

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

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A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:00 p.m. on Monday, March 4, 2019. Mayor Knapp called the meeting to order at 7:06 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

- Mayor Knapp
- Council President Akervall
- Councilor Stevens - Excused
- Councilor Lehan - Excused
- Councilor West

Staff present included:

- Bryan Cosgrove, City Manager
- Jeanna Troha, Assistant City Manager
- Barbara Jacobson, City Attorney
- Kimberly Veliz, City Recorder
- Chris Neamtzu, Community Development Director
- Cathy Rodocker, Finance Director
- Mark Ottenad, Public/Government Affairs Director
- Kimberly Rybold, Associate Planner
- Patty Nelson, City Engineer
- Miranda Bateschell, Planning Director
- Dan Carlson, Building Official
- Dan Pauly, Senior Planner

Motion to approve the order of the agenda.

**Motion:** Councilor Akervall moved to approve the order of the agenda. Councilor West seconded the motion.

**Vote:** Motion carried 3-0.

**SUMMARY OF VOTES**

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Excused
Councilor West	Yes

**COMMUNICATIONS**

A. Metro Update

Metro Councilor Dirksen, Councilor for District 3, announced new Metro Councilors, Christine Lewis and Juan Carlos Gonzales, and new Metro Council President, Lynn Peterson. He highlighted

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Metro's programs and activities via PowerPoint and updated Council on several key items, including bonds proposed for the November ballot related to transportation and parks and open space; efforts to reduce waste, especially food waste, in landfills; the process for distributing funds from the Regional Affordable Housing bond approved by voters last November; Metro's Planning and Development and Community Place Making Grants, as well as a new Pilot Grant Program to support innovations in transportation technology. He also discussed the new convention center hotel now under construction and noted the anticipated demand and economic impact of the \$39 million upgrade to the Convention Center, and the progress of the construction at the Oregon Zoo ( the Zoo). He also noted upcoming events at Portland's Centers for the Arts, the Oregon Zoo, and the Expo Center, which are all owned and operated by Metro Council.

Mayor Knapp added the Portland Swap Meet, the largest antique car swap meet west of the Mississippi River, is held at the Expo Center on the first weekend of April each year.

Councilor Akervall asked for specific examples of some of the applications submitted for the Pilot Grant Program, or if any projects were underway, adding the project sounded interesting.

Metro Councilor Dirksen replied the application period had just closed, and the committee would meet this Friday to review the applications and consider which projects to fund. A few project examples from the applications included community ride share, phone apps to help connect for carpool, and funding for using electric cars for car-share programs in low income housing developments. A variety of applications were received from very diverse groups, including non-profits and different companies across the region. The WazeApp applied for a grant to explore ways to create a carpool rideshare app utilizing their platform. He acknowledged some projects would work and some would not, which was why the Pilot Program was created.

Councilor West stated he was proud of the Oregon Zoo, noting he visited many zoos throughout his travels. It had been phenomenal watching the Zoo grow and all the things the Zoo has accomplished. He asked if Metro managed the veterinary clinic in the Zoo or if it was a private partnership.

Councilor Dirksen answered the clinic was managed by Metro, adding those who work at the clinic are Metro employees. The clinic had greatly expanded and was more like a hospital now and could meet the needs of the more than 2,000, different animals at the Zoo. The Zoo recently opened a new education center for school fieldtrips and created a separate entrance for school groups that lead's directly to the education center, which had helped traffic flow. He confirmed the concerts were still occurring and this summer's concert calendar could be found on the Zoo's website. Some people were concerned about the concert venue being next to a portion of the Elephant Land sanctuary; however, the sanctuary had three main portions, and the elephants could roam to the north side of the Zoo to get away from the concert if they wanted. Nonetheless, when the concerts began, the elephants all roam toward the venue and enjoy the show as well.

Councilor West asked what was unique about the Oregon Zoo that made it so different and special.

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Councilor Dirksen answered the Oregon Zoo was world famous for its elephant exhibit and for the conservation and education efforts around elephants. Before the Zoo had elephant lands, very little was known about elephants' needs or their activities. Prior to Packy's birth, even the gestation period for an elephant was unknown. The Oregon Zoo was the only zoo in the country that had an office on site for the State Fish and Wildlife Department, which the Zoo worked with. The Zoo was also well known for its efforts pertaining to endangered species. Not only did the Zoo have an exhibit for California Condors, but it also had a breeding facility at an undisclosed location that bred and raised condors to be released into the wild. At one point, there were only 12 California Condors left in the world, now there were about 450 California Condors.

