

The city of Brookings ordains as follows:

Section 1. **Purpose.** The City Council of the city of Brookings determines that it is reasonable and in the public interest to enact and impose Systems Development Charges for the purpose of recovering a fair share of the cost of additional capacity street, sewer, water, storm drainage and parks and recreation improvements from those properties which, as part of their development and use, create need for additional facilities. The council finds that the public would benefit from a logical, long-range program to finance necessary, city-wide facilities. Additional demand for such facilities casts an unfair and unexpected burden on other taxpayers and residents in the form of taxes, bond interest costs and assessments when city-wide facilities become overloaded, inadequate and require expansion. Operating without a rational capital improvement program is wasteful, unsafe and not an acceptable method of local governance. It is the policy of the city of Brookings that debt financing of systems development shall be minimized wherever possible. The Systems Development Charges herein prescribed are designed and calculated to create reasonable reserves to pay a fair share of basic and essential service facilities by the development and growth which necessitates them and as the needs arise, without undue burden on the city.

Section 2. **Definitions.** As used in this ordinance, unless the context otherwise requires:

A. **Systems Development Charges (SDC)** shall be for public facilities, or the capacity provided for therein, which include, but are not limited to:

(1) **For Water:** Participation, as the city council may determine appropriate, in water mains over 4-inches in diameter; water pump stations; water reservoirs; and all additions to, or expansions of the city's water treatment and distribution system, except service laterals 4-inches or less in diameter.

(2) **For Sewer:** Participation, as the city council may determine appropriate, in sewer mains over 6-inches in diameter; sewerage lift stations and all expansions or additions to sewerage collection and the sewage treatment system except service laterals 6-inches or less in diameter.

(3) **For Streets:** Signalization; channelization; participation in constructing arterial, collector, and over-width streets; street widening and right-of-way acquisition, and for matching citizen investment in local improvements such as curb, gutters and sidewalks, as the city council may determine appropriate.

(4) **Storm Drainage System:** shall mean a system of gutters, ditches, pipes and appurtenances which carries storm, surface and ground waters and drainage, but excludes sewage and polluted industrial water.

(5) **Parks and Recreation:** shall mean those public squares, parks, memorial monuments or buildings, museums, sites or buildings for meeting places, campgrounds, playgrounds, recreation areas, comfort stations, trails, pathways and public open spaces.

B. **Dwelling Unit load:** The basic load placed on public utility systems by a single family or group of less than 6 persons residing in or occupying transient or permanent living accommodations.

C. **Equivalent Dwelling Unit (EDU):** The load rate or equivalent for which public utility systems services are provided to any non-residential building, structure or parcel of land.

D. **Building or Structure:** A permanent or temporary structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

E. **Parcel of Land, or "Parcel":** A platted lot or any other

tract of land which is or may be lawfully occupied by a structure or structures or other uses including the yards and other open spaces required under the zoning ordinance or reasonably attributable to an existing or proposed use.

2-418.3

BROOKINGS ORDINANCES

2-418.3C

**Section 3. Systems Development Charges Imposed;
Rates, Review.**

A. Systems Development Charges are hereby imposed on all parcels of land and buildings in the city, except those parcels or buildings which are exempted in Section 7 under this ordinance. Systems Development Charges shall be collected by a single, aggregate payment and shall be deposited and accounted at the following proportions:

Water System Improvements	.25 of each SDC
Sewer System Improvements	.25 of each SDC
Streets System Improvements	.25 of each SDC
Storm Drainage System Improvements	.125 of each SDC
Park and Recreation Improvements	.125 of each SDC

B. Residential Charges. Total payments for Systems Development Charges due on all buildings, structures and parcels of land used for permanent residential purposes shall be calculated at the following rates, for living space only:

