

AFFIDAVIT OF POSTING
ORDINANCE CB-0-138-90

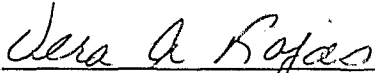
STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 30th day of May, 1990, I caused to be posted copies of the attached Ordinance CB-0-138-90, an Ordinance of the City of Wilsonville Declaring that Blighted Areas Exist Within the City of Wilsonville, Recognizing the Need for an Urban Renewal Agency to Function in the City of Wilsonville, and Providing for the Exercise of the Agency's Powers by the City Council of the City of Wilsonville, in the following five public and conspicuous places of the City, to wit:

- WILSONVILLE CITY HALL
- WILSONVILLE POST OFFICE
- LOWRIE'S FOOD MARKET
- KOPPER KITCHEN
- WILSONVILLE PUBLIC LIBRARY

The notice remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 4th day of June, 1990.



VERA A. ROJAS, CMC, City Recorder

Subscribed and sworn to before me
this 12th day of June, 1990.



NOTARY PUBLIC, STATE OF OREGON

My Commission expires: 8-23-93

ORDINANCE NO. 369

AN ORDINANCE DECLARING THAT BLIGHTED AREAS EXIST WITHIN THE CITY OF WILSONVILLE, RECOGNIZING THE NEED FOR AN URBAN RENEWAL AGENCY TO FUNCTION IN THE CITY OF WILSONVILLE AND PROVIDING FOR THE EXERCISE OF THE AGENCY'S POWERS BY THE CITY COUNCIL OF THE CITY OF WILSONVILLE.

WHEREAS, there exists within the City of Wilsonville, Clackamas and Washington Counties, Oregon, blighted areas as defined in ORS 457.010; and

WHEREAS, such blighted areas impair economic values and ad valorem tax revenues; and

WHEREAS, there is a need for an urban renewal agency to function in the City; and

WHEREAS, ORS 457.035 authorizes the creation of a public body corporate and politic to be known as the "Urban Renewal Agency" of the City.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Based upon the findings marked Exhibit "A", attached hereto and incorporated by reference as fully set forth herein, the City Council of the City of Wilsonville, Clackamas and Washington Counties, Oregon, hereinafter referred to as City of Wilsonville, hereby finds and declares that blighted areas, as defined in ORS 457.010, exist within the City of Wilsonville.

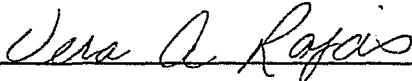
Section 2. The City Council declares and recognizes that there is a need for an Urban Renewal Agency to function within the City of Wilsonville.

Section 3. The City Council further declares, pursuant to ORS 457.045(3), that all of the rights, powers, duties, privileges and immunities granted to and vested in an Urban Renewal Agency by the laws of the State of Oregon shall be exercised by and vested in the City Council of the City of Wilsonville, provided, however, that any act of the governing body acting as the Urban Renewal Agency shall be and shall be considered, the act of the Urban Renewal Agency only and not of the City Council.


Section 4. The corporate name of the agency provided by the Ordinance shall be, and said agency shall be known as, "The Urban Renewal Agency of the City of Wilsonville."

Section 5. The term of office of each member of the Urban Renewal Agency shall be concurrent with each member's individual term of office as a member of the City Council.

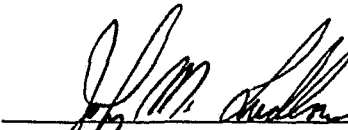
SUBMITTED to the Wilsonville City Council and read the first time at a regular meeting thereof on the 7th day of May, 1990, and scheduled for second reading at a regular meeting of the City Council on the 4th day of June, 1990, commencing at the hour of 7:30 o'clock p.m., at the Wilsonville City Hall.


VERA A. ROJAS, CMC, City Recorder

ENACTED by the Wilsonville City Council on the 4th day of June, 1990, by the following votes: AYES: 4 NAYS: 0.


