

AFFIDAVIT OF POSTING  
ORDINANCE #211


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 14th day of April, 1982, I caused to be posted copies of the attached Ordinance #211, an ordinance Adopting a Growth Management Program and Procedures, in the following four public and conspicuous places of the City, to wit:

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

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 19th day of April, 1982.

  
\_\_\_\_\_  
DEANNA J. THOM, City Recorder

Subscribed and sworn to before me  
this 20<sup>th</sup> day of April, 1982.

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF OREGON

My commission expires: August 23, 1985

ORDINANCE NO. 211

GROWTH MANAGEMENT ORDINANCE

AN ORDINANCE ADOPTING A GROWTH MANAGEMENT PROGRAM  
AND PROCEDURES AND DECLARING AN EMERGENCY

WHEREAS, the City of Wilsonville adopted a new Comprehensive Plan July 7, 1980. Said Plan established an Urban Growth Boundary (UGB) supported by policies for urbanization which outline a Growth Management Program to coordinate public facilities with housing and economic development, and

WHEREAS, said Plan was found to be inconsistent with LCDC Goals due to the lack of implementing procedures for the urbanization and Growth Management policies, and

WHEREAS, the City is currently in the process of adopting a Capital Improvements Plan (CIP). The purpose of said Plan is to promote orderly, efficient and economical growth, consistent with regional growth trends, by coordinating and scheduling public facility and service improvements to meet anticipated demands, and

WHEREAS, the Comprehensive Plan requires adequate provision of primary facilities/services prior to or simultaneously with development. Primary facilities are defined as: water, sanitary sewer, storm drainage, roads and police and fire protection, and that the City has carefully examined the existing capacities of these facilities and services and made the following findings:

1. That the City's water system is adequate to meet peak demands through at least 1985 and improvements are being scheduled to provide adequate reserve capacity to 1990.

2. That the City's sanitary sewer system has a current treatment capacity to serve a 25,000 population equivalence. The waste treatment capacity is 2.5 million gallons per day (MGD) and the current treatment flows range from .5 to .6 MGD. This treatment capacity is adequate beyond 1990 service demands.

Several sewer collection system deficiencies have been identified. A flow monitoring program is being established to insure that line capacities are not exceeded and improvements to undersized lines are being scheduled through 1985.

3. The City's storm drainage system is generally adequate although some deficiencies have been identified.

Seely Ditch was identified as the major deficiency in the system. The City has recently initiated improvements to the ditch that will provide substantial additional capacity. In addition, several priority pipe and culvert improvements are being scheduled through 1985. Other system deficiencies can be corrected through coordination with specific developments.

4. Several inadequacies have been identified in the City's current street system. The major capacity limits currently exist at the Stafford and Wilsonville interchanges with the I-5 Freeway. The City is currently attempting to coordinate interchange improvements with the State (ODOT). In addition, the existing arterial system is structurally inadequate to withstand increased traffic volumes without created substantial maintenance problems.

Through the CIP, the City is coordinating arterial improvements with Washington and Clackamas Counties. However, due to the high costs, all necessary improvements may not be accomplished in a timely manner. This is particularly true if added capacity is required in addition to structural upgrading as the result of rapid growth.

5. That the City is served by the Tualatin Fire Protection District and that local fire fighting capacities exceed the current population demands.

6. That the City currently contracts with the Clackamas County Sheriff's office for full-time police protection. While existing service levels have proven to be adequate, a rapid population increase could create service demands beyond the City's current tax base or general fund revenue potential.

WHEREAS, while the Comprehensive Plan established an objective to balance residential and non-residential growth, the City recognizes that housing development has not kept pace with local employment growth. Commercial, and particularly industrial, development has continued at a fairly strong rate, even with the current poor economic conditions. At the same time, housing construction has been extremely slow. Since 1980 housing starts have fallen 400 units behind the projected annual average construction rate.

Therefore, a policy has been adopted to encourage housing construction and to provide opportunities for at least 20 percent of the

local employees to live in the City by 1990, and 30 percent by the year 2000, and

WHEREAS, the City finds it necessary to manage growth to insure the coordination and provision of adequate public facilities;

NOW, THEREFORE, the City of Wilsonville ordains as follows:

Section I: Definitions

- A. "Residential Permit" shall mean a Building Permit issued for the construction of a single-family or multi-family dwelling unit. Each individual dwelling unit shall constitute one Permit.
- B. "Non-Residential Permit" shall mean a Building Permit issued for construction of any commercial, industrial, public or private structure not specifically designed for residential use as defined by the Zoning Code.
- C. "Housing Stock" shall mean all existing occupied or vacant dwelling units, including those under construction.
- D. "Available Building Permits" are those permits authorized to be issued in any one calendar year.
- E. "Residual Building Permits" are all permits previously authorized, but not issued.
- F. "CIP" shall mean the Capital Improvements Plan adopted by the City.

Section II: Building Permit Allocation

Consistent with the provision of adequate public facilities, as scheduled through the City's CIP, Building Permits shall be authorized as follows:

- A. Non-Residential Permits - There shall be no restriction on the issuance of non-residential permits, save and except as specified in Section III.
- B. Residential Permits - The issuance of Residential Permits shall be regulated as follows:
  - 1. As of December 31, 1981, there are 4,759 employees working in the City of Wilsonville.
  - 2. As of December 31, 1981, there are 400 Residual Residential Permits and the existing housing stock consists of 1,690 units.

