

City of Wilsonville

City Council Meeting

October 15, 2018



AGENDA

**WILSONVILLE CITY COUNCIL MEETING
OCTOBER 15, 2018
7:00 P.M.**

**CITY HALL
29799 SW TOWN CENTER LOOP
WILSONVILLE, OREGON**

Mayor Tim Knapp

Council President Scott Starr
Councilor Susie Stevens

Councilor Kristin Akervall
Councilor Charlotte Lehan

CITY COUNCIL MISSION STATEMENT

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

Executive Session is held in the Willamette River Room, City Hall, 2nd Floor

- 5:00 P.M. EXECUTIVE SESSION [25 min.]**
A. Pursuant to: ORS 192.660 (2)(e) Real Property Transactions
ORS 192.660(2)(h) Legal Counsel / Litigation
ORS 192.660(2)(a) Employment of Public Officers, Employees and Agents
- 5:25 P.M. REVIEW OF AGENDA [5 min.]**
- 5:30 P.M. COUNCILORS' CONCERNS [5 min.]**
- 5:35 P.M. PRE-COUNCIL WORK SESSION**
- A. Year 2000 Urban Renewal Amendment 12 (Kraushaar) [10 min.]
 - B. 5th to Kinsman Eminent Domain Resolution (Kraushaar/Adams) [10 min.]
 - C. Kinsman Road Extension IGA Amendment (Weigel) [5 min.]
 - D. Code Cleanup (Guile-Hinman /Carlson) [5 min.]
 - E. Award of the PSA for Design and Construction Services for Charbonneau Utility Repairs (Palmer) [5 min.]
 - F. SMART's 2018 Rider Survey Results (Brashear/Hendrix) [10 min.]
- 6:20 P.M. ADJOURN**

Page 5

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, Monday, October 15, 2018 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on October 2018. 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.

7:00 P.M. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance
- C. Motion to approve the following order of the agenda and to remove items from the consent agenda.

7:05 P.M. COMMUNICATIONS

- A. Metro Update (Councilor Dirksen)

Page 28

7:20 P.M. CITIZEN INPUT & 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 citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

7:25 P.M. MAYOR'S BUSINESS

- A. Upcoming Meetings

Page 37

7:30 P.M. COUNCILOR COMMENTS

- A. Council President Starr
- B. Councilor Stevens
- C. Councilor Lehan
- D. Councilor Akervall

7:40 P.M. CONSENT AGENDA

- A. **Resolution No. 2707**

Page 38

A Resolution Of The City Of Wilsonville Authorizing The City Manager To Execute A Professional Services Agreement With Wallis Engineering For Design And Construction Engineering Services For The Charbonneau Utility Repair: French Prairie Drive Phase II And Old Farm Road Phase I Project (Capital Improvement Project #1500, #2500, #4500, And #7500). (Palmer)

- B. **Resolution No. 2709**

Page 73

A Resolution Of The City Of Wilsonville (City) Authorizing Amendment #01 Of Local Agency Agreement No. 31056 With The State Of Oregon, Acting By And Through Its Department Of Transportation (ODOT) Revising The Total Amount Of Federal Funds Available To Construct The Kinsman Road Extension Project (Capital Improvement Project #4004). (Weigel)

7:45 P.M. PUBLIC HEARING

- A. **Resolution No. 2710** (Legislative Hearing)

Page 84

A Resolution Authorizing A Supplemental Budget Adjustment For Fiscal Year 2018-19. (Rodocker)

- B. **Ordinance No. 829** (Legislative Hearing)

Page 94

An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Sections 7.418, 9.200, And 9.400. (Carlson / Guile-Hinman)

8:10 P.M. NEW BUSINESS

- A. **Resolution No. 2676**

Page 101

A Resolution Of The City Of Wilsonville Authorizing Acquisition Of Property And Property Interests Related To Construction Of The 5th Street / Kinsman Road Extension Project. (Adams)

- B. The Leo Company Professional Services Agreement (*Place Holder*)

8:20 P.M. CONTINUING BUSINESS

A. Ordinance No. 825

Page 239

An Ordinance Of The City Of Wilsonville Adopting Certain Amendments To The Wilsonville Development Code And Comprehensive Plan Regarding Accessory Dwelling Units, As Well As Other Development Code Amendments, To Provide Clarity And Functionality To The Code Related To Accessory Dwelling Units And Other Housing. (Pauly / Guile-Hinman)

B. Ordinance No. 826

Page 513

An Ordinance Of The City Of Wilsonville Adopting The 2018 Parks And Recreation Comprehensive Master Plan As A Sub-Element Of The City Of Wilsonville Comprehensive Plan, Replacing All Prior Parks And Recreation Master Plans, And Repealing Ordinance No. 625. (McCarty)

C. Ordinance No. 828

Page 521

An Ordinance Of The City Of Wilsonville Amending The 2017 Transit Master Plan For Inclusion Of The Programs Enhancement Strategy. (Brashear)

8:50 P.M. CITY MANAGER'S BUSINESS

8:55 P.M. LEGAL BUSINESS

9:00 P.M. ADJOURN

INFORMATION ITEMS – No Council Action Necessary.

Page 543

AN URBAN RENEWAL AGENCY MEETING WILL IMMEDIATELY FOLLOW

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated.) Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting if required at least 48 hours prior to the meeting. The city will also endeavor to provide the following services, without cost, if requested at least 48 hours prior to the meeting: Qualified sign language interpreters for persons with speech or hearing impairments. Qualified bilingual interpreters. To obtain services, please contact the City Recorder, (503) 570-1506 or cityrecorder@ci.wilsonville.or.us.



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 15, 2018	Subject: SMART Annual Rider Survey Results Staff Member: Nicole Hendrix, Transit Management Analyst; Dwight Brashear, Transit Director Department: Transit	
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:	
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:

Staff will present the smart Annual Rider Survey Results.

EXECUTIVE SUMMARY:

At the heart of successful transit planning is public involvement. Being able to understand customer needs and their demographics help staff make more inclusive and well-rounded recommendations that ultimately result in a well-received and highly utilized bus system.

Prior to 2017, SMART was able to gather a general idea of the average rider's needs primarily through community surveys during planning processes such as the 2017 Transit Master Plan. This information helped guide service changes, but did not fully capture travel trends or demographic data that helps improve advertising efforts, communication with those served, discovering trends in travel behavior, or designing routes that garner high ridership. To obtain this information, SMART began its first on-board annual rider survey in August 2017 and has continued with a survey conducted in September 2018.

In September 2018, SMART completed its second annual Rider Survey. With the help of nine Express Employment Professional associates, 456 surveys were collected on all routes from Tuesday, September 18 through Saturday, September 22.

Suggested improvements from the 2017 Rider Survey were incorporated into the 2018 Rider Survey. The following changes were made in 2018:

- Conduct survey in September rather than August
- New online survey option
- Requested bilingual associates
- Contact info option
- Inclusive word choice
- Comment box at end

The design of the survey (Attachment 1) remained the same. Changing questions would result in the inability to identify trends over the years; therefore, changes to the questions themselves are slight if any. As it was last year, the survey was available in English and Spanish.

EXPECTED RESULTS:

The survey results (Attachment 2) are extremely similar to the results from the year prior. One reason for the similarity is that majority (80-82%) of the survey respondents are regular or frequent riders which means there is a good portion of the same people who took the survey last year and this year.

The similarity in responses led SMART staff to consider whether the rider survey should be conducted annually or every other year. In the off years, a Satisfaction Survey would occur to focus on service planning. With the passage of House Bill 2017, it will be crucial to track customer satisfaction with service changes from new funding.

TIMELINE:

The Rider Survey occurred September 18 – 22, 2018 on Tuesday, Wednesday, Thursday, and Saturday.

CURRENT YEAR BUDGET IMPACTS:

The cost of staffing for surveying totaled \$2,952.00 to the transit fund under the "Other professional services" line item for FY18. This staffing cost increased 24.71% from last year due to the minimum wage increase.

FINANCIAL REVIEW / COMMENT:

Reviewed by: CAR Date: 10/9/2018

LEGAL REVIEW / COMMENT:

Reviewed by: ARGH Date: 10/9/2018

COMMUNITY INVOLVEMENT PROCESS:

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

In order to capture responses from the average rider, SMART did minimal advertisement of the Rider Survey. The week of the survey, SMART posted on social media that the survey would be occurring so riders were aware of what was happening.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Conducting rider surveys allow staff to check in with our customers to ensure our service is meeting their needs. The data helps staff communicate more clearly with riders and improve our services.

ALTERNATIVES:

SMART staff is considering conducting the rider survey every other year. In the off year, a Satisfaction Survey would occur to determine how customers are responding to the service changes. A satisfaction survey, in addition to ridership and other performance measures, will help determine if pilots funded from House Bill 2017 are successful or if the funds for the project should be reallocated.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Rider Survey English and Spanish
2. Rider Survey Results

Route number: _____

Direction (circle one): N E S W

This survey will help improve SMART routes and experience for our riders.

1. How often do you ride the SMART bus?

- Infrequently, less than once a month
- Occasionally, a couple times a month
- Regularly, several times a week
- Frequently, almost everyday

2. Reason for riding the SMART bus today? (check all that apply)

- I don't own a vehicle
- Saves money
- Convenient
- Helps environment
- Saves time
- Less stressful
- Other: _____

3. How did you get to the stop where you boarded this bus?

- Walked
- Biked
- Other bus/train
- Dropped off
- Drove and parked
- Other

4. Where and when did you get *picked up* for this ride?

Nearest street/landmark: _____

Time of pickup: _____ AM / PM (circle one)

Coming from:

- Home
- Work
- Other
- School
- Shopping
- Visit friends
- Medical appointment

5. Where will you be *dropped off* for this ride?

Nearest street/landmark: _____

City: _____

Heading to:

- Home
- Work
- Other
- School
- Shopping
- Visit friends
- Medical appointment

6. How will you get to your destination from this bus ride?

- Walk
- Bike
- Other bus/train
- Picked up
- Drive
- Other

7. For this trip, are you using a mobility device?

- No
- Wheelchair
- Scooter
- Cane
- Walker
- Other

8. If you did not have public transit for this trip, how would you get to your destination?

- Drive alone
- Walk
- Get a ride from someone
- Carpool
- Bike
- I would not make it
- Dial-a-Ride
- Taxi
- Uber/Lyft
- Other: _____

9. Do you often ride other transit, if so what provider?

Yes, I also ride _____
(Example: WES train, TriMet bus, Cherriots, etc.)

10. Including yourself, how many people live in your household? _____ person(s).

11. How many working vehicles does your household own?

0 1 2 3 4 or more

12. What is your age?

- Under 18
- 18 to 29
- 30 to 65
- Over 65

13. What is your gender?

- Female
- Male
- _____

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

- Asian/Pacific Islander
- African-American
- Caucasian
- Latino/Hispanic
- Multi-racial
- Native American
- Middle Eastern
- Other

15. What is your annual income?

- Under \$10,000
- \$10,000 to \$29,999
- \$30,000 to \$49,999
- \$50,000 to \$69,000
- \$70,000 to \$89,000
- Over \$89,000

Home zip code: _____

Your email or phone: _____

Check any or all of the boxes below to receive...

- SMART newsletter
- Survey results
- Enter drawing for a \$25 cash card or bus pass

Thank you for your time.

Numero de ruta: _____

Dirección (circula uno): N E S W

Esta encuesta sera usada para mejorar las rutas de SMART y la experiencia para nuestros clientes.

¿Con que frecuencia viaja en el autobús de SMART?

- Con poca frecuencia, menos de una vez por mes
- De vez en cuando, unas cuantas veces por mes
- Regularmente, varias veces por semana
- Frecuentemente, casi todos los días

¿La razón por viajar en el autobús de SMART hoy? (marque todo lo que corresponda)

- No tengo un vehículo
- Ahorrar dinero
- Menos estresante
- Ahorrar tiempo
- Ayuda al ambo ambiente
- Otro
- Conveniente

¿Cómo llegaste a la parada donde abordaste el autobús?

- Caminando
- Bicicleta
- Otro autobús/tren
- Fui dejado aquí
- Conduje y me estacioné
- Otro

¿Dónde y cuando te recogieron para este viaje?

Calle transversal más cercana: _____

Ciudad: _____

Hora de recogida: _____ AM / PM (circula uno)

Viajando de:

- Casa
- Trabajo
- Consulta medica
- Escuela
- Compras
- Otro
- Visitando amistades

¿Dónde y cuándo se le dejó en este viaje?

Calle transversal más cercana: _____

Ciudad: _____

Hora de llegar : _____ AM / PM (circula uno)

Viajando a:

- Casa
- Trabajo
- Consulta medica
- Escuela
- Compras
- Otro
- Visitando amistades

¿Cómo llegará a su destino después de este viaje en autobús?

- Caminando
- Bicicleta
- Otro autobus/tren
- Seré recogido
- Conducir
- Otro

¿Para este viaje, está usando un dispositivo de movilidad?

- No
- Silla de rueda
- Scooter
- Baston
- Andador
- Otro

¿Si no tuviera el servicio público para este viaje, come llegaría a su destino?

- Manejando solo
- Caminado
- No llegaría
- Manejar con otros
- Bicicleta
- Taxi
- Dial-a-Ride
- Otro: _____
- Obtener viaje con alguien más
- Uber/Lyft

¿Frecuentemente usa otras organizaciones de transito? ¿Cuales?

Si, yo también uso _____.
(TriMet WES, TriMet autobús, Cherriots, etc.)

¿Incluyendo a usted, cuantos miembros de familia viven en su hogar? _____ personas.

Cuantos vehículos tiene en su hogar?

0 1 2 3 4 o mas

¿Cuál es su edad?

- Menos de 18
- 18 to 29
- 30 to 65
- Más de 65

¿Cuál es su sexo?

- Femenina
- Masculino
- _____

¿Con cuál raza o etnicidad se identifica usted más?

- Asiático/ Isleño Pacifico
- Americano Africano
- Caucásico
- Latino/Hispano
- Multirracial
- Nativo Americano
- Otro
- Orienta Medio

¿Cuál es su ingreso anual?

- Menos de \$10,000
- \$10,000 to \$29,999
- \$30,000 to \$49,999
- \$50,000 to \$69,000
- \$70,000 to \$89,000
- Más de \$89,000

Codigo postal: _____

Correo electronico o teléfono: _____

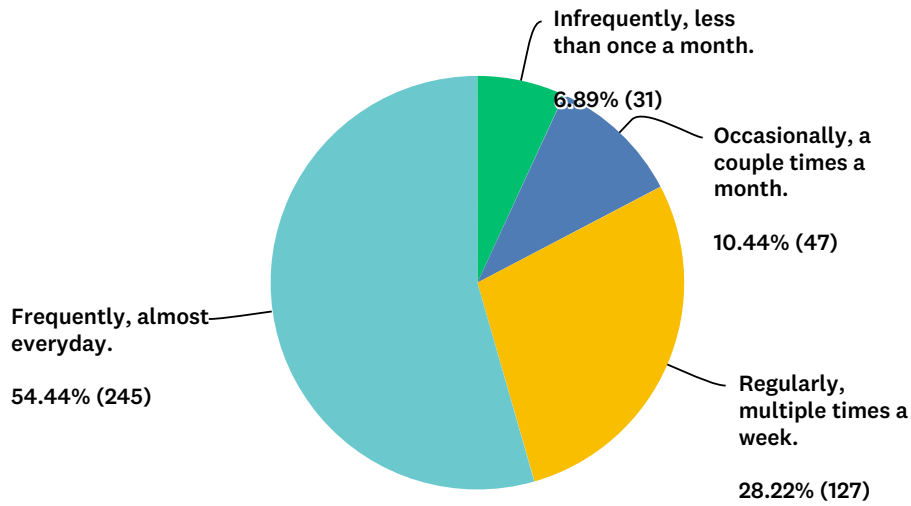
Marque todos los que quiera recibir...

- Hoja informativa de SMART
- Resultados de encuesta
- Entrar en el sorteo para un premio

Gracias por su tiempo.

How often do you ride the SMART bus?

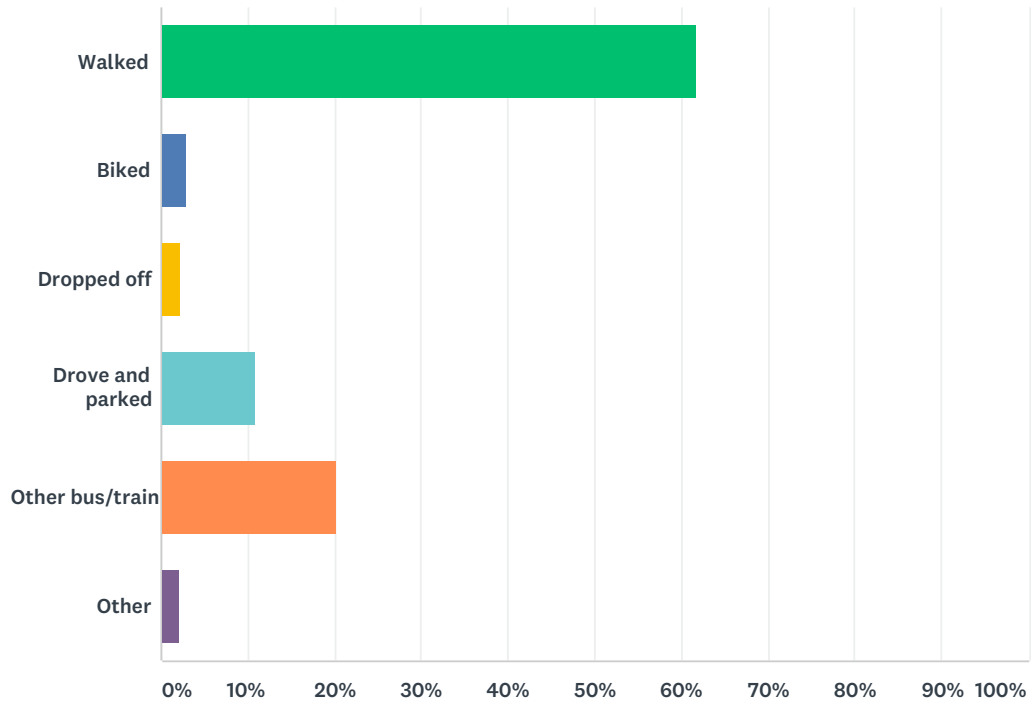
Answered: 450 Skipped: 6



ANSWER CHOICES	RESPONSES	
Infrequently, less than once a month.	6.89%	31
Occasionally, a couple times a month.	10.44%	47
Regularly, multiple times a week.	28.22%	127
Frequently, almost everyday.	54.44%	245
TOTAL		450

How did you get to the stop where you boarded the bus?

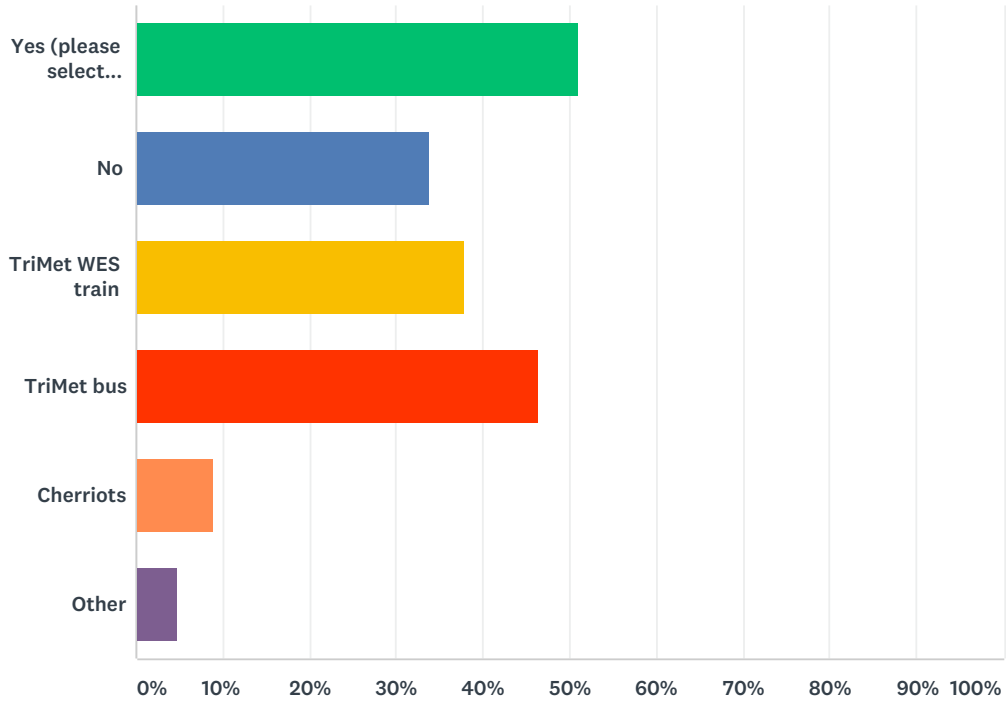
Answered: 445 Skipped: 11



ANSWER CHOICES	RESPONSES	
Walked	61.80%	275
Biked	2.92%	13
Dropped off	2.25%	10
Drove and parked	10.79%	48
Other bus/train	20.22%	90
Other	2.02%	9
TOTAL		445

Do you often ride other transit, if so what provider?

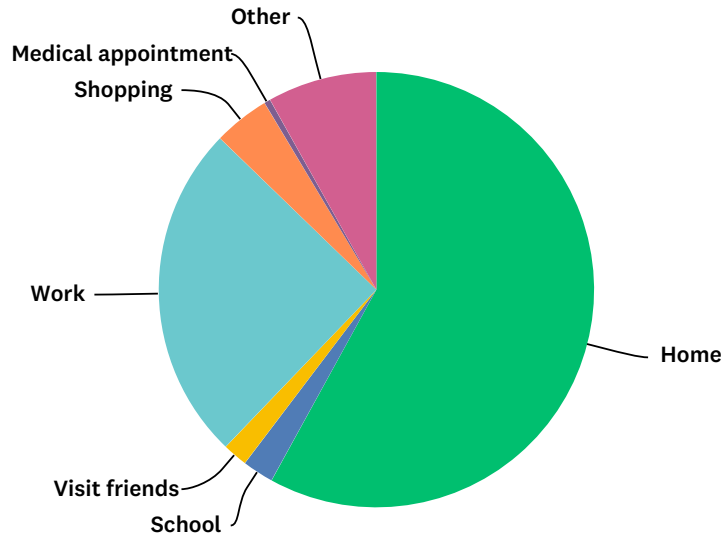
Answered: 399 Skipped: 57



ANSWER CHOICES	RESPONSES	
Yes (please select additional provider you use)	51.13%	204
No	33.83%	135
TriMet WES train	37.84%	151
TriMet bus	46.37%	185
Cherriots	9.02%	36
Other	4.76%	19
Total Respondents: 399		

Coming from:

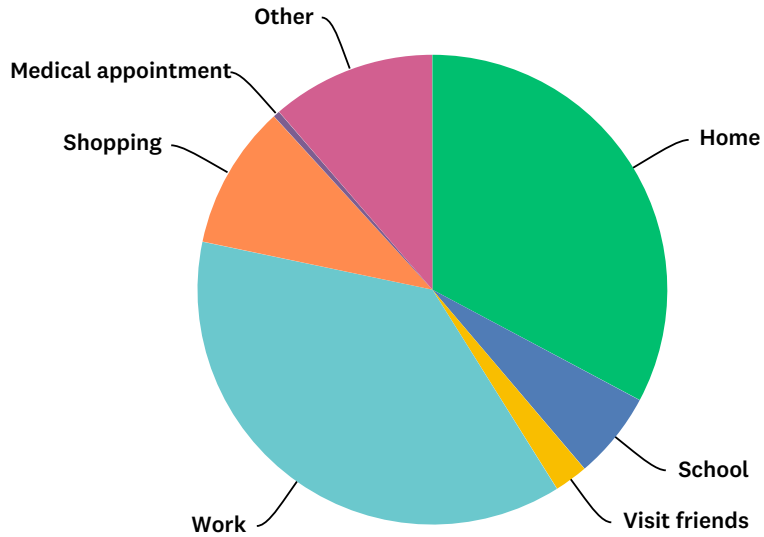
Answered: 431 Skipped: 25



ANSWER CHOICES	RESPONSES	
Home	58.00%	250
School	2.32%	10
Visit friends	1.86%	8
Work	25.06%	108
Shopping	4.18%	18
Medical appointment	0.46%	2
Other	8.12%	35
TOTAL		431

Heading to:

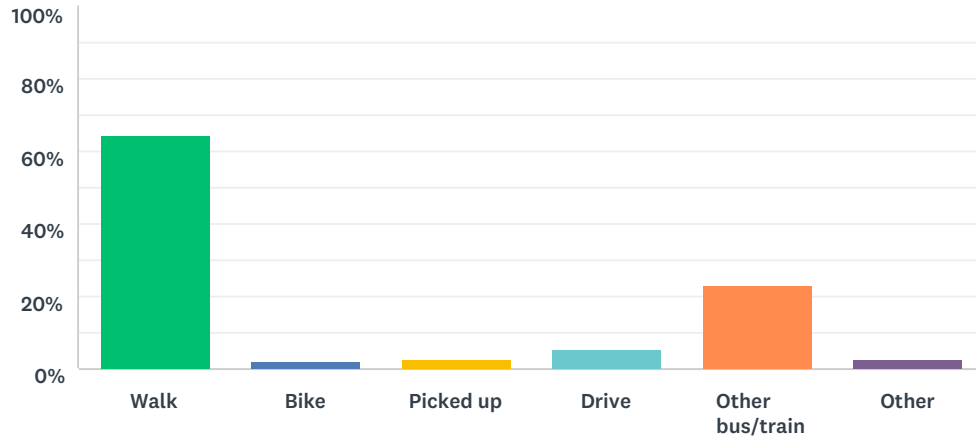
Answered: 433 Skipped: 23



ANSWER CHOICES	RESPONSES	
Home	32.79%	142
School	6.00%	26
Visit friends	2.31%	10
Work	37.18%	161
Shopping	9.93%	43
Medical appointment	0.46%	2
Other	11.32%	49
TOTAL		433

How will you get to your destination from this bus ride?

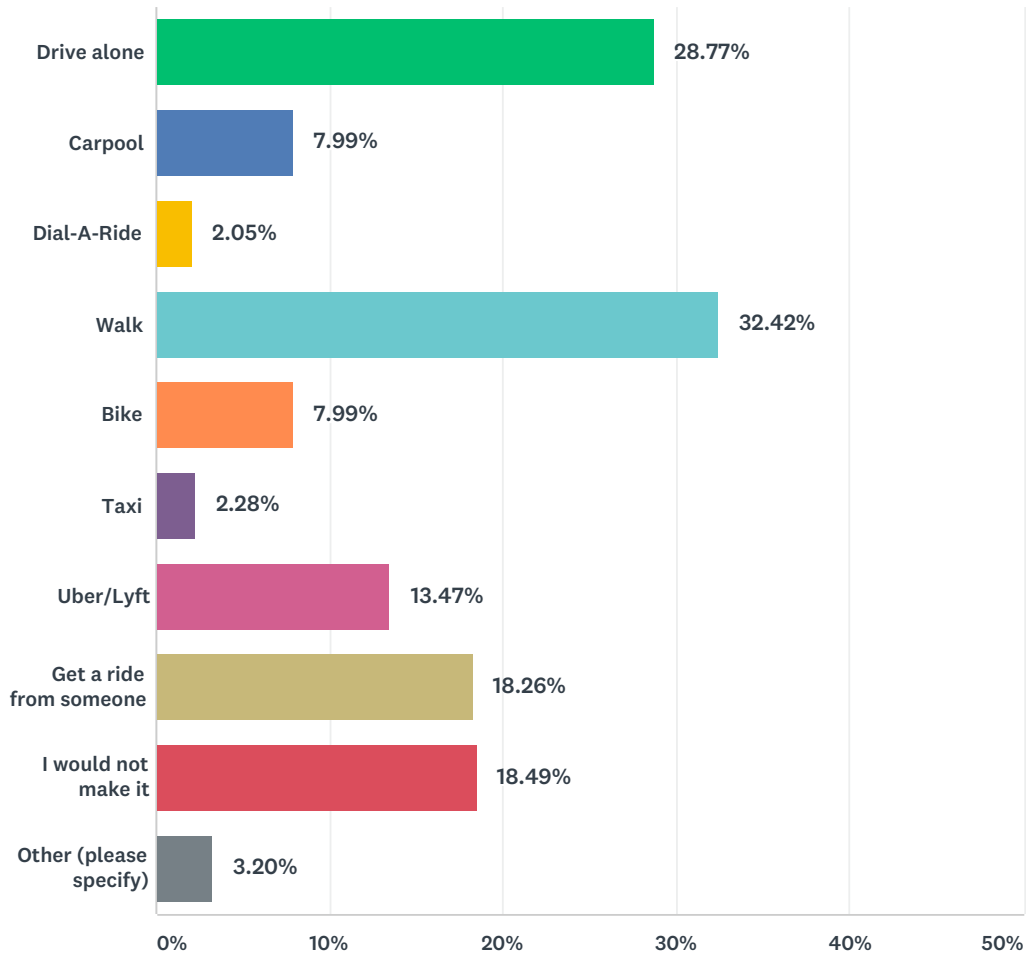
Answered: 441 Skipped: 15



ANSWER CHOICES	RESPONSES	
Walk	64.40%	284
Bike	2.04%	9
Picked up	2.72%	12
Drive	5.44%	24
Other bus/train	23.13%	102
Other	2.27%	10
TOTAL		441

If you did not have public transit for this trip, how would you get to your destination?

Answered: 438 Skipped: 18



ANSWER CHOICES	RESPONSES	
Drive alone	28.77%	126
Carpool	7.99%	35
Dial-A-Ride	2.05%	9
Walk	32.42%	142
Bike	7.99%	35
Taxi	2.28%	10
Uber/Lyft	13.47%	59
Get a ride from someone	18.26%	80
I would not make it	18.49%	81
Other (please specify)	3.20%	14

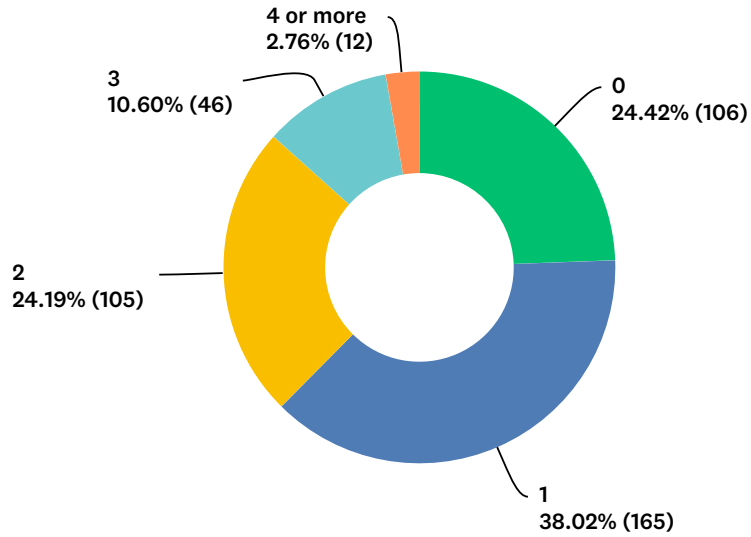
Rider Survey September 2018

Total Respondents: 438

#	OTHER (PLEASE SPECIFY)	DATE
1	very difficult transfer on trimet/WES	9/25/2018 4:23 PM
2	Stay home	9/25/2018 4:01 PM
3	I am here specifically to ride the bus with my student as a lesson	9/25/2018 2:47 PM
4	Trimet	9/25/2018 11:56 AM
5	skateboard	9/24/2018 12:19 PM
6	skateboard	9/24/2018 12:16 PM
7	quit my job	9/21/2018 8:23 AM
8	n/a	9/20/2018 3:50 PM
9	Greyhound, Amtrak, or POINT bus	9/20/2018 3:50 PM
10	If my husband wasn't home it would be difficult 8d not impossible to make it to and from work	9/20/2018 1:41 PM
11	maybe Amtrak	9/20/2018 11:58 AM
12	work somewher else	9/20/2018 11:12 AM
13	Trimet, but would have to transfer twice	9/19/2018 3:12 PM
14	Fly	9/18/2018 4:12 PM

How many working vehicles does your household own?

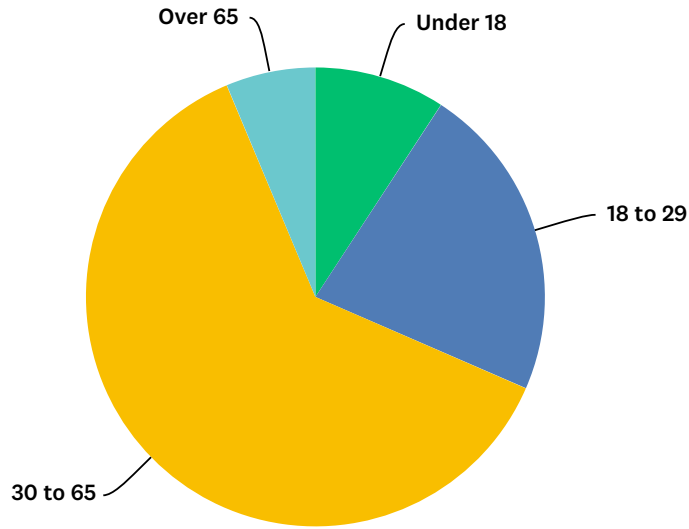
Answered: 434 Skipped: 22



ANSWER CHOICES	RESPONSES	
0	24.42%	106
1	38.02%	165
2	24.19%	105
3	10.60%	46
4 or more	2.76%	12
TOTAL		434

What is your age?

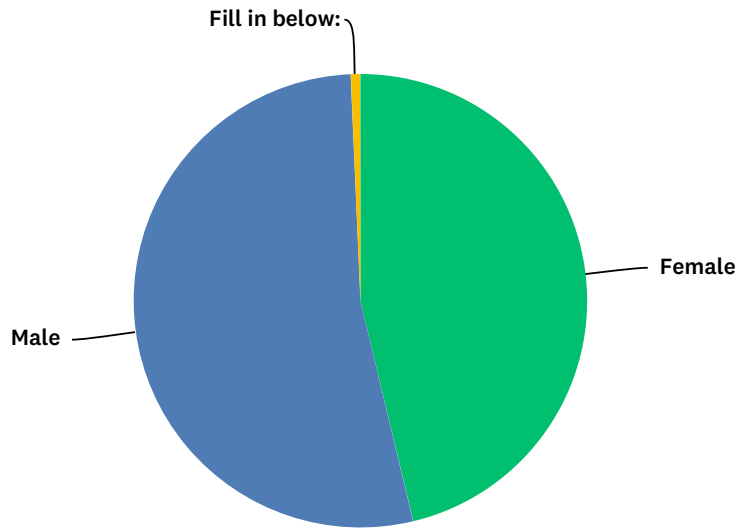
Answered: 444 Skipped: 12



ANSWER CHOICES	RESPONSES	
Under 18	9.23%	41
18 to 29	22.30%	99
30 to 65	62.16%	276
Over 65	6.31%	28
TOTAL		444

What is your gender?

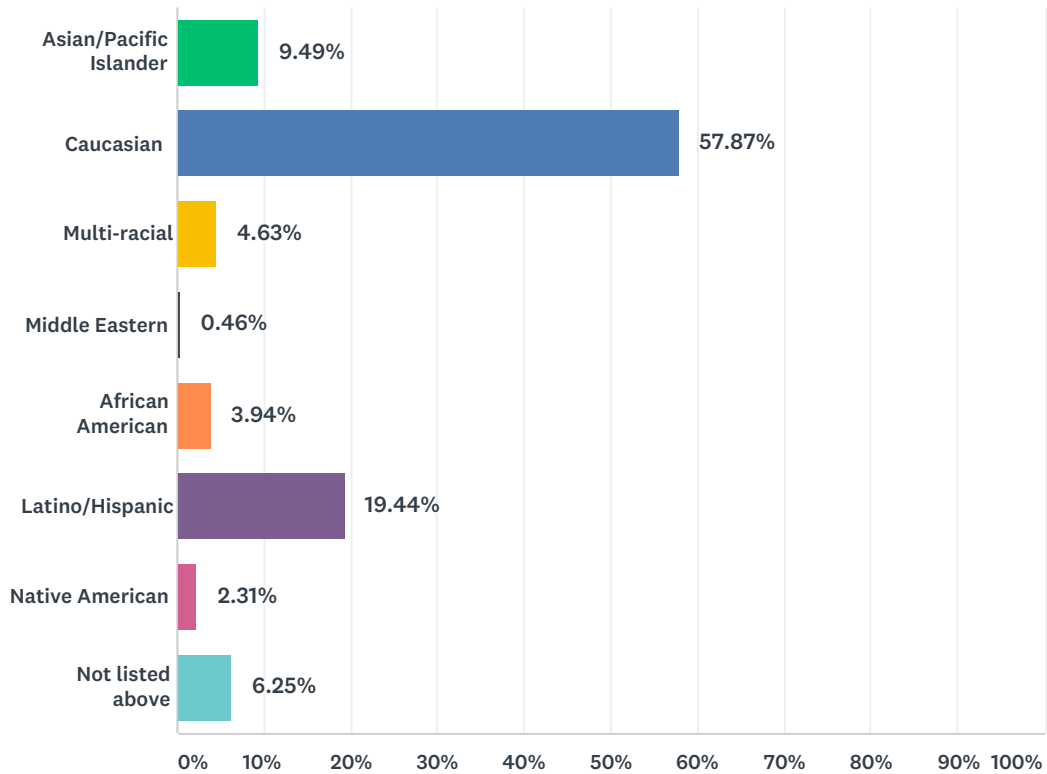
Answered: 441 Skipped: 15



ANSWER CHOICES	RESPONSES	
Female	46.26%	204
Male	53.06%	234
Fill in below:	0.68%	3
TOTAL		441

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

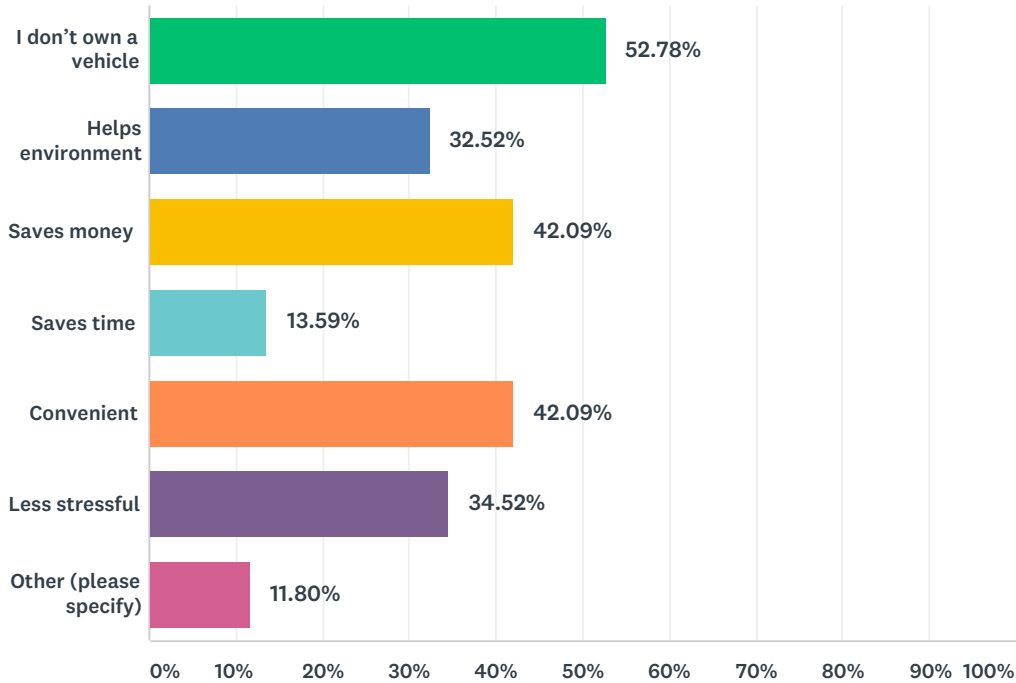
Answered: 432 Skipped: 24



ANSWER CHOICES	RESPONSES	
Asian/Pacific Islander	9.49%	41
Caucasian	57.87%	250
Multi-racial	4.63%	20
Middle Eastern	0.46%	2
African American	3.94%	17
Latino/Hispanic	19.44%	84
Native American	2.31%	10
Not listed above	6.25%	27
Total Respondents: 432		

Reason for riding the SMART bus? (Check all that apply)

Answered: 449 Skipped: 7



ANSWER CHOICES	RESPONSES	
I don't own a vehicle	52.78%	237
Helps environment	32.52%	146
Saves money	42.09%	189
Saves time	13.59%	61
Convenient	42.09%	189
Less stressful	34.52%	155
Other (please specify)	11.80%	53
Total Respondents: 449		

#	OTHER (PLEASE SPECIFY)	DATE
1	Drivers and passengers are really friendly	9/25/2018 3:22 PM
2	Reduce vehicle miles	9/25/2018 3:10 PM
3	visually impaired	9/25/2018 3:04 PM
4	Going to work	9/25/2018 3:01 PM
5	Ride for work	9/25/2018 2:57 PM
6	I teach blind students independent travel skills	9/25/2018 2:47 PM
7	To get to WORK	9/25/2018 12:29 PM
8	car in shop	9/25/2018 11:34 AM
9	fun for my kids	9/24/2018 2:10 PM

Rider Survey September 2018

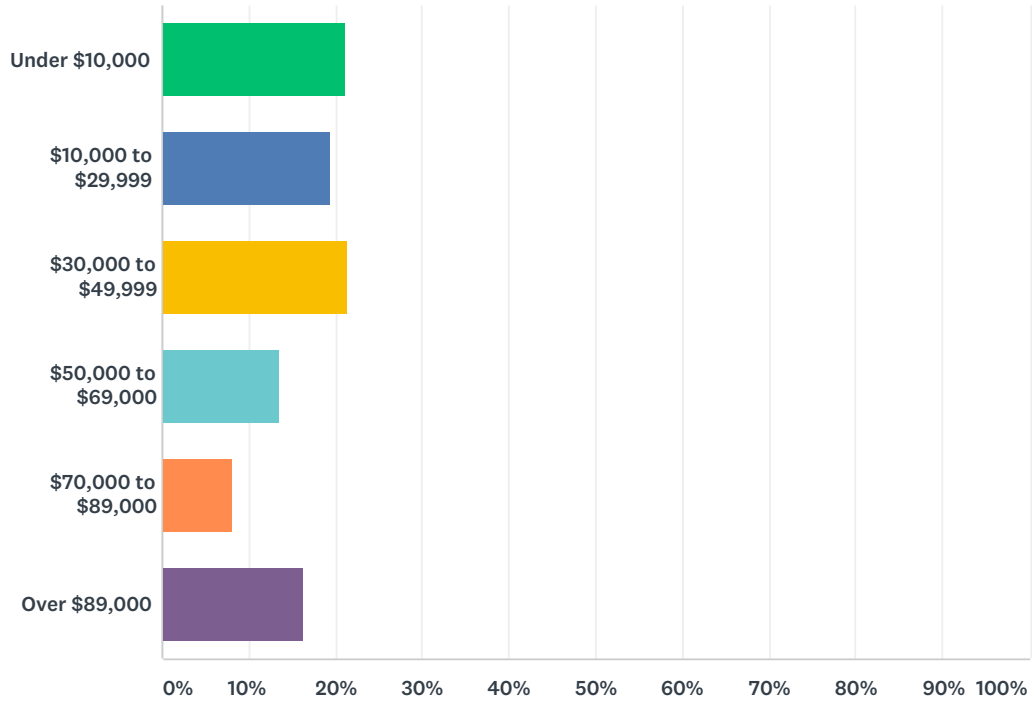
10	car broke down	9/24/2018 12:42 PM
11	n/a	9/24/2018 12:13 PM
12	Lift for Battery Powered Scooter	9/21/2018 5:56 PM
13	Can work while riding 1X to work in Salem and back home to Wilsonville	9/21/2018 2:05 PM
14	Fun for the kids	9/21/2018 12:09 PM
15	commute	9/21/2018 10:08 AM
16	school	9/21/2018 10:00 AM
17	school	9/21/2018 9:56 AM
18	wife went home sick so I told her Id take the 1X	9/21/2018 9:55 AM
19	n/a	9/21/2018 9:53 AM
20	not old enough to drive	9/21/2018 9:41 AM
21	No car this week.	9/21/2018 9:12 AM
22	vehicle broken	9/21/2018 9:04 AM
23	primary vehicle being serviced	9/21/2018 8:43 AM
24	No license	9/21/2018 8:41 AM
25	one-vehicle family	9/21/2018 8:26 AM
26	Mandated by work.	9/21/2018 8:17 AM
27	Traffic	9/20/2018 3:56 PM
28	meet friend	9/20/2018 3:53 PM
29	It is more enjoyable	9/20/2018 3:50 PM
30	no parking need	9/20/2018 2:32 PM
31	own 1 vehicle and wife needs it	9/20/2018 2:19 PM
32	I have a DUI	9/20/2018 2:09 PM
33	Visually impaired	9/20/2018 1:41 PM
34	Exercise	9/20/2018 1:22 PM
35	Love SMART drivers - helpful and cordial and community	9/20/2018 1:18 PM
36	Work commute	9/20/2018 1:07 PM
37	Senior Trips	9/20/2018 12:52 PM
38	Great Service	9/20/2018 12:18 PM
39	Less Liability	9/20/2018 12:12 PM
40	vehicle does't drive long distance	9/20/2018 11:53 AM
41	No way. Driving is way faster than the bus	9/20/2018 11:48 AM
42	n/a	9/20/2018 11:16 AM
43	Drops me off right in fornt of my office	9/20/2018 11:06 AM
44	Suspended license	9/19/2018 3:12 PM
45	get food	9/19/2018 3:10 PM
46	My kids think it's fun	9/19/2018 2:09 PM
47	School	9/19/2018 1:58 PM
48	Between jobs en route to work source	9/19/2018 1:50 PM
49	don't have car today	9/19/2018 11:12 AM
50	Friendly	9/18/2018 4:12 PM

Rider Survey September 2018

51	walked home from work	9/18/2018 12:11 PM
52	Employer Provides	9/18/2018 11:57 AM
53	My husband and I own one car and both work	9/18/2018 10:54 AM

What is your annual income?

Answered: 392 Skipped: 64



ANSWER CHOICES	RESPONSES	
Under \$10,000	21.17%	83
\$10,000 to \$29,999	19.39%	76
\$30,000 to \$49,999	21.43%	84
\$50,000 to \$69,000	13.52%	53
\$70,000 to \$89,000	8.16%	32
Over \$89,000	16.33%	64
TOTAL		392

Any additional comments you would like to share?

Answered: 31 Skipped: 425

#	RESPONSES	DATE
1	would really like buses to run later because so many events happen in the evening.	9/25/2018 2:53 PM
2	SMART should start their trip in their transit Center on Saturdays. SMART should have phone customer service on Saturdays. SMART should have service from Tualatin until 8:00pm. Thanks	9/25/2018 12:26 PM
3	wrote IDK for all write in answers	9/25/2018 11:37 AM
4	Since changing routes, me and my mother who is 90 years old have to walk 3 blocks to catch the bus and another 3 blocks after getting off the bus to get to our destination. We are both elderly with arthritis in our backs and knees, which makes it difficult. We need to only have to walk a block to the bus and a block to our destination. I would really like to see the stops on 5th street and the post office put back on the route.	9/24/2018 12:37 PM
5	Please do bus rides all days of the week and all regular times	9/24/2018 12:21 PM
6	Driver Debbie is friendly, helpful and a pleasure to driven by her.	9/21/2018 5:56 PM
7	I hope some additional buses might be put on this route - I can't ride when I am the parent doing day care drop off because I can't make it on time to the last Southbound 1X bus. And, sometimes I can't ride because I need to be back to Wilsonville before 4:30p. I drive on those days.	9/21/2018 2:05 PM
8	I love having SMART available in town and not needed to take a car for every trip.	9/21/2018 12:09 PM
9	your welcome	9/21/2018 9:41 AM
10	no	9/20/2018 6:52 PM
11	Need to monitor bus driver driving the 1X from Salem at ~5:30pm to Wilsonville. She is aggressive and has many close call accidents.	9/20/2018 5:44 PM
12	I love SMART transit and use it every day. Don't know what I would do without it.	9/20/2018 3:17 PM
13	You're Welcome.	9/20/2018 1:07 PM
14	Love SMART ??	9/20/2018 12:52 PM
15	The drivers are like family, they even know a lot of us by name.	9/20/2018 11:59 AM
16	The commute is better than riding TriMet	9/20/2018 11:06 AM
17	Once the 2X goes to the Tigard TC instead of the Barbur TC, it would be great if it ran more frequently, especially during the middle of the day and on Saturdays when WES isn't running. Connections with Cherriots and Canby are important, especially when they begin weekend service next year.	9/20/2018 9:56 AM
18	None	9/20/2018 9:48 AM
19	This service is a godsend. The drivers always are polite and helpful, even with some very challenging passengers.	9/20/2018 9:33 AM
20	Thanks!	9/19/2018 7:51 PM
21	No	9/19/2018 7:31 PM
22	"I don't work"	9/19/2018 3:03 PM
23	My husband and I both have honored citizens id's for both the Salem transit system and for trimet. It would be very nice and helpful if they would be honored by smart.	9/19/2018 2:46 PM
24	Drivers are friendly, professional, and courteous	9/19/2018 2:04 PM
25	She said she uses a mobility device "sometimes" and for income she wrote "don't work sadly"	9/19/2018 1:58 PM
26	She wants to know all the drivers by name, said Bob has helped her.	9/19/2018 1:50 PM
27	If there could be a route to go to downtown that would be great!	9/19/2018 9:16 AM

Rider Survey September 2018

Page 27 of 507

28	We appreciate your service	9/18/2018 4:12 PM
29	No	9/18/2018 3:32 PM
30	Smart is great, it would be cool if it ran later into the night and it would be cool if the commuter buses ran more frequently some people take the 5 and 6 can't get to their destinations if the buses only run every so often and only a few hours a day. Especially if they run to places you can't get to without the bus.	9/18/2018 3:31 PM
31	Please accept TriMet transfer	9/18/2018 12:07 PM



Metro



Metro update

Wilsonville City Council • Councilor Dirksen • October 15, 2018

Affordable housing

Challenges in the housing and job markets, environment and transportation system do not stop at city limits or county lines.



Regional transportation plan

A transportation system that addresses congestion, supports clean air and improves safety across our region.

October: JPACT recommendation

December: Council adoption



Growth management

September COO recommendation and Council adopted resolution directing staff on the expansion proposals to be included in the UGB

Final council action on UGB expansions in December



Solid waste & food scraps

Working together
to make the most
of what we don't
want



Parks and nature

2018 Nature in
Neighborhoods
Grants for nature
education and
outdoor
experiences
awarded

Future parks and
nature bond



Convention Center Hotel

Construction about
30% complete

Impact of future
hotel on
convention
bookings



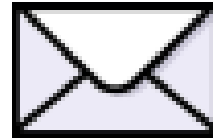
Your questions

Craig Dirksen

Metro Councilor, District 3

503-797-1550

craig.dirksen@oregonmetro.gov



www.oregonmetro.gov/connect



Arts and conference centers

Garbage and recycling

Land and transportation

Oregon Zoo

Parks and nature

oregonmetro.gov

CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2018

Items known as of 10/09/18

October

DATE	DAY	TIME	EVENT	LOCATION
10/22	Monday	6:30 p.m.	DRB Panel B	Council Chambers
10/24	Wednesday	6:30 p.m.	Library Board Meeting	Library

November

DATE	DAY	TIME	EVENT	LOCATION
11/5	Monday	7:00 p.m.	City Council Meeting	Council Chambers
11/14	Wednesday	1:00 p.m.	Wilsonville Community Seniors, Inc. Advisory Board	Community Center
11/15	Thursday	6:30 p.m.	DRB Panel A	Council Chambers
11/14	Wednesday	6:00 p.m.	Planning Commission	Council Chambers
11/19	Monday	7:00 p.m.	City Council Meeting	Council Chambers
11/26	Monday	6:30 p.m.	DRB Panel B	Council Chambers

Community Events:

- 10/18** French Prairie Bridge Design Open House, 5:00 p.m. - 7:00 p.m. at City Hall.
- 10/27** Bulky Waste Day, 9:00 a.m. - 1:00 p.m. at Stein-Boozier Barn at Republic Services, 10295 SW Ridder Road
- 10/23** Town Center Task Force Meeting, 6:00 p.m. - 8:00 p.m. at City Hall.
- 10/27** Harvest Festival, 9:30 a.m. - 11:00 a.m. at Stein-Boozier Barn at Murase Plaza
- 10/27** Scary Movie Night in the Barn, 6:30 P.m. - 8:30 p.m. at Stein-Boozier Barn at Murase Plaza
- 10/27** A Toast to Imagination Wine Tasting, 7:00 p.m. - 9:30 p.m. at the Library
- 10/28** Fall Frolic 5k & Kids Dash Costume Run, 8:00 a.m. - 11:30 a.m. at Stein-Boozier Barn at Murase Plaza
- 10/29** Arts, Heritage & Culture Strategy Meeting, 6:00 p.m. - 8:00 p.m. at the Library
- 10/30** History Pub, 6:30 – 8:00 p.m. at McMenamins' Old Church.
- 11/2** First Friday Films, 6:00 p.m. - 8:00 p.m. at the Library
- 11/22-11/23** City offices closed in observance of the Thanksgiving holiday
- 11/27** History Pub, 6:30 – 8:00 p.m. at McMenamins' Old Church.

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



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 15, 2018	Subject: Resolution No. 2707 Authorizing the City Manager to Execute the Professional Services Agreement with Wallis Engineering for Design and Construction Engineering Services for the Charbonneau Utility Repair: French Prairie Drive Phase II and Old Farm Road Phase I Project (CIP #s1500, 2500, 4500, and 7500). Staff Member: Matt Palmer, P.E., Civil Engineer Department: Community Development	
Action Required	Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input 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:	
Staff Recommendation: Staff recommends that Council adopt the Consent Agenda.		
Recommended Language for Motion: I move to approve the Consent Agenda.		
Project / Issue Relates To: N/A		
<input checked="" type="checkbox"/> Council Goals/Priorities Well-Maintained Infrastructure	<input checked="" type="checkbox"/> Adopted Master Plan(s) Charbonneau Consolidated Improvement Plan	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

A City of Wilsonville Resolution authorizing the City Manager to execute a professional services agreement not to exceed \$638,032.08 with Wallis Engineering.

EXECUTIVE SUMMARY:

The Charbonneau Utility Repair: French Prairie Drive Phase II and Old Farm Road Phase I project will rehabilitate and/or replace stormwater, sewer, water, and street infrastructure identified in the Charbonneau Consolidated Improvement Plan. The Consultant will provide engineering design plans and support City staff during bidding and construction of the project.

The Charbonneau Consolidated Improvement Plan, adopted on August 4, 2014, identified 15 high priority spot repair projects and 38 complete repair projects to address deficient infrastructure in the Charbonneau District. The 15 high priority spot repairs, which included the most deficient sewer and storm pipe lines, were repaired/rehabilitated in the first three years of the planned 25 year Charbonneau utility repair and replacement program. These were completed in calendar year 2018. The fourth and fifth year scheduled projects are French Prairie Drive Phase II and Old Farm Road Phase I, respectively.

In response to the City’s advertisement, a total of two proposals were received on August 29, 2018. Staff evaluated the submitted proposals and unanimously selected Wallis Engineering as the most qualified and preferred consultant to perform engineering design services for this project.

EXPECTED RESULTS:

Wallis Engineering will provide engineered design plans and construction specifications for both French Prairie Drive Phase II and Old Farm Road Phase I projects within Charbonneau making the projects ready for bid and construction. They will then provide support services during construction.

TIMELINE:

Upon completion of preliminary (60%) design, the two projects will be separated into two separate phases to be constructed in consecutive years. Advance (90%) engineering design and specifications for the two phases are expected to be completed prior to each construction phase, approximately in spring of 2019 French Prairie Drive Phase II and spring of 2020 Old Farm Road Phase I. Bidding and construction of each phase of work is expected to occur in the summer of 2019 French Prairie Drive Phase II and summer of 2020 Old Farm Road Phase I.

CURRENT YEAR BUDGET IMPACTS:

Project #s 1500, 2500, 4500, and 7500 are funded through a combination of water, sewer, street, and stormwater operating fees. The proposed FY 2018-19 Wilsonville budget includes \$61,063 for water, \$312,125 for sewer, \$421,993 for streets, and \$833,998 for stormwater for design, construction, contract administration, and overhead for the first phase of the utility repairs within Charbonneau.

The professional services contract with Wallis Engineering includes \$638,032.08 for design and construction management for the two phases of the Charbonneau utility repairs. The anticipated expenditure schedule for this contract is FY 18/19 - \$489,813.82, FY19/20 – \$148,218.82.

FINANCIAL REVIEW / COMMENT:

Reviewed by: CAR Date: 9/21/2018

Contract not to exceed existing budget.

LEGAL REVIEW / COMMENT:

Reviewed by: ARGH Date: 10/9/2018

COMMUNITY INVOLVEMENT PROCESS:

Staff met with Charbonneau residents in July 2014 to share the results of the Charbonneau Consolidated Improvement Plan and once again in November 2015 to share preliminary design plans associated with the 15 high priority spot repair projects. As the preliminary design plans are developed for the French Prairie Drive Phase II and Old Farm Road Phase I project, City staff, with assistance from the design consultant, will host a public open house to share the plans with the Charbonneau residents and incorporate their comments and concerns into the final project designs.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

The utility repairs contemplated under these projects will replace and/or rehabilitate deficient sections of water, sewer, and storm pipe and street segments within the Charbonneau District. The Wilsonville community will benefit from the projects by replacing aging and deficient infrastructure with newer materials that are expected to remain in good working condition between 20 (in the case of street surfaces) to 75+ years (in the case of water, sewer, and storm infrastructure).

ALTERNATIVES:

City staff, with the help of the design consultant, will evaluate a number of pipe rehabilitation and repair methods to help reduce the construction impact to the Charbonneau residents. The evaluation will include use of trenchless technology where appropriate to avoid open trenching of the roadways and within landscaped easements within the Charbonneau District.

CITY MANAGER COMMENT:

None.

ATTACHMENT:

1. Resolution No. 2707

RESOLUTION NO. 2707

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH WALLIS ENGINEERING FOR DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR THE CHARBONNEAU UTILITY REPAIR: FRENCH PRAIRIE DRIVE PHASE II AND OLD FARM ROAD PHASE I PROJECT (CAPITAL IMPROVEMENT PROJECT #1500, #2500, #4500, AND #7500).

WHEREAS, the City of Wilsonville (“City”) has planned and budgeted for water, sewer, street, and stormwater infrastructure replacement and/or rehabilitation in the Charbonneau District under CIP #1500 – Water Ops Allocation to Charbonneau, CIP #2500 – Sewer Operations Allocations to Charbonneau, CIP #4500 – Street Maintenance Allocation to Charbonneau, and CIP #7500 – Stormwater Ops Allocation to Charbonneau (“Projects”); and

WHEREAS, the City solicited Requests for Proposals (RFPs) from qualified consulting firms in compliance with the City of Wilsonville Municipal Code and Oregon public contracting laws to assist the City with the foregoing Projects; and

WHEREAS, Wallis Engineering submitted a proposal for the Project on August 29, 2018 and was subsequently evaluated by a City selection committee and determined to be the most qualified consultant to perform the work; and

WHEREAS, the Professional Services Agreement stipulates the consultant will be paid on a time and materials basis not to exceed Six Hundred Thirty Eight Thousand Thirty Two Dollars and Eight Cents (\$638,032.08).

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

1. The procurement process for the Projects duly followed Oregon Public Contracting Rules and the Wilsonville Municipal Code.
2. The City Council, acting as the Local Contract Review Board, authorizes the City Manager to execute a Professional Services Agreement in the amount of Six Hundred Thirty Eight Thousand Thirty Two Dollars and

Eight Cents (\$638,032.08) in substantially similar form to **Exhibit A** attached hereto and incorporated herein.

3. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 15th day of October 2018, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Stevens

Councilor Lehan

Councilor Akervall

Attachments:

Exhibit A Professional Services Agreement – Charbonneau Utility Repair: French Prairie Drive Phase II and Old Farm Road Phase I (CIP #1500, #2500, #4500, and #7500)

**CITY OF WILSONVILLE
PROFESSIONAL SERVICES AGREEMENT
CHARBONNEAU UTILITY REPAIR:
FRENCH PRAIRIE DRIVE PHASE II/OLD FARM ROAD PHASE I
(#1500/#2500/#4500/#7500)**

This Professional Services Agreement (“Agreement”) is made and entered into on this ____ day of _____ 2018 (“Effective Date”) by and between the **City of Wilsonville**, a municipal corporation of the State of Oregon (hereinafter referred to as the “City”), and **Wallis Engineering, PLLC**, a Washington professional limited liability company (hereinafter referred to as “Consultant”).

RECITALS

WHEREAS, the City requires services which Consultant is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, Consultant represents that Consultant is qualified to perform the services described herein on the basis of specialized experience and technical expertise; and

WHEREAS, Consultant is prepared to provide such services as the City does hereinafter require.

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

AGREEMENT

Section 1. Term

The term of this Agreement shall be from the Effective Date until all services required to be performed hereunder (“Services”) are completed and accepted, or no later than June 30, 2020, whichever occurs first, unless earlier terminated in accordance herewith or an extension of time is agreed to, in writing, by the City.

Section 2. Consultant’s Services

2.1. Consultant shall diligently perform the design and construction Services according to the requirements and deliverable dates identified in the Scope of Work, attached hereto as **Exhibit A** and incorporated by reference herein, for the Charbonneau Utility Repair: French Prairie Drive Phase II/Old Farm Road Phase I Project (“Project”).

2.2. All written documents, drawings, and plans submitted by Consultant in conjunction with the Services shall bear the signature, stamp, or initials of Consultant’s authorized Project Manager. Any documents submitted by Consultant which do not bear the signature, stamp, or initials of Consultant’s authorized Project Manager, will not be relied upon

by the City. Interpretation of plans and answers to questions regarding the Services or Scope of Work given by Consultant's Project Manager may be verbal or in writing, and may be relied upon by the City, whether given verbally or in writing. If requested by the City to be in writing, Consultant's Project Manager will provide such written documentation.

2.3. Consultant will not be deemed to be in default by reason of delays in performance due to reasons beyond Consultant's reasonable control, including but not limited to strikes, lockouts, severe acts of nature, or other unavoidable delays or acts of third parties not under Consultant's direction and control ("Force Majeure"). In the case of the happening of any Force Majeure event, the time for completion of the Services will be extended accordingly and proportionately by the City, in writing. Lack of labor, supplies, materials, or the cost of any of the foregoing shall not be deemed a Force Majeure event.

2.4. The existence of this Agreement between the City and Consultant shall not be construed as the City's promise or assurance that Consultant will be retained for future services beyond the Scope of Work described herein.

2.5. Consultant shall maintain the confidentiality of any confidential information that is exempt from disclosure under state or federal law to which Consultant may have access by reason of this Agreement. Consultant warrants that Consultant's employees assigned to work on the Services provided in this Agreement shall be clearly instructed to maintain this confidentiality. All agreements with respect to confidentiality shall survive the termination or expiration of this Agreement.

Section 3. Compensation

3.1. Except as otherwise set forth in this **Section 3**, the City agrees to pay Consultant on a time and materials basis, guaranteed not to exceed SIX HUNDRED THIRTY-EIGHT THOUSAND THIRTY-TWO DOLLARS AND EIGHT CENTS (\$638,032.08) for performance of the Services ("Compensation Amount"). Any compensation in excess of the Compensation Amount will require an express written Addendum to be executed between the City and Consultant.

3.2. During the course of Consultant's performance, if the City, through its Project Manager, specifically requests Consultant to provide additional services that are beyond the Scope of Work described on **Exhibit A**, a written Addendum to this Agreement must be executed in compliance with the provisions of **Section 15**.

3.3. Except for amounts withheld by the City pursuant to this Agreement, Consultant will be paid for Services for which an itemized invoice is received by the City within thirty (30) days of receipt, unless the City disputes such invoice. In that instance, the undisputed portion of the invoice will be paid by the City within the above timeframe. The City will set forth its reasons for the disputed claim amount and make good faith efforts to resolve the invoice dispute with Consultant as promptly as is reasonably possible.

Section 4. City's Rights and Responsibilities

4.1. The City will designate a Project Manager to facilitate day-to-day communication between Consultant and the City, including timely receipt and processing of invoices, requests for information, and general coordination of City staff to support the Project.

4.2. Award of this contract is subject to budget appropriation. Funds are approved for Fiscal Year 2018-19. If not completed within this fiscal year, funds may not be appropriated for the next fiscal year. The City also reserves the right to terminate this contract early, as described in Section 13.

Section 5. City's Project Manager

The City's Project Manager is Matt Palmer. The City shall give Consultant prompt written notice of any re-designation of its Project Manager.

Section 6. Consultant's Project Manager

Consultant's Project Manager is David Brokaw. In the event that Consultant's designated Project Manager is changed, Consultant shall give the City prompt written notification of such re-designation. Recognizing the need for consistency and knowledge in the administration of the Project, Consultant's Project Manager will not be changed without the written consent of the City, which consent shall not be unreasonably withheld. In the event the City receives any communication from Consultant that is not from Consultant's designated Project Manager, the City may request verification by Consultant's Project Manager, which verification must be promptly furnished.

Section 7. Project Information

Except for confidential information designated by the City as information not to be shared, Consultant agrees to share Project information with, and to fully cooperate with, those corporations, firms, contractors, public utilities, governmental entities, and persons involved in or associated with the Project. No information, news, or press releases related to the Project, whether made to representatives of newspapers, magazines, or television and radio stations, shall be made without the written authorization of the City's Project Manager.

Section 8. Duty to Inform

If at any time during the performance of this Agreement or any future phase of this Agreement for which Consultant has been retained, Consultant becomes aware of actual or potential problems, faults, or defects in the Project or Scope of Work, or any portion thereof; or of any nonconformance with federal, state, or local laws, rules, or regulations; or if Consultant has any objection to any decision or order made by the City with respect to such laws, rules, or regulations, Consultant shall give prompt written notice thereof to the City's Project Manager. Any delay or failure on the part of the City to provide a written response to Consultant shall

neither constitute agreement with nor acquiescence to Consultant's statement or claim, nor constitute a waiver of any of the City's rights.

Section 9. Subcontractors and Assignments

9.1. Consultant shall not assign any of Consultant's rights acquired hereunder without obtaining prior written approval from the City, which approval may be granted or denied in the City's sole discretion. Some Services may be performed by persons other than Consultant, provided Consultant advises the City of the names of such subcontractors and the work which they intend to perform, and the City specifically agrees in writing to such subcontracting. The City hereby agrees that Consultant will contract with Scott Pipeline Video, Inc. (d/b/a Pacific Int-R-Tek) to provide its TV inspection of sewer/storm pipeline services, AKS Engineering and Forestry, LLC to provide its survey services, and GeoDesign, Inc. to provide its pavement design services, which are a critical part of this Agreement. Consultant acknowledges such work will be provided to the City pursuant to a subcontract(s) between Consultant and subcontractor(s) and no privity of contract exists between the City and the subcontractor(s). Unless otherwise specifically provided by this Agreement, the City incurs no liability to third persons for payment of any compensation provided herein to Consultant. Any attempted assignment of this Agreement without the written consent of the City shall be void. Except as otherwise specifically agreed, all costs for work performed by others on behalf of Consultant shall not be subject to additional reimbursement by the City.

9.2. The City shall have the right to enter into other agreements for the Project, to be coordinated with this Agreement. Consultant shall cooperate with the City and other firms, engineers or subcontractors on the Project so that all portions of the Project may be completed in the least possible time and within normal working hours. Consultant shall furnish other engineers, subcontractors and affected public utilities, whose designs are fitted into Consultant's design, detail drawings giving full information so that conflicts can be avoided.

9.3. Consultant shall include this Agreement by reference in any subcontract and require subcontractors to perform in strict compliance with this Agreement.

Section 10. Consultant Is Independent Contractor

10.1. Consultant is an independent contractor for all purposes and shall be entitled to no compensation other than the Compensation Amount provided for under **Section 3** of this Agreement. Consultant will be solely responsible for determining the manner and means of accomplishing the end result of Consultant's Services. The City does not have the right to control or interfere with the manner or method of accomplishing said Services. The City, however, will have the right to specify and control the results of Consultant's Services so such Services meet the requirements of the Project.

10.2. Consultant has requested that some consulting Services be performed on the Project by persons or firms other than Consultant, through a subcontract with Consultant. Consultant acknowledges that if such Services are provided to the City pursuant to a subcontract(s) between Consultant and those who provide such services, Consultant may not

utilize any subcontractor(s), or in any way assign its responsibility under this Agreement, without first obtaining the express written consent of the City, which consent may be given or denied in the City's sole discretion. In all cases, processing and payment of billings from subcontractors is solely the responsibility of Consultant.

10.3. Consultant shall be responsible for, and defend, indemnify, and hold the City harmless against, any liability, cost, or damage arising out of Consultant's use of such subcontractor(s) and subcontractor's negligent acts, errors, or omissions. Unless otherwise agreed to, in writing, by the City, Consultant shall require that all of Consultant's subcontractors also comply with, and be subject to, the provisions of this **Section 10** and meet the same insurance requirements of Consultant under this Agreement.

Section 11. Consultant Responsibilities

11.1. Consultant shall make prompt payment for any claims for labor, materials, or services furnished to Consultant by any person in connection with this Agreement, as such claims become due. Consultant shall not permit any liens or claims to be filed or prosecuted against the City on account of any labor or material furnished to or on behalf of Consultant. If Consultant fails, neglects, or refuses to make prompt payment of any such claim, the City may, but shall not be obligated to, pay such claim to the subcontractor furnishing the labor, materials, or services and offset the amount of the payment against funds due or to become due to Consultant under this Agreement. The City may also recover any such amounts directly from Consultant.

11.2. Consultant must comply with all applicable Oregon and federal wage and hour laws, including BOLI wage requirements, if applicable. Consultant shall make all required workers compensation and medical care payments on time. Consultant shall be fully responsible for payment of all employee withholdings required by law, including but not limited to taxes, including payroll, income, Social Security (FICA), and Medicaid. Consultant shall also be fully responsible for payment of salaries, benefits, taxes, Industrial Accident Fund contributions, and all other charges on account of any employees. Consultant shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167. All costs incident to the hiring of assistants or employees shall be Consultant's responsibility. Consultant shall defend, indemnify, and hold the City harmless from claims for payment of all such expenses. Unless otherwise expressly set forth on **Exhibit A** as a reimbursable expense item not included in the Compensation Amount, specific costs associated with items set forth in this subsection shall be deemed as fully and conclusively included in the rate upon which Consultant's Compensation Amount is based.

11.3. No person shall be discriminated against by Consultant or any subcontractor in the performance of this Agreement on the basis of sex, gender, race, color, creed, religion, marital status, age, disability, sexual orientation, gender identity, or national origin. Any violation of this provision shall be grounds for cancellation, termination, or suspension of the Agreement, in whole or in part, by the City.

11.4. References to "subcontractor" mean a subcontractor at any tier.

Section 12. Indemnity and Insurance

12.1. Indemnification. Consultant acknowledges responsibility for liability arising out of the performance of this Agreement, and shall defend, indemnify, and hold the City harmless from any and all liability, settlements, loss, costs, and expenses in connection with any action, suit, or claim resulting or allegedly resulting from Consultant's negligent acts, omissions, errors, or willful or reckless misconduct pursuant to this Agreement, or from Consultant's failure to perform its responsibilities as set forth in this Agreement. The review, approval, or acceptance by the City, its Project Manager, or any City employee of documents or other work performed, prepared, or submitted by Consultant shall not be considered a negligent act, error, omission, or willful misconduct on the part of the City, and none of the foregoing shall relieve Consultant of its responsibility to perform in full conformity with the City's requirements, as set forth in this Agreement, and to indemnify the City as provided above and to reimburse the City for any and all costs and damages suffered by the City as a result of Consultant's negligent performance of this Agreement, failure of performance hereunder, violation of state or federal laws, or failure to adhere to the standards of performance and care described in **Subsection 12.2**. Consultant shall defend the City (using legal counsel reasonably acceptable to the City) against any claim that alleges negligent acts, omissions, errors, or willful or reckless misconduct by Consultant.

12.2. Standard of Care. In the performance of professional services, Consultant agrees to use at least that degree of care and skill exercised under similar circumstances by reputable members of Consultant's profession practicing in the Portland metropolitan area. Consultant will re-perform any Services not meeting this standard without additional compensation. Consultant's re-performance of any Services, even if done at the City's request, shall not be considered as a limitation or waiver by the City of any other remedies or claims it may have arising out of Consultant's failure to perform in accordance with the applicable standard of care of this Agreement and within the prescribed timeframe.

12.3. Insurance Requirements. Consultant shall maintain insurance coverage acceptable to the City in full force and effect throughout the term of this Agreement. Such insurance shall cover all risks arising directly or indirectly out of Consultant's activities or work hereunder. Any and all agents, contractors, or subcontractors with which Consultant contracts to work on the Services must have insurance that conforms to the insurance requirements in this Agreement. The amount of insurance carried is in no way a limitation on Consultant's liability hereunder. The policy or policies of insurance maintained by Consultant shall provide at least the following minimum limits and coverages at all times during performance under this Agreement:

12.3.1. Commercial General Liability Insurance. Consultant and all subcontractors shall obtain, at each of their own expense, and keep in effect during the term of this Agreement, comprehensive Commercial General Liability Insurance covering Bodily Injury and Property Damage, written on an "occurrence" form policy. This coverage shall include broad form Contractual Liability insurance for the indemnities provided under this Agreement and shall be for the following minimum insurance coverage amounts: The coverage shall be in the amount of **\$2,000,000** for each occurrence and **\$3,000,000** general aggregate and shall include Products-Completed

Operations Aggregate in the minimum amount of **\$2,000,000** per occurrence, Fire Damage (any one fire) in the minimum amount of **\$50,000**, and Medical Expense (any one person) in the minimum amount of **\$10,000**. All of the foregoing coverages must be carried and maintained at all times during this Agreement.

12.3.2. Professional Errors and Omissions Coverage. Consultant agrees to carry Professional Errors and Omissions Liability insurance on a policy form appropriate to the professionals providing the Services hereunder with a limit of no less than **\$2,000,000** per claim. Consultant shall maintain this insurance for damages alleged to be as a result of errors, omissions, or negligent acts of Consultant. Such policy shall have a retroactive date effective before the commencement of any work by Consultant on the Services covered by this Agreement, and coverage will remain in force for a period of at least three (3) years thereafter.

12.3.3. Business Automobile Liability Insurance. If Consultant or any subcontractors will be using a motor vehicle in the performance of the Services herein, Consultant shall provide the City a certificate indicating that Consultant and its subcontractors have business automobile liability coverage for all owned, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than **\$2,000,000**.

12.3.4. Workers Compensation Insurance. Consultant, its subcontractors, and all employers providing work, labor, or materials under this Agreement that are subject employers under the Oregon Workers Compensation Law shall comply with ORS 656.017, which requires them to provide workers compensation coverage that satisfies Oregon law for all their subject workers under ORS 656.126. Out-of-state employers must provide Oregon workers compensation coverage for their workers who work at a single location within Oregon for more than thirty (30) days in a calendar year. Consultants who perform work without the assistance or labor of any employee need not obtain such coverage. This shall include Employer's Liability Insurance with coverage limits of not less than **\$500,000** each accident.

12.3.5. Insurance Carrier Rating. Coverages provided by Consultant and its subcontractors must be underwritten by an insurance company deemed acceptable by the City, with an AM Best Rating of A or better. The City reserves the right to reject all or any insurance carrier(s) with a financial rating that is unacceptable to the City.

12.3.6. Additional Insured and Termination Endorsements. Additional Insured coverage under Consultant's Commercial General Liability, Automobile Liability, and Excess Liability Policies, as applicable, will be provided by endorsement. Additional insured coverage shall be for both ongoing operations via ISO Form CG 2010 or its equivalent, and products and completed operations via ISO Form CG 2037 or its equivalent. Coverage shall be Primary and Non-Contributory. Waiver of Subrogation endorsement via ISO Form CG 2404 or its equivalent shall be provided. The following is included as additional insured: "The City of Wilsonville, its elected and appointed officials, officers, agents, employees, and volunteers." An endorsement shall also be

provided requiring the insurance carrier to give the City at least thirty (30) days' written notification of any termination or major modification of the insurance policies required hereunder. Consultant must be an additional insured on the insurance policies obtained by its subcontractors performing work on the Services contemplated under this Agreement.

12.3.7. Certificates of Insurance. As evidence of the insurance coverage required by this Agreement, Consultant shall furnish a Certificate of Insurance to the City. This Agreement shall not be effective until the required certificates and the Additional Insured Endorsements have been received and approved by the City. Consultant agrees that it will not terminate or change its coverage during the term of this Agreement without giving the City at least thirty (30) days' prior advance notice and Consultant will obtain an endorsement from its insurance carrier, in favor of the City, requiring the carrier to notify the City of any termination or change in insurance coverage, as provided above.

12.4. Primary Coverage. The coverage provided by these policies shall be primary, and any other insurance carried by the City is excess. Consultant shall be responsible for any deductible amounts payable under all policies of insurance. If insurance policies are "Claims Made" policies, Consultant will be required to maintain such policies in full force and effect throughout any warranty period.

Section 13. Early Termination; Default

13.1. This Agreement may be terminated prior to the expiration of the agreed upon terms:

13.1.1. By mutual written consent of the parties;

13.1.2. By the City, for any reason, and within its sole discretion, effective upon delivery of written notice to Consultant by mail or in person; or

13.1.3. By Consultant, effective upon seven (7) days' prior written notice in the event of substantial failure by the City to perform in accordance with the terms through no fault of Consultant, where such default is not cured within the seven (7) day period by the City. Withholding of disputed payment is not a default by the City.

13.2. If the City terminates this Agreement, in whole or in part, due to default or failure of Consultant to perform Services in accordance with the Agreement, the City may procure, upon reasonable terms and in a reasonable manner, services similar to those so terminated. In addition to any other remedies the City may have, both at law and in equity, for breach of contract, Consultant shall be liable for all costs and damages incurred by the City as a result of the default by Consultant, including, but not limited to all costs incurred by the City in procuring services from others as needed to complete this Agreement. This Agreement shall be in full force to the extent not terminated by written notice from the City to Consultant. In the event of a default, the City will provide Consultant with written notice of the default and a period of ten (10) days to cure the default. If Consultant notifies the City that it wishes to cure the default but cannot, in

good faith, do so within the ten (10) day cure period provided, then the City may elect, in its sole discretion, to extend the cure period to an agreed upon time period, or the City may elect to terminate this Agreement and seek remedies for the default, as provided above.

13.3. If the City terminates this Agreement for its own convenience not due to any default by Consultant, payment of Consultant shall be prorated to, and include the day of, termination and shall be in full satisfaction of all claims by Consultant against the City under this Agreement.

13.4. Termination under any provision of this section shall not affect any right, obligation, or liability of Consultant or the City that accrued prior to such termination. Consultant shall surrender to the City items of work or portions thereof, referred to in **Section 17**, for which Consultant has received payment or the City has made payment.

Section 14. Suspension of Services

The City may suspend, delay, or interrupt all or any part of the Services for such time as the City deems appropriate for its own convenience by giving written notice thereof to Consultant. An adjustment in the time of performance or method of compensation shall be allowed as a result of such delay or suspension unless the reason for the delay is within Consultant's control. The City shall not be responsible for Services performed by any subcontractors after notice of suspension is given by the City to Consultant. Should the City suspend, delay, or interrupt the Services and the suspension is not within Consultant's control, then the City shall extend the time of completion by the length of the delay.

Section 15. Modification/Addendum

Any modification of the provisions of this Agreement shall not be enforceable unless reduced to writing and signed by both the City and Consultant. A modification is a written document, contemporaneously executed by the City and Consultant, which increases or decreases the cost to the City over the agreed Compensation Amount in **Section 3** of this Agreement, or changes or modifies the Scope of Work or the time for performance. No modification shall be binding or effective until executed, in writing, by both Consultant and the City. In the event Consultant receives any communication of whatsoever nature from the City, which communication Consultant contends gives rise to any modification of this Agreement, Consultant shall, within five (5) days after receipt, make a written request for modification to the City's Project Manager in the form of an Addendum. Consultant's failure to submit such written request for modification in the form of an Addendum shall be the basis for refusal by the City to treat said communication as a basis for modification or to allow such modification. In connection with any modification to this Agreement affecting any change in price, Consultant shall submit a complete breakdown of labor, material, equipment, and other costs. If Consultant incurs additional costs or devotes additional time on Project tasks, the City shall be responsible for payment of only those additional costs for which it has agreed to pay under a signed Addendum. To be enforceable, the Addendum must describe with particularity the nature of the change, any delay in time the Addendum will cause, or any increase or decrease in the Compensation Amount. The Addendum must be signed and dated by both Consultant and the City before the Addendum may be implemented.

Section 16. Access to Records

The City shall have access, upon request, to such books, documents, receipts, papers, and records of Consultant as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of four (4) years, unless within that time the City specifically requests an extension. This clause shall survive the expiration, completion, or termination of this Agreement.

Section 17. Property of the City

17.1. Originals or certified copies of the original work forms, including but not limited to documents, drawings, tracings, surveying records, mylars, papers, diaries, inspection reports, and photographs, performed or produced by Consultant under this Agreement shall be the exclusive property of the City and shall be delivered to the City prior to final payment. Any statutory or common law rights to such property held by Consultant as creator of such work shall be conveyed to the City upon request without additional compensation. Upon the City's approval, and provided the City is identified in connection therewith, Consultant may include Consultant's work in its promotional materials. Drawings may bear a disclaimer releasing Consultant from any liability for changes made on the original drawings and for reuse of the drawings subsequent to the date they are turned over to the City.

17.2. Consultant shall not be held liable for any damage, loss, increased expenses, or otherwise, caused by or attributed to the reuse by the City or its designees of all work performed by Consultant pursuant to this Agreement without the express written permission of Consultant.

Section 18. Notices

Any notice required or permitted under this Agreement shall be in writing and shall be given when actually delivered in person or forty-eight (48) hours after having been deposited in the United States mail as certified or registered mail, addressed to the addresses set forth below, or to such other address as one party may indicate by written notice to the other party.

To City: City of Wilsonville
 Attn: Matt Palmer, Civil Engineer
 29799 SW Town Center Loop East
 Wilsonville, OR 97070

To Consultant: Wallis Engineering, PLLC
 Attn: David Brokaw
 215 W 4th Street, Suite 200
 Vancouver, WA 98660

Section 19. Miscellaneous Provisions

19.1. Integration. This Agreement, including all exhibits attached hereto, contains the entire and integrated agreement between the parties and supersedes all prior written or oral discussions, representations, or agreements. In case of conflict among these documents, the provisions of this Agreement shall control.

19.2. 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.

19.3. No Assignment. Consultant may not assign this Agreement, nor delegate the performance of any obligations hereunder, unless agreed to in advance and in writing by the City.

19.4. Adherence to Law. In the performance of this Agreement, Consultant shall adhere to all applicable federal, state, and local laws (including the Wilsonville Code and Public Works Standards), including but not limited to laws, rules, regulations, and policies concerning employer and employee relationships, workers compensation, and minimum and prevailing wage requirements. Any certificates, licenses, or permits that Consultant is required by law to obtain or maintain in order to perform the Services described on **Exhibit A**, shall be obtained and maintained throughout the term of this Agreement.

19.5. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Oregon, regardless of any conflicts of laws. All contractual provisions required by ORS Chapters 279A, 279B, 279C, and related Oregon Administrative Rules to be included in public agreements are hereby incorporated by reference and shall become a part of this Agreement as if fully set forth herein.

19.6. Jurisdiction. Venue for any dispute will be in Clackamas County Circuit Court.

19.7. Legal Action/Attorney Fees. If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U.S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Agreement or to interpret or enforce any rights or obligations hereunder, the prevailing party shall be entitled to recover attorney, paralegal, accountant, and other expert fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court or body at trial or on any appeal or review, in addition to all other amounts provided by law. If the City is required to seek legal assistance to enforce any term of this Agreement, such fees shall include all of the above fees, whether or not a proceeding is initiated. Payment of all such fees shall also apply to any administrative proceeding, trial, and/or any appeal or petition for review.

19.8. Nonwaiver. Failure by either party at any time to require performance by the other party of any of the provisions of this Agreement shall in no way affect the party's rights hereunder to enforce the same, nor shall any waiver by the party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

19.9. 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.

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

19.11. Time of the Essence. Time is expressly made of the essence in the performance of this Agreement.

19.12. Calculation of Time. Except where the reference is to business days, all periods of time referred to herein shall include Saturdays, Sundays, and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday, or legal holiday observed by the City, the period shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday. Where the reference is to business days, periods of time referred to herein shall exclude Saturdays, Sundays, and legal holidays observed by the City. Whenever a time period is set forth in days in this Agreement, the first day from which the designated period of time begins to run shall not be included.

19.13. Headings. Any 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.

19.14. Number, Gender and Captions. In construing this Agreement, it is understood that, if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that, generally, all grammatical changes shall be made, assumed, and implied to individuals and/or corporations and partnerships. All captions and paragraph headings used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of this Agreement.

19.15. Good Faith and Reasonableness. The Parties intend that the obligations of good faith and fair dealing apply to this Agreement generally and that no negative inferences be drawn by the absence of an explicit obligation to be reasonable in any portion of this Agreement. The obligation to be reasonable shall only be negated if arbitrariness is clearly and explicitly permitted as to the specific item in question, such as in the case of where this Agreement gives the City "sole discretion" or the City is allowed to make a decision in its "sole judgment."

19.16. Other Necessary Acts. Each party shall execute and deliver to the other all such further instruments and documents as may be reasonably necessary to carry out this Agreement in order to provide and secure to the other parties the full and complete enjoyment of rights and privileges hereunder.

19.17. Interpretation. As a further condition of this Agreement, the City and Consultant 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. In the event that any party shall take an action, whether

judicial or otherwise, to enforce or interpret any of the terms of the Agreement, the prevailing party shall be entitled to recover from the other party all expenses which it may reasonably incur in taking such action, including attorney fees and costs, whether incurred in a court of law or otherwise.

19.18. Entire Agreement. This Agreement and all documents attached to this Agreement represent the entire agreement between the parties.

19.19. 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.

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

The Consultant and the City hereby agree to all provisions of this Agreement.

CONSULTANT:

CITY:

WALLIS ENGINEERING, PLLC

CITY OF WILSONVILLE

By: _____

By: _____

Print Name: _____

Print Name: _____

As Its: _____

As Its: _____

Employer I.D. No. _____

APPROVED AS TO FORM:

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

**EXHIBIT A: SCOPE OF WORK
WALLIS ENGINEERING**

**CHARBONNEAU UTILITY REPAIR
CITY OF WILSONVILLE**

October 2018
WE#1468A

PROJECT DESCRIPTION

The Charbonneau District within the City of Wilsonville was developed in the early 1970's as part of a planned community, and the area's infrastructure is prematurely approaching the end of its useful design life. In 2014, the Charbonneau Consolidated Improvement Plan (CCIP) assessed the condition of the utility and road conditions, estimated the total capital outlay needed to bring this area up to its current service standards, and prioritized the improvements over a 20 year planning period. This project will construct improvements based on the condition and noted priorities for the French Prairie Drive Phase II and Old Farm Road Phase I identified in the CCIP and as shown on Attachment A.

SPECIFIC SCOPE OF WORK

Phase 1: Preliminary Engineering & Design

Phase 2: Design & Bidding Assistance – French Prairie Drive Phase II

Phase 3: Construction Support – French Prairie Drive Phase II

Phase 4: Design & Bidding Assistance – Old Farm Road Phase I

Phase 5: Construction Support – Old Farm Road Phase I

SUBCONSULTANTS

Subconsultant	Discipline	Task(s)	Referenced Exhibit
Pacific Int-R-Tek	Pipeline Video Inspection	1.3	C1
GeoDesign, Inc.	Geotechnical Engineering	1.4, 1.9	C2
AKS	Survey	1.5, 1.6, 1.7, 1.8, 3.2 5.2	C3

TASK 0.1 – PROJECT MANAGEMENT

Wallis Engineering will provide project management for work associated with this Project, including managing Wallis Engineering's staff and any sub-consultants. Wallis Engineering will schedule and coordinate work with the City's Project Manager. Wallis Engineering will communicate with the City the Project work status on a regular basis and project issues as concerns arise. Wallis Engineering will also provide quality assurance such that all deliverables have been peer reviewed prior to submittal to the City.

Wallis Engineering will prepare monthly progress reports accompanied by progress billings, as well as monitor work tasks, budgets and schedule. Monthly progress billings are subject to City review and approval.

Wallis Engineering will prepare a detailed Project schedule that includes each task and subtask and key project milestones. Wallis Engineering will update the Project schedule as changes to task timeframes occur.

Task 0.1 Assumptions

- This contract will include bidding, construction and project closeout (June 2019 – June 2020).

Task 0.1 Deliverables

- Monthly progress reports indicating percent complete during billing period and total to date per task and subtask.
- MS Project Schedule and updates as needed.
- Monthly progress billings on a time and materials basis per task and subtask

PHASE 1: PRELIMINARY ENGINEERING & DESIGN

Task 1.1 – Project Information Review

The City will provide Wallis Engineering with the following information in electronic format prior to the Project Kick-Off Meeting for their review.

- City of Wilsonville 2015 Public Works Standards and detail drawings.
- Charbonneau Consolidated Improvement Plan.
- As-built/Record Drawing information, as available.
- Previous video inspections of all sanitary sewer and storm sewer pipe segments.
- Master plan flow projections and calculations for storm collection system.
- Other pertinent information requested by Wallis Engineering, as available.

Task 1.2 – Project Team Meetings

Wallis Engineering will schedule, facilitate, and prepare agendas, meeting materials, and minutes for up to two (2) Project team meetings:

- Project kick-off meeting
- Pipeline inspection & connection/cross-connection verification summary meeting

Task 1.2 Assumptions

- Meetings will be held at Wilsonville City Hall and City Staff will be responsible for providing the meeting room.
- Wallis Engineering will not be required to attend any City Council meetings.

Task 1.2 Deliverables

- Project team meeting agendas and meeting materials two (2) business days prior to meeting date.
- Project team meeting minutes.

Task 1.3 – Pipeline Video Inspection & Connection/Cross-Connection Verification.

Wallis Engineering and Pacific Int-R-Tek will coordinate with the City to discuss the process by which pipeline lateral connections/cross-connections and the associated property(s) or structure(s)

being serviced will be determined, as well as the extents of the video inspection work. Wallis Engineering will document the portion of the work to be performed by Pacific Int-R-Tek and that which is the responsibility of the City.

Pacific Int-R-Tek will clean and conduct a video inspection of each section of utility pipeline (sewer and storm), including the first 20 LF of all immediate upstream and downstream pipe sections, within the two project areas as identified in Attachment A in accordance with Wilsonville Public Works Standards (Section 401.6.02).

Pacific Int-R-Tek will also locate and inspect sewer laterals to the right-of-way. Pacific Int-R-Tek will identify the location of all service lateral connections and the property(s) or structure(s) to which service is provided through the use of a lateral camera launched from the main.

To confirm and eliminate cross connections in the City's systems, Pacific Int-R-Tek will smoke test each section of sewer pipeline (to identify storm drains that are connected to sewer pipelines). Dye tests will be performed on an as-needed basis to assess project areas where the source of a lateral cannot be identified, or other instances where the flow path must be confirmed. Door hangers will be utilized to notify of smoke and dye testing and throughout the construction phase to notify residents of activities or anticipated access and service interruptions. As part of the design effort, any discovered cross connections will be corrected.

Inspection will include photographing, and documenting each manhole from the surface for structural deficiencies, infiltration, or hydrogen sulfide corrosion. See Exhibit C1 for Pacific Int-R-Tek scope of services, deliverables and assumptions.

Task 1.3 Assumptions:

- Up to 11,100 LF of total mainline inspection and cleaning is assumed.
 - 4,800 LF of sanitary sewer mainline (< 15" dia.)
 - 2,800 LF of storm sewer mainline (< 15" dia.)
 - 3,500 LF of storm sewer mainline (15"-30" dia.)
- Up to 52 sanitary laterals and 28 storm laterals will be located and inspected.
- Traffic control setup is included.
- Disposal dump fees are included.
- Video inspection will be conducted in accordance with Wilsonville Public Works Standards (Section 401.6.02.d).
- Up to three passes with a high pressure jetter will be sufficient. The City will be notified if any additional cleaning is needed.
- The City will provide Pacific Int-R-Tek with a hydrant meter for water access as needed for pipe cleaning. Pacific Int-R-Tek will be responsible for any deposit required to take possession of the meter.
- The City will provide a map with manhole and inlet identification numbers that will be used to identify structures in the report.
- Laterals that are obstructed by roots, pipe collapse, debris, or capped will be inspected to the extent possible.
- The City will handle all public involvement tasks associated with smoke and dye testing including advanced public notifications, coordination with residents during dye testing and preparation and distribution of door hangers.
- Video inspection required to document dye testing results assumed limited to one (1) day.
- No right-of-way permits required for video inspection services.
- Pacific Int-R-Tek to provide traffic control needed for video inspection services. No flagging assumed required.

Task 1.3 Deliverables:

- An existing conditions map of each project area; noting pipe deficiencies, active and capped laterals, manhole condition, and items that require further investigation.
- Video inspection recorded in color on a DVD or USB flash drive format and written inspection report for each section of utility pipeline.
- Preliminary layout of all utility pipeline connections, identifying each property or structure served, including identification of connections abandoned or capped.
- Smoke and dye testing report.

Task 1.4 - Geotechnical Investigation

Geodesign will provide pavement investigation and analysis and pavement design services for street improvements for both projects. Wallis engineering and Geodesign will walk the project site to identify section of pavement for full depth repair during construction. See attached GeoDesign, Inc. scope of services Exhibit C2 for additional details.

Task 1.4 Assumptions

- Geotechnical investigation work limited to pavement design recommendations. No testing will be done to inform utility work.
- City to provide traffic counts appropriate for pavement design
- Pavement designs are to 20 year design life.
- Anticipated improvements limited to grind and inlays, overlays or surface treatments.
- Geotechnical testing/boring required for pipe bursting designs not included at this time and would be a supplemental task if needed.

Task 1.4 Deliverables

- Geotechnical Report, as needed

Task 1.5 - Topographic Survey

AKS Engineering and Forestry (AKS) will provide topographic survey mapping. Prior to commencement of any work we will review individual site mapping needs to avoid unnecessary work while ensuring that all legal requirements are met. Close consideration will be given to; areas that actually need accurate property line and right-of-way line locations, what procedures will obtain reliable record easement documents in non-street areas, and identifying monuments within the proposed project area that may be subject to disturbance.

Topographic surveying services for each of the two (2) project areas (Attachment A) will extend to the edge of property and easement boundaries within roadways and public easements. The extent of the survey work will be limited to areas within the project limits on French Prairie Drive, Old Farm Road and Arbor Glen Court over water line replacement areas. Any additional survey required to complete the design is included in 1.6 Additional Topographic Survey (Contingency Task) See Exhibit C3 for survey scope of services, deliverables and assumptions.

At a minimum, and where required, surveying will include the following:

1. Establishing a horizontal and vertical survey control network
2. Reference the network and all mapping to City of Wilsonville approved vertical datum, NAVD 88 Datum.
3. Surveying and preparing a map showing the following:
 - (a). Locations, rim elevations, and pipe invert elevations for all sanitary and storm structures within the project area.

- (b). Locations and top of valve nut elevations for water valves, locations and box rim elevations for meter boxes, hydrants, blow-offs, air releases, and all other appurtenances.
 - (c). Utility poles and overhead wires, including heights
 - (d). Located underground utilities and associated appurtenances and valves, and irrigation systems
 - (e). Edge of pavement and top face of curb
 - (f). Fences, mailboxes, street lights, trees, and other street side structures
 - (g). Striping and signage
 - (h). Sidewalk, curb ramps, and driveways
 - (i). Other important topographic features
4. Survey data will be compiled in digital format and a digital terrain model will be created which can be used for design purposes.

Task 1.5 Assumptions

- GIS information provided by the City will be used to show the approximate right-of-way aligned with any property monuments found.
- Survey will be limited to 15 feet beyond the edge of pavement or curb line.
- The City will obtain right-of-entry as needed for survey work.

Task 1.5 Deliverables

- Digital terrain model (DTM) in AutoCAD DWG format complete with all external references such that the DTM is fully usable by the City without and additional software or reference data.
- Survey and base map, as needed.

Task 1.6 - Contingent Topographic Survey

Should additional topographic survey be required, this scope includes all field and post processing work required for five (5) days of field mobilization of the project surveyor. This work will be performed by AKS only when approved by the city.

Task 1.7 - Easements

Up to two easements will be provided as part of the project scope. Cost includes provision of two legal descriptions and exhibit maps by AKS. Wallis Engineering will provide all line work for easement locations.

Task 1.8 - “Pre” and “Post” Construction Record of Survey

AKS to provide a pre and post construction record of survey to cover all monuments potentially disturbed by construction. Area of ROS to include all monuments within improvement limits as shown on Attachment .

Task 1.8 Assumptions

- Fee does not include resetting of monuments post construction.
- Include costs of filing fees as appropriate.

Task 1.8 Deliverables

- Pre-Construction Record of Survey
- Post-Construction Record of Survey

Task 1.9 – 60% Design Documents

Wallis Engineering will prepare a complete set of 60% design plans and cost estimate for both French Prairie Drive Phase II and Old Farm Road Phase I. Design plans will address the following design elements:

Sewer and Storm Rehabilitation: Selection criteria for utility rehabilitation alternatives will be established in collaboration with City staff. This will include maximum allowable dimensions for bellies and offset joints, lateral reinstatement preferences, and minimum clearances needed for inspection equipment. The use of styrene free resins will be evaluated with regards to the needs of this project, as will methods of reducing the potential risk associated with styrene based resin. Wallis Engineering will review the benefits and limitations of available trenchless rehabilitation methods to ensure a good fit and that the final product meets the needs of the City. A total of 3100 LF of sanitary sewer pipe, 5,300 LF of storm sewer pipe, 30 sanitary sewer laterals, 23 storm sewer laterals, 14 sanitary sewer structures, and 61 storm sewer structures will be assessed for rehabilitation or replacement.

Sewer and Storm Replacement: Wallis Engineering will design replacements for pipes that require upsizing or relocation, or that have structural defects not compatible with trenchless rehabilitation. Pipe replacement will generally be by traditional open trench construction, with reconnection and reconstruction of active laterals within the roadway.

Water Replacement: Wallis Engineering will design water system replacement for the Old Farm Road project, assuming reconnection of all water meters, valves and hydrants. At total of 800 LF of water mainline will be replaced. 25 water meters and two (2) hydrants will be reconnected.

Pavement Rehabilitation: Preliminary design plans will incorporate recommendations from the geotechnical report (if needed) to identify limits of improvements and constructions impacts. Per the CCIP, the existing pavement within the project limits has some sections requiring full rehabilitation and some noted as candidates for grind and inlay or thin lift overlays. Wallis Engineering and GeoDesign will identify the most appropriate pavement repair and rehabilitation strategies for each street, based on City decision factors. Previous projects have noted pavement sections which are too thin to accommodate grind and inlay methods and it will be important to field verify existing conditions to ensure that the proposed design is constructible. Wallis Engineering will identify and address impacts of the work on utility structures, curbs and gutters, areas of existing surface water ponding, or any required cross slope modifications. There are also four (4) asphalt trail connections to the existing roadway within the project limits; ADA compliant ramps will be designed at these connections as necessary.

Private Property Impacts: Previous utility projects within Charbonneau had some private property impacts. We will carefully identify these impacts on the project plans, and provide accurate estimates for this work. The City's arborist will review the proposed improvements, and assess the impacts on trees. Wallis Engineering will use this information to tailor improvements and construction methods to minimize impact on trees.

Cost Estimates: Cost estimates will be based on historic construction cost data from Wallis Engineering, bid results or negotiated change order costs from similar projects, quotes from suppliers, and discussions with contractors to gauge competition. The costs of permits will be based on the actual cost of fees from the reviewing agency plus additional cost for professional services needed to prepare the applications. Costs for property acquisitions will be based on actual land values recorded by Clackamas County and supplemented with tree value estimates by the City's arborist in the event that trees will be removed. It is understood that the City will take the lead on property acquisition if needed.

Traffic Control Requirements: Wallis Engineering will address temporary traffic control during construction, with special attention to traffic impacts during construction of the French Prairie Drive Phase II project. This work item presents considerable risk to contractors, which can result in higher costs for the City. Our contract documents will focus on being clear and reducing this risk without adding additional costs to the City. If necessary, Wallis Engineering will prepare detailed traffic control plans that give the contractor the ability to do the work cost-effectively, allow for access, and minimize impacts to traffic and the public.

At a minimum, the 60% plan sets must include the following:

Sheet Type	French Prairie Dr	Old Farm Rd
Cover Sheet	1	1
Legend and Construction Notes	1	1
Existing Conditions Plan	4	4
Temporary Protection and Direction of Traffic	2	2
Demolition and Erosion and Sediment Control	4	4
Sanitary Bypass Plan and Details	2	2
Sanitary Plan and Profile	4	4
Storm Drainage Plan and Profile	7	6
Water Plan and Profile	-	3
Water Reconnection Details	-	1
Composite Utility Plan and Profile	7	6
Street Typical Sections	1	1
Street Rehabilitation Plan	6	6
Signing & Striping (as needed)	3	1
Construction Details	2	2
City of Wilsonville Standard Details	10	10
Total:	54	54

Wallis Engineering will prepare Project Special Provisions for both projects based on ODOT 2015 Standard Specifications and 2015 Wilsonville Public Works Standards. City will provide standard Wilsonville Special Provisions for inclusion in the project special provisions. The order of precedence will be (1) Project Specific Special Provisions, (2) City of Wilsonville Special Provisions, (3) ODOT Special Provisions.

Task 1.9 Assumptions

- Plan and profile drawings will be scaled full size at 1"=20' H and 1"=5' V.
- Plan and profile sheets will be combined if space allows.
- No SROZ work will be required.

- No right-of-way or easement documentation will be required.
- Rehabilitation methods for manholes will be limited to cementitious or epoxy coating systems.
- Storm inlet structures will not be rehabilitated, only adjusted or replaced.

Task 1.9 Deliverables

- 60% plan set in half-size (11"x17") electronic (PDF) format.
- 60% project special provisions.
- 60% bid schedule and bid item descriptions.
- 60% Engineer's construction cost estimate.

Task 1.10 – Public Open House

The open house will provide the opportunity for the public to submit feedback on previous phases of utility replacement work and to provide recommendations and comments for the upcoming projects based on the 60% design.

Our project manager will present the plans and discuss anticipated impacts during construction, such as private property and tree impacts, traffic control plans, road closures, utility service disruptions, and - if needed - potential environmental concerns associated with CIPP work. We will prepare boards and other materials for public meetings as needed. Materials will be provided a week in advance of Public Open House for staff review and approval. Public input will be incorporated into the Preliminary Design Memorandum.

Task 1.10 Assumptions

- The City will be responsible for securing and organizing the meeting venue.
- The City will provide public notification of the event.
- The City will respond directly to the public using the written responses by Wallis Engineering.

Task 1.10 Deliverables

- Public Open House meeting materials, for example meeting agenda, images mounted to foam core board, informational handouts, presentation, public comment sheets, etc. as needed.
- Written summary of meeting, including copies of submitted comment cards, documentation of comments submitted and written response to submitted comments.
- Assume one (1) Public Open House event.

PHASE 2: DESIGN & BIDDING ASSISTANCE – FRENCH PRAIRIE DRIVE PHASE II

We will prepare plans, specifications, and estimate (PSE) at the 90% and final design levels for the French Prairie Drive Phase II project as specified in the RFP. Plan and profile sheets will be scaled at 1"=20'H and 1"=5'V. We will incorporate addenda and change order items in following phases as appropriate. We will prepare detailed cost estimates incorporating the latest construction cost information. We will assist with bidding phase services, including addressing technical questions and preparing addenda as needed.

Task 2.1 – 60% Design Review Meeting

Wallis Engineering will schedule, facilitate, and prepare agendas, meeting materials, and minutes for one (1) 60% design review meeting after receipt of City 60% review comments. City staff will add 60% plan review comments to comment log. Wallis Engineering will update comment log by providing a response to each comment and submit with the 90% construction documents

Task 2.1 Assumptions

- Project Team Meetings will be held at Wilsonville City Hall and City Staff will be responsible for providing the meeting room.

Task 2.1 Deliverables

- Project Team Meeting agendas and meeting materials two (2) business days prior to meeting date.
- Project Team Meeting minutes.
- City will provide a log of all preliminary (60%) plan review comments.
- Wallis Engineering will update the City's comment log by providing a response to each comment and submit the log with the following submittal.

Task 2.2 – 90% Design Documents

Wallis Engineering will prepare a complete set of 90% plans, project special provisions, and cost estimates. Submittal shall incorporate comments received during the 60% design review meeting.

Task 2.2 Assumptions

- The City will prepare front end contract specifications.
- Wallis Engineering will prepare Project Special Provisions based on ODOT 2015 Standard Specifications for Construction, and the City's current General Special Provisions.
- The City will provide standard Wilsonville General Special Provisions for inclusion in the project special provisions in MS Word format.
- City will provide a log of all 90% design submittal comments.
- No DEQ submittal required.

Task 2.2 Deliverables

- Updated comment log with Wallis Engineering responses to each comment.
- 90% plan set in half-size (11"x17") electronic (PDF) format.
- 90% project special provisions.
- 90% bid schedule and bid item descriptions.
- 90% Engineer's construction cost estimate.

Task 2.3 – 90% Design Review Meeting

Wallis Engineering will schedule, facilitate, and prepare agendas, meeting materials, and minutes for one (1) 90% design review meeting after receipt of City 90% review comments. Meetings will be held at Wilsonville City Hall and City Staff will be responsible for providing the meeting room.

Task 2.3 Deliverables

- Project team meeting agendas and meeting materials two (2) business days prior to meeting date.
- Project Team Meeting minutes.

Task 2.4 – Final (100%) Design Documents

Wallis Engineering will prepare a complete set of final design plans, project special provisions, and cost estimate.

Task 2.4 Assumptions

- The final documents will address the City's 90% review comments.
- Project areas will not be changed from the 90% submittal.

Task 2.4 Deliverables

- Updated comment log with Wallis Engineering responses to each comment.
- Final engineering plan set in both full size (22"x34") and half-size (11"x17") electronic (PDF) format signed by a Professional Engineer registered in the State of Oregon.
- Final project special provisions.
- Final bid schedule and bid item descriptions.
- Final engineer's construction cost estimate.

Task 2.5 – Bidding Assistance

Wallis Engineering will coordinate with City in the preparation of construction bid documents for French Prairie Drive Phase II. The City will prepare, print, and distribute construction bid documents and be the main point of contact for all bidders during the bidding process.

Wallis Engineering will prepare responses to potential construction contractor and supplier technical questions about the plans and specifications at the request of the City. Wallis Engineering will review all addenda necessary to clarify the construction bid documents.

Task 2.5 Assumptions

- The City will prepare, print, and distribute construction bid documents and be the main point of contact for all bidders during the bidding process.
- Assumed a maximum of 3 addenda to be prepared.

Task 2.5 Deliverables

- Written response addressing technical questions during bidding process, as needed.
- Construction bid document addenda review comments, as needed.

PHASE 3: CONSTRUCTION SUPPORT – FRENCH PRAIRIE DRIVE PHASE II

Construction phase services will be provided in accordance with the RFP. These will include scheduling and attending the pre-construction meeting, attending weekly meetings and preparing agenda and minutes, and reviewing contractor material submittals, RFIs and CORs. We will also provide written inspection summaries following field visits. As the City needs, we can also provide supplementary inspection services.

Record drawings will be prepared in accordance with City Standards. We will also facilitate a meeting at the end of construction to document any recommended changes to the plans or specifications for future phases.

Task 3.1 – Construction Services

Wallis Engineering will attend the pre-construction meeting. City will schedule, facilitate, and prepare meeting materials for the pre-construction meeting. Wallis Engineering will attend weekly project meetings during periods of active construction. The project meeting will include a visit to the construction site. City will schedule, facilitate, and provide meeting materials for weekly project meetings. Wallis Engineering will provide weekly project meeting agendas and minutes.

During construction, Wallis Engineering will coordinate with the individual HOAs and the golf course for irrigation repair work as needed.

Wallis Engineering will provide technical review of contractor material submittals and process Request for Information (RFI), and Change Order Requests (COR) at the request of the City.

Task 3.1 Assumptions

- Active construction period assumed to be 30 weeks or less.

- Wallis Engineering project manager estimated time commitment assumed at two (2) hours per week during construction plus 14 hours for additional as needed support.
- Wallis Engineering support staff time commitment assumed at 50 hours total.
- The Contractor will be responsible for all construction staking
- City will provide primary inspection services.
- Geotechnical field support and quality control testing is not included at this time.

Task 3.1 Deliverable

- Weekly Project Meeting agendas two (2) business days prior to meeting date.
- Weekly Project Meeting minutes.
- Material submittal, RFI, COR review comments, as needed.
- Change Order review
- Inspection checklists if requested by the City
- Pre and Post Construction Survey Files
- Post construction review meeting agenda and minutes

Task 3.2 – Record Drawings

Wallis Engineering will provide record drawings of constructed improvements to the City. AKS will provide a topographic survey of the reconstructed storm and sanitary improvements for French Prairie Drive Phase II based on City of Wilsonville approved vertical datum, NAVD 88 Datum, including:

1. Locations, rim elevations, and pipe invert elevations for all constructed sanitary and storm structures within the project area.
2. Location of sanitary and storm service lateral connections to mainline and existing service pipe. Location and depth to be marked in the field by the Contractor or City inspector.

Wallis Engineering will prepare a complete set of record drawings that reflect all changes made to the design during construction. Record drawings will include the “as-built” sanitary and storm service lateral invert elevation at the point of connection to the existing service lateral pipe.

The preliminary as-built plan set will be used to conduct the punch list walkthrough.

Task 3.2 Assumptions

- Record drawings will be based on the asbuilt survey and red-lined asbuilt drawings prepared by the Contractor and reviewed by the City.
- The City will sign off on the accuracy of the Contractor’s redline drawings.
- CIPP sections will not be included in the survey scope of services.
- Field survey work estimated to be completed in one (1) day.

Task 3.2 Deliverables

- Preliminary as-built plan set in printed, full size (22”x34”) paper, three (3) copies.
- Final as-built plan set in both full size (22”x34”) and half-size (11”x17”) electronic (PDF) format, signed by a Professional Engineer registered in the State of Oregon.
- Final as-built plan set on full size (22”x34”) Mylar (min. 3-mil) stamped and signed by a Professional Engineer registered in the State of Oregon.
- AutoCAD copy (current version) of final as-built plan set and as-built topographic survey.

PHASE 4: DESIGN & BIDDING ASSISTANCE – OLD FARM ROAD PHASE I

We will prepare plans, specifications, and estimate (PSE) at the 90% and final design levels for the Old Farm Road Phase I project as specified in the RFP. Plan and profile sheets will be scaled at 1"=20'H and 1"=5'V. We will incorporate addenda and change order items in following phases as appropriate. We will prepare detailed cost estimates incorporating the latest construction cost information. We will assist with bidding phase services, including addressing technical questions and preparing addenda as needed.

Task 4.1 – 60% Design Review Meeting

Wallis Engineering will schedule, facilitate, and prepare agendas, meeting materials, and minutes for one (1) 60% design review meeting after receipt of City 60% review comments. City staff will add 60% plan review comments to comment log. Wallis Engineering will update comment log by providing a response to each comment and submit with the 90% construction documents

Task 4.1 Assumptions

- Project Team Meetings will be held at Wilsonville City Hall and City Staff will be responsible for providing the meeting room.

Task 4.1 Deliverables

- Project Team Meeting agendas and meeting materials two (2) business days prior to meeting date.
- Project Team Meeting minutes.
- City will provide a log of all preliminary (60%) plan review comments.
- Wallis Engineering will update the City's comment log by providing a response to each comment and submit the log with the following submittal.

Task 4.2 – 90% Design Documents

Wallis Engineering will prepare a complete set of 90% plans, project special provisions, and cost estimates. Submittal shall incorporate comments received during the 60% design review meeting.

Task 4.2 Assumptions

- The City will prepare front end contract specifications.
- Wallis Engineering will prepare Project Special Provisions based on ODOT 2015 Standard Specifications for Construction, and the City's current General Special Provisions.
- The City will provide standard Wilsonville General Special Provisions for inclusion in the project special provisions in MS Word format.
- City will provide a log of all 90% design submittal comments.
- No DEQ submittal required.

Task 4.2 Deliverables

- Updated comment log with Wallis Engineering responses to each comment.
- 90% plan set in half-size (11"x17") electronic (PDF) format.
- 90% project special provisions.
- 90% bid schedule and bid item descriptions.
- 90% Engineer's construction cost estimate.

Task 4.3 – 90% Design Review Meeting

Wallis Engineering will schedule, facilitate, and prepare agendas, meeting materials, and minutes for one (1) 90% design review meeting after receipt of City 90% review comments. Meetings will be held at Wilsonville City Hall and City Staff will be responsible for providing the meeting room.

Task 4.3 Deliverables

- Project team meeting agendas and meeting materials two (2) business days prior to meeting date.
- Project Team Meeting minutes.

Task 4.4 – Final (100%) Design Documents

Wallis Engineering will prepare a complete set of final design plans, project special provisions, and cost estimate.

Task 4.4 Assumptions

- The final documents will address the City’s 90% review comments.
- Project areas will not be changed from the 90% submittal.

Task 4.4 Deliverables

- Updated comment log with Wallis Engineering responses to each comment.
- Final engineering plan set in both full size (22”x34”) and half-size (11”x17”) electronic (PDF) format signed by a Professional Engineer registered in the State of Oregon.
- Final project special provisions.
- Final bid schedule and bid item descriptions.
- Final engineer’s construction cost estimate.

Task 4.5 – Bidding Assistance

Wallis Engineering will coordinate with City in the preparation of construction bid documents for Old Farm Road Phase I. The City will prepare, print, and distribute construction bid documents and be the main point of contact for all bidders during the bidding process.

Wallis Engineering will prepare responses to potential construction contractor and supplier technical questions about the plans and specifications at the request of the City. Wallis Engineering will review all addenda necessary to clarify the construction bid documents.

Task 4.5 Assumptions

- The City will prepare, print, and distribute construction bid documents and be the main point of contact for all bidders during the bidding process.
- Assumed a maximum of three (3) addenda to be prepared.

Task 4.5 Deliverables

- Written response addressing technical questions during bidding process, as needed.
- Construction bid document addenda review comments, as needed.

PHASE 5: CONSTRUCTION SUPPORT – OLD FARM ROAD PHASE I

Construction phase services will be provided in accordance with the RFP. These will include scheduling and attending the pre-construction meeting, attending weekly meetings and preparing agenda and minutes, and reviewing contractor material submittals, RFIs and CORs. We will also

provide written inspection summaries following field visits. As the City needs, we can also provide supplementary inspection services.

Record drawings will be prepared in accordance with City Standards. We will also facilitate a meeting at the end of construction to document any recommended changes to the plans or specifications for future phases.

Task 5.1 – Construction Services

Wallis Engineering will attend the pre-construction meeting. City will schedule, facilitate, and prepare meeting materials for the pre-construction meeting. Wallis Engineering will attend weekly project meetings during periods of active construction. The project meeting will include a visit to the construction site. City will schedule, facilitate, and provide meeting materials for weekly project meetings. Wallis Engineering will provide weekly project meeting agendas and minutes.

During construction, Wallis Engineering will coordinate with the individual HOAs and the golf course for irrigation repair work as needed.

Wallis Engineering will provide technical review of contractor material submittals and process Request for Information (RFI), and Change Order Requests (COR) at the request of the City.

Task 5.1 Assumptions

- Active construction period assumed to be 24 weeks or less.
- Wallis Engineering project manager estimated time commitment assumed at two (2) hours per week during construction plus 14 hours for additional as needed support.
- Wallis Engineering support staff time commitment assumed at 50 hours total.
- The Contractor will be responsible for all construction staking
- City will provide primary inspection services.
- Geotechnical field support and quality control testing is not included at this time.

