

CITY OF SHERWOOD

ORDINANCE NO. 728

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

The City of Sherwood Does Orain as Follows:

Section 1. Short Title and Pleading

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

Section 2. Construction

The City of Sherwood Storm Drainage 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 planning, engineering and construction of major storm drainage facilities 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 substantially to the need for major storm drainage facilities; that the charge imposed is reasonably related to the need and that the money collected will be used only to partially defray the cost of providing the facilities required. The City Council recognizes that the revenue from this Ordinance will not be sufficient to satisfy the major portion of the need for storm drainage improvements in the City of Sherwood and will only supplement other sources of revenue. It is intended that the major facilities to be provided pursuant to this Ordinance will reduce the possibility of restraints upon development due to present lack of the major drainage facilities required to provide for protection of property and personal safety from the adverse effects of development on storm drainage.

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. "Hard Surface" means any developed or prepared surface which has a run off co-efficient greater than 0.8', including but not limited to roofs, streets, driveways, walkways, patios, and parking areas.
- E. "Major Storm Drainage Facilities" means storm drainage improvements that are necessary in the interest of public health, safety and welfare and which include

pipes and conduits 15 or more inches in diameter and which serve an area of at least five acres; catch basins, right of way and other related items necessary for the collection, detention, conveyance and disposal of surface water.

Section 5. Systems Development Charge

The systems development charge for storm drainage facilities shall be as follows:

<u>FEE SCHEDULE BASE AND RATE PER SQUARE FOOT OF HARD SURFACE</u>		
<u>AREA - RANGE/SQ. FT.</u>	<u>BASE CHARGE</u>	<u>RATE CHARGE/FT<sup>2</sup> OF HARD SURFACE</u>
0 to 350 sq. ft.	\$10.00	- -
Over 350 sq. ft.	\$10.00 plus	\$0.04 per sq. ft. for area in excess of 350 sq. ft.

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 that increase the area of hard surface on a site.

B. Notwithstanding subsection A above, the owner of the property, for which application for a building permit is made and for which application the stormsewer systems development charge exceeds \$100, may sign an application to have said charge docketed as a lien against the property and to pay said charge and lien on the installment basis in twenty (20) semi-annual payments together with interest thereon at the rate of ten percent (10%) per annum until paid.

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 area of hard surface 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 development covered by that pending building permit application.

C. No storm sewer systems development charge shall be imposed on property for which the applicant has or will be legally required, as a part of or condition to development approval to construct all major storm drainage improvements that are required to carry the storm drainage from the property so developed to the point where said drainage flows or enters into a natural water course or drainage channel of such size and capacity that in the opinion of the City Engineer it is unlikely that any man-made improvements or alterations thereto will be required thereto in the foreseeable future, to enable said water course to carry the storm drainage burden present or which future development will impose on the water course's natural drainage channel.

Section 8. Fund Creation, Segregation and Use of Revenues

There are hereby created dedicated funds entitled "Cedar Creek Major Storm Drainage Facilities Fund" and "Rock Creek Major Storm Drainage Facilities Fund." All funds derived from the systems development charge are to be placed in one of the aforementioned funds and be segregated by accounting practices from all other funds of the City of Sherwood. System charges shall be placed in either the Rock Creek or Cedar Creek fund based on a determination by the City Engineer as to whether storm water from a given property drains to Rock Creek or Cedar Creek. System charges placed in the aforementioned funds shall be used for no purpose other than those activities necessary for the planning, engineering, and construction of major storm drainage facilities as defined by Section 4. of this Ordinance. System charges paid by properties within one drainage basin shall be devoted only to projects within said basin. All said funds will be expended in accordance with a capital improvements program to be adopted and reviewed annually by the City Council.

Section 9. Improvement Assessment Credit

To the extent that a major storm facilities system development charge has been paid for, any property that is subsequently assessed for the cost of construction of a major storm drainage facility improvement, shall receive a credit against that portion of the assessment allocable to the cost of the major storm drainage facilities in the amount of the systems development charge previously so paid.

Section 10. 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 City Council by filing a written request with the City Administrator describing with particularity the decision from which the person appeals. In considering the appeal, the City Council shall determine whether the decision is correct and may affirm, modify, extend, or overrule that decision.

Section 11. 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 12. 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 13. 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 24 day of Sept., 1980.

Polly Blankenbaker  
Recorder - City of Sherwood

APPROVED: By the Mayor this 24 day of Sept., 1980.

Marjorie Stewart  
Mayor - City of Sherwood