

RESOLUTION NO. 827

A RESOLUTION ESTABLISHING APPLICATION FEES FOR LAND USE ACTIONS UNDER THE JURISDICTION OF THE CITY OF MILL CITY.

WHEREAS, the City of Mill City has duly adopted the Mill City Zoning Code, the Mill City Subdivision Code and Ordinance No. 251, an Ordinance Establishing a Procedure to Amend the Comprehensive Plan of the City of Mill City; and

WHEREAS, these ordinances require that application be made for specific land use actions and that filing fees be established by resolution of the City Council for these applications; and

WHEREAS, for land use applications of a more limited impact in the surrounding area, that applicants pay a base filing fee generally intended to cover costs for the land use application; and

WHEREAS, for major applications of greater significance to the surrounding neighborhood or to the community as a whole, that the applicant pays a base filing deposit for the land use application plus an additional fee to cover actual costs incurred by the City in processing the application;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Mill City, Oregon that Resolution No. 632 is repealed and that the following fee schedule be established.

Section 1: Filing Fee System

- A. **Adoption of Fees.** The following fees are adopted by the City Council of the City of Mill City in accordance with Mill City Municipal Code Title 16 “Land Divisions” and Title 17 “Zoning”.
- B. **Purpose.** Development Fees are designed to recover the direct and indirect cost of processing a land use application or similar application made to the City.
- C. **Minor Land Use Actions [Type I-Administrative].** For minor Type I land use actions of limited significance to the surrounding area and to the community, the applicant will pay a minimum application fee in accordance with a fee schedule as established in Section 2 of this resolution. In the event the City incurs professional fees or costs (defined as outside fees or costs of the city planner, legal counsel, engineer or other similarly situated professionals) in excess of the minimum application fee, the applicant will be responsible for the actual costs incurred by the City.
- D. **Major Land Use Actions [Type II, Type III and Type IV].** For major land use actions which may be of significance to a neighborhood within the City of Mill City or to the community as a whole, each applicant shall pay an initial deposit to be paid at the time of filing the application to cover costs incurred by the City in processing the application. The initial filing deposit is established in Section 3 of this resolution.

1. The costs incurred by the City in processing the application include the following costs involved in accepting and reviewing the application; in preparation and mailing of legal notices; assistance on the case involving time provided by the city planner, the city engineer and the city attorney, and staff time related to pre-hearing, hearing, and post-hearing activities. The City shall document these costs.
2. Direct costs include but are not limited to:
 - a. Hourly cost of City staff including payroll costs and benefits.
 - b. Public notice and publication and communication costs.
 - c. Engineering, planning, and legal expenses related to the case.
 - d. Fees and other charges paid by the City to other units of government which are related to the case.
3. If the initial deposit does not cover costs incurred by the City, then the city may charge an additional fee to cover costs incurred by the City. The additional fee shall be payable to the City upon receipt of a bill showing the documented City costs within thirty (30) working days of the final decision. Billing shall be sent by the City in a timely manner, within sixty (60) days of the date the City determines the costs exceed the amount of the initial deposit paid to the City.
4. If the property owner or applicant does not pay the additional fees which are invoiced, the City may withhold final city approval of a partition or subdivision plat, issuance of building permits or approval of utility service connections until the required fees are paid.

E. **Fees Required in order to Deem Application Complete:** Full payment of the application fees or initial deposit are required before the City deems an application complete.

Section 2: Type I – Administrative Decisions. The following fees shall be collected at the time of filing an application for a pre-application conference, building permit or the following land use action.

| Type I – Administrative | | 2018 Fees |
|---|---|-----------------------------|
| | | Initial Deposit |
| A. | Pre-Application Conference (All types) | \$ 200.00 |
| B. Building Permits / Administrative Review Only | | |
| 1 | Buffering or Screening (I Zone) | \$ 200.00 |
| 2 | Flood Plain Development Permit | \$ 250.00 |
| 3 | Home Occupation Permit | \$ 250.00 |
| 4 | Medical Hardship (MH) | \$ 250.00 |
| 5 | Annual Review - Medical Hardship (MH) | \$ 50.00 |
| 6 | Sign Permit | \$ 25.00 |
| 7 | Zoning Fee (City Fee w/ All Structural Permits) | 5% of Structural Permit Fee |
| 8 | Appeal of Zoning Official Decision to Planning Comm | \$ 250.00 |

