

RESOLUTION NO. 2353

A RESOLUTION OF THE CITY OF WILSONVILLE ESTABLISHING JUST AND EQUITABLE SYSTEM DEVELOPMENT CHARGE AND A STORMWATER FEE FOR STORMWATER MANAGEMENT AND REPEALS RESOLUTION NO. 1732.

WHEREAS, ORS 223.297, states the following policy underlying system development charges:

"The purpose of ORS 223.297 to 223.314 is to provide a uniform framework for the imposition of system development charges by local governments, to provide equitable funding for orderly growth and development in Oregon's communities and to establish that the charges may be used only for capital improvements."; and

WHEREAS, ORS 223.299 states:

"As used in ORS 223.297 to 223.314:

- (2) "Improvement fee" means a fee for costs associated with capital improvements to be constructed.
- (3) "Reimbursement fee" means a fee for costs associated with capital improvements already constructed, or under construction when the fee is established, for which the local government determines that capacity exists.
- (4)(a) "System development charge" means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital improvement. System development charge includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the local governmental for its average cost of inspecting and installing connections with water and sewer facilities."; and

WHEREAS, the City of Wilsonville pursuant to authority set forth in ORS 223.297 et. seq. has enacted Ordinance No. 386, as modified by Ordinances No. 430 and 432, which

provides the overall City implementing policy and procedures for system development charges (SDCs); and

WHEREAS, Ordinance No. 433 provides the overall City implementing policy and procedures for stormwater and stormwater quality management and for imposing a charge (herein after referenced as stormwater fee) for stormwater services; and

WHEREAS, part of the purpose of this resolution is to provide a uniform and equitable methodology for imposition of a system development charge for specific stormwater system capital improvements upon those developments that create the need for, or increase the demands for further capital improvements; and

WHEREAS, a further purpose of this resolution is to provide a uniform framework for the imposition of a stormwater fee for stormwater services including, but not limited to, administrative review procedures and stormwater quality management. The stormwater fee is adopted to ensure that any person whose stormwater runs from properties in the City of Wilsonville through the City's stormwater facilities will pay a stormwater fee for stormwater service in proportion to the degree of use; and

WHEREAS, on February 23, 2012, following initial development, extensive analysis and review by URS and City staff, a public hearing at the Planning Commission and a public hearing by City Council, Council adopted Ordinance No. 700 amending the City's Comprehensive Plan and replacing the 2001 Stormwater Master Plan to include the February 2012 Stormwater Master Plan (hereinafter Stormwater Master Plan); and

WHEREAS, the Stormwater Master Plan for the City of Wilsonville by URS, provides that the capacity of the City's stormwater drainage system and stormwater quality management system must be increased to meet Metro, state and federal water quality requirements, including Clean Water Act requirements; and

WHEREAS, Table 9-2 of the Stormwater Master Plan is the Stormwater capital improvement program (hereinafter capital improvement program); and

WHEREAS, Table 10-14 and Table 10-15 of the Stormwater Master Plan includes additional information on the proportionality of project improvements that benefit new users; and

WHEREAS, information from Table 9-2, Table 10-14 and Table 10-15 is incorporated by reference herein and further consolidated and attached to this resolution as Exhibit 1; and

WHEREAS, the stormwater quantity system is based on a combination of a private and the public system; and

WHEREAS, the Stormwater Master Plan is based on the private on-site system being sized to detain the two through 25-year storm with no greater stormwater runoff from post development flows than from predevelopment flows; and

WHEREAS, the Stormwater Master Plan is designed so the public system can accommodate flows in excess of the capacity of the private onsite systems; and

WHEREAS, the public system must also accommodate the stormwater runoff from the private systems that will be of lower peak flows, but which will have flows over a much greater period of time; and

WHEREAS, the stormwater quality system will also be a combination of the private onsite system and the public system; and

WHEREAS, the private water quality system will remove sediments and a part of the other contaminants from the water quality storm events in accordance with Clean Water Act requirements; and

