CHAPTER THREE -- PUBLIC IMPROVEMENTS

GENERAL

3.005 DEFINITIONS [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.010 LEGAL DESCRIPTIONS

(1) Real property may be described:

(a) By giving the subdivision according to the United States survey when coincident with the boundaries; or

(b) By lots, blocks and addition names; or

(c) By giving the boundaries by metes and bounds; or

(d) By reference to the book and page of any public record of the County where the description may be found; or

(e) By designation of tax lot number referring to a record kept by the Assessor of descriptions of real properties of the County, which record shall constitute a public record; or

(f) In such other manner as to cause the description to be capable of being made certain. Initial letters, abbreviations, figures, fractions and exponents, to designate the township, range, section or part of a section, or the number of any lot or block or part thereof, or any distance, course, bearing or direction, may be employed in any such description of real property.

(2) If the owner of any land is unknown, such land may be assessed to "unknown owner," or "unknown owners." If the property is correctly described, no assessment shall be invalidated by a mistake in the name of the owner of the real property assessed or by the omission of the name of the owner or the entry of a name other than that of the true owner. When the name of the true owner, or the owner of record of any parcel of real property is given, the assessment shall not be held invalid on account of any error or irregularity in the description if the description would be sufficient in a deed of conveyance from the owner, or is such that, in an action to enforce a contract to convey, employing such description, a court would hold it to be good and sufficient. (3) Any description of real property which conforms substantially to the requirements of this Section shall be a sufficient description in all proceedings of assessment for a special improvement district, foreclosure and sale of delinquent assessments, and in any other proceeding related to or connected with levying, collecting, and enforcing special assessments for special benefits to such property.

LOCAL IMPROVEMENT DISTRICTS

GENERAL PROVISIONS

3.100 PURPOSE

The purpose of this Act is to implement the authority granted by Sections 4 and 39 of the Revised Charter of 1972 and the Oregon Revised Statutes to create Local Improvement Districts to construct, operate and maintain public improvements of the City which are to be financed wholly or in part by special assessment against benefited property and to levy, collect and enforce payment of such special assessments.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.102 DEFINITIONS

As used in Sections 3.100 to 3.186 the following words and phrases shall mean:

(1) Act. Sections 3.100 to 3.186.

(2) Actual Cost. All direct or indirect costs incurred to provide services or undertake a capital construction project. The actual cost of providing services to a property owner includes the average cost or an allocated cost whether stated as a minimum, fixed or variable amount. Actual cost includes, but is not limited to labor, materials, supplies, equipment, property acquisition, engineering, financing, legal, administration, depreciation, amortization, reserve for delinquencies or defaults, debt service and any other item allowed by law. Administrative expenses include those incurred in preparation for formation of a Local Improvement District such as meeting with property owners, preparing and processing the feasibility report, providing notice and conducting hearings.

(3) Council. The City of Klamath Falls City Council.

(4) Capital Construction. The construction, modification, replacement, repair, remodeling or renovation of a structure, or addition to a structure, which is expected to have a useful life of more than 1 year and includes, but is not limited to: acquisition of land or an interest in land, in conjunction with capital construction of a structure; acquisition, installation of machinery, equipment, furnishings or materials which will become an integral part of a structure; activities related to capital construction such as planning, design, financing, studies, permits or other services connected to construction; acquisition of existing structures or interests in structures in conjunction with capital construction.

(5) LID. Local Improvement District.

(6) Owner. The owner of the title to real property, or the contract purchaser of real property, of record as shown on the last available complete assessment roll in the office of the County Assessor or a more current recorded deed or land sales contract.

(7) Person. Any individual; firm; partnership; joint venture; association; social, fraternal, educational, religious or charitable organization; fraternity; sorority; public or private dormitory; joint stock company; corporation; estate; trust; business trust; receiver; trustee; syndicate; municipal corporation; district or political subdivision or any legal entity whatsoever.

(8) Public Improvement.

(a) The grading, graveling, paving or other surfacing of any street, or opening, laying out, widening, extending, altering, reconstructing, changing the grade of or constructing any street;

(b) The construction or reconstruction of sidewalks, pedestrian ways, bike lanes, or bike paths;

(c) The construction, reconstruction, or alteration of any sanitary or storm sewer, water, geothermal, or drainage facility;

(d) Public open space, median strip plantings, and greenery facilities including all land, structures, equipment, supplies, and personnel necessary to acquire, develop, manage, or maintain such facilities, whether the property is in public or private ownership;

(e) Repair and maintenance of public improvements described herein;

(f) The installation, construction, reconstruction, alteration, or repair of electrical, natural gas, communications, or other such facilities only to the extent that such work is incidental to the public improvements described herein and the cost of such work is insignificant in

comparison to the total LID cost as determined by the Council;

(g) Such other public facilities and services for which an assessment may be made on the property specially benefitted as determined by the Council.

(9) Structure. Any temporary or permanent building or improvement to real property of any kind, which is constructed on or attached to real property, whether above, on, or beneath the surface.

(10) Unimproved Land. A lot or parcel with no improvements which constitute less than 25% of the land value.

(11) Value. The real market value of property or improvements as shown on the most recent assessment roll. The City may use an independent MAI professional appraisal to establish value if the City determines that it is appropriate and is a more accurate reflection of current conditions.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.104 DESIGNATION

The properties which are to be assessed for part or all of the cost of a public improvement shall be included within the boundaries of, and known together as a Local Improvement District or LID. In addition, the property on which the public improvement is to be located and such other incidental properties as are necessary for a logical boundary may be included.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.105 INITIATION [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.106 CLASSIFICATION

(1) LID shall be classified as follows, subject to the minimum qualifications of Section 3.172 and 3.182:

(a) Maintenance LID in which assessments may be levied to pay the actual on-going costs of maintaining, repairing, or operating public improvements;

(b) Neighborhood LID in which the assessments may be levied to pay the actual cost of capital construction benefiting primarily developed properties; or

(c) Frontage and off-site LID in which assessments may be levied to pay the actual cost of capital construction of off-site or frontage public improvements benefiting developed or undeveloped properties, as described in Section 3.182.

(2) No LID shall be formed to construct or finance internal improvements to undeveloped property, including but not limited to subdivision streets, internal sidewalks, sanitary sewer, water, geothermal and drainage facilities, except those incidental improvements permitted by Section 3.182.

(3) Nothing herein shall preclude an LID from consisting of more than one classification provided all applicable requirements are met.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.108 ANNUAL BUDGET ADOPTION

If the public improvements proposed will involve operation or maintenance, the Council shall adopt an annual budget for the District which shall contain in addition to operating and maintenance expense, the cost of proposed construction, purchase, reconstruction, and repair. The budget shall contain anticipated revenue from assessments and from user fees and service charges, if any, generated by the improvements. All levies of assessments and expenditures shall correspond as nearly as possible to adopted budgets. However, the Council may amend such budgets from time to time as it deems necessary.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.110 SURVEY OF PROPERTY OWNERS [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.112 MAXIMUM ANNUAL ASSESSMENT

A proposed assessment for maintenance or operation or both may be designated a maximum annual assessment. When the requirements of Subsection (2) are met, a maximum annual assessment shall operate as described in Subsection (1).

(1) Each year the Council shall determine and include in its budget for a LID the portion or all of a maximum annual assessment that it deems necessary for maintenance or operation or both during the ensuing year. It may thereafter levy and collect that portion of

the assessment without the notice and hearing.

(2) The fact that a proposed assessment will be a maximum annual assessment shall be stated in the order creating the LID and notice of hearing on the proposed improvement. The effect and operation of such an assessment shall be explained in the notice. If approved, the order authorizing the improvement shall also clearly designate the character of the assessment.

(3) The existence of a maximum annual assessment in a LID shall not prevent the Council from making additional assessments of the classes described in Section 3.106.

(4) The authorization for a maximum annual assessment shall be revoked upon receipt by the Council of a written request signed by more than 1/2 of the owners representing more than 1/2 by area of the property specially benefited by the assessment. No signature shall be accepted that was made more than 60 days prior to receipt of the request.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.114 INITIATION OF PROCEEDINGS

(1) Whenever the Council shall deem it necessary, on its own motion, or receipt of a petition from 51% of the property owners within a proposed LID the Council shall direct an appropriate department of the City to prepare a report on the proposed public improvement and file it with the Council. The Council may waive the report and immediately enact an order in conformance with Section 3.116. Proposals may include any class of assessment described in Section 3.106 in one proceeding.

(2) Maintenance LID assessments may, at the option of the City, be charged immediately provided that the owner has made a specific request for the services. The Council may require such a request as a condition of forming the LID provided the City has not previously legally obligated itself to provide the service. The request shall be on a form acceptable to the City and shall be recorded as a burden running with the land in favor of the City of Klamath Falls. The request shall be valid for a maximum of 20 years or such shorter time as is determined by the Council to be a complete maintenance cycle for the improvement. The request is irrevocable for so long as the annual assessment does not exceed the maximum annual assessment approved in conjunction with the request. The Council is under no obligation to provide service and may abandon service at any time or may require a new request as a condition of establishing a new maximum annual assessment or otherwise continuing to provide services and levy assessments.

(3) Unless directed otherwise by the Council, the report shall contain the following matters:

(a) A map or plat showing the general nature, location, and extent of the proposed improvement and of the proposed LID;

(b) Classification of the LID pursuant to Section 3.106 including findings regarding whether the qualifications have been met, together with a description of the work to be done, including where appropriate, preliminary plans, and specifications;

(c) An estimate of the probable actual cost of the improvement, including financing. If assessments are proposed for maintenance or operation, a budget for the first fiscal year or portion thereof, and projected budgets for subsequent years so far as is reasonably possible;

(d) A recommendation as to the method or methods of assessment to be used to arrive at an equitable apportionment of the whole or any portion of the cost to the property specially benefited;

(e) The description of each lot, parcel of land, or portion thereof to be specially benefited by the improvement with the names of the owners or reputed owners and the estimated assessment or assessments against each lot or parcel;

(f) The property may be described by the subdivision, by lots, blocks, and addition names, by metes and bounds, or by reference to the book and page of any public record where the description may be found, so that the description can be made certain.

If the owner is unknown, the land may be assessed to "unknown owner", or "unknown owners". If the property is correctly described, no final assessment shall be invalidated by a mistake or omission in the name of the owner. Where the name of the true owner, or the owner of record, of any parcel of real property is given, the final assessment shall not be held invalid on account of any error or irregularity in the

description if the description would be sufficient in a deed of conveyance from the owner, or is such that, in a suit to enforce a contract to convey, employing such description a court of equity would hold it to be good and sufficient.

Any description of real property which conforms substantially to the requirements of this Section shall be sufficient in all proceedings relating to a final assessment for a local improvement, foreclosure and sale of delinquent assessments, and in any other proceeding related to or connected with levying, collecting, and enforcing final assessments.

(4) The Council may, by Resolution, adopt filing fees and deposit requirements for LID petitions.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.115 INITIAL COUNCIL ACTION [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.116 COUNCIL ACTION ON REPORT

After the report described in Section 3.114 has been filed with the Council, the Council may approve the report, modify the report and approve it as modified, require additional or different information or abandon the improvement.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.118 HEARING DATE

If the Council approves a report or waives filing of a report it shall enact a Resolution creating and describing the LID declaring its intention to make the public improvement, providing the manner and method of carrying out the improvement, setting a public hearing on the improvement to hear objections and directing that notice be given of the public hearing.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.120 GENERAL OBLIGATION WARRANTS [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.122 HEARING NOTICE CONTENTS

The notice shall contain:

(1) A general description of the public improvement and of the LID. The description need not be by metes and bounds and shall be such that an average person can determine from it the general location of the property and shall include a listing of the affected parcels or lots;

(2) A statement that the report adopted by the Council is on file and subject to public examination. If the report has been waived, a statement containing such of the information described in Section 3.114(2) that the Council deems necessary or a statement of a place where such information is available for public examination;

(3) The time and place of a public hearing on the improvement to hear objections;

(4) The estimated assessment, or maximum annual assessment, for each lot or parcel;

(5) A statement explaining the remonstrance process.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.124 HEARING NOTICE METHODS

Hearing notice shall be given by mail to the owners of property of record within the District. In addition, the notice may be given by publication in a newspaper of general circulation within the LID, by posting at City Hall and within the district or by any combination of these methods. Notice shall be mailed not less than 10 days prior to the public hearing.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.125 RESOLUTION AND NOTICE OF HEARING [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.126 HEARING

(1) At the time of the public hearing the Council shall hear testimony on the proposed improvement and may continue the hearing as it deems necessary. If the Council determines that the improvement shall be made, it shall by Resolution so order at the conclusion of the hearing or within 60 days thereafter. The Resolution shall contain such direction as is necessary regarding the manner and method of making, operating, and maintaining the improvement. The Council may, on its own motion at any time prior to the initiation of work on the

improvement or letting of contracts for the improvement, order that the improvement be abandoned. Failure of the Council to act within the 60 day period shall constitute abandonment.