Section 3. Type II – Quasi-Judicial Small, III – Quasi-Judicial Large, IV - Legislative. The following deposits shall be collected at the time of filing an application for a land use action:

| Type II - Quasi-Judicial | | 2018 Fees Initial Deposit |
|---|---|----------------------------------|
| A. Zoning | | |
| 1 | CUP (Home Occupation) | \$ 250.00 |
| 2 | Historic Resource Alteration / Demolition | \$ 250.00 |
| 3 | Conditional Use Permit | \$ 500.00 |
| 4 | Land Use Change along N. Santiam River | \$ 500.00 |
| 5 | Site Plan (SPD Zone) (< 1.0-acre) or SFR dwelling | \$ 500.00 |
| 6 | Variance (Zoning) | \$ 500.00 |
| 8 | Appeal of Planning Commission Decision | same as original application fee |
| B. Land Divisions | | |
| 1 | Property Line Adjustment | \$ 250.00 |
| 2 | Conversion Plan (Shadow Subdivision Plat for future) | \$ 500.00 |
| 3 | Variance to Subdivision Requirement (per variance) | \$ 500.00 |
| 4 | Appeal of Zoning Official Decision | \$ 500.00 |
| 5 | Appeal of Planning Commission Decision | same as original application fee |
| Type III - Quasi-Judicial (larger apps) | | 2018 Fees Initial Deposit |
| A Zoning | | |
| 1 | Conditional Use Permit | \$ 1,000.00 |
| 2 | Site Plan Review (< 1.0 acre) - MF, Commercial or Ind | \$ 1,000.00 |
| 3 | Site Plan Review (1.0+ acre) - MF, Commercial or Ind | \$ 1,000.00 |
| 5 | Site Plan (SPD Zone) (1.0+ acre project) | \$ 1,000.00 |
| 6 | Residential Community Plan (2.0-acres + in size) | \$ 1,500.00 |
| 7 | Manufactured Home Park | \$ 1,000.00 |
| B Land Divisions | | |
| 1 | Minor Partition (2 or 3 lots) | \$ 1,000.00 |
| 2 | Major Partition (3 lots + street creation) | \$ 1,250.00 |
| 4 | Tentative Plat for Subdivision (4 to 10 lots) | \$ 2,000.00 |
| 5 | Tentative Plat for Subdivision (11 to 20 lots) | \$ 2,750.00 |
| 6 | Tentative Plat for Subdivision (21+ lots) | \$ 3,500.00 |
| 7 | Planned Development (same as Subdivision Fee) | see 4, 5, 6 above |
| 8 | Final Plat Review for Subdivision | \$ 500.00 |
| 9 | Appeal of Zoning Official Decision | \$ 500.00 |
| 10 | Appeal of Planning Commission Decision | same as original application fee |

Type IV – Legislative

2018 Fees
Initial Deposit

A. **Comprehensive Plan Amendments**

| | | | |
|---|---|----|----------|
| 1 | Comprehensive Plan Text Amendment | \$ | 1,250.00 |
| 2 | Comp Plan Map Amendment (inside UGB) | \$ | 2,000.00 |
| 3 | Comp Plan Map Amendment (outside UGB) - up to 5 acres | \$ | 2,500.00 |
| 4 | Comp Plan Map Amendment (outside UGB) - 5+ acres | \$ | 3,500.00 |

B. **Zoning Map Amendment**

| | | | |
|---|---|----|----------|
| 1 | Zoning Code Text Amendment | \$ | 1,000.00 |
| 2 | Zoning Map Amendment (inside city limits) | \$ | 1,500.00 |
| 3 | Zoning Map Amendment (outside city includes annexation) | \$ | 2,000.00 |

Section 4. Multiple Applications. If multiple applications involving the same lots or parcels are submitted and if they can be heard at the same public hearing and handled administratively as a package, the applicant’s initial filing fee or deposit shall be the total of all individual filing fees or deposits less ten (10%) per cent.

