

City of Grants Pass Municipal Code



Title 3

SYSTEM DEVELOPMENT CHARGES

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This Chapter has been created by Ord. 4708 §2, 1991. This Chapter has been amended by Ord. 5101 §1, 2002 (changing numbering system from Title 8 to Title 3), Ord. 5196, 2003, Ord. 5214, 2004 Ord. 5236, 2004 Ord. 5289, 2005, Ord. 5389, 2006, Ord. 5511, 2010, Ord. 15-5634, 2015.

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Chapter 3.10

SYSTEM DEVELOPMENT CHARGES

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This Chapter has been amended by Ord. 5101, 2002; Res. 4805, 2004; Res. 4917, 2005; Ord 5389 12/06/06; Ord 5511 3/3/10).



3.10.010 Definitions

The following words and phrases, as used in Chapter 3.10 of the Grants Pass Municipal Code shall have the following definitions and meanings.

- A. Capital Improvements. Public facilities or assets used for the following:
 - 1. Water supply, treatment, storage, or major transmission as identified in the adopted master plan for the water utility.
 - 2. Sanitary sewerage treatment capacity, interceptor sewers, transmission and pumping facilities as identified in the master plan for the wastewater utility.

- B. Development. The construction, alteration or enlargement of a building or existing use, the addition of facilities or making a physical change in the use of a structure or land which alters the usage of any capital improvements or which will contribute to the need for additional capital or enlarged improvements to the utility system.

- C. Qualified Public Improvement. That portion of a required capital improvement that is beyond the facilities necessary to serve the development and in excess of the minimum development standards and is identified in the adopted master plan of the water or wastewater utility. Improvements required to serve a development of land as identified in the Development Code of the City of Grants Pass and required from the developer prior to the completion of a development are not included in the definition of this term to the extent such improvements are sized or established to meet the needs created by a development.

- D. Reimbursement Fee. A fee for costs associated with the capital improvements constructed or under construction on the date the fee is adopted in accord with this ordinance.

- E. System Development Charges. A reimbursement fee assessed or collected at any of the times specified in Section 3.10.070. It shall not include new service installation fees as defined in Section 8.08.020, since such fees are designed by the City only to reimburse the City for the costs for such connections. Nor shall the System Development Charges include costs for capital improvements, which by City policy the Development Code or State Statute are paid by assessments or fees in lieu of assessments for projects of special benefit to a property. Advance financing fees collected for prior construction of specific improvements are similarly not included in this definition.



3.10.020 Purpose

The purpose of the System Development Charges is to reimburse the rate payers for the capacity of systems developed to serve the growth of the community and to impose an equitable share of the public costs of capital improvements upon the developments that create the need or consume provided capacity.

3.10.030 Scope

The System Development Charges imposed by this chapter is separate from and in addition to any applicable tax, assessment, charge, fee in lieu of assessment, or fee otherwise provided by contract or law imposed as a condition of development. A System Development Charges is to be considered in the nature of a charge for service rendered or facility capacity consumed which has been previously provided for by the taxpayers and ratepayers of the utility systems. Proceeds from the fees shall be utilized exclusively to provide system capacity to replace that consumed, or to extinguish existing debt incurred to provide capacity.

3.10.040 System Development Charges Established

A System Development Charge is hereby imposed upon all development within the City and all development outside the boundary of the City that connects to or otherwise uses the sanitary sewer system, or water system of the City. The City Manager is authorized to make interpretations of this chapter, subject to appeal to the City Council. Charges shall be established by resolution in accord with Section 8.42, and applicable subsections, of this Code and in accord with the methodologies identified in Section 3.10.050 of this Code.

3.10.050 Methodology

The methodology used to establish System Development Charges shall be to consider the cost of the existing facilities, prior contributions by rate payers and tax payers, the value of unused capacity, rate-making principles employed to finance publicly owned capital improvements, and other factors related to the cost of providing the utility capacity. The methodology shall promote the objective that future system users shall contribute an equitable share of the cost of existing facilities, and contribute to the eventual replacement of capacities consumed to provide service. Method of adoption and the features of adopted methodologies shall include:

- A. Specific methodological approaches shall be established by resolution, and shall include a provision for a credit to the reimbursement fee for qualified public improvements constructed by the developer.
- B. Fees required as a portion of a Local Improvement District, a charge in lieu of a Local Improvement District assessment, or the cost of complying with requirements or conditions imposed by a land use decision are separate from



and in addition to the System Development Charges and shall not be used as a credit against such charge.

- C. The formulas and calculations used to compute specific System Development Charges shall be based upon a computed consumption of system capacity and typical conditions and relationships between classes of users of the systems capacity. Whenever the impacts of individual developments present special or unique situations such that the calculated fee is disproportionate to the actual impact of the development, alternate fee calculations may be approved or required of the developer by the City Manager. The burden to establish special and unique circumstances as defined in this section shall be solely the responsibility of the developer. "Special and unique" shall mean circumstances which are beyond those described in the resolution adopted by the Council establishing the fees and methodology, to an extent not less than 25% of the capacity consumption calculations of the adopted methodology. All data submitted to support alternate calculations under this provision shall be site specific. Major or unique developments may require special analyses to determine alternatives to the standard methodology. When such analysis is required, the developer shall be solely responsible for calculating and submitting the anticipated System Charges, utilizing the methodology adopted for the affected utility.
- D. The City Manager shall annually review all fees established by this chapter, and shall review methodologies not less than once each three years. To the extent these reviews warrant changes, the Manager shall recommend such change to the City Council.
- E. When a written appeal is filed challenging the methodology adopted by the Council, the City Manager shall prepare a written report and recommendation within 20 working days of receipt for presentation to the Council within 50 days of the date of the receipt of the appeal. The Council shall by resolution, approve, modify or reject the report and recommendation of the City Manager, or may adopt a revised methodology by resolution. Any legal action contesting the City Council decision in the appeal shall be filed within 60 days of the Council decision. For appeals of other than methodology, see 3.10.090.

3.10.060 Compliance with State Law

All revenues received from the System Development Charges shall be budgeted and expended as provided by state law, and shall be exclusively for the benefit of the utility for which the fees are collected. Such revenues and expenditures shall be for provision of system capacity, inclusive of administrative, engineering, and similar costs defined by state law, or the payment of current or future debt, and shall be accounted for as required by



state law. Financial reporting shall be included in the City Comprehensive Annual Financial Report.

3.10.070 Collection of System Development Charges

The collection of System Development Charges shall be in accord with the following:

- A. The System Development Charges are payable upon, and as a condition of, issuance of:
 - 1. A building, plumbing, or a development permit for a development as defined in this chapter.
 - 2. A permit or other authorization to connect to the water or sanitary sewer system, except as provided in Subsection E of this section.
(Ord. 5007 §1, 2000)

- B. If development is commenced or connection is made to the water system or sanitary sewer system without an appropriate permit or authorization, the System Development Charges are immediately payable upon the earliest date that a permit was required, and it will be unlawful for anyone to continue with the construction or use constituting a development until the charge has been paid.

Penalties applied for commencing or connecting shall be as described here, and as further identified in Section 3.10.110 of this Code.

- C. Any and all persons causing a development or making application for a permit, or otherwise responsible for the development, are jointly and severally obligated to pay the charge, and the City Manager may collect the charges from any individual, partnership, corporation, or person involved with the development. The City Manager shall not allow any connection to the water or wastewater system until all charges described in this Section, together with all other applicable fees and charges described in this Code, shall have been paid in full.

- D. All System Development Charges shall be paid in full when due, or in accord with the provisions of ORS 223.208 when Local Improvement Districts have been formed.

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- E. The City Manager or his designated representative is authorized to negotiate standby water utilization agreements. Any such agreement must be authorized by resolution of the City Council. The City Council may permit the waiver of System Development Charges if all of the following conditions are met: (Ord. 5007 §1, 2000)
1. No human consumption, domestic utilization, or livestock use is permitted from the connection; (Ord. 5007 §1, 2000)
 2. Water utilization is restricted to avert peak day and peak hour demand; (Ord. 5007 §1, 2000)
 3. Water connection is subject to termination or interruption at the sole discretion of the City; (Ord. 5007 §1, 2000)
 4. The water connection is not in conjunction with any other utilization of municipal water on the property served; (Ord. 5007 §1, 2000)
 5. The water system connection is not for fire protection or fire flow systems; (Ord. 5007 §1, 2000)
 6. Municipal water is not the primary source of supply for the intended use. (Ord. 5007 §1, 2000)

3.10.080 Credits

As required by statute, the City of Grants Pass shall allow credits against System Development Charges for the construction of qualified public improvements to the following extent:

- A. When development occurs on a parcel previously connected to municipal utilities that gives rise to System Development Charges, the charge applicable to the existing use shall be calculated. If the charge is than the System Development Charge for the proposed use, the difference between the System Development Charges for the existing use and the System Development Charges for the proposed use shall be the charge required of the development. If the change in use results in a charge for the proposed use being less than the System Development Charges for the existing use, no System Development Charges shall be required; however, no refund or credit shall be given.
- B. A credit shall be given for the cost of a qualified public improvement associated with the development. If a qualified public improvement is located partially on and partially off the parcel of land that is the subject of the approval, or if the improvement is contained within the parcel but sized to



serve areas exterior to the subject development, the credit shall be given only for the cost of the portion of the improvement not attributable wholly to the development.

- C. Applying the methodology adopted by resolution, the City shall grant a credit for a capital improvement constructed as part of the development that reduces the development's demand upon existing capital improvements or the need for replacement of existing capacities. All such facilities must be identified on the master plan applicable to the utility identified for construction.
- D. In situations where the amount of credit exceeds the amount of the System Development Charges, the excess credit is not transferable to another development. It may be transferred to another phase of the original development plan submitted, providing such phased development is contiguous to the development for which credits are granted, and is a continuation of the scope of the project originally filed by the developer with the City.
- E. Credit shall not be transferable from one type of capital improvement to another, all water related credits may be utilized exclusively for water related charges and all sanitary sewer credits exclusively for sanitary sewer.

3.10.090 Appeal Procedures

In accord with the statutory requirements for appeal procedures, the following will be the process for the City of Grants Pass:

- A. A person aggrieved by a decision required or permitted to be made by the City Manager or designee under this Code, or a person challenging the propriety of an expenditure of a System Development Charges revenue may appeal the decision or expenditure by filing a written appeal with the Finance Officer of the City for consideration by the Council. Such appeal shall describe with particularity the decision or the expenditure from which the person appeals and shall include all information required in this Section.
- B. An appeal of expenditure must be filed within 2 years of the date of the alleged improper expenditure. Appeals of any other decision must be filed in accordance with the appeal procedures for the type of SDC under appeal.
(Ord. 5511 §3, 2010)
- C. The appeal shall state:
 - 1. The name and address of the appellant; and
 - 2. The nature of the determination being appealed; and
 - 3. The reason the determination is challenged; and

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4. The remedy sought by the appellant; and
5. The specifics of the situation under consideration; and
6. The date of the determination or expenditure.

An appellant who fails to file such a statement within the time permitted waives rights to objections, and the appeal shall be automatically dismissed.

- D. Unless the appellant and the City agree in writing to a longer period, an appeal shall be heard within 30 days of the receipt of the written appeal. At least 10 working days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.
- E. The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence submitted at the hearing. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The City may present written or oral testimony at this same hearing. The rules of evidence as used by courts of law do not apply.
- F. The appellant shall carry the burden of proving that the determination being appealed is incorrect and what the correct determination should be, of that the expenditure was improper.
- G. The City Council shall render its decision within 15 days after the hearing date and the decision of the Council shall be final. The decision shall be in writing but written findings shall not be made or required unless the Council elects to make findings for presidential purposes. Any legal action contesting the Council decision on the appeal shall be filed within 60 days of the Council decision. Appeals of methodology are determined in the manner described in Section 3.10.050.

3.10.100 Prohibited Connection

From and after the effective date of this ordinance, no person may connect any premises for service, or cause the same to be connected, to any sanitary sewer or portion of the water system unless the appropriate System Development Charges have been paid and all other provisions governing the payment of fees and charges have been met.



3.10.110 Enforcement and Penalties

Any service connected to the City water or sanitary sewer system after the effective date of this ordinance for which a fee is due hereunder and has not paid said fee, shall be subject to immediate termination of service, reimbursement of all costs incurred by the City associated with the identification, termination, reconnection, and compliance requirements, and a fee of \$250 per day for each day of violation. These costs shall be penalties, and shall be levied in addition to any fees or charges incurred through the prosecution of the unlawful act of connecting to the utility system.

3.10.200 Annual Adjustments for System Development Charges

Notwithstanding any cost of living increase provisions to the contrary or absence thereof, the system development charges for water, sewer, storm drainage water and open space, transportation, and parks shall be increased annually on January 1 of each year beginning January 1, 2007. Any prior cost of living increases shall be incorporated in the charges prior to calculating the updated system development charges. (Ord. 5389 12/06/06).

3.10.300 Calculation of Cost of Living Increase

The cost of living increase noted in section 3.10.200 shall be determined by averaging the 12 month cost of living figures beginning with the immediately previous October and averaging it with the prior 11 months (e.g., January 1, 2007 cost of living increase is determined by averaging the cost of living figures for each month from November 2005 through October 2006.) The cost of living figures noted herein shall be the U.S. Bureau of Labor and Statistics, Cost of Living Index, CPI-U, All Cities publication for each month, November through October. (Ord. 5389, 12/06/06).

