

AMENDED AGENDA

**WILSONVILLE CITY COUNCIL MEETING
FEBRUARY 4, 2013
7:00 P.M.**

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

Mayor Tim Knapp

Council President Scott Starr
Councilor Susie Stevens

Councilor Richard Goddard
Councilor Julie Fitzgerald

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** [15 min.]
A. Pursuant to ORS 192.660(2) (h) Litigation
ORS 192.660(2)(f) Exempt Public Records
- 5:15 P.M. COUNCILORS' CONCERNS** [5 min.]
- 5:20 P.M. PRE-COUNCIL WORK SESSION**
- A. SMART Transit Integration Project [5 min.]
B. Memorial Park Parking Lot Project [10 min]
C. Visitor Information Center and Tourism Development Strategy [110 min]
Discussion
- 6:50 P.M. ADJOURN**

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, February 4, 2013 at City Hall. Legislative matters must have been filed in the office of the City Recorder by 10 a.m. on January 22, 2012. 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 therewith 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. MAYOR'S BUSINESS**
- A. Council Liaison Assignments

- B. Letters of Support for CET Grant Applications (staff – Ottenad)
- C. Upcoming Meetings

7:10 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.

7:20 P.M. COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

- A. Council President Starr
- B. Councilor Goddard
- C. Councilor Fitzgerald
- D. Councilor Stevens

7:25 P.M. NEW BUSINESS

- A. **Resolution No. 2395**
A Resolution Of The Wilsonville City Council Acting As The Local Contract Review Board, Authorizing South Metro Area Regional Transit (SMART) To Contract With Nelson/Nygaard For Consulting Services For The Transit Integration Project. (staff – Jen Massa-Smith)
- B. **Resolution No. 2396**
A Resolution Of The City Of Wilsonville Acting In Its Capacity As The Local Contract Review Board Authorizing The Execution Of A Professional Services Agreement With Wallis Engineering To Provide Professional Services For The Memorial Park Parking Lot Repair Project. (staff – Rappold)
- C. Approval of 2013 State Legislative Agenda (staff – Ottenad)

7:40 P.M. CONTINUING BUSINESS

- A. **Ordinance No. 713** – second reading
An Ordinance Of The City Of Wilsonville Amending Wilsonville Code Chapter 5, Section 5.210, Prohibited Parking Or Standing. (staff – Gulotta/Kohlhoff)

7:50 P.M. CITY MANAGER'S BUSINESS

- A. Reminders:
 - Joint meeting with West Linn/Wilsonville School District Board, City of West Linn Councilors on **February 20, 2013** 6 p.m. at Wilsonville City Hall
 - Special Council meeting **Thursday, February 21**

7:55 P.M. LEGAL BUSINESS

8:00 P.M. ADJOURN

Time frames for agenda items are not time certain (i.e. Agenda items may be considered earlier than indicated. The Mayor will call for a majority vote of the Council before allotting more time than indicated for an agenda item.) 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 king@ci.wilsonville.or.us

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MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Bryan Cosgrove, City Manager

DATE: January 23, 2013

RE: Wilsonville Visitor Information Center Building

Issue: Staff is seeking policy direction from the City Council with respect to the future use of the Visitor Information Center Building (“Building”). Given certain constraints, as more particularly described below, staff has identified four potential options (Options 1-4) for the use of the Building. It may be possible to combine some of the possible uses. The Options are as follows:

1. **Convert the Building to a City Parks and Recreation facility, retaining public restrooms at Town Center Park.** The City is in the process of hiring a new Parks and Recreation Director and is reorganizing its approach to parks and recreation programming and to parks’ facilities maintenance. The space at the Community Center is not adequate to house the reorganized Parks and Recreation Department in one location, which is needed for the most efficient operation. Therefore, the City is looking for alternative space for this revamped department, and options are limited. Due to its prime location within the popular and easily accessible Town Center Park, the Building would be an excellent and strategic office location for the newly formed Parks and Recreation Department and would afford the community and parks patrons with convenient access to this important City resource. This proposed use is also consistent with the original land dedication limitations for recreational, park, and open-space use imposed by the prior owner, Capital Realty Corporation, and the subsequent Development Agreement with Capital Realty that further defined allowed uses for the property.
2. **Convert the Building to a Korean War Memorial Museum.** The Korean War Veterans and Korean community have formed a non- profit organization, the Korean War Memorial Foundation of Oregon, to support the existing Korean War Memorial at Town Center Park. The organization has requested that the County and City consider placement of a museum within the Building as an opportunity to have an additional tourism attractor, complementary and compatible with the Memorial. The organization’s representatives have indicated they can secure the funding to support such a museum. It may also be possible to combine a small museum space with Option 1, above. To date, City staff has only explored the possibility of the use of a



wall within the Building for such a purpose and has not looked at other locations within the Park or nearby for this type of museum facility. The City understands that Foundation principals have contacted Keizer Permanente, owner of land adjacent to the Memorial, to gauge potential interest in transferring land to the Foundation for a museum, and that Keizer indicated that it intends to keep the land for future options.

3. Continue Building use as a Visitor Information Center, using one of the two following options:

- A. Negotiate a new Operating Agreement and Lease with the Chamber and Clackamas County;
- B. Follow Clackamas County's recently recommended approach and competitively solicit proposals to operate the Visitor Information Center through a Request for Proposal process.

With the advent of search engines such as Google, Yahoo, Map Quest, GPS systems, various apps, and electronic kiosks, the traditional visitor center model has been downsized and replaced, or greatly supplemented, by electronic media. The Clackamas County Tourism Development Council ("TDC") has already set into motion the beginning of this change and is looking to partner with the Oregon Travel Information Council to use the Baldock Rest Area along I-5, just south of Charbonneau, as a better location for a primary Visitor Center, in lieu of the current Visitor Center at Town Center Park. TDC staff has found the Wilsonville Center is operating at a cost of approximately \$13 per visitor of TDC funding, which is the most expensive center in its system, at double to quadruple the per-visitor cost of other VICs. (Including City funding contribution, the total cost is \$32.52 per visitor.) Citing these technical changes and monetary costs, at its January 8, 2013 meeting, the TDC Board voted 5:1 in support of a motion to work with the City to develop an RFP, open to all vendors, to provide in-person visitor information services only for a one-year period. The Board Chair, who voted 'no,' indicated a preference to discontinue the in-person visitor services in Wilsonville immediately and to not seek an RFP. The Chamber also reports the personnel costs are being underwritten by the Chamber in order to provide the required staffing hours, and that practice is not sustainable without greater subsidy.

Given these shared concerns for cost, this raises the issue of what is the best cost/benefit for the use of the hotel/motel taxes. The support of tourism events and programs seems to be more closely aligned with assisting to fill beds of the hotel/motel industry and the collecting of the hotel/motel tax to support tourism. The City outline for development of an Economic Strategy identifies tourism and tourism promotion as a component of such a strategy. Thus, use of the City hotel/motel tax may better serve the community by redirecting the funds, in whole or in part, from visitor information services to an economic strategy of tourism promotion and marketing.

As the recent audit has shown, if the Chamber is to continue to operate the Visitor Center, there must be a clear firewall to separate the tourism tax dollars from unrelated Chamber activities, including but not limited to political activities and

certain salaries of certain Chamber positions. Additionally, should the Chamber remain in the Building, and given the TDC's desire to have a different role than master lessee, negotiations concerning an updated lease, including an appropriate lease rate and building maintenance program, must occur between the City and the Chamber. On a recent walk through, the City's Building Official identified a number of maintenance issues and estimates it will cost approximately \$45,000 to correct the deferred maintenance. Larger maintenance items, anticipated to be needed in the near future, include replacing the carpeting, painting the interior, and major renovation of the restroom facilities, which have suffered from heavy usage. Over the years, due to revisions of the various agreements between the Chamber and the County, who is responsible for what repairs and maintenance is apparently in dispute among the parties. While this dispute was occurring, emergency repairs to the roof were needed and the City made them, further complicating the issue of who is responsible for repairs. Resolution of the repair issue will need to occur for any of the options.

4. **Discontinue the use of the Visitor Information Center in favor of Options 1 or 2 above, or limit the information services provided from the Building and require that the personnel involved in Options 1 or 2 provide the more limited services.** Under this Option 4, the Chamber would have its role as information services provider discontinued, but could have its role redirected for greater tourism promotion. The tourism tax funds would be redirected to support an updated economic development tourism strategy. The Chamber has an active tourism committee and tourism program that could aid the City by having the Chamber be a major stakeholder in developing a new tourism strategy, including determining how to best fund tourism opportunities. For example, the Chamber's continued efforts in tourism promotion and programs could be the subject of City grant funding to ensure the benefits of their efforts are continued. Because the City's current Operating Agreement with the Chamber is year-to-year, subject to either party giving the other at least six months' notice to terminate the Agreement at the end of the year, the Agreement with the Chamber must remain in effect until December 31, 2013. This time frame would allow for a reasonable period to negotiate and develop a new strategy for the use of tourism funds with both the Chamber and the TDC. There are indications the Chamber officials believe that the Chamber has additional rights under its agreements with the County and the City. County and City legal staff, however, do not concur with the Chamber's assessment beyond as stated above.

Conclusion: Although the ownership of the land and Building is vested in the City, the County retains the right to determine whether uses of the Building are compatible with the TDC's grant to the City of approximately \$1 million to construct the Building for tourism-related purposes and to continue to merit annual County funding. Furthermore, potential uses for the Building are also limited by the land dedication and subsequent Development Agreement with Capital Realty, the entity that dedicated the Park property to the City. Based on the foregoing agreements, any change in use of the Building must be consistent with the legally binding requirements put into place at the time the land was developed. Staff believes, however, that any of the foregoing options would meet the requirements of both Clackamas County and the Development Agreement, although Option 2 may require further analysis under the terms of the Development Agreement.

Wilsonville



Visitor Destination Action Plan

Prepared For:

***Wilsonville Chamber of Commerce
& City of Wilsonville***

**With assistance from
Clackamas County Tourism Development Council**

Updated in September 2011

Introduction

The *Wilsonville Visitor Destination Action Plan* was originally prepared based on four workshop sessions held on October 16 and 28, November 5, 2003 and February 13, 2004. A total of 32 participants were involved in this community visitor planning process representing various city departments, city elected offices, visitor industry attractions and hospitality services, visitor destination organizations, and several community advocacy groups (participant listing attached). The plan has been reviewed and updated annually, including in August 2005 and February 2007, 2008, 2010 and September of 2011.

The purpose and ensuing benefits of the process were five-fold:

1. A clear understanding of the community visitor situation
2. An identification of visitor product investment opportunities
3. A determination of the community visitor positioning vis-à-vis the destination brand
4. A specification of visitor projects to advance community visitor growth
5. An enhanced destination team development among respective communities and the county.

The *Tourism Action Plan* is to be used as a directional and guideline document for various organizations and/or individuals interested in economic development and sustainable visitor growth in Wilsonville, especially the City of Wilsonville, Wilsonville Chamber of Commerce, various community advocacy groups and the Clackamas County Tourism Development Council. Its strategic intent is to enhance the community visitor experience, to reinforce visitor communications and to give proper support to visitor projects advancing these former initiatives, and subsequently increasing visitor economic impact.

Details on the components of the *Tourism Action Plan* follow.



Visitor Destination Situation

Given the SWOT (strengths-weaknesses-opportunities-threats) analyses following, it was generally found:

- Excellent foundation of Wilsonville visitor product strengths is in place with great potential to capitalize on new opportunities focusing on our growing dining options, Oregon Horse Country, bringing large meetings, sports tournaments, promoting our City Parks and cultural entertainment.
- Some barriers to visitor growth are the current economic conditions and limited meeting facilities. More attention is required to improve the situation related to destination and customer service development, regional partnerships, and visitor amenity requirements.
- Good base of Wilsonville marketing/visitor services capabilities is present but there is a need to enhance regional/corporate marketing partnerships and regional approach partnerships (Chehalem Valley, West Linn, Canby, etc.).
- A community positioning towards visitors is to be completed with focus on key selective market segments as part of an overall community marketing strategy. Our three primary markets are “Family Stays” (sports tournaments, Family Fun Center, City Parks and affordable rates near Portland), “Corporate Business” (meetings, conferences and local business contract increases) and “Oregon Horse Country” (multi-day horse shows, clinics and competition, Equestrian Tourism development and promotion).



Product Development SWOT Analysis

Strengths (present advantages)

- Central location on Interstate 5 with easy accessibility within state, to Portland and to the Portland International Airport (PDX)
- Scenic beauty of physical location on the Willamette River
- Clean and appealing town center
- Major shopping centers
- Numerous key attractions (Oregon Korean War Memorial/Visitor Center, Family Fun Center, Library, public art, Horseback riding, Farm Tours, Farmers Market, Clackamas Community College training center, Fry's, parks with water features and public gathering places, Horse Shows May-Sept., CREST and Community Center, Graham Oaks natural area, etc.)
- Regional service center gateway with local free transit
- Aurora airport service
- Good commercial lodging value — most reasonable rates in Portland area
- Several festivals/events (Fun in the Park, Country Classic Horse Show series, Festival of Arts, Fall Food Fest summer concerts, etc.)
- Proximity to regional historical areas like Aurora and Champoeg and local historic landmarks (historic barn, historic marker program, Old Church, Boones Ferry area)
- Available sports facilities (parks, golf courses, bike trails, hiking trails and equestrian) that not only draw visitors but who use Wilsonville's core services
- Stronger than average real estate development, both residential and commercial/industrial
- Public Art program regaining momentum/recognition
- Growth in Agri-tourism attractions/events including Barn Owl Nursery, Fir Point Farms, Magness Memorial Tree Farm, Tollen Farms, Elan Alpacas, Mira Monte Farm, Crest Farm stand, etc.
- Strength of diverse economic base
- Strong community volunteer organization base (Wilsonville Arts & Culture Council, Oregon Horse Country volunteer board, Wilsonville-Boones Ferry Historical Society, etc.)

Weaknesses

(present disadvantages)

- Interstate 5 and Willamette River physically divide city
- No downtown/central core area
- **Minimal visitor friendly signage**
- Not pedestrian-friendly in town center area
- Limited evening entertainment
- Mediocre resident awareness and support for tourism
- Poor transportation via airport shuttle and limited taxi service
- Disconnect between the daytime commuting workforce that lives elsewhere and the residents who work out of town.
- Most events are community focused and need to expand to draw from a larger area
- Lack of arts space/gallery/display areas
- Lack of meeting space for over 200 people
- Poor Customer service for tourists reported from front-line employees
- Construction at our main exit

Opportunities (potential advantages)

- Central meeting/training location with leisure/extended stay possibilities
- Perfect location for Farm tours and Wine Country starts
- Multipurpose community center (recreation, culture/arts, heritage and conference)
- Public and private park improvements (golf course, pathways/trails, sports fields, RV sites) and Graham Oaks natural area
- Public accessibility to Willamette River (i.e. Pedestrian Bridge project, Boones Ferry and Country Park)
- Better partnership with Aurora antique shopping, Champoeg and Canby attractions
- Villebois residential development that includes public park areas
- Commuter rail connection to Portland and tie-in with Aurora airport
- Westside historical district and Boone's Ferry site with former Methodist church conversion to museum, art center and/or community meeting space
- Great variety of Horse Show locations
- Great variety of large recreation facilities (Muddy Buddies, Dirt Bikes, Civil War Re-enactments, etc.)
- Local festival/event expansion
- Senior citizen/assisted living potential
- Fry's and Family Fun Center as an unique destination attractions to visitors from outside the area
- Connections provided by Smart Bus – local transportation system – including special routes for events and festivals
- Capitalize on growing high-tech sector's potential to attract meetings and

Threats

(potential disadvantages)

- Community congestion due to road and new commercial development
- Rapid speed of city growth
- **Continued lack of accurate and well placed signage**
- Insufficient dining options for evening meals and entertainment, esp. non-chain establishments – has increased significantly in 2011!

additional corporate visitors who could be recruited as leisure travelers

- State-wide use of Wilsonville's athletic facilities, such as Memorial Park ball fields
- Willamette River Trail evolution
- Possible development of Veteran's Center
- Retail growth in near-by areas like Woodburn Outlet Mall and Bridgeport/Tualatin providing complementary (not competing) shopping to Wilsonville's offerings
- New Fred Meyer Complex which include tourism-attractions like McMenamins restored Church Pub with amphitheater and Lake Oswego Grill etc.



Marketing SWOT Analysis

Strengths (present advantages)

- Safe and secure community
- Regional visitor center site
- Local cooperative promotions, including visitor information sites in local businesses and attractions
- Good basic collateral materials
- Community newspaper involvement
- City funding available through designated add-on lodging tax
- Growing communication between various special interest groups, Chamber, Tourism Committee etc.
- Proximity to population centers = numerous PR and other promotional opportunities
- New Online Newsletter for Chamber and Oregon Horse Country
- Good social media results
- Improved Websites
- Partnerships with TripAdvisor
- Partnerships with nationally recognized Equestrians, shows and products

Weaknesses (present disadvantages)

- Limited regional marketing coops/partnerships and packaging currently
- New funding sources needed
- Hard to find visitor services, attractions and Visitor Center due to limited and ineffective signage

Opportunities (potential advantages)

- Better use of Internet with improved website positioning, links specific visitor information
- Promotional materials tied to specific target groups
- Enhanced 'visiting friends and relatives' communications with residents
- Outreach program to local corporations
- Partnerships with regional attractions in Aurora and Canby, especially as tie in to agri-tourism attractions in area
- Upscale car dealerships
- Enhanced communication/coordination between city government actions/decisions and local special interest groups.
- Coordination of three City Master Plans (Transit, Bicycle & Pedestrian, and Parks & Recreation)
- More community groups have websites= larger opportunity for exposure and cross-marketing/links.
- Other communities have expressed interest in partnerships
- Increased Oregon Horse Country shows is possible with promotion of listed properties

Threats (potential disadvantages)

- Limited understanding of visitor business among community stakeholders
- Target market competition nearby
- Website issues need to be updated
- The market changes fast and consumers are all switching to mobile devices

Challenges

The top challenges facing the Wilsonville visitor destination are as follows:

1. Commitment and development hurdles to a regional destination development with new partnerships
2. Full understanding of visitor benefits to local constituents (ex. Catering to the Horse Show crowds or Sports Tournament participants to compel them to choose Wilsonville again).
3. Identification of a compelling visitor market positioning for corporate or families as a target market
4. Further development of a strong Internet presence (ongoing)
5. Implementation of effective visitor friendly signage!!!
6. Enhanced visitor industry, corporate and government cooperation in attaining visitor destination goals.



Critical Success Factors

For the Wilsonville visitor destination to prosper, the following factors need to be acted upon:

- Strengthening of our community visitor coordinating group, The Hospitality and Tourism Committee (Chamber of Commerce, City, Historical Society and other visitor industry proponents)
- Modification of city signage regulations and permit process for special events and festivals to encourage new visitor product growth
- Strong effort to find new funding sources and/or leverage existing resources to support visitor development including ongoing communication with Chamber and non-chamber member businesses.



Visitor Destination Experiences

The following product opportunities by visitor market were identified for Wilsonville.

Business Travel—*Commercial*



Type

Product Opportunity

Corporate/Government

- Increased conventions for equestrian businesses (veterinarians, health & nutrition, training clinics, etc.)
- Improved variety of food & beverage facilities, such as upscale restaurants and local unique eateries
- Enhanced guest/visitor offerings such as high speed Internet, recreational facility and amenities (e.g., enclosed pool)

Meetings/Retreat

- Inventory and evaluation of existing public meeting space (hotels, retreat centers and others)
- Required complement of meeting space with adjoining guest rooms
- Packaging for leisure stay-over and free time visits to attractions
- Emphasis on community's central location and affordable hospitality rates

Leisure Travel—*Vacation/Holiday*



Type

Product Opportunity

Outdoor Recreation/Adventure

- More evening entertainment activities relevant to all segments
- River development/accessibility lending to boating, fishing, sightseeing and ancillary services, such as rentals
- Sports tournament fields with appropriate specifications and community walking and biking trails/pathways

Shopping/Antiquing

- Further big chain retail development
- Partnership with Aurora antique shopping area as well as Bridgeport Village and the Woodburn Company Stores.
- More active promotion with retail center developers/operators

Cultural/Heritage/Agri-tourism

- Packaging and programming of visitor special interest markets
- Further linkages among regional attractions (e.g., Canby agri-tourist facilities)

Festival/Events

- Evaluation and integration of current festivals and events

VFR Travel—*Visit Friends and Relatives*



Type

Product Opportunity

Local Residents

- Better informed and visitor friendly through direct local awareness campaign and with employers
- Value added offers to lure locals to attractions
- Retirement community tie-in

Referred Visitors

- Visitor center cooperative promotion with shows like Cavalia and Buck
- Portland resident market potential

Visitor Destination Future Direction

A visitor destination vision statement for Wilsonville was prepared as follows:

In 2015

Wilsonville, with a family-oriented and culturally attractive town center and Boone's landing heritage area, is the premier corporate, group meeting and leisure recreation venue in the Willamette Valley between Portland and Salem.

Visitor Market Positioning

The destination images of Wilsonville were identified as such:

- ☛ Spectacular natural setting (river, forest and trails)
- ☛ Quiet, safe and family-oriented community
- ☛ New and clean town center
- ☛ Oregon Horse Country
- ☛ Retail shopping focus
- ☛ Convenient and close to Portland
- ☛ Excellent price-value buying proposition.
- ☛ Leading-edge technology base.

Given the above images, the unique appeals for the city were considered to be:

- ☛ Eclectic mix of city amenities and country appeal
- ☛ Dual gateway location between Portland metro area and Willamette Valley
- ☛ Well-planned community with high quality development standards.
- ☛ Public Art, Heritage and Culture.
- ☛ Proximity to High-End Horse Shows

To reinforce these appeals, the positioning of the Wilsonville visitor destination would include the following additional elements:

- ☛ Past and present meeting place
- ☛ Boone's Landing heritage and early city beginnings (McMenamins)
- ☛ Family-friendly neighborhoods and parks
- ☛ Better signage, including to seasonal Horse Shows

A visitor market positioning statement for Wilsonville was then composed as follows:

Wilsonville, a complementary urban and rural gateway in the Willamette Valley, is an easily accessible service center between Portland and Salem offering modern and unique cultural, hospitality, retail, and family entertainment and leisure experiences.

Visitor Destination Activities and Accountability

The projects to be undertaken to realize the destination vision for Wilsonville are as follows.

Project	Priority Status	Lead Organization(s)
<p>Continuation and strengthening of Visitor Services and Communication</p> <ul style="list-style-type: none"> • review of action plan activities and organization responsibilities • improve website information and links • Hospitality and Tourism Committee • Visitor center improvements and up-grades • emphasis on community relations and buy-in from key organizations and city government • inventory, assessment and development of destination promotional collateral (group meeting kit, tour maps, brochures and websites) • city-wide directional signage improvements • Oregon Horse Country development 	1	<p>Wilsonville Chamber of Commerce Wilsonville Arts & Culture Council Wilsonville Citizens for Public Art Wilsonville Library Wilsonville-Boones Ferry Historical Society City of Wilsonville Oregon Department of Transportation Clackamas County Tourism Development Council Friends of Historic Champoeg Aurora Visitor's Association. Oregon Horse Country Committee</p>
<p>Niche Marketing Exploration, Promotion and Development</p> <ul style="list-style-type: none"> • Agri-tourism • Heritage • Recreation Sports and Tournaments • Art and Culture • Equestrian Tourism • Business Headquarter outreach 	2	<p>Wilsonville Chamber of Commerce City of Wilsonville Parks Department Wilsonville Arts & Culture Council Wilsonville Citizens for Public Art Wilsonville-Boones Ferry Historical Society West Linn-Wilsonville School District Clackamas County Tourism Development Council Fir Point Farms Tollen Farm Friends of Historic Champoeg Aurora Visitor's Association. Oregon Horse Country Committee</p>
<p>Festival and Event Development and Coordination</p> <ul style="list-style-type: none"> • inventory assessment, coordination and promotion of events new and existing • explore growth and development of existing festivals and events especially those with the potential of drawing participation from outside the local area <p>Increase awareness of locations in Wilsonville that can host events (ex. Horse Shows and Clinics)</p>	3	<p>Wilsonville Chamber of Commerce Wilsonville Arts & Culture Council Fun in the Park/Wilsonville Celebration Days Country Classic Kiwanis Rotary Clackamas County Associated. of Chambers of Commerce Wilsonville Spokesman Oregon Horse Country Committee</p>
<p>Support the Wilsonville Master Plan Development and Implementation for parks and recreation, bicycle and pedestrian and transit projects and monitor for appropriate participation and opportunities to promote for visitor interests.</p> <ul style="list-style-type: none"> • Murase Plaza and Memorial park trails • Grahams Oak Natural Area Trail Plan • New parks at Villebois • Potential development of bike/pedestrian bridge over Willamette River 	4	<p>City of Wilsonville Planning Department Wilsonville Chamber of Commerce Corporate Sponsors</p>



List of Visitor Destination Action Plan Participants from inception

Ron Anderson, Korean War Veterans of America
Linda Bell, Clackamas County Tourism Development Council
Deborah Bleser, Family Fun Center
Jeannine Breshears, Clackamas County Tourism Development Council
Norimar Campos, Panorama Travel
Sandra Carpenter, Turtledove Clemens
Danielle Cowan, City of Wilsonville
Sallie Cheatham Cutter, Country Classic
Marc Dryden, LaQuinta Inn
Maxine Elle, Best Western-Willamette Inn
Louise Edwards, Comfort Inn
Liz Fox, Wilsonville Historical Society
Cindy Garrison, Wilsonville Resident
Sandi Gibson, Comfort Inn
Theonie Gilmore, Wilsonville Arts & Culture Council
Dan Gresham, Bellagio's Pizza
Darren Harmon, Family Fun Center
Linda Larson-Neace, Hayden's Lakefront Grill/Century Hotel
Jim Hughes, Fir Point Farms
Molly Lechner, Phoenix Inn Suites
Charlotte Lehan, City of Wilsonville Mayor
Greg Leo, Hospitality and Tourism Chair
Jim Marohn, Wilsonville Chamber of Commerce, President
Grant Marsh, Wilsonville Chamber of Commerce, Board Director; Vice-President, Argyle Capital LLC
Susan Myers, Wilsonville Town Center/Capital Realty
Barbara Nordstrom, Wilsonville Chamber of Commerce/Clackamas County Visitor Center
Mikaela Norval, Wilsonville Chamber of Commerce/Clackamas County Visitor Center
Mark Ottenad, Wilsonville Chamber of Commerce/Clackamas County Visitor Center
Wendy Popkin, Clackamas County Tourism Development Council
Wendy Reznicek, Wilsonville Festival of Arts
Mick Scott, Wilsonville Public Library Foundation
Doug Sherfey, Wilsonville Chamber of Commerce/Clackamas County Visitor Center
John Smith, Wilsonville Historical Society

Barbara Sutton, Wilsonville Public Library Foundation

Tonie Tollen, Tollen Farm

Bob Topping, Clackamas Community College

Peggy Watters, City of Wilsonville

Doris Wehler, Wilsonville Chamber of Commerce, Past President; Co-owner, Cookies by Design

Vern Wise, Lamb's Thriftway

Kari Wolf, Living Enrichment Center/Namaste Conference Center

Judy Woodle, Fun in the Park

Bob Woodle, Fun in the Park

Vicki Yates, Wilsonville Chamber of Commerce, Past-President; Partner, Yates & Yates Attorneys at Law

Jennifer Lillie, Family Fun Center

Sheley Campf, Northwest Equestrian Sports, LLC

Vicki Carr, Sherwood Forest Equestrian Center

Dick White, Wilsonville Arts & Council, Wilsonville-Boones Ferry Historical Society

Elena McMichael's, Phoenix Inn Suites

Stacia Crawford, LaQuinta

Lucy Franklin, The Country Classic Horse Show

Rachel Leo, Friends of Historic Champoeg

Suzy Sivyer, Friends of the Library

Kelli Grill, Whirlwind Publishing & OHC Chair

Danny Abrego, Portland Reign Photography

King, Sandy

From: Jennifer Johnson, Wilsonville Chamber
<jennifer@wilsonvillechamber.com>
Sent: Monday, February 04, 2013 2:01 PM
To: Cosgrove, Bryan
Cc: Steve Gilmore
Subject: Tourism discussion
Attachments: The Future of Wilsonville Tourism.pdf; Wilsonville TAP 2012.pdf

Bryan,

Saw in the staff report that you had a Tourism Action Plan from 2004. That document is a living document that changes from year-to-year and I wanted to send over an update.

Also I have included some thoughts I wrote up.

Thanks and see you tonight,

JJ

Jennifer A. Johnson
Wilsonville Chamber of Commerce, Tourism Director
Oregon Horse Country, Director
29600 SW Park Place
P.O. Box 3737, Wilsonville, OR 97070
Visitor Center: 503-682-3314
E-mail jj@wilsonvillechamber.com or Jennifer@oregonhorsecountry.com
Website: www.WilsonvilleChamber.com or www.oregonhorsecountry.com

Our Vision:

To create and promote economic vitality for business in the south metro region

WILSONVILLE

AREA CHAMBER OF COMMERCE

A South Metro Business Advocate

The Future of Wilsonville Tourism

Jennifer Johnson, Chamber Tourism & VC Manager

Wilsonville is approaching a new era in its direction and responsibility with regards to tourism. Discussions have begun and there are realities the community cannot escape. Change is inevitable, technology is the future and the expectations are evolving.

It is with this in mind that I wanted to write to the Chamber, City and County in regards to an updated vision for tourism in Wilsonville regardless of whether or not I am able to play a part.

The ideas in the updated 2013 Tourism Action Plan are not only my own, but those of our entire Hospitality and Tourism Committee which recently met and decided what we wanted for Wilsonville Tourism in the future. These decisions were made as business owners and tourism professionals from lodging, farming, attractions and many other tourism dependent industries.

The Tourism Action Plan 2013 highlights are as follows:

Where should we focus our efforts?

The answer is simple. We have five basic draws to our community. All of which will bring more people if a specific targeted effort is made in conjunction with existing and potential partners.

Wilsonville's Top Five

1. **Agri-tourism** – Assist Agri-tourism partners and up-coming projects (such as new farm-loop with Mary Stewart). Foster better connections with vineyards in Yamhill and Washington Counties.
2. **Oregon Horse Country** – Keep the momentum of this fantastic program (still in its infancy) alive and healthy despite the changes in tourism. Increase number of shows and clinics in Wilsonville and her surrounding area.
3. **Sports and Tournaments (including cycling)** – After a recent meeting with school officials, I am determined to see the chamber work in close partnership with the schools to insure tournament families are welcomed properly and encouraged to stay in our hotels with packages and possible grants assistance. I want Wilsonville seen as the premier place to hold small tournaments and more importantly, to stay no matter where in the valley your tournament is held.

4. **Conventions and meetings** – We have become an ideal place for equestrian meetings and events, but we can expand on this to include many other industries. We have never had anyone really spearheading meetings and conventions and in a new tourism plan, I would make this a priority with measurable goals and expectations.

5. **I-5 Connections** – We are ideally situated to market ourselves for weekend getaways to PDX, wine country, horse country and family gatherings due to our location and competitive rates. I have a series of ad ideas that would position Wilsonville as THE place to stay if you live in Medford, Eugene, and Grants Pass (etc.). for shopping and various other activities.

These goals are simple and easy to identify. They will also be easy to build a solid plan around that not only meets the needs of all organizations, but gives more to the community as well.

The concept here is not new. It's refined. I have been working on meetings and events for the past few years as is evident by the increase in TLT tax revenue which has been higher in the months I have made the most effort. When I started OHC and working on conventions and groups, our TLT tax went up, drastically. Chamber staff have tracked where our time is best spent and these five points are where our efforts need to be concentrated.

On a personal note, I believe the Chamber has done an excellent job of allowing me to do MY job. My job, as I understood it when I was first hired, was to satisfy the Chambers contracts with the county and the city. The city desired events and activities to increase their TLT tax intake and the County wanted a VC manager for their Visitor Center. I attempted to do both as well as I could, but I was never naïve to the fact that my time spent in the VC as opposed to the time I spent coordinating groups and planning events was not equal in terms of the return we saw as a community. I slowly began focusing efforts in more of a CVB role and I believe it was the right thing to do. Now, I believe we (all willing partners) need to refine this as a concerted and collaborative effort.

It is with this purpose that I bring up the following proposed and modified TAP for Wilsonville. One that is simple, concise and measureable.

Wilsonville



Visitor Destination Action Plan

Prepared For:

**Wilsonville Chamber of Commerce
& City of Wilsonville**

**With assistance from
Clackamas County Tourism Development Council**

Updated in January 2013

Introduction

The *Wilsonville Visitor Destination Action Plan* was originally prepared based on four workshop sessions held on October 16 and 28, November 5, 2003 and February 13, 2004. A total of 32 participants were involved in this community visitor planning process representing various city departments, city elected offices, visitor industry attractions and hospitality services, visitor destination organizations, and several community advocacy groups (participant listing attached). The plan has been reviewed and updated annually, including in August 2005 and February 2007, 2008, 2010 and September of 2011 and January of 2012 and 2013.

The purpose and ensuing benefits of the process were five-fold:

1. A clear understanding of the community visitor situation
2. An identification of visitor product investment opportunities
3. A determination of the community visitor positioning vis-à-vis the destination brand
4. A specification of visitor projects to advance community visitor growth
5. An enhanced destination team development among respective communities and the county.

The *Tourism Action Plan* is to be used as a directional and guideline document for various organizations and/or individuals interested in economic development and sustainable visitor growth in Wilsonville, especially the City of Wilsonville, Wilsonville Chamber of Commerce, various community advocacy groups and the Clackamas County Tourism Development Council. Its strategic intent is to enhance the community visitor experience, to reinforce visitor communications and to give proper support to visitor projects advancing these former initiatives, and subsequently increasing visitor economic impact.

Details on the components of the *Tourism Action Plan* follow.



Visitor Destination Situation

Given the SWOT (strengths-weaknesses-opportunities-threats) analyses following, it was generally found:

- Excellent foundation of Wilsonville visitor product strengths is in place with great potential to capitalize on new opportunities focusing on our growing dining options, Oregon Horse Country, bringing large meetings, sports tournaments, promoting our City Parks and cultural entertainment.
- Some barriers to visitor growth are the current economic conditions and limited meeting facilities. More attention is required to improve the situation related to destination and customer service development, regional partnerships, and visitor amenity requirements.
- Good base of Wilsonville marketing/visitor services capabilities is present but there is a need to enhance regional/corporate marketing partnerships and regional approach partnerships (Chehalem Valley, West Linn, Canby, etc.).
- A community positioning towards visitors is to be completed with focus on key selective market segments as part of an overall community marketing strategy. Our three primary markets are “Family Stays” (sports tournaments, Family Fun Center, City Parks and affordable rates near Portland), “Corporate Business” (meetings, conferences and local business contract increases) and “Oregon Horse Country” (multi-day horse shows, clinics and competition, Equestrian Tourism development and promotion).



Product Development SWOT Analysis

Strengths (present advantages)

- Location (I5, rural and metro)
- Transportation (access)
- Spaces (fields, parks)
- Oregon Horse Country

Weaknesses (present disadvantages)

- Interstate 5 and Willamette River physically divide city
- No downtown/central core area
- Minimal visitor friendly signage
- Poor transportation via airport shuttle and limited taxi service
- Disconnect between the daytime commuting workforce that lives elsewhere and the residents who work out of town.
- Most events are community focused and need to expand to draw from a larger area
- Lack of meeting space for over 200 people
- Poor Customer service for tourists reported from front-line employees

Opportunities (potential advantages)

- Central meeting/training location with leisure/extended stay possibilities
- Perfect location for Farm tours and Wine Country starts
- Public accessibility to Willamette River (i.e. Pedestrian Bridge project, Boones Ferry and Country Park)
- Better partnership with Aurora antique shopping, Champoeg and Canby attractions
- Villebois residential development that includes public park areas
- Commuter rail connection to Portland and tie-in with Aurora airport
- Great variety of Horse Show locations
- Great variety of large recreation facilities (Muddy Buddies, Dirt Bikes, Civil War Re-enactments, etc.)
- Fry's and Family Fun Center as an unique destination attractions to visitors from outside the area
- Connections provided by Smart Bus – local transportation system – including special routes for events and festivals
- Capitalize on growing high-tech sector's potential to attract meetings and additional corporate visitors who could be recruited as leisure travelers
- State-wide use of Wilsonville's athletic facilities, such as Memorial Park ball fields

Threats (potential disadvantages)

- Community congestion due to road and new commercial development
- Continued lack of accurate and well placed signage
- Competition



Marketing SWOT Analysis

Strengths (present advantages)

- Safe and secure community
- Regional visitor center site
- Oregon Horse Country
- Good social media results
- Improved Websites
- Partnerships with TripAdvisor
- Partnerships with nationally recognized Equestrians, shows and products

Weaknesses (present disadvantages)

- Limited regional marketing coops/partnerships and packaging currently
- New funding sources needed
- Hard to find visitor services, attractions and Visitor Center due to limited and ineffective signage

Opportunities (potential advantages)

- Better use of Internet with improved website positioning, links specific visitor information
- Promotional materials tied to specific target groups
- Enhanced 'visiting friends and relatives' communications with residents
- Outreach program to local corporations
- Partnerships with regional attractions in Aurora and Canby, especially as tie in to agri-tourism attractions in area
- Upscale car dealerships
- Enhanced communication/coordination between city government actions/decisions and local special interest groups.
- Coordination of three City Master Plans (Transit, Bicycle & Pedestrian, and Parks & Recreation)
- More community groups have websites= larger opportunity for exposure and cross-marketing/links.
- Other communities have expressed interest in partnerships
- Increased Oregon Horse Country shows is possible with promotion of listed properties

Threats (potential disadvantages)

- Limited understanding of visitor business among community stakeholders
- Target market competition nearby
- Website issues need to be updated
- The market changes fast and consumers are all switching to mobile devices



Challenges

The top challenges facing the Wilsonville visitor destination are as follows:

1. Commitment and development hurdles to a regional destination development with new partnerships
2. Full understanding of visitor benefits to local constituents (ex. Catering to the Horse Show crowds or Sports Tournament participants to compel them to choose Wilsonville again).
3. Identification of a compelling visitor market positioning for corporate or families as a target market
4. Further development of a strong Internet presence (ongoing)
5. Implementation of effective visitor friendly signage!!!
6. Enhanced visitor industry, corporate and government cooperation in attaining visitor destination goals.

Critical Success Factors

For the Wilsonville visitor destination to prosper, the following factors need to be acted upon:

- Creating a stronger Convention and Group Travel plan for Wilsonville
- Strengthening of our community visitor coordinating group, The Hospitality and Tourism Committee (Chamber of Commerce, City, Historical Society and other visitor industry proponents)
- Modification of city signage regulations and permit process for special events and festivals to encourage new visitor product growth
- Strong effort to find new funding sources and/or leverage existing resources to support visitor development including ongoing communication with Chamber and non-chamber member businesses.



Visitor Destination Experiences

The following product opportunities by visitor market were identified for Wilsonville.

Business Travel—*Commercial*

Type

Product Opportunity

Corporate/Government

- Increased conventions for equestrian businesses (veterinarians, health & nutrition, training clinics, etc.)
- Enhanced guest/visitor offerings such as high speed Internet, recreational facility and amenities (e.g., enclosed pool)

Meetings/Retreat

- Inventory and evaluation of existing public meeting space (hotels, retreat centers and others)
- Required complement of meeting space with adjoining guest rooms
- Packaging for leisure stay-over and free time visits to attractions
- Emphasis on community's central location and affordable hospitality rates



Leisure Travel—*Vacation/Holiday*

Type

Product Opportunity

Outdoor Recreation/Adventure

- More evening entertainment activities relevant to all segments
- River development/accessibility lending to boating, fishing, sightseeing and ancillary services, such as rentals
- Sports tournament fields with appropriate specifications and community walking and biking trails/pathways

Shopping/Antiquing

- Further big chain retail development – Cabela's?
- Partnership with Aurora antique shopping area as well as Bridgeport Village and the Woodburn Company Stores.
- More active promotion with retail center developers/operators

Cultural/Heritage/Agri-tourism

- Packaging and programming of visitor special interest markets (Group and Convention)
- Further linkages among regional attractions (e.g., Canby agri-tourist facilities)

Festival/Events

-

VFR Travel—*Visit Friends and Relatives*

Type

Product Opportunity

Local Residents

- Better informed and visitor friendly through direct local awareness campaign and with employers
- Value added offers to lure locals to attractions

Referred Visitors

- Visitor center cooperative promotion with shows like Cavalia and Buck
- Portland resident market potential



Visitor Destination Future Direction

Visitor Market Positioning

The destination images of Wilsonville were identified as such:

- ☛ Spectacular natural setting (river, forest and trails)
- ☛ Quiet, safe and family-oriented community
- ☛ New and clean town center
- ☛ Oregon Horse Country
- ☛ Retail shopping focus
- ☛ Convenient and close to Portland
- ☛ Excellent price-value buying proposition.
- ☛ Leading-edge technology base.

Given the above images, the unique appeals for the city were considered to be:

- ☛ Eclectic mix of city amenities and country appeal
- ☛ Dual gateway location between Portland metro area and Willamette Valley
- ☛ Well-planned community with high quality development standards.
- ☛ Public Art, Heritage and Culture.
- ☛ Proximity to High-End Horse Shows

To reinforce these appeals, the positioning of the Wilsonville visitor destination would include the following additional elements:

- ☛ Past and present meeting place
- ☛ Boone's Landing heritage and early city beginnings (McMenamins)
- ☛ Family-friendly neighborhoods and parks
- ☛ Better signage, including to seasonal Horse Shows

A visitor market positioning statement for Wilsonville was then composed as follows:

Wilsonville, a complementary urban and rural gateway in the Willamette Valley, is an easily accessible service center between Portland and Salem offering modern and unique cultural, hospitality, retail, and family entertainment and leisure experiences.

Visitor Destination Activities and Accountability

The projects to be undertaken to realize the destination vision for Wilsonville are as follows.

Project	Priority Status	Lead Organization(s)
<p>Continuation and strengthening of Visitor Services and Communication</p> <ul style="list-style-type: none"> review of action plan activities and organization responsibilities improve website information and links Hospitality and Tourism Committee Visitor center improvements and up-grades emphasis on community relations and buy-in from key organizations and city government inventory, assessment and development of destination promotional collateral (group meeting kit, tour maps, brochures and websites) city-wide directional signage improvements Oregon Horse Country development 	1	<p>Wilsonville Chamber of Commerce Wilsonville Arts & Culture Council Wilsonville Citizens for Public Art Wilsonville Library Wilsonville-Boones Ferry Historical Society City of Wilsonville Oregon Department of Transportation Clackamas County Tourism Development Council Friends of Historic Champoeg Aurora Visitor's Association. Oregon Horse Country Committee</p>
<p>Niche Marketing Exploration, Promotion and Development</p> <ul style="list-style-type: none"> Agri-tourism Heritage Recreation Sports and Tournaments Art and Culture Equestrian Tourism Business Headquarter outreach 	2	<p>Wilsonville Chamber of Commerce City of Wilsonville Parks Department Wilsonville Arts & Culture Council Wilsonville Citizens for Public Art Wilsonville-Boones Ferry Historical Society West Linn-Wilsonville School District Clackamas County Tourism Development Council Fir Point Farms Tollen Farm Friends of Historic Champoeg Aurora Visitor's Association. Oregon Horse Country Committee</p>
<p>Festival and Event Development and Coordination</p> <ul style="list-style-type: none"> inventory assessment, coordination and promotion of events new and existing explore growth and development of existing festivals and events especially those with the potential of drawing participation from outside the local area Increase awareness of locations in Wilsonville that can host events (ex. Horse Shows and Clinics) 	3	<p>Wilsonville Chamber of Commerce Wilsonville Arts & Culture Council Fun in the Park/Wilsonville Celebration Days Country Classic Kiwanis Rotary Clackamas County Associated. of Chambers of Commerce Wilsonville Spokesman Oregon Horse Country Committee</p>
Project	Priority Status	Lead Organization(s)
Support the Wilsonville Master Plan Development	4	City of Wilsonville Planning Department

and Implementation for parks and recreation, bicycle and pedestrian and transit projects and monitor for appropriate participation and opportunities to promote for visitor interests.

Wilsonville Chamber of Commerce
Corporate Sponsors

- Murase Plaza and Memorial park trails
- Grahams Oak Natural Area Trail Plan
- New parks at Villebois
- Potential development of bike/pedestrian bridge over Willamette River
-



Wine Tasting at Quailhurst with 80 people!

Volunteers stuffing over 250 Visitor Welcome Bags!



List of Visitor Destination Action Plan Participants from inception

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Liz Fox, Wilsonville Historical Society
Cindy Garrison, Wilsonville Resident
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Kelli Grill, Whirlwind Publishing & OHC Chair

Danny Abrego, Portland Reign Photography

Patrick Johnson, Wilsonville Chamber of Commerce

Jeff Brown, Holiday Inn and Suites

September 20, 2012

Mayor and City Councilors
City of Wilsonville

*Rec'd 10/26/12
AK*

Chair & Board of County Commissioners
Clackamas County

Dear Elected Officials.

I recently read in the Wilsonville Spokesman that discussions were being held between the City of Wilsonville, Clackamas County and the Chamber of Commerce regarding a continuing financial and working relationship with the Chamber of Commerce regarding the Visitors Center in Wilsonville.

As a resident and taxpayer in Wilsonville and Clackamas County I wish to voice my concerns regarding such discussions. Recent newspaper articles and some letters to the editor have raised serious concerns about the use of public dollars by the Chamber of Commerce. I share many of those concerns.

Some have said that the Chamber is a service organization, and provides a benefit to the city and county by promoting local businesses. That may have been true in the past, and may be somewhat true today. However under its current leadership the past few years, it has been transformed into primarily a political organization with its own political philosophy, agenda, and lobbying efforts. There can be no justification for public dollars being used to fund the salary of the CEO of a private organization, particularly one that is so political.

Apparently, according to news reports, the Chamber's decision to endorse political candidates has been as controversial within its own membership as it has been within the wider community. But that's not the full extent of the Chamber's political activities. Many in the community are well aware that the Chamber has encouraged the candidacy of, and actively raised campaign funds for some current members of the current City Council. And all this, while having half its CEO's salary paid by our public dollars. That is just ethically wrong, I believe illegal, and frankly un-American. The CEO's suggestion, as mentioned in the Spokesman, that the city/county dollars are really spread among all the chamber employees and simply shows only on his own salary for accounting simplicity is just a convenient rationalization in the face of scrutiny. Even if that were true, the funneling of public dollars to a private organization that has no direct responsibility for or charter to provide services to the general public is unwarranted. In addition, subsidizing a private political organization by providing space in a public building at less than market value is a further violation of the use of public monies.

Our governmental institutions have a responsibility to ensure that public dollars are clearly used for non-partisan public purposes. It's a matter of trust. And that trust is jeopardized when there is even a hint of misuse or suggestions of impropriety.

There are simply too many unanswered questions in this murky relationship between the Chamber of Commerce and our local governments to have any confidence that our public dollars are being used appropriately. It's time for the city and county to make a clean break with the Chamber of Commerce and contract with another entity or individual for tourism services. The credibility of our governmental institutions, and you as elected officials, is unnecessarily being placed at risk on an issue that frankly can easily be resolved by finding another entity or individual to provide the desired Visitor Center services.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Todd", written in a cursive style.

Lynn Todd
29899 S W Camelot
Wilsonville, Oregon

cc:

Bryan Cosgrove, City Manager, City of Wilsonville
Steve Wheeler, County Administrator, Clackamas County

King, Sandy

From: Pat Johnson <pat@wilsonvillechamber.com>
Sent: Friday, February 01, 2013 2:12 PM
To: Cosgrove, Bryan
Subject: Visitor Center PR

Bryan

When I first started at the chamber, we discussed if there were semi-controversial items that were going out to the press, I would see if I could share. There is a fact sheeting going out with the memo that we sent to you regarding the visitor center. Here is something I thought I would send over, just to make sure you had a heads up:

1. While there has been discussion about the cost-per-visitor at the Wilsonville visitor center, there is something that also should be considered. If the chamber receives \$60,000 from the Tourism Development Commission and \$86,768 from the city for a total of \$146,768 and meets with 10,000 people per year, how can it cost \$31.53 per visitor. The math shows that the operational cost per visitor is \$14.68? It costs the chamber \$261,500 per year to staff and operate the VIC. Again, using the 10,000 visitor data, this would be an annual cost of \$26.15 per visitor. The chamber is paying out of its budget \$11.47 per visitor to make up the difference.
2. The financial assessment performed by Isler Northwest was not an audit. Isler confirms this fact in the statement the firm provided the City of Wilsonville. At the top of the first page the firm identified its report as an "Independent Accountants' Report on Applying Agreed-Upon Procedures" and concluded the report with a statement made in the second to last paragraph on page 7 of the assessment report – "We (Isler NW) were not engaged to, and did not conduct an examination." Stating the Isler NW financial assessment is an audit is a complete misrepresentation that has been made by both the city and county in public staff reports and statements.

Feel free to call me if you have any questions.

Patrick Johnson

Director of Communications and Special Projects
Wilsonville Area Chamber of Commerce
503-682-0411
503-724-3525 cell
pat@wilsonvillechamber.com

King, Sandy

From: Eric Postma <epostma@bittner-hahs.com>
Sent: Thursday, January 31, 2013 6:25 PM
To: Cosgrove, Bryan
Cc: Ray Phelps; David Stead; Steve Gilmore
Subject: Memo to City Council for February 4th Meeting.docx
Attachments: Memo to City Council for February 4th Meeting.docx; ATT00001.txt

Bryan:

As you are aware, myself and David Stead have been designated by the Board of Directors of the Wilsonville Chamber of Commerce as its liaisons to the City of Wilsonville and Clackamas County in matters related to the Visitor's Information Center. I note that the Visitor's Information Center and a Tourism Development Strategy have been put on the agenda for the City Council work session this Monday the 4th.

Attached is a memorandum from the Chamber Board. I would appreciate if that memorandum could be put before the Council for consideration at that work session.

Myself and other representatives of the Chamber expect to be present at the upcoming work session. If the Council would like any additional information or participation in the discussion by the Chamber, we would certainly be available at their request. Please pass that invitation on to the Council as well.

Thank you.

WILSONVILLE
AREA CHAMBER OF COMMERCE
A South Metro Business Advocate

TO: WILSONVILLE CITY COUNCIL

FROM: WILSONVILLE CHAMBER OF COMMERCE BOARD OF DIRECTORS

SUBJECT: FUTURE OF TOURISM FOR WILSONVILLE

DATE: JANUARY 31, 2013

CC: BRYAN COSGROVE, CITY MANAGER

The Wilsonville Area Chamber of Commerce is a business networking and advocacy organization whose 500 members employ more than 12,000 people in the South Portland Metro area. In the past 24 months, the Chamber implemented changes to respond to the needs of the local business community.

The Chamber recently launched a business retention and expansion survey, from which we learned that our manufacturing community wanted to expand networking opportunities and learn about a broad range of issues such as supply chain, human resources and others. We immediately started to develop our Manufacturing Action and Growth Network (MAGNet), and have already had several meetings that have attracted half of Wilsonville's manufacturing community. This is just one of several robust programs the Chamber currently coordinates that gives members the opportunity to network, advocate and learn different business skills, which nearly 70% of our membership takes advantage.

The Chamber now envisions an expansion of its tourism efforts to implement some of these same changes to build upon the award winning – Western Association of Chamber Executives 2011 Core Competency Program of the Year - success the Chamber has already had in bringing tourists to Wilsonville.

Four years ago the Chamber launched Oregon Horse Country, a nationally recognized equestrian program focused on tourism. This program has continued to prosper and grow. By coordinating with stables, new and established equestrian events and other equestrian-related businesses, the Chamber now works with numerous equestrian interests to help grow tourism and benefit this unique local business cluster.

According to the American Horse Council, at overnight shows, competitors spend an average of \$150 to \$200 per day, per person. Each horse registered to compete will travel with an average of three to seven people, depending on the discipline. Using these estimates, and only considering the six shows sponsored by Northwest Equestrian Sports at Hunter Creek Equestrian Park outside Wilsonville, more than \$10.8 million was contributed to the local economy.

Oregon Horse Country is a tourism activity that is funded through Chamber member dues and has significantly increased overnight stays in Wilsonville. In a very short six week time period last summer, the Wilsonville Holiday Inn alone reported 800 room nights directly related to equestrian events.

Chamber staff has conducted limited outreach to bring shows and events to Wilsonville. By simply looking at the amount of revenue brought in through the Transient Lodging Tax (TLT), during a recession, you can see the amount of success the Chamber has had in promoting Wilsonville. According to a recent city staff report, the amount of TLT collected in Wilsonville has been steadily increasing since 2011. Initial numbers collected from the senior accountant at the city show more than \$164,032 has been collected during the first six-months of fiscal year 2012-13. This is 78.5-percent of the \$208,890 collected in total during the previous fiscal year (2011-12) and we still have six months to go – including the busy springtime months.

While the Chamber has worked to coordinate and help events locate in Wilsonville, attracting more than 10,000 visitors to the Wilsonville area, the primary focus of the Chamber's tourism efforts has been on operating the Clackamas County Regional Visitor Center. The successes described above have been the result of the Chamber's entrepreneurial efforts all while concentrating its resources on maintaining, staffing and managing the visitor center.

If the Chamber were able to put its primary focus on recruiting tourists who have a direct impact to the TLT, we can only imagine what different types of events, festivals and business groups the Chamber could attract. The Tour de Trees bicycling tour is a recent example of how the Chamber helped attract tourist to Wilsonville.

By focusing on the amenities that attract visitors to our community, the Chamber can help city leaders make the case for capital improvement projects such as the Tonquin Trail bike and pedestrian path, the French Prairie Bicycle Bridge, parks, sports fields, and explore new options with our numerous equestrian facilities such as Civil War re-enactments, fairy and Medieval festivals just to name a few.

With financial support provided through TLT revenue the Chamber believes it can increase the number of room nights for hotels and essentially pay for the new and expanded programs. By developing a new partnership, outlining measurable outcomes and clear standards for how the tourism money will be used, the Chamber and the city can move forward to attract more tourists (people who are visiting from more than 50 miles away) to Wilsonville.

The Chamber supports developing a visitor and convention bureau model, which will allow us to focus on our three main goals regarding the city's tourism programs: 1)strengthen visitor services and communication; 2)exploit the niche market opportunities in our community; and, 3) help coordinate festivals and events. We believe through these activities, the Chamber can continue to increase the number of room nights spent in Wilsonville, thus raising the amount of Transient Lodging Tax revenue, helping small business in our community, and growing the local economy.

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Michael E. Kohlhoff, City Attorney *MEK*

DATE: July 16, 2012

RE: Independent Accountant's Report re Visitor Center Grant Funding

Councilor Scott Starr, City Manager Bryan Cosgrove, and myself met with Chamber President Wendy Buck, Chamber Manager Steve Gilmore, and the Chamber's attorney, Tim Ramis.

It was a very productive meeting and laid out some good groundwork points for going forward. One of the issues we discussed was the Chamber Manager's salary being supported from the Visitor Information Center grant funding. The Chamber used the 50% figure as a simple administrative method to not only account for the Manager's administrative oversight, but also for various Chamber employees, not directly staffing the Visitor Center, who provide services to the Visitor Information Center and visitor center activities. The Chamber manager stated this was communicated to the Isler accountant, but wasn't clearly stated in the report. Additionally, confusion on funding the oversight comes from differences in the authorization wording in the Clackamas County Agreement with the Chamber and the City's agreement with the Chamber. Clearly, operational and oversight duties have changed over the years. All of which both the Chamber and the City agree merit an updating in going forward.

Additional concerns were raised concerning whether there might be ways to report wages and wage earners to the City involved with the Visitor Information Center without disclosing the individual names publicly.

There is sensitivity for privacy of salaries by individuals balanced by the public interest in how tax dollars are spent. This is another area that needs to clearly outline expectations going forward.

It is important to keep in mind a review such as this is a healthy exercise to provide information to analyze if improvements in procedures need to be made, especially when operating under a



contract made in 1999. At this point, it is clear that changes in the contract need to be made to better enable the operation of the Visitor Information Center to continue its good service. The City and the Chamber can ensure that is accomplished through negotiations over the next few weeks.

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Michael E. Kohlhoff, City Attorney

DATE: July 10, 2012

SUBJECT: Independent Accountants Report re: Visitor Center Grant Funding

Isler Northwest LLC, an independent accounting firm, was retained by Finance Director Gary Wallis to perform a financial review process to assist the City in assessing whether funds granted to and generated by the Clackamas County Visitor's Center were used for tourism related activities for the years ending December 31, 2011, 2010, and 2009. The Independent Accountants report on applying the agreed upon procedures is attached for the Council's review.

1. One procedure was to review wages paid for Visitor Center operations. The report found in 2011, \$32,500 (51 percent) of the annual salary of the Chamber's Executive Director (CEO) was paid from tourism grant funds. In 2010, \$27,038 (44 percent) was paid. In 2009, \$24,999 (40 percent) was paid. The report concluded it appears the Visitor Center is charged for oversight and administration of programs through various expense allocations, including the Chamber's CEO wages noted above.

The City's agreement with the Chamber provides, "The Chamber shall maintain adequate accounting records of all revenues and expenditures with supporting invoices." No records accounting for the CEO's time for oversight and administration of Visitor Center programs were maintained to support the percentages of time spent.

The City's Agreement to provide funding to the Chamber incorporated the Chamber's Agreement with Clackamas County for operations of the Center, which included a Scope of Service. The Scope of Service provided for a full time on-site visitor's information manager. In providing for this Visitor Center Manger, the Scope of Services clearly provides: "This function [on-site visitor manager] will not be served by the Chamber of Commerce Executive Director, or other employee, who also has Chamber related duties."

With a full time on-site manager, it raises the question of why or how would it take 40 to 51 percent of one's time to efficiently and effectively oversee a full time manager who is charged with managing the operational and administration of the Visitor Center and its programs. It does appear the manager has been quite effective in increasing tourism activities, which may explain, in part, the need to have more oversight involvement. But without documentation of this, it is difficult to see spending 51 percent of the CEO's time in oversight. Rather than relying solely on my own administration judgment, I queried City Manager Cosgrove, and he was of the opinion 5 percent to 10 percent would be more of an appropriate time frame.

2. Questions were raised by a citizen at this last spring's budget meeting as to whether the grant funds were used to support Chamber political activities in violation of the City's agreement with the Chamber that prohibit such use.

The Chamber and Chamber CEO acknowledge that he engages in political activities on issues the Chamber Board feels are concerns of businesses. This is part of the reason that businesses become members of the Chamber. The Chamber also prepared a written response, dated May 3, 2012 to the question raised at the budget hearing, a copy of which is also attached.

However, by not keeping time records and by using grant funds to pay what appears to be a rather high percentage of wages to the CEO for oversight and administration when there is an on-site visitor center manager in charge of operations and programs; if nothing else, the appearance created is that grant funding is underwriting the CEO position involving political activities. As a recipient of the grant funds, the responsibility for the appropriate use of the grant funds and to avoid comingling of funds is with the Chamber and with its CEO. Going forward, the respective roles and oversight guidelines should be more clearly delineated to avoid the appearance of any impropriety.

Along the same lines, but albeit of lesser financial amount, it appears Visitor Center grant money was used to pay the CEO's Rotary Club membership of \$350 in 2009 and again in 2010. This money should be paid back to the Visitor Center Account.

It is also in the incorporated Chamber agreement with Clackamas County that the Chamber should look to other funds beyond that of the tourism grants from the City and Clackamas County to fund the Visitor's Center. The Chamber has in fact done so. Some of the sources have come from tourism related activities. The issue appears to be clouded by whether these activities have been generated by the Visitor Center manager or whether by the works of the CEO. According to an interview by Mr. Cosgrove with the CEO, the CEO stated he was heavily involved in the tourism program known as Horse Country. Due to Chamber support of the program the Chamber believes any income from associated events should go as revenue to

the Chamber especially given the fact the Chamber has been budgeting the Visitor's Information Center as a deficit, then providing funds from the Chamber to reach even. It should be noted that in presentations to the City Council, the Visitor Center Manager has been chiefly credited with instituting and managing the Horse Country tourism activities. Again, without true documentation it is difficult to determine the respective involvement, but in either event it would seem that such funding would qualify as "other funding" to support the Visitor's Center. To date, it appears such income is less than the Chamber has provided to cover the deficit (which includes the aforementioned portion of the CEO's wages). Again, going forward, greater clarity should occur.

3. Given the length of time of Chamber involvement in overseeing the Visitor's Center since 1999, it has been discussed as to whether a Request for Proposals should occur to spur competition. On the other hand, as seen in the Chamber's May 3, 2012, letter a great deal of momentum for tourism activities have occurred, and changes could interfere with that momentum. Clackamas County Tourism is the seminal entity in this regard. City staff will be meeting with Clackamas County Tourism staff and hopefully can provide further information to the Council at its July 16, 2012 Work Session.

WILSONVILLE
AREA CHAMBER OF COMMERCE
A South Metro Business Advocate

May 3, 2012

Members of the City of Wilsonville's Budget Committee
29799 SW Town Center Loop East
Wilsonville, OR 97070

Dear Budget Committee Members:

This is in response to information presented in a memo submitted to you by Paul Bunn. Mr. Bunn delivered this memo to the Committee on May 1, 2012. We will address the two concerns Mr. Bunn states in his memo as well as Mr. Bunn's call on the City Council for an independent audit of how the Chamber is using the monies provided by the City in support of the Visitor Center.

First, Mr. Bunn asserts "there exists a strong possibility that the Wilsonville Chamber of Commerce may not be in compliance with the terms of the Agreement between the Chamber and the City of Wilsonville (executed in April 1999) that governs how the Chamber will use funds – paid to the management and operation of the Visitor Center."

Mr. Bunn bases his statement on the terms of the Agreement stated in Section 2. of the Agreement – Management and Operation Funds. Specifically, "The Chamber agrees that no funds paid by the City to the Chamber shall be used for any political activities whatsoever, whether or not the actions of the city are involved."

The Chamber at no time has expended any of the funds paid by the City of Wilsonville to the Chamber for any political activities. The Chamber's accounting records clearly show this to be the case.

The annual payment from the City of Wilsonville to the Chamber for Fiscal Year 2011-12 will be a little less than \$88,000. This revenue will cover only part of the expenses incurred by the Chamber for the operation of the Clackamas County Regional Visitor Information Center (Center) and Tourism promotion. This payment represents 16 percent of the Chamber's annual income. The City disburses this payment quarterly.

The \$88,000 payment by the City is revenue the City receives from its Transient Room Tax. This tax is dedicated by law to promote tourism in Oregon, Clackamas County and the City of Wilsonville. The source of this revenue is a portion of the payment made by individuals staying in hotels and motels located within the City. Most of these individuals do not reside in the City of Wilsonville. To our knowledge, the City of Wilsonville does not expend any general fund revenue for the operation of the Center.

The City's payment to the Chamber for Fiscal Year 2011-12 is less than one-half of the \$220,000 the City estimated during last year's budget process it would receive in Fiscal Year 2011-12 from its Transient Room Tax. The \$88,000 payment by the City to the Chamber from the total

Transient Room Tax revenue received by the City is inadequate to cover all expenses the Chamber incurs for the operation of the Center.

The Chamber has for many years financially subsidized the operations of the Center to promote aggressive tourism programs. It is not an exaggeration for the Chamber to boast that it has been more focused and assertive during the past three years in its promotion of tourism. This was not the case in previous years.

The Chamber has been an active partner with Clackamas County and the City since 1998 on the operation and funding of the Center. Some years the Chamber has contributed more than \$20,000 of Chamber resources from member dues and non-tourism event revenues to help keep the Center open for tourist and local residents. The Chamber is a non-profit organization, and as such recognizes the importance of tourism for the City's economy. This is primarily the reason the Chamber has not looked at its contract with the City as a money-making endeavor, but as a partnership to promote the excellent quality of life and business vitality in our City.

The Chamber's role over the past three years has significantly grown from managing the Center to acting as the City's visitor and convention bureau. For example, key highlights from just 2011 include:

- 10,000 visits at the Center by out-of-area visitors as well as local residents seeking information regarding places to visit, eat and shop.
- Wilsonville Chamber was chosen to host the Oregon State Welcome Center Conference. This conference brought more than 100 front-line visitor staff to our City from all over Oregon to observe the amenities of our community for three days.
- There are literally dozens of horse shows the Chamber partners with in our community. The Chamber was very involved this past year in four small shows that had less than 200 horses. These four shows generated at least \$450,000 directly into the Wilsonville economy. Travel Oregon conservative estimate of visitor spending indicates money expended by tourist exchanges hands four to six times; hence, the multiplier effect of these four shows is conservatively estimated to have generated about \$1,800,000 for the local economy.

The Chamber's activities over the past three years extend into many areas supportive of its business members. Chamber staff and members have spent countless hours promoting business educational programs, networking events for members of the business community, economic development and business advocacy. For example:

- Economic Vitality Community. This group of Chamber business members, developers and city staff coordinate on how to improve the economic opportunities for our entire community, both residents and businesses. This group is currently discussing the best way to promote the development of Coffee Creek I.

Currently there are approximately 200-acres of significant industrial land in an area bounded by Day Road at the North and Ridder Road at the South. This area represents a potential

estimated 1,500 jobs providing good family wage income to local and regional residents for a total annual payroll of \$55 million.

If we assume a local indirect multiplier of 1.5, the regional direct and indirect economic impact from development of Coffee Creek I area is projected to reach nearly \$135 million.

- Successful Business University. This program meets monthly for presentations by experts, including nationally known speakers, on different aspects of business, from low-cost marketing strategies to leadership development training.
- Morning Spark. This is an early-morning networking event to showcase a local business as well as allowing chamber members and business people to share contact information and learn how they may expand their local business and learn about business opportunities.
- Manufacturing Action and Growth Network (MAGNet). The vision for the MAGNet is to equip manufacturing businesses of all sizes with the resources, community and best practices that businesses need to grow, thrive and create jobs. We are the only Chamber in Oregon with this type of program.
- Economic Development Initiatives. Since 2008, there have been numerous pro-business initiatives the Chamber has advocated for to make it easier to do business in Wilsonville. The Chamber worked with City staff for the past three years on changes to the sign code. The Chamber started this effort with both Chamber members and City staff examining the current sign code to make it easier for businesses to have business-beneficial signage. This initiative is now on its way to City Council for consideration at the end of May. The Planning Commission held public hearings and has recommended to the Council it approve the code changes.
- Education. The Chamber is an active partner in the community on local education initiatives with support for the library operating levy, school district operating and construction bond levies and the Clackamas Community College's construction bond levy. The Chamber was very active with the Oregon Legislature in supporting the Oregon Institute of Technology's successful effort to consolidate the school's several Portland campuses in the City of Wilsonville. Lastly, the Chamber has supported in writing every request the City has made for public funding for every road project the City sought this funding.

