

AFFIDAVIT OF POSTING

ORDINANCE #112

STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
 AND WASHINGTON)
)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

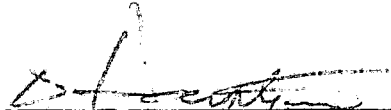
On the 28th day of August, I caused to be posted copies of the attached Ordinance #112, Adopting an Interim Growth Management Program and Procedures, in the following four public and conspicuous places of the City, to wit:

Wilsonville Post Office
Wilsonville City Hall
Lowrie's Food Market
Kopper Kitchen

The Ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 5th day of September, 1978.


DEANNA J. THOM, City Recorder

Subscribed and sworn to before me
this 11 day of September, 1978.


NOTARY PUBLIC, STATE OF OREGON
My Commission Expires: 6-28-82

ORDINANCE NO. 112

AN ORDINANCE ADOPTING AN INTERIM GROWTH MANAGEMENT PROGRAM
AND PROCEDURES AND DECLARING AN EMERGENCY

WHEREAS, The City of Wilsonville is now in the process of updating its existing planning documents, completing its Comprehensive Plan, and formulating a Growth Management Program and Procedures; and

WHEREAS, it is necessary to define and establish interim growth management procedures that will be in effect until the Comprehensive Plan is completed and permanent Growth Management Program and Procedures are implemented; and

WHEREAS, the City of Wilsonville is interested in providing an equitable distribution procedure for municipal utility and building permit allocations based upon the capacities of existing facilities; and

WHEREAS, the City of Wilsonville has carefully examined the capacities of existing facilities and services and made the following findings:

1. That the City has an adequate water supply and equipment facilities to support an expanding population;
2. That the City currently has adequate street facilities and is creating a special street improvements capital fund to be supported by new development in order to service an expanding population;
3. That the City currently contributes revenues to the local school districts far in excess of the cost per child in the City;
4. That the City is within the Tualatin Rural Fire Protection District and is serviced through that District by local fire fighting capacities in excess of the current population needs;
5. That the City currently has approximately 145 acres of parks and lands devoted exclusively to recreational use and serving both local and regional needs; and the City requires 40% of the land area of all residential Planned Unit Developments to provide open space thus contributing to the general livability of the City;
6. That the City is within the jurisdiction of Clackamas County Sheriff's office and is currently contracting for extra hours of special police protection and cannot fiscally sustain a further increase in police protection without a new tax base or additional revenue source;
7. That the City is completing an addition to it's sewer plant; and total additional sewer capacity is estimated for 1,600 residential equivalencies;
8. That present and firmly anticipated sewer usage will exhaust the enlarged sewer plant capacity prior to July 1, 1981.

WHEREAS, information from engineering sources indicate that additional sewer capacity cannot be provided in less than 3 years; and

WHEREAS, the above findings indicate that proposed population growth in the City will be most affected by the finite sewer capacity during the period in which the Comprehensive Plan is to be completed; and

WHEREAS, the City of Wilsonville recognizes that population growth has been severely restricted for the past two years because of previous limitations of public facilities as well as intervening litigation and that therefore there is a need to balance immediate building pressures with future growth needs; and

WHEREAS, the City of Wilsonville has established the following goals to aid in formulating an interim growth management program:

1. Establish a program that will manage growth efficiently and expeditiously;
2. Ensure that the City has the opportunity to plan in all geographic locations within the City limits so that planning decisions can be made on more critical planning criteria such as those based on fiscal, economic and social impacts;
3. Maintain a balance of residential, commercial and industrial development;
4. Maintain an active competition in the building and housing market place;
5. Ensure that permits will be issued only for immediately planned bonafide building and not held for speculation.
6. Have a positive effect on the local economy in terms of cash flow into the City and local government;
7. Ensure efficient and proper use of public facilities and services;
8. Promote and maintain land uses based on consideration of LCDC state wide planning goals and guidelines;
9. Encourage urbanization of urban lands within the City limits;
10. Promote a mix of housing types and residential uses;
11. Provide an adequate industrial and commercial tax base to support the existing and future population;
12. Maintain the livability of the community as a whole; now therefore,

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

SECTION 1: DEFINITIONS

A. "Fiscal Year" shall mean a time period from July 1, to and including June 30, of the following year.

B. "Residential Equivalence" shall mean the equivalent impact on the City's sewerage treatment plant of one single family dwelling unit.

C. "Residential Equivalency Permit" shall mean a building permit requiring City sewer facilities. The number of residential equivalency permits per building permit will equal the number of residential equivalency sewer hookups needed to service the building.

D. "Interim Growth Management Program" shall mean the program defined herein to guide the City's policy toward new building proposals until the adoption of a completed Comprehensive Plan and a permanent Growth Management Program and Procedures.

SECTION 2:

All applications for zone changes, land partitions, comprehensive plan map changes, annexations, boundary changes, planned residential developments, planned commercial and/or industrial developments, and subdivisions shall be processed according to Subdivision Ordinance #16 and Zoning Ordinance #23 without regard to geographical limitations as of the expiration date of Ordinance #99, October 15, 1978.

SECTION 3:

The interim growth management program will be based on the sewer hook-up capacity of the City's sewer facilities since the City's findings indicate that sewer facilities are limited even though it has adequate facilities and services for other public needs.

