

ADMINISTRATIVE PROCEDURES GUIDE

FOR

SYSTEM DEVELOPMENT CHARGES

FOR

TRANSPORTATION

CITY OF PORTLAND, OREGON

Henderson,
Young &
Company

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INTRODUCTION TO PROCEDURES GUIDE

The purpose of this guide is to provide procedures for implementing transportation system development charges (Transportation SDCs or TSDCs) in the City of Portland. The guide follows how TSDCs are applied to individual developments, how they are calculated, paid, and deposited, and how TSDC revenues are ultimately used (expended). The guide also addresses refunds, appeals, recordkeeping, and updates of the TSDC Capital Improvement Program (which contains the list of projects authorized to be built using TSDC funds).

ORS 223.297 through 223.314 grant the City authority to impose a SDC to equitably spread the costs of essential capacity increasing capital improvements to new development. (17.15.010 B.)

This guide is based on and implements Chapter 17.15 of the Code of The City of Portland (first adopted by Ordinance 171301 in 1997). The guide presents information from the Ordinance in the sequence needed to determine a TSDC for an application for development. In addition, the guide provides forms, notifications, spreadsheets, and directions on a more detailed level than Chapter 17.15.

In instances where a requirement or direction is quoted verbatim from the Transportation SDC Ordinance (Chapter 17.15), the text appears in italics.

APPLICABILITY OF TRANSPORTATION SYSTEM DEVELOPMENT CHARGES

TYPES OF DEVELOPMENT

The SDC is incurred upon application to develop property for a specific use or at a specific density. ... (17.15.010 C.)

Transportation system development charges (TSDCs) apply to all “new development” (17.15.040) unless such development is explicitly exempted (see Section 3 of this guide for an explanation of exemptions). The Transportation SDC Ordinance defines “development” and “new development” as follows:

“Development” means all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage or activities which has the effect of generating additional weekday or weekend trips. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. (17.15.020 O.)

“New Development” means Development on any site which increases overall trip generation from the site according to Table 4-9 of The City Rate Study or pursuant to Section 17.15.070 of this Chapter. Except as provided under Section 17.15.050, New Development for purposes of this Chapter includes remodeling to the extent that it generates additional trips. (17.15.020 U.)

When the development is an expansion or change in use of an existing structure, TSDCs are calculated only on the net increase in the size of the development (see Section 4 of this guide for an explanation of how to calculate TSDC amounts, including calculations of net increases in the size of expansions or other changes to an existing structure).

TYPES OF PERMITS

TSDCs are imposed on building permits. Specifically, the Ordinance imposes the TSDC on "Applications" (which are specified in the Transportation SDC Ordinance as applications for building permits).

Except as otherwise provided in this Chapter, a Transportation SDC shall be imposed upon all New Development for which an Application is filed after Oct. 18, 1997. (17.15.040 A.1.)

"Application" means the written request by an Applicant for a Building Permit. (17.15.020 E.)

"Building Permit" means that permit issued by the City Building Official pursuant to the State of Oregon Structural Specialty Code or as amended, and the State of Oregon Residential Specialty Code or as amended. In addition, Building Permit shall mean the Manufactured Home Installation Permit issued by the City Building Official, relating to placement of manufactured homes in the City. (17.15.020 G.)

No building permit can be issued by the City unless and until the appropriate TSDCs are taken care of in one of three ways: (1) paid at the time the building permit is issued, (2) paid pursuant to a deferral agreement that is executed by the applicant at the time the building permit is issued, or (3) the application is exempt from the TSDC.

INFORMATION NEEDED FOR DETERMINING TSDC APPLICABILITY AND AMOUNT

The Applicant shall at the time of Application provide the Administrator with the information requested on an SDC application form regarding the previous and proposed use(s) of the property, including the following (17.15.040 A.2.):*

- a. A description of each of the previous and proposed uses for the property for which the Permit is being sought – with sufficient detail to enable the City to calculate trip generation for the entire property under the previous use and for the proposed use(s) of the New Development.*
- b. For residential uses – the number of residential dwellings, including type, e.g., single family or multi-family.*
- c. For commercial uses – the square footage for each type of commercial use, e.g., office, retail, etc.*

**“Administrator” means that person as appointed by the Director of Transportation to manage and implement this SDC program. (17.15.020 B.)*

DEFINITION OF A COMPLETE PERMIT

A complete initial permit application for a single new development project that will involve several permits is sufficient to vest the entire project for purposes of this section. A complete application is one for which the following documents have been submitted by the applicant and accepted by the City:

1. For commercial new development and additions, the following documents must be submitted:
 - a. A completed application form and payment of the required permit fees.
 - b. A site plan that includes the information described in the handout “Site Plan Check List.”
 - c. Design development drawings.
 - d. Information sufficient to construct building foundations for the proposed structure, including engineering and structural calculations.
2. For changes of use or other alteration projects, the following documents must be submitted:
 - a. A completed application form and payment of the required permit fees.
 - b. A site plan that includes the information described in the handout “Site Plan Check List.”
 - c. A floor plan indicating the existing uses.
 - d. A floor plan indicating the proposed changes in use.
3. For new single-family and duplex construction, the following documents must be submitted:
 - a. A completed application form and payment of the required permit fees.
 - b. A site plan that includes the information described in the handout “Site Plan Check List.”

- c. Information sufficient to construct the building, including any required engineering calculations and drawings.

DEFINITIONS OF IMPORTANT TERMS

Gross Floor Area (GFA): The sum (in square feet) of the area of each floor level in the building, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (6 feet, 6 inches minimum) regardless of their use. If a ground-level area, or part thereof, within the principal outside faces of the exterior walls is not enclosed, this GFA is considered part of the overall square footage of the building. However, unroofed areas and unenclosed roofed-over spaces, except those contained within the principle outside faces of exterior walls, should be excluded from the area calculations. For purposes of trip generation and parking generation calculations, the GFA of any parking garages within the building should not be included within the GFA of the entire building. The unit of measurement for office buildings is currently GFA; however, it may be desirable to also obtain data related to gross rentable area and net rentable area. With the exception of buildings containing enclosed malls or atriums, GFA is equal to gross leasable area (GLA, explained next) and gross rentable area.

Gross Leasable Area (GLA): The total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. For purposes of trip generation and parking generation calculations, the floor area of any parking garages within the building should not be included within the GLA of the entire building. GLA is the area for which tenants pay rent; it is the area that produces income. In the retail business, GLA lends itself readily to measurement and comparison; thus, it has been adopted by the shopping center industry as its standard for statistical comparison. Accordingly, GLA is used for shopping centers. For strip centers, discount stores and freestanding retail facilities, GLA usually equals GFA.

DEFINITIONS OF LAND-USE CATEGORIES

The following land-use definitions are derived from the *ITE Trip Generation* (7th Edition) publication. They have been modified as appropriate for the City of

Portland. ITE land-use codes are shown; where multiple codes are listed, the code used for trip generation is marked with an asterisk (*).

RESIDENTIAL

Single Family, detached: Includes all single-family detached homes on individual lots and clustered homes of up to 3 units. (ITE # 210)

Multi Family: A building or buildings designed to house four or more families living independently of each other. Includes low-rise, mid-rise, and high-rise apartments. (ITE # 220)

Senior Housing: Residential units similar to apartments or condominiums restricted to senior citizens. (ITE # 251)

Accessory Dwelling Unit. A second dwelling unit created on lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home. (ITE # ½ of 210)

Row House / Townhouse/ Condo: A building or buildings designed to house two or more families living independently of each other. Includes condos and attached townhouses of 2 units or more. (ITE # 230)

Nursing Home: A facility whose primary function is to provide chronic or convalescent care for persons who by reason of illness or infirmity are unable to care for themselves. Applies to rest homes and convalescent centers. (ITE # 620)

Congregate Care/Assisted Living: One or more multi-unit buildings designed for people who are unable to live independently due to physical or mental handicap. Facilities may contain dining rooms, medical facilities, and recreational facilities. (ITE # 253)

COMMERCIAL-SERVICES

Bank: A building, with or without a drive-up window, for the custody or exchange of money, and for facilitating the transmission of funds. (ITE # 911*, 912)

Day Care: A facility for the care of infant and preschool age children during the daytime hours. Generally includes classrooms, offices, eating areas, and a playground. This also includes preschools. (Note: This does not apply to day care homes, family day care, mini-day care centers or mini-schools, rates for which must be separately calculated.) (ITE # 565)

Library: A public facility for the use, but not sale, of literary, musical, artistic, or reference materials. (ITE # 590)

Post Office: A building with service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail. (ITE # 732)

Hotel/Motel: A place of lodging providing sleeping accommodations. May include restaurants, cocktail lounges, meeting and banquet rooms or convention facilities. (ITE # 310*, 320)

Service Station/Gasoline Sales: A facility used for the sale of gasoline, oil, and lubricants. May include areas for servicing or repairing vehicles. May include a minimart (not to exceed 1,500 square feet and/or carwash. (ITE # 944)

Movie Theater: Consists of audience seating, with one or more screens, and a lobby and refreshment stand. Typically includes matinee showings. (ITE # 445)

Carwash, Self-service: Manual operations where the driver parks and washes the vehicle in a stall, or an automated facility for the same purpose. (ITE # 947)

Health Club: Privately owned facility that may include swimming pools and whirlpools, saunas, weight-lifting and gymnastics equipment, exercise classes, tennis, racquetball, and handball courts. Features exercise sports and other active physical conditioning, as well as a broader range of services such as juice bars and meeting rooms. (ITE #s 492*, 493)

Marina: A facility providing moorage for boats. (ITE # 420)

COMMERCIAL-INSTITUTIONAL

School, K-12: Covers full range of primary and secondary schools. Includes elementary, junior high, middle school and high school uses. Both public and private schools are included in this land use. (ITE# 520, 530, average)

University/College: Facilities of higher education including two-year, four-year and graduate-level institutions. (ITE # 550)

Church: A building providing public worship facilities. Generally houses assembly hall or sanctuary, meeting rooms, classrooms, and occasionally dining facilities. (ITE # 560)

Hospital: A building or buildings designed for the medical, surgical diagnosis, treatment and housing of persons under the care of doctors and nurses. Rest homes, nursing homes, convalescent homes and clinics are separate uses. (ITE #610)

Park: Parks are typically owned and operated by the City, but may include private uses. They can vary widely as to location, type and number of facilities,

including boating or swimming facilities, ball fields, campsites and picnic facilities. (ITE # 411)

COMMERCIAL-RESTAURANT

Restaurant: An eating establishment that sells prepared food or beverages and generally offers accommodations for consuming the food or beverage on the premises. Usually serves breakfast, lunch, and/or dinner; generally does not have a drive-up window. (ITE # 931)

Quick Service Restaurant (Drive-through): An eating establishment that offers quick food service and a limited menu of items. Food is generally served in disposable wrappings or containers, and may be consumed inside or outside the restaurant building. Restaurants in this category have a drive-up window. (ITE # 934)

COMMERCIAL-RETAIL

Miscellaneous Retail: Small strip shopping centers or retail space within a mixed-use building up to 199,999 square feet that contain a variety of retail shops and specialize in quality appeal; hard goods; and services, such as real estate offices, dance studios, florists and restaurants under 3,000 square feet. (ITE #814)

Shopping Center: An integrated group of commercial establishments that is planned, developed, owned, or managed as a unit and are 200,000 square feet and over. On site parking facilities are provided, and administrative office areas are usually included. In addition to the integrated unit of shops in one building or enclosed around a mall, Shopping Centers may include certain peripheral buildings located on the perimeter of the center adjacent to the streets and major access points. (ITE #820)

Supermarket: Retail store (greater than 5,000 gross square feet [GSF]) that sells a complete assortment of food, food preparation and wrapping materials, and household cleaning and servicing items. Supermarkets may also include ATMs, bakeries, books and magazines, floral shops, limited service banks, photo centers, pharmacies and video rental areas. Some facilities may be open 24 hours a day. If gasoline sales are included on-site, use Gasoline Sales TSDC times number of fueling positions to calculate additional trips. (ITE # 850)

Convenience Market: A use that combines retail food sales with fast food or take-out food service; generally open long hours or 24 hours a day. If gasoline sales are included on-site, use Service Station/Gasoline Sales TSDC rate. (ITE # 851)

Free-standing Discount Store: A free-standing store or warehouse that offers centralized cashiering and a wide range of merchandise and/or food products. May include items sold in large quantities or bulk. Often is the only store on a

site, but can be found in mutual operation with its own or other supermarkets, garden centers and service stations, or as part of community-sized shopping centers. Fred Meyer stores, Costco, and big box consumer electronic/computer/toy stores are examples of this land use. If gasoline sales are included on-site, use Gasoline Sales TSDC rate times number of fueling positions to calculate additional trips. (ITE #s 813, 815*)

Car Sales (New/Used): Facilities are generally located as strip development along major arterial streets that already have a preponderance of commercial development. Generally included are auto services and parts sales along with a sometimes substantial used-car operation. Some dealerships also include leasing activities and truck sales and servicing. (ITE # 841)

COMMERCIAL-OFFICE

Administrative Office: An administrative office building houses one or more tenants and is the location where affairs of a business, commercial or industrial organization, professional person or firm are conducted. The building or buildings may be limited to one tenant, either the owner or lessee, or contain a mixture of tenants including professional services, insurance companies, investment brokers, and company headquarters. (ITE # 710)

Medical Office/Clinic: A facility that provides diagnoses and outpatient care on a routine basis but does not provide prolonged in-house medical/surgical care. A medical office is generally operated by either a single private physician/dentist or a group of doctors and/or dentist. (ITE # 720)

INDUSTRIAL

Light Industrial/Manufacturing: A facility that may contain industrial or manufacturing uses. Manufacturing facilities have the primary activity of converting raw materials or parts into finished products. In addition to the actual production of goods, manufacturing facilities may also have office, warehouse, research and associated functions. Light Industrial facilities may be characterized by a mix of manufacturing, service and warehouse functions. Many produce goods by assembling other products, such as assembly of computers or other electronics. (ITE # 130)

Warehouse/Storage: Warehouses are primarily devoted to the storage of materials, but may also include limited office and maintenance areas. (ITE # 150)

Self Storage: Buildings in which a number of storage units or vaults are rented for the storage of goods. Each unit is physically separated from other units, and access is usually provided through an overhead door or other common access point. (ITE # 151)

Truck Terminal: A facility where goods are transferred between trucks, trucks and railroads, or trucks and ports. (ITE #30)

EXEMPTIONS

Transportation system development charges (TSDCs) are NOT applicable to specific applications described in the Transportation SDC Ordinance. The ordinance provides guidance regarding applications that contain both exempt and non-exempt uses:

...Where New Development consists of only part of one or more of the uses described in this section, only that/those portion(s) of the development which qualify under this section are eligible for an exemption. The balance of the New Development which does not qualify for any exemption under this section shall be subject to the full SDC. ... (17.15.050)

For New Development which includes a mix of exempt and non-exempt forms of development, the applicable exemption(s) shall apply only to that portion of the New Development to which the exemption applies. (17.15.050 H.)

In other words, the exemption only applies to the uses that are exempt, and the applicant must pay the TSDC for the portion of the development that is not exempt.

DEVELOPMENTS ELIGIBLE FOR EXEMPTIONS

DEVELOPMENTS IN COUNTY AREAS THAT IMPOSE TSDCs

TSDCs do not apply to development in any area of the City that is also subject to a TSDC imposed by a County. This provision avoids double-charging development in such areas.

This Chapter applies to all New Development throughout the City of Portland except for those areas where Washington County, Multnomah County or Clackamas County imposes a Transportation SDC or Traffic Impact Fee. (17.15.040)

TEMPORARY USES

Temporary uses are fully exempt so long as the use or structure proposed in the New Development will be used not more than 180 days in a single calendar year. (17.15.050 A.)

Alteration permits for tenant improvements, new construction or remodeling where the use or structure is of a temporary nature and is used less than 180 days in a calendar year. (17.15.050 F.3.)

The City recognizes there is a minor conflict between these two provisions. The first would allow 180 days of use, but the second would allow only 179 days of use in order to qualify as "temporary" use. The City will acknowledge the longer amount of time (180 days) as "temporary" use that qualifies the development for an exemption from the TSDC.

This exemption is based on actual, not planned use of the facility. In other words, if a facility is used 181 or more days during any calendar year, the full TSDC becomes due and payable. The City's waiver notice to an applicant who is exempt because of "temporary" use will give notice to the applicant that actual use in excess of 180 days will trigger liability for the full SDC.

REDEVELOPMENT CAUSING 15% (OR LESS) INCREASE IN TRIP GENERATION

New Development which will not generate more than 15% more vehicle trips than the present use of the property shall be fully exempt. (17.15.050 B.)

If the SDC attributable to the proposed use of the New Development is within 15%± of the SDC attributable to the total previous use of the property, the Applicant is not required to pay any SDC and is not eligible for any SDC reimbursement or credit. (17.15.040 A.3.a.)*

**"Credit" means the amount by which an Applicant may be able to reduce the SDC fee as provided in this Chapter. (17.15.020 M.)*

As a practical matter, this exemption can only apply to redevelopment because the 15% threshold is the difference between present and prior uses of the property. There is no "prior" use of vacant land, therefore the base (prior) trip generation is zero. This exemption can only apply when the trips generated by redevelopment do not exceed the trips generated by the previous development at the same site by more than 15%.

If a redevelopment generates trips that are more than 115% of the trips generated by the previous development, the redevelopment must pay the TSDC for all trips it generates that exceed those generated by the previous development. In other words, a redevelopment that does not qualify for this exemption is NOT entitled to an exemption for the first 15% increase in trips: it must pay the TSDC for all trips that exceed those generated by the previous development at the same site.