The Chamber is now in the process of developing a Youth Leadership Program that will benefit students from the Wilsonville-West Linn (sic) High Schools.

Second, Mr. Bunn asserts that "Under Ownership/Lease, section 5 (see Memorandum of Understanding with the City of Wilsonville, Wilsonville Chamber of Commerce and Clackamas County's Tourism Development Council dated December 19, 1996) – The Center may be used for no other purpose than as a Clackamas County Regional Visitor Information Center, office space for the Wilsonville Chamber of Commerce or related uses as mutually agreed by the Partners."

Although we will respond to Mr. Bunn's second assertion, this provision of the 1996 Memorandum of Understanding to which he refers in his memorandum in our opinion is no longer applicable to the Use and Management of the Center. The County terminated its 1999 Agreement with the Chamber and replaced this Agreement with a new Agreement between the County and the Chamber effective of July 1, 2001. Accordingly, it is our view the use of the Center since July 1, 2001 is governed by section 2.5 (a) of the County-Chamber Agreement of 2001.

“SECTION 2 – SCOPE OF SERVICES AND PERFORMANCE CRITERIA

“Section 2.3 Facility Use, Management and Maintenance:

a. Facility Use and Management. Utilization of the Center shall be under the direction, management, and discretion of the Chamber to operate in a manner that best serves the public and the multi-functional nature of the building and adjacent park.

“The Chamber shall establish a Facilities Review Committee, which shall include at least one TDC representative, one City representative, and one Chamber representative. The Committee, working in cooperation with the Center Manager, shall be an advisory committee to the Center Manager.”

Mr. Bunn further states: “Based on my reading of current and past events, it appears that the Chamber has, for the last two election cycles, taken an active role in reviewing and gone on record recommending candidates for the City Council and County Commissioners (most recently, Clackamas County Chair.)”

The Chamber has for the past 20-years made recommendation to its members to support or oppose measures on an official election ballot as well as issues impacting the interests of the business community. In several instances, the City has requested the Chamber's Government Affairs Committee review ballot measures proposed by the City and, if favorably impressed with the City's purpose for submitting the measure to voters, express the Chamber's support for the ballot measure.

Information regarding ballot measures on the official election ballot and other issues are fully vetted by the Chamber's Government Affairs Committee. The purpose of this effort is twofold: first, provide members an opportunity to learn about what is going on at the national, state, regional, county and city levels of government, and second, provide the Chamber's Board of Directors with advice on ballot measures and policy issues.


Mr. Bunn is correct that the Chamber has for the last two election cycles (2010 and 2012) taken an active role in reviewing and gone on record recommending candidates for election. The Chamber's Board of Directors determined that candidates and ballot measures both appear on a voter's official ballot and can equally affect public policy impacting members. As a result, the Board of Directors asked its members to amend the Chamber's bylaws if the members desired the Chamber to examine and formulate a recommendation for candidates for public office. More

than 80-percent of Chamber members voting on this bylaw amendment voted in support of this change.

It may be instructive to note the Wilsonville Chamber of Commerce is a tax-exempt nonprofit organization operating under the provisions of US Internal Revenue Code 501(c)(6). The very limited activity of the Chamber related to review of ballot measures submitted to voters at an election and the examination of the credentials of candidates whose names will appear on the official election ballot does not violate IRC 501(c)(6).

In closing, the Chamber is now working through a financial review with the City related to the Chamber's use of the City's allocation of \$88,000.00 to the Chamber. Once this review is complete, we are confident the community will be very impressed with the economic benefits it receives from the Chamber's tourism expenditures.

Sincerely,

A handwritten signature in cursive script that reads "Wendy Veliz Buck". The signature is written in dark ink and is positioned above the typed name.

Wendy Veliz Buck, President

CLACKAMAS COUNTY VISITOR CENTER

AGREED UPON PROCEDURES

YEARS ENDED DECEMBER 31, 2011, 2010 & 2009

**INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING
AGREED-UPON PROCEDURES**

City of Wilsonville
Wilsonville, Oregon

We have performed the procedures enumerated below, which were agreed to by the City of Wilsonville ("City"), solely to assist the City of Wilsonville in assessing whether funds granted to and generated by the Clackamas County Visitor Center were used for tourism related activities for the years ended December 31, 2011, 2010, and 2009. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose. We were hired by the City of Wilsonville to perform procedures on subject matter that is the responsibility of another party for which the City of Wilsonville is not responsible. As a result of this relationship, the City of Wilsonville was unable to make any representations regarding the subject matter and information obtained.

Our procedures and findings are as follows:

1. Review of how the City and County resources were used
 - a. We will determine which employees' wages and benefits are allocated to the Clackamas County Visitor Center, and their respective amounts.

Wages: The following employee wages were allocated to the Clackamas County Visitor Center:

Employee Name	Position	2009		2010		2011	
		Wages per GL	GL wages as % of W-2	Wages per GL	GL wages as % of W-2	Wages per GL	GL wages as % of W-2
Gilmore, Steven R.	Chamber of Commerce CEO	\$ 24,999.84	40%	\$ 27,038.16	44%	\$ 32,500.08	51%
Johnson, Jennifer A.	Visitor Center Manager/ Tourism Director	41,840.72	99%	43,315.92	102%	43,563.43	102%
Leisy, Tom D.	Volunteer/ Visitor Center Information Specialist	187.00	100%	-	No W-2	-	No W-2
Nordstrom, Barbra A	Visitor Center Information Specialist	11,262.74	100%	10,931.55	100%	11,067.22	100%
Burkesmith, Amy R.	Visitor Center Information Specialist	13,900.50	100%	252.05	100%	-	No W-2
Ferguson, Janet E.	Visitor Center Information Specialist	-	No W-2	20,458.75	100%	19,377.88	100%
Robins, Carmen B.	Visitor Center Information Specialist	10,996.56	100%	594.00	100%	-	No W-2
Cooper, Evan B.	Kiosk Replenisher	1,258.02	100%	960.51	100%	484.50	100%
Patrice	Kiosk Replenisher	-	No W-2	-	No W-2	200.00	No W-2
Wallace, Jonathan R.	Kiosk Replenisher	306.00	100%	-	No W-2	-	No W-2
		<u>\$ 104,751.38</u>		<u>\$ 103,550.94</u>		<u>\$ 107,193.11</u>	

Note: The difference between the W-2 amounts and the general ledger for Jennifer A. Johnson consist of medical pre-tax deductions.

Benefits: Health insurance is an optional benefit for eligible employees. No employees appeared to receive this benefit for the periods tested. The following retirement plan contributions were allocated to the Clackamas County Visitor Center:

Contributions to Edward Jones:

	<u>2009</u>	<u>2010</u>	<u>2011</u>
Gilmore, Steven R.	\$ -	\$ 1,119.50	\$ 995.00
Robins, Carmen B.	732.00	-	-
Johnson, Jennifer A.	467.00	2,599.00	1,357.00
	<u>\$ 1,199.00</u>	<u>\$ 3,718.50</u>	<u>\$ 2,352.00</u>

Note: Retirement plan contributions were discontinued effective July 1, 2011.

- b. From discussions and review of accounting records, we will determine whether the Wilsonville Chamber of Commerce charges for oversight and administration of programs, and if so, how the amounts are determined.

Based on procedures performed, it appears the Visitor Center is charged for oversight and administration of programs through various expense allocations and free use of office and meeting space. Expenses allocated include the Chamber's CEO's wages and benefits and various other expenses (i.e., tax return preparation, copier lease, employment posters, etc.) that the Chamber might otherwise incur solely if the Chamber of Commerce were a standalone operation.

- c. From discussions with personnel and review of accounting records, we will determine how the construction of the Oregon Horse Country website was funded.

Chamber personnel indicated the Oregon Horse Country website was originally constructed using grant proceeds provided by Clackamas County and was recorded on the books of the Chamber of Commerce.

- d. We will select 5 utility, operational, or professional fee invoices per year to test to gain an understanding of any allocations that may occur and to determine whether it relates to tourism or operational expenses of the Visitor Center.

Below are the items we tested and our notes. Items deemed unrelated to the Visitor Center or tourism contain notes in bold font.

	Date	Name	Amount Per G/L	Total bill	% allocated to Visitor Center	% allocated to Chamber of Commerce	Notes:
2011							
	1 9/16/2011	Portland General Electric	533.97	593.30	90%	10%	Electric utilities
	2 10/4/2011	Markusen & Schwing PC	750.00	1,500.00	50%	50%	Preparation of 2010 Form 990 and 990T.
	3 3/16/2011	Northwest Rider Magazine	202.50	202.50	100%	0%	Advertising in March issue of Northwest Rider Magazine for Oregon Horse Country Ireland Trip. (Due to the OHC Ireland Trip being reported on the Chamber's books, it appears this amount should have been as well.)
	4 11/28/2011	Convergence Networks	513.00	1,026.00	50%	50%	Monthly network service bill.
	5 2/11/2011	North Coast Electric	2,155.00	2,155.00	100%	0%	Light bulbs for the Visitor Center.
2010							
	1 4/1/2010	Minutemen Press, Inc.	49.99	49.99	100%	0%	Business cards for Jennifer Johnson.
	2 7/15/2010	Rotary Club of Wilsonville	350.00	350.00	100%	0%	Annual dues for Steve Gilmore's Rotary Club membership. (Did not appear to be related to the Visitor Center or tourism)
	3 8/16/2010	Factory Reps Company, Inc.	254.12	254.12	100%	0%	Towels and toilet paper and restroom service.
	4 3/3/2010	Roth Heating and Cooling	970.00	970.00	100%	0%	Heating system maintenance.
	5 12/1/2010	NW Natural	294.06	326.73	90%	10%	Utilities
2009							
	1 7/1/2009	Patty Alcutt	539.00	539.00	100%	0%	Patty Janitorial service; summer cleanings
	2 11/12/2009	Integra Telecom	178.79	357.67	50%	50%	Telephone bill
	3 11/4/2009	American Chamber of Commerce	126.00	252.00	50%	50%	Two books: "Oregon Human Resources Manual" and "Model Policies and Forms for Oregon Employers"
	4 10/14/2009	Canon Business Solutions, Inc.	664.95	1,329.00	50%	50%	Copier lease
	5 8/17/2009	Philadelphia Insurance Companies	1,000.00	2,591.00	39%	61%	Insurance premium. Total bill \$2,591 but \$591 for insurance not related to the Visitor Center. The remaining balance of \$2,000 was allocated 50/50 between the Visitor Center and Chamber of Commerce.

Notes: Based on discussions with Chamber personnel, the following general guidelines were used in allocating expenses:

Utilities 90% Visitor Center / 10% Chamber of Commerce

Basis provided by Chamber Personnel: The majority of the hours that the building is open are Visitor Center hours. The square footage is by a large margin Visitor Center or public areas such as the bathrooms which are opened at 7:30 am and close at 9 pm at night. The Visitor Center is open weekend hours while the Chamber is not.

Other general expenses such as IT, insurance, telephone: 50% Visitor Center / 50% Chamber of Commerce

Basis provided by Chamber Personnel: There is an equal number of Visitor Center/Chamber computers and the service agreement with Convergence is based on a per computer cost so it is split evenly. The telephone is the same way. There are two phone lines for each entity and an equal number of staff between each one. It was also stated that the Visitor Center should be charged a higher rate of insurance than the Chamber due to the larger amount of liability insurance required. However, for consistency they have split it evenly.

General building repair and maintenance of the building: Allocated on a case by case basis

- e. We will gain an understanding of the disbursement process as it relates to documentation and authorization of Tourism related expenses.

Per discussion with Chamber personnel and the Visitor Center Manager, employees are expected to submit an expense report with receipts and a description of the expenses incurred to the Chamber of Commerce's Office Manager for expense coding. Once the expense reports are coded by the Chamber's Office Manager, the reports are submitted to the Chamber's CEO for approval. After the coded reports are approved, the expenses are entered into QuickBooks by the bookkeeper, Barbara Eve. A check requires two signatures. We were told the check signers are usually the Chamber's CEO and Treasurer.

- f. We will randomly select 2 expense reimbursement reports and credit card statements (if any) per year to test whether expenses incurred appear reasonable in nature and relate to tourism services and the Visitor Center.

Accountant tested six transactions consisting of expense reimbursement reports and credit card statements. Expenses tested appeared reasonable in nature and appeared to relate to tourism services and the Visitor Center.

- g. From discussions with personnel, we will determine how potential losses from Tourism are funded.

The Chamber of Commerce prepares separate budgets for the Visitor Center and the Chamber. We were told the cost of operating the Visitor Center was greater than the revenue received from the City of Wilsonville and Clackamas County since Clackamas County reduced their contribution by \$15,000 several years ago. It was mentioned that while the County contract has been flat since the reduction, inflation and payroll costs have continued to increase every year. Additionally, it was stated that funds received from Washington County were actually Chamber revenue and weren't required to be used for the Visitor Center by the Chamber. Chamber personnel indicated losses are funded using the Chamber of Commerce's membership dues and programming.

2. Review of potential resources derived from Tourism activities

- a. We will randomly select 1 Oregon Horse Country event per year to determine the approximate amount of revenue earned from the event and determine how the revenue and expenses were accounted for in the general ledger.

Through discussions with Visitor Center and Chamber personnel, we determined 2011 was the first year Oregon Horse Country events generated significant income (i.e., more than a few hundred dollars in gross revenue). In 2011, two events were held: the Ireland Tour and the Black Beauty Banquet. All financial transactions for these events were reported on the Wilsonville Chamber of Commerce's financial statements. Per review of reports provided by the Chamber, the Ireland Tour generated revenue of \$48,093.85 and incurred expenses of \$47,257.64, resulting in net income of \$836.21. Per review of reports provided by the Chamber, the Black Beauty Banquet generated revenue of \$67,522.50 and incurred expenses of \$59,540.36, resulting in net income of \$7,982.14. According to the Visitor Center Manager, the Black Beauty Banquet contract allows the Chamber to keep 25% of the net profits, which the final net income reflects. The remaining net profits (75%) are classified as expenses and given to not-for-profit organizations involved in rescuing horses.

- b. We will determine how revenue earned from the Oregon Horse Country's membership dues is accounted for through discussion with personnel and review of accounting records. Based on publicly available membership information as well as accounting records, we will establish an approximate amount of revenue these memberships should generate.

Based on discussions with Chamber personnel, Oregon Horse Country membership dues are recorded as Chamber revenue. No information was provided or made available to allow calculation of the approximate revenue generated by these membership dues.

- c. We will obtain a list of events organized by the Visitor Center Manager and will randomly select 2 per year and will compare the list to revenue included in the general ledger to determine how these revenues and related expenses were recorded.

i. **2011:**

1. **Annual Visitor Center Conference:** Based on the Welcome Center Conference Report provided by the Chamber, total income and expenses were \$11,550. No gain or loss was reported from this event. The Chamber reported these transactions on its books.
2. **Flight School Packages:** Based on discussions with Chamber personnel, these packages do not generate revenue for the Chamber or the Visitor Center. Instead they direct visitors to local hotels and services. The Visitor Center helped the Willamette Aviation School create three tiers of travel packages consisting of local lodging options and car rentals for its out-of-town students.

ii. **2010:**

1. **Festival of Arts/Parade:** Per discussion with Chamber personnel, there was a \$1,500 sponsorship from Allied Waste which was recorded on the Chamber's balance sheet and expenses were directly offset against it. We were told this event generated no net income and the largest expense most likely would have been payroll which was not allocated against the sponsorship amount.
2. **Ad to Equestrian Properties Real Estate Agent on the OHC website:** The Visitor Center's annual report indicates the Visitor Center Manager sold a website ad for \$1,600. Per discussion with Chamber personnel, this was a multi-year ad which only ran for two years at \$450 per year.

Revenue from the sale of this ad and any other ads appears to have been recorded on the books of the Chamber of Commerce.

iii. 2009:

1. **Sysco Food Tradeshow:** Per discussion with Chamber personnel, no revenue was generated by the Tradeshow. The only individual who appeared to be involved in this event was the Visitor Center Manager. She helped the company relocate its annual event from Portland to its own facility in Wilsonville, increasing local hotel nights and overall local tourism spending.
2. **"Gold" Chamber members displaying banners in Visitor Center:** Per discussion with Chamber personnel, no revenue is received by the Chamber specifically relating to these displays and no revenue is allocated to the Visitor Center which shares its space with the Chamber of Commerce.

- d. From inquiries of personnel, we will gain an understanding of the cash handling and internal controls over resources.

Cash and check payments received are stamped for deposit, entered into a deposit log and QuickBooks and deposited into the bank account on a weekly basis. Credit card payments are processed through credit card terminals deposited in batches into the bank account. The bookkeeper reconciles the bank statements on a monthly basis in coordination with the CEO. Monthly financial statements are sent to the Chamber's Treasurer for inclusion in the monthly report submitted to the Chamber's Board of Directors.

3. Review into hours of operations of Tourism Center and related staffing

- a. From inquiries of personnel and publicly available information, we will determine the hours of operation of the Tourism Center.

Per discussion with Chamber personnel, the Visitor Center's hours of operations have remained unchanged during the periods under review. Those hours are 8:30 a.m. to 5:00 p.m. on weekdays and 10:00 a.m. to 4:00 p.m. on weekends. Winter weekend hours are 10:00 a.m. to 2:00 p.m.

- b. From inquiries of personnel and publicly available information, we will try to determine the staffing hours for each of the three years tested.

Using payroll reports provided by Chamber personnel, the following information was compiled:

	2009	2010	2011
Estimated annual Visitor Center ("VC") Hours of Operation	2,584.00	2,584.00	2,584.00
VC Specialists - Hours Worked	2,773.75	2,557.42	2,349.50
VC Manager - Regular Hours*	1,774.77	1,905.00	1,902.00
Average weekly VC Hours of Operation	49.69	49.69	49.69
Average Weekly Hours Worked by VC Specialists	53.34	49.18	45.18

* - Represents regular hours listed on payroll reports. Actual hours worked are not tracked for salaried personnel.

Based on approximately 2,584 annual operational hours of the Visitor Center (assuming 968 Summer hours and 1,616 Winter hours), excluding adjustment for when the Visitor Center is closed due to holidays.

- c. From inquiries of personnel and payroll records, we will compare hourly and/or salary amounts to staffing hours.

<u>Average Hourly Wage Cost of Operating Visitor Center</u>		
<u>2009</u>	<u>2010</u>	<u>2011</u>
\$40.54	\$40.07	\$41.48

Based on approximately 2,584 annual operational hours of the Visitor Center.

4. Review in separation of Tourism and Chamber of Commerce activities

- a. Through interviews of the Visitor Center Manager, we will determine if there were any Chamber of Commerce fundraising events the Visitor Center Manager was responsible for organizing.

The Visitor Center Manager stated she was not involved in any Chamber of Commerce fundraising events. Per discussion of Chamber personnel, the Wilsonville Chamber of Commerce has not been involved in political fundraising. The first year the Chamber made an endorsement was 2011; however, no payments were stated to have been made to these parties or individuals. The one event held in the meeting space was stated to have been paid for by the party. It was also noted that several Town Hall meetings were held in the meeting space and no meeting room rental fees were charged as the Chamber deemed these to be public events.

- b. From inquiries of personnel, we will try to gain an understanding in regards to the delineation of resources and uses between the two entities.

Based on discussion with Chamber personnel, the Chamber does not maintain a separate balance sheet for the Visitor Center, only a separate income statement. Income and expenses are allocated between the Visitor Center and the Wilsonville Chamber of Commerce as addressed in a previous step. Coding of transactions is performed by the Chamber's Office Manager and reviewed/approved by the Chamber's CEO.

- c. From review of accounting records, we will determine the fees charged for the use of the meeting space and where the amounts are recorded.

Per review of the general ledger detail provided by Chamber personnel, meeting room rental revenue was \$1,345, \$1,240, and \$1,870 for the years 2009, 2010, and 2011, respectively. Per the "Visitor Center Conference Room Rental Rates" schedule, meeting room rental rates for 2009 were \$70 (flat rate for up to 2 hrs) and \$30 for each additional hour. Chamber member and non-profit organization rates for 2009 were \$50 (flat rate for up to 2 hrs) and \$20 for each additional hour. Meeting room rental rates for 2010 and 2011 were \$60 (flat rate for up to 2 hrs) and \$15 for each additional hour. Chamber member and non-profit organization rates for 2010 and 2011 were \$45 (flat rate for up to 2 hrs) and \$10 for each additional hour. Based on our inquiries, the Chamber does not reimburse the Visitor Center for meeting room rental discounts provided to its members.

5. Review of Tourism activities

- a. Using a back-up copy of the Chamber of Commerce's QuickBooks file, we will prepare a schedule of program revenues and costs in the following format.

Activity	2009		2010		2011	
	Revenue	Costs	Revenue	Costs	Revenue	Costs
Description						
Description						

The Wilsonville Chamber of Commerce would not provide a back-up copy of the QuickBooks file and, therefore, the accountant was unable to complete the procedure specified above.

- b. Based on inquiries of personnel and publicly available information, we will determine if Tourism compiles statistics on event participation, lodging impacts, dollar impacts, and indicate where that information can be found.

Per inquiries of Chamber personnel and the Visitor Center Manager, no such information is compiled but rather lies in information provided on the transient lodging taxes charged and general information produced by Travel Oregon. It was noted that personnel have made attempts to gather reliable data but have been unsuccessful as a result of various factors, including the difficulty of getting private enterprises to release information that competitors may want.

We were not engaged to, and did not, conduct an examination, the objective of which would be the expression of an opinion on the financial statements of the Wilsonville Chamber of Commerce or the Clackamas County Visitor Center for the periods covered by this report. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the City of Wilsonville and is not intended to be and should not be used by anyone other than these specified parties.

Isler Northwest LLC

Isler Northwest LLC
June 27, 2012

**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: February 4, 2013	Subject: Tourism Development Strategy Staff Member: Mark Ottenad, Public/Government Affairs Director Department: Administration	
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 Information or Direction <input type="checkbox"/> Information Only <input checked="" 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: Adoption of the <i>Economic Development Strategy</i> by City Council in August 2012 and changes to visitor information services by Clackamas County Tourism provide opportunity to refine City's tourism strategy.
Staff Recommendations: City Council directs staff to commence work on a Tourism Development Strategy.		
Recommended Language for Motion: Not applicable.		
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

Adoption of the *Economic Development Strategy* by City Council in August 2012 and changes to the provision of visitor information services by Clackamas County Tourism in Wilsonville provide an opportunity for the City Council to refine the City's tourism strategy. The City Council may wish to consider directing staff to create a new, limited-duration task force to work with the County, chamber of commerce, hoteliers and tourism-related businesses to advance a Tourism Development Strategy to grow the hospitality services portion of the economy. The County has indicated an interest in partnering with the City on such an endeavor, for which prior precedence exists.

Another possibility would be to further charge the current Economic Development Strategy Task Force to take on this task. However, because a tourism strategy involves a specialized area of focus, a separate task force may be more appropriate to develop a recommended strategy, but liaison with the current task force at key times and before final recommendation to the Council.

EXECUTIVE SUMMARY

At the February 4 City Council meeting, the Council is scheduled to consider a companion issue of options for visitor services and the Wilsonville Visitor Information Center (VIC), which has been jointly funded by the Clackamas County Tourism Development Council (TDC) and the City since 1999. The County has been reviewing over the past several years issues related to County-funded visitor information centers, and has decided to move away from staffed centers to other forms of providing tourism and visitor information, including via the Internet and other electronic, digital communications methods.

A change in funding and potential uses of the Wilsonville VIC facility offer the City Council an opportunity to consider other uses of the approximate \$90,000 budgeted for the chamber of commerce to provide visitor information services at the Wilsonville VIC. Long-term use of public funds derived from City hotel/motel tax, a portion of which are required by state law to be used for promoting tourism, could be best informed through advancing a Tourism Development Strategy to guide future efforts.

BACKGROUND

By state law, the City is required to expend a certain percentage of hotel/motel tax collections on tourism promotion. In Wilsonville's situation, the amount is 40% of City hotel/motel tax collections that must be spent on tourism-related functions. The budgeted amount of revenue anticipated for the current fiscal year is \$210,000; at least \$84,000 should be directed towards tourism. For FY 2012-13, the City is budgeted to provide the chamber of commerce with \$90,000 to provide visitor services and \$25,000 to support the community tourism grants program. The table below shows previous and planned revenues and expenses.

City of Wilsonville Hotel/Motel Tax Collections and Disbursements
FY2005-06 – FY2013-14

	<u>2005-06</u> <u>Actual</u>	<u>2006-07</u> <u>Actual</u>	<u>2007-08</u> <u>Actual</u>	<u>2008-09</u> <u>Actual</u>	<u>2009-10</u> <u>Actual</u>	<u>2010-11</u> <u>Actual</u>	<u>2011-12</u> <u>Actual</u>	<u>2012-13</u> <u>Estimate</u>	<u>2012-13</u> <u>Revised</u>
Tax Collections	\$207,002	\$267,651	\$275,369	\$218,608	\$193,106	\$214,109	\$208,890	\$240,000	\$230,000
Less:									
• Chamber contract	\$70,487	\$81,900	\$79,928	\$82,886	\$85,592	\$85,695	\$86,768	\$90,000	
• Tourism prop tax	1,122	773	814						
• Community Grants	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	
• Law Enforcement	136,029	144,076	163,951	110,722	82,514	103,414	97,122	95,000	
Total	\$232,638	\$251,749	\$269,693	\$218,608	\$193,106	\$214,109	\$208,890	\$210,000	

The City Council has not considered in detail for the past 10 years or more the potential best uses of hotel/motel tax receipts in terms of tourism development and visitor services. With Council's adoption in August 2012 of the *Economic Development Strategy* and County TDC's decision in December 2012 to revise the offering of visitor information services at the Wilsonville VIC, the time may be ripe for the City Council to consider how best to use these funds.

Additionally, the *Economic Development Strategy* called for an action item in Year 2 after adoption of the *Strategy*: "Develop a marketing plan: City staff will work with local partners in economic development to develop a marketing plan, including materials that document

Wilsonville's advantages and amenities that are attractive to businesses." A Tourism Development Strategy may offer opportunities for the City to focus on Wilsonville's competitive advantages that attract visitors, and by extension new businesses and residents, and could be an integral part of an overall marketing plan.

The under-pinnings of a Tourism Development Strategy for Wilsonville already exists: In 2004, Clackamas County Tourism worked with both the City and chamber of commerce to develop the *Wilsonville Visitor Destination Action Plan*, which is appended to this report. Guided by professional facilitators well-versed in tourism development, an inter-disciplinary task force composed of multiple stakeholders reviewed key issues and made recommendations.

The *Wilsonville Visitor Destination Action Plan*:

- Conducted a "Product Development" and "Marketing" SWOT (strengths-weaknesses-opportunities-threats) Analyses
- Assessed challenges, critical success factors, and various kinds of visitor destination experiences
- Suggested specific actions for visitor market positioning and developed a list of visitor destination activities and assigned responsibilities for follow-up.

A Tourism Development Strategy could examine and look at ways of:

- Marketing Wilsonville as a destination to stay while touring Oregon's Mt. Hood Territory, Oregon Wine-Bike-Horse County, and the greater Portland region;
- Increasing both business- and leisure-traveler overnight stays in Wilsonville, benefitting lodging, dining and small businesses;
- Promoting the City's sports fields and hotels—along with restaurants and other attractions—to various youth sporting leagues and others seeking meeting space;
- Capitalizing on existing and planned City infrastructure investments, such as bike riding opportunities and accessible parks/natural areas, as attractors.

Staff suggests that pulling together a task force to create a Tourism Development Strategy would complement the *Economic Development Strategy* and provide a path forward for how the greater Wilsonville community can best deploy and market tourism assets.

TIMELINE

The City is working towards the conclusion of phase two of the *Economic Development Strategy* by identifying key business attributes and potential incentives. Given potential changes at the VIC and tourism development opportunities, this Winter is an ideal time to focus on a Tourism Development Strategy.

CURRENT YEAR BUDGET IMPACTS

Current budget impacts are undetermined at this time; however, TDC has indicated an interest in partnering with the City to advance a tourism development strategy.

COMMUNITY INVOLVEMENT PROCESS

Assembling a task force to create a Tourism Development Strategy would involve extensive community engagement from multiple stakeholders representing diverse interests. See p. 6 of the *Wilsonville Visitor Destination Action Plan* for a list of community participants and interest groups who might participate in a renewed effort focused on Wilsonville tourism development.

CITY MANAGER COMMENT

ATTACHMENTS

- A. *Wilsonville Visitor Destination Action Plan*, April 2004

Wilsonville



Visitor Destination Action Plan

Prepared For:

**Wilsonville Chamber of Commerce
and City of Wilsonville
with assistance from**

Clackamas County Tourism Development Council

APRIL 2004

Introduction

The following *Wilsonville Visitor Destination Action Plan* has been prepared based on four workshop sessions held on October 16 and 28, November 5, 2003 and February 13, 2004. A total of 32 participants were involved in this community visitor planning process representing various city departments, city elected offices, visitor industry attractions and hospitality services, visitor destination organizations, and several community advocacy groups (participant listing attached). The purpose and ensuing benefits of the process were five-fold:

1. A clear understanding of the community visitor situation
2. An identification of visitor product investment opportunities
3. A determination of the community visitor positioning vis-à-vis the destination brand
4. A specification of visitor projects to advance community visitor growth
5. An enhanced destination team development among respective communities and the county.

The *Action Plan* is to be used as a directional and guideline document for various organizations and/or individuals interested in economic development and sustainable visitor growth in Wilsonville, especially the City of Wilsonville, Wilsonville Chamber of Commerce, various community advocacy groups and the Clackamas County Tourism Development Council. Its strategic intent is to enhance the community visitor experience, to reinforce visitor communications and to give proper support to visitor projects advancing these former initiatives, and subsequently increasing visitor economic impact.

Details on the components of the *Action Plan* follow.



Visitor Destination Situation

Given the SWOT (strengths-weaknesses-opportunities-threats) analyses below, it was generally found:

- Excellent foundation of Wilsonville visitor product strengths is in place with great potential to capitalize on new opportunities focusing on retail shopping, meetings, sports and cultural entertainment.
- Some barriers to visitor growth are currently being removed but more attention required to improve situation related to community development, regional partnerships and visitor amenity requirements.
- Good base of Wilsonville marketing/visitor services capabilities is present but there is a need to enhance regional/corporate marketing partnerships.
- A community positioning towards visitors is to be completed with focus on key selective market segments as part of an overall community marketing strategy.

Product Development SWOT Analysis

Strengths

(present advantages)

- On Interstate 5 with easy accessibility within state and to Portland
- New, clean and appealing town center
- Three major shopping centers
- Numerous key attractions (Korean War Memorial/Visitors Center, Family Fun Center, Library, public art, CCC training center, Frys, Namaste, Crest and Community Centers)
- Water treatment plant and park
- Regional service center gateway with local free transit
- Aurora airport service
- Good commercial lodging value
- Several festivals/events (Fun in the Park, Country Classic, Festival of the Arts and summer concerts)
- Proximity to regional historical (Aurora and Champoeg) and farming (Canby) places
- Available sports facilities (parks, golf courses, hiking trails and equestrian)
- Strong real estate development

Opportunities

(potential advantages)

- Argyle Square development (Target, Costco and other retail/restaurants)
- Central meeting/training location with leisure/extended stay possibilities
- Multipurpose community center (recreation, culture/arts, heritage and conference)
- Public and private park improvements (golf course, pathways/trails, sports fields, RV sites) and Wilsonville Tract
- Public accessibility to Willamette River
- Better partnership with Aurora antique shopping and Canby agritourism attractions
- Lowries Marketplace and Villebois development
- Commuter rail connection to Portland and tie-in with Aurora airport
- Westside historical district and Boone's Ferry site (special event center)
- Methodist church development conversion
- Local festival/event expansion
- Senior citizen/assisted living potential
- Oregon WWII Memorial potential move to Korean War Memorial
- Frys community product demonstration

Weaknesses

(present disadvantages)

- Interstate 5 and Willamette River divide city
- No downtown/central core area
- On-going construction interference
- Minimal visitor friendly signage
- Not pedestrian-oriented (sidewalks/pathways)
- Lack of variety of restaurants
- Absence of evening entertainment
- Low resident awareness and support for tourism
- Little community connectedness (commuter and resident interface)
- Public transportation to city

Threats

(potential disadvantages)

- Community congestion due to road and new commercial development
- Speed of city growth
- More and accurate signage
- Insufficient dining options
- Competition with Aurora and Woodburn Outlet Mall

Marketing SWOT Analysis

Strengths

(present advantages)

- Safe and secure community
- Regional visitor center site
- Local cooperative promotions
- Good basic collateral materials
- Community newspaper involvement
- City funding available through designated add-on lodging tax

Weaknesses

(present disadvantages)

- No visitor destination plan
- Limited marketing coops/partnerships
- New funding sources
- Low level of visitor activity packaging
- Hard to find visitor center

Opportunities

(potential advantages)

- Better use of Internet with improved website
- Promotional materials tied to specific target groups
- Enhanced 'visit friends and relatives' communications with residents
- Outreach program to local corporations
- Local cable television development
- Partnerships with regional attractions in Aurora and Canby

Threats

(potential disadvantages)

- No agreed-to visitor positioning in order to focus attention
- Limited understanding of visitor business among community stakeholders
- Target market competition nearby

Challenges

The top challenges facing the Wilsonville visitor destination are as follows:

1. Commitment to a regional destination development and marketing approach with ensuing new partnerships
2. Full understanding of visitor benefits to local constituents
3. Identification of a compelling visitor market positioning
4. Further development of a strong Internet presence
5. Implementation of effective visitor friendly signage
6. Enhanced visitor industry, corporate and government cooperation in attaining visitor destination goals.



Critical Success Factors

For the Wilsonville visitor destination to prosper, the following factors need to be acted upon:

- Formation of a community visitor coordinating group or coalition
(Chamber of Commerce, City, Historical Society and other visitor industry proponents)
- Clear identification of organization responsibilities in the visitor destination plan
- Clarification on city development permit process and practices to encourage new visitor product growth
- Strong effort to find new funding sources and/or leverage existing resources to support visitor development.



Visitor Destination Experiences

The following product opportunities by visitor market were identified for Wilsonville.

Business Travel—Commercial



Type	Product Opportunity
Corporate/Government	<ul style="list-style-type: none"> ❖ More evening entertainment activities relevant to all business travelers ❖ Improved variety of food & beverage facilities, such as upscale restaurants and local unique eateries ❖ Enhanced guest/visitor offerings such as high speed Internet, recreational facility and amenities (e.g., enclosed pool)
Meetings/Retreat	<ul style="list-style-type: none"> ❖ Inventory and evaluation of existing public meeting space (hotels, retreat centers and others) ❖ Required complement of meeting space with adjoining guest rooms ❖ Packaging for leisure stay-over and free time visits to attractions ❖ Emphasis on community's central location and affordable hospitality rates

Leisure Travel—Vacation/Holiday



Type	Product Opportunity
Outdoor Recreation/Adventure	<ul style="list-style-type: none"> ❖ More evening entertainment activities relevant to all segments ❖ River development/accessibility lending to boating, fishing, sightseeing and ancillary services, such as rentals ❖ Sports tournament fields with appropriate specifications and community walking and biking trails/pathways
Shopping/Antiquing	<ul style="list-style-type: none"> ❖ Further big chain retail development ❖ Partnership with Aurora antique shopping area ❖ More active promotion with retail center developers/operators
Cultural/Heritage/Agritourism	<ul style="list-style-type: none"> ❖ Packaging and programming of visitor special interest markets ❖ Further linkages among regional attractions (e.g., Canby agritourist facilities)
Festival/Events	<ul style="list-style-type: none"> ❖ Evaluation and integration of current festivals and events

VFR Travel—Visit Friends and Relatives



Type	Product Opportunity
Local Residents	<ul style="list-style-type: none"> ❖ Better informed and visitor friendly through direct local awareness campaign and with employers ❖ Value added offers to lure locals to attractions ❖ Retirement community tie-in
Referred Visitors	<ul style="list-style-type: none"> ❖ Visitor center cooperative promotion with Frys and Thriftway ❖ Portland resident market potential

Visitor Destination Future Direction

A visitor destination vision statement for Wilsonville was prepared as follows:

In 2012

Wilsonville, with a family-oriented and culturally attractive town center and Boone's Landing heritage area, is the premier corporate, group meeting and leisure recreation venue in the Willamette Valley between Portland and Salem.

Visitor Market Positioning

The destination images of Wilsonville were identified as such:

- ☞ Spectacular natural setting (river, forest and trails)
- ☞ Quiet, safe and family-oriented community
- ☞ New and clean town center
- ☞ Retail shopping focus
- ☞ Convenient and close to Portland
- ☞ Excellent price-value buying proposition.
- ☞ Leading-edge technology base.

Given the above images, the unique appeals for the city were considered to be:

- ☞ Eclectic mix of city amenities and country appeal
- ☞ Dual gateway location
- ☞ Well-planned community with high quality development standards.

To reinforce these appeals, the positioning of the Wilsonville visitor destination would include the following additional elements:

- ☞ Past and present meeting place
- ☞ Boone's Landing heritage and early city beginnings
- ☞ Family-friendly neighborhoods and parks.

A visitor market positioning statement for Wilsonville was then composed as follows:

Wilsonville, a complementary urban and rural gateway in the Willamette Valley, is an easily accessible service center between Portland and Salem offering modern and unique cultural, hospitality, retail, family entertainment and leisure experiences.



Visitor Destination Activities and Accountability

The projects to be undertaken to realize the destination vision for Wilsonville are as follows.

Project	Priority Status	Timing	Lead Organization(s)
Formation of a Chamber Tourism and Hospitality Committee <ul style="list-style-type: none"> ❖ review of action plan activities and organization responsibilities ❖ emphasis on community relations and buy-in from key organizations and city government ❖ inventory, assessment and development of destination promotional collateral (group meeting kit, tour maps, brochures and websites) ❖ visitor destination signage improvements (VIC and I-5 visibility) ❖ Wilsonville/Clackamas County Visitor Center upgrading 	1	2004–2005	Wilsonville Chamber of Commerce Wilsonville Arts & Culture Council Citizens for Public Art Wilsonville Library Wilsonville Historical Society City of Wilsonville Oregon Department of Transportation Clackamas County Tourism Development Council Other Community/ Visitor Industry Partners
Development of Boone's Landing Heritage Site and Willamette Riverfront <ul style="list-style-type: none"> ❖ project concept and business plan preparation ❖ historical museum and catering/special event facility ❖ potential river commerce center/paddle wheeler, pathways, restaurants, etc. 	2	2004–2014	Wilsonville Historical Society Fred Meyer Corporation Wilsonville Chamber of Commerce Interested Community Groups and Developers City of Wilsonville
Wilsonville Parks and Recreation Master Plan Development and Implementation <ul style="list-style-type: none"> ❖ Civic Center and Memorial park trails ❖ Wilsonville Tract project ❖ Town Center park improvements and new parks at Villebois ❖ proposed arboretum ❖ Oregon WWII Memorial potential move to Korean War Memorial location 	3	2004–2014	City of Wilsonville Parks Department Wilsonville Chamber of Commerce Veterans Organizations Corporate Sponsors
Festival and Event Development and Coordination <ul style="list-style-type: none"> ❖ inventory and assessment of existing events ❖ proposed story-telling festival 	4	2004–2006	Proposed Wilsonville Community Foundation Wilsonville Chamber of Commerce
Development of a Multipurpose Community Center <ul style="list-style-type: none"> ❖ potential components to include cultural/performing arts center, aquatic center, conference facility, etc. 	5	2004–2014	Citizen Group Proponents Wilsonville Arts & Culture Council Family Fun Center City of Wilsonville Parks Department

List of Visitor Destination Action Plan Participants

Ron Anderson, Korean War Veterans of America

Linda Bell, Clackamas County Tourism Development Council

Deborah Bleser, Family Fun Center

Jeannine Breshears, Clackamas County Tourism Development Council

Norimar Campos, Panorama Travel

Sandra Carpenter, Turtledove Clemens

Danielle Cowan, City of Wilsonville

Sallie Cheatham Cutter, Country Classic

Liz Fox, Wilsonville Historical Society

Cindy Garrison, Wilsonville Resident

Sandi Gibson, Comfort Inn

Theonie Gilmore, Wilsonville Arts & Culture Council

Molly Lechner, Phoenix Inn Suites

Charlotte Lehan, City of Wilsonville Mayor

Jim Marohn, Wilsonville Chamber of Commerce, President

Grant Marsh, Wilsonville Chamber of Commerce, Board Director; Vice-President, Argyle Capital LLC

Susan Myers, Wilsonville Town Center/Capital Realty

Barbara Nordstrom, Wilsonville Chamber of Commerce/Clackamas County Visitor Center

Mark Ottenad, Wilsonville Chamber of Commerce/Clackamas County Visitor Center

Wendy Popkin, Clackamas County Tourism Development Council

Mick Scott, Wilsonville Public Library Foundation

Doug Sherfey, Wilsonville Chamber of Commerce/Clackamas County Visitor Center

John Smith, Wilsonville Historical Society

Barbara Sutton, Wilsonville Public Library Foundation

Tonie Tollen, Tollen Farm

Bob Topping, Clackamas Community College

Peggy Watters, City of Wilsonville

Doris Wehler, Wilsonville Chamber of Commerce, Past President; Co-owner, Cookies by Design

Vern Wise, Lamb's Thriftway

Kari Wolf, Living Enrichment Center/Namaste Conference Center

Judy Woodle, Fun in the Park

Vicki Yates, Wilsonville Chamber of Commerce, Past-President; Partner, Yates & Yates Attorneys at Law

**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: February 4, 2013	Subject: Letters of Intent to Apply for Community Planning and Development Grants to the Metro Council Staff Members: Katie Mangle, Long-Range Planner; Mark Ottenad, Public/Government Affairs Director Departments: Community Development; Administration
Action Required <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 Information or Direction <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: The City Council has indicated prior support for efforts to plan for urban development in UGB areas for residential (Frog Pond and Advance) and industrial (Coffee Creek) using available funding sources.
Staff Recommendations: City Council indicates support for submitting letters of intent for applications to Metro's Community Planning and Development Grants.	
Recommended Language for Motion: I move that the City Council direct staff to provide letters of intent for the grant applications.	
PROJECT / ISSUE RELATES TO:	
<input checked="" type="checkbox"/> Council Goals/Priorities <input type="checkbox"/> Adopted Master Plan(s) <input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL

The City has an opportunity to advance urban-development "concept planning" efforts, which are required prior to annexation of urban reserve areas, in the Frog Pond and Advance UGB "residential areas" and Coffee Creek UGB "industrial area." Metro is soliciting applications for the 2013 cycle of Community Planning and Development Grants, which are funded by a region-wide Construction Excise Tax (CET), that are used for concept planning. To apply for a community planning and development grant, prospective grant applicants must submit a letter of intent. The City proposes submitting letters of intent, which are due to Metro Council by February 15, 2013, to apply for concept-planning funds for the above-listed UGB areas.

If pressed by Metro to prioritize which area to fund for study, staff respectfully suggests the following priorities:

1. Frog Pond UGB Area
2. Advance UGB Area
3. Coffee Creek UGA Area

EXECUTIVE SUMMARY

The City initiates an application for 2013 Metro community planning and development grants by submitting a letter of intent that due is due to the Metro Council by February 15, 2013. Final grant applications are due to Metro on April 18, 2013.

City staff seek to advance Council goals for residential development in the Frog Pond and Advance UGB areas and the Coffee Creek UGB industrial area. Tapping into Metro's CET-funded community planning and development grant program facilitates planning and development efforts by using a regionally-designated funding source. Due to a legal challenge to the program that was resolved in the past year, CET funds have become available to fund the planning-grant program; the last round of planning grants offered by Metro occurred in 2009.

The City Planning Division intends to submit a grant application for concept-planning for the Advance and Frog Pond UGB areas. The City has been invited to coordinate with Washington County, which will act as lead applicant, and the Port of Portland to advance concept planning efforts for 21 large-lot industrial sites scattered across the region that did not have detailed site-assessments conducted for the 2011-12 Regional Industrial Lands Study inventory. Of the 21 potential large-lot industrial sites identified in the region, five are in the Coffee Creek UGB area of Wilsonville.

BACKGROUND

Frog Pond and Advance Residential UGB Areas

The 181-acre Frog Pond area was added to the UGB in 2002; however, a concept plan must be prepared before development and annexation can begin. In September 2011, the City Council adopted Resolution No. 2320, "A Resolution of the City of Wilsonville in Support of Adding 316 Acres of Land Known as the 'Advance Road Area' (Metro UGB Analysis Area 4H) to the Regional Urban Growth Boundary for Residential Uses."

In line with City Council direction, the City's grant application will request funds to plan simultaneously for both Frog Pond and Advance areas that total 497 acres.

Coffee Creek Industrial UGB Area

On October 2007, the City Council adopted Ordinance No. 637, "An Ordinance Adopting the Coffee Creek I Master Plan as a Sub-Element of the City's Comprehensive Plan." In 2010, the City's Community Development Department received a grant from the Oregon Dept. Land Conservation and Development (DLCD) to partially fund a detailed infrastructure study for the Metro-designated "Regionally Significant" Coffee Creek UGB industrial area; the final report was presented to City Council on June 6, 2011.

The City Council's proposed 2013 State Legislative Agenda item 3.3 indicates Council support for efforts that "assists cities to develop existing industrial lands."

The five sites in the Coffee Creek UGB area proposed for concept planning total 263 acres. What has been referred to in the past as the “West Railroad” planning area is now considered as part of the larger Coffee Creek area.

Metro 2013 Community Planning and Development Grant Program

Metro is soliciting applications for the 2013 cycle of grants to fund projects that serve communities and economic development within the urban growth boundary. Up to 50 percent of the grant funds are to be awarded for concept planning in areas added to the urban growth boundary since 2009 and in urban reserves, preparing urban reserves to be ready for development when needed for inclusion into the urban growth boundary.

Local governments (cities and counties) are invited to apply, either as sole applicants or in partnership with other government entities, non-profit organizations, or businesses. Metro anticipates \$3.7 million will be awarded in this new grant cycle. Final decisions on the next round of grant awards are expected to be made in June 2013.

To apply for a Metro community planning and development grant, prospective grant applicants must submit a letter of intent by Friday, Feb. 15, 2013. The letter will describe the proposed project and how it serves the community and the region's goals for development that achieves sustainable and vibrant communities. In addition, the letter of intent will include the requested grant amount, applicability of the project to the evaluation criteria, and proposed milestones. A letter of intent must be submitted before preparing a full application.

Regional Large-Lot Industrial Lands Study

During 2011-12, Metro, the Port of Portland, Business Oregon and other parties sponsored a Regional Industrial Site Readiness Project. The City contributed \$5,000 to this region-wide effort that sought to identify potential large-lot (over 25 acres in size) industrial sites and key barriers to potential development of the sites.

The Regional Industrial Site Readiness Project identified 31 total sites across the region as “Tier Three” sites, indicating that those sites needed significant planning activities prior to development. Wilsonville has five of these “Tier 3” industrial sites, of which 21 are located in Washington County:

- #33 - Coffee Creek 1
- #34 - Vans Investment
- #59 - Coffee Creek 2
- #60 - Coffee Creek 3
- #61 - Coffee Creek 4

TIMELINE

To qualify for the Metro 2013 Community Planning and Development Grant Program, the City must submit letters of intent by February 15, 2013. Approval of the submission of letters at the February 4, 2013, City Council meeting facilitates meeting this deadline.

CURRENT YEAR BUDGET IMPACTS

To be determined; anticipate budget impacts to be primarily ‘in-kind’ support in terms of staff time and use of existing City resources.

COMMUNITY INVOLVEMENT PROCESS

Extensive public and stakeholder engagement over future UGB areas has occurred in Metro UGB-expansion processes in 2002, 2004 and 2011.

ATTACHMENTS

- A.** *Draft* Letter of Intent to Support Application of City of Wilsonville for Metro 2013 Community Planning and Development Grant Program for Frog Pond and Advance Areas, February 4, 2013
- B.** *Draft* Letter of Intent to Support Application of Washington County for Metro 2013 Community Planning and Development Grant Program for “Washington County Large Lot Industrial Site Assessments,” February 4, 2013
- C.** Resolution No. 2320, “A Resolution of the City of Wilsonville in Support of Adding 316 Acres of Land Known as the ‘Advance Road Area’ (Metro UGB Analysis Area 4H) to the Regional Urban Growth Boundary for Residential Uses,” September 2011
- D.** Ordinance No. 637, “An Ordinance Adopting the Coffee Creek I Master Plan as a Sub-Element of the City’s Comprehensive Plan,” October 2007; [without exhibits]
- E.** Media Release, June 2011, “Business leaders, public sector agencies partner to support private-sector jobs: Regional Lands Inventory project to identify region’s large job sites and barriers to development”
- F.** Regional Industrial Site Readiness Project Report: Project Overview, Sept. 17, 2012
- G.** Map - Regional Industrial Site Inventory: Potential Industrial Sites
- H.** Select pages from *Volume 1, Phase 1 and Phase 2, Analysis and Findings Regional Industrial Site Readiness Project*, August 2012

ATTACHMENT A



29799 SW Town Center Loop East
Wilsonville, OR 97070
Phone 503-682-0411
Fax 503-682-1015
TDD 503-682-0843
Web www.ci.wilsonville.or.us

DRAFT

February 4, 2013

Ms. Martha Bennett, Chief Operating Officer
Metro
600 NE Grand Ave.
Portland, OR 97232

**RE: Letter of Intent to Support Application of City of Wilsonville for Metro 2013
Community Planning and Development Grant Program for Frog Pond and Advance
Areas**

Dear Ms. Bennett,

The City of Wilsonville City Council supports the project to prepare a concept plan for development of the Frog Pond and Advance Road areas. At its joint work session with the Planning Commission in November 2012, the Wilsonville City Council discussed planning for these growth areas as a 2013 work plan priority. Additionally, the City Council advocated for adding the Advance Road Urban Reserve into the UGB in 2011.

This project would further several City priorities at once, including:

- Fulfilling the City's Title 11 responsibilities for Frog Pond;
- Setting the stage for the next phase of Wilsonville's residential growth to complement continued job growth;
- Planning for efficient public services delivery.

These two areas will likely develop in phases, therefore each could be planned separately. However, the two areas together compose a 497-acre area that should be concept planned together, thereby providing economies of scale for both planning and infrastructure development. The opportunity to plan in an integrated, holistic manner for both Frog Pond and Advance Road urban reserve areas represents a comprehensive way to plan for whole community needs rather than one subdivision development at a time. Planning the two areas together is the most promising approach to continuing Wilsonville's success with creating complete, communities.

Sincerely,

Tim Knapp
Mayor

ATTACHMENT B

DRAFT



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February 4, 2013

Ms. Martha Bennett, Chief Operating Officer
Metro
600 NE Grand Ave.
Portland, OR 97232

RE: Letter of Intent to Support Application of Washington County Large-Lot Industrial Site Assessments for Metro 2013 Community Planning and Development Grant Program

Dear Ms. Bennett:

The City of Wilsonville is pleased to partner with Washington County on a Metro Planning and Development Grant application to complete detailed site assessments for 21 large-lot industrial sites within Washington County. Establishing a supply of development-ready large sites is a critical component of a strategy to attract and retain large industrial firms and generate traded-sector jobs that pay higher wages for our residents and create tax base for public services. Because the Portland region must compete with other metropolitan areas for such traded-sector industries, it must be able to provide a reasonable inventory of development ready sites. Currently, the region has only nine Tier 1 development ready sites out of 56 large-lot industrial sites in the Portland metropolitan urban growth boundary and selected urban reserves.

Completion of these site assessments will help define the development challenges, costs, timeline for moving these sites from Tier 2 and 3 to development ready status, and the economic benefits (jobs, property tax, and personal income tax) of successful development of these sites. The information in the Phase 2 Site Assessments can be used by regional and local governments to prioritize infrastructure investments, understand implications of policy decisions on the critically constrained supply of market ready sites, identify what is needed to achieve on the ground or development outcomes, obtain Decision Ready designation from Business Oregon – a step toward Industrial Site certification, develop public funding applications and secure private investment in the sites.

The City of Wilsonville has five industrial sites that will be included as part of this project. To support this effort, the City will provide in-kind staff support to assist with completion of this project. Staff support will include providing information on transportation system, water, sewer, storm, utilities, environmental analysis, permit activity, zoning, capital facilities plans, and assistance with property owners.

The proposed Phase 2 Site Assessment provides a more detailed review of development constraints, detailed actions required of public and private sector investors, requirements for the approval of the intended use, and identification of costs and market gap addressing the barriers to development readiness. The analysis also reveals market opportunities and economic benefits for development of such sites allowing better and more efficient use of limited public and private resources.

The Wilsonville City Council supports this joint grant application with Washington County. We urge Metro's support of this grant application. Thank you for your time and consideration.

Sincerely,

Tim Knapp, Mayor

RESOLUTION NO. 2320

A RESOLUTION OF THE CITY OF WILSONVILLE IN SUPPORT OF ADDING 316 ACRES OF LAND KNOWN AS THE “ADVANCE ROAD AREA” (METRO UGB ANALYSIS AREA 4H) TO THE REGIONAL URBAN GROWTH BOUNDARY FOR RESIDENTIAL USES.

WHEREAS, the City’s “*20-Year Look*,” a pro-active process that resulted in community-supported recommendations for residential expansion, vetted through the Planning Commission and City Council in 2007 with an extensive public process, identified the Advance area as the top-priority for future residential development in conjunction with Frog Pond;

WHEREAS, the Metro Council brought into the UGB in 2002 a 181-acre area immediately east of the City of Wilsonville city limits known as Frog Pond for eventual annexation by the City for residential development;

WHEREAS, the “Great Recession” that commenced in 2008 resulted in private-sector residential developers being unable to complete concept planning for residential development in Frog Pond;

WHEREAS, the Frog Pond area lacks a concept plan to guide infrastructure planning and development and the City of Wilsonville is required to complete a concept plan for that area by the end of 2015;

WHEREAS, the Advance area is located immediately east of the City of Wilsonville city limits and is located adjacent to the Frog Pond area;

WHEREAS, the two urban-growth expansion areas known as Frog Pond and Advance together compose a 497-acre area that could be concept planned together, thereby providing economies of scale for both planning and infrastructure development;

WHEREAS, a nearly 500-acre area for residential development represents a significant opportunity for homebuilders that is unique in size for the Portland Metro region and would provide economies of scale for residential development;

ATTACHMENT C

WHEREAS, the opportunity to plan in an integrated, holistic manner for both Frog Pond and Advance urban reserve areas represents a comprehensive way to plan for whole community needs rather than one subdivision development at a time;

WHEREAS, the City of Wilsonville continues to experience residential development even during the "Great Recession" due to market demand for Wilsonville location and amenities;

WHEREAS, the West Linn/Wilsonville School District and the City of Wilsonville completed concept planning in 2011 for 40-acres in the Advance area for two new schools and adjacent sports fields. Further, initial concept plans were produced for the Frog Pond area by three local area homebuilders in collaboration with the City.

WHEREAS, Wilsonville has continued to grow in spite of the recession and now has a 2010 Census estimated population of over 19,500 people, which means that growth has exceeded the projections of the City's *20-year Look*,

WHEREAS, City staff has assessed the street Infrastructure cost estimates provided in the Metro analysis of the Advance Road area and believes that those costs have been significantly over-estimated. As such, City staff believes that adding the Advance Road area to the Frog Pond area provides tremendous synergy for infrastructure cost reductions.;

WHEREAS, Since the City of Wilsonville has both a Transportation Systems Plan update and a Water Master Plan update under way at this time, as well as initial planning to provide sewer service to the Frog Pond area, now is the perfect time to address the infrastructure needs of the subject land in hopes to reduce the cost per acre to serve this larger area.;

WHEREAS, the City of Wilsonville continues to have a jobs-housing imbalance where a large majority estimated at approximately ninety percent (90%) of Wilsonville workers commute from other locations to jobs in Wilsonville;

WHEREAS, the City seeks to provide employees who work in Wilsonville with the option to reside in the City of their employment reducing traffic congestion on I-5 and overall vehicle miles traveled;

ATTACHMENT C

WHEREAS, the City anticipates eventually annexing the approximate 216-acre Coffee Creek urban reserve area brought into the UGB by Metro in 2002 and a significant portion of the Basalt Creek urban reserve area brought into the UGB by Metro in 2004 as employment lands;

WHEREAS the addition of several hundred acres of Coffee Creek and Basalt Creek urban reserve areas to the City limits as employment lands will further exacerbate the existing jobs-housing imbalance by providing more opportunities for people to work in Wilsonville unless new residential lands are also added;

WHEREAS, the West Linn-Wilsonville School District has passed Resolution No. 2011-05, a "RESOLUTION IN SUPPORT OF THE INCLUSION OF THE ADVANCE ROAD PROPERTY INSIDE THE UGB (URBAN GROWTH BOUNDARY)" on September 13, 2010, that supports the City's request to Metro for inclusion of the Advance urban reserve area inside the UGB;

WHEREAS, the West Linn-Wilsonville School District plans to build a new elementary and a new middle school on land located in the Advance area and to trade land located there with the City for development of a regional park that includes sports fields;

WHEREAS, the transfer of land between the City and School District and development of the schools and regional park cannot occur until the Advance area is brought into the UGB;

WHEREAS, the Advance area is the only area in Clackamas County being considered by Metro for UGB expansion that is sought by the adjacent city and all other UGB expansion areas now under consideration are in Washington County; and

WHEREAS, the Metro-area principle of regional equity would suggest that development opportunities be distributed in a fair and equitable fashion across the region;

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

1. The City of Wilsonville requests that that the Metro Council add the 316-acre Advance area (Area 4H) to the Regional Urban Growth Boundary during the pending UGB expansion process.
2. This resolution is effective upon adoption.

ATTACHMENT C

ADOPTED by the Wilsonville City Council at a rescheduled regular meeting thereof this 7th day of September 2011 and filed with the Wilsonville City recorder this date.

Tim Knapp, Mayor

ATTEST:

Sandra C. King, City Reorder

SUMMARY OF VOTES:

Mayor Knapp - Yes
Council President Núñez - Yes
Councilor Hurst - Yes
Councilor Goddard - Yes
Councilor Starr - Yes



**CITY COUNCIL
WORK SESSION**

Metro Advance Road (Area 4H) UGB Expansion

Meeting Date: September 7, 2011

Contacts: Chris Neamtzu, Planning Director

Stephan Lashbrook, Asst. CD Director

Mark Ottenad, Public/Government Affairs Director

Report Date: August 31, 2011

Contact Telephone Number: 503-570-1574

Source of Item: Community Development Contact E-Mail: neamtzu@ci.wilsonville.or.us

ISSUE STATEMENT

The Metro Council is scheduled to make a final decision on expanding the Urban Growth Boundary (UGB) later this year, and the Metro staff is already prepared to limit the land areas to receive the consideration of their Council. In fact, the Metro Council may direct its staff at a work session scheduled for September 6 to focus only on Washington County sites for UGB expansion this year. If the Metro Council takes that action on September 6, the Metro staff can be expected to only provide written notices to property owners near four, "tier-one" pre-selected Washington County residential urban expansion sites—South Hillsboro, South Cooper Mountain (Beaverton), Roy Rogers West (Tigard) and Cornelius South—that total 2,072 acres. That could make it extremely difficult to have any Clackamas County sites considered in their subsequent final deliberations. There are only two Clackamas County locations identified for residential expansion ranked as "tier-two," the 316-acre Advance Road area and the 573-acre Maplelane area in Oregon City.

It should be noted that UGB decisions are intended to provide for community growth over a 20-year period. While Metro is understandably focused on adding sites to the UGB that can be provided with urban infrastructure as soon as possible, it should also be noted that Wilsonville has invested a considerable amount of time and effort weighing its options for growth over the next 20 years and that effort identified the Advance Road area for community growth over that time horizon.

Metro decision makers have acknowledged that the current level of local government support for including land in the UGB is an important factor in Metro's decisions. This is a key ingredient in determining the appropriate locations for expansion and why the City Council's decision on the proposed Resolution could have a direct bearing on the outcome.

ATTACHMENT C

BACKGROUND

Given the City Council discussion at the August 15 work session, City staff felt that a Council Resolution was needed to convey the City's position on possible UGB expansion in the Advance Road area. The attached Resolution has been prepared to emphasize the following points, most of which were discussed on August 15:

1. Regional equity -- UGB additions in Clackamas County are important in order to balance future regional growth in an equitable manner. Of the Clackamas County lands that have received consideration this year, the Advance Road area has the greatest development potential in the foreseeable future;
2. Jobs housing imbalance -- Wilsonville continues to need more residential land to offset the ongoing imbalance that will otherwise only be compounded by building out the industrial lands—Coffee Creek and Basalt Creek—added respectively to the UGB in 2002 and 2004. Additional residential development provides more housing options for people employed in Wilsonville, thereby potentially reducing commuter traffic congestion on I-5 and other prime arterials as well as overall vehicle miles traveled;
3. Wilsonville's last residential UGB expansion was in 2002 -- That last residential expansion was 181 acres in the Frog Pond area in 2002;
4. Infrastructure economies of scale -- Infrastructure costs can be off-set and spread over a larger area of nearly 500 acres (including both Frog Pond and Advance Road areas) with the proposed inclusion. The City Council has already begun discussing the funding options for sewer service to the Frog Pond area;
5. Concept planning economies of scale -- By considering the Frog Pond and Advance Road areas together, the overall concept plan can be prepared more efficiently. The City is required to complete a concept plan for the Frog Pond area by the end of 2015. Adding the Advance Road area to that concept planning effort is expected to be considerably less expensive than completing two separate concept plans for adjoining urban expansion areas and will result in the planning of complete communities opposed to individual areas;
6. Residential real-estate development economy -- Although some local residential developers were obviously over-leveraged when the recession hit, some are beginning to recover. Also, staff is beginning to hear reports that larger national homebuilders are looking to move into larger sites in the Portland region. The region has very few sites that are large enough to attract such large developers, but the combined Frog Pond and Advance Road areas could do so. These large-scale developers would tend to be interested only in large developments that can benefit from planning and infrastructure economies of scale.

ATTACHMENT C

7. School District support and partnership – Both a primary and middle school are planned for the Advance Road site. The West Linn – Wilsonville School Board passed a resolution in support of this UGB expansion in 2010;
8. Ten-Acre Regional Park – Wilsonville has a growing community need for sports fields and a long-term plan to meet that need by swapping ten-acre sites with the School District. The City has already met its end of that deal by providing the land for the new Lowrie Primary School at Villebois. The School District cannot legally reciprocate until their land has been brought into the UGB;
9. Planning for whole community needs – Much planning actually happens in reaction to specific development proposals, one subdivision at a time. By looking at the potential build-out of the Frog Pond and Advance Road areas together, a more comprehensive approach can be taken and the whole community's needs can be considered; and
10. 20-Year Look -- Wilsonville's *20-Year Look* was a pro-active process that resulted in community-supported recommendations for residential expansion, vetted through the Planning Commission and City Council through an extensive public process. The residential development of the Advance Road area emerged as a top priority through that process.

RELATED POLICIES/BUDGET CONSIDERATIONS

Moving forward on the Advance Road/Frog Pond concept planning will need to be prioritized in the overall work program, concept plan funding and staff resources allocated over the next few years. This is a multi-year process that will involve substantial public involvement and to be successful will require private homebuilder partnerships and community support.

COUNCIL OPTIONS

- A. The City Council can adopt the attached Resolution as drafted; or
- B. The City Council can modify the language of the attached Resolution and adopt that modified language; or
- C. The City Council could elect not to adopt the attached Resolution.

ATTACHMENT C

STAFF'S RECOMMENDATION

The staff recommends that the City Council adopt the attached Resolution, joining the West Linn/Wilsonville School Board in requesting that the Advance Road area (area 4H) be included in the UGB in 2011 for the reasons stated above.

CITY MANAGER COMMENT:

ATTACHMENTS:

- A. West Linn/Wilsonville School Board Resolution in support of adding the Advance Road site to the UGB.
- B. City map of UGB areas and reserves

**RESOLUTION IN SUPPORT OF THE INCLUSION OF THE ADVANCE
ROAD PROPERTY INSIDE THE UGB (URBAN GROWTH BOUNDARY)**

Resolution No. 2011-05

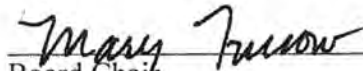
WHEREAS, West Linn-Wilsonville School District and City of Wilsonville have entered into an Exchange Agreement to equitable exchange the new Villebois School Site for the Advance Road City Sports Field Site; and,

WHEREAS, the Exchange cannot be completed until the Advance Road site is included inside the Metro Urban Growth Boundary (UGB); and,


WHEREAS, public testimony in support of this action is currently being solicited by Metro Council; and,

WHEREAS, it is in the best interest of the School District and City to clearly advocate inclusion of the Advance Road Site in the UGB.

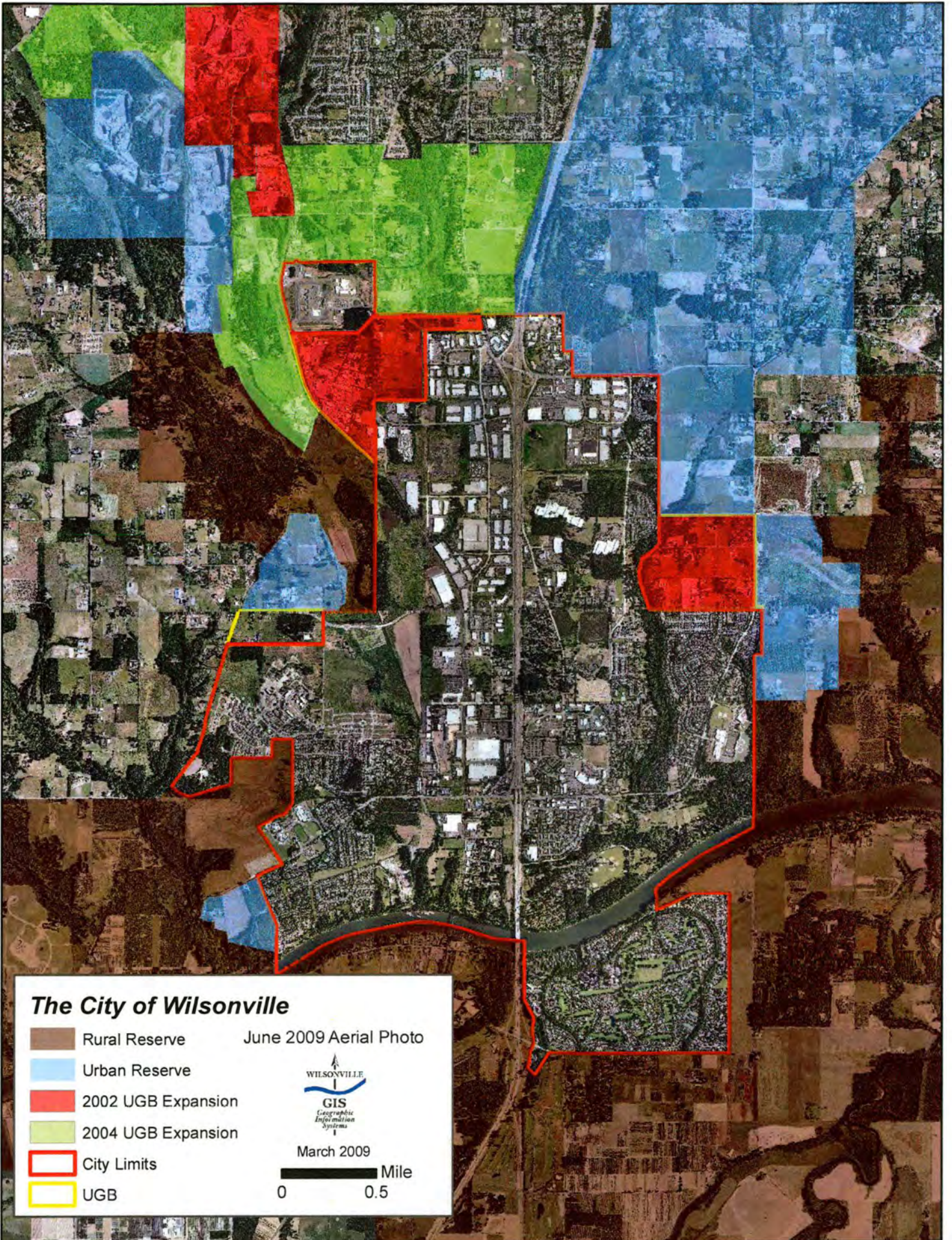
Now, **THEREFORE**, West Linn-Wilsonville School District, Board of Education, does hereby advocate to METRO to move the Advance Road Site inside the UGB, and authorizes the Superintendent to forward a Letter of Recommendation to METRO stating the same.


Board Chair

9-13-2010
Date


Board Secretary

9/13/10
Date



ORDINANCE NO. 637

AN ORDINANCE ADOPTING THE COFFEE CREEK I MASTER PLAN AS A SUB-ELEMENT OF THE CITY'S COMPREHENSIVE PLAN

WHEREAS, in 1998, following the Metro designation of the Coffee Creek area as Urban Reserve Area (URA) 42, and the potential location of the Coffee Creek Correctional Facility within, and adjacent to URA 42, the City, with the assistance of a DLCD Quick Response Team and DKS Associates, prepared a North Wilsonville Industrial Area Concept Plan; and

WHEREAS, several objectives of the Concept Plan were to:

- Meet a critical need for a state mandated correctional facility
- Meet future regional needs for additional industrial zoned and serviced lands
- Contribute to the community economic health of Wilsonville, and

WHEREAS, the Concept Plan states that, "Upon approval by the Governor of the prison facility on the selected site west of Day Road, . . . the remainder of the Urban Reserve will require a more detailed master plan that includes additional phasing of development. The City of Wilsonville is committed to completing that master plan"; and

WHEREAS, under Implementation Steps in the Concept Plan, it is recognized that, "Area 42 lies within the Washington County/Wilsonville Urban Planning Area. Changes to existing land uses are governed by an Urban Planning Area Agreement that lays out review and hearing procedures. In this case, Wilsonville will prepare a (master) plan for the area which will become effective upon annexation (of the area) by the City"; and

WHEREAS, consistent with this action, the City amended its Comprehensive Plan to designate the Coffee Creek area "Area H" as a special area of concern and noted that the city expected to provide services to the entire area when master planned and annexed; and

WHEREAS, Washington County was duly noticed as to the above Concept Plan and implementing steps and did not object to same; and

WHEREAS, the Coffee Creek area (formerly referred to as Area 42) was added to the Metro Urban Growth Boundary (UGB) in December of 2002 via Metro Ordinance No. 02-969B with a specific 2040 Growth Concept designation of Regionally Significant Industrial Area

ATTACHMENT D

(RSIA) which required the area to be planned within two years (which was tolled by two years due to an appeal of the ordinance); and

WHEREAS, the site of the correctional facility, named the Coffee Creek Correctional and Intake Facility, was duly annexed into the City, together with Day road, and urban services and infrastructure provided to the site; and

WHEREAS, RSIA are those lands that are located near the region's most significant transportation facilities (I-5) for the movement of freight and storage of goods and offer the best opportunities for family wage industrial jobs; and

WHEREAS, Title 4 of Metro's Urban Growth Management Functional Plan (UGMFP) calls for a strong economic climate. To achieve that end, Title 4 seeks to provide and protect a supply of sites for employment and the movement of freight and storage of goods by limiting the types and scale of non-industrial uses in RSIA areas, particularly commercial uses; and

WHEREAS, the City of Wilsonville, in 2005, amended the City's Planning and Land Development Ordinance by incorporating new Metro standards regarding commercial uses in the Planned Development Industrial Zoning District and adopting a new Regionally Significant Industrial Zoning District; and

WHEREAS, in 2005, the City determined that with the appeal of Metro Ordinance No. 02-969B concluded, the ordinance containing a two-year planning requirement, and the previously coordinated and approved Concept Plan, and since only about 150 acres of vacant industrial lands remained within the City, much of which was owned by existing companies for expansion purposes and was not available on the open market, that the time was appropriate to begin the master planning effort for the Coffee Creek Area For RSIA lands; and

WHEREAS, in 2005, the City applied for Transportation and Growth Management (TGM) funds for the preparation of a Coffee Creek Master Plan for URA 42 exclusive of the annexed correctional facility lands and for a portion of the North Wilsonville/Tualatin Planning Area added to the Metro UGB in 2004; and

WHEREAS, in August 2005, the city received notice that a TGM grant for up to \$100,000 had been approved for the area identified in Metro documents as Coffee Creek I only, because, "At this time, concept planning for Coffee Creek II and North Wilsonville is premature, until a corridor is selected for the I-5/99W Connector"; and

ATTACHMENT D

WHEREAS, in September 2005, the City requested a modification to the planning area to include that portion of North Wilsonville generally one lot deep north of Day Road, west of Boones Ferry Road, east of Graham's Ferry Road in order to allow coordinated planning for properties abutting both sides of Day Road; and

WHEREAS, in December 2005, a letter was received from Tualatin Mayor Lou Ogden objecting to concept planning for any part of the area north of Day Road until the alignment of the I-5/99W Connector is determined and indicating willingness to participate in a planning effort for lands located south of the Coffee Creek Correctional Facility; and

WHEREAS, Wilsonville Mayor Charlotte Lehan responded in December 2005 that Wilsonville was indeed preparing a Master Plan for the Coffee Creek I area, and since it made little sense to plan one side of a major street without looking at the abutting properties on the opposite side of that street, the City was including the properties one lot deep north of Day Road, and including a map of the planning area; and

WHEREAS, upon further consideration and in accommodation to other governmental agencies, including Tualatin, the City limited the boundary of Coffee Creek I for master planning to Day Road, and not to approximately one lot deep and north of Day Road; and

WHEREAS, in June 2006, an Intergovernmental Agreement was signed between the City of Wilsonville and ODOT detailing the responsibilities of each party under the TGM grant award, and including a planning area map consisting of the Coffee Creek I area approximately bounded by the Coffee Creek Correctional Facility and Day Road to the north and lies west of Boones Ferry Road and east of Graham's Ferry Road; and

WHEREAS, the Coffee Creek I project consultants, Otak, Inc. and the TGM Project Manager, Andrew Johnson from ODOT, were also part of the project team for the Southwest Tualatin Area Concept Plan, another Metro UGB designated industrial area located to the northwest of the Coffee Creek I planning area within the area of potential I-5/99W Connector alignments, and whose Concept Plan preparation preceded the Coffee Creek master planning effort by approximately one year; and

WHEREAS, following selection of the project consultants by ODOT, in collaboration with the City of Wilsonville, and a mailing of an invitation to affected property owners, as well as to Washington County, and the cities of Tualatin and Sherwood, to serve on the Project Advisory Committee (PAC), the first PAC meeting was held in February 2006; and

ATTACHMENT D

WHEREAS, the PAC represents broad interests in the study area including local government (Washington County, cities of Sherwood and Tualatin), agency representatives (Metro, Department of Land Conservation and Development and the Oregon Department of Transportation), landowners, landowner's representatives, interested individuals, business and development interests; and

WHEREAS, staff from the City of Tualatin attended the first PAC meeting and objected to the inclusion of the area north of Day Road; and

WHEREAS, TGM staff and City staff clarified that under the IGA between the City and ODOT, that the City was not preparing a master plan for the area north of Day Road, but only a concept plan related primarily to infrastructure; and

WHEREAS, a second PAC meeting was held on June 15, 2006, attended by staff from the City of Tualatin and Washington County, to review drafts of Technical Memorandum # Plan and Policy Review, Goals and Objectives and Evaluation Criteria for reviewing alternative plans; and

WHEREAS, the following goals were established by the PAC to guide the development of the Master Plan:

Goal 1: Consistency with Local, Regional, and State Plans

Ensure that the master/concept plans are consistent with the Metro 2040 Plan, the Urban Growth Management Functional Plan and the City of Wilsonville's Comprehensive Plan

Goal 2: Transportation

Protect the capacity and efficiency of the region's transportation system for the movement of goods and services

Goal 3: Public Facilities

Plan for orderly, economic provision of public facilities and services.

Goal 4: Citizen/Stakeholder Participation

Provide for extensive stakeholder involvement in the planning process

Goal 5: Quality of Development

Maintain high quality industrial development;, and

WHEREAS, a third PAC meeting was held on August 18, 2006, attended by City of Tualatin but not Washington County, to review conceptual alternatives for the planning area both south and north of Day Road; and

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WHEREAS, in August 2006, a Coffee Creek Project webpage was created by the City for PAC members and the general public; and

WHEREAS, a Project Open House was scheduled for September 28, 2006, and written invitations were sent to all PAC members, all property owners in the planning area and owners within 500 feet of the planning area; and

WHEREAS, the conceptual alternatives, modified as recommended by the PAC on August 18, were presented to the Project Open House on September 28, 2006, attended by 45 people, including representatives from City of Tualatin, and Washington County; and

WHEREAS, in October 2006, in response to questions from the I-5/99W Connector committees, Mayor Lehan sent a letter with multiple attachments explaining the Coffee Creek planning process, and inviting anyone who wished to participate; and

WHEREAS, in September 2006, a letter was received from Washington County requesting several changes and additions to the draft materials, including additional traffic analysis; and

WHEREAS, in response to Washington County, the TGM Grant agreement was modified to add \$7000 to the grant amount, and the requested traffic analysis was completed, and other requested changes were either made or determined to already be included in the draft materials; and

WHEREAS, the PAC met again on October 20, 2006, to review the revisions suggested at the Open House and make appropriate modifications to the alternatives; and

WHEREAS, the PAC met next on February 16, 2007, to review the revised transportation information requested by Washington County, to review the infrastructure costs of the alternatives, and to rank the Plan alternatives; and

WHEREAS, the PAC met the last time on April 6, 2007, to review the draft Master Plan for the area south of Day Road (Coffee Creek I) and the draft Concept Plan for the area north of Day Road, and recommended that the documents and technical appendices be forwarded to the Planning Commission for public hearing and recommendation to City Council; and

WHEREAS, on March 14, 2007 and April 11, 2007, the Planning Commission conducted work sessions on the draft Master Plan only, the City having agreed, in the interest of coordination with, and the accommodation of, the interests of affected governments to postpone

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hearings on the Concept Plan north of Day Road until the I-5/99W Connector alignment is determined and to limit the Master Plan to area south of Day Road; and

WHEREAS, letters were received, and included in the Planning Commission record, from Washington County and the City of Sherwood requesting that we delay adoption of the Master Plan into the City's Comprehensive Plan until the alignment of the I-5/99W Connector is determined, and from the City of Tualatin objecting to approval of any plan for the area north of Day Road; and

WHEREAS, a letter dated May 14, 2007 (Attachment 1) was received for the Planning Commission record from Metro stating that "Metro did not condition planning of Area 49 (Coffee Creek I) on the selection of the right-of-way alignment for the I-5/99W Connector nor did Metro amend the conditions affecting this area when it brought additional land into the UGB in 2004. While the Master Plan is located within the I-5/99W Connector study area, we understand there is currently not an alternative for an I-5/99W Connector alignment south of Day Road. The master plan appears consistent with the Regional Transportation Plan (RTP) as required by Title 11. With this demonstration, Metro supports moving forward with the master plan and future annexation of this area"; and

WHEREAS, a letter from ODOT dated May 16, 2007 (Attachment 2), was received for the Planning Commission record raising a technical issue regarding the recommended improvements at the intersection of Day and Boones Ferry Roads, and recommending that the City not annex properties within the Coffee Creek area until a preferred I-5/99W Connector alternative has been identified; and

WHEREAS, the City's engineering staff is in negotiations regarding improvements to the Boones Ferry Road/95th Avenue area, and the recommended ODOT improvements are included in those discussions and should satisfy ODOT's concerns in this regard; and

WHEREAS, the City has, in its letters to Washington County, Tualatin and Sherwood, outlined the steps preceding annexation of properties to the City and the approximate 1 – 2 year time period for such steps to occur, thus allowing a reasonable time for determination of the preferred Connector alternative; and

WHEREAS, after conducting a special public hearing on May 16, 2007, and after affording all interested parties an opportunity to testify and/or submit information into the record

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of proceedings on this matter, the Planning Commission forwarded a recommendation of approval onto the City Council; and

WHEREAS, on May 31, 2007 (Attachment 3), City staff responded to letters from Washington County and from the City of Sherwood explaining that the time necessary to an applicant to work through the application and annexation process in the city of Wilsonville would likely correspond well to the timeline for the determination of the I-5/99W Connector alignment, and that therefore adoption of the Master Plan would not impede the Connector process; and

WHEREAS, in June 2007 (Attachment 4), a letter was received from Washington County requesting that the City incorporate reservation of extensive rights-of-way on Graham's Ferry Road, Boones Ferry Road, Day Road and Clutter Road into the draft Master Plan in order to preserve all possible I-5/99W Connector opportunities, but the requested rights of ways are greater than that set forth in either Washington County's Transportation System Plan or Wilsonville's Transportation System Plan (see below), and as subsequently stated by Mayor Lehan at the below-mentioned City Council Meeting, are commonly known that Grahams Ferry in particular is subject to geographical constraints, are so large as to greatly reduce development area, and are improbable to meet exaction requirements for development impacts or to meet the greatest public good with the least private impact requirements for eminent domain; and

WHEREAS, a second letter dated July 13, 2007 (Attachment 5), was received from Metro for the City Council record stating that, given the City's application and annexation process and the provisions of Washington County's interim FD-20 Zoning district, "it appears that the proposed master plan, dated March 30, 2007, is consistent with the requirements of Title 11 of the Urban Growth Management Functional Plan and Metro Ordinance 02-969B conditions"; and

WHEREAS, subsequent comments from Washington County and the City of Sherwood requested that the City delay the planning process, and especially the adoption of the Coffee Creek Master Plan into the City's Comprehensive Plan until the alignment of the I-5/99W Connector was determined; and

WHEREAS, the City responded that none of the alignments under consideration traversed the Coffee Creek area south of Day Road, that there was a continuing need for industrial land in the south Metro area adjacent to I-5, that the supply of industrial land master

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planned and ready for development was very limited, and that the hearings on adoption of the CCMP would continue; and

WHEREAS, the Coffee Creek Master Plan complies with the established goals for the project and creates a detailed transportation, infrastructure and land use plan for the area consistent with the Regionally Significant Industrial Area (RSIA) designation placed on it by Metro; and

WHEREAS, Metro has indicated that master planning can occur as long as it incorporates the general location of the I-5 to 99W Connector and the Tonquin Trail per the 2004 Regional Transportation Plan (RTP) both which were addressed; and

WHEREAS, a second letter was received from Washington County requesting the City to include in the CCMP provision for improvements to seven lanes for Graham's Ferry and Boones Ferry Roads, and to five lanes for Day and Clutter Roads; and

WHEREAS, the City's Transportation Systems Plan (TSP) currently has no street standard cross sections in excess of five (5) lanes, the standard for major arterials; and

WHEREAS, in the City's TSP, Graham's Ferry Road is currently designated a minor arterial from Clay Road south, Day Road is designated a major collector and Boones Ferry between Day Road and Parkway Center Drive is designated a major arterial; and

WHEREAS, a review of the Regional Transportation Plan or Washington County Comprehensive/Transportation Plan finds that there are no requirements that provide for street capacities or rights of way in excess of those provided in the Wilsonville Plan and TSP; and

WHEREAS, the City Council held a duly noticed public hearing on July 16, 2007; and

WHEREAS, Lawrence Odell, Assistant Director of the Washington County Department of Land Use and Transportation, appeared and testified that "adoption of the Coffee Creek Master Plan as part of the (City's) Comprehensive Plan prior to identifying the final I-5/99W Connector project is premature and violates the Urban Planning Area Agreement (UPAA) between Washington County and the City of Wilsonville", and "request that you delay the action formally until we have a chance to work together and address the issues that have not been addressed to this point", or alternatively that there was an upcoming meeting of the I-5/99W Project Steering committee to narrow the connector alternatives and he requested that the city council delay action for at least two months to analyze the selected alternative(s); and

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WHEREAS, a letter dated July 16, 2007 (Attachment 6), was received and entered into the Council record from Kathy Lehtola, Director of the Washington County Department of Land Use and Transportation, reiterating many of these same points; and

WHEREAS, testimony by the City's consultant before the City Council as well as previous reports submitted in the record provide that traffic impacts of the development of Coffee Creek I Master Plan area would not have a negative impact on any of the planned Connector alternatives or even in the event of a no-build alternative, and vice versa; and

WHEREAS, Wilsonville has developed as a transportation center, one third of its lands are developed or designated for industrial development, and it has a long and positive history and experience that its planning for transportation infrastructure capacity and necessary rights of way have well supported its industrial lands; and

WHEREAS, the city has coordinated with Metro, Washington County, Tualatin, ODOT, Sherwood and other agencies and has accommodated their requests where practicable and supportable by applicable land use standards; that Washington County greater right of way requests are impracticable, not merited, nor do they meet applicable land use standards or plans; that the City's planning for transportation, infrastructure and land use of Coffee Creek I as the urban service providers meets the intent of UPAA agreement; that Washington County has not demonstrated any intent to provide these services or to meet the two-year planning requirements of Ordinance No. 02-969B; that Washington County was previously in accord with the City's Concept Plan for the area; that the Master Plan's approval is only applied to the property within the area upon the properties' annexation; that the Master Plan for Coffee Creek I is in keeping with the City's Comprehensive Plan and other land use requirements as found and concluded in the Master Plan itself and accompanying staff reports; and a delay until a Corridor Alternative is finally selected is too indefinite to meet the public interest and current need for RSIA lands, the preponderance of the evidence supports the fact that the current alternatives are not likely to negatively impact the Coffee Creek I Plan, and it has not been shown by a preponderance of evidence that the Coffee Creek I Plan's development will negatively impact any of the corridor alternatives, rather the preponderance of the evidence supports such development will not have a negative impact; and

WHEREAS, after considering the testimony, exhibits, reports and the recommendation from the Planning Commission, the City Council voted 5-0 to adopt Ordinance No. 637 on first

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reading with errata changes, and determined to carry over the second reading for two months until September 17, 2007, in consideration of and in accommodation of Washington County's alternative request; and

WHEREAS, on July 19, 2007, City Attorney Kohlhoff wrote to Dan Olsen, Washington County Counsel (Attachment 7), advising the County that the Council, in the interest of coordination, has scheduled the second reading of Ordinance No. 637 for September 17, 2007, thus providing the requested two months delay; and requesting that Washington County interpret the 1988 UPAA under its special provisions section authorize Wilsonville to master plan infrastructure development for areas within the Urban Planning Area such as Coffee Creek I or to enter into negotiations with Washington County over the next 60 days to amend the UPAA to delegate specific planning authority within the UGB to Wilsonville for Coffee Creek I; and

WHEREAS, on July 27, 2007, Michael Bowers, Community Development Director, (Attachment 8) responded to Kathy Lehtola's letter of June 4 regarding expansive rights-of-way providing a factual rebuttal to her requests; and

WHEREAS, by letter of July 30, 2007, Christopher Gilmore, Sr., Assistant County Counsel, advised Mr. Kohlhoff that Washington county had a limited, time-sensitive process to authorize any land use ordinances under its charter and that the commission would have to first authorize staff to proceed and then adopt any change in a very short timeframe, and that Washington County would not agree to the requested interpretation UPAA; and

WHEREAS, on or about August 13, 2007, the City received a draft Washington County Ordinance No. 680 authorizing its staff to amend the joint UPAA and to include language stating that, "For the area outside of the city limits and within the UPA, delegation of the planning authority to the City is contingent upon selection of a preferred alternative for the I-5/99W Connector by the I-5/99W Connector Project Steering Committee. The County and the City may agree through a Memorandum of Understanding to delegate planning authority to the City for this area prior to selection of the preferred alternative provided any proposed comprehensive plan amendment includes the maximum road right of way reservations or such other assurances as are necessary and consistent for preserving the I-5/99W connector alternatives selected by the Project Steering Committee"; and

WHEREAS, the language "maximum road right of way reservation" is still being represented by as Washington County staff as that requested in the aforementioned Lehtola letter

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rather than that called out in the respective TSPs, and the language "other assurances" was to provide some flexibility but has not been defined by Washington County as of yet; and

WHEREAS, this language, "maximum road right of way reservation" has no definition unless tied to a Comprehensive Plan or TSP designation and since it is not, appears to require more than Statewide Goal 2 mandates and upon reviewing Washington County's recent UPAA with Sherwood and Tualatin, more than what is prevailing in the region; and

WHEREAS, Washington County has scheduled a Planning Commission public hearing on the draft Ordinance to amend UPAA for October 17, 2007, and a public hearing before the Board of County Commissioners on October 23, 2007; and

WHEREAS, in discussions, the County has rejected a further City request to amend the UPAA to track the UPAA form approved by the County with other jurisdictions in the immediate area; and

WHEREAS, the I-5/99W Connector Project Steering Committee met on August 22, 2007, and selected 5 alternatives to be studied further for determination of the final connector alignment. Those alternatives are:

No Build- The No-Build alternative provides the baseline against which other solutions can be compared. This alternative assumes construction of transportation facilities already identified in local and regional transportation plans that are approved and funded.

Transportation Demand Management (TDM) and Transportation System Management (TSM) - TDM/TSM includes transportation system improvements that help reduce single driver vehicle use, enhance pedestrian/bicycle systems, improve mass transit, and upgrade intersections and signal timing within the project area.

Enhanced Existing System Alternative (EESA) – This alternative focuses on ways to significantly improve the area's existing roadway system (including the TDM/TSM ideas) without pursuing a new, major connector between I-5 and Highway 99W. This option proposes a variety of roadway improvements including substantial upgrades to increase the vehicle carrying capacity on Tualatin-Sherwood Road.

Connector (s) within the UGB- Alternative category 4 will propose one or more corridors for a new limited access highway/high capacity parkway between I-5 and Highway 99W entirely within the urban growth boundary (UGB).

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Connector(s) outside, or partially outside the UGB – Alternative category 5 is identical to category 4 except corridors may be partially or entirely outside the UGB. In order for any solution to be constructed outside the UGB, it will be necessary to demonstrate that no reasonable solution can be implemented within the UGB. Solutions in this category will require an exception to state planning rules; and

WHEREAS, only Alternative 3 enhancing existing roadways directly abuts the Coffee Creek I planning area; and

WHEREAS, the recommended street enhancement improvements in the Coffee Creek I Master Plan are consistent with the currently adopted Regional Transportation Plan and Transportation Systems Plans of Washington County, the City of Sherwood and the City of Tualatin; and

WHEREAS, the proposed transportation plan in the Coffee Creek I Master Plan utilized the data base requested by Washington County, and has been determined to be adequate to serve the projected development levels in the Coffee Creek Planning Area as well as the pass through traffic; and

WHEREAS, Washington County has acknowledged (Lehtola letter of July 16, 2007) that the Coffee Creek I Master Plan can be subsequently amended to address impacts, if any, from the Connector Project but has rejected that as sufficient "other assurances necessary and consistent" for preserving I-5/99W connector alternatives; and

WHEREAS, adoption of the Coffee Creek Master Plan is critical so that the City can continue to provide for economic development and creation of jobs to meet the requirements of Title 4 of the UGMFP as well as to satisfy commitments to the region; and

WHEREAS, the Coffee Creek Master Plan (CCMP) is a detailed transportation infrastructure and land use plan for the area of approximately 193 total acres with 164 gross build able acres of land designated Regionally Significant Industrial Area (RSIA) and bound to the north by Day Road and the Coffee Creek Correctional Facility, to the west and south by the Portland and Western Railroad (P&WRR) tracks and to the east by the existing City limits; and

WHEREAS, the *Title 11-Planning for New Urban Areas* compliance deadline was March 2007; Washington County is not planning to provide infrastructure for this area, and acknowledges Wilsonville will be the provider; therefore, adoption of the City's Coffee Creek I Master Plan is critical to compliance; and

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WHEREAS, under ORS 195.025, Metro has the authority and responsibility to coordinate all planning activities affecting land uses in tri-county area to ensure that amendments to plans are consistent with the comprehensive plans of affected jurisdictions; and

WHEREAS, pursuant to that role, and mindful of the positions of the jurisdictions in the region relative to the connector project as noted above, Metro approved the proposed Coffee Creek Master Plan as consistent with the Metro UGMFP and Title 11; and

WHEREAS, it appearing to the Council that conditional adoption of the Coffee Creek I Master Plan with its application subject to annexation is consistent with applicable state, regional and local law, and that the City has complied particularly with Statewide Goal 2 requirements for coordination with affected governments and has been reasonable in its coordination efforts with affected governments under the applicable land use standards as recited above; and

WHEREAS, the City received a letter dated September 14, 2007 signed by Kathy Lehtola, Director of Land Use and Transportation Washington County and Senior Assistant Washington County Counsel Christopher Gilmore (Attachment 9) further requesting the City Council delay its decision on the Coffee Creek I Master Plan with supporting rationale, which among other things challenged the adequacy of the City's transportation findings under the applicable Oregon Administrative Rules and challenged the City's jurisdiction to Master Plan the Coffee Creek I area under Metro ordinance No. 04-104B; and

WHEREAS, the proposed ordinance to adopt the Coffee Creek I Master Plan with amendments was read by title and the amendments were reviewed for the record at the regular meeting on the City Council on September 17, 2007; and the City Council opened up the hearing and received the September 14, 2007 Washington County letter (Attachment 10) and testimony from Lawrence Odell, Assistant Director of Land Use and Transportation for Washington County supporting the requested delay as set forth in the letter and then he responded to questions from the City Council, received testimony from Buzz Weideman, an interested property owner within the Coffee Creek I area, opposing any delay citing the long delay since coming into the UGB in 2002, the inability to sell or plan the use of his land as well as his neighbors' inability to do the same because the planning had not been completed, and that Washington County was requesting an indefinite delay based on the possibility of traffic impacts involving corridor alternatives that had not been selected and were not currently known, received proposed supplemental transportation findings by staff (Attachment 10) addressing the

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applicable OAR's in response to the September 14, 2007 letter, received proposed responsive findings to other rationale set forth in the September 14, 2007 letter, received a printed copy of an e-mail dated September 17, 2007 from Senior Metro Attorney, Richard Benner, (Attachment 12) to City Attorney Kohlhoff stating Metro Ordinance No. 04-104B did not apply to the Coffee Creek I land area, and received a printed copy of an e-mail forwarding the Benner e-mail to Washington County attorney Gilmore by attorney Kohlhoff at 12:45 PM, September 17, 2007 (Attachment 12); and

WHEREAS, it was duly moved, seconded and approved to continue the matter for decision to October 1, 2007; thereby, allowing the City Council to review the additional testimony, exhibits/attachments and to provide the staffs of the City and Washington County time to further confer and coordinate to determine whether a Memorandum of Understanding could be amicably reached; and

WHEREAS, under the City Manager's portion of the City Council meeting of September 17, 2007, the City Manager addressed some of the late timing and issues addressed late in the coordination process by Washington County and that a further coordination meeting was being scheduled for Monday, September 24, 2007 with key Washington County executive staff.

WHEREAS, in advance of the October 1 meeting, city staff drafted a proposed Memorandum of Understanding (MOU) which under the UPAA would provide the "other assurances" that connector alternatives would not be foreclosed by city adoption of the Master Plan. The draft MOU provided three substantive conditions to the delegation of planning authority to the city for the subject property: 1) that enactments be subject to annexation of the property to the city, 2) that the text of any enactments provide for future amendments consistent with the connector selected by the I-5/Hwy 99W Project Steering Committee, as that project or parts thereof are adopted into the Regional Transportation Plan, and 3) that the possibility of such future amendments will be recognized in any development agreements or Measure 37 waivers that would be conditions of annexation approval. These conditions addressed the primary concerns of the county that: 1) city/county planning jurisdiction in this area be mutually accepted, 2) that planning for possible future connectors be reserved in the Master Plan and 3) that property owner entitlements in Master Plan adoption be legally minimized. At the October 1 meeting, county staff preliminarily was in accord with the proposed MOU conditions and sought a further condition that required an unspecified set-back and right-of way for Day Road. Based

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upon further discussion, this condition was refined to require where the area north of the current Day Road was planned, a reservation of sufficient right-of-way to accommodate a future widening of Day road to a five-lane Wilsonville arterial standard as necessary for and consistent with the connector project; and,

WHEREAS, the City of Tualatin participated in these discussions, supported the process for Coffee Creek I (Attachment 13) and subsequently participated in the discussions concerning the MOU; and

WHEREAS, in the succeeding weeks, the respective staffs further refined the draft MOU to incorporate language which the staffs could recommend to its governing bodies (Attachment 14); and,

WHEREAS, the City Council discussed the MOU approach at its October 1, 2007 council meeting and continued the matter to the October 15, 2007 meeting to accommodate further consideration by the city and county; and

WHEREAS, upon consideration of the draft MOU (Attachment 14) and finding it to be acceptable in substance,

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

Findings and Conclusions:

Section 1. The recitals set forth above are findings and conclusions of the City Council and are incorporated as if fully set forth herein; and staff report and conclusionary findings dated July 16, 2007, and amendments dated September 13, 2007, are hereby adopted as findings, attached as Exhibit A, and incorporated as if set forth fully herein. All documents referenced and recited above are public records and are entered into this record.

Order:

Section 2. City Council hereby adopts the Coffee Creek I Master Plan and Appendix (Dated April 23, 2007), attached as Exhibit B, as a sub-element of the 2007 City of Wilsonville Comprehensive Plan, and its application and enforcement is subject to annexation of affected properties. Language in the Comprehensive Plan concerning AREA H and adoption of the subject master plan, is hereby repealed.

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Section 3. Staff Direction and Authorization. The City Council further approves and authorizes the City's assurances set forth in the MOU (Attachment 14). City staff is hereby directed to support the UPAA amendment and MOU (Attachment 14) in County adoption proceedings, and the City Manager is authorized to execute final documents that are a final result of that process and are in keeping with the MOU (Attachment 14).

SUBMITTED to the Wilsonville City Council, read the first time at a regular meeting thereof on the 16th day of July 2007, and scheduled for second reading at a regular meeting thereof on the 15th day of October 2007 commencing at the hour of 7:00 p.m. at the Wilsonville City Hall.

Sandra C. King, MMC, City Recorder

ENACTED by the City Council on the 15th day of October 2007, by the following votes:

YEAS: -5-

NAYS: -0-

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this _____ day of October 2007.

CHARLOTTE LEHAN, MAYOR

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Council President Kirk	<u>Yes</u>
Councilor Knapp	<u>Yes</u>
Councilor Ripple	<u>Yes</u>
Councilor Núñez	<u>Yes</u>

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Attachments:

1. May 14, 2007 Letter from Metro
2. May 16, 2007 letter from Oregon Department of Transportation
3. May 31, 2007 Letter to Kathy Lehtola, Washing County
4. June 4, 2007 letter from Kathy Lehtola, Washington County
5. July 13, 2007 Letter from Metro
6. July 16, 2007 Letter from Washington County
7. July 19, 2007 Letter to Dan Olsen, Washington County Counsel
8. July 27, 2007 Letter to Kathy Lehtola from Michael Bowers
9. September 14, 2007 Letter from Kathy Lehtola to Mayor and Council
10. September 17, 2007 E-Mail from Richard Benner Senior Metro Attorney
11. September 21, 2007 Letter from David Bragdon of Metro
12. September 25, 2007 E-Mail originally from Richard Benner, Metro to Michael Kohlhoff, Wilsonville City Attorney.
13. September 14, 2007 letter from Sherilyn Lombos, Tualatin City Manager
14. Memorandum of Understanding (MOU) between Washington County and the City of Wilsonville

WILSONVILLE PLANNING DIVISION
Legislative
AMENDED STAFF REPORT

HEARING DATE: September 17, 2007 (~~July 16, 2007 first hearing~~)

DATE OF REPORT: **Amended** July 9, 2007 (~~revised for Sept. 17, 2007 Council meeting~~)September 17, 2007

APPLICATION NO: LP07-0001

REQUEST: Adoption of the Coffee Creek Master Plan as a sub-element of the Comprehensive Plan.

LOCATION: The area is generally bound by Day Road and the Coffee Creek Correctional Facility on the north, the Portland and Western Railroad to the west and south, and the existing city limits to the east.

APPLICANT: City of Wilsonville

STAFF REVIEWER: Chris Neamtzu AICP, Long-Range Planning Manager

CRITERIA:

Wilsonville Comprehensive Plan:

Plan Amendments

Citizen Participation:

Goal 1.1

Policy 1.1.1

Implementation Measures 1.1.1a – 1.1.1h

Urban Growth Management:

Policy 2.2.1

Implementation Measures 2.2.1a – 2.2.1h

Public Facilities and Services:

Goal 3.1

Implementation Measures 3.1.1.a, 3.1.1.d,

Policy 3.1.2, Policy 3.1.3

Implementation Measures 3.1.3a – 3.1.3c

Implementation Measures 3.1.4e, 3.1.4f

Implementation Measure 3.1.5e

Implementation Measures 3.1.6c, 3.1.6k, 3.1.6p, 3.1.6t

Implementation Measures 3.1.7d, 3.1.7e, 3.1.7f, 3.1.7g, 3.1.7h, 3.1.7n

Implementation Measures 3.1.11b, 3.1.11i

Land Use and Development:

Implementation Measure 4.1.1e

Policy 4.1.3.

Planning and Land Development Ordinance:

Section 4.198: Comprehensive Plan Amendments.

Statewide Planning Goals:

- Goal 1- Citizen Involvement,
- Goal 2-Land-Use Planning,
- Goal 5-Natural Resources,
- Goal 6-Air, Water and Land Resources,
- Goal 8-Recreational Needs,
- Goal 9-Economic Development,
- Goal 11-Public Facilities and Services
- Goal 12-Transportation,
- Goal 13-Energy Conservation
- Goal 14-Urbanization

Metro

2040 Plan,
Urban Growth Management Functional Plan, Titles 1, 4, 8 and 11.

SUMMARY:

On May 16, 2007 the Planning Commission conducted a special public hearing to review the Coffee Creek Master Plan, and forwarded a recommendation of approval to the City Council with no changes. There was verbal and written (Exhibit 20) testimony provided by Ms. Doris Wehler, Wilsonville Chamber of Commerce President Elect, in favor of the Master Plan. No other testimony was received at the public hearing. Please refer to the list on page 13 of this staff report for a complete list of exhibits entered into the record at the Planning Commission public hearing on the Coffee Creek Master Plan. The entire Planning Commission record is included with your packet materials.

Following the public hearing, another letter was received from Kathy Lehtola, Director of Land Use and Transportation for Washington County (dated June 4, 2007-Exhibit 24). Ms. Lehtola's letter makes several specific requests if the City proceeds with adoption of the Coffee Creek Master Plan. The requests include reservation of "extensive right-of-way along roadways within the study area." Other requests include at a minimum, reservation of a seven lane section along Graham's Ferry Road and Boones Ferry Road, plus a five lane section along Clutter and Day. Additionally, Washington County requests the City require 500' left turn pockets, and 500' right turn lanes at all signalized or potentially signalized intersections within the study area. It is important to note that the widths of streets requested by Washington County are not supported by the Master Plan traffic data and modeling that has been done for the project. Furthermore, the requested street widths are not supported by the City's acknowledged TSP and would create street cross sections that are too wide jeopardizing livability.

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Staff believes that these requests are unwarranted given the preferred alignments for the I-5/99W corridor study, none of which are located in the Coffee Creek I planning area. Once a final decision on the alignment of the Connector is made by the various technical committees and elected officials, any necessary revisions or amendments could be made to the Coffee Creek Master Plan to address conflicts or concerns. Until such information is available, over sizing of roads and reserving excessive rights-of-way is unnecessary and not proposed by Staff. Informal discussions with policy makers indicate that the City is not willing to accommodate such requests in the Coffee Creek area as part of Master Plan adoption.

Attached are correspondence (Exhibits 21, 22 and 23) from Sandi Young, Planning Director to Washington County and the cities of Sherwood and Tualatin regarding adoption of the Coffee Creek Master Plan. Generally, the letters discuss the lengthy process that needs to be gone through leading to ultimate development of this area. The process requires aggregating parcels into larger contiguous properties, entering into development agreements to understand the proportionate infrastructure related costs, and obtaining land use approval from the Development Review Board for Stage I/II, site design review, annexation and zone change requests. In addition, the Code needs to be updated to include the Day Road architectural design overlay and other infrastructure master plans will require revisiting. In the most compressed timeframe, this will take 8 – 12 months, at which time it is hoped that there will be final decision on the preferred connector route. If by chance the preferred connector route impacts the Coffee Creek Master Plan area, the Plan will be re-evaluated and adjusted accordingly.

ODOT Senior Planner Marah Danielson submitted a letter into the record (Exhibit 19) that raised concerns about one of the DKS recommendations contained in Technical Memorandum #2 dated May 2, 2007. Specifically, it was related to the recommendation to re-stripe the northbound left turn pocket on Boones Ferry Road at the Day Road intersection to provide additional capacity. The City's Engineering Division are working with ODOT on a package of improvements to the Boones Ferry Road/95th Avenue/I-5 intersection area as part of the Bryce office building application, and will be working through details as part of those pending current planning land use applications.

RECOMMENDATION:

Staff respectfully recommends that the City Council conduct the public hearing on the Coffee Creek Master Plan and adopt the proposed Ordinance.

BACKGROUND:

The Coffee Creek Master Plan (CCMP) has been developed over the past 16 months under the guidance of consultants (OTAK and DKS Associates), City staff and the Planning Advisory Committee (PAC). The PAC represents broad interests in the area including local government (Washington County, cities of Sherwood and Tualatin), agency representatives (Metro, Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT)), landowners, landowner's representatives, interested individuals, business and development interests. The Master Plan is proposed to be adopted as a sub-element of the City's Comprehensive Plan. No changes to the Comprehensive Plan Map or Zoning Map

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are proposed at this time, as those changes will occur on the property owner's initiative and will be accompanied by site specific development proposals in the area. The City received a Transportation and Growth Management (TGM) grant from DLCD and ODOT to fund the consultant's share of costs for this Master Planning effort.

The proposed Plan built on and refined the *Preliminary Urban Reserve Plan - Area 42* Concept Plan (later called Area 49) that was developed in 1998 by the City and their consultants for the same general area in response to the siting of the Coffee Creek Correctional Facility (CCCF). With the extension of infrastructure to serve the CCCF, Area 42 was well positioned for future industrial development in the area.

At the same time as Master Plan development, a Concept Plan was developed for an area extending generally one lot north of Day Road, west of Boones Ferry Road. Neighboring jurisdictions requested that the City delay adoption of the Concept Plan until more is known about the location of the I-5/99W Connector. The City has complied with this request.

ISSUES:

Throughout the Coffee Creek planning process, Washington County, Sherwood and Tualatin have expressed concerns regarding the relationship between this planning effort and the I-5/99W Connector project. The concerns were that the connector route might be located within the planning area, and especially within the area north of Day Road, and that traffic impacts could not be fully evaluated until the location of the connector was determined. Because the city and the region are in need of available industrial lands located near major freight routes, and because Metro Title 11 requires master planning of UGB areas within two years of the time of inclusion within the UGB, the City continued with its planning work, while at the same time remaining aware of the Connector project work.

Midway through the master planning work, Washington County requested additional impact analysis, which the City and their consultants prepared, and which was accepted by Washington County. As the time for public hearings approached, the determination of the Connector location had not been completed, so the city responded to the concerns of its neighboring jurisdictions and separated the adoption processes for the Master Plan area south of Day Road and the Concept Plan area north of Day Road. The most recent Connector siting proposals contain no potential locations in the Master Plan area south of Day Road. However, letters received in response to the public hearing notice for the Planning Commission's May 16 hearing (Exhibits 3, 4, and 13) continue to maintain that direct and/or indirect impacts to the coffee Creek planning area cannot be specifically evaluated until the 99W/I-5 connector planning process has progressed further. The City respectfully disagrees.

Traffic modeling done for both Coffee Creek and for the Connector Project used the same Metro database, which presumed future development of the Coffee Creek area as RSIA industrial. That use will not change, regardless of the location of the connector. The connector is intended to be a limited access highway. Therefore, local and area traffic will continue to use the local street grid as it is recommended to be improved. None of the recommended improvements will preclude any of the currently proposed Connector locations, although further mitigation of

connecting streets may be required as part of any connector project. Therefore, there is no fatal flaw technical basis for requesting that adoption of the Coffee Creek Master Plan for the area south of Day Road be postponed.

Washington County further asserts that they have not given the City authority, via an Urban Growth Management Agreement (UGMA), to plan in the unincorporated area of the County. This assertion is correct. However, the most recent UGMA is dated 1988, and shows the City's planning area as coterminous with the city limits. At that time, there were no Metro UGB lands adjacent to Wilsonville and no reason for the City, as the service provider upon annexation, to be concerned about planning outside the city. The City maintains, as the provider of services within a UGB area following annexation, that cities are the logical entity to prepare the Master Plans for UGB areas. However, staff will need time to address the jurisdictional authority issues that have been raised.

Public Process:

To date, the public involvement process that has been conducted included PAC meetings, a public open house, email correspondence and web site postings throughout the entire process. Five PAC meetings were held: June 15, 2006; August 18, 2006; October 20, 2006; February 16, 2007 and April 6, 2007. These meetings were advertised in the Oregonian and on the City's web site and were open to the public. A public open house was held on September 28, 2006 to review two draft alternatives which proposed slight variations in street networks, paths and architectural overlay areas. Feedback from the community was gathered on the two draft alternatives, and summarized. The two plans were then reviewed in detail by the PAC, and refined into one proposal that blended elements of both recommendations resulting in the Preferred Draft Recommended Master Plan (please see Figure 1 of the Master Plan). The draft recommended master plan was developed through a consensus based approach with the PAC and was discussed at the February 16, 2007 meeting. On March 13, 2007 the parks component of the plan was presented to the Parks and Recreation Advisory Board in a public meeting and on March 14, 2007 and April 11, 2007 the Planning Commission conducted work sessions on the draft Master Plan. On May 16, 2007 the PC forwarded a recommendation of approval of the Plan to the City Council.

To date, five primary tasks with multiple steps have been completed. They include: the establishment of project goals and objectives, overview of existing plans and policies, establishment of evaluation criteria, development of conceptual alternatives, preparation of a technical transportation analysis, creation of an annexation/cost impact report, establishment of an alternatives ranking matrix and development of the draft master plan.

Other Background:

The study area is comprised of approximately 216 acres of land bound to the north by Day Road and the CCCF, to the west and south by the Portland and Western Railroad (P&WRR) tracks and to the east by the existing City limits. The land is mostly located in unincorporated Washington County, with a small triangle (south of Clutter Road) located in Clackamas County (Please refer

to Figure 1 on page 4 of the Master Plan). This land was added to the Metro and City Urban Growth Boundary (UGB) in December of 2002 via Metro Ordinance No. 02-969B.

In 2004, Metro added additional land to the Metro UGB east of the railroad tracks between Day Road and Tualatin's southern boundary, but conditioned future annexation north of Day Road on a decision regarding the preferred location of the future I-5/99W connector route. The 2002 additions did not contain such conditions. Metro's Ordinance No. 04-104B, Exhibit F only pertains only to the area north of Day Road. Metro's conditions require Title 11 planning to occur within two years of this decision point, and also indicate that master planning can occur as long as it incorporates the general location of the connector and the Tonquin Trail per the 2004 Regional Transportation Plan (RTP). The City is proposing to adopt a master plan for the area south of Day Road only.

The Coffee Creek planning effort is being conducted to create a detailed transportation, infrastructure and land use plan for the area consistent with the Regionally Significant Industrial Area (RSIA) designation placed on it by Metro. Staff will follow up adoption of the Coffee Creek Master Plan with proposed amendments to the Development Code, Comprehensive Plan, Transportation Systems Plan and other applicable infrastructure master plans to implement the concepts contained in the Master Plan (Please refer to the May 4, 2007 *Coffee Creek Industrial Area Draft Land Use Code Amendments, Task 7 Memorandum* found in Section I of the Appendix).

Plan Recommendations:

The draft planning goals, objectives, and evaluation criteria were discussed and revised based on PAC input in August 2006. OTAK applied general findings to the draft criteria that were presented to the public at the Open House in September 2006. The results from the preliminary evaluation were presented to the PAC in October 2006, and again in February 2007. During the February PAC meeting, the members discussed how each criterion could be used to make informed decisions regarding the advantages and disadvantages of the alternatives and then identified an overall recommendation for each Goal.

The overall recommendation from the PAC was to prepare a draft Plan that is a "hybrid" combination of Alternatives 1 and 2 as a Preferred Alternative, as illustrated in Figure 1 of the Master Plan. The Preferred Alternative and supporting documentation comprise the proposed Master Plan.

Master Plan Summary:

Goals:

The goals for this master planning effort are:

Goal 1: Consistency with Local, Regional, and State Plans

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Ensure that the master/concept plans are consistent with the Metro 2040 Plan, the Urban Growth Management Functional Plan and the City of Wilsonville's Comprehensive Plan

Goal 2: Transportation

Protect the capacity and efficiency of the region's transportation system for the movement of goods and services

Goal 3: Public Facilities

Plan for orderly, economic provision of public facilities and services.

Goal 4: Citizen/Stakeholder Participation

Provide for extensive stakeholder involvement in the planning process

Goal 5: Quality of Development

Maintain high quality industrial development

Staff finds that the process conducted to date has resulted in satisfaction of the project goals by specifically:

- evaluating local, regional and state plans as they relate to this planning effort and documenting compliance (Section C of the Appendix) (Goal 1);
- evaluating the transportation network through existing condition, build and no-build scenarios, and documenting the findings in technical memorandums (Sections E, F and G of Appendix and specifically the May 2, 2007 Coffee Creek Transportation Technical Memorandum #2 prepared by DKS Associates) (Goal 2);
- reviewing and building upon City public facility master plans that strive for orderly provision of public facilities and services (Sections D, E, F and H of the Appendix) (Goal 3);
- conducting a citizen stakeholder process (Goal 4);
- establishing overlays and design guidelines that will ensure maintenance of high quality development (Goal 5).

Land Use:

The area will accommodate light industrial development that is consistent with the City's Planned Development Industrial (PDI-RSIA) zoning designation and the Metro Regionally Significant Industrial Area (RSIA) designation. The permitted uses are comprised primarily of warehouse/distribution, storage, assembly, manufacturing, processing, fabrication, research, industrial services, office complexes (limited to 20% of floor area), technology and corporate headquarters. Retail and commercial uses are limited in RSIA areas, with 3,000 SF being permitted in a single building, and as much as 20,000 SF total permitted in multiple buildings. Prohibited uses are generally those that would violate the performance standards (noise, fallout, vibration etc.) of the zone.

Regionally Significant Industrial Areas (RSIA):

Metro's Title 4 of the Urban Growth Management Functional Plan (UGMFP) calls for a strong economic climate. To achieve that end, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in RSIA areas. RSIA areas allow light industrial uses and have strict limitations on non-industrial uses, particularly commercial.

RSIA are those lands that are located near the region's most significant transportation facilities (I-5) for the movement of freight and storage of goods. The Coffee Creek area represents 216 acres of RSIA land that will assist the region in achieving its employment targets and promoting a strong economic climate. The RSIA designation will help meet the regions documented need for high wage light industrial development. It should also be noted that the consultant has identified three potential Oregon Industrial Certified Site candidates (Exhibit 14) within the Master Plan area, which would assist the City, region and state with accommodating strategic employment growth.

Wilsonville is quickly running out of available industrial land, particularly large contiguous parcels, as is evidenced by recent industrial land supply studies. As a result, adoption of this Master Plan is critical so that the City can continue to provide for economic development and creation of jobs to meet the intent of Title 4 as well as to satisfy commitments to the region. The Master Plan addresses provision of adequate amounts of serviceable land easily accessible land to the interstate highway system for the storage and movement of freight and for other RSIA compatible employment opportunities.

Transportation:

Primary access is planned from I-5/Elligsen Road via Boones Ferry Road and Day Road. Access will also be provided via Grahams Ferry Road, Ridder Road and the planned Kinsman Road. Transit routes are located within a ½ mile walk from the Master Plan area, with SMART/Tri-Met bus stops located near Commerce Circle/95th Avenue.

Additional transit routes are planned in the Draft Transit Master Plan (2007). Proposed is an expansion of Route 203, which is anticipated to serve the 95th Avenue employment corridor and traverse Day Road to the CCCF. Service for this expansion is anticipated to be in 2013, depending on the progress of development.

The Coffee Creek Master Plan Appendix contains detailed traffic analysis and technical memorandums prepared by DKS Associates that summarize key transportation issues specific to the project area. It is staff's intention to follow up adoption of the CCMP with modifications to Wilsonville's 2003 TSP to implement the CCMP.

Water:

The City's Water Master Plan (2000) includes a capital improvement phasing plan that would generally serve the Coffee Creek Industrial Area. A general description of the water system can

be found on page 15 of the Master Plan. A preliminary list of recommended water system improvements is included in Appendix E and Tables 3 and 4.

A water main transmission line exists along Day Road and Garden Acres Road. The Water Master Plan needs to be updated to reflect more accurate site topography and long-range demand levels based on master plan assumptions. An additional reservoir would be needed at some point to provide adequate peak capacity prior to build-out of the entire project area.

Sewer:

The Coffee Creek Master Plan area is to be served with sanitary sewer by the City of Wilsonville and is reflected as Urban Planning Area 4 (UPA-4) in the City's Sanitary Sewer Master Plan. This area was assumed to include the CCCF and the master plan area. Existing sanitary sewer lines are located to the south of the CCCF, and traverse east across Grahams Ferry Road to Garden Acres Road eventually following the P&WRR.

Additional information regarding proposed sanitary sewer capital improvements necessary to serve the area can be found on page 16 of the Master Plan as well as in Sections E and F of the Appendix. It should be noted that the City's Sewer Master Plan includes the master plan area in the hydraulic modeling and long range CIP. Site survey work will be needed to update the sewer system model to determine more accurate on and off site sewer system improvements and trunk line size/location, pump station requirements and costs.

Storm:

The master plan area is located in the Coffee Creek watershed. Basalt Creek drains from Tualatin south along the east side of the study area into the Coffee Creek wetlands. The Wilsonville Stormwater Master Plan (2001) and this plan identify potential regional detention facilities in the planning area. These facilities would provide effective water pollution control. The City's standards also require stormwater to be detained and treated on-site in localized detention ponds as well as cleansed through facilities such as bio-swales.

The CCMP proposes the utilization of "green streets" which are unique facilities that allow the street surface run-off to be treated in grassy swales adjacent to the street section (Please refer to Figure 5 on page 22 of the Master Plan). Green streets are proposed as a concept for both Kinsman and Graham Ferry Roads. The TSP would need to be modified to allow for the green street concept to be utilized.

It is also recommended that the City conduct a Basalt Creek and Coffee Creek sub-basin analysis to better define existing stormwater events and flooding related issues. Future development should be modeled to ascertain the likely impacts of development and to identify the impacts of beneficial stormwater design standards. Additional information regarding stormwater management can be found in Appendix F.

Parks:

On March 13, 2007 the draft master plan was presented to the Parks and Recreation Advisory Board. The Board reviewed the materials and preferred alternatives and provided the Planning Commission with a recommendation of approval with small adjustments to the location of one of the waysides, particularly the one at the terminus of Clutter Rd. The Board recommended that this wayside be moved north to orient with the new northern alignment of this street.

Park Facilities Recommendations:

The Draft Wilsonville Parks and Recreation Master Plan addresses the park, recreation, and service needs of Wilsonville residents over the next 20 years, specifically envisioning

...a comprehensive and interrelated system of parks, recreation, and natural areas, that:

- *Offers a range of experiences, including active and passive recreation, for all ages and abilities;*
- *Contributes to a healthy and livable community;*
- *Conserves and educates about the natural environment; and*
- *Promotes community connectivity by linking parks, recreation facilities, schools, and other key community centers by trails, pathways, and public transit.*

The Parks and Recreation Master Plan implements Policy 3.1.11 of the Comprehensive Plan, which states that, *The City of Wilsonville shall conserve and create open space throughout the City for specified objectives including park lands.*

The Master Plan specifically identifies the Northwest Industrial Area as having a strong need for accessible green space and recreation opportunities and recommends providing parks in this area and/or improving linkages between the industrial area and existing parks.

Northwest Industrial Area: *Parks are just as significant in commercial and industrial areas as in residential areas. However, the recreation and leisure needs of workers are different from residential needs, and they are often overlooked. The City of Wilsonville can be a leader in this regard by providing parks designed to serve the City's workforce. For example, the Bike and Pedestrian Plan recommends a regional trail and community trail through the Northwest industrial area, offering opportunities to incorporate recreation amenities to serve nearby employees as well as trail users. Benches, picnic areas, and similar facilities may provide healthy opportunities to relax and socialize during lunch and work breaks. As these industrial areas are developed, the City can encourage employers to offer additional recreation opportunities, and other healthy-living amenities. (Wilsonville Parks and Recreation Master Plan, Chapter 2)*

Protecting natural resources is a hallmark of the Comprehensive Plan and the Parks and Recreation Master Plan. Natural resource protection and opportunities to partner with private land owners, as has historically been the case in Wilsonville, should be considered during the planning process for the Coffee Creek Area. Focus should also be placed on creating an interconnected park system including greenways and trails, but also connections for bike, pedestrian, and transit transportation choices.

The project area has one identified park improvement shown in Figure 1, which is listed in the Parks and Recreation Plan as "P12 Industrial Area Waysides."

P12 Industrial Area Waysides (Excerpt from the Parks and Recreation Master Plan)

Wilsonville is currently planning for industrial uses in the Northwest Area, just south of the prison. There is a great opportunity to design pocket parks that serve social and recreational needs of employees into the overall plan for the area. The vision for this area is to provide pocket parks along the community trails that are easily accessible to employees. Figure 2 depicts potential wayside locations in this area. Recommendations for the waysides include:

- 1. In this area, waysides should be provided within about ¼-mile of employees.*
- 2. As development occurs in this area, locate and design the waysides. Securing easements or land for each of the waysides should occur as part of the development review and approval process.*
- 3. Each wayside should include a small picnic shelter to increase year round usability, site furnishings, and a paved plaza area.*

Chapter 6 of the Parks and Recreation Master Plan provides capital project costs, including costs for the two projects within the plan area.

- P11 Industrial Area Waysides: Allowance for design and implementation of 3 pocket parks along regional trails R1 and R6 and community trail C10. Allowance based on average cost of \$200,000 per wayside, not including trail construction – \$600,000 (2005 dollars).
- P12 Industrial Area Waysides: Allowance for design and implementation of 3 pocket parks along community connector trails. Allowance based on average cost of \$200,000 per wayside, not including trail construction – \$600,000 (2005 dollars).

Recommended long range parks and trails include:

- Kinsman Road Green Street Improvement (with parallel bike lanes/sidewalks)
- Grahams Ferry Road Green Street Improvements (with parallel bike lanes/sidewalks)
- Commerce Circle to Kinsman Road pathway connection (estimated capital cost of \$270,000)
- Construction of three new waysides south of Day Road (estimated capital cost of \$60,000)
- Construction of one new wayside north of Day Road (estimated capital cost of \$20,000)
- Basalt Creek trail north of Day Road (estimated cost of \$90,000)
- BPA Powerline Easement Trail (to be dedicated for public use by private developers)
- Metro Tonquin Regional Trail (to be constructed and maintained by Metro)

Trails:

The recently adopted Bicycle and Pedestrian Master Plan (2006) contains a number of community walkways/pathways and the regional Tonquin Trail within the study area. The CCMP is generally consistent with the City's Bicycle and Pedestrian Master Plan. The CCMP contains both on and off-street trail, sidewalk and bikeway connections. On-street facilities are proposed along Grahams Ferry Road, Kinsman Road, Clutter and Clay Street. An off street section is proposed to connect Commerce Circle in the city to the future Kinsman Road extension as well as the Tonquin Trail which is envisioned to follow the P&WRR connecting north to the cities of Tualatin and Sherwood.

Significant Resource Overlay Zone (SROZ):

The City's adopted Goal 5 inventory map contained a 3.65 acre upland forest (Site ID # URA#42U3) north of the Allied Waste facility. The adopted map was intended to contain natural resources that were locally significant according to defined standards. This area was mapped as part of the Goal 5 inventory process.

Representatives of Allied Waste have requested that the area be re-evaluated to determine if the area meets the significance criteria established as part of the citywide Goal 5 process conducted from 1999-2001. As part of this request, Staff enlisted the assistance of Mirth Walker, wetland and wildlife scientist with SWCA Environmental Consultants to evaluate the resource values of the site and determine if it meets the significance criteria established for Goal 5 upland natural resources in the City (Please refer to the analysis prepared by Mirth Walker of SWCA Consultants-Exhibit 10). Ms. Walker was the consultant used for the 1998 local wetlands and riparian corridor inventory and the 1999-2001 Goal 5 update. Ms. Walker conducted an on-site survey of the wooded area with Natural Resource Program Manager Kerry Rappold and applied the established criteria. Her findings are that the site does not contain locally significant natural resource values as it did not rate "high" in any of the upland habitat functions. As a result of these findings, Staff is proposing that site URA#42U3 be removed from the Goal 5 regulated map.

ATTACHMENT E

Media Release

FOR IMMEDIATE RELEASE

June 28, 2011

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Business leaders, public sector agencies partner to support private-sector jobs

Regional Lands Inventory project to identify region's large job sites and barriers to development

Portland, Ore. -- Metro, the Port of Portland, Portland Business Alliance, Business Oregon and the Oregon Chapter of NAIOP are undertaking a comprehensive review of the region's inventory of large industrial sites and assessing their readiness to support new private-sector jobs.

The Regional Industrial Lands Inventory and Site Readiness Project aims to:

- Identify the inventory of market-ready industrial sites that are 25 acres or larger;
- Identify additional industrial sites of 25 acres or larger that could be available and determine the amount of investment required to make them market-ready;
- Identify the top five to 10 most strategic large industrial sites of 25 acres or larger and the investments and actions necessary to make them ready for development for new private-sector jobs, and
- Support regional economic development efforts and inform future policy and public and private investment decisions in the region.

The work will be divided into two phases:

- Phase I (June - September): Create an inventory of potential industrial sites—both within the current urban growth boundary and in urban reserves—that are development-ready and others that need additional work to make them ready for development. These sites include brownfield clean-up and those sites in need of additional investment in sewer and water pipes, roads and other essential public structures, zoning adjustments and assembly of lots under multiple ownerships, among other considerations.
- Phase II (October - November): Analyze five to 10 strategically important industrial sites that will look at the market opportunities for these sites along with more detailed lists of actions, requirements and costs necessary to overcome the barriers to developing these sites for different types of industrial employers.

While this work is not part of Metro Council's decision-making process on whether to expand

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the urban growth boundary, it is expected, that this effort will inform decisions by the Metro Council and state and local governments in future years about policies and investments needed to make large sites available for new private-sector jobs. Group Mackenzie, one of the Northwest's leading urban design firms, has been hired to develop the inventory and complete this work.

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About Metro

Metro, the regional government, crosses city limits and county lines to build a resilient economy, keep nature close by and respond to a changing climate. Representing a diverse population of 1.5 million people in 25 cities and three counties, Metro's directly elected council gives voters a voice in decisions about how the region grows and communities prosper. More information is available online at www.oregonmetro.gov.

About the Port of Portland

The Port of Portland, established in 1891 by the Oregon Legislature, owns four marine terminals, three airports (Portland International, Hillsboro, and Troutdale) and seven business parks. The mission of the Port is to enhance the region's economy and quality of life by providing efficient cargo and air passenger access to national and global markets. The most recent economic impact study shows that the Port generated 32,460 jobs, \$1.8 billion in income and more than \$4 billion in business revenue. For every one dollar collected in property taxes by the Port, it generates about \$7.00 in property taxes.

About NAIOP

NAIOP, the Commercial Real Estate Development Association, is the leading organization for developers, owners and related professionals in office, industrial, retail and mixed-use real estate. NAIOP comprises 15,500 members in North America. NAIOP advances responsible commercial real estate development and advocates for effective public policy. For more information, visit www.naiop.org.

About the Portland Business Alliance

The Portland Business Alliance is Greater Portland's Chamber of Commerce, with nearly 1,300 businesses in the region. The Portland Business Alliance's mission is to promote and foster an environment in the Portland region that attracts, supports and retains private sector jobs, spurs economic vitality and enables quality educational opportunities for the region's residents. Visit www.portlandalliance.com for more information.

About Business Oregon

The Oregon Business Development Department (Business Oregon) works to create, retain, expand and attract businesses that provide sustainable, living-wage jobs for Oregonians through public-private partnerships, leveraged funding, and support of economic opportunities for Oregon companies and entrepreneurs. Visit www.oregon4biz.com for more information on doing business in Oregon.



REGIONAL INDUSTRIAL SITE READINESS REPORT PROJECT OVERVIEW

In 2011, Business Oregon, Metro, the Oregon chapter of NAIOP (the Commercial Real Estate Association), the Port of Portland, and Portland Business Alliance began a comprehensive review of the market-readiness of the Portland region's inventory of industrial sites of 25 acres or more¹. The goal of this project was to study the challenges, costs and benefits associated with the development of these large industrial sites to accommodate the expansion and recruitment of traded-sector companies. Traded-sector firms sell goods and services to buyers outside of the metro region, increasing the region's wealth. Attracting and retaining traded-sector industrial companies is important for the Portland region's and state's long-term economic prosperity.

Our region has the potential to grow the base of high-paying manufacturing and other traded-sector jobs, but the sites required for these new facilities often need investment to make them ready for large employers in a timely fashion. These investments include regulatory approvals (permitting, mitigation), infrastructure (sewer, water, transportation, fill), aggregation of sites, brownfields clean-up, and state/local actions (land division, rezoning, annexation).

Phase 1 of this project identified and evaluated 56 sites across our region that are zoned, planned or designated for future industrial development. Sites in the inventory were ranked based on their market readiness, or how much time is required to make the site "development-ready" for building construction: Tier 1 (more than 6 months to "development-ready"), Tier 2 (7 to 24 months to "development-ready"), and Tier 3 (more than 24 months to "development-ready"). The findings from this inventory were:

- Only nine of the 56 sites could be "development-ready" within six months, potentially resulting in missed expansion and recruitment opportunities and jobs.
- There are few industrial sites of 50 or more acres in the region, and only two of those are "development-ready" within six months. Parcel aggregation is a key issue to supplying larger sites to the market.
- Most Tier 2 and Tier 3 sites have many constraints to their development and will require significant investments, policy actions and time to make them ready for development.

Phase 2, completed in August 2012, further analyzed 12 diverse sites in the region from Tier 2 and 3. The sites were intended to be illustrative of a variety of traded-sector development opportunities and different challenges to development. The analyses included hypothetical traded-sector development scenarios along with the requirements, costs and development timeframe necessary to make these sites "development-ready". In addition, the economic benefits of successful development – jobs, state personal income taxes, and local property taxes - were identified. The findings from the detailed development assessments were:

¹ For purposes of this study, only vacant, industrially zoned or planned lands within the Portland metropolitan urban growth boundary (UGB) and selected urban reserves were analyzed. Rural areas of Clackamas and Washington counties outside the UGB were not included in this analysis. The study identified and documented user-owned sites held for future use but excluded these from the detailed analysis because these sites were not available to the marketplace.

- Significant time and financial resources are necessary to advance Tier 2 and 3 sites to a “development-ready” status.
- Infrastructure funding is a critical limiting factor to site readiness with off-site infrastructure representing 44% of costs, with transportation being the largest line item.
- Potential economic benefits (jobs, state personal income taxes, and local property taxes) from successful traded-sector development would be significant. The state’s general fund would be the largest beneficiary from associated job and income tax revenue growth.
- Front-end work on investigating and preparing sites for market readiness can have a significant impact on their viability as time and risk are key impediments. Site constraints with low costs and long timeframes may be a good initial place to focus efforts.
- A willing property owner and motivated jurisdiction are critical to moving industrial sites to market.

Potential Economic Benefit, All 12 Case Study Sites

	Total
Total Direct Jobs	12,500
Average Annual Wage Level	\$97,000
Total Property Tax over 20 years	\$217 million
Total State Income Tax over 20 years (direct jobs only)	\$764 million
Total State Income Tax over 20 years (direct and indirect)	\$2.3 billion

(Source: Regional Industrial Site Readiness, August 2012)

Next steps

Ensuring our region can provide ““development-ready”” lands for new and growing companies is a responsibility of many partners: local, regional and state governments and the private sector. This project’s report provides recommendations that these partners should consider and act on to strengthen our state’s economy. A few of those recommendations include:

- Maintaining and expanding existing state infrastructure funding and technical assistance programs while exploring new opportunities for state support to move industrial sites to market readiness.
- Streamlining and improving predictability of state and local regulatory and permitting processes to reduce risk and increase private-sector investment.
- Encouraging state funding of due diligence work that can help attract private and public sector investment, speed environmental work and facilitate site aggregation efforts.
- Exploring opportunities for regional and state funding of due diligence studies and site preparation costs to reduce site uncertainties and increase readiness for development.

This report will inform discussions among elected officials and private-sector leaders to identify and implement new policies and investments to ensure the region and state has an adequate supply of “development-ready” industrial sites for traded-sector job growth. The report will be featured at a regional forum of the Oregon Business Plan on October 3, and at other public events in the months ahead.

A copy of the report and its recommendations can be found online at:

http://www.valueofjobs.com/land_study_2012/ls_land_readiness.html.

