

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION

May 16, 2006

Mayor Bernard called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Councilors Barnes, Collette, Loomis, and Stone.

Staff Present: City Attorney Gary Firestone, Community Services Director JoAnn Herrigel, Development/Public Works Director Ken Asher, Resource and Economic Development Specialist Alex Campbell, Engineering Director Paul Shirey, and Building Official Tom Larsen.

Advisory Board Interviews

The Council interviewed Jane Hanno for reappointment to her position on the Center/Community Advisory Board and Devon Graham for a vacancy on the Cable Access Board.

Metro Construction Excise Tax

Mr. Larsen reported that a certain amount of land was brought into the urban growth boundary (UGB) in 2002 and 2004, and jurisdictions were mandated by Metro to do long-range planning for those areas. In 2005 Metro realized none of the jurisdictions were carrying out their concept plans because they lacked funding. The purpose of the tax was to create a funding base that Metro would give out as grants. Metro's goal was to collect \$6.3 million over a period of several years. The tax was .12% of the value of the job, and collection would begin in July. For example, a \$100,000 job would pay \$120. Jobs valued at less than \$100,000 were exempt, so generally residents doing additions and other home improvements would not pay the tax. There were other exemptions for charitable organizations. A 30-member group composed of elected officials, construction industry groups, school district representatives, and other stakeholders considered the issue and supported the tax. The homebuilders supported the proposal because completed concept plans would open more land for development.

Councilor Stone asked who had signed onto this. The staff report stated that all jurisdictions would "likely" sign onto this IGA.

Mr. Larsen replied the IGA was still in draft form, and each of the governing bodies had to adopt it by resolution.

Councilor Stone asked how much staff time it would take to collect the fee.

Mr. Larsen replied building department staff collected several other fees such as system development charges (SDC), so little additional time would be required once the fee was set up in the permitting software. The local jurisdictions can retain 5% for administrative fees.

Councilor Stone had a problem with Metro imposing a tax and the cities collecting it without a vote of the people. She understood what Metro was trying to do, but somehow she thought it seemed underhanded.

Mr. Larsen said Metro had the authority as a taxing entity. The builders had to pay the fee whether the cities or Metro collected it. He thought it was better customer service to collect the fees when the permits were issued.

The group agreed to put the item on the June 6 consent agenda.

Riverfront Concept

Board members present: Michael Martin, Mitch Wall, Dave Green, Mike Stacey, Shane St. Clair, and Gary Klein.

The group discussed the concept plan developed by the Riverfront Board with the assistance of Gill Williams from David Evans Associates. **Ms. Herrigel** said in 2000 the City adopted a Downtown Riverfront Plan into its Comprehensive Plan. It was developed after a 1-1/2 year public input process. That plan did not have a boat ramp in it, and since that time there had been a lot of discussion about the absence or presence of the boat ramp. A lot of progress had gone into developing the riverfront. In 2003, the Klein family donated Klein Point just south of the mouth of Johnson Creek. In 2005, the last two remaining buildings on the riverfront were demolished, and in the fall a survey went out to the public seeking input on two concepts. One of the concepts had a boat ramp and the other did not. The majority of the survey responses preferred Concept #2 that showed a boat ramp. In January 2006 she reported the survey response to the Council and outlined the Board's proposal for integrating the survey response into a final design concept.

Mr. Green, Riverfront Board Chair, reported the Board held a design meeting with a number of resource people including park and program designers and Oregon State Marine Board (OSMB) representatives. The question was "what did Milwaukie really want in its park?" They needed guidelines and criteria by which to help develop the details. In April the Riverfront Board toured several facilities to look at ramps and parks, which sparked a lot of good discussion among the members about integrating parking and ramp into the park area. He reviewed the elements the Board felt were critical to the riverfront park. The boat ramp remained in essentially the same location with the trailer parking moved tight with McLoughlin Boulevard at the upper end of the park in order to open up more space where the lower parking lot was currently located. They also squeezed in a turnaround for boat trailers. One of the issues they grappled with was just moving vehicles and trailers through the park and making sure there was turnaround space and a queuing area to create a functional traffic flow. He felt the plan was workable in general, and it provided people with a turnaround similar to what they now had although it was somewhat tighter. There was no parking on the lower level, and the upper level was moved toward McLoughlin Boulevard. The Board worked to get 14 trailer spaces between the creeks, which was the ultimate compromise between the seven board members. Between the parking spaces at the log dump and the 14 spaces along McLoughlin Boulevard there were at least as many trailer parking spots as there are now. There was also some car parking identified for the Trolley Trail and in the roundabout area.

The Board thought it was important to shut down the traffic flow in and out of Jefferson Street so recommended closing Jefferson and moving all the trailers in and out at Washington where there was a signalized intersection. That further created more parking spaces along McLoughlin Boulevard. This was a significant change, and the Oregon Department of Transportation (ODOT) had yet to buy off on it.

Councilor Stone asked how much parking there would be and how much there was now.

Ms. Herrigel said there were currently 25 trailer parking spaces plus ADA and regular car parking for a total of 40 spaces.

Mr. Green said in this plan there were 14 trailer spots between the creeks and at least 10 at the log dump. Some of the County parking lot would be used in this plan, so the space sharing would have to be discussed.

Councilor Stone asked how many total spaces there were.

Mr. Green suggested not drilling down too deep because this was a concept plan, and a lot of design work still needed to be done. Currently the plan showed 31 boat trailers spots plus

about 25 car spaces. Two trailer and two car spots would have to be ADA. The Board also suggested using permeable pavers in all the parking areas to reduce stormwater runoff and the need for stormwater treatment systems. That was generally healthier for the river. It will be a huge issue to construct parking facilities and roadways and to improve the boat ramp in the sensitive area between Johnson and Kellogg Creeks. One of the other criteria was a dock at both the boat ramp and log dump.

Mr. St. Clair noted those were the difficult issues, and the Board also discussed the amphitheater and the Sunday Farmers' Market. From his perspective as a boat captain, this would be a very inviting entrance into the City.

Mr. Green added the Board was looking forward to working on other park elements in addition to the boat ramp and parking.

Mayor Bernard recognized the group's hard work and observed that some people would be happy that the boat ramp was still included while others would not.

Mr. Green said one of the elements important to all the Board members was keeping the area north of the ramp including Klein Point as natural areas.

Michelle Bussard, Executive Director Johnson Creek Watershed Council, commented on maintaining the connections north of the boat ramp and Johnson Creek. There were restoration opportunities at the confluence this project could support and enhance. Those opportunities included daylighting Spring Creek, enhancing instream habitat by focusing on the placement of large pieces of wood, creating off-channel habitat, and revegetation using natural species for bank stabilization. Just as the riverfront was the welcome mat for the City, it was also the threshold for migrating salmon. The fish would either go effortlessly or not. She urged the Council to think about less and not more parking; consider that any paved surfaces be done with permeable paving; all of the plantings on site were native species and eco-turf so there were not chemical enhancements; and emphasis on educational and interpretive signage. Because the environment, economy, and the community were inextricably intertwined, the Watershed Council appreciated the desire to accommodate the boating and fishing enthusiasts. She also wanted to say 'bravo' for moving the parking area further from the confluence to minimize the disturbance. That was key to the Watershed Council. Tonight the City had a chance to recognize the Oregon Plan that balanced the environmental, economic, and social factors. It encouraged civic engagement and looked like the Rotary Club adopting Klein Point and sharing that partnership with the Waldorf School. It looked like a boater who just purchased snacks from a downtown merchant before going out to fish. It was an open-air concert with picnic items bought at the open-air market. In 2002 the US Fish and Wildlife and the US Department of Commerce did a study and found that 31% of the US population engaged in wildlife watching, and spent 16% more on their trips and items. That could mean a lot of sales for downtown merchants. This and the decisions that followed would frame what happened both above and below the waterline on the Milwaukie waterfront. The decision would determine the sustainability and livability of this place into virtual perpetuity.

