

ORDINANCE NO. 5750

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE TITLE 15 TO ADD NEW LANGUAGE FOR THE IMPLEMENTATION OF A CITYWIDE TRANSPORTATION SYSTEMS DEVELOPMENT CHARGE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Albany is complying with the provisions of ORS 223.207 through 223.208 and 223.297 through 223.314; and

WHEREAS, the Council of the City of Albany has duly advertised and caused notices to be given as required by law and has had a public hearing concerning the establishment of System Development Charges; and

WHEREAS, the said hearing on the 12th day of January 2011 has been duly held and parties were given an opportunity to be heard and the Council being fully informed.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AMENDMENTS TO ALBANY MUNICIPAL CODE TITLE 15 AS FOLLOWS:

15.16.060: Compliance with state law.

(1) The revenues received from the water system development charge shall be deposited to the water improvement fee and/or water reimbursement fee funds. The revenues from the sewer system development charge shall be deposited to the sewer improvement fee and/or reimbursement fee funds. The revenues from the transportation system development charge shall be deposited to the transportation improvement fee and/or reimbursement fee funds. These funds shall be budgeted and expended as provided by state law. The accounting of such revenues and expenditures required by state law shall be included in the City's annual financial audit required by ORS Chapter 294.

(2) The capital improvement plan(s) required by state law as the basis for expending revenues from the improvement fees portion of the systems development charge shall be the **project lists contained within the most recently adopted water, wastewater, stormwater, and transportation system plans or the project list referenced in the associated methodology.** ~~Albany/Millersburg Water System Plan by Brown and Caldwell, Consulting Engineers (1988), the Wastewater Facility Plan and the associated SDC-I Eligible Wastewater Collection and Treatment Projects List prepared by CH2M Hill (1998), and the Albany Transportation System Plan and the 20 Year Transportation Plan SDC Funded Capacity Improvement List prepared by Kimley Horn and Associates (1997).~~

(3) As provided by state law, the plan or list described in subsection (2) of this section may be modified at any time. If a system development charge will be increased by a proposed modification of the list to include a capacity increasing capital improvement:

(a) The City shall provide, at least 30 days prior to the adoption of the modification, notice of the proposed modification to the persons who have requested written notice described in AMC 15.16.100 (1).

(b) The City shall hold a public hearing if the City receives a written request for a hearing on the proposed modification within seven days of the date the proposed modification is scheduled for adoption.

15.16.080: Exemptions.

~~All applications for a building permit that would intensify the use of the transportation network received prior to October 1, 1997, are exempt from the citywide transportation systems development charge imposed in AMC 15.16.050; provided, all fees and other City systems development charges and in-lieu-of fees (if applicable) have been paid, or the installment payment method has been applied for and approved prior to January 1, 1998.~~

Emergency Clause

Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council: January 12, 2011

Approved by the Mayor: January 12, 2011

Effective Date: January 12, 2011

  
Mayor

ATTEST:

  
City Clerk

