

AGENDA

Thursday, October 25, 2012 - 10:00 AM
Board of County Commissioners Business Meeting

Beginning Board Order No. 2012-106

I. CALL TO ORDER

- Roll Call
- Pledge of Allegiance
- Approval of Order of Agenda

II. PRESENTATIONS *(Following are items of interest to the citizens of the County)*

1. Presentation of Clackamas County 3D Downtown Projects (Catherine Comer, Business and Economic Development)
2. Update Presentation on the HEAL Projects through the Clackamas County Public Health Division (Marti Franc, Public Health)

III. CITIZEN COMMUNICATION *(The Chair of the Board will call for statements from citizens regarding issues relating to County government. This portion of Citizen Communication will proceed for ½ hour. If we are unable to hear everyone who has signed up to speak during this time, we will continue Citizen Communication when our business items conclude after the Consent agenda. It is the intention that this portion of the agenda shall be limited to items of County business which are properly the object of Board consideration and may not be of a personal nature. Persons wishing to speak shall be allowed to do so after registering on the blue card provided on the table outside of the hearing room prior to the beginning of the hearing. Testimony is limited to three (3) minutes. Comments shall be respectful and courteous to all.)*

IV. PUBLIC HEARINGS *(The following items will be individually presented by County staff or other appropriate individuals. Persons appearing shall clearly identify themselves and the organization they represent. In addition, a synopsis of each item, together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

- 3 1. Second Reading of Ordinance No. 10-2012 Amending Chapter 11.03 of the Transportation System Development Charge Ordinance to Target Economic Development Incentives and Improve Program Administration (Diedre Landon, DTD, Scot Sideras, County Counsel) *first reading was 10-11-2012*
- 4 2. First Reading of Ordinance No. _____ Amending Title 8 of the Clackamas County Code by Adopting Chapter 8.08, Film and Media production and Establishing a Uniform Permit Process, Fees and Guidelines (Catherine Comer, Business and Economic Development, Scot Sideras, County Counsel)

V. DISCUSSION ITEMS *(The following items will be individually presented by County staff or other appropriate individuals. Citizens who want to comment on a discussion item may do so when called on by the Chair.)*

~NO DISCUSSION ITEMS SCHEDULED

VI. CONSENT AGENDA *(The following Items are considered to be routine, and therefore will not be allotted individual discussion time on the agenda. Many of these items have been discussed by the Board in Study Session. The items on the Consent Agenda will be approved in one motion unless a Board member requests, before the vote on the motion, to have an item considered at its regular place on the agenda.)*

A. Health, Housing & Human Services

- 5 1. Approval of an Intergovernmental Agreement No. 140030 with the State of Oregon, Department of Human Services for the Operation of the Food Stamp Employment and Training Program - cscoc

B. Elected Officials

- 6 1. Approval of Previous Business Meeting Minutes – bcc
7 2. Approval of Amendment No. 1 to the Intergovernmental Agreement Among Clackamas County, the Tri-County Metropolitan Transportation District of Oregon (TriMet) and the City of Portland for Provision of Transit Police Services - ccso

C. County Administration

- 8 1. Board Order No. _____ Authorizing the Continuance of Clackamas County's Participation in the Association of O&C Counties Special Advocacy Fund

D. Technology Services

- 9 1. Approval of the Clackamas County E-Signature and E-Discovery Policies

CITIZEN COMMUNICATION – continued if needed

VII. COUNTY ADMINISTRATOR UPDATE

VIII. COMMISSIONERS COMMUNICATION

NOTE: *Regularly scheduled Business Meetings are televised and broadcast on the Clackamas County Government Channel. These programs are also accessible through the County's Internet site. DVD copies of regularly scheduled BCC Thursday Business Meetings are available for checkout at the Clackamas County Library in Oak Grove by the following Saturday. You may also order copies from any library in Clackamas County or the Clackamas County Government Channel.*

<http://www.clackamas.us/bcc/business.html>



BUSINESS AND COMMUNITY SERVICES

October 25, 2012

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Board of County Commissioners
Clackamas County

Members of the Board:

PRESENTATION OF CLACKAMAS COUNTY 3D DOWNTOWNS

3D Downtowns is a program offered through Clackamas County Business and Economic Development to provide design opportunities for projects which encourage private investment in downtowns. The program began in July 2011 with design grants valued at \$5,000 to eight communities: Canby, Estacada, Happy Valley, Lake Oswego, Milwaukie, Molalla, Oregon City and Sandy.