SECTION 4:

The number of building permits to be issued from the effective date of this Ordinance until the adoption of the Comprehensive Plan shall not exceed the number which will permit or result in a total of 1,600 residential equivalency sewer hookups. Any sewer hookups permitted after the effective date of this Ordinance shall reduce the number of available permits accordingly.

SECTION 5:

The number of residential equivalency hookups to sewers as permitted by Section 4 will be allocated to three general land use categories:

1. Public Uses
2. Residential Uses (R-7, R-10, R-20 and MR-1, RA-1, PDR)
3. Commercial and Industrial Uses (C-1, C-2, I-1, I-2, PC&I, Wilsonville Square and City Center District/Town Center)

The number of residential equivalency sewer hookups allocated to each category is as follows:

1. 6% of the total hookups available will be for Public Uses.

2. 60% of the remaining hookups will be for Residential Uses and 40% for Commercial and Industrial uses.

These allocations will be reviewed and reconsidered by the Wilsonville Interim Growth Committee on a six month basis and the Committee shall report its findings to the City Council. If it becomes apparent in the review by the Committee that percentages within each general land use category should be established for each zone and/or similar zones, the Committee shall report those findings to the City Council. The Council may by resolution modify the allocating percentages.

SECTION 6:

Building permits based on the sewer hookup allocations described in Section 4 will be issued subject to the following limitations:

I. Number Limitations

1. No more than 370 residential equivalency permits in the residential use category shall be issued during the City's 1978-79 fiscal year.
2. No more than 270 residential equivalency permits in the residential use category shall be issued during the City's 1979-80 fiscal year unless there is a carry over number of permits available from the preceeding fiscal year.
3. No more than 270 residential equivalency permits requiring City sewer facilities in the residential use category shall be issued during the City's 1980-81 fiscal year unless there is a carry over number of permits available from the preceeding fiscal year.
4. If the number of residential permits issued in any fiscal year is less than the maximum number provided for and the number issued shall be carried forward and added to the maximum number of building permits which could be issued in the succeeding fiscal year.
5. There will be approximately 600 residential equivalency permits available for commercial and industrial use prior to the construction of any additional sewer facilities. There will be no limitation on the number of such permits to be issued each year.
6. The limitations on the number of residential equivalency permits issued each year will be reviewed on a six month basis by the Wilsonville Interim Growth Committee. The Committee shall report its findings to the City Council. The Council may by resolution modify the number limitations.

II. Use Limitations

1. If residential equivalency permits are available for a particular use category in any one fiscal year the building permits may be issued.

2. If a requested residential equivalency permit is not available in any one fiscal year the building permit request must be denied and the application shall be considered the next fiscal year.

III. Procedural Limitations

1. There must be initiated within sixty (60) days of the issuance of a permit substantial construction in accordance with approved plans. If substantial construction does not occur, then the building permit is automatically revoked and building permit fees are forfeited. Substantial construction shall include at least site preparation, grading of all access roads and interior streets and extensions to the property line of all required utility lines.

2. Any permits issued or sewer connection reservations are not transferable to any other piece of property.

3. Each permit applicant shall pay the cost of any utility extensions that may be required to serve the development.

SECTION 7:

The permit allocation process will be administered by the City Administrator who shall interpret the application in terms of a residential equivalency and the criteria and limitations of Section 4, 5 and 6. An action or ruling of the City Administrator authorized by the Ordinance may be appealed to the City Council by written notice of the appeal, and an appeal fee of \$50.00 filed with the City Recorder within fifteen (15) days from the mailing or delivery to the applicant of the decision of the City Administrator. If no appeal is taken, the decision of the City Administrator shall be final. If an appeal is taken, the City Council shall set the date of the appeal hearing which shall be held within thirty (30) days of the notice of appeal; and notice of the date, time and place of the hearing shall be mailed or delivered immediately to the applicant by the City Recorder.

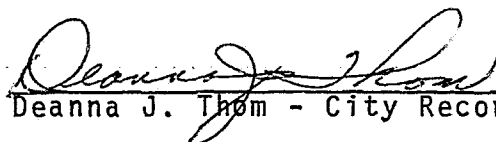
SECTION 8: SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason held invalid or unconstitutional by court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

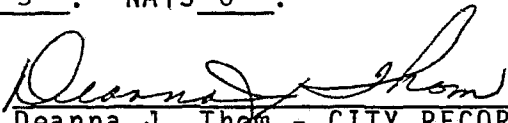
SECTION 9:

In view of the need to begin an immediate allocation of permits an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon final reading and enactment by the City Council.

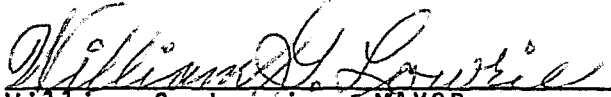
Submitted to the Council and read the first time at a special meeting of the Council on the 29th day of August, 1978 and scheduled for second reading at a regular meeting of the Council on the 5th day of September, 1978, at the hour of 8:00 o'clock p.m. at the Wilsonville Grade School.


Deanna J. Thom - City Recorder

ENACTED by the Council on the 5th day of September , 1978
by the following vote: YEAS 5. NAYS 0.


Deanna J. Thom - CITY RECORDER

Dated and signed by the Mayor this 6th day of September , 1978.


William G. Lowrie - MAYOR