

RESOLUTION NO. 13-23

A RESOLUTION MODIFYING THE PLANNING FEE SCHEDULE TO INCLUDE ADDITIONAL FEES AND AMENDING RESOLUTION NUMBER 10-19

WHEREAS, Oregon City exercises land use planning and permitting authority pursuant to the Statewide Planning Goals, ORS Chapters 197 and 227 and the City's acknowledged Comprehensive Land Use Plan and adopted land use regulations;

WHEREAS, Oregon City Municipal Code section 17.50.290 authorizes the City to adopt by resolution, and revise from time to time, a schedule of fees for applications and appeals;

WHEREAS, ORS 227.175 authorizes the City to set fees for processing land use applications and limited land use applications based on the actual or average cost of providing those services;

WHEREAS, the City has proposed additional fees as described in Exhibit 1;

WHEREAS, staff has applied consultant costs, salaries of staff personnel including all fringe benefits and administrative overhead, and an estimation of the time needed to review and process applications to determine the actual or annual cost to review the requested application;

WHEREAS, staff relies on revenue from these fees to fund review and administration of applications;

WHEREAS, staff costs should include annual adjustment of the fees based on the consumer price index every year to account for inflation; and

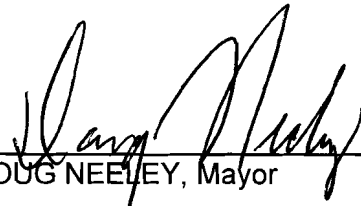
WHEREAS, the City Commission concludes that the City should recover, to the extent practicable, the actual cost of reviewing the applications.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1: The City hereby amends the Planning Fee Schedule adopted in Resolution 13-23 as set forth in Exhibit "2", to become effective September 18, 2013 as the Planning and Development Services Fee Schedule.

Section 2: The Planning and Development Services Fee Schedule shall be adjusted annually on January 1st based on the CPI-W for Portland, Oregon. Adjusted fees will be rounded to the nearest dollar.

Approved and adopted at a regular meeting of the City Commission held on the 18th day of September 2013.



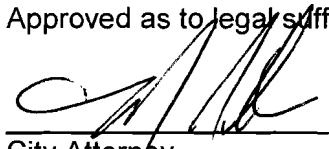
DOUG NEELEY, Mayor

Attested on this 18th day of September 2013:

Approved as to legal sufficiency:



Nancy Ide, City Recorder



City Attorney

Exhibits:

1. Fee Explanation
2. Fee Schedule

Exhibit 1

Proposed Fees to Add to the Planning Division Fee Schedule

The fees identified below are proposed to be added to the Planning Fee Schedule.

- **Public Improvement Modification**

Amount: \$340

Background: As required by the recent amendments to the Municipal Code, improvements to the public right-of-way are required for new construction or additions which exceed 50 percent of the existing square footage of all single and two-family dwellings. If the improvements identified in the Municipal Code are not appropriate for the site, a Type II application, including public notification (online, mailed and posted onsite) and a staff report is required.

When Utilized: A public improvement modification may be submitted when a property is required to install public improvements but the standard is not appropriate and the property is not currently undergoing a Type II review.

Example: Construction of a home on an existing vacant lot.

Rationale for Cost of Fee: The fee is based on a time estimate for 2.5 hours by a Planner (\$36.15 per hour), 1.5 hour by a Development Engineer (\$34.42 per hour) paid at top step and multiplied by 1.62 to capture benefits and a half hour of attorney fees (\$220 per hour). $((36.15 * 2.5) + (34.42 * 1.5)) * 1.62 + \$110 = \$340.05$. The total of \$340.05 was rounded to \$340.

- **Type III Parking Adjustment**

Amount: \$910

Background: Chapter 17.52 of the recent amendments to the Municipal Code specifies the process for a new review process to increase or decrease the required amount of off-street parking for uses other than a single or two family dwelling. The City's analysis of the applicant's parking study is included in this fee.

When Utilized: A Type III parking adjustment may be required in conjunction with a Site Plan and Design Review application when a reduction or increase in parking is needed.

Example: A commercial property would like to have fewer than the minimum parking standards onsite.

Rationale for Cost of Fee: The fee is based on a time estimate for 7 hours by a Planner (\$36.15 per hour) paid at top step and multiplied by 1.62 to capture benefits, 3 hours by the City's transportation consultant, John Replinger, (\$130 per hour) and a half hour of attorney fees (\$220 per hour). $(36.15 * 7 * 1.62) + (130 * 3) + \$110 = \$909.94$ The total was rounded to \$910.

- **Transportation Analysis Letter (TAL) Review**

Amount: \$450

Background: When development other than a single or two family dwelling occurs, it is

reviewed by the City's transportation consultant to determine a scope of traffic impact study required. When small developments occur, there may be a limited traffic analysis required in conjunction with the Site Plan and Design Review process.

When Utilized: A TAL review may be required when an applicant requests a small development in conjunction with Site Plan and Design Review which is not expected to create a significant impact to the transportation system.

Example: An office is proposing a 650 square foot addition which is not expected to create a significant amount of traffic.