(2) Action by the Council approving a proposed public improvement shall be suspended for 6 months, or abandoned at the Council's discretion, upon a remonstrance by the owners of 2/3 of the lots or parcels to be assessed, provided written remonstrance is delivered to the Council within 30 days of the order approving the improvement.

(3) An order suspending the improvement shall be for a stated time not less than 6 months. The order shall specify what may occur during the suspension period and provide for setting a public hearing after the suspension period to determine whether to proceed with the improvement or to abandon. Objections to proceeding shall be heard at such hearing, but remonstrances shall not be binding on the Council.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.128 MANNER OF DOING WORK

Public improvements may be constructed, purchased, reconstructed, operated, and maintained by the City, by another governmental agency, by contract, or by any combination thereof.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.130 MANNER OF DOING WORK [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.132 INTERIM FINANCING

(1) The City may enter into any interim funding of public improvement projects as allowed by law.

(2) Prior to authorization of construction, each property owner in a frontage/off-site LID shall sign an irrevocable waiver, on a form provided by the City, of any irregularities and defects, jurisdictional or otherwise, in the proceedings forming the LID, approving the improvement, determining the estimated actual costs and establishing or levying the assessments.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.134 ASSESSMENT FILING

(1) Upon completion of a public improvement and the actual cost has been determined, the appropriate department shall prepare the assessment to the respective lots or parcels of property in the LID and file it with the Council.

(2) Assessments in a maintenance LID may be pre-assessed based on the estimated cost for the ensuing year, or assessed at the conclusion of the annual maintenance period, as directed by the Council.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.135 HEARING [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.136 ASSESSMENT NOTICE

(1) Upon receipt of an assessment roll, the Council shall determine whether to certify the assessments to the tax roll to be collected with ad valorem taxes or charge the assessments immediately against the property owners.

(2) The Council shall direct that no less than 10 days notice of the Council meeting be mailed to the owners or reputed owners of the property containing the following information:

(a) The name of the owner of reputed owner, the description of the property assessed, the total project cost assessed against benefited property and the amount of assessment against the described property;

(b) A date by which time written objections to the proposed assessment stating the grounds for objection must be received and the date of a hearing at which time the Council will consider any objections;

(c) A statement that the assessment in the notice or as it may be modified by the Council will be levied by the Council after the hearing and thereafter will be certified to the tax roll or charged against the property and be immediately payable in full or in installments, as directed by the Council.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.138 ASSESSMENT HEARING AND ASSESSMENT ORDINANCE

The Council shall hold the hearing to consider objections filed in writing. After the hearing the Council may adopt, correct, or revise the assessment roll and in doing so shall determine the amount of assessment to be charged against each lot or parcel within the LID according to the special benefits accruing to each and shall levy such assessments by Ordinance. If the assessments are to be collected with ad valorem taxes the order shall certify the assessments to the County which shall add them to the tax roll and collect them for the District. If the assessments are to be charged immediately against the property, the Ordinance shall specify the terms for installment payments and the date that payments or applications for installment payments are due. In the case of assessments charged immediately against the property, the appropriate department shall notify each property owner or reputed owner by registered mail of the following information:

(1) The date of the order levying the assessment, the amount of the specific assessment and a description of the property assessed;
(2) If the Council has so ordered, application may be filed by the date specified by the Council to pay all or any portion in installments according to state law as modified by this chapter or by Resolution of the Council. An explanation of procedures for installment payments shall be included; and
(3) The entire amount of the assessment, less any part for which application to pay in installments is made, is due on the date specified by the Council and if unpaid on that date, will accrue interest and subject the property to foreclosure.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.140 CALL FOR BIDS [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.142 ASSESSMENT INSTALLMENT PAYMENTS

(1) The provisions of the Bancroft Bonding Act (ORS 223.205 to 223.300) shall apply to all assessments for capital construction if the Council so provides in its Ordinance levying assessments. The provisions of the Bancroft Bonding Act are considered modified as necessary to avoid conflict with this Act or with any Resolution or Ordinance of the Council.
(2) Unless otherwise ordered by the Council, the applicant shall have 20 days from the date notice of the assessment is first mailed to file the installment application with the City.
(3) The application for installment payments shall set forth installment terms, including any late payment penalty. It shall require that the applicant waive any and all irregularities or defects, jurisdictional or otherwise, in the proceedings causing the final assessment to be levied and in apportioning the actual cost. It shall provide for a term of 10 years. If authorized by the Council, the person applying for installment payments may irrevocably establish a payment term of less than 10 years as provided by law.
(4) Assessments financed by installment payments for which interim financing or bond financing has been obtained by the City shall be subject to a prepayment charge. This charge shall be a reasonable estimate of the amount necessary to close the account and protect the residents of the City of Klamath Falls from risk of shortfall in the funds available to make bond payments. The charge shall be computed using generally accepted financial practices to estimate the net present value of the bonds as of the date of payment of the assessment. The prepayment charge shall be based on the difference between the net present value of the bonds and the prepayment received, plus City costs. Upon call, defeasance or redemption, any excess prepayment charge shall be refunded.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.144 LIEN RECORDATION

(1) After passage of the Ordinance levying assessments, the Finance Director shall enter in the City Lien Docket a statement of the amounts assessed upon each lot, parcel or portion thereof, together with a description of the improvement, the name of the owners, the date of the order and the date upon which payment or application for installment payment is due. Upon such entry in the Lien Docket the amount so entered, together with interest as it accrues, shall become a lien and charge on the respective lots, parcels or

portions thereof which have been assessed. All payments shall be entered in the lien docket and shall discharge the lien to the amount of such payment. Notwithstanding the manner and time of payment of an assessment specified by the Council, the whole amount of the assessment together with interest and costs accrued thereon may be paid after the assessment is entered in the lien docket and before it is due.

(2) In addition, the Ordinance shall be recorded as required by ORS 93.643. For purposes of said statute the Ordinance shall constitute the "preliminary assessment."

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.145 NOTICE OF PROPOSED ASSESSMENT [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.146 LIEN SUPERIORITY

All assessment liens of the City shall be superior and prior to all other liens on the same property insofar as the law permits.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.148 COLLECTION

An assessment or installment payment is delinquent from the date it is due as ordered by the Council except that assessments to be collected with ad valorem taxes shall be delinquent from the date on which the ad valorem taxes with which it is billed are due. If the owner neglects or refuses to pay assessments or installments when due, the Council may adopt a Resolution:

(1) Listing the name of the person in default and a description of the property on which sums are owed;

(2) Stating the sums due, including principal, interest and any late payment penalties or charges;

(3) Declaring the entire balance of the assessment to be due and payable at once;

(4) Directing that all unpaid assessments, interest, and penalties be collected in any manner provided by law.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.150 ASSESSMENT ORDINANCE [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.152 ERRORS IN ASSESSMENT CALCULATION

Claimed errors in the calculation of assessment shall be called to the attention of the City. If the Council finds that there has been an error, the Council shall amend the Ordinance levying assessments to correct such errors; and make the necessary correction in the City Lien Docket and send a correct notice of assessment by mail.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.154 DEFICIT ASSESSMENT

If it is found that the amount of the assessment is insufficient to defray the expenses of the improvement, the Council may, by motion, declare such deficit and declare a proposed deficit assessment. The Council shall set a time for hearing of objections to such deficit assessment and shall mail notice of the hearing to owners of the affected property. After such hearing, the Council shall make an equitable deficit assessment, by Ordinance, which shall be entered in the City Lien Docket as provided by this Act; and notices of the deficit assessment shall be mailed and the collection of the assessment shall be made in accordance with this Act consistent with the collection of the original assessment.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.155 METHODS OF ASSESSMENT AND ALTERNATIVE METHODS OF FINANCING [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.156 REBATES

(1) If, for any reason, the City collects more than is due under this Act or an Ordinance of the Council authorized herein, then the Council must ascertain and declare the same by Ordinance; and when so declared, the excess amounts must be entered on the lien docket as a credit on the appropriate assessment. In the event that the assessment has been paid, the person who paid the same, or his legal representative,

shall be entitled to the repayment of such rebate credit, or portion thereof, which exceeds the amount unpaid on the original assessment. Notice of the rebate shall be sent to the person who paid the amount at the person's last address as shown on the LID records of the City. If, within 60 days, the person cannot be located, payment shall be made to the current owner of the property from which the overpayment arose without recourse against the City by the original payor.

(2) The City shall notify in writing the party who deposited security deposit funds or assurances of any funds eligible to be released. Prior to close-out of the LID, City shall provide a final written statement of funds which may be claimed. This final statement shall be provided by certified or registered mail, return receipt requested. All notices required to be sent under this Section shall be sent to the last known address in the records of the LID. It shall be the sole responsibility of the party eligible to receive such funds to keep the City informed of any change in address or assignment of refund eligibility. Any funds remaining on the date 5 years from the mailing of the final statement shall be deemed abandoned and become the property of City.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.158 CURATIVE PROVISIONS

No assessment shall be rendered invalid by reason of a failure of the report to contain all of the information required by this Act; or by reason of a failure to have all of the information required to be in the Resolution authorizing the improvement, the Ordinance levying assessments, the lien docket or notices required to be published and mailed; nor by the failure to list the name of, or tax list of, or mail notice to, the owner of any property as required by this Act; or by reason of any other error, mistake, delay, omission, irregularity, or other act, jurisdictional or otherwise, in any of the proceedings or steps herein specified, unless it appears that the assessment is unjust in its effect upon the person complaining; and the Council shall have the power and authority to remedy and correct all such matters by suitable action and proceedings.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.160 NOTICE OF ASSESSMENT [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.162 REMEDIES

(1) Actions of the Council pursuant to this Act are subject to judicial review exclusively by writ of review in accordance with the procedures in ORS 34.010 to 34.100. Review of an action of the Council directing that an improvement be made or levying any assessment may be commenced only by a property owner who has filed a written remonstrance or objection as provided in this Act. Failure to so remonstrate or object shall constitute a waiver and failure to exhaust administrative remedies.

(2) Any owner having any objection which could not have been raised by remonstrance or objection during the formation and assessment proceedings or which, if raised, was not resolved shall file a written objection with the Council within 60 days of mailing of the first assessment statement, or tax statement if the assessment has been placed on the tax rolls. Failure to do so shall constitute a waiver of any and all such objections or defenses to the assessment and collection and a failure to exhaust the administrative remedy provided herein. Upon receipt of such objection, the City shall within 60 days issue a report determining whether an error was committed, denying the objection or proposing such steps as are necessary to remedy the error, including but not limited to a revision of the assessment. Nothing in this Section in any way limits the effect of the waiver in Section 3.142 the curative provisions of Section 3.158, or Section 3.162(1).

