



ORDINANCE NO. 6021

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE TITLE 15 PARKS SYSTEM DEVELOPMENT CHARGES

WHEREAS, through the previous adoption of ordinances establishing and amending Albany Municipal Code 15.20 regarding system development charges (SDC), the Albany City Council has declared its intent to comply with the provisions of ORS 223.297 through 223.314; and

WHEREAS, a methodology for the calculation of an improvement and reimbursement fee SDC for the parks and recreation system in Albany has been developed as specifically described in the document reviewed and adopted on May 25, 2022; and

WHEREAS, Council approved Resolution 7246 updating rates on June 24, 2023, and

WHEREAS, the City of Albany must make modifications to the Albany Municipal Code to reflect changes from the subsequent methodology and rate updates,

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The Albany Municipal Code text for Title 15 is hereby amended as shown in bold type for additions and strikethrough text for deletions, in the following Section 2.

Section 2: Amending Title 15 Sections 15.20.020, 15.20.060, 15.20.070, and 15.20.080.

15.20.020 Definitions.

As used in this chapter, except where the context otherwise requires, the words and phrases have the following meaning:

(1) "Parks Capital Improvement(s)" means all existing City parks, trails, open space, and recreation centers which are used or designed for recreational purposes. "Parks Capital Improvements" also include real property acquired for ownership, access, or use in connection with the residential development, upgrading, or expansion of parks, trails, open space, or recreation centers.

(2) "Residential development" means a development, as that term is defined in Albany Municipal Code Section 22.010 for residential purposes which is expected to increase the usage of any parks capital improvement or which creates the need for additional parks capital improvements.

(3) "Improvement fee" means a fee for costs associated with parks capital improvements to be acquired or constructed after the date the ordinance adopting this chapter becomes effective.

(4) "Reimbursement fee" means a fee for costs associated with capital improvements constructed or under construction on or before the effective date of this chapter.

(5) "Qualified public improvements" means a capital improvement that is:

- (a) Required as a condition of residential development approval;
- (b) Identified in the Master Plan adopted pursuant to subsection 15.20.060(2).

~~(6) "Parks System development charge (Parks SDC)" means a reimbursement fee, an improvement fee, or a combination thereof,~~ assessed or collected at any of the times specified in AMC

Section 15.20.070 hereof. "Parks 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) "Bedroom", as defined in Albany Municipal Code Section 22.010, is a private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom. (Ord. 5084 § 1, 1993).~~

15.20.060 Compliance with state law.

(1) The revenues received from the Parks SDC shall be deposited in the ~~newly~~ Parks Improvement Fee Activity. This activity 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 required by state law as the basis for expending revenues from the improvement fees portion of the Parks SDC shall be the Albany Parks and Recreation Master Plan (1993). (Ord. 5084 § 1, 1993).

15.20.070 Collection of charge.

(1) The Parks SDC is due and payable upon issuance of a building permit for new on-site residential construction.

(2) The Parks SDC is due and payable upon issuance of the first manufactured home placement permit granted upon an individual building lot. A Parks SDC will not be charged on any replacement dwelling unit on the same lot unless called for by other sections of this chapter.

(3) In the case of a manufactured home park, 50 percent of the Parks SDC shall be due and payable for all spaces in the manufactured home park at the time land use approval is granted. In computing the 50 percent Parks SDC paid at the time of land use approval, each space within the manufactured home park shall be conclusively deemed occupied by a ~~three bedroom~~, 1500 square foot home. The remaining balance of the Parks SDC shall be due and payable at the time the first placement permit is granted for each space based upon the actual ~~number of bedrooms and~~ square footage contained in each manufactured home. When the actual size of the manufactured home is known, at the time of placement, the correct Parks SDC shall be determined and, after applying a proportionate credit for that portion of the charge which was paid at the time of land use approval, the remaining balance shall be due and payable.

