

ORDINANCE NO. 05-2006

An Ordinance Amending Chapter 11.03 of the Clackamas County Code

WHEREAS, the TSDC ordinance was last updated in 2002, and since that time there have been significant changes in planned projects, traffic forecasts, and other factors relating to improvements and rates; and

WHEREAS, in the ongoing administration of the TSDC ordinance, various questions of interpretation and application have arisen, which should be resolved in the ordinance itself; now, therefore;

The Board of Commissioners of Clackamas County ordains as follows:

Section 1: The Transportation System Development Charge Ordinance, codified as Chapter 11.03 of the Clackamas County Code, is hereby amended to read as follows:

Chapter 11.03

11.03 TRANSPORTATION SYSTEM DEVELOPMENT CHARGE

11.03.010 Purpose

- A. New development within Unincorporated Clackamas County will use existing, excess capacity and contributes to the need for increased capacity in arterial, boulevard, and collector roads and therefore should contribute to the funding for such facilities. These Transportation System Development Charges will reimburse the County for a portion of the cost of excess capacity and fund a portion of the needed increased capacity for arterial, boulevard, and collector roads associated with such development. The County may develop and impose system development charges jointly with cities. [Amended by Section 1 of Ord. No. 01-2002, enacted 1-10-02]
- B. ORS 223.297 through 223.314 grant the County the authority to impose a Transportation System Development Charge to equitably spread the costs of essential capital improvements to new development. Future developments will contribute their fair share to the cost of existing, excess capacity facilities and improvements and additions to transportation facilities required to accommodate the capacity needs created by growth. In its discretion, the Board of Commissioners may choose to impose a charge on classes of development types that is less than the maximum allowed by law in order to promote other public policy considerations. The County may impose one or more charges in areas that are smaller than the entire unincorporated County. [Amended by Section 1 of Ord. No. 01-2002, enacted 1-10-02]

- C. The Transportation System Development Charge is incurred upon the issuance of a permit to develop property at a specific use, density and/or intensity. The incurred charge is less than the actual cost of providing public facilities commensurate with the needs of the chosen use, density, and/or intensity. Decisions regarding uses, densities, and/or intensities cause direct and proportional changes in the amount of the incurred charge. The Transportation System Development Charge is separate from assessments, or other fees provided by law or imposed as a condition of development. It is a fee for service because it relates a development's fee to receipt of services based upon the nature of that development.
- D. The Transportation System Development Charges imposed by this chapter are not intended to be a tax on property or on a property owner as a direct consequence of ownership of property within the meaning of Section 11b, Article XI of the Oregon Constitution or the legislation implementing that section. [Amended by Section 1 of Ord. 01-2002, enacted 1-10-02]
- E. The funding provided by this Chapter constitutes a mandatory collection method based upon the guidelines set forth in ORS 223.297 – 223.314 to assure the construction of increased capacity in arterial, boulevard, and collector roads as shown in the County Comprehensive Plan.
- F. This Chapter is intended to reimburse the County for the costs of existing, excess capacity and to provide a financing mechanism for needed increased capacity in arterial, boulevard, and collector roads associated with new development and not for maintenance of existing roads.
- G. The County hereby adopts the methodology report entitled “Countywide Transportation System Development Charges Methodology Update Report” (dated November 30, 2006), and the methodology report entitled “Happy Valley/Clackamas County Joint Capital Improvement Plan Area, Transportation System Development Charges Methodology Report” (dated November 30, 2006) and incorporates by reference the assumptions, conclusions, project lists, charges and findings in the reports which refer to the determination of costs of excess capacity, and anticipated costs of capital improvements required to accommodate growth, and the rates for the Transportation System Development Charges to finance these capital improvements. The charges adopted by the Countywide report do not apply in the geographic area covered by the Happy Valley/Clackamas County Joint Area. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 01-2002, 1/10/02; Amended by Ord. 02-2002, 2/28/02]

11.03.020 Definitions

All terms not defined below shall be defined in the Clackamas County Zoning and Development Ordinance.

- A. ARTERIAL means that term as defined and used in the Transportation Element of the County Comprehensive Plan.
- B. AVERAGE WEEKDAY TRIPS means the average number of weekday motor vehicle trips entering and leaving a site. Average weekday trips are calculated by using the Institute of Transportation Engineers (ITE) Manual or as otherwise provided by this Chapter.