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.164 REASSESSMENT

Whenever any assessment, deficit, or reassessment for any improvement which has been made by the City has been, or shall be, set aside, annulled or declared or rendered void, or its enforcement restrained by any court having jurisdiction, or when the Council shall be in doubt as to the validity of such assessment, deficit assessment or reassessment or any part

thereof, then the Council may make a reassessment in the manner provided by law.
[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.165 LINES, LINE RECORDS AND INTEREST [REPEALED]

[Repealed by Ordinance No. 95-17; enacted Jan. 18, 1996.]

3.170 FORECLOSURE PROCEEDINGS[REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.172 QUALIFICATION REQUIREMENTS FOR NEIGHBORHOOD LIDS

Prior to formation of a neighborhood LID, the Council shall find that each of the requirements listed in this Section have been met.

(1) The proposed public improvements are of a type and scale primarily benefiting the local needs of established neighborhoods, commercial, or industrial areas, such as sidewalks, sanitary sewer, water, geothermal, drainage, curbs, and local access streets;
(2) The value of the land and improvements for 90% of the lots or parcels, to be assessed exceeds the assessment prior to the improvement by a ratio of no less than 6:1;
(3) The assessment on any one lot or parcel does not exceed 20%of the total assessment.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.174 MINIMUM QUALIFICATIONS FOR FRONTAGE/OFF-SITE LIDS

Prior to formation of a frontage/off-site LID, the Council shall find that each of the following minimum requirements have been met:

(1) The proposed public improvements are:
   (a) Required to be constructed as a condition of development approval or are on the adopted 5 year capital improvement program;
   (b) The type for which Street, sewer, or water SDC revenues may lawfully be expanded in the event of default; and
   (c) To be constructed along one or more frontages of the properties assessed or off-site. This may include sanitary sewer or water mains, arterial or major collector street improvements which bisect a property to service surrounding properties and minor incidental internal improvements necessary to transition utility lines or a minor collector or local access street to the public improvement.
(2) Proof of payment of all current and prior years ad valorem taxes, interest, and penalties for each lot or parcel proposed to be assessed;
(3) The value of 90% of the lots or parcels to be assessed exceeds the value of the estimated assessment by a ratio of no less than 6:1;
(4) Cash or negotiable instruments acceptable to the City are deposited with the City in an amount sufficient to pay the total estimated assessments in the district for 1 year or the full cost of all non-SDC eligible project costs, whichever is more. This shall be retained by the City as a security deposit in the event of default and as prepayment of the final year's assessment. Any interest or increase in value shall be the property of the party posting the security. Upon default, the City may use these funds to pay any costs which may become due, including for interim financing and make any bond payments due and otherwise preserve the property or protect the City from liability pending foreclosure. This deposit; however, shall not forestall delinquency or relieve the property owner from the obligation to pay assessments when due and shall not be a defense to foreclosure;
(5) The owner irrevocably assigns to City any SDC credits owner otherwise is eligible to receive from construction of public improvements financed by the LID. City shall redeem the credits at the time of building permit issuance or occupancy, at City's option, of any lot or parcel assessed. Funds shall be held by City to secure 2 years debt service and assessment payments in addition to, and in the same manner as, the deposit provided for in 3.174(4). Any credits remaining after the 2 year reserve is fully funded shall be assigned back to the original assignor.

(6) The City may require submittal of such information as it deems necessary to evaluate the financial viability of the district and the risk to City. The City may refuse to authorize formation of the district or construction of the improvements if it concludes that there is a significant risk of default. The City may require such financial guarantees as it deems necessary to adequately minimize such risk.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.175 ERRORS IN ASSESSMENT CALCULATIONS [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.176 EXCEPTIONS TO MINIMUM REQUIREMENTS

(1) Notwithstanding Section 3.174, the City may approve an LID for construction of frontage and off-site public improvements regardless of whether such improvements are SDC eligible if the owner of each lot or parcel proposed to be assessed posts cash or negotiable instruments with the City or in escrow, or an irrevocable letter of credit in a form and issued by a financial institution acceptable to City, for the entire amount of the estimated assessment, less the deposit required by Section 3.174. This assurance shall be available to the City to pay the cost of the public improvements, interim financing, bond obligations, and any other amounts owed upon failure of the owner to do so. Annual release of this assurance based on that portion of the assessments paid may be permitted;

(2) Notwithstanding Subsection (1), the Council may accept an alternative form of that assurance for some or all of the estimated assessment if the Council finds that:

(a) The assurances are sufficient to pay the entire assessment;

(b) The owner has made a reasonable and good faith effort to provide an assurance set forth in Section 3.174(4), but has been unable to do so; and

(c) The proposed assurance is: easily collectible and not readily susceptible to defeat; relatively liquid; generally stable with little fluctuation in value and has a relatively clearly established value.

(3) The Council may exempt a lot or parcel from one or more of the financial assurance requirements imposed by Section 3.174 or 3.176 provided that:

(a) The total estimated assessments on such exempted property do not exceed 10% of the total estimated assessments for the District and the value to assessment ratio on any exempted lot or parcel is not less than 2:1; and

(b) An owner within the District agrees to pay the assessment on such parcel in the event of default and posts securities or financial assurances, as provided herein, sufficient to secure such payment.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.178 SECURITY LIABILITY

The City shall have recourse to the assurance provided in Section 3.176 as a source of payment of any delinquency independent from, and without recourse first to any other remedy provided by law, including foreclosure. Each applicant for installment payment of an assessment against an unimproved land parcel shall remain personally liable for the amount financed in the application, regardless of the subsequent disposition of the property. If the property is sold, the original applicant's liability shall be for any installment debt not satisfied out of foreclosure and sale of the property. The applicant shall be jointly liable with the subsequent owner for any debt not satisfied out of foreclosure and sale proceeds.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.180 DEFICIT ASSESSMENT [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.182 SUBSEQUENT PURCHASE LIABILITY RELEASE

A subsequent purchaser may submit to the City the assurances provided in Section 3.176. If the City determines that the subsequent purchaser has met the requirements of Section 3.176, the Council may order the release of the original applicant from liability for the assessment.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.184 PAYMENT AND BOND SCHEDULES

(1) Installment payments shall be due and payable on a schedule determined by the City.

(2) Bonds issued by the City for the purpose of financing local improvements shall be for a period as designated by the Council but not to exceed the lesser of the estimated structural and design life expectancy of the proposed public improvement, as determined by the City or 30 years. The City reserves the right to issue these bonds for a period of 5 years when the property will be resold when developed, and to provide that these bonds may be callable after 2 or more years in the event of substantial prepayment.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.185 REBATES [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.186 EFFECT OF PROVISIONS

This Act shall without further action govern all Districts formed after the effective date. Nothing herein shall affect the validity or continued operation of any LID formed prior to the effective date of this Act and all assessments and assessment authority shall continue to be valid. Notwithstanding this provision, the Council may by Resolution direct that such provisions of this Act govern pre-existing districts and assessments as the Council determines to be appropriate.

[Added by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.190 ABANDONMENT OF PROCEEDINGS [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.192

3.195 CURATIVE PROVISIONS [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.200 REASSESSMENT [REPEALED]

[Repealed by Ordinance No. 95-17, enacted Jan. 18, 1996.]

3.205 SEGREGATION OF ASSESSMENTS

(1) Whenever property shall have been assessed in an entire tract or parcel and subsequently divided into smaller lots or parcels or divided among different owners, any owner, mortgagee or lien holder of parcel(s) desiring to have the total assessment apportioned between said smaller lots or parcels may make an application to the City Council for a segregation of the assessment and a determination of the amount due on the portion owned by him or her.

(2) Applications for the segregation of liens shall be filed with the Finance Director and shall describe tract(s), lot(s) or parcel(s) to be segregated and the names of the owners of the respective tract(s), lot(s) or parcel(s). Applications shall include Klamath County Deed Records recording information of the document evidencing applicant's ownership or other interest in the parcel or shall be accompanied by a true copy of the deed, mortgage, or other document evidencing applicant's interest. The application shall also be accompanied by a fee as established by Resolution of the Council, which fee or fees may be revised by Resolution of the Council at any time.

(3) Upon receipt of the application, the Finance Director shall cause a segregation of the total assessment to be calculated by the appropriate City department according to the method of apportionment used in the original improvement assessment.

(4) No requested segregation shall be granted unless the segregation complies with ORS 92.010 to 92.160, applicable Community Development Ordinance provisions, and all applicable acknowledged comprehensive plans.

(5) If the Council determines that the requested segregation complies under Subsection (4) above, it shall order the segregation by Resolution describing each parcel, the owner of each parcel, and the amount of the assessment levied against each parcel. The Resolution will become effective upon receipt from the applicant of an executed agreement acknowledging the validity of the assessment(s) as segregated and waiving any and all errors or irregularities in the proceedings, and upon receipt of all past due payments on the total assessment of the entire tract or parcel involved. Thereafter, a

copy of the Resolution shall be filed with the Finance Director who shall cause any necessary changes or entries to be made in the City's lien docket.

[Added by Ordinance No. 6335, enacted March 2, 1981; Amended by Ordinance No. 6445, enacted Feb. 21, 1984.]

SIDEWALKS

3.305 APPLICATION
The provisions of Sections 3.305 to 3.330 shall apply to:
(1) Procedures initiated by Council; and
(2) Procedures initiated by order of the Public Works Director to an individual property owner to repair or replace a deteriorated curb or sidewalk.
[Added by Ordinance No. 6288, enacted May 5, 1980; Amended by Ordinance No. 6510, enacted June 17, 1986.]

3.310 HEARING
At the public hearing on the proposed sidewalk or curb improvement, the property owner and the public generally shall be given an opportunity to be heard. The Council shall then determine whether or not the sidewalk or curb shall be constructed, no further steps shall be taken. If it finds in accord with its first Resolution, that such sidewalk or curb is necessary and in the best interest of the public, then it shall set forth such findings by Ordinance and direct the owner of the lot or parcel of land adjacent to the site of the proposed sidewalk or curb to construct the sidewalk or curb, under the supervision of the City Engineer and in accord with plans and specifications approved by the City.
[Amended by Ordinance No. 6510, enacted June 17, 1986.]

3.315 NOTICE
The Recorder shall notify the owner of the property involved, by written notice, to construct the sidewalk or curb and begin the work thereon within 30 days from receipt of the notice, if served upon the owner in person, or within 30 days from the date of mailing the notice by certified mail to the owner, addressed to his/her last known address, or, if the address is not known, to the address given on the most recent assessment roll in the office of the County assessor. The Recorder may serve the notice by personal service on the party or by certified mail, as provided in this Section. The notice shall also inform the owner of the lot or parcel of land that the work is to be done under supervision of the Engineer and according to certain plans and specifications. It shall further inform the owner that if the construction of the sidewalk or curb is not begun within 30 days, the City will construct the sidewalk or curb and the cost will be assessed against the lot or parcel of land and be a lien against it.
[Amended by Ordinance No. 6510, enacted June 17, 1986.]

3.320 CONSTRUCTION BY PROPERTY OWNER
(1) Whenever a property owner constructs a new sidewalk or curb under the provisions of this chapter, such sidewalk or curb shall be constructed of portland cement concrete, to the standard specifications adopted by the City.
(2) Notwithstanding the provisions of Subsection (1), the Council may approve the use of sidewalk construction material other than portland cement concrete for a specific project or area of the City.
[Amended by Ordinance No. 6510, enacted June 17, 1986.]

3.325 COMPLETION OF CONSTRUCTION
The owner shall complete the construction of the sidewalk or curb within a period of 60 days after construction is begun; or it may be completed by the City and the cost placed as a lien against the property. The City may grant 1 30 day extension upon request of the owner. If more than 1 lot or parcel of land is involved, the cost of the sidewalk or curb shall be equitably prorated by the Public Works Director, or his/her designee, among the several parcels of property involved.
[Amended by Ordinance No. 6510, enacted June 17, 1986; Amended by Ordinance No. 03-08, enacted April 9, 2003.]

3.330 CONSTRUCTION BY CITY
When it becomes necessary for the City to construct the sidewalk or curb, it shall proceed as provided in Sections 3.140 to 3.200.
[Amended by Ordinance No. 6510, enacted June 17, 1986.]

