY 27, 2023

- Projects: Coffee Creek Logistics, Black Creek Group
- Participants:
 - Kim Schoenfelder, KGIP
 - Zach Desper, Ares Management

QUESTIONS

1. The two land use review tracks, Administrative Review and Development Review Board, in Coffee Creek were established to facilitate a predictable and timely process for reviewing industrial development applications.
 - a. Based on your experience with the application and land use review process, do you agree that the process is predictable?
 - b. What do you think are the aspects of the process that help achieve this intended result or, conversely, that hinder achieving a predictable result?
2. The four developments subject to the Form-based Code in Coffee Creek have taken roughly 3 to 4 months, with one application taking roughly 7 months, from complete application to final approval of land use application (end of City Council or Development Review Board appeal period).
 - a. Based on your experience with industrial land development, do you think this is a reasonable timeline for land use review?
 - b. Do you think the process resulted in a relatively streamlined and straightforward review and approval?
 - c. Did concurrent City Council review of the annexation and Zone Map amendment make a difference in the process?
 - d. Do you have suggestions for how the process could be refined to shorten the review timeline further?

3. Two of the projects required subsequent Class 2 Administrative Review for modifications to number of parking spaces, landscaping, stormwater facilities, tree removal/retention, and other site improvements that were triggered by Building and Engineering requirements and Planning compliance related to construction.
 - a. Do you think there are modifications that could be made to the land use review process that would reduce the potential need for subsequent review?
4. All four projects in Coffee Creek had to request one or more waivers to the Coffee Creek standards, so none to date have been able to use the more efficient Administrative Review process. The waivers were for such site design elements as parcel driveway width on a Supporting Street, parking location and extent on an Addressing Street, retaining wall height and design, building entrance canopy height, etc.
 - a. Based on your project experience, do you think any of the standards are overly restrictive to development or pose a particular design challenge? Do you have suggestions for how those standards could be modified to make them less challenging?
 - b. Did the Form-based Code and Pattern Book encourage your team to do something different or result in a better building or site design?
 - c. What do you particularly like about the Form-based Code?
5. Would your design team have benefited from any additional information being provided during the pre-application meeting for your project that you did not receive?
6. Are there any questions you have for Staff or other comments and insights you would like to share?

SUMMARY OF FEEDBACK FROM COFFEE CREEK FORM-BASED CODE FOCUSED DISCUSSIONS

Feedback about Process:

Many comments received about the timeliness and predictability of the land use review process were not specific to the two-track process in Coffee Creek, but to land use review in general, particularly related to pre-application meetings and completeness review.

Information provided by the City, from all Departments/Divisions, at pre-application meetings needs to be as detailed as possible to enable an applicant to design and prepare plans for land use review that meet applicable standards, as rework during site design is costly and causes delay. However, it can be difficult at the pre-application stage to provide detail about a particular site plan, because designs will evolve as requirements and standards are better understood during land use review.

Follow-up meetings post pre-application, which are offered by the City, need to happen more than they do as they are helpful to applicants. But these meetings add to review time to organize and coordinate schedules, so a balance is needed.

Applicants need detailed guidelines about rules and requirements so they have clarity about what they are trying to design. No clarity leads to no predictability and, thus, delay. However, applicants also need to spend time understanding what the City is trying to accomplish, so everyone is on the same page as early in the process as possible.

Getting from the pre-application meeting to application submittal can be challenging. This is particularly the case when an applicant modifies their original design to respond to staff input provided at the pre-application meeting and the revised design raises new questions or concerns about compliance with the standards.

It is critical for the applicant to have definite information at the front of project planning for pro-forma and financial commitments. Drastic changes to a site plan that may be needed before submittal for land use completeness review have ripple effects on project design. For example, while the design standards for Supporting Streets are intentionally flexible to accommodate the unique characteristics of each project site, this can be perceived by the applicant as ambiguous and open to interpretation and they may struggle to find an acceptable design solution. This affects speed to market, which is key in speculative building.

With respect to projects in Coffee Creek, the timeline has been reasonable for land use review. But cyclical rounds of review and needed adjustments in some cases were challenging and, in applicants' opinion, time consuming.

Applicants prefer a concrete estimate of timeline to approval and work backward from there to map out their project schedule. If the City provides a timeline estimate and there are delays, either on the applicant's part or in staff response, that prolong the process, this is frustrating for the applicant and has ripple effects on scheduling, cost estimating, budgeting, etc. If the City can answer the biggest question – How long will land use review take? – with certainty at the pre-application meeting, everyone benefits. Now that four projects have gone through the land use review process in Coffee Creek, it may be prudent to adjust the timeline estimate to reflect the experience.

Going to City Council first for annexation and Zone Map amendment as is allowed in Coffee Creek is a significant benefit for applicants, with respect to time savings, and the process has been fairly smooth and worked as anticipated.

After application submittal for completeness review, the land use review process in Coffee Creek was generally predictable and timely. Staff is a good partner and great to work with. At times, more detailed review during completeness from all Departments/Divisions could be helpful. In addition, City review and feedback to the applicant can lag when issues come up. It would be helpful in these instances for staff to mobilize around the issue in a timely manner so it can be addressed quickly and the project can continue to progress through the review process. Timely and frequent conversations are needed throughout the process.

Overall applicants feel staff works very hard to get to yes on applications in Coffee Creek. However, in applicants' opinion it is possible that predictability and timeliness could be improved with more communication with the applicant during completeness review, which could result in fewer incompleteness and compliance items. Also, applicants would prefer more conditions of approval in the land use decision, rather than trying to dial in an application before the decision is issued. Detailed reviews are helpful, but applicants question how many such reviews are enough before outstanding items are conditioned so the project can move forward in the process.

Predictability and timeliness could be improved if some latitude or flexibility was built into the land use approval that anticipates subsequent design changes at the construction permitting stage and either considers the changes substantially compliant or as Class 1 Administrative Review. Returning to the original approving body or going through subsequent Class 2 Administrative Review following approval adds significantly to the project timeline.

Feedback about Intent of FBC:

There appears to be a disconnect between some of the form-based code standards and development typologies described in the Pattern Book and actual development occurring in Coffee Creek. Of the four approved projects in Coffee Creek, three are large single- or two-tenant, speculative industrial warehouse distribution facilities with office endcaps, and one is a corporate headquarters with office, showroom, and manufacturing components. Except for the corporate headquarters, these developments do not fully match the envisioned typologies, which include a mix of uses and more than one building on a site, as well as multi-story office buildings. As a result, achieving fully compliant design, particularly with site design and building form standards, is challenging and resulted in requested waivers. If on-the-ground reality is not fully consistent with the vision for Coffee Creek development typologies but still desirable, does there need to be adjustment to some of the form-based code standards to better align them with market conditions and to anticipate what might come in the future?

The question was raised as to whether the intent of the form-based code is being met with development that has occurred to date, and what the City wants to set the stage for in the future. Now that four projects have gone through the land use review process, what do the next four projects want to be? It could be helpful to have an evolving Master Plan for Coffee Creek that adjusts as projects are constructed to see how they all work together. The Master Plan should be a living document and road map to the future that adapts and updates as the area evolves with development.

Feedback about FBC Standards:

Prescriptive standards can limit innovative design. If a proposed development does not follow Code verbatim, but is a desirable or creative design that the City would like to see developed, is there a path to approval or does the design have to be less or different just to meet the standards? It was suggested that flexibility is needed in the standards, within the administrative review process, to enable the ability to pivot and accommodate divergence, while still achieving the City's vision for the area.

Speculative building (e.g., Black Creek Group) is very different from build-to-suit (e.g., Precision Countertops). Designing standards that work for both types of buildings while not impossible is extremely challenging because of differing operational and site design needs. Speculative users have a list of desirable characteristics for a site and they want to check as many as possible off the list. The purpose of constructing a speculative building is to attract a high quality tenant by checking as many of the boxes as possible based on standards that work for the industry, while making Wilsonville the most desirable location for a prospective user when compared with the larger market.

Applicants want to look at the form-based code and understand what is required. This necessitates that the standards be crystal clear, so that project planning and site design is predictable and there are not gray areas.

Standards that speak to operations are of primary importance from the applicant's perspective and need to be "all dialed in", then the form-based code overlays "desired features" (landscaping, connectivity, etc.) to get what is desired. When they are inflexible or do not make sense operationally, standards cannot be achieved and waivers are needed to enable what operationally works. If the standards that speak to operations are right, it facilitates the process and does not hinder achieving a predictable result. The standards should be reviewed with an eye to allowing more latitude or a higher threshold without requiring a waiver for those that address operations.

Driveway Width

Limiting the driveway width from a Supporting Street to a maximum of 26 feet with adjustment is problematic. There should an allowance for a wider driveway, at least 40 feet wide, to accommodate large truck movements entering/exiting a site. A narrower driveway is fine for passenger vehicles and smaller delivery trucks. Other factors that affect driveway width include such things as restricted access to/from a supporting street, angle of approach, etc.

Parking Location and Design on an Addressing Street

Location and design of passenger vehicle parking is dictated by where loading docks are located - rear, front, side, or cross – characteristics of site, size and orientation of building, etc. With a front load building, it is rare not to see parking in the front. Smaller sites also usually prefer to have parking in the front of the building. This is important to operations, security, and accessibility for employees and customers.

A secure truck court and yard is a high priority need for industrial users. Separating truck and passenger vehicle traffic is essential for safety. Limiting parking, in both number and who can park there, at the front of the building makes achieving separation challenging. If parking is not at the front, then the truck court likely will be on the front, which is less desirable from an aesthetic standpoint.

Allowing 20 spaces maximum with adjustment at the front of a building is extremely limiting. It was suggested that the ratio of allowed parking on an Addressing Street should be adjusted based on the square footage of the building, thus allowing more parking at the front for a larger building size.

Many large industrial users do not have visitors and customers, but do have a large number of employees, particularly in office areas, which are at the front of the building. Some spaces at the front of the building, therefore, should be available for use by employees and not limited to ADA, visitors and customers.

Retaining Walls

Large, flat industrial buildings result in the need to have more and/or taller retaining walls. This is especially true when it is necessary to meet grade on multiple streets around a site. Requirements should be tied to characteristics of an individual site, rather than a uniform standard. Making grade to a street is a key determinant of wall design. In addition, more topography results in the need for more walls. Because walls are very costly, drivers (cut/fill, cost, topography, etc.) will naturally limit their height.

Perhaps consider a proportional approach based on the slope of a site or height as a function of overall cross-slope of a site based on a project that already has been constructed, such as Black Creek Group.

If a retaining wall is not visible from an Addressing Street and primarily visible from the interior of a site, why does it matter what the wall looks like?