Councilor West added when he visited the aquarium in Atlanta, Georgia, they had an otter on loan from the Oregon Zoo and he was delighted to see the Portland Zoo represented in Atlanta.

Mayor Knapp noted Wilsonville's proposal to do a digester in conjunction with the City's waste hauler to convert the waste hauler truck fleet into utilizing gas produced by the processes off the food waste. Metro Council had not approved the proposal yet and it was an exemplary project to help move a waste stream into being an input stock for a necessary service. The City wanted to believe there was still a chance that the project could move forward. He had not seen any other proposal in the region as prepared or ready to implement.

Councilor Dirksen agreed the project was remarkable and believed it would move forward eventually. Wilsonville had made a great proposal for the Pilot Program, but another applicant's proposal did not require the same level of capital investment to get started, so the Metro Council would likely begin with them as a pilot project.

Mayor Knapp believed removing a truck heading eastbound on Interstate 84 (I-84) every 20 minutes was something worth pursuing.

Council Dirksen noted the trucks had not been able to go to the landfill recently because the I-84 in The Gorge had been closed. Garbage has been building up at Metro's collection centers in anticipation of the weather improving.

**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 would 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.

Mike Morse, Pahlisch Homes, stated Pahlisch was developing the Morgan Farm 78-lot project in Frog Pond West and were finishing Phase 1 of 36 lots. He wanted to discuss Resolution No. 2724, the update to the water and sewer methodology and system development charge (SDC) increase. Everyone was aware developers had an issue regarding the vesting of the resolution. He wanted to describe what developers had gone through in the last seven days to get to the point of thinking they had been able to vest at least a portion of their projects. Developers thought they had until Friday at 5 p.m. to ensure their completed building permit applications were submitted. When they

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first became aware that the resolution was to be adopted effective immediately on February 21, he immediately called staff to ask what the minimum requirement was to submit and if the period could extend beyond March 1 due to the short time frame to react to the immediate effective date. On February 27, they were provided the minimum criteria to submit and were told to assume applications needed to be submitted and deemed complete by Thursday, February 28, by 5:00 p.m., but staff was having internal discussions and would let him know if the deadline changed. Staff called back mid-morning on February 28 and said Pahlisch had until 5:00 p.m. on Friday, March 1 to submit completed applications. He concluded that Pahlisch submitted its applications mid-day on Friday, March 1.

Councilor West asked how the quick implementation of the new water SDCs affected Pahlisch and other builders' practically, as far as their predictability for cost, planning forward, etc.

Mr. Morse explained that long before the 78-lot subdivision received land use approval, Pahlisch had already underwritten the project, accounting for all the estimated hard and soft costs, including City fees, SDCs, engineering fees, etc. Acquisition and development loans were based on those numbers configured long before the land use approval. A change in SDC's had an immediate negative impact to what was originally underwritten. Given current land prices and site costs; projects were already thin. While Pahlisch believed the percentage increase alone was extremely unfair, the immediate concern regarded the short time Pahlisch had to react to try to minimize the impact.

Councilor West asked how the resolution impacted Pahlisch's ability to do and complete projects moving forward.

Mr. Morse explained Pahlisch was too far into the project to be able to back out due to land costs and commitments to site costs. The impact would ultimately be on affordable housing. While the change did affect profitability, it would hardly influence the developers or homebuilders because the costs would be added to the purchase price. Therefore, the homebuyer would be paying for it.

James Adkins, Home Builders Association (HBA) of Metropolitan Portland, said he also wanted to discuss the implementation date of the water SDC. He appreciated that the previous times he had testified, Council took the time to address his concerns, even though Council did not necessarily agree. Wilsonville was valuable partner to the residential building community and the caliber of the City's staff was always very high. There seemed to be a miscommunication about the implementation date for the SDC. Throughout the process, the staff reports stated the target date was March 1, though no time was specified. He did not catch that the resolution stated February 21 would be the implementation date; otherwise, he would have discussed it during his previous testimony. He requested the Council consider amending the resolution to allow the effective date to be this morning, March 4 to allow all stakeholders in Wilsonville to have had the opportunity for their permits to be applied for and to be vested at the original SDC rate.

Councilor West asked what date Mr. Adkins thought would be fair and workable in order to meet the business community's needs.

