

**CITY OF NEWPORT
RESOLUTION 3486**

**RESOLUTION SETTING FEES FOR LAND USE ACTIONS
AND REPEAL THE PREVIOUS LAND USE FEE RESOLUTION**

Findings:

1. The City of Newport has established fees for land use actions to cover expenses incidental to the cost of reviewing such requests, including costs related to publishing notices for hearings, mailing notices to affected property owners/agencies, preparing and copying staff reports, and other responsibilities as required by state law and city ordinances.
2. Fees for land use actions were last updated in August of 2003 (Resolution No. 3319) and were not established for the purpose of recovering a specific percentage of the costs incurred by the city.
3. A Comprehensive Use Fee Study for the City of Newport, by FCS Group, dated September of 2009, considered the direct and indirect costs the City incurs in reviewing land use requests, including estimates for each permit type in today's dollars. The FCS Study found that the city is currently recovering about 15% of its direct costs through land use fees.
4. The FCS Study provides guidance for establishing a cost recovery policy, including weighing the public benefit versus private benefit when determining the level of full cost of services that should be recovered through fees. Considering this guidance, and the direct and indirect costs detailed in the FCS Study, it is appropriate to set a target of collecting 50% of the direct cost of administering land use actions through fees.
5. Given the length of time since the city last amended its fees, and the amount of increase needed to achieve 50% recovery of direct costs, it is appropriate to phase in fee adjustments over a four (4) year period, adjusted for inflation using the Bureau of Labor Statistics Consumer Price Index for Urban Consumers (CPI-U).
6. Once the fees increases are phased in, land use fees shall be adjusted annually effective January 1st of each year to account for changes in the CPI-U, and such adjustments are to be placed in a resolution on the consent calendar of the Newport City Council at a December meeting to allow for public awareness of the fee changes.
7. A cost recovery policy for land use fees was considered by the City of Newport Planning Commission at an October 12, 2009 public meeting, and the approach outlined herein is consistent with their recommendation. The Newport City Council considered the Commission's recommendation on December 7, 2009. Appropriate public notification was provided for both the Planning Commission and City Council meetings.

8. The prior land use fee ordinance (Resolution No. 3319), being no longer current, should be repealed. Those sections of Resolution No. 3319, which are still applicable, have been incorporated into this ordinance.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Land Use Fees. Fees for land use actions shall be increased over a four (4) year period as reflected in Exhibit A, beginning on January 1, 2010.

Section 2. Annual Fee Adjustments. Once the fee increases in Exhibit A have been implemented, land use fees shall be adjusted annually on January 1st of each year. Fee adjustments are to be calculated by multiplying the fee as of November 2013 by a fraction, the numerator of which is the CPI Index Figure for the month of November proceeding the January in which the fee is to be adjusted and the denominator of which is to be the "Base CPI Index Figure." As used in this section, "Index" refers to the All Urban Consumers (CPI-U), U.S. City Average, CPI Index published by the Bureau of Labor Statistics of the United States Department of Labor. The Base CPI Figure will be the index figure for the month of November 2012.

Section 3. Fees Relating to ORS 227.186 Notifications. The applicant for a land use application requiring notification under ORS 227.186 (Measure 56 notification) shall pay, in addition to the land use application fee, the cost of preparing and mailing the notification. The city shall prepare an estimate of the cost and shall notify the applicant of the estimated cost. The estimated cost shall be paid within five (5) business days after notification of such determination or the application shall be subject to dismissal. In the event that actual costs exceed estimated costs, the applicant shall be billed the difference and payment of the difference is due within 30 days after notice is provided to the applicant. In the event that the amount of such estimated payment exceeds the actual cost of notification, the difference shall be refunded to the applicant.

Section 4. Fees Relating to Appeal Transcripts. For appeals of land use actions, the appellant shall pay the actual cost of preparing a verbatim written transcript up to \$500. If there is more than one appellant, each such appellant shall pay an appeal fee and the cost of preparing a written transcript. All of the appellants shall be jointly and severally liable for the cost and charges of such transcripts, and any or all appeals pending in any matters may be dismissed by the Newport City Council in the event of failure to make payment of the transcript fees. Upon filing an appeal, the city shall determine the estimated cost of such transcript, and the amount of such estimated cost shall be paid to the city within five (5) business days after notification of such determination, or the appeal shall be subject to dismissal. In the event that actual costs of preparing the transcript exceed the amount of the estimate, the appellant(s) shall be billed the difference and payment of the difference is due within 30 days after notice is provided. Failure of appellant(s) to make payment within 30 days will subject the appeal to dismissal. In the event that the amount of such estimated payment exceeds the actual cost of the transcript, the amount so paid shall be refunded, prorated, to those parties actually having paid

them. As provided by ORS 227.180, in lieu of a transcript prepared by the city and the fee thereof, parties to an appeal held on the record may prepare a transcript of relevant portions of the proceedings conducted at a lower level at the party's own expense. If an appellant prevails at a hearing or on appeal, the transcript fee shall be refunded.

