

**JAMES J. NICITA**  
302 Bluff Street  
Oregon City, OR 97045  
E-mail: james.nicita@gmail.com

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November 28, 2017

TO: Tony Konkol, City Manager, City of Oregon City  
Laura Terway, Community Development Director, City of Oregon City  
Pete Walter, Planner, City of Oregon City  
Carrie Richter, Assistant City Attorney, City of Oregon City

CC: Michael Robinson, Attorney for Hackett House Hospitality, LLC and  
Historic Properties, LLC

RE: **Proposed Abernethy Place Hotel and Mixed Use Development  
Planning Files CP-17-0002, DP-17-0003, and NR-17-0004  
1) Request to City Commission for Full Waiver of Fees to Appeal  
Planning Commission Approval to City Commission, pursuant to  
Oregon City Municipal Code (OCMC) 17.50.290(C), (Ex. 1);  
2) Request to City Commission to Review Planning Commission  
Approval pursuant to its call-up authority under ORS 227.180(1)  
(Ex. 2);**

Greetings:

I hope everyone had an enjoyable Thanksgiving Holiday.

I write with the above two requests. It appears that only the City Commission can make the decision regarding these two requests, so I respectfully ask that this letter be forwarded promptly to each member of the City Commission.

ORS 227.180(1) does not provide a standard by which the City Commission must decide whether or not to review the Planning Commission's approval. OCMC 17.50.290(C) provides a discretionary "fairness" standard. That code provision states:

*Appeal fees may be waived, wholly or in part, by the city commission, if the city commission finds that, considering fairness to the applicant and to opposing parties, a full or partial waiver of the appeal fee is warranted.*

While the City Commission's decision is discretionary, the code appears to require the Commission to make findings. My argument as to why the appeal

fee is not fair to either applicants or opposing parties is simple: then fee is unconstitutional and illegal.

**I. Background Regarding the Oregon City Appeal Fee in Question.**

ORS 227.180(1)(c) authorizes the appeal fee. This statute states:

*The governing body may prescribe, by ordinance or regulation, fees to defray the costs incurred in acting upon an appeal from a hearings officer, planning commission or other designated person. The amount of the fee shall be reasonable and shall be no more than the average cost of such appeals or the actual cost of the appeal, excluding the cost of preparation of a written transcript. The governing body may establish a fee for the preparation of a written transcript. The fee shall be reasonable and shall not exceed the actual cost of preparing the transcript up to \$500. In lieu of a transcript prepared by the governing body and the fee therefor, the governing body shall allow any party to an appeal proceeding held on the record to prepare a transcript of relevant portions of the proceedings conducted at a lower level at the party's own expense. If an appellant prevails at a hearing or on appeal, the transcript fee shall be refunded.*

There appear to be two different appeal fees that might apply to the above-referenced appeal. One derives from ordinance, and one from resolution.

**A. OCMC 17.50.290(D).**

First, there is the fee set forth in OCMC 17.50.290(D):

*Major Projects. The fees for a major project shall be the city's actual costs, which shall include, but not be limited to, the actual costs for staff time, as well as any consultants, including contract planners, attorneys and engineers. The costs of major projects will not be included in any average used to establish other fees under this section. For purposes of this subsection only, a "major project" is defined to include any combined plan and zone change and any project with an estimated construction cost over one million dollars.*

The proposed Abernethy Place Hotel certainly would fall within this latter code provision, since it would cost well over \$1 million to construct.

However, there is a significant problem with 17.50.290(D): it appears never to have actually been adopted by ordinance.

At the bottom of the attached copy of OCMC 17.50.290 downloaded from the City's website off the "municode.com" website, the legislative history notes indicate that this code, as a whole, has two ordinances as its sources of origin: 08-1014 and 10-1003. (Some of the text may reach back to earlier ordinances.) I downloaded both of these ordinances from the City's website. The former downloaded, with exhibits, as a 266-page PDF file. I am attaching the ordinance itself and the page containing the newly-adopted OCMC 17.50.290 as Ex.3. As can be seen, subsection (D) is not part of the text adopted by this ordinance.

The second ordinance downloaded as a 177-page PDF file. I am attaching the ordinance itself and the page containing the re-adopted OCMC 17.50.290 as Ex.4. As can be seen, subsection (D) is not part of the text adopted by this ordinance, either.

I spent some or most of November 24-26 reviewing on the City's website – either agenda, minutes, or both – every regular and special City Commission meeting since the meeting that adopted the first ordinance on July 1, 2009, in order to find a separate ordinance that added subsection (D) to OCMC 17.50.290. In addition, I have searched using the "Ordinances" search tool in the City's "Records Online" function. (Ex. 5.) I have found no such ordinance.

#### B City of Oregon City Planning Fee Schedule

The first is the appeal fee stated in the attached City of Oregon City Planning Fee Schedule for 2017. (Ex. 6.) This schedule states a fee for appealing a decision of the Planning Commission to the City Commission of "\$3,488 plus actual attorney fees."

I have searched the same date range of City Commission meetings described above to try to find the resolution that first adopted the fee to appeal a decision from the Planning Commission to the City Commission, in order to discern the City's justification and findings for the fee as required by ORS 227.180(1)(c). Again, I have not been able to find such a resolution. I have been able to find the following:

- Resolution 15-08 (Ex. 7), adopted May 20, 2015, amending the Planning Fee Schedule to adopt new fees relating to the City's sign code. The resolution provides for fee increases according to the Consumer Price Index (CPI), not just for the sign code fees but for all fees, including presumably the fee to appeal a Planning Commission Decision to the City Commission. There are no findings in the resolution or the supporting material available on the City website that addresses whether a fee increase based on the CPI satisfies the requirements of ORS 227.180(1)(c). The website does not include a copy of a new fee schedule.

- Resolution 15-31 (Ex. 8), dated October 7, 2015, apparently also related to the sign code. The City website contains a 2015 Planning Fee Schedule that on the third line includes a fee of “\$3,426 plus actual City Attorney fees” for “Appeal – PC Decision.”
- Resolution 16-23 (Ex. 9), dated August 17, 2016. New fees related to Type I design reviews. The accompanying 2016 Planning Fee Schedule “Appeal – PC Decision” fee is now “\$3,446 plus actual City Attorney fees.”
- Resolution 17-18 (Ex. 10), dated June 6, 2017. New fees related to temporary membrane structures. The accompanying 2017 Planning Fee Schedule “Appeal – PC Decision” fee is now “\$3,488 plus actual City Attorney fees.”

OCMC 17.50.290(D) is clearly unenforceable, if indeed it has never been adopted by ordinance. Even if it has, however, both OCMC 17.50.290(D) and the appeal fee in the 2017 Planning Fee Schedule per Resolution 17-18 are both unconstitutional and illegal, for reasons that include, but are not limited to, the following particulars.

## **II. Unconstitutionality**

### **A. Justice Without Purchase Clause of Oregon Constitution, Art. I, § 10**

An exhaustion of remedies requirement involving an excessive appeal fee may be an as-applied violation of this state constitutional provision. As recently as 2016, the Oregon Court of Appeals in *Bell v. City of Hood River*, 283 Or App 13, stated in *dicta* at p. 19:

*[T]he bar to the courts that plaintiffs point out is the requirement in the land use statutes that plaintiffs must first exhaust local remedies before appealing. It may be that that exhaustion requirement, as applied in plaintiffs' case, imposes an onerous financial burden to the access to courts that is amenable to constitutional challenge.*

It will be noted that the plaintiffs in that case challenged a known, specified appeal fee of \$3,258. They did not have to confront the additional “onerous financial burden” of unknowable attorney and/or other consultants fees imposed by the City of Oregon City in 2017 Planning Schedule fee OCMC 17.50.290(D).

### **B. Due Process Clause of Fifth and Fourteenth Amendments to U.S. Constitution**

The appeal fee violates this provision because the 2017 Fee Schedule and OCMC 17.50.290(D) are both unconstitutionally vague. The key to understanding whether a standard is unconstitutionally vague is whether a reasonable applicant could understand what must be done to comply with the standard. *Holland v. City of Cannon Beach*, 34 Or LUBA 1, 12, *rev'd on other grounds*, 154 Or App 450 (1998).

City code and state statute both provide an entitlement to the citizen to appeal a land use decision. Indeed, both city code and state statute REQUIRE a citizen to appeal a land use decision at the local level through the respective exhaustion of remedies requirements in OCMC 17.50.030(C) and ORS 197.825(2)(a). But the fee and the lack of due process in creating and administering the fee deprive the citizen of that right to appeal.

OCMC 17.50.290(A) states:

*Payment. All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be accepted without the proper fee being paid.*

This provision makes it perfectly impossible to appeal. The City will reject an appeal if the appellant does not pay in full, up front, an appeal fee that is impossible to calculate at the outset.

If the City represents to an appellant that that he pays the \$3,488 up front, and then pays the "actual attorney fees" after the appeal, that representation flatly contradicts that plain text of the code, which clearly states that the entire fee must be paid up front. Both the appellant and the City would be vulnerable to a legal challenge from the opposing party, the applicant, either before the City Commission or later before LUBA and the appellate courts.

If a citizen appellant can, and chooses to, pay the \$3,488 as a form of "deposit," he faces an unknown amount of attorney fees that might be far beyond his capacity to pay, and then risks collections or debt litigation by the City if he cannot pay it.

Furthermore, both the 2017 Planning Schedule fee and the OCMC 17.50.290(D) fee create a perverse incentive for the Planning Commission to violate the comprehensive plan and municipal code as much as possible, because the more assignments of error an appellant makes, the more the appellant will have to pay in appeal fees.

Finally, the Code and City procedures are vague in other respects:

- Whether the applicable fee is the fee in the 2017 Fee Schedule or the one in OCMC 17.50.290(D).

