

City of Sherwood, Oregon

RESOLUTION NO. 91-509

PARKS AND OPEN SPACE SYSTEM DEVELOPMENT CHARGE

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Section 1. Authorization.

The Parks and Open Space System Development Charge (POSDC) is adopted pursuant to City Ordinance No. 91-927.

Section 2. Purpose.

The POSDC shall be reserved and used exclusively for the acquisition, expansion, extension, and capital development or redevelopment of public parks, open space, greenways, floodplains, wetlands, significant natural areas, and recreational facilities designed to provide extra system capacity, and as designated in the Parks and Open Space Plan Update, and on the Parks and Open Space Master Plan Map, as listed in the Parks and Open Space section of the City's Long Range Capital Improvement Program list, all attached hereto as Appendix "A", and as included in Chapter 5 of the Sherwood Community Development Plan, incorporated herein by reference. The POSDC may also be utilized for expenditures relating to repayment of debt for such improvements. The POSDC may not be used for parks and open space system preservation improvements or for routine parks and open space system maintenance and operations.

Section 3. Methodology.

Methodology used to establish the POSDC is in conformity with ORS 223.304 and is included in the Appendix to the "City System Development Charge Study", prepared for the City by ECO Northwest and Ray Bartlett, as approved by the City Council as part of this Resolution on August 14, 1991, and incorporated herein and attached hereto as Appendix "B". The methodology described in the Study was used to establish unit charges for different kinds of development. No legal challenge to the methodology used in establishing the POSDC may be filed after sixty (60) days following the adoption of this Resolution.

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#### Section 4. Schedule of Charges.

POSDC's shall be assessed against new residential development in the City, including single-family, two-family, and multi-family residences, manufactured homes on individual lots, and manufactured home parks, to support extra capacity parks and open space improvements. The POSDC shall be:

- (a) Reimbursement Charge: None
- (b) Improvement Charge: \$865.00 per residential dwelling unit.

#### Section 5. Credits.

Credits issued against the POSDC for qualified public improvements shall be governed by City Ordinance No. 91-927, Section 10 with the following exceptions and additions:

- (a) The qualified public improvement must be listed in the System Development Charge Study referenced in Section 3 of this Resolution, and the Parks and Open Space Plan Update and Plan Map referenced in Section 2 of this Resolution.
- (b) When a development contains lands designated in the Parks and Open Space Plan Update, on the Parks and Open Space Master Plan Map, or in Chapter 5 of the Community Development Plan, for parks, open space, greenways, floodplains, wetlands, significant natural areas, or recreational facilities, that are also listed as qualified public improvements as per Section 5(a) of this Resolution, such land may be dedicated to the City in-lieu of an equivalent portion of the POSDC. Designated lands off-site of the development may also be dedicated in-lieu of an equivalent portion of the POSDC.

The value of the dedication shall be established by formal appraisal provided at the developers cost, by County Assessors records, or some other method deemed acceptable to the City. The City Manager shall have the final determination as to the method for establishing dedication value, and for approving the value itself.

Privately-held common open spaces in multifamily developments as per Zoning and Community Development Code Section 8.304.03, or privately-held parks, open space, greenways, floodplains, wetlands, significant natural areas, or recreational facilities in multi-family or other types of development, shall not be eligible for

credits. All lands proposed for dedication must be approved by the City Parks Advisory Board prior to issuance of any credits.

- (c) When a development contains facilities designated in the Parks and Open Space Master Plan Update, on the Parks and Open Space Master Plan Map, or in Chapter 5 of the Community Development Plan, for parks, open space, greenways, floodplains, wetlands, significant natural areas, or recreation, that are also listed as qualified public improvements as per Section 5(a) of this Resolution, such facilities may be dedicated to the City in-lieu of an equivalent portion of the POSDC. Designated facilities off-site of the development may also be dedicated to the City in-lieu of an equivalent portion of the POSDC.

The amount of any credit shall be determined by the City Manager and based upon the subject improvement's construction contract documents, and other appropriate information provided by the applicant, and verified and accepted by the City.

Privately-held parks, open space, greenways, floodplains, wetlands, significant natural areas, or recreational facilities shall not be eligible for credits. All facilities proposed for dedication must be approved by the City Parks Advisory Board prior to issuance of any credits.

- (d) Any credits for qualified public dedication of land or facilities shall be reduced to the extent that other agreements or provisions exist that compensate a development for the same land or facilities. For the POSDC such provisions include, but are not limited to, density transfers as per Section 8.304.05 of the Zoning and Community Development Code. If the value of the dedication exceeds the maximum credit available, density transfers or similar provisions may be allowed for the difference.
- (e) The qualified public improvements otherwise conform to Ordinance No. 91-927, Section 10.

#### Section 6. "Grandfathered" Applications.

Notwithstanding City Ordinance No. 91-927, Section 15, developments for which applications have been accepted by June 30, 1991 for final subdivision plat, as per Zoning and Community Development Code Section 7.301, for planned unit development final development

plan, as per Code Section 2.202.03, or for final improvement plan, as per Code Section 6.201, shall be subject to the City system development charges in effect on that date, if so requested in writing by the applicant, subject to the following conditions:

- (a) Such applications must receive final City approval by September 30, 1991, and
- (b) All building permits associated with such applications must be issued by September 30, 1993.

For all developments otherwise subject to this section, plans approved and building permits issued after the dates specified in subsections (a) and (b) of this section shall be subject to Ordinance No. 91-927, Section 15.

Section 7. Appeals. All appeals against application or expenditure of the POSDC shall be governed by Ordinance No. 91-927, Section 12. The appeal fee shall be \$450.00.

Section 8. Effective Date. This Resolution shall become effective August 14, 1991.

Duly passed by the City Council August 14, 1991.

Rick A. Hohnbaum  
Rick A. Hohnbaum, Mayor

Attest:  
Polly Blankenbaker  
Polly Blankenbaker, Recorder