



# CITY OF BEAVERTON

## CITY ORDINANCES

**ORDINANCE** #3758 - CODE - AMENDS BC 4.06.010(e), 4.06.040,

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4.07.020-030 & .050 ADDED BY ORD 3686 & 3687 -SYSTEMS DEVELOPMENT  
AND UTILITY FEES FOR STORM DRAINAGE

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# CODE

ORDINANCE NO. 3758

**AN ORDINANCE AMENDING BEAVERTON CODE  
SECTIONS 4.06.010(e), 4.06.040, 4.07.020 -.030 AND .050  
AS ADDED BY ORDINANCE 3686 AND 3687 RELATING TO SYSTEMS  
DEVELOPMENT AND UTILITY FEES FOR STORM DRAINAGE,  
ADDING NEW PROVISIONS, AND DECLARING AN EMERGENCY.**

WHEREAS, the Council finds that the development and redevelopment of real property in the City, as those terms are defined in Section 4.07.010 of the Beaverton Code, create a demand on the City's storm water drainage system capacity; and

WHEREAS, the Council now finds that the cost of additional capacity in the storm drainage system incurred by development and redevelopment of property, exceeds the cost set out in §1 of Ordinance 3687 and §1 of Ordinance 3686, now codified as Beaverton Code §4.06.010(e) and §4.07.030, respectively, and that the computation performed by the Unified Sewerage Agency of Washington County in Resolution and Order No. 90-32 is more accurate and should be adopted; and

WHEREAS, the Council finds that Administrative Rules adopted by the Oregon Department of Environmental Quality for water quality in the Tualatin River basin, make it necessary and desirable to impose system development fees in lieu of a developer's construction of storm water detention quality and quantity control facilities when the City Engineer deems off-site or regional-scale construction of same to be more appropriate; and

WHEREAS, the Council desires to make clear that the system development charge for storm drainage is incurred only when a person elects to develop or redevelop property and thereby creates demand for additional capacity, and that the charge thus lies on the act of development or redevelopment (as defined in Code §4.07.010) and not as a tax on the underlying property; and

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WHEREAS, the Council by its Resolution No. 2990 authorized an agreement with Washington County to jointly administer a program of storm drainage operation and maintenance and to impose and collect the County's monthly fee for that utility, and the County's fee as described in its Resolution and Order 90-24 thus should be incorporated in Beaverton Code §4.06.040; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

Section 1. The Council adopts the methodology set out in Section 9 of Ordinance 19 of the Unified Sewerage Agency of Washington County for determination of a systems development charge for storm drainage. The Council may adopt a more detailed methodology as it deems necessary or desirable from time to time.

Section 2. The Council adopts the methodology set out in the Oregon Department of Environmental Quality's Administrative Rule 340-41-006 and 340-41-455 for determination of a systems development charge in lieu of storm water detention quantity and quality control facilities. The Council authorizes the City Engineer in his discretion to determine when imposition of either or both charges in lieu of a developer's construction of similar facilities on the site of the development, is necessary or desirable.

Section 3. Beaverton Code §4.060.010(e) is hereby amended to read as follows:

"(e) Equivalent Dwelling Unit (EDU) - a use of property that places approximate equal demand on the storm drainage system as a single dwelling unit. Two thousand six hundred forty (2640) square feet of impervious surface area is equal to one EDU."

Section 4. Beaverton Code §4.06.040 is hereby amended to read as follows:

"4.06.040 Schedule of Charges. The following are the monthly charges imposed for storm drainage on the categories of property shown:

|   |         |
|---|---------|
| Single dwelling unit (DU) per month:  | \$3.00  |
| Multiple dwelling unit per EDU, to the nearest 0.1 EDU per month:   | \$3.00  |
| Commercial per EDU, nearest 0.10 per month:   | \$3.00  |
| Improved premises or lots not otherwise subject to the above fees per EDU, to the nearest 0.10 per month: | \$3.00  |
| Minimum charge for all improved properties, per month:  | \$3.00" |

Section 5. Beaverton Code §4.07.020 is amended to read as follows:

"4.07.020. Systems Development Charge Imposed.