ECONOMIC IMPROVEMENT DISTRICTS

3.405 DEFINITIONS

As used in Sections 3.405 to 3.455 (the "act"), unless the context requires otherwise:

(1) Economic Improvement means:
   (a) The planning or management of development of improvement activities.
   (b) Landscaping or other maintenance or public areas.
   (c) Promotion of commercial activity or public events.
   (d) Activities in support of business recruitment and development.
   (e) Improvements in parking systems or parking enforcement.
   (f) Any other economic improvement activity for which an assessment may be made on property specially benefited thereby.

(2) EID means an Economic Improvement District created or proposed under this act.

(3) Lot means lot, block or parcel of land.

(4) Owner has the meaning given that term in ORS 223.287.

[Added by Ordinance No. 6499, enacted Nov. 4, 1985.]

3.410 PURPOSE

The provisions of this Act set forth the procedures to be followed for the creation of an Economic Improvement District within the City within which the costs of an economic improvement may be assessed upon lots which are specially benefited by all or part of the improvement. This Act is intended to be applied and construed in conformance with Chapter 576, Oregon Law, 1985.

[Added by Ordinance No. 6499, enacted Nov. 4, 1985.]

3.415 RESTRICTIONS

No EID shall be formed under this act which would:

(1) Levy assessments in an economic improvement district in any year that exceed 1% of the true cash value of all real property located within the district.

(2) Include within the district any area of the City that is not zoned for commercial or industrial use.

(3) Levy assessments on residential real property or any portion of a structure used for residential purposes.

[Added by Ordinance No. 6499, enacted Nov. 4, 1985.]

3.420 INITIATION

An EID may be initiated:

(1) At the request of the Council;

(2) At the request of one or more owners of property to be benefited specially by the improvement; or

(3) As part of a master economic development plan prepared by or for the City.

[Added by Ordinance No. 6499, enacted Nov. 4, 1985.]

3.425 NOTICE OF COUNCIL HEARING

(1) If following initiation of an EID there is a showing of support among the benefited property owners, a public hearing on the proposed EID shall be scheduled before the Council.

(2) Not later than 30 days prior to the date of said public hearing, notice shall be mailed or delivered personally to affected property owners within the proposed district boundaries. The notice shall state the proposed intention to construct or undertake the economic improvement project and to assess benefited property for a part or all of the cost. The notice shall state the time and place of the public hearing.

[Added by Ordinance No. 6499, enacted Nov. 4, 1985.]

3.430 HEARING

(1) At the public hearing the proposed EID program shall be presented to include:
   (a) A description of the economic improvement project(s) to be undertaken;
   (b) A preliminary estimate of the probable cost of the economic improvement and the proposed formula for apportioning cost to specially benefited property;
   (c) A description of the boundaries of the district in which property will be assessed; and
   (d) The number of years, to a maximum of 5, in which assessments will be levied.

(2) Affected property owners shall have the opportunity to appear to support or object to the proposed improvement and assessment.

(3) If, after the hearing, the Council determines that the economic development shall be formed, the Council shall by Resolution:

(a) Adopt the EID program as presented or amended by Council;
(b) Determine whether the property benefited shall bear all or a portion of the cost;
(c) Determine, based on the actual or estimated cost of the economic improvement project, the amount of assessment on each lot in the district; and
(d) Set a public hearing on the assessment for the EID;
(e) As used in Subsection (b) above, "cost" may include the direct administrative overhead costs incurred by the City pertaining to the improvement project.

[Added by Ordinance No. 6499, enacted Nov. 4, 1985; amended by Ordinance No. 02-11, enacted June 2, 2002.]

3.435 NOTICE OF PROPOSAL ASSESSMENT

If the Council determines that the economic improvement project shall be made, the Recorder or person designated by the Council shall prepare the proposed assessment to the respective lots within the assessment district and file it in the appropriate City office. Notice of the proposed assessment shall be mailed or personally delivered to the owner of each lot proposed to be assessed. The notice shall state the amounts of assessments proposed on that property and shall state the time and place of the public hearing at which affected property owners may appear to support or object to the proposed assessment. The hearing shall not be held sooner than 30 days after the mailing or personal delivery of the notices.

[Added by Ordinance No. 6499, enacted Nov. 4, 1985.]

3.440 ASSESSMENT ORDINANCE

(1) On the date set for the public hearing, the Council shall consider any objections and may adopt, correct, modify or revise the proposed assessments and shall determine the amount of assessment to be charged against each lot within the district, according to the special and peculiar benefits accruing thereto from the economic improvements, and shall by Ordinance spread the assessments. The Ordinance shall set forth the dates on which the annual assessments are to be made. The Ordinance may provide for annual, semiannual or quarterly payment of the assessment and may set an interest rate charge on installment payments.
(2) The assessment shall not be made and the economic improvement project shall be terminated and in the event written objections are received at the public hearing from owners of property upon which more than 33% of the total amount of assessments are proposed to be levied.
(3) The assessment Ordinance may create an advisory committee to allocate expenditure of moneys for economic improvement activities within the scope of the project.

[Added by Ordinance No. 6499, enacted Nov. 4, 1985.]

3.445 METHOD OF ASSESSMENT AND ALTERNATIVE METHODS OF FINANCING

(1) The Council, in adopting a method of assessment of the costs of the improvement, may:
(a) Use any just and reasonable method of determining the extent of any improvement district consistent with the benefits derived.
(b) Use any method of apportioning the sum to be assessed as is just and reasonable among the properties determined to be specially benefited.
(c) Authorize payment by the City of all or any part of the cost of any such improvement when, in the opinion of the Council, the character of the project involved warrants only a partial payment or no payment by the benefited property of the costs of the improvement.
(2) Nothing contained in this act shall preclude the Council from using any other available means of financing improvements, including Federal or State grants-in-aid, revenue bonds, general obligation bonds, or any other legal means of finance. If such other means of financing economic improvements are used, the Council may, in its discretion, levy assessments according to the benefits derived to cover any remaining part of the costs of the economic improvement.

[Added by Ordinance No. 6499, enacted Nov. 4, 1985.]

3.450 NOTICE OF ASSESSMENT
Within 10 days after the Ordinance levying assessment has been passed, the Recorder shall send by registered or certified mail a notice of assessment to the owner of the assessed property. The notice of assessment shall recite the date of the assessment Ordinance and the date on which the first annual assessment is due, together with the terms of installment payments if desired. The Recorder shall send notice of subsequent assessments or installment payments during the term of the LID to the affected property owner at least 30 days prior to their due date. Each notice sent shall state that upon the failure to the owner of the property assessed to pay the assessment, an installment or any part thereof within 10 days of its due date, interest at the rate of 10% per annum will commence to run on the assessment and the property assessed will be subject to foreclosure. The notice shall also describe the property assessed, name the owner of the property and state the amount of each assessment.
[Added by Ordinance No. 6499, enacted Nov. 4, 1985.]

3.455 APPLICATION OF 3.165 TO 3.205
Sections 3.165 to 3.205 shall apply to this act unless the context otherwise requires.
[Added by Ordinance No. 6499, enacted Nov. 4, 1985.]

SYSTEMS DEVELOPMENT CHARGE

3.505 PURPOSE

The purpose of the Systems Development Charge is to impose a portion of the cost of capital improvements for water, wastewater drainage, streets, flood control and parks upon those developments that create the need for or increase the demands on capital improvements.
[Added by Ordinance No. 6623, enacted July 1, 1991.]

3.510 SCOPE

The Systems Development Charge imposed by Sections 3.505 to 3.590 hereinafter referred to as the "SDC Act", is separate from and in addition to any applicable tax, assessment, charge or fee otherwise provided by law or imposed as a condition of development.
[Added by Ordinance No. 6623, enacted July 1, 1991.]

3.515 DEFINITIONS

For purposes of this Ordinance, the following mean:

(1) Capital Improvements. As defined in ORS 223.299, including any amendments thereto.
(2) Developer. Any person who creates or proposes to create a development whether or not the person is an owner**,** and including any agent of a Developer.
(3) Development. Conducting a building operation, making a physical change in the use or appearance of a structure or land, dividing land into 2 or more parcels (including partitions and subdivisions), and creating or terminating a right of access.
(4) Improvement Fee. A fee for costs associated with Capital Improvements to be constructed after the date the fee is adopted pursuant to Section 3.520.
(5) Improvement Plan. A plan approved by the City Council in compliance with ORS 223.309 and Section 3.540 that lists the City Capital Improvements on which SDC improvement fee revenues may be expended according to ORS 223.309.
(6) Interested Persons List. A list prepared in compliance with ORS 223.304(6), including any amendments thereto, identifying persons that have requested in writing to be notified about proposed adoption of, or amendment to, SDC methodologies.
(7) Land Area. The area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane with the exception of a portion of the parcel within a recorded right-of-way or easement subject to a servitude for a public street or scenic or preservation purpose.
(8) Methodology. The description and formulas that collectively describe how development impact fees and System Development Charges are calculated for each system.
(9) Parcel of Land. A lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or other use, and that includes the yards and other open spaces required under the zoning, subdivision or other development Ordinances.
(10) Qualified Public Improvements. As defined in ORS 223.299**,** including any amendments thereto.
(11) Reimbursement Fee. A fee for costs associated with Capital Improvements constructed or under construction on the date the fee is adopted pursuant to Section 3.520.
(12) Systems Development Charge or SDC. As defined in ORS 223.299, including any amendments thereto.

[Added by Ordinance 6623, enacted July 1, 1991; amended by Ordinance 96-23, enacted Aug. 20, 1996; Amended by Ordinance 07-06, enacted Feb. 20, 2007.]

3.520 SYSTEMS DEVELOPMENT CHARGE ESTABLISHED

(1) System Development Charges shall be established and may be revised by Resolution of the Council. The Resolution shall include or reference a methodology which sets forth the basis for calculating charges and other fees and that is available for public inspection. The process for establishing or modifying a System Development Charge shall comply with notice requirements in ORS 223.304(7) including any amendments thereto, using the City's Interested Persons List.
(2) Unless otherwise exempted by the provisions of this Ordinance or other local or State Law, a Systems Development Charge is hereby imposed upon all Developers of land within the City, and upon all Developers of lands outside the boundary of the City that choose to be connected to or otherwise use the sewer facilities, storm sewers or water facilities of the City. For Development outside

the boundaries of the City, SDCs shall only be imposed for those City systems to which the subject property is directly connected or for which the City is the designated service provider in an adopted urban service provider agreement that complies with OAR 660-011-010(1)(e).

(3) All System Development Charges established by the Council shall be adjusted on January 1st of each year based on the change in the cost of construction. Changes in the cost of construction shall be determined by multiplying the current System Development Charge by the yearly percentage change in the Engineering News Record Construction Cost Index for the Seattle, Washington area, 1913 = 100 (the "ENR Index") for December prior to the year of increase (as compared to December of the previous calendar year), and adding that amount of change, positive or negative, to the current System Development Charges. Pursuant to the provisions of ORS 223.304(8):
   (a) The yearly change in the System Development Charges provided for in this Subsection is not a change in the System Development Charge methodologies; and
   (b) Council may, by duly adopted Resolution, change the cost index used to determine changes in the cost of construction.

(4) The City will establish and maintain a System Development Charge list of interested persons. Requests to be placed on the List need to be in writing. The City may purge names from the List once a year after notifying persons on the List that they need to submit a request in writing that their name be retained on the List. Persons will have 30 days to reply to this notice.

[Added by Ordinance No. 6623, enacted July 1, 1991; Amended by Ordinance No. 07-06, enacted Feb. 20, 2007.]

3.525 METHODOLOGY

(1) The methodology used to establish the reimbursement fee shall consider the cost of then-existing facilities, prior contributions by then-existing users, gifts or grants from Federal or State Government or private persons, the value of unused capacity, rate-making principals employed to finance publicly owned capital improvements, and other relevant factors identified by the Council. The methodology shall promote the objective that future systems users shall contribute no more than an equitable share of the cost of then-existing facilities.