VERA A. ROJAS, CMC, City Recorder

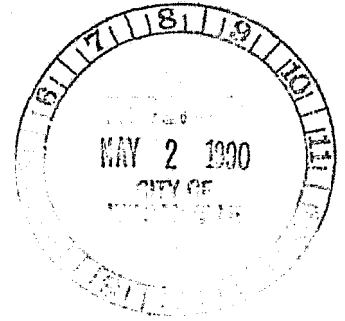
DATED and signed by the Mayor this 5th day of June, 1990.


JOHN M. LUDLOW, Mayor

SUMMARY of Votes:

Mayor Ludlow	<u>Aye</u>
Councilor Edwards	<u>Aye</u>
Councilor Chandler	<u>Absent</u>
Councilor Clarke	<u>Aye</u>
Councilor Dant	<u>Aye</u>

MICHAEL E. KOHLHOFF
ATTORNEY AT LAW
FORUM WEST BUILDING, SUITE 1
P. O. Box 706-9475 S.W. WILSONVILLE ROAD
WILSONVILLE, OREGON 97070
TELEPHONE (503) 682-3955



M E M O R A N D U M

TO: Mayor Ludlow
FROM: Michael E. Kohlhoff
DATE: May 1, 1990
RE: Tax Increment Financing

In order to adopt an urban renewal plan, it must be recommended by the urban renewal agency. ORS 457.035. In order for the agency to recommend a plan, the agency must be formed to function. It can not be formed by an emergency ordinance. It will take at least two readings if there is not a full and unanimous council.

Therefore, if read the first time on May 7, 1990 and scheduled for public hearing and second reading, June 4, 1990, the agency would not be functional until July 5, 1990. Unless a special meeting was called the first regular meeting a plan could be presented would be July 16, 1990.

The plan is also adopted by a nonemergency ordinance. The second reading, if there is not a full and unanimous council (it could be July 16, 1990 if there is a full and unanimous council) would be August 6, 1990 with the effective adoption September 5, 1990. As you are aware, if the plan is to be adopted to capture this year's tax level, then it must be in place prior to a county's finally equalizing its tax rolls, which usually occurs in October and no later than October 15. Therefore, if you delay first reading, you margin is almost non existent.

I have attached a proposed Ordinance with finding to declare the existence of blight, the need for the agency, and to provide for the agency.

I have also prepared a form of intergovernmental agreement to provide for city reimbursement and sharing of staff. Lyle Stewart has been very helpful in providing me with various City ordinances and agreements to follow in the above regard.

MEK/lgc

cc: Pete Wall
Vera Rojas
Lyle Stewart

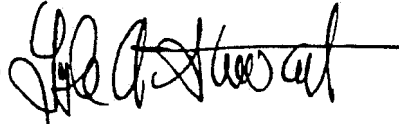
PATTERSON, SNIDER and STEWART Architecture, Planning and Urban Design

45 Hawthorne
 Medford Oregon 97504
 Telephone: (503) 772-5203

Partners:
 Philip C. Patterson AIA
 Douglas S. Snider, AIA
 Lyle A. Stewart, AIA, AICP

MEMO

TO: Mayor and City Council of the City of Wilsonville,
 Oregon

FROM: Lyle A. Stewart, AIA, AICP 

SUBJECT: Findings and Documentation of Blight Within the City of
 Wilsonville

DATE: April 27, 1990

This memorandum is intended to aid the Mayor and City Council in determining whether or not blight exists within the City of Wilsonville. Blight in the context used in urban renewal planning is defined in ORS 457 and is herein referenced.

1. LEGAL REQUIREMENTS

- A. Chapter 457 of the Oregon Revised Statutes sets forth the requirements and procedures for initiating and implementing a program for the "urban renewal of blighted areas". The City Council of the City of Wilsonville, Oregon (City), is considering the feasibility of preparing and implementing such urban renewal program to eliminate blight and the causes of blight within the City.
- B. ORS 457.035 provides that prior to the City Council's creation of an urban renewal agency, such Council, by nonemergency ordinance must find and declare that blighted areas exist in the city and that there is a need for an urban renewal agency to function in the City.