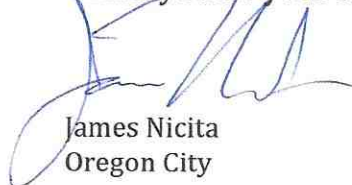


- How a citizen is supposed to request a full or partial fee waiver from the City Commission. There does not appear to be a form or a set of procedures on the City's website.
- The Notice of Decision issued on November 15, 2017 does not state a precise fee that must be paid in order to appeal the Planning Commission decision to the City Commission, or how to obtain a fee waiver from the City Commission; nor for that matter, does it state the specific date that an appeal to the City Commission is due.

### III. Illegality

The Planning Commission to City Commission appeal fee set forth in the City's 2017 Planning Fee Schedule established by Resolution 17-18 conflicts with ORS 227.180(1)(c). That statute requires that the appeal fee be adopted by "ordinance or regulation." Resolution 17-18 clearly is not an ordinance. Nor is a resolution a "regulation." *Doty v. City of Bandon*, 49 Or LUBA 411, 419. And, the resolution makes no findings as to how the appeal fee satisfies the ORS 227.180(1)(c) requirement that "The amount of the fee shall be reasonable and shall be no more than the average cost of such appeals or the actual cost of the appeal."

Thank you for your consideration.



James Nicita  
Oregon City

17.50.290 - Fees.

The city may adopt by resolution, and revise from time to time, a schedule of fees for applications and appeals. Fees shall be based upon the city's actual or average cost of processing the application or conducting the appeal process. The only exception shall be the appeal fee for a Type II decision, which shall be limited by ORS 227.175.10.b. The requirements of this section shall govern the payment, refund and reimbursement of fees.

- A. Payment. All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be accepted without the proper fee being paid.
- B. Refunds. Fees will only be refunded as provided in this subsection:
  - 1. When a fee is paid for an application which is later found to not be required, the city shall refund the fee.
  - 2. Errors. When an error is made in calculating a fee, overpayment will be refunded.
  - 3. Refund upon Withdrawal of an Application. In the event an applicant withdraws an application, the planning department shall refund the unused portion of the fee. In this case, the planning department will deduct from the fee the city's actual costs incurred in processing the application prior to withdrawal.
- C. Fee Waivers. The planning division may waive all or any portion of an application fee if, in the opinion of the director, a particular application must be resubmitted because of an error made by the city. Appeal fees may be waived, wholly or in part, by the city commission, if the city commission finds that, considering fairness to the applicant and to opposing parties, a full or partial waiver of the appeal fee is warranted. Appeal fees shall not be charged for an appeal filed by a city-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting.
- D. Major Projects. The fees for a major project shall be the city's actual costs, which shall include, but not be limited to, the actual costs for staff time, as well as any consultants, including contract planners, attorneys and engineers. The costs of major projects will not be included in any average used to establish other fees under this section. For purposes of this subsection only, a "major project" is defined to include any combined plan and zone change and any project with an estimated construction cost over one million dollars.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

**227.180 Review of action on permit application; fees.** (1)(a) A party aggrieved by the action of a hearings officer may appeal the action to the planning commission or council of the city, or both, however the council prescribes. The appellate authority on its own motion may review the action. The procedure for such an appeal or review shall be prescribed by the council, but shall:

(A) Not require that the appeal be filed within less than seven days after the date the governing body mails or delivers the decision of the hearings officer to the parties;

(B) Require a hearing at least for argument; and

(C) Require that upon appeal or review the appellate authority consider the record of the hearings officer's action. That record need not set forth evidence verbatim.

(b) Notwithstanding paragraph (a) of this subsection, the council may provide that the decision of a hearings officer or other decision-making authority in a proceeding for a discretionary permit or zone change is the final determination of the city.

(c) The governing body may prescribe, by ordinance or regulation, fees to defray the costs incurred in acting upon an appeal from a hearings officer, planning commission or other designated person. The amount of the fee shall be reasonable and shall be no more than the average cost of such appeals or the actual cost of the appeal, excluding the cost of preparation of a written transcript. The governing body may establish a fee for the preparation of a written transcript. The fee shall be reasonable and shall not exceed the actual cost of preparing the transcript up to \$500. In lieu of a transcript prepared by the governing body and the fee therefor, the governing body shall allow any party to an appeal proceeding held on the record to prepare a transcript of relevant portions of the proceedings conducted at a lower level at the party's own expense. If an appellant prevails at a hearing or on appeal, the transcript fee shall be refunded.

(2) A party aggrieved by the final determination in a proceeding for a discretionary permit or zone change may have the determination reviewed under ORS 197.830 to 197.845.

(3) No decision or action of a planning commission or city governing body shall be invalid due to ex parte contact or bias resulting from ex parte contact with a member of the decision-making body, if the member of the decision-making body receiving the contact:

(a) Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and

(b) Has a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication made at the first hearing following the communication where action will be considered or taken on the subject to which the communication related.

(4) A communication between city staff and the planning commission or governing body shall not be considered an ex parte contact for the purposes of subsection (3) of this section.

(5) Subsection (3) of this section does not apply to ex parte contact with a hearings officer. [1973 c.739 §§11,12; 1975 c.767 §9; 1979 c.772 §12; 1981 c.748 §43; 1983 c.656 §2; 1983 c.827 §25; 1991 c.817 §12]



## ORDINANCE NO. 08-1014

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### **AN ORDINANCE ADOPTING REVISIONS TO THE OREGON CITY COMPREHENSIVE PLAN MAP AND ZONING MAP AND ADOPTING AMENDMENTS TO THE OREGON CITY MUNICIPAL CODE**

**WHEREAS**, Oregon City residents and public advisory groups have worked with the City to develop the revisions and refinements to the overall vision, policies and goals for the future growth and development of Oregon City through the revisions to the City's Comprehensive Plan and implementing ordinances; and

**WHEREAS**, code amendments are necessary to implement the Beaver Creek and Park Place Concept Plans, Metro's Nature in the Neighborhoods (Title 13) program and provide for general updates to the Oregon City Zoning and Development Codes and to the Oregon City Comprehensive Plan Map and Zoning Map.

**WHEREAS**, the Oregon City Planning Commission held series of publicly noticed work sessions from February through August 2008 to review proposed amendments to the Oregon City Zoning and Development Codes and held hearings from August 25, 2008 to November 24, 2008 to take testimony and evidence on the Comprehensive Plan and Plan Map, as well as the Zoning and Development Codes in order to make revisions or refinements to the documents adopted in Ordinance No. 08-1014; and

**WHEREAS**, the Oregon City City Commission held two publicly noticed work sessions in March and April of 2009 to review proposed amendments to the Oregon City Zoning and Development Codes and held hearings in May and June of 2009 to take testimony and evidence on the Comprehensive Plan and Plan Map, as well as the Zoning and Development Codes in order to make revisions or refinements to the documents adopted in Ordinance No. 08-1014; and

**WHEREAS**, the Comprehensive Plan and Map is intended to guide the management of the City's assets, to support natural, recreational, and economic benefits for the community of Oregon City, and to provide a framework for implementation of identified goals and policies; and

**WHEREAS**, the Comprehensive Plan and Map and its Ancillary Documents complies and is consistent with state statutes, Statewide Planning Goals, Downtown Community Plan, Water Front Master Plan, and the Metro Regional Framework Plan; and

**WHEREAS**, the amended Zoning and Development Codes and Zoning Map complies and is consistent with state statutes, Statewide Planning Goals, the amended Oregon City Comprehensive Plan, the Downtown Community Plan, the Metro Regional Framework Plan, the Oregon City Transportation System Plan, and the Oregon City Park and Recreation Master Plan; and

**WHEREAS**, the Planning Commission, based on the oral and written testimony they received at the public hearings, adopted minor revisions to the Comprehensive Map, Zoning and Development Code and Zoning Map and unanimously recommended that the City Commission adopt the revisions; and

**WHEREAS**, the City Commission, based on the oral and written testimony they received at the public hearings, adopted minor revisions to the Comprehensive Plan, Comprehensive Map, Zoning and Development Code and Zoning Map and unanimously recommended that the City Commission adopt the revisions; and

**WHEREAS**, on November 9, 2009, the Planning Commission and January 20, 2010, the City Commission will hold hearings to review any outstanding issues or updates needed to implement the intent of this Ordinance.

**WHEREAS**, adopting the revisions to the Comprehensive Plan, Comprehensive Plan Map, Zoning and Development Code and Zoning Map is in the best interest of Oregon City to ensure that the goals and policies of the City can be realized,

**NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** Oregon City Zoning and Development Codes are hereby amended, as provided in Exhibit 1, based on the findings contained in the Staff Report.

**Section 2.** The Oregon City Comprehensive Plan Map, attached as Exhibit 2, is hereby adopted based on the findings contained in the Staff Report.

**Section 3.** The Oregon City Zoning Map, attached as Exhibit 3, is hereby adopted based on the findings contained in the Staff Report.

Read for the first and second time at a regular meeting of the City Commission held on the 1st day of July 2009, and the foregoing ordinance was finally enacted by the City Commission this 1st day of July 2009.

  
\_\_\_\_\_  
ALICE NORRIS, Mayor

ATTESTED to this 1st day of July 2009

  
\_\_\_\_\_  
NANCY IDE, City Recorder

Ex. 3  
P. 2 of 3

3. The Planning Commission may revoke the approval if it finds there are substantial violations of conditions or failure to implement conditions of prior land use decisions, such that the original approval criteria for the use or development are not being met.
- D. Effect of Revocation. In the event permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date the revocation final order is approved by the Planning Commission, unless the decision provides otherwise. In the event the decision-maker's decision on a revocation request is appealed, the revocation action shall be stayed pending a final, unappealed decision.

#### **17.50.280 Transfer of Approval Rights.**

Unless otherwise stated in the City's permit decision, any approval granted under Title 16 or Title 17 of this code runs with the land and is transferred with ownership of the land. Any conditions, time limits or other restrictions imposed with a permit approval shall bind all subsequent owners of the property for which the permit was granted.