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Mr. Adkins noted that a few years ago, the City updated its transportation SDCs, which involved a different process with more targeted engagement and informing of those doing business in Wilsonville to ensure they were aware of the approaching cost increases. He suggested taking a couple more days or a week to ensure everyone who had applied for permits in the last year received a phone call informing them of the SDC implementation. Otherwise, he believed 12:01 a.m. Monday, March 4 would be fair.

Stan Earnshaw, Community of Hope Lutheran Church, stated Hope Lutheran had been working with West Hills Development for the last year and a half on the creation and swapping of land parcels, while concurrently being annexed into the City of Wilsonville. They had also been working with staff for that same length of time and the experience had been positive. They had planned to pay a certain SDC fee to be connected to City sewer and water. He was informed last Friday that the SDC fees were being increased by about \$30,000, money the church did not have; they were not notified that the SDCs were increasing. The church was not a developer, but a non-profit organization looking to make a better environment for both the West Hills development and their project, as well as to give the church future expansion capability, so it was a win-win situation. They were surprised they had no notice that the fees were increasing to such degree. Hope Lutheran requested that they be grandfathered into the previous fees. He believed the application had been submitted via West Hills.

- He explained the annexation of the church's property was on Council's agenda this evening. West Hills had submitted an application for a water meter on the church's behalf. He described the project being worked on between the church and West Hills. The church was currently on a well, so an application had been submitted on Friday, March 1 for the church to have a water meter.

Bryan Cosgrove, City Manager, noted Mr. Earnshaw would be tied into same Friday issue discussed by Mr. Morse and Mr. Adkins.

Councilor West confirmed the church was not building anything, but attempting to connect with the City sewer and water and were hit with an onslaught of fees.

Jonathan Lockwood, Oregon Republican Spokesman, stated he came as a millennial and environmentalist to register his disgust with House Bill (HB) 2020. He was an Oregonian by choice, and loved the state, which HB 2020 would destroy. The Green New Deal was not new, not a deal, and not green, but a cash-grab from workers and families to give handouts to crony capitalists and the politically well-connected. It also failed to address the pollution in the air, charged indulgences to the government for the sin of consuming too much energy above an arbitrary cap and it enriched wealthy green robber barons. Renew Oregon, one of many front groups pushing the bill, refused to disclose its donors or reveal its surveys, and manipulated law makers and intimidated Oregonians with doomsday scare tactics. Cap and Trade put profits before people and prioritized political gain above policy outcomes. If not, it would be an albatross around the neck of every supporter and every bystander who did not act when given the chance. He urged Council to file and pass a resolution of disapproval, siding with the families of Wilsonville, instead of Multnomah County's biggest polluters.

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Dan Grimberg, West Hills Land Development, asked Council to make the water SDC resolution effective March 4. As with Pahlisch, West Hills had been advised if their applications were in by the end of business on Friday, March 1, their permits would have been vested, and they were counting on that. West Hills was not part of the SDC being discussed, which was not how the company typically operated with Wilsonville. West Hills had been a long-time builder in Wilsonville and staff knew them well, having done the first development project in Frog Pond, having built good housing stock in Villebois, on Boeckman and Wilsonville Roads. West Hills had a good relationship with Wilsonville staff, who were the best in the area and had been helpful in advancing their project in Frog Pond. He was uncertain how the miscommunication occurred, noting it was unusual as West Hills had great communication with staff. In trying to resolve the issue last week, staff was helpful in coming up with the solution that developers would be vested if their applications were submitted by the end of March 1. If the deadline were different, West Hills would have dropped everything to respond because it had a big impact on their development. On behalf of West Hills, he asked that the resolution be adopted as of March 4, noting West Hills submitted its applications and the church's application on Friday, March 1, between 12:00 p.m. and 3:00 p.m.

Barbara Jacobson, City Attorney, explained from a legal perspective, all of the appropriate and required notice under the statute was given. The resolution date proposed by staff and adopted by the Council made the new rates effective March 1 with no 5:00 p.m. time frame. When the effective date is stated to be March 1, it meant the rates changed on March 1. If there was a miscommunication about when homebuilders could submit, she deferred to the Council's discretion. She reiterated that all legal requirements were completed, all notices were given, and the effective date was March 1, so any applications submitted March 1 would have been at the new rate. She confirmed if the resolution only stated an effective date that meant at 12:01 a.m. on that date, unless a specified time was stated for the new rates to be effective.

