

**PLANNING COMMISSION  
WEDNESDAY, SEPTEMBER 12, 2018  
6:00 P.M.**

**Wilsonville City Hall  
29799 SW Town Center Loop East  
Wilsonville, Oregon**

*Minutes approved as  
presented at the  
October 10, 2018  
PC Meeting*

**Minutes**

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**I. CALL TO ORDER - ROLL CALL**

Chair Jerry Greenfield called the meeting to order at 6:09 p.m. Those present:

Planning Commission: Jerry Greenfield, Eric Postma, Phyllis Millan, Ron Heberlein, and Peter Hurley Simon  
Springall and Kamran Mesbah was absent.

City Staff: Chris Neamtzu, Amanda Guile-Hinman, Dwight Brashear, Nicole Hendrix, Eric Loomis,  
and Daniel Pauly

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**CITIZEN'S INPUT** - This is an opportunity for visitors to address the Planning Commission on items not on the agenda. There was none.

**ADMINISTRATIVE MATTERS**

A. Consideration of the August 8, 2018 Planning Commission minutes.  
The August 8, 2018 Planning Commission minutes were accepted as presented.

**II. LEGISLATIVE HEARING**

A. SMART Programs Enhancement Strategy (Brashear)

Chair Greenfield read the legislative hearing procedure into the record and opened the public hearing at 6:11 pm.

Dwight Brashear, SMART Transit Director, noted he and his Staff had appeared before the Planning Commission at the June and August meetings and now, SMART was seeking approval for the Programs Enhancements Strategy. He reviewed the background regarding the Strategy via PowerPoint with these key comments:

- In 2017, the Oregon Legislature passed HB2017, which brought, among other things, a one-tenth of one percent employee tax, and he had fought very hard to keep the monies generated in Wilsonville in Wilsonville, and so far, that battle had been won.
- The legislation was very clear as to the uses allowed for the funding, and SMART tried to follow those guidelines to the letter in order to assure Wilsonville and SMART would be eligible for the funds; otherwise, there was no guarantee that Wilsonville would be eligible.
- In developing the Programs Enhancement Strategy, Staff looked across SMART's product offering and made some decisions as to the type of projects that would benefit the residents of Wilsonville and those that use the SMART system. As required by HB2017, SMART did a pretty aggressive public outreach and those results regarding what the public wanted to see done with that particular funding were discussed

with the Commission in August. Approving the Strategy would enable SMART to move forward with the enhancements the public had charged SMART with making.

- It was important to clarify that this was an employee-based payroll tax, not an employer-based payroll tax.
- He had met with Senator Beyer and Representative McKeown, the architects of HB2017, and they were very clear on their intent. They were not interested in walls or boundaries, but in tying urban areas to rural areas and to other urban areas. He believed that SMART's plan did exactly what the architects intended it to do.

Nicole Hendrix, Transit Management Analyst, continued the PowerPoint presentation, describing SMART's outreach efforts and the results. Because outreach was covered quite a bit at the last meeting, she said she would update the Commission on the outreach that had occurred, as well as changes made to the document, since the August meeting.

- A public hearing notice was posted on the City's website and alerts went out to SMART's newsletter list. Notices were also dispersed via *The Spokesman* and *Boones Ferry Messenger* for this month's hearing, and an email was sent to a list of interested parties, which Tami Bergeron was super helpful with.
  - SMART received and responded to quite a few inquiries via emails from people on the 1X service asking about Wi-Fi and later service being added.
  - Because the Programs Enhancement Strategy was an amendment to the Transit Master Plan, SMART also completed the required DLCD submittal last month.
- The Enhancement Strategy now included language about performance measures and how SMART would consider different projects using different lenses that would vary; for example, passenger miles traveled would be used on some projects to determine if they were successful while another project might be a satisfaction survey. The language was added with the idea that a lot of these projects would be yearlong pilot projects and reviewed at the end of said year to determine if they would continue.
- Following a City Council work session, language was also added to clarify the funding source to ensure that employee payroll tax funds would be used to support the projects, and not employer payroll tax funds.

Mr. Brashear noted that SMART went before City Council with an Appendix B amendment to the Transit Master Plan, which allowed SMART to make the deadline for filing so SMART could request the monies that were currently being collected in Wilsonville. SMART was now waiting for TriMet to put its plan together as TriMet was still doing some public outreach.

- If approved, these Enhancement projects would also be eligible for funding from two additional funding pots, the discretionary pot and the intercommunity funds, which were more competitive in nature and would require that SMART put together a request that clearly outlined why SMART believed those projects would be successful. If approval was given to move forward with those projects, then SMART would start to implement them as well. There was a great opportunity in Wilsonville and a lot of exciting things were happening in transit right now. He emphasized that SMART certainly did not want to put Wilsonville in a position to play second fiddle to any of the other agencies that would be competing for these dollars.
- Wilsonville had a very robust transit system for a city of its size, and it was the envy of a number of other cities. He noted that he and Ms. Hendrix would be making a presentation before the West Linn City Council next week because they were interested in what makes SMART, smart and wanted SMART's help in figuring out some challenges in West Linn. SMART was also working with Hillsboro, Beaverton and some other cities because they recognize what SMART did in Wilsonville was very unique.
- He requested the Commission's consideration of the Program's Enhancement Strategy.

Commissioner Millan:

- Sought clarification about the routes in Appendix B, noting Priority Level 1 was the 2X to Tualatin, and Enhanced Connections to TriMet and that Priority Level 6 included service to Tualatin with a TriMet Line 96 connection to downtown Portland. She asked how those priorities were different.