For more information, please contact:

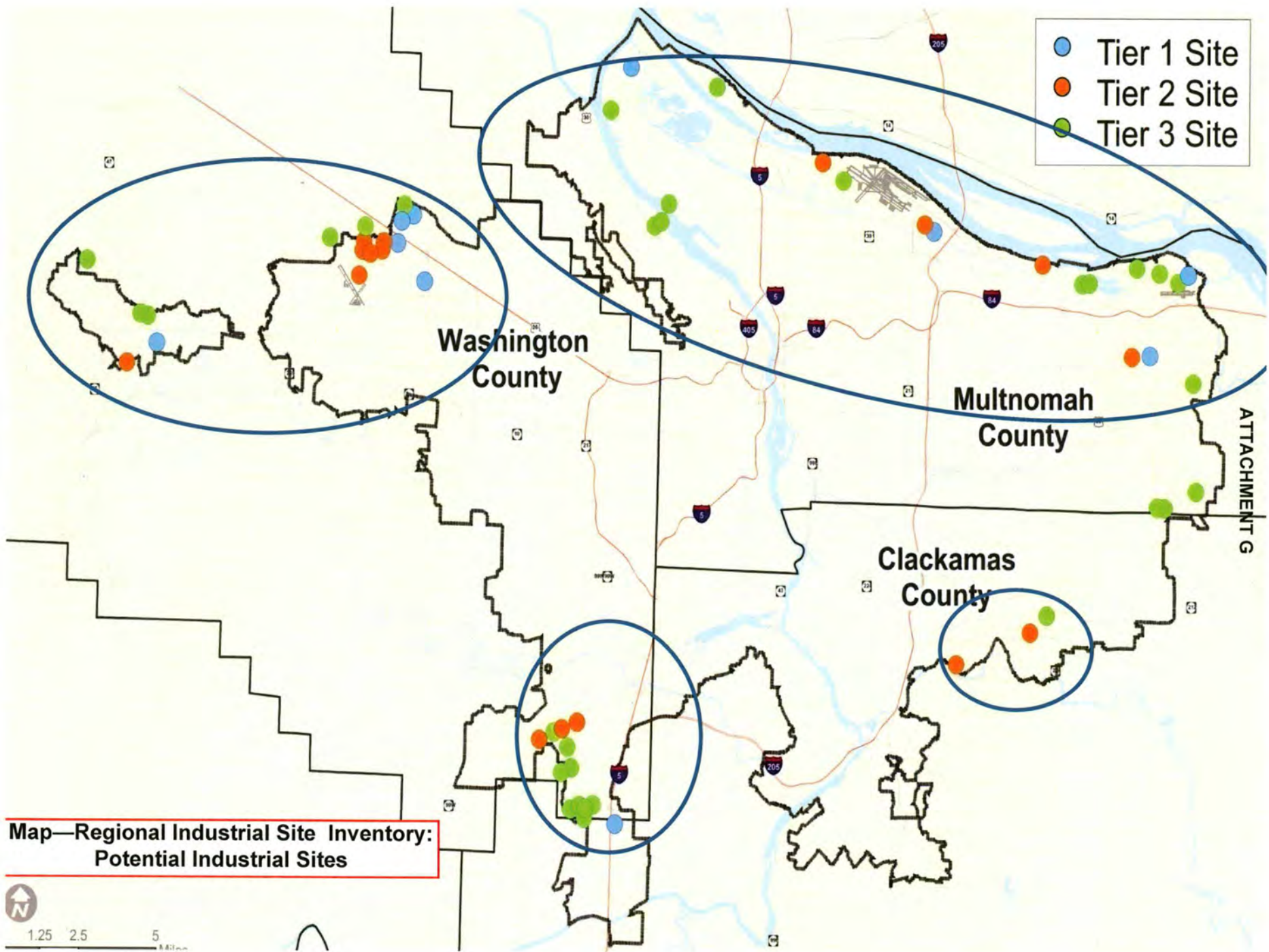
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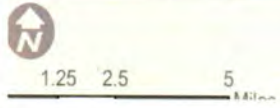
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- Tier 1 Site
- Tier 2 Site
- Tier 3 Site

**Map—Regional Industrial Site Inventory:
Potential Industrial Sites**



ATTACHMENT G

Volume 1: Phase 1 and Phase 2 Analysis and Findings



Project Sponsors

Business Oregon — Metro — NAIOP Oregon Chapter
Port of Portland — Portland Business Alliance

ATTACHMENT H

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NAIOP Oregon Chapter - Kirk Olsen and Mike Wells
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Agency Review:

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Project Funders:

Commercial Real Estate Economic Coalition (CREEC)
Clackamas County
City of Gresham
City of Hillsboro
City of Portland
City of Sherwood
City of Wilsonville
Howard S. Wright
National Electrical Contractors Association – Oregon-Columbia Chapter
Oregon State Building & Construction Trades Council
Portland General Electric
Plumbing & Mechanical Contractors Association
Sheet Metal & Air Conditioning Contractors National Association
Three Oaks Development Company
Westside Economic Alliance

The Project is being funded in part through funds provided by the State of Oregon, acting by and through the Business Oregon (an Oregon state agency).

The site information contained in this report is based on publicly available data sources and is not intended to replace independent due diligence for transaction purposes. Prospective purchasers, tenants, and others shall perform and rely solely upon, their own independent due diligence with respect to the Property.

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Volume 1 is one of four documents for the Regional Industrial Site Readiness Project. This volume presents the complete Project analysis and findings. Volume 2 presents the site specific details and results of the Project. Volume 3 includes all of the technical appendixes referenced in Volume 1. The Project Executive Summary is the fourth document and is included in this Volume for the convenience of the reader.

VOLUME 1: PHASE 1 AND PHASE 2 ANALYSIS AND FINDINGS

PROJECT EXECUTIVE SUMMARY

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- B. PHASE 1 METHODOLOGY

II. PHASE 1 FINDINGS

- A. TIER 1, 2, AND 3 SITE RESULTS
- B. ADDITIONAL SITES
- C. PHASE 1 CONCLUSIONS

III. PHASE 2

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PROJECT EXECUTIVE SUMMARY

A. PROJECT PURPOSE

Traded-sector companies sell goods to buyers outside of the Metro region, bringing in additional wealth. Attracting and retaining traded-sector industrial companies is important for the Portland region's long-term economic prosperity. Establishing a supply of development-ready large industrial sites is a critical part of a strategy to attract and retain traded-sector jobs. Because the Portland region must compete with other metropolitan areas for these traded-sector jobs, it must be able to provide a reasonable inventory of available sites.

This report examines the current and near-term supply of large (25+ acres) industrial sites available to accommodate the expansion of existing employers and recruitment of potential new employers to the Portland metro region¹. For purposes of this study, only vacant, industrially zoned, or planned lands within the Portland metropolitan Urban Growth Boundary (UGB) and selected Urban Reserves were analyzed.

The project was conceived partly in response to Metro's 2009 Urban Growth Report, which identified a shortage of large-lot industrial sites in the region and in recognition of the need to replenish large-lot industrial sites as they are developed. This project report was produced by Group Mackenzie in partnership with Business Oregon, Metro, NAIOP - Commercial Real Estate Development Association Oregon Chapter, Port of Portland and Portland Business Alliance, whose representatives served as the Project Management Team (PMT).

The project is divided into two parts. Phase 1 documented the regional inventory of large industrial sites and categorized them into three tiers based on their development readiness. Phase 2 analyzed 12 representative Phase 1 sites to provide more detail about their constraints and the potential economic benefits of development. The purpose of the project is to:

- Quantify the supply and readiness of large industrial sites in the Portland metro area.
- Determine the costs and benefits of developing a representative subset of these sites.
- Inform discussion on future tools and policies to maintain a market-ready inventory of industrial sites.

¹ The Regional Industrial Site Readiness Project examined vacant, industrially-zoned, or planned lands within the Portland metropolitan area's UGB and selected urban reserves that are suitable for large-lot industrial development by new firms moving to the region or the growth of existing firms that do not hold land for future expansion. Rural areas of Clackamas and Washington counties outside the UGB were not included in this analysis. The study identified and documented user-owned sites held for future use but excluded these from the detailed analysis because these sites were not available to the marketplace.

B. FINDINGS

1. *Development Readiness*

The analysis in this study shows that the region lacks a supply of industrial land that is readily available to attract and grow the types of catalytic employers that will help the region’s ability to prosper. This is particularly an issue for sites of 50 acres or more.

Figure 1 represents the findings of the regional inventory as of October 2011. The study found:

9 Tier 1 sites

Available for facility construction within 180 days

There are few Tier 1 “market ready” sites available for traded-sector opportunities in the near term. Further, only five of these nine sites meet broad marketability requirements.

16 Tier 2 sites

Available for facility construction between seven and 30 months

There is a modest supply of mid-term sites requiring investment and policy actions to bring these sites to market. Four of these sites require assembly of smaller lots.

31 potential Tier 3 sites

Available for facility construction beyond 30 months

There are multiple challenges and significant investment and time required to bring these pipeline sites to market. Ten of these sites require lot assembly.

There is a limited supply of 50-plus and 100-plus acre sites in the Portland region. The study found:

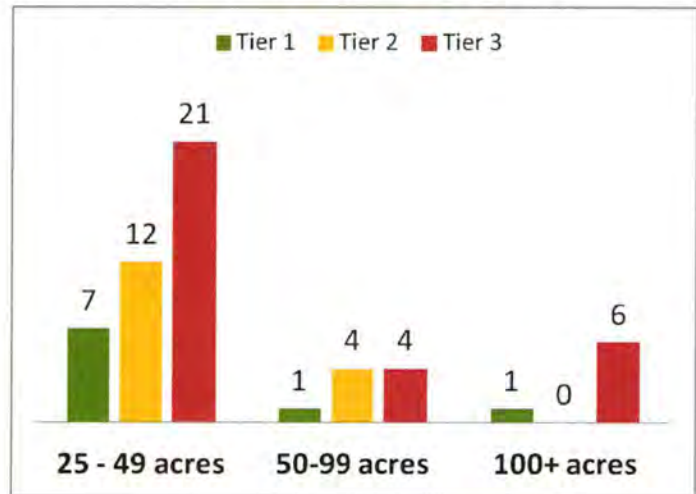
Tier 1 sites: One 100-plus acre site

Tier 2 sites: No 100-plus acre sites

Tier 3 sites: Six potential 100-plus acre sites; three require lot assembly

Industrial sites in the region are in varying states of readiness, requiring regulatory approvals (permitting, mitigation), state/local actions (concept planning, annexation, rezoning), infrastructure (sewer, water, transportation), assembly of sites, and brownfield cleanup. This report provides a clearer understanding of the actions and investments required to make more of these sites development ready to ensure the region’s competitiveness.

Figure 1: Regional Site Distribution based on Tiers



Source: Group Mackenzie

2. Development Costs

Evaluation of the 12 Phase 2 case study sites shows most sites have at least one major constraint which is significant enough to preclude market activity. A lack of off-site public utilities such as water, sanitary sewer, storm water, and transportation, are the most common, and in many of the case studies, the most severe constraint. Across all 12 Phase 2 sites, off-site costs comprise roughly 44 percent of all development costs. Transportation constraints are the largest contributing factor. The median cost for off-site infrastructure ranges between \$0.16 per square foot to \$0.85 per square foot. Transportation is the highest at \$0.85 per square foot. Beyond dollars, the time to establish infrastructure approaches 24 to 30 months.

Direct public investment to address off-site issues can have a significant positive impact. For example, the East Evergreen site in Hillsboro has a market viability gap of \$13.3 million, the most significant element of which is transportation infrastructure. An investment in this infrastructure would alleviate 78 percent of the market gap for this site.

The sites with critical infrastructure deficiencies are not likely to attract large firms if investment is left solely to the private market or delayed until a business willing to commit to a site is found.

On-site constraints, such as floodplain, slope, wetlands, and brownfields are not as broadly common, but where they do exist, are often costly and cause delays.

Eight of the Phase 2 sites have a wetland bank in their watershed, which is the preferred mitigation method and reduces time to development. The other three sites that have wetland issues either would necessitate on-site mitigation, reducing net developable acreage, or as in the case of the Troutdale Reynolds Industrial Park (TRIP), require the purchase of additional land for off-site mitigation. Currently, wetland permitting and mitigation cannot occur without a specific user and site plan in hand.

When combined with the long lag times for permitting and mitigation, wetland mitigation is a key "opportunity constraint." Investment in resources, such as creation of wetland banks or a streamlined process, could move these sites further toward marketability at a relatively low cost.

Eight of the 12 sites in this study are agricultural greenfields that have had no previous industrial use. Because of this, brownfield remediation is the smallest dollar cost constraint across all Phase 2 sites. However, even where costs are quite small, environmental remediation is typically the first activity which must occur in the development process. The median brownfield remediation time for all sites (except TRIP) is six months. If the time required for brownfield remediation were eliminated for these sites it would mean a savings of \$2,800 per acre in time costs could be achieved through early environmental remediation.

Brownfield remediation for previously used industrial sites can, on the other hand, be significant. On the TRIP site in Troutdale, environmental cleanup totals \$3.6 million, excluding the costs already incurred by the previous owner on this Superfund site. This is \$1.28 per square foot and exceeds 7.5 percent of total site readiness costs.

Simplifying and expediting permitting and other pre-development processes can have a significant financial impact on project feasibility. There is a time cost associated to the capital required to ameliorate on and off-site constraints². The Phase 2 analysis found that nearly a quarter of all site development costs are related to time and risk. Activities that reduce uncertainty and delay will implicitly reduce time and risk costs and make a site more financially feasible.

Table 1: Tier 2 and Tier 3 Development Constraints

CONSTRAINT*	NUMBER OF SITES
Brownfield/Cleanup	8
Natural Resources	13
Infrastructure	19
Transportation	18
Land Assembly	14
State/Local Actions	20
Not Willing to Transact	18

**Sites may have multiple constraints
Source: Group Mackenzie*

² This study calculated a 7 percent annualized rate from the period dollars are spent in the development schedule to site development readiness.

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Front end due diligence to identify issues and early investments in preparing sites for market readiness can have a significant impact on their viability by reducing time and risk to the developer or user. Due diligence that identifies a site's constraints and the time to address them, will highlight those that have low costs but long timeframes. These types of constraints provide a good place to focus initial efforts.

One of the most significant project findings is that lot aggregation is a major hurdle to site readiness. Six of the 12 Phase 2 sites require parcel aggregation as the sites are made up of multiple parcels and multiple owners. In one case, there are eight separate owners to aggregate, and in another, 17 owners. While it was not possible to estimate how long the aggregation process may take, it is important to understand that sites that have multiple ownerships have an additional constraint that adds risk and needs to be addressed.

Constraints need to be understood from the perspective of cost, time, and risk. For sites that are close to economic viability, tools that reduce risks and time to market are likely to be most efficient. Sites with more severe constraints will require more comprehensive strategies that include financial tools to bring them to the market.

3. Economic Benefits

Significant economic and fiscal benefits can be created through investments in market ready sites (Table 2). Providing a sense of scale, the 12 sites analyzed in Phase 2 have the capacity to create an estimated 12,500 direct jobs on-site with average annual wages of \$97,000. When off-site impacts are considered, associated regional job growth could create \$3.7 billion in annual payroll at just over \$58,000 per job at full build-out of the twelve sites.

As a result of direct job creation, the 12 Phase 2 sites have the capacity to generate \$764 million in payroll tax revenue over the first 20 years of site development, construction, and operation. When all impacts are considered, the state of Oregon could potentially gain roughly \$2.3 billion in payroll tax revenue over the first 20 years if all 12 sites were developed.

Phase 2 sites have the combined potential to generate a cumulative \$217 million in local property tax revenues over the first 20 years and \$25 million annually thereafter.

Table 2: All 12 Case Study Sites Potential Economic Benefit

	TOTAL
Total Direct Jobs	12,500
Average Annual Wage Level	\$97,000
Total Property Tax over 20 Years	\$217 Million
Total State Payroll Tax over 20 Years (Direct Jobs Only)	\$764 Million
Total State Payroll Tax over 20 Years (Direct and Indirect)	\$2.3 Billion

Source: Johnson Reid

Based on the conceptual uses assumed for the Phase 2 sites, the fiscal benefits to state and local jurisdictions are quite large. These benefits, if realized, in most cases exceed what it would cost an entity to finance infrastructure improvements necessary to make sites development ready. To sum up, from the perspective of the public, infrastructure investment can have a significant positive return.

C. CONCLUSIONS

The analysis reached the following conclusions:

- A small inventory of large industrial sites available in Tier 1 and 2 could potentially result in lost expansion and recruitment opportunities.
- Market choice is more limited for larger 50-plus and 100-plus acre sites. Parcel aggregation is a key issue to supplying larger sites.
- Tier 2 and 3 sites will require new investment, policy actions, and time to become development ready.
- Funding for infrastructure of all kinds is a critical limiting factor to site readiness.
- The cost of off-site infrastructure is the primary challenge to site readiness, comprising nearly 40 percent of total development costs. Transportation costs are the largest contributor to off-site infrastructure costs.
- Direct public investment to address off-site infrastructure needs and costs can have a significant impact.
- On-site issues vary by site. For some sites addressing on-site issues, such as brownfield remediation, has a high cost or long timeframe. An understanding of each site's constraints and the time to address them, will define those that have low costs but long timeframes. These types of constraints provide a good place to focus initial efforts.
- Nearly a quarter of total development costs are related to time and risk. The longer it takes a developer or user to address constraints and the greater the uncertainty about permitting processes, the higher the project cost and the further away from financial feasibility the project is. Front-end work on investigating and preparing sites for market readiness can have a significant impact on their viability.
- Not all sites have owners who are motivated to sell at industrial land prices (or any price). Some owners anticipate a better price with changes in circumstances or zoning that may or may not be realistic. A willing property owner and motivated jurisdiction are critical to moving sites to market.
- Significant economic benefits (jobs, payroll, and property taxes) would result from traded sector investment in these industrial sites.
- The state's general fund is potentially a big winner from associated job and associated payroll tax revenue growth.

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D. RECOMMENDATIONS

Site selection decision timelines are getting shorter in order to meet companies' needs to bring goods and services quickly to market. At the same time, there are limited financial tools available to address barriers to development of industrial sites with higher degrees of complexity. The private credit market is extremely tight and private developers generally are unable to finance projects with significant upfront capital investment, longer term paybacks, and regulatory uncertainty. Public sector resources and financing tools that could play a role in infrastructure and site development are also limited.

While discussion and evaluation of potential options for addressing market readiness of industrial sites needs to take place at the regional and state level, the Project Management Team has identified recommendations for further analysis:

- Establish a mechanism for regional leaders to identify potential industrial sites of regional significance and focus resources on bringing these sites to market readiness.
- Maintain and expand existing state infrastructure funding and technical assistance programs and explore opportunities to improve and target state support.
- Investigate the creation of new funding partnerships between state and local entities to support site readiness of large lot sites for traded sector development.
- Explore opportunities to streamline or make more predictable state and local regulatory and permitting requirements and timelines to reduce permitting risk and increase private sector investment.
- Explore regulatory and policy tools in the arena of wetlands mitigation and brownfields remediation to assist in moving sites to market readiness at the local, state, and regional level.
- Explore opportunities for regional and state funding for patient developer entities, either public or private, that can invest in due diligence and site preparation without requiring a market-driven return on investment.
- Analyze the investments needed to move the remaining 36 Tier 2 and Tier 3 sites to market-readiness to assist with regional economic and infrastructure development plans.
- Perform an annual inventory update of large lot industrial sites and encourage other regions around the state to adopt the inventory methodology.
- Analyze the absorption/demand/missed opportunities for large lot industrial sites and the economics of redevelopment for industrial purposes and traded-sector competitiveness.

The recommendations listed here are meant to be the beginning of a dialogue on creating effective tools and policies for ensuring the region and state has a competitive supply of market-ready industrial sites.

In the summer of 2012, the Project Management Team plans on meeting with key regional, state, public and private leaders, culminating in fall 2012 with a meeting of an Oregon Business Plan subcommittee. The work will then be integrated into the Oregon Business Plan. Parallel efforts will be ongoing with legislators and other regional partners to facilitate action and bring about results.

E. PROJECT REPORTS

The Regional Industrial Site Readiness Project includes three volumes, in addition to the Executive Summary. Volume 1 is the complete Project analysis and findings. Volume 2 presents the site specific details and results of the Project. Volume 3 includes all of the technical appendices.

I. PHASE 1 INVENTORY

A. PURPOSE OF PHASE 1

Traded-sector companies sell goods to buyers outside of the Metro region, bringing additional wealth into the region. Attracting and retaining traded-sector industrial companies is important for the Portland region's long-term economic prosperity. Establishing a supply of development-ready large sites is a critical component of a strategy to attract and retain large industrial firms and generate traded-sector jobs. Because the Portland region must compete with other metropolitan areas for such traded-sector industries, it must be able to provide a reasonable inventory of available sites.

Phase 1 of the Project was led and funded by a Project Management Team (PMT) which includes: Business Oregon, Metro, The Oregon Chapter of NAIOP the Commercial Real Estate Development Association, Port of Portland, and Portland Business Alliance. Throughout the Project, outreach was done with local jurisdictions, regional developers and brokers, and other public and private groups.

Phase 1 produced an inventory of sites with 25 net developable acres that differentiates between development-ready sites (Tier 1) and sites that need additional work (Tier 2 and Tier 3). The Phase 1 inventory also identifies general, order-of-magnitude, investments necessary to move Tier 2 sites to development-ready status³. Tier 3 sites, while identified, were not analyzed on the same level. The product of this phase is a database of industrial sites to support the region's economic development efforts. The database will provide a common understanding of the barriers and investments needed to make these sites development-ready and ensure the region's competitiveness in the global marketplace. It will lay a foundation for innovative financing policy and tools, and inform the work of locational jurisdictions, the Community Investment Initiative Leadership Council, Greater Portland Inc., Metro, the Port of Portland, and the State.

A definitional distinction exists between a parcel or tax lot and a site. This distinction is critical to understanding the underlying purpose of this study. Group Mackenzie and the PMT evaluated sites as companies need to buy or lease sites, not parcels or tax lots. For purposes of this study, a site could be a single owner parcel or multiple adjacent parcels that can be combined into a single site. Combined parcels could include adjacent parcels in the same ownership and/or in multiple ownerships. In all cases, this is an inventory of sites that have 25 acres or greater of net developable land. Net buildable land is gross acres minus acres constrained by wetlands, floodplain, or slope.

³ For specific site development costs, reference Volume 2 of this report.

B. PHASE 1 METHODOLOGY

1. *Land Use Planning and Geographic Information System (GIS) Analysis*

This project focused on larger industrial sites, 25 acres and greater, in the metropolitan area (inside the UGB and selected urban reserves). The focus on 25 acres and above is based on two sources, one planning related and one market related. Metro's 2009 Urban Growth Report⁴ (UGR) defines large lot industrial as parcels 25 acres and greater. The UGR identified a shortage of 50-acre-and-greater sites in the metropolitan area for new traded sector investment. Additionally, Business Oregon has identified the characteristic minimum parcel size and other site requirements for most cluster recruitment targets. Most of these cluster industry recruitments require net developable sites of at least 25 acres with a number of clusters requiring much larger sites.

To identify the inventory of market-ready sites in the region, the project applied a series of filters from the perspective of potential employers. Starting with Metro's 2009 Buildable Lands Inventory, supplemented with information from local jurisdictions throughout the region, the analysis identified parcels with the following characteristics:

1. Inside the UGB or selected urban reserves;
2. Zoned or planned for industrial uses;
3. Containing at least 25 net buildable, vacant acres after accounting for wetlands, floodplain, and slope constraints; and
4. Not set aside by existing firms for future expansion needs.

The first step in this analysis (Figure 2; step 1) was to complete a GIS-based analysis on the vacant land⁵ within the Metro Urban Growth Boundary (UGB) and examine all vacant parcels that were: 1) 25 or greater gross acres; and 2) industrially zoned; or 3) comprehensive planned for industrial; or 4) concept planned for industrial; or 5) Urban Reserves land that was planned for future industrial development. The study began with nearly 4,000 vacant industrial tax lots; however, only 95 of these were larger than 25 gross acres and in single ownership. Once an inventory of single 25 gross acre parcels was established, the PMT applied their local market knowledge to create sites where aggregation opportunities were possible. Select Urban Reserves sites that have industrial development potential were also added at the request of local jurisdictions.

Once this inventory was established, it was necessary to determine the net developable acreage of these sites as this study only examines parcels and/or sites with 25 net developable acres (Figure 2; step 2). Using GIS data⁶, wetlands, streams, FEMA 100 year floodplain, and slope⁷ (10% and greater) were calculated for each site in order to move from gross acres to net developable acres. Goal 5 regulations, individual jurisdiction development buffers or environmental overlays were not taken into consideration at this stage in the analysis due to time and budget constraints. Information on the parcels/sites that did not meet this screening requirement can be found in Section C of this report. Section C also includes information on sites that were user owned and held for future expansion. Once sites that did not have 25 net developable acres were excluded from this inventory, the infrastructure and transportation evaluation of the inventory could begin.

Using Business Oregon and industry expertise from the PMT and others, the sites identified through this initial process were further analyzed as to their market readiness based on sufficiency of infrastructure and transportation facilities, brownfield or environmental issues, need for land assembly, need for annexation, and availability for lease or sale (Figure 2; step 3). This more refined analysis resulted in an inventory of existing or potential

⁴ The urban growth report informs a regional vision for how and where to grow over the next 20 years. For more information, visit <http://www.oregonmetro.gov/index.cfm/go/by.web/id=29959>.

⁵ This data was available as a GIS shapefile and was completed in June 2008. This data was provided by Metro and represents lands appearing unimproved on aerial photography, without regard to developability and accessibility.

⁶ All data was provided by Metro. This included: wetlands shape file from 1998 based on the National Wetlands Inventory; streams shape file from 2008; FEMA 100 year floodplain data from 2004; and slope 7-25% data, based on a LiDAR raster conversion; brownfield data based on DEQ datasets

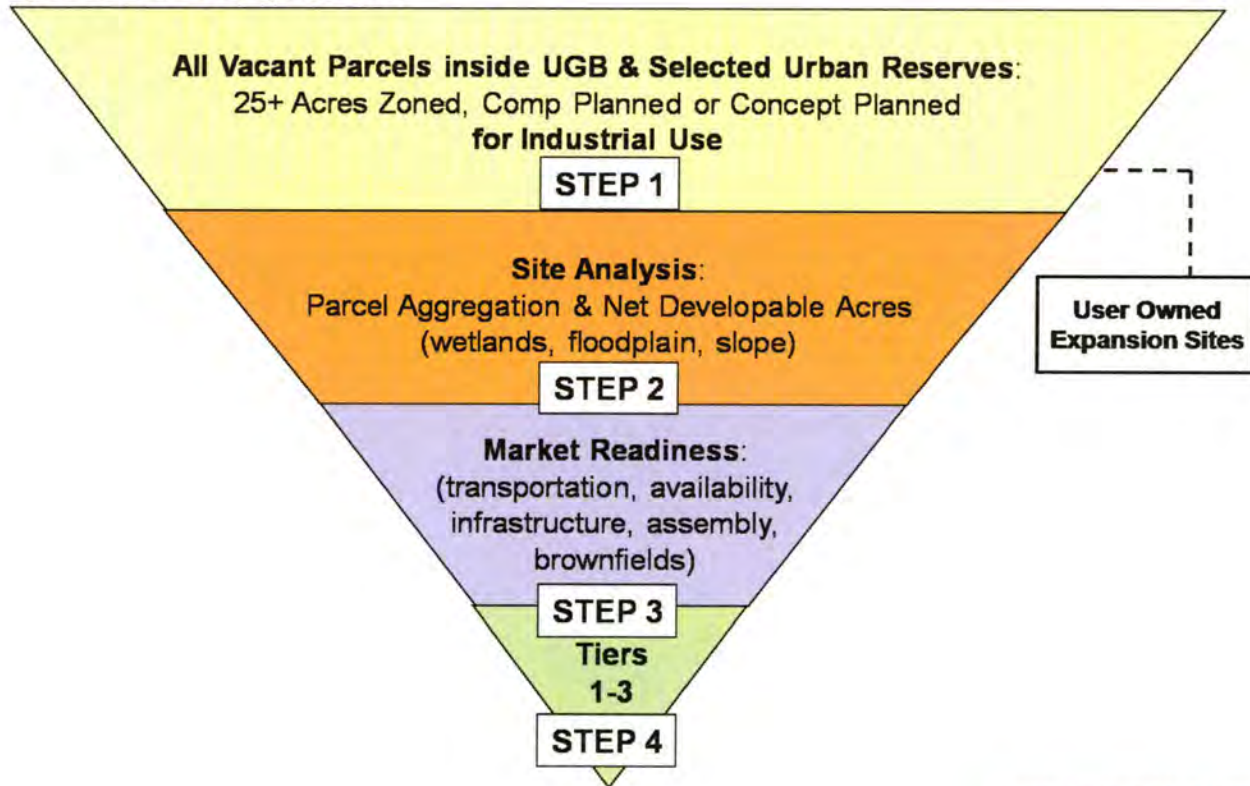
⁷ Preliminarily, slope data above 7% was used but the data was not reliable and the Consultant used 10% and greater slopes. Although, slopes under 7% are best for large scale industrial development, the data was not reliable for this study.

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industrial sites that were assigned a tier based on market readiness or estimated length of time before they can be developed (Figure 2; step 4). The methodology for the tiering process was built upon the well recognized State Industrial Site Certification process along with modifications that were needed to fit the scope of this study. All additions and modifications were agreed upon by consensus of Group Mackenzie and the PMT.

Tier 1 sites could be development ready within 180 days (six months). With sufficient resources and expeditious jurisdiction approvals, Tier 2 sites could be development ready in seven to 30 months. Sites that will require more than 30 months to be ready for development were designated Tier 3.

Figure 2: Phase 1 Analysis Process



Source: Group Mackenzie

2. Infrastructure

The Phase 1 infrastructure analysis involved evaluating the existing public utility systems for their capacity to serve the selected Phase 1 industrial sites. Group Mackenzie collected publicly available utility information and documented the availability and sizes of the public water, sewer, and storm systems. The utility systems were then evaluated and scored for their ability to serve industrial development at the Phase 1 sites (Table 3). The utility evaluations were then used as part of the tiering criteria described later in this report.

Utility System Research

Group Mackenzie reviewed publicly available utility information from the service providers represented in the Phase 1 sites. The utility information included GIS data, master plans, as-built record drawings, and information received from service provider staff. In general, the publicly available information for the Phase 1 site utilities provided information on the proximity of utility services to the Phase 1 sites, utility pipe sizes and/or slopes, and for some sites the extent of known capacity deficiencies that would limit service to the site.

The table on the following page summarizes the information that Group Mackenzie reviewed from the various jurisdictions or utility service providers for the Phase 1 utility analysis.

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Table 3: Phase 1 Utility Information

JURISDICTION OR UTILITY PROVIDER	UTILITY INFORMATION REVIEWED FOR PHASE 1
Clackamas County	GIS Mapping, Master Plan Documents
Clean Water Services	Online GIS, Master Plan Documents
City of Damascus	Staff-Provided GIS
City of Fairview	GIS Mapping, Information from Staff
City of Forest Grove	GIS Mapping, Information from Staff
City of Gresham	Online GIS, Master Plan Documents
City of Happy Valley	GIS Mapping
City of Hillsboro	GIS Mapping, Information from Staff, Master Plan Documents
City of Portland	Online GIS, As-Built Drawings
City of Sherwood	Online GIS, Master Plan Documents
City of Troutdale	Online GIS
City of Tualatin	GIS Mapping, Master Plan Documents
Water Environmental Services	GIS Mapping, Master Plan Documents
City of Wilsonville	GIS Mapping, Information from Staff, Master Plan Documents

Source: Group Mackenzie

Utility System Evaluation

Group Mackenzie developed a scoring system to evaluate the existing capacity of the utility systems to provide adequate industrial service to the Phase 1 sites (Table 4). This scoring system assigns a score of A, B, or C to the utility system. The scores primarily reflect the proximity of utilities to the Phase 1 sites, but they also account for utility sizes, service capacity, and complexity of expected necessary improvements.

In general the A, B, and C scores mimic the tier system used to rate the Phase 1 sites. Sites with a utility score of 'A' can be expected to have industrial-level utility service currently at the site or available within 6 months. Utilities scored as 'B' may have capacity issues or services that do not extend to the site but can be upgraded within 6 to 30 months. A utility score of 'C' is applied to utility systems that would require substantial service extensions, capacity upgrades, or other improvements in order to serve industrial uses at the site. The following table summarizes the utility scoring system used in this study.

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Table 4: Utility Evaluation Scoring Criteria

Utility System	Score	Utility Evaluation Scoring Criteria
Sewer	A	≥ 8" main located adjacent to or stubbed to site or within ~200 ft of site. No downstream pipe/treatment capacity issues.
	B	≥ 6-8" main located within ~ 1000 ft, with no downstream deficiencies. Possible pump station needed.
	C	No nearby pipe and/or significant lift station and force main needed. Downstream deficiencies may be present.
Water	A	≥ 12" main adjacent or within ~200 ft, preferred loop system existing. No low-pressure issues.
	B	≥ 8" adjacent, or ≥ 12" main within ~ 1000 ft. No pump station or pressure/treatment deficiencies.
	C	No nearby pipe and/or system deficiencies present.
Storm	A	≥ 12" public main adjacent or within ~200 ft, or ability to discharge to managed surface waters. No capacity issues.
	B	≥ 12" main within ~ 500 ft; possible outfall to nearby regulated surface channel or wetland.
	C	No adjacent public storm or no available discharge point to surface water.

Source: Group Mackenzie

3. *Transportation*

Transportation infrastructure was evaluated at a preliminary level to determine the immediate ability to develop sites in the Phase 1 inventory. This analysis was based primarily on the quality of the surrounding transportation system and the ability of the subject property to access that system.

Specifically, the evaluation was performed by assessing the surrounding transportation system quality which was defined by two metrics:

1. Local Access: Defined as access to the immediate (proximate) transportation system.

Factors to consider:

- a) Direct roadway connection to the transportation system
- b) Extent of frontage and off-site improvements necessary to connect to the proximate transportation system

Value assigned to local access:

Good: Property has direct connection and no off-site improvements are necessary.

Poor: Property does not have a direct connection and/or significant improvements are necessary to gain local access.

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- 2. Transportation System Mobility:** Defined as the mobility on the existing freight transportation system. This includes mobility on the adjacent higher-order roadways and intersections and not just the immediate roadway system. This does not include mobility on the mainline interstate highways as it is assumed all motor vehicle freight generally has to traverse these roadways and is not critical to individual property valuation.

Values assigned to transportation system mobility:

- Good:* Mobility of adjacent system has a PM peak hour volume-to-capacity ratio (v/c) < 0.99 (an approximate Level of Service (LOS) F or better).
- Poor:* Mobility of adjacent system has a PM peak hour v/c ratio > 0.99 (an approximate LOS F or worse).

For the Phase 1 analysis, all sites were ranked based on the above-identified criteria, as follows:

- A:** Local Access and Transportation System Mobility are *Good*
- B:** Local Access is *Good* and Transportation System Mobility is *Poor*
- OR –
- C:** Local Access is *Poor* and Transportation System Mobility is *Good*
- C:** Local Access and Transportation System Mobility are *Poor*

4. Wetlands

The Oregon Department of State Lands provided preliminary wetland information for Phase 1. The first source used was the agency's Land Administration System database to determine if there were any wetland determinations or delineations on file with the agency for each site. Where such information did exist, it was used as the foundation for identifying the area of wetland constraint.

For sites with no previous wetland delineation history, the following data layers were used to identify area of potential wetland constraint:

- National Wetlands Inventory, US Department of the Interior, 1988
- Local Wetlands Inventory (for those communities with adopted inventories)
- Metro Regional Land Information System, wetlands data layer (February 2011)
- Salmon Resource and Sensitive Area Mapping program, Oregon Department of Transportation, 2004
- Soil Survey Geographic Database (US Natural Resources Conservation Service, 2009) to identify of potential hydric (wetland) soil areas
- National Hydrography Dataset, US Geological Survey

For sites with on-site wetlands or potential wetlands the net developable acreage assumed wetland mitigation would occur in order to increase the developable acreage of the site.

5. Brownfields

Metro, the City of Portland, and the City of Gresham provided GIS shapefiles containing information regarding potential brownfield sites in the region. Metro's data provided information on Underground Storage Tanks (USTs) and Environmental Cleanup Site Information (ECSI) throughout the region. The City of Portland's data included potential brownfield sites within the City limits while the City of Gresham's data included ECSI sites within the City limits. This data was examined to determine which sites in the inventory were existing or potential brownfields. The inventoried sites were given a rank of A, B, or C based on the severity of the contamination. This was an important tiering criteria as brownfields have varying levels of contamination and timeframes for clean up. Table 5 provides more information on tiering these brownfield sites.

6. *Market Readiness, Availability, and Site Aggregation*

This analysis assessed the market availability of each site and determined whether the site was currently for sale or lease, and if not, whether the owner was willing to transact. Information on owner type (private, investor, public, or user) was also collected. Two of the main tiering criteria used in this study were whether a site was currently for sale or lease, and if not, whether the owner was willing to transact. Lack of availability to the market did not remove the site from the inventory; however, the site moved it to a lower tier.

Market availability information was gathered from various sources including the PMT, meetings, conversations with real estate brokers and City economic development staff, and consultant knowledge.

Site aggregation was also analyzed for all Phase 1 sites. None of the Tier 1 sites are in multiple ownerships, as that was an imperative tiering criterion chosen by the PMT to identify Tier 1 sites. Tier 1 sites must be currently for sale or lease *or* the owner must be willing to transact. Tier 2 sites must be currently for sale or lease *or* the owner must be willing to transact. Tier 3 sites may not currently be for sale or lease and/or the owner may not be willing to transact. In many cases, the site is not currently for sale or lease but the owner is willing to transact. There are also many sites in which the owner is not willing to transact. The PMT has no way to estimate when and if the owner would be willing to transact. Perhaps if the site exchanges ownership, the new owner may immediately list the site for sale or lease, potentially bringing that site up to Tier 2 status. In other situations, a Tier 3 site may be a Tier 3 sites for decades, until the owner becomes willing to transact.

7. *Jurisdictional Review Process*

A critical aspect of this study was to provide local jurisdictions an opportunity to review the work to gain their local input on the potential sites in the inventory. The jurisdictions first reviewed the potential inventory in the second month of the study (July 2011) after the initial vacant land inventory. Jurisdictions were given the opportunity to include any additional sites that they knew were available or if any land owners were willing to aggregate or transact together. In August 2011, jurisdictions were given another opportunity to review an updated version of the inventory. As a part of this review, jurisdictions were asked to provide GIS data that was more recent or more accurate than the Metro RLIS data that was initially used in the preliminary gross to net analysis and another gross to net developable acreage analysis was run utilizing this more accurate data, when available. Jurisdictions were also asked to provide information on current infrastructure surrounding the sites, any deficiencies of supply or treatment systems, and a city contact that could provide more specific answers regarding necessary infrastructure upgrades.

Once the inventory of sites were finalized and after the transportation and infrastructure analysis was completed along with the market availability criteria in the third month of the study (September 2011), the jurisdictions were given another chance to review the inventory and provide their feedback on the scoring based on the criteria. On September 29, 2011 all jurisdictions were invited to attend a meeting at Group Mackenzie offices to review each site individually to ensure the consultant and PMT did not leave out vital pieces of information regarding the Phase 1 sites. Throughout this process, the consultant was in regular contact with appropriate jurisdiction staff and made changes to the inventory accordingly.

8. *Tiering Criteria and the Process to Score the Sites*

The tiering system utilized in this study was based on development readiness. Tier 1 sites are defined as “development ready” within 180 days of submittal of a development application (i.e., projects can receive all necessary permits, sites can be served with infrastructure, and zoned and annexed into the city within this timeframe).

This timeframe is an industry standard and is the same recruitment/development timeframe used by the State’s well established Industrial Site Certification Process. The seven to thirty month time-frame was for sites that while less competitive for expansions and recruitments, would still be of some interest to more patient users/developers. It was agreed upon by the Project Management Team that the Tier 3 30-month or greater window represents the least competitive sites from an expansion, recruitment, or a speculative development perspective.

ATTACHMENT H

These tiers are defined as follows:

- Tier 1** Sites have over 25 net developable acres and are development ready or can be development ready within 180 days (6 months) and require minimal to no additional costs or time to deliver a site. It is anticipated that no or minimal infrastructure or remediation is necessary and that due diligence and entitlements could be provided and/or obtained within this time period. The site does not have a use restriction and is currently on the market for sale or lease or the ownership is willing to transact. Sites in this tier would generally qualify for Business Oregon’s Industrial Site Certification program.
- Tier 2** Sites require additional time, between 7-30 months and costs to deliver a development ready site. These sites may have a use restriction, for example marine or aviation only that limits, but does not eliminate, their market opportunity. They may have deficiency issues with regard to infrastructure or may require brownfield remediation, annexation, and additional entitlements that are assumed to take beyond six months time. These sites are currently on the market for sale or lease or the ownership is willing to transact. Should the site be in multiple ownerships, an agreement to aggregate must be in place within 30 months.
- Tier 3** Sites require the most time, over 30 months, and costs to deliver a development ready site. In addition to the criterion for Tier 2 these sites may or may not be currently for sale or lease or the owner may or may not be willing to transact or information was not available at the time this report was published.

Table 5 displays the criteria that were used to Tier each of the sites in the inventory.

Table 5: Phase 1 Tiering Criteria

	25 net developable acres	Use Restriction	Brownfield Remediation	Annexation Required	Sewer, Water, & Storm ⁸	System Mobility ⁹	Currently for Sale or Lease		Willingness to Transact
Tier 1	Within 6 months	No	No or Within 6 months (Score of A)	No	A or B	A or B	Yes	O R	Yes
Tier 2	Within 7-30 months	Yes or No	Within 7-30 Months (Score of B)	Yes	A, B, or C	A, B, or C	Yes	O R	Yes or Unknown
Tier 3	>30 months	Yes or No	>30 months (Score of C)	Yes	A, B, or C	A, B, or C	Yes or No	O R	Yes or No or Unknown

Source: Group Mackenzie

⁸ For an explanation of the scoring, refer to section 2, Infrastructure.

⁹ For an explanation of the scoring, refer to section 3, Transportation.

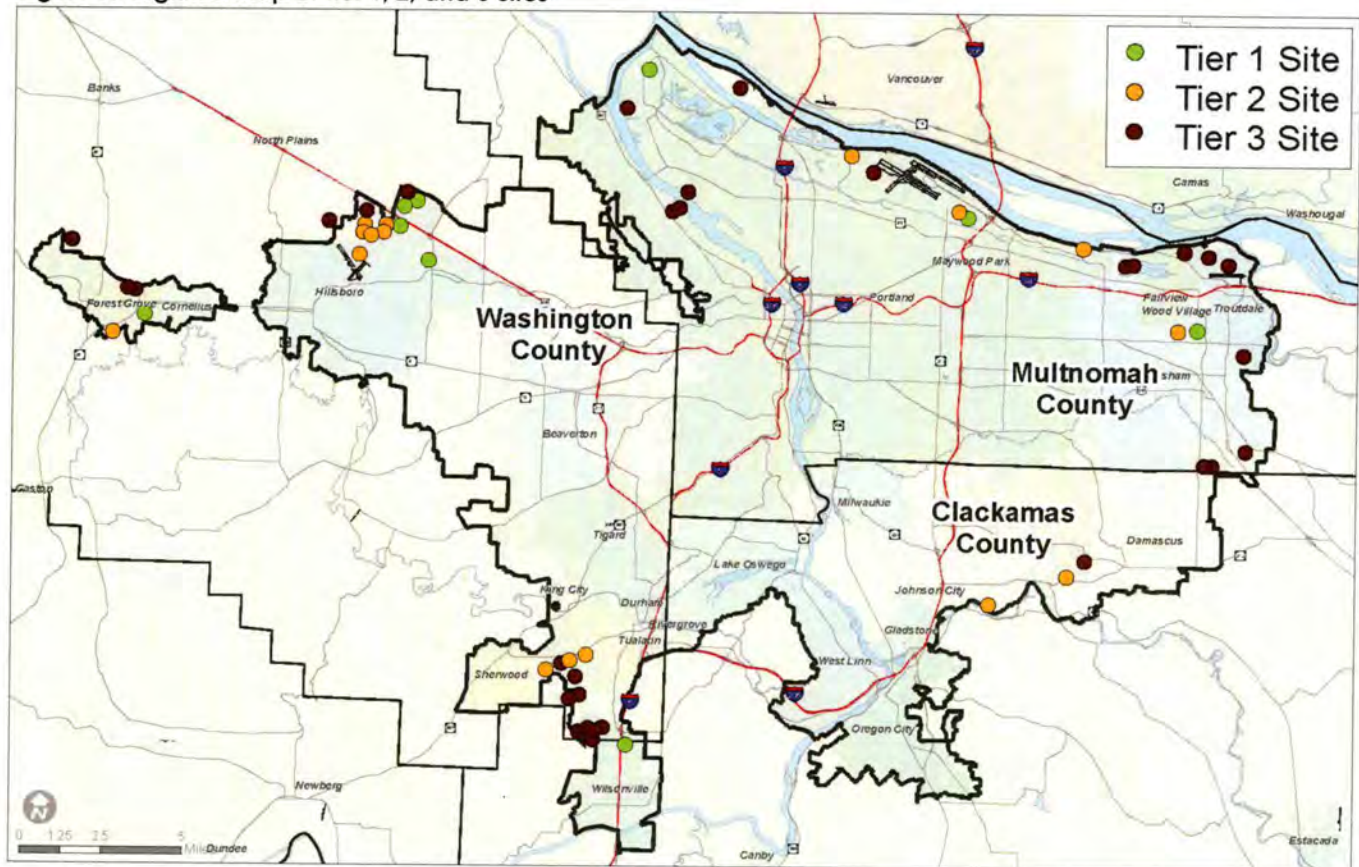
II. PHASE 1 FINDINGS

A. TIER 1, 2, AND 3 SITE RESULTS

The Phase 1 inventory was completed in October 2011. The findings in this report are based on the best available information as of that date. Since this inventory is meant to be market based, it is acknowledged that the inventory of industrial sites in the Portland region will change with certain regularity. Factors affecting this change will include better information; new properties coming on the market; properties in the inventory coming off the market due to transactions; a change in tier status based on investment or other actions; and other issues. Due to this inventory fluctuation, one of the recommendations in this report is that the industrial site inventory be regularly updated.

Based on the Phase 1 methodology described above, Group Mackenzie identified an inventory of 56 large lot industrial sites in the Metro UGB and selected urban reserves (Figure 3). Of these 56 sites in the inventory, nine sites (16%), are Tier 1; 16 sites (29%) are Tier 2; and 31 site (55%), are Tier 3 potential sites. The reference to “potential” is due to the fact that many of the Tier 3 sites have significant barriers to market readiness. The complete inventory of sites, detailing all of the data prepared for each, their location in the region, and their tiers can be found in Volume 2 and Volume 3, Appendix A.

Figure 3: Regional Map of Tier 1, 2, and 3 Sites



Source: Group Mackenzie

1. Tier 1 Sites

The analysis found that there are only nine sites in the UGB that are both 25 net acres or larger that can be developed within 180 days (Figure 4). Washington County has five of these sites, followed by three in Multnomah County, and one in Clackamas County (Figure 5). The number of very large sites is even more limited. The majority of the sites are in the 25-49 acre range. There is only one 50-acre and one 100-acre site in Tier 1.

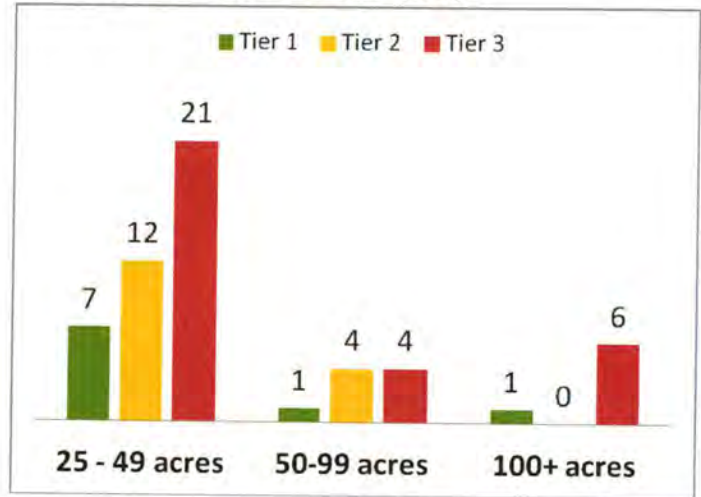
Beyond development-ready availability there are a handful of economic factors that drive the suitability of industrial sites for immediate development. A closer look at the nine Tier 1 sites (Table 6) reveals that the number of sites attractive to a broad range of potential traded-sector cluster companies is even smaller. Of the nine sites, two are for lease only, which is typically less desirable to potential users, who anticipating significant capital investments prefer to own rather than lease. Another Tier 1 site is an irregular shape and would require an unusual development footprint, possibly increasing costs and precluding market accepted building design. One last factor is price.

One Tier 1 site is currently for sale at a price that is much higher than industrial development could support. It is unclear if or when, the current owner will align the asking price with current industrial market pricing.

Over 90% of the sites in the Phase 1 inventory are in either Multnomah or Washington County. It is important to note that the inventory is only for areas within the Portland metropolitan UGB or designated urban reserves areas. As a result industrial sites located in rural Washington County and Clackamas County, such as Banks, Canby, Sandy, Molalla, and Estacada are not included in this inventory.

Table 7 details the Tier 1 sites.

Figure 4: Distribution of Sites by Acreage



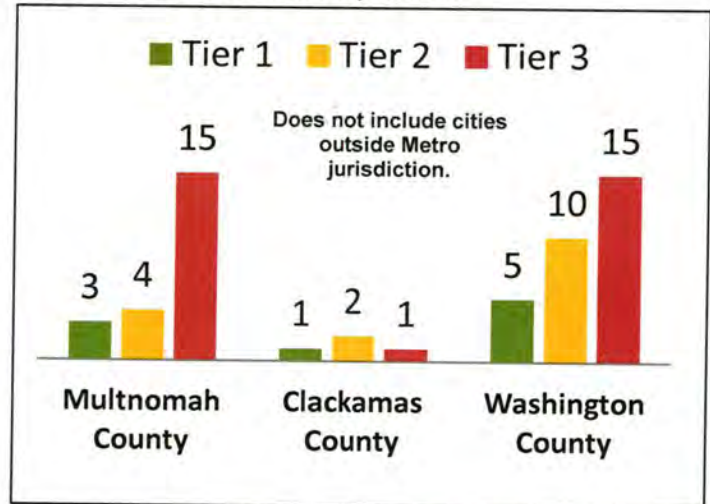
Source: Group Mackenzie

Table 6: Tier 1 Sites that Meet Development Criteria

TIER 1 SITES	Count
TIER 1 SITES	9
Lease Only	-2
Irregular Shape	-1
Above Market Price	-1
TOTAL TIER 1 SITES	5

Source: Group Mackenzie

Figure 5: Distribution of Sites by Location



Source: Group Mackenzie

ATTACHMENT H

Table 7: Tier 1 Site Summary

Site ID	Owner/Site	Location	County	Gross Acres	Net Developable Acreage	Number of Tax lots	Number of Owners	Currently for Sale/Lease	Willing to Transact
1	PORT OF PORTLAND (RIVERGATE)	PORTLAND	Multnomah	51.25	43.15	5	1	L	
11	PORT OF PORTLAND (PIC EAST)	PORTLAND	Multnomah	43.50	41.18	2	1	L	
21	PORTLAND OF PORTLAND (LSI EAST)	GRESHAM	Multnomah	115.98	115.01	6	1		YES
32	ELLIGSEN RALPH & SHIRLEY	WILSONVILLE	Clackamas	32.34	32.34	1	1	S	
44	INTEL CORPORATION	HILLSBORO	Washington	31.39	31.39	3	1	S	
46	DEV. SERVICES OF AMERICA (WESTMARK SITE)	HILLSBORO	Washington	30.02	30.02	1	1	S	
48	WAFFORD DEWAYNE (BAKER/BINDEWALD SITE)	HILLSBORO	Washington	50.78	46.94	1	1	S	
49	NIKE FOUNDATION	HILLSBORO	Washington	73.88	59.86	1	1	S	
57	MERIX CORPORATION	FOREST GROVE	Washington	34.25	33.42	1	1	S	

Source: Group Mackenzie

2. Tier 2 and 3 Sites

The analysis found 16 Tier 2 sites (seven to 30 months from development ready) and 31 potential Tier 3 sites (more than 30 months to development ready) within the Metro UGB and selected urban reserves. The bulk of these sites are in Washington or Multnomah County. The number of larger sites in Tier 2 and Tier 3 is also very constrained. Tier 2 has no 100-plus acre sites, and only four 50-plus acre sites. Tier 3 has only four potential 50-plus acre and six potential 100-plus acre sites.

The few large sites in Tier 2 and 3 face significant challenges to becoming ready, including the need to complete brownfield clean up, build infrastructure (such as roads and sewer), mitigate wetlands, and assemble parcels currently under multiple separate ownerships. Many of these sites have multiple development constraints that limit their marketability. The Phase 1 inventory did not get into detail on individual sites and specific constraints, but Table 8 provides a list of the types of issues that constrain site development. Thirty-one of the Tier 2 and 3 sites face multiple challenges.

Table 8: Tier 2 and 3 Potential Development Constraints

CONSTRAINT *	SITES WITH CONSTRAINT
Brownfield/Cleanup	8
Natural Resources	13
Infrastructure	19
Transportation	18
Land Assembly	14
State/Local Action ¹	20
Not Willing to Transact	18

*Sites may have multiple constraints

Source: Group Mackenzie

ATTACHMENT H

Generally the constraints to readiness for Tier 2 sites are less extensive than Tier 3 sites, requiring less time and lower costs than the majority of the Tier 3 sites. A complete analysis of all Tier 2 sites would detail their challenges to market readiness, but it is safe to say that Tier 2 sites present the best opportunity to focus resources to bring them to market the quickest. Table 9 details the Tier 2 sites.

Table 9: Tier 2 Site Summary

Site ID	Owner/Site	Location	County	Gross Acres	Net Developable Acreage	Number of Taxlots	Number of Owners	Currently for Sale/Lease	Willing to Transact
9	PORT OF PORTLAND (NE MARINE DR & 33rd AVE)	PORTLAND	Multnomah	66.74	62.70	1	1	L	
13	ICDC LLC	PORTLAND	Multnomah	28.11	26.52	3	1	L	
22	PORT OF PORTLAND (LSI WEST)	GRESHAM	Multnomah	87.69	68.60	3	1		YES
29	CLACKAMAS COUNTY DEVELOPMENT	CLACKAMAS	Clackamas	61.93	40.00	11	1	S/L	
38	BILES FAMILY LLC	SHERWOOD	Washington	39.60	30.89	1	1	S	
40	PACIFIC REALTY ASSOCIATES LP	TUALATIN	Washington	26.80	26.80	1	1	S/L	
50	KEITH BERGER/HERBERT MOORE/BOYLES TRUST	HILLSBORO	Washington	72.40	66.14	5	3	S	
52	BERGER PROPERTIES/HERBERT MOORE	HILLSBORO	Washington	52.00	48.10	2	2	S	
54	5305 NW 253RD AVENUE LLC	HILLSBORO	Washington	38.49	28.59	1	1		N/A
55	SPOKANE HUMANE SOCIETY	HILLSBORO	Washington	45.49	45.49	1	1		YES
56	EAST EVERGREEN SITE	HILLSBORO	Washington	71.11	71.11	9	7	S	YES
62	ROCK CREEK SITE	HAPPY VALLEY	Clackamas	40.83	34.18	5	2	S	YES
63	WOODBURN INDUSTRIAL CAPITAL	FOREST GROVE	Washington	25.10	25.10	1	1	S/L	
66	ITEL, KENNETH	TUALATIN	Washington	46.25	44.67	2	1		YES
67	PORT OF PORTLAND (PIC WEST)	PORTLAND	Multnomah	69.45	58.96	5	1	L	YES
68	PORT OF PORTLAND (HILLSBORO AIRPORT)	HILLSBORO	Washington	39.22	34.15	1	1	L	YES

Source: Group Mackenzie

ATTACHMENT H

3. Tier 3 Sites

Tier 3 sites come with the caveat of “potential” attached to them. While all but three of the Tier 3 sites are in inside the Urban Growth Boundary (subsequent to the completion of the Phase 1 inventory, Metro added property into the UGB in October 2011. The Metro UGB decision is considered a “final land use decision” unless set aside by LCDC or the Court), this category of sites has multiple and significant constraints that will need to be addressed to get them to market readiness.

Ten of the potential Tier 3 sites would require aggregation of parcels in separate ownership. Ownership ranges from two owners up to 17 owners for the potential Coffee Creek site in Wilsonville. Half of the Tier 3 sites have either seven or eight ownerships. The more owners involved the more complex and lengthy the development process.

Twenty of the sites in Tiers 2 and 3 will require some kind of local, regional, or state action such as concept planning, annexation, or UGB expansion to become development ready. Tier 3 examples with this issue include three potential sites that are outside the current UGB and West Hayden Island, which is engaged in a lengthy planning process with an uncertain outcome; if approved for development this site will require many years of planning and infrastructure investment to bring to market.

Another issue affecting Tier 3 sites is brownfield contamination. Four of the 6 Tier 3 sites in the City of Portland have brownfield issues, and three of these have added risk and uncertainty due to their location adjacent to the Willamette River Superfund designation.

Providing a market perspective was a major objective of this analysis. Market readiness requires first and foremost, a willingness to sell by the property owner or enter into a transaction. However, simply a lack of willingness to transact at this point in time or a lack of information of a willingness to transact was not a reason to exclude a potential site in the inventory. Of the 31 potential Tier 3 sites, 21 of them either lack a willingness to transact or the information was unable to be determined as part of this study. Slightly over 30% of the Tier 3 sites (10 sites) are currently or could be available to the market. Table 10 provides a complete list of the Tier 3 sites.

Table 10: Tier 3 Site Summary

Site ID	Owner/Site	Location	County	Gross Acres	Net Developable Acreage	Number of Taxlots	Number of Owners	Currently for Sale/Lease	Willing to Transact
2	TIME OIL CO	PORTLAND	Multnomah	43.50	25.00	2		S	
4	ESCO CORP	PORTLAND	Multnomah	37.62	33.33	6	3		NO
5	ATOFINA CHEMICALS INC	PORTLAND	Multnomah	59.76	46.76	6			NO
6	MC CORMICK & BAXTER CREOSOTING	PORTLAND	Multnomah	42.39	33.39	1			NO
7	PORT OF PORTLAND (WEST HAYDEN ISLAND)	PORTLAND	Multnomah	472.00	404.00	2			YES
10	PORT OF PORTLAND (SW QUAD)	PORTLAND	Multnomah	212.56	206.47	5			YES
15	BT PROPERTY LLC (UPS)	GRESHAM	Multnomah	51.45	49.45	4			NO
16	CEREGHINO MICHAEL	GRESHAM	Multnomah	41.63	25.00	5			NO
17	PORT OF PORTLAND TRIP - PHASE 3	FAIRVIEW	Multnomah	34.14	30.00	1		S	

ATTACHMENT H

Site ID	Owner/Site	Location	County	Gross Acres	Net Developable Acreage	Number of Taxlots	Number of Owners	Currently for Sale/Lease	Willing to Transact
18	PORT OF PORTLAND TRIP - PHASE 2	TROUTDALE	Multnomah	42.25	30.18	2		S	
19	PORT OF PORTLAND TRIP - PHASE 2	TROUTDALE	Multnomah	81.10	80.34	1		S	
23	MT HOOD COMMUNITY COLLEGE	TROUTDALE	Multnomah	38.40	37.40	3			NO
24	JOHNSON E JEAN	GRESHAM	Multnomah	37.17	33.82	1			YES
25	JONAK LESTER JR	GRESHAM	Multnomah	34.22	27.07	1			N/A
26	DANNAR CHARLES	GRESHAM	Multnomah	27.93	27.93	1			N/A
28	SIRI JAMES F & MOLLIE	HAPPY VALLEY	Clackamas	26.40	25.26	2			NO
33	COFFEE CREEK INDUSTRIAL AREA Site 1	WILSONVILLE	Washington	85.23	80.34	21	17		NO
34	VAN'S INVESTMENT LTD	WILSONVILLE	Washington	52.79	25.50	1			N/A
35	TONQUIN INDUSTRIAL AREA	TUALATIN	Washington	49.70	40.30	8	7		YES
36	TIGARD SAND & GRAVEL SITE	TUALATIN	Washington	296.88	128.10	15	3		NO
37	ORR FAMILY FARM LLC	SHERWOOD	Washington	96.26	42.84	1			NO
47	CRANFORD JULIAN & SHARON	HILLSBORO	Washington	28.51	27.29	1			NO
59	COFFEE CREEK INDUSTRIAL AREA Site 2	WILSONVILLE	Washington	46.37	46.27	12	8		NO
60	COFFEE CREEK INDUSTRIAL AREA Site 3	WILSONVILLE	Washington	29.65	27.05	10	7		NO
61	COFFEE CREEK INDUSTRIAL AREA Site 4	WILSONVILLE	Washington	48.56	48.56	12	8		NO
64	WOODFOLD-MARCO MFG INC. (East Oak Street)	FOREST GROVE	Washington	25.46	25.46	2	2		NO
65	WOODFOLD-MARCO MFG INC. (West Oak Street)	FOREST GROVE	Washington	53.93	53.91	5			NO
100	HOLZMEYER RICHARD HENRY ET AL	FOREST GROVE	Washington	111.37	100.12	1			N/A
101	VANROSE FARMS and VANDERZANDEN	HILLSBORO	Washington	270.5	224.83	2	2		YES
104	HILLSBORO URBAN RESERVES (Aggregate)	HILLSBORO	Washington	320	309.40	9	8		YES
109	MORSE BROS INC	TUALATIN	Washington	85.31	61.73	7			NO

Source: Group Mackenzie

CITY COUNCIL ROLLING SCHEDULE

Board and Commission Meetings 2013

JANUARY

DATE	DAY	TIME	MEETING	LOCATION
1/31	Thursday	6 p.m.	Economic Development Strategy Task Force	Willamette River Rooms I & II

FEBRUARY

DATE	DAY	TIME	MEETING	LOCATION
2/4	Monday	7 p.m.	City Council Meeting	Council Chambers
2/11	Monday	6:30 p.m.	DRB Panel A	Council Chambers
2/13	Wednesday	6 p.m.	Planning Commission	Council Chambers
2/18	Monday	Presidents Day -- City offices closed		
2/20	Wednesday	6 p.m.	Joint meeting with West Linn/Wv School District & West Linn City Council	Willamette River Rooms I & II
2/21	Thursday	7 p.m.	City Council Meeting	Council Chambers
2/25	Monday	6:30 p.m.	DRB Panel B	Council Chambers
2/27	Wednesday	6:30 p.m.	Library Board	Library

COMMUNITY EVENTS:



COMMUNITY CENTER GRAND REOPENING

Thursday – February 14 – 10:30 a.m. to Noon
 Tour the updated kitchen and multi-purpose rooms
 Hors d' oeuvres served

DADDY DAUGHTER LUAU

Friday – February 22 -- 7 p.m. to 9 p.m.
 Wilsonville Community Center.
 Tickets are \$8 per person. Register early, space is limited



VOLUNTEER PLANTING EVENT – MEMORIAL PARK – FOREST SHELTER

Saturday - February 23, 2013 8:45 a.m. to 1 p.m.
 The Friends of Trees crew leaders will guide small groups of volunteers.
 Dress appropriately for the weather conditions. Tools and snacks provided.
 Contact Andy or Jenny at 503-595-0213

SMART & City Fleet Operations Center

Public Dedication and Open House
 Tuesday - February 26 – 5 to 7 p.m.
 28879 SW Boberg Rd
 Ribbon Cutting Ceremony and Facility Tours


**CITY COUNCIL MEETING
 STAFF REPORT**

Meeting Date: February 4, 2013	Subject: Resolution No. 2395 SMART Transit Integration Project's consultant contract Staff Members: Jen Massa Smith Department: Transit	
Action Required <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not Applicable Comments:	
Staff Recommendation: The staff recommends approval of Resolution No. 2395.		
Recommended Language for Motion: "I move to approve Resolution No. 2395"		
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>		
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s) Transit Master Plan, p. 11 Chapter 2, Goal 1 & Goal 2	<input type="checkbox"/> Not Applicable

ISSUE BEFORE COUNCIL: Council action is required on Resolution No. 2395 to enable SMART to utilize an already approved State and Federal grant to implement the Transit Integration Project which is designed to find efficiencies in transit service provided within the I-5 corridor between Wilsonville and Portland.

SMART has selected a qualified consulting firm in accordance with all City, State, and Federal procurement requirements that guarantee open and fair competition. The consultant firm was selected by a four person committee composed of staff from the SMART and Community Development departments. It was a unanimous decision to award the Professional Services Agreement to Nelson\Nygaard. The award was based on a weighted scoring of several factors, including price, experience and expertise.

The grant originated from the State of Oregon's Flexible Funds Program and was transferred to the Federal Transit Administration (FTA) for project oversight. The grant will pay for 80 percent of the total cost of the contract (\$106,080 of the \$132,600 total price) with the City's matching contribution budgeted for in the FY 2012/13 and FY 2013/14 budget.

EXECUTIVE SUMMARY: Council action is needed on Resolution No. 2395, authorizing the City to enter into contract with Nelson\Nygaard, in order to stay on schedule set forth in the original grant application to the State of Oregon and with the current Federal grant agreement with the FTA.

EXPECTED RESULTS: With Council approval of Resolution No. 2395, work will begin on the planning and outreach portion of the SMART Transit Integration Project.

TIMELINE: The Transit Integration Project began in October 2012 and will be completed in December 2014.

CURRENT YEAR BUDGET IMPACTS: The cost of the consultant contract is budgeted and approved for the current fiscal year.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: JEO Date: 1-22-13
Confirmed budget is available in the current fiscal year.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK Date: 1/23/13
The form of the resolution is approved.

COMMUNITY INVOLVEMENT PROCESS: Staff and consultants will dedicate a large percentage of time spent on this project gathering stakeholder and public information and feedback. The main categories of public involvement include:

- Development of informational materials
- Survey of community members
- Stakeholder outreach
- Outreach to the general public
- Documentation of outreach feedback

POTENTIAL IMPACTS or BENEFITS TO THE COMMUNITY: Local citizens will benefit from improved transit options in and around Wilsonville. Local businesses will benefit from knowing that their transit tax dollars are being used in the most efficient manner to best serve the needs of the Wilsonville community. The potential impacts of this Project could include the redesign of SMART's service options within the I-5 corridor between Wilsonville and Portland.