- (1) Single family dwelling unit = \$1.00/square foot
- (2) Multiple dwelling units
 - a. 2 to 4 units = \$.75/square foot
 - a. 5 or more units = \$.50/square foot
- (3) Plumbed buildings or additions = \$.50/square foot
- (4) Unplumbed buildings or additions = \$.25/square foot

- (5) Service station** **2 EDU**
- (6) School, private** **0.08 EDU per student and faculty**
- (7) Office/Commercial** **1 EDU - Private restrooms
2 EDU - Public restrooms**

2-418.4A **BROOKINGS ORDINANCES** **2-418.4C**

- (8) Restaurant** **1 EDU - Private restrooms
+2 EDU - Public restrooms
+1 EDU - if less than 25 seats, OR
+2 EDU - if more than 25 seats**
- (9) Tavern or lounge (in addition to restaurant)** **2 EDU**
- (10) Public facility with private restrooms** **1 EDU**
- (11) Public facility with public restrooms** **2 EDU**
- (12) Motel or hotel** **0.1 EDU per unit**
[Section 4, Paragraph A, Part (12) as amended by Ordinance No. 426, adopted December 14, 1987]
- (13) Campsites and overnight trailer parks** **0.5 EDU per unit with restrooms only**

(14) Laundromat

0.25 EDU per washer

B. Systems Development Charges or proportional parts thereof which are not specified in Section 4.A above shall be calculated and determined by the city manager with consideration for similarity of conditions, equity and reasonableness in the collection of such charges.

C. Combined Usage. When a building or series of buildings is devoted to more than one of the above referenced uses, units or equivalents thereof shall be assessed for each such use, and the Systems Development Charges shall be assessed according to the combined total of units or equivalents thereof.

2-418.5

BROOKINGS ORDINANCES

2-418.6A

Section 5.

Due Date, Deferral, Collection, Termination.

A. The Systems Development Charges are immediately due and payable prior to and as a condition of the issuance of a valid building permit or of a valid permit for connection to the sewer or water system of the city, whichever occurs first. Payment may be deferred by the city manager for a period not to exceed 90 days during construction to applicants who exhibit acceptable credit and financial capability. The city manager shall collect the Systems Development Charges or make proper deferral in writing before issuing any building permit or before permitting any connection to the water or sewer system of the city, and may decline to issue such permit or to permit such connection until that charge has been paid in full.

B. If building construction is commenced, or a connection is made to the sewer or water system, without the permit prescribed by ordinance, the Systems Development Charges on the parcel are immediately due and payable as of the earliest date that any such permit was required under the applicable ordinance. In no instance shall any occupancy commence or a certificate of occupancy be issued for any property or building where Systems Development

Charges are due but unpaid. All utility service to such property or building shall be terminated and disconnected and shall so remain until the required Systems Development Charges shall have been paid in full. Disconnection and reconnection shall be at the expense of the property owner and at no expense to the City.

Section 6. Exemptions.

A. Full Exemption. Any parcel of land which on the effective date of this ordinance has established use by all of the following:

(1) of streets by an existing structure or a valid building permit issued for the property; and

(2) of water by an existing connection to the city water system or a water tap order issued for the property; and

2-418.6A

BROOKINGS ORDINANCES

2-418.6C

(3) of sewers by an existing connection to the city sewer system or a valid sewer connection permit issued for the property on or before the effective date of this ordinance, then such parcel of land is and shall be exempt from the Systems Development Charges to the extent of the structure then existing on the land, or covered by the building permit issued for the land on or before the effective date of this ordinance and to the extent of the parcel of land under single ownership and without further improvement, as it is constituted on that date.

B. Temporary Exemption. Any parcel of land located within the city on the effective date of this ordinance, for which a valid and complete building permit was issued and for which both a valid water tap order and sewer connection permit are issued before the effective date of this ordinance shall be exempt from Systems Development Charges to the extent of the structure covered by that building permit and the land as it was constituted on the effective date of this ordinance. Issuance of the water tap orders and sewer

connection permits are subject to the availability of the respective services under current city policy, and thus, in no case is it intended that this ordinance alter limitations or requirements otherwise imposed for issuance of these tap orders or connection permits. By this exemption it is intended to allow any structure under construction and having valid permits to be completed without any additional cost for Systems Development Charges.

