

RESOLUTION NO. 1664

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING DEVELOPMENT AGREEMENT WITH VENTURE PROPERTIES, INC. FOR CANYON CREEK ESTATES WATER SYSTEM DEVELOPMENT CHARGES AND CONNECTION FEES.

WHEREAS, Venture Properties Canyon Creek Estates single family subdivision has advised the City it is prepared to file complete applications for building permits for each of its single family homes prior to October 15, 2000, and meet the provisions of Ordinance No. 514, Section 2A (Phasing Schedule for Category 3 development; paragraph A.2); and

WHEREAS, a complete application must comply with SB 587 and 512 and the City has adopted a One and Two Family Dwelling Building Permit Application Checklist form, Exhibit A, attached hereto and incorporated herein, listing the items for plan review together with jurisdictional specifics as may be determined by the City which must be submitted in conformance with SB 587 and 512; and

WHEREAS, Venture Properties has requested whether it could tender payment for the water System Development Charge (SDCs) and Connection Fees at the time of its building permit application; and

WHEREAS, the City interprets "prior" in Resolution No. 1624, Article IV, Section 3, Payment of SDCs and Connection Fees "...shall be paid in full to the City of Wilsonville Finance Director or designated staff person prior to scheduling for installation of the service connection." in its context to mean after a completed application for a building permit has been filed and the plan review has been completed, but before scheduling for installation of the service connection, subject to such exception as may be permitted by Article IV, Section 4, Prepayment; and

WHEREAS, Resolution No. 1624, Article IV, Section 4, Prepayment provides: "To better allow industry to plan future expansions and better allow the City to plan for water system capacity requirements, the City may enter into development agreements which provide deferred capacity in the future at specific time intervals.***"; and

WHEREAS, the City recognizes that Venture Properties has undertaken the building of its aforementioned Canyon Creek Estates and that under the particular circumstances it presents of having the water capacity allotted for full build out, and having achieved substantial

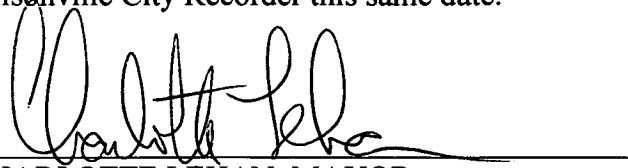
development of subdivision streets and utilities and several homes, but not all homes being constructed or under way prior to October 15, 2000, and the willingness to provide complete applications for building permits and fees for all homes to be built, coupled with the necessity to allow for reasonable planning for financing and construction scheduling, payment for water SDCs and Connection Fees may be made at the time of the filing of completed building permit applications; provided, the following development agreement terms are entered into between the City and Venture Properties, Inc.:

1. The payment of any such SDCs or Connection Fee does not entitle Venture Properties to a service connection without a plan review approval of the building permit and the City's inspection of any service connection which must meet all government regulatory requirements;
2. In the event Venture Properties requests the City delay any plan review, the City shall apply the Building Code time of six months from the date of a complete application, and will allow one six-month extension;
3. In the event Venture Properties requests the City delay any plan review approval, Venture Properties may submit amended or alternative construction plans; provided however, if the plan review has already begun, as requested by Venture Properties or at the expiration of the extension time, the Building Official shall determine if they are so substantial as to require a new application; and
4. In the event the City's charges for water SDC and Connection Fees have increased in the interim from original building permit application and any delay requested causing a delay in the City's actual plan review, Venture Properties shall pay any increase amount in the SDCs and Connection Fees with credit for such sum as may previously have been paid for the SDC or Connection Fee, prior to scheduling of any applicable service connection.

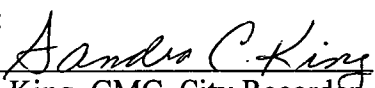
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The above recitals and findings are incorporated by reference herein; and
2. The Community Development Director is authorized to enter into a development agreement with Venture Properties, Inc., a copy of which is marked Exhibit B, attached hereto and incorporated by reference as though fully set forth herein in accordance with the above recited terms.

