

**FILED**

**SEP 30 2009**

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

Washington County  
County Clerk

ORDINANCE 729

An Ordinance Amending Washington County Ordinance 691-A, Providing for a Temporary Discount to the Transportation Development Tax, and Declaring an Effective Date.

The Board of County Commissioners of Washington County, Oregon, ordains:

SECTION 1. PURPOSE AND FINDINGS

- A. Ordinance 691-A, the Countywide Transportation Development Tax (TDT) was enacted by the voters in November, 2008, and took effect July 1, 2009. The TDT amended Washington County Code Chapter 3.17, the Transportation Impact Fee, adopted a new methodology, capital improvement plan, and administrative provisions.
- B. Since the TDT was approved by the voters, economic conditions have changed, and it is appropriate to adopt a temporary discount to the TDT in light of these conditions, and subject to further action of the Board, including termination of the discount as provided in Exhibit A hereto.
- C. As a further incentive to development during the economic downturn, the Board desires to allow for certain existing Traffic Impact Fee (TIF) credits to be recalculated under the TDT.
- D. It is necessary and desirable to enact minor housekeeping changes to the TDT that do not increase the level of the tax or reduce exemptions from the tax.

1     SECTION 2. ENACTMENT

2             The Board, having received the recommendation of the Washington County Coordinating  
3     Committee, and the Department of Land Use and Transportation, conducted a public hearing on  
4     this proposed Ordinance, and being fully informed thereon, hereby adopts the amendments to the  
5     Transportation Development Tax, Ordinance 691-A-Engrossed set forth in Exhibit 'A' hereto,  
6     and incorporated by this reference herein. New matter is underlined.

7     SECTION 3. ADOPTION OF APPENDIX

8             Appendix A, "Transportation Development Tax Temporary Discount Methodology  
9     Report", dated October 20, 2009; attached hereto and incorporated herein, is hereby adopted.

10    SECTION 4. SEVERANCE

11            If any portion of this Ordinance, including its Exhibits and Appendices, shall for any  
12    reason be declared invalid or unconstitutional by an authority of competent jurisdiction, the  
13    remainder shall not be affected thereby and shall remain in full force and effect, and any  
14    provision of a prior Ordinance amended or repealed by the stricken portion of this Ordinance  
15    shall be revived and again be considered in full force and effect.

16    SECTION 5. IMPLEMENTATION

17            The Office of County Counsel is authorized to prepare documents to reflect the changes  
18    adopted under this Ordinance, including deleting and adding textual material, renumbering pages  
19    or sections, and making any technical changes not affecting the substance of these amendments  
20    as necessary to codify this Ordinance into the Washington County Code.

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1 SECTION 6. EFFECTIVE DATE

2 This Ordinance shall take effect at 12:01 a.m., December 1, 2009.

3 Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2009, being the \_\_\_\_\_ reading

4 and the \_\_\_\_\_ public hearing before the Board of County Commissioners of Washington  
5 County, Oregon.

6  
7 BOARD OF COUNTY COMMISSIONERS  
8 FOR WASHINGTON COUNTY, OREGON

9 \_\_\_\_\_  
CHAIRMAN

10  
11 \_\_\_\_\_  
RECORDING SECRETARY

12  
13 READING

14 PUBLIC HEARING

15 First \_\_\_\_\_  
16 Second \_\_\_\_\_  
17 Third \_\_\_\_\_  
18 Fourth \_\_\_\_\_  
19 Fifth \_\_\_\_\_  
20 Sixth \_\_\_\_\_  
21 Seventh \_\_\_\_\_  
22 Eighth \_\_\_\_\_  
Ninth \_\_\_\_\_

First \_\_\_\_\_  
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Third \_\_\_\_\_  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_  
Seventh \_\_\_\_\_  
Eighth \_\_\_\_\_  
Ninth \_\_\_\_\_

VOTE: Aye: \_\_\_\_\_

Nay: \_\_\_\_\_

Recording Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

## EXHIBIT A TO ORDINANCE 729

Exhibit A to Ordinance 691-A is hereby modified as follows:

1. Section 3.17.080 is amended to add:

"K. TIF credits shall be valid to satisfy TDT obligations, subject to the original credit expiration date."