2. URBAN RENEWAL PLANNING

Accordingly, the City Council contracted with the firm of Patterson, Snider and Stewart, an architectural and planning firm based in Medford, Oregon--experienced in the subject of

urban renewal--to assist them in all aspects of preparing a potential urban renewal program. Lyle A. Stewart, an Oregon licensed architect and certified planner and partner in the firm of Patterson, Snider and Stewart, was designated as the principal in charge of assisting the City in their urban renewal process undertaking.

3. FIELD INVENTORIES

In February 1990, Lyle Stewart and other experienced employees in the firm of Patterson, Snider and Stewart, conducted field inventories in approximately one-half of the city's land area to determine:

- Existing land uses;
- Condition of existing buildings and structures;
- Disuse or misuse of property resulting from faulty planning;
- The shape and size of property for useful development;
- Drainage and terrain characteristics;
- The existence of inadequate streets, open spaces and utilities;
- Areas subject to flooding; and
- The taxable value of property including their ability to generate property tax revenue necessary to assist in the cost of providing needed new public facilities.

4. DISCUSSIONS WITH CITY STAFF

Subsequent to the completion of the above described field inventories, Mr. Stewart held numerous discussions with City staff to determine the adequacy of the City's water supply, waste water treatment capacity and their respective storage, distribution and transmission systems, and city streets and transportation systems.

Further, Mr. Stewart participated in several City Council workshop sessions to discuss findings, deficiencies and methods available, within the urban renewal process, to correct such deficiencies. At all of these Council workshop sessions, the general public was invited, attended and participated in the discussions.

5. FINDINGS OF BLIGHT

"Blighted areas" are defined and the existence of conditions necessary to characterize an area as a "blighted area" are set forth in section 457.010 (1) of the Oregon Revised Statutes. The applicable subsection number of ORS 457 are herein referenced and findings with respect to each area addressed.

- A. ORS 457.010 (1) provides:
"Blighted areas" means areas which, by reason of deterioration, faulty planning, inadequate or improper facilities, deleterious land use or the existence of unsafe structures, or any combination of these factors, are detrimental to the safety, health or welfare of the community. A blighted area is characterized by the existence of one or more of the following conditions:
- B. ORS 457.010 (1) (a) -- building deficiencies:
Lyle Stewart and his staff conducted an exterior survey of each structure within the 1858 acre survey area. Each structure was judged and classified into one of three condition categories as follows:

Condition

- "A" New buildings, near-new buildings or older buildings which have been subjected to a high degree of maintenance and care. Buildings which essentially comply with basic provisions of the City's and Oregon's Life Safety Codes.
- "B" Older buildings which exhibit certain code deficiencies but which with reasonable rehabilitation effort and continuing maintenance, could serve their owners for at least an additional 40 years, particularly those buildings which appear to be feasible for economic rehabilitation.
- "C" Older buildings which exhibit deficiencies which, to correct, would require substantial investment by their owners to the degree that rehabilitation may be inappropriate and uneconomic.

Within the survey area there exists 569 principal structures. 485 structures (85.2%) were judged to be in Condition "A", 81 structures (14.2%) Condition "B" and 3 structures (0.5%) in Condition "C".

Within these 569 industrial, commercial, residential and public structures, there existed 993 dwelling units. 925 dwellings (93.2%) were judged to be Condition "A", 67 (6.8%) Condition "B" and 1 (0.1%) Condition "C".

It is obvious from the above findings that only a minimal amount of building and structural blight exists. The more critical condition is with the

deficiencies of the public infrastructure that serves developed and developing properties.

- C. 457.010 (1) (b) -- An economic dislocation, deterioration or disuse of property resulting from faulty planning:

Considerable platted land, the majority of which was subdivided or partitioned prior to the City's incorporation, remain in narrow, excessively deep parcels. Many of these properties will be extremely difficult to divide into efficient lots with more appropriate width-to-depth relationships without a public involvement. In their present condition, they are too small to farm and too poorly shaped to develop efficiently as urban lots. Additionally, see Section "F" below.

- D. 457.010 (1) (c) -- The division or subdivision and sale of property or lots of irregular form and shape and inadequate size or dimensions for property usefulness and development:

See Section "C" above.

