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190930

Emergency Ordinance

***Authorize an Intergovernmental Agreement with Washington County for the administration and collection of the Countywide Transportation Development Tax and the Transportation Impact Fee (repeal Ordinance No. 164372; amend Administrative Rule TRN-9.06)**

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. On June 26, 1991, City Council approved Ordinance No. 164372 allowing the City of Portland to administer the Washington County Traffic Impact Fee (TIF) for the part of the City that is inside Washington County.
2. On November 4, 2008, the electors of Washington County approved Ordinance 691-A, amending the existing countywide "TIF" and known as the Transportation Development Tax (TDT). The TDT is codified at Chapter 3.17 of the Washington County Code (WCC).
3. WCC section 3.17.120, as amended by the Washington County Board of Commissioners, entitles the City to collect the tax, administer its provisions and retain 100% of the proceeds for use within the Washington County area of the City upon adoption of a resolution or ordinance in accordance with Section 3.17.120.
4. The collection and administration of the Washington County Transportation Impact Fee since 1991 has not placed a large burden on the workload of the City staff.
5. The collection and administration of the tax by the City substantially simplifies the overall collection of Transportation System Development Charges and the Transportation Development Tax for developers within the city.
6. The City desires to collect and administer the tax in accordance with the provisions of Washington County Ordinance 691-A, as amended.

Introduced by

[Commissioner Jo Ann Hardesty](#)

Bureau

[Transportation](#)

Contact

Richard Eisenhauer

Program Manager, PBOT

✉ richard.eisenhauer@portlandoregon

📞 [503-886-9907](tel:503-886-9907)

Requested Agenda Type

Consent

Portland Policy Document

7. Enactment of this Ordinance will supersede prior Ordinance No. 164372 which outlined the requirements in 1991 that regulated the Washington County Transportation Impact Fee (TIF).
8. Upon passage of this Ordinance, both the Washington County Transportation Development Tax (TDT) and Transportation Impact Fee (TIF) will be regulated under the proposed Intergovernmental Agreement (IGA).

NOW, THEREFORE, the Council directs:

- A. That the Commissioner-in-Charge is hereby authorized to execute an intergovernmental agreement with Washington County for the administration and collection of the TDT and the TIF for those areas within the City's jurisdiction that are also within Washington County in the form of the agreement attached as Exhibit A and incorporated herein, as provided by Portland City Code Subsection 3.02.035.A.1.
- B. The Commissioner-in-Charge is authorized to execute amendments, approved as to form by the City Attorney, to the scope of the services or the terms and conditions of the agreement, provided the changes do not increase the City's financial risk.
- C. The Bureau of Transportation to revise Administrative Rule TRN-9.06 (Transportation System Development Charges Administrative Procedures Guide), as authorized by Portland City Code section 3.12.040, in substantial conformance with Exhibit B.
- D. This Ordinance supersedes Ordinance No. 164372.

Section 2. The Council declares that an emergency exists because a delay in executing this intergovernmental agreement could adversely impact the administration and collection of funds to the City of Portland; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A](#) (671.58 Kb)

 [Exhibit B](#) (1.11 Mb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
July 20, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

Purpose of Proposed Legislation and Background Information

- The purpose of this Ordinance is to enter into an IGA with Washington County for the administration and collection of the Countywide Transportation Development Tax (TDT) and Transportation Impact Fee (TIF) for that part of the City of Portland that is inside Washington County
- Rescind Ordinance 164372 for the prior agreement related Transportation Impact Fee (TIF).
- Enactment of this Ordinance will supersede prior Ordinance 164372 which outlined the requirements in 1991 that regulated the Washington County Transportation Impact Fee (TIF).
- Upon passage of this Ordinance, both the Washington County Transportation Development Tax (TDT) and Transportation Impact Fee (TIF) will be regulated under the proposed Intergovernmental Agreement (IGA).

Financial and Budgetary Impacts

- The IGA allows for the City of Portland to collect the Washington County Transportation Development Tax (TDT) and Transportation Impact Fee (TIF) for that part of the City of Portland that is inside Washington County.
- The City will retain 100% of the proceeds for use on future Capital Improvement Projects within the Washington County area of the City of Portland.

Community Impacts and Community Involvement

- There is not expected to be any opposition to this ordinance. The original agreement with Washington County has been in place since 1991.
- The new IGA updates the City's obligations to align with Washington County code changes that have already been approved by the voters within Washington County and the Washington County Board of Commissioners.

100% Renewable Goal

- Not applicable.

Agenda Items

641 Consent Agenda in [July 20-21, 2022 Council Agenda](#)

Passed

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Absent

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Mayor Ted Wheeler Yea