

RESOLUTION NO. 843

A RESOLUTION ESTABLISHING AND IMPOSING A SYSTEMS DEVELOPMENT CHARGE FOR STORM DRAINAGE FACILITIES AND ESTABLISHING ADMINISTRATIVE REVIEW PROCEDURES.

ARTICLE I

PURPOSE

Section 1. Purpose

A. The purpose of this Resolution is to provide a uniform framework for the imposition of a systems development charge for storm drainage facilities, including, but not limited to, administrative review procedures, and identification of capacity increasing capital improvements which may be funded with Systems Development Charge revenues.

B. This Systems Development Charge is adopted to ensure that new development contributes to extra-capacity storm drainage improvements needed to accommodate additional storm water runoff generated by such development.

Section 2. Definitions

A. "Applicant" means the person seeking to obtain a building permit.

B. "Building official" means that person, or his designee, licensed by the state and designated as such to administer the State Structural Specialty Code for the city.

C. "Building permit" means that permit issued by the city building official pursuant to the Uniform Building Code. In addition, building permit shall mean the mobile home placement permit issued by the director, or his representative, on a form approved by the Department of Commerce of the state and relating to the placement of mobile homes in the city. For those uses for which no building permit is provided, the final approval granted by the city approving the use shall be deemed a building permit for purposes of this ordinance.

D. "Business and commercial" means all buildings or structures which are not classified as residential or industrial.

E. "City Council" means the governing body of the City of Wilsonville.

F. "Department" means the Community Development Department.

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

buildings or structures.

H. "Director" means the director of the Community Development department.

I. "Extra-capacity facilities or improvements" means those storm drainage improvements that are necessary in the interest of public health, safety and welfare to increase storm water capacity to address new development. Such improvements include, but are not limited to, erosion control, regional facilities (wetlands, ponds), sediment traps, grease and oil separators, acquisition of right-of-way and necessary easements, stream bank rehabilitation, piping and outfall structures.

J. "Fee" shall mean the systems development charge adopted herein.

K. "Impervious Surface" Any substance or material restricting the passage of water including but not limited to roofing materials, concrete, asphalt, compacted gravel, compacted dirt, excavated slopes, or any storm sewer component with a runoff factor in excess of 0.40 as established by the Oregon State Highway Division or City of Wilsonville Public Works Standards.

L. "Industrial" means all buildings or structures in which a product is manufactured, stored or distributed, or any combination of the above.

M. "Natural Outlet" shall mean any outlet into a water course, pond, ditch, lake or other body of surface or groundwater.

N. "Occupancy permit" means the occupancy permit provided for in the Uniform Building Code.

O. "Owner" means the owner or owners of record title or; the purchaser or purchasers under a recorded sales agreement, and other persons having an interest of record in the described real property.

P. "Parcel of land" means a lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.

Q. "Pollution" shall mean the presence of any foreign substance (organic, inorganic or biological) in water, which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for intended use.

R. "Sewer" shall mean a pipe or conduit for carrying sewage.

S. "Storm Drain" (sometimes termed "Storm Sewer") shall mean a sewer

which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling waters.

T. "Systems Development Charge" (SDC) An improvement fee or a fee collected at the time of increased usage of a capital improvement or at the time of issuance of a building permit. "Systems Development Charge" does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision.

U. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

## ARTICLE II

### ADMINISTRATION AND ADMINISTRATIVE REVIEW

Section 1. The City Manager shall employ a qualified person as Community Development Director. In addition to such other duties and responsibilities as may be assigned to this person, the Director shall be responsible for the administration of this resolution. The Director shall be responsible for developing administrative procedures for calculation and collection of fees, developing and administering capital improvement programs and related activities.

A. Discretionary decisions of the director shall be in writing and mailed by regular mail to the last known address of the applicant.

B. Any person aggrieved by a discretionary decision of the director may appeal the decision to the Wilsonville City Council. The appeal shall be in writing and must be filed with the director within 10 working days of the date the director's decision was mailed.