#### **17.50.290 Fees.**

The City may adopt by resolution, and revise from time to time, a schedule of fees for applications and appeals. Fees shall be based upon the City's actual or average cost of processing the application or conducting the appeal process. The only exception shall be the appeal fee for a Type II decision, which shall be limited by ORS 227.175(10)(b). The requirements of this section shall govern the payment, refund and reimbursement of fees.

- A. Payment. All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be accepted without the proper fee being paid.
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- C. Fee Waivers. The Planning Division may waive all or any portion of an application fee if, in the opinion of the director, a particular application must be resubmitted because of an error made by the City. Appeal fees may be waived, wholly or in part, by the City Commission, if the City Commission finds that, considering fairness to the applicant and to opposing parties, a full or partial waiver of the appeal fee is warranted. Appeal fees shall not be charged for an appeal filed by a city-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting.

## **ORDINANCE NO. 10-1003**

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### **AN ORDINANCE OF THE CITY OF OREGON CITY ADOPTING AMENDMENTS TO TITLES 12, 13, 16, and 17 OF THE OREGON CITY MUNICIPAL CODE**

**WHEREAS**, the development regulation sections of the Municipal Code (found in Titles 12, 13, 16, and 17) are comprised of standards governing zoning, site development, land division, street design, architectural review, parking, signs, natural resources, hillside development, home occupations, variances and other similar topics; and

**WHEREAS**, these standards reflect the vision for the future development of Oregon City, implement our Comprehensive Plan, and allow the City to manage future growth effectively. The Municipal Code and associated zoning maps are periodically reviewed and updated. This was a collaborative process whereby the City worked with interested citizens to improve the economic health and livability of the City. After over a year of review by the public, Planning Commission, and elected officials, the code amendments were adopted on July 1, 2009 and became effective on July 31, 2009, with the passage of Ordinance 08-1014; and

**WHEREAS**, Ordinance 08-1014 additionally setup a six-month update process to review the code language to determine if any sections needed revisions or adjustments that were unforeseen. At the end of the hearing adopting Ordinance 08-1014, the City Commission also directed staff to study some outstanding issues and bring them back during the 6-month review. The Planning Commission met on November 23, 2009, January 25, 2010, February 8, 2010, and February 22, 2010 to review the proposed code amendments.

**WHEREAS**, the Planning Commission, based on the oral and written testimony they received at the public hearings, adopted minor revisions to the Zoning and Development Code and unanimously recommended that the City Commission adopt the revisions; and

**WHEREAS**, the City Commission additionally reviewed the creation of the Oregon City Municipal Code section 17.44 Geologic Hazards Overlay District Map that was previously outlined in code but did not exist in map form and;

**WHEREAS**, the amended Zoning and Development Codes complies and is consistent with state statutes, Statewide Planning Goals, the amended Oregon City Comprehensive Plan, the Downtown Community Plan, the Metro Regional Framework Plan, the Oregon City Transportation System Plan, and the Oregon City Park and Recreation Master Plan; and

**WHEREAS**, the City Commission, based on the oral and written testimony they received at the public hearings, adopted revisions to the Development Code; and

**WHEREAS**, adopting the revisions to the Development Code is in the best interest of Oregon City to ensure that the goals and policies of the City can be realized.

### **NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** The amendments to the Oregon City Zoning and Development Codes, as provided in Exhibit 1, are hereby adopted based on the findings contained in the Staff Report.

**Section 2.** The Oregon City Geological Hazards Overlay Map, attached as Exhibit 2, is hereby adopted.

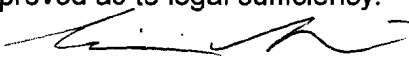
Read for the first time at a regular meeting of the City Commission held on the 16th day of June, 2010, and the City Commission finally enacted the foregoing ordinance this 7th day of July, 2010.

  
\_\_\_\_\_  
ALICE NORRIS, Mayor

Attested to this 7<sup>th</sup> day of July 2010

  
\_\_\_\_\_  
Nancy Ide, City Recorder

Approved as to legal sufficiency:

  
\_\_\_\_\_  
City Attorney

Ex. 4  
P. 2 of 3

- D. Effect of Revocation. In the event permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date the revocation final order is approved by the Planning Commission, unless the decision provides otherwise. In the event the decision-maker's decision on a revocation request is appealed, the revocation action shall be stayed pending a final, unappealed decision.

#### **17.50.280 Transfer of Approval Rights.**

Unless otherwise stated in the City's permit decision, any approval granted under Title 16 or Title 17 of this code runs with the land and is transferred with ownership of the land. Any conditions, time limits or other restrictions imposed with a permit approval shall bind all subsequent owners of the property for which the permit was granted.

#### **17.50.290 Fees.**

The City may adopt by resolution, and revise from time to time, a schedule of fees for applications and appeals. Fees shall be based upon the City's actual or average cost of processing the application or conducting the appeal process. The only exception shall be the appeal fee for a Type II decision, which shall be limited by ORS 227.175(10)(b). The requirements of this section shall govern the payment, refund and reimbursement of fees.

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Ex. 4  
P. 3 of 3




Inbox - james.nicita@gmail.co X Ordinances | City of Oregon Cl X Home Page | City of Oregon Cl X

https://www.orcity.org/cityrecorder/ordinances eadnotes

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## City Hall Closed - Thanksgiving & Day After



### City Recorder

#### Ordinances

- [City of Oregon City, 2017 Ordinances](#)
- [City of Oregon City, 2016 Ordinances](#)
- [City of Oregon City, 2015 Ordinances](#)
- [City of Oregon City, 2014 Ordinances](#)
- [City of Oregon City, 2013 Ordinances](#)
- [City of Oregon City, 2012 Ordinances](#)
- [City of Oregon City, 2011 Ordinances](#)
- [City of Oregon City, 2010 Ordinances](#)
- [City of Oregon City, ALL Ordinances](#)

feedback

https://www.orcity.org/cityrecorder

### 2017 PLANNING FEE SCHEDULE

(Effective January 1, 2017)

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 appeal)	\$250
Appeal - Historic Review Board	\$50
Appeal - PC Decision	\$3,488 plus actual City Attorney fees
Annexation Application	\$4,342
Annexation Metro Mapping (UOM is Acre)	< 1 = \$150      1 - 5 = \$250 5.1 - 40 = \$300      > 40 = \$400
Election Deposit	\$3,128
Amendment to Comp Plan	\$4,410
Code Interpretation / Similar Use	\$1,048
Conditional Use	\$3,791
Expedited Land Division	\$4,136 plus \$414 per lot
Extension (Land Use Permit)	\$675
Floodplain (Flood Mngmt Overlay Dist) Review (Type II)	no charge
Geologic Hazards Review	\$869
Geotechnical Review - High Water Table	\$595
Historic Review - Remodel	\$50
Historic Review - New Construction	\$50 plus 2.5% of construction cost      max = \$1,000
Historic Review - Demolition	< 1,000 sf = \$276      ≥ 1,000 sf = \$688
Lot Line Adjustment	\$1,159
Mailing Labels	\$16
Master Plan / Concept Plan	\$6,892
Master Plan / Concept Plan (Amendment)	Type I = \$688      Type II = \$2,068      Type III = \$3,445
Modifications	50% of current app. fee for app. being modified
Minor Partition	\$3,956
Non-Conforming Use (Type I)	See Public Records Request Form
Non-Conforming Use/Compatibility Review (Type II)	\$827
Parking Adjustment (Type III)	\$949
Pre-Application Conference	minor = \$551      major = \$1,068
Public Improvement Modification	\$355
Plan Review of Building Permit - Residential	\$76
Plan Review of Building Permit - Commercial	.1% bldg. permit value      min = \$138      max = \$3,460
Sign Permit	\$175 plus 5% of sign construction cost
Temporary Banner Permit	\$51
Annual Right-of-Way Permit for Signage	\$174      or      \$87 if submitted after June 30th
A-Frame Sign Permit within the Right-of-Way	\$51
Cross Street Banner within Right-of-Way Permit	\$66 Hwy 99E / Pedestrian Bridge \$213 Molalla Avenue at Beverly Drive
Street Light Banner within the Right-of-Way Permit	\$20 per banner
Sign Variance	\$1,268
Site Plan & Design Review - Minor Type I Over the Counter	up to 2 review items = \$75      3 or more review items = \$150
Site Plan & Design Review - Minor Type I Extended Review	\$250 per review
Site Plan & Design Review - Minor Type II	\$827
Site Plan & Design Review / Detailed Master Plan	
- less than \$500,000	\$2,068 plus 0.007 X project cost
- \$500,000 to \$3,000,000	\$3,445 plus 0.005 X project cost
- over \$3,000,000	\$11,718 plus 0.003 X project cost max fee = \$54,964
Subdivision	\$4,136 plus \$344 per lot
Transportation Analysis Letter	\$469
Tree Replacement/Mitigation Fee	\$309 per tree
Variance (Administrative)	\$1,344
Variance (Hearing)	\$2,496
Natural Resource Review	
- Type I for Single/Two Family Lot	\$211
- Type I for Non-Single/Two Family Lot	\$421
- Type II or III for Single/Two Family Lot	\$979
- Type II or III for Non-Single/Two Family Lot	\$1,959
Willamette Greenway (Type II)	no charge
Willamette Greenway (Type III)	\$1,529
Zone Change / Text Amendment	\$2,798

**2017 TRAFFIC IMPACT ANALYSIS (TIA) AND TRANSPORTATION ANALYSIS LETTER (TAL)  
FEE STRUCTURE**

Land Use	Base Fee <sup>1</sup>	Large Study Area or Location near or Along Key Corridor <sup>2</sup>	Conditional Use, Zone Change, or Master Plan <sup>3</sup>	Meetings <sup>4</sup> Cost/Hr
Residential				
0-50 units	\$1,092	\$682	\$2,046	\$136
50+ units	\$1,365			
Non-residential				
<50K ft <sup>2</sup>	\$2,729	\$682	\$2,046	\$136
50 to 100K ft <sup>2</sup>	\$3,411			
>100K ft <sup>2</sup>	\$4,093			
Transportation Analysis Letter (TAL): \$469				
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.				