Using those grants, and state-of-the art technology, communities are better equipped to creatively "vision" future downtown development and optimize potential sites to improve on-site parking, densities and other key considerations. Today's presentation by Catherine Comer of Business and Economic Development and Greg Mitchell from LRS Architects will highlight the 3D development using several properties identified through the programs.

Respectfully submitted,

A handwritten signature in cursive script that reads "Catherine Comer".

Catherine Comer
Business and Economic Development Manager

A handwritten signature in cursive script that reads "Laura Zentner".

Laura Zentner
Business and Community Services Deputy Director

October 25, 2012

Board of County Commissioners
Clackamas County

Members of the Board:

Update Presentation on HEAL projects through the Public Health Division

The Clackamas County Public Health Division of the Health, Housing and Human Services Department (H3S) will provide an update of their successful Healthy Eating, Active Living community RFP program. This program will be used as evidence in the Division's application for Public Health accreditation.

The HEAL grants have been made available to Clackamas County residents for two years. Grants of up to \$8000 are made available to community groups to work on local projects. Groups are expected to leverage additional support and to work in partnership. We will provide examples of the success of this program. The relatively small outlay of county general fund is parlayed into a much larger outcome of community collaboration to improve the health of our county residents.

In the first year, 2010-2011, \$88,000 was distributed to 13 groups, including Kraxenberger Middle School, Duncan Elementary School, Arts and Technology High School, Clackamas Heights, Hillside Park, Canby Community Garden Association, Estacada Greenhouse, CREST at West Linn/Wilsonville School District, Firwood Elementary School, Green Corps, Metropolitan Family Services at Lot Whitcomb Elementary School, Molalla Communities that Care, and Oregon City Farmers Market. The grant funds were used to build walking paths, community gardens, a disc golf course and provided fitness and nutrition education. The projects impacted the lives of over 6000 county residents, raised over \$50,000 in in-kind donations, benefitted from 2300 volunteer hours and produced well over 1300 pounds of fresh, local garden produce.

In 2012, 15 projects are being funded with \$102,500 and we have recently opened the RFP for projects that will begin in 2013.

Respectfully submitted,

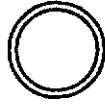


Cindy Becker
Director

For information on this issue or copies of attachments
Please contact Marti Franc at (503) 655-8479.

Healthy Families. Strong Communities.

What is Public Health?



PUBLIC HEALTH DIVISION
HEALTH, HOUSING, & HUMAN SERVICES
OCTOBER 11TH, 2012

BOARD OF COUNTY COMMISSIONERS
PUBLIC MEETING

Public Health's Purpose and Value

2

At the Public Health Division, our work is focused on protecting and promoting the health of Clackamas County residents.

- **Birth and Death Certificates**
- **Restaurant Inspections**
- **Communicable disease investigation**
- **Immunization**
- **Public Health Nursing**
- **Women, Infants and Children (WIC) nutrition program**
- **Prevention and Education programs**

Example

3

- **Healthy Eating, Active Living Program**

The Board of County Commissioners has approved this program to support community health improvement.

- Provides mini-grants to fund projects for community members, or organizations, that focus on active lifestyle and healthy eating for county residents where they work, live and play.
- Request for proposals currently being accepted at:

www.clackamas.us/publichealth/health

2011-2012 HEAL Projects

4

Group

Project

AntFarm, Inc.

Created a community garden, taught nutrition awareness and work-life skills.

Boring Middle School

Built school garden and greenhouse to supplement nutrition education and physical activity.

Canby Community Garden Association

Developed 2 community gardens in Canby area.

Cascade Heights Public Charter School

Provided healthier work environment for teachers and promoted student fitness and nutrition.

Child Care Resource and Referral of Clackamas County

Provided training and on-site coaching to childcare providers regarding nutrition and physical activity

Clackamas County Juvenile Department

Promoted healthy eating and local food preparation

Colton School District

Built walking trail to promote community fitness

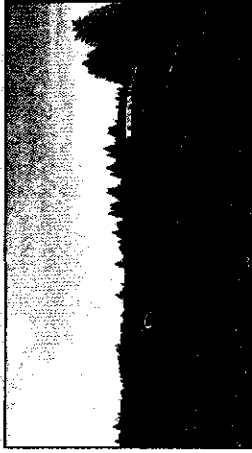
2011-2012 HEAL Projects Cont.

