

RESOLUTION NO. 410

A RESOLUTION APPROVING THE PRELIMINARY ENGINEER'S REPORT AS MODIFIED FOR TOWN CENTER AND PARKWAY AVENUE IMPROVEMENTS, LID NO. 5 (MODIFIED); DECLARING THE CITY'S INTENTION TO MAKE SUCH IMPROVEMENTS; PROVIDING THE MANNER AND METHOD OF CARRYING OUT SAID IMPROVEMENTS; FIXING A TIME FOR PUBLIC HEARING THEREON; AND DIRECTING THE CITY RECORDER TO GIVE NOTICE OF SUCH IMPROVEMENTS AND PUBLIC HEARING, IN ACCORDANCE WITH SECTION 3.210(6) WC.

WHEREAS, CRS Sirrine, Inc. has prepared a Preliminary Engineer's Report for Town Center and Parkway Avenue improvements (LID No. 5), which is attached hereto as Exhibit "A"; and

WHEREAS, the City staff has prepared a report on the above-captioned subject and Engineer's Report which is attached hereto as Exhibit "B"; and

WHEREAS, the City Council has duly considered the subject and the recommendation(s) contained in the staff report; and


WHEREAS, interested parties, if any, have had an opportunity to be heard on the subject.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Wilsonville does hereby approve the Preliminary Engineer's Report as modified attached hereto as Exhibit "A".

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 6th day of August, 1984, and filed with the Wilsonville City Recorder this same day.

  
WILLIAM G. LOWRIE, MAYOR

ATTEST:

  
BEANNA J. THOM, City Recorder

RESOLUTION NO. 410  
CB-R-64-84

CITY OF



## PLANNING DEPARTMENT

### SUMMARY STAFF REPORT

**TO:** City Council

**DATE:** August 2, 1984

**SUBJECT:** LID No. 5 Preliminary Engineer's Report

**MEETING DATE:** August 6, 1984

**ACTION REQUIRED:** Approve, modify or stop further action on LID. If approved, a hearing must be scheduled per (3.210(6) WC).

**PREVIOUS ACTION TAKEN:** Adoption of Resolution No. 406 declaring intent to form LID and make improvements, and authorization to prepare Preliminary Engineering Report

**CONCLUSIONARY FINDINGS:** See attached.

**RECOMMENDATION:** Adoption, setting public hearing for August 16, 1984.

## FINDINGS

The following Findings are hereby adopted by the City Council in consideration of Resolution No. CB-R- 84; and the Preliminary Engineer's Report attached thereto.

1. On June 22, 1984, the City received Petitions from property owners to modify the scope and boundaries of LID No. 5, originally initiated in 1979. Subsequently, on July 2, 1984, the adopted Resolution No. 406 declaring its intent to form the new district, and authorized preparation of a Preliminary Engineering Report, in accordance with Section 3.212 WC.
2. In preparation of the Preliminary Report, two meetings were held with affected property owners, one of July 25 and the other on July 27, 1984. These meetings were used to review and refine the scope of improvements to be made, and to identify problem areas and concerns of the various property owners.
3. On July 27, 1984, the property owners present were personally notified that the Preliminary Engineering Report would be reviewed by the City Council in a public hearing. Said hearing to be held on August 6, 1984, at the regular Council meeting. Subsequently, written notice was mailed to all affected parties within the proposed district that same day.
4. The Engineer's Report identifies the refined scope of improvements, together with an analysis of options discussed, and their respective costs. A preliminary discussion of assessments versus benefitted properties is also provided.
5. A major issue raised by this LID is the allocation of public versus private improvements costs relative to an arterial street. The City's policy on this issue is not clearly defined. The petitioners originally suggested that the City should contribute one-half of the street improvement costs. This was based on their interpretation and extension of the City's street transfer policy with the State and Counties. Under this policy, the City and County or State have agreed to jointly participate in providing a 24-foot street to arterial construction standards as a basis

for the transfer of jurisdiction to the City. This policy applies only to existing arterial streets, but sets a defined width for determining the obligation of developing properties for street widening through systems development fees.

Thus, the petitioners assumed they would provide 24 feet and the City would provide 24 feet.

In the case of the Town Center Loop, however, a new street is being constructed, rather than widening an existing street. Further, the Street Master Plan specifies a special "F" design section with a landscaped median for the Loop Road.

Under the Capital Improvements Plan (CIP) policies developing properties are assigned the financial responsibility for providing full collector street access and circulation through the property. In addition, they are collectively responsible for adding width and volume capacity, i.e., signalization to the existing arterial streets. This responsibility is imposed through a Systems Development Fee collected at the Building Permit stage.

It should be noted that the Systems Development Fee was imposed by Ordinance in 1978. The CIP policies assigning financing responsibilities were not adopted until May, 1982. Prior to that date, the developing properties were held solely responsible for all street improvement on site, as well as frontage improvements to the arterials. Using the CIP policies, the Council finds the following:

- a. The proposed Town Center Loop Road is a new street. It is further, however, designated as an arterial. Therefore, it is appropriate to allocate funds from a greater public than just the abutting properties.
- b. If the Loop Road were not designated as an arterial, the abutting properties would bear the full improvement cost. However, since it is a new arterial, it is consistent with the CIP policies to allocate the cost difference between a standard and that of the proposed Loop Road design.

c. The standard collector is a 40-foot street, within a 60-foot right-of-way (R.O.W.). The Loop Road is a divided street with two 24-foot travel lanes and a 14-foot center median, in a 72-foot R.O.W. Therefore, the difference is generally equal to eight feet of pavement plus 14 feet of landscaped median and curbs. A cost comparison is provided in the Engineer's Report.

6. The construction of the west leg of the Loop Road involves the need to vacate a section of Parkway Avenue. The vacation would occur between the existing section of the Loop Road and the new "T" intersection of Parkway and the Loop Road. The City's intent to initiate this vacation was made under Resolution No. 290 in accepting dedication of right-of-way for the west leg of the Loop.

Parkway Avenue is currently under the jurisdiction of Clackamas County. It is, however, scheduled under the CIP program to be transferred to the City in fiscal year 1985-86, or sooner if County funds are available. It is further found the same abutting property owners have indicated opposition to the vacation and realignment unless reasonable access or other compensation for loss of direct access is provided.

7. In meetings with staff the following issues have been raised relative to determining individual assessment, should the LID move forward:

- a. Distance from the Loop Road should be considered. Lots or portions thereof farther from the Loop (i.e. over 550 feet) should be assessed less than those abutting the road.
- b. Differences in needed utility improvements should be considered.
- c. Credit for dedicated right-of-way should be given to the properties providing it.
- d. If the City cannot participate, up front, due to inadequate Systems Development Funds, credit should be given for any improvements made over the amounts obligated to each property for collector street improvements. An alternative considered is to provide a reduced improvement (See Engineer's Report).

- e. Consideration of a time-deferred or two-tiered assessment given the farm deferred properties and probable timing of actual development.

All of these issues are best considered by the Board of Viewers to be appointed pursuant to Section 2.210(8) WC.