Task 5.1 Deliverables

- Weekly Project Meeting agendas two (2) business days prior to meeting date.
- Weekly Project Meeting minutes.
- Material submittal, RFI, COR review comments, as needed.
- Change Order review
- Inspection checklists if requested by the City
- Pre and Post Construction Survey Files
- Post construction review meeting agenda and minutes

Task 5.2 – Record Drawings

Wallis Engineering will provide record drawings of constructed improvements to the City. AKS will provide a topographic survey of the reconstructed storm and sanitary improvements for Old Farm Road Phase I based on City of Wilsonville approved vertical datum, NAVD 88 Datum, including:

1. Locations, rim elevations, and pipe invert elevations for all constructed sanitary and storm structures within the project area.
2. Location of sanitary and storm service lateral connections to mainline and existing service pipe. Location and depth to be marked in the field by the Contractor or City inspector.

Wallis Engineering will prepare a complete set of record drawings that reflect all changes made to the design during construction. Record drawings will include the “as-built” sanitary and storm service lateral invert elevation at the point of connection to the existing service lateral pipe.

The preliminary as-built plan set will be used to conduct the punch list walkthrough.

Task 5.2 Assumptions

- Record drawings will be based on the asbuilt survey and red-lined asbuilt drawings prepared by the Contractor and reviewed by the City.
- The City will sign off on the accuracy of the Contractor's redline drawings.
- CIPP sections will not be included in the survey scope of services.
- Water line record survey not included.
- Field survey work estimated to be completed in 1 day.

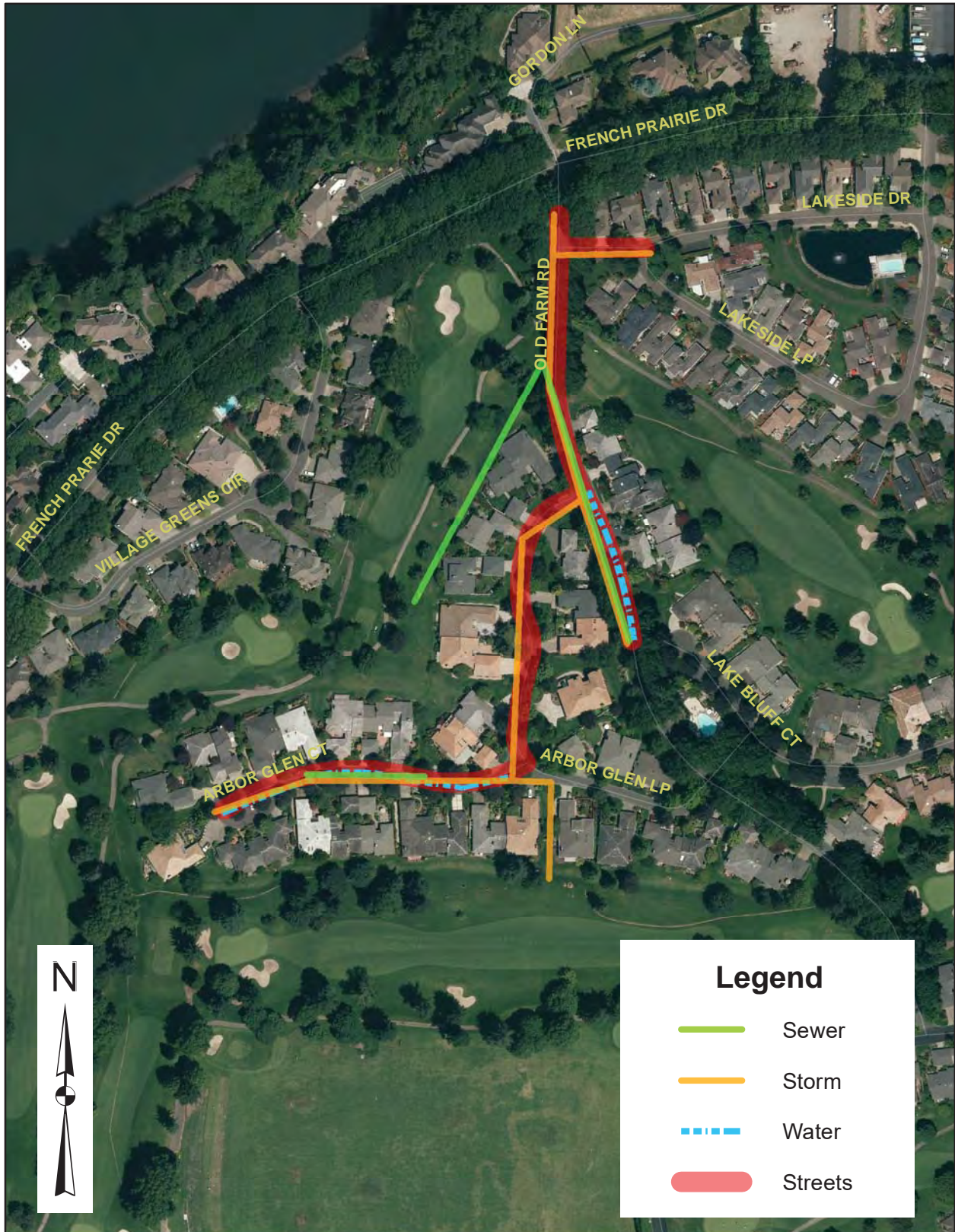
Task 5.2 Deliverables

- Preliminary as-built plan set in printed, full size (22"x34") paper, three (3) copies.
- Final as-built plan set in both full size (22"x34") and half-size (11"x17") electronic (PDF) format, signed by a Professional Engineer registered in the State of Oregon.
- Final as-built plan set on full size (22"x34") Mylar (min. 3-mil) stamped and signed by a Professional Engineer registered in the State of Oregon.
- AutoCAD copy (current version) of final as-built plan set and as-built topographic survey.

French Prairie Drive Phase II



Old Farm Road Phase I





CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 15, 2018		Subject: Resolution No. 2709 A Resolution of the City of Wilsonville Authorizing Amendment #01 of Local Agency Agreement No. 31056 with the State of Oregon, Acting by and through its Department Of Transportation (ODOT) Revising the Total Amount of Federal Funds Available to Construct the Kinsman Road Extension Project (Capital Improvement Project #4004). Staff Member: Zachary Weigel, P.E. Capital Project 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 that Council adopt the Consent Agenda.			
Recommended Language for Motion: I move to approve the Consent Agenda.			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: 9. Build fully interconnected and effective transportation modes	<input checked="" type="checkbox"/> Adopted Master Plan(s): Transportation System Plan - Project BE-08	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

A City of Wilsonville resolution authorizing the Mayor to sign Amendment #01 of Local Agency Agreement No. 31056 with the Oregon Department of Transportation (ODOT) revising the total amount of Federal funds available for the construction of the Kinsman Road Extension project.

EXECUTIVE SUMMARY:

On March 10, 2016, the City of Wilsonville entered into Local Agency Agreement (LAA) No. 31056 (Resolution #2564) with ODOT for expenditure of MTEP Federal grant funds in the amount of \$2.23 million. These funds were specifically identified for the construction phase of the Kinsman Road Extension (CIP #4004) project. Additional Federal grant funds have become available that can also be applied to the construction phase of the Kinsman project. This amendment to the LAA will serve to memorialize applying the additional Federal grant funds to the construction phase of the Kinsman Road Extension project.

The additional Federal grant funds available to the project came from two different sources:

1. *\$524,952 of unused Federal grant funds from the Kinsman Road Extension project design phase*
In 2009, the City entered into Local Agency Agreement 24186 (Resolution #2168) with ODOT for a \$1.4 million Federal Aid Surface Transportation Program (STP) grant to fund preliminary engineering and permitting work for the Kinsman Road Extension project. Upon completion of the design work, \$584,952 of the STP funds remained and can be transferred to the construction phase of the Kinsman Road Extension project.
2. *\$1.55 million Regional Flexible Fund Allocation for the I-5 Pedestrian and Bikeway Bridge*
The Federal grant funds originally awarded by Metro to the I-5 Pedestrian and Bikeway Bridge project (CIP #4202) are eligible for transfer to the Kinsman Road Extension project in exchange for local overmatch to the Kinsman project (provided by the Wilsonville transportation System Development Charge fund). The exchange was executed on July 15, 2018 through Intergovernmental Agreement (IGA) #935323 with Metro (City of Wilsonville Resolution #2696). The exchange removes added Federal requirements for the I-5 Pedestrian and Bikeway Bridge project.

The total amended Federal grant funds available to the Kinsman Road Extension project is \$4,364,952.00. Amendment #01 to Local Agency Agreement No. 31056 is attached as Exhibit 1 to Resolution No. 2709.

EXPECTED RESULTS:

Upon execution of the Local Agency Agreement Amendment, ODOT will apply the added Federal grant funds to the Kinsman Road project. These added Federal grant funds will offset the overmatch Transportation SDC funds, which will be released back to the City at project closeout.

TIMELINE:

Construction and project administration for the Kinsman Road Extension project is nearly complete. Upon execution of the Local Agency Agreement Amendment, ODOT will issue final payments, close out the project, and release the encumbered Transportation SDC matching funds back to Wilsonville.

CURRENT YEAR BUDGET IMPACTS:

There are no impacts to the current budget year resulting from the Local Agency Agreement Amendment. Upon close out of the Kinsman Road Extension project, ODOT will release the remaining City overmatch funds back to the City's Transportation SDC fund.

FINANCIAL REVIEW / COMMENT:

Reviewed by: CAR Date: 10/9/2018

LEGAL REVIEW / COMMENT:

Reviewed by: ARGH Date: 10/9/2018

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Use of the added Federal funds on the Kinsman Road Extension project will offset the matching local funds provided by the City. This offset will allow those local funds to meet City obligations of the Metro fund exchange agreement by proceeding with the I-5 Pedestrian and Bikeway Bridge project work, as well as help fund other priority transportation projects within Wilsonville.

ALTERNATIVES:

1. Approve Amendment #01 for Local Agency Agreement No. 31056 in its current form. Recommended.
2. Deny Amendment #01 for Local Agency Agreement No. 31056 and return the federal grant funding and supplement funding with Transportation SDC funds in the amount of \$2,134,952.00. This is not recommended as the construction of the Kinsman Road Extension project is complete and payment of additional Transportation SDC would impact the balance of the SDC fund and reduce the City's ability to fund other priority transportation projects. Also, the City would be unable to fulfill the obligations of the Metro fund exchange IGA and proceed with the I-5 Pedestrian and Bikeway Bridge project work.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

- A. Resolution No. 2709

RESOLUTION NO. 2709

A RESOLUTION OF THE CITY OF WILSONVILLE (CITY) AUTHORIZING AMENDMENT #01 OF LOCAL AGENCY AGREEMENT NO. 31056 WITH THE STATE OF OREGON, ACTING BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION (ODOT) REVISING THE TOTAL AMOUNT OF FEDERAL FUNDS AVAILABLE TO CONSTRUCT THE KINSMAN ROAD EXTENSION PROJECT (CAPITAL IMPROVEMENT PROJECT #4004).

WHEREAS, the City has planned and budgeted for the completion of Capital Improvement Project #4004, known as the Kinsman Road Extension: Barber St. to Boeckman Rd. project (the Project); and

WHEREAS, the City applied for and was selected to receive Federal Multimodal Transportation Enhance Program (MTEP) funds that ODOT administers for the Project; and

WHEREAS, the City applied for and was selected to receive Federal Aid Surface Transportation Program (STP) funds for preliminary engineering of the Project; and

WHEREAS, upon completion of the Project preliminary engineering work, \$584,952 of the Federal STP funds was unexpended; and

WHEREAS, the remaining Federal STP funds can be applied to the construction phase of the Project; and

WHEREAS, the City approved Intergovernmental Agreement (IGA) No. 935323 with Metro to exchange \$1.55 million in Federal Regional Flexible Funds Allocation (RFFA) awarded to the I-5 Pedestrian Bridge project (CIP #4202) with the Project local funding overmatch; and

WHEREAS, the exchanged Federal RFFA funds can be applied to the construction phase of the Project; and

WHEREAS, the City committed to applying the released Project local funding overmatch \$1.55 million to the I-5 Pedestrian and Bikeway Bridge project (CIP #4202) through Intergovernmental Agreement (IGA) #935323 with Metro (City of Wilsonville Resolution #2696); and

WHEREAS, the City is required to amend Local Agency Agreement No. 31056 with the Oregon Department of Transportation, attached hereto and incorporated herein as

Exhibit 1, to revise the total amount of Federal funds available for the construction phase of the Project.

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

1. The City Council does hereby approve and authorize the Mayor to sign Amendment #01 of Local Agency Agreement No. 31056 between the City of Wilsonville and the State of Oregon, acting by and through its Department of Transportation. A copy of Amendment #01 to Local Agency Agreement No. 31056 marked Exhibit "1" is attached hereto and incorporated herein.
2. This resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 15th day of October 2018, and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Stevens
Councilor Lehan
Councilor Akervall

Attachments:

Exhibit 1 – Amendment #01 to Local Agency Agreement No. 31056

**AMENDMENT NUMBER 01
LOCAL AGENCY AGREEMENT
MULTIMODAL TRANSPORTATION ENHANCE PROGRAM (MTEP)
Kinsman Road: Boeckman Road to Barber Street**

This is Amendment No. 01 to the Agreement between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as "State," and **the City of Wilsonville**, acting by and through its elected officials, hereinafter referred to as "Agency." The Parties entered into agreement 31056 on March 10, 2016.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to modify the funding and standard federal language.

1. **Effective Date.** This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.

2. **Amendment to Agreement.**

Insert new Exhibit B, Federal Funding Accountability and Transparency Act (FFATA) Subaward Reporting, attached hereto and by this reference made a part hereof.

RECITALS, Paragraph 4, page 1, which reads:

4. Agency has been awarded MTEP funding in the amount of \$2,230,000 in the 2015-2018 Statewide Transportation Improvement Program (STIP) for construction of the Kinsman Road extension, multi-use trail and possible wetland mitigation, as further defined herein and hereinafter referred to as "Project."

Shall be deleted in its entirety and replaced with the following:

4. Agency has been awarded MTEP funding in the amount of \$2,230,000 in the 2015-2018 Statewide Transportation Improvement Program (STIP) for construction of the Kinsman Road extension, multi-use trail and possible wetland mitigation, as further defined herein and hereinafter referred to as "Project." The Project was also selected as a part of the STP program and may include a combination of federal and state funds.

TERMS OF AGREEMENT Paragraphs 2 and 3, Page 3, which read:

2. The Project shall be conducted as a part of the Multimodal Transportation Enhance Program (MTEP) with funds provided under Title 23, United States Code and may include a combination of federal and state funds. The Total Project Cost is estimated at \$4,730,000, which is subject to change. MTEP federal and state funding for this Project shall be limited to \$2,230,000. Agency shall be responsible for all remaining costs, including the 10.27 percent match for all MTEP eligible costs, any non-participating costs, and all costs in excess of the available federal or state funds.

Agency/State
Agreement No. 31056-1

3. The funding ratio for this Project is 47.15% of MTEP funds to 52.85% Agency funds and applies to Project Underruns. The Funding Ratio does not apply in the case of Project overruns.

Shall be deleted in its entirety and replaced with the following:

2. The total Project cost is estimated at \$13,451,301.60 which is subject to change and includes \$4,069,100 for utility relocation and replacement as agreed to in Agreement Number 31109 KN 14429 (2016). Federal funds for this Project for the Construction phase shall be limited to \$4,364,952. Agency shall be responsible for all remaining costs, including the 10.27 percent match for all eligible costs, any non-participating costs, and all costs in excess of the federal or state funds. Any unused federal or state funds will be retained by State, and will not be available for use by Agency for this Agreement or any other projects. "Total Project Cost" means the estimated cost to complete the entire Project, and includes any federal funds, state funds, local matching funds, and any other funds.

3. Federal funds under this Agreement are provided under Title 23, United States Code.

TERMS OF AGREEMENT, Paragraphs 4 and 5, Page 3 shall be deleted in their entirety and shall be identified as RESERVED.

TERMS OF AGREEMENT Paragraph 16, Page 4, which reads:

16 a. Information required by 2 CFR 200.331(a), except for (xiii) Indirect cost rate, shall be contained in the USDOT FHWA Federal Aid Project Agreement for this Project, a copy of which shall be provided by ODOT to Agency with the Notice to Proceed.

b. The indirect cost rate for this project at the time the agreement is written is zero percent.

Shall be deleted in its entirety and replaced with the following:

16. Indirect Cost Rate:

a. As required by 2 CFR 200.331(a)(4), the indirect cost rate for this Project at the time the Agreement is written is 0%. This rate may change during the term of this Agreement upon notice to State and State's subsequent written approval.

b. If the approved rate changes during the term of this Agreement, Agency shall invoice State using the current indirect cost rates on file with State at the time the work is performed. If Agency does not have approved indirect cost rates on file with State at the time the work is performed, Agency shall invoice State using a zero percent (0%) rate.

Agency/State
Agreement No. 31056-1

TERMS OF AGREEMENT, Paragraph 23, page 6, which reads:

23. State's Contact for this Agreement is Kelly Brooks, Region 1 Enhance Program Manager or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

Shall be deleted in its entirety and replaced with the following:

23. State's contact for this Agreement is Mahasti Hastings, Region 1 Local Agency Liaison, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

Insert new TERMS OF AGREEMENT, Paragraph 25-28 to read as follows:

25. By signing this Agreement, Agency agrees to comply with the provisions of the Federal Funding Accountability and Transparency Act (FFATA) and is subject to the following award terms: <http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf> and <http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>. If, in the preceding fiscal year, Agency received more than 80% of its gross revenues from the federal government, those federal funds exceed \$25,000,000 annually, and the public does not have access to information about the compensation of executives through reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 or section 6104 of the Internal Revenue Code of 1986, Agency shall report the total compensation and names of its top five executives to State. Agency shall report said information to State within 14 calendar days of execution of this Agreement and annually thereafter, utilizing the FFATA form attached hereto as Exhibit "B".

26. Agency shall ensure compliance with the Cargo Preference Act and implementing regulations (46 CFR Part 381) for use of United States flag ocean vessels transporting materials or equipment acquired specifically for the Project. Strict compliance is required, including but not limited to the clauses in 46 CFR 381.7(a) and (b) which are incorporated by reference. Agency shall also include this requirement in all contracts and ensure that contractors include the requirement in their subcontracts.

27. Agency shall require its contractor(s) and subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Oregon Department of Transportation and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260 (Claims), to the extent such Claims are caused, or alleged to be caused by the negligent or willful acts or omissions of Agency's contractor or any of the officers, agents, employees or subcontractors of the contractor. It is the specific intention of the Parties that State shall, in all instances, except to the extent Claims arise solely from the negligent or willful acts or omissions of State, be indemnified from and against all Claims caused or alleged to be caused by the contractor or subcontractor.

Agency/State
Agreement No. 31056-1

28. Americans with Disabilities Act Compliance:

- a. When the Project scope includes work on sidewalks, curb ramps, or pedestrian-activated signals or triggers an obligation to address curb ramps or pedestrian signals, the Parties shall:
 - i. Utilize ODOT standards to assess and ensure Project compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as amended by the ADA Amendments Act of 2008 (together, "ADA"), including ensuring that all sidewalks, curb ramps, and pedestrian-activated signals meet current ODOT Highway Design Manual standards;
 - ii. Follow ODOT's processes for design, modification, upgrade, or construction of sidewalks, curb ramps, and pedestrian-activated signals, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, providing a temporary pedestrian accessible route plan and current ODOT Curb Ramp Inspection form;
 - iii. At Project completion, send a completed ODOT Curb Ramp Inspection Form 734-5020 to the address on the form as well as to State's Project Manager for each curb ramp constructed, modified, upgraded, or improved as part of the Project. The completed form is the documentation required to show that each curb ramp meets ODOT standards and is ADA compliant. ODOT's fillable Curb Ramp Inspection Form and instructions are available at the following address:

<http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/Pages/HwyConstForms1.aspx>; and
- b. State shall ensure that temporary pedestrian routes are provided through or around any Project work zone. Any such temporary pedestrian route shall include directional and informational signs, comply with ODOT standards, and include accessibility features equal to or better than the features present in the existing pedestrian facility. State shall also ensure that advance notice of any temporary pedestrian route is provided in accessible format to the public, people with disabilities, and disability organizations at least 10 days prior to the start of construction.
- c. Agency shall ensure that any portions of the Project under Agency's maintenance jurisdiction are maintained in compliance with the ADA throughout the useful life of the Project. This includes, but is not limited to, Agency ensuring that:
 - i. Pedestrian access is maintained as required by the ADA,

Agency/State
Agreement No. 31056-1

- ii. Any complaints received by Agency identifying sidewalk, curb ramp, or pedestrian-activated signal safety or access issues are promptly evaluated and addressed,
 - iii. Any repairs or removal of obstructions needed to maintain Project features in compliance with the ADA requirements that were in effect at the time of Project construction are completed by Agency or abutting property owner pursuant to applicable local code provisions,
 - iv. Any future alteration work on Project or Project features during the useful life of the Project complies with the ADA requirements in effect at the time the future alteration work is performed, and
 - v. Applicable permitting and regulatory actions are consistent with ADA requirements.
 - vi. Maintenance obligations in this section shall survive termination of this Agreement.
3. **Counterparts.** This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
4. **Original Agreement.** Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Agency certifies that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2015-2018 Statewide Transportation Improvement Program (STIP), (Key #14429) that was adopted by the Oregon Transportation Commission on December 18, 2014 (or subsequently approved by amendment to the STIP).

Agency/State
Agreement No. 31056-1

CITY OF WILSONVILLE, by and
through its elected officials

By _____

Date _____

By _____

Date _____

**LEGAL REVIEW APPROVAL (If
required in Agency's process)**

By _____
Agency Counsel

Date _____

Agency Contact:

Zachary Weigel
29799 SW Town Center Loop
Wilsonville, OR 97070
503-570-1565
weigel@ci.wilsonville.or.us

State Contact:

Mahasti Hastings
123 NW Flanders Street
Portland, OR 97209
503-731-8595
Mahasti.v.hastings@odot.state.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____
Highway Division Administrator

Date _____

APPROVAL RECOMMENDED

By _____
Region 1 Manager

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By Bonnie Heitsch
Assistant Attorney General

Date: via email dated September 21, 2018



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 15, 2018	Subject: Resolution No. 2710 Supplemental Budget Adjustment Staff Member: Cathy Rodocker, Finance Director Department: Finance	
Action Required	Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: October 15, 2018 <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments:	
Staff Recommendation: Staff recommends that Council adopt Resolution No. 2710.		
Recommended Language for Motion: I move to approve Resolution No. 2710.		
Project / Issue Relates To:		
<input type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL:

A supplemental budget resolution for the FY 2018/19 budget year.

EXECUTIVE SUMMARY:

Oregon's Local Budget Law allows the Council to amend the adopted budget for an occurrence or condition that was not known at the time the budget was adopted. A transfer resolution moves expenditures from one category to another within a specific fund and does not increase the overall budget that was approved during the annual budget process. A supplemental budget

adjustment can impact the budget by increasing revenues and/or expenditures. The supplemental adjustment can also recognize expenditures that exceed 10% of the adopted budget expenditures or 15% of the adopted contingency in a fund.

As the first Supplemental Budget Adjustment for FY 2018/19, a number of requests are to rollover unused funds from the prior fiscal year. In total, 26 Capital Improvement Projects (CIP) will need to have the unused budgets rolled into the current year. The rollovers total \$3,514,577. A detailed list is attached as Attachment #1. Please note that the requested rollovers do not increase the overall project cost as detailed in the adopted budget document.

A correction of funding sources for the WTP Life Safety & Seismic Upgrades and the Annual GIS Water Model Updates is also requested. In total, \$21,711 will need be funded from Water Operations versus the reported Water SDC fund, however, in total, there is no increase to the overall budget as adopted.

The supplemental also includes the following adjustments to materials and services:

- \$87,472 to be rolled over from last fiscal year for unspent funds for various Metro Enhancement Grants. (See Attachment #1 for detailed listing)
- \$68,500 to be rolled over from last fiscal year for unspent funds for the lighting project in Council Chambers.
- \$25,000 to be roll over from last fiscal year for unspent funds for the Lamella Tube Replacement project at the Water Treatment Plant.
- \$86,810 for the #6 Centrifuge repair at the Water Treatment Plant. \$30,310 of the request is for the unused budget from last fiscal year. \$56,500 is a request for additional funding for repairs needed that were discovered during the project.
- \$20,000 for the City's share of the replacement to the geomembrane covers at the Wastewater Treatment Plan.

EXPECTED RESULTS:

As stated in the Fiscal Management Policies, the City shall amend its annual budget in accordance with Oregon local budget law. The supplemental budget adjustment is adopted by the Council at a regularly scheduled meeting. Convening the budget committee is not required.

TIMELINE:

As required by Local Budget Law, a notice for the public hearing has been published in the Wilsonville Spokesman. The notice was published on Wednesday, October 10, 2018. Adoption of the Supplemental Budget Adjustment is required prior to the end of the fiscal year, June 30, 2019.

FINANCIAL REVIEW / COMMENT:

Reviewed by: CAR Date 9/25/2018

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 10/9/2018

COMMUNITY INVOLVEMENT PROCESS:

As required by Local Budget Law, a notice for the public hearing has been published in the Wilsonville Spokesman. The notice has also been published on the City's website. As the accompanying resolution is a budget adjustment, a public hearing must be part of the adoption process.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

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

ALTERNATIVES:

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

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

- A. Attachment #1-Supplemental Budget Adjustments
- B. Resolution No. 2710

Attachment #1-Supplemental Budget Adjustments

Budget Requests -Non-Capital Project Related

Administration			Rollover unused funds for various Metro Enhancement Grants
Metro Enhancement Grants	7,110		Fluorescent Mercury Lamp
	16,000		Multifamily Waste-Reduction
	7,992		Frog Pond Church Campus
	13,050		Art Survey and Strategic Plan
	10,000		Beauty and the Bridge Lighting
	12,140		Beauty and the Bridge Signage
	830		Community Health Fair
	15,000		Community Reader Board
	5,350		Grahams Oaks Pedestrian Enhancement
Information Systems			
Material and Services	68,500		Rollover unused funds for the lighting project in Council Chambers
Public Works			
Capital Outlay	25,000		Rollover unused funds for the Lamella Tube Replacement
Capital Outlay	30,310		Rollover unused funds for the #6 Centrifuge Repair
Capital Outlay	56,500		Request for new funding: #6 Centrifuge Repair
Capital Outlay	20,000		Request for new funding: Replace geomembrane covers
Total Departmental Requests	<u>287,782</u>		

Budget Requests -Capital Projects

Rollover available funds from FY2018

1114-Water Telemetry	\$ 21,419	Rollover unused funds for CIP project from FY2018
1123-Water Rate and SDC Study	22,750	Rollover unused funds for CIP project from FY2018
1126-Segment 3B Mitigation	1,775	Rollover unused funds for CIP project from FY2018
1138-Distribution System Master Plan	23,634	Rollover unused funds for CIP project from FY2018
1139-5th St/Kinsman Extension	79,615	Rollover unused funds for CIP project from FY2018
2065-Memorial Pump Station	106,958	Rollover unused funds for CIP project from FY2018
2066-Sewer Rate and SDC Study	27,929	Rollover unused funds for CIP project from FY2018
2079-Coffee Creek Interceptor	490,919	Rollover unused funds for CIP project from FY2018
2099-5th St/Kinsman Extension	171,682	Rollover unused funds for CIP project from FY2018
2101-Coffee Creek Sewer	71,037	Rollover unused funds for CIP project from FY2018
2500-Sewer OPS Allocation to Charbonneau	59,563	Rollover unused funds for CIP project from FY2018
2994-Sewer SDC Reimbursement/Credit	54,250	Rollover unused funds for CIP project from FY2018
3002-Coffee Creek Planning Area	20,000	Rollover unused funds for CIP project from FY2018
3004-Town Center Concept Plan	30,404	Rollover unused funds for CIP project from FY2018
4004-Kinsman to Boeckman Rd	983,983	Rollover unused funds for CIP project from FY2018
4014-Street Maintenance	127,942	Rollover unused funds for CIP project from FY2018
4194-5 Year Monitoring - Barber St	4,590	Rollover unused funds for CIP project from FY2018
4199-Exit 283 Congestion Improvements	394,473	Rollover unused funds for CIP project from FY2018
4717-Pedistrian Enhancements	37,816	Rollover unused funds for CIP project from FY2018
7053-Williamette River Outfalls	127,320	Rollover unused funds for CIP project from FY2018
7061-Garden Acres Rd Storm System	33,015	Rollover unused funds for CIP project from FY2018
7500-Stormwater Operations Allocation to Chart	282,876	Rollover unused funds for CIP project from FY2018
8098-Library Improvements	12,829	Rollover unused funds for CIP project from FY2018
9155-Ice Age Tonquin Trail	116,100	Rollover unused funds for CIP project from FY2018
9132-Memorial Park Implementation	156,580	Rollover unused funds for CIP project from FY2018
9149-City Wide Parks Master Plan Update	55,118	Rollover unused funds for CIP project from FY2018
	<u>3,514,577</u>	

Funding Corrections to the FY2019 Budget

1137-WTP Life Safety & Seismic	\$ 18,917	Correct Funding Source from Water SDC
1137-WTP Life Safety & Seismic	(18,917)	Correct Funding Source from Water Ops
1129-Annual GIS Water Model Updates	2,794	Correct Funding Source from Water SDC
1129-Annual GIS Water Model Updates	(2,794)	Correct Funding Source from Water Ops

Total City Requests \$ 3,802,359

RESOLUTION NO. 2710

A RESOLUTION AUTHORIZING A SUPPLEMENTAL BUDGET ADJUSTMENT FOR FISCAL YEAR 2018-19.

WHEREAS, the City adopted a budget and appropriated funds for fiscal year 2018-19 by Resolution 2691; and,

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

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

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

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

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

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

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

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

This resolution becomes effective upon adoption.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 15th day of October, 2018, and filed with Wilsonville City Recorder this same date.

TIM KNAPP, MAYOR

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Knapp
Councilor Starr
Councilor Stevens
Councilor Lehan
Councilor Akervall

Attachment:

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

ATTACHMENT A

NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
General Fund			
Interfund transfers	\$ (3,262,875)	\$ (106,428)	\$ (3,369,303)
All other resources	(34,514,318)	-	(34,514,318)
Total increase in resources	(37,777,193)	(106,428)	(37,883,621)
Administration	\$ 1,564,669	\$ 87,472	\$ 1,652,141
Information Services	977,573	68,500	1,046,073
Interfund transfers	4,412,171	32,829	4,445,000
Contingency	16,150,896	(82,373)	16,068,523
All other requirements	14,671,884	-	14,671,884
Net change in requirements	\$ 37,777,193	\$ 106,428	\$ 37,883,621
Interfund transfers revenue increase recognizes additional resources for the overhead charges on capital improvement projects. Increases to the Administration program recognizes the rollover of unused funds for the Metro Grants from last fiscal year. Funds for the Information Systems program recognizes the rollover of unused funds for the Council Chambers lighting project from last fiscal year. The interfund transfer expense recognizes the funding of the Coffee Creek Area Planning Project and the Library Improvement Project.			
Building Fund			
Interfund transfers	\$ (56,650)	\$ (1,229)	\$ (57,879)
All other resources	(4,839,081)	-	(4,839,081)
Total increase in resources	(4,895,731)	(1,229)	(4,896,960)
Contingency	2,533,820	1,229	2,535,049
All other requirements	2,361,911	-	2,361,911
Net change in requirements	\$ 4,895,731	\$ 1,229	\$ 4,896,960
Interfund transfers revenue increase reflects additional resources for project management fees on capital improvement projects.			
Community Development Fund			
Interfund Transfers	\$ (2,899,090)	\$ (309,077)	\$ (3,208,167)
Charges for services	(797,682)	(112,050)	(909,732)
All other resources	(3,123,000)	-	(3,123,000)
Total increase in resources	(6,819,772)	(421,127)	(6,331,167)
Contingency	\$ 1,571,741	\$ 421,127	\$ 1,992,868
All other requirements	5,248,031	-	5,248,031
Net change in requirements	\$ 6,819,772	\$ 421,127	\$ 7,240,899
Interfund transfers revenue increase reflects additional resources for project management fees on capital improvement projects.			
Road Operating Fund			
Interfund transfers	\$ 659,035	\$ 37,816	\$ 696,851
Contingency	531,235	(37,816)	493,419
All other requirements	1,536,783	-	1,536,783
Net change in requirements	\$ 2,727,053	\$ -	\$ 2,727,053
Interfund transfer requirements reflect funding of the following capital improvement project: Pedestrian Enhancements.			
Road Maintenance Fund			
Interfund transfers	\$ 2,818,993	\$ 127,942	\$ 2,946,935
Contingency	1,193,040	(127,942)	1,065,098
All other requirements	500,000	-	500,000
Net change in requirements	\$ 4,512,033	\$ -	\$ 4,512,033
Interfund transfer requirements reflect funding of the following capital improvement project: Road Maintenance Project.			

ATTACHMENT A

NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

Water Operating Fund			
Water Treatment	\$ 3,864,963	\$ 111,810	\$ 3,976,773
Interfund Transfers	2,544,628	103,125	2,647,753
Contingency	11,224,518	(214,935)	11,009,583
All other requirements	4,351,744	-	4,351,744
Net change in requirements	\$ 21,985,853	\$ -	\$ 21,985,853
Increase to the Water Treatment Plant will fund the replacement of degraded lamella tubes and repair of #6 Centrifuge. Increase in interfund transfer requirements reflect funding for the following capital improvement projects: Water System Telemetry, Water Rate Study and SDC Update, Segment 3B Waterline Mitigation Site, Distribution Master Plan, 5th St/Kinsman Waterline. Request also includes the funding correction required for the WTP Life & Seismic Improvements and the Annual GIS & Water Model Updates.			
Sewer Operating Fund			
Sewer Treatment	\$ 2,698,940	\$ 20,000	\$ 2,718,940
Interfund Transfers	2,396,947	318,027	2,714,974
Contingency	12,219,470	(338,027)	11,881,443
All other requirements	4,872,369	-	4,872,369
Net change in requirements	\$ 22,187,726	\$ -	\$ 22,187,726
Increase to the Wastewater Treatment Plant will fund the replacement of the geo-membrane covers. Increase in interfund transfer requirements reflect funding for the following capital improvement projects: Memorial Park Pump Station, Sewer Rate and SDC Study Update, Coffee Creek Interceptor, 5th St/Kinsman Extension Sewer Tank.			
Stormwater Operating Fund			
Interfund transfers	\$ 1,791,053	\$ 378,366	\$ 2,169,419
Contingency	1,433,980	(378,366)	1,055,614
All other requirements	1,550,475	-	1,550,475
Net change in requirements	\$ 4,775,508	\$ -	\$ 4,775,508
Increase in interfund transfer requirements reflect funding for the following capital improvement projects: Willamette River Outfalls and the Stormwater Ops Allocation to Charbonneau project.			
Water Capital Projects Fund			
Interfund transfers	\$ (3,434,031)	\$ (149,193)	\$ (3,583,224)
All other resources	(788,176)	-	(788,176)
Total increase in resources	\$ (4,222,207)	\$ (149,193)	\$ (4,371,400)
Water capital projects	3,726,980	131,454	3,858,434
Interfund Transfers	417,126	17,739	434,865
Contingency	78,101	-	78,101
Net change in requirements	\$ 4,222,207	\$ 149,193	\$ 4,371,400
The interfund transfers and the corresponding requirements for water capital projects and transfers to other funds are for the following projects: Water System Telemetry, Water Rate and SDC Study, Segment 3B Waterline Mitigation, Distribution System Master Plan, 5th St/Kinsman Waterline. Request also includes the correction of funding sources for the WTP Life Safety and Seismic Upgrades and Annual GIS/Water Model Upgrades.			
Sewer Capital Projects Fund			
Interfund transfers	\$ (4,096,837)	\$ (982,338)	\$ (5,079,175)
All other resources	(25,417)	-	(25,417)
Total increase in resources	\$ (4,122,254)	\$ (982,338)	\$ (5,104,592)
Sewer capital projects	3,663,025	865,496	4,528,521
Interfund Transfers	350,478	116,842	467,320
Contingency	108,751	-	108,751
Net change in requirements	\$ 4,122,254	\$ 982,338	\$ 5,104,592
The interfund transfers and the corresponding requirements for sewer capital projects and transfer requirements are for the following capital projects: Memorial Pump Station Relocation, Sewer Rate & SDC Study, Coffee Creek Interceptor, 5th St/Kinsman Extension, Coffee Creek Sewer, Sewer Ops Allocation to Charbonneau, and Sewer SDC Reimbursement/Credit.			

ATTACHMENT A

NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
Streets Capital Projects Fund			
Interfund transfers	\$ (9,037,347)	\$ (1,568,804)	\$ (10,606,151)
All other resources	(1,112,948)	-	(1,112,948)
Total increase in resources	<u>\$ (10,150,295)</u>	<u>\$ (1,568,804)</u>	<u>\$ (11,719,099)</u>
Streets capital projects	8,104,400	1,409,990	9,514,390
Interfund Transfers	944,874	189,218	1,134,092
Contingency	1,101,021	(30,404)	1,070,617
Net change in requirements	<u>\$ 10,150,295</u>	<u>\$ 1,568,804</u>	<u>\$ 11,719,099</u>
The interfund transfers and the corresponding requirements for street capital projects and transfers to other funds is for the following projects: Kinsman Rd Ext-Barber to Boeckman, Street Maintenance, 5 Year Monitoring - Barber St, Exit 283 Congestion Improvements, and Pedestrian Enhancements.			
Stormwater Capital Projects Fund			
Interfund transfers	\$ (1,695,706)	\$ (443,211)	\$ (2,138,917)
All other resources	(286,384)	-	(286,384)
Total increase in resources	<u>\$ (1,982,090)</u>	<u>\$ (443,211)</u>	<u>\$ (2,425,301)</u>
Streets capital projects	1,473,860	390,494	1,864,354
Interfund Transfers	257,941	52,717	310,658
Contingency	250,289	-	250,289
Net change in requirements	<u>\$ 1,982,090</u>	<u>\$ 443,211</u>	<u>\$ 2,425,301</u>
The interfund transfers and the corresponding requirements for street capital projects and transfers to other funds is for the following projects: Willamette River Outfalls, Garden Acres Rd Storm System, and Stormwater Ops Allocation to Charbonneau.			
Facilities/Information Services Capital Projects Fund			
Interfund transfers	\$ (2,936,171)	\$ (12,829)	(2,949,000)
All other resources	(814,533)	-	(814,533)
Total increase in resources	<u>\$ (3,750,704)</u>	<u>\$ (12,829)</u>	<u>(3,763,533)</u>
Facilities/Information Services capital projects	\$ 3,512,513	\$ 11,600	\$ 3,524,113
Interfund Transfers	64,168	1,229	65,397
Contingency	174,023	-	174,023
Net change in requirements	<u>\$ 3,750,704</u>	<u>\$ 12,829</u>	<u>\$ 3,763,533</u>
The interfund transfers and the corresponding requirements for facilities/information services capital projects and transfers to other funds is for the following capital project: Library Improvements.			
Parks Capital Projects Fund			
Interfund transfers	\$ (4,688,173)	\$ (327,798)	\$ (5,015,971)
All other resources	(205,834)	-	(205,834)
Total increase in resources	<u>\$ (4,894,007)</u>	<u>\$ (327,798)</u>	<u>\$ (5,221,805)</u>
Parks capital projects	\$ 4,124,731	\$ 288,809	\$ 4,413,540
Interfund Transfers	493,584	38,989	532,573
Contingency	275,692	-	275,692
Net change in requirements	<u>\$ 4,894,007</u>	<u>\$ 327,798</u>	<u>\$ 5,221,805</u>
The interfund transfers and the corresponding requirements for parks capital projects and transfer to other funds is for the following capital projects: City Wide Parks Master Plan Update, Ice Age Tonquin Trail, and Memorial Park Implementation.			
Water SDC Fund			
Interfund Transfers	\$ 2,148,875	\$ 46,068	\$ 2,194,943
Contingency	5,175,432	(46,068)	5,129,364
Materials and Services	9,891	-	9,891
Net change in requirements	<u>\$ 7,334,198</u>	<u>\$ -</u>	<u>\$ 7,334,198</u>
The interfund transfers and the corresponding reduction to contingency is for the following projects: Water Rate and SDC Study, Segment 3B Mitigation, Distribution System Master Plan, and 5th St/Kinsman Extension Waterline.			

ATTACHMENT A

NEED, PURPOSE AND AMOUNT: DETAIL BY FUND & CATEGORY

	Current Appropriations	Change in Appropriations	Amended Appropriations
Sewer SDC Fund			
Interfund Transfers	\$ 2,990,462	\$ 664,311	\$ 3,654,773
Contingency	6,688,169	(664,311)	6,023,858
Materials and Services	6,388	-	6,388
Net change in requirements	\$ 9,685,019	\$ -	\$ 9,685,019
The interfund transfers and the corresponding reduction to contingency is for the following projects: Memorial Park Pump Station, Sewer Rate and SDC Study, Coffee Creek Interceptor, 5th St/Kinsman Sewer line, Coffee Creek Urban Renewal Sewer line.			
Street SDC Fund			
Interfund Transfers	\$ 3,537,229	\$ 1,383,046	\$ 4,920,275
Contingency	3,915,877	(1,383,046)	2,532,831
Materials and Services	16,382	-	16,382
Net change in requirements	\$ 7,469,488	\$ -	\$ 7,469,488
The interfund transfers and the corresponding reduction to contingency is for the following projects: Kinsman Rd Ext-Barber to Boeckman, Exit 283 Congestion Improvements and 5 Yr Monitoring - Barber.			
Stormwater SDC			
Interfund Transfers	\$ 446,886	\$ 64,845	\$ 511,731
Contingency	3,053,929	(64,845)	2,989,084
Materials and Services	2,679	-	2,679
Net change in requirements	\$ 3,503,494	\$ -	\$ 3,503,494
The interfund transfers and the corresponding reduction to contingency is for the following projects: Willamette River Outfalls project and the Garden Acres Road Stormwater System project.			
Parks SDC Fund			
Interfund Transfers	\$ 4,196,748	\$ 327,798	\$ 4,524,546
Contingency	4,647,470	(327,798)	4,319,672
Materials and Services	3,967	-	3,967
Net change in requirements	\$ 8,848,185	\$ -	\$ 8,848,185
The interfund transfers and the corresponding reduction to contingency is for the following projects: Ice Age Tonquin Trail, City Wide Parks Master Plan Update, and Memorial Park Implementation.			



CITY COUNCIL MEETING STAFF REPORT

<p>Meeting Date: October 15, 2018</p>	<p>Subject: Ordinance No. 829 – 1st Reading Amending WC 7.418, 9.200, and 9.400</p> <p>Staff Member: Dan Carlson, Building Official; Amanda Guile-Hinman, Assistant City Attorney</p> <p>Department: Building/Legal</p>
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>
<p><input checked="" type="checkbox"/> Motion</p> <p><input checked="" type="checkbox"/> Public Hearing Date: October 15, 2018</p> <p><input checked="" type="checkbox"/> Ordinance 1st Reading Date: October 15, 2018</p> <p><input type="checkbox"/> Ordinance 2nd Reading Date: November 5, 2018</p> <p><input type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Information or Direction</p> <p><input type="checkbox"/> Information Only</p> <p><input type="checkbox"/> Council Direction</p> <p><input type="checkbox"/> Consent Agenda</p>	<p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input checked="" type="checkbox"/> Not Applicable</p> <p>Comments: Consideration and review of proposed amendments to WC 7.418, 9.200, and 9.400 to correct inaccuracies and outdated references.</p>
<p>Staff Recommendation: Staff recommends that Council adopt Ordinance No. 829 on first reading.</p>	
<p>Recommended Language for Motion: I move to approve Ordinance No. 829 on first reading.</p>	
<p>Project / Issue Relates To:</p>	
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input type="checkbox"/> Adopted Master Plan(s)</p>
<p><input checked="" type="checkbox"/> Not Applicable</p>	

ISSUES BEFORE COUNCIL:

Council is being asked to review proposed amendments to Wilsonville Code (“WC”) 7.418 regarding the City’s transit payroll tax and WC 9.200 and 9.400 regarding the City’s Plumbing Specialty Code and Residential Specialty Code, respectively. These revisions correct inaccuracies and outdated references in each of the listed sections.

Ordinance No. 829 Staff Report

EXECUTIVE SUMMARY:

The proposed Ordinance No. 829 addresses two key issues that City staff identified as inaccurate or outdated in the Wilsonville Code. Each are detailed below.

1. City Transit Payroll Tax

WC 7.418 provides the dates when the transit payroll tax is due to the City. Under Subsection (1), employers must pay the transit payroll tax every quarter; however, the listed months do not accurately reflect quarterly payments. In particular, Subsection (1) lists June 30, which is only two (2) months after April 30, instead of three (3) months. Subsection (1) also lists September 30, which is three (3) months after the incorrect date of June 30. The proposed Ordinance No. 829 revises this Subsection to accurate due dates of April 30, July 31, October 31, and January 31.

Subsection (2) requires individuals who are self-employed to submit payments every quarter but contains similarly incorrect dates. However, City staff recommend changing this Subsection to annual payments due on April 15 (or the following Monday if April 15 is a weekend day), which is consistent with when other transit agencies collect transit taxes from self-employed individuals and is consistent with when self-employed individuals calculate their income for federal and state tax purposes.

2. City Building Codes

The City has adopted and relies on a plumbing specialty code and a residential specialty code created by international organizations, as amended by the State of Oregon. When such codes are updated, the City must correspondingly update its Code to reflect the new editions. The required amendments are identified below.

a. Plumbing Specialty Code – WC 9.200

WC 9.200 states the City’s current adopted Plumbing Specialty Code, which follows the 2009 Edition of the Plumbing Specialty Code published by the International Association of Plumbing and Mechanical Officials, as amended and supplemented by the 2014 Edition of the Oregon State Plumbing Specialty Code. Each of International and Oregon Plumbing Specialty Codes have since been updated. As such, WC 9.200 needs to be updated to reflect the latest versions of each – the 2015 Edition of the Plumbing Specialty Code published by the International Association of Plumbing and Mechanical Officials and the 2017 Edition of the Oregon State Plumbing Specialty Code.

b. Residential Specialty Code – WC 9.400

Similar to WC 9.200, WC 9.400 must also be amended to reflect updates to the Residential Specialty Code published by the International Code Council and the Oregon Residential Specialty Code. Staff propose to update WC 9.400 to the 2015 Edition of Oregon Residential Specialty Code, published by the International Code Council, as amended and supplemented by the 2017 Edition of the State of Oregon Residential Specialty Code.

EXPECTED RESULTS:

Consistency in payment due dates for the transit payroll tax and updated plumbing and residential specialty codes.

TIMELINE:

The proposed amendments identified in Ordinance No. 829 are scheduled for a first reading and public hearing on October 15, 2018 and a second reading on November 5, 2018.

CURRENT YEAR BUDGET IMPACTS:

N/A

FINANCIAL REVIEW / COMMENT:

Reviewed by: CAR Date: 10/9/2018

LEGAL REVIEW / COMMENT:

Reviewed by: ARGH Date: 10/3/2018

Oregon appellate case law makes clear that cities cannot preemptively adopt codes or statutes of the State of Oregon before the state adopts its codes or statutes. As such, the City cannot simply state that the Plumbing Specialty Code and the Residential Specialty Code are automatically updated whenever the State of Oregon updates its codes that the City utilizes for its Plumbing Specialty Code and the Residential Specialty Code. Such language would violate the Oregon Constitution.

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Consistent and up-to-date Code provisions.

ALTERNATIVES:

Retain WC 7.418, 9.200, and 9.400 as is.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

- A. Attachment A: Proposed Ordinance No. 829

ORDINANCE NO. 829

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE SECTIONS 7.418, 9.200, AND 9.400.

WHEREAS, the City of Wilsonville desires to amend its Public Transportation Payroll and Self-Employment Tax, Wilsonville Code Chapter 7, Section 418, sub-section 2, to reflect the correct quarterly and yearly dates and description; and

WHEREAS, the City of Wilsonville desires to amend its Plumbing Specialty Code and the Oregon Residential Specialty Code, Wilsonville Code Chapter 9, Sections 9.200 and 9.400, to reflect the new 2017 editions that were adopted by the City as the new Statewide Residential and Plumbing Codes.

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

1. Wilsonville Code 7.418(2) is amended as follows:

“(2) Taxes shall be determined for:

(a) Payroll - each quarter of the calendar year, and the tax due for each quarter of the calendar year shall be paid on or before April 30, ~~June 15~~ *July 31*, ~~September 15~~ *October 31*, and January 31.

(b) Self-Employment – each ~~quarter~~ *year* of the calendar year, and the tax due for each ~~quarter~~ *year* of the calendar year shall be paid on or before April 15, ~~June 15~~, ~~September 15~~ and ~~January 15~~, *unless that date falls on a Saturday or Sunday, in which circumstance the tax due shall be due and payable on the following Monday.*”

2. Wilsonville Code 9.200(1) is amended as follows:

“9.200 Plumbing ~~Specialty~~ *specialty* Code ~~2014~~ *2017* Edition

Section 1. The “PLUMBING SPECIALTY CODE”, ~~2009~~ *2015* Edition, published by the International Association of Plumbing and Mechanical Officials, and as so amended and supplemented by the ~~2014~~ *2017* Edition of the Oregon State Plumbing Specialty Code Statutes and Administrative Rules, being one and the same, is hereby adopted as, *collectively and referred to herein as*, the

Plumbing Specialty Code of the City of Wilsonville. *The Plumbing Specialty Code of the City of Wilsonville addresses for:*

- (a) Regulating the erection, construction, demolition, occupancy, equipment, use, height, area and maintenance of all plumbing systems as regulated by the Plumbing Specialty Code in the City of Wilsonville;
- (b) Providing for issuance of permits and collection of fees thereof;
- (c) Providing penalties for violation of such code; and
- (d) Providing each and all regulations, provisions, penalties, conditions, and terms of such *Plumbing Specialty Code*. ~~“PLUMBING SPECIALTY CODE”, 2014 Edition, are marked Exhibit A, referred to, adopted and made a part hereof as if fully set out in this ordinance as the City’s Plumbing Specialty Code.~~

A copy of the *Plumbing Specialty Code of the City of Wilsonville* above referenced ~~“Exhibit A” shall be marked and designated as the Official City of Wilsonville Plumbing Specialty Code and shall be kept in the office of the Building Official of the City of Wilsonville.”~~

“Section 2. That Chapter 9, Section 9.200, of the Wilsonville City Code is hereby amended to include the provisions of Ordinance No. ~~756~~ 829 and Ordinance No. ~~687~~ 756 is repealed.”

3. Wilsonville Code 9.400(1) is amended as follows:

“9.400 Oregon Residential Specialty Code, ~~2014~~ 2017 Edition

Section 1. The “OREGON RESIDENTIAL SPECIALTY SPECIALTY CODE”, ~~2009~~ 2015 Edition, published by the International Code Council, and as so amended and supplemented by the ~~2014~~ 2017 Edition of the State of Oregon Residential Specialty Code, being one and the same, is hereby adopted as, *collectively and referred to herein as, the Oregon Residential Specialty Code of the City of Wilsonville. The Residential Specialty Code of the City of Wilsonville is for:*

- (a) Regulating the erection, construction, demolition, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the City of Wilsonville;

- (b) Providing for issuance of permits and collection of fees thereof;
- (c) Providing penalties for violation of such code; and
- (d) Providing each and all regulations, provisions, penalties, conditions, and terms of such *Residential Specialty Code*. ~~“OREGON RESIDENTIAL SPECIALTY SPECIALTY CODE”, 2014 Edition, are marked Exhibit A, referred to, adopted, and made a part herein as if fully set forth herein as the City’s Oregon Residential Specialty Code.~~

A copy of the *Residential Specialty Code of the City of Wilsonville* ~~above referenced Exhibit A shall be marked and designated as the City of Wilsonville Oregon Residential Specialty Code and~~ shall be kept in the office of the Building Official of the City of Wilsonville.”

“Section 2. The Chapter 9, Section 9.400, of the Wilsonville City Code is hereby amended to include the provisions of Ordinance No. ~~757~~ 829 and Ordinance No. ~~696~~ 757 is repealed.”

4. The City Recorder is directed to amend Wilsonville Code 7.418, 9.200, and 9.400, as approved above, and to make such format, style, and conforming changes to match the format and style of the Offenses Chapter of the Wilsonville Code.

5. Except as set forth above, Chapter 7 and Chapter 9 of the Wilsonville Code remains in full force and effect, as written.

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

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 15th day of October, 2018, and scheduled for a second reading at a regular meeting of the Council on November 5, 2018 commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Kimberly Veliz, City Recorder

ENACTED by the City Council on the ____ day of _____, 2018, by the following votes: Yes: ____ No: ____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor the ____ day of _____, 2018.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

- Mayor Knapp
- Council President Starr
- Councilor Stevens
- Councilor Lehan
- Councilor Akervall



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 15, 2018		Subject: Resolution No. 2676 Authorizing Acquisition of Property and Property Interests Related to Construction of the 5 th Street / Kinsman Road Extension Project (CIP #s 1139, 2099, 4196, and 9155). Staff Member: Steve R. Adams, PE, 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 type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments:	
Staff Recommendation: Staff recommends that Council adopt Resolution No. 2676.			
Recommended Language for Motion: I move to approve Resolution No. 2676.			
Project / Issue Relates To:			
<input checked="" type="checkbox"/> Council Goals/Priorities: Multimodal Transportation Network	<input checked="" type="checkbox"/> Adopted Master Plan(s): 2013 TSP (Updated in 2016)	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE URBAN RENEWAL AGENCY:

Should the City of Wilsonville acquire properties, with the potential for eminent domain procedures, needed to construct the extension of 5th Street from Boones Ferry Road to Arrowhead Creek Lane, Kinsman Road from Wilsonville Road to the future 5th Street, make improvements to Boones Ferry Road between Bailey Street and 5th Street, and construct the Tonquin Trail from Arrowhead Creek Lane to the railroad crossing at 5th Street. The properties consist of approximately 217,990 square feet (SF) for right-of-way, 52,865 SF for permanent easements, and 36,726 SF for temporary easements.

EXECUTIVE SUMMARY:

In response to Council Goals and past and current adopted Wilsonville Transportation System Plans (TSPs), Community Development staff completed the Boones Ferry Road to Brown Road Connector Corridor Study in 2016. The Council approved the eastern roadway connection being at 5th Street at their December 5, 2016 meeting. Since then, the project design has progressed sufficiently to identify properties needed for right-of-way and easement purposes.

This project is identified in the City’s 2018-19 Adopted Budget and is funded through CIP #s 1139, 2099, 4196, and 9155. The project is identified in the 2013 Transportation Systems Plan (TSP, amended in 2016) as Project RE-04B, and the Year 2000 Urban Renewal Plan.

In order to construct the project, the City needs to acquire right-of-way and easements as identified in the following table.

Property Owner	Tax Lot	Acquisition Type	Approx. Area
<u>Property A</u>			
Meadows 148, LLC	3 1W 23AB 01800	Fee – Right-of-Way	4,810 SF
<u>Property B</u>			
ADD LLC	3 1W 23AB 01900	Easement – Sidewalk	39 SF
ADD LLC	3 1W 23AB 01900	Easement – Drainage	142 SF
ADD LLC	3 1W 23AB 01900	Easement – temporary	32 SF
<u>Property C</u>			
Jean R Anderson	3 1W 23AB 02000	Fee – Right-of-way	45 SF
Jean R Anderson	3 1W 23AB 02000	Easement – Wall	36 SF
Jean R Anderson	3 1W 23AB 02000	Easement – temporary	584 SF
<u>Property D</u>			
KWDS LLC	3 1W 23AB 02100	Easement – Wall	107 SF
KWDS LLC	3 1W 23AB 02100	Easement – Wall	10 SF
KWDS LLC	3 1W 23AB 02100	Easement – temporary	93 SF
<u>Property E</u>			
Maria Luise Lochmann	3 1W 23AC 03400	Easement – temporary	390 SF
<u>Property F</u>			
Carol Bonds Dickey, Tr. Dickey Family Revocable Trust	3 1W 23AC 03800	Easement – temporary	250 SF
<u>Property G</u>			
Paul Missal	3 1W 23AC 04000	Easement – temporary	332 SF
<u>Property H</u>			
PNWP LLC #5	3 1W 23B 00100	Fee – Right-of-way	183 SF
<u>Property I</u>			
PNWP LLC #5	3 1W 23B 00101	Fee – Right-of-way	1,459 SF
PNWP LLC #5	3 1W 23B 00101	Easement – temporary	226 SF

Property J

Meadows 148, LLC	3 1W 23B 00600	Fee – Right-of-way	19,834 SF
Meadows 148, LLC	3 1W 23B 00600	Fee – Right-of-way	27,058 SF
Meadows 148, LLC	3 1W 23B 00600	Fee – Right-of-way	37,542 SF
Meadows 148, LLC	3 1W 23B 00600	Fee – Right-of-way	14,610 SF
Meadows 148, LLC	3 1W 23B 00600	Fee – Right-of-way	1,357 SF
Meadows 148, LLC	3 1W 23B 00600	Easement – Slope	5,552 SF
Meadows 148, LLC	3 1W 23B 00600	Easement – Utilities	4,337 SF
Meadows 148, LLC	3 1W 23B 00600	Easement – Electrical, Slope	792 SF
Meadows 148, LLC	3 1W 23B 00600	Easement – Slope, Utilities	2,156 SF
Meadows 148, LLC	3 1W 23B 00600	Easement – Slope, Utilities	694 SF
Meadows 148, LLC	3 1W 23B 00600	Easement – temporary	202 SF
Meadows 148, LLC	3 1W 23B 00600	Easement – temporary	840 SF

Property K

Inland Empire Investments, LLC	3 1W 23B 00700-00790	Fee – Right-of-way	7,659 SF
Inland Empire Investments, LLC	3 1W 23B 00700-00790	Fee – Right-of-way	3,719 SF
Inland Empire Investments, LLC	3 1W 23B 00700-00790	Easement – Slope, Utilities	255 SF
Inland Empire Investments, LLC	3 1W 23B 00700-00790	Easement – Slope, Utilities	777 SF
Inland Empire Investments, LLC	3 1W 23B 00700-00790	Easement – temporary	6,746 SF

Property L

Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00800	Fee – Right-of-way	14,811 SF
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00800	Fee – Right-of-way	72 SF
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00800	Easement – Slope, Utilities	2,706 SF
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00800	Easement – Sanitary Sewer	3,050 SF
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00800	Easement – temporary	14,738 SF

Property M

Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00900	Fee – Right-of-way	13,434 SF
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00900	Fee – Right-of-way	1,910 SF
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00900	Fee – Right-of-way	2,293 SF
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00900	Fee – Right-of-way	17,643 SF
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00900	Fee – Right-of-way	2,573 SF
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00900	Fee – Right-of-way	1,176 SF
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00900	Fee – Right-of-way	1,461 SF

Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.
 3 1W 23B 00900 Easement – Slope, Utilities 5,627 SF
 Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.
 3 1W 23B 00900 Easement – Slope, Utilities 323 SF

Property N

Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.
 3 1W 23B 01300 Fee – Right-of-way 412 SF
 Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.
 3 1W 23B 01300 Easement – Slope, Utilities 710 SF

Property O

Joe Bernert Towing Co., Inc.
 3 1W 23B 01700 Fee – Right-of-way 69 SF
 Joe Bernert Towing Co., Inc.
 3 1W 23B 01700 Easement – Slope, Utilities 192 SF

Property P

Meadows 148, LLC 3 1W 23BD 00101 Fee – Right-of-way 502 SF
 Meadows 148, LLC 3 1W 23BD 00101 Easement – Slope 2,350 SF
 Meadows 148, LLC 3 1W 23BD 00101 Easement – Utilities 1,230 SF
 Meadows 148, LLC 3 1W 23BD 00101 Easement – Electrical, Slopes 1,248 SF
 Meadows 148, LLC 3 1W 23BD 00101 Easement – temporary 534 SF

Property Q

OTV 1 LLC 3 1W 23BD 00102 Easement – Drainage 507 SF
 OTV 1 LLC 3 1W 23BD 00102 Easement – temporary 237 SF

Property R

OTV 2 LLC 3 1W 23BD 00103 Easement – temporary 114 SF

Property S

Otto Lane 104 LLC 3 1W 23BD 00104 Fee – Right-of-way 1,869 SF
 Otto Lane 104 LLC 3 1W 23BD 00104 Easement – Slope 3,299 SF
 Otto Lane 104 LLC 3 1W 23BD 00104 Easement – Utilities 1,505 SF
 Otto Lane 104 LLC 3 1W 23BD 00104 Easement – temporary 3,904 SF

Property Y

Meadows 148, LLC 3 1W 23BD 00200 Fee – Right-of-way 1,338 SF
 Meadows 148, LLC 3 1W 23BD 00200 Easement – Slope 2,893 SF
 Meadows 148, LLC 3 1W 23BD 00200 Easement – Utilities 1,919 SF
 Meadows 148, LLC 3 1W 23BD 00200 Easement – Drainage 458 SF
 Meadows 148, LLC 3 1W 23BD 00200 Easement – temporary 782 SF

Property U

Meadows 148, LLC 3 1W 23BD 00300 Fee – Right-of-way 9,477 SF
 Meadows 148, LLC 3 1W 23BD 00300 Fee – Right-of-way 16,049 SF
 Meadows 148, LLC 3 1W 23BD 00300 Fee – Right-of-way 13,143 SF
 Meadows 148, LLC 3 1W 23BD 00300 Easement – Slope, Utilities 2,366 SF
 Meadows 148, LLC 3 1W 23BD 00300 Easement – temporary 1,236 SF

Property V

Thomas L. Bernert, Trustee - Thomas L. Bernert Revocable Trust date May 27, 2003
 3 1W 23BD 00400 Easement – Slope 976 SF
 Thomas L. Bernert, Trustee - Thomas L. Bernert Revocable Trust date May 27, 2003
 3 1W 23BD 00400 Poss. TCE 5,854 SF

Property W

Sherilynn J. Young, et al. 3 1W 23BD 00600 Fee – Right-of-way 1,482 SF
 Sherilynn J. Young, et al. 3 1W 23BD 00600 Easement – Slope 3,018 SF

Sherilynn J. Young, et al.	3 1W 23BD 00600	Easement – Utilities	1,444 SF
Sherilynn J. Young, et al.	3 1W 23BD 00600	Easement – Drainage	173 SF
Sherilynn J. Young, et al.	3 1W 23BD 00600	Easement – temporary	414 SF
<u>Property X</u>			
Portland & Western Railroad Company			
	3 1W 23BD	Easement – Street	1,192 SF

Attachments 1 and 2 to Resolution No. 2676 include the legal descriptions for all property interests to be acquired and a map illustrating them, respectively. The legal descriptions reflect the least amount of property necessary for the construction of the roads, the Tonquin Trail and the sanitary sewer pipeline. Additional property must be acquired from tax lots 31W23B 00600 and 31W23BD00300 because there are remnant parcels of land lying south and west of the right-of-way rendered unusable to the land owner.

Please note that the Attachment 1 legal descriptions include best estimates of areas to be acquired based on the most recent design plans. They are considered to be reasonably accurate at this time, although modifications may need to occur depending on final design details and site conditions, to be approved and verified by the City Engineer;

EXPECTED RESULTS:

Staff expects to begin appraisals in the fall of 2018 and initiate negotiations as soon as appraisal work is complete. If settlement has not been achieved by the end of the mandatory 40-day consideration period, staff will notify the Council regarding the status of negotiations and any recommendations to proceed with condemnation proceedings. Construction is anticipated to begin in May 2019.

TIMELINE:

The initiation of acquisitions at this time should allow construction to begin as planned in May 2019.

CURRENT YEAR BUDGET IMPACTS:

Through design, permitting, property acquisition and construction oversight the 5th Street to Kinsman Road Extension project is funded through the following sources in the FY 2018/19 budget:

CIP 1139	\$113,500
CIP 2099	\$113,500
CIP 4196	\$797,500
CIP 9155	\$227,000

Totals for overall project expenditures including past, current and future fiscal years:

CIP 1139	5 th /Kinsman Water Line	\$1,775,707
CIP 2099	5 th /Kinsman SS Line	\$1,748,285
CIP 4196	Year 2000 UR Plan	\$12,745,551
CIP 9155	Ice Age Tonquin Trail	TBD

FINANCIAL REVIEW / COMMENT:

Reviewed by: CAR Date: 10/9/2018

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 10/9/2018

I have reviewed the staff report and resolution but have not reviewed any of the legal descriptions, being advised that all have been reviewed and approved by the City Engineer. I have noted in both that due to the magnitude of this project and because it is not in final design, legal descriptions and the amount of takings for each of the several properties may change. Negotiation of price will be based on appraisals yet to be made. If litigation over need or price is required, I will come to City Council before initiating any such action.

COMMUNITY INVOLVEMENT PROCESS:

The Boones Ferry Road to Brown Road Connector Corridor Plan included an extensive community involvement process with multiple stakeholder meetings, two public meetings, an on-line survey, and hearings before both City Council and the Planning Commission.

During the 2017 design phase of the 5th Street to Kinsman Road Extension project we have held three public open houses and have met with several of the landowners, presented information and updates at two City Council meetings, and regular informational updates on the project website.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Design and construction of the 5th Street / Kinsman Road Extension project will provide additional connectivity in south Wilsonville with a new route between Old Town and Kinsman Road that parallels Wilsonville Road and provides an alternate to using the Wilsonville Road / Boones Ferry Road intersection which experiences frequent congestion when I-5 approaches capacity. Parcels of land will be impacted by right-of-way and easement acquisition and construction of the new roadway. This project will also provide infrastructure and access to serve future industrial and residential development in the Arrowhead Creek Planning Area.

Along with constructing the roadway, both water and sanitary sewer will be extended within the road right-of-way. The project will construct a significant segment of Ice Age Tonquin Trail providing bicycle and pedestrian connectivity between the residential neighborhoods in southwest Wilsonville to commercial businesses along Boones Ferry Road, to Boones Ferry Park and Memorial Park, and to the neighborhoods east of I-5 and south of Wilsonville Road.

ALTERNATIVES:

Council made the decision for this alternate alignment that connects from Kinsman Road to 5th Street at Boones Ferry Road. The Council could choose to not move forward with the project at this time.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

- A. Resolution No. 2676

RESOLUTION NO. 2676

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING ACQUISITION OF PROPERTY AND PROPERTY INTERESTS RELATED TO CONSTRUCTION OF THE 5TH STREET / KINSMAN ROAD EXTENSION PROJECT.

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

WHEREAS, the 5th Street / Kinsman Road Extension project (the “Project”) will extend 5th Street and the Ice Age Tonquin Trail from Boones Ferry Road to Arrowhead Creek Lane, extend Kinsman from Wilsonville Road to Wilsonville Concrete Products, and upgrade Boones Ferry Road to multi-modal urban standards; improve safety and area circulation for vehicular, pedestrian, and bicycle travel between Boones Ferry Road, Arrowhead Creek Lane and Wilsonville Road; and reconstruct Boones Ferry Road between Bailey Street and 5th Street with an additional bike lane and sidewalk, and meet long-term level of service needs; and

WHEREAS, the Project will provide an alternate route from Old Town to Wilsonville Road that does not rely on the Boones Ferry Road / Wilsonville Road intersection; and

WHEREAS, a second phase of the Project will extend 5th Street from Kinsman Road to Brown Road, but that phase has not been designed and is not planned for construction at this time; and

WHEREAS, the Project is identified in the 2016 City of Wilsonville Transportation System Plan and FY 2018/19 Capital Improvement Project Budget as Project Nos. 1139, 2099, 4196 and 9155; and

WHEREAS, the total project cost estimate for the Project, including design, land acquisition, construction and project management, is \$16.6 million; and

WHEREAS, the Project will receive funding through the following funding sources: Year 2000 Urban Renewal Plan, Water SDCs, Sanitary Sewer SDCs, and Parks SDCs; and

WHEREAS, construction is anticipated to begin on or after May 1, 2019; and

WHEREAS, in order to construct the Project, the City needs to acquire approximately 217,990 square feet (SF) of right-of-way, 52,865 SF of permanent easements, and 36,726 SF of temporary construction easements; and

WHEREAS, the property interests to be acquired for the Project include, but may not be limited, to those legally described in Attachment 1 and illustrated in Attachment 2, both attached hereto and incorporated herein; and

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

WHEREAS, the acquisition of the properties described in Attachment 1, is necessary and will benefit the general public and will be used for public purposes; and

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

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

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

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

WHEREAS, title to the acquired property interest shall be acquired using both City and Urban Renewal funds, but title to the acquired land will vest in the name of the City of Wilsonville to provide for necessary care, maintenance and public safety authority; and

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

- 1) The Wilsonville City Council finds that:
 - a) There is a public necessity for the construction of the aforementioned street improvements
 - b) The legal descriptions for the land set forth in Attachment 1 are necessary for the construction of said public improvements but may be modified as set forth in 3 below, as design is refined; and

- c) The proposed street and utility improvements are planned and located in a manner most compatible with the greatest public good and the least private injury.
- 2) The City's project consultant, Otak Inc., sub consultants to Otak Inc., City staff and the City Attorney are authorized and directed to:
 - a) Negotiate with the owners of the real property herein described as to the compensation to be paid for the acquisition of the property.
 - b) In the event agreement cannot be reached, to commence and prosecute to final determination such proceedings as may be necessary, including condemnation of the property, to acquire the real property and interest therein, and that upon the filing of such proceeding may seek immediate possession of any of the real properties described in Attachment 1 in order to meet the right-of-way certification deadline necessary to begin construction in May or after 2019 and complete Project construction in a timely and efficient manner.
 - 3) In the event that there are required modifications to the legal descriptions as the Project moves forward, the City Engineer is authorized to modify the attached legal descriptions, as necessary, to conform to final engineering design for the Project.
 - 4) This resolution becomes effective upon adoption.

ADOPTED by the City of Wilsonville at a regular meeting thereof this 15th day of October, 2018, and filed with the Wilsonville City Recorder this date.

TIM KNAPP, MAYOR

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Stevens

Councilor Lehan

Councilor Akervall

Attachments:

1. Attachment 1: Legal Descriptions
2. Attachment 2: 5th to Kinsman Road Extension Property Acquisition Map

CIP 4196, 5th Steet to Kinsman Road Extension**Attachment 1**

Property Owner	Tax lot	Right-of-Way or Easement	Right-of-Way SF	Easements SF	Temp Easement SF
<u>Property A</u>					
Meadows 148, LLC	3 1W 23AB 01800	Fee – Right-of-Way	4,810		
<u>Property B</u>					
ADD LLC	3 1W 23AB 01900	Easement – Sidewalk		39	
ADD LLC	3 1W 23AB 01900	Easement – Drainage		142	
ADD LLC	3 1W 23AB 01900	Easement – temporary			32
<u>Property C</u>					
Jean R Anderson	3 1W 23AB 02000	Fee – Right-of-way	45		
Jean R Anderson	3 1W 23AB 02000	Easement – Wall		36	
Jean R Anderson	3 1W 23AB 02000	Easement – temporary			584
<u>Property D</u>					
KWDS LLC	3 1W 23AB 02100	Easement – Wall		107	
KWDS LLC	3 1W 23AB 02100	Easement – Wall		10	
KWDS LLC	3 1W 23AB 02100	Easement – temporary			93
<u>Property E</u>					
Maria Luise Lochmann	3 1W 23AC 03400	Easement – temporary			390
<u>Property F</u>					
Carol Bonds Dickey, Tr. Dickey Family Revocable Trust					
	3 1W 23AC 03800	Easement – temporary			250
<u>Property G</u>					
Paul Missal	3 1W 23AC 04000	Easement – temporary			332
<u>Property H</u>					
PNWP LLC #5	3 1W 23B 00100	Fee – Right-of-way	183		
<u>Property I</u>					
PNWP LLC #5	3 1W 23B 00101	Fee – Right-of-way	1,459		
PNWP LLC #5	3 1W 23B 00101	Easement – temporary			226
<u>Property J</u>					
Meadows 148, LLC	3 1W 23B 00600	Fee – Right-of-way	19,834		
Meadows 148, LLC	3 1W 23B 00600	Fee – Right-of-way	27,058		
Meadows 148, LLC	3 1W 23B 00600	Fee – Right-of-way	37,542		
Meadows 148, LLC	3 1W 23B 00600	Fee – Right-of-way	14,610		
Meadows 148, LLC	3 1W 23B 00600	Fee – Right-of-way	1,357		
Meadows 148, LLC	3 1W 23B 00600	Easement – Slope		5,552	
Meadows 148, LLC	3 1W 23B 00600	Easement – Utilities		4,337	
Meadows 148, LLC	3 1W 23B 00600	Easement – Electrical, Slope		792	
Meadows 148, LLC	3 1W 23B 00600	Easement – Slope, Utilities		2,156	
Meadows 148, LLC	3 1W 23B 00600	Easement – Slope, Utilities		694	
Meadows 148, LLC	3 1W 23B 00600	Easement – temporary			202
Meadows 148, LLC	3 1W 23B 00600	Easement – temporary			840
<u>Property K</u>					
Inland Empire Investments, LLC	3 1W 23B 00700-00790	Fee – Right-of-way	7,659		
Inland Empire Investments, LLC	3 1W 23B 00700-00790	Fee – Right-of-way	3,719		
Inland Empire Investments, LLC	3 1W 23B 00700-00790	Easement – Slope, Utilities		255	
Inland Empire Investments, LLC	3 1W 23B 00700-00790	Easement – Slope, Utilities		777	
Inland Empire Investments, LLC	3 1W 23B 00700-00790	Easement – temporary			6,746
<u>Property L</u>					
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.					
	3 1W 23B 00800	Fee – Right-of-way	14,811		
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.					
	3 1W 23B 00800	Fee – Right-of-way	72		
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.					
	3 1W 23B 00800	Easement – Slope, Utilities		2,706	
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.					
	3 1W 23B 00800	Easement – Sanitary Sewer		3,050	
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.					
	3 1W 23B 00800	Easement – temporary			14,738

CIP 4196, 5th Steet to Kinsman Road Extension**Attachment 1**

Property Owner	Tax lot	Right-of-Way or Easement	Right-of-Way SF	Easements SF	Temp Easement SF
<u>Property M</u>					
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00900	Fee – Right-of-way	13,434		
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00900	Fee – Right-of-way	1,910		
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00900	Fee – Right-of-way	2,293		
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00900	Fee – Right-of-way	17,643		
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00900	Fee – Right-of-way	2,573		
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00900	Fee – Right-of-way	1,176		
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00900	Fee – Right-of-way	1,461		
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00900	Easement – Slope, Utilities		5,627	
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 00900	Easement – Slope, Utilities		323	
<u>Property N</u>					
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 01300	Fee – Right-of-way	412		
Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.	3 1W 23B 01300	Easement – Slope, Utilities		710	
<u>Property O</u>					
Joe Bernert Towing Co., Inc.	3 1W 23B 01700	Fee – Right-of-way	69		
Joe Bernert Towing Co., Inc.	3 1W 23B 01700	Easement – Slope, Utilities		192	
<u>Property P</u>					
Meadows 148, LLC	3 1W 23BD 00101	Fee – Right-of-way	502		
Meadows 148, LLC	3 1W 23BD 00101	Easement – Slope		2,350	
Meadows 148, LLC	3 1W 23BD 00101	Easement – Utilities		1,230	
Meadows 148, LLC	3 1W 23BD 00101	Easement – Electrical, Slopes		1,248	
Meadows 148, LLC	3 1W 23BD 00101	Easement – temporary			534
<u>Property Q</u>					
OTV 1 LLC	3 1W 23BD 00102	Easement – Drainage		507	
OTV 1 LLC	3 1W 23BD 00102	Easement – temporary			237
<u>Property R</u>					
OTV 2 LLC	3 1W 23BD 00103	Easement – temporary			114
<u>Property S</u>					
Otto Lane 104 LLC	3 1W 23BD 00104	Fee – Right-of-way	1,869		
Otto Lane 104 LLC	3 1W 23BD 00104	Easement – Slope		3,299	
Otto Lane 104 LLC	3 1W 23BD 00104	Easement – Utilities		1,505	
Otto Lane 104 LLC	3 1W 23BD 00104	Easement – temporary			3,904
<u>Property T</u>					
Meadows 148, LLC	3 1W 23BD 00200	Fee – Right-of-way	1,338		
Meadows 148, LLC	3 1W 23BD 00200	Easement – Slope		2,893	
Meadows 148, LLC	3 1W 23BD 00200	Easement – Utilities		1,919	
Meadows 148, LLC	3 1W 23BD 00200	Easement – Drainage		458	
Meadows 148, LLC	3 1W 23BD 00200	Easement – temporary		782	
<u>Property U</u>					
Meadows 148, LLC	3 1W 23BD 00300	Fee – Right-of-way	9,477		
Meadows 148, LLC	3 1W 23BD 00300	Fee – Right-of-way	16,049		
Meadows 148, LLC	3 1W 23BD 00300	Fee – Right-of-way	13,143		
Meadows 148, LLC	3 1W 23BD 00300	Easement – Slope, Utilities		2,366	

CIP 4196, 5th Steet to Kinsman Road Extension**Attachment 1**

Property Owner	Tax lot	Right-of-Way or Easement	Right-of-Way SF	Easements SF	Temp Easement SF
Meadows 148, LLC	3 1W 23BD 00300	Easement – temporary			1,236
<u>Property V</u>					
Thomas L. Bernert, Trustee - Thomas L. Bernert Revocable Trust date May 27, 2003					
	3 1W 23BD 00400	Easement – Slope		976	
Thomas L. Bernert, Trustee - Thomas L. Bernert Revocable Trust date May 27, 2003					
	3 1W 23BD 00400	Poss. TCE			5,854
<u>Property W</u>					
Sherilynn J. Young, et al.	3 1W 23BD 00600	Fee – Right-of-way	1,482		
Sherilynn J. Young, et al.	3 1W 23BD 00600	Easement – Slope		3,018	
Sherilynn J. Young, et al.	3 1W 23BD 00600	Easement – Utilities		1,444	
Sherilynn J. Young, et al.	3 1W 23BD 00600	Easement – Drainage		173	
Sherilynn J. Young, et al.	3 1W 23BD 00600	Easement – temporary			414
<u>Property X</u>					
Portland & Western Railroad Company					
	3 1W 23BD	Easement – Street		1,192	
			SF	217,990	52,865
			Acres	5.00	1.21
				36,726	0.84

EXHIBIT A

Property A

Page 1 of 2



808 sw third avenue, suite 300
portland, oregon 97204
503.287-6825 • fax 503.415-2304
www.otak.com

LEGAL DESCRIPTION

FEE

5th STREET TO KINSMAN EXTENSION
3 1W 23AB 01800

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Warranty Deed to School District #23, Clackamas County, Oregon recorded October 26, 1938, in Book 251, Page 634, Clackamas County Deed Records; said parcel being described as follows:

Beginning at the intersection of the southerly right of way line of Bailey Street with the westerly right of way line of Boones Ferry Road (Market Road No. 27), said point being 1,564.48 feet East and 797.24 feet South of the Northwest corner of the Thomas Bailey Donation Land Claim No. 45, and being 30.00 feet Southerly of the Bailey Street center line and 30.00 feet Westerly of the Boones Ferry Road center line when measured at right angles to said center lines; thence North 88° 28' 29" West along said southerly line of Bailey Street, a distance of 302.53 feet to the easterly right of way line of the Portland and Western Railroad as described in that Quitclaim Deed to the State of Oregon recorded September 15, 1998 as Recorder's Fee No. 98-086279, Film Records of Clackamas County; thence South 01° 33' 29" West along said easterly line of the Portland and Western Railroad, a distance of 16.00 feet; thence South 88° 28' 29" East along a line which is 16.00 feet distant from and parallel with said southerly line of Bailey Street, a distance of 298.76 feet to the said westerly line of Boones Ferry Road; thence North 14° 48' 11" East along said westerly line of Boones Ferry Road, a distance of 16.44 feet to the point of beginning.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 4,810 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jerry V. Osgood
OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671

RENEWAL 12/31/18

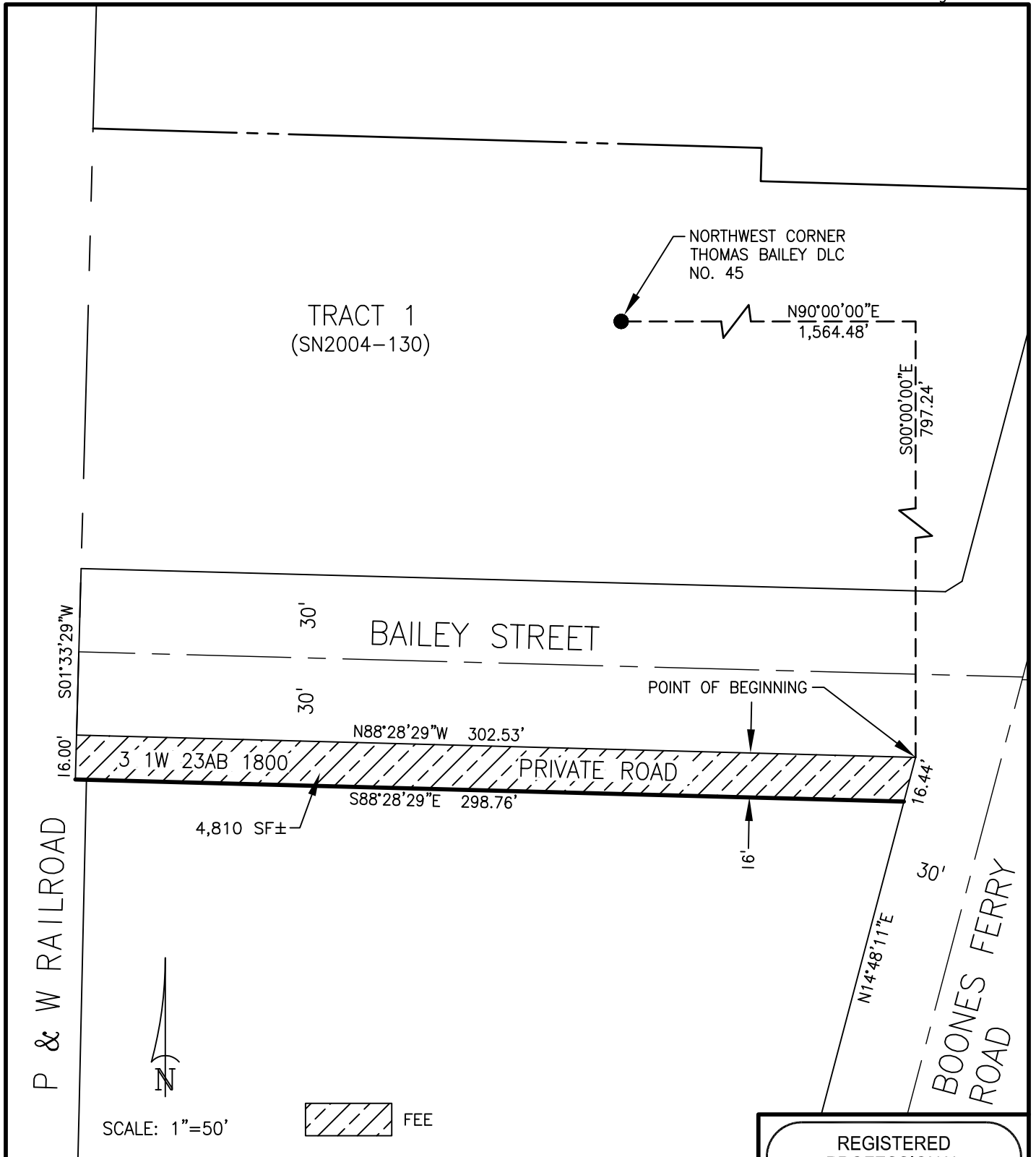
Property Vested in:

3 1W 23AB 01800

EXHIBIT B

Page 146 of 167

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Property Vested in: Fee
 5TH STREET TO KINSMAN EXTENSION
 3 1W 23AB 01800

Otak 808 SW 3rd Ave., Ste. 300
 Portland, OR 97204
 Phone: (503) 287-6825
 www.otak.com

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 15, 2003
 JERRY V. OSGOOD
 51671LS
 RENEWS: 12/31/18

EXHIBIT A

Property B

Page 1 of 4



808 sw third avenue, suite 300
 portland, oregon 97204
 503.287-6825 • fax 503.415-2304
 www.otak.com

LEGAL DESCRIPTION

PARCEL 1 - PERMANENT EASEMENT FOR SIDEWALK AND PUBLIC ACCESS
 5th STREET TO KINSMAN EXTENSION
 3 1W 23AB 01900

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Warranty Deed to ADD, LLC, recorded January 3, 2001 as Recorder’s Fee No. 2001-000395, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the center line of SW Boones Ferry Road, which center line is described as follows:

Beginning at SW Boones Ferry Road Engineer’s center line Station 24+99.70, said station being 1,354.66 feet East and 1,801.47 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 10° 39’ 56” East 328.72 feet; thence North 14° 48’ 11” East 1,021.58 feet to SW Boones Ferry Road Engineer’s center line Station 38+50.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Westerly Side of Center Line
31+65.00		31+78.00	34.00
31+78.00		31+80.00	34.00 in a straight line to 30.00

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 39 square feet, more or less.

Property Vested in:
 ADD, LLC
 3 1W 23AB 01900

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 2 - PERMANENT EASEMENT FOR DRAINAGE FACILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23AB 01900

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Warranty Deed to ADD, LLC, recorded January 3, 2001 as Recorder's Fee No. 2001-000395, Film Records of Clackamas County; said parcel being that portion of said property lying between lines at right angles to the center line of SW Boones Ferry Road at Engineer's Stations 32+09.50 and 32+29.00 and included in a strip of land 34.00 feet in width, lying on the Westerly side of said center line, which center line is described in Parcel 1.

The above described parcel of land contains 78 square feet, more or less.

Property Vested in:

ADD, LLC
3 1W 23AB 01900

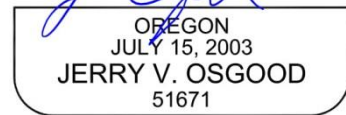
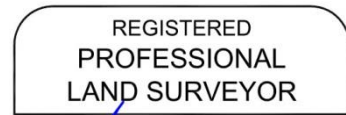
EXHIBIT A

LEGAL DESCRIPTION

PARCEL 3 - PERMANENT EASEMENT FOR DRAINAGE FACILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23AB 01900

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Warranty Deed to ADD, LLC, recorded January 3, 2001 as Recorder's Fee No. 2001-000395, Film Records of Clackamas County; said parcel being that portion of said property lying between lines at right angles to the center line of SW Boones Ferry Road at Engineer's Stations 34+00.40 and 34+16.50 and included in a strip of land 34.00 feet in width, lying on the Westerly side of said center line, which center line is described in Parcel 1.

The above described parcel of land contains 64 square feet, more or less.



RENEWAL 12/31/18

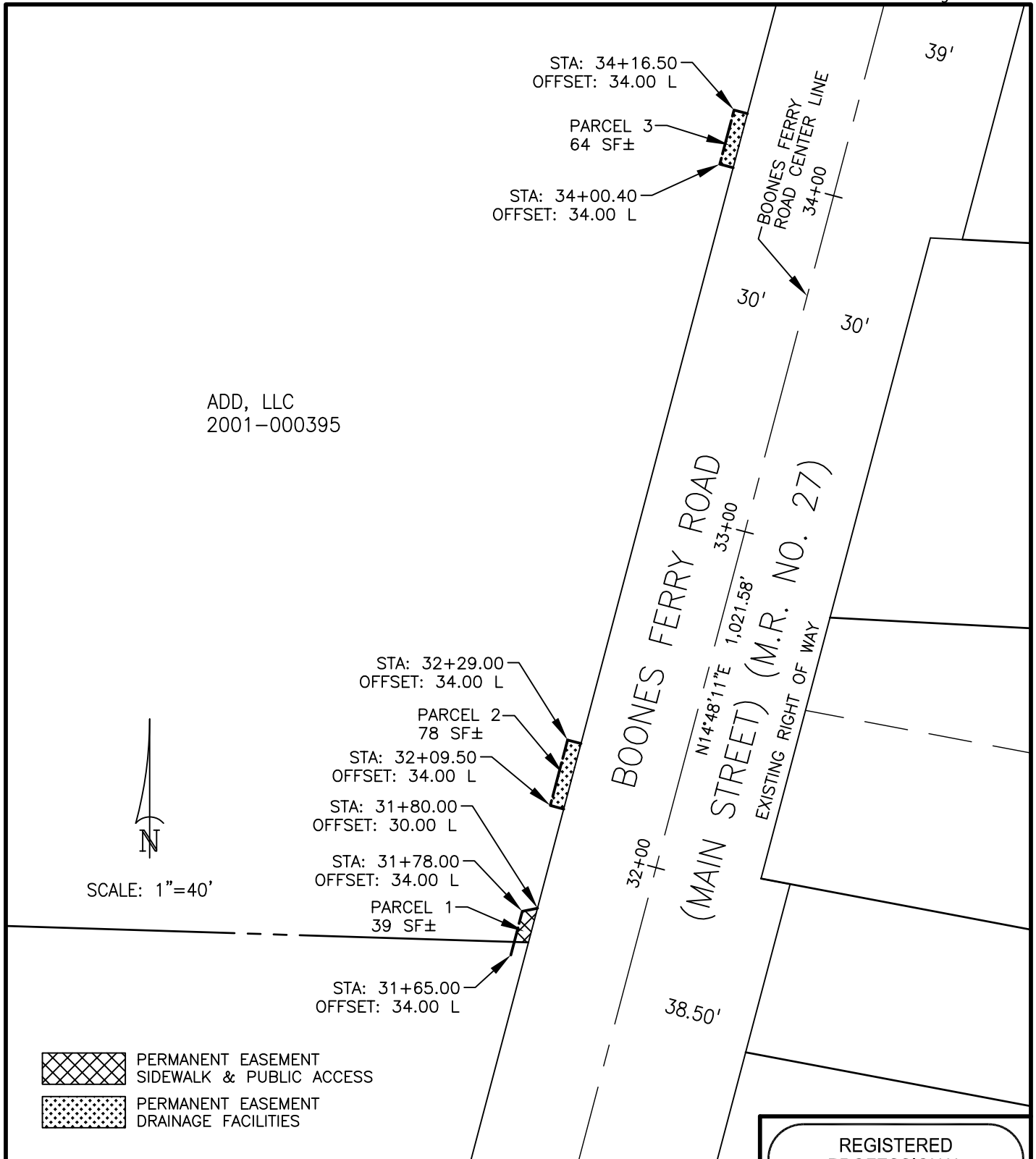
Property Vested in:

ADD, LLC
3 1W 23AB 01900

EXHIBIT B

Page 1 of 2 of 667

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Permanent Easements – Drainage Facilities,
 Sidewalk & Public Access
 5TH STREET TO KINSMAN EXTENSION

Property Vested in:

ADD, LLC

3 IW 23AB 01900



808 SW 3rd Ave., Ste. 300
 Portland, OR 97204
 Phone: (503) 287-6825

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 15, 2003
 JERRY V. OSGOOD
 51671LS
 RENEWS: 12/31/18

EXHIBIT A

Property B

Page 1 of 2



808 sw third avenue, suite 300
portland, oregon 97204
503.287-6825 • fax 503.415-2304
www.otak.com

LEGAL DESCRIPTION

PARCEL 1 - TEMPORARY EASEMENT FOR CONSTRUCTION 5th STREET TO KINSMAN EXTENSION 3 1W 23AB 01900

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Warranty Deed to ADD, LLC, recorded January 3, 2001 as Recorder's Fee No. 2001-000395, Film Records of Clackamas County; said parcel being that portion of said property lying between lines at right angles to the center line of SW Boones Ferry Road at Engineer's Stations 32+05.50 and 32+33.00 and included in a strip of land 34.00 feet in width, lying on the Westerly side of said center line, which center line is described as follows:

Beginning at SW Boones Ferry Road Engineer's center line Station 24+99.70, said station being 1,354.66 feet East and 1,801.47 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 10° 39' 56" East 328.72 feet; thence North 14° 48' 11" East 1,021.58 feet to SW Boones Ferry Road Engineer's center line Station 38+50.00.

EXCEPT therefrom that Permanent Easement parcel concurrently acquired for this project, lying between lines at right angles to said center line at Engineer's Stations 32+09.50 and 32+29.00 and included in a strip of land 34.00 feet in width, lying on the Westerly side of said center line.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 32 square feet, more or less.

Property Vested in:

ADD, LLC
3 1W 23AB 01900

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 2 - TEMPORARY EASEMENT FOR CONSTRUCTION
5th STREET TO KINSMAN EXTENSION
3 1W 23AB 01900

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Warranty Deed to ADD, LLC, recorded January 3, 2001 as Recorder's Fee No. 2001-000395, Film Records of Clackamas County; said parcel being that portion of said property lying between lines at right angles to the center line of SW Boones Ferry Road at Engineer's Stations 33+96.40 and 34+20.50 and included in a strip of land 34.00 feet in width, lying on the Westerly side of said center line, which center line is described in Parcel 1.

EXCEPT therefrom that Permanent Easement parcel concurrently acquired for this project, lying between lines at right angles to said center line at Engineer's Stations 34+00.40 and 34+16.50 and included in a strip of land 34.00 feet in width, lying on the Westerly side of said center line.

The above described parcel of land contains 32 square feet, more or less.



Property Vested in:
ADD, LLC
3 1W 23AB 01900

EXHIBIT A

Property C

Page 1 of 3



808 sw third avenue, suite 300
portland, oregon 97204
503.287-6825 • fax 503.415-2304
www.otak.com

LEGAL DESCRIPTION

PARCEL 1 - FEE
5th STREET TO KINSMAN EXTENSION
3 1W 23AB 02000

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Statutory Warranty Deed to Jean R Anderson, recorded May 27, 2016 as Recorder's Fee No. 2016-034571, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the center line of SW Boones Ferry Road, which center line is described as follows:

Beginning at SW Boones Ferry Road Engineer's center line Station 24+99.70, said station being 1,354.66 feet East and 1,801.47 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 10° 39' 56" East 328.72 feet; thence North 14° 48' 11" East 1,021.58 feet to SW Boones Ferry Road Engineer's center line Station 38+50.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
33+65.68		34+04.00	30.00 in a straight line to 33.83

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 45 square feet, more or less.

Property Vested in:

Jean R Anderson
3 1W 23AB 02000

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 2 - PERMANENT EASEMENT FOR WALL
5th STREET TO KINSMAN EXTENSION
3 1W 23AB 02000

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Statutory Warranty Deed to Jean R Anderson, recorded May 27, 2016 as Recorder's Fee No. 2016-034571, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the center line of SW Boones Ferry Road, which center line is described in Parcel 1.

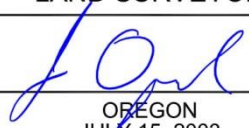
The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
33+55.63		34+00.00	30.00 in a straight line to 34.44

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 36 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671

RENEWAL 12/31/18

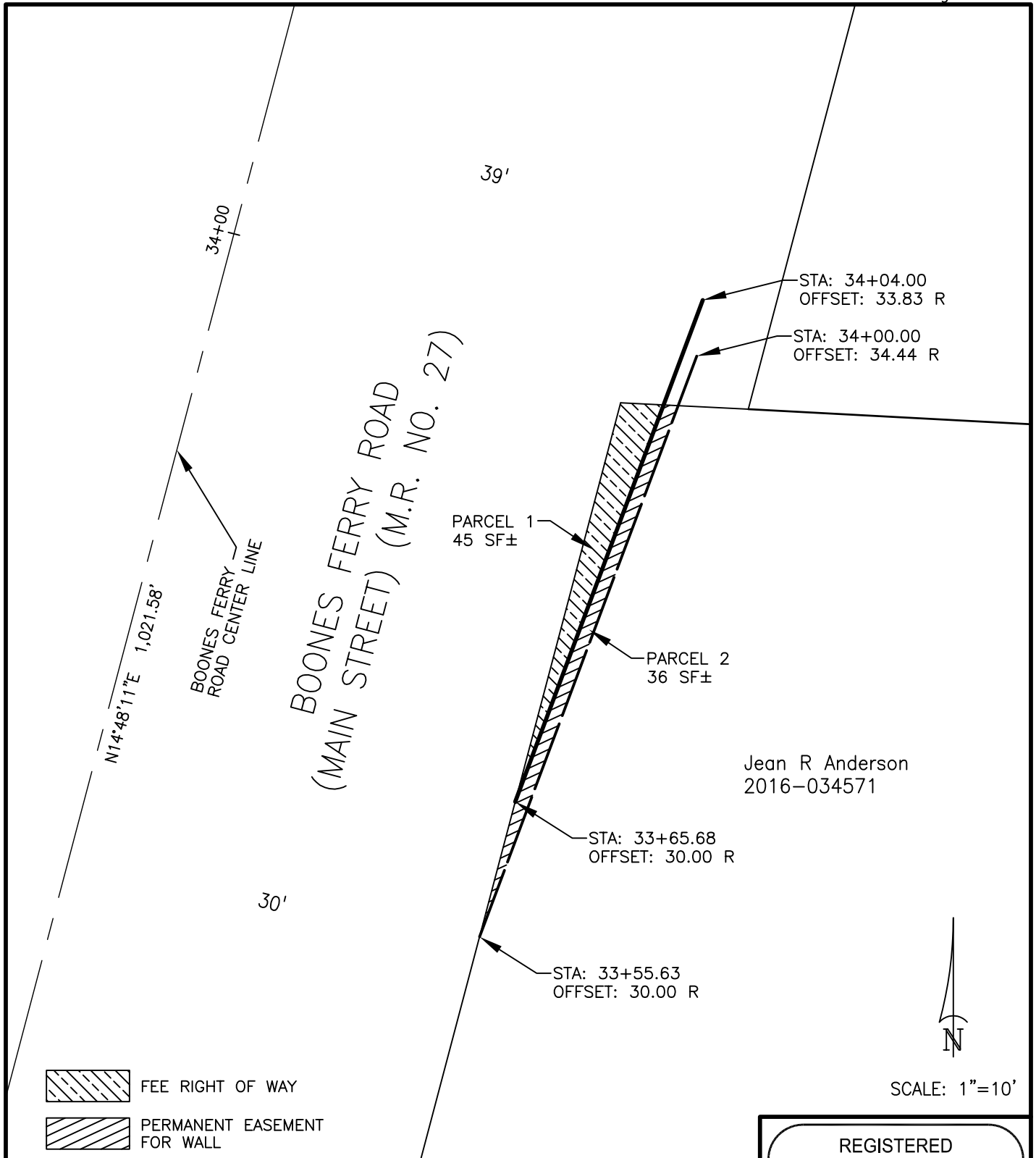
Property Vested in:

Jean R Anderson
3 1W 23AB 02000

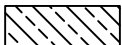

EXHIBIT B

Page 124 of 167

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Jean R Anderson
2016-034571

-  FEE RIGHT OF WAY
-  PERMANENT EASEMENT FOR WALL

Property Vested in:

Jean R Anderson

Fee & Permanent Easement – Wall
5TH STREET TO KINSMAN EXTENSION

3 1W 23AB 02000



808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671LS

RENEWS: 12/31/18

EXHIBIT A

Property C

Page 1 of 1



808 sw third avenue, suite 300
portland, oregon 97204
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LEGAL DESCRIPTION TEMPORARY EASEMENT FOR CONSTRUCTION 5th STREET TO KINSMAN EXTENSION 3 1W 23AB 02000

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Statutory Warranty Deed to Jean R Anderson, recorded May 27, 2016 as Recorder's Fee No. 2016-034571, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the center line of SW Boones Ferry Road, which center line is described as follows:

Beginning at SW Boones Ferry Road Engineer's center line Station 24+99.70, said station being 1,354.66 feet East and 1,801.47 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 10° 39' 56" East 328.72 feet; thence North 14° 48' 11" East 1,021.58 feet to SW Boones Ferry Road Engineer's center line Station 38+50.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
32+75.00		33+60.00	35.00
33+60.00		34+02.00	35.00 in a straight line to 39.00

EXCEPT therefrom those Fee and Permanent Easement parcels concurrently acquired for this project.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 584 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

J. Osgood
OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671

RENEWAL 12/31/18

Property Vested in:

Jean R Anderson
3 1W 23AB 02000

EXHIBIT A

Property D

Page 1 of 3



808 sw third avenue, suite 300
 portland, oregon 97204
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LEGAL DESCRIPTION

**PARCEL 1 - PERMANENT EASEMENT FOR WALL
 5th STREET TO KINSMAN EXTENSION
 3 1W 23AB 02100**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel I and described in that Statutory Bargain and Sale Deed to KWDS LLC, recorded December 29, 2004 as Recorder's Fee No. 2004-118582, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the center line of SW Boones Ferry Road, which center line is described as follows:

Beginning at SW Boones Ferry Road Engineer's center line Station 24+99.70, said station being 1,354.66 feet East and 1,801.47 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 10° 39' 56" East 328.72 feet; thence North 14° 48' 11" East 1,021.58 feet to SW Boones Ferry Road Engineer's center line Station 38+50.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
34+12.00		34+14.00	39.00 in a straight line to 40.00
34+14.00		34+52.50	40.00
34+52.50		34+55.50	40.00 in a straight line to 42.00
34+55.50		34+58.50	42.00 in a straight line to 40.00
34+58.50		35+08.00	40.00
35+08.00		35+11.10	40.00 in a straight line to 42.00

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 107 square feet, more or less.

Property Vested in:

KWDS LLC
 3 1W 23AB 02100

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 2 - PERMANENT EASEMENT FOR WALL
5th STREET TO KINSMAN EXTENSION
3 1W 23AB 02100

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel I and described in that Statutory Bargain and Sale Deed to KWDS LLC, recorded December 29, 2004 as Recorder's Fee No. 2004-118582, Film Records of Clackamas County; said parcel being that portion of said property lying Northerly of a line at right angles to the center line of SW Boones Ferry Road at Engineer's Station 35+40.00 and included in a strip of land 62.00 feet in width, lying on the Easterly side of said center line, which center line is described in Parcel 1.

The above described parcel of land contains 10 square feet, more or less.

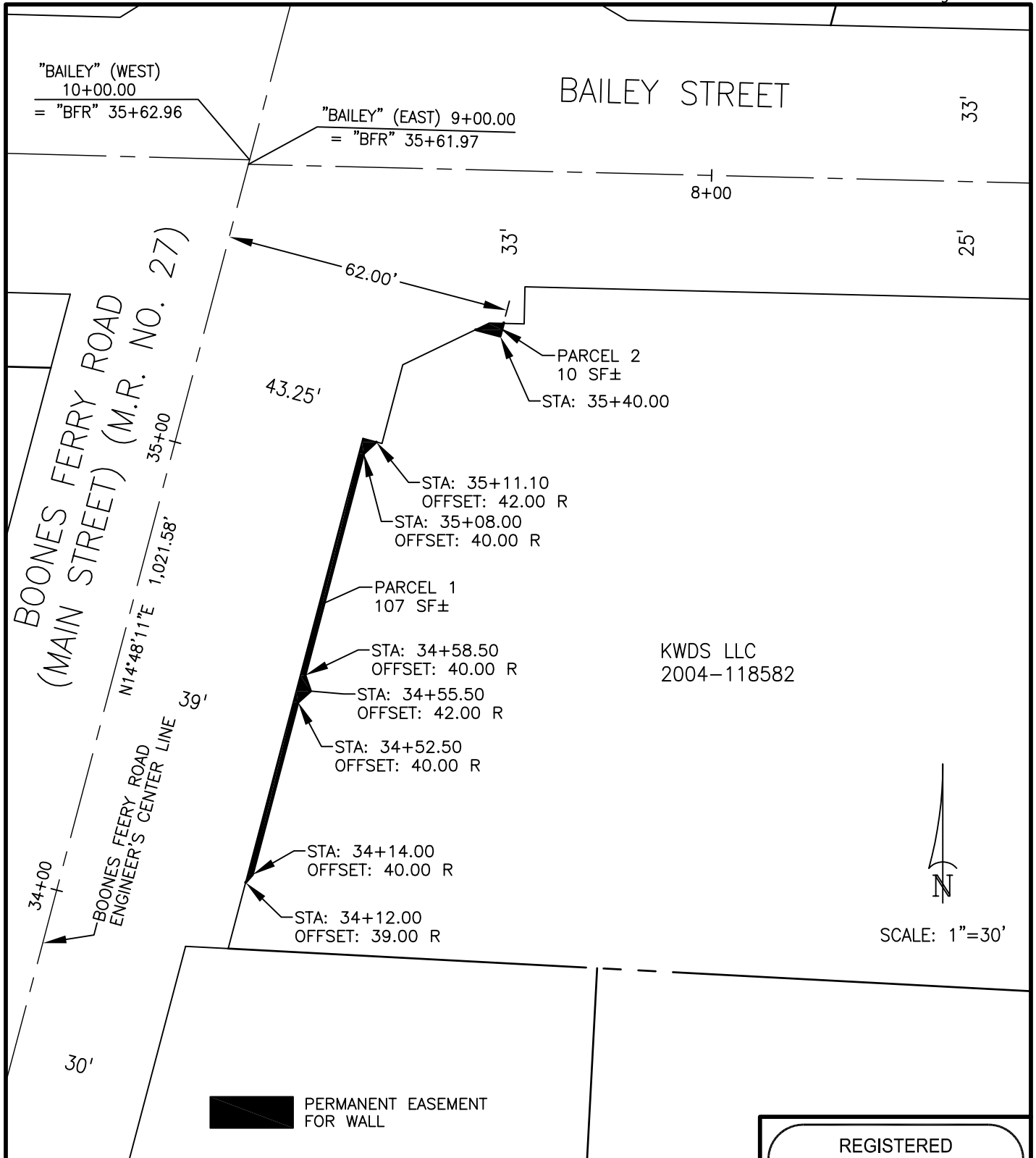


Property Vested in:
KWDS LLC
3 1W 23AB 02100

EXHIBIT B

Page 128 of 167

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Property Vested in:

KWDS LLC

Permanent Easement – Wall
5TH STREET TO KINSMAN EXTENSION

3 IW 23AB 02100



808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671LS
RENEWS: 12/31/18

EXHIBIT A

Property D

Page 1 of 1



808 sw third avenue, suite 300
portland, oregon 97204
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LEGAL DESCRIPTION TEMPORARY EASEMENT FOR CONSTRUCTION 5th STREET TO KINSMAN EXTENSION 3 1W 23AB 02100

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel I and described in that Statutory Bargain and Sale Deed to KWDS LLC, recorded December 29, 2004 as Recorder’s Fee No. 2004-118582, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the center line of SW Boones Ferry Road, which center line is described as follows:

Beginning at SW Boones Ferry Road Engineer’s center line Station 24+99.70, said station being 1,354.66 feet East and 1,801.47 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 10° 39’ 56” East 328.72 feet; thence North 14° 48’ 11” East 1,021.58 feet to SW Boones Ferry Road Engineer’s center line Station 38+50.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
34+02.00		34+13.00	39.00 in a straight line to 45.00
34+13.00		34+25.00	45.00

EXCEPT therefrom that Permanent Easement parcel concurrently acquired for this project.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 93 square feet, more or less.

Property Vested in:
KWDS LLC
3 1W 23AB 02100

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671

RENEWAL 12/31/18

EXHIBIT A

Property E

Page 1 of 1



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LEGAL DESCRIPTION TEMPORARY EASEMENT FOR CONSTRUCTION 5th STREET TO KINSMAN EXTENSION 3 1W 23AC 03400

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in Lots 6 and 7, Block A, WILSONVILLE, Clackamas County, Oregon, said parcel being that portion of said property included in a strip of land 35.00 feet in width, lying on the Easterly side of the center line of SW Boones Ferry Road, which center line is described as follows:

Beginning at SW Boones Ferry Road Engineer's center line Station 24+99.70, said station being 1,354.66 feet East and 1,801.47 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 10° 39' 56" East 328.72 feet; thence North 14° 48' 11" East 1,021.58 feet to SW Boones Ferry Road Engineer's center line Station 38+50.00.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 390 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671

RENEWAL 12/31/18

Property Vested in:
Maria Luise Lochmann
3 1W 23AC 03400

EXHIBIT A

Property F

Page 1 of 1



808 sw third avenue, suite 300
portland, oregon 97204
503.287-6825 • fax 503.415-2304
www.otak.com

LEGAL DESCRIPTION TEMPORARY EASEMENT FOR CONSTRUCTION 5th STREET TO KINSMAN EXTENSION 3 1W 23AC 03800

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in Lot 3, Block A, WILSONVILLE, Clackamas County, Oregon, said parcel being that portion of said property included in a strip of land 35.00 feet in width, lying on the Easterly side of the center line of SW Boones Ferry Road, which center line is described as follows:

Beginning at SW Boones Ferry Road Engineer's center line Station 24+99.70, said station being 1,354.66 feet East and 1,801.47 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 10° 39' 56" East 328.72 feet; thence North 14° 48' 11" East 1,021.58 feet to SW Boones Ferry Road Engineer's center line Station 38+50.00.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 250 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671

RENEWAL 12/31/18

Property Vested in:

Carol Bonds Dickey, Tr.
Dickey Family Revocable Trust
3 1W 23AC 03800

EXHIBIT A

Property G

Page 1 of 1



808 sw third avenue, suite 300
 portland, oregon 97204
 503.287-6825 • fax 503.415-2304
 www.otak.com

LEGAL DESCRIPTION

TEMPORARY EASEMENT FOR CONSTRUCTION

5th STREET TO KINSMAN EXTENSION

3 1W 23AC 04000

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in Lots 1 and 2, Block A, WILSONVILLE, Clackamas County, Oregon, said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the center line of SW Boones Ferry Road, which center line is described as follows:

Beginning at SW Boones Ferry Road Engineer's center line Station 24+99.70, said station being 1,354.66 feet East and 1,801.47 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 10° 39' 56" East 328.72 feet; thence North 14° 48' 11" East 1,021.58 feet to SW Boones Ferry Road Engineer's center line Station 38+50.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
30+00.00		30+13.00	40.00
30+13.00		30+21.00	40.00 in a straight line to 35.00
30+21.00		30+60.00	35.00

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 332 square feet, more or less.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Jerry V. Osgood
 OREGON
 JULY 15, 2003
 JERRY V. OSGOOD
 51671

RENEWAL 12/31/18

Property Vested in:

Paul Missal
 3 1W 23AC 04000

EXHIBIT A

Property H

Page 1 of 2



808 sw third avenue, suite 300
 portland, oregon 97204
 503.287-6825 • fax 503.415-2304
 www.otak.com

LEGAL DESCRIPTION

FEE

5th STREET TO KINSMAN EXTENSION
 3 1W 23B 00100

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in Parcel 1, Partition Plat No. 2012-057, City of Wilsonville, Clackamas County, Oregon; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northwesterly side of the SW Kinsman Road center line, which center line is described as follows:

Beginning at SW Kinsman Road Engineer's center line Station 100+00.00, said station being 32.21 feet West and 969.23 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 04° 09' 58" East 460.82 feet; thence on a 475.00 foot radius curve right (the long chord of which bears North 25° 18' 51" East 342.74 feet) 350.65 feet; thence North 46° 27' 45" East 421.58 feet to SW Kinsman Road Engineer's center line Station 112+33.05, said station being equal to record Kinsman Road center line Station 4+41.38, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line on a 305.00 foot radius curve left (the long chord of which bears North 23° 47' 24" East 235.13 feet) 241.38 feet; thence continuing along said record center line North 01° 07' 03" East 102.55 feet to SW Kinsman Road Engineer's center line Station 115+76.98, said station being equal to said record Kinsman Road center line Station 0+97.45.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northwesterly Side of Center Line
109+88.00		110+54.00	52.00 in a straight line to 49.00
110+54.00		110+65.00	49.00 in a straight line to 36.50

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 183 square feet, more or less.

Property Vested in:
 PNWP LLC #5
 3 1W 23B 00100

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

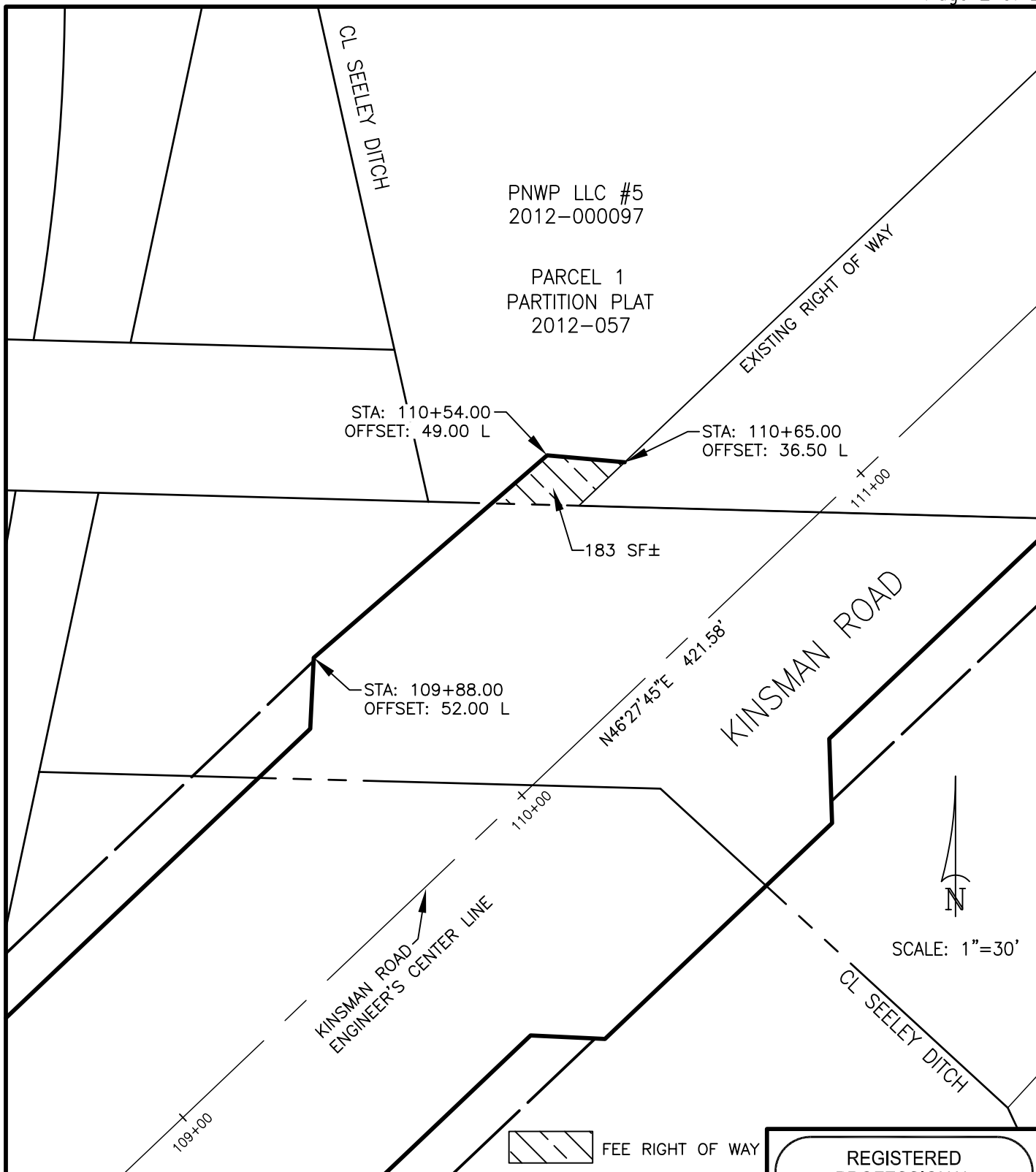
J. Osgood
 OREGON
 JULY 15, 2003
 JERRY V. OSGOOD
 51671

RENEWAL 12/31/18

EXHIBIT B

Page 124 of 167

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Property Vested in:

PNWP LLC #5

Fee
5TH STREET TO KINSMAN EXTENSION

3 IW 23B 00100



808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671LS

RENEWS: 12/31/18

EXHIBIT A

Property I



808 sw third avenue, suite 300
portland, oregon 97204
503.287-6825 • fax 503.415-2304
www.otak.com

LEGAL DESCRIPTION

FEE

5th STREET TO KINSMAN EXTENSION
3 1W 23B 00101

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in Parcel 2, Partition Plat No. 2012-057, City of Wilsonville, Clackamas County, Oregon; said parcel being that portion of said property included in a strip of land variable in width, lying on the Southeasterly side of the SW Kinsman Road center line, which center line is described as follows:

Beginning at SW Kinsman Road Engineer's center line Station 100+00.00, said station being 32.21 feet West and 969.23 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 04° 09' 58" East 460.82 feet; thence on a 475.00 foot radius curve right (the long chord of which bears North 25° 18' 51" East 342.74 feet) 350.65 feet; thence North 46° 27' 45" East 421.58 feet to SW Kinsman Road Engineer's center line Station 112+33.05, said station being equal to record Kinsman Road center line Station 4+41.38, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line on a 305.00 foot radius curve left (the long chord of which bears North 23° 47' 24" East 235.13 feet) 241.38 feet; thence continuing along said record center line North 01° 07' 03" East 102.55 feet to SW Kinsman Road Engineer's center line Station 115+76.98, said station being equal to said record Kinsman Road center line Station 0+97.45.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southeasterly Side of Center Line
111+00.00		111+69.50	82.00
111+69.50		112+00.00	65.00 in a straight line to 36.50

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 1,459 square feet, more or less.

