

RESOLUTION NO. 77-2011

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
SETTING FEES FOR SERVICES.**

WHEREAS, the City of Milwaukie fee schedule is reviewed on an annual basis and changes are recommended to City Council based on labor costs and industry standards; and

WHEREAS, the City Council last revised the City of Milwaukie fee schedule on June 7, effective July 1, 2011; and

WHEREAS, the proposed fee schedule changes would implement code amendments to Title 19 of the Milwaukie Municipal Code (Land Use File ZA-11-01); and

WHEREAS, the proposed fee schedule changes would cover some costs of providing services to the public for which fees are charged and are not meant to generate excess income for the City above the cost of providing the requested service; and

WHEREAS, the City Council recognizes the special responsibility borne by owners of properties that include designated natural resource areas for protection of those resources as community assets; and

WHEREAS, the proposed fee schedule changes would waive the fees for certain land use applications that require minimal review by staff; and

WHEREAS, the proposed fee schedule changes would waive the fees for any land use application required by Milwaukie Municipal Code (MMC) Section 19.402 Natural Resources, if that application involves only a habitat conservation area (HCA) and not a water quality resource (WQR), if the application is for a residential property, and if the current property owner was the owner prior to the effective date of Ordinance #2036; and

WHEREAS, the proposed fee schedule changes would reduce the fees for land use applications solely focused on proposals to remove trees and for which Type III review is necessary as per MMC Section 19.402 Natural Resources; and

WHEREAS, fees are set by City Council resolution;

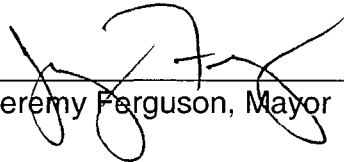
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Milwaukie, Oregon determines that the fees, herewith attached as "Fees & Charges," are effective 30 days from the date of adoption, and:

Section 1. City of Milwaukie fees and charges are revised as shown in Exhibit A (strikeout version) and adopted as shown in Exhibit B (clean version) as part of the official fee schedule of the City of Milwaukie.

Section 2. The fees imposed by this Resolution are not taxes subject to the property limitations of Article XI, Section 11(b) of the Oregon Constitution.

Section 3. All fees and charges not revised as shown in Exhibit A shall remain at their present amounts.

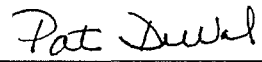
Introduced and adopted by the City Council on 8/16/11.



Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC



Pat DuVal, City Recorder



City Attorney

EXHIBIT A

PLANNING (Revised Res. #77-2011, adopted 8/16/11, effective 9/15/11)

Land Use Application Fees

Standard Applications

The following standard fees apply to all land use applications¹ not listed below. Some applications may require additional fees as described below under Additional Application Fees:

Type I Administrative Review	\$150
Type II Administrative Review	\$900
Type III Quasi-Judicial Review	\$1,700
Type IV Quasi-Judicial Review	\$3,500
Type V Legislative Review	\$3,500

Other Applications

Community Service Use—Minor Modification (Type I).....	\$25
Historic Resource Designation (Type IV)	\$150
Minor Land Partition (Type II)	\$2000

Natural Resource

• <u>Boundary Verification (Type I).....</u>	<u>\$0</u>
• <u>Construction Management Plan (Type I)</u>	<u>\$0</u>
• <u>Natural Resource Management Plan (Type I)</u>	<u>\$0</u>
• <u>Tree Removal Request (Type I).....</u>	<u>\$0</u>
• <u>Tree Removal Request (Type III).....</u>	<u>\$500</u>
• <u>All Other Type I, II, or III applications</u>	<u>Per Standard Application Fees (listed above)</u> <u>(Fees waived for applications that meet all 3 of the following criteria: (1) the application involves only a habitat conservation area (HCA) and not a water quality resource (WQR), (2) the property is used for residential purposes, and (3) the current owner was the owner prior to September 15, 2011, the effective date of Ordinance #2036, pursuant to Resolution #77-2011.)</u>
Planned Development—Preliminary Plan Review (Type III)	\$4400
Planned Development—Final Plan Review (Type IV)	\$5700
Property Line Adjustment (Type I).....	\$650
Subdivision—Preliminary Plat Review (Type III)	\$4400 + \$100 per lot over 4 lots
Temporary Structure (Type I)	\$50

Annexations

Annexation (Expedited)	\$150
Annexation (Nonexpedited: No Zone Change or Comp Plan Amendment).....	\$150
Annexation (Nonexpedited: Zone Change only)	\$500
Annexation (Nonexpedited: Zone Change and Comp Plan Amendment).....	\$3500

Appeals

Appeal to Planning Commission.....	\$500
(Fees waived for NDA-sponsored appeals, pursuant to Resolution #26-1999)	
Appeal to City Council	\$1000
(Fees waived for NDA-sponsored appeals, pursuant to Resolution #26-1999)	

Additional Application Fees

The following fees apply in addition to Land Use Application fees:

Measure 56 Notice (for Zoning Map or Text Amendment)	Actual Cost (\$1 per affected property, \$35 minimum)
Reserve deposit	\$500
Technical Report Review:	
• Scope of Work Preparation	Actual Cost ²
Reserve deposit.....	\$1,000
• Review of Technical Report	Actual Cost ³

¹ For a complete list of land use application types, see Milwaukie Municipal Code Table 19.901.