LOW-INCOME HOUSING

Affordable Housing which meets the following requirements shall be fully exempt from the Transportation SDC: (17.15.050 C.)

- 1. If rental housing, the units receiving an exemption shall be affordable to households earning 60% or less (of area median family income) at time of occupancy and shall be leased, rented or made available on a continuous basis to persons or households whose incomes are 60% or less of area median family income, as adjusted by unit size and as determined by the U.S. Department of Housing and Urban Development for the Portland Metropolitan Area. Such units shall remain affordable for a period of 60 years. (17.15.050 C.1.)*
- 2. If owner occupied housing, the units receiving an exemption shall be affordable to households earning at or below 100% of area median income and shall be sold to persons or households whose incomes are at or below 100% of area median family income, as adjusted by family size and as determined by the U.S. Department of*

Housing and Urban Development for the Portland Metropolitan Area. (17.15.050 C.2.)

3. *The Portland Development Commission (PDC) may require that real property covenants be recorded in the deed records for properties receiving exemptions under this section in order to restrict the sales prices and rents to be charged for exempted units, or to provide remedies for failure to restrict units, or both. (17.15.050 C.3.)*
4. *For purposes of this Section, "affordable" for rental housing means that the rent and expenses associated with occupancy such as utilities or fees, does not exceed 30% of the gross household income at the level of the rent restrictions. "Affordable" for ownership units means a purchase price for which the sum of debt service and housing expenses including an allowance for utilities and other required ownership fees, when compared to the annual gross income for a family at or below 100% of area median family income, adjusted for family size, does not preclude conventional mortgage financing. ((17.15.050 C.4.)*
5. *Per Section 30.01.040, the Bureau of Housing and Community Development and PDC are responsible for certifying exemptions to housing developments that meet the income requirements specified in 17.15.050 C.1. or 2. and for enforcing the 60 year affordability requirement for rental housing developments. In the event a qualifying rental housing development fails to maintain qualifying rents and/or occupancy requirements or a qualifying ownership project fails to comply with applicable recapture or retention covenants, the exemption shall terminate for that development and the Transportation SDC, calculated using the rates in effect at the time PDC finds the exemptions have been lost, shall be due and owing. (17.15.050 C.5.)*
6. *If the exemption terminates within two years of initial building permit issuance, additional charges will be due and owing. These charges include a processing fee of \$120.00 and carrying charges of 12% per year (1% per month), added to the system development charge rates in effect at the time, charged back to the date the exemption was granted. The City may collect reinstated system development charges, processing fees, carrying charges and the actual costs of collections by recording a property lien pursuant to Title 22. (17.15.050 C.6.)*
7. *To obtain the exemption, the applicant must present to the Office of Transportation, at the time of Application, documentation from PDC that the development qualifies for the exemption. (17.15.050 C.7.)*

TRANSIT-ORIENTED DEVELOPMENT

For a limited period of time, Transit-Oriented Development (TOD) is given a partial "exemption" in the Transportation SDC Ordinance (17.15.050 D.). The

exemption operates in the same manner as a discount, and it is taken into account during the calculation of the TSDC (see Section 4 of this guide).

The amount of the partial exemption/discount depends on the location, zoning, density, and/or on-site parking provided by the new development. The Transportation SDC Ordinance describes the amount of the partial exemption by specifying the remaining liability after the partial exemption is granted (17.15.050 D.1-3).

The City of Portland is phasing out the exemption for Transit-Oriented Development (TOD) as calculated per CC 17.15.050, D.1 and 3 below. From January 1, 2008 through December 31, 2008, eligible development shall receive 100% of the exemption; from January 1, 2009 through December 31, 2009, eligible development shall receive 67% of the total exemption; and from January 1, 2010 through December 31, 2010, eligible development shall receive 33% of the total exemption. No TOD exemption shall be provided after December 31, 2010, as calculated per CC 17.15.050, D. 1. and 3 (17.15.050 D.).

Transit-Oriented Development (TOD) as calculated per CC 17.15.050, D. 2. shall be exempt from the SDC as described below from January 1, 2008 through December 31, 2012. No TOD exemption shall be provided after December 31, 2012. (17.15.050 D.)

1. *Within the Central City District, New Development that meets Transit-Oriented Development definition JJ.1, JJ.2.a. or JJ.2.b. shall be liable for only 10% of the vehicle portion of the SDC and 90% of the transit and non-motorized portion of the SDC. (17.15.050 D.1.)*
2. *For all areas outside of the Central City Plan District, New Development that meets Transit-Oriented Development definition JJ.3.a, JJ.3.b., or JJ.3.c. shall be liable for only 50% of the vehicle portion of the SDC and 100% of the transit and non-motorized portion of the SDC. (17.15.050 D.2.)*

In other words, outside the Central City Plan District, the exemption/discount equals 50% of the vehicle portion of the TSDC, and 0% of the transit and non-motorized portions of the TSDC.

3. *For all areas outside of the Central City Plan District, New Development that meets the density requirements in Transit-Oriented Development definition JJ.2.a, or JJ.2.b. shall be liable for only 10% of the vehicle portion of the SDC and 90% of the transit and non-motorized portion of the SDC. (17.15.050 D.3.)*

Transit-oriented development is defined in the Transportation SDC

Ordinance (*Section (17.15.020 JJ)*), as follows:

1. *All development located within the following subdistricts of the Central City Plan District as shown on Map 510-8 of PCC Chapter 33.510: DT1 through DT 6-2; UD 1-1 and UD 1-2; RD 3,4,5-1 and 5-2; GH1; CE 2 and 3; and LD 1-4.*
2. *Any development located in any other subdistrict of the Central City Plan District that either*
 - a. *includes at least 40 units of housing per net acre, or*
 - b. *achieves a floor area ratio of 2 to 1.*
3. *Any development, except an auto-related use as defined in City Code 33.910, located outside the Central City Plan District that is within 500 feet of a street with fixed-route frequent (every 15 minutes or better during the day) transit service or within 1,000 feet of a light rail station and that either:*
 - a. *includes a least 30 units of housing per acre of site, and there are no drive through facilities, or*
 - b. *achieves a floor area ratio of 1 to 1, and there are no drive through facilities, or*
 - c. *is located in a commercial zone where no parking is required by the Planning and Zoning code of the City of Portland and no on-site parking is provided and there are no drive through facilities.*

For purposes of this definition, "site" shall include the building footprint and all associated land required for parking, landscaping and the like. For the purposes of this definition, "fixed-route frequent transit service" shall include the I-205 light rail corridor and the "light rail station" shall include the I-205 light rail stations.

TSDC-2 contains a map of the Central City Plan District and its subdistricts.

CHANGE IN OCCUPANCY OF SMALL BUILDINGS

Graded Scale: A change in occupancy of an existing building where the gross enclosed floor area does not exceed 3,000 square feet is fully exempt. A change in occupancy of an existing building where the gross floor area is between 3,000 square feet and 5,000 square feet shall be assessed on a graded scale. The percentage of the rate to be assessed on the entire existing building shall be calculated by the following equation: (size of existing building – 3,000 square feet)/2,000 square feet (17.15.050 E.)

ALTERATION PERMITS FOR TENANT IMPROVEMENTS, NEW CONSTRUCTION OR REMODELING

Alteration permits for tenant improvements, new construction or remodeling:*

1. *where no additional dwelling unit(s) or structure(s) are created (17.15.050 F.1.);*
2. *which is not reasonably expected to result in a significant increase in additional trips according to table 4-9 of the City Rate Study (17.15.050 F.2.);*

**"Remodel" or "Remodeling" means to alter, expand or replace an existing structure. (17.15.020 FF.)*

Examples of development that do not place additional demands on the City's transportation system include:

1. Replacement of a structure with a new structure of the same size and use at the same site or lot when such replacement occurs within twelve (12) months of the demolition or destruction of the prior structure.
2. Alteration, expansion or enlargement, remodeling, rehabilitation or conversion of an existing dwelling unit where no additional units are created and the use is not changed.
3. Alteration of an existing non-residential structure that does not expand the useable space.
4. Miscellaneous improvements, including but not limited to fences, walls, swimming pools, and signs.
5. Demolition or moving of a structure.

ACCESSORY BUILDINGS OR STRUCTURES WITH NO ADDITIONAL IMPACTS

The construction of accessory buildings or structures which will not create additional dwelling units or which do not create additional demands on the City's capital improvements (17.15.050 G.)...is fully exempt.

ACCESSORY DWELLING UNITS

When the TSDCs were established, requirements in the planning and zoning code for Accessory Dwelling Units (ADU) were restrictive and few were constructed. These ADUs were exempt from the TSDC. However, requirements for construction of ADUs have been broadened. ADUs that meet the original requirements continue to be exempt. ADUs that do not meet the original

requirements are assessed at one half the rate of a single-family dwelling. This is consistent with the other SDCs in the City.

To be exempt from TSDCs, an ADU must meet the following requirements:

1. Be constructed in an existing single family residence, and
2. The existing single family residence must be at least 1,400 square feet (unfinished basement, garage and/or attic may not be counted), and
3. Be constructed within the existing living space or by converting an unfinished basement or attic (construction of an addition or conversion of a garage will not be exempt).

APPLYING FOR EXEMPTIONS

The uses listed and described in this section shall be exempt, either partially or fully, from payment of the Transportation SDC. Any Applicant seeking an exemption under this Section shall specifically request that exemption within 180 days after building permit issuance for the New Development. Should the Applicant dispute any decision by the City regarding an exemption request, the Applicant must apply for an Alternative Exemption calculation under Section 17.17.070. The Applicant has the burden of proving entitlement to any exemption so requested. (17.15.050)

The City's Information Form (see Appendix, Form TSDC-1) includes information about potential exemptions for which the applicant may qualify.

APPEALING A DENIAL OF EXEMPTION

Pursuant to this section, an applicant may request an ... alternative SDC exemption, but only under the following circumstances (17.15.070 A):

- *The Applicant believes the City improperly rejected a request for an exemption under Section 17.15.050 for which the Applicant believes it is eligible. (17.15.070 A.3.)*
- *If an Applicant has requested a full or partial exemption under Section 17.15.050, and that request has been denied, the Applicant may request an Alternative SDC Exemption under this section. Any request for an Alternative SDC Exemption calculation must be filed with the Administrator in writing within 10 calendar days of the written decision on the initial credit request. The City shall not entertain such a request filed after 10 calendar days of the written decision on the initial credit request. Upon the timely request for an Alternative SDC Exemption, the Administrator shall review the Applicant's request and supporting evidence and make a determination within 21 days of submittal as to whether the Applicant's request satisfies the requirements of section 17.15.050 for exemptions. (17.15.070 D.1.)*

- *In support of the Alternative SDC Exemption request, the Applicant must provide complete and detailed documentation demonstrating that the Applicant is entitled to one of the exemptions described in section 17.15.050. (17.15.070 D.2.)*
- *The Administrator shall grant the exemption if, in the Administrator's opinion, the Applicant has demonstrated with credible, relevant evidence that it meets the pertinent criteria in section 17.15.050. (17.15.070 D.3.)*
- *Within 21 days of the Applicant's submission of the request, the Administrator shall provide a written decision explaining the basis for rejecting or accepting the request. (17.15.070 D.4.)*

Section 11 of this guide, Challenges and Appeals, covers procedures, fees and other information relevant to appealing denials of exemptions.

CALCULATION OF TSDC AMOUNT

METHOD OF TSDC CALCULATION

The City uses a special software system called TRACS to calculate and track TSDC assessments and payments. The TSDC Calculator in TRACS calculates the TSDC for each mode (motorized, transit, and non-motorized) for 37 land uses. The software can calculate TSDCs for developments of one type of land use as well as for developments with multiple land uses. The TRACS user enters the number of units of development (i.e., dwelling units, or square feet of non-residential development) and the Calculator calculates the TSDC.

Note: the software also calculates the discounted TSDC for Transit-Oriented Development (TOD). Separate TOD discounts are calculated based on location, density, zoning and/or provided on-site parking. A detailed description of TOD, including complete excerpts from the Transportation SDC Ordinance, is presented in Section 3 of this guide: Exemptions.

Most TSDCs are calculated using the software, but some developments need special calculations. Subsections D. Institutional Development and E. Land Uses Not Included in the Rate Study are two instances where TRACS is not used. Also, Section 5. Consideration of Applicant's Studies and Data presents another situation in which the software is not used.

The process for calculating TSDCs using TRACS software goes as follows:

1. Determine whether or not the proposed application is exempt from the TSDC (see Section 3 of this guide for description of exemptions). If the application is not exempt, proceed with steps 2 and 3.
2. Enter the name of the applicant, the application number, and the application's eligibility for the TOD discount (none, City Center, or other location).
3. Enter the number of units (i.e., dwellings, square feet, etc.) of each type of development.
4. Print out the Calculator's results, and use the appropriate total ("No Discount," or "With Central City TOD Discount," or "With TOD Discount Outside Central City") to calculate TSDCs net of credits (see next section), and to complete notification to the applicant and entries in the City's building permit control software.

CALCULATING TSDCs NET OF CREDITS

The TSDC Calculator does not include calculation of credits (which are described in Section 6. Credits and Reimbursements). Each credit is unique to a specific applicant, therefore the credit amount must be determined on a case-by-case basis. The process is as follows:

1. Determine the value of any credits for donated or contributed land, improvements or other assets (see Section 6.).
2. Subtract the credits from the Total TSDC (with or without TOD discount, as appropriate). See Section 6 for a more detailed description of the procedures to follow in using TSDC Credit Transfer Certificates.
3. Record the net TSDC in the notification to the applicant, and in the City's permit control software.

CALCULATING TSDCs FOR REDEVELOPMENT

If the development is an expansion or change in use of an existing structure, the TSDC is calculated only on the net increase in trips generated by the development, as determined by the size and use of the structure before and after redevelopment. Calculation is as follows:

1. Use the TSDC Calculator in TRACS to calculate the TSDC on the proposed development as though the entire development was subject to the TSDC.
2. Use the TSDC Calculator in TRACS to calculate the TSDC on the existing development, before improvements, as though the existing use was subject to the current TSDC.
3. Compare the TSDC amounts from Steps 1 and 2:
 - a. If the TSDC from Step 1 is more than 115% of the TSDC from Step 2, calculate the net amount of the TSDC due by subtracting the TSDC in step 2 from the TSDC in step 1 (*17.15.040 A.3.b.*).
 - b. If the TSDC from Step 1 is less than 85% of the TSDC from Step 2, the applicant is eligible for a TSDC Reimbursement (*17.15.040 A.3.c.*). The amount of the reimbursement is determined by subtracting the TSDC in step 1 from the TSDC in step 2 (i.e., the reverse of the preceding comparison). See Section 6, TSDC Credits and Reimbursements, Subsection G, Reimbursements, for additional information about TSDC Reimbursements.

Note: the specific language of 17.15.060 B.3. limits TSDC Reimbursements to those properties that have previously paid a TSDC. Properties that have not paid a TSDC are not eligible for a TSDC Reimbursement. [Note: previous payments of TSDCs cannot have occurred prior to October 20, 1997, the effective date of the Transportation SDC Ordinance.]

- c. If the TSDC from Step 1 is more than 85%, but less than 115% of the TSDC from Step 2, the applicant is not required to pay the TSDC, nor is the applicant eligible for any TSDC reimbursement or credit (*17.15.040 A.3.a.*).

Note: to ensure consistency in the treatment of TSDC Reimbursements (which only apply to redevelopment of properties that previously paid a TSDC), TSDC exemptions for properties generating between 100% and 115% of the previous TSDC only apply to those properties that have previously paid a TSDC. Properties that have not paid a TSDC are not eligible for a TSDC Reimbursement.

The following are the complete citations in the Transportation SDC

Ordinance that are the basis for the three steps described above:

- *Except as otherwise provided in this Chapter, the amount of the SDC due shall be determined by estimating the trip generation of the previous use(s) on the property and the trip generation for all of the proposed use(s) and then calculating the total SDC for the previous use(s) and the proposed uses(s) as provided in Table 4-9 of The City Rate Study. (17.15.040 A.3.)*
 - a. *If the SDC attributable to the proposed use of the New Development is within 15%± of the SDC attributable to the total previous use of the property, the Applicant is not required to pay any SDC and is not eligible for any SDC reimbursement or credit. (17.15.040 A.3.a.)*
 - b. *If the SDC attributable to the proposed use of the New Development is more than 115% of the SDC attributable to the total previous use, the Applicant shall pay the difference between the SDC attributable to the proposed use and the SDC attributable to the total previous use. (17.15.040 A.3.b.)*
 - c. *If the SDC attributable to the proposed New Development is less than 85% of the SDC attributable to the total previous use(s), the Applicant shall be eligible for an SDC Reimbursement under Section 17.15.060. (17.15.040 A.3.c.)*
- *Previous use" means the most recent permitted use conducted at a particular property. Where the site was used simultaneously for several different uses (mixed use) then, for purposes of this Chapter, all of the specific use categories shall be considered. Where one use of the site accounted for 70% or more of the total area used, then that dominant use will be deemed to be the sole previous use of the site. Where the previous use is composed of a primary use with one or more ancillary uses that support the primary use and are owned and operated in common, that primary use shall be deemed to be the sole use of the property for purposes of this chapter. (17.15.020 CC.)*
- *"Proposed use" means the use proposed by the Applicant for a New Development. Where the Applicant proposes several different uses (mixed use) for the New Development then, for purposes of this Chapter, all of the specific use categories shall be considered. Where the proposed use is composed of a primary use with one or more ancillary uses that support the primary proposed use and are owned and operated in common, that primary use shall be deemed to be the sole proposed use of the property for purposes of this chapter. (17.15.020 DD.)*

CALCULATING TSDCs FOR INSTITUTIONAL DEVELOPMENT

"Institutional development" is certain medical and educational campus developments of at least five acres, as defined in the Transportation SDC Ordinance:

"Institutional Development" means development associated with a medical or educational institution and associated uses, on a site of at least five acres in area. Medical institutional campuses include medical centers and hospitals. Educational institutional campuses include universities, colleges, high schools, and other similar institutions offering course of study leading to a high school diploma or a degree certified by a recognized accreditation body. Associated uses on institutional campuses may include some commercial or light industrial uses, residential and other uses. (17.15.020 R.)