Councilor Stone understood Ms. Bussard recommended keeping parking as far as possible from the confluence. Was this concept plan agreeable to the Watershed Council?

Ms. Bussard replied the farther and the fewer the better to minimize disturbance to that area. She felt the compromise that had been reached was agreeable to the Watershed Council.

Councilor Stone asked if the location of the boat ramp was agreeable also.

Ms. Bussard replied she would not say that it was not.

Councilor Stone said her question all along was if this ramp had to be in that exact location and could it be further south.

Ms. Bussard said one of the keys was that there be a ten-year limit on the City's agreement with OSMB to keep open the option of relocating the boat ramp.

Mr. Green said after the Board reached consensus on the plan it talked about OSMB funding. There was some concern based on the agreements in place historically and the repayment requirements if there were changes to the facility. Some Board members were concerned about getting locked in given the uncertainties of the Kellogg Treatment Plant and the potential for moving the boat ramp. The Board was concerned about having to repay the Marine Board in full for its investment if the facility were moved further south. This was one of the difficult issues for the City Council, and all the Board could do was to make a recommendation. OSMB may have some comments on the concept plan and would certainly have comments on any proposed restrictions related to funding. The Board recommended with a 6:1 vote that the Council limit its commitment to the Marine Board. One suggestion was to limit the commitment to 10 years in which the City would have to repay OSMB's investment in full. The other option would be to identify facilities and only fund facilities the Council did not feel would be relocated even if the ramp were relocated. For instance, the City might want to keep the docks, parking, and restrooms whether the ramp was there or not.

Mr. St. Clair added from a practical matter bathometric data did not indicate there was another location to the south for the boat ramp.

Mayor Bernard was concerned from a business perspective about depreciation. No business would pay for something that was falling apart.

Mr. St. Clair was convinced an effective compromise could be reached.

Councilor Stone asked who was consulted about the possibilities of moving the ramp further south.

Mr. St. Clair said OSMB did a bathometric study because the Riverfront Board wanted to know if the ramp could be moved to the log dump. The grade and steepness generally precluded an effective move of the ramp to that location. Realistically he felt one should consider how quickly that would happen. The ramp was in its current location because that was the best place for it considering the depth of the river and that sort of thing. The question was where else would it work.

Councilor Stone said just looking at the design, the ramp bisected the park. It would be nice to have it further south to really open up the park.

Mr. Green said the Board looked at moving it south between the creeks, but that would create some fish passage issues the ramp was nearer either Kellogg or Johnson Creeks. From that standpoint, the ramp was in the best place. He saw the letter from OSMB just yesterday, and he, even though he was an engineer, was not clear about its contents. It did sound like there were some problems with the turning radii and the steepness of the drop off and fitting the ramp with the required slopes. He had asked Ms. Herrigel to get some drawings so the Board could better understand the constraints.

Mr. St. Clair thought moving the access to Washington Street and moving vehicular traffic to the south made a nice feature. People would walk out on the dock to the pavilion, so he did not see it as a negative feature in the middle of the park.

Mr. Klein agreed that the dock where it was located was the best place between the creeks. He personally wished it could be further south, but until an option came up this was the best spot. By further south he meant the Kellogg Treatment Plant. Too far beyond that there were issues with the bay and how shallow it was. There had been a moorage there in the past, but it was gone because of that issue. Here it was the fish passage issue.

Councilor Collette asked if there would be any issues with having the Sunday Farmers' Market on turf.

Mayor Bernard thought there might be some permeable pavers where the tents were set up, but that would be a detail to consider.

Mr. Wall said one of the experts recommended putting in the infrastructure first – such as electricity and water – where there were repetitive needs. That part of the process needed to be planned for at the front end.

Mr. Green suggested that the Sunday Market could use the trailer spots on McLoughlin Boulevard. It was busy but there would be a lot of advertising.

Councilor Collette observed that the children's play area was not shown in the concept plan.

Mr. Green replied it dropped off because so few people commented on that feature in the survey, but there was room to put it in. It did not seem like an important issue to people for whatever reason. The Board voted unanimously on all elements with the exception of OSMB funding which was 6:1.

Mr. Wall commented on the scale used by the group. Once the group came to consensus, each member was asked at what point on the scale his/her commitment level was. How that turned out showed this was a real compromise.

Councilor Stone commented this promoted good discussion.

Mr. Stacey added this was a plan that everyone could support.

Councilor Loomis was pleased. Ms. Bussard was involved with Oregon Solutions and got the Governor there. He was glad this was a compromise and followed Concept #2. His only concern was putting a limit on the OSMB funding. The last time the Council negotiated was for Milwaukie Jr. High, and that was not pretty. His concern was that he wanted to get it done. These were the types of features that OSMB funded, and if there was another way fine.

Mayor Bernard felt the City should at least run the idea by the Marine Board, but he would rather sell pies than commit the City to 20 years.

Councilor Loomis did not want to go looking for a partner and demanding things.

Councilor Stone did not want to commit to 20 years. There were a lot of unknowns over that period of time such as the sewage treatment plant. It was a lot of money to invest. Milwaukie needed its boat ramp. Milwaukie was the meeting of the waters and everyone needed access to the river. She would hate to see Milwaukie commit to something to put the infrastructure in and maybe tear it out with a big bill to pay. She wanted to make sure all the possibilities were considered.

Mr. Martin said the Riverfront Board did discuss asking the Marine Board if it would be sufficient for the City to find a substitute.

Mayor Bernard recalled that OSMB had not been willing to compromise on the matter five years ago, but they may have changed.

Mr. Martin observed that OSMB needed the City.

Mr. Green thought it was important for OSMB to fit into Milwaukie's riverfront plans and not vice versa.

Councilor Stone asked the feasibility of parking on east side of McLoughlin Boulevard.

Councilor Collette thought people would use it but not necessarily dedicate it to the park.

Mr. Green added there were issues related to long parking slots for trailers and turnaround needs. There could be car parking for shoppers.

Mr. Wall commented on the seasonal nature of boat parking.

Mr. St. Clair noted those parking spaces could be seasonally allocated for vehicles and cars and for events. The highest impact for boating was January through April.

Mr. Green said the Board felt it could recommend that the space be committed to boat trailer parking during spring fishing season. There were seasonal shifts, so uses could be flip-flopped.

Councilor Collette thought it could be a wonderful combination with the Farmers' Market that started in May.

Mayor Bernard heard consensus on the concept plan and hoped the Board would stay on to work out the details.

Mr. Green thanked the Board and commented on the compromises to come up with this plan. He was excited about moving forward and making a unanimous recommendation to Council. He urged putting out the request for proposal (RFP) as soon as possible to bring a designer on board. He thanked Gill Williams who did all the graphics since 1998 most of which he donated. The riverfront project would not be where it was without Ms. Herrigel.

Councilor Stone suggested honoring Mr. Williams at a Council meeting.

Councilor Collette provided an update on the Artrain, USA.

Mayor Bernard adjourned the work session at 6:42 p.m.

Pat DuVal

Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL WORK SESSION MAY 16, 2006

MILWAUKIE CITY HALL

Second Floor Conference Room
10722 SE Main Street

WORK SESSION – 5:30 p.m.

A light dinner will be served.