Mr. Cosgrove understood the City was fine legally, but there was a question of equity and fairness. He did not believe any of the requests were unreasonable, adding the overriding issue was not that the SDC's went up, but that they increased so much. There could have been some miscommunication and some indications given as he was out of the office on Friday. He stated that from an equity and fairness standpoint, staff would support a March 4 effective date.

Mayor Knapp asked how many applications had been submitted after February 28.

Chris Neamtzu, Community Development Director, stated before March 1, 31 applications had been submitted by Polygon Homes, as well as two specific requests for water meters, so those 33 requests were vested having submitted prior to the effective date. He explained there were Staff members out and the department was having difficulties calibrating the computer program to get the new fee in place, and a lot of angry calls were coming in. Staff struggled through a difficult couple of days and did what they believed Council would have wanted, which was to work with the development community and do the right thing. He would accept the blame for any miscommunication, and asserted it was the appropriate and responsible thing to do considering where a lot of the development partners were and the significant amount of calls staff was receiving from those who were in the ground doing projects in the community. He stated that on March 1, 69 permits and two additional requests for water meters were submitted, one for Hope Lutheran

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Church, and the other for an individual who was on a well on Rose Lane looking to someday connect to City water. The call came in on Friday, and they were able to make the minimum submittal on Friday, March 1, to transfer the home from a well condition to City water. He ran the numbers and \$283,000 worth of deferred SDC's would not be captured if March 1, were included. The applications submitted prior to the March 1, date totaled \$118,000; therefore, a total of \$401,000 in applications came in over the course of three days attempting to beat the rate increase.

Mayor Knapp asked about the possibility of a back log of developers who were earlier in the process and might not have submitted their applications yet or might be ready to submit in the coming weeks.

Mr. Neamtzu stated staff was aware of approximately 22 additional permits that could be submitted over the next several weeks, 17 of which were for Villebois homes in Mont Blanc for Polygon Homes, and five homes in Aspen Meadows. Staff spent a significant time reaching out and calling small subdivision builders throughout the community, and most were able to get their applications in the queue or submit a couple applications in a timely manner. If Council would be interested in extending beyond March 4, Staff anticipated about 22 additional permits could be submitted. Staff could reach out again, but they were not aware of many beyond those 22 additional projects.

Dan Carlson, City Building Official, said he estimated the 22 additional permits would be submitted sometime before the summer season started, around June 1. He noted the City typically saw a pretty strong push for development permits in the spring, so builders could take advantage of the nice summer weather. Staff looked at the number of available lots that were platted and approved through Planning, how many had been submitted, and the remaining number to be submitted to arrive are the 22 outstanding permits. He confirmed the 22 additional outstanding permits were not expected to come in next week.

Mayor Knapp explained that when Council discussed the SDC consideration for water, there was a shared frustration about not updating the SDCs sooner. The need for the large increase was due to the growing list of capital projects that had to be completed and the cost the City had to cover. Raising SDC's on such a large scale was not desired, and he agonized over the difficulties caused for developers who had been planning projects, economic projections, and lining up loans. However, the City had to build out its systems to enable those building projects to move forward by providing water services for the impending and forecasted developments, which was always a difficult balance. Developers that had partnered with Wilsonville in previous years had benefited some from lower SDC's than might have been the case had the analysis been completed years ago, although that did not make the SDC increase easier to accept. He summarized the discussion from the testimony provided as well as staff's responses, and asked if the Council believed an equity or practical consideration would be appropriate to adjust the implementation timing of the SDC dollar amounts already approved.

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**Motion:** Councilor West moved to change the implementation date for Resolution No. 2724 to March 15, 2019. Councilor Akervall seconded the motion.

Councilor West stated that as a city, Wilsonville takes care of each other and loved its business partners, developers, and communities of faith. The City could have done a much better job of not bringing a 60 percent SDC increase all at once. It would be a small cost for Council to slow down with such an astronomical increase in SDC's, which everyone agreed was necessary, to make sure the City left room for economic planning down the line for businesses to adjust to the increase, have clear communication, and allow those few to fairly come in and take advantage of the lower rates. He suggested an implementation date beyond the March 4 date initially requested to provide a bit of wiggle room as it was uncertain whether the numbers were right on potentially revisiting the situation again. He reiterated he wanted to be fair and a bit more generous, although he was open if somebody wanted to make an amendment or changes. He believed Council needed to do something.

