

**A Revised Interpretation of the Planning Commission**  
**November 3, 1997**

On September 8, 1997, the Planning Commission adopted an interpretation of Section 9.030 of the Rivergrove Land Development Ordinance (RLDO) which included a determination that an application is not complete until all fees, including SDC's, are fully paid to the City by the Applicant.

ORS 223.299(4)(a) defines system development charge as "... a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement or **issuance of a development permit**, building permit or connection to the capitol improvement ..." (Emphasis added.)

ORS 223.299(4)(a) clearly allows the City of Rivergrove to assess the system development charge at the time of application and to collect it at the time of issuance of a development permit. The issuance of the development permit is, in fact, the City's "last chance" to collect the SDC as part of a City review and approval process. Currently, the Rivergrove Land Development Ordinance as interpreted by the Planning Commission on September 8, 1997, requires the payment of the SDC at the time of application.

The requirements of Section 9.030 of the Rivergrove Land Development Ordinance can be fully synchronized with the SDC definition in ORS 223.299(4)(a) by a slight revision to the September 8, 1997 interpretation as it applies to the collection of the SDC's. The Planning Commission, therefore, hereby revises that interpretation to provide for the collection of the SDC's at the time of issuance of a development permit rather than at the time of application *provided that* at the time of application the applicant provides a written, unqualified promise to pay the assessed SDC when the City issues a development permit. (Note: Both the assessment and the promise to pay will be on a per unit basis.)

The Planning Commission has the authority and responsibility to interpret the RLDO (Section 3.090 of the RLDO). That interpretation shall be in writing and shall be available with copies of the RLDO. The following revised interpretation of Section 9.030 is hereby adopted by the Planning Commission at its regular meeting on November 3, 1997. Until this Section is revised or until a different interpretation of this Section is adopted by the Planning Commission, this Section shall be applied and enforced in accordance with the following interpretation. Except as specifically revised herein, the Planning Commission's interpretation of September 8, 1997, and the explanation of the interpretation as contained in its preamble, remain fully valid and in effect.

**INTERPRETATION**  
**Section 9.030, Rivergrove Land Development Ordinance**

The Planning Commission hereby interprets Section 9.030 of the Rivergrove Land Development Ordinance to include the following requirements:

To be Filed in Article 9 of the Rivergrove Land Development Ordinance



*1. Estimated costs necessary to consider the permit are included in the fees that must be paid to the City by the applicant at the time of application.*

*2. System development charges (system development fees) are included in the fees that will be assessed by the City at the time of application. The payment of system development charges (system development fees) may be delayed until the time of issuance of a development permit provided that at the time of application the applicant provides a written, unqualified promise to pay the assessed SDC when the City issues a development permit.*

*3. An application is not complete until the fees due at the time of application are, in fact, fully paid to the City by the applicant and the applicant provides to the City a written, unqualified promise to pay the assessed SDC when the City issues a development permit..*