



## ORDINANCE 2007-012

### AN ORDINANCE ADOPTING DEFERRED PAYMENT OPTIONS FOR SYSTEM DEVELOPMENT CHARGES AND REPEALING SECTION 9 OF ORDINANCE 2007-011

**WHEREAS**, ORS 223.297 to 223.314 was enacted in 1989 and authorized the City of Sherwood to adopt and impose System Development Charges; and

**WHEREAS**, The City of Sherwood adopted Ordinance No. 91-927 and 2007-011 to implement System Development Charges; and

**WHEREAS**, in response to changes requested by the City Council to Section 9 of Ordinance 2007-011, staff recommends acceptance of this Ordinance and approving the deferred payment system for System Development Charges set forth below.

#### **NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:**

Section 1. Ordinance 2007-011, Section 9 ("Deferred Payment"), is amended to read:

~~Where the total of all City System Development Charges due and payable from a single family or manufactured home building permit exceed \$5,000.00, or exceed \$10,000.00 for any other type of building permit, an administrative deferral may be granted by the City Manager until an occupancy permit is ready to be issued. No occupancy permit shall be issued until all System Development Charges are paid.~~

~~Where the total of any category of System Development Charge as defined in Section 4 due and payable from a single family dwelling or manufactured home building permit exceed \$20,000.00, or exceed \$100,000.00 for any other type of building permit, an administrative deferral may be granted by the City Manager for a period not to exceed five years for the System Development Charge. An occupancy permit may not be issued until the person responsible for payment of the System Development Charge executes a deferred payment agreement.~~

- A. When the total of transportation and parks City System Development Charges due exceed \$50,000, the City Manager may approve deferred payments until such time as an occupancy permit is issued. An occupancy permit may not be issued until all System Development Charges are paid.
- B. When any category of City System Development Charges increases by 25% or more due to legislative action by the City between the time a development application is submitted and the SDC becomes payable, and, as a result, that category of System Development Charges

due and payable exceeds \$100,000, the developer may choose to defer payments for a period not to exceed five years. An occupancy permit may not be issued until the person responsible for payment of the System Development Charge executes a deferred payment agreement with the City.

C. Notwithstanding subsection (2) of this section, a person who submitted a development application during the period beginning October 1, 2006 and ending on the effective date of this Ordinance may choose to defer payments for any single SDC provided the amount due and payable for that SDC exceeds \$100,000. An occupancy permit may not be issued until the person responsible for payment of the System Development Charge executes a deferred payment agreement with the City.

Section 2. Effective date,

Because State Law regarding System Development Charges has been amended such that the City's existing System Development Charge Ordinance may be inconsistent with the State Law, an emergency is hereby declared to exist and this Ordinance 2007-012 shall become effective November 6, 2007, following passage by the City Council and approval by the Mayor.

Duly passed by the City Council on this 6<sup>th</sup> day of November 2007.

  
\_\_\_\_\_  
Keith S. Mays, Mayor

ATTEST:

  
\_\_\_\_\_  
Sylvia Murphy, City Recorder

	<u>AYE</u>	<u>NAY</u>
Weislogel	<input checked="" type="checkbox"/>	_____
Luman	<input checked="" type="checkbox"/>	_____
King	<input checked="" type="checkbox"/>	_____
Henderson	<input checked="" type="checkbox"/>	_____
Heironimus	<input checked="" type="checkbox"/>	_____
Grant	<input checked="" type="checkbox"/>	_____
Mays	<input checked="" type="checkbox"/>	_____