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Chapter 3.11

WATER SYSTEM DEVELOPMENT CHARGES

Adopted by Ord. No. 5302, 2005. Amended by Ord. No. 5312, 2005; Ord 5389 12/06/06

- 3.11.010 Definitions
- 3.11.020 Water SDC Calculation Methodology
- 3.11.100 Determination of Reimbursement Charge
- 3.11.200 Determination of Improvement Charge
- 3.11.300 Combined Water System Development Charge
- 3.11.400 Water System Development Charges Payable
- 3.11.500 Allocation of Water System Development Charge
- 3.11.600 Annual Adjustments for System Development Charges
- 3.11.700 Credits for Water Improvement System Development Charges



3.11.010 Definitions

Commercial. Development which does not qualify as residential, multi-family, or public/quasi-public.

Development. Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structure, land division and partition, establishment or termination of a right of access, storage on the land, drilling and site alteration such as that due to land surface paving, excavation or clearing.

Multi-family. Dwellings served by a water meter with two or more living units in a single building, except where the units are defined as commercial occupancies under the Uniform Building Code.

Public/Quasi-Public. Development used to house government, schools (both public and private), and non-profit corporations and which meet all of the following criteria.

- A. Not more than 10% of the building is used for the sale, manufacture, production, repair, or service of a product sold to third persons, whether or not sold by the water customer of this class; and
- B. Not more than 10% of the building is used for residential purposes.

Residential. Single family dwellings, including mobile homes, modular homes and manufactured homes, located on a single lot intended for occupancy by a single family, which contain separate kitchen, bedroom and bathroom facilities.

Water System. Includes all water service provided by the City of Grants Pass, both within and outside the City limits, and includes water service provided to any special service district.

Water System Development Charge (Water SDC). A charge to water service customers which is composed of a combination of reimbursement fee, improvement fee and administrative cost recovery and is assessed or collected at the time of increased usage of water system capacity and capital improvements. Water SDCs do not include connection or hook-up fees that reimburse the City for the cost of inspecting and installing connections to water capital improvements.

3.11.020 Water SDC Calculation Methodology

Except as specifically modified herein, the provisions of Chapter 3.10 shall apply to the method for calculating Water SDCs and other sections of this Chapter. The methodology in this Chapter incorporates the adopted 2005 Water Capital Improvement Plan and the

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2005 Financial Consulting Solutions Group “Water and Sewer SDC Study” for the City of Grants Pass.

3.11.100 Determination of Reimbursement Charge

The water reimbursement fee is based on the following calculations:

Cost of the Existing Water System.

The cost of existing capacity for the calculation of Water SDCs has been based on the original cost of the water capital facilities as recorded in the City’s financial records. The cost of system capacity has then been determined to exclude local distribution costs by removing the cost of all water mains of 8 inch diameter or less. For water mains of sizes larger than 8 inch diameter, partial costs were included based on capacity provided in excess of that provided by an 8 inch main. The net outstanding debt obligation, determined as the total debt outstanding less utility cash and investments, was then subtracted from the cost. The following table summarizes the cost of the existing water system.

Total Water Plant-in-Service (6/30/2004)	\$52,936,290
Less: Local Distribution Costs	<u>\$26,497,049</u>
Net Water Plant-in-Service	\$26,439,241
Less: Net Debt Outstanding	<u>(\$1,748,274)</u>
Cost of Existing Water Capacity	<u>\$24,690,966</u>

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Determination of System Capacity

The current water demand and current water customer base were used to define unit customer demands. The capacity of the water treatment facility was then determined based on unit customer demands. The following table summarizes the water capacity determination:

Current Peak Day Water Demand (gallons per day)(A)	10,500,000
Current Customer Base (Equivalent Service Units)(B)	11,468
Average Peak Day Demand per Equivalent Service Unit (gallons per day)(C=A/B)	915.6
Capacity of Water Treatment Facility (million gallons per day)(D)	18,500,000
Capacity of Water Treatment Facility (Equivalent Service Units)(E=D/C)	19,659

Cost of the Available Existing Surplus Capacity in the Water System

The cost of available existing surplus capacity was determined by defining the share of the cost of existing capacity available to serve future growth. In general, a facility with capacity sufficient to meet planned future demands without further expansion was allocated by dividing the cost according to the proportion of treatment capacity available in excess of current demands. For specific facilities with less remaining capacity, particularly storage reservoirs, less capacity remained available to serve growth, and reduced allocations were made accordingly. For higher pressure zones, a reduced storage allocation was determined, consistent with the greater need for new storage. The following table summarizes the determination of cost of excess existing water system capacity.

	Pressure Zones 1, 2 and 3	Pressure Zones 4 and 5 (or higher)
Total Cost of Existing Water Capacity	\$24,690,966	\$24,690,966
Less: Capacity Attributable to Existing Customers	<u>\$14,260,963</u>	<u>\$15,330,874</u>
Net Cost of Excess Existing Capacity	<u>\$10,430,003</u>	<u>\$ 9,360,092</u>

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Determination of the Reimbursement Portion of the Water SDC

The reimbursement portion of the Water SDC is determined by dividing the net cost of excess existing capacity by the growth which can be served by the system. The following table summarizes the determination of the water reimbursement fee.

	Pressure Zones 1, 2 and 3	Pressure Zones 4 and 5 (or higher)
Net Cost of Excess Existing Capacity	\$10,430,003	\$ 9,360,092
Divided by Available Future Capacity (Equivalent Service Units)	<u>8,191</u>	<u>8,191</u>
Water Reimbursement Fee	<u>\$1,273</u>	<u>\$1,142</u>

3.11.200 Determination of Improvement Charge

Cost of Future Water System Capacity.

The adopted water capital improvement program provides the basis for the cost of future system capacity. For each project, a project cost is estimated based on current construction and related costs. Replacement projects and projects which correct existing deficiencies have been excluded from the cost basis. The resulting total is then reduced by available SDC funds to determine a net cost of future system expansion. The value of outstanding SDC credits is then added. The following table summarizes the cost of future system capacity for the water system.

Total Water Capital Improvement Plan	\$25,767,125
Less: Replacement/Correction Projects	<u>(\$6,578,209)</u>
Water Capacity Capital Costs	\$19,188,916
Less: Available SDC Fund Balance	(\$ 804,260)
Plus: Outstanding SDC Credits	<u>\$ 0</u>
Cost of Future Capacity-Expanding Water Improvements	\$18,384,656

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Determination of System Capacity

The current water demand and current water customer base were used to define unit customer demands. The capacity of the water treatment facility was then determined based on unit customer demands. The following table summarizes the water capacity determination.

Current Peak Day Water Demand (gallons per day)(A)	10,500,000
Current Customer Base (Equivalent Service Units)(B)	11,468
Average Peak Day Demand per Equivalent Service Unit (gallons per day)(C=A/B)	915.6

Cost of Future System Expansion

The cost of future system capacity is allocated between existing and future customers to determine the cost of future system expansion. For each eligible project, costs are generally allocated by dividing the cost according to the proportion of total system capacity available in excess of current demands. For storage facilities, a separate allocation was developed to reflect the higher cost of providing added storage exclusively for growth in certain higher pressure zones. The following table summarizes the cost of future system expansion improvements for the water system.

	Pressure Zones 1, 2 and 3	Pressure Zones 4 and 5 (or higher)
Total Cost of Future Water System Capacity	\$18,384,656	\$18,384,656
Less: Capacity Attributable to Existing Customers	<u>\$10,080,331</u>	<u>\$ 5,952,081</u>
Net Cost of Future Water System Capacity	\$ 8,304,325	\$12,432,575



Determination of the Improvement Portion of the Water SDC

The water improvement fee is determined by dividing the net cost of future water system capacity by the growth which can be served by the system. The following table summarizes the determination of the water improvement fee.

	Pressure Zones 1, 2 and 3	Pressure Zones 4 and 5 (or higher)
Net Cost of Future Water System Capacity	\$ 8,304,325	\$12,432,575
Divided by Available Future Capacity (Equivalent Service Units)	<u>8,191</u>	<u>8,191</u>
Water Improvement Fee	\$1,014	\$1,518

3.11.300 Water System Development Charge Administrative Cost Recovery

The water system development charge shall include a recovery of annual administrative and accounting costs by the application of a cost recovery factor of 1.5%. The administrative cost recovery charge is determined by dividing annual water SDC accounting and administrative costs, including fee determination, of \$7,500 by estimated average annual water SDC revenues of \$500,000.

3.11.400 Combined Water System Development Charge

The water system development charge is imposed based on potential water demand, as determined by meter flow capacity and residential living units. The water system development charge shall be applied as follows:

- A. All Residential Development. The water system development charge shall be the greater of the charge based on water meter size or the charge based on residential living units, according to the following schedules as distinguished by water pressure zone (service area):

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Pressure Zones 1, 2 and 3				
	Reimbursement	Improvement	Administration	Total
Water Meter Size				
¾ Inch	\$1,273	\$1,014	\$34	\$2,321
1 Inch	\$3,183	\$2,535	\$86	\$5,804
1.5 Inch	\$6,367	\$5,069	\$172	\$11,607
2 Inch	\$10,187	\$8,111	\$274	\$18,572
3 Inch	\$20,373	\$16,221	\$549	\$37,144
4 Inch	\$31,833	\$25,346	\$858	\$58,037
6 Inch	\$63,667	\$50,691	\$1,715	\$116,074
8 Inch	\$101,867	\$81,106	\$2,745	\$185,718
10 Inch	\$146,434	\$116,590	\$3,945	\$266,969
Residential Living Units				
Single Family Detached Living Units (per residence)	\$1,273	\$1,014	\$34	\$2,321
2- to 4-plex (per living unit)	\$1,019	\$811	\$27	\$1,857
Multi-Family Residences (per living unit)	\$815	\$649	\$22	\$1,486
Accessory Dwelling Units (per additional unit)	\$815	\$649	\$22	\$1,486

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Pressure Zones 4 and 5 (or higher)				
	Reimbursement	Improvement	Administration	Total
Water Meter Size				
¾ Inch	\$1,143	\$1,518	\$40	\$2,700
1 Inch	\$2,857	\$3,795	\$100	\$6,751
1.5 Inch	\$5,714	\$7,589	\$200	\$13,502
2 Inch	\$9,142	\$12,143	\$319	\$21,604
3 Inch	\$18,284	\$24,285	\$639	\$43,207
4 Inch	\$28,568	\$37,946	\$998	\$67,511
6 Inch	\$57,136	\$75,891	\$1,995	\$135,022
8 Inch	\$91,418	\$121,426	\$3,193	\$216,036
10 Inch	\$131,413	\$174,549	\$4,589	\$310,551
Residential Living Units				
Single Family Detached Living Units (per residence)	\$1,143	\$1,518	\$40	\$2,700
2- to 4-plex (per living unit)	\$914	\$1,214	\$32	\$2,160
Multi-Family Residences (per living unit)	\$731	\$971	\$26	\$1,728
Accessory Dwelling Units (per additional unit)	\$731	\$971	\$26	\$1,728

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- B. Commercial and Public Development. The water system development charge shall be based on the size of the water meter. The water system development charge shall not apply to separate fire service lines or meters, unless such service is the sole water service provided to the development by the City. The following schedule of charges shall apply, as distinguished by water pressure zone (service area):

Pressure Zones 1, 2 and 3				
	Reimbursement	Improvement	Administration	Total
Water Meter Size				
¾ Inch	\$1,273	\$1,014	\$34	\$2,321
1 Inch	\$3,183	\$2,535	\$86	\$5,804
1.5 Inch	\$6,367	\$5,069	\$172	\$11,607
2 Inch	\$10,187	\$8,111	\$274	\$18,572
3 Inch	\$20,373	\$16,221	\$549	\$37,144
4 Inch	\$31,833	\$25,346	\$858	\$58,037
6 Inch	\$63,667	\$50,691	\$1,715	\$116,074
8 Inch	\$101,867	\$81,106	\$2,745	\$185,718
10 Inch	\$146,434	\$116,590	\$3,945	\$266,969
Pressure Zones 4 and 5 (or higher)				
	Reimbursement	Improvement	Administration	Total
Water Meter Size				
¾ Inch	\$1,143	\$1,518	\$40	\$2,700
1 Inch	\$2,857	\$3,795	\$100	\$6,751
1.5 Inch	\$5,714	\$7,589	\$200	\$13,502
2 Inch	\$9,142	\$12,143	\$319	\$21,604
3 Inch	\$18,284	\$24,285	\$639	\$43,207
4 Inch	\$28,568	\$37,946	\$998	\$67,511
6 Inch	\$57,136	\$75,891	\$1,995	\$135,022
8 Inch	\$91,418	\$121,426	\$3,193	\$216,036
10 Inch	\$131,413	\$174,549	\$4,589	\$310,551



3.11.500 Water System Development Charges Payable

The water system development charges established in this ordinance shall be effective for all new building, plumbing, or development permits, as defined in Chapter 8.09 of the Municipal Code, issued on or after September 1, 2005.

- A. Water SDCs shall be charged and payable for new development as set forth in this Chapter and as set forth in Chapter 3.10.
- B. Water SDCs shall be charged and payable for the alteration, expansion, or replacement of any development as set forth in this Chapter and as set forth in Chapter 3.10, if the alteration, expansion or replacement results in an increased demand on water system capacity as compared to the prior use of the system. The amount of the Water SDC to be paid shall be the difference between the rate for the proposed development and the rate that would be imposed for the development prior to the alteration, expansion, or replacement. If the difference is less than zero, no Water SDC will be charged and no credit will be given.