Councilor Akervall stated nobody wanted to raise the SDC in a dramatic way, but the reality was that the money had to come from somewhere for these projects. The longer the increase was delayed, the longer Wilsonville's tax payers would have to subsidize that money, which was something she did not feel good about. Everyone was already going to be contributing to these projects. It was the philosophy behind how the City ran its SDCs. This situation was unfortunate for everyone, but if a message was given that the deadline was end of day on March 1, 2019, then she would feel good honoring that. Prolonging the date further should have been discussed when the original resolution was passed. She would be interested in amending the motion to end of business day March 1, if that was the date communicated. She did not know if end of business day March 1 versus 12:01 a.m. March 4 really mattered, perhaps it was the same unless it was business practice to submit applications on Sunday.

Mayor Knapp said he wanted clarity on how many applications the Planning Department thought were in the wings. He had heard 22 over several months, but how many were expected by March 15, two, three, or five. It all seemed quite speculative.

Staff responded it could be between 0 and 100 application, agreeing it was indeed speculative at this point. The 22 was based on the easy research done in the short time staff had to put the report together, and on past practices of those that tend to submit to get shovels in the ground between now and the end of June. However, staff really had no true way to know without contacting individual builders, which they could certainly do.

Mr. Cosgrove corrected that not increasing the SDC for a period of three or four years was an administration decision made before his time because the economy was horrible and everybody wanted to attract development and get builders interested. He clarified that the subject SDC increase was due to the City's significant upcoming capital improvement projects, not because SDCs had not been increasing by incremental amounts over time, like with the consumer price index or construction engineering costs. The City was expanding the water treatment plant, building a \$3 million tank, and installing large pipes. The dollar figures being quoted tonight by staff were small in terms of the overall scope. He did not know whether a March 4 or March 15



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deadline would make much difference, but staff would make March 15 work if Council wanted, which might also allow more opportunity for Mr. Carlson to do some outreach if that was something Council desired.

Mayor Knapp noted legal notice was one thing; it was reaching people who have been collaborating with Wilsonville over time and helping build the community. Over the last decade, there had been \$800 million in private sector investment in the Wilsonville community which has benefitted the community in many ways, including jobs and incomes, and the City wanted to continue that kind of relationship. It was hard to judge how many more people would scurry around between now and Friday to get anything in this week. It was pretty hard, and time was short. He agreed the \$283,000 impact on 69 to 71 requests was not an astronomical figure to juggle; maybe a few more would be submitted in another week or two. The question was whether Council was more inclined toward cutting it off, knowing what had come in, or providing a little window for people who were just now hearing about this to have time to do something. There was some logic to 5:00 p.m. on Friday, not 12:01 a.m. on Friday.

Ms. Jacobson advised if Council went with Councilor Akervall's recommendation, then the resolution could easily be amended to leave the old rates in effect until 5 p.m. on Friday, March 1 with the new rates to become effective immediately thereafter.

Mr. Cosgrove added that would also account for any Sunday submittals, though the City was not open on Sunday. March 4 provided the certainty of knowing how much had to be made up, which, in the grand scheme of things, was not a lot. It was fair to those who had invested. Extending the date to March 15 added more exposure that somebody would have to make up that cost.

Councilor West believed the City was known for being gracious, and even Friday the 15 would not be that much more of an expense. What was probably more of an expense was the impact on affordable housing, which was a real crisis in the community. Giving just a little bit in implementing such a large increase was reasonable. He was open to an amendment to March 4 and just doing the right thing, but he would like to give people a bit more time to get all their documents in. Just because the City covered every legal basis, did not mean it was right. In the future, he hoped the City would consider how it communicated with the builders and partners the City has a relationship with because nobody liked that surprise. It was not a win-win, and the City was always looking to do better. He reiterated he was open to changing the date, but wanted a little bit more of a window out of good faith.

Councilor Akervall noted that in looking at the numbers, there had been an impressive hustle and considerable effort to get that many applications in on March 1. Those applicants were trying to abide by the word they had been given. Council's word should mean something; Council said it was March 1 and great effort was made to get those applications in on March 1. It made sense that there was agreement it was March 1, instead of pushing it out, otherwise they would not have had to work so many overtime hours on Thursday night to get it all in. There were many story lines and Council could not make a scenario to help filter them all through. Council needed to follow through; if March 1 was stated, then that was what Council should follow through on.

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**Motion:** Councilor Akervall made a friendly amendment to the main motion to have the new SDC rates take effect at 5:01 p.m. on Friday, March 1. Council West seconded the friendly amendment.