- E. 457.010 (1) (d) -- The laying out of property or lots in disregard of contours, drainage and other physical characteristics of the terrain and surrounding conditions:

- (1) The City's Comprehensive Plan identifies areas of special concern which include:

- (a) Areas containing weak foundation soils, which are:
 - soft or compressible and require special foundations engineering, or, severely limited and unsuited for development of streets and building.
- (b) Areas subject to seasonal or periodic flooding.
- (c) Areas with seasonally high ground water tables.
- (d) Areas of steep slope and subject to landslide and/or erosion.
- (e) Areas with severe septic tank limitations.

- (2) The more significant of these areas include:

- (a) Coffee Lake Creek/Seely Ditch -- This area contains a peat bog which has a severely high water table and extremely low strength soils.

The wet soil conditions are compounded by winter rains resulting in standing water over most of the area during the winter months.

- (b) Boeckman Creek and other small streams which have formed steep-sided canyons and ravines as they drain into the Willamette River. These steep slopes, as well as the steep banks along the Willamette River itself, are extremely unstable and subject to landslide and/or excessive erosion.
- (c) The flood plains along the Willamette River and Seely Ditch which are subject to seasonal and/or periodic high water following heavy storms.

- F. 457.010 (1) (e) -- "The existence of inadequate streets and other rights-of-way, open spaces and utilities;"

Without question, the most critical conditions of blight within the City are related to long-term water supply, waste water treatment capacity, water delivery system, sanitary sewer collection and transmission system, a lack of a comprehensive storm drainage system, and the existence of an inadequate and substandard street and transportation system. These various public ~~systems are deficient and blighted to the degree~~ that they inhibit and, in certain cases, prohibit the timely development of tax-paying property by the private sector.

These deficiencies have encouraged a "shot gun" pattern of development that has left large, undeveloped voids between developments. The present infrastructure, for the most part, is constructed below current City standards. The land ownership and use patterns are diverse and located such that each owner, on his/her own, is incapable of providing all segments of the required public infrastructure. There must be a substantial public intervention to construct and reconstruct the streets and utility systems in a logical and comprehensive way which incorporate contemporary engineering principals.

Conditions of the present public infrastructure are found to be as follows:

(1) WATER SUPPLY AND DELIVERY SYSTEM DEFICIENCIES

The present City water supply system is provided by a series of public wells. As discussed below, certain older, single family residential subdivisions have been developed with individual water (wells) and sewage disposal systems (septic tanks and drain fields) on the same lot. The State Department of Water Resources has authorized the City to drill its last well at Canyon Creek and Boeckman roads. Such well is now in production. No additional well drilling permits will be granted the City by the State.

The water capacity of the City today is approximately 1.7 million gallons per day (mgd). With the City's current growth patterns the capacity available should be in the 4.0 mgd range. Recent demand (Summer 1989) required a 2.0 mgd supply which could not be met with the capacity of the present well system.

The present water delivery system experiences a fluctuating and wide-range pressure surge. This requires the installation of special pressure regulators on all water meters. It ~~makes the design and operation of fire~~ sprinkling systems very difficult and costly and adversely affects property owner fire insurance costs.

The City enjoys rights to Willamette River water which have not been used. Should the City determine to use river water, the costs to treat the water and the need to pump it to all parts of the City will be considerable. Because of the presence of agricultural contaminants in the river and the Environmental Protection Agency's ever increasing standards for domestic water quality, the cost to increase the City's water supply might well be less by tying into the Bull Run system and constructing an efficient, looped gravity delivery system.

A water supply main, connecting the Wilsonville Road system (at Rose Lane) with Charbanneau across the River is needed. The Montgomery Way and Canyon Creek Road

subdivisions are totally reliant on individual water wells and individual septic tank systems on each subdivided residential lot.

The need for other water delivery mains to correct deficiencies in the system are needed and their construction should be included with the reconstruction of "roads" discussed below.

(2) WASTE WATER TREATMENT FACILITY DEFICIENCIES

The consulting engineering firm of Curran-McLeod, Inc., completed a needs analysis of the City's Waste Water Treatment Plant in March 1990. This highly thorough and technical report is hereby made a part of these findings.

