

RESOLUTION NO. 2189

**A RESOLUTION OF THE CITY OF WILSONVILLE, OREGON
AUTHORIZING THE CITY OF WILSONVILLE TO COLLECT AND ADMINISTER
THE TRANSPORTATION DEVELOPMENT TAX FOR THE WASHINGTON
COUNTY AREA WITHIN THE CITY OF WILSONVILLE AND RESCINDING
RESOLUTION NO. 792 EFFECTIVE JULY 1, 2009.**

WHEREAS, on October 15, 1990 council approved Resolution No. 792 authorizing the city of Wilsonville to administer the Washington County Traffic Impact Fee within the Wilsonville city limits in full compliance with all the terms of Washington County Ordinance No. 379; and

WHEREAS, on November 4, 2008 the electors of Washington County approved Washington County Ordinance No. 691, an ordinance amending the traffic impact fee and Washington County Code Chapter 3.17 declaring an effective date; and

WHEREAS, Section 3.17.120 of Ordinance No. 691 entitles each city to collect the tax, administer its provisions and retain 100% of the proceeds for use within the Washington County area of the city upon adoption of a resolution or ordinance in accordance with Section 3.17.120; and

WHEREAS, the collection and administration of the Washington County transportation impact fee since 1990 has not placed a large burden on the workload of city staff; and

WHEREAS, collection and administration of the tax by the city substantially simplifies the overall collection of systems development charges and the transportation development tax for developers within the city of Wilsonville; and

WHEREAS, the city of Wilsonville desires to collect and administer the tax in accordance with the provisions of Washington County Ordinance No. 691; and

WHEREAS, Ordinance No. 691 describes various responsibilities for the "director" which means the director of the Department of Land Use and Transportation for Washington County or in those cities that have opted to collect and administer this tax, the person designated by the city to select; and

WHEREAS, the City director of community development oversees overall staff efforts on administration of systems development charges and has significant experience in administering the Washington County traffic impact fee.

WHEREAS, the draft Washington County Transportation Demand Tax Procedures Manual has been reviewed by staff; and

WHEREAS, with additional clarification of submitted requirements for capital project approval staff now recommends approval of the IGA.

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

1. The City of Wilsonville hereby agrees to administer the tax within the Washington County part of its city limits in full compliance with all of the terms of Ordinance 691; and,
2. The City of Wilsonville accepts complete and sole responsibility for proper administration, including financial responsibility for any fund deficiencies arising at any time including upon termination; and,
3. The City of Wilsonville shall provide Washington County no less than 90 days written notice of termination of this resolution and shall work with the County in good faith and reasonable manner to provide a smooth transition to County administration of the tax; and,
4. The City agrees to abide by terms in the Intergovernmental Agreement for administration of the countywide Transportation Development Tax (TDT) and Transportation Impact Fee (TIF), attached as Exhibit A, and incorporated by reference herein; and,
5. City administration shall commence on July 1, 2009, or the date this resolution and an intergovernmental agreement is filed with the Clerk of Washington County Board of Commissioners, whichever date occurs last.
6. Resolution No. 792 is rescinded effective July 1, 2009.
7. The director of community development is designated to act as the director under provisions of this resolution, the Intergovernmental Agreement and Washington County Ordinance No. 691 and the Washington County Transportation Demand Tax Procedures Manual.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 15th day of June 2009 and filed with the Wilsonville City recorder this date.


TIM KNAPP, MAYOR

ATTEST:


Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Councilor Kirk	Excused
Councilor Hurst	Yes
Councilor Ripple	Yes
Councilor Núñez	Yes

Attachments:

- Attachment 1 – Intergovernmental Agreement for Administration of the countywide Transportation Development Tax (TDT) and Transportation Impact Fee (TIF)
- Attachment 2 – Transportation Development Tax Road Project List

Intergovernmental Agreement for Administration of the Countywide
Transportation Development Tax (TDT) and Transportation Impact Fee (TIF)

This Agreement is between Washington County, a political subdivision of the State of Oregon (County) and the City of Wilsonville, a municipal corporation (City).

I. Recitals

1. On November 4, 2008, the electors approved Ordinance No. 691-A, amending the existing countywide "TIF" and known as the Transportation Development Tax (TDT). The TDT and TIF are codified at Chapter 3.17 of the Washington County Code.