The requirement for horizontal offset is problematic. It is prudent to look at aesthetics of a retaining wall, because construction materials vary substantially. However, it may not be possible to integrate the offset or stepped design in landscape areas within the limited constraints of a site.

Entry Canopy Height

A lower entry canopy height than the required 13.5 feet minimum with adjustment makes more sense. Twelve (12) feet is preferable from a functionality standpoint. Standard storefront systems have a natural break at 12 feet. Better weather protection and pedestrian scale is achieved at 12 feet.

Interior ceiling height is typically dropped to 9-10 feet, but a height matching a 12-foot canopy gives a more open feel to the interior and allows better interior/exterior integration. If there is a mezzanine (second story office, not storage mezzanine), the ceiling is usually at 9 feet for first floor, which makes 12 feet problematic.

Building Massing and Base, Middle, Top Dimensions

The overall building massing standard with base, middle, top dimensions probably hinders design and is not productive. Design can be scaled well without the dimensional requirements. The standard results in prescriptive design, causing overall design aesthetic to suffer. The same effect can be achieved with a variety of materials. An alternative methodology is needed that gets the desired "high quality" design.

Requirements for dimensional (recede, project) definition of base and top, rather than just visual, is difficult to achieve with poured slab concrete tilt-up buildings. Allowing applicants to make some trade-offs, such as using graphic treatments, that accomplish the intent of a physical off-set have the same effect from a distance. Paint schemes and reveals are more effective in adding variety and dimension.

Can the standard be adjusted to achieve the same visual interest and variety desired, but in a less prescriptive way? The standard product today is much more interesting and aesthetically pleasing and driven by a market that demands quality. The standards should be flexible and adaptable as the market changes now and in the future.

Landscape Buffer Areas on Addressing and Supporting Streets

Are landscape buffers between a building and/or parking and the public right-of-way necessary? Buildings in urban areas are right up to the street. Is Coffee Creek trying to achieve a suburban model with ample landscape buffers or a more urban aesthetic?

Street Typologies

Street typologies do not align with the Transportation System Plan (TSP) and Engineering Design Manual. This results in negotiation with Engineering staff about street design, leads to confusion, and can make redesign necessary. Required infrastructure design under the streets also needs to be calibrated.

Requiring a Supporting Street, in a public easement, on the edge of an industrial site can make truck circulation more difficult because they are circulating on a public way with other vehicle types. This can put a site at a disadvantage because a large part of the site is reserved for connectivity rather than site circulation.

Agglomeration of sites would help achieve envisioned development and spread the cost burden of Supporting Street infrastructure more equitably across owners/developers.



Coffee Creek Code Assessment

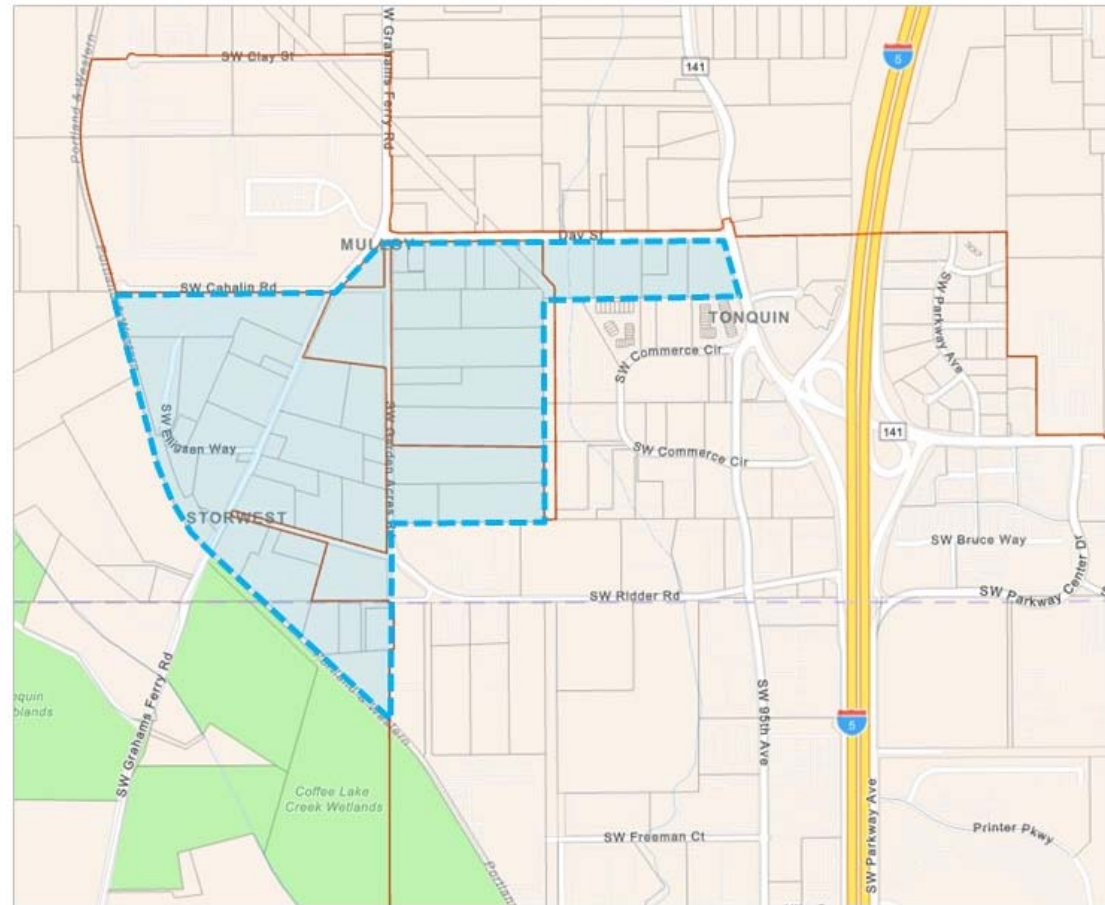
City Council Work Session

September 18, 2023

Presented by: Cindy Luxhoj AICP, Associate Planner



Coffee Creek Master Plan Area





Background

- 2018: Form-based code adopted
 - Two land use review tracks
 - Concurrent City Council review of annexations and Zone Map amendments
 - Pilot period of 3 completed applications or 5 years
- 2023: Pilot milestones achieved and assessment initiated



Steps Completed to Date



- Reviewed timeline to land use approval
- Reviewed requested waivers to form-based code standards
- Conducted focused discussions with applicants and consultant teams



Assessment Summary

- Timeline to approval – 3 to 7 months
- Waiver requests for application:
 - Minimum 1 waiver
 - Maximum 7 waivers
- Applicant Feedback:
 - Review tracks and process are overall working
 - Slight adjustments to form-based code standards would be beneficial



Possible Modification Example

- Wider parcel driveway width on a Supporting Street
- Adjustments to parking location, design, extent on an Addressing Street
- Reduced canopy at primary building entrance



Preliminary Recommendations

- No modification to review tracks or process
- Slight adjustments to form-based code standards



Next Steps

December 2023

Present Draft Code
Amendments at
Planning Commission
and City Council Work
Sessions

February 2024

Planning Commission
Public Hearing

March/April 2024

City Council Public
Hearing and Adoption



Questions for City Council

- What questions does City Council have about the Coffee Creek Code Assessment project?
- Does City Council agree with the direction of possible Development Code amendments described by staff that maintains the review process and focuses on adjusting the form-based code standards to reduce the need for waiver requests?

COUNCILORS PRESENT

Mayor Fitzgerald
 Council President Akervall
 Councilor Linville
 Councilor Berry
 Councilor Dunwell

STAFF PRESENT

Amanda Guile-Hinman, City Attorney
 Kimberly Veliz, City Recorder
 Jeanna Troha, Assistant City Manager
 Beth Wolf, Senior Systems Analyst

Andy Stone, IT Director
 Zoe Mombert, Assistant to the City Manager
 Dwight Brashear, Transit Director
 Matt Lorenzen, Economic Development Manager
 Stephanie Davidson, Assistant City Attorney
 Cindy Luxhoj, Associate Planner
 Miranda Bateschell, Planning Director
 Georgia McAlister, Associate Planner
 Chris Neamtzu, Community Development Director
 Kimberly Rybold, Senior Planner
 Mark Ottenad, Public/Government Affairs Director

AGENDA ITEM	ACTIONS
WORK SESSION	START: 5:00 p.m.
A. Information Technology Strategic Plan	Staff and consultants introduced the newly updated Information Technology (IT) Strategic Plan to Council.
B. Town Center Urban Renewal Feasibility Study	Council heard an update on the Town Center Urban Renewal Feasibility Study.
C. Coffee Creek Code Assessment	Staff shared they had initiated an assessment of the Coffee Creek Industrial Design Overlay District form-based code and sought input from Council on the direction of possible Development Code amendments to the form-based code standards and review process.
D. Proposed Updates to Solid Waste Franchise Agreement and related Administrative Rules	Staff informed Council of potential policy changes on proposed updates to the solid waste collection franchise agreement with Republic Services.
REGULAR MEETING	
<u>Mayor's Business</u>	
A. Upcoming Meetings	Upcoming meetings were announced by the Mayor as well as the regional meetings she attended on behalf of the City.

<u>Communications</u> A. Mediterranean Oak Borer	Staff reported on a new pest called the Mediterranean Oak Borer that had been found in Wilsonville.
<u>Consent Agenda</u> A. <u>Resolution No. 3085</u> 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. B. <u>Resolution No. 3086</u> A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute The Tri-County Metropolitan Transportation District Of Oregon (TriMet) Subrecipient Agreement. C. Minutes of the August 21, 2023 City Council Meeting.	The Consent Agenda was approved 5-0.
<u>New Business</u> A. None.	
<u>Continuing Business</u> A. None.	
<u>Public Hearing</u> A. <u>Ordinance No. 881</u> An Ordinance Of The City Of Wilsonville Adopting Wilsonville Code Sections 10.800 Through 10.870 Governing Parking In City-Owned Parking Lots. B. <u>Ordinance No. 882</u> An Ordinance Of The City Of Wilsonville Amending The Text Of The Development Code To Clarify Review Processes And Correct Inconsistencies.	After a public hearing was conducted, Ordinance No. 881 was approved on first reading by a vote of 5-0. After a public hearing was conducted, Ordinance No. 882 was approved on first reading by a vote of 5-0.
<u>City Manager's Business</u>	The Assistant City Manager announced the following upcoming events: <ul style="list-style-type: none"> • Story Walk on October 13, 2023 • Emergency Preparedness Fair on October 28, 2023
<u>Legal Business</u>	No report.
EXECUTIVE SESSION	Council met in Executive Session pursuant to ORS 192.660(2)(a) and ORS 192.660(2)(h).
ADJOURN	9:38 p.m.