- Eric Loomis, Operations Manager, explained that the first priority regarded the difference between the spread of service commuter time versus the midday service to Tualatin and Tigard, focusing on those areas and connections there; whereas the second one was the frequency of service and how many times SMART went to those different areas, and then focusing particularly on the downtown connection with the Route 96.
- Asked if she understood correctly that the first priority was adding more service that would potentially connect one with downtown Portland and then the later one was an additional line.
  - Mr. Loomis clarified it was span of service, such as a later in the evening service, possibly earlier in the morning, and then particularly on the weekend service, SMART would expand its Saturday hours and possibly the frequency.
- Inquired about expansion to the Oregon City area, which was in the New Destinations in the priority list, but asked was that still in the first round of things SMART would be working toward.
  - Ms. Hendrix replied the Oregon City project would be right for the Intercommunity Funds. The Appendix B projects were more for that Formula funding.
  - For Oregon City, the new services and new connections involved a more competitive pot of funding. She clarified it was the same funding source that was separated into two different pots.

Commissioner Postma:

- Noted the attachment on Page 14 of 19 discussed the priority level and cost estimates. He asked if Wilsonville got the funds, what the next step was as far as how decisions would be made about how the funds were used to implement the items in the attachment.
  - Mr. Brashear responded that although the law required SMART to prioritize the projects, there was no requirement that they be implemented in priority order. If the entire list of projects was approved by the OTC, the money would be released into Wilsonville and the other communities. Once that money arrived, SMART could look at the low hanging fruit; the projects SMART could address right away or things that could be put off for a while. The plan included planning for Frog Pond, Basalt Creek, and Coffee Creek and when those monies would be needed in the future; however, those monies would still be in SMART's coffers.
- Understood Council's normal budgetary process would be used to determine where that money in the budget would be spent. He understood addressing low-hanging fruit based on the funds available, but he wanted to be sure the public understood that the normal budgetary process would be used to determine which projects would be done first.
  - Mr. Brashear explained that the expected funds listed on the chart were estimates, and ODOT believed the first allotment of monies coming in would be less than its liberal estimate but that things would probably true up in the next two years. SMART expected to receive the first check in March or April of 2019 and the amount received would then determine what SMART would be able to do.

Chair Greenfield:

- Inquired if there was a breakdown of priorities within Priority 1 New Destinations.
  - Mr. Loomis confirmed that there was a breakdown, which was displayed on Slide 2 and based on the public survey. Service to Portland was the most costly and SMART would first look at the 96 connection rather than a SMART express route, and work with TriMet to make better connections.
- Asked if there was a sub process for looking at these priorities and the way that they work out.
  - Mr. Loomis answered yes, noting there were a couple of different ways. When planning routes, SMART looked at the cost of those as monies came in, and then also looked at the usage. SMART had a survey of the priorities the public wanted and would decide the best use of the money that was available.
  - Mr. Brashear added SMART was working with ODOT on a future plan where buses would be allowed to operate on the shoulder, which was done in a number of states across the country. In order to make the Portland trip work and attract ridership, buses could not be put into traffic with all the other vehicles. ODOT was open to the expansion of interstates and making sure that the shoulders could handle buses, but getting ODOT to take the next step and implement a pilot project on the shoulder

might be further down the line. In order to make anything north and west of Wilsonville work, such as Hillsboro, some shoulder access would be needed along those freeways.

- Mr. Loomis added SMART would also consider partnerships, adding they had already been in conversations with Woodburn Transit System and Salem Cherriots to get some IGAs together to have a shared system with other transit systems.
- Mr. Brashear understood Woodburn was a concern for some people and explained that in speaking with Woodburn, Staff learned that their interest was in commuter service, not midday service, to get people back and forth to work in Wilsonville and Woodburn to avoid having single-occupancy vehicles on the interstate there. He had expressed the concerns of the businesses and the City about the outlet malls, but that was not Woodburn's concern.
- Asked for an explanation of the Intercommunity Fund.
  - Mr. Brashear responded that as part of the HB2017, there were technically three pots of funds. Wilsonville would get 90 percent of the Formula Funds, those generated here in Wilsonville, and 10 percent of those funds would go to ODOT to set up the two other programs: 1 percent of that 10 percent was for administrative costs; 5 percent was the Discretionary Fund, and 4 percent was the Intercommunity Fund. Roughly \$4 million to \$5 million would be put up annually as a competitive grant where agencies like SMART could compete for that money on an annual basis to be used for projects, technology, etc. The Intercommunity Fund was specifically designed to tie communities together, and with projects like the 1X, 2X, and 3X, SMART was better positioned to go after that money than most agencies. The money could be used to support existing services; the only risk was that funding was not guaranteed every year; however, he was confident they could make it work for Wilsonville.