Property Vested in:
PNWP LLC #5
3 1W 23B 00101

REGISTERED
PROFESSIONAL
LAND SURVEYOR

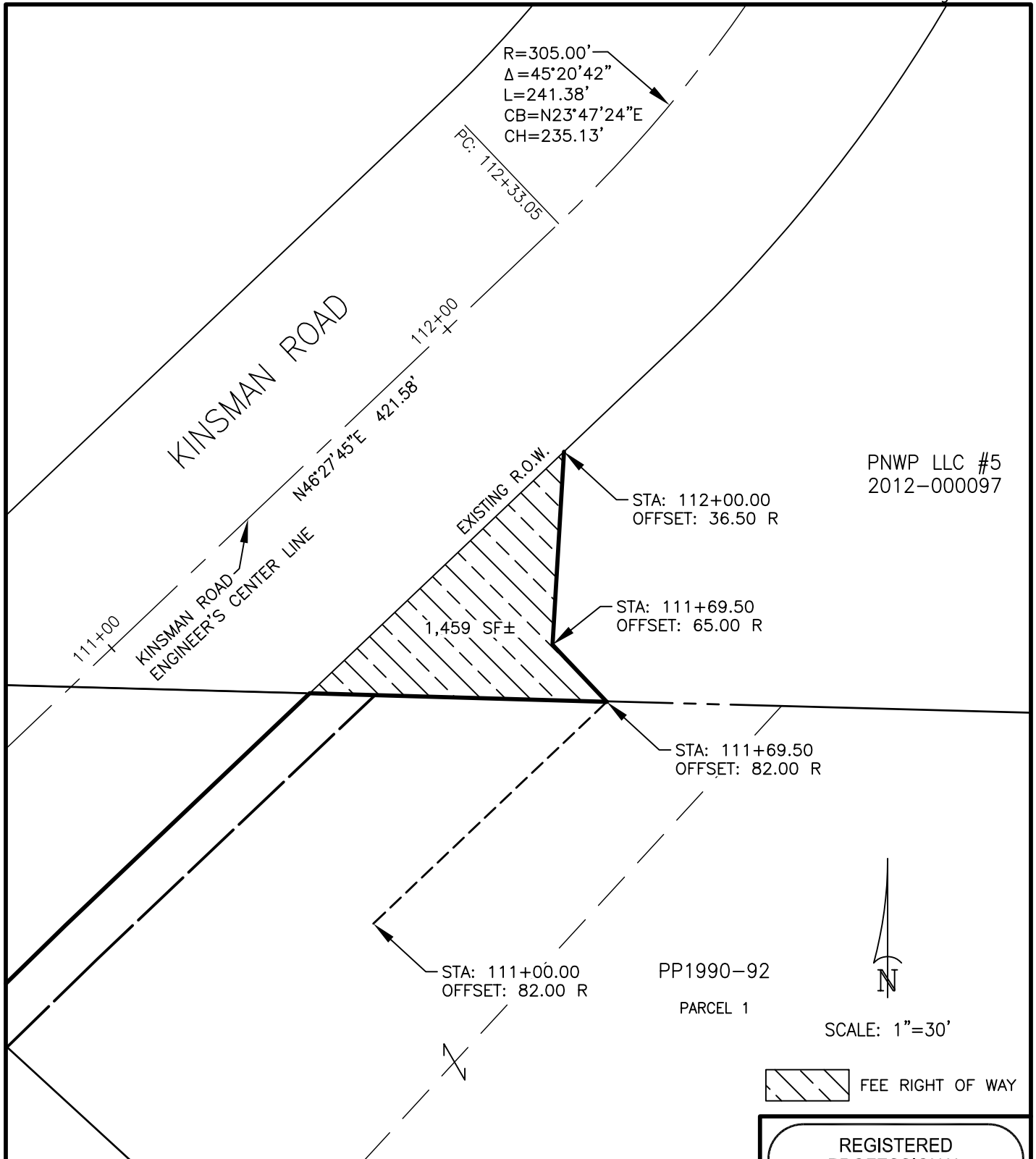
J. Osgood
OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671

RENEWAL 12/31/18

EXHIBIT B

Page 106 of 167

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



PNWP LLC #5
2012-000097



 FEE RIGHT OF WAY

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671LS

RENEWS: 12/31/18

Property Vested in: Fee
5TH STREET TO KINSMAN EXTENSION
PNWP LLC #5 3 IW 23B 00101

Otak 808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825

EXHIBIT A

Property I

Page 1 of 1



808 sw third avenue, suite 300
 portland, oregon 97204
 503.287-6825 • fax 503.415-2304
 www.otak.com

LEGAL DESCRIPTION TEMPORARY CONSTRUCTION EASEMENT 5th STREET TO KINSMAN EXTENSION 3 1W 23B 00101

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in Parcel 2, Partition Plat No. 2012-057, City of Wilsonville, Clackamas County, Oregon; said parcel being that portion of said property included in a strip of land variable in width, lying on the Southeasterly side of the SW Kinsman Road center line, which center line is described as follows:

Beginning at SW Kinsman Road Engineer's center line Station 100+00.00, said station being 32.21 feet West and 969.23 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 04° 09' 58" East 460.82 feet; thence on a 475.00 foot radius curve right (the long chord of which bears North 25° 18' 51" East 342.74 feet) 350.65 feet; thence North 46° 27' 45" East 421.58 feet to SW Kinsman Road Engineer's center line Station 112+33.05, said station being equal to record Kinsman Road center line Station 4+41.38, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line on a 305.00 foot radius curve left (the long chord of which bears North 23° 47' 24" East 235.13 feet) 241.38 feet; thence continuing along said record center line North 01° 07' 03" East 102.55 feet to SW Kinsman Road Engineer's center line Station 115+76.98, said station being equal to said record Kinsman Road center line Station 0+97.45.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southeasterly Side of Center Line
111+63.00		111+74.00	86.00
111+74.00		111+87.00	72.00 in a straight line to 50.00
111+87.00		112+06.00	50.00 in a straight line to 36.50

EXCEPT therefrom that Fee parcel concurrently acquired for this project.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 226 square feet, more or less.

Property Vested in:
 PNWP LLC #5
 3 1W 23B 00101

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

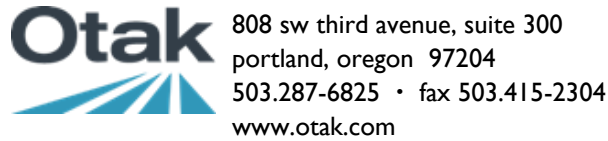
OREGON
 JULY 15, 2003
 JERRY V. OSGOOD
 51671

RENEWAL 12/31/18

EXHIBIT A

Property J

Page 1 of 16

**LEGAL DESCRIPTION**

PARCEL 1 - FEE
5th STREET TO KINSMAN EXTENSION
3 1W 23B 00600

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel III and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the center line of SW 5th Street, which center line is described as follows:

Beginning at SW 5th Street Engineer's center line Station 21+50.00, said station being 380.37 feet West and 717.02 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence South 47° 34' 14" East 68.03 feet; thence on a 475.00 foot radius curve left (the long chord of which bears South 66° 42' 08" East 311.35 feet) 317.22 feet; thence South 85° 50' 02" East 233.06 feet; thence on a 480.00 foot radius curve right (the long chord of which bears South 60° 20' 55" East 413.07 feet) 427.01 feet to a point of reverse curvature; thence on a 475.00 foot radius curve left (the long chord of which bears South 61° 40' 18" East 428.46 feet) 444.50 feet to SW 5th Street Engineer's center line Station 36+39.82, said station being equal to record 5th Street center line Station 15+21.87, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line South 88° 28' 48" East 75.72 feet; thence leaving said record center line on a 475.00 foot radius curve right (the long chord of which bears South 84° 00' 23" East 74.10 feet) 74.18 feet to SW 5th Street Engineer's center line Station 37+89.72, said station being equal to said record 5th Street center line Station 13+71.82; thence along said record center line South 79° 31' 58" East 371.82 feet to SW 5th Street Engineer's center line Station 41+61.54, said station being equal to said record 5th Street center line Station 10+00.00.

Property Vested in:

Meadows 148, LLC
3 1W 23B 00600

EXHIBIT A

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
25+35.24		25+88.74	69.43
25+88.74		26+15.00	69.43 in a straight line to 40.11
26+15.00		26+74.00	40.11 in a straight line to 33.00
26+74.00		27+45.00	33.00 in a straight line to 29.50
27+45.00		29+61.00	29.50
29+61.00		29+78.00	29.50 in a straight line to 45.00
29+78.00		30+37.00	45.00 in a straight line to 48.00
30+37.00		30+55.00	48.00 in a straight line to 29.50
30+55.00		31+95.32	29.50

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 19,834 square feet, more or less.

Property Vested in:

Meadows 148, LLC

3 1W 23B 00600

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 2 - FEE

5th STREET TO KINSMAN EXTENSION

3 1W 23B 00600

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel III and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property lying between the center line of SW 5th Street, which center line is described in Parcel 1, and the following described line;

Beginning at a point opposite and 43.50 feet Southerly of Engineer's Station 25+35.24 on the center line of SW 5th Street, which center line is described in Parcel 1; thence South 85° 50' 02" East 82.28 feet; thence on a 91.50 foot radius curve right (the long chord of which bears South 69° 45' 33" East 50.67 feet) 51.34 feet to a point of reverse curvature; thence on a 168.50 foot radius curve left (the long chord of which bears South 81° 37' 28" East 157.90 feet) 164.34 feet to a point of reverse curvature; thence on a 151.50 foot radius curve right (the long chord of which bears South 82° 33' 56" East 137.55 feet) 142.78 feet; thence South 55° 34' 00" East 89.41 feet; thence on a 151.50 foot radius curve right (the long chord of which bears South 30° 19' 50" East 129.18 feet) 133.46 feet to a point of reverse curvature; thence on a 108.50 foot radius curve left (the long chord of which bears South 46° 30' 47" East 143.56 feet) 156.87 feet to a point of reverse curvature; thence on a 91.50 foot radius curve right (the long chord of which bears South 72° 49' 29" East 47.69 feet) 48.25 feet to a point of reverse curvature; thence on a 512.00 foot radius curve left (the long chord of which bears South 58° 38' 06" East 16.39 feet) 16.39 feet; thence South 85° 07' 08" East 110.04 feet to Engineer's Station 35+00.00 on said center line.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 27,058 square feet, more or less.

Property Vested in:

Meadows 148, LLC

3 1W 23B 00600

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 3 - FEE

5th STREET TO KINSMAN EXTENSION

3 1W 23B 00600

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel III and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property lying Southerly of and adjoining Parcel 2.

EXCEPT therefrom that property designated as Exhibit A and described in that Lot Line Adjustment Deed to Thomas L. Bernert, Trustee, Thomas L. Bernert Revocable Trust, recorded March 14, 2017 as Recorder's Fee No. 2017-016885, Film Records of Clackamas County.

The above described parcel of land contains 37,542 square feet, more or less.

Property Vested in:

Meadows 148, LLC

3 1W 23B 00600

EXHIBIT A**LEGAL DESCRIPTION**

PARCEL 4 - FEE
5th STREET TO KINSMAN EXTENSION
3 1W 23B 00600

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel III and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on each side of the SW Kinsman Road center line, which center line is described as follows:

Beginning at SW Kinsman Road Engineer's center line Station 100+00.00, said station being 32.21 feet West and 969.23 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 04° 09' 58" East 460.82 feet; thence on a 475.00 foot radius curve right (the long chord of which bears North 25° 18' 51" East 342.74 feet) 350.65 feet; thence North 46° 27' 45" East 421.58 feet to SW Kinsman Road Engineer's center line Station 112+33.05, said station being equal to record Kinsman Road center line Station 4+41.38, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line on a 305.00 foot radius curve left (the long chord of which bears North 23° 47' 24" East 235.13 feet) 241.38 feet; thence continuing along said record center line North 01° 07' 03" East 102.55 feet to SW Kinsman Road Engineer's center line Station 115+76.98, said station being equal to said record Kinsman Road center line Station 0+97.45.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northwestern Side of Center Line
108+11.47		109+77.00	41.50
109+77.00		109+88.00	41.50 in a straight line to 52.00
109+88.00		110+54.00	52.00 in a straight line to 49.00

Property Vested in:

Meadows 148, LLC
3 1W 23B 00600

EXHIBIT A

Station	to	Station	Width on Southeasterly Side of Center Line
107+20.00		108+33.00	35.50
108+33.00		108+63.00	35.50 in a straight line to 38.50
108+63.00		109+66.00	38.50
109+66.00		109+77.00	38.50 in a straight line to 50.00
109+77.00		110+44.00	50.00

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 14,610 square feet, more or less.

Property Vested in:

Meadows 148, LLC

3 1W 23B 00600

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 5 - FEE
5th STREET TO KINSMAN EXTENSION
3 1W 23B 00600

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel III and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property lying Northwesterly of and adjoining Parcel 4.

The above described parcel of land contains 1,357 square feet, more or less.

Property Vested in:

Meadows 148, LLC
3 1W 23B 00600

EXHIBIT A**LEGAL DESCRIPTION****PARCEL 6 – PERMANENT EASEMENT FOR SLOPES**

(PARCEL 6 consists of parts 6A and 6B)

5th STREET TO KINSMAN EXTENSION**3 1W 23B 00600**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel III and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the center line of SW 5th Street, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
<i>(Begin 6A)</i>			
25+35.24		25+98.74	125.00
25+98.74		26+18.65	73.22 in a straight line to 47.72
26+18.65		26+74.00	47.72 in a straight line to 41.00
26+74.00		27+45.00	41.00 in a straight line to 37.50
27+45.00		28+33.00	37.50
28+33.00		28+64.00	37.50 in a straight line to 45.00
28+64.00		29+50.00	45.00 in a straight line to 45.00
29+50.00		29+65.00	45.00 in a straight line to 37.50
29+65.00		30+37.00	37.50
<i>(Begin 6B)</i>			
30+37.00		30+43.00	37.50 in a straight line to 47.00
30+43.00		30+54.00	47.00 in a straight line to 51.00
30+54.00		31+03.00	51.00 in a straight line to 37.50
31+03.00		31+95.32	37.50

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 5,552 square feet, more or less.

Property Vested in:

Meadows 148, LLC

3 1W 23B 00600

EXHIBIT A**LEGAL DESCRIPTION**

**PARCEL 7 – PERMANENT EASEMENT FOR PUBLIC UTILITIES
(PARCEL 7 consists of parts 7A and 7B)
5th STREET TO KINSMAN EXTENSION
3 1W 23B 00600**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel III and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the center line of SW 5th Street, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
<i>(Begin 7A)</i>			
25+35.24		25+98.74	125.00
25+98.74		26+18.65	73.22 in a straight line to 47.72
26+18.65		26+74.00	47.72 in a straight line to 41.00
26+74.00		27+45.00	41.00 in a straight line to 37.50
27+45.00		30+37.00	37.50
<i>(Begin 7B)</i>			
30+37.00		31+95.32	37.50

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 4,337 square feet, more or less. This parcel lies entirely within Parcel 6.

Property Vested in:

Meadows 148, LLC
3 1W 23B 00600

EXHIBIT A**LEGAL DESCRIPTION**

**PARCEL 8 – PERMANENT EASEMENT FOR ELECTRICAL FACILITIES AND SLOPES
5th STREET TO KINSMAN EXTENSION
3 1W 23B 00600**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel III and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the center line of SW 5th Street, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
26+09.00		26+19.00	60.00 in a straight line to 68.00
26+19.00		26+45.00	68.00
26+45.00		26+51.00	68.00 in a straight line to 60.00

EXCEPT therefrom Parcels 1, 6 and 7.

The above described parcel of land contains 792 square feet, more or less.

Property Vested in:

Meadows 148, LLC
3 1W 23B 00600

EXHIBIT A**LEGAL DESCRIPTION**

**PARCEL 9 – PERMANENT EASEMENT FOR SLOPES AND PUBLIC UTILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23B 00600**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel III and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Southeasterly side of the SW Kinsman Road center line, which center line is described in Parcel 4.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southeasterly Side of Center Line
107+20.00		108+33.00	45.50
108+33.00		108+63.00	45.50 in a straight line to 48.50
108+63.00		110+00.00	48.50

EXCEPT therefrom Parcel 4.

The above described parcel of land contains 2,156 square feet, more or less.

Property Vested in:

Meadows 148, LLC
3 1W 23B 00600

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 10 – PERMANENT EASEMENT FOR SLOPES AND PUBLIC UTILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23B 00600

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel III and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 51.50 feet in width, lying on the Northwesterly side of the SW Kinsman Road center line, which center line is described in Parcel 4.

EXCEPT therefrom Parcel 4.

The above described parcel of land contains 694 square feet, more or less. This Parcel lies entirely within Parcel 5.



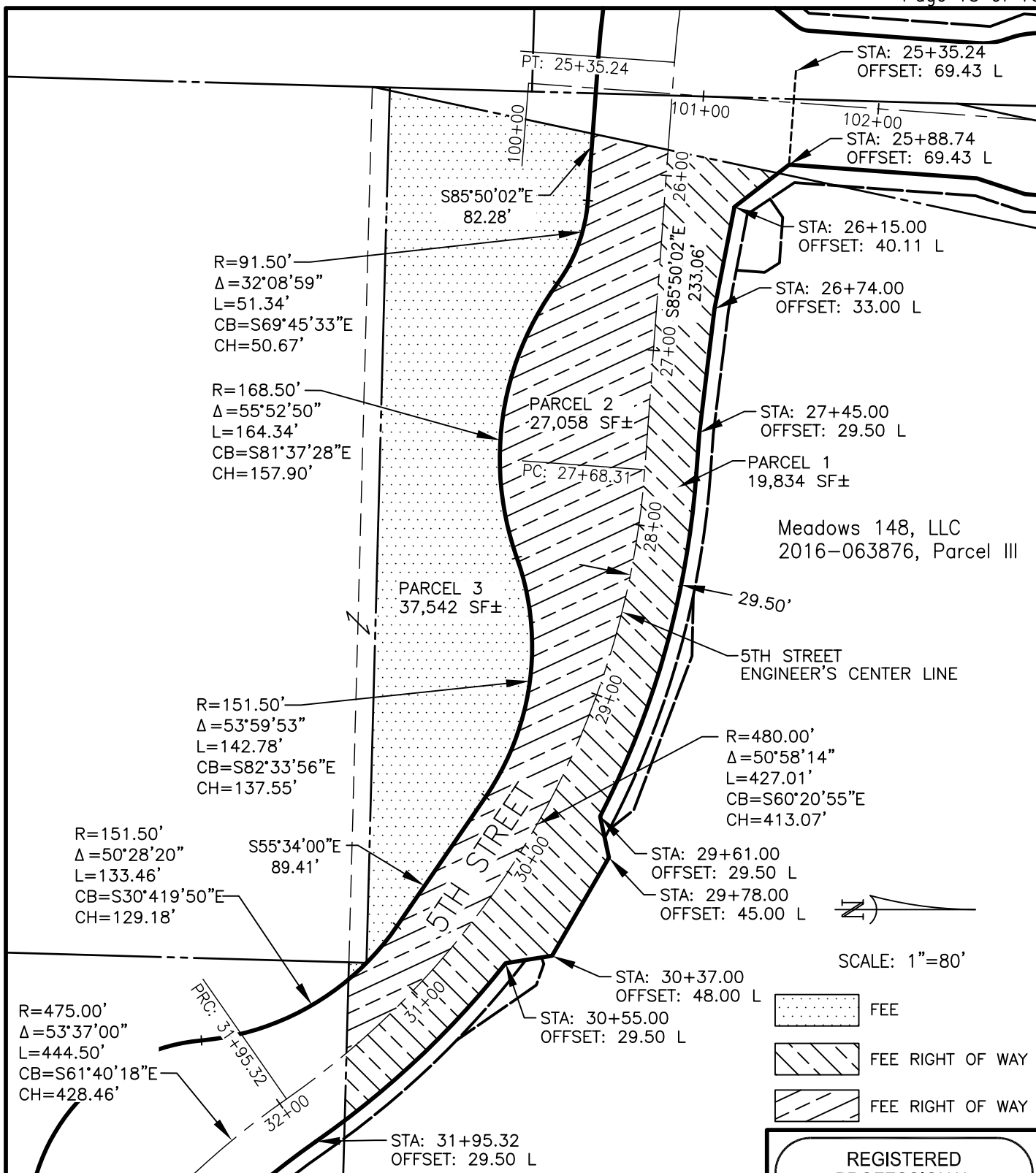
Property Vested in:

Meadows 148, LLC
3 1W 23B 00600

EXHIBIT B

Page 13 of 167

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



R=151.50'
 $\Delta=50^{\circ}28'20''$
 L=133.46'
 CB=S30°419'50"E
 CH=129.18'

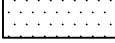
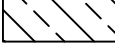
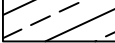
R=151.50'
 $\Delta=53^{\circ}59'53''$
 L=142.78'
 CB=S82°33'56"E
 CH=137.55'

R=168.50'
 $\Delta=55^{\circ}52'50''$
 L=164.34'
 CB=S81°37'28"E
 CH=157.90'

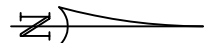
R=91.50'
 $\Delta=32^{\circ}08'59''$
 L=51.34'
 CB=S69°45'33"E
 CH=50.67'

R=475.00'
 $\Delta=53^{\circ}37'00''$
 L=444.50'
 CB=S61°40'18"E
 CH=428.46'

R=480.00'
 $\Delta=50^{\circ}58'14''$
 L=427.01'
 CB=S60°20'55"E
 CH=413.07'

-  FEE
-  FEE RIGHT OF WAY
-  FEE RIGHT OF WAY

SCALE: 1"=80'



Property Vested in:
 Meadows 148, LLC

Fee
 5TH STREET TO KINSMAN EXTENSION
 3 IW 23B 00600



808 SW 3rd Ave., Ste. 300
 Portland, OR 97204
 Phone: (503) 287-6825

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

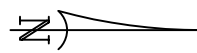
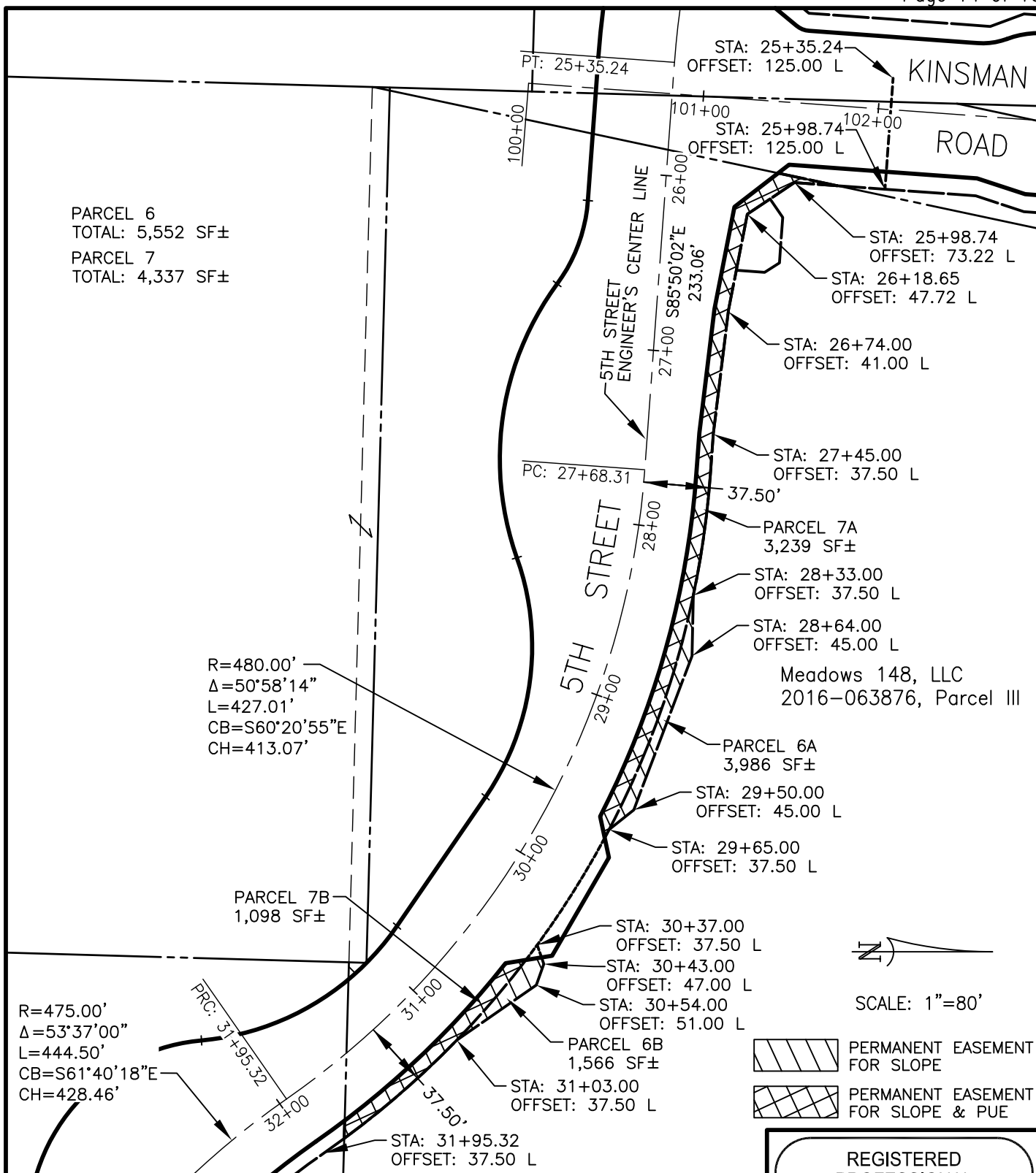
OREGON
 JULY 15, 2003
 JERRY V. OSGOOD
 51671LS

RENEWS: 12/31/18

EXHIBIT B

Page 14 of 16

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



SCALE: 1"=80'

- PERMANENT EASEMENT FOR SLOPE
- PERMANENT EASEMENT FOR SLOPE & PUE

Property Vested in:
Meadows 148, LLC

Permanent Easement Slope, PUE,
Sanitary Sewer Facilities
5TH STREET TO KINSMAN EXTENSION

3 IW 23B 00600



808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825

REGISTERED
PROFESSIONAL
LAND SURVEYOR

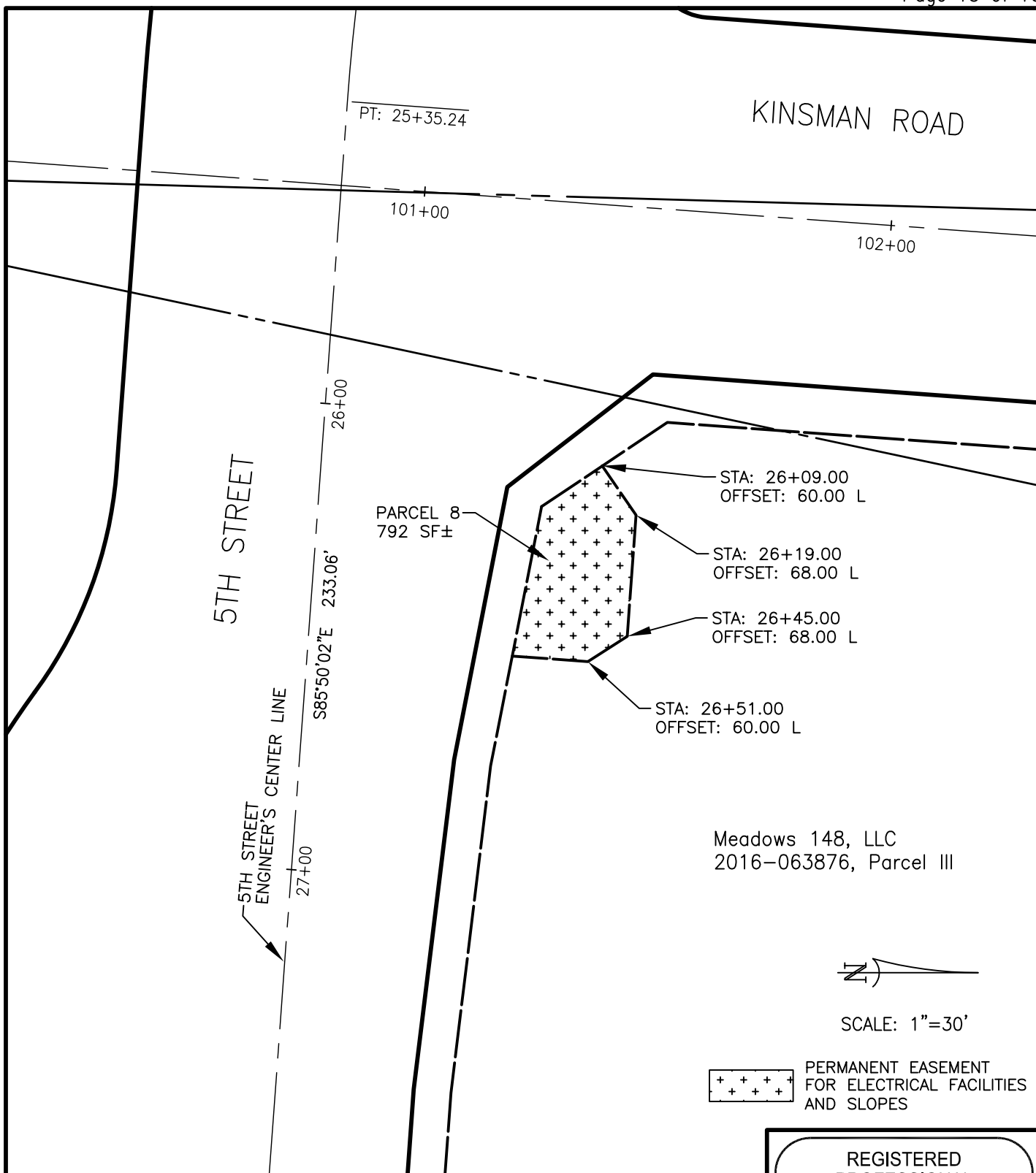
OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671LS

RENEWS: 12/31/18

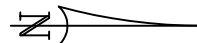
EXHIBIT B

Page 152 of 167

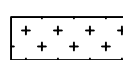
SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Meadows 148, LLC
2016-063876, Parcel III



SCALE: 1"=30'



PERMANENT EASEMENT
FOR ELECTRICAL FACILITIES
AND SLOPES

Property Vested in:
Meadows 148, LLC

Permanent Easement – Electrical Facilities/Slope
5TH STREET TO KINSMAN EXTENSION
3 IW 23B 00600

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671LS

RENEWS: 12/31/18

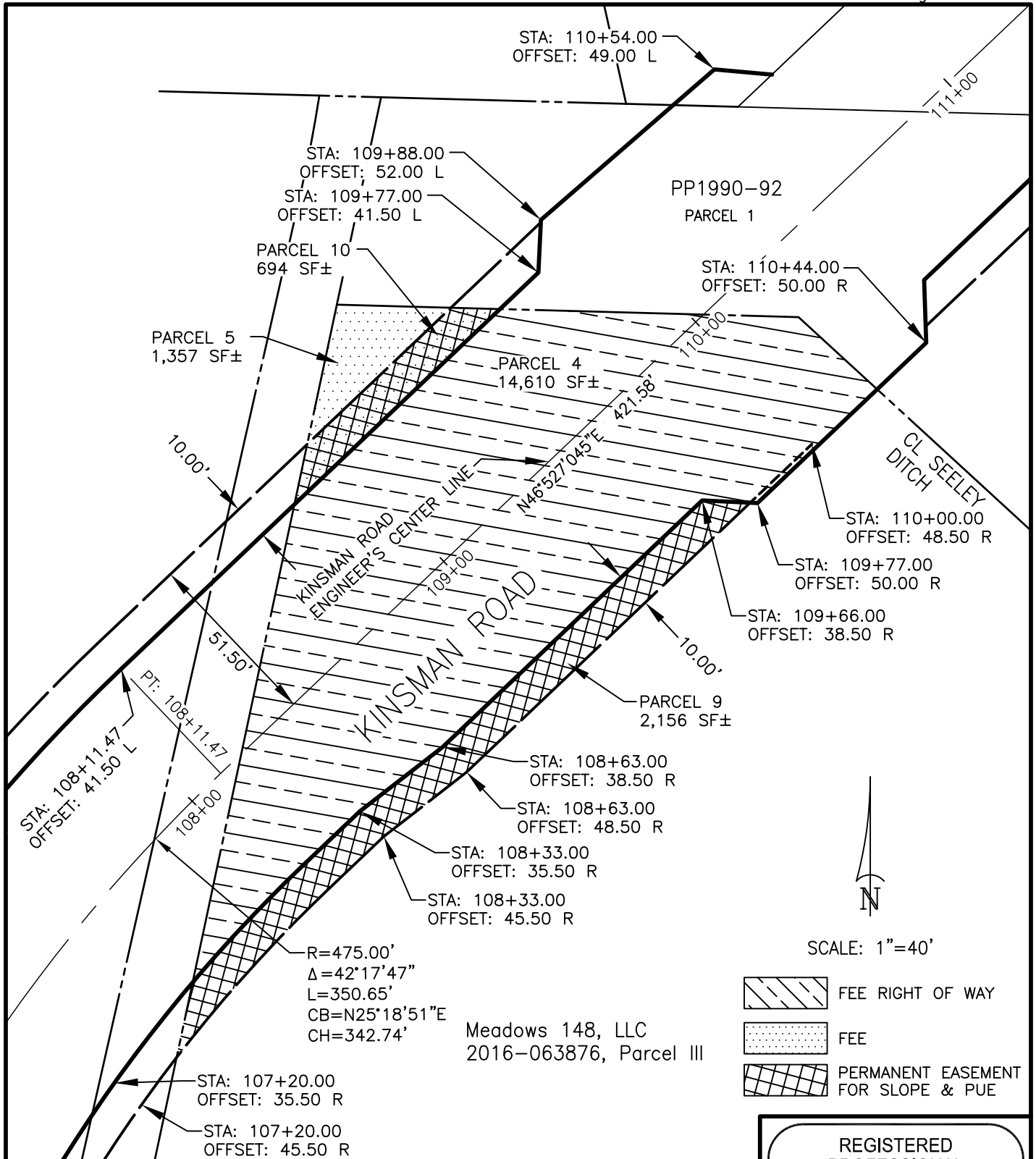


808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825

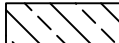
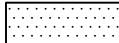

EXHIBIT B

Page 163 of 567

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



SCALE: 1"=40'

-  FEE RIGHT OF WAY
-  FEE
-  PERMANENT EASEMENT FOR SLOPE & PUE

Property Vested in:
Meadows 148, LLC

Fee & Permanent Easement – Slope/PUE
5TH STREET TO KINSMAN EXTENSION
3 IW 23B 00600

Meadows 148, LLC
2016-063876, Parcel III



808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671LS

RENEWS: 12/31/18

EXHIBIT A

Property J

Page 1 of 3



808 sw third avenue, suite 300
 portland, oregon 97204
 503.287-6825 • fax 503.415-2304
 www.otak.com

LEGAL DESCRIPTION

**PARCEL 1 - TEMPORARY EASEMENT FOR CONSTRUCTION
 5th STREET TO KINSMAN EXTENSION
 3 1W 23B 00600**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel III and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the center line of SW 5th Street, which center line is described as follows:

Beginning at SW 5th Street Engineer's center line Station 21+50.00, said station being 380.37 feet West and 717.02 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence South 47° 34' 14" East 68.03 feet; thence on a 475.00 foot radius curve left (the long chord of which bears South 66° 42' 08" East 311.35 feet) 317.22 feet; thence South 85° 50' 02" East 233.06 feet; thence on a 480.00 foot radius curve right (the long chord of which bears South 60° 20' 55" East 413.07 feet) 427.01 feet to a point of reverse curvature; thence on a 475.00 foot radius curve left (the long chord of which bears South 61° 40' 18" East 428.46 feet) 444.50 feet to SW 5th Street Engineer's center line Station 36+39.82, said station being equal to record 5th Street center line Station 15+21.87, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line South 88° 28' 48" East 75.72 feet; thence leaving said record center line on a 475.00 foot radius curve right (the long chord of which bears South 84° 00' 23" East 74.10 feet) 74.18 feet to SW 5th Street Engineer's center line Station 37+89.72, said station being equal to said record 5th Street center line Station 13+71.82; thence along said record center line South 79° 31' 58" East 371.82 feet to SW 5th Street Engineer's center line Station 41+61.54, said station being equal to said record 5th Street center line Station 10+00.00.

Property Vested in:

Meadows 148, LLC
 3 1W 23B 00600

EXHIBIT A

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
26+07.50		26+18.00	62.00 in a straight line to 71.00
26+18.00		26+46.50	71.00
26+46.50		26+54.00	71.00 in a straight line to 61.00

EXCEPT therefrom those Fee and Permanent Easement parcels concurrently acquired for this project.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 202 square feet, more or less.

Property Vested in:

Meadows 148, LLC

3 1W 23B 00600

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 2 - TEMPORARY EASEMENT FOR CONSTRUCTION
5th STREET TO KINSMAN EXTENSION
3 1W 23B 00600

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel III and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the center line of SW 5th Street, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
28+15.00		28+64.00	37.50 in a straight line to 48.00
28+64.00		29+50.00	48.00 in a straight line to 48.00
29+50.00		29+78.00	48.00 in a straight line to 45.00
29+78.00		30+37.00	45.00 in a straight line to 48.00
30+37.00		30+54.00	48.00 in a straight line to 54.00
30+54.00		31+19.00	54.00 in a straight line to 37.50

EXCEPT therefrom those Fee and Permanent Easement parcels concurrently acquired for this project.

The above described parcel of land contains 840 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671

RENEWAL 12/31/18

Property Vested in:
Meadows 148, LLC
3 1W 23B 00600

EXHIBIT A

Property K

Page 1 of 2



808 sw third avenue, suite 300
portland, oregon 97204
503.287-6825 • fax 503.415-2304
www.otak.com

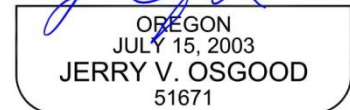
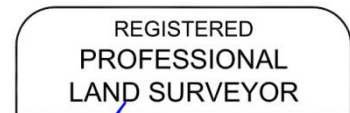
LEGAL DESCRIPTION

FEE

5th STREET TO KINSMAN EXTENSION
3 1W 23B 00601

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being that property described in that Statutory Warranty Deed to City of Wilsonville, recorded April 4, 2005 as Recorder's Fee No. 2005-029466, Film Records of Clackamas County.

The above described parcel of land contains 10,293 square feet, more or less.



RENEWAL 12/31/18

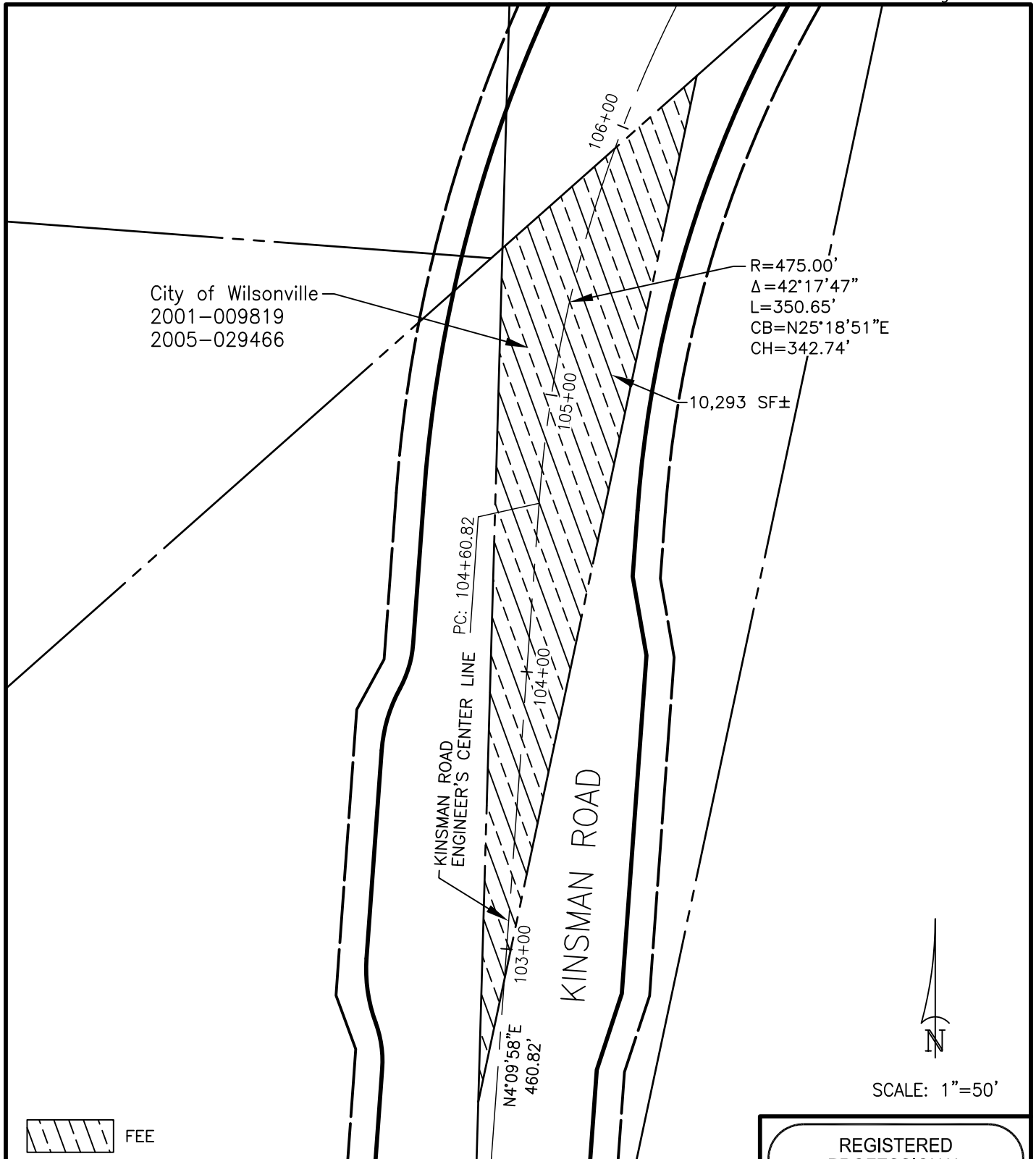
Property Vested in:

City of Wilsonville
3 1W 23B 00601

EXHIBIT B

Page 1 of 2 of 667

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



 FEE

Property Vested in:

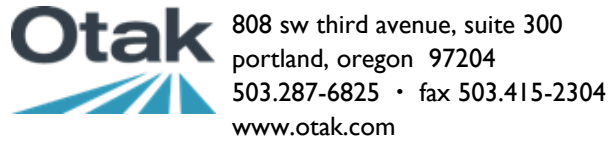
City of Wilsonville

Fee
5TH STREET TO KINSMAN EXTENSION
3 IW 23B 00601



808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825
www.otak.com

EXHIBIT A



LEGAL DESCRIPTION

PARCEL 1 - FEE

5th STREET TO KINSMAN EXTENSION

3 1W 23B 00700-00790

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as TRACT I and described in that Warranty Deed to Inland Empire Investments, LLC, recorded April 24, 2006 as Recorder’s Fee No. 2006-036713, Film Records of Clackamas County; said parcel being that portion of said parcel being that portion of said property included in a strip of land variable in width, lying on each side of the SW Kinsman Road center line, which center line is described as follows:

Beginning at SW Kinsman Road Engineer’s center line Station 100+00.00, said station being 32.21 feet West and 969.23 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 04° 09’ 58” East 460.82 feet; thence on a 475.00 foot radius curve right (the long chord of which bears North 25° 18’ 51” East 342.74 feet) 350.65 feet; thence North 46° 27’ 45” East 421.58 feet to SW Kinsman Road Engineer’s center line Station 112+33.05, said station being equal to record Kinsman Road center line Station 4+41.38, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line on a 305.00 foot radius curve left (the long chord of which bears North 23° 47’ 24” East 235.13 feet) 241.38 feet; thence continuing along said record center line North 01° 07’ 03” East 102.55 feet to SW Kinsman Road Engineer’s center line Station 115+76.98, said station being equal to said record Kinsman Road center line Station 0+97.45.

Property Vested in:

Inland Empire Investments, LLC
3 1W 23B 00700-00790

EXHIBIT A

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northwestern Side of Center Line
109+13.00		109+77.00	41.50
109+77.00		109+88.00	41.50 in a straight line to 52.00
109+88.00		110+54.00	52.00 in a straight line to 49.00
110+54.00		110+65.00	49.00 in a straight line to 36.50
110+65.00		111+00.00	36.50

Station	to	Station	Width on Southeasterly Side of Center Line
109+77.00		110+44.00	50.00
110+44.00		110+56.00	50.00 in a straight line to 36.50
110+56.00		111+50.00	36.50

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 7,659 square feet, more or less.

Property Vested in:

Inland Empire Investments, LLC
3 1W 23B 00700-00790

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 2 - FEE

5th STREET TO KINSMAN EXTENSION

3 1W 23B 00700-00790

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as TRACT I and described in that Warranty Deed to Inland Empire Investments, LLC, recorded April 24, 2006 as Recorder's Fee No. 2006-036713, Film Records of Clackamas County; said parcel being that portion of said property lying Westerly of and adjoining Parcel 1.

The above described parcel of land contains 3,719 square feet, more or less.

Property Vested in:

Inland Empire Investments, LLC

3 1W 23B 00700-00790

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 3 – PERMANENT EASEMENT FOR SLOPES AND PUBLIC UTILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23B 00700-00790

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as TRACT I and described in that Warranty Deed to Inland Empire Investments, LLC, recorded April 24, 2006 as Recorder's Fee No. 2006-036713, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 51.50 feet in width, lying on the Northwesterly side of the SW Kinsman Road center line, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 255 square feet, more or less. This Parcel lies entirely within Parcel 2.

Property Vested in:

Inland Empire Investments, LLC
3 1W 23B 00700-00790

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 4 – PERMANENT EASEMENT FOR SLOPES AND PUBLIC UTILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23B 00700-00790

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as TRACT I and described in that Warranty Deed to Inland Empire Investments, LLC, recorded April 24, 2006 as Recorder's Fee No. 2006-036713, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 46.50 feet in width, lying on the Southeasterly side of the SW Kinsman Road center line, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 777 square feet, more or less.



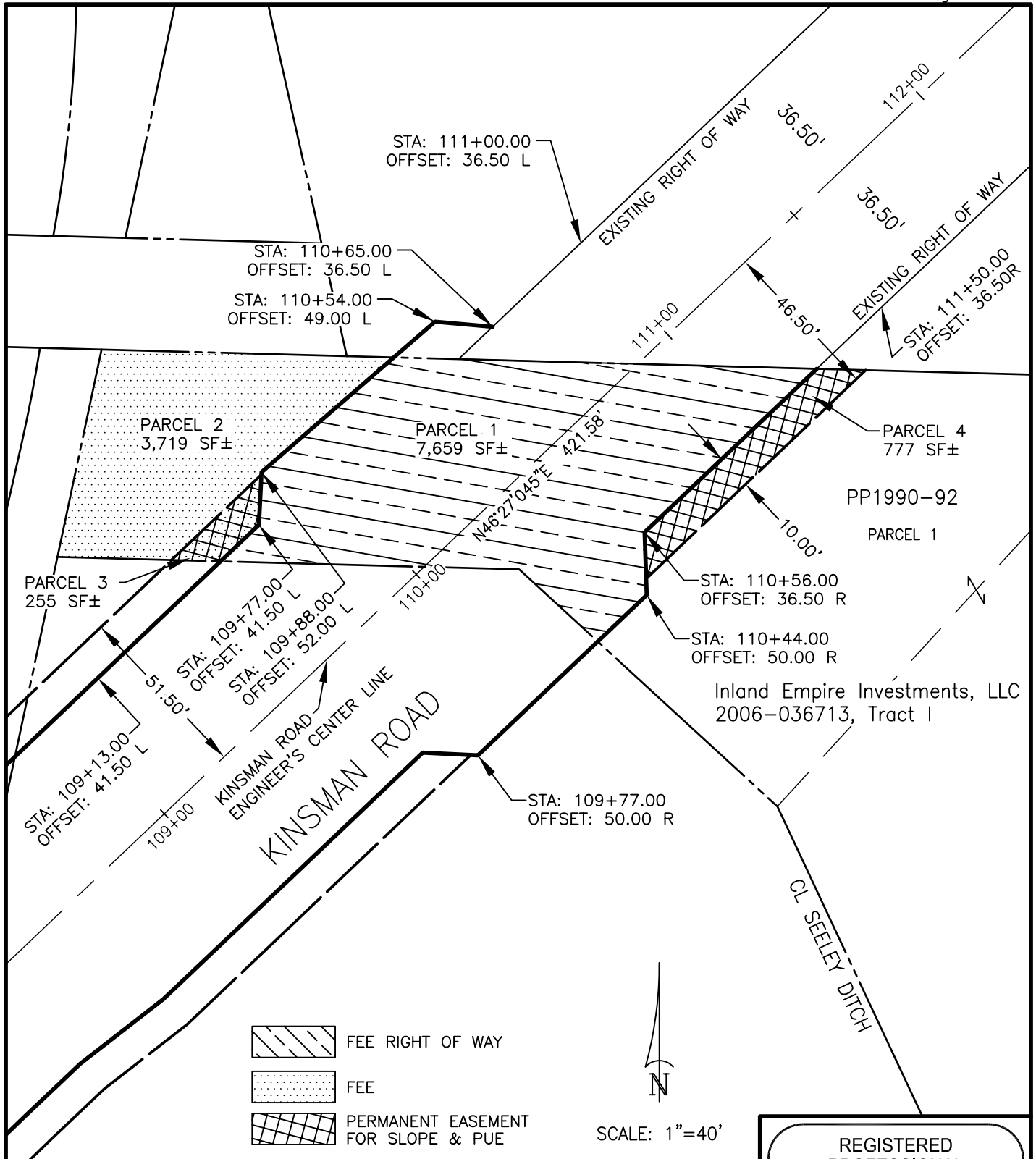
Property Vested in:

Inland Empire Investments, LLC
3 1W 23B 00700-00790

EXHIBIT B

Page 104 of 167

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Property Vested in:

Inland Empire Investments, LLC

Fee & Permanent Easement – Slope/PUE
5TH STREET TO KINSMAN EXTENSION

3 IW 23B 00700-00790



808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671LS

RENEWS: 12/31/18

EXHIBIT A

Property K

Page 1 of 1



808 sw third avenue, suite 300
 portland, oregon 97204
 503.287-6825 • fax 503.415-2304
 www.otak.com

LEGAL DESCRIPTION TEMPORARY EASEMENT FOR CONSTRUCTION 5th STREET TO KINSMAN EXTENSION 3 1W 23B 00700-00790

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as TRACT I and described in that Warranty Deed to Inland Empire Investments, LLC, recorded April 24, 2006 as Recorder's Fee No. 2006-036713, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Southeasterly side of the SW Kinsman Road center line, which center line is described as follows:

Beginning at SW Kinsman Road Engineer's center line Station 100+00.00, said station being 32.21 feet West and 969.23 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 04° 09' 58" East 460.82 feet; thence on a 475.00 foot radius curve right (the long chord of which bears North 25° 18' 51" East 342.74 feet) 350.65 feet; thence North 46° 27' 45" East 421.58 feet to SW Kinsman Road Engineer's center line Station 112+33.05, said station being equal to record Kinsman Road center line Station 4+41.38, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line on a 305.00 foot radius curve left (the long chord of which bears North 23° 47' 24" East 235.13 feet) 241.38 feet; thence continuing along said record center line North 01° 07' 03" East 102.55 feet to SW Kinsman Road Engineer's center line Station 115+76.98, said station being equal to said record Kinsman Road center line Station 0+97.45.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northwestern Side of Center Line
110+51.50		110+90.00	46.50 in a straight line to 72.00
110+90.00		111+40.00	72.00 in a straight line to 146.00
111+40.00		111+63.00	146.00 in a straight line to 148.00
111+63.00		111+90.00	148.00 in a straight line to 121.00

EXCEPT therefrom those Fee and Permanent Easement parcels concurrently acquired for this project.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 6,746 square feet, more or less.

Property Vested in:

Inland Empire Investments, LLC
 3 1W 23B 00700-00790

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

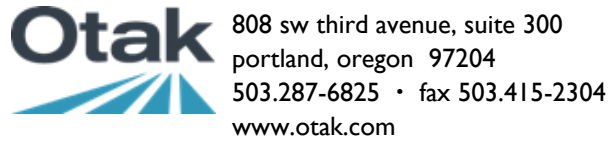
Jerry V. Osgood
 OREGON
 JULY 15, 2003
 JERRY V. OSGOOD
 51671

RENEWAL 12/31/18

EXHIBIT A

Property L

Page 1 of 5

**LEGAL DESCRIPTION**

PARCEL 1 - FEE
 5th STREET TO KINSMAN EXTENSION
 3 1W 23B 00800

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Assessor's Parcel No. 00818770 and described in that Statutory Bargain and Sale Deed to Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, recorded July 20, 2015 as Recorder's Fee No. 2015-047432, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land lying on each side of the SW Kinsman Road center line, 41.50 feet in width on the Northwesterly side of said center line and 35.50 feet in width on the Southeasterly side of said center line, which center line is described as follows:

Beginning at SW Kinsman Road Engineer's center line Station 100+00.00, said station being 32.21 feet West and 969.23 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 04° 09' 58" East 460.82 feet; thence on a 475.00 foot radius curve right (the long chord of which bears North 25° 18' 51" East 342.74 feet) 350.65 feet; thence North 46° 27' 45" East 421.58 feet to SW Kinsman Road Engineer's center line Station 112+33.05, said station being equal to record Kinsman Road center line Station 4+41.38, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line on a 305.00 foot radius curve left (the long chord of which bears North 23° 47' 24" East 235.13 feet) 241.38 feet; thence North 01° 07' 03" East 102.55 feet to SW Kinsman Road Engineer's center line Station 115+76.98, said station being equal to said record Kinsman Road center line Station 0+97.45.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 14,811 square feet, more or less.

Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
 Toni Ardeth Bernert Trust, et al.
 3 1W 23B 00800

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 2 - FEE

5th STREET TO KINSMAN EXTENSION

3 1W 23B 00800

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Assessor's Parcel No. 00818770 and described in that Statutory Bargain and Sale Deed to Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, recorded July 20, 2015 as Recorder's Fee No. 2015-047432, Film Records of Clackamas County; said parcel being that portion of said property lying Southeasterly of and adjoining Parcel 1.

The above described parcel of land contains 72 square feet, more or less.

Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.
3 1W 23B 00800

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 3 – PERMANENT EASEMENT FOR SLOPES AND PUBLIC UTILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23B 00800

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Assessor's Parcel No. 00818770 and described in that Statutory Bargain and Sale Deed to Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, recorded July 20, 2015 as Recorder's Fee No. 2015-047432, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 51.50 feet in width, lying on the Northwestern side of the SW Kinsman Road center line, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 2,706 square feet, more or less.

Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.
3 1W 23B 00800

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 4 – PERMANENT EASEMENT FOR SANITARY SEWER FACILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23B 00800

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Assessor’s Parcel No. 00818770 and described in that Statutory Bargain and Sale Deed to Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, recorded July 20, 2015 as Recorder’s Fee No. 2015-047432, Film Records of Clackamas County; said parcel being that portion of said property 15.00 feet in width, lying 7.50 feet on each side of the following described line:

Beginning at a point opposite and 11.12 feet Westerly of Engineer’s Station 106+99.65 on the center line of SW Kinsman Road, which center line is described in Parcel 1; thence North 12° 23’ 37” East 128.28 feet; thence North 00° 43’ 54” East 148.26 feet to a point opposite and 175.74 feet Northwesterly of Engineer’s Station 109+07.84 on said center line.

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 3,050 square feet, more or less. 308 square feet of this parcel lies within Parcel 3.



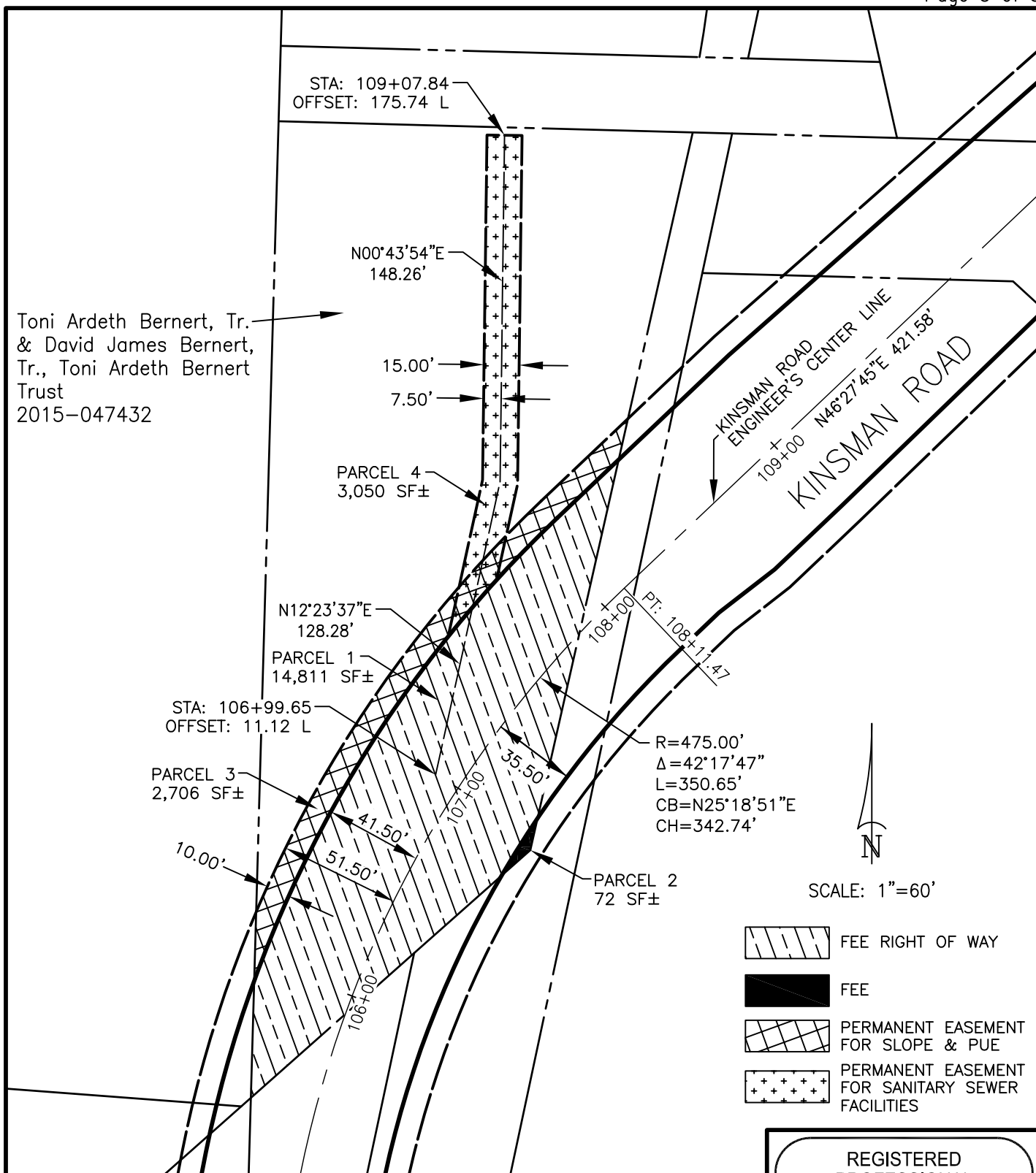
Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.
3 1W 23B 00800

EXHIBIT B

Page 120 of 567

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Property Vested in:

Toni Ardeth Bernert & David
James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.

Fee, Permanent Easement Slope ,PUE,
Sanitary Sewer Facilities
5TH STREET TO KINSMAN EXTENSION

3 IW 23B 00800



808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825
www.otak.com

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671LS

RENEWS: 12/31/18

EXHIBIT A

Property L

Page 1 of 2



808 sw third avenue, suite 300
 portland, oregon 97204
 503.287-6825 • fax 503.415-2304
 www.otak.com

LEGAL DESCRIPTION**TEMPORARY EASEMENT FOR CONSTRUCTION****5th STREET TO KINSMAN EXTENSION****3 1W 23B 00800**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Robert V. Short Donation Land Claim No. 46, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Assessor's Parcel No. 00818770 and described in that Statutory Bargain and Sale Deed to Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, recorded July 20, 2015 as Recorder's Fee No. 2015-047432, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northwesterly side of the center line of SW Kinsman Road, which center line is described as follows:

Beginning at SW Kinsman Road Engineer's center line Station 100+00.00, said station being 32.21 feet West and 969.23 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 04° 09' 58" East 460.82 feet; thence on a 475.00 foot radius curve right (the long chord of which bears North 25° 18' 51" East 342.74 feet) 350.65 feet; thence North 46° 27' 45" East 421.58 feet to SW Kinsman Road Engineer's center line Station 112+33.05, said station being equal to record Kinsman Road center line Station 4+41.38, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line on a 305.00 foot radius curve left (the long chord of which bears North 23° 47' 24" East 235.13 feet) 241.38 feet; thence continuing along said record center line North 01° 07' 03" East 102.55 feet to SW Kinsman Road Engineer's center line Station 115+76.98, said station being equal to said record Kinsman Road center line Station 0+97.45.

Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
 Toni Ardeth Bernert Trust, et al.
 3 1W 23B 00800

EXHIBIT A

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northwestern Side of Center Line
107+51.00		107+97.00	51.50 in a straight line to 81.00
107+97.00		108+49.00	81.00 in a straight line to 138.00
108+49.00		108+70.00	194.00 in a straight line to 209.00
108+70.00		109+03.00	209.00 in a straight line to 188.00
109+03.00		109+70.00	188.00 in a straight line to 121.00

EXCEPT therefrom those Fee and Permanent Easement parcels concurrently acquired for this project.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

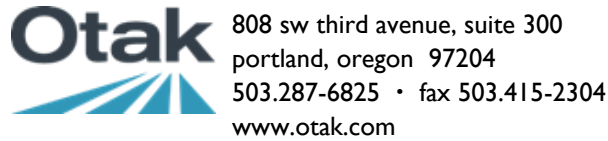
The above described parcel of land contains 14,738 square feet, more or less.

**Property Vested in:**

Toni Ardeth Bernert and David James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.
3 1W 23B 00800

EXHIBIT A

Property M



LEGAL DESCRIPTION

PARCEL 1, consisting of parts 1A and 1B - FEE
 5th STREET TO KINSMAN EXTENSION
 3 1W 23B 00900

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Assessor’s Parcel No. 00818752 described in that Statutory Bargain and Sale Deed to Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, recorded July 20, 2015 as Recorder’s Fee No. 2015-047432, Film Records of Clackamas County, lying Westerly of the most Northerly West line of PARCEL 1, PARTITION PLAT 1990-92 and the Southwesterly extension thereof, and lying Northerly of a line at right angles to the center line of SW Kinsman Road at Engineer’s Station 101+51.52; said parcel being that portion of said property included in a strip of land variable in width lying on the Easterly side of said center line, which center line is described as follows:

Beginning at SW Kinsman Road Engineer’s center line Station 100+00.00, said station being 32.21 feet West and 969.23 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 04° 09’ 58” East 460.82 feet; thence on a 475.00 foot radius curve right (the long chord of which bears North 25° 18’ 51” East 342.74 feet) 350.65 feet; thence North 46° 27’ 45” East 421.58 feet to SW Kinsman Road Engineer’s center line Station 112+33.05, said station being equal to record Kinsman Road center line Station 4+41.38, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line on a 305.00 foot radius curve left (the long chord of which bears North 23° 47’ 24” East 235.13 feet) 241.38 feet; thence North 01° 07’ 03” East 102.55 feet to SW Kinsman Road Engineer’s center line Station 115+76.98, said station being equal to said record Kinsman Road center line Station 0+97.45.

Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
 Toni Ardeth Bernert Trust, et al.
 3 1W 23B 00900

EXHIBIT A

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
101+51.52		102+59.00	35.50
102+59.00		102+87.00	35.50 in a straight line to 42.50
102+87.00		104+09.00	42.50
104+09.00		104+37.00	42.50 in a straight line to 35.50
104+37.00		108+33.00	35.50

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains a combined total of 13,434 square feet, more or less.

Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
 Toni Ardeth Bernert Trust, et al.
 3 1W 23B 00900

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 2, consisting of parts 2A and 2B - FEE
5th STREET TO KINSMAN EXTENSION
3 1W 23B 00900

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Assessor's Parcel No. 00818752 described in that Statutory Bargain and Sale Deed to Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, recorded July 20, 2015 as Recorder's Fee No. 2015-047432, Film Records of Clackamas County, lying Westerly of the most Northerly West line of PARCEL 1, PARTITION PLAT 1990-92 and the Southwesterly extension thereof, and lying Northerly of a line at right angles to the center line of SW Kinsman Road at Engineer's Station 101+51.52; said parcel being that portion of said property included in a strip of land 41.50 feet in width lying on the Westerly side of said center line, which center line is described in Parcel 1.

The above described parcel of land contains a combined total of 1,910 square feet, more or less.

Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.
3 1W 23B 00900

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 3 - FEE

5th STREET TO KINSMAN EXTENSION

3 1W 23B 00900

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Assessor's Parcel No. 00818752 described in that Statutory Bargain and Sale Deed to Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, recorded July 20, 2015 as Recorder's Fee No. 2015-047432, Film Records of Clackamas County, lying Westerly of the most Northerly West line of PARCEL 1, PARTITION PLAT 1990-92 and the Southwesterly extension thereof; said parcel being that portion of said property lying Northwesterly of a line parallel with and 41.50 feet Northwesterly of the SW Kinsman Road center line, which center line is described in Parcel 1.

The above described parcel of land contains 2,293 square feet, more or less.

Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.
3 1W 23B 00900

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 4 - FEE

5th STREET TO KINSMAN EXTENSION

3 1W 23B 00900

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Assessor's Parcel No. 00818752 described in that Statutory Bargain and Sale Deed to Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, recorded July 20, 2015 as Recorder's Fee No. 2015-047432, Film Records of Clackamas County, lying Westerly of the most Northerly West line of PARCEL 1, PARTITION PLAT 1990-92 and the Southwesterly extension thereof, and lying Northerly of a line at right angles to the center line of SW Kinsman Road at Engineer's Station 101+51.52, which center line is described in Parcel 1; said parcel being that portion of said property lying Easterly of and adjoining Parcel 1.

ALSO that portion of said property lying Westerly of the most Northerly West line of PARCEL 1, PARTITION PLAT 1990-92 and the Southwesterly extension thereof, lying Southerly of a line at right angles to said center line of SW Kinsman Road at Engineer's Station 101+51.52, and lying Northeasterly of the following described line: Beginning at a point opposite and 61.76 feet Easterly of Engineer's Station 101+22.19 on said center line of SW Kinsman Road; thence Northwesterly in a straight line to a point opposite and 35.50 feet Easterly of Engineer's Station 101+51.52 on said center line.

The above described parcel of land contains 17,643 square feet, more or less.

Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.
3 1W 23B 00900

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 5 - FEE

5th STREET TO KINSMAN EXTENSION

3 1W 23B 00900

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Assessor's Parcel No. 00818752 described in that Statutory Bargain and Sale Deed to Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, recorded July 20, 2015 as Recorder's Fee No. 2015-047432, Film Records of Clackamas County, lying Westerly of the most Northerly West line of PARCEL 1, PARTITION PLAT 1990-92 and the Southwesterly extension thereof; said parcel being that portion of said property included in a strip of land 69.43 feet in width, lying on the Northerly side of the center line of SW 5th Street, which center line is described as follows:

Beginning at SW 5th Street Engineer's center line Station 21+50.00, said station being 380.37 feet West and 717.02 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence South 47° 34' 14" East 68.03 feet; thence on a 475.00 foot radius curve left (the long chord of which bears South 66° 42' 08" East 311.35 feet) 317.22 feet; thence South 85° 50' 02" East 233.06 feet; thence on a 480.00 foot radius curve right (the long chord of which bears South 60° 20' 55" East 413.07 feet) 427.01 feet to a point of reverse curvature; thence on a 475.00 foot radius curve left (the long chord of which bears South 61° 40' 18" East 428.46 feet) 444.50 feet to SW 5th Street Engineer's center line Station 36+39.82, said station being equal to record 5th Street center line Station 15+21.87, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line South 88° 28' 48" East 75.72 feet; thence leaving said record center line on a 475.00 foot radius curve right (the long chord of which bears South 84° 00' 23" East 74.10 feet) 74.18 feet to SW 5th Street Engineer's center line Station 37+89.72, said station being equal to said record 5th Street center line Station 13+71.82; thence along said record center line South 79° 31' 58" East 371.82 feet to SW 5th Street Engineer's center line Station 41+61.54, said station being equal to said record 5th Street center line Station 10+00.00.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

EXCEPT therefrom Parcel 4.

The above described parcel of land contains 2,573 square feet, more or less.

Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.
3 1W 23B 00900

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 6 - FEE

5th STREET TO KINSMAN EXTENSION

3 1W 23B 00900

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Assessor's Parcel No. 00818752 described in that Statutory Bargain and Sale Deed to Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, recorded July 20, 2015 as Recorder's Fee No. 2015-047432, Film Records of Clackamas County, lying Westerly of the most Northerly West line of PARCEL 1, PARTITION PLAT 1990-92 and the Southwesterly extension thereof; said parcel being that portion of said property included in a strip of land 43.50 feet in width, lying on the Southerly side of the center line of SW 5th Street, which center line is described in Parcel 5.

The above described parcel of land contains 1,176 square feet, more or less.

Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.
3 1W 23B 00900

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 7 - FEE

5th STREET TO KINSMAN EXTENSION

3 1W 23B 00900

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Assessor's Parcel No. 00818752 described in that Statutory Bargain and Sale Deed to Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, recorded July 20, 2015 as Recorder's Fee No. 2015-047432, Film Records of Clackamas County, lying Westerly of the most Northerly West line of PARCEL 1, PARTITION PLAT 1990-92 and the Southwesterly extension thereof; said parcel being that portion of said property lying Southerly of and adjoining Parcel 6.

The above described parcel of land contains 1,461 square feet, more or less.

Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.
3 1W 23B 00900

EXHIBIT A**LEGAL DESCRIPTION**

**PARCEL 8 – PERMANENT EASEMENT FOR SLOPES AND PUBLIC UTILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23B 00900**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Assessor's Parcel No. 00818752 described in that Statutory Bargain and Sale Deed to Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, recorded July 20, 2015 as Recorder's Fee No. 2015-047432, Film Records of Clackamas County, lying Westerly of the most Northerly West line of PARCEL 1, PARTITION PLAT 1990-92 and the Southwesterly extension thereof; said parcel being that portion of said property included in a strip of land variable in width lying on the Easterly side of the SW Kinsman Road center line, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
101+29.81		101+55.31	65.41 in a straight line to 45.50
101+55.31		102+59.00	45.50
102+59.00		102+87.00	45.50 in a straight line to 52.50
102+87.00		104+09.00	52.50
104+09.00		104+37.00	52.50 in a straight line to 45.50
104+37.00		108+33.00	45.50

EXCEPT therefrom Parcels 1A, 1B, and 5.

The above described parcel of land contains 5,627 square feet, more or less. Parcel 8 lies entirely within Parcel 4.

Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.
3 1W 23B 00900

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 9 – PERMANENT EASEMENT FOR SLOPES AND PUBLIC UTILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23B 00900

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Assessor’s Parcel No. 00818752 described in that Statutory Bargain and Sale Deed to Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, recorded July 20, 2015 as Recorder’s Fee No. 2015-047432, Film Records of Clackamas County, lying Westerly of the most Northerly West line of PARCEL 1, PARTITION PLAT 1990-92 and the Southwesterly extension thereof, and lying Northerly of a line at right angles to the center line of SW Kinsman Road at Engineer’s Station 107+00.00; said parcel being that portion of said property included in a strip of land 51.50 feet in width lying on the Westerly side of said center line, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 2B.

The above described parcel of land contains 323 square feet, more or less. This Parcel lies entirely within Parcel 3.



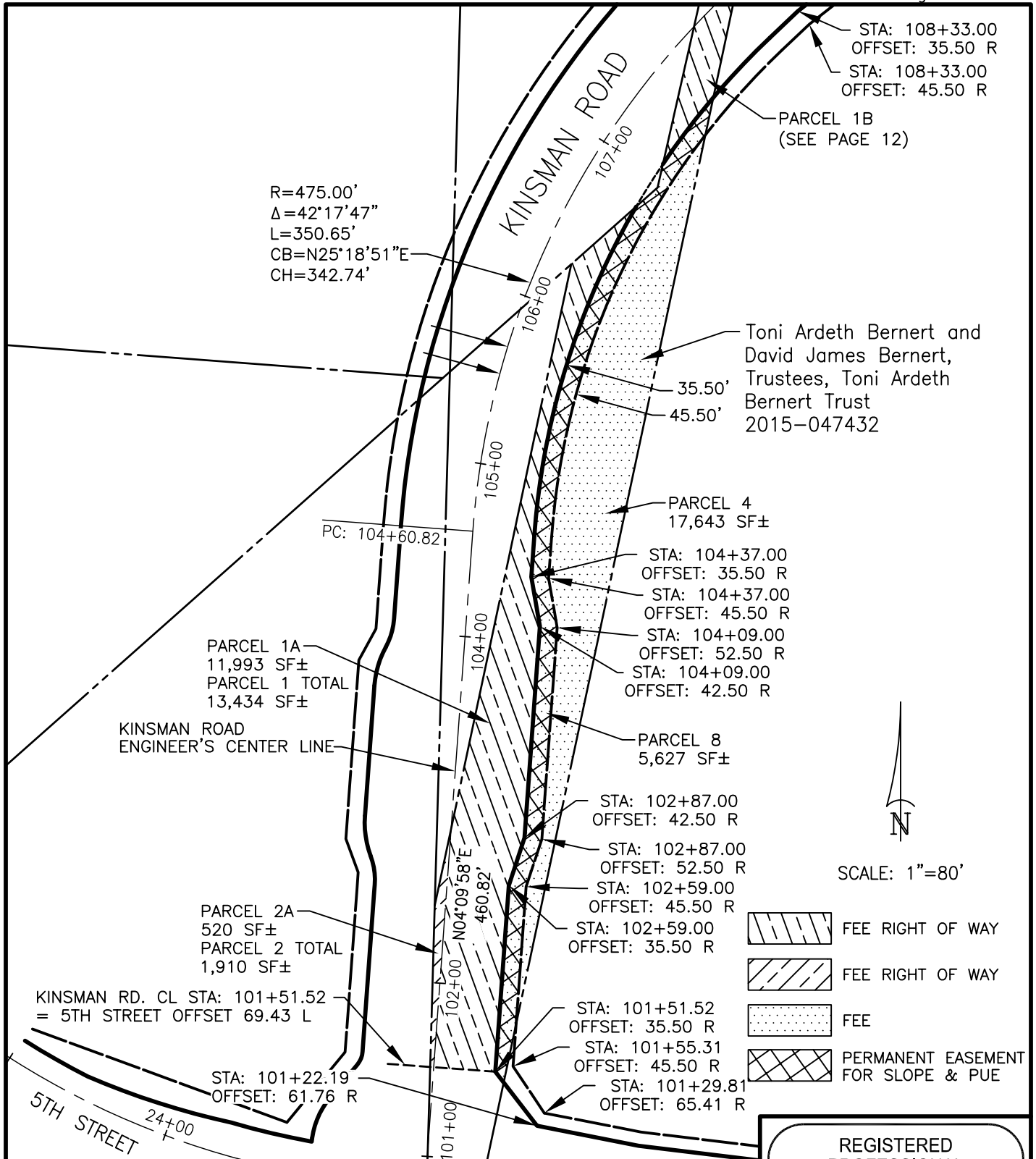
Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.
3 1W 23B 00900

EXHIBIT B

Page 108 of 167

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Property Vested in:

Toni Ardeth Bernert & David James Bernert, Trustees, Toni Ardeth Bernert Trust, et al.

Fee & Permanent Easement – Slope/PUE
 5TH STREET TO KINSMAN EXTENSION

3 IW 23B 00900



808 SW 3rd Ave., Ste. 300
 Portland, OR 97204
 Phone: (503) 287-6825

REGISTERED PROFESSIONAL LAND SURVEYOR

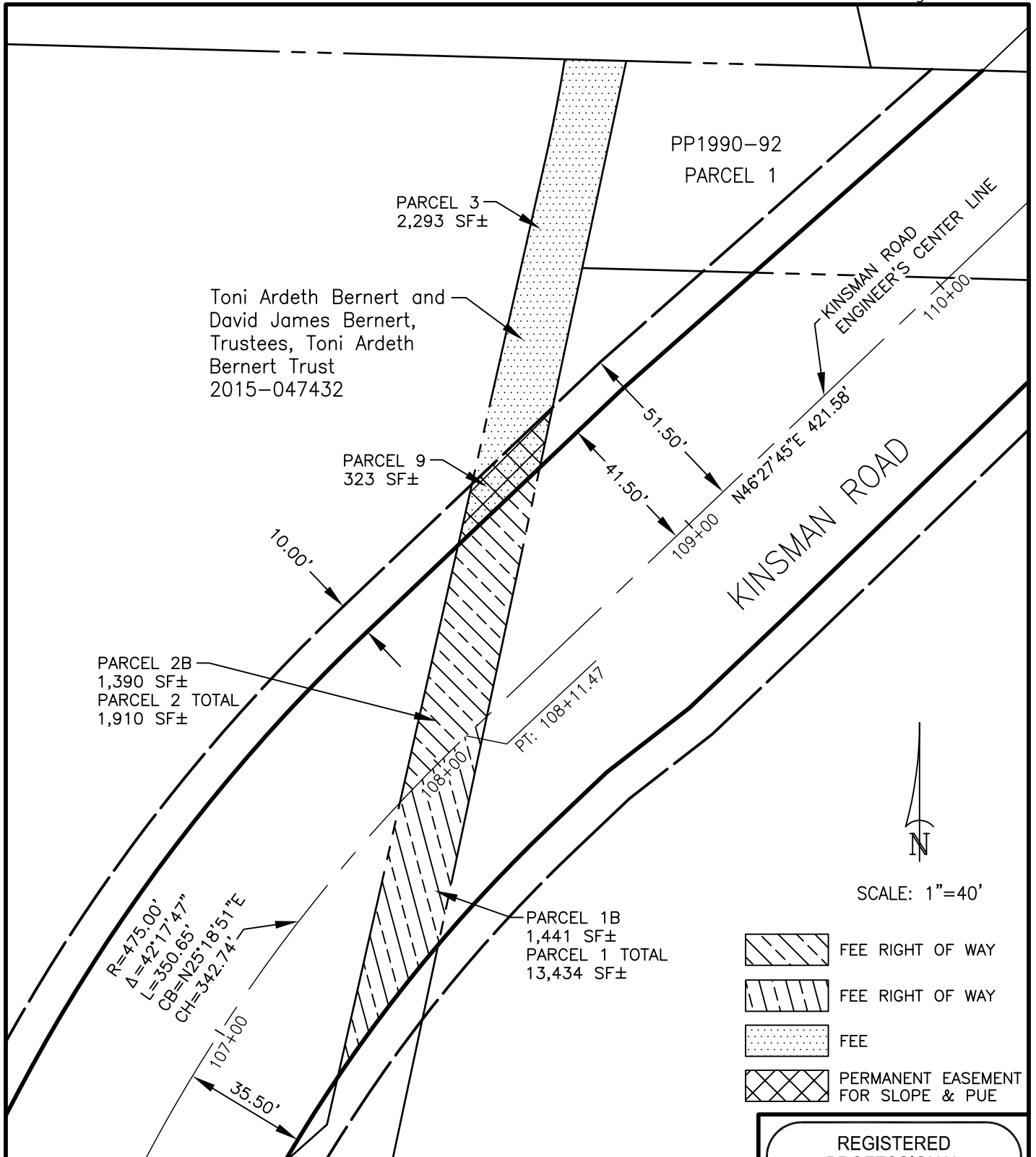
OREGON
 JULY 15, 2003
 JERRY V. OSGOOD
 51671LS

RENEWS: 12/31/18

EXHIBIT B

Page 124 of 567

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Property Vested in:

Fee & Permanent Easement – Slope/PUE
5TH STREET TO KINSMAN EXTENSION

Toni Ardeth Bernert & David
James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.

3 1W 23B 00900

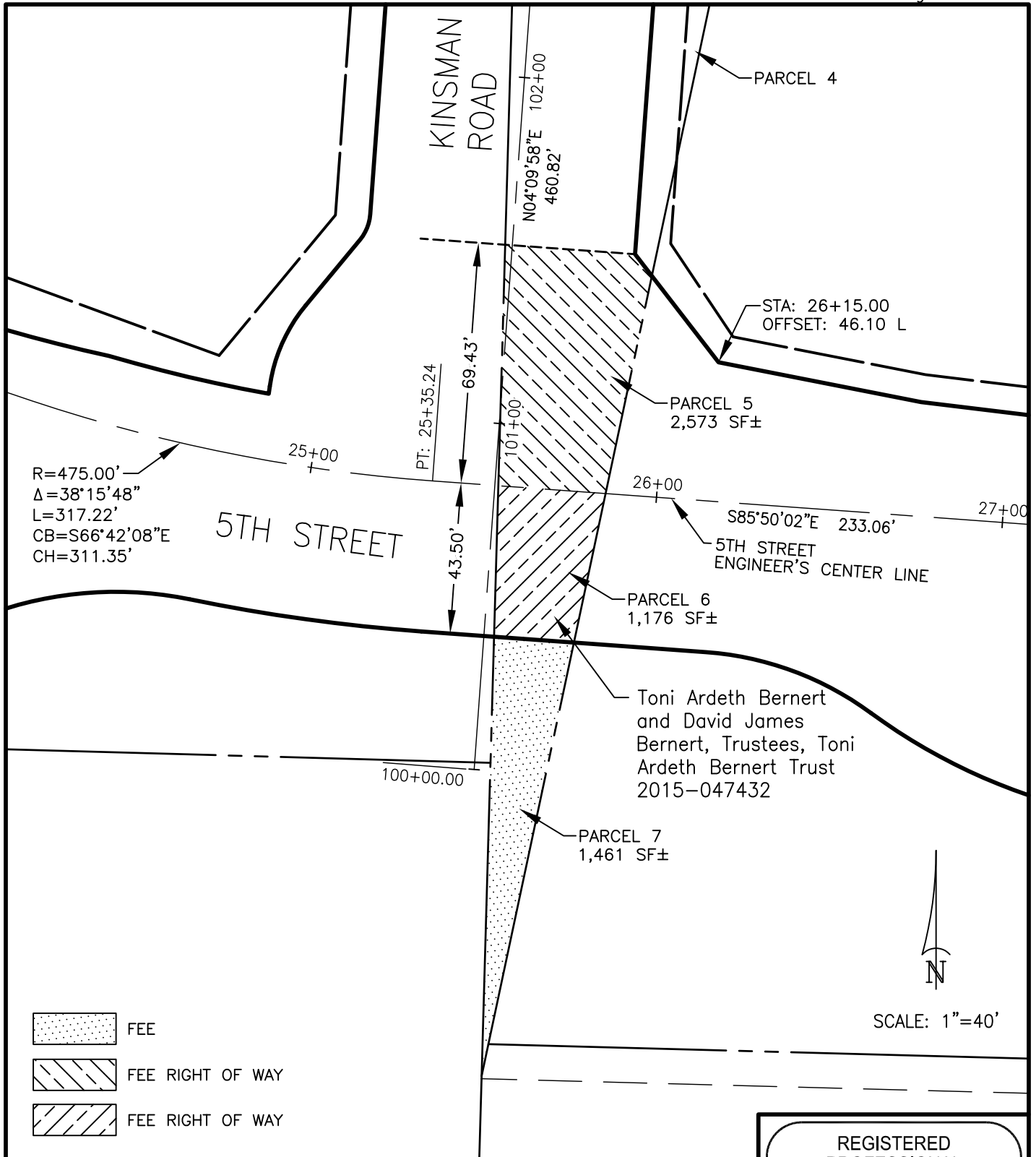


808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825

EXHIBIT B

Page 13 of 13

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Property Vested in: Fee
5TH STREET TO KINSMAN EXTENSION
3 IW 23B 00900
 Toni Ardeth Bernert & David James Bernert, Trustees,
 Toni Ardeth Bernert Trust, et al.



808 SW 3rd Ave., Ste. 300
 Portland, OR 97204
 Phone: (503) 287-6825

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

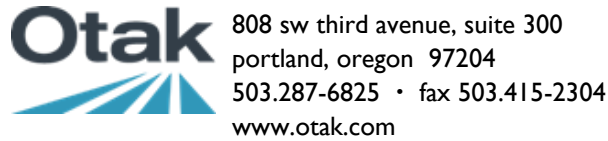
OREGON
 JULY 15, 2003
 JERRY V. OSGOOD
 51671LS

RENEWS: 12/31/18

EXHIBIT A

Property N

Page 1 of 3



LEGAL DESCRIPTION

PARCEL 1 - FEE
 5th STREET TO KINSMAN EXTENSION
 3 1W 23B 01300

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Robert V. Short Donation Land Claim No. 46, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Tract B and described in that Warranty Deed to Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, recorded September 28, 2009 as Recorder's Fee No. 2009-068141, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 41.50 feet in width, lying on the Westerly side of the SW Kinsman Road center line, which center line is described as follows:

Beginning at SW Kinsman Road Engineer's center line Station 100+00.00, said station being 32.21 feet West and 969.23 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 04° 09' 58" East 460.82 feet; thence on a 475.00 foot radius curve right (the long chord of which bears North 25° 18' 51" East 342.74 feet) 350.65 feet; thence North 46° 27' 45" East 421.58 feet to SW Kinsman Road Engineer's center line Station 112+33.05, said station being equal to record Kinsman Road center line Station 4+41.38, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line on a 305.00 foot radius curve left (the long chord of which bears North 23° 47' 24" East 235.13 feet) 241.38 feet; thence North 01° 07' 03" East 102.55 feet to SW Kinsman Road Engineer's center line Station 115+76.98, said station being equal to said record Kinsman Road center line Station 0+97.45.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 412 square feet, more or less.

Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
 Toni Ardeth Bernert Trust, et al.
 3 1W 23B 01300

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 2 – PERMANENT EASEMENT FOR SLOPES AND PUBLIC UTILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23B 01300

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Robert V. Short Donation Land Claim No. 46, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Tract B and described in that Warranty Deed to Toni Ardeth Bernert and David James Bernert, Trustees, Toni Ardeth Bernert Trust, recorded September 28, 2009 as Recorder's Fee No. 2009-068141, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 51.50 feet in width, lying on the Westerly side of the SW Kinsman Road center line, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 710 square feet, more or less.



Property Vested in:

Toni Ardeth Bernert and David James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.
3 1W 23B 01300

EXHIBIT B

Page 108 of 167

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

Toni Ardeth Bernert &
David James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.

$R=475.00'$
 $\Delta=42^{\circ}17'47''$
 $L=350.65'$
 $CB=N25^{\circ}18'51''E$
 $CH=342.74'$

10.00'

41.50'

PARCEL 1
412 SF±

PARCEL 2
710 SF±

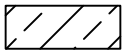
KINSMAN ROAD
KINSMAN ROAD
ENGINEER'S CENTER LINE

106+00

105+00



SCALE: 1"=30'



FEE



PERMANENT EASEMENT
FOR SLOPE & PUE

Property Vested in:

Fee & Permanent Easement – Slope/PUE
5TH STREET TO KINSMAN EXTENSION

3 1W 23B 01300

Toni Ardeth Bernert & David
James Bernert, Trustees,
Toni Ardeth Bernert Trust, et al.



808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825

REGISTERED
PROFESSIONAL
LAND SURVEYOR

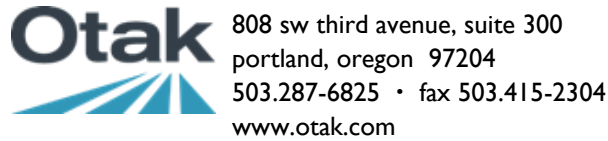
OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671LS

RENEWS: 12/31/18

EXHIBIT A

Property O

Page 1 of 3

**LEGAL DESCRIPTION**

PARCEL 1 - FEE

5th STREET TO KINSMAN EXTENSION

3 1W 23B 01700

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Robert V. Short Donation Land Claim No. 46, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Tract D and described in that Quit Claim Deed to Joe Bernert Towing Co., Inc., Recorder's Fee No. 87-57703, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 41.50 feet in width, lying on the Westerly side of the SW Kinsman Road center line, which center line is described as follows:

Beginning at SW Kinsman Road Engineer's center line Station 100+00.00, said station being 32.21 feet West and 969.23 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 04° 09' 58" East 460.82 feet; thence on a 475.00 foot radius curve right (the long chord of which bears North 25° 18' 51" East 342.74 feet) 350.65 feet; thence North 46° 27' 45" East 421.58 feet to SW Kinsman Road Engineer's center line Station 112+33.05, said station being equal to record Kinsman Road center line Station 4+41.38, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line on a 305.00 foot radius curve left (the long chord of which bears North 23° 47' 24" East 235.13 feet) 241.38 feet; thence North 01° 07' 03" East 102.55 feet to SW Kinsman Road Engineer's center line Station 115+76.98, said station being equal to said record Kinsman Road center line Station 0+97.45.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 69 square feet, more or less.

Property Vested in:

Joe Bernert Towing Co., Inc.
3 1W 23B 01700

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 2 – PERMANENT EASEMENT FOR SLOPES AND PUBLIC UTILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23B 01700

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Robert V. Short Donation Land Claim No. 46, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Tract D and described in that Quit Claim Deed to Joe Bernert Towing Co., Inc., Recorder's Fee No. 87-57703, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 51.50 feet in width, lying on the Westerly side of the SW Kinsman Road center line, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 192 square feet, more or less.



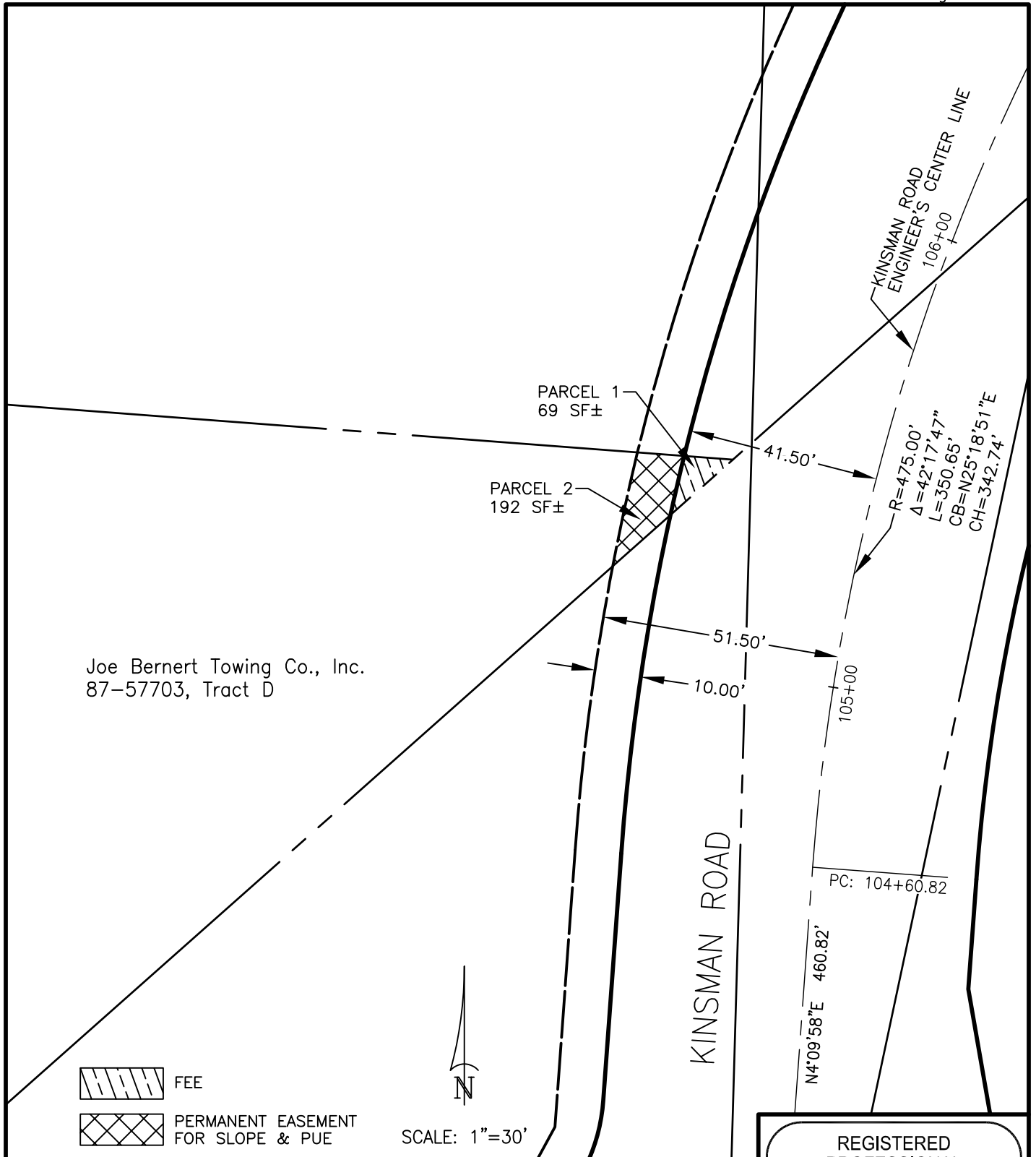
Property Vested in:

Joe Bernert Towing Co., Inc.
3 1W 23B 01700

EXHIBIT B

Page 101 of 667

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Joe Bernert Towing Co., Inc.
87-57703, Tract D

FEE

PERMANENT EASEMENT
FOR SLOPE & PUE



SCALE: 1"=30'

Property Vested in:

JOE BERNERT TOWING CO., INC

Fee & Permanent Easement – Slope/PUE
5TH STREET TO KINSMAN EXTENSION

3 1W 23B 01700



808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671LS

RENEWS: 12/31/18

EXHIBIT A

Property P



808 sw third avenue, suite 300
portland, oregon 97204
503.287-6825 • fax 503.415-2304
www.otak.com

LEGAL DESCRIPTION

PARCEL 1 - FEE
5th STREET TO KINSMAN EXTENSION
3 1W 23BD 00101

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel I and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder’s Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 33.50 feet in width, lying on the Northerly side of the center line of SW 5th Street, which center line is described as follows:

Beginning at SW 5th Street Engineer’s center line Station 21+50.00, said station being 380.37 feet West and 717.02 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence South 47° 34’ 14” East 68.03 feet; thence on a 475.00 foot radius curve left (the long chord of which bears South 66° 42’ 08” East 311.35 feet) 317.22 feet; thence South 85° 50’ 02” East 233.06 feet; thence on a 480.00 foot radius curve right (the long chord of which bears South 60° 20’ 55” East 413.07 feet) 427.01 feet to a point of reverse curvature; thence on a 475.00 foot radius curve left (the long chord of which bears South 61° 40’ 18” East 428.46 feet) 444.50 feet to SW 5th Street Engineer’s center line Station 36+39.82, said station being equal to record 5th Street center line Station 15+21.87, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line South 88° 28’ 48” East 75.72 feet; thence leaving said record center line on a 475.00 foot radius curve right (the long chord of which bears South 84° 00’ 23” East 74.10 feet) 74.18 feet to SW 5th Street Engineer’s center line Station 37+89.72, said station being equal to said record 5th Street center line Station 13+71.82; thence along said record center line South 79° 31’ 58” East 371.82 feet to SW 5th Street Engineer’s center line Station 41+61.54, said station being equal to said record 5th Street center line Station 10+00.00.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 502 square feet, more or less.

Property Vested in:

Meadows 148, LLC
3 1W 23BD 00101

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 2 – PERMANENT EASEMENT FOR SLOPES
5th STREET TO KINSMAN EXTENSION
3 1W 23BD 00101

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel I and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder’s Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the center line of SW 5th Street, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
36+78.00		37+32.00	43.00 in a straight line to 67.00
37+32.00		37+54.00	67.00 in a straight line to 51.00
37+54.00		38+50.00	51.00 in a straight line to 48.00
38+50.00		39+00.00	48.00 in a straight line to 41.50

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 2,350 square feet, more or less.

Property Vested in:
Meadows 148, LLC
3 1W 23BD 00101

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 3 – PERMANENT EASEMENT FOR PUBLIC UTILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23BD 00101

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel I and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 41.50 feet in width, lying on the Northerly side of the center line of SW 5th Street, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 1,230 square feet, more or less. This parcel lies entirely within Parcel 2.

Property Vested in:

Meadows 148, LLC
3 1W 23BD 00101

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 4 – PERMANENT EASEMENT FOR ELECTRICAL FACILITIES AND SLOPES
5th STREET TO KINSMAN EXTENSION
3 1W 23BD 00101

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel I and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder’s Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the center line of SW 5th Street, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
38+44.00		38+53.00	59.00 in a straight line to 68.00
38+53.00		38+83.00	68.00 in a straight line to 69.00
38+83.00		39+00.00	69.00 in a straight line to 64.00

EXCEPT therefrom Parcels 1 and 3.

The above described parcel of land contains 1,248 square feet, more or less. 199 square feet of this parcel lies within Parcel 2.

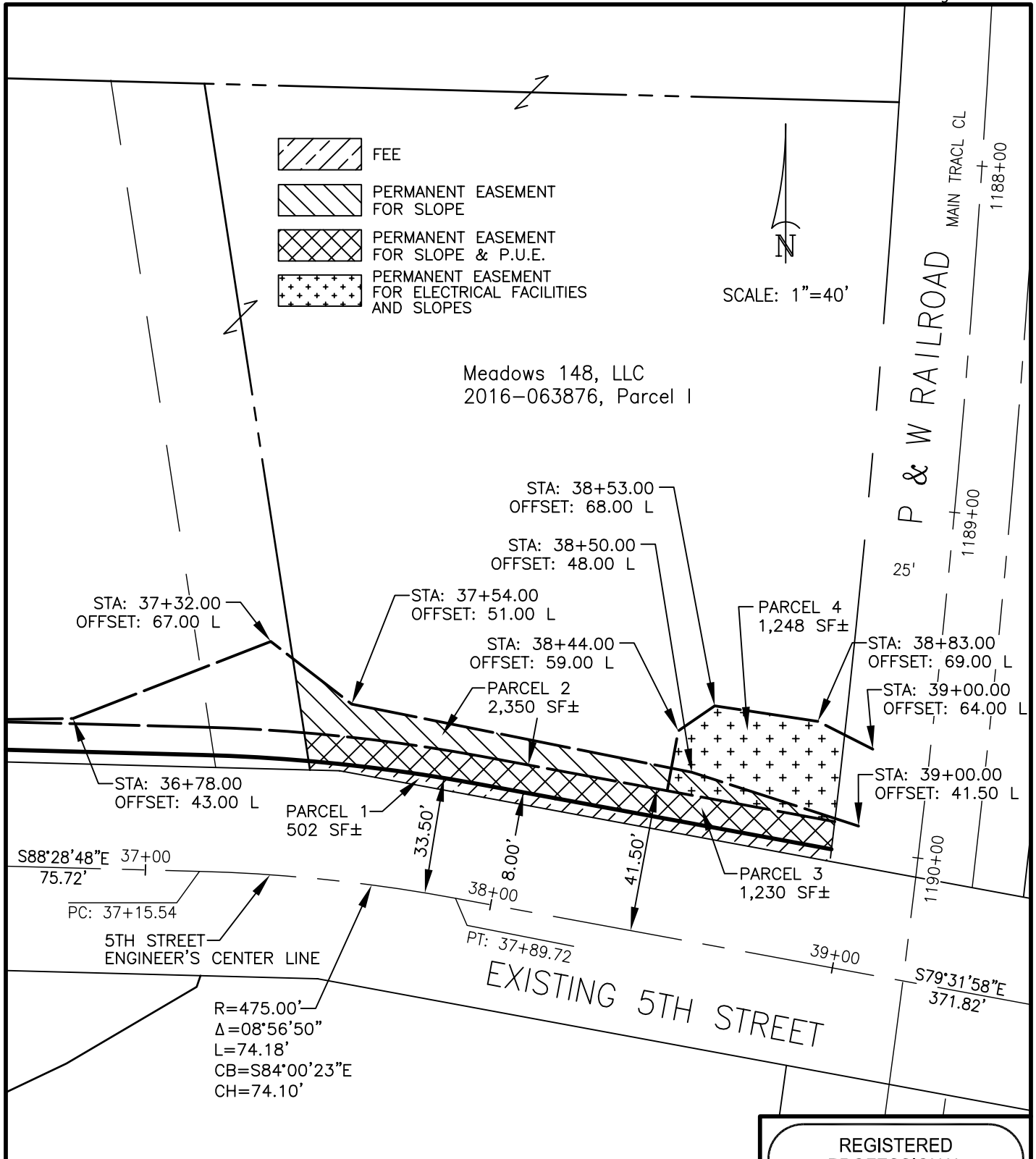


Property Vested in:
Meadows 148, LLC
3 1W 23BD 00101

EXHIBIT B

Page 100 of 667

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Property Vested in:
Meadows 148, LLC

Fee & Permanent Easement Slopes/PUE
5TH STREET TO KINSMAN EXTENSION
3 IW 23BD 00101



808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671LS
RENEWS: 12/31/18

EXHIBIT A

Property P

Page 1 of 2



808 sw third avenue, suite 300
 portland, oregon 97204
 503.287-6825 • fax 503.415-2304
 www.otak.com

LEGAL DESCRIPTION

**TEMPORARY EASEMENT FOR CONSTRUCTION
 5th STREET TO KINSMAN EXTENSION
 3 1W 23BD 00101**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel I and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the center line of SW 5th Street, which center line is described as follows:

Beginning at SW 5th Street Engineer's center line Station 21+50.00, said station being 380.37 feet West and 717.02 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence South 47° 34' 14" East 68.03 feet; thence on a 475.00 foot radius curve left (the long chord of which bears South 66° 42' 08" East 311.35 feet) 317.22 feet; thence South 85° 50' 02" East 233.06 feet; thence on a 480.00 foot radius curve right (the long chord of which bears South 60° 20' 55" East 413.07 feet) 427.01 feet to a point of reverse curvature; thence on a 475.00 foot radius curve left (the long chord of which bears South 61° 40' 18" East 428.46 feet) 444.50 feet to SW 5th Street Engineer's center line Station 36+39.82, said station being equal to record 5th Street center line Station 15+21.87, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line South 88° 28' 48" East 75.72 feet; thence leaving said record center line on a 475.00 foot radius curve right (the long chord of which bears South 84° 00' 23" East 74.10 feet) 74.18 feet to SW 5th Street Engineer's center line Station 37+89.72, said station being equal to said record 5th Street center line Station 13+71.82; thence along said record center line South 79° 31' 58" East 371.82 feet to SW 5th Street Engineer's center line Station 41+61.54, said station being equal to said record 5th Street center line Station 10+00.00.

Property Vested in:

Meadows 148, LLC
 3 1W 23BD 00101

EXHIBIT A

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
36+78.00		37+11.00	46.00 in a straight line to 60.00
37+11.00		37+15.00	60.00 in a straight line to 76.00
37+15.00		37+41.00	76.00 in a straight line to 69.00
37+41.00		37+54.00	63.00 in a straight line to 54.00
37+54.00		38+41.00	54.00 in a straight line to 51.00
38+41.00		38+51.00	60.00 in a straight line to 71.00
38+51.00		38+83.00	71.00 in a straight line to 72.00
38+83.00		39+00.00	72.00 in a straight line to 64.00

EXCEPT therefrom those Fee and Permanent Easement parcels concurrently acquired for this project.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 534 square feet, more or less.



Property Vested in:
 Meadows 148, LLC
 3 1W 23BD 00101

EXHIBIT A

Property Q

Page 1 of 2



808 sw third avenue, suite 300
portland, oregon 97204
503.287-6825 • fax 503.415-2304
www.otak.com

LEGAL DESCRIPTION

PERMANENT EASEMENT FOR DRAINAGE FACILITIES 5th STREET TO KINSMAN EXTENSION 3 1W 23BD 00102

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Statutory Bargain and Sale Deed to OTV 1 LLC, recorded December 30, 2005 as Recorder's Fee No. 2005-129902, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the center line of SW Boones Ferry Road, which center line is described as follows:

Beginning at SW Boones Ferry Road Engineer's center line Station 24+99.70, said station being 1,354.66 feet East and 1,801.47 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 10° 39' 56" East 328.72 feet; thence North 14° 48' 11" East 1,021.58 feet to SW Boones Ferry Road Engineer's center line Station 38+50.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Westerly Side of Center Line
29+59.00		29+77.00	39.00
29+77.00		29+92.00	53.00

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 507 square feet, more or less. 312 square feet of this parcel lies within an existing Permanent Easement for Sidewalk and Public Utilities, recorded June 17, 2009 as Recorder's Fee No. 2009-042839, Film Records of Clackamas County.

Property Vested in:
OTV 1 LLC
3 1W 23BD 00102

REGISTERED
PROFESSIONAL
LAND SURVEYOR

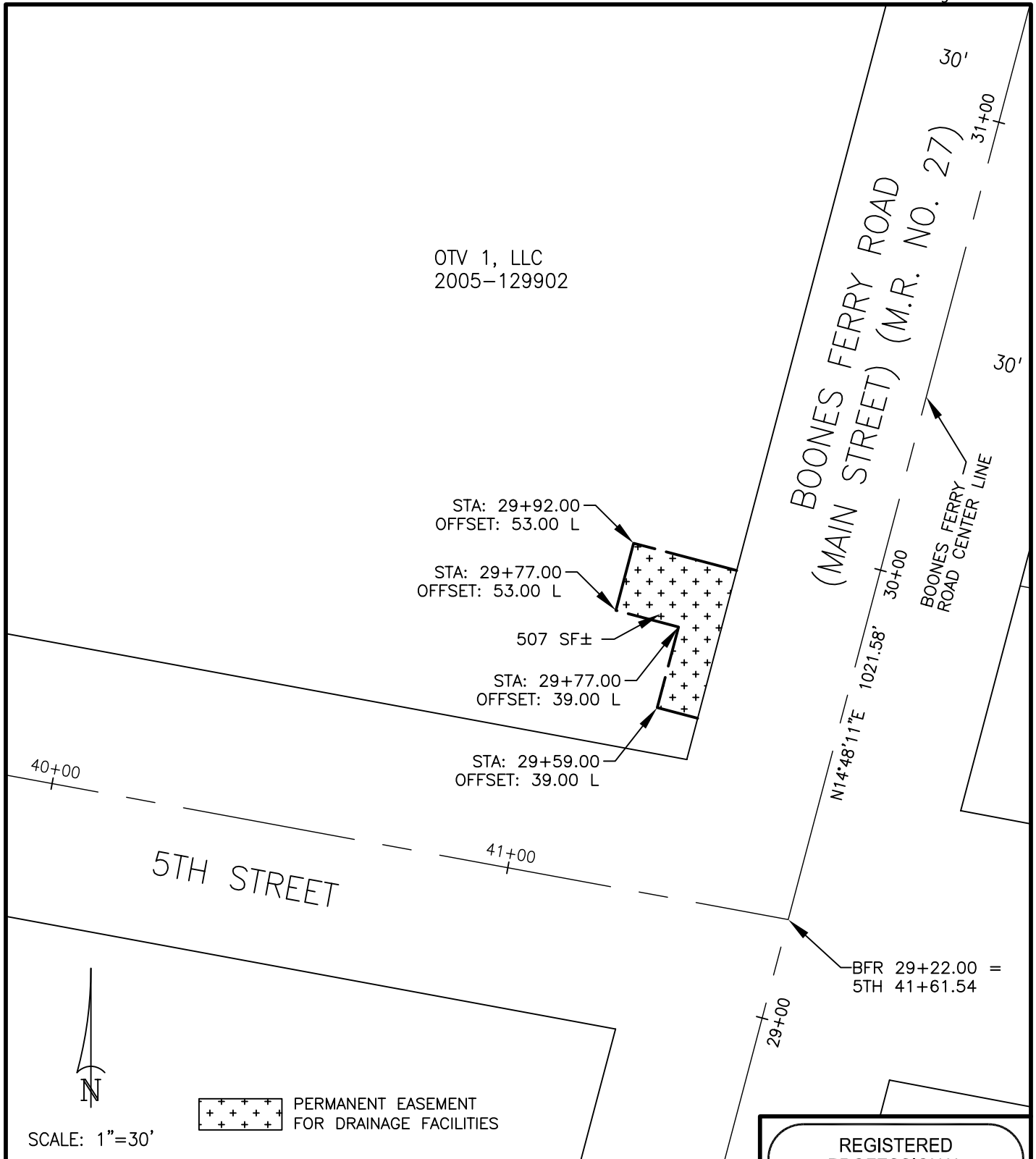
J. Osgood
OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671

RENEWAL 12/31/18

EXHIBIT B

Page 2 of 2

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



OTV 1, LLC
2005-129902

STA: 29+92.00
OFFSET: 53.00 L

STA: 29+77.00
OFFSET: 53.00 L

507 SF±

STA: 29+77.00
OFFSET: 39.00 L

STA: 29+59.00
OFFSET: 39.00 L

BOONES FERRY ROAD
(MAIN STREET) (M.R. NO. 27)

BOONES FERRY ROAD CENTER LINE

5TH STREET



SCALE: 1"=30'

 PERMANENT EASEMENT
FOR DRAINAGE FACILITIES

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671LS
RENEWS: 12/31/18

Property Vested in: Permanent Easement – Drainage Facilities
5TH STREET TO KINSMAN EXTENSION

OTV 1 LLC 3 IW 23BD 00102

Otak 808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825

EXHIBIT A

Property Q

Page 1 of 2



808 sw third avenue, suite 300
portland, oregon 97204
503.287-6825 • fax 503.415-2304
www.otak.com

LEGAL DESCRIPTION

PARCEL 1 - TEMPORARY EASEMENT FOR CONSTRUCTION
5th STREET TO KINSMAN EXTENSION
3 1W 23BD 00102

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Statutory Bargain and Sale Deed to OTV 1 LLC, recorded December 30, 2005 as Recorder's Fee No. 2005-129902, Film Records of Clackamas County; said parcel being that portion of said property lying Northerly of a line at right angles to the center line of SW Boones Ferry Road at Engineer's Station 31+47.00 and included in a strip of land 41.00 feet in width, lying on the Westerly side of said center line, which center line is described as follows:

Beginning at SW Boones Ferry Road Engineer's center line Station 24+99.70, said station being 1,354.66 feet East and 1,801.47 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence North 10° 39' 56" East 328.72 feet; thence North 14° 48' 11" East 1,021.58 feet to SW Boones Ferry Road Engineer's center line Station 38+50.00.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 237 square feet, more or less.

Property Vested in:

OTV 1 LLC
3 1W 23BD 00102

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 2 - TEMPORARY EASEMENT FOR CONSTRUCTION
5th STREET TO KINSMAN EXTENSION
3 1W 23BD 00102

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Statutory Bargain and Sale Deed to OTV 1 LLC, recorded December 30, 2005 as Recorder's Fee No. 2005-129902, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the center line of SW Boones Ferry Road, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Westerly Side of Center Line
29+45.00		29+70.00	46.00
29+70.00		30+00.00	60.00

EXCEPT therefrom that Permanent Easement parcel concurrently acquired for this project.

The above described parcel of land contains 726 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671

RENEWAL 12/31/18

Property Vested in:

OTV 1 LLC
3 1W 23BD 00102

EXHIBIT A

Property R

Page 1 of 1



808 sw third avenue, suite 300
portland, oregon 97204
503.287-6825 · fax 503.415-2304
www.otak.com

LEGAL DESCRIPTION TEMPORARY EASEMENT FOR CONSTRUCTION 5th STREET TO KINSMAN EXTENSION 3 1W 23BD 00103

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of Parcel 1, Partition Plat No. 2001-043, Clackamas County, Oregon; said parcel being that portion of said property lying Easterly of a line at right angles to the center line of SW 5th Street at Engineer's Station 41+10.00 and included in a strip of land 36.00 feet in width, lying on the Southerly side of said center line, which center line is described as follows:

Beginning at SW 5th Street Engineer's center line Station 21+50.00, said station being 380.37 feet West and 717.02 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence South 47° 34' 14" East 68.03 feet; thence on a 475.00 foot radius curve left (the long chord of which bears South 66° 42' 08" East 311.35 feet) 317.22 feet; thence South 85° 50' 02" East 233.06 feet; thence on a 480.00 foot radius curve right (the long chord of which bears South 60° 20' 55" East 413.07 feet) 427.01 feet to a point of reverse curvature; thence on a 475.00 foot radius curve left (the long chord of which bears South 61° 40' 18" East 428.46 feet) 444.50 feet to SW 5th Street Engineer's center line Station 36+39.82, said station being equal to record 5th Street center line Station 15+21.87, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line South 88° 28' 48" East 75.72 feet; thence leaving said record center line on a 475.00 foot radius curve right (the long chord of which bears South 84° 00' 23" East 74.10 feet) 74.18 feet to SW 5th Street Engineer's center line Station 37+89.72, said station being equal to said record 5th Street center line Station 13+71.82; thence along said record center line South 79° 31' 58" East 371.82 feet to SW 5th Street Engineer's center line Station 41+61.54, said station being equal to said record 5th Street center line Station 10+00.00.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 114 square feet, more or less.

Property Vested in:
OTV 2 LLC
3 1W 23BD 00103

REGISTERED
PROFESSIONAL
LAND SURVEYOR

J. Osgood
OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671

RENEWAL 12/31/18

EXHIBIT A

808 sw third avenue, suite 300
 portland, oregon 97204
 503.287-6825 • fax 503.415-2304
 www.otak.com

LEGAL DESCRIPTION

PARCEL 1 - FEE

5th STREET TO KINSMAN EXTENSION

3 1W 23BD 00104

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Statutory Bargain and Sale Deed to Robert Hartford, recorded August 24, 2005 as Recorder's Fee No. 2005-081614, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 40.50 feet in width, lying on the Southerly side of the center line of SW 5th Street, which center line is described as follows:

Beginning at SW 5th Street Engineer's center line Station 21+50.00, said station being 380.37 feet West and 717.02 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence South 47° 34' 14" East 68.03 feet; thence on a 475.00 foot radius curve left (the long chord of which bears South 66° 42' 08" East 311.35 feet) 317.22 feet; thence South 85° 50' 02" East 233.06 feet; thence on a 480.00 foot radius curve right (the long chord of which bears South 60° 20' 55" East 413.07 feet) 427.01 feet to a point of reverse curvature; thence on a 475.00 foot radius curve left (the long chord of which bears South 61° 40' 18" East 428.46 feet) 444.50 feet to SW 5th Street Engineer's center line Station 36+39.82, said station being equal to record 5th Street center line Station 15+21.87, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line South 88° 28' 48" East 75.72 feet; thence leaving said record center line on a 475.00 foot radius curve right (the long chord of which bears South 84° 00' 23" East 74.10 feet) 74.18 feet to SW 5th Street Engineer's center line Station 37+89.72, said station being equal to said record 5th Street center line Station 13+71.82; thence along said record center line South 79° 31' 58" East 371.82 feet to SW 5th Street Engineer's center line Station 41+61.54, said station being equal to said record 5th Street center line Station 10+00.00.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 1,869 square feet, more or less.