**RESOLUTION NO. 15-08**

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**A RESOLUTION MODIFYING THE PLANNING FEE SCHEDULE TO INCLUDE ADDITIONAL FEES AND AMENDING RESOLUTION NUMBER 13-29.**

**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

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

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

**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 15-08 to become effective November 1, 2015 and included as part of the Planning Fee Schedule.

**Section 2:** Beginning on January 1, 2016, the six (6) additional fees identified in Exhibit 1 and to be included in the Planning Fee Schedule shall be adjusted, along with all other fees identified on the Planning Fee Schedule, 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 20<sup>th</sup> day of May 2015.

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DAN HOLLADAY, Mayor

Attested to this 20<sup>th</sup> day of May 2015:

Approved as to legal sufficiency:

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Kattie Riggs, City Recorder

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City Attorney

Exhibit:

1. Fee Explanation



# City of Oregon City

625 Center Street  
Oregon City, OR 97045  
503-657-0891

## Staff Report

File Number: 15-286

**Agenda Date:** 5/20/2015

**Status:** Agenda Ready

**To:** City Commission

**Agenda #:** 7e.

**From:** Community Development Director Tony Konkol

**File Type:** Resolution

### **SUBJECT:**

Resolution No. 15-08, Modifying the Planning Fee Schedule to Include Additional Fees and Amending Resolution No. 13-29 (Resolution to Adopt New Fees Associated with the Sign Code Update)

### **RECOMMENDED ACTION (Motion):**

Staff recommends that the City Commission adopts proposed Resolution No. 15-08 to add additional fees to the Community Development Department 2015 Fee Schedule. The Resolution, effective November 1, 2015, adopts six (6) new fees to accommodate new signage types associated with the amendments to the sign standards in chapter 15.28 of the Oregon City Municipal Code (Ordinance 14-1003). These fees shall be adjusted annually for inflation.

### **BACKGROUND:**

After nearly 20 years without a significant change, Oregon City has been working to review our sign regulations to better meet the needs of Oregon City residents and businesses now and into the future. A comprehensive public process resulted in draft amendments to the limitations of the type, quantity, size, material, placement, etc. of signage allowed on public and private property in chapter 15.28 of the Oregon City Municipal Code. The Sign Code Update includes Ordinance No. 14-1003 to implement the amendments to the Oregon City Municipal Code, as well as Resolution No. 15-08 to adopt new fees associated with new signage types, and Resolution No. 15-09 to adopt a policy for cross street banners and banners on street light poles.

Ex. 7

P. 2 of 5



## Exhibit 1: Fee Explanation

- **Annual Right-of-Way Permit for Signage**

Permit Name: Annual Right-of-Way Permit for Signage

Amount: \$172 or \$86 if submitted after June 30<sup>th</sup> (adjusted annually for inflation)

Background: The proposed code allows three types of signs within the right-of-way (signs on the ground, cross street banners and banners on street light poles). Placing a sign within the right-of-way requires both a sign permit as well as a right-of-way permit, unless exempt in OCMC 15.28.100.F. Rather than requiring a right-of-way permit be obtained for each sign, this yearly permit would act as the right-of-way permit for as many signs as the applicant would like to place within the right-of-way. Each person wishing to place a sign within the right-of-way (when a permit is required) must obtain this permit as well as separate sign permits for each sign they would like to place within the right-of-way. For example, once a person receives an Annual Right-of-Way Permit for Signage they may apply for multiple A-frame signs within the right-of-way downtown and multiple cross street banners without purchasing another right-of-way permit. Note that this is not required if a sign permit is not required. For example, neither this right-of-way permit nor a sign permit are required for a realtor's open house sign placed in the right-of-way in a residential zone. Regardless of the time of purchase, all annual right-of-way permits expire December 31<sup>st</sup> each year.

When Utilized: The annual permit is required for each applicant who would like to submit an application to place a sign in the right-of-way.

Example: A restaurateur would like to place an A-frame sign on the sidewalk adjacent to his/her property to advertise a daily menu. The applicant would obtain an Annual Right-of-Way Permit for Signage, as well as an A-Frame Sign Permit within the Right-of-Way.

Rationale for Cost of Fee: The fee is equivalent to the base fee for a sign permit and funds the administrative costs of allowing signs in the right-of-way. Applications submitted after June 30<sup>th</sup> would be pro-rated to half of the yearly fee. The fee would be adjusted annually for inflation on January 1<sup>st</sup> based upon the CPI-W for Portland, Oregon.

Where Permit Obtained: The permit would be obtained from the Planning Division.

- **A Permit for an A-frame Sign within the Right-of-Way**

Permit Name: A-Frame Sign Permit within the Right-of-Way

Amount: \$172 or \$86 if submitted after June 30<sup>th</sup> (adjusted annually for inflation)

Background: The proposed code allows A-frame signs within the right-of-way. If identified in OCMC 15.28.100.F, a yearly permit is needed for each A-frame sign in the right-of-way in order to verify the sign complies with the code requirements for ADA access, height, etc. as well as to track the number of signs within the right-of-way. The sign permit would be issued over the counter and approved signs would be required to display an approval sticker. Note that a permit for placement of an A-frame sign within the right-of-way is not required in residential zoned areas. Regardless of the time of purchase, this annual permit expires December 31<sup>st</sup> each year.

When Utilized: Submission of a permit to place an A-frame sign within the right-of-way.



Example: A restaurateur would like to place an A-frame sign on the sidewalk adjacent to their property to advertise a daily menu. The applicant would obtain an A-Frame Sign Permit within the Right-of-Way as well as an Annual Right-of-Way Permit for Signage.

Rationale for Cost of Fee: City staff suggests the cost of the A-frame Sign Permit within the Right-of-Way be \$172, equivalent to the base fee for a sign permit on private property. Applications submitted after June 30<sup>th</sup> would be pro-rated half of the yearly fee. The base fee would be adjusted annually for inflation on January 1<sup>st</sup> based upon the CPI-W for Portland, Oregon.

Where Permit Obtained: The permit would be obtained from the Planning Division.

- **A Permit for Cross Street Banners within the Right-of-Way (Highway 99E/Pedestrian Bridge)**

Permit Name: Cross Street Banner within Right-of-Way Permit

Amount: \$65 (adjusted annually for inflation)

Background: The proposed sign code will allow the public to post cross street banners over highway 99E at the pedestrian bridge. The City currently allows banners in this location.

When Utilized: Submission of a permit to place a banner over the public right-of-way on the Oregon Department of Transportation (ODOT) Highway 99E/Pedestrian Bridge.

Example: An organization would like to place a banner over the public right-of-way at the Highway 99E/Pedestrian Bridge three times during the year to advertise for a business. The applicant would obtain three Cross Street Banners within the Right-of-Way permits (one for each time the sign was displayed/removed) as well as an Annual Right-of-Way Permit for Signage.

Rationale for Cost of Fee: The fee is based upon actual costs to install the sign as determined by the Public Works Department. The fee would be adjusted annually for inflation on January 1<sup>st</sup> based upon the CPI-W for Portland, Oregon.

Where Permit Obtained: The permit would be obtained from the Planning Division but the banner would be provided to the Public Works Department for installation.

- **A Permit for Cross Street Banners within the Right-of-Way (Molalla Avenue at Beverly Drive)**

Permit Name: Cross Street Banner within the Right-of-Way Permit

Amount: \$210 (adjusted annually for inflation)

Background: The proposed code will allow the public to post cross street banners on Molalla Avenue at Beverly Drive. The City currently allows banners in this location.

When Utilized: Submission of a permit to place a banner over the public right-of-way on the PGE power poles located on Molalla Avenue at Beverly Drive.

Example: An organization would like to place a banner over the public right-of-way at the Highway 99E/Pedestrian Bridge three times during the year to advertise for a business. The applicant would obtain three Cross Street Banners within the Right-of-Way permits (one for each time the sign was displayed/removed) as well as an Annual Right-of-Way Permit for Signage.

Rationale for Cost of Fee: The fee is based upon actual costs to install the sign as determined by the Public Works Department. The fee would be adjusted annually for inflation on January 1<sup>st</sup> based upon the CPI-W for Portland, Oregon.

Where Permit Obtained: The permit would be obtained from the Planning Division but the banner would be provided to the Public Works Department for installation.

- **A Permit for Banners on Street Light Poles within the Right-of-Way**

Permit Name: Street Light Banner within the Right-of-Way Permit

Amount: \$20 per Banner (adjusted annually for inflation)

Background: The proposed code will allow the public to post banners on street light poles in specific locations within Oregon City.

When Utilized: Submission of a permit to place a sign on a street light pole. The applicant would pay the Annual Right-of-Way Permit for Signage fee plus \$20 per banner which reflects the cost for Public Works to install and remove the banner.

Example: An organization would like to place 10 banners on street light poles at one time to advertise for an event. The applicant would obtain a Street Light Banner permit (\$20 x 20 banners = \$400) as well as an Annual Right-of-Way Permit for Signage.

Rationale for Cost of Fee: The fee is based upon actual costs to install and remove the signs determined by the Public Works Department. The fee would be adjusted annually for inflation on January 1<sup>st</sup> based upon the CPI-W for Portland, Oregon.

Where Permit Obtained: The permit would be obtained from the Planning Division but the banner(s) would be provided to the Public Works Department for installation.