Institutional development has the option to use the regular TSDC rate schedule, or to have TSDCs calculated on the basis of changes in the total number of trips generated by the entire site:

- 1. Institutional Development shall be subject to assessment under this Subsection or under Subsection 1 above, at the election of the Applicant. If the Applicant elects assessment under this Subsection, this method of assessment shall be utilized on Institutional properties designated in the election for a period of not less than three years from date of initial election. (17.15.040 B.1.)*
- 2. Within 60 days of election of the alternate assessment under this Subsection, the Applicant Institution shall submit the proposed methodology for counting trips to the Administrator. The Administrator shall determine whether the proposed methodology is acceptable within twenty (20) days from the date of election and submission, and, if the methodology is rejected, the Administrator shall provide an explanation for the decision. (17.15.040 B.2.)*
- 3. Within one year of the date of election of the alternative method of assessment under this Subsection, at the time(s) designated in the accepted methodology to count trips, the applicant Institution shall establish the average weekday trip count. Such data and related analysis shall be based upon a methodology to calculate trips accepted by the Administrator. This average weekday trip count shall be calculated, unless otherwise specified in the accepted methodology, by dividing the total current average weekday trips that occur in each mode during an average week by the number of weekdays. (17.15.040 B.3.)*
- 4. The amount of the SDC shall be determined at the end of each 12 month period by multiplying the applicable dollar amount, as provided in the City Rate Study, by*

the change in average weekday trip count by mode type during the intervening 12 month period over the highest prior documented average weekday trip count since October 18, 1997. Such SDC, if any, shall be due and payable within 45 days from the close of the 12 month period. A reduction in trips by any mode shall allow the Applicant Institution to reduce future annual assessment against the same mode by the number of such reduced trips. (17.15.040 B.4.)

5. *For uses that calculate the SDC using a unit of measure other than square feet, such as the number of students, movie screens, etc., the first Application submitted for such a use that is subject to this Chapter shall establish the baseline number of existing units of measure. No SDC shall be assessed against that baseline. A baseline trip rate so established shall be valid, and need not be recalculated, for the next 12 months. (17.15.040 B.5.)*

Calculation of the TSDC (or credit against future TSDCs) must conform to the following steps derived from the Transportation SDC Ordinance:

1. The applicant and the City's TSDC Administrator determine that the applicant is an "institutional development" as defined in the Transportation SDC Ordinance (17.15.020 R).
2. The applicant institution elects to use the special assessment available to institutional development. (The election is binding for at least three years). The election must be in writing, dated and signed by a person authorized to represent the applicant.
3. The applicant institution submits to the Administrator the proposed methodology for counting trips. The proposed methodology must be submitted within 60 days of the election to use the alternate assessment.
4. The Administrator determines whether the proposed methodology is acceptable or not acceptable. The Administrator will provide a written acceptance, or a written explanation for rejecting the methodology. The Administrator's decision must be completed and postmarked to the applicant no later than 20 days after receipt of the proposed methodology.
5. The applicant institution establishes the baseline average weekday trip count. This average weekday trip count shall be calculated, unless otherwise specified in the accepted methodology, by dividing the total current average weekday trips that occur in each mode during an average week by the number of weekdays. The baseline trip count must

- be established within one year of the date that the applicant elected the alternative method of assessment.
6. Once each year, on the anniversary of the establishment of the baseline average weekday trip count, the applicant institution shall prepare and submit an update of the average weekday trip count.
 7. The Administrator shall compare the updated average weekday trip count to the highest prior documented average weekday trip count since October 18, 1997.
 8. If the updated trip count is greater than the highest prior average trip count, the Administrator will calculate the TSDC by multiplying the applicable dollar amount, as provided in the City Rate Study, by the increase in average weekday trip count by mode type. The amount of the TSDC shall be determined by the Administrator within 15 days after receipt of the annual update.
 9. Any TSDC due to the City shall be paid within 45 days from the calculation of the TSDC by the Administrator.
 10. If the updated trip count is lower than the highest prior average trip count, the Administrator will issue a TSDC Credit Transfer Certificate to the applicant that will allow the applicant institution to reduce future annual assessments against the same mode by the number of reduced trips.

LAND USES NOT INCLUDED IN RATE STUDY AND TSDC CALCULATOR IN TRACS

In the event an identified use does not have a basis for trip determination stated in The City Rate Study, the Administrator shall identify the land use or uses that has/have a trip generation rate most similar to the use(s) in question and apply the trip generation rate most similar to the proposed use or uses. (17.15.040 A.4.)

The City maintains a centralized record of all instances in which a land use category in the TSDC Rate Study was successfully used as applicable to a different land use proposed by an applicant. These records provide consistency and serve as precedents for similar situations that may arise in the future.

USING THE TSDC CALCULATOR IN TRACS TO ESTIMATE TSDCs FOR PRE-APPLICATION PURPOSES

The TSDC Calculator in TRACS can be used to calculate estimated TSDCs for use in the pre-application process. Any information given to the applicant needs to be marked (if written) or commented upon (if verbal) to indicate that the TSDC estimates are subject to any changes that occur (1) in the applicant's proposed uses and/or size of development, and (2) any changes to the TSDC rates that the City may adopt before the applicant submits a formal application for a building permit.

CONSIDERATION OF APPLICANT'S STUDIES AND DATA

APPLICANT'S RIGHT TO SUBMIT ALTERNATIVE TRIP GENERATION DATA

Applicants may request calculation of a TSDC rate alternative to the rate contained in the City's Rate Study (17.15.070).

Pursuant to this section, an applicant may request an alternative SDC calculation ... but only under the following circumstances:

The Applicant believes the number of vehicle trips resulting from the New Development is, or will be, less than the number of trips established in The City Rate Study, and for that reason the Applicant's SDC should be lower than that calculated by the City. (17.15.070 A.1.)

The Transportation SDC Ordinance does not authorize applicants to submit alternative calculations of costs per trip, costs of capital projects, or any other aspect of the Rate Study. The applicant's input is limited to the number of vehicle trips that will be generated by his/her development.

The City recommends that the applicant meet with City staff prior to commencing work on an alternate rate study to define study methodology. A typical study will examine the daily vehicle counts on three (3) comparable sites for the weekdays of Tuesday, Wednesday and Thursday.

REQUESTING AN ALTERNATIVE CALCULATION AND SUBMITTING DATA

If an Applicant believes the number of trips resulting from the New Development is less than the number of trips established in The City Rate Study, the Applicant must request an alternative SDC rate calculation, under this section, within 180 days after building permit issuance for the New Development. The City shall not entertain such a request filed after 180 days after building permit issuance for the New Development. Upon the timely request for an alternative SDC rate calculation, the Administrator shall review the Applicant's calculations and supporting evidence and make a determination within 21 days of submittal as to whether the Applicant's request satisfies the requirements of this Section. (17.15.070 B.1.)

In support of the Alternative SDC rate request, the Applicant must provide complete and detailed documentation, including verifiable trip generation data, analyzed and certified to by a Professional Traffic Engineer. The Applicant's supporting documentation must rely upon generally accepted sampling methods, sources of information, cost analysis, traffic and growth projections and techniques of analysis as a means of supporting the proposed alternative SDC rate. The proposed Alternative SDC Rate calculation shall include an explanation by a registered engineer explaining with particularity why the rate established in The City Rate Study does not accurately reflect the New Development's impact on the City's capital improvements. (17.15.070 B.2.)

Form TSDC-3 (see Appendix) is the official "Request for Alternate Trip Generation Rate and TSDC Calculation." The form includes a nearly verbatim recap of the requirements from Section 17.15.070 B.2., quoted in the preceding paragraph.

The form also asks the applicant to provide information about the engineer who prepares the documentation for the applicant's trip rate data. The form requires the name, registration or license number, and state of registry or licensure of the professional engineer. This information (1) serves to remind the applicant that the research has to be prepared by a professional traffic engineer, and (2) allows the City to verify that the work was performed by a person with the requisite qualifications.

REVIEW OF APPLICANT STUDIES AND DATA

The Administrator shall apply the Alternative SDC Rate if, in the Administrator's opinion, the following are found (17.15.070 B.3.):

- a. The evidence and assumptions underlying the Alternative SDC Rate are reasonable, correct and credible and were gathered and analyzed by a suitable, competent professional in compliance with generally accepted engineering principles and methodologies and consistent with this Section, and*
- b. The calculation of the proposed Alternative SDC rate was by a generally accepted methodology, and*

- c. *The proposed alternative SDC rate better or more realistically reflects the actual traffic impact of the New Development than the rate set forth in The City Rate Study.*

Note that all three of these requirements must be met in order for the Administrator to approve the alternative trip generation rate and resulting TSDC calculation. Form TSDC-3 requires the applicant to provide some basic data about the number of employees, deliveries and customers that will visit the proposed development each weekday. This information will allow the City to independently assess the trip generation estimates and assumptions of the applicant's professional traffic engineer.

NOTICE OF ACCEPTANCE OR REJECTION

If, in the Administrator's opinion, all of the above criteria are not met, the Administrator shall provide to the Applicant by certified mail, return receipt requested, a written decision explaining the basis for rejecting the proposed alternative SDC rate. (17.15.070 B.4.)

The City does not have a separate form for rejecting an applicant's data. Form TSDC-7, Notification of Transportation SDC (see Appendix), includes a place for the Administrator to indicate if an applicant's data was used to revise the trip generation rates and the TSDC for the proposed development.

Section 11 of this guide, Challenges and Appeals, covers procedures, fees and other information about how to appeal rejections of alternate TSDC calculation requests.

DETERMINING WHEN A STUDY CREATES A PRECEDENT FOR SUBSEQUENT DEVELOPMENT

The City maintains a centralized record of all instances in which an applicant's trip generation study was accepted by the City as a substitute for the trip generation rates used in the TSDC Rate Study. These records provide consistency and serve as precedents for similar situations that may arise in the future.

In general, if an applicant's data is from the Portland metropolitan area and the methodology is sound, the data should be accepted. If the alternative data is from any other location, it may or may not be accepted and may be returned with the suggestion that it be submitted to the Institute of Transportation Engineers for use in the next edition of ITE's Manual*: "Trip Generation."

**"ITE Manual" means that manual entitled "An Institute of Transportation Engineers Informational Report - Trip Generation" Seventh Edition (2003) or as amended. A copy of the ITE Manual shall be kept on file with the City Office of Transportation. (17.15.020 S.)*

CREDITS AND REIMBURSEMENTS

CREDITS POLICY STATEMENT

In conjunction with the Transportation System capacity objectives of this Chapter, the City also seeks to encourage certain types of development by granting a partial or full credit for the Transportation SDC. In particular, the city places a high priority (on) the development of low income housing. The City has also recognized a higher public purpose in Transit-Oriented Development (TOD) in creating a more dense, mixed use urban design that promotes and integrates transit ridership with housing. Likewise, the development of low income housing promotes the public purpose of providing quality housing options for families and individuals earning 60% or less of the Area Median Income. Providing a credit for the Transportation SDC will make it possible to develop more and better low income housing within the metropolitan area where jobs and shopping are available by transit and non-motorized modes. For both the low income housing and TOD credit, the City has made the policy decision that the entire SDC-CIP project list may not be fully funded, but that other policy objectives, equally important as maintaining transportation system capacity, will be advanced. (17.15.010 I.)*

**"Transportation SDC Capital Improvement Plan," also called SDC-CIP, means the City program set forth in the City Rate Study that identifies all of the major transportation system and facilities capacity, safety, reconstruction, bicycle, pedestrian, transit and bridge improvements projected to be necessary to accommodate existing and anticipated transportation system demands within the next 10 years. (17.15.020 KK.)*

CREDITS FOR QUALIFIED PUBLIC IMPROVEMENTS

Developers may apply for credits against (reductions of) the amount of TSDCs they owe. Credits may be given by the City for the value of donations or contributions of land, improvements or other assets that conform to the conditions listed below.

The City shall grant a credit against the Transportation SDC, which is otherwise assessed for a New Development, for any Qualified Public Improvement(s) constructed or dedicated as part of that New Development. The Applicant bears the burden of evidence and persuasion in establishing entitlement to an SDC Credit and to a particular value of SDC Credit. (17.15.060 A.1.)

It is the intent of the ordinance to grant credits for donations of land or improvements on the TSDC-CIP list contained in the TSDC Rate Study or for

qualified public improvements that reduce the future burden on the City's transportation system.

The City recognizes that the project list in the SDC-CIP is not complete but that construction of other projects, not included on the SDC-CIP, may also advance the policy objective of maintaining capacity in the City's Transportation System (17.15.010 H.)

Specifically, credits are given only for Qualified Public Improvements, which are defined in the Transportation SDC Ordinance as follows:

"Qualified Public Improvement" means any transportation system capital improvement or conveyance of an interest in real property that increases the capacity of the City's Transportation System and is in one of the following categories (17.15.020 EE.):

- 1. Is a capital improvement listed on the City's SDC-CIP regardless of the improvement's proximity to the Applicant's New Development site, or*
- 2. Pertains to an arterial or collector street and is required by the Portland Office of Transportation as a condition of the development approval and in the opinion of the Administrator is built larger or with greater capacity (over-capacity*) than is necessary to serve the Applicant's New Development or mitigate for transportation system impacts attributable to the Applicant's New Development. There is a rebuttable presumption that improvements built to the Portland Office of Transportation minimum standards are required to serve the Applicant's New Development and to mitigate for transportation system impacts attributable to the Applicant's New Development. Potentially eligible improvements include, but are not limited to:*
 - a. vehicle travel, turning or refuge lanes and traffic signals and sidewalks,*
 - b. bicycle lanes, bicycle parking facilities or bicycle lockers, other than those required by the Portland Office of Transportation to serve the Applicant's New Development, or*
 - c. any improvement to traffic or transportation safety that corrects an identified safety problem or defect in the City's transportation system.*

**"Over-capacity" means that portion of an improvement that is built larger or with greater capacity (over-capacity) than is necessary to serve the Applicant's New Development or mitigate for transportation system impacts attributable to the Applicant's New Development. There is a rebuttable presumption that improvements built to the City's minimum standards are required to serve the Applicant's New Development and to mitigate for transportation system impacts attributable to the Applicant's New Development. (17.15.020 W.)*

The projects included in category (1) above have been closely scrutinized and carefully chosen through the process of establishing the TSDC-CIP. They have been determined to advance the policy objective of maintaining capacity in the City's transportation system. It is the intent of the Transportation SDC ordinance that projects in the second category receive credit only if they are equally beneficial to the City's transportation system. It is recognized that the "minimum necessary" improvements may add more capacity than is needed by the development, such as situations where the improvement is the smallest facility that can be built to mitigate the impact on the transportation system from the new development. If the City requires the construction of an additional travel lane, even though the lane will accommodate trips in addition to those created by the new development, the full lane is the minimum improvement that can be built to mitigate the impact of the new development. A portion of a travel lane cannot be constructed to mitigate only those trips created by the new development.

Credit will be given for capacity that is added to alleviate an existing burden on the City's transportation system. Credit will not be given for improvements that are the minimum necessary to mitigate impacts caused by new development to the City's transportation system. The following examples demonstrate how credits work:

Example 1:

- 2,000 Trips -design capacity
- 2,250 Trips - current usage
- 350 Trips added by new development
- 400 Trips over capacity [3,000 - (2,250 + 350) = 400]
- 3,000 Trips - new design capacity (after construction of minimum improvement necessary to mitigate the impact of the new development)

Credit is given only for the 250 trips that exceed the original design capacity. No credit is given for the 350 trips generated by the new development nor for the 400 trip capacity yet to be used. While the improvement (new design capacity) accommodates 1,000 trips over the original design, the improvement constructed is the minimum necessary to mitigate the trips generated by the new development. The 250 existing trips are not the responsibility of the new development and are therefore creditable. The credit will be calculated as the percentage of capacity added by the improvement. With this example it would be 25% [$250 / (3,000 - 2,000) = 0.25$].

Example 2:

Credit is also given for an improvement built larger or with greater capacity than necessary to serve a new development, provided the improvement is required by the City as a condition of the new development. For example, if a turn lane 60 feet in length is necessary to mitigate the traffic impact of the new development, but the City requires a 100-foot-long turn lane, the additional 40 feet is eligible for a credit.

Credit will not be given for capacity added to accommodate trips generated by new development or for excess capacity that results from the construction of the minimum improvement needed to serve the new development. This is demonstrated in the following example:

Example 3:

- 2,000 Trips - design capacity
- 1,700 Trips - current use
- 500 Trips added by new development
- 800 Trips over capacity [3,000 - (1,700 + 500) = 800]
- 3,000 Trips - new design capacity (after construction of improvement)

No credit is given. The first 300 of the 500 new trips added by the new development can be accommodated by the 300-trip difference between the original design capacity (2,000) and the current use before the new development (1,700 trips). The first 300 trips are generated by the new development makes them the responsibility of the new development and so they are not creditable. The minimum improvement needed to mitigate the last 200 trips generated by the new development is the expansion to 3,000 trips, therefore the 800 trips over capacity are not creditable.