#### Commissioner Heberlein:

- Noted he could not find any defined performance measures, and asked what the process would be to identify the performance measures and then to publicize those performance measures so the public knew what the expectations were, and how those were actually doing in comparison to the performance measure goals.
  - Mr. Loomis replied SMART would be doing quarterly reporting and the biggest factor was what makes a particular route successful, which varied for every agency, and ridership forecasted depended on that. For SMART, once the routes were created, the demographics and land use around those routes would be considered to see what the ridership projection should or could be, and then the quarterly report numbers would be compared to the ridership forecasting to see if they were relative. That was what SMART based success on, if ridership was relative to what the forecast would be in those areas, and if it was consistently lower than expected, then SMART would go to the public, returning before the Commission to say that route was not working out and that money might need to put elsewhere moving forward.
  - Mr. Brashear noted that as a subrecipient to a qualified entity, TriMet in this case, TriMet was required to establish key performance indicators (KPIs) that all of their sub recipients, including SMART, would have to report on quarterly. ODOT put the onus on TriMet to establish some level of KPIs that SMART would need to track.
  - Mr. Loomis added that cost per ride and passengers per hour were key performance measures that SMART always considered, especially with regard to Dial-A-Ride. If a new fixed route was implemented that was much more costly than an average of SMART's other routes, then that route would be reevaluated.
  - Ms. Hendrix added SMART could also publish the quarterly reports on its website for people to view.
  - Mr. Brashear stated SMART did track ridership, which was one of the key performance measures that transit systems use. Year-over-year SMART had been up, the last being 2.5 percent and the month before, almost 8 percent, showing a trend in the right direction. Across the country, ridership was drastically down, so he was pleased to see slight increases.

#### Commissioner Hurley:

- Asked how ridership was doing as a percentage of the population growth.
  - Ms. Hendrix replied she was not sure about the population increase, but that was something SMART could follow up on. Because of Wilsonville's large commuter base, the employment level would be another interesting thing to check on.
- Said he did not believe a 2 percent increase would match both a population increase and an employment increase. When those two things were factored in, he would not be surprised if there would be a net decrease in ridership.
  - Mr. Brashear responded he had been doing this for three decades and while he understood the math that was not generally how they looked at it, because populations shift and move. If there was a population decrease in Wilsonville, Staff would not correlate that and say ridership increased because people were leaving the city or something like that.
- Asked if Wilsonville's population grew by 3 percent in two years and ridership increased 2 percent in three years, how would that not equate to a net decrease.
  - Mr. Brashear replied that he guessed it could, but, generally, they did not do it that way in the industry.
- Commented because the industry was trying to promote itself.
  - Mr. Brashear stated SMART did what they could as a transit provider and suggested that employers do their part, meaning incentivize their employees to use transit. SMART provided the service, but could not force people out of their cars.
- Stated that was not the job of an employer.
  - Mr. Brashear replied that he believed it was the employer's job to incentivize their employees to use a vanpool, which SMART was working on, or to use public transit.
- Asked why that was a private employer's responsibility.
  - Mr. Brashear replied because everyone had a responsibility to the environment.
- Interjected that those were vastly different things.
  - Mr. Brashear said he did not think so; they were the same thing because if there was good transit that could take individual cars off the road, then that was helping the environment.
- Responded when it did not work for somebody because there was no transit where they lived; where that employee lived was not the responsibility of employer.
  - Mr. Brashear replied that he had been in business himself, and especially in a market like this where unemployment was very low, businesses had to be creative to bring employees to them. As a transit company, SMART was working on van pools and other things to try to connect employees to employers. Getting people to where they wanted to go was SMART's mission, whether that be Woodburn, Portland, Oregon City or Hillsboro.
- Said he did not have a problem that mission, but he did have a problem with it being the private employer's job to get their employee onto transit. If employees wanted to be in a single-occupancy vehicle that was the employee's choice.
  - Mr. Brashear responded absolutely.
  - Commissioner Heberlein stated it still was though. His company provided incentives and TriMet bus passes for subsidized rates, so they were providing it as a benefit to the employee; however, employees did not have to use it, it was an opportunity.
- Noted Mr. Brashear had stated it was the employer's responsibility to do that.
  - Mr. Brashear stated he believed it was everybody's responsibility to do what they could to improve the congestion that everyone in the room complained about, but were unable or unwilling to do anything about. SMART existed to try to do that and was obligated to make transit as convenient for those who wanted to use it; to entice people out of their cars and onto transit. If it did not work for someone, that was fine.
  - Ms. Hendrix noted DEQ required every employer with over 100 employees to have some kind of trip reduction plan to support lower emissions. State goals existed to support using transit and other forms

of transportation, so at that level, the State did ask employers to provide incentives to encourage employees to not drive single-occupancy vehicles every day.

- Mr. Brashear noted SMART worked with all the employers locally to develop those plans, and it was amazing what some employers, like DW Fritz, did to entice their employees to use transit and not drive their vehicles. He applauded DW Fritz and their trip reduction plan.
- Chair Greenfield noted if it was an incentive, not coercion.
- Stated the biggest irony he found whenever transit agencies came before this Commission previously, was that everyone wanted bikes and buses, yet nobody ever came to the meetings via bike or bus. He did not have a problem with the bus system, but with the hypocrisy of telling people that they need to take a bus or ride a bike, and nobody ever did it themselves. When looking at the demographics of people on buses and mass transit, the national income average of those taking mass transit was more than \$80,000 per person, if he recalled correctly. It was a luxury item, not a necessity, because the people at the poverty level have a car and work three jobs and transit would not get them there. Just because it was a State legislative goal did not mean it was coercion to a private employer when the City told them that they must do something.
  - Mr. Brashear replied everyone must pay taxes. He lived in New Orleans and Baton Rouge and saw what the results were of folks that did not have any other means, but transit. They were left behind and the levies breached and they could not get out. He was passionate about transit and good transit worked well for everyone. He believed transit was a necessary utility and had always argued that it should be elevated to the level of other utilities, because while police and fire were very important, most people would never use them. However, if one lived long enough, they would need transit. He heard had someone in the room say that transit and the fact that it was offered to Wilsonville's citizens at no cost were reasons they chose to live in Wilsonville. He was very proud of that and he traveled around the country talking about the system SMART operated, which most cities would like to run, but were unable to for whatever reason.