Discussion Items:

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>
1.	5:30 p.m.	Advisory Board Interview	
2.	5:40 p.m.	Metro Construction Excise Tax	Tom Larsen
3.	5:50 p.m.	Riverfront Concept	Board Members & JoAnn Herrigel
4.	6:45 p.m.	Adjourn	

Public Notice

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the one previous to it.
- Executive Session: The Milwaukie City Council may go into Executive Session pursuant to ORS 192.660. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA) please dial TDD (503) 786-7555.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.



To: Mayor and City Council

Through: Mike Swanson, City Manager
Kenny Asher, Community Development and Public Works Director

From: Tom Larsen, Building Official

Subject: Metro Construction Excise Tax

Date: May 8 for the May 16th Work Session

Action Requested

None. This report is for information purposes only. Metro has requested that the City enter into an Intergovernmental Agreement (IGA) for the collection and remittance of a newly adopted Construction Excise Tax. Pending Council direction, staff will return in four weeks with a recommendation that Council authorize the City Manager to execute this IGA.

Background

On March 23, 2006, Metro adopted Ordinance No. 06-1115 requiring builders to pay an excise tax of .12% (.0012) of the construction value of the permitted project. The purpose of the tax is to provide funding to local jurisdictions for compliance with mandates associated with Title 11 planning for areas brought within their Urban Growth Boundary in 2002 and 2004.

The tax will take effect July 1, 2006 and will sunset when \$6.3 million dollars have been collected. Metro estimates a duration of three to four years. Only projects that have a construction valuation of \$100,000 or more will be subject to this tax and the maximum collected for any one project will be \$12,000. Projects targeted at providing housing or charitable services for low-income citizens will be exempt.

Under the proposed IGA, the Building Department will collect the fee, prepare reports, and remit the money to Metro on a quarterly basis. The department will retain 5% of the fees to cover costs incurred.

Concurrence

STAFF REPORT

Exhibit A

IN CONSIDERATION OF ORDINANCE NO. 06-1115, AN ORDINANCE CREATING A NEW METRO CODE CHAPTER 7.04 ESTABLISHING A CONSTRUCTION EXCISE TAX

Date: March 16, 2006

Prepared by: Reed Wagner

BACKGROUND

Of the 2002 and 2004 Urban Growth Boundary (UGB) Expansions over 6,000 acres remain unplanned. The Metro Ordinances that brought the land into the UGB specify that the city or county with land use planning responsibility for the new areas complete Title 11 planning within two years (unless exceptions have been applied). Several of the deadlines for compliance expired in March 2005, because many of the local jurisdictions responsible for completing the Title 11 planning requirements do not have the funding to do so. Development in these areas is stalled until comprehensive plans are adopted.

On October 13, 2005, the Metro Council adopted Resolution No. 05-3626A, For the Purpose of Establishing an Expansion Area Planning Fund Committee ("EAPF"), to serve as a tax study committee pursuant to the Metro Code, with the charge to advise and make recommendations to the Metro Council regarding aspects of the need, distribution and mechanism for funding concept and comprehensive planning needs from the 2002 and 2004 Urban Growth Boundary expansions. On February 2, 2006 the EAPF Committee presented its findings and conclusions to the Metro Council, recommending that Metro implement a short-term construction excise tax to fund local planning needs for the 2002 and 2004 UGB expansion areas. A copy of the committee's recommendation is attached to this staff report as Attachment 1.

The implementation of a regional Construction Excise Tax, with grants back to the local jurisdictions for planning, would provide these jurisdictions with funding necessary for their completion of the requisite Title 11 planning for the 2002 and 2004 expansion areas.

ANALYSIS/INFORMATION

1. **Known Opposition:** The committee decision was 5 in favor with 0 opposed and 1 abstention. The EAPF Committee report included a minority report, which stated that some jurisdictions have concerns with Metro serving as the tax agent, and that local jurisdictions could identify and pursue other funding sources. Outside the committee, Metro has received letters from Beaverton School District (Attachment 2), Sherwood School District (Attachment 3) and Tigard-Tualatin School District (Attachment 4), all requesting that the proposed exemptions be broadened to include K-12 public school construction projects in the list of construction activities that would be exempt from the construction excise tax. In addition, some individuals in the development/business community would prefer a cap on this tax for large-scale construction projects.
2. **Legal Antecedents:** In compliance with Metro Code Section 2.19.200, on October 13, 2005 Metro established a tax study committee to determine the financial need associated with

2002/2004 expansion area planning costs and a revenue mechanism for addressing this need, via Metro Resolution no. 05-3626A, "For the Purpose of Establishing An Expansion Area Planning Fund Committee."

3. **Anticipated Effects:** The Construction Excise Tax collection would begin on July 1, 2006, at a rate of .12%. Based on current forecasts, this rate would realize approximately \$2 million annually. After the effective date of the Construction Excise Tax, Metro's planning department would accept grant requests from local jurisdictions to identify the precise revenues necessary to complete concept and comprehensive planning and establish a payment schedule based on a collation of each planning project's set of milestones. The total payments of approximately \$6.3 million would be distributed to the requestor jurisdictions, while reimbursement to Metro, via the Construction Excise Tax, would be realized within approximately 3 fiscal years, based on estimates of future construction activities.
4. **Budget Impacts:** The budget impact includes a significant amount of staff time, including data generation from the Data Resource Center, financial planning and intergovernmental fund transfer planning by Finance and Administrative Services, IGA development by the Office of the Metro Attorney, and Grant development /review and tracking by the Planning Department. These costs will be absorbed by current budgets within FAS and OMA, assuming revenues will be collected successfully through IGAs with all local jurisdictions, while the Planning Department, including DRC, will need increased resources to complete associated tasks. Planning anticipates a budget impact of an additional .5 to .75 limited duration analyst over the course of the program. This FTE would be necessary to assist in grant negotiations, grant reviews, and monitoring and tracking of the invoices against the IGAs and Metro standards; in addition, this position would assist in overall program management. This will allow existing planning staff to continue to participate in local government concept planning efforts.

Increased revenues from the Construction Excise Tax forecasted at approximately \$2 million annually, which will reimburse Metro for the amounts Metro has granted to local jurisdictions under the program. The ordinance outlines a Metro advance on funds; the advance schedule will be determined within the first year of the program (upon the receipt of all grant requests). Preliminary forecasting suggests that the majority of the funding will be spent within the first 18 months. This advance will impact the budget as Metro will need to identify advance resources for payouts. The advance resources will not exceed the total amount of the program, forecasted to be \$6.3 million dollars.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this ordinance.

**Exhibit A
Resolution 05-3626**

The Expansion Area Planning Fund Committee is being asked to serve on a short term basis, beginning in late October and concluding by December 15th, 2005, and meet 3 to 4 times to analyze funding mechanism options for concept and comprehensive planning in the Metro Region. Metro staff will serve as technical and administrative support to the committee and provide background information.

11 Metro residents have been identified as possible committee members. They are

Ryan O'Brien	Land Development Specialist
Jerome Colonna	Superintendent of Beaverton School District
Bob Stacey	Executive Director, 1000 Friends
Wally Mehrens	Columbia Pacific Building Trades
Diana Godwin	Land Use Attorney
Tom Brian	Chair, Washington County Board of Commissioners
Gil Kelley	Planning Director, City of Portland
John Hartsock	City Councilor, City of Damascus
Cindy Catto	Public Affairs Manager, Associated General Contractors
Jim Chapman	President, Home Builders Association
Chuck Becker	Mayor, Gresham

Exhibit B
Resolution 05-3626

The Expansion Area Planning Fund Committee is being asked to serve on a short-term basis, beginning in late October and concluding by December 15th, 2005, and meet 3 to 4 times to analyze funding mechanism options for concept and comprehensive planning in the Metro Region. Metro staff will serve as technical and administrative support to the committee and provide background information.