ADOPTED by the Wilsonville City Council at a regular Council meeting thereof this 21st day of August, 2000, and filed with the Wilsonville City Recorder this same date.



CHARLOTTE LEHAN, MAYOR

ATTEST: 

Sandra C. King, CMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Helser	Yes
Councilor Barton	Yes
Councilor Kirk	Yes
Councilor Holt	Yes

**Tri County/
One & Two Family Dwelling
Building Permit Application Checklist**

Resolution No. 1664

Exhibit A

Jurisdiction _____

Reference # _____

Associated Permits _____ Elec _____ Plmb _____ Mech _____ Other _____

The following items are required for plan review

		Yes	No	N/A
1	Land use actions completed. See jurisdiction criteria for concurrent reviews.			
2	Zoning, Flood plain, solar balance points, seismic soils designation, historic district, etc.			
3	Verification of approved plat/lot.			
4	Fire District _____ approval required.			
5	Septic system permit or authorization for remodel. Existing system capacity _____			
6	Sewer permit.			
7	Water district approval.			
8	Soils report. Must carry original applicable stamp and signature on file or with application.			
9	Erosion control <input type="checkbox"/> plan <input type="checkbox"/> permit required. Include drainage-way protection, silt fence design and location of catch basin protection, etc.			
10	_____ Complete sets of legible plans drawn to scale, showing conformance to the applicable local and state building codes. Lateral design details and connections must be incorporated into the plans or on a separate full size sheet attached to the plans with cross-references between plan location and details. Plan review cannot be completed if copyright violations exist.			
11	Site/Plot plan drawn to scale. The plan must show: lot and building setback dimensions; property corner elevations (if there is more than 4-ft. elevation differential, the site plan must show contour lines at 2-ft. intervals); location of easements and driveway, footprint of structure (including decks), location of wells/septic systems, utility locations, direction indicator, lot area, building coverage area, percentage of coverage, impervious area, existing structures on site, and surface drainage.			
12	Foundation plan. Show dimensions, anchor bolts, any hold-downs and reinforcing pads, connection details, vent size and location.			
13	Floor plans. Show all dimensions, room identification, window size, location of smoke detectors, water heater, furnace, ventilation fans, plumbing fixtures, balconies and decks 30 inches above grade, etc.			
14	Cross section(s) and details. Show all framing member sizes and spacing such as floor beams, headers, joists, sub-floor, wall construction, roof construction. More than one cross section may be required to clearly portray construction. Show details of all wall and roof sheathing, roofing, roof slope, ceiling height, siding material, footings and foundation, stairs, fireplace construction, thermal insulation, etc.			
15	Elevation views. Provide elevations for new construction; minimum of two elevations for additions and remodels. Exterior elevations must reflect the actual grade if the change in grade is greater than 4 ft. at building envelope. Full size sheet addendums showing foundation elevations with cross-references are acceptable.			
16	Wall bracing (prescriptive path) and/or lateral analysis plans. Must indicate details and locations; for non-prescriptive path analysis provide specifications and calculations to engineering standards.			
17	Floor/roof framing plans are required for all floors/roof assemblies indicating member sizing, spacing and bearing locations. Show location of attic ventilation.			
18	Basement and retaining walls cross sections and details showing placement of rebar shall be provided. For engineered systems, see item 22, for "Engineer's calculations."			
19	Beam calculations. Provide two sets of calculations using current code design values for all beams and multiple joists over ten feet in length and/or any beam/joist carrying a non-uniform load.			
20	Manufactured floor/ roof truss design details.			
21	Energy Code Compliance. Identify the prescriptive path or provide calculations. <i>A gas piping schematic is required for 4 or more appliances.</i>			
22	Engineer's calculations when required or provided, (i.e., shear wall, roof truss shall be stamped by an engineer or architect licensed in Oregon and shall be shown to be applicable to the project under review.)			