5

Group	Project
Friends of Robinwood Station Community Center	Created community garden and provided education for gardening, cooking and preserving food.
Metropolitan Family Services	Provided healthy eating, active living after-school activities
Milwaukie High School	Increased access to healthy foods during school day.
North Clackamas Parks and Recreation District	Healthy Summer camp for youth in 4 th -8 th grade.
Northwest Family Services	Promoted nutrition education and food awareness in field trips and created a student-based health food policy review board.
OSU Extension	Plot to Plate Program providing gardening and food preparation instruction.
Springwater Environmental Sciences School	Constructed greenhouse to learn about soil, water, food production and healthy eating.

HEAL Projects in Photos

6



Thank you!

7

For more information about Clackamas County Public Health Division,
please visit:

www.clackamas.us/publichealth

What is Public Health?



PUBLIC HEALTH DIVISION
HEALTH, HOUSING, & HUMAN SERVICES
OCTOBER 11TH, 2012

BOARD OF COUNTY COMMISSIONERS
PUBLIC MEETING

Public Health's Purpose and Value

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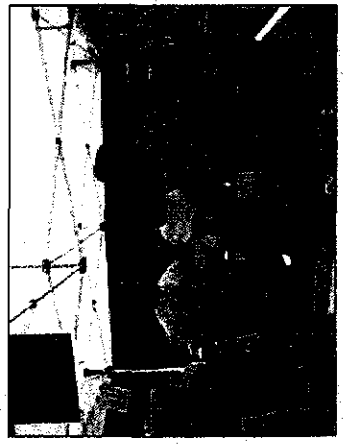
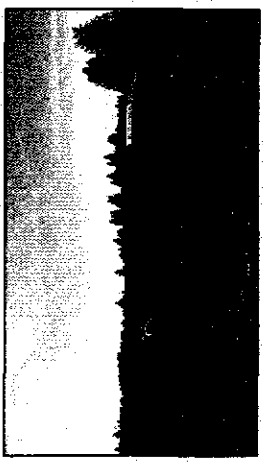
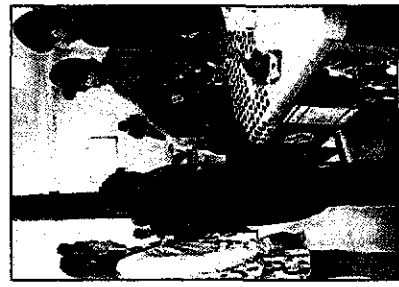
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HEAL Projects in Photos

6



Thank you!

7

For more information about Clackamas County Public Health Division,
please visit:

www.clackamas.us/publichealth



3 COPY
Campbell M. Gilmour
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

October 25, 2012

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Board of County Commissioners
Clackamas County

Members of the Board:

**Second Reading of Ordinance #10-2012 Amending Chapter 11.03, Transportation
System Development Charge**

On October 11, 2012, the Board held its first hearing on Ordinance #10-2012, amending Chapter 11.03, which contains the provisions for a Transportation System Development Charge ("TSDC"). New and expanding developments rely on improvements made to County roads through the capital improvement program. Documentation is attached in response to two specific questions that were raised during the public comment section of the first reading. Since the first hearing on October 11th, staff has not received any additional questions regarding the proposed changes to this amendment.

The Transportation System Development Charge ("TSDC") is a one-time payment on new development based on the number of vehicle trips the development is forecast to generate. The TSDC spreads the cost of increased capacity road projects to new development because new and expanding developments rely on improvements made to arterial, boulevard, and collector roads through the County's capital improvement program. TSDC money is used to fund capacity improvements, which can include operational efficiencies (e.g., signalization) that increase the number of vehicles accommodated by the system or added lane miles. The County has two TSDC districts, one with the City of Happy Valley (Joint Area TSDC) and the other for unincorporated areas of the county (Countywide TSDC). The ability to impose a TSDC is set out by ORS 223.297 through 223.314. The County's TSDC ordinance is found in County Code Chapter 11.03.

The proposed amendments to Chapter 11.03 are timely and coincide with the efforts of numerous departments to improve access for multi-modal transportation users in the County. Changes target economic development incentives by reducing the TSDC for mixed-use developments and developments in close proximity to transit because with the adequate density, these developments are demonstrated to reduce the traffic on surrounding roadways. Other changes to the ordinance improve program administration and provide clarity to citizens and developers.