The Committee will be asked to advise the Council on the following specific questions:

- a. How large is the regional need for concept and comprehensive planning?
- b. How should the funds be distributed? Are certain areas prioritized?
- c. Should the funds accompany other resources?
- d. What role should Metro play?
- e. What role should local jurisdictions play?
- f. What mechanism should be used for capturing this fee?
- g. What administrative processes and costs should be considered in regards to this fee?
- h. What should be the time period for this fee, should it sunset?
- i. What mechanism should be used to satisfy long term needs? How can this Funding be more directly linked to the areas that benefit?

Following the completion of the Committee's work by December 15, 2005, they will issue their recommendations about the funding to the Metro Council. The Council will then ask the community at large to review and comment on those recommendations.

EXHIBIT A
ORDINANCE 06-1115

METRO CODE - TITLE VII FINANCE
(New) Chapter 7.04 CONSTRUCTION EXCISE TAX

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7.04.010 Short Title

This chapter shall be known as the "Construction Excise Tax."

7.04.020 Policy and Purpose

This chapter establishes a Construction Excise Tax to provide funding for regional and local planning that is required to make land ready for development after its inclusion in the Urban Growth Boundary.

7.04.030 Definitions

As used in this chapter:

- (a) "Building Official" means any person charged by a municipality with responsibility for the administration and enforcement of a building code.
- (b) "Chief Operating Officer" means the person holding the position of Metro Chief Operating Officer established by Section 2.20.010 of the Metro Code.
- (c) "Construction" means erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure for which the issuance of a building permit is required pursuant to the provisions of Oregon law, whether residential or non-residential. Construction also includes the installation of a manufactured dwelling.
- (d) "Contractor" means any person who performs Construction for compensation.
- (e) "Improvement" means any newly constructed structure or a modification of any existing structure.
- (f) "Major Renovation" means any renovation, alteration or remodeling of an existing building or structure, or portion thereof, residential or non-residential, that requires or receives a building permit.
- (g) "Manufactured Dwelling" means any building or structure designed to be used as a residence that is subject to regulation pursuant to ORS 446, as further defined in ORS 446.003(26).
- (h) "Person" means and includes individuals, domestic and foreign corporations, public bodies, societies, joint ventures, associations, firms, partnerships, joint stock companies, clubs or any legal entity whatsoever.
- (i) "Value of New Construction" means the total value of the Construction as determined by the construction permit or building permit for the Improvement and/or Major Renovation.

7.04.040 Exemptions

(a) No obligation to pay the tax imposed by Section 7.04.070 shall be imposed upon any Person who establishes that one or more of the following are met:

- (1) The Value of New Construction is less than or equal to \$100,000; or
- (2) The Person who would be liable for the tax is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), or a limited partnership the sole general partner of which is a corporation exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3), the Construction is used for residential purposes and the property is restricted to being occupied by Persons with incomes less than 50 percent (50%) of the median income for a period of 30 years or longer; or
- (3) The Person who would be liable for the tax is exempt from federal income taxation pursuant to 42 U.S.C. 501(c)(3) and the Construction is dedicated for use for the purpose of providing charitable services to Persons with income less than 50 percent (50%) of the median income.

(b) The Building Official or Chief Operating Officer may require any Person seeking an exemption to demonstrate that the Person is eligible for an exemption and that all necessary facts to support the exemption are established.

7.04.045 Ceiling

Notwithstanding the provisions set forth in Sections 7.04.070 and 7.04.080, if the Construction Excise tax imposed by this Chapter would be greater than \$12,000 (Twelve Thousand Dollars) as measured by the Value of New Construction that would generate that amount of tax, then the Construction Excise Tax imposed for that Construction is capped at a ceiling of \$12,000 (Twelve Thousand Dollars).

7.04.050 Rules and Regulations Promulgation

The Chief Operating Officer shall promulgate rules and regulations necessary for the administration and enforcement of this chapter.

7.04.060 Administration and Enforcement Authority

(a) The Chief Operating Officer shall be responsible for the administration and enforcement of this chapter. In exercising the responsibilities of this section the Chief Operating Officer may act through a designated representative.

(b) In order to carry out the duties imposed by this chapter, the Chief Operating Officer shall have the authority to do the following acts, which enumeration shall not be deemed to be exhaustive, namely: administer oaths, certify to all official acts; to subpoena and require attendance of witnesses at hearings to determine compliance with this chapter, rules and regulations; to require production of relevant documents at public hearings; to swear witnesses; and to take testimony of any Person by deposition.

7.04.070 Imposition of Tax

A Construction Excise tax is imposed on every Person who engages in Construction within the Metro Area. The tax shall be measured by the total Value of New Construction at the rate set forth in Section 7.04.080. If no additional value is created or added by the Construction and if the Construction does not constitute a Major Renovation then there shall be no tax due. The tax shall be due and payable at the time of the issuance of any building permit, or installation permit in the case of a manufactured dwelling, by any building authority.

7.04.080 Rate of Tax

The rate of tax to be paid for Construction and/or Major Renovation shall be 0.12% of the Value of New Construction.

7.04.090 Failure to Pay

It shall be unlawful for any Person to fail to pay all or any portion of the tax imposed by this chapter.

7.04.100 Statement of Entire Value of New Construction Required

It shall be unlawful for any Person to fail to state or to misstate the full Value of New Construction of any Improvement, Major Renovation, or Manufactured Dwelling. When any Person pays the tax, within the time provided for payment of the tax, there shall be a conclusive presumption, for purposes of computation of the tax, that the Value of New Construction of the Improvement, Major Renovation, or Manufactured Dwelling is the Value of New Construction as determined by the Building Official at the time of issuance of the building permit or installation permit. When any Person fails to pay the tax within the time provided for payment of the tax, the Value of New Construction constructed shall be as established by the Chief Operating Officer who may consider the Value of New Construction established by the Building Official but may consider other evidence of actual value as well.

7.04.110 Intergovernmental Agreements

The Chief Operating Officer may enter into intergovernmental agreements with other local governments and jurisdictions to provide for the enforcement of this chapter and the collection and remittance of the Construction Excise Tax. The agreements may provide for the governments to retain no more than 5 percent (5%) of the taxes actually collected as reimbursement of administrative expenses, and also for the reimbursement of the government's reasonable, one time, start-up costs as set forth in the agreements.

7.04.120 Rebates

(a) The Chief Operating Officer shall rebate to any Person who has paid a tax the amount of tax actually paid, upon the Person establishing that the tax was paid for Construction that is eligible for an exemption under Section 7.04.040.

(b) The Chief Operating Officer shall either rebate all amounts due under this section within 30 days of receipt of a complete application for the rebate or give written notice of the reasons why the application has been denied. Any denial of any application may be appealed as provided for in Section 7.04.140.

7.04.130 Hearings Officer

The Chief Operating Officer shall appoint a hearings officer to conduct hearings related to enforcement or appeals of this chapter. All hearings shall be conducted in accordance with rules and regulations adopted by the Chief Operating Officer.

7.04.140 Appeals

Any Person who is aggrieved by any determination of the Chief Operating Officer regarding liability for payment of the tax, the amount of tax owed, or the amount of tax that is subject to refund or rebate may appeal the determination in accordance with Section 7.04.130. All appeals must be in writing and must be filed within 10 days of the determination by the Chief Operating Officer. No appeal may be made unless the Person has first paid the tax due as determined by the Chief Operating Officer.

7.04.150 Refunds

(a) Upon written request, the Chief Operating Officer shall refund any tax paid to the Person who paid the tax after that Person has established that Construction was not commenced and that any Building Permit issued has been cancelled as provided by law.

(b) The Chief Operating Officer shall either refund all amounts due under this section within 30 days of a complete application for the refund or give written notice of the reasons why the application has been denied. Any denial of any application may be appealed as provided for in Section 7.04.140.

