

**A-Engrossed**  
**House Bill 3479**

Ordered by the House April 25  
Including House Amendments dated April 25

Sponsored by Representative HUFFMAN

**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.

*[Includes in definition of "system development charge" certain requirements for property owner to obtain city approval of residential infill development application. Removes exclusion from definition of "system development charge" for charge in lieu of local improvement district assessment.]*

**Authorizes city to assess charge in lieu of forming local improvement district or as prepayment against assessment for future local improvement district in amount equal to property's share of cost of improvements that will specially benefit property. Sets certain limits on charge assessed when property owner applies for partition and on city's subsequent actions with respect to future local improvement districts. Authorizes city to require full improvements to be completed by property owner, fee in lieu of improvements if property owner agrees or nonremonstrance agreement from property owner.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to city fees; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 223.387 to**  
5 **223.399.**

6 **SECTION 2. (1)(a) The city in which property is located may assess a charge in lieu of**  
7 **forming a local improvement district or as a prepayment against an assessment for a future**  
8 **local improvement district, in an amount equal to the property's share of the cost of im-**  
9 **provements that will specially benefit the property.**

10 **(b) When the owner of property applies for a partition as defined in ORS 92.010, a charge**  
11 **or prepayment assessed under paragraph (a) of this subsection:**

12 **(A) May not exceed \$5,000;**

13 **(B) Is due and payable at the time, and as a condition, of the city's issuance of any sub-**  
14 **sequent development or building permit for the property; and**

15 **(C) Must be kept in a fund dedicated to the purpose for which the charge or prepayment**  
16 **was assessed.**

17 **(2) If a city assesses a charge or requires a prepayment under subsection (1) of this**  
18 **section, the city:**

19 **(a) May not require the owner of the property to enter into a nonremonstrance agree-**  
20 **ment with respect to the future formation of a local improvement district; and**

21 **(b) Shall credit the amount of the charge or prepayment under subsection (1) of this**  
22 **section toward any future local improvement district assessments for the improvements for**  
23 **which the charge or prepayment under subsection (1) of this section is assessed.**

**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       **(3) Notwithstanding subsections (1) and (2) of this section, a city may require:**  
2       **(a) Full improvements to be completed by the owner of property;**  
3       **(b) If the owner of the property agrees, a fee in lieu of full improvements, payable by the**  
4 **owner of the property in an amount equal to the estimated costs of the full improvements;**  
5 **or**  
6       **(c) A nonremonstrance agreement from the owner of the property in lieu of the full im-**  
7 **provements.**  
8       **SECTION 3.** **This 2013 Act being necessary for the immediate preservation of the public**  
9 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
10 **on its passage.**

11

---