Property Vested in:

Otto Lane 104 LLC
 3 1W 23BD 00104

EXHIBIT A**LEGAL DESCRIPTION**

**PARCEL 2 - PERMANENT EASEMENT FOR SLOPES
5th STREET TO KINSMAN EXTENSION
3 1W 23BD 00104**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Statutory Bargain and Sale Deed to Robert Hartford, recorded August 24, 2005 as Recorder's Fee No. 2005-081614, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of SW 5th Street, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southerly Side of Center Line
36+18.00		36+85.00	71.00 in a straight line to 67.00
36+85.00		37+48.00	67.00 in a straight line to 55.00
37+48.00		38+09.00	55.00 in a straight line to 57.00
38+09.00		39+00.00	57.00 in a straight line to 48.50

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 3,299 square feet, more or less.

Property Vested in:

Otto Lane 104 LLC
3 1W 23BD 00104

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 3 - PERMANENT EASEMENT FOR PUBLIC UTILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23BD 00104

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Statutory Bargain and Sale Deed to Robert Hartford, recorded August 24, 2005 as Recorder's Fee No. 2005-081614, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 48.50 feet in width, lying on the Southerly side of the center line of SW 5th Street, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 1,505 square feet, more or less. This parcel lies entirely within Parcel 2.

Property Vested in:

Otto Lane 104 LLC
3 1W 23BD 00104

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 4 - PERMANENT EASEMENT FOR DRAINAGE FACILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23BD 00104

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Statutory Bargain and Sale Deed to Robert Hartford, recorded August 24, 2005 as Recorder's Fee No. 2005-081614, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of SW 5th Street, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southerly Side of Center Line
36+60.00		37+05.00	40.50 in a straight line to 51.70
37+05.00		37+08.00	51.70 in a straight line to 40.50

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 96 square feet, more or less. This parcel lies entirely within Parcel 2.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

J. Osgood
OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671

RENEWAL 12/31/18

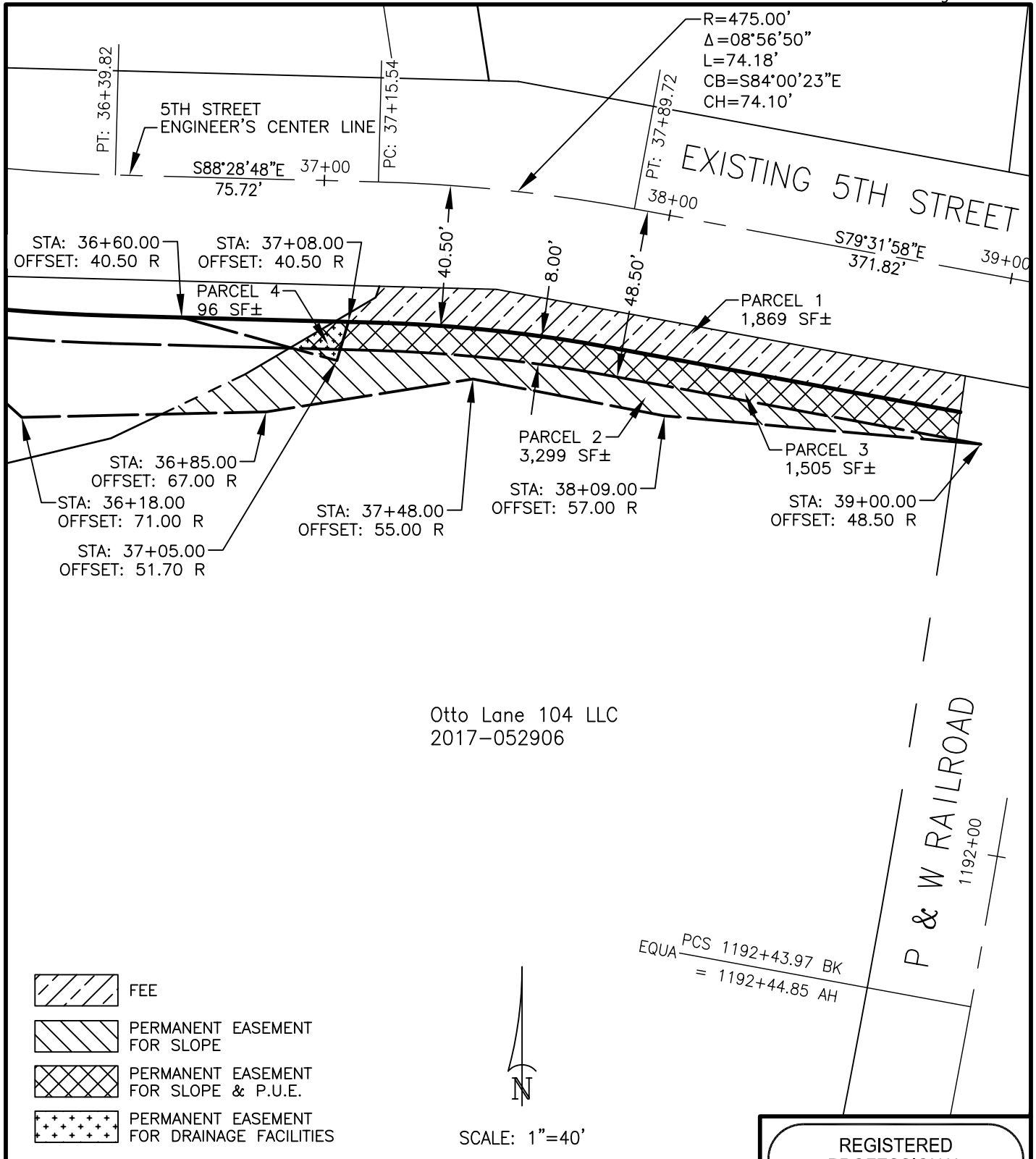
Property Vested in:

Otto Lane 104 LLC
3 1W 23BD 00104

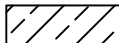


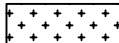
EXHIBIT B

Page 208 of 567

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Otto Lane 104 LLC
2017-052906

-  FEE
-  PERMANENT EASEMENT FOR SLOPE
-  PERMANENT EASEMENT FOR SLOPE & P.U.E.
-  PERMANENT EASEMENT FOR DRAINAGE FACILITIES

SCALE: 1"=40'

Property Vested in:
Otto Lane LLC

Fee, Permanent Easement Slope, PUE,
Drainage Facilities
5TH STREET TO KINSMAN EXTENSION
3 IW 23BD 00104

Otak
808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671LS
RENEWS: 12/31/18

EXHIBIT A

808 sw third avenue, suite 300
 portland, oregon 97204
 503.287-6825 • fax 503.415-2304
 www.otak.com

LEGAL DESCRIPTION

**TEMPORARY EASEMENT FOR CONSTRUCTION
 5th STREET TO KINSMAN EXTENSION
 3 1W 23BD 00104**

Real property situated in the City of Wilsonville, Clackamas County, Oregon; said property being a Tract of land lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Statutory Bargain and Sale Deed to Robert Hartford, recorded August 24, 2005 as Recorder's Fee No. 2005-081614, Film Records of Clackamas County; said Tract being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of SW 5th Street, which center line is described as follows:

Beginning at SW 5th Street Engineer's center line Station 21+50.00, said station being 380.37 feet West and 717.02 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence South 47° 34' 14" East 68.03 feet; thence on a 475.00 foot radius curve left (the long chord of which bears South 66° 42' 08" East 311.35 feet) 317.22 feet; thence South 85° 50' 02" East 233.06 feet; thence on a 480.00 foot radius curve right (the long chord of which bears South 60° 20' 55" East 413.07 feet) 427.01 feet to a point of reverse curvature; thence on a 475.00 foot radius curve left (the long chord of which bears South 61° 40' 18" East 428.46 feet) 444.50 feet to SW 5th Street Engineer's center line Station 36+39.82, said station being equal to record 5th Street center line Station 15+21.87, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line South 88° 28' 48" East 75.72 feet; thence leaving said record center line on a 475.00 foot radius curve right (the long chord of which bears South 84° 00' 23" East 74.10 feet) 74.18 feet to SW 5th Street Engineer's center line Station 37+89.72, said station being equal to said record 5th Street center line Station 13+71.82; thence along said record center line South 79° 31' 58" East 371.82 feet to SW 5th Street Engineer's center line Station 41+61.54, said station being equal to said record 5th Street center line Station 10+00.00.

Property Vested in:

Otto Lane 104 LLC
 3 1W 23BD 00104

EXHIBIT A

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southerly Side of Center Line
36+18.00		36+85.00	75.00 in a straight line to 71.00
36+85.00		37+48.00	71.00 in a straight line to 59.00
37+48.00		38+09.00	59.00 in a straight line to 60.00
38+09.00		38+56.00	60.00 in a straight line to 117.00
38+56.00		38+83.00	117.00 in a straight line to 113.00
38+83.00		39+00.00	53.00

EXCEPT therefrom those Fee and Permanent Easement parcels concurrently acquired for this project.

Bearings are based on the Oregon Coordinate System of 1983 (2011 adjustment), North Zone.

The above described Tract of land contains 3,904 square feet, more or less.

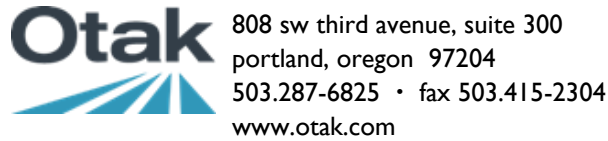


Property Vested in:
Otto Lane 104 LLC
3 1W 23BD 00104

EXHIBIT A

Property T

Page 1 of 6

**LEGAL DESCRIPTION**

PARCEL 1 - FEE
5th STREET TO KINSMAN EXTENSION
3 1W 23BD 00200

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Statutory Warranty Deed to Meadows 148, LLC, recorded March 20, 2017 as Recorder's Fee No. 2017-018340, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the center line of SW 5th Street, which center line is described as follows:

Beginning at SW 5th Street Engineer's center line Station 21+50.00, said station being 380.37 feet West and 717.02 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence South 47° 34' 14" East 68.03 feet; thence on a 475.00 foot radius curve left (the long chord of which bears South 66° 42' 08" East 311.35 feet) 317.22 feet; thence South 85° 50' 02" East 233.06 feet; thence on a 480.00 foot radius curve right (the long chord of which bears South 60° 20' 55" East 413.07 feet) 427.01 feet to a point of reverse curvature; thence on a 475.00 foot radius curve left (the long chord of which bears South 61° 40' 18" East 428.46 feet) 444.50 feet to SW 5th Street Engineer's center line Station 36+39.82, said station being equal to record 5th Street center line Station 15+21.87, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line South 88° 28' 48" East 75.72 feet; thence leaving said record center line on a 475.00 foot radius curve right (the long chord of which bears South 84° 00' 23" East 74.10 feet) 74.18 feet to SW 5th Street Engineer's center line Station 37+89.72, said station being equal to said record 5th Street center line Station 13+71.82; thence along said record center line South 79° 31' 58" East 371.82 feet to SW 5th Street Engineer's center line Station 41+61.54, said station being equal to said record 5th Street center line Station 10+00.00.

Property Vested in:

Meadows 148, LLC
3 1W 23BD 00200

EXHIBIT A

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
34+50.00		35+76.12	29.50
35+76.12		36+39.82	29.50 in a straight line to 33.50
36+39.82		37+60.00	33.50

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 1,338 square feet, more or less.

Property Vested in:
Meadows 148, LLC
3 1W 23BD 00200

EXHIBIT A**LEGAL DESCRIPTION**

**PARCEL 2 – PERMANENT EASEMENT FOR SLOPES
5th STREET TO KINSMAN EXTENSION
3 1W 23BD 00200**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Statutory Warranty Deed to Meadows 148, LLC, recorded March 20, 2017 as Recorder's Fee No. 2017-018340, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the center line of SW 5th Street, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
34+50.00		35+75.54	37.50
35+75.54		36+39.82	37.50 in a straight line to 41.50
36+39.82		36+78.00	41.50 in a straight line to 43.00
36+78.00		37+32.00	43.00 in a straight line to 67.00
37+32.00		37+54.00	67.00 in a straight line to 51.00

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 2,893 square feet, more or less.

Property Vested in:

Meadows 148, LLC
3 1W 23BD 00200

EXHIBIT A**LEGAL DESCRIPTION**

**PARCEL 3 – PERMANENT EASEMENT FOR UTILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23BD 00200**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Statutory Warranty Deed to Meadows 148, LLC, recorded March 20, 2017 as Recorder's Fee No. 2017-018340, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the center line of SW 5th Street, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
34+50.00		35+75.54	37.50
35+75.54		36+39.82	37.50 in a straight line to 41.50
36+39.82		37+54.00	41.50

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 1,919 square feet, more or less. This parcel lies entirely within Parcel 2.

Property Vested in:

Meadows 148, LLC
3 1W 23BD 00200

EXHIBIT A

LEGAL DESCRIPTION

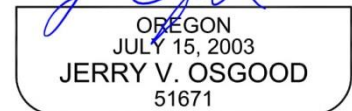
PARCEL 4 – PERMANENT EASEMENT FOR DRAINAGE FACILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23BD 00200

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Statutory Warranty Deed to Meadows 148, LLC, recorded March 20, 2017 as Recorder's Fee No. 2017-018340, Film Records of Clackamas County; said parcel being that portion of said property 15.00 feet in width, lying 7.50 feet on each side of the following described line:

Beginning at a point opposite and 17.02 feet Northerly of Engineer's Station 37+15.54 on the center line of SW 5th Street, which center line is described in Parcel 1; thence North 16° 24' 11" East 49.35 feet to a point opposite and 64.86 feet Northerly of Engineer's Station 37+26.70 on said center line.

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 485 square feet, more or less. 458 square feet of this parcel lies within Parcel 2.



RENEWAL 12/31/18

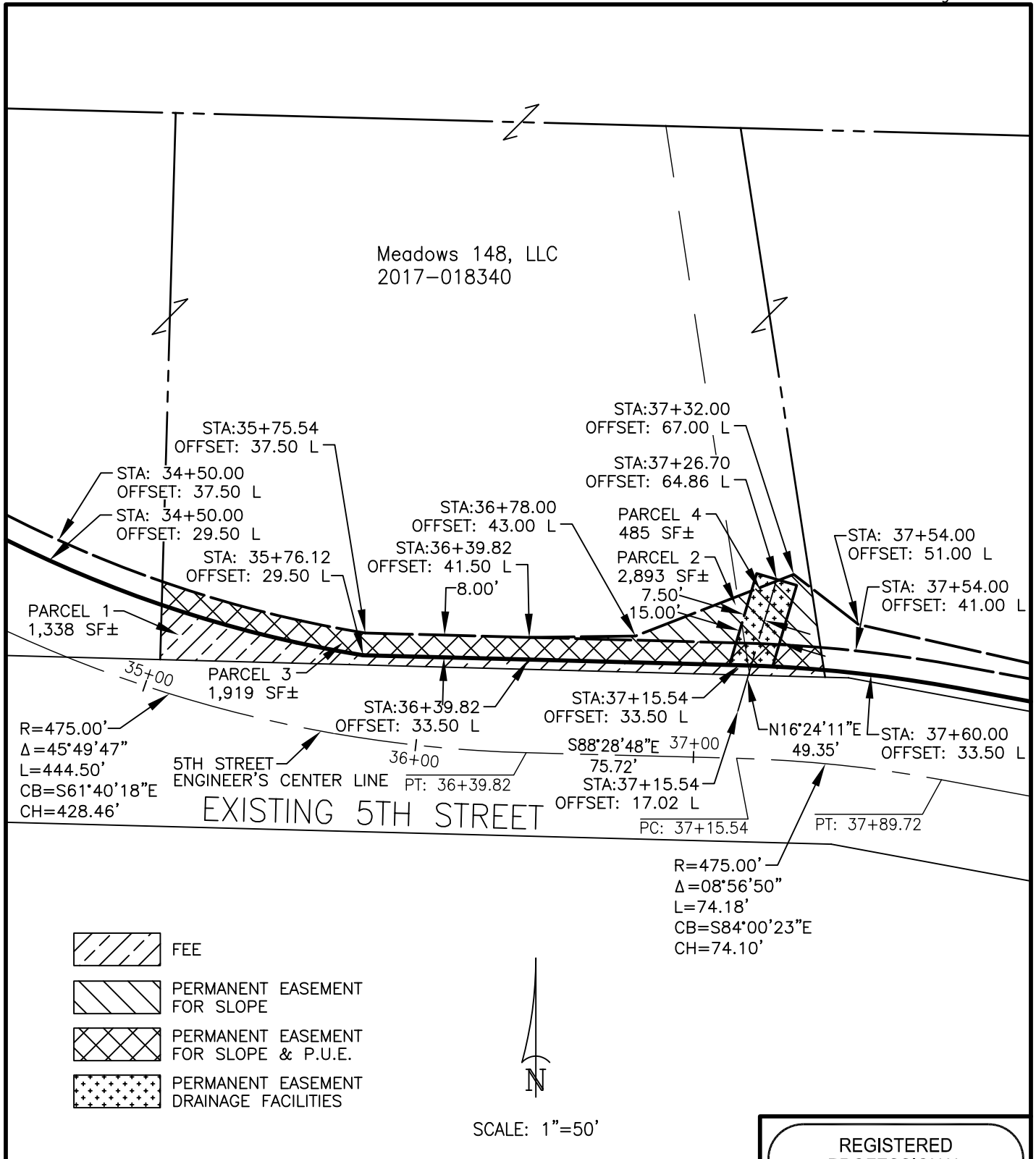
Property Vested in:

Meadows 148, LLC
3 1W 23BD 00200

EXHIBIT B

Page 246 of 667

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Property Vested in:
Meadows 148, LLC

Fee, Permanent Easement Slope, PUE,
Drainage Facilities
5TH STREET TO KINSMAN EXTENSION
3 IW 23BD 00200



808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825
www.otak.com

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671LS

RENEWS: 12/31/18

EXHIBIT A

Property T

Page 1 of 2



808 sw third avenue, suite 300
 portland, oregon 97204
 503.287-6825 • fax 503.415-2304
 www.otak.com

LEGAL DESCRIPTION

**TEMPORARY EASEMENT FOR CONSTRUCTION
 5th STREET TO KINSMAN EXTENSION
 3 1W 23BD 00200**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in that Statutory Warranty Deed to Meadows 148, LLC, recorded March 20, 2017 as Recorder's Fee No. 2017-018340, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northerly side of the center line of SW 5th Street, which center line is described as follows:

Beginning at SW 5th Street Engineer's center line Station 21+50.00, said station being 380.37 feet West and 717.02 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence South 47° 34' 14" East 68.03 feet; thence on a 475.00 foot radius curve left (the long chord of which bears South 66° 42' 08" East 311.35 feet) 317.22 feet; thence South 85° 50' 02" East 233.06 feet; thence on a 480.00 foot radius curve right (the long chord of which bears South 60° 20' 55" East 413.07 feet) 427.01 feet to a point of reverse curvature; thence on a 475.00 foot radius curve left (the long chord of which bears South 61° 40' 18" East 428.46 feet) 444.50 feet to SW 5th Street Engineer's center line Station 36+39.82, said station being equal to record 5th Street center line Station 15+21.87, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line South 88° 28' 48" East 75.72 feet; thence leaving said record center line on a 475.00 foot radius curve right (the long chord of which bears South 84° 00' 23" East 74.10 feet) 74.18 feet to SW 5th Street Engineer's center line Station 37+89.72, said station being equal to said record 5th Street center line Station 13+71.82; thence along said record center line South 79° 31' 58" East 371.82 feet to SW 5th Street Engineer's center line Station 41+61.54, said station being equal to said record 5th Street center line Station 10+00.00.

Property Vested in:

Meadows 148, LLC
 3 1W 23BD 00200

EXHIBIT A

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
35+00.00		35+90.00	37.50 in a straight line to 40.00
35+90.00		36+78.00	40.00 in a straight line to 46.00
36+78.00		37+11.00	46.00 in a straight line to 60.00
37+11.00		37+15.00	60.00 in a straight line to 76.00
37+15.00		37+41.00	76.00 in a straight line to 69.00

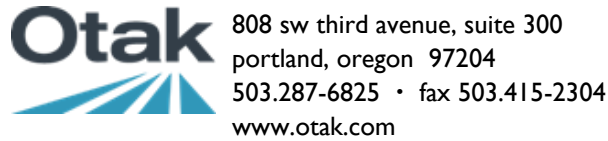
EXCEPT therefrom those Fee and Permanent Easement parcels concurrently acquired for this project.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 782 square feet, more or less.



Property Vested in:
Meadows 148, LLC
3 1W 23BD 00200

EXHIBIT A**LEGAL DESCRIPTION****PARCEL 1 - FEE****5th STREET TO KINSMAN EXTENSION****3 1W 23BD 00300**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel II and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 29.50 feet in width, lying on the Northeasterly side of the center line of SW 5th Street, which center line is described as follows:

Beginning at SW 5th Street Engineer's center line Station 21+50.00, said station being 380.37 feet West and 717.02 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence South 47° 34' 14" East 68.03 feet; thence on a 475.00 foot radius curve left (the long chord of which bears South 66° 42' 08" East 311.35 feet) 317.22 feet; thence South 85° 50' 02" East 233.06 feet; thence on a 480.00 foot radius curve right (the long chord of which bears South 60° 20' 55" East 413.07 feet) 427.01 feet to a point of reverse curvature; thence on a 475.00 foot radius curve left (the long chord of which bears South 61° 40' 18" East 428.46 feet) 444.50 feet to SW 5th Street Engineer's center line Station 36+39.82, said station being equal to record 5th Street center line Station 15+21.87, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line South 88° 28' 48" East 75.72 feet; thence leaving said record center line on a 475.00 foot radius curve right (the long chord of which bears South 84° 00' 23" East 74.10 feet) 74.18 feet to SW 5th Street Engineer's center line Station 37+89.72, said station being equal to said record 5th Street center line Station 13+71.82; thence along said record center line South 79° 31' 58" East 371.82 feet to SW 5th Street Engineer's center line Station 41+61.54, said station being equal to said record 5th Street center line Station 10+00.00.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 9,477 square feet, more or less.

Property Vested in:

Meadows 148, LLC
 3 1W 23BD 00300

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 2 - FEE

5th STREET TO KINSMAN EXTENSION

3 1W 23BD 00300

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel II and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property lying between the center line of SW 5th Street, which center line is described in Parcel 1, and the following described line;

Beginning at a point opposite and 43.50 feet Southerly of Engineer's Station 25+35.24 on the center line of SW 5th Street, which center line is described in Parcel 1; thence South 85° 50' 02" East 82.28 feet; thence on a 91.50 foot radius curve right (the long chord of which bears South 69° 45' 33" East 50.67 feet) 51.34 feet to a point of reverse curvature; thence on a 168.50 foot radius curve left (the long chord of which bears South 81° 37' 28" East 157.90 feet) 164.34 feet to a point of reverse curvature; thence on a 151.50 foot radius curve right (the long chord of which bears South 82° 33' 56" East 137.55 feet) 142.78 feet; thence South 55° 34' 00" East 89.41 feet; thence on a 151.50 foot radius curve right (the long chord of which bears South 30° 19' 50" East 129.18 feet) 133.46 feet to a point of reverse curvature; thence on a 108.50 foot radius curve left (the long chord of which bears South 46° 30' 47" East 143.56 feet) 156.87 feet to a point of reverse curvature; thence on a 91.50 foot radius curve right (the long chord of which bears South 72° 49' 29" East 47.69 feet) 48.25 feet to a point of reverse curvature; thence on a 512.00 foot radius curve left (the long chord of which bears South 58° 38' 06" East 16.39 feet) 16.39 feet; thence South 85° 07' 08" East 110.04 feet to Engineer's Station 35+00.00 on said center line.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 16,049 square feet, more or less.

Property Vested in:

Meadows 148, LLC

3 1W 23BD 00300

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 3 - FEE

5th STREET TO KINSMAN EXTENSION

3 1W 23BD 00300

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel II and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property lying Southwesterly of and adjoining Parcel 2.

The above described parcel of land contains 13,143 square feet, more or less.

Property Vested in:

Meadows 148, LLC

3 1W 23BD 00300

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 4 – PERMANENT EASEMENT FOR SLOPES AND PUBLIC UTILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23BD 00300

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel II and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 37.50 feet in width, lying on the Northeasterly side of the center line of SW 5th Street, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 2,366 square feet, more or less.

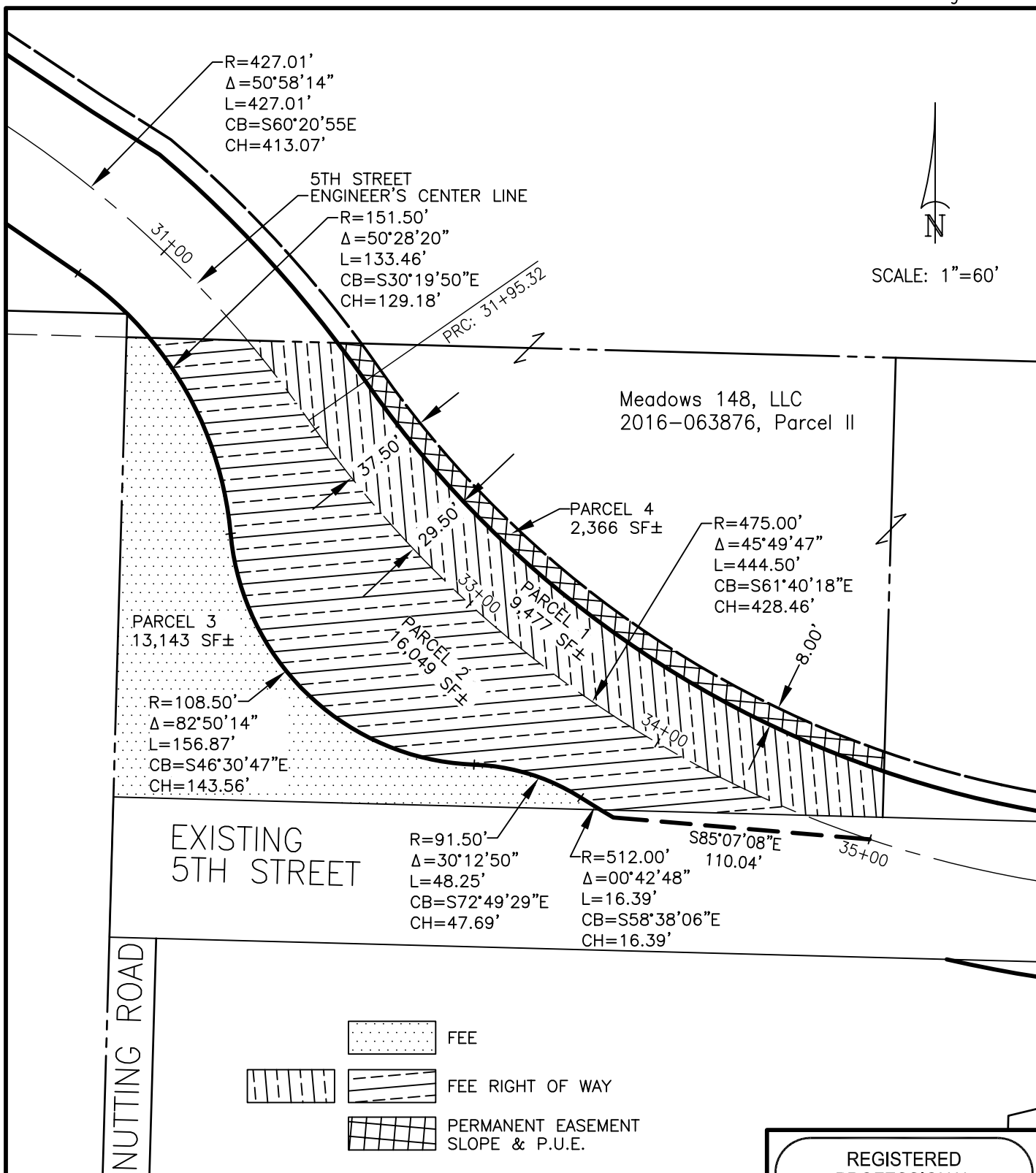


Property Vested in:
Meadows 148, LLC
3 1W 23BD 00300

EXHIBIT B

Page 2 of 5

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Property Vested in:
 Meadows 148, LLC

Fee & Permanent Easement Slope/PUE
 5TH STREET TO KINSMAN EXTENSION
 3 1W 23BD 00300



808 SW 3rd Ave., Ste. 300
 Portland, OR 97204
 Phone: (503) 287-6825
 www.otak.com

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 15, 2003
 JERRY V. OSGOOD
 51671LS
 RENEWS: 12/31/18

EXHIBIT A

Property U

Page 1 of 2



808 sw third avenue, suite 300
 portland, oregon 97204
 503.287-6825 • fax 503.415-2304
 www.otak.com

LEGAL DESCRIPTION

**TEMPORARY EASEMENT FOR CONSTRUCTION
 5th STREET TO KINSMAN EXTENSION
 3 1W 23BD 00300**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel II and described in that Statutory Warranty Deed to Meadows 148, LLC, recorded September 19, 2016 as Recorder's Fee No. 2016-063876, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Northeasterly side of the center line of SW 5th Street, which center line is described as follows:

Beginning at SW 5th Street Engineer's center line Station 21+50.00, said station being 380.37 feet West and 717.02 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence South 47° 34' 14" East 68.03 feet; thence on a 475.00 foot radius curve left (the long chord of which bears South 66° 42' 08" East 311.35 feet) 317.22 feet; thence South 85° 50' 02" East 233.06 feet; thence on a 480.00 foot radius curve right (the long chord of which bears South 60° 20' 55" East 413.07 feet) 427.01 feet to a point of reverse curvature; thence on a 475.00 foot radius curve left (the long chord of which bears South 61° 40' 18" East 428.46 feet) 444.50 feet to SW 5th Street Engineer's center line Station 36+39.82, said station being equal to record 5th Street center line Station 15+21.87, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line South 88° 28' 48" East 75.72 feet; thence leaving said record center line on a 475.00 foot radius curve right (the long chord of which bears South 84° 00' 23" East 74.10 feet) 74.18 feet to SW 5th Street Engineer's center line Station 37+89.72, said station being equal to said record 5th Street center line Station 13+71.82; thence along said record center line South 79° 31' 58" East 371.82 feet to SW 5th Street Engineer's center line Station 41+61.54, said station being equal to said record 5th Street center line Station 10+00.00.

Property Vested in:

Meadows 148, LLC
 3 1W 23BD 00300

EXHIBIT A

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Northeasterly Side of Center Line
33+92.00		33+95.00	37.50 in a straight line to 74.00
33+95.00		34+28.00	74.00
34+28.00		34+35.00	74.00 in a straight line to 37.50

EXCEPT therefrom those Fee and Permanent Easement parcels concurrently acquired for this project.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 1,236 square feet, more or less.

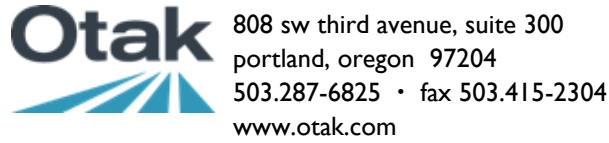


Property Vested in:
 Meadows 148, LLC
 3 1W 23BD 00300

EXHIBIT A

Property V

Page 1 of 2



LEGAL DESCRIPTION
PERMANENT EASEMENT FOR SLOPES
5th STREET TO KINSMAN EXTENSION
3 1W 23BD 00400

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in Exhibit C of that Lot Line Adjustment Deed to Thomas L. Bernert, Trustee, Thomas L. Bernert Revocable Trust dated May 27, 2003, recorded March 14, 2017 as Recorder's Fee No. 2017-016885, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 61.00 feet in width, lying on the Southwesterly side of the center line of SW 5th Street, which center line is described as follows:

Beginning at SW 5th Street Engineer's center line Station 21+50.00, said station being 380.37 feet West and 717.02 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence South 47° 34' 14" East 68.03 feet; thence on a 475.00 foot radius curve left (the long chord of which bears South 66° 42' 08" East 311.35 feet) 317.22 feet; thence South 85° 50' 02" East 233.06 feet; thence on a 480.00 foot radius curve right (the long chord of which bears South 60° 20' 55" East 413.07 feet) 427.01 feet to a point of reverse curvature; thence on a 475.00 foot radius curve left (the long chord of which bears South 61° 40' 18" East 428.46 feet) 444.50 feet to SW 5th Street Engineer's center line Station 36+39.82, said station being equal to record 5th Street center line Station 15+21.87, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line South 88° 28' 48" East 75.72 feet; thence leaving said record center line on a 475.00 foot radius curve right (the long chord of which bears South 84° 00' 23" East 74.10 feet) 74.18 feet to SW 5th Street Engineer's center line Station 37+89.72, said station being equal to said record 5th Street center line Station 13+71.82; thence along said record center line South 79° 31' 58" East 371.82 feet to SW 5th Street Engineer's center line Station 41+61.54, said station being equal to said record 5th Street center line Station 10+00.00.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 976 square feet, more or less.

Property Vested in:

Thomas L. Bernert, Trustee
 Thomas L. Bernert Revocable Trust date May 27, 2003
 3 1W 23BD 00400

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

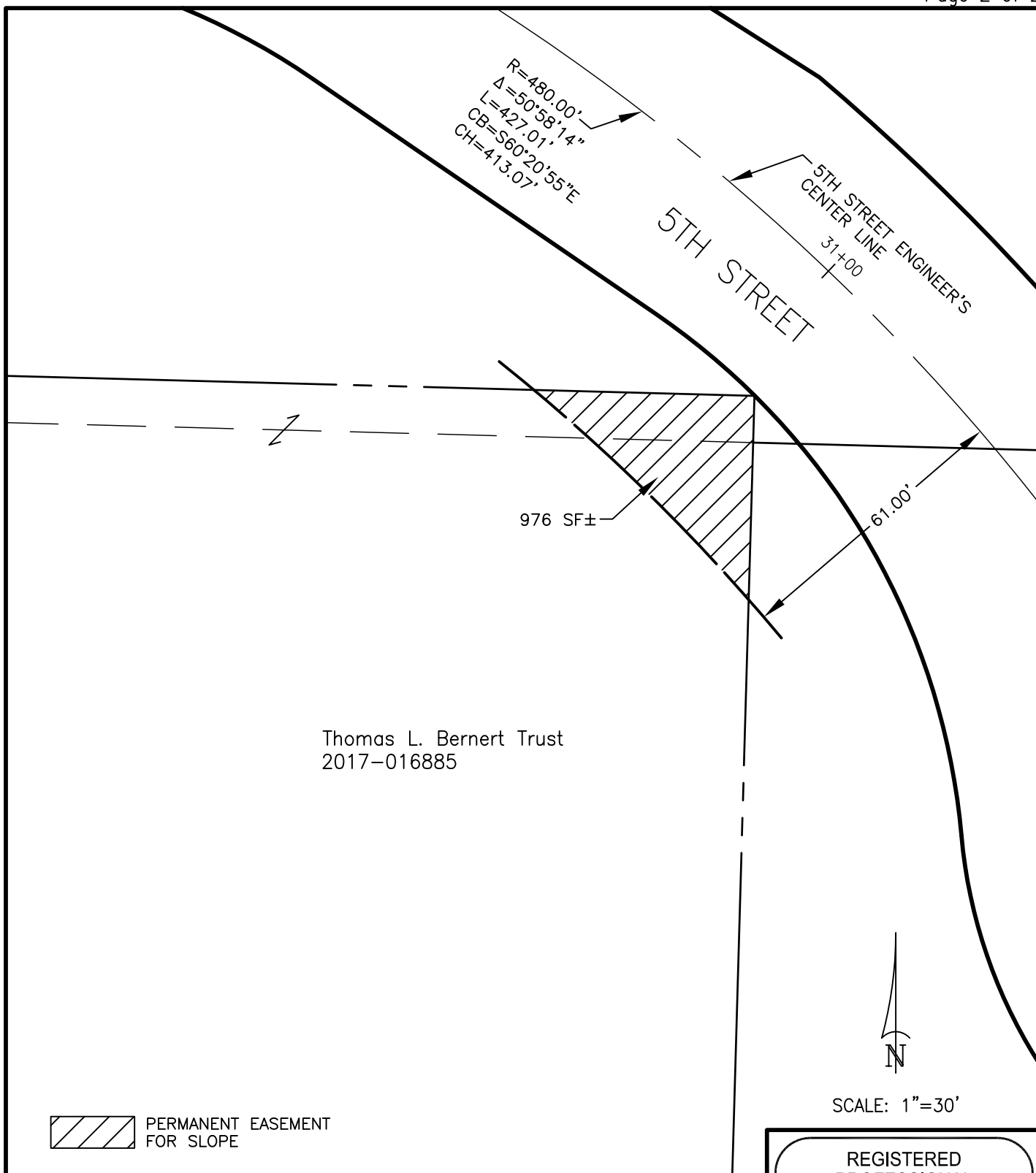
OREGON
 JULY 15, 2003
 JERRY V. OSGOOD
 51671

RENEWAL 12/31/18

EXHIBIT B

Page 2 of 2

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Thomas L. Bernert Trust
2017-016885

SCALE: 1"=30'



PERMANENT EASEMENT
FOR SLOPE

Property Vested in:

Permanent Easement - Slopes
5TH STREET TO KINSMAN EXTENSION

3 1W 23BD 00400

Thomas L. Bernert, Trustee
Thomas L. Bernert Revocable
Trust Dated May 27, 2003



808 SW 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6825

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671LS

RENEWS: 12/31/18

EXHIBIT A

Property V

Page 1 of 2



808 sw third avenue, suite 300
 portland, oregon 97204
 503.287-6825 · fax 503.415-2304
 www.otak.com

LEGAL DESCRIPTION**TEMPORARY EASEMENT FOR ACCESS AND CONSTRUCTION****5th STREET TO KINSMAN EXTENSION****3 1W 23BD 00400**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property described in Exhibit C of that Lot Line Adjustment Deed to Thomas L. Bernert, Trustee, Thomas L. Bernert Revocable Trust dated May 27, 2003, recorded March 14, 2017 as Recorder's Fee No. 2017-016885, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Southwesterly side of the center line of SW 5th Street, which center line is described as follows:

Beginning at SW 5th Street Engineer's center line Station 21+50.00, said station being 380.37 feet West and 717.02 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence South 47° 34' 14" East 68.03 feet; thence on a 475.00 foot radius curve left (the long chord of which bears South 66° 42' 08" East 311.35 feet) 317.22 feet; thence South 85° 50' 02" East 233.06 feet; thence on a 480.00 foot radius curve right (the long chord of which bears South 60° 20' 55" East 413.07 feet) 427.01 feet to a point of reverse curvature; thence on a 475.00 foot radius curve left (the long chord of which bears South 61° 40' 18" East 428.46 feet) 444.50 feet to SW 5th Street Engineer's center line Station 36+39.82, said station being equal to record 5th Street center line Station 15+21.87, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line South 88° 28' 48" East 75.72 feet; thence leaving said record center line on a 475.00 foot radius curve right (the long chord of which bears South 84° 00' 23" East 74.10 feet) 74.18 feet to SW 5th Street Engineer's center line Station 37+89.72, said station being equal to said record 5th Street center line Station 13+71.82; thence along said record center line South 79° 31' 58" East 371.82 feet to SW 5th Street Engineer's center line Station 41+61.54, said station being equal to said record 5th Street center line Station 10+00.00.

Property Vested in:

Thomas L. Bernert, Trustee

Thomas L. Bernert Revocable Trust date May 27, 2003

3 1W 23BD 00400

EXHIBIT A

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southwesterly Side of Center Line
30+44.00		30+59.00	75.00 in a straight line to 91.00
30+59.00		30+72.00	91.00 in a straight line to 83.00
30+72.00		31+16.00	83.00 in a straight line to 77.00
31+16.00		31+35.00	77.00 in a straight line to 85.00
31+35.00		32+39.00	85.00 in a straight line to 176.00
32+39.00		32+56.00	176.00 in a straight line to 191.00
32+56.00		32+88.00	191.00 in a straight line to 207.00

EXCEPT therefrom that Permanent Easement parcel concurrently acquired for this project.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 5,854 square feet, more or less.

**Property Vested in:**

Thomas L. Bernert, Trustee

Thomas L. Bernert Revocable Trust date May 27, 2003

3 1W 23BD 00400

EXHIBIT A

808 sw third avenue, suite 300
 portland, oregon 97204
 503.287-6825 • fax 503.415-2304
 www.otak.com

LEGAL DESCRIPTION

PARCEL 1 - FEE

5th STREET TO KINSMAN EXTENSION

3 1W 23BD 00600

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel II and described in that Deed of Personal Representative to Sherilynn J. Young, et al., recorded March 20, 2017 as Recorder's Fee No. 2017-018676, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 40.50 feet in width, lying on the Southerly side of the center line of SW 5th Street, which center line is described as follows:

Beginning at SW 5th Street Engineer's center line Station 21+50.00, said station being 380.37 feet West and 717.02 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence South 47° 34' 14" East 68.03 feet; thence on a 475.00 foot radius curve left (the long chord of which bears South 66° 42' 08" East 311.35 feet) 317.22 feet; thence South 85° 50' 02" East 233.06 feet; thence on a 480.00 foot radius curve right (the long chord of which bears South 60° 20' 55" East 413.07 feet) 427.01 feet to a point of reverse curvature; thence on a 475.00 foot radius curve left (the long chord of which bears South 61° 40' 18" East 428.46 feet) 444.50 feet to SW 5th Street Engineer's center line Station 36+39.82, said station being equal to record 5th Street center line Station 15+21.87, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line South 88° 28' 48" East 75.72 feet; thence leaving said record center line on a 475.00 foot radius curve right (the long chord of which bears South 84° 00' 23" East 74.10 feet) 74.18 feet to SW 5th Street Engineer's center line Station 37+89.72, said station being equal to said record 5th Street center line Station 13+71.82; thence along said record center line South 79° 31' 58" East 371.82 feet to SW 5th Street Engineer's center line Station 41+61.54, said station being equal to said record 5th Street center line Station 10+00.00.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 1,482 square feet, more or less.

Property Vested in:

Sherilynn J. Young, et al.
 3 1W 23BD 00600

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 2 - PERMANENT EASEMENT FOR SLOPES
 5th STREET TO KINSMAN EXTENSION
 3 1W 23BD 00600

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel II and described in that Deed of Personal Representative to Sherilynn J. Young, et al., recorded March 20, 2017 as Recorder's Fee No. 2017-018676, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of SW 5th Street, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southerly Side of Center Line
35+00.00		35+69.00	48.50
35+69.00		35+94.00	48.50 in a straight line to 51.00
35+94.00		36+18.00	51.00 in a straight line to 71.00
36+18.00		36+85.00	71.00 in a straight line to 67.00
36+85.00		37+48.00	67.00 in a straight line to 55.00

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 3,018 square feet , more or less.

Property Vested in:

Sherilynn J. Young, et al.
 3 1W 23BD 00600

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 3 - PERMANENT EASEMENT FOR PUBLIC UTILITIES
5th STREET TO KINSMAN EXTENSION
3 1W 23BD 00600

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel II and described in that Deed of Personal Representative to Sherilynn J. Young, et al., recorded March 20, 2017 as Recorder's Fee No. 2017-018676, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land 48.50 feet in width, lying on the Southerly side of the center line of SW 5th Street, which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 1,444 square feet, more or less. This parcel lies entirely within Parcel 2.

Property Vested in:

Sherilynn J. Young, et al.

3 1W 23BD 00600

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 4 - PERMANENT EASEMENT FOR DRAINAGE FACILITIES
 5th STREET TO KINSMAN EXTENSION
 3 1W 23BD 00600

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel II and described in that Deed of Personal Representative to Sherilynn J. Young, et al., recorded March 20, 2017 as Recorder's Fee No. 2017-018676, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of SW 5th Street, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southerly Side of Center Line
36+60.00		37+05.00	40.50 in a straight line to 51.70
37+05.00		37+08.00	51.70 in a straight line to 40.50

EXCEPT therefrom Parcel 1.

The above described parcel of land contains 173 square feet, more or less. This parcel lies entirely within Parcel 2.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

J. Osgood
 OREGON
 JULY 15, 2003
 JERRY V. OSGOOD
 51671

RENEWAL 12/31/18

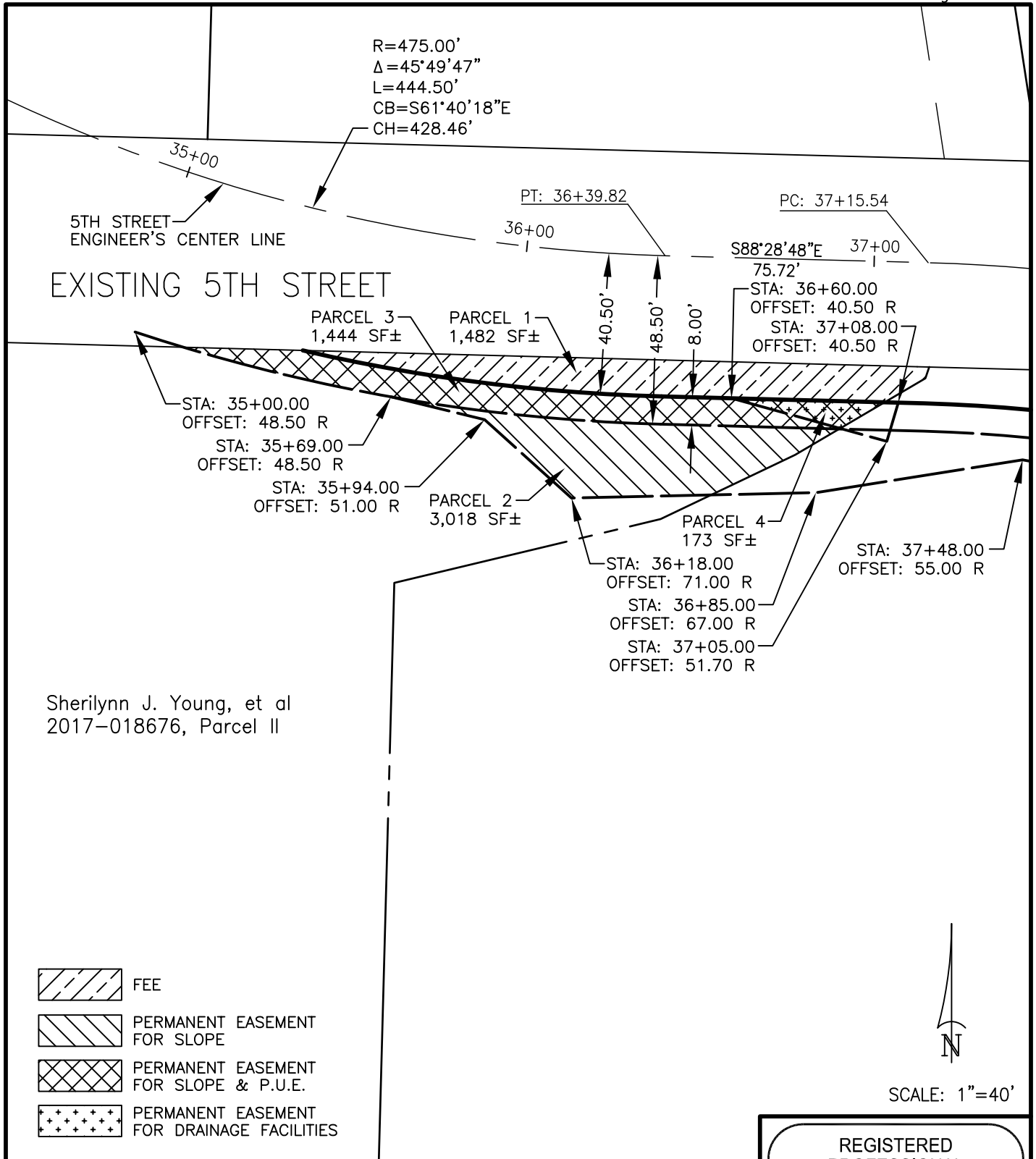
Property Vested in:

Sherilynn J. Young, et al.
 3 1W 23BD 00600

EXHIBIT B

Page 2 of 5

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



Sherilynn J. Young, et al
 2017-018676, Parcel II

- FEE
- PERMANENT EASEMENT FOR SLOPE
- PERMANENT EASEMENT FOR SLOPE & P.U.E.
- PERMANENT EASEMENT FOR DRAINAGE FACILITIES



SCALE: 1"=40'

Property Vested in:

Sherilynn J. Young, et al.

Fee, Permanent Easement Slope, PUE,
 Drainage Facilities
 5TH STREET TO KINSMAN EXTENSION

3 1W 23BD 00600



808 SW 3rd Ave., Ste. 300
 Portland, OR 97204
 Phone: (503) 287-6825

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 15, 2003
 JERRY V. OSGOOD
 51671LS

RENEWS: 12/31/18

EXHIBIT A

Property W

Page 1 of 2



808 sw third avenue, suite 300
 portland, oregon 97204
 503.287-6825 • fax 503.415-2304
 www.otak.com

LEGAL DESCRIPTION

**TEMPORARY EASEMENT FOR CONSTRUCTION
 5th STREET TO KINSMAN EXTENSION
 3 1W 23BD 00600**

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Thomas Bailey Donation Land Claim No. 45, Township 3 South, Range 1 West, W.M., and being a portion of that property designated as Parcel II and described in that Deed of Personal Representative to Sherilynn J. Young, et al., recorded March 20, 2017 as Recorder's Fee No. 2017-018676, Film Records of Clackamas County; said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of SW 5th Street, which center line is described as follows:

Beginning at SW 5th Street Engineer's center line Station 21+50.00, said station being 380.37 feet West and 717.02 feet South of the Northwest corner of the Thomas Bailey D.L.C. No. 45, Township 3 South, Range 1 West, W.M.; thence South 47° 34' 14" East 68.03 feet; thence on a 475.00 foot radius curve left (the long chord of which bears South 66° 42' 08" East 311.35 feet) 317.22 feet; thence South 85° 50' 02" East 233.06 feet; thence on a 480.00 foot radius curve right (the long chord of which bears South 60° 20' 55" East 413.07 feet) 427.01 feet to a point of reverse curvature; thence on a 475.00 foot radius curve left (the long chord of which bears South 61° 40' 18" East 428.46 feet) 444.50 feet to SW 5th Street Engineer's center line Station 36+39.82, said station being equal to record 5th Street center line Station 15+21.87, said record center line shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon; thence along said record center line South 88° 28' 48" East 75.72 feet; thence leaving said record center line on a 475.00 foot radius curve right (the long chord of which bears South 84° 00' 23" East 74.10 feet) 74.18 feet to SW 5th Street Engineer's center line Station 37+89.72, said station being equal to said record 5th Street center line Station 13+71.82; thence along said record center line South 79° 31' 58" East 371.82 feet to SW 5th Street Engineer's center line Station 41+61.54, said station being equal to said record 5th Street center line Station 10+00.00.

Property Vested in:

Sherilynn J. Young, et al.
 3 1W 23BD 00600

EXHIBIT A

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southerly Side of Center Line
35+44.00		35+94.00	48.50 in a straight line to 56.00
35+94.00		36+18.00	56.00 in a straight line to 75.00
36+18.00		36+85.00	75.00 in a straight line to 71.00
36+85.00		37+48.00	71.00 in a straight line to 59.00

Bearings are based on the Oregon Coordinate System of 1983 (2011 adjustment), North Zone.

The above described parcel of land contains 414 square feet, more or less.



Property Vested in:

Sherilynn J. Young, et al.

3 1W 23BD 00600

EXHIBIT A



808 sw third avenue, suite 300
portland, oregon 97204
503.287-6825 • fax 503.415-2304
www.otak.com

LEGAL DESCRIPTION

PERMANENT EASEMENT FOR STREET RIGHT OF WAY

5th STREET TO KINSMAN EXTENSION

3 1W 23BD - PORTLAND & WESTERN RAILROAD COMPANY

A parcel of land in the City of Wilsonville, Clackamas County, Oregon, lying in the Southeast Quarter of the Northwest Quarter Section 23, Township 3 South, Range 1 West, W.M., and being a portion of the Genesee and Wyoming Railroad right of way, currently operating as Portland and Western Railroad Company (formerly Burlington Northern and Santa Fe Railway, formerly Oregon Electric Railway), and described in Attachment 1 of that Quitclaim Deed to State of Oregon, by and through the Oregon Department of Transportation, recorded September 15, 1998 as Recorder's Fee No. 98-086279, Film Records of Clackamas County; said parcel being that portion of said right of way lying between lines at right angles to the Portland and Western Railroad center line at Engineer's Stations 1190+00.00 and 1190+78.00, which center line is shown on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon, and described as follows:

Beginning at the Portland and Western Railroad Company Engineer's center line Station 1175+00.00, said station being 2,489.63 feet East and 273.77 feet South of the Northwest corner of Section 23, Township 3 South, Range 1 West, W.M.; thence South 01° 33' 29" West 1,100.78 feet; thence on a spiral curve right (the long chord of which bears South 01° 48' 29" West 100.00 feet) 100.00 feet; thence on a 3,819.72 foot radius curve right (the long chord of which bears South 04° 49' 10" West 334.73 feet) 334.84 feet to engineer's center line Station 1190+35.62, said station being equal to record 5th Street center line Station 12+40.95, said record center line shown on said County Survey No. 2017-241; thence continuing on said 3,819.72 foot radius curve right (the long chord of which bears South 08° 53' 36" West 208.33 feet) 208.35 feet to engineer's center line Station 1192+43.97 Back equals 1192+44.85 Ahead.

Bearings are based on County Survey No. 2017-241, filed October 26, 2017, Clackamas County, Oregon.

The above described parcel of land contains 1,192 square feet, more or less, outside the existing easement.

Property Vested in:

State of Oregon, by and through the
Oregon Department of Transportation
3 1W 23BD - Portland and Western Railroad Company

REGISTERED
PROFESSIONAL
LAND SURVEYOR

J. Osgood
OREGON
JULY 15, 2003
JERRY V. OSGOOD
51671

RENEWAL 12/31/18

Joe Bernert Towing Co., Inc. & Toni Ardeth Bernert Trust 2009-089766

Toni Bernert Trust 2015-047432 3 1W 23B 300

PNWP LLC #5 2012-000097 3 1W 23B 100

PNWP LLC #5 2012-000097 3 1W 23B 101

City of Wilsonville 2001-009218 3 1W 23B 500

Toni Ardeth Bernert, Tr. & David James Bernert, Tr., Toni Ardeth Bernert Trust 2015-047432 3 1W 23B 800

Toni Ardeth Bernert, Tr. & David James Bernert, Tr., Toni Ardeth Bernert Trust Tract B, 2009-068141

3 1W 23B 1300

City of Wilsonville 2001-009819 2005-029466 3 1W 23B 601

Joe Bernert Towing Co., Inc. 87-57703, Tract D 3 1W 23B 1700

City of Wilsonville & Tualatin Valley Water District 2000-048871 3 1W 23B 1800

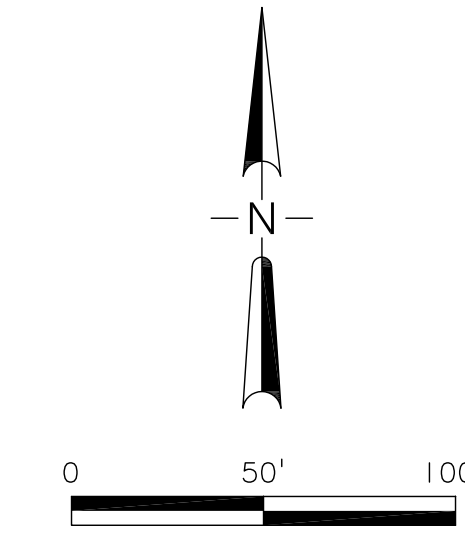
Toni Ardeth Bernert, Tr. & David James Bernert, Tr., Toni Ardeth Bernert Trust Tract B, 2015-047032 3 1W 23B 900

Meadows 148, LLC 2016-063876, Parcel III 3 1W 23B 600

COFFEE LAKE CREEK

5TH STREET TO KINSMAN ROAD EXTENTION PROPERTY AQUISITION 9-11-2018

- FEE EXCESS
- FEE RIGHT OF WAY
- PERMANENT EASEMENT
- TEMPORARY EASEMENT



KJD Properties, LLC 2011-010492 3 1W 23B 2000

Thomas L. Bernert Trust 2017-016885 3 1W 23BD 400

Meadows 148, LLC 2016-063876, Parcel II 3 1W 23BD 300

Meadows 148, LLC 2017-018340 3 1W 23BD 200

Meadows 148, LLC 2016-063876, Parcel I 3 1W 23BD 101

Joe Bernert Towing Co. Inc., E. Jean Young, et al 85-02518, Parcel II 3 1W 23BD 600

Otto Lane 104, LLC 2017-052906 3 1W 23BD 104

5TH ST.

PORTLAND & WESTERN RAILROAD

BAILEY STREET

3 1W 23AB 1800 (B344, P514) (PS530)

3 1W 23AB 1700

BF2H PROPERTIES LLC 2011-053065 3 1W 23AB 1701

VILLAGE AT OLD TOWN SQUARE, LLC 2011-037064 3 1W 23AB 2900

3 1W 23AB 3000

KWDS LLC 2004-118582 3 1W 23AB 2100

ADD, LLC 2001-000395 3 1W 23AB 1900

Jean R Anderson 2016-034571 3 1W 23AB 2000

Maria Luise Lochmann 92-31322 3 1W 23AC 3400

3 1W 23AC 3802

Carol Bonds Dickey, Tr. Dickey Family Revocable Trust 2017-017178 3 1W 23AC 3800

Paul Missal 85-38280 3 1W 23AC 4000

OTV 1, LLC 2005-129902 3 1W 23BD 102

OTV 2, LLC 2005-129903 3 1W 23BD 103

Darrin/Megan Boothby 2016-034461 3 1W 23AC 4100

Lori Dorman 2011-075352 3 1W 23AC 4200

BOONES FERRY ROAD (MAIN STREET) (M.R. NO. 27)



CITY COUNCIL MEETING STAFF REPORT

<p>Meeting Date: October 15, 2018</p>	<p>Subject: Ordinance No. 825 – 2nd Reading Accessory Dwelling Unit (ADU) Development Code Amendments</p> <p>Staff Member: Daniel Pauly, Senior Planner; Amanda Guile-Hinman, Assistant City Attorney</p> <p>Department: Community Development/Legal</p>	
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>	
<p><input checked="" type="checkbox"/> Motion</p> <p><input type="checkbox"/> Public Hearing Date:</p> <p><input type="checkbox"/> Ordinance 1st Reading Date: October 1, 2018</p> <p><input checked="" type="checkbox"/> Ordinance 2nd Reading Date: October 15, 2018</p> <p><input type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Information or Direction</p> <p><input type="checkbox"/> Information Only</p> <p><input type="checkbox"/> Council Direction</p> <p><input type="checkbox"/> Consent Agenda</p>	<p><input checked="" type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input type="checkbox"/> Not Applicable</p> <p>Comments: At their September 12, 2018 meeting the Planning Commission unanimously recommended approval to the City Council.</p>	
<p>Staff Recommendation: Staff recommends that Council adopt Ordinance No. 825 on second reading.</p>		
<p>Recommended Language for Motion: I move to approve Ordinance No. 825 on second reading.</p>		
<p>Project / Issue Relates To:</p>		
<p><input type="checkbox"/> Council Goals/Priorities</p>	<p><input type="checkbox"/> Adopted Master Plan(s)</p>	<p><input checked="" type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

To adopt code revisions relating to Accessory Dwelling Units (ADUs) to conform with Oregon Senate Bill (SB) 1051 that became law on August 15, 2017 and the resulting statutes that became effective July 1, 2018.

EXECUTIVE SUMMARY:

The purpose of SB 1051 is to create more housing in Oregon by removing barriers to development. Among the new statutes adopted as part of SB 1051 is ORS 197.312, which requires at least one accessory dwelling unit (ADU) be allowed per detached single-family dwelling. City legal and planning staff, as well as consultants provided by Metro, reviewed Wilsonville's Development Code to identify any areas needing adjustments to comply with new state law. The effort identified a number of necessary code amendments. The effort further identified a number of related minor amendments and definitions to help increase functionality and clarity of the code.

The review identified a few necessary amendments including allowing ADUs for detached dwelling units even if they are not on their own lot, making architectural standards clear and objective language, and removing any numerical limits to the number of ADUs in the City or an individual neighborhood.

Staff also identified a number of related minor amendments and definitions necessary to help increase functionality and clarity of the Code. Among these are clarifying regulations on short-term rentals, clarifying square footage limitations and parking requirements for ADUs, and clarifying definitions of different types of dwelling units.

During the July 11, 2018 Planning Commission Public Hearing, Commissioners requested additional information regarding some of the proposed code amendments, particularly regarding lot coverage changes, requirements that new subdivisions allow ADUs in their CC&Rs, and removal of architectural requirements for ADUs. Staff prepared the requested additional information, and made additional code amendments based on the Planning Commission feedback as well as information coming to the surface during additional research. The final draft of the code amendments do not propose to amend the lot coverage standards, do not mandate that CC&Rs allow ADUs, and include clear and objective design related standards for roof pitch and materials.

One implementation measure in the Comprehensive Plan, Implementation Measures 4.1.4.bb., also needs amending to be consistent with the new state statute and the proposed Development Code amendments.

Ordinance No. 825 adopts the necessary Development Code and Comprehensive Plan text amendments for the City to conform to SB 1051. Exhibits A, B, and C document the amendments with the changes tracked for clarification. Exhibit D addresses Compliance Findings. Exhibit E provides the Planning Commission record.

EXPECTED RESULTS:

Adoption of Development Code and Comprehensive Plan text amendments to comply with SB 1051.

TIMELINE:

Council has a public hearing scheduled for the first reading of the Ordinance to adopt the amendments on October 1, 2018 with second reading scheduled October 15, 2018, making the code amendments effective 30 days later.

CURRENT YEAR BUDGET IMPACTS:

The project uses capacity of current City staff and personnel and other non-financial resources provided by Metro and the State of Oregon.

FINANCIAL REVIEW / COMMENT:

Reviewed by: CAR Date: 9/24/2018

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 9/21/2018

COMMUNITY INVOLVEMENT PROCESS:

The City sent broad notice of the public hearing to all residential properties as well as other typical public hearing notice procedures.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

The adoption of the Code amendments will provide clarity and certainty for property owners in Wilsonville desiring to add an ADU on their property, potentially increasing ADU construction, and thus providing needed housing in the community consistent with state law.

ALTERNATIVES:

A number of alternatives exist for the approach to the design standards. The alternative presented is the alternative recommend by the Planning Commission for approval.

ATTACHMENTS:

1. Ordinance No. 825

Ordinance Exhibits:

- A. Exhibit A – Development Code Amendments (changes tracked)
- B. Exhibit B – Old Town Design Standards Book Amendment
- C. Exhibit C – Comprehensive Plan Text Amendments (changes tracked)
- D. Exhibit D – Compliance Findings
- E. Exhibit E – Planning Commission Record

ORDINANCE NO. 825

AN ORDINANCE OF THE CITY OF WILSONVILLE ADOPTING CERTAIN AMENDMENTS TO THE WILSONVILLE DEVELOPMENT CODE AND COMPREHENSIVE PLAN REGARDING ACCESSORY DWELLING UNITS, AS WELL AS OTHER DEVELOPMENT CODE AMENDMENTS, TO PROVIDE CLARITY AND FUNCTIONALITY TO THE CODE RELATED TO ACCESSORY DWELLING UNITS AND OTHER HOUSING.

WHEREAS, the City of Wilsonville currently allows Accessory Dwelling Units for most single-family homes on their own lot; and

WHEREAS, Senate Bill 1051 requires cities in Oregon with populations greater than 2,500 to allow accessory dwelling units for each detached single-family structure whether on its own lot or not, effective July 1, 2018; and

WHEREAS, the City's Development Code includes a numerical limitation on Accessory Dwelling Units in the Canyon Creek Estates subdivision, which is not allowed under Senate Bill 1051; and

WHEREAS, Senate Bill 1051 requires only clear and objective standards apply to Accessory Dwelling Units requiring the City to remove certain subjective standards of having the same architecture of the primary dwelling unit; and

WHEREAS, the City's Comprehensive Plan (Implementation Measure 4.1.4.bb) allows one Accessory Dwelling Unit for single-family homes and requires the architecture to match the primary dwelling, which is not consistent with Senate Bill 1051; and

WHEREAS, the Wilsonville Old Town Single-Family Design Standards Book, attached hereto as **Exhibit C**, is part of Wilsonville's Development Code by reference in Section 4.138 and is also amended by this Ordinance; and

WHEREAS, the City of Wilsonville further has an adopted policy encouraging construction of Accessory Dwelling Units to support housing affordability by providing smaller more affordable dwelling units as well as providing a method for homeowners to gain rental income to make ownership of their property more affordable; and

WHEREAS, review of the City regulations affecting Accessory Dwelling Units and other housing identified opportunities to clarify code language and improve the functionality of the Development Code related to Accessory Dwelling Units and other housing; and

WHEREAS, the Wilsonville City Council held work sessions on July 2 and September 17, 2018 to discuss the proposed code and text updates; and

WHEREAS, following the timely mailing and publication of the required notice, the Planning Commission conducted a public hearing on July 11, 2018, wherein the Commission received public testimony, staff reports and input, and attachments and exhibits, and thereafter began deliberation and continued deliberation to a date certain of September 12, 2018; and

WHEREAS, the City Council, after Public Hearing Notices were provided to impacted residential properties, on August 6, 2018 continued the Public Hearing to a date certain of October 1, 2018 to allow the Planning Commission additional time to make a recommendation; and

WHEREAS, on September 12, 2018 the Planning Commission received additional information requested from City Staff, deliberated, and voted unanimously to approve Resolution No. LP18-0006, as amended, recommending approval to the City Council; and

WHEREAS, **Exhibits A through D** attached to this Ordinance, show the Wilsonville Development Code and Comprehensive Plan text amendments; and

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

WHEREAS, following the Planning Commission public hearing, the Wilsonville Planning Director, forwarded the recommended Development Code and Comprehensive Plan text amendments to the City Council, along with a staff report and attachments, in accordance with the public hearing and notice procedures that are set forth in Sections 4.008, 4.011, 4.012, 4.197, and 4.198 of the Wilsonville Code; and

WHEREAS, the City Council held a Public Hearing on October 1, 2018 to review the proposed Development Code and Comprehensive Plan text amendments, and to gather additional testimony and evidence regarding the proposal; and

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

WHEREAS, the City Council has duly considered the subject, including the staff recommendations and all the exhibits and testimony introduced and offered by all interested parties.

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

ORDINANCE NO. 825

Page 2 of 4

1. FINDINGS.

The above-recited findings are adopted and incorporated by reference herein as findings and conclusions of Resolution No. LP18-0006, which includes the staff report The City Council further finds and concludes that the adoption of the proposed Development Code and Comprehensive Plan text amendments, are necessary for the good of the public of the municipality and compliance with State Law, as described in **Exhibit D.**

2. DETERMINATION.

Based on such findings, the City Council hereby adopts Development Code and Comprehensive Plan text amendments, attached hereto as **Exhibits A through C** The City Recorder is hereby directed to prepare final formatting to make sure such style and conforming changes match the format and style of the Wilsonville Development Code and Comprehensive Plan.

3. EFFECTIVE DATE OF ORDINANCE.

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

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 1st day of October, 2018, and scheduled for second reading on October 15, 2018, commencing at the hour of 7 p.m. at Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Kimberly Veliz, City Recorder

ENACTED by the City Council on the 15th day of October 2018, by the following votes:
Yes: _____ No: _____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor the 15th day of October, 2018.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Stevens

Councilor Lehan

Councilor Akervall

Exhibits:

- A. Exhibit A – Development Code Amendments (changes tracked)
- B. Exhibit B – Old Town Design Standards Book Amendments
- C. Exhibit C – Comprehensive Plan Text Amendments (changes tracked)
- D. Exhibit D – Compliance Findings
- E. Exhibit E – Planning Commission Record

Development Code Amendments (changes tracked)

Section 4.001 Definitions.

In addition to the definitions set forth in Section 4.001, below, for the purpose of this Chapter, the following terms are hereby defined. The word "occupy" includes premises designed or intended to be occupied. The word "shall" is always mandatory. All other words shall have the following respective meanings, unless the context otherwise requires:

1. Abutting: See Adjoining.
2. Access, Vehicular: The designed location of ingress and egress, where vehicles enter or leave property.
3. Access, Pedestrian: The designed location of ingress and egress, where pedestrians enter or leave property.
4. Access Control Restriction: A type of access restriction that involves establishing a reserve area adjacent to and paralleling a half street improvement, or across the end of a street that is to be extended in the future, to ensure proper participation by adjoining properties in completion of the required street improvements. See Street, Half. [Amended by Ord. #719, 6/17/13]
5. Access Drive: A private travel lane primarily used as a means of approach for vehicles.
6. Accessory Building or Use: A subordinate building or use, the function of which is clearly incidental to that of the main building or use on the same lot. For non-residential uses, An-an accessory use may be located on a lot adjoining that of the main use if approved for this purpose through the Administrative Review procedures of Section 4.030.
7. Accessory Dwelling Unit: A dwelling unit of not more than 800 square feet of habitable floor area accessory, incidental, subordinate to another dwelling unit on the same lot. ~~on the same lot as a single family dwelling, and being of substantially the same exterior design as that single family dwelling, whether attached or detached.~~ [Amended by Ord. 677, 3/1/10]
8. Address Overlay Zone: Distinct areas within the Villebois Village Center where additional information is provided for the definition of architectural character and community elements. [Added by Ord. No. 595, 12/5/05.]
9. Adjacent: See adjoining.
10. Adjoining: Contiguous or abutting exclusive of street width. It shall include the terms adjacent, abutting or contiguous.
11. Agriculture: The use of land larger than one acre for the primary purpose of deriving income from growing plants on land including, but not limited to, land used principally for the production of crops, land used for orchards or production of fruit, but not including land used primarily for another use and incidentally for growing plants, crops, or fruit.
12. Alley: A public or private way which includes a roadway used to provide vehicular ingress and egress to the back or side of properties otherwise abutting on a street, private drive, or shared common area. An alley typically has a width of no more than twenty (20) feet.
22. Area of Shallow Flooding: Means a designated AO or AH Zone on the Flood Insurance

Ordinance No. 825 Exhibit A

Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

23. Area of Special Flood Hazard: Means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This is the area subject to a base flood event. Designation on FIRM maps always includes the letters A or V.
24. Artificial Sky Glow. The brightening of the night sky attributable to human made sources of light. [Added by Ord. 649, 6/2/08]
- ~~25. Attached Family Dwelling Units: A building or structure designed to house two (2) or more families, whether related to each other or not.~~
- ~~26-25.~~ Attached Wireless Communication Facility: A wireless communication facility that is affixed to an existing structure, (e.g., an existing building wall or roof, mechanical equipment, or alternative tower structure. [Added by Ord. #479, 5/19/97]
- ~~27-26.~~ Attachment: An antenna or other piece of related equipment affixed to a transmission tower. [Added by Ord. #479, 5/19/97]
- ~~28. Accessory Dwelling Unit: A dwelling unit of not more than 600 square feet on the same lot as a single family dwelling, and being of substantially the same exterior design as that single family dwelling, whether attached or detached.~~
- ~~29-27.~~ Base Flood: Means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on FIRM maps always includes the letters A or V.
- ~~30-28.~~ Basement: A portion of a building which has less than one-half (1/2) of its height measured from finished floor to finished ceiling above the average elevation of the adjoining grade. For areas located in a Special Flood Hazard Area, the definition of basement is any area of the building having its floor subgrade (below ground level) on all sides.
- ~~31-29.~~ Bed and Breakfast Home or Boarding House: A building or premises used for the provision of lodging and meals, where not more than five (5) rooms are available for rent. Does not including short-term rentals.
- ~~32-30.~~ Bikeway: Bikeway is a general term used to describe any type of transportation facility that is designated for use by bicycles in conformance with City standards. Bikeways may or may not be within a public right-of-way and include the following:
- A. Bike Lane: A bike lane facility is a type of bikeway where a section of the roadway is designated for exclusive bicycle use.
 - B. Recreational Trail: A recreation trail is a type of pedestrian, bicycle, or equestrian facility that is entirely separate from roadways and has unimproved, gravel, or bark dust surface.

Ordinance No. 825 Exhibit A

building is divided into units by means of masonry division walls, each unit shall be considered separately in calculation for height of building.

46. Candela. The unit of luminous intensity of a lighting source emitted in a given direction. [Added by Ord. 649, 6/2/08]
47. Canopy. A roof-like covering over an area, in or under which a lighting fixture is mounted. [Added by Ord. 649, 6/2/08]
48. Category of Use: Type of use. See Mixed Use.
49. Change of Use: Within the Willamette River Greenway means making a different use of the land or water than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of the existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for the purposes of Sections 4.500.
50. Civic: Relating to, or derived from, a city or citizen.
51. Civic Building or Place: A building or place that functions communally, such as religious, cultural, environmental or educational institutions.
52. Clear Vision Area: A standard for sight lines at intersections of streets, railways, and driveways. See section 4.125.09, Street Improvement Standards.
53. Cluster Housing: ~~A type of Small lot~~-detached-~~single-family dwellings~~dwelling unit development arranged in groups, with a courtyard(s) containing shared green space and a public access sidewalk easement.
54. Commercial: Development having to do with retail, service, commercial recreation, and/or office uses.
55. Common Residential Areas.
 - Areas shared in common by residents of buildings with three or more dwelling units, (i.e. common open space, play areas, trash receptacle areas, “common property” under a subdivision or partition declaration); and
 - Three or more open off-street stripped parking spaces, either abutting or within 10 feet of each other and not separated by a wall or other physical barrier between the two parking spaces, designated or set aside for use by the three or more dwelling units, regardless of whether the parking space is assigned for exclusive use of each dwelling unit or non-exclusively used by three or more dwelling units, and are either commonly owned or were developed for the purpose of serving the parking needs of “multiple dwellings” or multiple attached single-family dwellings, as defined in the Development Code. [Added by Ord. 649, 6/2/08]

Ordinance No. 825 Exhibit A

85. Duplex: Two attached dwelling units on a single lot, neither of which meets the definition of an accessory dwelling unit.
86. Dwelling: A building, mobile home, or manufactured home, designed for residential occupancy, but not a house trailer or recreational vehicle.
87. Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family, including a kitchen and bathroom, but not a trailer house or other recreational vehicle.
88. Dwelling Unit, Attached: A dwelling unit which (1) shares one or more common or abutting wall, floor, or ceiling with one or more dwelling units and/or (2) has a shared roof structure with or a roof without a spatial gap between one or more dwelling units. The common or abutting walls, floors, ceilings, and roofs includes those of attached garages, storage areas, or other accessory uses. When a dwelling unit is attached only to an accessory dwelling unit and the accessory dwelling unit is not attached to any other dwelling unit, the dwelling unit is not "Attached" under this definition while the accessory dwelling unit is "Attached" under this definition.
89. Dwelling Unit, Detached: A dwelling unit not meeting the definition of attached dwelling unit.
- ~~86.~~
- 87-90. Dwelling Unit, Multiple-Family: Three or more ~~attached~~ dwelling units located on a single ~~tax~~ lot. ~~In the Village zone, such use also includes stacked flats or townhouses. Multiple-family dwelling units may be detached or attached.~~
- 88-91. Dwelling Unit, Single-Family: A dwelling unit designed for occupancy by one family located on its own lot. A single-family dwelling unit may be detached or attached, ~~provided that each such unit is located on its own tax lot. A single-family dwelling may also include an accessory dwelling unit, if approved for that use as specified in this Code.~~
- ~~89.~~ ~~Dwelling Unit~~: ~~A building or portion thereof providing complete housekeeping facilities for one family, including a kitchen and bathroom, but not a trailer house or other recreational vehicle.~~
- 90-92. Encroachment Area: See Section 4.139.00
- 91-93. Equipment Enclosures: A small structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning and emergency generators. [Added by Ord. #479, 5/19/97]
94. Essential Government Services. Services and facilities provided by a governmental unit, that are basis and inherent to the public health and welfare including, but not limited to, fire, police, water, sewer, transportation, emergency communication, and education, and governmental services and facilities in support thereof. [Added by Ord. 545, 8/19/02]
- ~~92.~~
- 93-95. Exempt tree or vegetation: As used in the solar access provisions of this Code, the terms "exempt tree or exempt vegetation" refer to the full height and breadth of vegetation that has been identified by the City as "solar friendly," and any vegetation listed as exempt on a plat, a document recorded with the plat, or a solar access permit.

Ordinance No. 825 Exhibit A

94-96. Existing Manufactured Home Park or Subdivision: A manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations. [Added by Ord. # 647, 4/21/08]

95-97. Exterior Display: The outdoor exhibit of merchandise by a retail merchant.

96-98. Façade: The exterior wall or elevation of a building. [Added by Ord. 649, 6/2/08]

97-99. Family: One or two persons with or without their direct descendants and adopted children (and including domestic employees thereof) together with not more than five

(5) persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five (5) or fewer persons living in such housekeeping unit shall be considered a separate family. For housing developed to implement ORS 426.508 or under the Fair Housing Amendments Act of 1988, family shall mean all persons living in a dwelling unit, regardless of relationship.

113. Garage, private: An accessory building, or portion thereof, or portion of a main building used for the parking or temporary storage of vehicles ~~owned or used by occupants of the main building.~~

114. Glare: Light that causes visual discomfort or disability, and the wattage and/or light distribution is excessive for the purposes for which the illumination is necessary. [Added by Ord. 649, 6/2/08]

115. Grocery Store: A retail business that sells food and household sundries.

116. Grocery Store, Specialty: A retail business that sells specialty food and specialty household sundries.

117. Habitable floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

117-118. Habitable floor area: For the purpose of calculating the area of a dwelling unit, the area of a dwelling unit usable for living purposes, which includes areas for sleeping, eating, cooking, bathing, sanitation, recreation, and similar activities. Storage areas with floor-level interior access from other habitable areas are included in habitable floor area. Storage areas without interior floor-level access from other habitable areas are not included in habitable floor area. A garage is not considered a storage area for the purpose of this definition and is not considered part of the habitable floor area.

118-119. Habitat-Friendly Development: A method of developing property that protects our natural resources as we grow and focuses on land development and site design that mimic natural processes. Examples include clustering development to avoid habitat, minimizing tree removal and root disturbance, managing storm water on-site to help filter rainwater and recharge groundwater sources, and, where feasible, reducing the amount of impervious surface created by development. [Added by Ord. # 674 11/16/09]

119-120. Hardscape: Permanent improvements to a site, including but not limited to, parking lots, driveways, streets, plazas, sidewalks, walkways, bikeways, abutments, stairs, ramps, and architectural features, such as fountains and sculptures. [Added by

Ordinance No. 825 Exhibit A
Ord. 649, 6/2/08]

- ~~120.121.~~ Hearing Body: The City Council, the Development Review Board, or the Planning Commission having the authority to review an application assigned by Section 4.031, Section 4.032, and Section 4.033.
- ~~121.122.~~ Heritage Tree: A tree that, due to age, size, species, quality or historic association, is considered of landmark importance to the community and has been designated as such by the City Council.
- ~~122.123.~~ Home Business: A business operating from a dwelling unit that does not meet the definition of a "Home Occupation" listed below, ~~and for which a conditional use permit has been issued by the City.~~ Short-term rental of a dwelling unit or portion thereof where the operator does not live on the same lot is a home business. A home business requires a conditional use permit.
- ~~123.124.~~ Home Occupation: ~~"Home Occupation" means an~~ An occupation, profession, or craft, which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the premises as a dwelling place is largely incidental to the business use. A home occupation is carried on by an immediate member of the family residing within the dwelling place. A home occupation shall require no structural alteration or changes to the exterior of the dwelling, and shall include no display of merchandise on the premises which can be seen from the exterior of the dwelling. Any instruction shall be limited to one pupil at a time. Noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the use shall not be of the intensity as to be detected outside of the containing structure. Traffic and parking are to be such as to give no outward appearance that a business is being conducted on the premises. Short-term rental of a dwelling unit or portion thereof where the operator of the short-term rental lives on the same lot is a home occupation.
124. Hospital: A building or premises providing in-patient services that is used for human medical or surgical treatment.
125. Hospital, Animal: A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat and veterinary hospitals.
126. Hotel, Motel, or Overnight Lodging Facility: A building which is designed or used to offer six (6) or more rooms for lodging, with or without meals, for compensation, ~~for six (6) or more people.~~
127. House Side Shield. For fully shielded luminaires only, an internal shield designed and installed by the luminaire manufacturer that significantly attenuates candlepower in the back photometric hemisphere at all angles greater than 30 degrees relative to nadir. [Added by Ord. 649, 6/2/08]
128. Human Occupancy: For purposes of Section 4.172(.02)(C.)(4.), any structure usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof, is considered to be for human occupancy. A structure used only for storage purposes is not for "human occupancy." [Added by Ordinance No. 538, 2/21/02.]
129. IESNA. The Illuminating Engineering Society of North America (see www.iesna.com). [Added by Ord. 649, 6/2/08]
130. Impact Area: See Section 4.139.00
131. Impervious Area: An area with minimal infiltration of surface water into the underlying

Ordinance No. 825 Exhibit A

soil and shall include pavement (including but not limited to concrete or asphaltic concrete surfaces), gravel roads, structures, roadways, and roofs.

132. Intensification of Use: Within the Willamette River Greenway means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of land within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities, including accessory dwelling units, adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this Code. Seasonal increases in gravel operations shall not be considered an intensification of use.
133. Kennel: Any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept for boarding, breeding or sales.
134. Landscaping: The term "landscaping" includes trees, grass, shrubs, flowers, water features, and garden areas, and the arrangement of paths, walkways, fountains, patios, decks, fencing, street furniture and ornamental concrete or stonework areas, earth forms such as grading, mounding and contours. The use of pervious materials is

Ordinance No. 825 Exhibit A

273. Short-Term Rental: A dwelling unit or portion thereof subject to a lease term, rental agreement, or similar agreement, either directly or through a professional vacation rental-company or similar, less than monthly, generally daily or weekly. Involves rental to only one party at a time. A dwelling unit with rental of different rooms during the same period to different parties is not considered a short-term rental, but may meet the definition of a bed and breakfast home or boarding house or hotel, motel, or overnight lodging facility.

273-274. Solar access permit: A document issued by the city that describes the maximum height that non-exempt vegetation is allowed to grow on lots to which a solar access permit applies.

274-275. Solar feature: A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window or windows that contain(s) at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature for purposes of this Section.

275-276. Solar gain line: A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot (see Figure 8: Solar Gain Line in Section 4.137).

276-277. Source Separated Recyclables: Recyclable materials designated “principle recyclable materials” by the Oregon Environmental Quality Commission under ORS 495A.025 with the exception of yard debris, as well as other source-separated recyclables that may be designated by local ordinance or regulation. [Amended by Ord. #426– 4/1/94]

277-278. South or South facing: True south, or 20 degrees east of magnetic south.

278-279. Special Flood Hazard Area: Means an area having special flood, mudslide (i.e., mudflow), and/or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, AO, AE, AH, VE, or V. [Amended by Ord. # 647, 4/21/08; Ord. 686, 11/1/10]

279-280. Specific Area Plan (SAP): A plan with a series of detailed components covering one of the five distinct areas of the Villebois Village Master Plan. These plans provide a higher level of analysis and detail than the Villebois Village Master Plan.

280-281. Stacked Flats: Two or more single-level dwelling units, the second arranged above the first, etc.

Ordinance No. 825 Exhibit A

Section 4.113. Standards Applying To Residential Developments In Any Zone.**(.03) Building Setbacks(for Fence Setbacks, see subsection .08)****A. For lots over 10,000 square feet:**

1. Minimum front yard setback: Twenty (20) feet.
2. Minimum side yard setback: Ten (10) feet. In the case of a corner lot less than one hundred (100) feet in width, abutting more than one street or tract with a private drive, the side yard on the street or private drive side of such lot shall be not less than twenty percent (20%) of the width of the lot, but not less than ten (10) feet.
3. In the case of a key lot, the front setback shall equal one-half (1/2) the sum of depth of the required yard on the adjacent corner lot along the street or tract with a private drive upon which the key lot faces and the setback required on the adjacent interior lot.
4. No structure shall be erected within the required setback for any future street shown within the City's adopted Transportation Master Plan or Transportation Systems Plan.
5. Minimum setback to garage door or carport entry: Twenty (20) feet. Except, however, in the case of an alley where garages or carports may be located no less than four (4) feet from the property line adjoining the alley.
6. Minimum rear yard setback: Twenty (20) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot.

B. For lots not exceeding 10,000 square feet:

1. Minimum front yard setback: Fifteen (15) feet, with open porches allowed to extend to within ten (10) feet of the property line.
2. Minimum side yard setback: One story: five (5) feet; Two or more stories: seven (7) feet. In the case of a corner lot, abutting more than one street or tract with a private drive, the side yard on the street side of such lot shall be not less than ten (10) feet.
3. In the case of a key lot, the front setback shall equal one-half (1/2) the sum of depth of the required yard on the adjacent corner lot along the street or tract with a private drive upon which the key lot faces and the setback required on the adjacent interior lot.
4. No structure shall be erected within the required setback for any future street shown within the City's adopted Transportation Master Plan or Transportation Systems Plan.
5. Minimum setback to garage door or carport entry: Twenty (20) feet. Wall above the garage door may project to within fifteen (15) feet of property line, provided that clearance to garage door is maintained. Where access is taken from an alley, garages or carports may be located no less than four (4) feet from the property line adjoining the alley.
6. Minimum rear yard setback: One story: fifteen (15) feet. Two or more stories: Twenty (20) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot.

Ordinance No. 825 Exhibit A

(.11) Accessory Dwelling Units.

A. ~~Accessory Dwelling Units, developed on the same lot as the detached or attached single family dwelling to which it is accessory, shall be permitted outright, subject to the standards and requirements of this Section, are permitted subject to the standards and requirements of this Subsection.~~

B. Standards

1. Number Allowed

a. For detached dwellings units and attached single-family dwelling units: One per dwelling unit.

b. For all other attached dwelling units: None.

2. Maximum Floor Area: per definition in Section 4.001, 800 square feet of habitable floor area. Per Subsection 4.138 (.04) C. 1., in the Old Town Overlay Zone the maximum is 600 square feet of habitable floor area. One Accessory Dwelling Unit per lot shall be no greater than 800 square feet with not more than two bedrooms, unless the size and density of ADUs are otherwise provided in an adopted Neighborhood Plan or Stage II Development Plans. Larger units shall be subject to standards applied to duplex housing.

1-3. Accessory dwellings units shall be on the same lot as the dwelling unit to which they are subordinate.

2-4. Accessory Dwelling Units may be either attached or detached, but are subject to all zone standards for setbacks, height, and lot coverage, unless those requirements are specifically waived through the Planned Development waiver or Variance approval processes.

~~3. This Section applies to residential developments in PD-R, R, RA-H, or Village zones.~~

5. Design Standards:

a. Roof pitch shall be 4:12 to 12:12. No flat roofs allowed.

i. Where the primary dwelling unit has a roof pitch of less than 4:12 the minimum roof pitch does not apply.

b. Roof and siding materials shall match the respective material of one or more of the following: (1) the primary dwelling unit on the same lot, (2) a primary dwelling unit on an immediately adjacent lot, or (3) a primary dwelling unit within the same subdivision.

i. For the purpose of the requirement to match material, fiber cement siding made to appear like wood, stucco, or masonry may be used to match wood, stucco, or masonry respectively.

Ordinance No. 825 Exhibit A

c. Where design standards established for a zone or overlay zone are more restrictive and/or extensive than a. and b. above the more restrictive and/or extensive design standards shall apply. This includes design standards for the Village (V) Zone, the Residential Neighborhood (RN) Zone, and the Old Town Overlay Zone.

~~4.6.~~ Where an Accessory Dwelling Unit is proposed to be added to an existing residence and no discretionary land use approval is being sought (e.g., Planned Development approval, Conditional Use Permit approval, etc.) the application shall require the approval of a Class I Administrative Review permit. Application for duplex construction shall be subject to the density standards of the zone in which it is located, or as otherwise provided in a Neighborhood Plan or Stage II/Final Development Plan.

~~5.7.~~ Authorization to develop Accessory Dwelling Units does not waive Building Code requirements. Increased firewalls or building separation may be required as a means of assuring adequate fire separation from one unit to the next. Applicants are encouraged to contact, and work closely with, the Building Division of the City's Community Development Department to assure that Building Code requirements are adequately addressed.

~~6. The Accessory Dwelling Unit must be of substantially the same exterior design and architecture (i.e. siding, windows, doors and roofing materials) as the primary dwelling unit on the property.~~

~~7. Parking:~~

Each ~~Accessory accessory Dwelling dwelling Unit unit~~ shall have one standard sized parking space on the same lot.

Where an off-street parking space is not available to serve the ~~ADU accessory dwelling unit~~, on-street parking ~~may be considered to satisfy satisfies~~ this requirement if ~~all of the following are present:~~

~~On at least 45 feet of frontage along the lot is available for on-street parking and is not otherwise approved to meet minimum parking standards for another use. -street parking exists along the frontage of the lot, or within 100' of the front lot line of the lot.~~

~~i. No more than 25% of the lots in a block will have ADUs.~~

8. Each ~~Accessory accessory Dwelling dwelling Unit unit~~ shall provide complete, independent permanent facilities for living, sleeping, eating, cooking, bathing and sanitation purposes, and shall have its own separate secure entrance.

~~9. Each Accessory Dwelling Unit must be accessible by street or driveway to fire and emergency vehicles, and for trash pick-up.~~

Ordinance No. 825 Exhibit A

9.10. Accessory dwelling units may be short-term rentals, but the owner/local operator must maintain an active business license with the City of Wilsonville for a short-term rental business and pay all applicable lodging and other taxes.

~~C. Neighborhood Density and Size Standards.~~

~~1. Canyon Creek Estates – up to 12 ADUs as per Resolution No. 95PC16.~~

~~[Section 4.133(11) amended by Ord. 677, 3/1/10]~~

(.12) Reduced Setback Agreements. The following procedure has been created to allow the owners of contiguous residential properties to reduce the building setbacks that would typically be required between those properties, or to allow for neighbors to voluntarily waive the solar access provisions of Section 4.137. Setbacks can be reduced to zero through the procedures outlined in this subsection.

A. Examples

1. First example: the owner of one house is allowed to build to the sideyard property line, with no setback, provided that the owner of the neighboring property agrees and that the agreements of both owners are recorded with the deed records for those properties.

Section 4.120. Zones. RA-H Residential Agricultural - Holding Zone.

(.01) Purpose. It is the purpose of this zone to serve as a holding zone to preserve the future urban level development potential as undeveloped property designated for more intensive development. This zone has been applied to all urbanizable properties within the city which are planned for development and which have not previously received development approval in accordance with the Comprehensive Plan.

(.02) Uses Permitted Outright:

- A. One single-family dwelling, ~~with not more than one accessory dwelling unit~~ per lot and accessory dwelling units subject to the standards of Section 4.113 (.11). Where the Comprehensive Plan calls for future non-residential zoning of the site, the building permit for any proposed residential development shall not be granted until a statement has been recorded applying to the title of the subject property, notifying any potential buyer that future development in the area is expected to be non-residential.
- B. Except for existing lots of record of less than two acres, recorded prior to the effective date of this Code, partitioning or subdivision of properties designated for development shall only be considered in conjunction with or following a zone change in conformance with the Comprehensive Plan. Said zoning shall confirm the adequate provision of public facilities and the protection of future urban development potentials.
- C. If the proposed development is for a less intensive interim density consisting of large lots, a pre-plat and Site Plan review shall be required that provides for future development of the property in accordance with the uses and densities shown in the Comprehensive Plan. Said plat shall be filed on the City's Lien Docket as an obligation toward the property, together with an agreement of non-remonstrance towards the formation of any local improvement district which may serve the subject site.
- D. For properties designated in the City's Comprehensive Plan for nonresidential use, the intensity of use shall be restricted to activities which do not require construction of a permanent structure and which will not tend to restrict, obstruct, or adversely affect the future development of the property for its designated use. Except, however, that the development of a single-family dwelling shall be permitted as specified in subsection (.02), above.
- E. Temporary structures or uses, subject to the procedures for temporary uses set forth in Section 4.163.
- F. Agriculture, horticulture, greenhouses, nurseries (provided that any commercial sales of products shall require the approval of a conditional use permit), timber growing, grazing, and the small scale raising of livestock and animals.
- G. Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a non-

Ordinance No. 825 Exhibit A

commercial nature. Any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot in a residential or RA-H district.

H. Accessory Uses Permitted:

1. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal uses permitted located on the same lot therewith.
2. Home occupations.
3. Signs, subject to the provisions of Sections 4.156.01 through 4.156.11. [Amended by Ord. No. 704, 6/18/12]

(.03) Uses Permitted Subject to receiving approval of a Conditional Use Permit:

- A. Private parks, municipal and government buildings, public utilities, public information centers, semi-public buildings of a non-commercial nature, churches, attached family dwelling units limited to two (2) family maximum, public, private, and parochial schools as provided in Section 4.184 when approved by the Development Review Board at a Public Hearing as provided in Section 4.013.
- B. Roadside stands when located on the same property as the principal uses, selling only those products that are produced on the same property on which the stand is located, or on adjacent property.

(.04) Dimensional Standards:

- A. Minimum Lot Size: 30,000 square feet.
- B. Minimum Front and Rear Yard Setbacks: Thirty (30) feet. Minimum Side Yard Setback: Ten (10) feet.
 1. Legal, non-conforming RA-H lots in the Old Town Overlay Zone shall have the following setbacks:
 - a. Front: Ten (10) feet for single family dwellings, for all other uses: none;
 - b. Rear: Fifteen (15) feet;
 - c. Side: Five (5) feet.
 2. Minimum setback for residential garage or carport: At least five (5) feet behind the front of the nearest residential unit on the property. In no case shall the front of a garage or carport be located less than twenty (20) feet behind a sidewalk or a public right-of-way providing access to that garage or carport. Except, however, in the case of an alley where garages or carports are located within five (5) feet of the property line adjoining the alley. [Amended by Ord. 682, 9/9/10]
- C. Minimum Street Frontage: Seventy-five (75) feet. A reduced street frontage may be approved, based on a finding that the proposed lot frontage will not hinder the future development of the site to densities proposed in the Comprehensive Plan.

Section 4.122. Residential Zone.

- (.01) Purpose: The purpose of this zone is to provide for standards and a simplified review process for small-scale urban low and medium density residential development. Developments in the 'R' zone are not intended to be Planned Developments.
- (.02) Residential Densities: Residential densities shall be governed by the density range designated by the City of Wilsonville Comprehensive Plan.
- (.03) Lot Size Qualifications:
- A. The owner or the owner's authorized agent shall not hold or cause to be held any interest in any adjacent property with the intent to avoid PDR regulations.
 - B. The lot or any part thereof shall not be an identified area of special concern as defined in the Comprehensive Plan.
 - C. The development area must be two (2) acres or less in size. Development of larger properties shall be reviewed through planned development procedures.
 - D. Not more than thirty percent (30%) of the lot shall be covered by buildings.
- (.04) Principal Uses Permitted:
- A. Single-Family Dwelling Units.
 - B. ~~Attached Family Dwelling Units.~~ Duplexes.
 - C. ~~Apartments~~ Multiple-Family Dwelling Units.
 - D. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature. Any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot in a residential or RA-H zone.
 - E. Manufactured homes. [Note: Section 4.115 Standards Applying to Manufactured Housing in All Zones Where Manufactured Housing is Permitted deleted per by Ord. 538, 2/21/02.]
- (.05) Accessory Uses Permitted to Single Family and Detached Dwelling Units:
- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, including accessory dwelling units subject to the standards of Subsection 4.113 (.11), located on the same lot therewith.
 - B. Home occupations.
 - C. A private garage or parking area.
 - D. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10. [Amended by Ord. No. 704, 6/18/12]
 - E. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the

Ordinance No. 825 Exhibit A

construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.

- F. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main buildings, at least one-half (1/2) of the side yard setback. In no case shall a setback less than three (3) feet be permitted unless a Reduced Setback Agreement has been approved and properly recorded, as provided in Section 4.113.
- G. Livestock and farm animals shall be permitted subject to the provisions of Section 4.162.

(.06) Accessory Uses Permitted for ~~Attached Family Dwelling Units and Apartments~~ Duplexes and Attached Multiple-Family Dwelling Units:

- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
- B. Home occupations.
- C. A private garage or parking area.
- D. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.
- E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main building, at least one-half (1/2) of the side yard setback is required.
- F. Livestock and farm animals shall be permitted, subject to the provisions of Section 4.162.

(.07) Other Standards:

- A. Minimum lot width at building line: Sixty (60) feet.
- B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private drive.
- C. Minimum lot size: 5000 square feet.
- D. Minimum lot depth: Seventy (70) feet.
- E. Maximum building or structure height: Thirty-five (35) feet.
- F. Maximum lot coverage: Twenty percent (20%) for all residential dwelling units; thirty percent (30%) for all buildings.
- G. Block and access standards:

Ordinance No. 825 Exhibit A

1. Maximum block perimeter in new land divisions: 1,800 feet.
2. Maximum spacing between streets or private drives for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard.
3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.122(.07) amended by Ord. 538, 2/21/02; Ord 682, 9/9/10.]

Section 4.124. Standards Applying To All Planned Development Residential Zones.

(.01) Examples of principal uses that are typically permitted:

A. Open Space.

B. Single-Family Dwelling Units.

C. Duplexes.

~~C.D. Multiple-Family Dwelling Units, subject to the density standards of the zone.~~

~~D.E. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot.~~

~~E.F. Manufactured homes, subject to the standards of Section 4.115 (Manufactured Housing).~~

(.02) Permitted accessory uses to single family dwelling and detached dwelling units:

A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.

B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.

C. Accessory ~~Dwelling-dwelling u~~Units, subject to the standards of Section 4.113 (.11).

D. Home occupations.

E. A private garage or parking area.

~~F. Keeping of not more than two (2) roomers or boarders by a resident family.~~

G. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in the provisions of Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10. [Amended by Ord. No. 704, 6/18/12]

H. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

I. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.

J. Livestock and farm animals, subject to the provisions of Section

4.162. (.03) Permitted accessory uses for duplexes and attached multiple-family dwelling units:

A. Accessory uses, buildings, and structures customarily incidental to any of the

- aforesaid principal permitted uses, located on the same lot therewith.
- B. Home occupations.
 - C. A private garage or parking area.
 - D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
 - E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
 - F. Livestock and farm animals, subject to the provisions of Section 4.162.

(.04) Uses permitted subject to Conditional Use Permit requirements:

- A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.
- B. Public or private clubs, lodges or meeting halls. Public or private parks, playground, golf courses, driving ranges, tennis clubs, community centers and similar recreational uses.
- C. Churches, public, private and parochial schools, public libraries and public museums.
- D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents, and not requiring a zone change to a commercial designation:
 - 1. The site of a Neighborhood Commercial Center was proposed at the time of the original application.
 - 2. Such centers are of a scale compatible with the surrounding residential structures.
 - 3. Such centers shall be compatible with the surrounding residential uses.
 - 4. The site of a Neighborhood Commercial Center shall be at least one-quarter (1/4) mile from any other sites zoned for commercial uses.
 - 5. The site of a Neighborhood Commercial Center shall not exceed five percent (5%) of the total area or one (1) acre, whichever is less.
 - 6. The site of a Neighborhood Commercial Center shall have direct access to a street of a collector classification and shall have direct pedestrian access to the residential areas.
 - 7. The site of a Neighborhood Commercial Center shall not include more than one quadrant of an intersection and shall not result in traffic of a nature which causes a substantial adverse impact on the residential character of the planned development.

E. Commercial Recreation which is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts shall conform to the requirements of subsection “D” (Neighborhood Commercial Centers), above.

E.F. Home businesses

(.05) Appropriate PDR zone based on Comprehensive Plan Density:

Comprehensive Plan Density*	Zoning District
0-1 u/acre	PDR-1
2-3 u/acre	PDR-2
4-5 u/acre	PDR-3
6-7 u/acre	PDR-4
10-12 u/acre	PDR-5
16-20 u/acre	PDR-6
20 + u/acre	PDR-7

Table 1: PDR Zone based on Comprehensive Plan Density

*All dwelling unit types, except accessory dwelling units, are included for calculating density.

[Section 4.124(.05) amended by Ordinance No. 538, 2/21/02.]

(.06) Block and access standards:

1. Maximum block perimeter in new land divisions: 1,800 feet.
2. Maximum spacing between streets or private drives for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard. [Amended by Ord. 682, 9/9/10]
3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.124(.06) amended by Ordinance No. 538, 2/21/02.]

(.07) Signs. Per the requirements of Sections 4.156.01 through 4.156.11. [Amended by Ord. No. 704, 6/18/12]

(.08) Parking. Per the requirements of Section 4.155.

(.09) Corner Vision Clearance. Per the requirements of Section 4.177.

Section 4.124.3. PDR-3:

The following standards shall apply in PDR-3 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 7,000 square feet.
- (.02) Minimum lot size: 5,000 square feet.
- (.03) Minimum density at build out: One unit per 8,000 square feet.
- (.04) Other standards:

- A. Minimum lot width at building line: Forty (40) feet.
 - B. Minimum street frontage of lot: Forty (40) feet; however, street frontage may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]
 - C. Minimum lot depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Fifty percent (50%) for lots containing less than 7000 square feet. Forty-five percent (45%) for lots between 7000 and 8000 square feet. Forty percent (40%) for lots exceeding 8000 square feet.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
- A. Fifty-four single-family dwellings ~~(with or without accessory dwelling units)~~ on individual lots, or
 - B. Sixty-two dwelling units (any combination of multiple-family or single-family units ~~with or without accessory dwelling units~~).

4.127 Residential Neighborhood (RN) Zone**(.01) Purpose.**

The Residential Neighborhood (RN) zone applies to lands within Residential Neighborhood Comprehensive Plan Map designation. The RN zone is a Planned Development zone, subject to applicable Planned Development regulations, except as superseded by this section or in legislative master plans. The purposes of the RN Zone are to:

- A. Implement the Residential Neighborhood policies and implementation measures of the Comprehensive Plan.
- B. Implement legislative master plans for areas within the Residential Neighborhood Comprehensive Plan Map designation.
- C. Create attractive and connected neighborhoods in Wilsonville.
- D. Regulate and coordinate development to result in cohesive neighborhoods that include: walkable and active streets; a variety of housing appropriate to each neighborhood; connected paths and open spaces; parks and other non-residential uses that are focal points for the community; and, connections to and integration with the larger Wilsonville community.
- E. Encourage and require quality architectural and community design as defined by the Comprehensive Plan and applicable legislative master plans.
- F. Provide transportation choices, including active transportation options.
- G. Preserve and enhance natural resources so that they are an asset to the neighborhoods, and there is visual and physical access to nature.

(.02) Permitted uses:

- A. Open Space.
- B. Single-Family Dwelling Unit.
- C. Attached Single-Family Dwelling Unit. In the Frog Pond West Neighborhood, a maximum of 2 dwelling units, not including ADU's, may be attached.
- D. Duplex.
- E. Multiple-Family Dwelling Units, except when not permitted in a legislative master plan, subject to the density standards of the zone. Multi-family dwelling units are not permitted within the Frog Pond West Master Plan area.
- F. Cohousing.
- G. Cluster Housing.

H. Public or private parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot.

I. Manufactured homes.

J. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11).

(.03) Permitted accessory uses to single family dwellings:

A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.

B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.

~~C.A.~~ ~~Accessory Dwelling Units, subject to the standards of Section 4.113 (.11).~~

~~D.C.~~ Home occupations.

~~E.D.~~ A private garage or parking area.

~~F.E.~~ Keeping of not more than two (2) roomers or boarders by a resident family.

~~G.F.~~ Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

~~H.G.~~ Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.

~~I.H.~~ Livestock and farm animals, subject to the provisions of Section 4.162.

(.04) Uses permitted subject to Conditional Use Permit requirements:

A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.

B. Commercial Recreation, including public or private clubs, lodges or meeting halls, golf courses, driving ranges, tennis clubs, community centers and similar commercial recreational uses. Commercial Recreation will be permitted upon a finding that it is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such

uses except golf courses and tennis court shall conform to the requirements of Section 4.124(.04)(D) (Neighborhood Commercial Centers).

- C. Churches; public, private and parochial schools; public libraries and public museums.
 - D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents. Neighborhood Commercial Centers are only permitted where designated on an approved legislative master plan.
- (.05) Residential Neighborhood Zone Sub-districts:
- A. RN Zone sub-districts may be established to provide area-specific regulations that implement legislative master plans.
 - 1. For the Frog Pond West Neighborhood, the sub-districts are listed in Table 1 of this code and mapped on Figure 6 of the Frog Pond West Master Plan. The Frog Pond West Master Plan Sub-District Map serves as the official sub-district map for the Frog Pond West Neighborhood.
- (.06) Minimum and Maximum Residential Units:
- A. The minimum and maximum number of residential units approved shall be consistent with this code and applicable provisions of an approved legislative master plan.
 - 1. For the Frog Pond West Neighborhood, Table 1 in this code and Frog Pond West Master Plan Table 1 establish the minimum and maximum number of residential units for the sub-districts. The minimum and maximum number does not include accessory dwelling units.
 - 2. For parcels or areas that are a portion of a sub-district, the minimum and maximum number of residential units are established by determining the proportional gross acreage and applying that proportion to the minimums and maximums listed in Table 1. The maximum density on a parcel may be increased, up to a maximum of 10% of what would otherwise be permitted, based on an adjustment to an SROZ boundary that is consistent with 4.139.06.
 - B. The City may allow a reduction in the minimum density for a sub-district when it is demonstrated that the reduction is necessary due to topography, protection of trees, wetlands and other natural resources, constraints posed by existing development, infrastructure needs, provision of non-residential uses and similar physical conditions.

Table 1. Minimum and Maximum Dwelling Units by Sub-District in the Frog Pond West

Neighborhood

Area Plan Designation	Frog Pond West Sub-district	Minimum	Maximum
		Dwelling Units in Sub-district	Dwelling Units in Sub-district
R-10 Large Lot Single Family	3	26	32
	7	24	30
	8	43	53
R-7 Medium Lot Single Family	2	20	25
	4	86	107
	5	27	33
	9	10	13
	11	46	58
R-5 Small Lot Single Family	1	66	82
	6	74	93
	10	30	38
Civic	12	0	7 ^a
Public Facilities (PF)	13	0	0

a These metrics apply to infill housing within the Community of Hope Church property, should they choose to develop housing on the site. Housing in the Civic sub-district is subject to the R-7 Medium Lot Single Family regulations.

4.138 Old Town Overlay Zone

- 2. Exterior remodeling of commercial, industrial, public facility, multi-family residential, or mixed use building that requires a building permit, when that remodeling is visible from a public street (other than an alley) and changes the existing design of the building; and
 - 3. Upon the request of an applicant, in order to pursue a design not in conformance with the Old Town Single-Family Designs Standard Book, new single-family homes (including duplexes) and accessory buildings, or remodeling thereof. Standards for ADU’s in Subsection (.04) C. below shall apply.
- B. The following (except as noted in A.3. above) shall be reviewed through the Class I administrative review process for conformance with the Development Standards of Subsection (.04) concurrently with building plan review:
- 1. New single-family homes (including duplexes), single-family home additions, remodels, accessory dwelling units, garages, and other buildings accessory to a single-family use.

(.04) Single-Family Development Standards (including accessory buildings and duplexes)

- A. The standards of this subsection shall take precedence over setback, lot coverage, height, and accessory dwelling unit standards otherwise established in the Development Code. All other standards of the base zone and/or approved planned developments shall apply. For PDR Zones, the setback and lot coverage standards are subject to the waiver provisions of Section 4.118.

- B. Development shall comply (except as noted in 1. and 2. below) with the standards of the Old Town Single-Family Design Standards Book including but not limited to architectural design, height, setbacks, and lot coverage.
1. An applicant for a remodel of and/or addition to structures existing prior to December 1, 2017 may elect to match the existing design of the structure rather than comply with the Old Town Single-Family Design Standards Book if all of the following are met:
 - a. The height of the structure remains the same and any additions do not exceed the height of the existing structure;
 - b. The roof pitch on the existing portion of the structure remains the same and is matched for additions involving facades facing a street or public open space;
 - c. All exterior materials are substantially similar in style and texture to the existing materials on the structure;
 - d. For facades of the structure facing a street or public open space (does not include alleys) all architectural elements, such as windows, doors, porches, dormers, details, etc. are kept the same, or in the case of extending out a wall during an addition, reproduced; and
 - e. Setbacks and lot coverage requirements of the underlying zone are met.
 2. Accessory structures less than 120 square feet and 10 feet in height are not subject to the Old Town Single-Family Design Standards but rather the standards of the underlying zone.
- C. The following standards shall apply to Accessory Dwelling Units (ADU's) within the "O" Overlay Zone to ensure smaller bulk of residential buildings and minimal use of on-street parking consistent with the historic character of the neighborhood. Where these standards differ from those of Subsection 4.113 (.11), including size design and parking, these standards take precedence. All other standards of Subsection 4.113 (.11), including but not limited to number of ADU's and review process, continue to apply.
1. Size: ADU's shall not exceed 600 square feet of living space.
 2. Design: ADU's shall be substantially the same exterior design and architecture (i.e. siding, windows, color, roof pitch, doors and roofing materials) as the primary dwelling unit on the property. ADU's shall be either:
 - a. Detached single-story structures; or
 - b. Over a detached garage meeting the following requirements:
 - i. The garage/ADU structure is a maximum 1.5 stories tall, not exceeding a height of 20 feet; and
 - ii. The primary dwelling unit on the property is 1.5 or 2 stories tall.
 - ~~3. Parking: Each ADU shall have one dedicated standard-sized parking space on the same lot.~~

Note: In considering proposed waivers to the following standards, the City will consider the potential uses of the site and not just the uses that are currently proposed. For waivers to exceed the maximum standards, applicants shall bear the burden of proving that Metro, State, and federal clean air standards will not be violated.

TABLE 5: PARKING STANDARDS

USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
a. Residential			
1. Single and attached units and any apartments <u>Single-family dwelling units, duplexes, multiple-family dwelling units of nine (9) or fewer units</u>	1 per D.U., except accessory dwelling units, which have no minimum.	No Limit	Apartments-Multiple Family Dwelling Units – Min. of 2
2. <u>Accessory dwelling units</u>	<u>Per Subsection 4.113 (.11)</u>	<u>No Limit</u>	<u>Non required</u>
23. Apartments <u>Multiple-family dwelling units of ten (10) or more units</u>	1 per D.U. (less than 500 sq. ft.) 1.25 per D.U. (1 bdrm) 1.5 per D.U. (2 bdrm) 1.75 per D.U. (3 bdrm)	No Limit	1 per D.U.
34. Manufactured or mobile home park	2 spaces/unit	No Limit	1 per D.U.
4. Manufactured or mobile home subdivision	<u>1 per D.U.</u>	<u>No Limit</u>	<u>1 per D.U.</u>
b. Commercial Residential			
1. Hotel	1 per 1000 sq. ft.	No Limit	1 per 5 units Min. of 2

Accessory Buildings, ADUs, and Garages

DESIGN

Design guidelines are applicable to any and all exterior building elements visible from the public right-of-way or public parcel, in any direction, regardless of existing or proposed landscaped or natural visual barriers between the public view shed and exterior building elements.

The garage and other accessory buildings over 120s and 10ft in height must be designed using the same exterior design and architecture (i.e. siding, windows, doors, and roofing materials) as the primary residence on the lot. Accessory buildings cannot be taller than the primary residence. If the primary residence is less than 15 feet, an accessory building can be 15 feet or less.

Accessory Dwelling Units (ADU's) in Old Town shall:

1. Size: ADU's shall not exceed 600 square feet of living space.
2. Design. ADU's shall be either:
 - a. Detached single-story structures; or
 - b. Over a detached garage meeting the following requirements:
 - i. The garage ADU structure is a maximum 1.5 stories tall, not exceeding a height of 20 feet; and
 - ii. The primary dwelling unit on the property is 1.5 or 2 stories tall.

3. Parking: Each ADU shall have one dedicated standard size parking space on the same lot.

All other standards of Subsection 4.113 (.11) related to ADU's apply. See Subsection 4.138 (.04) C. Wilsonville Code.

STYLE GUIDELINES

Western Farmhouse

Roof Style: Gable
Roof Pitch: 7:12 to 12:12
Eaves: 8" minimum to 18" maximum

Craftsman

Roof Style: Gable
Roof Pitch: 6:12 to 10:12
Eaves: 8" minimum to 18" maximum

New Ranch

Roof Style: Hip or Low-Pitched Gable
Roof Pitch: 4:12 to 6:12
Eaves: 8" minimum to 18" maximum



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Comprehensive Plan Text Amendments (changes tracked)

Implementation Measure 4.1.4.bb The City allows the construction of one accessory dwelling unit with any detached dwelling or attached single-family dwelling ~~that is~~ permitted to be built in any zone, subject to standards in the Land Development Code ~~or density and size standards in Neighborhood Plans, Stage II Development Plans or Final Development Plans.~~ Regulations of such units include size, ~~architectural design to match the primary unit on the site,~~ and parking requirements.
[Amended by Ord. 676, 3/3/10]

Exhibit D
Ordinance No. 825
Compliance Findings

Accessory Dwelling Unit Code Amendments

Date of Findings: September 13, 2018

Request: Amend the Wilsonville Development Code Text and Text of Implementation Measure 4.1.4.bb. of the Comprehensive Plan to ensure Accessory Dwelling Unit (ADU) regulations comply with Senate Bill 1051, remove potential major barriers to Accessory Dwelling Unit development, and increase clarity and functionality of Development Code related to Accessory Dwelling Units and other housing.

Affected Properties: All land currently developed as single-family or detached dwellings and all residential designated lands with potential for development of detached dwellings.

Staff Reviewer: Daniel Pauly AICP, Senior Planner

Staff Recommendation: Recommend adoption of the Development Code and Comprehensive Plan text amendments to the Wilsonville City Council.

Applicable Review Criteria:

<u>Oregon Revised Statutes:</u>	
197.303 (1)	Needed Housing Definition
197.307 (4)/227.175 (4)(b)(A)	Clear and Objective Standards for Housing
197.307 (6)	Alternative Approval of Needed Housing
197.312 (5)(a)	Development of Accessory Dwelling Units for Each Detached Single-family Dwelling
<u>Statewide Planning Goals:</u>	
Goal 1	Citizen Involvement
Goal 2	Land Use Planning
Goal 10	Housing
<u>Wilsonville Comprehensive Plan:</u>	
Introduction-Plan Amendments	Comprehensive Plan Amendments
Goal 1.1 and applicable Policy and Implementation Measures	Encourage Public Involvement
Goal 1.1 and applicable Policy and Implementation Measures	Interested, Informed, and Involved Citizenry
Implementation Measure 4.1.1.g	More Flexibility in Support of Metro 2040 Growth Concept and the Urban Growth Management Functional Plan
Implementation Measure 4.1.1.i.	Continuing Examine Intensity of Use, Including Percentage of Lot Coverage

Ordinance No. 825 Exhibit D

Policy 4.1.4 and applicable Implementation Measures	Housing
Development Code:	
Section 4.197	Changes and Amendments to Development Code
Section 4.198	Comprehensive Plan Changes

Compliance Findings

As described in the Findings below, the request meets the applicable criteria.

Oregon Revised Statutes-Needed Housing Review

Needed Housing Defined

ORS 197.303 (1)

1. All housing subject to the proposed code changes, attached, detached single-family and multiple-family dwelling units, duplexes, and accessory dwelling units are needed housing under state law.

Clear and Objective Standards Required for Housing

ORS 197.307 (4) and 227.175 (4)(b)(A)

2. The City determined current language requiring ADUs to “be of substantially the same exterior design and architecture (i.e. siding, windows, doors and roofing materials) as the primary dwelling unit” is too vague and subjective to meet the clear and objective requirement of state law. The proposed amendments thus remove this language. Certain architectural requirements remain for ADUs in the Village Zone, Residential Neighborhood Zone, and Old Town Neighborhood Zone. Applicable standards in each of these zones applies to ADUs in the same manner as other accessory structures and primary dwelling units. The adoption of each of the applicable standards in these zones found the standards to be clear and objective. In other zones, clear regulations on roof pitch and roof and siding material are sufficient to ensure neighborhood compatibility. The roof pitch standard is clear and objective as it is a specific numeric range allowing for a wide variety of residential roof pitches. The material standard is clear and objective as it is more than matching the primary unit, it allows any variety of material specifically used in the subdivision or adjacent homes, and allows fiber cement materials made to look like other materials.