CREDITS FOR TRIP REDUCTIONS BY INSTITUTIONAL DEVELOPMENT

Trip generation by institutional development is discussed in Section 4 of this guide ("Calculation of TSDC Amount"). If an institutional development *reduces* the number of trips, it is entitled to a credit that can be used to offset future TSDC assessments:

A reduction in trips by any mode shall allow the Applicant Institution to reduce future annual assessment against the same mode by the number of such reduced trips. (17.15.040 B.4.)

CREDITS FOR TRANSIT-ORIENTED DEVELOPMENT

A reduction of TSDCs for Transit-Oriented Development (TOD) is not considered a credit or reimbursement. The Transportation SDC Ordinance considers reduced TSDCs for TOD to be a "partial exemption," therefore the reduction of TSDCs for TOD is described in Section 3, Exemptions.

REIMBURSEMENTS

In Section 4 ("Calculation of TSDC Amount") it is noted that an applicant who redevelops property and *reduces* trip generation is entitled to a reimbursement if the trip reduction is greater than 15% of the trips generated by the previous use. The following are the provisions of the Transportation SDC Ordinance pertaining to reimbursements:

- 1. If an Applicant proposes New Development on property on which there is already a use which generates at least 15% more vehicle trips than the proposed use, then the Applicant shall be entitled to an SDC Reimbursement. The SDC Reimbursement shall be in the form of a credit equal to the difference between the SDC Rate of the previous use and that for the proposed use. The Applicant bears the burden of evidence and persuasion in establishing entitlement to an SDC Reimbursement and to a particular amount of such a reimbursement. (17.15.060 B.1.)*
- 2. To obtain an SDC Reimbursement, the Applicant must request the Reimbursement within 180 days after building permit issuance for the New Development and document the basis for the request with traffic reports prepared and certified to by a Professional Traffic Engineer. (17.15.060 B.2.)*
- 3. If, in the Administrator's opinion, the Applicant has sufficiently demonstrated that the new use will generate fewer trips than did the previous use, the Administrator shall refund to the Applicant the difference between the Transportation SDC that was paid on the previous use and the Transportation SDC amount that would be assessed for the proposed use. The Administrator shall notify the Applicant in*

writing of its decision on the SDC Reimbursement request and shall provide a written explanation of the decision. (17.15.060 B.3.)

4. *If an Applicant disputes the Administrator's decision with regard to an SDC Reimbursement decision, including the amount of the Reimbursement, the Applicant may seek an Alternative SDC Reimbursement calculation under Section 17.15.070 in the same manner as for an Alternative SDC Rate request. Any request for an Alternative SDC Reimbursement calculation must be filed with the Administrator in writing within 10 calendar days of the written decision on the initial reimbursement request. (17.15.060 B.4.)*

APPLYING FOR TSDC CREDITS AND REIMBURSEMENTS

To obtain an SDC Credit, the Applicant must specifically request a credit within 180 days after building permit issuance for the New Development. In the request, the Applicant must identify the improvement(s) for which credit is sought and explain how the improvement(s) meet the requirements for a Qualified Public Improvement. The Applicant shall also document, with credible evidence, the value of the improvement(s) for which credit is sought. If, in the Administrator's opinion, the improvement(s) are Qualified Public Improvement, and the Administrator concurs with the proposed value of the improvement(s), an SDC Credit shall be granted. The value of SDC Credits under 17.15.060 A.1. shall be determined by the Administrator based on the cost of the Qualified Public Improvement, or the value of land dedicated, as follows (17.15.060 A.1.a.):

- (1) *For dedicated lands, value shall be based upon a written appraisal of fair market value by a qualified, professional appraiser based upon comparable sales of similar property between unrelated parties in an arms-length transaction;*
- (2) *For improvements yet to be constructed, value shall be based upon the anticipated cost of construction. Any such cost estimates shall be certified by a professional architect or engineer or based on a fixed price bid from a contractor ready and able to construct the improvement(s) for which SDC Credit is sought;*
- (3) *For improvements already constructed, value shall be based on the actual cost of construction as verified by receipts submitted by the Applicant;*
- (4) *For all improvements for which credit is sought, only the fraction of over-capacity in the improvement as described in the definition of Qualified Public Improvement is eligible for SDC Credit. There is a rebuttable presumption that improvements built to the City's minimum standards are required to serve the Applicant's New Development and to mitigate for transportation system impacts attributable to the Applicant's New Development.*

Subsection (2), above, poses a challenge concerning improvements not yet constructed. The City will give immediate credits based on estimates, but it will provide for a subsequent adjustment based on actual costs: a refund to the

applicant if actual costs are higher than estimated, and an additional TSDC to be paid by the applicant if actual costs are lower than estimated (see Form TSDC-5 in the Appendix).

Subsection (3), above, needs several clarifications. First, the City shall inspect all completed Qualified Public Improvement projects before agreeing to honor any credits previously negotiated. This ensures that the improvements meet City standards. Second, the City shall limit credits to reasonable costs. This protects the City from applicants who may accept unreasonable costs from contractors. Finally, credits shall be awarded only in conjunction with an application for development. The City will not issue credits merely because a Qualified Public Improvement has been completed.

Granting SDC Credits to New Development Prior to Commencing Construction of New Development. When a Qualified Public Improvement is built by a Developer prior to an Applicant applying for Building Permits for the New Development, the City shall grant a credit for any Qualified Public Improvement(s) to be constructed or dedicated as a Condition of Development Approval of that New Development. Credits issued pursuant to Section 17.15.060 A.3. are in lieu of any other SDC Credits that could otherwise be claimed in connection with the Qualified Public Improvement, and are issued pursuant to the following requirements and conditions: (17.15.060 A.2.)

- a. The Developer must specifically request a credit prior to the first Application for a Building Permit, but after the issuance of the Public Works permit for the Qualified Public Improvements.*
- b. For improvements yet to be constructed, the Developer shall provide the City with an enforceable mechanism to guarantee completion of the Qualified Public Improvement, either in the form of a performance bond or other financial guarantee acceptable to the Administrator.*
- c. The Developer shall submit written confirmation to the Administrator on the form provided acknowledging:
 - (1) That SDC credits issued pursuant to this Section are in lieu of any other credits that could be claimed by the Developer or other Applicants on account of the Qualified Public Improvement and**

- (2) *That it is the Developer's obligation to advise subsequent Applicants of the New Development that SDC credits associated with the Qualified Public Improvement have already been issued and that no further credits are available. (17.15.060 A.2.C.2)*

No credits shall be given for project improvements or right-of-way dedications for direct access improvements to and/or within the development in question.

The Administrator will respond to the Applicant's request in writing within 21 days of when the request is submitted. The Administrator shall provide a written explanation of the decision on the SDC Credit request. (17.15.060 A.1.b.)

The Administrator will forward the "Request for Credit for Qualified Public Improvement" (Form TSDC-5) and accompanying information to the Civil Design Section, which will review the request and complete Form TSDC-9 "Credit Authorization Memo," and return it to the Administrator.

After reviewing the request, the Administrator will provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, where applicable, the legal description of the site donated, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the Administrator before the TSDC credit can be awarded. Failure of the applicant to sign, date, and return such document within 60 days shall nullify the claim.

CREDITS IN EXCESS OF TSDC OBLIGATION

If the value of land, improvements or other assets donated or contributed by an applicant exceeds the amount of the TSDC the applicant owes, the applicant can receive a Transportation SDC Credit Transfer Certificate that can be used for future developments, or transferred to other developers as a credit against their TSDC obligations:

- *Where the amount of an SDC Credit approved by the Administrator under this section exceeds the amount of the Transportation SDC assessed by the City upon a New Development, the excess may be transferred. SDC Credit Transfers shall be issued by the City for a particular dollar value to the Applicant and may be used by the Applicant or any other party to satisfy Transportation SDC requirements for any other New Development within the City. The Applicant may convey by any means and for any value an SDC Credit Transfer to any other party. (17.15.060 A.3.)*
- *The City shall accept at face value any SDC Credit Transfer presented as full or partial payment for the Transportation SDC due on New Development. Neither the City nor any of its employees or officers shall be liable to any party for accepting a SDC Credit Transfer, approved and issued by the City under this Section, as payment for a Transportation SDC. (17.15.060 A.4.)*
- *SDC Credit Transfers are void and of no value if not redeemed with the City for payment of a Transportation SDC within 10 years of the date of issuance. (17.15.060 A.5.)*

The Credit Transfer expires 10 years after its original issuance date. The dates marked on the Certificate indicating partial use of the credit are merely a record of the partial consumption of the credit, and do not constitute a new issuance date, nor an extension of the 10-year limit on the Certificate and its underlying credit.

It shall be a violation of this title for any person to counterfeit or forge an SDC Credit Transfer or knowingly attempt to negotiate or redeem any counterfeit or forged SDC Credit Transfer. (17.15.060 A.6.)

A Transportation SDC Credit Transfer Certificate is shown in the Appendix (Form TSDC-8). The Certificates are modified manually by the City, and returned to the bearer. The City will make a copy of each revision (i.e., draw down) of the certificate. The City's copy will be used to authenticate each certificate that is presented, thus minimizing opportunities for counterfeiting or other fraudulent transactions.

APPEALING A DENIAL OF PROPOSED CREDIT

If an Applicant disputes the Administrator's decision with regard to an SDC Credit request, including the amount of the credit, the Applicant may seek an alternative SDC Credit calculation under Section 17.15.070. Any request for an Alternative SDC Credit calculation must be filed with the Administrator in writing within 10 calendar days of the written decision on the initial credit request. (17.15.060 A.1.c.)

Pursuant to this section, an applicant may request an alternative TSDC credit determination, but only under the following circumstances:

- *The Applicant believes the City improperly excluded from consideration a Qualified Public Improvement that would qualify for credit under Section 17.15.060, or the City accepted for credit a Qualified Public Improvement, but undervalued that improvement and therefore undervalued the credit. 17.15.070 A.2.)*
- *If an Applicant has requested an SDC Credit pursuant to Section 17.15.060, and that request has either been denied by the City or approved but at a lower value than desired, the Applicant may request an Alternative SDC Credit calculation, under this section. Any request for an Alternative SDC Credit calculation must be filed with the Administrator in writing within 10 calendar days of the written decision on the initial credit request. The City shall not entertain such a request filed after 10 calendar days of the written decision on the initial credit request. Upon the timely request for an Alternative SDC Credit calculation, the Administrator shall review the Applicant's calculations and supporting evidence and make a determination within 21 days of submittal as to whether the Applicant's request satisfies the requirements of this Section. (17.15.070 C.1.)*
- *In support of the Alternative SDC credit request, the Applicant must provide complete and detailed documentation, including appraisals, cost analysis or other estimates of value, analyzed and certified to by an appropriate professional, for the improvements for which the Applicant is seeking credit. The Applicant's supporting documentation must rely upon generally accepted sources of information, cost*

analysis and techniques of analysis as a means of supporting the proposed Alternative SDC credit. (17.15.070 C.2.)

- *The Administrator shall grant the Alternative SDC Credit if, in the Administrator's opinion, the following are found:*
 - a. *The improvement(s) for which the SDC Credit is sought are Qualified Public Improvement(s), and*
 - b. *The evidence and assumptions underlying the Applicant's Alternative SDC Credit request are reasonable, correct and credible and were gathered and analyzed by an appropriate, competent professional in compliance with generally accepted principles and methodologies, and*
 - c. *The proposed alternative SDC Credit is based on realistic, credible valuation or benefit analysis. (17.15.070 C.3.)*
- *If, in the Administrator's opinion, any one or more of the above criteria is not met, the Administrator shall deny the request and provide to the Applicant by certified mail, return receipt requested, a written decision explaining the basis for rejecting the Alternative SDC Credit proposal. (17.15.070 C.4.)*

Section 11 of this guide, Challenges and Appeals, covers procedures, fees and other information about appealing denials of credit requests.

PAYMENTS

WHEN PAYMENT IS DUE

The obligation to pay a TSDC occurs in two steps: the TSDC is “incurred” upon application for a building permit (17.15.040 A.1.), and the TSDC is paid upon issuance of the permit. The Transportation SDC Ordinance and ORS 223 provide for deferral of payment. No building permit will be issued unless and until the appropriate TSDCs are paid, or a deferral agreement has been executed by the applicant.

Form TSDC-7a (TSDC Payment Timing and Method) requires the applicant to indicate whether or not he/she will elect to defer payment of the TSDC, and directs those who want to defer payment to prepare and submit Form TSDC-11 (Loan Contract) or Form TSDC-12 (Deferral Contract). All three forms are in the Appendix to this guide.

FORM OF PAYMENT

The City’s Systems Development Charge Form (replaced TSDC-1) informs the applicant of the methods of payment authorized by the Ordinance:

1. Check (or other negotiable instrument)
2. Credit Transfer Certificate, which uses an authorized credit for making a Qualified Public Improvement to pay for as much of the SDC as is available in the balance of the Credit Transfer Certificate. (For more information about credits, see Section 6, Credits and Reimbursements, and Forms TSDC-5, 8, 9, and 10 in the Appendix.)

Upon being presented with a Credit Transfer Certificate, the City will compare it to the City's last copy of the same Certificate in order to insure that there has not been any alteration or other fraudulent use of the Certificate. The City will also examine the Certificate to determine whether it is authentic or counterfeit. If the Certificate is acceptable to the City, it will be used as described below. If it is not acceptable, it will be retained by the City, and referred to the Office of the City Attorney for appropriate action.

If the balance on a Credit Transfer Certificate is equal to, or less than the TSDC, the City will apply the entire balance to the TSDC, record an ending "zero balance" on the Certificate, and require the applicant to pay by check any portion of the SDC that was not offset by the credit balance. The City will note in its records that the TSDC was paid (in part or entirely) by use of a Credit Transfer Certificate.

If the balance on a Credit Transfer Certificate is greater than the TSDC, the City will record the details of the permit number, TSDC amount, and new balance on the face of the Certificate, make a copy for City files, and return the Certificate to the bearer. The City will note in its records that the TSDC was paid by use of a Credit Transfer Certificate.

3. For Port Development only, payment of a "fee in lieu" of the TSDC. This requires negotiation of an agreement between the City and the Port Development.

DEFERRAL OF PAYMENT

The Transportation SDC required by this Chapter to be paid is due upon issuance of the Building Permit. However, in lieu of payment of the Full SDC, the applicant may elect to pay the SDC in installments as provided in ORS chapter 223. If the Applicant elects to pay the SDC in installments, a lien will be placed against the property that is subject to the SDC, and that lien will be given first priority as provided by statute. The Applicant's election to pay the SDC by installments shall be memorialized in an SDC Installment Agreement entered into by the Applicant and the City on a form provided by the City, and which may provide that no payments are due for 180 days after issuance of building permits. In any event, the Applicant shall either pay the SDC in full or enter into an SDC Installment Agreement as provided in this section, before the City will issue any building permits. (17.15.080 A.)

Form TSDC-7a (SDC Payment Timing and Method) requires the applicant to indicate whether they elect to pay the TSDC with the Building Permit, defer payment, or pay the TSDC over a five (5) or 10 year period. Applicants who

elect to defer or pay by installments are sent a TSDC-12 (Deferral Contract) or a TSDC-11 (Loan Contract) and directed to return the completed form. All three forms are in the Appendix to this guide.

The Auditor's Office has agreed to provide the following services upon receipt of the Loan Contracts and Deferral Contracts.

1. File a pending lien against the real property pending the City Council assessment process.
2. Process the agreements through the City Council assessment process.
3. File a priority lien against the real property subject to an TSDC installment agreement.
4. Track the payment status of the agreements and the status of all property liens.
5. Collect the payments when due.
6. Release property liens upon receipt of full payment.
7. Manage a delinquent accounts program to enforce the agreements.
8. Provide monthly reports to the Transportation regarding the status of all TSDC installment agreements.

RATE INCREASES AND DEFERRED PAYMENTS

The Transportation SDC Ordinance does not "lock in" rates for applicants who chose to defer payment of their TSDC, nor does the Ordinance prohibit the City from charging increased rates to such applicants.

Form TSDC-12 (Deferred Payment Election) cautions applicants that they are liable for increases in rates that occur after they elect to defer payment, but before payment is actually made by the applicant.

SPECIAL PAYMENT ALTERNATIVE FOR PORT DEVELOPMENT

*Port Development**. At the Applicant's option, Port Development may be subject to assessment under Subsection A. of this section, or under this Subsection. If the Applicant elects assessment under this Subsection C., the Applicant and the City shall negotiate an agreement for the payment of a fee in lieu of the Transportation SDC that includes the following elements: (17.15.040 C.)

