



AMENDED - CITY COUNCIL AGENDA

August 15, 2022 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.

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

COUNCILORS' CONCERNS [5:05 PM]

PRE-COUNCIL WORK SESSION [5:10 PM]

- A. Utility Billing Update (*Katko/Jones*) [20 min.]
- B. [Code Revisions Related to Camping \(*Guile-Hinman/McCormick*\) \[20 min\]](#)
- C. [Wilsonville Framework for Inclusive Engagement \(*Pauly*\) \[15 min.\]](#)
- D. Vertical Housing Calculation Methodology (*Lorenzen*) [5 min.]

ADJOURN [6:10 PM]

CITY COUNCIL MEETING

The following is a summary of the legislative and other matters to come before the Wilsonville City Council a regular session to be held, August 15, 2022 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10:00 a.m. on August 2, 2022. Remonstrances and other documents pertaining to any matters listed in said summary filed at or prior to the time of the meeting may be considered there with except where a time limit for filing has been fixed.

CALL TO ORDER [7:00 PM]

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

MAYOR'S BUSINESS [7:05 PM]

4. [Upcoming Meetings](#)

COMMUNICATIONS [7:15 PM]

5. Community Survey Results (*Evans*)

CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS [7:30 PM]

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

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

6. Council President Akervall
7. Councilor Lehan
8. Councilor West
9. Councilor Linville

CONSENT AGENDA [8:00 PM]

10. [Resolution No. 2990](#)

[Authorizing The City Manager To Execute A Systems Development Charges Refund Agreement With Coffee Creek Logistics Holdings, LLC For The Construction Of Oversized Public Sewer And Water Infrastructure Improvements. \(*Pepper*\)](#)

11. [Resolution No. 2992](#)

[A Resolution Of The City Of Wilsonville Clarifying The Tax Exemption Calculation Methodology To Be Utilized Under The City's Vertical Housing Development Zone Program. \(*Lorenzen*\)](#)

12. [Authorize the City Manager to Sign an Intergovernmental Agreement \(IGA\) Between Clackamas County Sheriff's Office, West Linn - Wilsonville School District and City of Wilsonville for School Resource Officer Program](#)
13. [Minutes of the August 1, 2022 City Council Meeting. \(Veliz\)](#)

NEW BUSINESS [8:05 PM]

CONTINUING BUSINESS [8:05 PM]

14. [Ordinance No. 865 – 2nd Reading \(Quasi-Judicial Hearing\)](#)

[An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Future Development Agricultural – Holding \(FDA-H\) Zone To The Planned Development Industrial \(PDI\) Zone On Approximately 0.55 Acre Located At 28505 SW Boones Ferry Road; The Land Is More Particularly Described As Tax Lot 800, Section 14A, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Davidsons Boones Ferry Industrial LLC, Owner/Applicant. \(Luxhoj\)](#)

PUBLIC HEARING [8:10 PM]

CITY MANAGER’S BUSINESS [8:10 PM]

LEGAL BUSINESS [8:15 PM]

ADJOURN [8:20 PM]

INFORMATIONAL ITEMS – No Council Action Necessary

[08/15/22 Information Items](#)

**AN EXECUTIVE SESSION WILL
IMMEDIATELY FOLLOW THE CITY COUNCIL MEETING**

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

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

EXECUTIVE SESSION

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

**AMENDED - City Council
August 15, 2022**



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: August 15, 2022		Subject: Code Revisions Related to Camping	
		Staff Members: Amanda Guile-Hinman, City Attorney; Nick McCormick, Law Clerk	
		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 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):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

An informational session to discuss the recent passage of Oregon laws and court rulings related to local laws regulating camping. In June 2020, the League of Oregon Cities published a guide for local jurisdictions regarding these Oregon laws and case law concerning camping regulations is attached hereto as **Attachment A**.

EXECUTIVE SUMMARY:

A. Federal Cases on Camping Ban Enforcement

In 2019, the 9th Circuit in *Martin v. Boise* examined the constitutionality of two Boise ordinances: one that made it a misdemeanor to use “any streets, sidewalks, parks, or public places as a camping place at any time,” and one that banned occupying or otherwise using a public or private structure without permission. The 9th Circuit ruled that these two ordinances generally violated individuals’ rights under the 8th Amendment, which prohibits government from imposing cruel and unusual punishment. What came out of *Martin* was the general understanding that a city cannot criminalize being homeless, but cities are not required to create homeless facilities and can still have reasonable time, place, and manner restrictions for camping.

After *Martin*, many jurisdictions began revising their state and local statutes to comply with the recent decision. In 2020, before these new revisions were completed, a class of homeless individuals challenged various Grants Pass regulations that were similar to those in *Martin* before the U.S. Federal District Court of Oregon in *Blake v. Grants Pass*. Grants Pass had attempted a limited revision to its regulations in light of *Martin* to allow “sleeping” in certain circumstances, but retained all other prohibitions of camping on public property. Among the regulations were bans on camping in parks, camping on public property, and sleeping in public places when any bedding is used, as well as exclusions from parks for violating more than one regulation in one year’s time. The court stated these regulations violated *Martin*, and provided further clarification regarding when cities can or cannot enforce camping prohibitions. The Court in *Blake* held that enforcement through imposition of a civil penalty as opposed to a criminal charge did not relieve Grants Pass from the 8th Amendment analysis in *Martin*. The Court also held that the 8th Amendment prohibits a jurisdiction from punishing people for taking necessary steps to keep themselves warm and dry while sleeping (such as using bedding or a barrier between themselves and the ground).

B. New Oregon Laws Regulating Local Camping Bans

With the guidance of both *Martin* and *Blake*, the Oregon legislature passed HB 3115 in 2021 (codified as ORS 195.530), which set up specific requirements and limitations for city and county camping ordinances. A copy of HB 3115 is attached hereto as **Attachment B**.

Among the requirements is a provision stating that any regulation of use of public property by persons experiencing homelessness must be “objectively reasonable.” Whether or not a regulation is objectively reasonable depends on an analysis of all the circumstances, including the impact of the law on the homeless person, as well as other relevant considerations related to the specific conditions involved.

The law also provides for both an affirmative defense to any crime that is objectively unreasonable, as well as a private right of action for declaratory and injunctive relief (not money damages); which means that individuals can sue the City alleging the City Code is unreasonable

on its face. The private right of action allows for the collection of attorney's fees at the judge's discretion also. The law goes into effect on July 1, 2023.

Additionally, passed as HB 3124 (2021) (attached hereto as **Attachment C**), and effective on June 23, 2021, ORS 195.505 added provisions requiring reasonable prior written notice to individuals of an intent to close an established campsite within 72 hours at each campsite entrance before closure. This policy does not apply if the site is housing illicit activities, in case of emergencies, or sites near a funeral service. Additionally, a citation cannot be given if within 200 feet of a notice posted less than two hours before or after such time.

The law also added provisions regarding the receipt and storage of homeless persons belongings left after a valid site closure. Any unclaimed property is to be stored at a designated facility located in that community. The city must leave reasonable notice as to where and how the person may find and retrieve their belongings. A city is not required to store goods that are deemed to have no value or utility, or are unsanitary. A city will give all weapons, illicit substances, and stolen property to law enforcement. The city will store the items for 30 days after reasonable notice is given.

C. Other Considerations Regarding Camping Bans

Other concerns related to the regulation of camping on public property include the 1989 U.S. Supreme Court decision of *Deshaney v. Winnebago County Department of Social Services*, which viewed the 14th Amendment as imposing a duty on government actors when they have created dangerous conditions for others. This has been further refined by the 9th Circuit to apply a duty to government actors where an affirmative act puts a person in danger with a deliberate indifference to a known or obvious danger. *LA Alliance for Human Rights v. City of Los Angeles*, 2021 WL 1546235.

This is an important policy consideration for cities in deciding where to prohibit camping and where to allow it. The city must ensure that regulations for camping and related prohibitions do not expose homeless individuals to a greater danger than under current circumstances. This will sometimes require a case-by-case analysis of current environmental conditions and potential harms that may occur after site removal. It is still unclear as to how far the duty stretches under the State Created Danger principle.

D. Next Steps

Staff formed an inter-departmental internal team to review Wilsonville Code provisions that regulate camping, and other related provisions. This internal team has three goals: (1) to ensure that the City is compliant with HB 3115 prior to its operative date of July 1, 2023; (2) to verify, through work sessions with Councilors and feedback from the community and stakeholders, that any regulations in the Wilsonville Code reflect City values; and (3) to communicate with and educate the Council and the community about these changes in Oregon law and any corresponding revisions to the Wilsonville Code.

EXPECTED RESULTS:

After an initial discussion of the current case law and state statutes related to camping prohibitions, the project team will begin the process of reviewing current city code and locating code sections to be revised, with the city potentially approving a final revised code by May 2023.

TIMELINE:

Approximate timeline of expected events:

1. August 15, 2022 – First Council Work Session to inform Council of new Oregon laws
2. October – November 2022 – Stakeholder/community outreach
3. January 19, 2023 – Second Council Work Session to go over draft Code provisions* and community feedback
4. March 20, 2023 – Third Council Work Session to further review draft Code revisions*
5. April 17, 2023 – Fourth Council Work Session for any last revisions*
6. May 1, 2023 – First Reading of Ordinance*
7. May 15, 2023 – Second Reading of Ordinance*
8. July 1, 2023 – Any new regulations become effective

*Assumes that updates to the Wilsonville Code are necessary, which is still being determined by staff.

CURRENT YEAR BUDGET IMPACTS:

None immediately, but there could be potential costs depending on the chosen system for managing prohibitions on camping. Cities are not required to provide facilities for those that are homeless, but may be required to create additional procedures for regulating camping by homeless individuals.

COMMUNITY INVOLVEMENT PROCESS:

Public involvement is a focal point of the city camping code revision process to ensure a diverse group of community members and stakeholders can provide their priorities, interests, and concerns related to the potential code revisions. The project team expects several opportunities to facilitate open discussions throughout the revision process.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

There are several potential impacts on the residential, commercial, and related communities depending on the adopted code revisions. The project team will work with local residents and stakeholders to address concerns and provide equitable solutions that benefits both the community and other impacted individuals.

ALTERNATIVES:

Pursuant to Oregon law, the city must have some form of objectively reasonable camping regulations by July 1, 2023. The city has options it may consider:

1. Take no action and keep the current code; the city will have to justify the reasonableness of the current sections of the code if challenged in the future.
2. Revise the city code, creating more robust regulations and procedures to fully comply with relevant case law and state statutes; this will include choosing among various options to meet the necessary criteria (overnight programs or facilities, time, place, and manner restrictions.)

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Attachment A – League of Oregon Cities Camping Code Revision Guide
2. Attachment B – ORS 195.530 (HB 3115)
3. Attachment C – ORS 195.505 (HB 3124)



Guide to Persons Experiencing Homelessness in Public Spaces

JUNE 2022

Guide to Persons Experiencing Homelessness in Public Spaces

Cities possess a significant amount of property – from parks, greenways, sidewalks, and public buildings to both the developed and undeveloped rights of way – sizable portions of a city belong to the city itself, and are held in trust for particular public purposes or use by residents. Historically cities have regulated their various property holdings in a way that prohibits persons from camping, sleeping, sitting or lying on the property. The historic regulation and management of a city’s public spaces must be reimagined in light of recent federal court decisions and the Oregon Legislature’s enactment of HB 3115, both of which direct cities to consider their local regulations within the context of available local shelter services for those persons experiencing homelessness.

As the homelessness crisis intensifies, and the legal parameters around how a city manages its public property contract, cities need guidance on how they can regulate their property in a way that respects each of its community members, complies with all legal principles, and protects its public investments. A collective of municipal attorneys from across the state of Oregon convened a work group to create this guide, which is intended to do two things: (1) explain the legal principles involved in regulating public property in light of recent court decisions and statutory enactments; and (2) provide a checklist of issues/questions cities should review before enacting or amending any ordinances that may impact how their public property is managed.

Legal Principles Involved in Regulating Public Property

Two key federal court opinions, *Martin v. Boise* and *Blake v. Grants Pass*, have significantly impacted the traditional manner in which cities regulate their public property. In addition to these two pivotal cases, the Oregon Legislature enacted HB 3115 during the 2021 legislative session as an attempt to clarify, expand, and codify some of the key holdings within the court decisions. An additional piece of legislation, HB 3124, also impacts the manner in which cities regulate public property in relation to its use by persons experiencing homelessness. And, as the homelessness crisis intensifies, more legal decisions that directly impact how a city regulates its public property when it is being used by persons experiencing homelessness are expected. Some of these pending cases will seek to expand, limit, or clarify the decisions reached in *Martin* and *Blake*; other pending cases seek to explain how the well-established legal principle known as State Created Danger applies to actions taken, or not taken, by cities as they relate to persons experiencing homelessness.

A. *The Eighth Amendment to the U.S. Constitution*

The Eighth Amendment to the U.S. Constitution states that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. In 1962, the U.S. Supreme Court, in *Robinson v. California*, established the principle that “the Eighth Amendment prohibits the state from punishing an involuntary act or condition if it is the unavoidable consequence of one’s status or being.” 370 U.S. 660 (1962).

B. *Martin v. Boise*

In 2018, the U.S. 9th Circuit Court of Appeals, in *Martin v. Boise*, interpreted the Supreme Court’s decision in *Robinson* to mean that the Eighth Amendment to the U.S. Constitution “prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter ... because sitting, lying, and sleeping are ... universal and unavoidable consequences of being human.” The court declared that a governmental entity cannot “criminalize conduct that is an unavoidable consequence of being homeless – namely sitting, lying, or sleeping.” 902 F3d 1031, 1048 (2018).

The 9th Circuit clearly stated in its *Martin* opinion that its decision was intentionally narrow, and that some restrictions on sitting, lying, or sleeping outside at particular times or in particular locations, or prohibitions on obstructing the rights of way or erecting certain structures, might be permissible. But despite the narrowness of the decision, the opinion only truly answered some of the many questions cities are rightly asking. After *Martin*, municipal attorneys could advise their clients in limited ways: some things were clear, and others were pretty murky.

One of the most commonly misunderstood aspects of the *Martin* decision is the belief that a city can never prohibit a person experiencing homelessness from sitting, sleeping or lying in public places. The *Martin* decision, as noted, was deliberately limited. Cities are allowed to impose city-wide prohibitions against persons sitting, sleeping, or lying in public, provided the city has a shelter that is accessible to the person experiencing homelessness against whom the prohibition is being enforced. Even if a city lacks enough shelter space to accommodate the specific person experiencing homelessness against whom the prohibition is being enforced, it is still allowed to limit sitting, sleeping, and lying in public places through reasonable restrictions on the time, place and manner of these acts (“where, when, and how”) – although what constitutes a reasonable time, place and manner restriction is often difficult to define.

A key to understanding *Martin* is recognizing that an analysis of how a city’s ordinance, and its enforcement of that ordinance, can be individualized. Pretend a city has an ordinance which prohibits persons from sleeping in city parks if a person has nowhere else to sleep. A person who violates that ordinance can be cited and arrested. A law enforcement officer finds 11 persons sleeping in the park, and is able to locate and confirm that 10 of said persons have access to a shelter bed or a different location in which they can sleep. If any of those 10 persons refuses to avail themselves of the available shelter beds, the law enforcement officer is within their rights, under *Martin*, to cite and arrest the persons who refuse to leave the park. The practicality of such an individualized assessment is not to be ignored, and cities are encouraged to consider the ability to make such an assessment as they review their ordinances, policies, and procedures.

What is clear from the *Martin* decision is the following:

1. Cities cannot punish a person who is experiencing homelessness for sitting, sleeping, or lying on public property when that person has no place else to go;
2. Cities are not required to build or provide shelters for persons experiencing homelessness;

3. Cities can continue to impose the traditional sit, sleep, and lie prohibitions and regulations on persons who do have access to shelter; and
4. Cities are allowed to build or provide shelters for persons experiencing homelessness.

After *Martin*, what remains murky, and unknown is the following:

1. What other involuntary acts or human conditions, aside from sleeping, lying and sitting, are considered to be an unavoidable consequence of one's status or being?
2. Which specific time, place and manner restrictions can cities impose to regulate when, where, and how a person can sleep, lie or sit on a public property?
3. What specific prohibitions can cities impose that will bar a person who is experiencing homelessness from obstructing the right of way?
4. What specific prohibitions can cities impose that will prevent a person who is experiencing homelessness from erecting a structure, be it temporary or permanent, on public property?

The city of Boise asked the United States Supreme Court to review the 9th Circuit's decision in *Martin*. The Supreme Court declined to review the case, which means the opinion remains the law in the 9th Circuit. However, as other federal circuit courts begin considering a city's ability to enforce sitting, sleeping and camping ordinances against persons experiencing homelessness, there is a chance that the Supreme Court may review a separate but related opinion to clarify the *Martin* decision and provide clarity to the outstanding issues raised in this guide.

C. *Blake v. Grants Pass*

Before many of the unanswered questions in *Martin* could be clarified by the 9th Circuit or the U.S. Supreme Court, an Oregon federal district court issued an opinion, *Blake v. Grants Pass*, which provided some clarity, but also provided an additional layer of murkiness.

From the *Blake* case we also know the following:

1. Whether a city's prohibition is a civil or criminal violation is irrelevant. If the prohibition punishes an unavoidable consequence of one's status as a person experiencing homelessness, then the prohibition, regardless of its form, is unconstitutional.
2. Persons experiencing homelessness who must sleep outside are entitled to take necessary minimal measures to keep themselves warm and dry while they are sleeping.
3. A person does not have access to shelter if:

- They cannot access the shelter because of their gender, age, disability or familial status;
- Accessing the shelter requires a person to submit themselves to religious teaching or doctrine for which they themselves do not believe;
- They cannot access the shelter because the shelter has a durational limitation that has been met or exceeded; or
- Accessing the shelter is prohibited because the person seeking access is under the influence of some substance (for example alcohol or drugs) or because of their past or criminal behavior.

But much like *Martin*, the *Blake* decision left some unanswered questions. The key unknown after *Blake*, is: What constitutes a minimal measure for a person to keep themselves warm and dry – is it access to a blanket, a tent, a fire, etc.?

And while defining the aforementioned unknown question after *Blake* is most certainly difficult for cities, what cities must also keep ever present in their mind is the fact that the 9th Circuit Court of Appeals is presently reviewing the *Blake* decision. When the 9th Circuit finishes its review and issues an opinion, cities should reasonably expect the rules and parameters established by the Oregon district court in *Blake* to change. What types of changes should be expected, the severity of the changes, and when those changes will occur are questions municipal attorneys cannot answer at this time for their clients. Given the very real fluidity surrounding the legal issues discussed in this guide, before adopting any new policy, or revising an existing policy, that touches on the subject matter described herein, cities are strongly encouraged to speak with their legal advisor to ensure the policy is constitutional.

D. House Bill 3115

HB 3115 was enacted by the Oregon Legislature during its 2021 session. It is the product of a workgroup involving the LOC and the Oregon Law Center as well as individual cities and counties.

The bill requires that any city or county law regulating the acts of sitting, lying, sleeping or keeping warm and dry outside on public property must be “objectively reasonable” based on the totality of the circumstances as applied to all stakeholders, including persons experiencing homelessness. What is objectively reasonable may look different in different communities. The bill retains cities’ ability to enact reasonable time, place and manner regulations, aiming to preserve the ability of cities to manage public spaces effectively for the benefit of an entire community.

HB 3115 includes a delayed implementation date of July 1, 2023, to allow local governments time to review and update ordinances and support intentional community conversations.

From a strictly legal perspective, HB 3115 did nothing more than restate the judicial decisions found in *Martin* and *Blake*, albeit a hard deadline to comply with those judicial decisions was imposed. The bill provided no further clarity to the judicial decisions, but it also imposed no new requirements or restrictions.

E. House Bill 3124

Also enacted during the 2021 legislative session, HB 3124 does two things. First, it changes and adds to existing guidance and rules for how a city is to provide notice to homeless persons that an established campsite on public property is being closed, previously codified at ORS 203.077 *et seq.*, now found at ORS 195.500, *et seq.* Second, it gives instructions on how a city is to oversee and manage property it removes from an established campsite located on public property. It is important to remember that HB 3124 applies to public property; it is not applicable to private property. This means that the rules and restrictions imposed by HB 3124 are not applicable city-wide, rather they are only applicable to property classified as public.

HB 3124 does not specify, with any true certainty, what constitutes public property. There has been significant discussion within the municipal legal field as to whether rights of way constitute public property for the purpose of interpreting and implementing HB 3124. The general consensus of the attorneys involved in producing this guide is that rights of way should be considered public property for purposes of HB 3124. If an established homeless camp is located on rights of way, it should generally be treated in the same manner as an established camp located in a city park. However, as discussed below, depending on the dangers involved with a specific location, exceptions to this general rule exist.

When a city seeks to remove an established camp site located on public property, it must do so within certain parameters. Specifically, a city is required to provide 72-hour notice of its intent to remove the established camp site. Notices of the intention to remove the established camp site must be posted at each entrance to the site. In the event of an exceptional emergency, or the presence of illegal activity other than camping at the established campsite, a city may act to remove an established camp site from public property with less than 72-hour notice. Examples of an exceptional emergency include: possible site contamination by hazardous materials, a public health emergency, or immediate danger to human life or safety.

While HB 3124 specifies that the requirements contained therein apply to established camping sites, it fails to define what constitutes an established camping site. With no clear definition of what the word established means, guidance on when the 72-hour notice provisions of HB 3124 apply is difficult to provide. The working group which developed this guide believes a cautious approach to defining the word established at the local level is prudent. To that end, the LOC recommends that if, for example, a city were to enact an ordinance which permits a person to pitch a tent between the hours of 7 p.m. and 7 a.m., that the city also then consistently and equitably enforce the removal of that tent by 7 a.m. each day, or as close as possible to 7 a.m. Failing to require the tent's removal during restricted camping hours each day, *may*, given that the word established is undefined, provide an argument that the tent is now an established camp site that triggers the requirement of HB 3124.

In the process of removing an established camp site, oftentimes city officials will also remove property owned by persons who are experiencing homelessness. When removing items from established camp sites, city officials should be aware of the following statutory requirements:

- Items with no apparent value or utility may be discarded immediately;
- Items in an unsanitary condition may be discarded immediately;
- Law enforcement officials may retain weapons, drugs, and stolen property;
- Items reasonably identified as belonging to an individual and that have apparent value or utility must be preserved for at least 30 days so that the owner can reclaim them; and
- Items removed from established camping sites in counties other than Multnomah County must be stored in a facility located in the same community as the camping site from which it was removed. Items removed from established camping sites located in Multnomah County must be stored in a facility located within six blocks of a public transit station.

Cities are encouraged to discuss with legal counsel the extent to which these or similar requirements may apply to any camp site, “established” or not, because of due process protections.

F. Motor Vehicles and Recreational Vehicles

Cities need to be both thoughtful and intentional in how they define and regulate sitting, sleeping, lying, and camping on public property. Is sleeping in a motor vehicle or a recreational vehicle (RV) that is located on public property considered sitting, lying, sleeping, or camping on public property under the city’s ordinances and policies? This guide will not delve into the manner in which cities can or should regulate what is commonly referred to as car or RV camping; however, cities do need to be aware that they should consider how their ordinances and policies relate to car and RV camping, and any legal consequences that might arise if such regulations are combined with ordinances regulating sitting, lying, sleeping, or camping on public property. Motor and recreational vehicles, their location on public property, their maintenance on public property, and how they are used on or removed from public property are heavily regulated by various state and local laws, and how those laws interact with a city’s ordinance regulating sitting, lying, sleeping, or camping on public property is an important consideration of this process.

G. State Created Danger

In 1989, the U.S. Supreme Court, in *DeShaney v. Winnebago Cnty. Dep’t of Soc. Servs.*, interpreted the Fourteenth Amendment to the U.S. Constitution to impose a duty upon the government to act when the government itself has created dangerous conditions – this interpretation created the legal principle known as State Created Danger. 489 U.S. 189 (1989). The 9th Circuit has interpreted the State Created Danger doctrine to mean that a governmental

entity has a duty to act when the government actor “affirmatively places the plaintiff in danger by acting with ‘deliberate indifference’ to a ‘known or obvious danger.’” *LA Alliance for Human Rights v. City of Los Angeles*, 2021 WL 1546235.

The State Created Danger principle has three elements. First, the government’s own actions must have created or exposed a person to an actual, particularized danger that the person would not have otherwise faced. Second, the danger must have been one that is known or obvious. Third, the government must act with deliberate indifference to the danger. *Id.* Deliberate indifference requires proof of three elements:

“(1) there was an objectively substantial risk of harm; (2) the [state] was subjectively aware of facts from which an inference could be drawn that a substantial risk of serious harm existed; and (3) the [state] either actually drew that inference or a reasonable official would have been compelled to draw that inference.” *Id.*

Municipal attorneys are closely reviewing the State Created Danger principle as it relates to the use of public spaces by persons experiencing homelessness for three reasons. First, many cities are choosing to respond to the homeless crisis, the legal decisions of *Martin* and *Blake*, and HB 3115, by creating managed homeless camps where unhoused persons can find shelter and services that may open the door to many State Created Danger based claims of wrongdoing (e.g. failure to protect from violence, overdoses, etc. within the government sanctioned camp). Second, in California, at least one federal district court has recently ruled that cities have a duty to act to protect homeless persons from the dangers they face by living on the streets, with the court’s opinion resting squarely on the State Created Danger principle. Third, when imposing reasonable time, place, and manner restrictions to regulate the sitting, sleeping or lying of persons on public rights of way, cities should consider whether their restrictions, and the enforcement of those restrictions, trigger issues under the State Created Danger principle. Fourth, when removing persons and their belongings from public rights of way, cities should be mindful of whether the removal will implicate the State Created Danger principle.

In creating managed camps for persons experiencing homelessness, cities should strive to create camps that would not reasonably expose a person living in the camp to a known or obvious danger they would not have otherwise faced. And if there is a danger to living in the camp, a city should not act with deliberate indifference to any known danger in allowing persons to live in the camp.

And while the California opinion referenced above has subsequently been overturned by the 9th Circuit Court of Appeals, at least one federal district court in California has held that a city “acted with deliberate indifference to individuals experiencing homelessness” when the city allowed homeless persons to “reside near overpasses, underpasses, and ramps despite the inherent dangers – such as pollutants and contaminant.” *LA Alliance for Human Rights v. City of Los Angeles*, 2022 WL 2615741. The court essentially found a State Create Danger situation when a city allowed persons experiencing homelessness to live near interstates – a living situation it “knew” to be dangerous.

Before a city official enforces a reasonable time, place, and manner restriction which regulates the sitting, sleeping and lying of persons on public property, the official should review the enforcement action they are about to take in light of the State Created Danger principle. For example, if a city has a restriction that allows persons to pitch a tent on public property between the hours of 7 p.m. and 7 a.m., a city official requiring the person who pitched the tent to remove it at 7:01 a.m. should be mindful of all environmental conditions present at the time their enforcement order is made. The same thoughtful analysis should be undertaken when a city removes a person and their belongings from the public rights of way.

How Cities Proceed

The law surrounding the use of public spaces by persons experiencing homelessness is newly emerging, complex, and ripe for additional change. In an effort to simplify, as much as possible, the complexity of this legal conundrum, below is an explanation of what municipal attorneys know cities must do, must not do, and may potentially do.

A. What Cities Must Do

In light of the court decisions discussed herein, and the recent House bills enacted by the Oregon Legislature, cities must do the following:

1. Review all ordinances and policies with your legal advisor to determine which ordinances and policies, if any, are impacted by the court decisions or recently enacted statutes.
2. Review your city's response to the homelessness crisis with your legal advisor to ensure the chosen response is consistent with all court decisions and statutory enactments.

If your city chooses to exclude persons experiencing homelessness from certain areas of the city for violating a local or state law, the person must be provided the right to appeal that expulsion order, and the order must be stayed while the appeal is pending.

3. If your city chooses to remove a homeless person's established camp site, the city must provide at least 72-hour notice of its intent to remove the site, with notices being posted at entry point into the camp site.
4. If a city obtains possession of items reasonably identified as belonging to an individual and that item has apparent value or utility, the city must preserve that item for at least 30 days so that the owner can reclaim the property, and store that property in a location that complies with state law.

B. What Cities Must Not Do

When the decisions rendered by the federal district court of Oregon and the 9th Circuit Court of Appeals are read together, particularly in conjunction with Oregon statutes, cities must not do the following:

1. Cities cannot punish a person who is experiencing homelessness for sitting, sleeping, or lying on public property when that person has no place else to go.
2. Cities cannot prohibit persons experiencing homelessness from taking necessary minimal measures to keep themselves warm and dry when they must sleep outside.
3. Cities cannot presume that a person experiencing homelessness has access to shelter if the available shelter options are:
 - Not accessible because of their gender, age, or familial status;
 - Ones which requires a person to submit themselves to religious teaching or doctrine for which they themselves do not believe;
 - Not accessible because the shelter has a durational limitation that has been met or exceeded; or
 - Ones which prohibit the person from entering the shelter because the person is under the influence of some substance (for example alcohol or drugs) or because of their past or criminal behavior.

C. What Cities May Potentially Do

As previously noted, the recent court decisions, and those which are presently pending before the various federal district courts and in the 9th Circuit Court of Appeals, lack clarity in many key respects. This lack of clarity, while frustrating, also provides cities some leeway to address the homelessness crisis, specifically with how the crisis impacts the management of public property.

1. Cities may impose reasonable time, place and manner restrictions on where persons, including those persons experiencing homelessness, may sit, sleep, or lie. Any such regulation imposed by a city should be carefully vetted with the city's legal advisor.
2. Cities may prohibit persons, including those persons experiencing homelessness, from blocking rights of way. Any such regulation should be carefully reviewed by the city's legal advisor to ensure the regulation is reasonable and narrowly tailored.
3. Cities may prohibit persons, including those persons experiencing homelessness, from erecting either temporary or permanent structures on public property. Given that cities are required, by *Blake*, to allow persons experiencing homelessness to take reasonable precautions to remain warm and dry when sleeping outside, any such provisions regulating the erection of structures, particularly temporary structures, should be carefully reviewed by a legal advisor to ensure the regulation complies with all relevant court decisions and Oregon statutes.
4. If a city chooses to remove a camp site, when the camp site is removed, cities may discard items with no apparent value or utility, may discard items that are in an

unsanitary condition, and may allow law enforcement officials to retain weapons, drugs, and stolen property.

5. Cities may create managed camps where person experiencing homelessness can find safe shelter and access to needed resources. In creating a managed camp, cities should work closely with their legal advisor to ensure that in creating the camp they are not inadvertently positioning themselves for a State Created Danger allegation.

D. What Cities Should Practically Consider

While this guide has focused exclusively on what the law permits and prohibits, cities are also encouraged to consider the practicality of some of the actions they may wish to take. Prior to imposing restrictions, cities should work with all impacted staff and community members to identify if the suggested restrictions are practical to implement. Before requiring any tent pitched in the public right of way to be removed by 8 a.m., cities should ask themselves if they have the ability to practically enforce such a restriction – does the city have resources to ensure all tents are removed from public property every morning 365 days a year? If a city intends to remove property from a camp site, cities should practically ask themselves if they can store said property in accordance with the requirements of HB 3124. Both questions are one of only dozens of practical questions cities need to be discussing when reviewing and adopting policies that touch on topics covered by this guide.