WHEREAS, Shaun Pigott of Shaun Pigott Associates, LLC has provided the City with a financial analysis and initial calculation of the stormwater fee and system development charge in Chapter 10 of the Stormwater Master Plan to ensure the charges will meet the lawful objectives of providing stormwater system capital improvements; and

WHEREAS, staff hosted a meeting with interested parties on April 29, 2010 to provide an overall summary of the system development charge methodology and responded to questions; and

WHEREAS, the City has provided due notice of the proposed stormwater system development charge methodology in accordance with ORS 223.304; and

WHEREAS, the City has duly noticed the public hearing of March 19, 2012, and has heard testimony and comments regarding the contents of this resolution; and

WHEREAS, based upon the reports, testimony and comments received, the City Council finds additional stormwater fee increases are required to provide funds for operational expenses and debt service for the bond sales necessary to pay for construction of the stormwater system; and

WHEREAS, the structure of the stormwater fee for stormwater drainage and stormwater quality management and the stormwater system development charge are intended to be charges for services and capital improvements, respectively. As previously noted, they are not charges imposed upon a property owner as a direct consequence of ownership of that property. Although the stormwater fee and the stormwater SDC are intended to constitute charges for service and capital improvements, respectively, even if either were attached on property both allow the owner to have the ability to control the amount of the charge. Similarly, the stormwater fee and the SDC reflect the actual cost for providing the service and capital improvements, respectively, and only impose those charges on persons receiving a service or benefit of the capital improvements. Actual cost includes all direct and indirect costs the City might incur as set forth in ORS 310.140; and

WHEREAS, a stormwater equivalent residential unit (ERU) of 2,750 square feet of impervious surface has been established for the purposes of determining the stormwater fee and the system development charge for stormwater services; and

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

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PART I: DETERMINATIONS & FINDINGS

- A. The City adopts the above recitals as findings and incorporates them by reference in support of this resolution.
- B. The City Council has reviewed the proposed stormwater fee for stormwater services and finds the proposed fee to be rationally based and financially prudent. The City Council hereby finds that the impervious surface as defined by an equivalent residential unit is a rationally based upon which allocation the improvement costs for stormwater system capital improvements can be proportionally and equitably calculated.
- C. The City Council has reviewed the proposed system development charge and finds the proposed SDC to be rationally based and financially prudent. The SDC includes reimbursement fee and improvement fee components. The improvement fee addresses water quantity and water quality for stormwater system capital improvements.

PART II: DEFINITIONS

The following words and phrases, as used within this resolution, have following definitions and meanings:

- A. "Applicant" means the person seeking to obtain a building permit.

- B. "Building official" means that person, or his designee, licensed by the state and designated as such to administer the Oregon Structural Specialty Code for the city.
- C. "Building permit" means that permit issued by the city building official pursuant to the Oregon Structural Specialty Code. For those uses for which no building permit is required, the final approval granted by the city approving the use shall be deemed a building permit for purposes of this ordinance.
- D. "Business and commercial" means all buildings or structures that are not classified as residential or industrial.
- E. "City Council" means the governing body of the City of Wilsonville.
- F. "DCD" means director of the Community Development Department.
- G. "Extra-capacity facilities or improvements" means those stormwater improvements that are necessary in the interest of public health, safety and welfare to increase stormwater capacity to address new development. Such improvements include, but are not limited to, erosion control, regional facilities (wetlands, ponds), sediment traps, grease and oil separators, acquisition of right-of-way and necessary easements, stream bank and wetland restoration, piping and outfall structures.
- H. "Impervious Surface" means any substance or material restricting the passage of water including, but not limited to, roofing materials, concrete, asphalt, compacted gravel, compacted dirt, or excavated slopes.
- I. "Industrial" means all buildings or structures in which a product is manufactured, stored or distributed, or any combination of the above.
- J. "Occupancy permit" means the occupancy permit provided for in the Oregon Structural Specialty Code.
- K. "Owner" means the owner or owners of record title or; the purchaser or purchasers under a recorded sales agreement, and other persons having an interest of record in the described real property.
- L. "Stormwater" means water that originates during precipitation events, snowmelt or runoff water from overwatering that enters the stormwater system. Stormwater

that does not soak into the ground becomes surface runoff, which either flows directly into surface waterways or is channeled into storm sewers, which eventually discharge to surface waters.

