

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. 802

4
5 An Ordinance amending Multnomah County Code Chapter 5.10 establishing a
6 transportation systems development charge and declaring an emergency.

7 Multnomah County ordains as follows:

8 **Section I. FINDINGS**

- 9 A. Traffic Impact Fees are a systems development charge as provided for in ORS
10 223.279-314 which fund new transportation system improvements in
11 coordination with urban growth.
- 12 B. The Trafficway Plan and Impact Fee Study (DKS: November, 1993)
13 establishes the basis for a traffic impact fee within the Urban Services
14 Boundary of the cities of Gresham, Fairview, Wood Village, and Troutdale.
- 15 C. The cities of Gresham, Fairview, Wood Village, and Troutdale are considering
16 adopting a consistent Traffic Impact Fee within their respective jurisdictions.
- 17 D. Unincorporated properties are located within the Urban Services Boundary
18 which are subject to County land use and development control, and which may
19 contribute additional traffic on the transportation system when developed, but
20 which are not subject to Traffic Impact Fees enacted by cities.
- 21 E. New urban development can provide their proportionate share of revenue for
22 future transportation improvement costs required to mitigate the impacts on the
23 transportation system of additional traffic generated by such new development

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1 through a Traffic Impact Fee.

2 **Section II. DEFINITIONS**

3 A. As used in this Ordinance, except where the context otherwise requires, words
4 and phrases have the following meaning:

- 5 1) **CAPITAL IMPROVEMENTS.** Facilities and assets used for
6 transportation.
- 7 2) **DEVELOPMENT.** Any changes to improved or unimproved property
8 including, but not limited to construction, installation or alteration of a
9 building or other structure; condominium conversion, land division or
10 mining activity which increases the usage of any capital improvement,
11 or creates the need for additional capital improvements.
- 12 3) **DIRECTOR.** The Director of the Multnomah County Transportation
13 Division.
- 14 4) **IMPROVEMENT FEE.** A fee for costs associated with capital
15 improvements to be constructed after the date the Ordinance becomes
16 effective.
- 17 5) **LAND AREA.** The area of a parcel of land as measured by projection
18 of the parcel boundaries upon a horizontal plane with the exception of a
19 portion of the parcel within a recorded right-of-way or easement subject
20 to a servitude for a public street or scenic or preservation purpose.
- 21 6) **OWNER.** The legal owner of record as shown on the assessment and
22 taxation records of Multnomah County, or where there is a recorded
23 land sales contract in force, the purchaser thereunder.

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- 1 7) **PARCEL OF LAND.** A lot, parcel, block or other tract of land that is
2 occupied or may be occupied by a structure or structures or another
3 use, including the yards and other open spaces required under the
4 zoning, subdivision or other development ordinances.
- 5 8) **P.M. PEAK HOUR.** The hour with the highest traffic count in the
6 period from 4 p.m. to 6 p.m.
- 7 9) **P.M. PEAK HOUR TRIP ENDS.** The average vehicle trip ends on a
8 weekday in the peak hour of adjacent street traffic for one hour
9 between 4 p.m. and 6 p.m. as determined in the most recent edition of
10 the Institute of Traffic Engineers "Trip Generation Manual."
- 11 10) **QUALIFIED PUBLIC IMPROVEMENTS.** A capital improvement that
12 is required as a condition of development approval, identified in the
13 Regional Transportation Capital Improvements, and either:
- 14 (a) Not located on or contiguous to property that is the subject of
15 development approval; or
- 16 (b) Located in whole or part on or contiguous to property that is the
17 subject of development approval and required to be built larger
18 or with greater capacity than is necessary for the particular
19 development project to which the improvement fee is related.
- 20 11) **REIMBURSEMENT FEE.** A fee for costs associated with capital
21 improvements constructed or under construction on the date the fee is
22 adopted.
- 23 12) **SYSTEMS DEVELOPMENT FEE.** A reimbursement fee, an

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1 improvement fee or a combination thereof assessed or collected at the
2 time of increased usage of a capital improvement, at the time of
3 issuance of a development permit or building permit or at the time of
4 connection to the capital improvement. Systems development charge
5 does not include fees assessed or collected as part of a local
6 improvement district or a charge in lieu of a local improvement district
7 assessment, or the cost of complying with requirements or conditions
8 imposed by a land decision.

- 9 13) TRANSPORTATION FACILITIES AND ASSETS. Public
10 improvements on the transportation system which are capacity related.

11 **Section III: PURPOSE**

12 The purpose of a systems development charge is to require that new developments of
13 land which create the need for transportation facilities, or increase the demands on existing
14 transportation facilities, pay a proportionate share of the capital improvement costs to
15 improve the transportation system as identified in the Regional Transportation Capital
16 Improvement List.

17 **Section IV. IMPROVEMENT FEES AND CREDITS**

- 18 A. ESTABLISHING FEES. The methodology used to establish improvement fees
19 shall consider the cost of projected capital improvements needed to increase
20 the capacity of the transportation system, the number of vehicle trips generated
21 by the development, and the impact of the development on the transportation
22 system. The specific methodology for establishing the fee shall be adopted by
23 resolution of the Board of County Commissioners:

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1 B. USE OF FEES. Improvement fees shall be spent only on capacity enhancing
2 capital improvements, including expenditures relating to repayment of future
3 debt for the improvements. An increase in system capacity occurs if a capital
4 improvement increases the level of performance or service provided by
5 existing facilities or provides new or additional facilities. Improvements
6 funded by traffic impact fees must be related to demands created by
7 development.