(2) The methodology used to establish the improvement fee shall consider the costs of projected capital improvements set forth in an adopted Improvement Plan that are needed to increase the capacity of the system~~s~~ to which the fee is related and for the benefit of future users.

(3) The methodology used to establish the improvement fee or the reimbursement fee, or both, shall be contained in a Resolution adopted by Council.

(4) The methodology for City water, wastewater, street and storm water System Development Charges shall be kept on file with the Public Works Director and made available for public inspection.

(5) The methodology for the park System Development Charge shall be kept on file with the Planning Division and made available for public inspection.

(6) The methodology used to establish or modify a System Development Charge shall be available for public inspection at least 60 days prior to the first adoption hearing. Notice to individuals or groups on the Interested Persons List will be provided at least 90 days prior to the first adoption hearing.

[Added by Ordinance No. 6623, enacted July 1, 1991; Amended by Ordinance No. 07-06, enacted Feb. 20, 2007; Amended by Ordinance No. 14-11, enacted Nov. 17, 2014.]

3.530 AUTHORIZED EXPENDITURES

(1) Reimbursement fees shall be applied only to capital improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.

(2)(a) Improvement fees shall be spent only on capacity increasing capital improvements, including expenditures relating to repayment of future debt for the improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the improvements funded by improvement fees must be related to demands created by development.

(b) A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the City pursuant to Section 3.540.

(3) Notwithstanding Subsections (1) and (2), Systems Development Charge revenues may be expended on the direct costs of complying with the provisions of this SDC Act, including the costs of developing Systems Development Charge methodologies and providing an annual accounting of Systems Development Charge expenditures.

[Added by Ordinance No. 6623, enacted July 1, 1991.]

3.535 EXPENDITURE RESTRICTIONS

(1) Systems development charges shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.

(2) Systems development charges shall not be expended for costs of the operation of routine maintenance of capital improvements.

[Added by Ordinance No. 6623, enacted July 1, 1991.]

3.540 IMPROVEMENT PLAN

The Council shall adopt a plan that:

(1) Lists the capital improvements that may be funded with improvement fee revenues;

(2) Lists the estimated cost and time of construction of each improvement; and

(3) Describes the process for modifying the plan.

[Added by Ordinance No. 6623, enacted July 1, 1991.]

3.545 COLLECTION OF CHARGE

(1) For properties located inside the City, all applicable System~~s~~ Development Charge**s** are payable upon issuance of:

(a) A permit to connect to the water system or the sewer system.

(b) A development permit or a residential review permit, if the Development does not connect to the water or sewer systems.

(2) For properties located outside the City but within a designated City service area, the System Development Charges are payable as follows:

(a) Issuance of a permit to connect to the water system; or

(b) Issuance of a permit to connect to the sewer system;

(c) If the Development does not connect to the water or sewer systems, upon issuance of a County building permit, or other County development document for any Development not requiring the issuance of a building permit.

(3) If Development is commenced or connection is made to the water or sewer systems without an appropriate permit, the System~~s~~ Development Charge is immediately payable upon the earliest date that a permit was required.

(4) Persons subject to a System Development Charge shall be notified of appeal procedures when they are required to pay the charge.

(5) The Planning Manager shall not issue a development permit or residential review permit, nor shall the City allow a utility connection until all applicable SDC charges have been paid in full, unless provisions for installment payments have been made pursuant to Section 3.555, or an exemption or deferral has been granted pursuant to Section 3.560 or Subsection (6)..

(6) The Council may, by Resolution, defer imposition and collection of the System Development Charge in order to facilitate the development and expansion of low-income housing opportunities by Klamath Housing Authority.

[Added by Ordinance No. 6623, enacted July 1, 1991; Amended by Ordinance No. 00-25, enacted Nov. 21, 2000; Amended by Ordinance No. 07-06, enacted Feb. 20, 2007; Amended by Ordinance No. 14-11, enacted Nov. 17, 2014.]

3.550 DELINQUENT CHARGES: HEARING

(1) When, for any reason, the Systems Development Charge has not been paid, the Public Works Director shall report to the Council the amount of the uncollected charge, the description of the real property to which the charge is attributable, the date upon which the charge was due and the name of the developer.

(2) The City Council shall, by motion, schedule a public hearing on the matter and direct that notice of the hearing be given to each developer and the owner with a copy of the Public Works Director's report concerning the unpaid charge. Notice of the hearing shall be given either personally or by certified mail, return receipt requested, or by both personal

and mailed notice, and by posting notice on the parcel at least 10 days before the date set for the hearing.

(3) At the hearing, the Council may accept, reject or modify the determination of the Public Works Director as set forth in the report. If the Council finds that a Systems Development Charge is unpaid and uncollected, it shall, by motion, direct the discontinuance of system services to the property.

[Added by Ordinance No. 6623, enacted July 1, 1991; amended by Ordinance No. 96-23, enacted Aug. 20, 1996.]

3.555 INSTALLMENT PAYMENT

(1) When an eligible Systems Development Charge is due and collectible, the owner of the parcel of land subject to the development charge may apply for payment in 20 semi-annual installments, to include interest on the unpaid balance, in accordance with ORS 223.208 and applicable City Ordinances. The application shall provide that the owner agrees to pay a billing charge to be added to each installment. The billing charge shall be a pro-rated share of the actual cost of billing and keeping records of installment payment accounts. The amount of the billing charge may be set and modified by the City Manager in accordance with the requirements of Section 1.075.

(2) The Finance Director shall provide application forms for installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.

(3) An applicant for installment payments shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the interest of the applicant is adequate to secure payment of the lien.

(4) The Public Works Director shall report to the Finance Director the amount of the Systems Development Charge, the dates on which the payments are due, the name of the owner and the description of the parcel.

(5) The Finance Director shall docket the lien in the lien docket. From that time the City shall have a lien upon the described parcel for the amount of the Systems Development Charge, together with interest on the unpaid balance at the rate established by the Council. The lien shall be enforceable in the manner provided in ORS Chapter 223.

(6) Only the following System Development Charges are eligible for payment in installments as permitted:

(a) Those described in ORS 223.208 that are designed to finance the purchase or development of a public park or recreational facility, or the construction, extension or enlargement of a street, storm sewer, community water supply, storm or sewerage or disposal system as defined in ORS 199.464 imposed by the City as a condition to issuance of any occupancy permit or imposed at some other time as determined by City Ordinance;

(b) Those imposed on properties where the property is part of a low-income housing development constructed by Klamath Housing Authority; or

(c) Those imposed on properties where, in the discretion of the Finance Director, the property owner has established that immediate payment of the SDC will cause an extreme financial hardship on the property owner and no alternative finance arrangements are available to the property owner.

[Added by Ordinance No. 6623, enacted July 1, 1991; Amended by Ordinance No.07-12, enacted June 19, 2007.]

3.560 EXEMPTIONS

(1) That portion of a structure's water line/meter devoted solely to the supply of the structure's fire protection system shall not be subject to the Systems Development Charge.

(2) An alteration, addition, replacement or change in use, including redevelopment of a vacant lot which had the requested utility service within the previous 10 year period, shall be exempt; provided, there is no increase in the parcel's, lot's or structure's use of the public improvement facility.

(3) A project financed by City revenues may be exempted by the Council from all portions of the Systems Development Charge.

(4) No Systems Development Charge shall be imposed upon qualified new homes in a designated distressed housing area.

[Added by Ordinance No. 6623, enacted July 1, 1991; Amended by Ordinance No. 6636, enacted May 4, 1992; Amended by Ordinance

No. 6649, enacted Jan. 7, 1993; Amended by Ordinance No. 96-23, enacted Aug. 20, 1996.]

3.565 CREDITS

(1) A Systems Development Charge shall be imposed when a change of use of a parcel or structure occurs, but credit shall be given for the computed Systems Development Charge to the extent that prior structures existed and services were used within the prior 10 year period. The credit so computed shall not exceed the calculated Systems Development Charge. No refund shall be made on account of such credit.

(2) A credit shall be given for the cost of a Qualified Public Improvement constructed as part of an approved development. If a Qualified Public Improvement is located partially on and partially off the parcel that is the subject of a development approval, credit shall be given only for the improvement fee portion of the SDC, not for the reimbursement fee portion, and shall not exceed the amount of the improvement fee even if the cost of the capital improvement exceeds the fee.

(3) A System Development Charge credit for the cost of a Qualified Public Improvement shall be calculated as follows:

(a) The Credit must be applied for by an Applicant entitled to the credit. The Applicant must specifically request the credit prior to the date when the applicable SDC is payable as provided in Section 3.545. The Applicant bears the burden of evidence for establishing entitlement to a credit and for establishing the value of the credit.

(b) The value of the SDC credit shall be approved by the Department Director responsible for the applicable public system based on the cost of the Qualified Public Improvement or the value of land dedicated for the improvement as follows:

(i) For dedicated land, value shall be based on a written appraisal of fair market value by a qualified professional appraiser.

(ii) For constructed improvements, the value shall be based on the actual cost of construction verified by receipts submitted by the Applicant.

(iii) For improvements pledged but not yet constructed, value shall be based on the anticipated cost of construction using estimates prepared and certified by a registered engineer or architect, or based on a fixed price bid from a contractor qualified to build the improvement. The Department Director may revise the amount of the credit if actual construction costs deviate from cost estimates or bids by more than 5%.

(c) The appropriate Department Director shall respond to a request for SDC credit within 21 days of the date when the request is submitted, not including time requested by the Director to clarify or complete an application. Requests for clarification shall be in writing.

(d) If an Applicant disputes a Director's decision regarding an SDC credit, an appeal may be filed in accordance with provisions in Section 3.575.

(4) Credit shall not be transferable from one development to another. Credit shall not be transferable from one type of capital improvement to another.

(5) In determining Park System Development Charge credits the following criteria shall be applied:

(a) Required Areas. No credit will be allowed for required landscaping, for yard areas, or for unbuildable, undeveloped "open space."

(b) Non-public Areas. No credit will be allowed for areas not open to and easily accessible by the general public. To be accessible, public parking should be available and/or there should be immediate access to an established public bikeway.

(c) Landscaped Areas. A credit of 50% of the cost of fully landscaped areas in excess of that required by the CDO will be allowed, provided it is adjacent to an exterior public street and at least 2 acres in size (uninterrupted by driveways or streets). There must be an unrestricted view to the street. This provision applies where no developed recreation facilities are provided. "Cost" is defined as the assessed value of the land plus the costs of the initial improvements. To be eligible for this credit, Developer must provide for perpetual maintenance of the improvements.

(d) Recreation Facilities. Credit will be given for the cost of recreation features added

to designated open space (e.g., trails) provided they are easily accessible to the general public (such as having parking available or being connected to an existing trail system.) "Cost" is defined as the costs of the improvement only, not the land value.

(i) Credit will be 100% if the criteria in subsections (e)(i) are met.

(ii) Credit will be 125% if provision for perpetual maintenance is made under subsection (5)(e)(ii).

(e) Public Parks.

(i) Credit of 100% of the cost of a fully developed park or similar recreation facility is allowed provided it: is in excess of 2 acres in size; is consistent with the City's parks master plan or receives approval of the Parks and Recreation Advisory Board; is fully landscaped; has 2 or more recreation facilities or features consistent with a neighborhood park and has been approved of by the Board; and is easily accessible to the general public (e.g., has public parking available). The park must be dedicated to the City after development by the developer. "Cost" is defined as the assessed value of the land plus the cost of landscaping and recreational improvements.

(ii) Credit of 125% of the above cost is allowed if provision for perpetual maintenance by the developer or homeowner association is provided.

(f) Dedicated Park Land. A credit of 100% of the assessed value of unimproved land donated to the City for Park Development is allowed, provided it is at least 3 acres in size, suitable for park development, no closer than 2 miles to an existing park, not in conflict with the City's parks master plan and has been approved by the Parks and Recreation Advisory Board and the City Council.