- C. BOARD means the Board of County Commission of Clackamas County, Oregon.
- D. BOULEVARD means that term as defined and used in the Transportation Element of the County Comprehensive Plan.
- E. BUILDING OFFICIAL means that person, or his designee, certified by the State and designated as such to administer the State Building Codes for the County.
- F. BUILDING PERMIT means that permit issued by the County Building Official pursuant to the most recently published versions of the State of Oregon Structural Specialty Code Section 105, and the Oregon Residential Specialty Code Section R-105. In addition, Building Permit shall mean the Manufactured Home Installation Permit issued by the County Building Official, relating to the placement of manufactured homes in the County.
- G. CAPACITY means the maximum rate of flow at which persons or vehicles can be reasonably expected to traverse a point or uniform segment of a lane or roadway during a specified time period under prevailing roadway, traffic, and control conditions, usually expressed as vehicles per hour or persons per hour. (Capacity is frequently increased by methods such as the addition of travel lanes, right turn or left turn refuges, improved width, hazard elimination, alignment or other geometric characteristics of the roadway, signalization or signalization improvements such as synchronization.).
- H. CAPITAL IMPROVEMENT PLAN means a plan and list of capital projects adopted by the Board of County Commissioners identifying the estimated cost and timing for projects needed in a twenty year timeframe.
- I. COLLECTOR means that term as defined and used in the Transportation Element of the County Comprehensive Plan.
- J. COMPREHENSIVE PLAN means the County's generalized, coordinated land use map and policy statement that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation facilities, and recreational and natural resources and air and water quality management programs.
- K. CONSTRUCTION COST INDEX means that index published by the Engineering News Record (ENR) Northwest (Seattle, Washington) titled "Construction Cost Index."
- L. COUNTY means Clackamas County, Oregon.
- M. DEVELOPMENT PERMIT means a grading, excavation, siting, building, or similar permit issued by the County.
- N. DEPARTMENT means the Clackamas County Department of Transportation and Development.
- O. FINANCE DIRECTOR is that person assigned by the Board of County Commissioners the responsibility of managing the Finance Department for Clackamas County, or his or her designee.
- P. IMPROVEMENT FEE means a fee for costs associated with capital improvements to be constructed.

- Q. INCREASED CAPACITY FACILITIES include capital improvements to an arterial, collector, or boulevard shown in the project lists in the Reports adopted by Section 11.03.010.G or the County Transportation Capital Improvement Plan which increase the level of performance or service provided by existing facilities, or provide new facilities. Such improvements include, but are not limited to, signalization, channelization, widening, drainage facilities, pedestrian improvements, street extensions, railroad crossing protective devices, bridges and bikeways.
- R. ITE TRIP GENERATION MANUAL means the most recently published edition of the manual entitled Trip Generation, published by the Institute of Transportation Engineers. A copy of the ITE Trip Generation Manual shall be kept on file with the County Department of Transportation and Development. All land uses referenced in this ordinance are those defined in the most recently published edition of the ITE Manual.
- S. LOCAL STREET means that term as defined and used in the Transportation Element of the County Comprehensive Plan.
- T. LONG TERM FINANCING Bonds issued by the County to finance a capital improvement in accordance with ORS 223.205 – 223.295.
- U. MIXED-USE DEVELOPMENT means a development that includes a combination of retail/commercial and/or service uses with residential or office use in the same building or on the same site.
- V. NEW DEVELOPMENT means site improvements that increase overall trip generation.
- W. OFF-SITE is defined as not located on or contiguous to property that is the subject of development approval, except as applied in Section 11.03.020, Paragraph X.
- X. ON-SITE is defined as located on or contiguous to property that is the subject of development approval. Traffic signals and left turn lanes in the middle of the street providing direct access to the development are considered on-site improvements. In determining accountability for half-streets, on-site will mean that half of the road directly adjacent to the property. A road, which touches a property only through its cross section, is not adjacent to that property. [Amended by Section 5 of Ord. No. 01-2002, enacted 1-10-02]
- Y. QUALIFIED PUBLIC IMPROVEMENT means an increased capacity facility a capital improvement that is required as a condition of development approval, identified in a project list included in a Methodology Report adopted by Section 11.03.010G and either not located on or contiguous to property that is the subject of development approval, or located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.
- Z. REIMBURSEMENT FEE means a fee for costs associated with capital improvements already constructed or under construction when the fee is established, for which the local government determines that capacity exists.

AA. RIGHT-OF-WAY means that portion of land that is dedicated for public use. Public uses may include but are not limited to pedestrian facilities (e.g., sidewalks, plazas), utility placement, signage, etc.

BB. TRANSPORTATION SYSTEM DEVELOPMENT CHARGE means the fee to be paid pursuant to Section 11.03.030 of this Chapter. [Codified by Ord. 05-2000, 7/13/00; Amended by Section 2 of Ord. 01-2002, 1/10/02]

11.03.030 Application

A. A Transportation System Development Charge is imposed upon all new development within unincorporated Clackamas County for which a development or building permit is required. Where an intergovernmental agreement imposes a city's System Development Charge for transportation facilities on new development within unincorporated Clackamas County, the County shall not impose its own Transportation System Development Charge.

B. The applicant for a development or building permit shall, at the time of application, provide the Department with all of the necessary and applicable information, such as the description of use, number of dwelling units or square footage of structures, necessary to calculate the Transportation System Development Charge. The Department shall notify the applicant of the right to appeal the decision on the calculation of the charge pursuant to 11.03.080.

C. The amount of the Transportation System Development Charge shall be determined as identified in the Methodology Reports adopted pursuant to Section 11.03.010 G, and amended pursuant to Section 11.03.030 G, and Section 11.03.090 or adjusted pursuant to Section 11.03.030 D or E.

D. If an identified land use is not listed in the ITE Manual, or if data are "Not Available" in the ITE Manual, the Department shall at its option either:

1. Identify the land use that has a trip generation rate most similar to the use in question and apply that rate.
2. Consider trip generation data, gathered in a credible manner, preferably by a registered traffic engineer, for the same or similar use. Such a study shall be prepared at the applicant's expense and must be submitted at least two weeks prior to expected issuance of a development or building permit. The Planning Director or the Director's designee has the right to accept, accept in part, modify, or reject the calculations offered under this option.
3. The following guidelines apply to data collection under option 2 for land uses not in the ITE Manual.
 - a. The applicant shall submit a list of similar uses with similar characteristics in Oregon, Washington, California, or preferably in the Portland region. Uses must have been open for business for at least a year.
 - b. The Department will determine the number of sites and locations for which the applicant will be required to submit traffic counts.

- c. The applicant shall supply the Department with the following information for each site:
 - (1) Monthly adjustment factors to adjust trip generation to the fourth highest business (earnings) month.
 - (2) Standard days and hours of operations.
 - (3) Counts from sites on a weekday (mid-week – two day minimum) from 7:00 to 9:00 a.m. and from 4:00 to 6:00 p.m. Actual counting time and days may vary depending on uses and standard days of operation and shall be approved by the Department.
 - (4) Quantification of pass by, pedestrian, bicycle and transit trips when applicable.
 - (5) A vicinity map for each site.
- d. The applicant shall adjust this data as follows:
 - (1) Adjust a.m. and p.m. trips to average weekday trips based on the proportion of similar uses in the current edition of the ITE Manual.
 - (2) Adjust daily number to average weekday trips if weekend data are collected.
 - (3) Adjust average weekday trips to the fourth highest month based on monthly adjustment factors supplied by the applicant.
 - (4) Adjust pass by, pedestrian, bicycle, and transit trips for potential trip reduction.
- e. The Department shall review the applicant’s data collection and adjustments, and the Planning Director or the Director’s designee shall issue a final ruling to the applicant regarding which data and adjustments will be used for Transportation System Development Charges.
- E. A development site may include more than one of the ITE land uses identified in the Reports. In such event, the Department, for purposes of establishing the Transportation System Development Charge for a Mixed-Use Development, shall apportion the uses as a percentage square footage of each use in the development. Based on the County policy to reduce impacts on the transportation system through encouragement of mixed-use development, the final Transportation system Development Charge for mixed-use development shall be reduced by 10% of the calculated cost.
- F. Notwithstanding any other provision, the rates adopted pursuant to Subsection C of this Section shall, annually, be adjusted to account for changes in the costs of acquiring and constructing transportation facilities. The adjustment factor shall be based on the change in average market value of undeveloped land, except resource properties, in Clackamas County according to the records of the County Tax Assessor, and the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index; and shall be determined as follows:

$$\begin{aligned}
 & \text{Change in Average Market Value X 0.50} \\
 & + \text{Change in Construction Cost Index X 0.50} \\
 & = \text{Transportation System Development Charge Adjustment Factor}
 \end{aligned}$$

The Transportation System Development Charge Adjustment Factor shall be used to adjust the Transportation System Development Charge, unless it is otherwise adjusted by the Board of County Commissioners based on adoption of an updated methodology or capital improvement plan, or through an Annual Review as described in 11.03.090. [Codified by Ord. 05-2000, 7/13/00; Amended by Section 6 of Ord. 01-2002, 1/10/02; Amended by Ord. 02-2002, 2/28/02]

11.03.040 Collection

- A. The Transportation System Development Charge is due and payable at the time of issuance of the development or Building Permit. The development Building Permit shall not be issued, except as provided in Subsection C.3 or D of this Section, until payment is made.
- B. Notwithstanding Section 11.03.030 A, the following are exempt from the Transportation System Development Charge:
1. Remodeling or replacement of any single-family structure (including mobile homes) for residential purposes only, unless the use was discontinued for a period of more than three (3) years, except to the extent such remodeling or replacement creates additional dwelling units.
 2. Remodeling or replacement of any multi-family structure unless the use was discontinued for a period of more than two (2) years, except to the extent such remodeling or replacement creates additional dwelling units.
 3. Remodeling or replacement of office, business and commercial, industrial or institutional structures unless the use was discontinued for a period of more than two (2) years, except to the extent it generates additional, average weekday trips as determined in the manner set forth in a Methodology Report adopted by Section 11.03.010G, or as provided in Section 11.03.030, paragraphs D or E, whichever is applicable. [Amended by Section 7 of Ord. 01-2002, enacted 1-10-02] [Amended by Section 3 of Ord. 02-2002, enacted 2-28-02]
- C. When re-establishing a legal, discontinued use and a development or building permit is required, the following standards are applied:
1. Built after May 1992: If the original development took place after May, 1993, and the appropriate Transportation System Development Charge was paid, no further Transportation System Development Charge will be charged unless that use is one that would increase the average daily trips generated beyond the original use. In such cases, the Transportation System Development Charge will be assessed based on the difference.
 2. Built prior to May 1993: If the original development took place prior to May 1993, no Transportation System Development Charge would have been paid on the development in question. If the development now requires a development or building permit to reestablish a legal use, a Transportation System Development Charge will be assessed if it has been longer than two (2) years since the structure was in full use, if a commercial structure, and three (3) years if a residential structure. The applicant will be responsible for submitting data confirming the date that the use was discontinued and verifying the previous use of the structure. [Amended by Section 8 of Ord. 01-2002, enacted 1-10-02]

3. Payment of the Transportation System Development Charge by a person who is also eligible for a credit voucher for construction of an increased capacity facility may be delayed until a date certain to be set by the Department at the time of development or building permit issuance, but not later than 10 days after the issuance of the credit voucher against the improvement pursuant to Section 11.03.050. A permittee eligible for delay of payment of the Transportation System Development Charge pursuant to this section shall make application to delay payment on a form provided by the Department, prior to issuance of the development or building permit. Payment of the Transportation System Development Charge may only be delayed for the same development which is associated with the construction of the capital improvement for which credit is given. If a permittee applies for delay of payment of the Transportation System Development Charge pursuant to this section, the permittee shall provide the Department with security to secure payment of the Charge. The security shall be in an amount determined by the Department, and must be in a form approved by the County Counsel. [Amended by Section 8 of Ord. 01-2002, enacted 1-10-02]
- D. When a Transportation System Development Charge is due and payable, the permittee may apply for payment in (20) semiannual installments, secured by a lien on the property upon which the development is to occur, to include interest on the unpaid balance, if that payment option is required to be made available to the permittee by ORS 223.207.
1. The Department shall provide application forms for installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors. The application fee for this option shall be \$500. [Amended by Section 9 of Ord. 01-2002, enacted 1-10-02]
 2. The applicable interest rate shall be fixed at the current prime lending rate plus three percentage points.
 3. An applicant requesting installment payments shall have the burden of demonstrating the authority to assent to the imposition of a lien on the property and that the interest of the permittee is adequate to secure payment of the lien. The Board may order the imposition of the lien as recommended by the Department. [Amended by Section 10 of Ord. 02-2002, enacted 1-10-02]
 4. Upon the Board's order the Department shall cause the lien to be recorded on the lien docket kept by the County Clerk. From that time the County shall have a lien upon the described parcel for the amount of the Transportation System Development Charge, together with interest on the unpaid balance at the rate established by the Board. The lien shall be enforceable in the manner provided in ORS Chapter 223, and shall be superior to all other liens pursuant to ORS 223.230. Upon satisfaction of the obligation the Finance Director shall request the County Clerk to release the lien. [Amended by Section 11 of Ord. 01-2002, enacted 1-10-02]

E. With the passage of Article XI, Section 11 B of the Oregon Constitution, progressive payment shall be taken for all unpaid debt. The Finance Director will be notified immediately by the Department of any account (30) days or more past due. The Finance Director shall then send a letter to the defaulting party demanding payment no later than (30) days following the date of the demand letter. The demand letter shall require payment of all amounts to bring the account current including any applicable interest or other penalty and shall demand full compliance with a “time is of the essence” clause according to the type of obligation at issue. The time for payment to bring the account current shall be left to the best professional judgment of the Finance Director depending upon the type of debt and amount owed but in no event shall time for payment exceed the next payment due date or any other requirements imposed by debt instruments executed by the County in favor of any third party or other agreements that may have been executed by the County.

1. If payment has not been made following the first notice, the Finance Director shall send a second notice detailing the prior defaults and notices thereof indicating that further action, including legal action, will be taken.
2. If, following the second notice, time for payment has expired, then the Finance Director shall include the defaulting person or entity on a list entitled “Collection/Foreclosure” and consult with appropriate staff and legal counsel regarding the most efficient and cost effective method for collection of the debt.
3. The Finance Director shall determine if the matter will be referred to legal counsel, a debt collection agency or other method for collection. If referred to legal counsel, a demand letter to the debtor shall be sent declaring a default, accelerating the entire balance and requiring full payment within a reasonable period of time not to exceed (30) days. If no satisfactory response is forthcoming, the Finance Director may extend the time limits for legal action in cases of extraordinary hardship; such determination shall be at the sole discretion of the Finance Director and not subject to review by the Board.
4. Upon referral and direction by the Finance Director, counsel may proceed with foreclosure of the assessment lien or take other legal action authorized by law which is deemed most appropriate under the circumstances.
5. If the Finance Director determines that it is most effective to use the services of a collection agency, the Finance Director may solicit proposals and make a recommendation to the Board regarding selection of a firm consistent with the Clackamas County Local Contract Review Board Rules and ORS Chapter 279. The Finance Director shall be authorized to negotiate a contract regarding the amount of compensation, length of term and methods of collection, subject to final review and approval by the Board. However, the contract shall specifically provide that the collection agency shall fully comply with the Fair Debt Collection Practices Act, 15 U.S.C. 1601, et seq., and shall provide for full indemnification and protection of the County from any and all claims for unfair or unlawful debt collection practices. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 01-2002, 1/10/02; Amended by Ord. 02-2002, 2/28/02; Amended by Ord. 05-2003, 3/13/03]

11.03.050 Credit

- A. The person responsible for providing a qualified public improvement shall be entitled to receive a credit voucher that may be used to satisfy a Transportation System Development Charge obligation within the same geographic collection area for which the credit is given.. An application for credit must be received no later than 90 days after the date the improvement has been accepted by the responsible government.
- B. The credit amount shall not exceed the portion of the actual cost of the project that is eligible for SDC funding as shown in the methodology reports adopted by 11.03.010.
- C. The “actual cost” of the project or improvement means the cost of materials, land and construction including design and engineering, permits, use of equipment, and labor directly related to capacity-increasing capital improvements above the local street level. Land value shall be calculated either at a per square foot value using the then current real market value for the real property shown in the records of the County Tax Assessor, or through a certified market appraisal, paid for by the applicant, that establishes the land value when the project or improvement began..
- D. Any credit provided for by this section shall be applied only to the Transportation System Development Charge that applies to the geographic collection area in which the credit eligible improvement is located.
- E. Credit will be given for the value of real property donated for right of way needed as a part of the increased capacity facility. The land value shall be calculated either at a per square foot value using the then current real market value for the real property shown in the records of the County Tax Assessor, or through a certified market appraisal, paid for by the applicant, that establishes the land value when the property was donated for the needed right of way..
- F. Any credit voucher provided for in this Chapter is transferable to any person. Credits shall apply against only the applicable Transportation System Development Charges. No credit issued after January 11, 2002 may be redeemed for cash. A credit issued prior to that date may be redeemed in the manner available when the credit was issued. The Department shall implement a system to insure the authenticity of the credit documents submitted.
- G. A credit voucher may not be redeemed more than seven years after the date it was issued by the Department. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 01-2002, 1/10/02; Amended by Ord. 02-2002, 2/28/02]

11.03.060 Refunds

Refunds may be given by the Department upon finding that there was a clerical error in the calculation of the Transportation System Development Charge. Refunds shall not be allowed for failure to claim credit, as provided for in Section 11.03.050, at the time of development or Building Permit issuance. [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 01-2002, 1/10/02]

11.03.070 Dedicated Funds, Project Lists

- A. There are created two dedicated funds entitled the Transportation System Development Charge fund, and the Happy Valley/Clackamas County Joint SDC Fund, herein “funds,” one fund for each of the TSDC charges imposed by this chapter. All monies derived from the Transportation System Development Charges shall be placed in the funds. Transportation System Development Charge revenue shall be used to fund those projects identified in the Methodology Reports adopted by Section 11.03.010.G, increased capacity facilities, and costs related to the administration of the TSDC program as provided by ORS 223.307.
- B. The Project Lists adopted by Section 11.03.010.G may be amended from time to time by Board Resolution. [Codified by Ord. 05-2000, 7/13/00; Amended by Section 15 of Ord. 01-2002, enacted 1-10-02] [Amended by Section 5 of Ord. 02-2002, 2-28-02] If a system development charge will be increased by a proposed modification of a project list to include capacity increasing capital improvement(s):
 - 1. The County shall provide, at least 30 days prior to the adoption of the modification, notice of the proposed modification to the persons who have requested written notice under ORS 223.305 (6).
 - 2. If the County receives a written request for a hearing on the proposed modification within seven days of the date the proposed modification is scheduled for adoption, the County shall hold a public hearing.
 - 3. Notwithstanding ORS 294.160, a public hearing is not required if the County does not receive a written request for a hearing.
 - 4. The decision of the County to increase the system development charge by modifying the list may be judicially reviewed only as provided in ORS 34.010 to 34.100.

11.03.080 Appeal

- A. An applicant may appeal a decision of the Department to the County Hearings Officer by filing a written request with the Department within fourteen days of the Department’s decision. The individual acting as the Hearings Officer will be appointed by the Board of County Commissioners.
- B. Appeals Fee – The fee for appealing a decision to the Hearings Officer will be \$500.00.
- C. The decision of the Hearings Officer shall be reviewable solely under ORS 34.010 through 34.100. The person who has appealed a decision shall be notified of this right to review of the decision. [Codified by Ord. 05-2000, 7/13/00; Amended by Section 16 of Ord. 01-2002, 1/10/02; Amended by Ord. 05-2003, 3/13/03]

11.03.090 Annual Review

- A. The County shall prepare an annual review to determine that sufficient funds will be available to help fund the needed increased capacity facilities, to ensure that the adopted Transportation System Development Charge rate keeps pace with inflation, and to ensure that such facilities will not be over-funded by the Transportation System Development Charge receipts.

- B. In the event, upon annual review, it is determined an adjustment to the Transportation System Development Charge is necessary in order to ensure sufficient funding for the construction of increased capacity facilities or to ensure such facilities are not over-funded by the Transportation System Development Charge, the Board shall propose and adopt appropriately adjusted Transportation System Development Charge.
- C. Prior to January 1 of each year the County shall provide an annual accounting for the activity occurring in the dedicated funds created by 11.03.070 for the previous fiscal year. The accounting shall show by fund the total amount of system development charges collected, the amount spent on each project that was funded in whole or in part in that fiscal year, and the amount attributed to the costs of complying with the provisions of ORS 223.297 to 223.314. [Codified by Ord. 05-2000, 7/13/00; Amended by Section 17 of Ord. 01-2002, 1-10-02]

ADOPTED this _____ day of December, 2006.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

am/sdc/TSDC ordinance 12-01-06