Mayor Knapp restated the main motion and called the vote.

**Vote:** Motion carried 3-0.

**SUMMARY OF VOTES**

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Excused
Councilor West	Yes

**MAYOR'S BUSINESS**

A. Upcoming meetings

Upcoming meetings were announced by the Mayor as well as the regional meetings he attended on behalf of the City.

B. **Tourism Promotion Committee – Appointment**

Appointment of Lizabeth Price to Tourism Promotion Committee, Position 7 for a term beginning 3/4/19 to 6/30/21.

Mayor Knapp recommended the appointment of Lizabeth Price to Wilsonville's Tourism Task Force, noting her professional background and experience in tourism.

**Motion:** Councilor West moved to ratify the appointment of Lizabeth Price to the Tourism Promotion Committee, Position 7 for a term beginning 3/4/19 to 6/30/21. Councilor Akervall seconded the motion.

**Vote:** Motion carried 3-0.

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Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Excused
Councilor West	Yes

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**COUNCILOR COMMENTS**

A. Council President Akervall

Councilor Akervall announced the Town Center Plan event would be held next Wednesday from 5:00 p.m. to 6:00 p.m. Many people had been involved in the project over the last two years and the tremendous amount of effort from Staff really carried the project through so expertly. It was also very cool to see how many community members had volunteered, been involved on the Task Force and attended the numerous feedback events the City has done over the time of the project. She thanked all the community members that had shared their input. She was very excited about the work and the large collective effort of so many people bringing ideas and making it a very vibrant, exciting plan. She hoped people could attend the event on March 13, or at least enjoy some of the images from the Town Center planning process.

B. Councilor West

Councilor West stated he planned to attend the Town Center event and looked forward to seeing all the work the community had done. He acknowledged the passing last week of Dennis Richardson, a statesman and a dear family friend. He noted Mr. Richardson would always sprinkle “liberty and justice for all” in his speeches. Liberty symbolized freedom and was really unique, not only to America, but also to western civilization. Justice was important too. Justice was fairness and brought a piece of unity, equality, and looking out for each other and being fair. Dennis Richardson embodied those things as well as what it meant to love your neighbor. While people did not always agree with him, Oregon lost a true statesman, and he would be missed. Councilor West said he just wanted to take a moment to honor Mr. Richardson’s memory as Secretary of the State of Oregon.

**CONSENT AGENDA**

Ms. Jacobson read the title of the Consent Agenda item into the record.

A. **Resolution No. 2726**

A Resolution Of The City Of Wilsonville Authorizing The Mayor To Execute A New Urban Renewal Planning Area Agreement With Washington County To Acknowledge City Of Wilsonville Planning Authority In The Basalt Creek Planning Area.

**Motion:** Councilor Akervall moved to approve the Consent Agenda. Councilor West seconded the motion.

**Vote:** Motion carried 3-0.

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**SUMMARY OF VOTES**

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Excused
Councilor West	Yes

**PUBLIC HEARING**

Ms. Jacobson read the titles of Ordinance Nos. 832 and 833 into the record on first reading.

**A. Ordinance No. 832 – 1<sup>st</sup> Reading**

An Ordinance Of The City Of Wilsonville Annexing Approximately 24 Acres Of Property Located On The West Side Of Stafford Road Just North Of Boeckman Road Into The City Limits Of The City Of Wilsonville, Oregon; The Land Is More Particularly Described As Tax Lots 1800, 1902, 1903, 2000 And 2200 And A Portion Of Stafford Road Right-Of-Way, Section 12D, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. Kathleen E. Ludwig, Clifton Molatore, Brenda L. Melum, Lynette E. Eaton, Theodore W. Eaton, Robert Kessler, Bonnie Kessler, And Diane Hillier, Petitioners.

**B. Ordinance No. 833 – 1<sup>st</sup> Reading**

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Clackamas County Rural Residential Farm Forest 5 (RRFF5) Zone To The Residential Neighborhood (RN) Zone On Approximately 15 Acres And To The Public Facility (PF) Zone On Approximately 7 Acres On The North Side Of Boeckman Road Just East Of Boeckman Creek; The Land Is More Particularly Described As Tax Lots 1800, 1902, 1903, 2000 And 2200, Section 12d, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon. West Hills Land Development LLC, Applicant.

Mayor Knapp provided the public hearing format and opened the public hearing on Ordinance Nos. 832 and 833 p.m. at 8:43 p.m.