(g) Excess Credits. There shall be no payment by City in the event the value of the credit exceeds the SDC due, but the owner may carry over excess credits for 5 years.

[Section 3.565 was added by Ordinance No. 6623, enacted July 1, 1991; Section 3.565(1) was amended by Ordinance No. 02-07, enacted April 16, 2002; Note: Section 5 was adopted by Council via Resolution No. 97-28, enacted Oct. 20, 1997, Amended by Ordinance No.07-12, enacted June 19, 2007.]

3.570 SEGREGATION AND USE OF REVENUE

(1) All funds derived from a particular type of Systems Development Charge are to be segregated by accounting practices from all other funds of the City. That portion of the Systems Development Charge calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth in Section 3.530.

(2) The Finance Director shall provide the City Council with an annual accounting, based on the City's fiscal year, for Systems Development Charges showing the total amount of Systems Development Charge revenues collected for each type of facility and the projects funded from each account.

[Added by Ordinance No. 6623, enacted July 1, 1991.]

3.575 APPEAL PROCEDURE

(1) Appeals regarding the calculation of a System Development Charge shall be made in writing to the department director responsible for administering the particular system in question within 10 working days of the date that the charge is payable. Appeals must set forth the basis for appeal outlining the specific computational or methodological errors that are the basis for the appeal. Responses to director appeals shall be issued in writing within 45 days. An appeal of the director decision may then be made to the City Council by written request to the City Recorder within 10 days of the director's decision. If requested in writing, Petitioners will be afforded reasonable opportunity to appear before the Council to present the basis for their appeal. Responses to Council appeals will be issued 45 days after receipt by the City Recorder or, if an appearance before the Council is granted, within 30 days after the appearance. The Council's appeal decision will be in writing and will include an advisory reference of the petitioner's right to State Court review pursuant to ORS 34.010-34.100.

(2) An appeal of an expenditure of System Development Charge revenue must be filed within 2 years of the date of the alleged improper expenditure. With the exception of the extended timeline for filing the initial appeal, the review process for expenditure appeals is the same process as outlined in Subsection (1).

(3) The Council shall determine whether the appropriate director's decision is in accordance with this Ordinance and the provisions of ORS 223.297 to 223.314 and may affirm, modify or overrule the decisions. If the Council determines that there has been an improper expenditure of System~~s~~ Development Charge revenues, the Council shall direct that a sum equal to the misspent amount shall be deposited within 1 year to the credit of the account or fund from which it was spent.

(4) A legal action challenging the methodology adopted by the Council pursuant to Section 3.525 shall be subject to the requirements of ORS 34.010 to 34.100 and shall be filed not later than 60 days after the adopted methodology is final.

[Added by Ordinance No. 6623, enacted July 1, 1991; Amended by Ordinance No. 07-06, enacted Feb. 20, 2007.]

3.580 PROHIBITED CONNECTION

No person may connect to the water or sewer systems of the City unless the appropriate Systems Development Charge has been paid or the lien or installment payment method has been applied for and approved.

[Added by Ordinance No. 6623, enacted July 1, 1991.]

3.585 PENALTY

Violation of Section 3.580 of this SDC Act is punishable by a fine not to exceed $500.

[Added by Ordinance No. 6623, enacted July 1, 1991.]

3.590 CONSTRUCTION AND SEVERABILITY

(1) The rules of statutory construction contained in ORS Chapter 174 are adopted and by this reference made a part of this SDC Act.

(2) The invalidity of a Section or Subsection of this Act shall not affect the validity of the remaining Sections or Subsections.

[Added by Ordinance No. 6623, enacted July 1, 1991.]

ADVANCE FINANCING OF PUBLIC IMPROVEMENTS ACT

3.605 DEFINITIONS

The following words and phrases for the purposes of this Act and for the purposes of any advance financing agreement entered into pursuant hereto and for any actions taken as authorized pursuant to this chapter or otherwise, shall have the meanings set out below:

(1) Act means Sections 3.505 to 3.560, the Advance Financing of Public Improvements Act.

(2) Advance Financing is a method of recapturing costs by a developer, where such developer installs public improvements, and where such public improvements may be utilized by neighboring properties.

(3) Advance Financing Agreement means an agreement between developer and the City, as authorized by the installation of advance financed public improvements and which agreement contains provisions for reimbursement by the benefiting properties that may utilize such improvements as determined in the best interest of the public by the Council.

(4) Advance Financing District Ordinance means an Ordinance adopted by the City designating a public improvement to be an advance financed public improvement, creating an advance financing district and containing provisions for financial reimbursement by benefiting properties that may utilize the improvement(s) and such other provisions as determined in the best interest of the public by the Council.

(5) Developer means the City, an individual, a partnership, a joint venture, a corporation, a subdivider, a partitioner of land or any other entity, without limitation who will bear, under the terms of this Act, the expense of design, construction, purchase, installation, or other expenses associated with the creation of a public improvement. The rights of a developer created under this Act run with the land unless a written assignment otherwise is presented to the City in advance of any reimbursement payment.

(6) Development means that real property being developed by the Developer and for which property the Advance Financing District Ordinance is adopted.

(7) Benefiting Property means that real property which would benefit from an advance financed public improvement, but does not include the development.

(8) Owner means the fee holder of record or the legal title to the real property in question. Where such real property is being purchased under a recorded land sales contract, then such purchasers shall also be deemed owners.

(9) Public Improvement means the following:

(a) The construction, reconstruction or altering of any street or alley;

(b) The construction of curbs and/or sidewalks;

(c) The construction or upgrading of any sanitary or storm sewer or water main;

(d) The construction or upgrading of any flood control or irrigation dike, dam, structure, or facility;

(e) Those “local improvements” as defined in ORS 310.140(9) as now written or hereafter amended;

(f) Any other public improvement authorized and so designated by the Council. The term does not include improvements which solely benefit the Development.

3.610 CITY ANALYSIS

Upon receipt of a request for advance financing reimbursement, the City Public Works Department shall make an analysis of the advance financing proposal and shall prepare a report to be submitted to the Council for discussion at a public hearing. Such report shall include a map showing the location of the Development, the public improvement and benefiting properties. The report shall also include the total cost of the advance financed public improvement, and the portions thereof benefiting the Development and each of the benefiting properties.

3.615 PUBLIC HEARING - NOTIFICATION

Not less than 10, nor more than 30 days prior to any public hearing being held pursuant to this Act, Developer and all benefiting property owners shall be notified of such hearing and the purpose. Such notification shall be accomplished by regular mail, according to the address on file with the County Assessor, or by personal service. If notification is accomplished by mail, notice shall be deemed made on the date that said letter of notification is posted. Failure of any owner to be so notified shall not invalidate or otherwise affect any Advance

Financing District Ordinance or the Council's action to approve or not to approve the same.

3.620 PUBLIC HEARING

After the Public Works analysis has been completed, an informational public hearing shall be held before the City Council in which all parties and the general public shall be given the opportunity to express their views and ask questions pertaining to the proposed advance financed public improvement. Since advance financed public improvements do not give rise to assessment, the public hearing is for informational purposes only, and is not subject to remonstrances. The Council has the sole discretion after the public hearing to decide whether or not an Advance Financing District Ordinance shall be adopted, what property constitutes benefiting properties, and the appropriate level of reimbursement to be imposed on each benefiting property.

3.625 ADVANCE FINANCING DISTRICT ORDINANCES & AGREEMENTS

After the public hearing, held pursuant to 3.520, if the Council desires to proceed, it shall adopt an Advance Financing District Ordinance. The Ordinance shall designate the improvement as an advance financed improvement and provide for advance financed reimbursement by benefiting property owners pursuant to this Act. Except when the Developer is the City, the Advance Financing District Ordinance may instruct the City to enter into an agreement between Developer and the City pertaining to the advance financed improvement, and may, in such agreement, require such guarantee or guarantees as the City deems best to protect the public and intervening properties, and may make such other provisions as the Council determines necessary and proper. All agreements entered into must contain and have distributed costs to all future and intervening properties. A copy of the agreement must be filed with the Finance Director.

3.630 ADVANCE FINANCED REIMBURSEMENT

An advance financed reimbursement is imposed on all benefiting properties for projects that utilize an Advance Financed Public Improvement District. Such reimbursement is made at the time of utilization of the advance financed public improvement by the benefiting property pursuant to Section 3.545.

3.635 CALCULATION OF REIMBURSEMENT BENEFITING PROPERTIES

(1) For street improvements, the advance financed reimbursements, imposed on benefiting properties shall be calculated by dividing the total actual cost of the advanced financed street improvement by the front footage of all benefiting properties and the Development which determines unit cost. The unit cost (cost per frontage foot) is then multiplied by the front footage of each intervening property. For sewer, water and storm drainage, the relative areas benefited shall be used to calculate the acreage unit cost for reimbursement. In addition, the City may use any other method of apportioning costs on those properties specially benefitted that are just and reasonable.

(2) If inequities are created through the strict implementation of the above methodologies, the Council may modify their impact on a case-by-case basis.

3.640 INTEREST APPLIED TO REIMBURSEMENTS

Reimbursements will be increased by an annual interest rate as set forth by Council in the Advance Financing District Ordinance. The interest will be calculated from the date the Council adopts the Advance Financing District Ordinance to the date of collection of the reimbursement.

3.645 COLLECTION OF ADVANCE FINANCED REIMBURSEMENT

(1) The advance financed reimbursement is immediately due and payable to the City by benefiting property owners upon their utilizing any advance financed public improvement. If connection is made or construction commenced without the proper City permits then the advance financed reimbursement is immediately due and payable upon the earliest date that any such permit was required.

(2) No permit for connection or construction shall be issued until the advance financed reimbursement is paid in full. Whenever the full and correct advance financed reimbursement has not been paid and collected for any reason, the City Finance Director shall docket the unpaid and uncollected reimbursement in the record of liens; and upon completion of the docketing

the City shall have a lien against the described land or the full amount of the unpaid advance financed reimbursement, interest, and the City's actual cost of serving notice upon the intervening property owners. The lien shall be enforced in the manner as provided by law.

3.650 DISPOSITION OF AN ADVANCED FINANCED REIMBURSEMENT

(1) Developers shall receive the advance financed reimbursement collected by the City for their advance financed public improvements. Such reimbursements shall be delivered to Developer for a period of 10 years after execution of the advance financing agreement unless a longer period has been provided by Council in the Advance Financing District Ordinance.

(2) Payments will be made to the Developer by the City within 90 days of receipt of the advance financed reimbursements.

(3) The City shall retain 2% but not less than $50 per reimbursement for administrative services performed in collecting and distributing the reimbursements.

3.655 RECORDING

All Advance Financing District Ordinances and Agreements as a memorandum shall be recorded by the City in the deed records of the County. The Ordinance and agreement shall contain full legal descriptions of the Development, and benefiting properties. Failure to make such recording shall not affect the legality of an advance financing Ordinance or agreement.

3.660 PUBLIC IMPROVEMENTS

Public improvements installed pursuant to advance financing agreement shall become and remain the sole property of the City pursuant to the advance financing agreement. Advance financed reimbursements, plus interest, not paid to the Developers within 10 years as set forth in Section 3.545 shall be paid to the City to be used for related system improvements as authorized from time to time by the Council.

TREE REGULATIONS IN PUBLIC PLACES

3.700 PURPOSE

The purpose of Sections 3.700 to 3.765 (the "Act") is to maintain and protect the aesthetic quality of the City's residential and business environment and to establish a process and standards which will minimize uncontrolled cutting or destruction of trees within Klamath Falls. It is the intent of this Act to protect the scenic beauty and livability of the City by promoting a process for preserving and/or renewing its tree canopy and by implementing standards for the planting, maintenance and survival of desirable trees. This Act also recognizes the value of the urban forest for its effect on air quality and wildlife habitat, and as a noise barrier and visual contrast to the developed urban environment.

