

**ORDINANCE NO. 430**

**AN ORDINANCE AMENDING ORDINANCE NO. 386 TO INCLUDE PHASE I WILSONVILLE ROAD/I-5 INTERCHANGE PROJECT; PROVIDING FOR SYSTEMS DEVELOPMENT CHARGES FOR TRAFFIC IMPACTS NECESSITATING THE PHASE I PROJECT; AND DECLARING AN EMERGENCY.**

WHEREAS, Objective 2.1.3 of the Comprehensive Plan is to:

"Encourage a balance between housing, industrial and commercial land use."; and

WHEREAS, Policy 2.2.2 of the Comprehensive Plan is:

"To insure timely, orderly and efficient use of public facilities and services, while maintaining livability within the community, the City shall establish a Growth Management Program consistent with the City's regional growth allocation and coordinated with a Capital Improvements Plan.

- a. Annually the Planning Commission shall review growth related data, e.g., availability of public facilities, scheduled capital improvements, need for housing, commercial development and/or industrial development, etc.; and shall, as determined necessary following a public hearing, recommend to the City Council a Growth Management Plan.
- b. To maximize design quality and conformity to the Comprehensive Plan the City shall encourage master planning of large land areas. However, as an added growth control, the Planning Commission may, as a condition of approval, set an annual phasing schedule coordinated with scheduled Capital Improvements, particularly streets and related transportation facilities."; and

WHEREAS, Policy 3.3.3 of the Comprehensive Plan states:

"Minimum street service levels shall be established. Dedication of adequate right-of-way, as established by the Street System Master

Plan, or as otherwise approved by the Planning Commission, shall be required prior to actual site development.

"If the proposed development would cause an existing street to exceed the minimum service capacity, then appropriate improvements shall be made prior to occupancy of the completed development. Said improvements may be deferred if they are scheduled and funding is confirmed through the City's Capital Improvements Plan for construction within two years of the date of occupancy, provided that such a postponement of improvements would not seriously endanger public health and safety. In such cases, interim improvements shall be required."; and

WHEREAS, the City has amended Section 4.139(4) of the Wilsonville Code by Ordinance No. 428, effective May 18, 1994. The purpose of Ordinance No. 428 is to recognize the interrelationship of intersection operations (including state, county and city) level of service (LOS) criteria for new development and change of use; and

WHEREAS, paragraph 4.139(4) and subparagraph 4.139(4)(b) of the Wilsonville Code state:

"(4) A planned development permit may be granted by the Planning Commission only if it is found that the development conforms to all the following criteria, as well as to the Planned Development Regulations in Sections 4.130 to 4.140.

\* \* \*

"(b) That the location, design, size and uses are such that traffic generated by the development at the most probable used intersection(s) can be accommodated safely and without congestion in excess of level of service D defined in the Highway Capacity Manual published by the National Highway Research Board on existing or immediately planned arterial or collector streets and will, in the case of commercial or industrial development, avoid traversing local streets."; and

WHEREAS, improvements are required contemporaneously at the I-5 and Wilsonville Road Interchange, Wilsonville Road and Boones Ferry Road intersection and Wilsonville Road and Town Center Loop West intersection (the interrelated intersections) so that traffic can be accommodated safely and without congestion in excess of level of service D at the intersections of Wilsonville Road with Boones Ferry Road and Town Center Loop West, as the interchange and intersection operations are interrelated; and

WHEREAS, the Oregon Department of Transportation (ODOT), in the revised Transportation Improvement Program, has identified that the Wilsonville Road and I-5 Interchange needs to be reconstructed; and

WHEREAS, the City, the Oregon Department of Economic Development and Thrifty-PayLess Drug Stores, Inc. have agreed that Thrifty-Payless Drug Stores will retain corporate headquarters in Wilsonville based, in part, upon the Oregon Department of Economic Development having recommended to the Oregon Transportation Commission the granting of \$1 million of special economic road development funds to pay for Thrifty-Payless Drug Stores share of interchange improvements and Street Systems Development Charges which recommendation the Oregon Transportation Commission has adopted, and that the City will work with ODOT to obtain interchange improvements; and

WHEREAS, the City and ODOT are negotiating a Cooperative Construction Finance Agreement (CFA) for construction of part of the interchange improvements (Phase I) at an estimated cost of \$7.35 million with the City share at \$3.1 million which will meet the conditions of the Development Agreement with Thrifty-PayLess and qualify for the special economic road development funds; and

WHEREAS, Phase I interchange improvements include the following:

- A. Reconstruct and widen the existing I-5 structures overcrossing Wilsonville Road to provide for the improvements of Wilsonville Road outlined in B below.
- B. Reconstruct and widen Wilsonville Road approximately between SW Town Center Loop West and SW Boones Ferry Road to provide six vehicular travel lanes, sidewalks, bikeways and street lights.
- C. Reconstruct and install vehicular and pedestrian actuated traffic control signals with interconnect system, fire pre-emption devices and street crossing illumination.
- D. Reconstruct and widen the existing turn storage lanes for traffic existing and entering on to Interstate 5; and

