

ORDINANCE NO. 659

AN ORDINANCE PROVIDING FOR THE REFUND OF SYSTEM DEVELOPMENT CHARGES AND AMENDING CHAPTER 12.02 OF THE TROUTDALE MUNICIPAL CODE

WHEREAS, the City Council desires to grant the refund of system development charges when an applicant significantly reduces the size of the planned improvement after paying the system development charges; and

WHEREAS, the Troutdale Municipal Code currently does not provide for such refunds; and

WHEREAS, the proposed ordinance would permit such refunds subject to certain conditions

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

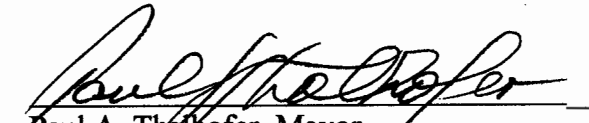
That Chapter 12.02 of the Troutdale Municipal Code is amended by adding the following:


12.02.085 Refunds

- A. An applicant who pays system development charges on or after September 1, 1997, and subsequently reduces the scope of the planned improvements upon which the system development charges were calculated by not constructing all or a portion of the improvements, may be granted a refund subject to all of the following conditions:
1. Prior to the request for the refund, the City had not expended any funds in planning, designing, or constructing a larger or greater capacity improvement based upon the original scope of the development in question.
 2. The difference in system development charges between the original scope and reduced scope of the development amounted to at least twenty (20) percent of the system development charge paid or at least \$5,000, whichever is less.
 3. The request for a refund must be submitted in writing to the Director within ninety (90) days after payment of the system development charge. The request must state the name and address of the applicant, the location and description of the development, the original scope of the project and the amount of system development charges paid, the reduced scope of the project and the amount of system development charges that would be paid on such reduced scope, and the amount of the refund requested. Any refund request submitted after July 1, 1998, must also be accompanied by a non-refundable processing fee of one hundred and fifty dollars.

- B. The amount of the refund granted under the conditions in Paragraph A above shall be the difference between the system development charges paid on the original scope of the project and the system development charges which would be paid on the reduced scope of the project.
- C. The refund granted shall be paid from the Improvement Fund(s) which received the original system development charge payment. If such Improvement Fund(s) do not have sufficient funds or sufficient appropriation authority to pay the refund, then the refund shall be paid from the General Fund.

YEAS: 6
NAYS: 0
ABSTAINED: 0


Paul A. Thalhoffer, Mayor
Dated: 4-17-98


George Martinez, City Recorder
Adopted: 4-14-98

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