Changes to the ordinance that offer economic incentives for development include:

1. Incentivizing developments that reduce trips on adjacent roadways through mixed-use and/or the development's proximity to transit, which are both proven to reduce the traffic on surrounding roadways when the development hosts the right mix of users. The mixed-use and transit oriented reductions can be combined when a development qualifies for both.
2. Removing language that treats the occupancy of an existing structure as new construction after being vacant for a period of time.
3. Providing an extension on credit vouchers for qualifying improvements built by developers.
4. Implementing a sliding scale for interest charges on assessments financed by the County and setting a maximum principal balance to minimize County liability..

Amendments to Chapter 11.03 that improve program administration and offer clarity to citizens and developers include:

5. Replacing an obsolete cost indicator used to calculate the annual adjustment factor.
6. Refining and adding definitions of terms used in the ordinance.

All these proposed revisions to the TSDC ordinance have been written in partnership with the City of Happy Valley, which jointly administers one of the two TSDC programs in the County. The proposed changes have been presented to the Development Liaison Committee for its review and discussion. Drafts were distributed to interested developers and the holders of credit vouchers. Ernie Platt and Justin Wood of the Portland Metro Home Builders Association ("HBA") reviewed the language and distributed the redlines to HBA members. The Board of County Commissioners deliberated the changes to the TSDC ordinance in a Study Session held on July 24, 2012; followed by discussion during the City of Happy Valley City Council Work Session on August 24, 2012.

Recommendation

Staff respectfully recommends the Board of Commissioners approve the proposed amendments to the TSDC ordinance that have been reviewed by our partner city, developers, and other interested parties to offer justifiable economic incentives and improve program administration.

Sincerely,

Diedre Landon

Diedre Landon
Policy Analyst, Senior

For information on this issue or copies of attachments
please contact Diedre Landon at 503-742-4411 or DLandon@co.clackamas.or.us

From: Todd Chase [mailto:ToddC@fcsgroup.com]
Sent: Thursday, October 11, 2012 1:23 PM
To: Landon, Diedre
Cc: Michael Walter
Subject: TSDC Ordinance hearing questions

Hi Diedre,

This email provides additional points of information that you may decide to share with others during the hearing process or at the next reading.

With regard to the EPA Model that we used, here is an excerpt and a link to the Web site.

http://www.epa.gov/smartgrowth/mxd_tripgeneration.html

“A national study for the U.S. Environmental Protection Agency (EPA), performed by a team composed of both Fehr & Peers and academic researchers, developed a new methodology to more accurately predict the traffic impacts of MXDs. Fehr & Peers has developed various analysis tools for implementation the findings of the MXD research.

The EPA study evaluated household travel surveys from 239 mixed-use developments in Seattle, Portland, Sacramento, Houston, Atlanta and Boston and found statistical relationships between site characteristics and the amount of vehicle travel generated in and out of the site. MXDs were found to reduce traffic impacts relative to single-use suburban development, due to the following key factors such as diverse on-site activities that capture a large share of trips internally, placement within walkable areas with good transit access that generate high shares of walk and transit trips, and central locations that reduce trip lengths.”

While the Portland and Seattle trip generation information was included in the trip reduction assumptions, the model relies on national results from 239 mixed use developments in the 6 aforementioned urban regions.

Clackamas County can decide to customize the trip reduction assumptions over time, if the model results in measurable variances from measured results.

With regard to the cost of the technical study:

The technical study cost \$4,000 and was paid for by the City of Happy Valley.

Best regards,

Todd

Todd Chase, AICP, LEED
Senior Project Manager
work: (503) 841-6543 cell: (503) 313-6360
4380 SW Macadam Ave, Suite 220
Portland, OR 97239
FCS GROUP www.fcsgroup.com

ORDINANCE NO. 10-2012

An Ordinance Amending Chapter 11.03, Transportation System Development Charge, of the Clackamas County Code

WHEREAS, Chapter 11.03, Transportation System Development Charge, of the Clackamas County Code contains those provisions authorized by Oregon Revised Statutes ORS 223.297 through 223.314; and

WHEREAS, it has been determined by the Board of County Commissioners that amendments to Chapter 11.03 will improve access for multi-modal transportation users, target economic development incentives, and improve program administration and provide clarity to citizens and developers; and

WHEREAS, the proposed amendments have been written in partnership with the City of Happy Valley, which jointly administers one of the two programs applying the provisions of Chapter 11.03, and have been reviewed by a liaison committee, developers, and a professional association; and

WHEREAS, this amendment contains all the changes requested by the Board of County Commissioners ; now, therefore;

The Board of Commissioners of Clackamas County ordains as follows:

Section 1: Chapter 11.03, Transportation System Development Charge, of the Clackamas County Code is hereby amended as shown on Exhibit "A", attached hereto and incorporated herein by this reference.

