

**RESOLUTION NO. 1394**

**A RESOLUTION ESTABLISHING AND IMPOSING A ROAD MAINTENANCE FEE FOR STREET MAINTENANCE SERVICES, ESTABLISHING CORRESPONDING ADMINISTRATIVE PROCEDURES, AND REPEALING RESOLUTION NO. 1336 AND RESOLUTION NO. 1360.**

WHEREAS, Ordinance No. 484 creates a road maintenance fund for the purpose of maintaining a safe, functioning City Street system;

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

ARTICLE I

Definitions

Section 1. The following words and phrases, as used within this resolution, have the following definitions and meanings:

*Developed Property.* A parcel or portion of real property on which an improvement exists. Improvement on developed property includes, but is not limited to, buildings, parking lots, and outside storage.

*Gross Square Footage.* The calculated area of all structures, located on a site, measured along the exterior walls of such structures, including but not limited to enclosed courtyards, stairwells, and square footage on each level of multi-story structures, but not including fences and parking areas which are not enclosed within a building.

*ITE Manual.* Institute of Transportation Engineers Trip Generation Manual, Fifth Edition.

*Multi-Family Residential.* Residential property consisting of two or more dwelling units. For purposes of this ordinance, condominiums and individual mobile home units are also classified as multi-family residences.

*Non-Residential.* A use of property which is primarily not for personal, domestic accommodation.

*Pavement Condition Index (PCI).* A uniform way to measure pavement distress with a rating scale from 1 to 100, with higher values indicating better condition.

*Single Family Residential.* A residential structure which is occupied by one or more persons of which there shall be only one dwelling unit per lot and which provides complete, independent living facilities for one or more persons including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation. A granny flat shall be considered as part of a single family residence.

*Street or Road.* A public road or right-of-way within the City, which is under the jurisdiction or control of the City. For purposes of this ordinance, county, state and federal roads are excluded.

*Truck.* A motor vehicle having six or more tires in contact with the pavement surface.

## ARTICLE II

### Billing Categories

Section 1. All developed properties within the city limits shall be assigned to one of the eight billing categories defined below. Undeveloped properties are exempt from this road maintenance fee.

Section 2. Each single family dwelling unit shall be assigned to Billing Category 1.

Section 3. Each multi-family dwelling unit shall be assigned to Billing Category 2.

Section 4. Non-residential developments shall be rated as follows. For each domestic water meter account, the developed property served by that meter will be ranked on three separate scales:

“Intensity” of vehicle trips generated per 1000 (gross) square feet of developed area, or equivalent (see Table 1). Statistical data from the ITE Manual has been used to establish levels of intensity.

“Magnitude” of development as measures by gross square feet of developed area, or equivalent.

“Trucks” per day serving the development.

Each of these rating scales contains five ascending levels, generally defined by multiples of three (see Table 2). One rating point is assigned to the lowest level on each scale; two points to the second level; four points to the next level; six points to the next level; and eight points to the highest level. A composite score is then calculated for each account by multiplying the number of points from its "intensity" ranking times the number of points from its "magnitude" ranking times the number of points from its "truck" ranking. For example, a 20,000 square foot office building would be scored as follows:

|                  |   |                            |
|------------------|---|----------------------------|
| "intensity" rank | = | 2                          |
| "magnitude" rank | = | 4                          |
| "truck" rank     | = | 2                          |
| Composite Score  | = | $2 \times 4 \times 2 = 16$ |

Section 5. In cases where the ITE manual does not indicate average trips per 1000 (gross) square feet of developed area and/or in cases where gross square footage information significantly misrepresents the magnitude of the development, equivalent factors may be used to determine the appropriate "intensity" or "magnitude" rankings. Such equivalency factors include but are not limited to: ranking of similar developments where such information is available, average daily traffic generated by that development, or other pertinent information associated with road usage attributable to that development.

Section 6. Each domestic water meter account for non-residential developed properties shall be assigned to one of the following billing categories, based on the composite score for that account.

|                     |   |
|---------------------|---|
| Billing Category 3: | composite score of less than 5                  |
| Billing Category 4: | composite score of 5 or more, but less than 15  |
| Billing Category 5: | composite score of 15 or more, but less than 30 |
| Billing Category 6: | composite score of 30 or more, but less than 45 |
| Billing Category 7: | composite score of 45 or more, but less than 60 |

Billing Category 8: composite score of 60 or more.

Section 7. In the event a developed property is not served by a domestic water meter, an evaluation equivalent to the procedures described in Section 2, 3, and 4 above shall be conducted to determine which of the eight billing categories is applicable.

Section 8. In the event a non-residential development involves a building served by more than one domestic water meter, the evaluation described by the procedure in Section 4 above shall be conducted for the building as a whole, without regard to the number of water meters serving that building. For purposes of this Section, multiple structures are to be considered a single structure provided the distance between adjacent structures is less than six inches.

