

ORDINANCE NO. 06-2014

AN ORDINANCE AMENDING NORTH CLACKAMAS PARKS AND RECREATION DISTRICT'S ORDINANCE FOR SYSTEM DEVELOPMENT CHARGES ON NEW DEVELOPMENT

WHEREAS, the Clackamas County Board of Commissioners ("Board") as the governing body of North Clackamas Parks and Recreation District ("District") finds that the current version of its Ordinance for System Development Charges on New Development ("SDC Ordinance") contains zone composition methodology that is inconsistent between Zones 1 and 3 and could allow for expenditure of growth-related funds in areas experiencing low growth; and

WHEREAS, the Board is willing to update and clarify the SDC Ordinance to balance zone composition and provide assurances that funds paid because of growth will be expended in the area experiencing that growth;

Now, therefore, the Board of Commissioners of Clackamas County as governing body of the District amends the SDC Ordinance as follows:

1. The following definitions are modified or added, as appropriate, to Section 3 of the Ordinance:
 - AA. "ZDO" shall mean the Clackamas County Zoning and Development Ordinance, as amended.
 - BB. "Zone" shall mean, as of November 29th, 2014, one of three zones for the collection of SDCs. Notwithstanding anything else to the contrary stated or adopted herein or elsewhere, such zones shall be constituted as set forth in Section 3.CC, DD, and EE herein.
 - CC. "Zone 1" shall mean that area within the District containing the City of Milwaukie and all unincorporated areas within the City of Milwaukie's urban growth management area as defined by agreement between the City of Milwaukie and Clackamas County, as may be amended from time to time.
 - DD. "Zone 2" shall mean all areas west of I-205 that are not part of Zone 1.
 - EE. "Zone 3" shall mean the City of Happy Valley, all unincorporated areas within the City of Happy Valley's urban growth management area as defined by agreement between the City of Happy Valley and Clackamas County, as may be amended from time to time, and that portion of the City of Damascus within the boundaries of the district.
 - FF. "Zone Projects" shall mean the expenditure of system development charges received by the District pursuant to this Ordinance within the zone in which it was generated, whether designated "zone" or "neighborhood" or "district" or

“community” elsewhere in this Ordinance, a capital improvement plan or other document.

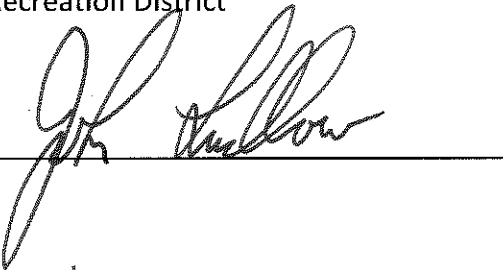
2. Section 10.A of the Ordinance is repealed and replaced in its entirety with the following:

A. The District hereby establishes a separate trust account to be designated as the "Parks and Recreation SDC Account," which must be maintained separate and apart from all other accounts of the District. A trust account shall also be established for each Zone ("Zone Trust Accounts"). Funds in these Zone Trust Accounts, which shall include deposits of both Zone-specific SDC charges and any District-wide SDC charges generated within that Zone, may only be used for Zone Projects in the Zone from which the money was collected except as provided below. Each Zone Trust Account shall be assessed annually, based on a pro rata percentage of collections for the prior fiscal year, a share of (i) the current year SDC-eligible debt service payment as of October 1, 2014, until the SDC-eligible portion of such debt is repaid, and (ii) any SDC-eligible expenditures for district-wide planning efforts such as master planning, charges for collection or administration of the program, and other system costs relating to SDC administration. All system development charge payments must be deposited into the appropriate trust account immediately upon receipt.

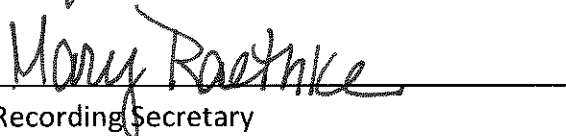
ADOPTED this 30th day of October, 2014.

BOARD OF COUNTY COMMISSIONERS, as
the governing body of North Clackamas Parks
and Recreation District

Chair

A handwritten signature in black ink, appearing to read "John Mulrow", written over a horizontal line.

Recording Secretary

A handwritten signature in black ink, appearing to read "Mary Raethke", written over a horizontal line.