ALTERNATIVES: Council could reject staff's selection process and recommendation and direct staff to re-open the consultant selection process. The other alternative is to reject

Resolution No. 2395 and return the grant back to the State of Oregon. Staff does not recommend any of the alternatives.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Nelson\Nygaard Proposal Cover Letter
- B. Resolution No. 2395

RESOLUTION NO. 2395

A RESOLUTION OF THE WILSONVILLE CITY COUNCIL, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING SOUTH METRO AREA REGIONAL TRANSIT (SMART) TO CONTRACT WITH NELSON/NYGAARD FOR CONSULTING SERVICES FOR THE TRANSIT INTEGRATION PROJECT.

WHEREAS, a goal of South Metro Area Regional Transit (SMART) is to balance increasing operating costs against the level of service that best meets customer needs and expectations; and

WHEREAS, SMART has received a State of Oregon grant of up to \$300,000 to implement a study, referred to as the Transit Integration Project, to find efficiencies and examine SMART service along the I-5 corridor between Wilsonville and Portland; and

WHEREAS, SMART is required to report all grant related activities to the State of Oregon and the Federal Transit Administration; and

WHEREAS, the City has budgeted funds to cover the 20 percent match amount (\$26,520) required for the grant and the Transit Integration Project is included in the approved fiscal year 2012/13 budget for the City of Wilsonville; and

WHEREAS, SMART has selected a qualified consulting firm in accordance with all City, State, and Federal procurement requirements that guarantee open and fair competition; and

WHEREAS, Nelson\Nygaard has submitted a price proposal in the amount of \$132,600 for consulting services, as described in the Professional Services Agreement, attached hereto ; and

WHEREAS, the City Council has duly appointed itself as the Local Contract Review Board and is authorized to award the Professional Services Agreement in conformance with the State procurement program.

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

1. Based on the above recitals which are incorporated herein, the City Council, acting as the Local Review Board, does hereby approve and authorize the City Manager, on behalf of SMART to enter into a Professional Services Agreement with Nelson/Nygaard Consulting Associates, Inc. for consulting services for the Transit Integration Project.
2. The expenditures for this purchase are hereby authorized, not to exceed the total FY 2012/13 Amount as budgeted:

<u>Account</u>	<u>Budget Amount</u>
260.161.33101.00138	\$134,595

3. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting on February 4, 2013 and filed with the Wilsonville City Recorder this date.

TIM KNAPP, MAYOR

ATTEST:

Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Knapp ____

Council President Starr ____

Councilor Goddard ____

Councilor Fitzgerald ____

Councilor Stevens ____

**CITY OF WILSONVILLE
PROFESSIONAL SERVICES AGREEMENT**

This Professional Work Agreement ("Agreement") is made and entered into on this ____ day of _____, 2013 ("Effective Date") by and between the **City of Wilsonville**, a municipal corporation of the State of Oregon (hereinafter referred to as the "City"), and **Nelson/Nygaard Consulting Associates, Inc.**, a California corporation (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 ("Work") are completed and accepted, unless earlier terminated in accordance herewith. Consultant shall diligently perform the Work according to the requirements and deliverable dates identified in the Scope of Work, attached hereto as **Exhibit A** and incorporated by reference herein. Except in the event of an extension of time, agreed to in writing by the City, all Work must be completed no later than December 30, 2014.

Section 2. Contract Documents

This Agreement, the Request for Proposal for the Transit Integration Project, Scope of Work, all RFP Addenda and modifications, Consultant's proposal (to the extent consistent with the RFP documents), and Consultant's Rate Schedule constitute the Contract Documents and are complementary. Specific federal and state laws, and the terms of this Agreement, in that order, respectively, supersede any inconsistent provisions found within other Contract Documents. All Contract Documents are on file in the office of the City at 29799 SW Town Center Loop E, Wilsonville, Oregon, 97070 and are incorporated into this Agreement.

Section 3. Consultant's Scope of Work

3.1. Consultant will perform the Scope of Work, more particularly described on **Exhibit A**, for the Transit Integration Project ("Project"), in accordance with the Contract Documents.

3.2. All written documents, surveys, reports and other materials submitted by Consultant in conjunction with the Work 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.

3.3. Consultant will not be responsible for damages, be in default, or 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 Work will be extended accordingly 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.

3.4. 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.

3.5. 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 Work 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 4. City's Responsibilities

The scope of the City's responsibilities, including those of the City's Contract Administrator, are also set forth in the Contract Documents. The City has designated a Contract Administrator, as set forth below, 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.

Section 5. Compensation

5.1. Except as otherwise set forth in this **Section 5**, the City agrees to pay Consultant a not to exceed price of ONE HUNDRED THIRTY-TWO THOUSAND SIX HUNDRED DOLLARS (\$132,600) for performance of the Work ("Compensation Amount"). Any compensation in excess of the Compensation Amount will require express written agreement by the City and Consultant.

5.2. During the course of Consultant's performance, if the City's Contract Administrator specifically requests Consultant to provide additional services that are beyond the Scope of Work described on **Exhibit A**, Consultant shall provide such additional services and bill the City at the hourly rates outlined on Consultant's Rate Schedule, as set forth in **Exhibit B**. Compensation above the amount shown in **Subsection 5.1** requires a written Change Order, executed in compliance with the provisions of **Section 21**, prior to performance of the additional services. **Exhibit B** also shows a breakdown of tasks and an estimate of hours to be spent on each task. Nothing contained on **Exhibit B**, however, shall be deemed to modify the Scope of Work, nor the not to exceed Compensation Amount.

5.3. All reimbursable expense items are included in the fixed Compensation Amount of **Subsection 5.1**.

5.4. Consultant's Compensation Amount and Rate Schedule are all inclusive and include, but are not limited to, salaries or wages plus fringe benefits and contributions, including payroll taxes, workers' compensation insurance, liability insurance, profit, pension benefits and similar

contributions and benefits, technology and/or software charges, office expenses, and all other indirect and overhead charges.

Section 6. Payment

6.1. Consultant shall be paid, upon the submission of proper invoices, for Work completed and accepted, less deductions, if any, as herein provided. Invoices must contain a detailed and itemized breakdown of the Work performed, by whom the Work was performed, the dates upon which the Work was performed, the time spent on the Work, and the hourly rate applied. Consultant will send application for payment to: **Jen Massa Smith, City of Wilsonville, 29799 SW Town Center Loop E, Wilsonville, Oregon 97070.**

6.2. Unless the payment invoice is incomplete or disputed, payment will be made within thirty (30) calendar days after approval of Consultant's application, unless other terms are agreed upon as a part of this Agreement. Except in the case of a disputed or incomplete invoice, where no interest will apply, interest on payments made after thirty (30) calendar days shall be at a rate of one-half percent (0.5 %) per month.

6.3. The granting of any progress payment or payments by City, or the receipt thereof by Consultant, shall not constitute in any sense acceptance of the Work or of any portion thereof, and shall in no way lessen the liability of Consultant to remedy or redo Work that does not conform to the Contract Documents, though the character of such Work or material may not have been apparent or detected at the time such payment was made. If the invoice or payment amount is disputed, the disputed amount will be withheld, without interest or penalty, and will be resolved informally between the City and Consultant or in accordance with the Dispute Resolution process set forth in **Section 42.**

Section 7. City's Contract Administrator

The City's Contract Administrator is Jen Massa Smith. The City shall give Consultant prompt written notice of any re-designation of its Contract Administrator.

Section 8. Consultant's Project Manager

Consultant's Project Manager is Scott Chapman. In the event that Consultant's designated Project Manager is changed, Consultant shall give the City prompt written notification of such redesignation. 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 9. 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, service providers, 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 10. 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 11. Federal Requirements and Davis-Bacon/BOLI Wages

This Agreement is being funded with federal funds. Consultant shall at all times comply with all applicable Department of Transportation (DOT) and Federal Transit Administration (FTA) regulations, policies, procedures, and directives, including without limitation those listed directly or by reference in the Master Agreement (Form FTA MA (14) dated October 1, 2007; available at <http://www.fta.dot.gov/documents/14-Master.pdf>) between the City and the FTA, as they may be amended or promulgated from time to time during the term of this Agreement. Consultant's failure to so comply shall constitute a material breach of this Agreement. Additional federal requirements are set forth throughout this Agreement. Because this Agreement is federally funded, the higher of Davis-Bacon or Oregon BOLI wages may apply to some or all individuals performing Work under this Agreement. It is the responsibility of Consultant to be in full compliance with Davis-Bacon and BOLI requirements, and Consultant shall defend, indemnify, and hold harmless the City from any claims based on Consultant's failure or alleged failure to comply.

Section 12. Consultant Is Independent Contractor

12.1. Consultant is an independent contractor for all purposes and shall be entitled to no compensation other than the Compensation Amount provided for under **Section 5** of this Agreement. Consultant will be solely responsible for determining the manner and means of accomplishing the end result of Consultant's Work. The City does not have the right to control or interfere with the manner or method of accomplishing said Work. The City, however, will have the right to specify and control the results of Consultant's Work so such Work meets the requirements of the Project.

12.2. Consultant may request 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. For all services performed under subcontract to Consultant, as approved by the City, Consultant shall only charge the compensation rates shown on an approved Rate Schedule. Rate Schedules for named or unnamed subcontractors, and Consultant markups of subcontractor billings, will only be recognized by the City as set forth in Consultant's Rate Schedule, unless documented and approved, in writing, by the City pursuant to a modification to Consultant's Rate Schedule, per **Section 21** of this Agreement. In all cases, processing and payment of billings from subcontractors is solely the responsibility of Consultant.

12.3. 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 any 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 12** and meet the same insurance requirements of Consultant under this Agreement.

12.4. 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 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.

12.5. Should Consultant elect to utilize employees on any aspect of this Agreement, Consultant must comply with all wage and hour laws. 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 B** as a reimbursable expense item, 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.

12.6. No person shall be discriminated against by Consultant or any subcontractor in the performance of this Agreement on the grounds of sex, gender, race, color, creed, marital status, age, disability, 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.

Section 13. Labor Provisions for Non-Construction Contracts

13.1. Overtime Requirements. No Consultant or subcontractor contracting for any part of the Work which may require or involve the employment of laborers, mechanics or others not otherwise exempt from overtime, shall require or permit any such employee in any work week in which they are employed on such Work to work in excess of forty (40) hours per week unless such employee receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty (40) hours in such work week.

13.2. Liability for Unpaid Wages and Liquidated Damages. In the event of any violation of the clause set forth in subparagraph (b)(1) of 29 CFR Section 5.5, Consultant and any subcontractor responsible therefor shall be liable for the unpaid wages and applicable liquidated damages. Such liquidated damages shall be computed with respect to each individual employee employed in violation of the clause set forth in subparagraph (b)(1) of 29 CFR Section 5.5 in the sum of \$10 each for each calendar day on which such individual was required or permitted to work in excess of eight (8) hours or in excess of the standard work week of forty (40) hours without payment of the overtime wages required by the clause set forth in subparagraph (b)(1) of 29 CFR Section 5.5.

13.3. Withholding for Unpaid Wages and Liquidated Damages. The U.S. Department of Transportation (DOT) or the City shall, upon its own action or upon written request of an authorized representative of the DOT, withhold or cause to be withheld from any monies payable

on account of work performed by Consultant or a subcontractor under this Agreement or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by Consultant, such sums as may be determined to be necessary to satisfy any liabilities of such Consultant or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in subparagraph (b)(2) of 29 CFR Section 5.5.

13.4. Nonconstruction Grants. Consultant or subcontractor shall maintain payrolls and basic payroll records during the course of the Work and shall preserve them for a period of three (3) years from the completion of the Work. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid.

13.5. Subcontracts. Consultant or subcontractor shall insert in any subcontract the clauses set forth in subparagraphs 13.1 through 13.4 of this section, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. Consultant shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in subparagraphs 13.1 through 13.4 of this section.

Section 14. Indemnity and Insurance

14.1. 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 provided 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 14.2**. 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.

14.2. Consultant's Standard of Care and Insurance Requirements.

14.2.1. 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.

14.2.2. Insurance Requirements: Consultant shall maintain insurance 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. 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 limits and coverages:

14.2.2.1. *Commercial General Liability Insurance.* Consultant shall obtain, at Consultant's expense, and keep in effect during the term of this Agreement, Comprehensive General Liability Insurance covering Bodily Injury and Property Damage on an "occurrence" form (1996 ISO or equivalent). This coverage shall include broad form Contractual Liability insurance for the indemnities provided under this Agreement. The following minimum insurance amounts must be carried and maintained at all times:

<i>Coverage</i>	<i>Limit</i>
General Liability Aggregate	\$2,000,000
Each Occurrence	2,000,000
Fire Damage (any one fire)	50,000
Medical Expense (any one person)	10,000

14.2.2.2. *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 Work 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 Work covered by this Agreement.

14.2.2.3. *Business Automobile Liability Insurance.* If Consultant will be using a motor vehicle in the performance of the Work herein, Consultant shall provide the City a certificate indicating that Consultant has business automobile liability coverage for all vehicles to be used in conjunction with the Work. The Combined Single Limit per occurrence shall not be less than \$2,000,000.

14.2.2.4. *Workers' Compensation Insurance.* Consultant 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 or employees that are exempt 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.

14.2.2.5. *Insurance Carrier Rating.* Coverages provided by Consultant must be underwritten by an insurance company deemed acceptable by the City. The City reserves the right to reject all or any insurance carrier(s) with a financial rating that is unacceptable to the City.

14.2.2.6. *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.

14.2.2.7. *Additional Insured Endorsements.* The City will be named as an additional insured with respect to Consultant's liabilities hereunder in insurance coverages. The following is included as additional insured: The City of Wilsonville, its elected and appointed officials, officers, agents, employees, and volunteers. Except professional liability and workers' compensation coverage, all policies shall provide an Additional Insured Endorsement.

14.2.3. 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. In the event a dispute arises between the City and Consultant for which Consultant has obtained insurance, the maximum amount that may be withheld by the City for all such claims shall be no more than the amount of the applicable insurance deductible. If insurance policies are "Claims Made" policies, Consultant will be required to maintain such policies in full force and effect through any warranty period.

Section 15. Payment, Performance, and Completion Bonding Requirements

There are no Payment, Performance, or Completion bonds required under this Agreement.

Section 16. Early Termination; Default

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

16.1.1. By mutual written consent of the parties;

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

16.1.3. By Consultant, effective upon ten (10) 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 ten (10) day period by the City. Withholding of disputed payment is not a default by the City.

16.2. If the City terminates this Agreement, in whole or in part, due to default or failure of Consultant to perform Work in accordance with the Agreement, the City may procure, upon reasonable terms and in a reasonable manner, work 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.

16.3. 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.

16.4. 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 20**, for which Consultant has received payment or the City has made payment. The City retains the right to elect whether or not to proceed with actual construction of the Project.

Section 17. Suspension of Work

The City may suspend, delay, or interrupt all or any part of the Work 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 Work performed Consultant or any subcontractors after notice of suspension is given by the City to Consultant. Should the City suspend, delay, or interrupt the Work 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 18. Subcontractors and Assignments

18.1. Unless expressly authorized in **Exhibit A** or **Section 12** of this Agreement, Consultant shall neither subcontract with others for any of the Work prescribed herein, nor assign any of Consultant's rights acquired hereunder, without obtaining prior written approval from the City. Work 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. 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.

18.2. 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.

Section 19. 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 20. Property of the City

Originals or certified copies of the original work forms, including but not limited to documents, drawings, tracings, surveying records, reports, 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.

Section 21. Modification/Change Orders

The City may modify this Agreement and order changes in the Work to be performed under this Agreement whenever the City deems it necessary or advisable to do so. Consultant shall accept such modifications when ordered, in writing, by the Contracting Officer. If any such change causes an increase or decrease in the cost of, or the time required for, the performance of any part of the Work under this Agreement, an equitable adjustment shall be made in the Compensation Amount, delivery schedule, or other terms, and this Agreement shall be modified in writing accordingly. 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 5** 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 Contract Administrator in the form of a Change Order. Consultant's failure to submit such written request for modification in the form of a Change Order 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 Change Order. To be enforceable, the Change Order must describe with particularity the nature of the change, any delay in time the Change Order will cause, or any increase or decrease in the Compensation Amount. The Change Order must be signed and dated by both Consultant and the City before the Change Order may be implemented.

Section 22. Civil Rights Requirements

22.1. Nondiscrimination. In accordance with Title VI of the Civil Rights Act of 1964, as amended (42 USC § 2000d), Section 303 of the Age Discrimination Act of 1975, as amended (42 USC § 6102), Section 202 of the Americans with Disabilities Act of 1990, as amended (42 USC § 12132), and federal transit law at 49 USC § 5332, Consultant agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, marital status, age, or disability. In addition, Consultant agrees to comply with applicable federal implementing regulations and other implementing requirements the FTA may issue.

22.2. Equal Employment Opportunity. The following equal employment opportunity requirements apply to this Agreement:

22.2.1. Race, Color, Creed, National Origin, Sex. In accordance with Title VII of the Civil Rights Act, as amended (42 USC § 2000e), and federal transit laws at 49 USC § 5332, Consultant agrees to comply with all applicable equal employment opportunity

requirements of U.S. Dept. of Labor regulations, "Office of Federal Contract Compliance Programs," Equal Employment Opportunity, Department of Labor, 41 CFR Parts 60 et seq., and with any applicable federal statutes, executive orders, regulations, and federal policies that may in the future affect construction activities undertaken in the course of this Project. Consultant agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, marital status, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship.

22.2.2. Age. In accordance with Section 4 of the Age Discrimination in Employment Act of 1967, as amended (29 USC § 623), and federal transit law at 49 USC § 5332, Consultant agrees to refrain from discrimination against present and prospective employees for reason of age.

22.2.3. Disabilities. In accordance with Section 102 of the Americans with Disabilities Act, as amended (42 USC § 12112), Consultant agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 CFR Part 1630, pertaining to employment of persons with disabilities.

22.3. Consultant also agrees to include these requirements in each of its subcontracts.

Section 23. No Government Obligation to Third Parties

23.1. The City and Consultant acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of this Agreement, absent the express written consent by the Federal Government, the Federal Government is not a party to this Agreement and shall not be subject to any obligations or liabilities to the City, Consultant, or any other party (whether or not a party to this Agreement) pertaining to any matter resulting from this Agreement.

23.2. Consultant agrees to include the above clause in each subcontract financed in whole or in part with federal assistance provided by the FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

Section 24. Recycled Products/Recovered Materials

Consultant agrees to comply with all the requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 USC 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in Subpart B of 40 CFR Part 247.

Section 25. Energy Conservation

Consultant shall comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 USC § 6321 et seq.).

Section 26. Clean Air and Water Requirements

Consultant agrees to comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 USC 1857 (h)), Section 508 of the Clean Water Act (33 USC 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15) which prohibit the use of nonexempt federal contracts, grants, or loans of facilities included on the EPA List for Violating Facilities. Consultant agrees to report each violation to the City and understands and agrees that the City will, in turn, report each violation, as required, to assure notification to the FTA and the appropriate EPA Regional Office. Consultant also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with federal assistance provided by the FTA.

Section 27. Disadvantaged Business Enterprise (DBE)

27.1. Policy. It is the policy of the Department of Transportation and the City that Disadvantaged Business Enterprises, as defined in 49 CFR Part 26, shall have equal access to participation in the performance of contracts financed in whole or part with federal funds under this Agreement.

27.2. DBE Obligations. Consultant and its subcontractors agree to make good faith efforts to ensure that disadvantaged businesses have an equal opportunity to participate in the performance of contracts and subcontracts financed in whole, or in part, with federal funds provided under this Agreement. In this regard, Consultant shall make a good faith effort to ensure that disadvantaged businesses have an equal opportunity to compete for and perform contracts.

27.3. Consultant or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this Agreement. Consultant shall carry out applicable requirements of 49 CFR Part 26, in the award and administration of DOT assisted contracts. Failure by Consultant to carry out these requirements and the requirements of this section is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.

27.4. DBE Liaison. The City has designated a DBE Liaison to assist disadvantaged business enterprises and have the authority to administer the City's DBE program and certify small business concerns as eligible to participate in City projects as a DBE. Inquiries and requests concerning the City's DBE program and information for certification by the City shall be directed to Jeanna Troha, Assistant City Manager, City of Wilsonville, 29799 SW Town Center Loop E, Wilsonville, Oregon 97070.

27.5. DBE Delegation and Assignment. If a DBE subcontractor is unable to perform the work contracted for, Consultant must either replace the subcontractor with another DBE or show the City that good faith efforts to do so have been made. Failure by Consultant to comply may result in monetary penalties and partial or total termination for default with re-solicitation costs to Consultant or its bond.

27.6. Consultant Reporting Requirements. The City shall use Consultant's commitment to DBE subcontractor participation submitted with its bids as Consultant's goal for the contract. However, Consultant shall not be credited with DBE participation until actual payment has been made to the DBE subcontractors involved. Therefore, Consultant shall be required to submit with each payment request the amounts earned by DBE subcontractors and to be paid to DBE subcontractors upon the City's progress payment. In addition, Consultant shall be required to submit verification of receipt of previous payments by DBE subcontractors. Upon receipt of payment verification, Consultant shall receive credit against its goal. The City will require Consultant to maintain records

and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the City or the DOT. This reporting requirement also extends to any certified DBE subcontractor.

- 27.7. The City will keep a record of payments to DBE firms for work committed to them at the time of contract award. The City may also perform audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.
- 27.8. Consultant agrees to use his/her best efforts to carry out a policy in the award of subcontracts, agent agreements, and procurement contracts which will, to the fullest extent, utilize disadvantaged business enterprises consistent with the efficient performance of the contract.

Section 28. Delegation and Assignment

Consultant may not delegate the performance of any obligation to a third party unless mutually agreed, in writing. This Agreement cannot be assigned without the written consent of the City. To the extent applicable, all claims for overcharges of goods or other anti-trust violations in connection with this Agreement are assigned to the City of Wilsonville. Consultant warrants that its suppliers will also assign any such claims.

Section 29. Regulations Pursuant to the Copeland "Anti-Kickback Act"

Consultant shall comply with the applicable regulations of the Secretary of Labor, U.S. Department of Labor, made pursuant to the so-called "Anti-Kickback Act" of June 13, 1934 (48 Stat. 948; 62 Stat. 862; Title 18 USC § 874; and Title 40 USC § 276(c)), and any amendments or modifications thereof, shall cause appropriate provisions to be inserted in subcontracts to ensure compliance therewith by all subcontractors subject thereto, and shall be responsible for the submission of affidavits required by subcontractors thereunder, except as said Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions from the requirements thereof.

Section 30. Access to Records

30.1. Consultant agrees to provide the City, the FTA Administrator, the Secretary of Transportation, the Comptroller General of the United States, or any of their duly authorized representatives, access to any books, documents, papers, and records of Consultant which are directly pertinent to this Agreement for the purposes of making audits, examinations, excerpts, and transcriptions. Consultant agrees, pursuant to 49 CFR § 633.17, to provide the FTA Administrator or his/her authorized representatives, including any PMO Consultant, access to Consultant's records and construction sites pertaining to a major capital project, defined in 49 USC § 5302(a)1, which is receiving federal financial assistance through the programs described at 49 USC §§ 5307, 5309, or 5311. Consultant also agrees to permit any of the foregoing parties (at their costs) to reproduce by any means whatsoever any excerpts and transcriptions as reasonably needed, and to permit said parties to interview Consultant's employees during work hours on the job.

30.2. Consultant agrees to maintain all books, records, accounts, and reports required under this Agreement for a period of not less than three (3) years after the date of termination or expiration of this Agreement, except in the event of litigation or settlement of claims arising from the performance of this Agreement, in which case Consultant agrees to maintain same until the City, the FTA Administrator, the Secretary of Transportation, the Comptroller General, or any of their

duly authorized representatives, have disposed of all such litigation, appeals, claims, or exceptions related thereto.

Section 31. Program Fraud and False or Fraudulent Statements and Related Acts

31.1. Consultant acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 USC § 3801 et seq., and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR Part 31, apply to its actions pertaining to this procurement. Upon execution of this Agreement, Consultant certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to this Agreement or the FTA assisted Project for which this Agreement is being performed. In addition to other penalties that may be applicable, Consultant further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on Consultant to the extent the Federal Government deems appropriate.

31.2. Consultant also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with federal assistance originally awarded by the FTA under the authority of 49 USC § 5307, the Government reserves the right to impose the penalties of 18 USC § 1001 and 49 USC § 5307(n)(1) on Consultant, to the extent the Federal Government deems appropriate.

31.3. Consultant agrees to include the above two clauses in each subcontract financed in whole or in part with federal assistance provided by the FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

Section 32. Federal Privacy Act Requirements

32.1. Consultant agrees to comply with, and assures the compliance of its employees with, the information restrictions and other applicable requirements of the Privacy Act of 1974, 5 USC § 552(a). Consultant agrees to obtain the express consent of the Federal Government before Consultant or its employees operate a system of records on behalf of the Federal Government. Consultant understands that the requirements of the Privacy Act, including the civil and criminal penalties for violation of that Act, apply to those individuals involved, and that failure to comply with the terms of the Privacy Act may result in termination of this Agreement.

32.2. Consultant also agrees to include these requirements in each subcontract to administer any system of records on behalf of the Federal Government financed in whole or in part with federal assistance provided by the FTA.

Section 33. Incorporation of FTA Terms

The preceding provisions include, in part, certain Standard Terms and Conditions required by the DOT. All the contractual provisions required by the DOT, as set forth in FTA Circular 4220.1E, dated June 19, 2003, as amended, are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. Consultant shall not perform any act, fail to perform any act, or refuse to comply with any City requests which would cause the City to be in violation of FTA terms and conditions.

Section 34. Suspension and Debarment

34.1. This Agreement is a covered transaction for purposes of 49 CFR Part 29. As such, Consultant is required to verify that none of Consultant, its principals, as defined at 49 CFR § 29.995, or affiliates, as defined at 49 CFR § 29.905, are excluded or disqualified as defined at 49 CFR §§ 29.940 and 29.945.

34.2. Consultant is required to comply with 49 CFR § 29, Subpart C, and must include the requirement to comply with 49 CFR § 29, Subpart C, in any subcontractor or other lower tier covered transaction it enters into.

34.3. By signing and submitting its bid or proposal, Consultant certifies as follows:

The certification in this clause is a material representation of fact relied upon by the City. If it is later determined that Consultant knowingly rendered an erroneous certification, in addition to remedies available to the City, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. Consultant agrees to comply with the requirements of 49 CFR § 29, Subpart C, while this offer is valid and throughout the period of any contract that may arise from this offer. Consultant further agrees to include a provision requiring such compliance in its subcontractor or other lower tier covered transactions.

Section 35. Employee Solicitation

35.1. Consultant, without consent of the City, shall not directly or indirectly solicit, influence, entice, or hire, or attempt to solicit, influence, entice, or hire, any employee of the City to: (a) cease employment with the City; or (b) do business related to a business connected with Consultant's business during this Agreement and for a period of three (3) years from the date on which the Agreement terminates, or the Work is accepted by City, whichever is earlier. A City employee shall be deemed to be related to or connected with Consultant if such City employee becomes (a) a partner in a general or limited partnership or employee of a partnership, (b) a shareholder, officer, employee, or director of a corporation, member, consultant, or agent for Consultant or any of Consultant's affiliates, subsidiaries, or connected business. This subparagraph shall survive the termination of this Agreement. This Agreement is not restricted to any geographical area.

35.2. Consultant recognizes and acknowledges that the City's employees may receive training and other benefits from the contractual relationship with the City because of the City's assignment of employees to work in connection with Consultant's contract. Consultant agrees the restrictions on soliciting, influencing, enticing, or hiring City employees are reasonable.

Section 36. "Most Favored Nation" Status

Consultant represents and warrants that the cost of goods and services provided and the hourly and overhead rates that it will charge to the City are no greater than the costs and rates charged to any other public entity for a federally funded project for similar services.

Section 37. "Fly America" Act

To the extent applicable, Consultant agrees to comply with 49 USC § 40118 (the "Fly America" Act) in accordance with the General Services Administration's regulations at 41 CFR Part 301-10, which provide that recipients and subrecipients of Federal funds and their contractors are required to use U.S. flag air carriers for U.S. Government-financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is

a matter of necessity, as defined by the Fly America Act. Consultant shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a U.S. flag air carrier was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate of compliance with the Fly America requirements. Consultant agrees to include the requirements of this section in all subcontracts that may involve international air transportation.

Section 38. 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: Jen Massa Smith
 29799 SW Town Center Loop E
 Wilsonville OR 97070

To Consultant: Nelson/Nygaard Consulting Associates, Inc.
 Attn: Scott Chapman
 116 New Montgomery St #500
 San Francisco CA 94105

Section 39. Covenant Against Contingent Fees

Consultant warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by Consultant for the purpose of securing business. For breach or violation of this warranty, the City shall have the right to annul this Agreement without liability or, at its discretion, to deduct from the Compensation amount then due and owing, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

Section 40. Laws of Oregon and United States

This Agreement shall be governed by the laws of the State of Oregon and the United States, specifically those imposed by the Department of Transportation on contracts receiving payment from federal funds. All contractual provisions required by ORS Chapters 279A and 279C 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.

Section 41. Adherence to Law

Consultant shall adhere to all applicable federal and state laws, 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 Work described on **Exhibit A**, shall be obtained and maintained throughout the term of this Agreement. Consultant must obtain a City of Wilsonville business license before performing Work under this Agreement, unless otherwise exempted, in writing.

Section 42. Mediation

Any dispute arising out of this Agreement, save and except for acquisition of property subject to eminent domain, shall first be submitted to mediation. Either party desiring mediation shall provide the other party with a written notice, which shall set forth the nature of the dispute. The parties shall in good faith cooperate in the selection of a mediator and may adopt any procedural format that seems appropriate for the particular dispute. Mediation shall be set within thirty (30) days of the date requested and must occur within sixty (60) days. If the dispute is not settled by mediation, either party may pursue litigation as set forth in **Subsection 43.4**.

Section 43. Miscellaneous Provisions

43.1. 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.

43.2. 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.

43.3. No Assignment. Consultant may not delegate the performance of any obligation to a third party unless mutually agreed, in writing. This Agreement cannot be assigned without the written consent of the other party, but all claims for overcharges of goods or other anti-trust violations in connection with this Agreement are assigned to the City of Wilsonville. Consultant warrants that its suppliers will also assign any such claims.

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

43.5. 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.

43.6. 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.

43.7. 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.

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

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

43.10. Calculation of Time. 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 in the State of Oregon, the period shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday.

43.11. Counting of Days. 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. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event the period runs until the end of the next day that is not a Saturday or legal holiday.

43.12. 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.

43.13. 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.

43.14. 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."

43.15. 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.

43.16. 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 contract, the prevailing party shall be entitled to recover from the other party all expenses which it may reasonably incur in taking such action, including attorneys' fees and costs, whether incurred in a court of law or otherwise.

43.17. Entire Agreement. This Agreement, all documents attached to this Agreement and all Contract Documents and laws and regulations incorporated by reference herein, represents the entire agreement between the parties.

43.18. 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.

43.19. 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:

Nelson/Nygaard Consulting Associates, Inc.

City of Wilsonville

By: _____

By: _____

(Print Name) _____

(Print Name) _____

As Its: _____

As Its: _____

APPROVED AS TO FORM

ATTESTED TO:

Barbara A. Jacobson, Assistant City Attorney
City of Wilsonville, Oregon

Sandra C. King, MMC, City Recorder
City of Wilsonville, Oregon

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SCOPE OF WORK

TASK 1 PROJECT INFORMATION AND ONGOING MANAGEMENT

1.1 Project Kick-off Meeting

In order to assure that all project participants are clear about the goals and objectives of the project, the first phase of the Transit Integration Project will begin with a project kick-off meeting. The purpose of this meeting is to introduce all project participants to each other, to review the work program and project schedule, and to document individual responsibilities within the study. Prior to the meeting, we will work with the SMART project manager to define project oversight in terms of any project advisory or steering committee that may be involved with the project and make sure they participate in the kick-off meeting as appropriate.

Project participants at the kick-off meeting will review the scope, deliverables, and public involvement activities, and any performance objectives and measures that any new service would be expected to meet. At the conclusion of the kick-off meeting, participants will have a clear understanding of goals and objectives, project schedules and work products, and roles and responsibilities of the consultant team and SMART staff. A memorandum summarizing key decisions and topics of discussion will be developed after the kick-off meeting.

1.2 Project Management

As the proposed Project Manager, Scott Chapman will be the primary point of contact with the SMART project manager and City staff as needed. As Deputy Project Manager, Oren Eshel will be actively involved with the project to help with logistics and to serve as a back up when required. This subtask will span the entire length of the project and involve regular communications. At a minimum, we envision ongoing communications to review: technical memorandums; analysis methodologies; survey instruments; outreach materials; and draft and final reports.

Other key elements of this task include the preparation of monthly status reports, tracking and review of billing, invoicing, and management of our subconsultant (Cogan Owens Cogan). Nelson\Nygaard utilizes project management software that allows us to track project budgets very closely and can produce numerous reports that will help our Project Manager stay on schedule and within budget. We will also prepare, maintain, and update a project schedule that tracks budget and activities over the course of the project.

TASK 1 DELIVERABLES:

Summary of Kick-Off Meeting: This memo will include a summary of items discussed at the kick-off meeting.

TASK 2 DATA COLLECTION AND ANALYSIS

This task assesses the existing conditions, concluding with the development of needs and market analyses. The results of this task will be shared with the community and local policy makers via the first round of public open houses (Task 3.4) and City Council presentation concluding this task.

2.1 Systemwide Performance Trends

As a starting point in our analysis of existing conditions, we will summarize fixed-route and Dial-a-Ride operating and cost indicators for the most recent five years (i.e., service hours, service miles, operating costs, number of trips, etc.). The goal of this analysis is to assess the efficiency and effectiveness of the system as a whole as measured in cost per hour, cost per trip, trips per hour, service hours per full-time employee, and/or other common industry indicators. We will compare SMART operation against any current standards and industry norms.

In addition to documenting overall system performance, we will focus on the Route 2x performance, examining ridership levels for each trip of the day and stop-level boarding activity if available. We will also examine the current use of E&D services in the I-5 corridor north of Wilsonville.

2.2 Existing Passenger Surveys

We propose conducting an onboard survey of Route 2X existing passengers. This survey will assess riders' travel patterns, unmet needs, and opinions about SMART services. The travel pattern questions will help inform the study's market analysis of the Wilsonville to Downtown Portland corridor (Task 2.5). The opinion and preference questions will be coordinated with the general public surveys completed as part of the outreach to the overall community (Task 3.3).

Nelson\Nygaard's team members are experienced in managing dozens of transit data collection programs nationwide. We will staff the data collection with locally recruited temporary workers who will be trained and supervised by Nelson\Nygaard staff. Over the years, we have developed procedures and tools to minimize data collection costs and assure quality control. Results will be presented graphically using tables, charts, or other graphics that clearly and effectively communicate key findings. The survey evaluation will likely be organized in the following manner:

- Transfer activity and wait time
- Origins and destinations
- Access and egress mode
- Trip purpose
- Frequency and longevity of use
- Opinions about SMART services
- Personal vehicle availability
- Demographics (Census data)

For E&D riders traveling in the corridor, we propose to conduct a mailback survey with optional telephone completion, to assess their travel patterns, needs, and opinions. We have used this method with good success in many paratransit projects and the response rates are typically higher than those found with driver-administered on-board surveys. The mailback instrument will be formatted using large type and clear instructions and will be accompanied by a letter providing a telephone number to call with questions or for assistance in completing the survey. The survey will be mailed to people who have ridden Dial-a-Ride at least once in the preceding six months. A return envelope with a business reply format or first class postage will be provided. The survey instrument will solicit similar information to the fixed-route survey form, but will additionally seek inputs on the rider's ability to use optional services in the corridor.

2.3 Review of Land-Use and Socioeconomic Data and Market Assessment

The purpose of this task is to create a better understanding of the markets that influence the current and potential demand for SMART services into Portland. Nelson\Nygaard will examine the corridor to determine the potential and propensity for transit ridership over the next five years. We will gather and analyze data from the 2010 Census of Population to the extent data is available. Demographic information will be portrayed in GIS-based maps depicting the spatial distribution of populations having similar demographic characteristics. A sample demographic map, overlaid with transit routes, is shown below in Figure 2.

Demographic characteristics known to have an impact on transit ridership include, but are not limited to:

- Income and poverty
- Age (particularly the elderly and youth)
- Persons claiming a disability
- Auto ownership

- Population density
- Home ownership

We will also analyze and map data from the Census' Longitudinal Employer-Household Dynamics (LEHD) to better understand where Wilsonville residents work and where workers in Wilsonville live.

Where the data are available, we will examine the Metro travel demand model outputs to examine overall trip activity in the corridor. In addition to the journey to work data from the Census/ACS, travel demand data will help inform the nature of travel demand between Wilsonville and Downtown Portland (and adjoining locations) for non-work trips.

The land use and socioeconomic data and projections, along with findings from the previous review of land use plans, will provide the basis for our assessment of current and future transit markets. The analysis will evaluate the level and concentration of transit dependent populations, the locations of activity centers, work/school commute patterns, and availability of transit supportive land uses to quantify the community's propensity to use transit today and in the future.

2.4 Dial-a-Ride Demand Analysis

We will review the SMART Dial-a-Ride eligibility process and document registration and ridership trends for both in-district and out-of-district trips. Nelson\Nygaard has assessed eligibility policies, forms and procedures for a number of agencies seeking to control demand and therefore costs. A number of our clients are seeking to use conditional eligibility as a means to placing customers onto the most appropriate service type. Trip-by-trip eligibility is a means for evaluating when customers are able to use integrated services instead of Dial-A-Ride, given the nature of their travel. For this task, we will review the existing SMART policies and procedures to assess their ability to control the demand for Dial-a-Ride services, and identify their applicability toward guiding customers to an integrated service when appropriate.

2.5 Preliminary Needs Assessment / Market Analysis

The Nelson\Nygaard team will summarize any unmet needs in the study corridor that surface from the stakeholder interviews (Task 3.2), passenger and community surveys, and evaluation of current services relative to existing transit markets. These needs may be in the form of unserved areas/destinations, lack of capacity, level of service, and level of passenger amenities. We will evaluate travel activity from Task 2.3 as to the ability for transit to accommodate the travel demand. We will judge this for various transit service types, including traditional commuter bus and flexible services.

We will develop future Dial-a-Ride demand projections using available population projections, Dial-a-Ride ridership history, interviews with key stakeholders that are likely to generate additional demand, and the latest evidence about national and regional trends from our research for the Transit Cooperative Research Program and other transit systems. We will take care to distinguish between in-district demand versus corridor study area demand.

2.6 Service Design Principles

Based on the results of all previous tasks, we will assess the results and present overall route evaluation findings grouped by themes. Based on those themes, we will develop a set of service redesign principles that will then be used to develop service alternatives (Task 5). We will introduce these principles at this time to allow stakeholders and the public to provide feedback before initiating the development of service alternatives, especially those involving integrated services that stakeholders and the public may not be familiar with.

TASK 2 DELIVERABLES:

Needs Assessment Technical Memorandum: This memo will include a summary of findings from the data collection and analysis task.

Needs Assessment Presentation: This presentation will provide an overview of the Needs Assessment Technical Memorandum for a variety of audiences, including City Staff, City Council, and key stakeholders. It will also be used to obtain buy-in on service design principles before entering the Program Planning phase.

TASK 3 PUBLIC INVOLVEMENT

The task includes the primary stakeholder and general public involvement subtasks. While there is a high level of coordination between these pieces of work, and many are integrated with the data collection efforts in Task 2, they can be categorized as:

- Development of informational materials
- Survey of community members
- Two rounds of stakeholder outreach
- Two rounds of outreach to the general public
- Documentation of outreach feedback

3.1 Development of Informational Materials

Prior to initiating public outreach, it will be important to prepare informational materials such as flyers, FAQs, press releases, and newsletter articles describing the project and its goals, schedule and expected outcomes, and opportunities for input. These materials will be updated throughout the project to share information collected, describe draft findings, present service integration options, and describe upcoming input opportunities. Key informational outlets will include the City's monthly newsletter *Boone's Ferry Messenger*, City website/social media, Wilsonville Web TV, Cable TV Channel 30, *The Oregonian* and other regional media, and business and nonprofit organizations' newsletters. Especially critical will be utilizing existing informational outlets targeted to the elderly and disabled communities within Wilsonville and the Wilsonville to Portland I-5 Corridor. In consultation with SMART, a common design and format for informational materials will be developed.

A project page on the City website will support three functions: (1) provide a basic informational clearinghouse for all project documentation and news; (2) house an online survey to gather inputs on community needs and perceptions of the SMART services; and (3) provide an interactive public engagement tool to augment public meetings. The basic website will include an introductory page that displays news, background information on the plan, a project schedule, and opportunities to provide feedback.

3.2 Targeted Direct Outreach to Potential Partners and Other Key Stakeholders

Goals of "no surprises" and strong buy-in will drive direct outreach to partners and key stakeholders, both early in the project (needs assessment) and in the evaluation and selection of service programs. During the needs assessment phase (Task 2), up to 24 in-person or telephone interviews will be conducted with key partners such as service providers (e.g., TriMet, Ride Connection); major employers; E&D community (e.g., Marquis Home Health, Wilsonville Community Seniors, Inc., Department of Human Services); potential new destinations (e.g., Oregon Institute of Technology, Clackamas Community College); ODOT Public Transit Division; SMART staff; the City's Community Services Department; and elected officials. We will work with SMART staff at the kick-off meeting to identify appropriate stakeholders. The goal will be to inform these partners and key stakeholders of the project, obtain input to inform the needs assessment, identify other potential partners and interested parties, and begin identifying service delivery options. A second round of targeted outreach to these same stakeholders will be conducted to obtain in-depth input on a range of

potential service options (Task 5). Summary reports will be prepared for both rounds of targeted outreach.

3.3 Preparation/Administration of General Input Mechanisms

A variety of input mechanisms will be used to obtain input on service need and demand, cost sensitivities, route redesigns, etc. from commuters and other riders, E&D community, employers and other rider destinations, and the general public. All informational materials will include opportunities to provide input through comment forms, surveys or other appropriate mechanisms. We propose to use the *Boone's Ferry Messenger* to facilitate online surveys with the general Wilsonville community. Similarly, we will consult with Wilsonville Community Seniors, Inc. and other key E&D service providers to develop appropriate survey mechanisms for the E&D community. These will be coordinated with the riders surveys detailed in Task 2.2. As with the targeted stakeholder outreach, two rounds of community surveys are assumed. In addition to the follow up with stakeholders, we also assume a limited number of presentations (up to four) to interest groups about the project, primarily during the second major round of outreach when there are service delivery options to respond to. Throughout the project, the consultant team will maintain a database of interested parties (we assume inclusion of the list of interested parties from the City's Transportation System Plan Update).

3.4 Public Open Houses

While the RFP calls for three public open houses, the consultant team recommends four open houses – two rounds of two public meetings each, one round during the needs assessment phase and a second round later in the process to solicit input on optional service programs. During each of the two phases, public open houses would be conducted in Wilsonville and at a to-be- determined location in south Portland, convenient to SMART commuters. Each of the open houses would be designed to be a combination of information dissemination and feedback mechanisms. Spanish-speaking staff will be present at all workshops and materials will be translated as deemed appropriate by the client. COC has designed and managed thousands of public open houses; we always work closely with our clients to tailor them to the project and interests of the expected attendees.

3.5 Reporting on Public Involvement Activities and Inputs

Reports on public involvement activities and input will be provided to SMART at key junctures in the planning process and be designed to inform staff, City Council and key stakeholders of the project's progress, key findings, and challenges and opportunities. Reports will be prepared in both narrative and PowerPoint formats. A final report will be prepared at project completion. The outreach methods and findings will also be presented as part of the Task 2 and Task 4 presentations to City Council.

TASK 3 DELIVERABLES:

Public Involvement Plan Memorandum: This memo will be generated after the project kickoff (Task 1.1) to detail the agreed-upon outreach activities. It will be updated as needed to reflect planned outreach audiences and actions.

Needs Assessment Outreach Finding Memorandum: This memo will summarize the outreach activities conducted, and inputs obtained, in the needs assessment phase of the study. This information will be incorporated into the Task 2 Needs Assessment Technical Memorandum and Presentation.

TASK 4 PROGRAM PLANNING AND DEVELOPMENT

This task will build on all of the preceding data collection and analysis tasks to identify service and policy options that are designed to improve the efficiency, effectiveness, and productivity of SMART operations in the corridor, and to address many of the identified unmet transportation needs by integrating E&D services along with traditional intercity service into Portland.

4.1 *Operating Constraints*

This subtask will define any conditions that may constrain service development. Available funding for operations and supporting infrastructure will likely be the primary constraints. SMART performance standards, along with required connections with WES service, major employer shift times, etc. may also place constraints on new service. Working with SMART staff, we will enumerate any conditions that will bind the development of service alternatives in the study area corridor.

4.2 *Service Alternatives*

Nelson\Nygaard will develop a set of service alternatives for modifying corridor services in an effort to improve mobility, increase ridership and productivity, and provide more efficient and effective service. Relying on our expertise with fixed-route, flexible, and paratransit service planning, we will develop a set of alternative designs that will balance the needs and desires of fixed-route and demand response customers. We will strive to optimize user benefits in terms of travel time, limited transfers, and direct and frequent travel, and passenger amenities against the need to control costs in the corridor.

Plans for route alignment and schedule recommendations will include estimated ridership impacts, revenue changes, schedule performance, capital costs, and connectivity with other services. We will also qualitatively assess accessibility and rider convenience impacts.

As appropriate, all service alternatives will be described in conceptual terms and will be documented to the following level of detail:

- Conceptual route map
- Service levels by day and time period
- Estimated ridership and fare revenue changes
- Operating cost estimates
- Incremental fleet requirements
- Facility requirements to support proposed changes
- Additional staffing needs and costs
- Implementation considerations and costs, such as ADA compliance, bus stop locations, marketing, etc.

Finally, an assessment of potential ITS improvements will be evaluated, in particular, the potential for gathering real-time passenger information and booking of demand response trips associated with the integrated service.

The service alternatives and their conceptual designs will be reviewed with City staff. Any changes will be incorporated before presenting the alternatives to stakeholders and the public (Task 3).

4.3 *Preferred Alternative and Refined Design*

Based on the feedback received from the second public meeting and stakeholder engagement, we will develop a preferred service alternative for implementation. We will refine the operating plans and cost estimates for the preferred alternative and update the supporting documentation as necessary.

This preferred alternative will also include an implementation plan and provide the basis for a financial plan.

4.4 Operating and Capital Plan

This task includes the development of a detailed financial plan for the preferred service alternative that will identify projected sources of revenues and expenses for program implementation.

This task will include preparation of a detailed operating budget for the first calendar year of service, as well as a multi-year capital improvement plan. We will work closely with SMART staff during the financial planning process. The plan will reflect realistic projections and viable opportunities for new funds. The financial plan will present operating and capital cost projections in each of the following categories:

- Operating costs for each element of the integrated service
- Capital costs for all projects (vehicles, passenger facilities, ITS, etc.)
- Availability of operating funds and passenger revenues by service category
- Potential availability of new funding sources, including operating revenues and discretionary capital revenues

All deliverables from this task will be incorporated into the Draft and Final Report.

4.5 Draft Report

The Nelson\Nygaard team will synthesize the results of all previous work into a draft final report that includes narrative discussion in logical chapter format, technical appendices, and supporting graphics. The report will include: existing conditions findings; current and future transit market assessments; unmet needs; service alternatives; and the preferred service plans; multi-year financial plans for operations and capital investments; implementation action items and timeline; and the public involvement process and results.

4.6 Presentation of Draft Report

After reviewing the Draft Report with City Staff, we will present the Draft Report to the Wilsonville City Council in a formal public format as determined by the City.

4.7 Final Report

Approximately two weeks following the presentations to City Council, Nelson\Nygaard will prepare a Final Report incorporating any required changes.

TASK 4 DELIVERABLES:

Service Alternatives Technical Memorandum: This memo will detail the conceptual designs for integrated service alternatives in the Wilsonville to Downtown Portland Corridor. This will be the basis for a City Staff review prior to engaging stakeholders and the public about alternative designs. This document will summarize each of the service alternatives, and include maps of each alternative, as well as planning level operating costs for each.

Draft Final Report: This report will summarize all findings and analysis conducted for the Transit Integration Project and will be the basis for engaging stakeholders and the public regarding strategies for improving service while controlling cost.

Service Alternative Presentation: This presentation will give an overview Draft Final Report for a variety of audiences, including City Staff, City Council, and key stakeholders.

Final Report: This report will incorporate any changes that result from the outreach to the community and elected officials.

TASK 5 IMPLEMENTATION SUPPORT

The Nelson\Nygaard team will be available during program implementation to assist City staff. Our cost proposal includes time for team members, or discipline experts within our firms, to provide assistance in areas such as:

- Fixed-route scheduling
- Demand response (including flexible services) scheduling and dispatch
- Vehicle procurement
- Service branding and marketing
- Promotional materials for customers


**CITY COUNCIL MEETING
 STAFF REPORT**

Meeting Date: February 4, 2013		Subject: Resolution No. 2396 Memorial Park Parking Lot Project (9112)	
		Staff Member: Kerry Rappold Department: CD/Natural Resources Program	
Action Required		Advisory Board/Commission Recommendation	
<input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments:	
Staff Recommendation: Staff recommends that the City Council, acting as the Local Contract Review Board, adopt Resolution No. 2396, authorizing the City Manager to execute a Professional Services Agreement with Wallis Engineering for a Not to Exceed amount of \$149,113 to provide professional services for the Memorial Park Parking Lot project (9112).			
Recommended Language for Motion: I move that the City Council adopt Resolution No. 2396 authorizing the City Manager to sign the Professional Services Agreement with Wallis Engineering.			
PROJECT / ISSUE RELATES TO: <i>[Identify which goal(s), master plans(s) issue relates to.]</i>			
<input type="checkbox"/> Council Goals/Priorities	<input checked="" type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL: Whether or not to enter into a Professional Services Agreement with Wallis Engineering for the Memorial Park Parking Lot project (9112).

EXECUTIVE SUMMARY: Due to asphalt failure and inadequate stormwater infrastructure, repairs are needed to the Memorial Park parking lot. The existing orientation and configuration of the parking lot creates some inefficient use of the available space, and creates confusion on the part of motorists using the parking lot.

Situated at the base of a steep slope, the parking lot is partially within the 100-year floodplain of a tributary to Boeckman Creek. It is also located partially within the Significant Resource Overlay Zone for the creek. Groundwater and stormwater have significantly impacted the parking lot, and appear to be the primary cause for much of the asphalt failure.

The 2012 Stormwater Master Plan identified a Low Impact Development project for the parking lot. In conjunction with reconfiguring the parking lot, vegetated swales were proposed to be included for stormwater treatment.

An informational kiosk and a corresponding trail connection adjacent to the parking lot were included in the 2004 Memorial Park Trails Plan. The trail will provide access to a bus turnout, and a connection to the Day Dream Ranch neighborhood. SMART buses occasionally access the parking lot, and the turnout will provide a safe place for buses to park.

The City of Wilsonville solicited a Request for Proposals (RFP) on November 21, 2012 for professional services to develop conceptual and final plans for the Memorial Park Parking Lot project. The RFP identified the need for surveying, engineering, geotechnical, arborist, landscaping, and public involvement services to complete the design for the project.

Three firms responded to the RFP, by the required deadline of December 14, 2012, and after a thorough review by City staff, Wallis Engineering was selected to complete the project. A final scope and fee estimate was negotiated with Wallis Engineering, and agreed to on January 16, 2013.

EXPECTED RESULTS: By approving this resolution, the consultant team will be authorized to develop preliminary and final construction plans for the Memorial Park Parking Lot project.

TIMELINE: The preliminary design for the project will be reviewed by the Parks and Recreation Advisory Board and Development Review Board in spring 2012. The construction documents for the project will be completed by early summer, and the construction of the improvements will occur in the fall (i.e., immediately after Labor Day) to avoid undue disruptions to park users.

CURRENT YEAR BUDGET IMPACTS: The proposed Not to Exceed contract value of \$149,113 is less than 40 percent of the FY 2012/13 budgeted amount, excluding administrative costs, for project 9112.

FINANCIAL REVIEW / COMMENTS:

Reviewed by: ___JEO_____ Date: ___1/25/13___

Confirmed that this project is budgeted in the current year.

LEGAL REVIEW / COMMENT:

Reviewed by: MEK_____ Date: _1/23/13

Resolution approved as to form.

COMMUNITY INVOLVEMENT PROCESS: The consultant team will assist City staff with informing the City Council, stakeholders, and the general public about the project. Fact sheets, a project information sign, and information on the City's website will inform the public about the project and solicit their input.

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY (businesses, neighborhoods, protected and other groups): By delaying construction of the project until fall, it will be possible to minimize impacts to park users and the surrounding neighborhood. By reconstructing the parking lot, it will be possible to create a more efficient use of the space and improve water quality.

ALTERNATIVES: Modification of the scope would likely present additional costs in the future to fix. Doing nothing will cause a worsening of the parking lot area and potentially could create hazards for users as well as greater costs to fix in the future.

CITY MANAGER COMMENT:

ATTACHMENTS

- A. Resolution No. 2396
- B. Professional Services Agreement with attached scope, fee and rate schedule

RESOLUTION NO. 2396

A RESOLUTION OF THE CITY OF WILSONVILLE ACTING IN ITS CAPACITY AS THE LOCAL CONTRACT REVIEW BOARD AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH WALLIS ENGINEERING TO PROVIDE PROFESSIONAL SERVICES FOR THE MEMORIAL PARK PARKING LOT REPAIR PROJECT.

WHEREAS, the adopted City FY 2012-13 budget includes funding for the Memorial Park Parking Lot project (Project No. 9112); and

WHEREAS, the Community Development Director seeks the services of a consulting firm to provide professional services for the above referenced project; and

WHEREAS, the City solicited Requests for Proposals for professional consulting services and received three competitive responses; and

WHEREAS, based on a review and ranking of the proposals based on applicable state law, Attorney General Model Contracting Rules implementing the applicable state law, and City Code provisions authorized by state law for soliciting and making a quality based selection among engineering personal services consulting contractors, Wallis Engineering was selected as the firm best qualified to be awarded professional services contract for the referenced project; and

WHEREAS, Section 2.312 of the City Code states, "The Council is hereby designated as a Local Contract Review Board and, relative to contract concerns for the City, shall have all the powers granted to the State Public Contract Review Board." and has reserved the right to itself to award any contract over \$100,000; and

WEHREAS, after reviewing the fees associated with providing the requested professional services, staff has determined that the fees for services as proposed by Wallis Engineering for the project in the amount of \$149,113 are fair and reasonable and staff recommends Wallis Engineering be awarded the contract for the above referenced project; and

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

1. The City Council serving in the role of Local Contract Review Board adopts the above recitals as findings and incorporates them by reference as if fully set forth herein.

2. The City Council serving in its role as Local Contract Review Board does hereby approve and authorize the City Manager to execute a Professional Services Agreement for the Memorial Park Parking Lot project in the amount not to exceed \$149,113 between the City of Wilsonville and Wallis Engineering, a copy of which is marked Exhibit A, attached hereto and incorporated by reference herein.
3. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4th day of February, 2013, and filed with the Wilsonville City Recorder this date.

TIM KNAPP, Mayor

ATTEST:

Sandra C. King, City Recorder, MMC

SUMMARY OF VOTES:

Mayor Knapp
Council President Starr
Councilor Goddard
Councilor Fitzgerald
Councilor Stevens

**CITY OF WILSONVILLE
PROFESSIONAL SERVICES AGREEMENT**

This Professional Services Agreement ("Agreement") is made and entered into on this 5th day of February, 2013 ("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, LLC**, a Washington 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, unless earlier terminated in accordance herewith. Consultant shall diligently perform the Services according to the requirements and deliverable dates identified in the Scope of Services, attached hereto as **Exhibit A** and incorporated by reference herein. Except in the event of an extension of time, agreed to in writing by the City, all Services must be completed no later than December 31, 2013.

Section 2. Consultant's Services

2.1. Consultant will perform the Scope of Services, more particularly described on **Exhibit A**, for the Memorial Park Parking Lot and Stormwater Retrofit 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 Services 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 responsible for damages, be in default, or 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 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 Services 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. City's Responsibilities

3.1. The scope of the City's responsibilities, including those of the City's Project Manager, are also set forth in the Scope of Services. 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.

3.2. The City hereby certifies that sufficient funds are available and authorized to finance the Compensation Amount set forth in **Section 4** of this Agreement.

Section 4. Compensation

4.1. Except as otherwise set forth in this **Section 4**, the City agrees to pay Consultant a not to exceed price of ONE HUNDRED FORTY-NINE THOUSAND ONE HUNDRED THIRTEEN DOLLARS (\$149,113) for performance of the Services ("Compensation Amount"). Any compensation in excess of the Compensation Amount will require express written agreement by the City and Consultant.

4.2. During the course of Consultant's performance, if the City or its Project Manager specifically requests Consultant to provide additional services that are beyond the Scope of Services described on **Exhibit A**, Consultant shall provide such additional services and bill the City at the hourly rates outlined on Consultant's Rate Schedule, as set forth in **Exhibit B**. Compensation above the amount shown in **Subsection 4.1** above requires a written Change Order, executed in compliance with the provisions of **Section 19**.

4.3. Consultant's Rate Schedule includes all reimbursable expenses and they are included in the fixed Compensation Amount of **Subsection 4.1**. Consultant shall only be entitled to the Compensation Amount specified in **Subsection 4.1**.

4.4. 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.

4.5. The City will be responsible for the direct payment of required fees payable to governmental agencies, including but not limited to plan checking, land use, zoning, and all other similar fees resulting from this Project, that are not specifically covered by **Exhibit A**.

4.6. Consultant's Compensation Amount and Rate Schedule are all inclusive and include, but are not limited to, salaries or wages plus fringe benefits and contributions, including payroll taxes, workers' compensation insurance, liability insurance, profit, pension benefits and similar contributions and benefits, technology and/or software charges, office expenses, and all other indirect and overhead charges.

Section 5. City's Project Manager

The City's Project Manager is Kerry Rappold. 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 Adam Crafts. In the event that Consultant's designated Project Manager is changed, Consultant shall give the City prompt written notification of such re-designation. 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 Services, 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. Consultant Is Independent Contractor

9.1. Consultant is an independent contractor for all purposes and shall be entitled to no compensation other than the Compensation Amount provided for under **Section 4** 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.

9.2. Consultant may request 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. For all Services performed under subcontract to Consultant, as approved by the City, Consultant shall only charge the compensation rates shown on an approved Rate Schedule. Rate Schedules for named or unnamed subcontractors, and Consultant markups of subcontractor billings, will only be recognized by the City as set forth in Consultant's Rate Schedule, unless documented and approved, in writing, by the City pursuant to a modification to Consultant's Rate Schedule, per **Section 19** of this Agreement. In all cases, processing and payment of billings from subcontractors is solely the responsibility of Consultant.

9.3. 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 9** and meet the same insurance requirements of Consultant under this Agreement.

9.4. 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 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.

9.5. Should Consultant elect to utilize employees on any aspect of this Agreement, Consultant must comply with all wage and hour laws. 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 B** as a reimbursable expense item, 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.

9.6. No person shall be discriminated against by Consultant or any subcontractor in the performance of this Agreement on the grounds of sex, gender, race, color, creed, marital status,

age, disability, 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.

Section 10. Indemnity and Insurance

10.1. 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 provided 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 10.2**. 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.

10.2. Consultant's Standard of Care and Insurance Requirements.

10.2.1. 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.

10.2.2. Insurance Requirements: Consultant shall maintain insurance 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. The amount of insurance carried is in no way a limitation on Contractor'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:

10.2.2.1. *Commercial General Liability Insurance.* Consultant shall obtain, at Consultant's expense, and keep in effect during the term of this Agreement, Comprehensive General Liability Insurance covering Bodily Injury and Property Damage on an "occurrence" form (1996 ISO or equivalent). This coverage shall include broad form Contractual Liability insurance for the indemnities provided under this Agreement. The following minimum insurance amounts must be carried and maintained at all times:

<i>Coverage</i>	<i>Limit</i>
General Aggregate	\$2,000,000
Products-Completed Operations Aggregate	2,000,000
Each Occurrence	2,000,000
Fire Damage (any one fire)	50,000
Medical Expense (any one person)	10,000

10.2.2.2. *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.

10.2.2.3. *Business Automobile Liability Insurance.* If Consultant will be using a motor vehicle in the performance of the Services herein, Consultant shall provide the City a certificate indicating that Consultant has 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.

10.2.2.4. *Workers' Compensation Insurance.* Consultant 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 or employees that are exempt 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.

10.2.2.5. *Insurance Carrier Rating.* Coverages provided by Consultant must be underwritten by an insurance company deemed acceptable by the City. The City reserves the right to reject all or any insurance carrier(s) with a financial rating that is unacceptable to the City.

10.2.2.6. *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.

10.2.2.7. *Additional Insured Endorsements.* The City will be named as an additional insured with respect to Consultant's liabilities hereunder in insurance coverages. The following is included as additional insured: The City of Wilsonville, its elected and appointed officials, officers, agents, employees, and

volunteers. Except professional liability and workers' compensation coverage, all policies shall provide an Additional Insured Endorsement.

10.2.3. 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. In the event a dispute arises between the City and Consultant for which Consultant has obtained insurance, the maximum amount that may be withheld by the City for all such claims shall be no more than the amount of the applicable insurance deductible. If insurance policies are "Claims Made" policies, Consultant will be required to maintain such policies in full force and effect through any warranty period.

Section 11. Payment, Performance, and Completion Bonding Requirements

No bonds are required for this Project.

Section 12. Early Termination; Default

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

12.1.1. By mutual written consent of the parties;

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

12.1.3. 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.

12.2. 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.

12.3. 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.

12.4. 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 16**, for which

Consultant has received payment or the City has made payment. The City retains the right to elect whether or not to proceed with actual construction of the Project.

Section 13. Suspension of Work

The City may suspend, delay, or interrupt all or any part of the work 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 work performed by any subcontractors after notice of suspension is given by the City to Consultant. Should the City suspend, delay, or interrupt the work 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 14. Subcontractors and Assignments

14.1. Unless expressly authorized in **Exhibit A** or **Section 9** of this Agreement, Consultant shall neither subcontract with others for any of the work prescribed herein, nor 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. Work 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. Consultant acknowledges such services 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 services performed by others on behalf of Consultant shall not be subject to additional reimbursement by the City.

14.2. 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.

Section 15. 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 16. Property of the City

16.1. 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.

16.2. 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 17. Laws of Oregon

This Agreement shall be governed by the laws of the State of Oregon. All contractual provisions required by ORS Chapter 279A and 279C 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.

Section 18. Adherence to Law

Consultant shall adhere to all applicable federal and state laws, 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 work described on **Exhibit A**, shall be obtained and maintained throughout the term of this Agreement.

Section 19. Modification/Change Orders

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 4** of this Agreement, or changes or modifies the Scope of Services 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 a Change Order. Consultant's failure to submit such written request for modification in the form of a Change Order 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 Change Order. To be enforceable, the Change Order must describe with particularity the nature of the change, any delay in time the Change Order will cause, or any increase or decrease in the Contract Price. The Change Order must be signed and dated by both Consultant and the City before the Change Order may be implemented.

Section 20. 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: Kerry Rappold
29799 SW Town Center Loop E
Wilsonville OR 97070

To Consultant: Wallis Engineering
Attn: Adam Crafts
215 SW 4th Street, Suite 200
Vancouver WA 98660

Section 21. Miscellaneous Provisions

21.1. 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.

21.2. Adherence to Law. Consultant shall adhere to all applicable federal and state laws, 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 work described in the Fee Schedule shall be obtained and maintained throughout the term of this Agreement.

21.3. 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.

21.4. No Assignment. Consultant may not delegate the performance of any obligation to a third party unless mutually agreed, in writing. This Agreement cannot be assigned without the written consent of the other party, but all claims for overcharges of goods or other anti-trust violations in connection with this Agreement are assigned to the City of Wilsonville. Consultant warrants that its suppliers will also assign any such claims.

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

21.6. 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.

21.7. 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.

21.8. 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.

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

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

21.11. Calculation of Time. 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 in the State of Oregon, the period shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday.

21.12. Counting of Days. 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. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event the period runs until the end of the next day that is not a Saturday or legal holiday.

21.13. 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.

21.14. 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.

21.15. 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."

21.16. 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.

21.17. 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 contract, the prevailing party shall be entitled to recover from the other party all expenses which it may reasonably incur in taking such action, including attorneys' fees and costs, whether incurred in a court of law or otherwise.

21.18. Entire Agreement. This Agreement, all documents attached to this Agreement, and all Contract Documents and laws and regulations incorporated by reference herein, represents the entire agreement between the parties.

21.19. 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.

21.20. 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, LLC

CITY OF WILSONVILLE

By: _____

By: _____

(Print Name) _____

(Print Name) _____

As Its: _____

As Its: _____

APPROVED AS TO FORM

ATTESTED TO:

Barbara A. Jacobson, Assistant City Attorney
City of Wilsonville, Oregon

Sandra C. King, MMC, City Recorder
City of Wilsonville, Oregon

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EXHIBIT A – SCOPE OF WORK

City of Wilsonville
Memorial Park Parking Lot Repair and Stormwater Retrofit Project
January 24, 2013
WE #1337A

GENERAL SCOPE OF PROJECT

This project consists of providing design phase services for the Memorial Park Parking Lot Repair and Stormwater Retrofit Project. The heavily used parking lot is located at the main entrance to the active recreational area in the park, and is currently experiencing asphalt failure and poor drainage. Proposed improvements include parking lot pavement reconstruction, LID stormwater management facilities, a trail connection across the parking lot, an informational kiosk, and a SMART bus turnout. Consultant services will include boundary and site surveying, geotechnical investigations, tree evaluation and protection by a certified arborist, hydrologic analysis, public involvement, preparation of contract plans, technical specifications, estimates, and assistance with bidding. Construction phase professional services may be provided under a separate agreement.

SPECIFIC SCOPE OF WORK

- Task 1 Project Management**
- Task 2 Site Evaluation and Data Collection**
- Task 3 Preliminary Engineering**
- Task 4 Hydrologic Analysis and Stormwater Management**
- Task 5 Permitting Assistance**
- Task 6 Final Engineering**

Task 1 Project Management

Provide project management, coordination, and direction to the design team to complete the project. Establish quality control management and designate responsibility of technical work and deliverable products.

- 1.1 Project Coordination.** Provide coordination and communication with City's project manager, design team, and affected agencies and stakeholders.
- 1.2 Scope and Schedule.** Prior to consultant contract award, we propose an initial workshop with key members of the consultant team and City staff to develop the scope of work for the project. The consultant team will prepare a gantt chart for delivery to the City defining the anticipated process for project delivery with anticipated construction to start after Labor Day 2013.
- 1.3 Public Meetings.** The Project Manager from Wallis Engineering and GreenWorks will attend two City Council meetings, one Development Review Board meeting, and one Parks and Recreation Advisory Board meeting. No other meetings are

anticipated.