7.04.160 Enforcement by Civil Action

The tax and any penalty imposed by this chapter constitutes a debt of the Person liable for the tax as set forth in Section 7.04.070 of this chapter and may be collected by the Chief Operating Officer in an action at law. If litigation is necessary to collect the tax and any penalty, the prevailing party shall be entitled to reasonable attorney fees at trial or on appeal. The Office of Metro Attorney is authorized to prosecute any action needed to enforce this chapter as requested by the Chief Operating Officer.

7.04.170 Review

Review of any action of the Chief Operating Officer taken pursuant to this chapter, or the rules and regulations adopted pursuant thereto, shall be taken solely and exclusively by writ

of review in the manner set forth in ORS 34.010 through 34.100, provided, however, that any aggrieved Person may demand such relief by writ of review.

7.04.180 Failure to Pay - Penalty

In addition to any other fine or penalty provided by this chapter, failure to pay the tax within 15 days of the date of issuance of any Building Permit for any Improvement, Major Renovation, or installation permit for any Manufactured Dwelling shall result in a penalty equal to the amount of tax owed or fifty dollars (\$50.00), whichever is greater.

7.04.190 Violation - Penalty

(a) In addition to any other civil enforcement provided herein, violation of this chapter shall be a misdemeanor and shall be punishable, upon conviction, by a fine of not more than five hundred dollars (\$500.00).

(b) Violation of this chapter by any officer, director, partner or other Person having direction or control over any Person violating this chapter shall subject each such Person to such fine.

7.04.200 Rate Stabilization

In order to protect against the cyclical nature of the construction industry and development patterns, the Council shall annually as part of the budget process create reserves from the revenues generated or expected to be generated by the Construction Excise Tax, which reserves are designed to protect against future fluctuations so as to promote stability in the funds needed to support required programs.

7.04.210 Dedication of Revenues

Revenue derived from the imposition of this tax after deduction of necessary costs of collection shall be dedicated to fund regional and local planning that is required to make land ready for development after inclusion in the Urban Growth Boundary.

7.04.220 Procedures for Distribution

The Chief Operating Officer shall distribute the revenues from the Construction Excise Tax as grants to local governments based on an analysis of grant requests submitted by the local

jurisdiction which set forth the expected completion of certain milestones associated with Title 11 of Metro Code Chapter 3.07, the Urban Growth Management Functional Plan.

7.04.230 Sunset Provision

The Construction Excise Tax shall not be imposed on and no person shall be liable to pay any tax for any construction activity that is commenced pursuant to a building permit issued on or after the last day of the month in which a total of \$6.3 million has been collected under this Chapter, received by Metro, and certified as received by Metro to the local collecting jurisdictions.

TITLE 11 NEW AREA PLANNING STATUS REPORT – 2002 and 2004 UGB Expansion Areas
(revised February 2006)

Project/ Study Area	Lead Government	Plan Deadline	Total Acres	Dwelling Unit Capacity	Total Number of units built to date	Status / Notes	Planning cost from Jan. 03 & Dec. 05 Expense Breakdown	Unfunded Cost and Cost Status
2002 UGB Expansion								
Springwater Community Plan (Areas 6, 12)	Gresham	March 2005	1,151	1,417*	0	Completed	Total: \$1,300,000 \$247,000 –staff \$945,000 - state loans to be paid back from general fund	
Damascus/Boring (Areas 10-11, 13-19)	Clackamas County	March 2007	12,214	25,595	0	Draft plan under review. Completion expected December 2005	Total: \$2 million \$271,867 county general fund \$25,000 Happy Valley general fund	
Park Place Master Plan (Areas 24, 25, 26)	Oregon City	March 2007	512	577	0	The City planning on funding concept planning from general funds and is attempting to negotiate approx. \$90,000 in assistance from a developer.	\$0	\$250,000 Not funded
Beavercreek Road (Area 26)	Oregon City	March 2007	245	0	0	Total cost \$250,000. Recently received \$170,000 TGM grant. Industrial land. The city will pay for the remaining \$80,000 from general funds.	\$0	\$80,000 Partial funds
South End Road (Area 32)	Oregon City	March 2007	919	413	0	No money or staff to take on third concept planning effort at this time.	\$0	\$250,000 Not funded

Project/ Study Area	Lead Government	Plan Deadline	Total Acres	Dwelling Unit Capacity	Total Number of units built to date	Status / Notes	Planning cost from Jan. 03 & Dec. 05 Expense Breakdown	Unfunded Cost and Cost Status
East Wilsonville (Frog Pond) (Area 45)	Wilsonville	March 2007	183	660	0	Developers have had discussions with city but no formal process has begun.	\$0	\$100,000 Not funded
Northwest Wilsonville (Area 49)	Wilsonville	March 2007	216	0	0	Total cost \$100,000. Received \$100,000 TGM grant. Designated by Metro as Regionally Significant Industrial Area. City had consultant do a preliminary urban reserve plan in 1998. City is working with developers/owners on revised master plan.	\$100,000 TGM grant plus match in kind, no other general fund expenses. Grant should cover all expenses.	Partially funded
Brookman Road (Area 54, 55)	Sherwood	March 2007	231	914	0	City seeking grant funds for planning effort.	\$0	\$150,000 Not funded
Study Area 59	Sherwood	March 2006	85	313	0	Metro Council approved Title 11 extension request to March 2006. City has started concept planning; 85% complete. New school.	\$9,000 staff \$1,900 general fund \$25,000 school district	\$75,000 Partially funded
99W Area	Sherwood	March 2005	18	0	0	Road Alignment	\$0	\$25,000 Not funded
NW Tualatin/ Cipole Road	Tualatin	March 2005	15	0	0	Industrial Area. Completed	Total: \$50,189 General fund \$17,575	NA
Tonquin Site (part of SW Tualatin)	Tualatin	March 2007	431	0	0	Tonquin and Tigard Sand/Gravel industrial sites, known as 'SW Tualatin', were planned together. Planning completed.	Total: \$221,913 General fund: \$52,016	NA
Tigard Sand and Gravel Site Site (part of SW Tualatin)	Tualatin	March 2007						NA

Project/ Study Area	Lead Government	Plan Deadline	Total Acres	Dwelling Unit Capacity	Total Number of units built to date	Status / Notes	Planning cost from Jan. 03 & Dec. 05 Expense Breakdown	Unfunded Cost and Cost Status
Bull Mountain Area (Study Area 63 and 64)	Tigard or Washington County	March 2005	258 and 262	688 and 1,047	0	Measure to annex to Tigard unincorporated area between city boundary and area added to UGB was defeated by voters in Nov 2004. County in talks with residents about future service provision and planning responsibility. Areas 63 and 64 will be planned together.	\$0	\$745,000 Not funded
Cooper Mountain (Area 67)	Washington County or Hillsboro or Beaverton	March 2005	507	1,019	0	Who plans area still to be determined	\$0	\$213,000 Not funded
Study Area 69	Washington County or Hillsboro	March 2005	384	384	TBD	Hillsboro developed South Hillsboro Concept Plan which includes both areas 69 and 71 but also includes areas not yet in UGB. Metro should be getting concept plan soon. Working with owner for possible owner contributions.	\$0	\$150,000
Study Area 71 (portion)	Hillsboro	March 2005	88	416	TBD	Portion contained in Witch Hazel Community Plan, which is completed. Remainder of area included in South Hillsboro Concept Plan.	\$0	\$75,000
Study Area 77	Cornelius	March 2005	16	0	NA	Completed	TBD	NA