1. *A methodology for estimating the amount of the SDC which would be imposed pursuant to Subsection (a) or (b) above, during a period of not less than either 3 years or until the expiration of the SDC project list, whichever is less, nor more than 10 years as specified by the Applicant. The methodology shall take into account the Port Development anticipated under the Applicant's master plan during the period specified in that plan, the trips that the Port Development is expected to generate, trip levels against which SDC charges have historically been assessed, the anticipated increases or decreases in the dollar amounts of the SDC during the specified period, any applicable credits or exemptions and any other factors which the Administrator deems to be relevant. In no event shall the charge estimated under this Subsection be less than the SDC that would otherwise be due for the Port Development and the Applicant shall indicate its agreement to the methodology in writing; and (17.15.040 C.1.)*
2. *A payment period shall be imposed by which the Applicant shall pay in full the amount due within 12 months of the Applicant's agreement to the methodology (17.15.040 C.2.)*
3. *In the event the Applicant and the City are unable to agree to a methodology under this Subsection, the normal method of calculating and assessing the SDC under Subsection A. or B. shall apply. (17.15.040 C.3.)*

**"Port Development" means a planned development owned or operated by a unit of government involving a facility used for cargo freight or passenger transportation by air, water, rail or public mass transit, including accessory uses. Uses that are accessory to Port Development are those which send or receive cargo freight or are related to passenger movement or service. (17.15.020 AA.)*

RECEIVING AND DEPOSITING TSDC PAYMENTS

DEPOSIT PROCEDURES

All TSDCs collected by the City are identified as to the name of the development for which the TSDC was paid, the name of the applicant who paid the TSDC, the amount paid, and the date the TSDC was paid. TSDCs are then deposited promptly to the appropriate TSDC account of the City.

ISSUING RECEIPTS

Receipts for TSDC payments are issued:

1. When payment is made to a cashier at the City's permit center.
2. Whenever a deferred or loan payment is received.
3. When a Credit Transfer Certificate is used as payment.

SEPARATE ACCOUNTS

There is created a dedicated account entitled the "SDC Account." All monies derived from the SDC shall be placed in the SDC Account. ... (17.15.100 A.)

INVESTMENT OF TSDC REVENUE PENDING EXPENDITURE

Money collected from a specific TSDC and deposited to the appropriate TSDC account will be invested by the City Treasurer until needed for a designated capital improvement project. Interest earned is credited to the TSDC account at the end of each accounting period. Interest earned within the TSDC account will remain in that account and be used for the same purposes as the TSDC dollars in that account.

EXPENDITURE OF TSDC REVENUES

PERMITTED USES

TSDC revenue can be used for the capital costs of public facilities. The costs of public facilities that can be paid by TSDCs include the prices of land acquisition, construction, major equipment, and related costs including, but not limited to, engineering, permitting, and administrative expenses. These are generally called "system improvements" (which are typically outside a development), and are distinguished from "project improvements" (which are typically provided by the developer on-site within a development). TSDCs can also be used to pay principal and interest on bonds, notes, leases or other debt for public facilities.

TSDCs must be expended on capital improvements projects listed in the adopted TSDC-Capital Improvement Program, or they can be used to reimburse the City for the unused capacity of public facilities that were originally on the TSDC-CIP, are now completed, and have reserve capacity to serve new development.

...Funds in the SDC Account shall be used solely to provide the SDC-CIP listed capacity increasing improvements according to the SDC-CIP as it currently exists or as hereinafter amended, and eligible administrative costs. In this regard, SDC revenues may be used for purposes which include (17.15.100 A.):

1. *project development, design and construction plan preparation;*
2. *permitting;*
3. *right-of-way* acquisition, including any costs of acquisition or condemnation;*
4. *construction of new through lanes for vehicular, transit, or bicycle use;*

5. *construction of turn lanes;*
6. *construction of bridges;*
7. *construction of drainage and stormwater treatment facilities in conjunction with new roadway construction;*
8. *purchase and installation of traffic signs and signals;*
9. *construction of curbs, medians and shoulders;*
10. *relocating utilities to accommodate new roadway construction;*
11. *construction management and inspection;*
12. *surveying and soils and material testing;*
13. *construction of Accessways, bicycle facilities, Pedestrian Connections and Walkways;*
14. *landscaping;*
15. *bus pullouts, and transit shelters, fixed rail transit systems and appurtenances;*
16. *demolition that is part of the construction of any of the improvements on this list;*
17. *payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to provide money to construct or acquire transportation facilities;*
18. *direct costs of complying with the provisions of ORS 223.297 to 223.314, including the costs of developing system development charges methodologies and providing an annual accounting of system development charges expenditures.*

**"Right-of-Way" means that portion of land that is dedicated for public use including use for pedestrians, bicycles, vehicles and transit, utility placement and signage. (17.15.020 GG)*

PROHIBITED USES

TSDCs cannot be used for operating or maintenance expenses.

This Chapter is intended only to be a financing mechanism for the capacity increases needed for major City traffic and collector streets, multi-modal improvements associated with new development and capacity increasing transportation improvements and does not represent a means to fund maintenance of existing roads or the elimination of existing deficiencies (17.15.010 F).

Likewise, TSDCs cannot be used for public facilities of any type other than the type for which the TSDCs were paid.

Money on deposit in the SDC Accounts shall not be used for (17.15.100 B.):

1. *any expenditure that would be classified as a maintenance or repair expense; or*

2. costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements; or
3. costs associated with acquisition or maintenance of rolling stock.

EXPENDITURE PROCEDURES

1. Approval Requirements Prior to Bid or Encumbrance
2. Direct Disbursements and Interfund Transfers
3. Project Accounting

EXPENDITURE DEADLINES

The City shall expend SDC revenues within ten (10) years of receipt, based on the priorities in the SDC-CIP list. (17.15.130)

To ensure compliance with the requirement to expend or encumber TSDCs within 10 years of receipt, all TSDC payments are treated on the basis of “first in, first out,” e.g., the first TSDC received is considered the first TSDC expended.

CHALLENGES TO EXPENDITURES

Any person with interest may challenge the expenditure of SDC revenues by filing a challenge to the expenditure with the Administrator within two years after the date of the disputed SDC revenue expenditure. The fee for filing such a challenge shall be \$250. (17.15.110 A.)

Section 11 of this guide, Challenges and Appeals, covers procedures, fees and other information about challenging expenditures.

REFUNDS

ELIGIBILITY

- *If the SDC attributable to the proposed New Development is less than 85% of the SDC attributable to the total previous use(s), the Applicant shall be eligible for an SDC Reimbursement under Section 17.15.060 (17.15.040 A.3.c.).*
- *Refunds may be given by the Administrator upon finding that there was a clerical error in the calculation of the SDC. Refunds shall not be allowed for failure to timely claim credit or for failure to timely seek an Alternative SDC Rate calculation. The City shall refund to the Applicant any SDC revenues not expended within ten (10) years of receipt. (17.15.090)*

Refunds may also be granted if an applicant cancels a building permit and constructs nothing (since no impact has been created on the City's transportation system).

The right to obtain refunds is linked to the land for the development that paid TSDCs. If a development has been completed and occupied, the right to obtain refunds passes from the developer to the owner of the development.

PROCEDURES FOR PROCESSING

An applicant must submit a completed TSDC-6 (Refund Request) to begin the refund process. Applications for refunds shall be reviewed promptly and refunds paid promptly by the City.

CHALLENGES AND APPEALS

Developers may challenge or appeal the following:

1. Denial of request for exemption from TSDCs.
2. Calculation of TSDCs (mathematical error).
3. Rejection of alternative data and/or analysis submitted by the developer.
4. Rejection or under-valuation of offer of donation or contribution for credit against TSDCs.
5. Improper expenditure of TSDC revenues.
6. Denial of application for refund of TSDCs.

The following are general provisions of the Transportation SDC Ordinance that apply to all challenges and appeals:

- *Except where a different time for an Administrator's determination is provided in this Chapter, all determinations of the Administrator shall be in writing and shall be delivered to the Applicant within 21 days of an Application or other Applicant request for an Administrator determination. Delivery of such determination shall be deemed complete upon the earlier of actual delivery to the Applicant or upon deposit by the Administrator in the mail, first class postage prepaid, addressed to the address for notice Applicant has designated in the Application. Such determination shall be accompanied by a notice of the Applicant's right to appeal and an outline of the procedures therefore. (17.15.110 B.)*
- *Any Applicant aggrieved by an Administrator's determination may appeal that determination to the Code Hearings Officer as provided in Chapter 22.10 of this Code. Notwithstanding any other provisions of this Code, there shall be a non-refundable fee of \$250 for any appeal pursuant to this subsection. Such fee must accompany any such appeal and no such appeal shall be considered filed or received until such fee is paid in full (17.15.110 C).*
- *The City shall withhold all permits and other approvals applicable to the Applicant's property of the New Development pending resolution of all appeals under this Chapter unless the SDC is paid in full or the Applicant provides, for the pendency of the appeal, a financial guarantee or security for the charge in a form acceptable to the City Attorney. (17.15.110 D.)*

DENIAL OF EXEMPTION

Additional specific provisions regarding appeals of denials of exemptions are described in Section 3, Exemptions.

RATE CALCULATION

The first step in an "appeal" or "challenge" of a rate calculation is for the applicant to submit studies or data justifying an alternative rate. Section 5, Consideration of Applicant's Studies and Data, describes this process.

REJECTION OF APPLICANT'S STUDY OR DATA

Additional specific provisions regarding appeals of rejection of an applicant's study or data are described in Section 5, Consideration of Applicant's Studies and Data.

CREDIT DETERMINATION

Additional specific provisions regarding appeals of denials of credits are described in Section 6, Credits and Reimbursements.

EXPENDITURE OF TSDC REVENUE

Additional specific provisions regarding challenges of expenditures are described in Section 9, Expenditures.

REFUND APPLICATION

Additional specific provisions regarding appeals of denials of refunds are described in Section 10, Refunds.

RECORD KEEPING

RECORDS OF RECEIPTS

All TSDCs received shall be listed in chronological order within each TSDC account. Each receipt shall indicate the date received, the amount received, the name of the development for which the TSDC was paid, and the name of the applicant who paid the TSDC.

RECORDS OF INVESTMENTS

All investment transactions shall include the date and a description of the transaction.

RECORDS OF EXPENDITURES

Records of disbursements shall include the date and specific capital improvement project for which the funds are expended (or transferred for expenditure), or the date and name of the person receiving a refund.

TIMELINESS OF RECORDS

Records of receipts and disbursements of TSDCs shall be updated on each business day during which a transaction occurred.

REPORTS

The City shall prepare an annual report of receipts and expenditures of the TSDC account. The annual report shall indicate the source and amount of all moneys collected, earned, or received (by land use type), and the capital

improvements that were financed in whole or in part by TSDCs (by mode and location).

Additionally, the Transportation SDC Ordinance requires the City to review total TSDC revenues assessed, collected and expended every two years (annually beginning Jan. 1, 2009, through December 2012) to determine if sufficient money is available to fund identified TSDC Capital Improvement Program (CIP) projects and evaluate current TSDC rates. This is discussed in the next section: Updating TSDC Rates.

UPDATING TSDC RATES

REVISING THE RATE STUDY

The City's TSDC Rate Study is the basis for calculating TSDCs applied to new development. The TSDC Rate Study, including the "TSDC Capital Improvement Program" contained therein, can be amended or replaced at any time by Ordinance of the City Council.

The City hereby adopts the methodology report and rate study entitled Update of Transportation System Development Charges, (dated July 2007), and incorporates herein by this reference the assumptions, conclusions and findings in the report which refer to the determination of anticipated costs of capital improvements required to accommodate growth. This report is hereinafter referred to as "City Rate Study" and is attached to Ordinance No. 181322, as amended, as Exhibit A. The City Council may from time to time amend or adopt a new City Rate Study by Ordinance. (17.15.010 G.)

The City may, by resolution, amend its SDC-CIP as set forth in the City Rate Study, from time to time to add projects the City deems appropriate. (17.15.150)

- A. No later than every two (2) years as measured from initial enactment, the City shall undertake a review to determine the total SDC's assessed and collected by transportation district and the total SDC's expended and programmed by transportation district and project; to determine that sufficient money will be available to help fund the SDC-CIP identified capacity increasing facilities; to determine whether the adopted SDC rate keeps pace with inflation, whether the SDC-CIP should be modified, and to ensure that such facilities will not be overfunded by the SDC receipts. (17.15.120 A.)*
- B. In the event that during the review referred to above, it is determined an adjustment to the SDC is necessary for sufficient funding of the SDC-CIP improvements listed in City Rate Study or to ensure that such SDC-CIP improvements are not overfunded by the SDC, the City Council may propose and adopt appropriately adjusted SDCs. (17.15.120 B.)*
- C. The City Council may from time to time amend or adopt a new City Rate Study by resolution. (17.15.120 C.)*
- D. Beginning January 1, 2009 through December 2012, the City shall undertake an annual review to determine the amount of Transit-Oriented Development (TOD) exemptions provided by district. (17.15.120 D.)*

TSDC revenue is budgeted annually through the City's Capital Improvement Program (CIP) budgeting process.

REVISING TSDC RATES WITHOUT REVISING THE RATE STUDY

The Transportation SDC Ordinance contains a provision to annually adjust TSDC rates for inflation.

Notwithstanding any other provision, the dollar amounts of the SDC set forth in The City Rate Study shall on July 1st of each year be increased or decreased automatically by the difference of the 10-year moving average of the Oregon Composite Construction Cost Index published by the Oregon Highway Division. (17.15.040 A.5.)

DELETING PROJECTS THAT WILL NOT BE BUILT

The Transportation SDC Ordinance acknowledges that some projects may not be built within 10 years, due to the exemptions, credits and reimbursements associated with City policies in support of Transit-Oriented Development, low-income housing, etc.

The Transportation SDC provided for in this Chapter is designed to help finance the Transportation System facilities listed in Table 3-2 in the SDC-CIP as a means of ensuring that adequate capacity is maintained in the City's Transportation System. However, the City specifically recognizes that the entire project list will likely not receive full funding from the proceeds of this SDC, and it is unlikely that every one of the projects listed will be constructed. (17.15.010 H.)

APPENDIX: FORMS AND EXHIBITS

Form Number	Title of Form
Replaced TSDC-1	Transportation Systems Development Charge Form, Commercial Projects
Replaced TSDC-1	Transportation Systems Development Charge Form, One and Two Family Residential
TSDC-2	Transit-Oriented Development
TSDC-3	Request for Alternate Trip Generation Rate and TSDC Calculation
TSDC-4	Election by Institutional Development of Special Trip Generation Rate and TSDC Calculation
TSDC-5	Request for Credit for Qualified Public Improvement
TSDC-6	Refund Request
TSDC-7	Notification of Transportation SDC
TSDC-7a	Payment Timing and Method
TSDC-8	Credit Transfer Certificate
TSDC-9	Credit Authorization Memo
TSDC-10	Credit Request Notice of Results
TSDC-11	Loan Contract
TSDC-12	Deferral Contract

Please visit <http://www.portlandonline.com/transportation/index.cfm?c=36193> to view current forms.

Exhibit Number	Title of Exhibit
1.	SDC-CIP
2.	Appeal Process Flowchart

Complete the table below and on the following page

Column 3: Enter the size (number of units) of your proposed development.

Column 4: If the project site has existing buildings or structures, enter the size (number of units) of the existing or most recent use.

(1) Building Use Type	(2) Unit of Measure	(3) Units In Proposed Development	(4) Units In Existing or Most Recent Use
Residential			
Mullti Family (number of Units/Buildings)	dwelling		
Retirement Community	dwelling		
Rowhouse	dwelling		
<input type="checkbox"/> Low-income housing? (attach "Waiver Letter" from Portland Development Commission)			
Commercial Services			
Drive-in Bank	sq ft/GFA		
Walk-in Bank	sq ft/GFA		
Day Care Total number student			
Library	sq ft/GFA		
Post Office	sq ft/GFA		
Hotel/Motel	rooms		
Service Station	Vehicle Fueling Position - VFP		
Service Station/Minimart	VFP		
Service Station/Minimart/Car Wash	VFP		
Movie Theater	screen		
Car Wash	site		
Health Club/Racquet Club	sq ft/GFA		
Marina	berth		
Laundromat	washer		
Commercial Institutional			
Elementary School	student		
High School	student		
University/College	student		
Church	sq ft/GFA		
Hospital –complete both GFA & # of beds	Sq ft/GFA		
Hospital – number of beds	beds		
Nursing Home	beds		
Congregate Care/Assisted Living	dwelling		
Commercial Restaurant			
Restaurant	sq ft/GFA		
Quick Service Restaurant	sq ft/GFA		

(1) Building Use Type	(2) Unit of Measure	(3) Units In Proposed Development	(4) Units In Existing or Most Recent Use
Commercial Retail			
Shopping Center			
up to 9,999 sq ft	sq ft/GFA		
50,000 to 99,999 sq ft	sq ft/GFA		
100,000 to 199,999 sq ft	sq ft/GFA		
200,000 to 299,999 sq ft	sq ft/GFA		
300,000 to 399,999 sq ft	sq ft/GFA		
over 400,000 sq ft	sq ft/GFA		
Supermarket	sq ft/GFA		
Convenience Market	sq ft/GFA		
Convenience Market with Gas	sq ft/GFA		
Discount / Department Store	sq ft/GFA		
Miscellaneous Retail	sq ft/GFA		
Furniture Store	sq ft/GFA		
Car Sales, New and Used	sq ft/GFA		

Commercial Office

Administrative Office			
up to 9,999 sq ft	sq ft/GFA		
50,000 to 99,999 sq ft	sq ft/GFA		
100,000 to 199,999 sq ft	sq ft/GFA		
200,000 to 299,999 sq ft	sq ft/GFA		
300,000 to 399,999 sq ft	sq ft/GFA		
Medical Office / Clinic	sq ft/GFA		

Commercial Industrial

Light Industry / Manufacturing	sq ft/GFA		
Industrial Park	sq ft/GFA		
Warehouse / Storage	sq ft/GFA		
Truck Terminal	acre		

PRIOR PAYMENT OF SDCs (This information can be researched at the Records and Resources Counter)

Has the existing use paid a Transportation SDC since October 17, 1997? yes no

If yes, specify date paid: _____ amount paid: \$ _____ permit # on which it was paid: _____

Signature and Date (to be completed by all development review customers)

I certify that the information presented throughout this document is current and accurate to the best of my knowledge:

Signature _____ Date _____

Print name _____

Company name and your position _____

Bureau of Environmental Services (BES)

Fixture Worksheet and Stormwater Information Form

Part I: Calculation of Plumbing Fixture Units (PFUs)					
Fixture Type	Number of Fixtures to be Added [1]	Number of Fixtures to be Removed [2]	Net Change in Number of Fixtures [3]	Equivalency Factor [4]	Net Change in Number of PFUs
Calculation			[1] - [2]		[3] x [4]
Bathtub or combination bath/shower				2.0	
Clothes washer				6.0	
Dental unit or cuspidor				1.0	
Dishwasher				2.0	
Drinking fountain or water cooler				0.5	
Laundry sink				2.0	
Lavatory (wash basin) single				1.0	
Lavatory (wash basin) sets of 2 or 3				2.0	
Shower stall				2.0	
Sink, commercial, food & service				3.0	
Sink, general				2.0	
Urinal				2.0	
Water closet (toilet) public				6.0	
Water closet (toilet) private				4.0	
Other*(floor sink / floor drain)				1.0	
Other*(Specify)					
Other*(Specify)					
Other*(Specify)					
* For Other fixtures, use PFU values from Oregon Plumbing Specialty Code					Total of Net Changes in PFUs (if negative enter negative number) (if applicable show negative number for future credit)

STORM WATER IDENTIFICATION:

Are you increasing the impervious Surface: yes no

If yes, please note the Impervious Surface Area (hard surface such as roof, asphalt, concrete, building footprint, etc.) as requested below:

Total impervious area on site after completion: _____ sq. ft.