(4) The owner(s) of vacant lots or spaces within an existing manufactured home park that has received all necessary land use approvals prior to January 1, 1994, shall pay a Parks SDC which is limited to 50 percent of the applicable Parks SDC for each space at the time the first placement permit is granted for that space.

(5) If a residential development is commenced without an appropriate permit, the Parks SDC is immediately payable upon the earliest date that a permit was required.

(6) The City Building Official or his/her designee shall collect the Parks 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 residential development occurs or any person receiving benefit from the residential development. The Building Official or his/her designee shall not issue any permit or allow construction described in AMC Section [15.20.070](#)(1) until the charge has been paid in full.

(7) A Parks SDC paid hereunder shall apply to the particular lot or tract for which it is **issued unless exempted under AMC Section 15.20.080. Any changes which result in the addition of one or more bedrooms shall cause a Parks SDC to be paid for said improvement.** The owner of the property shall be given credit only for those Parks SDCs therefor paid involving the same parcel of property. Where a structure which is benefitted by parks capital improvements is destroyed by fire, flood, wind, or act of God, no Parks SDC shall be imposed for the replacement of the structure, provided the number of bedrooms is not increased.

(8) The City may collect any delinquent system development charge which becomes due under the terms of this chapter by appropriate civil action commenced against the person(s) responsible for payment of said charge pursuant to subsection (3) above. In addition, failure to pay the prescribed charge after written notice to do so constitutes a misdemeanor punishable under the general penalty prescribed at AMC Section [1.04.010](#).

(9) The Park SDCs to be paid under the provisions of this chapter may be subject to the payment in installments under the provisions of the Bancroft Bonding Act of the State of Oregon. (Ord. 5084 § 1, 1993).

15.20.080 Exemptions.

(1) Exemptions to the Parks SDC are as follows:

(a) All building/placement permit applications for existing lots of record submitted prior to January 1, 1994, are exempt from the Parks SDC.

(b) Existing lots or spaces within an existing manufactured home park upon which the City of Albany has issued a placement permit prior to January 1, 1994, are exempt from the Parks SDC.

(c) All existing structures and uses for which a building/placement permits have been issued and which were established and existing prior to January 1, 1994, are exempt from the Parks SDC. Reoccupation after vacancy of any residential apartment unit when original use existed prior to January 1, 1994, shall be exempt from the Parks SDC.

~~(d) Additions to single family residential dwellings that do not constitute the addition of one or more bedrooms, as defined by the Albany Municipal Code Chapter 20 Section 22.010, are exempt from the Parks SDC, unless the addition constitutes a conversion from another use to a bedroom.~~

(de) Garages (attached or detached), and other detached nonhabitable accessory buildings are exempt from the Parks Systems Development Charge.

(ef) Housing for low income or elderly persons which is exempt from real property taxes under Oregon state law are exempt from the Parks Systems Development Charge.

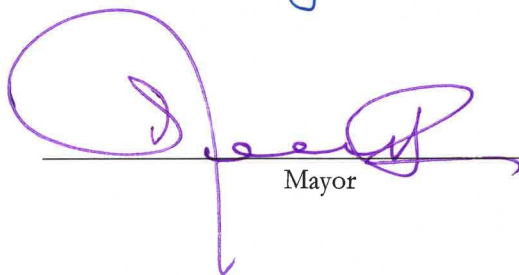
(fg) Multiple unit nursing homes, congregate care or assisted care housing facilities containing three or more housing units and designed for the professionally assisted care of elderly or disabled persons are exempt from the Parks Systems Development Charge.

(2) Any residential development which is exempt from the Parks Systems Development Charge by reason of its intended use shall lose such exemption immediately upon a change in use to a type of residential development which is not exempt from the Parks SDC obligation. Upon such loss of exemption, the Parks SDC shall be due and payable upon the entire residential development which was previously exempt. (Ord. 5084 § 1, 1993).

Passed by the Council: July 26, 2023

Approved by the Mayor: July 27, 2023

Effective Date: August 26, 2023



Mayor

ATTEST:



Deputy City Clerk