Chair Greenfield:

- Noted the strategy's timeline seemed extremely tight, being it was September 12th and at two weeks interval, City Council would have it for its two readings, and then a week after it would go to TriMet, assuming that was affirmative all the way.
  - Mr. Brashear clarified that Appendix B was approved by City Council and had gone to TriMet, and was now awaiting TriMet to get its plan together and make a November 1st deadline. This particular group of the Programs Enhancement Strategy would be a sister to that and would allow SMART to pursue the other pots of money that would become available.
- Asked if TriMet was going to make its deadline.
  - Mr. Brashear replied that that was a very good question and one that TriMet had not been able to answer to his satisfaction. There were 42 qualified entities, including TriMet, and according to ODOT, only about 20 to 25 were expected to make the November 1st deadline. He was on the Oregon Transit Association Board and some transit districts, like the Rogue Valley district, have gone on record that they would not make the deadline. The next window would be May 1, 2019 and with the first allotment expected in October of 2019. He confirmed missing the deadline would mean a six-month delay.
  - He noted TriMet was peddling as fast as they could. He chaired the advisory committee for Clackamas County and the Clackamas County service providers, SMART being one, was the first to cross the finish line with a list of projects, which was praised by both ODOT and TriMet. Having received some bad information from TriMet, the five service providers put their heads down thinking they would miss the deadline, but no one would be able to do anything if TriMet did not meet its deadline. He would have an update regarding TriMet on Friday.

Chair Greenfield called for any public testimony regarding the SMART Programs Enhancement Strategy.

Kevin O'Malley, CEO, Chamber of Commerce, stated that the Chamber was the advocate for business in the Wilsonville community and as such, he was proud to serve a role in the Master Transit Plan where the Chamber was a conscientious, committed participant. The Chamber and certainly all its businesses wanted to continue the excellent SMART Transit System.

- Recalling the start of the process in 2015, one of the first things that happened was a request to ask the public what the interests and needs were for transit. Representing the business interest, the Chamber came back with what they believed to be a logical question, which was, "Did SMART expect there would be more needs, more stops, more traffic, or more transit options?" And, the answer was yes. The Chamber responded asking at what point did there need to be a discussion about the economic side of the continued sustainability of the transit system. At that time, the Chamber understood that would happen later, which he assumed meant as part of the Master Transit Plan. There was no attempt to mislead or anything, but as the Transit Plan wrapped up, the Chamber again asked when would the economic conversation happen about priorities and how all this would get funded. The City Manager said there would be a robust "discussion" about all the economics.
- In a meeting two months ago with Mr. Brashear about what was going to be proposed regarding SMART's use of the transportation bill dollars and that included many of the proposed Program Enhancements. Everyone was in agreement with added service to Woodburn and Oregon City as it served both the community and business interests. To his credit, Mr. Brashear had said things could change and in fact, a few weeks later as the Planning Commission was meeting, two new items were added: affordable housing and the elimination of fares out of the service areas.
- Setting affordable housing aside, the conversation tonight was really about the elimination of fees paid by riders out of the city as the Chamber had a serious concern and some very grave reservations about that.
  - He reiterated this was all built on the foundation that the Chamber wanted SMART to continue to be excellent as a transit system. However, in order for that to continue, the City needed to continue to ensure that it had equitable, sustainable funding sources.
  - Giving up the only source of revenue SMART received from riders meant they were turning their backs on recovering most of the cost from the most expensive service the City had.
  - Free fares outside the city might be an ultimate goal, but throughout the master transit process, the Chamber was told that economic discussions happen later; that the Transit Plan was about where the buses ran and how often.
- He would submit that this free fare enhancement was absolutely economic, and while it might be an important goal, it was part of that economic analysis discussion; it was not an enhancement. These were the Chamber's concerns, adding the Chamber would love to see the continuation of a robust discussion about that and asked that the Commission consider the Chamber's comments tonight.

Chair Greenfield:

- Asked how adjustable this plan was and how soon would the City make a decision about its viability.
  - Mr. Brashear noted as mentioned at the start of the meeting, all of this had to go through City Council, so even as SMART's director, he could not implement anything like the fare less system without City Council's blessing, and he knew concerns existed there as well. It was battle he was willing to take it on when the time came, but having no out-of-town fares was not a priority for SMART's customers, so he believed other enhancements would take priority. When time came, Mr. O'Malley and everybody else would be noticed and they could have that discussion.
- Added he would expect that discussion would occur back in this room before another group of people at the dais.

Commissioner Heberlein stated that from the previous discussions in terms of performance measures, he assumed an elimination of out-of-town fares would come with its own set of performance measures, so the effectiveness of that project would be evaluated as it went through. An increase in ridership that benefitted the business community might be a reason to keep it going beyond that one year; whereas if that ridership did not

materialize, it was not a guarantee that a fare free process would continue and SMART would go back to a fare system. He asked if that was a reasonable assumption.