- **Banners on Private Property**

Permit Name: Temporary Banner Permit

Amount: \$50 (adjusted annually for inflation)

Background: The proposed code allows banners to be constructed on certain private properties for up to thirty (30) days, up to twice per year. There are standards for the size and location of the banner described in Chapter 15.28 of the Oregon City Municipal Code.

When Utilized: Submission of a sign permit to hang a banner on private property.

Example: A property owner is opening a new store and would like to hang a temporary banner to inform the public.

Rationale for Cost of Fee: City staff suggests the fee be \$50 to review the permit application against the code requirements. The fee would be adjusted annually for inflation on January 1<sup>st</sup> based upon the CPI-W for Portland, Oregon.

Where Permit Obtained: The permit would be obtained from the Planning Division.

These fees will be added to the Planning Fee Schedule on November 1, 2015 and will be adjusted annually beginning on January 1, 2016, based on the CPI-W for Portland, Oregon. Adjusted fees will be rounded to the nearest dollar.

Ex. 7  
P. 5 of 5

**RESOLUTION NO. 15-31**

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**A RESOLUTION MODIFYING THE PLANNING FEE SCHEDULE AND AMENDING  
RESOLUTION NUMBER 15-08.**

**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

**WHEREAS**, the City has revised fees as described in Exhibit 1; and

**WHEREAS**, the revised fee schedule is provided in Exhibit 2; and

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

**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 15-31 to become effective November 1, 2015 and included as part of the Planning Fee Schedule.

**Section 2:** Beginning on January 1, 2016, the amended fees identified in Exhibit 1 and included in the Planning Fee Schedule shall be adjusted, along with all other fees identified on the Planning Fee Schedule, 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 7<sup>th</sup> day of October 2015.

---

DAN HOLLADAY, Mayor

Attested to this 7<sup>th</sup> day of October 2015:

Approved as to legal sufficiency:

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Kattie Riggs, City Recorder

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City Attorney

Exhibit:

1. Fee Explanation
2. Fee Schedule



## Exhibit 1: Fee Explanation

- **A Permit for an A-frame Sign within the Right-of-Way**

Permit Name: A-Frame Sign Permit within the Right-of-Way

Amount: \$50 (adjusted annually for inflation)

Background: A yearly permit is needed for each A-frame sign in the right-of-way in order to verify the sign complies with the code requirements for ADA access, height, etc. as well as to track the number of signs within the right-of-way. The sign permit would be issued over the counter and approved signs would be required to display an approval sticker. Note that a permit for placement of an A-frame sign within the right-of-way is not required in residential zoned areas and is only required for signage placed within the right-of-way during specific days and times. Regardless of the time of purchase, this annual permit expires December 31<sup>st</sup> each year.

When Utilized: Submission of a permit to place an A-frame sign within the right-of-way.

Example: A restaurateur would like to place an A-frame sign on the sidewalk adjacent to their property to advertise a daily menu.

Where Permit Obtained: The permit would be obtained from the Planning Division.

- **Annual Right-of-Way Permit for Signage**

Permit Name: Annual Right-of-Way Permit for Signage

Amount: \$172 or \$86 if submitted after June 30<sup>th</sup> (adjusted annually for inflation)

Background: The proposed code allows cross street banners and banners on street light poles within the right-of-way. Placing these types of signs within the right-of-way requires both a sign permit as well as a right-of-way permit. Rather than requiring a right-of-way permit be obtained for each sign, this yearly permit would act as the right-of-way permit for as many signs as the applicant would like to place within the right-of-way. Each person wishing to place a sign within the right-of-way (when a permit is required) must obtain this permit as well as sign permits for each sign they would like to place within the right-of-way. For example, once a person receives an Annual Right-of-Way Permit for Signage they may apply for multiple cross street banners without purchasing another right-of-way permit. Note that this permit is not required if a sign permit is not required. Regardless of the time of purchase, all annual right-of-way permits expire December 31<sup>st</sup> each year.

When Utilized: The annual permit is required for applicant's who submit an application to place a cross street banner or banner on a street light pole in the right-of-way.

Example: An event would like to place a cross street banner on Molalla Avenue at Beverly Drive. The applicant would obtain an Annual Right-of-Way Permit for Signage, as well as a Permit for Cross Street Banners within the Right-of-Way.

Rationale for Cost of Fee: The fee is equivalent to the base fee for a sign permit and funds the administrative costs of allowing signs in the right-of-way. Applications submitted after June 30<sup>th</sup> would be pro-rated to half of the yearly fee. The fee would be adjusted annually for inflation on January 1<sup>st</sup> based upon the CPI-W for Portland, Oregon.

Where Permit Obtained: The permit would be obtained from the Public Works Division.

- A Permit for Cross Street Banners within the Right-of-Way (Highway 99E/Pedestrian Bridge)**

Permit Name: Cross Street Banner within Right-of-Way Permit

Amount: \$65 (adjusted annually for inflation)

Background: The proposed sign code will allow the public to post cross street banners over highway 99E at the pedestrian bridge. The City currently allows banners in this location.

When Utilized: Submission of a permit to place a banner over the public right-of-way on the Oregon Department of Transportation (ODOT) Highway 99E/Pedestrian Bridge.

Example: An organization would like to place a banner over the public right-of-way at the Highway 99E/Pedestrian Bridge three times during the year to advertise for a business. The applicant would obtain three Cross Street Banners within the Right-of-Way permits (one for each time the sign was displayed/removed) as well as an Annual Right-of-Way Permit for Signage.

Rationale for Cost of Fee: The fee is based upon actual costs to install the sign as determined by the Public Works Department. The fee would be adjusted annually for inflation on January 1<sup>st</sup> based upon the CPI-W for Portland, Oregon.

Where Permit Obtained: The permit would be obtained from the Planning Division but the banner would be provided to the Public Works Department for installation.
- A Permit for Cross Street Banners within the Right-of-Way (Molalla Avenue at Beverly Drive)**

Permit Name: Cross Street Banner within the Right-of-Way Permit

Amount: \$210 (adjusted annually for inflation)

Background: The proposed code will allow the public to post cross street banners on Molalla Avenue at Beverly Drive. The City currently allows banners in this location.

When Utilized: Submission of a permit to place a banner over the public right-of-way on the PGE power poles located on Molalla Avenue at Beverly Drive.

Example: An organization would like to place a banner over the public right-of-way at the Highway 99E/Pedestrian Bridge three times during the year to advertise for a business. The applicant would obtain three Cross Street Banners within the Right-of-Way permits (one for each time the sign was displayed/removed) as well as an Annual Right-of-Way Permit for Signage.

Rationale for Cost of Fee: The fee is based upon actual costs to install the sign as determined by the Public Works Department. The fee would be adjusted annually for inflation on January 1<sup>st</sup> based upon the CPI-W for Portland, Oregon.

Where Permit Obtained: The permit would be obtained from the Planning Division but the banner would be provided to the Public Works Department for installation.
- A Permit for Banners on Street Light Poles within the Right-of-Way**

Permit Name: Street Light Banner within the Right-of-Way Permit

Amount: \$20 per Banner (adjusted annually for inflation)

Background: The proposed code will allow the public to post banners on street light poles in specific locations within Oregon City.

When Utilized: Submission of a permit to place a sign on a street light pole. The applicant would pay the Annual Right-of-Way Permit for Signage fee plus \$20 per banner which reflects the cost for Public Works to install and remove the banner.

Example: An organization would like to place 10 banners on street light poles at one time to advertise for an event. The applicant would obtain a Street Light Banner permit (\$20 x 20 banners = \$400) as well as an Annual Right-of-Way Permit for Signage.

Rationale for Cost of Fee: The fee is based upon actual costs to install and remove the signs determined by the Public Works Department. The fee would be adjusted annually for inflation on January 1<sup>st</sup> based upon the CPI-W for Portland, Oregon.

Where Permit Obtained: The permit would be obtained from the Planning Division but the banner(s) would be provided to the Public Works Department for installation.

- **Banners on Private Property**

Permit Name: Temporary Banner Permit

Amount: \$50 (adjusted annually for inflation)

Background: The proposed code allows banners to be constructed on certain private properties for up to thirty (30) days, up to twice per year. There are standards for the size and location of the banner described in Chapter 15.28 of the Oregon City Municipal Code.

When Utilized: Submission of a sign permit to hang a banner on private property.

Example: A property owner is opening a new store and would like to hang a temporary banner to inform the public.

Rationale for Cost of Fee: City staff suggests the fee be \$50 to review the permit application against the code requirements. The fee would be adjusted annually for inflation on January 1<sup>st</sup> based upon the CPI-W for Portland, Oregon.

Where Permit Obtained: The permit would be obtained from the Planning Division.

These fees will be added to the Planning Fee Schedule on November 1, 2015 and will be adjusted annually beginning on January 1, 2016, based on the CPI-W for Portland, Oregon. Adjusted fees will be rounded to the nearest dollar.





