

Clackamas County
Transportation System Development Charge (TSDC) Credit Overview
[County Code 11.03 – Transportation System Development Charge]

IS MY PROJECT ELIGIBLE FOR TSDC CREDIT?

Step 1. Condition of **DEVELOPMENT** Approval?

YES →
NO → Not eligible for credit.

Step 2. Is the improvement located **CONTIGUOUS** to the property?

YES →
NO → Full improvement cost eligible, skip to step 4.

Step 3. Is the improvement larger, or of greater capacity, than necessary?

YES →
NO → Not eligible for TSDC credit.

Only the part(s) of the improvement that exceed the street standard for the frontage being constructed, and were not recommended by the traffic study would be considered for credit eligibility.

Step 4. Identified on the **TSDC Capital Project List**?

YES →
NO → Not eligible for credit.

100% credit for eligible costs.

11.03.050 Credit

An applicant for a **Development Permit**, is entitled to a credit against the TSDC for both:

- Payment of a fee-in-lieu of construction for a **Qualified Public Improvement** listed in **TSDC Capital Project List**;
- For the construction of a **Qualified Public Improvement** listed on **TSDC Capital Project List**.

Calculation of any TSDC credit value will be based on County Code Section 11.03 and the **Methodology** in place as of the date the County receives a complete TSDC credit application. The applicant shall have the burden of demonstrating in its application for credit that a particular improvement qualifies for credit.

The County will provide credit for the documented, reasonable cost of construction (whether paid via fee-in-lieu of or a constructed improvement) of all or part of a **Qualified Public Improvement** listed on **TSDC Capital Project List**, adopted pursuant to 11.03.010(E), based on the following criteria:

- Capital improvements that are required as a condition of development approval and are identified on the **TSDC Capital Project List** that are **located neither on nor contiguous to the property** that is the subject of development approval shall be considered for credit at 100% of the cost of the capital improvement. (These improvements are creditable, even if needed to serve the development.)
- Capital improvements that are required as a condition of development approval and are identified on the **TSDC Capital Project List** that are **located on or contiguous to the property** that is the subject of development approval, and which are required to be built larger, or with greater capacity than is necessary for the particular development project are eligible for credit.

Credit for these improvements may be granted only for the cost of that portion of the improvement that exceeds the capacity needed to serve the particular development project or property. (Standard frontage improvements, such as bringing the road up to current roadways standards, or the installation of sidewalks and bike lanes, would not be eligible for TSDC credit.)

(Definitions are provided for terms in BLUE.)

- No credits shall be granted for **Oregon Department of Transportation (ODOT) facilities** unless clearly identified as a **Qualified Public Improvement** listed in the TSDC Capital Project List.

DEFINITIONS

DEVELOPMENT PERMIT means a grading, excavation, engineering, building, land use or similar permit issued by the County that approves **New Development** as defined by County Code Section 11.03.

QUALIFIED PUBLIC IMPROVEMENT means a capital improvement that is required as a condition of development approval, identified in the TSDC Capital Project List adopted by resolution and is:

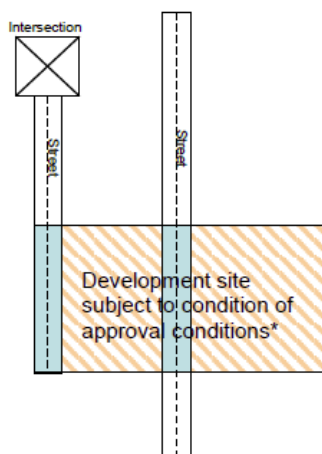
- Not located on or Contiguous to the New Development site, or**
- Located on or Contiguous to the New Development site, and as demonstrated in the traffic study for the New Development is required to be built larger or with greater capacity (over-capacity) than is necessary for the New Development to mitigate for transportation system impacts attributable to the New Development.**

NEW DEVELOPMENT means site improvements that increase overall trip generation.

METHODOLOGY means the narrative, formulas and charts that serve as the framework for determining the TSDC.

TSDC CAPITAL PROJECT LIST means a list of capital projects adopted by the Board identifying the estimated cost, timing, and portion of project costs to be funded by the TSDC.

CONTIGUOUS means that a property and an improvement or portion thereof share a common boundary line. A determination of contiguous includes all property subject to the development approval. The boundary lines and area of an improvement shall be determined by the Right-Of-Way and easement areas for the improvement. In addition, multiple properties under common ownership separated by features such as a common area, non-motorized vehicle or pedestrian way, creek, wetland, park, or similar areas; up to a distance of not more than 100 feet between the properties at the boundary with the improvement, are deemed to include the feature in their combined boundary line. Any portion of an improvement that is located beyond the frontage of a property, as determined by the extension of boundary lines perpendicular to the frontage of the property, is not deemed to be contiguous to that property. An intersection improvement shall be deemed contiguous to all property with frontage on the intersection, or that touches the intersection at a point.



All intersection and street improvements are conditions of development approval. Shaded portion of streets are considered **Contiguous** to the development site; remainder of streets and intersection are non-contiguous.

* **“Contiguous”** is defined based on frontage of site prior to subdivision or partition.

RESOURCES

For more information, please consider these references:

- [County Code, Section 11.03](#)
- [Clackamas County Transportation System Development Charge Methodology Report](#)