- Mr. Loomis answered yes, adding SMART had done some light analysis on fare free systems in Oregon as well as around the country, and one good example was the 1X Route. The State of Oregon put in a fare free program for State employees working around the State mall in Salem for a year and SMART showed an immediate increase in ridership for that year, but also an immediate decrease once the funding went away. Any fare less system would see a jump in ridership, so if increasing ridership was the priority, a fare free system would do that, but it would cost more. The ones SMART had seen usually started out as pilot systems for a one to three year basis before being evaluated to see if it was worth funding or if fares were needed to supplement the system. Many fare free options were available if that was a priority to look at increasing ridership; both typically went together.

Commissioner Hurley:

- Understood the issue about not having the economic conversation, adding he wished there had been such a thing. With regard to funding for the fare free, out-of-town commute, he asked if it would make a difference if that came from the State grant side or coffer's side of it where it's not Wilsonville's money.
  - Mr. O'Malley responded it certainly would make a difference to the riders who were receiving it and noted it was a really fair question. In his neophyte first month as he was trying to understand transit, he had asked how it was funded. As it was explained to him, it regarded three legs of the stool: payroll taxes, grants and riders. Basically, about 89 percent was paid by payroll taxes with about 19 percent from grants and about 2 percent from fares.
    - At that time, he had asked if there were any concerns about grants, to which the City had honestly responded no. Nine months later, with a tsunami difference in the administrations that resulted from an election and nobody in that room knew that was likely to happen, but it spoke to the bigger question as business people, which was: if we lost that grant leg, and reasonable men could disagree about whether grants were going to maintain the same from the Feds, and removed the small 2 percent currently being paid by riders, we were entirely susceptible to payroll tax.
    - Some have said, although not publicly, that it was not as bad as TriMet. Businesses were in Wilsonville because they did not want to deal with TriMet. The percentage rate might be smaller, but the City's billion-dollar payroll was part of the specialness of Wilsonville and what it did for parks and everything else.
    - The Chamber was very sensitive that businesses have other options, so the responsibility of a transit system, and they had just heard about the responsibility as a community, and the Chamber would say that as business people, they had a responsibility to step up and say that if that percentage continued to fall evermore on the backs of business, that was not a long-term sustainable model.
    - It should be community wide conversation, but even in a trial, they were trying to say that SMART had just taken away the only rider portion of that, and if it was deemed that was worth the trial, then fine; but as business people, the Chamber was seriously concerned that was down a road without a discussion that was not an enhancement, but a degradation of the transit system. As more service was added, the assumption was that people who were riding were going to want to continue to ride for free or they would not ride. So, what did Council or the Commission say, that we need to continue free fares, but more service needs were continually added and at some point, payroll did not continue to go up or businesses decide otherwise.
    - The Chamber agreed 100 percent with all the enhancements with the exception of this being added after and it was a grave concern.

Chair Greenfield noted the Planning Commission would not make the final decision about this; City Council would be closer to making that decision.



- Mr. O'Malley responded the Chamber was here to share some information and at least, to go on record with the Chamber's concern and hopefully it would continue to be a discussion point. He added the Chamber was very grateful that Louisiana's loss was Wilsonville's gain, recognizing that the City had somebody with a lot of experience, as well as a passion and vision. The Chamber wanted to continue to make sure that transit was a sustainable for everyone.

Commissioner Hurley asked why separate the mixed use/affordable housing piece for discussion. Was it because it was not within the budget piece being considered here?

- Mr. O'Malley replied first because it was not germane to write since it was not on the enhancement list. Secondly, there were some upcoming ballot measures and the Chamber was in the process of having discussions internally as to whether or not they should take positions on it. As the official representative, he did not feel it was his place to make any official comments until an internal decision had been made, though obviously, affordable housing was an issue.

Commissioner Heberlein asked what concern SMART would have if free fares were eliminated from the Prioritized Project List.

- Mr. Brashear responded that for him, free fares gave SMART a great deal more flexibility and made them nimble. It also sent a message to the architects of HB2017 that SMART and the City of Wilsonville had put everything on the table. Even before receiving their first allotment, TriMet reduced its fares by about \$12 million and did a student fare for almost \$490,000 knowing that if TriMet did not get its plan in or approved, the money it was spending on those programs would be lost.
- Ms. Hendrix added that of the seven requirements in the legislation, two hit on how low-income populations were being served and that was one project that Staff felt addressed those requirements. Other requirements included service enhancements, reduced service fragmentation, and introducing electric natural gas vehicles, so that was some of the logic behind that project proposal.
- Mr. Brashear added that besides getting approval from City Council, approval would be needed from the advisory Committee, TriMet's Board, and the OTC before that type of program could be implemented.

Chair Greenfield asked if the fact that the out-of-town fares idea had the second lowest cost in this list would cause it to be a low hanging fruit and more likely to jump ahead in the line.

- Mr. Brashear responded personally, no. As stated, the public had spoken, so for him to suggest that the team move that forward would be selfish on his part, and he was not interested in that. He had some electric buses coming in the first part of the year, and hopefully when everything was said and done, he would have three electric buses, which to him were low hanging fruit.
  - The only buses this money could be used on were electric and/or compressed natural gas buses, and SMART operated both. SMART was in a very good position to match some Federal grants with that money, although his Staff preferred adding service to the street. SMART was operated as a business and those grants would allow SMART to keep its reserves at a healthy level, so if it fell on difficult times, they would be prepared. To hopefully make Mr. O'Malley more comfortable, he believed what was happening now with HB2017 really negated any discussion about the employer side of the payroll tax. This money would put SMART on a sustainable track for years to come, and the \$185,000 for the out-of-town fares was the smallest on the list and monies that the Formula Funds would more than cover. However, it was not a priority for anybody in the room, including him because they had made that clear to him.
  - He believed Mr. O'Malley would attest that he was a man of his word. He did not see it as being an issue but he appreciated and respected Mr. O'Malley's position in fighting for the businesses in Wilsonville, adding he did an incredible job.