Rationale for Cost of Fee: The fee is based on the average invoice received by the City for TAL review from the City's transportation consultant, John Replinger (3 hours at \$130 per hour), plus 1 hour by a Planner (\$36.15 per hour) paid at top step and multiplied by 1.62 to capture benefits. $(3*130)+(\$36.15*1.62)=\448.56 . The total was rounded to \$450.

- **Historic Review Board Appeal**

Amount: \$50

Background: The fee is identified in OCMC 2.28.070.E but has not been integrated into the Planning Fee Schedule.

When Utilized: When Historic Review Board decisions are appealed.

Example: A Historic Review Board appeal may be submitted in response to a Historic Review Board decision.

Rationale for Cost of Fee: The fee is identified in OCMC 2.28.070.E.

- **Type I Nonconforming Use Review** (see attached)

Amount: Identified on the Public Records Request Form.

Background: Chapter 17.58 of the Municipal Code identifies a process for property owners to submit a Type I application to confirm that a use, structure or lot is legally nonconforming. The fee identified on the fee sheet was calculated for a more extensive Type II review and is significantly more in cost. The City has not formally adopted a reduced fee for a Type I review, but has utilized the fee for a public information request for some time.

When Utilized: A Type I Nonconforming Use Review may be submitted if a property owner seeks to confirm that a use, structure or lot is legally nonconforming and has sufficient documentation to demonstrate compliance without discretion.

Example: A property owner seeks to confirm that a duplex within a single-family zoning designation is legally nonconforming.

Rationale for Cost of Fee: The fee is based on the fee for a public information request because the time and process to review such a request is similar.

- **Mailing Labels**

Amount: \$15

Background: Type II and Type III planning applications require a notice be mailed to all property owners within 300 feet of the development property. Applicants are required to provide mailing labels which they may obtain from title companies or the City. The City has not formally adopted a fee for the mailing labels.

When Utilized: Applicants may request the City provide mailing labels for Type II or Type III development applications rather than obtaining them from a title company.

Example: In association with a partition application.

Rationale for Cost of Fee: The fee is based on actual staff time to prepare the labels and the cost of the labels themselves.



2013 PLANNING FEE SCHEDULE

(EFFECTIVE OCTOBER 18, 2013)

All fees are subject to change by Resolution of the City Commission. The applicant is responsible for paying the application fee in effect at the time the **formal application** is submitted.

APPLICATION TYPE	FILING FEE
Appeal - Administrative (includes SDC)	\$250
Appeal - Historic Review Board	\$50
Appeal - PC Decision	\$3,345 Plus actual city attorney fees
Annexation Application // Election Deposit	\$4,164 \$3,000
Annexation Metro Mapping / UOM is Acre	<1 = \$150; 1-5 = \$250; 5-40 = \$300; >40 = \$400
Amendment to Comp Plan	\$4,229
Code Interpretation/Similar Use	\$1,005
Conditional Use	\$3,636
Expedited Land Division	\$3,966 plus \$397 per lot
Extension (Land Use Permit)	\$647
Geologic Hazards Review	\$833
Geo-Technical Review	\$571
Historic Review - Remodel	\$50
Historic Review - New Construction	\$50 plus 2.5% of construction cost, (max. \$1,000)
Historic Review - Demolition	\$265 < 1000SF \$660 > 999SF
Lot Line Adjustment	\$1,111
Mailing Labels	\$15
Master Plan (Concept Plan)	\$6,609 Type I Type II Type III
Master Plan (Amendment)	\$660 \$1,983 \$3,304
Modifications	50% of current application fee for application being modified
Minor Partition	\$3,794
Non-Conforming Use (Type I)	See Public Records Request Form
Non-Conforming Use/Compatibility Review (Type II)	\$793
Parking Adjustment (Type III)	\$910
Pre-Application Conference	\$528 Minor \$1,024 Major
Public Improvement Modification	\$340
Residential Design Standards	\$73
Sign Permit	\$168 plus 0.05 X sign construction cost
Sign Variance	\$1,216
Site Plan & Design Review - Minor	\$793
Site Plan & Design Review / Detailed Master Plan	
- Less than \$500,000	\$1,983 plus 0.007 X project cost
- \$500,000 to \$3,000,000	\$3,304 plus 0.005 X project cost
- Over \$3,000,000	\$11,237 plus 0.003 X project cost Max is \$52,710
Subdivision	\$3,966 plus \$330 per lot
Tree Replacement/Mitigation Fee	\$296 per tree
Variance (Administrative)	\$1,289
Variance (Hearing)	\$2,394
Natural Resource Review	
- Type I for Single/Two Family Lot	\$202
- Type I for Non-Single/Two Family Lot	\$404
- Type II or III for Single/Two Family Lot	\$939
- Type II or III for Non-Single/Two Family Lot	\$1,879
Willamette Greenway	\$1,466
Zone Change / Text Amendment	\$2,683
Measure 37 Application	\$1,000 Deposit, Applicant will be charged actual staff costs

