

ORDINANCE No. 185195

*Amend Code for Transportation System Development Charges regarding vehicle trip exemptions. (Ordinance; amend Code Chapter 17.15)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 171301, passed June 18, 1997, established a Transportation System Development Charge (SDC) on new development, adopted the *Transportation System Development Charges Rate Study*, dated June 11, 1997 and enacted City Code Chapter 17.15.
2. Chapter 17.15 provides the exemption of SDC charges if the proposed use of a new development generates fewer than 15 percent more vehicle trips than the prior use.
3. This exemption was intended to exempt projects with insignificant increases in vehicle trips such as building alterations and tenant improvements, reference Proposed Issues Resolution Report dated May 14, 1997 (Issue number 10), Ordinance 171301.
4. This exemption also was intended to encourage the adaptive reuse of buildings to allow for small additions and provide opportunities for small businesses to locate or relocate without incurring a Transportation SDC.
5. Some developments meet the definition established in Code for an exemption, however, do not meet the criteria's intent of insignificant increase in vehicle trips.
6. Under current code, if the redevelopment falls under the 15 percent threshold, the redevelopment is exempt from the TSDC even if it results in a significant increase in trips. Recent examples are a 330,000 square foot children's hospital addition and a 300,000 square foot patient care facility addition at two local hospitals. Both projects fell under the current exemption definition and were exempt from the Transportation SDC yet added a significant number (approximately 3,500 each) of additional vehicle trips to the transportation system.
7. Amendments to the exemption provisions of the Transportation SDC would support Council priorities to encourage neighborhood business development and reuse of existing buildings to continue to exempt projects with small insignificant increases in vehicle trips while being able to collect TSDCs from redevelopment that stresses the transportation system.

NOW, THEREFORE, the Council directs:

- a. Section 17.15.040 Application. Subsections A.3.a.b. and c. are amended as follows:

- a. If the SDC vehicle trips attributable to the proposed use of the New Development is are within 15 percent ± of the SDC vehicle trips attributable to the total previous use of the property and does not increase or decrease vehicle trips by more than 250 vehicle trips, the Applicant is not required to pay any SDC and is not eligible for any SDC reimbursement or credit.
- b. If the SDC vehicle trips attributable to the proposed use of the New Development is are more than 115 percent of the SDC vehicle trips 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.
- c. If the SDC vehicle trips attributable to the proposed New Development is are less than 85 percent of the SDC vehicle trips attributable to the total previous use(s), the Applicant shall be eligible for an SDC Reimbursement under Section 17.15.060.

b. Section 17.15.050 Partial and Full Exemptions. Subsection B. is amended as follows:

B. New Development which, will not generate more than 15 percent more vehicle trips than the present use of the property and does not increase vehicle trips by more than 250 vehicle trips shall be fully exempt.

c. Section 17.15.060 SDC Credits, SDC Credit Transfers and SDC Reimbursements. Subsection B.1. is amended as follows:

1. If an Applicant proposes New Development on property on which there is already a use which generates at least 15 percent more vehicle trips than the proposed use, or generates more than 250 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.

Section 2. The Council declares an emergency exists because these amendments bring clarity and establishes the original intention of Ordinance 171301 to the SDC program; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, MAR 14 2012

Mayor Sam Adams
 Prepared by: Rich Eisenhauer:slg
 Date Prepared: February 23, 2012
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LAVONNE GRIFFIN-VALADE
 Auditor of the City of Portland
 By

Susan Sansons
 DEPUTY

Agenda No. **185195**
ORDINANCE NO.
 Title

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<p>INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>(Signature)</i> COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>(Signature)</i> Prepared by: Rich Eisenhauer:slg Date Prepared: 2-23-12 <i>(Signature)</i></p> <p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Council Meeting Date March 14, 2012</p> <p>City Attorney Approval <i>MRM</i></p>	<p>CLERK USE: DATE FILED MAR 09 2012</p> <p><i>on behalf Mayor Adams</i> LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>(Signature)</i> Deputy</p> <p>ACTION TAKEN:</p>
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AGENDA

TIME CERTAIN
 Start time: _____

Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: _____
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	—	—
4. Leonard	✓	
Adams	✓	