Development of Accessory Dwelling Units for Each Detached Single-Family Dwelling

ORS 197.312 (5)(a)

3. As a City with a population over 2,500 ORS requires the City allow at least one ADU per detached single-family dwelling. Currently, the City allows an ADU for each single-family lot rather than per single-family dwelling. The proposed code amendments include adding an allowance of ADUs for each detached dwelling unit in addition to the current single-

Ordinance No. 825 Exhibit D

family lot allowance. In addition, the City proposes removing the existing numeric limitation of ADUs for the Canyon Creek Estates subdivision as it violates this statute.

Statewide Planning Goals

Citizen Involvement
Goal 1

4. As discussed in Findings 7 through 14 below, the citizen involvement processes and requirements established in Wilsonville’s Comprehensive Plan consistent with Goal 1 are being followed.

Land Use Planning
Goal 2

5. The proposed code amendments support the goal of establishing processes and policy as a basis for making decisions on land use consistent with a Comprehensive Plan.

Housing
Goal 10

6. The proposed code amendments will continue to allow the City to meet its housing goals reflected in the Comprehensive Plan. See Findings 17 through 19.

Wilsonville Comprehensive Plan-Public Involvement

Public Involvement-In General
Goal 1.1, Policy 1.1.1,

7. By following the applicable implementation measures, see Findings 8 through 14 below, the City provided opportunities for public involvement encouraging, and providing means for, involvement of interested parties.

Early Involvement
Implementation Measure 1.1.1.a.

8. The City sent broad notice to all residential properties. The Planning Commission and City Council and community members have opportunity to comment on the proposed code amendments while still in draft form.

Encourage Participation of Certain Individuals, Including Residents and Property Owners
Implementation Measure 1.1.1.e.

9. The City encouraged residents and property owners impacted by the proposed code amendments to participate as described in Finding 8 above.

Ordinance No. 825 Exhibit D

Procedures to Allow Interested Parties to Supply Information

Implementation Measure 1.1.1.f.

10. The City will afford interested parties the opportunity to provide oral input and testimony during the public hearings. In addition, the City afforded them the opportunity to provide written input and testimony.

Types of Planning Commission Meetings, Gathering Input Prior to Public Hearings

Implementation Measure 1.1.1.g.

11. Prior to the scheduled public hearing on the proposed code changes and adoption of the design standards, the Planning Commission held a work session on June 13, 2018, during which the Planning Commission provided feedback incorporated into the current draft.

Public Notices for Planning Commission Meetings

Implementation Measure 1.1.1.h.

12. The notice regarding the public hearing clearly indicated the type of meeting.

User Friendly Information for Public

Policy 1.2.1, Implementation Measures 1.2.1.a., b., c.

13. The published notecard mailings and notices provided user friendly information about the purpose, location, and nature of the meetings. The mailings widely publicized different ways for impacted parties to participate. The information given to impacted parties gave access to the information on which the Planning Commission will base their decision.

Coordinate Planning Activities with Affected Agencies

Implementation Measure 1.3.1.b.

14. The City has notified and discussed needed and recommended code updates related to ADUs with State and Metro staff and consultants hired by Metro.

Wilsonville Comprehensive Plan-Housing and Residential Areas

More Flexible Use of Land

Implementation Measure 4.1.1.g.

15. The proposed code amendments allow additional flexibility for locating accessory dwelling units in Wilsonville allowing for more flexibility in use of land consistent with this implementation measure.

Ordinance No. 825 Exhibit D

Intensity of Use, Provision of Adequate Open Space, Character of Existing Neighborhoods

Implementation Measures 4.1.1.i. and 4.1.4.t.

16. The proposed code amendments look carefully at the intensity of use for residential development. The proposal establishes basic clear and objective roof pitch and material standards to support the character of existing neighborhoods. Setback and lot coverage standards remain ensuring provision of adequate open space and maintenance of a similar intensity of use. Updated parking standards for accessory dwelling units also ensure minimal impact on neighborhoods.

Variety and Diversity of Housing

Implementation Measures 4.1.4.b., 4.1.4.d., 4.1.4.j., and 4.1.4.o.

17. Ensuring code allows accessory dwelling units and removes unreasonable barriers to their development allows for development of an additional housing type in the community and encourages an increased diversity. In particular, allowing and encouraging accessory dwelling units can provide affordable housing opportunities for smaller households.

Safe, Convenient, Healthful, Attractive Residential Areas with Variety

Implementation Measure 4.1.4.c.

18. The City does not anticipate the proposed code amendments to substantially impact safety, convenience, or health of residential areas of the City.

Housing Needs of Existing Residents, Needs of Mobile Home Dwellers

Implementation Measure 4.1.4.f.

19. The proposed code amendments further, allowing and removing barriers to development of ADUs, provide potential housing opportunities for existing smaller households looking for more affordable housing options. ADUs, by their size and affordability, can serve some of the same demographic historically occupying mobile homes within the City.

Housing Coordinated with the Social and Economic Needs of the Community

Goals for Sufficient Low and Moderate Cost Housing

Housing for Employees Working in Wilsonville

Implementation Measures 4.1.4.g., 4.1.4.k., and 4.1.4.m.

20. The City Council has identified, as part of their goals, a need to address housing affordability in the community. Development Code amendments allowing ADUs and removing barriers to their development encourages provision of less expensive smaller units for small households helping to meet the need of more affordable housing in the community, including for moderate to lower wage workers employed in Wilsonville.

Housing and Infrastructure

Implementation Measures 4.1.4.h., 4.1.4.i., 4.1.4.o., 4.1.4.r., and 4.1.4.s.

Ordinance No. 825 Exhibit D

21. A significant cost for development of housing and thus a barrier to providing affordable housing is the cost of providing the necessary infrastructure. Allowing and encouraging accessory dwelling units allows provision of additional housing, particularly more affordable housing, where the infrastructure already exists. Properties with accessory dwelling units have substantially the same impact on infrastructure as properties with just the primary dwelling unit.

Safe, Sanitary, Convenient, Sound, Energy Efficient, Attractive Housing/Renovation and Rehabilitation of Housing Stock

Implementation Measure 4.1.4.y.

22. The City does not anticipate the proposed code amendments to impact safety, sanitation, convenience, structural quality, or energy efficiency of housing.

Allowance of Accessory Dwelling Units

Implementation Measure 4.1.4.bb.

23. The City continues to allow one accessory dwelling unit with any detached or attached single-family dwelling. State law no longer allows any density requirements in Neighborhood Plans, Stage II Development Plans, or Final Development Plans. The proposed action removes the numeric limitation for the Canyon Creek Estates Subdivision. State law also only allows applying clear and objective standards to housing. As such, the proposed code amendments remove subjective standards to match primary dwellings. The proposed action removes language from this implementation measure found inconsistent with state law. See also Findings 1, 2, and 4 above.

Wilsonville Development Code-Amendments to the Code

Planning Commission Public Hearing, Recommendation to City Council

Subsection 4.197 (.01) A.

24. The Planning Commission will conduct a public hearing and then, by resolution, forward findings and a recommendation to the Wilsonville City Council within the allowed 40 day timeframe.

Findings Required: Compliance with Procedures of 4.008

Subsection 4.197 (.01) B. 1., Section 4.008, Sections 4.009 through 4.024 as applicable

25. The City mailed notices to affected properties and published/posted notices consistent with established procedures for legislative actions. The City produced written findings of fact regarding the application in this document for adoption by the Planning Commission.

Ordinance No. 825 Exhibit D

Findings Required: Compliance with Goals, Policies, and Objectives of Comprehensive Plan

Subsection 4.197 (.01) B. 2.

26. Findings 7 through 23 above provide findings related to the applicable goals, policies, objectives, and implementation measures of Wilsonville's Comprehensive Plan.

Findings Required: No Conflict with Over Code Provisions

Subsection 4.197 (.01) B. 3.

27. While drafting the code amendments staff took care to ensure the proposed code changes do not conflict with or endanger other provisions of the Development Code. Staff looked carefully at all definitions and provisions the initial amendments may affect and made additional changes to improve clarity and function and avoid conflicts.

Findings Required: Compliance with Statewide Land Use Planning Goals, State Rules and Statutes, Federal Statutes

Subsection 4.197 (.01) B. 4.-5.

28. Findings 1 through 6 above provide findings related to compliance with the applicable Statewide Land Use Planning Goals as well as applicable state statutes.

Affirmative Findings Required

Subsection 4.197 (.03)

29. Findings 1 through 23 provide the required affirmative findings on which a recommendation can be made to City Council for adoption of the requested amendments to the Wilsonville Development Code.

Comprehensive Plan Text Amendments

Follow Procedures in Comprehensive Plan

Subsection 4.198 (.01)

30. Findings 1 through 23 confirm the process to amend the text of Implementation Measure 4.1.4.bb. follows applicable procedures established in the Comprehensive Plan.

Meet a Public Need/In the Public Interest

Subsection 4.198 (.01) A.-B. and Comprehensive Plan Introduction: Plan Amendments 4. b.-c.

31. Implementation Measure 4.1.4.bb. discusses the allowance of and types of restrictions on accessory dwelling units in the City. The City proposes a number of updates to Development Code text to ensure compliance with Oregon Revised Statutes as updated by Senate Bill 1051 effective July 1, 2018. The required Development Code changes include allowing accessory dwelling units for all detached primary dwelling units, removing any numeric limitations, and removing subjective criteria that accessory dwelling units match primary dwellings. The

Ordinance No. 825 Exhibit D

text of the implementation measure references all three of these necessary code changes. The proposed text changes simply update the implementation measure for consistency with state law and the proposed Development Code text changes. Both the new state laws and the updated Development Code text establish a public need for the changes, which carries over to these directly corresponding Comprehensive Plan text changes. The Comprehensive Plan text changes are straightforward and the minimum necessary to provide the consistency sought.

Support Statewide Planning Goals

Subsection 4.198 (.01) C.

- 32.** Findings 4 through 6 above establish the proposed text amendments support Statewide Planning Goals.

Conflict with Other Portions of Comprehensive Plan

Subsection 4.198 (.01) D. and Comprehensive Plan Introduction: Plan Amendments 4. a.

- 33.** The implementation measure text proposed for amendment is the primary reference to accessory dwelling units in the Comprehensive Plan and the proposed text changes do not create any conflicts. The proposed text changes, as discussed in Findings 7-29 above, reflective of the Development Code amendments, conform with other applicable language in the Comprehensive Plan.

Submission and Review Process, Noticing

Subsection 4.198 (.02)-(.03) Comprehensive Plan Introduction: Plan Amendments 1.-3., 5.

- 34.** The City initiated the proposed text amendments. The Planning Commission and City Council will review the proposed text amendments. The Planning Commission will adopt a resolution making a recommendation to City Council and City Council will adopt the text amendments by Ordinance. All noticing requirements, as described under public involvement findings for the Comprehensive Plan above, have been met.

Factors to Address in Proposed Amendments

Comprehensive Plan Introduction: Plan Amendments 4. d.

- 35.** Each factor listed has one or more corresponding implementation measures in the Comprehensive Plan. Findings above for Development Code Amendments apply the same to the Comprehensive Plan text amendments and address all applicable implementation measures.

Conflicts with Metro Requirements

Comprehensive Plan Introduction: Plan Amendments 4. e.

- 36.** The proposed text changes support State and Metro rules related to accessory dwelling units.

**Planning Commission
ADU Code Update
LP18-0006
Record Index**

2018 RECORDS

September 12, 2018 Planning Commission Hearing, Continued from July 11, 2018

- Resolution No. LP18-0006 signed, revised per input at PC Mtg
- PC Packet
 - Staff Report
 - Updated Code Amendment Category List
 - Updated Draft Code Amendments to Chapter 4 Code
 - Draft Amendments to Old Town Single-Family Design Standards Book
 - Comprehensive Plan Text Amendment for Implementation Measure 4.1.4.bb
 - Updated Compliance Findings
- PP Presentation
- Minutes Excerpt (unapproved)
- Noticing of Hearing Continuance

July 11, 2018 Planning Commission Hearing

- PC Packet
 - Staff Report
 - Code Amendment Category List
 - Draft Code Amendments to Chapter 4 Code
 - Draft Amendments to Old Town Single-Family Design Standards Book
 - Table of Current and proposed Lot Coverage Standards
 - Comprehensive Plan Text Amendment for Implementation Measure 4.1.4.bb
 - Compliance Findings
 - Resolution No. LP18-0006 - DRAFT
- PP Presentation
- Minutes Excerpt
- Affidavit of Noticing Hearing

June 13, 2018 Planning Commission Work Session

- PC Packet
 - Staff Report
 - Code Amendment Category List
 - Draft Code Amendments to Chapter 4 Code
 - Draft Amendments to Old Town Single-Family Design Standards Book
- PP Presentation
- Minutes Excerpt

Media

- 2018

**PLANNING COMMISSION
RESOLUTION NO. LP18-0006**

A WILSONVILLE PLANNING COMMISSION RESOLUTION RECOMMENDING THAT THE WILSONVILLE CITY COUNCIL ADOPT CERTAIN AMENDMENTS TO THE WILSONVILLE DEVELOPMENT CODE AND TEXT OF THE COMPREHENSIVE PLAN REGARDING ACCESSORY DWELLING UNITS AS WELL AS OTHER DEVELOPMENT CODE AMENDMENTS TO INCREASE CLARITY AND FUNCTIONALITY OF REGULATIONS RELATED TO ACCESSORY DWELLING UNITS AND OTHER HOUSING.

WHEREAS, the City of Wilsonville currently allows Accessory Dwelling Units for most single-family homes on their own lot; and

WHEREAS, Senate Bill 1051 requires cities in Oregon with populations greater than 2,500 to allow accessory dwelling units for each detached single-family structure whether on its own lot or not, effective July 1, 2018; and

WHEREAS, the City's Development Code includes a numerical limitation on Accessory Dwelling Units in the Canyon Creek Estates subdivision, which is not allowed under Senate Bill 1051; and

WHEREAS, Senate Bill 1051 requires only clear and objective standards apply to Accessory Dwelling Units requiring the City to remove certain subjective standards of having the same architecture of the primary dwelling unit; and

WHEREAS, Comprehensive Plan Implementation Measure 4.1.4.bb. references the Accessory Dwelling Unit allowance for only single-family homes, numeric limitations, and matching architecture to the primary dwelling necessitating modification or removal of said references from the text of this implementation measure to be consistent with state statutes and the proposed Development Code amendments; and

WHEREAS, the City of Wilsonville has an adopted policy of encouraging construction of Accessory Dwelling Units to provide needed housing, particularly for smaller households of one to two persons; and

WHEREAS, the City of Wilsonville further has an adopted policy of encouraging construction of Accessory Dwelling Units to support housing affordability by providing smaller more affordable dwelling units as well as providing a method for homeowners to gain rental income to make ownership of their property more affordable; and

WHEREAS, review of the regulations affecting Accessory Dwelling Units and other housing identified opportunities to clarify code language and improve the functionality of the Development Code related to Accessory Dwelling Units and other housing; and

WHEREAS, the Wilsonville Planning Commission held a work session on June 13, 2018 to discuss the proposed Development Code Amendments; and

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

WHEREAS, the Planning Commission conducted work sessions on June 13, 2018 and August 8, 2018, and after providing the required public notice, held a public hearing on September 12, 2018 to review the proposed Programs Enhancement Strategy to be incorporated as part of the Transit Master Plan and to gather additional testimony and evidence regarding the Programs Enhancement Strategy; and


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

WHEREAS, the Planning Commission has duly considered the subject, including the staff recommendations and all the exhibits and testimony introduced and offered by all interested parties.

NOW, THEREFORE, BE IT RESOLVED that the Wilsonville Planning Commission does hereby adopt the Staff Report (attached hereto as **Exhibit A**) and the Programs Enhancement Strategy (attached to the Staff Report as **Attachment 1**), as presented at the September 12, 2018 public hearing, including the findings and recommendations contained therein, and further recommends the Wilsonville City Council approve and adopt the Programs Enhancement Strategy as Appendix G to the Transit Master Plan as hereby approved by the Planning Commission; and

BE IT FURTHER RESOLVED that this Resolution shall be effective upon adoption.

ADOPTED by the Wilsonville Planning Commission at a regular meeting thereof this 12th day of September 2018, and filed with the Planning Administrative Assistant on September 13, 2018.



Wilsonville Planning Commission

ATTEST:



Tami Bergeron, Administrative Assistant III

SUMMARY OF VOTES:

Chair Jerry Greenfield	<u>yes</u>
Vice-Chair Eric Postma	<u>yes</u>
Commissioner Peter Hurley	<u>yes</u>
Commissioner Ron Heberlein	<u>yes</u>
Commissioner Kamrah Mesbah	<u>Ab</u>
Commissioner Phyllis Millan	<u>yes</u>
Commissioner Simon Springall	<u>Ab</u>



PLANNING COMMISSION

WEDNESDAY, SEPTEMBER 12, 2018

II. LEGISLATIVE HEARING

B. ADU Code Edits (Pauly) (45 minutes)



PLANNING COMMISSION MEETING STAFF REPORT

Meeting Date: September 12, 2018		Subject: Accessory Dwelling Unit (ADU) Development Code Amendments	
		Staff Member: Daniel Pauly, Senior Planner; Amanda Guile-Hinman, Assistant City Attorney	
		Department: Community Development, Planning, Legal	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments: Following work sessions in June the Planning Commission is now requested to hold a public hearing and make a recommendation to City Council.	
Staff Recommendation: Staff recommends the Planning Commission receive the additional information from staff, continue their discussion, and forward a recommendation to adopt the selected options for the proposed Development Code amendments to City Council.			
Recommended Language for Motion: I move to adopt Resolution LP18-0006 recommending adoption of Accessory Dwelling Unit (ADU) Development Code Amendments to City Council.			
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 COMMISSION: On August 15, 2017 Senate Bill (SB) 1051 (2017) became Oregon law. The new statutes adopted became effective July 1, 2018. The purpose of SB 1051 is to create more housing in Oregon by removing barriers to development. Among the new statutes adopted as part of SB 1051 is ORS 197.312, which requires at least one accessory dwelling unit (ADU) be allowed per detached single-family dwelling. City legal and planning staff, as well as

consultants provided by Metro, reviewed Wilsonville's Development Code to identify any areas needing adjustments to comply with new state law. The effort identified a number of necessary code amendments. The effort further identified additional barriers to ADU construction in Wilsonville. In addition, as is common with this type of project, staff identified a number of related minor amendments and definitions to help increase functionality and clarity of the code. Staff requests the Planning Commission conduct a public hearing and forward a recommendation to City Council on the proposed amendment to Wilsonville's Development Code.

During the July 11, 2018 Planning Commission Public Hearing, commissioners requested additional information regarding some of the proposed code amendments, particularly regarding lot coverage changes, requirements that new subdivisions allow ADUs in their CC&Rs, and removal of architectural requirements for ADUs. Staff has prepared the requested additional information, and made additional code amendments based on the Planning Commission feedback as well as information coming to the surface during additional research.

EXECUTIVE SUMMARY: City legal and planning staff reviewed the Development Code for conformance with SB 1051 as it relates to ADUs. In addition, a consultant provided by Metro performed an audit of the Code. The review identified a few necessary amendments including allowing ADUs for detached dwelling units even if they are not on their own lot, removing subjective "substantially similar architecture" language, and removing any numerical limits to the number of ADUs in the City or an individual neighborhood. Previous feedback from the Planning Commission requested some limited clear and objective architecture standards. Staff recommends adding clear regulations on roof pitch and roof and siding material as sufficient to ensure neighborhood compatibility.

The review also took a broader look at potential barriers to ADU development. A very common reason not allowing an ADU or other accessory structure is lot coverage requirements provided in the Development Code. Staff recommended amending the Code to allow additional lot coverage to provide enough space to permit the possibility for ADUs. Additional research and data analysis on the lot coverage question revealed issues that go beyond ADUs to apply to residential lots in a number of zones generally. While the Planning Commission can still recommend adoption of revised lot coverage standards as part of the current package of code amendments, staff suggests saving the lot coverage related code amendments to be part of a larger residential code project related to density and open space coming before the commission in the near future. The deferment to this upcoming project allows for additional in depth discussion with the commission about the complexities surrounding lot coverage as well as additional input from the public.

Another potential barrier is private covenants and restrictions. While not addressing current private restrictions, staff recommended code language preventing future subdivisions from having private restrictions on ADUs beyond those commensurate with homes and other accessory structures. While prohibiting private restrictions on ADUs does have the potential to support the City's housing goals, staff sees the current status quo of most CC&R's being silent on the topic acceptable.

Lastly, staff identified a number of related minor amendments and definitions necessary to help increase functionality and clarity of the Code. Among these are clarifying regulations on short-term rentals, clarifying square footage limitations and parking requirements for ADUs, and

clarifying definitions of different types of dwelling units. This language, has not changed since the July public hearing.

One implementation measure in the Comprehensive Plan, Implementation Measures 4.1.4.bb., also needs amending to be consistent with the new state statute and the proposed Development Code amendments.

EXPECTED RESULTS: Recommendation to the City Council to adopt the proposed amendments to the Development Code.

TIMELINE: The Planning Commission is scheduled for further discussion and a likely decision on September 12th and the City Council public hearing was continued from the original August 6th date to October 1st.

CURRENT YEAR BUDGET IMPACTS: The project uses capacity of current City staff and personnel and other non-financial resources provided by Metro and the State of Oregon.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: Date:

LEGAL REVIEW / COMMENT:

Reviewed by: Date:

COMMUNITY INVOLVEMENT PROCESS: The City provided broad notice of the Public Hearing to all residential properties.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups): The adoption of the code amendments will provide clarity and certainty for property owners in Wilsonville desiring to add an ADU on their property, potentially increasing ADU construction, and thus providing needed housing in the community consistent with state law.

ALTERNATIVES: A number of alternatives exist for the code amendments. The staff will provide their recommendations and reasoning. Feedback on other alternatives from the Planning Commission and public are welcome.

ATTACHMENTS:

Attachment 1: Code Amendment Category List

Attachment 2: Updated Draft Code Amendments to Chapter 4 Wilsonville Code

Attachment 3: Draft Amendments to Old Town Single-Family Design Standards Book (no changes since July Public Hearing)

Attachment 4: Comprehensive Plan Text Amendment for Implementation Measure 4.1.4.bb. (no changes since July Public Hearing)

Attachment 5: Compliance Findings

**PLANNING COMMISSION
RESOLUTION NO. LP18-0006**

A WILSONVILLE PLANNING COMMISSION RESOLUTION RECOMMENDING THAT THE WILSONVILLE CITY COUNCIL ADOPT CERTAIN AMENDMENTS TO THE WILSONVILLE DEVELOPMENT CODE AND TEXT OF THE COMPREHENSIVE PLAN REGARDING ACCESSORY DWELLING UNITS AS WELL AS OTHER DEVELOPMENT CODE AMENDMENTS TO INCREASE CLARITY AND FUNCTIONALITY OF REGULATIONS RELATED TO ACCESSORY DWELLING UNITS AND OTHER HOUSING.

WHEREAS, the City of Wilsonville currently allows Accessory Dwelling Units for most single-family homes on their own lot; and

WHEREAS, Senate Bill 1051 requires cities in Oregon with populations greater than 2,500 to allow accessory dwelling units for each detached single-family structure whether on its own lot or not, effective July 1, 2018; and

WHEREAS, the City's Development Code includes a numerical limitation on Accessory Dwelling Units in the Canyon Creek Estates subdivision, which is not allowed under Senate Bill 1051; and

WHEREAS, Senate Bill 1051 requires only clear and objective standards apply to Accessory Dwelling Units requiring the City to remove certain subjective standards of having the same architecture of the primary dwelling unit; and

WHEREAS, Comprehensive Plan Implementation Measure 4.1.4.bb. references the Accessory Dwelling Unit allowance for only single-family homes, numeric limitations, and matching architecture to the primary dwelling necessitating modification or removal of said references from the text of this implementation measure to be consistent with state statutes and the proposed Development Code amendments; and

WHEREAS, the City of Wilsonville encourages construction of Accessory Dwelling Units to provide needed housing, particularly for smaller households of one to two persons; and

WHEREAS, the City of Wilsonville further encourages construction of Accessory Dwelling Units to support housing affordability by providing smaller more affordable dwelling units as well as providing a method for homeowners to gain rental income to make ownership of their property more affordable; and

WHEREAS, review of the regulations affecting Accessory Dwelling Units and other housing identified opportunities to clarify code language and improve the functionality of the Development Code related to Accessory Dwelling Units and other housing; and

WHEREAS, the Wilsonville Planning Commission held a work session on June 13, 2018 to discuss the proposed Development Code Amendments; and

WHEREAS, the Wilsonville Planning Director, taking into consideration input and suggested revisions provided by the Planning Commission members and the public, submitted the proposed amendments to the Wilsonville Development Code to the Planning Commission, along with a Staff Report, in accordance with the public hearing and notice procedures that are set forth in Sections 4.008, 4.011, 4.012 and 4.198 of the Wilsonville Code; and

WHEREAS, the Planning Commission, after Public Hearing Notices were provided to impacted residential properties, held a Public Hearing on July 11, 2018 to review the proposed amendments to the Wilsonville Development Code, and to gather additional testimony and evidence regarding the proposal; and

WHEREAS, on July 11, 2018 the Planning Commission closed the public hearing, but left the record open for additional information from Staff and continued their deliberations to a date certain of September 12, 2018, on which date the Planning Commission examined the additional material from Staff and held additional deliberations; and

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

WHEREAS, the Planning Commission has duly considered the subject, including the staff recommendations and all the exhibits and testimony introduced and offered by all interested parties.

NOW, THEREFORE, BE IT RESOLVED that the Wilsonville Planning Commission does hereby adopt the Planning Staff Report (attached hereto as Exhibit A) and Attachments, as presented at the July 11, 2018 and September 12, 2018 public hearings, including the findings and recommendations contained therein and does hereby recommend that the Wilsonville City Council adopt the proposed amendments to the Wilsonville Development Code as approved on September 12, 2018 by the Planning Commission; and

BE IT RESOLVED that this Resolution shall be effective upon adoption.

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof this 12th day of September 2018, and filed with the Planning Administrative Assistant on _____, 2018.

Wilsonville Planning Commission

Attest:

Tami Bergeron, Administrative Assistant III

SUMMARY of Votes:

Chair Jerry Greenfield: _____
Commissioner Eric Postma: _____
Commissioner Peter Hurley: _____
Commissioner Phyllis Millan: _____
Commissioner Kamran Mesbah _____
Commissioner Ron Heberlein: _____
Commissioner Simon Springall: _____

Attachment 1

ADU Code Amendment Categories

Referenced in Code Amendment Document

A. Ensure Compliance:

A1	SB 1051 requires the allowance of at least one ADU per single-family dwelling. Add ADU allowance for each detached dwellings in a scenario with multiple detached dwellings on a single lot. Currently the City allows an ADU for each single-family lot rather than per single-family dwelling.
A2	The State requires clear and objective standards. Remove subjective “match the architecture” standards beyond those applied to other structures in the applicable zone. ADUs will be subject to the same architectural standards as homes and other accessory structures in all zones.
A3	Remove numeric limits for Canyon Creek Estates included in the Development Code.

B. Further the Intent:

B1	Review regulations such as setbacks and lot coverage to ensure clear, objective, and reasonable.
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C. Increase Code Function and Clarity:

C1	Refine definitions related to ADUs and other dwelling unit types.
C2	Add definitions defining “Attached Dwelling Unit” and “Detached Dwelling Unit.”
C3	Remove duplicative definitions and code language.
C4	Clarify what accessory uses must be on the same lot as the primary use.
C5	Update definition of “Private Garage” to reflect ADU/garage multi-use structures.
C6	Define “Habitable Floor Area” to clarify what type of storage is part of an ADU and what type of storage isn’t, as this is a common question asked of Planning staff.
C7	Define “Short-Term Rental” and clarify allowance of short-term rental of ADUs and other residential structures and what type of approval is required.
C8	Clarify in a number of lists that “accessory buildings and structures” includes ADUs.
C9	Simplify and clarify language related to maximum floor area for ADUs.
C10	Simplify and remove unclear/uncertain language for ADU parking, make standard the same for all ADUs, put ADUs in parking table.
C11	Clarify ADUs do not count in density calculations.
C12	Remove language that could be read to require trash vehicle and emergency vehicle access beyond that required by relevant building and fire code and other standards.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.001 Definitions.

In addition to the definitions set forth in Section 4.001, below, for the purpose of this Chapter, the following terms are hereby defined. The word "occupy" includes premises designed or intended to be occupied. The word "shall" is always mandatory. All other words shall have the following respective meanings, unless the context otherwise requires:

1. Abutting: See Adjoining.
2. Access, Vehicular: The designed location of ingress and egress, where vehicles enter or leave property.
3. Access, Pedestrian: The designed location of ingress and egress, where pedestrians enter or leave property.
4. Access Control Restriction: A type of access restriction that involves establishing a reserve area adjacent to and paralleling a half street improvement, or across the end of a street that is to be extended in the future, to ensure proper participation by adjoining properties in completion of the required street improvements. See Street, Half. [Amended by Ord. #719, 6/17/13]
5. Access Drive: A private travel lane primarily used as a means of approach for vehicles.
6. Accessory Building or Use: A subordinate building or use, the function of which is clearly incidental to that of the main building or use on the same lot. For non-residential uses, An an accessory use may be located on a lot adjoining that of the main use if approved for this purpose through the Administrative Review procedures of Section 4.030.
7. Accessory Dwelling Unit: A dwelling unit of not more than 800 square feet of habitable floor area accessory, incidental, subordinate to another dwelling unit on the same lot. ~~on the same lot as a single family dwelling, and being of substantially the same exterior design as that single family dwelling, whether attached or detached.~~ [Amended by Ord. 677, 3/1/10]
8. Address Overlay Zone: Distinct areas within the Villebois Village Center where additional information is provided for the definition of architectural character and community elements. [Added by Ord. No. 595, 12/5/05.]
9. Adjacent: See adjoining.
10. Adjoining: Contiguous or abutting exclusive of street width. It shall include the terms adjacent, abutting or contiguous.
11. Agriculture: The use of land larger than one acre for the primary purpose of deriving income from growing plants on land including, but not limited to, land used principally for the production of crops, land used for orchards or production of fruit, but not including land used primarily for another use and incidentally for growing plants, crops, or fruit.
12. Alley: A public or private way which includes a roadway used to provide vehicular ingress and egress to the back or side of properties otherwise abutting on a street, private drive, or shared common area. An alley typically has a width of no more than twenty (20) feet.

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

22. Area of Shallow Flooding: Means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
23. Area of Special Flood Hazard: Means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This is the area subject to a base flood event. Designation on FIRM maps always includes the letters A or V.
24. Artificial Sky Glow. The brightening of the night sky attributable to human made sources of light. [Added by Ord. 649, 6/2/08]
- ~~25. Attached Family Dwelling Units: A building or structure designed to house two (2) or more families, whether related to each other or not.~~
- ~~26-25. Attached Wireless Communication Facility: A wireless communication facility that is affixed to an existing structure, (e.g., an existing building wall or roof, mechanical equipment, or alternative tower structure. [Added by Ord. #479, 5/19/97]~~
- ~~27-26. Attachment: An antenna or other piece of related equipment affixed to a transmission tower. [Added by Ord. #479, 5/19/97]~~
- ~~28. Accessory Dwelling Unit: A dwelling unit of not more than 600 square feet on the same lot as a single family dwelling, and being of substantially the same exterior design as that single family dwelling, whether attached or detached.~~
- ~~29-27. Base Flood: Means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on FIRM maps always includes the letters A or V.~~
- ~~30-28. Basement: A portion of a building which has less than one-half (1/2) of its height measured from finished floor to finished ceiling above the average elevation of the adjoining grade. For areas located in a Special Flood Hazard Area, the definition of basement is any area of the building having its floor subgrade (below ground level) on all sides.~~
- ~~31-29. Bed and Breakfast Home or Boarding House: A building or premises used for the provision of lodging and meals, where not more than five (5) rooms are available for rent. Does not including short-term rentals.~~
- ~~32-30. Bikeway: Bikeway is a general term used to describe any type of transportation facility that is designated for use by bicycles in conformance with City standards. Bikeways may or may not be within a public right-of-way and include the following:~~
- A. Bike Lane: A bike lane facility is a type of bikeway where a section of the roadway is designated for exclusive bicycle use.
 - B. Recreational Trail: A recreation trail is a type of pedestrian, bicycle, or equestrian facility that is entirely separate from roadways and has unimproved, gravel, or bark dust surface.
 - C. Shared Roadway: A shared roadway facility is a type of bikeway where motorists and cyclists occupy the same roadway area.

Commented [PD3]: C1, C2, C3. Note: Definitions for attached dwelling unit found under "Dwelling Unit, Attached"

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

building is divided into units by means of masonry division walls, each unit shall be considered separately in calculation for height of building.

46. Candela. The unit of luminous intensity of a lighting source emitted in a given direction. [Added by Ord. 649, 6/2/08]
47. Canopy. A roof-like covering over an area, in or under which a lighting fixture is mounted. [Added by Ord. 649, 6/2/08]
48. Category of Use: Type of use. See Mixed Use.
49. Change of Use: Within the Willamette River Greenway means making a different use of the land or water than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of the existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for the purposes of Sections 4.500.
50. Civic: Relating to, or derived from, a city or citizen.
51. Civic Building or Place: A building or place that functions communally, such as religious, cultural, environmental or educational institutions.
52. Clear Vision Area: A standard for sight lines at intersections of streets, railways, and driveways. See section 4.125.09, Street Improvement Standards.
53. Cluster Housing: ~~A type of Small-lot detached-single family dwellingsdwelling unit development~~ arranged in groups, with a courtyard(s) containing shared green space and a public access sidewalk easement.
54. Commercial: Development having to do with retail, service, commercial recreation, and/or office uses.
55. Common Residential Areas.
 - Areas shared in common by residents of buildings with three or more dwelling units, (i.e. common open space, play areas, trash receptacle areas, “common property” under a subdivision or partition declaration); and
 - Three or more open off-street stripped parking spaces, either abutting or within 10 feet of each other and not separated by a wall or other physical barrier between the two parking spaces, designated or set aside for use by the three or more dwelling units, regardless of whether the parking space is assigned for exclusive use of each dwelling unit or non-exclusively used by three or more dwelling units, and are either commonly owned or were developed for the purpose of serving the parking needs of “multiple dwellings” or multiple attached single-family dwellings, as defined in the Development Code. [Added by Ord. 649, 6/2/08]

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85. ~~Duplex: Two attached dwelling units on a single lot, neither of which meets the definition of an accessory dwelling unit.~~

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86. Dwelling: A building, mobile home, or manufactured home, designed for residential occupancy, but not a house trailer or recreational vehicle.

~~Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family, including a kitchen and bathroom, but not a trailer house or other recreational vehicle.~~

Commented [PD8]: Existing language relocated

87. Dwelling Unit, Attached: A dwelling unit which (1) shares one or more common or abutting wall, floor, or ceiling with one or more dwelling units and/or (2) has a shared roof structure with or a roof without a spatial gap between one or more dwelling units. The common or abutting walls, floors, ceilings, and roofs includes those of attached garages, storage areas, or other accessory uses. When a dwelling unit is attached only to an accessory dwelling unit and the accessory dwelling unit is not attached to any other dwelling unit, the dwelling unit is not "Attached" under this definition while the accessory dwelling unit is "Attached" under this definition.

88. Dwelling Unit, Detached: A dwelling unit not meeting the definition of attached dwelling unit.

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~~86.~~

~~87-89. Dwelling Unit, Multiple-Family: Three or more attached dwelling units located on a single tax lot. In the Village zone, such use also includes stacked flats or townhouses. Multiple-family dwelling units may be detached or attached.~~

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~~88-90. Dwelling Unit, Single-Family: A dwelling unit designed for occupancy by one family located on its own lot. A single-family dwelling unit may be detached or attached, provided that each such unit is located on its own tax lot. A single family dwelling may also include an accessory dwelling unit, if approved for that use as specified in this Code.~~

Commented [PD11]: C1, C3

~~89-85. Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family, including a kitchen and bathroom, but not a trailer house or other recreational vehicle.~~

90-91. Encroachment Area: See Section 4.139.00

91-92. Equipment Enclosures: A small structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning and emergency generators. [Added by Ord. #479, 5/19/97]

93. Essential Government Services. Services and facilities provided by a governmental unit, that are basis and inherent to the public health and welfare including, but not limited to, fire, police, water, sewer, transportation, emergency communication, and education, and governmental services and facilities in support thereof. [Added by Ord. 545, 8/19/02]

~~92.~~

93-94. Exempt tree or vegetation: As used in the solar access provisions of this Code, the terms "exempt tree or exempt vegetation" refer to the full height and breadth of vegetation that has been identified by the City as "solar friendly," and any vegetation

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listed as exempt on a plat, a document recorded with the plat, or a solar access permit.

- 94-95. Existing Manufactured Home Park or Subdivision: A manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations. [Added by Ord. # 647, 4/21/08]
- 95-96. Exterior Display: The outdoor exhibit of merchandise by a retail merchant.
- 96-97. Façade: The exterior wall or elevation of a building. [Added by Ord. 649, 6/2/08]
- 97-98. Family: One or two persons with or without their direct descendants and adopted children (and including domestic employees thereof) together with not more than five (5) persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five (5) or fewer persons living in such housekeeping unit shall be considered a separate family. For housing developed to implement ORS 426.508 or under the Fair Housing Amendments Act of 1988, family shall mean all persons living in a dwelling unit, regardless of relationship.
113. Garage, private: An accessory building, or portion thereof, or portion of a main building used for the parking or temporary storage of vehicles ~~owned or used by occupants of the main building.~~
114. Glare: Light that causes visual discomfort or disability, and the wattage and/or light distribution is excessive for the purposes for which the illumination is necessary. [Added by Ord. 649, 6/2/08]
115. Grocery Store: A retail business that sells food and household sundries.
116. Grocery Store, Specialty: A retail business that sells specialty food and specialty household sundries.
117. Habitable floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".
- 117-118. Habitable floor area: For the purpose of calculating the area of a dwelling unit, the area of a dwelling unit usable for living purposes, which includes areas for sleeping, eating, cooking, bathing, sanitation, recreation, and similar activities. Storage areas with floor-level interior access from other habitable areas are included in habitable floor area. Storage areas without interior floor-level access from other habitable areas are not included in habitable floor area. A garage is not considered a storage area for the purpose of this definition and is not considered part of the habitable floor area.
- 118-119. Habitat-Friendly Development: A method of developing property that protects our natural resources as we grow and focuses on land development and site design that mimic natural processes. Examples include clustering development to avoid habitat, minimizing tree removal and root disturbance, managing storm water on-site to help filter rainwater and recharge groundwater sources, and, where feasible, reducing the amount of impervious surface created by development. [Added by Ord. # 674 11/16/09]
- 119-120. Hardscape: Permanent improvements to a site, including but not limited to, parking lots, driveways, streets, plazas, sidewalks, walkways, bikeways, abutments,

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stairs, ramps, and architectural features, such as fountains and sculptures. [Added by Ord. 649, 6/2/08]

~~120-121.~~ Hearing Body: The City Council, the Development Review Board, or the Planning Commission having the authority to review an application assigned by Section 4.031, Section 4.032, and Section 4.033.

~~121-122.~~ Heritage Tree: A tree that, due to age, size, species, quality or historic association, is considered of landmark importance to the community and has been designated as such by the City Council.

~~122-123.~~ Home Business: A business operating from a dwelling unit that does not meet the definition of a "Home Occupation" listed below, ~~and for which a conditional use permit has been issued by the City. Short-term rental of a dwelling unit or portion thereof where the operator does not live on the same lot is a home business. A home business requires a conditional use permit.~~

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~~123-124.~~ Home Occupation: ~~"Home Occupation" means an An~~ occupation, profession, or craft, which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the premises as a dwelling place is largely incidental to the business use. A home occupation is carried on by an immediate member of the family residing within the dwelling place. A home occupation shall require no structural alteration or changes to the exterior of the dwelling, and shall include no display of merchandise on the premises which can be seen from the exterior of the dwelling. Any instruction shall be limited to one pupil at a time. Noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the use shall not be of the intensity as to be detected outside of the containing structure. Traffic and parking are to be such as to give no outward appearance that a business is being conducted on the premises. ~~Short-term rental of a dwelling unit or portion thereof where the operator of the short-term rental lives on the same lot is a home occupation.~~

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124. Hospital: A building or premises providing in-patient services that is used for human medical or surgical treatment.

125. Hospital, Animal: A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat and veterinary hospitals.

126. Hotel, Motel, or Overnight Lodging Facility: A building which is designed or used to offer ~~six (6) or more rooms for~~ lodging, with or without meals, for compensation, ~~for six (6) or more people.~~

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127. House Side Shield. For fully shielded luminaires only, an internal shield designed and installed by the luminaire manufacturer that significantly attenuates candlepower in the back photometric hemisphere at all angles greater than 30 degrees relative to nadir. [Added by Ord. 649, 6/2/08]

128. Human Occupancy: For purposes of Section 4.172(.02)(C)(4.), any structure usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof, is considered to be for human occupancy. A structure used only for storage purposes is not for "human occupancy." [Added by Ordinance No. 538, 2/21/02.]

129. IESNA. The Illuminating Engineering Society of North America (see www.iesna.com). [Added by Ord. 649, 6/2/08]

130. Impact Area: See Section 4.139.00

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131. **Impervious Area:** An area with minimal infiltration of surface water into the underlying soil and shall include pavement (including but not limited to concrete or asphaltic concrete surfaces), gravel roads, structures, roadways, and roofs.
132. **Intensification of Use:** Within the Willamette River Greenway means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of land within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities, including accessory dwelling units, adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this Code. Seasonal increases in gravel operations shall not be considered an intensification of use.
133. **Kennel:** Any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept for boarding, breeding or sales.
134. **Landscaping:** The term "landscaping" includes trees, grass, shrubs, flowers, water features, and garden areas, and the arrangement of paths, walkways, fountains, patios, decks, fencing, street furniture and ornamental concrete or stonework areas, earth forms such as grading, mounding and contours. The use of pervious materials is

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

~~273.~~ Short-Term Rental: A dwelling unit or portion thereof subject to a lease term, rental agreement, or similar agreement, either directly or through a professional vacation rental-company or similar, less than monthly, generally daily or weekly. Involves rental to only one party at a time. A dwelling unit with rental of different rooms during the same period to different parties is not considered a short-term rental, but may meet the definition of a bed and breakfast home or boarding house or hotel, motel, or overnight lodging facility.

Commented [PD18]: C7

~~273-274.~~ Solar access permit: A document issued by the city that describes the maximum height that non-exempt vegetation is allowed to grow on lots to which a solar access permit applies.

~~274-275.~~ Solar feature: A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window or windows that contain(s) at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature for purposes of this Section.

~~275-276.~~ Solar gain line: A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot (see Figure 8: Solar Gain Line in Section 4.137).

~~276-277.~~ Source Separated Recyclables: Recyclable materials designated "principle recyclable materials" by the Oregon Environmental Quality Commission under ORS 495A.025 with the exception of yard debris, as well as other source-separated recyclables that may be designated by local ordinance or regulation. [Amended by Ord. #426- 4/1/94]

~~277-278.~~ South or South facing: True south, or 20 degrees east of magnetic south.

~~278-279.~~ Special Flood Hazard Area: Means an area having special flood, mudslide (i.e., mudflow), and/or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, AO, AE, AH, VE, or V. [Amended by Ord. # 647, 4/21/08; Ord. 686, 11/1/10]

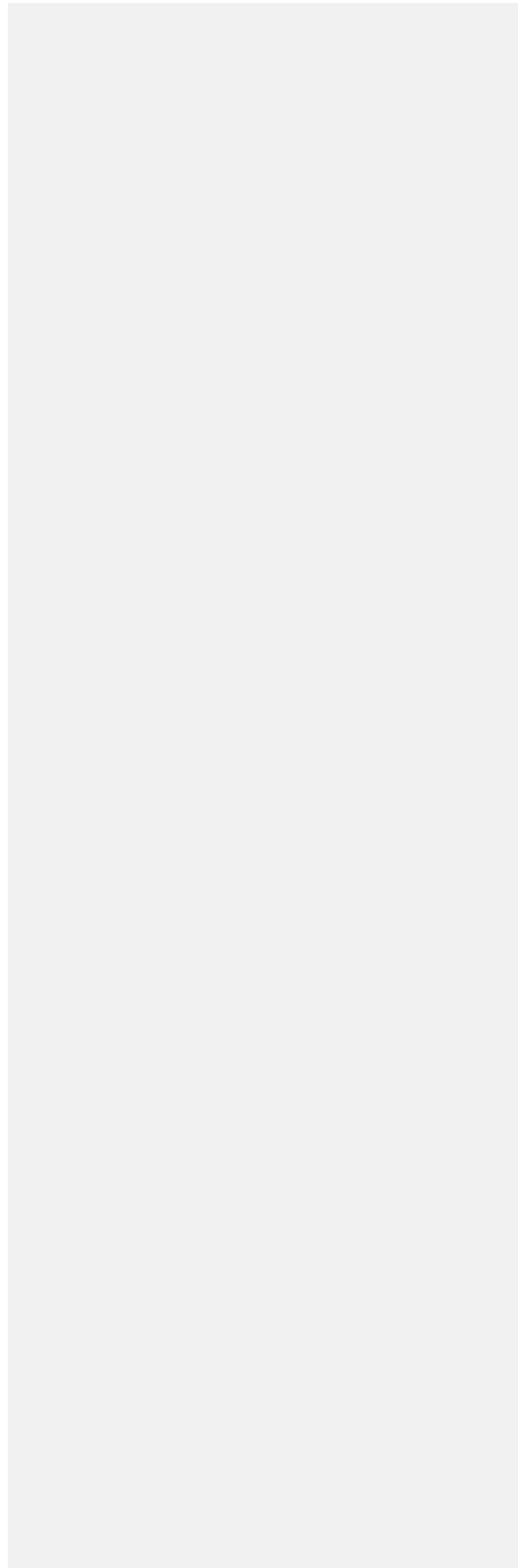
~~279-280.~~ Specific Area Plan (SAP): A plan with a series of detailed components covering one of the five distinct areas of the Villebois Village Master Plan. These plans provide a higher level of analysis and detail than the Villebois Village Master Plan.

~~280-281.~~ Stacked Flats: Two or more single-level dwelling units, the second arranged above the first, etc.

~~281-282.~~ Start of Construction: Includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling

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units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Added by Ord. # 647, 4/21/08; amended by Ord. 686, 11/1/10]



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Section 4.113. Standards Applying To Residential Developments In Any Zone.

(.03) Building Setbacks(for Fence Setbacks, see subsection .08)

- A. For lots over 10,000 square feet:
 - 1. Minimum front yard setback: Twenty (20) feet.
 - 2. Minimum side yard setback: Ten (10) feet. In the case of a corner lot less than one hundred (100) feet in width, abutting more than one street or tract with a private drive, the side yard on the street or private drive side of such lot shall be not less than twenty percent (20%) of the width of the lot, but not less than ten (10) feet.
 - 3. In the case of a key lot, the front setback shall equal one-half (1/2) the sum of depth of the required yard on the adjacent corner lot along the street or tract with a private drive upon which the key lot faces and the setback required on the adjacent interior lot.
 - 4. No structure shall be erected within the required setback for any future street shown within the City's adopted Transportation Master Plan or Transportation Systems Plan.
 - 5. Minimum setback to garage door or carport entry: Twenty (20) feet. Except, however, in the case of an alley where garages or carports may be located no less than four (4) feet from the property line adjoining the alley.
 - 6. Minimum rear yard setback: Twenty (20) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot.
- B. For lots not exceeding 10,000 square feet:
 - 1. Minimum front yard setback: Fifteen (15) feet, with open porches allowed to extend to within ten (10) feet of the property line.
 - 2. Minimum side yard setback: One story: five (5) feet; Two or more stories: seven (7) feet. In the case of a corner lot, abutting more than one street or tract with a private drive, the side yard on the street side of such lot shall be not less than ten (10) feet.
 - 3. In the case of a key lot, the front setback shall equal one-half (1/2) the sum of depth of the required yard on the adjacent corner lot along the street or tract with a private drive upon which the key lot faces and the setback required on the adjacent interior lot.
 - 4. No structure shall be erected within the required setback for any future street shown within the City's adopted Transportation Master Plan or Transportation Systems Plan.
 - 5. Minimum setback to garage door or carport entry: Twenty (20) feet. Wall above the garage door may project to within fifteen (15) feet of property line, provided that clearance to garage door is maintained. Where access is taken from an alley, garages or carports may be located no less than four (4) feet from the property line adjoining the alley.
 - 6. Minimum rear yard setback: One story: fifteen (15) feet. Two or more stories: Twenty (20) feet. Accessory buildings on corner lots must observe the same rear setbacks as the required side yard of the abutting lot.

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(.11) Accessory Dwelling Units.

A. ~~Accessory Dwelling Units, developed on the same lot as the detached or attached single family dwelling to which it is accessory, shall be permitted outright, subject to the standards and requirements of this Section, are permitted subject to the standards and requirements of this Subsection.~~

Commented [PD19]: A1, C3

B. Standards

1. Number Allowed

a. For detached dwellings units and attached single-family dwelling units: One per dwelling unit.

b. For all other attached dwelling units: None.

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2. ~~Maximum Floor Area: per definition in Section 4.001, 800 square feet of habitable floor area. Per Subsection 4.138 (.04) C. 1., in the Old Town Overlay Zone the maximum is 600 square feet of habitable floor area. One Accessory Dwelling Unit per lot shall be no greater than 800 square feet with not more than two bedrooms, unless the size and density of ADUs are otherwise provided in an adopted Neighborhood Plan or Stage II Development Plans. Larger units shall be subject to standards applied to duplex housing.~~

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~~3.~~ Accessory dwellings units shall be on the same lot as the dwelling unit to which they are subordinate.

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~~4.~~ Accessory Dwelling Units may be either attached or detached, but are subject to all zone standards for setbacks, height, and lot coverage, unless those requirements are specifically waived through the Planned Development waiver or Variance approval processes.

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~~3.~~ This Section applies to residential developments in PD-R, R, RA-H, or Village zones.

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5. Design Standards:

a. Roof pitch shall be 4:12 to 12:12. No flat roofs allowed.

i. Where the primary dwelling unit has a roof pitch of less than 4:12 the minimum roof pitch does not apply.

b. Roof and siding materials shall match the respective material of one or more of the following: (1) the primary dwelling unit on the same lot, (2) a primary dwelling unit on an immediately adjacent lot, or (3) a primary dwelling unit within the same subdivision.

i. For the purpose of the requirement to match material, fiber cement siding made to appear like wood, stucco, or masonry may be used to match wood, stucco, or masonry respectively.

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c. Where design standards established for a zone or overlay zone are more restrictive and/or extensive than a. and b. above the more restrictive and/or extensive design standards shall apply. This includes design standards for the Village (V) Zone, the Residential Neighborhood (RN) Zone, and the Old Town Overlay Zone.

4.6. Where an Accessory Dwelling Unit is proposed to be added to an existing residence and no discretionary land use approval is being sought (e.g., Planned Development approval, Conditional Use Permit approval, etc.) the application shall require the approval of a Class I Administrative Review permit. Application for duplex construction shall be subject to the density standards of the zone in which it is located, or as otherwise provided in a Neighborhood Plan or Stage II/Final Development Plan.

5.7. Authorization to develop Accessory Dwelling Units does not waive Building Code requirements. Increased firewalls or

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building separation may be required as a means of assuring adequate fire separation from one unit to the next. Applicants are encouraged to contact, and work closely with, the Building Division of the City's Community Development Department to assure that Building Code requirements are adequately addressed.

~~6. The Accessory Dwelling Unit must be of substantially the same exterior design and architecture (i.e. siding, windows, doors and roofing materials) as the primary dwelling unit on the property.~~

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~~7. Parking:~~

~~Each Accessory accessory Dwelling dwelling Unit unit shall have one standard sized parking space on the same lot.~~

~~Where an off-street parking space is not available to serve the ADU accessory dwelling unit, on-street parking may be considered to satisfy satisfies this requirement if all of the following are present:~~

~~On at least 45 feet of frontage along the lot is available for on-street parking and is not otherwise approved to meet minimum parking standards for another use. -street parking exists along the frontage of the lot, or within 100' of the front lot line of the lot.~~

~~No more than 25% of the lots in a block will have ADUs.~~

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~~9.8. Each Accessory accessory Dwelling dwelling Unit unit shall provide complete, independent permanent facilities for living, sleeping, eating, cooking, bathing and sanitation purposes, and shall have its own separate secure entrance.~~

~~9. Each Accessory Dwelling Unit must be accessible by street or driveway to fire and emergency vehicles, and for trash pick up.~~

Commented [PD28]: C12

~~10. Accessory dwelling units may be short-term rentals, but the owner/local operator must maintain an active business license with the City of Wilsonville for a short-term rental business and pay all applicable lodging and other taxes.~~

Commented [PD29]: C7

~~C. Neighborhood Density and Size Standards.~~

~~1. Canyon Creek Estates — up to 12 ADUs as per Resolution No. 95PC16.~~

Commented [PD30]: A3

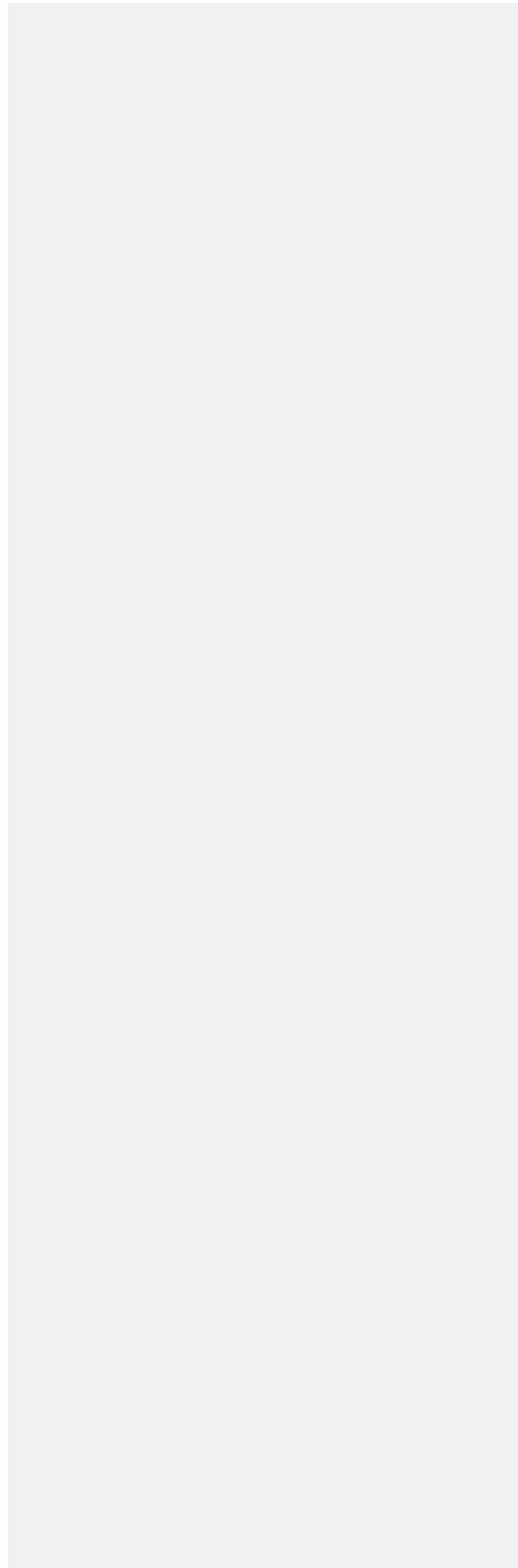
[Section 4.133(11) amended by Ord. 677, 3/1/10]

(.12) Reduced Setback Agreements. The following procedure has been created to allow the owners of contiguous residential properties to reduce the building setbacks that would typically be required between those properties, or to allow for neighbors to voluntary waive the solar access provisions of Section 4.137. Setbacks can be reduced to zero through the procedures outlined in this subsection.

A. Examples

1. First example: the owner of one house is allowed to build to the

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1
sideyard property line, with no setback, provided that the owner of the neighboring property agrees and that the agreements of both owners are recorded with the deed records for those properties.



Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.120. Zones. RA-H Residential Agricultural - Holding Zone.

(.01) Purpose. It is the purpose of this zone to serve as a holding zone to preserve the future urban level development potential as undeveloped property designated for more intensive development. This zone has been applied to all urbanizable properties within the city which are planned for development and which have not previously received development approval in accordance with the Comprehensive Plan.

(.02) Uses Permitted Outright:

- A. One single-family dwelling, ~~with not more than one accessory dwelling unit~~ per lot and accessory dwelling units subject to the standards of Section 4.113 (.11). Where the Comprehensive Plan calls for future non-residential zoning of the site, the building permit for any proposed residential development shall not be granted until a statement has been recorded applying to the title of the subject property, notifying any potential buyer that future development in the area is expected to be non-residential.
- B. Except for existing lots of record of less than two acres, recorded prior to the effective date of this Code, partitioning or subdivision of properties designated for development shall only be considered in conjunction with or following a zone change in conformance with the Comprehensive Plan. Said zoning shall confirm the adequate provision of public facilities and the protection of future urban development potentials.
- C. If the proposed development is for a less intensive interim density consisting of large lots, a pre-plat and Site Plan review shall be required that provides for future development of the property in accordance with the uses and densities shown in the Comprehensive Plan. Said plat shall be filed on the City's Lien Docket as an obligation toward the property, together with an agreement of non-remonstrance towards the formation of any local improvement district which may serve the subject site.
- D. For properties designated in the City's Comprehensive Plan for nonresidential use, the intensity of use shall be restricted to activities which do not require construction of a permanent structure and which will not tend to restrict, obstruct, or adversely affect the future development of the property for its designated use. Except, however, that the development of a single-family dwelling shall be permitted as specified in subsection (.02), above.
- E. Temporary structures or uses, subject to the procedures for temporary uses set forth in Section 4.163.
- F. Agriculture, horticulture, greenhouses, nurseries (provided that any commercial sales of products shall require the approval of a conditional use permit), timber growing, grazing, and the small scale raising of livestock and animals.
- G. Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a non-

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

commercial nature. Any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot in a residential or RA-H district.

H. Accessory Uses Permitted:

1. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal uses permitted located on the same lot therewith.
2. Home occupations.
3. Signs, subject to the provisions of Sections 4.156.01 through 4.156.11. [Amended by Ord. No. 704, 6/18/12]

(.03) Uses Permitted Subject to receiving approval of a Conditional Use Permit:

- A. Private parks, municipal and government buildings, public utilities, public information centers, semi-public buildings of a non-commercial nature, churches, attached family dwelling units limited to two (2) family maximum, public, private, and parochial schools as provided in Section 4.184 when approved by the Development Review Board at a Public Hearing as provided in Section 4.013.
- B. Roadside stands when located on the same property as the principal uses, selling only those products that are produced on the same property on which the stand is located, or on adjacent property.

(.04) Dimensional Standards:

- A. Minimum Lot Size: 30,000 square feet.
- B. Minimum Front and Rear Yard Setbacks: Thirty (30) feet. Minimum Side Yard Setback: Ten (10) feet.
 1. Legal, non-conforming RA-H lots in the Old Town Overlay Zone shall have the following setbacks:
 - a. Front: Ten (10) feet for single family dwellings, for all other uses: none;
 - b. Rear: Fifteen (15) feet;
 - c. Side: Five (5) feet.
 2. Minimum setback for residential garage or carport: At least five (5) feet behind the front of the nearest residential unit on the property. In no case shall the front of a garage or carport be located less than twenty (20) feet behind a sidewalk or a public right-of-way providing access to that garage or carport. Except, however, in the case of an alley where garages or carports are located within five (5) feet of the property line adjoining the alley. [Amended by Ord. 682, 9/9/10]
- C. Minimum Street Frontage: Seventy-five (75) feet. A reduced street frontage may be approved, based on a finding that the proposed lot frontage will not hinder the future development of the site to densities proposed in the Comprehensive Plan.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.122. Residential Zone.

- (.01) Purpose: The purpose of this zone is to provide for standards and a simplified review process for small-scale urban low and medium density residential development. Developments in the 'R' zone are not intended to be Planned Developments.
- (.02) Residential Densities: Residential densities shall be governed by the density range designated by the City of Wilsonville Comprehensive Plan.
- (.03) Lot Size Qualifications:
 - A. The owner or the owner's authorized agent shall not hold or cause to be held any interest in any adjacent property with the intent to avoid PDR regulations.
 - B. The lot or any part thereof shall not be an identified area of special concern as defined in the Comprehensive Plan.
 - C. The development area must be two (2) acres or less in size. Development of larger properties shall be reviewed through planned development procedures.
 - D. Not more than thirty percent (30%) of the lot shall be covered by buildings.
- (.04) Principal Uses Permitted:
 - A. Single-Family Dwelling Units.
 - B. ~~Attached Family Dwelling Units, Duplexes.~~
 - C. ~~Apartments~~Multiple-Family Dwelling Units.
 - D. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature. Any principal building or public swimming pool shall be located not less than forty- five (45) feet from any other lot in a residential or RA-H zone.
 - E. Manufactured homes. [Note: Section 4.115 Standards Applying to Manufactured Housing in All Zones Where Manufactured Housing is Permitted deleted per by Ord. 538, 2/21/02.]
- (.05) Accessory Uses Permitted to Single Family and Detached Dwelling Units:
 - A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, ~~including accessory dwelling units subject to the standards of Subsection 4.113 (.11),~~ located on the same lot therewith.
 - B. Home occupations.
 - C. A private garage or parking area.
 - D. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10. [Amended by Ord. No. 704, 6/18/12]
 - E. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.

- F. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main buildings, at least one-half (1/2) of the side yard setback. In no case shall a setback less than three (3) feet be permitted unless a Reduced Setback Agreement has been approved and properly recorded, as provided in Section 4.113.
- G. Livestock and farm animals shall be permitted subject to the provisions of Section 4.162.

(.06) Accessory Uses Permitted for Attached Family Dwelling Units and Apartments Duplexes and Attached Multiple-Family Dwelling Units:

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- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
- B. Home occupations.
- C. A private garage or parking area.
- D. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.
- E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main building, at least one-half (1/2) of the side yard setback is required.
- F. Livestock and farm animals shall be permitted, subject to the provisions of Section 4.162.

(.07) Other Standards:

- A. Minimum lot width at building line: Sixty (60) feet.
- B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private drive.
- C. Minimum lot size: 5000 square feet.
- D. Minimum lot depth: Seventy (70) feet.
- E. Maximum building or structure height: Thirty-five (35) feet.
- F. Maximum lot coverage: Twenty percent (20%) for all residential dwelling units; thirty percent (30%) for all buildings.
- G. Block and access standards:

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

1. Maximum block perimeter in new land divisions: 1,800 feet.
2. Maximum spacing between streets or private drives for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard.
3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.122(.07) amended by Ord. 538, 2/21/02; Ord 682, 9/9/10.]

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.124. Standards Applying To All Planned Development Residential Zones.

(.01) Examples of principal uses that are typically permitted:

A. Open Space.

B. Single-Family Dwelling Units.

~~C. Duplexes.~~

~~C.D. Multiple-Family Dwelling Units, subject to the density standards of the zone.~~

Commented [PD36]: C1, C3

~~D.E. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot.~~

~~E.F. Manufactured homes, subject to the standards of Section 4.115 (Manufactured Housing).~~

(.02) Permitted accessory uses to single family dwelling and detached dwelling units:

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A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.

B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.

~~C. Accessory Dwelling-dwelling uUnits, subject to the standards of Section 4.113 (.11).~~

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D. Home occupations.

E. A private garage or parking area.

~~F. Keeping of not more than two (2) roomers or boarders by a resident family.~~

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G. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in the provisions of Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10. [Amended by Ord. No. 704, 6/18/12]

H. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

I. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.

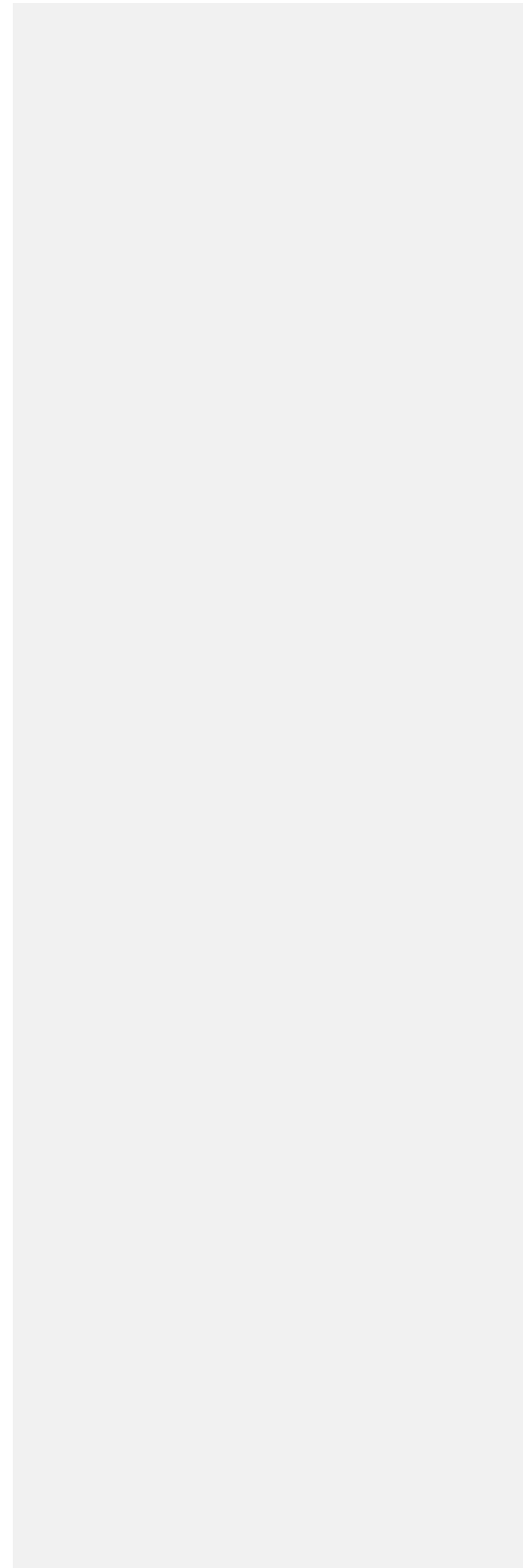
J. Livestock and farm animals, subject to the provisions of Section 4.162.

(.03) Permitted accessory uses for duplexes and attached multiple-family dwelling units:

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A. Accessory uses, buildings, and structures customarily incidental to any of the

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1
aforesaid principal permitted uses, located on the same lot therewith.



Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

- B. Home occupations.
 - C. A private garage or parking area.
 - D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
 - E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
 - F. Livestock and farm animals, subject to the provisions of Section 4.162.
- (.04) Uses permitted subject to Conditional Use Permit requirements:
- A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.
 - B. Public or private clubs, lodges or meeting halls. Public or private parks, playground, golf courses, driving ranges, tennis clubs, community centers and similar recreational uses.
 - C. Churches, public, private and parochial schools, public libraries and public museums.
 - D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents, and not requiring a zone change to a commercial designation:
 1. The site of a Neighborhood Commercial Center was proposed at the time of the original application.
 2. Such centers are of a scale compatible with the surrounding residential structures.
 3. Such centers shall be compatible with the surrounding residential uses.
 4. The site of a Neighborhood Commercial Center shall be at least one-quarter (1/4) mile from any other sites zoned for commercial uses.
 5. The site of a Neighborhood Commercial Center shall not exceed five percent (5%) of the total area or one (1) acre, whichever is less.
 6. The site of a Neighborhood Commercial Center shall have direct access to a street of a collector classification and shall have direct pedestrian access to the residential areas.
 7. The site of a Neighborhood Commercial Center shall not include more than one quadrant of an intersection and shall not result in traffic of a nature which causes a substantial adverse impact on the residential character of the planned development.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

E. Commercial Recreation which is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts shall conform to the requirements of subsection "D" (Neighborhood Commercial Centers), above.

F. Home businesses

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(.05) Appropriate PDR zone based on Comprehensive Plan Density:

Comprehensive Plan Density*	Zoning District
0-1 u/acre	PDR-1
2-3 u/acre	PDR-2
4-5 u/acre	PDR-3
6-7 u/acre	PDR-4
10-12 u/acre	PDR-5
16-20 u/acre	PDR-6
20 + u/acre	PDR-7

Table 1: PDR Zone based on Comprehensive Plan Density

*All dwelling unit types, except accessory dwelling units, are included for calculating density.

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[Section 4.124(.05) amended by Ordinance No. 538, 2/21/02.]

(.06) Block and access standards:

1. Maximum block perimeter in new land divisions: 1,800 feet.
2. Maximum spacing between streets or private drives for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard. [Amended by Ord. 682, 9/9/10]
3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.124(.06) amended by Ordinance No. 538, 2/21/02.]

(.07) Signs. Per the requirements of Sections 4.156.01 through 4.156.11. [Amended by Ord. No. 704, 6/18/12]

(.08) Parking. Per the requirements of Section 4.155.

(.09) Corner Vision Clearance. Per the requirements of Section 4.177.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.124.1. PDR-1:

The following standards shall apply in PDR-1 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 30,000 square feet.
- (.02) Minimum lot size: 25,000 square feet.
- (.03) Minimum density at build out: One unit per 37,500 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Eighty (80) feet.
 - B. Minimum street frontage of lot: Eighty (80) feet.
 - C. Minimum lot depth: One hundred (100) feet.
 - D. Setbacks: per Section 4.113(.03)
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Twenty percent (20%) for all residential dwelling units; twenty-five percent (25%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. Ten single-family dwellings (with or without accessory dwelling units) on individual lots, or
 - B. Fourteen dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

Section 4.124.2. PDR-2:

The following standards shall apply in PDR-2 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 16,000 square feet.
- (.02) Minimum lot size: 12,000 square feet.
- (.03) Minimum density at build out: One unit per 20,000 square feet.
- (.04) Other Standards:
 - A. Minimum lot width at building line: Sixty (60) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]
 - C. Minimum lot depth: Seventy (70) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Twenty-five percent (25%) for all residential dwelling units; thirty percent (30%) for all buildings.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

(.05) Examples of development that is typically permitted (hypothetical 10-acresite):

Twenty single-family dwellings (with or without accessory dwelling units) on individual lots, or

- A. Twenty-nine dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

Section 4.124.3. PDR-3:

The following standards shall apply in PDR-3 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 7,000 square feet.
- (.02) Minimum lot size: 5,000 square feet.
- (.03) Minimum density at build out: One unit per 8,000 square feet.

(.04) Other standards:

- A. Minimum lot width at building line: Forty (40) feet.
- B. Minimum street frontage of lot: Forty (40) feet; however, street frontage may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]
- C. Minimum lot depth: Sixty (60) feet.
- D. Setbacks: per Section 4.113(.03).
- E. Maximum building or structure height: Thirty-five (35) feet.
- F. Maximum lot coverage: Fifty percent (50%) for lots containing less than 7000 square feet. Forty-five percent (45%) for lots between 7000 and 8000 square feet. Forty percent (40%) for lots exceeding 8000 square feet.

(.05) Examples of development that is typically permitted (hypothetical 10-acresite):

- A. Fifty-four single-family dwellings ~~(with or without accessory dwelling units)~~ on individual lots, or
- B. Sixty-two dwelling units (any combination of multiple-family or single-family units ~~with or without accessory dwelling units~~).

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Section 4.124.4. PDR-4:

The following standards shall apply in PDR-4 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 5,000 square feet.
- (.02) Minimum lot size: 4,000 square feet.
- (.03) Minimum density at build out: One unit per 6,000square feet.
- (.04) Other standards: Minimum lot width at building line: Thirty-five (35) feet.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

- A. Minimum street frontage of lot: Thirty-five (35) feet; however, street frontage may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]
 - B. Minimum lot depth: Sixty (60) feet.
 - C. Setbacks: per Section 4.113(.03).
 - D. Maximum building height: Thirty-five (35) feet.
 - E. Maximum lot coverage: Seventy-five percent (75%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
- A. Seventy-two single-family dwellings (with or without accessory dwelling units) on individual lots, or
 - B. Eighty-seven dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

Section 4.124.5. PDR-5:

The following standards shall apply in PDR-5 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot area per unit: 3,000 square feet.
- (.02) Minimum lot size: 2,500 square feet.
- (.03) Minimum density at build out: One unit per 4,000 square feet.
- (.04) Other Standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum Lot Depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. 108 town-house units on individual lots, or
 - B. 145 dwelling units (any combination of multiple-family or single-family units).

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.124.6. PDR-6:

The following standards shall apply in PDR-6 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot area per unit: 2,000 to 2,500 square feet.
- (.02) Minimum lot size: None.
- (.03) Minimum density at build out: One unit per 2,500 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum lot depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. 174 condominium units, or
 - B. 217 multiple family-units.

Section 4.124.7. PDR-7:

The following standards shall apply in PDR-7 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot area per unit: 2,000 square feet.
- (.02) Minimum lot size: 1,500 square feet.
- (.03) Minimum density at build out: One unit per 2,400 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum lot depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. 174 condominium units, or
 - B. 217 multiple-family units.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.125. V – Village Zone

(.01) Purpose.

The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.

- A. The Village zone provides for a range of intensive land uses and assures the most efficient use of land.
- B. The Village zone is intended to assure the development of bicycle and pedestrian-sensitive, yet auto-accommodating, communities containing a range of residential housing types and densities, mixed-use buildings, commercial uses in the Village Center and Neighborhood Centers, and employment opportunities.
- C. The Village zone, together with the Architectural Pattern Book and Community Elements Book, is intended to provide quantitative and objective review guidelines.

(.02) Permitted Uses. Examples of principle uses that are typically permitted:

- A. Single Family Dwellings
- B. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11)
- C. Duplexes
- D. Row Houses
- E. Multi-Family Dwellings
- F. Cluster Housing
- G. Residential Facilities, Residential Homes, and Community Housing developed to implement ORS 426.508
- H. Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association.
- I. Commercial uses within the Village Center, subject to the standards of (.06) Standards Applying to Commercial Uses and similar to the following:
 1. Sales and servicing of consumer goods:
 - Bicycle shop
 - Bookstore
 - Clothing store
 - Electronics and appliances store
 - Florist

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Building Type	Min. Size (sq.ft.)	Lot Min. Width (ft.)	Lot Min. Depth (ft.)	Lot Max. Coverage (note)	Lot Min. Width (%) ^{10,12}	Frontage Max. Bldg. Height ⁹ (ft.)	Setbacks ^{10,13,20}				Alley-Loaded Garage (note)	Street-Loaded Garage (note)	
							Front (ft.)	Min. Front (ft.)	Max. Rear (ft.)	Side Min. (ft.)			
Commercial Buildings - Village Center ¹⁴	NR	NR	NR	¹	90	60	NR ³	5	NR	NR	NR	NR	NA
Hotels - Village Center ¹⁴	NR	NR	NR	¹	80	60	NR ³	15	NR	NR	NR	NR	NA
Mixed Use Buildings - Village Center ¹⁴	NR	NR	NR	¹	90	60	NR ³	8	NR	NR	NR	NR	NA
Multi-Family Dwellings - Village Center ¹⁴	NR	NR	NR	¹	80	45	5 ⁴	15	NR	NR	NR	NR	NA
Row Houses ¹¹ - Village Center ¹⁴	NR	NR	NR	¹	80	45	5 ⁴	10	NR	NR	NR	NR	NA
Commercial Buildings	NR	NR	NR	¹	60	45	NR	15	NR	NR	NR	NR	NA
Mixed Use Buildings	NR	NR	NR	¹	60	45	NR	15	NR	NR	NR	NR	NA
Multi-Family Dwellings	NR	NR	NR	¹	60	45	8 ⁴	15	NR	NR	NR	NR	NA
Row Houses ¹¹	NR	15	50	¹	80	45	8 ⁵	15	NR	NR	NR	NR	NA
Duplexes	4,000	45	70	²	60 ¹⁶	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	7	8,17,18	
Single-Family Dwellings	2,250	35	50	²	60 ¹⁶	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	7	8,17	

Notes: NR No Requirement

NA Not Allowed

1 Lot < 8000sf: NR; Lot >8000sf: 80% (Max. Lot Coverage)

2 Small lots: 75%, Medium Lots: 65%, Standard and Large Lots: 55%, Estate Lots: 45% Maximum Lot Coverage On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.

3 Bay windows, balconies, and other structural building projections above 8 ft. may encroach up to 5 ft. into the Public Way; canopies, awnings, and other non-structural projections may encroach up to 8 ft. into the Public Way.

4 Porches, stairs, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach up to the Public Way.

5 Porches, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach to within 8 ft. of the Public Way. Stairs may encroach to the Public Way.

6 For Standard, or Large Lots on Collector Avenues, front setbacks are 20 ft. min., (13' setback to porch), side street setbacks are 15' (8' setback to porch). Pie-shaped lots or lots with significant trees or grade banks at frontage have no maximum front setback.

7 The garage setback from alley shall be between 3 and 5 foot or, when as optional parking space is located between the garage and the alley, shall be 16 ft. minimum. Lots with important trees, as identified in the Master Plan, or grade differences at the alley, affecting garage location shall be exempt from this requirement.

8 Street-loaded garages shall be a minimum 20 ft. front setback to face of garage, and located a minimum of 5 ft. behind main façade of the associated dwelling unit.

9 Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.

10 For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.

11 Row Houses are typically attached, but may be detached within the Village Center Boundary. When attached, no more than ten units shall be contiguous along a street edge. When row houses are detached, the Minimum Frontage Width is 65%. The Minimum Frontage Width for detached row houses may be less than 65% on corner lots or to accommodate the curve radius of street frontage, public utility easements, important trees, grade differences, public open space requirements, or as otherwise approved by the DRB.

12 See Definitions, 4.125.01, for measurement of Minimum Frontage Width.

13 Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.

14 See Figure 2A - Village Center Boundary & Land Use Plan in the Villebois Village Master Plan for areas included within the Village Center.

15 On Estate Lots and Large Lots with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 15 ft. with a minimum of 5 ft. On Small and Medium Lots, minimum side setback shall be 0 ft. or as required by Building Code.

16 For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.

17 Dwellings on lots without alley access shall be at least 36 feet wide.

18 Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.

19 Maximum setbacks may be increased as necessary to accommodate deeper porches, building code, public utility easements or public open space requirements.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

4.127 Residential Neighborhood (RN) Zone

(.01) Purpose.

The Residential Neighborhood (RN) zone applies to lands within Residential Neighborhood Comprehensive Plan Map designation. The RN zone is a Planned Development zone, subject to applicable Planned Development regulations, except as superseded by this section or in legislative master plans. The purposes of the RN Zone are to:

- A. Implement the Residential Neighborhood policies and implementation measures of the Comprehensive Plan.
- B. Implement legislative master plans for areas within the Residential Neighborhood Comprehensive Plan Map designation.
- C. Create attractive and connected neighborhoods in Wilsonville.
- D. Regulate and coordinate development to result in cohesive neighborhoods that include: walkable and active streets; a variety of housing appropriate to each neighborhood; connected paths and open spaces; parks and other non-residential uses that are focal points for the community; and, connections to and integration with the larger Wilsonville community.
- E. Encourage and require quality architectural and community design as defined by the Comprehensive Plan and applicable legislative master plans.
- F. Provide transportation choices, including active transportation options.
- G. Preserve and enhance natural resources so that they are an asset to the neighborhoods, and there is visual and physical access to nature.

(.02) Permitted uses:

- A. Open Space.
- B. Single-Family Dwelling Unit.
- C. Attached Single-Family Dwelling Unit. In the Frog Pond West Neighborhood, a maximum of 2 dwelling units, not including ADU's, may be attached.
- D. Duplex.
- E. Multiple-Family Dwelling Units, except when not permitted in a legislative master plan, subject to the density standards of the zone. Multi-family dwelling units are not permitted within the Frog Pond West Master Plan area.
- F. Cohousing.
- G. Cluster Housing.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

H. Public or private parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot.

I. Manufactured homes.

J. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11).

(.03) Permitted accessory uses to single family dwellings:

A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.

B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.

~~C.A. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11).~~

Commented [PD45]: A1

~~D.C. Home occupations.~~

~~E.D. A private garage or parking area.~~

~~F.E. Keeping of not more than two (2) roomers or boarders by a resident family.~~

~~G.F. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.~~

~~H.G. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.~~

~~I.H. Livestock and farm animals, subject to the provisions of Section 4.162.~~

(.04) Uses permitted subject to Conditional Use Permit requirements:

A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.

B. Commercial Recreation, including public or private clubs, lodges or meeting halls, golf courses, driving ranges, tennis clubs, community centers and similar commercial recreational uses. Commercial Recreation will be permitted upon a finding that it is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

shall conform to the requirements of Section 4.124(.04)(D) (Neighborhood Commercial Centers).

- C. Churches; public, private and parochial schools; public libraries and public museums.
- D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents. Neighborhood Commercial Centers are only permitted where designated on an approved legislative master plan.

(.05) Residential Neighborhood Zone Sub-districts:

- A. RN Zone sub-districts may be established to provide area-specific regulations that implement legislative master plans.
 - 1. For the Frog Pond West Neighborhood, the sub-districts are listed in Table 1 of this code and mapped on Figure 6 of the Frog Pond West Master Plan. The Frog Pond West Master Plan Sub-District Map serves as the official sub-district map for the Frog Pond West Neighborhood.

(.06) Minimum and Maximum Residential Units:

- A. The minimum and maximum number of residential units approved shall be consistent with this code and applicable provisions of an approved legislative master plan.
 - 1. For the Frog Pond West Neighborhood, Table 1 in this code and Frog Pond West Master Plan Table 1 establish the minimum and maximum number of residential units for the sub-districts. The minimum and maximum number does not include accessory dwelling units.
 - 2. For parcels or areas that are a portion of a sub-district, the minimum and maximum number of residential units are established by determining the proportional gross acreage and applying that proportion to the minimums and maximums listed in Table 1. The maximum density on a parcel may be increased, up to a maximum of 10% of what would otherwise be permitted, based on an adjustment to an SROZ boundary that is consistent with 4.139.06.
- B. The City may allow a reduction in the minimum density for a sub-district when it is demonstrated that the reduction is necessary due to topography, protection of trees, wetlands and other natural resources, constraints posed by existing development, infrastructure needs, provision of non-residential uses and similar physical conditions.

Commented [PD46]: C11

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Table 1. Minimum and Maximum Dwelling Units by Sub-District in the Frog Pond West Neighborhood

Area Plan Designation	Frog Pond West Sub-district	Minimum Dwelling Units in Sub-district	Maximum Dwelling Units in Sub-district
R-10 Large Lot Single Family	3	26	32
	7	24	30
	8	43	53
R-7 Medium Lot Single Family	2	20	25
	4	86	107
	5	27	33
	9	10	13
	11	46	58
R-5 Small Lot Single Family	1	66	82
	6	74	93
	10	30	38
Civic	12	0	7 ^a
Public Facilities (PF)	13	0	0

^a These metrics apply to infill housing within the Community of Hope Church property, should they choose to develop housing on the site. Housing in the Civic sub-district is subject to the R-7 Medium Lot Single Family regulations.

(.07) Development Standards Generally

- A. Unless otherwise specified by this the regulations in this Residential Development Zone chapter, all development must comply with Section 4.113, Standards Applying to Residential Development in Any Zone.

(.08) Lot Development Standards:

- A. Lot development shall be consistent with this code and applicable provisions of an approved legislative master plan.
- B. Lot Standards Generally. For the Frog Pond West Neighborhood, Table 2 establishes the lot development standards unless superseded or supplemented by other provisions of the Development Code.
- C. Lot Standards for Small Lot Sub-districts. The purpose of these standards is to ensure that development in the Small Lot Sub-districts includes varied design that avoids homogenous street frontages, creates active pedestrian street frontages and has open space that is integrated into the development pattern.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Standards. Planned developments in the Small Lot Sub-districts shall include one or more of the following elements on each block:

1. Alleys.
2. Residential main entries grouped around a common green or entry courtyard (e.g. cluster housing).
3. Four or more residential main entries facing a pedestrian connection allowed by an applicable legislative master plan.
4. Garages recessed at least 4 feet from the front façade or 6 feet from the front of a front porch.

Table 2: Neighborhood Zone Lot Development Standards

Neighborhood Zone Sub-District	Min. Lot Size (sq.ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (%)	Min. Lot Width ^{G, H, J} (ft.)	Max. Bldg. Height ^F (ft.)	Setbacks ^H				
						Front Min. (ft.)	Rear Min. (ft.)	Side Min. (note)	Garage Min Setback from Alley (ft.)	Garage Min Setback from Street ^K (ft.)
R-10 Large Lot Single Family	8,000 ^A	60'	40% ^B	40	35	20 ^C	20	I	18 ^D	20
R-7 Medium Lot Single Family	6,000 ^A	60'	45% ^B	35	35	15 ^C	15	I	18 ^D	20
R-5 Small Lot Single Family	4,000 ^A	60'	60% ^B	35	35	12 ^C	15	I	18 ^D	20

Notes: A May be reduced to 80% of minimum lot size where necessary to preserve natural resources (e.g. trees, wetlands) and/or provide active open space. Cluster housing may be reduced to 80% of minimum lot size. Duplexes in the R-5 Sub-District have a 6,000 SF minimum lot size.

B On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.

C Front porches may extend 5 feet into the front setback.

D The garage setback from alley shall be minimum of 18 feet to a garage door facing the alley in order to provide a parking apron. Otherwise, the rear or side setback requirements apply.

F Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.

G May be reduced to 24' when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive or a public pedestrian access in a cluster housing development.

H Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.

I On lots greater than 10,000 SF with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 20 ft. with a minimum of 10 ft. On other lots, minimum side setback shall be 5 ft. On a corner lot, minimum side setbacks are 10 feet.

J For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.

K Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

4.138 Old Town Overlay Zone

2. Exterior remodeling of commercial, industrial, public facility, multi-family residential, or mixed use building that requires a building permit, when that remodeling is visible from a public street (other than an alley) and changes the existing design of the building; and
 3. Upon the request of an applicant, in order to pursue a design not in conformance with the Old Town Single-Family Designs Standard Book, new single-family homes (including duplexes) and accessory buildings, or remodeling thereof. Standards for ADU's in Subsection (.04) C. below shall apply.
- B. The following (except as noted in A.3. above) shall be reviewed through the Class I administrative review process for conformance with the Development Standards of Subsection (.04) concurrently with building plan review:
1. New single-family homes (including duplexes), single-family home additions, remodels, accessory dwelling units, garages, and other buildings accessory to a single-family use.
- (.04) Single-Family Development Standards (including accessory buildings and duplexes)
- A. The standards of this subsection shall take precedence over setback, lot coverage, height, and accessory dwelling unit standards otherwise established in the Development Code. All other standards of the base zone and/or approved planned developments shall apply. For PDR Zones, the setback and lot coverage standards are subject to the waiver provisions of Section 4.118.
- B. Development shall comply (except as noted in 1. and 2. below) with the standards of the Old Town Single-Family Design Standards Book including but not limited to architectural design, height, setbacks, and lot coverage.
1. An applicant for a remodel of and/or addition to structures existing prior to December 1, 2017 may elect to match the existing design of the structure rather than comply with the Old Town Single-Family Design Standards Book if all of the following are met:
 - a. The height of the structure remains the same and any additions do not exceed the height of the existing structure;
 - b. The roof pitch on the existing portion of the structure remains the same and is matched for additions involving facades facing a street or public open space;
 - c. All exterior materials are substantially similar in style and texture to the existing materials on the structure;
 - d. For facades of the structure facing a street or public open space (does not include alleys) all architectural elements, such as windows, doors, porches, dormers, details, etc. are kept the same, or in the case of extending out a wall during an addition, reproduced; and
 - e. Setbacks and lot coverage requirements of the underlying zone are met.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

2. Accessory structures less than 120 square feet and 10 feet in height are not subject to the Old Town Single-Family Design Standards but rather the standards of the underlying zone.
 - C. The following standards shall apply to Accessory Dwelling Units (ADU's) within the "O" Overlay Zone to ensure smaller bulk of residential buildings and minimal use of on-street parking consistent with the historic character of the neighborhood. Where these standards differ from those of Subsection 4.113 (.11), including size design and parking, these standards take precedence. All other standards of Subsection 4.113 (.11), including but not limited to number of ADU's and review process, continue to apply.
 1. Size: ADU's shall not exceed 600 square feet of living space.
 2. Design: ADU's shall be substantially the same exterior design and architecture (i.e. siding, windows, color, roof pitch, doors and roofing materials) as the primary dwelling unit on the property. ADU's shall be either:
 - a. Detached single-story structures; or
 - b. Over a detached garage meeting the following requirements:
 - i. The garage/ADU structure is a maximum 1.5 stories tall, not exceeding a height of 20 feet; and
 - ii. The primary dwelling unit on the property is 1.5 or 2 stories tall.
 3. ~~Parking: Each ADU shall have one dedicated standard sized parking space on the same lot.~~
- (.05). Standards for Development Subject to Site Design Review

Commented [PD47]: C10

- A. Building Setbacks - Buildings fronting Boones Ferry Road shall abut the public sidewalk except where public plazas, courtyards, approved landscaping, or other public pedestrian amenities are approved. Except, however, that residential garages or carports shall be set back a minimum of twenty (20) feet from any sidewalk or traveled portion of a street across which access to the garage or carport is taken. The Development Review Board may approve other setbacks to accommodate sidewalks, landscaping, or other streetscape features located between the street right-of-way and the building.
- B. Landscaping - Not less than fifteen (15) percent of the development site shall be landscaped. In the event that a building is set back from a street side property line, along Boones Ferry Road, Bailey Street, or 5th Street, the intervening area shall be landscaped. In reviewing proposals for parking lots in locations between buildings and streets, the Development Review Board may require special landscaping treatments or designs to screen the view of the parking lot from the public right-of-way.
- C. Building height - As specified in the underlying base zone.
- D. Street access to Boones Ferry Road. Ingress and egress points along Boones Ferry Road shall be designed and constructed such that access points on one side of the

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.155. General Regulations - Parking, Loading and Bicycle Parking.

- E. Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. [Amended by Ord. # 674 11/16/09]
- F. Off-street parking spaces existing prior to the effective date of this Code may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are necessary.
- G. Off-Site Parking. Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the DRB has approved the off-site parking through the Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to the main building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced in the form of recorded deeds, easements, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. [Amended by Ord. # 674 11/16/09]
- H. The conducting of any business activity shall not be permitted on the required parking spaces, unless a temporary use permit is approved pursuant to Section 4.163.
- I. Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened by a sight-obscuring fence or planting. The screening shall be continuous along that boundary and shall be at least six (6) feet in height.
- J. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.
- K. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as pervious materials (i. e. pavers, concrete, asphalt) that is found by the City's authorized representative to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City's authorized representative, shall be provided. [Amended by Ord. # 674 11/16/09]
- L. Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.
- M. Off-street parking requirements for types of uses and structures not specifically listed in this Code shall be determined by the Development Review Board if an application is pending before the Board. Otherwise, the requirements shall be specified by the Planning Director, based upon consideration of comparable uses.
- N. Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - "Definitions," and shall be appropriately identified.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.155. General Regulations - Parking, Loading and Bicycle Parking.

Note: In considering proposed waivers to the following standards, the City will consider the potential uses of the site and not just the uses that are currently proposed. For waivers to exceed the maximum standards, applicants shall bear the burden of proving that Metro, State, and federal clean air standards will not be violated.

TABLE 5: PARKING STANDARDS			
USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
a. Residential			
1. Single and attached units and any apartments Single-family dwelling units, duplexes, multiple-family dwelling units of nine (9) or fewer units}	1 per D.U., except accessory dwelling units, which have no minimum.	No Limit	Apartments-Multiple Family Dwelling Units – Min. of 2
2. Accessory dwelling units	<u>Per Subsection 4.113 (.11)</u>	No Limit	Non required
3. Apartments-Multiple-family dwelling units of ten (10) or more units	1 per D.U. (less than 500 sq. ft.) 1.25 per D.U. (1 bdrm) 1.5 per D.U. (2 bdrm) 1.75 per D.U. (3 bdrm)	No Limit	1 per D.U.
4. Manufactured or mobile home park subdivision	2 spaces/unit	No Limit	1 per D.U.
4. Manufactured or mobile home subdivision	1 per D.U.	No Limit	1 per D.U.
b. Commercial Residential			
1. Hotel	1 per 1000 sq. ft.	No Limit	1 per 5 units Min. of 2

Commented [PD48]: C1, C10

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Commented [PD51]: C3

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

C. The Community Development Director shall not sign any plat which does not indicate the marking with monuments of the intersections of all streets and the centerlines of all streets at every point of curvature and point of tangent. It shall be the responsibility of the applicant to provide such Monumentation within the land division prior to the issuance of any Building permit for construction within the subject property.

(.04) Action on Final Plat: Within thirty (30) days of receipt of a complete final plat submittal, the Planning Director shall approve, deny, or, when further information is required, postpone a decision on the application. Written notice of such action shall be mailed to the applicant by the Planning Director. If the Planning Director determines that full conformity with all applicable ordinances has not been made, the Director shall advise the applicant of the changes or additions that must be made and shall afford the applicant an opportunity to make the necessary changes or additions.

- A. A final plat shall be approved only if affirmative findings can be made that:
1. The Plat is in substantial conformance with the provisions of the Preliminary Plat, as approved;
 2. The proposal is consistent with the provisions, intents and purposes of the Comprehensive Plan, Zoning Regulations and the requirements of other relevant sections of this Code.
 3. Streets, roads and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
 4. The plat contains a donation to the public of all common improvements, including, but not limited to, streets, roads, parks, sewage disposal and water supply systems, the donation of which is required by Ordinance or was made a condition of the approval of the tentative plat for the development.
 5. Explanations of all common improvements to remain in private ownership have been accounted for and referenced on the plat;
 6. Private drives indicated on the tentative plat have been approved by the City; and [Amended by Ord. 682, 9/9/10]
 7. All conditions of approval for the development have been met, or adequate assurances for their completion have been provided, to the satisfaction of the Community Development Director.
- B. If affirmative findings cannot be made with regard to all of the above criteria, the Planning Director shall not approve the final plat.
- C. If approved, such approval shall be evidenced by the signature on the plat of the Planning Director together with the date of approval. In the event of denial, the Planning Director shall cause written notice and the reasons for denial to be furnished to the applicant.

Accessory buildings, adus, and garages

DESIGN

Design guidelines are applicable to any and all exterior building elements visible from the public right-of-way or public parcel, in any direction, regardless of existing or proposed landscaped or natural visual barriers between the public view shed and exterior building elements.

The garage and other accessory buildings over 120sf and 10ft in height must be designed using the same exterior design and architecture (i.e. siding, windows, doors, and roofing materials) as the primary residence on the lot. Accessory buildings cannot be taller than the primary residence. If the primary residence is less than 15 feet, an accessory building can be 15 feet or less.

Accessory Dwelling Units (ADU's) in Old Town shall:

1. Size: ADU's shall not exceed 600 square feet of living space.
2. Design. ADU's shall be either:
 - a. Detached single-story structures; or
 - b. Over a detached garage meeting the following requirements:
 - i. The garage ADU structure is a maximum 1.5 stories tall, not exceeding a height of 20 feet; and
 - ii. The primary dwelling unit on the property is 1.5 or 2 stories tall.

~~3. Parking. Each ADU shall have one dedicated standard size parking space on the same lot.~~

All other standards of Subsection 4.113 (.11) related to ADU's apply. See Subsection 4.138 (.04) C. Wilsonville Code.

STYLE GUIDELINES

Western Farmhouse

Roof Style: Gable
Roof Pitch: 7:12 to 12:12
Eaves: 8" minimum to 18" maximum

New Ranch

Roof Style: Hip or Low-Pitched Gable
Roof Pitch: 4:12 to 6:12
Eaves: 8" minimum to 18" maximum

Craftsman

Roof Style: Gable
Roof Pitch: 6:12 to 10:12
Eaves: 8" minimum to 18" maximum



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Implementation Measure 4.1.4.bb The City allows the construction of one accessory dwelling unit with any detached dwelling or attached ~~single-family~~single-family dwelling ~~that is~~ permitted to be built in any zone, subject to standards in the Land Development Code ~~or density and size standards in Neighborhood Plans, Stage II Development Plans or Final Development Plans.~~ Regulations of such units include size, ~~architectural design to match the primary unit on the site,~~ and parking requirements. [Amended by Ord. 676, 3/3/10]

Attachment 5
 Planning Commission Resolution LP18-0006 Staff Report
 Compliance Findings

Accessory Dwelling Unit Code Amendments

Date of Findings: September 5, 2018

Request: Amend the Wilsonville Development Code Text and Text of Implementation Measure 4.1.4.bb. of the Comprehensive Plan to ensure Accessory Dwelling Unit (ADU) regulations comply with Senate Bill 1051, remove potential major barriers to Accessory Dwelling Unit development, and increase clarity and functionality of Development Code related to Accessory Dwelling Units and other housing.

Affected Properties: All land currently developed as single-family or detached dwellings and all residential designated lands with potential for development of detached dwellings.

Staff Reviewer: Daniel Pauly AICP, Senior Planner

Staff Recommendation: Recommend adoption of the Development Code and Comprehensive Plan text amendments to the Wilsonville City Council.

Applicable Review Criteria:

<u>Oregon Revised Statutes:</u>	
197.303 (1)	Needed Housing Definition
197.307 (4)/227.175 (4)(b)(A)	Clear and Objective Standards for Housing
197.307 (6)	Alternative Approval of Needed Housing
197.312 (5)(a)	Development of Accessory Dwelling Units for Each Detached Single-family Dwelling
<u>Statewide Planning Goals:</u>	
Goal 1	Citizen Involvement
Goal 2	Land Use Planning
Goal 10	Housing
<u>Wilsonville Comprehensive Plan:</u>	
Introduction-Plan Amendments	Comprehensive Plan Amendments
Goal 1.1 and applicable Policy and Implementation Measures	Encourage Public Involvement
Goal 1.1 and applicable Policy and Implementation Measures	Interested, Informed, and Involved Citizenry
Implementation Measure 4.1.1.g	More Flexibility in Support of Metro 2040 Growth Concept and the Urban Growth Management Functional Plan
Implementation Measure 4.1.1.i.	Continuing Examine Intensity of Use, Including Percentage of Lot Coverage

Policy 4.1.4 and applicable Implementation Measures	Housing
Development Code:	
Section 4.197	Changes and Amendments to Development Code
Section 4.198	Comprehensive Plan Changes

Compliance Findings

As described in the Findings below, the request meets the applicable criteria.

Oregon Revised Statutes-Needed Housing Review

Needed Housing Defined

ORS 197.303 (1)

1. All housing subject to the proposed code changes, attached, detached single-family and multiple-family dwelling units, duplexes, and accessory dwelling units are needed housing under state law.

Clear and Objective Standards Required for Housing

ORS 197.307 (4) and 227.175 (4)(b)(A)

2. The City determined current language requiring ADUs to “be of substantially the same exterior design and architecture (i.e. siding, windows, doors and roofing materials) as the primary dwelling unit” is too vague and subjective to meet the clear and objective requirement of state law. The proposed amendments thus remove this language. Certain architectural requirements remain for ADUs in the Village Zone, Residential Neighborhood Zone, and Old Town Neighborhood Zone. Applicable standards in each of these zones applies to ADUs in the same manner as other accessory structures and primary dwelling units. The adoption of each of the applicable standards in these zones found the standards to be clear and objective. In other zones, clear regulations on roof pitch and roof and siding material are sufficient to ensure neighborhood compatibility. The roof pitch standard is clear and objective as it is a specific numeric range allowing for a wide variety of residential roof pitches. The material standard is clear and objective as it is more than matching the primary unit, it allows any variety of material specifically used in the subdivision or adjacent homes, and allows fiber cement materials made to look like other materials.

Development of Accessory Dwelling Units for Each Detached Single-Family Dwelling

ORS 197.312 (5)(a)

3. As a City with a population over 2,500 ORS requires the City allow at least one ADU per detached single-family dwelling. Currently, the City allows an ADU for each single-family lot rather than per single-family dwelling. The proposed code amendments include adding an allowance of ADUs for each detached dwelling unit in addition to the current single-

family lot allowance. In addition, the City proposes removing the existing numeric limitation of ADUs for the Canyon Creek Estates subdivision as it violates this statute.

Statewide Planning Goals

Citizen Involvement

Goal 1

4. As discussed in Findings 7 through 14 below, the citizen involvement processes and requirements established in Wilsonville's Comprehensive Plan consistent with Goal 1 are being followed.

Land Use Planning

Goal 2

5. The proposed code amendments support the goal of establishing processes and policy as a basis for making decisions on land use consistent with a Comprehensive Plan.

Housing

Goal 10

6. The proposed code amendments will continue to allow the City to meet its housing goals reflected in the Comprehensive Plan. See Findings 17 through 19.

Wilsonville Comprehensive Plan-Public Involvement

Public Involvement-In General

Goal 1.1, Policy 1.1.1,

7. By following the applicable implementation measures, see Findings 8 through 14 below, the City provided opportunities for public involvement encouraging, and providing means for, involvement of interested parties.

Early Involvement

Implementation Measure 1.1.1.a.

8. The City sent broad notice to all residential properties. The Planning Commission and City Council and community members have opportunity to comment on the proposed code amendments while still in draft form.

Encourage Participation of Certain Individuals, Including Residents and Property Owners

Implementation Measure 1.1.1.e.

9. The City encouraged residents and property owners impacted by the proposed code amendments to participate as described in Finding 8 above.

Procedures to Allow Interested Parties to Supply Information

Implementation Measure 1.1.1.f.

10. The City will afford interested parties the opportunity to provide oral input and testimony during the public hearings. In addition, the City afforded them the opportunity to provide written input and testimony.

Types of Planning Commission Meetings, Gathering Input Prior to Public Hearings

Implementation Measure 1.1.1.g.

11. Prior to the scheduled public hearing on the proposed code changes and adoption of the design standards, the Planning Commission held a work session on June 13, 2018, during which the Planning Commission provided feedback incorporated into the current draft.

Public Notices for Planning Commission Meetings

Implementation Measure 1.1.1.h.

12. The notice regarding the public hearing clearly indicated the type of meeting.

User Friendly Information for Public

Policy 1.2.1, Implementation Measures 1.2.1.a., b., c.

13. The published notecard mailings and notices provided user friendly information about the purpose, location, and nature of the meetings. The mailings widely publicized different ways for impacted parties to participate. The information given to impacted parties gave access to the information on which the Planning Commission will base their decision.

Coordinate Planning Activities with Affected Agencies

Implementation Measure 1.3.1.b.

14. The City has notified and discussed needed and recommended code updates related to ADUs with State and Metro staff and consultants hired by Metro.

Wilsonville Comprehensive Plan-Housing and Residential Areas

More Flexible Use of Land

Implementation Measure 4.1.1.g.

15. The proposed code amendments allow additional flexibility for locating accessory dwelling units in Wilsonville allowing for more flexibility in use of land consistent with this implementation measure.

Intensity of Use, Provision of Adequate Open Space, Character of Existing Neighborhoods

Implementation Measures 4.1.1.i. and 4.1.4.t.

16. The proposed code amendments look carefully at the intensity of use for residential development. The proposal establishes basic clear and objective roof pitch and material standards to support the character of existing neighborhoods. Setback and lot coverage standards remain ensuring provision of adequate open space and maintenance of a similar intensity of use. Updated parking standards for accessory dwelling units also ensure minimal impact on neighborhoods.

Variety and Diversity of Housing

Implementation Measures 4.1.4.b., 4.1.4.d., 4.1.4.j., and 4.1.4.o.

17. Ensuring code allows accessory dwelling units and removes unreasonable barriers to their development allows for development of an additional housing type in the community and encourages an increased diversity. In particular, allowing and encouraging accessory dwelling units can provide affordable housing opportunities for smaller households.

Safe, Convenient, Healthful, Attractive Residential Areas with Variety

Implementation Measure 4.1.4.c.

18. The City does not anticipate the proposed code amendments to substantially impact safety, convenience, or health of residential areas of the City.

Housing Needs of Existing Residents, Needs of Mobile Home Dwellers

Implementation Measure 4.1.4.f.

19. The proposed code amendments further, allowing and removing barriers to development of ADUs, provide potential housing opportunities for existing smaller households looking for more affordable housing options. ADUs, by their size and affordability, can serve some of the same demographic historically occupying mobile homes within the City.

Housing Coordinated with the Social and Economic Needs of the Community

Goals for Sufficient Low and Moderate Cost Housing

Housing for Employees Working in Wilsonville

Implementation Measures 4.1.4.g., 4.1.4.k., and 4.1.4.m.

20. The City Council has identified, as part of their goals, a need to address housing affordability in the community. Development Code amendments allowing ADUs and removing barriers to their development encourages provision of less expensive smaller units for small households helping to meet the need of more affordable housing in the community, including for moderate to lower wage workers employed in Wilsonville.

Housing and Infrastructure

Implementation Measures 4.1.4.h., 4.1.4.i., 4.1.4.o., 4.1.4.r., and 4.1.4.s.

21. A significant cost for development of housing and thus a barrier to providing affordable housing is the cost of providing the necessary infrastructure. Allowing and encouraging accessory dwelling units allows provision of additional housing, particularly more affordable housing, where the infrastructure already exists. Properties with accessory dwelling units have substantially the same impact on infrastructure as properties with just the primary dwelling unit.

Safe, Sanitary, Convenient, Sound, Energy Efficient, Attractive Housing/Renovation and Rehabilitation of Housing Stock

Implementation Measure 4.1.4.y.

22. The City does not anticipate the proposed code amendments to impact safety, sanitation, convenience, structural quality, or energy efficiency of housing.

Allowance of Accessory Dwelling Units

Implementation Measure 4.1.4.bb.

23. The City continues to allow one accessory dwelling unit with any detached or attached single-family dwelling. State law no longer allows any density requirements in Neighborhood Plans, Stage II Development Plans, or Final Development Plans. The proposed action removes the numeric limitation for the Canyon Creek Estates Subdivision. State law also only allows applying clear and objective standards to housing. As such, the proposed code amendments remove subjective standards to match primary dwellings. The proposed action removes language from this implementation measure found inconsistent with state law. See also Findings 1, 2, and 4 above.

Wilsonville Development Code-Amendments to the Code

Planning Commission Public Hearing, Recommendation to City Council

Subsection 4.197 (.01) A.

24. The Planning Commission will conduct a public hearing and then, by resolution, forward findings and a recommendation to the Wilsonville City Council within the allowed 40 day timeframe.

Findings Required: Compliance with Procedures of 4.008

Subsection 4.197 (.01) B. 1., Section 4.008, Sections 4.009 through 4.024 as applicable

25. The City mailed notices to affected properties and published/posted notices consistent with established procedures for legislative actions. The City produced written findings of fact regarding the application in this document for adoption by the Planning Commission.

Findings Required: Compliance with Goals, Policies, and Objectives of Comprehensive Plan

Subsection 4.197 (.01) B. 2.

26. Findings 7 through 23 above provide findings related to the applicable goals, policies, objectives, and implementation measures of Wilsonville's Comprehensive Plan.

Findings Required: No Conflict with Over Code Provisions

Subsection 4.197 (.01) B. 3.

27. While drafting the code amendments staff took care to ensure the proposed code changes do not conflict with or endanger other provisions of the Development Code. Staff looked carefully at all definitions and provisions the initial amendments may affect and made additional changes to improve clarity and function and avoid conflicts.

Findings Required: Compliance with Statewide Land Use Planning Goals, State Rules and Statutes, Federal Statutes

Subsection 4.197 (.01) B. 4.-5.

28. Findings 1 through 6 above provide findings related to compliance with the applicable Statewide Land Use Planning Goals as well as applicable state statutes.

Affirmative Findings Required

Subsection 4.197 (.03)

29. Findings 1 through 23 provide the required affirmative findings on which a recommendation can be made to City Council for adoption of the requested amendments to the Wilsonville Development Code.

Comprehensive Plan Text Amendments

Follow Procedures in Comprehensive Plan

Subsection 4.198 (.01)

30. Findings 1 through 23 confirm the process to amend the text of Implementation Measure 4.1.4.bb. follows applicable procedures established in the Comprehensive Plan.

Meet a Public Need/In the Public Interest

Subsection 4.198 (.01) A.-B. and Comprehensive Plan Introduction: Plan Amendments 4. b.-c.

31. Implementation Measure 4.1.4.bb. discusses the allowance of and types of restrictions on accessory dwelling units in the City. The City proposes a number of updates to Development Code text to ensure compliance with Oregon Revised Statutes as updated by Senate Bill 1051 effective July 1, 2018. The required Development Code changes include allowing accessory dwelling units for all detached primary dwelling units, removing any numeric limitations, and removing subjective criteria that accessory dwelling units match primary dwellings. The

text of the implementation measure references all three of these necessary code changes. The proposed text changes simply update the implementation measure for consistency with state law and the proposed Development Code text changes. Both the new state laws and the updated Development Code text establish a public need for the changes, which carries over to these directly corresponding Comprehensive Plan text changes. The Comprehensive Plan text changes are straightforward and the minimum necessary to provide the consistency sought.

Support Statewide Planning Goals

Subsection 4.198 (.01) C.

- 32.** Findings 4 through 6 above establish the proposed text amendments support Statewide Planning Goals.

Conflict with Other Portions of Comprehensive Plan

Subsection 4.198 (.01) D. and Comprehensive Plan Introduction: Plan Amendments 4. a.

- 33.** The implementation measure text proposed for amendment is the primary reference to accessory dwelling units in the Comprehensive Plan and the proposed text changes do not create any conflicts. The proposed text changes, as discussed in Findings 7-29 above, reflective of the Development Code amendments, conform with other applicable language in the Comprehensive Plan.

Submission and Review Process, Noticing

Subsection 4.198 (.02)-(.03) Comprehensive Plan Introduction: Plan Amendments 1.-3., 5.

- 34.** The City initiated the proposed text amendments. The Planning Commission and City Council will review the proposed text amendments. The Planning Commission will adopt a resolution making a recommendation to City Council and City Council will adopt the text amendments by Ordinance. All noticing requirements, as described under public involvement findings for the Comprehensive Plan above, have been met.

Factors to Address in Proposed Amendments

Comprehensive Plan Introduction: Plan Amendments 4. d.

- 35.** Each factor listed has one or more corresponding implementation measures in the Comprehensive Plan. Findings above for Development Code Amendments apply the same to the Comprehensive Plan text amendments and address all applicable implementation measures.

Conflicts with Metro Requirements

Comprehensive Plan Introduction: Plan Amendments 4. e.

- 36.** The proposed text changes support State and Metro rules related to accessory dwelling units.



**Accessory Dwelling Unit (ADU)
Code Amendments
Changes from July Public Hearing**

Wilsonville Planning Commission
Continued Public Hearing
LP18-0006

CC&R's Required to Allow ADU's

- Recommendation: Based on feedback, leave code as is, however Metro is likely to require as part of UGB Expansion for Frog Pond East and South



Overall recommendations for Ordinance No. 825 E four city expansion proposals

With the goal of expanding housing choices and reducing housing costs, I recommend that the Council place several conditions on any UGB expansions:

- Set an expectation that the cities will allow and encourage the integration of different housing types throughout the expansion areas.
- Set an expectation that the cities will explore ways to implement variable SDCs to reduce the costs of building smaller homes.
- Require that any future homeowners associations in the expansion areas not regulate ADUs¹. Any such regulation should occur only through city zoning that complies with state law.

Architectural Standards

Recommendation: Add simple requirements where design requirements don't exist

- **Roof pitch**
 - Sloped roof, 4:12-12:12, no flat roofs unless primary dwelling unit also has approved flat roof
- **Roof and siding materials**
 - Material used for roof or siding, respectively, shall match on one or more of the following:
 - Primary dwelling unit on the lot, primary dwelling unit on immediately adjacent lot, or primary dwelling unit within same subdivision. Fiber cement siding made to appear like wood, stucco, or masonry may be used to match wood, stucco, or masonry siding to meet this requirement.



Lot Coverage

Key Research Findings

- Review issue is not only existing lot coverage, but old lot coverages approved in PDR zones approved based on old averages.
 - Extensive waiver and variation of lot sizes in different PDR zones due to master plans where density is balanced between MF and SF. Lot size does not correspond to PDR density designation to the extent you would think. I.e. an 8000 square foot lot in Park at Merryfield is limited in current code to 25% DU/30% all buildings, while an 8000 sf lot in Courtside estates or Wilsonville Meadows could be up to 75%.



Lot Coverage

Key Research Findings (Continued)

- Lot sizes and lot coverage vary widely within the same zones, and subdivisions, and for similarly size lots
 - Examples
 - Fox Chase 19.8% have lot coverages more than 30%, 28% have less than 20%
 - Park at Merryfield 26.1% have more than 30%, 18.6% have less than 20%
 - For the approximately 1000 lots 6000-8000 square feet in size, 21% have lot coverages over 35%, 22% have lot coverage 20% or lower



Lot Coverage

- Recommendation: Make no changes with current code edits, defer more discussion to upcoming broader residential code updates.



Questions & Comments



**PLANNING COMMISSION
WEDNESDAY, SEPTEMBER 12, 2018
6:00 P.M.**

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

*Minutes to be reviewed
for approval at the
October 10, 2018 PC
Meeting*

Hearing Excerpt

I. CALL TO ORDER - ROLL CALL

Chair Jerry Greenfield called the meeting to order at 6:09 p.m. Those present:

Planning Commission: Jerry Greenfield, Eric Postma, Phyllis Millan, Ron Heberlein, and Peter Hurley Simon
Springall and Kamran Mesbah was absent.

City Staff: Chris Neamtzu, Amanda Guile-Hinman, Dwight Brashear, Nicole Hendrix, Eric Loomis,
and Daniel Pauly

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITIZEN'S INPUT - This is an opportunity for visitors to address the Planning Commission on items not on the agenda. There was none.

ADMINISTRATIVE MATTERS

A. Consideration of the August 8, 2018 Planning Commission minutes.
The August 8, 2018 Planning Commission minutes were accepted as presented.

II. LEGISLATIVE HEARING

- A. SMART Programs Enhancement Strategy (Brashear)
- B. ADU Code Edits (Pauly)

Chair Greenfield confirmed with Assistant City Attorney, Amanda Guile-Hinman that deliberations had been continued, but the public testimony portion of the hearing on the ADU Code amendments had been closed. He reopened the deliberation portion of the hearing at 7:17 pm.

Daniel Pauly, Senior Planner, stated he would share information about the deliberations and changes made to the proposed Code amendments following the July discussion. The three main topics regarded whether to require CC&Rs in future subdivisions to allow ADUs, whether to include clear and objective design criteria for ADUs, and the discussion about lot coverage. He presented the changes made from the July public hearing via PowerPoint with these comments:

- CC&Rs Required to Allow ADUs. Based on the Commission's feedback, no changes were suggested to the Code. However, Metro's COO draft recommendation for urban growth boundary (UBG) expansion indicated that Metro would likely require that CC&Rs allow ADUs for Frog Pond East and South. Although it had not been implemented, it was likely that higher regulators would go in this direction. The Commission and Council could direct Staff on whether or not to include that language.
- Architectural Standards. Staff recommended these standards be kept to a minimum to efficiently accomplish what design concerns should be avoided. Only two requirements were recommended, roof pitch and roof and siding materials.

- Roof pitch requirements should allow a wide variety, from a ranch to a steep, farm house roof. However, the recommended standard would avoid flat roofs. The only exception would be if the main dwelling was a modern style with a flat roof, then, the ADU could have a flat roof as well.
- Roof and siding materials should match one of several elements. The discussion was that it might be too strict to make the materials match the main house, but the ADU could match the materials of a neighboring or nearby house, which would maintain neighborhood compatibility. Fiber and cement materials made to look like wood or stucco would also be okay if they matched lap siding or real stucco.
- Lot Coverage. Further research revealed more complications, which informed Staff's recommendations. Key research findings included:
 - The review issue regarding Staff's inability to approve additional lot coverage was based on lot coverages approved as part of planned developments based on zoning codes prior to 2000, not what was currently written in the Code.
 - Staff also found that the Design Review Boards (DRBs) approved many waivers and variations from lot sizes for different PDRs due to master plans balancing density between multi- and single-family zones. Wilsonville Meadows and Courtside Estates were two examples. Under the current zone, an 8,000 sq ft lot in PDR-2 was allowed 30 percent lot coverage. (Slide 5) However, the same sized lot with a similar era home and a similarly sized home in Wilsonville Meadows or Courtside Estates would be allowed up to 75 percent lot coverage under the current zoning. Staff recommended a lot size based lot coverage standard rather than a zone based lot coverage standard.
 - Lot sizes and lot coverages vary widely within neighborhoods, within the same zones, and across the same lot sizes throughout the city. That suggested that lot sizes and lot coverages were not defining elements of subdivisions, and the variation did not detract from the overall design and feel of neighborhoods. He reviewed Fox Chase and Park at Merryfield as examples (Slide 6), noting that Charbonneau and Villebois were excluded because their lot coverages were higher and those neighborhoods had all sorts of waivers, exceptions, and special circumstances.
 - Staff recommended no changes to lot coverage at this time because the Planning Commission's Work Program indicated upcoming discussions on other residential Code edits dealing with density calculations and open space requirements. Therefore, it made more sense to defer this discussion because it was much broader than ADUs and it would allow time for broader conversations to understand how best to approach the issues moving forward.
- He confirmed the Planning Commission was scheduled to discuss density in December and there would be plenty of material to review in preparation for that discussion.