ADOPTED this _____ day of _____, 2012.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

EXHIBIT A

CHAPTER 11.03 TRANSPORTATION SYSTEM DEVELOPMENT CHARGE

11.03.010 PURPOSE

- A) New development within Unincorporated Clackamas County (Countywide Area) and within the Happy Valley/Clackamas County Joint Area will use existing, excess traffic capacity and contributes to the need for increased capacity on arterial, boulevard, and collector roads and therefore should contribute to the funding for such facilities. These Transportation System Development Charges will reimburse the County, or City, 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 enact system development charges jointly with cities, as demonstrated in the Happy Valley/Clackamas County Joint Area. [Amended by Section 1 of Ord. No. 01-2002, enacted 1-10-02]
- B) ORS 223.297 through 223.314 grant the County and the City 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 the Countywide Area, or in conjunction with the City Council in the Happy Valley Joint Area. The County may enact one or more charges in areas that are smaller than the entire unincorporated County, such as the Happy Valley/Clackamas County Joint Area. [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 Countywide Area and the Happy Valley Joint Area methodology, respectively.
- F) This Chapter is intended to reimburse Clackamas County, and Clackamas County/City of Happy Valley partnership in the Happy Valley/Clackamas County Joint Area, 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) Clackamas County hereby adopts the methodology report entitled “Countywide Transportation System Development Charges Methodology Update Report” (dated November 30, 2006), and Clackamas County and the City of Happy Valley each hereby adopt the methodology report entitled “Happy Valley/Clackamas County Joint Capital Improvement Plan Area, Transportation System Development Charges Methodology Report” (dated November 30, 2006) and the agencies incorporate 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 in each geographic area. The charges adopted by the Countywide Methodology report do not apply in the geographic area covered by the Happy Valley/Clackamas County Joint Area, and the charges adopted by the Happy Valley Joint Area Methodology report to not apply in the unincorporated geographic area outside the joint district boundaries. [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 by the permitting jurisdiction in the Clackamas County Zoning and Development Ordinance or City Development Code, respectively.

- A) **ACCESSORY DWELLING UNIT** means a unit complying with Clackamas County ZDO 301.08(G) or City of Happy Valley Planning Code 16.44.050 respectively. Accessory Dwelling Units will be charged the adopted rate for the Institute of Transportation Engineers (ITE) classification of “220 - Apartment.”
- B) **ARTERIAL** means that term as defined and used in the Transportation Element of the County Comprehensive Plan.
- C) **AVERAGE WEEKDAY TRIPS** means the average 24-hour total of all vehicle trips counted to and from a study site from Monday through Friday.. Average weekday trips are calculated by using the Institute of Transportation Engineers (ITE) Manual or as otherwise provided by this Chapter.
- D) **BOARD** means the Board of County Commission of Clackamas County, Oregon.

- E) **BOULEVARD** means that term as defined and used in the Transportation Element of the County Comprehensive Plan.
- F) **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 or City.
- G) **BUILDING PERMIT** means that permit issued by the County or City 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 or City Building Official, relating to the placement of manufactured homes.
- H) **BUS TRANSIT CORRIDOR** includes current fixed-route public bus service (excludes dial-a-ride shuttles and taxi service).
- D) **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 (i.e., 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.).
- J) **CAPITAL IMPROVEMENT PLAN** means a plan and list of capital projects adopted by the Board of County Commissioners and/or City Council identifying the estimated cost and timing for projects needed in a twenty year timeframe.
- K) **CITY** means the City of Happy Valley, Oregon.
- L) **CITY COUNCIL** means the elected City Council of the City of Happy Valley, Oregon.
- M) **COLLECTOR** means that term as defined and used in the Transportation Element of the County Comprehensive Plan.
- N) **COMPREHENSIVE PLAN** means the County and/or City 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.
- O) **CONSTRUCTION COST INDEX** means that index published by the Engineering News Record (ENR) Northwest (Seattle, Washington) titled "Construction Cost Index."
- P) **COUNTY** means Clackamas County, Oregon.
- Q) **DEVELOPMENT AGREEMENT** means the tool the CITY or COUNTY will use to secure the developer's compliance with the commitment to build-out a phased master-plan project, qualifying the initial phases for a reduction under the station area and/or mixed-use reduction provisions.

