

RESOLUTION NO. 5793

A RESOLUTION REVISING FEES FOR DEVELOPMENT CODE PROVISIONS AND REPEALING RESOLUTION NO. 5613.

WHEREAS, the City needs to recover the costs associated with processing land use applications; and

WHEREAS, in December, 2000, the City Council established by Resolution 4367, that in order to continue to address wage inflation, that the Planning Division fees are to be adjusted on July 1 of each year based on the April CPI-W national index; and

WHEREAS, fees related to Development Code provisions were last revised in June 2008, by Resolution No. 5613; and

WHEREAS, the US Department of Labor, Bureau of Labor Statistics has established the rate of change of the CPI-W national index from April 2008 to April 2009 decreased by 1.3 percent (0.013); and

WHEREAS, the Planning Division fees need to reflect this change in the CPI-W; and

WHEREAS, the Planning Division no longer administers applications to remove individual diseased and dangerous trees; and

WHEREAS, the Planning Division no longer desires to charge a fee to process an application to amend the text of the Development Code;

NOW, THEREFORE, BE IT RESOLVED that the existing fees established for the Planning Division to administer the Development Code shall be decreased by 1.3 percent for budget year 2009-2010 as is reflected on the attached Exhibit A; and

BE IT FURTHER RESOLVED that the Planning Division's schedule of fees shall remove from the list the following two categories: Diseased and Dangerous Tree Felling and Development Code Text Amendments; and

BE IT FURTHER RESOLVED that the Planning Division's fees and charges will become effective for applications received after June 30, 2009; and

BE IT FURTHER RESOLVED that the fees and charges shown on attached Exhibit A are not subject to the limits of Section 11b, Article XI, of the Oregon Constitution, and

BE IT FURTHER RESOLVED that Resolution No. 5613 is hereby repealed.

DATED AND EFFECTIVE THIS 24th DAY OF June 2009.

ATTEST:


Betty Longwell
City Clerk


Mayor

EXHIBIT "A"

July 1, 2009 to June 30, 2010

PLANNING DIVISION FEES TO ADMINISTER THE ALBANY DEVELOPMENT CODE (a)