Conclusion

Regulating public property, as it relates to persons experiencing homelessness, in light of recent court decisions, legislative actions, and forthcoming judicial opinions is nuanced and complicated. It is difficult for cities to know which regulations are permissible and which are problematic. This guide is an attempt to answer some of the most common legal issues raised by *Martin, Blake*, HB 3115, HB 3124, and the State Created Danger doctrine – it does not contain every answer to every question a city may have, nor does it provide guidance on what is in each community’s best interest. Ultimately, how a city chooses to regulate its public property, particularly in relation to persons experiencing homelessness, is a decision each city must make on its own. A city’s decision should be made not just on the legal principles at play, but on its own community’s needs, and be done in coordination with all relevant partners. As with any major decision, cities are advised to consult with experts on this topic, as well as best practice models, while considering the potential range of public and private resources available for local communities. Cities will have greater success in crafting ordinances which are not only legally acceptable, but are accepted by their communities, if the process for creating such ordinances is an inclusive process that involves advocates and people experiencing homelessness.

Additional Resources

The League of Oregon Cities (LOC), in preparing this guide, has obtained copies of ordinances and policies that may be useful to cities as they consider their own next steps. Additionally, several municipal advisors who participated in the development of this guide have expressed a willingness to share their own experiences in regulating public rights of way, particularly as it

relates to persons experiencing homelessness, with Oregon local government officials. If you believe these additional resources may be of use to you or your city, please feel free to contact a member of the LOC's [Legal Research Department](#).

Recognition and Appreciation

The LOC wishes to extend its sincerest thanks to the municipal attorneys who assisted in the development of this guide. Attorneys from across Oregon came together over several months to vet legal theories, share best practices, and create this guide. These attorneys donated their time, experience, and resources – seeking nothing in return. And while a core team of attorneys was gathered to build this guide, the LOC recognizes that the team's work stands on the shoulders of every city and county attorney in Oregon who has been working, and who will continue to work, to assist their community in addressing the homelessness crisis. For those attorneys not specifically named below, please know your contributions are equally recognized and respected:

- Aaron Hisel, Montoya, Hisel & Associates;
- Chad Jacobs, Beery Elsner & Hammond;
- Eric Mitton, City of Medford;
- Kirk Mylander, Citycounty Insurance Services;
- Elizabeth Oshel, City of Bend;
- Mary Winters, City of Bend; and
- Grace Wong, City of Beaverton.

Enrolled House Bill 3115

Sponsored by Representative KOTEK; Representatives DEXTER, MARSH, MCLAIN, POWER, REYNOLDS, WILDE, Senators DEMBROW, MANNING JR, RILEY

CHAPTER

AN ACT

Relating to the regulation of public property with respect to persons experiencing homelessness; and declaring an emergency.

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

SECTION 1. (1) As used in this section:

(a) "City or county law" does not include policies developed pursuant to ORS 203.077 or 203.079.

(b)(A) "Keeping warm and dry" means using measures necessary for an individual to survive outdoors given the environmental conditions.

(B) "Keeping warm and dry" does not include using any measure that involves fire or flame.

(c) "Public property" has the meaning given that term in ORS 131.705.

(2) Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness.

(3) It is an affirmative defense to a charge of violating a city or county law described in subsection (2) of this section that the law is not objectively reasonable.

(4) A person experiencing homelessness may bring suit for injunctive or declaratory relief to challenge the objective reasonableness of a city or county law described in subsection (2) of this section. The action must be brought in the circuit court of the county that enacted the law or of the county in which the city that enacted the law is located.

(5) For purposes of subsections (2) and (3) of this section, reasonableness shall be determined based on the totality of the circumstances, including, but not limited to, the impact of the law on persons experiencing homelessness.

(6) In any suit brought pursuant to subsection (4) of this section, the court, in its discretion, may award reasonable attorney fees to a prevailing plaintiff if the plaintiff:

(a) Was not seeking to vindicate an interest unique to the plaintiff; and

(b) At least 90 days before the action was filed, provided written notice to the governing body of the city or county that enacted the law being challenged of an intent to bring the action and the notice provided the governing body with actual notice of the basis upon which the plaintiff intends to challenge the law.

(7) Nothing in this section creates a private right of action for monetary damages for any person.

SECTION 2. Section 1 of this 2021 Act becomes operative on July 1, 2023.

SECTION 3. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by House April 15, 2021

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

.....
Tina Kotek, Speaker of House

Passed by Senate June 9, 2021

.....
Peter Courtney, President of Senate

Received by Governor:

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

Approved:

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

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

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

.....
Shemia Fagan, Secretary of State

Enrolled House Bill 3124

Sponsored by Representative LIVELY; Representatives POWER, WILDE, Senator GORSEK

CHAPTER

AN ACT

Relating to homelessness; amending ORS 203.079 and section 1, chapter 21, Oregon Laws 2018; and declaring an emergency.

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

SECTION 1. ORS 203.079 is amended to read:

203.079. (1) A policy developed pursuant to ORS 203.077 shall *[include, but is not limited to,]* **conform, but is not limited, to** the following $[:]$ **provisions.**

(2) **As used in this section, “personal property” means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.**

[(a)] (3) *[Prior to]* **Except as provided in subsection (9) of this section, at least 72 hours before** removing homeless individuals from an established camping site, law enforcement officials shall post a **written** notice, *[written]* in English and Spanish, *[24 hours in advance]* **at all entrances to the camping site to the extent that the entrances can reasonably be identified.**

[(b)] (4)(a) *[At the time that a 24-hour]* **When a 72-hour** notice is posted, law enforcement officials shall inform the local agency that delivers social services to homeless individuals **as to** where the notice has been posted.

[(c)] (b) The local agency may arrange for outreach workers to visit the camping site *[where a notice has been posted]* **that is subject to the notice** to assess the need for social service assistance in arranging shelter and other assistance.

[(d)] (5)(a) All *[unclaimed]* **personal property at the camping site that remains unclaimed after removal** shall be given to *[law enforcement officials whether 24-hour]* **a law enforcement official, a local agency that delivers social services to homeless individuals, an outreach worker, a local agency official or a person authorized to issue a citation described in subsection (10) of this section, whether** notice is required **under subsection (3) of this section** or not.

(b) **The unclaimed personal property must be stored:**

(A) **For property removed from camping sites in counties other than Multnomah County, in a facility located in the same community as the camping site from which it was removed.**

(B) **For property removed from camping sites in Multnomah County, in a facility located within six blocks of a public transit station.**

(c) **Items that have no apparent value or utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site.**

(d) **Weapons, controlled substances other than prescription medication and items that appear to be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.**

(6) The written notice required under subsection (3) of this section must state, at a minimum:

(a) Where unclaimed personal property will be stored;

(b) A phone number that individuals may call to find out where the property will be stored; or

(c) If a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.

(7)(a) The unclaimed personal property shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined.

(b) The property shall be stored for a minimum of 30 days during which it [will] shall be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed [for] after 30 days may be disposed of or donated to a corporation described in section 501(c)(3) of the Internal Revenue Code as amended and in effect on December 31, 2020. [For purposes of this paragraph, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.]

[(e)] (8) Following the removal of homeless individuals from a camping site on public property, the law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner and to determine if any changes are needed in the policy.

[(2)] (9)(a) The [24-hour] 72-hour notice [required] requirement under subsection [(1)] (3) of this section [shall] does not apply:

[(a)] (A) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring at an established camping site.

[(b)] (B) In the event of an exceptional emergency [such as] at an established camping site, including, but not limited to, possible site contamination by hazardous materials [or when there is], a public health emergency or other immediate danger to human life or safety.

(b) If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service, the written notice required under subsection (3) of this section may be posted at least 24 hours before removing homeless individuals from the camping site.

[(3)] (10) A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of [the] a notice [described in] required under subsection (3) of this section and within two hours before or after the notice was posted.

(11) Any law or policy of a city or county that is more specific or offers greater protections to homeless individuals subject to removal from an established camping site preempts contrary provisions of this section.

SECTION 1a. If Senate Bill 410 becomes law, section 1 of this 2021 Act (amending ORS 203.079) is repealed and ORS 203.079, as amended by section 1, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 410), is amended to read:

203.079. (1) A policy developed pursuant to ORS 203.077 shall [include, but is not limited to,] conform, but is not limited, to the following[:] provisions.

(2) As used in this section, "personal property" means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

[(a)] (3) [Prior to] Except as provided in subsection (9) of this section, at least 72 hours before removing homeless individuals from an established camping site, law enforcement officials

shall post a **written** notice, *[written]* in English and Spanish, *[24 hours in advance]* **at all entrances to the camping site to the extent that the entrances can reasonably be identified.**

[(b)] **(4)(a)** *[At the time that a 24-hour]* **When a 72-hour** notice is posted, law enforcement officials shall inform the local agency that delivers social services to homeless individuals **as to** where the notice has been posted.

[(c)] **(b)** The local agency may arrange for outreach workers to visit the camping site *[where a notice has been posted]* **that is subject to the notice** to assess the need for social service assistance in arranging shelter and other assistance.

[(d) Except as otherwise provided in paragraph (e) of this subsection:]

[(A)] **(5)(a)** All *[unclaimed]* personal property **at the camping site that remains unclaimed after removal** shall be given to *[law enforcement officials whether 24-hour]* **a law enforcement official, a local agency that delivers social services to homeless individuals, an outreach worker, a local agency official or a person authorized to issue a citation described in subsection (10) of this section, whether** notice is required **under subsection (3) of this section** or not.

(b) The unclaimed personal property must be stored:

(A) For property removed from camping sites in counties other than Multnomah County, in a facility located in the same community as the camping site from which it was removed.

(B) For property removed from camping sites in Multnomah County, in a facility located within six blocks of a public transit station.

(c) Items that have no apparent value or utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site.

(d) Weapons, controlled substances other than prescription medication and items that appear to be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.

(6) The written notice required under subsection (3) of this section must state, at a minimum:

(a) Where unclaimed personal property will be stored;

(b) A phone number that individuals may call to find out where the property will be stored; or

(c) If a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.

(7)(a) The unclaimed personal property shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined.

(b) The property shall be stored for a minimum of 30 days during which it *[will]* shall be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed *[for]* after 30 days may be disposed of **or donated to a corporation described in section 501(c)(3) of the Internal Revenue Code as amended and in effect on December 31, 2020.**

[(B) For purposes of this paragraph, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site.]

[(C) Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to or retained by law enforcement officials.]

[(e) For unclaimed personal property located in Multnomah County:]

[(A) All unclaimed personal property shall be given to a law enforcement official, a local agency that delivers social services to homeless individuals, an outreach worker, a local agency official or a person authorized to issue a citation described in subsection (3) of this section, whether 24-hour notice is required or not.]

[(B) Facilities for storage of personal property under paragraph (d) of this subsection must be located within six blocks of a public transit station.]

[(f)] **(8)** Following the removal of homeless individuals from a camping site on public property, the law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner and to determine if any changes are needed in the policy.

[(2)] **(9)(a)** The [24-hour] **72-hour** notice [required] **requirement** under subsection [(1)] **(3)** of this section [shall] **does** not apply:

[(a)] **(A)** When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring **at an established camping site**.

[(b)] **(B)** In the event of an exceptional emergency [such as] **at an established camping site, including, but not limited to,** possible site contamination by hazardous materials [or when there is], **a public health emergency or other** immediate danger to human life or safety.

(b) If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service, the written notice required under subsection (3) of this section may be posted at least 24 hours before removing homeless individuals from the camping site.

[(3)] **(10)** A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of [the] a notice [described in] **required under subsection (3) of this section** and within two hours before or after the notice was posted.

(11) Any law or policy of a city or county that is more specific or offers greater protections to homeless individuals subject to removal from an established camping site pre-empts contrary provisions of this section.

SECTION 2. Section 1, chapter 21, Oregon Laws 2018, is amended to read:

Sec. 1. (1) The Department of Transportation may enter into an intergovernmental agreement with a city that has a population of 500,000 or more for the removal, storage and disposition of personal property deposited, left or displayed on property that is owned by the department.

(2) Notwithstanding ORS 377.650, 377.653 and 377.655, an intergovernmental agreement entered into under this section may provide alternative provisions related to the removal, storage and disposition of personal property if the alternative provisions conform with the requirements for local government policy for removal of homeless individuals and personal property [described] under ORS 203.079, *except that under this section the notices described in ORS 203.079 must be posted 48 hours in advance*.

(3) In addition to the requirements described in subsection (2) of this section, an intergovernmental agreement entered into under this section must include the following:

(a) Requirements for posting notice before the removal of personal property, including but not limited to the following:

(A) That the notice is created using durable materials and securely posted within 30 feet of the personal property to be removed;

(B) That the notice must provide the date the notice begins and the date upon which the city may begin removing personal property; and

(C) That the notice must provide a description of:

(i) How an individual may access personal property that is removed and stored; and

(ii) The length of time the city will store personal property before the city disposes of it.

(b) A requirement that the notice expires 10 days after the city posts the notice.

(c) A severe weather protocol regarding the weather conditions under which the city will not remove personal property.

(d) Provisions related to inventorying and storing the personal property to be removed.

(e) Provisions related to the city relinquishing unclaimed personal property after the storage period to the city's designated agent.

(f) Provisions related to when the city will provide impact reduction services, including but not limited to trash collection.

(4) The [48-hour] **72-hour** notice **under ORS 203.079** required under subsection (2) of this section does not apply:

(a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring;

(b) Where there is an exceptional emergency, such as possible site contamination by hazardous materials; or

(c) When there is immediate danger to human life or safety.

(5) Before the city adopts an intergovernmental agreement under this section or changes to the agreement, the city shall invite public comment on the proposed agreement or the proposed changes to the agreement.

SECTION 3. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by House April 19, 2021

Received by Governor:

Repassed by House June 9, 2021

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

Approved:

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

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

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate June 8, 2021

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

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

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Shemia Fagan, Secretary of State



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: August 15, 2022		Subject: Wilsonville Framework for Inclusive Engagement	
		Staff Member: Daniel Pauly, Planning Manager	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input 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: The engagement framework has also been presented to the Diversity, Equity and Inclusion (DEI) Committee and Planning Commission.	
Staff Recommendation: Provide feedback on implementation of the Wilsonville Framework for Inclusive Engagement.			
Recommended Language for Motion: N/A			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Community Outreach/DEI	<input type="checkbox"/> Adopted Master Plan(s):	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Discuss the Wilsonville Framework for Inclusive Engagement (Attachment 1) which will be an important resource for the City’s ongoing public engagement efforts.

EXECUTIVE SUMMARY:

The City has long valued public input and included public engagement as a key part of its work, especially for legislative and policy items that come before the City Council. Policy 1.1.1 of the Comprehensive Plan states “The City of Wilsonville shall provide opportunities for a wide range of public involvement in City planning programs and processes.”

Recent projects, exemplified by the Town Center Plan, have made substantial efforts to hear a wide range of voices using a variety of public engagement methods. Currently, efforts are being redoubled to make sure historically underrepresented groups have meaningful impact on City decision making. This is driven locally by Council and others, exemplified by the efforts to set up and support the Diversity, Equity, and Inclusion (DEI) Committee. It is also driven by requirements of grant funding agencies including Metro and the State of Oregon. Strong momentum exists to do the best ever on public engagement to understand historic inequities, address them, and remove barriers historically faced by different minority groups.

Using Metro grant funding, the City initiated a project to further develop and refine initial ideas from the middle housing project for a framework for inclusive public engagement that could be applied by various City departments and initiatives.

Bill de la Cruz and Pat Noyes have provided technical assistance and support to City staff for the completion of the framework. Mr. de la Cruz has worked with the City and the school district on DEI efforts over the last year plus, including facilitating much of the work of the City’s DEI Committee. Mr. de la Cruz is joined by Ms. Noyes who has extensive public engagement experience on a variety of public projects.

Since beginning their work in February, Mr. de la Cruz and Ms. Noyes reviewed the City’s past public engagement efforts including Town Center and the Middle Housing project, coordinated with and advised the team working on Frog Pond East and South public engagement, interviewed a number of past outreach participants who are members of historically underrepresented groups, and facilitated four hours of training with a large group of City staff. One product of their effort is the attached Wilsonville Framework for Inclusive Engagement (Attachment 1). The City Council provided input on a draft version of Framework during a May work session. The attached version incorporates Council comments along with those from the Planning Commission, DEI Committee, and staff from a number of City departments.

This project, and the attached Framework, intend to provide a strong foundation on which City public engagement efforts can be based. This foundation applies across a variety of projects to substantially increase diversity, equity, and inclusion in decisions by bringing meaningful engagement to all members of the community. In particular, the Framework focuses on engaging members of the community historically marginalized and underrepresented in public engagement efforts. The Framework provides resources, steps, and questions to consider to answer how to do improved public engagement. In addition, it lists barriers to engagement and actions to remove or minimize the barriers. Project managers across the City have been trained

on the Framework. The expectation is that they would consult the Framework as they plan and scope a project and use it to shape their outreach plans.

While the current consultant contract has concluded, the City is committed to continuing this work and welcomes City Council's feedback on ideas for implementing and refining the Framework, and continuing to learn. City staff had a similar discussion with Planning Commission in July and is scheduled to discuss with the DEI Committee in September.

EXPECTED RESULTS:

Council input on the Wilsonville Framework for Inclusive Engagement, including any ideas for implementing and refining it in the future.

TIMELINE:

The consultant contract and current project to develop the Framework concluded at the end of June. However, the resulting Framework will continue to be integrated into a variety of projects over time and on an ongoing basis. The Framework has the potential to continue to evolve and be refined as various projects use it and the City continues to learn.

CURRENT YEAR BUDGET IMPACTS:

No funding is budgeted for Fiscal Year 2022-23, and no specific budget impact will occur from City staff reporting out on the project outcome. However, other project budgets will need to thoughtfully consider if sufficient money is budgeted for appropriate public engagement.

COMMUNITY INVOLVEMENT PROCESS:

The intent of the work is to improve the community involvement process going forward.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

A strong foundation on which City public engagement efforts can be based across a variety of projects to substantially increase diversity, equity, and inclusion in decisions by bringing meaningful engagement to all members of the community, particularly members of the community historically underrepresented in public engagement efforts. This work can help the City further its values of equity and inclusion through the reversal and establishment of policies and programs that enable, support, and celebrate diversity.

ALTERNATIVES:

N/A

CITY MANAGER COMMENT:

N/A

ATTACHMENT:

1. Wilsonville Framework for Inclusive Engagement (dated June 23, 2022)

Wilsonville Framework for Inclusive Engagement

June 23, 2022

Purpose

The City of Wilsonville is committed to engaging residents, businesses, property owners, and other stakeholders in planning and decision making that impacts them. This includes planning, policy, and project decisions related to land use, housing, parks and recreation, transportation, and other community issues. The City is also committed to increasing and supporting the involvement of historically underrepresented community members through consistent, fair, and accessible public engagement activities that encourage participation by all members of the community.

This framework was developed to provide a foundation on which City outreach and involvement efforts can be based across a variety of projects to substantially increase diversity, equity, and inclusion in decisions by bringing meaningful engagement to all members of the community. The approach outlined here brings the community into the process early and is designed to engage them collaboratively to define the issues to be addressed and to develop potential solutions and recommendations. Inclusive engagement is fundamentally different from traditional public outreach as it engages interested parties directly in the decision-making process, rather than asking for feedback on decisions the City is making or has already made.

Inclusive engagement brings in community members with a broad range of perspectives, experiences, needs and preferences to be active participants at each step of decision making, from defining the problem or issues, to defining a successful outcome, generating and evaluating potential solutions, and advancing recommendations. It encourages all members of the community to work with the City to develop plans, projects, policies and other actions that represent the diversity of interests and needs in Wilsonville.

Benefits of Engaging the Public

Broad community involvement in City decisions provides a number of significant benefits:

- *Legitimacy and increased support for plans and projects.* With the substantive engagement of affected communities, developed actions will reflect legitimacy, community support, and equitable outcomes. Legitimacy builds trust, political will, and ownership for effective implementation.
- *Improved community/government relations.* Community engagement can build trust between diverse stakeholders and help improve the quality of difficult discussions about racial disparities, economic conditions, and community development needs. By creating a multifaceted process built upon relationship building, trust, respect, and affirmation of community knowledge and power, more effective ways of dealing with differences will emerge.
- *Deeper understanding of the issues.* City initiatives will be stronger with the input of the people potentially affected by the decisions and actions. Plans, projects, policies and initiatives will benefit by significant engagement of residents and organizations that have knowledge of the existing challenges and opportunities, and experience to create solutions to these challenges.

- *Increase in community capacity.* A meaningful engagement strategy will improve the capacity for problem solving. Engagement builds stronger networks across racial, ethnic, generational, gender, and socioeconomic divides, an essential component to achieving equitable outcomes and leveraging additional resources.
- *Reduced long-term costs.* Plans, projects and policies that are supported by the community can generally be funded and implemented faster than those that experience resistance. Additional costs associated with redesign, extended negotiations, or even litigation can result from lack of community consensus. While conflicts may arise during planning (especially when there is a history of failed projects or unrealized promises), the community engagement process creates an environment of positive communication where creative and inclusive solutions can be found to resolve conflicts.
- *Democracy in action.* Community engagement is, in many ways, a microcosm of our American democratic system of government. It is one of the best ways community residents can connect to and shape local and regional decision-making processes.

Principles for Effective Outreach

Community engagement should take a comprehensive approach, creating practices and institutionalized mechanisms that share power and vest decision-making control in all members of the community, including historically overlooked and marginalized groups and individuals. When utilized for the purpose of increasing community power and agency for problem solving, community engagement is guided by a few key principles:

- Honor the wisdom, voice, and experience of the community
- Involve diverse and representative community interests
- Treat participants with integrity and respect
- Be transparent about the process, motives and power dynamics
- Share decision making and initiative leadership
- Engage in continuous reflection and willingness to change course

Transformative engagement can be the difference between a successful initiative and one that falls well short of its potential. It enables highly technical or routine projects and processes to produce real, tangible and lasting benefits for communities. To be transformative and achieve the City's objective of being inclusive, engagement should be:

- Collaborative – work together with the community to generate ideas and develop solutions
- Outcome-driven – focus on solving a problem
- Inclusive – involve stakeholders in defining the problem, the desired outcome, and the process for decision making
- Fair – clearly define decision-making process
- Trackable – document all input and decisions
- Accessible – make meetings and information accessible for all

How to Use the Framework

The framework provided here offers general guidance for effective public decision making and engagement. It includes a six-step process that guides the focus of public engagement at each step of

the process. It is intended to be a flexible, principle-driven process that can be easily followed by the City and the public to track the decisions and focus of each step, creating a fair and transparent process. This requires documentation of all input and decisions at each step of the process to allow the community to track how their perspectives are considered and addressed. The framework can be used as the foundation for designing public outreach for all City activities that include a public outreach or engagement component. The process is flexible and adaptable to the complexity and timeframes of different types of policy, planning, and project initiatives.

Questions to Consider

In applying the framework to your public initiative, it may be helpful to consider the following questions to set the context for the public outreach design:

- What would a successful public engagement effort look like for this initiative?
- Is the City starting from a relatively blank slate to understand the full set of needs or is it focused on specific solutions or constraints?
- What is the timeline and decision-making structure that will drive the process?
- What is your understanding of the community landscape? Who is affected? Which community groups or other stakeholders can help engage the most affected community members? Consider individuals and groups that have been historically underrepresented in community engagement.
- What are the core questions and tradeoffs associated with the project? What are the most important questions and tradeoffs stakeholders and decision makers must consider? Are there segments of the community that will be particularly interested in those questions?

Designing the Process

Establish Goals for Community Engagement

It is important to be clear about why you are doing public engagement to ensure that the public outreach effort is designed to meet your intended outcome. The purpose can range from providing information to the public, to obtaining input on a project or decision, to involving the community in decisions. It is always better to look to a more inclusive approach if you are unsure how much interest or controversy there is around a decision. Starting with more outreach and then backing off if the level of interest is not there is better than starting with an information campaign and being met with community resistance or controversy; such an approach does not engender trust in the process.

Establishing goals for engagement is not focused on a solution, it is focused on what the public process brings to developing a solution. The goal of community engagement is to provide opportunities for the public to gain information, provide input, and influence the outcome at whatever level necessary to support the final recommendation. Understanding the nature of the decisions being made, the opportunities to enhance decisions through community dialogue, and awareness of the challenges and community concerns is essential to designing an effective engagement process.

Framework for Engagement

The framework outlined below is easily adapted to a wide variety of applications to provide a structure to public engagement on a City-wide basis. Consistency in the approach allows the community to recognize the steps of the process and how their participation will be used in the City’s decision making. This builds trust and confidence in the process and encourages broad public involvement.

Key Steps, Strategies, and Considerations

The steps outlined here are general in nature and can be adapted to meet the complexity and context of any decision. They are designed to make the process transparent and understandable to all interested parties, focus on developing a fair process that reflects community values from a broad range of interests, facilitate creative problem solving, and engage the community in weighing tradeoffs and values.

The framework for engaging the community in a fair and transparent decision-making process is developed around the six steps for public decision making, shown in Table 1.

Table 1: Steps for Public Decision Making

Step 1	Define the problem and identify desired outcome for the project or initiative
Step 2	Determine criteria and measures for the desired outcomes
Step 3	Brainstorm potential solutions to the problem
Step 4	Evaluate the alternatives using the agreed upon criteria
Step 5	Consider tradeoffs among alternatives
Step 6	Develop recommendations to the decision makers

The framework is designed to engage stakeholders early and allow them to participate throughout the process. It is built on a proactive approach that involves the community as active partners, rather than simply being asked to react to City-generated solutions. It is important to document and report back to the community the perspectives, ideas, and input they bring at each step of the process, and to show how these are used to define the problem, develop the evaluation criteria, generate ideas or solutions, evaluate potential solutions, and develop recommendations.

Step 1: Define the problem and identify desired outcome for the project or initiative

The first step of any process is to define the problem to be addressed. For most planning and policy decisions, it is important for the City to explore a problem through the broader lens of public engagement. Gaining the perspective of directly and potentially affected parties adds depth and dimension to the problem definition. What may seem like a problem for City officials may have unseen benefits to the community. Similarly, information gathered by the City about an issue may not include challenges obvious to those who live and work in or with the issue. By mutually defining a problem, the City is better prepared to develop solutions that are supported by the community and those directly affected by them.

Similarly, a mutually defined desired outcome is important to knowing what is important to the community in developing a plan or project that all parties can support. Answering the question: This project/plan will be success if...? helps to frame community values and desired outcomes. It also provides the basis for developing an evaluation process in Step 2. It is important to discern between interests and solutions when exploring desired outcomes, and to redirect suggested solutions to a discussion about what they achieve or deliver. For example, in a planning effort someone might say that a new park is the desired outcome. The underlying interest may be a place for children to play or friends to gather or the creation of green space or aesthetics. Teasing out the underlying interests creates an opportunity to achieve an outcome without limiting it to a single solution.

Step 2: Determine criteria and measures for the desired outcomes

Mutually defining the desired outcome(s) in Step 1 provides the foundation for developing criteria and measures for comparing and selecting alternative solutions or ideas. It is important to design and gain endorsement for an evaluation process that reflects community values before brainstorming potential solutions. This demonstrates the City’s commitment to a fair and transparent process and a way to track and evaluate what is most important to the community.

The purpose of the evaluation process is to provide a structure for comparing options across values. It is not intended to numerically rank each option or alternative; rather, it is designed to provide information on the tradeoffs across several key values and criteria. The evaluation process is a tool for understanding the tradeoffs and looking for a balance the community can support. What might be a disadvantage to one person or group may be an advantage to another. Through this process all interested parties have an opportunity to share their perspective and look for ways to find mutually beneficial solutions.

Step 3: Brainstorm potential solutions to the problem

The process of brainstorming potential solutions is generally the most fun part of a decision process and one stakeholders want to jump into from the beginning of the process. In many cases, the City has identified a range of options before going to the public in a planning process. It is important to complete Steps 1 and 2 before getting into potential solutions to provide an opportunity for potential solutions to evolve out of a broader perspective based on the desired outcomes and community values identified in Step 1. Brainstorming should be as creative as possible and not be encumbered by discussion of why things will or will not work. On plans or projects where the City is looking for public input and involvement, the structure of this activity would be as inclusive and interactive as possible. If the City has made decisions or commitments, or there are parameters or limitations to what is to be considered, those should be shared. If there are examples from other plans, projects, or communities the City would like to present to generate ideas or get feedback, those can also be shared to stimulate discussion.

There are several techniques for engaging the community in the brainstorming phase. These include workshops, charrettes, online interactive activities, interactive displays in public areas, surveys, and others. As with other activities, the more interactive the better with opportunities for the community to share and hear a wide range of perspectives and interests.

After the initial brainstorming, the City develops alternative solutions for evaluation. These can include any ideas the City has and should include the ideas generated by the public brainstorming process. They should also be distinctive from each other to test alternatives against different criteria and values. Ideas should be tracked and mapped to alternatives so the public can easily see how their ideas were incorporated into alternatives. If some ideas are not viable or realistic and cannot be used, they should also be documented with the rationale for not moving them into an alternative.

Step 4: Evaluate the alternatives using the agreed upon criteria

In Step 4, alternatives are evaluated in the preestablished evaluation process. For more complex projects, this may need to be a multistep process or ideas may need to be combined into packages of improvements that can be added to different alternatives. For most decisions, a range of three to five alternatives can be evaluated to provide a comparison between them. Criteria may be quantitative or

qualitative, as designed in Step 2. The purpose of this step is to provide enough information about how each alternative addresses the values and criteria, and to share the evaluation results in a clear way. The easiest way to provide these results for comparison is in a matrix or table that allows the public and decision makers to see and compare how well each alternative meets the desired outcomes.

Step 5: Consider tradeoffs among alternatives

Step 5 shares the evaluation of the alternatives to open discussion and understanding of how different options impact desired outcomes. It helps the community see where ideas are mutually exclusive or contradictory and how they may positively or negatively affect interest groups or stakeholders. The goal of this step is not to rank or vote on an alternative, it is to use what it learned through discussions of tradeoffs to guide the selection of a preferred alternative, either one of the evaluated alternatives or one that evolves out of the community dialogue. If this step leads to the development of one or more new alternatives, Steps 4 and 5 are repeated to identify community preferences and determine a preferred alternative.

Step 6: Develop recommendations to the decision makers

The preferred alternative will be the basis for a recommendation to City decision makers. City interests and limitations should be included in Steps 1 through 5 to ensure that they are considered throughout the process. Recommendations should document the process the City followed to develop the recommended alternative, including the activities for involving the community, a summary of each step of the process, and any unresolved issues or challenges. If the process was followed and City and community criteria were addressed, the recommendation should meet the City’s desired outcomes and limitations.