Project/ Study Area	Lead Government	Plan Deadline	Total Acres	Dwelling Unit Capacity	Total Number of units built to date	Status / Notes	Planning cost from Jan. 03 & Dec. 05 Expense Breakdown	Unfunded Cost and Cost Status
Shute Road Site	Hillsboro	March 2005	203	0	NA	Industrial Area. Completed	Total: approx. \$50,000 Approx. \$25,000 from city general fund	NA
Evergreen	Washington Co or Hillsboro & Metro	July 2007	532	0	0	Area added in remand. Will be planned with Helevita.	\$0	See Helevita
Forest Grove Swap	Forest Grove	June 2006 & June 2007	0	0	NA	Industrial land. Metro Council approved Title II extension request to June 2006 for comp plan amendments and rezoning and June 2007 for long-range boundary recommendations	\$0	\$90,000 Not funded
Bethany (Areas 84-87)	Washington County	March 2005	716	3,546	0	Total cost \$1,170,000. Recently received \$150,000 TGM grant for concept planning.	\$0	\$1,020,000 Partially funded
Bonny Slope (Study Area 93)	Multnomah County	March 2005	159	524	0	Metro Council adopted Resolution 04-3518 directing Metro staff to facilitate completion of concept planning. Metro is in process of bringing local governments together to facilitate concept planning.	\$0	\$225,000

Project/ Study Area	Lead Government	Plan Deadline	Total Acres	Dwelling Unit Capacity	Total Number of units built to date	Status / Notes	Planning cost from Jan. 03 & Dec. 05 Expense Breakdown	Unfunded Cost and Cost Status
2014 OGB Expansion								
Damascus West	Clackamas County & Metro	July 2007	102	0	NA	Industrial land. Part of Damascus /Boring Concept Plan	\$0	\$125,000 Not funded
Beavercreek (Portion of area 26)	Clackamas County or Oregon City & Metro	July 2007	63	0	NA	Industrial land. Included in 2002 expansion area 26 for concept planning. Will be planned with Beavercreek Road Area 26 Plan	\$0	Cost included with Area
Quarry (Portions of areas 48 & 49)	Washington County, Tualatin, or Sherwood & Metro	July 2007	354	0	NA	Industrial land. Tualatin and Sherwood applied for TGM grant for concept planning but grant request not approved.	\$0	\$233,000 Not funded
Coffee Creek (Portions of areas 48 & 49)	Washington & Clackamas counties or Tualatin or Wilsonville & Metro	July 2012 or 2 years after selection of ROW alignment for 99W/I- 5 connector whichever is earlier	264	0	NA	Industrial land. Concept planning not yet begun. Applied for TGM grant for concept planning but request not approved.	\$0	\$270,000 Not funded
Tualatin (Portions of areas 47 & 49)	Washington County, Tualatin or Wilsonville & Metro	July 2012 or 2 years after selection of ROW alignment for 99W/I- 5 connector whichever is earlier	646	0	NA	Industrial land. Concept planning not yet begun.	\$0	\$400,000 Not funded

Project/ Study Area	Lead Government	Plan Deadline	Total Acres	Dwelling Unit Capacity	Total Number of units built to date	Status / Notes	Planning cost from Jan. 03 & Dec. 05 Expense Breakdown	Unfunded Cost and Cost Status
Cornelius	Washington Co or Cornelius & Metro	July 2007	64	0	NA	Industrial land.	\$0	\$50,000 Not funded
Helvetia	Washington Co or Hillsboro & Metro	July 2007	249	0	NA	Industrial land. Will concept plan Helvetia and Evergreen together.	\$0	\$200,000 Not funded

**METRO CONSTRUCTION EXCISE TAX
INTERGOVERNMENTAL AGREEMENT
TO COLLECT AND REMIT TAX BETWEEN
METRO AND _____**

This Construction Excise Tax Intergovernmental Agreement to Collect and Remit Tax ("CET Collection IGA") is effective on the last date of signature below, and is by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland, Oregon, 97232-2736 ("Metro"), and _____

("Jurisdiction"), collectively known as "Parties."

WHEREAS, on March 23, 2006 Metro adopted Ordinance No. 06-1115, establishing a Construction Excise Tax throughout the Metro regional jurisdiction; and

WHEREAS, the ordinance provides that the Construction Excise Tax will be collected by local jurisdictions and remitted to Metro pursuant to Intergovernmental Agreements, and Metro will distribute up-front grants to local jurisdictions, based on grant requests that set forth the expected completion of certain milestones associated with Title 11 of Metro Code Chapter 3.07, the Urban Growth Management Functional Plan; and

WHEREAS, the Construction Excise Tax established by Ordinance No. 06-1115 will expire when the total amount collected by all jurisdictions and remitted to Metro and certified as such is \$6.3 million dollars, which is estimated to take approximately three years; and

WHEREAS, the Parties desire to agree to certain procedures needed to collect the Construction Excise Tax and remit the tax to Metro.

NOW THEREFORE, the Parties hereto agree as follows:

1. Metro shall provide to the Jurisdiction information explaining the Construction Excise Tax, including information regarding exemptions from the tax, and Metro will also provide the Jurisdiction with information and assistance regarding any grants that the Jurisdiction will receive.
2. Jurisdiction shall provide sufficient staff to calculate and collect the Construction Excise Tax along with the collection of other permit fees.
3. Jurisdiction shall remit the collected Construction Excise Tax to Metro quarterly by the 15th of the month following the quarter in which the tax was collected.

4. Jurisdiction shall, on a quarterly basis, prepare and submit to the Metro Chief Operating Officer, a report on permits issued, providing the type of construction, the Value of New Construction, and the tax paid, breaking the tax out based on the value of the Improvement and the Value of the Major Renovation, as described in Metro Code Chapter 7.04.

5. Jurisdiction shall from time to time compile and prepare reports on building permit activity and Construction Excise Tax collections as may be requested by Metro.

6. Jurisdiction shall make all records related to building permit activity and Construction Excise Tax collections available to Metro, or its designated auditors, as necessary for Metro to audit Construction Excise Tax collections.

7. As consideration for the above described services, Jurisdiction shall retain [up to Five] percent (___%) of the tax collected by the Jurisdiction.

8. The Jurisdiction shall begin collection of the Construction Excise Tax pursuant to this CET Collection IGA on July 1, 2006, and Jurisdiction shall cease collection of the Construction Excise Tax pursuant to this CET Collection IGA on the last day of the month in which Metro certifies to Jurisdiction that a total of \$6.3 million has been collected by the Metro-area local jurisdictions and has been remitted to and received by Metro.

9. This CET Collection IGA may be amended by mutual written agreement of the Parties.

10. This CET Collection IGA does not affect or alter any other agreements between Metro and Jurisdiction.

Metro

[Jurisdiction Name]

By: Michael Jordan

By: _____

Title: Metro Chief Operating Officer

Title: _____

Date: _____

Date: _____

[NOTARY ACKNOWLEDGEMENTS ON NEXT PAGE]

The tax was created with input from a 30-member work group composed of elected officials, construction industry groups, school district representatives, realtors, and developers.

The City does not have to sign the IGA, however the builder is still required by law to pay the fee. If the City does not administer this tax, Metro will pursue collections action against the builders. Staff recommends that the City Administer the tax as a service to the builders and to Metro.

All jurisdictions have indicated they will likely sign the IGA.

The City Attorney has reviewed the IGA and has approved it as to form.

Fiscal Impact

None. The cost to the City should be offset by the 5% administrative fee.

Work Load Impacts

Staff will be required to perform increased reporting, record keeping and accounting tasks. Staff anticipates extra time spent at the counter explaining the tax in the early stages. The department has sufficient staff at this time to do this work.

