

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 16-10**

AN ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE REGARDING CREDITS FOR AND PAYMENT OF SYSTEM DEVELOPMENT CHARGES

WHEREAS, through Ordinance 15-08, the City Council adopted revisions to Tigard Municipal Code Chapter 3.24 and a Transportation System Development Charge (SDC); and

WHEREAS, through Ordinance 15-09, the City Council adopted a Parks SDC; and

WHEREAS, in the implementation of the Transportation and Parks SDCs, it became necessary to amend and clarify certain provisions related to the availability of SDC credits for River Terrace neighborhood parks and River Terrace Boulevard, and deferral of Transportation SDC payments for multi-family developments citywide.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Chapter 3.24 of the Tigard Municipal Code is hereby amended, as provided in Exhibit A.

SECTION 2: This ordinance shall be effective 30 days after passage by the Council.

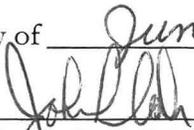
SECTION 3: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

PASSED: By unanimous vote of all council members present after being read by number and title only, this 14th day of June, 2016.



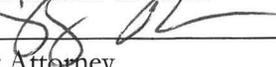
Carol A. Krager, City Recorder

APPROVED: By Tigard City Council this 14th day of June, 2016.



John L. Cook, Mayor

Approved as to form:



City Attorney

6/14/16

Date

Amendment #1

3.24.120 Credits

G. In calculating improvement fee credits for the River Terrace Overlay portion of the city's park SDC only, an improvement fee credit shall be given as follows:

1. For the cost of a bonded or completed qualified public improvement, pursuant to Section 3.24.120.B.
2. Notwithstanding Section 3.24.120.B.1, for a neighborhood park that is accepted by the city; shown in the River Terrace Park System Master Plan; and determined to meet the city's minimum level of service standards and design guidelines as described in the Tigard Park System Master Plan, regardless of whether the park was imposed as a condition of development approval. The credit shall include both the costs of meeting and exceeding the city's minimum standards to the extent needed to serve the applicant's new development. The amount of the credit shall be limited to the actual reasonable costs approved by the city based upon the location of the park, level of service, park features, and consistency with the city's adopted Park System Master Plans.

H. The request for credit shall be filed in writing no later than 60 days after acceptance of the improvement by the city.

I. Section 3.24.120.G shall apply to parks completed after January 1, 2016.

J. A credit issued under 3.24.120.G may be applied only to the River Terrace Overlay SDC, is not a credit against the citywide park SDC, and is not transferable to properties outside of the River Terrace Community Plan area.

Amendment #2

3.24.120 Credits

K. In addition to Section 3.24.120.B.1, the cost of constructing River Terrace Boulevard is 50% credit eligible for city-approved local street elements and 100% credit eligible for city-approved over-capacity street elements.

Amendment #3

3.24.090 Collection of Charge

- C. The administrator shall collect the applicable SDC from the permittee. The administrator shall not issue such permit or allow such connection until the charge has been paid in full; deferral has been approved pursuant to Section 3.24.090.D; ~~or unless an exemption is~~ has been granted pursuant to Section 3.24.110; or unless provision for installment payments has been made, pursuant to Section 3.24.100, which follows.
- D. Notwithstanding subsection A of this section, the permittee may apply for a deferral of payment of the transportation SDC to occupancy. Deferral may only be granted in cases where the amount due exceeds the amount of transportation SDC on a single family detached residence. The request must be made in writing to the Administrator no later than the time of application for a building permit. The Administrator shall grant deferral of the transportation SDC; however, any deferred charge shall be paid in full prior to the issuance of an occupancy permit. The amount of transportation SDC due on deferred obligations shall be the amount in effect at the time of issuance of the occupancy permit.

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1. For the cost of a bonded or completed qualified public improvement, pursuant to Section 3.24.120.B.
 2. Notwithstanding Section 3.24.120.B.1, for a neighborhood park that is accepted by the city; shown in the River Terrace Park System Master Plan; and determined to meet the city's minimum level of service standards and design guidelines as described in the Tigard Park System Master Plan, regardless of whether the park was imposed as a condition of development approval. The credit shall include both the costs of meeting and exceeding the city's minimum standards to the extent needed to serve the applicant's new development. The amount of the credit shall be limited to the actual reasonable costs approved by the city based upon the location of the park, level of service, park features, and consistency with the city's adopted Park System Master Plans.
- H. The request for credit shall be filed in writing no later than 60 days after acceptance of the improvement by the city.
- I. Section 3.24.120.G shall apply to parks completed after January 1, 2016.
- J. A credit issued under 3.24.120.G may be applied only to the River Terrace Overlay SDC, is not a credit against the citywide park SDC, and is not transferable to properties outside of the River Terrace Community Plan area.

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