Modular and Flexible

Each of the steps is critical to a fair and transparent decision process; however, the time needed for each step and the number of meetings or activities devoted to each step should be adapted to the nature and complexity of the project or decision. For example, if the problem is well understood and agreed upon by all stakeholders, Step 1 can be a quick review and confirmation of the problem definition and desired outcomes, accomplished in the same meeting as developing the evaluation criteria and measures. For more complex and potentially controversial projects, several outreach activities and discussions may be needed to develop consensus on the problem definition and desired outcomes. Process design should consider the appropriate and reasonable number of meetings and activities needed to move the process forward in a way that keeps stakeholders engaged and does not feel like it is missing any of the key steps. Process design should include a timeline that shows the steps and activities, allowing the community to see how long the process will take and when key milestones of decision making are anticipated.

Every public action needs to consider the appropriate level of engagement and document all activities to engage the public, including any constraints and limitations on engagement. It may not be realistic to implement an inclusive engagement process for every City initiative due to budget, timing, legislative requirements, or staffing constraints. Each City action should include engagement considerations and document constraints and activities.

In-person and Virtual Community Engagement

Community engagement should be structured to encourage the sharing of perspectives across interest groups and individuals. In-person events are easily structured to encourage dialogue and conversation. Where in-person meetings are not feasible or appropriate, efforts should be made to create virtual environments that are as interactive as possible to encourage the community to share and understand a broad range of perspectives. It is important to provide interpretation services as needed to reduce language barriers and support communication between stakeholders.

There are times when virtual meetings, or a combination of virtual and in-person meetings provide greater flexibility to working families with children, who have limited time, transportation, or child care. Virtual meetings were also essential to continue public engagement during the COVID-19 pandemic, providing a safe option for participation. Whether in-person or virtual, forums should be structured to encourage interaction between community members and groups. Formal presentations by agency and subject experts should be minimized and opportunities to share ideas and perspectives should be maximized.

Identifying Key Stakeholders and Audiences

Effective community engagement is broad and deep. It allows all potentially interested or affected parties to be involved at the level appropriate to their interest. It should cast a broad net to identify stakeholders and meet the full range of levels of interest. Some residents or businesses may want to be kept informed while others have a vested interest in the outcome and want to influence the decisions that are made. It is important to understand the range of audiences, stakeholder, and interested and affected parties to develop outreach activities that meet their needs.

Some of the critical considerations for identifying and engaging stakeholders include:

- What level of interest does the general community have in this policy, plan or project, and how does that vary across different groups?
- What groups or individuals are potentially affected by the development of this policy, plan, or project?
- How can we engage the most affected community members from the beginning?
- What is the City asking of participants in the public process (e.g. time, input, resources, expertise, etc.) and is it clear to the participants what they are being asked to provide?

Considerations for Engaging Underrepresented Stakeholders

Engaging traditionally marginalized communities in decision-making processes is critical to realizing the full and authentic potential of sustainability and prosperity in Wilsonville. Public participation processes that are perfunctory and superficial do not include opportunities to share stories, access community assets and knowledge, or include all community members and organizations in shaping the agenda, the process, and the ultimate decisions. To be truly inclusive, the City must treat all members of the community as an asset and understand that community-based organizations bring important capacities and relationships that the City can leverage to produce more effective community outcomes. However, not all underrepresented members of the community are part of an organization. It is important to identify and engage all potentially interested or affected parties during outreach design and throughout

the process. One way to do that is to continually ask, “who are we missing, who else should be involved,” in the early public meetings and as new issues arise.

The City’s DEI Committee serves to connect Wilsonville to the diverse perspectives and lived experiences of its people. The committee advocates for equitable access and opportunity for every community member. It identifies barriers to participation and inclusion, and pursues programs, policies, partnerships and ideas that remove those barriers. City projects, plans or other actions should engage the DEI Committee in identifying potentially affected, historically underrepresented parties and stakeholders as part of developing an inclusive engagement strategy and activities.

It is essential to build bridges to underrepresented groups by creating a safe space conducive to sharing experiences, ideas, and preferences. Overcoming cultural and language challenges that may limit engagement should be a priority in the design and implementation of public outreach and engagement. This can be done through identifying and working with community ambassadors or advocates to directly address obstacles to participation. Clearly defining the purpose of involvement and how community involvement will be used to shape decisions is important.

It may be necessary to engage intermediaries to facilitate the inclusion of traditionally underrepresented parties. Intermediaries can help bridge the gap between the groups who trust them and other stakeholders. They can also support coalition building and information sharing between experts and partners to reach underrepresented communities. If groups are not represented and intermediaries cannot be identified, City staff should acknowledge and document the perspectives which are not represented in the conversation and the process.

It is important to work directly with historically underrepresented groups to learn the best ways to reach them and identify what circumstances or accommodations would make them more comfortable in engaging. This may include finding points of influence in different groups and asking them for strategies for engagement. Implementing this approach will require that City officials invest their time in the process and appreciate that meaningful community engagement requires commitment to the principles outlined in this framework.

The following groups, communities, and organizations should be considered in developing an engagement approach that includes historically underrepresented groups:

- Insert list from the DEI Committee

Some barriers to engaging traditionally underrepresented stakeholders and potential actions for overcoming the barriers are provided in 2 below.

Table 2: Barriers and Actions

Barrier	Potential Action
Participant resources	
Time needed to participate	Offer a variety of times and amount of time required. Streamline the process. Offer incentives to participate.
Ability to travel to meetings	Locate activities close to underrepresented communities, near bus service, and provide or subsidize transportation to meetings. Provide a hybrid model for online and in person engagement.

Barrier	Potential Action
Childcare	Provide onsite childcare and activities to engage youth in the project.
Limited knowledge of, or access to technology	
Internet access	Provide computer and internet access at public facilities.
Comfort with online platforms	Simplify access and provide support. Provide training on different platforms through the school Family Empowerment Center or County fund for technology training and access for seniors.
Lack of trust in government	
Past experiences with government	Document the range of past negative experiences and actively address concerns.
Fairness of the process	Clearly define the process and maintain transparency.
Fear of government	Hold meetings in safe environments (schools, churches, neighborhood meeting places).
Language	Provide translation services and community liaisons. Use a variety of media – spoken, written, graphical – to overcome language barriers. Include information on how to request translation services in a variety of languages. Identify languages in targeted areas to include languages besides English and Spanish.
Cultural	Make accommodations for cultural and religious holidays and norms. Include members of diverse groups as information resources at events (familiar faces). Consider differences in government processes from countries of origin for immigrants and provide support for understanding differences (e.g., citizens academy).
Physical	Provide accommodations for varying physical abilities and limitations. Check facilities in person for accessibility prior to scheduling meetings or events there.
Lack of project awareness	Provide information across a wide range of media, formal and informal, including traditional media, printed mailings and social media. Post notices in parks, libraries, schools, SMART buses, apartment complexes, senior housing. Use radio and word of mouth in targeted communities.
Power differentials and dynamics	Assess, document, and address full range of potential power dynamics related to the initiative. Reach out and personally invite underrepresented individuals and groups. Meeting facilitators should be aware of power differentials and ensure participants are given an opportunity and made comfortable to speak up.

Questions to Consider

In developing an outreach strategy and identifying tools, consider the following questions:

- How does the overall demographic makeup of those who are engaged in the public process compare to the overall makeup of the city?
- Who is underrepresented and how does the proposed policy, plan, or project potentially affect them?

- Are there historic and current power imbalances that should be considered in the design of the public engagement process to be inclusive?
- Who are the key organizational partners and intermediaries? Are specific community leaders, business associations, or activists engaged? Are these partners aware of and actively addressing historic inequities?
- What background information will historically underrepresented groups need to participate effectively? How will that information be prepared and delivered?
- Are there power dynamics based on historic, financial, political, or other advantages that may impact an individual's or group's ability to influence decision making?

Actions to Overcome Barriers

The following are general principles to guide City actions to overcome barriers to inclusive public engagement:

- Create welcoming, safe environments by asking the underrepresented communities how this can be achieved
- Design a process that is friendly to working families
- Go to the community (work places, public gatherings, social and religious organizations, schools)
- Be transparent and open throughout the process by engaging the community in how the City can build trust in the engagement processes
- Explain how public engagement is used in decision making
- Be accessible and responsive
- Use a variety of low-tech/high touch and high-tech opportunities to participate
- Provide information through a wide range of media
- Build community connections for ongoing engagement
- Provide language translation services for all potentially affected parties

Strategies for Outreach and Engagement

This section discusses a range of strategies for public outreach and engagement. In addition to the tools described below, the City should consider the capacity of staff and the community to engage in an effective outreach effort. Outreach and engagement activities should be included in the scope of work for all City initiatives to ensure that it is a formal part of the process and adequate resources are available for effective engagement.

From the City's perspective, the following questions should be considered in designing and implementing a public outreach process:

- Does the City have the resources to design and facilitate an effective public process?
- Does the staff have the appropriate training and skillset to engage a diverse set of community members in the decision-making process?
- Does the staff need trainings on racial disparities, equitable practices, and other topics to help understand and respond to what they are hearing from community groups?
- Does the staff represent and/or have a history of working with the community groups that need to be included in the process?

An honest assessment of these questions at the outset can prepare the City for challenges and allow additional resources and capabilities to be brought into the process from the beginning.

Similarly, the City should consider the community's capacity to engage effectively in a process. If the issues are complex or historically underrepresented groups with little experience engaging in public processes are involved, there may be a need to support them. The City should consider:

- What kinds of training or materials will community members need to engage in the decision-making process comfortably and meaningfully?
- How will the materials and information be delivered in a way that ensures accessibility for a diverse range of community groups?
- Are translation services or other communication supports needed to engage a broader community?

Menu of Outreach Activities

The following is a list of public outreach activities that can be used to inform, solicit input, or engage the public. The list is not exhaustive and is provided as examples of ways to engage or share information with the public. There is a general description of each and discussion of how and when they are applicable. A summary table of the application of each tool is shown in Table 3. In selecting tools for public outreach, it is important to consider the average age or digital literacy of targeted groups and potential barriers of each tool to engaging historically underrepresented groups.

Public Meetings

Public meetings can be used to provide information, solicit input, and engage the public depending on how they are structured. They can vary in the size and formality of the meeting. Meetings that are intended to engage the public in a dialogue and sharing of ideas and perspectives should minimize presentations by the City (talking at the public) and maximize opportunities for interaction (dialogue, brainstorming, breakout groups – listening to the public). Specific types of public meetings are discussed below. Each brings a different focus or structure to enhance interaction with the community.

Workshops

Workshops are a particular type of public meeting used to encourage collaboration between the City and the community. They are generally focused in terms of their scope and structured to allow cooperative problem solving. Workshops can be designed using a wide variety of interactive formats: breakout group, stations focused on specific issues or aspects of a plan or project, tabletop exercises, brainstorming sessions, presentations and videos, community-driven dialogues, and others. The main purpose of workshops is for the City and the community to work together and to share ideas and perspectives.

Focus/Community Interest Groups

Focus groups or interest groups are smaller public meetings focused on a specific issue, interest, or stakeholder group. These groups can be formed to engage a specific or diverse set of interests throughout a planning process or can be formed ad hoc as issues arise that need input and involvement by targeted groups. Focus groups can also be used to engage traditionally underrepresented stakeholders to ensure that their interests are included in the process.

Charettes

Charettes bring together City officials, planners, designers, and public stakeholders in a collaborative working meeting to address planning and design issues. Charettes may be time intensive, bringing stakeholders together to solve problems over one or more days. These can be held at key steps in the process to support the problem definition or the development and revision of potential solutions.

Visioning Workshop

Visioning or future search workshops are useful in identifying community values and preferences. They should include a broad range of interests and disciplines in support of strategic planning or policy development. These workshops allow participants to share what is important to them, what they want to change, and what they want to build on in the future.

Open Houses

Open houses are one of the least structured public meeting options. They allow the public to drop-in and interact at their level of interest. Open houses should provide information about a policy, plan, or project; include opportunities for the public to ask question and give input on what is presented; and allow participants to interact with City officials involved in the process. Open houses should provide a variety of ways for gaining and documenting input through comment forms or recorders to capture comments. Information is provided through displays and handouts, with opportunities to discuss issues directly with City officials involved in the policy, plan, or project development.

Social/Community Events

Information about City initiatives can be brought to social and community events to provide information about policies, plans, or projects the City is working on. Information displays at community events increase the visibility of the initiative and allow interested citizens to learn about the effort, talk to City staff, provide input, and follow-up by accessing online information or getting involved in community engagement activities. Targeting a variety and diversity of events, the City can inform and potentially engage interested parties that are not traditionally engaged in policy and planning activities. An important event to focus on is the City's annual block party which in the past has brought diverse members of the community. The Farmers Market and cultural celebrations are also good places to reach the community through information tables and flyers.

Websites

Websites specific to City initiatives can provide 24/7 access to information. They can be designed to include surveys, subscription push notifications of updates and key decisions, and interactive tools that allow the public to engage in the project. For complex policy issues, agencies have developed games that allow users to make choices and indicate priorities through fun and simple exercises. The results can be compiled to give decision makers a better sense of community values. Websites should be up to date and clearly track the status of the process. Let's Talk, Wilsonville is a "virtual City Hall" that features City projects and provides opportunities to provide input. Project sites on Let's Talk, Wilsonville! Include a brief description and survey questions that change over the life of the project to allow interested parties to provide focused input.

Surveys

Surveys are a tool for sharing information with, and gaining input from, the public. They can be conducted in-person, by phone, online, and by mail. Surveys can be included in other activities such as

community events, open houses, project websites, or newsletters. Surveys are most helpful when there is a need to gain input on what is important to the community. Surveys should be short, focused, and easy to complete. They should be designed to collect input rather than as a voting tool and should include opportunities for comments or open-ended questions. Use paper surveys as well as electronic surveys to reach those who are not comfortable with or do not have access to technology.

Mailings

Mailings can be targeted or general to provide information on a project or invite participation in public engagement activities. Targeting mailings about a policy, plan, or project can be used to reach groups that may have a specific potential interest, those who may need additional encouragement to participate, or those who do not have internet access or have language limitations. Developing targeted mailings in Spanish or other languages, and mailing lists of those who are unlikely to receive emails or visit websites is important to reaching those who are traditionally underrepresented in City processes. The information used in mailings can also be used as flyers and posted in libraries, schools, parks, SMART buses, apartment complexes, and senior housing. Including a QR code to access the website makes it easy to capture the information quickly.

Emails

The City maintains a number of public email lists that can be used to provide updates on City activities. These should be used to deliver information on policies, plans, and projects with an option to opt out of future emails. Email can be used to notify the public of outreach activities and linked to project websites.

Newsletters

Newsletters can be electronic and delivered through email and websites, or printed and mailed or distributed at public meetings, community events, or public venues such as libraries and recreation centers. Newsletters provide information to the public and should document the public process and direct readers to websites, events, and City contacts. The City can also work with homeowners associations, business groups, and community organizations to include project updates in their member newsletters.

Social Media

Social media provides a format for quick updates and information about events and key milestones in a public process. It can be used to augment other information sources and direct readers to more comprehensive sources such as project websites. Social media is a good way to reach younger community members.

News Articles

Articles in the Spokesman and Boones Ferry Messenger can help disseminate information about policies, plans, and projects that are newsworthy. Media releases should be coordinated through the City's Communication and Marketing Manager.

Wilsonville TV

Wilsonville TV provides an opportunity to share information through live and recorded videos of committee meetings and planning efforts, such as this video on the [Frog Pond planning conversation](#). This information is easily accessed on the Wilsonville YouTube channel 24/7 and can be more engaging

than a static website. Links to process-specific videos should be included on the project website and in other information pieces.

Table 3: Application of Outreach Tools

Activity	Information	Input	Engagement
Public Meetings	✓	✓	✓
Workshops	✓	✓	✓
Focus/Community Interest Groups	✓	✓	✓
Charettes	✓	✓	✓
Visioning Workshop	✓	✓	✓
Open Houses	✓	✓	✓
Social/Community Events	✓	✓	
Websites	✓	✓	
Surveys	✓	✓	
Mailings	✓		
Emails	✓		
Newsletters	✓		
Social Media	✓		
News Articles	✓		
Wilsonville TV	✓		

Public hearings are not included in this list. Although a formal public hearing may be a required final step to adopt or approve a policy or plan, public hearings should not be considered a tool for public engagement. By working collaboratively throughout the process, the City should be able to address public concerns in developing a final policy or plan. This should lead to final recommendations that are accepted or supported by the community. There should be no surprises by the time a policy or plan gets to final approval or adoption. Time should be provided during the hearing for public comment for interested parties to express their concerns or support; however, if issues are raised that were not addressed during the public process, the process itself was not as robust as it needed to be.

Measure Success

After each public outreach or engagement process, it is important to assess effectiveness and document what worked, what could have worked better, what did not work, and why. This information can be used to improve the outreach framework and future outreach efforts. Some of the questions to consider in determining how success the public outreach process was include:

- Did Wilsonville officials learn new information about the needs or priorities of the community, particularly from segments of the community that have historically been excluded from, or marginalized in, government decision making?
- Did community participants learn about the constraints Wilsonville officials face, such as limited resource or legal barriers, the unintended consequences of certain policies, or conflicting community needs?
- Were the organizations, participants, and City officials involved able to explore new and creative solutions through dialogue, listening, and learning from each other?

- Are there concrete ways that the community involvement influenced the final strategy?
- Did the City explain why some community recommendations or requests were not included?
- Did participants, especially those from low-income communities of color and other vulnerable or disinvested communities, build political power and gain more access to government decision makers that they can leverage for influencing future processes or decisions?
- Was the recommended policy, plan, or project adopted and implemented?

CITY COUNCIL ROLLING SCHEDULE
Board and Commission Meetings
Items known as of 07/28/22

August

Date	Day	Time	Event	Location
8/22	Monday	6:30 p.m.	DRB Panel B	Council Chambers
8/24	Wednesday	6:30 p.m.	Library Board Meeting	Library

September

Date	Day	Time	Event	Location
9/5	Monday		Office Closed – Labor Day	
9/6	Tuesday	5:00 p.m.	Municipal Traffic Court	City Hall
9/8	Thursday	7:00 p.m.	City Council Meeting	City Hall
9/12	Monday	6:30 p.m.	DRB Panel A	Council Chambers
9/13	Tuesday	6:00 p.m.	Diversity, Equity and Inclusion Committee	City Hall
9/14	Wednesday	6:00 p.m.	Planning Commission	City Hall
9/15	Thursday	6:30 pm	Wilsonville – Metro Community Enhancement Committee	City Hall
9/19	Monday	5:00 p.m.	Executive Session & Work Session	City Hall
9/19	Monday	7:00 p.m.	City Council Meeting	City Hall
9/20	Tuesday	5:00 pm	Municipal Traffic Court	City Hall
9/26	Monday	6:30 p.m.	DRB Panel B	Council Chambers
9/28	Wednesday	6:30 p.m.	Library Board Meeting	Library

Community Events:

6/1–8/31 Summer Reading Program

6/1–8/23 Candidate filing declaration period of candidacy or nominating petition for office

- 8/16** Mad Science – In the Garden Camp, 9:00 am, Tauchman House
 Quilters, 9:00 am, Tauchman House
 Crafter’s Camp, 9:00 am, Mary S. Young Park, (West Linn)
 Ukulele Jam, 9:00 am, Parks & Rec Admin Bldg.
 DHS Drop-In Assistance, 10:00 am, Public Library
 Watercolor: Through Artist Eyes, 10:10 am, Community Center
 Mad Science – Micro-Scientists Camp, 1:00 pm, Tauchman House
 VR Fitness – Beat Saber, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Learn Tarot, 6:30 pm, Public Library
 Gentle Flow Yoga, 7:15 pm, Community Center

- 8/17** Healthy Bones and Balance, 8:30 am, Community Center
 Mad Science – In the Garden Camp, 9:00 am, Tauchman House
 Crafter’s Camp, 9:00 am, Mary S. Young Park, (West Linn)
 Advance Healthy Bones and Balance, 9:30, Community Center
 Digital Photography, 10:00 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Mad Science – Micro-Scientists Camp, 1:00 pm, Tauchman House
 Pinochle/Cribbage, 1:00 pm, Community Center
 Bingo, 1:00 pm, Community Center
- 8/18** Mad Science – In the Garden Camp, 9:00 am, Tauchman House
 Crafter’s Camp, 9:00 am, Mary S. Young Park, (West Linn)
 Mad Science – Micro-Scientists Camp, 1:00 pm, Tauchman House
 Ladies Afternoon Out, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Restorative Yoga, 5:30 pm, Community Center
- 8/19** Healthy Bones and Balance, 8:30 am, Community Center
 Mad Science – In the Garden Camp, 9:00 am, Tauchman House
 Crafter’s Camp, 9:00 am, Mary S. Young Park, (West Linn)
 Advance Healthy Bones and Balance, 9:30, Community Center
 Blood Drive, 10:00 am, Public Library
 Lunch at the Community Center, 12:00 pm, Community Center
 Mexican Train Dominoes, 1:00 pm, Community Center
 Mad Science – Micro-Scientists Camp, 1:00 pm, Tauchman House
 Movie in the Park – “The Goonies”, 8:45 pm, Town Center Park
- 8/20** Soccer Shots, 9:00 am, Memorial Park
- 8/22** Healthy Bones and Balance, 8:30 am, Community Center
 YMCA – Stop Motion Animation Camp, 9:00 am, Tauchman House
 YMCA – Soccer Camp, 9:00 am, Memorial Park Basketball Court
- 8/22** Intro to Wilderness Survival Camp, 9:00 am, Mary S. Young Park, (West Linn)
 Advanced Wilderness Survival Camp, 9:00 am, Mary S. Young Park, (West Linn)
 Advance Healthy Bones and Balance, 9:30, Community Center
 Body Sculpt, 10:00 am, Memorial Park – River Shelter
 Bridge Group, 1:00 pm, Community Center
 Body Sculpt, 6:00 pm, Memorial Park – River Shelter
 Parenting the Love and Logic Way, 6:00 pm, Parks & Rec Admin Bldg.
- 8/23** YMCA – Stop Motion Animation Camp, 9:00 am, Tauchman House
 YMCA – Soccer Camp, 9:00 am, Memorial Park Basketball Court
 Intro to Wilderness Survival Camp, 9:00 am, Mary S. Young Park, (West Linn)
 Crafter’s Camp, 9:00 am, Mary S. Young Park, (West Linn)
 Ukulele Jam, 9:00 am, Parks & Rec Admin Bldg.
 DHS Drop-In Assistance, 10:00 am, Public Library
 VR Fitness – Beat Saber, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Gentle Flow Yoga, 7:15 pm, Community Center

- 8/24** Healthy Bones and Balance, 8:30 am, Community Center
 YMCA – Stop Motion Animation Camp, 9:00 am, Tauchman House
 YMCA – Soccer Camp, 9:00 am, Memorial Park Basketball Court
 Intro to Wilderness Survival Camp, 9:00 am, Mary S. Young Park, (West Linn)
 Advance Healthy Bones and Balance, 9:30, Community Center
 Digital Photography, 10:00 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Pinochle/Cribbage, 1:00 pm, Community Center
- 8/25** YMCA – Stop Motion Animation Camp, 9:00 am, Tauchman House
 YMCA – Soccer Camp, 9:00 am, Memorial Park Basketball Court
 Intro to Wilderness Survival Camp, 9:00 am, Mary S. Young Park, (West Linn)
 Ladies Afternoon Out, 1:00 pm, Community Center
 Beginning Tai Chi, 2:00 pm, Community Center
 Community Block Party, 5:30 pm, Town Center Park
 Restorative Yoga, 5:30 pm, Community Center
- 8/26** Healthy Bones and Balance, 8:30 am, Community Center
 YMCA – Stop Motion Animation Camp, 9:00 am, Tauchman House
 YMCA – Soccer Camp, 9:00 am, Memorial Park Basketball Court
 Intro to Wilderness Survival Camp, 9:00 am, Mary S. Young Park, (West Linn)
 Advance Healthy Bones and Balance, 9:30, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Mexican Train Dominoes, 1:00 pm, Community Center
- 8/27** Soccer Shots, 9:00 am, Memorial Park
 Reading the Holocaust, 1:00 pm, Public Library – Oak Room
- 8/29** Healthy Bones and Balance, 8:30 am, Community Center
 Advance Healthy Bones and Balance, 9:30, Community Center
 Body Sculpt, 10:00 am, Memorial Park – River Shelter
 Bridge Group, 1:00 pm, Community Center
 Body Sculpt, 6:00 pm, Memorial Park – River Shelter
 Parenting the Love and Logic Way, 6:00 pm, Parks & Rec Admin Bldg.
- 8/30** Quilters, 9:00 am, Tauchman House
 Ukulele Jam, 9:00 am, Parks & Rec Admin Bldg.
 DHS Drop-In Assistance, 10:00 am, Public Library
 VR Fitness – Beat Saber, 1:00 pm, Community Center
 Gentle Flow Yoga, 7:15 pm, Community Center
- 8/31** Digital Photography, 10:00 am, Community Center
 Lunch at the Community Center, 12:00 pm, Community Center
 Pinochle/Cribbage, 1:00 pm, Community Center



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: August 15, 2022		Subject: Resolution No. 2990 Authorizing the City Manager to Execute a System Development Charge Refund Agreement with Coffee Creek Logistics Holdings, LLC for the Construction of Oversized Public Sewer and Water Infrastructure Improvements. Staff Member: Amy Pepper, Development Engineering Manager Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input checked="" type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: Staff recommends Council adopt the Consent Agenda.			
Recommended Language for Motion: I move to adopt the Consent Agenda.			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input checked="" type="checkbox"/> Adopted Master Plan(s): 2014 Wastewater Collection System Master Plan Project CIP -27 2012 Water Distribution System Master Plan Project 362	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

A City of Wilsonville Resolution approving a System Development Charge (SDCs) Refund Agreement for refund of System Development Charges by check in lieu of issuing SDC credits pursuant to Wilsonville Code 11.100(6) (b).

EXECUTIVE SUMMARY:

A detailed public infrastructure study for the Coffee Creek Industrial Area was completed as part of the Coffee Creek Master Plan and adopted by Council on October 15, 2007. The infrastructure study identified transportation and public utility infrastructure necessary to serve the Coffee Creek Industrial Area. The study, along with subsequent infrastructure analysis as part of the Coffee Creek Urban Renewal Plan and Basalt Creek Concept Plan, identified a 12-inch water main and a 15-inch sewer main on SW Clutter Street to serve future development.

On September 28, 2020, Coffee Creek Logistics received final land use approval (Files # DB20-0019 – DB2024) for a new 110,366 square foot warehouse/manufacturing building at the corner of SW Clutter Street and SW Garden Acres Road. As part of the land use approval, the project was conditioned to construct the required 12-inch water main and 15-inch sewer main necessary to serve the subject property and future development of the Coffee Creek Industrial Area, in addition to other public improvements. Water and sewer mains larger than 8 inches in size and built to support future development areas are eligible for SDC credits in accordance with City Code Section 11.110.

In accordance with City Code, Coffee Creek Logistics paid assessed SDCs for the system impacts associated with their development prior to the issuance of building permits. Subsequently, all of the required public infrastructure improvements conditioned as part of the land use approval have been constructed, inspected, and accepted by the City. In accordance with City Code Section 11.110(6) (b), Coffee Creek Logistics requested a refund check in lieu of SDC credits. Because the building permits and public infrastructure permits are issued concurrently, the final public infrastructure construction costs were not known and as a result, SDC credits were not able to be applied at the time of building permit issuance. A refund of SDCs up to the amount assessed for the development is a reasonable alternative and is consistent with SDC assessment for other types of development, such as residential, where public infrastructure is provided prior to issuance of building permits. In addition, industrial development of this nature is unlikely to use SDC credits in the future, as the development is stand alone and not part of a phased or master planned development.

EXPECTED RESULTS:

The Coffee Creek Logistics project is the first project in the Coffee Creek Industrial district to be completed. Construction of the necessary improvements is a public-private partnership through the use of SDC credits and refunds, resulting in a cost-effective method for encouraging build out of needed public infrastructure in a thoughtful manner.

TIMELINE:

The water and sewer system improvements have been constructed, inspected and accepted by the City.

CURRENT YEAR BUDGET IMPACTS:

Prior to the issuance of Building Permits for the project, the applicant paid \$71,999 in water system development charges (WSDCs) and \$63,558.28 in sewer system development charges (SSDCs). The Resolution approves a check refund of \$69,975 in WSDCs and \$48,352 in SSDCs. The proposed reimbursements, however, were not included in the FY 2022-2023 City Budget. Budget authority for the reimbursements is anticipated to be presented to the Council via a supplemental budget in October 2022.

COMMUNITY INVOLVEMENT PROCESS:

The Coffee Creek Logistics project went through a quasi-judicial land use process under Planning Files DB20-0019 – DB2024, including a public hearing for an annexation and zone map amendment before the Council September 10 and September 21, 2020 and a public hearing before the Design Review Board Panel B September 28, 2020.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

SDC credit and/or refunds, as allowed by City Code, provides for a public-private partnership to help build out City infrastructure needs in conjunction with private development projects in a timely and cost-efficient manner.

ALTERNATIVES:

Alternatively, the Council can direct staff to issue credits instead of a refund to Coffee Creek Logistics. However, the development project is not part of a site master plan or phased development and is unlikely the developer will utilize the SDC credits on a future development project. The City Code includes provisions that would allow Coffee Creek Logistics to transfer credits to a third-party at 75% of the original value. Because the refund amount is less than the SDC amount assessed to the development and a SDC refund is consistent with SDC assessment with other types of development, staff does not recommend the SDC credit alternative.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Resolution No. 2990
 - A. Systems Development Charges Refund Agreement between City of Wilsonville and Coffee Creek Logistics Holdings, LLC

RESOLUTION NO. 2990**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A SYSTEMS DEVELOPMENT CHARGES REFUND AGREEMENT WITH COFFEE CREEK LOGISTICS HOLDINGS, LLC FOR CONSTRUCTION OF OVERSIZED PUBLIC SEWER AND WATER INFRASTRUCTURE IMPROVEMENTS.**

WHEREAS, on October 15 2007, City Council adopted the Coffee Creek Master Plan which included a detailed infrastructure study that identified public utility infrastructure needs to serve the Coffee Creek Industrial area, including a 12 inch water main and an 18 inch sewer main in SW Clutter Street (“Qualified Public Improvements”); and

WHEREAS, in City of Wilsonville Planning Approval File No. DB20-0019 through DB20-0024, Coffee Creek Logistics Holdings, LLC was required through Condition of Approval PFA 12 to construct the Qualified Public Improvements and would be eligible for an System Development Charge (SDC) Credit per Wilsonville City Code Section 11.100; and

WHEREAS, Coffee Creek Logistics Holdings, LLC paid Water and Sewer Systems Development Charges with issuance of their building permit for the planned warehouse and manufacturing facility; and

WHEREAS, the Qualified Public Improvements in SW Clutter Street have been constructed by Coffee Creek Logistics Holdings, LLC and the City has inspected and accepted the completed Qualified Pubic Improvements; and

WHEREAS, Coffee Creek Logistics Holdings, LLC requested a refund of water and sewer SDCs for the oversized portion of the Qualified Public Improvements eligible under the terms of Wilsonville Code 11.000; and

WHEREAS, Coffee Creek Logistics Holdings, LLC submitted documentation for the actual cost of construction for the Qualified Public Improvements and the City has analyzed and found the documentation acceptable; and

WHEREAS, the water and sewer SDC refund request does not exceed the value of the water and sewer SDCs assessed and paid by Coffee Creek Logistics Holdings, LLC for the development project.