3.11.600 Annual Adjustments for Water System Development Charges

System development charges for water service shall be adjusted annually for cost of living as set forth in Sections 3.10.200 et seq. (Created by Ord. No. 5312, 2005; Ord. 5389 12/06/06).

3.11.700 Credits for Water Improvement System Development Charge

- A. Subject to the approval by the City Council, the City of Grants Pass may grant a credit against the Water Improvement System Development Charge for the contribution of construction or land or both for any qualified transmission improvements or qualified reservoir improvements or both.
 - 1. Prior to issuance of a building or development permit, the applicant may submit to the City, a proposed plan and estimate of value of construction or land or both which the applicant desires to contribute to the City as a credit to offset a cash payment for a Water Improvement System Development Charge. The proposal shall include all of the following:
 - a. A designation of the development for which the proposed plan is being submitted; and
 - b. A legal description of any land proposed to be contributed and a written appraisal based on comparable sales of similar property between unrelated properties; and



- c. A time schedule for completion of the plan.
2. The principle factors the City will use to determine the eligibility and value of a proposal as a credit against a Water Improvement System Development Charge shall include but are not limited to the following:
 - a. The size and location of the improvement; and
 - b. The extent to which the proposal satisfies capital improvement requirements identified in the 2005 Water Capital Improvement Plan; and
 - c. The extent to which the proposed improvements are in excess of those required as a condition of land use approval.
3. If the City Council approves the proposed contribution, it shall establish the amount to be allowed as a credit to the Water Improvement System Development Charge. The credit shall be applied to the portion of the SDC paid for the transmission System or the portion of the SDC paid for the reservoir system, depending on the character and extent of the qualified improvements.
4. The Credit can only be applied to the current development including all phasing.
5. Any applicant who submits a proposed plan pursuant to this Section and desires the immediate issuance of a building permit or development permit shall pay the applicable Water Improvement System Development Charge charges. Any difference between the amount paid and the amount credited shall be refunded up to the limit of the credit allowed in section 6.
6. Transmission component. The maximum S.D.C. credit for qualified transmission improvements is 78% of the Water Improvement System Development Charge. (Water and Sewer SDC Study, 2005).

City of Grants Pass Municipal Code



7. Reservoir Component.
 - a. The Water Improvement System Development Charge credit for qualified reservoir improvements is only available for property located in zone 4 or zone 5.
 - b. The maximum credit for qualified reservoir improvements is limited to the reservoir surcharge added to the Water Improvement System Development Charge for zones 4 and 5 applicable to the development.
- B. The City Manager shall be responsible for all recording and accounting associated with the distribution of credits.



CHAPTER 3.20

SEWER SYSTEM DEVELOPMENT CHARGES

Amended by Ord. No. 5301, 2005, Ord. No. 5313, 2005

Sections:

- 3.20.010 Definitions
- 3.20.020 Sewer SDC Calculation Methodology
- 3.20.030 Determination of Reimbursement Charge
- 3.20.040 Determination of Improvement Charge
- 3.20.045 Sewer System Development Charge Administrative Cost Recovery
- 3.20.050 Combined Sewer System Development Charge
- 3.20.075 Sewer System Development Charges Payable
- 3.20.210 Annual Adjustments for Sewer System Development Charges
- 3.20.300 Credits for Sewer Improvement System Development Charges



3.20.010 Definitions

Commercial. Development which does not qualify as residential, multi-family, or public/quasi-public.

Development. Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structure, land division and partition, establishment or termination of a right of access, storage on the land, drilling and site alteration such as that due to land surface paving, excavation or clearing.

High Strength Commercial. Commercial development which the City determines to contribute sewage of a strength materially higher than that of domestic uses, consisting of typical concentrations of biochemical oxygen demand (BOD) or suspended solids (SS) in excess of 400 milligrams per liter (mg/l, or parts per million). High strength commercial activities shall include: auto steam cleaning; bakery; hotel/motel with dining facilities; industrial or commercial laundry; Supermarket with garbage grinder or food service; mortuary; restaurant; or any other commercial activity which the Utilities Director determines to typically contribute sewage in excess of the strength standard.

Multi-family. Dwellings served by a water meter with two or more living units in a single building, except where the units are defined as commercial occupancies under the Uniform Building Code.

Normal Strength Commercial. Commercial development which the City determines to contribute sewage of a strength consistent with that of domestic uses, consisting of typical concentrations of biochemical oxygen demand (BOD) or suspended solids (SS) no greater than 400 milligrams per liter (mg/l) or 400 parts per million.

Public/Quasi-Public. Development used to house government, schools (both public and private), and non-profit corporations and which meet all of the following criteria:

- A. Not more than 10% of the building is used for the sale, manufacture, production, repair, or service of a product sold to third persons, whether or not sold by the sewer customer of this class; and
- B. The sewer discharge consists of typical domestic waste; and



- C. Not more than 10% of the building is used for residential purposes.

Residential. Single family dwellings, including mobile homes, modular homes, and manufactured homes, located on a single lot intended for occupancy by a single family which contain separate kitchen, bedroom, and bathroom facilities.

Sewer System. Includes all sewer service provided by the City of Grants Pass, both within and outside the City limits, and includes sewer service provided to any special service district.

Sewer System Development Charge (Sewer SDC). A charge to sewer service customers which is composed of a combination of reimbursement fee and improvement fee and administrative cost recovery and is assessed or collected at the time of increased usage of sewer system capacity and capital improvements. Sewer System Development Charges do not include connection or hook-up fees that reimburse the City for the cost of inspecting and installing connections to sewer capital improvements.

3.20.020 Sewer SDC Calculation Methodology

Except as specifically modified herein, the provisions of Chapter 3.10 shall apply to the method for calculating Sewer SDCs and other sections of this Chapter. The methodology in this Chapter incorporates the adopted 2005 Sewer Capital Improvement Plan and the 2005 Financial Consulting Solutions Group "Water and Sewer SDC Study" for the City of Grants Pass.

3.20.030 Determination of Reimbursement Charge

The sewer reimbursement fee is based on the following calculations:

Cost of the Existing Sewer System.

The cost of existing capacity for the calculation of SDCs has been based on the original cost of the sewer capital facilities as recorded in the City's financial records. The cost of system capacity has then been determined to exclude local collection costs by removing the cost of all sewer mains of 8 inch diameter or less. For sewer mains of sizes larger than 8 inch diameter, partial costs were included based on capacity provided in excess of that provided by an 8 inch main. The net outstanding debt obligation, determined as the total debt outstanding less utility cash and investments, was then subtracted from the cost. The following table summarizes the cost of the existing sewer system:

City of Grants Pass Municipal Code



Total Sewer Plant-in-Service (6/30/2004)	\$36,885,344
Less: Local Collection Costs	<u>\$11,470,529</u>
Net Sewer Plant-in-Service	\$25,414,815
Less: Net Debt Outstanding	<u>(\$ 3,317,450)</u>
Cost of Existing Sewer Capacity	\$22,097,365

Determination of System Capacity.

The current and planned capacity of the sewer treatment facility, expressed in terms of sewer connections in the sewer system plan, were used as the basis for unit customer demands for sewer treatment. The planned capacity of the sewer collection and transmission system was based on the same unit customer demands, with customers of the Redwood Sanitary Sewer Service District excluded, as those customers do not use the City collection and transmission system. The following table summarizes the sewer capacity determination.

	Treatment	Collection & Transmission
Planned System Capacity (connections) (A)	18,800	15,040
Current System Customer Base (connections)(B)	11,700	10,011
Current Treatment Capacity (connections) (C)	12,500	n/a
Remaining Capacity in Existing System (D=(C-B)/C)	6%	n/a
Available Capacity in Planned System (E=(A-B)/A)	38%	33%

Cost of the Available Existing Surplus Capacity in the Sewer System.

The cost of available existing surplus capacity was determined by defining the share of the cost of existing capacity available to serve future growth. For the treatment facility, limited capacity remains available prior to planned plant expansion. For the collection system, available capacity is determined by the proportion of planned capacity in excess of current demands. The following table summarizes the determination of cost of excess existing sewer system capacity.

City of Grants Pass Municipal Code



	Treatment	Collection & Transmission
Total Cost of Existing Sewer Capacity	\$21,023,344	\$ 1,074,021
Less: Capacity Attributable to Existing Customers	<u>\$18,641,526</u>	<u>\$ 714,895</u>
Net Cost of Excess Existing Capacity	\$ 2,381,818	\$ 359,126

Determination of Reimbursement Sewer System Development Charge.

The sewer reimbursement fee is determined by dividing the net cost of excess existing capacity by the growth which can be served by the planned system. The following table summarizes the determination of the sewer reimbursement fee. The treatment charge is applicable to customers of Redwood Sanitary Sewer Service District or any other agencies or service areas which do not rely on the City's collection system. The total charge is applicable to customers served in the City's service area.

	Treatment	Collection & Transmission	Total
Net Cost of Excess Existing Capacity	\$2,381,818	\$359,126	
Divided by Available Future Capacity (Equivalent Service Units)	<u>10,970</u>	<u>7,727</u>	
Sewer Reimbursement Fee	\$217	\$46	\$ 263

3.20.040 Determination of Improvement Charge

Cost of Future Sewer System Capacity.

The adopted sewer capital improvement plan provides the basis for the cost of future system capacity. For each project, a project cost is estimated based on current construction and related costs. Replacement projects and projects which correct existing deficiencies are excluded from the cost basis. The resulting total is then reduced by available SDC funds to determine a net cost of future system expansion. The value of outstanding SDC credits is then added. The following table summarizes the cost of future system capacity for the sewer system:

City of Grants Pass Municipal Code



Total Sewer Capital Improvement Plan	\$34,602,000
Less: Replacement/Correction Projects	(<u>\$10,604,000</u>)
Sewer Capacity Capital Costs	\$23,998,000
Less: Available SDC Fund Balance	(\$ 0)
Plus: Outstanding SDC Credits	<u>\$ 0</u>
Cost of Future Capacity-Expanding Sewer Improvements	\$23,998,000

Determination of System Capacity.

The current and planned capacity of the sewer treatment facility, expressed in terms of sewer connections in the sewer system plan, were used as the basis for unit customer demands for sewer treatment. The planned capacity of the sewer collection and transmission system was based on the same unit customer demands, with customers of the Redwood Sanitary Sewer Service District excluded, as those customers do not use the City collection and transmission system. The following table summarizes the sewer capacity determination.

	Treatment	Collection & Transmission
Planned System Capacity (connections) (A)	18,800	15,040
Current System Customer Base (connections)(B)	11,700	10,011
Current Treatment Capacity (connections) (C)	12,500	n/a
Remaining Capacity in Existing System (D=(C-B)/C)	6%	n/a
Available Capacity in Planned System (E=(A-B)/A)	38%	33%

Cost of Future System Expansion.

The cost of future sewer system capacity is allocated between existing and future customers to determine the cost of future system expansion. For each eligible project, costs are generally allocated by dividing the cost according to the proportion of total planned system capacity available in excess of current demands. For certain specific treatment expansion projects, costs were assigned entirely to growth. The following table summarizes the cost of future system expansion improvements for the sewer system:

City of Grants Pass Municipal Code



	Treatment	Collection & Transmission
Total Cost of Future Sewer System Capacity	\$14,698,000	\$ 9,300,000
Less: Capacity Attributable to Existing Customers	<u>\$272,585</u>	<u>\$ 3,092,297</u>
Net Cost of Future Sewer System Capacity	\$14,425,415	\$ 6,207,703

Determination of Improvement Sewer System Development Charge.

The sewer improvement fee is determined by dividing the net cost of future sewer system capacity by the growth which can be served by the system. The following table summarizes the determination of the sewer improvement fee. The treatment charge is applicable to customers of Redwood Sanitary Sewer Service District or any other agencies or service areas which do not rely on the City's collection system. The total charge is applicable to customers served in the City's service area.

	Treatment	Collection & Transmission	Total
Net Cost of Future Sewer System Capacity	\$14,425,415	\$ 6,207,703	
Divided by Available Future Capacity (Equivalent Service Units)	<u>10,970</u>	<u>7,727</u>	
Sewer Improvement Fee	\$1,315	\$ 803	\$2,118

3.20.045 Sewer System Development Charge Administrative Cost Recovery

The Sewer SDC shall include a recovery of annual administrative and accounting costs by the application of a cost recovery factor of 1.5%. The administrative cost recovery charge is determined by dividing annual Sewer SDC accounting and administrative costs, including fee determination, of \$7,500 by estimated average annual Sewer SDC revenues of \$500,000.



3.20.050 Combined Sewer System Development Charge

The Sewer SDC shall include the sewer reimbursement fee, sewer improvement fee, and administrative cost recovery. It is imposed based on estimated sewage volume, as determined by equivalent residential units. For customers served by Redwood Sanitary Sewer Service District (RSSSD), only the treatment portion of the charge will apply, as RSSSD has a separately authorized collection system charge. The Sewer SDC shall be applied as follows:

All Residential Development.

The Sewer SDC shall be based on equivalent residential living units, as determined by completion of a residential sewer use certification form. The charge will be imposed according to the following schedule:

City Service Area				
	Reimbursement	Improvement	Administration	Total
Residential Living Units				
Each Equivalent Residential Unit or fraction thereof	\$263	\$2,118	\$74	\$2,455

RSSSD Service Area (Treatment Only; does not include RSSSD Collection SDC)				
	Reimbursement	Improvement	Administration	Total
Residential Living Units				
Each Equivalent Residential Unit or fraction thereof	\$217	\$1,315	\$34	\$1,566

Commercial and Public Development.