2. Ordinance 691-A is effective July 1, 2009. TIF will remain in effect prior to that date for all development, and after that date for certain developments as stated in Ordinance 691-A.

3. Pursuant to WCC 3.17.120 Administration, City filed with County a resolution or ordinance accepting responsibility for administration of the TDT within the corporate limits of the City, and the parties have prepared this intergovernmental agreement setting forth administrative and funding procedures to ensure uniform and fair application of the TDT;

In consideration of the mutual promises and covenants herein, the parties agree as follows:

II. Terms

1. City shall administer the TDT in accordance with Ordinance 691-A, and as it may be subsequently amended from time to time by County. In addition, the parties shall comply with the TDT Procedures Manual as it may be subsequently amended from time to time by County. Notwithstanding this provision, each party may make such minor modifications to the forms and procedures as are necessary to accommodate its administrative, data processing, and record keeping systems, provided that it coordinates such changes with the other party.

2. It is recognized that issues raised on an appeal of a discretionary decision of the director, as provided in WCC3.17.150 Review of Decisions; Appeals, may have ramifications on the overall administration of the TDT. City shall not object to County seeking party status on any appeal that the County finds has such potential impacts. Each party hereto shall vigorously and conscientiously defend its actions to the extent resources allow. In the event a Hearings Officer decision under section WCC3.170.150B

Review of Decisions of the Director is deemed by a Court to be a County decision, County shall not object to City seeking party status on an appeal or writ of review. If City elects not to seek party status in a case, County shall consult with City regarding the appropriate action in the case.

3. The Washington County Transportation Coordinating Committee (WCCC) hereby is designated as the body responsible for reviewing and making recommendations on the expenditure of TDT and TIF funds. The purpose of this review shall be to promote coordination of expenditures so as to encourage the completion of projects recognized as priorities by the committee; to minimize inefficiencies in the construction of improvements; and to promote compliance with the adopted Project List and Base Report. To that end, the parties shall obtain review and approval of the WCCC prior to authorizing any expenditure of TDT or TIF revenues for a public improvement.

4. County shall consult with City and provide at least 30 days for input from City prior to adoption of any amendments to the TDT ordinance.

5. City and County will consult with one another, and notify the WCCC prior to adopting or modifying any System Development Charge for transportation facilities.

6. County will prepare a combined countywide Annual Accounting for the TIF and TDT funds as required by ORS 223.311. City shall provide timely and complete information to County for purposes of this report.

7. In accordance with WCC 3.17.120 and the resolution or ordinance previously adopted by City, City accepts full responsibility for proper administration of TDT in accordance with the ordinance, this Agreement, and applicable statutes, including for any fund deficiencies notwithstanding any termination of City administration.

8. County may terminate City administration of TDT if County finds that City has failed and refused to administer TDT in accordance with the Code and this Agreement. County shall provide City 90 days' written notice of termination specifying the basis therefore. Such notice shall provide City with a minimum of 30 days in which to correct the identified deficiencies. If County finds that the deficiencies have been corrected, the termination shall be rescinded. If requested in writing by City within 45 days of mailing of the initial notice, the Washington County Board of Commissioners shall conduct a public hearing at which City and interested parties may appear and present evidence as to why termination should not occur. The decision of the Board shall be appealable as provided in ORS 34.001 to 34.100.

9. City may terminate this Agreement unilaterally upon 90 days written notice to County. In accordance with WCC 3.17.120, termination shall transfer administration of TDT, and use of TDT proceeds, to County.

10. The parties agree to work cooperatively and in good faith to ensure uniform, fair and efficient administration of TDT. This obligation shall include such steps as are necessary to ensure a smooth transition in the event of termination for any reason.

Dated this __ day of _____, 2009.