Chair Greenfield added that perhaps an informational item on the November agenda would be beneficial.

Commissioner Postma confirmed that lot coverages would remain the same, and that ADUs would still have to comply with existing lot coverage requirements.

- Mr. Pauly added that was discussed last time, the same issues existed for additions and other desires to use lots, so that should be approached more holistically.

Commissioner Heberlein understood that Code changes related to CC&Rs and lot coverage had been removed and that architectural standards were added to the proposed Code amendments.

Chair Greenfield:

- Clarified that the changes proposed for CC&Rs and lot coverage had been suspended, not removed.
 - Mr. Pauly responded that was correct. He agreed and added it was more of a modification of the existing design requirements rather than adding something additional because design requirements already existed. He confirmed the proposed changes to lot coverage were also being deferred.
- Asked how the City defined subdivision. He also wanted to know how many subdivisions there were and how large they were.

- Mr. Pauly responded that a subdivision was four or more lots. Villebois had quite a few subdivisions, which varied in size from three lots with open space tracts to hundreds of lots.
- Asked if the subdivisions in Villebois corresponded to individual applications to the DRB.
 - Mr. Pauly said not necessarily, but generally, yes.
- Explained there were two or three references to a subdivision as the relevant environment that a proposed ADU would have to conform to, rather than simply other property on the lot or the adjacent lots. Any other property in the subdivision would be a suitable precedent for an architectural decision.
 - Mr. Pauly noted every subdivision in Wilsonville had the same architectural standards throughout styles and era of development. He could not think of any modern subdivision with variations that would have a negative impact on the compatibility of an ADU.
- Said within a three-block subdivision, a structure related to a style two blocks away would also relate to the surrounding houses and adjacent houses. Old Town was the exception and it was a big exception because it had its own overlay zone.
 - Mr. Pauly noted the overlay zone took precedent over the design standards.
- Stated he was not happy with the architectural standards, but realized the City was constrained. He believed it was a big mistake and resented having to comply with requirements driven by Wilsonville's big sister to the north, which had little to do with Wilsonville or most of Oregon. However, he realized that was a political fact.

Commissioner Postma:

- Noted a potential numbering error on the red line version of the Code in the Definition Section on Page 11 of 56.
 - Mr. Pauly assured Tami Bergeron would take good care of such editing.
- Referenced Page 18 of 56 and said he recalled discussion that sometimes ADUs might not be on same lot as the dwelling units to which they were subordinate.
 - Mr. Pauly replied one of the definitions in the current Code stated accessory uses in general, not necessarily ADUs, may be on an adjacent lot, which seemed to be more applicable to an industrial or commercial project.
- Said he was concerned that the word, "except" might be needed, but he understood that allowance was for accessory uses that were not ADUs.
 - Mr. Pauly noted the Definition Section used to read, "an accessory use may be located on lots adjoining the main use, if approved" and he added "for non-residential uses", so for residential uses, ADUs would always need to be on the same lot.
- Confirmed the resolution had two sections. One section said "Whereas, the City of Wilsonville encourages construction of ADUs to provide needed housing particularly for smaller households..." and the section below stated, "where the City of Wilsonville further encourages construction of ADUs." He asked if that was in a stated policy from City Council.
 - Mr. Pauly confirmed that was correct, but he did not have the reference. He believed it was in the ordinance that adopted the current ADU standards.
 - Amanda Guile-Hinman, Assistant City Attorney, confirmed the policy was in two Ordinances, which she believed were Ordinances 796 and 797.
- Suggested that rather than saying, "the City of Wilsonville encourages", noting the actual policy should be referenced.
 - Ms. Guile-Hinman agreed and suggested the following language addition, "WHEREAS, the City of Wilsonville ~~further encourages~~ **has adopted a policy of encouraging** construction of Accessory Dwelling Units..."

Chair Greenfield:

- Noted a zero setback was possible in circumstances where the adjacent property owner agreed and asked where that was stated in the Code.

- Mr. Pauly replied it was in Section 4.133 and was very close to the ADU language. He noted the last ADU that was submitted requested a 5-ft setback, which was difficult from a practical standpoint because permission was needed from the individual homeowners as well as the lienholder. Everything must be recorded and a lot of paperwork must go on the title. This typically not did not happen because it so burdensome for homeowners to talk to their neighbors and the banks. He confirmed it was not likely to be widely used.
- Noted his neighborhood had a small 6-ft setback requirement on the side. The next small subdivision to the north had houses 6 ft apart. He read language suggesting it would be possible, if the next door neighbor agreed, to go right up to the property line. Presumably the other property owner could too, which would create row houses. Wilsonville used to have the designation “detached rows”.
 - Mr. Pauly clarified attached rows still existed in Villebois and were a feature created for the Village Center.
- Confirmed the requirement for one parking space for ADUs and that if none was available on the property, then 45 feet of available parking on the curb would be required.
 - Mr. Pauly explained that one on-site standard sized space was required, but if 45 feet of available curb space was not already spoken for, it could be applied in lieu of the on-site space.
- Noted that addressed some of the concern the Commission had about the parking load ADUs imposed on neighborhoods.

Commissioner Heberlein said he appreciated Mr. Pauly’s work on the changes after the last meeting was so contentious.

Commissioner Hurley:

- Asked where the Commission stood on the recommended expansion proposals that were highlighted, which eliminated the ability to banish ADUs.
 - Chair Greenfield stated that only applied to one HOA.
 - Mr. Pauly clarified that the Commission could apply that to Frog Pond West as well, but he did not hear a lot of interest in that. Rather than including that as a blanket requirement in the Code, it would potentially end up being incorporated as a Code amendment for the RN Zone when the master planning work was done for those areas. Right now, nothing was being done with that proposal.
- Read the following from Metro’s 2018 Growth Management Decision, Chief Operating Officer Recommendation dated September 4, 2018, which had been distributed at the dais: “Set an expectation that the four cities will explore ways to encourage the construction of ADUs in the expansion areas. For example, this could be accomplished either by encouraging construction of ADUs at the same time primary dwellings are being built or placing square footage limits on primary dwellings to encourage adequate lot space remains for the construction of ADUs.” However, the Wilsonville section of the recommendation stated: “With that in mind, I recommend that the City look for ways to integrate additional housing choices throughout the plan. Likewise, the City should update its code to comply with the State law by clarifying that at least one ADU is allowed.” He noted Metro was not saying that Wilsonville had to do anything beyond what was already being done.
 - Mr. Pauly confirmed that was correct.

Chair Greenfield commented he did not see any problem in the policy regarding future development, and it stated that issues should be dealt with at the master planning stage. However, he had a little bit of a problem with existing HOAs, but only one would be affected, and he was not aware of any public outcry there. He believed the City was perfectly justified going forward with new development that requirements should be established in the City Code.

- Mr. Pauly responded those were really the options. The City could say the differences was that if a Code was adopted for the whole city, it would also apply to the subdivisions coming up in Frog Pond West, in addition to Frog Pond East and Frog Pond South.

Chair Greenfield closed the public hearing closed at 7:45 pm and confirmed there was no deliberation from the Commission.

Commissioner Millan moved to adopt Resolution No. LP18-0006, including the revisions read into the record. Commissioner Heberlein seconded the motion.

The following revisions were read into the record:

(Note: Additional language in bold, italic text; deleted language struck through)

- In the Resolution, the seventh Whereas was amended to state, “WHEREAS, the City of Wilsonville ~~furthe~~ ~~encourages~~ **has adopted a policy of encouraging** construction of Accessory Dwelling Units...”
- Renumber the Definition Section appropriately on Page 11 of 56.

The motion passed unanimously.

III. INFORMATIONAL

- A. City Council Action Minutes (August 6, 2018 and August 20, 2018)
- B. 2018 Planning Commission Work Program

IV. ADJOURNMENT

Chair Greenfield adjourned the regular meeting of the Wilsonville Planning Commission at 7:54 p.m.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, Inc. for
Tami Bergeron, Administrative Assistant-Planning



Notice of Hearing Continuation Wilsonville Planning Commission July 11, 2018

**The ADU Code Edits project hearing has
been continued to a date certain of September 12, 2018.**

City staff are requesting a continuance of the public hearing on the ADU Code Edits project to allow the project team additional time to provide detailed project level information.

For more information contact Daniel Pauly, Senior Planner, Pauly@ci.wilsonville.or.us (503.570.1536) or Tami Bergeron, Planning Administrative Assistant, bergeron@ci.wilsonville.or.us (503.570.1571).



PLANNING COMMISSION

WEDNESDAY, JULY 11, 2018

II. LEGISLATIVE HEARING

B. Accessory Dwelling Units Code Updates (Pauly) (45 minutes)

**PLANNING COMMISSION
RESOLUTION NO. LP18-0006**

A WILSONVILLE PLANNING COMMISSION RESOLUTION RECOMMENDING THAT THE WILSONVILLE CITY COUNCIL ADOPT CERTAIN AMENDMENTS TO THE WILSONVILLE DEVELOPMENT CODE AND TEXT OF THE COMPREHENSIVE PLAN REGARDING ACCESSORY DWELLING UNITS AS WELL AS OTHER DEVELOPMENT CODE AMENDMENTS TO INCREASE CLARITY AND FUNCTIONALITY OF REGULATIONS RELATED TO ACCESSORY DWELLING UNITS AND OTHER HOUSING.

WHEREAS, the City of Wilsonville currently allows Accessory Dwelling Units for most single-family homes on their own lot; and

WHEREAS, Senate Bill 1051 requires cities in Oregon with populations greater than 2,500 from to allow accessory dwelling units for each detached single-family structure on its own lot or not, effective July 1, 2018; and

WHEREAS, the City's Development Code includes a numerical limitation on Accessory Dwelling Units in the Canyon Creek Estates subdivision not allowed under Senate Bill 1051; and

WHEREAS, Senate Bill 1051 requires only clear and objective standards apply to Accessory Dwelling Units requiring the City to remove subjective standards of having the same architecture of the primary dwelling unit; and

WHEREAS, Comprehensive Plan Implementation Measure 4.1.4.bb. references the Accessory Dwelling Unit allowance for only single-family homes, numeric limitations, and matching architecture to the primary dwelling necessitating modification or removal of said references from the text of this implementation measure to be consistent with state statutes and the proposed Development Code amendments; and

WHEREAS, the City of Wilsonville encourages construction of Accessory Dwelling Units to provide needed housing, particularly for smaller households of one to two persons; and

WHEREAS, the City of Wilsonville further encourages construction of Accessory Dwelling Units to support housing affordability by providing smaller more affordable dwelling units as well as providing a method for homeowners to gain rental income to make ownership of their property more affordable; and

WHEREAS, review of the regulations affecting Accessory Dwelling Units identified lot coverage requirements and private covenants and restrictions as potential major barriers to Accessory Dwelling Unit which the City wishes to reduce; and

WHEREAS, review of the regulations affecting Accessory Dwelling Units and other housing identified opportunities to clarify code language and improve the functionality of the Development Code related to Accessory Dwelling Units and other housing; and

WHEREAS, the Wilsonville Planning Commission held a work session to discuss the proposed Development Code Amendments; and

WHEREAS, the Wilsonville Planning Director, taking into consideration input and suggested revisions provided by the Planning Commission members and the public, submitted the proposed amendments to the Wilsonville Development Code to the Planning Commission, along with a Staff Report, in accordance with the public hearing and notice procedures that are set forth in Sections 4.008, 4.010, 4.011 and 4.012 of the Wilsonville Code; and

WHEREAS, the Planning Commission, after Public Hearing Notices were provided to impacted residential properties, held a Public Hearing on July 11, 2018 to review the proposed amendments to the Wilsonville Development Code, and to gather additional testimony and evidence regarding the proposal; and

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

WHEREAS, the Planning Commission has duly considered the subject, including the staff recommendations and all the exhibits and testimony introduced and offered by all interested parties.

NOW, THEREFORE, BE IT RESOLVED that the Wilsonville Planning Commission does hereby adopt the Planning Staff Report (attached hereto as Exhibit A) and Attachments, as presented at the July 11, 2018 public hearing, including the findings and recommendations contained therein and does hereby recommend that the Wilsonville City Council adopt the proposed amendments to the Wilsonville Development Code as approved on July 11, 2018 by the Planning Commission; and

BE IT RESOLVED that this Resolution shall be effective upon adoption.

ADOPTED by the Planning Commission of the City of Wilsonville at a regular meeting thereof this 11th day of July 2018, and filed with the Planning Administrative Assistant on

_____, 2018.

Wilsonville Planning Commission

Attest:

Tami Bergeron, Administrative Assistant III

SUMMARY of Votes:

Chair Jerry Greenfield: _____

Commissioner Eric Postma: _____

Commissioner Peter Hurley: _____

Commissioner Phyllis Millan: _____

Commissioner Kamran Mesbah _____

Commissioner Ron Heberlein: _____

Commissioner Simon Springall: _____



PLANNING COMMISSION MEETING STAFF REPORT

Meeting Date: July 11, 2018		Subject: Accessory Dwelling Unit (ADU) Development Code Amendments	
		Staff Member: Daniel Pauly, Senior Planner; Amanda Guile-Hinman, Assistant City Attorney	
		Department: Community Development, Planning, Legal	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable	
		Comments: Following work sessions in June the Planning Commission is now requested to hold a public hearing and make a recommendation to City Council.	
Staff Recommendation: Staff recommends the Planning Commission conduct the public hearing, and when complete, forward a recommendation to adopt the proposed Development Code amendments to City Council.			
Recommended Language for Motion: I move to adopt Resolution LP18-0006 recommending adoption of the Accessory Dwelling Unit (ADU) Development Code Amendments to City Council.			
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 COMMISSION: On August 15, 2017 Senate Bill (SB) 1051 (2017) became Oregon law. The new statutes adopted become effective July 1, 2018. The purpose of SB 1051 is to create more housing in Oregon by removing barriers to development. Among the new statutes adopted as part of SB 1051 is ORS 197.312, which requires at least one accessory dwelling unit (ADU) be allowed per detached single-family dwelling. City legal and planning staff, as well as

consultants provided by Metro, reviewed Wilsonville’s Development Code to identify any areas needing adjustments to comply with new state law. The effort identified a number of necessary code amendments. The effort further identified additional barriers to ADU construction in Wilsonville. In addition, as is common with this type of project, staff identified a number of related minor amendments and definitions to help increase functionality and clarity of the code. Staff requests the Planning Commission conduct a public hearing and forward a recommendation to City Council on the proposed amendment to Wilsonville’s Development Code.

EXECUTIVE SUMMARY: City legal and planning staff reviewed the Development Code for conformance with SB 1051 as it relates to ADUs. In addition, a consultant provided by Metro performed an audit of the Code. The review identified a few necessary amendments including allowing ADUs for detached dwelling units even if they are not on their own lot, removing subjective “substantially similar architecture” language, and removing any numerical limits to the number of ADUs in the City or an individual neighborhood.

The review also took a broader look at potential barriers to ADU development. A very common reason not allowing an ADU or other accessory structure is lot coverage requirements provided in the Development Code. Staff recommends amending the Code to allow additional lot coverage to provide enough space to permit the possibility for ADUs. Another common barrier is private covenants and restrictions. While not addressing current private restrictions, staff does recommend code language preventing future subdivisions from having private restrictions on ADUs beyond those commensurate with homes and other accessory structures. Lastly, staff identified a number of related minor amendments and definitions necessary to help increase functionality and clarity of the Code. Among these are clarifying regulations on short-term rentals, clarifying square footage limitations and parking requirements for ADUs, and clarifying definitions of different types of dwelling units.

One implementation measure in the Comprehensive Plan, Implementation Measures 4.1.4.bb., also needs amending to be consistent with the new state statute and the proposed Development Code amendments.

EXPECTED RESULTS: Recommendation to the City Council to adopt the proposed amendments to the Development Code.

TIMELINE: The Planning Commission is scheduled to hold the first public hearing on July 11th and a City Council public hearing has tentatively been scheduled on August 6th.

CURRENT YEAR BUDGET IMPACTS: The project uses capacity of current City staff and personnel and other non-financial resources provided by Metro and the State of Oregon.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: Date:

LEGAL REVIEW / COMMENT:

Reviewed by: Date:

COMMUNITY INVOLVEMENT PROCESS: The City provided broad notice of the Public

Hearing to all residential properties.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups): The adoption of the code amendments will provide clarity and certainty for property owners in Wilsonville desiring to add an ADU on their property, potentially increasing ADU construction, and thus providing needed housing in the community consistent with state law.

ALTERNATIVES: A number of alternatives exist for the code amendments. The staff will provide their recommendations and reasoning. Feedback on other alternatives from the Planning Commission and public are welcome.

ATTACHMENTS:

Attachment 1: Code Amendment Category List

Attachment 2: Draft Code Amendments to Chapter 4 Wilsonville Code

Attachment 3: Draft Amendments to Old Town Single-Family Design Standards Book

Attachment 4: Table of Current and Proposed Lot Coverage Standards

Attachment 5: Comprehensive Plan Text Amendment for Implementation Measure 4.1.4.bb.

Attachment 6: Compliance Findings

Attachment 1

ADU Code Amendment Categories

Referenced in Code Amendment Document

A. Ensure Compliance:

A1	SB 1051 requires the allowance of at least one ADU per single-family dwelling. Add ADU allowance for each detached dwellings in a scenario with multiple detached dwellings on a single lot. Currently the City allows an ADU for each single-family lot rather than per single-family dwelling.
A2	The State requires clear and objective standards. Remove subjective “match the architecture” standards beyond those applied to other structures in the applicable zone. ADUs will be subject to the same architectural standards as homes and other accessory structures in all zones.
A3	Remove numeric limits for Canyon Creek Estates included in the Development Code.

B. Further the Intent:

B1	Allow for additional lot coverage while maintaining existing setbacks for ADUs, as lot coverage is the most common barrier to adding additional structures on a property or expanding an existing structure.
B2	Prohibit further private restrictions on ADUs in new subdivisions, verified at the time of Final Plat review.

C. Increase Code Function and Clarity:

C1	Refine definitions related to ADUs and other dwelling unit types.
C2	Add definitions defining “Attached Dwelling Unit” and “Detached Dwelling Unit.”
C3	Remove duplicative definitions and code language.
C4	Clarify what accessory uses must be on the same lot as the primary use.
C5	Update definition of “Private Garage” to reflect ADU/garage multi-use structures.
C6	Define “Habitable Floor Area” to clarify what type of storage is part of an ADU and what type of storage isn’t, as this is a common question asked of Planning staff.
C7	Define “Short-Term Rental” and clarify allowance of short-term rental of ADUs and other residential structures and what type of approval is required.
C8	Clarify in a number of lists that “accessory buildings and structures” includes ADUs.
C9	Simplify and clarify language related to maximum floor area for ADUs.
C10	Simplify and remove unclear/uncertain language for ADU parking, make standard the same for all ADUs, put ADUs in parking table.
C11	Clarify ADUs do not count in density calculations.
C12	Remove language that could be read to require trash vehicle and emergency vehicle access beyond that required by relevant building and fire code and other standards.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.001 Definitions.

In addition to the definitions set forth in Section 4.001, below, for the purpose of this Chapter, the following terms are hereby defined. The word "occupy" includes premises designed or intended to be occupied. The word "shall" is always mandatory. All other words shall have the following respective meanings, unless the context otherwise requires:

1. Abutting: See Adjoining.
2. Access, Vehicular: The designed location of ingress and egress, where vehicles enter or leave property.
3. Access, Pedestrian: The designed location of ingress and egress, where pedestrians enter or leave property.
4. Access Control Restriction: A type of access restriction that involves establishing a reserve area adjacent to and paralleling a half street improvement, or across the end of a street that is to be extended in the future, to ensure proper participation by adjoining properties in completion of the required street improvements. See Street, Half. [Amended by Ord. #719, 6/17/13]
5. Access Drive: A private travel lane primarily used as a means of approach for vehicles.
6. Accessory Building or Use: A subordinate building or use, the function of which is clearly incidental to that of the main building or use on the same lot. For non-residential uses, An an accessory use may be located on a lot adjoining that of the main use if approved for this purpose through the Administrative Review procedures of Section 4.030.
7. Accessory Dwelling Unit: A dwelling unit of not more than 800 square feet of habitable floor area accessory, incidental, subordinate to another dwelling unit on the same lot. ~~on the same lot as a single family dwelling, and being of substantially the same exterior design as that single family dwelling, whether attached or detached.~~ [Amended by Ord. 677, 3/1/10]
8. Address Overlay Zone: Distinct areas within the Villebois Village Center where additional information is provided for the definition of architectural character and community elements. [Added by Ord. No. 595, 12/5/05.]
9. Adjacent: See adjoining.
10. Adjoining: Contiguous or abutting exclusive of street width. It shall include the terms adjacent, abutting or contiguous.
11. Agriculture: The use of land larger than one acre for the primary purpose of deriving income from growing plants on land including, but not limited to, land used principally for the production of crops, land used for orchards or production of fruit, but not including land used primarily for another use and incidentally for growing plants, crops, or fruit.
12. Alley: A public or private way which includes a roadway used to provide vehicular ingress and egress to the back or side of properties otherwise abutting on a street, private drive, or shared common area. An alley typically has a width of no more than twenty (20) feet.

Commented [PD1]: C4

Commented [PD2]: C1

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

22. Area of Shallow Flooding: Means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
23. Area of Special Flood Hazard: Means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This is the area subject to a base flood event. Designation on FIRM maps always includes the letters A or V.
24. Artificial Sky Glow. The brightening of the night sky attributable to human made sources of light. [Added by Ord. 649, 6/2/08]
- ~~25. Attached Family Dwelling Units: A building or structure designed to house two (2) or more families, whether related to each other or not.~~
- ~~26-25. Attached Wireless Communication Facility: A wireless communication facility that is affixed to an existing structure, (e.g., an existing building wall or roof, mechanical equipment, or alternative tower structure. [Added by Ord. #479, 5/19/97]~~
- ~~27-26. Attachment: An antenna or other piece of related equipment affixed to a transmission tower. [Added by Ord. #479, 5/19/97]~~
- ~~28. Accessory Dwelling Unit: A dwelling unit of not more than 600 square feet on the same lot as a single family dwelling, and being of substantially the same exterior design as that single family dwelling, whether attached or detached.~~
- ~~29-27. Base Flood: Means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on FIRM maps always includes the letters A or V.~~
- ~~30-28. Basement: A portion of a building which has less than one-half (1/2) of its height measured from finished floor to finished ceiling above the average elevation of the adjoining grade. For areas located in a Special Flood Hazard Area, the definition of basement is any area of the building having its floor subgrade (below ground level) on all sides.~~
- ~~31-29. Bed and Breakfast Home or Boarding House: A building or premises used for the provision of lodging and meals, where not more than five (5) rooms are available for rent. Does not including short-term rentals.~~
- ~~32-30. Bikeway: Bikeway is a general term used to describe any type of transportation facility that is designated for use by bicycles in conformance with City standards. Bikeways may or may not be within a public right-of-way and include the following:~~
- A. Bike Lane: A bike lane facility is a type of bikeway where a section of the roadway is designated for exclusive bicycle use.
 - B. Recreational Trail: A recreation trail is a type of pedestrian, bicycle, or equestrian facility that is entirely separate from roadways and has unimproved, gravel, or bark dust surface.
 - C. Shared Roadway: A shared roadway facility is a type of bikeway where motorists and cyclists occupy the same roadway area.

Commented [PD3]: C1, C2, C3. Note: Definitions for attached dwelling unit found under "Dwelling Unit, Attached"

Commented [PD4]: C3

Commented [PD5]: C7

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

building is divided into units by means of masonry division walls, each unit shall be considered separately in calculation for height of building.

46. Candela. The unit of luminous intensity of a lighting source emitted in a given direction. [Added by Ord. 649, 6/2/08]
47. Canopy. A roof-like covering over an area, in or under which a lighting fixture is mounted. [Added by Ord. 649, 6/2/08]
48. Category of Use: Type of use. See Mixed Use.
49. Change of Use: Within the Willamette River Greenway means making a different use of the land or water than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of the existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for the purposes of Sections 4.500.
50. Civic: Relating to, or derived from, a city or citizen.
51. Civic Building or Place: A building or place that functions communally, such as religious, cultural, environmental or educational institutions.
52. Clear Vision Area: A standard for sight lines at intersections of streets, railways, and driveways. See section 4.125.09, Street Improvement Standards.
53. Cluster Housing: ~~A type of Small-lot detached single family dwellings~~ dwelling unit development arranged in groups, with a courtyard(s) containing shared green space and a public access sidewalk easement.
54. Commercial: Development having to do with retail, service, commercial recreation, and/or office uses.
55. Common Residential Areas.
 - Areas shared in common by residents of buildings with three or more dwelling units, (i.e. common open space, play areas, trash receptacle areas, “common property” under a subdivision or partition declaration); and
 - Three or more open off-street stripped parking spaces, either abutting or within 10 feet of each other and not separated by a wall or other physical barrier between the two parking spaces, designated or set aside for use by the three or more dwelling units, regardless of whether the parking space is assigned for exclusive use of each dwelling unit or non-exclusively used by three or more dwelling units, and are either commonly owned or were developed for the purpose of serving the parking needs of “multiple dwellings” or multiple attached single-family dwellings, as defined in the Development Code. [Added by Ord. 649, 6/2/08]

Commented [PD6]: C1

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

85. ~~Duplex: Two attached dwelling units on a single lot, neither of which meets the definition of an accessory dwelling unit.~~

Commented [PD7]: C1

86. Dwelling: A building, mobile home, or manufactured home, designed for residential occupancy, but not a house trailer or recreational vehicle.

~~Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family, including a kitchen and bathroom, but not a trailer house or other recreational vehicle.~~

Commented [PD8]: Existing language relocated

87. Dwelling Unit, Attached: A dwelling unit which (1) shares one or more common or abutting wall, floor, or ceiling with one or more dwelling units and/or (2) has a shared roof structure with or a roof without a spatial gap between one or more dwelling units. The common or abutting walls, floors, ceilings, and roofs includes those of attached garages, storage areas, or other accessory uses. When a dwelling unit is attached only to an accessory dwelling unit and the accessory dwelling unit is not attached to any other dwelling unit, the dwelling unit is not "Attached" under this definition while the accessory dwelling unit is "Attached" under this definition.

88. Dwelling Unit, Detached: A dwelling unit not meeting the definition of attached dwelling unit.

Commented [PD9]: C2

~~86.~~

~~87-89. Dwelling Unit, Multiple-Family: Three or more attached dwelling units located on a single tax lot. In the Village zone, such use also includes stacked flats or townhouses. Multiple-family dwelling units may be detached or attached.~~

Commented [PD10]: C1

~~88-90. Dwelling Unit, Single-Family: A dwelling unit designed for occupancy by one family located on its own lot. A single-family dwelling unit may be detached or attached, provided that each such unit is located on its own tax lot. A single-family dwelling may also include an accessory dwelling unit, if approved for that use as specified in this Code.~~

Commented [PD11]: C1, C3

~~89-85. Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family, including a kitchen and bathroom, but not a trailer house or other recreational vehicle.~~

90-91. Encroachment Area: See Section 4.139.00

91-92. Equipment Enclosures: A small structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning and emergency generators. [Added by Ord. #479, 5/19/97]

93. Essential Government Services. Services and facilities provided by a governmental unit, that are basis and inherent to the public health and welfare including, but not limited to, fire, police, water, sewer, transportation, emergency communication, and education, and governmental services and facilities in support thereof. [Added by Ord. 545, 8/19/02]

~~92.~~

93-94. Exempt tree or vegetation: As used in the solar access provisions of this Code, the terms "exempt tree or exempt vegetation" refer to the full height and breadth of vegetation that has been identified by the City as "solar friendly," and any vegetation

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

listed as exempt on a plat, a document recorded with the plat, or a solar access permit.

- 94-95. Existing Manufactured Home Park or Subdivision: A manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations. [Added by Ord. # 647, 4/21/08]
- 95-96. Exterior Display: The outdoor exhibit of merchandise by a retail merchant.
- 96-97. Façade. The exterior wall or elevation of a building. [Added by Ord. 649, 6/2/08]
- 97-98. Family: One or two persons with or without their direct descendants and adopted children (and including domestic employees thereof) together with not more than five (5) persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five (5) or fewer persons living in such housekeeping unit shall be considered a separate family. For housing developed to implement ORS 426.508 or under the Fair Housing Amendments Act of 1988, family shall mean all persons living in a dwelling unit, regardless of relationship.
113. Garage, private: An accessory building, or portion thereof, or portion of a main building used for the parking or temporary storage of vehicles ~~owned or used by occupants of the main building.~~
114. Glare. Light that causes visual discomfort or disability, and the wattage and/or light distribution is excessive for the purposes for which the illumination is necessary. [Added by Ord. 649, 6/2/08]
115. Grocery Store: A retail business that sells food and household sundries.
116. Grocery Store, Specialty: A retail business that sells specialty food and specialty household sundries.
117. Habitable floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".
- 117-118. Habitable floor area: For the purpose of calculating the area of a dwelling unit, the area of a dwelling unit usable for living purposes, which includes areas for sleeping, eating, cooking, bathing, sanitation, recreation, and similar activities. Storage areas with floor-level interior access from other habitable areas are included in habitable floor area. Storage areas without interior floor-level access from other habitable areas are not included in habitable floor area. A garage is not considered a storage area for the purpose of this definition and is not considered part of the habitable floor area.
- 118-119. Habitat-Friendly Development: A method of developing property that protects our natural resources as we grow and focuses on land development and site design that mimic natural processes. Examples include clustering development to avoid habitat, minimizing tree removal and root disturbance, managing storm water on-site to help filter rainwater and recharge groundwater sources, and, where feasible, reducing the amount of impervious surface created by development. [Added by Ord. # 674 11/16/09]
- 119-120. Hardscape Permanent improvements to a site, including but not limited to, parking lots, driveways, streets, plazas, sidewalks, walkways, bikeways, abutments,

Commented [PD12]: C5

Commented [PD13]: C6

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

stairs, ramps, and architectural features, such as fountains and sculptures. [Added by Ord. 649, 6/2/08]

~~120-121.~~ Hearing Body: The City Council, the Development Review Board, or the Planning Commission having the authority to review an application assigned by Section 4.031, Section 4.032, and Section 4.033.

~~121-122.~~ Heritage Tree: A tree that, due to age, size, species, quality or historic association, is considered of landmark importance to the community and has been designated as such by the City Council.

~~122-123.~~ Home Business: A business operating from a dwelling unit that does not meet the definition of a "Home Occupation" listed below, ~~and for which a conditional use permit has been issued by the City. Short-term rental of a dwelling unit or portion thereof where the operator does not live on the same lot is a home business. A home business requires a conditional use permit.~~

Commented [PD14]: C7

~~123-124.~~ Home Occupation: ~~"Home Occupation" means an An~~ occupation, profession, or craft, which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the premises as a dwelling place is largely incidental to the business use. A home occupation is carried on by an immediate member of the family residing within the dwelling place. A home occupation shall require no structural alteration or changes to the exterior of the dwelling, and shall include no display of merchandise on the premises which can be seen from the exterior of the dwelling. Any instruction shall be limited to one pupil at a time. Noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the use shall not be of the intensity as to be detected outside of the containing structure. Traffic and parking are to be such as to give no outward appearance that a business is being conducted on the premises. ~~Short-term rental of a dwelling unit or portion thereof where the operator of the short-term rental lives on the same lot is a home occupation.~~

Commented [PD15]: C3, C7

124. Hospital: A building or premises providing in-patient services that is used for human medical or surgical treatment.

125. Hospital, Animal: A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat and veterinary hospitals.

126. Hotel, Motel, or Overnight Lodging Facility: A building which is designed or used to offer ~~six (6) or more rooms for~~ lodging, with or without meals, for compensation, ~~for six (6) or more people.~~

Commented [PD16]: C7

127. House Side Shield. For fully shielded luminaires only, an internal shield designed and installed by the luminaire manufacturer that significantly attenuates candlepower in the back photometric hemisphere at all angles greater than 30 degrees relative to nadir. [Added by Ord. 649, 6/2/08]

128. Human Occupancy: For purposes of Section 4.172(.02)(C)(4.), any structure usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof, is considered to be for human occupancy. A structure used only for storage purposes is not for "human occupancy." [Added by Ordinance No. 538, 2/21/02.]

129. IESNA. The Illuminating Engineering Society of North America (see www.iesna.com). [Added by Ord. 649, 6/2/08]

130. Impact Area: See Section 4.139.00

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

131. **Impervious Area:** An area with minimal infiltration of surface water into the underlying soil and shall include pavement (including but not limited to concrete or asphaltic concrete surfaces), gravel roads, structures, roadways, and roofs.
132. **Intensification of Use:** Within the Willamette River Greenway means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of land within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities, including accessory dwelling units, adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this Code. Seasonal increases in gravel operations shall not be considered an intensification of use.
133. **Kenel:** Any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept for boarding, breeding or sales.
134. **Landscaping:** The term "landscaping" includes trees, grass, shrubs, flowers, water features, and garden areas, and the arrangement of paths, walkways, fountains, patios, decks, fencing, street furniture and ornamental concrete or stonework areas, earth forms such as grading, mounding and contours. The use of pervious materials is

Commented [PD17]: c8

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

273. Short-Term Rental: A dwelling unit or portion thereof subject to a lease term, rental agreement, or similar agreement, either directly or through a professional vacation rental-company or similar, less than monthly, generally daily or weekly. Involves rental to only one party at a time. A dwelling unit with rental of different rooms during the same period to different parties is not considered a short-term rental, but may meet the definition of a bed and breakfast home or boarding house or hotel, motel, or overnight lodging facility.

Commented [PD18]: C7

273-274. Solar access permit: A document issued by the city that describes the maximum height that non-exempt vegetation is allowed to grow on lots to which a solar access permit applies.

274-275. Solar feature: A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window or windows that contain(s) at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature for purposes of this Section.

275-276. Solar gain line: A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot (see Figure 8: Solar Gain Line in Section 4.137).

276-277. Source Separated Recyclables: Recyclable materials designated “principle recyclable materials” by the Oregon Environmental Quality Commission under ORS 495A.025 with the exception of yard debris, as well as other source-separated recyclables that may be designated by local ordinance or regulation. [Amended by Ord. #426– 4/1/94]

277-278. South or South facing: True south, or 20 degrees east of magnetic south.

278-279. Special Flood Hazard Area: Means an area having special flood, mudslide (i.e., mudflow), and/or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, AO, AE, AH, VE, or V. [Amended by Ord. # 647, 4/21/08; Ord. 686, 11/1/10]

279-280. Specific Area Plan (SAP): A plan with a series of detailed components covering one of the five distinct areas of the Villebois Village Master Plan. These plans provide a higher level of analysis and detail than the Villebois Village Master Plan.

280-281. Stacked Flats: Two or more single-level dwelling units, the second arranged above the first, etc.

281-282. Start of Construction: Includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1
units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Added by Ord. # 647, 4/21/08; amended by Ord. 686, 11/1/10]

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.113. Standards Applying To Residential Developments In Any Zone.

(.11) Accessory Dwelling Units.

A. ~~Accessory Dwelling Units, developed on the same lot as the detached or attached single-family dwelling to which it is accessory, shall be permitted outright, subject to the standards and requirements of this Section, are permitted subject to the standards and requirements of this Subsection.~~

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B. Standards

1. Number Allowed

a. ~~For detached dwellings units and attached single-family dwelling units: One per dwelling unit.~~

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b. ~~For all other attached dwelling units: None.~~

2. ~~Maximum Floor Area: per definition in Section 4.001, 800 square feet of habitable floor area. Per Subsection 4.138 (.04) C. 1., in the Old Town Overlay Zone the maximum is 600 square feet of habitable floor area. One Accessory Dwelling Unit per lot shall be no greater than 800 square feet with not more than two bedrooms, unless the size and density of ADUs are otherwise provided in an adopted Neighborhood Plan or Stage II Development Plans. Larger units shall be subject to standards applied to duplex housing.~~

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~~3. Accessory dwellings units shall be on the same lot as the dwelling unit to which they are subordinate.~~

Commented [PD22]: C4

~~4. Accessory Dwelling Units may be either attached or detached, but are subject to all zone standards for setbacks, height, and lot coverage, unless otherwise noted in the standards for specific zones or those requirements are specifically waived through the Planned Development waiver or Variance approval processes.~~

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~~3. This Section applies to residential developments in PD-R, R, RA-H, or Village zones.~~

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~~4-5. Where an Accessory Dwelling Unit is proposed to be added to an existing residence and no discretionary land use approval is being sought (e.g., Planned Development approval, Conditional Use Permit approval, etc.) the application shall require the approval of a Class I Administrative Review permit. Application for duplex construction shall be subject to the density standards of the zone in which it is located, or as otherwise provided in a Neighborhood Plan or Stage II/Final Development Plan.~~

~~5-6. Authorization to develop Accessory Dwelling Units does not waive Building Code requirements. Increased firewalls or~~

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building separation may be required as a means of assuring adequate fire separation from one unit to the next. Applicants are encouraged to contact, and work closely with, the Building Division of the City's Community Development Department to assure that Building Code requirements are adequately addressed.

~~6. The Accessory Dwelling Unit must be of substantially the same exterior design and architecture (i.e. siding, windows, doors and roofing materials) as the primary dwelling unit on the property.~~

Commented [PD25]: A2

~~7. Parking:~~

~~Each Accessory accessory Dwelling dwelling Unit unit shall have one standard sized parking space on the same lot.~~

~~Where an off-street parking space is not available to serve the ADU accessory dwelling unit, on-street parking may be considered to satisfy satisfies this requirement if all of the following are present:~~

- ~~i. On at least 45 feet of frontage along the lot is available for on-street parking and is not otherwise approved to meet minimum parking standards for another use. - street parking exists along the frontage of the lot, or within 100' of the front lot line of the lot.~~

~~No more than 25% of the lots in a block will have ADUs.~~

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~~9.7. Each Accessory accessory Dwelling dwelling Unit unit shall provide complete, independent permanent facilities for living, sleeping, eating, cooking, bathing and sanitation purposes, and shall have its own separate secure entrance.~~

~~8. Each Accessory Dwelling Unit must be accessible by street or driveway to fire and emergency vehicles, and for trash pick-up.~~

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~~10.9. Accessory dwelling units may be short-term rentals, but the owner/local operator must maintain an active business license with the City of Wilsonville for a short-term rental business and pay all applicable lodging and other taxes.~~

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~~C. Neighborhood Density and Size Standards.~~

~~1. Canyon Creek Estates — up to 12 ADUs as per Resolution No. 95PC16.~~

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~~C. Prohibition on Additional Private Restrictions on Accessory Dwelling Units~~

~~1. Residential plats or subdivisions submitted for final plat approval after October 1, 2018 shall not restrict accessory dwelling units to a greater extent than the City's Development Code in place at the time of final plat submittal except that restrictions on building materials and finishes can be commensurate with requirements for other accessory structures. The allowance of accessory dwelling units shall be acknowledged in clear language on the plat or other document recorded with the plat to which~~

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

the plat is subject (i.e. CC&R's).

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[Section 4.133(11) amended by Ord. 677, 3/1/10]

(.12) Reduced Setback Agreements. The following procedure has been created to allow the owners of contiguous residential properties to reduce the building setbacks that would typically be required between those properties, or to allow for neighbors to voluntarily waive the solar access provisions of Section 4.137. Setbacks can be reduced to zero through the procedures outlined in this subsection.

A. Examples

1. First example: the owner of one house is allowed to build to the sideyard property line, with no setback, provided that the owner of the neighboring property agrees and that the agreements of both owners are recorded with the deed records for those properties.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.120. Zones. RA-H Residential Agricultural - Holding Zone.

(.01) Purpose. It is the purpose of this zone to serve as a holding zone to preserve the future urban level development potential as undeveloped property designated for more intensive development. This zone has been applied to all urbanizable properties within the city which are planned for development and which have not previously received development approval in accordance with the Comprehensive Plan.

(.02) Uses Permitted Outright:

- A. ~~One single-family dwelling, with not more than one accessory dwelling unit per lot and accessory dwelling units subject to the standards of Section 4.113 (.11).~~ Where the Comprehensive Plan calls for future non-residential zoning of the site, the building permit for any proposed residential development shall not be granted until a statement has been recorded applying to the title of the subject property, notifying any potential buyer that future development in the area is expected to be non-residential.
- B. Except for existing lots of record of less than two acres, recorded prior to the effective date of this Code, partitioning or subdivision of properties designated for development shall only be considered in conjunction with or following a zone change in conformance with the Comprehensive Plan. Said zoning shall confirm the adequate provision of public facilities and the protection of future urban development potentials.
- C. If the proposed development is for a less intensive interim density consisting of large lots, a pre-plat and Site Plan review shall be required that provides for future development of the property in accordance with the uses and densities shown in the Comprehensive Plan. Said plat shall be filed on the City's Lien Docket as an obligation toward the property, together with an agreement of non-remonstrance towards the formation of any local improvement district which may serve the subject site.
- D. For properties designated in the City's Comprehensive Plan for nonresidential use, the intensity of use shall be restricted to activities which do not require construction of a permanent structure and which will not tend to restrict, obstruct, or adversely affect the future development of the property for its designated use. Except, however, that the development of a single-family dwelling shall be permitted as specified in subsection (.02), above.
- E. Temporary structures or uses, subject to the procedures for temporary uses set forth in Section 4.163.
- F. Agriculture, horticulture, greenhouses, nurseries (provided that any commercial sales of products shall require the approval of a conditional use permit), timber growing, grazing, and the small scale raising of livestock and animals.
- G. Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a non-

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

commercial nature. Any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot in a residential or RA-H district.

H. Accessory Uses Permitted:

1. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal uses permitted located on the same lot therewith.
2. Home occupations.
3. Signs, subject to the provisions of Sections 4.156.01 through 4.156.11. [Amended by Ord. No. 704, 6/18/12]

(.03) Uses Permitted Subject to receiving approval of a Conditional Use Permit:

- A. Private parks, municipal and government buildings, public utilities, public information centers, semi-public buildings of a non-commercial nature, churches, attached family dwelling units limited to two (2) family maximum, public, private, and parochial schools as provided in Section 4.184 when approved by the Development Review Board at a Public Hearing as provided in Section 4.013.
- B. Roadside stands when located on the same property as the principal uses, selling only those products that are produced on the same property on which the stand is located, or on adjacent property.

(.04) Dimensional Standards:

- A. Minimum Lot Size: 30,000 square feet.
- B. Minimum Front and Rear Yard Setbacks: Thirty (30) feet. Minimum Side Yard Setback: Ten (10) feet.
 1. Legal, non-conforming RA-H lots in the Old Town Overlay Zone shall have the following setbacks:
 - a. Front: Ten (10) feet for single family dwellings, for all other uses: none;
 - b. Rear: Fifteen (15) feet;
 - c. Side: Five (5) feet.
 2. Minimum setback for residential garage or carport: At least five (5) feet behind the front of the nearest residential unit on the property. In no case shall the front of a garage or carport be located less than twenty (20) feet behind a sidewalk or a public right-of-way providing access to that garage or carport. Except, however, in the case of an alley where garages or carports are located within five (5) feet of the property line adjoining the alley. [Amended by Ord. 682, 9/9/10]
- C. Minimum Street Frontage: Seventy-five (75) feet. A reduced street frontage may be approved, based on a finding that the proposed lot frontage will not hinder the future development of the site to densities proposed in the Comprehensive Plan.

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Section 4.122. Residential Zone.

(.01) Purpose: The purpose of this zone is to provide for standards and a simplified review process for small-scale urban low and medium density residential development. Developments in the 'R' zone are not intended to be Planned Developments.

(.02) Residential Densities: Residential densities shall be governed by the density range designated by the City of Wilsonville Comprehensive Plan.

(.03) Lot Size Qualifications:

- A. The owner or the owner's authorized agent shall not hold or cause to be held any interest in any adjacent property with the intent to avoid PDR regulations.
- B. The lot or any part thereof shall not be an identified area of special concern as defined in the Comprehensive Plan.
- C. The development area must be two (2) acres or less in size. Development of larger properties shall be reviewed through planned development procedures.
- D. Not more than thirty percent (30%) of the lot shall be covered by buildings.

(.04) Principal Uses Permitted:

- A. Single-Family Dwelling Units.
- B. ~~Attached Family Dwelling Units, Duplexes.~~
- C. ~~Apartments~~ Multiple-Family Dwelling Units.
- D. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature. Any principal building or public swimming pool shall be located not less than forty- five (45) feet from any other lot in a residential or RA-H zone.
- E. Manufactured homes. [Note: Section 4.115 Standards Applying to Manufactured Housing in All Zones Where Manufactured Housing is Permitted deleted per by Ord. 538, 2/21/02.]

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(.05) Accessory Uses Permitted to Single Family and Detached Dwelling Units:

- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, ~~including accessory dwelling units subject to the standards of Subsection 4.113 (.11),~~ located on the same lot therewith.
- B. Home occupations.
- C. A private garage or parking area.
- D. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10. [Amended by Ord. No. 704, 6/18/12]
- E. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.

- F. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main buildings, at least one-half (1/2) of the side yard setback. In no case shall a setback less than three (3) feet be permitted unless a Reduced Setback Agreement has been approved and properly recorded, as provided in Section 4.113.
- G. Livestock and farm animals shall be permitted subject to the provisions of Section 4.162.

(.06) Accessory Uses Permitted for ~~Attached Family Dwelling Units and Apartments~~Duplexes and Attached Multiple-Family Dwelling Units:

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- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.
- B. Home occupations.
- C. A private garage or parking area.
- D. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.
- E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main building, at least one-half (1/2) of the side yard setback is required.
- F. Livestock and farm animals shall be permitted, subject to the provisions of Section 4.162.

(.07) Other Standards:

- A. Minimum lot width at building line: Sixty (60) feet.
- B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private drive.
- C. Minimum lot size: 5000 square feet.
- D. Minimum lot depth: Seventy (70) feet.
- E. Maximum building or structure height: Thirty-five (35) feet.
- F. Maximum lot coverage: Twenty percent (20%) for all ~~residential-primary~~ dwelling units; thirty percent (30%) for all buildings except accessory dwelling units; up to an additional 800 square feet per accessory dwelling unit up to forty-five percent (45%) total lot coverage for lots less than 7,000 square feet and up to forty percent (40%) total lot coverage for lots 7,000 square feet and greater.
- G. Block and access standards:

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1. Maximum block perimeter in new land divisions: 1,800 feet.
2. Maximum spacing between streets or private drives for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard.
3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.122(.07) amended by Ord. 538, 2/21/02; Ord 682, 9/9/10.]

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.124. Standards Applying To All Planned Development Residential Zones.

(.01) Examples of principal uses that are typically permitted:

A. Open Space.

B. Single-Family Dwelling Units.

~~C. Duplexes.~~

~~C.D. Multiple-Family-Dwelling Units, subject to the density standards of the zone.~~

~~D.E. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot.~~

~~E.F. Manufactured homes, subject to the standards of Section 4.115 (Manufactured Housing).~~

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(.02) Permitted accessory uses to single family dwelling and detached dwelling units:

A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.

B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.

~~C. Accessory Dwelling-dwelling uUnits, subject to the standards of Section 4.113 (.11).~~

D. Home occupations.

E. A private garage or parking area.

~~F. Keeping of not more than two (2) roomers or boarders by a resident family.~~

G. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in the provisions of Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10. [Amended by Ord. No. 704, 6/18/12]

H. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

I. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.

J. Livestock and farm animals, subject to the provisions of Section 4.162.

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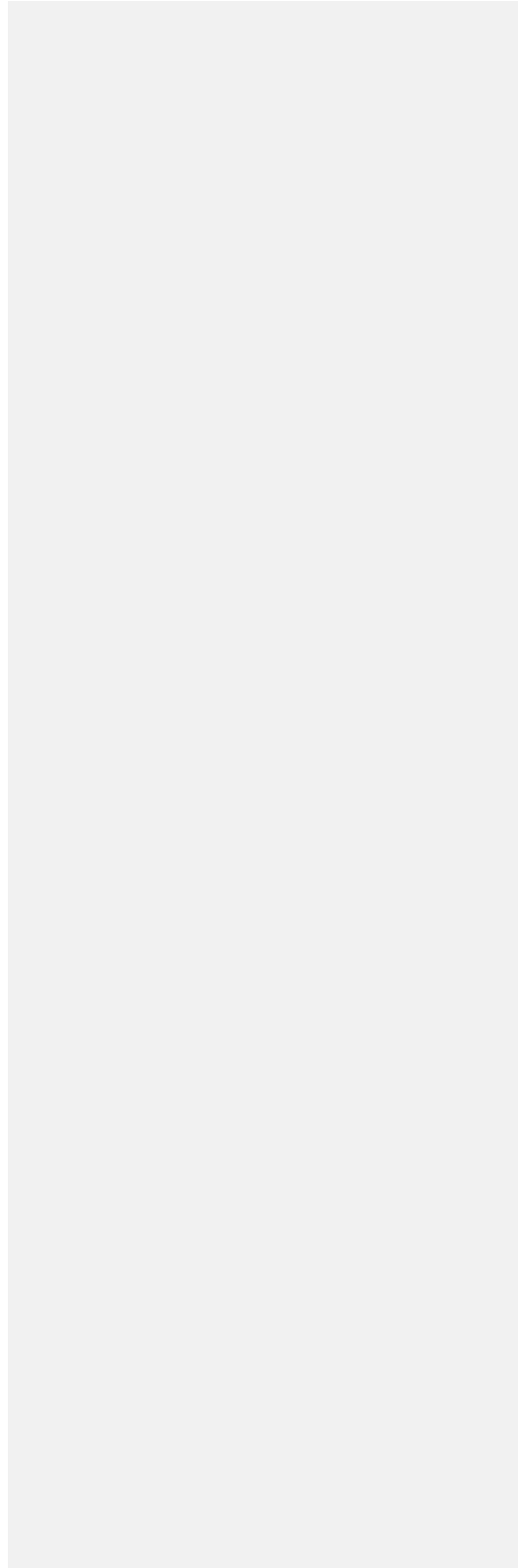
Commented [PD40]: C3, C7

(.03) Permitted accessory uses for duplexes and attached multiple-family dwelling units:

A. Accessory uses, buildings, and structures customarily incidental to any of the

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Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1
aforesaid principal permitted uses, located on the same lot therewith.



Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

- B. Home occupations.
 - C. A private garage or parking area.
 - D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
 - E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
 - F. Livestock and farm animals, subject to the provisions of Section 4.162.
- (.04) Uses permitted subject to Conditional Use Permit requirements:
- A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.
 - B. Public or private clubs, lodges or meeting halls. Public or private parks, playground, golf courses, driving ranges, tennis clubs, community centers and similar recreational uses.
 - C. Churches, public, private and parochial schools, public libraries and public museums.
 - D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents, and not requiring a zone change to a commercial designation:
 1. The site of a Neighborhood Commercial Center was proposed at the time of the original application.
 2. Such centers are of a scale compatible with the surrounding residential structures.
 3. Such centers shall be compatible with the surrounding residential uses.
 4. The site of a Neighborhood Commercial Center shall be at least one-quarter (1/4) mile from any other sites zoned for commercial uses.
 5. The site of a Neighborhood Commercial Center shall not exceed five percent (5%) of the total area or one (1) acre, whichever is less.
 6. The site of a Neighborhood Commercial Center shall have direct access to a street of a collector classification and shall have direct pedestrian access to the residential areas.
 7. The site of a Neighborhood Commercial Center shall not include more than one quadrant of an intersection and shall not result in traffic of a nature which causes a substantial adverse impact on the residential character of the planned development.

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E. Commercial Recreation which is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts shall conform to the requirements of subsection "D" (Neighborhood Commercial Centers), above.

~~E-F.~~ **Home businesses**

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(.05) Appropriate PDR zone based on Comprehensive Plan Density:

Comprehensive Plan Density*	Zoning District
0-1 u/acre	PDR-1
2-3 u/acre	PDR-2
4-5 u/acre	PDR-3
6-7 u/acre	PDR-4
10-12 u/acre	PDR-5
16-20 u/acre	PDR-6
20 + u/acre	PDR-7

Table 1: PDR Zone based on Comprehensive Plan Density

*All dwelling unit types, except accessory dwelling units, are included for calculating density.

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[Section 4.124(.05) amended by Ordinance No. 538, 2/21/02.]

(.06) Block and access standards:

1. Maximum block perimeter in new land divisions: 1,800 feet.
2. Maximum spacing between streets or private drives for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard. [Amended by Ord. 682, 9/9/10]
3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.124(.06) amended by Ordinance No. 538, 2/21/02.]

(.07) Signs. Per the requirements of Sections 4.156.01 through 4.156.11. [Amended by Ord. No. 704, 6/18/12]

(.08) Parking. Per the requirements of Section 4.155.

(.09) Corner Vision Clearance. Per the requirements of Section 4.177.

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Section 4.124.1. PDR-1:

The following standards shall apply in PDR-1 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 30,000 square feet.
- (.02) Minimum lot size: 25,000 square feet.
- (.03) Minimum density at build out: One unit per 37,500 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Eighty (80) feet.
 - B. Minimum street frontage of lot: Eighty (80) feet.
 - C. Minimum lot depth: One hundred (100) feet.
 - D. Setbacks: per Section 4.113(.03)
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Twenty percent (20%) for all residential-primary dwelling units; twenty-five percent (25%) for all buildings except accessory dwelling units; up to an additional 800 square feet per accessory dwelling unit up to thirty percent (30%) total lot coverage.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. Ten single-family dwellings (with or without accessory dwelling units) on individual lots, or
 - B. Fourteen dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

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Section 4.124.2. PDR-2:

The following standards shall apply in PDR-2 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 16,000 square feet.
- (.02) Minimum lot size: 12,000 square feet.
- (.03) Minimum density at build out: One unit per 20,000square feet.
- (.04) Other Standards:
 - A. Minimum lot width at building line: Sixty (60) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]
 - C. Minimum lot depth: Seventy (70) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Twenty-five percent (25%) for all residential-primary

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

dwelling units; thirty percent (30%) for all buildings except accessory dwelling units; up to an additional 800 square feet per accessory dwelling unit up to thirty-five percent (35%) total lot coverage.

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(.05) Examples of development that is typically permitted (hypothetical 10-acresite):

Twenty single-family dwellings (with or without accessory dwelling units) on individual lots, or

- A. Twenty-nine dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

Section 4.124.3. PDR-3:

The following standards shall apply in PDR-3 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 7,000 square feet.
- (.02) Minimum lot size: 5,000 square feet.
- (.03) Minimum density at build out: One unit per 8,000 square feet.

(.04) Other standards:

- A. Minimum lot width at building line: Forty (40) feet.
- B. Minimum street frontage of lot: Forty (40) feet; however, street frontage may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]
- C. Minimum lot depth: Sixty (60) feet.
- D. Setbacks: per Section 4.113(.03).
- E. Maximum building or structure height: Thirty-five (35) feet.
- F. Maximum lot coverage: Fifty percent (50%) for lots containing less than 7000 square feet with an additional 800 square feet allowed per accessory dwelling unit up to sixty-five percent (65%) total lot coverage. Forty-five percent (45%) for lots between 7000 and 8000 square feet with an additional 800 square feet allowed per accessory dwelling unit up to fifty-five percent (55%) total lot coverage. Forty percent (40%) for lots exceeding 8000 square feet with an additional 800 square feet allowed per accessory dwelling unit up to fifty percent (50%) lot coverage.

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(.05) Examples of development that is typically permitted (hypothetical 10-acresite):

- A. Fifty-four single-family dwellings (with or without accessory dwelling units) on individual lots, or
- B. Sixty-two dwelling units (any combination of multiple-family or single-family units with or without accessory dwelling units).

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Section 4.124.4. PDR-4:

The following standards shall apply in PDR-4 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 5,000 square feet.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

- (.02) Minimum lot size: 4,000 square feet.
- (.03) Minimum density at build out: One unit per 6,000 square feet.
- (.04) Other standards: Minimum lot width at building line: Thirty-five (35) feet.
 - A. Minimum street frontage of lot: Thirty-five (35) feet; however, street frontage may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]
 - B. Minimum lot depth: Sixty (60) feet.
 - C. Setbacks: per Section 4.113(.03).
 - D. Maximum building height: Thirty-five (35) feet.
 - E. Maximum lot coverage: Seventy-five percent (75%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acre site):
 - A. Seventy-two single-family dwellings (with or without accessory dwelling units) on individual lots, or
 - B. Eighty-seven dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

Section 4.124.5. PDR-5:

The following standards shall apply in PDR-5 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot area per unit: 3,000 square feet.
- (.02) Minimum lot size: 2,500 square feet.
- (.03) Minimum density at build out: One unit per 4,000 square feet.
- (.04) Other Standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum Lot Depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acre site):
 - A. 108 town-house units on individual lots, or
 - B. 145 dwelling units (any combination of multiple-family or single-family units).

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Section 4.124.6. PDR-6:

The following standards shall apply in PDR-6 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot area per unit: 2,000 to 2,500 square feet.
- (.02) Minimum lot size: None.
- (.03) Minimum density at build out: One unit per 2,500 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum lot depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. 174 condominium units, or
 - B. 217 multiple family-units.

Section 4.124.7. PDR-7:

The following standards shall apply in PDR-7 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot area per unit: 2,000 square feet.
- (.02) Minimum lot size: 1,500 square feet.
- (.03) Minimum density at build out: One unit per 2,400 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum lot depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. 174 condominium units, or
 - B. 217 multiple-family units.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.125. V – Village Zone

(.01) Purpose.

The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.

- A. The Village zone provides for a range of intensive land uses and assures the most efficient use of land.
- B. The Village zone is intended to assure the development of bicycle and pedestrian-sensitive, yet auto-accommodating, communities containing a range of residential housing types and densities, mixed-use buildings, commercial uses in the Village Center and Neighborhood Centers, and employment opportunities.
- C. The Village zone, together with the Architectural Pattern Book and Community Elements Book, is intended to provide quantitative and objective review guidelines.

(.02) Permitted Uses. Examples of principle uses that are typically permitted:

- A. Single Family Dwellings
- B. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11)
- C. Duplexes
- D. Row Houses
- E. Multi-Family Dwellings
- F. Cluster Housing
- G. Residential Facilities, Residential Homes, and Community Housing developed to implement ORS 426.508
- H. Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association.
- I. Commercial uses within the Village Center, subject to the standards of (.06) Standards Applying to Commercial Uses and similar to the following:
 1. Sales and servicing of consumer goods:
 - Bicycle shop
 - Bookstore
 - Clothing store
 - Electronics and appliances store
 - Florist

Commented [PD49]: B1

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Table V-1: Development Standards

Building Type	Min. Size (sq.ft.)	Lot Min. Width (ft.)	Lot Min. Depth (ft.)	Lot Max. Coverage (note)	Lot Min. Width (%age)	Frontage Max. Height ⁹ (ft.)	Setbacks ^{10, 13, 20} (ft.)			Side Min. (ft.)	Alley-Loaded Garage (note)	Street-Loaded Garage (note)
							Front	Min.	Max.			
Commercial Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ³	5	NR	NR	NR	NA
Hotels - Village Center ¹⁴	NR	NR	NR	1	80	60	NR ³	15	NR	NR	NR	NA
Mixed Use Buildings - Village Center ¹⁴	NR	NR	NR	1	90	60	NR ³	8	NR	NR	NR	NA
Multi-Family Dwellings - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹ - Village Center ¹⁴	NR	NR	NR	1	80	45	5 ⁴	10	NR	NR	NR	NA
Commercial Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Mixed Use Buildings	NR	NR	NR	1	60	45	NR	15	NR	NR	NR	NA
Multi-Family Dwellings	NR	NR	NR	1	60	45	8 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹	NR	15	50	1	80	45	8 ⁴	15	NR	NR	NR	NA
Duplexes	4,000	45	70	2	60 ¹⁶	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	7	8,17,18
Single-Family Dwellings	2,250	35	50	2	60 ¹⁶	35	12 ^{5,6}	20 ⁶	5	5 ¹⁵	7	8,17

Notes: NR No Requirement

NA Not Allowed

1 Lot < 8000sf: NR; Lot > 8000sf: 80% (Max. Lot Coverage)

2 Small lots: 75%, Medium Lots: 65%, Standard and Large Lots: 55%; Estate Lots: 45%; Maximum Lot Coverage ~~On Medium and Estate Lots, for attached or detached accessory dwelling units or other detached accessory buildings are 44%~~ maximum lot coverage may be increased by 10%. On Standard and Large Lots, maximum lot coverage may be increased by 10% for non-accessory dwelling unit detached accessory buildings. In addition, on Standard and Large Lots maximum lot coverage may be increased by 800 square feet for attached or detached accessory dwelling units up to 75% lot coverage for Standard Lots less than 4,575 square feet, and up to 70% for Large Lots and Standard Lots greater than 4,575 square feet.

3 Bay windows, balconies, and other structural building projections above 8 ft. may encroach up to 5 ft. into the Public Way; canopies, awnings, and other non-structural projections may encroach up to 8 ft. into the Public Way.

4 Porches, stairs, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach up to the Public Way.

5 Porches, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach to within 8 ft. of the Public Way. Stairs may encroach to the Public Way.

6 For Standard, or Large Lots on Collector Avenues, front setbacks are 20 ft. min., (13' setback to porch), side street setbacks are 15' (8' setback to porch). Pie-shaped lots or lots with significant trees or grade banks at frontage have no maximum front setback.

7 The garage setback from alley shall be between 3 and 5 foot or, when an optional parking space is located between the garage and the alley, shall be 16 ft. minimum. Lots with important trees, as identified in the Master Plan, or grade differences at the alley, affecting garage location shall be exempt from this requirement.

8 Street-loaded garages shall be a minimum 20 ft. front setback to face of garage, and located a minimum of 5 ft. behind main façade of the associated dwelling unit.

9 Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.

10 For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.

11 Row Houses are typically attached, but may be detached within the Village Center Boundary. When attached, no more than ten units shall be contiguous along a street edge. When row houses are detached, the Minimum Frontage Width is 65%. The Minimum Frontage Width for detached row houses may be less than 65% on corner lots or to accommodate the curve radius of street frontage, public utility easements, important trees, grade differences, public open space requirements, or as otherwise approved by the DRB.

12 See Definitions, 4.125.01, for measurement of Minimum Frontage Width.

13 Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.

14 See Figure 2A - Village Center Boundary & Land Use Plan in the Villebois Village Master Plan for areas included within the Village Center.

15 On Estate Lots and Large Lots with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 15 ft. with a minimum of 5 ft. On Small and Medium Lots, minimum side setback shall be 0 ft. or as required by Building Code.

16 For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.

17 Dwellings on lots without alley access shall be at least 36 feet wide.

18 Dwellings with front-loaded garages are limited to one shared standard-sized driveway/driveway.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

4.127 Residential Neighborhood (RN) Zone

(.01) Purpose.

The Residential Neighborhood (RN) zone applies to lands within Residential Neighborhood Comprehensive Plan Map designation. The RN zone is a Planned Development zone, subject to applicable Planned Development regulations, except as superseded by this section or in legislative master plans. The purposes of the RN Zone are to:

- A. Implement the Residential Neighborhood policies and implementation measures of the Comprehensive Plan.
- B. Implement legislative master plans for areas within the Residential Neighborhood Comprehensive Plan Map designation.
- C. Create attractive and connected neighborhoods in Wilsonville.
- D. Regulate and coordinate development to result in cohesive neighborhoods that include: walkable and active streets; a variety of housing appropriate to each neighborhood; connected paths and open spaces; parks and other non-residential uses that are focal points for the community; and, connections to and integration with the larger Wilsonville community.
- E. Encourage and require quality architectural and community design as defined by the Comprehensive Plan and applicable legislative master plans.
- F. Provide transportation choices, including active transportation options.
- G. Preserve and enhance natural resources so that they are an asset to the neighborhoods, and there is visual and physical access to nature.

(.02) Permitted uses:

- A. Open Space.
- B. Single-Family Dwelling Unit.
- C. Attached Single-Family Dwelling Unit. In the Frog Pond West Neighborhood, a maximum of 2 dwelling units, not including ADU's, may be attached.
- D. Duplex.
- E. Multiple-Family Dwelling Units, except when not permitted in a legislative master plan, subject to the density standards of the zone. Multi-family dwelling units are not permitted within the Frog Pond West Master Plan area.
- F. Cohousing.
- G. Cluster Housing.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

H. Public or private parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot.

I. Manufactured homes.

J. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11).

(.03) Permitted accessory uses to single family dwellings:

A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.

B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.

~~C.A. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11).~~

Commented [PD50]: A1

~~D.C. Home occupations.~~

~~E.D. A private garage or parking area.~~

~~F.E. Keeping of not more than two (2) roomers or boarders by a resident family.~~

~~G.F. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.~~

~~H.G. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.~~

~~I.H. Livestock and farm animals, subject to the provisions of Section 4.162.~~

(.04) Uses permitted subject to Conditional Use Permit requirements:

A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.

B. Commercial Recreation, including public or private clubs, lodges or meeting halls, golf courses, driving ranges, tennis clubs, community centers and similar commercial recreational uses. Commercial Recreation will be permitted upon a finding that it is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

shall conform to the requirements of Section 4.124(.04)(D) (Neighborhood Commercial Centers).

- C. Churches; public, private and parochial schools; public libraries and public museums.
- D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents. Neighborhood Commercial Centers are only permitted where designated on an approved legislative master plan.

(.05) Residential Neighborhood Zone Sub-districts:

- A. RN Zone sub-districts may be established to provide area-specific regulations that implement legislative master plans.
 - 1. For the Frog Pond West Neighborhood, the sub-districts are listed in Table 1 of this code and mapped on Figure 6 of the Frog Pond West Master Plan. The Frog Pond West Master Plan Sub-District Map serves as the official sub-district map for the Frog Pond West Neighborhood.

(.06) Minimum and Maximum Residential Units:

- A. The minimum and maximum number of residential units approved shall be consistent with this code and applicable provisions of an approved legislative master plan.
 - 1. For the Frog Pond West Neighborhood, Table 1 in this code and Frog Pond West Master Plan Table 1 establish the minimum and maximum number of residential units for the sub-districts. The minimum and maximum number does not include accessory dwelling units.
 - 2. For parcels or areas that are a portion of a sub-district, the minimum and maximum number of residential units are established by determining the proportional gross acreage and applying that proportion to the minimums and maximums listed in Table 1. The maximum density on a parcel may be increased, up to a maximum of 10% of what would otherwise be permitted, based on an adjustment to an SROZ boundary that is consistent with 4.139.06.
- B. The City may allow a reduction in the minimum density for a sub-district when it is demonstrated that the reduction is necessary due to topography, protection of trees, wetlands and other natural resources, constraints posed by existing development, infrastructure needs, provision of non-residential uses and similar physical conditions.

Commented [PD51]: C11

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Table 1. Minimum and Maximum Dwelling Units by Sub-District in the Frog Pond West Neighborhood

Area Plan Designation	Frog Pond West Sub-district	Minimum Dwelling Units in Sub-district	Maximum Dwelling Units in Sub-district
R-10 Large Lot Single Family	3	26	32
	7	24	30
	8	43	53
R-7 Medium Lot Single Family	2	20	25
	4	86	107
	5	27	33
	9	10	13
	11	46	58
R-5 Small Lot Single Family	1	66	82
	6	74	93
	10	30	38
Civic	12	0	7 ^a
Public Facilities (PF)	13	0	0

^a These metrics apply to infill housing within the Community of Hope Church property, should they choose to develop housing on the site. Housing in the Civic sub-district is subject to the R-7 Medium Lot Single Family regulations.

(.07) Development Standards Generally

- A. Unless otherwise specified by this the regulations in this Residential Development Zone chapter, all development must comply with Section 4.113, Standards Applying to Residential Development in Any Zone.

(.08) Lot Development Standards:

- A. Lot development shall be consistent with this code and applicable provisions of an approved legislative master plan.
- B. Lot Standards Generally. For the Frog Pond West Neighborhood, Table 2 establishes the lot development standards unless superseded or supplemented by other provisions of the Development Code.
- C. Lot Standards for Small Lot Sub-districts. The purpose of these standards is to ensure that development in the Small Lot Sub-districts includes varied design that avoids homogenous street frontages, creates active pedestrian street frontages and has open space that is integrated into the development pattern.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Standards. Planned developments in the Small Lot Sub-districts shall include one or more of the following elements on each block:

1. Alleys.
2. Residential main entries grouped around a common green or entry courtyard (e.g. cluster housing).
3. Four or more residential main entries facing a pedestrian connection allowed by an applicable legislative master plan.
4. Garages recessed at least 4 feet from the front façade or 6 feet from the front of a front porch.

Table 2: Neighborhood Zone Lot Development Standards

Neighborhood Zone Sub-District	Min. Lot Size (sq.ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (%)	Min. Lot Width ^{G, H, J} (ft.)	Max. Bldg. Height ^F (ft.)	Setbacks ^H				
						Front Min. (ft.)	Rear Min. (ft.)	Side Min. (note)	Garage Min Setback from Alley (ft.)	Garage Min Setback from Street ^K (ft.)
R-10 Large Lot Single Family	8,000 ^A	60'	40% ^B	40	35	20 ^C	20	I	18 ^D	20
R-7 Medium Lot Single Family	6,000 ^A	60'	45% ^B	35	35	15 ^C	15	I	18 ^D	20
R-5 Small Lot Single Family	4,000 ^A	60'	60% ^B	35	35	12 ^C	15	I	18 ^D	20

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Notes: A May be reduced to 80% of minimum lot size where necessary to preserve natural resources (e.g. trees, wetlands) and/or provide active open space. Cluster housing may be reduced to 80% of minimum lot size. Duplexes in the R-5 Sub-District have a 6,000 SF minimum lot size.

B On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.

C Front porches may extend 5 feet into the front setback.

D The garage setback from alley shall be minimum of 18 feet to a garage door facing the alley in order to provide a parking apron. Otherwise, the rear or side setback requirements apply.

F Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.

G May be reduced to 24' when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive or a public pedestrian access in a cluster housing development.

H Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.

I On lots greater than 10,000 SF with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 20 ft. with a minimum of 10 ft. On other lots, minimum side setback shall be 5 ft. On a corner lot, minimum side setbacks are 10 feet.

J For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.

K Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.

KL An additional 800 square feet is allowed per accessory dwelling unit up to a total lot coverage of 50% for R-10, 55% for R-7, and 75% for R-5.

Commented [PD53]: B1

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

4.138 Old Town Overlay Zone

2. Exterior remodeling of commercial, industrial, public facility, multi-family residential, or mixed use building that requires a building permit, when that remodeling is visible from a public street (other than an alley) and changes the existing design of the building; and
 3. Upon the request of an applicant, in order to pursue a design not in conformance with the Old Town Single-Family Designs Standard Book, new single-family homes (including duplexes) and accessory buildings, or remodeling thereof. Standards for ADU's in Subsection (.04) C. below shall apply.
- B. The following (except as noted in A.3. above) shall be reviewed through the Class I administrative review process for conformance with the Development Standards of Subsection (.04) concurrently with building plan review:
1. New single-family homes (including duplexes), single-family home additions, remodels, accessory dwelling units, garages, and other buildings accessory to a single-family use.
- (.04) Single-Family Development Standards (including accessory buildings and duplexes)
- A. The standards of this subsection shall take precedence over setback, lot coverage, height, and accessory dwelling unit standards otherwise established in the Development Code. All other standards of the base zone and/or approved planned developments shall apply. For PDR Zones, the setback and lot coverage standards are subject to the waiver provisions of Section 4.118.
 - B. Development shall comply (except as noted in 1. and 2. below) with the standards of the Old Town Single-Family Design Standards Book including but not limited to architectural design, height, setbacks, and lot coverage.
 1. An applicant for a remodel of and/or addition to structures existing prior to December 1, 2017 may elect to match the existing design of the structure rather than comply with the Old Town Single-Family Design Standards Book if all of the following are met:
 - a. The height of the structure remains the same and any additions do not exceed the height of the existing structure;
 - b. The roof pitch on the existing portion of the structure remains the same and is matched for additions involving facades facing a street or public open space;
 - c. All exterior materials are substantially similar in style and texture to the existing materials on the structure;
 - d. For facades of the structure facing a street or public open space (does not include alleys) all architectural elements, such as windows, doors, porches, dormers, details, etc. are kept the same, or in the case of extending out a wall during an addition, reproduced; and
 - e. Setbacks and lot coverage requirements of the underlying zone are met.

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

2. Accessory structures less than 120 square feet and 10 feet in height are not subject to the Old Town Single-Family Design Standards but rather the standards of the underlying zone.

C. The following standards shall apply to Accessory Dwelling Units (ADU's) within the "O" Overlay Zone to ensure smaller bulk of residential buildings and minimal use of on-street parking consistent with the historic character of the neighborhood. Where these standards differ from those of Subsection 4.113 (.11), including size design and parking, these standards take precedence. All other standards of Subsection 4.113 (.11), including but not limited to number of ADU's and review process, continue to apply.

1. Size: ADU's shall not exceed 600 square feet of living space.

2. Design: ADU's shall be substantially the same exterior design and architecture (i.e. siding, windows, color, roof pitch, doors and roofing materials) as the primary dwelling unit on the property. ADU's shall be either:

a. Detached single-story structures; or

b. Over a detached garage meeting the following requirements:

i. The garage/ADU structure is a maximum 1.5 stories tall, not exceeding a height of 20 feet; and

ii. The primary dwelling unit on the property is 1.5 or 2 stories tall.

~~3. Parking: Each ADU shall have one dedicated standard sized parking space on the same lot.~~

Commented [PD54]: C10

(.05). Standards for Development Subject to Site Design Review

A. Building Setbacks - Buildings fronting Boones Ferry Road shall abut the public sidewalk except where public plazas, courtyards, approved landscaping, or other public pedestrian amenities are approved. Except, however, that residential garages or carports shall be set back a minimum of twenty (20) feet from any sidewalk or traveled portion of a street across which access to the garage or carport is taken. The Development Review Board may approve other setbacks to accommodate sidewalks, landscaping, or other streetscape features located between the street right-of-way and the building.

B. Landscaping - Not less than fifteen (15) percent of the development site shall be landscaped. In the event that a building is set back from a street side property line, along Boones Ferry Road, Bailey Street, or 5th Street, the intervening area shall be landscaped. In reviewing proposals for parking lots in locations between buildings and streets, the Development Review Board may require special landscaping treatments or designs to screen the view of the parking lot from the public right-of-way.

C. Building height - As specified in the underlying base zone.

D. Street access to Boones Ferry Road. Ingress and egress points along Boones Ferry Road shall be designed and constructed such that access points on one side of the

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Section 4.155. General Regulations - Parking, Loading and Bicycle Parking.

- E. Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. [Amended by Ord. # 674 11/16/09]
- F. Off-street parking spaces existing prior to the effective date of this Code may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are necessary.
- G. Off-Site Parking. Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the DRB has approved the off-site parking through the Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to the main building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced in the form of recorded deeds, easements, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. [Amended by Ord. # 674 11/16/09]
- H. The conducting of any business activity shall not be permitted on the required parking spaces, unless a temporary use permit is approved pursuant to Section 4.163.
- I. Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened by a sight-obscuring fence or planting. The screening shall be continuous along that boundary and shall be at least six (6) feet in height.
- J. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.
- K. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as pervious materials (i. e. pavers, concrete, asphalt) that is found by the City's authorized representative to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City's authorized representative, shall be provided. [Amended by Ord. # 674 11/16/09]
- L. Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.
- M. Off-street parking requirements for types of uses and structures not specifically listed in this Code shall be determined by the Development Review Board if an application is pending before the Board. Otherwise, the requirements shall be specified by the Planning Director, based upon consideration of comparable uses.
- N. Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - "Definitions," and shall be appropriately identified.

Note: In considering proposed waivers to the following standards, the City will consider the potential uses of the site and not just the uses that are currently proposed. For waivers to exceed the maximum standards, applicants shall bear the burden of proving that Metro, State, and federal clean air standards will not be violated.

TABLE 5: PARKING STANDARDS

USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
a. Residential			
1. Single and attached units and any apartments, multiple-family dwelling units, duplexes, multiple-family dwelling units of nine (9) or fewer units	1 per D.U., except accessory dwelling units, which have no minimum.	No Limit	Apartment: Multiple Family Dwelling Units - Min. of 2
2. Accessory dwelling units	Per Subsection 4.113 (.11)	No Limit	Non required
3. Apartments, Multiple-family dwelling units of ten (10) or more units	1 per D.U. (less than 500 sq. ft.) 1.25 per D.U. (1 bdrm) 1.5 per D.U. (2 bdrm) 1.75 per D.U. (3 bdrm)	No Limit	1 per D.U.
4. Manufactured or mobile home park	2 spaces/unit	No Limit	1 per D.U.
5. Manufactured or mobile home subdivision	1 per D.U.	No Limit	1 per D.U.
b. Commercial Residential			
1. Hotel	1 per 1000 sq. ft.	No Limit	1 per 5 units Min. of 2

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

C. The Community Development Director shall not sign any plat which does not indicate the marking with monuments of the intersections of all streets and the centerlines of all streets at every point of curvature and point of tangent. It shall be the responsibility of the applicant to provide such Monumentation within the land division prior to the issuance of any Building permit for construction within the subject property.

(.04) Action on Final Plat: Within thirty (30) days of receipt of a complete final plat submittal, the Planning Director shall approve, deny, or, when further information is required, postpone a decision on the application. Written notice of such action shall be mailed to the applicant by the Planning Director. If the Planning Director determines that full conformity with all applicable ordinances has not been made, the Director shall advise the applicant of the changes or additions that must be made and shall afford the applicant an opportunity to make the necessary changes or additions.

A. A final plat shall be approved only if affirmative findings can be made that:

1. The Plat is in substantial conformance with the provisions of the Preliminary Plat, as approved;
2. The proposal is consistent with the provisions, intents and purposes of the Comprehensive Plan, Zoning Regulations and the requirements of other relevant sections of this Code.
3. Streets, roads and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
4. The plat contains a donation to the public of all common improvements, including, but not limited to, streets, roads, parks, sewage disposal and water supply systems, the donation of which is required by Ordinance or was made a condition of the approval of the tentative plat for the development.
5. Explanations of all common improvements to remain in private ownership have been accounted for and referenced on the plat;
6. Private drives indicated on the tentative plat have been approved by the City; and [Amended by Ord. 682, 9/9/10]
7. Demonstration that residential plats or subdivisions submitted for final plat approval after September 5, 2018 do not restrict accessory dwelling units to a greater extent than the City's Development Code in place at the time of final plat submittal except that restrictions on building materials and finishes can be commensurate with requirements for other accessory structures. The allowance of accessory dwelling units is acknowledged in clear language on the plat or other document recorded with the plat to which the plat is subject (i.e. CC&R's).

Commented [PD59]: B2

~~6.~~

~~7.~~8. All conditions of approval for the development have been met, or adequate assurances for their completion have been provided, to the satisfaction of the Community Development Director.

- B. If affirmative findings cannot be made with regard to all of the above criteria, the Planning Director shall not approve the final plat.
- C. If approved, such approval shall be evidenced by the signature on the plat of the

Comments (A2, C4, etc.) Indicate Code Amendment Category in Attachment 1

Planning Director together with the date of approval. In the event of denial, the Planning Director shall cause written notice and the reasons for denial to be furnished to the applicant.

accessory buildings, adus, and garages

DESIGN

Design guidelines are applicable to any and all exterior building elements visible from the public right-of-way or public parcel, in any direction, regardless of existing or proposed landscaped or natural visual barriers between the public view shed and exterior building elements.

The garage and other accessory buildings over 120s and 10ft in height must be designed using the same exterior design and architecture (i.e. siding, windows, doors, and roofing materials) as the primary residence on the lot. Accessory buildings cannot be taller than the primary residence. If the primary residence is less than 15 feet, an accessory building can be 15 feet or less.

Accessory Dwelling Units (ADU's) in Old Town shall:

1. Size: ADU's shall not exceed 600 square feet of living space.
2. Design. ADU's shall be either:
 - a. Detached single-story structures; or
 - b. Over a detached garage meeting the following requirements:
 - i. The garage ADU structure is a maximum 1.5 stories tall, not exceeding a height of 20 feet; and
 - ii. The primary dwelling unit on the property is 1.5 or 2 stories tall.

3. ~~Parking. Each ADU shall have one dedicated standard size parking space on the same lot.~~

Commented [PD 1]: C10

All other standards of Subsection 4.113 (.11) related to ADU's apply. See Subsection 4.138 (.04) C. Wilsonville Code.

STYLE GUIDELINES

- | | |
|----------------------------------|--------------------------------------|
| Western Farmhouse | New Ranch |
| Roof Style: Gable | Roof Style: Hip or Low-Pitched Gable |
| Roof Pitch: 7:12 to 12:12 | Roof Pitch: 4:12 to 6:12 |
| Eaves: 8" minimum to 18" maximum | Eaves: 8" minimum to 18" maximum |
| Craftsman | |
| Roof Style: Gable | |
| Roof Pitch: 6:12 to 10:12 | |
| Eaves: 8" minimum to 18" maximum | |



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Attachment 4 Comparison of Current and Proposed Lot Coverage by Zoning and Lot Type

Zoning and Lot Type	Current Lot Coverage	Proposed Lot Coverage	Min Lot Size	% Min Lot Size 800 sf	% Lot Coverage: Max Lot Coverage Plus 800 SF ADU at Min Lot Size
Residential Agriculture-Holding (RA-H)					
All lots	No Lot Coverage Max	no change	30000	NA	NA
Residential (R)					
Lots less than 7000 sf	20% DUs, 30% all buildings	20% primary DUs, 30% all non-ADU buildings, add 800 sf per ADU up to 45%	5000	16.0%	46%
Lots 7000-8000 sf	20% DUs, 30% all buildings	20% primary DUs, 30% all non-ADU buildings, add 800 sf per ADU up to 40%	7000	11.4%	41%
Lots 8000 or more sf	20% DUs, 30% all buildings	20% primary DUs, 30% all non-ADU buildings, add 800 sf per ADU up to 40%	8000	10.0%	40%
Planned Development Residential (PDR)					
PDR-1					
All lots	20% DUs, 25% all buildings	20% primary DUs, 25% all non-ADU buildings, add 800 sf per ADU up to 30%	25000	3.2%	28%
PDR-2					
All lots	25% DUs, 30% all buildings	25% primary DUs, 30% all non-ADU buildings, add 800 sf per ADU up to 35%	12000	6.7%	37%
PDR-3					
Lots less than 7000 sf	50% all building	50% all non-ADU buildings, add 800 sf per ADU up to 65%	5000	16.0%	66%
Lots 7000-8000 sf	45% all buildings	45% all non-ADU buildings, add 800 sf per ADU up to 55%	7000	11.4%	56%
Lots more than 8000 sf	40% all buildings	40% all non-ADU buildings, add 800 sf per ADU up to 50%	8000	10.0%	50%
PDR-4, PDR-5, PDR-6, PDR-7					
All lots	75% all buildings	no change	1500-4000	20.0%-53.3%	95%-128%
Village (Villebois)					
Small/ Small Cottage	75% plus 10% for detached accessory buildings	75% all buildings	2250	35.6%	111%
Medium	65% plus 10% for detached accessory buildings	65% plus 10% for attached/detached ADU's or other detached accessory buildings	2900	27.6%	93%
Standard	55% plus 10% for detached accessory buildings	55% plus 10% for non-ADU detached accessory buildings, plus 800 sf per ADU up to 75% if lot less than 4575 sf, or 70% if 4575 sf or greater	4500	17.8%	73%
Large	55% plus 10% for detached accessory buildings	55% plus 10% for non-ADU detached accessory buildings, plus 800 sf per ADU up to 70%	5400	14.8%	70%
Estate	45% plus 10% for detached accessory buildings	45% plus 10% for attached/detached ADU's or other detached accessory buildings	8000	10.0%	55%
Residential Neighborhood (RN) (Frog Pond)					
R-10 Large Lot	40% all buildings	40% all non-ADU buildings, add 800 sf per ADU up to 50%	8000	10.0%	50%
R-7 Medium Lot	45% all buildings	45% all non-ADU buildings, add 800 sf per ADU up to 55%	6000	13.3%	58%
R-5 Small Lot	60% all buildings	60% all non-ADU buildings, add 800 sf per ADU up to 75%	4000	20.0%	80%
Old Town Overlay Zone					
All lots	40% all buildings but small (120 sf or less) detached buildings	no change	NA	NA	NA

Implementation Measure 4.1.4.bb The City allows the construction of one accessory dwelling unit with any detached dwelling or attached ~~single-family~~single-family dwelling ~~that is~~ permitted to be built in any zone, subject to standards in the Land Development Code ~~or density and size standards in Neighborhood Plans, Stage II Development Plans or Final Development Plans.~~ Regulations of such units include size, ~~architectural design to match the primary unit on the site,~~ and parking requirements. [Amended by Ord. 676, 3/3/10]

Attachment 6
 Planning Commission Resolution LP18-0006 Staff Report
 Compliance Findings

Accessory Dwelling Unit Code Amendments

Date of Findings: July 3, 2018

Request: Amend the Wilsonville Development Code Text and Text of Implementation Measure 4.1.4.bb. of the Comprehensive Plan to ensure Accessory Dwelling Unit regulations comply with Senate Bill 1051, remove potential major barriers to Accessory Dwelling Unit development, and increase clarity and functionality of Development Code related to Accessory Dwelling Units and other housing.

Affected Properties: All land currently developed as single-family or detached dwellings and all residential designated lands with potential for development of detached dwellings.

Staff Reviewer: Daniel Pauly AICP, Senior Planner

Staff Recommendation: Recommend adoption of the Development Code and Comprehensive Plan text amendments to the Wilsonville City Council.

Applicable Review Criteria:

<u>Oregon Revised Statutes:</u>	
197.303 (1)	Needed Housing Definition
197.307 (4)/227.175 (4)(b)(A)	Clear and Objective Standards for Housing
197.307 (6)	Alternative Approval of Needed Housing
197.312 (5)(a)	Development of Accessory Dwelling Units for Each Detached Single-family Dwelling
<u>Statewide Planning Goals:</u>	
Goal 1	Citizen Involvement
Goal 2	Land Use Planning
Goal 10	Housing
<u>Wilsonville Comprehensive Plan:</u>	
Introduction-Plan Amendments	Comprehensive Plan Plan Amendments
Goal 1.1 and applicable Policy and Implementation Measures	Encourage Public Involvement
Goal 1.1 and applicable Policy and Implementation Measures	Interested, Informed, and Involved Citizenry
Implementation Measure 4.1.1.g	More Flexibility in Support of Metro 2040 Growth Concept and the Urban Growth Management Functional Plan
Implementation Measure 4.1.1.i.	Continuing Examine Intensity of Use, Including Percentage of Lot Coverage

Policy 4.1.4 and applicable Implementation Measures	Housing
Development Code:	
Section 4.197	Changes and Amendments to Development Code
Section 4.198	Comprehensive Plan Changes

Compliance Findings

As described in the Findings below, the request meets the applicable criteria.

Oregon Revised Statutes-Needed Housing Review

Needed Housing Defined

ORS 197.303 (1)

1. All housing subject to the proposed code changes, attached detached single-family and multiple-family dwelling units, duplexes, and accessory dwelling units are needed housing under state law.

Clear and Objective Standards Required for Housing

ORS 197.307 (4) and 227.175 (4)(b)(A)

2. The City determined current language requiring ADUs to “be of substantially the same exterior design and architecture (i.e. siding, windows, doors and roofing materials) as the primary dwelling unit” is too vague and subjective to meet the clear and objective requirement of state law. The proposed amendments thus remove this language. Certain architectural requirements remain for ADUs in the Village Zone, Residential Neighborhood Zone, and Old Town Neighborhood Zone. Applicable standards in each of these zones applies ADUs the same as other accessory structures and primary dwelling units. The adoption of each of the applicable standards in these zones found the standards to be clear and objective.

Development of Accessory Dwelling Units for Each Detached Single-Family Dwelling

ORS 197.312 (5)(a)

3. As a City with a population over 2,500 ORS requires the City allow at least one ADU per detached single-family dwelling. Currently the City allows an ADU for each single-family lot rather than per single-family dwelling. The proposed code amendments include adding an allowance of ADUs for each detached dwelling unit in addition to the current single-family lot allowance. In addition, the City proposes removing the existing numeric limitation of ADUs for the Canyon Creek Estates subdivision as it violates this statute.

Statewide Planning Goals

Citizen Involvement

Goal 1

4. As discussed in Findings 7 through 14 below, the citizen involvement processes and requirements established in Wilsonville's Comprehensive Plan consistent with Goal 1 are being followed.

Land Use Planning

Goal 2

5. The proposed code amendments support the goal of establishing processes and policy as a basis for making decisions on land use consistent with a Comprehensive Plan.

Housing

Goal 10

6. The proposed code amendments will continue to allow the City to meet its housing goals reflected in the Comprehensive Plan. See Findings 17 through 19.

Wilsonville Comprehensive Plan-Public Involvement

Public Involvement-In General

Goal 1.1, Policy 1.1.1,

7. By following the applicable implementation measures, see Findings 8 through 14 below, the City provided opportunities for public involvement encouraging, and providing means for, involvement of interested parties.

Early Involvement

Implementation Measure 1.1.1.a.

8. The City sent broad notice to all residential properties. The Planning Commission and City Council and community members have opportunity to comment on the proposed code amendments while still in draft form.

Encourage Participation of Certain Individuals, Including Residents and Property Owners

Implementation Measure 1.1.1.e.

9. The City encouraged residents and property owners impacted by the proposed code amendments to participate as described in Finding 8 above.

Procedures to Allow Interested Parties to Supply Information

Implementation Measure 1.1.1.f.

10. The City will afford interested parties the opportunity to provide oral input and testimony during the public hearings. In addition, the City afforded them the opportunity to provide written input and testimony.

Types of Planning Commission Meetings, Gathering Input Prior to Public Hearings

Implementation Measure 1.1.1.g.

11. Prior to the scheduled public hearing on the proposed code changes and adoption of the design standards, the Planning Commission held a work session on June 13, 2018, during which the Planning Commission provided feedback incorporated into the current draft.

Public Notices for Planning Commission Meetings

Implementation Measure 1.1.1.h.

12. The notice regarding the public hearing clearly indicated the type of meeting.

User Friendly Information for Public

Policy 1.2.1, Implementation Measures 1.2.1.a., b., c.

13. The published notecard mailings and notices provided user friendly information about the purpose, location, and nature of the meetings. The mailings widely publicized different ways for impacted parties to participate. The information given to impacted parties gave access to the information on which the Planning Commission will base their decision.

Coordinate Planning Activities with Affected Agencies

Implementation Measure 1.3.1.b.

14. The City has notified and discussed needed and recommended code updates related to ADUs with state and Metro staff and consultants hired by Metro.

Wilsonville Comprehensive Plan-Housing and Residential Areas

More Flexible Use of Land

Implementation Measure 4.1.1.g.

15. The proposed code amendments allow additional flexibility for locating accessory dwelling units in Wilsonville allowing for more flexibility in use of land consistent with this implementation measure.

Intensity of Use, Provision of Adequate Open Space, Character of Existing Neighborhoods

Implementation Measures 4.1.1.i. and 4.1.4.t.

16. The proposed code amendments look carefully at the intensity of use, including lot coverage, for residential development. The proposal allows an increase in lot coverage to allow for additional intensity of accessory residential development in some instances, but keeps the lot coverage increases to the minimal for removal of the identified barrier to accessory unit development. The minimization of the lot coverage increase while maintaining all setback requirements allows accessory dwelling units as directed by state law and encouraged by established City policies while maintaining adequate open space, separation of neighboring dwelling, and maintaining the character of existing neighborhoods. Updated parking standards for accessory dwelling units also ensure minimal impact on neighborhoods.

Variety and Diversity of Housing

Implementation Measures 4.1.4.b., 4.1.4.d., 4.1.4.j., and 4.1.4.o.

17. Ensuring code allows accessory dwelling units and removes unreasonable barriers to their development allows for development of an additional housing type in the community and encourages an increased diversity. In particular, allowing and encouraging accessory dwelling units can provide affordable housing opportunities for smaller households.

Safe, Convenient, Healthful, Attractive Residential Areas with Variety

Implementation Measure 4.1.4.c.

18. The City does not anticipate the proposed code amendments to substantially impact safety, convenience, or health of residential areas of the City.

Housing Needs of Existing Residents, Needs of Mobile Home Dwellers

Implementation Measure 4.1.4.f.

19. The proposed code amendments further, allowing and removing barriers to development of ADUs, provide potential housing opportunities for existing smaller households looking for more affordable housing options. ADUs, by their size and affordability, can serve some of the same demographic historically occupying mobile homes within the City.

Housing Coordinated with the Social and Economic Needs of the Community

Goals for Sufficient Low and Moderate Cost Housing

Housing for Employees Working in Wilsonville

Implementation Measures 4.1.4.g., 4.1.4.k., and 4.1.4.m.

20. The City Council has identified, as part of their goals, a need to address housing affordability in the community. Development Code amendments allowing ADUs and removing barriers to their development encourages provision of less expensive smaller units for small

households helping to meet the need of more affordable housing in the community, including for moderate to lower wage workers employed in Wilsonville.

Housing and Infrastructure

Implementation Measures 4.1.4.h., 4.1.4.i., 4.1.4.o., 4.1.4.r., and 4.1.4.s.

21. A significant cost for development of housing and thus a barrier to providing affordable housing is the cost of providing the necessary infrastructure. Allowing and encouraging accessory dwelling units allows provision of additional housing, particularly more affordable housing, where the infrastructure already exists. Properties with accessory dwelling units have substantially the same impact on infrastructure as properties with just the primary dwelling unit.

Safe, Sanitary, Convenient, Sound, Energy Efficient, Attractive Housing/Renovation and Rehabilitation of Housing Stock

Implementation Measure 4.1.4.y.

22. The City does not anticipate the proposed code amendments to impact safety, sanitation, convenience, structural quality, or energy efficiency of housing.

Allowance of Accessory Dwelling Units

Implementation Measure 4.1.4.bb.

23. The City continues to allow one accessory dwelling unit with any detached or attached single-family dwelling. State law no longer allows any density requirements in Neighborhood Plans, Stage II Development Plans, or Final Development Plans. The proposed action removes the numeric limitation for the Canyon Creek Estates Subdivision. State law also only allows applying clear and objective standards to housing. As such, the proposed code amendments remove subjective standards to match primary dwellings. The proposed action removes language from this implementation measure found inconsistent with state law. See also Findings 1, 2, and 4 above.

Wilsonville Development Code-Amendments to the Code

Planning Commission Public Hearing, Recommendation to City Council

Subsection 4.197 (.01) A.

24. The Planning Commission will conduct a public hearing and then, by resolution, forward findings and a recommendation to the Wilsonville City Council within the allowed 40 day timeframe.

Findings Required: Compliance with Procedures of 4.008

Subsection 4.197 (.01) B. 1., Section 4.008, Sections 4.009 through 4.024 as applicable

25. The City mailed notices to affected properties and published/posted notices consistent with established procedures for legislative actions. The City produced written findings of fact regarding the application in this document for adoption by the Planning Commission.

Findings Required: Compliance with Goals, Policies, and Objectives of Comprehensive Plan

Subsection 4.197 (.01) B. 2.

26. Findings 7 through 23 above provide findings related to the applicable goals, policies, objectives, and implementation measures of Wilsonville's Comprehensive Plan.

Findings Required: No Conflict with Over Code Provisions

Subsection 4.197 (.01) B. 3.

27. While drafting the code amendments staff took care to ensure the proposed code changes do not conflict with or endanger other provisions of the Development Code. Staff looked carefully at all definitions and provisions the initial amendments may affect and made additional changes to improve clarity and function and avoid conflicts.

Findings Required: Compliance with Statewide Land Use Planning Goals, State Rules and Statutes, Federal Statutes

Subsection 4.197 (.01) B. 4.-5.

28. Findings 1 through 6 above provide findings related to compliance with the applicable Statewide Land Use Planning Goals as well as applicable state statutes.

Affirmative Findings Required

Subsection 4.197 (.03)

29. Findings 1 through 23 provide the required affirmative findings on which a recommendation can be made to City Council for adoption of the requested amendments to the Wilsonville Development Code.

Comprehensive Plan Text Amendments**Follow Procedures in Comprehensive Plan**

Subsection 4.198 (.01)

30. Findings 1 through 23 confirm the process to amend the text of Implementation Measure 4.1.4.bb. follows applicable procedures established in the Comprehensive Plan.

Meet a Public Need/In the Public Interest

Subsection 4.198 (.01) A.-B. and Comprehensive Plan Introduction: Plan Amendments 4. b.-c.

- 31.** Implementation Measure 4.1.4.bb. discusses the allowance of and types of restrictions on accessory dwelling units in the City. The City proposes a number of updates to Development Code text to ensure compliance with Oregon Revised Statutes as updated by Senate Bill 1051 effective July 1, 2018. The required Development Code changes include allowing accessory dwelling units for all detached primary dwelling units, removing any numeric limitations, and removing subjective criteria that accessory dwelling units match primary dwellings. The text of the implementation measure references all three of these necessary code changes. The proposed text changes simply update the implementation measure for consistency with state law and the proposed Development Code text changes. Both the new state laws and the updated Development Code text establish a public need for the changes, which carries over to these directly corresponding Comprehensive Plan text changes. The Comprehensive Plan text changes are straightforward and the minimum necessary to provide the consistency sought.

Support Statewide Planning Goals

Subsection 4.198 (.01) C.

- 32.** Findings 4 through 6 above establish the proposed text amendments support Statewide Planning Goals.

Conflict with Other Portions of Comprehensive Plan

Subsection 4.198 (.01) D. and Comprehensive Plan Introduction: Plan Amendments 4. a.

- 33.** The implementation measure text proposed for amendment is the primary reference to accessory dwelling units in the Comprehensive Plan and the proposed text changes do not create any conflicts. The proposed text changes, as discussed in Findings 7-29 above, reflective of the Development Code amendments, conform with other applicable language in the Comprehensive Plan.

Submission and Review Process, Noticing

Subsection 4.198 (.02)-(.03) Comprehensive Plan Introduction: Plan Amendments 1.-3., 5.

- 34.** The City initiated the proposed text amendments. The Planning Commission and City Council will review the proposed text amendments. The Planning Commission will adopt a resolution making a recommendation to City Council and City Council will adopt the text amendments by Ordinance. All noticing requirements, as described under public involvement findings for the Comprehensive Plan above, have been met.

Factors to Address in Proposed Amendments

Comprehensive Plan Introduction: Plan Amendments 4. d.

35. Each factor listed has one or more corresponding implementation measures in the Comprehensive Plan. Findings above for Development Code Amendments apply the same to the Comprehensive Plan text amendments and address all applicable implementation measures.

Conflicts with Metro Requirements

Comprehensive Plan Introduction: Plan Amendments 4. e.

36. The proposed text changes support state and Metro rules related to accessory dwelling units.



Accessory Dwelling Unit (ADU) Code Amendments

Planning Commission Public Hearing
July 11, 2018

Presented by: Daniel Pauly AICP, Senior Planner

Current Wilsonville ADU Policy

- **Broad Allowance**
 - All single-family dwellings on their own lots
 - Don't have restrictions common in other suburban jurisdictions
- **Removing Potential Barriers**
 - SDC Waivers



Senate Bill 1051

- ORS 197.312 (5)(a) “A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow . . . at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.”



Senate Bill 1051

- ORS 227.175 (4)(b)(A) “A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards,”



Code Review and Audit

- Reviewed by Legal and Planning Staff
- Code Audit performed by consultant paid for by Metro



Notice and Publicity

- Notice mailed to all residential properties
- Notice posted and published in typical places
- Additional article in Spokesman
- Only 1 question received



ADU Code Amendment Categories

- A. Ensure Compliance
- B. Further the Intent to Remove Barriers
- C. Increase Code Function and Clarity



A. Ensure Compliance

1. Allowance per “detached dwelling” in addition to current per lot allowance
2. Remove subjective “similar architecture” language
3. Remove numeric limit for Canyon Creek Estates



B. Further Intent

1. Allow for additional lot coverage for ADUs
2. Prohibit further private restrictions



C. Increase Code Function & Clarity

1. Refine “Dwelling Unit” definitions
2. Add “Detached” and “Attached” definitions
3. Remove unnecessary duplicative language
4. Clarify accessory use and lot relationship
5. Update “Garage” definition
6. Define “Habitable Floor Area” and clarify what type of storage is counted in ADU floor area



C. Increase Code Function & Clarity

7. Define "Short-Term Rental" and clarify allowance
8. Clarify ADUs included in lists of accessory buildings and structures
9. Simplify/Clarify ADU floor area language
10. Simplify ADU parking requirements
11. Clarify ADUs don't count in density calculations
12. Remove unnecessary trash collection and fire access language



Questions & Comments



**PLANNING COMMISSION
WEDNESDAY, JULY 11, 2018
6:00 P.M.**

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

Approved as
presented at the
August 8, 2018
PC Meeting

Minute Excerpt

I. CALL TO ORDER - ROLL CALL

Chair Jerry Greenfield called the meeting to order at 6:00 p.m. Those present:

Planning Commission: Jerry Greenfield, Eric Postma, Peter Hurley, and Ron Heberlein. Phyllis Millan and Kamran Mesbah arrived shortly after Roll Call. Simon Springall was absent.

City Staff: Chris Neamtzu, Amanda Guile-Hinman, Miranda Bateschell, Daniel Pauly, Mike McCarty, Nancy Kraushaar, Tod Blankenship and Erica Behler.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITIZEN'S INPUT - This is an opportunity for visitors to address the Planning Commission on items not on the agenda. There was none.

ADMINISTRATIVE MATTERS

A. Consideration of the June 13, 2018 Planning Commission minutes
The June 13, 2018 Planning Commission minutes were accepted as presented.

II. LEGISLATIVE HEARING

- A. Basalt Creek Concept Plan (Bateschell)
- B. ADU Code Updates (Pauly)

Chair Greenfield opened the public hearing at 6:39 pm.

Daniel Pauly, Senior Planner, stated these Code updates on accessory dwelling units (ADUs) amended the Development Code, primarily, but also changed one paragraph in the Comprehensive Plan text. Attachment 6, the Legislative Compliance Findings, showed the proposed amendments were in compliance with State, Metro, and local regulations. He presented the ADU Code Updates via PowerPoint with the following comments:

- While Wilsonville allows ADUs and has supported their development, only about 10 ADUs have been developed. The City had a history of removing potential barriers to ADU development. For example, City Council adopted administrative policy that waived SDC fees for ADUs; otherwise many of the same costs associated with a full, single-family home would apply to these small structures.
- The primary reason for the proposed amendment was that the State of Oregon adopted new regulations that went into effect July 1, 2018, so time was of the essence to get make these changes so the City would be in compliance with State law, which now required the following:
 - Cities with populations greater than 2,500, such as Wilsonville, must allow at least one ADU for each detached single-family dwelling subject to reasonable local regulations relating to siting and design.
 - Reviews of housing must be based on clear and objective standards.

- The new State laws were reviewed by legal and planning Staff, who identified opportunities for changes as well as barriers to ADU development. Metro also provided a consultant to perform an independent audit of Wilsonville's Code that Staff also received and reviewed.
- Notice was mailed to all residential properties, posted in city-owned buildings, and published in the *Spokesman*. There was an additional article in the *Spokesman* this week. Prior to this hearing, Staff received one inquiry from a resident in the Canyon Creek Estates Subdivision, where ADUs were limited and that was no longer allowed. A Planning Commission work session was held in June and Staff also received input from City Council in a work session a couple of weeks ago.
- Daniel Pauly reviewed the proposed Code amendments, which fell into three categories, as well as the changes made to the amendments since the June work session, which were also provided in a red line copy at the dais.
 - Direct items to ensure compliance with State law.
 - Currently, ADUs were allowed per lot, but the State law was set up based on dwelling unit. Therefore, minor language changes and the removal of some language were needed to maintain consistency across all residential zones. Conceptually, there could be more than one primary dwelling unit on a single lot. Under State law, each dwelling would be entitled to an ADU.
 - Remove subjective "similar architecture" language. At this time, ADUs must substantially match the primary dwelling unit; therefore, ADUs had more architectural requirements than primary dwelling units, garages, or any other accessory building. The proposed Code changes limit neighborhood specific architectural review, including Villebois, Frog Pond, and Old Town, to the same design guidelines found to be clear and objective in previous actions to apply equally to all structures including ADUs. In areas without specific architectural requirements, the market would drive what architectural guidelines were acceptable.
 - Existing private CC&Rs that guide architecture would still apply.
 - Numeric limits would be removed from the Canyon Creek Subdivision. A Stage 2 Plan was adopted with an ADU limit that was later codified, but was not consistent with the new State law of allowing one ADU per dwelling unit.
 - Further the Intent to Remove Barriers.
 - Allow for additional lot coverage for ADUs. In certain zones, houses were built to the maximum lot coverage because developers wanted to take advantage of building the homes they could on those lots. In the prior edition discussed by the Commission, ADUs were exempt from lot coverage requirements, and now that had been modified and tailored zone by zone, where it made sense to allow additional lot coverage to remove this barrier.
 - Typically, ADUs could be up to 800 sq ft not to exceed a certain percentage in addition to the existing lot coverage. No more than 75 percent lot coverage was allowed anywhere in the city. Most developments with 75 percent lot coverage were in zones where houses were not typically built to maximum lot coverage, with a few exceptions, such as some smaller lots in Villebois, because there was not really room to do an addition.
 - Private restrictions, like CC&Rs, would not be changed, nor did State law require prohibition; however, the City could encourage ADUs by prohibiting further private restrictions. Since the last work session, the only change had been moving the date up from late October to early September based on when the amendments were likely to be adopted. Any plat that came in after September 5th would be required to note that ADUs were allowed in the subdivision.
 - Increase Code Function and Clarity. The Code amendments necessary to ensure compliance with State law resulted in the need to make further amendments and additions for clarity and to increase the Code's function. Those language changes involved the following:
 - All the definitions of "dwelling unit" were amended to be consistent and work together. Since the work session, the definition of cluster housing was modified to be consistent with the other language. The definition of duplex was modified to be consistent with other jurisdictions and

provide a common understanding that a duplex was an attached unit, so, two, full dwelling units could not be located on the same lot; the lot would have to be partitioned.

- ADUs would not be allowed with an attached duplex, but two attached units on separate lots could have ADUs. The definitions of detached and attached dwelling units were reworked, and Staff believed the new language added clarity that should be useful when applying the standards over the years.
- A lot of duplicative language that had crept in over the years had been removed.
- The relationship between an accessory use and the lot was clarified. An ADU must be on the same lot, which seemed obvious but the Code language needed some tweaking.
- The garage definition was updated. One type of ADU was a combination garage/ADU, so the definition now accommodated that possibility.
 - Over the years, customers have asked whether certain storage areas count as part of an ADU. Staff defined habitable floor area and clarified what type of storage counted. Essentially, if the storage area could be accessed from the interior of the unit, it counted toward the ADU floor area. An attached garden shed accessed only from the outside would not count, nor would an attached garage.
- Short-term rentals come up around ADUs because that was one reason someone might build one. What was currently allowed would not change, but the new amendments acknowledged that short-term rentals exist in the community and must be discussed in the Code.
 - Short-term rentals were defined and clarifying language was added as to when they would be allowed. Short-term rentals were defined as a home occupation, which is allowed in residential zones. If one room was rented out and the operator lived on site, it would be considered a home occupation. If the entire home was rented out and no operator lived on site, it would be a home business that required additional review as a conditional use permit.
 - Since the work session, a clarification was added that only one renter, tenant, or party would be allowed in a short-term rental at a time. Language was also added to further clarify the current definitions of bed and breakfasts, hotels, and motels.
- Currently, the Code required ADU parking to be on site or it may be on the street within 100 feet, which was unclear. The new recommendation required onsite parking unless it could be shown that at least 45 feet of street frontage, enough for two parallel parking spaces, was available directly adjacent to the site and not already claimed as required parking for another land use approval. The language also ensured no special exemptions existed, so that the same parking standards applied in all zones where ADUs were allowed.
- As suggested by the Commission, language was added to the density table in the PDR Zones to clarify that ADUs did not count toward density calculations.
- Also since the work session, slight Code language modifications were made regarding the Residential Agricultural Holding (RA-H) and the Frog Pond Residential Neighborhood (RN) Zones regarding the allowance of ADUs for each detached unit or single-family dwelling to ensure consistency with the rest of the residential zones.
- The proposed Code amendments also added a Comprehensive Plan text amendment to create consistency between the Comprehensive Plan and the Development Code.

Chair Greenfield called for public comment on the ADU Code Updates. Seeing none, he called for comments and questions from the Commissioners. He noted that unlike the previous hearing matter, the Commission had less opportunity for input on this subject since the ADU issue had been driven by very abrupt legislative pressure. He believed some substantial questions needed to be addressed.

Commissioner Hurley:

- Noted that in regards to further intent to remove barriers, adding language for not including ADUs in lot coverage and preventing future deed restrictions was discussed at the last Planning Commission meeting.

He asked if the Senate Bill did or did not require those, or if Wilsonville was looking to do those things separately.

- Amanda Guile-Hinman, Assistant City Attorney, replied that DLCD and Metro indicated that lot coverage was specifically called out as a barrier, which was why Staff tackled those issues. Deed restrictions were less of an indication from the State and Metro and more of a Staff recommendation because it fit in with the general theme of eliminating barriers.
- Mr. Pauly added that restrictions needed to be considered reasonable. Existing lot coverage requirements almost seemed unreasonable because they essentially disallowed ADUs for many properties. Staff recommended the prohibition of new deed restrictions to further City Council's consistent desire to encourage the development of ADUs as a valid way to address housing issues, which was something they wanted to continue to encourage over the years.
- Referenced prior conversations regarding lot coverage percentages and Staff's reference to market demands and what a builder might do to maximize lot coverage to what is allowed in the Code. He believed what a developer might have done in the past and what the State legislature was requiring currently and in the future were mutually exclusive. The City put restrictions on a developer in the beginning when they came to build in Wilsonville, and the State was saying something would be different in the future. But, the City was not compelled to change lot coverage requirements, as he saw it in the Senate Bill. He believed changing those requirements for lots that had already met their lot coverage would be inappropriate because existing development was built under previous restrictions. He did not believe the City should change its rules on lot coverage for everyone in the city just because the State said to do so. If someone still happened to have lot coverage available, then they were playing by the rules that were set up before.
- Taking that one step further, Frog Pond was yet to be developed, so if the City decided to prevent new development from restricting ADUs, the City should revisit the Frog Pond Plan densities before it developed given that the State and the City were requiring that ADUs be allowed in that neighborhood, which would completely change the housing mix.
- Additionally, he did not believe it was appropriate to exclude ADUs from the City's densities. Taking the lot coverage changes out to their full extent changed the density and housing stock of Wilsonville dramatically, which was why Portland drove this. He was not sure Wilsonville wanted to do that. Additionally, those further intent portions of the Code amendments were not necessary to meet the State's requirements.

Commissioner Millan said she understood Commissioner Hurley wanted to reconsider Frog Pond, but she was not sure how that related to these Code changes. A master plan and density were approved for Frog Pond and these Code amendments could potentially change that, but she did not know what Commissioner Hurley was asking about this Code.

Commissioner Hurley:

- Explained that there were lots that were currently built to 100 percent of the allowed lot coverage area. Prior to these amendments, those lots could not build ADUs. The Code amendments would allow those lots and all lots to build ADUs. While 800 square feet was not very big, a three-story townhouse in Villebois with a postage stamp sized backyard and 100 percent lot coverage could build a three-story, 200 square foot per floor ADU.
 - Mr. Pauly clarified that was already allowed under the existing Codes for lots that were not built out to their maximum lot coverage limits. He confirmed that currently, a property could not exceed the lot coverage area, but any of those same lots could do a garage conversion or convert the upstairs to an ADU.
- Confirmed that currently, an ADU could not be built in Villebois on a postage stamp sized lot if the full buildable lot coverage area had already been met. Mr. Pauly noted the table in the Code and added these amendments would not change such Villebois situations. He clarified the proposed amendments would not allow a three-story, 750 square foot ADU to be built.

- Noted the Code amendments stated the buildable percentage of a lot was not to be included for ADUs.
 - Mr. Pauly explained that was in a prior edition. The existing proposal was zone by zone. Much of the city would not change. Lot coverages in the single-family areas of the city, PDRs 4, 5, 6, and 7, would remain at 75 percent. Currently, the small lots in the Village Zone were allowed lot coverage up to 85 percent and Staff recommended that be lowered to 75 percent for consistency with the maximum throughout the city.

Commissioner Postma:

- Said he did not want to get bogged down with Villebois examples. He mentioned his concerns last time and wanted to make sure his point was understood. Commissioner Hurly was speaking in terms of what he could build at a moment in time. He was concerned that people who have purchased larger lots in certain neighborhoods, like Meadows, have accepted lot coverage impacts on their ability to build an ADU, and they know their neighbor could not build an ADU. This defined the neighborhood they chose to live in. He was concerned that the Code amendments would change the definition of every neighborhood in Wilsonville. He was not sure he agreed that the legislature has required the City to make that change because the Code provision stated the changes were subject to reasonable local regulations relating to siting and design. If the City had a 50 percent lot coverage, wasn't that an objective regulation regarding siting?
 - Mr. Pauly responded it was objective, but it was also important to understand that in his experience, people do not conceptualize lot coverage very well when they think about light and air on their lot, but they do understand the impacts of setbacks to a greater extent.
- Responded that he believed people did understand lot coverage conceptually, but not technically. People know what their neighborhood looks like and the proposed amendment would change how the neighborhoods look.
- Said he did not believe the statute really required the City change lot coverages as proposed by Staff. The Code review and a third party's indication that existing requirements were overly restrictive did not match the statutory language at all. The statute stated that the City was allowed to have objective regulations relating to siting and design. The Commission was saying the proposed changes might be too restrictive. At first, this seemed to be a technical requirement; but now they were trying to meet the intent. There was a notion of broad encouragement of ADUs but, the City also had a history of specifically defined lot coverage requirements and he was not comfortable changing those everywhere. Everybody who purchased a lot in Wilsonville had a reasonable expectation of what their neighborhood would look like. The City was changing that. His reading of the statute indicated the City was not required to do that. He was not comfortable with any lot coverage changes.
 - Mr. Pauly explained that the truth tested the lot coverage recommendations on lots throughout the city. He asked the Planning Commission to consider that many of these lots already have the lot coverage to build ADUs currently, and under the new Code amendments.
- Interjected that seemed to be what the legislature intended. If a lot met all of the other requirements of the City, a property owner should be able to build an ADU.
 - Mr. Pauly continued that there were also a number of lots that could maintain the character of the community because homeowners do not understand the lot coverage restrictions. The recommended changes would level the playing field. Wilsonville's history indicated there would not be a huge onslaught of ADUs as a result of these Code amendments. The proposed changes remove barriers so that someone who was interested would have the opportunity to use their land in a way that benefitted them, benefitted someone else, and had limited impacts on the community. ADUs have been found to have limited impacts on the community.
- Said the recommendation was based on the fact that it might be okay.

Chair Greenfield stated the historical argument was weakened by recent pressure building nationally for higher densities. What really mattered was what the City could expect in the future.