Jurisdictional specifics.

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Checklist must be completed before plan review start date. Minor changes or notes on submitted plans may be in blue or black ink. Red ink is reserved for department use only.

EXHIBIT B

DEVELOPMENT AGREEMENT

**Between
Venture Properties, Inc. and the City of Wilsonville
For Canyon Creek Estates Water Systems
Development Charges and Connection Fees**

RECITALS

1. Venture Properties Canyon Creek Estates single family subdivision has advised the City it is prepared to file complete applications for building permits for each of the single-family homes prior to October 15, 2000, and meet the provisions of Ordinance No. 514, Section 2A, (phasing schedule for category 3 development); paragraph A.2.
2. A complete application must comply with SB587 and 512 and the City has adopted a one and two-family dwelling permit application form, Exhibit A, attached hereto and incorporated herein listing the items for plans review together with jurisdictional specifics as may be determined by the City which must be submitted in conformance with SB587 and 512.
3. Venture Properties has requested whether it could tender payment for the water systems development charge (SDCs) and connection fees at the time of its building permit application.
4. The City interprets "prior" in Resolution No. 1624, Article 4, Section 3, payment of SDCs in connection with fees"... "shall be paid in full to the City of Wilsonville finance director or a designated staff person prior to scheduling for installation of the service connection." in its context to mean a completed application for a building permit has been filed and the plans review has been completed but before schedule for installation of the service connection, subject to such exception as may be permitted by Article IV, Section 4, Prepayment.
5. Resolution No. 1624, Article 4, Section 4, Prepayment provides: "To better allow industry to plan future expansion and better allow the City to plan for water systems capacity requirements, the City may enter into development agreements which provide deferred capacity in the future at specific time intervals.*** "
6. The City recognizes that Venture Properties has undertaken the building of the aforementioned Canyon Creek Estates and under the particular circumstances it presents of having water capacity for water buildout and having achieved substantial development of subdivision, streets and utilities and several homes but not all homes being constructed or underway prior to October 15, 2000 and the willingness to provide complete application for building permits and fees for all homes to be built coupled with the necessity to allow for reasonable planning and financing and construction scheduling.

TERMS AND CONDITIONS

Now, therefore, based upon the above recitals Venture Properties, Inc. and the City of Wilsonville (City) agree that payment for water SDCs and Connection Fees for the Canyon Creek Estates Subdivision Development may be made at the time of the filing of completed building permit applications for the subdivision with the following development conditions:

1. The payment of any such SDCs or Connection fee does not entitle Venture Properties to a service connection without a plan review approval of the building permit and any service connection must meet all government regulatory requirements as determined by the City's inspector of such service connection;
2. In the event Venture Properties requests the City delay any plan review, the City shall apply the Building Code time limitation on Building Permit approval of six months from the date of a complete application, and will allow one six-month extension in accordance with the Building Code;
3. In the event Venture Properties requests the City delay any plan review approval, Venture Properties may submit amended or alternative construction plans; provided however, if the plan review has already begun, as requested by Venture Properties or at the expiration of the extension time, the Building Official shall determine if they are so substantial as to require a new application; and
4. In the event the City's charges for water SDC and Connection Fees have increased in the interim from original building permit application and any delay requested or caused by Venture Properties in the City's actual plan review, Venture Properties shall pay any increase amount in the SDCs and Connection Fees with credit for such sum as may previously have been paid for the SDC or Connection Fee, prior to scheduling of any applicable service connection.

The undersigned are duly authorized to execute this Development Agreement, and it shall be binding of each of the undersigned successors in interest and/or assigns.

VENTURE PROPERTIES, INC.

By: *Leah Gentry Kiesel*

Title: *President*

Date: *8/25/00*

CITY OF WILSONVILLE

Eldon A. Johnson

Title: *Community Development Director*

Date: *8/23/00*