The Sewer SDC shall be based on equivalent residential living units, as determined by completion of a non-residential sewer use certification form (Included in that form is an adjustment factor for high strength sewage generators). The charge will be imposed according to the following schedule:

City of Grants Pass Municipal Code



City Service Area				
	Reimbursement	Improvement	Administration	Total
Each Equivalent Residential Unit or fraction thereof	\$263	\$2,118	\$74	\$2,455

RSSSD Service Area (Treatment Only; does not include RSSSD Collection SDC)				
	Reimbursement	Improvement	Administration	Total
Each Equivalent Residential Unit or fraction thereof	\$217	\$1,315	\$34	\$1,566

3.20.075 Sewer System Development Charges Payable

The Sewer SDCs established in this ordinance shall be effective for all new building, plumbing, or development permits, as defined in Chapter 3.10 of the Municipal Code, issued on or after August 1, 2005.

- A. Sewer SDCs shall be charged and payable for new development, as set forth in 3.20.050.
- B. Sewer SDCs shall be charged and payable for the alteration, expansion, or replacement of any development as set forth in 3.20.050, if the alteration, expansion, or replacement results in an increased demand on sewer system capacity as compared to the prior use of the system. The amount of the SDC to be paid shall be the difference between the rate for the proposed development and the rate that would be imposed for the development prior to the alteration, expansion, or replacement. If the difference is less than zero, no SDC will be charged and no credit will be given.

3.20.210 Annual Adjustments for Sewer System Development Charges

System development charges for sewer service shall be adjusted annually for cost of living as set forth in Sections 3.10.200 et seq. Created by Ord. No. 5313, 2005; Ord. 5389 12/06/06).



3.20.300 Credits for Sewer improvement System Development Charge

- A. Subject to the approval by the City Council, the City of Grants Pass may grant a credit against the Sewer Improvement System Development Charge for the contribution of construction or land or both for any qualified collection improvements.
1. Prior to issuance of a building or development permit, the applicant may submit to the City, a proposed plan and estimate of value of construction or land or both which the applicant desires to contribute to the City as credit to offset a cash payment for a Sewer Improvement System Development Charge. The proposal shall include all of the following:
 - a. A designation of the development for which the proposed plan is being submitted; and
 - b. A legal description of any land proposed to be contributed and a written appraisal based on comparable sales of similar property between unrelated properties; and
 - c. A time schedule for completion of the plan.
 2. The principle factors the City will use to determine the eligibility and value of a proposal as a credit against a Sewer Improvement System Development Charge shall include but are not limited to the following:
 - a. The size and location of the improvement; and
 - b. The extent to which the proposal satisfies capital improvement requirements identified in the 2005 Sewer Capital Improvement Plan; and
 - c. The extent to which the proposed improvements are in excess of those required as a condition of land use approval.
 3. If the City Council approves the proposed contribution, it shall establish the amount to be allowed as a credit to the Sewer Improvement System Development Charge. The credit shall be applied to the portion of the SDC paid for the collection system. The maximum SDC credit for qualified collection improvement is limited to the SDC paid for the collection system.

City of Grants Pass Municipal Code



4. The Credit can only be applied to the current development including all phasing.
 5. Any applicant who submits a proposed plan pursuant to this Section and desires the immediate issuance of a building permit or development permit shall pay the applicable Sewer Improvement System Development Charge charges. Any difference between the amount paid and the amount credited shall be refunded to the applicant up to but not exceeding the amount of the Sewer Improvement System Development Charge for the Collection components.
 6. The decision of the City Council as to whether to accept the proposed plan of contribution and the value of such contribution shall be in writing and issued to the applicant.
- B. The City Manager shall be responsible for all recording and accounting associated with the distribution of credits.



Chapter 3.30

TRANSPORTATION SYSTEM DEVELOPMENT CHARGE

Sections:

- 3.30.010 Findings
- 3.30.020 Definitions
- 3.30.030 Transportation System Development Charge Established
- 3.30.032 Annual Adjustments for System Development Charges
- 3.30.033 Total Fees Adopted
- 3.30.040 Compliance with State Law
- 3.30.042 Categories and Trip Calculation
- 3.30.047 Principles of Categorization
- 3.30.048 Calculation of Charges
- 3.30.050 Collection of Charge
- 3.30.060 Exemptions
- 3.30.070 Credits
- 3.30.080 Appeal Procedures
- 3.30.090 Construction
- 3.30.110 Severability
- 3.30.200 Annual Adjustments for Transportation System Development Charges

Added new chapter 6.47 by Ord. 4985 §15 1999 (Ord. 5101 §12 2001 changed to Chapter 3.30) Revised Ord. 15-5634 2015.



3.30.010 Findings

- A. The Transportation System Development Charge (SDC) established herein is intended to be a charge upon the act of development by whomever seeks the development. It is a fee for service because it is the residential and business development which requires essential municipal services based upon the nature of the development. The timing and the extent of development is within the control and discretion of the developer. (Ord. 5023 §1, 2000)
- B. The Transportation SDC imposed in this Chapter is not a tax on property or on a property owner as a direct consequence of ownership of property within the meanings of Section II.b., Article XI of the Oregon Constitution or the legislation implementing that section. The Transportation SDC is not a fee supplanting any property tax based system as envisioned in Article XI of the Oregon Constitution.
- C. If the Transportation SDC herein imposed is viewed under Section II.b., Article XI of the Oregon Constitution as a tax against property or against a property owner as a direct consequence of ownership of that property, it is an incurred charge within the meaning of that Section and the statutes implementing it because:
 - 1. It allows the owner to control the quantity of the service by determining the extent of development to occur upon the property.
 - 2. It allows the owner to determine when the service is to be initiated or increased by controlling when the development occurs.
 - 3. State law and the Ordinances of the City of Grants Pass require the owner to provide certain basic utility services to the property when it is developed for human occupancy. The provision of these basic services is a routine obligation of the owner of the affected property and essential to the health and safety of the community.
- D. Among the basic services required of every property with a structure designed for human occupancy (except ancillary buildings) are street facilities to accommodate and control motorized vehicular traffic, pedestrian traffic, and bicycle traffic.
- E. The Transportation SDC imposed in this Chapter is based upon the actual costs of providing planned transportation capital improvements and does not impose charges on persons not receiving a service and imposing a burden upon the City's existing transportation system.



- F. The Transportation SDC imposed by this Chapter is separate from and in addition to any applicable tax, assessment, charge, fee, in lieu of assessment or fee otherwise provided by law or imposed as a condition of development. A Transportation SDC is to be considered in the nature of a charge for consumption of existing capacity and a service to be rendered.
- G. The Transportation SDC is an incurred charge for the acquisition and capital development of facilities to accommodate and control motorized vehicular traffic, pedestrian traffic, and bicycle traffic. This is a new program to protect the capacity for current and future users of this system and as such does not represent a product or service that was wholly or partially paid for by ad valorem taxes on October 15, 1999, or thereafter. No shift, transference, or conversion of programs previously financed by property tax will occur.
- H. In accord with those findings, no public vote is required for the adoption of this Transportation SDC.

3.30.020 Definitions

- A. As used in this Chapter, except where the context otherwise requires, the words and phrases defined below have the meaning identified. For any definitions not complete or modified in this section, the general definitions of Chapter 30 of the Grants Pass Development Code apply. In cases of conflict, the specific provisions of this chapter will apply:
 - 1. "Development" means a development which thereby increases the use of any transportation facility or which creates the need for additional transportation facilities beyond those in place October 15, 1999, and shall be determined by the necessity for a building permit or a development permit. Any act defined as "Development" in Article 30.020 of the Grants Pass Development Code shall not apply to this section to the extent that the definition includes land division, partitions, rights of access, storage, drilling or any site alteration.
 - 2. "Residential Development" means any development designed to be occupied by a family or individual as defined in Article 30 of the Grants Pass Development Code for living and sleeping, and which may or may not include cooking and eating facilities.
 - 3. "Business Development" means a building designed for use by a commercial or industrial business.
 - 4. "Non-Profit" development as utilized in this ordinance shall refer to religious, social service and eleemosynary activities possessing a designation from the Federal Internal Revenue Service Section 501(c)(3).

City of Grants Pass Municipal Code



5. "Categories of Uses" means the grouping and categorization of development into similar categories to establish relative traffic impacts for groups of developments.
6. "Mixed Use" development means the inclusion of more than one separate category of development use within one building or identified development.
7. "Transportation Capital Improvement(s)" means all City transportation facilities to accommodate and control motorized vehicular traffic, pedestrian traffic, and bicycle traffic.
8. "Transportation System Development Charge (Transportation SDC)" means a fee for costs associated with transportation capital improvements acquired, which is assessed or collected at any of the times specified in Section 3.30.050. Transportation SDC does not include:
 - a. Any fees assessed or collected as part of a local improvement district;
 - b. A charge in lieu of a local improvement district assessment; or
 - c. The cost of complying with requirements or conditions imposed upon a land use decision or limited land use decision.
9. "Qualified Public Improvements" means a capital improvement that is identified in the Grants Pass Urban Area *Transportation Systems Development Charge Methodology, attached as Exhibit "1"*, which may be amended from time to time.

3.30.030 Transportation System Development Charge Established

- A. Effective October 15, 1999, a Transportation System Development Charge is hereby imposed upon all development within the corporate limits of the City of Grants Pass, Josephine County, as defined in this Code.
- B. Said charge will also be imposed upon development in accord with this Code within the unincorporated Urban Growth Boundary of the City of Grants Pass pursuant to the intergovernmental agreement between the City of Grants Pass and Josephine County entitled "Intergovernmental Agreement for the Orderly Management of the Grants Pass Urban Growth Boundary Area," dated August 5, 1998.



- C. The fee imposed as a Transportation System Development Charge shall be established and amended from time to time by City Council resolution, said fee not shifting, transferring or converting any governmental product or service wholly or partially financed from ad valorem taxes.
- D. Fees are established by classification of land use and development intensity.

3.30.032 Annual Adjustments for System Development Charges

The City Council may annually adjust the System Development Charges for Transportation Service. The method of adjustment will be the U. S. Bureau of Labor and Statistics, Cost of Living Index, CPI-U, All Cities, October publication. The City Council will consider a resolution annually to determine whether or not to apply a cost of living to the system Development charges. The Council may elect to apply the cost of living index, modify to any level lower than the published index, or not to apply the index in any one year. The cost of living in any one-year shall not exceed a total of 2.5%. Action not to apply the index in any one year, or period of years, will not prohibit the Council from elected to apply the index in ensuing years. Application of the index shall be accumulated during any period of City Council permitted phasing of adopted fees.

3.30.033 Total Fees Adopted

The City Council establishes the fee for Transportation to be that fee identified in the referenced methodology. The Council may elect to discount the fee to permit a phasing schedule for implementing total fees, however, each year of the diminishment of the fee discount shall not be considered to be an increase as identified in state law. The cumulative cost of living increase shall be applied to total fees to the extent adopted by the City Council, and any phasing schedule may be modified by Resolution.

3.30.040 Compliance with State Law

- A. The revenues received from the Transportation System Development Charge shall be deposited in an account named "Transportation SDC Fund." This activity shall be budgeted and accounted for as provided by state law.
- B. The capital improvement plan required by state law as the basis for expending revenues from the improvement fees portion of the Transportation System Development Charge shall be the Grants Pass Urban Area *Transportation Systems Development Charge Methodology*), attached as Exhibit "1", which may from time to time be amended.

3.30.042 Categories and Trip Calculation.

City of Grants Pass Municipal Code



The Institute of Transportation Engineers, Trip Generation Report is used as the basis for measuring “trips generated” Average daily trip generation count for calculating the Transportation System Development charge will be based on average vehicle trip ends on a weekday.

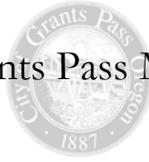
- A. In order to more accurately account for vehicle trips generated by each specific land use, the City shall use the latest edition of the ITE (Institute of Transportation Engineers) *Trip Generation Handbook*, including the *Pass-By and Diverted Linked Trips* studies contained in the associated ITE recommended practice, to determine the number of vehicle trips to attribute to each land use (e.g., code 210 – Single-family Detached Housing...). Ord. 5562 §19 2012
- B. The Community Development Director or designee will calculate trips based on the Land Use and Title that best fits the Development. (If there is not a corresponding land use, title, or category in the ITE Report, the City will use the most similar land use and title to measure trip generation). Use and determination of the land use codes are subject to interpretation by the City of Grants Pass.
- C. If the ITE Trip Generation Report includes multiple measures that can be used to determine average daily trip generation including area, the measure of square footage (area) will be used.
- D. If the ITE Trip Generation Report includes a.m. and p.m. average weekday trip generation information, the average of the two measures will be used. Ord. 5562 §19 2012
- E. The Director may consider an alternative trip calculation when a report is supplied by a licensed traffic engineer and said alternative is reviewed and approved by the City Engineer.
- F. The ITE codes may be amended to reflect a “local trip rate” for particular ITE code categories when supported by a local study supplied by a licensed traffic engineer after being reviewed and approved by the City Engineer and the City Council.
- G. Final determination of the land use category and ITE reference code to be used for the purpose of assessing Transportation System Development Charges is made by the Community Development Director.