1.4 Public Involvement Support. The consultant will assist City staff with informing elected officials, stakeholders, and the general public of the project and soliciting their input. This task will include the preparation of two fact sheets, a project information sign, coordination with the City's Public Affairs Coordinator, preparation of content and exhibits to include on the City's website, and participation in four public meetings. Mason Bruce and Girard (MB&G) will assist in this task as a sub-consultant to Wallis Engineering.

The first fact sheet will be prepared for distribution at a February recreation meeting and will include general information about the project and notice of upcoming construction. The second fact sheet will be prepared after the parking lot conceptual layout has been selected by City Staff and will include site specific information, an anticipated construction schedule, information on design elements, other applicable information, and direction to the City's website for more information. The intent of this fact sheet is for distribution to park stakeholders, adjacent property owners, public officials, and posting on the City's website.

A project information sign will be designed, fabricated, and delivered to the City for installation at the park. This sign will include similar information as the second fact sheet as limited by sign spacing and will be in color with a wood substrate.

The City will design and host a virtual open house for the project with content and exhibits provided by the consultant team. MB&G shall coordinate with the City of Wilsonville Public Affairs Coordinator to provide project information on the City's website. MB&G shall prepare information for an online open house to be managed by the City during the conceptual design phase. The purpose of the online open house will be to inform Wilsonville residents and park users about the project and to invite them to comment on the elements that they think should be priorities for the design team (e.g., providing more parking, providing larger parking spaces, improving circulation, enhancing landscaping, improving signage/way finding, preserving healthy trees). MB&G shall prepare a summary of any input received through the online open house for the project team. Web design and operation will be provided by the City.

Task 1 Assumptions:

- Printing, distribution, and web maintenance of content by City
- Outreach meeting to sports clubs and neighborhood groups by City
- City project manager will schedule and attend all public meetings

Task 1 Deliverables:

- Final scope and schedule
- Meeting agendas and minutes
- Two project fact sheets
- Exhibits, maps and graphic materials for public open houses and other meetings as

requested

- Monthly status reports and pay requests
- 4'x6' project information sign

Task 2 Site Evaluation and Data Collection

Compass Engineering and Surveying (Compass) will complete all surveying-related tasks required for the project. Geotechnical investigations and evaluation will be completed by Geodesign Inc. Morgan Holen and Associates will provide consulting arborist services for the evaluation and protection of valuable trees within the project area. Their individual Scopes of Work are attached.

2.1 Boundary Survey and Legal Descriptions. This task will determine the presence of existing survey monuments of record within the proposed area of construction which may be subject to disturbance or removal related to the proposed improvements.

2.2 Topographic Survey and Base Mapping. Compass will prepare a topographic survey in AutoCAD format for use in preliminary design and for permitting. It will include:

- Existing ground elevation, with contours.
- Tree locations drip lines and sizes.
- Horizontal and vertical location of existing utilities, surface improvements, structures, and other items as necessary.
- Location of Flood Plain boundaries and Significant Resource Overlay Zones.
- Benchmark information as required.

This survey will be converted into Wallis Engineering CAD standards and converted into a base map.

2.3 Tree Survey and Protection Plan

Morgan Holen and Associates will complete a tree survey and arborist's report of all trees measuring six inches in diameter or larger within the project area. They will also participate in two project team meetings to coordinate with project designers.

2.4 Geotechnical Investigation

Geodesign will perform geotechnical services related to observing ground water conditions at the site and providing recommendations for the new parking lot pavement section. Their specific tasks include:

- Complete a review of readily available geologic maps for the site vicinity.
- Review the preliminary site plans provided to us by the City of Wilsonville and Wallis Engineering for the proposed improvements.
- Complete up to six solid stem auger explorations to depths of up to 10 feet

BGS.

- Complete infiltration testing at shallow depths in up to two of the explorations.
- Install piezometers (groundwater level monitoring wells) in up to two of the solid stem boring locations.
- Perform limited laboratory analyses on soil samples obtained from the test pits and hand augers, including up to eight moisture content determinations, two fines determinations, two atterberg limits tests, and one organic content determination.
- Monitor ground water levels approximately three times over a three month period.
- Evaluate pavement design options for asphalt concrete, portland cement concrete, and pervious concrete pavement alternative.
- Provide geotechnical engineering construction recommendations for site preparation, structural fill compaction criteria, and wet/dry weather earthwork procedures.
- Provide recommendations for proposed geotechnical construction materials and practices.
- Provide recommendations regarding the potential causes of the standing water.
- De-commission piezometers when requested by the design team and within 3 months of installation.
- Provide a written report that summarizes our findings and recommendations.

Task 2 Deliverables:

- Topographic survey in hardcopy and AutoCAD format
- Tree survey and arborist's report
- Geotechnical Report

Task 3 Preliminary Engineering

Identify a preferred site plan, details and cost estimates that will establish the basis for design and regulatory approval.

- 3.1 Conceptual Site Planning.** In collaboration with City staff, develop two basic site layout options for the parking area. Include locations and general footprint for walkways, landscape areas, access roadways, the bus turn out, and kiosk location. A matrix will be prepared to evaluate each alternative with regard to number of parking spaces, tree protection, vehicle/pedestrian circulation, intersection alignment, sequencing and constructability, and anticipated construction cost. The consultant team will make additional recommendations with regard to parking stall design sizes

for evaluation by City staff. This task will include two work shop meetings with City staff to develop the alternative layouts and identify a preferred alternative for further development.

- 3.2 Development of Preferred Plan Selection.** The preferred layout will be developed into site plan that is approximately at a 50% design level. The design effort in this task will focus upon further refining the alignment of roadways, geometry and locations of trails, planter areas, bioswales and access roads. Preliminary design of stormwater management facilities will be completed. Options for paved surfacing, plantings, tree protection, and illumination, will also be identified and evaluated. Design features and a preliminary cost estimate will be developed. The developed site plan and features will be presented in up to three graphics ready for public viewing in association with Subtask 1.4.

Design, detail, or locating special park signs are not included in this scope of work. Possible locations park signage identified and designed by others may be incorporated into the preferred plan. Standard parking lot signage will be included.

- 3.3 Basis of Design Memorandum.** A Memorandum will be prepared summarizing the conceptual design criteria, recommendations, and selections as determined from above. It will include preliminary plans of the preferred alternative as prepared in Subtask 3.2 and a preliminary cost estimate.

Task 3 Deliverables:

- Two Conceptual Site Layouts
- Preferred Alternative Selection
- Design selection matrix
- Presentation graphics
- Basis of Design Memorandum and preliminary cost estimate

Task 4 Hydrologic Analysis and Stormwater Management

Complete hydrologic and hydraulic analysis for the project site, and utilize that analysis to design effective stormwater management facilities, addressing the City's stormwater requirements, including flood plain permitting.

- 4.1 Site Evaluation.** Site groundwater and soil conditions will be evaluated based on NRCS Custom Soils Report data and supplemented by results of geotechnical investigations for use in the hydrologic analysis. An investigation of upstream and downstream conditions will be undertaken.
- 4.2 Hydrologic Modeling.** A hydrologic analysis of the existing site conditions will be completed using the rational method. It is our understanding that the City is revising its standards for the storm water quality design storm and this method will be used for this evaluation.
- 4.3 Stormwater Facility Design.** Stormwater facilities will be designed in conjunction

with hydraulic and hydrologic analysis in order to determine the most effective design. Low Impact Development techniques will be utilized to the maximum extent feasible. Final facility design will be modeled to determine the impact on basin hydrology.

- 4.4 Drainage Report.** A Drainage Report will be prepared in accordance with the City's Public Works Standards, summarizing the efforts listed above.

Task 4 Deliverables:

- Hydrologic analysis results
- Drainage Report

Task 5 Permitting Assistance

The consultant team will assist with applicable City land use permits necessary to obtain clearances for this project. We understand the following codes are applicable to this project: including:

- SROZ (Development Code Section 4.139) – assumed to be exempt per subsection (.06) and (.07)
- General Development Regulations (Development Code Sections 4.154 to 4.199)
- Tree Removal (Development Code Section 4.600.40) – Permit not required but mitigation of removed trees will be determined by the City.
- Development permit for work within the 100-year flood plain. The consultant team will prepare a development permit application and submittal package for the City Project Manager to submit on behalf of the project.

Task 5 Deliverables:

- Development permit application package.

Task 6 Final Engineering

Prepare contract documents for construction of project (if directed by the City).

- 6.1 50%, 90% and Final Plans, Specifications and Estimates.** Plans will be prepared at the 50%, 90%, and 100% completion stages, using design parameters developed in Task 3 and 4. A plan set which includes the City's title block will be prepared using AutoCAD Civil 3D 2011. The title block will incorporate the Wallis Engineering logo as well as the logos of the design team subconsultants. The anticipated plan sheet list is as follows:

1. Cover Sheet	1 sheet
2. General Notes, Legend, and Abbreviations	1 sheet
3. Typical Sections and Details	1 sheet

4. Demolition and Staging Plan	1 sheet
5. Erosion Control Plan	2 sheets
6. Erosion Control Details	1 sheet
7. Horizontal Control Plan	2 sheets
8. Grading Plan	2 sheets
9. Drainage Plan	2 sheet
10. Signing and Striping Plan	1 sheet
11. Civil Details	4 sheets
12. Landscaping Plan	2 sheets
13. Irrigation Plan	2 sheets
14. Site Furnishings Details	2 sheets
15. Landscaping Details	4 sheets

Construction specifications will be based on the City's standard specifications and will be prepared at the 90% and 100% completion stages. The City will provide the front end contract documents and the consultant will prepare the technical special provisions in City-approved format.

A cost estimate will also be prepared for each submittal.

Standard signage details for park entry signage, pedestrian signage / wayfinding will be provided by City for incorporation into construction drawings.

- 6.2 Lighting Design.** Additional lighting is desired for the site and may be required if a new parking lot layout is selected. The City intends for any new lights to conform to dark sky lighting requirements. It is our understanding that the current lighting is owned and maintained by PGE. Any additional lighting will be designed by PGE. The consultant team will coordinate with PGE for preparation of lighting improvements. No trail lighting is anticipated. The fee estimate includes time to coordinate with PGE for the design and to include the infrastructure into the Contract Documents. Design fees required by PGE are not included and will be paid directly by the City.

Task 6 Deliverables:

- 50% Plans and Cost Estimate
- 90% Plans, Specifications, and Cost Estimate
- Final Plans, Specifications, and Cost Estimate

P:\13\1337A - Wilsonville Memorial Park\Agreement\1337A-Exh A Scope_Revised final.docx

Exhibit B - Fee Estimate
Wilsonville Memorial Park Parking Lot & Stormwater Project
 WE #1337A
 8-Jan-13

Task Description	Wallis Engineering Staff Estimated Hours						Staff Cost	Expenses	Subconsultants					Total Cost
	QC	E1	E2	JE	T1	Compass			GreenWorks	GeoDesign	MBG	MHA		
Task 1 Project Management														
1.1 Project Coordination			32				\$3,808	\$118 (2)						\$3,926
1.2 Scope and Schedule		4	8				\$1,448			\$1,760	\$611			\$3,819
1.3 Meetings			32				\$3,808	\$172 (2)						\$3,980
1.4 Public Involvement		8	8	24	16		\$4,992	\$825 (3)		\$2,926		\$11,176		\$19,919
TASK 1 SUBTOTAL	0	12	80	24	16		\$14,056	\$1,114	\$0	\$2,926	\$1,760	\$11,787	\$0	\$31,643
Task 2 Survey and Geotechnical Investigation														
2.1 Boundary Survey and Legal Descriptions		2					\$248		\$1,254					\$1,502
2.2 Topographic Survey		2			2	8	\$1,022		\$9,658					\$10,680
2.3 Tree Survey and Protection Plan		2	2				\$486						\$4,620	\$5,106
2.4 Geotechnical Investigation		2	2				\$486				\$11,660			\$12,146
TASK 2 SUBTOTAL	0	8	4	2	8		\$2,242	\$0	\$10,912	\$0	\$11,660	\$0	\$4,620	\$29,434
Task 3 Preliminary Engineering														
3.2 Conceptual Site Planning	2	16	4	16	24		\$5,852	\$176 (2)		\$12,089				\$18,117
3.3 Alternative Site Plan Development and Preferred Plan Selection	4	16	4	16	16		\$5,548	\$500 (1)						\$6,048
3.4 Basis of Design Memorandum		8	2	8			\$1,830							\$1,830
TASK 3 SUBTOTAL	6	40	10	40	40		\$13,230	\$676	\$0	\$12,089	\$0	\$0	\$0	\$25,995
Task 4 Hydrologic Analysis and Stormwater Management														
4.1 Site Evaluation		4		8			\$1,096	\$59 (2)						\$1,155
4.2 Hydrologic Modeling		8		24			\$2,792							\$2,792
4.3 Stormwater Facility Design		4		16	8		\$2,320							\$2,320
4.4 Drainage Report		8		16	8		\$2,816			\$1,144				\$3,960
TASK 4 SUBTOTAL	0	24	0	64	16		\$9,024	\$59	\$0	\$1,144	\$0	\$0	\$0	\$10,227
Task 5 Permitting Assistance		8	8	24	4		\$4,056							\$4,056
TASK 5 SUBTOTAL	0	8	8	24	4		\$4,056	\$0	\$0	\$0	\$0	\$0	\$0	\$4,056
Task 6 Final Engineering														
6.1 50%, 90% and Final Plans, Specifications and Estimates	8	60	24	80	80		\$23,816	\$118 (1)		\$22,176				\$46,110
6.2 Lighting Design		2	4	4	8		\$1,648							\$1,648
TASK 6 SUBTOTAL	8	62	28	84	88		\$25,464	\$118	\$0	\$22,176	\$0	\$0	\$0	\$47,758
GRAND TOTAL	14	154	130	238	172		\$68,072	\$1,967	\$10,912	\$38,335	\$13,420	\$11,787	\$4,620	\$149,113

FEE SUMMARY			
Staff	Hours	Rate	Fees
QC - Quality Control	14	\$160	\$2,240
E1 - Engineer 1	154	\$124	\$19,096
E2 - Engineer 2	130	\$119	\$15,470
JE - Junior Engineer	238	\$75	\$17,850
T1 - Technician 1	172	\$78	\$13,416
Total Fees from Staff			\$68,072
Subconsultant			Fees
Surveyor - Compass Engineering			\$10,912
GreenWorks			\$38,335
GeoDesign			\$13,420
Mason, Bruce & Girard			\$11,787
Morgan Holen & Assoc.			\$4,620
Total Fees from Subconsultants			\$79,074
NOTE: Fee includes 10% markup			
Expenses			Cost
Printing (1)			\$618
Mileage @\$0.565/mi (2)			\$524
Project Sign (3)			\$825
Total Fees from Expenses			\$1,967
TOTAL BUDGET			\$149,113

MEMORIAL PARK PARKING LOT IMPROVEMENTS

February 2013



The City is beginning a project to improve the main parking lot in Memorial Park, Wilsonville's largest park.

The old parking lot is showing severe signs of wear. Curbs are missing and pavement is cracked. The lot also lacks stormwater treatment facilities. Runoff goes directly into a tributary of Doeckman Creek on the north side of the parking lot and ultimately to the Willamette River.

The project will replace asphalt and curbs, and include cost-effective strategies to filter pollutants from stormwater runoff before it enters the creek. In addition, new features that will improve the lot for visitors, such as lighting and marked pedestrian crossings, will be considered.

The City will explore opportunities to improve the layout of the parking lot. Today's large-sized passenger vehicles fit awkwardly in the small parking spaces and often stick out into the circulation lanes.

The lanes are unevenly sized, making inefficient use of space that is in high demand during the summer recreation season. Changes to the parking lot configuration will maintain or increase the current number of parking spaces and will aim to improve vehicle and pedestrian circulation.

Residents are encouraged to tell the design team what features they would like to see in the parking lot by participating in an online open house (see reverse). Construction is expected to begin in late summer 2013 and the parking lot will be open for use through Labor Day. Detailed information about construction will be available after a contractor is selected this summer.



The parking lot is located in the lower portion of the park near the tennis courts and baseball fields. It is the only paved lot accessible from the park's main entrance.

A project update will be mailed to neighbors and other interested residents prior to construction.

PROJECT SCHEDULE 2013			
WINTER	SPRING	SUMMER	FALL
DESIGN & ENGINEERING		CONTRACTOR SELECTION	CONSTRUCTION

RES. 2396
Rev 2/4/13 pek

Online Open House begins in March



What improvements would you most like to see
in the Memorial Park parking lot?

- better layout & circulation?
- large-vehicle parking spaces?
- pedestrian crossings?
- more parking spaces?
- enhanced landscaping?
- lighting?
- directional signage?
- other?

To share your input with the design team, visit:
www.ci.wilsonville.or.us/MemorialParkParkingLot

Tree Survey and Preservation Plan



The City has hired a certified arborist to assess the condition of the existing trees in the Memorial Park parking lot. The arborist will make recommendations about how to preserve trees and identify trees that are candidates for removal due to poor health or constraints on their growth. The arborist will also provide guidance on what actions the project contractor should take to protect trees during construction.

Questions or Comments?

Contact the Project Manager:

Kerry Rappold
Natural Resources Program Manager

Phone: 503-570-1570

Email: rappold@ci.wilsonville.or.us



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: February 4, 2013	Subject: 2013 State Legislative Agenda Staff Member: Mark Ottenad, Public/Government Affairs Director Department: Administration
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 Information or Direction <input type="checkbox"/> Information Only <input checked="" 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 City Council reviewed in work session on Jan. 24 a draft version of the legislative agenda, made an amendment, and requested that a final version be brought back for formal Council adoption.
Staff Recommendations: City Council adopts as presented or as amended a 2013 State Legislative Agenda.	
Recommended Language for Motion: I move to adopt the 2013 State Legislative Agenda.	
PROJECT / ISSUE RELATES TO:	
<input type="checkbox"/> Council Goals/Priorities <input type="checkbox"/> Adopted Master Plan(s) <input checked="" type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL

City Administration seeks clear direction from the City Council in the form of a legislative agenda for general public-policy priorities that can help guide how the City reacts to specific legislative proposals that may arise in the 2013 session of the Oregon Legislative Assembly. The City Council reviewed in work session on January 24 a draft version of the legislative agenda, made an amendment, and requested that a final version be brought back for formal Council adoption on February 4.

EXECUTIVE SUMMARY

At the January 24 City Council work session, the Council reviewed a draft 2013 legislative agenda and made an amendment, and requested that the final agenda be brought back at February 4 for adoption. Previously, at the January 7, City Council work session, Mayor Knapp requested that staff bring to the Council as a starting point for the 2013 legislative session the draft 2011 legislative agenda, which was modified to account for new legislative issues of concern.

One of the questions for Council and staff to consider is to what degree does the City's legislative agenda correspond with that of other organizations, especially those of which the City is a member of. Oregon's premier municipal lobbying association, the League of Oregon Cities (LOC), has adopted a 2013 legislative agenda and City staff has recommended adopting some elements of the LOC agenda that are clearly aligned with City priorities; however, a lack of information on how other components of the LOC agenda might impact the City results in a "wait-and-see" approach. For instance, a lack of data for how "Reset at Sale" would impact Wilsonville and state operations has staff inclined to not actively endorse that particular plank.

In a similar fashion, a number of organizations have endorsed changes to PERS public retirement system and advancing the Columbia River Crossing (CRC) project; however, as was discussed by Council on January 24, the City has little or no specific policy guidance on those issues and therefore the Council suggested that the City monitor discussions on those matters. One set of the City's legislative priorities pertaining to State assistance for development or redevelopment of industrial lands, which is supported by a number of organizations, government agencies and legislators, was not included in the Governor's proposed budget.

BACKGROUND

During the course of the anticipated five-month-long 2013 legislative session, a total of 3,500 to 4,000 bills are expected to be considered by members of the assembly. Over 1,200 pieces of pre-session legislation were filed by Oregon state representatives and senators that staff along with the City's public affairs consultant, Greg Leo of The Leo Co., are now reviewing.

Some proposed legislation may harm City interests, some may be beneficial and most may have no direct effect. The 2013 Legislative Agenda is designed to help guide how the City reacts to proposed legislation in terms of supporting, opposing or remaining neutral in our position on any given bill. When time allows on questionable matters or uncertainty arises on a given bill, staff check with the City Manager, and if feasible, with the Council to seek advice.

As the legislative session progresses past the final May revenue forecast, the legislative tempo dramatically increases. Important policies contained in budgets and bills can be transformed, amended in significant and in ways completely different than the original bills. Bill hearings before committees are called on a 'one-hour' basis. In this fluid legislative environment, having a legislative agenda based on direction by the City Council can give the City an ability to act with certainty and timeliness and increases our chances of obtaining for Wilsonville the best possible outcome. The legislative agenda is an effective tool for the City to be well-positioned to safeguard municipal interests by being able to respond in a way both timely and consistent with City Council policy.

As amended by Council, the Legislative Agenda is divided into four sections:

1. Governance
 - Local Autonomy
 - State Shared Revenues / Unfunded Mandates
2. Transportation & Transit Infrastructure
 - Transportation
 - Transit
3. Economic & Community Development
 - Land Use and Development
 - Workforce Development
4. Environmental Impact

In developing the City's 2013 Legislative Agenda, staff reviewed existing and prior city policies and practices, examined the legislative agendas and priorities of other jurisdictions and affiliated organizations, and gathered information from lobbyists and other public-affairs professionals about primary issues of concern in the 2013 legislative session. A general theme that emerged is that the 2013 session will be oriented towards "defensive positions" as the legislature grapples with how to fund current service levels in the 2013-15 biennium with major budget-busting issues and while the state and nation remained mired in "The Great Recession."

The accompanying "Citations to Authorities in Support of City of Wilsonville 2013 Legislative Agenda" provides references to various sources, such as the City Charter and Comprehensive Plan, and the legislative agendas of affiliate organizations, in support of the 2013 Legislative Agenda. Councilor Fitzgerald noted on January 24 that the tenants of the proposed legislative agenda echoed residents' interests as expressed in the National Citizen Survey of the community conducted in 2012.

TIMELINE

The City Council may act its leisure; however, acting in February 2013 would be optimum for providing staff and consultants with timely guidance for Council priorities during the 2013 legislative session that starts on February 4.

CURRENT YEAR BUDGET IMPACTS

Depending on the kinds of legislation passed and signed into law, budgetary impacts could be minor or major in the short- or long-term.

COMMUNITY INVOLVEMENT PROCESS

None is required. As the elected representatives of the residents of Wilsonville, the City Council has the authority and is expected to advance policy priorities in line with Council preference.

CITY MANAGER COMMENT

ATTACHMENTS

- A. 2013 State Legislative Agenda
- B. Citations to Authorities in Support of 2013 State Legislative Agenda
- C. "League of Oregon Cities (LOC) 2013 Legislative Agenda," summary and policy detail-sheets
- D. "Metro JPACT 2013 Regional Transportation Agenda," Metro Council Resolution No. 13-4402, For the Purpose of Endorsing Regional Policy and Funding Priorities for 2013 State Transportation Legislation
- E. "OregonTech 2013 Legislative Agenda," What can legislators do during the 2013 Legislative Session to help Oregon Tech continue to deliver results for Oregonians?
- F. 2013 ODOT Legislative Agenda
- G. "Oregon Business Plan 2013 Legislative Agenda," Oregon Business Plan Policy Playbook for 2013
- H. "Value of Jobs Coalition 2013 Legislative Agenda," Industrial Lands Initiative and draft supporting legislation, LC 1304 and LC 2203

City of Wilsonville 2013 State Legislative Agenda

— February 4, 2013 —

Acting on behalf of the residents and businesses of the City of Wilsonville, the City Council adopts this legislative agenda to guide City policy positions in the 2013 session of the Oregon Legislative Assembly.

1. GOVERNANCE

■ Local Autonomy

1.1 The City of Wilsonville supports autonomy of local governments and opposes efforts to preempt local-government authority to work on behalf of the city's residents and businesses. The City seeks opportunities to restore municipal authority where it has previously been pre-empted by state law.

■ State Shared Revenues / Unfunded Mandates

1.2 The City of Wilsonville supports the State Shared Revenue formula and opposes efforts to shift service-costs from the State to local governments, often referred to as "unfunded mandates." The City opposes efforts to reduce traditional "shared revenues," which include liquor, beer and wine, cigarette, and 9-1-1 taxes that pay for essential local services.

2. TRANSPORTATION & TRANSIT INFRASTRUCTURE

■ Transportation

2.1 The City of Wilsonville supports multi-modal transportation options—including roadways, transit services and bike/ped alternatives—for residents, commuting workers and businesses.

2.2 The City of Wilsonville supports strategies and plans that maintain or increase the traffic-handling capacity of I-5 for the movement of freight and conduct of commerce.

■ Transit

2.3 The City of Wilsonville supports access to increased transit services that provide residents and commuting workers with an affordable option for personal mobility.

2.4 The City of Wilsonville supports expanded Westside Express Service (WES) commuter rail transit service for full-day and Saturday service and extension of service to Salem.

3. ECONOMIC & COMMUNITY DEVELOPMENT

■ Land Use and Development

3.1 The City of Wilsonville supports sustainable, “smart-growth” concepts that include objectives such as compact urban development, the conservation of valuable resource lands and the protection of prime agricultural soils outside the urban growth boundary.

3.2 The City of Wilsonville supports Oregon land-use law that calls for economic-development activities to occur in cities—areas with municipal governance and supporting infrastructure—and opposes efforts to encourage activities outside of cities that result in urban-level development.

3.3 The City of Wilsonville supports initiatives that reclaim industrial “brownfield” sites in urban settings for productive re-use and that assists cities to develop existing industrial lands. These kinds of initiatives maximize the benefit from existing public resources and reduce the need for urban-growth boundary expansions to accommodate industrial development.

■ Workforce Development

3.4 The City of Wilsonville supports policies that encourage institutions of higher education to site and operate successfully in Wilsonville in order to provide more comprehensive workforce development opportunities for future and current employees of industrial employers.

3.5 The City of Wilsonville specifically supports the legislative bonding-authority request of the Oregon Institute of Technology (OIT), also known as “Oregon Tech,” that facilitates the university’s consolidation of Portland-area campuses to Wilsonville at a lower cost to Oregon taxpayers.

3.6 The City of Wilsonville supports efforts to improve the overall quality of K–12 education, and in particular to strengthen Science-Technology-Engineering-Math (STEM) education, as well as post-secondary education that prepare tomorrow’s workforce.

4. ENVIRONMENTAL IMPACT

4.1 The City of Wilsonville supports the protection of the environment and important natural resources for the benefit of human health, quality of life for citizens, recreational opportunities, and wildlife habitat.

Citations to Authorities in Support of City of Wilsonville 2013 State Legislative Agenda

— February 4, 2013 —

This document provides citations to various authorities, such as the City Charter and Comprehensive Plan, and the legislative agendas of affiliate organizations, in support of the 2013 Legislative Agenda. The document recites each specific proposed legislative agenda policy position, which is then followed immediately by relevant citations to authorities, listing first references to City documents and then legislative agendas of affiliate organizations.

1. GOVERNANCE

■ Local Autonomy

1.1 The City of Wilsonville supports autonomy of local governments and opposes efforts to preempt local-government authority to work on behalf of the city's residents and businesses. The City seeks opportunities to restore municipal authority where it has previously been pre-empted by state law.

This proposed legislative agenda policy is supported by the following authorities:

City of Wilsonville Charter, January 1987

Chapter II, Powers

Section 4. POWERS OF THE CITY. The city shall have all powers that the constitutions, statutes and common law of the United States and of this state expressly or impliedly [sic] grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5. CONSTRUCTION OF CHARTER. In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to this end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

Wilsonville Comprehensive Plan, January 2010

History of Local Planning Efforts, Intro-1

In a move to increase local control, the local residents voted to incorporate.

League of Oregon Cities (LOC) 2013 Legislative Agenda, September 2012

Issue: Local Control Referral

Temporary taxes that are in addition to the municipality's permanent rate that are approved by voters to provide funding for operating expenses are compressed first under [the Oregon] system. As a result, voters residing in a municipality in

compression are limited in their ability to raise revenue to support services they desire.

The League's proposed constitutional referral would allow local voters the ability to consider a temporary tax outside of compression. The referral would not raise anyone's taxes, but would empower voters to authorize a tax for local operations.

Metro JPACT 2013 Regional Transportation Agenda, January 2013

Preserve and Expand Local Options: The transportation challenge will require innovative policy and new funding commitments at all levels of government, including additional local funding to repair and maintain existing transportation facilities. Accordingly, the Legislature should remove existing restrictions on local and regional revenue-raising authority; avoid enacting new limitations or pre-emptions; and explore new structures and authorities that give local governments the flexibility to build, operate and fund transportation systems that support prosperity, livability and sustainability.

■ **State Shared Revenues / Unfunded Mandates**

1.2 The City of Wilsonville supports the State Shared Revenue formula and opposes efforts to shift service-costs from the State to local governments, often referred to as "unfunded mandates." The City opposes efforts to reduce traditional "shared revenues," which include liquor, beer and wine, cigarette, and 9-1-1 taxes that pay for essential local services.

This proposed legislative agenda policy is supported by the following authorities:

Wilsonville Comprehensive Plan, January 2010

Urban Growth Boundary, p. B-3

Implementation Measure 2.1.1.d. — Establish and maintain revenue sources to support the City's policies for urbanization and maintain needed public services and facilities.

League of Oregon Cities (LOC) 2013 Legislative Agenda, September 2012

Issue: 9-1-1 Tax Renewal

The League will work with other stakeholder groups (principally organizations representing public safety organizations and jurisdictions) to extend the 9-1-1 emergency services tax beyond its expiration in 2014.

The current \$.75 per month tax is an important source of revenue for cities. After subtracting collection costs, administrative fees and equipment costs, cities receive \$13 million per biennium, which is passed through to the governing authority of the 9-1-1 jurisdiction serving that city. These funds are the backbone of the budget that supports the planning, installation, maintenance, operation and improvement of the statewide 9-1-1 emergency reporting system.

The state currently diverts portions of the 9-1-1 tax revenues it collects as well as the earned interest to the general fund in support of positions and activities unrelated to 9-1-1 services, a practice frowned upon by the federal government. Oregon is one of the only states in the country to do so, and as a result, for the last three years has been ineligible for federal emergency services grants.

City of Wilsonville budget reports by Joanne Ossana, Finance Director

Various states-shared revenues form a significant component to the city budget, as the following budget summary shows:

Wilsonville State-Shared Revenues

	FY2009- 10	FY2010- 11	FY2011- 12	FY2012- 13
Type of Revenue	Actual	Actual	Actual	Budget
911 shared revenue	\$91,000	\$92,484	\$95,442	\$90,000
Alcoholic beverage tax	203,000	231,531	249,620	255,000
Cigarette tax	26,000	28,535	28,586	30,000
State shared revenue	173,000	187,069	205,132	195,000
TOTAL	\$493,000	\$539,619	\$578,780	\$570,000

2. TRANSPORTATION & TRANSIT INFRASTRUCTURE

■ Transportation

2.1 The City of Wilsonville supports multi-modal transportation options—including roadways, transit services and bike/ped alternatives—for residents, commuting workers and businesses.

This proposed legislative agenda policy is supported by the following authorities:

Wilsonville Comprehensive Plan, January 2010

Transportation: The Transportation Network, p. C-22–C-24

Goal 3.2 To encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation.

Policy 3.2.1 To provide for safe and efficient vehicular, transit, pedestrian and bicycle access and circulation.

Policy 3.2.2 To provide for a mix of planned transportation facilities and services that are sufficient to ensure economic, sustainable and environmentally sound mobility and accessibility for all residents and employees in the city.

Goal 3.3 To achieve adopted standards for increasing transportation choices and reducing reliance on the automobile by changing land use patterns and transportation systems so that walking, cycling and use of transit are highly convenient and so that, on balance, people need to and are likely to drive less than they do today.

Implementation Measure 3.3.1.c. Plan for increased access to alternative modes of transportation, such as bicycling, transit and walking.

Wilsonville Bicycle and Pedestrian Master Plan, December 2006, p.3

Goal — To promote non-motorized travel and provide a safe, interconnected system of pedestrian and bicycle facilities.

Wilsonville Transportation Systems Plan (TSP), December 2009

Chapter 7 – Other Modes and Multi-modal Coordination, p. 7-1

7.1 GOALS

Goal 7.1: To coordinate with local, regional, and State jurisdictions in the development and operation of the multi-modal transportation system.

Goal 7.2: To provide multi-modal facilities properly integrated with the citywide transportation system.

7.3.4 Multi-modal Coordination, p. 7-4

The recommended regional transportation facilities for the City of Wilsonville contribute to multi-modal coordination. Based on increased traffic volumes for future years, the proposed commuter rail station (shown in Figure 7.1) with a park-and-ride, improved roadway network, and a non-motorized network will be part of the solution to relieving traffic.

7.4 POLICIES, pp. 7-4 – 7-5

The City of Wilsonville shall...

Policy 7.1.2 Continue to work in concert with the State, Metro, Clackamas and Washington Counties, and adjacent jurisdictions to develop and implement a regional transportation plan that is complementary to and supportive of the City's Plan while addressing regional concerns. The City expects a reciprocal commitment from other agencies.

Metro JPACT 2013 Regional Transportation Agenda, January 2013

Support Multimodal Investment: Oregon should build upon its lottery-backed program of investment in multimodal capital projects that support freight mobility and transit by identifying new, ongoing state funding that supports those projects as well as transit operations and pedestrian and bicycle facilities.

2013 ODOT Legislative Agenda

LC 2847 - ConnectOregon V (Senate Business & Transportation Committee)

Oregon Business Plan 2013 Legislative Agenda, Oregon Business Plan Policy Playbook for 2013, December 2012

- Pass Connect Oregon V multi-modal bonding program at least the level included in the Governor's budget
- Take steps to create a permanent non-highway funding stream

2.2 The City of Wilsonville supports strategies and plans that maintain or increase the traffic-handling capacity of I-5 for the movement of freight and conduct of commerce.

This proposed legislative agenda policy is supported by the following authorities:

Wilsonville Comprehensive Plan, January 2010

Transportation: The Transportation Network, p. C-22, C-24

Local traffic, including commercial and industrial vehicles, must have safe and efficient access to and from the freeway.

Policy 3.4.2 The City will work with ODOT, Metro and neighboring communities to maintain the capacity of I-5 through a variety of techniques, including requirements for concurrency, continued development of a local street network within and connecting cities along I-5, access management, and completion of targeted improvements on I-5 such as auxiliary lanes, improvements at interchanges, etc.

Wilsonville Transportation Systems Plan (TSP), Chapter 4 – Motor Vehicle Facilities, December 2009

4.7 Implementation Measures, p. 4-90

Implementation Measure 4.2.2.a The importance of freight to the Wilsonville economy will be acknowledged in all transportation planning and funding efforts. The need to accommodate trucks, truck routing, and truck-based street design will be integrated into the Development Code and in all subsequent and appropriate planning projects. To accommodate the movement of freight, the City shall work with other jurisdictions along the south I-5 corridor to promote needed improvements to I-5 and its interchanges.

Wilsonville Economic Opportunity Analysis Report, January 2008

Vision and Goals, pp. 1-2

Goal 1

Continue to facilitate economic development in conjunction with provision of adequate infrastructure to serve the needs of specific industry clusters. Work to maintain reasonable access to, and the functionality of Interstate-5 and its interchanges within Wilsonville and to increase the capacity of the Boone Bridge.

Goal 5

Continue to accept our fair share of regional industrial and employment growth in appropriate geographic locations that protect existing and future neighborhoods and the capacity of I-5, while encouraging Metro and member jurisdictions to develop

land use policies, goals, code revisions and infrastructure necessary to more equitably distribute such growth throughout the region.

Metro JPACT 2013 Regional Transportation Agenda, January 2013

Jobs and Economic Recovery: The local governments of the Portland metropolitan area are committed to partnering with others to support economic recovery through the creation and efficient operation of a robust transportation system.

■ **Transit**

2.3 The City of Wilsonville supports access to increased transit services that provide residents and commuting workers with an affordable option for personal mobility.

This proposed legislative agenda policy is supported by the following authorities:

Wilsonville Economic Development Strategy, August 2012

SMART will expand hours of operation, as funds become available, in order to provide improved access to public transit. This will enable workers to get to and from their jobs and students to get to and from their place of education using public transit.

Wilsonville Comprehensive Plan, January 2010

Transportation: The Transportation Network, p. C-22, C-23

Goal 3.2 To encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation.

Goal 3.3 To achieve adopted standards for increasing transportation choices and reducing reliance on the automobile by changing land use patterns and transportation systems so that walking, cycling and use of transit are highly convenient and so that, on balance, people need to and are likely to drive less than they do today.

Implementation Measure 3.3.1.c. Plan for increased access to alternative modes of transportation, such as bicycling, transit and walking.

Wilsonville Transit Master Plan, August 2008

Plan Overview, p. 3

Goal 1 — To promote an effective transit system that is a viable alternative to the single occupant vehicle; responds to the mobility needs of residents, employers, and employees; permits easy shifts from one mode to another; offers choice and convenience; and connects to other regional transportation systems.

Goal 2, p. 4; 3. Plan Implementation Measures, p. 31

POLICY 4 — Expand service to meet the demands of a growing population and employment base in Wilsonville.

Metro JPACT 2013 Regional Transportation Agenda, January 2013

Support Multimodal Investment: Oregon should build upon its lottery-backed program of investment in multimodal capital projects that support freight mobility and transit by identifying new, ongoing state funding that supports those projects as well as transit operations and pedestrian and bicycle facilities.

2.4 The City of Wilsonville supports expanded Westside Express Service (WES) commuter rail transit service for full-day and Saturday service and extension of service to Salem.

This proposed legislative agenda policy is supported by the following authorities:

Wilsonville Economic Development Strategy, August 2012

SMART will expand hours of operation, as funds become available, in order to provide improved access to public transit. This will enable workers to get to and from their jobs and students to get to and from their place of education using public transit.

Wilsonville Comprehensive Plan, January 2010

Transportation: The Transportation Network, p. C-23

Implementation Measure 3.3.1.f. Strongly encourage full day and Saturday service for WES.

Implementation Measure 3.3.1.g. Continue to support the extension of WES to Salem.

Wilsonville Transit Master Plan, August 2008

Goal 2, p. 4; 3. Plan Implementation Measures, p. 31

POLICY 4 — Expand service to meet the demands of a growing population and employment base in Wilsonville.

3. ECONOMIC & COMMUNITY DEVELOPMENT

■ Land Use and Development

3.1 The City of Wilsonville supports sustainable, “smart-growth” concepts that include objectives such as compact urban development, the conservation of valuable resource lands and the protection of prime agricultural soils outside the urban growth boundary.

This proposed legislative agenda policy is supported by the following authorities:

Wilsonville City Council Goals and Action Items, Priorities for Council Attention in 2011-12 (2 years), June 2011

Ensure Efficient, Cost-Effective And Sustainable Development And Infrastructure

Resolution 2203, A Resolution Of The City Council Of The City Of Wilsonville, Oregon, Adopting City Council Goals For Fiscal Year 2009-2010, August 17, 2010

Council Goal 2 — Engage The Community In Smart Growth And Sustainability Concepts

Wilsonville Comprehensive Plan, January 2010

Land Use and Development: Environmental Resources and Community Design, p. D-25, D-26, D-28, D-29

Policy 4.1.5 Protect valuable resource lands from incompatible development and protect people and property from natural hazards.

Implementation Measure 4.1.5.b Help to preserve agricultural land by protecting the agricultural lands outside the Urban Growth Boundary, by guiding development within the boundary. Discourage long term agricultural uses within the urban boundary.

Implementation Measure 4.1.5.e Protect the beneficial uses and functional values of resources within the Water Quality and Flood Management Areas and Habitat Conservation Areas identified by Metro by limiting or mitigating the impact on these areas from development activities.

Implementation Measure 4.1.5.m Protect the river-connected wildlife habitat and encourage the integration and inter-connection of the Willamette River Greenway to open space areas of the City. Continue to regulate development within the Greenway boundaries. Provide for public access to the river only through and within the City parks or other properties intended for public access.

Implementation Measure 4.1.5.y Protect the Willamette River Greenway from incompatible uses or development activities, using the standards of the Greenway section of the Development Code.

Implementation Measure 4.1.5.hh Minimize the impact of urban development on adjacent rural and agricultural lands. A combination of open space and low density land use designation may be employed.

Wilsonville Economic Opportunity Analysis Report, January 2008

Vision and Goals, pp. 1-2

Goal 4

Encourage growth of compact employment and industrial development by increasing commercial and industrial job densities per acre within the Urban Growth Boundary to accommodate living wage jobs in concentrated developments in a land efficient manner, thus ensuring that the Metro UGB does not need to extend south of the Willamette River into the foundation agricultural lands of French Prairie. [footnotes omitted]

3.2 The City of Wilsonville supports Oregon land-use law that calls for economic-development activities to occur in cities—areas with municipal governance and supporting infrastructure—and opposes efforts to encourage activities outside of cities that result in urban-level development.

This proposed legislative agenda policy is supported by the following authorities:

Wilsonville Comprehensive Plan, January 2010

Land Use and Development: Environmental Resources and Community Design, p. D-25

Implementation Measure 4.1.5.b Help to preserve agricultural land by protecting the agricultural lands outside the Urban Growth Boundary, by guiding development within the boundary. Discourage long term agricultural uses within the urban boundary.

Wilsonville Economic Opportunity Analysis Report, January 2008

Vision and Goals, pp. 1-2

Goal 4

Encourage growth of compact employment and industrial development by increasing commercial and industrial job densities per acre within the Urban Growth Boundary to accommodate living wage jobs in concentrated developments in a land efficient manner, thus ensuring that the Metro UGB does not need to extend south of the Willamette River into the foundation agricultural lands of French Prairie. [footnotes omitted]

Goal 9 of the Oregon Statewide Planning Goals, Section 1, Chapter 812, Oregon Laws 2001

Local governments shall provide “Reasonable opportunities for urban residential, commercial and industrial needs over time through changes to urban growth boundaries.”

3.3 The City of Wilsonville supports initiatives that reclaim industrial “brownfield” sites in urban settings for productive re-use and that assists cities to develop existing industrial lands. These kinds of initiatives maximize the benefit from existing public resources and reduce the need for urban-growth boundary expansions to accommodate industrial development.

This proposed legislative agenda policy is supported by the following authorities:

Wilsonville Comprehensive Plan, January 2010

Economic Development, p. D-3

Industrial development is the basic element of economic growth as it produces goods for marketing, as well as being the primary employment generator.

Wilsonville Economic Opportunity Analysis Report, January 2008

Emerging Regional Planning Issues, p. 11

Effective economic development strategies must also confront challenges regarding cost effective delivery of adequate project-ready sites...

At issue is the additional industrial land supply that was brought into the Portland Metro UGB in 2002 and 2004. While the majority of the new industrial land added by Metro to the UGB does not yet have adequate public roads, sewer, and water lines, the land supply increase will likely create a near-term industrial land surplus. Hence, Wilsonville must carefully evaluate prospective land absorption and return on public investment before making major fiscal expenditures aimed at increasing its project-ready industrial land base.

Wilsonville Economic Development Strategy, August 2012

4.3 Next Steps, p. 26

[T]here is now a broad technical and political consensus that Wilsonville's logical path for the development of new employment space is the Coffee Creek Area and, farther off, the Basalt Creek Area. But the cost of that development, the sources of funding, and the fiscal impacts on the City are not yet estimated.

League of Oregon Cities (LOC) 2013 Legislative Agenda, September 2012

Jobs/Economic Development Initiative

The League will support three policy option packages in the Oregon Business Development Department's budget to create, expand and attract businesses that provide sustainable family wage jobs for Oregonians through public-private partnerships, leveraged funding, and in support of economic opportunities for Oregon companies and entrepreneurs.

Specifically, the League will:

- Support recapitalization of the Brownfields Redevelopment Fund to provide gap financing to clean up industrial sites;
- Support the Patient Capital for Industrial Lands Pilot Program to provide funding for cities to install infrastructure and conduct the feasibility studies needed for industrial sites to be "shovel ready" for development; and
- Support the Employment Site Re-Use/Redevelopment Pilot Program to assist communities with funding incentives to reuse/redevelop existing industrial lands.

Background

In a 2012 League survey, cities ranked the lack of infrastructure as the biggest hurdle to attracting new or expanded industrial development or new employment opportunities. Adequate infrastructure for industrial sites is a critical component to the economic vitality of cities and local economic regions. An adequate supply of shovel ready industrial land will be essential in order for cities to create jobs, improve the quality of life for residents, and foster entrepreneurship and productive economic activity.

Further, prior surveys have identified more than \$2 billion in municipal infrastructure projects that would be ready to go to bid if sufficient funding is secured— a figure

that reflects the decline of state and federal investments in local infrastructure over the course of the last several decades.

Oregon Business Plan 2013 Legislative Agenda, Oregon Business Plan Policy Playbook for 2013, December 2012

Industrial Land Supply and Readiness: En-sure Oregon has an adequate supply of right-sized, market-ready industrial land

- Secure state funding for inventories and due diligence
- Partially forgivable state loan program for preparation of traded sector industrial sites

Value of Jobs Coalition 2013 Legislative Agenda, Industrial Site Readiness, November 2012

State assistance to reduce the cost and risk to property owners and local jurisdictions of making large-lot industrial sites market-ready.

Concepts for 2013 legislation:

- *Due diligence grants:* Make available a limited pool of grants for eligible projects to conduct necessary investigations to better understand constraints on large industrial sites and reduce risk and uncertainty about site preparation costs needed to attract private capital. A portion of the grant funds may also be used to assist regions in conducting an inventory and readiness assessment of large industrial sites in their area.
- *Direct site preparation assistance:* Provide forgivable loans and/or low or no interest loans to local governments and property owners to underwrite a portion of the costs of site preparation, subject to specified eligibility criteria (e.g., site investment plan, "but for" evaluation, new traded-sector jobs to Oregon, wage premium). Loans would be partially forgiven based on realized state income tax gains from successful traded-sector investment in the site.

■ Workforce Development

3.4 The City of Wilsonville supports policies that encourage institutions of higher education to site and operate successfully in Wilsonville in order to provide more comprehensive workforce development opportunities for future and current employees of industrial employers.

This proposed legislative agenda policy is supported by the following authorities:

Wilsonville Economic Development Strategy, August 2012

Table 4-1. Summary of Actions

Action 4.2. Adopt a policy demonstrating support for Oregon Tech

The City Council will adopt a policy that expresses the City's willingness to collaborate with Oregon Tech to help it succeed in its mission of training and education and also supporting other institutions of higher education.

Action 4.1. Connect businesses with organizations involved in workforce training and education

The City recognizes the importance of workforce training and education in having a skilled workforce that can meet the needs of businesses. City staff have established working relationships with businesses and with workforce development and educational organizations, including the Art/Tech High School, Wilsonville High School, Clackamas Community College, Pioneer Pacific College, and Oregon Tech.

Action 4.2. Adopt a policy demonstrating support for Oregon Tech and other institutions of higher education

What is the action?

The City Council will adopt a policy that expresses the City's willingness to collaborate with Oregon Tech to help it succeed in its mission of training and education and also supporting other institutions of higher education.

Why is the City doing it?

The City recognizes the importance of having local opportunities for workforce training and higher education within the City. The City recognizes the significant opportunities that result from having a highly regarded university (Oregon Tech) consolidating its metropolitan campuses in Wilsonville. Oregon Tech's specialized technical training will be a valuable economic development tool, giving Wilsonville one more competitive advantage. The City is committed to making Oregon Tech's relocation successful and to helping businesses in Wilsonville benefit from the opportunities resulting from having Oregon Tech and other institutions of higher education in the community.

Wilsonville Economic Opportunity Analysis Report, January 2008

Vision and Goals, p. 1

Goal 2

Encourage expansion of existing business clusters such as...secondary education.

Emerging Regional Planning Issues, p. 10

Another challenging issue that may increase institutional land demand in Wilsonville is the perceived lack of workforce training and higher education institutions that can meet the hiring needs of larger employers. The perception is that in-migration of labor into the Portland Metro Region will continue to fill the perceived "gap" in providing a well educated work force. The Portland Metro Region could fill this void with the development of world class institutions, such as Oregon Health Science University (OHSU). New or expanded satellite campuses for higher education that offer both two and four-year college degree programs will be needed over the 20-year planning horizon. Wilsonville has an advance start on this with Pioneer Pacific College and Clackamas Community College's Wilsonville Training Center.

Transportation system facilities provide access to educational institutions in the greater Metro area.

Industry Clusters Analysis: Target Industries, p. 26

- Health Care and Secondary Education. As the regional hub with excellent local quality of life and small town atmosphere, Wilsonville has an excellent opportunity to provide expanded health services and additional two-year and four-year advanced degree programs for the local and regional population. Both of these sectors are currently under-represented job sectors in Wilsonville, but appear to have excellent long-term growth potential.

3.5 The City of Wilsonville specifically supports the legislative bonding-authority request of the Oregon Institute of Technology (OIT), also known as “Oregon Tech,” that facilitates the university’s consolidation of Portland-area campuses to Wilsonville at a lower cost to Oregon taxpayers.

This proposed legislative agenda policy is supported by the following authority:

Resolution No. 2269, A Resolution Of The City Of Wilsonville Supporting The 2011 Legislative State Bonding Request Of The Oregon Institute Of Technology, Also Known As “Oregon Tech,” January 20, 2011

NOW, THEREFORE THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The Wilsonville City Council hereby endorses and supports the 2011 legislative state bonding request of the Oregon Institute of Technology (OIT), also known as “Oregon Tech.”

Oregon Tech 2013 Legislative Agenda

1. Authorize \$10M in F Bonds to complete finance package for Oregon Tech Wilsonville

F-Bond funding will allow Oregon Tech to execute the purchase of the Wilsonville Campus as soon as possible, lowering overall financing cost. Debt service on the F Bonds will be generated through tuition and other revenue. We need F-Bond financing due to two factors:

- Without F-Bonds, Oregon Tech will have to make larger payments over a shorter period of time to the OUS internal bank, leading to reduced operating flexibility for OUS and Oregon Tech, higher tuition costs for Oregon Tech students, and ultimately to diminished capacity to help achieve 40-40-20 in Oregon.

See also citations to legislative agenda priority number 3.4.

3.6 The City of Wilsonville supports efforts to improve the overall quality of K–12 education, and in particular to strengthen Science-Technology-Engineering-Math (STEM) education, as well as post-secondary education that prepare tomorrow’s workforce.

This proposed legislative agenda policy is supported by the following authority:*Wilsonville Economic Opportunity Analysis Report, January 2008*

Quality of Life, p. 13

Excellent schools...make Wilsonville a desirable place to live.

Recent investments in higher education in Wilsonville by the Oregon State University and Clackamas Community College are important for local quality of life and workforce training. These investments in higher education will be necessary to help maintain a well trained local labor pool.

Oregon Tech 2013 Legislative Agenda

4. Support STEM Partnership Investments: We put the "T" in STEM.

The legislature can increase ROI [Return on Investment] for state education dollars by focusing investments in science, technology, engineering, and math academic programs that help Oregonians find high-wage jobs. Oregon Tech is seeking support for its STEM Partnership programs, through strategic initiatives to form STEM Hubs/Centers/Partnerships in regions around the state. With state support, Oregon Tech could offer more advanced transferrable college credits to HS students and increase mentorship, project-based curriculum, and teaching support for High School teachers.

Oregon Business Plan 2013 Legislative Agenda, Oregon Business Plan Policy Playbook for 2013, December 2012

Workforce: Employ targeted strategies to close the gap between skills Oregonians have and skills employers need.

Higher Education. Oregon has reduced funding for community colleges and universities over the past decade even in the face of higher demand. We must channel more dollars into advanced education as the economy grows. How we invest matters. Oregon should develop a framework for all postsecondary education that coordinates funding for community colleges, universities, and student aid in one place.

Make five key investments to support 1) educators 2) parents 3) new school models 4) third grade reading and 5) STEM

See also citations to legislative agenda priority number 3.4.

4. ENVIRONMENTAL IMPACT

- 4.1 The City of Wilsonville supports the protection of the environment and important natural resources for the benefit of human health, quality of life for citizens, recreational opportunities, and wildlife habitat.

This proposed legislative agenda policy is supported by the following authority:*Wilsonville Comprehensive Plan, January 2010*

History of Local Planning Efforts

Page Intro – 2

Almost immediately after incorporation, the newly-formed City began work on a General Plan that was intended to help the City preserve the natural qualities of the area, while also ensuring efficient land use as development occurred.

Storm Drainage Plan

Page C-8

Implementation Measure 3.1.7.d Major natural drainage ways shall be retained and improved as the backbone of the drainage system and designated as open space... Remnant creek channels, which previously carried water that has since been diverted, shall be evaluated for their wildlife habitat value before being selected for use as drainage ways.

Parks/Recreation/Open Space, pages C-13 – C-14

The 1971 General Plan and the 1988 Comprehensive Plan sought to:

1. Preserve the natural integrity of the Willamette River. Provide for frequent contact with the river. Encourage development of an adequate park and recreation system which would contribute to the physical, mental and moral health of the community.

* * * * *

Policy 3.1.11 The City of Wilsonville shall conserve and create open space throughout the City for specified objectives including park lands.

Implementation Measure 3.1.11.a Identify and encourage conservation of natural, scenic, and historic areas within the City.

Implementation Measure 3.1.11.c Protect the Willamette River Greenway from incompatible uses or developments.

Implementation Measure 3.1.11.i Develop limited access natural areas connected where possible by natural corridors for wildlife habitat and watershed and soil/terrain protection. Give priority to preservation of contiguous parts of that network which will serve as natural corridors throughout the City for the protection of watersheds and wildlife.

Implementation Measure 3.1.11.j Identify areas of natural and scenic importance and where appropriate, extend public access to, and knowledge of such areas, to encourage public involvement in their preservation.

Implementation Measure 3.1.11.k Protect the river-connected wildlife habitat.

Land Use and Development, Page D-1

The last section deals with resource areas and natural hazards and it discusses the City's intention to protect environmental resources... The design criteria ensure the protection of significant natural resources and enhance the visual attractiveness of the community.

General Development, Page D-5

The City has historically focused considerable attention on economic development without losing sight of the importance of protecting natural resources and developing attractive residential neighborhoods. The City has a well-established history of designating and protecting open space areas. Wilsonville residents also voted to support regional efforts to acquire large tracts of open space outside the City.

Environmental Resources and Community Design

Page D-21

In nature, there is a balanced system of events and processes that affect and shape the land on which we live. Because these processes continually and ultimately affect land and property, it follows that we should respect these natural processes in making land use decisions. For example, unless mitigated, it would not be wise to make a land use decision that encourages subdivisions to be built in areas that are known to flood.

Page D-22

The City has identified significant natural resource areas that warrant special use management consideration in order to preserve water quality, visual quality, and sensitive wildlife habitats.

Page D-24

In combination, these Policies and Implementation Measures form the foundation for an integrated community design that preserves the integrity and aesthetic quality of the natural environment while allowing for development... As the City has become more urban, there remains a desire to create the sense of openness and to preserve natural features, while allowing for higher density development, as expected in urban areas.

* * * * *

Noise, water quality, and air quality affect our health, our economic interests and quality of life. High noise levels affect a person's mental and physical well being and ability to work. Poor water and air quality can be a health hazard. Because of their complexities, air and water quality and noise control require both local and regional action. A regional and urban growth boundary has been established to concentrate urban growth within a specified area and to reduce sprawl. Wilsonville is within the regional growth boundary. While urban growth will be contained by the boundary, the boundary, without the necessary safeguards (such as performance standards), could simultaneously exaggerate and concentrate urban pollution.

Page D-25

Policy 4.1.5 Protect valuable resource lands from incompatible development and protect people and property from natural hazards.

Implementation Measure 4.1.5.b Help to preserve agricultural land by protecting the agricultural lands outside the Urban Growth Boundary, by guiding development within the boundary.

Implementation Measure 4.1.5.f Ensure protection of Water Quality and Flood Management Areas and Habitat Conservation Areas pursuant to Title's 3 and 13 of the Metro Urban Growth Management Functional Plan.

Page D-26

Implementation Measure 4.1.5.k Develop open, limited, or restricted access natural areas connected where possible by natural corridors, for wildlife habitat, watershed, soil and terrain protection. Preservation of contiguous natural corridors throughout the City for the protection of watersheds and wildlife will be given priority in land use decisions regarding open space.

Implementation Measure 4.1.5.l Identify areas of natural and scenic importance and give them priority in selection of public open space. Where legal rights of access have been acquired, extend public access to, and knowledge of such areas, in order to encourage public involvement in their preservation.

Implementation Measure 4.1.5.m Protect the river-connected wildlife habitat and encourage the integration and inter-connection of the Willamette River Greenway to open space areas of the City. Continue to regulate development within the Greenway boundaries. Provide for public access to the river only through and within the City parks or other properties intended for public access.

Page D-29

Implementation Measure 4.1.5.hh Minimize the impact of urban development on adjacent rural and agricultural lands. A combination of open space and low density land use designation may be employed.

League Sets Aggressive Agenda for 2013 Legislative Session

By Craig Honeyman

The LOC Board of Directors has adopted five priorities for the 2013 session of the Oregon Legislative Assembly. These priorities emerged from the work of eight policy committees established by the League to identify the most critical issues confronting local governments. In addition to **land use reform** and **local control referral**, which had been previously designated as long-term, multi-session priorities, 19 issues were forwarded to Oregon's 242 cities for consideration and prioritization. A majority of cities, representing nearly 90 percent of the state's population residing in cities, responded. The top three vote-getters were **reset at sale**, a **jobs and economic development funding package** and **extension of the 9-1-1 tax**. The LOC board approved the designation of these five legislative issues as League priorities at its meeting on August 9.

In addition, the board approved a resolution adopting the recommendations of the policy committees as the League's legislative priorities to guide and inform the League's advocacy efforts in the 2013 session. "Undoubtedly, the League will be involved in multiple issues beyond its listed priorities in working on behalf of its member cities during the session," said LOC Executive Director Mike McCauley.

The League's legislative priorities for the 2013 session are:

1. **Local Control Referral** – a constitutional amendment allowing local option levies of up to 10 years and outside of compression.
2. **Land Use** – population forecasting by a third party that would not be appealable as a land use decision; and cooperation with Governor Kitzhaber's Urban Growth Boundary Task Force in support of streamlining the UGB process.
3. **Reset at Sale** – a constitutional amendment restoring equity in the state's property tax system by resetting assessed value to real market value when a property is sold or constructed.
4. **Jobs/Economic Development Initiative** – supporting funding for industrial site development.
5. **9-1-1 Tax** – renewal of authority to levy a tax in support of the 9-1-1 emergency communications system, elimination of diversion of funds from 9-1-1 services, and extension of the tax to pre-paid phones.

1 Local Control Referral

Under Oregon's current property tax system, statewide limitations can prohibit local voters from having the ability to raise revenues to support services. Measure 5 limits taxes for general governments (cities, counties and special districts) and schools to \$10 and \$5 per \$1,000 of real market value respectively. Any taxes levied in excess of those limitations are reduced proportionally until the limitations are met, a process known as compression. Local option levies—temporary levies that are in addition to the municipality's permanent rate that are approved by voters to provide funding for operating expenses—are compressed first under this system. As a result, voters residing in a municipality in compression are limited in their ability to raise their taxes to support services they desire.

Compression is a growing problem for local governments statewide. Since 2008-09, revenue lost as a result of compression for all local governments has increased from \$51 million to \$144 million. All counties are in compression, as are half of all cities and more than 90 percent of all school districts.

The League, in partnership with other stakeholders, will pursue a constitutional referral that would enable local voters to pass local option levies outside of compression. The referral would also lengthen the maximum duration of a local option levy from five to 10 years.

3 Reset at Sale

Major inequities have been built into the state's property tax system because of Measure 50, which created a new "assessed value" for all properties. Assessed value was initially set at 90 percent of a property's 1995-96 real market value. For newer properties, a county-wide ratio is applied to determine the initial assessed value. Growth in assessed value is limited to 3 percent annually.

By locking in assessed values based on 1995-96 real market values or a ratio at the time of construction and by capping annual growth, huge disparities in tax bills have emerged as property values have changed and as neighborhoods have gentrified. As a result, property tax payments are often no indication of a property's actual value or of a property owner's ability to pay taxes.

Of the 17 states that have assessed value limitations similar to Oregon's, 15 readjust property taxes at the time of sale. Oregon's existing system, according to a Lincoln Institute of Land Policy report, "has gone the farthest of any in breaking the link between property taxes and property values."

In a fashion that does not adversely affect local option levies, the League will work to restore equity in our property tax system by passing a constitutional referral that would reset assessed value to real market value upon the sale or construction of a property.

2 Land Use Reform

Out of concern that state urban land use requirements have become difficult for cities to implement, are increasingly expensive, and provide too many procedural uncertainties and opportunities for delay through appeal, the League has initiated a land use reform initiative to streamline state urban land use requirements.

The first proposal for legislation will provide cities outside of the Metro region with population forecasts for comprehensive planning purposes that would not be subject to appeal. The forecasts will be provided by a third party (likely the Population Research Center at Portland State University), updated every four years, and will be fully funded with state resources. There will be opportunities for city and public input, a short challenge process if a city does not agree with the forecast, and several phase-in options from which cities can choose.

Additionally, as part of land use reform, the League is also working with the governor's Urban Growth Advisory Committee and supports streamlining the UGB process if the specific proposals developed by the advisory committee and the governor's office become acceptable legislative bills.

4 Jobs/Economic Development Initiative

The League will support three policy option packages in the Oregon Business Development Department's budget to create, expand and attract businesses that provide sustainable family wage jobs for Oregonians through public-private partnerships, leveraged funding, and in support of economic opportunities for Oregon companies and entrepreneurs. Specifically, the League will:

- Support recapitalization of the Brownfields Redevelopment Fund to provide gap financing to clean up industrial sites;
- Support the Patient Capital for Industrial Lands Pilot Program to provide funding for cities to install infrastructure and conduct the feasibility studies needed for industrial sites to be "shovel ready" for development; and
- Support the Employment Site Re-Use/Redevelopment Pilot Program to assist communities with funding incentives to reuse/redevelop existing industrial lands.

(continued on page 12)

Legislative Priorities (continued from page 11)

"Compression is a growing problem for local governments statewide. Since 2008-09, revenue lost as a result of compression for all local governments has increased from \$51 million to \$144 million. All counties are in compression, as are half of all cities and more than 90 percent of all school districts."

5 9-1-1 Tax

The statutory authorization for the collection of taxes in support of the 9-1-1 emergency reporting system sunsets on December 31, 2014. It is therefore important that the 2013 session of the Oregon Legislative Assembly extend the authorization for the 9-1-1 tax. In doing so, the League will attempt to address several important policy issues affecting the 9-1-1 system.

Monies derived from the current \$.75 per month tax are an important source of revenue to cities. Net of collection costs recovered by the Oregon Department of Revenue (1 percent), administrative fees received by the Office of Emergency Management (4 percent) and payment to a sub-account covering the costs of the circuits and equipment (35 percent), cities receive \$13 million per biennium which is passed through to the governing authority of the 9-1-1 jurisdiction serving that city. These funds are the backbone of the budget that supports the planning, installation, maintenance, operation and improvement of the statewide 9-1-1 emergency reporting system.

The state currently diverts portions of the 9-1-1 tax revenues it collects as well as the earned interest to the general fund in support of positions and activities unrelated to 9-1-1 services. Oregon is one of the only states in the country to do so and, as a result, for the last three years has been ineligible for federal emergency services grants.

Pre-paid cellular phone and Voice over Internet Protocol (VoIP) users do not pay the 9-1-1 tax. All other users of telecommunications services, including regular cell phone users, do pay the tax. Previous attempts to enact legislation addressing this inequity have failed. Legislative counsel has opined that such legislation is unnecessary because the authority to levy this tax already exists. The Oregon Department of Revenue is considering a rule that would include pre-paid cell phones under the tax, but if approved litigation would likely result.

The League will work with other stakeholder groups (principally organizations representing public safety organizations and jurisdictions) to extend the 9-1-1 emergency services tax beyond expiration of its current statutory authority (December 31, 2014). In

doing so the League will advocate for certain policy directives to strengthen the system, including:

- Establishing a tax rate sufficient to ensure adequate resources for both the management of the system and the acquisition of the most modern technology;
- Making permanent the statutory authority for the tax (i.e. no sunset provision) in recognition of the necessity for and permanence of the 9-1-1 system;
- Requiring the state to use revenues derived from the 9-1-1 tax solely for the provision of emergency reporting services, thereby ending the practice of diverting both revenues and earned interest to the state's general fund; and
- Making it statutorily clear that purchases of pre-paid cell phones and VoIP services are also subject to the 9-1-1 tax.

City Hall Week 2012

At about the time you are receiving this issue of *Local Focus*, these priority issues are being presented at 21 regional meetings of cities throughout the state during which city officials are engaging candidates (both incumbents and challengers) in discussions about the League's legislative agenda. As the 2013 session gets underway, League advocates will be in the Capitol engaging the membership of both the Senate and the House in further discussions on these priorities.

As always, the grassroots efforts of League members (elected and staff) will be crucial to achieving success. The LOC Hometown Voices program and the weekly *LOC Bulletin* will keep members up-to-date regarding the status of key legislation as well as the need to mobilize local support behind a particular measure.

Editor's Note: Mr. Honeyman is the League's legislative director – choneyman@orcities.org. ■



2013

Voter Control Referral

Description

The League's proposed constitutional referral would allow local voters the ability to consider a temporary tax outside of compression. The referral would not raise anyone's taxes, but would empower voters to authorize a tax for local operations.

Background

Under Oregon's current system, statewide limitations can prohibit local voters from having the ability to raise their own taxes to support services they demand. Measure 5 limitations restrict general governments (cities, counties and special districts) and schools to levying no more than \$10 and \$5 per \$1,000 of real market value respectively. Any taxes levied in excess of those limitations are reduced until the limitations are met, a process known as compression. Temporary taxes that are in addition to the municipality's permanent rate that are approved by voters to provide funding for operating expenses are compressed first under this system. As a result, voters residing in a municipality in compression are limited in their ability to raise revenue to support services they desire.

Example

Sweet Home, a timber-dependent community of roughly 9,000 residents in Linn County, has a low permanent tax rate for a city of its size. As a result, the city has provided essential police protection and library services via voter-approved temporary taxes since 1986. In 2010, voters in Sweet Home approved these temporary taxes with 60 and 55 percent of the vote respectively.