C. In order to provide for orderly implementation of Systems Development Charges and to mitigate adverse impacts on project planning and financing the following collection schedule is hereby adopted:

(1) During the 30 days following passage of this ordinance, (August 11, 1987 through September 9, 1987), 25% of the total calculated Systems Development Charges will be collected; and

(2) During the next 30 days, (September 10, 1987 through October 9, 1987), 50% will be collected; and

(3) During the next 30 days, (October 10, 1987 through November 9, 1987), 75% will be collected.

2-418.6C

BROOKINGS ORDINANCES

2-418.7

(4) At the end of the 90-day implementation period, (November 10, 1987), all Systems Development Charges shall be collected at the full rate specified in either Section 3.B or 3.C above.

D. Exemption for Certain Additions and Alterations. Additions or alterations which do not increase the floor space of a structure, the land area occupied by the structure, or do not constitute the addition of an EDU or proportional part thereof, are exempt from all portions of the Systems Development Charges.

E. Change in Use. A change in use results whenever an application for a building permit or other permit is filed to expand or alter or change the use of an existing structure or construct a new

structure on a parcel of land which had an established use of all facilities upon the effective date of this ordinance. When such a change of use occurs, Systems Development Charges are imposed, but credit shall be given for the Systems Development Charges in an amount equal to what would otherwise be the charges for the existing structure and use. The credit so computed shall not exceed the calculated Systems Development Charge. No refund shall be made on account of such credit.

Section 7. Collection of System Development Charges.

The city of Brookings may use such means of collection of Systems Development Charges as may be provided by the laws of the State of Oregon or permitted by the ordinances and charter of the city of Brookings, and any delinquencies may be certified to the assessor of Curry County for collection in the manner and as provided in ORS 224.220. If not paid by the 30th of the month in which billed, the rates and charges shall be delinquent and shall draw interest at 8% per annum from the 30th. Any charge due hereunder which is not paid when due shall constitute a perpetual lien upon the property and buildings and may be enforced by any remedy or means provided by the statutes of the State of Oregon or by the ordinances of the city of Brookings, in such case made and provided. All such remedies are declared to be cumulative.

2-418.8

BROOKINGS ORDINANCES

2-418.9

Section 8. Systems Development Charges Applicable to Properties Exempt from Building Permit.

A. A parcel of land that is exempt from applying for or paying a fee for a building permit is not thereby exempt from paying any part of the Systems Development Charges. Prior to any commencement of any construction upon such a parcel the owner or builder shall notify the city that such construction is imminent. The city manager shall thereupon, or as soon as he otherwise learns that construction has commenced, calculate the Systems

Development Charges, if any, which shall become immediately due and payable. No connection to the sewer or water facilities of the city may be made unless the appropriate Systems Development Charges have been paid.

B. Persons living outside the city limits who are eligible for any of the services for which Systems Development Charges are due and payable shall be required to pay such charges at a rate one and one-half times the rate for city residents.

C. Persons living outside the city limits who apply for or receive either water or sewer service from the city and whose normal route of access to their residences connect with city streets shall be required to pay Systems Development Charges for streets, storm drainage and parks and recreation systems in addition to the Systems Development Charges for the service or services for which they are making application.

Section 9. Segregation and Uses of Revenues. All funds derived from the Systems Development Charges are to be segregated by accounting practices from all other funds of the City, and that portion of the Systems Development Charges calculated and collected on account of each of the specified types of facilities shall be deposited into the Utility Systems Development Account in the Reserve Fund and shall be used for no purpose other than for additional capacity of such facilities for the residents and inhabitants of Brookings.