Existing impervious area before construction: _____ sq. ft.

New impervious area to be added to site: _____ sq. ft.

Provide the amount of lineal footage of property fronting all public rights-of-way: _____ ft.

Water Bureau Commercial – New Construction/Alteration/Addition Worksheet

Instructions

- Column 2: Enter the total number of each fixture type the completed new structure will have
- Column 3: If the project has an existing structure that will be utilizing the same water meter enter the total number of each fixture type currently in the existing structure.
- Column 4: Enter the number of fixture connections that will be permanently removed from the new structure.
- Column 5: Sum of column 2 and column 3 minus column 4
- Column 6: Per unit value of each fixture type
- Column 7: Enter the number of column 5 times Column 6

(1) Type of Fixture		(2) Fixtures in New Structure		(3) Fixtures in Existing Structure		(4) Fixtures Removed		(5) Total Fixtures		(6) Fixture Value		(7) Total Fixture Unit Value
Clinic Sink	_____ +	_____	--	_____	=	_____	x	8	=	_____		_____
Clothes Washer, domestic	_____ +	_____	--	_____	=	_____	x	4	=	_____		_____
Dishwasher	_____ +	_____	--	_____	=	_____	x	3	=	_____		_____
Drinking Fountain	_____ +	_____	--	_____	=	_____	x	0.5	=	_____		_____
Hose Bib	_____ +	_____	--	_____	=	_____	x	2.5	=	_____		_____
Kitchen, Commercial or Service Sink	_____ +	_____	--	_____	=	_____	x	3	=	_____		_____
Laundry, Bar or Washup Sink	_____ +	_____	--	_____	=	_____	x	2	=	_____		_____
Shower	_____ +	_____	--	_____	=	_____	x	2	=	_____		_____
Sink - Bathroom	_____ +	_____	--	_____	=	_____	x	1	=	_____		_____
Urinal, 1.0 GPF Flushometer Valve (1-4)*	_____ +	_____	--	_____	=	_____	x	15	=	_____		_____
Urinal, 1.0 GPF Flushometer (each additional)	_____	_____		_____		_____		5	=	_____		_____
Water Closet, 1.6 GPF Gravity Tank	_____ +	_____	--	_____	=	_____	x	2.5	=	_____		_____
Water Closet, 1.6 GPF Flushometer Valve (1-4)*	_____ +	_____	--	_____	=	_____	x	25	=	_____		_____
WC, 1.6 GPF Flushometer Valve (each additional)	_____	_____		_____		_____		10	=	_____		_____

* Fixture units for flushometers are approximate values. Values may be adjusted by Portland Water Bureau Staff According to actual Oregon Plumbing Code Values.

Total Fixture Units = _____

Fixture Unit Count (column 7 total)	Required Meter Size
0 – 22	5/8" meter
23 – 37	3/4" meter
38 – 89	1" meter
90 – 286	1.5" meter
287 – 532	2" meter
533 – 1,300	3" meter
1,301 – 3,600	4" meter
3,601 – 8,200	6" meter
8,201 – 13,800	8" meter
13,801 – 25,800	10" meter
25,801 – 38,800	12" meter

NOTE: There may be additional credit if existing meters are utilized or removed. SDC fees are not assessed to fire lines. Water Bureau does not offer any deferred financing. Fees are due at time water service installation is paid. Call WATER Hotline, 503-823-7368 with any questions.

Building Permit Number: _____

Service Address: _____

Definitions

from Institute of Transportation Engineers Trip Generation Manual

Gross Floor Area (GFA)

The gross floor area of a building is the sum (in square feet) of the area at each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are included within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all stories or areas that have floor surfaces with clear standing head room (6 feet, 6 inches, minimum) regardless of their use. Where a ground level area, or part thereof, within the principal outside faces of the exterior walls is left unenclosed, the gross floor area of the unenclosed portion is said to be considered as a part of the overall square footage of the building. All unroofed areas and unenclosed roofed-over spaces, except as defined above, are to be excluded from the area calculations.

For trip generation calculation, the gross floor area of any parking garages within the building shall not be included within the gross floor area of the entire building.

Gross Leasable Area (GLA)

Gross leasable area is the total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, expressed in square feet and measured from the center line of joint partitions and from outside wall faces. For purposes of the trip generation calculation, the floor area of any parking garages within the building shall not be included within the GLA of the entire building. Gross leasable area is the area for which tenants pay rent; it is the area that produces income.

Optional Alternate Rate and Fee Calculation

Transportation

If you want us to use trip generation rates other than those used in the City's Transportation SDC Ordinance and Rate Study, you must submit data certified by a professional traffic engineer. Use *Request for Alternate Trip Generation Rate and SDC Calculation Form TSDC-3* to submit such data, and attach it to this application. Institutional development (educational and medical campuses) may elect to base SDC on annual changes in trip generation. Submit *Election by Institutional Development of Special Trip Generation Rate and SDC Calculation Form TSDC-4*.

Parks

If you want us to use an alternate number of persons per Dwelling Unit than those used in the City's Parks SDC Methodology Study, you need to submit documentation, analyzed and certified by a suitable and competent professional. Alternative SDC rate calculations must be based on analysis of occupancy of classes of structures, not on the intended occupancy of a particular New Development. Use *Request for Alternative occupancy and SDC Calculation (Form PSDC-6)* to submit such data, and attach it to this application.

Optional Credit for Providing Qualified Public Improvements

Transportation

If you want to reduce the amount of your Transportation SDC, you may make improvements to specific transportation facilities in the City of Portland. Use "Request for Credit for Qualified Public Improvement" Form TSDC-5 to submit such data, and attach it to this application.

Parks

To reduce the amount of your Parks SDC, you may donate property or improvements to certain qualified park facilities in the City of Portland. Use "Request for Parks SDC Credit for Qualified Public Improvement" (Form PSDC-7) to submit a request, and attach it to this application.

Timing and Method of Payment

The City will give you a Notification of SDC Fees if you are required to pay any charges for your development. At this point you will decide when and how to pay for the SDCs.

For all SDCs...

- Pay by cash, check or money order at the time the City issues a building permit.

For all SDCs except Water...

- Request a City loan by completing and signing an installment contract to pay the SDCs in monthly installments over a number of years.*

For Transportation and Parks SDCs...

- Defer payment for up to 180 days after the building permit is issued.*
- Transfer SDC credits by completing and filing a special form for each SDC.

*SPECIAL NOTE: The City secures a loan or deferral by recording a lien on the benefited property. The lien remains in effect until the SDCs are paid in full. The City charges a non-refundable processing fee to cover the expense of setting up a loan or deferral. The installment contract must be signed by the property owner of record before the City authorizes a loan for the SDCs.

If you need help:

If you need help with this form or have questions about your Systems Development Charge (SDC) please call:
Portland Office of Transportation..... 503-823-7002
Bureau of Parks and Recreation 503-823-5105
Bureau of Environmental Services 503-823-7761
Bureau of Water Works 503-823-7368

Portland Development Commission administers payment assistance programs for SDCs:

E-mail: sdc@pdc.us
Web site: www.pdc.us/sdc
Phone: 503-823-3270
Location: 222 NW 5th Avenue, Portland, OR 97209
PDC Contact: Call Brian Morisky, SDC Exemption Program Administrator



CITY OF PORTLAND, OREGON

Development Services Center

Effective July 1, 2007

1900 SW Fourth Avenue, Suite 1500 • Portland, Oregon 97201 • www.portlandonline.com/bds

Systems Development Charge Form, One and Two Family Residential

FOR INTAKE, STAFF USE ONLY

Date Rec _____ by _____ Address _____
 Qtr Sec Map(s) _____
 Building Permit # _____ Tax Account # _____

Systems Development Charges (SDCs) are collected by the bureaus of Environmental Services, Parks and Recreation, Water Works and the Portland Office of Transportation to help offset the impact your project will add to the City's infrastructure of storm and sanitary sewer systems, parks and recreation facilities, water and street systems. The Bureau of Development Services does not charge SDCs.

To be completed for all new dwelling units and all additional dwelling units

Applicant Name _____
 Address _____
 City _____ State _____ Zip Code _____
 Day Phone _____ FAX _____ email _____

Project Information

What county is your project in? Multnomah, inside Portland Clackamas
 Multnomah, outside Portland Washington

Number of existing dwelling units 0 1 2

Number of new dwelling units 1 2

Number of existing bathrooms 1 1.5 2 2.5 3 3.5 4 or more

Number of new bathrooms 0 1 2 2.5 3 3.5 4 or more

Is this a floating home? yes no

If yes, will it be moored within Portland City limits after construction? yes no
 (If moored outside Portland City limits, attach copy of Moorage agreement)

Was a building on this site demolished in order for new home to be constructed? yes no

If yes, demolition permit number: _____

SDC Rates, valid through December 31, 2007	
Environmental Services (some properties may also owe for line and branch that serve the property)	\$ 3,872 single family residence (sanitary and storm)
	\$ 5,827 duplex (sanitary and storm)
	\$ 2,606 additional dwelling unit (sanitary only)
Parks	\$ 3,117 dwelling unit
	\$ 6,234 duplex
	\$ 1,772 additional dwelling unit
Transportation	\$ 1,995 dwelling unit
	\$ 3,990 duplex
	\$ 999 additional dwelling unit
Water	\$ 1,787 5/8" meter (typically 1 to 1.5 baths)
	\$ 2,681 3/4" meter (typically 2 to 3 baths)
	\$ 4,469 1" meter (typically 3.5 or more baths)

THERE MAY BE ADDITIONAL PERMIT AND/OR REVIEW FEES FOR YOUR PROJECT

continued on back 1

SDC Fee Exemption

The burden of proof for exemptions is on the applicant. You must submit documentation to “prove” any exemption you claim. Check this item ONLY if it applies to the proposed development.

- PDC Fee Waiver Program / SCD Exemption Program (attach “Waiver Letter” from Portland Development Commission, Contact PDC: System Development Charge Exemption Program Administrator, 503-823-3720)

If you have any questions, call: PDOT Hotline,503-823-7002 - Transportation
Parks Hotline,503-823-5105 - Parks
BES Hotline 503-823-7761 - Storm and sanitary sewers
Water Hotline 503-823-7368 - Water service

Signature and Date (to be completed by all development review customers)

I certify that the information presented throughout this document is current and accurate to the best of my knowledge:

Signature _____ Date _____

Print name _____

Company name and your position _____

Timing and Method of Payment

The City will give you a Notification of SDC Fees if you are required to pay any charges for your development. At this point you will decide when and how to pay for the SDCs.

For all SDCs...

- Pay by cash, check or money order at the time the City issues a building permit.

For all SDCs except Water...

- Request a City loan by completing and signing an installment contract to pay the SDCs in monthly installments over a number of years.*

For Transportation and Parks SDCs...

- Defer payment for up to 180 days after the building permit is issued.*
- Transfer SDC credits by completing and filing a special form for each SDC.

*SPECIAL NOTE: The City secures a loan or deferral by recording a lien on the benefited property. The lien remains in effect until the SDCs are paid in full. The City charges a non-refundable processing fee to cover the expense of setting up a loan or deferral. The installment contract must be signed by the property owner of record before the City authorizes a loan for the SDCs.

Information is subject to change.



Form TSDC-2

TRANSIT ORIENTED DEVELOPMENT

APPLICANT & PROJECT IDENTIFICATION

Applicant Name: _____

Development Address (parcel # or tax lot #): _____

Building Permit #: _____

ELIGIBILITY TO BE DESIGNATED "TRANSIT ORIENTED DEVELOPMENT"

- 1. My development is located within one of the following subdistricts of the Central City Plan District: DT1 through DT 6-2; UD 1-1 and UD 1-2; RD 3,4,5-1 and 5-2; GH1; CE 2 and 3; and LD 1-4. (shaded area of map on reverse are the subdistricts listed above).

OR

- 2. My development is located in another subdistrict of the Central City Plan District (unshaded area within Central City Plan District Boundary of map on reverse) AND
 - Includes at least 40 units of housing per net acre
 OR
 - Achieves a Floor Area Ratio of 2 to 1

OR

- 3. My development is located outside the Central City Plan District and is not an auto-related use as defined in City Code 33.910, AND
 - Is within 500 feet of a street with Fixed-Route Frequent Transit Service*
 OR
 - Is within 1,000 feet of a Light Rail Station*
 AND ALSO
 - It includes at least 30 units of housing per net acre, and there are no drive through facilities,
 OR
 - Achieves a floor area ratio of 1 to 1, and there are no drive through facilities,
 OR
 - Is located in a commercial zone where no parking is required by the Planning and Zoning Code of the City of Portland and no on-site** parking is provided and there are no drive-through facilities
 OR
 - Includes at least 40 units of housing per net acre
 OR
 - Achieves a floor area ratio of 2 to 1

* "Fixed-Route Frequent Transit Service" means service every 15 minutes or better during the day and includes the I-205 light rail corridor and "Light Rail Station" includes the I-205 light rail stations.

** "Site" includes the building footprint and all associated land required for parking, landscaping and the like.

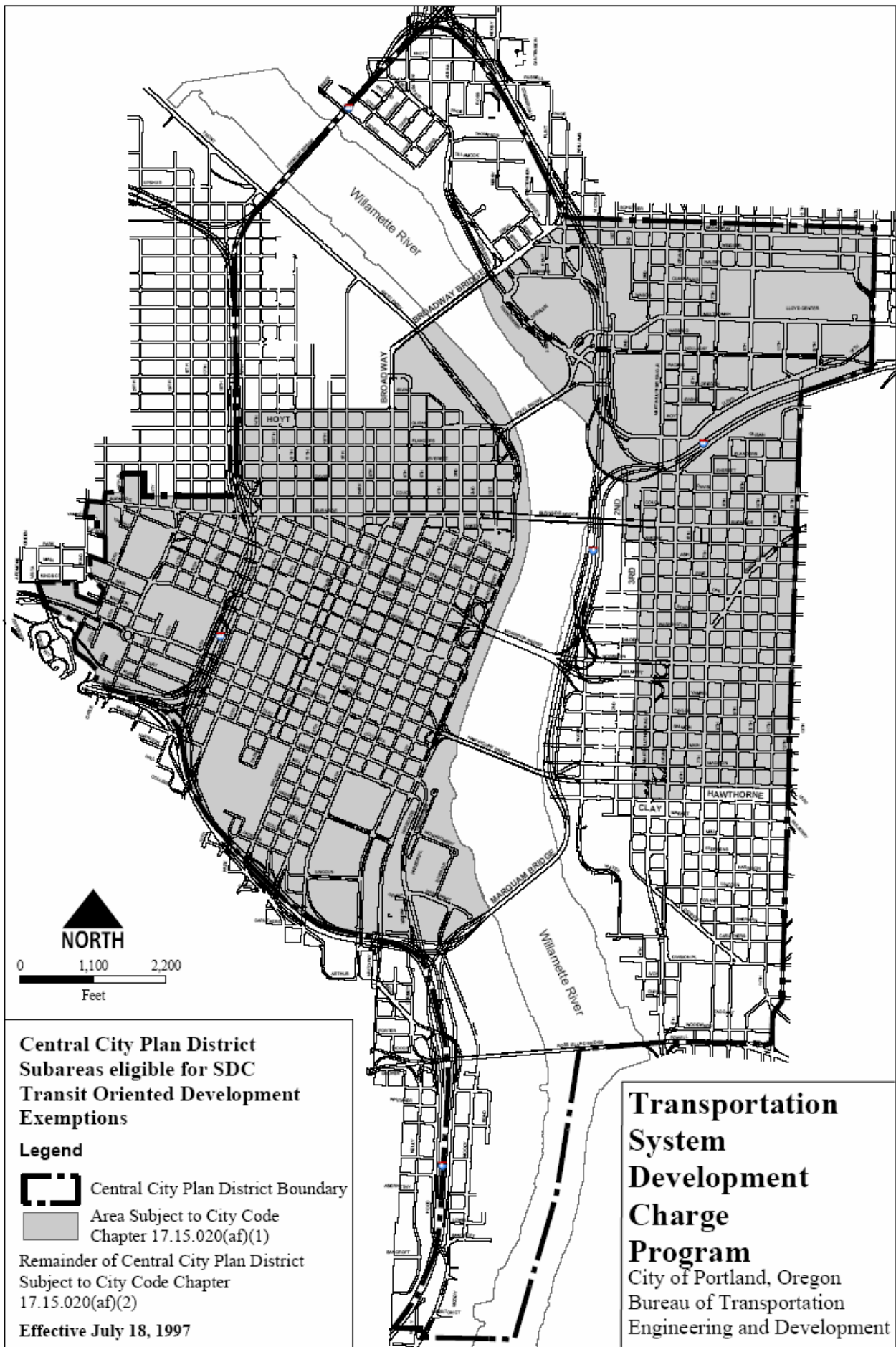
SIGNATURE AND DATE

I certify that the information presented above is current and accurate to the best of my knowledge.

