

Bond Case Briefs

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IMPROVEMENT FEES - OREGON

Portland Metropolitan Association of Realtors v. City of Portland

Court of Appeals of Oregon - May 31, 2018 - P.3d - 292 Or.App. 163 - 2018 WL 2455034

Objectors sought a writ of review challenging, under statutes on improvement fees, aspects of city council's decision to approve an ordinance that revised the fee structure for the city's parks and recreation system development charge (SDC).

The Circuit Court granted the writ in part, but remanded the ordinance to the city for greater specificity in the categories of costs, timing, and percentage of costs eligible for SDC's for capital improvements needed to increase capacity. Objectors appealed.

The Court of Appeals held that city council's passage of ordinance amending the challenged ordinance rendered the case moot.

City council's passage of ordinance that amended a challenged ordinance on the fee structure for city's parks and recreation system development charge (SDC), which objectors claimed violated state statutes on improvement fees, rendered moot objectors' appeal of trial court's decision, in response to objectors' action for a writ of review as to the challenged ordinance, to remand to the city the challenged ordinance for greater specificity in the categories of costs, timing, and percentage of costs eligible for SDC's for capital improvements needed to increase capacity; challenged ordinance never went into effect, and fees under the challenged ordinance were never collected and would never be collected.