C. The appeal shall state all relevant facts, identify the applicable ordinance provisions and specify the type and amount of relief sought. The city shall by resolution establish a reasonable appeal fee.

D. The appellant shall bear the burden of proving that an error was committed resulting in substantial prejudice

Section 2. As provided by Ordinance No. CB-O-156-91, Article X, any citizen or other interested person may challenge an expenditure of SDC revenues as being in violation of this ordinance provided a written petition for review is filed with the Wilsonville City Council within two years of the expenditure.

ARTICLE III  
METHODOLOGY

Section 1. In order to accommodate the storm water runoff generated by the impervious surface area created by new development and maintain a level of service as defined by the ability to control flooding during a 25 year storm event, improvements to the existing public storm drainage system have been identified in Table No. 1, totaling \$807,700.

Section 2. Based on an inventory of currently vacant acreage and designated land use types, anticipated impervious surface area which may be added to the existing storm drainage system may be estimated as follows:

	<u>Vacant Acreage</u>	<u>% Lot Coverage</u>	<u>Impervious Area</u>	
			<u>Acres</u>	<u>Square Feet</u>
Residential	475	30	142.5	6,207,300
Commercial	95	80	76.0	3,310,560
Industrial	451	80	360.8	15,716,448
		Total:		<u>25,234,308</u>

The unit cost of the storm drainage SDC is calculated by dividing the total estimated construction cost of the capital improvement plan (\$807,700) by the total square feet of impervious surface area (25,234,308) which may be added to the drainage system by new development.

$$\frac{\$807,700}{25,234,308} = \$0.03 \text{ per square foot}$$

Section 3. The amount of storm drainage SDC due at the time of building permit or plumbing permit issuance shall be determined by multiplying the SDC unit cost (\$0.03) times the total square footage of impervious drainage area. For single-family dwelling units, the SDC shall be fixed at the rate of \$60 based on an average square footage of 2,000.

Example No. 1 - Distribution Warehouse; 250,000 square feet, 63 parking stalls  
(260,000 total sq. ft.)(\\$0.03) = \$7,800.00

Example No. 2 - Multi-Family; 300 Dwelling Units, 6 Bldgs. (10,496 sq. ft. ea.)  
(62,976 total sq. ft.)(\\$0.03) = \$1,889.28

The applicant shall, at the time of application for a building permit or plumbing

permit, provide the Director with all necessary and applicable information, such as the total square footage of impervious surface area necessary to calculate the SDC.

Section 4. The city shall annually review the SDC to determine whether additional revenues should be generated to provide extra-capacity improvements needed to address new development or to ensure that revenues do not exceed identified demands. In so doing, the city shall consider:

- A. Construction of facilities by federal, state or other revenue sources;
- B. Receipt of unanticipated funds from other sources for construction of facilities;
- C. Upon completion of this review the city shall consider such amendments, including adjustment to the fee imposed herein, as are necessary to address changing conditions. Notwithstanding any other provision, the dollar amounts set forth as the cost per square foot of impervious surface area in Section 2 of this Article shall on March 1st of each year be computed to increase automatically by the Engineering News Record Northwest (Seattle, WA.) construction cost index. Notwithstanding the foregoing, all calculations shall be carried out to the hundredths place. A final product ending in .49 or less shall be rounded down to the nearest dollar, .50 or more up to the next dollar.

#### ARTICLE IV

##### PAYMENT

Section 1. Unless deferred, the SDC imposed hereby is due and payable at the time of issuance of a building permit by the city. Except as otherwise provided in Ordinance No. CB-O-156-91, Article VII, no building permit shall be issued for a development subject to the SDC unless the SDC is first paid in full.

#### ARTICLE V

##### CREDIT

Section 1. As provided by Ordinance No. CB-O-156-91, Article IX, an applicant for a building permit is eligible for credit against the SDC for constructing a qualified capital improvement.

#### ARTICLE VI

##### EXEMPTIONS

Section 1. The following development is exempt from the SDC:

- A. Remodeling or replacement of any single-family structure (including mobile homes);
- B. Multi-family structure remodeling or replacement except to the extent of

addition of dwelling units;

C. Remodeling or replacement of office, business and commercial, industrial or institutional structures except to the extent it creates additional area of impervious surface.