Commissioner Hurley:

- Said along the line of the example Mr. Pauly gave, where someone wanted to do an addition but were already at maximum lot coverage. If the addition was a larger family room, not an ADU, it could not be done. He cited Section 124.3. (.04) F on Page 27 of 54 of the Staff report, noting in PDR3, lot coverage was currently at 50 percent for lots containing less than 7,000 square feet, 45 percent for lots containing between 7,000 and 8,000 square feet, and 40 percent for lots containing more than 8,000 square feet. The new requirements would add an additional 800 square feet allowed for an ADU. This could result in up to 65 percent lot coverage. He confirmed that a property owner could add an ADU, but not a small addition to their home, and explained that was the problem. Wilsonville had already said it did not want lots to have any more than the stated lot percentage coverages. Now, the City was saying property owners could not build much more of a house, but the City would change the playing field if they wanted to build an apartment in the back and rent it out as an Airbnb. He suggested the percentages remain the same across the entire city, and those with lot coverage left could either expand their home or build an ADU.
- He understood the only exemptions were where CC&Rs currently exist for a current development. He believed the Code amendments opened Pandora's Box for Frog Pond, a development that had not even started yet, because now there were new rules to play by.
 - Mr. Pauly reminded that ADUs were currently allowed in Frog Pond and the lot coverages were fairly high.
- Responded that a developer could put deed restrictions in the CC&Rs on all the homes, which would not be the case today.
 - Mr. Pauly said that was not likely. He did not see many developers putting ADU restrictions on homes today.
- Stated likely or not, the future could not be predicted. Wilsonville looked a lot different than it did when it started in the 1970s. There were no longer a lot of trailer parks.
 - Mr. Pauly continued that based on Council goals, the implications needed to be carefully considered balancing NIMBY concerns with needed housing and providing housing for changing demographics—single and two person households—while allowing homeowners to better afford having a home.
- Interjected that was all made up by Portland because their planning division wanted this and even began talking about it 30 years ago when he worked there. The whole country has said it has a housing crunch.
 - Mr. Pauly asked if Commissioner Hurley was saying that there were no one- and two-person households that could afford to live in Wilsonville.
- Replied it was economics. He did not want to change the rules for the people who live in Wilsonville and the Commission, who are unpaid citizens who live here, was tasked with doing what was in the best interest of the city. The City had to play by the State's rules, but the added in pieces were different.
 - Ms. Guile-Hinman clarified that City Council's policy since 2009 has been to remove barriers and they were concerned that there were only 10 ADUs in Wilsonville. City Council wanted to know how to obtain more ADUs. However, if the majority of the Commission wanted to recommend that City Council remove the increased lot coverage requirements, Staff would take that to Council.

Commissioner Heberlein said he was involved in the Frog Pond planning and if housing affordability was really such a grave concern, then Frog Pond West would not have been set up as a very expensive neighborhood with large lots. It would have been small lots for multi-family units. There would have been a significant number of more homes available to support that. He did not believe it made sense to make large lot homes that have the option to build ADUs, but not the option to have a larger home. He was confused as to how in a brand new development, the City could say you could have a maximum lot coverage to build a home on an 8,000 square foot lot or larger, but if you want to add an ADU, you can have a 4,000 square foot home and an 800 square foot ADU without any problems.

- Mr. Pauly responded there was a lot of political pressure in the adoption of Frog Pond from existing homeowners to keep expensive homes in the area, especially on the east side. However, there was some interest and pressure for more affordable units.

Commissioner Hurley:

- Corrected that no one asked for expensive homes; the issue was density. The apartments right up the road were extremely expensive. It was not about expense, but density.
 - Mr. Pauly responded that obviously in the marketplace, density and expense were related.
- Noted that was never stated in Frog Pond, which needed clarified.

Commissioner Postma:

- Agreed that there was a lot of political pressure and many comments from the community about the density. The Commission had followed through with what the community wanted for density in Frog Pond, but now the City was taking a different turn. That's what bothered him. The Commission got a pretty good indication in the Frog Pond process that the citizens wanted the City to be careful with density. Now, the City was playing fast and loose with density, which was a concern.
 - Mr. Pauly said he challenged the notion that a five-bedroom house and a four-bedroom house with an ADU would have the same density. That was why SDCs were waived.
- Suggested talking about indirect effects. Would an ADU put more cars on the road versus an additional bedroom in an existing house?
 - Mr. Pauly responded maybe or maybe not.

Commissioner Heberlein believed ADUs could potentially add a lot of cars parked on the neighborhood streets. On a day-to-day basis in a neighborhood with the potential to have a large or small home, an ADU would potentially add additional cars on the curb by increasing maximum lot coverage that would not necessarily exist in a normal situation. He had heard from people in his neighborhood who shared this concern. An ADU would not fit in his neighborhood. He could not see it occurring with setbacks and everything else. His neighborhood already had concerns, so that would be a concern for other neighborhoods as well. Wilsonville was a community for families and the more cars parked on the street, the harder it is to see kids, which was a challenge for him.

Commissioner Mesbah:

- Commented that the back and forth conversation has put Staff in the position of defending ADUs. He believed Staff should be asked to explain how the proposal provided clear and objective standards. It was not Staff's place to defend ADUs; they were experts tasked with helping the Commission adopt and recommend standards that the State has required. It was unfair for the Commission to put Mr. Pauly in a position where he must defend his position.
 - Mr. Pauly clarified that he was not providing his personal opinion. Adopted City policies encourage ADUs and City Council's goal was to address housing issues. He was trying to help the Commission understand those perspectives, not advocating for anything.
 - Ms. Guile-Hinman added that much of the back and forth discussion had been about an unanswered legal question regarding what was considered reasonable siting and design. Mr. Pauly had unfortunately been defending a legal department analysis on behalf of the City. Staff's job was to say that the number one barrier currently identified for ADUs was lot coverage. That was why Staff did not concede on setbacks, but did a bit on lot coverage. Staff also negotiated the percentages that they had recommended.
- Suggested Staff refrain from defending the legal analysis. He believed what he heard the other Commissioners saying was that the City could lose the other objective standards that the City has adopted for its neighborhoods by changing the lot coverages. The amendments did not address the character of the neighborhood; unless it is an issue.
- Referencing a change in neighborhood character, he did not see a table that said, "current proposed: no change." If the proposed standards clearly show that people's concerns were not really concerns because they were taken care of, that would address the issues. Going back and forth was not making this any clearer. He supported ADUs and the reason behind them. In very upscale neighborhoods, an ADU could be

the caretaker's cottage. That was the kind of flexibility the Commission was providing for property owners but, as Commissioner Postma stated, they did not want to ruin it for the neighbors either, and that had not been addressed to his satisfaction.

Commissioner Heberlein:

- Asked what other cities had done. Had any other cities in the area already adopted Code changes?
 - Ms. Guile-Hinman stated other cities involved in the process were on the same timeline as Wilsonville and were in the adoption process. No one said they would be able to have Codes adopted by July 1st.
- Noted one thing the Commission had not yet looked at was what everyone else was doing. Was Wilsonville doing something drastically different? Was everyone else taking a different legal interpretation? It felt like if there wasn't an increase in lot coverage, most of the concerns would go away. If a property owner had the ability to build because the house did not meet the maximum lot coverage, then they could build an ADU. Otherwise, it would come down to what was built in the past, what would be built in the future, and what demand really showed. It seemed like Wilsonville was being conservative in the methodology. He did not fault Mr. Pauly for that; he did a good job working within the constraints he was given. He personally struggled to see why the City needed to add an exclusion to increase lot coverage for ADUs.

Chair Greenfield stated that for him, the issue hinged on the definition of reasonable. It seemed that unreasonable barriers should be subject to being relaxed. Some barriers were reasonable and they existed because when the Code was initially done, those reasons were taken into account. A blanket relaxation of lot coverage restrictions would not take account of real differences that existed. He was personally in favor of revisiting that language.

Commissioner Mesbah noted it was mentioned that if a homeowner could not expand then they should not be able to build an ADU either. To him, those were two different issues. The policy was not trying to provide incentives for McMansions, but was trying to provide an incentive for a second unit that potentially houses a single person who would otherwise take a full lot. There was an efficiency in the policy that did not go to the business of building a bigger house, incentives were not necessary for that. It needed to be smoothed out so it fit in the work that had been done so far to create neighborhood character.

Commissioner Millan added that the lot coverages were designed for a reason; it was not just a made up number. Logic was applied to what the area would look like and what it could support, both in terms of traffic and housing. She emphasized the traffic because it was continuously seen as an issue. Adding another unit without taking lot coverage into consideration would change the character of the area.

Chair Greenfield said he believed the issue was different for established neighborhoods, especially those with generous lot sizes, than it was for Frog Pond, which the City was currently in the process of crystalizing. The planning for Frog Pond was made with some substantial compromises as far as the Commission was concerned. He believed the community also felt compromises were made. Those compromises were made with some assumptions that were now challenged by the new State requirements, which could have resulted in a different calculus when Frog Pond's lot sized were being considered. That troubled him. It was almost like a bait and switch. He regretted that the Commission could not have had this requirement in front of them as they did that initial planning. But at this point, to provide reasons to build in a way the Commission considered undesirable when Frog Pond was being planned seemed to be inconsistent and uncomfortable. The City needed to accommodate the possibility of ADUs where they were reasonable, useful, and could contribute to the growth and character of the community. As a personal note, he wished his daughter had room on her lot in Denver to build an ADU where he could retire. He had lived in an ADU in Salem many years ago and he believed there was a place for them in Wilsonville and that making ADUs available would add to Wilsonville's overall attractiveness. That was not to say the City should incentivize where they did not make much sense.

Commissioner Heberlein:

- Recalled Mr. Pauly had stated he had examples of what an ADU would look like on various sized lots.
 - Mr. Pauly said yes and explained that Councilor Akervall had asked for assistance visualizing what an ADU would look like on different sized lots, so he had prepared some quick sketches.
- Said he was interested in seeing them. He struggled with looking at Frog Pond, R-7, and the feasibility of actually being able to site an ADU on a 6,000 square foot lot or on an R-5 4,000 square foot lot. The City was saying it was allowed. He was not sure what that would really look like. Frog Pond was a challenge because it had not yet been developed. He understood the concerns of putting all the work together and now there was an opportunity for that to change. He was curious to see what was feasible on those lots.

Chris Neamtzu said that Staff had heard the Commission loud and clear. He suggested the Commission move on to the next point for the sake of moving the meeting forward.

Chair Greenfield:

- Stated the Commission had been concentrating on the term siting in the text, but it was coupled with “and design”. His concern with the draft as written had to do with design, particularly with the stipulation that design that was not clear and objective would not be permitted. What did clear and objective mean? Would conformance to a pattern book be considered compliance with clear and objective standards?
 - Mr. Pauly responded that Staff had found and DLCD had accepted the City’s adoption of a number of ordinances that have used pattern books in Villebois and Old Town as clear and objective.
- Said a pattern book provided a selection of housing designs, but they were not designs that had to be slavishly copied in order to be accepted. They had to be substantially similar to the illustrations or designs, but did not have to be exact. The language used was substantially similar and it seemed to him that would be sufficiently compliant with clear and objective standards, particularly if it was interpreted by a standard board like the Development Review Board (DRB), which determines whether a particular design was substantially similar or met expectations. That was not clear and objective in the sense that every detail must be identical. Similar was not identical; they were quite different concepts. It seemed to him that the State could not require any more than substantially similar to a standard as a measure of clear and objective.
- Noted the guidance document dated March 9th from DLCD included in the Staff report stated, “Any design standards required of ADUs must be clear and objective.” The document referred to the ORS and continued, “Clear and objective standards do not contain words like compatible or character.” Presumably, clear and objective standards would also not allow for the term substantially similar. He respectfully disagreed because he believed it was an absurd position. With the exception of ADUs in historic districts, DLCD did not recommend any special design standards for ADUs. Requirements that ADUs match materials, roof pitch, windows, etc. of the primary dwelling could create additional barriers. Wilsonville was not recommending or proposing any special design standards for ADUs, just more general similarities with regard to style. He came from a design background and understood design style, which was a very difficult concept to pin down. He could recognize style when he saw it, but could not pin down the style exactly in a way that seemed to meet the definition of clear and objective in DLCD’s document. The document also indicated that requiring ADUs to match the primary dwelling could backfire if the design and materials of the proposed ADU would have been of superior quality to those of the primary dwelling. He believed that set up a straw man, that it was unlikely, and that it could be prevented by Code.
- Stated he was uncomfortable with the notion of striking the language “substantially the same exterior design and architecture.” If Wilsonville did not have some kind of standard, he could imagine a hodge podge that would embarrass the community. The City went through a lengthy process with Old Town where the concerns were very specific and deeply seated. The look of the community needed to be respected by new construction. He had the same concern to a lesser extent to the whole of Wilsonville. He would hate to see a shed thrown up on a lot or attached to a house that had no relationship to the character or quality of the house. This would decrease property values. Wilsonville needs some way to limit that likelihood.

- Mr. Pauly clarified that currently garages and sheds could be built without any architectural guidelines.
- Confirmed he was talking about dwelling units and new construction.
 - Mr. Pauly explained the idea was that ADUs would fall under same design standards as any other structure on the property, and that this would apply in every zone. These Code amendments would remove a situation where the ADU would have more strict design guidelines than the primary dwelling unit, a garage, a shed, or any other outbuilding. In Old Town, Villebois, and Frog Pond, the design guidelines would continue to apply. Much of the city also has CC&Rs that would guide architecture and are subject to review.
- Said the language did not talk about more stringent; it talked about substantially similar.
 - Mr. Pauly agreed that could be a challenge. The idea was that a planner should not make the decision about what was considered substantially similar. There might be differing opinions about whether that meant the roof pitch should be the same or that the same roofing materials or colors should be used. Buildings could be compatible without being the same.
- Noted that actually, those concerns could be addressed in Code. If someone were currently contemplating an ADU, what application would need to be made to the City?
 - Mr. Pauly explained that ADUs were a Class 1 Review, which was administrative. Currently, the legal department's opinion was that the substantially similar language was too broad for a planner to make an administrative clear and objective decision.
- Added the City had a provision for taking it out of that path and steering it through a board to make a decision if it was not something an official should handle. He was not suggesting that. What the City was doing elsewhere with pattern books and the form-based Code approach was intended to come as close to clear and objective, without requiring subjective judgements to be made. It would be ideal if Wilsonville could do something to take account of the many architectural styles in the city to provide a pattern book; though it would be very complex.
- Sought acknowledgement of a principle that did not require pages and pages of pictures that must be complied with in order to be acceptable. He wanted to allow sensible judgement about what would be considered a consistent look in a neighborhood and the primary dwelling. Consistency with the primary dwelling would be the most important thing, even though primary dwellings were not necessarily consistent with each other. Codes prohibit too close similarity and proximity. He wanted something that had a little bit more room for stylistic sensibility than dropping the phrase "substantially similar" altogether.
 - Mr. Pauly said that was understandable, but one could put a dwelling unit next to it that did not match. A cargo container could be the primary dwelling unit in a single-family zone.
- Stated not if the City said it had to be substantially similar. A Frank Lloyd Wright style house next to a Neo Victorian would not fly because they were not substantially similar.
 - Mr. Pauly clarified that he was saying if they were on separate lots. Anything could be done on a vacant lot.
- Explained the Commission was not interfering with that. He had never heard a proposal that the Commission interfere with that kind of thing in established neighborhoods, but it was considered when establishing new neighborhoods. The design of Wilsonville could not be rewritten.

Commissioner Postma asked if the Commission could address that issue by way of standards that would be clear and objective under the requirements of the regulations in the statute.

- Ms. Guile-Hinman responded yes and explained that Portland said ADUs either had to meet the neighborhood standards or comply with requirements for things like roof pitch and window types. This was similar to what the City did in Old Town.

Chair Greenfield said the Commission's approach to Old Town was to codify the concern he was talking about.

- Ms. Guile-Hinman added one risk to that would be a potential conflict with the statute. Some neighborhoods did not have any design standard requirements and the statute prohibited putting requirements on ADUs that the primary dwelling did not already have.

Commissioner Postma understood that realistically, the City would have to go back and make clear and objective standards that were universally acceptable in the entirety of the neighborhood for primary residents.

- Mr. Pauly said that would make sense; the issue was having stricter guidelines for ADUs.

Chair Greenfield said he did not understand why requiring the ADU to be like the house or match the neighborhood was a stricter guideline. It seemed perfectly reasonable to require ADUs to have some resemblance and stylistic relationship to the house.

Commissioner Postma asked how that could be done objectively. The City needed to provide objective standards that directed property owners toward making ADUs match the primary dwelling. He agreed with Chair Greenfield, but the statute required the City to provide clear and objective standards. The word substantial was subjective and he did not know how to get around the statutory requirement.

Commissioner Millan said she would like the Code to say ADUs had to look substantially similar, but that would not be concrete. She had heard Staff say the Commission could put in some standards. She was looking at more humane things in terms of a certain amount of windows, that the living space be acceptable, and that it look like an acceptable place to live. She wanted ADUs to be something someone would feel okay about living in and be proud of. She wanted the Code to include language that would maintain a good level of public safety.

- Mr. Pauly responded that the building, fire, and safety Codes were clear and objective. How nice a building looked was a matter of taste.

Commissioner Hurley stated that for neighborhoods with design standards, the ADU requirements could be in relation to the existing home. For example, roof pitch could be either greater or less than 10 percent of the existing home. The Code could effectively create a dollhouse version of the main house by extrapolating similarities from the existing home.

- Mr. Pauly agreed those types of requirements could be clear and objective. Saying something must be exactly like another could double costs, but allowing for ranges could work much better.

Chair Greenfield said he argued against requiring that ADUs be exactly like the home. He would also argue against ADUs simply being a percentage of the other building. He believed Commissioner Hurley's proposal would be wonderful, but he did not see how it could be done by July 1st.

Commissioner Hurley confirmed he was inferring that although people have different architectural style preferences, they were all considered great; however, they might not all be appropriate for the same homeowner.

Chair Greenfield added he would like to leave more wiggle room than there would be by striking every occurrence of the language "must be of substantially the same exterior design"; just striking that without replacing it with anything else would leave the door too wide open.

- Ms. Guile-Hinman stated Staff would need to do more research to determine the feasibility and to consider a clear and objective standard that would apply to all ADUs not subject to other regulations versus a clear and objective standard tied to the particular primary dwelling.
- Mr. Pauly added it was always a trick to keep the clear and objective standards simple.

Chair Greenfield asked if there was room to craft the language further.

- Mr. Neamtzu asked if a map showing the extent of protection would be helpful to the Commission. He recommended the Commission pass the basis of fundamental compliance portion of the package and direct Staff to come back with add on pieces. It would go to the bottom of the Work Program and Staff would take it up when time allowed. He believed Charbonneau would be largely protected. Meadows and Courtside Estates would not be protected.

- Mr. Pauly added Serene Acres off of Montebello. Several areas had lot sizes that would lend themselves to ADUs, although the City had not seen any ADU development. The City had received one inquiry about setback issues off of Montebello.

Mr. Neamtzu asked if the Commission really wanted ADUs to match homes in areas where T1-11 horizontal siding was being used. He was apprehensive about trying to design ADUs because they were fluid. People want to make a creative imprint when it comes to putting an ADU on their property. They usually exist in back yards where they could not be seen, so he did not believe they created a huge visual impact. However, that could be an issue for a neighbor who had to look at a container in a side yard.

Commissioner Heberlein said that was his concern. He lived on a 6,000 square foot lot and could not imagine seeing a container sitting in the back. He did not want the Commission to rush these Code amendments. He did not believe there were any financial penalties if the City failed to comply. He recommended the Commission take time to do this right.

- Ms. Guile-Hinman explained that the statute was effective July 1st. At the audit, the DLCDC representative informed Staff that most cities were in the same position as Wilsonville and could not meet the deadline. DLCDC recommended the City notice the first public hearing by July 1st and Wilsonville did meet that deadline. She recommended a motion to continue, keep the record open, and the public hearing closed. Staff would try to come back with a better justification, to the extent Staff felt compelled to continue with the recommendations despite the feedback.
- Ms. Bateschell added that during the audit, Staff heard that the language of substantially similar could remain as long as there was a clear and objective path for people to take. Mr. Pauly mentioned knowing the general character of those neighborhoods and how to outline some clear and objective criteria for design standards that would essentially be compatible with those neighborhoods. The City might be able to provide one or more clear and objective paths.

Chair Greenfield recommended Staff call attention to the language in the legislation. Section 5, Subsection 6 of the Senate Bill stated, "In addition to an approval process for needed housing based on clear and objective standards, conditions, and procedures as provided in Subsection 4 of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating in whole or in part appearance or aesthetics that are not clear and objective if "A) the applicant retains the option of proceeding under the approval process that meets the requirements of Subsection 4," which meant that they were not under unreasonable cost or delay. That was easily avoided. "B) The approval criteria for the alternative approval process complies with applicable standards of land use planning and rules." He was reading from the Senate Bill. It seemed there was an opening to do alternatives rather than simply dropping the language.

- Mr. Pauly noted that was exactly what the City did in Old Town. There was a clear and objective pattern book and applicants still had the option to go to DRB.
- Noted it was cumbersome, time consuming, and a terrible imposition on Staff. He recommended a placeholder be inserted to pass the amendments on to Council and ensure compliance with the spirit of the State's requirements. The Commission was still wrestling with issues of concern related to the quality of the town.

Mr. Pauly asked if there were more thoughts or direction on lot coverage.

Commissioner Postma:

- Noted the Commission had discussed the prohibition on private restrictions, and he was not a big fan. There were two issues. He did not like saying the City had to remove any restrictions. There were two sections, but he referenced Section C(1) on Page 15 of 54, noting there was no C(2), so why have a C(1). First, he took issue with saying that property owners and new neighborhoods could not have restrictions. However, he was more concerned with the second part that said, "The allowances for ADU use shall be

acknowledged in clear language on the plat or other document recorded with the plat to which the plat is subject.” He asked why the City jumped from the statute all the way forward to requiring that developers must actually acknowledge that ADUs could be built. Wilsonville allowed ADUs and did not demand that language be included that ADUs would never be restricted. He did not understand the reason for that additional step.

- Mr. Pauly explained that sometimes the language in CC&Rs must be crystal clear and that was the concept behind the requirement.
- Reiterated he did not like the restriction against it. The City was not allowed to have restrictions, but they were taking the next step and saying that the land owners could not have restrictions. He did not believe the statute required that. He inquired if others questioned whether those sections should be included.

Commissioner Hurley said he brought that up in his comments earlier. Putting future restrictions on future developments would not be appropriate. He also asked why ADUs would not be included in density counts.

Commissioner Postma explained that could not be done because the statute stated ADUs must be allowed per dwelling unit. Including ADUs in the density calculation would prohibit allowing an ADU per dwelling unit. It was not possible to follow the statute and still count ADUs towards density.

- Mr. Pauly added that including ADUs in density counts would double the density, which would not be allowed under all the other rules.

Commissioner Heberlein understood Commissioner Postma’s concern was that clear language had to be on the plat or other document that allowed ADUs, not the fact that they could be prohibited.

Commissioner Postma said he was most concerned with the sentence that said the City must clearly acknowledge that ADUs were allowed. However, he would like to see both sentences go away. He did not see the need for the City to tell private land owners what they could and could not indicate in CC&Rs, HOAs, etc.

Commissioner Hurley clarified he was not against ADUs, it was the changing of the ball game. It might behoove a developer in Frog Pond to build the houses in such a manner that allowing a homeowner to build an ADU could be a huge selling point. Another subdivision in Frog Pond could have deed restrictions. Who was to say which is positive or negative? People have different desires for the neighborhoods they want to move into.

Commissioner Postma said the legislature did not, but could have said that deed restrictions were not allowed. There was some voting on the no side of this that changed during the course of the bill process, but he did not know what was traded off. He was always taught that if the legislature did not say something, that also meant something.

Commissioner Mesbah stated if ADUs were prohibited, people would look at the proposed subdivision and assume ADUs could be added. He wondered if that would backfire because the City would end up creating less density just because it would increase with ADUs that could not be stopped. Restricting ADUs could have unintended consequences.

- Mr. Pauly responded that he could see that discussion happening.

Chair Greenfield said the City was under duress for time to deliver a document to Council. He asked what could be done to leave future consideration available to the Commission.

Commissioner Postma asked if the City was really under duress.

- Ms. Guile-Hinman believed the Commission just needed to move to continue this to a date certain.
- Mr. Neamtzu explained that Staff did not want to have to notice 5,000 properties again. He believed Ms. Guile-Hinman’s recommendation was the most prudent at this point.

Chair Greenfield closed the public testimony portion of the hearing.

Commissioner Postma moved to continue the legislative hearing on Resolution No. LP18-0006, ADU Code Updates to a date to be determined by Staff. The motion was seconded by Commissioner Mesbah and passed unanimously.

Mr. Pauly confirmed he would create some additional examples of potential ADU lot coverage scenarios and send them to the Commissioners.

Chair Greenfield called for a brief recess at 8:29 pm and reconvened the meeting at 8:33 pm.

III. WORK SESSION

- A. Boones Ferry Park Master Plan (McCarty)

IV. OTHER BUSINESS

- A. 2018 Planning Commission Work Program
- B. Annual Housing Report

There were no comments.

V. INFORMATIONAL

There were no comments.

VI. ADJOURNMENT

Chair Greenfield adjourned the regular meeting of the Wilsonville Planning Commission at 9:10 p.m.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, Inc. for
Tami Bergeron, Administrative Assistant-Planning

AFFIDAVIT OF MAILING AND POSTING NOTICE OF PUBLIC HEARING IN THE CITY OF WILSONVILLE

STATE OF OREGON)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
CITY OF WILSONVILLE)

I, Shelley L. White, do hereby certify that I am Administrative Assistant for the City of Wilsonville, Counties of Clackamas and Washington, State of Oregon, that the attached copy of Notice of Public Hearing is a true copy of the original notice; that on June 20, 2018, I did cause to be mailed copies of such notice of said public hearing in the exact form hereto attached to the following property owners:

See Attached List

Also notice was posted at the following locations:

- City Hall, 29799 SW Town Center Loop, East, Wilsonville OR 97070
- Wilsonville Community Center, 7965 SW Wilsonville Road, Wilsonville, OR 97070
- Library, 8200 SW Wilsonville Road, Wilsonville OR 97070
- City of Wilsonville Web Site

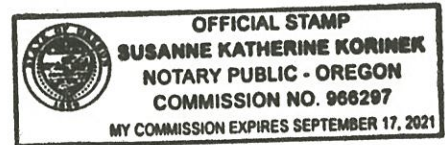
Witness my hand this 13th day of September 2018

Shelley White

Shelley White, Administrative Assistant

Acknowledged before me this 13th day of September 2018

Susanne Katherine Koriner
NOTARY PUBLIC STATE OF OREGON



NOTICE OF LEGISLATIVE PUBLIC HEARING BEFORE THE PLANNING COMMISSION:

ADU Code Update LP18-0006



Planning Commission:

On **Wednesday, July 11, 2018, beginning at 6:00p.m.**, the Wilsonville Planning Commission will hold a public hearing considering whether to recommend adoption of the **Accessory Dwelling Unit (ADU) Code Update (LP18-0006)** to the City Council. No additional mailed notice will be sent to you unless you either:

- Submit testimony or sign in at the Planning Commission hearing, or
- Submit a request, in writing or by telephone, to the Planning Division.

City Council:

The Wilsonville City Council is scheduled to hold a public hearing on the **ADU Code Update (LP18-0006)** on **August 6, 2018, at 7:00p.m.** after which it may make the final decision.

Oregon state law ORS 227.186. The City has not determined how or if this particular proposal will reduce or otherwise impact either the value or use of properties within Wilsonville. Any changes to permitted land uses may reduce or increase property values, depending on various factors. A written notice has been mailed to potentially impacted properties owners, as required by law.

The hearings will take place at **Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon**. A complete copy of the relevant file information, including the staff report, findings, and recommendations, will be available for viewing seven days prior to each public hearing at Wilsonville City Hall and at the Wilsonville Public Library.

Summary of Proposal:

The City of Wilsonville currently allows small Accessory Dwelling Units (ADUs) for most single family homes on their own lot. The City's Development Code also contains a numeric limitation on ADUs for the Canyon Creek Meadows Subdivision. The proposal modifies the City's Development Code to ensure conformance with new state statutes adopted in 2017 in Senate Bill 1051. This includes allowing ADUs for detached dwelling units even if there are multiple detached dwelling units on a lot, removing any numeric limitations beyond allowing one ADU per eligible dwelling unit, and removing ADU design standards beyond certain neighborhood/zone specific objective standards applicable to homes and other accessory structures. In addition, the proposal removes potential common barriers to ADU development by increasing allowed lot coverage for ADUs and prohibiting future subdivisions from placing certain limitations on ADUs. Lastly, the proposal makes a number of additional amendments to increase clarity and functionality for regulations related to ADUs and other housing including, but not limited to, clarifying regulations on short-term rentals, clarifying square footage limitations and parking requirements for ADUs, and clarifying definitions of different types of dwelling units.

How to Comment: Oral or written testimony may be presented at the public hearing. Written comment on the proposal to be submitted into the public hearing record is welcome prior to the public hearings. To have your written comments or testimony distributed to the Planning Commission before the meeting, it must be received by 2 pm on **Tuesday, July 10, 2018**. Direct such written comments or testimony to: **Daniel Pauly** 29799 SW Town Center Loop East, Wilsonville, Oregon, 97070
pauly@ci.wilsonville.or.us, (503) 682-4960

Copies of the full draft plan is available from the Wilsonville Planning Department at the above address.

Note: *Assistive Listening Devices (ALD) are available for persons with impaired hearing and can be scheduled for this meeting. The City will also endeavor to provide qualified sign language interpreters and/or bilingual interpreters, without cost, if requested at least 48 hours prior to the meeting. To obtain such services, please call Shelley White at (503) 682-4960.*

NOTICE OF LEGISLATIVE PUBLIC HEARING BEFORE THE PLANNING COMMISSION:

Accessory Dwelling Unit (ADU) Code Amendments LP18-0006

Planning Commission:

On Wednesday, July 11, 2018, beginning at 6:00p.m., the Wilsonville Planning Commission will hold a public hearing considering whether to recommend adoption of the Accessory Dwelling Unit (ADU) Code Amendments (LP18-0006) to the City Council. No additional mailed notice will be sent to you unless you either:

- Submit testimony or sign in at the Planning Commission hearing, or
- Submit a request, in writing or by telephone, to the Planning Division.

City Council:

The Wilsonville City Council is scheduled to hold a public hearing on the Accessory Dwelling Unit (ADU) Code Amendments (LP18-0006) on August 6, 2018, at 7:00p.m. after which it may make the final decision.

Oregon state law ORS 227.186. The City has not determined how or if this particular proposal will reduce or otherwise impact either the value or use of properties within Wilsonville. Any changes to permitted land uses may reduce or increase property values, depending on various factors. A written notice has been mailed to potentially impacted properties owners, as required by law.

The hearings will take place at Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon. A complete copy of the relevant file information, including the staff report, findings, and recommendations, will be available for viewing seven days prior to each public hearing at Wilsonville City Hall and at the Wilsonville Public Library.

Summary of Proposal: The City of Wilsonville currently allows small Accessory Dwelling Units (ADUs) for most single family homes on their own lot. The City's Development Code also contains a numeric limitation on ADUs for the Canyon Creek Estates subdivision. The proposal modifies the City's Development Code to ensure conformance with new state statutes adopted in 2017 in Senate Bill 1051. This includes allowing ADUs for detached dwelling units even if there are multiple detached dwelling units on a lot, removing any numeric limitations beyond allowing one ADU per eligible dwelling unit, and removing ADU design standards beyond certain neighborhood/zone specific objective standards applicable to homes and other accessory structures. In addition, the proposal removes potential common barriers to ADU development by increasing allowed lot coverage for ADUs and prohibiting future subdivisions from placing certain limitations on ADUs. Lastly, the proposal makes a number of additional amendments to increase clarity and functionality for regulations related to ADUs and other housing including, but not limited to, clarifying regulations on short-term rentals, clarifying square footage limitations and parking requirements for ADUs, and clarifying definitions of different types of dwelling units.

How to Comment: Oral or written testimony may be presented at the public hearing. Written comment on the proposal to be submitted into the public hearing record is welcome prior to the public hearings. To have your written comments or testimony distributed to the Planning Commission before the meeting, it must be received by 2 pm on Tuesday, July 10, 2018. Direct such written comments or testimony to: Daniel Pauly 29799 SW Town Center Loop East, Wilsonville, Oregon, 97070 pauly@ci.wilsonville.or.us, (503) 682-4960

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City of Wilsonville

29799 SW Town Center Loop East

Wilsonville, OR 97070

Specific mailing addresses available for review by request

Tim Woodley
West Linn/Wilsonville School District 3J
22210 SW Stafford Road
Tualatin, OR 97062

Andy Back
Wash. County Long Range Planning
155 N. First Avenue
Hillsboro, OR 97124

Aquilla Hurd-Ravich
Planning Manager
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062

Attn: Development Review
ODOT Region 1
123 NW Flanders Street
Portland, OR 97209

Ben Baldwin
Tri-Met Project Planning Dept
4012 SE 175th Avenue
Portland, OR 97202

Bill Ferber, Region Manager
Oregon Water Resources Department
725 Summer Street, NE
Salem, OR 97301

Dr. Kathy Ludwig
West Linn/Wilsonville School District 3J
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Tualatin, OR 97062

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Community Coordinator, Facilities Division
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Salem, OR 97310

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Portland General Electric
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Wilsonville, OR 97070

Brian Harper
Metro
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Portland, OR 97232

Nina Carlson
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Frank Lonergan
United Disposal Services
10295 SW Ridder Road
Wilsonville, OR 97070

City Planner
City of Canby
P.O. Box 930
Canby, OR 97013

Columbia Cable of Oregon
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Beaverton, OR 97005

Diane Taniguchi-Dennis
Clean Water Services
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Hillsboro, OR 97123

Doug Young
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Salem, OR 97310

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Salem, OR 97301

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Coordinator
Home Builders Associations
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Lake Oswego, OR 97035

Justin Wood, Assoc. Dir of Govern & Bldr
Relations
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Anthony Buczek
Metro
600 NE Grand Avenue
Portland, OR 97232

Clackamas County Planning Director
150 Beaver Creek Road
Oregon City, OR 97045

Oregon Dept of Environ Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232

Paulette Copperstone
Metro
600 NE Grand Avenue
Portland, OR 97232

Planning Director
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

James Clark
BPA, Realty Department
2715 Tepper Lane
Keizer, OR 97013

Sherwood School Dist Admin Office
23295 SW Main Street
Sherwood, OR 97140

Tualatin Valley Fire and Rescue
South Division
8445 SW Elligsen Road
Wilsonville, OR 97070

Tualatin Valley Fire and Rescue
29875 SW Kinsman Road
Wilsonville, OR 97070

Tualatin Valley Water District
1850 SW 170th Ave.
Beaverton, OR 97005



PLANNING COMMISSION

WEDNESDAY, JUNE 13, 2018

II. WORK SESSION

- A. Accessory Dwelling Units Code Edits (Pauly) (30 minutes)



PLANNING COMMISSION MEETING STAFF REPORT

Meeting Date: June 13, 2018		Subject: ADU Development Code Amendments	
		Staff Member: Daniel Pauly, Senior Planner Department: Community Development, Planning	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: The Commission's feedback and discussion will inform the design guidelines and code changes coming before the board next month.	
Staff Recommendation: Staff recommends the Planning Commission provide the requested feedback to inform the project.			
Recommended Language for Motion: NA			
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 COMMISSION: On August 15, 2017 Senate Bill 1051 became Oregon law. The new statutes adopted become effective July 1, 2018. The purpose of Senate Bill 1051 is to create more housing in Oregon by removing barriers to development. Among the new statutes is ORS 197.312 requiring at least one accessory dwelling unit (ADU) be allowed per detached single-family dwelling. City legal and planning staff, as well as consultants provided by Metro, reviewed Wilsonville's Development Code to identify any areas needing adjustments to comply with new state law. The effort identified a number of necessary code amendments. The effort further identified additional barriers to ADU construction in Wilsonville. In addition, as is common with this type of project, staff identified a number of related minor amendments and definitions to help

the increase functionality and clarity of the code. Staff requests the Commission provide feedback on the code amendments drafted by staff.

EXECUTIVE SUMMARY: City legal and planning staff reviewed the Development Code for conformance with Senate Bill 1051 as it relates to Accessory Dwelling Units. In addition, a consultant provided by Metro performed an audit of the code. The review identified a few necessary amendments including allowing ADUs for detached dwelling units even if they are not on their own lot, removing subjective “substantially similar architecture” language, and removing any numerical limits to the number of ADUs in the City or an individual neighborhood. The review also took a broader look at potential barriers to ADU development. A very common development code reason not allowing an ADU or other accessory structure is lot coverage requirements. Staff recommends amending the code to allow additional lot coverage to provide enough space to permit the possibility for ADUs. Another common barrier is private covenants and restrictions. While not addressing current private restrictions, staff does recommend code language preventing future subdivisions from having private restrictions on ADUs beyond those commensurate with homes and other accessory structures. Lastly, staff identified a number of related minor amendments and definitions to help increase functionality and clarity of the code. Among these are clarifying regulations on short-term rentals, clarifying square footage limitations and parking requirements for ADUs, and clarifying definitions of different types of dwelling units.

EXPECTED RESULTS: Guidance for staff as they move forward with the project.

TIMELINE: Drafts of the design standards and code changes will be brought back to the Planning Commission on July 11, 2018 for a Public Hearing and recommendation to City Council.

CURRENT YEAR BUDGET IMPACTS: The project uses capacity of current City staff and personnel and other non-financial resources provided by Metro and the State of Oregon.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: Date:

LEGAL REVIEW / COMMENT:

Reviewed by: Date:

COMMUNITY INVOLVEMENT PROCESS: The City will provide broad notice of the Public Hearing to all residential properties.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups): The adoption of the code amendments will provide clarity and certainty for property owners in Wilsonville desiring to add an ADU on their property, potentially increasing ADU construction, and thus providing needed housing in the community consistent with state law.

ALTERNATIVES: A number of alternatives exist for the code amendments. The staff will provide their recommendations and reasoning. Feedback on other alternatives from the Planning Commission and public are welcome.

ATTACHMENTS:

Attachment 1: Code Amendment Category List

Attachment 2: Draft Code Amendments to Chapter 4 Wilsonville Code

Attachment 3: Draft Amendments to Old Town Single-Family Design Standards Book

ADU Code Amendment Categories

Referenced in Code Amendment Document

A. Ensure Compliance:

1. Add ADU allowance for each detached dwellings in a scenario with multiple detached dwellings on a single lot. Currently the City's allows for each single-family lot.
2. Remove subjective "match the architecture" standards which are beyond those applied to other structures in the applicable zone. ADUs will be subject to the same architectural standards as homes and other accessory structures in all zones.
3. Remove numeric limits for Canyon Creek Estates included in the Development Code.

B. Further the Intent:

1. Allow for additional lot coverage for ADU's, as lot coverage is the most common barrier to adding additional structures on a property or expanding an existing structure.
2. Prohibit further private restrictions on ADUs in new subdivisions, verified at the time of Final Plat review.

C. Increase Code Function and Clarity:

1. Refine definitions related to ADUs and other dwelling unit types
2. Add definitions defining "Attached Dwelling Unit" and "Detached Dwelling Unit"
3. Remove duplicative definitions and code language
4. Clarify what accessory uses must be on the same lot as the primary use
5. Update definition of "Private Garage" to reflect ADU/garage multi-use structures
6. Define "Habitable Floor Area" to clarify what type of storage is part of an ADU and what type of storage isn't, as this is a common question asked of Planning staff
7. Define "Short-Term Rental" and clarify allowance of short-term rental of ADUs and other residential structures and what type of approval is required.
8. Clarify a number of lists of "accessory buildings and structures" includes ADUs
9. Simplify and clarify language related to maximum floor area for ADUs
10. Simplify and remove unclear/uncertain language for ADU parking, make standard the same for all ADUs, put ADUs in parking table.
11. Clarify ADUs don't count in density calculations
12. Remove language that could be read to require trash vehicle and emergency vehicle access beyond that required by relevant building and fire code and other standards.

Attachment 2

Section 4.001 Definitions.

In addition to the definitions set forth in Section 4.001, below, for the purpose of this Chapter, the following terms are hereby defined. The word "occupy" includes premises designed or intended to be occupied. The word "shall" is always mandatory. All other words shall have the following respective meanings, unless the context otherwise requires:

1. Abutting: See Adjoining.
2. Access, Vehicular: The designed location of ingress and egress, where vehicles enter or leave property.
3. Access, Pedestrian: The designed location of ingress and egress, where pedestrians enter or leave property.
4. Access Control Restriction: A type of access restriction that involves establishing a reserve area adjacent to and paralleling a half street improvement, or across the end of a street that is to be extended in the future, to ensure proper participation by adjoining properties in completion of the required street improvements. See Street, Half. [Amended by Ord. #719, 6/17/13]
5. Access Drive: A private travel lane primarily used as a means of approach for vehicles.
6. Accessory Building or Use: A subordinate building or use, the function of which is clearly incidental to that of the main building or use on the same lot. For non-residential uses, An an accessory use may be located on a lot adjoining that of the main use if approved for this purpose through the Administrative Review procedures of Section 4.030.
7. Accessory Dwelling Unit: A ~~dwelling-Dwelling unit~~ Unit of not more than 800 square feet of Habitable Floor Area ~~accessoryincidental~~ subordinate to another Dwelling Unit. ~~on the same lot as a single family dwelling, and being of substantially the same exterior design as that single family dwelling, whether attached or detached.~~ [Amended by Ord. 677, 3/1/10]
8. Address Overlay Zone: Distinct areas within the Villebois Village Center where additional information is provided for the definition of architectural character and community elements. [Added by Ord. No. 595, 12/5/05.]
9. Adjacent: See adjoining.
10. Adjoining: Contiguous or abutting exclusive of street width. It shall include the terms adjacent, abutting or contiguous.
11. Agriculture: The use of land larger than one acre for the primary purpose of deriving income from growing plants on land including, but not limited to, land used principally for the production of crops, land used for orchards or production of fruit, but not including land used primarily for another use and incidentally for growing plants, crops, or fruit.
12. Alley: A public or private way which includes a roadway used to provide vehicular ingress and egress to the back or side of properties otherwise abutting on a street, private drive, or shared common area. An alley typically has a width of no more than twenty (20) feet.

Commented [PD1]: C4

Commented [PD2]: A2, C1, C3, C4, C6

22. Area of Shallow Flooding: Means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
23. Area of Special Flood Hazard: Means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This is the area subject to a base flood event. Designation on FIRM maps always includes the letters A or V.
24. Artificial Sky Glow. The brightening of the night sky attributable to human made sources of light. [Added by Ord. 649, 6/2/08]
25. Attached Family Dwelling Units: A building or structure designed to house two (2) or more families, whether related to each other or not.
26. Attached Wireless Communication Facility: A wireless communication facility that is affixed to an existing structure, (e.g., an existing building wall or roof, mechanical equipment, or alternative tower structure. [Added by Ord. #479, 5/19/97]
27. Attachment: An antenna or other piece of related equipment affixed to a transmission tower. [Added by Ord. #479, 5/19/97]
- ~~28. Accessory Dwelling Unit: A dwelling unit of not more than 600 square feet on the same lot as a single family dwelling, and being of substantially the same exterior design as that single family dwelling, whether attached or detached.~~
- ~~29-28.~~ Base Flood: Means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on FIRM maps always includes the letters A or V.
- ~~30-29.~~ Basement: A portion of a building which has less than one-half (1/2) of its height measured from finished floor to finished ceiling above the average elevation of the adjoining grade. For areas located in a Special Flood Hazard Area, the definition of basement is any area of the building having its floor subgrade (below ground level) on all sides.
- ~~31-30.~~ Bed and Breakfast Home or Boarding House: A building or premises used for the provision of lodging and meals, where not more than five (5) rooms are available for rent.
- ~~32-31.~~ Bikeway: Bikeway is a general term used to describe any type of transportation facility that is designated for use by bicycles in conformance with City standards. Bikeways may or may not be within a public right-of-way and include the following:
- A. Bike Lane: A bike lane facility is a type of bikeway where a section of the roadway is designated for exclusive bicycle use.
 - B. Recreational Trail: A recreation trail is a type of pedestrian, bicycle, or equestrian facility that is entirely separate from roadways and has unimproved, gravel, or bark dust surface.
 - C. Shared Roadway: A shared roadway facility is a type of bikeway where motorists and cyclists occupy the same roadway area.

Commented [PD3]: C3

building is divided into units by means of masonry division walls, each unit shall be considered separately in calculation for height of building.

46. Candela. The unit of luminous intensity of a lighting source emitted in a given direction. [Added by Ord. 649, 6/2/08]
47. Canopy. A roof-like covering over an area, in or under which a lighting fixture is mounted. [Added by Ord. 649, 6/2/08]
48. Category of Use: Type of use. See Mixed Use.
49. Change of Use: Within the Willamette River Greenway means making a different use of the land or water than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of the existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for the purposes of Sections 4.500.
50. Civic: Relating to, or derived from, a city or citizen.
51. Civic Building or Place: A building or place that functions communally, such as religious, cultural, environmental or educational institutions.
52. Clear Vision Area: A standard for sight lines at intersections of streets, railways, and driveways. See section 4.125.09, Street Improvement Standards.
53. Cluster Housing: Small lot detached single-family dwellings arranged in groups, with a courtyard(s) containing shared green space and a public access sidewalk easement.
54. Commercial: Development having to do with retail, service, commercial recreation, and/or office uses.
55. Common Residential Areas.
 - Areas shared in common by residents of buildings with three or more dwelling units, (i.e. common open space, play areas, trash receptacle areas, “common property” under a subdivision or partition declaration); and
 - Three or more open off-street stripped parking spaces, either abutting or within 10 feet of each other and not separated by a wall or other physical barrier between the two parking spaces, designated or set aside for use by the three or more dwelling units, regardless of whether the parking space is assigned for exclusive use of each dwelling unit or non-exclusively used by three or more dwelling units, and are either commonly owned or were developed for the purpose of serving the parking needs of “multiple dwellings” or multiple attached single-family dwellings, as defined in the Development Code. [Added by Ord. 649, 6/2/08]

85. ~~Duplex: Two dwelling units on a single lot, neither of which meets the definition of an accessory Accessory dwelling Dwelling unit Unit. A duplex may be detached or attached.~~

Commented [PD4]: C1

86. Dwelling: A building, mobile home, or manufactured home, designed for residential occupancy, but not a house trailer or recreational vehicle.

~~Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family, including a kitchen and bathroom, but not a trailer house or other recreational vehicle.~~

Commented [PD5]: Existing language relocated

87. Dwelling Unit, Attached: Any Dwelling Unit (Duplex, Multiple Family, Single Family, or Accessory Dwelling Unit) which shares any common wall with another Dwelling Unit or shares any common wall with a garage, storage area, or other accessory use which shares a common wall with another Dwelling Unit or garage, storage area, or other accessory use which then shares a common wall with another Dwelling Unit.

88. Dwelling Unit, Detached: Any Dwelling Unit (Duplex, Multiple Family, Single Family, or Accessory Dwelling Unit) which shares no common wall with another Dwelling Unit nor shares any common wall with a garage, storage area, or other accessory use which shares a common wall with another Dwelling Unit or garage, storage area, or other accessory use which then shares a common wall with another Dwelling Unit.

Commented [PD6]: C2

~~86. —~~

87-89. Dwelling Unit, Multiple Family: Three or more attached dwelling units located on a single tax lot. In the Village zone, such use also includes stacked flats or townhouses. A multiple dwelling unit may be detached or attached.

88-90. Dwelling Unit, Single Family: A dwelling unit designed for occupancy by one family located on its own lot. A single-family dwelling may be detached or attached, provided that each such unit is located on its own tax lot. A single-family dwelling may also include an accessory dwelling unit, if approved for that use as specified in this Code.

Commented [PD7]: C1, C2

Commented [PD8]: C3

~~89-85. Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family, including a kitchen and bathroom, but not a trailer house or other recreational vehicle.~~

90-91. Encroachment Area: See Section 4.139.00

91-92. Equipment Enclosures: A small structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning and emergency generators. [Added by Ord. #479, 5/19/97]

93. Essential Government Services. Services and facilities provided by a governmental unit, that are basis and inherent to the public health and welfare including, but not limited to, fire, police, water, sewer, transportation, emergency communication, and education, and governmental services and facilities in support thereof. [Added by Ord. 545, 8/19/02]

~~92. —~~

93-94. Exempt tree or vegetation: As used in the solar access provisions of this Code, the terms “exempt tree or exempt vegetation” refer to the full height and breadth of vegetation that has been identified by the City as “solar friendly,” and any vegetation listed as exempt on a plat, a document recorded with the plat, or a solar access permit.

94-95. Existing Manufactured Home Park or Subdivision: A manufactured home park

subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations. [Added by Ord. # 647, 4/21/08]

- 95-96. Exterior Display: The outdoor exhibit of merchandise by a retail merchant.
- 96-97. Façade: The exterior wall or elevation of a building. [Added by Ord. 649, 6/2/08]
- 97-98. Family: One or two persons with or without their direct descendants and adopted children (and including domestic employees thereof) together with not more than five
(5) persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five (5) or fewer persons living in such housekeeping unit shall be considered a separate family. For housing developed to implement ORS 426.508 or under the Fair Housing Amendments Act of 1988, family shall mean all persons living in a dwelling unit, regardless of relationship.
113. Garage, private: An accessory building, or portion thereof, or portion of a main building used for the parking or temporary storage of vehicles ~~owned or used by occupants of the main building~~.
114. Glare: Light that causes visual discomfort or disability, and the wattage and/or light distribution is excessive for the purposes for which the illumination is necessary. [Added by Ord. 649, 6/2/08]
115. Grocery Store: A retail business that sells food and household sundries.
116. Grocery Store, Specialty: A retail business that sells specialty food and specialty household sundries.
117. Habitable floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".
- 117-118. Habitable floor area: The area of a Dwelling Unit usable for living purposes, which includes areas for eating, sleeping, cooking, recreation, and similar activities. Storage areas with interior access from such areas are included in Habitable Floor Area. Storage areas without interior access from such areas is not included in Habitable Floor Area. A Garage is not considered a storage area for the purpose of this definition.
- 118-119. Habitat-Friendly Development: A method of developing property that protects our natural resources as we grow and focuses on land development and site design that mimic natural processes. Examples include clustering development to avoid habitat, minimizing tree removal and root disturbance, managing storm water on-site to help filter rainwater and recharge groundwater sources, and, where feasible, reducing the amount of impervious surface created by development. [Added by Ord. # 674 11/16/09]
- 119-120. Hardscape: Permanent improvements to a site, including but not limited to, parking lots, driveways, streets, plazas, sidewalks, walkways, bikeways, abutments, stairs, ramps, and architectural features, such as fountains and sculptures. [Added by Ord. 649, 6/2/08]
- 120-121. Hearing Body: The City Council, the Development Review Board, or the Planning Commission having the authority to review an application assigned by Section 4.031, Section 4.032, and Section 4.033.

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~~121-122.~~ Heritage Tree: A tree that, due to age, size, species, quality or historic association, is considered of landmark importance to the community and has been designated as such by the City Council.

~~122-123.~~ Home Business: A business operating from a dwelling unit that does not meet the definition of a "Home Occupation" listed below, and for which a conditional use permit has been issued by the City. A Home Business includes Short-Term Rental of a Dwelling Unit or portion thereof where the operator does not live on the same lot.

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~~123-124.~~ Home Occupation: "Home Occupation" means an occupation, profession, or craft, which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the premises as a dwelling place is largely incidental to the business use. A home occupation is carried on by an immediate member of the family residing within the dwelling place. A home occupation shall require no structural alteration or changes to the exterior of the dwelling, and shall include no display of merchandise on the premises which can be seen from the exterior of the dwelling. Any instruction shall be limited to one pupil at a time. Noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the use shall not be of the intensity as to be detected outside of the containing structure. Traffic and parking are to be such as to give no outward appearance that a business is being conducted on the premises. A Home Occupation includes a Short-Term Rental where the operator of the Short-Term Rental lives on the same lot.

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124. Hospital: A building or premises providing in-patient services that is used for human medical or surgical treatment.
125. Hospital, Animal: A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat and veterinary hospitals.
126. Hotel, Motel, or Overnight Lodging Facility: A building which is designed or used to offer lodging, with or without meals, for compensation, for six (6) or more people.
127. House Side Shield. For fully shielded luminaires only, an internal shield designed and installed by the luminaire manufacturer that significantly attenuates candlepower in the back photometric hemisphere at all angles greater than 30 degrees relative to nadir. [Added by Ord. 649, 6/2/08]
128. Human Occupancy: For purposes of Section 4.172(.02)(C).(4.), any structure usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof, is considered to be for human occupancy. A structure used only for storage purposes is not for "human occupancy." [Added by Ordinance No. 538, 2/21/02.]
129. IESNA. The Illuminating Engineering Society of North America (see www.iesna.com). [Added by Ord. 649, 6/2/08]
130. Impact Area: See Section 4.139.00
131. Impervious Area: An area with minimal infiltration of surface water into the underlying soil and shall include pavement (including but not limited to concrete or asphaltic concrete surfaces), gravel roads, structures, roadways, and roofs.
132. Intensification of Use: Within the Willamette River Greenway means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use.

Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of land within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities, including Accessory Dwelling Units, adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this Code. Seasonal increases in gravel operations shall not be considered an intensification of use.

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- 133. Kennel: Any lot or premises on which four (4) or more dogs, more than four (4) months of age, are kept for boarding, breeding or sales.
- 134. Landscaping: The term "landscaping" includes trees, grass, shrubs, flowers, water features, and garden areas, and the arrangement of paths, walkways, fountains, patios, decks, fencing, street furniture and ornamental concrete or stonework areas, earth forms such as grading, mounding and contours. The use of pervious materials is

~~273. Short-Term Rental: A Dwelling Unit or portion thereof subject to a lease term, rental agreement, or similar agreement either directly or through a professional vacation rental-company or similar less than monthly, generally daily or weekly.~~

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~~273-274. Solar access permit:~~ A document issued by the city that describes the maximum height that non-exempt vegetation is allowed to grow on lots to which a solar access permit applies.

~~274-275. Solar feature:~~ A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window or windows that contain(s) at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature for purposes of this Section.

~~275-276. Solar gain line:~~ A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot (see Figure 8: Solar Gain Line in Section 4.137).

~~276-277. Source Separated Recyclables:~~ Recyclable materials designated "principle recyclable materials" by the Oregon Environmental Quality Commission under ORS 495A.025 with the exception of yard debris, as well as other source-separated recyclables that may be designated by local ordinance or regulation. [Amended by Ord. #426– 4/1/94]

~~277-278. South or South facing:~~ True south, or 20 degrees east of magnetic south.

~~278-279. Special Flood Hazard Area:~~ Means an area having special flood, mudslide (i.e., mudflow), and/or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, AO, AE, AH, VE, or V. [Amended by Ord. # 647, 4/21/08; Ord. 686, 11/1/10]

~~279-280. Specific Area Plan (SAP):~~ A plan with a series of detailed components covering one of the five distinct areas of the Villebois Village Master Plan. These plans provide a higher level of analysis and detail than the Villebois Village Master Plan.

~~280-281. Stacked Flats:~~ Two or more single-level dwelling units, the second arranged above the first, etc.

~~281-282. Start of Construction:~~ Includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Added by Ord. # 647, 4/21/08; amended by Ord. 686, 11/1/10]

Section 4.113. Standards Applying To Residential Developments In Any Zone.

(.11) Accessory Dwelling Units.

A. ~~Accessory Dwelling Units, developed on the same lot as the detached or attached single family dwelling to which it is accessory, shall be permitted outright, subject to the standards and requirements of this Section. are permitted outright subject to the standards and requirements of this Subsection.~~

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B. Standards

1. Number Allowed

a. ~~For Detached Dwellings Units and Attached Single-Family Dwelling Units: One per Dwelling Unit.~~

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b. ~~For all other Attached Dwelling Units. None.~~

2. ~~Maximum Floor Area: per definition in Section 4.001, 800 square feet of Habitable Floor Area. Per Subsection 4.138 (.04) C. 1., in the Old Town Overlay Zone maximum is 600 square feet. One Accessory Dwelling Unit per lot shall be no greater than 800 square feet with not more than two bedrooms, unless the size and density of ADUs are otherwise provided in an adopted Neighborhood Plan or Stage II Development Plans. Larger units shall be subject to standards applied to duplex housing.~~

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~~1-3. Accessory Dwellings Units shall be on the same lot as the Dwelling Unit to which they are subordinate.~~

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~~2-4. Accessory Dwelling Units may be either attached or detached, but are subject to all zone standards for setbacks, and height, and lot coverage, unless those requirements are specifically waived through the Planned Development waiver or Variance approval processes. Accessory Dwelling Units are not subject to lot coverage requirements.~~

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~~3. This Section applies to residential developments in PD-R, R, RA-H, or Village zones.~~

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~~4-5. Where an Accessory Dwelling Unit is proposed to be added to an existing residence and no discretionary land use approval is being sought (e.g., Planned Development approval, Conditional Use Permit approval, etc.) the application shall require the approval of a Class I Administrative Review permit. Application for duplex construction shall be subject to the density standards of the zone in which it is located, or as otherwise provided in a Neighborhood Plan or Stage II/Final Development Plan.~~

~~5-6. Authorization to develop Accessory Dwelling Units does not waive Building Code requirements. Increased firewalls or~~

building separation may be required as a means of assuring adequate fire separation from one unit to the next. Applicants are encouraged to contact, and work closely with, the Building Division of the City’s Community Development Department to assure that Building Code requirements are adequately addressed.

~~6. The Accessory Dwelling Unit must be of substantially the same exterior design and architecture (i.e. siding, windows, doors and roofing materials) as the primary dwelling unit on the property.~~

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~~7. Parking:~~

Each Accessory Dwelling Unit shall have one standard sized parking space on the same lot.

Where an off-street parking space is not available to serve the ADU, on-street parking ~~may be considered to satisfy~~ satisfies this requirement if all of the following are present:

i. ~~On~~ on-street parking exists along the frontage of the lot, or within 100’ of the front lot line of the lot.

ii. ~~No more than 25% of the lots in a block will have ADUs.~~

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~~8.7.~~ Each Accessory Dwelling Unit shall provide complete, independent permanent facilities for living, sleeping, eating, cooking, bathing and sanitation purposes, and shall have its own separate secure entrance.

~~8. Each Accessory Dwelling Unit must be accessible by street or driveway to fire and emergency vehicles, and for trash pick-up.~~

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~~9. Accessory Dwelling Units may be Short-Term Rentals, but the owner/local operator must maintain an active business license with the City of Wilsonville for a Short-Term Rental business and pay all applicable lodging and other taxes.~~

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~~C. Neighborhood Density and Size Standards.~~

~~1. Canyon Creek Estates — up to 12 ADUs as per Resolution No. 95PC16.~~

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~~C. Prohibition on Additional Private Restrictions on ADU’s~~

~~1. Residential plats or subdivisions submitted for final plat approval after October 1, 2018 shall not restrict Accessory Dwelling Units to a greater extent than the City’s Development Code in place at the time of final plat submittal except that restrictions on building materials and finishes can be commensurate with requirements for other accessory structures. The allowance of Accessory Dwelling Units shall be acknowledged in clear language on the plat or other document recorded with the plat to which the plat is subject (i.e. CC&R’s).~~

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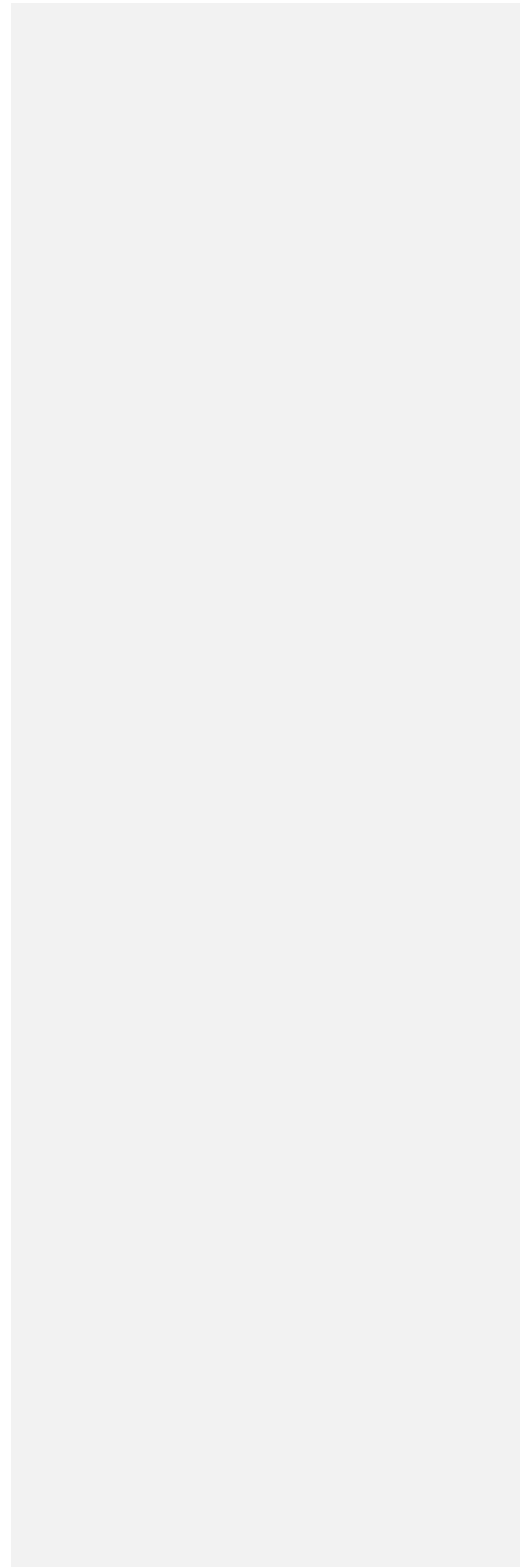
[Section 4.133(11) amended by Ord. 677, 3/1/10]

(.12) ~~Reduced Setback Agreements.~~ The following procedure has been created to allow the owners of contiguous residential properties to reduce the building setbacks that would typically be required between those

properties, or to allow for neighbors to voluntarily waive the solar access provisions of Section 4.137. Setbacks can be reduced to zero through the procedures outlined in this subsection.

A. Examples

1. First example: the owner of one house is allowed to build to the sideyard property line, with no setback, provided that the owner of the neighboring property agrees and that the agreements of both owners are recorded with the deed records for those properties.



Section 4.120. Zones. RA-H Residential Agricultural - Holding Zone.

(.01) Purpose. It is the purpose of this zone to serve as a holding zone to preserve the future urban level development potential as undeveloped property designated for more intensive development. This zone has been applied to all urbanizable properties within the city which are planned for development and which have not previously received development approval in accordance with the Comprehensive Plan.

(.02) Uses Permitted Outright:

- A. One single-family dwelling, with not more than one ~~accessory~~ Accessory dwelling Dwelling unit Unit per lot. Where the Comprehensive Plan calls for future non-residential zoning of the site, the building permit for any proposed residential development shall not be granted until a statement has been recorded applying to the title of the subject property, notifying any potential buyer that future development in the area is expected to be non-residential.
- B. Except for existing lots of record of less than two acres, recorded prior to the effective date of this Code, partitioning or subdivision of properties designated for development shall only be considered in conjunction with or following a zone change in conformance with the Comprehensive Plan. Said zoning shall confirm the adequate provision of public facilities and the protection of future urban development potentials.
- C. If the proposed development is for a less intensive interim density consisting of large lots, a pre-plat and Site Plan review shall be required that provides for future development of the property in accordance with the uses and densities shown in the Comprehensive Plan. Said plat shall be filed on the City's Lien Docket as an obligation toward the property, together with an agreement of non-remonstrance towards the formation of any local improvement district which may serve the subject site.
- D. For properties designated in the City's Comprehensive Plan for nonresidential use, the intensity of use shall be restricted to activities which do not require construction of a permanent structure and which will not tend to restrict, obstruct, or adversely affect the future development of the property for its designated use. Except, however, that the development of a single-family dwelling shall be permitted as specified in subsection (.02), above.
- E. Temporary structures or uses, subject to the procedures for temporary uses set forth in Section 4.163.
- F. Agriculture, horticulture, greenhouses, nurseries (provided that any commercial sales of products shall require the approval of a conditional use permit), timber growing, grazing, and the small scale raising of livestock and animals.
- G. Public parks, playgrounds, recreational and community buildings and grounds, public golf courses, tennis courts, and similar recreational uses, all of a non-

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commercial nature. Any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot in a residential or RA-H district.

H. Accessory Uses Permitted:

1. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal uses permitted located on the same lot therewith.
2. Home occupations.
3. Signs, subject to the provisions of Sections 4.156.01 through 4.156.11. [Amended by Ord. No. 704, 6/18/12]

(.03) Uses Permitted Subject to receiving approval of a Conditional Use Permit:

- A. Private parks, municipal and government buildings, public utilities, public information centers, semi-public buildings of a non-commercial nature, churches, attached family dwelling units limited to two (2) family maximum, public, private, and parochial schools as provided in Section 4.184 when approved by the Development Review Board at a Public Hearing as provided in Section 4.013.
- B. Roadside stands when located on the same property as the principal uses, selling only those products that are produced on the same property on which the stand is located, or on adjacent property.

(.04) Dimensional Standards:

- A. Minimum Lot Size: 30,000 square feet.
- B. Minimum Front and Rear Yard Setbacks: Thirty (30) feet. Minimum Side Yard Setback: Ten (10) feet.
 1. Legal, non-conforming RA-H lots in the Old Town Overlay Zone shall have the following setbacks:
 - a. Front: Ten (10) feet for single family dwellings, for all other uses: none;
 - b. Rear: Fifteen (15) feet;
 - c. Side: Five (5) feet.
 2. Minimum setback for residential garage or carport: At least five (5) feet behind the front of the nearest residential unit on the property. In no case shall the front of a garage or carport be located less than twenty (20) feet behind a sidewalk or a public right-of-way providing access to that garage or carport. Except, however, in the case of an alley where garages or carports are located within five (5) feet of the property line adjoining the alley. [Amended by Ord. 682, 9/9/10]
- C. Minimum Street Frontage: Seventy-five (75) feet. A reduced street frontage may be approved, based on a finding that the proposed lot frontage will not hinder the future development of the site to densities proposed in the Comprehensive Plan.

Section 4.122. Residential Zone.

- (.01) Purpose: The purpose of this zone is to provide for standards and a simplified review process for small-scale urban low and medium density residential development. Developments in the 'R' zone are not intended to be Planned Developments.
- (.02) Residential Densities: Residential densities shall be governed by the density range designated by the City of Wilsonville Comprehensive Plan.
- (.03) Lot Size Qualifications:
- A. The owner or the owner's authorized agent shall not hold or cause to be held any interest in any adjacent property with the intent to avoid PDR regulations.
 - B. The lot or any part thereof shall not be an identified area of special concern as defined in the Comprehensive Plan.
 - C. The development area must be two (2) acres or less in size. Development of larger properties shall be reviewed through planned development procedures.
 - D. Not more than thirty percent (30%) of the lot shall be covered by buildings.
- (.04) Principal Uses Permitted:
- A. Single-Family Dwelling Units.
 - B. ~~Attached Family Dwelling Units, Duplexes.~~
 - C. ~~Apartments~~Multiple Family Dwelling Units.
 - D. Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature. Any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot in a residential or RA-H zone.
 - E. Manufactured homes. [Note: Section 4.115 Standards Applying to Manufactured Housing in All Zones Where Manufactured Housing is Permitted deleted per by Ord. 538, 2/21/02.]
- (.05) Accessory Uses Permitted to Single Family Dwellings:
- A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, including Accessory Dwelling Units subject to the standards of Subsection 4.113 (.11), located on the same lot therewith.
 - B. Home occupations.
 - C. A private garage or parking area.
 - D. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10. [Amended by Ord. No. 704, 6/18/12]
 - E. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the

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construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.

F. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main buildings, at least one-half (1/2) of the side yard setback. In no case shall a setback less than three (3) feet be permitted unless a Reduced Setback Agreement has been approved and properly recorded, as provided in Section 4.113.

G. Livestock and farm animals shall be permitted subject to the provisions of Section 4.162.

(.06) Accessory Uses Permitted for ~~Attached Family Dwelling Units and Apartments~~Duplexes and Multiple-Family Dwelling Units:

A. Accessory uses, buildings and structures customarily incidental to any of the aforesaid principal permitted uses, including Accessory Dwelling Units subject to the standards of Subsection 4.113 (.11), located on the same lot therewith.

B. Home occupations.

C. A private garage or parking area.

D. Temporary buildings for uses incidental to construction work, which buildings shall be removed immediately upon completion or abandonment of the construction work. In no case shall such buildings remain on the premises longer than ten (10) days after the receipt of a Certificate of Occupancy or the expiration of construction permits.

E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses are detached and located behind the rear most line of the main building, at least one-half (1/2) of the side yard setback is required.

F. Livestock and farm animals shall be permitted, subject to the provisions of Section 4.162.

(.07) Other Standards:

A. Minimum lot width at building line: Sixty (60) feet.

B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private drive.

C. Minimum lot size: 5000 square feet.

D. Minimum lot depth: Seventy (70) feet.

E. Maximum building or structure height: Thirty-five (35) feet.

F. Maximum lot coverage: Twenty percent (20%) for ~~all residential~~primary dwelling units; thirty percent (30%) for all buildings ~~except Accessory Dwelling Units.~~ Areas of lots occupied by Accessory Dwelling Units shall not count towards maximum lot coverage.

G. Block and access standards:

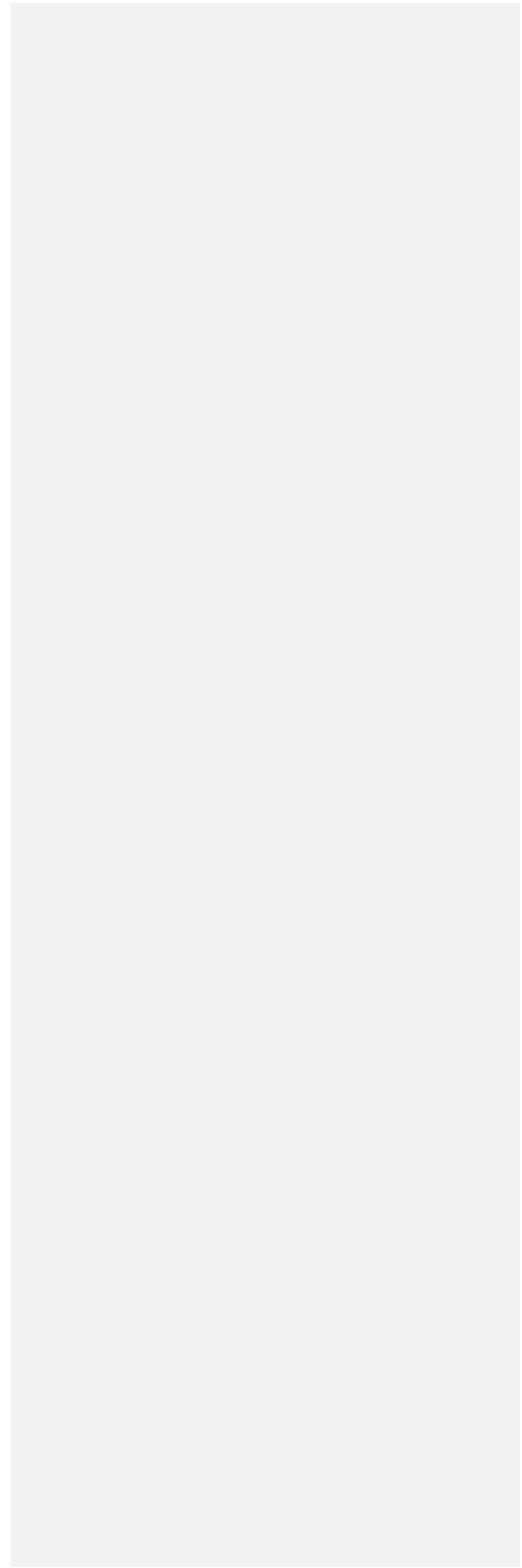
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1. Maximum block perimeter in new land divisions: 1,800 feet.
2. Maximum spacing between streets or private drives for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard.
3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.122(.07) amended by Ord. 538, 2/21/02; Ord 682, 9/9/10.]



2015 Development Code

Section 4.124. **Standards Applying To All Planned Development Residential Zones.**

(.01) Examples of principal uses that are typically permitted:

- A. Open Space.
- B. Single-Family Dwelling Units.
- C. **Duplexes.**

~~C-D.~~ Multiple-Family Dwelling Units, subject to the density standards of the zone.

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~~D-E.~~ Public parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot.

~~E-F.~~ Manufactured homes, subject to the standards of Section 4.115 (Manufactured Housing).

(.02) Permitted accessory uses to ~~single Single family Family dwelling Dwelling Units:~~

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- A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.
- B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.
- C. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11).
- D. Home occupations.
- E. A private garage or parking area.
- F. Keeping of not more than two (2) roomers or boarders by a resident family.
- G. Temporary real estate signs, small announcement or professional signs, and subdivision signs, as provided in the provisions of Sections 4.156.05, 4.156.07, 4.156.09, and 4.156.10. [Amended by Ord. No. 704, 6/18/12]
- H. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- I. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
- J. Livestock and farm animals, subject to the provisions of Section 4.162.

(.03) Permitted accessory uses for **duplexes and multiple-family dwelling units:**

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- A. Accessory uses, buildings, and structures customarily incidental to any of the aforesaid principal permitted uses, located on the same lot therewith.

2015 Development Code

B. Home occupations.

C. A private garage or parking area.

D. Accessory Dwelling Units subject to the standards of Subsection 4.113 (.11). Allowed only for Detached Duplexes and Detached Multiple Family Dwelling Units.

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~~D.E.~~ Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

~~E.F.~~ Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.

~~F.G.~~ Livestock and farm animals, subject to the provisions of Section

4.162. (.04) Uses permitted subject to Conditional Use Permit requirements:

- A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.
- B. Public or private clubs, lodges or meeting halls. Public or private parks, playground, golf courses, driving ranges, tennis clubs, community centers and similar recreational uses.
- C. Churches, public, private and parochial schools, public libraries and public museums.
- D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents, and not requiring a zone change to a commercial designation:
 1. The site of a Neighborhood Commercial Center was proposed at the time of the original application.
 2. Such centers are of a scale compatible with the surrounding residential structures.
 3. Such centers shall be compatible with the surrounding residential uses.
 4. The site of a Neighborhood Commercial Center shall be at least one-quarter (1/4) mile from any other sites zoned for commercial uses.
 5. The site of a Neighborhood Commercial Center shall not exceed five percent (5%) of the total area or one (1) acre, whichever is less.
 6. The site of a Neighborhood Commercial Center shall have direct access to a street of a collector classification and shall have direct pedestrian access to the residential areas.
 7. The site of a Neighborhood Commercial Center shall not include more than one quadrant of an intersection and shall not result in traffic of a nature which causes a substantial adverse impact on the residential character of the planned development.

2015 Development Code

E. Commercial Recreation which is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts shall conform to the requirements of subsection “D” (Neighborhood Commercial Centers), above.

(.05) Appropriate PDR zone based on Comprehensive Plan Density:

Comprehensive Plan Density	Zoning District
0-1 u/acre	PDR-1
2-3 u/acre	PDR-2
4-5 u/acre	PDR-3
6-7 u/acre	PDR-4
10-12 u/acre	PDR-5
16-20 u/acre	PDR-6
20 + u/acre	PDR-7

Table 1: PDR Zone based on Comprehensive Plan Density

[Section 4.124(.05) amended by Ordinance No. 538, 2/21/02.]

(.06) Block and access standards:

1. Maximum block perimeter in new land divisions: 1,800 feet.
2. Maximum spacing between streets or private drives for local access: 530 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent street extensions meeting this standard. [Amended by Ord. 682, 9/9/10]
3. Maximum block length without pedestrian and bicycle crossing: 330 feet, unless waived by the Development Review Board upon finding that barriers such as railroads, freeways, existing buildings, topographic variations, or designated Significant Resource Overlay Zone areas will prevent pedestrian and bicycle facility extensions meeting this standard.

[Section 4.124(.06) amended by Ordinance No. 538, 2/21/02.]

(.07) Signs. Per the requirements of Sections 4.156.01 through 4.156.11. [Amended by Ord. No. 704, 6/18/12]

(.08) Parking. Per the requirements of Section 4.155.

(.09) Corner Vision Clearance. Per the requirements of Section 4.177.

Section 4.124.1. PDR-1:

The following standards shall apply in PDR-1 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

2015 Development Code

- (.01) Average lot size: 30,000 square feet.
- (.02) Minimum lot size: 25,000 square feet.
- (.03) Minimum density at build out: One unit per 37,500 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Eighty (80) feet.
 - B. Minimum street frontage of lot: Eighty (80) feet.
 - C. Minimum lot depth: One hundred (100) feet.
 - D. Setbacks: per Section 4.113(.03)
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Twenty percent (20%) for all residential primary dwelling units; twenty-five percent (25%) for all buildings except Accessory Dwelling Units. Areas of lots occupied by Accessory Dwelling Units shall not count towards maximum lot coverage.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. Ten single-family dwellings (with or without accessory dwelling units) on individual lots, or
 - B. Fourteen dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

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Section 4.124.2. PDR-2:

The following standards shall apply in PDR-2 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 16,000 square feet.
- (.02) Minimum lot size: 12,000 square feet.
- (.03) Minimum density at build out: One unit per 20,000 square feet.
- (.04) Other Standards:
 - A. Minimum lot width at building line: Sixty (60) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet; however, no street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]
 - C. Minimum lot depth: Seventy (70) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Twenty-five percent (25%) for all residential primary dwelling units; thirty percent (30%) for all buildings except Accessory Dwelling Units. Areas of lots occupied by Accessory Dwelling Units shall not count towards maximum lot coverage.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):

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2015 Development Code

- A. Twenty single-family dwellings (with or without accessory dwelling units) on individual lots, or
- B. Twenty-nine dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

Section 4.124.3. PDR-3:

The following standards shall apply in PDR-3 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 7,000 square feet.
- (.02) Minimum lot size: 5,000 square feet.
- (.03) Minimum density at build out: One unit per 8,000 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Forty (40) feet.
 - B. Minimum street frontage of lot: Forty (40) feet; however, street frontage may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]
 - C. Minimum lot depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building or structure height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Fifty percent (50%) for lots containing less than 7000 square feet. Forty-five percent (45%) for lots between 7000 and 8000 square feet. Forty percent (40%) for lots exceeding 8000 square feet. Areas of lots occupied by Accessory Dwelling Units shall not count towards maximum lot coverage.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. Fifty-four single-family dwellings (with or without accessory dwelling units) on individual lots, or
 - B. Sixty-two dwelling units (any combination of multiple-family or single-family units with or without accessory dwelling units).

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Section 4.124.4. PDR-4:

The following standards shall apply in PDR-4 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot size: 5,000 square feet.
- (.02) Minimum lot size: 4,000 square feet.
- (.03) Minimum density at build out: One unit per 6,000 square feet.
- (.04) Other standards:

2015 Development Code

- A. Minimum lot width at building line: Thirty-five (35) feet.
- B. Minimum street frontage of lot: Thirty-five (35) feet; however, street frontage may be reduced to twenty-four (24) feet when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive. [Amended by Ord. 682, 9/9/10]
- C. Minimum lot depth: Sixty (60) feet.
- D. Setbacks: per Section 4.113(.03).
- E. Maximum building height: Thirty-five (35) feet.
- F. Maximum lot coverage: Seventy-five percent (75%) for all buildings except Accessory Dwelling Units, Eight-five percent (85%) for all buildings including Accessory Dwelling Units.

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- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. Seventy-two single-family dwellings (with or without accessory dwelling units) on individual lots, or
 - B. Eighty-seven dwelling units (any combination of multiple family or single family units with or without accessory dwelling units).

Section 4.124.5. PDR-5:

The following standards shall apply in PDR-5 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot area per unit: 3,000 square feet.
- (.02) Minimum lot size: 2,500 square feet.
- (.03) Minimum density at build out: One unit per 4,000 square feet.
- (.04) Other Standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum Lot Depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings except Accessory Dwelling Units, Eight-five percent (85%) for all buildings including Accessory Dwelling Units.

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- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. 108 town-house units on individual lots, or
 - B. 145 dwelling units (any combination of multiple-family or single-family units).

Section 4.124.6. PDR-6:

The following standards shall apply in PDR-6 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

2015 Development Code

- (.01) Average lot area per unit: 2,000 to 2,500 square feet.
- (.02) Minimum lot size: None.
- (.03) Minimum density at build out: One unit per 2,500 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum lot depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings- ~~except Accessory Dwelling Units.~~ Eight-five percent (85%) for all buildings including Accessory Dwelling Units.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. 174 condominium units, or
 - B. 217 multiple family-units.

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Section 4.124.7. PDR-7:

The following standards shall apply in PDR-7 zones. It should be noted that lot size requirements do not specify the number of units that may be constructed per lot:

- (.01) Average lot area per unit: 2,000 square feet.
- (.02) Minimum lot size: 1,500 square feet.
- (.03) Minimum density at build out: One unit per 2,400 square feet.
- (.04) Other standards:
 - A. Minimum lot width at building line: Thirty (30) feet.
 - B. Minimum street frontage of lot: Thirty (30) feet.
 - C. Minimum lot depth: Sixty (60) feet.
 - D. Setbacks: per Section 4.113(.03).
 - E. Maximum building height: Thirty-five (35) feet.
 - F. Maximum lot coverage: Seventy-five percent (75%) for all buildings ~~except Accessory Dwelling Units.~~ Eight-five percent (85%) for all buildings including Accessory Dwelling Units.
- (.05) Examples of development that is typically permitted (hypothetical 10-acresite):
 - A. 174 condominium units, or
 - B. 217 multiple-family units.

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2015 Development Code

Section 4.125. V – Village Zone

(.01) Purpose.

The Village (V) zone is applied to lands within the Residential Village Comprehensive Plan Map designation. The Village zone is the principal implementing tool for the Residential Village Comprehensive Plan designation. It is applied in accordance with the Villebois Village Master Plan and the Residential Village Comprehensive Plan Map designation as described in the Comprehensive Plan.

- A. The Village zone provides for a range of intensive land uses and assures the most efficient use of land.
- B. The Village zone is intended to assure the development of bicycle and pedestrian-sensitive, yet auto-accommodating, communities containing a range of residential housing types and densities, mixed-use buildings, commercial uses in the Village Center and Neighborhood Centers, and employment opportunities.
- C. The Village zone, together with the Architectural Pattern Book and Community Elements Book, is intended to provide quantitative and objective review guidelines.

(.02) Permitted Uses. Examples of principle uses that are typically permitted:

- A. Single Family Dwellings
- B. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11)
- C. Duplexes
- D. Row Houses
- E. Multi-Family Dwellings
- F. Cluster Housing
- G. Residential Facilities, Residential Homes, and Community Housing developed to implement ORS 426.508
- H. Non-commercial parks, plazas, playgrounds, recreational facilities, community buildings and grounds, tennis courts, and other similar recreational and community uses owned and operated either publicly or by an owners association.
- I. Commercial uses within the Village Center, subject to the standards of (.06) Standards Applying to Commercial Uses and similar to the following:
 - 1. Sales and servicing of consumer goods:
 - Bicycle shop
 - Bookstore
 - Clothing store
 - Electronics and appliances store
 - Florist

Table V-1: Development Standards												
Building Type	Min. Size (sq.ft.)	Lot Min. Width (ft.)	Lot Min. Depth (ft.)	Lot Max. Coverage (note)	Lot Min. Width (%age)	Frontage Max. Height ⁹ (ft.)	Bldg. Setbacks ^{10, 13, 20}			Side Min. (ft.)	Alley-Loaded Garage (note)	Street-Loaded Garage (note)
							Front (ft.)	Min. Front (ft.)	Max. Rear Min. (ft.)			
Commercial Buildings - Village Center ¹⁴	NR	NR	NR	¹	90	60	NR ³	5	NR	NR	NR	NA
Hotels - Village Center ¹⁴	NR	NR	NR	¹	80	60	NR ³	15	NR	NR	NR	NA
Mixed Use Buildings - Village Center ¹⁴	NR	NR	NR	¹	90	60	NR ³	8	NR	NR	NR	NA
Multi-Family Dwellings - Village Center ¹⁴	NR	NR	NR	¹	80	45	5 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹ - Village Center ¹⁴	NR	NR	NR	¹	80	45	5 ⁴	10	NR	NR	NR	NA
Commercial Buildings	NR	NR	NR	¹	60	45	NR	15	NR	NR	NR	NA
Mixed Use Buildings	NR	NR	NR	¹	60	45	NR	15	NR	NR	NR	NA
Multi-Family Dwellings	NR	NR	NR	¹	60	45	8 ⁴	15	NR	NR	NR	NA
Row Houses ¹¹	NR	15	50	¹	80	45	8 ⁵	15	NR	NR	NR	NA
Duplexes	4,000	45	70	²	60 ¹⁶	35	12 ^{5, 6}	20 ⁶	5	5 ¹⁵	7	8,17,18
Single-Family Dwellings	2,250	35	50	²	60 ¹⁶	35	12 ^{5, 6}	20 ⁶	5	5 ¹⁵	7	8,17

Notes: NR No Requirement

NA Not Allowed

¹ Lot < 8000sf: NR; Lot >8000sf: 80% (Max. Lot Coverage)

² Small lots: 75%, Medium Lots: 65%, Standard and Large Lots: 55%, Estate Lots: 45% Maximum Lot Coverage

On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.

Areas of lots occupied by Accessory Dwelling Units shall not count towards maximum lot coverage up to a total lot coverage of 85%.

³ Bay windows, balconies, and other structural building projections above 8 ft. may encroach up to 5 ft. into the Public Way; canopies, awnings, and other non-structural projections may encroach up to 8 ft. into the Public Way.

⁴ Porches, stairs, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach up to the Public Way.

⁵ Porches, stoops, decks, canopies, balconies, bay windows, chimneys, awnings, and other building projections may encroach to within 8 ft. of the Public Way. Stairs may encroach to the Public Way.

⁶ For Standard, or Large Lots on Collector Avenues, front setbacks are 20 ft. min., (13' setback to porch), side street setbacks are 15' (8' setback to porch). Pie-shaped lots or lots with significant trees or grade banks frontage have no maximum front setback.

⁷ The garage setback from alley shall be between 3 and 5 foot or, when as optional parking space is located between the garage and the alley, shall be 16 ft. minimum. Lots with important trees, as identified in the Master Plan, or grade differences at the alley, affecting garage location shall be exempt from this requirement.

⁸ Street-loaded garages shall be a minimum 20 ft. front setback to face of garage, and located a minimum of 5 ft. behind main façade of the associated dwelling unit.

⁹ Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.

¹⁰ For Village Center buildings with lots fronting two or more streets, at least two facades shall be subject to the minimum frontage width and front setback requirements.

¹¹ Row Houses are typically attached, but may be detached within the Village Center Boundary. When attached, no more than ten units shall be contiguous along a street edge. When row houses are detached, the Minimum Frontage Width is 65%. The Minimum Frontage Width for detached row houses may be less than 65% on corner lots or to accommodate the curve radius of street frontage, public utility easements, important trees, grade differences, public open space requirements, or as otherwise approved by the DRB.

¹² See Definitions, 4.125.01, for measurement of Minimum Frontage Width.

¹³ Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.

¹⁴ See Figure 2A - Village Center Boundary & Land Use Plan in the Villebois Village Master Plan for areas included within the Village Center.

¹⁵ On Estate Lots and Large Lots with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 15 ft. with a minimum of 5 ft. On Small and Medium Lots, minimum side setback shall be 0 ft. or as required by Building Code.

¹⁶ For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.

¹⁷ Dwellings on lots without alley access shall be at least 36 feet wide.

¹⁸ Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.

¹⁹ Maximum setbacks may be increased as necessary to accommodate deeper porches, building code, public utility easements or public open space requirements.

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*Wilsonville - Residential Neighborhood (RN) Zone***4.127 Residential Neighborhood (RN) Zone****(.01) Purpose.**

The Residential Neighborhood (RN) zone applies to lands within Residential Neighborhood Comprehensive Plan Map designation. The RN zone is a Planned Development zone, subject to applicable Planned Development regulations, except as superseded by this section or in legislative master plans. The purposes of the RN Zone are to:

- A. Implement the Residential Neighborhood policies and implementation measures of the Comprehensive Plan.
- B. Implement legislative master plans for areas within the Residential Neighborhood Comprehensive Plan Map designation.
- C. Create attractive and connected neighborhoods in Wilsonville.
- D. Regulate and coordinate development to result in cohesive neighborhoods that include: walkable and active streets; a variety of housing appropriate to each neighborhood; connected paths and open spaces; parks and other non-residential uses that are focal points for the community; and, connections to and integration with the larger Wilsonville community.
- E. Encourage and require quality architectural and community design as defined by the Comprehensive Plan and applicable legislative master plans.
- F. Provide transportation choices, including active transportation options.
- G. Preserve and enhance natural resources so that they are an asset to the neighborhoods, and there is visual and physical access to nature.

(.02) Permitted uses:

- A. Open Space.
- B. Single-Family Dwelling Unit.
- C. Attached Single-Family Dwelling Unit. In the Frog Pond West Neighborhood, a maximum of 2 dwelling units, not including ADU's, may be attached.
- D. Duplex.
- E. Multiple-Family Dwelling Units, except when not permitted in a legislative master plan, subject to the density standards of the zone. Multi-family dwelling units are not permitted within the Frog Pond West Master Plan area.
- F. Cohousing.
- G. Cluster Housing.

Wilsonville - Residential Neighborhood (RN) Zone

- H. Public or private parks, playgrounds, recreational and community buildings and grounds, tennis courts, and similar recreational uses, all of a non-commercial nature, provided that any principal building or public swimming pool shall be located not less than forty-five (45) feet from any other lot.
 - I. Manufactured homes.
- (.03) Permitted accessory uses to single family dwellings:
- A. Accessory uses, buildings and structures customarily incidental to any of the principal permitted uses listed above, and located on the same lot.
 - B. Living quarters without kitchen facilities for persons employed on the premises or for guests. Such facilities shall not be rented or otherwise used as a separate dwelling unless approved as an accessory dwelling unit or duplex.
 - C. Accessory Dwelling Units, subject to the standards of Section 4.113 (.11).
 - D. Home occupations.
 - E. A private garage or parking area.
 - F. Keeping of not more than two (2) roomers or boarders by a resident family.
 - G. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
 - H. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten (10) feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three (3) feet.
 - I. Livestock and farm animals, subject to the provisions of Section 4.162.
- (.04) Uses permitted subject to Conditional Use Permit requirements:
- A. Public and semi-public buildings and/or structures essential to the physical and economic welfare of an area, such as fire stations, sub-stations and pump stations.
 - B. Commercial Recreation, including public or private clubs, lodges or meeting halls, golf courses, driving ranges, tennis clubs, community centers and similar commercial recreational uses. Commercial Recreation will be permitted upon a finding that it is compatible with the surrounding residential uses and promotes the creation of an attractive, healthful, efficient and stable environment for living, shopping or working. All such uses except golf courses and tennis courts

Wilsonville - Residential Neighborhood (RN) Zone

shall conform to the requirements of Section 4.124(.04)(D) (Neighborhood Commercial Centers).

- C. Churches; public, private and parochial schools; public libraries and public museums.
- D. Neighborhood Commercial Centers limited to the provisions of goods and services primarily for the convenience of and supported by local residents. Neighborhood Commercial Centers are only permitted where designated on an approved legislative master plan.

(.05) Residential Neighborhood Zone Sub-districts:

- A. RN Zone sub-districts may be established to provide area-specific regulations that implement legislative master plans.
 - 1. For the Frog Pond West Neighborhood, the sub-districts are listed in Table 1 of this code and mapped on Figure 6 of the Frog Pond West Master Plan. The Frog Pond West Master Plan Sub-District Map serves as the official sub-district map for the Frog Pond West Neighborhood.

(.06) Minimum and Maximum Residential Units:

- A. The minimum and maximum number of residential units approved shall be consistent with this code and applicable provisions of an approved legislative master plan.
 - 1. For the Frog Pond West Neighborhood, Table 1 in this code and Frog Pond West Master Plan Table 1 establish the minimum and maximum number of residential units for the sub-districts. The minimum and maximum number does not include Accessory Dwelling Units.
 - 2. For parcels or areas that are a portion of a sub-district, the minimum and maximum number of residential units are established by determining the proportional gross acreage and applying that proportion to the minimums and maximums listed in Table 1. The maximum density on a parcel may be increased, up to a maximum of 10% of what would otherwise be permitted, based on an adjustment to an SROZ boundary that is consistent with 4.139.06.
- B. The City may allow a reduction in the minimum density for a sub-district when it is demonstrated that the reduction is necessary due to topography, protection of trees, wetlands and other natural resources, constraints posed by existing development, infrastructure needs, provision of non-residential uses and similar physical conditions.

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Wilsonville - Residential Neighborhood (RN) Zone

Table 1. Minimum and Maximum Dwelling Units by Sub-District in the Frog Pond West Neighborhood

Area Plan Designation	Frog Pond West Sub-district	Minimum Dwelling Units in Sub-district	Maximum Dwelling Units in Sub-district
R-10 Large Lot Single Family	3	26	32
	7	24	30
	8	43	53
R-7 Medium Lot Single Family	2	20	25
	4	86	107
	5	27	33
	9	10	13
	11	46	58
R-5 Small Lot Single Family	1	66	82
	6	74	93
	10	30	38
Civic	12	0	7 ^a
Public Facilities (PF)	13	0	0

^a These metrics apply to infill housing within the Community of Hope Church property, should they choose to develop housing on the site. Housing in the Civic sub-district is subject to the R-7 Medium Lot Single Family regulations.

(.07) Development Standards Generally

- A. Unless otherwise specified by this the regulations in this Residential Development Zone chapter, all development must comply with Section 4.113, Standards Applying to Residential Development in Any Zone.

(.08) Lot Development Standards:

- A. Lot development shall be consistent with this code and applicable provisions of an approved legislative master plan.
- B. Lot Standards Generally. For the Frog Pond West Neighborhood, Table 2 establishes the lot development standards unless superseded or supplemented by other provisions of the Development Code.
- C. Lot Standards for Small Lot Sub-districts. The purpose of these standards is to ensure that development in the Small Lot Sub-districts includes varied design that avoids homogenous street frontages, creates active pedestrian street frontages and has open space that is integrated into the development pattern.

Wilsonville - Residential Neighborhood (RN) Zone

Standards. Planned developments in the Small Lot Sub-districts shall include one or more of the following elements on each block:

1. Alleys.
2. Residential main entries grouped around a common green or entry courtyard (e.g. cluster housing).
3. Four or more residential main entries facing a pedestrian connection allowed by an applicable legislative master plan.
4. Garages recessed at least 4 feet from the front façade or 6 feet from the front of a front porch.

Table 2: Neighborhood Zone Lot Development Standards

Neighborhood Zone Sub-District	Min. Lot Size (sq.ft.)	Min. Lot Depth (ft.)	Max. Lot Coverage (%)	Min. Lot Width ^{G, H, J} (ft.)	Max. Bldg. Height ^F (ft.)	Setbacks ^H				
						Front Min. (ft.)	Rear Min. (ft.)	Side Min. (note)	Garage Min Setback from Alley (ft.)	Garage Min Setback from Street ^K (ft.)
R-10 Large Lot Single Family	8,000 ^A	60'	40% ^B	40	35	20 ^C	20	1'	18 ^D	20
R-7 Medium Lot Single Family	6,000 ^A	60'	45% ^B	35	35	15 ^C	15	1'	18 ^D	20
R-5 Small Lot Single Family	4,000 ^A	60'	60% ^B	35	35	12 ^C	15	1'	18 ^D	20

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- Notes:
- A May be reduced to 80% of minimum lot size where necessary to preserve natural resources (e.g. trees, wetlands) and/or provide active open space. Cluster housing may be reduced to 80% of minimum lot size. Duplexes in the R-5 Sub-District have a 6,000 SF minimum lot size.
 - B On lots where detached accessory buildings are built, maximum lot coverage may be increased by 10%.
 - C Front porches may extend 5 feet into the front setback.
 - D The garage setback from alley shall be minimum of 18 feet to a garage door facing the alley in order to provide a parking apron. Otherwise, the rear or side setback requirements apply.
 - F Vertical encroachments are allowed up to ten additional feet, for up to 10% of the building footprint; vertical encroachments shall not be habitable space.
 - G May be reduced to 24' when the lot fronts a cul-de-sac. No street frontage is required when the lot fronts on an approved, platted private drive or a public pedestrian access in a cluster housing development.
 - H Front Setback is measured as the offset of the front lot line or a vehicular or pedestrian access easement line. On lots with alleys, Rear Setback shall be measured from the rear lot line abutting the alley.
 - I On lots greater than 10,000 SF with frontage 70 ft. or wider, the minimum combined side yard setbacks shall total 20 ft. with a minimum of 10 ft. On other lots, minimum side setback shall be 5 ft. On a corner lot, minimum side setbacks are 10 feet.
 - J For cluster housing with lots arranged on a courtyard, frontage shall be measured at the front door face of the building adjacent to a public right of way or a public pedestrian access easement linking the courtyard with the Public Way.
 - K Duplexes with front-loaded garages are limited to one shared standard-sized driveway/apron.
 - KL Areas of lots occupied by Accessory Dwelling Units shall not count towards maximum lot coverage.

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4.138 Old Town Overlay Zone

2. Exterior remodeling of commercial, industrial, public facility, multi-family residential, or mixed use building that requires a building permit, when that remodeling is visible from a public street (other than an alley) and changes the existing design of the building; and
 3. Upon the request of an applicant, in order to pursue a design not in conformance with the Old Town Single-Family Designs Standard Book, new single-family homes (including duplexes) and accessory buildings, or remodeling thereof. Standards for ADU's in Subsection (.04) C. below shall apply.
- B. The following (except as noted in A.3. above) shall be reviewed through the Class I administrative review process for conformance with the Development Standards of Subsection (.04) concurrently with building plan review:
1. New single-family homes (including duplexes), single-family home additions, remodels, accessory dwelling units, garages, and other buildings accessory to a single-family use.
- (.04) Single-Family Development Standards (including accessory buildings and duplexes)
- A. The standards of this subsection shall take precedence over setback, lot coverage, height, and ~~accessory~~ ~~Accessory dwelling~~ ~~Dwelling unit~~ ~~Unit~~ standards otherwise established in the Development Code. All other standards of the base zone and/or approved planned developments shall apply. For PDR Zones, the setback and lot coverage standards are subject to the waiver provisions of Section 4.118.
- B. Development shall comply (except as noted in 1. and 2. below) with the standards of the Old Town Single-Family Design Standards Book including but not limited to architectural design, height, setbacks, and lot coverage.
1. An applicant for a remodel of and/or addition to structures existing prior to December 1, 2017 may elect to match the existing design of the structure rather than comply with the Old Town Single-Family Design Standards Book if all of the following are met:
 - a. The height of the structure remains the same and any additions do not exceed the height of the existing structure;
 - b. The roof pitch on the existing portion of the structure remains the same and is matched for additions involving facades facing a street or public open space;
 - c. All exterior materials are substantially similar in style and texture to the existing materials on the structure;
 - d. For facades of the structure facing a street or public open space (does not include alleys) all architectural elements, such as windows, doors, porches, dormers, details, etc. are kept the same, or in the case of extending out a wall during an addition, reproduced; and
 - e. Setbacks and lot coverage requirements of the underlying zone are met.

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2. Accessory structures less than 120 square feet and 10 feet in height are not subject to the Old Town Single-Family Design Standards but rather the standards of the underlying zone.
- C. The following standards shall apply to Accessory Dwelling Units (ADU's) within the "O" Overlay Zone to ensure smaller bulk of residential buildings and minimal use of on-street parking consistent with the historic character of the neighborhood. Where these standards differ from those of Subsection 4.113 (.11), including size design and parking, these standards take precedence. All other standards of Subsection 4.113 (.11), including but not limited to number of ADU's and review process, continue to apply.
1. Size: ADU's shall not exceed 600 square feet of living space.
 2. Design: ADU's shall be substantially the same exterior design and architecture (i.e. siding, windows, color, roof pitch, doors and roofing materials) as the primary dwelling unit on the property. ADU's shall be either:
 - a. Detached single-story structures; or
 - b. Over a detached garage meeting the following requirements:
 - i. The garage/ADU structure is a maximum 1.5 stories tall, not exceeding a height of 20 feet; and
 - ii. The primary dwelling unit on the property is 1.5 or 2 stories tall.
- ~~3. Parking: Each ADU shall have one dedicated standard sized parking space on the same lot.~~
- (.05). Standards for Development Subject to Site Design Review
- A. Building Setbacks - Buildings fronting Boones Ferry Road shall abut the public sidewalk except where public plazas, courtyards, approved landscaping, or other public pedestrian amenities are approved. Except, however, that residential garages or carports shall be set back a minimum of twenty (20) feet from any sidewalk or traveled portion of a street across which access to the garage or carport is taken. The Development Review Board may approve other setbacks to accommodate sidewalks, landscaping, or other streetscape features located between the street right-of-way and the building.
 - B. Landscaping - Not less than fifteen (15) percent of the development site shall be landscaped. In the event that a building is set back from a street side property line, along Boones Ferry Road, Bailey Street, or 5th Street, the intervening area shall be landscaped. In reviewing proposals for parking lots in locations between buildings and streets, the Development Review Board may require special landscaping treatments or designs to screen the view of the parking lot from the public right-of-way.
 - C. Building height - As specified in the underlying base zone.
 - D. Street access to Boones Ferry Road. Ingress and egress points along Boones Ferry Road shall be designed and constructed such that access points on one side of the

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Section 4.155. General Regulations - Parking, Loading and Bicycle Parking.

- E. Owners of two (2) or more uses, structures, or parcels of land may utilize jointly the same parking area when the peak hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. [Amended by Ord. # 674 11/16/09]
- F. Off-street parking spaces existing prior to the effective date of this Code may be included in the amount necessary to meet the requirements in case of subsequent enlargement of the building or use to which such spaces are necessary.
- G. Off-Site Parking. Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the DRB has approved the off-site parking through the Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to the main building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced in the form of recorded deeds, easements, leases, or contracts securing full and permanent access to such parking areas for all the parties jointly using them. [Amended by Ord. # 674 11/16/09]
- H. The conducting of any business activity shall not be permitted on the required parking spaces, unless a temporary use permit is approved pursuant to Section 4.163.
- I. Where the boundary of a parking lot adjoins or is within a residential district, such parking lot shall be screened by a sight-obscuring fence or planting. The screening shall be continuous along that boundary and shall be at least six (6) feet in height.
- J. Parking spaces along the boundaries of a parking lot shall be provided with a sturdy bumper guard or curb at least six (6) inches high and located far enough within the boundary to prevent any portion of a car within the lot from extending over the property line or interfering with required screening or sidewalks.
- K. All areas used for parking and maneuvering of cars shall be surfaced with asphalt, concrete, or other surface, such as pervious materials (i. e. pavers, concrete, asphalt) that is found by the City's authorized representative to be suitable for the purpose. In all cases, suitable drainage, meeting standards set by the City's authorized representative, shall be provided. [Amended by Ord. # 674 11/16/09]
- L. Artificial lighting which may be provided shall be so limited or deflected as not to shine into adjoining structures or into the eyes of passers-by.
- M. Off-street parking requirements for types of uses and structures not specifically listed in this Code shall be determined by the Development Review Board if an application is pending before the Board. Otherwise, the requirements shall be specified by the Planning Director, based upon consideration of comparable uses.
- N. Up to forty percent (40%) of the off-street spaces may be compact car spaces as identified in Section 4.001 - "Definitions," and shall be appropriately identified.

Section 4.155. General Regulations - Parking, Loading and Bicycle Parking.

Note: In considering proposed waivers to the following standards, the City will consider the potential uses of the site and not just the uses that are currently proposed. For waivers to exceed the maximum standards, applicants shall bear the burden of proving that Metro, State, and federal clean air standards will not be violated.

TABLE 5: PARKING STANDARDS			
USE	PARKING MINIMUMS	PARKING MAXIMUMS	BICYCLE MINIMUMS
a. Residential			
1. Single and attached units and any apartments Single Family Dwelling Units, Duplexes, Multiple Family Dwelling units of nine (9) or fewer units}	1 per D.U., except accessory dwelling units, which have no minimum.	No Limit	Apartments-Multiple Family Dwelling Units – Min. of 2
2. Accessory Dwelling Units	Per Subsection 4.113 (.11)	No Limit	Non required
3. Apartments-Multiple Family Dwelling Units of ten (10) or more units	1 per D.U. (less than 500 sq. ft.) 1.25 per D.U. (1 bdrm) 1.5 per D.U. (2 bdrm) 1.75 per D.U. (3 bdrm)	No Limit	1 per D.U.
4. Manufactured or mobile home park	2 spaces/unit	No Limit	1 per D.U.
4. Manufactured or mobile home subdivision	1 per D.U.	No Limit	1 per D.U.
b. Commercial Residential			
1. Hotel	1 per 1000 sq. ft.	No Limit	1 per 5 units Min. of 2

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Commented [PD51]: C10

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C. The Community Development Director shall not sign any plat which does not indicate the marking with monuments of the intersections of all streets and the centerlines of all streets at every point of curvature and point of tangent. It shall be the responsibility of the applicant to provide such Monumentation within the land division prior to the issuance of any Building permit for construction within the subject property.

(.04) Action on Final Plat: Within thirty (30) days of receipt of a complete final plat submittal, the Planning Director shall approve, deny, or, when further information is required, postpone a decision on the application. Written notice of such action shall be mailed to the applicant by the Planning Director. If the Planning Director determines that full conformity with all applicable ordinances has not been made, the Director shall advise the applicant of the changes or additions that must be made and shall afford the applicant an opportunity to make the necessary changes or additions.

A. A final plat shall be approved only if affirmative findings can be made that:

1. The Plat is in substantial conformance with the provisions of the Preliminary Plat, as approved;
2. The proposal is consistent with the provisions, intents and purposes of the Comprehensive Plan, Zoning Regulations and the requirements of other relevant sections of this Code.
3. Streets, roads and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
4. The plat contains a donation to the public of all common improvements, including, but not limited to, streets, roads, parks, sewage disposal and water supply systems, the donation of which is required by Ordinance or was made a condition of the approval of the tentative plat for the development.
5. Explanations of all common improvements to remain in private ownership have been accounted for and referenced on the plat;
6. Private drives indicated on the tentative plat have been approved by the City; and [Amended by Ord. 682, 9/9/10]
7. Demonstration that residential plats or subdivisions submitted for final plat approval after October 1, 2018 do not restrict Accessory Dwelling Units to a greater extent than the City's Development Code in place at the time of final plat submittal except that restrictions on building materials and finishes can be commensurate with requirements for other accessory structures. The allowance of Accessory Dwelling Units is acknowledged in clear language on the plat or other document recorded with the plat to which the plat is subject (i.e. CC&R's).

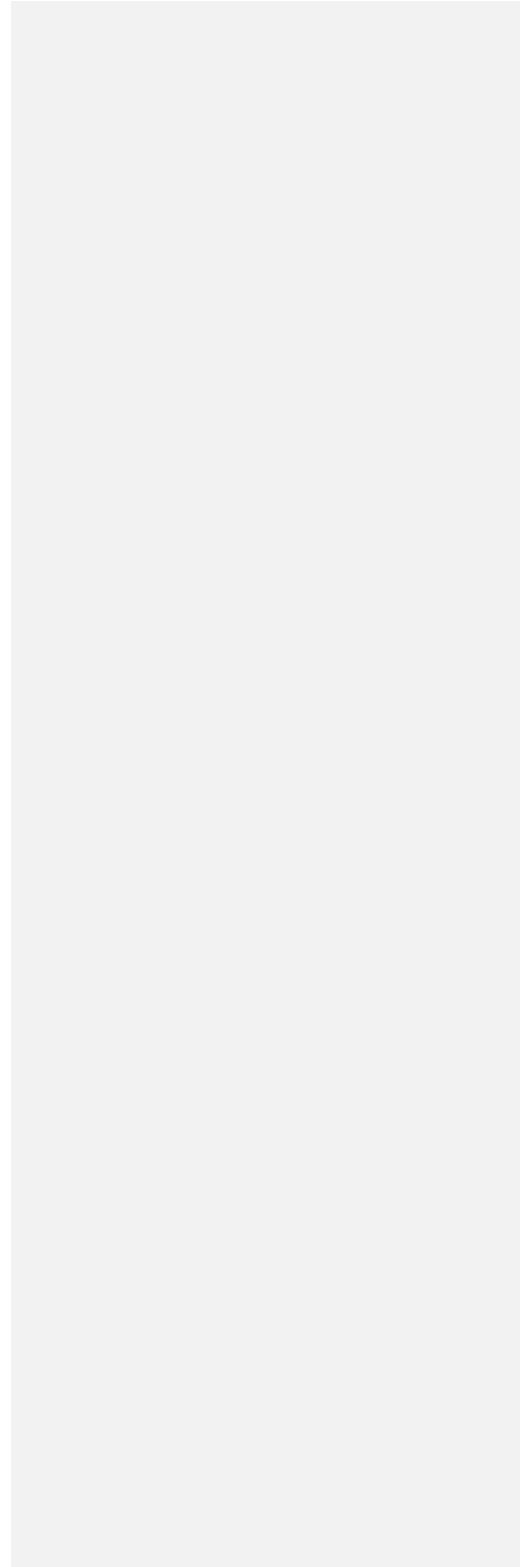
~~6.~~

~~7.8.~~ All conditions of approval for the development have been met, or adequate assurances for their completion have been provided, to the satisfaction of the Community Development Director.

- B. If affirmative findings cannot be made with regard to all of the above criteria, the Planning Director shall not approve the final plat.
- C. If approved, such approval shall be evidenced by the signature on the plat of the

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Planning Director together with the date of approval. In the event of denial, the Planning Director shall cause written notice and the reasons for denial to be furnished to the applicant.



accessory buildings, adus, and garages

DESIGN

Design guidelines are applicable to any and all exterior building elements visible from the public right-of-way or public parcel, in any direction, regardless of existing or proposed landscaped or natural visual barriers between the public view shed and exterior building elements.

The garage and other accessory buildings over 120s and 10ft in height must be designed using the same exterior design and architecture (i.e. siding, windows, doors, and roofing materials) as the primary residence on the lot. Accessory buildings cannot be taller than the primary residence. If the primary residence is less than 15 feet, an accessory building can be 15 feet or less.

Accessory Dwelling Units (ADU's) in Old Town shall:

1. Size: ADU's shall not exceed 600 square feet of living space.
2. Design. ADU's shall be either:
 - a. Detached single-story structures; or
 - b. Over a detached garage meeting the following requirements:
 - i. The garage ADU structure is a maximum 1.5 stories tall, not exceeding a height of 20 feet; and
 - ii. The primary dwelling unit on the property is 1.5 or 2 stories tall.

~~3. Parking: Each ADU shall have one dedicated standard size parking space on the same lot.~~

All other standards of Subsection 4.113 (.11) related to ADU's apply. See Subsection 4.138 (.04) C. Wilsonville Code.

STYLE GUIDELINES

Western Farmhouse

Roof Style: Gable
 Roof Pitch: 7:12 to 12:12
 Eaves: 8" minimum to 18" maximum

Craftsman

Roof Style: Gable
 Roof Pitch: 6:12 to 10:12
 Eaves: 8" minimum to 18" maximum

New Ranch

Roof Style: Hip or Low-Pitched Gable
 Roof Pitch: 4:12 to 6:12
 Eaves: 8" minimum to 18" maximum



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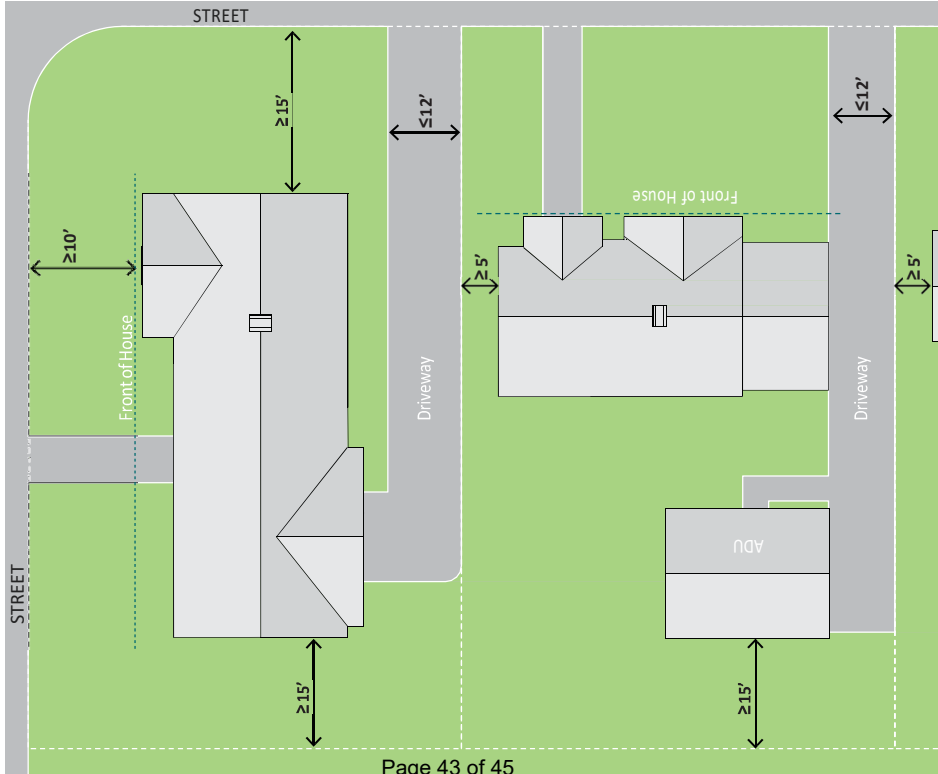
© The Bunglow Company, Portland, Oregon

© Candice Kramer, Portland, Oregon

© E. Allen Fine Designs, San Jose, CA



Materials and Lot Coverage



MATERIALS

The following construction materials may not be used as an exterior finish:

1. Vinyl siding.
2. Wood fiber hardboard siding.
3. Oriented strand board siding.
4. Corrugated or ribbed metal.
5. Fiberglass panels

LOT COVERAGE

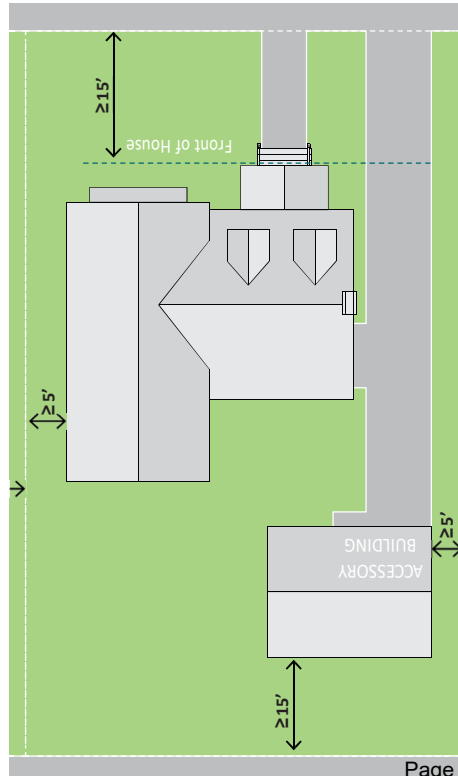
The ratio of building to lot area is a part of the Old Town historic character. The existing community is developed to have smaller homes on larger lots. The lot coverage ratio maintains the existing balance and openness of the neighborhood.

All built structures are not to exceed 40% lot coverage.
Buildings under 120s and 10ft in height and Accessory Dwelling Units are not counted in lot coverage.

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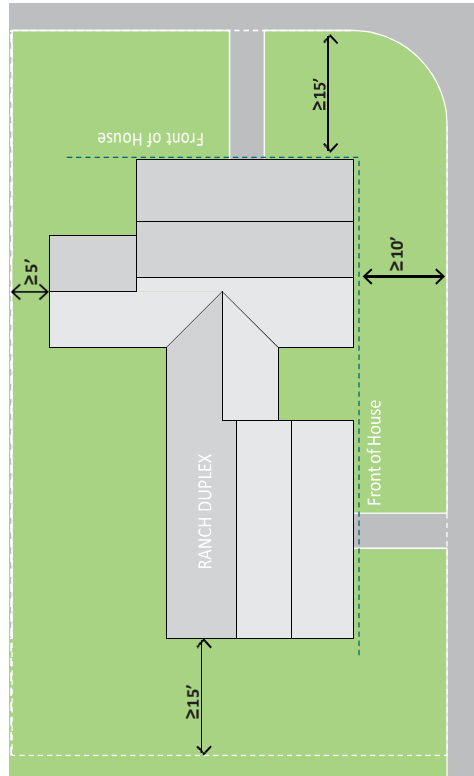


Edges and Setbacks: Accessory Buildings



Accessory buildings should follow the same front, rear, and side yard setbacks as primary dwellings and fit within the 40% maximum lot coverage. However, buildings under 120sf and 10ft in height and all Accessory Dwelling Units are not counted in lot coverage.