- R) DEVELOPMENT PERMIT means a grading, excavation, engineering, building, land use or similar permit issued by the County or City that approves NEW DEVELOPMENT as defined by this ordinance.
- S) DEPARTMENT means the Clackamas County Department of Transportation and Development or the City of Happy Valley Economic and Community Development Department.
- T) DEPARTMENT DIRECTOR means the Director of the Clackamas County Department of Transportation and Development or the City Manager of Happy Valley.
- U) 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.
- V) FLOOR AREA RATIO means the ratio of the total amount of enclosed gross floor area within a structure to the amount of buildable acreage. For purposes of calculation, both floor area and net site area shall be converted to square feet. (For example, a single-story building constructed on one-quarter of the net developable site would have a floor area ratio of 0.25. If a second story were added, the floor area ratio would increase to 0.50, etc.) Gross floor area for the purposes of this ordinance will mirror the definition in the most recent ITE manual.
- W) GUEST HOME means a unit complying with Clackamas County ZDO 833. GUEST HOMES will not be charged a Transportation System Development Charge Assessment because these units share a kitchen and laundry facility with the primary dwelling on the parcel, and as such are not used for boarding, lodging, or rental.
- X) IMPROVEMENT FEE means a fee for costs associated with capital improvements to be constructed.
- Y) 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) 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 adjacent to the roadway.
- Z) INTERNAL CAPTURE RATE is defined as a percent reduction of trip generation for component land uses to account for trips made internally on site. A reduction of trip generation rates can potentially decrease traffic impact and help reduce external congestion. The INTERNAL CAPTURE RATE is the percent reduction of trip generation estimates for land uses to account for trips made internally on a MIXED-USE DEVELOPMENT site.
- AA) 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.

- BB) LIGHT RAIL TRANSIT STATION AREA is defined as the passenger station platform along a fixed-route light rail alignment.
- CC) LOCAL STREET means that term as defined and used in the Transportation Element of the County Comprehensive Plan.
- DD) LONG TERM FINANCING Bonds issued by the County to finance a capital improvement in accordance with ORS 223.205 – 223.295.
- EE) MIXED-USE DEVELOPMENT is generally planned as a single real-estate land development project with a structure, or structures, containing two or more different and interacting land uses. These areas are characteristically higher density, compact walkable areas. Mixing of uses typically includes residential (townhomes, apartments, or detached homes on small lots), retail (mostly specialty and convenience), restaurants, hotels, office buildings, movie theatres, and any other compatible and complimentary uses.
- FF) NEW DEVELOPMENT means site improvements that increase overall trip generation.
- GG) QUALIFIED PUBLIC IMPROVEMENT means an increased capacity facility larger than a LOCAL 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 11.03.010(G) and 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.
- HH) 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.
- II) 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.
- JJ) STATION AREA includes parcels with some portion of the development site located within a 0.25- (one quarter) mile radius (straight line distance measurement) of a LIGHT RAIL STATION PLATFORM or a BUS TRANSIT CORRIDOR, both of which facilitate travel to multiple geographic routes, typically resulting in reduced impact to the transportation system by encouraging multi-modal transportation and reducing the impact on the surrounding transportation system. Reference Table 1 – Station Area Development TSDC Reduction Requirements, in Section 11.03.030(F), for further definition of project requirements to qualify for a station area reduction.
- KK) TRANSPORTATION SYSTEM DEVELOPMENT CHARGE (TSDC) 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 and the Happy Valley/Clackamas County Joint Area 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, information about occupancy and size of any existing use on the site, 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 11.03.030(E).
- D) If the County or City has not assigned a Transportation System Development Charge rate for the identified land use listed in the ITE Manual, or if data is "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 Department 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. Data collection shall be compliant with the ITE Trip Generation Manual.
 - (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 Department 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.
- (1) A fee will be charged for the review of formal alternate trip generation data. The fee will be set by Resolution.
- E) Any developer requiring the execution of a formal Development Agreement to clarify Transportation System Development Charge assessments, reductions for Station Area Development (Table 1), or reductions for Mixed-Use Development (Table 2) will be required to pay a deposit (as set by Resolution) prior to staff drafting the agreement.
- F) Station area developments reduce vehicle trips on the adjacent roadway. Projects meeting the development density requirements that fall within a station area are eligible to receive a reduction that correlates to the reduced impact of the eligible development. An approved Station Area Development is eligible for a reduction on TSDC assessments as outlined in Table 1 (below) when some portion of the development site is located within a 0.25-(one quarter) mile radius (straight line distance measurement) of a light rail station platform or a bus transit corridor route alignment. This reduction may be combined with any applicable Mixed-Use Development reduction (Table 2).