### ARTICLE III

#### Fee Methodology

Section 1. On an average annualized basis, the estimated amount of additional revenue needed to accomplish the pavement management goals is approximately \$483,000 per year.

Section 2. Approximately fifty (50) percent of the total revenues generated by the road maintenance fee shall come from residential developments and approximately fifty (50) percent shall come from none-residential developments.

Section 3. According to the ITE Manual, on a statistical average a multi-family dwelling unit generates 65 percent the amount of vehicle trips as does a single family dwelling unit. Therefore, in apportioning the costs to residential developments the fee for Billing Category 2 should be 65 percent the amount of the fee for Billing Category 1. The resulting fees are shown in Table 3.

Section 4. With regard to non-residential developments, costs shall be distributed to Billing Categories 3 through 8 in proportion to the aggregate composite scores represented by each billing category. The resulting cost apportionment for each category shall then be divided by the number of accounts assigned to that category, thereby establishing a fee unique to each

category as shown in Table 3. The amount of revenues generated varies from category to category (based on the aggregate number of composite points associated with each category), but accounts within a given category share equally in the cost of that category.

Section 5. It is the City Council's intention to leave the fee structure unchanged for the first three years this road maintenance fund is in effect. Thereafter, the City Council may revise the fee schedule to reflect actual revenue/expenditure patterns; anticipated needs for future street maintenance/reconstruction; and/or changes in conditions which the Council finds should be taken into consideration.

#### ARTICLE IV

##### Program Administration

Section 1. Except as provided in Sections 2 and 3 of this Article, the City's Public Works Director shall be responsible for the administration of the road maintenance program.

Section 2. The City's Finance Director shall be responsible for the collection of fees under this resolution.

Section 3. The City's Director of Community Development shall be responsible for administering the appeal process under Article V of this resolution.

Section 4. Road maintenance fees shall be added as an additional item on the bi-monthly utility billing.

Section 5. There should not be duplicate billings. A home business will be billed only as a residential development (Category 1 or 2), not as a non-residential development.

Section 6. Funds collected pursuant to this resolution shall be dedicated and used exclusively for street maintenance/reconstruction to provide for a safe, functioning street system.

Section 7. Any increase in fees shall occur only after a public hearing for public input is conducted in accordance with the public meetings law.

#### ARTICLE V

##### Appeal Process

Section 1. A road maintenance fee billing rate may be appealed in accordance with the following criteria and procedures.

a.) Any property owner/manager who disputes any interpretation given by the City as to the assigned billing category may appeal such interpretation. If the appeal is successful, relief will be granted by reassignment to a more appropriate billing category. In such instances, reimbursement will be given for any overpayment, retroactive to the filing date of the appeal. Factors to be taken into consider include, but are not limited to: availability of more accurate information; equity relative to billing categories assigned to other developments of a similar nature; changed circumstances; situations uniquely affecting road usage by the party filing the appeal.

b.) Application for appeal shall state the reason(s) for appeal, with supporting documentation to justify the requested change.

c.) The Community Development Director shall be responsible for evaluating appeals. If the Community Development Director decides information provided through the appeal process justifies a change, the Community Development Director may authorize this change (up or down) retroactive to the date the appeal was filed.

d.) The Community Development Director shall make all reasonable attempts to resolve appeals utilizing available existing information, including supporting documentation filed with the appeal, within 30 days of the date the appeal was filed. If, however, more detailed site-specific information is necessary, the Community Development Director may request the applicant provide information regarding: size of the development, number of employees, number of business patrons, volume and/or nature of the business activity, or other factors reasonably related to the "intensity," magnitude," and "truck" rankings described in Article II of this resolution.

e.) In any event the Community Development Director shall file a report within 90 days of the date the appeal was filed explaining the disposition of the appeal, along wit the rationale and supporting documentation for the decision reached.

f.) Decisions of the Community Development Director may be further appealed to the City Council, and shall be heard at a public meeting. Upon such further appeal, the City Council shall at its first regular meeting thereafter set a hearing date and determine if the matter shall be heard solely upon the record, partially on the record, or with the record and a de novo hearing. In no event shall a final decision be made later than 90 days after the matter was formally appealed to the City Council.

g.) Appeals files within 120 days of the effective date of this resolution shall not be subject to paying a filing fee. After this 120-day period, the initial filing fee for an appeal shall be \$50. An additional \$50 fee is required for further appeal to the City Council. These fees are fully refundable should the appellant adequately justify and secure the requested reassignment in billing category.

## ARTICLE VI

### Enforcement

Section 1. As provided in Ordinance No. 484, the City may enforce the collection of road maintenance fees by withholding delivery of water to any premises where road maintenance fees are delinquent or unpaid. This remedy shall be in addition to other lawful enforcement procedures for collection of delinquent or unpaid fees.

## ARTICLE VII

### Severability

Section 1. In the event any section, subsection, paragraph, sentence or phrase of this resolution or any administrative procedure adopted herein is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the resolution shall continue to be effective.