Attachments

Exhibit A: Metro Ordinance No. 06-1115
Sample IGA



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: JoAnn Herrigel, Community Services Director

Subject: Riverfront Concept

Date: May 5, 2006

Action Requested

Endorse a proposed concept plan developed by the Riverfront Board with the assistance of Gill Williams of David Evans & Associates and authorize staff to begin development of a Request for Proposals for a final design for the Park.

Background

In February, Council authorized the Riverfront Board to develop a final concept plan for Milwaukie Riverfront Park. In March, the Riverfront Board held a design meeting to which they invited a variety of landscape and engineering design experts to discuss the design challenges facing the City's Riverfront Park. In April the Riverfront Board went on two separate tours of several boating and riverside park facilities in the region (one on Tuesday, April 11 and another on Sunday, April 23).

At their May 2 meeting, the Riverfront Board discussed various elements of a park plan and voted unanimously to recommend the following design components to council for their approval:

- A boat ramp should be located between Johnson and Kellogg Creeks in the same location as the current ramp facility
- 14 spaces for boat trailers (including 2 ADA-accessible trailer spots) should be installed between Kellogg and Johnson Creeks
- 10 additional trailer spaces should be installed at the log dump site south of Kellogg Creek

- 2 ADA-accessible car spots should be installed between the creeks
- Other car spots should be placed within the loop road surrounding the parking lot between the creeks and at the log dump location as feasible.
- Pavers should be used for all parking areas between the creeks but all access roads should be paved
- The Jefferson Street access to the boat ramp should be removed and all access to the Riverfront should be diverted to the Washington Street intersection.
- A dock should be installed near the boat ramp which includes a dock extension to accommodate non-motorized boaters
- A transient dock should be installed off the log dump area south of Kellogg for tie up for motorized boats

A majority of the board (one member was opposed) further recommended that a limit of 10 years be negotiated for any agreement signed for funding for the boat ramp in its current location. This is intended to maintain the City's flexibility in future potential boat ramp relocation.

A rendering of the concept proposed by the Riverfront Board will be forwarded to Council before the May 2 work session. The Riverfront Board will attend the work session to discuss this concept with Council.

Attached are the draft minutes from the May 2, 2006 Riverfront Board meeting.

May 2, 2006

**Riverfront Board Meeting
Draft minutes**

Members present: Wall, Green, Martin, Stacey, Klein, St. Clair, Darling

Staff: Herrigel (late)

Visitors: Gill Williams, David Evans Associates

Minutes:

The minutes for both the March and February meeting were approved 7-0.

Concept Plan discussion:

Dave Green asked Board members for their impressions of the boat ramp facilities and parks visited over the last few weeks. Discussion included permeable paving for parking areas, scale of regional boating facilities (OR City, Willamette Park, etc) vs the Riverfront Park, terraced seating and pavilion in Lake Oswego, etc.

Gill Williams described the four concept plan drawings (Options A-D) that he had drawn.

Comments and concerns from board:

- Green: we could loop parking to the north, similar to the concept shown on last fall's survey, rather than looping toward McLoughlin Blvd.
- Klein: What are we to do tonight? Green, response: pick the park elements that are critical to communicate to Council on May 16.
- Klein: I think we should close Jefferson access (and use only Washington) to decrease pedestrian car interaction along Trolley Trail.
- Wall: Can we just close Jefferson? Will ODOT let us? Green: ODOT would likely prefer fewer access points on McLoughlin, and the traffic light controlled intersection at Washington Street would be safer for trailers entering McLoughlin.
- St. Clair: Let's move all parking toward McLoughlin and have Washington access only (described a loop road with parking up close to McLoughlin). Also- put amphitheater between the parking lots to use that space or have the lower lot BE the amphitheater. Whatever we do should be usable year round (multi-purpose.)

Gill Williams then sketched a loop road on the south side of the existing boat ramp to illustrate how that might look and the space required. Gill also explained his concerns regarding the slope and grades in that area and how they might be addressed. (This option became known as Option E.)

Green: let's focus on parking between the creeks – how many spaces should we have?

- Green: is there enough parking in option B?
- Stacey: Not enough spaces because you can't get that many at the log dump
- Klein: The highest day use of the Jefferson St. ramp lately was 53 cars and that was 2-3 weeks ago. (There are 40 actual spaces at the lot) (Klein counted cars at the lot for several weeks)
- Green: we shouldn't design for worst case parking that can accommodate all potential users on the days when recreational and fishing boats are all trying to use the boat ramp
- Wall: can cars use the trailers spaces? (Group: the signs say trailer use only but that is not enforced)
- St. Clair: Maybe spaces should convert from trailer to car use during the off season
- Darling: I like Option C. I like the amphitheater and we could use it as a parking lot seasonally. I like the multiple docks but want them to point north.
- Stacey: I like the modification that St. Clair came up with (loop road and parking up near McLoughlin Blvd.)

Green: Let's tally what everyone thinks we need:

<u>Name</u>	<u>Trailer Spaces Between the Creeks</u>	<u>Trailer Spaces at Log Dump</u>	<u>Car Spaces</u>
Darling	15	15	
St. Clair	10-12	16	2-4 (@Log dump)
Stacey	25	cars	
Wall	10	16	
Martin	12	8-10	8-10 (@Log dump)
Klein	13	15	cars somewhere
Green	8-10	12	cars (@Log dump)

Darling: We could average spaces and see what we have (average is 13.5 spaces)

St. Clair: I like the turning and parking aspects of the loop road idea.

Stacey: That's what the survey said people wanted – more parking.

Green: It eats up most of the greenspace on the south side of the ramp

Martin: The loop road does pull parking off the river.

Green: If that's what you want – it will be very similar to what you have right now!

St.Clair: I disagree. I think this provides multiple amenities and meets many goals. I think it's more usable than we have right now.

Klein: I concur with Shane – it's more functional.

Green asked if all were supportive of St. Clair's concept to put lot with loop road near McLoughlin. Most agreed. Then there was some discussion regarding the possibility of moving this parking to another location in the future. Green noted that if you build this extensive parking lot and ramp, you've built a boating facility, and it will never be relocated.

St. Clair: I think you can do a lot with this space.

Wall: What do you like, Dave?

Green: I'd move a limited number of trailer spaces up to McLoughlin and have an expanse of green between the parking lot and the water like we saw in Lake Oswego.

Martin: Question re: reorienting spaces near McLoughlin in the opposite direction.

Group agreed that Jefferson access should be closed. Stacey said he wasn't sure (?).

Williams: Having the amphitheatre between the parking lots is not advisable. It won't allow the amphitheater to become a destination for events.

Green: It's okay to watch the Christmas Ships but it won't be a draw for other events.

Group agreed that they wanted a dock at the log dump location and a pedestrian bridge from the log dump across Kellogg Creek.

Green: Looks like the pull through loop described by Shane is attractive to all?

So here's what I'm hearing:

- 13-14 trailer spaces between creeks
- 10 trailer spaces at log dump
- Close Jefferson access
- Attach dock for non-motorized boats to dock between the creeks
- All parking spaces should be made with pavers (not asphalt)
- Road should be paved
- Try to put bathroom underground

Some discussion ensued about the possible location of the Sunday market. Wall: Does Sunday Market have to be on parking area or could it go on the green area? Discussion concluded that there would be area available to accommodate the market.

Darling: Motioned to approve the consensus of 13-14 spaces between the creek (with 2 ADA spaces for cars and two ADA trailer spots) and cars at the log dump.

Stacey: Second the motion.