Type of Application	Current Fees (7/1/2008 to 6/30/2009)	PROPOSED FEES for 7/1/2009 to 6/30/2010**
Adjustment (Type I)	\$63	\$62
Annexations - (set by separate resolution)	Varies	Varies
Appeals		
Appeal to City Council (Type III)	\$750	\$740
Appeal to PC only (Type I-L that had a neighborhood meeting)	\$250	\$247
Appeal to Hearings Officer -Expedited Land Div.	\$300 deposit/max \$500 (b)	\$300 deposit/max \$500 (b)
Comprehensive Plan Amendment (Type IV)		
Map Amendment - Without Concurrent Zoning Map Amend.	\$3,129	\$3,088
Map Amendment - Concurrent with Zoning Map Amend.	\$4,381	\$4,324
Text Amendment	\$3,504	\$3,458
Conditional Uses		
New construction (Type III)	\$2,505 plus (c)	\$2,472 plus (c)
New construction (Type II)	\$1,626 plus (c)	\$1,605 plus (c)
Existing building - Expand or modify (Type III)	\$1,626	\$1,605
Existing building - Expand or modify (Type II)	\$920	\$908
Existing parking lot - Expand or modify (Type II and III)	\$920	\$908
Additional fee if Design Standards apply (Type II and III)	\$274	\$270
Additional fee if traffic report required (Type II and III)	\$626	\$618
Development-Code-Text Amendment (Type IV)	\$3,393	
Historic Review		
Exterior Alteration; Designation of Landmark (Types I, I-L)	\$38	\$38
New Construction; Substitute Materials (Types I, I-L)	\$38	\$38
Demolition / Moving (Type III)	\$626	\$618
Interpretation of the Code		
Quasi-Judicial (Type II)	\$626	\$618
Legislative (Type IV)	\$1,250	\$1,234
Land Divisions		
Partition (2 or 3 parcels)		
Tentative Plat - (Type I-L, Expedited)	\$2,002	\$1,976
Tentative Plat - (Type III)	\$2,879	\$2,842
Replat (Type I-L)	\$250	\$247
Final Plat (Type I-L) [not applicable to replats]	\$505	\$498
Subdivision (4 or more lots)		
Tentative Plat - (Type I-L, Expedited)	\$2,253 + \$50 per lot	\$2,224 + \$50 per lot
Tentative Plat - (Type III)	\$3,129 + \$50 per lot	\$3,088 + \$50 per lot
Additional fee if traffic report required	\$626	\$618
Replat (Type I-L)	\$250	\$247
Final Plat (Type I-L) [not applicable to replats]	\$630	\$622
Land Use Status Letter (Type I)	\$53	\$52
Manufactured Home Park (Type I-L)	\$2,253 + \$20 per space	\$2,224 + \$20 per space
Additional fee if in floodplain (Type III)	\$876	\$865
Additional fee if traffic report required	\$626	\$618
Nonconforming Situations (Type II)		
New Construction	\$750 plus (c)	\$740 plus (c)
No new construction	\$376	\$371
Planned Development-3 Step Process		
Preliminary (Type I)	\$1,376	\$1,358
Interim (Type III)	\$3,504	\$3,458
Final (Type I)	\$626	\$618
Additional fee if traffic study required	\$626	\$618
Property Line Adjustment (Type I)	\$250	\$247
Request for Public Hearing of a Type II application	\$750 (e)	\$740 (e)
Residential Accessory Buildings (Type I-L and Type CUII)	\$376	\$371
Revision to Application in Process	\$249	\$246
Additional fee if renotification required	\$124	\$122
Revised Decision		
Staff Decision (Type I, II or I-L)	\$376	\$371
PC or CC Decision (Type III or IV)	\$876	\$865
Site Plan Review (d)		
Option A (new construction) (Type I-L)	\$2,379 plus (c)	\$2,348 plus (c)
Option B (modify existing development) (Type I-L)	\$1,626	\$1,605
Option C (change of use-existing development) (Type I)	\$0	\$0
Parking Lot Modification (Type I-L)	\$920	\$908
Additional fee if traffic report required	\$626	\$618
Additional fee if Design Standards apply	\$274	\$270
Special Requests-Temporary Uses (Type I)		
Medical Hardship; Temporary Uses; Temporary Residence	\$124	\$122
Tree Felling - 5 or more		
-Diseased or Dangerous (Type I)	\$38	
Concurrent with a development proposal	\$376	\$371
Not concurrent with a development proposal (Type I-L)	\$1,000	\$987
Vacation (Type IV)		
Public Street or Alley	\$2,002	\$1,976
Public Easements	\$1,753	\$1,730
Urban Growth Boundary Amendment	\$5,880	\$5,804
Variance - First, or individual, variance to a code section (Type II)	\$750	\$740
Each additional concurrent variance to a code section	\$500	\$494
Willamette Greenway (Type II)	\$1,126	\$1,111
Zoning Map Amendment (Type IV)	\$3,129	\$3,088

REFUND POLICY: In cases of withdrawal of an application, refund of fees may be applicable, less costs incurred, as determined by the Director. Generally, refunds of 80% will be made for a withdrawn application if it is made in writing prior to the City sending out the Notice of Filing or Notice of Public Hearing and preparation of the staff report has not begun. If the notice has been sent, but the staff report is not being prepared, then 50% of the application fee will be refunded. No refund will be provided for applications on which work on a staff report has begun. Refund of an appeal of an expedited land division shall follow ORS 197.375 regulations.

Notes:

- ** 98.7% of previous fiscal year fees to reflect decline of CPI-W National Index (April 2008 - April 2009) of minus 1.3%
- (a) No fee for land use applications initiated by City of Albany General Fund departments.
- (b) Per ORS 197.375(6)
- (c) 0.0015 percent of the development's construction value over \$150,000 (construction value excludes the cost of the land)
- (d) Same fees apply to modification or revision of an approved project.
- (e) Public hearing fee related to a Type II application shall be paid by the project applicant, not the person requesting the hearing