City of _____

Washington County

By: _____

By: _____

Title: _____

Title: _____

Approved as to form:

Approved as to form:

City Attorney

County Counsel

Appendix C Transportation Development Tax Road Project List

Appendix C
A-Engrossed Ordinance 691
August 29, 2008

Jurisdiction	County	Route	Location	Project Description	Estimate	Progress	Actual	Progress %	Actual	Actual	Actual
Wash CO	Taylor's Ferry Rd	Oleson	Washington Dr	New 2 lane extension	\$3,089,866	100%			\$3,089,866	100.0%	\$3,089,866 2026+
Wash CO	Tualatin-Sherwood	ORE 99W	Teton	widen to 5 lanes	\$49,437,854	100%			\$49,437,854	51.1%	\$25,244,862 2018-2025
Wash CO	Walker	185th	Stucki	Widen to five lanes	\$13,286,423	100%			\$13,286,423	59.1%	\$7,851,068 2018-2025
Wash CO	Walker	185th	ORE 217	Widen to five lanes	\$80,954,488	100%			\$80,954,488	88.8%	\$55,710,814 2018-2025
Wash CO	West Union	185th	143rd	widen to 3 lanes	\$32,907,072	100%			\$32,907,072	100.0%	\$32,907,072 2026+
Wash CO	Barnes	Hospital entrance	Leahy	Widen to five lanes	\$6,179,732	100%			\$6,179,732	78.6%	\$4,731,357 2018-2025
Wash CO	Barnes	Leahy	County Line	Widen to three lanes	\$11,586,997	100%			\$11,586,997	88.7%	\$10,275,282 2028+
Wash CO	Bethany	Kaiser Rd	West Union	Widen to 5 lanes	\$24,338,784	100%			\$24,338,784	100.0%	\$24,338,784 2018-2025
Wash CO	Farmington	185th	209th	Widen to three lanes	\$17,303,249	100%			\$17,303,249	84.8%	\$14,674,907 2026+
Wash CO	West Union	Cornelius Pass	185th	widen to 5 lanes	\$19,157,168	100%			\$19,157,168	100.0%	\$19,157,168 2026+
Wash CO	Scholls Ferry	Allen	Beaverton-Hillsdale	Widen to three lanes	\$20,547,608	100%			\$20,547,608	67.7%	\$13,919,347 2026+
Wash CO	Merlo/158th	170th	Walker Rd	Widen to five lanes	\$19,620,648	100%			\$19,620,648	78.1%	\$15,328,832 2018-2025
Wash CO	Millikan	Hocken	Murray	Widen to 3 lanes	\$7,415,678	100%			\$7,415,678	100.0%	\$7,415,678 2026+
Wash CO	Barnes	Cedar Hills	119th	Widen to five lanes	\$5,000,000	100%			\$5,000,000	92.1%	\$4,603,175 2008-2017
Wash CO	Butner	Murray	Cedar Hills	Widen to 3 lanes	\$15,912,809	100%			\$15,912,809	100.0%	\$15,912,809 2026+
Wash CO	185th	TV Highway	Farmington	Widen to five lanes	\$19,002,675	100%			\$19,002,675	100.0%	\$19,002,675 2026+
Wash CO	185th	Farmington	Bany	Widen to three lanes	\$14,522,370	100%			\$14,522,370	100.0%	\$14,522,370 2026+
Wash CO	Alexander	170th	209th	Widen to three lanes	\$23,637,474	100%			\$23,637,474	100.0%	\$23,637,474 2026+
Wash CO	Johnson	185th	Cornelius Pass	Widen to three lanes	\$20,856,595	100%			\$20,856,595	100.0%	\$20,856,595 2026+
Wash CO	198th	TV Highway	Baseline	Widen to three lanes	\$21,474,568	100%			\$21,474,568	100.0%	\$21,474,568 2026+
Wash CO	175th	Outlook Ln	Horse Tale Dr.	Realign roadway	\$6,179,732	25%			\$1,544,933	100.0%	\$1,544,933 2026+
Wash CO	Cornelius Pass	Amberwood	TV Highway	Widen to five lanes	\$45,421,028	100%			\$45,421,028	95.0%	\$43,149,977 2008-2017
Wash CO	Grahams Ferry	Tonquin	Cutter	Widen to three lanes	\$12,977,437	100%			\$12,977,437	100.0%	\$12,977,437 2008-2017
Wash CO/Wilsonville	Day	Grahams Ferry	Boones Ferry	Widen from 3 to 5 lanes	\$6,852,198	80%			\$5,581,759	100.0%	\$5,581,759 2026+
Wash CO/Wilsonville	Clutter/Ridder	Grahams Ferry	Garden Acres	Widen to three lanes	\$2,100,000	40%			\$840,000	100.0%	\$840,000 2026+
Wash CO/Wilsonville	Grahams Ferry	Clutter		Construct turn pockets & signal	\$1,430,000	100%			\$1,430,000	100.0%	\$1,430,000 2008-2017
Wash CO/Wilsonville	Kinsman	Day	Ridder	Construct 3 lane & improve to standard	\$6,000,000	100%			\$6,000,000	47.0%	\$2,820,000 2008-2017
Wash CO/Wilsonville	Day	Kinsman		Construct left turn pocket & signal	\$880,000	100%			\$880,000	100.0%	\$880,000 2008-2017
Wilsonville	Boones Ferry	95th		Add turn lanes	\$1,410,000	100%			\$1,410,000	100.0%	\$1,410,000 2008-2017
Wash CO/Wilsonville	Ridder	Kinsman		Construct left turn pocket & signal	\$850,000	100%			\$850,000	100.0%	\$850,000 2008-2017
Wash CO/Wilsonville	Boones Ferry	Day	I-5	Widen Boones Ferry/Day intersection & Boones Ferry to 5 lanes	\$2,490,000	100%			\$2,490,000	100.0%	\$2,490,000 2008-2017
Wash CO/Wilsonville	Grahams Ferry	Railroad Crossing	Day	Widen & add double southbound left turn lane at Day	\$4,500,000	60%			\$2,700,000	100.0%	\$2,700,000 2008-2017
Wash CO/Wilsonville	Grahams Ferry	Railroad Crossing		Widen to 3 lanes & upgrade crossing	\$4,000,000	100%			\$4,000,000	100.0%	\$4,000,000 2008-2017
Wilsonville	Elligsen	Parkway Center Dr.	Canyon Creek North	Widen to 3 lanes	\$2,500,000	60%			\$1,500,000	100.0%	\$1,500,000 2008-2017

