

AFFIDAVIT OF POSTING
ORDINANCE CB-0-38-85

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 10th day of July, I caused to be posted copies of the attached Ordinance CB-0-38-85, an ordinance establishing and imposing a Parks Development Fee; and declaring an emergency, in the following four public and conspicuous places of the city, to wit:

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

The ordinance remained posted for more than five consecutive days prior to the time for said public hearing on the 15th day of July, 1985.



DEANNA J. THOM, City Recorder

Subscribed and sworn to before me
this 10th day of July, 1985.



NOTARY PUBLIC, STATE OF OREGON

My commission expires: August 23, 1985

AFFIDAVIT OF POSTING

ORDINANCE CB-0-38-85

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 31st day of December, 1985, I caused to be posted copies of the attached Ordinance CB-0-38-86, an ordinance establishing and imposing a park development fee; and declaring an emergency, in the following four public and conspicuous places of the city, to wit:

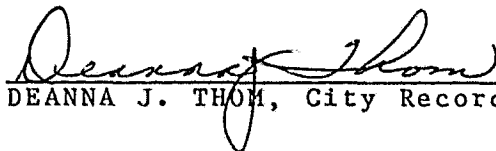
WILSONVILLE CITY HALL

WILSONVILLE POST OFFICE

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 6th day of January, 1986.


DEANNA J. THOM, City Recorder

Subscribed and sworn to before me this 1st day of January, 1986.


NOTARY PUBLIC, STATE OF OREGON

My commission expires: Aug. 23, 1986

ORDINANCE NO. 285

AN ORDINANCE ESTABLISHING AND IMPOSING A PARKS DEVELOPMENT FEE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Wilsonville has and is experiencing continuous growth in both residential, commercial and industrial construction; and

WHEREAS, the city's Comprehensive Plan identifies the Land Conservation Development Commission, hereinafter referred to as L.C.D.C., Goal No. 8, City Code 3:4 "To provide an adequate diversity and quantity of passive and active recreational opportunities conveniently located for the community's residents"; and

WHEREAS, the city's growth has surpassed the city's capability to fund necessary Park Development in order to provide the recreational facilities required to meet Goal 3:4 of the Comprehensive Plan; and

WHEREAS, a Master Park Development Plan was adopted on May 2, 1983 by the City Council with no provisions for funding the specific park improvements; and

WHEREAS, the City of Wilsonville Budget for 1985-1986 fiscal year was adopted June 17, 1985 during a regularly scheduled City

Council meeting commencing at 7:30 o'clock p.m., Pacific Daylight Savings Time in the Council Chambers at City Hall, 30000 SW Town Center Loop East. The adoption of the budget included, on page 39, line item 18, titled "Park Development Fee" which would become effective upon approval by the City Council; and

WHEREAS, the funds would be placed in the Park Fund, an existing fund created for the purpose of maintaining and operating the parks in the City of Wilsonville. Such funds would be allocated for the acquisition of land and development of parks by the construction of facilities, utilities, structures and buildings which are presently or would be added to the Master Park Development Plan.

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

SECTION 1: The following Sections shall be added to the Wilsonville Code:

Section 11.050 - FEES - PARK DEVELOPMENT FEES

1) Definitions

- (a) Building Permit - Same as Section 11.020 (1)(a) of the Wilsonville Code.
- (b) Development - Same as Section 11.020(1)(c) of the Wilsonville Code.
- (c) Non-Residential - Shall be all buildings or

structures as defined by section 3.075(1)(o) and (cc) of the Wilsonville Code.

(d) Residential - Same as Section 3.075(1)(rr) of the Wilsonville Code.

(e) Value - Same as Section 11.020(1)(d) of the Wilsonville Code.

2) Park Development Fee Established and Impose

(a) A Park Development Fee is hereby established. There shall be two classes of Park Development Fee:

(i) Residential

(ii) Non-Residential

(b) To cover the cost of land acquisition, improvements, construction and additions of the park facilities as identified by the Park Master Plan as adopted or amended, a Park Development Fee is imposed on lands to be developed within the City of Wilsonville.