² Actual cost to be determined by Planning Director or Engineering Director by estimating the cost of City staff time and resources dedicated to the project. See more information under Deposit Information.

Reserve deposit:	
Traffic	\$2,500
Water Quality <u>Natural Resources</u>	\$2,000
All others	\$1,000

Deposit Information

In some cases, reserve deposits are collected to ensure that the City’s actual expenses are covered. Deposits will be refunded relative to actual costs, and additional money may be required if actual costs exceed the deposit amount. This applies only to reserve deposits—base fees are nonrefundable.

Discounts for Land Use Applications

- Two or more applications No discount for most expensive application, 25% discount for all others.
 (This discount applies to applications which relate to the same unit of land and which will be reviewed and decided concurrently.)
- Senior citizens 10% discount
 (Seniors must be at least 65 years of age, and must be the property owner.)
- Low income citizens..... 25% discount
 (Low-income citizens may qualify for reduced fees by filing the same application used to apply for reduced sewer and water rates.)
- NDA-sponsored land use applications related to parks Fees waived

Other Planning Fees

Early Assistance

- Preapplication Meeting \$100 (\$50 applied to subsequent land use application fee)
 (Applies to optional meetings attended by a maximum of 2 City staff. No written notes provided.)
- Preapplication Conference \$200 (\$100 applied to subsequent land use application fee)
 (Applies to required or optional meetings that require 3 or more City staff. Written summary notes provided 2 weeks after meeting.)
- Preapplication Conference—Transportation Facilities Review \$100
 (Additional meeting required to discuss Transportation Impact Study.)
- Design Review Consultation with Design and Landmarks Committee \$800

Special Requests

- Planning Commission Approval for Bee Colonies \$500
- Property Value Reduction Claims (pertaining to Measures 37 or 49) \$1,515
 (Fee will be refunded if applicant prevails. If claim is denied, additional money may be required to cover contract-attorney or appraiser costs, as determined by City Manager.)
- Significant Modification of Complete Land Use Application \$500
- Reschedule of Public Hearing at Applicant’s Request (when re-notification required) \$500
- Temporary Occupancy Request..... \$100
- Time Extension of Previously Granted Land Use Approval (Title 17 only) \$50
- Zoning Confirmation (General)..... \$50
- Zoning Confirmation (DMV Permit, LUCS)..... \$25

Permit Review and Inspections

- Building Permit Review and Inspections (Minor; e.g., Demolition, Erosion Control, etc.)..... \$25
- Building Permit Review and Inspections (Major)..... \$200
- Additional Planning Inspection Fee \$50
- Modifications to Building Permit during Review \$100
 (Fee applies to site plan revisions generated by applicant, not those required by staff during review process.)
- Sign Permit Review (per sign) \$100
- Sign Permit Review (Daily Display or “sandwich board” sign) \$150
- Tree Permit (major pruning or removal of trees in the public right-of-way) \$80

³ Actual cost to be determined by Planning Director or Engineering Director by estimating the cost of City staff time and resources dedicated to the project. See more information under Deposit Information.

Materials

Many materials are available online for free at <http://www.ci.milwaukie.or.us/planning/planning-documents-ordinances-plans-and-guidelines>. Contact Planning staff for additional information.

Zoning Ordinance	\$25
Comprehensive Plan	\$15

Comprehensive Plan or Zoning Ordinance Map:

- 11x17 handout (Black & White/Color)..... No charge/\$2
- GIS maps (e.g., Zoning Map)..... Full sheet \$45; see Engineering fees for other sizes

Comprehensive Plan ancillary documents: (most not available online)

• Ardenwald Park Master Plan.....	\$2
• Downtown and Riverfront Land Use Framework Plan.....	\$25
• Elk Rock Island Natural Area Management Plan.....	\$8
• Furnberg Park Master Plan	\$5
• Homewood Park Master Plan	\$1
• Johnson Creek Resources Management Plan	\$15
• Lake Road Multimodal Plan	\$8
• Lewelling Community Park Master Plan	\$1
• North Clackamas PFP.....	\$25
• Town Center Master Plan	\$15
• Scott Park Master Plan	\$2
• Spring Park Master Plan	\$5
• Springwater Corridor Master Plan.....	\$8
• Transportation System Plan	
Full Document.....	49
Executive Summary.....	\$15
CD \$3.50	
• Water Tower Park Master Plan.....	\$2
• Wichita Park Master Plan.....	\$2
• Vision Statement (one page).....	No charge

Sign Ordinance	\$5
Land Division Ordinance	\$5
Downtown Design Guidelines (Black & White/Color)	\$10/\$35
Downtown and Riverfront Public Area Requirements	\$15
Other informational handouts (10 pages or less)	No charge
Other informational handouts (over 10 pages).....	At cost

Penalties⁴ (each day that a violation exists is a separate offense)

Violation of Sign Ordinance (Title 14) (Ord. #1965, adopted 2006, and Ord. #1733, adopted 1993).....	up to \$100
Unpermitted tree cutting in the public right-of-way (Title 16) (Ord. #1836, adopted 1998)	\$150 to 500
Violation of Land Division Ordinance (Title 17) (Ord. #1907, adopted 2002).....	\$200
Violation of Zoning Ordinance (Title 19) (Ord. #2025, adopted 2011)	up to \$200

⁴ All violations of the Municipal Code are additionally subject to the Code Enforcement abatement fee and the general penalty for third or subsequent violations. See the **Code Enforcement** section for complete information.

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