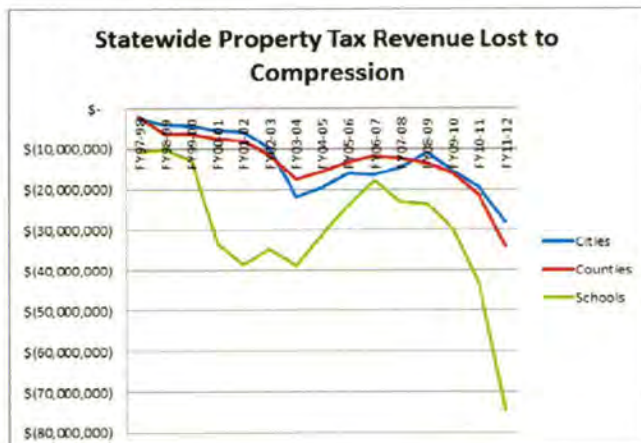
However, Linn County has its own voter-approved temporary tax that competes against Sweet Home's, and property values in Sweet Home have fallen in recent years. As a result, temporary tax revenue losses due to compression have increased from \$300,000 to \$730,000 – nearly a third of what the levy was supposed to collect. As a consequence, the public safety and library services are not being provided at the level local citizens wanted.

Statewide Impacts

Compression is becoming a growing problem for local governments statewide. Since 2008-09, total revenue lost to compression has increased from \$51 million, or 1.13 percent of property tax collections, to \$144 million, or 2.8 percent of collections (see Table 1). All counties are in compression, as are half of all cities and more than 90 percent of all school districts.

Table 1: Statewide compression losses

	Revenue lost to compression in FY2011-12 (in millions)	Percent increase in compression losses since FY2008-09
Schools	\$ (74.50)	216%
Counties	\$ (34.30)	154%
Cities	\$ (28.20)	161%



Last May, local voters approved 18 of 21 (86 percent) temporary taxes, including six out of six city tax levies and four out of five county tax levies. While voters may still be concerned about the state of the economy, in many instances they clearly realize the value of local government services and are willing to tax themselves to provide those services. Whether or not any local voters approve temporary taxes outside of compression limitations is irrelevant. What matters is that voters currently do not have the freedom and opportunity to do so.

Population Forecasting

Description

The proposed legislation would provide cities with population forecasts that would be updated every four years and be fully funded by state resources. These forecasts would be provided by the Population Research Center (PRC) at Portland State University, would not be considered a land use decision, and not subject to appeal at the Land Use Board of Appeals (LUBA).

Background

Under our current system, cities are mandated to use population forecasts to update their comprehensive plans. Current and future trends indicate that there are growing numbers of cities finding it necessary to begin UGB updates, requiring fresh forecasts. Counties are required by state law to issue, adopt and keep current forecasts for the urban and rural portions of their county (except Metro for its portion of the three-county region). For a variety of reasons, counties have had difficulty complying with the mandate to provide forecasts to cities—more than half the counties in the state have never provided their cities forecasts, or the forecasts are more than 10 years old. Cities have also had difficulty obtaining timely county approval of forecasts generated by a city, resulting in lost opportunity costs. Additionally, the monetary costs of complying with the existing system are substantial. Adding to the costs has been the skyrocketing of litigation—many forecasts are being challenged initially or at a later date as part of a subsequent land use action.

Example

Take for example the city of Newberg, a fast-growing community of roughly 22,000 residents in Yamhill County. The city has experienced two fairly recent forecast efforts, resulting in a LUBA appeal, approximately \$30,000 in city expenses and several years of time. Newberg still does not have a coordinated population forecast number that has been adopted by the county. Additionally, there has also been associated county time and expense, significant private citizen time and expense, and delay of important growth and employment opportunities in the city.

Statewide Impacts

The new forecasting system will result in considerable cost savings and will provide forecasts on an on-going basis.



Concept Details

- Forecasts will not be a land use decision, and not appealable to LUBA.
- "First round" forecasts will be completed over a 4-year period. Forecasts will be issued for one-fourth of the state every year.
- 50-year forecast horizon; includes single year increments.
- Includes a local process that allows multiple opportunities for input from cities, counties, citizens.
- A short 60-day challenge process if a city, county, or citizen does not agree with the forecast.
- Cities may choose from several options as to when they begin using the new numbers.
- Metro retains responsibility for city/county forecasts in the Metro boundary, but must coordinate methodologies with PRC. PRC will produce forecasts for cities and counties in Multnomah/Clackamas/Washington County, outside of Metro.
- A peer review team comprised of experts in the field, and city and county representatives will review methodology, local data collection and provide peer review to PRC.
- Cities with a shared UGB or shared county boundaries will be coordinated and forecasted in the same "round."

Reset at Sale

Description

The League's second proposed constitutional referral would reset a property's taxable value to its real market value at the time of sale or construction. The referral would not raise anyone's taxes on their current home, but would restore equity by recalibrating taxes based on the market's valuation of a property at the time of sale—a better measure of a property's value and an owner's ability to pay.

Background

Measure 50, passed in 1997, created a new artificial taxable value for all properties. Taxable value was initially set at 90 percent of a property's 1995-96 real market value. For newer properties, a county-wide ratio is applied to determine the initial taxable value. Growth in taxable value is limited to 3 percent annually.

By locking in taxable values based on 1995-96 real market values or a ratio at the time of construction, and by capping annual growth, huge disparities in tax bills have emerged as property values have changed and as neighborhoods have gentrified.

Example and Statewide Impacts

Homeowners in inner North and Northeast Portland, for example, often have property tax bills that are one-third or one-fourth of what homeowners with similar real market values pay across town. The reason is simple. In the early and mid-1990s, large swaths of North and Northeast Portland had lower market values, and those values still determine the taxes owed. (See Table 1 for examples.)

Similarly, the ratio applied to new property can vary greatly from year to year as the market fluctuates. In Deschutes County, the ratio used to calculate taxable value for new properties has increased 50 percent between 2010 and 2011. As a result, identical properties with the same sale price but permitted only months apart can have dramatically different tax liabilities.

These inequities are not confined to certain areas of the state, however; they exist statewide.

Solution

Seventeen other states have property tax limitations similar to Oregon's. Of those, 15 readjust property taxes at the time of sale. Oregon's existing system, according to a Lincoln Institute of Land Policy report, "has gone the farthest of any [in the country] in breaking the link between property taxes and property values."

Resetting taxable value to real market value at the time of sale would reconnect the link between property value and property taxes, and improve the fairness of Oregon's system.

Table 1: Tax inequities between two neighborhoods in Portland

Established	RMV	Taxable Value	Taxes
9910 SW 61st	\$ 269,670	\$ 213,930	\$4,236
9931 SW 61st	\$ 270,590	\$ 236,110	\$4,270
9930 SW 61st	\$ 279,390	\$ 216,920	\$4,385
9911 SW 61st	\$ 311,450	\$ 252,070	\$4,897
Gentrifying	RMV	Taxable Value	Taxes
5134 NE 16th	\$ 267,870	\$ 72,870	\$1,624
5117 NE 16th	\$ 268,480	\$ 51,790	\$1,154
5126 NE 16th	\$ 282,140	\$ 51,640	\$1,151
5133 NE 16th	\$ 352,530	\$ 81,930	\$1,826

Jobs and Economic Development

Description

Support investment in three funding requests from the Oregon Business Development Department's that will create, retain, expand and attract businesses that provide sustainable family-wage jobs for Oregonians through public-private partnerships and leverage funding and economic opportunities for Oregon companies and entrepreneurs. The three initiatives are:

- **\$10 million** to recapitalize the *Brownfield Revolving Loan Redevelopment Fund*, which provides loan funding for gap financing that commercial lenders are unable to provide to clean up industrial sites;
- **\$25 million** within the Special Public Works Fund (SPWF) to institute the *Patient Capital for Industrial Lands Infrastructure Pilot Program*, which would provide funding to municipalities to install infrastructure and necessary feasibility studies needed for industrial sites to be "shovel" ready for development; and
- **\$15 million** within the SPWF to institute the *Employment Site Re-Use/Redevelopment Pilot Program*, which would assist communities with funding incentives to reuse or redevelop existing industrial lands. Funding could be used to address a variety of barriers to utilizing existing industrial land within a city's urban growth boundary, including building inadequate infrastructure, addressing environmental contamination, and dealing with fractured parcel ownerships or pressure to convert to non-industrial uses.

Background

In a 2012 League survey, cities ranked the lack of infrastructure as the biggest hurdle to attracting new or expanded industrial development or new employment opportunities. Adequate infrastructure for industrial sites is a critical component to the economic vitality of cities and local economic regions. An adequate supply of shovel ready industrial land will be essential in order for cities to create jobs, improve the quality of life for residents, and foster entrepreneurship and productive economic activity.

Further, prior surveys have identified more than \$2 billion in municipal infrastructure projects that would be ready to go to bid if sufficient funding is secured—a figure that reflects the decline of state and federal investments in local infrastructure over the course of the last several decades.

Statewide Impacts

These three economic development initiatives would remedy infrastructure deficiencies and provide critical funding for specific types of industrial development situations that are important for job creation and economic vitality.

These three programs will:

- Help cities utilize existing industrial sites and clean up underutilized and contaminated areas;
- Grow the property tax base for cash-strapped cities, schools and counties;
- Give Oregon a supply of shovel-ready industrial land that can be occupied within six months;
- Provide family-wage jobs when a tenant occupies the land; and
- Make Oregon a more competitive and attractive state for economic development.



9-1-1 Tax Renewal

Description

The League will work with other stakeholder groups (principally organizations representing public safety organizations and jurisdictions) to extend the 9-1-1 emergency services tax beyond its expiration in 2014. In doing so, the League seeks several important policy changes to the 9-1-1 system.

Background

The current \$.75 per month tax is an important source of revenue for cities. After subtracting collection costs, administrative fees and equipment costs, cities receive \$13 million per biennium, which is passed through to the governing authority of the 9-1-1 jurisdiction serving that city. These funds are the backbone of the budget that supports the planning, installation, maintenance, operation and improvement of the statewide 9-1-1 emergency reporting system.

The state currently diverts portions of the 9-1-1 tax revenues it collects as well as the earned interest to the general fund in support of positions and activities unrelated to 9-1-1 services, a practice frowned upon by the federal government. Oregon is one of the only states in the country to do so, and as a result, for the last three years has been ineligible for federal emergency services grants.

Pre-paid cellular phone and Voice over Internet Protocol (VoIP) users do not pay the 9-1-1 tax. All other users of telecommunications services, including regular cell phone users, pay the tax. Previous attempts to enact legislation addressing this inequity have failed. Legislative counsel has opined that such legislation is unnecessary because the authority to levy this tax already exists. The Oregon Department of Revenue is considering a rule that would include pre-paid cell phones under the tax, but if approved litigation would likely result.

Concept Details

The statutory authorization for the collection of taxes in support of the 9-1-1 reporting system is due to expire on December 31, 2014. It is therefore important that the Oregon Legislative Assembly extend the authorization for the 9-1-1 tax. In addition, the League will seek to:

- Modify the tax rate to ensure adequate resources for both the management of the system and the acquisition of the most modern technology;
- Make permanent the statutory authority for the tax (i.e. no sunset provision) in recognition of the permanence of the 9-1-1 system;
- Require that the state use revenues derived from the 9-1-1 tax solely for the provision of emergency reporting services, thereby ending the practice of diverting both revenues and earned interest to the state's general fund; and
- Make it statutorily clear that purchasers of pre-paid cell phones and VoIP services are also subject to the 9-1-1 tax.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING) RESOLUTION NO. 13-4402
REGIONAL POLICY AND FUNDING)
PRIORITIES FOR 2013 STATE) Introduced by Councilor Carlotta Collette
TRANSPORTATION LEGISLATION)

WHEREAS, the governments of the Portland metropolitan region recognize the importance of investing strategically in public infrastructure, particularly transportation infrastructure, as a way to support private investment and economic recovery in these difficult economic times; and

WHEREAS, transportation investments that contribute to economic recovery also bring increased revenues to local and state governments, thereby helping to ease the crisis in public budgets; and

WHEREAS, our region has a track record of creatively financing forward-looking transportation investments that address the needs of both the present and the future, and of combining smart investment with policy innovations that support good jobs, livable communities and a sustainable environment; and

WHEREAS, the Columbia River Crossing represents the most important transportation investment in the Portland metropolitan region in a generation, providing benefits to the economy, the environment and the safety of the traveling public; and

WHEREAS, the Columbia River Crossing is poised to receive federal support once the states of Oregon and Washington have secured their share of the overall funding package for the project; and

WHEREAS, the Governor's Vision Committee, which in 2008 developed the framework that led to the passage of the landmark 2009 Jobs and Transportation Act, included in that framework a recommendation that the state identify a source of dedicated funding to support multimodal transportation investments that cannot be paid for with highway fund dollars; and

WHEREAS, subsequent efforts have advanced that recommendation by attempting to quantify the funding gaps for various non-roadway transportation modes and proposing potential institutional structures and funding sources to close those gaps; and

WHEREAS, a combination of careful planning and strategic investments supported by local, regional, state and federal resources has helped to make this region the economic engine of the state and an example to the nation; and

WHEREAS, in the face of today's challenges, we need to extend this tradition of leadership by pursuing supportive policy and funding proposals in the 2013 legislative session; now, therefore,

BE IT RESOLVED:

1. That the Metro Council and the Joint Policy Advisory Committee on Transportation (JPACT) adopt the following principles to guide the region's approach to transportation issues in the 2013 legislative session:
 - Jobs and Economic Recovery: The local governments of the Portland metropolitan are committed to partnering with others to support economic recovery through the creation and efficient operation of a robust transportation system.
 - Support Multimodal Investment: Oregon should build upon its lottery-backed program of investment in multimodal capital projects that support freight mobility and transit by identifying new, ongoing state funding that supports those projects as well as transit operations and pedestrian and bicycle facilities.

ATTACHMENT D - "Metro JPACT 2013 Regional Transportation Agenda" - Page 2

- Preserve and Expand Local Options: The transportation challenge will require innovative policy and new funding commitments at all levels of government, including additional local funding to repair and maintain existing transportation facilities. Accordingly, the Legislature should remove existing restrictions on local and regional revenue-raising authority; avoid enacting new limitations or pre-emptions; and explore new structures and authorities that give local governments the flexibility to build, operate and fund transportation systems that support prosperity, livability and sustainability.
2. That the Metro Council and JPACT endorse transportation funding and policy priorities for the 2013 legislative session as reflected in Exhibit A to this resolution.

ADOPTED by the Metro Council this _____ day of January, 2013.

Tom Hughes, Council President

Approved as to Form:

Alison Kean Campbell, Metro Attorney

2013 Regional Transportation Agenda:
Specific Recommendations

Columbia River Crossing – The Columbia River Crossing represents the most important transportation investment in the Portland metropolitan region in a generation, providing benefits to the economy, the environment and the safety of the traveling public. JPACT and the Metro Council urge the Legislature to commit the state's share of the project finance plan as follows:

- The funding approach must recognize the statewide importance of this project and not come at the expense of other projects in the region.
- The funding approach must reflect a commitment to build the full project, including road, bike, pedestrian and transit elements.
- Improvements intended to mitigate the impact of the project on local communities in the project area should not be deferred until an undefined and unfunded later phase of construction.
- Follow through on the creation of a Community Enhancement Fund.
- The funding package must not extend the current pre-emptions against local gas taxes or registration fees.

ConnectOregon V – Support a fifth round of *ConnectOregon* funding.

Non-roadway funding – Support the creation of a permanent funding stream for non-highway transportation.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 13-4402, FOR THE PURPOSE OF
ENDORING REGIONAL POLICY AND FUNDING PRIORITIES FOR 2013 STATE
TRANSPORTATION LEGISLATION

Date: December 6, 2012

Prepared by: Randy Tucker

BACKGROUND

In difficult economic times, strategic investment in public infrastructure, particularly transportation infrastructure, offers a way government can act to support private investment and economic recovery. An efficient and adequately funded transportation system is critical to ensuring a healthy economy and livable communities throughout our state. Moreover, transportation investments that create jobs and contribute to economic prosperity also bring increased revenues to local and state governments, thereby helping to ease the crisis in public budgets.

After years of stagnation in transportation funding, the investments supported by Oregon Transportation Investment Acts (OTIA) I, II and III (2001, 2002, and 2003), by the *ConnectOregon* I, II, III and IV packages (2005, 2007, 2009 and 2011), and by the Jobs and Transportation Act (JTA) in 2009 have created jobs, improved safety and helped Oregon respond to important economic opportunities. This is also true for legislative actions supporting capital investments in public transit and authorizing transit agencies to increase operations funding.

To be sure, funding shortfalls remain: a significant backlog of key modernization projects remains unfunded, local governments lack adequate revenues to maintain the existing system, and public transit systems continue to struggle to provide adequate service. Given the range of needs, there are many actions the Legislature can take to support an efficient, reliable, and sustainable transportation system.

However, there is an emerging consensus that the region's top priority for 2013 is to work with numerous partners to secure Oregon's share of funds to build the Columbia River Crossing (CRC). 2013 is a key window of opportunity for the CRC. Replacing the I-5 bridge over the Columbia is Governor Kitzhaber's top transportation priority and one of the top three overall priorities of the Oregon Business Plan. The project is poised to receive federal funding through New Starts and the TIFIA program, but only if Oregon and Washington commit their share of the overall finance package in the coming year.

Another emerging priority has to do with funding for non-highway transportation investments. Not only will a new round of ConnectOregon be proposed in 2013, but a statewide coalition that includes many of the organizations that lobby the Legislature on transportation issues is developing a proposal that could lead to ongoing funding for multimodal transportation, including funding for transit operations and bicycle and pedestrian investments not heretofore included in the ConnectOregon program. Both ConnectOregon V and the creation of a permanent non-highway funding stream have also been endorsed in the Oregon Business Plan.

Provisions of Resolution 13-4402: The resolution proposes three high-level principles to guide the region's participation in transportation discussions in 2013:

- Support jobs and economic recovery
- Support multimodal investment
- Preserve and expand local options (including revenue raising authority)

In service of these principles (the same general principles included in the 2011 JPACT agenda), Exhibit A includes specific recommendations. Attached to this staff report is an annotated version of Exhibit A that includes brief discussions of these recommendations.

Discussion: Metro and local government staff who developed this resolution initially presented a range of issues for discussion by the JPACT Finance Committee on October 23. JPACT members share an understanding of the challenging political, economic and budget environments at the state level. In that context, this agenda proposes to focus the region's strongest efforts on achieving a single top priority (financing for the CRC). Other priorities include defending past progress, maintaining existing local revenue authority and restoring authority that has been temporarily suspended, seeking additional local flexibility, and continuing our region's innovative approach to transportation system development in ways that support economic prosperity, livable communities, and environmental sustainability.

Issues to consider: See the attached annotated version of Exhibit A.

ANALYSIS/INFORMATION

1. **Known Opposition:** None (to this resolution). Opposition to individual recommendations could come from a variety of sources depending on the specifics of the recommendation. Given the challenging budget climate and the shortage of funding for most transportation needs, recommendations that require funding may generate opposition based on competition for funds.
2. **Legal Antecedents:**
 - Oregon Transportation Investment Acts I, II, and III (HB 2142, 2001; HB 4010, 2002; HB 2041, 2003).
 - ConnectOregon I, II, III and IV multimodal investment packages (SB 71, 2005; HB 2278, 2007; sections 8, 9, and 10 of HB 2001, 2009; HB 5036, 2011).
 - Oregon Jobs and Transportation Act (HB 2001, 2009).
 - Metro Council Resolution No. 04-3498, For the purpose of endorsing regional priorities for a state transportation funding package; Resolution No. 07-3764, For the purpose of endorsing regional priorities for state transportation funding legislation; Resolution No. 08-3921, For the purpose of endorsing regional priorities for state transportation funding legislation; Resolution No. 08-3956, For the purpose of endorsing regional priorities for state transportation funding legislation; Resolution 08-4003, For the purpose of endorsing final regional priorities for 2009 state transportation funding legislation; Resolution 11-4223, For the purpose of endorsing regional policy and funding priorities for 2011 state transportation legislation.
3. **Anticipated Effects:** The proposed resolution establishes policy guidelines for the region's advocacy efforts related to transportation in the 2013 Oregon Legislature.
4. **Budget Impacts:** No direct impacts. Local and regional governments will dedicate existing staff to advocacy.

RECOMMENDED ACTION

Staff recommends adoption of Resolution 13-4402.

2013 Regional Transportation Agenda:
Specific Recommendations

Columbia River Crossing – The Columbia River Crossing represents the most important transportation investment in the Portland metropolitan region in a generation, providing benefits to the economy, the environment and the safety of the traveling public. JPACT and the Metro Council urge the Legislature to commit the state's share of the project finance plan as follows:

- **The funding approach must recognize the statewide importance of this project and not come at the expense of other projects in the region.**

JPACT adopted this position in its 2011 legislative agenda. The funding plan for the CRC calls for a state contribution in the range of \$450 million, in addition to a regional contribution in the range of \$1-1.3 billion that would be funded by tolls. (Other contributions are expected from the state of Washington and from the federal government). The language of Exhibit A reflects a regional understanding that the benefits of this investment accrue to the whole state; thus the state's contribution should not come at the expense of other transportation projects in the region any more than it should come at the expense of other projects around the state. Past transportation funding approaches have reflected this understanding in different contexts:

- *The earmarked projects in the Jobs and Transportation Act (2009) were not considered part of the formula allocation of new revenues to local jurisdictions around the state.*
- *OTIA III (2003) allocated \$1.3 billion to ODOT bridge repair statewide and \$300 million to city/county bridge repair; this money was "taken off the top" without regard to the location of the bridges that were repaired and without otherwise affecting the formula for distribution of city and county highway fund dollars.*
- *The 2007 Legislature reserved \$56 million to assist counties suffering from the loss of timber payments; this money, distributed in 2008, came out of the ODOT share of the highway trust fund and did not come at the expense of other funding allocations to cities and counties.*
- *There is a longstanding practice of allotting funds to small cities and small counties off the top of the city/county and ODOT shares of highway fund dollars without affecting the underlying city and county allocations.*

The legislative oversight committee has articulated its interest in treating the CRC as a statewide priority, and no one has publicly advocated a state funding approach that disadvantages this region. However, concerns remain that legislators from other areas of the state might push for such an approach.

- **The funding approach must reflect a commitment to build the full project, including road, bike, pedestrian and transit elements.**

While this is not really at issue, certain parties continue to raise concerns about specific elements of the project (e.g., light rail, tolls). The full multimodal project is necessary to obtain federal funds, maintain the broadest possible public support and address the project's Purpose and Need.

- **Improvements intended to mitigate the impact of the project on local communities in the project area should not be deferred until an undefined and unfunded later phase of construction.**

The project's tentative phasing proposal would defer until a second phase certain improvements in the immediate vicinity of the bridge that are intended to address the impact of the facility on the local Hayden Island community. If these improvements are left out of the project's first phase, there is no guarantee that they will ever be built. The community is proposing an alternative that reduces the footprint of the interchanges and eliminates the need for a second phase, thereby saving significant cost while still meeting the project's Purpose and Need.

➤ **Follow through on the creation of a Community Enhancement Fund.**

The CRC has committed to the development of a Community Enhancement Fund to address the impacts on the local community of I-5 south of the bridge, which divides the community it passes through. This commitment responds to a condition of approval that was adopted by JPACT and the Metro Council in Resolution 08-3960B and further endorsed in Resolutions 11-4264 and 11-4288.

➤ **The funding package must not extend the current pre-emptions against local gas taxes or registration fees.**

ConnectOregon V – Support a fifth round of ConnectOregon funding.

- *Each of the first three rounds of Connect Oregon utilized \$100 million in lottery-backed bonds to support air, marine, rail and public transit projects; ConnectOregon IV was reduced to \$40 million. The Governor's recommended budget includes \$60 million for ConnectOregon V.*

Non-roadway funding – Support the creation of a permanent funding stream for non-highway transportation.

- *Building on the recommendation of the 2008 Governor's Vision Committee, the work of the 2011/12 Non-Roadway Transportation Funding Work Group, and the success of ConnectOregon, a broad range of parties who are active in the Legislature on transportation issues is developing a proposal for an ongoing (as opposed to session-by-session) program for investing in non-highway transportation. This program would divide its investments evenly between moving freight (air, rail, marine) and moving people (transit, passenger rail, bicycle, pedestrian). Unlike ConnectOregon, it would not be limited to capital investments, but could be used for operations as well (e.g., public transit). The importance of establishing a reliable source of funding for non-highway modes is heightened by the passage in 2011 of HB 3672, which phases out the use of the Business Energy Tax Credit for transportation in steps over a four-year period. The Oregon Business Plan calls on the state to "take steps to create a permanent non-highway funding stream" as one of its 2013 Jobs Initiatives.*

Oregon TECH

Why Oregon Tech Matters for Oregonians:

- **Oregon Tech graduates get jobs.**
[90% graduate success rate within 6 mos.; average starting salary ~ \$56K]
- **Oregon Tech delivers high-quality, nationally recognized Science, Technology, Engineering & Math (STEM) degrees in high-demand fields.** [31 of 34 are STEM degrees]
- **Oregon Tech gets high return on investment (ROI) for state and student dollars.**
[1st in starting salaries in Oregon; 1st in mid-career salaries in Oregon; 38th nationally in starting salaries and top 15% in mid-career salaries (out of 1058 US colleges and universities) -PayScale.com]

What can legislators do during the 2013 Legislative Session to help Oregon Tech continue to deliver results for Oregonians?



1. Authorize \$10M in F Bonds to complete finance package for Oregon Tech Wilsonville

F-Bond funding will allow Oregon Tech to execute the purchase of the Wilsonville Campus as soon as possible, lowering overall financing cost. Debt service on the F Bonds will be generated through tuition and other revenue. We need F-Bond financing due to two factors:

- Sale of Oregon Tech's share of the former Harmony campus to Clackamas Community College, which is part of our purchase budget, has been delayed. We are currently seeking potential buyers, and will utilize the proceeds of the sale to pay off debt on the Wilsonville Campus.
- Without F-Bonds, Oregon Tech will have to make larger payments over a shorter period of time to the OUS internal bank, leading to reduced operating flexibility for OUS and Oregon Tech, higher tuition costs for Oregon Tech students, and ultimately to diminished capacity to help achieve 40-40-20 in Oregon.

The Wilsonville campus will allow Oregon Tech to double the number of graduates at the urban campus, contributing to the 40-40-20 goal, and raise awareness about the reputation and value of Oregon Tech degrees to benefit all campus locations. Production of additional STEM-degree graduates will fill a critical void in the Oregon workforce and stimulate Oregon's economy.

Let's do the math: Average graduates/year at new campus ~ 200 x 90% (have jobs within 6 months) x ~\$56,000/year (average salary) = \$10,080,000 in annual taxable income.

This request is currently included in the Governor's Balanced Budget.

2. Support Adequate Higher Education

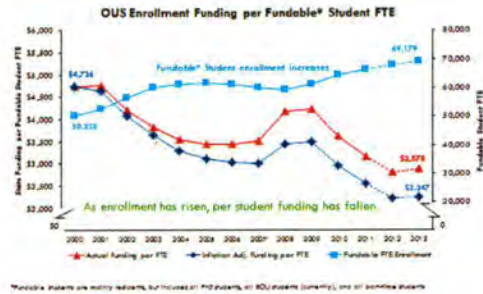
Budget

The primary way to control tuition is with adequate state support that reduces direct cost to Oregon students. The OUS received 16.9% of the total Oregon general fund in the 1987-89 biennium. In 2009-11, it received 5.8%. OUS is currently ranked 45th out of 50 states in state funding per FTE, and needs an increase in the amount of state funds per student in both General & Education funding and Oregon Opportunity Grants/need-based aid. **The Governor's budget includes \$737M for OUS G&E funds and \$123M for Oregon Opportunity Grants,**

approximately 10% less than the amount needed to retain service levels without tuition increases.

We're Realistic...

State funding per fundable* FTE



3. Reinstate Sports Lottery Funding for Scholar-Athletes at Small Universities

The Governor's proposed budget will eliminate sports lottery funding that provides scholarships for university athletics. **Oregon Tech will lose approximately \$300K, which is >14% of our total athletics budget, if the budget is passed without this investment.** The loss of funds will affect 50–80 students, reduce Oregon Tech's ability to recruit top scholar-athletes (average GPA in sports programs is 3.1 – STEM majors), potentially eliminate several sports programs, and affect both men's and women's sports. This budget reduction will have an especially major impact on small, rural universities.

4. Support STEM Partnership Investments: We put the "T" in STEM.



The legislature can increase ROI [Return on Investment] for state education dollars by focusing investments in science, technology, engineering, and math academic programs that help Oregonians find high-wage jobs. **Oregon Tech is seeking support for its STEM Partnership programs, through strategic initiatives to form STEM Hubs/Centers/Partnerships in regions around the state.** With state support, Oregon Tech could offer more advanced transferrable college credits to HS students and increase mentorship, project-based curriculum, and teaching support for High School teachers.

All of the outcomes noted below decrease time to degree, which results in lower cost per degree and increased accessibility for all Oregonians.

Outcomes include:

- 14,000 additional college credits for Oregon students awarded in STEM fields through Project Lead the Way (PLTW) exam or dual-credit options over four years—more than double Oregon Tech's current capacity. Cost of credits to students is approximately \$227,000 (\$25/credit or free for low-income students; tuition value of advanced credits for students is ~ \$2,128,000)
- 50 reverse-transfer degrees awarded
- 40 additional teachers eligible to offer college dual credit for their high-school courses

OREGON TECH = JOBS * STEM * ROI

2013 ODOT Legislative Agenda

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HB 2260 - Interstate 5 Bridge Replacement Program (CRC)

Authorizes the commission to enter into agreements with the State of Washington or its toll authority to establish, adjust and collect tolls for the Interstate 5 bridge replacement program. Authorizes Oregon's enforcement of the tolls, short term borrowing and the issuance of revenue bonds, general obligation bonds or a combination of revenue bonds and general obligation bonds to finance the project.

HB 2261 - Clarification of Provisional Licensing Law

Clarifies that the restrictions placed on the provisional license issued to a teen driver are lifted on the driver's 18th birthday. Current law restricts a teen driver's license during the first year of driving experience. Legislative history clearly indicates that the restrictions were to last one year, or age 18, whichever comes first. The law has been applied inconsistently to 18 year-olds by some law enforcement and courts.

HB 2262 - Federal Commercial Drivers License Compliance

Makes a number of changes in Oregon's Commercial Driver License (CDL) statutes to comply with federal regulations. Among other changes, the concept adds Commercial Learner Permits to the state CDL program.

HB 2263 - Business Regulation Fee Increase

Increases fees paid by auto dealers, dismantlers and related business certifications to maintain current services provided to vehicle-related businesses by the DMV Business Regulations Section. Enables DMV Business Regulations to continue enforcing laws as required by statute to protect consumers.

HB 2264 - Teen Driver Ed Expansion

Amends the teen driver education program statutes to get more teens into the program. Offers incentives to teens and their parents to participate in the course, creates adaptive strategies for under-served areas of the state, and holds driver ed providers accountable in a more effective way.

HB 2265 - Repeal 2013 Sunset for Work Zone Photo Radar Pilot

Removes the sunset making ODOT's pilot work zone photo radar program permanent. Also allows law enforcement to use this safety tool on interstates (currently not allowed) and when workers are not on site (currently only when workers are present).

January 2013

Other important concepts

LC 2732 - Reallocation of JTA Funds (Senate Business & Transportation)

Reallocates the JTA funds per the Oregon Transportation Commission's recommendation: \$10 million from the Interstate 5 at Beltline Highway project in Eugene to the Interstate 5 at State Highway 214 Interchange project in Woodburn. Both projects will be fully funded. Also about \$1.3 million is reallocated from two completed projects in Baker County to the county. This bill needs to pass by March in order for the Woodburn project to meet its construction schedule.

LC 2847 - *ConnectOregon V* (Senate Business & Transportation)

The *ConnectOregon V* concept authorizes the issuance of lottery-backed bonds for investment in non-highway transportation infrastructure statewide, including rail, marine, aviation and transit, during the 2013-15 biennium. The amount of the *ConnectOregon V* bond authorization will be determined during development of the Governor's Recommended Budget for 2013-15, which includes \$60 million from lottery-back bonds and general fund certificates of participation. The Legislature approved the issuance of \$100 million in lottery bonds in 2005, 2007 and 2009 and \$40 million in lottery bonds in 2011.

LC 266 - Road User Charge (Road User Fee Task Force & Rep. Berger)

The Road User Fee Task Force is developing the concept to charge the owners and operators of electric vehicles, plug-in hybrid vehicles and other vehicles with greater than 55 mpg or equivalent for road use based on the number of miles driven.

LC 2847 *ConnectOregon V*

Agency:
ODOT

Subject:
ConnectOregon V

Contact:
Betsy Imholt
503-986-3444

Background

ConnectOregon is a lottery-backed bond initiative to invest in air, rail, marine and transit infrastructure to promote economic development and livability in Oregon. Public and private investments in transportation infrastructure create jobs and help foster economic development by facilitating the movement of goods and people with a safe and efficient transportation system.

The 2005 Legislature created the *ConnectOregon* program and approved \$100 million of state lottery bond proceeds to fund it. The legislature approved additional \$100 million bond authorizations in 2007 and 2009 and a \$40 million bond authorization in 2011.

What the bill does

ConnectOregon V proposes a 2013 investment in Oregon's multimodal transportation system to create jobs and further economic development in Oregon. It will build on the success of the preceding *ConnectOregon* grants and loans and will continue to improve the flow of commerce, remove delays and improve safety. *ConnectOregon V* investments will improve the condition and efficiency of Oregon's diverse multimodal transportation system.

This concept will authorize the issuance of lottery-backed bonds for investment in non-highway transportation infrastructure statewide, including rail, marine, aviation and transit, during the 2013-15 biennium. The Governor's Recommended Budget for 2013-15 includes \$60 million for *ConnectOregon V*. The concept diversifies transportation funding to include investments in non-highway modes.

As in past *ConnectOregon* programs, *ConnectOregon V* applicants will submit project proposals that demonstrate the transportation benefits, the jobs created or maintained, project readiness, and the required match money. Modal experts review proposals to prioritize modal impacts; regional officials review proposals to prioritize impacts within the region. Each of the Department of Transportation's five geographic regions is guaranteed a minimum portion of the funding.

READY TO GROW?



Map Graphic by Epitheo Studios



Oregon Business Plan Policy Playbook for 2013

OREGON BUSINESS PLAN STEERING COMMITTEE

- John D. Carter, *Chair*, Schnitzer Steel Industries
- Eric Blackledge, At-large Member, Blackledge Furniture
- Samuel Brooks, Oregon Association of Minority Entrepreneurs, S. Brooks & Associates
- Nick Blosser, Oregon Business Association, Celilo Group Media
- Justin Delaney, At-large Member, The Standard
- Matt Donegan, State Board of Higher Education, Forest Capital Partners
- Patrick Egan, Oregon Transportation Commission, Pacific Power
- Dwayne Johnson, Oregon Small Business Advisory Council, Globe Three Ventures
- Randy Miller, At-large Member, Produce Row Property Management
- John Morgan, Oregon Innovation Council, Avamere Family of Companies
- Neil Nelson, Associated Oregon Industries, Siltronic
- Greg Ness, Greater Portland Inc., The Standard
- Wally Van Valkenburg, Oregon Business Development Commission, Stoel Rives
- Malia Wasson, Oregon Business Council, US Bank – Oregon
- Brett Wilcox, At-large Member, Summit Power Alternatives

Ex-Officio Members

- Paul Barnum, Oregon Forest Resources Institute
- Jon Chandler, Oregon Home Builders Association
- Jay Clemens, Associated Oregon Industries
- Ryan Deckert, Oregon Business Association
- Ron Fox, Southern Oregon Regional Economic Development, Inc.
- Tim McCabe, Oregon Business Development Department
- Steve McCoid, Oregon Restaurant and Lodging Association
- Sandra McDonough, Portland Business Alliance
- Mike Salsgiver, Associated General Contractors
- Duncan Wyse, Oregon Business Council

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ARE WE READY TO GROW AGAIN?

Fix PERS. Invest wisely in education. Build the bridge.

Among important initiatives in health care, public finance, forestry, and others, these are critical and especially ripe for action in the Oregon Business Plan for 2013. They're also a measure of our will to address the question on the cover of this Policy Playbook: Are we ready to take action on these and other initiatives to get the Oregon economy moving again in the right direction? Are we ready to grow?

The need could not be more apparent. State unemployment hovers at 8.6 percent, and it's much higher in rural regions. Our per capita income is stuck 9 points below the national average and it's lower in rural Oregon.

In our income tax-heavy revenue system, when employment and income tax receipts shrink, so do public budgets for education, safety, and other services. Compounding the problem, public costs are rising in health care, social services, and corrections – and in unsustainable benefit arrangements in the Public Employees Retirement System (PERS). These costs further squeeze budgets for vital public services – especially education.

The solution is to grow more jobs that pay well and to get the best return for public dollars.

Getting Back on Track

That has been the focus of the Oregon Business Plan since it began in 2002. This effort has accelerated the past two years through a mix of initiatives to create jobs and redesign the way we deliver public services. These initiatives, all in various stages of work, are summarized in the matrices on pages 6 and 7 and presented in greater detail at the Oregon Business Plan website, www.oregonbusinessplan.org.

As described below in these pages, Business Plan initiatives are intended to improve the conditions for economic success in Oregon, in particular well educated people, quality of life, functional infrastructure, competitive business costs, and innovation. Many of these initiatives are long-term, but some of them also serve as interventions intended either to spur job growth in particular industries or regions, or to stop the damaging slide in our ability to invest in education. Page 3 describes how particular initiatives to stimulate job and income growth

and to boost public sector productivity are intended to raise more money to invest in education.

All of the Business Plan initiatives for 2013 are important, but these are the most urgent:

PERS. We must make further repairs to PERS retirement provisions that are unfunded, unsustainable, and a threat to public budgets that fund essential services from education to law enforcement to the social safety net.

Education. We have a once-in-a-generation opportunity to redesign public education so it produces better outcomes for both our students and our economy. Our education system evolved to suit the needs of another era and can't be fixed by money alone or simply "trying harder." It needs to be redesigned. We've started that process and must stay the course.

The Bridge. We've spun our wheels long enough on the Columbia River Crossing project. The old bridge is a bottleneck to commerce and economic growth. If we don't act soon, we'll lose out on federal funding and may not have another chance for decades to address this need.

**Fix PERS.
Invest Wisely in Education.
Build the Bridge.**

A Word of Thanks To Our Public Leaders

As we reach our tenth year of working together on the Oregon Business Plan and the Leadership Summit, business leaders wish to acknowledge and thank our public sector leaders for being such great partners. No other state approaches this level of public-private collaboration to solve problems and build a durable economic future.

Together, we have been especially successful in advancing regional job creation and significant overhaul of public services, especially in education and health care. These efforts are vital to support and grow businesses and good paying jobs – and to improve the lives of Oregonians.

To all of our elected officials and to our agency partners, we extend a heartfelt thanks.

OREGON BUSINESS PLAN FRAMEWORK

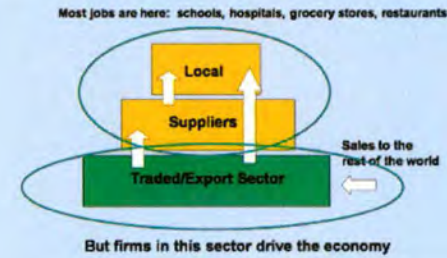
Goal: Quality Jobs in Every Region of Oregon, resulting in:

- 25,000 net new jobs per year (Oregon has been shy of that mark.)
- Per capita income above the national average by 2020 (It is now 91 percent of national average.)
- Reduction of Oregonians living in poverty to less than 10 percent by 2020 (It is now 14 percent.)

Vision: Clusters of Innovative, Sustainable, Globally Competitive Industries

Traded-sector businesses drive the Oregon economy. They export products and services outside of Oregon, bringing in fresh dollars that re-circulate through payrolls, employee spending in the local economy, purchases from vendors, and tax revenues that fund critical public services like education. Industries that sell globally are both big and small. In fact, 88 percent of businesses considered "traded-sector" are small. These industries tend to cluster based on access to shared resources, talent, suppliers, and other factors. They are as diverse as metals, machinery, semiconductors, software, tourism, footwear and apparel, renewable energy technologies, and green building design. Some of Oregon's key traded-sector industry clusters are listed below.

Traded Sector Drives Growth



Advanced Manufacturing

- Metals (Primary and Secondary)
- Machinery + Transportation Equip.
- Food Processing
- Defense

Natural Resources

- Forestry and Wood Products
- Agriculture Products
- Wine/Winemaking
- Beer/Brewing
- Nursery Products
- Tourism and Hospitality
- Heavy Lift Helicopters

Clean Technology

- Green Building and Design
- Energy Efficiency
- Solar Manufacturing
- Wind Energy Development
- Wave Energy Development
- Environmental Technology, Services.
- Electric Vehicles + Green Transportation

High Tech

- Computer and Electronics Equipment
- Software
- Education Technology + Services
- Biotechnology

Footwear, Apparel and Outdoor Gear

Creative Industries

Strategy: Conditions Critical for Success: 4Ps for Prosperity

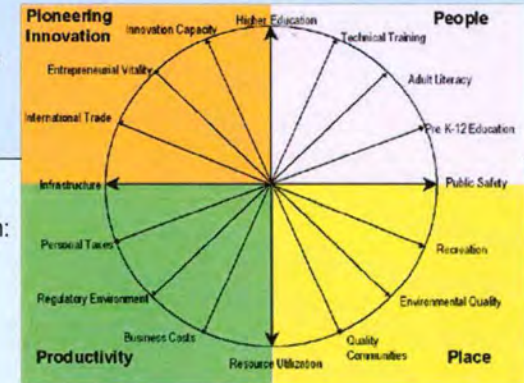
Representatives from key industry clusters report the following conditions are essential to promote high-wage job growth in Oregon:

People: A talented workforce.

Productivity: Quality infrastructure, resource utilization, competitive regulations and business costs.

Place: A high quality of life that attracts and retains talented people.

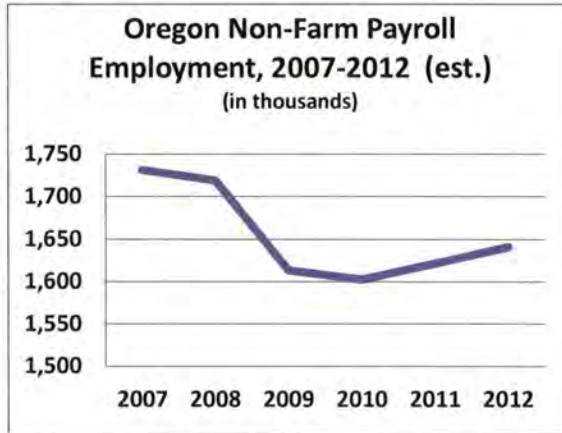
Pioneering Innovation: A culture of research, commercialization and innovation in product and process design.



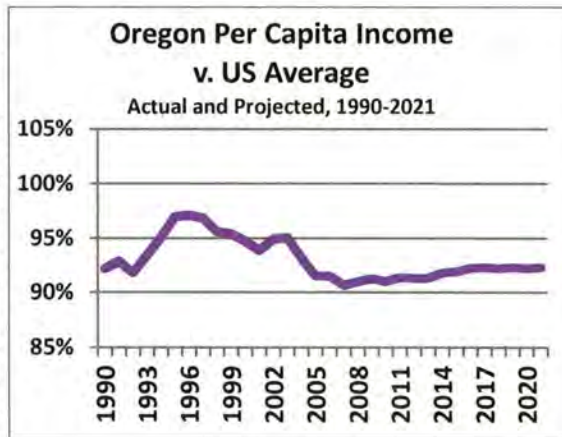
Initiatives: Using this framework the Business Plan presents a set of initiatives that support the vision and strategy. The initiatives change over time as conditions evolve and opportunities arise. Using the vision and strategy as a guide, a key role for the Business Plan is to help identify the work that is most timely and important given current circumstances. To set the agenda, the Business Plan Steering Committee consults with business, community, and elected leaders throughout the state.

HOW IS OREGON DOING?

Oregon is digging out. Five years since the beginning of the Great Recession, hiring is on the rise, although, as the figure below indicates, it's been slow to return to pre-recession levels. Household balance sheets have had time to improve. The U.S. housing and consumer markets have stabilized and appear poised for growth. That's welcome news for our forest products and residential construction industries. The state economist sees job growth accelerating in 2013. Assuming global economic conditions or our national fiscal challenges don't worsen, Oregon's conditions should favor steady gains through end of the decade.



Even with improving economic conditions, creating jobs is hard work. The part that's even harder is creating well-paying jobs that raise per capita income, reduce poverty, lower dependence on public services, and provide additional resources for critical investments in education. As illustrated above, Oregon's per capita income declined from the mid 1990s through 2007 when it represented only 91 percent of the U.S. average. It has grown slowly since then, and the state forecasts only a modest improvement – to 92 percent – by 2021.



That's not acceptable. The Business Plan has set related goals of creating good jobs to elevate Oregon to U.S. average per capita income by 2020 and reducing the poverty rate to 10 percent. Achieving these outcomes is vital to Oregon's future.

OUR CHALLENGE AND STRATEGY

The Oregon Business Plan framework on the previous page shows a vital connection between the public sector and the health of our economy. Many of the conditions described in the Four Ps for prosperity are influenced by the quality of public services. We have described this relationship as a "circle of prosperity" in which a strong economy and good public services dynamically benefit one another (see figure at right).

Oregon enjoyed a vigorous circle of prosperity up through the mid 1990s, but in the first decade of this century we fell out of balance and into a circle of scarcity characterized by per capita income well below the national average and far below Washington.



Our system of public finance is primarily to blame. Heavy reliance on income taxes creates a revenue system that is volatile. In downturns revenue receipts drop, requiring cuts in public services, including education just when it is in the greatest demand. That's one of the ways our reductions in postsecondary education spending over this past decade have undermined our economic prospects. Moreover, high personal income taxes and capital gains taxes dampen economic activity by encouraging entrepreneurs, investors, and professionals to live elsewhere. Add to this a large, unfunded pension system that is further devouring education budgets. These factors are a toxic mix.

Our ambivalence about economic growth and business is also a problem. During recessions and high unemployment, the public and elected officials generally support economic growth. However during good times, anti-growth sentiments often well up. The fact is, investments need to be made in the good times to help carry the community forward in more difficult periods.

Getting Oregon Back on Track

Two years ago, we reorganized the Oregon Business Plan's initiatives with the intent to restart the circle of prosperity for Oregon. The figure below illustrates the plan. First, pursue an aggressive jobs agenda. This offers ideas in nine categories, ranging from permit streamlining to better use of our forest and water resources. These actions on jobs also give a boost to public sector revenues. As we create more jobs, more tax revenues come in for schools and other vital services.



The second part of the restart plan is to redesign public services and the way we pay for them to get more value from the dollars we invest. In particular we must address two looming trends: 1) arrest the growth in Medicaid and corrections spending, which commands an ever larger share of the state budget at the expense of education, and 2) address the growing costs of employee compensation associated with health care and with with the state's Public Employees Retirement System (PERS).

This restart plan is aimed at putting more dollars into education and increasing learning quality and degree attainment. Better education outcomes will raise incomes and reduce poverty as the economy grows, returning Oregon to a circle of prosperity.

Over the past two years, Oregon has made notable headway with this strategy, as the initiative matrices on pages 6 and 7 illustrate. Oregon policy makers have rolled up their sleeves and addressed some of Ore-

gon's most pressing challenges in education, health care, and job creation. Yet, hard work remains.

AGENDA FOR 2013 AND BEYOND

All of the initiatives itemized in the matrices that follow are important. But three are urgent because they have strategic leverage and because there's a small window of opportunity to address them. In a nutshell, they are:

Fix PERS.

Invest Wisely in Education.

Build the Bridge.

1. **Fix PERS.** All of the savings generated by Oregon's efforts in public service redesign could be swamped by our growing public employee pension liabilities. The PERS board has determined that it must increase PERS employer contributions by 45 percent, or \$2 billion, during the 2013-2015 biennium to address an unfunded liability of \$16 billion. The system's actuaries predict that even higher contribution rates will persist for the foreseeable future unless the system is reformed.

Oregon's ongoing problems with its pension system are rooted in complex, poorly understood plan designs, successive increases in benefits beyond what was originally intended or needed for adequate retirement, and inherently volatile capital markets. Problems and the range of possible solutions are well documented and will not be repeated here¹. Background is available at the Oregon Business Plan website.

There are numerous reform options. In choosing among them, the following principles should be applied:

- **Fairness to public employees.** Affected beneficiaries should have an adequate retirement income for a given level of public service. Experts generally agree that an adequate retirement benchmark is 70 to 80 percent of final average salary, inclusive of Social Security income. Today PERS members with 30 years of service retire, on average, with between 95 and 124 percent of final average salary when taking into account base retirement, IAP, and Social Security.

¹ See, for example, Milliman (2012), City Club of Portland (2011), Pew Center on the States (2012), ECONorthwest (2007)

- **Sustainability.** The reform should reflect best actuarial practices and support the plan's long-term viability.
- **Fairness to the public.** Chosen reforms should meaningfully reduce the system's unfunded liability and provide fiscal relief in the 2013-2015 biennium

The reforms advocated in the Business Plan are consistent with these principles and would save hundreds of millions of dollars during the next biennium and beyond, translating into more teachers, full school years, and other improvements to public services.

2. Invest Wisely in Education. Oregon has embarked on a far-reaching effort to redesign the way we deliver education. With Governor Kitzhaber's leadership, the Legislature has set ambitious goals to increase postsecondary education attainment, and it has authorized sweeping redesign in state governance and budgeting to support great teaching and learning – and better outcomes.

The strategy aims to avert a disturbing trend. High school and college completion rates show that a quarter to half of our students are not sufficiently motivated or able to stay in school, and younger cohorts are on a trend to achieve less education than the generation now leaving the workforce.

Oregon has an enormous opportunity to revamp education delivery, focus on students rather than institutions, and steer funding to degrees and achievement rather than enrollments.

Our current system was not designed to meet our ambitious attainment goals. We need a new model so our education system can respond to individual needs of a changing student population. Students must be engaged in learning that is personalized, customized, and flexible in pace and setting. Focus must shift from seat time and standardized assessments, to demonstrated proficiency of knowledge and skills. Such a shift in teaching and learning shows tremendous promise, but it requires a substantial investment in structures, policies and cultures to flourish at scale.

The agenda presented for education in the policy matrix will advance over the next few years. For the immediate benefit of the economy, two components stand out: STEM and higher education.

STEM. Business leaders have formed a coalition to advocate ambitious attainment goals for education in science, technology, engineering, and math (STEM). The coalition recommends that the Governor and the Oregon Education Investment Board adopt funding strategies and policies to advance these goals in the 2013-15 budget. Achieving these goals will meet industry needs for technically trained people – engineers, scientists, and technicians, as well as aspirants in the health occupations. The graphic at right shows the coalition's goals will make a big difference in raising the incomes of Oregonians.

**By the Numbers,
STEM Investment in Oregon:**

2X student proficiency

+

2X postsecondary graduates

=

- *\$9 billion more personal income*
- *\$1.4 billion more public revenue*
- *\$389 million more General Fund revenue*
- *62% reduction in per capita income gap*

Higher Education. Oregon has reduced funding for community colleges and universities over the past decade even in the face of higher demand. We must channel more dollars into advanced education as the economy grows. How we invest matters. Oregon should develop a framework for all postsecondary education that coordinates funding for community colleges, universities, and student aid in one place. It also should provide greater flexibility to universities that want self-governance, allowing them to be more nimble in responding to opportunities and raising funds from a variety of public and private sources.

3. Build the Bridge. After a decade of studies and deliberation, it is time to build a new I-5 bridge across the Columbia River. The Oregon Business Plan supports the Columbia River Crossing as well as the larger state transportation agenda of which it is a part. Free flow of people, goods, and services is vital to the Portland region and state economy. The old bridge is a chokepoint that hurts commerce in particular by impeding freight.

Federal officials have indicated the CRC project is a high funding priority. The Legislature should commit to funding Oregon's share of the CRC project to secure the federal government's project investments in anticipation of a 2013-2014 construction start date.

HIGHLIGHTS: OREGON BUSINESS PLAN PUBLIC SERVICE REDESIGN INITIATIVES – 2013						
Initiative and Goal	Reform the state budget process to transparently align investments with long-term goals and desired outcomes	Redesign Oregon's education system to ensure that by 2025, all Oregonians have a high school diploma, 40% at least a bachelor's degree and 40% at least an associate's degree or technical credential	Redesign Oregon's health care system to improve the health of Oregonians while stabilizing costs for individuals, businesses, and the public sector	Reform Oregon's public safety system, in particular curbing prison growth, by investing in proven, effective, and affordable methods of reducing crime.	Reform public employee compensation to address unsustainable growth in costs while ensuring competitive compensation for public employees	Reform Oregon's revenue system to create stable and adequate funding for public services and effective incentives for economic growth
Indicators of Success	<ul style="list-style-type: none"> See desired outcomes for each of the <u>six key policy areas</u> in the Governor's budget 	Achievement at ages 5,9, and 13; diploma/degree attainment at 18 and 25, as tracked by the Oregon Education Investment Board	<ul style="list-style-type: none"> Medicaid cost growth 2%/year under projected cost trend Private insurance costs growing at rate of general inflation 	<ul style="list-style-type: none"> Projected prison growth and associated costs averted by stabilized or reduced crime and recidivism rates 	<ul style="list-style-type: none"> Total cost of compensation in line with other states and private sector PERS fully funded and employer rates reduced 	<ul style="list-style-type: none"> Revenue stability Increased investments in education Competitive tax rates
Recent Progress	<ul style="list-style-type: none"> Governor's 2013-2015 budget built using new outcome-based methods and purchasing teams 	<ul style="list-style-type: none"> Legislature passed <u>major bills</u> in 2011 and 2012 <u>Rudy Crew</u> hired as Chief Education Officer Oregon received NCLB waiver 	<ul style="list-style-type: none"> Legislature created Coordinated Care Organizations (CCOs) and health insurance exchange ("Cover Oregon"). Oregon landed \$1.9 billion from the federal government to support reform efforts More than a dozen CCOs are up and running 	<ul style="list-style-type: none"> Bi-partisan, cross-sector <u>Commission on Public Safety</u> has been developing reform ideas <u>Pew</u> Center for the States providing technical assistance Crime rates are down and <u>polling</u> shows support for reform 	<ul style="list-style-type: none"> Significant attention drawn to PERS crisis by media and politicians PSU completed Total Cost of Public Sector Compensation study 	<ul style="list-style-type: none"> Governor has convened business and labor groups to consider common agenda on revenue reform
Next Steps	<ul style="list-style-type: none"> Build support among legislators for new process. Work with Ways and Means to base decisions off 10-yr projections of expenditures and revenues Identify lessons learned and improvements for next cycle 	<ul style="list-style-type: none"> Make five key investments to support 1) educators 2) parents 3) new school models 4) third grade reading and 5) STEM Overhaul funding models for early childhood, ESDs, special education, ELL and postsecondary education to promote innovation and flexibility. Reorganize state education agencies to help them fulfill core functions 1) investing and policy 2) building clear learning pathways 3) creating great educators and 4) communicating with public Grant autonomy to U of O and PSU, and move post-secondary funding policy responsibility to a single state board 	<ul style="list-style-type: none"> Continue to launch and support CCOs Get ready to launch Cover Oregon Adopt medical malpractice/patient safety reform Patch 2013 gaps in Oregon Health Plan financing and develop a long-term financing plan Mitigate market shock of Affordable Care Act Encourage public and private employers to adopt purchasing, care and benefit models that encourage choice among providers, promote wellness, and incent high quality, lower cost care 	<ul style="list-style-type: none"> Adopt package of public safety reforms that the Commission submits to the Governor and Legislature in December 2012. Avoid the need to bond for and build more prison beds in the biennium 	<p><u>PERS</u></p> <ul style="list-style-type: none"> Use market rate to annuitize Money Match Cap the COLA Eliminate 6% requirement Reduce pension spiking Reduce assumed rate Fix the tax remedy <p><u>Health Care</u></p> <ul style="list-style-type: none"> Continue progress in stabilizing PEBB/OEBB rates through fixed dollar defined contribution and ongoing efforts to implement new care models, value-based benefit design, and improved health <p><u>Overall</u></p> <ul style="list-style-type: none"> Align total cost of comp with other states and the private sector 	<ul style="list-style-type: none"> Form coalition to examine options and engage the public on revenue reform ideas Draft a proposal for consideration by legislators and voters

To see any of these initiatives in greater detail, visit www.oregonbusinessplan.org

HIGHLIGHTS: OREGON BUSINESS PLAN JOBS INITIATIVES – 2013									
Initiative and Goal	Transportation Infrastructure: Create jobs today and in the long-run by improving our transportation infrastructure and access to markets	Innovation: Boost research, commercialization, new business formation, & productivity of existing companies	Capital Access: Ensure Oregon companies have access to debt and equity financing to fuel their growth	Regulation & Permitting: Increase certainty for business by adopting clear, consistent regulations and permitting processes	Industrial Land Supply and Readiness: Ensure Oregon has an adequate supply of right-sized, market-ready industrial land	Forest Health + Biomass: Improve forest health and rural economies while preventing fire through active forest management	Energy: Maintain Oregon's competitive advantage in energy costs while creating jobs and slowing carbon emissions	Workforce: Employ targeted strategies to close the gap between skills Oregonians have and skills employers need	Water: Secure additional water for fish and farms in the Umatilla Basin
Recent Progress	<ul style="list-style-type: none"> 2009 Jobs and Transportation Act invested \$1 billion in transportation improvements including 37 critical projects statewide Connect Oregon I-IV funded critical non-road multi-modal transportation initiatives that will improve the flow of commerce and remove delays 	<p>2011-2013 Oregon Innovation Plan invested in three signature research centers (ONAMI, BEST and OTRADI) and three industry initiatives (wave energy (OWET), food processing, and electric vehicles (Drive Oregon))</p>	<ul style="list-style-type: none"> Legislature passed Oregon Investment Act OCF, Meyer Trust and OST released analysis of "capital gaps" in Oregon and foundations have launched some initiatives to address them The Portland Seed Fund and regional angel networks have played an increasingly important role in addressing this issue 	<ul style="list-style-type: none"> Regulatory Streamlining Roadmap delivered to Governor in August 2012 after extensive statewide outreach. Some legislative gains made recently on linear permitting, industrial lands, and wetlands. Several streamlining pilot projects under way 	<ul style="list-style-type: none"> Report that framed industrial lands challenges and opportunities in Portland region Central Oregon agreed on plan to bring in new industrial land Stakeholder group has identified a streamlined process for future UGB expansions SORED! 50 year land supply agreement 	<ul style="list-style-type: none"> Oregon received millions in federal grants for biomass projects and forest collaboratives New economic study shows significant benefits of restoring federal forests O&C lands panel convened Governor signed executive order supporting wood products 	<ul style="list-style-type: none"> Oregon has maintained its energy cost advantage while reducing growth in carbon emissions and creating jobs in the energy sector 	<ul style="list-style-type: none"> Over 17,000 National Career Readiness Certificates (NCRC) were issued as of June 30, 2012 1,100 Oregonians hired as of June 30 via Back to Work(BTW) Oregon 	<ul style="list-style-type: none"> 2012 legislation drew needed attention to this issue In April Governor Kitzhaber announced an <u>Oregon Solutions project</u> to increase access to water for farmers and for in-stream needs
Next steps	<ul style="list-style-type: none"> Adopt an investment package that includes Oregon's share of funding for the I-5 bridge replacement Pass Connect Oregon V multi-modal bonding program at least the level included in the Governor's budget Take steps to create a permanent non-highway funding stream Move forward innovative infrastructure financing models such as the West Coast Infrastructure Exchange and the Community Investment Initiative 	<p>The Legislature should adopt the 2013-15 Oregon Innovation Plan, continuing funding for ONAMI, OTRADI, BEST, OWET and Drive Oregon, and adding two new initiatives: An Unmanned Aerial Systems (UAS) Center of Excellence and a Portland Incubator Experiment/Oregon Film initiative</p>	<ul style="list-style-type: none"> The Legislature should adopt the Oregon Growth Board's forthcoming proposal. The proposal should create and fund the Oregon Growth Fund (name TBD). The Fund should adopt a portfolio approach to investment that captures early stage, venture stage and later stage investments. The Fund should include new tools to leverage private investment and grow Oregon's private investment infrastructure 	<p>Implement the Regulatory Streamlining Roadmap. In particular:</p> <ul style="list-style-type: none"> Adopt consistent management systems within and across state agencies Create permitting ombudsman function inside Regional Solutions. Advance pilot projects identified in the Roadmap Launch awards program to recognize efficient and effective cities and counties Improvements to land use appeals process Eliminate overlapping regulations across levels of government 	<ul style="list-style-type: none"> Secure state funding for inventories and due diligence Partially forgivable state loan program for preparation of traded sector industrial sites Streamline UGB expansion process based on stakeholder group recommendations 	<ul style="list-style-type: none"> Accelerate forest restoration activities on east side federal forests Agree on and implement an O&C solution Increase wildfire initial attack capacity Promote the innovative use of wood products Implement new state biomass strategy Promote sustainable harvests on state forests 	<ul style="list-style-type: none"> Further streamline energy facility and transmission siting to get projects off the ground while capital costs are low. Focus on energy efficiency and vehicle fleet conversion as the most effective ways to reduce emissions Continue to protect Oregon's competitive advantage in energy costs 	<ul style="list-style-type: none"> Achieve 100K NCRCs and >24 counties certified as career ready by 2016 Create STEM investment council and identify funding to double STEM graduates by 2025 Continue recent investments in high school career and technical education Double the number of people served by Back-to-Work Oregon on-the-job training program for 2013-15 Further align Oregon's federal workforce investments to meet industry needs 	<ul style="list-style-type: none"> Develop both in the short and long term additional capacity for storing Columbia River water during winter months for later use during irrigation and fish migration seasons Using water more efficiently and more productively Develop a stronger interstate approach to Columbia River water

To see any of these initiatives in greater detail, visit www.oregonbusinessplan.org

THE OREGON BUSINESS PLAN THANKS THE FOLLOWING SPONSORS



Portland General Electric



INDUSTRIAL SITE READINESS

Concepts for 2013 Legislation

The need:

- Large industrial employers are often seeking sites on quick timelines tied to their manufacturing cycles and are unwilling to commit to sites with significant constraints or uncertainties. The availability of large market-ready industrial sites is thus a key asset for areas hoping to expand or attract traded-sector jobs.
- Yet many regions of the state lack an adequate supply of such sites. Even when sites are zoned, planned and designated for future industrial jobs, significant investments may be required to make them market ready. These investments may include due diligence and capital investments for transportation, sewer, water, brownfield cleanup, wetland mitigation and site aggregation.
- Many property owners and jurisdictions are unable to afford these investments, or are unwilling to incur significant up-front costs without some level of risk-sharing.
- A recent study on industrial land site readiness in the Portland metropolitan region underscores these points. The study was commissioned by NAIOP (the Commercial Real Estate Association), the Portland Business Alliance, the Port of Portland, Metro and Business Oregon.
- The Oregon Economic Development Association and other economic development districts echo these concerns for other regions across the state.

The opportunity:

- Potential economic benefits from successful traded-sector development (direct and indirect jobs, income and property tax revenues) are significant.
- Growth in income tax revenues would make the state's general fund the largest beneficiary from an increase in traded-sector industrial jobs. In many cases, the state's potential benefit exceeds the cost of addressing the constraints that are preventing a site from being ready for employers to use.

The solution:

State assistance to reduce the cost and risk to property owners and local jurisdictions of making large-lot industrial sites market-ready.

Concepts for 2013 legislation:

- **Due diligence grants:** Make available a limited pool of grants for eligible projects to conduct necessary investigations to better understand constraints on large industrial sites and reduce risk and uncertainty about site preparation costs needed to attract private capital. A portion of the grant funds may also be used to assist regions in conducting an inventory and readiness assessment of large industrial sites in their area.

(over)

- **Direct site preparation assistance:** Provide forgivable loans and/or low or no interest loans to local governments and property owners to underwrite a portion of the costs of site preparation, subject to specified eligibility criteria (e.g., site investment plan, "but for" evaluation, new traded-sector jobs to Oregon, wage premium). Loans would be partially forgiven based on realized state income tax gains from successful traded-sector investment in the site.

Return on Investment, 10 Case Study Sites

Market viability gap* for case study sites (20-year cost at 5% annual interest)	\$192 M
State's 50% share of market viability gap†	\$96 M
Return on investment	
• Net increase in state income tax revenue over 20 years (direct jobs only)†	\$622 M
• Net increase in state income tax revenue over 20 years (direct and indirect jobs)†	\$2.1 B
• Net increase in property tax over 20 years†	\$90 M
• Direct jobs	11,000
• Average annual wage	\$100,000+

(Source: Regional Industrial Site Readiness Report, August 2012. The report examined 12 case study sites, but two of the sites did not have a market viability gap.)

* * The market viability gap is the difference between the future market value of the site and the total investment needed to make the site market ready, including site acquisition costs, on- and off-site infrastructure and mitigation costs, soft costs, risk and time costs.

† These net investment and tax generation numbers assume the state and local jurisdictions will each be responsible for 50% of the market viability gap.

For more information:

www.valueofjobs.com/land_study_2012/ls_land_readiness.html

www.oregonmetro.gov/sitereadiness

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LC 1304
2013 Regular Session
10/2/12 (BLS/ps)

D R A F T

SUMMARY

Requires Oregon Business Development Department to establish and administer Oregon Industrial Site Readiness Program to make loans to qualified project sponsors for development of certified state and regionally significant industrial sites. Allows department to forgive portions of loans where project sponsor contracts with eligible employer. Limits loan forgiveness to lesser of percentage of eligible site preparation costs or estimated incremental income tax revenues.

Establishes Oregon Industrial Site Readiness Program Fund. Continuously appropriates moneys in fund to Oregon Business Development Department.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1

2 Relating to the Oregon Industrial Site Readiness Program; appropriating
3 money; and prescribing an effective date.

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

5 **SECTION 1. The Legislative Assembly finds that:**

6 **(1) Traded sector industries are the foundation of state and regional**
7 **economic development strategies for long-term prosperity and job**
8 **creation.**

9 **(2) Industrial development that provides new traded sector jobs re-**
10 **inforces the economies of local and regional communities and con-**
11 **tributes to the economic recovery of the State of Oregon.**

12 **(3) There is a shortage of market-ready state and regional industrial**
13 **sites in this state. Project sponsors have limited financial tools to fa-**
14 **cilitate development of significant and complex industrial sites that**
15 **are appropriate for traded sector industrial use.**

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in boldfaced type.

1 (4) Public assistance is necessary to overcome development-related
2 constraints and to incentivize industrial site development in this state.

3 (5) The State of Oregon has a significant interest in the success of
4 state and regional economic development strategies and is the primary
5 beneficiary from increased income tax revenues generated by such
6 economic development. These revenues should be shared and invested
7 in facilitating significant site development for traded sector industrial
8 use in this state.

9 SECTION 2. As used in sections 1 to 5 of this 2013 Act:

10 (1) "Compensation" has the meaning given that term in ORS
11 314.610.