3.30.047 Principles of Categorization

- A. The use of categories of development is based on the representation of the developer or principal owner of interest in a project at the time a project is proposed or altered to a sufficient extent to require a building or development permit in accord with the Grants Pass City Development Code.
1. In assigning categories of use during the building permit process or the development process the City shall rely on the representation of the principal owner or developer of the project on the intended uses, so long as such uses are permitted in the Development Code.
 2. Each building is categorized based on the primary activity of the establishment that will, or does, occupy the building or site. The primary activity will be established by the relative number of transactions or visits from the general public rather than the volume of sales or dollars.
 3. Where distinct and separate economic activities are performed at a single physical location, or in a single building, each activity may be treated as a separate establishment and independently categorized if such activity constitutes an impact of 15 or more traffic trip ends per day in accord with the classification system adopted in this Code.
 4. Incidental uses within a building or site shall be determined on the basis of the nature of the business as a whole rather than the specific use of a particular portion of the building or site. As examples, an office in a retail store shall all be classified retail, the shipping and receiving area of a retail outlet that is predominantly retail shall all be classified retail. Similar incidental uses shall all be classified in accordance with the primary use of the building or site.
 5. Free standing buildings and structures for which a development permit is required in Grants Pass City Development Code shall be categorized directly in the category of use as defined in this Code. When such a use is combined with six or more independently owned and operated enterprises, it shall be a shopping center, even if those independently owned and operated businesses are contained in leased area within a single structure, unless such buildings are exclusively for use as office space or in the exclusive ownership of governmental, non-profit, or eleemosynary organizations, in which case they shall be classified as office, government, or non-profit respectfully.

City of Grants Pass Municipal Code



6. Occupancy or change of occupancy shall not create liability under this Code unless such change of occupancy requires a building permit or development permit in accord with the Grants Pass City Development Code.
7. Free standing uses operated by non-profit organizations as defined in this Code that are not physically attached to the primary location of service provision shall be classified by their intended functional use. As an example, a day care constructed and operated by a Church at a site other than the church primary location shall be classified as a day care and charged the fee for day care.
8. Outside sales areas, as defined in the Grants Pass City Development Code and otherwise permitted in the appropriate zone, will not be included in the calculation of square footage for this Code.

3.30.048 Calculation of Charges

All developments as defined in this ordinance and subject to the transportation system development charge shall be established in one or more categories in accordance with this Code. The ITE code(s) shall be utilized to determine the number of trips for category and use. Such determination may be made, by square footage, residential units, or other methodology adopted. The trip rate is multiplied by the square footage, unit number or other applicable indicator, the product of which is multiplied by the cost per trip adopted by Resolution of the City Council.

- A. Whenever reference is made to square footage, it shall apply to gross square footage of the building or development.
- B. Mixed use developments shall have each discrete use calculated in accordance with this Code. The total System Development Charge shall be the sum of each category of use.
- C. Where categories are not clear the City shall identify the most similar category and the rationale for such a determination. Any aggrieved party may utilize the appeal procedures of this Code to seek adjustments or change as identified in this Code.

3.30.050 Collection of Charge

- A. The Transportation System Development Charge is due and payable upon issuance of a building permit, or prior to occupancy, for the following:

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1. New on-site residential construction or expansion which creates additional residential units.
 2. Any construction creating or expanding residential units for more than four families, which requires the issuance of a Development Permit.
 3. Any construction which creates a new business building, which required the issuance of a Development Permit.
 4. Any construction which expands or remodels a business building, which includes an increase in the number of vehicle trips which will be generated and which required the issuance of a Building Permit or Development Permit. Only those newly created vehicle trips will be used to generate the Transportation System Development Charge.
- B. The Transportation System Development Charge is due and payable upon issuance of the first manufactured home placement permit granted upon an individual building lot.
- C. In the case of a manufactured dwelling park or mobile home park, fifty percent (50%) of the Transportation System Development Charge shall be due and payable for all spaces in the manufactured home park at the time land use approval is granted. The remaining balance of the Transportation System Development Charge shall be due and payable at the time the placement permit is granted for each space.
- D. The owner(s) of vacant lots or spaces within an existing manufactured home park that has received all necessary land use approvals prior to October 15, 1999, shall pay a Transportation System Development Charge of 100% of the applicable Transportation System Development Charge for each space at the time the placement permit is granted for that lot or space.
- E. If a development is commenced without appropriate permit, the Transportation System Development Charge is immediately payable.
- F. The City Building Official shall collect the Transportation System Development Charge from the building/placement permit applicant, the person required to apply for the building/placement permit, the owner of the real property upon which the development occurs or any person having received benefit from the development. The Building Official shall not issue any permit or allow construction described in Section 3.30.050 until the charge has been paid, or arrangements for payment made.
- G. The conversion of existing buildings from one use to another shall require the

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payment of a transportation system development charge only if the new use is required to obtain a building permit or development permit prior to occupancy and the new use will increase the traffic movements and impacts when compared to the prior use. Such conversions shall be required to pay only the incremental increase in traffic impacts in accord with the classification of the proposed use and the utilization that was either in effect October 15, 1999, or for which an SDC has been previously paid.

- H. Where a structure which is benefited by transportation capital improvements is destroyed or removed, no Transportation System Development Charge shall be imposed for the replacement of the structure, provided however, to the extent that any replacement expands, alters, or increases traffic volumes, an incremental fee as described in this Code shall be due and payable.
- I. The Transportation System Development Charges may be subject to the payment in installments under the provisions of the Bancroft Bonding Act of the State of Oregon.



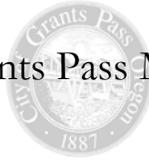
3.30.060 Exemptions

- A. Exemptions to the Transportation System Development Charge are as follows:
 - 1. All pending building/placement permit applications for existing lots of record submitted prior to October 15, 1999.
 - 2. All existing structures for which a building/placement permit has been issued and which were established and existing prior to October 15, 1999.
 - 3. Garages (attached or detached), and other detached non-habitable accessory buildings.
 - 4. All local governments. Local government for this Code includes school districts, county governmental facilities, city facilities, and facilities owned and operated by special districts formed under Oregon Law as local governments, or any Chapter 190 combination governmental entity controlled by local governments.
- B. Any development which is exempt from the Transportation System Development Charge by reason of its intended use shall lose such exemption immediately upon a change in use to a type of development which is not exempt from the Transportation System Development Charge obligation. Upon such loss of exemption, the Transportation System Development Charge shall be immediately due and payable upon the entire development which was previously exempt when any action is taken with the structure that requires the issuance of a building or development permit.

3.30.070 Credits

- A. Subject to the approval by the City Council, the City of Grants Pass may grant a credit against the Transportation System Development Charge for the contribution of construction or land or both for any qualified public improvements.
 - 1. Prior to issuance of a building or development permit, the applicant may submit to the City, a proposed plan and estimate of value of land or construction or both which the applicant desires to contribute to the City as a full or partial offset to a cash payment for a Transportation System Development Charge. The proposal shall include all of the following:
 - a. A designation of the development for which the proposed plan is being submitted; and

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- b. A legal description of any land proposed to be contributed and a written appraisal based on comparable sales of similar property between unrelated properties; and
 - c. A time schedule for completion of the plan.
 2. The principle factors the City will use to determine the eligibility and value of a proposal as a credit against a Transportation System Development Charge shall include but are not limited to the following:
 - a. The size and location of the improvement; and
 - b. The cost of maintenance; and
 - c. The extent to which the proposal satisfies capital improvement requirements identified in the *Grants Pass Urban Area Master Transportation Plan* (adopted 1997); and
 - d. The extent to which the proposed improvements are in excess of those required as a condition of land use approval.
 3. If the City Council approves the proposed contribution, it shall establish the amount to be allowed as a credit to the Transportation System Development Charge. The credit can only be applied to the current development including all phasing.
 4. Any applicant who submits a proposed plan pursuant to this Section and desires the immediate issuance of a building permit or development permit shall pay the applicable Transportation System Development Charge charges. Any difference between the amount paid and the amount credited shall be refunded to the applicant up to but not exceeding the amount of the Transportation System Development Charge.
 5. The decision of the City Council as to whether to accept the proposed plan of contribution and the value of such contribution shall be in writing and issued to the applicant.
- B. The City Manager shall be responsible for all recording and accounting associated with the distribution of credits.



3.30.080 Appeal Procedures

- A. Parties challenging the methodology for establishing the Transportation System Development Charge must appeal the methodology by filing a Notice of Appeal with the City Manager within 60 days of passage of the Ordinance adopting this Chapter. Such appeals shall describe with particularity the portion of the methodology, calculations or assumptions which are being asked for reconsideration. The filing of such an appeal shall temporarily stay the payment of any Transportation System Development Charge until the appeal is determined upon determination of the appeal and subject to legal action pursuant to ORS 233.304(5). All Transportation System Development Charges due as a result of developments occurring subsequent to the effective date of this ordinance, and not otherwise exempt, shall be immediately due and payable.

- B. An appeal of expenditure must be filed with the City Manager within two years of the date of alleged improper expenditure. Appeals of any other decision may be filed once the findings of fact or final decision for a land use decision (including all appeals) has been signed and is effective. When the land use decision includes a building permit, the appeal period ends fourteen days from the date the building permit is ready to be issued. The same fourteen (14) day appeal period applies to all other building permits where a final determination for a transportation system development charge is made. Prior to the formal appeal provisions of this Code, any applicant may file a written request for re-determination with the Director of Community Development. Such a request may be filed without fee, and shall result in the written determination by the Director of the category of use and determination of fee for any development subject to this Code. Any party still aggrieved may pursue the further appeal described in this Code. (Ord. 5511 §3, 2010)

- C. An appeal fee, established by Council resolution, shall accompany all appeals of Transportation System Development Categorization or Trip Calculation, or expenditures from the Transportation SDC Fund account.

- D. The Notice of Appeal shall state:
 - 1. The name and address of the applicant; and
 - 2. The address or tax lot of the subject property; and
 - 3. The nature of the determination being appealed; and
 - 4. If issued, the date the building/placement permit or development permit was issued; and

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5. If paid, the date the Transportation System Development Charge was paid and the amount of payment; and
6. A detailed description of the reasons the determination is incorrect; and
7. A detailed description of what the correct determination of the system development charge should be.

An applicant who fails to correctly file an appeal within the time permitted waives the objections and the appeal shall be dismissed.

- E. Unless the appellant and the City agree to a longer period, an appeal shall be heard within 30 days of the receipt of the Notice of Appeal. At least 7 days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant. No further public notification shall be required.
- F. The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Council deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply. This is not a land use action.
- G. The appellant shall carry the burden of proving that the determination being appealed is incorrect and what the correct determination should be.
- H. The City Council shall issue a written decision within 20 days after the hearing date and that decision shall be final. The Council may affirm, amend, modify, or reverse the determination being appealed, with such findings adopted by resolution of the City Council. The City Council may increase, decrease, or make no changes in the categorization, calculation, or application of the Transportation System Development Charge.
- I. The decision of the City Council shall be final.

3.30.090 Construction

The rules of statutory construction contained in ORS Chapter 174 are adopted and by this reference made a part of this Chapter.

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3.30.110 Severability.

The invalidity of a portion of this Chapter shall not affect the validity of the remainder.

3.30.200 Annual Adjustment for Transportation System Development Charges

System development charges for transportation shall be adjusted annually for cost of living as set forth in Sections 3.10.200 et seq. (Ord. 5389 12/06/06).

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Chapter 3.40

PARKS SYSTEM DEVELOPMENT CHARGE

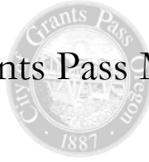
Sections:

- 3.40.010 Findings.
- 3.40.020 Definitions.
- 3.40.030 Parks System Development Charge Established.
- 3.40.040 Compliance with State Law.
- 3.40.050 Collection of Charge.
- 3.40.060 Exemptions.
- 3.40.070 Credits.
- 3.40.080 Appeal Procedures.
- 3.40.090 Construction.
- 3.40.110 Prohibited Construction.
- 3.40.120 Severability.
- 3.40.200 Annual Adjustments for Parks System Development Charges.



3.40.010 Findings.

- A. The Parks System Development Charge (SDC) established herein is intended to be a charge upon the act of development by whomever seeks the development. It is a fee for service because it is the residential and business development which requires essential municipal services based upon the nature of the development. The timing and the extent of development is within the control and discretion of the developer.
- B. The Parks SDC imposed in this Chapter is not a tax on property or on a property owner as a direct consequence of ownership of property within the meanings of Section II.b., Article XI of the Oregon Constitution or the legislation implementing that section. The Parks SDC is not a fee supplanting any property tax based system as envisioned in Article XI of the Oregon Constitution.
- C. If the Parks SDC herein imposed is viewed under Section II.b., Article XI of the Oregon Constitution as a tax against property or against a property owner as a direct consequence of ownership of that property, it is an incurred charge within the meaning of that Section and the statutes implementing it because:
 - 1. It allows the owner to control the quantity of the service by determining the extent of development to occur upon the property.
 - 2. It allows the owner to determine when the service is to be initiated or increased by controlling when the development occurs.
 - 3. State law and the Ordinances of the City of Grants Pass require the owner to provide certain basic utility services to the property when it is developed for human occupancy. The provision of these basic services is a routine obligation of the owner of the affected property and essential to the health and safety of the community.
- D. Among the basic services required of every property with a structure designed for human occupancy (except ancillary buildings) are parks, open space, recreation facilities, and trails.
- E. The Parks SDC imposed in this Chapter is based upon the actual costs of providing existing or planned parks capital improvements and does not impose charges on persons not receiving a service and imposing a burden upon the City's existing parks.



