

RESOLUTION NO. 842

A RESOLUTION ESTABLISHING AND IMPOSING A SYSTEMS DEVELOPMENT CHARGE FOR ARTERIAL AND COLLECTOR STREETS AND TRAFFIC CONTROL FACILITIES AND ESTABLISHING ADMINISTRATIVE REVIEW PROCEDURES.

ARTICLE I

PURPOSE

Section 1. Purpose

A. The purpose of this Resolution is to provide a uniform framework for the imposition of a systems development charge for arterial and collector streets and traffic control facilities, including, but not limited to, administrative review procedures, Systems Development Charge credits and identification of capacity increasing capital improvements which may be funded with Systems Development Charge revenues.

B. This Systems Development Charge is adopted to ensure that new development contributes to extra-capacity transportation improvements needed to accommodate additional traffic generated by such development.

Section 2. Definitions

A. "Applicant" means the person seeking to obtain a building permit.

B. "Arterial" means that term as defined in the 1991 Wilsonville Transportation Master Plan.

C. "Building official" means that person, or his designee, licensed by the state and designated as such to administer the State Structural Specialty Code for the city.

D. "Building permit" means that permit issued by the city building official pursuant to the Uniform Building Code. In addition, building permit shall mean the mobile home placement permit issued by the director, or his representative, on a form approved by the Department of Commerce of the state and relating to the placement of mobile homes in the city. For those uses for which no building permit is provided, the final approval granted by the city approving the use shall be deemed a building permit for purposes of this ordinance.

E. "Business and commercial" means that land use category as identified by those structures as shown in Table No. 1 attached hereto, or any other structures as determined by the director.

F. "City Council" means the governing body of the City of Wilsonville.

G. "Collector" means a road or street designated as a collector street in the 1991 Wilsonville Transportation Master Plan.

H. "Construction cost index" means an annual construction cost estimate based on a composite of the unit costs for specified construction components of all accepted construction contracts entered into by the Oregon Department of Transportation during a single year indexed to the quantity and total cost of such items for the years 1960-1962 inclusive.

I. "Department" means the Community Development Department.

J. "Development" means construction of buildings, structures, or additions to buildings or structures.

K. "Director" means the director of the Community Development department.

L. "Extra-capacity facilities or improvements" means those transit, arterial and collector improvements that are necessary in the interest of public health, safety and welfare to increase traffic capacity to address new development. Such improvements include, but are not limited to, signalization, channelization, widening, drainage work, pedestrian safety, lighting, acquisition of right-of-way and necessary easements, street extensions, railroad crossing protective devices, bridges and bike paths.

M. "Fee" shall mean the systems development charge adopted herein.

N. "Industrial" means that land use category as identified by those structures as shown in Table No. 1, attached hereto, or any other structures as determined by the director.

O. "Occupancy permit" means the occupancy permit provided for in the Uniform Building Code.

P. "Offices" means that land use category as identified by those structures as shown in Table No. 1, attached hereto, or any other structures as determined by the director.

Q. "Owner" means the owner or owners of record title or; the purchaser or purchasers under a recorded sales agreement, and other persons having an interest of record in the described real property.

R. "Parcel of land" means a lot, parcel, block or other tract of land that is

occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.

S. "Road" means a city street.

T. "Street and Traffic Control Facilities" refers to those facilities that are necessary in the interest of public health, safety and welfare to increase vehicular traffic capacities of collector or arterial streets that are classed as collectors or arterials in the 1991 Wilsonville Transportation Master Plan. Said facilities include but are not limited to signalization, channelization, widening, drainage work, pedestrian safety, bicycle safety, lighting, right-of-way acquisition, street extensions and railroad crossing protective devices.

U. "Systems Development Charge" (SDC) An improvement fee or a fee collected at the time of increased usage of a capital improvement or at the time of issuance of a building permit. "Systems Development Charge" does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision.