[Added by Ordinance No. 02-01, enacted Jan. 22, 2002.]

3.705 DEFINITIONS

As used in this Act, the following terms shall have the meanings set forth in this section:

(1) Park Trees. Trees, shrubs, bushes, and all other woody vegetation in public parks and all areas owned by the City or to which the public has free access to use as a public park.

(2) Planting Strip. That part of a public right of way not covered by sidewalk or other paving being generally between the sidewalk and the curb.

(3) Public Trees. Park trees, street trees or other trees on publicly owned or controlled property.

(4) Street. The entire width of every public way or right-of-way when any part thereof is open to the use of the public for purposes of vehicular or pedestrian traffic.

(5) Street Trees. Trees on land lying within the right-of-way of any dedicated street.

(6) Tree. A woody perennial, usually with one main trunk, attaining a height of at least 6 feet at maturity, or a trunk diameter of at least 2 inches.

[Added by Ordinance No. 02-01, enacted Jan. 22, 2002.]

3.710 DESIGNATION OF KLAMATH TREE LEAGUE

The Klamath Tree League ("KTL") is hereby designated as an advisory body to the City with respect to this Act and urban forestry matters generally.

[Added by Ordinance No. 02-01, enacted Jan. 22, 2002.]

3.715 STREET TREE PLAN AND LIST OF TREES

(1) It is in the best interest of the City that a Street Tree Plan be developed and established for the planting, maintenance and replacement of trees in and along its streets. This section is adopted for the purpose of providing for such a plan.

(2) The City Manager, with advice from the KTL, shall prepare or cause to be prepared a Street Tree Plan for the planting and maintenance of trees in the streets of the City. Said plan shall be consistent with the landscaping provisions of Chapter 14 of the CDO and, until such time as the Plan is developed, those CDO provisions shall be applied under this Act.

(3) The City Manager, with advice from the KTL, shall maintain a list of approved varieties of trees that may be planted on any street within the City in accordance with the Street Tree Plan. Approval shall be based upon considerations such as maturity, height, susceptibility to disease or pests, reasonable expected freedom from nuisance characteristics and general suitability for any particular locations.

(4) The City may plant street trees along the streets of the City in the public right-of-way and in accordance with the Street Tree Plan.

[Added by Ordinance No. 02-01, enacted Jan. 22, 2002.]

3.720 PLANTINGS IN NEW SUBDIVISIONS AND DEVELOPMENTS

(1) Street trees shall be planted within the planting strips or sidewalks of any new subdivision or other development in conformity with the Street Tree Plan. All such planting shall be done in accordance with the planting specifications governing the placement of street trees as provided by the Plan. All trees shall be planted prior to initial occupancy.

(2) The cost of such street trees shall be paid by the developer.

[Added by Ordinance No. 02-01, enacted Jan. 22, 2002.]

3.725 MODIFIED AND NEW STREETS

All proposed changes in width in a street, or any proposed street improvement shall, where feasible, include allowances for planting strips. Plans and specifications for planting such areas shall be integrated into the general plan of street improvements. Any multi-family, commercial, industrial or public facility which causes change in street improvements shall comply with the Plan.

[Added by Ordinance No. 02-01, enacted Jan. 22, 2002.]

3.730 STREET TREE TRIMMING PERMIT REQUIREMENTS AND CONDITIONS

Any person desiring for any purpose to cut, prune, or treat any street tree, shall make application to the City Planning Department on forms furnished by the City. Such application must state the number and kind of trees to be pruned or treated, the name of permittee and/or contractor, and the time by which the proposed work is to be done and such other information as may be required by the City. Any work done under such written permit must be performed in strict accordance with the terms and provisions of this Act. In issuing or denying a permit, the City Planning Department shall apply all the standards as set forth in this Act and the objectives on the Street Tree Plan.

[Added by Ordinance No. 02-01, enacted Jan. 22, 2002.]

3.735 MAINTENANCE

(1) All street trees must be pruned to National Arborist Association (NAA) Pruning Standards for Shade Trees. A current copy of said Standards shall be available for review at the City Planning Department.

(2) Street trees or trees on private grounds and having branches projecting into the street shall be pruned by the owners of the property upon which the trees are growing and shall be done according to the requirements for tree branch clearance over street and sidewalk areas.

(3) Limbs of trees may be allowed to project over the sidewalk area at an elevation of not less than 7 feet above the sidewalk level, and over the street area at an elevation of not less than 13 feet above the street level. However, on any street designated as an arterial, collector, or one-way street, and where parking has been prohibited, limbs of trees shall be pruned to a height of not less than 14 feet above the street level.

(4) Except in the Downtown Urban Renewal District, care and maintenance of street trees are the continuing duty and routine obligation of the abutting property owners(s).

(5) Wherever the owner or owners, lessees, occupants or persons in charge of private grounds shall neglect or refuse to prune any tree as provided, said tree may be declared a nuisance pursuant to Chapter 5 and the City may prune or treat, or cause to be pruned or treated, said tree. The person remedying the condition shall be authorized to enter the premises for that purpose. The nuisance abatement provisions of Chapter 5 shall be followed for the collection of costs incurred by the City in abating the nuisance.

(6) The City may prune and maintain, or cause to be pruned and maintained, all street trees and trees on private property which have branches projecting into and over the street, the cost of which shall be paid by the property owner, provided prior notice has been given and the property owner has failed to have the work done.

[Added by Ordinance No. 02-01, enacted Jan. 22, 2002.]

3.740 PROTECTION OF TREES

(1) It shall be unlawful for any person to ”top“ any public tree. “Topping” is defined as the cutting of the branches and/or trunk of a tree in a manner which will substantially reduce the overall size of the tree’s crown (more than 20% in a calendar year) so as to destroy the existing symmetrical appearance or natural shape of the tree and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted in writing by the City Manager.

(2) It shall be unlawful for any person to engage in the business, occupation or profession of tree trimming or pruning within the corporate limits of the City of Klamath Falls without first obtaining a business license as provided in Sections 7.005 to 7.100. Issuance of such business license shall be subject to attendance at an annual tree trimming and pruning class to be conducted by the City. (Provided however, International Society of Arboriculture certified arborists **or other education or certification approved by the**

City Manager, or designee, shall not be required to attend the class.)

(3) It shall be unlawful for any person to attach or keep attached to any public tree any ropes, wires, chains, or other device whatsoever, except that the same may be attached to any tree as support or protection. This prohibition shall not apply to the seasonal attachment of holiday lights.

(4) During the erection, repair, alteration or removal of any building, sidewalk, or structure, it shall be unlawful for the person in charge of such erection, repair, alteration or removal to leave any public tree in the vicinity of such building or structure without a good and sufficient guard or protector as to prevent injury to such tree or its roots arising out of, or by reason of such erection, repair, alteration or removal.

(5) It shall be unlawful for any person to abuse, destroy or mutilate any public tree, shrubs, bush or other woody vegetation without first obtaining a permit to do so.

[Added by Ordinance No. 02-01, enacted Jan. 22, 2002.]

3.745 PERMIT TO REMOVE TREES

(1) It shall be unlawful to remove a public tree without first securing a permit from the City Planning Department. Permits to remove public tree(s) will be granted only if Department staff determine that at least one of the following conditions exist:

(a) The tree is dangerous and may be made safe only by its removal.

(b) The tree is dead or dying, and its condition cannot be reversed.

(c) The tree is diseased and presents a potential threat to other trees within the City, unless it is removed.

(d) The tree is causing damage which cannot be corrected through normal tree maintenance, to nearby public or privates facilities.

(e) Removal of the tree is required to make room for trees growing on either side, in accordance with the Street Tree Plan.

(f) The tree is located under an electrical power line and would have to be severely disfigured by pruning, in order to meet power line clearances.

(g) The tree is one of the following species: Willow, Siberian (Chinese) Elm, Black Locust, fruit or nut bearing, Box Elder.

(2) The permit to remove trees may also include a provision which would require the permittee to replace the tree(s) removed with tree recommended in the Tree Selection Guide. No additional permits shall be required for those replacement trees.

(3) If a tree is removed from the subject area without a permit, the City Manager may order such tree replaced by a suitable tree with a minimum of a 3 inch caliper. Failure to comply with such order within a reasonable time, as determined by the City Manger, shall be deemed a separate violation of this Act.

[Added by Ordinance No. 02-01, enacted Jan. 22, 2002.]

3.750 PRUNING FOR OR BY UTILITY

(1) Upon obtaining a written permit from the City Planning Department, a City franchised utility maintaining its utility system in the street may prune or cause to be pruned, using proper arboricultural practices in accordance with said permit, any tree located in or overhanging the street which interferes with any light, pole, wire, cable, appliance or apparatus used in connection with or as part of a utility system, but no tree shall be pruned without the consent of the abutting owner until the utility shall have given a written or printed notice to the owner or occupant of the premises. The owner or occupant has 2 weeks after mailing of the notice to have said trees pruned by a qualified line clearance contractor, in accordance with utility company or applicable industry requirements, at the owner's or occupant's expense and in accordance with the terms of this Act. If the owner or occupant fails, neglects or refuses to have such tree pruned as required by the notice, the utility may prune or cause to be pruned, the tree at its expense in accordance with the conditions of the permit. The Planning Department, at its discretion, may waive the notification of the single tree permit process if the utility adequately demonstrates the ability to meet the performance requirements of this Act and to consistently apply proper arboricultural practices to the pruning of trees.

(2) In those cases where a tree cannot be pruned in such a manner as to preserve the physical or aesthetic integrity of the tree, it shall be removed and replaced by the utility at its own expense and in compliance with the replacement provisions of Section 3.745 and 3.755.

[Added by Ordinance No. 02-01, enacted Jan. 22, 2002.]

3.755 STUMPS

In addition to the standards of the National Arborist Association, the following regulations are hereby established for the care and removal of tree stumps in or upon the streets of the City. When trees are cut down, the stump shall be removed to a depth of 6 inches below the surface of the ground.

[Added by Ordinance No. 02-01, enacted Jan. 22, 2002.]

3.760 OUTSTANDING TREES REGISTRY – [REPEALED]

[Added by Ordinance No. 02-01, enacted Jan. 22, 2002; Repealed by Ordinance No. 03-02, enacted Jan. 7, 2003.]

3.765 ENFORCEMENT

In addition to the procedures for enforcement set forth in this Act, the nuisance abatement procedures, including the imposition of enforcement fees, as set forth in Sections 5.600 through 5.692, shall also be applicable to the enforcement of provisions of this Act.

[Added by Ordinance No. 02-01, enacted Jan. 22, 2002.]

3.790 PENALTIES

Any person who violates any provision of Sections 3.700 through 3.765 or who fails to comply with any notice issued pursuant to said provisions, shall be subject to a fine not to exceed $250 for each separate offense; each day during which any violation of the provisions of these sections shall occur or continue shall be a separate offense. If, as the result of the violation of said provisions, the injury, mutilation, or death of a tree or shrub located in a right-of-way is caused, the cost of repair or replacement of such tree or shrub, of similar size, shall be borne by the party in violation. The replacement value of trees and shrubs shall be determined in accordance with the latest revision of *Valuation of Landscape Trees, Shrubs and Other Plants*, as published by the International Society of Arboriculture.

[Added by Ordinance No. 02-01, enacted Jan. 22, 2002.]

SCHEDULE 3-A
SEGREGATION OF ASSESSMENTS
RESOLUTION NO. 2818

The fee required to accompany a request for an assessment segregation pursuant to Klamath Falls City Code Section 3.205 shall be determined as follows:
For the segregation of one assessment $30.
For each additional assessment required at that time add $10.

[Added by Resolution No. 2818, enacted Mar. 16, 1981.]