Chair Greenfield closed the public hearing at 7:14 pm and called for Commissioner deliberation.

Commissioner Postma stated he also had concerns about the fares portion, but he took comfort in the fact that the City had additional process and considering that it was down on the priority list to the point that other

things might find their way on top of the priority list ahead of it later on down the road. He was very sensitive to what Mr. O'Malley had to say about needing to be concerned about the sustainability of removing one of three funding sources, even though it was a small funding source. He also had sincere concerns about communicating to businesses that the City expected them to carry a very large load of this without any sort of contribution from the ridership. He reiterated that he took comfort in the fact that there was additional process, and that Mr. O'Malley would have plenty of opportunity to speak for the Chamber on behalf of local business when that process popped up if there was any notion that it did not fit the business communities' priorities. He had heard a lot that made him feel much more comfortable and he was prepared to move forward based on the assurances heard today.

**Commissioner Heberlein moved to adopt Resolution No. LP18-0009. Commissioner Millan seconded the motion, which passed unanimously.**

B. ADU Code Edits (Pauly)

Chair Greenfield confirmed with Assistant City Attorney, Amanda Guile-Hinman that deliberations had been continued, but the public testimony portion of the hearing on the ADU Code amendments had been closed. He reopened the deliberation portion of the hearing at 7:17 pm.

Daniel Pauly, Senior Planner, stated he would share information about the deliberations and changes made to the proposed Code amendments following the July discussion. The three main topics regarded whether to require CC&Rs in future subdivisions to allow ADUs, whether to include clear and objective design criteria for ADUs, and the discussion about lot coverage. He presented the changes made from the July public hearing via PowerPoint with these comments:

- CC&Rs Required to Allow ADUs. Based on the Commission's feedback, no changes were suggested to the Code. However, Metro's COO draft recommendation for urban growth boundary (UBG) expansion indicated that Metro would likely require that CC&Rs allow ADUs for Frog Pond East and South. Although it had not been implemented, it was likely that higher regulators would go in this direction. The Commission and Council could direct Staff on whether or not to include that language.
- Architectural Standards. Staff recommended these standards be kept to a minimum to efficiently accomplish what design concerns should be avoided. Only two requirements were recommended, roof pitch and roof and siding materials.
  - Roof pitch requirements should allow a wide variety, from a ranch to a steep, farm house roof. However, the recommended standard would avoid flat roofs. The only exception would be if the main dwelling was a modern style with a flat roof, then, the ADU could have a flat roof as well.
  - Roof and siding materials should match one of several elements. The discussion was that it might be too strict to make the materials match the main house, but the ADU could match the materials of a neighboring or nearby house, which would maintain neighborhood compatibility. Fiber and cement materials made to look like wood or stucco would also be okay if they matched lap siding or real stucco.
- Lot Coverage. Further research revealed more complications, which informed Staff's recommendations. Key research findings included:
  - The review issue regarding Staff's inability to approve additional lot coverage was based on lot coverages approved as part of planned developments based on zoning codes prior to 2000, not what was currently written in the Code.
  - Staff also found that the Design Review Boards (DRBs) approved many waivers and variations from lot sizes for different PDRs due to master plans balancing density between multi- and single-family zones. Wilsonville Meadows and Courtside Estates were two examples. Under the current zone, an 8,000 sq ft lot in PDR-2 was allowed 30 percent lot coverage. (Slide 5) However, the same sized lot with a similar era home and a similarly sized home in Wilsonville Meadows or Courtside Estates would be allowed up to 75 percent lot coverage under the current zoning. Staff recommended a lot size based lot coverage standard rather than a zone based lot coverage standard.

- Lot sizes and lot coverages vary widely within neighborhoods, within the same zones, and across the same lot sizes throughout the city. That suggested that lot sizes and lot coverages were not defining elements of subdivisions, and the variation did not detract from the overall design and feel of neighborhoods. He reviewed Fox Chase and Park at Merryfield as examples (Slide 6), noting that Charbonneau and Villebois were excluded because their lot coverages were higher and those neighborhoods had all sorts of waivers, exceptions, and special circumstances.
- Staff recommended no changes to lot coverage at this time because the Planning Commission's Work Program indicated upcoming discussions on other residential Code edits dealing with density calculations and open space requirements. Therefore, it made more sense to defer this discussion because it was much broader than ADUs and it would allow time for broader conversations to understand how best to approach the issues moving forward.
- He confirmed the Planning Commission was scheduled to discuss density in December and there would be plenty of material to review in preparation for that discussion.

Chair Greenfield added that perhaps an informational item on the November agenda would be beneficial.

Commissioner Postma confirmed that lot coverages would remain the same, and that ADUs would still have to comply with existing lot coverage requirements.

- Mr. Pauly added that was discussed last time, the same issues existed for additions and other desires to use lots, so that should be approached more holistically.

Commissioner Heberlein understood that Code changes related to CC&Rs and lot coverage had been removed and that architectural standards were added to the proposed Code amendments.

