

RESOLUTION NO. 1044

A RESOLUTION AMENDING FEES FOR THE CITY OF CANBY PLANNING DEPARTMENT, TO ADD TEMPORARY VENDOR APPLICATION FEES.

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

WHEREAS, Canby Municipal Code 16.88.030 authorizes the City Council to set fees by resolution for processes and applications concerning annexations, zone changes, variances, conditional use permits, design review, appeals, other permits or approvals, and property divisions; and

WHEREAS, the City Council last updated fees for the City of Canby Planning Department in June 2009, by adopting Resolution No. 1025; and

WHEREAS, the City Council has amended the Land Development and Planning Ordinance of the City, by passing Ordinance No. 1315, which establishes standards for temporary vending activities on private property, and which includes a requirement that temporary vendors submit a Type I application to obtain a temporary vendor permit; and

WHEREAS, the City Council now wishes to set the fee for a Temporary Vendor Permit application at \$100; and

WHEREAS, the City Council now wishes to set the fee for a Temporary Vendor Permit Renewal application at \$80; and

WHEREAS, the City Council now wishes to provide non-profit entities with a 50 percent reduction of both the \$100 Temporary Vendor Permit application fee , and the \$80 Temporary Vendor Permit Renewal application fee; and

WHEREAS, an amendment to the Planning Department Fee Schedule is a land use decision; and

WHEREAS, an amendment to the Planning Department Fee Schedule does not act to rezone property, and is therefore not subject to Oregon Revised Statute 227.186 noticing requirements; and

WHEREAS, the Planning Commission held a public hearing, for which public notice was provided by publishing written notice in the July 8th edition of the Canby Herald, and by posting written notice pursuant to Canby Municipal Code 16.89.060.D requirements on June 23, 2009; and

WHEREAS, the City Council has determined that the City relies on revenue from Planning Department fees in order to provide services necessary for citizen involvement in the City's land use review functions, and therefore Planning Department Fees are in compliance with Goal 1 of Oregon's Statewide Planning Goals, which is "citizen involvement"; and

WHEREAS, the City Council has determined that the City relies on revenue from Planning Department fees in order to carry out site- and area-specific implementation measures, such as reviewing limited land use, land use, and permit applications to determine consistency with the City's land use plans, and therefore Planning Department Fees are in compliance with Goal 2 of Oregon's Statewide Planning Goals, which is "land use planning"; and

WHEREAS, the City Council has determined that the rates hereinafter specified for Planning Department activities are based on the actual or average cost of providing services, and are therefore just, reasonable, and necessary; and

WHEREAS, Oregon law requires that a governing body, when adopting a fee resolution imposing new rates, may include a provision classifying said fees as subject to or not subject to the limitations set in Section 11(b), Article XI of the Oregon Constitution;


NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

Section 1. The Fees to be charged by the Planning Department shall be as set forth in Exhibits "A" and "B" attached hereto, and by reference incorporated herein.

Section 2. The City Council hereby classifies the fees imposed herein as not subject to the limitations imposed by Section 11(b), Article XI of the Oregon Constitution.

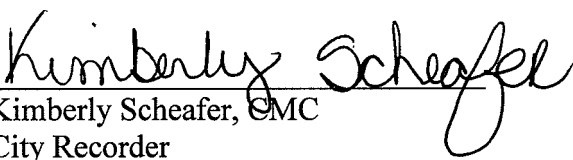
Section 3. This decision is final on September 18, 2009. This resolution shall take effect on October 16, 2009.

ADOPTED by the Canby City Council at a regular meeting thereof on September 16, 2009.



Melody Thompson
Mayor

ATTEST:



Kimberly Scheafer, CMC
City Recorder

Exhibit A
PLANNING DEPARTMENT FEE SCHEDULE

	CURRENT FEE	NEW FEE (NC = no change)
Annexation	Sliding scale – see Exhibit B	NC
Annexation, election deposit (applicant pays all costs)	\$2,500	NC
Appeal of interpretation or type II decision to Planning Commission	\$1,600	NC
Appeal of Planning Commission decision to City Council	\$1,920	NC
Building permit site plan review	Sliding scale – see Exhibit B	NC
Comprehensive plan amendment	\$3,220	NC
Conditional use permit	\$2,040	NC
Condominium construction, less than six units	\$280	NC
Interpretation	\$580	NC
Legal Review – Development Agreement/Development Concept Plan	Applicant pays actual costs	NC
Lien search	\$20	NC
Lot line adjustment	\$520	NC
Modification, minor	\$100	NC
Modification, intermediate	\$720	NC
Modification, major	\$720	NC
Modification public hearing (additional charge)	\$460	NC
Non-conforming structure/use	\$520	NC
Parking lot/paving projects	\$300	NC
Partition, major	\$1,360	NC
Partition, minor	\$1,280	NC
Planned unit development	\$1,480	NC
Plat review	\$100	NC
Preconstruction conference	\$100 (+\$60 per hr. over 2 hrs)	NC
Sign permit for design reviews	\$280	NC
Site and design review	Sliding scale – see Exhibit B	NC
Special permit (hardship)	\$100	NC
Special permit public hearing (additional charge)	No fee	NC
Subdivision	Sliding scale – see Exhibit B	NC
Temporary vendor permit	---	\$100 (note: 50% fee reduction for non-profit entities)
Temporary vendor permit renewal	---	\$80 (note: 50% fee reduction for non-profit entities)
Text amendment	\$2,880	NC
Transportation analysis	Applicant pays actual costs	NC
Variance, major	\$2,120	NC
Variance, minor	\$520	NC
Zoning map amendment	\$2,640	NC

October 16, 2009

Exhibit B
SLIDING SCALE FEE PROPOSALS

Staff proposes four sliding scales, for plan reviews (by valuation), design reviews (by acreage & cost of public improvements), annexations (by acreage), and subdivisions (per lot). This approach minimizes the impact on small applications while fairly recovering the higher costs created by large applications.

Annexations

<u>Rate</u>		<u>Sample Fees</u>	
< 1 acre	\$1,850 (base fee)	1 acre	\$1,850
1 – 10 acres	\$105 per acre	5 acres	\$2,270
11 – 50 acres	\$55 per acre	10 acres	\$2,795
51+ acres	\$10 per acre	50 acres	\$4,995
		300 acres	\$7,495

Subdivisions

<u>Rate</u>		<u>Sample Fees</u>	
4 lots	\$1,700 (base fee)	4 lots	\$1,700
5 – 10 lots	\$95 per lot	10 lots	\$2,270
11+ lots	\$130 per lot	25 lots	\$4,220
		50 lots	\$7,470
		100 lots	\$13,970

Site and Design Reviews

Total fee = size component + public improvements component

Size Component (based on acreage)

\$1500 first 0.5 acres
 \$100 for each additional 0.1 acres from 0.5 acres up to 2.5 acres
 \$100 for each additional 0.5 acres from 2.5 acres up to 8.0 acres
 \$100 for each additional 1.0 acres from 8.0 acres up to 13 acres
 \$5000 maximum for 13 acres and above.

Public Improvements Component

0.3% of total estimated public improvement cost (to be submitted with design review application). No cap on cost.

Examples:

Gramor/Fred Meyer (17.3 acres, \$1,700,000 public improvements):	\$10,100
Spectrum Woodworking (3.95 acres, all public improvements preexisting):	\$3,800
Denny's (1.19 acres, all public improvements preexisting):	\$2,200
Emmert office building (0.41 acres, \$25,000 public improvements):	\$1,575

Building Permit Plan Reviews

Residential

Single Family House	\$45 per application
Duplex (including conversions of single family to duplex)	\$60 per application
Non-living space addition (garage, carport, porch)	\$25 per application
Living space addition (expansion and/or creation of accessory dwelling)	\$35 per application
Multifamily based on valuation	\$30/unit (first 20 units) \$10/unit (each additional unit)
Demolitions	\$10

Commercial, Industrial Fee Schedule

Demolitions	\$30
Signs, commercial tenant improvements and remodels not involving additional square footage	\$50
All others based on building square footage:	
0 to 2,000 square feet	\$100
2,001 to 5,000	\$100 for the first 2,000 sq.ft. and \$1.75 for each additional 100 sq.ft. or fraction thereof.
5,001 to 10,000	\$152.50 for the first 5,000 sq.ft. and \$1.50 for each additional 100 sq.ft. or fraction thereof.
10,001 to 50,000	\$160 for the first 10,000 sq.ft. and \$1.25 for each additional 100 sq.ft. or fraction thereof.
50,001 to 100,000	\$210 for the first 50,000 sq.ft. and \$1.00 for each additional 500 sq.ft. or fraction thereof.
100,001 and up	\$260 for the first 100,000 sq.ft. and \$0.75 for each additional 1,000 sq.ft. or fraction thereof.

Examples:

Denny's Diner: \$157

Safeway remodel/addition: \$676

Milgard windows: \$894