SCHEDULE 3-B

SCHEDULE OF CHARGES
RESOLUTION NOS. 02-25, 02-26, 02-27, 07-44, 12-22

RATE ORDER DATED 1-2-08; PUBLIC WORKS 1-2-11PARKS:
The SDCs established herein shall be adjusted each year on January 1st, starting on January 1, 2003, by changes in the cost of construction. The change in cost of construction shall be determined by multiplying the SDCs by the *Engineering News Record* Construction Cost Index for the Seattle area, 1913=100 (ENR) for December prior to the year of increase and dividing by the ENR for December 2001.

SEWER:
The SDCs established herein shall be adjusted each year on January 1st, starting on January 1, 2003 by changes in the cost of construction. The change in cost of construction shall be determined by multiplying the SDCs by the *Engineering News Record* Construction Cost Index for the Seattle area, 1913=100 (ENR) for December prior to the year of increase and dividing by the ENR for December 2001.

WATER:
(1)(a) For meters over 4 inches, the SDC shall be determined based on the customer's anticipated water usage. Anticipated peak day water usage will be divided by the peak day system design flow of 894 gallons per day per ERU to determine peak day ERUs. Anticipated average daily water usage will be divided by 392 gallons per day per ERU to determine average day ERUs (storage ERUs).

(b) The SDC paid on or after the effective date of the changes set by this Resolution for meters larger than 4 inches may be adjusted based on actual usage. If actual usage is greater than 110% of anticipated volume during a 12 month period of time, an additional SDC may be charged, using the same techniques for calculating peak day and storage ERUs and multiplying by the peak day SDC cost per ERU and the storage SDC cost per ERU then in effect.

(2) The SDCs established herein shall be adjusted each year on January 1st, starting on January 1, 2003 by changes in the cost of construction. The change in cost of construction shall be determined by multiplying the SDCs by the *Engineering News Record* Construction Cost Index for the Seattle area, 1913=100 (ENR) for December prior to the year of increase and dividing by the ENR for December 2001. (3) The above fee shall be subject to reduction for credits under Klamath Falls City Code Section 3.565.

(4)The interest rate for installment payment under Klamath Falls City Code Section 3.555 shall be ¾ of the Prime Rate in effect at the time application for installment payment is made.

(5) Interest on installment payments shall be waived for low income, owner-occupied, single-family residence and for low income rental housing owned, managed, or sponsored by governmental or non-profit organizations, such as the Klamath Housing Authority, SOCO Development and the Klamath Tribal Housing Authority.

[Added by Resolution Nos. 02-25, enacted June 3, 2002; 02-26, enacted June 3, 2002; 02-27, enacted June 3, 2002; 07-44, enacted Dec. 17, 2007; Rate Order dated Jan. 2, 2008; Public Works Jan. 2, 2011;]

2013
SINGLE FAMILY RESIDENTIAL

System Development Charges
Meter Installation Fees

Fees valid January 1 – December 31, 2013

PUBLIC WORKS ENGINEERING
226 S. 5th St., Klamath Falls, OR 97601, (541) 883-5368

PLEASE NOTE: Additional fees or charges not listed on this form may apply based on property location. City Review of property must be conducted prior to final verification of any fees and charges. The City cannot accept credit or debit cards for payment of System Development Charges.

Prices below are for 5/8" meter only. Developer/property owner shall determine meter size requirements. Contact office for larger meter prices and commercial or multi-family development.

INSIDE CITY – WATER AND SEWER

☐ City Installed Services:		☐ Developer Pre-installed Services:	
Water Meter/Service Installation	$ 1,050.00	Water Meter Drop-in	$ 225.00
Water System Development Charge	2,562.00	Water System Development Charge	2,562.00
Sewer System Development Charge	5,188.00	Sewer System Development Charge	5,188.00
Parks System Development Charge *	1,201.00	Parks System Development Charge *	1,201.00
TOTAL:	**$ 10,001.00**	**TOTAL:**	**$ 9,176.00**

* Parks SDCs are required for all new residential development or redevelopment inside City limits

OUTSIDE CITY – WATER ONLY

☐ City Installed Services:		☐ Developer Pre-installed Services:	
Water Meter/Service Installation	$ 1,050.00	Water Meter "Drop-in" Fee	$ 225.00
Water System Development Charge	2,562.00	Water System Development Charge	2,562.00
TOTAL:	**$ 3,612.00**	**TOTAL:**	**$ 2,787.00**

ADDITIONAL FEES AND CHARGES

[Transportation System Development Charges, Traffic Mitigation Fees, Recapture Agreements or review fees]

- Applicant may be subject to additional fees not included on this form based on property location or subdivision.
- Please consult City utility maps for information on affected properties.
- City review must be conducted prior to final verification of any fees and charges.

- Meter installation cost is for City installed service line and meter box, which includes routine boring. Costs resulting from pavement or concrete replacement, or landscape reconstruction are in addition to the listed standard charges and will be billed to the applicant at cost, plus a 15% administrative fee [Klamath Falls City Code Resolution No. 02-37].
- Meter "Drop-in" fee applies only to services pre-installed by developer during construction of a qualified subdivision or development. City installed services do not qualify.
- Meters are placed in the public right-of-way; developer/property owner is responsible for determining meter size, constructing private water lines and for connection to meter. Legal access from the water meter to building is property owner responsibility.
- Please allow 3 weeks for meter installation after City's receipt of proper documents and fees.
- **Inside City applicants** contact City Planning for Residential Review before applying for City utility services. Verification of SDCs and meter installation fees will be determined by the Engineering office as part of the review process.
- **Outside City applicants** need valid address as assigned by County Public Works. Building Permit or Conditional Use Permit is required prior to applying for City utility services. Applicants should check with County Public Works for any street cut restrictions.
- **City sewer:** developer/property owner is responsible for constructing the sewer service lateral from the structure to either the service lateral at the property line or to the City main line; this may include installing a cleanout at the property line per City Engineering Standards.
- Previously developed lots may fall under a different fee schedule if property has had qualified active City utility services within the previous ten years [Klamath Falls City Code section 3.560]. Contact office for more information.

2013
SYSTEM DEVELOPMENT CHARGES
METER INSTALLATION FEES
Commercial - Multi-Family - Residential
Fees valid January 1 - December 31, 2013

PUBLIC WORKS ENGINEERING
226 S. 5th St., Klamath Falls, OR 97601, (541) 883-5368

PLEASE NOTE: Additional fees or charges not listed on this form may apply based on property location. City Review of property must be conducted prior to final verification of any fees and charges. The City cannot accept credit or debit cards for payment of System Development Charges.

WATER METER INSTALLATION FEES & SYSTEM DEVELOPMENT CHARGES

METER SIZE	METER INSTALLATION FEE +	SYSTEM DEVELOPMENT CHG =	TOTAL COST
5/8 "	$ 1,050.00	$ 2,562.00	**$ 3,612.00**
1 "	1,050.00	6,405.00	**7,455.00**
1 ½ "	1,500.00	12,810.00	**14,310.00**
2 "	1,850.00	20,496.00	**22,346.00**
3 "	Developer Install	40,992.00	**40,992.00**
4 "	Developer Install	64,050.00	**64,050.00**
6 " or larger	Developer Install	based on anticipated water use	**to be determined**

Meter "Drop-in" charge: 5/8" & 1" = $ 225.00; 1½" = $375.00; 2" = $525.00. City installed services do not qualify; applies only to services pre-installed by developer during construction of a qualified subdivision or development.

Fire Service Lines larger than 2": SDCs exempt per City Code Sec. 3.560; Developer installs in compliance with City Public Works Engineering Standards; Engineering Site Construction Permit with inspection fees required.

Fire Hydrant Installation: Developer installs in compliance with City Public Works Engineering Standards sec. 7-5.5, Standard Drawing 7-110 (assembly) and sec. 7-5.1.1 (tap); Engineering Site Construction Permit with inspection fees required.

- Meter installation cost is for City installed service line and meter box, which includes routine boring. Costs resulting from pavement or concrete replacement, or landscape reconstruction are in *addition* to the listed standard charges and will be billed to the applicant at cost, plus a 15% administrative fee [Klamath Falls City Code Resolution No. 02-37].
- Meters are placed in the public right-of-way; developer/property owner is responsible for determining meter size, constructing private water lines and for connection to meter. *Legal access from the water meter to building is property owner responsibility.*
- Please allow 3 weeks for meter installation after City's receipt of proper documents and fees.
- **Inside City applicants** [Commercial and Residential] contact City Planning for Residential Review or Development Permit before applying for City utility services. Residential applicants pay Parks System Development Charge; please see chart below.
- **Outside City applicants** need valid address as assigned by County Public Works. Building Permit or Conditional Use Permit is required prior to applying for City utility services. Applicants should check with County Public Works for any street cut restrictions.

SEWER SYSTEM DEVELOPMENT CHARGES

SINGLE FAMILY RESIDENTIAL / DUPLEX	**$ 5,188.00 per dwelling unit**
MULTI-FAMILY RESIDENTIAL [3 or more units]	**$ 4,150.00 per dwelling unit**
COMMERCIAL	**$ 5,188.00 per Equivalent Residential Unit ***

- Developer/property owner is responsible for constructing the sewer service lateral from the structure to either the service lateral at the property or to the City main line as per City of Klamath Falls Public Works Engineering Standards.
- Commercial applicants: **Equivalent Residential Unit [ERU]* will be determined by the Wastewater Division based on plumbing and facility information provided during the Development Permit process; this includes manufactured home parks, care facilities, restaurants, churches, etc. Contact City Planning Department to begin the Development Permit Process. Detailed information on determining ERUs is available in our Engineering Standards Manual, section 5 at *ci.klamath-falls.or.us.*

PARKS SYSTEM DEVELOPMENT CHARGES

SINGLE FAMILY RESIDENTIAL	**$ 1,201.00 per dwelling**
DUPLEX & MULTI FAMILY RESIDENTIAL	**$ 874.00 per dwelling unit**
COMMERCIAL	**EXEMPT**

Applicable to any new residential construction or expansion which creates additional residential units inside City limits.

TRANSPORTATION SYSTEM DEVELOPMENT CHARGES & TRAFFIC MITIGATION FEES

Residential applicants may be subject to additional fees not included on this form based on property location. Please consult with City Engineering for information on affected properties. City review must be conducted prior to final verification of any fees and charges.

2013
Transportation System Development Charges
Traffic Mitigation Fees

For Residential Development

Fees valid through December 31, 2013

City of Klamath Falls Public Works Engineering
226 S. 5th St., Klamath Falls, OR 97601
(541) 883-5368

PLEASE NOTE: These fees are in addition to other charges not listed on this form. City Review of property must be conducted prior to final verification of any fees and charges. The City cannot accept credit or debit cards for payment of System Development Charges.

TRANSPORTATION SYSTEM DEVELOPMENT CHARGES
BALSAM DRIVE/ORINDALE ROAD AREA (STEWART-LENOX)

Single Family Residential	$ 2,467.00 per dwelling
Apartment	$ 1,732.00 per dwelling unit
Multi-Family (Duplex, Tri-plex, etc.) & Condominium/Townhouse	$ 1,510.00 per dwelling unit

- Applies to all new residential development and redevelopment of properties located within the Balsam/Orindale Transportation SDC area.
- Fees are paid in conjunction with other applicable SDCs upon application for utility service.
- Fees will be used for street improvements to accommodate increased traffic due to new development in this area.
- Effective May 1, 2008 as per City Ordinance Resolution No. 08-10.
- Consult City utility maps for information on affected properties.

TRAFFIC MITIGATION FEES
SHASTA WAY/HOMEDALE ROAD TRAFFIC SIGNAL

Skyridge Estates Subdivision Phases 2 - 10	$ 1,579.36 per lot
Corte Bella Subdivision Hacienda Heights Subdivision Partridge Hill Subdivision Sherwood Forest Subdivision	$ 1,401.18 per lot

- Applies to all new residential development of properties located within the above named subdivisions.
- Fees are paid in conjunction with other applicable SDCs upon application for utility service.
- Fees will be used for the installation of a traffic signal at Shasta Way and Homedale Road.
- Consult City utility maps for information on affected properties.