ARTICLE VII  
DEDICATED FUND

Section 1. The city shall maintain a dedicated fund entitled "Storm Drainage Systems Development Fund", herein "fund". All moneys derived from the SDC shall be placed in the fund. SDC revenue, including interest on the fund, shall be used for no purpose other than those activities described as, or for the benefit of, capital improvement storm drainage facilities.

Section 2. SDC revenues may be spent to provide new storm drainage projects as shown in Table No. 1 including all related improvements necessary to meet adopted standards. In addition, the reasonable and customary costs of administering this SDC and projects funded hereunder, including repayment of debt, may be paid from SDC revenues.

ARTICLE VIII  
REFUNDS

Section 1. Refunds of SDCs may be made upon initiation of the Director or upon written application filed with the Director. Refunds shall only be allowed upon a finding by the director that there was an actual clerical error in the calculation of the SDC. Refunds shall be allowed for failure to claim a credit provided the claim for refund is in writing and actually received by the city within 30 days of the date of issuance of the building permit or final occupancy permit if deferral was granted. No refund shall be granted for any reason other than those expressly provided for herein.

ARTICLE IX  
COLLECTION

Section 1. Notwithstanding issuance of a building or occupancy permit without payment, the SDC liability shall survive and be a personal obligation of the permittee.

Section 2. Intentional failure to pay the SDC within 60 days of the due date shall result in a penalty equal to 50% of the SDC. Interest shall accrue from the 60-day point at the legal rate established by statute.

Section 3. In the event of a delinquency, in addition to an action at law and any statutory rights, the city may:

A. Refuse to issue any permits of any kind to the delinquent party for any development.

B. Refuse to honor any credits held by the delinquent party for any development.

C. Condition any development approval of the delinquent party on payment in full, including penalties and interest.

D. Revoke any previous deferrals issued to the delinquent party, in which case the amount immediately shall be due, and refuse to issue any new deferrals.

E. Withdraw the amount due, including penalties and interest, from any offset account held by the jurisdiction for the delinquent party.

Section 4. For purposes of this section, delinquent party shall include any person controlling a delinquent corporate permittee and, conversely, any corporation controlled by a delinquent individual permittee.

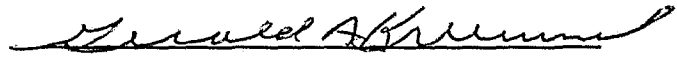
ARTICLE X

SEVERABILITY

Section 1. The invalidity of any section, subsection, paragraph, sentence, or phrase of this ordinance or the exhibit or resolution which is incorporated herein, shall not affect the validity of the remaining portions thereof.

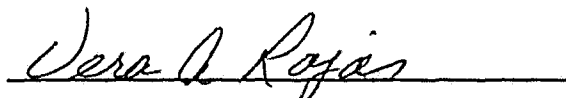
CONSIDERED by the Wilsonville City Council at a regular meeting thereof the 17th day of June, 1991 at which time the resolution was continued to June 27, 1991.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 27th day of June, 1991 and filed with the Wilsonville City Recorder this date.



GERALD A. KRUMMEL, Mayor

ATTEST:



VERA A. ROJAS, CMC, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Chandler	<u>AYE</u>
Councilor Carter	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Van Eck	<u>AYE</u>

**TABLE NO. 1**

**STORM DRAINAGE**  
**CAPITAL IMPROVEMENT PLAN**

<b><u>IMMEDIATE PRIORITY</u></b>	<b><u>Estimate Cost</u></b>
STORM WATER STUDY UPDATE	\$70,000
<b><u>1991 - 2001</u></b>	
SEELY DITCH BASIN*	\$414,700
PARKWAY AND TRASK STORM**	<u>\$323,000</u>
<b>TOTAL COST</b>	<b><u>\$807,700</u></b>

\* 1985 Wilsonville Capital Improvement Program

\*\* 1990 Urban Renewal Plan