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

Section 1. The City Council authorizes the City Manager to enter into and execute on behalf of the City of Wilsonville a System Development Charge Refund Agreement with Coffee Creek Logistics Holdings, LLC, in substantially the form attached in Exhibit A.

Section 2. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 15th day of August, 2022, 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 Lehan

Councilor West

Councilor Linville

EXHIBITS:

- A. Systems Development Charges Refund Agreement between City of Wilsonville and Coffee Creek Logistics Holdings, LLC

SYSTEMS DEVELOPMENT CHARGES REFUND AGREEMENT

This Systems Development Charges Refund Agreement (“Agreement”) is made and entered into this ____ day of _____ 2022 (“Effective Date”) by and between the **City of Wilsonville**, a municipal corporation of the State of Oregon (the “City”), and **Coffee Creek Logistics Holdings, LLC**, a Delaware limited liability company (“Applicant”). The City and Applicant are collectively referred to herein as the “Parties.”

RECITALS

A. Pursuant to City requirements, Applicant paid Water Systems Development Charges (“WSDCs”) in the total amount of SEVENTY-ONE THOUSAND NINE HUNDRED NINETY-NINE DOLLARS (\$71,999) and Sewer Systems Development Charges (“SSDCs”) in the amount of SIXTY-THREE THOUSAND FIVE HUNDRED FIFTY-EIGHT DOLLARS AND TWENTY-EIGHT CENTS (\$63,558.28) contemporaneously with the issuance of building permit nos. LEBB20-0452 and BLDC22-0004 for Applicant’s planned warehouse and manufacturing facility (“Development”), to be located in Wilsonville, Oregon.

B. Applicant has requested a refund of WSDCs and SSDCs that are credit eligible under the terms of Wilsonville Code (“WC”) 11.000 et seq.

C. The City has sole discretion of whether to issue a systems development charges (“SDC” or “SDCs”) refund check to a developer in lieu of SDC credits pursuant to WC 11.100(6)(b).

D. Given Applicant’s unique Development, and considering that Applicant’s use of WSDC and SSDC credits in the future is unlikely, the City is willing to provide a refund check for WSDCs and SSDCs, up to the amount paid by Developer for each, in lieu of issuing credits for WSDCs and SSDCs. Applicant is not entitled to any SDC credits other than WSDCs and SSDCs.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and incorporating the above Recitals by reference herein, Applicant and the City agree as follows:

AGREEMENT

1. SDC Refund. The City agrees to refund to Developer WSDCs in the amount of SIXTY-NINE THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS (\$69,975) (“WSDC Refund”), which the Parties agree represents the total amount of WSDC credits that Applicant would otherwise be entitled to receive. The City further agrees to refund to Developer SSDCs in the amount of FORTY-EIGHT THOUSAND THREE HUNDRED FIFTY-TWO DOLLARS (\$48,352) (“SSDC Refund”), which the Parties agree represents the total amount of SSDC credits that Applicant would otherwise be entitled to receive.

2. Issuance of SDC Refund Check. The City will issue a check representing the WSDC Refund and the SSDC Refund within thirty (30) days of the Effective Date.

3. Subcontractors and Suppliers. Applicant hereby certifies that it has paid, in full, all subcontractors and suppliers who performed work, supplied services, or provided materials for the SDC credit-eligible projects built as part of Applicant's development, and further certifies that there are no disputed claims related thereto.

4. Miscellaneous Provisions.

4.1. Integration. This Agreement contains the entire and integrated agreement between the Parties regarding SDC credits and supersedes all prior written or oral discussions, representations, or agreements regarding the same. In case of conflict among this Agreement and any other documents, the provisions of this Agreement shall control, and the terms most favorable to the City, within the City's sole discretion, will apply.

4.2. Legal Effect and Assignment. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, personal representatives, successors, and assigns. This Agreement may be enforced by an action at law or in equity.

4.3. No Assignment. This Agreement cannot be assigned.

4.4. Governing Law/Jurisdiction. This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon, regardless of any conflicts of laws. Jurisdiction and venue for any dispute will be in Clackamas County Circuit Court, Oregon.

4.5. Severability. If any provision of this Agreement is found to be void or unenforceable to any extent, it is the intent of the Parties that the rest of the Agreement shall remain in full force and effect, to the greatest extent allowed by law.

4.6. Modification. This Agreement may not be modified except by written instrument executed by Applicant and the City.

4.7. Interpretation. As a further condition of this Agreement, the City and Applicant acknowledge that this Agreement shall be deemed and construed to have been prepared mutually by each party and it shall be expressly agreed that any uncertainty or ambiguity existing therein shall not be construed against any party.

4.8. Entire Agreement. This Agreement and all documents attached to this Agreement represent the entire agreement between the Parties.

4.9. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original Agreement but all of which together shall constitute one and the same instrument.

4.10. Authority. Each party signing on behalf of Applicant and the City hereby warrants actual authority to bind their respective party.

IN WITNESS WHEREOF the City and Applicant caused this Agreement to be executed by its duly authorized undersigned officer or agent on the date hereinabove first written.

Coffee Creek Logistics Holdings, LLC

City of Wilsonville

By: _____

By: _____

Print Name: _____

Print Name: _____

As Its: _____

As Its: _____

APPROVED AS TO FORM:

Amanda Guile-Hinman, City Attorney

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**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: August 15, 2022		Subject: Resolution No. 2992 Vertical Housing Calculation Methodology	
		Staff Member: Matt Lorenzen, Economic Development Manager	
		Department: Community Development	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Public Hearing Date:	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
<input type="checkbox"/> Ordinance 1 st Reading Date:	<input type="checkbox"/> Ordinance 2 nd Reading Date:	<input type="checkbox"/> None Forwarded	<input type="checkbox"/> Not Applicable
<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Information or Direction	Comments: N/A	
<input type="checkbox"/> Information Only	<input type="checkbox"/> Council Direction		
<input checked="" type="checkbox"/> Consent Agenda			
Staff Recommendation: Staff recommends Council approve the consent agenda.			
Recommended Language for Motion: I move to approve 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:

Shall the City of Wilsonville clarify the calculation methodology prescribed by *ORS 307.857 - Application for exemption; review; certification; fees*, by further specifying how to calculate the “the average floor area of a project” for a project comprised of multiple buildings?

EXECUTIVE SUMMARY:

Council adopted Resolution No. 2971 – A RESOLUTION OF THE CITY OF WILSONVILLE ESTABLISHING THE WILSONVILLE VERTICAL HOUSING DEVELOPMENT ZONE (VHDZ) PROGRAM AND LOCAL CRITERIA on May 2, 2022. Since that date, Staff has been focused on developing the materials required to administer the new development incentive program.

ORS 307.857 describes, in detail, what a satisfactory application for partial tax exemption under a locally administered VHDZ program must include. Subsection (2)(g) indicates “computations made under subsection (4)” must be included. Subsection (4) prescribes, step by step, how the partial tax exemption shall be calculated based on number of floors, square footages and uses contained in the development project. In the process of developing a calculation spreadsheet to accompany an applicant’s application materials, as required by subsection (2)(g), Staff discovered an oversight in the computation methodology prescribed by statute.

Specifically, subsection (4)(a) states,

“The average floor area of a project equals the total square footage of the project divided by the number of floors of the project that are at least 500 square feet in area.”

For a project containing only one building, this methodology is appropriate and adequate. However, the definitions found in ORS 307.841, subsection (6), define a “Vertical housing development project” or “project” as:

*“...the construction or rehabilitation of a multiple-story building, or a **group of buildings**, including at least one multiple-story building, so that a portion of the project is to be used for nonresidential uses and a portion of the project is to be used for residential uses.”*

For a project comprised of multiple buildings, the methodology prescribed by subsection (4)(a) is inappropriate and inadequate because it does not account for the possibility of a multiple building project. This is problematic because by not accounting for number of buildings, a multiple building project could be awarded a higher tax exemption rate than it should otherwise receive if the number of buildings was included in the computation algorithm.

As an example, under a strict reading of ORS, a hypothetical project containing three (3) buildings with two (2) stories each would be treated, effectively, as a 6-story project (3 buildings x 2 floors), and therefore render it eligible for a maximum 80% tax abatement. This is in conflict with the widely accepted intent of the VHDZ program, which is to award an approximate 20% abatement for each floor of residential above the ground floor. The example project described above should be treated as a 2-story project, but the calculation methodology prescribed by statute does not treat it as such.

The proposed resolution clarifies that the “average floor area of a project” should be calculated with an additional step, in order to account for the number of buildings in the project. In so doing, the tax abatement calculation, called the “exemption multiplier” in statute, falls in line with the long-understood intent of the VHDZ program, which is to award an approximate 20% tax

abatement for each floor of residential above the ground floor. Without this clarification, the city is compelled to follow the statute and potentially make tax abatement awards in excess of what is warranted, for projects that are not actually *vertical*.

Indeed, this program is called the **Vertical** Housing Development Zone for good reason. It is meant to incentivize vertical development projects that make efficient use of land and maximize taxable assessed value per acre in areas of a city where such a development pattern is desired. Without this clarification, the statutory calculation methodology does the opposite and encourages a developer to build multiple shorter buildings—a much more horizontal development pattern, consuming more land, with less density and lower valuation, per project.

EXPECTED RESULTS:

Local program rules for the Vertical Housing Development Zone will be clear and accurately award appropriate tax abatements for the types of projects the program is designed to incentivize.

TIMELINE:

Immediate effect. The calculation methodology language contained in Resolution No. 2992 will be incorporated into all administrative and informational materials, and added to the other local program criteria first established by the adoption of Resolution No. 2971.

CURRENT YEAR BUDGET IMPACTS:

None.

COMMUNITY INVOLVEMENT PROCESS:

None.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

This clarification will ensure that inordinate tax abatements are not awarded to projects that do not align with local goals and objectives related to the VHDZ program and the Town Center Plan (2019) more broadly.

ALTERNATIVES:

Interestingly, for over a decade, the State of Oregon and, after 2017, local jurisdictions have actually been using the calculation methodology prescribed by Resolution No. 2992, arithmetically accounting for number of buildings in a project, with no statutory direction to do so. The City can do as has been done in the past and use the “correct” methodology without a formal resolution documenting the rationale and methodology explicitly. By so doing, however, the City assumes the risk associated with the possibility that a developer may closely examine the state statutes, identify the arithmetical oversight, and demand a higher abatement, which statute technically grants.

Staff consulted with the City Attorney on this matter, and discussed the possibility of simply fixing the calculation methodology at the administrative level, without formally establishing the methodology and rationale by resolution of the Council. The City Attorney feels the cleanest and most conservative approach for the city is to formally adopt Resolution No. 2992, and incorporate the methodology clarification into the VHDZ local program criteria in both policy and program administration.

CITY MANAGER COMMENT:

N/A

ATTACHMENT:

1. Resolution No. 2992

RESOLUTION NO. 2992

A RESOLUTION OF THE CITY OF WILSONVILLE CLARIFYING THE TAX EXEMPTION CALCULATION METHODOLOGY TO BE UTILIZED UNDER THE CITY'S VERTICAL HOUSING DEVELOPMENT ZONE PROGRAM.

WHEREAS, the State of Oregon passed laws and adopted regulations for local jurisdictions to implement Vertical Housing Development Zone (VHDZ) programs, whereby development can receive partial property tax exemption for participating; and

WHEREAS, the purpose of these VHDZ programs is to encourage vertical, multi-floor residential development within a project; and

WHEREAS, on May 2, 2022 the City of Wilsonville established a Vertical Housing Development Zone program ("Program") and local criteria, as authorized by Oregon Revised Statutes (ORS) 307.841 to 307.867, by the adoption of Resolution No. 2971, with exhibits; and

WHEREAS, ORS 307.844(7)(a) states that a local jurisdiction may adopt a resolution or ordinance that includes "additional criteria for certification of a vertical housing development project"; and

WHEREAS, the City of Wilsonville finds the calculation methodology prescribed in ORS 307.857(4) to be unclear and insufficient when computing the "exemption multiplier" described in ORS 307.864, for a project comprised of multiple buildings; and

WHEREAS, the lack of clarity in the calculation methodology prescribed in ORS 307.857(4) can result in the award of inordinate tax exemptions for projects consisting of multiple buildings but few floors of housing in each building, which is not consistent with the purpose of Program.

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

Section 1. In addition to local criteria adopted under Resolution No. 2971, Exhibit A, the City of Wilsonville further adds the following criterion when certifying a project and calculating the exemption multiplier under the local Vertical Housing Development Zone program.

Section 2. The “average floor area of a project,” computed under ORS 307.857(4) equals the total square footage of the project divided by the quotient of the number of floors of the project that are at least 500 square feet in area, and the number of buildings in the project. [E.g. Average Floor Area = $X/(Y/Z)$, where X is the total square footage of the project, Y is the total number of floors in the project that are at least 500 square feet in area, and Z is the number of buildings in the project.]

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

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 15th day of August 2022, 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 Lehan

Councilor West

Councilor Linville



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: August 15, 2022		Subject: Authorize the City Manager to sign an Intergovernmental Agreement (IGA) Between Clackamas County Sheriff's Office, West Linn - Wilsonville School District and City of Wilsonville for School Resource Officer Program Staff Member: Jeanna Troha, Assistant City Manager and Rob Wurpes, Police Chief Department: Human Resources and Police	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input checked="" type="checkbox"/> Consent Agenda		<input 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: Intergovernmental Agreement (IGA) Between Clackamas County Sheriff's Office, West Linn Wilsonville School District and City of Wilsonville for School Resource Officer Program.

Staff Report Intergovernmental Agreement for School Resource Officer Program

EXECUTIVE SUMMARY:

During July, in an effort to clearly define the School Resource Officer's (SRO) roles and responsibilities within Wilsonville schools, representatives from the West Linn-Wilsonville School District (District), Clackamas County Sheriff's Office (CCSO) and the City of Wilsonville (City) created an Intergovernmental Agreement (IGA). The IGA does not change the existing program, rather it memorializes what is already occurring. The majority of the language applies to the relationship between the District and CCSO because the SRO is an employee of CCSO. However, the IGA does include language about cost allocation for funding the position, which is current practice. The City and District each pay 50% of the fully-loaded cost of the position during the school year. During the summer, when school is not in session, the City pays for the entire cost because the SRO is then reassigned as a Wilsonville patrol officer. It is important to note the IGA is consistent with agreements in other school districts within the Portland metro region. Staff is supportive of the IGA and continuing the positive, community-focused SRO program within the schools.

EXPECTED RESULTS:

Clarify the scope of work for the SRO program in Wilsonville.

TIMELINE:

The IGA would be effective upon signing and in place for the new school year.

CURRENT YEAR BUDGET IMPACTS:

The cost of the SRO program was budgeted as a part of the FY 2022-23 budget.

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

Continued SRO program with a clear scope of work in Wilsonville.

ALTERNATIVES:

The Council could chose not to authorize the City Manager to sign the IGA.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Intergovernmental Agreement

**INTERGOVERNMENTAL AGREEMENT
BETWEEN CLACKAMAS COUNTY SHERIFF
AND THE WEST LINN WILSONVILLE SCHOOL DISTRICT**

THIS AGREEMENT (this “Agreement”) is entered into and between the Clackamas County Sheriff’s Office (“CCSO”), an Oregon law enforcement agency, the City of Wilsonville (“City”), an Oregon municipality, and the West Linn-Wilsonville School District (“District”), a public school district in the State of Oregon, collectively referred to as the “Parties” and each a “Party.”

RECITALS

Oregon Revised Statutes Chapter 190.010 confers authority upon local governments to enter into agreements for the performance of any and all functions and activities that a party to the agreement, its officers or agencies have authority to perform.

The District has requested, and the Sheriff has agreed, that the City provide sheriff deputies (“Deputy”) who will act as school resource officers (“SRO”). SRO’s fulfill a vital role in promoting communication and cooperation between the school district and law enforcement to support safe school communities and contribute to the learning process.

In consideration of the mutual promises set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

TERMS

1. **Term.** This Agreement shall be effective as of August 2022, upon execution, and shall expire upon the completion of each and every obligation of the Parties set forth herein, or June 30, 2023, whichever is sooner.
2. **Scope of Work.** The City and CCSO agree to provide the services (“Work”) further identified in the Scope of Work and Additional Terms and Conditions, attached hereto as Exhibit A and incorporated herein. Parties will meet prior to the start of each school year to discuss anticipated needs, within the Scope of Work, in the upcoming school year.
3. **Consideration.** The District agrees to pay City, from available and authorized funds, the amount set forth on the schedule attached hereto as Exhibit B for accomplishing the Work required by this Agreement.
4. **Payment.** Unless otherwise specified, the City shall submit an annual invoice for Work performed, this shall be submitted in a timely manner that allows the process to be completed within the fiscal year. Invoices shall describe all Work performed with particularity, by whom it was performed, and shall itemize and explain all expenses for which reimbursement is claimed. Payments shall be made to City following the District’s review and approval of invoices

submitted by City. City shall not submit invoices for, and the District will not pay, any amount in excess of the maximum compensation amount set forth in Exhibit B.

5. Representations and Warranties.

A. District Representations and Warranties. District represents and warrants to City and CCSO that District has the power and authority to enter into and perform this Agreement, and this Agreement, when executed and delivered, shall be a valid and binding obligation of District enforceable in accordance with its terms.

B. City Representations and Warranties. City represents and warrants to District that City and CCSO has the power and authority to enter into and perform this Agreement, and this Agreement, when executed and delivered, shall be a valid and binding obligation of City enforceable in accordance with its terms.

C. The warranties set forth in this section are in addition to, and not in lieu of, any other warranties provided.

6. Termination.

A. Either the City, CCSO or the District may terminate this Agreement at any time upon 30 days' written notice to the other party.

B. Either the City, CCSO or the District may terminate this Agreement in the event of a breach of the Agreement by the other. Prior to such termination however, the Party seeking the termination shall give the other Party written notice of the breach and of the Party's intent to terminate. If, in the non-breaching Party's sole discretion, the breaching Party has not entirely cured the breach within 15 days of delivery of the notice to the breaching Party, then the Party giving notice may terminate the Agreement at any time thereafter by giving written notice of termination stating the effective date of the termination.

C. The City, CCSO or the District shall not be deemed to have waived any breach of this Agreement by the other Party except by an express waiver in writing. An express written waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach is of the same nature as that waived.

D. Any Party may terminate this Agreement in the event it fails to receive expenditure authority sufficient to allow the Party, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement, or if federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the Work to be performed under this Agreement is prohibited or the Party is prohibited from paying for such Work from the planned funding source.

E. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

7. **Indemnification.** Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the City and CCSO agree to indemnify, save harmless and defend the District, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of the City of its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the City has a right to control.

Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the District agrees to indemnify, save harmless and defend the City, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of the District or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the District has a right to control.

However, neither District nor any attorney engaged by District shall defend the claim in the name of City or CCSO, or any department of City or CCSO, nor purport to act as legal representative of City or CCSO or any of its departments, without first receiving from the West Linn City Attorney’s Office authority to act as legal counsel for City or CCSO, nor shall District settle any claim on behalf of City or CCSO without the approval of the West Linn City Attorney’s Office. City or CCSO may, at its election and expense, assume its own defense and settlement.

8. **Insurance.** The parties agree to maintain levels of insurance, or self-insurance, sufficient to satisfy their obligations under this Agreement and all requirements under applicable law.

9. **Notices; Contacts.** Legal notice provided under this Agreement shall be delivered personally, by email or by certified mail to the individuals identified below. Any communication or notice so addressed and mailed shall be deemed to be given upon receipt. Any communication or notice sent by electronic mail to an address indicated herein is deemed to be received two hours after the time sent (as recorded on the device from which the sender sent the email), unless the sender receives an automated message or other indication that the email has not been delivered. Any communication or notice by personal delivery shall be deemed to be given when actually delivered. Either Party may change the Party contact information, or the invoice or payment addresses by giving prior written notice thereof to the other Party at its then current notice address.

The City:
Jeanna Troha
Desk: 503-570-1520
Email: Troha@ci.wilsonville.or.us
Mail: 29799 SW Town Center Loop E, Wilsonville, OR 97070 _____

The District:

Jennifer Spencer-Iiams

Desk: 503-673-7026

Email: spencerj@wlwv.k12.or.us

Mail: 22210 SW Stafford Road, Tualatin, OR 97062

The CCSO

Jesse Ashby

Email: jesseash@clackamas.us

10. Control of Personnel. The City and the CCSO are the SRO's employers. Control of personnel, supervision, standards of performance, discipline, and all other aspects of performance shall be governed entirely by the City and the CCSO. Allegations of misconduct shall be investigated in accordance with City's and CCSO's Policy and Procedures. All liabilities for salaries, wages, any other compensation or benefits, injury, or sickness arising from performance of the law enforcement services provided by the SRO shall be that of the City and CCSO.

11. General Provisions.

A. Oregon Law and Forum. This Agreement, and all rights, obligations, and disputes arising out of it will be governed by and construed in accordance with the laws of the State of Oregon and the ordinances of City of Wilsonville without giving effect to the conflict of law provisions thereof. Any claim between City and District that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Clackamas County for the State of Oregon; provided, however, if a claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this section be construed as a waiver by the City of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the Eleventh Amendment to the Constitution of the United States or otherwise, from any claim or from the jurisdiction of any court. District, by execution of this Agreement, hereby consents to the in personam jurisdiction of the courts referenced in this section.

B. Compliance with Applicable Law. Both Parties shall comply with all applicable local, state and federal ordinances, statutes, laws and regulations. All provisions of law required to be a part of this Agreement, whether listed or otherwise, are hereby integrated and adopted herein. Failure to comply with such obligations is a material breach of this Agreement.

C. Non-Exclusive Rights and Remedies. Except as otherwise expressly provided herein, the rights and remedies expressly afforded under the provisions of this Agreement shall not be deemed exclusive, and shall be in addition to and cumulative with any and all rights and remedies otherwise available at law or in equity. The exercise by either Party of any one or more

of such remedies shall not preclude the exercise by it, at the same or different times, of any other remedies for the same default or breach, or for any other default or breach, by the other Party.

D. Access to Records. District shall retain, maintain, and keep accessible all records relevant to this Agreement (“Records”) for a minimum of six years, following Agreement termination or full performance or any longer period as may be required by applicable law, or until the conclusion of an audit, controversy or litigation arising out of or related to this Agreement, whichever is later. District shall maintain all financial records in accordance with generally accepted accounting principles. All other Records shall be maintained to the extent necessary to clearly reflect actions taken. During this record retention period, District shall permit the City’s authorized representatives’ access to the Records at reasonable times and places for purposes of examining and copying.

E. Debt Limitation. This Agreement is expressly subject to the limitations of the Oregon Constitution and Oregon Tort Claims Act, and is contingent upon appropriation of funds. Any provisions herein that conflict with the above referenced laws are deemed inoperative to that extent.

F. Severability. If any provision of this Agreement is found to be unconstitutional, illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken. The Court or other authorized body finding such provision unconstitutional, illegal or unenforceable shall construe this Agreement without such provision to give effect to the maximum extent possible the intentions of the Parties.

G. Integration, Amendment and Waiver. Except as otherwise set forth herein, this Agreement constitutes the entire agreement between the Parties. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of either Party to enforce any provision of this Agreement shall not constitute a waiver by such Party of that or any other provision.

H. Interpretation. The titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

I. Independent Contractor. Nothing herein is intended, nor shall it be construed, to create between the Parties any relationship of principal and agent, partnership, joint venture, joint employer or any similar relationship, and each Party hereby specifically disclaims any such relationship.

J. No Third-Party Beneficiary. District, CCSO and City are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are individually

identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

K. Counterparts. This Agreement may be executed in several counterparts (electronic or otherwise), each of which shall be an original, all of which shall constitute the same instrument.

L. Survival. All provisions in Sections 5, 7, and 11 (A), (C), (D), (E), (F), (G), (I), (J), (L), (Q), and (R) shall survive the termination of this Agreement, together with all other rights and obligations herein which by their context are intended to survive.

M. Necessary Acts. Each Party shall execute and deliver to the others all such further instruments and documents as may be reasonably necessary to carry out this Agreement.

N. Time Is of the Essence. District agrees that time is of the essence in the performance this Agreement.

O. Successors in Interest. The provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective authorized successors and assigns.

P. Force Majeure. Neither District nor CCSO nor City shall be held responsible for delay or default caused by events outside of the District or CCSO or City's reasonable control including, but not limited to, fire, terrorism, riot, acts of God, or war. However, District shall make all reasonable efforts to remove or eliminate such a cause of delay or default and shall upon the cessation of the cause, diligently pursue performance of its obligations under this Agreement.

Q. Confidentiality. City and CCSO acknowledge that it and its employees or agents may, in the course of performing their responsibilities under this Agreement, be exposed to or acquire confidential information. Any and all information of any form obtained by City or CCSO or its employees or agents in the performance of this Agreement shall be deemed to hold Confidential Information in strict confidence, using at least the same degree of care that City or CCSO uses in maintaining the confidentiality of its own confidential information, and not to copy, reproduce, sell, assign, license, market, transfer or otherwise dispose of, give, or disclose Confidential Information to third parties or use Confidential Information for any purpose unless specifically authorized in writing under this Agreement.

R. No Attorney Fees. In the event any arbitration, action or proceeding, including any bankruptcy proceeding, is instituted to enforce any term of this Agreement, each party shall be responsible for its own attorney fees and expenses.

IN WITNESS HEREOF, the Parties have executed this Agreement by the date set forth opposite their names below.

Clackamas County Sheriff's Office

By: _____
Name: _____
Its: _____
Date: _____

City of Wilsonville

Name: _____
Its: _____
Date: _____

West Linn-Wilsonville School District

By: _____
Name: Dr. Jennifer Spencer-Iams
Its: Assistant Superintendent
Date: _____

WEST LINN-WILSONVILLE SCHOOL DISTRICT
SCHOOL RESOURCE OFFICER
 ROLE, RESPONSIBILITY, SCOPE OF WORK, PROGRAM REVIEW

The West Linn-Wilsonville School District in partnership with Clackamas County Sheriff's Office and West Linn Police Department, have drawn from the National Association of School Resource Officers (NASRO) standards, principles of Restorative Practices, and community input to assemble the role, responsibilities and scope of work School Resource Officers (SRO) will fulfill.

Section 1. ROLE OF THE SCHOOL RESOURCE OFFICER (SRO)

Both School District and Law Enforcement agencies recognize that:

- Excellent and equitable public education is essential to the well-being of individuals and their communities.
- For students to access an excellent public education, they must feel safe at school.
- Positive relationships and a supportive school culture are crucial in maintaining safety and security in school.
- School Resource Officers provide an important role in the community.

The purpose of a successful SRO program is to "bridge the gap" between law enforcement and youth. This purpose is best accomplished by using the TRIAD model: Informal Counselor (NASRO, Standards and Best Practices for SRO Programs), Law Enforcement, and Teacher.

TRIAD Model: As an informal counselor/mentor, the SRO may address school violations in an effort to positively impact student behavior and character and may refer students to school personnel as necessary. As a teacher/classroom presenter, the SRO may address school-related education law to positively impact student behavior and character to mitigate more serious behaviors (p. 6). As a law enforcement officer, the SRO shall abide by federal, state, and local laws.

In this TRIAD model, the School Resource Officer:

- 1.1 Builds trust and respect between law enforcement and students by building relationships, mentoring and providing guidance, and connecting students to resources to resolve concerns affecting youth safety and security;
- 1.2 Promotes safety in and around the school by using District safety guidance, student school conduct expectations, and restorative practices geared toward proactive positive student behavior and interactions;

1.3 Provides schools and students with resources about law enforcement related topics through class lessons, assemblies and meetings;

1.4 Works collaboratively with school staff, school administration, and community stakeholder groups to foster inclusive and welcoming schools; promote safe school and home communities; and bridge the relationship between law enforcement and youth; and

1.5 Supports schools in emergency management.

Section 2. RESPONSIBILITIES OF THE SCHOOL RESOURCE OFFICER (SRO)

The intent of this section is to give clear guidance to law enforcement officers and school staff, while ensuring students' rights and protections consistent with the unique setting of schools, the mission of the District, and the special characteristics of young people.

2.1 School Work Schedule. When school is in session, the SRO will work a schedule determined by the District and each city's law enforcement department. The SRO will be visible to the maximum extent possible, actively engaging with students during the school day. The SRO will be invited to attend faculty meetings and district professional workshops that serve to develop leadership, mentorship and equity-related dispositions and skills. The SRO will assist in providing security as well as making positive connections with students and families at certain evening or weekend school functions, such as athletic events, dances, and/or special events.

2.2 Communication. A cooperative relationship and collaborative communication plan between the SRO and school administration is central to the role. The SRO will meet with the SRO-assigned District Administrator and each building principal at the beginning of the school year to review a communication plan that includes a review of the job description; schedule of SRO activities (related to levels/schools); how/when to reach one another during the regular day and during emergencies; how to exchange information to address safety, student conflicts, and/or prevent situations that may cause disruption at the school or in the community.

The SRO and each high school principal will establish a consistent, weekly meeting schedule to debrief past events, review upcoming events and clarify any questions or aspects of the work. The SRO and each high school principal will review any new or ongoing investigations involving students or the school campus. This includes investigations that could impact a student, even if the student isn't directly involved.

The SRO notifies the appropriate District Administrator and building principal as soon as practicable of any significant law enforcement event or occurrence in the community or public safety threat to the school.

2.3 **School Discipline.** West Linn-Wilsonville school administrators and teachers are solely responsible for school discipline, addressed as appropriate through school rules and district policy and through the use of Restorative Practices. The SRO is not involved with enforcement of school rules or disciplinary infractions unless they are also violations of law. District or school staff should never ask for SRO assistance simply because the officer is available. Rather, the SRO becomes involved based on the nature of the behavior.

A non-delinquent act is a typical child and adolescent behavior that should be addressed by school administrators without the involvement of an SRO. Examples that would NOT be appropriate for SRO involvement include, but are not limited to:

- Disorderly conduct
- Failure to follow school rules
- Verbal altercations, abuse or harassment
- Minor physical altercations that do not involve a weapon and do not appear to escalate
- Possession of alcohol or perceived intoxication
- Minor graffiti
- Minor theft

Low-level school-based offenses rise above disciplinary issues and may involve collaboration with the SRO. These offenses may include:

- Assault that escalates past the level of minor physical altercation
- Persistent behavior that threatens the safety of others
- Possession and/or distribution of illegal substances

Serious offenses rise above low-level offenses and will involve the SRO or local law enforcement or others to varying extents. These include:

- Serious violent offenses such as rape or sexual assault
- Possession of a firearm, explosives
- Use of a weapon
- Arson

For any **non-delinquent act**, **low-level school-based offense** or **serious offense**, District staff and the SRO will always consider these factors:

- Child's age
- Child's disability status
- Intent to cause serious harm
- Immediate danger to students, others

In the event of an act or offense that is not easily defined in either of these three areas, the School Resource Officer will consult and collaborate with both school administration and the law enforcement department to determine the appropriate course of action.