A. There is imposed on the act of development or redevelopment of real property in the City a systems development charge for storm drainage, due and payable at the time of application for a building permit for that development or redevelopment.

B. A person who constructs a qualified public improvement, as defined in ORS 223.304(3), may make written application to the City for a credit against the systems development charge for storm drainage. The City Engineer shall recommend the amount of the credit to the Council, whose determination of same shall be final. In no case shall the credit exceed the storm drainage systems development fee otherwise due for the development or redevelopment in question."

Section 6. Beaverton Code §4.07.030 is amended to read as follows:

"4.07.030. Method of Computation. The Council finds that a charge of \$375 for a single dwelling unit and \$375 for each equivalent dwelling unit, the latter to be measured and the charge pro-rated to the nearest one-tenth increment, represents a fair and reasonable proportion of the cost of capital improvements projected as additional capacity in the City's storm drainage system incurred by the act of development or redevelopment."

Section 7. Beaverton Code §4.07.050 is hereby amended to read as follows:

"4.07.050. Lien for Unpaid Charges. There hereby is imposed a lien upon all property within the City for which the property's owner or the owner's agent with authority has applied for permission to develop and redevelop and for which the charges for storm drainage imposed by this ordinance, as amended from time to time, are payable in installments under the Bancroft Bonding Act, per ORS 223.208 (1989 version), and are delinquent. In such case the Council declares that the City's lien for the delinquent payments shall constitute a first lien on the property, prior and superior to any and all other liens. In all other cases the charges shall constitute a joint and several personal obligation and liability of the applicant and of the person on whose behalf a permit for development or redevelopment is sought. Nothing in this section is intended to limit or deny any and all other remedies that may be available to the City for collection of those charges."

Section 8. There is added a new provision of the Beaverton Code relating to systems development charges for storm drainage, to be numbered and to read as follows:

"4.07.040. Systems Development Charge in Lieu of On-Site Storm Water Detention Quality and Quantity Control Facilities.

A. There is imposed on all development or redevelopment of property for which the City Engineer determines construction of on-site storm water detention quality or quantity control facilities to be not necessary or desirable, a systems development charge in lieu of construction of either or both such facilities by the developer.

B. The Council adopts the methodology of the Unified Sewerage Agency of Washington County and finds that the amount of \$375 per equivalent dwelling unit (EDU) in lieu of construction of either a storm water quality or quantity control facility, and the amount of \$562 per EDU in lieu of construction of both facilities, represents a fair and reasonable estimate of the current, prorated cost for the City to provide storm water quality and quantity control facilities for the (re)development of the property in question.

C. The fee amounts set out in subsection B of this section shall be reduced in proportion to the ratio of the site's average run-off coefficient (Rv) to 0.70, as determined according to the equation in Oregon Administrative Rule 340-41-455(e).

D. A person who constructs on-site storm water quality or quantity control detention facilities or both, as allowed by the City Engineer under this Ordinance, shall not thereby be entitled to a credit against storm water or other systems development charges otherwise due for the act of development or redevelopment.

E. The Council authorizes the Mayor in his discretion to accept real property rights having an appraised fair market value equal to or greater than the fee(s) in lieu of on-site construction of storm water quality or quantity control detention facilities, in place of the fee(s) for same otherwise due from the act of development or redevelopment."

Section 9. The Council finds that the public interest requires prompt measures to assure a source of funds adequate to construct public improvements for storm drainage made necessary by the development and redevelopment of property, and thereby declares an emergency to exist. This Ordinance shall take effect immediately on its passage.

First reading this 19<sup>th</sup> day of November, 1990.  
Passed by the Council this 19<sup>th</sup> day of November, 1990.  
Approved by the Mayor this 20<sup>th</sup> day of NOVEMBER, 1990.

ATTEST:

Ann L. Johnson  
ANN L. JOHNSON, City Recorder

APPROVED:

Larry D. Cole  
LARRY D. COLE, Mayor