

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 20-

AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE SECTION 3.24.080 TO ALLOW FOR DEFERRAL OF CERTAIN SYSTEM DEVELOPMENT CHARGES

WHEREAS, Chapter 3.24 of the Tigard Municipal Code (TMC) establishes system development charges (SDCs) for the City; and

WHEREAS, under current code, SDCs are due and payable upon issuance of the building or plumbing permit to which the fees relate, with the exception of water SDCs, which are due and payable upon purchase of a water meter; and

WHEREAS, the City currently allows deferral of transportation or park SDCs to occupancy for commercial and multi-family development, but not for single-family dwelling units; and

WHEREAS, the City's Development Advisory Committee has recommended that City transportation and park SDCs be deferred for all development in order to lessen the cost burden to developers and builders of SDC financing costs; and

WHEREAS, by reducing costs to builders and developers by shortening the time for which SDCs are financed, the City is aiming to help lower housing costs in Tigard.

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

SECTION 1: Tigard Municipal Code 3.24.080 is amended as follows (additional text is underlined and deleted text is shown in ~~strikethrough~~):

A. SDCs are calculated and are due and payable as follows:

1. Calculation. SDCs are calculated based on the fees in effect at the time of submittal of the complete building or plumbing permit application to which the fees relate. If a building or plumbing permit is not required and a land use decision is required, SDCs are calculated based on the fees in effect at the time of submittal of the complete land use application to which the fees relate.

2. Due and Payable. Water SDCs are due and payable upon purchase of a water meter. All other SDCs are due and payable upon issuance of the building or plumbing permit to which the fees relate. If a building or plumbing permit is not required and a land use decision is required, all other SDCs are due and payable upon issuance of the land use decision to which the fees relate.

D. Notwithstanding subsection A.2 of this section, the applicant may request ~~apply for a~~ deferral of payment of transportation or park SDCs to occupancy. ~~The administrator may only grant a deferral in cases where the amount due exceeds the amount of a transportation~~

~~or park SDC on a single family dwelling unit.~~ The request must be made in writing to the administrator no later than the time of building permit application or, if no building permit is required, then upon land use application. Any deferred SDC must be paid in full prior to final inspection or the issuance of an occupancy permit. ~~The amount of transportation or park SDC due on deferred obligation will be the amount in effect at the time of issuance of the building permit.~~

SECTION 2: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity does not affect the 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.

SECTION 3: This ordinance shall be effective 30 days after its passage by the council, signature by the mayor, and posting by the city recorder.

PASSED: By _____ vote of all council members present after being read by number and title only, this _____ day of _____, 2020.

Carol A. Krager, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2020.

Jason B. Snider, Mayor

Approved as to form:

City Attorney

Date