WHEREAS, in a report from the Community Development Director, dated June 7, 1994, the staff analyzed capacity of the interrelated intersections, including the existing traffic approved applications for Stage II developments and additional capacity provided by the proposed improvements, costs for the improvements and which are needed for new development, and an appropriate apportionment of that cost to new development in relation to benefit reasonably received; and

WHEREAS, these Phase I improvements are projected to accommodate the required street

capacity for existing PM peak-hour traffic and traffic from approved but not completed Stage II projects, plus an additional 30% of the sum of the traffic generated from the existing and approved Stage II projects; and

WHEREAS, there are approved Stage II projects that have not had building permits issued with an estimated 451 PM peak-hour trips that will benefit from the increased capacity; and

WHEREAS, the combined interrelated interchange/intersection capacity increase above the level of existing and previously approved Stage II trips is estimated at 1,435 PM peak-hour trips per-hour.

WHEREAS, Phase I improvements to the I-5/Wilsonville Road Interchange and the interrelated improvements necessitated thereby to the intersections of Town Center Loop West and Wilsonville Road and Boones Ferry Road and Wilsonville Road were not included in the list of improvements listed in Resolution No. 842 which established and imposed street systems development charges and are required to allow development which generates traffic using these interrelated intersections; and

WHEREAS, a CFA between the City of Wilsonville and the State of Oregon will *authorize* require the City to participate in these Phase I interchange improvements; and

WHEREAS, the City will incur costs for further improvements to the intersections of Wilsonville Road and Boones Ferry and Town Center Loop West, in order to insure the interchange improvements will operate in an interrelated manner with these intersections at LOS "D" or better, bringing the overall cost for improvements not currently in the Street Systems Development Charge Improvement Plan to be an estimated \$5,215,730; and

WHEREAS, the City had previously planned to use Urban Renewal funds to pay for \$1,500,000 of the required additional interchange improvements; and

WHEREAS, owners of property which would generate traffic through the interrelated intersections cannot develop at present because they cannot show that traffic can be accommodated at level of service "D" or better; and

WHEREAS, the owners of property which would generate traffic through the interrelated intersections could develop if the interrelated intersections were improved; and

WHEREAS, the capacity improvements will specially benefit owners of developable property, which generate traffic using these interrelated intersections who otherwise could not develop, by allowing development to occur and to proceed under the mitigation policy of Comprehensive Plan Goal 3.3.3; provided, capacity is reasonably allocated to avoid serious endangerment to the public health and welfare prior to, during, and immediately after the improvements are constructed; and

WHEREAS, in a supplemental report to the June 7, 1994 report from the Community

Development Director, dated July 13, 1994, the staff provided additional information concerning the equity of the supplemental street SDC; and

WHEREAS, ORS 223.299 allows a City to collect systems development charges for such transportation improvements; and

WHEREAS, the City Council desires to establish a supplemental street systems development charge to pay for Phase I improvements and additional costs for improving the intersections of Wilsonville Road and the intersections of Boones Ferry Road and Town Center Loop West, totaling an estimated \$3,715,730, (\$5,215,730 less \$1,500,000); and

WHEREAS, the City also desires to equitably charge those developments whose development applications were made prior to the City's announcement of its intention to adopt such a supplemental street systems development charge on April 19, 1994; and

WHEREAS, the ration of trips that are on critical lane groups as compared to overall traffic at intersections may change as traffic volume increases; and

WHEREAS, a change in the ratio could modify the combined interrelated interchange/intersection capacity increase above the level of existing and previously approved Stage II trips which is estimated at 1,435 PM Peak-hours trips.

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

Section I. DETERMINATION AND FINDINGS

- A. The City Council adopts the above recitals as findings and incorporates them by reference in support of this ordinance.
- B. The City has reviewed a proposed Traffic Growth Management Ordinance, CB-O-211-94, and makes that draft therein a part of the record.
- C. The City Council hereby finds that PM peak-hour traffic trips that use the interrelated intersections is a valid proportional basis for allocating intersection capacity and a proportional cost of intersection improvements.
- D. The City Council hereby finds that there will be capacity for an additional 1,886 PM peak-hour traffic trips generated by Stage II approved but not built development, and for the undeveloped land that will benefit from improvement of the interrelated intersections which are eligible for supplementary street systems development charges.
- E. The City Council hereby finds that the total cost chargeable to developments for the additional trip capacity is \$3,715,730.
- F. The City Council hereby finds that the supplementary systems development charge can be proportionally determined by dividing \$3,715,730 by 1,886 PM peak-hour trips, and results in a cost of \$1,9060 per PM peak-hour trip.

