

RESOLUTION NO. 16-04

A RESOLUTION GRANTING AN EXTENSION OF AN SDC CARRY-FORWARD FOR THE HILLTOP MALL

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, ORS Chapter 223 authorizes cities and counties to adopt system development charges (SDCs) to allow cities to recover from new development a fair share of the costs of existing and planned facilities that provide capacity to serve new growth; and

WHEREAS, the City of Oregon City has adopted an SDC program in Oregon City Municipal Code Chapter 13.20, including the ability of new developers to obtain SDC credits and to carry those credits forward to use on new projects; and

WHEREAS, OCMC Chapter 13.20 allows credit carry-forwards to be granted when the amount of an SDC credit approved exceeds the amount of an SDC assessed on a particular development; and

WHEREAS, OCMC limits the length of a credit carry-forward to five years, but does not address whether further extensions can be granted for credit carry-forwards; and

WHEREAS, on November 10, 2010, the Planning Division of the City of Oregon City issued a Notice of Planning Commission Land Use Decision approving the Hilltop Mall Concept Plan which at the time was identified as a 20-year plan; and

WHEREAS, in 2011, the Hilltop Mall began making improvements on their property that resulted in an SDC that exceeded the amount of SDC assessed for transportation improvements, resulting in a credit carry-forward for Hilltop Mall that will expire on February 22, 2016; and

WHEREAS, Hilltop Mall has used a portion of its credit carry-forward, but a portion of the credit carry-forward has not yet been used; and

WHEREAS, Hilltop Mall has a project that is in process but will not be ready to obtain permits prior to the expiration of the credit carry-forward; and

WHEREAS, the Hilltop Mall is five years into their established 20-year concept plan and is in the process of obtaining financing as well as planning and building permit approval; and

WHEREAS, the City recognizes the investment of Hilltop Mall in Oregon City and wishes to extend the credit carry-forward for a period of five years in order to allow the Hilltop Mall to complete the project that is currently planned; and

WHEREAS, extension of SDC credits for a total of ten years is in line with OCMC Chapter 13.20.050, SDC reduction or reimbursement, which allows SDC credits to be valid for ten years following the redevelopment of a property.

NOW, THEREFORE, OREGON CITY RESOLVES:

Section 1. The City Commission hereby extends the credit carry-forward granted to Hilltop Mall for five years with an expiration date of February 22, 2021.

Section 2. This resolution shall take effect immediately.

Adopted, signed and approved this 3rd day of February 2016.

DAN HOLLADAY, Mayor

Attested to this 3rd day of February 2016,

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

GSB:7502062.1