When an SRO intervenes in **low-level** or **serious offenses**, de-escalation strategies and safe restraint procedures will be followed to the maximum extent possible.

2.4 Partnership with Social Worker. Except where there is a real and immediate physical threat to student, staff or public safety, the first course of action should be the application of specific intervention strategies designed to diffuse the situation by addressing students' emotional needs and de-escalating the immediate behavior. The intent of de-escalation is to restore the student's capacity to control their immediate impulse or behavior and to move toward safer or more constructive resolutions of the problem situation.

SROs will partner with district social workers to discern and designate which situations involve intervention strategies that de-escalate the situation and which situations call for intervention due to immediate threat of harm. Except where there is a real and immediate physical threat to student, staff or public safety, the first course of action should be the application of specific intervention strategies designed to diffuse the situation by addressing students' emotional needs and de-escalating the immediate behavior. The intent of de-escalation is to restore the student's capacity to control their immediate impulse or behavior and to move toward safer or more constructive resolutions of the problem situation.

2.5 Training. The SRO will participate in training which may be required by their law enforcement agency (eg. NASRO Basic SRO Course), Crisis Intervention Training (developed by National Alliance on Mental Illness) as well as training required and provided by the District such as: implicit bias, inclusion of marginalized groups, anti-racism, de-escalation strategies, trauma-informed care, Clackamas County Threat Assessment protocols, FERPA, and Restorative Practices. Ongoing training and/or conference opportunities may occur through the Oregon School Resource Officers Association (OSROA) and the School District.

2.6 District Policy. The SRO will have a working knowledge of District policies and procedures as identified in Exhibit A, Appendix I. The SRO will comply with District policies and procedures to the extent consistent with applicable law. If at any time the SRO believes a District policy or procedure cannot be complied with, the SRO will promptly advise the District and their law enforcement agency. The parties will confer and strive to attain a mutually agreeable understanding. The District will promptly provide the law enforcement agencies with any changes to policies or administrative regulations that may impact SRO responsibilities.

Section 3. SCOPE OF WORK OF SCHOOL RESOURCE OFFICER (SRO)

The duties of the SRO involve the following activities in addition to other duties as assigned:

3.1 Limited Investigations. The SRO investigates and takes appropriate action in consultation with school administration regarding suspected law violations that occur within the

school and/or in association with school activities. The district will notify parents in the event of a law enforcement interview with students except when the interview is part of a child abuse investigation. The SRO is solely responsible for whether a warrant or some other action is required prior to carrying out any law enforcement actions involving students on district property.

3.2 Prohibition of Racial Profiling. The SRO shall not use demographic factors such as actual or perceived race, ethnicity, or nationality when conducting investigations of offenses in the absence of other sufficient identifying factors. Race, ethnicity, or nationality of individuals should not be given undue weight in a decision by District staff or the SRO.

3.3 Illegal item disposal. The SRO assists school administration in the proper collection and disposal of illegal substances, weapons and other prohibited items recovered by the school, when they are not needed for criminal prosecution.

3.4 Search and Seizure.

3.4.1 School Administrative Search. Unless assistance is specifically requested by school administration the SRO is not involved in administrative searches. Administrative searches are at the exclusive direction and control of the District. (WLWW Policies: JFG)

3.4.2 School Resource Officer Search. In accordance with District policy, students may be searched by law enforcement officials on school property, or when the student is under the jurisdiction of the District. This authority is balanced by collaboration between the SRO and school administration as they work cooperatively to protect staff and students, maintain a safe environment in the school, and safeguard District property. In keeping with this objective, and as permitted by law, the SRO may search students and property, seize evidence, conduct interviews and engage in other law enforcement actions. In the exercise of these duties, the SRO will confer with school or district administration.

3.5 Student Conduct Occurring Outside of District Jurisdiction. When requests by law enforcement are made to the SRO to interview a student or to conduct an investigation for conduct that occurred *outside* the district jurisdiction, the SRO will promptly contact school administration with the request and refer the requesting agency to school administration. To the maximum extent possible, interviews of students due to conduct occurring outside of the district jurisdiction should occur at the student's home or another location other than the school campus. Interviews on campus shall be permitted only with administrator approval in accordance with District Policy. (WLWW Policies: JFG/JG) In the event of an imminent emergency, the SRO may perform such interviews or searches consistent solely with applicable law.

3.6 Restraints and Arrests. In the event that a student needs to be physically restrained or removed from the school campus (e.g. significant safety threat, significant harm to self or others, arrest), administrators will contact the students' parents and an SRO may need to be involved in the removal process. Students should consistently be treated with dignity throughout the removal, including discrete exit plan out-of-view of peers. The use of handcuffs will only be used as a last available option due to a significant safety concern.

3.7 Privacy Restrictions. The access to and release of student information by the SRO under this Agreement is governed by ORS 336.187 and ORS 326.565 – 326.580, and the Family Education Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g, and its implementing regulations. In accordance with FERPA, "school officials" may access and disclose student records only as authorized by FERPA. Subject to any exceptions under applicable law, the SRO will not disclose records, or information contained within those records, without permission from District administration.

For purposes of access to student records, the SRO may be provided students' personally identifiable information ("PII") on an as-needed basis in the performance of SRO duties for legitimate educational purposes, and to promote school safety and physical security. The SRO may only use PII for the purpose for which the disclosure was made.

Without prior consent by a District administrator, the SRO may not disclose PII obtained from student records to others including other law enforcement officials unless the disclosure fits within one of the exceptions to consent in FERPA and/or ORS 336.187 and ORS 326.565 – 326.580.

3.8 Student Directory Information. Information that is designated as student "directory information" is identified by District policy, and is generally information that would not be considered harmful or an invasion of privacy if disclosed. Administration may disclose directory information unless a parent has opted-out of disclosure. The SRO or other law enforcement officials seeking access to student directory information may request access from the school building principal. (WLWV policy: JOA)

3.9 Security Cameras. The SRO may access campus security cameras and recordings for purposes of school safety and other law enforcement purposes upon District consent or upon execution of a search warrant. Consent is not required in the event of an active violent crisis or other exigent circumstances. (WLWV Policy: ECAC-AR/EEACCA-AR)

3.10 Body Cameras. The SRO may wear a body camera as part of the police department's standard issue uniform. These body cameras will only be turned on when the officer is engaged in official police business, including official police investigations, traffic stops, or other police interventions. Individuals being recorded by officers' body cameras will be informed by the SRO that they are being recorded. Body cameras will not be turned on during typical activity in the high school, including casual conversations, school discipline situations that do not include

criminal investigations. Video footage captured through SRO's body cameras will belong solely to the police department and will not be available to school or district administration, without a subpoena or other official legal request.

3.11 Law Violations Exchange of Information. The SRO and the building principal will promptly exchange information regarding any possible law violation that may have occurred on and around school grounds, or during school activities. (WLWW Policy: JOA/KGB)

Section 4. SCHOOL RESOURCE OFFICER (SRO) PROGRAM REVIEW

Both the West Linn-Wilsonville School District and the associated local law enforcement agencies shall distribute responsibility for the selection, administration and evaluation of the SRO and the SRO Program.

4.1 SRO Selection. Two District administrators (central office, principal) and a student shall join the law enforcement agency in the interview and selection process for the SRO.

Preferences for selecting an SRO may include, but are not limited to:

- Experience working well with children and youth, including recommendations from youth or educators;
- Previous experience and training in community policing, youth development, implicit bias, restorative practices;
- Culturally, linguistically, and racially diverse candidates
- A work history free of any substantiated complaints of excessive force, racial profiling, harassment, or discrimination;
- Knowledge of the specific needs and local concerns of the community.
- Three years of experience; Off probation

4.2 SRO Evaluation. As the SRO remains an employee of the local law enforcement agency, the responsibility of the evaluation remains with the local law enforcement department. An evaluation should, however, include input from at least two District administrators (central office, principal) and two staff members who have direct experience and knowledge of the SRO's interactions with students and conduct in the school community.

4.3 SRO Annual Program Review. An annual SRO Program review shall be jointly facilitated by a District Administrator and the assigned SRO's law enforcement supervisor. A review team shall include the two individuals mentioned above, the SROs, other district/law enforcement staff as appropriate, and at least two students. The review shall occur before each new school year begins. An analysis of the previous year should include, but not be limited to:

- Data from Student Referral Information (number and type; disaggregated by race, ethnicity, gender, disability as known) and compared to previous school years
- Any communicated feedback
- Attended trainings and workshops by the SROs
- SRO Program Review Survey data completed by a representative group of students and staff
- Updates to the SRO job description (roles and responsibilities)

Adjustments to the program will be made based on information received during the review.

4.4 SRO Program Communication and Reports. The West Linn-Wilsonville School District shall provide information regarding the SRO Program on the district website, including contact information of district administrators who can inform patrons about the program.

Each city, West Linn and Wilsonville, shall provide an annual School Resource Office (SRO) report outlining an overview of the program, costs, recruitment, training, schools served and demographics, and SRO activities for each year including education, events, support to the community. Student referral data may be included in these reports upon consultation with the District and aligned with FERPA guidelines.

EXHIBIT A – Appendix I
West Linn-Wilsonville School District Policies
Relating to SRO Scope of Work

Law Enforcement Interactions:

- KN - Relations with Law Enforcement
- JHFE - Reporting of Suspected Abuse of a Child
- GBJ - Weapons in Schools - Staff
- JFCJ - Weapons in Schools - Students
- JFG - Student Searches

Staff/Students:

- JHFE - Reporting of Suspected Abuse of a Child
- GBNAA/JHFF - Reporting Requirements Regarding Sexual Conduct with Students
- GBN/JBA - Sexual harassment
- GBEC - Drug-Free Workplace
- GBH/JECAC - Student/Staff Relations
- KGC/GBK/JFCG - Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems
- GBNA - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying B Staff
- GBNAA/JHFF - Reporting Requirements REgarding Sexual Conduct with Students
- JEA - Compulsory Attendance
- JFCG/KGC/GBK - Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems
- JFCH - Alcohol
- JFCI-Substance/Drug Abuse

- JFCJ - Weapons in the Schools
- JFCM - Threats of Violence
- JOA - Directory Information
- JOB - Personally Identifiable Information
- ECAC - Security Cameras

District-Community Relations/Facility Use & Access:

- KAB - Parental Rights
- KG - Use of District Facilities
- KGB - Public Conduct on District Property
- KK - Visitors to School

Exhibit B

COMPENSATION

BILLING FOR THE SERVICES OF THE SCHOOL RESOURCE OFFICER (SRO)**I. Compensation Agreement**

For the 2022-2023 School Year:

The West Linn-Wilsonville School District agrees to pay \$88,4000 to the City of Wilsonville for the SRO services rendered above, in accordance with the IGA and the specific roles and responsibilities outlined in Exhibit A.

The rate reflected is based upon a 1.0 full-time equivalent position. *Benefits will be provided solely by the law enforcement agencies.*

II. Compensation Logistics

An MOU signed by both parties outlining the roles and duties of the SRO must be in place prior to any payment or exchange of funds.

The West Linn and Wilsonville Cities agree to bill WLWVSD annually. WLWVSD agrees to pay each invoice within 30 days of receipt.



CITY COUNCIL MINUTES

August 01, 2022 at 7:00 PM

Wilsonville City Hall & Remote Video Conferencing

CALL TO ORDER

1. Roll Call
2. Pledge of Allegiance

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, August 1, 2022. The Mayor called the meeting to order at 7:01 p.m., followed by roll call and the Pledge of Allegiance.

PRESENT:

Mayor Fitzgerald
Council President Akervall
Councilor Lehan
Councilor West
Councilor Linville

STAFF PRESENT:

Jeanna Troha, Assistant City Manager
Amanda Guile-Hinman, City Attorney
Kimberly Veliz, City Recorder
Delora Kerber, Public Works Director
Martin Montalvo, Public Works Ops. Manager
Zoe Mombert, Assistant to the City Manager
Cindy Luxhoj, Associate Planner
Ryan Adams, Assistant City Attorney
Zach Weigel, City Engineer
Mike Nacrelli, Civil Engineer

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

Motion: Moved to approve the order of the agenda.

Motion made by Council President Akervall, Seconded by Councilor Lehan.

Voting Yea:

Mayor Fitzgerald, Council President Akervall, Councilor Lehan, Councilor West, Councilor Linville

MAYOR'S BUSINESS

4. July 30, 2022 Curtailment Event

Martin Montalvo, Public Works Ops. Manager explained to City Council the reason for the recent water curtailment. It was shared that on the evening of Friday, July 29, 2022 there was water pump failure at the Willamette River Water Treatment Plant (WRWTP). Staff attempted to diagnose the problem and address the failure. After the failed attempts to repair staff determined the pump was unrepairable. Therefore, the WRWTP would have to fall back to the remaining operational pumps to provide the capacity needed for both the City of Wilsonville and the City of Sherwood. The cities were advised of the issue and efforts to resolve it. City staff from Wilsonville and Sherwood along with staff from Clackamas and Washington Counties met. This meeting then lead to the subsequent water curtailment notice for the cities of Wilsonville and Sherwood. Staff noted that the curtailment was working, and that the City was asking residents to continue to conserve water over the week.

Following the presentation Council asked staff clarifying questions.

5. Upcoming Meetings

Korean War Armistice Observance Ceremony

- Saturday, July 23, 2022 the 69th Anniversary of the Korean War Armistice Observance Ceremony was held in Town Center Park.
- The Korean War Veterans of America Oregon Trail Chapter and the Korean War Memorial Foundation of Oregon sponsored the event.
- The ceremony was sentimental as those involved remembered and honored those service personnel who gave their lives for a freedom in Korea.
- Several dignitaries were in attendance.

“Popsicles in the Park”

- City Planners are taking an innovative approach to gather public input for the Frog Pond East and South Master Plan. They are inviting residents to Murase Plaza, for popsicles, and to engage in conversation that will inform the design of the future neighborhood’s streets, sidewalks, trails, and parks. This event is planned for August 9, 2022 between noon and 2:00 p.m., and again between 4:30 p.m. and 6:30 p.m.

Community Block Party

- The City’s Community Block Party is scheduled for Thursday, August 25, 2022 at 5:30 p.m. to 8:30 p.m. at Town Center Park. The City’s end-of-summer celebration features live music, food trucks, SMART train rides, and plenty of games and activities for all.

Emergency Preparedness Fair

- On Saturday, September 17, 2022 the City is hosting a Preparedness Fair at the Stein-Boozier Barn, 10:00 a.m. to noon. At the event residents can learn how to plan for an emergency, store critical documents, build a 'go kit'. The event supports the Council Goal to help individuals and families prepare to be self-sufficient in the aftermath of an emergency.

City Council Meeting

- The next City Council meeting is scheduled for Monday, August 15, 2022 at 7:00 p.m.

COMMUNICATIONS

6. Tourism Promotion Committee Marketing

Zoe Mombert, Assistant to the City Manager presented on the work done by the City's marketing consultant JayRay to attract visitors for overnight lodging. The marketing done by JayRay includes social media campaigns, which consist of blog post, videos, and other media by influencers. Specifically, highlighted was a content provider's recent trip with family to the City of Wilsonville.

CITIZEN INPUT AND COMMUNITY ANNOUNCEMENTS

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

Jeff Lewis, Wilsonville resident shared with Council two issues of concern both related to the 5th Street to Kinsman Extension Project. The first concern mentioned was the sudden closure of Arrowhead Creek and three-week detour through Morey's Landing. The second issue of concern was the noise and vibration coming from work being performed on land owned by Wilsonville Concrete. Jeff Lewis submitted a letter to City Council, which was made part of the record.

Robyn Rebers, Wilsonville resident echoed the comments made by Jeff Lewis and added the noise complaints and feeling of vibrations. She additionally, mentioned concerns for the opening of Brockway as she thought it was only to be opened for safety reasons.

Zach Weigel, City Engineer addressed the reasoning for opening Brockway. It was explained that for the 5th Street to Kinsman Extension Project there was a need to recreate and align. Therefore, quite a bit of fill was required to get the roads up to the same grade. There was not room to construct a bypass or to construct a roadway. Therefore, the only feasible option was to use Brockway for the detour. It was further mentioned that the City limited the contractor to three weeks for the closure. The contractor worked with Wilsonville Concrete to create a schedule for access thru their site. In addition, the Code Compliance Coordinator set out a speed trailer to minimize the impact on the neighborhood as much as possible.

Noise and vibration issues to be discussed at a later time by the City Attorney when she is able to provide a more thorough debrief.

The residents were encouraged to contact Zach Weigel, City Engineer with any questions or concerns during the project

COUNCILOR COMMENTS, LIAISON REPORTS AND MEETING ANNOUNCEMENTS

7. Council President Akervall

Announced the following back to school events:

- SMART Bike Rodeo on August 16 and 19, 2022 from 9:30 a.m. to 11:30 a.m.
- Family Empowerment Center Back to School Resource Event on August 17, 2022 from 5:00 p.m. to 6:30 p.m.
 - Library Books on the Bus Center will be at event
- Encouraged participation by employers and families in the Wilsonville Childcare Surveys
- Library collecting Short Story Contest submissions until August 31, 2022

8. Councilor Lehan

Mentioned the Skate Park Dedication scheduled for August 13, 2022 in Memorial Park.

Suggested the aerial images of the City of Wilsonville located on the second floor of City Hall in the employee only area be moved to an area where the public has access to view.

9. Councilor West

Shared he had been invited to tour the ironworkers apprentice facility, where he was able to try welding. He recalled the importance of apprenticeship programs and teaching trades to young adults. Therefore, they can earn living wage jobs.

Councilor West shared he had a conversation with the Regional Kiwanis Director. They discussed Kiwanis interest in a new Wilsonville chapter.

Lastly, Councilor West reminded the audience if they needed a place to go because of the hot weather they could visit the Library or soak in the park fountains.

10. Councilor Linville

Reported on the followings activities she participated in since City Council last meet:

- July 20, 2022 Clackamas County Coordinating Committee (C4) Metro Subcommittee
- July 20, 2022 Testified at the hearing on the Oregon Highway Plan (OHP) toll amendment
- July 21, 2022 Rotary Concert in the Park Reception
- July 27, 2022 Wilsonville Area Chamber of Commerce Golf Tournament
- Clackamas Workforce partnership

CONSENT AGENDA

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

11. **Resolution No. 2988**

Authorizing the City Manager to execute a construction contract with Emerick Construction Company for Construction of the Public Works Complex Project (Capital Improvement Project #8113).

12. **Resolution No. 2991**

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute The Second Amendment To Construction Contract With Moore Excavation, Inc. For The 5th Street / Kinsman Road Extension Project.

13. Minutes of the July 18, 2022 City Council Meeting.

Motion: Moved to approve the Consent Agenda as read.

Motion made by Councilor Lehan, Seconded by Council President Akervall.

Voting Yea:

Mayor Fitzgerald, Council President Akervall, Councilor Lehan, Councilor West, Councilor Linville

NEW BUSINESS

None.

CONTINUING BUSINESS

None.

PUBLIC HEARING

The City Attorney read the title of Ordinance No. 865 into the record on first reading.

14. **Ordinance No. 865**

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Future Development Agricultural – Holding (FDA-H) Zone To The Planned Development Industrial (PDI) Zone On Approximately 0.55 Acre Located At 28505 SW Boones Ferry Road; The Land Is More Particularly Described As Tax Lot 800, Section 14A, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Davidsons Boones Ferry Industrial LLC, Owner/Applicant.

The Mayor provided the public hearing format and opened the public hearing at 8:13 p.m.

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.

Staff provided the staff report and PowerPoint, which has been made a part of the record.

The City Attorney shared there were no legal comments

There was no applicant presentation.

Council asked clarifying questions of staff.

The Mayor then invited public testimony, there was none.

Staff recalled for the record that the Development Review Board (DRB) hearing, there were three members present for a quorum. The vote was two to one, two in favor and one against. Staff detailed the DRB member who voted against the decision, shared concern regarding noticing. Staff explained they are not required to provide notice to residents in the mobile home park. When staff sends out notice, it is within 250 feet to surrounding property owners. However, because of the DRB member concern staff sent a courtesy notice to all residents of the mobile home park explaining the project, and telling them about City Council hearing, about the zoning map amendment, and inviting them to contact staff with questions or concerns. Staff did not receive any inquiries.

The Mayor called for a motion to close the public hearing at 8:30 p.m.

Motion: Moved to close Public Hearing.

Motion made by Councilor West, Seconded by Councilor Linville.

Voting Yea:

Mayor Fitzgerald, Council President Akervall, Councilor Lehan, Councilor West, Councilor Linville

Motion: Moved to adopt Ordinance No. 865 on first reading.

Motion made by Councilor Lehan, Seconded by Councilor West.

Voting Yea:

Mayor Fitzgerald, Council President Akervall, Councilor Lehan, Councilor West, Councilor Linville

CITY MANAGER'S BUSINESS

No Report.

LEGAL BUSINESS

No Report.

ADJOURN

The Mayor adjourned the meeting at 8:32 p.m.

Respectfully submitted,

Kimberly Veliz, City Recorder

ATTEST:

Julie Fitzgerald, Mayor

DRAFT



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: August 15, 2022		Subject: Ordinance No. 865 – 2nd Reading	
		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: August 1, 2022 <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: August 1, 2022 <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: August 15, 2022 <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable	
		Comments: During a public hearing on July 25, 2022, Development Review Board (DRB) Panel ‘B’ reviewed and recommended adoption of the Zone Map Amendment to City Council and approved the associated industrial storage yard on the site.	
Staff Recommendation: Staff recommends Council adopt Ordinance No. 865 on 2 nd Reading.			
Recommended Language for Motion: I move to adopt Ordinance No. 865 on 2 nd Reading.			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities:	<input type="checkbox"/> Adopted Master Plan(s):	<input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Approve, modify, or deny Ordinance No. 865 to rezone approximately 0.55 acre, comprising the Wilsonville Industrial Yard property at 28505 SW Boones Ferry Road, from the Future Development Agricultural – Holding (FDA-H) Zone to the Planned Development Industrial (PDI) Zone.

EXECUTIVE SUMMARY:

The subject property, owned by Davidsons Boones Ferry Industrial LLC, is part of a land use application comprised of Tax Lots 800 and 900 located at 28505 and 28635 SW Boones Ferry Road, respectively. Tax Lot 800, the property subject to the Zone Map Amendment, includes 0.55 acre and is zoned Future Development Agricultural-Holding (FDA-H). The applicant proposes to rezone this tax lot from FDA-H to Planned Development Industrial (PDI). Tax Lot 900 includes 0.79 acre and is already zoned PDI.

In 2021, a manufactured dwelling was removed from Tax Lot 900 by a previous owner with City of Wilsonville approval. In addition, 11 trees were removed from both Tax Lots 800 and 900, and the property was cleared, graded, and covered in gravel without City permits. The previous owner subsequently applied for a retroactive Tree Removal Permit (Case File No. TR21-0002) and replanted trees on both tax lots in accordance with an approved mitigation plan. The current application by Mr. Davidson, the new owner, is intended to bring the property into compliance with applicable City standards for an industrial storage yard within the PDI zone located adjacent to a residential use (Walnut Mobile Home Park), also owned by Mr. Davidson.

The compliance findings for the proposed Zone Map Amendment (Case File No. ZONE22-0001) are included in Exhibit B. As stated in the findings, the proposal is consistent with the Comprehensive Plan and meets all applicable criteria of the Development Code. During a public hearing on July 25, 2022, Development Review Board (DRB) Panel 'B' reviewed and recommended adoption of the Zone Map Amendment to City Council (see Exhibit C) and approved the associated industrial storage yard on the site.

EXPECTED RESULTS:

Adoption of Ordinance No. 865 will rezone approximately 0.55 acre, comprising the subject property at 28505 SW Boones Ferry Road (Tax Lot 800), from the Future Development Agricultural – Holding (FDA-H) Zone to the Planned Development Industrial (PDI) Zone.

TIMELINE:

The Zone Map Amendment will be in effect 30-days after ordinance adoption on 2nd Reading. The 120-day deadline for making a final decision on this land use application is September 30, 2022.

CURRENT YEAR BUDGET IMPACTS:

The applicant paid established application fees for the proposal.

COMMUNITY INVOLVEMENT PROCESS:

Staff sent the required public hearing notices and held the required public hearings. Staff made materials regarding the application readily available to the public.

POTENTIAL IMPACTS OR BENEFIT TO THE COMMUNITY:

The Zone Map Amendment brings the property into compliance with applicable City standards for an industrial yard within the PDI zone located adjacent to a residential use (Walnut Mobile Home Park), and enables future industrial development of the site consistent with the recent land use approval and Comprehensive Plan. Rezoning provides more opportunity in the city for industrial use and benefits the local economy.

ALTERNATIVES:

The alternatives are to approve or deny the Zone Map Amendment request.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Ordinance No. 865
 - A. Zoning Order ZONE22-0001 Including Legal Description and Sketch Depicting Zone Map Amendment
 - B. Zone Map Amendment Compliance Findings
 - C. Development Review Board Panel 'B' Resolution No. 404 Recommending Approval of Zone Map Amendment
2. Wilsonville Industrial Yard Site Plan

ORDINANCE NO. 865

AN ORDINANCE OF THE CITY OF WILSONVILLE APPROVING A ZONE MAP AMENDMENT FROM THE FUTURE DEVELOPMENT AGRICULTURAL – HOLDING (FDA-H) ZONE TO THE PLANNED DEVELOPMENT INDUSTRIAL (PDI) ZONE ON APPROXIMATELY 0.55 ACRE LOCATED AT 28505 SW BOONES FERRY ROAD; THE LAND IS MORE PARTICULARLY DESCRIBED AS TAX LOT 800, SECTION 14A, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. DAVIDSONS BOONES FERRY INDUSTRIAL LLC, OWNER/APPLICANT.

WHEREAS, Davidsons Boones Ferry Industrial LLC (“Applicant”) has made a development application requesting, among other things, a Zone Map Amendment of the real property (“Property”) within the City of Wilsonville; and

WHEREAS, the development application form has been signed by William “Gregg” Davidson, owner of the Property legally described and shown in Exhibit A, attached hereto and incorporated by reference herein; and

WHEREAS, the City of Wilsonville desires to have the Property zoned consistent with the Wilsonville Comprehensive Plan Map designation of “Industrial”; and

WHEREAS, the City of Wilsonville Planning Staff analyzed the Zone Map Amendment request and prepared a staff report for the Development Review Board Panel ‘B’ on July 18, 2022, finding that the application met the requirements for a Zone Map Amendment and recommending approval of the Zone Map Amendment; and

WHEREAS, Development Review Board Panel ‘B’ held a public hearing on the application for a Zone Map Amendment, among other requests, on July 25, 2022, and after taking public testimony and giving full consideration to the matter, adopted Resolution No. 404, attached hereto and incorporated by reference herein as Exhibit C, which recommends City Council approval of the Zone Map Amendment request (Case File No. ZONE22-0001; see DB22-0001) and adopts the staff report with findings and recommendation, all as placed on the record at the hearing; and

WHEREAS, on August 1, 2022, the Wilsonville City Council held a public hearing regarding the above described matter, wherein the City Council considered the full public record made before the Development Review Board Panel ‘B’, including the Development Review Board Panel ‘B’ and City Council staff reports; took public testimony; and, upon deliberation, concluded that

the proposed Zone Map Amendment meets the applicable approval criteria under the City of Wilsonville Development Code;

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

Section 1. The City Council adopts, as findings and conclusions, the foregoing Recitals and the Zone Map Amendment findings in Exhibits B, as if fully set forth herein.

Section 2. The official City of Wilsonville Zone Map is hereby amended by Zoning Order ZONE22-0001, attached hereto as Exhibit A, from the Future Development Agricultural – Holding Zone to the Planned Development Industrial (PDI) Zone.

Section 3. Effective Date. This Ordinance shall be declared to be in full force and effect thirty (30) days from the date of final passage and approval.

SUBMITTED by the Wilsonville City Council at a regular meeting thereof this 1st day of August, 2022, and scheduled the second reading on the 15th day of August, 2022 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Kimberly Veliz, City Recorder

ENACTED by the City Council on the ____ day of ____, 2022, by the following votes:

Yes: _____ No: _____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this _____ day of ____, 2022

JULIE FITZGERALD MAYOR

SUMMARY OF VOTES:

Mayor Fitzgerald

Council President Akervall

Councilor Lehan

Councilor West

Councilor Linville

EXHIBITS:

- A. Ordinance No. 865 Exhibit A – Zoning Order ZONE22-0001 Including Legal Description and Sketch Depicting Zone Map Amendment
- B. Ordinance No. 865 Exhibit B – Compliance Findings
- C. Ordinance No. 865 Exhibit C – DRB Resolution No. 404 Recommending Approval of Zone Map Amendment

**BEFORE THE CITY COUNCIL OF
THE CITY OF WILSONVILLE,
OREGON**

In the Matter of the Application of)
Davidsons Boones Ferry Industrial LLC)
for a Rezoning of Land and Amendment) **ZONING ORDER ZONE22-0001**
of the City of Wilsonville Zoning Map)
Incorporated in Section 4.102 of the)
Wilsonville Code.)

The above-entitled matter is before the Council to consider the application of ZONE22-0001, for a Zone Map Amendment and an Order, amending the official Zoning Map as incorporated in Section 4.102 of the Wilsonville Code.

The Council finds that the subject property (“Property”), legally described and shown on the attached legal description and sketch, has heretofore appeared on the City of Wilsonville zoning map as Future Development Agricultural – Holding (FDA-H).

The Council having heard and considered all matters relevant to the application for a Zone Map Amendment, including the Development Review Board record and recommendation, finds that the application should be approved.

THEREFORE IT IS HEREBY ORDERED that The Property, consisting of approximately 0.55 acre located at 28505 SW Boones Ferry Road comprising Tax Lot 800 of Section 14A, as more particularly shown and described in the attached legal description and sketch, is hereby rezoned to Planned Development Industrial (PDI), subject to conditions detailed in this Order’s adopting Ordinance. The foregoing rezoning is hereby declared an amendment to the Wilsonville Zoning Map (Section 4.102 WC) and shall appear as such from and after entry of this Order.

Dated: This 15th day of August, 2022.

JULIE FITZGERALD, MAYOR

APPROVED AS TO FORM:

Amanda Guile-Hinman, City Attorney

ATTEST:

Kimberly Veliz, City Recorder

Attachment: Legal Description and Sketch Depicting Land/Territory to be Rezoned



1815 NW 169th Place, Suite 2090
Beaverton, OR 97006
Telephone: 503-848-2127

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

RENEWS: 06/30/22

Item 14.

