

RESOLUTION NO. 1886

A RESOLUTION REVISING SUPPLEMENTAL STREET SYSTEMS DEVELOPMENT CHARGE BY ADDING A SEPARATE SUPPLEMENTAL STREET SYSTEMS DEVELOPMENT CHARGE FOR DEVELOPMENTS APPROVED BECAUSE OF THE \$3.5 MILLION PROJECT FOR WILSONVILLE ROAD INTERCHANGE IMPROVEMENTS.

WHEREAS, the City of Wilsonville previously adopted a Supplementary Street Systems Development Charge as part of a financing package to fund capacity improvements to the interrelated intersection and interchange improvements to the I-5/Wilsonville Road Interchange and Intersection area pursuant to Resolution No. 1123, adopted August 1, 1994; and

WHEREAS, Resolution No. 1123 set forth the methodology and resulted in 1,886 P.M. peak hour trips as being eligible for the supplemental street SDC (451 P.M. peak hour trips for approved Stage II projects who had not pulled building permits and 1435 P.M. peak hour trips representing an additional 30% of the sum of the existing traffic generated and approved Stage II projects) at \$1,970 per P.M. peak hour trip, which was put into effect gradually over the ensuing year; and

WHEREAS, the amount paid per P.M. peak hour trip has been subsequently modified by annual increases in the change in the Pacific Northwest Construction Cost Index set forth in WC 11.040 (4)(b) pursuant to Resolution No. 1198, adopted June 19, 1995; Resolution No. 1278, adopted June 3, 1996; Resolution No. 1377, adopted May 19, 1997; Resolution No. 1560, adopted July 8, 1999; Resolution No. 1640, adopted May 15, 2000; Resolution No. 1708, adopted May 21, 2001; Resolution No. 1760, adopted May 6, 2002, Resolution No. 1834 adopted June 16, 2003 and Resolution No. 1865 adopted May 17, 2004; and

WHEREAS, pursuant to Resolution No. 1358, adopted February 20, 1997, the City entered into a negotiated settlement in the lawsuit entitled Homebuilders Association of Metropolitan Portland and Matrix Development Corporation v. City of Wilsonville, Clackamas County Case No. CCV9412034, pertaining to the City's supplemental street SDC; and

WHEREAS, the settlement left the authority and methodology in place, but reduced the full amount of the charge by approximately 12.39% and applied such reduction retroactively to the date of imposition; and

WHEREAS, pursuant to Resolution No. 1361, adopted March 3, 1997, the settlement SDC table set forth in the approved Settlement Agreement and identified an additional 221 P.M. peak hour trips and reserved for background traffic from the area within the city limits and north of Boeckman Road, thereby making a total of 1,656 P.M. peak hour trips eligible for collection of supplemental street SDC; and

WHEREAS, the identified 1,656 P.M. peak hour trips have been allocated to previously approved projects; and

WHEREAS, there are seventeen projects which have not been completed and which were approved based on earlier trip capacity at a current supplemental street systems development charge of \$2,366 per trip; and

WHEREAS, it would be fair and equitable for the projects which were approved at the earlier rate to continue to be charged supplemental street systems development charges at the rate in effect for those projects subject to the aforementioned annual indexing; and

WHEREAS, the FY 2003/04 city budget includes \$3.5 million dollars to modify the traffic control under Interstate 5 on Wilsonville road to re-stripe with a left-turn lane, a through/left lane and a through lane in each direction; and

WHEREAS, of the \$3.5 million, \$1,394,000 is for future planning and improvements which do not increase capacity and is being financed by the Year 2000 Urban Renewal District leaving \$2,106,000 eligible to be financed by a supplemental street SDC for those developments increasing capacity in the I-5/Wilsonville Road Interchange and Intersection area.

WHEREAS, the attached report from the community development director shows that these modifications will provide additional capacity for an estimated 702 P.M. peak hour trips; and

WHEREAS, in accordance with the methodology used in determining the cost of each P.M. peak hour trip as used in Resolutions No. 1123 and 1361, the cost per P.M. peak hour trip in 2003 dollars for each additional P.M. peak hour trip above 1,656 P.M. peak hour trips previously allocated up through 2,358 P.M. peak hour trips is \$3,000 per P.M. peak hour trip. Costs have increased by 3.2% as indicated in the Seattle Construction Cost Index and the current cost is \$3,096 per PM peak hour trip; and

WHEREAS, notice of the proposed hearing to adopt the revised supplemental street systems development charges was provided to the individuals that had requested notification of a

modification of systems development charges and other potentially impacted developments in a letter dated June 16, 2004; and

WHEREAS, a Notice of Public Hearing was published in the Wilsonville Spokesman on June 23, 2004 and June 30, 2004 with the public hearing posted as being on September 20, 2004 at the hour of 7:00 pm at the community center, 7965 SW Wilsonville Road, Wilsonville, Oregon.

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

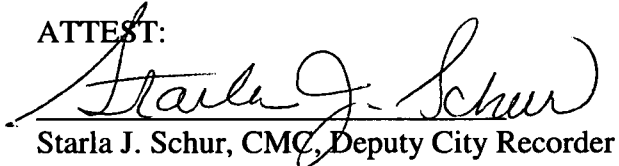
1. The City Council adopts the above recitals and findings and incorporates them by reference in support of this resolution;
2. The current supplemental street systems development charge with such Construction Cost Index adjustments referenced in WC11.040(4)(b) shall for previously approved projects apply until the 1,656 P.M. peak hour trips allowed have been collected;
3. Subject to the Annual Construction Cost Index adjustment set forth in WC 11.040(4)(b) the supplemental street systems development charges for the capacity generated by the \$3.5 million included in the FY 2003/04 budget shall be \$3,096 per PM peak hour trip through the Wilsonville and I-5 Interchange area;
4. This resolution is effective upon the date of adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20 day of September 2004, and filed with the Wilsonville City Recorder this date.



Council President Alan Kirk

ATTEST:



Starla J. Schur, CMC, Deputy City Recorder

SUMMARY OF VOTES:

Mayor Lehan	<u>Excused</u>
Councilor Kirk	Yes
Councilor Holt	Yes
Councilor Scott-Tabb	Yes
Councilor Knapp	Yes

Attachment: Report from Community Development Director