ORDINANCE No. 186992

*Amend Bureau of Development Services fee schedule to add a Peer Review Fee (Ordinance; amend Policy ENB-14.01)

The City of Portland Ordains:

Section 1. The Council finds:

1. The Bureau of Development Services (BDS) promotes safety, livability, and economic vitality through efficient and collaborative application of building and development codes.

2. In 1988-89, the Development Services Operating Fund was established with a policy that construction-related programs in the fund would be fully self-supporting. Since that time, BDS has kept these programs self-supporting by providing efficient, effective services and by periodic, moderate fee increases that allow the Bureau to respond to increasing costs and to be innovative and proactive in meeting changing customer needs.

3. The Bureau of Development Services collects fees under various fee schedules, including building, land use, neighborhood inspections, plumbing, signs, site development, and others. These fees are used by BDS to fund inspections, plan review, permit issuance, land use review, code enforcement, customer assistance, and other functions.

4. Fees charged for services delegated from the State Building codes Division (BCD) must be used to cover the costs of administering and enforcing the State Building Code only, and may not be used to cover the costs of administering and enforcing local codes.

5. Fees charged by the Bureau of Development Services should cover the costs of providing the services. Generally, BDS does not make across-the-board changes to fees, but selectively changes fees in order to more closely match them to the costs of the services provided.

6. The City of Portland has received inquiries about building projects proposing to use Performance Based Design procedures, particularly for the design of alternate Lateral-Force Resisting Systems to meet seismic loads. Structures planned using Performance Based Design typically utilize Lateral-Force Resisting Systems comprised of concrete shear walls that exceed 240 feet in height. A Performance Based Design methodology may also be used to meet other types of building load requirements (such as gravity loads), and be applied to structures less than 240 feet in height.

7. Section 104.11 of the 2014 Oregon Structural Specialty Code (OSSC), adopted by reference under section 24.10.040 of the City of Portland Building Regulations, requires the Building Official to approve alternative design and construction methods not specifically prescribed in the OSSC where the Building Official finds that the "material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in [the OSSC]."

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8. Section 1.3.1.3 of The American Society of Civil Engineers Minimum Design Loads for Buildings and Other Structures, (ASCE 7-10), and referenced in Chapter 35 of the 2014 OSSC, requires that, where Performance Based Design and other alternative structural design procedures are used, the analysis, testing, and calculation used to demonstrate compliance shall be subject to an independent Peer Review approved by the authority having jurisdiction.

9. The Peer Review Fee will provide cost recovery to the Bureau of Development Services when the Bureau contracts with qualified engineering professionals to provide Peer Reviews for permit applications requiring them.

10. The Bureau of Development Services has been proactive in informing and seeking input from Bureau customers regarding the need and rationale for the Peer Review Fee. The Bureau has published information about the proposed fee changes on its website and in the Plans Examiner newsletter. The Bureau of Development Services' Development Review Advisory Committee (DRAC), which is composed of representatives from various industry, neighborhood, and community groups, reviewed and recommended the fee changes. The Bureau has also informed the Structural Engineers Association of Oregon and provided notification to the Oregon Building Codes Division regarding the Seismic Peer Review Fee.

NOW, THEREFORE, the Council directs:

a. The Fee Schedule listed in exhibit A to this ordinance shall be effective January 28, 2015.

b. This ordinance is binding City policy.

Section 2.   The Council declares that an emergency exists because an imminent development project requires peer review with associated fee to move forward as planned; therefore, this ordinance shall be in full force and effect from and after its passage by Council.

Passed by the Council: JAN 2 8 2015

Commissioner Amanda Fritz
Prepared by: Andy Peterson, BDS
Date Prepared: January 28, 2015

Mary Hull Caballero
Auditor of the City of Portland
By _Susan Parsons_

Deputy

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ORDINANCE NO. 186992

Title

✱ Amend Bureau of Development Services fee schedule to add a Peer Review Fee (Ordinance), *amend Policy ENB-14.01*

INTRODUCED BY Commissioner/Auditor: **Commissioner Amanda Fritz**	CLERK USE: DATE FILED **JAN 23 2015**

COMMISSIONER APPROVAL

Mayor—Finance and Administration - Hales

Position 1/Utilities - Fritz *Amanda Fritz*

Position 2/Works - Fish

Position 3/Affairs - Saltzman

Position 4/Safety - Novick

BUREAU APPROVAL

Bureau: Bureau of Development Services
Bureau Head: Paul L. Scarlett

P. Scarlett

Prepared by: Leanne Torgerson
Date Prepared: 1/8/15

Financial Impact & Public Involvement Statement
Completed ☒   Amends Budget ☐

Portland Policy Document
If "Yes" requires City Policy paragraph stated in document.
Yes ☒   No ☐

City Auditor Office Approval:
required for Code Ordinances

City Attorney Approval:
required for contract, code, easement, franchise, comp plan, charter

Council Meeting Date **1/28/15, 9:45 TC**

Mary Hull Caballero
Auditor of the City of Portland

By: _____
Deputy

ACTION TAKEN:

AGENDA
TIME CERTAIN ☒ Start time: **9:45 TC** Total amount of time needed: **15 minutes** (for presentation, testimony and discussion)
CONSENT ☐
REGULAR ☐ Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	