### 2015 PLANNING FEE SCHEDULE

(Effective November 1, 2015)

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 appeal)	\$250
Appeal - Historic Review Board	\$50
Appeal - PC Decision	\$3,426 plus actual City Attorney fees
Annexation Application	\$4,265
Annexation Metro Mapping (UOM is Acre)	< 1 = \$150      1 - 5 = \$250 5.1 - 40 = \$300      > 40 = \$400
Election Deposit	\$3,073
Amendment to Comp Plan	\$4,332
Code Interpretation / Similar Use	\$1,029
Conditional Use	\$3,724
Expedited Land Division	\$4,062 plus \$407 per lot
Extension (Land Use Permit)	\$663
Floodplain (Flood Mngmt Overlay Dist) Review (Type II)	no charge
Geologic Hazards Review	\$853
Geotechnical Review - High Water Table	\$585
Historic Review - Remodel	\$50
Historic Review - New Construction	\$50 plus 2.5% of construction cost max = \$1,000
Historic Review - Demolition	< 1,000 sf = \$271      ≥ 1,000 sf = \$676
Lot Line Adjustment	\$1,138
Mailing Labels	\$15
Master Plan / Concept Plan	\$6,769
Master Plan / Concept Plan (Amendment)	Type I = \$676    Type II = \$2,031    Type III = \$3,384
Modifications	50% of current app. fee for app. being modified
Minor Partition	\$3,886
Non-Conforming Use (Type I)	See Public Records Request Form
Non-Conforming Use/Compatibility Review (Type II)	\$812
Parking Adjustment (Type III)	\$932
Pre-Application Conference	minor = \$541      major = \$1,049
Public Improvement Modification	\$348
Plan Review of Building Permit - Residential	\$75
Plan Review of Building Permit - Commercial	.1% bldg. permit value    min = \$136    max = \$3,399
Sign Permit (Signs on Private Property)	\$172 plus 5% of sign construction cost
Temporary Banner Permit	\$50
A-Frame Sign Permit within the Right-of-Way	\$50
Annual Right-of-Way Permit for Signage	\$172 or \$86 if submitted after June 30th
Cross Street Banner within Right-of-Way Permit	Highway 99E/Pedestrian Bridge = \$65 Molalla Avenue at Beverly Drive = \$210
Street Light Banner within the Right-of-Way Permit	\$20 per Banner
Sign Variance	\$1,245
Site Plan & Design Review - Minor	\$812
Site Plan & Design Review / Detailed Master Plan	\$2,031 plus 0.007 X project cost \$3,384 plus 0.005 X project cost \$11,510 plus 0.003 X project cost max fee = \$53,989
- less than \$500,000	
- \$500,000 to \$3,000,000	
- over \$3,000,000	

Subdivision	\$4,062 plus \$338 per lot
Tree Replacement/Mitigation Fee	\$303 per tree
Variance (Administrative)	\$1,320
Variance (Hearing)	\$2,452
Natural Resource Review	
- Type I for Single/Two Family Lot	\$207
- Type I for Non-Single/Two Family Lot	\$414
- Type II or III for Single/Two Family Lot	\$962
- Type II or III for Non-Single/Two Family Lot	\$1,925
Willamette Greenway (Type II)	no charge
Willamette Greenway (Type III)	\$1,502
Zone Change / Text Amendment	\$2,748

**2015 TRAFFIC IMPACT ANALYSIS (TIA) AND TRANSPORTATION ANALYSIS LETTER (TAL)  
FEE STRUCTURE**

Land Use	Base Fee <sup>1</sup>	Large Study Area or Location near or Along Key Corridor <sup>2</sup>	Conditional Use, Zone Change, or Master Plan <sup>3</sup>	Meetings <sup>4</sup> Cost/Hr
Residential				
0-50 units	\$1,072	\$670	\$2,010	\$130
50+ units	\$1,341			
Non-residential				
<50K ft <sup>2</sup>	\$2,680	\$670	\$2,010	\$130
50 to 100K ft <sup>2</sup>	\$3,350			
>100K ft <sup>2</sup>	\$4,020			
Transportation Analysis Letter (TAL): \$461				
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.				



# City of Oregon City

625 Center Street  
Oregon City, OR 97045  
503-657-0891

## Staff Report

File Number: 15-519

**Agenda Date:** 10/7/2015

**Status:** Agenda Ready

**To:** City Commission

**Agenda #:** 7a.

**From:** Community Development Director Tony Konkol

**File Type:** Resolution

### **SUBJECT:**

Resolution No. 15-31, Modifying the Planning Fee Schedule for A-Frame Signs in the Right-of-Way

### **RECOMMENDED ACTION (Motion):**

Staff recommends that the City Commission adopt proposed Resolution No. 15-31 to amend the Community Development Department 2015 Fee Schedule. The Resolution, effective November 1, 2015, reduces the fees and number of permits required for placing an A-frame sign within the public right-of-way. These fee shall be adjusted annually for inflation.

### **BACKGROUND:**

The City of Oregon City adopted an amended sign code under Ordinance 14-1003. Resolution 15-08, was also adopted to establish permits and fees for new types of signage allowed under the amended code. The Ordinance and Resolution become effective on November 1, 2015.

In the interim, the City Commission reconsidered the fee arrangement for A-frame signs within the right-of-way and hereby amends Resolution 15-08 with this Resolution 15-31. At the September 8, 2015 City Commission Work Session staff was directed to reduce the fees and number of permits required for placing A-frame signs in the right-of-way.

In an effort to support business practices in non-residential areas, the sign permit fees will be adjusted for A-frame signs within the right-of-way. Although the City has the ability to charge the actual cost of reviewing sign permit applications, in the review of A-Frame sign permits the City Commission decided it does not want the permit price to become cost-prohibitive. Therefore, the sign fee is being reduced from \$172 (or \$86 if submitted after June 30th) to \$50 per year. This reduction in the permit fee reduces the amount to less than the City's cost for reviewing the sign permit application and is intended to reduce the financial burden for placing an A-Frame sign in the right-of-way.

In addition, the permit process for A-frame signs is being streamlined by eliminating a double-permitting requirement. If the only signage type a permittee intends to place within the right-of-way is an A-frame sign, then the only required permit is an "A-Frame Sign within the Right-of-Way." Previously, under Resolution 15-08, any sign in the right-of-way triggered the need for an additional "Annual Right-of-Way Permit for Signage." The advantage of the

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“Annual Right-of-Way Permit for Signage” is to allow a sign permittee the opportunity to place multiple sign types within the right-of-way. However, the “A-Frame Sign within the Right-of-Way” is an annual permit and will additionally verify the same information as the “Annual Right-of-Way Permit for Signage.” Thus, if a sign permittee does not intend to place additional types of signs within the right-of-way, such as cross-street banners, there is no need to obtain an “Annual Right-of-Way Permit for Signage.” Therefore, an “Annual Right-of-Way Permit for Signage” is only required for permittees who submit an application to place cross street banners or banners on a street light pole in the right-of-way.

No changes from the fee schedule adopted in Resolution 15-08 are proposed for the remaining sign permit types - A Permit for Cross Street Banners within the Right-of-Way (Highway 99E/Pedestrian Bridge); A permit for Cross Street Banners within the Right-of-Way (Molalla Avenue at Beverly Drive); A Permit for Banners on Street Light Poles within the Right-of-Way; and Banners on Private Property. However, for purposes of completeness, the sign fees for all sign permits are provided and become effective on November 1, 2015.

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## RESOLUTION NO. 16-23

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### **A RESOLUTION MODIFYING THE PLANNING FEE SCHEDULE TO ADD FEES FOR TYPE I SITE PLAN AND DESIGN REVIEW.**

**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

**WHEREAS**, the City added a streamlined review process for minor alterations to commercial, industrial and institutional properties known as Type I Site Plan and Design Review; and

**WHEREAS**, the City proposes to adjust fees as described in Exhibit 1 to reflect the streamlined process; and

**WHEREAS**, the revised fee schedule is provided in Exhibit 2; and

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

**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 16-23 to become effective September 16, 2016 and included as part of the Planning Fee Schedule.

**Section 2:** Beginning on January 1, 2016, the amended fees identified in Exhibit 1 and included in the Planning Fee Schedule shall be adjusted, along with all other fees identified on the Planning Fee Schedule, 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 17<sup>th</sup> day of August 2016.

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DAN HOLLADAY, Mayor

Attested to this 17<sup>th</sup> day of August 2016:

Approved as to legal sufficiency:

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Kattie Riggs, City Recorder

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City Attorney

Exhibit:

1. Fee Explanation
2. Fee Schedule



## Exhibit 1: Fee Explanation

### **Over-the-Counter Type I Site Plan and Design Review**

Permit Name: Over the Counter Type I Site Plan and Design Review

Amount: \$75 for Up to Two Review Items, \$150 for Three or More Review Items (adjusted annually for inflation)

Rationale: Based on the actual cost to review such applications, staff anticipates that the Planning Division would spend an average of 45 minutes administering and reviewing these permit applications as well as 20 minutes of administrative support processing the associated payment. The proposed fee of \$75 is equivalent to the fee associated with the Planning Division review for new or alterations to single-family homes. The fee doubles if the proposal includes three or more review items.

When Utilized: The over the counter Type I Site Plan and Design Review fee is applicable for projects, as described in Chapter 17.62.035, that encompass up to two of the following actions.

- Addition to or alteration of a legal nonconforming single or two-family dwelling.
- Repaving of previously approved parking lots with no change to striping.
- Replacement of exterior building materials.
- New or changes to an existing shared parking agreements.
- New or changes to existing bicycle parking.
- New or changes to existing landscaping that do not require stormwater treatment.
- New or changes to existing pedestrian accessways, walkways or plazas.
- New or changes to existing exterior mechanical equipment.
- New or changes to existing ADA accessibility elements.
- New or changes to an existing fence, hedge, or wall at least 20 feet away from a public right-of-way.
- New or changes to outdoor lighting.
- Addition or alteration to transparency, including but not limited to windows and doors.
- Addition or alteration of parapets or rooflines.
- Removal, replacement or addition of awnings, or architectural projections to existing structures.
- Modification of building entrances.
- Addition, modification, or relocation of refuse enclosure.

### **Extended Review Type I Site Plan and Design Review**

Permit Name: Extended Review Type I Site Plan and Design Review

Amount: \$250 for Each Item Reviewed (adjusted annually for inflation)

Rationale: Based on the actual cost to review such applications, staff anticipates that the Planning Division would spend an average of 3 hours administering and reviewing each of the permit applications, the Development Services Department would spend approximately 20 minutes reviewing each of the applications, and 40 minutes of administrative support transmitting the

application and processing the associated payment. The proposed fee is similar to the Type I Natural Resource Overlay District review fee of \$208, with an additional charge included for review by the Development Services Department and associated administrative costs. The fee is based on each item reviewed.