ARTICLE II

ADMINISTRATION AND ADMINISTRATIVE REVIEW

Section 1. The City Manager shall employ a qualified person as Community Development Director. In addition to such other duties and responsibilities as may be assigned to this person, the Director shall be responsible for the administration of this ordinance. The Director shall be responsible for developing administrative procedures for calculation and collection of fees, developing and administering capital improvement programs and related activities.

A. Discretionary decisions of the director shall be in writing and mailed by regular mail to the last known address of the applicant.

B. Any person aggrieved by a discretionary decision of the director may appeal the decision to the Wilsonville City Council. The appeal shall be in writing and must be filed with the director within 10 working days of the date the director's decision was mailed.

C. The appeal shall state all relevant facts, identify the applicable ordinance

provisions and specify the type and amount of relief sought. The city shall by resolution establish a reasonable appeal fee.

D. The appellant shall bear the burden of proving that an error was committed resulting in substantial prejudice.

Section 2. As provided by Ordinance No. CB-O-156-91, Article X, any citizen or other interested person may challenge an expenditure of SDC revenues as being in violation of this ordinance provided a written petition for review is filed with the Wilsonville City Council within two years of the expenditure.

ARTICLE III METHODOLOGY

Section 1. As established by the 1990 Wilsonville Transportation Master Plan and the Technical Appendix to the Transportation Study Plan, the estimation of p.m. peak-hour trips is based on various land use categories, growth within these various categories over the forecast period (2010), and trip factors appropriate to each land use category for the p.m. peak hour (see Table No. 1). Based on growth and development within the city over the forecast period, an estimated 14,607 p.m. peak-hour trips will be added to the street system. A portion of this total represents linked trips, or trips that are already on the road network, and need to be subtracted from the forecast total to avoid double counting. Adjustment for linked trips is made entirely from the retail/commercial land use category, recognizing that workers commuting from work often stop at one or more retail/commercial establishments en route. For calculation purposes it was assumed that 65 percent of the retail/commercial p.m. peak-hour trips represented linked trips. Adjusting the forecast to account for linked trips results in a net p.m. peak-hour trip estimate of 11,539 over the forecast period (see Table No. 2).

Section 2. Table No. 3 identifies \$40.9 million needed for street capacity improvement projects in order to maintain an acceptable transportation service level (defined as Level of Service "D") throughout the forecast period. However, the city has determined that only \$19,152,894 of the total C.I.P. ought to be attributed to the SDC program, and the remaining \$21,776,106 ought to be funded through other financial programs in order to address components of the CIP which, upon further and more detailed traffic analysis, may be linked to existing transportation problems. Based on the estimated C.I.P. construction cost, the SDC unit cost is calculated as follows:

<u>Capital Improvement Cost Basis (\$19,152,894 Million)</u>	= \$1,660 Per P.M.
New P.M. Peak-Hour Trips (11,539)	Peak- Hour Trip

Section 3. The cost of SDC cost per unit calculated by land use type is obtained as follows:

P.M. Peak Hour Trip Cost (\$1,660) x P.M. Land Use Trip Factor = SDC Unit Cost.

Table No. 4 summarizes a schedule of SDC unit costs based on land use types.

Section 4. The amount of SDC due shall be determined by multiplying the SDC unit cost times the quantity of land use units.

Example No. 1 - Single-Family Dwelling Unit

\$1,809 x 1 = \$1,809

Example No. 2 - Distribution Warehouse, 200 Employees

\$2,091 x 200 = \$418,200

Example No. 3 - Multi-Family, 300 Dwelling Units

\$1,278 x 300 = \$383,400

The applicant shall, at the time of application for a building permit, provide the Director with all necessary and applicable information, such as the type of use, and number of employees, necessary to calculate the SDC.