2013 TRAFFIC IMPACT ANALYSIS (TIA) AND TRANSPORTATION ANALYSIS LETTER (TAL) FEE STRUCTURE

Land Use	Base Fee ¹	Large Study Area or Location near or Along Key Corridor ²	Conditional Use, Zone Change, or Master Plan ³	Meetings ⁴ Cost/Hr
Residential		\$654	\$1,962	\$130
0-50 units	\$1,047			
50+ units	\$1,309			
Non-residential		\$654	\$1,962	\$130
<50K ft ²	\$2,617			
50 to 100K ft ²	\$3,271			
>100K ft ²	\$3,925			
Transportation Analysis Letter (TAL) \$450				
Notes:				
1. Covers initial review. Each time supplemental information is submitted for review in association with a particular land use application, a supplemental review fee will be assessed at 50 percent of the base fee.				
2. Applies to study areas including more than three intersections/accesses and/or development located near or along congested corridors.				
3. Applies to developments involving a conditional use or zone change, or master plan.				
4. Charged on a time and material basis including travel and attendance time for pre-application meetings, site visits, planning commission meetings, and other meetings called by applicant or City staff to review issues associated with the development.				

Public Records Request

City of Oregon City
 625 Center St.
 Oregon City, OR 97045
 503-657-0891



Submit request to: City Recorder, Fax: 503-657-7026 or E-mail: recorder@orcity.org

Name: _____	Phone: _____
Address: _____	E-mail: _____
City/State/Zip _____	

Provide detailed description of documents requested: *(Attach additional sheet if needed)*

REQUESTOR TO READ AND SIGN UPON SUBMITTING REQUEST

I understand that every person has a right to inspect any public record of a public body in this state, except as otherwise provided by ORS 192.496 to 192.505. I understand that the documents or records requested may not be immediately available for my review and that I may need to make an appointment to review the documents or records. I acknowledge that there may be a cost for the research time to retrieve the requested records and costs for duplication of requested documents. If research time is required, I understand I will be notified of the estimated cost prior to retrieving the documents or records. I also understand that prepayment for research time and copies may be required. I acknowledge that any documents or records made available to review must not be disassembled and must be left intact, and that I cannot make copies myself.

 Signature of Requestor Date _____

Business Name *(if applicable)*: _____

FOR INTERNAL USE ONLY

Department: Planning Building Public Works Code Enf. Finance City Recorder Other _____

(See fee schedule for costs)

Copies: \$.50 ea. (first 20 pgs.)	# Copies made: _____	\$ _____
\$.25 ea. (21-50 copies)		
\$.15 ea. (50+ copies)		
Research fee <i>(first 1/2 hour no charge)</i> :	Length of time: _____	\$ _____
Other media or materials:		\$ _____
		\$ _____
		\$ _____
		\$ _____
		\$ _____

Receipt # _____ Total amount received \$ _____

Request Filled By: _____

RETURN THIS FORM TO CITY RECORDER

INSTRUCTIONS FOR REQUESTING PUBLIC RECORDS *

1. Requests must be in writing using the form provided. (Please note, the City will not create a new document in response to a records request.)
2. Submit request to the City Recorder, Nancy Ide, 625 Center Street, Oregon City, OR 97045, or by fax at 503-657-7026, or by e-mail at recorder@ci.oregon-city.or.us. Police records requests are processed through the Police Records Division. Contact the police records manager at 503-657-4964 for proper form.
3. The City shall respond to all requests as soon as practical and without unreasonable delay within five (5) business days or, within five (5) business days will explain why more time is needed for a full response.
4. If inspection of documents is preferred over copies, such inspection shall occur during normal business hours. An acceptable inspection time and place will be arranged between the requestor and the staff person. Space is provided for one person to inspect records per request.
5. The City will submit a cost estimate to the requestor to provide the requested documents, including copying charges, research time (if required), and separating exempt from non-exempt materials. There is no research cost for the first ½ hour of staff time. Requestor must confirm to the City to proceed with the request following receipt of the cost estimate.
6. If the estimated cost is \$25.00 or more, the City shall require a deposit in the full amount of the estimate before fulfilling the request. If the actual cost exceeds the estimate, the City will not release the documents until the fee is received in full.
7. If the estimated cost is less than \$25.00, the City will fulfill the request and present the requestor with an invoice to be paid before release of the documents.
8. If the record requested is in storage offsite at the City's document storage facility, a fee is charged for its retrieval.

COSTS FOR MISCELLANEOUS CITY SERVICES

Photocopying	
Black & White and Color Copies:	
1-20 pages (per page)	\$0.50
21-50 pages (per page)	\$0.25
50+ pages (per page)	\$0.15
Cassette Tape or CD Duplication (per event/meeting)	\$25.00
Annual Budget (per copy)	\$25.00
Oregon City Municipal Code Supplements – per printing	Varies
Returned Checks (all departments)	\$25.00
List of Oregon City Businesses and Vendor List (hard copy or electronic)	\$25.00
Carton Retrieval from Document Storage (Recall)	\$20.00
Research Cost: Staff hourly wage, plus benefits (first ½ hr. free)	Varies

* See Oregon City Resolution No. 08-30 for detailed instructions.