2. Add Section 3.17.115 to read as follows:

### "3.17.115 Refunds-Temporary Discount.

A. Refunds of the TDT under this section may be made upon initiation of the Director or upon written application filed with the Director. When an applicant has paid the TDT as prescribed in Ordinance 691-A between July 1, 2009, and the effective date of this Ordinance, the applicant shall be eligible for a refund of the difference between the amount paid, and the amount that would have been charged pursuant to Appendix A hereto for the subject development.

B. No refund shall be issued for amounts incurred but not yet paid based on a deferral or Bancroft agreement. TDTs subject to deferral or Bancroft agreement shall be recalculated based on the applicable discount rate.

C. Refunds under this section shall not include the amount of any TDT obligation that was satisfied by redemption of TIF or TDT credits. No interest shall accrue on refunds. The jurisdiction may charge a fee for calculating and processing a refund or recalculation. No refund shall be due under this section for any application received after March 31, 2010."

3. Add Section 3.17.170 to read as follows:

### "3.17.170 TDT Temporary Discount

A. The TDT rates established in Ordinance 691-A-Engrossed, and set forth in Appendix B thereto, while remaining in full force and effect, shall be subject to a temporary discount as provided in Appendix A hereto, provided however:

No later than April 30 of each year from 2010 through 2012, the Board of Commissioners shall hold a public hearing to determine whether the TDT discount provided in this Ordinance shall be continued or terminated. In making its determination, the Board shall consider the recommendation of the Washington County Coordinating Committee (WCCC), then-existing economic conditions and the public interest. The Board shall have full policy discretion to make this determination, regardless of the extent of economic recovery, if any.

If the Board determines that the TDT discount shall be terminated, it shall so declare by order, and the TDT discount under this Ordinance shall be terminated effective July 1 of that year. If the Board determines that the TDT discount shall be continued, it shall so declare by order, and the TDT discount shall be continued, effective July 1 for the next fiscal year. The County shall provide a copy of the Board's order to all cities that collect the TDT.

B. During the discount period, TDT shall be calculated as provided under Ordinance 691-A, but subject to the temporary rate discount set forth in Appendix A to this Ordinance, pages 4 and 5, "Discount Schedule".

C. In no event shall a discount be granted for any TDT due or paid on or after July 1, 2012, except for amounts paid under a Bancroft agreement executed before that date. On or after that date, or such earlier date as the Board terminates the discount under this section, the TDT shall be determined under Ordinance 691-A, without regard to any discount under this Ordinance."

4. Add Section 3.17.180 as follows:

"3.17.180 TIF Credit Recalculation

A. An applicant issued TIF credits between January 1, 2007 and July 1, 2009 for a residential development not subject to the transition provisions of Ordinance 691-A, section 3.17.160C(1) may request recalculation of existing TIF credits according to the rules and procedures of the TDT under Ordinance 691-A. The city or county may charge an administrative fee for the cost of analysis and review of a TIF credit recalculation. If the jurisdiction approves the recalculation, it shall note the increased credit on the voucher, and provide a copy to the applicant.

B. A request for TIF credit recalculation shall be in writing and shall be made no later than March 31, 2010. Credit recalculation under this section shall not be the basis for a TIF or TDT refund, and shall not extend the expiration date of the credit."

**APPENDIX A**

**WASHINGTON COUNTY**

Transportation Development Tax  
Temporary Discount Methodology Report

# WASHINGTON COUNTY

## Transportation Development Tax Temporary Discount Methodology Report

### **1.0 BACKGROUND AND INTRODUCTION**

Ordinance 691-A enacted the Transportation Development Tax (TDT), was adopted by the voters of Washington County in November, 2008, and took effect July 1, 2009. Due to economic conditions, the Board of Commissioners considered a temporary discount to the TDT. Because the TDT is adopted as a countywide tax and a System Development Charge (SDC) under ORS Chapter 223, a modification to the charge requires a modification to the methodology.