Section 5. In the event an identified land use does not have a basis for an SDC unit cost as presented in Table No. 4, the director shall either:

A. Determine the P.M. peak hour trip factor based on the use listed in Table No. 2 most similar in traffic generation; or

B. At the election (and expense) of the applicant, consider an actual P.M. peak-hour trip factor of a same or similar use verified by a registered traffic engineer. In the event actual trip generation is utilized, the director may make such adjustments as he deems applicable in consideration of location, size and other appropriate factors in determining the P.M. peak-hour trip factor.

Section 6. The city annually shall review the SDC to determine whether additional revenues should be generated to provide extra-capacity improvements needed to address new development or to ensure that revenues do not exceed identified demands. In so doing, the city shall consider:

A. Construction of facilities by federal, state or other revenue sources;

B. Receipt of unanticipated funds from other sources for construction of facilities;

C. New information provided by the Institute of Transportation Engineers adjusting trip rates; and

D. The fiscal impact of credits for eligible improvements.

E. Upon completion of this review the city shall consider such amendments, including adjustment to the fee imposed herein, as are necessary to address changing conditions. Notwithstanding any other provision, the dollar amounts set forth as the cost per P.M. Peak-Hour Trip in Section 2 of this Article shall on March 1st of each year be computed to increase automatically by the Engineering News Record Northwest (Seattle, WA.) construction cost index. Notwithstanding the foregoing, all calculations shall be carried out to the hundredths place. A final product ending in .49 or less shall be rounded down to the nearest dollar, .50 or more up to the next dollar.

ARTICLE IV

PAYMENT

Section 1. Unless deferred, the SDC imposed hereby is due and payable at the time of issuance of a building permit by the city. Except as otherwise provided in Ordinance No. CB-O-156-91, Article VII, no building permit shall be issued for a development subject to the SDC unless the SDC is first paid in full.

ARTICLE V

CREDIT

Section 1. As provided in Ordinance No. CB-O-156-91, Article IX, an applicant for a building permit is eligible for credit against the SDC for constructing a qualified capital improvement.

ARTICLE VI

EXEMPTIONS

Section 1. The following development is exempt from the SDC:

A. Remodeling or replacement of any single-family structure (including mobile homes):

B. Multi-family structure remodeling or replacement except to the extent of addition of dwelling units;

C. Remodeling or reconstructing of office, business and commercial, industrial or institutional structures except to the extent it generates additional vehicle traffic trips by additional employees beyond the number of employees for which the structure was originally designed.

ARTICLE VII

DEDICATED FUND

Section 1. The city shall maintain a dedicated fund entitled "Systems

Development Fund", herein "fund". All moneys derived from the SDC shall be placed in the fund. SDC revenue, including interest on the fund, shall be used for no purpose other than those activities described as, or for the benefit of, extra capacity facilities.

Section 2. SDC revenues may be spent to provide new or expanded arterial and collector projects as shown in Table No. 3 including all related improvements necessary to meet adopted standards. In addition, the reasonable and customary costs of administering this SDC and projects funded hereunder, including repayment of debt, may be paid from SDC revenues.

ARTICLE VIII

REFUNDS

Section 1. Refunds of SDCs may be made upon initiation of the Director or upon written application filed with the Director. Refunds shall only be allowed upon a finding by the director that there was an actual clerical error in the calculation of the SDC. Refunds shall be allowed for failure to claim a credit provided the claim for refund is in writing and actually received by the city within 30 days of the date of issuance of the building permit or final occupancy permit if deferral was granted. No refund shall be granted for any reason other than those expressly provided for herein.

ARTICLE IX

COLLECTION

Section 1. Notwithstanding issuance of a building or occupancy permit without payment, the SDC liability shall survive and be a personal obligation of the permittee.

Section 2. Intentional failure to pay the SDC within 60 days of the due date shall result in a penalty equal to 50% of the SDC. Interest shall accrue from the 60-day point at the legal rate established by statute.

