

ORDINANCE NO. 21-1010

AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING OREGON CITY MUNICIPAL CODE CHAPTER 3.20 - REIMBURSEMENT DISTRICTS

WHEREAS, Chapter 3.20 provides a method to reimburse a person who finances the construction of a public improvement that has the capacity to serve development other than that for which it is built; and

WHEREAS, Oregon City Municipal Code (OCMC) 3.20.040(A) states that a person may apply to the City to form a reimbursement district if certain criteria are met; and

WHEREAS, one criterion is that the public improvement requested to be eligible to be included in a reimbursement district must cost in excess of the current threshold amount; and

WHEREAS, Oregon City Municipal Code (OCMC) 3.20.030 states that the initial threshold amount shall be twenty-five thousand dollars and shall be adjusted annually by resolution of the City Commission, each July 1st by a factor equal to the Consumer Price Index; and


WHEREAS, Resolution 19-24 adjusted the threshold amount to \$38,800 effective July 1, 2019, and Resolution 20-20 adjusted the threshold amount to \$39,800 effective July 1, 2020; and

WHEREAS, the City desires to remove from Oregon City Municipal Code references to specific dollar amounts and indices and instead adopt these by resolution of the City Commission.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:


Section 1. The City hereby amends Oregon City Municipal Code Chapter 3.20 entitled Reimbursement Districts, attached hereto as "Exhibit A," with additions shown in underline and deletions shown in strikethrough.

Read for the first time at a regular meeting of the City Commission held on the 16th day of June 2021, and the City Commission finally enacted the foregoing Ordinance this 7th day of July 2021.



RACHEL LYLES SMITH, Mayor

Attested to this 7th day of July 2021:



Katie Riggs, City Recorder

Approved as to legal sufficiency:



City Attorney

Ordinance 21-1010 – Exhibit A

Chapter 3.20 - REIMBURSEMENT DISTRICTS

3.20.030 - Definitions.

"Administrative fee," as used in this chapter, means the amount of money charged by the city for the costs of administering this chapter, including, but not limited to, producing the city engineer's report, public meeting support, other personnel costs, mailing fees, legal fees and the costs to account, track and assess reimbursement charges to future development.

"Development" occurs when a structure or other use of land connects to or otherwise makes use of a sewer, water, stormwater or street improvement. As used in this chapter, "makes use of a stormwater improvement," means activities sufficient to trigger the requirements of Chapter 13.12.050. As used in this chapter, "makes use of a street improvement" means the construction or installation of an improvement or a change in the use of a property that increases traffic or congestion on the street improvement for which the reimbursement district is formed.

"LGIP" means local government investment pool.

"Person" is a natural person, the person's heirs, executors, administrators or assigns; a firm, partnership, corporation, association or legal entity, its successors or assigns; any agent, employee or any representative thereof or any other legal entity, including the city of Oregon City.

"Public improvement" means either any or all of the following: a street, stormwater, sewer or water improvement that will be dedicated to and accepted by the city.

"Reimbursement charge" is the charge imposed upon development by this chapter for the costs of financing a public street, water, sewer or stormwater improvement that serves a development. A reimbursement charge is not intended to limit or replace, and is in addition to, any other existing fees or charges collected by the city.

"Reimbursement district" is the area within which future development will potentially derive a benefit from the construction of public street, water, sewer or stormwater improvements financed, in whole or disproportionately large part, by a person without the formation of a local improvement district. A reimbursement district is limited to an area within the city and will be determined by the city commission.

"Reimbursement resolution" is a resolution of the city commission that identifies the potential reimbursement charge for future development within a reimbursement district.

"Threshold amount" is the minimum dollar amount an applicant under this chapter shall spend on a specific public improvement requested to be eligible to be included in a reimbursement district. The threshold amount pertains only to that portion of the improvement eligible for reimbursement under this chapter.

The ~~initial~~ threshold amount shall be ~~twenty-five thousand dollars and shall be adjusted annually by resolution of the city commission, each July 1st by a factor equal to the Consumer Price Index for Portland, Oregon adopted by resolution of the city commission. The factor is determined by dividing the current CPI by the previous CPI. This is then multiplied by the threshold amount to establish the new threshold amount (rounded up or down to the nearest one hundred dollars). The current threshold amount shall be available from the city finance director. The city engineer may consider an administrative exemption to the threshold amount.~~

CPI_C	× CURRENT THRESHOLD	= NEW THRESHOLD <small>Rounded</small>
CPI_P		

~~Where CPI_P = Previous CPI and CPI_C = Current CPI~~

"Sewer improvement" is a sewer facility, sewer system, or sewer line improvement conforming to public works sanitary sewer design standards, including, but not limited to:

1. Extension of a sewer line to property other than that owned by the person financing the improvement so that sewer service can be provided to future development on that property without further extension of the line;
2. Construction of a sewer facility, system, or line larger, deeper, or of greater capacity than necessary to serve the property, except as noted in OCMC 3.20.050.D.6, of the person financing the improvement in order to provide future service to other development without the need to reconstruct the facility, system or line, or construct additional, deeper or parallel facilities, systems or lines; and
3. Construction of those items listed in the Public Works Sanitary Sewer Design Standards, OCMC 1.03 a through k ("items") of greater capacity than necessary to serve the property, except as noted in OCMC 3.20.050.D.6, of the person financing the improvement in order to provide future service to other development without the need to reconstruct the item, or construct additional, deeper, or parallel items.

"Street improvement" is a street improvement conforming to city standards and including, but not limited to:

1. Streets, stormwater facilities as defined in OCMC 13.12.040 in conjunction with streets, curbs, gutters, sidewalks, bike and pedestrian pathways, traffic control devices, street trees, lights, parking structures, signs and public right-of-way or easement acquisition;
2. Street extensions across frontages other than the person financing the improvement;
3. Fifty percent of the full street improvement widths, curb to curb; and
4. The portion of a half-street improvement across the frontage of the person financing the improvement that exceeds fifty percent of the widths in subsection 3 of this definition.

"Stormwater conveyance" is piping, ditching or pumping systems for moving stormwater from one point to another point.

"Stormwater improvement" is a stormwater conveyance, quantity, or quality facility, as defined in OCMC 13.12.040, other than that described in OCMC 3.20.050.D.6, conforming to city standards, including, but not limited to:

1. Extension of a stormwater line to property other than that owned by the person financing the improvement so that stormwater services can be provided to development on that property without further extension of the line;
2. Construction of a stormwater facility larger, deeper or of greater capacity than necessary to serve the property of the person financing the improvement in order to provide future service to other development without the need to reconstruct the facility, or the construction of additional, deeper, or parallel facilities;
3. A stormwater quantity facility with sufficient designed capacity to serve upstream development as defined in the person's or the city's stormwater drainage report that is approved by the city engineer; and
4. A water quality facility with sufficient designed capacity to serve upstream development as defined in the stormwater drainage report of the person financing the improvement and that is approved by the city engineer.

"Stormwater quality control" is defined in OCMC 13.12.040.

"Stormwater quantity control" is defined in OCMC 13.12.040.

"Water improvement" is a water facility, water system, or water line improvement, other than that described in OCMC 3.20.050.D.6, conforming to city standards, including, but not limited to:

1. Extension of a water line to property other than that owned by the person financing the improvement so that water service can be provided to development on that property without further extension of the line; and
2. Construction of a water facility, system, or line that is larger, deeper, or of greater capacity than necessary to serve the property of the person financing the improvement in order to provide future service to other development without the need to reconstruct the facility, system, or line; or the construction of additional, deeper, or parallel facility, system or line.