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

Kim Rybold, Associate Planner, announced that the criteria applicable to these applications were stated on Page 2 of Attachment 3 to Ordinance No. 832, and Page 2 of Attachment 2 to Ordinance No. 833, which had been entered into the record. Copies of the report were available on the counter at the side of the room. She presented the staff reports for the requested annexation and zone map amendment via PowerPoint, noting the annexation site's location, size, and surrounding features, and describing the zone map amendment to change the existing Clackamas County District to a combination of Residential Neighborhood (RN) and Public Facility Zones. The application of these districts was consistent with the recommendations of the Frog Pond Master Plan. She highlighted the additional applications unanimously approved by the Development Review Board (DRB) that were contingent upon Council's approval of tonight's requests, noting two waivers were necessary to facilitate the preservation of a Oregon White Oak located in the right-of-way

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for the future Willow Creek Drive. No public testimony was received at the DRB public hearing last month. Staff recommended approval of the annexation and zone map amendment requests.

Mayor Knapp asked for more information on the two waivers.

Ms. Rybold displayed the plat map and noted the arborist stated a 22-ft preservation zone radius was required to save the 34-inch Oregon White Oak tree, so the street was designed to have quite a wide median in front of the lots. Of the four adjoining lots, the two in the middle would require a waiver to the minimum lot size since the street took a bit of the frontage to preserve the tree. And then additionally, the Applicant requested a front setback waiver for the four lots affected by the modification and right-of-way for tree preservation.

- She confirmed the front setback waiver would produce a building closer to the road. Noting the setback lines on the map, she indicated the elevation frontage would be consistent along the street, but the street would get a little closer to those four homes, which would still be setback a bit farther than the remaining homes to the south because of how the street curved.

Mayor Knapp confirmed that City Attorney Jacobson had no comments, and called for the Applicant's presentation.

Michael Robinson, Land Use Attorney, Schwabe, Williamson and Wyatt, 1211 SW Fifth Avenue, Suite 1900, Portland, OR, 97204, stated he was representing the Applicant, and introduced Dan Grimberg from West Hills and Mike Peoples from OTAK. He stated the Applicant agreed with the staff report to Council, and certainly with the DRB's unanimous recommendation to City Council for approval of both the annexation and zoning map amendment. As mentioned, no one testified in favor of or in opposition to the application at the DRB hearing on February 11. The Applicant requested that Council adopt both ordinances on first reading tonight.

- He explained why the legal description in Exhibit A to the annexation packet referenced Stafford Meadows Phases 2 and 3 Annexation Area, when the plat for the development was called Frog Pond. He noted that the plat title had no legal meaning, it was just a title that could be removed, but it did not do any harm. The application met the approval criteria. What was important was the legal description, which Metro and the Oregon Department of Revenue would review to ensure the legal description closed. However, the legal description did not use the phrases Stafford Meadows or Frog Pond Meadows at all because none of the property was platted, so it was just an unknown description. The title resulted because the Applicant had to submit the applications in October, and at that time, the Applicant was still calling it Stafford Meadows. In consultation with staff, the Applicant changed it to Frog Pond to represent the name of the neighborhood the project was being developed in. So, the later materials refer to it as Frog Pond, but the legal description title of Stafford Meadows, not the legal description, just reflected that the legal description was prepared and submitted before the Applicant switched to Frog Pond; it had no legal import whatsoever.

Mayor Knapp said he wanted to ensure any legal action the Council took would be applied to the right piece of ground and thanked Mr. Robinson for the explanation. He confirmed there was no public testimony, adding that was indicative of the robust public process that had occurred previously. The City's process was different than some other communities in that development plans were vetted before annexations were proposed.

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

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He confirmed Mr. Robinson had no rebuttal or added comments and closed the public hearing at 8:57 p.m.

Councilor Akervall commented it was wonderful that the terrific Oregon White Oaks were going to remain a part of this area inside Wilsonville. She noted that as Wilsonville created neighborhoods, the city tried to pay attention to the trees that exist, which made special communities and neighborhoods; the trees were going to be a tremendous asset. It was great to see the trees being carried forward as this area would definitely change in the future.

Mayor Knapp said that while it might not be social engineering, he believed the City made a concerted effort to try to facilitate growth of neighborhoods where people want to be, noting the successes in Charbonneau originally, and in much of the rest of the city, more recently in Villebois. He was confident and looking forward to achieving the same kind of things in Frog Pond and that the City was on good track to do that. He appreciated the work that the private and public sectors had done. He believed the City was on a good path, and he looked forward to that coming to fruition. He believed the application was appropriately prepared and he fully supported it moving forward.

