

City of Sherwood, Oregon

Ordinance No. 89-900

AN ORDINANCE UPDATING CITY ORDINANCES WITH RESPECT TO SYSTEM DEVELOPMENT CHARGES TO PARTIALLY CONFORM TO NEW STATE STATUTES, MAKING UNIFORM AND CLARIFYING SDC REQUIREMENTS FOR PARKS, STORM DRAINAGE, AND STREETS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Oregon State Legislative passed new legislation in their 1989 session mandating a clearer relationship between the collection of System Development Charges (SDC's) and the projects on which said revenues may be spent, and also includes a new term for SDC's: System Improvement Fee (SIF); and

WHEREAS, the City of Sherwood's three SDC ordinances were adopted at differing times between 1980 and 1981, and could benefit by the adoption of common terms, language, and structure; and

WHEREAS, with respect to Storm Water SDC's, emerging new regulations that address water quality and treatment will require the construction of facilities above and beyond normal conveyance systems; and

WHEREAS, with respect to Parks SDC's, current ordinance language does not clearly define the term "residential land", making application of this SDC formula difficult; and

WHEREAS, none of the City's SDC rates and charges have been amended since adoption in 1980 and 1981, and therefore do not reflect the current costs of parks, streets, and storm water improvements; and

WHEREAS, the City recognizes that this ordinance constitutes an interim amendment to existing City SDC codes and that further amendments will have to be approved before July 1, 1991, to bring SDC requirements into full compliance with State law.

Section 1. Streets SIF: Section 6.302, Street System Development Charges, is hereby retitled Street System Improvement Fees and amended to read:

6.302.01. Purpose

The SIF shall be reserved and used exclusively for the acquisition, expansion, extension, and capital development and redevelopment of public rights-of-way, streets, bikepaths, sidewalks, traffic control devices, and appurtenant structures, designed to provide extra system capacity, and as designated on the Transportation Master Plan Map, attached as Appendix C, and in Section VI of the Community Development Plan. The SIF may also be utilized for expenditures relating to repayment of debt for such improvements. The SIF may not be used for street preservation improvements or for routine street system maintenance and operations.

6.302.02 Schedule of Charges

SIF's shall be assessed against new development in the City to support extra-capacity street improvements. The SIF shall be:

- | | |
|--|--|
| A. Residential: | \$300.00 per dwelling unit |
| B. Commercial, Industrial, and Institutional Uses | \$75.00 per required off- street parking space. |

6.302.03 Assessment

Except as otherwise provided by this Code or by State law, the SIF is immediately due and payable and shall be collected prior to issuance of any building permits for new residential construction; for alterations or additions to buildings that increase the number of residential dwelling units; or for commercial, industrial, or institutional construction requiring new or additional off-street parking as per Section 5.302.

6.302.04 Deferral

Where the SIF due and payable from a single building permit exceeds \$3,000.00, an administrative deferral may be granted until an occupancy permit is issued. No occupancy permit may be issued until the SIF is paid in full.

Section 2. Storm Drainage SIF. Section 6.602, Storm Drainage System Development Charges, is hereby retitled Storm Drainage System Improvements Fees and amended to read:

6.602.01 Purpose

The SIF shall be reserved and used exclusively for the acquisition, expansion, extension, and capital development or redevelopment of public storm drainage conveyance systems, specific street improvements designed to direct and control storm water flows, storm water treatment facilities, storm water detention or retention ponds, or other storm water facilities, designed to provide extra system capacity, and as designated on the Storm Drainage Master Plan Map, attached as Appendix F, in Section VII of the Community Development Plan, or in the plans of Washington County's storm water management authority. The SIF may also be utilized for expenditures relating to repayment of debt for such improvements. The SIF may not be used for storm water system preservation improvements or for routine storm water system maintenance and operations.

6.602.02 Schedule of Charges

SIF's shall be assessed against new development in the City to support extra-capacity storm drainage improvements. The SIF will be calculated based on the area of impermeable surface created by the new development, as determined by the City. The SIF shall be:

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|----------------------|---|
| A. Up to 600 sq. ft. | \$30.00 |
| B. Over 600 sq. ft. | \$30.00 plus \$.05 per every sq. ft. in excess of 600 sq. ft. |

6.602.03. Assessment

Except as otherwise provided, the SIF is immediately due and payable and shall be collected prior to the issuance of any building permits for new construction, or for alterations or additions to buildings or sites that increase the area of impermeable surface.

6.602.04 Deferral

Where the SIF due and payable from a single building permit exceeds \$3,000.00, an administrative deferral may be granted until an occupancy permit is issued. No occupancy permit shall be issued until the SIF is paid in full.

Section 3. Parks and Open Space SIF: Section 5.602, Parks and Open Space System Development Charges, is hereby retitled Parks and Open Space System Improvement Fees and amended to read:

5.602.01 Purpose

The SIF shall be reserved and used exclusively for the acquisition, expansion, and capital development or redevelopment of public parks, open space, or recreational facilities, designed to provide extra system capacity, and as designated on the Recreation Master Plan Map, attached as Appendix B, or in Section V of the Community Development Plan. The SIF may also be utilized for expenditures relating to repayment of debt for such improvements. The SIF may not be used for parks system preservation improvements or for routine parks system maintenance or operations.

5.602.02 Schedule of Charges

SIF's shall be assessed against new residential development in the City to support extra-capacity parks and open space improvements. The SIF shall be:

A. Residential: \$300.00 per dwelling unit

5.602.03 Assessment

Except as otherwise provided, the SIF is due and payable and shall be collected prior to issuance of any building permits for new residential construction, or for alterations or additions to buildings that increase the number of residential dwelling units.

5.602.04 Deferral

Where the SIF due and payable from a single building permit exceeds \$3,000.00, an administrative deferral may be granted until an occupancy permit is issued. No occupancy permit shall be issued until the SIF is paid in full.

5.602.05 Waiver

When a proposed development contains lands designated on the Recreation Master Plan Map, attached as Appendix B, or in Section V of the Community Development Plan, for parks, open space, or recreational facilities, such land may be dedicated to the City in lieu of an equivalent portion of the SIF, or in the case of multi-family development, in lieu of the equivalent portion of common open space, as per Section 5.603. The value of the dedication shall be established by a formal appraisal provided at the developers cost, by County Assessors records, or some other method deemed acceptable by the City, and shall be deducted from the SIF. Waivers shall not apply to any land within the FP zone.

Section 4: Effective Date. This Ordinance shall become effective on the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this
8th day of November, 1989.

Polly Blankenbaker
Polly Blankenbaker, City Recorder

Approved by the Mayor this 15 day of
Nov., 1989.

Norma Jean Oyler
Norma Oyler, Mayor

| | <u>AYE</u> | <u>NAY</u> |
|-----------|------------|-------------|
| Birchill | <u>✓</u> | <u> </u> |
| Chavez | <u>✓</u> | <u> </u> |
| Hitchcock | <u>✓</u> | <u> </u> |
| Boyle | <u>✓</u> | <u> </u> |
| Oyler | <u>✓</u> | <u> </u> |