12 (2) "Eligible employer" means an employer that:

13 (a) Has entered into a contract with a project sponsor to conduct
14 a business in the traded sector industry on a state and regionally sig-
15 nificant industrial site; and

16 (b) Has hired one or more full-time employees who are residents of
17 this state and whose compensation averages at least the county or
18 state average in annual per employee compensation, whichever is less.

19 (3) "Estimated incremental income tax revenues" means the Oregon
20 personal income tax revenues that are estimated pursuant to section
21 4 of this 2013 Act to be substantially equivalent to the amount of tax
22 that employees of an eligible employer who are hired after the eligible
23 employer enters into a contract with a qualified project sponsor to
24 conduct a traded sector business on a certified state and regionally
25 significant industrial site will be required to pay under ORS chapter
26 316 as a result of compensation paid to the employees by the eligible
27 employer in the tax years beginning with the tax year following the
28 fifth tax year in which a project sponsor was qualified under section
29 3 of this 2013 Act.

30 (4) "Project sponsor" means a public or private owner of a state and
31 regionally significant industrial site that is investing in preparation

1 of the site for industrial and traded sector development either for the
2 owner's use or for use by a third party.

3 (5) "State and regionally significant industrial site" means a site
4 certified for inclusion in the Oregon Industrial Site Readiness Program
5 under section 3 of this 2013 Act.

6 (6) "Traded sector" has the meaning given that term in ORS
7 285A.010.

8 SECTION 3. (1) In consultation with the Department of Revenue,
9 the Oregon Business Development Department shall establish and ad-
10 minister the Oregon Industrial Site Readiness Program. The purpose
11 of the program is to provide loans, including forgivable loans, to
12 qualified project sponsors to allow for the development of state and
13 regionally significant industrial sites certified under this section.

14 (2)(a) Subject to standards and procedures that the Oregon Business
15 Development Department shall establish by rule, the department shall
16 certify state and regionally significant industrial sites for inclusion in
17 the readiness program.

18 (b) A state and regionally significant industrial site certified under
19 this section must be a large industrial site that is zoned and planned
20 for industrial or traded sector use and that is either:

21 (A) A site of 25 net acres or greater in a metropolitan statistical
22 area as defined in ORS 267.010; or

23 (B) A site of 15 net acres or greater in a rural area as defined in
24 ORS 285A.010.

25 (3) A project sponsor may apply to participate in the readiness
26 program by submitting an application and development plan in writing
27 in a form prescribed by the department by rule.

28 (4) The department shall establish by rule criteria and standards for
29 the qualification of project sponsors to participate in the program.

30 (5)(a) Upon qualification of a project sponsor under this section, the
31 department may enter into a loan agreement with the project sponsor

1 under terms and conditions specified and required by the department.

2 (b) The agreement may specify that a portion of the loan may be
3 forgiven if the project sponsor enters into a contract with an eligible
4 employer to conduct a business in the traded sector industry on a state
5 and regionally significant industrial site within five years after the
6 project sponsor was qualified under this section.

7 (c) The total amount of the loan forgiveness that may be allowed
8 under paragraph (b) of this subsection is the lesser of:

9 (A) 50 percent of the total cost of eligible site preparation costs; or

10 (B) 50 percent of the amount of the estimated incremental income
11 tax revenues for the eligible employer.

12 (6) The department shall establish, by rule, eligible site preparation
13 costs including, but not limited to, some or all of the following:

14 (a) Acquisition and assembly costs associated with creating large
15 development parcels.

16 (b) Transportation improvements such as access roads, inter-
17 sections, turning lanes, signals, sidewalks, curbs, transit stops and
18 storm drains.

19 (c) Water and sewer infrastructure.

20 (d) Natural resource mitigation.

21 (e) Site grading activities.

22 (f) Environmental remediation and mitigation activities to address
23 brownfields issues in accordance with state and federally approved re-
24 mediation plans.

25 (g) Planning, engineering and administrative costs associated with
26 applying for necessary local, state and federal permits.

27 (h) Interest-carrying costs incurred by a project sponsor for bor-
28 rowing undertaken to develop a state and regionally significant in-
29 dustrial site, not to exceed 20 percent of the total amount forgiven, if
30 any, under subsection (5) of this section.

31 SECTION 4. The Director of the Oregon Business Development De-

1 partment, in consultation with the Director of the Department of
2 Revenue, shall:

3 (1) Specify the methodology for estimating incremental income tax
4 revenues; and

5 (2) Estimate incremental income tax revenues.

6 **SECTION 5.** The Oregon Industrial Site Readiness Program Fund
7 is established in the State Treasury, separate and distinct from the
8 General Fund. The Oregon Industrial Site Readiness Program Fund
9 consists of amounts deposited in the fund and other moneys trans-
10 ferred to the fund. Amounts in the fund are continuously appropriated
11 to the Oregon Business Development Department for the purposes of
12 making the loans under section 3 of this 2013 Act and paying the costs
13 and expenses of the Oregon Business Development Department in
14 connection with the implementation and administration of sections 1
15 to 5 of this 2013 Act.

16 **SECTION 6.** The Oregon Business Development Department shall
17 report to the committees of the Legislative Assembly with authority
18 over the subject area of economic development during the 2015 regular
19 session of the Legislative Assembly as specified in ORS 171.010.

20 **SECTION 7.** This 2013 Act takes effect on the 91st day after the date
21 on which the 2013 regular session of the Seventy-seventh Legislative
22 Assembly adjourns sine die.

23

LC 2203
2013 Regular Session
11/14/12 (BLS/ps)

D R A F T

SUMMARY

Requires Oregon Business Development Department to establish and administer Oregon Industrial Site Readiness Program providing grants to perform due diligence assessments of large industrial sites, to create detailed development plans to make large industrial sites market-ready and to conduct regional industrial site inventories.

Establishes Oregon Industrial Site Readiness Program Fund. Continuously appropriates moneys in fund to Oregon Business Development Department.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1

2 Relating to development of large industrial sites; appropriating money; and
3 declaring an emergency.

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

5 **SECTION 1. The Legislative Assembly finds that:**

6 **(1) A competitive supply of market-ready large industrial sites is**
7 **critical to the expansion and recruitment of traded sector industries**
8 **in this state.**

9 **(2) Traded sector industries are the foundation of state and regional**
10 **economic development strategies for long-term prosperity and job**
11 **creation.**

12 **(3) There is a shortage of market-ready large industrial sites in this**
13 **state and limited financial tools and developers available to facilitate**
14 **the development of large industrial sites in this state.**

15 **(4) Financial assistance is required to facilitate the determination**
16 **of necessary actions, costs and development-related constraints in-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **involved in ensuring the availability of a competitive supply of market-**
2 **ready large industrial sites suitable for traded sector development in**
3 **this state.**

4 **SECTION 2. As used in sections 1 to 4 of this 2013 Act:**

5 (1) **"Due diligence assessment" means an assessment of the actions,**
6 **costs and timeframes involved in bringing large industrial sites to**
7 **market-ready status, including but not limited to wetland delineation,**
8 **geotechnical investigation, environmental assessment and traffic**
9 **analysis.**

10 (2) **"Economic development district" means one of the following:**

11 (a) **The Affiliated Tribes of Northwest Indians Economic Develop-**
12 **ment Corporation, serving tribal members of the Burns-Paiute Tribe,**
13 **the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians,**
14 **the Confederated Tribes of Grand Ronde, the Confederated Tribes of**
15 **Siletz Indians, the Confederated Tribes of the Umatilla Indian Reser-**
16 **vation, the Confederated Tribes of the Warm Springs Reservation of**
17 **Oregon, the Coquille Indian Tribe, the Cow Creek Band of Umpqua**
18 **Tribe of Indians and the Klamath Tribes.**

19 (b) **The Cascades West Economic Development District, serving**
20 **Benton, Lane, Lincoln and Linn Counties.**

21 (c) **The Columbia-Pacific Economic Development District, serving**
22 **Clatsop, Columbia and Tillamook Counties and western Washington**
23 **County.**

24 (d) **The CCD Business Development Corporation, serving Coos,**
25 **Curry and Douglas Counties.**

26 (e) **The Greater Eastern Oregon Development Corporation, serving**
27 **Gilliam, Grant, Morrow, Umatilla, Wheeler, Harney and Malheur**
28 **Counties.**

29 (f) **The Central Oregon Intergovernmental Council, serving Crook,**
30 **Deschutes and Jefferson Counties.**

31 (g) **The Mid-Columbia Economic Development District, serving**

1 Hood River, Wasco and Sherman Counties.

2 (h) The Mid-Willamette Valley Council of Governments, serving
3 Marion, Polk and Yamhill Counties.

4 (i) The South Central Oregon Economic Development District,
5 serving Lake and Klamath Counties.

6 (j) The Northeast Oregon Economic Development District serving
7 Baker, Union and Wallowa Counties.

8 (k) Southern Oregon Regional Economic Development, Inc., serving
9 Jackson and Josephine Counties.

10 (L) Greater Portland, Inc.—Portland-Vancouver Economic Devel-
11 opment District, serving Multnomah, Clackamas and Washington
12 Counties.

13 (3) "Industrial use" has the meaning given that term in ORS 197.722.

14 (4) "Large industrial site" means:

15 (a) A site of 25 acres or greater in a metropolitan statistical area
16 as defined in ORS 267.010; or

17 (b) A site of 15 net acres or greater in a rural area, as defined in
18 ORS 285A.010, that is zoned and planned for industrial use.

19 (5) "Local government" has the meaning given that term in ORS
20 197.015.

21 (6) "Market-ready site" means a large industrial site that has been
22 issued all appropriate and necessary building permits.

23 (7) "Region" means an economic development district, a port dis-
24 trict as defined in ORS 285A.666 or an area within the jurisdiction of
25 a local government.

26 (8) "Regional industrial land inventory" means an inventory of
27 large industrial sites in a region that identifies development-related
28 constraints and opportunities to develop large industrial sites and that
29 rates the sites based on market-ready status.

30 (9) "Traded sector" has the meaning given that term in ORS
31 285A.010.

1 (10) "Willing property owner" means a public or private property
2 owner that is committed to bringing a large industrial site to a state
3 of market-readiness and pursuing development of the site for indus-
4 trial and traded sector purposes.

5 **SECTION 3.** (1) The Oregon Business Development Department
6 shall establish and administer the Oregon Industrial Site Readiness
7 Program. The purpose of the program is to provide grants on a com-
8 petitive basis, as funds are available, to:

9 (a) Public or private individuals or entities to, with respect to large
10 industrial sites, perform due diligence assessments, define
11 development-related constraints and create detailed development plans
12 to bring the site to a state of market-readiness; and

13 (b) Public or private entities acting on behalf of regions for the
14 purposes of performing regional industrial land inventories and prior-
15 itizing sites for further due diligence assessment and site preparation
16 assistance.

17 (2) In each fiscal year of a biennium:

18 (a) Eighty percent of all moneys available for making grants under
19 this section is reserved for grants to be made pursuant to subsection
20 (1)(a) of this section; and

21 (b) Twenty percent of all moneys available for making grants under
22 this section is reserved for grants to be made pursuant to subsection
23 (1)(b) of this section.

24 (3) The department may prioritize grants to be made under this
25 section based on established targets for regional allocations.

26 (4) Public or private individuals or entities may apply to participate
27 in the program by submitting an application in writing in a form pre-
28 scribed by the department by rule.

29 (5) The department shall establish by rule criteria and standards for
30 successful applicants under the program. At a minimum, the applicant
31 must demonstrate that:

1 (a) For grants made under subsection (1)(a) of this section:

2 (A) The applicant has obtained a willing property owner;

3 (B) The applicant has received the support of the region in which
4 the large industrial site is located, or the large industrial site is lo-
5 cated in an area that has been designated a regionally significant in-
6 dustrial area as defined in ORS 197.722 in accordance with ORS 197.722
7 to 197.728;

8 (C) The large industrial site is suitable for traded sector develop-
9 ment;

10 (D) The large industrial site is not currently market-ready and has
11 not been certified by the department as ready for development within
12 six months or less as of the date on which the application is submitted;
13 and

14 (E) The applicant can provide matching funds in an amount to be
15 determined by the department.

16 (b) For grants made under subsection (1)(b) of this section:

17 (A) The applicant is committed and has the ability to perform re-
18 gional industrial land inventories for a specific region;

19 (B) Is committed and has the ability to prioritize large industrial
20 sites in a region for due diligence assessment and site preparation
21 funding; and

22 (C) The applicant can provide matching funds in an amount to be
23 determined by the department.

24 (6) Grants made under subsection (1)(a) of this section may not
25 exceed \$100,000 per site. Grants made under subsection (1)(b) of this
26 section may not exceed \$50,000 per region.

27 **SECTION 4.** The Oregon Industrial Site Readiness Program Fund
28 is established in the State Treasury, separate and distinct from the
29 General Fund. The Oregon Industrial Site Readiness Program Fund
30 consists of amounts deposited in the fund and other moneys trans-
31 ferred to the fund. Amounts in the fund are continuously appropriated

1 to the Oregon Business Development Department for the purposes of
2 making grants under section 3 of this 2013 Act and to implement and
3 administer sections 1 to 4 of this 2013 Act.

4 SECTION 5. The Legislative Assembly finds that the implementa-
5 tion and administration of the Oregon Industrial Site Readiness Pro-
6 gram under sections 1 to 4 of this 2013 Act will further economic
7 development by facilitating the development of large industrial sites
8 that are market-ready in this state.

9 SECTION 6. There is allocated for the biennium beginning July 1,
10 2013, from the Administrative Services Economic Development Fund,
11 to the Oregon Business Development Department, the amount of
12 \$_____ for the purposes of section 3 of this 2013 Act.

13 SECTION 7. The Oregon Business Development Department shall
14 report on the Oregon Industrial Site Readiness Program to the com-
15 mittees of the Seventy-eighth Legislative Assembly with authority
16 over the subject area of economic development during the 2015 regular
17 session.

18 SECTION 8. This 2013 Act being necessary for the immediate pres-
19 ervation of the public peace, health and safety, an emergency is de-
20 clared to exist, and this 2013 Act takes effect on its passage.

21

ORDINANCE NO. 713

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING WILSONVILLE CODE CHAPTER 5, SECTION 5.210, PROHIBITED PARKING OR STANDING.

WHEREAS, Wilsonville Code Section 5.200 prohibits the storage of motor vehicles or other property on the street for a period in excess of seventy-two (72) hours, without moving at least three vehicle lengths away; and

WHEREAS, Wilsonville Code Section 5.210(a) further prohibits the parking of motor trucks with a gross vehicle weight of more than 8,000 pounds, trailers, travel trailers or mobile coaches on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front of or adjacent to a residence, motel, apartment, hotel or other sleeping accommodation; and

WHEREAS, the Council has received citizen testimony that Section 5.210(2) of the Wilsonville Code fails to accommodate events and arrivals and the unloading or loading the next day, and the Council believes the health and welfare of the citizenry is better served for Section 5.210(2) to be amended to accommodate this circumstance;

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

Section 1. Wilsonville Code Chapter 5, Section 5.210, Prohibited Parking or Standing, subsection (2) shall be amended to read as follows:

5.210 Prohibited Parking or Standing. In addition to the state motor vehicle laws, the following regulations regarding parking or standing of vehicles apply:

* * *

~~(2). No motor truck with a gross vehicle weight of more than 8,000 pounds, and trailers, travel trailers and mobile coaches as defined in Section 4.001 of the code, shall be parked on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel or other sleeping accommodation, unless otherwise specifically adopted by action of the City Council.~~

(2). No motor truck with a gross vehicle weight of more than 8,000 pounds, truck trailer, motor bus, or recreational vehicle, or utility trailer shall be parked on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front of or adjacent to a residence, motel, apartment, hotel or other sleeping accommodation, except

(a). as may otherwise be specifically adopted by action of the City Council, or

(b). to accommodate the loading/unloading of property belonging to the occupants of or performing a service on the adjacent residence.

SUBMITTED to the Wilsonville City Council and read for the first time at a special meeting thereof on the 24th day of January, 2013, and scheduled for a second reading at a regular meeting of the Council on the 4th day of February, 2013, commencing at the hour of 7 P.M. at the Wilsonville Community Center.

Sandra C. King, MMC, City Recorder

DATED and signed by the Mayor this ____ day of February, 2013.

TIM KNAPP, Mayor

SUMMARY OF VOTES:

Mayor Knapp ____

Council President Starr ____

Councilor Goddard ____

Councilor Fitzgerald ____

Councilor Stevens ____

COMMUNITY DEVELOPMENT DEPARTMENT

JANUARY 2013

FROM THE DIRECTOR'S OFFICE

Happy New Year! The department seemed a little quieter over the holidays, but you will see that a lot of progress and work has resulted since our last monthly report.

The **Building Division** is about ready to issue temporary certificates of occupancy for several new developments, including our own City Fleet Building and the Community Clubhouse at Villebois.

The **Engineering Division** is making steady progress on the Morey's Landing and Rivergreen environmental permitting with a summer 2013 construction timeline in mind. The effort to pre-consolidate by preloading the soils in the reconstruction area of Boeckman Road is resulting in a slower rate of settlement than hoped. Impacts on the schedule are not clear just yet, but we will be carefully reviewing this information and updating the City Council as needed. Plan sets are in the review process for three different developments in Villebois. Construction inspection continues for the public infrastructure for the Brenchley single family homes.

The **Planning Division** is busy reviewing land use applications for three new Villebois developments. We are also immersed in or kicking off several long range planning endeavors, including the TSP, our Goal 10 Housing Needs analysis, and obtaining funding from Metro for Frog Pond and Advance Road concept planning.

As a department, we are developing our proposed 2013-2014 budget for next year's operating program and capital projects. It is very interesting for me to learn the details of the budget.



Congratulations to the department for the Honorable Mention Engineering Excellence Award announced this week by the American Council of Engineering Companies (ACEC), Oregon Chapter. And congratulations also to the Planning Division for obtaining a Transportation and Growth Management (TGM) grant to create innovative code for industrial development, particularly tailored for our Coffee Creek industrial area but transferable to other areas and communities.

Stay warm and dry and enjoy the slightly longer days!

Nancy Kraushaar, PE

COMMUNITY DEVELOPMENT DEPARTMENT

JANUARY 2013

BUILDING DIVISION

Major Developments under construction:

- * Bell Tower - Almost complete for Temp. C of O
- * Brenchley Estates Phase 1 North - Multi-family
- * City Fleet Building - Temp. C of O issued and move-in beginning Thursday, January 24.
- * Copper Creek Subdivisions
- * Cross Creek Single Family
- * DW Fritz - Phase II almost complete for Temp. C of O
- * Villebois Community Clubhouse
- * TVFR Building
- * Villebois Single Family
- * Wastewater Treatment Plant



TVFR

ENGINEERING DIVISION

CAPITAL PROJECT UPDATE

Kinsman Transmission Main Phase 3b (1055): 75% design package is under review. Final IGA negotiations with Sherwood are in progress.

I-5/ Wilsonville Road Interchange (4002): The project won an Honorable Mention for an Engineering Excellence Award through the American Council of Engineering Companies, Oregon Chapter.

Boeckman Road Reconstruction (4177): Settlement is being monitored and continues to progress slower than anticipated by the geotechnical engineer. Staff will be reviewing possible options.

Rivergreen Storm Outfall (7012): The 30% design plans have been completed and a permit application will be submitted this month to Army Corps of Engineers, National Marine Fisheries Service, and Oregon Department of State Lands for required project permits.

Morey's Landing Storm Channel (7044): The 30% design plans have been completed and a permit application will be submitted this month to Army Corps of Engineers, National Marine Fisheries Service, and Oregon Department of State Lands for required project permits.

Combined Sewer Projects: A model of specific aspects of the sewer system is being refined to determine available capacity and the amount necessary for future development, as well as the costs of improvement options.

COMMUNITY DEVELOPMENT DEPARTMENT

JANUARY 2013



WWTP DBO (2082): Waste Water Treatment Plant DBO: Sludge hauling to the City of Salem, that began on December 5th, continues with five tankers per day (center-left of photo). Other construction remains on schedule and on budget.



The Parkway Ave. Boeckman Rd.
Traffic Signal Improvements

ENGINEERING DIVISION

PRIVATE DEVELOPMENT UPDATE

Villebois North PDP 1 Phase 1 – Polygon NW: This is Tonquin Woods 2, an 82-lot subdivision on the west side of Villebois; need to install street lights and finish paperwork.

Villebois North PDP 1 Phase 2 – Polygon NW: This is Tonquin Woods 3. Plans have been submitted for a 60-lot subdivision located adjacent to Grahams Ferry Road. It includes the final extension of Barber Street connecting to Grahams Ferry Road. It is combined with the Grahams Ferry Road Phase 2 project that will construct Grahams Ferry Road northward through a planned roundabout with Barber Street. Construction is expected to occur summer 2013.

Piazza at Villebois: Second review of Public Construction plans is underway. Anticipated permit issuance is mid-February.

Grahams Ferry Road Phase 2: First plan review is underway. Comments to be sent back to Engineer the week of January 1, 2013.

Brenchley 30 Single Family Homes: Work is being completed on the public improvements with only paving remaining.

COMMUNITY DEVELOPMENT DEPARTMENT

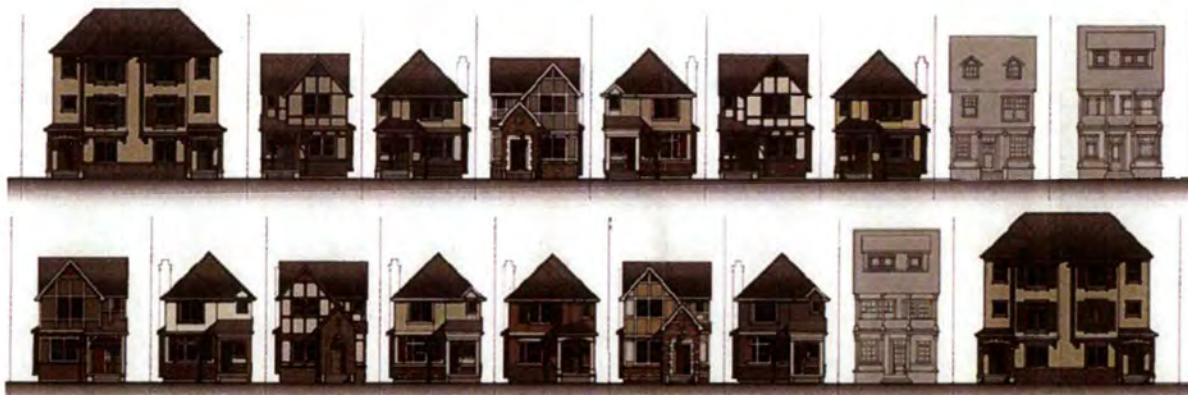
JANUARY 2013

PLANNING DIVISION, CURRENT

1. Les Bois Row Homes and Duplexes; Costa Pacific Homes, LLC - Owner and Polygon NW Company have submitted a site development application for a revised Final Development Plan (architecture and landscaping) to build the remaining 17 lots (13 row houses and 4 duplexes) along Barber Street in Villebois Central. Case File DB12-0083.



Les Bois Row Homes Site Development Plan



COMMUNITY DEVELOPMENT DEPARTMENT

JANUARY 2013

2. Costa Circle West Properties; Costa Pacific Homes, LLC - Owner and Polygon NW Company - Applicants have submitted a site development application for a Preliminary Development Plan Refinement and Amendment to SAP Central #2, Final Development Plan and Tentative Subdivision Re-plat for a 13-lot detached row house development. Case Files DB12-0080 through DB12-0082.



Costa Circle West Site Plan



Toulouse Street Site Plan

3. Toulouse Street Row Homes; Costa Pacific Homes, LLC - Owner and Polygon NW Company - Applicants have submitted a site development application for a Preliminary Development Plan Refinement and Amendment to SAP Central #1, Final Development Plan and Tentative Subdivision Re-plat (Lots 8 - 11) for a 4-lot detached row house development. Case Files DB12-0077 through DB12-0079.

COMMUNITY DEVELOPMENT DEPARTMENT

JANUARY 2013

PLANNING DIVISION, LONG RANGE

Transportation System Plan Update: The consulting team has provided Staff with the first draft of the TSP document in preparation for a Technical Advisory Committee (TAC) and Planning Commission work session in February. The public review of the draft document will continue through the spring with work sessions before the Planning Commission in preparation for public hearings before the Planning Commission City Council in May/June of this year.

Statewide Planning Goal 10: A Request for Proposals (RFP) was sent out to the consulting community at the beginning of January to assist the city with conducting a Statewide Planning Goal 10 Housing Needs analysis. This project is necessary to satisfy DLCD periodic review requirements and is needed to determine if the city has a 20-year supply of buildable residential land consistent with state law. Completion of this work will set the stage for future concept planning for the Frog Pond area and regional UGB discussions.

Frog Pond CET Grant: Last week, City Staff attended a Construction Excise Tax (CET) pre-application meeting at Metro in preparation to submit an application for funding concept planning of the Frog Pond and Advance Road areas. The grants are due in March, with final approvals of funding packages being awarded in June.

TGM Form Based Code: The City has been awarded a Code Assistance grant from DLCD's Transportation and Growth Management (TGM) Program to create an industrial development Form Based Code and associated pattern book that would be designed to apply to future development in the Coffee Creek Industrial area. This work will take approximately 12-14 months to complete and will include a strong public involvement component. The State sees this as an innovative project that could be transferable to other communities.

Planning Commission: The next Planning Commission meeting is February 13th, 6:00 PM City Council Chambers. Tentative topics include work sessions on the draft TSP document and a discussion on the March ballot measure.

WILSONVILLE PUBLIC WORKS DEPARTMENT

City Council Report, January 22, 2013

PARK MAINTENANCE

Playground Safety

We are refocusing our efforts in regards to maintaining safe playgrounds. As a result, you will soon be seeing various new safety signs in the playground areas to increase awareness. Also, behind the scenes, we are adding additional emphasis to our regular maintenance, inspections and recordkeeping. These efforts will help to keep the City's playgrounds not only attractive and usable, but safe.



Engelman Park

This newly constructed park is now truly complete. Recently, electricity has been connected allowing automatic operation of the irrigation system and the final piece, an interpretive sign was placed. The sign describes the story of Engelman Park.

If you have not done so, please visit this increasingly popular new addition to our City's park system.



Roads and Infrastructure

Roads Equipment and Supply on the Move

With Fleet moving into their new building on Boberg Road, the Roads division has had to move all of our equipment and supplies from the old building on Elligsen Road. I just want to thank Scott and the Fleet crew for letting us use part of the Fleet building to store our equipment. Unfortunately, right now the Roads division doesn't have a home to call our own. Being the resourceful group we are, we are overcoming and adapting to this situation by storing our equipment and supplies at three different locations around town. Recognizing that this is not the most efficient way to do business, Public Works is in the process of looking for a new site to call home.

Inclement Weather

With the new year underway, we will continue to encounter more inclement weather (fog, ice, freezing rain). With that in mind, the Public Works crews are out looking for trouble spots around town that may need to be sanded. All equipment has been tested, the sanding rock is stock piled and we are ready to go!



Facility Maintenance

Dishwasher Dilemma

The facilities department has been busily working in a joint effort with the community center staff to replace the commercial dishwasher. The dishwasher was originally installed in 1985 and has had many repairs and modifications made to it in order to meet the health codes of a high enough temperature to effectively disinfect the dishes. Replacement of the unit's booster heating coils was considered to minimize costs but it was determined that a better option was to not only replace the relic dishwasher but to the opportunity to repair water damage in the wall located behind the existing unit, replace corroded piping, update the electrical system and install stainless steel sheathing behind the unit to reduce the chance of any further water damage. Kudos go to maintenance staffers, Ivan Crumrine and Sean Byrne, along with various contractors for a job well done.

Burn Moss, Burn!

You may have seen a person walking along the building grounds with a propane tank and a weed burner torch and wondered what he was doing. Well, that was Robb Rollins, Senior Utility Worker who has been exploring other means to effectively control moss without the use of chemical application. In parking areas moss can build up and become a slip hazard and in some cases, the moss becomes so thick that it prevents proper drainage of the area. Staff is exploring moss burning as a unique way to reduce pedestrian slip hazards while also protecting our storm water runoff from additional chemicals. The moss burning seems to be effective at this juncture but the jury is still out.



Patio Pathway

The stone pathway that leads from the City Hall patio to the Thriftway parking lot has now been replaced with a poured in place concrete pathway. The stone pavers were originally placed in an attempt to consolidate foot traffic from people randomly walking through the surrounding landscape. Though the stone pavers were attractive, there were worries of the uneven surfaces of the stone being a trip hazard. In acknowledging the popularity of the pathway, staff decided to it was time to make the pathway safer and more permanent.



Milwaukee Council Considers Green Streets Policy

By Adelaide Chen | Posted: Wednesday, January 23, 2013 4:11 pm

Still reeling from back-to-back flash floods in 2010, the city of Milwaukee is hoping green infrastructure will prevent its multi-billion-dollar "Deep Tunnel" system from being overwhelmed again.

To lessen the impact of heavy rain on its sewer system, the city of Milwaukee is in the process of adopting a green streets policy, adding landscaping and engineering features to capture, hold and clean stormwater – a more cost-effective alternative to expanding its underground infrastructure.

The proposed policy is being reviewed by the city's public works committee and is expected to be adopted by the city council this year.

2012 was the hottest year on record in the U.S. and drought-ridden Milwaukee was no exception. The city experienced its highest to date average temperature including several 80-degree days in March.

But two summers earlier, severe rainstorms made June and July the city's wettest months on record. In particular, two flash flood episodes a week apart turned the streets into rivers, suspended flights at the airport overnight, and created a sinkhole in a city street that swallowed an SUV. FEMA has paid out \$62 million just in individual assistance claims.

"The droughts are not fun, but flooding is the really big danger for an urban environment," said Erick Shambarger, Milwaukee's deputy director of environmental sustainability.

Among the many negative impacts of climate change, increased stormwater runoff and demand for stormwater management are the biggest anticipated challenges for cities around the globe, according to a 2012 survey conducted jointly by ICLEI - Local Governments for Sustainability and the Massachusetts Institute of Technology.

Exposure to raw sewage is a potential bio-hazard, and the bacteria it harbors can cause illness or rashes, an imminent health risk to humans and animals. Basement backups can occur during extended or intense storms when clear rainwater creeps into, among many places, leaky sanitary sewer laterals on private property and inundates the municipal sanitary sewer lines. In addition, the city's storm sewers are designed to handle at most, "five-year" storms.

"It comes down to basic math," said Shambarger. "You can add up how much rain comes down in storm events and how much our sewers are designed to hold." The major expansions of the city's original sewer system were in the 1920s and the 1950s, he said. One-third of the city has combined sewers, meaning rain water goes directly into the sanitary sewer system. These sewers overflow during major rain events, polluting nearby waterways.

Green roofs, rain gardens and bioswales have been catching on for at least a decade in the area. And now, the city has a plan to roll out green streets to capture water instead of letting it flow off the pavement directly into the storm drains.

"It's just a matter of trying to find places for water to go instead of sending it to the sewers," Shambarger said.

The new proposed framework merges green alternatives championed by the city's Office of Environmental Sustainability, with the grey infrastructure managed by the Department of Public Works. It ensures every time a street is due for an upgrade, an engineer evaluates its potential for green infrastructure, making it a rule rather than the exception, said Shambarger.

On the front end, engineers will have an additional list of screening criteria they enter into the city's streets database, in addition to the pavement and pothole conditions. It ensures potential green streets are identified at the outset looking at wide medians and availability of land. Other conditions, such as a steep grade make a street an unlikely candidate for green infrastructure.

While green infrastructure costs more in the short term, said Shambarger, timing it with the reconstruction of a street can save 20 to 40 percent, compared to tearing up a street with the specific purpose of adding green infrastructure.

According to the U.S. Environmental Protection Agency, "coordinating green infrastructure installation with broader transportation improvements can significantly reduce the marginal cost of stormwater management by including it within larger infrastructure improvements."

Pilot projects, such as designating a three-mile portion of South Sixth Street as "The Green Corridor," have highlighted the benefits to the public.

Civil and environmental engineering students from Marquette University developed a plan to capture one-inch of rain, or 116,000 gallons, in a five-block segment. The design features ditches or channels covered with foliage, known as bioswales, coupled with planters and porous blocks that allow water to drain below the surface.

Green streets utilize small-scale bioswales as bioretention facilities, excavated areas back-filled with a layer of crushed rock at the bottom, sand and topsoil in the middle, then topped with mulch and vegetation. The roots

and layers filter the storm water, reducing more than 80 percent of total suspended solids – street sediment, chemicals and debris.

The city of Milwaukee has constructed at least 74 bioretention facilities and other types of green infrastructure blending in with the urban landscape. They beautify roads, decorate medians and add foliage to parking lots. Signs educate passersby that there's more than meets the eye: what looks like simple landscaping is actually a stormwater management system.

When there's no green alternative for streets, pervious surfaces – permeable concrete, permeable asphalt and pavers – enable stormwater to seep into the ground. Pavers resemble a modular, modern day version of cobblestone. The rain seeps through the gaps between the pieces.

The EPA recommends using permeable pavement in non-critical areas – low-use roadways, sidewalks, parking lots and alleys, for example.

For the streets of a new subdivision, Jossey Heights, the city of Milwaukee chose curb-to-curb pavers instead of concrete or bituminous pavement. The runoff is absorbed into the ground, filtered by the soil, with the excess returning to the sewer system through a drain tile system. Since then, consultants CH2MHill, recommended in their green streets report to the city that the pavers are better utilized on the sides (parking lanes) to minimize any maintenance issues.

Another lesson learned is that porous pavement is cleaned more effectively with vacuum sweepers than with broom sweepers. For the city, that meant purchasing new equipment, but the porous pavement doesn't need to be swept any more often than conventional streets.

The city is a partner in the Metropolitan Milwaukee Sewerage District's regional Green Infrastructure plan, comprising a quarter of the district's service area.

MMSD is required by its permit from the state to implement control measures that capture at least 1 million gallons of runoff per calendar year. At least 25 percent must come from "rain gardens, permeable pavement, bioswales, removal of structures, first-flush combined sewer separation and other green infrastructure stormwater management measures."

A maximum of 75 percent can come from a preventative program that purchases undeveloped land such as wetlands with absorbent, sponge-like soils. Already 2,500 acres are being restored and managed under the district's "Greenseams" program.

The district has set even more challenging goals through the Green Infrastructure Plan: zero basement backups, zero sanitary sewer overflows, zero combined sewer overflows, capture the first half inch of rainfall with green infrastructure, harvest the first 0.25 gallons per square foot per area of rainfall.

On the employment front, the green infrastructure projects have the potential to create about 500 positions and 160 green construction jobs on average for 25 years.

The public is encouraged to do their part, from installing sump pumps and maintaining the laterals on their properties to simply setting out a rain barrel. They can also construct their own green infrastructure through grants. The district is currently offering a subsidy for green roofs at \$5 per square foot and has in the past provided plants at a reduced price to encourage rain gardens, which absorb 30 percent more runoff than a manicured lawn.

"Gallon for gallon, we do believe that most green infrastructure capacity is often less costly than grey infrastructure capacity from a capital cost perspective," said Karen Sands, MMSD manager of sustainability.

This shift toward green infrastructure bolsters the district's existing system, giving it a one-two punch during wet weather events to prevent basement backups and untreated runoff and sewage discharged into waterways.

For the past three decades, the district has invested \$4 billion in its grey infrastructure. Last year, 99.9999 percent of water captured by the system was treated, according to Bill Graffin, MMSD's public information manager.

Even though it was a drought year, the Deep Tunnel was used to capture overflows 47 times, preventing untreated water from entering Lake Michigan. Since the last phase of the tunnel was completed in 2010, its capacity is 521 million gallons. Graffin emphasized the purpose of the tunnel is to prevent backups and overflows, not floods.

During the 2010 flood year, the completed tunnel would still have needed a capacity of three or four times its size to capture all the excess water, he said. And at the time of the 2008 flood, when it was not at full capacity, the city would have needed a pipe four or five times its size.

Without the tunnel, the system would overflow to area waterways 40 to 60 times a year, said Sands. "The tunnel system, together with other system upgrades, is responsible for this dramatic reduction in overflows," she said.

Even so, having green infrastructure helps in the event of a flood, reducing the amount of water that enters the sewer system, and reducing the pollution entering the creeks, streams and rivers, she said.

"We really believe that using more green infrastructure will help grey infrastructure," said Sands. "The bottom line is that we need to do a better job at simply managing rainwater where it falls, including in heavily urbanized areas. That's where green infrastructure can help."

Parks and Recreation Department

January 22, 2013 Report

Active Lifestyles
Social Opportunities
Healthy Community

Holiday Fun Fest

On December 20th, the Parks and Recreation Department hosted the 9th annual Holiday Fun Fest at the Community Center. 153 individuals came out to build graham cracker houses decorated with colorful candies. One of the most enjoyable elements of the event was watching parents and grandparents interacting with their children/grandchildren and discussing the master building plan. It would be fair to argue that the parents had just as much, if not more, fun than the kids!



Social Services Update

Information and Referral Specialist Sadie Wallenberg has wrapped up the holiday season, helping fifteen families with groceries, gifts and utility assistance. Sadie is continuing to see an increasing need for assistance with electric costs as the weather gets colder and will partner with Wilsonville Community Sharing and other community agencies to help meet those needs.

The Senior Companion Program (SCP), a partnership between Clackamas County Volunteer Connection and the Wilsonville Community Center, has also seen an increase in activity. The purpose of SCP is to help older adults live independently in their own surroundings for as long as safely possible. Seniors who have applied to volunteer with the program and have completed the training can volunteer to provide companionship, transportation, light housekeeping, meal preparation, and respite care.

Creative Arts for Adults 55+

Two classes that have grown in popularity are: Dorothy Moore's 'Watercolor Class' and Elaine Luneke's 'Everyone is an Artist' drawing class. Both classes met their maximum number of students at 17 and 14, with both instructors opening up extra spaces so a few more enthusiastic participants could register.



Parks & Recreation Department

Thanks to all who contributed!

On Thursday, January 24th, the Wilsonville City Council formally recognized the Wilsonville Community Seniors, Inc. board of directors for their generous contribution of \$10,000 to the recent kitchen and floor project. Additionally, Shelley Tracy and Joyce Gabriel of Clackamas Community College Wilsonville Training Center and their partners P.G.E. and PacifiCorp were thanked for allowing the senior programs from the Center to use their facilities. Clackamas Community College was presented with a photo collage of seniors participating in a variety of activities as a thank you.

Upcoming Events

Community Center Celebration

On Thursday, February 14th from 10:30 am to noon the Center will host a Grand Reopening Celebration. There will be opportunities to tour the new facility and learn more about the classes, programs and services provided at the Center. Nutrition Coordinators Evie Proctor and Jennifer Nelson, will be putting on their chef's hats and preparing some delicious items in their new and improved cooking environment. Among the offerings will be: sparkling cider, asparagus and ham roll ups, chicken wings in a Thai sauce and calzone pinwheels. We hope to see you there!

Daddy Daughter Dance

On Friday, February 22nd from 7:00 pm to 9:00 pm the Community Center will host the annual Daddy Daughter Dance. This year's event theme is that of a Hawaiian Luau. There will be cake, punch and prizes given away throughout the evening. Danny from Portland Reign photography will be on hand to take group pictures for \$10. Tickets to the event are \$8 per person.



Daddy Daughter Luau
Friday February 22nd
7:00 PM - 9:00 PM
Wilsonville Community Center
\$8 per person

Dads, Uncles, Grandpa's and Father figures, grab that special girl and come on out for this year's Daddy Daughter Dance. The theme is a Hawaiian Luau so come ready to dance in your favorite island attire. Prizes given away all night!

A photographer will be on site to take an 8x10 picture of you and your date/group for \$10.

Ensure your spot by registering early. Space is limited to 125 people!

Course #: 4627



Patrick Duke
Library Director

LIBRARY BOARD
Hilly Alexander
Chair

La Rue Williams
Bill Benedetto
Reggie Gaines
Alan Steiger

Wilsonville Public Library **Monthly Report to Council** **February 2013**

December Statistics

- Physical item circulation: 38,933 items checked out or renewed. This is down 2% from last year.
- E-book and downloadable audiobook circulation: 847
- Room Reservations: 234.
- Volunteer hours worked: 891

Administration

- **The Library turns 31 on Valentine's Day**
There are no special activities planned this year.
- **February is Food for Fines Month**
Patrons can pay their fines with cans of non-perishable food in February. Each can is worth 50 cents towards their fines, and all food will be donated to Community Sharing.
- **The Library, the Wilsonville/Boones Ferry Historical Society and McMenamins** are teaming up to create monthly historical programming in the Old Church. The first program is planned for the end of March and will focus on Lincoln and the Civil War in Oregon.

Adult Services

Programming:

- **Wild about Oscar Wilde** starts January 30th and will run for 8 weeks.
"I am so clever that sometimes I don't understand a single word of what I am saying."
- Oscar Wilde
- **Library Book Club is reading and talking about** *The Heretic's Daughter* by Kathleen Kent on February 14th
- **Dewey Talks Public Lecture Series** features "The Tuskegee Airmen" with Sig Unander on February 7th
- **Booknotes Concert Series** features **Tango Pacifico** on February 9th at 2pm.
- **Genealogy Club** will be taking a trip to the Genealogical Forum of Oregon on February 6th
- See more events at www.wilsonvillelibrary.org

Youth Services

- **Dolly Parton's Imagination Library**
Over 400 children are currently signed up for the program

- On January 26th, Youth Services Librarian Steven Engelfried led his Committee in selecting **2013 Newbery Award** novel.
- In January approximately 240 parents and children attended the **Boeckman Creek Parent Night**. Kids and parents were introduced to the services of the library and over 50 library cards were issued.

Programming

- **Storytime themes:** Transportation; Friends; Dogs; Dinosaurs.
- **K-2 Book Adventures theme:** Dr Seuss author celebration on February 21st
- **Teens** will be gathering on February 15 to watch a blockbuster movie together. The movie features a team of superheroes: Iron Man, Captain America, Thor, Hawkeye, Black Widow, and The Hulk. Yeah.. that one.

Affiliates

- **Wilsonville Friends of the Library**
The Friends Partner of the Month for January has been Wilsonville Lanes. February is Sonic, and everyone who donates a bag of books gets a free ice cream.
- **Wilsonville Public Library Foundation**
The Library Foundation selected Hilly Alexander to be President for 2013, since she didn't have enough to do. Check out the Foundation's new website: www.wplf.org. The Foundation raised over \$17,000 in 2012 from 90 donor families. Members of some of those families are reading this report right now. THANK YOU.

City of Wilsonville

November 2012



Clackamas County Sheriff's Office
2223 Kaen Rd
Oregon City, OR 97045

www.co.clackamas.or.us/sheriff

Monthly Summary

During November 2012, the Clackamas County Sheriff's Office provided law enforcement service to the City of Wilsonville on a 24 hour a day basis. During this time period the Sheriff's Office answered 420 calls for service, which was an average of 14.0 calls per day.

The monthly average for calls for service during the past three years has been 489.3. The 420 calls in the City during the month of November reflect a 14.2% decrease over the average during the last three years.

Below is a chart showing the number of calls for service in the City during the last 5 years.

<u>Year</u>	<u>Number of Calls</u>	<u>Monthly Average</u>	<u>Daily Average</u>
2007	6,508	542.3	17.8
2008	6,271	522.6	17.2
2009	6,273	522.8	17.2
2010	5,803	483.6	15.9
2011	5,539	461.6	15.2

An overall look at the shift activity reflects the following percentages of calls taken, traffic stops made and reports taken for November.

	<u>Percentage of Calls Taken</u>	<u>Percentage of Traffic Stops</u>	<u>Percentage of Reports Taken</u>
Graveyard:	17.4%	29.9%	15.2%
Day Shift:	47.9%	37.4%	52.2%
Swing Shift:	34.8%	32.7%	32.6%

During November 2012, 388 traffic stops were made in the City with the following breakdown for each shift.

	<u>Total</u>		<u>Graveyard</u>		<u>Days</u>		<u>Swing Shift</u>	
Stops Made:	388	=	116	29.9%	145	37.4%	127	32.7%
Citations Issued:	265	=	56	21.1%	135	50.9%	74	27.9%

Included in the above totals are 118 traffic stops (30.4%) and 122 citations (46.0%) issued by the Traffic Unit.

Calls for Service

Number of Calls Per Shift	November 2012		Monthly Average 2011	
	420		461.6	
Graveyard (2100-0700)	73	17.4%	88.3	19.1%
Day Shift (0700-1700)	201	47.9%	211.7	45.9%
Swing Shift (1100-0300)	146	34.8%	161.7	35.0%
Average Number of Calls Per Day	14.0		15.2	

The chart on the following page shows the types of calls for service received during the month. These calls do not reflect actual criminal activity. In some cases the call was dispatched as a particular type of incident, but it was later determined to be of a different nature. For actual criminal activity during the month see the "Reports Taken" chart.

Other Officer Activity

Type of Activity	November 2012	2011 Monthly Average
Follow-Up Contact	45	68.7
Foot Patrol	1	2.1
Premise Check	79	40.9
Subject Stop	29	29.8
Suspect Contact	6	9.8
Suspicious Vehicle Stop	52	28.8
Warrant Service	9	9.5
Total:	221	189.5

Types of Calls

Type of Calls	November 2012	2011 Monthly Average
Abandoned Vehicle	3	0.9
Accidents (All)	26	20.4
Alarms	54	51.8
Animal Complaint	6	7.0
Assault	6	5.3
Assist Outside Agency	14	12.8
Assist Public	41	47.1
Burglary	3	4.8
Criminal Mischief	16	15.0
Death Investigation	1	1.8
Disturbance	20	23.5
Extra Patrol Request	4	3.0
Fire Services	7	5.5
Fraud	12	11.6
Hazard	7	9.8
Juvenile Problem	10	11.6
Kidnap		.0
Mental	3	3.7
Minor In Possession	2	1.4
Missing Person	2	2.0
Noise Complaints	7	8.1
Open Door / Window	3	1.1
Promiscuous Shooting	2	0.9
Property Found / Lost / Recovered	5	9.3
Provide Information	22	14.3
Prowler		1.5
Recovered Stolen Vehicle	1	0.8
Robbery	1	0.5
Runaway Juvenile	5	4.3
Sexual Crime (All)	1	2.3
Shooting		0.1
Stolen Vehicle / UUMV	2	3.1
Suicide Attempt / Threat	4	6.8
Suspicious Circumstances	10	9.5
Suspicious Person	15	17.3
Suspicious Vehicle	8	10.6
Theft / Shoplift	32	39.5
Threat / Harassment / Menacing	7	16.5
Traffic Complaint	19	22.1
Unknown / Incomplete Call	10	14.6
Unwanted / Trespassing	9	9.1
Vice Complaints (Drugs)	2	7.8
Violation of Restraining Order	2	2.5
Welfare Check	9	12.3
Other Not Listed Above	7	7.8
Total:	420	461.6

Median Response Times to Dispatched Calls

All Dispatched Calls	All Calls	Priority 1 & 2 Calls
Input to dispatch: (Time call was on hold)	2.0 Minutes	2.0 Minutes
Dispatch to Arrival: (Time it took deputy to arrive after being dispatched)	5.0 Minutes	5.0 Minutes

During November, 178 reports were taken. 15.2% were written by the graveyard shift, 52.2% by the dayshift units and 32.6% were written by the swing shift units.

Reports Taken

Type of Report	November 2012	2011 Monthly Average
Accident	18	10.8
Theft	26	29.3
Criminal Mischief	5	12.2
Burglary	4	3.4
Stolen Vehicle	1	2.5
Identity Theft	1	2.7
Assault	4	3.1
Drug Crimes	5	3.3
Miscellaneous Reports	114	125.7
Report Totals:	178	193.0

Shift Totals	November 2012		2011 Monthly Average	
Graveyard Shift:	27	15.2%	33.8	17.5%
Day Shift:	93	52.2%	105.0	54.4%
Swing Shift:	58	32.6%	54.2	28.1%

Arrests By Age Group

November 2012

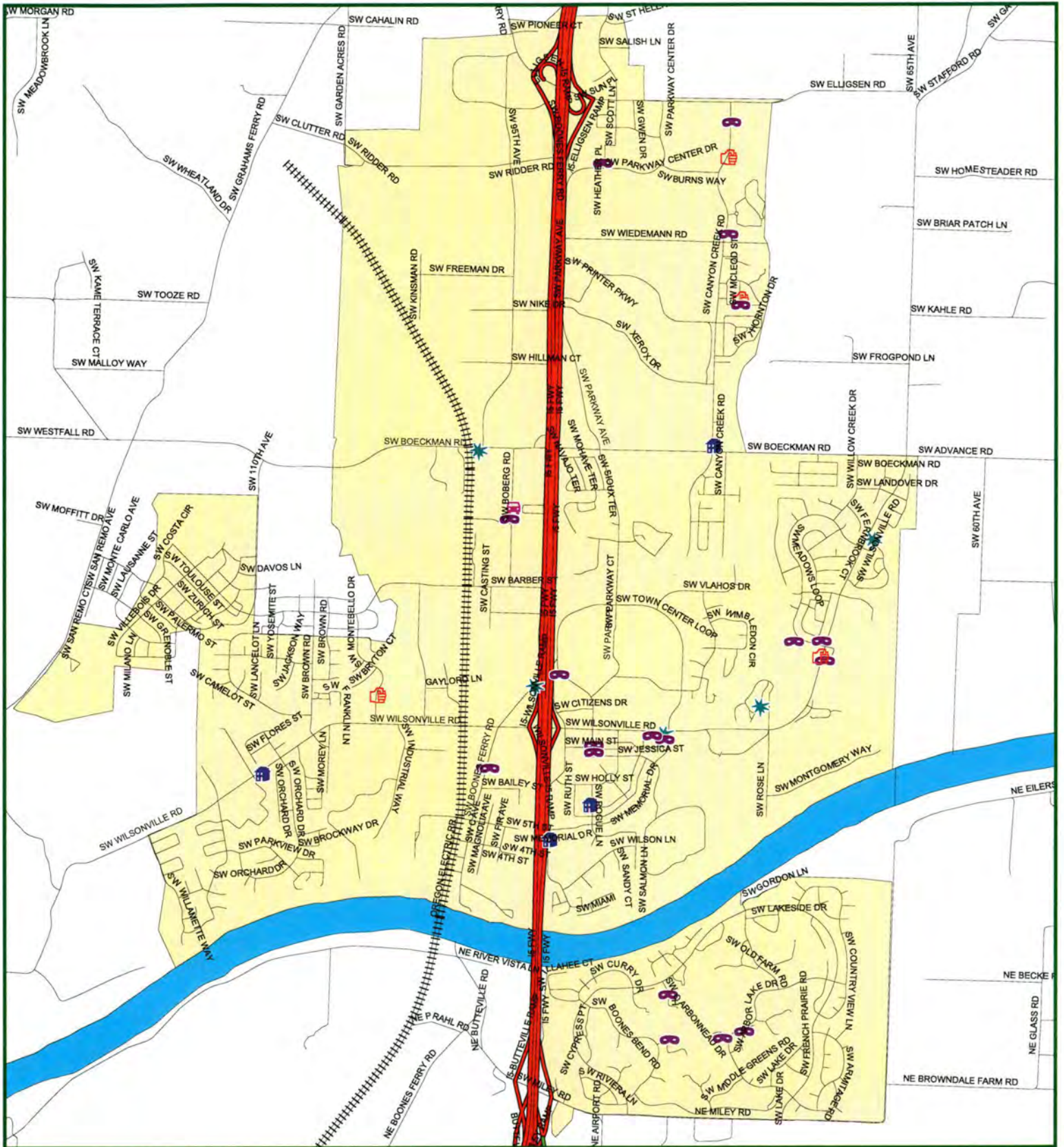
This chart counts the total number of charges. The number of people arrested is totaled at the bottom.

Part I Crimes	Type	JUVENILES		ADULTS		Total
		Probable Cause	Warrants	Probable Cause	Warrants	
Arson	Pr					
Assault, Aggravated	Pe					
Burglary	Pr				1	1
Attempt Murder	Pe					
Murder	Pe					
Rape	Pe				1	1
Robbery	Pe					
Theft (general)	Pr			2	4	6
Stolen Vehicles	Pr					
Part I Totals		0	0	2	6	8
Part II / Other Crimes	Type	Probable Cause	Warrants	Probable Cause	Warrants	Total
Assault, Simple	Pe			2	2	4
Child Abuse/Neglect	Pe					
Criminal Mischief	Pr	1				1
Criminal Mistreatment	Pe					
Criminal Trespass	Be			1		1
Cruelty to Animals	Be					
Disorderly Conduct	Be					
Drug Charges (all)	Be			3	1	4
Forgery	Pr					
Fraud Use Credit Card	Pr					
Harassment	Pe	1		2	5	8
Identity Theft	Pr					
Kidnapping	Pe					
Menacing	Pe			2	1	3
Negotiate a Bad Check	Pr					
Offensive Littering	Be					
Public/Private Indecency	Be					
Recklessly Endangering	Pe			1		1
Resisting Arrest	Be					
Sex Crimes (Other)	Pe			1		1
Sexual Abuse	Pe					
Sodomy	Pe					
Strangulation	Pe					
Unlawful Entry into Motor Vehicle	Pr				1	1
Violation of Restraining Order	Pe					
Weapons Violations	Be					
Crimes Not Listed above	Be		1	2	8	11
Part II / Other Totals		2	1	14	18	35
Grand Total:						
		2	1	16	24	43
Crime Types		Probable Cause	Warrants	Probable Cause	Warrants	Total
Person Crimes		1	0	8	9	18
Property Crimes		1	0	2	6	9
Behavioral Crimes		0	1	6	9	16
Traffic Charges		0	0	17	2	19
Number of People Arrested on These Charges:		1	1	29	13	



Wilsonville November 2012

Assault	Stolen Vehicle
Burglary	Theft
Criminal Mischief	



City of Wilsonville December 2012



**Clackamas County Sheriff's Office
2223 Kaen Rd
Oregon City, OR 97045**

www.co.clackamas.or.us/sheriff

Monthly Summary

During December 2012, the Clackamas County Sheriff's Office provided law enforcement service to the City of Wilsonville on a 24 hour a day basis. During this time period the Sheriff's Office answered 459 calls for service, which was an average of 14.8 calls per day.

The monthly average for calls for service during the past three years has been 489.3. The 459 calls in the City during the month of December reflect a 6.2% decrease over the average during the last three years.

Below is a chart showing the number of calls for service in the City during the last 5 years.

<u>Year</u>	<u>Number of Calls</u>	<u>Monthly Average</u>	<u>Daily Average</u>
2007	6,508	542.3	17.8
2008	6,271	522.6	17.2
2009	6,273	522.8	17.2
2010	5,803	483.6	15.9
2011	5,539	461.6	15.2

An overall look at the shift activity reflects the following percentages of calls taken, traffic stops made and reports taken for December.

	<u>Percentage of Calls Taken</u>	<u>Percentage of Traffic Stops</u>	<u>Percentage of Reports Taken</u>
Graveyard:	20.5%	30.5%	17.1%
Day Shift:	42.3%	32.8%	50.0%
Swing Shift:	37.3%	36.6%	32.9%

During December 2012, 344 traffic stops were made in the City with the following breakdown for each shift.

	<u>Total</u>		<u>Graveyard</u>		<u>Days</u>		<u>Swing Shift</u>	
Stops Made:	344	=	105	30.5%	113	32.8%	126	36.6%
Citations Issued:	191	=	42	22.0%	103	53.9%	46	24.1%

Included in the above totals are 98 traffic stops (28.5%) and 66 citations (34.6%) issued by the Traffic Unit.

Calls for Service

Number of Calls Per Shift	December 2012		Monthly Average 2011	
	459		461.6	
Graveyard (2100-0700)	94	20.5%	88.3	19.1%
Day Shift (0700-1700)	194	42.3%	211.7	45.9%
Swing Shift (1100-0300)	171	37.3%	161.7	35.0%
Average Number of Calls Per Day	14.8		15.2	

The chart on the following page shows the types of calls for service received during the month. These calls do not reflect actual criminal activity. In some cases the call was dispatched as a particular type of incident, but it was later determined to be of a different nature. For actual criminal activity during the month see the "Reports Taken" chart.

Other Officer Activity

Type of Activity	December 2012	2011 Monthly Average
Follow-Up Contact	73	68.7
Foot Patrol	4	2.1
Premise Check	45	40.9
Subject Stop	25	29.8
Suspect Contact	3	9.8
Suspicious Vehicle Stop	42	28.8
Warrant Service	11	9.5
Total:	203	189.5

Types of Calls

Type of Calls	December 2012	2011 Monthly Average
Abandoned Vehicle	1	0.9
Accidents (All)	27	20.4
Alarms	54	51.8
Animal Complaint	4	7.0
Assault	6	5.3
Assist Outside Agency	11	12.8
Assist Public	36	47.1
Burglary	5	4.8
Criminal Mischief	21	15.0
Death Investigation	4	1.8
Disturbance	29	23.5
Extra Patrol Request	14	3.0
Fire Services	6	5.5
Fraud	7	11.6
Hazard	15	9.8
Juvenile Problem	7	11.6
Kidnap		.0
Mental	7	3.7
Minor In Possession	1	1.4
Missing Person	1	2.0
Noise Complaints	6	8.1
Open Door / Window	3	1.1
Promiscuous Shooting	2	0.9
Property Found / Lost / Recovered	11	9.3
Provide Information	8	14.3
Prowler		1.5
Recovered Stolen Vehicle	2	0.8
Robbery	2	0.5
Runaway Juvenile	6	4.3
Sexual Crime (All)	2	2.3
Shooting		0.1
Stolen Vehicle / UUMV	2	3.1
Suicide Attempt / Threat	2	6.8
Suspicious Circumstances	10	9.5
Suspicious Person	27	17.3
Suspicious Vehicle	14	10.6
Theft / Shoplift	41	39.5
Threat / Harassment / Menacing	13	16.5
Traffic Complaint	17	22.1
Unknown / Incomplete Call	8	14.6
Unwanted / Trespassing	16	9.1
Vice Complaints (Drugs)	2	7.8
Violation of Restraining Order		2.5
Welfare Check	7	12.3
Other Not Listed Above	2	7.8
Total:	459	461.6

Median Response Times to Dispatched Calls

All Dispatched Calls	All Calls	Priority 1 & 2 Calls
Input to dispatch: (Time call was on hold)	3.0 Minutes	2.0 Minutes
Dispatch to Arrival: (Time it took deputy to arrive after being dispatched)	5.0 Minutes	4.0 Minutes

During December, 210 reports were taken. 17.1% were written by the graveyard shift, 50.0% by the dayshift units and 32.9% were written by the swing shift units.

Reports Taken

Type of Report	December 2012	2011 Monthly Average
Accident	16	10.8
Theft	40	29.3
Criminal Mischief	17	12.2
Burglary	3	3.4
Stolen Vehicle	2	2.5
Identity Theft	5	2.7
Assault	3	3.1
Drug Crimes	5	3.3
Miscellaneous Reports	119	125.7
Report Totals:	210	193.0

Shift Totals	December 2012		2011 Monthly Average	
Graveyard Shift:	36	17.1%	33.8	17.5%
Day Shift:	105	50.0%	105.0	54.4%
Swing Shift:	69	32.9%	54.2	28.1%

Arrests By Age Group

December 2012

This chart counts the total number of charges. The number of people arrested is totaled at the bottom.

		JUVENILES		ADULTS		
Part I Crimes	Type	Probable Cause	Warrants	Probable Cause	Warrants	Total
Arson	Pr					
Assault, Aggravated	Pe			1	3	4
Burglary	Pr					
Attempt Murder	Pe					
Murder	Pe					
Rape	Pe			1	1	2
Robbery	Pe			1		1
Theft (general)	Pr	2		8	6	16
Stolen Vehicles	Pr					
Part I Totals		2	0	11	10	23
Part II / Other Crimes	Type	Probable Cause	Warrants	Probable Cause	Warrants	Total
Assault, Simple	Pe			2	2	4
Child Abuse/Neglect	Pe					
Criminal Mischief	Pr				1	1
Criminal Mistreatment	Pe					
Criminal Trespass	Be			1	1	2
Cruelty to Animals	Be					
Disorderly Conduct	Be					
Drug Charges (all)	Be	5		1	2	8
Forgery	Pr					
Fraud Use Credit Card	Pr					
Harassment	Pe	1		1		2
Identity Theft	Pr			1		1
Kidnapping	Pe					
Menacing	Pe				3	3
Negotiate a Bad Check	Pr					
Offensive Littering	Be					
Public/Private Indecency	Be					
Recklessly Endangering	Pe			1	2	3
Resisting Arrest	Be					
Sex Crimes (Other)	Pe				1	1
Sexual Abuse	Pe				1	1
Sodomy	Pe				1	1
Strangulation	Pe			2	3	5
Unlawful Entry into Motor Vehicle	Pr					
Violation of Restraining Order	Pe			2		2
Weapons Violations	Be			1		1
Crimes Not Listed above	Be	2		5	6	13
Part II / Other Totals		8	0	17	23	48
Grand Total:		10	0	28	33	71
Crime Types		Probable Cause	Warrants	Probable Cause	Warrants	Total
Person Crimes		1	0	11	17	29
Property Crimes		2	0	9	7	18
Behavioral Crimes		7	0	8	9	24
Traffic Charges		0	0	12	6	18
Number of People Arrested on These Charges:		7	0	27	12	



Wilsonville December 2012

	Assault		Stolen Vehicle
	Burglary		Theft
	Criminal Mischief		



City of Wilsonville
February 4, 2013 City Council Meeting



SPEAKER CARD

NAME: JAKE SCHWEN

ADDRESS: 30510 SW PUNT ST. Wilsonville, OR

TELEPHONE: 503-913-4056 E-MAIL jakes@sterling.net

AGENDA ITEM YOU WANT TO ADDRESS: 2013 Community Rummage Sale

Please limit your comments to 3 minutes. Thank you.

City of Wilsonville
February 4, 2013 City Council Meeting

SPEAKER CARD

NAME: Heaven Gebra

ADDRESS: _____

TELEPHONE: _____ E-MAIL _____

AGENDA ITEM YOU WANT TO ADDRESS: Announce the
Wilsonville Festival of Arts

Please limit your comments to 3 minutes. Thank you.

**City of Wilsonville
City Council Meeting
February 4, 2013 Sign In Sheet**

Name	Mailing Address
Jake Schaefer	30510 SW Ruth Street Wilsonville, OR 97070
Candace Taylor Realty TRUST	11173 SW Barber, Wilsonville
Linn Springall	7710 SW Beanoke Dr, Wilsonville
Theunis Gilmore	24242 SW Lase Rd., Wilsonville
Bob Renfro	11812 SW Grenoble St. Wilsonville OR
Doris Wehler	

King, Sandy

From: Retherford, Kristin
Sent: Wednesday, January 23, 2013 4:15 PM
To: King, Sandy; Cosgrove, Bryan; Jacobson, Barbara
Cc: Kraushaar, Nancy
Subject: RE: Updated council calendar and draft agenda for February 4

Bryan, Charlotte Lehan submitted the sole bid yesterday for the yellow house on Tooze. The bid was for \$501. Staff is still working through the ADU issue. While we are sorting this out, I wanted to check with you to see if you would like to take this to Council on February 4th, in which case I'd quickly draft a staff report and resolution, or on February 21st. Our resolution authorizing the sale of the property says that all offers must be presented to Council and either accepted or rejected. Lastly, would you want this on executive session or just work session.

Kristin Retherford
Urban Renewal Manager
City of Wilsonville
503-570-1539
retherford@ci.wilsonville.or.us

From: Ottenad, Mark
Sent: Wednesday, January 23, 2013 10:49 AM
To: King, Sandy; Managers
Subject: RE: Updated council calendar and draft agenda for February 4

Possible modifications:

Feb 4 work session
Visitor Information Center and Tourism Development Strategy Discussion – Entire work session

Feb 21 work session
Regional Metro/JPACT Federal Transportation Legislative Agenda (10-15 minute discussion)

Thank you.

- Mark

From: King, Sandy
Sent: Tuesday, January 22, 2013 12:08 PM
To: Managers
Subject: Updated council calendar and draft agenda for February 4

Please let me know what needs to be changed for the Agenda and Council Calendar.

Many thanks.

City of Wilsonville

**City Council Meeting
February 4, 2013
Action Minutes**

DATE: FEBRUARY 6, 2013
LOCATION: 29799 SW TOWN CENTER LOOP EAST, WILSONVILLE, OR
Time Start: 5 P.M. Time End: 9:15 P.M. Remarks:

ATTENDANCE LOG

COUNCILORS	STAFF		
Mayor Knapp	Bryan Cosgrove	Stephan Lashbrook	Nancy Kraushaar
Councilor Goddard	Mike Kohlhoff	Mark Ottenad	Delora Kerber
Councilor Starr	Jeanna Troha	Dan Knoll	Joanne Ossanna
Councilor Fitzgerald	Sandy King	Kristin Retherford	Barbara Jacobson
Councilor Stevens	Chris Neamtzu	Steve Munsterman	Kerry Rappold
	Jen Massa-Smith	Andrea Villagrana	Angela Handran

AGENDA	ACTIONS
WORK SESSION	
<ul style="list-style-type: none"> a. SMART Transit Integration Project b. Memorial Park Parking Lot Project c. Visitor Information Center & Tourism Development Strategy 	<p>Council received a brief report on items "a" and "b" which would come before them during the regular part of the meeting.</p> <p>There was a lengthy discussion on the VIC & Tourism Development Strategy. Staff was directed to explore a task force on how to effectively and efficiently use tourism dollars, and clean up the contracts between all for the short term. The item would be brought back to council for a vote after staff has time to speak with involved parties.</p>
REGULAR MEETING	
<u>Mayor's Business</u>	
<ul style="list-style-type: none"> a. Council Liaison Appointments b. Letters of support for CET Grant Applications 	<ul style="list-style-type: none"> a. Appointments made (see list below) b. Approved 5-0
<u>New Business</u>	
<ul style="list-style-type: none"> a. Resolution No. 2395 – authorizing SMART enter into contract with Nelson/Nygaard for consulting services 	<ul style="list-style-type: none"> a. Approved 5-0

b. Resolution No. 2396 – authorizing PSA with Wallis Engineering for Memorial Park Parking Lot repair project.	b. Approved 5-0
c. 2013 State Legislative Agenda	c. Amended and approved 5-0
<u>Continuing Business</u> a. Ordinance No. 713 – second reading. Amend Chapter 5 of WC re: to allow overnight parking of recreation vehicles for loading and unloading	Adopted 5-0

RECORDED BY: SCK

Below are the new liaison appointments for your boards and/or commission for 2013.

	Scott Starr	Richard Goddard	Julie Fitzgerald	Susie Stevens
Park & Rec	X			
Chamber/City Leadership	X			
Economic Development Task Force	X			
Library		X		
Chamber Board		X		
Clackamas County Business Alliance		X		
Planning Commission			X	
Committee for Citizen Input			X	
Library			X	
DRB Panels A & B				X
Wilsonville Seniors				X