Mayor Knapp invited additional speakers, seeing none he closed the public hearing at 8:57 p.m.

**Motion:** Councilor Akervall moved to approve Ordinance No. 832 on first reading. Councilor West seconded the motion.

**Vote:** Motion carried 3-0.

**SUMMARY OF VOTES**

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Excused
Councilor West	Yes

**Motion:** Councilor West moved to approve Ordinance No. 833 as read on first reading. Councilor Akervall seconded the motion.

**Vote:** Motion carried 3-0.

**SUMMARY OF VOTES**

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Excused
Councilor West	Yes

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

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**NEW BUSINESS**

A. **Resolution No. 2727**

A Resolution Of The City Of Wilsonville Supporting A Clackamas County Tobacco Retail License.

Ms. Jacobson read the title of Resolution No. 2727 into the record.

Mark Ottenad, Public/Government Affairs Director, presented the staff report, describing the background and purpose of the resolution, noting the cities of Happy Valley, Gladstone, Milwaukie, Oregon City, Sandy, and West Linn, as well as Clackamas County and School District Superintendents.

Mayor Knapp reminded that County representatives had recently presented detailed information about the license and subsequently, Council asked that staff prepare and return a resolution to give the Council the opportunity to support this effort.

Councilor West stated he was passionate about this public health issue of smoking. This week alone, he had a number of very emotional conversations with patients in his care about smoking cessation, and being able to spend more time with their grandchildren as they battled really chronic, significant diseases related to smoking. While he supported the letter, this had also been somewhat of a State issue that had been rumbling with additional expenses added on top of smoking. Proposals were coming out of Salem for significant increases in taxes on tobacco and this resolution would be another additional cost. He has had constituents call him about the resolution, and as different governing bodies supported this, he wanted to make sure Council was cautious about how these increases in cigarettes could create black markets and target vulnerable populations in a different way. However, Resolution No. 2727 was not about cigarette taxes, but making sure the County was enforcing the laws that were evidence based to reduce smoking in our communities, and to make sure a healthier community over all. He was happy to support this resolution, but he wanted to voice the concerns that had been brought to him.

Councilor Akervall agreed about the importance of Resolution No. 2727, noting one statistic that jumped out at her the most was that nearly 90% of adult tobacco smokers started smoking before the age of 18. She felt very motivated to do whatever possible to enforce the framework that was already in place. The resolution would help get the existing structure be more effective.

**Motion:** Councilor Akervall moved to approve Resolution No. 2727. Councilor West seconded the motion.

**Vote:** Motion carried 3-0.

**CITY OF WILSONVILLE**  
**CITY COUNCIL MEETING MINUTES**

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**SUMMARY OF VOTES**

Mayor Knapp	Yes
Council President Akervall	Yes
Councilor Stevens	Excused
Councilor Lehan	Excused
Councilor West	Yes

**CITY MANAGER'S BUSINESS**

Mr. Cosgrove noted he had attended the Wong's Building Supply ribbon cutting and was happy to welcome the business to the community, noting other events had kept Councilors from attending. Because Council was busy and had so many things going on, staff and the Chamber developed some internal protocols to ensure notifications were in place regarding businesses' events because the businesses really did appreciate it when City representatives showed up. The Mayor would be contacted first and if he could not do it, then the Council President would be contacted, and then, the other Councilors would be contacted to see who might be available to attend. If no Councilors were available, then Mr. Cosgrove would be happy to attend on the Council's behalf.

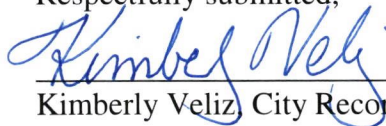
**LEGAL BUSINESS**

No Report.

**ADJOURN**

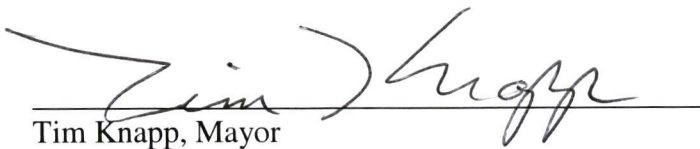
Mayor Knapp adjourned the meeting at 9:10 p.m.

Respectfully submitted,



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Kimberly Veliz, City Recorder

ATTEST:

  
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Tim Knapp, Mayor