WORK SESSION

3. Coffee Creek Assessment (Luxhoj) (60 minutes)



PLANNING COMMISSION MEETING STAFF REPORT

Meeting Date: September 13, 2023		Subject: Coffee Creek Code Assessment	
		Staff Member: Cindy Luxhoj AICP, Associate Planner	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments:	
Staff Recommendation: Provide requested input on direction of possible Development Code amendments to the Coffee Creek Industrial Design Overlay District.			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Attract high-quality industry and increase investment in industrial areas	<input checked="" type="checkbox"/> Adopted Master Plan(s): Coffee Creek Master Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COMMISSION

When the Coffee Creek Industrial Design Overlay District form-based code (FBC) was adopted in 2018 for the Coffee Creek Master Plan area it was subject to a pilot period of three completed development applications or five years, both of which have been achieved. Staff has initiated an assessment of the FBC and is seeking input from Planning Commission on the direction of possible Development Code amendments to the FBC standards and review process.

EXECUTIVE SUMMARY:

The City adopted the Coffee Creek Master Plan in 2007 to guide industrial development in the Coffee Creek area. In 2018, the City adopted the Coffee Creek Industrial Design Overlay District form-based code (FBC; Development Code Section 4.134) and accompanying Pattern Book to establish clear and objective regulations and guidelines for the area. These standards guide street design and connectivity, site design, circulation, building form and architecture, and landscaping for future development.

To facilitate a predictable and timely process for reviewing industrial development applications in Coffee Creek, two land use review tracks were established:

- Class 2 Administrative Review of applications meeting all the clear and objective standards of the FBC.
- Development Review Board (DRB) review of applications requesting one or more waivers to the standards.

The City also modified procedures governing City Council review of annexations and Zone Map amendments in Coffee Creek. These modifications allow for City Council review of the requests without prior review or recommendation by the DRB, thus facilitating concurrent processing with other related development permit applications for a project, such as Stage 1, Stage 2, Site Design Review, etc.

When adopted, the FBC standards and review process was subject to a pilot period of three completed development applications or five years, whichever comes first. As of 2023, both milestones have been achieved, with four completed industrial development projects in various stages of construction throughout the Coffee Creek area (see Attachment 1); thus, staff is assessing the FBC. This review will enable the City to determine whether adjustments are warranted to the standards, process, or both, to achieve the overall objective of providing a clear and quick development review process that fosters creation of a connected, high-quality employment center in the Coffee Creek Industrial Area.

To date, staff has reviewed the timeline to land use approval for the four completed development projects in Coffee Creek (see Attachment 2) and types of requested waivers to the FBC standards (see Attachment 3). The timeline to approval, from complete application to final land use approval has varied from roughly three (3) to seven (7) months. Each application applied for at least one waiver triggering review by the DRB and so, to date, the Class 2 review process has not been utilized. Waivers requested have been for driveway width on a Supporting Street, parking location and use at the front of a building on an Addressing Street, retaining wall height and design, and building entrance canopy and ground floor ceiling height, among others.

In July 2023, staff conducted three focused discussions with applicants and their consultant teams to gain feedback from a customer service standpoint about the FBC to inform the current assessment (see Attachment 4). Earlier this month, staff engaged in a follow-up discussion with one of the applicants to understand in more depth which of the FBC standards could more

closely align with current and future needs of prospective industrial users in the Coffee Creek area.

In regards to process, applicants stated a preference for more definite guidance upfront from City staff about specific Code requirements and the development review timeline. They also desired more frequent communication about application deficiencies during completeness review and preparation of the land use decision so that they could address issues as they arose. Many of these comments about the timeliness and predictability of the development permit process were not specific to the FBC, and when applicants focused on Coffee Creek their comments were mostly positive. The ability to take an application to City Council public hearing prior to Development Review Board review was greatly appreciated and added appreciable time savings to the process. Related to the FBC standards, applicants offered helpful suggestions for adjustments to the standards, particularly related to project waiver requests, which will help inform discussions about what Code amendments could improve and streamline the development review process while maintaining the desired high-quality design in the Coffee Creek Industrial Area (see Attachment 5).

Based on this initial work, it appears that the land use review process is overall working as designed to facilitate a predictable and timely process for reviewing industrial development applications in Coffee Creek. Concurrent City Council review of annexations and Zone Map amendments, which all four projects requested, in particular is enabling a more streamlined land use review process. However, none of the projects has been able to meet all the FBC standards and utilize the Class 2 Administrative Review track. Rather, they all have required at least one waiver and, thus, review by DRB, which has resulted in longer timelines to obtaining approval.

Therefore, staff has determined that modification to the land use review tracks and process is not needed. However, staff is recommending slight adjustments to the FBC standards to make compliance more achievable for applicants, with the objective of enabling applicants to use the Class 2 Administrative Review track while not compromising the City's ability to continue creating a connected, high-quality employment center in Coffee Creek.

At this work session, staff is seeking the following feedback from the Planning Commission:

- What questions does the Planning Commission have about the Coffee Creek Code Assessment project?
- Does Planning Commission agree with the direction of possible Development Code amendments described by staff that maintains the review process and focuses on adjusting the form-based code standards to reduce the need for waiver requests?

EXPECTED RESULTS:

Feedback from the meeting will guide completion of a package of draft Development Code amendments that staff will present to Planning Commission for feedback at the December 2023 meeting.

TIMELINE:

A Planning Commission public hearing on the Development Code amendments is expected in February 2024 with City Council adoption in March or April 2024.

CURRENT YEAR BUDGET IMPACTS:

Funding for the Coffee Creek Code Assessment work is allocated in the FY2023-24 Planning Division budget.

COMMUNITY INVOLVEMENT PROCESS:

The Coffee Creek Master Plan, as well as the Coffee Creek Industrial Design Overlay District drafting and review process, included comprehensive community involvement to gather input. For the current Coffee Creek Code Assessment project, staff has focused on gathering input from recent applicants and their consultant teams to inform the evaluation and provide input on the process and standards.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Refinement of the Coffee Creek FBC to facilitate future development while continuing to create the desired connected, high-quality employment center envisioned in the Master Plan will result in efficiencies for future users, as well as inform planning for the Basalt Creek industrial area to the north, which will benefit all members of the Wilsonville community who live and work in these industrial areas.

ALTERNATIVES:

Alternatives include:

- Make no modifications to the Coffee Creek Industrial Design Overlay District standards.
- Modify the Coffee Creek Industrial Design Overlay District standards related to the land use review process for applicants.

ATTACHMENTS:

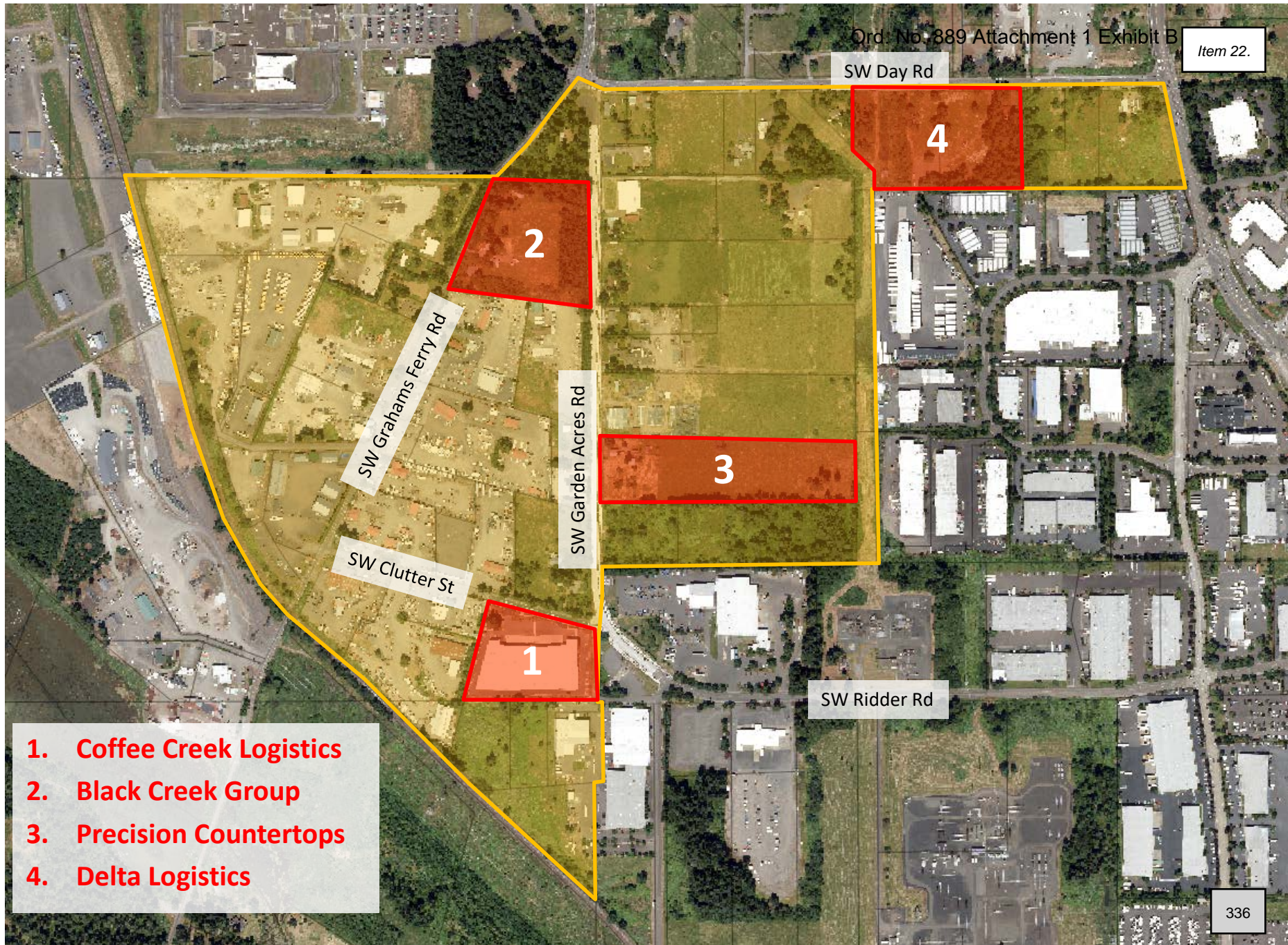
1. Coffee Creek Regulating Plan with Location of Approved Developments
2. Coffee Creek Industrial Area Application Timeline to Approval
3. Waiver Requests for Approved Developments in Coffee Creek
4. Participant List and Questions for Coffee Creek FBC Focused Discussions
5. Summary of Feedback from Coffee Creek FBC Focused Discussions