2-418.10

BROOKINGS ORDINANCES

2-418.11C

Section 10. Advisory Committee. There is hereby established a Committee on Capital Improvements to be appointed by the mayor with the advice and consent of the city council, in the same manner and upon the same terms and conditions as are

contained in Ordinance No. 327, Sections 1 through 9, inclusive. Two of the members may be selected and appointed from outside the city but from within the adopted Urban Growth Boundary of the city. The committee shall review and make recommendations regarding the adequacy, collection, deposit, expenditure and accounting of monies which accrue into the Reserve Fund of the city for credit to the respective accounts for water, sewer, streets, storm drainage and parks and recreation systems of the city and shall review appeals, as provided in Section 11 below.

Section 11. Appeals.

A. Any person or persons who shall have been denied the privilege of constructing or developing by an action required to be made by the city manager hereunder or who, after having paid Systems Development Charges wishes to contest the amount or the method of calculation of such Systems Development Charges by the city manager, shall have the right to request in writing an informal hearing before the Committee on Capital Improvements by filing a request in writing with the city recorder within 15 days after the denial or payment of the contested Systems Development Charges.

B. After an appeal has been filed, the Committee on Capital Improvements shall notify the complainant of the time and place that it shall consider the appeal, and the complainant shall have the right to be present at the appeal. The committee shall give full consideration to the evidence presented by the complainant relative to the denial, Systems Development Charges amount or method of calculation and shall render its decision after discussion of the same and notify the complainant of its decision.

C. If the decision rendered by the Committee is adverse to the complainant, the building permit may not be issued and city utility services to the premises shall terminate if such utility service connections have been previously allowed.

D. Within 10 days following the decision of the committee the complainant may request a review of the decision by the city council, which review shall be conducted to assure that the complainant was afforded a fair opportunity to be heard and to present evidence to the committee and that no action by the city manager or the Committee on Capital Improvements served to discriminate in any way against the complainant.

E. Once utility services are terminated or disconnected, the person or persons desiring resumption of such service, in addition to any other requirement, shall pay the normal reconnection fee in addition to any and all other arrearages or amounts due and owing to the city, before service shall be resumed.

Section 12. Scope and construction.

A. **Scope.** The Systems Development Charges provided in this ordinance are separate from and in addition to any applicable tax, assessment, charge or fee otherwise provided by law.

B. **Construction.** The rules of statutory construction provided in ORS 174.010-174.110 are adopted and by this reference made a part of this ordinance.

Section 13. Emergency clause. The earliest imposition of the provisions of this ordinance is necessary to derive required revenues, to promote fairness by imposing costs upon properties which cause expenses to be incurred, and to preserve the peace, health and safety of the public. Accordingly, an emergency is declared to exist and this ordinance shall take effect immediately upon its passage by the city council and approval by the mayor.

ADOPTED SEPTEMBER 22, 1987

ORDINANCE NO. 87-O-418

AN ORDINANCE AMENDING ORDINANCE NO. 418 IN ITS ENTIRETY, AS FOLLOWS:

AN ORDINANCE CREATING SYSTEMS DEVELOPMENT FUNDS WITHIN THE RESERVE FUNDS FOR WATER, SEWER, STREETS, STORM DRAINAGE, PARKS AND RECREATION; DEFINING TERMS; ESTABLISHING CHARGES; PROVIDING FOR COLLECTION; ALLOWING EXEMPTIONS AND USE CHANGES; DEFINING APPLICATION; CREATING AN ADVISORY COMMITTEE; PROVIDING FOR APPEALS; DETERMINING SCOPE AND CONSTRUCTION; AND DECLARING AN EMERGENCY.

[Ordinance No. 87-O-418 amended by Ordinance No. 89-O-426]

[Ordinance No. 87-O-418 repealed by Ordinance No. 91-O-477, effective September 24, 1991]

[See Ordinance No. 87-O-418 in its entirety in original ordinance books]