### **2.0 TDT METHODOLOGY AND TEMPORARY DISCOUNT METHODOLOGY**

The TDT methodology, consisting of Appendix A to Ordinance 691-A, is hereby incorporated by reference. The TDT methodology is hereby amended to add the following:

#### **Temporary Discount Schedule**

The discount schedule applies temporary discounts to reduce the TDT rates during the phase-in period, subject to Board approval in this Ordinance. The following is a summary of the discount schedule:

- 20% discount for the first year, between July 1, 2009 and June 30, 2010; retro-active for developments that pay the full TDT between July 1, 2009, and the effective date of this Ordinance.
- 10% discount between July 1, 2010 and June 30, 2011.
- 5% discount between July 1, 2011, and June 30, 2012.
- Discount is discontinued effective July 1, 2012.

Table 11 displays the discount schedule for the adopted TDT Rates. Columns 1 through 3 restate the ITE land use codes and categories. Column 4 restates the TDT rates from Table 10 for 7/1/2009 through 6/30/2010, prior to the discount. Column 5 displays the discount rates through 6/30/2010 after the discount of 20% is applied. Column 6 restates the TDT from Table 10 for 7/1/2010 through 6/30/2011 prior to the discount. Column 7 displays the discount rates for 7/1/2010 through 6/30/2011 after the 10% discount is applied. Column 8 restates the TDT from Table 10 for 7/1/2011 through 6/30/2012 prior to the discount. Column 9 displays the discount rates for 7/1/2011 through 6/30/2012 after the 5% discount is applied. Column 10 restates the TDT from Table 10 for 7/1/2012 through 6/30/2013.

The discount schedule accounts for the automatic increases of TDT annually during the phase in period. The following formulas were used to calculate the rates shown in table 11.

**Rates through 6/30/2010, Discount (20%)**

TDT 7/1/2009 Rate	*	0.8	=	Discount 11/20/2009 – 6/30/2010 Rate
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**Rates 7/1/2010 through 6/30/2011, Discount (10%)**

TDT 7/1/2010 Rate	*	0.9	=	Discount 7/1/2010 – 6/30/2011 Rate
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**Rates 7/1/2011 through 6/30/2012, Discount (5%)**

TDT 7/1/2011 Rate	*	0.95	=	Discount 7/1/2011 – 6/30/2012 Rate
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TABLE 11  
DISCOUNT SCHEDULE