Exhibit A

SW Boones Ferry Road

(Zone Boundary Change)

May 6, 2022

NWS Project Number 2354

A tract of land being that property conveyed to Davidsons Boones Ferry Industrial, LLC by a deed recorded on September 17, 2021, as Documents Number 2021-085059, Clackamas County Deed Records (Tax Lot 800 Map 3-1W-14A), also being a portion of Lot 9 of "Boberg", located in the northeast one-quarter of Section 14, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the southeast corner of Parcel 2 of Partition Plat No. 2020-034, said point being marked by a 5/8 inch iron rod with a yellow plastic cap stamped "Foster LS 1934", and being on the westerly right-of-way line of SW Boones Ferry Road (25.00 feet westerly from the centerline thereof, when measured at right angles); Thence along the westerly right-of-way line of said SW Boones Ferry Road, South 00°00'40" East 329.74 feet to the northeast corner of that property described in said Document Number 2021-085059, and the Point of Beginning;

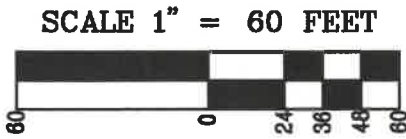
Thence continuing along said westerly right-of-way line of SW Boones Ferry Road, South 00°00'40" East 75.34 feet to the northeast corner of that property conveyed to Davidsons Boones Ferry Industrial, LLC by a deed recorded on September 17, 2021, as Documents Number 2021-085079, Clackamas County Deed Records (Tax Lot 900 Map 3-1W-14A); Thence along the north line of said Tax Lot 900, South 89°30'45" West 314.93 feet to the northwest corner thereof, said point also being located on the easterly line of Parcel II of that property conveyed to Walnut Mobile Home Park, LLC by a deed recorded on May 2, 2013, as Document Number 2013-030203; Thence along the easterly line of said Parcel II, North 00°00'15" West 75.34 feet to a point located on the southerly line of Parcel I of said Document Number 2013-030203; Thence along the southerly line of said Parcel I, North 89°30'45" East 314.92 feet to the Point of Beginning.

The above described tract contains 0.545 acres, more or less.

The basis of bearings for this description is Survey Number 24055, Clackamas County Survey Records.

EXHIBIT B

LOCATED IN THE NE 1/4 OF SECTION 14,
TOWNSHIP 3 SOUTH, RANGE 1 WEST, W.M.,
CITY OF WILSONVILLE,
CLACKAMAS COUNTY, OREGON
DATE: MAY 6, 2022



PARCEL 2
PARTITION PLAT NO. 2020-034

TAX LOT 600
MAP 3-1W-14A

POINT OF COMMENCEMENT

PARCEL 1
DOC NO. 2013-030203

POINT OF BEGINNING

S00°00'40"E
329.74'

25' 25'

DOC NO.
2021-085059

N89°30'45"E 314.92'

TAX LOT 800
MAP 3-1W-14A

**ZONE CHANGE
BOUNDARY**

**ZONE CHANGE AREA
23,725 SQUARE FEET**

S00°00'40"E 75.34'

S89°30'45"W 314.93'

N00°00'15"W 75.34'

TAX LOT 700 MAP 3-1W-14A
PARCEL II
DOC NO. 2013-030203

TAX LOT 900
MAP 3-1W-14A

DOC NO. 2021-085079

RIGHT-OF-WAY CENTERLINE

RIGHT-OF-WAY LINE

SW BOONES FERRY ROAD
(FRONTAGE ROAD)

25' 25'

INTERSTATE HIGHWAY 5

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS

RENEWS: 06/30/22

PREPARED FOR:

DAVIDSONS CONSOLIDATED
8915 SW COMMERCIAL #38
TIGARD, OR 97223

JOB NAME:	DAVIDSONS
JOB NUMBER:	2354
DRAWING NUMBER:	2354 ZONING
DRAWN BY:	BJA
CHECKED BY:	CHS

NORTHWEST SURVEYING, Inc.

1815 NW 169th PLACE,
SUITE 2090
BEAVERTON, OR 97006
PHONE: 503-848-2127
FAX: 503-848-2179
nwsurveying@nwsrvy.com



Ordinance No. 865 Exhibit B
Zone Map Amendment Findings

Wilsonville Industrial Yard

City Council
Quasi-Judicial Public Hearing

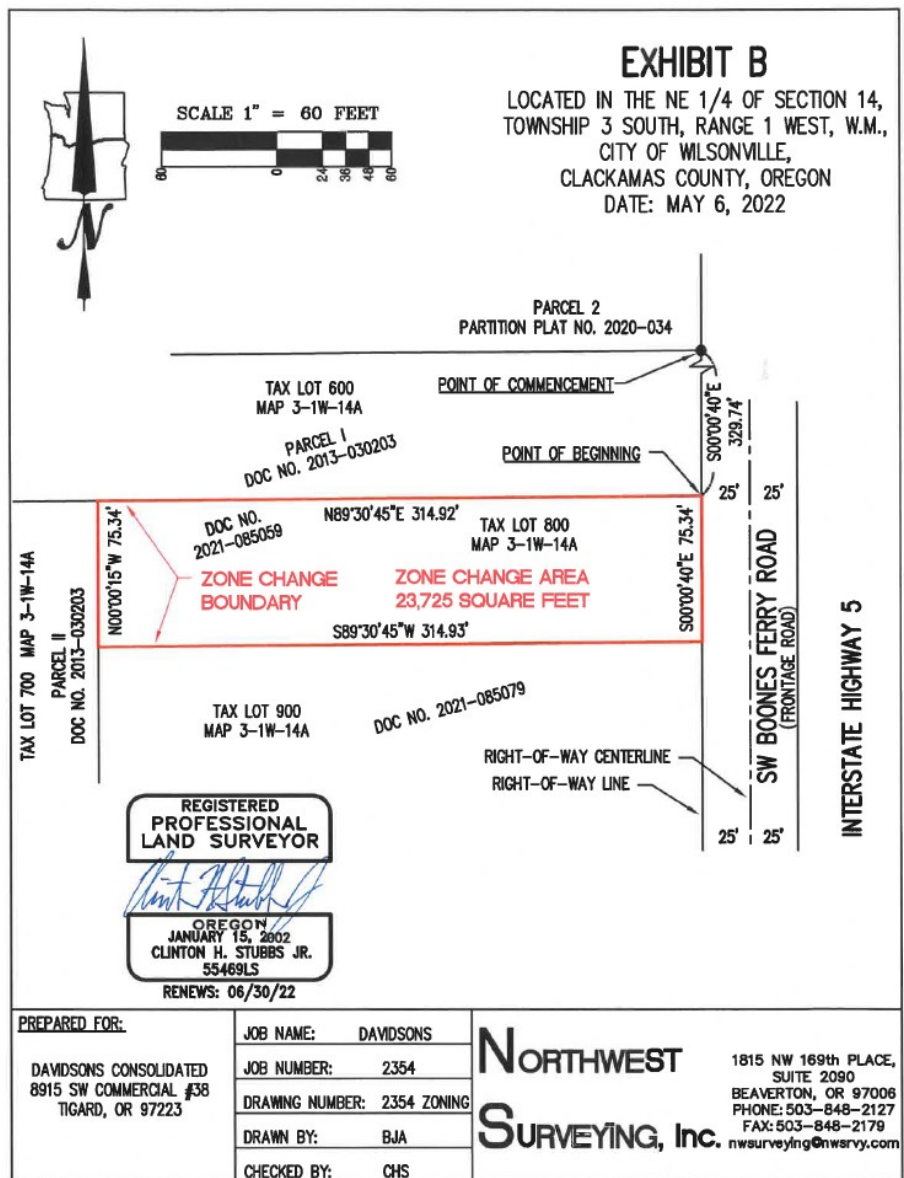
Hearing Date:	August 1, 2022
Date of Report:	July 18, 2022

Application No.:	ZONE22-0001 Zone Map Amendment
Request:	The request before the City Council is a Zone Map Amendment for approximately 0.55 acre.
Location:	28505 SW Boones Ferry Road. The property is specifically known as Tax Lot 800, Section 14A, Township 3 South, Range 1 West, Willamette Meridian, City of Wilsonville, Clackamas County, Oregon
Owner/Applicant:	Davidsons Boones Ferry Industrial LLC (Contact: William “Gregg” Davidson)
Applicant’s Rep.:	AAI Engineering (Contact: Beth Zauner)
Comprehensive Plan Designation:	Industrial
Zone Map Classification (Current):	Future Development Agricultural – Holding (FDA-H)
Zone Map Classification (Proposed):	Planned Development Industrial (PDI)
Staff Reviewer:	Cindy Luxhoj AICP, Associate Planner
Staff/DRB Recommendation:	<u>Adopt</u> the requested Zone Map Amendment.

Applicable Review Criteria:

Development Code:	
Section 4.110	Zones
Section 4.135	Planned Development Industrial (PDI) Zone
Section 4.197	Zone Changes
Other Planning Documents	
Wilsonville Comprehensive Plan	

Vicinity Map



Summary:

Zone Map Amendment (ZONE22-0001)

The subject property, owned by Davidsons Boones Ferry Industrial LLC, is part of a land use application comprised of Tax Lots 800 and 900 located at 28505 and 28635 SW Boones Ferry Road, respectively. Tax Lot 800, the property subject to the Zone Map Amendment, includes 0.55 acre and is zoned Future Development Agricultural-Holding (FDA-H). The applicant proposes to rezone this tax lot from FDA-H to Planned Development Industrial (PDI) consistent with the Comprehensive Plan designation of Industrial. Tax Lot 900 includes 0.79 acre and is already zoned PDI.

Conclusion and Conditions of Approval:

Staff and the Development Review Board recommend approval with the following condition:

Request: ZONE22-0001 Zone Map Amendment (DB22-0001)

This action recommends to the City Council adoption of the Zone Map Amendment for the subject properties. The Stage 1 Preliminary Plan (STG122-0001), Stage 2 Final Plan (STAG222-0001), and Site Design Review (SDR22-0001) are contingent on City Council action on the Zone Map Amendment (ZONE22-0001) request.	
PDA 1.	General: The proposed project shall be carefully designed to promote continuity in design with other development in Comprehensive Plan Area of Special Concern E (Area E) and sufficiently buffered to minimize disturbance for residents of the Walnut Mobile Home Park immediately north and west of the subject property. See Findings A1 through A4.
PDA 2.	General: The proposed project shall be designed to minimize traffic (truck) conflicts with residential activities, including pedestrians. See Finding A4.

Findings:

NOTE: Pursuant to Section 4.014 the burden of proving that the necessary findings of fact can be made for approval of any land use or development application rests with the applicant in the case.

General Information

Application Procedures-In General Section 4.008

The City's processing of the application is in accordance with the applicable general procedures of this Section.

Initiating Application Section 4.009

The owners of all property included in the application signed the application forms.

Request: ZONE22-0001 Zone Map Amendment (DB22-0001)

As described in the Findings below, the request meets the applicable criteria or will by Conditions of Approval.

Comprehensive Plan

Areas of Special Concern-Area E-Summary and Special Considerations

A1. The subject property (Tax Lot 800) is located in Comprehensive Plan Area of Special Concern E (Area E), an area planned for industrial use bounded by SW Boeckman Road (north), SW Barber Street (south), SW Boones Ferry Road (east), and railroad tracks (west). As stated in the Comprehensive Plan, primary concerns for Area E relate to protection of the Walnut Mobile Home Park; specifically that "the life of the park can be prolonged through careful design considerations of surrounding development and doing so will help retain one of the City's affordable housing opportunities". The subject property shares its north and west boundaries with the mobile home park and, therefore, is subject to the specific design considerations of Area E. This requirement is or will be satisfied by Condition of Approval PDA 1.

Areas of Special Concern-Area E-Consolidation of Smaller Lots Design Objective 1

A2. The applicant proposes to develop two smaller lots (Tax Lots 800 and 900) as one consolidated Stage 1 Preliminary Plan consistent with this Design Objective.

Areas of Special Concern-Area E-Buffers to Mobile Home Park
Design Objective 2

- A3.** A condition of approval for the Zone Map Amendment is that the proposed project be carefully designed to promote continuity in design with other development in Area E and that adequate buffering be included in the site design to minimize disturbance for residents of the Walnut Mobile Home Park immediately north, west, and southwest of the subject property. This requirement is or will be satisfied by Condition of Approval PDA 1 (see Finding A1).

Areas of Special Concern-Area E-Minimize Traffic (Truck) Conflicts
Design Objective 3

- A4.** The applicant proposes one (1) driveway entrance on SW Boones Ferry Road, the centerline of which would be located within roughly 40 feet of the north property line shared with the adjacent Walnut Mobile Home Park. It is anticipated that there will be truck traffic associated with use of the site, an industrial storage yard for a range of possible businesses such as a construction company, agricultural services, property maintenance, or logistics, which include parking and storage of commercial vehicles and equipment. This use is expected to generate about 20 daily trips some of which are expected to be trucks and contractor fleet vehicles. To comply with this Design Objective, the proposed development must be designed to minimize truck traffic conflicts with residential activities, including pedestrians. This requirement is or will be satisfied by Condition of Approval PDA 2.

Development Code

Zoning Consistent with Comprehensive Plan
Section 4.029

- A5.** Concurrently with a Stage 1 Preliminary Plan for Tax Lots 800 and 900, the applicant is applying for a zone change from FDA-H to PDI for the north part of the site (Tax Lot 800) comprising 0.55 acre. This change is consistent with the Comprehensive Plan designation of Industrial. As discussed above, the subject property is located in Area E in the Comprehensive Plan, which requires special consideration to design of development surrounding the Walnut Mobile Home Park, adequate buffering, and reduced truck traffic conflicts with residential activities. This requirement is or will be satisfied by Conditions of Approval PDA1 and PDA2.

Base Zones
Subsection 4.110 (.01)

- A6.** The requested zoning designation of PDI is among the base zones identified in this subsection.

Standards for Planned Development Industrial Zone

Purpose of PDI

Subsection 4.135 (.01)

- A7.** The zoning will allow a variety of industrial operations and associated uses such as those proposed by the applicant consistent with the purpose stated in this subsection.

Uses Typically Permitted

Section 4.135 (.03)

- A8.** The applicant proposes to use the property as an industrial storage yard for a range of possible businesses such as a construction company, agricultural services, property maintenance, or logistics, which include parking and storage of commercial vehicles and equipment. This type of use could be considered “industrial services”, which is a permitted use in the PDI zone per Subsection 4.135 (.03) N. provided the use complies with all industrial performance standards, standards for outdoor storage, etc., of the zone.

Zone Change Procedures

Subsection 4.197 (.02) B. and C. 1.

- A9.** The request for a Zone Map Amendment has been submitted as set forth in the applicable code sections including Section 4.008, Subsection 4.197 (.02) B. and C. and Section 4.140.

Conformance with Comprehensive Plan Map, etc.

Subsection 4.197 (.02) C. 2.

- A10.** The proposed Zone Map Amendment is consistent with the Comprehensive Map designation of Industrial with consideration given to Design Objectives for Area E in the Comprehensive Plan (see Findings A1 through A4 and Conditions of Approval PDA1 and PDA2).

Public Facility Concurrency

Subsection 4.197 (.02) C. 4. and C. 8.

- A11.** Based on existing nearby utilities and utility master plans, and the Transportation System Plan, necessary facilities are or can be made available for development of the subject property consistent with the proposed zoning.

Impact on Significant Resource Overlay Zone (SROZ) Areas

Subsection 4.197 (.02) C. 5.

- A12.** No SROZ areas or identified natural or geologic hazards are located within the area to be rezoned.

Development within 2 Years

Subsection 4.197 (.02) C. 6.

- A13.** The applicant’s Code response narrative states a commitment to begin construction within two (2) years of approval of the Zone Map Amendment. In the scenario where the applicant

or their successors do not start development within 2 years, thus allowing related land use approvals to expire, the zone change shall remain in effect.

Development Standards and Conditions of Approval

Subsection 4.197 (.02) C. 7.

A14. As can be found in the findings for the accompanying requests, the applicable development standards will be met either as proposed or as a condition of approval.

**DEVELOPMENT REVIEW BOARD
RESOLUTION NO. 404**

A RESOLUTION ADOPTING FINDINGS RECOMMENDING APPROVAL TO CITY COUNCIL OF A ZONE MAP AMENDMENT FROM FUTURE DEVELOPMENT AGRICULTURAL-HOLDING (FDA-H) TO PLANNED DEVELOPMENT INDUSTRIAL (PDI) FOR 0.55 ACRE (TAX LOT 800), AND ADOPTING FINDINGS AND CONDITIONS APPROVING A STAGE I MASTER PLAN, STAGE II FINAL PLAN, AND SITE DESIGN REVIEW FOR A 54,664-SQUARE-FOOT INDUSTRIAL YARD. THE SUBJECT SITE IS LOCATED AT 28505 AND 28635 SW BOONES FERRY ROAD ON TAX LOTS 800 AND 900, SECTION 14A, TOWNSHIP 3 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON. BETH ZAUNER, AAI ENGINEERING – REPRESENTATIVE FOR DAVIDSONS BOONES FERRY INDUSTRIAL LLC – OWNER/APPLICANT.

WHEREAS, an application, together with planning exhibits for the above-captioned development, has been submitted in accordance with the procedures set forth in Section 4.008 of the Wilsonville Code, and

WHEREAS, the Planning Staff has prepared the staff report on the above-captioned subject dated July 18, 2022, and

WHEREAS, said planning exhibits and staff report were duly considered by the Development Review Board Panel B at a scheduled meeting conducted on July 25, 2022, at which time exhibits, together with findings and public testimony were entered into the public record, and

WHEREAS, the Development Review Board considered the subject and the recommendations contained in the staff report, and

WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Board of the City of Wilsonville does hereby adopt the staff report dated July 18, 2022, attached hereto as Exhibit A1, with findings and recommendations contained therein, and authorizes the Planning Director to issue permits consistent with said recommendations, subject to City Council approval of the Zone Map Amendment Request (Case File No. ZONE22-0001) for:


DB22-0001: Stage 1 Preliminary Plan (STG122-0001), Stage 2 Final Plan (STG222-0001), and Site Design Review (SDR22-0001).

ADOPTED by the Development Review Board of the City of Wilsonville at a regular meeting thereof this 25th day of July, 2022, and filed with the Planning Administrative Assistant on July 26, 2022. This resolution is final on the 15th calendar day after the postmarked date of the written notice of decision per *WC Sec 4.022(.09)* unless appealed per *WC Sec 4.022(.02)* or called up for review by the Council in accordance with *WC Sec 4.022(.03)*.

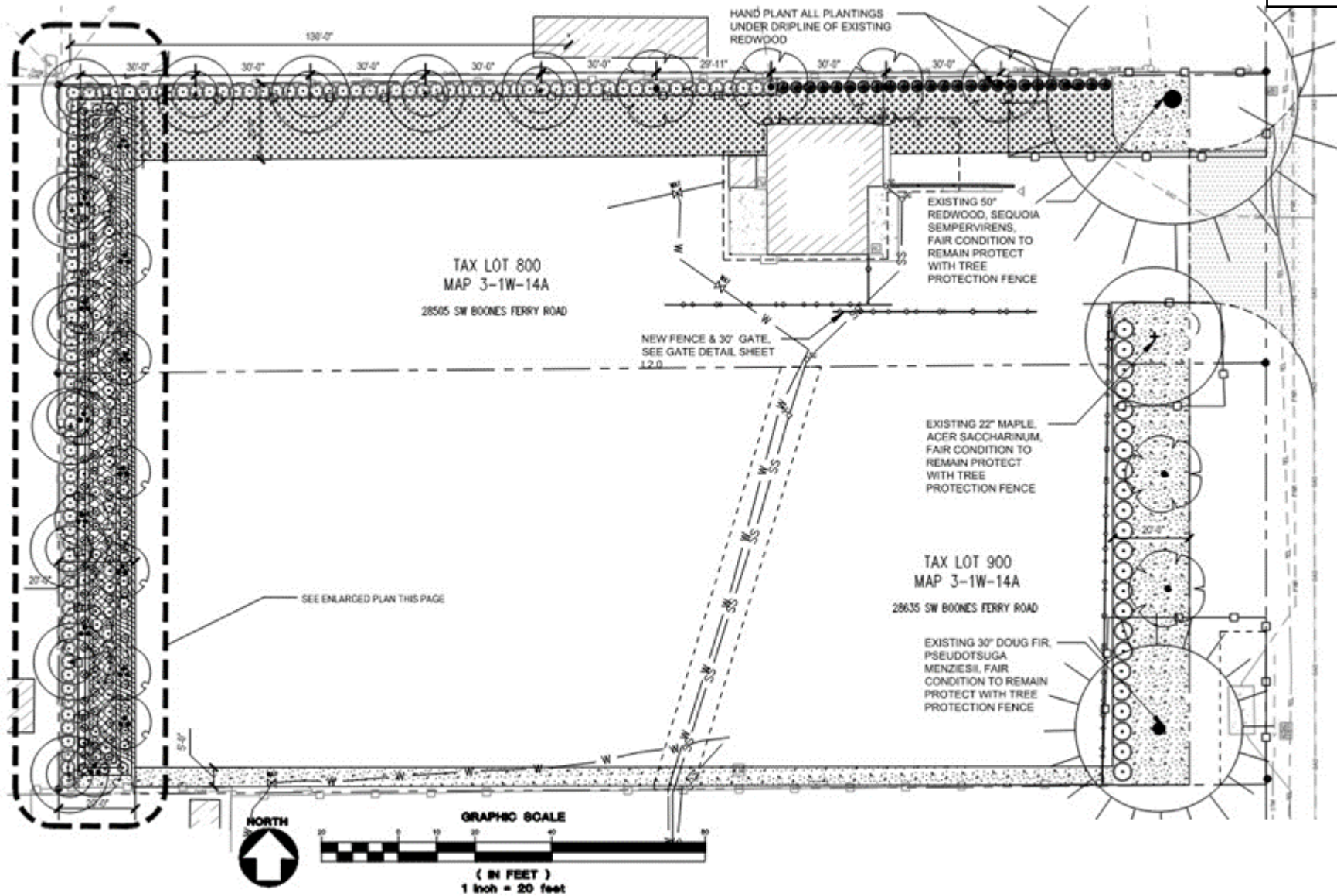
Nicole Hendrix

Nicole Hendrix, Chair - Panel B
Wilsonville Development Review Board

Attest:



Shelley White, Planning Administrative Assistant



From The Director's Office

Greetings!

The industrial development market is red hot. The amount of inquiries the City has recently received has been very high. There is tremendous interest in bringing projects to market as companies are clamoring for high-quality locations in the south metro area along the I-5 corridor. Wilsonville is incredibly well positioned for significant investment and job creation over the next several years. As I reflect on what it has taken to bring the Coffee Creek Industrial Area (CCIA) to site readiness, I am amazed at the amount of work, and most importantly the patience, that is required to be successful.



Having the vision to ensure that we receive quality development representative of our community's goals is equally as important. Below is a high-level summary of the major efforts that have been undertaken in the Coffee Creek Industrial Area.

Loading Docks of the new Coffee Creek Logistics Center

- 1998: Medium security women's prison and intake facility super-sited in Wilsonville
- 1998-2000: Battle ensues to protect Dammasch and move to Coffee Creek successful
- 2001: Coffee Creek Correctional Facility opens
- 2002: Urban Growth Boundary expanded to add the 180-acre CCIA
- 2004: Regionally Significant Industrial Area (RSIA) designation applied by Metro
- 2007: Coffee Creek Industrial Area Master Plan adopted by Council
- 2011: DLCD TGM grant received to advance infrastructure planning in the area to 30%
- 2016: Coffee Creek URA established, UHS Hospital and SORT Biofuel approved
- 2020: \$13M Garden Acres Road urban upgrade initiated using UR TIF funds
- 2021: First major industrial project for Panattoni breaks ground
- 2022: Black Creek Group breaks ground on the second building in the CCIA
- 2022: Significant activity, Precision Countertops application under review, pre-apps

As the above 24-year timeframe demonstrates, priming industrial development takes time. It also takes patience, vision, and investment to make these new industrial areas successful. Cheers to a bright future in the Coffee Creek Industrial Area, we are open for business.

Respectfully submitted,

Chris Neamtzu, AICP

Community Development Director

Building Division

Becky White Receives State Award

The Oregon Building Officials Association named Becky White as Oregon's 2022 Permit Technician of the Year.

Becky has served as a Permit Technician for 20 of her 23 years employed at the City. This statewide honor is in recognition of Becky's hard work and dedication to providing exceptional permitting services and experiences to the community.

This statewide recognition is well deserved as Becky's knowledge, skills, and abilities as a Permit Technician 2 are exceptional. This year, after two years of tireless work, Becky successfully led our Building Department through implementation of a new permit system called Energov that went "live" in February. This system has led to a massive paradigm shift for our operations through offering completely paperless permitting services including permit applications, online payments, plan reviews, and inspections. It's incredible! While this was a massive team effort, Becky was the driving force for the Building Division. We are now virtually paperless with all processes online, and customers love it!

In order for this to be successful, Becky had to learn the ins-and-outs of online web portals, electronic payments, electronic plan review with Bluebeam studio, field inspections with an iPad, and others. Once she taught herself this, because there was little guidance from the vendor, Becky collaborated on developing training guides and trained our entire staff. She also was instrumental in proactively contacting and helping customers through a smooth transition with the new online portal.

Becky had numerous other curveballs that made for extremely challenging circumstances. On top of implementing a new permit system, Becky's leadership guided our department through one of the largest growth periods in our City's history. In addition, early in the fiscal year our department lost three staff members. One of these was a permit technician who handled a high volume of work. As if this were not enough Becky was impacted by personal tragedy midway through the year. Through this, Becky stayed focused on serving others and stayed positive. She is an incredibly hardworking individual who enjoys serving people and helping them get their projects to success. We are very proud of Becky and the honor she received as Oregon's 2022 Permit Technician of the Year!



Economic Development Division

Childcare, A Workforce Development Issue

A coalition within Clackamas County has formed to advocate for “Childcare for all” solutions. Staff is participating in an advisory capacity, but the coalition seeks further support from the City of Wilsonville—read, financial support. Government Affairs staff at the City feels it is appropriate to get a clearer picture of childcare needs within Wilsonville before presenting any request for funding to the City Council. As such, economic development staff has developed two surveys that are being distributed now via multiple channels: a survey for employers to complete, and one for Wilsonville residents and/or employees (people working, but not necessarily living in Wilsonville) to complete.



Construction Excise Tax (CET) for Affordable Housing

On July 18, staff presented an overview of CET, as authorized by SB (Senate Bill) 1533 to the City Council during work session. Additionally, staff presented some preliminary revenue forecasts, using different rate scenarios, if a CET were enacted.

While the Council has many questions and some concerns, they are still interested in looking into CET further. Specifically they want to see some examples of recent affordable housing projects and/or programs that have been implemented by peer jurisdictions. They would like to understand how other cities with CET are planning to expend their revenues. They would also like to see what a fee would have looked like on different recent development projects, e.g. industrial, residential subdivision, etc.

Staff will present again on the topic of CET on September 19, 2022.



Economic Development Division

Domaine At Villebois, Commercial Vacancy

Staff has been fervently pursuing the property management company and the individual property manager assigned to this property (San Diego, CA), in order to inquire about the progress (or lack thereof) in leasing up this highly visible space. After several attempts, staff received a voicemail from the property manager. A callback attempt resulted in yet another voicemail, but staff expects to connect with the property manager soon.

Employer Outreach

Noticing that the business license database contains generic and/or irrelevant email addresses (does not have management-level email addresses), staff has made a goal to establish solid contacts within the following areas at the City's 20 largest employers: Local general manager/ executive, Operations, HR, Facilities/Grounds, PR/Gov't Affairs.

The effort has required literal door-knocking, and thus far has been fruitful. Staff has made contact at 11 out of 20 so far. These contacts are added to the monthly economic development newsletter distribution, and will be helpful with other outreach and technical assistance efforts.

Urban Renewal Task Force (URTF)

The URTF met on July 13, and covered topics including Town Center, Basalt Creek, and Affordable Housing. The task force is supportive of further exploration of tax increment finance to facilitate development in Town Center, Basalt Creek, and for purposes of creating more affordable housing in the city. Next steps for each area/topic would be a full feasibility analysis.

We will convene the group once more, in late August or early September (meeting poll pending) to review a draft report and recommendations, which are being developed by our consultant team, with staff support, right now. After we receive final input from the task force, the strategic plan document will be presented to Council for their consideration and adoption.

We are still on track to present the task force recommendations to Council in fall 2022.

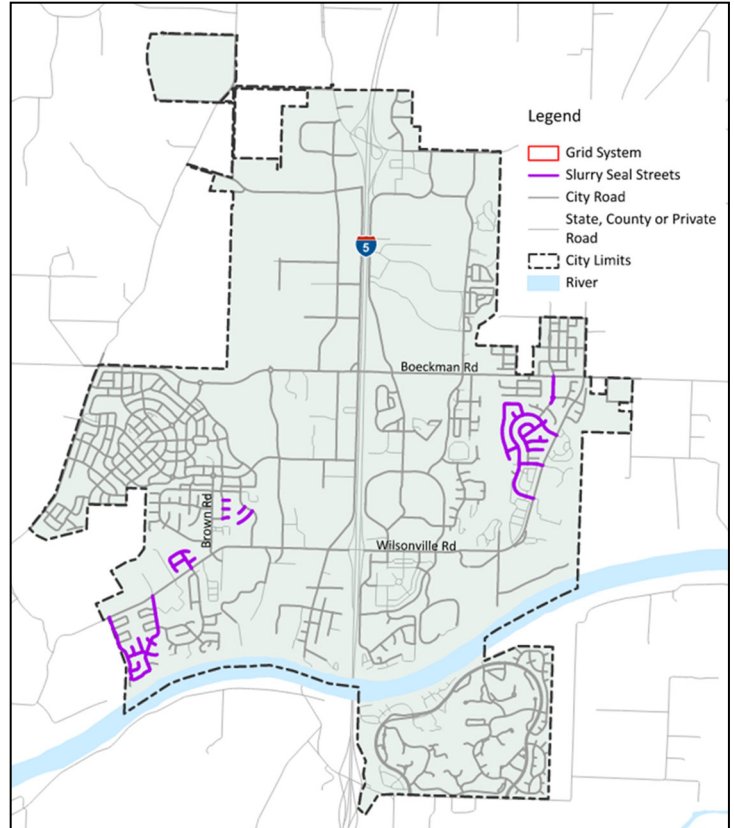
Vertical Housing Development Zone (VHDZ) Program

Council adopted Resolution No. 2971 – A RESOLUTION OF THE CITY OF WILSONVILLE ESTABLISHING THE WILSONVILLE VERTICAL HOUSING DEVELOPMENT ZONE (VHDZ) PROGRAM AND LOCAL CRITERIA on May 2, 2022. Since that date, Staff has been focused on developing the materials required to administer the new development incentive program. In so doing, staff identified an oversight in the statutorily prescribed exemption multiplier calculation methodology for projects comprised of multiple buildings. Fortunately, statute allows for locally administering jurisdictions to create “additional criteria” when certifying a VHDZ project. Staff will present one such criterion at work session on August 15, 2022 in order to properly calculate the tax exemption rate for a project with multiple buildings.

