

CITY OF LA PINE

RESOLUTION NO. 2024-14

**A RESOLUTION OF THE CITY OF LA PINE ADOPTING A POLICY FOR PARTIAL AND FULL
TRANSPORTATION SYSTEM DEVELOPMENT CHARGE EXEMPTIONS**

WHEREAS, on August 26, 2020, the City of La Pine ("City") City Council adopted Resolution No. 2020-08, adopting a system development charge (SDC) methodology and schedule of SDC fees for the City's transportation system; and

WHEREAS, Resolution No. 2020-08 adopted the Transportation System Development Charge Update, June 2020, prepared by Donovan Enterprises, Inc.; and

WHEREAS, Deschutes County Resolution 2023-020 identifies a methodology for partial and full transportation SDC improvement fee exemptions; and

WHEREAS, by adoption of this Resolution 2024-11 (this "Resolution"), the Council desires to adopt a methodology similar to that available in the greater Deschutes County to allow for full or partial transportation improvement fee exemptions.

NOW THEREFORE, the City of La Pine resolves as follows:

1. **Findings.** The above-stated findings are hereby adopted as support for the existing use exemption adopted herein.
2. **Definitions.**
 - a. "Building" shall mean any structure, built for the support, shelter or enclosure of Persons, chattels or property of any kind.
 - b. "Building Permit" shall mean an official document or certificate authorizing the construction or siting of any building.
 - c. "Capital Improvement" shall mean a public facility or asset used for transportation in the City of La Pine.
 - d. "City" shall mean City of La Pine, Oregon.
 - e. "Development" shall mean a building or other land construction, or making a physical change in the use of a structure or land, in a manner which increases the usage of any capital improvements or which may contribute to the need for additional or enlarged capital improvements.
 - f. "Improvement Fee" shall mean the portion of the City's transportation SDC calculated to pay for costs associated with capital improvements identified in the City's CIP.
 - g. "Owner" shall mean the Person holding legal title to the real property upon which development is to occur.
 - h. "Person" shall mean an individual, a corporation, including without limitation, limited liability corporation, a partnership, an incorporated association, or any other similar entity.

- i. "Reimbursement fee" means a fee for costs associated with capital improvements constructed or under construction by the City on the effective date of this resolution.
- j. "System Development Charge" or "SDC" shall mean a reimbursement fee, an improvement fee, or a combination thereof and an administrative recovery charge, assessed or collected at the time of increased usage of a capital improvement or issuance of an occupancy permit. System development charges are separate from and in addition to any applicable tax, assessment, fee in lieu of assessment, or other fee or charge provided by law or imposed as a condition of development.

3. Existing Uses.

a. Existing Use Exemption

- 1. If construction, alteration, expansion, replacement, or change-of-use results in an increase in the calculated number of peak hour trips generated by the development or the property on which the development is located, as compared to the pre-development number of calculated peak hour trips, then the increased use requires payment of a transportation SDC. The SDC to be paid shall be the difference between the calculated trips generated from the proposed development and the calculated trips generated from the property prior to the construction, alteration, expansion or replacement. If the change in use decreases peak hour trips, as compared against the peak hour trips of the pre-development use, no new or additional transportation SDC shall be assessed and no refund or exemption shall apply.
- 2. If transportation SDCs were never paid for the pre-development or prior use of the property and such development or use has been abandoned for over two (2) consecutive years, then no consideration of existing use shall occur and the full or partial exemption authorized by Section 3.a.1 of this Resolution shall not apply. However, if the prior development or use of the property was discontinued due to fire or natural disaster, then the two-year abandonment allowance set above will increase to ten (10) consecutive years.
- 3. Previously paid SDCs shall be credited to the property regardless of any period of abandonment. The credit shall be based on the number of peak hour trips generated by the development at the time of original SDC assessment.

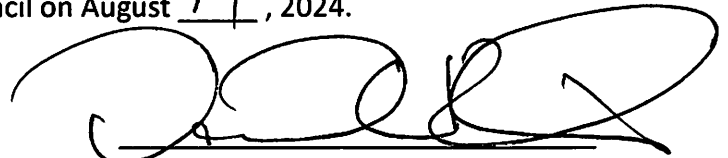
b. Existing Commercial Use Exemption Transfers

Commercial uses established and in continued existence for ten (10) years prior to the effective date of Resolution No. 2020-08 are entitled to a one-time transfer of any existing transportation SDC exemption associated with the existing use's peak hour trips to a

new property where the existing use will continue or expand. The SDC to be paid for development on the new site shall be the difference between the calculated trips generated by the proposed development and the calculated trips generated by the existing use at its original site. If the continued use at the new site will decrease peak hour trips, as compared against the peak hour trips of the existing use, then no new or additional SDC shall be assessed, and no refund or exemption SDC credit shall be granted. Any such requested transfer granted by the City must be used within one (1) year or will be forfeited. Further, upon transfer grant, the existing site of a qualifying use will lose its exempt status and will be subject to full SDCs at the time of construction, alteration, expansion, replacement, or change-of-use, with no offset.

4. Miscellaneous. The provisions of this Resolution are severable. If any section, subsection, sentence, clause and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or constitutionally of the remaining portion of will (a) yield to constriction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity enforceability, and/or constitutionality of the remaining portion of this Resolution. This Resolution will be in full force and effect from and after its passage and adoption.

APPROVED and ADOPTED by the La Pine City Council on August 14, 2024.



Daniel Richer, Mayor

ATTEST:



Amanda Metcalf, City Recorder