Section 3. In the event of a delinquency, in addition to an action at law and any statutory rights, the city may:

A. Refuse to issue any permits of any kind to the delinquent party for any development.

B. Refuse to honor any credits held by the delinquent party for any development.

C. Condition any development approval of the delinquent party on payment in full, including penalties and interest.

D. Revoke any previous deferrals issued to the delinquent party, in which case the amount immediately shall be due, and refuse to issue any new deferrals.

E. Withdraw the amount due, including penalties and interest, from any offset

account held by the jurisdiction for the delinquent party.

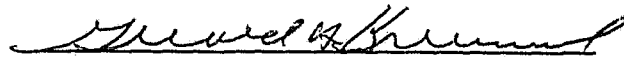
Section 4. For purposes of this section, delinquent party shall include any person controlling a delinquent corporate permittee and, conversely, any corporation controlled by a delinquent individual permittee.

ARTICLE X
SEVERABILITY

Section 1. The invalidity of any section, subsection, paragraph, sentence, or phrase of this ordinance or the exhibit or resolution which is incorporated herein, shall not affect the validity of the remaining portions thereof.

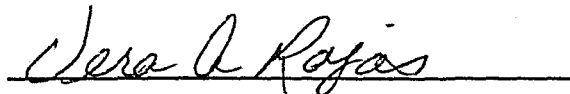
CONSIDERED at the Wilsonville City Council at a regular meeting thereof this 17th day of June, 1991 at which time the resolution was continued to June 27, 1991.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 27th day of June, 1991 and filed with the Wilsonville City Recorder this date.



GERALD A. KRUMMEL, Mayor

ATTEST:



VERA A. ROJAS, CMC, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Chandler	<u>AYE</u>
Councilor Carter	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Van Eck	<u>AYE</u>

Table 1
Trip Generation Rates
Wilsonville Transportation Planning Model

Land Use Number		1	2	3	4	5	6	7	8	9	10
Land Use		Single-Family DU	Multi-Family DU	Retail/Comm.	Industrial	Dist./Warehouse	Flex. Zoning	Hotel	Govt. Office	Office	Utility
Units		Trips/DU	Trips/DU	Trips/Emp.	Trips/Emp.	Trips/Emp.	Trips/Emp.	Trips/Emp.	Trips/Emp.	Trips/Emp.	Trips/Emp.
Home-Based Work	Origin	0.03	0.02	0.00	0.37	0.63	0.14	0.00	1.16	0.42	0.30
	Destination	0.38	0.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Home-Based Shopping	Origin	0.10	0.07	1.64	0.00	0.00	0.00	0.22	0.00	0.00	0.00
	Destination	0.19	0.13	0.65	0.00	0.00	0.00	0.12	0.00	0.00	0.00
Home-Based Other	Origin	0.16	0.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Destination	0.08	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Non-Home-Based	Origin	0.07	0.05	0.40	0.09	0.15	0.03	0.05	0.25	0.09	0.07
	Destination	0.08	0.06	1.30	0.08	0.48	0.22	0.24	0.50	0.08	0.10
Total Rates	Origin	0.36	0.25	2.04	0.46	0.78	0.17	0.27	1.41	0.51	0.37
	Destination	0.73	0.52	1.95	0.08	0.48	0.22	0.36	0.50	0.08	0.10

TABLE NO. 2
 CITY OF WILSONVILLE
 CALCULATION OF FORECAST P.M. PEAK-HOUR TRIPS

Land Use Categories	Trip Basis	Forecast Growth	P.M. Peak-Hour Trip Factors	Forecast P.M. Peak-Hour Trips	Adjustment for Existing Trips	Total P.M. Peak-Hour Trips
Single-family	Dwelling Units	961	1.09/DU	1,047		1,047
Multi-family	Dwelling Units	3,142	0.77/DU	2,419		2,419
Retail/Commercial	Employees	1,183	3.99/Emp.	4,720	(3,068)	1,652
Industrial	Employees	6,675	.54/Emp.	3,605		3,605
Distrib/Warehouse	Employees	1,290	1.26/Emp.	1,625		1,625
Flex Zoning	Employees	1,853	.39/Emp.	723		723
Hotel	Employees	300	.63/Emp.	189		189
Office	Employees	366	.59/Emp.	216		216
Utility	Employees	133	.47/Emp.	63		63
Totals:				14,607	(3,068)	11,539

● TABLE NO.3 ●

STREET SDC C.I.P.