Engineering Division, Capital Projects

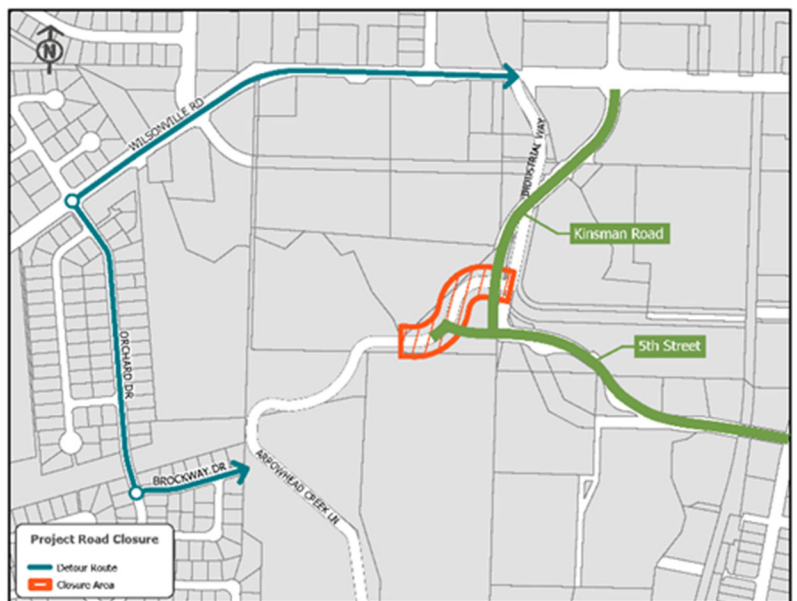
2022 Street Maintenance

- Curb Ramp Replacement (4014/4118)** Curb ramp replacements and upgrades are currently under design for the 2023 Street Maintenance summer construction season. The Engineering Division has opted to construct all curb ramp replacements/upgrades in advance of street maintenance work to streamline in-street maintenance and restoration work. Curb ramp work is tentatively planned to begin fall 2022 and complete by spring 2023.
- Slurry Seal (4014)** The City of Wilsonville, along with various other local jurisdictions, has partnered with City of Hillsboro in a Joint Cooperative Procurement to find savings in economies of scale to secure a contractor to complete the 2022 Slurry Seal project, a project of the City's Street Maintenance program. The selected contractor, Blackline, Inc., performed the slurry seal work the first week of August 2022 in the following neighborhoods: Willamette Way, Meadows, Guiss, and Montebello-Serenity. All residents received advance notices and a map of the slurry seal work for each individual neighborhood. Furthermore, residents received door hanger notices and door-to-door verbal contact to ensure residents were aware of the work and that vehicles were moved outside of each day's work areas.



5th Street/Kinsman Road Extension (1139/2099/4196)

This project involves the design and construction of the extension of 5th Street and Kinsman Road between Boones Ferry Road and Wilsonville Road, including water, sewer, storm, franchise utility extension, and installation of a portion of the Ice Age Tonquin Trail. Roadway construction of the Kinsman Road extension to Wilsonville Road continues. Construction of the new Kinsman Road bridge over Coffee Creek is underway. Construction will continue through February 2023. Arrowhead Creek Lane will be closed for realignment with the new 5th Street extension between August 1 through August 19 with Willamette River Water Treatment Plant traffic detoured through Orchard Street and Brockway Street (pictured).



Engineering Division, Capital Projects

95th Avenue Storm Pipe Repairs (7062)

This project replaces collapsed and crushed portions of existing storm pipeline on 95th Avenue. The goal of this project is to replace these sections of pipe prior to work being performed by Willamette Water Supply Program for the construction of PLM_1.3 which is scheduled for the fall of 2022. The project's construction contract was executed with Braun Construction in March 2022 and is slated to be completed in August.

Boberg Diversion Structure Replacement (2100)

This project replaces the outdated Boberg Road wastewater diversion structure to improve wastewater collection system functionality and ensures available capacity for upstream development in the Coffee Creek and Basalt Creek areas into the future. Due to contractor delay issues, construction is being postponed until weather is better suited for sanitary sewer bypass pumping and permanent asphalt repair work.

Boeckman Road Corridor Project (4212/4206/4205/2102/7065)

This project involves the design and construction of the Boeckman Dip Bridge, Boeckman Road Improvements (Canyon Creek Road – Stafford Road), Canyon Creek Traffic Signal, and Boeckman Road Sanitary Sewer projects. The Progressive Design Build (PDB) Agreement was awarded to Tapani-Sundt Joint Venture by City Council on June 6 with Notice to Proceed issued on June 17. A project kickoff meeting with the design team occurred on June 21 to help the team begin the integration processes and to work towards a common goal of project delivery. Currently, Right of Entry Permits are being acquired and soil boring, survey, and field work will begin in August. Geotechnical borings have been completed.

I-5 Pedestrian Bridge (4202)

This project involves the design and preparation of construction documents for a pedestrian and bicycle bridge over Interstate 5 from Town Center Loop West to Boones Ferry/Barber Street. The design team is incorporating PGE utility undergrounding plans into the construction drawings. Design work is wrapping up until construction funding is identified.

Raw Water Facility Improvements

This project is a capital improvement project under management of the Willamette Water Supply Commission and Tualatin Valley Water District. Improvements include seismic upgrades to the existing intake facility and river embankment and installation of a 66-inch raw water pipe and 8-inch domestic City water pipe. Phase I work is complete. The contractor has demobilized until summer 2022.

Rivergreen and Corral Creek Lift Stations (2105)

This project involves upgrading the Rivergreen and Corral Creek wastewater lift stations. The design contract was awarded to Murraysmith in October 2020 and design was completed in December 2021. The construction contract was awarded to R.L. Reimers in February 2022, with construction anticipated for completion in early 2023.

Village Greens Circle & Edgewater Lane (1500/2500/4500/7500)

Village Greens Circle and Edgewater Lane are the next two rounds of Charbonneau Utility Repair in the Charbonneau District of Wilsonville. The City's selected engineering consultant, Wallis Engineering, began design work for these two projects in July 2022 and continue through the end of the 2022 calendar year. Construction of the Village Greens Circle project is tentatively scheduled for early 2023 and Edgewater Lane construction work is tentatively scheduled for early 2024.

Engineering Division, Capital Projects

WTP Expansion to 20 MGD (1144)

This project will expand the Water Treatment Plant (WTP) capacity to 20 MGD and incorporate related WTP capital improvements. A Construction Manager/ General Contractor (CMGC) alternative contracting method was approved by City Council in March 2020. An engineering contract was awarded to Stantec in July 2020. The CMGC contract was awarded to Kiewit in August 2021. City Council approved an early work package for ozone generator replacement in October 2021. Final design was completed in coordination with the CMGC in March 2022. Construction began in June 2022 with completion expected in 2024.

WWSP Coordination (1127)

Ongoing coordination efforts continue with the Willamette Water Supply Program (WWSP). Here are the updates on major elements within Wilsonville:

- **Phase 1, Wilsonville Road (PLM_1.1)** Arrowhead Creek Lane to Wilsonville Road—**COMPLETE**
- **Phase 2, Garden Acres Road to 124th (PLM_1.2)** Ridder Road to Day Road—**COMPLETE**
- **Phase 3, Wilsonville Road to Garden Acres Road (PLM_1.3)**
This is the WWSP's last section of transmission pipeline to be constructed in the City of Wilsonville and is scheduled to begin Summer 2022, with completion in 2024. It will connect the remaining portion of the pipeline through Wilsonville and follows Kinsman Road, Boeckman Road, 95th Avenue, and Ridder Road. (see image). The Engineering Division is currently in the process of reviewing final plans. Also, selection of an inspection services consultant to perform inspection of all City-owned public improvements throughout the project work areas is underway.



WWTP Master Plan (2104)

This project will evaluate capacity of Wastewater Treatment Plant (WWTP) processes to accommodate projected growth and regulatory changes. A prioritized capital improvement plan and budget will be developed. The engineering contract was awarded in May 2020, and the project is anticipated to be completed by the end of 2022. A summary of the draft Master Plan findings is scheduled to be presented to the Planning Commission and City Council in summer/fall 2022.

Engineering Division, Private Development

Residential Construction Activities

Canyon Creek South Phase 3

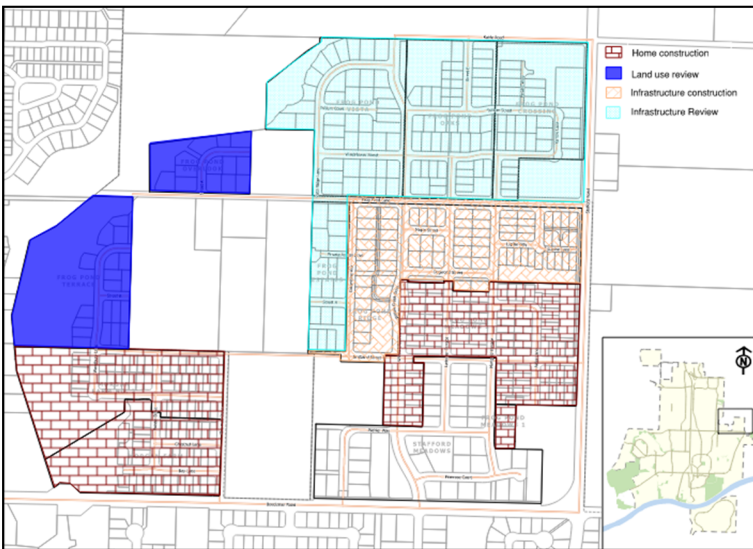
Construction is underway. The existing home was demolished. The contractor is working on grading and utility installation. The curb along the north side of the public street has been installed.

Frog Pond West

The Frog Pond West Master Planned area continues to see active construction. Four subdivisions were recently approved by the DRB and infrastructure plans are under review by Engineering. The subdivision plat for Frog Pond Ridge Phase I has been recorded and home building has commenced. The improvements along Frog Pond Lane are not constructed yet but is anticipated in the next couple of months once the overhead utilities have been placed underground. Frog Pond Estates, just east of Frog Pond Ridge Phase 2 has started construction. Three previously approved subdivisions have active home construction. Two new proposed subdivisions have started the land use process and are anticipated to go to DRB and Council in August and September.



Canyon Creek South Phase 3



Frog Pond West

Villebois Clermont

The subdivision plat for Villebois Clermont has been recorded and home construction has commenced. Construction on Regional Parks 5 and 6 is anticipated to begin in August and will take approximately four months to complete.



Villebois Clermont

Engineering Division, Private Development

Commercial/Industrial Construction Activities

Black Creek Industrial

Nestled between SW Garden Acres and Grahams Ferry Roads, this project will include frontage improvements along SW Garden Acres and Grahams Ferry Roads and construction of a new supporting street. Onsite grading and demolition of the existing structures has begun.

Coffee Creek Logistics Center (Panattoni Warehouse)

This project is located on the southwest corner of Clutter Road and Garden Acres Road. This project includes half street improvements along Clutter Road (improvements along Garden Acres were completed by the City in 2020). Street improvements are substantially complete. Occupancy permits are anticipated to be issued to the new tenant in August.



Black Creek Industrial site



Coffee Creek Logistics Center

Natural Resources Division

NPDES Stormwater Permit – Industrial Inspections

Wilsonville is home to a wide array of industrial businesses. Some of these industrial facilities use hazardous substances to manufacture products. To ensure these hazardous substances do not enter the stormwater system, annual inspections are conducted at facilities throughout Wilsonville. These inspections focus on “high potential pollutant generating facilities” that have been identified based on the City’s business license inventory.

Sarah Sand, the City’s Stormwater Management Coordinator, conducts the annual inspections, which are a combination of windshield surveys and formal site inspections. Annually, all of the high potential pollutant generating facilities are surveyed, and based on professional judgment and the knowledge of current activities and facilities at each site, a number of facilities may be selected for formal inspections.

During the formal inspection, Sarah walks the site, both indoors and outdoors to evaluate whether the facility has the potential to contribute significant pollutants loads to the stormwater system. A facility inspection form is completed, noting any findings of concern indicating the appropriate follow-up action(s). At the conclusion of the inspection, Sarah discusses any findings of concern with the business owner/operator. Typically, joint inspections are conducted with the City’s Industrial Pretreatment Coordinator.

The results of the industrial inspections are included in the City’s National Pollutant Discharge Elimination System (NPDES) Stormwater Annual Report, which is submitted to the Oregon Department of Environmental Quality.



Improperly stored process water



Grease in manhole

Planning Division, Current

Construction Permit Review, Development Inspections, and Project Management

In July, Planning staff worked with developers and contractors to ensure construction of the following projects are consistent with Development Review Board and City Council approvals:

- Clermont Subdivision (Villebois Phase 5 North)
- New industrial warehouse building between Garden Acres Road and Grahams Ferry Road in Coffee Creek Industrial Area
- Wilsonville High School expansion/performing arts center
- Parkway Woods industrial campus
- Residential subdivisions in Frog Pond West

Development Review Board (DRB)

DRB Panel A did not meet in July.

DRB Panel B held a public hearing on July 25 concerning a proposed gravel storage yard and rezoning on Boones Ferry Road south of Boeckman Road. Following the public hearing the DRB Panel approved the proposed gravel yard and recommended approval of the Zone Map Amendment to City Council.

DRB Projects Under Review

During July, Planning staff actively worked on the following major projects in preparation for potential public hearings before the Development Review Board:

- Gas Station and Convenience Store on Boones Ferry Road north of Wilsonville Road
- Industrial building and storage yard on Day Road
- New signs for existing automobile dealership
- Parking addition for industrial manufacturer
- Storage yard and related improvements on Boones Ferry Road
- Two subdivisions in Frog Pond West



Rendering of Proposed Industrial Building at Boeckman and Kinsman Roads

Notable Administrative Decisions

In addition to routine review of tree permits, building permits, sign permits, and other minor administrative reviews, the Planning Division issued administrative decisions on the following during July:

- The City's first Middle Housing Land Division enabled by new standards adopted by the City Council in October 2021. The action will enable additional detached units to be built in the Frog Pond Vista subdivision
- New architectural lighting for Holiday Inn
- Approval of Final Plats for Clermont subdivision in Villebois and Frog Pond Ridge subdivision in Frog Pond

Planning Division, Long Range

Aurora Airport

Aurora Airport Good-Neighbor Policies

As an affected jurisdiction, it is important to articulate the relevant land use issues, associated with being a neighbor to an airport, into local adopted policy for purposes of intergovernmental coordination and standing in state law. The applicable document in the City of Wilsonville is the Comprehensive Plan. This Comprehensive Plan update project aims to identify the potential positive and negative impacts of the Airport's current operations and planned future growth for Wilsonville residents and businesses, and to adopt Comprehensive Plan policies to memorialize and address the highest priority issues pertaining to the interrelationships between the Aurora Airport and City of Wilsonville. During July, the project team continued to develop draft policies for City adoption later in the year.

Frog Pond East and South Master Plan

In July, Planning Commission and City Council held work sessions to provide guidance on residential variety policies for Frog Pond East and South as well the draft preferred land use alternative. During July the project team also prepared for public engagement activities and additional work sessions with the Commission and Council in August. In particular, the team has kicked off work around design of public areas such as streets and parks and planning water, sewer, and roads infrastructure.



FROG POND EAST & SOUTH MASTER PLAN

Planning Commission

During their July meeting, the Planning Commission received a presentation and provided feedback and input on components of the Wastewater Treatment Plant Master Plan. Next, during the sixth Frog Pond East and South work session, Planning Commission reviewed the draft land use alternative as well as discussed policy regarding housing variety. After the two work sessions, Wilsonville's Framework for Inclusive Engagement was presented as an informational item. The framework will be an important resource for the City's ongoing public engagement efforts.

Transit-Oriented Development at the Wilsonville Transit Center

The Equitable Housing Strategic Plan identifies exploration of Transit-Oriented Development (TOD) at the Wilsonville Transit Center as a near-term implementation action. During July, the City reviewed responses to a Request for Proposals (RFP) from the three development teams that submitted Statements of Qualifications (SOQ) during the Request for Qualifications (RFQ) process. Information provided in these proposals includes project design, development programs, pro forma information, and anticipated funding sources. As part of this review, the project team held interviews with all three development teams to ask further questions about each proposed project. Based on the information gathered during the RFP process, the project team will assess each proposal and selected a preferred development partner later this summer.

General project information is available on the project website:

<https://ci.wilsonville.or.us/planning/page/wilsonville-transit-center-tod>

Planning Division, Long Range

Wilsonville Town Center Plan

Infrastructure Funding Plan and Urban Renewal Analysis

The Town Center Plan identifies an Infrastructure Funding Plan and Urban Renewal Analysis as two important economic development strategies to support Plan implementation. This work will guide the City in determining how infrastructure investments in Town Center will be funded and will assess if Urban Renewal is a desirable tool to use. During July, the project team continued evaluating funding tools for possible inclusion within the funding plan. Assessment of these funding strategies will continue throughout the summer in preparation for work sessions with the Planning Commission and City Council in the fall.



WILSONVILLE TOWN CENTER PLAN

- **UTILITY BILLING (UB) SOFTWARE IMPLEMENTATION:** Cue orchestra...., It's the final countdown. The City's migration to a new utility billing system (MUNIS) is on tract for Go Live October 2022. The Department is working on a communication strategy to update and engage with utility customers as to the impending change. [More detail to come at the August 15, 2022 Council Meeting.](#)

The most significant UB customer impacts will be:

- (1) The assignment of new utility account numbers
 - (2) Customers set-up on automatic payment will need to re-enroll
 - (3) Customers using their bank's bill pay service will need to login to their bank to update the utility account number that is referenced.
- **BUDGET SUPPLEMENTAL:** Early preparation has began for the first budget supplemental adjustment to the adopted FY 2022-23 Budget, scheduled for October 17, 2022. The supplemental will include the re-appropriation of funds from the prior fiscal year for capital projects (CIPs) that were started but not completed in that fiscal year, as well as a few unanticipated changes to legal appropriations (new requests), and also certain adjustments to budgeted beginning working capital. More detail will come by way of a Council Staff Report as well as public notice before the required public hearing is held.
 - **Urban Renewal Year 2000 Plan:** The last remaining outside (bonded) debt has been paid off. While there is now no outside debt remaining, the Plan still has \$4,000,000 remaining in maximum indebtedness (MID) capacity. That MID will be reached through an overnight loan from the General Fund to the Urban Renewal (UR) CIP Fund sometime later this year. The overnight debt is paid back from the UR Debt Fund where UR tax revenue is receipted. As UR property taxes are only available for debt servicing, this overnight funding strategy enables the UR CIP Fund to access property tax revenue for construction projects without the expense of seeking outside funded debt. This internal overnight lending was included in the FY 2022-23 Adopted Budget, however City as well as Urban Renewal Agency resolutions will be drafted for specific lending authorization.
 - **ATTACHED Monthly (July) FINANCIALS:** Finance continues to monitor all departments for on-going budget compliance.

City of Wilsonville - Fund Summaries
Reporting Month: July FY 2023



	Current Year Budget	Year to Date Activity	Remaining Balance	% Used
110 - General Fund				
Taxes	\$ 13,243,000	\$ 118,420	\$ 13,124,580	1%
Intergovernmental	5,407,399	-	5,407,399	0%
Licenses and permits	202,850	111,394	91,456	55%
Charges for services	426,984	15,584	411,400	4%
Fines and forfeitures	230,000	14,210	215,790	6%
Investment revenue	87,000	26,762	60,238	31%
Other revenues	4,143,900	1,422	4,142,478	0%
Transfers in	4,458,119	265,550	4,192,569	6%
TOTAL REVENUES	\$ 28,199,252	\$ 553,342	\$ 27,645,910	2%
Personnel services	\$ 11,075,352	\$ 371,586	\$ 10,703,766	3%
Materials and services	15,033,218	758,057	14,275,161	5%
Capital outlay	182,000	1,428	180,572	1%
Debt service	408,250	-	408,250	0%
Transfers out	4,265,905	37,500	4,228,405	1%
TOTAL EXPENDITURES	\$ 30,964,725	\$ 1,168,571	\$ 29,796,154	4%
610 - Fleet Fund				
Charges for services	\$ 1,640,860	\$ -	\$ 1,640,860	0%
Investment revenue	6,800	1,580	5,220	23%
TOTAL REVENUES	\$ 1,647,660	\$ 1,580	\$ 1,646,080	0%
Personnel services	\$ 970,860	\$ 25,457	\$ 945,403	3%
Materials and services	789,340	10,834	778,506	1%
Capital outlay	126,800	-	126,800	0%
Transfers out	2,400	200	2,200	8%
TOTAL EXPENDITURES	\$ 1,889,400	\$ 36,491	\$ 1,852,909	2%
230 - Building Inspection Fund				
Licenses and permits	\$ 1,442,750	\$ 49,627	\$ 1,393,123	3%
Charges for services	8,190	683	7,508	8%
Investment revenue	14,000	4,116	9,884	29%
Transfers in	46,532	3,877	42,655	8%
TOTAL REVENUES	\$ 1,511,472	\$ 58,302	\$ 1,453,170	4%
Personnel services	\$ 1,116,250	\$ 40,717	\$ 1,075,533	4%
Materials and services	228,181	53,754	174,427	24%
Transfers out	391,215	26,683	364,532	7%
TOTAL EXPENDITURES	\$ 1,735,646	\$ 121,153	\$ 1,614,493	7%
231 - Community Development Fund				
Intergovernmental	\$ 339,500	\$ -	\$ 339,500	0%
Licenses and permits	715,389	87,605	627,784	12%
Charges for services	789,369	10,744	778,625	1%
Investment revenue	13,500	3,166	10,334	23%
Transfers in	2,336,615	71,225	2,265,390	3%
TOTAL REVENUES	\$ 4,194,373	\$ 172,741	\$ 4,021,632	4%
Personnel services	\$ 3,578,090	\$ 123,159	\$ 3,454,931	3%
Materials and services	765,548	17,433	748,115	2%
Transfers out	805,368	246,633	558,735	31%
TOTAL EXPENDITURES	\$ 5,149,006	\$ 387,224	\$ 4,761,782	8%
240 - Road Operating Fund				
Intergovernmental	\$ 2,051,500	\$ -	\$ 2,051,500	0%
Investment revenue	18,700	9,905	8,795	53%
TOTAL REVENUES	\$ 2,070,200	\$ 9,905	\$ 2,060,295	0%
Personnel services	\$ 440,310	\$ 7,665	\$ 432,645	2%
Materials and services	529,672	6,114	523,558	1%
Capital outlay	105,000	-	105,000	0%
Debt service	359,000	-	359,000	0%
Transfers out	1,823,563	20,109	1,803,454	1%
TOTAL EXPENDITURES	\$ 3,257,545	\$ 33,888	\$ 3,223,657	1%

	Current Year Budget	Year to Date Activity	Remaining Balance	% Used
241 - Road Maintenance Fund				
Charges for services	\$ 2,192,850	\$ 197,213	\$ 1,995,637	9%
Investment revenue	19,760	3,383	16,377	17%
TOTAL REVENUES	\$ 2,212,610	\$ 200,596	\$ 2,012,014	9%
Transfers out	\$ 1,031,093	\$ -	\$ 1,031,093	0%
TOTAL EXPENDITURES	\$ 1,031,093	\$ -	\$ 1,031,093	0%
260 - Transit Fund				
Taxes	\$ 5,600,000	\$ 374,043	\$ 5,225,957	7%
Intergovernmental	4,604,416	26,026	4,578,390	1%
Charges for services	29,000	9,815	19,186	34%
Fines and forfeitures	5,000	21	4,979	0%
Investment revenue	58,000	10,558	47,442	18%
Other revenues	16,800	-	16,800	0%
TOTAL REVENUES	\$ 10,313,216	\$ 420,462	\$ 9,892,754	4%
Personnel services	\$ 4,897,540	\$ 149,813	\$ 4,747,727	3%
Materials and services	2,795,317	73,224	2,722,093	3%
Capital outlay	1,276,000	-	1,276,000	0%
Transfers out	1,439,057	51,346	1,387,711	4%
TOTAL EXPENDITURES	\$ 10,407,914	\$ 274,383	\$ 10,133,531	3%
510 - Water Operating Fund				
Charges for services	\$ 9,992,600	\$ 704,340	\$ 9,288,260	7%
Investment revenue	108,000	31,225	76,775	29%
Other revenues	30,000	2,359	27,641	8%
TOTAL REVENUES	\$ 10,130,600	\$ 737,924	\$ 9,392,676	7%
Personnel services	\$ 667,000	\$ 16,247	\$ 650,753	2%
Materials and services	4,906,612	47,333	4,859,279	1%
Capital outlay	734,250	-	734,250	0%
Debt service	372,000	-	372,000	0%
Transfers out	9,929,454	61,949	9,867,505	1%
TOTAL EXPENDITURES	\$ 16,609,316	\$ 125,529	\$ 16,483,787	1%
520 - Sewer Operating Fund				
Charges for services	\$ 8,434,450	\$ 626,660	\$ 7,807,790	7%
Investment revenue	84,700	22,870	61,830	27%
Other revenues	31,500	2,605	28,895	8%
Transfers in	600,000	-	600,000	0%
TOTAL REVENUES	\$ 9,150,650	\$ 652,134	\$ 8,498,516	7%
Personnel services	\$ 440,600	\$ 15,505	\$ 425,095	4%
Materials and services	3,803,134	26,743	3,776,391	1%
Capital outlay	259,000	-	259,000	0%
Debt service	2,881,000	-	2,881,000	0%
Transfers out	5,988,908	45,841	5,943,067	1%
TOTAL EXPENDITURES	\$ 13,372,642	\$ 88,089	\$ 13,284,553	1%
550 - Street Lighting Fund				
Charges for services	\$ 547,965	\$ 46,456	\$ 501,509	8%
Investment revenue	1,900	1,865	35	98%
TOTAL REVENUES	\$ 549,865	\$ 48,321	\$ 501,544	9%
Materials and services	\$ 401,500	\$ -	\$ 401,500	0%
Transfers out	445,000	-	445,000	0%
TOTAL EXPENDITURES	\$ 846,500	\$ -	\$ 846,500	0%
570 - Stormwater Operating Fund				
Charges for services	\$ 3,609,538	\$ 293,716	\$ 3,315,822	8%
Investment revenue	25,900	11,685	14,215	45%
TOTAL REVENUES	\$ 3,635,438	\$ 305,401	\$ 3,330,037	8%
Personnel services	\$ 292,810	\$ 11,519	\$ 281,291	4%
Materials and services	818,292	13,583	804,709	2%
Capital outlay	107,000	-	107,000	0%
Debt service	839,000	-	839,000	0%
Transfers out	1,883,118	46,231	1,836,887	2%
TOTAL EXPENDITURES	\$ 3,940,220	\$ 71,333	\$ 3,868,887	2%

City of Wilsonville - SDC Fund Summaries
Reporting Month: July FY 2023



	Current Year Budget	Year to Date Activity	Remaining Balance	% Used
336 - Frog Pond Development				
Licenses and permits	\$ 1,615,000	\$ -	\$ 1,615,000	0%
Investment revenue	1,100	3,970	(2,870)	361%
TOTAL REVENUES	\$ 1,616,100	\$ 3,970	\$ 1,612,130	0%
Materials and services	\$ 34,790	\$ -	\$ 34,790	0%
Transfers out	4,985,920	-	4,985,920	0%
TOTAL EXPENDITURES	\$ 5,020,710	\$ -	\$ 5,020,710	0%
348 - Washington County TDT				
Investment revenue	\$ 1,800	\$ 1,121	\$ 679	62%
TOTAL REVENUES	\$ 1,800	\$ 1,121	\$ 679	62%
346 - Roads SDC				
System Development Charges	\$ 3,960,000	\$ -	\$ 3,960,000	0%
Investment revenue	40,300	11,707	28,593	29%
TOTAL REVENUES	\$ 4,000,300	\$ 11,707	\$ 3,988,593	0%
Materials and services	\$ 41,470	\$ -	\$ 41,470	0%
Transfers out	12,528,852	-	12,528,852	0%
TOTAL EXPENDITURES	\$ 12,570,322	\$ -	\$ 12,570,322	0%
396 - Parks SDC				
System Development Charges	\$ 373,000	\$ -	\$ 373,000	0%
Investment revenue	12,200	4,027	8,173	33%
TOTAL REVENUES	\$ 385,200	\$ 4,027	\$ 381,173	1%
Materials and services	\$ 16,890	\$ -	\$ 16,890	0%
Transfers out	1,958,920	-	1,958,920	0%
TOTAL EXPENDITURES	\$ 1,975,810	\$ -	\$ 1,975,810	0%
516 - Water SDC				
System Development Charges	\$ 1,429,000	\$ 27,480	\$ 1,401,520	2%
Investment revenue	21,700	18,006	3,694	83%
TOTAL REVENUES	\$ 1,450,700	\$ 45,486	\$ 1,405,214	3%
Materials and services	\$ 25,940	\$ -	\$ 25,940	0%
Debt service	453,000	-	453,000	0%
Transfers out	10,913,630	-	10,913,630	0%
TOTAL EXPENDITURES	\$ 11,392,570	\$ -	\$ 11,392,570	0%
526 - Sewer SDC				
System Development Charges	\$ 290,000	\$ -	\$ 290,000	0%
Investment revenue	3,700	2,215	1,485	60%
TOTAL REVENUES	\$ 293,700	\$ 2,215	\$ 291,485	1%
Materials and services	\$ 22,050	\$ -	\$ 22,050	0%
Transfers out	728,975	-	728,975	0%
TOTAL EXPENDITURES	\$ 751,025	\$ -	\$ 751,025	0%
576 - Stormwater SDC				
System Development Charges	\$ 990,000	\$ -	\$ 990,000	0%
Investment revenue	14,300	3,936	10,364	28%
TOTAL REVENUES	\$ 1,004,300	\$ 3,936	\$ 1,000,364	0%
Materials and services	\$ 5,750	\$ -	\$ 5,750	0%
Transfers out	472,602	-	472,602	0%
TOTAL EXPENDITURES	\$ 478,352	\$ -	\$ 478,352	0%

	Current Year Budget	Year to Date Activity	Remaining Balance	% Used
800 - Year 2000 Program Income				
Investment revenue	\$ 8,200	\$ 1,162	\$ 7,038	14%
Other revenues	-	1,000	(1,000)	-
TOTAL REVENUES	\$ 8,200	\$ 2,162	\$ 6,038	26%
Materials and services	\$ 5,000	\$ -	\$ 5,000	0%
Transfers out	919,094	-	919,094	0%
TOTAL EXPENDITURES	\$ 924,094	\$ -	\$ 924,094	0%
805 - Year 2000 Capital Projects				
Investment revenue	\$ 88,570	\$ 18,527	\$ 70,043	21%
Loan proceeds	4,000,000	-	4,000,000	0%
TOTAL REVENUES	\$ 4,088,570	\$ 18,527	\$ 4,070,043	0%
Materials and services	\$ 347,000	\$ 73	\$ 346,927	0%
Capital outlay	16,089,442	-	16,089,442	0%
TOTAL EXPENDITURES	\$ 16,436,442	\$ 73	\$ 16,436,369	0%
807 - Year 2000 Debt Service				
Taxes	\$ 3,544,880	\$ -	\$ 3,544,880	0%
Investment revenue	999	6,080	(5,081)	609%
TOTAL REVENUES	\$ 3,545,879	\$ 6,080	\$ 3,539,799	0%
Debt service	\$ 8,294,525	\$ -	\$ 8,294,525	0%
TOTAL EXPENDITURES	\$ 8,294,525	\$ -	\$ 8,294,525	0%
810 - Westside Program Income				
Investment revenue	\$ 750	\$ 168	\$ 582	22%
TOTAL REVENUES	\$ 750	\$ 168	\$ 582	22%
815 - Westside Capital Projects				
Investment revenue	\$ 44,502	\$ 7,843	\$ 36,659	18%
TOTAL REVENUES	\$ 44,502	\$ 7,843	\$ 36,659	18%
Materials and services	\$ 280,336	\$ 11,048	\$ 269,289	4%
Capital outlay	710,000	-	710,000	0%
TOTAL EXPENDITURES	\$ 990,336	\$ 11,048	\$ 979,289	1%
817 - Westside Debt Service				
Taxes	\$ 5,084,500	\$ -	\$ 5,084,500	0%
Investment revenue	36,000	4,474	31,526	12%
TOTAL REVENUES	\$ 5,120,500	\$ 4,474	\$ 5,116,026	0%
Debt service	\$ 6,039,075	\$ -	\$ 6,039,075	0%
TOTAL EXPENDITURES	\$ 6,039,075	\$ -	\$ 6,039,075	0%
825 - Coffee Creek Capital Projects				
Investment revenue	\$ 1,500	\$ 342	\$ 1,158	23%
TOTAL REVENUES	\$ 1,500	\$ 342	\$ 1,158	23%
Materials and services	\$ 149,290	\$ 11,978	\$ 137,312	8%
TOTAL EXPENDITURES	\$ 149,290	\$ 11,978	\$ 137,312	8%
827 - Coffee Creek Debt Service				
Taxes	\$ 385,200	\$ -	\$ 385,200	0%
Investment revenue	1,000	78	922	8%
TOTAL REVENUES	\$ 386,200	\$ 78	\$ 386,122	0%
Debt service	\$ 279,500	\$ -	\$ 279,500	0%
TOTAL EXPENDITURES	\$ 279,500	\$ -	\$ 279,500	0%

From the Director

The Summer Reading Program for all ages continued in July. The annual program encourages participants to read 20 minutes a day for 20 days, as well as try a variety of science explorations, and read across genres with a Bingo card. Participants who complete a Reading Log, Science Log, or a Bingo card get entered into prize drawings at the end of August.