- M. "Water quality" means a measure of the condition of water relative to the requirements of one or more biotic species and or to any human need or purpose. It is most frequently used by reference to a set of standards against which compliance can be assessed. The most common standards used to assess water quality relate to health of ecosystems, safety of human contact and drinking water.

PART III: ESTABLISHES THE STORMWATER FEE FOR STORMWATER SERVICES AND DISBURSEMENT OF FUNDS.

ARTICLE I

ADMINISTRATIVE AND ADMINISTRATIVE REVIEW

- A. The City's organization includes a Community Development Department, the Director of which is employed by the City Manager. In addition to such other duties and responsibilities that may be assigned to this person, the Director of Community Development (DCD) shall be responsible for the administration of the stormwater fee part of this resolution, for developing administrative procedures for the calculation and collection of stormwater fees and for developing and administering stormwater management programs and related activities.
- B. Upon application to the DCD, a person responsible may seek a reduction of the monthly fee for stormwater service. The applicant must show to DCD's satisfaction that amount of permanent reduction to the total stormwater runoff or runoff coefficient for the property. Extra capacity facilities or improvements above the requirements as described in Chapter 8 of the Stormwater Master Plan that are installed and maintained by the applicant may be used to show the amount of permanent reduction to the total stormwater runoff or the runoff coefficient.
- C. The fee for the application of a monthly fee reduction shall be \$325.00.

- D. Discretionary decisions of the DCD made in response to an application shall be in writing and mailed by regular mail to the last known address of the applicant.
- E. Any person aggrieved by a discretionary decision of the DCD may appeal the decision to the City Manager. The appeal shall be in writing and must be filed with the Director within ten working days of the date the DCD's decision was mailed. The appeal shall state all relevant facts, identify the applicable ordinances provisions and specify the type and amount of relief sought. The appellant shall bear the burden of proof that an error was committed resulting in substantial prejudice.
- F. The appeal fee shall be \$325.00.

ARTICLE II

METHODOLOGY FOR CALCULATION OF STORMWATER FEE

- A. For ease of administration and to standardize application, the stormwater fee is based on an equivalent residential unit (ERU). The basis for equivalent residential unit was included in Appendix F of the 2001 Stormwater Master Plan. For ease of reference Appendix F is attached as Exhibit 2. The ERU is based on 2,750 square feet of impervious service per equivalent residential unit.
- B. In the Fiscal Year 2011-2012 the City had a total of 28,502 equivalent residential units.
- C. The City uses a five-year projection of operating expenses and debt service to determine the stormwater fee per each equivalent residential unit. The calculation of the debt service is based on the bond sales that will be required to fund the capital improvement program after deduction for system development charge collections and partial expenditures from stormwater fees. The calculated stormwater fee in Fiscal Year 2011-2012 is \$4.40 per equivalent residential unit and this would go to \$5.60 per equivalent residential unit by Fiscal Year 2016-2017. The list of expenditures and calculation of the stormwater utility requirements in Table 10-8 of the Stormwater Master Plan is attached as Exhibit.

3. The following table provides the schedule for implementing the increases in the stormwater fee over the next five years:

(Per ERU)	Forecast of Stormwater Rates					
	Current	July 1, 2012	July 1, 2013	July 1, 2014	July 1, 2015	July 1, 2016
Stormwater fee	\$3.72	\$4.40	\$5.10	\$5.25	\$5.45	\$5.60

ARTICLE III
STORMWATER FEE COLLECTION

Section 1. All stormwater utility customers and user of developed properties with impervious surfaces shall be charged a stormwater fee at the single-family unit rate (ERU) of \$4.40 per 2,750 square feet of impervious surface area. Actual monthly fees will be calculated in accordance with Ordinance No. 433.