Critical deficiencies discussed in the Curran-McLeod Report include the following:

The City of Wilsonville (is) experiencing difficulties related to waste water treatment facilities capacity and odor problems.

The long-term treatment performance is limited by the effective capacity of the existing secondary biological treatment system. The rotating biological contactors are vulnerable to industrial surge loadings and are showing signs of mechanical deterioration.

Short-term odor remediation is needed as soon as possible.

The problems with the existing waste water treatment system may be related to process loading and system flexibility. Identification of the difficulties include the evolution of noxious odors from the aerobic digesters and from the primary trains of the rotating biological contactors system.

While plant odors are the most discernible public impact, the more critical is the result of an apparent overload condition contributing to potential violation of the City's National Pollutant Discharge Elimination Systems (NPDES) permit for the

quality of material discharged into the Willamette River

(3) SANITARY SEWER COLLECTION SYSTEM

Portions of sewer collection systems requires pumps to transmit raw sewage from the generation source to the treatment plant. With a properly designed system, a totally gravity system is possible, more dependable and cost efficient. There is a significant need to build additional transmission capacity into those portions of the system which currently experiences overloading.

This is particularly necessary in the area north of Canyon Creek Road, between Boeckman Road and the Washington County line, and across the I-5 Freeway at Wiedemann Road.

Other subdivided residential areas are without a public sewer system and are dependent on individual septic tank and drain fields. Many of these are also dependent on individual wells for their domestic water supply.

Other conditions of a deficient sanitary sewer system exist, and their corrections should be a part of road reconstruction discussed below.

(4) STORM DRAINAGE SYSTEM

The City lacks a comprehensive storm drainage system. In addition to the need for storm drains in conjunction with "roads" discussed below, the Rose Lane, Trask Street and South Parkway Avenue (below Holly Lane) areas are totally absent of storm drains.

(5) OPEN SPACE

While the City has an abundance of private, undeveloped open space that is planned for urban development, there is a deficiency of organized and developed park and recreation open space. The City has acquired a 102 acre, river-oriented site which at the date of the field survey was substantially unimproved.

As the City continues to urbanize, there is a shortage of land ear-marked for neighborhood open space suitable for park and recreation use of nearby residential areas.

(6) STREETS AND ROADS

The majority of the arterial class streets and roads in the survey area are inadequate in their cross-sectional standards resulting in a deficient traffic carrying capacity. Further, the structural standards to which most were constructed, is below current City standards as can be seen by considerable failure in the street's travel surface.

A serious traffic carrying deficiency at peak hours can be seen at several locations. The most critical being on Wilsonville Road, approximately one-quarter mile east and west of its interchange with the I-5 Freeway.

Improvements to the Wilsonville Road Interchange is critical and an additional interchange with the Freeway is needed at Boeckman Road to accommodate both local and industrial (truck) traffic. A grade separated overcrossing with the Freeway at Wiedeman Road is another missing transportation element causing traffic congestion on Elligsen, Boeckman and Wilsonville roads.

A critical deficiency exists in access to the residential areas--commonly referred to as Day Dream Ranch and Day Dream Estates. At morning and evening rush hours, the single road access provided by Parkway Avenue is beyond capacity. The only vehicular access to over 130 homes is by way of this single, substandard street.

- (7) A series of high voltage electrical transmission lines traverse the city and seriously affect the efficiency of the land use patterns below and in the vicinity of such lines. They also present a visual blight and an important question as to the effects of the electromagnetic radiation on the health of people living or working near such lines.

- G. 457.010 (1) (f) -- The existence of property or lots or other areas which are subject to inundation by water:

See flooding (subsection E) and Storm Drainage System (Subsection F) above.

- H. 457.010 (1) (g) -- A prevalence of depreciated values, impaired investments and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered;
- I. 457.010 (1) (h) -- A growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety, and welfare; and
- J. 457.010 (1) (i) -- A loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

In response to subsections H, I and J above, the deficiencies in the City's infrastructure are inhibiting the timely development of undeveloped property. If improved, these properties would have considerable value and their ~~tax-paying capacity would be enhanced with the attendant~~ effect of broadening the taxing base on which the Tax Assessor calculates annual tax rates.