Coffee Creek Regulating Plan with Location of Approved Developments

- 1. Coffee Creek Logistics
- 2. Black Creek Group
- 3. Precision Countertops
- 4. Delta Logistics



Figure CC-1 - Regulating Plan



COFFEE CREEK INDUSTRIAL AREA APPLICATION TIMELINE TO APPROVAL

TIMELINE TO APPROVAL	BLACK CREEK GROUP INDUSTRIAL	COFFEE CREEK LOGISTICS	DELTA LOGISTICS SITE EXPANSION	PRECISION COUNTERTOPS
Length of Review, Complete Application through Final Approval (end of City Council or DRB appeal period, whichever is latest)	3 months 6 days (March 10, 2022 through June 15, 2022)	3 months 21 days (July 1, 2020 through October 21, 2020)	7 months 11 days (October 14, 2022 through May 24, 2023)	4 months 20 days (December 14, 2022 through May 3, 2023)
Pre-Application Meeting	June 17, 2021 (PA21-0015)	September 26, 2019 (PA19-0019)	April 15, 2021 (PA21-0007)	July 29, 2021 (PA21-0019)
Completeness Review – 1st Application				
o Submitted	December 21, 2021 (DB21-0083 et seq)	February 27, 2020 (DB20-0017 et seq)	April 19, 2022 (DB22-0007)	October 8, 2021 (DB21-0049 et seq; Reassigned to AR21-0050)
o Incomplete Notice issued	January 20, 2022	March 26, 2020	May 19, 2022	November 5, 2021
o Resubmitted	February 14, 2022	July 1, 2020 ^{*1}	August 26, 2022	--
o 2 nd Incomplete Notice issued	--	--	September 16, 2022	--
o Resubmitted	--	--	October 12, 2022 ^{*2}	--
o Complete Notice issued	March 10, 2022	July 1, 2020	October 14, 2022	--
o Withdrawn	--	--	--	March 23, 2022
o 180-day Review Period ended	--	--	--	April 6, 2022
Completeness Review – 2nd Application				
o Submitted	--	--	--	July 8, 2022 (AR22-0008; Reassigned to DB22-0011)
o Incomplete Notice issued	--	--	--	August 5, 2022
o Resubmitted	--	--	--	November 14, 2022
o Complete Notice issued	--	--	--	December 14, 2022
City Council				
o 1 st Reading	May 2, 2022	September 10, 2020	January 5, 2023	March 20, 2023
o 2 nd Reading	May 16, 2022	September 21, 2020	January 19, 2023	April 3, 2023
o Ordinance Effective Date	June 15, 2022	October 21, 2020	February 18, 2023	May 3, 2023
Development Review Board				
o Public Hearing	May 23, 2022	September 28, 2020	May 8, 2023 ^{*3}	April 10, 2023 ^{*4}
o Notice of Decision	May 24, 2022	September 29, 2020	May 9, 2023	April 11, 2023
o Appeal Period ended	June 8, 2022	October 14, 2020	May 24, 2023	April 26, 2023
120-day Review Period ended	July 8, 2022	October 29, 2020	February 11, 2023	April 13, 2023
o 120-day Waiver extending Review Period ended	--	--	March 30, 2023	May 3, 2023
o 2 nd 120-day Waiver extending Review Period ended	--	--	June 30, 2023	--
Subsequent Class 2 Administrative Review				
o Submitted	June 23, 2022	May 20, 2022	--	--
o Pending Notice issued	July 21, 2022	June 2, 2022	--	--
o Notice of Decision issued	September 26, 2022	June 16, 2022	--	--
o Appeal Period ended	October 10, 2022	June 30, 2022	--	--
Notes:				
^{*1} Resubmittal included request to deem application complete per ORS 227.178(2)(b)				
^{*2} Request to deem application complete per ORS 227.178(2)(b) received on October 14, 2022				
^{*3} Public Hearing rescheduled from January 23, 2023, to February 13, 2023; February 13, 2023 to March 27, 2023; and March 27, 2023, to May 8, 2023, at applicant's request.				
^{*4} Public Hearing rescheduled from March 27, 2023, to April 10, 2023, at applicant's request.				

WAIVER REQUESTS FOR APPROVED DEVELOPMENT IN COFFEE CREEK

Subsection 4.134(.11)	Development Standard	Waiver Request
Table CC-3 1. Parcel Access / Parcel Driveway Width / Supporting Streets	24 feet, maximum, or complies with Supporting Street Standards <u>Allowed adjustment:</u> 10% (to 26.4 feet)	<p><u>Black Creek Group Industrial</u> Applicant proposed to increase the width of the southwest driveway to 50 feet to accommodate vehicle turning movements into the site from the Supporting Street.</p> <p><u>Precision Countertops</u> Applicant proposes to increase the width of the east driveway to 40 feet to accommodate vehicle turning movements into the site from the Supporting Street.</p>
Table CC-3 4. Parking Location and Design / Parking Location and Extent / Addressing Streets	Limited to one double-loaded bay of parking, 16 spaces, maximum, designated for short-term (1 hour or less), visitor, and disabled parking only between right-of-way of Addressing Street and building. <u>Allowed adjustment:</u> Up to 20 spaces permitted on an Addressing Street	<p><u>Black Creek Group Industrial</u> Applicant proposed to locate 49 of 71 spaces of provided parking between the right-of-way of SW Garden Acres Road (Addressing Street) and the front of the building. In addition, the applicant proposed to use the spaces for employee parking, as well as the permitted uses of short-term, visitor, and disabled parking.</p> <p><u>Coffee Creek Logistics Center</u> Applicant proposed two (2) parking bays, one (1) containing four (4) spaces and the other containing five (5) spaces outside the office endcaps at the front of the building on SW Clutter Street, rather than one (1) double-loaded bay.</p> <p><u>Delta Logistics Site Expansion</u> Applicant proposed to locate 15 of 41 spaces of provided parking between the right-of-way of SW Day Road (Addressing Street) and the front of the building. Of these spaces, the applicant proposed to use six (6) of the spaces for the permitted uses of short-term, visitor, and disabled parking, and requested a waiver to use nine (9) of the spaces for employee parking,</p>

Subsection 4.134(.11)	Development Standard	Waiver Request
Table CC-3 4. Parking Location and Design / Parking Setback / Addressing Streets	20 feet minimum from the right-of-way of an Addressing Street	<u>Black Creek Group Industrial</u> Applicant proposed a narrower 9-foot setback from the right-of-way of SW Garden Acres Road (Addressing Street) than the 20-foot minimum.
Table CC-3 4. Parking Location and Design / Off Street Loading Berth / Addressing Streets	One loading berth is permitted on the front façade of a building facing an Addressing Street. The maximum dimensions for a loading are 16 feet wide and 18 feet tall. A clear space 35 feet, minimum is required in front of the loading berth. The floor level of the loading berth shall match the main floor level of the primary building. No elevated loading docks or recessed truck wells are permitted. Access to a Loading Berth facing an Addressing Street may cross over, but shall not interrupt or alter, a required pedestrian path or sidewalk. All transitions necessary to accommodate changes in grade between access aisles and the loading berth shall be integrated into adjacent site or landscape areas. Architectural design of a loading berth on an Addressing Street shall be visually integrated with the scale, materials, colors, and other design elements of the building.	<u>Coffee Creek Logistics Center</u> Applicant proposed one at-grade loading berth and 19 recessed loading berths on the front façade of the building facing an addressing street.
Table CC-3 5. Grading and Retaining Walls / Maximum Height / Addressing Streets	Where site topography requires adjustments to natural grades, landscape retaining walls shall be 48 inches tall maximum. Where the grade differential is greater than 30 inches, retaining walls may be stepped. Allowed adjustment: 20% (to 57.6 inches)	<u>Black Creek Group Industrial</u> Applicant proposed a retaining wall on the western side of the drive aisle along SW Grahams Ferry Road, the middle, roughly 105-foot-long section of which varied from 48 inches to 57 inches in height, exceeding the maximum height limitation. <u>Delta Logistics Site Expansion</u> Applicant proposed two (2) retaining walls, one (1) on the east side of the SROZ and one (1) on the north, east, and south sides of the building on the east part of the site. The east retaining wall, with a maximum height of over 18 feet, exceeded the allowed height by several feet.

Subsection 4.134(.11)	Development Standard	Waiver Request
Table CC-3 7. Location and Screening of Utilities and Services / Location and Visibility / Addressing Streets	Site and building service, equipment, and outdoor storage of garbage, recycling, or landscape maintenance tools and equipment is not permitted	<u>Black Creek Group Industrial</u> Applicant proposed to locate the trash/recycling enclosure adjacent to SW Grahams Ferry Road (Addressing Street) on the western side of the building.
Table CC-4 2. Primary Building Entrance Accessible Entrance / Required Canopy	Protect the Primary Building Entrance with a canopy with a minimum vertical clearance of 15 feet and an all-weather protection zone that is 8 feet deep, minimum and 15 feet wide, minimum. <u>Allowed adjustment:</u> 10% (to 13.5 feet)	<u>Black Creek Group Industrial</u> Applicant proposed a canopy height of 12 feet. <u>Coffee Creek Logistics Center</u> Applicant proposed a canopy height of 12 feet.
Table CC-4 3. Overall Building Massing / Base, Body, and Top Dimensions	Buildings elevations shall be composed of a clearly demarcated base, body and top. b. For Buildings between 30 feet and 5 stories in height: i. The base shall be 30 inches, minimum; 2 stories, maximum. ii. The body shall be equal to or greater than 75% of the overall height of the building. iii. The top of the building shall be 18 inches, minimum. <u>Allowed adjustment:</u> 10% (Body: to 67.5 %)	<u>Coffee Creek Logistics Center</u> Applicant proposed a body that is 66.25% of overall building height.
Table CC-4 3. Overall Building Massing / Ground Floor Height	The Ground Floor height shall measure 15 feet, minimum from finished floor to finished ceiling (or 17.5 feet from finished floor to any exposed structural member). <u>Allowed adjustment:</u> 10% (to 13.5 feet)	<u>Black Creek Group Industrial</u> Applicant proposed an interior ground floor height of 12 feet. <u>Coffee Creek Logistics Center</u> Applicant proposed an interior ground floor height of 12 feet.

