



**Staff Report**

For City Council Meeting - 1/8/2020

***Subject - New Business - Discussion - Land Use Fees***

***Synopsis*** - The Planning Department have a comparison for consideration regarding amending existing land use fees. The proceeding letter explains the reasoning and process. Should the council agree to change land use fees a resolution would need to be made.

***Recommendation:*** Staff recommends the council discuss the attached support and choose one of the following options.

***Council Options:***

- 1) Table the issue to collect more information;
- 2) Request staff to bring a resolution to the February Council Meeting;
- 3) Do nothing.

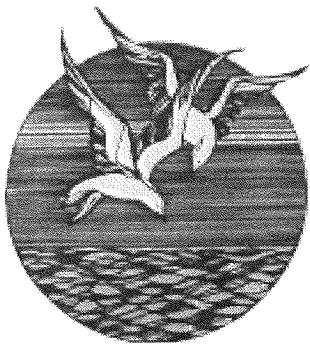
***Legal Analysis:*** N/A

***Financial Analysis:*** Per the attached documents.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be the name "Chad", written in a cursive style.

Chad



# CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138  
(503) 738-5501 • (503) FAX 738-9385

December 18, 2019

Chad Sweet  
City Administrator  
P O Box 2510  
Gearhart, OR 97138

RE: Consideration to increase Land Use Application Fees

Dear Councilors:

Cheryl and I have spent the last year evaluating the fee an applicant pays for a city land use approval. We have compared existing fees to the actual cost for the city to process applications. Fees have not been updated for 14 years. Attached you will find the existing fee schedule. This is followed by a current cost estimate for each application type, estimating the time and materials to process a given application. Please note the numbers are estimates to the best of our knowledge. For comparison the schedule also shows a range of fees charged by several other Oregon cities.

Some applications are more complicated than others and involve lots of staff and legal time. In accordance with our ordinance, a few applicants have been billed for excess planner/legal time, ranging from \$2500 to \$5200. In all but one case the city has been reimbursed, but even the overage has not covered all staff time and costs to the city. Over the past couple of years, the cost of publishing legal notices has drastically increased and postage has increased almost yearly.

In addition to raising existing fees, I would request you consider a new fee for a Pre-application Conference (range \$160-\$2286) and a Final Plat Review for partitions and subdivisions (range \$400-\$2286). This would help to cover preliminary and follow-up staff time spent on more complicated cases like a zone map amendment, annexation, street vacation, partition and subdivision.

Please let me know if I can provide you with any more background information.

Sincerely,

Carole Connell, AICP  
City Planner

Cheryl Lund  
Planning Assistant

RESOLUTION NO. 869

9-7-05

WHEREAS, the City of Gearhart has reviewed its fee schedule for various land use related planning applications including street vacation, and annexation petitions, appeals, tree removal and local plan review; and

WHEREAS, the City of Gearhart has set and assessed fees and deposits for various land use planning applications, appeals, petitions and tree removal permits in accordance with the requirements of the Oregon Revised Statutes; and

WHEREAS, the City of Gearhart has determined that such fee and deposit requirements may vary from time to time;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GEARHART, hereby adopts the following fees for land use related applications:

Amendment to the Comprehensive Plan	\$500
Amendment to the Zoning Ordinance	\$500
Annexation	\$750
Appeals:	
Administrative Appeal	\$250
Planning Commission Appeal	\$250
Conditional Use Permit	\$250
DEQ Land Use Compatibility Statement	\$ 35
Extension request	\$100
Lot line adjustment	\$100
Partition	\$500 + \$10 lot
Photocopies	\$ 0.25 page
Residential Site Plan Review	\$ 25
Returned Check Fee	\$ 30
Sign Permits	\$ 50
Street Vacation	\$750
Subdivision	\$500 + \$10 lot
Tree removal permits	\$ 50
Variance Request	\$400
Zoning Ordinance – Text	\$ 25