8 C. CREDITS. A credit shall be given for the cost of a qualified public
9 improvement as identified on the Regional Transportation Capital Improvement
10 List. The credit shall apply against the improvement fee charged for the type
11 of improvement being constructed based on the Institute of Transportation
12 Engineers (ITE) Trip Generation Manual, latest edition. Credit for qualified
13 public improvements under subsection (D) may be granted only for the cost of
14 that portion of such improvement that exceeds county facility size or capacity
15 standards needed to serve the particular development project or property. The
16 applicant shall have the burden of demonstrating that a particular improvement
17 qualifies for credit under subsection (D).

18 **Section V. METHODOLOGY**

19 A. DEFERRED APPLICATION OF CREDITS. When the construction of a
20 qualified public improvement gives rise to a credit amount greater than the
21 improvement fee that would otherwise be levied against the project receiving
22 development approval, the excess credit may be applied against improvement
23 fees that accrue in subsequent phases of the original development project or, if

1 there are no subsequent phases, a credit reimbursement claim should be made
2 to the County within 10 years of the date of development permit approval.
3 Credits shall be used not later than 10 years from the date the credit is given.

4 **Section VI. CHALLENGE TO EXPENDITURE**

5 A. A person challenging the propriety of an expenditure of system development
6 charge revenues may appeal the decisions or the expenditure by filing a written
7 request with the Director describing with particularity the expenditure from
8 which the person appeals.

9 B. An appeal of an expenditure must be filed within two years of the date of the
10 alleged improper expenditure.

11 C. The Director shall determine whether the expenditure is in accordance with
12 this ordinance and the provisions of ORS 223.297 to 223.314 and may affirm,
13 modify, or overrule the decisions. If a determination is made that there has
14 been an improper expenditure of systems development charge revenues, a sum
15 equal to the misspent amount shall be deposited within one year to the credit
16 of the account or fund from which it was spent.

17 **Section VII: PAYMENT OF SYSTEM DEVELOPMENT CHARGES**

18 A . System development charges shall be paid prior to the issuance of a
19 development building permit.

20 B. Charges shall be based on the estimated average p.m. peak hour trips that will
21 be generated by the development as identified in the ITE "Trip Generation
22 Manual," latest edition.

23 C. Alterations of single family dwelling structures shall be exempt from the

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1 system development charge. Alterations of other residential structures shall be
2 exempt from the system development charge unless the Director determines the
3 alteration creates a need for transportation facilities or increases the demands
4 on existing transportation facilities based on the estimated average p.m. peak
5 hour trips.

6 D. Any applicant whose design review application or single family building
7 permit application is accepted by the County or its agents as being complete
8 prior to the effective date of this ordinance shall be exempt from paying the
9 charge.

10 E. The amount of the charge shall be set by the Board of Commissioners
11 resolution.

12 **Section VIII: PAYMENT OF ADDITIONAL SYSTEM DEVELOPMENT**
13 **CHARGES**

14 A. Except as provided in Section VII.C additional system development charges
15 shall be payable if an alteration, expansion, improvement, conversion, or
16 operation of a building or use causes a change in the estimated number of trips
17 generated. The estimated number of trips generated shall be the estimated
18 average p.m. peak hour trips as identified in the Institute of Transportation
19 Engineers "Trips Generation" Manual, latest edition. The amount of the
20 charge shall be the difference between the charge based on the new estimated
21 number of trips and the charge already paid, or the charge resulting from the
22 difference between the new estimated number of trips and the estimated
23 number of trips at the date of Ordinance enactment.

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1 **Section IX: TRANSPORTATION ACCOUNT**

2 A. System development charges shall be placed in a transportation account and
3 segregated by accounting practices from all other funds of the county.

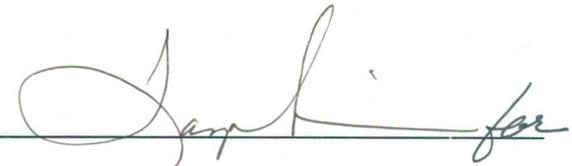
4 **Section X. ADOPTION**

5 A. This ordinance, being necessary for the health, safety, and general welfare of
6 the people of Multnomah County, an emergency is declared and the ordinance
7 shall take effect upon its execution by the County Chair, pursuant to Section
8 5.50 of the Charter of Multnomah County.

9 ADOPTED this 20th day of October , 1994.



MULTNOMAH COUNTY, OREGON

By 

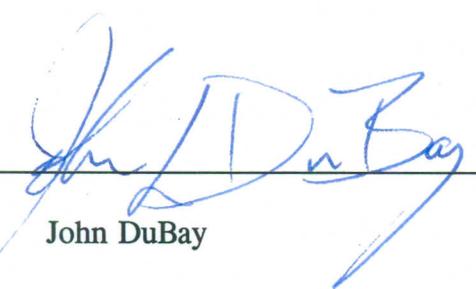
Beverly Stein

Multnomah County Chair

15 REVIEWED:

16 LAURENCE KRESSEL, COUNTY COUNSEL

17 for MULTNOMAH COUNTY, OREGON

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19
20 By 
21 John DuBay

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