PARTICIPANT LIST AND QUESTIONS FOR COFFEE CREEK FBC DISCUSSIONS

PARTICIPANTS

FOCUSED DISCUSSION – JULY 20, 2023

- Projects: Precision Countertops
 - Will Grimm, First Forty Feet
 - Simone O-Halloran, MDG Architecture/Interiors

FOCUSED DISCUSSION – JULY 24, 2023

- Projects: Coffee Creek Logistics, Black Creek Group, Delta Logistics
- Participants:
 - Lee Leighton, Mackenzie
 - Scott Moore, Mackenzie
 - Nicole Burrell, Mackenzie

FOCUSED DISCUSSION – JULY 27, 2023

- Projects: Coffee Creek Logistics, Black Creek Group
- Participants:
 - Kim Schoenfelder, KGIP
 - Zach Desper, Ares Management

QUESTIONS

1. The two land use review tracks, Administrative Review and Development Review Board, in Coffee Creek were established to facilitate a predictable and timely process for reviewing industrial development applications.
 - a. Based on your experience with the application and land use review process, do you agree that the process is predictable?
 - b. What do you think are the aspects of the process that help achieve this intended result or, conversely, that hinder achieving a predictable result?
2. The four developments subject to the Form-based Code in Coffee Creek have taken roughly 3 to 4 months, with one application taking roughly 7 months, from complete application to final approval of land use application (end of City Council or Development Review Board appeal period).
 - a. Based on your experience with industrial land development, do you think this is a reasonable timeline for land use review?
 - b. Do you think the process resulted in a relatively streamlined and straightforward review and approval?
 - c. Did concurrent City Council review of the annexation and Zone Map amendment make a difference in the process?
 - d. Do you have suggestions for how the process could be refined to shorten the review timeline further?

3. Two of the projects required subsequent Class 2 Administrative Review for modifications to number of parking spaces, landscaping, stormwater facilities, tree removal/retention, and other site improvements that were triggered by Building and Engineering requirements and Planning compliance related to construction.
 - a. Do you think there are modifications that could be made to the land use review process that would reduce the potential need for subsequent review?
4. All four projects in Coffee Creek had to request one or more waivers to the Coffee Creek standards, so none to date have been able to use the more efficient Administrative Review process. The waivers were for such site design elements as parcel driveway width on a Supporting Street, parking location and extent on an Addressing Street, retaining wall height and design, building entrance canopy height, etc.
 - a. Based on your project experience, do you think any of the standards are overly restrictive to development or pose a particular design challenge? Do you have suggestions for how those standards could be modified to make them less challenging?
 - b. Did the Form-based Code and Pattern Book encourage your team to do something different or result in a better building or site design?
 - c. What do you particularly like about the Form-based Code?
5. Would your design team have benefited from any additional information being provided during the pre-application meeting for your project that you did not receive?
6. Are there any questions you have for Staff or other comments and insights you would like to share?

SUMMARY OF FEEDBACK FROM COFFEE CREEK FORM-BASED CODE FOCUSED DISCUSSIONS

Feedback about Process:

Many comments received about the timeliness and predictability of the land use review process were not specific to the two-track process in Coffee Creek, but to land use review in general, particularly related to pre-application meetings and completeness review.

Information provided by the City, from all Departments/Divisions, at pre-application meetings needs to be as detailed as possible to enable an applicant to design and prepare plans for land use review that meet applicable standards, as rework during site design is costly and causes delay. However, it can be difficult at the pre-application stage to provide detail about a particular site plan, because designs will evolve as requirements and standards are better understood during land use review.

Follow-up meetings post pre-application, which are offered by the City, need to happen more than they do as they are helpful to applicants. But these meetings add to review time to organize and coordinate schedules, so a balance is needed.

Applicants need detailed guidelines about rules and requirements so they have clarity about what they are trying to design. No clarity leads to no predictability and, thus, delay. However, applicants also need to spend time understanding what the City is trying to accomplish, so everyone is on the same page as early in the process as possible.

Getting from the pre-application meeting to application submittal can be challenging. This is particularly the case when an applicant modifies their original design to respond to staff input provided at the pre-application meeting and the revised design raises new questions or concerns about compliance with the standards.

It is critical for the applicant to have definite information at the front of project planning for pro-forma and financial commitments. Drastic changes to a site plan that may be needed before submittal for land use completeness review have ripple effects on project design. For example, while the design standards for Supporting Streets are intentionally flexible to accommodate the unique characteristics of each project site, this can be perceived by the applicant as ambiguous and open to interpretation and they may struggle to find an acceptable design solution. This affects speed to market, which is key in speculative building.

With respect to projects in Coffee Creek, the timeline has been reasonable for land use review. But cyclical rounds of review and needed adjustments in some cases were challenging and, in applicants' opinion, time consuming.

Applicants prefer a concrete estimate of timeline to approval and work backward from there to map out their project schedule. If the City provides a timeline estimate and there are delays, either on the applicant's part or in staff response, that prolong the process, this is frustrating for the applicant and has ripple effects on scheduling, cost estimating, budgeting, etc. If the City can answer the biggest question – How long will land use review take? – with certainty at the pre-application meeting, everyone benefits. Now that four projects have gone through the land use review process in Coffee Creek, it may be prudent to adjust the timeline estimate to reflect the experience.

Going to City Council first for annexation and Zone Map amendment as is allowed in Coffee Creek is a significant benefit for applicants, with respect to time savings, and the process has been fairly smooth and worked as anticipated.

After application submittal for completeness review, the land use review process in Coffee Creek was generally predictable and timely. Staff is a good partner and great to work with. At times, more detailed review during completeness from all Departments/Divisions could be helpful. In addition, City review and feedback to the applicant can lag when issues come up. It would be helpful in these instances for staff to mobilize around the issue in a timely manner so it can be addressed quickly and the project can continue to progress through the review process. Timely and frequent conversations are needed throughout the process.

Overall applicants feel staff works very hard to get to yes on applications in Coffee Creek. However, in applicants' opinion it is possible that predictability and timeliness could be improved with more communication with the applicant during completeness review, which could result in fewer incompleteness and compliance items. Also, applicants would prefer more conditions of approval in the land use decision, rather than trying to dial in an application before the decision is issued. Detailed reviews are helpful, but applicants question how many such reviews are enough before outstanding items are conditioned so the project can move forward in the process.

Predictability and timeliness could be improved if some latitude or flexibility was built into the land use approval that anticipates subsequent design changes at the construction permitting stage and either considers the changes substantially compliant or as Class 1 Administrative Review. Returning to the original approving body or going through subsequent Class 2 Administrative Review following approval adds significantly to the project timeline.

Feedback about Intent of FBC:

There appears to be a disconnect between some of the form-based code standards and development typologies described in the Pattern Book and actual development occurring in Coffee Creek. Of the four approved projects in Coffee Creek, three are large single- or two-tenant, speculative industrial warehouse distribution facilities with office endcaps, and one is a corporate headquarters with office, showroom, and manufacturing components. Except for the corporate headquarters, these developments do not fully match the envisioned typologies, which include a mix of uses and more than one building on a site, as well as multi-story office buildings. As a result, achieving fully compliant design, particularly with site design and building form standards, is challenging and resulted in requested waivers. If on-the-ground reality is not fully consistent with the vision for Coffee Creek development typologies but still desirable, does there need to be adjustment to some of the form-based code standards to better align them with market conditions and to anticipate what might come in the future?

The question was raised as to whether the intent of the form-based code is being met with development that has occurred to date, and what the City wants to set the stage for in the future. Now that four projects have gone through the land use review process, what do the next four projects want to be? It could be helpful to have an evolving Master Plan for Coffee Creek that adjusts as projects are constructed to see how they all work together. The Master Plan should be a living document and road map to the future that adapts and updates as the area evolves with development.

Feedback about FBC Standards:

Prescriptive standards can limit innovative design. If a proposed development does not follow Code verbatim, but is a desirable or creative design that the City would like to see developed, is there a path to approval or does the design have to be less or different just to meet the standards? It was suggested that flexibility is needed in the standards, within the administrative review process, to enable the ability to pivot and accommodate divergence, while still achieving the City's vision for the area.

Speculative building (e.g., Black Creek Group) is very different from build-to-suit (e.g., Precision Countertops). Designing standards that work for both types of buildings while not impossible is extremely challenging because of differing operational and site design needs. Speculative users have a list of desirable characteristics for a site and they want to check as many as possible off the list. The purpose of constructing a speculative building is to attract a high quality tenant by checking as many of the boxes as possible based on standards that work for the industry, while making Wilsonville the most desirable location for a prospective user when compared with the larger market.

Applicants want to look at the form-based code and understand what is required. This necessitates that the standards be crystal clear, so that project planning and site design is predictable and there are not gray areas.

Standards that speak to operations are of primary importance from the applicant's perspective and need to be "all dialed in", then the form-based code overlays "desired features" (landscaping, connectivity, etc.) to get what is desired. When they are inflexible or do not make sense operationally, standards cannot be achieved and waivers are needed to enable what operationally works. If the standards that speak to operations are right, it facilitates the process and does not hinder achieving a predictable result. The standards should be reviewed with an eye to allowing more latitude or a higher threshold without requiring a waiver for those that address operations.

Driveway Width

Limiting the driveway width from a Supporting Street to a maximum of 26 feet with adjustment is problematic. There should an allowance for a wider driveway, at least 40 feet wide, to accommodate large truck movements entering/exiting a site. A narrower driveway is fine for passenger vehicles and smaller delivery trucks. Other factors that affect driveway width include such things as restricted access to/from a supporting street, angle of approach, etc.

Parking Location and Design on an Addressing Street

Location and design of passenger vehicle parking is dictated by where loading docks are located - rear, front, side, or cross – characteristics of site, size and orientation of building, etc. With a front load building, it is rare not to see parking in the front. Smaller sites also usually prefer to have parking in the front of the building. This is important to operations, security, and accessibility for employees and customers.

A secure truck court and yard is a high priority need for industrial users. Separating truck and passenger vehicle traffic is essential for safety. Limiting parking, in both number and who can park there, at the front of the building makes achieving separation challenging. If parking is not at the front, then the truck court likely will be on the front, which is less desirable from an aesthetic standpoint.

Allowing 20 spaces maximum with adjustment at the front of a building is extremely limiting. It was suggested that the ratio of allowed parking on an Addressing Street should be adjusted based on the square footage of the building, thus allowing more parking at the front for a larger building size.

Many large industrial users do not have visitors and customers, but do have a large number of employees, particularly in office areas, which are at the front of the building. Some spaces at the front of the building, therefore, should be available for use by employees and not limited to ADA, visitors and customers.

Retaining Walls

Large, flat industrial buildings result in the need to have more and/or taller retaining walls. This is especially true when it is necessary to meet grade on multiple streets around a site. Requirements should be tied to characteristics of an individual site, rather than a uniform standard. Making grade to a street is a key determinant of wall design. In addition, more topography results in the need for more walls. Because walls are very costly, drivers (cut/fill, cost, topography, etc.) will naturally limit their height.

