

Canyon City Ordinances

**Ordinance No. 276**

An Ordinance Establishing System Development Charges for the Town of Canyon City.

All system Development Charges shall be established from time to time by resolution, and shall not exceed, but may be less than the actual cost apportioned to providing the capital improvements according to the methods set forth in this ordinance. Systems Development Charges may be applied to remediation of existing deficiencies, repayment of existing debt, as well as future needs.

**SECTION 1.2: SCOPE**

The System Development Charge imposed by this ordinance is separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development.

**SECTION 1.3: DEFINITIONS**

**a. Biochemical Oxygen Demand (B.O.D.)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

**b. Capital Improvements**

Facilities or assets used for:

- (1) Water supply, treatment and distribution;
- (2) Wastewater collection, transmission, treatment, and disposal;

**c. Chemical Oxygen Demand(C.O.D.)**

The quantity of Oxygen utilized in the reduction of wastewater utilizing a strong chemical oxidant under standard laboratory procedure. When wastewater contains only readily oxidizable organic material and no material that is toxic to bacteria, C.O.D. test results are a good estimate of B.O.D. values.

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**d. Development**

Conducting a building or mining operation, making a physical change in the use or appearance of a structure or land, dividing land into two (2) or more parcels (including partitions and subdivisions), and creating or terminating the right of access.

**e. Equivalent Dwelling Unit (E.D.U.)**

A unit of value representing the demand or load placed upon a City system, based upon the average load placed upon such system by one single family residence of average size within the City.

**f. Improvement Fee**

A fee for costs associated with capital improvements to be constructed after the date the fee is adopted.

**g. Owner**

The owner or owners of record title or the purchaser or purchasers under a recorded sales agreement, and other persons having an interest of record in the described real property.

**h. Parcel of Land**

A lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.

**i. Permittee**

The person to whom a building permit, development permit, a permit or plan approval to connect to the sewer or water system, or right-of-way access permit is issued.

**j. Qualified Public Improvements**

A capital improvement that is:

- (1) Required as a condition of development approval;

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- (2) Identified in the capital plan adopted for such facilities; and either
- (3) Not located on or contiguous to a parcel of land that is the subject of development approval; or
- (4) Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.
- (5) For purposes of this definition, contiguous means in a public way which abuts the parcel.

**k. Reimbursement Fee**

A fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted.

**l. Residential Drainage Equivalent (R.D.E.)**

A unit of measure relating to the average area of impervious surface found in conjunction with a single-family residence on a residential lot.

**m. Systems Development Charges (S.D.C.'s)**

Charges imposed by the Town of Canyon City to help mitigate the effects of stress, loading or demand placed by new development upon City systems or services.

A reimbursement fee, an improvement fee, or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the issuance of a development permit or building permit, or at the time of connection to the capital improvement. "System Development Charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the City for its average cost of inspecting and installing connections with water and sewer facilities. "System Development Charge" does not include fees assessed or collected as part of a local improvement, or the cost of complying with requirements or conditions imposed by a land use decision.

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### n. **Suspended Solids (T.S.S.) (S.S.)**

The total suspended matter that floats on the surface of, or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.

## **SECTION 2: WATER**

The City Council of the Town of Canyon City may establish Systems Development Charges by resolution. The System Development Charges for the water system are separated into two components; Improvement Fee and Reimbursement Fee.

The Improvement Fee is based on the future work described in the Water System Capital Improvement Plan and needed for added capacity or maintaining existing capacity.

The Improvement Fee may be accounted for by using the total of projected water improvements necessary to provide added capacity for future connections.

The Reimbursement Fee is based on the current value of work performed earlier, the capacity of which is sufficient for future connections.

All new development within the Urban Growth Boundary should bear the Reimbursement Fees.

The current population per Equivalent Dwelling Unit is 732 people occupying 317 EDUs which receive City Water. The Current ratio is 732/317 or 2.31 people/EDU. Applying the ratio to the projected 2020 population of 902 results in a total of 390 EDUs.

## **SECTION 3: WASTEWATER**

The City Council of the Town of Canyon City may establish Systems Development Charges by resolution for Reimbursement Fees based upon the ENR index or by applying today's bidding prices to the 1983 sewer project.

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The City presently serves 740 people and 296 Equivalent Dwelling Units with sewers. The current ratio for wastewater is 740/296 or 2.50. Projecting the service population at 1% , the 2020 figures would be 902 people served occupying 361 EDUs.

### **SECTION 4: CREDITS FOR DEVELOPMENT**

Where a development proposes to, or is required to, construct or provide facilities or a portion of facilities identified in the Capital Improvement Plan consequential to the development, the developer may request that the SCD's for such facilities be applied against the project. Where the cost of the facilities paid for by the developer is less than the regular apportioned Systems Development Charges for such facilities, the developer shall pay the difference.

When a proposed development shall construct or provide a portion of facilities identified in the Water or Wastewater Capital Improvement Plan, the City Council may elect to provide additional funds to enhance the facility in conformance with the appropriate plan. Such participation by the City may only be in excess of the developer's obligation according to this or other ordinances.

