

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: A Resolution Amending the Site Development Division Application, Review and Inspection Fees Schedule to Establish Open Air Beaverton Program Fees Pursuant to Beaverton Code Chapter 7.06, and Repealing Resolution 4684

FOR AGENDA OF: 11-02-21 **BILL NO:** 21274

CITY MANAGER'S APPROVAL: Jenny Haruyama

DEPARTMENT OF ORIGIN: CDD Cheryl Twete

DATE SUBMITTED: 10-22-21

CLEARANCES: City Attorney MKS
 Finance PO
 Development CP
 Site Dev M

PROCEEDING: PUBLIC HEARING

EXHIBITS: 1. Resolution

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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RECOMMENDED ACTION:

City Council listens to staff presentation on new Open Air Beaverton permit fees, holds a public hearing, and adopts a Resolution Amending the Site Development Division Application, Review and Inspection Fees Schedule to Establish Open Air Beaverton Program Fees Pursuant to Beaverton Code Chapter 7.06, and Repealing Resolution 4684.

ISSUE STATEMENT SUMMARY:

The recently adopted Open Air Beaverton (OAB) program, which provides permits for businesses to expand outdoors, will take effect on November 4, 2021. City Council needs to adopt fees for the program. Staff will present the recommended fees to start the new permit program. Upon conclusion, City Council will be requested to hold a public hearing and deliberate on whether to adopt the recommended fees.

HISTORICAL PERSPECTIVE:

On October 5, 2021, City Council approved the creation of a new permit program, the Open Air Beaverton (OAB) program that provides permits for businesses to expand outdoors into public on-street parking, private parking lots, and/or public sidewalks. The OAB program will take effect 30 days after adoption, or November 4, 2021. This program built upon the foundation of a 2019 Street Seat pilot project that included one on-street structure within Old Town, as well as the 2020 temporary Open Air Beaverton Recovery Program, which was put in place in wake of business shutdowns due to the COVID-19 pandemic. As adopted, the program states it will have an application fee, as well as a renewal fee, both set by resolution of the City Council.

City Council and staff will be having a future conversation about fee philosophy regarding temporary use of the right of way. In addition to the Open Air Beaverton program, other temporary uses of the right of way can include construction uses, roadway and sidewalk closures, container storage, etc. Given the state of today's economy, the struggle Beaverton's small businesses are experiencing, and the reasons Council chose to adopt Open Air Beaverton, staff is not recommending a discussion concurrently. Instead, staff is recommending Council consider a nominal fee for both a first-time application fee, and the annual renewal fee, with the understanding that a review of these fees be done in 2023, i.e., after the program has had time to be in effect long enough for a full cycle to occur, for lessons to be learned about items such as how much staff time it takes to review applications, and for the pandemic and Beaverton's economic situation to be positive and stabilized.

Therefore, staff is recommending the following fees be added to the Site Development Division Application, Review and Inspection Fees (Fee Schedule) for the Open Air Beaverton program, again with the understanding that they will be re-reviewed in 2023:

OPEN AIR BEAVERTON FEES	
Application Fee	\$100.00
Renewal Fee	\$100.00
Moving Fee	At Cost
Appeal Fee	\$500.00

All other fees in the Fee Schedule shall remain the same.

COMMUNITY VISION/COUNCIL PRIORITIES/EQUITY & CLIMATE GOALS:

Beaverton Community Vision:

- Goal Area: Build Community, Target: Enhance and diversify the city's dining, shopping and entertainment portfolio
- Goal Area: Vibrant Downtown, Target: Create a recognizable, vibrant, walkable mixed-use downtown
- Goal Area: Enhance Livability, Target: Foster a diverse and vibrant economy

FOR MORE INFORMATION:

Contact Megan Braunsten at mbraunsten@beavertonoregon.gov.