When Utilized: The Extended Review Type I Site Plan and Design Review fee is applicable for projects, as described in Chapter 17.62.035, that involve any of the following actions, alone or in combination:

- Addition or removal of up to 200 square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than 200 square feet in a 12-month period shall be processed as Type II.
- Addition or removal of up to 1,000 square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than 1000 square feet in a 12-month period shall be processed as Type II.
- Change to parking lot circulation or layout, excluding driveway modifications.
- Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.

These fees will be added to the Planning Fee Schedule on September 16, 2016 and will be adjusted annually beginning on January 1, 2017, based on the CPI-W for Portland, Oregon. Adjusted fees will be rounded to the nearest dollar.

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### 2016 PLANNING FEE SCHEDULE

(Effective January 1, 2016)

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 appeal)	\$250
Appeal - Historic Review Board	\$50
Appeal - PC Decision	\$3,446 plus actual City Attorney fees
Annexation Application	\$4,290
Annexation Metro Mapping (UOM is Acre)	< 1 = \$150      1 - 5 = \$250 5.1 - 40 = \$300      > 40 = \$400
Election Deposit	\$3,091
Amendment to Comp Plan	\$4,357
Code Interpretation / Similar Use	\$1,035
Conditional Use	\$3,746
Expedited Land Division	\$4,086 plus \$409 per lot
Extension (Land Use Permit)	\$667
Floodplain (Flood Mngmt Overlay Dist) Review (Type II)	no charge
Geologic Hazards Review	\$858
Geotechnical Review - High Water Table	\$588
Historic Review - Remodel	\$50
Historic Review - New Construction	\$50 plus 2.5% of construction cost max = \$1,000
Historic Review - Demolition	< 1,000 sf = \$273      > 1,000 sf = \$680
Lot Line Adjustment	\$1,145
Mailing Labels	\$15
Master Plan / Concept Plan	\$6,809
Master Plan / Concept Plan (Amendment)	Type I = \$680      Type II = \$2,043      Type III = \$3,404
Modifications	50% of current app. fee for app. being modified
Minor Partition	\$3,909
Non-Conforming Use (Type I)	See Public Records Request Form
Non-Conforming Use/Compatibility Review (Type II)	\$817
Parking Adjustment (Type III)	\$938
Pre-Application Conference	minor = \$544      major = \$1,055
Public Improvement Modification	\$350
Plan Review of Building Permit - Residential	\$75
Plan Review of Building Permit - Commercial	.1% bldg. permit value      min = \$137      max = \$3,419
Sign Permit	\$173 plus 5% of sign construction cost
Temporary Banner Permit	\$50
Annual Right-of-Way Permit for Signage	\$172 or \$86 if submitted after June 30th
A-Frame Sign Permit within the Right-of-Way	\$50
Cross Street Banner within Right-of-Way Permit	\$65 Hwy 99E / Pedestrian Bridge \$210 Molalla Avenue at Beverly Drive
Street Light Banner within the Right-of-Way Permit	\$20 per banner
Sign Variance	\$1,253
Site Plan & Design Review (Minor Type I Over the Counter)	\$75 ≤ 2 reviews      \$150 ≥ 3 reviews
Site Plan & Design Review (Minor Type I Extended Review)	\$250 each review
Site Plan & Design Review - Minor	\$817
Site Plan & Design Review / Detailed Master Plan	
- less than \$500,000	\$2,043 plus 0.007 X project cost
- \$500,000 to \$3,000,000	\$3,404 plus 0.005 X project cost
- over \$3,000,000	\$11,578 plus 0.003 X project cost max fee = \$54,308
Subdivision	\$4,086 plus \$340 per lot
Transportation Analysis Letter	\$464
Tree Replacement/Mitigation Fee	\$305 per tree
Variance (Administrative)	\$1,328
Variance (Hearing)	\$2,467
Natural Resource Review	
- Type I for Single/Two Family Lot	\$208
- Type I for Non-Single/Two Family Lot	\$416
- Type II or III for Single/Two Family Lot	\$967
- Type II or III for Non-Single/Two Family Lot	\$1,936
Willamette Greenway (Type II)	no charge
Willamette Greenway (Type III)	\$1,510
Zone Change / Text Amendment	\$2,764

**2015 TRAFFIC IMPACT ANALYSIS (TIA) AND TRANSPORTATION ANALYSIS LETTER (TAL)  
FEE STRUCTURE**

Land Use	Base Fee <sup>1</sup>	Large Study Area or Location near or Along Key Corridor <sup>2</sup>	Conditional Use, Zone Change, or Master Plan <sup>3</sup>	Meetings <sup>4</sup> Cost/Hr
Residential				
0-50 units	\$1,079	\$674	\$2,021	\$130
50+ units	\$1,349			
Non-residential				
<50K ft <sup>2</sup>	\$2,696	\$674	\$2,021	\$130
50 to 100K ft <sup>2</sup>	\$3,370			
>100K ft <sup>2</sup>	\$4,044			
Transportation Analysis Letter (TAL): \$464				
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.				



# City of Oregon City

625 Center Street  
Oregon City, OR 97045  
503-657-0891

## Staff Report

File Number: 16-489

**Agenda Date:** 8/17/2016

**Status:** Agenda Ready

**To:** City Commission

**Agenda #:** 7c.

**From:** Community Development Director Laura Terway

**File Type:** Resolution

### **SUBJECT:**

Resolution No. 16-23, Amending the Planning Division Fee Schedule to Add Fees for the Newly Created Type I Site Plan and Design Review

### **RECOMMENDED ACTION (Motion):**

Staff recommends the City Commission approve Resolution No. 16-23, amending the Planning Division fee schedule to add fees for Type I Site Plan and Design Review (associated with Planning file LE16-02).

### **BACKGROUND:**

This Resolution would create a fee associated with the proposed amendments to the Oregon City Municipal Code in Planning File LE 16-02. The amendment creates a streamlined review process for minor alterations to the exterior of commercial, office, multi-family, industrial and institutional properties. Site Plan and Design Review is required for exterior alterations to these properties in order to verify compliance with applicable community agreed upon standards in the Oregon City Municipal Code. These projects are currently reviewed under the Type II Minor Site Plan and Design Review process, but because these projects do not involve any exercise of discretionary criteria, they may be reviewed under the new Type I process. The streamlined review is applicable to installation of new windows and doors, changes to building materials, changes to landscaping, minor parking lot modifications, additions less than 200 square feet, etc.

The current application fee for Type II Minor Site Plan and Design Review is \$817, and includes a public notification process and drafting a staff report. With the streamlined Type I review process, a detailed application form would replace the public review process and associated staff report, reducing the amount of staff time processing the application. As the amount of time to process the applications is being reduced, this Resolution would also reduce the associated fees. There are two types of applications subject to this streamlined process, those which may be reviewed at the time they are submitted, or over the counter, and those which include a significantly higher number of criteria, or an extended review. Two new fees are proposed, a fee for Type I Site Plan and Design Review over-the-counter permits and a second fee for Type I Site Plan and Design Review extended review permits. Exhibit 1 of Resolution 16-0023 lists the project activities that fall under each of the two categories and explains the estimated staff time calculations used to determine the proposed fees while Exhibit 2 displays the revised fee schedule.

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**RESOLUTION NO. 17-18**

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**A RESOLUTION APPLYING THE FEES FOR TYPE I SITE PLAN AND DESIGN REVIEW TO  
TEMPORARY STRUCTURES.**

**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

**WHEREAS**, the City amended the Oregon City Municipal Code to facilitate temporary structures on commercial, multi-family, industrial and institutional properties; and

**WHEREAS**, the review process for verifying compliance for temporary structures is identified as Type I Site Plan and Design Review; and

**WHEREAS**, the City proposes to apply the fees for Site Plan & Design Review - Minor Type I to the review process for temporary structures as described in Exhibit 1; and

**WHEREAS**, no changes to the fee schedule itself are proposed. Staff costs should include annual adjustment of the fees based on the consumer price index every year to account for inflation; and

**WHEREAS**, staff relies on revenue from these fees to fund review and administration of applications and 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.** This resolution shall take effect on July 21, 2017.

**Section 2:** The City hereby applies the Site Plan & Design Review – Minor Type I fee to the review process for temporary structures as identified in Ordinance 17-1007.

Approved and adopted at a regular meeting of the City Commission held on the 21<sup>st</sup> day of June 2017.

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DAN HOLLADAY, Mayor

Attested to this 21<sup>st</sup> day of June 2017:

Approved as to legal sufficiency:

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Kattie Riggs, City Recorder

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City Attorney

**Exhibits:**

1. Fee Explanation
2. Fee Schedule



## Exhibit 1: Fee Explanation

*The City proposes to apply the fees for Site Plan & Design Review - Minor Type I to the review process for temporary structures as described below. No change to the fee schedule itself is proposed.*

Approval of Ordinance 17-007 will amend the Oregon City Municipal Code to facilitate temporary structures on commercial, multi-family, industrial and institutional properties. Temporary structures may be constructed in accordance with Chapter 17.62.050 of the Oregon City Municipal Code, including but not limited to:

**Temporary Structures up to 200 Square Feet -**

- Constructed up to six times per year
- In place up to three consecutive days

**Temporary Structure Larger than 200 Square Feet -**

- Constructed up to two times per year
- Structures up to 800 square feet may be in place for up to 30 consecutive days.
- Structures larger than 800 square feet may be in place for up to 7 consecutive days.

The review process for verifying compliance for temporary structures is identified as Type I Site Plan and Design Review. This Resolution will apply the existing fees for Type I Site Plan and Design Review to the new process of reviewing temporary structures. No change to the fee schedule itself is proposed. A smaller fee would apply for applications proposing temporary structures for a single time period while a larger fee would apply to properties whom would like an option to construct modest sized temporary structures multiple times during the year. The fees reflect an estimation of the time associated with each review.