Perhaps consider a proportional approach based on the slope of a site or height as a function of overall cross-slope of a site based on a project that already has been constructed, such as Black Creek Group.

If a retaining wall is not visible from an Addressing Street and primarily visible from the interior of a site, why does it matter what the wall looks like?

The requirement for horizontal offset is problematic. It is prudent to look at aesthetics of a retaining wall, because construction materials vary substantially. However, it may not be possible to integrate the offset or stepped design in landscape areas within the limited constraints of a site.

Entry Canopy Height

A lower entry canopy height than the required 13.5 feet minimum with adjustment makes more sense. Twelve (12) feet is preferable from a functionality standpoint. Standard storefront systems have a natural break at 12 feet. Better weather protection and pedestrian scale is achieved at 12 feet.

Interior ceiling height is typically dropped to 9-10 feet, but a height matching a 12-foot canopy gives a more open feel to the interior and allows better interior/exterior integration. If there is a mezzanine (second story office, not storage mezzanine), the ceiling is usually at 9 feet for first floor, which makes 12 feet problematic.

Building Massing and Base, Middle, Top Dimensions

The overall building massing standard with base, middle, top dimensions probably hinders design and is not productive. Design can be scaled well without the dimensional requirements. The standard results in prescriptive design, causing overall design aesthetic to suffer. The same effect can be achieved with a variety of materials. An alternative methodology is needed that gets the desired "high quality" design.

Requirements for dimensional (recede, project) definition of base and top, rather than just visual, is difficult to achieve with poured slab concrete tilt-up buildings. Allowing applicants to make some trade-offs, such as using graphic treatments, that accomplish the intent of a physical off-set have the same effect from a distance. Paint schemes and reveals are more effective in adding variety and dimension.

Can the standard be adjusted to achieve the same visual interest and variety desired, but in a less prescriptive way? The standard product today is much more interesting and aesthetically pleasing and driven by a market that demands quality. The standards should be flexible and adaptable as the market changes now and in the future.

Landscape Buffer Areas on Addressing and Supporting Streets

Are landscape buffers between a building and/or parking and the public right-of-way necessary? Buildings in urban areas are right up to the street. Is Coffee Creek trying to achieve a suburban model with ample landscape buffers or a more urban aesthetic?

Street Typologies

Street typologies do not align with the Transportation System Plan (TSP) and Engineering Design Manual. This results in negotiation with Engineering staff about street design, leads to confusion, and can make redesign necessary. Required infrastructure design under the streets also needs to be calibrated.

Requiring a Supporting Street, in a public easement, on the edge of an industrial site can make truck circulation more difficult because they are circulating on a public way with other vehicle types. This can put a site at a disadvantage because a large part of the site is reserved for connectivity rather than site circulation.

Agglomeration of sites would help achieve envisioned development and spread the cost burden of Supporting Street infrastructure more equitably across owners/developers.



Coffee Creek Code Assessment

Planning Commission Work Session

September 13, 2023

Presented by: Cindy Luxhoj AICP, Associate Planner



Item 22.



Coffee Creek Form-based Code

- 2018: Form-based code adopted
 - Concurrent City Council review of annexations and Zone Map amendments
 - Two land use review tracks

Regulating Plan



Pilot Period

- 2018: Form-based code adopted
 - Pilot period of 3 completed applications or 5 years
- 2023: Pilot milestones achieved and assessment initiated
 - Determine warranted adjustments to achieve overall objective of providing clear and quick development review

Steps Completed to Date



- Reviewed timeline to land use approval
- Reviewed requested waivers to form-based code standards
- Conducted focused discussions with applicants and consultant teams

Assessment Summary

- Timeline to approval – 3 to 7 months
- Waiver requests for application:
 - Minimum 1 waiver
 - Maximum 7 waivers
- Applicant Feedback:
 - Review tracks and process are overall working
 - Slight adjustments to form-based code standards would be beneficial

Possible Modification Example

- Parcel Driveway Width on a Supporting Street
 - Current standard:
 - 24 feet, maximum, or complies with Supporting Street Standards
 - Allowed adjustment: 10% (to 26.4 feet)
 - Possible modifications:
 - No change to driveway width for passenger vehicle parking area access
 - Increase driveway width and allowed adjustment for truck loading/unloading area access
 - 40 to 45 feet, maximum, suggested in focused discussions

Possible Modification Example

- Parking Location, Design, Extent on an Addressing Street
 - Current standard:
 - One double-loaded bay, 16 spaces, maximum
 - Allowed adjustment: Up to 20 spaces permitted
 - Designated for short-term (1 hour or less), visitor, and disabled parking only between right-of-way of Addressing Street and building
 - Possible modifications:
 - Allow variation in loading and/or location of bays
 - Increase maximum number of spaces
 - Allow some or all spaces to be employee parking

Possible Modification Example

- Required Canopy Height at Primary Building Entrance
 - Current standard:
 - Vertical clearance of 15 feet, minimum
 - All-weather protection zone 8 feet deep, minimum and 15 feet wide, minimum
 - Allowed adjustment: 10% (to 13.5 feet)
 - Possible modifications:
 - Reduce canopy height
 - 12 feet, minimum, consistent with standard storefront dimension, suggested in focused discussions

Preliminary Recommendations

- No modification to review tracks or process
- Slight adjustments to form-based code standards to make compliance more achievable for applicants

Next Steps

December 2023

Present Draft Code
Amendments at
Planning Commission
and City Council Work
Sessions

February 2024

Planning Commission
Public Hearing

March/April 2024

City Council Public
Hearing and Adoption

Questions for Planning Commission

- What questions does Planning Commission have about the Coffee Creek Code Assessment project?
- Does Planning Commission agree with the direction of possible Development Code amendments described by staff that maintains the review process and focuses on adjusting the form-based code standards to reduce the need for waiver requests?

Chair Heberlein confirmed there was no public comment and closed the public hearing at 6:19 pm.

Commissioner Willard moved to adopt Resolution NO. LP23-0002. Commissioner Hendrix seconded the motion.

A roll call vote was taken, and the motion passed unanimously.

WORK SESSION

3. Coffee Creek Assessment (Luxhoj)

Miranda Bateschell, Planning Director, explained the crux of the project was to revisit the Form-based Code after five years or after a certain number of applications. She noted the City received grant funding and was currently seeking additional grant funding to do additional work for the Basalt Creek Planning Area which still had a few items to adopt to get to the full master planning level and Zoning Code amendments. Staff would also be considering whether to apply the Form-based Code within the Basalt Creek Planning Area, which both the Planning Commission and City Council wanted to have in the concept plan and for Staff to consider moving forward. This work was critical not only to revisit what was adopted five years ago, but also potentially in a new work program item next year, the Basalt Creek implementation work, which would involve looking at the Coffee Creek Form-based Code to see what should apply to Basalt Creek.

- She confirmed Coffee Creek was the first and currently the only Form-based Code area in the city, and it was the first example of an industrial Form-based Code. Form-based codes were often seen in urban areas where use is less important than form and to drive a pedestrian orientation. ~~so~~ [sentences not connected] Originally, Coffee Creek had an overlay district along Day Rd, but some of that Code was not in line with what the City wanted to do, so a Form-based Code was used to not only reflect that certain design standards were wanted in Coffee Creek, but also for Coffee Creek to support a multimodal system and have the human design element.

Cindy Luxhoj, Assistant Planner, presented the Coffee Creek Code Assessment update via PowerPoint, noting Staff sought input and direction on possible Development Code amendments to the Coffee Creek Industrial Design Overlay District. She briefly reviewed the location and background of the Coffee Creek Master Plan Area and Coffee Creek Form-based Code and explained that the Coffee Creek Assessment enabled the City to determine warranted adjustments to achieve the overall objective of providing a clear and quick development review process that fosters creation of the desired connected, high-quality employment center in Coffee Creek. She highlighted the key metrics used in the assessment and summarized the results to date.

- To make compliance more achievable for applicants, Form-based Code modifications were suggested to the Parcel driveway width on a supporting street; Parking location, design, extent on an addressing street; and required Canopy height at the primary building entrance. (Slides 8-10)
- Most of the applicant feedback in focused discussions was positive, and the assessments showed that the review tracks and process were working overall, so Staff's preliminary recommendations included no modifications to review tracks or processes.
- She concluded by asking if the Commission agreed with the suggested Development Code amendments that would maintain the review process and focus on adjusting the Form-based Code standards to reduce the need for waiver requests.

Commissioner Karr:

- Said he liked that the assessment solicited feedback from the applicants, not only on the process, but on the Code itself and amendment that would make the process smoother.
- Noted the Form-based Code was for an industrial area, but it did not seem to have been designed for an industrial area due to the obvious limitations for trucking, such as the 26-ft driveway, which was impossible to turn an 18-wheeler in.
 - Ms. Luxhoj added she had three focused discussions with various applicants and a follow-up discussion with one particular applicant last week who shared their insights on each of the design standards which she made detailed notes on and was very helpful.
 - Some standards did seem to be designed for different development than what the City was getting; she noted larger speculative industrial buildings were being developed that have full loading bays, so it did become challenging.
- Noted none of the projects were storefront-type developments, so employee parking encroaches on customer parking if there was not enough. Many developments in Coffee Creek appeared to be more industrial distributors without storefronts.
 - Ms. Luxhoj agreed three out of four of the developments did not have storefronts. Precision Countertops, which was a corporate headquarters, would have more customers given the retail showroom and offices at the front.
 - One challenge of the more speculative buildings was that the office endcaps were at the front of the building, but employee parking was required to be at the side or back of the building where trucks are, creating conflicts between employees, the security around the back of the building, etc.
 - Depending on the type of development, there was a desire to allow more employee parking at the front of the building so employees could access their place of work, rather than having to go through a building.

Commissioner Mesbah:

- Commented the design standards were intended to achieve what was envisioned, and changing the design because some other use wanted to modify the design standards in order to make a different design possible was not exactly visionary.
- Asked if the City was starting to see some economic or use information to indicate that what was envisioned for this light industrial commercial area was not being viable, which would support the need to reevaluate the design and use.
 - Ms. Luxhoj understood that the design or desired environment envisioned in Coffee Creek was for smaller buildings or multiple buildings on a site, more like a corporate headquarters or office building. She did not know if it was market dynamics or what was currently in demand, or some other factor, as she was not a market expert. The developments were more of the bigger warehousing and distribution type uses that require extensive flat floors to accommodate racking, etc.
 - The question about how to find the balance between what is being developed and what was envisioned in the Coffee Creek Plan and how it meshes with the current and future market would be addressed through conversations about which Code standards need to be changed, the resulting implications, and whether that was consistent with the vision for Coffee Creek.

