

ORDINANCE NO. 1477-23

AN ORDINANCE ADOPTING THE 2023 WATER SYSTEM DEVELOPMENT CHARGE (SDC) METHODOLOGY; AMENDING TUALATIN MUNICIPAL CODE CHAPTER 2-06; AND UPDATING WATER SDC AMOUNTS.

WHEREAS, ORS 223.297 to 223.316 authorize local governments to impose, assess, collect, and utilize System Development Charges (SDCs), and the City of Tualatin has implemented SDCs in the City through Tualatin Municipal Code Chapter 2-06; and

WHEREAS, SDC amounts are set based on a methodology that analyzes remaining capacity in City systems, the value of that capacity, future demands, and the need for and cost of future capital improvements; and

WHEREAS, FCS Group developed an updated Water System Development Charge Methodology for the City, which was completed in May 2023; and

WHEREAS, a public hearing was held before the City Council of the City of Tualatin on July 10, 2023 to consider adopting the updated methodology and associated changes to the Tualatin Municipal Code and SDC amounts; and

WHEREAS, the City provided public notice as required by ORS 223.304(7)(a); and

WHEREAS, at the public hearing, the City Council heard and considered the testimony and evidence presented by City staff and the public, adopted the updated methodology, and approved the proposed changes to SDCs fees and the municipal code; and

WHEREAS, the Council finds the foregoing to be in the best interest of the residents and inhabitants of the City and the public, that the public interest will be served, and that the foregoing are in conformance with the requirement of state law and the Tualatin Development Code.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The City hereby adopts as its Water System Development Charge Methodology the *Water Rates and SDCs Study* prepared by FCS Group, dated May 2023, a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference (the "Methodology").

Section 2. Tualatin Municipal Code 2-06-010(4) is hereby amended as follows:

(4) The report entitled, "~~Water Rates and SDCs Study Report of Water Supply System Improvements Through a Systems Development Charge for the City of Tualatin,~~" dated ~~May 2023~~ June 24, 1994, and prepared by ~~FCS Group~~ the Engineering and Building Department of the City, ("Water SDC Methodology") sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need and costs for additional water system improvements.

Section 3. Tualatin Municipal Code 2-06-010(13) is hereby repealed.

Section 4. Tualatin Municipal Code 2-06-060 is hereby amended as follows:

TMC 2-6-060 - System Development Charges Established.

- (1) Unless otherwise exempted by this ordinance or other local or state law, a Park System Development Charge is established, based upon the Parks SDC Methodology adopted in TMC 2-6-010(5) and is imposed upon all new development within the City. The Parks SDC charge imposed will be the amount as established by resolution of the Council.
- (2) Unless otherwise exempted by this ordinance or other local or state law, a Water System Development Charge ~~in the amount of \$2,758.00 per future meter equivalent (FME)~~ is established, based upon as more specifically set forth in the Water SDC Methodology approved on December 8, 2003, which is attached and incorporated into this ordinance, and is imposed upon all new development within the City. The charge may be revised by resolution of the Council. The Water SDC charge imposed will be in the amount as established by resolution or ordinance of the Council.
- (3) Systems development charges for each type of capital improvement provided by the City may be created and shall be established by resolution of the Council. When required by Council resolution or Council-authorized intergovernmental agreement to collect, a systems development charge for a capital improvement provided by another government shall be established and may be revised by resolution of the Council.
- (4) ~~On February 1, 2005 and each February 1 thereafter, the water SDC shall automatically increase. The amount of increase shall be the change in Engineering News Record Construction Cost Index for Seattle, Washington. This increase shall not require further action by the City Council.~~

Section 5. Tualatin Municipal Code 2-06-085 is hereby amended to add a new subsection (3) as follows:

- (3) On February 1 of each year, the water SDC shall automatically increase based on the change in the Engineering News Record Construction Cost Index for Seattle, Washington, without requiring further action by the City Council.

Section 6. The City hereby adopts the SDC schedule set forth in Exhibit 3.8 of the Methodology.

Section 7. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Section 8. Effective Date. As provided in the Tualatin Charter, this ordinance is effective 30 days from the date of adoption.

ADOPTED by the City Council this 10th day of July, 2023.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder