

## Staff Presentation Worksheet

**Presentation Date:** 09/07/2010                      **Time:** 1:30pm                      **Length:** 45 Minutes

**Presentation Title:** Rolling Hills Community Church – Zone of Benefit Application

**Department:** Department of Transportation & Development - Engineering

**Presenters:** Cam Gilmour, DTD Director  
Kevin Noreen, Development Review Supervisor  
Diedre Landon, Development Review Analyst

### POLICY QUESTION

The Rolling Hills Community Church (RHCC) is seeking to establish a Zone of Benefit (ZOB) to create an obligation for other property owners in the area to reimburse the church for a portion of its contribution to the Stafford/Borland roundabout project when the benefitted owners redevelop their property. Staff has drafted an outreach plan and timeline for processing RHCC's application for a ZOB. Does the Board support the draft plan for processing the RHCC's application for a Zone of Benefit?

### ISSUE & BACKGROUND

The Zone of Benefit (ZOB) Recovery Charge Ordinance was adopted in August 1998 by the Board of County Commissioners based on the authority granted in ORS 368.016 and ORS 203.035. The purpose of the ordinance is to allow a property owner, or the County, to recover costs associated with a road improvement from the owner of another property which benefits from the road improvement. The intent was to create a mechanism for equitably distributing the costs associated with development over benefiting properties and encourage construction of a more complete road facility at the time of initial development.

Generally, Clackamas County requires property owners to construct and install necessary road improvements as a condition of approval for development. If a developer builds a road improvement that would relieve a subsequent developer from building that same road improvement, solely due to the fact that they developed after the initial road improvement was built, the improvements represent a potential benefit to subsequent developing property owners. The Ordinance provides a mechanism for the initial developing property owner to submit an application requesting that these subsequent developments, which will benefit from the construction of the road improvements, be required to pay their share of the cost of those improvements.

The decision of whether to make an application for a ZOB is left to the individual property owner. If a property owner chooses to submit an application for a ZOB they consult with staff regarding their options and staff works with the applicant to prepare a complete application. Staff works with the applicant to establish that any future development required to pay a share of the improvement cost must increase, or be likely to increase, the impact on the constructed road facility for a proportionate share to be recovered at the time the subsequent benefitted property is approved for development.

On June 30, 2010, RHCC submitted a ZOB recovery charge application, which included: a map outlining the properties RHCC identified as being specially benefitted by the improvements (Attachment 1) and RHCC's estimated financial impact to each identified parcel. Staff grouped the affected parcels by family name and attached is a table with the estimated fiscal impact to each family (Attachment 2).

At this time, staff proposes to hold a neighborhood meeting to discuss the application and its impacts to the potentially benefitting property owners and answer any questions they may have. The goal of the meeting is to understand all of the questions and issues raised by the impacted property owners and ultimately be in a position to make a recommendation to the Board of County Commissioners on how to process the application. Following the meeting, staff will prepare a staff report and recommendation and schedule the matter for a hearing. If the Board determines that a ZOB recovery charge should be established, it does so by resolution, specifying which properties are included within the zone of benefit, the allowable costs, and the method of apportioning the improvement costs among properties within the Zone of Benefit.

Staff proposes the following timeline to process the ZOB recovery charge application:

- September/October 2010:  
Conduct neighborhood meeting(s) to receive feedback from specially benefitted property owners.
- November/December 2010:  
Prepare staff report and schedule a hearing before the Board of County Commissioners.

**QUESTION(S) PRESENTED FOR CONSIDERATION**

1. Does the Board want staff to proceed with the proposed outreach plan and timeline outlined herein?
2. Does the Board of County Commissioners want staff to make any adjustments to the process?

**OPTIONS AVAILABLE**

1. Accept the timeline as presented by staff.
2. Ask for additional information before staff moves forward with the neighborhood meetings.
3. Modify the proposed timeline prior to moving forward with neighborhood meetings.

**RECOMMENDATIONS**

County staff respectfully recommends that the Board of County Commissioners direct staff to process the Zone of Benefit application in accordance with the timeline outlined herein.

**SUBMITTED BY:**

Division Director/Head Approval M. Barbara Cornwell 8/30/10

Department Director/Head Approval Cam Gilman

County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Diedre Landon, Development Review Analyst, at 503-742-4677.