Signature

Date

Printed Name





Transportation System Development Charge



Form TSDC-3 REQUEST FOR ALTERNATE TRIP GENERATION RATE AND TSDC CALCULATION

APPLICANT & PROJECT IDENTIFICATION

Applicant Name: _____

Development Address (parcel # or tax lot #): _____

Building Permit #: _____

SUPPORTING DOCUMENTATION

I believe that my proposed development will generate fewer trips than would be forecast using the City's SDC Rate Study, and therefore my SDC should be lower than that which would be calculated by the City.

I acknowledge the following requirements of Section 17.15.070(b)(2) of the SDC Ordinance that pertain to this request for an Alternate SDC Calculation.

- A. I must provide complete and detailed documentation, including verifiable trip generation data, analyzed and certified to by a Professional Traffic Engineer.
- B. The supporting documentation must rely upon generally accepted sampling methods, sources of information, cost analysis, traffic and growth projections and techniques of analysis as a means of supporting the proposed alternative SDC rate.
- C. The proposed Alternative SDC Rate calculation shall include an explanation by a registered engineer explaining with particularity why the rate established in The City Rate Study does not accurately reflect the New Development's impact on the City's capital improvements.

Attached to this form is the documentation in support of this request. It was prepared by:

Name of firm: _____

Name of engineer: _____

Registration or license number: _____

State of registration or license: _____

SUMMARY OF IMPACTS

Types of Impacts:	Employees	Deliveries	Customers
Estimated Number Per Weekday =	_____	_____	_____

SIGNATURE AND DATE

Pursuant to Section (17.15.070(b)(1) of the SDC Ordinance, I hereby request an alternative SDC rate calculation. This request is made no later than the time the City issues the first occupancy permit for the proposed development. I certify that the information presented above is current and accurate to the best of my knowledge.

Signature

Date

Printed Name



Transportation System Development Charge



Form TSDC-4
**ELECTION BY INSTITUTIONAL DEVELOPMENT OF SPECIAL
TRIP GENERATION RATE AND TSDC CALCULATION**

APPLICANT & PROJECT IDENTIFICATION

Applicant Name: _____

Development Address (parcel # or tax lot #): _____

Building Permit #: _____

TYPE OF "INSTITUTIONAL DEVELOPMENT"

Check one:

- Medical Institution
- Educational Institution (High School, College, University and similar institutions)

SIZE OF SITE

Your site must be five acres or larger in size to qualify as an "Institutional Development".

Specify total acreage of site: _____

SIGNATURE AND DATE

Pursuant to Section (17.15.040(b) of the SDC Ordinance, we hereby elect to determine our Transportation SDC on the basis of annual changes in the total number of trips generated by the entire site. We understand and accept the requirements of Section 17.15.040(b) of the SDC Ordinance that pertain to this request for an Institutional Development SDC Calculation.

Name of Institution

Date

Signature (Officer or Director)

Date

Printed Name



Transportation System Development Charge



Form TSDC-5
**REQUEST FOR CREDIT FOR QUALIFIED PUBLIC
IMPROVEMENT**

APPLICANT & PROJECT IDENTIFICATION

Applicant Name: _____

Development Address (parcel # or tax lot #): _____

Building Permit #: _____

Name of Transportation Facility You Improved or Plan to Improve: _____

APPROVED LISTS OF "QUALIFIED PUBLIC IMPROVEMENT"

Check one of the following to indicate which list of "Qualified Public Improvements" includes the transportation facility that you improved:

- The Transportation Facility is on the SDC-CIP list.
- The Transportation Facility is an arterial or collector street and is required as a condition of development approval and is built larger or with greater capacity (over-capacity) than is necessary to serve the "New Development" or mitigate for transportation system impacts attributable to the "New Development".

STATUS OF IMPROVEMENT

Check one of the following to indicate the status of your improvement project:

- The improvement was completed on: _____ (date)
(Completed improvements must be inspected by the City. Attach a copy of the final inspection approval issued by the City of Portland).
- The improvement is proposed to be completed by: _____ (date)
(Future improvements must be guaranteed by the applicant. Attach a copy of the performance guarantee).

In the event that the actual cost of your improvement is greater than your estimate, you will receive an additional credit for the extra cost to the extent such costs are approved by the City. In the event that the actual cost of your improvement is less than your estimate, you will be responsible for paying the difference. If you have an outstanding Credit Transfer Certificate, its balance will be reduced by such difference. If you do not have an outstanding credit balance, you must pay the difference. Your performance guarantee to the City will not be released until this obligation has been paid.

The total cost of my Qualified Public Improvement is: \$_____. (You must attach copies of invoices, construction contracts, bids, or other cost data in order to enable us to verify your costs.)

SIGNATURE AND DATE

I certify that the information presented above is current and accurate to the best of my knowledge. I believe that the improvements performed by, or on behalf of, my proposed development meet all the applicable requirements in Portland's SDC Ordinance that pertain to credits for Qualified Public Improvements.

Signature

Date

Printed Name



Transportation System Development Charge



Form TSDC-6 REFUND REQUEST

APPLICANT & PROJECT IDENTIFICATION

Applicant Name: _____

Applicant Address (street number and name): _____

Applicant Address (city, state, zip code): _____

Applicant Phone (area code, number): _____ Fax: _____

Applicant Tax ID number or Social Security number: _____
(needed to process refund check)

Development Address: (street number and name): _____

Development Address: (city, state, zip code): _____

Building Permit #: _____

REFUND

Amount of requested refund: _____

I am requesting a refund for the following reason:

- Mathematical error in calculating the SDC
- Building was not built and permit was cancelled (attach documentation from the Bureau of Development Services)

Signature

Date

Printed Name

FOR CITY USE ONLY

- Refund denied for the following reason: _____
- Refund approved
 - Refund amount \$ _____
 - Interest calculation \$ _____
 - Total refund issued \$ _____

APPROVALS

SDC Technician

SDC System Administrator, City of Portland



Transportation System Development Charge



Form TSDC-7

NOTIFICATION OF TRANSPORTATION SDC

TO: Applicant Name: _____
Street # & Name: _____
City, State & Zip: _____

RE: Results of Review of Transportation SDC for Building Permit # _____

We have reviewed your Transportation SDC Information Form with the result indicated below:

- Your development is exempt from the Transportation SDC. The City's Permit Center has been advised, and your building permit, when approved, will be issued without any Transportation SDC.
- Your development is subject to payment of a Transportation SDC in the amount of \$_____. This total amount of the Transportation SDC includes any reductions your development qualified for as a result of any of the following factors:
 - Transit Oriented Development
 - Alternate Trip Generation Rate and Alternate Fee Calculation
 - Credit for Providing Qualified Public Improvement
 - Institutional Development Trip Generation Methodology

APPEALS

You may appeal our decision. SDC Ordinance sections 17.15.060, 17.15.070 and 17.15.110 describe your rights of appeal, and the procedures, deadlines, and additional information that you must file in an appeal.

ELECTION OF PAYMENT TIMING

The default payment option is payment at the time the building permit is issued. If this is the option you select, do not return the attached form. If you select payment Option "A" or "B," return the attached form for processing.

Sincerely,

SDC System Administrator, City of Portland	Phone	Date
--	-------	------



Transportation System Development Charge



Form TSDC-7a

PAYMENT TIMING AND METHOD

TO: _____
Transportation Engineering and Development
1900 SW 4th Avenue, Suite 5000
Portland, OR 97201

FAX: (503) 823-4591

FROM: Applicant Name: _____
Street # and Name: _____
City / State / Zip: _____
Building Permit Number: _____

The default payment option is payment at the time the building permit is issued. If this is the option you select, do not return this form. If you select either option below, complete this form and return to the address or fax shown above.

PAYMENT TIMING

Select One:

- Monthly installments over 5 or 10 years. This payment option is known as the "Bancroft Installment Payment" available under ORS Chapter 223. The City finances this installment loan by selling improvement bonds at favorable interest rates. Prior to the bond sale, the City charges an interim interest rate, which reflects bond market conditions. After the bond sale, the installment interest is fixed at a permanent rate equal to the true interest cost of the bonds plus a financing rate set by City Council. The City calculates separate interest rates for each of the 5 and 10 year loan terms. Each bill includes a billing fee, which may be adjusted at any time without notice.
- No payments for 180 days after issuance of the building permit. The SDC is due and payable in full on the 181st day. Interest shall accrue at the rate of 12% per annum. This interest shall be forgiven provided that full payment is made no later than the 181st day after issuance of the building permit.

If you selected one of these options, we will send you an Installment Agreement for you to sign and return to us.

NOTICE

If you elect to defer payment or make monthly installments over 5 or 10 years, the SDC Ordinance and Oregon Revised Statutes require that a lien will be placed on the proposed development property. **That lien will be given first priority as provided by statute. Furthermore, you will waive those rights as provided by Section 17.14.030 of the Portland City code**

SIGNATURE AND DATE

I agree to pay my Transportation SDC at the time indicated above. I understand and accept the terms and conditions of deferred payment as they are described above, and in Section 17.15.080 of the Portland City Code and Oregon Revised Statutes Chapter 223. I agree to enter into a binding SDC Installment Agreement as a condition of this election to defer payment. If I fail to enter into the Installment Agreement, the full Transportation SDC is due and payable along with all other fees that are paid at the time the building permit is issued by the City.

Sincerely,

Signature

Date

Printed Name



Transportation System Development Charge



Form TSDC-8

CREDIT TRANSFER CERTIFICATE

Name of Original Recipient: _____

Original Development Address (parcel # or tax lot #): _____

Original Building Permit #: _____

SDC Credit Transfer Control Number: _____

SDC Credit Authorization Memo Date: _____

The following credit is available to be applied by the bearer to the payment of Transportation System Development Charges (SDC) imposed by the City of Portland. To use this credit, present this certificate to Transportation Engineering and Development at the time all other fees are paid for issuance of a building permit.

Date and Initials	Permit Numbers	Lot Numbers	Amount of Credit Used	Remaining Credit Balance
			Beginning Balance:	
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Balance Carried Forward to SDC Credit Transfer Control Number _____

SIGNATURE AND DATE

SDC System Administrator, City of Portland

Date Issued

Expiration Date
(10 years after issuance)



Transportation System
Development Charge



Form TSDC-9

CREDIT AUTHORIZATION MEMO

TO: SDC System Administrator

FROM: Arterial Engineering

DATE: _____

RE: SDC Credit Application

Name of Applicant: _____

Development Address (parcel # or tax lot #): _____

Building Permit #: _____

I have reviewed the Request for Credit for Qualified Public Improvement of the above named applicant who has requested this credit for the following improvements:

Name of Facility with Location

Type of Improvement

The following (or attached) table summarizes the specific improvements made by, or on behalf of, the Applicant, the Applicant's cost, and the amount of credit approved by our office:

Item or Component of Project	Applicant's Cost	Credit Approved
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

SIGNATURE AND DATE

Signature, Portland Office of Transportation Engineer

Date



Transportation System
Development Charge



Form TSDC-10

CREDIT REQUEST NOTICE OF RESULTS

TO: Applicant Name: _____
Street # & Name: _____
City, State & Zip: _____

RE: Results of Request for SDC Credit for Qualified Public Improvements

We have reviewed your Request for Credit for Qualified Public Improvement with the result indicated below:

- A credit has been approved. Enclosed is your Transportation SDC Credit Transfer Certificate showing the total amount of the credit.

In order to use your credit, simply present your Transportation SDC Credit Transfer Certificate to Transportation Engineering and Development before issuance of a building permit.

The credit certificate is transferable to anyone you designate. It is a "bearer" certificate and will be accepted by the City from anyone who presents it. Its value to the City is equal to the amount of the remaining balance, it should be safeguarded.

If you have any questions about the amount, or how to use and/or transfer the credits, please call me at the phone number listed below. If you wish to appeal the amount of the credit, see the section below that describes appeals.

- Your request for a credit has not been approved. If you wish to appeal this rejection, see the section below that describes appeals.

You may appeal our decision. SDC Ordinance sections 17.15.060(a)(4), 17.15.070(c)(1), and 17.15.110 describe your rights of appeal, and the procedures, deadlines, and additional information that you must file in a request for an "Alternative SDC Credit Calculation".

Sincerely,

SDC System Administrator, City of Portland Phone Date



Transportation System Development Charge



Form TSDC-11 LOAN CONTRACT

The undersigned agree to pay in installments the assessment, plus interest set by the City Council and any penalties, billing fees and collection charges as set forth in the Terms and Conditions of this contract. Further, the undersigned understands that the amount owing shall be a lien against the benefited property and the lien shall be recorded in the Docket of City Liens.

Property Address: _____ Legal: _____

Property Owner: _____ Legal Description: _____

Billing Address: _____ Building Permit Number: _____

Total Charges _____

Finance Fee _____

Total* _____

*Stated rates in effect through _____

I elect to pay in installments based on the following payment schedule:

- Monthly installments over 5 years
- Monthly installments over 10 years

This contract is submitted in accordance with provisions of ORS 223.205-314, the Charter of the City of Portland, and Chapter 17.14 of the Portland City Code. In consideration and pursuant to these legal provisions, I hereby expressly waive all irregularities and defects, jurisdictional or otherwise, in the proceedings to assess this system development charge on the property described herein. Further, I understand that I have a right to contest the amount, and means of calculating the amount, as provided by the bureau that administers this specific system development charge program; however, by signing this agreement, I waive those rights as provided by Section 17.14.030 of the Portland City Code. I have read and agree to abide by the provisions printed on the reverse side of this contract.

PLEASE NOTE: ALL RECORDED OWNERS MUST SIGN. IF CONTRACT PURCHASER, PLEASE ATTACH CONTRACT OF SALE. BY SIGNING BELOW YOU ACKNOWLEDGE THE TERMS AND PROVISIONS ON PAGE 2 OF THIS CONTRACT.

Signed: _____ Signed: _____

Date: _____ Date: _____

Social Security No.: _____ Social Security No.: _____

Telephone Number: _____

Billing Address: _____

INSTALLMENT PAYMENT CONTRACT OPTIONS, TERMS, AND PROVISIONS

PAYMENT OPTIONS AND SCHEDULES

The Transportation System Development Charge Program offers two loan payment options: monthly installments over 5 years or monthly installments over 10 years. The City uses the following calculations when preparing installment bills.

The set monthly installments include increasing principal and decreasing interest amounts, plus a billing fee. Interest is charged through the bill due date. Installment billings begin 30 to 60 days after the loan contract is received by the City.

SPECIAL CERTIFICATION FOR 5-YEAR LOANS

The 5-year loan term option may be selected on a voluntary basis. In so doing, you consent to repay this contract in less than the 10-year minimum term required to be offered by State law. You acknowledge that this contract accurately describes the assessed property and the charges for which the assessment is made. Also, you acknowledge that the loan amount described in this contract is a lien which is recorded in the Docket of City liens.

FINANCE FEE

The City adds a non-refundable finance fee to the assessment to pay for processing your loan and selling bonds.

INTEREST RATES AND BILLING FEES

The City finances this installment loan by selling improvement bonds at favorable interest rates. Prior to the bond sale, the City charges an interim interest rate which reflects bond market conditions. After the bond sale, the installment interest is fixed at a permanent rate equal to the true interest cost of the bonds plus a financing rate set by City Council. The City calculates separate interest rates for each of the 5 and 10 year loan terms. Each bill includes a billing fee which may be adjusted at any time without notice.

BILLING AND PAYMENT

The City bills you directly for your loan installments. Your installments are not made a part of your property tax bill. Make your payments on or before the payment due date. Include your account number on your check and make the check payable to the City of Portland. You may shorten the payment period by paying more than the required amount. The entire unpaid balance plus accrued interest may be paid off at any time without prepayment penalty.

PENALTIES FOR NON-PAYMENT

The City charges late interest monthly on the past due principal balance, based on the loan interest rate. When payment is more than 30 days past due, penalties and collection charges will be added as provided by City Code. Beyond 60 days past due, the City may declare this contract in default and require a new loan contract subject to new interest rates and charges. The City may also require payment of the entire amount of delinquent installments, plus late interest, penalties, and collection charges. This loan is secured by a lien on the benefited property. The City lien may be assumed when the property is transferred, however, the City cannot subordinate the lien. Banks or financial institutions generally require full payment of this loan before closing a private mortgage or refinancing transaction. The City may enforce its property lien by foreclosing and selling the property to collect the outstanding loan balance and all related costs.

BOND RESERVE FEE

In addition, the City may charge a bond reserve fee if required to sell assessment bonds. Proceeds from the bond reserve fee will be dedicated to a reserve account and used as security for the assessment bonds.

