

Senate Bill 735

Sponsored by Senator AVAKIAN; Representative TOMEI

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Adds additional public facilities and assets to list of capital improvements for which local government unit may assess and collect system development charges.

A BILL FOR AN ACT

1
2 Relating to system development charges; amending ORS 223.299.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 223.299 is amended to read:

5 223.299. As used in ORS 223.297 to 223.314:

6 (1)(a) "Capital improvement" means **public** facilities or assets used for the following:

7 (A) Water supply, treatment and distribution;

8 (B) Waste water collection, transmission, treatment and disposal;

9 (C) Drainage and flood control;

10 (D) Transportation; [*or*]

11 (E) Parks and recreation;

12 **(F) Law enforcement;**

13 **(G) Fire prevention, protection, suppression and related services;**

14 **(H) Public library systems as defined in ORS 357.400; or**

15 **(I) Public schools providing educational services for all or part of prekindergarten**
16 **through grade 12.**

17 (b) "Capital improvement" does not include costs of the operation or routine maintenance of
18 capital improvements.

19 (2) "Improvement fee" means a fee for costs associated with capital improvements to be con-
20 structed.

21 (3) "Reimbursement fee" means a fee for costs associated with capital improvements already
22 constructed, or under construction when the fee is established, for which the local government de-
23 termines that capacity exists.

24 (4)(a) "System development charge" means a reimbursement fee, an improvement fee or a com-
25 bination thereof assessed or collected at the time of increased usage of a capital improvement or
26 issuance of a development permit, building permit or connection to the capital improvement. "System
27 development charge" includes that portion of a sewer or water system connection charge that is
28 greater than the amount necessary to reimburse the local government for its average cost of in-
29 specting and installing connections with water and sewer facilities.

30 (b) "System development charge" does not include any fees assessed or collected as part of a
31 local improvement district or a charge in lieu of a local improvement district assessment, or the cost

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 of complying with requirements or conditions imposed upon a land use decision, expedited land di-
2 vision or limited land use decision.
3 _____