- A. For each two thousand seven hundred fifty square feet of impervious surface the said property shall be charged the rate for a single-family unit. The minimum service charge shall be established at the rate of one single-family unit.
- B. The stormwater for a mobile home park shall be established at the rate of one single-family per space.
- C. The stormwater fee for a multiple-family building or facility shall be calculated based on the square feet of impervious surface; however, the maximum charge shall be limited to the number of multiple family units on the property multiplied by the charge for a single-family unit.
- D. All charges for stormwater services furnished or rendered by the City of Wilsonville shall be chargeable to the current user of the property where water and stormwater services are supplied. In addition, the current property user and property owner shall be personally liable for all charges accrued against the property designated within the application.
- E. The City reserves the right to cut off and disconnect water services to the premises without further notice when charges for water and stormwater

services become delinquent, and the expense thereof shall be borne by the user to which such services have been supplied. The City shall provide a minimum of 3 days notice by a door hanger or by mail prior to water service disconnection. Water service disconnection procedures are specified in Resolution No. 1624, Article V, which was adopted by the City Council on March 20, 2000.

- F. The collection of stormwater fee with the increased fees shall commence with the first utility billing including the June 2012 stormwater service that will be in July 2012.

Section 2. The City shall annually review the stormwater fee to determine whether additional revenues should be generated to address increases in the consumer price index (CPI) for the Portland-Salem Area or to ensure that revenues do not exceed estimated demands. All calculations shall be carried out to the hundredths' place.

ARTICLE IV
DISBURSEMENT OF FUNDS

- A. All payments received by the City for stormwater services rendered under the provisions of this resolution shall be deposited in the Stormwater Operating Fund.
- B. The stormwater fee payments received shall be credited to the accounts established for the operation and maintenance of the stormwater system and all conveyances, and all elements of the NPDES stormwater management program as well as any debt service which may be funded with revenue bonds which are repaid from the stormwater fee. Operations and maintenance cost may include personnel, system replacements and capital improvement outlay.

ARTICLE V

REFUNDS

- A. Refunds of stormwater fees may be made upon initiations of the DCD or upon written application filed with the DCD. Refunds shall only be allowed upon a finding by the DCD that there was an actual clerical error in the calculation of the fee.

ARTICLE VI

GENERAL FUND SERVICES

- A. For use of city-owned right-of-way, a franchise fee of 4% of the gross annual revenue from the stormwater fee for stormwater services will be collected and remitted quarterly to the general fund.

PART IV: ESTABLISHES THE STORMWATER SYSTEM DEVELOPMENT CHARGE, THE METHODOLOGY FOR THE STORMWATER SYSTEM DEVELOPMENT CHARGE, DISBURSEMENT OF FUNDS AND THE AMOUNT OF THE STORMWATER SYSTEM DEVELOPMENT CHARGE.

ARTICLE I

PURPOSE

Section 1.

- A. The purpose of this part of the Resolution is to provide a uniform framework for the imposition of a system development charge for stormwater facilities, including, but not limited to, administrative review procedures, and identification of capacity increasing capital improvements which may be funded with system development charge revenues.
- B. This system development charge is adopted to ensure that new development contributes to extra-capacity stormwater improvements needed to accommodate additional stormwater runoff generated by such development.

ARTICLE II
ADMINISTRATION AND ADMINISTRATIVE REVIEW

Section 1. The City Manager shall employ the Community Development Director (DCD). In addition to such other duties and responsibilities as may be assigned to this person, the DCD shall be responsible for the administration of the system development charge part of the resolution. The DCD shall be responsible for developing administrative procedures for calculation and collection of fees, developing and administering capital improvement programs and related activities.

- A. Discretionary decisions of the DCD shall be in writing and mailed by regular mail to the last known address of the applicant.
- B. Any person aggrieved by a discretionary decision of the DCD may appeal the decision to the City Council. The appeal shall be in writing and must be filed with the City Recorder within 10 working days of the date the DCD's decision was mailed in accordance with Article X of Ordinance No. 386.
- C. The appeal shall state all relevant facts, identify the applicable ordinance provisions and specify the type and amount of relief sought. The appeal fee shall be \$400 and should be forwarded with the appeal.
- D. The appellant shall bear the burden of proving that an error was committed resulting in substantial prejudice.
- E. Any person who makes a written objection to the calculation of a system development charge shall be informed by staff that he/she has the right to petition for review pursuant to ORS 34.010 to 34.100 which petition must be filed within 60 days of notice of the calculated system development charge.

Section 2. As provided by Ordinance No. 386, Article X, any citizen or other interested person may challenge an expenditure of SDC revenues as being in violation of this ordinance provided a written petition for review is filed with the City Recorder within two years of the expenditure.

ARTICLE III

SYSTEM DEVELOPMENT CHARGE METHODOLOGY FOR IMPROVEMENTS

Section 1. Comprehensive Plan Implementation Measure 3.1.7.D provides the following fundamental guidance in the development of the Stormwater Master Plan: "Major natural drainage ways shall be retained and improved as the backbone of the drainage system and designated as open space. The integrity of these drainage ways shall be maintained as development occurs. Where possible onsite drainage systems will be designed to complement natural drainage ways and designated open space to create an attractive appearance and will be protected by conservation, utility or inundation in easements...". The Stormwater Master Plan was developed based on Implementation Measure 3.1.7.D. Table 9-2 of the Stormwater Master Plan is the capital improvement program with additional information from Table 10-14 and Table 10-15 and is attached to this resolution as Exhibit 1.

Section 2. The basis for allocating the capital improvement program to new development is the equivalent residential unit (ERU) that is described as the impervious area for a single-family residence. The capital improvement program that is allocated to new users must be apportioned over all new users in the area that is to be served by the capital improvement program. The new users include 7,978 ERUs.

Section 3. The method of funding the capital improvement program may impact on the calculation of the system development charge. In the calculation of the stormwater system development charge we have included bond financing for part of the capital improvement program. The other parts of the plan would be financed with the system development charge and stormwater fee funds that would either be used to directly pay for the capital improvements or to pay the debt service on the bonds. With the use of bonds for financing, the City will also need to provide debt service coverage of at least 125% of the bond payments from the stormwater utility fee. For the calculation of debt service payments the debt service coverage is 125% of the operating expenses and debt

service. The excess of the stormwater utility collections above the stormwater utility expenses and the debt service would also be used to pay for part of the costs of implementing the capital improvement program. With this approach, the new users could pay debt service on that part of the capital improvement program that benefits existing residents. To calculate the debt service principal payment, the capital improvement program has been distributed over the period from 2012 through 2031. The operations and maintenance projections were also completed through the same time period with bond sales added into the income projections as needed to provide adequate funds for the capital improvement program.

The improvement fee is based on the cost of planned future facilities that expand the stormwater system's capacity or increase its level of performance to accommodate growth. There are two elements to the improvement fee, water quality and water quantity. The calculation of the improvement system development charge is as follows:

The value of capital improvement program included at full cost and allocated to existing and new users for Water Quality .	\$1,387,700
The number of existing and new users in equivalent residential units (ERU).	28,502
The improvement SDC is determined by dividing the value of the CIP allocated to existing and new users by the number of existing and new ERUs.	\$49
The value of capital improvement program included at full cost and allocated to new users for Water Quantity .	\$6,599,051
The number of new users in equivalent residential units (ERU).	7,978
The improvement SDC is determined by dividing the value of the CIP allocated to new users by the number of new ERUs.	\$827
The total improvement SDC is determined by adding together the water quality and water quantity components	\$876

