

ORDINANCE NO. 409-2002

AN ORDINANCE AMENDING ORDINANCE NO. 351 TO PERMIT THE USE OF A SYSTEM DEVELOPMENT CHARGE CREDIT FOR A PERIOD OF UP TO TEN YEARS AND CLARIFYING THE APPLICATION PROCESS

WHEREAS, on May 4, 1998, the City Council for the City of Dundee adopted Ordinance No. 351 establishing procedures for system development charges ("SDCs") consistent with the provisions of ORS 223.297 through .314;

WHEREAS, Section 7(F) of Ordinance No. 351 limits the system development charge credit ("SDC credit") to development on the property subject to the original land use approval and not to exceed three (3) years from the date when the credit is issued by the City;

WHEREAS, ORS 223.304(4)(c) authorizes an SDC credit for a period of up to ten (10) years;

WHEREAS, the City Council finds that providing a ten (10) year period for use of an SDC credit provides a reasonable timeframe within which a developer can be reimbursed for the value of the additional public improvements provided to the City;

WHEREAS, a review of other cities in Oregon indicates the ten (10) year period for the use of SDC credit is commonly used in other jurisdictions such as the City of Lafayette, the City of Cornelius, the City of Portland, the City of Redmond, and others;

WHEREAS, the City Council finds that increasing the time period for using the SDC credit will facilitate community development and the provision of public improvements in an orderly and efficient manner;

WHEREAS, the City Council finds that the potential reduction in future revenues from SDC credits issued and applied against future system development charges can be addressed by providing more specific direction on the nature and scope of public improvements required for individual development projects to assure financing is available for priority projects identified and constructed by the City;

WHEREAS, the City is currently working with property owners and developers to assure the orderly and efficient provision of public improvements;

WHEREAS, the City is currently experiencing development pressure in areas planned for important public improvements and increasing the term of the SDC credit is an important benefit in assuring these improvements are provided to the City;

WHEREAS, the City Council hereby declares an emergency to amend the time period for the SDC credit in order to facilitate the timely construction of public improvements in the City of Dundee;

WHEREAS, under ORS 223.304(6) notice and a hearing are required only for the establishment or modification of a SDC including the methodology supporting the system development charge; and

WHEREAS, an amendment to the time period for using an SDC credit does not modify the amount of the system development charge or the methodology supporting the SDC and as such no hearing or notice is required.

NOW THEREFORE, the City of Dundee does ordain as follows:

Section 1. The last sentence of Section 7(F) of Ordinance No. 351 is hereby amended to replace “three years” with “ten years” to read as follows:

“Credits shall be used not later than ~~three-year~~ten years from the date when the credit was issued by the City.”

Section 2. To clarify the City’s interpretation of the first sentence of Section 7(A) the following amendment is provided:

“An applicant ~~for a building permit is eligible~~ may apply for a credit against the SDC for constructing a qualified capital improvement, provided that the qualified capital improvement portion of the facility and its corresponding costs are established by the City ~~at the time of development approval~~prior to the issuance of a building permit.”

Section 3. The City Council for the City of Dundee hereby declares an emergency based on the immediate need to provide for the orderly and timely provision of public improvements. Consistent with Section 40 of the City Charter the effective date of this Ordinance shall be upon an affirmative vote of at least four members of the City Council.

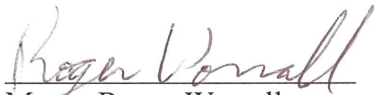
ADOPTED BY THE CITY COUNCIL THIS 1ST DAY OF JULY, 2002.

VOTES: AYES 5
 NAYS 0

*Councilors Maybury, Miller, Payne
Stuper and Sundeen*

CITY OF DUNDEE

ATTESTATION:



Mayor Roger Worrall



Eve Foote, City Administrator/Recorder