Annexation

	A	B	C
1	Annexation <b>CURRENT FEE \$750</b>	ACTUAL COST	<b>OTHER CITY RANGE</b>
2			<b>\$1000 DEPOSIT - \$3500</b>
3	Accept application and deem complete	\$100	
4	Determine need for PC input	\$602	
5	Council sets hearing and date	\$602	
6	Prepare docs for staff, agency, DLCD review	\$204	
7	Prepare notices and affidavits	\$150	
8	Publication costs	\$330	
9	Staff Report preparation - planner	\$350	
10	disseminate and post staff report	\$50	
11	prepare script for Mayor	\$33	
12	CC public hearing - Staff, Planner	\$602	
13	prepare public hearing minutes	\$139	
14	assemble list of 'standing'	\$33	
15	preparation of ordinance or resolution	\$150	
16	File ordinance or resolution & consents with State agencies	\$248	
17	provide certified notice within 10 days to utilities	\$132	
18	attorney fee	\$2,000	
19			
20	<b>PROPOSED FEE</b>	<b>\$5,725</b>	
21			
22	Note: this is a high estimate for a large or controversial annex. Request		

Appeals

	A	B	C
1	Appeals <b>current fee \$250</b>	ACTUAL COSTS	<b>OTHER CITY RANGE</b>
2			<b>\$400 - \$3409</b>
3	accept and deem application complete	\$95	
4			
5	\$ cost for mailing/applicant/parties/notice of appeal	\$109	
6	preparing the 'record' /copy council & applicants /post & desiminate	\$325	
7	meetings scope of review/ public hearing - CC & staff	\$635	
8	prepare and publish legal notice	\$73	
9	\$ cost of publication legal notice	\$144	
10	prepare affidavit of mailing to parties of record	\$91	
11	prepare staff report /final order	\$500	
12	mayor script/ph minutes/standing/final order to parties	\$296	
13	attorney	\$2,000	
14			
15	<b>PROPOSED FEE</b>	<b>\$4,268</b>	

	A	B	C
1	Comprehensive Plan/Zone Code quasi-judicial Amendment <b>\$500 current fee</b>	ACTUAL COST	<b>OTHER CITY RANGE</b>
2			<b>\$1000 - \$11,335</b>
3	accept application and deem complete	\$113	
4	\$ cost for mailing/applicants/agencies/ neighbors/DLCD/notice of appeal	\$122	2 hearings
5	prepare documents/disseminate and post/PC council DLCD	\$308	2 hearings
6	DLCD technical prep/staff report/ update/ final order	\$1,190	
7	map search and list effected neighbor/affidavit and neighbor mailings	\$314	2 mailings
8	prepare and publish legal notice	\$146	2 hearings
9	\$ cost for publication	\$380	2 hearings
10	public hearings - CC/ staff	\$952	
11	prepare and disseminate script/ hearing minutes/standing/final orders	\$521	
12	attorney fee	\$2,000	
13			
14	<b>PROPOSED FEE</b>	<b>\$4,046</b>	

Conditional Use

	A	B	C
1	CU	current fee \$250	ACTUAL COSTS OTHER CITY RANGE
2			\$400 - \$6749
3	accept and deem application complete	\$113	
4	\$ cost for mailing/applicant /agencies/neighbors/notice of appeal	\$281	
5	prepare documents /disseminate and post	\$192	
6	map search of effected neighbor/affidavit and neighbor mailings	\$223	
7	prepare and publish legal notice	\$73	
8	\$ cost for publication	\$152	
9	staff report / final order	\$600	
10	public hearing - PC & staff	\$602	
11	prepare public hearing minutes/standing/ disseminate final order	\$247	
12			
13	<b>PROPOSED FEE</b>	<b>\$2,483</b>	

Partition

	A	B	D
1	Partition		
2	<b>Current fee \$500 + \$10 per lot</b>	<b>ACTUAL COST</b>	<b>OTHER CITY RANGE</b>
3	accept and deem application complete	\$113.00	<b>\$400 TO \$4884</b>
4	\$ cost for mailing	\$110.00	<b>plus \$72 per parcel</b>
5	prepare documents /circulate and post	\$192.00	
6	map search and list effected neighbor/ affidavit and neighbor mailings	\$182.00	
7	prepare and publish legal notice	\$73.00	
8	\$ cost for publication	\$213.00	
9	preparing staff report and final order	\$600.00	
10	public hearing - PC & staff	\$602.00	
11	prepare public hearing minutes/standing/disseminate final order to engineers and parties of standing	\$280.00	
12	final plat review within 1 year/staff & Commission Pres & signature on mylar	\$450.00	
13	release letter outlining county recording and requesting 2 copies of recorded plat	\$33.00	
14			
15	<b>PROPOSED FEE</b>	<b>\$2,848.00</b>	