- G. The City Council hereby finds that there is a capacity deficiency of no more than 589 PM peak-hour trips caused by approved Stage II projects that are under construction and with development agreements which appear to prohibit collection for the supplementary street systems development charges.
- H. The City Council hereby finds that the cost to provide the capacity for the deficiency of 589 PM peak-hour trips from Stage II projects that are under construction, and the additional capacity of 1,886 PM peak-hour trips is \$2,107 per PM peak-hour trip.
- I. The City Council hereby finds that the cost to correct deficiencies is equal to the 589 PM peak-hour trip deficiencies, times \$2,107 per trip, or 41,247,023.
- J. The City Council finds that the contribution of \$1,500,000 to ODOT for interchange capacity more than covers the cost of deficiency correction.

Section II: Ordinance No. 386 is hereby amended as follows:

- 1. The following section is added to ARTICLE IV, SYSTEMS DEVELOPMENT CHARGE ESTABLISHED:

Section 3. In addition to the street systems development charge as established and imposed by Resolution No. 842, a supplemental street systems development charge is hereby imposed upon developments in the City based on the City's sole determination of their actual impact on the Boones Ferry Road and Wilsonville Road intersection and/or the Town Center Loop West and Wilsonville Road intersection. This section applies to costs that are additional and above those currently included in the Street Systems Development Charge Capital Improvements Plan.

2. Article V, Methodology, Section 5 is changed as follows: In line 5, change City Manager to Community Development Director.

- 2. 3. The following paragraph is added to Section 1, ARTICLE VIII, EXEMPTIONS:

E. Approved Stage II projects for which a Building Permit has been issued by the effective date of this Ordinance or for which a complete building permit application with plans and plan check fee has been received prior to July 18, 1994, shall be exempt from the supplementary street SDC. Approved Stage II projects that have not received building permits and including those projects for which completed Stage II applications for approval had been submitted and received prior to April 19, 1994 shall have one-half (1/2) of the supplementary street systems development charge set forth in Article IV, Section 3, exempted for a period of six months after the effective date of this ordinance and, one-fourth (1/4) of

the supplementary systems development charge exempted for a period between seven and twelve months after the effective date of this ordinance.

4. The following subparagraph is added to Article VII, Collection of Charge Section 1

D. In addition to the above, in supplementary street systems development charges, any trips reserved or banked under provisions of the Traffic Management Ordinance shall be paid for in the year reserved or paid by January 1st of each succeeding year of reservation or banking.

Section III. OTHER DOCUMENTS

The basis for collection of Supplementary Street SCDs is the approval of a Combined Financing Agreement (CFA) for reconstruction of the I-5/Wilsonville Road Interchange between the Oregon Department of Transportation and the City of Wilsonville. Any Supplementary Street SDCs collected prior to approval of the CFA will be escrowed in a separate account for refunding if the CFA is not approved. Prior to CFA approval, any new Stage II approvals that impact the PM peak-hour traffic through the intersections of Wilsonville Road with Boones Ferry Road or Town Center Loop West shall be contingent upon approval of the CFA.

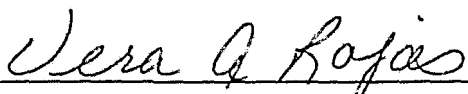
Section IV. VALIDITY

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

Section V. EMERGENCY DECLARED

That the matters contained herein concern the public health, welfare and safety, and in order to allow the City Manager to prepare and recommend methodologies upon which to base the systems development charges and collect revenues in an efficient and orderly fashion without causing hasty applications for building permits, an emergency is hereby declared to exist, and this Ordinance shall become effective on August 1, 1994, upon its passage by the City Council.

SUBMITTED to the Wilsonville City Council for first reading at a regular meeting thereof on the 6th day of June, 1994, at which time it was continued to June 20, 1994 for first reading; and scheduled for second reading at a regular meeting on the 18th day of July, 1994, commencing at the hour of 7:00 o'clock p.m. at the Wilsonville City Hall Annex, Community Development Hearings Room. The ordinance was further continued on second reading to a regular meeting on August 1, 1994, commencing at the hour of 7:00 o'clock p.m. at the Charbonneau Country Club.

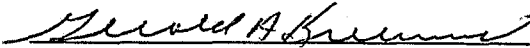
  
VERA A. ROJAS, CMC/A&E, City Recorder

ENACTED by the Council on the 1st day of August, 1994, by the following vote:  
AYES: 5 NAYS: 0



VERA A. ROJAS, CMC/AEE, City Recorder

DATED and signed by the Mayor this 24<sup>th</sup> day of August 1994.



GERALD A. KRUMMEL, Mayor

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Benson	<u>AYE</u>
Councilor Hawkins	<u>AYE</u>
Councilor Sempert	<u>AYE</u>