## ARTICLE VIII

### Repeal of Prior Resolutions

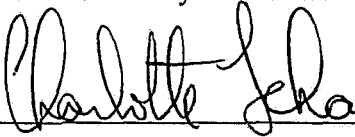
Section 1. Resolution No. 1336 and Resolution No. 1360 are hereby repealed.

ARTICLE IX

Effective Date

Section 1. This resolution shall become effective upon its adoption by the City Council.

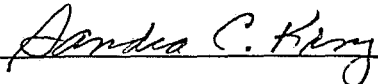
ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 21st day of July, 1997, and filed with the Wilsonville City Recorder this same date.



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CHARLOTTE LEHAN, Mayor

ATTEST:



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Sandra C. King, CMC, City Recorder

SUMMARY OF VOTES:

|                     |     |
|---------------------|-----|
| Mayor Lehan         | Yes |
| Councilor MacDonald | Yes |
| Councilor Helser    | Yes |
| Councilor Luper     | No  |
| Councilor Barton    | Yes |



**TABLE 1**  
 "Intensity" Rating Criteria (Based on ITE Manual statistics)

| Type of Business                  | Average Trips per 1000 Sq. Ft.<br>(or equivalent) |
|-----------------------------------|---|
| Mini-warehouse                    |   |
| Manufacturing                     |   |
| Warehouse                         |   |
| General Light Industrial          |   |
| Industrial Park                   |   |
| Church                            |   |
| Elementary School                 |   |
| Middle School                     |   |
| High School                       |   |
| <hr/>                             |   |
| Office Park                       | ≥ 11  |
| Single Tenant Office              |   |
| Junior/Community College          |   |
| Business Park                     |   |
| Office Building                   |   |
| Government Office Complex         |   |
| Motel                             |   |
| Conference Center                 |   |
| <hr/>                             |   |
| Bowling Alley                     | ≥ 33  |
| Medical-Dental Office             |   |
| Veterinary Clinic                 |   |
| Day Care                          |   |
| Nursery/Garden Center             |   |
| Specialty Retail                  |   |
| New Car Sales                     |   |
| Shopping Center                   |   |
| Hardware/Paint Store              |   |
| Discount Store                    |   |
| Movie Theater                     |   |
| Entertainment Center              |   |
| Recreation Facility               |   |
| Library                           |   |
| Post Office                       |   |
| Quality Restaurant                |   |
| Auto Care Center                  |   |
| Tire Store                        |   |
| <hr/>                             |   |
| Walk-In Bank                      | ≥ 100   |
| Drive-In Bank                     |   |
| High Turnover Sit-Down Restaurant |   |
| Service Station                   |   |
| Car Wash                          |   |
| <hr/>                             |   |
| Convenience Market                | ≥ 300   |
| Fast Food Restaurant              |   |

TABLE 2

| POINTS | "INTENSITY"<br>(Trips per 1000 sq.ft.<br>or equivalent) | "MAGNITUDE"<br>(Gross square<br>footage or<br>equivalent) | "TRUCKS"<br>(Per day) |
|--------|---|---|-----------------------|
| 1      | > 0   | > 0   | > 0                   |
| 2      | ≥ 11  | ≥ 5,000   | ≥ 1                   |
| 4      | ≥ 33  | ≥ 15,000  | ≥ 10                  |
| 6      | ≥ 100   | ≥ 45,000  | ≥ 30                  |
| 8      | ≥ 300   | ≥ 135,000   | ≥ 90                  |

**TABLE 3**

|                                  | <b>Number of Customers</b> | <b>Monthly Rate</b> | <b>Annual Revenue</b> | <b>Percent of Total</b> |
|----------------------------------|----------------------------|---------------------|-----------------------|-------------------------|
| <b>RESIDENTIAL<br/>(50%)</b>     |                            |                     |                       |                         |
| Category 1:<br>Single Family     | 2,536                      | \$4.48              | \$136,335             | 28.2%                   |
| Category 2:<br>Multi-Family      | 3,008                      | \$2.91              | \$105,039             | 21.8%                   |
|                                  |                            |                     |                       |                         |
| <b>NON-RESIDENTIAL<br/>(50%)</b> | <b>Number of Customers</b> | <b>Monthly Rate</b> | <b>Annual Revenue</b> | <b>Percent of Total</b> |
| Category 3                       | 60                         | \$11.62             | \$8,366               | 1.7%                    |
| Category 4                       | 71                         | \$34.07             | \$29,028              | 6.0%                    |
| Category 5                       | 72                         | \$71.48             | \$61,759              | 12.8%                   |
| Category 6                       | 29                         | \$125.92            | \$43,820              | 9.1%                    |
| Category 7                       | 22                         | \$184.90            | \$48,814              | 10.1%                   |
| Category 8                       | 13                         | \$317.64            | \$49,552              | 10.3%                   |
|                                  |                            |                     |                       |                         |
| <b>Total</b>                     |                            |                     | \$482,713             | 100%                    |