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
Land Use Category	ITE Code	Unit*	Rates through 6/30/2010		Rates 7/1/2010 - 6/30/2011		Rates 7/1/2011 - 6/30/2012		Rates 7/1/2012 - 6/30/2013
			TDT Prior to Discount	With 20% Discount	TDT Prior to Discount	With 10% Discount	TDT Prior to Discount	With 5% Discount	
<b>Residential</b>									
Single Family Detached	210	/dwelling unit	\$4,599	\$3,679	\$5,807	\$5,227	\$7,016	\$6,665	\$8,225
Apartment	220	/dwelling unit	\$2,896	\$2,317	\$3,724	\$3,352	\$4,553	\$4,325	\$5,381
Residential Condominium/Townhouse	230	/dwelling unit	\$2,717	\$2,174	\$3,451	\$3,106	\$4,185	\$3,976	\$4,919
Manufactured Housing (in Park)	240	/dwelling unit	\$2,252	\$1,801	\$2,873	\$2,586	\$3,494	\$3,320	\$4,116
Assisted Living	254	/bed	\$1,474	\$1,180	\$1,830	\$1,647	\$2,186	\$2,077	\$2,542
Continuing Care Retirement	255	/unit	\$1,482	\$1,185	\$1,845	\$1,660	\$2,208	\$2,097	\$2,571
<b>Recreational</b>									
Park	411	/acre	\$732	\$585	\$948	\$853	\$1,163	\$1,105	\$1,379
Golf Course	430	/hole	\$7,129	\$5,703	\$9,625	\$8,663	\$12,122	\$11,516	\$14,619
Golf Driving Range	432	/tee	\$6,366	\$5,093	\$8,099	\$7,289	\$9,833	\$9,342	\$11,567
Multipurpose Recreational/Arcade	435	/T.S.F.G.F.A.	\$1,256	\$1,005	\$1,696	\$1,526	\$2,136	\$2,029	\$2,575
Bowling Alley	437	/lane	\$408	\$327	\$551	\$496	\$694	\$659	\$837
Multiplex Movie Theater	445	/screen	\$60,422	\$48,337	\$78,784	\$70,906	\$97,146	\$92,289	\$115,509
Health/Fitness Club	492	/T.S.F.G.F.A.	\$3,950	\$3,160	\$5,333	\$4,800	\$6,716	\$6,380	\$8,099
Recreation/Community Center	495	/T.S.F.G.F.A.	\$4,658	\$3,726	\$6,289	\$5,660	\$7,921	\$7,524	\$9,552
<b>Institutional/Medical</b>									
Elementary School (Public)	520	/student	\$208	\$166	\$271	\$244	\$333	\$317	\$396
Middle/Junior High School (Public)	522	/student	\$222	\$177	\$298	\$268	\$374	\$355	\$450
High School (Public)	530	/student	\$302	\$241	\$407	\$367	\$513	\$487	\$619
Private School (K-12)	536	/student	\$224	\$179	\$302	\$272	\$380	\$361	\$458
Junior College	540	/student	\$326	\$261	\$433	\$389	\$540	\$513	\$647
University/College	550	/student	\$523	\$418	\$706	\$636	\$889	\$845	\$1,073
Church	560	/T.S.F.G.F.A.	\$1,982	\$1,586	\$2,457	\$2,211	\$2,931	\$2,785	\$3,406
Day Care Center/Preschool	565	/student	\$632	\$506	\$844	\$760	\$1,056	\$1,004	\$1,269
Library	590	/T.S.F.G.F.A.	\$8,199	\$6,559	\$10,793	\$9,714	\$13,387	\$12,717	\$15,980
Hospital	610	/bed	\$1,579	\$1,264	\$2,133	\$1,919	\$2,686	\$2,551	\$3,239
Nursing Home	620	/bed	\$543	\$435	\$733	\$660	\$924	\$877	\$1,114
Clinic	630	/T.S.F.G.F.A.	\$11,345	\$9,076	\$15,268	\$13,741	\$19,190	\$18,231	\$23,113