- F. The Parks SDC imposed by this Chapter is separate from and in addition to any applicable tax, assessment, charge, fee, in lieu of assessment or fee otherwise provided by law or imposed as a condition of development. A Parks SDC is to be considered in the nature of a charge for consumption of existing capacity and a service to be rendered.
- G. The Parks SDC is an incurred charge for the acquisition and capital development of the park, trail, open space, and recreation system. This is a new program to protect the capacity for current and future users of this system and as such does not represent a product or service that was wholly or partially paid for by Ad Valorem taxes on June 30, 1995 or thereafter. No shift, transference, or conversion of programs previously financed by property tax will occur.
- H. In accord with those findings, no public vote is required for the adoption of this Parks SDC.

3.40.020 Definition.

- A. As used in this Chapter, except where the context otherwise requires, the words and phrases have the following meaning:
 - 1. "Development" means a development which thereby increases the use of any parks or which creates the need for additional parks.
 - 2. "Residential Development" means any development designed to be occupied by a family or individual for living and sleeping. May or may not include cooking and eating facilities.
 - 3. "Business Development" means a building designed for use by a commercial or industrial business.
 - 4. "Parks Capital Improvement(s)" means all City parks, trails, open space, and recreation centers which are used or designed for recreational purposes including real property acquired for ownership, access, or use for current or future expansion or creation of parks, trails, or open space.
 - 5. "Parks System Development Charge (Parks SDC)" means a fee for costs associated with parks capital improvements acquired, which is assessed or collected at any of the times specified in Section 6.47.050. Parks SDC does not include:

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- a. Any fees assessed or collected as part of a local improvement district;
 - b. A charge in lieu of a local improvement district assessment; or
 - c. The cost of complying with requirements or conditions imposed upon a land use decision or limited land use decision.
6. "Qualified Public Improvements" means a capital improvement that is identified in the Grants Pass Park and Recreation Master Plan adopted which may from time to time be amended.

3.40.030 Parks System Development Charge Established.

- A. Effective June 30, 1997, a Parks System Development Charge is hereby imposed upon all development within the corporate limits of the City of Grants Pass/Josephine County.
- B. Immediately upon execution or modification of an intergovernmental agreement between the City of Grants Pass and Josephine County, which provides for the collection and distribution of this Parks System Development Charge, said charge will also be imposed upon all development within the unincorporated Urban Growth Boundary of the City of Grants Pass.
- C. The fee imposed as a Parks System Development Charge shall be established and amended from time to time by City Council resolution, said fee not shifting, transferring or converting any governmental product or service wholly or partially financed from ad valorem taxes.
(This Chapter has been amended by Res. 4805, 2004)

3.40.040 Compliance with State Law.

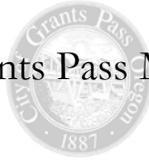
- A. The revenues received from the Parks System Development Charge shall be deposited in an account named "Parks Land Activity." This activity shall be budgeted and accounted for as provided by state law.
- B. The capital improvement plan required by state law as the basis for expending revenues from the improvement fees portion of the Parks System Development Charge shall be the Grants Pass Parks and Recreation Master Plan (1984) which may from time to time be amended.



3.40.050 Collection of Charge.

- A. The Parks System Development Charge is due and payable upon issuance of a building permit for the following:
 - 1. New on-site residential construction or expansion which creates additional residential units.
 - 2. Any construction creating or expanding residential units for more than four families, which requires the issuance of a Development Permit.
 - 3. Any construction which creates a new business building or enlarges a business building, which required the issuance of a Development Permit.
- B. The Parks System Development Charge is due and payable upon issuance of the first manufactured home placement permit granted upon an individual building lot.
- C. In the case of a manufactured home park, fifty percent (50%) of the Parks System Development Charge shall be due and payable for all spaces in the manufactured home park at the time land use approval is granted. The remaining balance of the Parks System Development Charge shall be due and payable at the time the placement permit is granted for each space.
- D. The owner(s) of vacant lots or spaces within an existing manufactured home park that has received all necessary land use approvals prior to June 30, 1997, shall pay a Parks System Development Charge of 100% of the applicable Parks System Development Charge for each space at the time the placement permit is granted for that lot or space.
- E. If a development is commenced without appropriate permit, the Parks System Development Charge is immediately payable.
- F. The City Building Official shall collect the Parks System Development Charge from the building/placement permit applicant, the person required to apply for the building/placement permit, the owner of the real property upon which the development occurs or any person having received benefit from the development. The Building Official shall not issue any permit or allow construction described in Section 6.47.050 until the charge has been paid in full.
- G. Where a structure which is benefited by parks capital improvements is destroyed or removed, no Parks System Development Charge shall be imposed for the replacement of the structure.

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- H. The Parks System Development Charges may be subject to the payment in installments under the provisions of the Bancroft Bonding Act of the State of Oregon.

3.40.060 Exemptions.

- A. Exemptions to the Parks System Development Charge are as follows:
 - 1. All pending building/placement permit applications for existing lots of record submitted prior to June 30, 1997.
 - 2. All existing structures for which a building/placement permit has been issued and which were established and existing prior to June 30, 1997.
 - 3. Garages (attached or detached), and other detached non-habitable accessory buildings.
 - 4. All local, state and federal governments and political subdivisions.
- B. Any residential development which is exempt from the Parks System Development Charge by reason of its intended use shall lose such exemption immediately upon a change in use to a type of development which is not exempt from the Parks System Development Charge obligation. Upon such loss of exemption, the Parks System Development Charge shall be immediately due and payable upon the entire residential development which was previously exempt.

3.40.070 Credits.

- A. Subject to the approval by the City Council, the City of Grants Pass may grant a credit against the Parks System Development Charge for the contribution of construction or land or both for any qualified public improvements.
 - 1. Prior to issuance of a building or development permit, the applicant may submit to the City, a proposed plan and estimate of value of land or construction or both which the applicant desires to contribute to the City as a full or partial offset to a cash payment for a Parks System Development Charge. The proposal shall include all of the following:
 - a. A designation of the development for which the proposed plan is being submitted; and

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- b. A legal description of any land proposed to be contributed and a written appraisal based on comparable sales of similar property between unrelated properties; and
 - c. A time schedule for completion of the plan.
 2. The principle factors the City will use to determine the eligibility and value of a proposal as a credit against a Parks System Development Charge shall include but are not limited to the following:
 - a. The size and location of the improvement; and
 - b. The cost of maintenance; and
 - c. The extent to which the proposal satisfies capital improvement requirements identified in the Parks and Recreation Master Plan; and
 - d. The extent to which the proposed improvements are in excess of those required as a condition of land use approval.
 3. If the City Council approves the proposed contribution, it shall establish the amount to be allowed as a credit to the Parks System Development Charge. The credit can only be applied to the current development including all phasing.
 4. Any applicant who submits a proposed plan pursuant to this Section and desires the immediate issuance of a building permit or development permit shall pay the applicable Parks System Development Charge charges. Any difference between the amount paid and the amount credited shall be refunded to the applicant up to but not exceeding the amount of the Parks System Development Charge.
 5. The decision of the City Council as to whether to accept the proposed plan of contribution and the value of such contribution shall be in writing and issued to the applicant.
- B. The City Manager shall be responsible for all recording and accounting associated with the distribution of credits.



3.40.080 Appeal Procedures.

- A. Parties challenging the methodology for establishing the Parks System Development Charge must appeal the methodology by filing a Notice of Appeal with the City Manager within 60 days of passage of the Ordinance adopting this Chapter. Such appeals shall describe with particularity the portion of the methodology, calculations or assumptions which are being asked for reconsideration. The filing of such an appeal shall temporarily stay the payment of any Parks System Development Charge until the appeal is determined upon determination of the appeal and subject to legal action pursuant to ORS 223.304(5). All Parks System Development Charges due as result of residential developments occurring subsequent to the effective date of this ordinance, and not otherwise exempt, shall be immediately due and payable.

- B. An appeal of expenditure must be filed with the City Manager within two years of the date of alleged improper expenditure. Appeals of any other decision may be filed once the findings of fact or final decision for a land use decision (including all appeals) has been signed and is effective. When the land use decision includes a building permit, the appeal period ends fourteen (14) days from the date the building permit is ready to be issued. The same fourteen (14) day appeal period applies to all other building permits where a final determination for a parks system development charge is made.
(Ord. 5511 §3, 2010)

- C. An appeal fee, established by Council resolution, shall accompany all appeals of Parks System Development Charges or expenditures from the Parks Lands Activity account.

- D. The Notice of Appeal shall state:
 - 1. The name and address of the applicant; and
 - 2. The address or tax lot of the subject property; and
 - 3. The nature of the determination being appealed; and
 - 4. If issued, the date the building/placement permit or development permit was issued; and
 - 5. If paid, the date the Parks System Development Charge was paid and the amount of payment; and
 - 6. A detailed description of the reasons the determination is incorrect; and

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7. A detailed description of what the correct determination of the appeal should be.
- E. An applicant who fails to correctly file an appeal within the time permitted waives the objections and the appeal shall be dismissed.
- F. Unless the appellant and the City agree to a longer period, an appeal shall be heard within 30 days of the receipt of the Notice of Appeal. At least 7 days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.
- G. The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Council deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply.
- H. The appellant shall carry the burden of proving that the determination being appealed is incorrect and what the correct determination should be.
- I. The City Council shall issue a written decision within 20 days after the hearing date and that decision shall be final. The Council may affirm, amend, modify, or reverse the determination being appealed.

3.40.090 Construction.

The rules of statutory construction contained in ORS Chapter 174 are adopted and by this reference made a part of this Chapter.

3.40.100 Prohibited Construction.

No development or intensification of use may be made unless the applicable Parks System Development Charge has been paid.

3.40.110 Severability.

The invalidity of a portion of this Chapter shall not affect the validity of the remainder.

3.40.200 Annual Adjustments for System Development Charges.

System development charges for parks shall be adjusted annually for cost of living as set forth in Sections 3.10.200 et seq. (Ord. 5389 12/06/06).

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Chapter 3.45

PARK DEVELOPMENT SYSTEM DEVELOPMENT CHARGE

Sections:

- 3.45.010 Findings.
- 3.45.020 Definitions.
- 3.45.030 Park Development System Development Charge Established.
- 3.45.040 Compliance with State Law.
- 3.45.050 Collection of Charge.
- 3.45.060 Exemptions.
- 3.45.070 Credits.
- 3.45.080 Appeal Procedures.
- 3.45.090 Construction.
- 3.45.100 Prohibited Construction.
- 3.45.110 Severability.



3.45.010 Findings.

- A. The Park Development System Development Charge (SDC) established herein is intended to be a charge upon the act of development by whoever seeks the development. It is a fee for service because it is the residential and business development which requires essential municipal services based upon the nature of the development. The timing and the extent of development is within the control and discretion of the developer.
- B. The Park Development SDC imposed in this Chapter is not a tax on property or on a property owner as a direct consequence of ownership of property within the meanings of Section II.b., Article XI of the Oregon Constitution or the legislation implementing that section. The Park Development SDC is not a fee supplanting any property tax based system as envisioned in Article XI of the Oregon Constitution.
- C. If the Park Development SDC herein imposed is viewed under Section II.b., Article XI of the Oregon Constitution as a tax against property or against a property owner as a direct consequence of ownership of that property, it is an incurred charge within the meaning of that Section and the statutes implementing it because:
 - 1. It allows the owner to control the quantity of the service by determining the extent of development to occur upon the property.
 - 2. It allows the owner to determine when the service is to be initiated or increased by controlling when the development occurs.
 - 3. State law and the ordinances of the City of Grants Pass require the owner to provide certain basic utility services to the property when it is developed for human occupancy. The provision of these basic services is a routine obligation of the owner of the affected property and essential to the health and safety of the community.
- D. Among the basic services required of every property with a structure designed for human occupancy (except ancillary buildings) are parks, open space, recreation facilities, and trails.
- E. The Park Development SDC imposed in this Chapter is based upon the actual costs (adjusted to 2006 dollars) of providing existing parks capital improvements and does not impose charges on persons not receiving a service and imposing a burden upon the City's existing parks.

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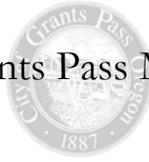


- F. The Park Development SDC imposed by this Chapter is separate from and in addition to any applicable tax, assessment, charge, fee, in lieu of assessment or fee otherwise provided by law or imposed as a condition of development. A Park Development SDC is to be considered in the nature of a charge for consumption of existing capacity and a service to be rendered.
- G. The Park Development SDC is an incurred charge for the capital development of the park, trail and open space system. This is a new program to protect the capacity for current and future users of this system and as such does not represent a product or service that was wholly or partially paid for by Ad Valorem taxes on June 30, 1995 or thereafter. No shift, transference, or conversion of programs previously financed by property tax will occur.
- H. In accord with those findings, no public vote is required for the adoption of this Park Development SDC.

3.45.020 Definition.

- A. As used in this Chapter, except where the context otherwise requires, the words and phrases have the following meaning:
 - 1. "Development" means a development which increases the use of any parks or which creates the need for additional parks.
 - 2. "Residential Development" means any development designed to be occupied by a family or individual for living and sleeping which may or may not include cooking and eating facilities.
 - 3. "Business Development" means a development designed for use by a commercial or industrial business.
 - 4. "Parks Capital Improvement(s)" means all City parks, trails, open space, and recreation centers which are used or designed for recreational purposes including real property acquired for ownership, access, or use for current or future expansion or creation of parks, trails, or open space.
 - 5. "Park Development System Development Charge (Park Development SDC)" means a fee for costs associated with parks capital improvements, which is assessed or collected at any of the times specified in Section 3.45.050. Park Development SDC does not include:
 - a. Any fees assessed or collected as part of a local improvement district;

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- b. A charge in lieu of a local improvement district assessment; or
 - c. The cost of complying with requirements or conditions imposed upon a land use decision or limited land use decision.
6. "Qualified Public Improvements" means a capital improvement that is identified in the Grants Pass Park and Recreation Master Plan (adopted 1984) which may from time to time be amended.