Chair Greenfield:

- Clarified that the changes proposed for CC&Rs and lot coverage had been suspended, not removed.
  - Mr. Pauly responded that was correct. He agreed and added it was more of a modification of the existing design requirements rather than adding something additional because design requirements already existed. He confirmed the proposed changes to lot coverage were also being deferred.
- Asked how the City defined subdivision. He also wanted to know how many subdivisions there were and how large they were.
  - Mr. Pauly responded that a subdivision was four or more lots. Villebois had quite a few subdivisions, which varied in size from three lots with open space tracts to hundreds of lots.
- Asked if the subdivisions in Villebois corresponded to individual applications to the DRB.
  - Mr. Pauly said not necessarily, but generally, yes.
- Explained there were two or three references to a subdivision as the relevant environment that a proposed ADU would have to conform to, rather than simply other property on the lot or the adjacent lots. Any other property in the subdivision would be a suitable precedent for an architectural decision.
  - Mr. Pauly noted every subdivision in Wilsonville had the same architectural standards throughout styles and era of development. He could not think of any modern subdivision with variations that would have a negative impact on the compatibility of an ADU.
- Said within a three-block subdivision, a structure related to a style two blocks away would also relate to the surrounding houses and adjacent houses. Old Town was the exception and it was a big exception because it had its own overlay zone.
  - Mr. Pauly noted the overlay zone took precedent over the design standards.
- Stated he was not happy with the architectural standards, but realized the City was constrained. He believed it was a big mistake and resented having to comply with requirements driven by Wilsonville's big sister to the north, which had little to do with Wilsonville or most of Oregon. However, he realized that was a political fact.

Commissioner Postma:

- Noted a potential numbering error on the red line version of the Code in the Definition Section on Page 11 of 56.
  - Mr. Pauly assured Tami Bergeron would take good care of such editing.
- Referenced Page 18 of 56 and said he recalled discussion that sometimes ADUs might not be on same lot as the dwelling units to which they were subordinate.
  - Mr. Pauly replied one of the definitions in the current Code stated accessory uses in general, not necessarily ADUs, may be on an adjacent lot, which seemed to be more applicable to an industrial or commercial project.
- Said he was concerned that the word, “except” might be needed, but he understood that allowance was for accessory uses that were not ADUs.
  - Mr. Pauly noted the Definition Section used to read, “an accessory use may be located on lots adjoining the main use, if approved” and he added “for non-residential uses”, so for residential uses, ADUs would always need to be on the same lot.
- Confirmed the resolution had two sections. One section said “Whereas, the City of Wilsonville encourages construction of ADUs to provide needed housing particularly for smaller households...” and the section below stated, “where the City of Wilsonville further encourages construction of ADUs.” He asked if that was in a stated policy from City Council.
  - Mr. Pauly confirmed that was correct, but he did not have the reference. He believed it was in the ordinance that adopted the current ADU standards.
  - Amanda Guile-Hinman, Assistant City Attorney, confirmed the policy was in two Ordinances, which she believed were Ordinances 796 and 797.
- Suggested that rather than saying, “the City of Wilsonville encourages”, noting the actual policy should be referenced.
  - Ms. Guile-Hinman agreed and suggested the following language addition, “WHEREAS, the City of Wilsonville ~~further encourages~~ **has adopted a policy of encouraging** construction of Accessory Dwelling Units...”

Chair Greenfield:

- Noted a zero setback was possible in circumstances where the adjacent property owner agreed and asked where that was stated in the Code.
  - Mr. Pauly replied it was in Section 4.133 and was very close to the ADU language. He noted the last ADU that was submitted requested a 5-ft setback, which was difficult from a practical standpoint because permission was needed from the individual homeowners as well as the lienholder. Everything must be recorded and a lot of paperwork must go on the title. This typically not did not happen because it so burdensome for homeowners to talk to their neighbors and the banks. He confirmed it was not likely to be widely used.
- Noted his neighborhood had a small 6-ft setback requirement on the side. The next small subdivision to the north had houses 6 ft apart. He read language suggesting it would be possible, if the next door neighbor agreed, to go right up to the property line. Presumably the other property owner could too, which would create row houses. Wilsonville used to have the designation “detached rows”.
  - Mr. Pauly clarified attached rows still existed in Villebois and were a feature created for the Village Center.
- Confirmed the requirement for one parking space for ADUs and that if none was available on the property, then 45 feet of available parking on the curb would be required.
  - Mr. Pauly explained that one on-site standard sized space was required, but if 45 feet of available curb space was not already spoken for, it could be applied in lieu of the on-site space.
- Noted that addressed some of the concern the Commission had about the parking load ADUs imposed on neighborhoods.

Commissioner Heberlein said he appreciated Mr. Pauly's work on the changes after the last meeting was so contentious.

Commissioner Hurley:

- Asked where the Commission stood on the recommended expansion proposals that were highlighted, which eliminated the ability to banish ADUs.
  - Chair Greenfield stated that only applied to one HOA.
  - Mr. Pauly clarified that the Commission could apply that to Frog Pond West as well, but he did not hear a lot of interest in that. Rather than including that as a blanket requirement in the Code, it would potentially end up being incorporated as a Code amendment for the RN Zone when the master planning work was done for those areas. Right now, nothing was being done with that proposal.
- Read the following from Metro's 2018 Growth Management Decision, Chief Operating Officer Recommendation dated September 4, 2018, which had been distributed at the dais: "Set an expectation that the four cities will explore ways to encourage the construction of ADUs in the expansion areas. For example, this could be accomplished either by encouraging construction of ADUs at the same time primary dwellings are being built or placing square footage limits on primary dwellings to encourage adequate lot space remains for the construction of ADUs." However, the Wilsonville section of the recommendation stated: "With that in mind, I recommend that the City look for ways to integrate additional housing choices throughout the plan. Likewise, the City should update its code to comply with the State law by clarifying that at least one ADU is allowed." He noted Metro was not saying that Wilsonville had to do anything beyond what was already being done.
  - Mr. Pauly confirmed that was correct.