- A \$75 fee would be utilized for properties proposing temporary structure(s) for a single time period.
- A \$250 fee would be utilized for an annual permit (expiring December 31st) allowing for the construction of temporary structure(s) up to 200 square feet in size, within a specific boundary during multiple time periods.

**Over-the-Counter Type I Site Plan and Design Review**

*Allows for the construction of a temporary structure(s) for a single time period.*

Permit Name: Over the Counter Type I Site Plan and Design Review

Amount: \$75 for Up to Two Review Items, \$150 for Three or More Review Items (adjusted annually for inflation)

Rationale: The City amended the Oregon City Municipal Code to facilitate temporary structures on commercial, multi-family, industrial and institutional properties. The fee is based on an estimate of the actual cost to review such applications, including an average of 45 minutes administering and reviewing the permit as well as 20 minutes of administrative support processing the associated payment. The fee

applies to a variety of exterior alterations onsite. Due to the time to review the application, the fee doubles if the proposal includes three or more review items.

**When Utilized:** **The fee would be utilized for properties proposing temporary structure(s) for a single time period.** The fee applies to the process of Type I Site Plan and Design Review for over the counter review. This process is applicable for the following projects, as described in Chapter 17.62.035:

- Addition to or alteration of a legal nonconforming single or two-family dwelling.
- Repaving of previously approved parking lots with no change to striping.
- Replacement of exterior building materials.
- New or changes to an existing shared parking agreements.
- New or changes to existing bicycle parking.
- New or changes to existing landscaping that do not require stormwater treatment.
- New or changes to existing pedestrian accessways, walkways or plazas.
- New or changes to existing exterior mechanical equipment.
- New or changes to existing ADA accessibility elements.
- New or changes to an existing fence, hedge, or wall at least 20 feet away from a public right-of-way.
- New or changes to outdoor lighting.
- Addition or alteration to transparency, including but not limited to windows and doors.
- Addition or alteration of parapets or rooflines.
- Removal, replacement or addition of awnings, or architectural projections to existing structures.
- Modification of building entrances.
- Addition, modification, or relocation of refuse enclosure.
- Temporary structure(s), excluding mobile vendors, for a single time period.

#### **Extended Review Type I Site Plan and Design Review –**

*Allows for the construction of a temporary structure(s) up to 200 square feet in size, within a specific boundary during multiple time periods over a calendar year.*

**Permit Name:** Extended Review Type I Site Plan and Design Review

**Amount:** \$250 for Each Item Reviewed (adjusted annually for inflation)

**Rationale:** The City amended the Oregon City Municipal Code to facilitate temporary structures on commercial, multi-family, industrial and institutional properties. The fee is based on an estimate of the actual cost to review such applications, including an average of 4 hours administering and reviewing the permit as well as 20 minutes of administrative support processing the associated payment.

**When Utilized:** **The fee would be utilized for an annual permit (expiring December 31<sup>st</sup>) allowing for the construction of temporary structure(s) up to 200 square feet in size, within a specific boundary during multiple time periods.** The fee applies to the process of Type I Site Plan and Design Review for extended review. This process is applicable for the following projects, as described in Chapter 17.62.035:

- Addition or removal of up to 200 square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than 200 square feet in a 12-month period shall be processed as Type II.
- Addition or removal of up to 1,000 square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than 1000 square feet in a 12-month period shall be processed as Type II.

- Change to parking lot circulation or layout, excluding driveway modifications.
- Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.
- Temporary structure(s) up to 200 square feet in size, excluding mobile vendors, within a specific boundary during multiple time periods.

These fees will be adjusted annually based on the CPI-W for Portland, Oregon. Adjusted fees will be rounded to the nearest dollar.

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### 2017 PLANNING FEE SCHEDULE

(Effective January 1, 2017)

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 appeal)	\$250
Appeal - Historic Review Board	\$50
Appeal - PC Decision	\$3,488 plus actual City Attorney fees
Annexation Application	\$4,342
Annexation Metro Mapping (UOM is Acre)	< 1 = \$150      1 - 5 = \$250 5.1 - 40 = \$300      > 40 = \$400
Election Deposit	\$3,128
Amendment to Comp Plan	\$4,410
Code Interpretation / Similar Use	\$1,048
Conditional Use	\$3,791
Expedited Land Division	\$4,136 plus \$414 per lot
Extension (Land Use Permit)	\$675
Floodplain (Flood Mngmt Overlay Dist) Review (Type II)	no charge
Geologic Hazards Review	\$869
Geotechnical Review - High Water Table	\$595
Historic Review - Remodel	\$50
Historic Review - New Construction	\$50 plus 2.5% of construction cost      max = \$1,000
Historic Review - Demolition	< 1,000 sf = \$276      ≥ 1,000 sf = \$688
Lot Line Adjustment	\$1,159
Mailing Labels	\$16
Master Plan / Concept Plan	\$6,892
Master Plan / Concept Plan (Amendment)	Type I = \$688      Type II = \$2,068      Type III = \$3,445
Modifications	50% of current app. fee for app. being modified
Minor Partition	\$3,956
Non-Conforming Use (Type I)	See Public Records Request Form
Non-Conforming Use/Compatibility Review (Type II)	\$827
Parking Adjustment (Type III)	\$949
Pre-Application Conference	minor = \$551      major = \$1,068
Public Improvement Modification	\$355
Plan Review of Building Permit - Residential	\$76
Plan Review of Building Permit - Commercial	.1% bldg. permit value      min = \$138      max = \$3,460
Sign Permit	\$175 plus 5% of sign construction cost
Temporary Banner Permit	\$51
Annual Right-of-Way Permit for Signage	\$174 or \$87 if submitted after June 30th
A-Frame Sign Permit within the Right-of-Way	\$51
Cross Street Banner within Right-of-Way Permit	\$66 Hwy 99E / Pedestrian Bridge \$213 Molalla Avenue at Beverly Drive
Street Light Banner within the Right-of-Way Permit	\$20 per banner
Sign Variance	\$1,268
Site Plan & Design Review - Minor Type I Over the Counter	up to 2 review items = \$75      3 or more review items = \$150
Site Plan & Design Review - Minor Type I Extended Review	\$250 per review
Site Plan & Design Review - Minor Type II	\$827
Site Plan & Design Review / Detailed Master Plan	
- less than \$500,000	\$2,068 plus 0.007 X project cost
- \$500,000 to \$3,000,000	\$3,445 plus 0.005 X project cost
- over \$3,000,000	\$11,718 plus 0.003 X project cost max fee = \$54,964
Subdivision	\$4,136 plus \$344 per lot
Transportation Analysis Letter	\$469
Tree Replacement/Mitigation Fee	\$309 per tree
Variance (Administrative)	\$1,344
Variance (Hearing)	\$2,496
Natural Resource Review	
- Type I for Single/Two Family Lot	\$211
- Type I for Non-Single/Two Family Lot	\$421
- Type II or III for Single/Two Family Lot	\$979
- Type II or III for Non-Single/Two Family Lot	\$1,959
Willamette Greenway (Type II)	no charge
Willamette Greenway (Type III)	\$1,529
Zone Change / Text Amendment	\$2,798

**2017 TRAFFIC IMPACT ANALYSIS (TIA) AND TRANSPORTATION ANALYSIS LETTER (TAL)  
FEE STRUCTURE**

Land Use	Base Fee <sup>1</sup>	Large Study Area or Location near or Along Key Corridor <sup>2</sup>	Conditional Use, Zone Change, or Master Plan <sup>3</sup>	Meetings <sup>4</sup> Cost/Hr
Residential				
0-50 units	\$1,092	\$682	\$2,046	\$136
50+ units	\$1,365			
Non-residential				
<50K ft <sup>2</sup>	\$2,729	\$682	\$2,046	\$136
50 to 100K ft <sup>2</sup>	\$3,411			
>100K ft <sup>2</sup>	\$4,093			
Transportation Analysis Letter (TAL): \$469				
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.				



# City of Oregon City

625 Center Street  
Oregon City, OR 97045  
503-657-0891

## Staff Report

File Number: 17-364

**Agenda Date:** 6/21/2017

**Status:** Agenda Ready

**To:** City Commission

**Agenda #:** 7c.

**From:** Community Development Director Laura Terway

**File Type:** Resolution

### **SUBJECT:**

Resolution No. 17-18: Identification of a Planning Division Review Fee for Temporary Structures on Commercial, Multi-Family, Industrial, and Institutional Properties

### **RECOMMENDED ACTION (Motion):**

Staff recommends approval of Resolution No.17-18 to identify a fee for Planning Division review of temporary structures on commercial, multi-family, industrial, and institutional properties.

### **BACKGROUND:**

Approval of Ordinance No.17-007 will amend the Oregon City Municipal Code to facilitate temporary structures on commercial, multi-family, industrial and institutional properties. Temporary structures may be constructed in accordance with Chapter 17.62.050 of the Oregon City Municipal Code, including but not limited to:

#### **Temporary Structures up to 200 Square Feet -**

- Constructed up to six times per year
- In place up to three consecutive days

#### **Temporary Structure Larger than 200 Square Feet -**

- Constructed up to two times per year
- Structures up to 800 square feet may be in place for up to 30 consecutive days.
- Structures larger than 800 square feet may be in place for up to 7 consecutive days.

The review process for verifying compliance for temporary structures is identified as Type I Site Plan and Design Review. This Resolution will apply the existing fees for Type I Site Plan and Design Review to the new process of reviewing temporary structures. No change to the fee schedule itself is proposed. A smaller fee would apply for applications proposing temporary structures for a single time period while a larger fee would apply to properties whom would like an option to construct modest sized temporary structures multiple times during the year. The fees reflect an estimation of the time associated with each review.

- A \$75 fee would be utilized for properties proposing temporary structure(s) for a single time period.
- A \$250 fee would be utilized for an annual permit (expiring December 31st) allowing for the construction of temporary structure(s) up to 200 square feet in size, within a specific boundary during multiple time periods.

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