

ORDINANCE NO. 2617

AN ORDINANCE amending Section 13.72.040 of the Camas Municipal Code by revising the provisions relating to Credits for Sewer System Development Charges, and adding a new Section 13.72.060 relating to the payment of Sewer System Development Charges.

The Council of the City of Camas do ordain as follows:

Section I

Section 13.72.040 of the Camas Municipal Code is amended to provide as follows:

Section 13.72.040 – Credits.

(A) **Prior Connection:**

(1) Those properties that have been disconnected from the City sewer system since January 1, 1972, shall receive a credit for the prior connection. The credit for the prior connection shall be in an amount equal to the sewer system development charge for the use classification of the prior connection. The sewer system development charge imposed under this Chapter shall be the difference between the amount due under the present use classification less the amount that would have been assessed under the use classification for the prior connection, provided however, that the City shall not be required to reimburse the property owner in the event the credit exceeds the sewer system development charge for the new connection.

(B) **Credit for Penalties Paid for Non-Connection:**

(1). Those properties that are not presently connected to the City's sewer system but which have been assessed and paid a monthly penalty pursuant to Section 13.60.050(B) shall receive a credit against the sewer system development charge in an amount equal to the total monthly penalties paid prior to connection, provided however, that the City shall not be required

to reimburse the property owner in the event the credit exceeds the sewer system development charge for the new connection.

(C) Development Credit:

(1). A developer (as defined in CMC 3.88.030) shall be entitled to a credit against the applicable system development charge for the dedication of land or for the design or engineering or construction of an “eligible improvement”. For purposes of this section, an eligible improvement shall mean an improvement or real property that is identified in the Water Sewer Capital Facilities Plan as being funded by system development charges, in the amounts identified and/or calculable in the Capital Facilities Plan.

(2). The amount of the credit shall be the dollar amount assigned to the improvement or to the land in the system development charge calculation. Where only a portion of the improvement is constructed or a portion of the land is dedicated, the amount of the credit shall be pro-rated.

(3). Credits earned for one category of system development charge, e.g. water, may not be applied against a different system development charge, e.g. sewer.

(4). Approval from the City Council shall be required prior to the start of construction or dedication of any eligible improvement. “Approval” in the context of this subsection (4) shall be satisfied if the City requires the construction or dedication of the eligible improvement as a condition of approval for a land use application. If a developer wishes to construct an eligible improvement that is not otherwise a condition to an approved land use application, prior approval must be obtained from the City Council.

(5) No system development charge credit shall be granted until either the eligible improvements have been designed, engineered, or constructed by the developer, and such work has been accepted by the City; or until the land has been dedicated by the developer and such dedication has been accepted by the City.

(6) If system development charges become due and payable prior to the developer becoming eligible for the issuance of credits as provided in Section 5, the developer may apply to the Community Development Director to defer collection of the impact fees until construction or dedication is completed. The Community Development Director may condition deferral upon:

- a) the developer posting a bond or other financial security satisfactory to the City in an amount equal to one hundred twenty-five percent (125%) of the deferred system development charges, which bond or other financial security shall be conditioned upon the developer either paying the deferred system development charges or completing construction or dedication within a specified time,
- b) the withholding of an occupancy permit, or
- c) such other conditions acceptable to the City.

(7) If the developer is dissatisfied with the decision of the Community Development Director, the developer may seek to have that decision reviewed by the City Council.

(8). Upon acceptance of the eligible improvement, the developer may submit an application for the system development charge credit to the finance department on a form to be created by the finance department. After submission of the application and verification of

entitlement thereto, the finance department shall issue a credit voucher to the developer specifying the amount of the system development charge credit and the type of credit.

(9). The credit may, at the option of the developer, be applied all or in part to the system development charges owing for the developer's project.

(10). To the extent the credit exceeds the amount of the system development charges owed by the developer, or the developer chooses not to apply the credit to the developer's project, the unused credit may be applied to a different project of the developer or to the project of a different developer.

(11). Before the system development charge can be transferred to a different project or a different developer, the holder of the system development charge credit shall file with the finance department an application to transfer the credit on a form to be created by the finance department. The application shall identify the transferee, and the amount of the system development charge credit being transferred. The transfer application shall be accompanied by an administrative fee in an amount as may be set by Resolution of the City Council.

(12). When credits are to be redeemed, the holder of the system development charge credit shall file an application for redemption on a form to be created by the finance department. Redemption shall be permitted only in increments equal to whole system development charge, or when redemption will exhaust the entire system development charge credit. The application for redemption shall be accompanied by an administrative fee in such amount as may be set by Resolution of the City Council. When system development charge credits are being redeemed, such redemption shall not allow for system development charge

credits to be pro-rated among more than one residential lot in amounts that are less than the existing system development charge per lot. For example, where system development charges are \$5,000 per residential lot and a developer wishes to redeem \$11,000 worth of credits, the developer shall not be allowed to apply \$1,000 per residential lot over eleven lots. The developer may apply \$5,000 to two residential lots and the remaining \$1,000 to one residential lot.

(13). The finance department shall be responsible for maintaining appropriate records documenting the issuance, transfer, and redemption of system development charge credits.

Section II

There is hereby added a new Section to Chapter 13.72 of the Camas Municipal Code to provide as follows:

Section 13.72.070 – Payment of Sewer System Development Charge:

(A) The sewer system development charge owing under the provisions of this Chapter shall be paid by the applicant at the time of issuance of the plumbing permit or building permit, whichever shall first occur, or as scheduled by a separate agreement with the City.

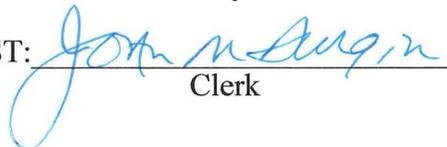
(B) No sewer service shall be furnished to the property of any person seeking to connect to the sewer system of the City until the sewer system development charge imposed by this Chapter has been paid to the City treasurer or until such time as the City and the applicant have entered into a separate agreement providing for the payment of such sewer system development charge.

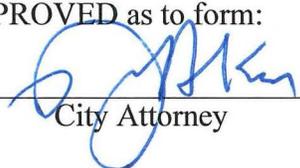
Section III

This Ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this 4th day of April, 2011.

SIGNED: 
Mayor

ATTEST: 
Clerk

APPROVED as to form:

City Attorney