Section 5. Engineering & Legal Deposits.

A. Engineering and Legal Plan Review Deposit w/ Application: The city will require an additional engineering and legal plan review deposit to be paid to the city at the time the application is filed to cover the costs of the city engineer’s review where public improvements are to be installed or the city attorney’s review of any land use application where a legal review is warranted. If at any time the amount of the deposit is exhausted the city may require the applicant to pay an additional deposit to cover estimated costs of engineering review and/or legal fees.

B. Engineering Inspections of Public Improvements & Administrative Costs: Where public improvements are to be installed as part of a development, the applicant shall pay an additional deposit to the City to cover City costs incurred for engineering plans review and project inspection.

1. Engineering Plans Review: Prior to the construction of any public improvements (e.g. public water, sewer, street and/or storm drainage improvements), the applicant shall submit engineering plans, including an estimated cost of construction, to the City Engineer for approval. If the deposit required by Section 5A above, is insufficient to cover the City Engineer’s estimated plans review costs, the City may require the applicant to pay an additional deposit to cover the costs of engineering review.

2. Project Inspection and Administrative Costs: Upon the City Engineer’s approval of the public improvement construction plans and prior to construction of the public improvements, the applicant shall deposit with the City an amount equal to 3% of the City Engineer’s approved estimate of the public improvement costs for the development. The deposit shall be used by the City to pay for engineering, inspection, legal and/or administrative costs incurred by the City during the construction of the public improvements.

If the City's costs exceed 3% of the estimated public improvement construction costs, the City shall bill the applicant on a monthly basis for the additional costs. The applicant shall pay all such bills within thirty (30) calendar days from the date of the billing by the City. The City shall issue a stop work order on the project or may withhold the issuance of building permits, the certificate of occupancy or subdivision/partition plats if the applicant fails to pay the billing within the specified time period.

- C. **Deposit Release or Refunds:** Any portion of the deposit required in Section 5A or Section 5B that is not used shall be returned to the petitioner within sixty (60) days of completion of the project. Prior to City release of the deposit, the City Engineer will provide the City with a letter or certificate of completion including certification that the applicant has complied with all conditions of approval, including the submittal of any required as-constructed plans and warranty/maintenance bonds or guarantees. The City shall issue a stop work order on the project if the applicant fails to pay the billing within the specified time period.

Section 6. Refunds. A refund of any paid filing fees and deposits shall be granted according to the following:

- A. A refund shall be granted only for the difference between the filing fees or deposits paid to the City and the actual costs that the City has incurred up to and including the day that the project is completed [all conditions of approval are met] or the petitioner withdraws the application.
- B. Any refund that is due shall be returned to the applicant within thirty (30) days from the date the city certifies the project is completed [all conditions of approval are met] or the date of the application withdrawal.
- C. In the case of an appeal, the appellant may request the City Council reimburse the appeal fee filed with the City if the appeal is granted. The City Council may grant a full or partial refund. The City Council is under no obligation to reimburse the fees paid by the appellant.

Section 7. Hearing Cancellations.

- A. Should the applicant for any reason cancel a public hearing after neighboring property owners and the general public have been notified of the hearing, the applicant shall reapply and repay the fees required for the land use action.
- B. Should the City for any reason cancel a public hearing after neighboring property owners and the general public have been notified, the City must reschedule the hearing at the expense of the City.

Section 8. Failure to Pay Billings. No final partition or subdivision plat, building permit or certificate of occupancy will be issued by the City until all billings due to the City are paid in full by the applicant.

Section 9. Authority to File a Lien. In the event of an applicant's failure to pay land use fees required by this resolution, the city may use any enforcement method or measure it deems appropriate, including imposition of a property lien, in addition to any penalties provided for in the Mill City Municipal Code.

Section 10. Effective Date. This resolution shall take effect on September 1, 2018.

APPROVED AND ADOPTED by the Council this 26th day of June, 2018.

Date: _____

By: _____
TIMOTHY L. KIRSCH, Mayor

Date: _____

Attest _____
STACIE COOK, City Recorder