3.45.030 Park Development SDC Established.

- A. Effective January 1, 2007, a Park Development SDC is hereby imposed upon all development within the corporate limits of or administered by the City of Grants Pass/Josephine County.
- B. Based upon the intergovernmental agreement between the City of Grants Pass and Josephine County, said charge will also be imposed upon all development within the unincorporated Urban Growth Boundary of the City of Grants Pass.
- C. The fee imposed as a Park Development SDC shall be established and amended from time to time by City Council resolution, said fee not shifting, transferring or converting any governmental product or service wholly or partially financed from ad valorem taxes.

3.45.040 Compliance with State Law.

- A. The revenues received from the Park Development SDC shall be deposited in an account named "Park Development Activity." This activity shall be budgeted and accounted for as provided by state law.
- B. The capital improvement plan required by state law as the basis for expending revenues from the improvement fees portion of the Park Development SDC shall be Qualified Public Improvements.

3.45.050 Collection of Charge.

- A. The Park Development SDC is due and payable upon issuance of a building permit for the following:
 - 1. Any residential construction or expansion which creates additional residential units. If the construction does not create additional residential units, no Park Development SDC is due.

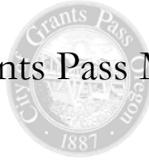
City of Grants Pass Municipal Code



2. Any construction which creates a new business building or enlarges an existing business building, which requires the issuance of a Development Permit. If the construction does not create a new building or enlarge an existing business building, no Park Development SDC is due.
- B. The Park Development SDC is due and payable upon issuance of a manufactured home placement permit granted upon an individual building lot.
 - C. In the case of a manufactured home park, the Park Development SDC shall be due and payable for each and every space in the manufactured home park at the time the placement permit is issued.
 - D. If a development is commenced without the appropriate permit(s), the Park Development SDC is immediately due and payable.
 - E. The City Building Official shall collect the Park Development SDC from the building/placement permit applicant, the person required to apply for the building/placement permit, the owner of the real property upon which the development occurs or any person having received benefit from the development. The Building Official shall not issue any permit or allow construction described in Section 3.45.050 until the Park Development SDC has been paid in full.
 - F. Where a structure which is benefited by parks capital improvements is destroyed, no Park Development SDC shall be imposed for the replacement of the structure.
 - G. The Park Development SDCs may be subject to the payment in installments under the provisions of the Bancroft Bonding Act of the State of Oregon.

3.45.060 Exemptions.

- A. The following are exempt from the Park Development SDC:
 1. All pending building/placement permit applications for existing lots of record submitted prior to March 24, 2007.
 2. All existing structures for which a building/placement permit has been issued and which were established and existing prior to March 24, 2007.
 3. Garages (attached or detached), and detached uninhabitable accessory buildings.
 4. All local, state and federal governments



- B. Any development which is exempt from the Park Development SDC by reason of its intended use shall lose such exemption immediately upon a change in use to a type of development which is not exempt from the Park Development SDC obligation. Upon such loss of exemption, the Park Development SDC shall be immediately due and payable upon the entire development which was previously exempt.

3.45.070 Credits.

- A. The City Council may grant a credit against the Park Development SDC for the contribution of construction for any Qualified Public Improvements subject to the following considerations:
1. Prior to issuance of a building or development permit, the applicant may submit to the City, a proposed plan and estimate of value of development to a public park which the applicant desires to contribute to the City as a full or partial offset to a cash payment for a Park Development SDC. The proposal shall include all of the following:
 - a. A designation of the development for which the proposed plan is being submitted; and
 - b. A time schedule for completion of the plan.
 2. The principle factors the City will use to determine the eligibility and value of a proposal as a credit against a Park Development SDC shall include but are not limited to the following:
 - a. The size and location of the improvement;
 - b. The cost of maintenance;
 - c. The extent to which the proposal satisfies capital improvement requirements identified in the Parks and Recreation Master Plan or is equivalent to said requirements;
 - d. The extent to which the proposed improvements are in excess of those required as a condition of land use approval.
 3. If the City Council approves the proposed contribution, it shall establish the amount to be allowed as a credit to the Park Development SDC. The credit can only be applied to the current development including all phasing.
 4. Any applicant who submits a proposed plan pursuant to this Section and desires the immediate issuance of a building permit or development permit shall pay the applicable Park Development SDC charges. Any

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difference between the amount paid and the amount credited shall be refunded to the applicant up to but not exceeding the amount of the Park Development SDC.

5. The decision of the City Council as to whether to accept the proposed plan of contribution and the value of such contribution shall be in writing and issued to the applicant, and at the sole discretion of the City.
- B. The City Manager shall be responsible for all recording and accounting associated with the distribution of credits.

3.45.080 Appeal Procedures.

- A. Parties challenging the methodology for establishing the Park Development SDC must appeal the methodology by filing a Notice of Appeal with the City Manager within 60 days of passage of the Ordinance adopting this Chapter. Such appeal shall describe with particularity the portion of the methodology, calculations or assumptions which are being asked for reconsideration. The filing of such an appeal shall temporarily stay the payment of any Park Development SDC until determination of the appeal and subject to legal action pursuant to ORS 223.304(5).
- B. An appeal of expenditure must be filed with the City Manager within two years of the date of alleged improper expenditure. Appeals of any other decision may be filed once the findings of fact or final decision for a land use decision (including all appeals) has been signed and is effective. When the land use decision includes a building permit, the appeal period ends fourteen (14) days from the date the building permit is ready to be issued. The same fourteen (14) day appeal period applies to all other building permits where a final determination for a parks development system development charge is made. (Ord. 5511 §3, 2010)
- C. An appeal fee, established by Council resolution, shall accompany all appeals of Park Development SDC's or expenditures from the Parks Lands Activity account.
- D. The Notice of Appeal shall set forth the following:
 1. The name and address of the appellant
 2. The address or tax lot of the subject property
 3. The nature of the determination being appealed
 4. (If issued) the date the building/placement permit or development permit was issued;

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5. (If paid) the date the Park Development SDC was paid and the amount of payment;
6. A detailed description of the reasons the determination is incorrect;
7. A detailed description of what the correct determination of the appeal should be.

An appellant who fails to correctly and completely file an appeal within the time permitted waives the objections and the appeal shall be dismissed.

- E. Unless the appellant and City agree to a longer period, an appeal shall be heard within 30 days of the receipt of the Notice of Appeal. At least 10 days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.
- F. The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Council deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply.
- F. The appellant shall carry the burden of proving that the determination being appealed is incorrect and what the correct determination should be.
- G. The City Council shall issue a written decision within 20 days after the hearing date and that decision shall be final. The Council may affirm, amend, modify, or reverse the determination being appealed.

3.45.090 Construction.

The rules of statutory construction contained in ORS Chapter 174 are adopted and by this reference made a part of this Chapter.

3.45.110 Severability.

The invalidity of a portion of this Chapter shall not affect the validity of the remainder.


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This Chapter was created by Ord. 5214, 2004
This Chapter was amended by Ord. 5386 12/06/06

Chapter 3.50

STORM WATER AND OPEN SPACE SYSTEM DEVELOPMENT CHARGE

Sections:

- 3.50.010 Findings.
- 3.50.020 Definitions.
- 3.50.030 Storm Drainage System Development Charge Established.
- 3.50.040 Compliance with State Law.
- 3.50.050 Identification of Storm Drainage Basins.
- 3.50.060 Adoption of Calculation Data.
- 3.50.070 Principles of Categorization.
- 3.50.080 Calculation of Charges.
- 3.50.090 Collection of Charge.
- 3.50.100 Exemptions.
- 3.50.110 Credits and Construction in Lieu.
- 3.50.120 Appeal Procedures.
- 3.50.130 Construction.
- 3.50.140 Prohibited Construction.
- 3.50.150 Severability.
- 3.50.200 Annual adjustments for Storm Drainage Water and Open Space System Development Charges.



3.50.010 Findings.

- A. The Storm Drainage Water and Open Space System Development Charge (SDC) established herein is intended to be a charge upon the act of development by whomever seeks the development. It is a fee for service because it is the residential and business development, which requires essential municipal services based upon the nature of the development. The timing and the extent of development are within the control and discretion of the developer.
- B. The Storm Water and Open Space SDC imposed in this Chapter is not a tax on property or on a property owner as a direct consequence of ownership of property within the meanings of Section II.b., Article XI of the Oregon Constitution or the legislation implementing that section. The Storm Water and Open Space SDC is not a fee supplanting any property tax based system as envisioned in Article XI of the Oregon Constitution.
- C. If the Storm Water and Open Space SDC herein imposed is viewed under Section II.b., Article XI of the Oregon Constitution as a tax against property or against a property owner as a direct consequence of ownership of that property, it is an incurred charge within the meaning of that Section and the statutes implementing it because:
 - 1. It allows the owner to control the quantity of the service by determining the extent of development to occur upon the property.
 - 2. It allows the owner to determine when the service is to be initiated or increased by controlling when the development occurs.
 - 3. State law and the Ordinances of the City of Grants Pass require the owner to provide certain basic utility services to the property when it is developed for human occupancy. The provision of these basic services is a routine obligation of the owner of the affected property and essential to the health and safety of the community.
- D. Among the basic services required of every property with a structure designed for human occupancy (except ancillary buildings) are storm water and open space facilities to accommodate and control rain water, snow melt, excess irrigation waters deposited on hard surfaces or otherwise running off of lands, and provision of open space treatment systems to assure the quality of runoff water returning to receiving streams.
- E. The Storm Water and Open Space SDC imposed in this Chapter is based upon the actual costs of developing a master plan for the provision of storm water and open space facilities in areas other than the Sand Creek Storm Drainage Basin,



and are based on the combination of plan development and the actual costs of providing planned piping facilities and construction of capital improvements in the Sand Creek Basin, and does not impose charges on persons not receiving a service and imposing a burden upon the City's existing storm water and open space system.

- F. The Storm Water and Open Space SDC imposed by this Chapter is separate from and in addition to any applicable tax, assessment, charge, fee, in lieu of assessment or fee otherwise provided by law or imposed as a condition of development. This SDC is a charge for the provision of required plan updates and the construction of planned facilities required to maintain service levels for storm water and open space facilities.
- G. The Storm Water and Open Space SDC is an incurred charge for the planning, acquisition and capital development of facilities to accommodate and control storm water runoff, directly associated open space, and water quality control facilities to clean surface water runoff prior to return to natural surface water conveyances. This is a new program to protect the capacity for current and future users of this system and as such does not represent a product or service that was wholly or partially paid for by Ad Valorem taxes on October 15, 1999, or thereafter. No shift, transference, or conversion of programs previously financed by property tax will occur.
- H. In accord with those findings, no public vote is required for the adoption of this Transportation SDC.

3.50.020 Definitions.

- A. As used in this Chapter, except where the context otherwise requires, the words and phrases defined below have the meaning identified. For any definitions not complete or modified in this section, the general definitions of Chapter 30 of the Grants Pass Development Code apply. In cases of conflict, the specific provisions of this chapter will apply.
 - 1. "Development" means a development which thereby increases the use of any drainage facility or which creates the need for additional drainage facilities beyond those in place September 15, 2003, and shall be determined by the necessity for a building permit or a development permit. Any act defined as "development" in Article 30.020 of the Grants Pass Development Code shall not apply to this section to the extent that the definition includes land division, partitions, rights of access, storage, drilling or any site alteration.

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2. "Residential Development" means any development designed to be occupied by a family or individual as defined in Article 30 of the Grants Pass Development Code for living and sleeping, and which may or may not include cooking and eating facilities.
3. "Business Development" means a building designed for use by a commercial or industrial business.
4. "Storm Water and Open Space Capital Improvement(s)" means all plan development as well as drainage facilities to accommodate and control storm water runoff, provide for open space associated with those drainage ways, and assure water quality for storm water returned to natural surface water systems.
5. "Storm Water and Open Space System Development Charge (SWOS SDC)" means a fee for costs associated with storm water master plan updates or capital improvements acquired which is assessed or collected at any of the times specified in Section 3.50.080. SWOS SDC does not include:
 - a. Any fees assessed or collected as part of a local improvement district;
 - b. A charge in lieu of a local improvement district assessment; or
 - c. The cost of complying with requirements or conditions imposed upon a land use decision or limited land use decision.
6. "Qualified Public Improvements" means the creation of a storm water master plan and shall include the construction of capital improvements identified in the Sand Creek Basin and enumerated in the revised Master Storm Drainage Facilities and Management Plan for the Grants Pass Urban Growth Boundary Area as originally prepared by H.G.E, Inc. and adopted in 1983.

3.50.030 Storm Water and Open Space System Development Charge Established.

- A. Effective March 1, 2004, a Storm Water and Open Space System Development Charge is hereby imposed upon all development within the City Limits of the City of Grants Pass, Josephine County, as defined in this code.
- B. Said charge will also be imposed upon development in accord with this code within the unincorporated Urban Growth Boundary of the City of Grants Pass pursuant the intergovernmental agreement between the City of Grants Pass and

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Josephine County entitled “Intergovernmental Agreement for the Orderly Management of the Grants Pass Urban Growth Boundary Area,” dated August 5, 1998.