ARTICLE IV
REIMBURSEMENT SYSTEM DEVELOPMENT CHARGE

Section 1. The reimbursement fee considers the cost of existing facilities, prior contributions by existing users of those facilities, the value of the unused/available capacity, and generally accepted ratemaking principles. The objective is that “future system users contribute no more than an equitable share to the cost of existing facilities.” The calculation of the reimbursement fee is based on the original cost of stormwater system facilities identified in the City’s fixed asset schedule. Any outstanding principal on debt for these facilities has been removed to more accurately reflect the actual investment made by the City. The calculation of the reimbursement system development charge is as follows:

Rate base funded utility plant-in-service balance: Original Cost	\$34,384,850
Accumulated Depreciation	\$20,691,820
Book Value	\$13,693,030
The number of existing and new users in equivalent residential units (ERU).	28,502
The reimbursement SDC is determined by dividing the value of the CIP allocated to existing and new users by the number of existing and new ERUs.	\$480

ARTICLE V
STORMWATER SYSTEM DEVELOPMENT CHARGES

Section 1. Charges inside the City. The stormwater SDC is obtained by adding the improvement fee to the reimbursement fee. The stormwater SDC is based upon application of the forgoing methodologies and is effective July 1, 2012. The equivalent residential unit for single-family residences, multi-family developments, commercial developments, industrial developments and public developments is based on 2,750 square feet per equivalent residential unit. The combined stormwater system development charge is \$1,356 per ERU.

The Stormwater SDC will be increased according to the following schedule:

- July 1, 2012 - \$780 per ERU
- July 1, 2013 - \$1,068 per ERU
- July 1, 2014 - \$1,356 per ERU

The following table provides the schedule for implementing the increases in the stormwater system development charge over the next five years:

(Per ERU)	Forecast of Stormwater System Development Charge					
	Current	July 1, 2012	July 1, 2013	July 1, 2014	July 1, 2015	July 1, 2016
SDC Improvement Fee	\$492	\$620	\$748	\$876	\$876	\$876
SDC Reimbursement Fee	0	\$160	\$320	\$480	\$480	\$480
Total SDC	\$492	\$780	\$1,068	\$1,356	\$1,356	\$1,356

Section 2. Charges outside the City. The City has no plans to provide stormwater services outside the City. If and when provided, the stormwater system development charge will be calculated based on actual and projected costs per equivalent residential unit.

Section 3. Payment. The amount of stormwater SDC due at the time of issuance of the building permit or at other times as described in Ordinance No. 386 shall be determined by dividing the number of square feet of impervious surface by 2,750 to determine the equivalent residential units. For single-family dwelling units the equivalent residential unit is based on average square footage of 2,750 square foot per equivalent residential unit. The number of equivalent residential units is multiplied by the amount described in Section 1 or Section 2 to determine the stormwater system development charge.

Section 4. Reduction in stormwater SDC payments based on approved alternative fee calculations. Article 5, Section 5 of Ordinance No. 386 allows approval of a reduction in system development charges based on approval of an alternate fee calculation which would show that individual developments present special or unique situations such that the calculated fee is grossly disproportionate to the actual impact of the development. The primary, but not the only, reduction in the stormwater system development charge will be based on retention/detention in excess of the 25-year storm. The alternate fee calculations shall show the specific analysis to determine the proposed reduction in stormwater system development charges.

ARTICLE VI
PAYMENT

Section 1. Unless deferred, the SDC imposed hereby is due and payable at the time of issuance of a building permit by the city; issuance of a development permit not requiring issuance of a building permit; or issuance of a permit to connect to the stormwater system. Except as otherwise provided in Ordinance No. 386, Article VII, no permit shall be issued for a development subject to the SDC unless the SDC is first paid in full.