- Recalled the Planning Commission had not envisioned big box warehousing, but rather gathering places for employees, walking trails, etc., more like an office campus with industrial mixed in. Though big box commercial was being phased out and there were a lot of empty spaces, this was not about big box commercial.
- Hoped there would be a more thorough reimagining of what the City wanted Coffee Creek development to look like because it was a special opportunity for Wilsonville to develop a 21st Century type of industrial campus and it seemed the City was perhaps, jumping the gun.
 - Daniel Pauly, Planning Manager, responded the process has been going on for a while. The market has shifted in terms of the vision of corporate or high-tech office, which were different markets now, and warehouse was often new commercial where everything is delivered to the consumer's door, so market forces were at play. Additionally, the design standards as written had not disallowed warehousing, but those projects had to go through more process, so it was not really changing the use, but creating more process.
 - Large warehouse buildings seen on Tualatin-Sherwood Road and elsewhere were adaptable. As was the former paper plant/warehouse/church on Boeckman Road which is now DW Fritz. The large, tilt-up concrete building had shown a lot of adaptive reuse over time.
 - Unless tilt-up concrete buildings were outlawed in the Zoning Code, the market was likely revealing that warehousing would continue to develop in Wilsonville. The question was whether to add more processes, which did not really stop it, or allow it through a Class 2 review.
- Noted if the market got skittish about high-density or middle housing, the City would stick with it. Rather than making warehousing difficult as part of the process, perhaps the City should have thought about prohibiting warehousing outright.
 - Mr. Pauly clarified the City did not make it that difficult, but just added another month or two to the process.
- Asked if the City should make it easy or go the other way of not allowing warehousing all over the place and require a higher use. Perhaps Coffee Creek was on the wrong side of the Metro area for what had been envisioned. Being a blank slate, he was not sure why the City would be less insistent.
 - Ms. Bateschell added the Coffee Creek Industrial Area was designated a Regionally Significant Industrial Area (RSIA) by Metro's Title 4, so it was more industrial in nature than other areas where one might see a lot of office in a downtown area or a campus/office environment, which can occur in an RSIA, but by its nature, RSIA would allow manufacturing, warehousing, distribution, so those uses were always allowed and envisioned for the Coffee Creek area. The key issue was how those uses/buildings would look, which was why the City went through a Form-based Code to utilize design standards that create a more inviting, industrial area that may have manufacturing and industrial uses, so it was a question of how those uses would be designed and made to interface with other kinds of RSIA expectations and standards for an industrial area. Obviously, an office or office/manufacturing campus could also locate in Coffee Creek and would likely be able to meet some of the design standards more easily than some warehouse distribution types. However, the Form-based Code would still dictate the size of the buildings and the length of the frontage, which were very important throughout the Form-based Code process.

- The City acknowledged some warehousing would be built, though maybe not to the extent it has given the stronger market right now, but the goal was to ensure it was not a mile or half-mile long as seen in other places.
- Perhaps the Commission would want the waivers to remain part of the process. She believed some design standards around trucking may have been written a bit too stringent initially, knowing trucks were likely going to be coming to all those spaces, even if it was a campus environment.
- Added perhaps the sample population was not large enough with only one of three developments going in the direction the Commission preferred and the other two going the other way, so maybe it was an okay mix thus far.
 - Ms. Bateschell confirmed that was possible, noting the area was highly parcelized, so without any aggregation it was hard to know.
 - Ms. Luxhoj added that every development has a wayside and is very pedestrian-oriented, providing a place for people on bikes or walking to sit and relax. While most of the buildings were tilt-up concrete, the architecture and design of the buildings were exceptional.
 - The Black Creek project had an insane number of reveals on all sides of the building, which was beautiful; the ceiling heights within the office areas were consistent with the canopy, and when she toured the building, there were so many skylights that the building was perfectly lit even with no lights on. The building was really well done.
 - Ms. Bateschell encouraged the Commissioner to go down Garden Acres Road to see how some buildings were being built, noting two were either complete or near complete.
 - She commended Ms. Luxhoj for her work with the Applicant to preserve trees on the Black Creek site, noting the building was very large for the area and the City's standards as the applicant had definitely maximized the footprint on the property which resulted in a lot of trees being removed; however, some very significant trees were preserved on the corner of the parcel which was where the wayside was created for residents or pedestrians walking in the area in the future.
 - She noted some standards should be maintained, like not allowing parking to overtake a building's frontage, which could block a beautiful building or the wayside. At the same time, the parking standard could potentially be modified in a way to not trigger the Development Review Board (DRB) review. Staff had worked very hard with applicants who did increase the number of parking spaces to do additional screening to the mid- to high-screen standards; not allowing the increase to be an indefinite increase, but up to a certain percentage which could be written into the Code to allow the flexibility for a project to go through a Class 2 process.
 - The Commission could still have the original standards, but then have an adjustment that the Planning Director could make if other standards were met, which was similar to the DRB where the intent of the Form-based Code still had to be met when additional items were proposed/waivers requested.
 - A process could be written into Code that if the initial standards are not met, x, y, z must be done to get an extra allowance; and if those could not be met, or if they were looking for a considerable versus a modest adjustment. it might trigger the waiver process at DRB.
- Stated he had always favored giving Staff the ability to problem solve with the applicant, so that direction was fine, especially given the current Planning Director, adding there had to be trust in

who was negotiating on the City's behalf. Some standards were positive, but some, like an 18-ft retaining wall against a landscape resource was not in line with the vision, part of which was to meet the existing landscape in a way that embraced it and did not turn its back to it. He was also alarmed by other potential negatives, like an ocean of parking in front of a building, which brought Fry's to mind.

- Commended Ms. Luxhoj for her work, noting that some things applicants were pushing for were not what the Commission had in mind. He wanted to consider ways to problem solve and keep the vision.

Commissioner Willard thanked Ms. Luxhoj for her first Planning Commission presentation and the City for having the diligence to follow up with the pilot as planned. She stated she was directionally aligned with reducing the need for waivers with Form-based Code applications.

Commission Hendrix:

- Appreciated the follow-through with the applicants to get feedback and the update on the pilot.
- Asked whether Staff anticipated more variety in the waiver requests and how was that accounted for in the discussion or was it based on the waivers seen to date.
 - Ms. Luxhoj responded it was difficult to know what future applications would be received but given the configuration of the undeveloped properties in Coffee Creek, which were long and skinny, she did not believe warehouse/distribution buildings could be built, unless properties were combined.
 - The most waivers had been requested by bigger buildings, so corporate headquarters with smaller buildings would likely get really close to getting through the process without big waivers. Precision Countertops was very close except for the driveway width, which required a waiver. The Black Creek site had the most with a total of seven waivers, which could be because it had two addressing streets and a supporting street.
- Stated she was definitely open to having more discussion on what changes could be made or not.
 - Ms. Luxhoj believed having possible adjustments to the standard 24-ft driveway width, which was an issue when there were two driveways off the supporting street. Black Creek and Precision Countertops were able to meet the standard on driveways to the passenger vehicle parking areas, but the second driveway for truck access required a wider width so trucks could make the turn. A suggested change was in instances with a second driveway off a supporting street to a truck loading/unloading area, a wider driveway would be allowed.

Ms. Bateschell confirmed the limited driveway width standard was to ensure the apron was not too wide for pedestrians to cross. She acknowledged that the consultants at the time did more urban and less suburban style development, so there may have been a tendency to present standards that might fit better in an urban environment, including an industrial area in Portland, though she was not certain. While Wilsonville Staff may have understood the reason for reducing the widths to achieve the connectivity and pedestrian-oriented nature more prevalent than in other areas, the numbers might not have been scrutinized to a great degree.

Commissioner Mesbah suggested a solution that the driveway would have 24-ft pavement with two, 8-ft aprons of lattice concrete/pervious pavement with grass, which would look like lawn, yet support a semi-truck driving over it. He wanted to clarify if the intent was to avoid having huge expanses of

paved roads coming into the frontage, or if the driveway width was related to some function, like stormwater runoff, which would be reduced by pervious pavement.

Chair Heberlein:

- Agreed overall with the direction and looked forward to seeing how the modifications progressed and what would be proposed.
- Confirmed with Staff that there was no requirement for applicants to post signs that parking in front of the building was short-term, an hour or less. When visiting a business, he tends to stay more than an hour, so he would not expect visitor parking spaces to have a one-hour or less time limit. He understood the intent of rule was that it was not a long-term parking area to store commercial vehicles for days at a time.
- Noted that given the low traffic volumes for most of the developments, he did not anticipate a 40 ft driveway entrance being unsafe from a pedestrian standpoint, so when considering that standard, he suggested making sure the City was comfortable with the potential traffic loads to make sure it is safe or consider a flexible space, as mentioned by Commissioner Mesbah, to allow for the transit while still retaining a smaller visual appearance.

INFORMATIONAL

4. City Council Action Minutes (July 17 and August 7 & 21, 2023) (No staff presentation)
5. 2023 PC Work Program (No staff presentation)

Miranda Bateschell, Planning Director, reminded the first development application was just approved in the Wilsonville Town Center that would construct a building and part of a local street consistent with the Wilsonville Town Center Vision and Plan. No designation had been made regarding a street naming scheme in Town Center, so Staff inquired with the Diversity, Equity, and Inclusion (DEI) Committee about engaging with the community in brainstorming an inclusive street naming guide, scheme, and list for the Town Center. Staff presented at the DEI Committee last night, asking them for direction on a street naming scheme and would work with them on developing an actual street name list that would accompany that scheme. Staff hoped to have the street naming project completed by the beginning of the calendar year in line with when the developer would need that information.

Commissioner Hendrix:

- Asked if the City or Planning Department used an equity analysis or a set process like a standard set of questions to ensure that all disparities, mapping, and data were considered.
 - Ms. Bateschell replied the City had not established a formal questionnaire or assessment that each department or division would go through for each project. Staff was working with the DEI Committee to look at different projects and processes internal to the City, so that analysis or process might result from that work. She could also pose the question to Staff members who liaison with the DEI Committee to see if they would be interested in discussing it further.
 - The Planning Department tries to think about those issues and be knowledgeable about the history of their profession and the impact of the City's policies and bring in information and data where possible, as well as realizing Staff's limitations. In the street naming project, Staff realized it was not a job Staff needed to do and it was something that could be broadened within the community and involve a more inclusive process. Currently, no process was set, but hopefully there would be in the future.

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Feedback about Process:

Many comments received about the timeliness and predictability of the land use review process were not specific to the two-track process in Coffee Creek, but to land use review in general, particularly related to pre-application meetings and completeness review.