The fee hereby imposed is as follows:

(i) Residential \$250 per dwelling unit

(ii) Non-Residential .003 multiplied times the value of of the development

(c) Upon application of a developer or applicant for a building permit, a special Park Development Fee application form shall be used for all items contained in Section 11.050(2)(c). The city may, in lieu of payment, partially or in whole, of the Park Development Fee, accept the following:

(1) DONATED LAND; provided however:

(a) The property to be donated shall be for neighborhood or community parks only, as identified in the Comprehensive Plan and criteria for the Park Master Plan(s);

(b) The property shall be usable for neighborhood or community park development. In making such a determination, the city may require title reports and insurability of title, surveys, geotechnical analysis and other information necessary to prove true ownership and acceptability of the land for development as a neighborhood or community

park. Any such costs, associated with meeting these requirements and providing this information shall be borne by the developer or applicant and is exclusive of the Park Development Fee;

(c) Valuation of the property shall be determined by an appraisal of the property.

(2) DEVELOPMENT OF PARK FACILITIES;

provided, however;

(a) Facilities shall be upon public land of the city.

(b) Any construction shall be administered under the Public Works Department for water, sewer, storm drainage, streets and other ground utilities; all structural improvements shall be administered under the Building Department.

(c) Donated facilities, inclusive of any donated construction, shall be determined by the Capital Improvements

Plan. Valuation shall be determined by the City Council based on fair market value.

(3) PRIVATE RESIDENTIAL PARK DEVELOPMENT FEE CREDIT; provided, however:

(a) Such parks are defined as being owned and maintained by any individual or group other than the city.

(b) Any fee credit shall be in part only, and shall be the following:

- The credit in the Park Development Fee shall be based on the overall reduction of city costs for Public Parks Development. City costs are determined by the facilities established in Park & Recreation Master Development Plan (PRMDP).

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.

(b) The Park Development Fee is immediately due

and payable upon the filing of an application for a building permit.

(c) The City Recorder shall collect the Park Development Fee prior to the city issuing a building permit for new construction or any building permit for additions to residences that increase the number of residential units or for non-residential that involves an increase in value to \$25,000 or more.

(d) The City Recorder is hereby directed to collect the Parks Development Fee as provided herein and said fee shall be deposited to the Park Fund.

4) Exemptions:

(a) Any parcel of land is exempt from the Parks 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 Code. 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 Code, for which a valid and complete pending building permit application was filed on or before the effective date of this Code shall be exempt from the fee covered by that pending building application.

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

5) Fund Accounts

All monies derived from the Park Development Fee are to be placed in the Park Fund and be segregated by accounting practices from all other funds of the city. The funds derived from the Park Development Fee shall be used for no other purpose than the acquisition of land, construction and additions of park facilities, utilities, structures and buildings which are presently or would be added to the Master Park Development Plan.

6) Enforcement:

(a) The City Recorder may use such means of collection as may be provided by the laws of the State of Oregon or permitted by the Charter and Code of the city.

(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 not paid, or instituted for the collection of said fees, in addition to costs and disbursements provided by statute, the city shall be awarded such sum as any court, including an appellate court, may adjudge reasonable as attorneys' fees in such suit or action.

7) Appeals: Any person aggrieved by any decision made or action taken by any employee or officer of the city under this section 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.

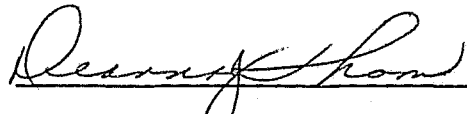
- 8) Scope: The Parks Development Fee provided by this section is separate from and in addition to any other tax, assessment, charge, or fee otherwise provided by law.

SECTION 2: Emergency Declared and Effective Date

It being determined by the Wilsonville City Council an emergency exists, this ordinance shall take effect immediately upon final reading and passage by the Wilsonville City Council.

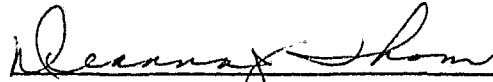
Submitted to the Council and read the first time at a regular meeting thereof on the 16th day of December, 1985 and

scheduled for second reading at a regular meeting of the Council on the 6th day of January, 1986, commencing at the hour of 7:30 o'clock p.m., at the Wilsonville City Hall.



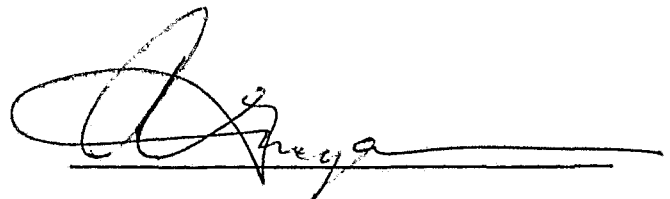
DEANNA J. THOM, City Recorder

ENACTED by the Council on the 6th day of January, 1986, by the following votes: YEAS: 5 NAYS: 0.



DEANNA J. THOM, City Recorder

DATED and signed by the Mayor this 7th day of January, 1986.



A. G. MEYER, Mayor