Discussion:

- How many car spots? Minimum of 10.
- Trailer spots for trailers only and change the signs later in season (it was noted that this was policy decision that should be left to City)
- We should recommend a policy that 13-14 spaces be dedicated to trailers during the fishing season and that they be used otherwise during off season.
- Wall: When's the "on" season?
- Stacey: January to May from sunrise to sunset

Motion was modified to be 14 spaces for trailers (including 2 ADA trailer spots) plus 2 ADA car spots between the creeks and other car spots to be placed within the loop road between the creeks as feasible.

Vote was taken: 7 – 0

Green: All are ok with closing Jefferson?

All agreed that closing the Jefferson access to McLoughlin was preferred if ramp could be connected directly to the log dump area through the park.

Green: So, Gill will draft this conceptual plan (Option E) and get it to us mid week next week. Herrigel will then send to Council and include in the agenda packet for May 16th.

Green then handed out a Consensus Scale, ranking degrees of support for the option selected. Green: Using this consensus scale (see attached), I'd like each of you to tell the group where you are with the vote we just took.

Stacey: 4
Darling: 1
St. Clair: 1
Wall: 2
Martin: 2
Klein: 1
Green: 3

Key: 1 Wholeheartedly agree
2 Good idea
3 Supportive
4 Reservations about decision, but can set them aside
5 Serious concerns, but will support majority decision
6 Cannot participate in and will speak against the decision

Green: Let's talk about the Marine Board funding issue. Do we want to send a message to Council regarding limits or constraints regarding Oregon Marine Board funds?

Wall: The shorter the term of the agreement with OMB the better off you are.

Stacey: 20 years. That's the term.

St. Clair: If it doesn't hurt us (taking their money) why not take it?

Green: With the uncertainty of the Kellogg Creek WWTP and the possibility of relocating the ramp in the future, we don't want to box ourselves in again. If you had another option, would you really choose to put the boat ramp right there in the middle of the park?

Suggestion: maybe we could have OMB fund other amenities and not the boat ramp specifically.

Klein: I'd like to have the flexibility to move the ramp within the next ten years if we are able to.

Motion: The Riverfront Board recommends a limit of 10 years term for any agreement signed for funding for the boat ramp in its current location.

Second.

Vote: 6 (yes) 1 (no) (Stacey opposed)

Green: Thanks to all for your hard work and hope all will be present at the May 16 Council work session.

May 2, 2006

**Riverfront Board Meeting
Draft minutes**

Members present: Wall, Green, Martin, Stacey, Klein, St. Clair, Darling

Staff: Herrigel (late)

Visitors: Gill Williams, David Evans Associates

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- St. Clair: Maybe spaces should convert from trailer to car use during the off season
- Darling: I like Option C. I like the amphitheater and we could use it as a parking lot seasonally. I like the multiple docks but want them to point north.
- Stacey: I like the modification that St. Clair came up with (loop road and parking up near McLoughlin Blvd.)

Green: Let's tally what everyone thinks we need:

<u>Name</u>	<u>Trailer Spaces Between the Creeks</u>	<u>Trailer Spaces at Log Dump</u>	<u>Car Spaces</u>
Darling	15	15	
St. Clair	10-12	16	2-4 (@Log dump)
Stacey	25	cars	
Wall	10	16	
Martin	12	8-10	8-10 (@Log dump)
Klein	13	15	cars somewhere
Green	8-10	12	cars (@Log dump)

Darling: We could average spaces and see what we have (average is 13.5 spaces)

St. Clair: I like the turning and parking aspects of the loop road idea.

Stacey: That's what the survey said people wanted – more parking.

Green: It eats up most of the greenspace on the south side of the ramp

Martin: The loop road does pull parking off the river.

Green: If that's what you want – it will be very similar to what you have right now!

St.Clair: I disagree. I think this provides multiple amenities and meets many goals. I think it's more usable than we have right now.

Klein: I concur with Shane – it's more functional.

Green asked if all were supportive of St. Clair's concept to put lot with loop road near McLoughlin. Most agreed. Then there was some discussion regarding the possibility of moving this parking to another location in the future. Green noted that if you build this extensive parking lot and ramp, you've built a boating facility, and it will never be relocated.

St. Clair: I think you can do a lot with this space.

Wall: What do you like, Dave?

Green: I'd move a limited number of trailer spaces up to McLoughlin and have an expanse of green between the parking lot and the water like we saw in Lake Oswego.

Martin: Question re: reorienting spaces near McLoughlin in the opposite direction.

Group agreed that Jefferson access should be closed. Stacey said he wasn't sure (?).

Williams: Having the amphitheatre between the parking lots is not advisable. It won't allow the amphitheater to become a destination for events.

Green: It's okay to watch the Christmas Ships but it won't be a draw for other events.

Group agreed that they wanted a dock at the log dump location and a pedestrian bridge from the log dump across Kellogg Creek.

Green: Looks like the pull through loop described by Shane is attractive to all?

So here's what I'm hearing:

- 13-14 trailer spaces between creeks
- 10 trailer spaces at log dump
- Close Jefferson access
- Attach dock for non-motorized boats to dock between the creeks
- All parking spaces should be made with pavers (not asphalt)
- Road should be paved
- Try to put bathroom underground

Some discussion ensued about the possible location of the Sunday market. Wall: Does Sunday Market have to be on parking area or could it go on the green area? Discussion concluded that there would be area available to accommodate the market.

Darling: Motioned to approve the consensus of 13-14 spaces between the creek (with 2 ADA spaces for cars and two ADA trailer spots) and cars at the log dump.

Stacey: Second the motion.

Discussion:

- How many car spots? Minimum of 10.
- Trailer spots for trailers only and change the signs later in season (it was noted that this was policy decision that should be left to City)
- We should recommend a policy that 13-14 spaces be dedicated to trailers during the fishing season and that they be used otherwise during off season.
- Wall: When's the "on" season?
- Stacey: January to May from sunrise to sunset

Motion was modified to be 14 spaces for trailers (including 2 ADA trailer spots) plus 2 ADA car spots between the creeks and other car spots to be placed within the loop road between the creeks as feasible.

Vote was taken: 7 – 0

Green: All are ok with closing Jefferson?

All agreed that closing the Jefferson access to McLoughlin was preferred if ramp could be connected directly to the log dump area through the park.

Green: So, Gill will draft this conceptual plan (Option E) and get it to us mid week next week. Herrigel will then send to Council and include in the agenda packet for May 16th.

Green then handed out a Consensus Scale, ranking degrees of support for the option selected. Green: Using this consensus scale (see attached), I'd like each of you to tell the group where you are with the vote we just took.

Stacey: 4
Darling: 1
St. Clair: 1
Wall: 2
Martin: 2
Klein: 1
Green: 3

Key: 1 Wholeheartedly agree
2 Good idea
3 Supportive
4 Reservations about decision, but can set them aside
5 Serious concerns, but will support majority decision
6 Cannot participate in and will speak against the decision

Green: Let's talk about the Marine Board funding issue. Do we want to send a message to Council regarding limits or constraints regarding Oregon Marine Board funds?

Wall: The shorter the term of the agreement with OMB the better off you are.

Stacey: 20 years. That's the term.

St. Clair: If it doesn't hurt us (taking their money) why not take it?

Green: With the uncertainty of the Kellogg Creek WWTP and the possibility of relocating the ramp in the future, we don't want to box ourselves in again. If you had another option, would you really choose to put the boat ramp right there in the middle of the park?

Suggestion: maybe we could have OMB fund other amenities and not the boat ramp specifically.

Klein: I'd like to have the flexibility to move the ramp within the next ten years if we are able to.

Motion: The Riverfront Board recommends a limit of 10 years term for any agreement signed for funding for the boat ramp in its current location.

Second.

Vote: 6 (yes) 1 (no) (Stacey opposed)

Green: Thanks to all for your hard work and hope all will be present at the May 16 Council work session.