Chair Greenfield commented he did not see any problem in the policy regarding future development, and it stated that issues should be dealt with at the master planning stage. However, he had a little bit of a problem with existing HOAs, but only one would be affected, and he was not aware of any public outcry there. He believed the City was perfectly justified going forward with new development that requirements should be established in the City Code.

- Mr. Pauly responded those were really the options. The City could say the differences was that if a Code was adopted for the whole city, it would also apply to the subdivisions coming up in Frog Pond West, in addition to Frog Pond East and Frog Pond South.

Chair Greenfield closed the public hearing closed at 7:45 pm and confirmed there was no deliberation from the Commission.

**Commissioner Millan moved to adopt Resolution No. LP18-0006, including the revisions read into the record. Commissioner Heberlein seconded the motion.**

The following revisions were read into the record:

*(Note: Additional language in bold, italic text; deleted language struck through)*

- In the Resolution, the seventh Whereas was amended to state, "WHEREAS, the City of Wilsonville ~~further encourages~~ **has adopted a policy of encouraging** construction of Accessory Dwelling Units..."
- Renumber the Definition Section appropriately on Page 11 of 56.

**The motion passed unanimously.**

### III. INFORMATIONAL

#### A. City Council Action Minutes (August 6, 2018 and August 20, 2018)

There were no comments.

#### B. 2018 Planning Commission Work Program

Chair Greenfield reiterated that the Commission would visit the density inconsistency revisions in a work session planned for December and noted the continuation of the Boones Ferry Park Master Plan would occur in October.

- Chris Neamtzu, Planning Director, clarified the Planning Commission had not actually seen the Master Plan because no text was available at the time the site plan was reviewed. A small report would now accompany the site plan that would discuss a number of issues, including citizen engagement, the French Prairie Bridge, access to the water, etc. He had reviewed the 10 to 12-page Master Plan and provided his comments to the Parks Department. Further internal revisions would occur in preparation for the public hearing in October. He reminded that the Commission had held a work session on the Boones Ferry Park site plan, which included the promenade across the top of the bank, a significant number of new parking spots, a couple of docks, a boathouse, significant improvements from a trail perspective, relocation of basketball court, larger lawn area, enhancements to the Tauchman House in general, a new playground and dog park.

Commissioner Millan:

- Noted there were a couple of recommendations about where things were being sited to provide a larger picnic area that was not so close to the parking area.
  - Mr. Neamtzu added the Master Plan would also include cost estimates and a prioritization of projects, which he expected to be a significant part of the conversation to ensure that the priorities were appropriate and that the City could move through things in a reasonable fashion.
- Confirmed that there had also been questions about where the bridge would be located and how the bridge impacted the park.

Chair Greenfield commented it seemed that the Commission was at less of a finished state going into this hearing than it had been on other issues.

- Mr. Neamtzu agreed, adding that the Commission had not yet seen the plan it was being asked to adopt, which was atypical for his normal process. He usually provided multiple work sessions until everyone was comfortable. He offered to communicate the concern, and offered to see if the Master Plan could be distributed earlier than the one week to allow the Commission time to digest it, noting that if a continuation was warranted, that was fine. There was no pressure or obligation for the Commission to adopt anything being reviewed the first night. Staff would deal with any scheduling changes with Council; it was important that the Commission took the time needed to make the appropriate recommendation to Council.
  - He clarified that the Boones Ferry Park Master Plan would be a subset of the Parks and Recreation Master Plan. The costs were not rolled up into the citywide plan because no cost estimates existed at the time the Parks and Recreation Master Plan was created. However, the project lists could be updated easily via a resolution adopted by City Council. Essentially, the Boones Ferry Park projects would fold into the citywide plan.
- Ms. Guile-Hinman clarified it would not be an amendment to the Parks and Recreation Master Plan; however the Master Plan did reference the creation of the Boones Ferry Park Master Plan and also referenced that the costs for those project would be contained in the Boones Ferry Park Master Plan.
- Mr. Neamtzu added there was also a project to update system development charges (SDCs) for parks across all those sectors, which would include taking the new citywide plan, the Memorial Park Master Plan, and the Boones Ferry Park Master Plan, to get one comprehensive project list and then running through the methodology of an SDC review and a potential update to those numbers. Doing that SDC update was included in the 2018-19 City Budget. Currently, Engineering was working on the sewer and water updates based on the master plans the Commission had reviewed. Typically, the system updates take a year or two, or more to get to the methodology update that drives the fees charged at the development counter.
  - He stated he would work to get the Boones Ferry Park Master Plan out early, but assured there was no rush; all of the Commission's questions would be addressed and the hearing could be continued to the next month.

Mr. Neamtzu said he was sad to report that Blaise Edmonds, who had been with the City for 30 years, had passed away, having lost his battle with cancer. A celebration of life would be held at the Old Church on September 22, 2018.

**III. ADJOURNMENT**

Chair Greenfield adjourned the regular meeting of the Wilsonville Planning Commission at 7:54 p.m.

Respectfully submitted,

By Paula Pinyerd of ABC Transcription Services, Inc. for  
Tami Bergeron, Administrative Assistant-Planning