ARTICLE VII
CREDIT

Section 1. As provided by Ordinance No. 386, Article IX, an applicant for a building permit is eligible for credit against the SDC for constructing a qualified capital improvement.

ARTICLE VIII
EXEMPTIONS

Section 1. The following development is exempt from the SDC.

- A. Remodeling or replacement of any single-family structure (including mobile homes);
- B. Multi-family structure remodeling or replacement except to the extent of addition of dwelling units;
- C. Remodeling or replacement of office, business and commercial, industrial or institutional structures except to the extent it creates additional area of impervious surface.

ARTICLE IX
DEDICATED FUND

Section 1. The city shall maintain a dedicated fund entitled "Stormwater System Development Charges Fund", herein "fund". All moneys derived from the SDC shall be placed in the fund. SDC revenue, including interest on the fund, shall be used for no purpose other than those activities described as, or for the benefit of, capital improvement stormwater facilities.

Section 2. SDC revenues may be spent to provide new stormwater projects as shown in Exhibit 1 including all related improvements necessary to meet adopted standards. In addition, the reasonable and customary costs of administering this SDC and projects funded hereunder, including repayment of debt, may be paid from SDC revenues.

ARTICLE X
REFUNDS

Section 1. Refunds of SDCs may be made upon initiation of the DCD or upon written application filed with the DCD. Refunds shall only be allowed upon a finding by the DCD that there was an actual clerical error in the calculation of the SDC, or upon clear evidence that the project has been cancelled. Refunds for cancelled projects can be reduced to cover the administrative costs of calculating and issuing the refund (currently estimated at \$50.00/refund). Refunds shall be allowed for failure to claim a credit provided the claim for refund is in writing and actually received by the city within 30

days of the date of issuance of the building permit or final occupancy permit if deferral was granted. No refund shall be granted for any reason other than those expressly provided for herein.

ARTICLE XI
COLLECTION

Section 1. Notwithstanding issuance of a building or occupancy permit without payment, the SDC liability shall survive and be a personal obligation of the permittee.

Section 2. Intentional failure to pay the SDC within 60 days of the due date shall result in a penalty equal to 50% of the SDC. Interest shall accrue from the 60-day point at the legal rate established by statute.

Section 3. In the event of a delinquency, in addition to an action at law and any statutory rights, the City may:

- A. Refuse to issue any permits of any kind to the delinquent party for any development.
- B. Refuse to honor any credits held by the delinquent party for any development.
- C. Condition any development approval of the delinquent party on payment in full, including penalties and interest.
- D. Revoke any previous deferrals issued to the delinquent party, in which case the amount immediately shall be due, and refuse to issue any new deferrals.
- E. Withdraw the amount due, including penalties and interest, from any offset account held by the jurisdiction for the delinquent party.

Section 4. For purposes of this section, delinquent party shall include any person controlled by a delinquent individual permittee.

PART V. STATEMENT OF VALIDITY

- A. The City Council hereby finds that the fees and charges herein are not taxes subject to the property tax limitations of Article XI, Section 11 of the Oregon Constitution and further meets the definition of incurred charges set forth in Article XI, Section 11.

PART VI. REPEAL OF EXISTING RESOLUTIONS

- A. Upon adoption of this resolution by the City Council, Resolution No. 1732 enacted by City Council is hereby repealed.

ARTICLE XI
SEVERABILITY

Section 1. The invalidity of any section, subsection, paragraph, sentence, or phrase of this ordinance or the exhibit or resolution which is incorporated herein, shall not affect the validity of the remaining portions thereof.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 16th day of April, 2012, and filed with the Wilsonville City Recorder this date.


Tim Knapp, MAYOR

ATTEST:


Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	<u>Yes</u>
Councilor President Núñez	<u>Yes</u>
Councilor Hurst	<u>Excused</u>
Councilor Goddard	<u>Yes</u>
Councilor Starr	<u>Yes</u>

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