- C. The fee imposed as a Storm Water and Open Space System Development Charge shall be established and amended from time to time by City Council resolution, said fee not shifting, transferring or converting any governmental product or service wholly or partially financed from ad valorem taxes.
- D. Fees are established by development for the update of the Master Plan, and by development area for the identified portion of the Sand Creek Basin.

3.50.040 Compliance with State Law.

- A. The revenues received from the Storm Water and Open Space System Development Charge shall be deposited in an account named “Storm Water and Open Space SDC Fund.” Two separate categories shall be established in accord with this code, one for the collection of fees in the Sand Creek Basin as defined in this code, and a separate account within the fund for the update of the master plan for storm water and open space. This activity shall be budgeted and accounted for as provided by state law.
- B. The capital improvement plan required by state law as the basis for expending revenues from the improvement fees portion of the Storm Water and Open Space System Development Charge shall include the update to storm drainage basins throughout the City and Urban Growth Boundary, and the specific pipeline improvements identified for the sub basins in Sand Creek as identified in the methodology update dated 14 January, 2004, and adopted by separate resolution with a listing of capital investments for the identified portion of the Sand Creek Sub-Basin.

3.50.050 Identification of Basins.

The two separate categories of storm basins identified in this code shall be that portion of the Sand Creek Basin specifically included in the attached map Exhibit “A”, and all other drainage areas in the Urban Growth Boundary.

3.50.060 Adoption of Calculation Data

The methodology for the Master Plan update for storm water and open space identifies a single fee for all development to fund the pending updates for design of each drainage basin. The calculations of the pipe sizing for installation in a portion of Sand Creek identified in this code by Exhibit “A” is summarized to create a single charge of

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\$10,890 per acre of development. Said fee shall be \$.25 per square foot of developed property as defined in this code.

3.50.070 Principles of Categorization

The use of categories of development is based on the representation of the developer or principal owner of interest in a project at the time a project is proposed or altered to a sufficient extent to require a building or development permit in accord with the Grants Pass City Development Code, or at the time of land development or subdivision as defined.

In assigning categories of use during the building permit process or the development process the City shall rely on the representation of the principal owner or developer of the project on the intended uses, so long as such uses are permitted in the development code. The total land area identified in the approved site plan shall be the basis for calculation for area charges, except for construction on an existing lot of record where the total land area exceeds one-half acre in total size.

Occupancy or change of occupancy shall not create liability under this code unless such change of occupancy requires a building permit or development permit in accord with the Grants Pass City Development Code.

Outside sales areas, as defined in the Grants Pass City Development Code and otherwise permitted in the appropriate zone, will not be included in the calculation of square footage for this code, except to the extent such areas are paved or treated in a manner that would create impervious surfaces increasing the runoff from the site to the storm drainage and open space system.

3.50.080 Calculation of Charges

All developments as defined in this ordinance and subject to the Storm Water and Open Space system development charge shall be established in one of two drainage areas in accordance with this code. The development within the boundaries of the Sand Creek Basin shall have all area developed subject to the area fee. In addition to such fees for lands within the basin, all lands within the Urban Growth Boundary shall be responsible for the payment of the uniform fee applicable to the development of updated storm water and open space development plan, including those lands within the Sand Creek Basin identified for separate charges in this code.

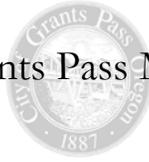
Whenever reference is made to square footage, it shall apply to gross square footage owned by the applicant, except where development is for the purposes of a single family residence on a lot of record that exceeds one-half acre in size, in which case, the actual area for the site plan shall be the basis for the square footage connection.



3.50.090 Collection of Charge.

- A. The Storm Water and Open Space System Development Charge is due and payable when land is developed or subdivided, or upon issuance of a building permit, or prior to occupancy, for the following:
1. New on-site residential construction or expansion which creates additional residential units.
 2. Any construction which creates a new business building, which required the issuance of a Development Permit.
 3. Any construction which expands or remodels a business building, which includes an increase in impervious surface that generates runoff to the drainage system when such an expansion increases by 25% or more the area of such impervious surface that existed at the time of adoption of this code.
 4. New on-site construction on an existing lot of record at the time of the adoption of this code shall have an implied residential area for any lands not further subdivided or separated into any additional lot configurations. Such area shall be the actual building square footage and all impervious surface constructed exterior to the building, except to exempt there from any driveway that is required under the code that is greater than 100 foot in length.
- B. The Storm Water and Open Space System Development Charge is due and payable upon issuance of the first manufactured home placement permit granted upon an individual building lot.
- C. In the case of a manufactured dwelling park or mobile home park shall be required to pay fifty percent (50%) of the Storm Water and Open Space System Development Charge for all spaces in the manufactured home park at the time land use approval is granted. The remaining balance of the System Development Charge shall be due and payable at the time the placement permit is granted for each space.
- D. The owner(s) of vacant lots or spaces within an existing manufactured home park that has received all necessary land use approvals prior to March 1, 2004, shall pay a Storm Water and Open Space System Development Charge of 100% of the applicable Charge for the total square footage of each space at the time the placement permit is granted for that lot or space.

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- E. If a development is commenced without appropriate permit, the Storm Water and Open Space System Development Charge is immediately payable.
- F. The City Manager or his designated representative shall collect the Storm Water and Open Space System Development Charge from the building/placement permit applicant, the person required to apply for the building/placement permit, the owner of the real property upon which the development occurs or any person having received benefit from the development. The City shall not issue any permit or allow construction described in Section 3.50.080 until the charge has been paid, or arrangements for payment made.
- G. The conversion of existing buildings from one use to another shall not create any liability for storm water and open space system development charges as defined in this chapter. The expansion of any structure or outside sales area that increases impervious surfaces, if the expansion is required to obtain a building permit or development permit prior to occupancy shall be required to pay only the incremental increase in impervious area in the Sand Creek Basin, and all such alterations both within Sand Creek and in all other areas within the Urban Growth Boundary shall be assessed the single SDC fee for Storm Water and Open space in all other areas of the Urban Growth Boundary.
- H. Where a structure which is benefited by storm drainage capital improvements is destroyed or removed, no System Development Charge shall be imposed for the replacement of the structure, provided however, to the extent that any replacement expands, alters, or increases impervious areas, an incremental fee as described in this code shall be due and payable.
- I. The Storm Water and Open Space System Development Charges may be subject to the payment in installments under the provisions of the Bancroft Bonding Act of the State of Oregon.

3.50.100 Exemptions.

- A. Exemptions to the Storm Water and Open Space System Development Charge are as follows:
 - 1. All pending building/placement permit applications for existing lots of record submitted prior to March 1, 2004.
 - 2. All existing structures for which a building/placement permit has been issued and which were established and existing prior to March 1, 2004.
 - 3. All local governments. Local government for this code includes school districts, county governmental facilities, city facilities, and facilities owned



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and operated by special districts formed under Oregon Law as local governments, or any Chapter 190 combination governmental entity controlled by local governments.

4. All individual building lots within a subdivision or development that has constructed improvements in accord with the existing adopted Master Plan named in the attached listing as having completed all storm drainage proportional installation requirements.

- B. Any development which is exempt from the Storm Water and Open Space Charge by reason of its intended use shall lose such exemption immediately upon a change in use to a type of development which is not exempt from the Charge obligation. Upon such loss of exemption, the System Development Charge shall be immediately due and payable upon the entire development which was previously exempt when any action is taken with the structure that requires the issuance of a building or development permit.

- C. Any natural feature, such as wetlands, creeks or streams, that provide and/or protect open space and preserve existing vegetation and drainage areas through dedication to the City, separate tracts of land recorded on plats, conservation easements, or identified preserved natural features which are established during the site review and subdivision process. (Added by Ord. 5236, 2004)

3.50.110 Credits and Construction in Lieu of SDC Payment

- A. In all areas except the Sand Creek basin, and subject to the approval by the City Council, the City of Grants Pass may grant a credit against the Storm Water and Open Space System Development Charge for the contribution of construction or land or both for any qualified public improvements.
 1. Prior to issuance of a building or development permit, the applicant may submit to the City, a proposed plan and estimate of value of land or construction or both which the applicant desires to contribute to the City as a full or partial offset to a cash payment for a Storm Water and Open Space System Development Charge. The proposal shall include all of the following:
 - a. A designation of the development for which the proposed plan is being submitted; and

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- b. A legal description of any land proposed to be contributed and a written appraisal based on comparable sales of similar property between unrelated properties; and
 - c. A time schedule for completion of the plan.
 2. The principle factors the City will use to determine the eligibility and value of a proposal as a credit against a storm Water and Open Space System Development Charge shall include but are not limited to the following:
 - a. The size and location of the improvement; and
 - b. The cost of maintenance; and
 - c. The extent to which the proposal satisfies capital improvement requirements identified capital improvements identified in the Sand Creek Basin and enumerated in the revised Master Storm Drainage Facilities and Management Plan for the Grants Pass Urban Growth Boundary Area as originally prepared by HGE, Inc. and adopted in 1983; and
 - d. The extent to which the proposed improvements are in excess of those required as a condition of land use approval.
 3. If the City Council approves the proposed contribution, it shall establish the amount to be allowed as a credit to the Storm Water and Open Space System Development Charge. The credit can only be applied to the current development including all phasing.
 4. Any applicant who submits a proposed plan pursuant to this Section and desires the immediate issuance of a building permit or development permit shall pay the applicable System Development Charge charges. Any difference between the amount paid and the amount credited shall be refunded to the applicant up to but not exceeding the amount of the System Development Charge.
 5. The decision of the City Council as to whether to accept the proposed plan of contribution and the value of such contribution shall be in writing and issued to the applicant.
- B. The City Manager shall be responsible for all recording and accounting associated with the distribution of credits.



- C. In the Sand Creek Basin, any applicant may apply to construct identified facilities in lieu of payment of System Development Charges. Construction of any such facilities shall be approved in writing by the City Manager or his designated representative, and shall constitute specifically identified portions of the capital facilities required for construction as the same are adopted by resolution. The Manager or his designated representative shall grant credit for such development in accord with the portions of such construction that exceed the minimum requirements of the development and are identified on the adopted listing of capital facilities from the Master Plan.

3.50.120 Appeal Procedures.

- A. Parties challenging the methodology for establishing the Storm Water and Open Space System Development Charge must appeal the methodology by filing a Notice of Appeal with the City Manager within 60 days of passage of the Ordinance adopting this Chapter. Such appeals shall describe with particularity the portion of the methodology, calculations or assumptions that are being asked for reconsideration. The filing of such an appeal shall temporarily stay the payment of any Storm Water and Open Space System Development Charge until the appeal is determined upon determination of the appeal and subject to legal action pursuant to ORS 233.304(5). All Storm Water and Open Space System Development Charges due as a result of developments occurring subsequent to the effective date of this ordinance, and not otherwise exempt, shall be immediately due and payable.
- B. An appeal of expenditure must be filed with the City Manager within two years of the date of alleged improper expenditure. Appeals of any other decision must be filed within 14 days of the final determination of the storm water and open space system development charge in the building permit, mobile home park authorization, or other final permit authorization for a development to proceed. Prior to the formal appeal provisions of this code, any applicant may file a written request for redetermination with the Director of Community Development. Such a request may be filed without fee, and shall result in the written determination by the Director of the category of use and determination of fee for any development subject to this code. Any party still aggrieved may pursue the further appeal described in this code.
- C. An appeal fee, established by Council resolution, shall accompany all appeals of Storm Water and Open Space calculation, or expenditures from the Storm Water and Open Space SDC Fund account.

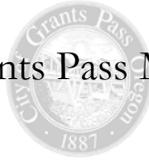
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- D. The Notice of Appeal shall state:
1. The name and address of the applicant; and
 2. The address or tax lot of the subject property; and
 3. The nature of the determination being appealed; and
 4. If issued, the date the building/placement permit or development permit was issued; and
 5. If paid, the date the Storm Water and Open Space System Development Charge was paid and the amount of payment; and
 6. A detailed description of the reasons the determination is incorrect; and
 7. A detailed description of what the correct determination of the system development charge should be.

An applicant who fails to correctly file an appeal within the time permitted waives the objections and the appeal shall be dismissed.

- E. Unless the appellant and the City agree to a longer period, an appeal shall be heard within 30 days of the receipt of the Notice of Appeal. At least 7 days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant. No further public notification shall be required.
- F. The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Council deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply. This is not a land use action.
- G. The appellant shall carry the burden of proving that the determination being appealed is incorrect and what the correct determination should be.
- H. The City Council shall issue a written decision within 20 days after the hearing date and that decision shall be final. The Council may affirm, amend, modify, or reverse the determination being appealed, with such findings adopted by resolution of the City Council. The City Council may increase, decrease, or make no changes in the categorization, calculation, or application of the Storm Water and Open Space System Development Charge.
- I. The decision of the City Council shall be final.



3.50.130 Construction.

The rules of statutory construction contained in ORS Chapter 174 are adopted and by this reference made a part of this Chapter.

3.50.140 Prohibited Construction.

No development, modification of existing buildings or enterprises, or intensification of use creating more than 200 square feet of additional impervious surface may be made unless the applicable provisions of this code have been met, and applicable Storm Water and Open Space System Development Charges paid.

3.50.150 Severability.

The invalidity of a portion of this Chapter shall not affect the validity of the remainder.

3.50.200 Annual Adjustments for Storm Drainage Water and Open Space System Development Charges.

System development charges for storm drainage water and open space shall be adjusted annually for cost of living as set forth in Sections 3.10.200 et seq.
(Ord. 5389 12/06/06).