



## Legislation Details (With Text)

<b>File #:</b>	PC 18-033	<b>Version:</b>	1	<b>Name:</b>	MNA Fee Waiver Request
<b>Type:</b>	Planning Item	<b>Status:</b>		<b>Status:</b>	Public Hearing
<b>File created:</b>	2/28/2018	<b>In control:</b>		<b>In control:</b>	City Commission
<b>On agenda:</b>	3/7/2018	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	McLoughlin Neighborhood Association Fee Waiver Request for Planning Appeal file AP 17-02				
<b>Sponsors:</b>	Laura Terway				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Staff Report, 2. AP 17-02 MNA Appeal and Fee Waiver Request				

Date	Ver.	Action By	Action	Result
3/7/2018	1	City Commission	adopt	Pass

McLoughlin Neighborhood Association Fee Waiver Request for Planning Appeal file AP 17-02

### RECOMMENDED ACTION (Motion):

Resolve the McLoughlin Neighborhood Association fee waiver request (AP 17-02) by making a tentative decision to grant, in whole or part, the requested reduction in the appeal fee (Appeal of HR 17-04 -Historic Review Board's conditional approval of Construction of a new operations facility for the Oregon City Public Works Department in the McLoughlin Conservation District in the Institutional and R6 Zoning Districts.)

Staff will return on April 4, 2018, with findings for adoption consistent with the Commission's deliberation and decision.

### BACKGROUND:

On June 27, 2017, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Oregon City Historic Review Board voted to approve the design of Phase I of the proposed Public Works Operations Facility in the McLoughlin Conservation District. This decision was appealed by the McLoughlin Neighborhood Association (Planning file AP 17-02 ).

The McLoughlin Neighborhood Association (MNA) appeal included payment of the \$50 appeal fee as well as a fee waiver request. OCMC 17.50.290 - Fees, Subsection (C) provides the following standard for granting a fee waiver:

*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.*

The fee waiver request did not include the resolution nor any documentation addressing the above section in support of the fee waiver request.

The City Commission should open the public record to hear new evidence limited to the fee waiver issue. Please refer to the staff report outlining the issues and options for resolving the fee waiver request. Staff will return on April 4, 2018, with findings for adoption consistent with the Commission's deliberation and decision.