

ORDINANCE No. 189394

*Authorize Development Fee Agreement with Fernhill Crossing, LLC to pay the City a fee of \$60,000 for transportation system improvements (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Fernhill Crossing, LLC is a developer that owns land at 4250 NE Portland Highway in the City of Portland and is presently, and in the future, undertaking development of their property. The Portland Bureau of Transportation (PBOT) has identified improvements required within the rights-of-way adjacent to the Development.
2. Fernhill Crossing, LLC and PBOT are interested in payment of a fee by Fernhill Crossing, LLC to the City, to provide for future public improvements adjacent to the development site, as required by the Hearings Officer decision of March 21, 2018 LU 17-199218 ZC PD.
3. Fernhill Crossing, LLC is entirely responsible for the fee. The fee will be used by the City to construct improvements along the site's frontage in conjunction with the NE 42nd Avenue Bridge Replacement project. PBOT may adopt a different name for that project in the future, however it is a bridge project at NE 42nd Avenue and Portland Highway.
4. Payment of the fee satisfies the condition of Development approval LU 17-199218 ZC PD "As a condition of Building Permit Approval, the applicant shall provide a performance bond in lieu of the design and construction of improvements on the northern frontage of NE 42nd and the entire frontage of NE Portland Highway."
5. Payment of the fee does not relieve PBOT requirements related to *future* development on the subject parcel(s) that generates an increase in vehicle trips, is deemed a "significant alteration", or for which the City has authority to require future improvements. Future development does not include development specifically approved as part of LU 17-199218 ZC PD.
6. The Development Agreement, attached as Exhibit A to this ordinance, was developed by PBOT working with Fernhill Crossing, LLC to govern design and construction of the frontage improvements established as conditions of Development Approval LU 17-199218 ZC PD, and ensure the City's interests are protected.


NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Transportation is authorized to execute Exhibit A on behalf of the City in substantially similar form to those attached to this ordinance.
- b. The Director of the Bureau of Transportation is authorized to enter into development agreements on behalf of the City to accept payment in an amount not greater than \$150,000 for required public improvements adjacent to a development site when associated with future capital improvement projects, and to amend those agreements provided the amendments do not substantially alter the City's financial obligations. The Bureau shall adopt administrative rules in accordance with this directive.

Section 2. The Council declares that an emergency exists because the proposed development is in progress and provides housing supply; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: FEB 27 2019

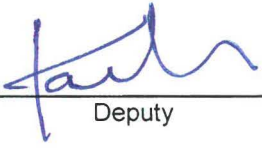
Commissioner: Chloe Eudaly
Prepared by: Teresa Montalvo:CB
Date Prepared: October 8, 2018






Mary Hull Caballero
Auditor of the City of Portland
By 
Deputy

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Agenda No.
Ordinance NO. 189394
 Title

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| INTRODUCED BY Commissioner/Auditor: Chloe Eudaly | CLERK USE: DATE FILED <u>FEB 12 2019</u> |
| COMMISSIONER APPROVAL Mayor—Finance & Administration – Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Hardesty Position 4/Safety - Eudaly | Mary Hull Caballero Auditor of the City of Portland By:  Deputy |
| BUREAU APPROVAL Bureau: PBOT Group: Development Review Group Manager: Christine Leon <i>CL</i> Director: Chris Warner <i>CL</i> | ACTION TAKEN: FEB 20 2019 <i>Rescheduled to</i> FEB 27 2019 <i>Consent agenda</i> |
| Prepared by: Teresa Montalvo; CB Supervisor: Kurt Krueger Date Prepared: October 18, 2018 | |
| Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> | |
| Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| City Auditor Office Approval: required for Code Ordinances | |
| City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan <i>KAM</i> | |
| Council Meeting Date February 20, 2019 | |

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| AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) | FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS: | |
| CONSENT <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion) | 1. Fritz 2. Fish 3. Hardesty 4. Eudaly Wheeler | 1. Fritz 2. Fish 3. Hardesty 4. Eudaly Wheeler | YEAS NAYS |
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