

RESOLUTION NO. 1567

**A RESOLUTION AUTHORIZING THE REFUND OF A
WATER SYSTEM DEVELOPMENT CHARGE OVERPAYMENT**

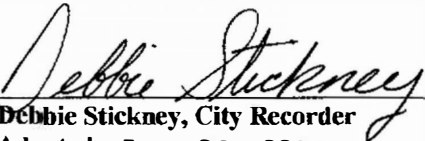
The Troutdale City Council finds:


1. Mr. Val Vasks owns lot nine in the Troutdale Town Center, located at 177 E. Historic Columbia River Highway. Mr. Vasks is developing his property.
2. Mr. Vasks submitted construction plans to the City and paid a water system development charge (the "SDC"). Mr. Vasks paid the SDC charge based on his plans to install a 1 1/2" water meter. At the time, Mr. Vasks did not have a tenant to occupy his building and planned on installing a 1 1/2" water meter to ensure there would be adequate water for potential tenant uses.
3. After paying the SDC, Mr. Vasks scoured a tenant and had a plumber analyze the amount of water and the size of water meter that would be necessary to satisfy the tenant's needs. The analysis confirmed that a 1" water meter would be more than adequate to serve Mr. Vasks development. Accordingly, Mr. Vasks notified the City and installed a 1" water meter instead of the proposed 1 1/2" water meter.
4. The difference in the SDC for installing a 1 1/2" water meter, as opposed to a 1" water meter, was \$1,397. Given the significant difference, Mr. Vasks requested a refund of the overpayment (\$1,397).
5. The Troutdale Municipal Code does not delegate the authority to issue refunds of SDC overpayments under Mr. Vasks circumstances. However, nothing in the Troutdale Charter or Municipal Code precludes the Council from authorizing a refund when it is equitable and in the City's best interest. When a developer, such as Mr. Vasks, modifies the size of a water meter to accommodate a less intense use of the City's water system, after paying an SDC based on a more intense use, and where the City approves the reduction in the size of the water meter, has not spent the SDC that was previously paid, and will not be harmed by refunding the overpayment, it is equitable and in the City's best interest for the Council to authorize a refund of the overpayment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:

The City Administrator may refund \$1,397 to Mr. Vasks as a result of his overpayment of the SDC.

YEAS: 5
NAYS: 0
ABSTAINED: 0


Debbie Stickney, City Recorder
Adopted: June 26, 2001


Paul Thalhofer, Mayor
Dated: 6-27-01