Attachment 2

COMMUNITY DEVELOPMENT STAFF REPORT

Date: June 10, 2009

To: Arlene Loble, City Manager

From: Michael S. Bowers, Community Development Director
Eldon R. Johansen, Special Projects Manager

Subject: Administration of Washington County Transportation Development
Tax within Wilsonville City Limits

Additional Background:

Initial background information was provided in a community development staff report dated May 19, 2009 and included in the study session information for June 1, 2009. There is one additional item that we were attempting to clarify at the time of the initial staff report and we have sufficient clarification to recommend approval of the Resolution and the Intergovernment Agreement.

The item that we were reviewing is the last sentence in paragraph 3 of the terms listed in the Intergovernment Agreement (Attachment 1). This sentence states as follows, "To that end, the parties shall obtain **review and approval** of the WCCC prior to authorizing any expenditure of TDT or TIF revenues for a public improvement." The TIF Procedures Manual we use now, only required **review and recommendation** from the WCCC for expenditure of TDT or TIF revenues. It also had a 30-day limitation on the time for review and recommendations and the recommendations were at the option of the WCCC so that it was not necessary to obtain a response from the WCCC to complete the expenditure. The Washington County Ordinance No. 691-A did not require the approval by the WCCC. The initial draft of the TDT Procedures Manual also did not require the review and approval and did not provide any information on what information was needed by Washington County from the City to request review and approval.

Our use of TIF funds within the Washington County area since 1991 has been by developer completion of construction projects with credits against the TIF. In addition, projects were completed by local improvement district and by ODOT so that no TIF funds were used as part of a capital improvements project. As a result, we have had no actual experience with the Washington County approval project process. Washington County has assured us that over the last 20 years the WCCC has not denied use of TIF funds by a municipality. In addition, the TDT

Procedures Manual will be modified to clarify the information that needs to be provided to Washington County to obtain WCCC review and approval. The City also has an active representative on the WCCC and their Transportation Advisory Committee (TAC). For these two reasons the staff is now prepared to recommend approval.

Recommendation:

That Council approves Resolution No. 2189 and the Intergovernment Agreement between Washington County and the City for the City to administer the Transportation Development Tax and the Transportation Impact Fee within the Washington County part of the City of Wilsonville.

For information purposes, Attachment 2 provides the list of Wilsonville projects included in the Washington County TDT Ordinance.

Michael S. Bowers
Community Development Director

Eldon R. Johansen
Special Projects Manager

Attachment 1: IGA

Attachment 2: Wilsonville Projects Included in the Washington County TDT Ordinance