CHANGE OF ADDRESS

You are responsible for notifying the City Auditor's Office, Assessments and Liens Division, of any change of ownership or billing address.



Transportation System Development Charge



Form TSDC-12 DEFERRAL CONTRACT

The undersigned agree to pay in one installment the assessment plus any accrued interest, penalties, billing fees and collection charges as set forth in the Terms and Conditions of this contract. Further, the undersigned understands that the amount owing shall be a lien against the benefited property and the lien shall be recorded in the Docket of City Liens.

Property Address: _____ Legal: _____

Property Owner: _____ Legal Description: _____

Billing Address: _____ Building Permit Number: _____

Total Charges Deferred _____

Stated rate in effect through _____

I hereby elect to defer the payment of the Transportation System Development Charges that are due on my proposed development. I understand this deferral is for 180 days after issuance of the building permit and that the SDC is due and payable on the 181st day. I also understand that interest shall accrue at the rate of 12% per annum and that this interest shall be forgiven provided that full payment is made no later than the 181st day after issuance of the building permit.

This contract is submitted in accordance with provisions of ORS 223.205-314, the Charter of the City of Portland, and Chapter 17.14 of the Portland City Code. In consideration and pursuant to these legal provisions, I hereby expressly waive all irregularities and defects, jurisdictional or otherwise, in the proceedings to assess this system development charge on the property described herein. Further, I understand that I have a right to contest the amount, and means of calculating the amount, as provided by the bureau that administers this specific system development charge program; however, by signing this agreement, I waive those rights as provided by Section 17.14.030 of the Portland City Code. I have read and agree to abide by the provisions printed on the reverse side of this contract.

PLEASE NOTE: ALL RECORDED OWNERS MUST SIGN. IF CONTRACT PURCHASER, PLEASE ATTACH CONTRACT OF SALE. BY SIGNING BELOW YOU ACKNOWLEDGE THE TERMS AND PROVISIONS ON PAGE 2 OF THIS CONTRACT.

Signed: _____ Signed: _____

Date: _____ Date: _____

Social Security No.: _____ Social Security No.: _____

Telephone Number: _____

Billing Address: _____

DEFERRAL PAYMENT CONTRACT TERMS AND PROVISIONS

PAYMENT OPTION

The Transportation System Development Charge Program offers a 180 day deferred payment option. This is a zero interest loan provided it is paid in full by the end of the deferral period. The City will send an assessment notice 30 to 60 days after the building permit is issued. You are responsible for making sure full payment is received by the City Auditor's Office no later than the 181st day after issuance of the building permit. Include your account number on your check, make the check payable to the City of Portland, and mail to:

CITY OF PORTLAND
LIENS SECTION
PO BOX 8834
PORTLAND OR 97207-8834

SPECIAL CERTIFICATION FOR DEFERRED PAYMENT OPTION

The deferred payment option may be selected on a voluntary basis. In so doing, you consent to pay the charges in full no later than the 181st day after issuance of the building permit. You acknowledge that this contract accurately describes the assessed property and the charges for which the assessment is made. Also, you acknowledge that the loan amount described in this contract is a lien which is recorded in the Docket of City Liens.

PROCESSING FEE

The City charges a non-refundable \$50.00 fee for processing your loan. This charge will be added to your building permit and will need to be paid at permit issuance.

INTEREST RATES AND BILLING FEES

Interest shall accrue at the rate of 12% per annum. This interest shall be forgiven provided that full payment is made no later than the 181st day after issuance of the building permit.

PENALTIES FOR NON-PAYMENT

The City charges all accrued interest on deferrals not paid by the 181st day after issuance of the building permit. When payment is more than 30 days past due, penalties and collections charges will be added as provided by City Code. The City bills you directly; these charges are not made a part of your property tax bill. Beyond 60 days past due, the City may declare this contract in default. This deferral contract is secured by a lien on the benefited property. The City lien may be assumed when the property is transferred, however the City cannot subordinate the lien. Banks or financial institutions generally require full payment of this loan before closing a private mortgage or refinancing transaction. The City may enforce its property lien by foreclosing and selling the property to collect the outstanding balance and all related costs.

CHANGE OF ADDRESS

You are responsible for notifying the City Auditor's Office, Assessments and Liens Division, of any change of ownership or billing address.

Signed: _____

Signed: _____

Date: _____

Date: _____

July 3, 2007				
Proposed TSDC Project List				
TSP #	District	Project Name	Project Description	Total Project Cost (\$) *
20007	South Waterfront	South Portal, Phase I & II	Improve SW Bancroft, SW Moody and SW Bond Streets	57,330,684
20009	South Waterfront	Moody/Bond Ave, SW (Sheridan to Gibbs): Street Improvements	Five lane street improvement from SW River Parkway to SW Gibbs Street.	18,834,515
20031	South Waterfront	South Light Rail	City street and sidewalk improvements to support the addition of Light Rail along SW Lincoln Street and SW River Parkway.	4,960,110
20033	Central City	Lloyd District Access Improvements	Add traffic signals and improve intersections at NE 2nd and Broadway and NE 2nd and Weidler Streets.	998,243
20037	Central City	Central Eastside Bridgehead	Improve pedestrian and bicycle access to bridge approaches.	2,148,963
20088 20090	Central City	Burnside/Couch, East - Phases I and II	Implements a one-way couplet design including new traffic signals, widened sidewalks, curb extensions, bike lanes on-street parking and street trees.	24,946,554
20089 20091	Central City	Burnside/Couch, West - Phases I and II	Implements a one-way couplet design including new traffic signals, widened sidewalks, curb extensions, bike lanes on-street parking and street trees.	75,895,353
20084, 20085	Central City	Eastside Streetcar Phase 1 and 2, NE/SE	Construct streetcar from NW Lovejoy/10th to NE 7th / Oregon. Construct streetcar from NE Oregon to SE Water	7,300,000
20097-1	Central City	Flanders, NW (Steel Bridge to Westover): Bicycle Facility (Central City)	Develop a bicycle and pedestrian crossing of I-405.	1,196,168
20097-2	NW Portland	Flanders, NW (Steel Bridge to Westover): Bicycle Facility (NW Portland)	Develop a bicycle and pedestrian crossing of I-405.	1,196,168
30015	N Portland	Going, N (Interstate - Greeley): ITS	Install needed ITS infrastructure (communication network, new traffic controllers, CCTV cameras, and vehicle /pedestrian detectors). These ITS devices allow the City to provide more efficient and safe operation of our traffic signal system.	950,024
30036	N Portland	Lombard, N (Rivergate - to T-6): Multi-modal Improvements	Widen N Lombard to include two travel lanes, a non-continuous center turn lane, medians, bike lanes, sidewalks and planting strips.	34,517,517
30067	N Portland	Lombard at Columbia Slough, N: Overcrossing	Add sidewalk and bike lanes to strengthened bridge.	2,328,040
30080	N Portland	Burgard-Lombard, N: Street Improvements	From N Terminal Park Road to N Columbia Boulevard. Widen street to include 2 12-foot travel lanes, continuous left turn lane, bike lanes and sidewalk.	8,940,604
30081	N Portland	Argyle on the Hill, N Columbia to N Denver Ave	New N Argyle street connection, west of I-5.	11,773,032
40009	NE Portland	47th, NE (Columbia - Cornfoot): Roadway & Intersection Improvements	Widen and reconfigure intersections to better facilitate truck turning movements to the cargo area located within the airport area. Project includes sidewalk and bikeway improvements.	5,541,678
40035	NE Portland	Alderwood/Cornfoot Road Intersection	Add signal and improve turn lanes at Alderwood/Cornfoot Road to improve safety, circulation, and access to PDX and Portland International Center properties.	1,333,000
40037	NE Portland	NE Cully Blvd	Improve NE Cully from NE Prescott to NE Killingsworth	5,255,633
40061	NE Portland	NE Columbia Blvd/MLK	Intersection and signalization improvements with right turn lane	1,029,430
40074-1	NE Portland	Twenties Bikeway (NE Portland)	Design and implement a bikeway using bike boulevards and bike lanes.	918,786
40074-2	SE Portland	Twenties Bikeway (SE Portland)	Design and implement a bikeway using bike boulevards and bike lanes.	918,786
40080	NE Portland	Marine Dr, NE (6th - 33rd & Gantenbein - Vancouver Way): Bikeway (Marine Drive, 6th to 185th)	Retrofit bike lanes to existing street and complete off-street paths in missing locations.	2,130,835
40082	NE Portland	Seventies Greenstreet and Bikeway, NE (Killingsworth - I-84)	Develop a combined pedestrian greenway and bike boulevard including crossing improvements at arterials.	1,409,019
70052	SE Portland	Seventies Greenstreet and Bikeway, NE (Killingsworth - I-84)	Develop a combined pedestrian greenway and bike boulevard including crossing improvements at arterials.	2,818,037
50005	Far NE Portland	NE/SE 122nd (NE Airport Way to SE Powell Blvd) ITS	Install needed ITS infrastructure (communication network, new traffic controllers, CCTV cameras, and vehicle /pedestrian detectors). These ITS devices allow the City to provide more efficient and safe operation of our traffic signal system.	515,703
50016	Far NE Portland	NE Airport Way (I-205 to NE 158th Avenue) ITS	Install needed ITS infrastructure (communication network, new traffic controllers, CCTV cameras, and vehicle /pedestrian detectors). These ITS devices allow the City to provide more efficient and safe operation of our traffic signal system.	278,251
50014/ 50018	Far NE Portland	Gateway Regional Center, Local and Collector Streets	High priority local and collector street and pedestrian improvements in the Gateway Regional Center.	32,648,540
50025	Far NE Portland	NE Glisan St.(122nd - City Limits): Multi-modal Improvements	Infill missing sidewalk, add curb ramps at corner, add 3 median island crossings, and add a signal.	3,100,241
50040	Far NE Portland	NE Airport Way & 122nd Intersection	Add northbound left turn lane, modify traffic signal, and reconstruct island.	1,053,905
60006	NW Portland	NW Burnside at Skyline Road	Intersection improvements	1,850,716
60015	NW Portland	Skyline, NW (Hwy 26 - City Limits): Bikeway	Widen existing 22' of pavement to 32', and add 2' shoulders adjacent to lanes.	8,088,812
60023	NW Portland	Yeon/St. Helens, NW: ITS	Install needed ITS infrastructure (communication network, new traffic controllers, CCTV cameras, and vehicle /pedestrian detectors). These ITS devices allow the City to provide more efficient and safe operation of our traffic signal system.	885,499
70015	SE Portland	Division Fastlink (SE Grand to 122nd Avenue)	This project will install new signals, lighting, and sidewalks to accommodate improved Tri-Met bus service. The length of the project is about 33,000 feet.	11,180,220
70018	SE Portland	Fifties Bikeway, NE/SE (Tillamook to Woodstock)	Curb extensions, median refuges, signal modifications, and striping changes to create a north-south bicycle boulevard, along various interconnected portions of 52nd-57th streets between NE Thompson and SE Woodstock Blvd.	1,595,049
70019	SE Portland	SE Flavel Drive	Fully improve street from SE 45th to Clatsop Street with travel lanes, curbs, swales, sidewalks, and some bike lanes.	7,294,088
70021	SE Portland	Foster Fastlink (SE Powell to 90th Avenue)	Improve bus stops and pedestrian crossings.	745,368
80003	Far SE Portland	122nd, SE (at Morrison): Pedestrian Overcrossing	Provide an at-grade improved pedestrian crossing on SE 122nd Avenue.	78,641
80004-1	Far SE Portland	SE 136th Avenue (Division to Powell) Bikeway	Improve to 36' curb-to-curb with 2-13' traffic lanes and 2-5' bike lanes; 6" curbs, 9' swales and 6' sidewalks on both sides.	6,090,590
80008	Far SE Portland	SE Barbara Welch Road	Widen existing 20' of pavement to new 34' roadway with travel lanes, bike lanes, curb and sidewalk.	20,191,557
80011	Far SE Portland	Foster Rd, SE (136th - Jenne): Multi-modal Improvements	Widen street to three lanes to provide two travel lanes, continuous turn lane, bike lanes, sidewalk, and drainage.	16,963,856
80016	Far SE Portland	Powellhurst/Gilbert Pedestrian Improvements	Add sidewalks to SE 122nd Avenue between SE Harold Street and SE Raymond Street.	1,473,288
90026	SW Portland	SW Capitol Highway	Improve SW Capitol Highway from SW Multnomah Boulevard to SW Taylors Ferry Road per the 1996 Capitol Highway Plan.	9,613,958
90033	SW Portland	SW Garden Home/Multnomah	Improve and signalize the intersection at SW Garden Home Road and SW Multnomah Boulevard.	1,931,033
90034	SW Portland	SW Hamilton Street	Improve SW Hamilton Street between SW Dosch and Scholls Ferry Road	12,420,360
90046	SW Portland	Macadam, SW (Bancroft - Sellwood Br): ITS	Install needed ITS infrastructure (communication network, new traffic controllers, CCTV cameras, and vehicle /pedestrian detectors). These ITS devices allow us to provide more efficient and safe operation of our traffic signal system.	401,794
90062	SW Portland	Stephenson, SW (Boones Ferry - 35th): Multi-modal Improvements	Improve and signalize the intersection at SW Stephenson and SW Boones Ferry Road.	1,438,592
* Low Confidence Estimates			Total	414,511,241

Table 3-2 for Kathryn

TRANSPORTATION SYSTEM DEVELOPMENT CHARGE APPEAL PROCESS

<u>DECISION</u>	<u>APPEAL PROCESS</u>	<u>APPEAL TIMELINE</u>	<u>FEE</u>	<u>APPEAL TO</u>	<u>ADMINISTRATOR RESPONSE TIME</u>	<u>APPEAL PROCESS</u>	<u>APPEAL TIMELINE</u>	<u>FEE</u>	<u>HEARING OFFICER RESPONSE TIME</u>	<u>APPEAL PROCESS***</u>
Denial of partial or full exemption (17.15.050)	Apply for an alternative exemption calculation (17.15.070(d))	Within 10 calendar days of decision on initial credit request (17.15.070(d)(1))	N/A	SDC Administrator	SDC Administrator makes determination within 21 days of submittal of appeal (17.15.070(d)(1))	Written request to SDC Administrator requesting hearing with Code Hearing Officer (17.15.110(c) & 22.10.020)	Request hearing within 10 days of SDC Administrator written decision (17.15.110(c) & 22.10.030)	\$250	Hearing within 30 days of receipt of appeal (17.15.110(c) & 22.10.040)	Petition filed with Circuit Court within 60 days of Hearing Officer decision with \$100 fee
Denial of partial or full credit request (17.15.060(a)(4))	Apply for alternate SDC credit calculation (17.15.070(c))	Within 10 calendar days of decision on initial credit request (17.15.070(c)(1))	N/A	SDC Administrator	SDC Administrator makes determination within 21 days of submittal of appeal (17.15.070(c)(1))	Written request to SDC Administrator requesting hearing with Code Hearing Officer (17.15.110(c) & 22.10.020)	Request hearing within 10 days of SDC Administrator written decision (17.15.110(c) & 22.10.030)	\$250	Hearing within 30 days of receipt of appeal (17.15.110(c) & 22.10.040)	Petition filed with Circuit Court within 60 days of Hearing Officer decision with \$100 fee
Denial of partial or full reimbursement request (17.15.060(b)(4))	Apply for an alternate SDC reimbursement calculation (17.15.60(b)(4) & 17.15.070(b))	Within 10 calendar days of decision on initial reimbursement request (17.15.060(b)(4))	N/A	SDC Administrator	SDC Administrator makes determination within 21 days of submittal of appeal (17.15.070(b)(1))	Written request to SDC Administrator requesting hearing with Code Hearing Officer (17.15.110(c) & 22.10.020)	Request hearing within 10 days of SDC Administrator written decision (17.15.110(c) & 22.10.030)	\$250	Hearing within 30 days of receipt of appeal (17.15.110(c) & 22.10.040)	Petition filed with Circuit Court within 60 days of Hearing Officer decision with \$100 fee
Applicant believes their development will generate fewer trips than City rate calculates	Apply for an alternate SDC rate calculation (17.15.070(b))	Within 180 days after building permit issuance (17.15.070(b)(1))	N/A	SDC Administrator	SDC Administrator makes determination within 21 days of submittal of appeal (17.15.070(b)(1))	Written request to SDC Administrator requesting hearing with Code Hearing Officer (17.15.110(c) & 22.10.020)	Request hearing within 10 days of SDC Administrator written decision (17.15.110(c) & 22.10.030)	\$250	Hearing within 30 days of receipt of appeal (17.15.110(c) & 22.10.040)	Petition filed with Circuit Court within 60 days of Hearing Officer decision with \$100 fee
Expenditure of SDC revenue		Within 2 years of date of disputed expenditure (17.15.110(a))	\$250	SDC Administrator	SDC Administrator makes determination within 21 days of submittal of appeal (17.15.110(b))	Written request to SDC Administrator requesting hearing with Code Hearing Officer (17.15.110(c) & 22.10.020)	Request hearing within 10 days of SDC Administrator written decision (17.15.110(c) & 22.10.030)	\$250	Hearing within 30 days of receipt of appeal (17.15.110(c) & 22.10.040)	Petition filed with Circuit Court within 60 days of Hearing Officer decision with \$100 fee

***Covered by ORS
34.010-34.100
(17.15.110(c) &
22.10.060)

Notes: 1) The City shall withhold all permits and approvals pending resolution of appeal unless the SDC is paid in full or the applicant provides a financial guarantee or security for the charge (17.15.110(d)).
2) All timelines are measured in calendar days.