Information provided by the City, from all Departments/Divisions, at pre-application meetings needs to be as detailed as possible to enable an applicant to design and prepare plans for land use review that meet applicable standards, as rework during site design is costly and causes delay. However, it can be difficult at the pre-application stage to provide detail about a particular site plan, because designs will evolve as requirements and standards are better understood during land use review.

Follow-up meetings post pre-application, which are offered by the City, need to happen more than they do as they are helpful to applicants. But these meetings add to review time to organize and coordinate schedules, so a balance is needed.

Applicants need detailed guidelines about rules and requirements so they have clarity about what they are trying to design. No clarity leads to no predictability and, thus, delay. However, applicants also need to spend time understanding what the City is trying to accomplish, so everyone is on the same page as early in the process as possible.

Getting from the pre-application meeting to application submittal can be challenging. This is particularly the case when an applicant modifies their original design to respond to staff input provided at the pre-application meeting and the revised design raises new questions or concerns about compliance with the standards.

It is critical for the applicant to have definite information at the front of project planning for pro-forma and financial commitments. Drastic changes to a site plan that may be needed before submittal for land use completeness review have ripple effects on project design. For example, while the design standards for Supporting Streets are intentionally flexible to accommodate the unique characteristics of each project site, this can be perceived by the applicant as ambiguous and open to interpretation and they may struggle to find an acceptable design solution. This affects speed to market, which is key in speculative building.

With respect to projects in Coffee Creek, the timeline has been reasonable for land use review. But cyclical rounds of review and needed adjustments in some cases were challenging and, in applicants' opinion, time consuming.

Applicants prefer a concrete estimate of timeline to approval and work backward from there to map out their project schedule. If the City provides a timeline estimate and there are delays, either on the applicant's part or in staff response, that prolong the process, this is frustrating for the applicant and has ripple effects on scheduling, cost estimating, budgeting, etc. If the City can answer the biggest question – How long will land use review take? – with certainty at the pre-application meeting, everyone benefits. Now that four projects have gone through the land use review process in Coffee Creek, it may be prudent to adjust the timeline estimate to reflect the experience.

Going to City Council first for annexation and Zone Map amendment as is allowed in Coffee Creek is a significant benefit for applicants, with respect to time savings, and the process has been fairly smooth and worked as anticipated.

After application submittal for completeness review, the land use review process in Coffee Creek was generally predictable and timely. Staff is a good partner and great to work with. At times, more detailed review during completeness from all Departments/Divisions could be helpful. In addition, City review and feedback to the applicant can lag when issues come up. It would be helpful in these instances for staff to mobilize around the issue in a timely manner so it can be addressed quickly and the project can continue to progress through the review process. Timely and frequent conversations are needed throughout the process.

Overall applicants feel staff works very hard to get to yes on applications in Coffee Creek. However, in applicants' opinion it is possible that predictability and timeliness could be improved with more communication with the applicant during completeness review, which could result in fewer incompleteness and compliance items. Also, applicants would prefer more conditions of approval in the land use decision, rather than trying to dial in an application before the decision is issued. Detailed reviews are helpful, but applicants question how many such reviews are enough before outstanding items are conditioned so the project can move forward in the process.

Predictability and timeliness could be improved if some latitude or flexibility was built into the land use approval that anticipates subsequent design changes at the construction permitting stage and either considers the changes substantially compliant or as Class 1 Administrative Review. Returning to the original approving body or going through subsequent Class 2 Administrative Review following approval adds significantly to the project timeline.

Feedback about Intent of FBC:

There appears to be a disconnect between some of the form-based code standards and development typologies described in the Pattern Book and actual development occurring in Coffee Creek. Of the four approved projects in Coffee Creek, three are large single- or two-tenant, speculative industrial warehouse distribution facilities with office endcaps, and one is a corporate headquarters with office, showroom, and manufacturing components. Except for the corporate headquarters, these developments do not fully match the envisioned typologies, which include a mix of uses and more than one building on a site, as well as multi-story office buildings. As a result, achieving fully compliant design, particularly with site design and building form standards, is challenging and resulted in requested waivers. If on-the-ground reality is not fully consistent with the vision for Coffee Creek development typologies but still desirable, does there need to be adjustment to some of the form-based code standards to better align them with market conditions and to anticipate what might come in the future?

The question was raised as to whether the intent of the form-based code is being met with development that has occurred to date, and what the City wants to set the stage for in the future. Now that four projects have gone through the land use review process, what do the next four projects want to be? It could be helpful to have an evolving Master Plan for Coffee Creek that adjusts as projects are constructed to see how they all work together. The Master Plan should be a living document and road map to the future that adapts and updates as the area evolves with development.

Feedback about FBC Standards:

Prescriptive standards can limit innovative design. If a proposed development does not follow Code verbatim, but is a desirable or creative design that the City would like to see developed, is there a path to approval or does the design have to be less or different just to meet the standards? It was suggested that flexibility is needed in the standards, within the administrative review process, to enable the ability to pivot and accommodate divergence, while still achieving the City's vision for the area.

Speculative building (e.g., Black Creek Group) is very different from build-to-suit (e.g., Precision Countertops). Designing standards that work for both types of buildings while not impossible is extremely challenging because of differing operational and site design needs. Speculative users have a list of desirable characteristics for a site and they want to check as many as possible off the list. The purpose of constructing a speculative building is to attract a high quality tenant by checking as many of the boxes as possible based on standards that work for the industry, while making Wilsonville the most desirable location for a prospective user when compared with the larger market.

Applicants want to look at the form-based code and understand what is required. This necessitates that the standards be crystal clear, so that project planning and site design is predictable and there are not gray areas.

Standards that speak to operations are of primary importance from the applicant's perspective and need to be "all dialed in", then the form-based code overlays "desired features" (landscaping, connectivity, etc.) to get what is desired. When they are inflexible or do not make sense operationally, standards cannot be achieved and waivers are needed to enable what operationally works. If the standards that speak to operations are right, it facilitates the process and does not hinder achieving a predictable result. The standards should be reviewed with an eye to allowing more latitude or a higher threshold without requiring a waiver for those that address operations.

Driveway Width

Limiting the driveway width from a Supporting Street to a maximum of 26 feet with adjustment is problematic. There should an allowance for a wider driveway, at least 40 feet wide, to accommodate large truck movements entering/exiting a site. A narrower driveway is fine for passenger vehicles and smaller delivery trucks. Other factors that affect driveway width include such things as restricted access to/from a supporting street, angle of approach, etc.

Parking Location and Design on an Addressing Street

Location and design of passenger vehicle parking is dictated by where loading docks are located - rear, front, side, or cross – characteristics of site, size and orientation of building, etc. With a front load building, it is rare not to see parking in the front. Smaller sites also usually prefer to have parking in the front of the building. This is important to operations, security, and accessibility for employees and customers.

A secure truck court and yard is a high priority need for industrial users. Separating truck and passenger vehicle traffic is essential for safety. Limiting parking, in both number and who can park there, at the front of the building makes achieving separation challenging. If parking is not at the front, then the truck court likely will be on the front, which is less desirable from an aesthetic standpoint.

Allowing 20 spaces maximum with adjustment at the front of a building is extremely limiting. It was suggested that the ratio of allowed parking on an Addressing Street should be adjusted based on the square footage of the building, thus allowing more parking at the front for a larger building size.

Many large industrial users do not have visitors and customers, but do have a large number of employees, particularly in office areas, which are at the front of the building. Some spaces at the front of the building, therefore, should be available for use by employees and not limited to ADA, visitors and customers.

Retaining Walls

Large, flat industrial buildings result in the need to have more and/or taller retaining walls. This is especially true when it is necessary to meet grade on multiple streets around a site. Requirements should be tied to characteristics of an individual site, rather than a uniform standard. Making grade to a street is a key determinant of wall design. In addition, more topography results in the need for more walls. Because walls are very costly, drivers (cut/fill, cost, topography, etc.) will naturally limit their height.

Perhaps consider a proportional approach based on the slope of a site or height as a function of overall cross-slope of a site based on a project that already has been constructed, such as Black Creek Group.

If a retaining wall is not visible from an Addressing Street and primarily visible from the interior of a site, why does it matter what the wall looks like?

The requirement for horizontal offset is problematic. It is prudent to look at aesthetics of a retaining wall, because construction materials vary substantially. However, it may not be possible to integrate the offset or stepped design in landscape areas within the limited constraints of a site.

Entry Canopy Height

A lower entry canopy height than the required 13.5 feet minimum with adjustment makes more sense. Twelve (12) feet is preferable from a functionality standpoint. Standard storefront systems have a natural break at 12 feet. Better weather protection and pedestrian scale is achieved at 12 feet.

Interior ceiling height is typically dropped to 9-10 feet, but a height matching a 12-foot canopy gives a more open feel to the interior and allows better interior/exterior integration. If there is a mezzanine (second story office, not storage mezzanine), the ceiling is usually at 9 feet for first floor, which makes 12 feet problematic.

Building Massing and Base, Middle, Top Dimensions

The overall building massing standard with base, middle, top dimensions probably hinders design and is not productive. Design can be scaled well without the dimensional requirements. The standard results in prescriptive design, causing overall design aesthetic to suffer. The same effect can be achieved with a variety of materials. An alternative methodology is needed that gets the desired "high quality" design.

Requirements for dimensional (recede, project) definition of base and top, rather than just visual, is difficult to achieve with poured slab concrete tilt-up buildings. Allowing applicants to make some trade-offs, such as using graphic treatments, that accomplish the intent of a physical off-set have the same effect from a distance. Paint schemes and reveals are more effective in adding variety and dimension.

Can the standard be adjusted to achieve the same visual interest and variety desired, but in a less prescriptive way? The standard product today is much more interesting and aesthetically pleasing and driven by a market that demands quality. The standards should be flexible and adaptable as the market changes now and in the future.

Landscape Buffer Areas on Addressing and Supporting Streets

Are landscape buffers between a building and/or parking and the public right-of-way necessary? Buildings in urban areas are right up to the street. Is Coffee Creek trying to achieve a suburban model with ample landscape buffers or a more urban aesthetic?

Street Typologies

Street typologies do not align with the Transportation System Plan (TSP) and Engineering Design Manual. This results in negotiation with Engineering staff about street design, leads to confusion, and can make redesign necessary. Required infrastructure design under the streets also needs to be calibrated.

Requiring a Supporting Street, in a public easement, on the edge of an industrial site can make truck circulation more difficult because they are circulating on a public way with other vehicle types. This can put a site at a disadvantage because a large part of the site is reserved for connectivity rather than site circulation.

Agglomeration of sites would help achieve envisioned development and spread the cost burden of Supporting Street infrastructure more equitably across owners/developers.