6. CONCLUSION

It is my opinion that blight exists within the City of Wilsonville. It is my further opinion that without a significant intervention by the City, the most serious of the blighting conditions described above cannot be corrected effectively in segmented and piecemeal fashion by adjacent property owners. The basic water supply and waste water treatment facilities can only be corrected by a comprehensive, city-wide action.

INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF WILSONVILLE AND
THE URBAN RENEWAL AGENCY OF THE CITY OF WILSONVILLE

TO PROVIDE FOR SERVICES TO BE FURNISHED BY THE CITY TO THE
AGENCY

THIS AGREEMENT, dated _____, 1990, is an
intergovernmental agreement under ORS Chapter 190 between the
CITY OF WILSONVILLE (City) and THE URBAN RENEWAL AGENCY OF THE
CITY OF WILSONVILLE (Agency).

R E C I T A L S

1. An Urban Renewal Agency of the City of Wilsonville
was formed on _____, 1990, and prepared an Urban Renewal
Report and an Urban Renewal Plan. The ~~City Council of the City~~
of Wilsonville adopted the Urban Renewal Plan by Ordinance
No. _____, on _____, 1990.

2. The Urban Renewal Agency has a need for staff
support, professional services, office supplies, and renewal of
consulting services in order to perform its tasks.

3. Until the Agency begins to receive tax increment
proceeds, it will have no revenue source of its own to fund its
activities.

4. The City wishes to provide the agency with the
temporary funding, services and supplies needed to begin
implementation of the Urban Renewal Plan with the understanding

that the Agency will reimburse the City when tax increment revenue or other funding is available.

5. Upon funding availability to the Agency, the Agency desires the opportunity to continue the implementation and management of the Urban Renewal plan through the shared use of key City staff and professional services resources. The City wishes to provide its staff and professional services resources on an equitable reimbursement formula which taken into consideration reimbursement for having key City staff and professional services available for shared use as well as reimbursement for direct costs of salaries and fringe benefits.

AGREEMENT

1. The City has previously advanced funds for the ~~fees of the firm of Patterson, Snyder and Stewart~~ which firm was retained to assist in the preparation of the Urban Renewal Report and Plan. The City is also contracting with Patterson, Snyder and Stewart to provide additional renewal consulting services in the amount of _____ for the benefit of the Agency during _____, 1989 through _____, 1990. The Urban Renewal Agency agrees to reimburse the City in full for the sums specified above at such time when tax increment revenues or other funding becomes available.

2. Upon receipt of tax increment proceeds in an amount sufficient to repay the City's loan to the Agency, the Agency will, in fact, reimburse the City for all the costs of the initial preparation of the Plan, subsequent staff support, consultant time, renewal consulting services, and other goods and services provided by the City pursuant to this Agreement, including all such assistance furnished prior to the date hereof.

3. The City Council shall make available the City Manager and the City Attorney to the Agency to perform management and legal services for the Agency, so long as the performance of such services shall not in the discretion of the City Council substantially impair the performance of their ~~duties to the City.~~ The City shall be paid annually, or in such installments as may be from time to time agreed upon, a fee as agreed upon, which shall reimburse the City for making these services available and for a fair apportionment of direct costs of salaries and fringe benefits. The City Manager, at his discretion, will assign city staff to assist the Agency. The City will keep records of staff time spent and bill the Agency for direct costs of salaries and fringe benefits. The City will also provide the Agency with necessary office supplies, advertising and miscellaneous materials and services at the City's cost.

4. Any party shall have the right to terminate this agreement upon giving written notice to the other not less than thirty (30) days before the date of termination. In the event the Urban Renewal Agency wishes to terminate this agreement, it must first pay the City of Wilsonville all sums specified in this agreement and repay all subsequent costs, expenses and fees incurred pursuant to this agreement.

CITY OF WILSONVILLE

THE URBAN RENEWAL AGENCY OF
THE CITY OF WILSONVILLE

MAYOR

CHAIRMAN OF THE BOARD

ATTEST:

CITY RECORDER

RECORDING SECRETARY