COST ESTIMATES OF PROPOSED NEW ROAD

PROJECT	Construction Cost	ROW Cost	Total Cost
1. Canyon Creek Rd. N/S Extension	\$4,486,000	\$693,000	\$5,179,000
2. 95th Avenue North Extension	3,278,000	506,000	3,784,000
3. Kinsman Road North Extension	3,494,000	539,000	4,033,000
4. Brown Road Realignment	715,000	108,000	823,000
5. Wilsonville/Staf- ford Realign.	647,000	100,000	747,000
6. Parkway Center Dr. East Extension	690,000	107,000	797,000
7. Wiedemann Road E/W Extension and Overpass	6,876,000	193,000	7,069,000
8. E/W Collector 95th - Kinsman	518,000	80,000	598,000
9. E/W Collector S of Wville Rd.	820,000	126,000	946,000
10. Boeckman Road West Extension	1,467,000	226,000	1,693,000
11. Town Ctr Loop E. S/W Extension	1,180,000	178,000	1,358,000
12. Town Ctr Loop W. South Extension	786,000	119,000	905,000
TOTAL:	\$24,957,000	\$2,975,000	\$27,932,000

C.I.P. CONT.

COST ESTIMATES OF IMPROVEMENTS TO EXISTING ROAD SYSTEM

PROJECT	TOTAL COST
A. Parkway Avenue Parkway Center Dr. to Town Center Loop Widen to 3 Lanes	\$ 3,210,000
B. Boones Ferry Road Boeckman to Wilsonville Road Widen to 3 Lanes	\$ 2,153,000
C. Elligsen Road Parkway Center Dr. to Parkway Ave. Widen to 5 Lanes	\$ 668,000
D. Wilsonville Road Brown Road to Valleyview Drive Widen to 3 Lanes	\$ 2,466,000
E. Wilsonville Road * Brown Road east to I-5 and from Boeckman/65th realignment west to I-5 Improve to Urban Standard	\$ 2,947,000
F. Boeckman Road * Canyon Creek Rd. to 65th/Wilsonville Improve to Urban Standard	\$ 1,553,000
	TOTAL: \$12,997,000

TOTAL C.I.P. COST

\$40,929,000

SDC PORTION

\$19,152,894

TABLE NO.4

CITY OF WILSONVILLE

CALCULATION OF SYSTEM DEVELOPMENT CHARGES BY LAND USE TYPE
 SDC SET TO RECOVER ALL UNFUNDED CAPITAL COSTS NET OF OTHER CITY FUNDING SOURCES

LAND USE CATEGORIES	TOTAL P.M. PEAK-HOUR TRIPS	UNIT COST PER P.M. PEAK-HOUR TRIP	COST OF SERVICE BY LAND USE CLASS	UNIT COST OF SERVICE	
				AMOUNT	UNIT
Single-family	1,047	\$1,660	\$1,737,852	\$1,809	Dwelling Unit
Multi-family	2,419	1,660	4,015,153	1,278	Dwelling Unit
Retail/Commercial	1,652	1,660	2,742,056	2,318	Employee
Industrial	3,605	1,660	5,983,723	896	Employee
Distrib./Warehouse	1,625	1,660	2,697,240	2,091	Employee
Flex Zoning	723	1,660	1,200,064	647	Employee
Hotel	189	1,660	313,710	1,046	Employee
Office	216	1,660	358,525	979	Employee
Utility	63	1,660	104,570	780	Employee
Totals	11,539		\$19,152,894		