Youth programs were in full swing in July. Toddler and Baby Time were performed at the Stein-Boozier Barn on Tuesday mornings. Youth librarians performed science demonstrations on the patio behind the Children's Room on Wednesdays as "Camp Science". Thursday Fun Shows at the Grove Shelter in Memorial Park featured storyteller Will Hornyak, juggler Curt Carlyle, puppeteer Red Yarn, and the Reptile Man. The Thursday Fun Shows saw an average attendance of 200 people per show, with over 500 attending the Reptile Man. Teen programs included a scavenger hunt, a service project with the Parks Department, a flash fiction writing workshop, and a Bob Ross-style painting event.

Adult programs included a combination of online and in-person events. Dr. Bill Thierfelder returned with an online program about the outer reaches of our galaxy. A docent from Evergreen Aviation and Space Museum presented a Space Talk about the James Webb Space Telescope just days after the first photos were released. Cascadia Wild presented a program on outdoor survival skills. Genealogy Club and First Friday Films met in-person in the library.

As of July 1, all digital book loans now come solely through Hoopla and Overdrive (Libby app). This consolidates all e-book and e-audiobook catalog loans through those vendors, which means less confusion for library users, as well as more downloadable items to read and listen to, including the addition of e-magazines.

Free admission to the Portland Art Museum is now available with the LINCC Cultural Pass. The pass admits two adults to the museum; children ages 17 and under are free. The pass previously required an additional \$5 fee, but that is no longer the case. Special exhibitions, however, may require additional fees.

The architect behind the Library's 2018 renovation visited the library to take photographs for his portfolio.

-Shasta Sasser, Library Director



Parks and Recreation Report | July 2022

Recreation Updates:

July was another busy month for the Parks and Recreation team. Summer camps, sports field and shelter reservations, the community garden, park projects, and classes are all in full swing! A big shout out to our Parks Maintenance Specialist Roger Moeller, for completing and passing The Recreational UAS Safety Test (TRUST) to be able to fly drones for our department. Having access to a drone for park imagery will help the department with a host of things like advertising, park flyovers and project check ins, and more! Roger captured the beautiful image of the barn above this month.

The Recreation team partnered with two local high school students, Elise Smith and Gabby Maoz to host a free day camp for low income families in the community. The camp, which is for 7-11 year olds will take place in Memorial Park at the River Shelter on August 11 from 9am to 3pm. The camp will have a variety of activities including traditional sports, an obstacle course, a science experiment, and crafts. So far, the camp has 24 participants enrolled, with another 12 spots open. Recreation staff will help oversee the camp, but local high school students, including Elise and Gabby will act as the official camp counselors. The flyer for this camp has been included later in the report.

The first of four Movies in the Park kicked off in July at Town Center Park on Friday, July 22. The movie “Encanto” was shown, and an estimated 200 people attended. Three more movies will take place this summer in both Town Center Park and the Memorial Park River Shelter.



STARS

FREE DAY CAMP
AGES 7-11

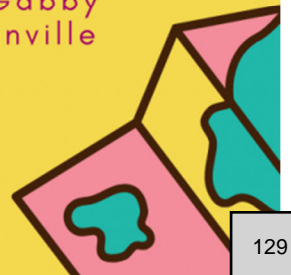
GET READY FOR A DAY OF CRAFTS,
SCIENCE, AND SPORTS! LUNCH OF
SANDWICHES AND CHIPS INCLUDED.



AUGUST 11 | 9AM - 3PM
MEMORIAL PARK RIVER SHELTER

REGISTRATION IS OFFICIALLY OPEN!
PRE-REGISTRATION IS REQUIRED
TO ENROLL, VISIT
WILSONVILLEPARKSANDREC.COM
COURSE #: 10401

This camp is free of charge and is intended to help lower income residents with a day of free child care. This camp was created by local high school students Elise Smith and Gabby Moaz and will utilize local teen camp counselors. Wilsonville Recreation Staff will help oversee the day camp.



FREE ENTRY

WILSONVILLE BLOCK PARTY

AUG. 25 | 5:30 PM - 8:30 PM | TOWN CENTER PARK

LIVE MUSIC FROM **NATE BOTSFORD**

FOOD TRUCKS & GAMES

For more information Visit WilsonvilleParksandRec.com/BlockParty

Upcoming Block Party— Thursday, August 25

The 2022 Wilsonville Community Block Party will be held from 5:30pm—8:30pm on Thursday, August 25 in Town Center Park. The event will feature live music, food trucks, family friendly activities and more!

Fall/Winter Activity Guide:

The Recreation team is already looking ahead to Fall/Winter of 2022! The Fall/Winter Activity guide has been completed, and will be mailed out to all residents the weekend of August 19. Registration for the Fall/Winter season will open on August 22. New classes include Zumba, Zumba Gold, Barre, and Sit & Be Fit.

2022 Movies in the Park Series:

Encanto: July 22, Town Center Park, ~9:20pm

Soul: August 5, Town Center Park, ~9:00pm

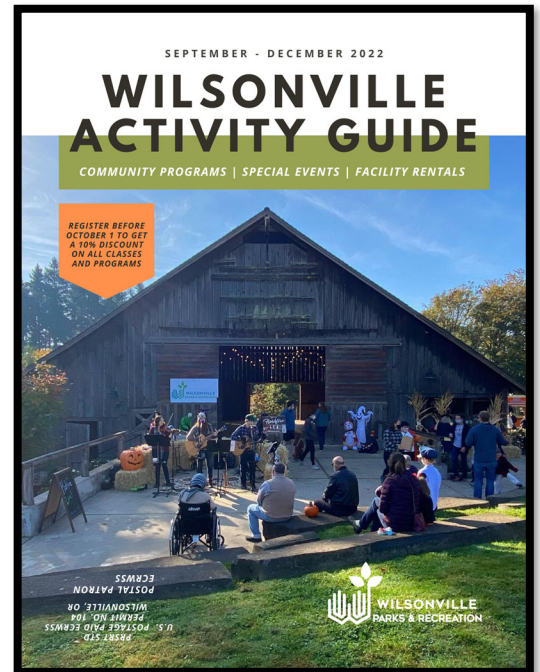
The Goonies: August 19, Memorial Park River Shelter, ~8:45pm

Luca: September 2, Memorial Park River Shelter, ~8:15pm

A big thank you to Wilsonville Subaru for their continued support as title sponsor for this event series!

School Supply Drive July 1—August 10:

The Parks and Recreation Department is holding a School Supply Drive from July 1—August 10. All supplies collected will be donated to the West Linn-Wilsonville Family Empowerment center for distribution for the 2022/23 school year. Supplies such as notebooks, binders, dividers, folders, pens, pencils, etc... can be donated to the Wilsonville Parks and Rec Admin Office at 29600 SW Park Place, or the Wilsonville Community Center at 7965 SW Wilsonville Road, Monday through Friday from 8am to 5pm.



Board Highlights

Wilsonville Community Seniors Inc.—The deadline for the upcoming cookbook fundraiser has been extended in an effort to maximize the number of recipes to be included. The senior trip to the coast and Fort Clatsop is full with a waitlist.

Korean War Memorial Foundation of Oregon – Hosted the Korean War Armistice Day celebration at Town Center Park. Speakers included: Consul General Eunji Seo from Seattle, Cheryl Myers, Deputy Secretary of State for Oregon, and Lori Stegmann, Multnomah County Commissioner. There was also a performance by the Korean Society of Oregon Elders Choir

City of Wilsonville Arts Culture & Heritage Committee— The Arts, Culture, and Heritage Commission met on July 20 to discuss the Community Cultural Events and Programs grant criteria. After a robust discussion the group came to a consensus on the focus of the grant and recommended staff work to prepare the specific grant guidelines and application. When staff completes this work, the next step will be to bring a recommendation to City Council to get their feedback and eventual approval to roll the program out by November of this year. The Commission will not be meeting in August, which puts their next meeting date on September 21 at 5 PM at the Wilsonville Public Library.



Parks Team

A new view on parks

In July Parks teammate Roger Moeller became a licensed drone pilot. This new certification and tool will help the team in both new park construction and current park management. The team is excited to implement a program utilizing the drone to target irrigation refinement and water savings.



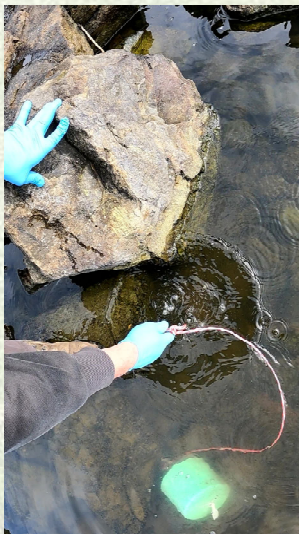
Flight Training



Drone View of Memorial Park

Eco Friendly Algae Cleanup

Excess algae at the Arrowhead Creek Park Water Feature have been an ongoing issue for the Parks team. This summer the team is exploring eco friendly options to ensure clear water.



Eco Friendly Algae Cleanup

Parks Team Project Updates

Regional Park 7/8 Phase 2

Projected Completion—Fall 2022

- Play grounds and shelters have been delivered and will be installed soon.
- Sidewalks, rose garden, and overlooks in process of being installed.



Nature Play Area Sidewalks



New Playground Feature



Unloading 3 Shelters



City of Wilsonville Police

July 2022

811.111 EXCEEDING SPEED LIMIT 31+

On July 26, Wilsonville Police stopped a person driving well over the speed limit—clocked at 100 in a 55 miles per hour zone.

It's easy for one to become complacent during routine commutes while driving, run late for something and be in a hurry, feel generally impatient, or not be paying attention to their odometer. Take heed, though, it comes at a price. The bail amount for exceeding the speed limit in this case came to \$440.



INVESTIGATIONS

City of Wilsonville Police are actively investigating robberies that occurred at area hotel/motel locations, which may be related and connect to cases at other agencies, outside the County. Detective Scott Eggleston has been following up on the specifics and leads.



Eggleston's case load continues to expand and includes person and property crimes that have complex moving parts. In September, he'll be joined by a Det. Brad Leikem. Leikem will be filling a spot left open during changes that occurred late in 2021.

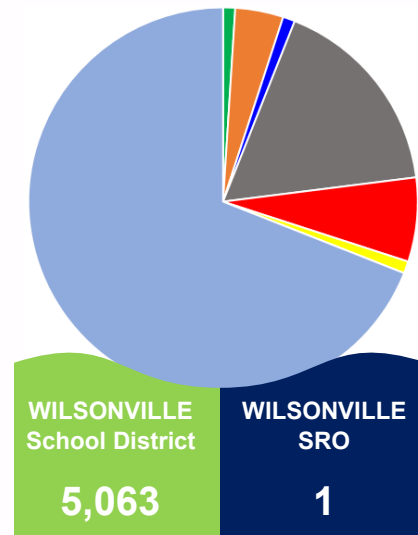
SCHOOL RESOURCE OFFICER CONTRACT RENEWED

During July, the West Linn-Wilsonville School District, City of Wilsonville, and Clackamas County Sheriff's Office renewed their contract for School Resource Officer services. The community will continue to see Deputy Zach Keirse responding to Wilsonville's Primary and K-12 locations, which in 2021 enrolled 5,063* students.

**Data Source: Oregon Department of Education*

5,063 ENROLLED STUDENTS

- American Indian / Alaska Native
- Asian
- Black / African American
- Hispanic / Latino
- Multiracial
- Native Hawaiian / Pacific Islander
- White





City of Wilsonville

Call Activity

7,820

Total Calls

YEAR-TO-DATE 2022

Public-Initiated

Deputy-Initiated

379
Alarm

565
Assist

427
Civil

1,516
Crime

2,152
Disorder

597
Follow-Up

426
Other

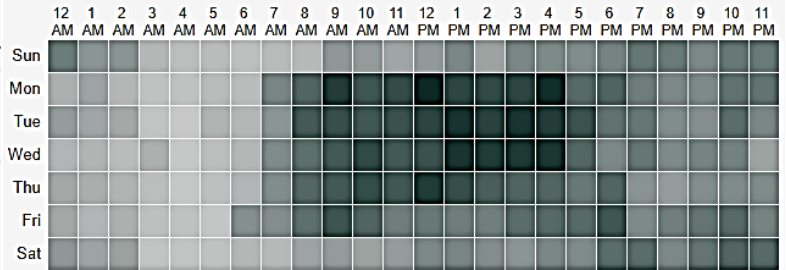
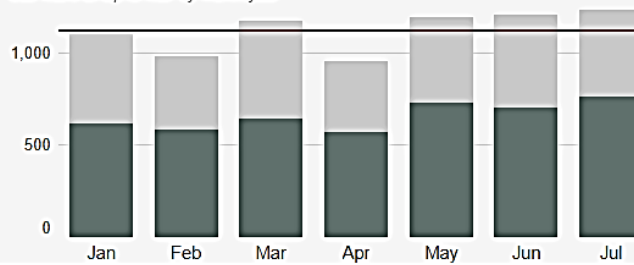
1,758
Traffic

Call Activity by Month & Year

Call Activity by Day of Week & Hour of Day

*Use filters at top to filter by month/year

2022



This dashboard is maintained by CGSO's Strategic Analysis Unit. Data Source: TriTech Computer Aided Dispatch (CAD) software. This data was last updated on 8/1/2022 4:39:16 PM (UTC). These map layers were last updated on 1/26/2022.

JULY 2022

Alarm	Alarm	379
Assist	Assist Public	349
	Assist Fire/Medical	85
	Assist Other Agency	73
	Missing Person	21
	Warrant	20
	Assist Law Enforcement	15
	Marine Assist/Rescue	2
	Civil	Civil
	Behavioral Health	105
Crime	Theft	372
	Harassment/Menacing	198
	Domestic Violence	182
	Trespass	146
	Fraud	118
	Stolen Vehicle	104
	Hit & Run	96
	Criminal Mischief	86
	Assault/Abuse	63
	Burglary	47
	Vice	36
	Sex Offense	27
	Violation of Restraining Order	26
	Robbery	8
	Littering	5
	Escape/Pursuit	2

Disorder	Suspicious Activity	860
	Welfare Check	362
	Parking Disorder	237
	Subject Contact	127
	Premise Check	84
	Juvenile Disorder	81
	Animal Disorder	73
	Noise Disorder	65
	Extra Patrol	64
	Disturbance	60
	Unwanted Person	59
	Recovered Stolen Vehicle	37
	Shots Fired	20
	Fireworks	8
Prowler	8	
Ordinance Disorder	5	
Marine Patrol	2	
Follow-Up	Follow-Up	597
Other	Other	426
Traffic	Traffic Stop	1,352
	Traffic Disorder	158
	Traffic Crash	144
	Hazard	66
	DUII	38

From The Director's Office:

Coronavirus Monitoring

The City was selected to participate in the expansion of the Center for Disease Control (CDC) National Wastewater Surveillance System to monitor our community wastewater for Covid-19. This is a nine month program that will last through the end of January 2023 and provide data directly to the CDC.

The unique benefits from this CDC-sponsored program include:

- Providing localized data to federal public health agencies on the spread of COVID-19
- Participating in the largest genomic sequencing program of wastewater to determine COVID-19 variants of concern circulating in communities
- Allowing rapid access to community data in a user friendly format to improve local public health decision-making

Throughout the pandemic and especially during the recent Omicron wave, wastewater data has been a reliable, comprehensive data source for tracking Covid-19.

Since everyone uses the restroom, all active infections are captured by wastewater analysis—regardless of one's vaccination status, the presence of symptoms, or whether one is seeking a test.

Wastewater data can also be a "leading indicator" of infection rates because infected individuals shed the SARS-CoV-2 virus in their stool upon infection and often before symptoms surface.

Twice a week plant staff collects and submits samples for analysis and the results are submitted to CDC and each week the City receives a report (see the following page) showing the effective virus concentration for our community.

We are proud to participate in this program that may help scientists to better understand the public health impact of Covid-19 within communities and will provide more update as the program continues.



Best Regards,

Delora Kerber, Public Works Director

Coronavirus Monitoring, continued



COVID-19 CDC NWSS Program Report
Report provided: July 30, 2022
Kit ID: KIT-49974

Wilsonville Wastewater Treatment Plant

Sample collection date: July 28, 2022

SARS-CoV-2 virus in wastewater

DETECTED

Virus concentration
(copies per liter of sewage)
3,135,648

Effective* virus concentration
(copies per liter of sewage)
1,453,322

**Effective virus concentration value is derived by adjusting the raw virus concentration to account for dilution and other factors.*

Effective virus concentration over time



The effective virus concentration reported by Biobot is different from the results reported on CDC's [Covid Data Tracker](#). CDC results are normalized using flow and population, whereas Biobot normalizes to a fecal strength indicator measured in your sample.

Learn more about Biobot's normalization and effective concentration methodologies by visiting biobot.io/covid19-report-notes and support.biobot.io

For county-level, regional and nationwide views of the data, please visit biobot.io/data

Utilities—Wastewater & Water

Getting to the Root of the Issue

The Wastewater crew has been conducting manhole inspections and repairs with a focus of root mitigation. This month's target area is Charbonneau, which has older sections of sewer and an abundance of mature trees. Tree roots love to make their way into the nutrient rich waters of the sewer system and if not mitigated can cause blockages and backups.



Before



After

Roots can often be removed from the topside of the manhole using extension pole tools. There are a variety of tips that can be attached to the extension poles to cut, scrape, or grab roots or other objects down inside. Occasionally, the crew has to enter the manhole to remove roots and perform some grouting seal off and prevent future root intrusion.



Tim extracting roots

Utilities—Wastewater & Water

Potholing

Staff also assisted with potholing to gather information about the force main leaving the Charbonneau pump station. Using the combo cleaning truck, they excavate down to the pipe. The exact location is recorded as well as the depth, diameter and pipe material. This information will contribute to the design of the pump station upgrade project.



Potholing to expose pipe

Weekly Well Run

Each week a tech operates each of the City's emergency backup wells and inspects the facilities. The well is run to "waste", meaning that the water is pumped out into the storm system rather than into the distribution system. This freshens up the water and ensures that the pump and its associated components are exercised and function properly.



Chad operating the well

Roads & Stormwater

Keeping It Clean

Staff wrapped up the annual catch basin cleaning and started our yearly water quality manhole cleaning and outfall inspections. Maintenance and inspections are completed at the driest time of year with the least amount of groundwater and surface water inflow into the system.



Jay & Tim cleaning a Stormwater manhole

The Roads crew power-washed on Boeckman Road and prepared sections of roadway for the upcoming 2022 Slurry Seal Project, part of the City's annual Street Maintenance Program. Sealing is scheduled to take place in the Willamette Way, Guiss, Montebello-Serenity and Meadows neighborhoods.



Ricardo power-washing on Boeckman



Eric doing prep for slurry seal

Facilities

Cooling at the Elligsen Pump House

Due to the extreme temperatures during the last week of the month, the Facilities staff helped set up a portable air conditioning unit to keep the Elligsen Pump House cool. The facility houses the drinking water system's radio transmitter, a vital part of our telemetry system. The telemetry system provides constant monitoring of water use data, giving technicians 'real time' status of operations and ensuring that there is enough water to meet demand.



Portable A/C unit at work

The portable unit was originally purchased as a backup cooling system for the City's server room and it came in handy to reduce the interior temperature. The hot air was forced out through the existing exhaust fan in the ceiling. The unit has a condensate tank, that, as it fills with condensation, will automatically shut down and avoid an overflow of water. It was fitted with a piece of tubing that directed the overflow into the floor drain, allowing continuous operation over the very warm weekend.



Venting the hot air



Draining condensation



SMART

SOUTH METRO AREA REGIONAL TRANSIT

July 2022 Report

Who among us has read the classic literary work - War and Peace? This 1869 gem, chronicles the French invasion on Russia, and the Napoleonic era impact on the Russian autocracy. Anyhow, if you have time to engross yourself in this 1,225 page tome, you won't be disappointed. I said all that to say, War and Peace houses one of my favorite quotes - *"The two most powerful warriors are patience and time."* - Leo Tolstoy. I find it most ironic - we have total control over our patience, but time, on the other hand, has total control over us.

Dwight Brashear
Transit Director



Fleet Services – Scott Simonton Fleet Services Manager

Startup of the new Compressed Natural Gas (CNG) fueling station at SMART occurred on July 20. After the correction of a few very minor issues, the system is now operational, and is performing well. Nine of SMART’s buses are now fueling automatically overnight.

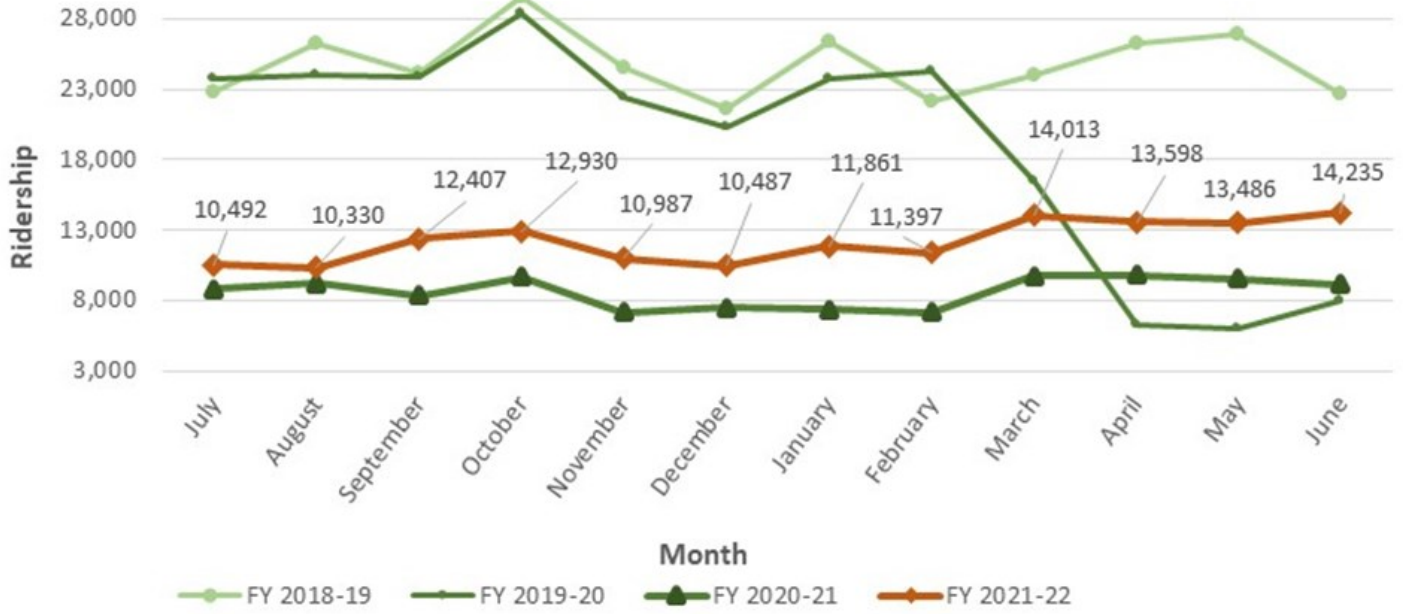
The compressor chosen for this project is fueling at a faster rate than expected, which bodes well for future load increases via additional vehicles.

Next steps include fine tuning various compressor settings, and preparing to move to Renewable Natural Gas (RNG).

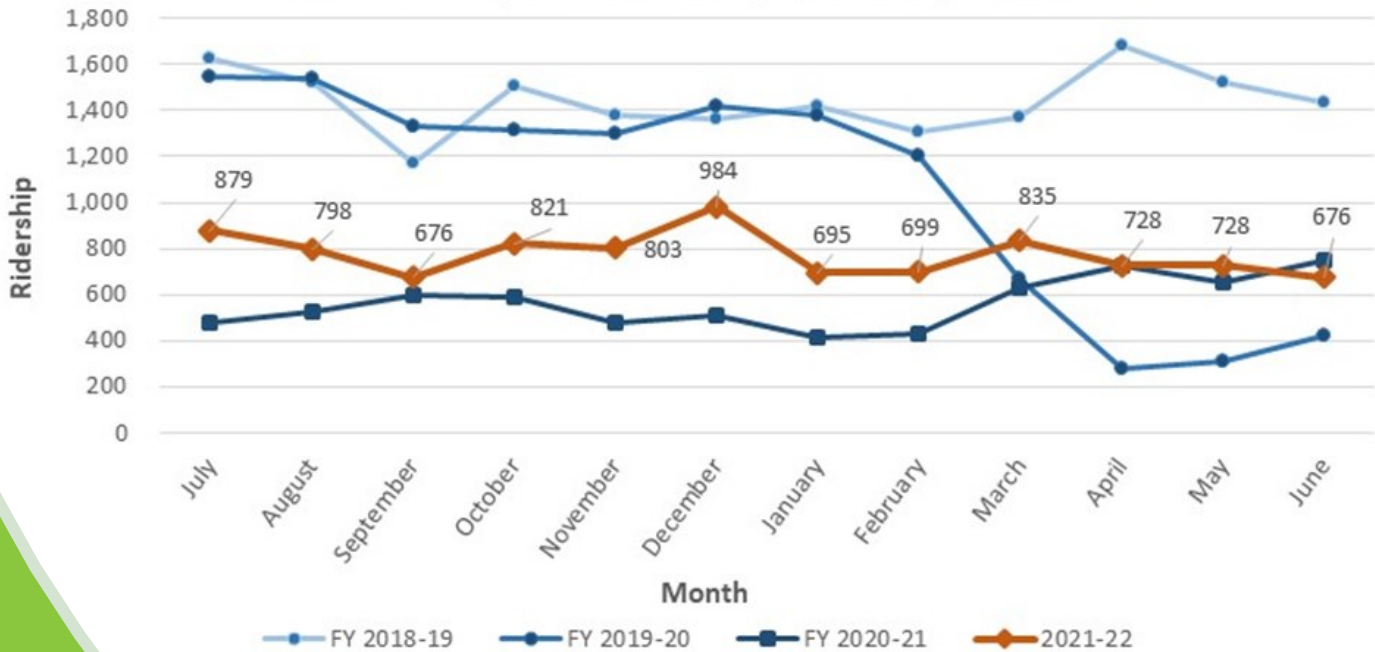


Operations - Eric Loomis Operations Manager

Fixed Route Ridership Trends by Month



Demand Response Ridership Trends by Month



Operations - Eric Loomis Operations Manager

SMART SERVICE CHANGES

As employee shortages across all industries continue, transit agencies around the country have been feeling the impacts for several months. In many instances, the driver shortages have impacted services provided by transit agencies. SMART was able to avert the impact of driver shortages for some time, but as we continually work to hire new employees, the high turnover ratio, due primarily to retirements, has put a strain on our current drivers.

To alleviate the pressures of driver fatigue and stress and with safety being of the utmost importance, SMART has made the difficult decision to temporarily reduce service on certain routes. We have been working diligently identifying areas and routes where the reduction would be least impactful on our customers. Using ridership data we looked to spread the reductions across several routes rather than targeting one specific area of town.

The reduction in services will impact Routes 2X, 4, 5, and 6. With many commuters still working from home or utilizing a hybrid schedule, ridership on Route 5 and 6 has not seen significant recoveries since the beginning of the COVID-19 pandemic.

Removing certain trips will help us operate the two routes in a more efficient manner while still working to serve the needs for



our customers. All of the changes in service can be found on our website at ridesmart.com. With the anticipation of hiring additional drivers over the next several weeks, it is our hope that this reduction in service will only last 2-4 months while we work diligently to hire and train new employees.

Grants & Program Manager - Kelsey Lewis

In July we began summer community outreach activities at the Farmer’s Market and Rotary concerts. We are enjoying being back out in the community and offering programs. Staff is also preparing to come to the Planning Commission and City Council to talk about the existing conditions in our transit system as identified by our Transit Master Plan consultant, and to discuss the outreach plan for the master plan update.



Transportation Options - Michelle Marston Program Coordinator



Walk at Lunch was in full swing during July with four scheduled sponsored walks. Our interns even scouted and led one of the group walks. Each walk is about 1.5 miles in length and takes about 30 minutes to complete.

Employee Commute Options (ECO) surveys are required every two years by employers of more than 100 employees in the state of Oregon. Surveys for Vision Plastics (158 FTE) and Siemens (916 FTE) were underway and expected to be completed in August.

One of our newer outreach locations was scheduled in Canby at the Bridging Cultures event. Due to the extreme heat it has been postponed to August. We plan to promote the free 3X Express to Wilsonville.

Much planning is going into August events for bike rodeos, Community Bike Ride, West Linn-Wilsonville Open House, and Grace Chapel’s Gear up for School event. SMART staff will be in full swing during August. All this is in addition to weekly Farmer’s Markets and Rotary Concerts.