Section 5. Fees Relating to Withdrawal of Annexations. Withdrawals are administered as annexations. In addition to the filing fee, the owner of each parcel of property to be so withdrawn shall, as a condition of such withdrawal action, and prior thereto, pay or make arrangements satisfactory to the city for the payment of any bonded indebtedness or any other charges attributable to such property which may become a debt, obligation, or liability of the City of Newport by reason of such withdrawal. Nothing herein contained shall be construed to prevent the Newport City Council from initiating and carrying out the withdrawal proceedings on its own motion and the assumption of such obligations pursuant to the applicable state law if the City Council determines that to do so is in the best interest of the city.

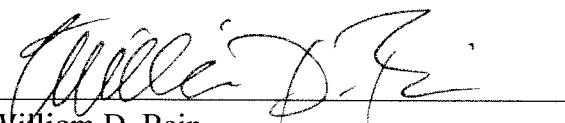
Section 6. Additions or Amendments to Land Use Fee Categories. In the event there is a need to make changes to the categories of fees charged for land use actions, the city may put such changes into effect by amending Exhibit A to this resolution. For new fees, the Base CPI Figure will be the index figure for the month of November proceeding the date the fee was adopted.

Section 7. Repeal of Prior Resolution. Resolution No. 3319 is repealed in its entirety.

Section 8: Effective Date. The effective date of this resolution is January 1, 2010.

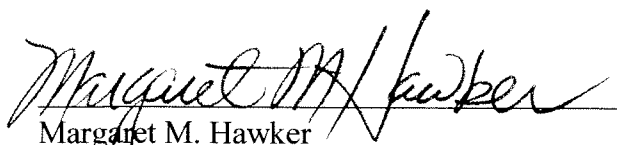
Adopted by a 7 – 0 vote of the Newport City Council on , 2009.

Approved by the Mayor on 12/22, 2009.



William D. Bain
Mayor

ATTEST:



Margaret M. Hawker
City Recorder

| Permit Type | Current Fee | Direct Unit Cost | 50% of Direct Cost | 50% Cost Adjusted | Fees Effective: | | | |
|--|-------------|------------------|--------------------|-------------------|-----------------|--------|---------|---------|
| | | | | | 1/1/10 | 1/1/11 | 1/1/12 | 1/1/13 |
| Annexation | \$700 | \$1,126 | \$563 | \$638 | \$700 | \$700 | \$700 | \$700 |
| Each additional parcel in separate ownership | \$20 | \$77 | \$39 | \$44 | \$26 | \$32 | \$38 | \$44 |
| Appeals* | \$150 | \$515 | \$258 | \$292 | \$185 | \$221 | \$256 | \$292 |
| Comprehensive Plan Amendment: | | | | | | | | |
| Text | \$325 | \$2,079 | \$1,040 | \$1,178 | \$538 | \$752 | \$965 | \$1,178 |
| Map | \$325 | \$2,079 | \$1,040 | \$1,178 | \$538 | \$752 | \$965 | \$1,178 |
| Conditional Use Permit: | | | | | | | | |
| Planning Commission | \$195 | \$1,322 | \$661 | \$749 | \$334 | \$472 | \$611 | \$749 |
| Staff | \$150 | \$1,058 | \$529 | \$600 | \$262 | \$375 | \$487 | \$600 |
| Estuarine Use Permit | \$0 | \$1,018 | \$509 | \$577 | \$144 | \$288 | \$433 | \$577 |
| Design Review - Nye Beach | \$0 | \$1,064 | \$532 | \$603 | \$151 | \$301 | \$452 | \$603 |
| Encroachment - right-of-way | \$100 | \$822 | \$411 | \$466 | \$191 | \$283 | \$374 | \$466 |
| Exception to Statewide Goal | \$325 | \$0 | \$325 | \$368 | \$336 | \$347 | \$358 | \$368 |
| Geologic Permit | \$65 | \$355 | \$178 | \$201 | \$99 | \$133 | \$167 | \$201 |
| Interpretation | \$150 | \$730 | \$365 | \$414 | \$216 | \$282 | \$348 | \$414 |
| Land Use Compatibility Signoff | \$0 | \$94 | \$47 | \$53 | \$13 | \$27 | \$40 | \$53 |
| Minor Partition | \$50 | \$550 | \$275 | \$312 | \$115 | \$181 | \$246 | \$312 |
| Nonconforming Use Permit | \$195 | \$1,322 | \$661 | \$749 | \$334 | \$472 | \$611 | \$749 |
| Partition | \$50 | \$550 | \$275 | \$312 | \$115 | \$181 | \$246 | \$312 |
| Planned Destination Resort: | | | | | | | | |
| Conceptual Master Plan | \$325 | \$2,306 | \$1,153 | \$1,307 | \$570 | \$816 | \$1,061 | \$1,307 |
| per acre charge | \$2 | \$83 | \$42 | \$47 | \$13 | \$25 | \$36 | \$47 |
| Preliminary Development Plan | \$130 | \$2,000 | \$1,000 | \$1,133 | \$381 | \$632 | \$883 | \$1,133 |
| per charge per each lot | \$13 | \$83 | \$42 | \$47 | \$22 | \$30 | \$39 | \$47 |
| Final Development Plan | \$130 | \$1,818 | \$909 | \$1,030 | \$355 | \$580 | \$805 | \$1,030 |
| Planned Unit Development: | | | | | | | | |
| Tentative Plan | \$260 | \$2,000 | \$1,000 | \$1,133 | \$478 | \$697 | \$915 | \$1,133 |
| charge per each unit | \$10 | \$83 | \$42 | \$47 | \$19 | \$29 | \$38 | \$47 |
| Final Plan | \$260 | \$1,818 | \$909 | \$1,030 | \$453 | \$645 | \$838 | \$1,030 |
| charge per each unit | \$10 | \$83 | \$42 | \$47 | \$19 | \$29 | \$38 | \$47 |
| Property Line Adjustment | \$50 | \$528 | \$264 | \$299 | \$112 | \$175 | \$237 | \$299 |
| Shoreland Impact Permit | \$0 | \$877 | \$439 | \$497 | \$124 | \$248 | \$373 | \$497 |
| Signs: | | | | | | | | |
| One temporary/portable sign | \$25 | \$119 | \$60 | \$67 | \$36 | \$46 | \$57 | \$67 |
| each additional | \$10 | \$0 | \$10 | \$11 | \$10 | \$10 | \$10 | \$10 |
| Other signs | \$100 | \$205 | \$103 | \$116 | \$104 | \$108 | \$112 | \$116 |

| Permit Type | Current Fee | Direct Unit Cost | 50% of Direct Cost | 50% Cost Adjusted | Fees Effective: | | | | |
|---|-------------|------------------|--------------------|-------------------|-----------------|--------|---------|---------|--|
| | | | | | 1/1/10 | 1/1/11 | 1/1/12 | 1/1/13 | |
| Subdivisions: | | | | | | | | | |
| Tentative Plan | \$230 | \$1,670 | \$835 | \$946 | \$409 | \$588 | \$767 | \$946 | |
| charge per each unit | \$10 | \$83 | \$42 | \$47 | \$19 | \$29 | \$38 | \$47 | |
| Final Plat | \$230 | \$728 | \$364 | \$413 | \$276 | \$321 | \$367 | \$413 | |
| charge per each unit | \$10 | \$83 | \$42 | \$47 | \$19 | \$29 | \$38 | \$47 | |
| Urban Growth Boundary Amendment | \$325 | \$2,497 | \$1,249 | \$1,415 | \$598 | \$870 | \$1,143 | \$1,415 | |
| Vacations** | \$500 | \$1,335 | \$668 | \$757 | \$564 | \$628 | \$692 | \$757 | |
| Variances/Adjustments: | | | | | | | | | |
| Planning Commission | \$195 | \$1,018 | \$509 | \$577 | \$290 | \$386 | \$481 | \$577 | |
| Staff | \$150 | \$877 | \$439 | \$497 | \$237 | \$323 | \$410 | \$497 | |
| Zoning Ordinance Amendments: | | | | | | | | | |
| Text | \$325 | \$2,079 | \$1,040 | \$1,178 | \$538 | \$752 | \$965 | \$1,178 | |
| Map | \$325 | \$2,079 | \$1,040 | \$1,178 | \$538 | \$752 | \$965 | \$1,178 | |
| Other staff level permits requiring public notice | \$50 | \$831 | \$416 | \$471 | \$155 | \$260 | \$366 | \$471 | |

* plus cost of producing a verbatim transcript.

** plus appraisal cost and damages.