<b>Commercial/Services</b>									
Hotel/Motel	310	/room	\$1,138	\$911	\$1,537	\$1,383	\$1,935	\$1,839	\$2,334
Building Materials/Lumber	812	/T.S.F.G.F.A.	\$4,003	\$3,202	\$5,405	\$4,865	\$6,807	\$6,467	\$8,209
Free-Standing Discount Superstore with Groceries	813	/T.S.F.G.F.A.	\$8,396	\$6,717	\$10,828	\$9,745	\$13,261	\$12,597	\$15,693
Specialty Retail Center	814	/T.S.F.G.L.A.	\$5,322	\$4,257	\$7,186	\$6,467	\$9,050	\$8,597	\$10,913
Free-Standing Discount Store without Groceries	815	/T.S.F.G.F.A.	\$8,683	\$6,946	\$11,402	\$10,261	\$14,121	\$13,415	\$16,840
Hardware/Paint Store	816	/T.S.F.G.F.A.	\$6,818	\$5,454	\$9,112	\$8,201	\$11,407	\$10,837	\$13,702
Nursery/Garden Center	817	/T.S.F.G.F.A.	\$4,732	\$3,785	\$6,389	\$5,750	\$8,046	\$7,644	\$9,704
Shopping Center	820	/T.S.F.G.L.A.	\$5,734	\$4,587	\$7,587	\$6,828	\$9,440	\$8,968	\$11,293
Factory Outlet Center	823	/T.S.F.G.F.A.	\$5,126	\$4,100	\$6,370	\$5,733	\$7,614	\$7,234	\$8,859
New Car Sales	841	/T.S.F.G.F.A.	\$6,209	\$4,967	\$8,379	\$7,541	\$10,549	\$10,021	\$12,719
Automobile Parts Sales	843	/T.S.F.G.F.A.	\$5,973	\$4,779	\$8,065	\$7,259	\$10,157	\$9,650	\$12,249
Tire Superstore	849	/T.S.F.G.F.A.	\$5,317	\$4,253	\$6,752	\$6,077	\$8,188	\$7,778	\$9,623
Supermarket	850	/T.S.F.G.F.A.	\$12,067	\$9,654	\$15,634	\$14,070	\$19,201	\$18,241	\$22,768
Convenience Market (24-hour)	851	/T.S.F.G.F.A.	\$13,082	\$10,466	\$17,664	\$15,897	\$22,246	\$21,133	\$26,828
Convenience Market with Fuel Pump	853	/V.F.P.	\$12,815	\$10,252	\$17,131	\$15,418	\$21,446	\$20,374	\$25,761
Wholesale Market	860	/T.S.F.G.F.A.	\$4,230	\$3,384	\$5,003	\$4,503	\$5,776	\$5,487	\$6,548
Discount Club	861	/T.S.F.G.F.A.	\$10,795	\$8,636	\$13,089	\$11,780	\$15,384	\$14,615	\$17,678
Home Improvement Superstore	862	/T.S.F.G.F.A.	\$3,597	\$2,878	\$4,593	\$4,134	\$5,589	\$5,310	\$6,586
Electronics Superstore	863	/T.S.F.G.F.A.	\$5,188	\$4,151	\$6,496	\$5,846	\$7,803	\$7,413	\$9,111
Office Supply Superstore	867	/T.S.F.G.F.A.	\$5,973	\$4,779	\$8,065	\$7,259	\$10,157	\$9,650	\$12,249
Pharmacy/Drugstore without Drive-Thru Window	880	/T.S.F.G.F.A.	\$5,973	\$4,779	\$8,065	\$7,259	\$10,157	\$9,650	\$12,249
Pharmacy/Drugstore with Drive-Thru Window	881	/T.S.F.G.F.A.	\$5,973	\$4,779	\$8,065	\$7,259	\$10,157	\$9,650	\$12,249
Furniture Store	890	/T.S.F.G.F.A.	\$996	\$799	\$1,181	\$1,063	\$1,363	\$1,295	\$1,545
Bank/Savings: Walk-in	911	/T.S.F.G.F.A.	\$12,715	\$10,172	\$16,930	\$15,237	\$21,145	\$20,088	\$25,360
Bank/Savings: Drive-in	912	/T.S.F.G.F.A.	\$13,082	\$10,466	\$17,664	\$15,897	\$22,246	\$21,133	\$26,828