RESOLUTION NO. 4758

A RESOLUTION AMENDING THE SITE DEVELOPMENT DIVISION APPLICATION, REVIEW AND INSPECTION FEES SCHEDULE TO ESTABLISH OPEN AIR BEAVERTON PROGRAM FEES PURSUANT TO BEAVERTON CODE CHAPTER 7.06, AND REPEALING RESOLUTION 4684

WHEREAS, Beaverton Code (BC) 9.05.032 provides that the City may charge and collect filing and other fees as established by Council resolution in order to defray expenses incurred in connection with the processing of applications, preparation of reports, publications of notices, issuance of permits and other matters; and

WHEREAS, Resolution No. 4684 established fees for site development applications, permits, and other related processes pursuant to BC 9.05.032; and

WHEREAS, the City Council adopted by ordinance the Open Air Beaverton Regulations codified in BC Chapter 7.06 on October 5, 2021; and

WHEREAS, BC Chapter 7.06 provides that application fees, renewal fees, and other fees for Chapter 7.06 are established by resolution of the Council; and

WHEREAS, the Council now desires to update the Site Development Division Application, Review, and Inspection Fees (Site Development Fees) by establishing Open Air Beaverton fees; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:

Section 1: Fees Adopted. The Site Development Division Application, Review & Inspection Fees, which include the new Open Air Beaverton fees are adopted as set forth in **Exhibit A**, which is attached and incorporated by this reference.

Section 2: Repeal. Resolution 4684, adopted by the Council on December 1, 2020, is repealed.

Section 3: Effective Date. This Resolution shall take effect November 4, 2021.

Adopted by the City Council this _____ day of _____, _____.

Signed by the Mayor this _____ day of _____, _____.

Ayes: _____ Nays: _____

ATTESTED:

SIGNED:

CATHERINE JANSEN, City Recorder

LACEY BEATY, Mayor

EXHIBIT A – RESOLUTION NO. 4758

SITE DEVELOPMENT DIVISION APPLICATION, REVIEW & INSPECTION FEES

City Staff will inform you of the application & permit fee

Updated November 4, 2021

Research Fee	\$ 75.00
FEMA Floodplain Elevation Determination Fee (per tax lot)	\$ 50.00
Floodplain, Floodway and Wetland Modification Fee	\$ 750.00 per permit
House Move Permit Fee	\$ 200.00 per section
Re-Inspection Fee (mandatory for stop work order removal)	\$ 100.00
Right-of-Way (ROW) and Facilities (FC) Permit Application Fee	\$ 100.00
Individual tree cut (<i>street tree</i>); sidewalk repair, replacement, or installation; street cut	
Site Development Review of Building Permit Plans Fee	\$ 75.00 per permit
Legal Documents-Easement, Release, Private Stormwater Agreement	\$ 300.00 per document
Includes review of standard submittals and recording	
Small Wireless Facility Application Deposit*	\$ 3548.00
*Pursuant to ORS 227.175(10), if a land use decision has not previously been heard in a public hearing format, the fee for an appeal of that decision cannot be adopted by Resolution No. ____	
Modification of Standard Forms Fee	\$ 500.00 per page
Technical and legal review for modification request	
Design Exception Request (single item)	\$ 500.00 per request
Site Development Application Fee	
For sites less than 1 acre and/or 3 residential units or less	\$1,150
For site greater than 1 acre and/or 4 residential units or more	\$3,150 plus
(partial acre is increased to next whole acre, e.g. 1.1 acres = 2 acres)	\$300 per whole acre

SITE DEVELOPMENT PERMIT FEES**Site Development, ROW, and FC Permit Fee (payment prior to permit issuance):**

The applicant shall pay a permit fee based on the final construction cost estimate prior to permit issuance as determined below.

<u>Construction Cost Estimate</u>	<u>Fee</u>
\$0 - \$10,000	7.5 percent of value
\$10,000 - \$100,000	\$750.00 plus 10 percent of value over \$10,000
\$100,000 - \$500,000	\$9,750.00 plus 8 percent of value over \$100,000
Over \$500,000	\$41,750.00 plus 5.5 percent of value over \$500,000

EROSION CONTROL FEES

<u>A. Erosion control with a building permit:</u>	<u>Fee</u>
\$0 to \$25,000	\$75
\$25,001 to \$50,000	\$100
\$50,001 to \$100,000	\$150
\$100,001 and above	\$150 plus \$125 per \$100,000 of the fraction thereof exceeding the first \$100,000
<u>B. Erosion Control with no building permit</u>	<u>Fee</u>
0 to 0.99 acre	\$350
1 acre and greater	\$350 plus \$200/acre or fraction thereof

OPEN AIR BEAVERTON FEES

	Fee
Application Fee	\$100
Renewal Fee	\$100
Moving Fee	At cost
Appeal Fee	\$500

TECHNOLOGY FEE

	Fee
Assessed on all applications and permits	3.5 percent of total fee(s)

NON-REFUNDABLE – ALL FEES ARE NON-REFUNDABLE