3. Commencing on January 1, 1982, and except as specified in Section IV, on each successive January 1 thereafter, up to and including January 1, 1987, there shall be authorized 400 Residential Permits to be added to the Residual Permits.
4. The number of available Permits that may be issued in any one calendar year shall be established on January 1 of each year and shall be equal to twenty-five percent (25%) of the housing stock in the City, save and except as specified in Section II.B.4.a and Section III.
  - a. If twenty percent (20%) of the number of employees working in the City is greater than the housing stock in the City, then the number of available permits shall be equal to forty percent (40%) of the housing stock on January 1 of that year.

Section III. Adequate Primary Public Facilities Required.

- A. The Planning Commission shall monitor the capacities of public facilities and services. If the Commission finds that adequate facilities or services are not available to serve an individual development, or the proposed development would cause an existing street to exceed the minimum street 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.
- B. Upon the issuance by the City during any one calendar year of 80% of the number of Available and Residual Building Permits as calculated under Section II, the Planning Commission shall hold a public hearing to review the capacity of required primary public facilities to adequately serve new development or construction. If the Planning Commission finds that adequate primary public facilities or services will not

be available to serve the City in general or any specific geographic, sub-section of the City, the Commission shall, by Resolution, state the nature and extent of the problem and recommend to the City Council suspension of the issuance of Building Permits after the available permits have been exhausted, and supported by findings pursuant to ORS 197.505 to .540, and specify the necessary facilities or services improvements that must be provided and other interim measures deemed necessary.

The Council, upon receipt of said Resolution, shall, by Resolution, accept, reject or modify the Commission's recommendation, and initiate the appropriate corrective action. The Council review and action shall be done in conformance with the procedures and standards contained in ORS 197.505 - .540 governing moratoria on construction or land development.

#### Section IV: Amendment of Annual Permits Added to Residual.

At its discretion, the City Council may amend, by increasing or decreasing the number of annual permits specified in Section II.B.3, provide that the Council holds a public hearing and adopts appropriate findings supporting said Amendment. Said findings shall, at a minimum, address the following:

1. The capacities of the City's public facilities, including improvements scheduled and confirmed for funding in the CIP.
2. Current and projected local and regional growth data.
3. Current buildable lands inventory, including zoning status.
4. Housing stock analysis, including, but not limited to, vacancy rates, price and rent levels of available units, housing demand for the various price and rent levels, and the types and number of housing units zoned and approved for development.

#### Section V. Administration and Procedural Limitations

- A. The Growth Management Ordinance will be administered by the Planning Director who shall interpret the application of terms, criteria and limitations set forth herein.

An action or ruling of the Planning Director authorized by the Ordinance may be appealed to the City Council by written notice of the appeal, and an appeal fee of \$50 filed with the City Recorder within fifteen (15) days from the mailing or delivery to the applicant of the decision of the Director. If no appeal is taken, the decision of the Director shall be final. If an appeal is taken, the City Council shall set the date of the appeal hearing which shall be held within thirty (30) days of the notice of appeal; and notice of the date, time and place of the hearing shall be mailed or delivered immediately to the applicant by the City Recorder.

- B. Once a Building Permit is issued, it shall become null and void and permit fees shall be forfeited as specified in the Building Code, if construction in accordance with approved plans, is not commenced within one hundred and eighty (180) days of the date of issuance. However, upon written request, justified by good cause, the Planning Director and Building Official may grant a one hundred and eighty (180) day extension. Fees for a permit extension shall be collected as specified in the Building Code.
- C. Any permits issued shall not be transferable to any other piece of property.
- C. Each permit applicant shall pay the cost of any utility extensions that may be required to serve the development.

#### Section VI: Severability

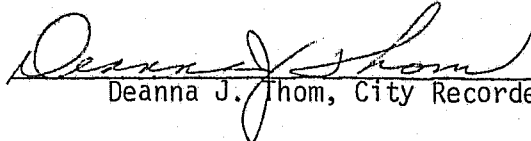
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason held invalid or unconstitutional by court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

#### Section VII: Emergency Declared and effective April 19, 1982.

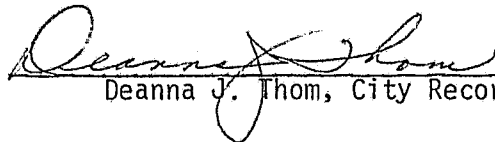
In view of the need to begin an immediate allocation of permits, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon final reading and enactment by the City Council.

Submitted to the Council and read the first time at a regular meeting thereof on the 5th day of April, 1982, and

scheduled for second reading at a regular meeting of the Council on the 19th day of April, 1982, commencing at the hours of 7:30 o'clock p.m. at the Wilsonville City Hall.

  
Deanna J. Thom, City Recorder

ENACTED by the Council on the 19th day of April, 1982, by the following votes: YEAS 5 NAYS 0.

  
Deanna J. Thom, City Recorder

DATED and signed by the Mayor this 20th day of April, 1982.

  
William G. Lowrie, Mayor