TABLE 11  
DISCOUNT SCHEDULE

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
Land Use Category	ITE Code	Unit*	Rates through 6/30/2010		Rates 7/1/2010 - 6/30/2011		Rates 7/1/2011 - 6/30/2012		Rates 7/1/2012 - 6/30/2013
			TDT Prior to Discount	With 20% Discount	TDT Prior to Discount	With 10% Discount	TDT Prior to Discount	With 5% Discount	
Quality Restaurant (not a chain)	931	/T.S.F.G.F.A.	\$12,183	<b>\$9,747</b>	\$16,239	<b>\$14,615</b>	\$20,295	<b>\$19,280</b>	<b>\$24,351</b>
High Turnover, Sit-Down Restaurant (chain or stand alone)	932	/T.S.F.G.F.A.	\$11,482	<b>\$9,185</b>	\$14,464	<b>\$13,017</b>	\$17,446	<b>\$16,573</b>	<b>\$20,427</b>
Fast Food Restaurant (No Drive-Thru)	933	/T.S.F.G.F.A.	\$13,082	<b>\$10,466</b>	\$17,664	<b>\$15,897</b>	\$22,246	<b>\$21,133</b>	<b>\$26,828</b>
Fast Food Restaurant (With Drive-Thru)	934	/T.S.F.G.F.A.	\$13,082	<b>\$10,466</b>	\$17,664	<b>\$15,897</b>	\$22,246	<b>\$21,133</b>	<b>\$26,828</b>
Drive-Thru Restaurant (No Seating)	935	/T.S.F.G.F.A.	\$13,082	<b>\$10,466</b>	\$17,664	<b>\$15,897</b>	\$22,246	<b>\$21,133</b>	<b>\$26,828</b>
Drinking Place/Bar	936	/T.S.F.G.F.A.	\$11,583	<b>\$9,266</b>	\$15,037	<b>\$13,534</b>	\$18,492	<b>\$17,568</b>	<b>\$21,947</b>
Quick Lubrication Vehicle Shop	941	/Service Stall	\$11,066	<b>\$8,853</b>	\$13,632	<b>\$12,269</b>	\$16,198	<b>\$15,388</b>	<b>\$18,764</b>
Automobile Care Center	942	/T.S.F.G.L.A.	\$6,217	<b>\$4,973</b>	\$8,394	<b>\$7,554</b>	\$10,571	<b>\$10,043</b>	<b>\$12,748</b>
Gasoline/Service Station (no Market or Car Wash)	944	/V.F.P.	\$10,399	<b>\$8,319</b>	\$12,298	<b>\$11,068</b>	\$14,197	<b>\$13,488</b>	<b>\$16,097</b>
Gasoline/Service Station (with Market and Car Wash)	946	/V.F.P.	\$10,399	<b>\$8,319</b>	\$12,298	<b>\$11,068</b>	\$14,197	<b>\$13,488</b>	<b>\$16,097</b>
<b>Office</b>									
General Office Building	710	/T.S.F.G.F.A.	\$4,428	<b>\$3,542</b>	\$5,829	<b>\$5,246</b>	\$7,230	<b>\$6,869</b>	<b>\$8,632</b>
Medical-Dental Office Building	720	/T.S.F.G.F.A.	\$15,307	<b>\$12,246</b>	\$19,954	<b>\$17,958</b>	\$24,600	<b>\$23,370</b>	<b>\$29,246</b>
Government Office Building	730	/T.S.F.G.F.A.	\$30,447	<b>\$24,358</b>	\$39,388	<b>\$35,449</b>	\$48,329	<b>\$45,912</b>	<b>\$57,270</b>
U.S. Post Office	732	/T.S.F.G.F.A.	\$38,661	<b>\$30,929</b>	\$50,247	<b>\$45,222</b>	\$61,833	<b>\$58,741</b>	<b>\$73,419</b>
Office Park	750	/T.S.F.G.F.A.	\$6,670	<b>\$5,336</b>	\$8,252	<b>\$7,426</b>	\$9,833	<b>\$9,341</b>	<b>\$11,414</b>
<b>Port/Industrial</b>									
Truck Terminal	030	/T.S.F.G.F.A.	\$2,140	<b>\$1,712</b>	\$2,889	<b>\$2,600</b>	\$3,639	<b>\$3,457</b>	<b>\$4,388</b>
General Light Industrial	110	/T.S.F.G.F.A.	\$3,116	<b>\$2,493</b>	\$4,022	<b>\$3,620</b>	\$4,929	<b>\$4,682</b>	<b>\$5,835</b>
General Heavy Industrial	120	/T.S.F.G.F.A.	\$671	<b>\$536</b>	\$866	<b>\$779</b>	\$1,061	<b>\$1,008</b>	<b>\$1,256</b>
Manufacturing	140	/T.S.F.G.F.A.	\$1,718	<b>\$1,374</b>	\$2,215	<b>\$1,994</b>	\$2,713	<b>\$2,577</b>	<b>\$3,210</b>
Warehouse	150	/T.S.F.G.F.A.	\$2,190	<b>\$1,752</b>	\$2,834	<b>\$2,550</b>	\$3,477	<b>\$3,303</b>	<b>\$4,120</b>
Mini-Warehouse	151	/T.S.F.G.F.A.	\$1,155	<b>\$924</b>	\$1,482	<b>\$1,334</b>	\$1,810	<b>\$1,719</b>	<b>\$2,137</b>
Utilities	170	/T.S.F.G.F.A.	\$3,044	<b>\$2,435</b>	\$3,878	<b>\$3,490</b>	\$4,712	<b>\$4,476</b>	<b>\$5,546</b>

\* Abbreviations used in the "Unit" column:

T.S.F.G.F.A. = Thousand Square Feet Gross Floor Area

T.S.F.G.L.A. = Thousand Square Feet Gross Leaseable Area

V.F.P. = Vehicle Fueling Position