

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 706

AN ORDINANCE ESTABLISHING A SYSTEMS DEVELOPMENT CHARGE, PROVIDING PROCEDURES FOR COLLECTION OF THE CHARGE, CREATING A MAJOR STREET CAPITAL PROJECT FUND AND DESCRIBING THE USES OF THE FUND, AND SETTING AN EFFECTIVE DATE.

The City of Sherwood Does Ordain as Follows:

SECTION 1. SHORT TITLE AND PLEADING

This Ordinance shall be known as the "City of Sherwood Systems Development Charge Ordinance" and may be so pleaded.

SECTION 2. CONSTRUCTION

The City of Sherwood Systems Development Charge Ordinance and all amendments hereinafter made thereto shall be referred to herein as "this Ordinance". The singular number includes the plural, the masculine gender includes the feminine and the neuter and the word "shall" is mandatory, not directory.

SECTION 3. PURPOSE

The purpose of this Ordinance is to impose a systems development charge to implement the installation, construction and extension of extra capacity street facilities and traffic control devices as defined in Section 4. The City Council in the exercise of its legislative function finds and determines that development of property upon which the charge created by this ordinance is imposed contributes to the need for extra capacity street facilities, that the charge imposed is reasonably related to the need and that the money collected will be used only to assist in implementing the facilities. The City Council recognizes that the revenue from this Ordinance will not be sufficient to satisfy the major portion of the need for road and related improvements in the City of Sherwood and will only supplement other sources of revenue. However, it is intended that the extra capacity facilities to be provided pursuant to this Ordinance will reduce the possibility of restraints upon development due to road conditions.

SECTION 4. DEFINITIONS

As used in this Ordinance unless the context requires otherwise:

A. "Building permit" means a permit issued by the building official or his representative pursuant to the State Structural Specialty Code including mobile homes and mobile home courts.

B. "Building official" means the person designated as such to administer the State Structural Specialty Code for the City of Sherwood, Oregon.

C. "City Council" means the City Council of Sherwood, Oregon.

D. "Extra capacity facilities" means those street improvements that are necessary in the interest of public health, safety and welfare to increase vehicular traffic capacities of streets to collector or arterial street standards on streets that are classed as collectors or arterials in the "Major Trafficways Study, Sherwood Oregon" as proposed by Robert E. Meyer Engineers, Inc. dated April, 1971, and as said study may subsequently be amended by the transportation plan being developed as part of the City of Sherwood Comprehensive Plan. Said street improvements include but are not limited to signalization, channelization, widening, drainage work, pedestrian safety, lighting, right of way acquisition, street extensions and railroad crossing protective devices.

SECTION 5. SYSTEMS DEVELOPMENT CHARGE IMPOSED; RATES

A. A systems development charge is hereby imposed upon all lands within the incorporated area of the City of Sherwood as follows:

1. Single Family Residential. \$250.00
2. Mobile Home Park Space. \$175.00
3. Multi-Family Residential. \$200.00
per unit
4. Commercial, Industrial and Institutional . \$250.00

per \$60,000.00 or portions thereof of value as determined in accordance with Section 303 (a) of the State Structural Specialty Code

B. In the event that a charge is imposed upon land that previously supported a structure, a credit shall be allowed against the charge imposed in an amount equal to the charge that would have been imposed on the prior structure if it were placed on the property at the time of the present building permit application. The credit shall only be allowed if the prior structure was destroyed or removed within one year of the present application.

SECTION 6. COLLECTION

A. The systems development charge is immediately due and payable upon receipt of an application for building permit. The building official shall collect the charge prior to issuing any building permit for new construction and any building permit for alterations or additions to multi-family residences that increase the number of units or to commercial, industrial and institutional structures that involve a value of \$30,000 or more.

B. Notwithstanding the above, in those cases where application for a building permit is made for a structure which would result in a systems development charge in excess of \$2,500, the applicant may request a temporary waiver of collection from the building official who is hereby authorized to grant such a temporary waiver. In those instances where such a collection waiver has been granted, the full charge shall be paid prior to issuance of an occupancy permit and the building official is hereby instructed to decline to issue an occupancy permit for any structure which has received a temporary waiver until the systems development charge is paid in full on the entire project.

SECTION 7. EXEMPTIONS

A. Any parcel of land which has an established use is exempt from the systems development charge to the extent of any structure then existing on the land or covered by a building permit issued on or before the effective date of this ordinance.

B. Any parcel of land located within the City on the effective date of the ordinance, for which a valid and complete pending building permit application was filed on or before the effective date of the ordinance, shall be exempt from the systems development charge to the extent of the structure covered by that pending building permit application.

SECTION 8. FUND CREATION: SEGREGATION AND USE OF REVENUES

There is hereby created a dedicated fund entitle Major Street Capital Project Fund. All funds derived from the systems development charge are to be placed in the Major Street Capital Project Fund and be segregated by accounting practices from all other funds of the City of Sherwood. The Major Street Capital Project Fund shall be used for no purpose other than those activities necessary to the installing, construction, and extending extracapacity street facilities as defined in Section 4 of this ordinance. All funds will be expended in accordance with a capital improvements program to be adopted and reviewed annually by the Board.

SECTION 9. APPEALS

Any person who is aggrieved by any decision required or permitted to be made by any person under this ordinance may appeal that decision to the Board by filing a written request with the City Administrator describing with particularity the decision from which the person appeals. In considering the appeal, the Board shall determine whether the decision is correct and may affirm, modify, extend, or overrule that decision.

SECTION 10. SCOPE

The Systems Development Charge provided in this ordinance is separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law.

SECTION 11. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason held invalid or unconstitutional by a 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 12. EFFECTIVE DATE

This Ordinance shall become effective on the 31st day after its enactment by the City Council of the City of Sherwood.

PASSED: By the Council, by Unanimous vote of all Council members present, after being read by caption three times this 11 day of April, 1979.

Marjorie Stewart
~~Recorder~~ - City of Sherwood
Mayor

APPROVED: By the Mayor this 11th day of April, 1979.

Polly Blankenbaker
~~Mayor~~ - City of Sherwood
Recorder