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Duplexes on corners could have entrances on separate street fronts.



Accessory Dwelling Unit (ADU) Code Amendments

Planning Commission Work Session

June 13, 2018

Presented by: Daniel Pauly AICP, Senior Planner

Senate Bill 1051

- ORS 197.312 (5)(a) “A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow . . . at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.”



Senate Bill 1051

- ORS 227.175 (4)(b)(A) “A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards,”



Code Review and Audit

- Reviewed by Legal and Planning Staff
- Code Audit performed by consultant paid for by Metro



Current City Allowance

- ADUs allowed for single-family homes on their own lot
- Required to be “substantially the same exterior design” as main house
- Numeric limitations for Canyon Creek Estates



ADU Code Amendment Categories

A. Ensure Compliance

B. Further the Intent

C. Increase Code Function and
Clarity



A. Ensure Compliance

1. Allowance per “detached dwelling” in addition to current per lot allowance
2. Remove subjective “similar architecture” language
3. Remove numeric limit for Canyon Creek Estates



B. Further Intent

1. Allow for additional lot coverage for ADUs
2. Prohibit further private restrictions



C. Increase Code Function & Clarity

1. Refine “Dwelling Unit” definitions
2. Add “Detached” and “Attached” definitions
3. Remove unnecessary duplicative language
4. Clarify accessory use and lot relationship
5. Update “Garage” definition
6. Define “Habitable Floor Area” and clarify what type of storage is counted in ADU floor area



C. Increase Code Function & Clarity

7. Define “Short-Term Rental” and clarify allowance
8. Clarify ADUs included in lists of accessory buildings and structures
9. Simplify/Clarify ADU floor area language
10. Simplify ADU parking requirements
11. Clarify ADUs don’t count in density calculations
12. Remove unnecessary trash collection and fire access language



Questions & Comments



**PLANNING COMMISSION
WEDNESDAY, JUNE 13, 2018
6:00 P.M.**

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

*Approved as presented at
the July 11, 2018
PC Meeting*

Minutes Excerpt

I. CALL TO ORDER - ROLL CALL

Chair Jerry Greenfield called the meeting to order at 6:00 p.m. Those present:

Planning Commission: Jerry Greenfield, Eric Postma, Peter Hurley, Simon Springall, Kamran Mesbah, and Ron Heberlein. Phyllis Millan was absent.

City Staff: Chris Neamtzu, Amanda Guile-Hinman, Miranda Bateschell, Daniel Pauly, Jeana Troha, Dwight Brashear, Nicole Hendrix, and Eric Loomis.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITIZEN'S INPUT - This is an opportunity for visitors to address the Planning Commission on items not on the agenda.

ADMINISTRATIVE MATTERS

A. Consideration of the May 9, 2018 Planning Commission minutes
The May 9, 2018 Planning Commission minutes were accepted as presented.

II. WORK SESSIONS

A. Accessory Dwelling Unit (ADU) Code Edits (Pauly)

Daniel Pauly, Senior Planner, stated that edits to the Code resulted from Senate Bill 1051, which passed in 2017. He presented the Development Code edits for Accessory Dwelling Units (ADUs) via PowerPoint, reviewing the recently passed Senate Bill 1051, noting the requirements that Wilsonville was already in compliance with, and explaining which sections of the Code needed to be amended in order to fully comply with the new laws. His responses to questions regarding the ADU Code edits were as follows:

- As the Code was currently drafted, future updates to homeowners association CC&Rs would not trigger a revision to remove restrictions that prohibit ADUs.
- New deed restrictions that prohibit ADUs would not be allowed. He did not believe this needed to be stated in the Code because it was unlikely that a property owner would place such a restriction on their own property. In a case like Frog Pond, where land would be divided, the land division would have to address any deed restrictions that prohibit ADUs.
- Clarifications to the definitions of attached and detached dwelling units were driven by the types of dwelling units expected in the future. Typically, duplexes were attached. However, there was no language prohibiting detached duplexes. The current ADU standard stated that if an ADU was over 800 sq ft, it was considered a duplex; but, it did not specifically state that if that ADU was detached, it would have to be attached in order for it to be considered a duplex. The standard was that duplexes were attached units, but to make the Code language clear and objective as required by State law, the Code must state duplexes could be detached in order to enable the Code to function in compliance with State law.

- A garage that could be accessed from an ADU, whether on the ground floor or second floor of the garage, or an addition to a house would be exempt from the lot coverage area requirements, but any other structure attached to the ADU, like a workshop, would count against lot coverage.
 - Using the same definition of habitable used by the Fire Marshal and Building Code, was suggested. Staff would consider the different situations that could be built in conjunction with an ADU, and give more thought to ensuring the language more was precise in order to address those different scenarios.
 - The most frequent question was whether certain storage areas counted as habitable. Staff would also clarify that if the storage was only accessed through a door in the ceiling, it was not part of the ADU.

Commissioner Postma:

- Understood that language about having substantially the same exterior design as the main dwelling would be removed but asked what objective standards would be used to ensure the ADU matched the house.
 - Mr. Pauly noted that the majority of the city did not have design standards for houses; that was more market driven. The only exceptions were Villebois, Old Town, and Frog Pond. It was possible to have a nice looking ADU that did not match the house. Additionally, the Code language allowed CC&Rs and deed restrictions to control the architecture like any other building in a neighborhood. Requiring an ADU to match a house without requiring any other structure to match a house would be arbitrary and subjective.
 - Amanda Guile-Hinman, City Attorney, noted the City's code auditors advised that the language in the current Code violated State statutes because it would put a requirement on ADUs that is more restrictive than what is required for the primary dwelling.
- He said it was disheartening to learn that the City could only restrict ADUs to the same extent that the Code currently restricts homes. He confirmed with Staff that "outright" could be deleted from Section 4.113.(.11)A on Page 13 of 45.
 - On Page 23 of 45, he suggested that units per acre in PDR zones be defined to avoid confusion about whether units included ADUs.
 - Mr. Pauly responded language was added because Frog Pond's density was calculated differently. Language for the RN zone specifically stated that ADUs did not count against density. He agreed it would be beneficial to add the same language in the section on PDR zones.
- Stated many of Wilsonville's homeowners expected to live in a neighborhood with a certain amount of lot coverage for buildings as a whole. Now, the Code was saying one building could be added and would be exempt from that lot coverage requirement. He asked if the State statute really required the City to retroactively change lot coverages and if not, did the City want to. Smaller homes with an 800-sq ft ADU would have a disproportionately larger percentage of lot coverage than others. He was concerned about making further density requirements with the proposed exclusions.
 - Mr. Pauly noted the Old Town neighborhood had the smallest homes, which was why the standards adopted for Old Town specifically stated that ADUs were limited to 600 sq ft in that neighborhood.
- Said the Code provided the opportunity to push beyond lot coverages and densities that property owners did not buy into. State law allowed property owners to do that subject to reasonable restrictions. He suggested a lot coverage standard that included ADUs.
 - Mr. Pauly explained that including ADUs in lot coverage requirements would prohibit them in most areas of the city. A restriction that essentially prohibits ADUs would not be considered reasonable.
- Disagreed and said he believed the City could require restrictions that might prohibit people from having ADUs on their current lot. He also believed many people would be shocked to learn that lot coverage limits could be exceeded because ADUs were excluded from the requirement. Excluding ADUs would create increased density and neighbors might take issue with that.
 - Ms. Guile-Hinman explained the auditors advised that there should be no restrictions on lot coverage for ADUs because it was not considered reasonable if it restricted a property from having an ADU. One idea Staff had considered was to add a percentage allowance. Accounting for additional lot coverage would make it look as if the City was making a genuine effort to comply with the law. The

DLCD had indicated they would not be adding administrative rules at this point, but DLCD might force the issue if they believed cities were not implementing standards they believed were reasonable.

- Stated that neither the legislature nor a court had said it would be unreasonable, yet the City was basing its standards on that now.
 - Ms. Guile-Hinman advised against making Wilsonville the test case.
 - Commissioner Hurley added that being considered a test case would depend on which side of the fence one was on.
- Said he did not want an entity outside of the City's jurisdiction to be dictating what Wilsonville's neighborhoods should look like. He was not comfortable with the fact that reasonable was being defined by the DLCD, which was a non-elected organization.
 - Mr. Pauly said the City's long adopted policy of allowing, and in some ways encouraging, ADUs by allowing them for all single-family homes and waiving SDCs for them was a barrier to those other allowances. Most people who want to add something in neighborhoods like Daydream Ranch typically could not because they were at maximum lot coverage. If the intent of the City's policy was to encourage and allow ADUs in single-family neighborhoods, this was certainly a barrier that needed to be addressed. The code auditors encouraged the City to waive setbacks as well, but Staff was not recommending a change to the setbacks in an effort to help maintain lot coverage.
- Asked if the City had truly determined if ADUs should be encouraged in all instances or not.
 - Mr. Pauly stated the adopted Code seemed to indicate the City would want to allow them. If the record was reviewed, he did not believe he would find that lot coverage issues came up when the policies were adopted.
- Believed it was problematic to tell homeowners that they could and should have expected that the neighborhood's lot coverage requirements would change after decades.

Commissioner Springall noted that the City was clearly growing significantly. He questioned whether the City should always attempt to grow out or sometimes attempt to grow more density in some appropriate areas, not necessarily by putting ADUs on every lot, but where it made sense.

Commissioner Postma reiterated his concern for residents who purchased a home in a neighborhood with a certain lot coverage. The City was now imposing something greater than had been there historically.

Commissioner Heberlein noted that people who owned property in neighborhoods without HOAs had little control over what their neighbors did anyway.

Commissioner Postma responded that when people buy a home in a neighborhood without an HOA, they could reasonably assume that they might be buying into those situations. In this case, homes were purchased with a certain lot coverage that could now be exceeded.

Mr. Pauly understood the concern, but in his 10 years of talking to residents, he did not believe most property owners understood the concept of lot coverage until the requirements were drawn out, which was why he believed maintaining the current setbacks was important.

Chair Greenfield:

- Said he had concerns about the relationship between HOA and Code requirements and asked how much authority HOAs had.
 - Staff said existing HOAs could continue to be more restrictive than the City, but new HOAs established after the Code amendments were adopted would not be able to restrict the development of ADUs. The only requirement an HOA could have would be that the ADU had to look like the house.
- Said he was also concerned about on-street parking, which he believed would have a lot of public input.
 - Mr. Pauly did not believe the Code amendments would result in a change to on-street parking in the majority of the city.

Commissioner Heberlein:

- Confirmed Staff would edit the run-on sentence in Definition 88 on Page 8 of 45, as well as a similar run-on sentence in Definition 87. (Section 4.001)
- Noted that on Pages 26 and 27, PDRs 1 through 3 did not include any lot coverage limits with ADUs, but PDRs 4 through 7 did. He asked if calculations were done on the PDRs to show it would be possible to place an ADU with those lot coverages. For example, the minimum lot size for PDR-7 was 1,500 sq ft, so was getting an ADU on a PDR-7 lot practical?
 - Mr. Pauly replied a tiny house could be done, but probably not; certainly an 800 sq ft unit would not work. He clarified the 800 sq ft was floor area, not lot coverage area. Additional stories could be added, but the square footage could not be expanded much.
- Asked what drove the recommendation to have lot coverage restrictions on PDRs 4 through 7 but not on PDRs 1 through 3.
 - Mr. Pauly explained the limit was a percentage of the lot. A 16,000 sq ft lot could only have five percent more lot coverage. The intent was to maintain no more than 85 percent lot coverage, it would not be necessary on PDRs 1 through 3 because the lots were large and the minimum lot coverage was less. A 5,000 sq ft lot in PDR 3 would have about a 15 percent increase in lot coverage.
 - He confirmed that the 35-ft height limit for single-family developments would also apply to ADUs.

B. SMART Programs Enhancement Strategy (Brashear)

Chair Greenfield called for a brief recess at 8:37 pm and reconvened the meeting at 8:44 pm.

C. Basalt Creek Concept Plan (Bateschell)

III. INFORMATIONAL

A. City Council Action Minutes (May 7, May 21, and June 4, 2018)

There were no comments.

B. 2018 Planning Commission Work Program

C. New Exhibit No. 4 for LP18-0003 (Parks & Rec Master Plan)

Exhibit No. 4, dated June 4, 2018 from the Synthetic Turf Council, was provided to the Commission at the dais.

IV. ADJOURNMENT

Chair Greenfield adjourned the regular meeting of the Wilsonville Planning Commission at 9:37 p.m.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, Inc. for
Tami Bergeron, Administrative Assistant-Planning

City commission concerned about accessory dwelling units

Members object to altering lot coverage rules for tiny homes

By COREY BUCHANAN
The Spokesman

Regarding legislation to ease accessory dwelling unit (ADU) requirements, the Wilsonville Planning Commission and the City of Wilsonville do not appear to be on the same page.

While the City planned to not only meet the letter but embrace the spirit of Senate Bill 1051 — which mandated that Oregon cities with a population greater than 2,500 remove some barriers to ADU development — planning commission members expressed wariness about some proposed ADU code changes that they believe are unnecessary and could taint the community's character at a public hearing Wednesday, July 11. No citizens provided testimony during the mandatory public hearing.

ADUs — which are small dwelling structures that reside next to primary homes — are generally cheaper than houses and one of the purposes of the Senate Bill is to encourage the development of more affordable housing. Wilsonville staff

has said records indicate that less than 10 ADUs have been built in the city's history.

"I think the logic behind the legislation is that with housing reaching crisis levels for some people in almost all of our communities, having more economical places to live is important," Wilsonville Mayor Tim Knapp told the Spokesman.

The commission was essentially unanimous in its apprehension about changing lot coverages, which is the amount of a lot that can be covered by housing structures, and some commission members also expressed dismay over preventing new subdivisions from disallowing ADUs. Wilsonville City Council members, however, did not pose these concerns at the July 2 work session when they were presented with the proposed code changes.

"The history of ADUs in Wilsonville is that the council is very much in favor of removing barriers," Wilsonville Assistant City Attorney Amanda Guile-Hinman said at the planning commission meeting. "The council's concern is 'How do we get more?'"

The commission closed the public hearing but continued the legislative hearing to a date that is yet to be

See ADU / Page A6

"We don't anticipate based on our history in Wilsonville for there to be a huge onslaught of ADUs."

— Daniel Pauly,
Wilsonville
senior planner



The 16-year-old Willamette River Water Plant has the ability to ozonate inorganic contaminants.

CITY LEARNS LI CYANOTOXIN 'M

City is beefing up its emergency management

By SAM STITES
The Spokesman

Wilsonville City officials are breathing a sigh of relief and taking stock of emergency management protocols after navigating a "near miss" with cyanotoxins at the City's Willamette River Water Treatment Plant in June.

In an article published in the City's monthly newsletter, the Boones Ferry Messenger, City Manager Bryan Cosgrove outlined how the city handled the situation surrounding trace amounts of microcystins in the community's water that are caused by blue-green algae. The elevated reading of 0.34 parts

per billion — as opposed to the maximum of 0.3 ppb recommended by the Oregon Health Authority guidelines for children, elderly and those with compromised immune systems — put Wilsonville Public Works on high alert and prompted the city to notify the community of the elevated reading.

Cosgrove and Public Works Director Delora Kerber were with the response the City put together in reaction to the elevated test readings, but they also noted this was an opportunity to learn for the future.

"We did do a debrief and recognized what went well, and what didn't," Kerber said. "We realized that we need to put together

Benefit a good way to sa

Report: Expanding cities would bring down home prices ... slightly

Wilsonville, King City, two others seek permission to push westward

By JIM REDDEN
Pamplin Media Group

Four requests to the Metro Council to build more housing could reduce owner-occupied home prices slightly in the Portland area, according to a recently released report by the planning staff of the elected regional government.

Beaverton, King City, Hillsboro and Wilsonville have requested the council expand the urban growth boundary, or UGB, it administers by 2,200 acres to accommodate a total of 9,200 more housing units. The council planned to discuss the requests during a work session July 17.

Wilsonville is requesting an expansion east of city limits along Advance Road.

"If developed, the four proposed UGB expansions would result in modest reductions in housing prices for owner-occupied housing by providing additional housing supply," reads the draft 2018 Urban Growth Report released on July 3.

The council is scheduled to rule on the requests on Dec. 13.

The requests are supported by the Home Builders Association of Metropolitan Portland.

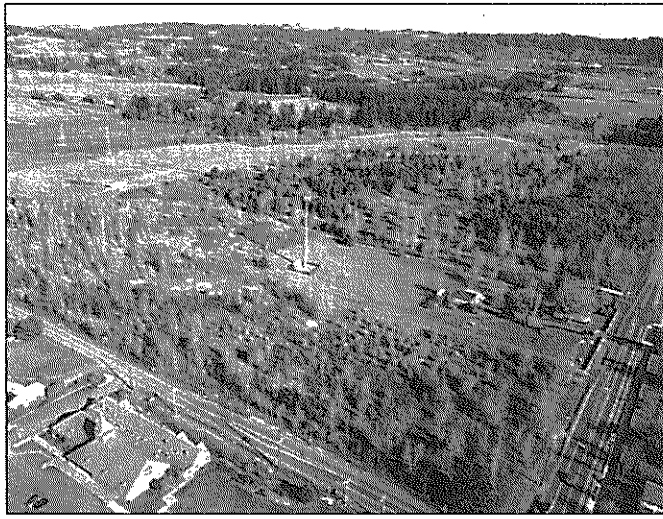
"As the region grows, we must unite to meet the housing affordability and supply crisis. The four city proposals are thoughtful, viable approaches to growth that must be part of the overall solution," said Paul Grove, the association's director of government affairs.

Even if the requests are approved, Metro staff does not expect the expansions to supply much of the additional housing needed within the next 20 years, however.

"To continue on the path of protecting farms and forests, most of that housing is going to be built in existing downtowns and transportation corridors," said Metro Principal Regional Planner Ted Reid.

In fact, the report mentions the option of building more so-called "missing middle housing," something the Tigard and Portland city councils, among others, have been wrestling with. "Missing middle" housing refers to housing for people of moderate income, as opposed to expensive housing and subsidized housing for low-income Oregonians.

The Residential Infill Project now before the Planning and Sustainability Commission recommends rezoning 60 percent of Portland's single-family neighborhoods to allow small-



SPOKESMAN PHOTO: ALVARO FONTAN

Wilsonville wants Metro to expand onto 271 acres in the Advance Road (Frog Pond) URA for 1,325 homes.

er multi-family projects, like duplexes and triplexes. The recommendation is supported by density advocates but opposed by many homeowners and historic preservationists.

The four city requests — all in or adjacent to Washington County — were received earlier this spring. They are part of a new Metro periodic process for determining whether and where to expand the UGB, the invisible barrier around Portland's suburbs, beyond which urban development is not allowed.

The growth report says around 300,000 additional homes will be needed to house the additional 500,000 or so people expected to be living in the region that includes Southwest Washington by 2038.

"We need more housing, particularly housing that is affordable to people with modest means; we need a greater variety of housing to match our changing demographics; we need more middle-income jobs; and, we need to do a better job of engaging diverse communities in decision making," reads the report.

The report also says the four

requests all compare favorably to the required factors in the state's land use planning goal — Goal 14 — governing urbanization.

"In light of those factors, it is appropriate for all four to advance for further consideration by the Metro Council," the report says.

The council received a briefing on the strengths and weaknesses of the requests from a City Readiness Advisory Group that studied them earlier this week.

There is no guarantee the council will approve the requests, however.

A few years ago, Metro added conditions to UGB expansion requests it will approve. In addition to requiring that requests explain who will pay for the needed infrastructure improvements, the cities must address such things as whether they have reduced barriers to mixed-use; walkable development in their downtowns and main streets; and whether they have implemented best practices for preserving and increasing the supply and diversity of affordable housing in their existing urban areas.

ADU

From Page A1

determined so that City staff could address concerns. Regardless of the commission's opinions, the council will ultimately decide whether to pass or tweak the code changes.

The deadline for adhering to the State bill already passed — potentially putting the City in a time crunch. However, Guile-Hinman said many other cities had yet to pass code changes and that the City won't need to rush to pass a resolution. She also said City staff will address the commissioners' concerns when the commission considers the issue again and either change the proposal or provide more justification for the current proposal.

Wilsonville Mayor Tim Knapp said he isn't yet versed in the technical details of the ADU code or the Senate bill, but indicated that local restrictions, such as subdivisions outlawing ADUs, could obfuscate the legislation's intent.

"In general terms I think the intent is to make economical housing a little more available and if local rules overwhelm that then that intent is not achieved," he said.

If approved, the code changes would allow homeowners to build ADUs on their property in greater density in some residential neighborhoods than currently allowed.

Depending on the state's interpretation of the word "reasonable," Wilsonville might not be required under Senate Bill 1051 to change lot coverage standards. The bill states that ADU development can be "subject to reasonable local regulations relating to siting and design."

Planning commissioners Eric Postma and Peter Hurley objected to the idea of easing lot coverage requirements to facilitate ADU development.

"What I'm concerned about is if I have purchased a lot on a larger lot subdivision, I've accepted the fact that I may or may not be able to build an accessory dwelling unit based on my lot coverage but the trade-off for that is I know my neighbor can't as well," Postma said. "What we're doing now is we're changing the definition of the neighborhood of everybody in Wilsonville that they have chosen to live in."

"Now we're saying you can't build much more of a house, but we will change the playing field if you want to

build an apartment in the back and rent it out and have guests there," Hurley said. "You can do that but you can't build a bigger house."

Senior Planner Daniel Pauly said current lot coverage requirements are the biggest deterrent to ADU development in Wilsonville.

"I'd say a good 75 percent of (developments) we did, everything looks great but lot coverage," he said. "We don't anticipate based on our history in Wilsonville for there to be a huge onslaught of ADUs. But this removes a barrier so somebody that is interested has the opportunity to use their land in a way that benefits them, benefits someone else and has a limited impact on the community."

Planning Commissioner Jerry Greenfield said he previously lived in an ADU and supports them generally but also didn't like the idea of changing lot coverage to accommodate diminutive living spaces.

"There is a place for that accommodation and there's a place for it in Wilsonville. I think it would add to Wilsonville's overall attractiveness if they were available," Greenfield said.

"That's not to say we should incentivize where they don't make so much sense."

If they had their druthers, Postma and Hurley would remove the proposed provision that would outlaw new subdivisions from preventing ADUs from being developed in their neighborhoods. Postma also objected to the provision that subdivisions should have to put in writing on their plat documents that they allow ADUs. The Senate Bill does not mandate either of these rules.

"I don't like the restriction against it. We as a city are not allowed to have restrictions but when you're taking the next step and saying is that the landowners can't have restrictions ... I don't think the statute requires that either," Postma said.

Greenfield also did not like the code change that would remove the regulation that ADUs must have "substantially the same" exterior design as the primary dwelling unit. However the City said such language does not meet the bill's rule that design requirements should be "clear and objective," meaning there's no room for interpretation. City staff said they could cater specific design standards to the makeup of individual neighborhoods.

"If we don't have some kind of standards I can imagine a hodgepodge that could embarrass us architecturally," Greenfield said.

"What we're doing now is we're changing the definition of the neighborhood of everybody in Wilsonville that they have chosen to live in."

—Eric Postma, planning commissioner

Algae

From Page A1

The City of Salem found its water was testing higher than normal levels of cyanotoxins just prior to Wilsonville's incident.

Microcystins are one of several cyanotoxins caused by blue-green algae blooms in raw water sources. High exposure in humans can result in liver damage and cause nausea, vomiting, diarrhea and, in very rare cases, death.

"I appreciate how quickly City staff collaborated to get the message to the community, and how quickly local retailers responded to the increased demand for bottled water," Cosgrove wrote. "Our staff made

calls to schools, healthcare facilities, daycare centers, public agencies, assisted living communities, neighborhood associations and restaurants to get the word out."

The City's first action was to increase ozonation — a water treatment process that destroys microorganisms and organic pollutants — at the Willamette River Treatment Plant. Considering the OHA's guidelines on acceptable cyanotoxins levels for healthy adults is 1.6 ppb, the increased reading can be considered negligible at most, but City leaders felt it necessary to notify the community and take immediate action to rectify the problem. Daily testing saw microcystin levels drop below OHA guidelines standards almost immediately, and the OHA is now having Wilsonville continue to test for cyanotoxins — a process that isn't executed on a typical basis

— every three weeks or so. The Willamette River Water Plant has been in operation for 16 years, and it has received good grades on each report card periodically compiled by the State, according to Kerber.

"By acting with an abundance of caution, I believe we gave people an opportunity to take precautionary measures to protect their children, elders and others whose weakened immune system could have made them vulnerable in the event of an emergency," Cosgrove wrote. "As a result of our experience and other water-quality emergencies in Oregon, the State recognizes the need to improve water-testing protocols, emergency management communication and drinking water infrastructure. Wilsonville is working with Oregon legislators — including Senate President Peter Courtney — to

recommend legislative concepts to protect the watershed, expedite water testing and develop standardized water-processing communications protocols."

While Cosgrove was pleased with the City's response, he believes there is always room for improvement to any emergency management system that helps protect the community's citizens.

The Oregon Health Authority recently rolled out new rules for public water systems susceptible to such algal blooms and public water supplies that use water downstream from those sources.

The new rules took effect July 1 and require those systems to test raw water every two weeks starting July 15 and continuing through Oct. 31. Permanent cyanotoxins testing requirements are in the works.

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Pamplin Media Group - Wilsonville Planning Commission concerned about accessory dwelling units

Corey Buchanan

Wilsonville Planning Commission members object to altering lot coverage rules for tiny homes



[SPOKESMAN PHOTO - Some members of the Wilsonville Planning Commission are expressing concern about changing city rules to disallow future neighborhood developments from forbidding accessory dwelling units.](#)

Regarding legislation to ease accessory dwelling unit (ADU) requirements, the Wilsonville Planning Commission and the City of Wilsonville do not appear to be on the same page.

While the City planned to not only meet the letter but embrace the spirit of Senate Bill 1051 — which mandated that Oregon cities with a population greater than 2,500 remove some barriers to ADU development — planning commission members expressed wariness about some proposed ADU code changes that they believe are unnecessary and could taint the community's character at a public hearing

Wednesday, July 11. No citizens provided testimony during the mandatory public hearing.

ADUs — which are small dwelling structures that reside next to primary homes — are generally cheaper than houses and one of the purposes of the Senate Bill is to encourage the development of more affordable housing. Wilsonville staff has said records indicate that less than 10 ADUs have been built in the city's history.

"I think the logic behind the legislation is that with housing reaching crisis levels for some people in almost all of our communities, having more economical places to live is important," Wilsonville Mayor Tim Knapp told the Spokesman.

The commission was essentially unanimous in its apprehension about changing lot coverages, which is the amount of a lot that can be covered by housing structures, and some commission members also expressed dismay over preventing new subdivisions from disallowing ADUs. Wilsonville City Council members, however, did not pose these concerns at the July 2 work session when they were presented with the proposed code changes.

"The history of ADUs in Wilsonville is that the council is very much in favor of removing barriers," Wilsonville Assistant City Attorney Amanda Guile-Hinman said at the planning commission meeting. "The council's concern is 'How do we get more?'"

The commission closed the public hearing but continued the legislative hearing to a date that is yet to be determined so that City staff could address concerns. Regardless of the commission's opinions, the council will ultimately decide whether to pass or tweak the code changes.

The deadline for adhering to the State bill already passed — potentially putting the City in a time crunch. However, Guile-Hinman said many other cities had yet to pass code changes and that the City won't need to rush to pass a resolution. She also said City staff will address the commissioners concerns when the commission considers the issue again and either change the proposal or provide more justification for the current proposal.

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CITY COUNCIL MEETING STAFF REPORT

<p>Meeting Date: October 15, 2018</p>	<p>Subject: Ordinance No. 826 – 2nd Reading 2018 Parks and Recreation Comprehensive Master Plan.</p> <p>Staff Member: Mike McCarty, Parks and Recreation Director</p> <p>Department: Parks and Recreation</p>	
<p>Action Required</p>	<p>Advisory Board/Commission Recommendation</p>	
<p><input checked="" type="checkbox"/> Motion</p> <p><input type="checkbox"/> Public Hearing Date: September 6, 2018</p> <p><input type="checkbox"/> Ordinance 1st Reading Date: September 6, 2018</p> <p><input checked="" type="checkbox"/> Ordinance 2nd Reading Date: October 15, 2018</p> <p><input type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Information or Direction</p> <p><input type="checkbox"/> Information Only</p> <p><input type="checkbox"/> Council Direction</p> <p><input type="checkbox"/> Consent Agenda</p>	<p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input checked="" type="checkbox"/> Not Applicable</p> <p>Comments: Staff presented the final draft of the Parks & Recreation Comprehensive Master Plan to City Council for the first reading of Ordinance No. 826 at their September 6, 2018 meeting. Council approved the first reading with minimal text changes which have been made by staff.</p>	
<p>Staff Recommendation: Staff recommends the Council adopt Ordinance No. 826 on second reading.</p>		
<p>Recommended Language for Motion: I move to approve Ordinance No. 826 on second reading.</p>		
<p>Project / Issue Relates To:</p>		
<p><input checked="" type="checkbox"/> Council Goals/Priorities</p>	<p><input checked="" type="checkbox"/> Adopted Master Plan(s)</p>	<p><input type="checkbox"/> Not Applicable</p>

ISSUE BEFORE COUNCIL:

The City of Wilsonville Parks & Recreation Department entered into a contract with GreenPlay, LLC on April 7th, 2017 to help complete a Parks & Recreation Comprehensive Master Plan. Master Plans, once adopted, become an amendment to the City's Comprehensive Plan, and as such, require a formal adoption process that includes a hearing before the Planning Commission, consideration of conclusionary findings for consistency with Statewide Planning Goals, a recommendation for adoption from the Planning Commission to City Council, and eventually hearing and adoption by ordinance provided by City Council.

Staff and Consultants provided a brief PowerPoint presentation on the 2018 Parks & Recreation Comprehensive Master Plan at the Planning Commission Public Hearing on May 9, 2018. At this meeting, the Planning Commission had specific items that they wanted staff to address, including:

- Extensive verbiage concerning the Integrated Pest Management (IPM) Plan (Objective 3.9, pg. 132). In conjunction with this topic, staff further expanded on the Natural Resources Objective (Objective 3.10, pg. 133), combining the Tree City and Bee City Objective with the Natural Resources Objective and adding an action to create and implement a City-wide Urban Forestry Management Plan (Objective 3.10, Action 3.10.c, pg. 133)
- Re-wording and expanding on the subject of synthetic turf fields (Objective 1.8, pg. 127)
- Addressing creation of art features in the parks as a stand-alone action (Objective 1.6, Action 1.6.c, pg. 125)

At the City Council work session meetings on April 16, 2018 and May 7, 2018, Council recommended expanding on the Joint Use Agreement with the West Linn-Wilsonville School District (Section IV: Parks and Facilities Inventory and Assessment – School Partnerships, pg. 100; and Objective 3.5, pg. 131), including addition of an inventory of school district facilities (Appendix D, pg. 255), as well as a desire for implementation of synthetic turf fields (Objective 1.8, pg. 127). Staff has addressed these recommendations.

Staff met with staff from the City's Finance Department, Administration Department, Legal Department, and Parks & Recreation Department to address implementing further changes with regards to Capitol Cost Estimates and objectives related to City growth. By refining the Capitol Cost Estimates, seeking financial opportunities will be better defined.

The Planning Commission gave a recommendation for adoption at the August 8, 2018 Public Hearing subject to minor changes, which have been addressed. Staff then presented the final draft of the Parks & Recreation Master Plan to the City Council on September 6, 2018 for first reading of Ordinance No. 826. The first reading of this Ordinance was approved with minimal text changes which staff has completed.

EXECUTIVE SUMMARY:

The Parks & Recreation Comprehensive Master Plan for consideration tonight specifically addresses existing levels of service (LOS) and recommendations for future parks and park amenities, with possible funding sources and more suggestions for the next ten plus years. This plan was executed with the help of many people over the last 15 months, including significant

feedback from stakeholders, focus groups, citizens attending and participating in open forum presentations, a random survey that went out to 3,500 homes in Wilsonville, as well as an online survey, and social media posts.

The goals of this project are to identify and serve current and future parks and recreational needs through an integrated park system that provides adequate open space, recreational services and facilities, trails, and stewardship of natural and cultural resources; to provide an accessible and diverse offering of parks and recreation facilities and programs to all residents of Wilsonville; and to develop an action plan and strategy for prioritizing, phasing, funding, and accomplishing the identified needs.

Conclusionary Findings demonstrating consistency with Statewide Planning Goals are included as Attachment 1.

EXPECTED RESULTS:

Administratively, a recommendation to City Council for adoption of the 2018 Parks & Recreation Comprehensive Master Plan was provided by the Parks & Recreation Advisory Board on April 19, 2018 and by the Planning Commission on August 8, 2018. Subsequent adoption by City Council will make this Master Plan part of the City's Comprehensive Plan. Inclusion in the City's Comprehensive Master Plan allows identified capital and operational improvements to be planned and budgeted in future rate studies and capital planning plans. From a utility management standpoint, this Master Plan provides a 10 plus year planning tool to ensure reliable delivery of quality, well-maintained, and safe parks for our community.

TIMELINE:

Planning Commission Work Session: April 11, 2018
Parks and Recreation Advisory Board Meeting: April 19, 2018
City Council Work Session: April 16 and May 7, 2018
Planning Commission Public Hearing: May 9, 2018
Planning Commission Public Hearing (continued): August 8, 2018
City Council Adoption and First Reading of Ordinance: September 6, 2018
City Council Adoption and Second Reading of Ordinance: October 15, 2018

CURRENT YEAR BUDGET IMPACTS:

The total cost of the contract for the Parks and Recreation Comprehensive Master Plan is \$97,249.

FINANCIAL REVIEW / COMMENT:

Reviewed by: CAR Date: 10/9/2018

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 8/29/2018

COMMUNITY INVOLVEMENT PROCESS:

The community has provided vital information at two city-wide meetings held at City Hall, as well as numerous stakeholder and small focus group meetings. A random survey was mailed to 3,500 residents, and an online survey was available to all members of the public.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

Providing amenities and services that the community has requested from the Parks and Recreation Department.

ALTERNATIVES:

N/A

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Ordinance No. 826

Exhibit A - Planning Commission Action and Recommendation

Attachment 1 - Conclusionary Findings

https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/city_council/meeting/12131/ord.826_attachment_a_-_conclusionary_findings.pdf

Attachment 2 - Planning Commission Official Record

https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/city_council/meeting/12131/ord.826_attachment_c_-_planning_commission_record.pdf

Exhibit B - 2018 Parks and Recreation Comprehensive Master Plan

https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/city_council/meeting/12131/ord.826_exhibit_b_-_parks_res._comp._master_plan.pdf

ORDINANCE NO. 826

AN ORDINANCE OF THE CITY OF WILSONVILLE ADOPTING THE 2018 PARKS AND RECREATION COMPREHENSIVE MASTER PLAN AS A SUB-ELEMENT OF THE CITY OF WILSONVILLE COMPREHENSIVE PLAN, REPLACING ALL PRIOR PARKS AND RECREATION MASTER PLANS, AND REPEALING ORDINANCE NO. 625.

WHEREAS, the City of Wilsonville (City) currently has a 2007 Parks and Recreation Master Plan that was adopted by City Council (Ordinance No. 625) on September 17, 2007; and

WHEREAS, updating the Master Plan is a 2017-19 Council Goal; and

WHEREAS, ORS 197.175 requires the City to prepare, adopt, and implement Comprehensive Plans consistent with statewide planning goals adopted by the Land Conservation and Development Commission; and

WHEREAS, the 2018 Parks and Recreation Comprehensive Master Plan (“Master Plan”) is a sub-element of the City of Wilsonville Comprehensive Plan; and

WHEREAS, an updated Master Plan is needed to account for significant population growth, resulting in the increased need for recreation facilities and programming to serve the additional population and methodology to fund and maintain City park facilities at a high quality; and

WHEREAS, the primary purpose of the Master Plan is to provide a safe and efficient network of recreation facilities, parks, and natural spaces that provides access and opportunities for passive and active experiences and natural areas while providing health benefits to users through physical activity and social interaction; and

WHEREAS, the Master Plan focuses on the provision of a comprehensive and coordinated approach to providing a variety of recreation opportunities and services to City residents of all ages, all incomes, and all cultural backgrounds to encourage recreation participation by as many residents as possible and by citizens of all levels of need, interest, and ability; and

WHEREAS, following the timely mailing and publication of required notice, the Planning Commission conducted a public hearing on May 9, 2018, which was continued to a date certain of August 8, 2018, wherein the Commission received public testimony, staff reports and input, and exhibits, and thereafter deliberated and voted to approve Resolution No. LP18-0003

recommending to the City Council the approval of the proposed Master Plan for the City of Wilsonville; and

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

WHEREAS, following the Planning Commission public hearing, the Planning Director forwarded the recommended Master Plan onto the City Council, along with a staff report and attachments, in accordance with public hearing and notice procedures that are set forth in Sections 4.008, 4.011, 4.012, and 4.198 of the Wilsonville Code (WC); and

WHEREAS, the City Council, after public hearing notices were provided to over 3,000 property owners and/or current residents and 30 interested agencies, emailed to 85 people, and posted in 3 locations throughout the City, as well as on the City website and in the Wilsonville Spokesman, held a public hearing on September 6, 2018 to review the proposed Master Plan, and to gather additional testimony and evidence regarding the proposed Master Plan; and

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

WHEREAS, the City Council has duly considered the subject, including the Planning Commission recommendations and all the exhibits and testimony introduced and offered by all interested parties.

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

1. FINDINGS.

The above-recited findings are adopted and incorporated by reference herein as findings and conclusions of Resolution No. LP18-0003, which includes the staff report. The City Council further finds and concludes that the adoption of the proposed 2018 Parks and Recreation Comprehensive Master Plan is necessary to help protect the public health, safety, and welfare of the municipality by planning that will help ensure there will continue to be adequate parks and recreation services and opportunities within the City's parks and recreation system.

2. DETERMINATION.

Based on such findings, the City Council hereby adopts the 2018 Parks and Recreation Comprehensive Master Plan, attached hereto and marked as **Exhibit B**, and incorporated by reference as if fully set forth herein, which shall replace and supersede all prior Parks and Recreation Master Plans adopted by ordinance, resolution, or motion. Ordinance No. 625 is hereby repealed. The City Recorder is hereby directed to prepare final Plan format and address codification and semantic errata.

3. EFFECTIVE DATE OF ORDINANCE.

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

SUBMITTED to the Wilsonville City Council and read for the first time at a meeting thereof on the 6th day of September, 2018, and scheduled for second reading on October 15, 2018, commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Kimberly Veliz, City Recorder

ENACTED by the City Council on the ____ day of _____, 2018, by the following votes: Yes: ____ No: ____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor this ____ day of _____, 2018.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

Mayor Knapp

Council President Starr

Councilor Stevens

Councilor Lehan

Councilor Akervall

Attachments:

Exhibit A - Planning Commission Action and Recommendation

Attachment 1 - Conclusionary Findings

https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/city_council/meeting/12131/or_d.826_attachment_a_-_conclusionary_findings.pdf

Attachment 2 - Planning Commission Official Record

https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/city_council/meeting/12131/or_d.826_attachment_c_-_planning_commission_record.pdf

Exhibit B - 2018 Parks and Recreation Comprehensive Master Plan

https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/city_council/meeting/12131/or_d.826_exhibit_b_-_parks_res._comp._master_plan.pdf



CITY COUNCIL MEETING STAFF REPORT

Meeting Date: October 15, 2018		Subject: Ordinance No. 828 – 2 nd Reading Programs Enhancement Strategy	
		Staff Member: Dwight Brashear, Transit Director	
		Department: Transit	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: October 1, 2018 <input type="checkbox"/> Ordinance 1 st Reading Date: October 1, 2018 <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: October 15, 2018 <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:	
Staff Recommendation: Staff recommends that Council adopt Ordinance No. 828 on second reading.			
Recommended Language for Motion: I move to approve Ordinance No. 828 on second reading.			
Project / Issue Relates To:			
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Transit Master Plan	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

The passage of House Bill 2017 (HB 2017), known as “Keep Oregon Moving,” provides a new state revenue source known as the Statewide Transportation Improvement Fund (STIF) for additional funding to public transportation providers across the state, including South Metro Area Regional Transit (SMART).

To receive funds, local transit agencies must have adopted plans in place that meet the requirements listed in Section 122 of HB 2017 and further requirements set by the Oregon Department of Transportation (ODOT).

EXECUTIVE SUMMARY:

The TMP and recently amended Appendix B (See Attachment 1) satisfies the requirements set forth in the state plan submittal process to be eligible to receive funding. The Programs Enhancement Strategy (Exhibit A) however, has been recently vetted by the public and allows projects to be funded through discretionary and inter-community funding opportunities.

EXPECTED RESULTS:

The adoption of the Programs Enhancement Strategy will provide a comprehensive list of projects eligible to receive formula and discretionary funds through the STIF.

These projects include service to new destinations, additional Saturday hours of service on current Saturday routes (2X and 4), and late-morning or mid-day service on the 1X-Salem. In addition, the plan highlights future projects that SMART expects to pursue in the next biennium.

Projects will provide better access for low-income households, increased bus frequency, reduced service fragmentation between public transportation providers, and additional goals set within the HB2017 legislation.

TIMELINE:

October 15, 2018	City Council Public Hearing, Reading 2
November 1, 2018	TriMet STIF Plan due to ODOT for review
January 2019	Oregon Transportation Commission approval
February 2019	Discretionary and inter-community applications due
April 2019	Anticipated formula revenues to Qualified Entity (TriMet)

CURRENT YEAR BUDGET IMPACTS:

SMART anticipates additional funding beginning in 2019 and each year thereafter. Staff has been working with the Finance Department to establish separate accounting as required by the legislation.

Estimated HB 2017 Revenues (*April 13, 2018*)

	FY2019	FY2020	FY2021
<i>Clackamas County</i>	\$ 308,145	\$699,855	\$801,462
<i>Washington County</i>	\$93,349	\$211,623	\$239,481
<i>TOTAL</i>	\$401,494	\$911,478	\$1,040,943
<i>130% Planning Target*</i>	\$521,943	\$1,184,922	\$1,353,226

FINANCIAL REVIEW / COMMENT:Reviewed by: CAR Date: 9/24/2018**LEGAL REVIEW / COMMENT:**Reviewed by: BAJ Date: 9/26/2018**COMMUNITY INVOLVEMENT PROCESS:**

SMART conducted an extensive two-year TMP public involvement process to develop the 2017 TMP. Businesses and community members identified needs and desires through workshops, interviews, public events, a TMP citizen task force, and several other public involvement formats. The values upheld with the TMP planning process follow the International Association for Public Participation (IAP2) Core Values for Public Participation. Full participation efforts are detailed in the TMP Public Involvement chapter and Appendix F.

From the planning process described above, SMART developed a draft project list that was open for public comment in the month of June 2018. SMART advertised the online survey in the Boones Ferry Messenger, on bus channel cards, through media releases, social media posts, presentations at county meetings, e-newsletters, and e-mail lists. In addition, SMART staff tabled at community events such as the Festival of Arts and were available at the Wilsonville Transit Center to collect paper surveys.

From the survey results, SMART designed the project list to match the priority levels the survey respondents identified. SMART also obtained an interested parties list through the survey. These survey respondents receive project updates and meeting notices.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

With HB2017 funds, SMART will respond to the identified needs the community and businesses highlighted in 2017 as described in the TMP. The Programs Enhancement Strategy will allow SMART to expand hours of current bus services and create routes that provide access to new destinations, which were identified as top priorities during the public outreach process.

Periodically, SMART will track and review projects funded through STIF. This process will ensure proper adjustment whether it be to continue or enhance a project that is performing well or reallocate resources to another identified project if one is not meeting the goals previously identified or measures set. Though prioritized, the project list is adaptable and scalable.

ALTERNATIVES:

If the Programs Enhancement Strategy is not adopted, SMART will continue with the recently amended Appendix B project list to cover the next two years of project funding until the next opportunity to submit STIF plans in 2020.

CITY MANAGER COMMENT:

N/A

ATTACHMENTS:

1. Resolution No. 2700 – Adopted Appendix B
2. Ordinance No. 828
 - A. Exhibit A – Programs Enhancement Strategy, Appendix G to the Transit Master Plan
 - B. Exhibit B – Resolution No. LP18-0009 with supporting documents

RESOLUTION NO. 2700**A RESOLUTION OF THE CITY OF WILSONVILLE CLARIFYING APPENDIX B
– ROUTE PRIORITIES OF THE 2017 TRANSIT MASTER PLAN.**

WHEREAS, the City Council for the City of Wilsonville adopted the 2017 Transit Master Plan (“Transit Master Plan”) on June 19, 2017; and

WHEREAS, the Transit Master Plan outlines future goals for the City of Wilsonville’s (“City”) transit system through South Metro Area Regional Transit (“SMART”) and supportive transportation options to meet the City’s mobility needs; and

WHEREAS, Appendix B – Route Priorities to the Transit Master Plan identifies a prioritized list of service enhancements that SMART intends to undertake should additional funding become available; and

WHEREAS, the Oregon State Legislature passed House Bill (HB) 2017 in 2017 that projects to provide additional transit funding to transit agencies throughout the State of Oregon; and

WHEREAS, the Oregon Administrative Rules that implement HB 2017 require transit agencies to submit an adopted plan that contains a prioritized list of projects that meet certain criteria in order to obtain the funding collected by the State through HB 2017; and

WHEREAS, for purposes of implementing HB 2017 and distributing funds to transit agencies, the State has designated SMART a subrecipient of TriMet, meaning that SMART must submit its required ‘local’ plan to TriMet for TriMet to then submit as part of the Statewide Transportation Improvement Fund (“STIF”) plan to the State for funding; and

WHEREAS, the State requires TriMet to submit its plan by November 1, 2018 resulting in the HB 2017 Clackamas County Committee to approve SMART’s ‘local’ plan by July 24, 2018; and

WHEREAS, Appendix B – Route Priorities in the Transit Master Plan meets the requirements of the plan identified in the Oregon Administrative Rules necessary to receive funding under HB 2017; and

WHEREAS, Appendix B – Route Priorities requires clarification of the pricing listed in the prioritized list to satisfy the 115% minimum cost-planning target set by TriMet.

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

1. The chart on page 97 of the Transit Master Plan, which is the first page of Appendix B – Route Priorities, is replaced with **Exhibit A** attached hereto and incorporated herein.
2. The findings presented in this Resolution supporting this clarification of the pricing on page 97 of the Transit Master Plan are hereby adopted.
3. This Resolution becomes effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 2nd day of July, 2018, and filed with the Wilsonville City Recorder this date.



 TIM KNAPP, MAYOR

ATTEST:



 Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Starr	Yes
Councilor Stevens	Yes
Councilor Lehan	Yes
Councilor Akervall	Yes

Attachments:

Exhibit A – Revised Page 97 of the Transit Master Plan (first page of Appendix B – Route Priorities)

Appendix B - Route Priorities

The content below highlights SMART's priority if funding levels change to either (1) more available revenue and increasing service or if (2) costs increase and reducing service levels.

If SMART has more available revenue, the first service enhancements will be:

Priority Level	Service Description	Estimated Cost
1	Add hours of service on the 2X to Tualatin and/or Tigard with enhanced connections to TriMet	\$52,400
2	Add additional Saturday service and hours of service on Route 4	\$111,349
3	Add midday or late-morning service on the 1X	\$160,400
4	Expand service to Villebois. Hourly service all day from Villebois to connections at SMART Central	\$254,300
	Current Villebois Shopper Shuttle would be replaced by all day Route 7	\$190,300
	Cost of Route 7 replaces the Villebois Shuttle	\$64,000
5	Add service to Coffee Creek and Frog Pond growth areas	\$374,500 *
6	Service to Tualatin with a TriMet Line 96 connection to downtown Portland	\$251,700
7	Begin Service to Woodburn in partnership with Woodburn Transit System and Salem Area Mass Transit District	\$155,067
8	Acquire battery-electric buses, especially for in-town use	\$300,000
Total	Total cost of all projects	\$1,469,416

* Beyond 2.5 years of plan

ORDINANCE NO. 828

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING THE 2017 TRANSIT MASTER PLAN FOR INCLUSION OF THE PROGRAMS ENHANCEMENT STRATEGY.

WHEREAS, on June 19, 2017, the City of Wilsonville (“City”), through its City Council, adopted the 2017 Transit Master Plan (“Transit Master Plan”) as a sub-element of the City’s Comprehensive Plan (Ordinance No. 805); and

WHEREAS, the Transit Master Plan outlines future goals for the City’s transit system through its transit department, South Metro Area Regional Transit (“SMART”), and supportive transportation options to meet the City’s mobility needs; and

WHEREAS, the Oregon State Legislature passed House Bill (“HB”) 2017 in 2017 which provides additional funding to public transit agencies throughout the State of Oregon; and

WHEREAS, the Oregon Administrative Rules that implement HB2017 require transit agencies to submit an adopted plan that contains a list of projects that meet certain criteria in order to obtain the funding collected by the State through HB2017; and

WHEREAS, the Programs Enhancement Strategy, attached hereto and incorporated herein as **Exhibit A**, identifies a robust program of service enhancements that SMART intends to undertake should additional funding become available; and

WHEREAS, the Programs Enhancement Strategy meets the requirement of the plan identified in the Oregon Administrative Rules necessary to receive funding under HB2017; and

WHEREAS, the Programs Enhancement Strategy must be incorporated as part of the Transit Master Plan in order for the City to receive funding through HB2017 for the programs listed in the Programs Enhancement Strategy; and

WHEREAS, following the timely mailing and publication of required notice, the Planning Commission conducted a public hearing on September 12, 2018, wherein the Commission received public testimony, staff reports and input, and exhibits, and thereafter deliberated and voted to approve Resolution No. LP18-0009 recommending to the City Council the approval of the proposed Transit Master Plan for the City of Wilsonville; and

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

WHEREAS, following the Planning Commission public hearing, the Planning Director forwarded the recommended Programs Enhancement Strategy onto the City Council, along with a staff report and attachments, in accordance with public hearing and notice procedures that are set forth in Sections 4.008 and 4.012 of the Wilsonville Code (WC); and

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

WHEREAS, the City Council has duly considered the subject, including the Planning Commission recommendations and all the exhibits and testimony introduced and offered by all interested parties.

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

1. FINDINGS.

The above-recited findings are adopted and incorporated by reference herein as findings and conclusions of Resolution No. LP18-0009, which includes the staff report. The City Council further finds and concludes that the adoption of the proposed Programs Enhancement Strategy as Appendix G to the Transit Master Plan is necessary to help protect the public health, safety, and welfare of the municipality by planning that will help ensure there will continue to be adequate transit services within the City's transportation system.

2. DETERMINATION.

Based on such findings, the City Council hereby adopts the Programs Enhancement Strategy as Appendix G to the Transit Master Plan, which is attached hereto and marked as **Exhibit A**. The City Recorder is hereby directed to prepare a final Transit Master Plan with the additional Appendix G and to address any semantic errata.

3. EFFECTIVE DATE OF ORDINANCE.

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

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 1st day of October, 2018, and scheduled for a second reading at a regular meeting of the Council on October 15, 2018 commencing at the hour of 7 p.m. at the Wilsonville City Hall, 29799 SW Town Center Loop East, Wilsonville, Oregon.

Kimberly Veliz, City Recorder

ENACTED by the City Council on the ____ day of _____, 2018, by the following votes: Yes: ____ No: ____

Kimberly Veliz, City Recorder

DATED and signed by the Mayor the ____ day of _____, 2018.

TIM KNAPP, MAYOR

SUMMARY OF VOTES:

- Mayor Knapp
- Council President Starr
- Councilor Stevens
- Councilor Lehan
- Councilor Akervall

Attachments:

- A. Exhibit A – Programs Enhancement Strategy, Appendix G to the Transit Master Plan
- B. Exhibit B – Resolution No. LP18-0009 with supporting documents



PROGRAMS ENHANCEMENT STRATEGY

A component of the 2017 Transit Master Plan

Summer 2018

This Strategy will be included in TriMet's Statewide Transportation Improvement Fund Plan submittal to the Oregon Transportation Commission for approval of House Bill 2017 funding allocation.

Operated by the City of Wilsonville, South Metro Area Regional Transit (SMART) provides free local fixed-route transit service with inter-city connections to Salem, Portland, Tualatin, and Canby. SMART also provides demand response service for the public and ADA qualified residents for medical appointments in the Portland region.

Table of Contents

Introduction	1
Existing and Future Conditions	1
Public Involvement	2
Coordination of Programs	3
Revenue Estimates for City of Wilsonville	3
Programs List	4
Program Alignment	4
Prioritized List of Programs.....	5
Performance Measures.....	6
Future Program Investments	6

Introduction

South Metro Area Regional Transit’s (SMART) Programs Enhancement Strategy is an amendment to the 2017 Transit Master Plan (TMP) that addresses planning requirements to be eligible for new state funding. **Keep Oregon Moving establishes a dedicated funding source for expanding public transportation service in Oregon titled the Statewide Transportation Improvement Fund (STIF).**



This legislation enhances transportation services throughout the state generating roughly \$5.3 billion in transportation investments each year through increased gas tax, vehicle title and registration fees, and the creation of an employee public transportation payroll tax. Out of the total anticipated revenues, public transportation service providers will receive an additional \$115 million annually.

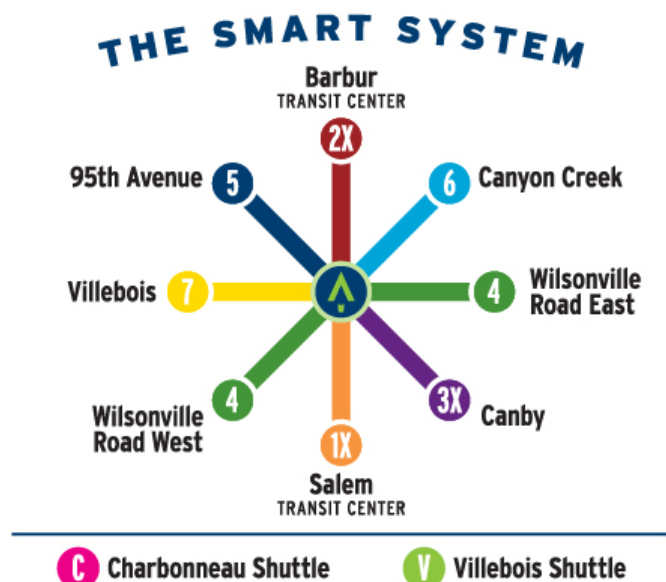
This new funding source brings opportunity to improve SMART’s local and inter-community system. It is important to note that the Programs Enhancement Strategy identifies projects to be funded through the STIF (employee payroll tax) for the next two to four years.

Existing and Future Conditions

SMART currently services nine routes: three commuter express routes (Salem, Tualatin/Barbur Transit Center, and Canby) and six local routes (Crosstown, 95th, Canyon Creek, Villebois, Villebois Shuttle, and Charbonneau Shuttle). Out-of-town routes charge a small fare for service and all in-town service is free to the public.

Within a half mile of all route stops, SMART provides public transportation access to an estimated 45,075 people, 34% of whom are in within 200% poverty level. In addition, SMART routes provide access to 53,502 jobs. This estimate does not include the Dial-A-Ride paratransit service or take into account the further access provided by connections or transfers to other transit providers.

According to the Portland State University population estimate for 2017 Wilsonville had approximately 24,315 residents. Population forecasts show Wilsonville will continue to grow along with the development of the Frog Pond residential area.



Appendix E of the TMP further identifies the characteristics of each Wilsonville neighborhood. In addition, Appendix D - Title VI Program of the TMP provides demographics from the 2010 Census of the Wilsonville population.

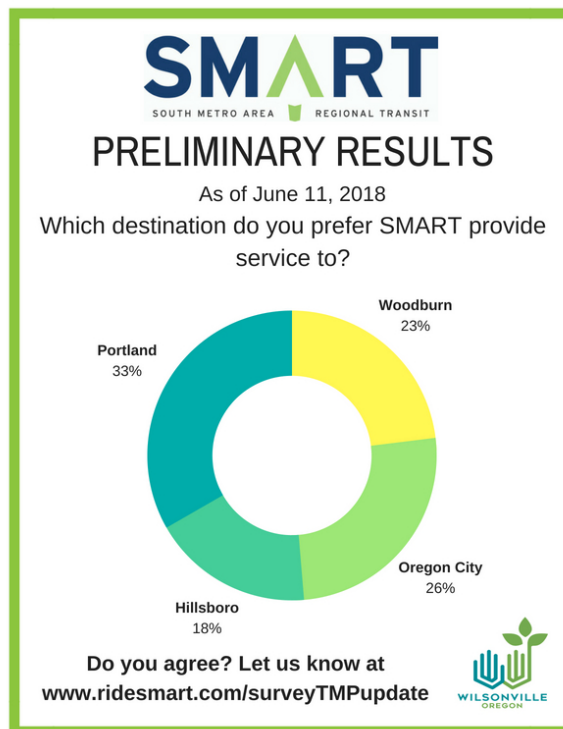
Public Involvement

SMART conducted an extensive two-year public involvement process to develop the 2017 TMP. Businesses and community members identified needs and desires through workshops, interviews, two community surveys, public events, a citizen task force, and several other formats. The values upheld with the TMP planning process follow the International Association for Public Participation (IAP2) Core Values for Public Participation. A complete list of public participation efforts are detailed in the TMP Public Involvement chapter and Appendix F.

From the planning process described above, SMART developed a draft project list for the Programs Enhancement Strategy that opened to the public for comment and prioritization for the full month of June 2018. SMART advertised the online survey in the Boones Ferry Messenger, on bus channel cards, through media releases, social media posts, presentations at county meetings, e-newsletters, and e-mail lists. In addition, SMART staff tabled at community events such as the Festival of Arts and at the Wilsonville Transit Center to collect paper surveys.

More specifically, the survey asked for prioritization of projects ranging from new service destinations to longer hours of service and shorter wait times.

From the survey results, SMART designed the program list in this Strategy to match the priority levels the survey respondents identified. SMART also obtained an interested parties list through the survey. Those survey respondents received project updates and meeting notices.



Coordination of Programs

A key component of the Keep Oregon Moving legislation is the coordination of programs amongst different transportation providers to create a seamless system. As a major employment center and residential community, Wilsonville is ideally situated to promote coordination throughout the region, attracting people to the City and providing access to neighboring communities.

Current coordination includes a shared Route 1X service with Salem Cherriots, an agreement with Canby Area Transit for mid-day Route 3X service, and pulsed connections with TriMet bus and WES to the north. The Wilsonville Transit Center was designed to encourage multi-modal trips by providing a Park-and-Ride lot, bus and train access, as well as bike lockers and tune-up facility.

New state funding brings opportunity for additional hours of bus service and enhanced timed connections with other public transportation service agencies such as TriMet, Canby Area Transit, Salem Cherriots and new destinations with partners such as the City of Woodburn. These enhancements will make trips easier for customers travelling using multiple systems to get to their destination.

Revenue Estimates for City of Wilsonville

The table below highlights the estimated amount of revenue that the City of Wilsonville anticipates from the new employee payroll tax, which came into effect July 1, 2018. Estimates are based off Oregon Department of Revenue draft estimates from April 13, 2018.

	FY2019	FY2020	FY2021
<i>Clackamas County</i>	\$ 308,145	\$699,855	\$801,462
<i>Washington County</i>	\$93,349	\$211,623	\$239,481
TOTAL	\$401,494	\$911,478	\$1,040,943
<i>130% Planning Target¹</i>	\$521,943	\$1,184,922	\$1,353,226

¹ The Oregon Department of Transportation ask that all STIF recipients assume a 130% cost-planning funding estimate.

Programs List

Program Alignment

A crucial aspect of program planning is aligning with city, regional, and state plan goals, strategies, and policies. In Appendix D of the TMP, the planning framework for projects is provided. The 2018 Oregon Public Transportation Plan goals are shown below and their alignment to SMART programs can be found in the Program List under OPTP alignment column.



In addition to plan alignment, projects funded through STIF must meet the requirements below. STIF alignment is shown under HB2017 alignment column of Program List.

- Increased frequency of bus service to communities with a high percentage of low-income households.
- Expansion of bus routes and services to serve areas with a high percentage of low-income households.
- Fund the implementation of programs to reduce fares.
- Procurement of low or no-emission buses in areas of 200,000 population or more.
- Improvements in frequency/reliability of connections inside & outside QE's service area.
- Coordination between service providers to reduce fragmentation.

Prioritized List of Programs²

Priority Level	Project Name	Program Description	HB2017 Alignment	OPTP Alignment	Annual Cost
1	New Destinations	Provide service to new locations: Portland, Woodburn, Oregon City, and Hillsboro.	B, E, F	Goal 1 Goal 2 Goal 3 Goal 4 Goal 10	Min. \$3,150,900
2	More Weekday Service	Increase current weekday service hours on select routes – run mid-day, later in the evening.	A, E, F	Goal 1 Goal 2 Goal 3 Goal 4 Goal 10	\$211,700
3	More Weekend Service	Increase current weekend service hours to go later on Saturday and possibly on Sunday.	A, E, F	Goal 1 Goal 2 Goal 3 Goal 4	\$382,000
4	Increase Frequency	Add more frequency to current bus service – less wait time between buses. Includes additional times on the 1X-Salem and 3X-Canby.	A, E, F	Goal 1 Goal 2 Goal 3 Goal 10	\$379,700
5	Enhance Programs	Develop new SMART programs – vanpools, coordinated medical shuttles, and bikeshare.	B, E, F	Goal 1 Goal 2 Goal 3 Goal 4 Goal 5 Goal 9 Goal 10	\$50,000
6	Pursue Alternative Fuels	Convert bus fleet to all alternative fuels – electric and CNG. Includes facility upgrades.	D	Goal 3 Goal 5 Goal 7	\$375,200
7	Eliminate Out-of-town Fares	Charge no fare for bus service going in or out of Wilsonville.	C, F	Goal 1 Goal 2 Goal 4	\$185,000

² STIF revenues will be leveraged with federal funds to complete the projects listed above.

Performance Measures

As a component of the Transit Master Plan, projects identified in the Programs Enhancement Strategy can be combined or work with projects in the TMP. For example, Appendix B of the TMP identifies projects to pursue if additional funding becomes available. Both project lists can be used to access both discretionary and formula pots of funding from the STIF.

Periodically, SMART will track and review projects funded through the STIF. This process will ensure proper adjustment whether it be to continue or enhance a project that is performing well or to reallocate resources to another identified project if one is not meeting the goals previously identified or the performance measures set. Though prioritized, the project list is adaptable and scalable, which allows SMART to maintain its reputation for being nimble.

Many of the programs will begin as one-year pilot projects with the intention of monitoring several factors. Factors for determining a successful project vary by program. Typically, with service-related projects, a key factor is passenger miles traveled which is the measurement of how many miles the bus travels with passengers. In addition, ridership can show how many people are served however, this factor is dependent on several other considerations such as car ownership and gas prices. Short satisfaction surveys can also show how much interest there is for a project and may lead to reasons why a project is or is not succeeding.



Prior to the end of the pilot, SMART will evaluate the effectiveness of each project and submit a formal recommendation as to the future of said project. Successful projects will meet the goals of the House Bill 2017 and OTP, in addition to meeting internal performance measures set for each individual program.

Future Program Investments

Additional projects that may utilize STIF revenue beyond the timeline of this Strategy are listed below in no particular order. Future projects in the list vary in stage of completeness and will go through public comment in subsequent planning efforts before implementation.

- **Mixed-Use Facility at SMART Central:** A multi-story building located at Wilsonville Transit Center that provides transit information and retail space on the bottom floor and affordable housing on the upper levels. This project could be a partnership with Oregon Metro and Clackamas County.

➤ **Technology Investments:**

- Intelligent Transportation System – Purchase automatic passenger counters to collect data required by the Federal Transit Administration. Provide WiFi on board the buses.
 - One call-one click planning program - A Metro regional effort to provide information for older adults and people with a disability to access and transfer seamlessly between transit systems.
 - Real-time bus arrival displays at transit center and popular bus stops.
- **Grow SMART:** A solar project to cover parking, fueling stations, bus wash, and the administration building with solar panels to satisfy 100% of SMART’s electric needs for three electric buses.
- **SMART Facility Phase II:** In 2011, Pivot Architects designed a second phase for the SMART facility. Phase II facility will be located on the west side of the current SMART facility and consists of bus parking on the west and east side of a bio swale, automated bus wash, offices on the north with solar panels, and paved one-way lanes for bus traffic flow.
- **Neighborhood Community Connections:** New or added service to existing routes for the areas of Frog Pond, Coffee Creek, and Basalt Creek once fully developed.
- **Bus Coaches:** Procure over-the-road style bus coaches to complement the Route 1X service.
- **Coordinated medical shuttles:** Identified through the 2014 Transit Integration Project, improving current DAR services to run on a coordinated schedule based on trip type.



**PLANNING COMMISSION
RESOLUTION NO. LP18-0009**

**A WILSONVILLE PLANNING COMMISSION RESOLUTION
RECOMMENDING THAT THE WILSONVILLE CITY COUNCIL AMEND THE
2017 TRANSIT MASTER PLAN FOR INCLUSION OF THE PROGRAMS
ENHANCEMENT STRATEGY.**

WHEREAS, the Planning Commission of the City of Wilsonville (“City”) has the authority to review and make recommendations to the City Council regarding changes to, or adoption of new elements and sub-elements of, the Comprehensive Plan pursuant to Sections 2.322 and 4.032 of the Wilsonville Code (“WC”); and

WHEREAS, on June 19, 2017, the Council for the City of Wilsonville (“Council”) adopted the 2017 Transit Master Plan (“Transit Master Plan”); and

WHEREAS, the Transit Master Plan outlines future goals for the City’s transit system through South Metro Area Regional Transit (“SMART”) and supportive transportation options to meet the City’s mobility needs; and

WHEREAS, the Oregon State Legislature passed House Bill (“HB”) 2017 in 2017 which provides additional funding to public transit agencies throughout the State of Oregon; and

WHEREAS, the Oregon Administrative Rules that implement HB2017 require transit agencies to submit an adopted plan that contains a list of projects that meet certain criteria in order to obtain the funding collected by the State through HB2017; and

WHEREAS, the Programs Enhancement Strategy identifies a robust program of service enhancements that SMART intends to undertake should additional funding become available; and

WHEREAS, the Programs Enhancement Strategy meets the requirement of the plan identified in the Oregon Administrative Rules necessary to receive funding under HB2017; and

WHEREAS, the Programs Enhancement Strategy must be incorporated as part of the Transit Master Plan in order for the City to receive funding through HB2017 for the programs listed in the Programs Enhancement Strategy; and

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

WHEREAS, the Planning Commission conducted work sessions on June 13, 2018 and August 8, 2018, and after providing the required public notice, held a public hearing on September 12, 2018 to review the proposed Programs Enhancement Strategy to be incorporated as part of the Transit Master Plan and to gather additional testimony and evidence regarding the Programs Enhancement Strategy; and

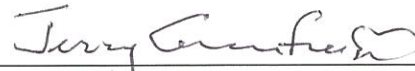
WHEREAS, the Planning Commission has afforded all interested parties an opportunity to be heard on this subject and has entered all available evidence and testimony into the public record of its proceeding; and

WHEREAS, the Planning Commission has duly considered the subject, including the staff recommendations and all the exhibits and testimony introduced and offered by all interested parties.

NOW, THEREFORE, BE IT RESOLVED that the Wilsonville Planning Commission does hereby adopt the Staff Report (attached hereto as **Exhibit A**) and the Programs Enhancement Strategy (attached to the Staff Report as **Attachment 1**), as presented at the September 12, 2018 public hearing, including the findings and recommendations contained therein, and further recommends the Wilsonville City Council approve and adopt the Programs Enhancement Strategy as Appendix G to the Transit Master Plan as hereby approved by the Planning Commission; and

BE IT FURTHER RESOLVED that this Resolution shall be effective upon adoption.

ADOPTED by the Wilsonville Planning Commission at a regular meeting thereof this 12th day of September 2018, and filed with the Planning Administrative Assistant on September 13, 2018.



Wilsonville Planning Commission

ATTEST:



Tami Bergeron, Administrative Assistant III

SUMMARY OF VOTES:

Chair Jerry Greenfield	<u>yes</u>
Vice-Chair Eric Postma	<u>yes</u>
Commissioner Peter Hurley	<u>yes</u>
Commissioner Ron Heberlein	<u>yes</u>
Commissioner Kamrah Mesbah	<u>Ab</u>
Commissioner Phyllis Millan	<u>yes</u>
Commissioner Simon Springall	<u>Ab</u>



SEPTEMBER 2018 MONTHLY REPORT

From The Director's Office

September 2018 comes to a close with lots of news from Community Development—check out the following pages for details!

Did you know?

Did you know that following each Development Review Board (DRB) decision, City Staff sends out a Notice of Decision to each City Councilor via email with deadlines for call-up dates and a link to the [“Projects Around the City”](#) web page where additional information can be found about the project including site plans, building elevations, and other specific details. If a Council member is interested in more information about a specific project, this is a great way to quickly and easily assess what the nature of a specific project is all about. Of course, Planning staff are always available to answer any specific questions the Council has about any land use applications.

In response to Charbonneau citizen requests, we approved Wilsonville's first Duck Crossing warning signs to protect the ducks feeding on acorns on French Prairie Drive.

Sarah Sand, our Stormwater Management Coordinator, joined Public Works staff to sample water near the new Wastewater Treatment Plant outfall. Kayaking on the Willamette River on a sunny September afternoon is a good reason to be in Natural Resources! When work is FUN.

At the League of Cities conference in Eugene last week, I had the opportunity to provide a brief overview of how the Urban Renewal was used as a funding tool to develop the diverse housing in Villebois. Preparing for it reminded me of how proud we can be of the progressive vision and creative planning that the Wilsonville leadership demonstrated to prepare for what we see today in Villebois. Our Planning staff and the Development Review Board have done an outstanding job of implementing the Villebois master plan. Of significance are the “Trees of Villebois” that were thoughtfully preserved as an amenity for the new neighborhoods. An example is pictured here.

Happy Harvest!

-Nancy Kraushaar, PE, Director



Building Division

What-cha Looking At?

It's that time of year when we start thinking about freezing weather and preparing our homes for winter. One common question we get when the weather turns cold is whether or not foundation vents should be open or closed. There are a lot of opinions on this topic and the practical answer is that it depends on your circumstances and your crawlspace configuration. In most cases in well insulated newer construction, foundation vents should remain open.

The Oregon Residential Specialty Code requires that crawlspaces be ventilated in order to reduce condensation and moisture build-up under floor. The code requires foundation vents be distributed in the corners of the foundation (one vent within three feet) and at a ratio of one square foot of opening for each 150 square feet of under floor area. An alternative is to install a mechanical crawlspace ventilation system which mechanically exhausts the crawlspace. In addition, the ground in the crawlspace is required to be covered with a black vapor barrier which also controls moisture permeation from the ground and helps reduce the chance of dry-rot.



In extremely cold climates some folks worry about freezing weather and the potential for frozen pipes so they opt to seal up the crawlspace vents with foam blocks that can be purchased at a home improvement store. Similarly, during final inspections it is common for building safety



inspectors to observe foundation vents installed with built-in plastic flaps that can be manually operated during extremely cold periods. Normally vents should be kept open so the crawlspace can ventilate as required by the code.

Above is a photo of Building Safety Inspector Carl Brown in the process performing an inspection on the foundation vents during a final inspection. During this inspection he is verifying the foundation ventilation is properly installed, open, and clear of obstructions. He is also verifying that vent openings are covered by a maximum ¼" mesh screen to protect from rodent entry. A common correction is to see the screen excessively damaged during the construction process or missing altogether. Another common observation is seeing the insulation in the crawlspace installed in such a way as to block the crawlspace vent opening which defeats the purpose of having a code compliant ventilated crawlspace.

For questions about winterization, crawlspace ventilation, and other construction topics, Building staff are a resource and happy to answer questions. And that's what we're looking at.

Economic Development

- **Coffee Creek Industrial Area Outreach**

- **Development:** Industrial developer seeks to acquire 40 acres of land west of Garden Acres in Coffee Creek Industrial Area for a 700,000 square foot speculative industrial development.
- **Financing:** Staff will be pursuing application for Regionally Significant Site Area program through Business Oregon that offers state income tax reimbursements for approved industrial site readiness activities (i.e. cost of Garden Acres road construction). Staff will be presenting financing scenarios to Council on October 15 for their input.
- **Port of Portland Tour:** City held successful meeting and Coffee Creek tour with Port of Portland on September 14 to discuss partnership opportunities related to site aggregation and investment of 'patient capital' to help enable development in the district.

- **Business Recruitment**

- Out of state IT company is looking for 75,000 square feet of office space, preferably a former call center, for an IT Engineering and Professional Service Center of Excellence location in Oregon that would host 1,200 engineering jobs and 300 professional employees (accounting, legal, finance, HR). City submitted proposal recommending three sites—former Microsoft, DW Fritz, and Convergys's buildings.

- **Town Center Plan**

- The Town Center team is working with the Chamber of Commerce to put on an event on October 11 focused on the economics of future development in Town Center. The event is centered on a panel discussion with several experts in the field of the "dollars and cents" of economic development. Tentatively, here are our planned panelists:
 - Emcee: Kevin Ferrasci O'Malley, CEO, Wilsonville Chamber of Commerce
 - Panel Moderator: Alex Dupey, Northwest Director of Planning Services, MIG
 - Panelist: Fred Bruning, CEO, Center Cal
 - Panelist: Lloyd Purdy, VP of Regional Competitiveness, Greater Portland Inc.
 - Panelist: Brian Vannerman, Principal, Leland Consulting
- The event will be similar to the happy hour event the City held with the Chamber back in February 2017 at McMenamins. This year we are holding the event on October 11 from 4:00–5:30 pm at the movie theater to provide an update to the community and Town Center businesses on financial feasibility and future development options.

Engineering Division, Capital Projects

5th to Kinsman Road Extension (4196)

90% plan review comments returned to Otak. Construction anticipated to start in spring/summer 2019.

124th Avenue Extension

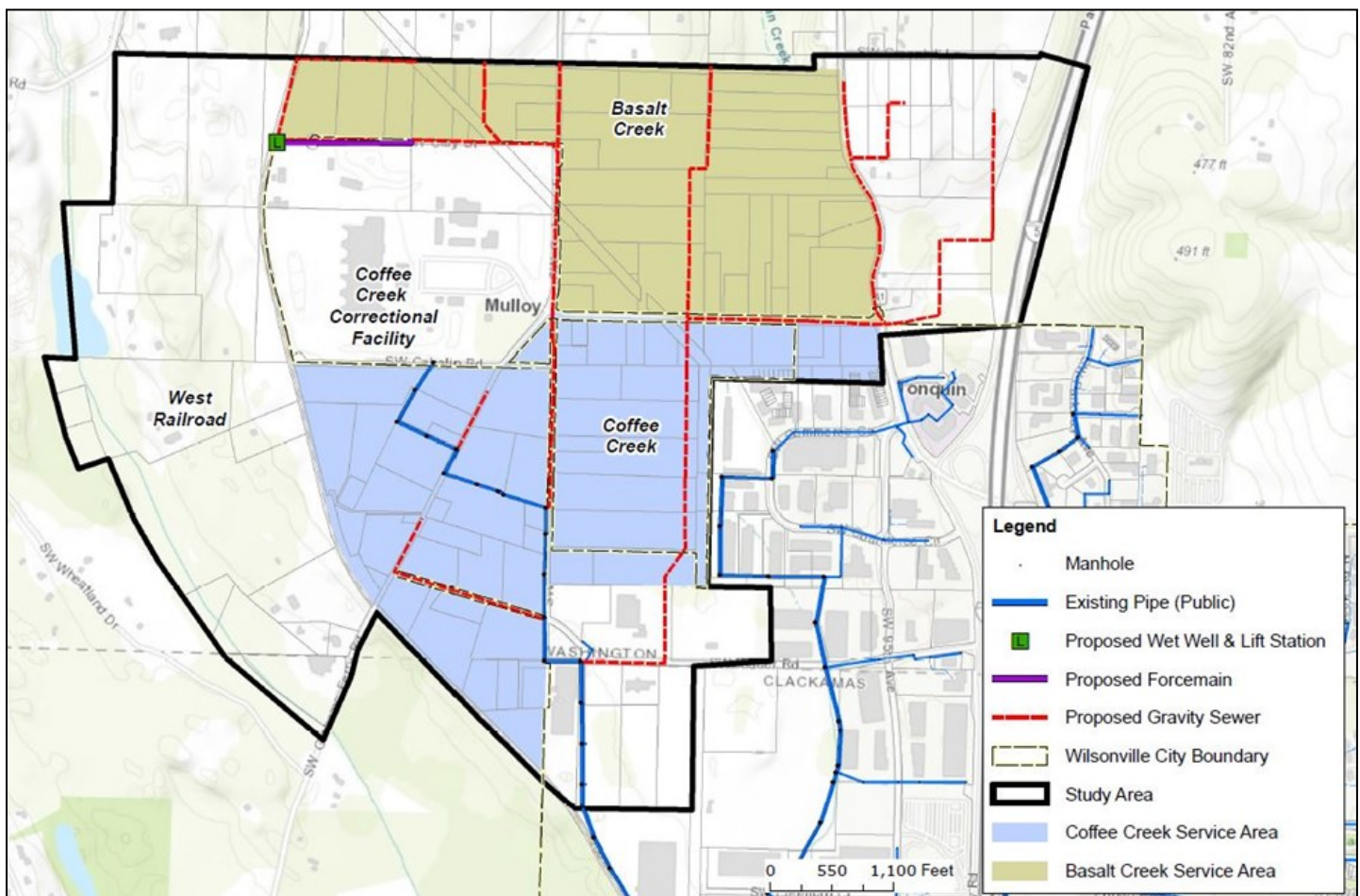
Washington County's contractor continues construction of the 124th Avenue Extension project. They are currently paving the east side of Grahams Ferry Road. The Tonquin Road intersection is open to traffic. Washington County plans to have all work complete by the end of October.

Boones Ferry Road / Fred Meyer Improvements (4199)

Project was delayed due to conflicts with a natural gas pipeline. The new signal pole has now been set.

Coffee Creek Sewer Facilities (2101)

This project involves the preliminary design of sanitary sewer facilities required to support future development of the Coffee Creek and Basalt Creek development areas. The City held a kickoff meeting with Murraysmith to update the sanitary sewer concept planning for the two development areas. Planning work is currently underway and is anticipated to be complete by the end of the year.



Exit 283 Southbound Ramps (4199)

Staff is working on changing/updating the initial signage on the on-ramp as to when the new stacking lane can be utilized.

Engineering Division, Capital Projects

French Prairie Bridge (9137)

This project will determine the final location, alignment, and design type and includes preparation of preliminary construction and environmental documents for a new pedestrian, bike, and emergency vehicle bridge over the Willamette River in the vicinity of Boones Ferry Road. The Consultant team has identified five bridge types for evaluation at the preferred bridge location. A TAC meeting is scheduled for October 3 for technical analysis of the bridge types. An online public open house will be held between October 11 through October 30. An in-person public open house is scheduled for October 18. A Task Force meeting is being planned for the first week of December to gather bridge type input.

Garden Acres Road (4201)

The project involves the design and construction of Garden Acres Road from a rural local access road to an urban industrial roadway as part of the Coffee Creek Industrial Area plan. Property acquisition work is underway. 90% design plans are currently under staff review. Consultant team is coordinating with Willamette Water Supply Program to incorporate the 66" water pipeline into the Garden Acres construction plans.

Graham Oaks Pedestrian Enhancements (0012)

AKS is providing engineering services for design and construction. The design is underway. The 95% plans are being prepared.

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. Design of the bridge will begin after completion of the Town Center Plan.

Memorial Park Sewer Pump Station (2065)

The preliminary design is being reviewed by engineering, public works, parks, and wastewater treatment plant staff. The preliminary design review meeting will be held this Friday September 28th.

Street Maintenance (4014/4118)

The project kicked off in early September and now our consultant team is gathering data about the existing conditions, including: surveying, reviewing as-builts, and performing ADA evaluations.

Tooze Road to Grahams Ferry Road (4146)

Signal poles and street lights have arrived on site and will be installed soon. Top lift of asphalt is anticipated to be installed in early October, with final striping two weeks later (delayed two weeks—PGE not able to meet their commitment of undergrounding power and removing their poles). Contractor's schedule anticipates completion in mid- to late October.

Engineering Division, Capital Projects

Water Telemetry (1114)

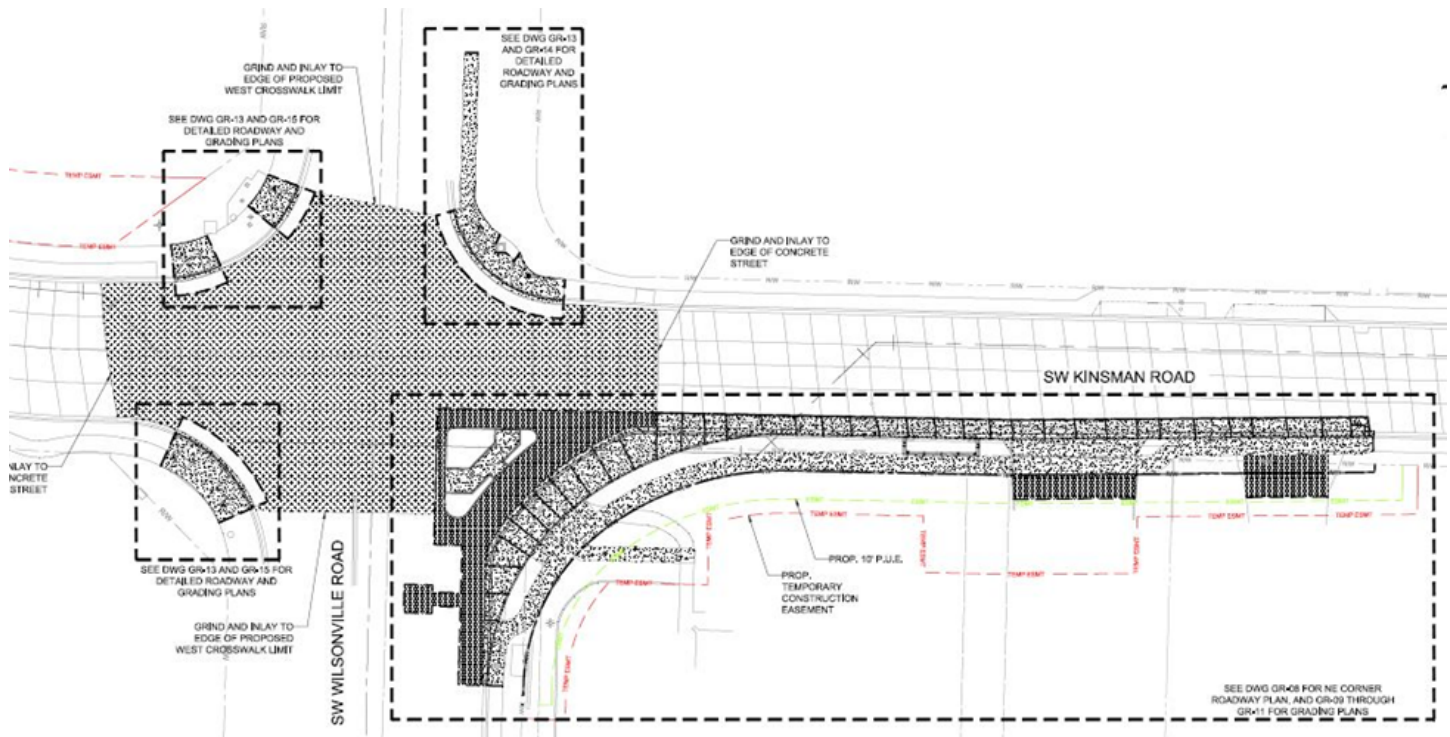
Engineering and Public Works staff are reviewing the draft standards for our water system's communication hardware and controls. Brown and Caldwell is putting together the network and communication upgrade plan that will include a project list and estimates for future upgrades. Engineering and Information Services met with Brown and Caldwell to review and update the existing fiber system and refine the future fiber plan.

Willamette River Storm Outfalls (7053)

95% design plans received from AKS Engineering and are under review. Construction anticipated in spring/summer 2019.

WWSP Coordination (1127)

Ongoing coordination efforts are occurring for the Garden Acres Road project (4201), the 5th/Kinsman project (4196), and the Kinsman/Wilsonville Road truck turning improvements. Staff has provided comments back to WWSP on 90% design plans for the 5th/Kinsman project and Kinsman/Wilsonville Road truck turning improvements (image below). Staff is reviewing a draft IGA to incorporate the WWSP 66" water line into the Garden Acres project.



WWTP Outfall Replacement (2095)

The Wilsonville Wastewater Treatment Plant is under a directive from DEQ to replace the damaged outfall pipe with a new, upsized outfall that meets current discharge compliance requirements. Project is substantially complete with the outfall back in active operation. Final inspection is scheduled in the next couple of weeks with all project work anticipated to finish at the end of October. The I-5 Undercrossing Trail is now open at all hours.

Engineering Division, Private Developments

Aspen Meadows 2

Plans are under review for this 6 lot subdivision on Canyon Creek Road South.

EyeHealth NW

Building is under construction on Town Center Loop West.

Family Fun Center

Demolition of the batting cage area and construction of a 16 lane bowling alley is underway.

Frog Pond—Morgan Farm Phase 1

Grading and demolition has been completed in the 36 lot Phase 1 portion of this development.

Frog Pond—Stafford Meadows

Public Works Permit has been issued and construction is underway on this 44-lot subdivision.

Hilton Garden Inn

Plans have been submitted and are under review.

Villebois Mont Blanc

Subdivision (68 lots near Villebois Drive and Orleans Ave) is under construction.

Natural Resources

Temperature Data Loggers

Over the last month, staff have deployed temperature data loggers within Coffee Lake Creek and Boeckman Creek. The small, inexpensive loggers capture daily temperature measurements, which are retrievable with a mobile device. In the past, temperature data was only collected on a periodic basis. The data informs the City's efforts to address stream temperature, as required by the Oregon Department of Environmental Quality. The City is responsible for implementing a Temperature Management Plan, which includes measures to protect and increase stream shading.

With climate change, Northwest rivers are warming earlier and staying warm longer and that sometimes causes adult salmon and steelhead migrating from the ocean to die in rivers before they can spawn, often before they can even reach their spawning grounds.

In addition, City staff worked collaboratively with the U.S. Geological Survey (USGS) to research cold-water refuges in local tributaries (i.e., Boeckman Creek and Coffee Lake Creek) to the Willamette River. The research was part of a larger USGS study that looked at these cold-water areas in the Willamette River Basin. Cold-water refuges—small pockets of cooler water, most located where tributaries meet mainstem rivers—provide the respite fish need to cool down and prepare for the remainder of their journey.

The USGS surveyed temperature and dissolved oxygen to capture the spatial variability in these conditions at tributary mouths, potential groundwater seeps, and along the shoreline in Wilsonville. The USGS conducted the survey in May-July 2018 to coincide when migrating salmonids may be using cold-water refuges.

Planning Division, Current

Projects Being Prepared for DRB Hearings

- Phase 5 North of Villebois, single-family development on the south side of Tooze Road
- Holiday Inn Expansion and Master Plan for Future Additional Adjacent Hotel
- Remodel and Addition to former Pioneer Pacific College building at 27501 SW Parkway Avenue for Grace Chapel

Administrative Land Use Decisions Issued

- 4 Class I Administrative Reviews
- 2 Zoning Verification Letter
- 1 Final Plat Approval
- 6 Type A Tree Permits
- 4 Type B Tree Permits
- 3 Class I Sign Permits
- 1 Class II Sign Permit
- New Single-family building permits

Board and Commission Updates

Development Review Board (DRB)

The DRB Panels A and B did not meet in September.

Planning Commission

On September 12, the Planning Commission held two public hearings. Dwight Brashear, Transit Director, introduced the SMART Programs Enhancement Strategy project designed to amend the 2017 Transit Master Plan. Resolution No. LP18-0009 SMART Programs Enhancement Strategy was unanimously approved as presented. Daniel Pauly, Senior Planner, presented the Accessory Dwelling Unit (ADU) Code Edits LP18-0006 which was continued from July 2018. After a short review, the Planning Commission unanimously approved Resolution LP18-0006 with recommended revisions to the resolution.

The next regular Planning Commission meeting will be Wednesday, October 10 at 6:00 pm, which will include a hearing on the Boones Ferry Park Master Plan LP18-0008 carried over from August 2018. Work sessions on the Town Center Plan and Signage and Wayfinding projects are also on the agenda.

Planning Division, Long Range



Basalt Creek Concept Plan

Councils from both the Cities of Tualatin and Wilsonville adopted the Basalt Creek Concept Plan in August 2018. On September 6, staff received a copy of a Notice of Intent to Appeal Tualatin's Resolution (5392-18), adopting the Concept Plan, filed by property owner Peter O. Watts on August 31. No appeal notice was submitted for the Wilsonville Resolution adopting the Concept Plan. In September, staff also received an order issued by the Land Use Board of Appeals (LUBA) on the objections submitted by Mr. Watts and Mr. Sherman Leitgeb earlier this year regarding Metro's decision on the Central Subarea (LUBA No. 2018-055 and 2018-057). LUBA denied both objections as submitted by the petitioners.

Project staff also worked in September to submit all deliverables to Metro to conclude the Metro CET concept planning project and work outlined in the original Basalt Creek IGA. Staff will begin work toward the end of the calendar year to update the City's Urban Planning Area Agreement with Washington County and update the City's Comprehensive Plan to acknowledge the Concept Plan.

General project information is available on the City's project website <https://www.ci.wilsonville.or.us/planning/page/basalt-creek>.

Citywide Signage and Wayfinding Plan

The Planning Commission is scheduled to review the first draft of the Signage and Wayfinding Plan at an informational work session on October 10. The draft plan contains chapters on background, wayfinding sign strategy, design and implementation. City Council is scheduled to review the draft plan at the November 5 work session.

For more information, please visit the project web page at www.ci.wilsonville.or.us/planning/page/citywide-signage-and-wayfinding-plan.

Urban Growth Boundary Expansion

Last week in a public hearing, the Metro Council took action directing Metro staff to finalize the Urban Growth Report (UGR) in preparation for an expansion of the Urban Growth Boundary (UGB) accommodating the requests of the cities of Beaverton, Hillsboro, King City, and Wilsonville in their entirety. All of the Metro Councilors spoke to how much better the new UGB expansion process is than the old one, which focused on numbers rather than results. They described how the process has been more stress free, with a complete focus on the issues that matter. The final decision on the UGB expansion will be in December, with likely some clear articulated expectations for performance—not conditions—guiding future master planning work.

Planning Division, Long Range



During September, the project team and the Wilsonville Chamber of Commerce jointly coordinated the Town Center Plan Economic Summit Panel event to be held from 4:00-5:30 pm on October 11 at the Wilsonville Regal Cinemas. Light refreshments will be provided. The City is seeking to update the community on the Town Center Plan's development feasibility analysis, and how the results can support the Town Center vision. This event will feature a panel discussion between development experts, who will offer their insight and experience in the development of mixed-use commercial centers and modern main streets throughout the region. Attendees will also weigh-in on potential economic implementation strategies.

During September the project team was also busy integrating input received this summer from the Task Force, Planning Commission and City Council as well as the community at the Pop-up Main Street (review the results from that event, here: <http://bit.ly/2018BlockPartySummary>). The team drafted and updated various components of the Draft Town Center Plan, for further review and refinement this fall by the Task Force, technical partners, Planning Commission, and City Council. The next public meeting on the Plan is on October 10 at 6:00 PM, when staff will present to the Planning Commission.

For additional information about the Town Center Plan project, visit the project website www.wilsonvilletowncenter.com.





OCTOBER 2018 MONTHLY REPORT



Library roses still in bloom in September

Manager's Report

This year the Summer Reading Program began just as the library renovation was finishing up. Over 2,300 kids and teens signed up for the Summer Reading Program, with 1,200 completing the program by reading for at least 20 minutes for 20 days or more. Nearly 600 kids completed a Science Log by doing ten or more science activities over the summer — the highest number ever. On the adult side, over 100 adults completed the Adult Summer Reading Program. Adult finishers read over 3,000 books (a 36% increase over last year).

In September, we started a new season of programs. We also delved deeper into new plans for furniture and signage, which are the last pieces of our renovation project. Staff took a fresh look at merchandising, including developing new interactive displays like our Banned Books display with a "Guess the Shredded Banned Book," which was popular.

-Shasta Barnes, Library Operations Manager

Children's Services

Youth Programs Return

Youth programs resumed in September at full speed. During the first week of programs we offered 15 presentations for kids and teens, in the library and at schools, reaching over 1,000 youth.

Mexican Dance Class

Twenty-five kids are learning to dance in our new "Mexican Dance Class," which debuted in September. Participants will attend ten weekly classes, then take part in a special performance for the public at the library in early December. Lessons are taught by a bilingual community volunteer.

UPCOMING:

- "Slightly Spooky Stories" on October 30 and 31: Spooky Stories, costumes, and the Pumpkin Patch Polka Parade
- "Science Zone" on October 24 at 1:30 pm with fun science challenges for grades 3-5 on a school early release day



Youth Services staff performing at Storytime.

Teen Services

Teen Nerf Night

On September 14, nearly 50 teens in grades 6 through 12 took part in "Nerf Night," which included a two-on-two tournament, Nerf freeze tag, and other Nerf-related activities. Teen events take place after the library is closed, so the Nerf-madness spread across the whole library.

UPCOMING:

- Teen "Murder Mystery Night" on October 12: an annual event in which teens work in teams to solve a tricky mystery. And there's a costume contest!



Nerf blasters for Teen Nerf Night.

Adult Services

Banned Book Display

As part of “Banned Books Month,” Reference Librarian Malia Laughton created a display with jars of shredded banned books. Each jar contained the shreds from one banned book that had been donated to the library and was unusable. Patrons tried to guess the titles for entry into a prize drawing in October.



A contest for patrons to guess the title of the shredded banned books on display.

UPCOMING:

- Book Notes Concerts return October 13
- “The Marriage of Art & Fiction” class starts October 31
- “Card Making for Adults” class starts October 25
- Wilsonville Boones Ferry Historical Society’s “Photo Round-Up” on Saturday, Oct. 13
- Wilsonville Public Library Foundation’s “A Toast to Imagination” fundraising event on Saturday, Oct. 27

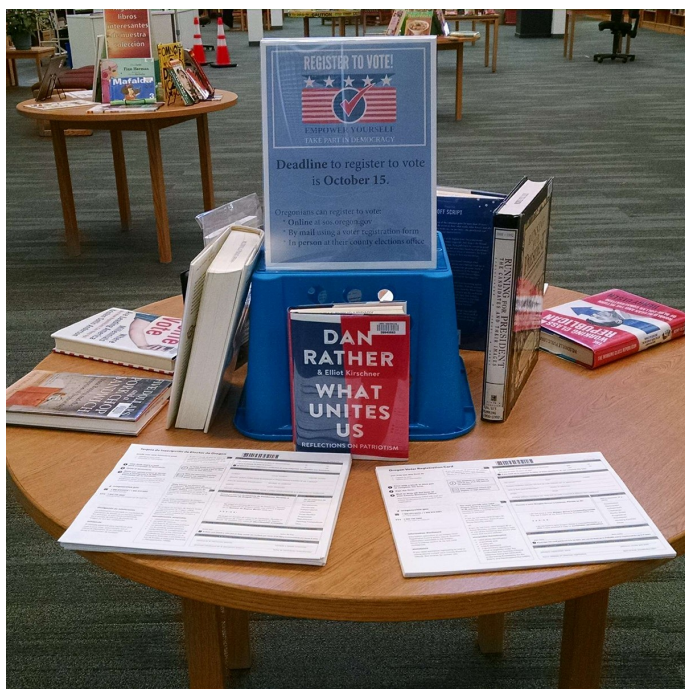
Around the Library

DVD Thief Apprehended

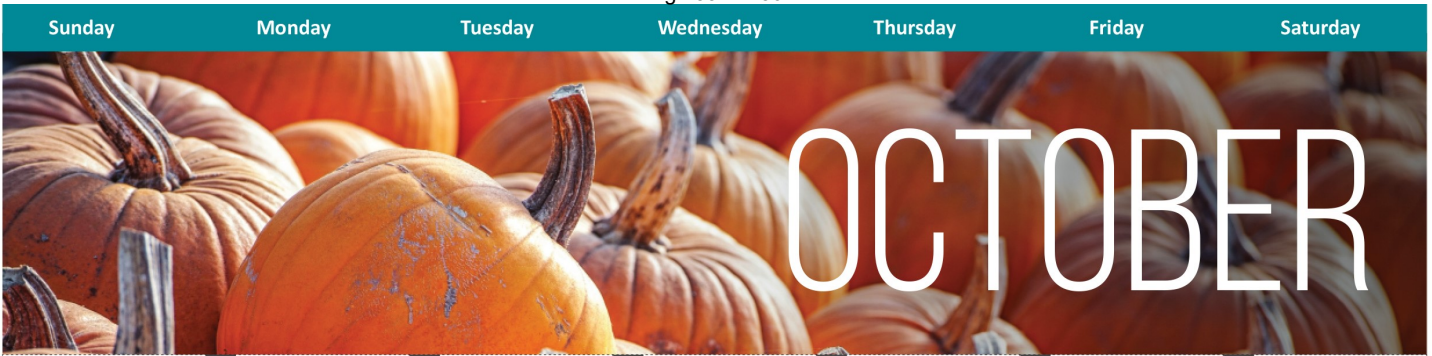
We’ve had a rash of DVD thefts over the past month. Library staff caught the person in the act of stealing the DVDs. Staff then called the police. Wilsonville police contacted the person of interest and made it clear to them that they are prohibited from returning to the library.

Voter Registration Forms Available

The library has Oregon Voter Registration forms available in English and Spanish. The last day to register to vote is October 16. Registration forms postmarked, or submitted online, by October 16 are valid.



Voter registration forms available in English and Spanish.



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Playgroup 10:30 am-12 pm	2 Toddler Time 10:30 am Baby Time 11:30 am-12:15 pm Family Storytime 6:30-7 pm ESL Conversation Group 6:30-7:30 pm	3 Family Storytime 10:30-11 am Read to the Bunny 3:30-4:30 pm	4 Family Storytime 10:30-11 am	5 First Friday Films Adrift PG-13 (2018) 6-8 pm	6 Mexican Folk Dancing For Kids 10:30-11:30 am
7	8 Library Closed	9 Toddler Time 10:30 am Baby Time 11:30 am-12:15 pm Family Storytime 6:30-7 pm ESL Conversation Group 6:30-7:30 pm	10 Family Storytime 10:30-11 am Read to the Bunny 3:30-4:30 pm	11 Family Storytime 10:30-11 am Book Club 6-8 pm <i>The 100-Year-Old Man Who Climbed Out the Window and Disappeared</i> by Jonas Jonasson	12 Teen Advisory Board Meeting 4:30-6:30 pm Teen After Hours Event Murder Mystery Night 6:30-8:30 pm	13 Mexican Folk Dancing For Kids 10:30-11:30 am Historical Photo Round-up Historical Society 11:30 am-3 pm Booknotes Concert Series Bernie Sims 2-3 pm
14	15 Playgroup 10:30 am-12 pm Genealogy Club 1-2:30 pm	16 Toddler Time 10:30 am Baby Time 11:30 am-12:15 pm Great Books Discussion Group 6-8 pm ESL Conversation Group 6:30-7:30 pm Family Storytime 6:30-7 pm	17 Family Storytime 10:30-11 am Read to the Bunny 3:30-4:30 pm Lego Night 6:30-7:30 pm	18 Family Storytime 10:30-11 am K-2 Book Adventures 3-3:45 pm	19	20 Mexican Folk Dancing For Kids 10:30-11:30 am
21	22 Playgroup 10:30 am-12 pm	23 Toddler Time 10:30 am Baby Time 11:30 am-12:15 pm Family Storytime 6:30-7 pm ESL Conversation Group 6:30-7:30 pm	24 Family Storytime 10:30-11 am Science Zone 1:30-2:30 pm Read to the Bunny 3:30-4:30 pm Teen After School Activities 4-6 pm	25 Family Storytime 10:30-11 am Card Making Class for Adults 1-2:30 pm	26	27 Mexican Folk Dancing For Kids 10:30-11:30 am Blood Drive 11:30 am-4 pm A Toast to Imagination Wine Tasting Library Foundation 7-9:30 pm
28	29 Playgroup 10:30 am-12 pm	30 Toddler Time 10:30 am Baby Time 11:30 am-12:15 pm Family Storytime 6:30-7 pm ESL Conversation Group 6:30-7:30 pm History Pub @ McMenamins 6:30-8 pm Doors open at 5pm	31 Family Storytime 10:30-11 am Read to the Bunny 3:30-4:30 pm Marriage of Art & Fiction with Nicole Rubel 6-8 pm	<p>WILSONVILLE PUBLIC LIBRARY</p>		



SEPTEMBER MONTHLY

From the Director:

Fall Season is upon us!!

Please make sure to view Parks and Recreation's Fall/Winter Guide as it's full of great events and activities. This time of year, some of the main activities are Holiday Events.

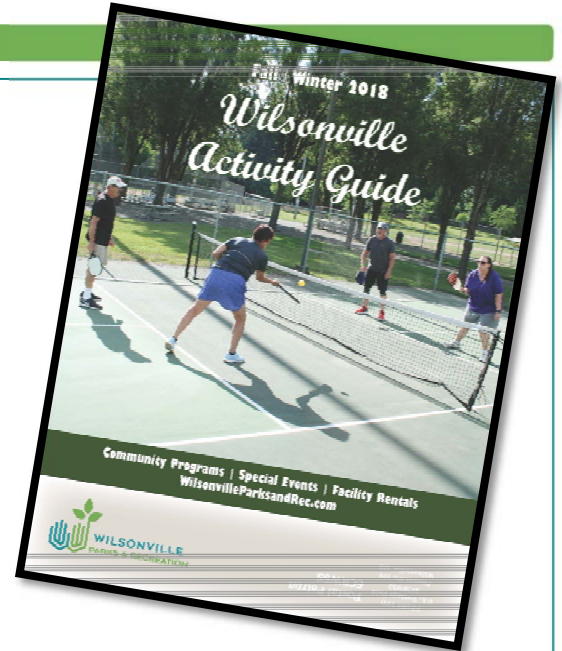
The Fall Season presents the Harvest Festival on Saturday, October 27th from 9:30 - 11:00AM at the Stein Boozier Barn. That same evening, at the same location "Scary Movie Night", will take place with the showing of "The Spiderwick Chronicles". Both activities are FREE, however space is limited for the movie with the first 96 residents signing up being allowed to view the movie. The new Fall Frolic 5k and Kids Dash Costume Run takes place on Sunday October 28th, 8-11:30AM, taking off from the Barn and winding through Memorial Park. The Kids Dash is FREE, while 5K pre-register is \$15 and \$20 the day of event. More information is in the Activity Guide.

The highly popular Community Tree Lighting will take place at Town Center Park on Wednesday, November 28th. The musical performances will begin at 5:45PM and the Tree Lighting at 6:00PM.

As was mentioned in last month's Director's Report your Park's Crew is amazing, which most of you see every day in just viewing the awesome parks in Wilsonville. Our Recreation Manager Brian Stevenson, Park Supervisor Tod Blankenship and Recreation Coordinator Erica Behler are constantly at City events and recognized. There are other employees more behind the scenes that make this department function at an extremely high level and starting this month I would like to introduce them to Wilsonville Residents.

Ahsamon Anti-Marandi is our Administrative Assistant and most likely the person you speak with on phone and face to face at the Parks and Recreation Office. Her customer service, knowledge, work-ethic and friendly demeanor are second to none and this department would struggle without her. At the Community Center, Brenda Howe and Brittney Hernandez (Brittney splits time between two offices) will most likely be your first contact and they are also amazing with their great customer service skills and welcoming attitude. Take time to speak with these outstanding employees if you get a chance.

Take advantage of the activities offered by your Parks and Recreation Department-it's good for your mind and body.



-Mike McCarty

Recreation Updates:

“Lighten Up” Weight Loss Support Group

September saw the start of a new program called “Lighten Up”, a weight loss support group for individuals who may want or need a little extra motivation and consistency in reaching their weight loss goals. The program kicked off on Friday, September 14th with 21 individuals involved.



NRPA– National Recreation & Parks Association

Recreation Coordinator, Erica Behler, attended the annual NRPA conference in Indianapolis the week of September 24th. NRPA is the leading agency that Parks and Recreation organizations around the country look to for things like emerging trends, program ideas, and safety standards. The four day conference was filled with education sessions, research findings, an expo hall, and plenty of opportunities to network.

Wellness Fair at Coffee Creek Correctional Facility

Wilsonville Parks and Recreation Admin Assistant, Ahsamon Ante-Marandi, and Recreation Coordinator, Erica Behler attended the Employee Wellness Fair at Coffee Creek Correctional Facility this month. Employees of the Correctional Facility were informed about all the opportunities Wilsonville Parks and Recreation has to offer such as exercise programs, camps for youth, and arts classes.

Volunteer Opportunities within Wilsonville Parks

Parks Employee, Courtney Burdick, is heading up a program dedicated to getting volunteers to help out in our beautiful Wilsonville Parks. Through an online platform called solveoregon.org, community members can sign up to help out the first Wednesday of each month from 9AM-11AM. Since adding these opportunities to our Facebook events page on Wilsonville Parks and Recreation, Courtney has her first 8 volunteers for this program on Wednesday October 3rd.

Parks Maintenance Updates:

- Repaired broken Community Garden Spigot
- Began preparation for Community Garden parking lot expansion



- Continued cultural practices for undesirable plant abatement
- Pruned Duckworth Property
- Reeder/Burdick attended Target Field Days focusing on IPM
- Restored Arrowhead Creek Park pedestrian bridges



- Abated Poison Oak in various locations
- Meadow cut Boones Ferry Park orchard
- Continued to clear trail vegetation
- Restored Sue Guyton Heritage Tree Grove Signs

Parks Maintenance Updates:

- Restored bollards on Jobsey Lane
- Repaired dog run double check
- Pruned Engelman Park shrubs
- Continue to make repairs and adjustments to irrigation system(s)
- Slit-seeded soccer fields



- Topdressed soccer fields
- Aerated soccer fields
- Began Community Garden Parking lot expansion
- Pruned Duckworth property
- Blankenship attended Boat Launch and Dock Maintenance training
- Acquired maintenance responsibility of former Chamber site and Sue Guyton Memorial Tree Grove

PUBLIC WORKS DEPARTMENT

10/2/18

SEPTEMBER 2018

ROADS & STORMWATER

Morey's Landing Stormwater Outfall

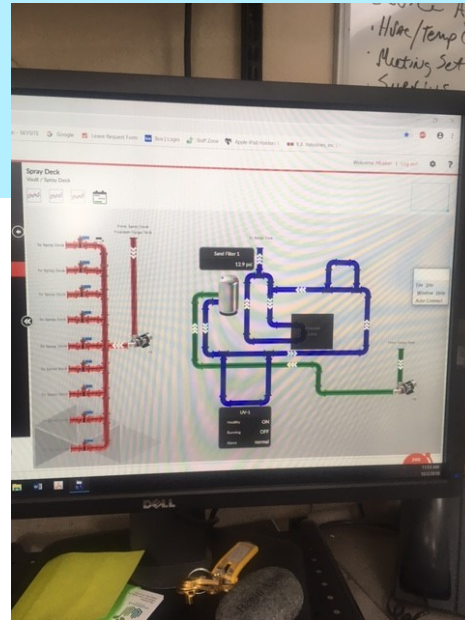
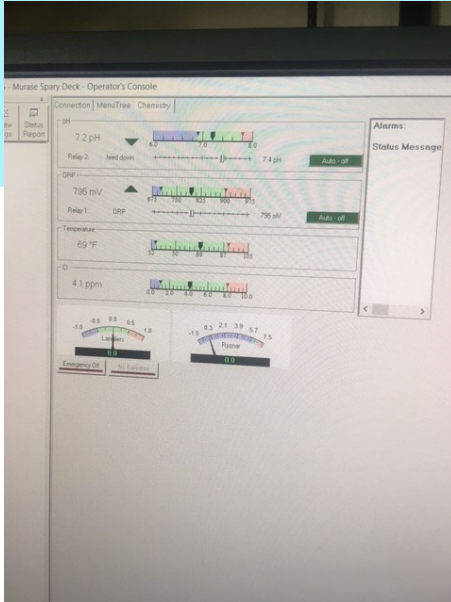
The Roads and Stormwater crew coordinated with the Natural Resources Division on some needed maintenance in the Morey's Landing outfall area. Work was performed with in-house staff which saved the City money that can be used for future projects.



FACILITIES ~

WATER FEATURE SEASON COMES TO A CLOSE

September 16 was the final day of the 2018 water feature season. This season was the most successful season to date, only shutting down services for an accumulative ten hours. Five of those hours were due to the threat of lightning and the other five hours were for equipment failure that was quickly repaired.



To limit down-time, Facility Technicians Javid Yamin and Ivan Crumrine, operated both water feature sites utilizing the newly installed automated controls. The controls system allowed water feature monitoring and operation to take place from the Public Works building. These improvements coupled up with last year's equipment upgrades, reduced the need for entry into the underground equipment vaults by approximately two-thirds.

In addition, crews did not have to perform a single surge tank cleaning during this year's operating season, which compared to the minimum of one tank cleaning a month needed in previous years saved the City an additional 45 hours of overtime labor.

BATTERY RECYCLING

Facility Maintenance Specialist Robert Todd, collected and recycled the latest batch of batteries totaling a whopping 132 pounds.



UTILITIES ~

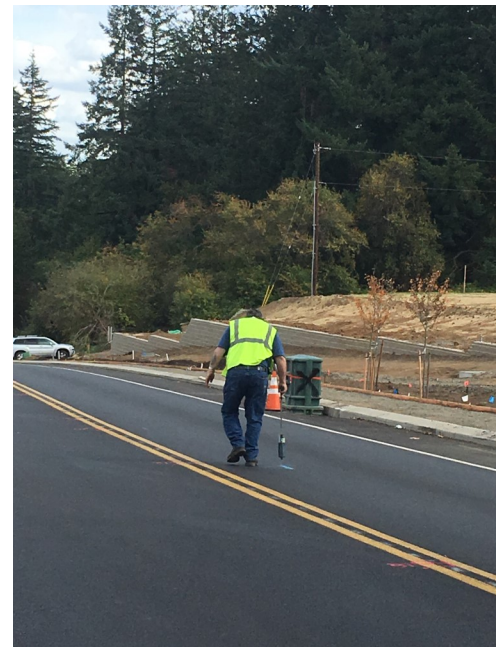
Sewer Mains & Manhole Cleaning

The sewer crew spent most of their time this month cleaning sewer mains and manholes in the areas south-east of Costa Circle Drive and northwest of Lowrie Primary School in Villebois. Utilities Maintenance Specialist Paul Walker and Vactor Operator II Paul Havens (photo to the right) cleaned a sewer main on Geneva Loop.



Utility Locates

Sam Kinnaman (photo to the right) and others on the Utilities crew collectively performed 816 utility locates this month. Water Distribution Technician Jerry Anderson helps locate water mains along the newly rebuilt section of Tooze Road in preparation for a natural gas service installation.



Waterline Toning

Utilities Maintenance Specialist Paul Walker receives training from Water Distribution Technician Steve Gering (photo below) as they hook up equipment to “tone” a water line on Village Greens Circle in Charbonneau. Paul Walker verifies the paint markings for accuracy (photo bottom right)





Good vs. Great

I recently read somewhere that "good" is the archenemy of "great." What exactly does this mean? It may conjure up images of a barren battlefield where the good young David took on a great giant of a man with the impressive moniker of Goliath. Or perhaps it brings to mind the modern day gladiators that choose to fight it out every Sunday on the gridiron. Wherever your imagination takes you, I am convinced that there is definitely profundity contained in the good versus great analogy.

My unscientific research reveals that both of these overly used adjectives have long been engaged in an epic battle for superiority, especially as it relates to business.

SMART exists to provide safe, reliable, and cost efficient service to all of its stakeholders. On most days, we do a great job of delivering on our mission. However, there are those rare occasions when we must accept good as the best descriptor available for use when referring to our service.

Whether our performance is good or great, SMART will always seek to claim its place as one of Wilsonville's vital public services. Norman Vincent Peale once wrote, "Shoot for the moon. Even if you miss, you'll land among the stars." Hear! Hear!



SENIOR TRIPS

Operations - Eric Loomis Operations Manager

SMART's partnership with Wilsonville's Community Center gives our senior patrons an opportunity to take a trip twice a month to events and entertainment occurring in the region. In September, the seniors were able to visit the Portland Art Museum as well as Mt. Angel, where they were able to attend Oktoberfest. The shuttle brings seniors together for a wide range of events that usually include dining and socializing. This unique shuttle gives our seniors the freedom to travel and gain experiences that may not otherwise be possible.



Ridership by Route

Route	1X Salem	2X Barbur	2X Sat Barbur	3X Canby	4 Wilsonville	4 Sat Wilsonville	5 95th Commerce	6 Argyle Square	C Charb Shuttle	7 Villebois	Villebois Shuttle	Total
September 2017	3217	5015	308	776	6912	401	982	1400	N/A	239	1528	20778
September 2018	3145	5778	179	627	9167	610	1264	1699	133	188	1611	24401
% Change	-2.24%	+15.21%	-41.88%	-19.2%	+32.62%	+52.12%	+28.72%	+21.34%	N/A	-21.34%	+5.43%	+14.44%

VOLUNTEERS & ELECTRIC BUSES

Fleet - Scott Simonton Fleet Manager

Volunteers

As the school year has restarted, so has our partnership with the WLWV School District's Adult Transition program. Three new volunteer employees have started at Fleet, working three days a week.

Their main tasks involve cleaning buses, although weather permitting they will be helping keep the plaza area and bus shelters at the Transit Center clean.

Electric bus update

Final design and engineering work has been completed on our first two battery-electric buses. A design request is currently being processed through Portland General Electric for the design and installation of the charging equipment. Charging equipment has been selected, and PGE will be assisting us with the electrical engineering portion of the project.



Events and Marketing - Michelle Marston Marketing and Outreach Coordinator

SMART was on hand at a variety of events in September, providing trip planning and education for large employers. Sites included Coffee Creek Correctional Facility, Oregon Tech, and Vision Plastics during their day and graveyard shifts.

hola

Outreach to low-income families and communities of color was conducted at Autumn Park Apartments and at a Grace Chapel event. SMART staff and interns worked with the Northwest Housing Alternatives during their monthly produce deliveries at Autumn Park, helping to distribute food and SMART fliers in English and Spanish. They also attended Grace Chapel's School Supply Day to help spread the word that SMART's in-town service is free – also in English and Spanish. Parents love learning that their children can take a SMART bus to and from school.



Walk at Lunch resumed in September after its hiatus in August. We welcomed the cooler weather to walk again with our group on Wednesdays at noon.

Our Rider Rights campaign is under production and will be in the public eye October through December.

The Charbonneau Shuttle route was tweaked slightly so additional outreach to the area began in September with flyers and the planning of another field trip for folks to practice riding the bus.

Grants & Procurement - Elli Work Grants and Programs Manager

In 2012, Congress passed the Moving Ahead for Progress for the 21st Century (MAP-21). The MAP-21 formula included a methodology for allowing operating assistance for transit agencies in urbanized areas over 200,000 in population. This includes SMART because SMART falls under TriMet, our UZA (urbanized area).

Every year, TriMet receives an allocation from congress and, using a formula provided by the FTA, splits the funds between themselves, C-TRAN, and SMART. Those funds are further divided by Section 5307, Urbanized Area Funds; Section 5339, Bus and Bus Facilities Funds; and Section 5310, Enhanced Mobility for Seniors and Individuals with Disabilities Funds.

Once the allocation is received from TriMet, SMART begins the application process to the FTA. In addition to providing reimbursement for approved expenditures, the FTA provides financial and project oversight. For example, we just received the FY2017 Section 5339 formula funding for a SMART maintenance vehicle: \$21,777 federal, \$5,444 match for a total project amount of \$27,221. Ongoing reports will be made to the FTA for the "life" of this vehicle.

Planning - Nicole Hendrix Transit Management Analyst

In partnership with Oregon Metro and 19 local volunteers, SMART was able to conduct bike and pedestrian counts at 13 intersections and trails throughout Wilsonville. The data collected is shared with other City departments to aid decision-making regarding new pedestrian paths and responding to the needs of the trail users. Counts were held Tuesday 9/11 and Saturday 9/15.

