

AFFIDAVIT OF POSTING

ORDINANCE #113


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:

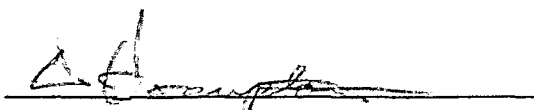
On the 28th day of August, I caused to be posted copies of the attached Ordinance #113, Establishing and Imposing a Systems Development Fee, in the following four public and conspicuous places of the City, to wit:

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. 113

AN ORDINANCE ESTABLISHING AND IMPOSING A SYSTEMS
DEVELOPMENT FEE; AND DECLARING AN EMERGENCY

WHEREAS, the City of Wilsonville has been facing a period of residential, industrial and commercial growth; and

WHEREAS, such growth is creating a need for better street facilities, traffic control and storm drainage; and

WHEREAS, any new development of property contributes to the need for better street facilities, traffic control and storm drainage; and

WHEREAS, the current level of funding for street facilities, traffic control and storm drainage satisfies the major portion of existing traffic needs but is not adequate to cover future development needs; and

WHEREAS, there is a need for additional funds to supplement existing road improvement and maintenance funds in order to provide for new developments; and

WHEREAS, the funds to be provided by this Ordinance are intended to be used to reduce the possibility of restraints upon development due to road conditions; now therefore

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

SECTION 1: DEFINITIONS

As used in this Ordinance unless the context requires otherwise:

A. "Building Permit" means a permit issued by the building official or his representative pursuant to the State Structural Specialty Code including mobile homes and mobile home courts and/or the City's building code.

B. "Street Facilities, Traffic Control and Storm Drainage" 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 on the Wilsonville Interim Development Plan currently in effect and as said Plan may subsequently be revised. 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.

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

D. "Value" as used in this Ordinance shall be determined according to the Uniform Building Code.

SECTION 2: SYSTEMS DEVELOPMENT FEE ESTABLISHED AND IMPOSED

A. A Systems Development fee is hereby established. There shall be two classes of systems development fees:

1. Residential fee
2. Non-residential development fee

B. To cover the costs of improvement, construction and maintenance of street facilities, traffic control and storm drainage, a systems development fee is hereby imposed on lands to be developed within the City of Wilsonville. The fee hereby imposed is as follows:

- | | |
|--------------------|--|
| 1. Residential | \$500.00 per dwelling unit |
| 2. Non-residential | \$500.00 per \$50,000.00 or portions thereof of value. |

SECTION 3: PAYMENT AND COLLECTION

A. The owner(s) of property subject to a fee hereunder shall pay the same when due to the City Recorder of Wilsonville.

B. The systems development fee is immediately due and payable upon the filing of an application for a building permit.

C. The City Recorder is hereby directed to collect the systems development fee as provided for herein and issue a receipt.

D. The City Recorder shall collect the fee prior to the City issuing any building permit for new construction or any building permit for additions to residences that increase the number of units or to commercial, industrial or institutional structures that involve an increase in value of \$25,000 or more.

SECTION 4: EXEMPTIONS

A. Any parcel of land is exempt from the systems development fee to the extent of any structure then existing on the land or for which a building permit was issued on or before the effective date of this Ordinance. Non-residential structures appurtenant to a residential structure shall be exempt.

B. Any parcel of land located within the City on the effective date of this Ordinance, for which a valid and complete pending building permit application was filed on or before the effective date of this Ordinance, shall be exempt from the systems development fee to the extent of the structure covered by that pending building permit application.

C. Any parcel of land that previously supported a structure but which structure was destroyed or removed within one year before the filing of a new building permit application, shall be exempt from the systems development fee provided the new construction is devoted to the same use as the former structure.

SECTION 5: FUND CREATION: SEGREGATION AND USE OF REVENUES

There is hereby created a dedicated fund entitled "Street Facilities, Traffic Control and Storm Drainage Capital Project Fund." All money derived from the systems development fee are to be placed in said Fund and be segregated by accounting practices from all other funds of the City of Wilsonville. The Fund shall be used for no purpose other than those activities necessary to the installing, construction, extending, and maintenance of street facilities, traffic control, and storm drainage as defined in Section 1 of this Ordinance. All funds will be expended in accordance with a capital improvements program to be adopted and reviewed annually by the City Council.

SECTION 6: ENFORCEMENT.

A. The Recorder of the City may use such means of collection as may be provided by the laws of the State of Oregon or permitted by the Charter and Ordinances of the City of Wilsonville.

B. If a court suit or action is instituted to enjoin any development or construction for which a building permit was not issued or the development fee paid, or for the collection of the fees the City shall be entitled to collect, in addition to costs and disbursements provided by statute, such sum as any court, including any appellate court, may adjudge reasonable as attorneys' fees in such suit or action.

SECTION 7: APPEALS

Any person aggrieved by any decision made or action taken by any employee or officer of the City under this Ordinance may appeal such decision or action to the City Council by written notice of appeal which shall describe specifically the decision or action appealed and the reasons for the appeal; and by payment of an appeal fee of \$50.00. The Notice of Appeal and appeal fee shall be filed with and paid to the City Recorder. 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 appellant(s) by the City Recorder. In considering the appeal the City Council shall determine whether the decision or action was correct; and may affirm, modify, extend or overrule such decision or action.

SECTION 8: SCOPE

The Systems Development Fee provided in this Ordinance is separate from and in addition to any other tax, assessment, charge, or fee otherwise provided by law.

SECTION 9: SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason held invalid or unconstitutional by a 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.

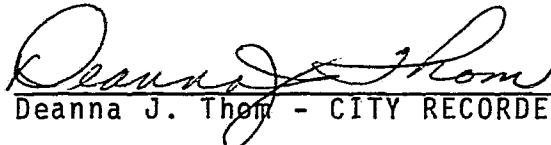
SECTION 10: EMERGENCY DECLARED AND EFFECTIVE DATE

Inasmuch as an increase in street facilities funds is required immediately to provide funds for planned and required improvements of the City's street system, traffic control and storm drainage and to maintain an adequate reserve for contingencies, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final passage by the Council; and the Systems Development fees shall apply to any building permit applications following the enactment of this Ordinance.

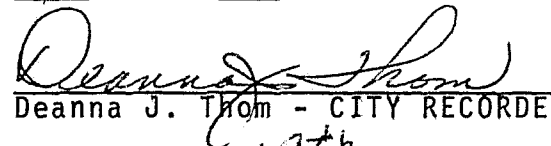
Submitted to the Council and read the first time at a special meeting of the Council on the 29th day of August, 1978 and scheduled for second reading at a regular meeting of the Council on the 5th day of September, 1978, at the hour of 8:00 o'clock p.m. at the Wilsonville Grade School.


Deanna J. Thom - CITY RECORDER

Read a second time by title only at a regular meeting of the Council on September 5, 1978 and amended to increase the systems development fee to \$500.00 as now provided in Section 2(B) above. As amended this ordinance was then read in its entirety and scheduled for final reading at a special meeting of the Council on the 18th 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 18th day of September, 1978 by the following vote: YEAS 4. NAYS 1.


Deanna J. Thom - CITY RECORDER

Dated and signed by the Mayor this 19th day of September, 1978.


William G. Lowrie - MAYOR