



Legislation Details (With Text)

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Title:	Conditional Use Planning Fee				
Sponsors:	Laura Terway				
Indexes:					
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Attachments:	1. Staff Report, 2. Fee Estimation, Comparison, and Permit History, 3. 2019 Planning Division Fee Schedule, 4. Conditional Use Preliminary Review Process				

Date	Ver.	Action By	Action	Result
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Conditional Use Planning Fee

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission retain the existing conditional use fee.

BACKGROUND:

The Planning Division charges fees to recover the cost of processing development applications. During the recent amendments to the Oregon City Municipal Code, the City Commission adopted amendments to the Planning Division fee schedule. During the review, the City Commission identified the need for an additional work session to review the conditional use fee to determine if it should be amended.

What is a Conditional Use?

A Conditional Use is a use which may be compatible with other uses allowed in a zoning designation but may also have impacts which may be unexpected or require mitigation such as increase traffic, noise or illumination. Conditional Uses are reviewed by the Planning Commission at a public hearing for compliance with community adopted standards in the Oregon City Municipal Code. Examples include a school or a church in a residential zoned neighborhood. Conditional Uses are listed in each applicable zoning designation.

What is the Conditional Use Review Process?

Conditional Use applications are processed as a Type III Land Use application. Once an application is submitted, it is reviewed for completeness purposes within 30 days. Upon a complete application, the applicant is entitled to a Planning Commission decision and an appeal to the City Commission within 120 days. Staff forms a recommendation with findings for the applicable criteria and the 7 member Planning Commission makes the initial determination which may be appealed on the record to the City Commission. The City Commission's decision may be further appealed to the Land Use Board of Appeals (LUBA) and further through the court system.

How does the Current Fee Compare to the Estimated Average Cost to Process the Application? The current fee (2019) is \$4,091 for a Conditional Use. Fees should be reflective of actual or average cost to the City to process the application. Staff estimated the cost to process an average Conditional Use as \$4,044.08. Conditional Use projects vary significantly in scope and estimation of time is difficult because the City does not have an up to date catalog of actual hours dedicated to processing each Conditional Use application. The estimated time is based on past experiences of Planning Division employees and contains a margin of error. The approximate time from initiation of a conditional use through completion of development is approximately a year and included a variety of tasks from reviewing the application for completeness purposes, noticing the application, writing a staff report, communicating with various agencies, communicating with members of the public, attending generally two public hearings, writing and sending a notice of decision, approval of all conditions of approval, assuring the project is constructed per the applicants plan with conditions. Given that the estimate is so similar to the actual fee charged and it is just as feasible that the average cost could be \$4,091, staff recommends retaining the existing fee.

Note that a listing of the Conditional Use fee for other jurisdictions is provided, though it is just for comparative purposes. The City's fee should be the average or actual cost to process the application, though the fee for development applications may be subsidized by the general fund if the City Commission so chooses.