### **SECTION 5: EXEMPTIONS**

- (1) An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of the public improvement facility are exempt from all portions of the Systems Development Charge.
- (2) A project financed by City revenues is exempt from all portions of the System Development Charge.
- (3) All eighty-seven (87) lots located in the Canyon Mountain Heights Subdivision are exempt from System Development Charges effective with the passage of this ordinance.

### **SECTION 6: APPEALS**

- (1) A person challenging the propriety of an expenditure of System Development Charge revenues may appeal the decision or the expenditure to the City Council by filing a written request with the City Recorder/Manager describing with particularity the decision of the City and the expenditure must be filed within two (2) years of the date of the alleged improper expenditure.

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- (2) Appeals of any other decision, which were required or permitted to be made by the applicant/developer under this ordinance must be filed within ten (10) days of the date of the decision.
- (3) After providing notice to the appellant, the Council shall determine whether the City's decision or the expenditure is in accordance with this ordinance and the provisions of ORS 223.297 to Ors 223.314 and may affirm, modify, or overrule the decisions. If the Council determines that there has been an improper expenditure of System Development Charge revenues, the Council shall direct that a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was spent. The decision of the Council shall be reviewed only as provided in ORS 34.010 to ORS34.100, and not otherwise.
- (4) A legal action challenging the methodology adopted by the Council shall not be filed later than sixty (60) days after the adoption. A person shall contest the methodology used for calculating a System Development Charge only as provided in ORS 34.010 to 34.100, and not otherwise.

### **SECTION 7: COLLECTION OF CHARGE**

- (1) The System Development Charge is payable upon issuance of:
  - a. A development permit;
  - b. A permit or approval to connect to the water system;
  - c. A permit or approval to connect to the sewer system; or
  - d. A right-of-way access permit.
- (2) If development is commenced or connection is made to the water or sewer system without an appropriate permit, the System Development Charge is immediately payable upon the earliest date that a permit was required.
- (3) The City Recorder/Manager shall collect the applicable System Development Charge from the permittee when a permit that allows building or development of a parcel is issued or when a connection to the water or sewer system of the City is made.

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- (4) The City Recorder/Manager shall collect the applicable System Development Charge from the permittee when a permit that allows building or development of a parcel is issued or when a connection to the water or sewer system of the City is made.
- (5) Notwithstanding the above, the City may withhold or terminate any City service until all appropriate S.D.C's have been paid in full.

### **SECTION 8: SEGREGATION AND USE OR REVENUE**

- (1) All funds derived from a particular type of System Development Charge are to be segregated by accounting practices from all other funds of the City. That portion of the System Development Charge calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth in Sections, 2 and 3 of this ordinance.
- (2) An annual accounting shall be provided based on the City's fiscal year, for System Development Charges showing the total amount of System Development Charge revenues collected for each type of facility and the projects funded from each account.

### **SECTION 9: NOTICE**

- (1) The City may periodically delete names from the list, but at least thirty (30) days prior to removing a name from the list, the City must notify the person whose name is to be deleted that a new written request for notifications is required if the person wishes to remain on the notification list.

### **SECTION 10: PENALTY**

Violation of Section 8 of this ordinance is punishable by a fine not to exceed \$300.00 per day.

### **SECTION 11: CONSTITUTIONALITY**

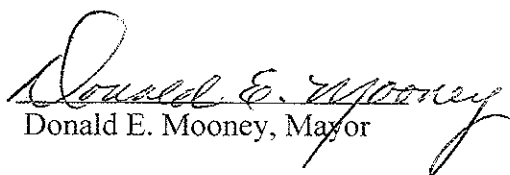
If any provision, section, sentence or phrase of this ordinance shall for any reason be adjudged or declared by a court of competent jurisdiction to be unconstitutional or invalid, such judgement or decision shall not affect the validity of the remaining portions of this ordinance.

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**SECTION 12: REPEALING CLAUSE**

All other ordinances or parts of ordinances in conflict herewith, are hereby repealed as of the effective date of this ordinance.

Passed by the City Council and approved by the Mayor this 15<sup>th</sup> day of May, 2001.

  
Donald E. Mooney, Mayor

Attest:

  
Tamra M. Bremner, City Recorder/Manager



**RESOLUTION 2000-8**

**WHEREAS**, the City Council of the Town of Canyon City adopted Ordinance No. 276, which establishes System Development Charges for the Water and Sewer Systems; and

**WHEREAS**, the City Council has met the requirements set forth in ORS 223.297 through 223.314 ; and

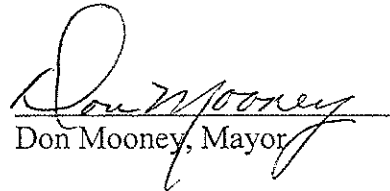
**WHEREAS**, the fees to be charged were determined in the Engineering Report prepared by Curran-McLeod, Inc. in October, 2000 and this shall be considered the official document used for System Development Charges;

**NOW, THEREFORE, IT IS RESOLVED** that the System Development Charges shall be as follows:

Water System Development Charge = \$2,666/EDU

Sewer System Development Charge = \$ 950/EDU

**APPROVED** by the City Council of the Town of Canyon City, Oregon this 15<sup>th</sup> day of May, 2001.

  
Don Mooney, Mayor

Attest:

  
Tamra M. Bremner, City Recorder/Manager