Street Vacation

	A	B	C
1	Street Vacation <b>Current fee \$750</b>	ACTUAL COSTS	<b>OTHER CITY RANGE</b>
2			<b>\$800 DEPOSIT - \$2735 DEPOSIT + COST</b>
3	accept completed application - verification & fee	\$50.00	
4	(petition, site map, reply to criteria, consent of abutting)	xxxxxxx	
5	map search lists of properties, owners, acreage (200x400)	\$132.00	
6	once 2/3 owners consent docs to planner to deem complete	\$80.00	
7	\$ cost of mailing consent forms and hearing notices	\$65.00	
8	calculate valuation of property to be vacated	\$40.00	
9	prepare docs for staff review/ to PC /council/ disseminate & post	\$182.00	
10	staff report for PC & council /final order	\$850.00	
11	commission meeting review	\$602.00	
12	prepare minutes and recommendation to council	\$106.00	
13	prepare and publish legal notice	\$73.00	
14	\$ cost to publish - twice	\$269.00	
15	affidavit and mailing to all property owners and affected agencies	\$66.00	
16	weather proof notice & map / physically post on site	\$99.00	
17	prepare mayor script/minutes/application notification	\$172.00	
18	public hearing	\$602.00	
19	CM letter to applicant and verification	\$200.00	
20			
21	<b>PROPOSED FEE</b>	<b>\$3,588.00</b>	

Subdivision

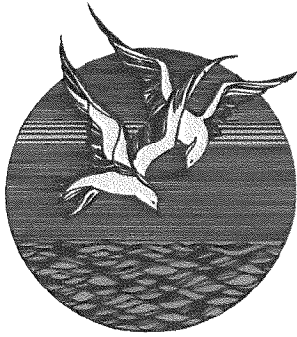
	A	B	C
1	Subdivision <b>Current fee \$500 + \$10 per lot</b>	ACTUAL COST	<b>OTHER CITY RANGE</b>
2			<b>\$800 - \$4400</b>
3	accept application and deem complete	\$130.00	<b>PLUS \$10 TO \$100 / LOT</b>
4	\$ cost for mailing applicant/staff/agencies/neighbors/final notice	\$155.00	
5	prepare documents for circulation and post	\$270.00	
6	map search and list effected neighbor/affidavit and neighbor mailings	\$223.00	
7	prepare and publish legal notice	\$73.00	
8	\$ cost for publication	\$200.00	
9	prepare staff report and final order	\$900.00	
10	public hearing - PC & staff	\$602.00	
11	prepare public hearing minutes/standing/disseminate final order to engineers and parties of standing	\$302.00	
12			
13	final plat review within 1 year/ staff & Commission Pres. & Mylar signature	\$450.00	
14	release letter outlining county recording and requesting 2 copies of recorded plat	\$33.00	
15			
16	<b>PROPOSED FEE</b>	<b>\$3,338.00</b>	

Variance

	A	B	C
1	Variance current fee \$400	ACTUAL COSTS	OTHER CITY RANGE
2			\$400 - \$814
3	accept and deem application complete	\$113	
4	\$ cost for mailing/applicants/ agencies/neighbors/ notice of appeals	\$106	
5	prepare documents /disseminate and post	\$192	
6	map search and list effected neighbor/ affidavit and neighbor mailings	\$157	
7	prepare and publish legal notice	\$73	
8	\$ cost for publication	\$177	
9	preparing staff report and final order	\$600	
10	public hearing - PC & staff	\$602	
11	prepare public hearing minutes/standing/disseminate final order	\$230	
12			
13	<b>PROPOSED FEE</b>	<b>\$2,250</b>	

A	
1	FEE SCHEDULE PROCESS NOTES
2	
3	Legal notices have doubled and postage has increased almost annually
4	Some cities charge for a pre-application conference
5	Current fee schedule list request for extension of time \$100 application which has never been assessed/no form assume request by letter
6	Conditional Use, Variance, Partition & Subdivision
7	Some cities charge for a final plat review - partitions & subdivisions
8	Some cities charge for determination of Similar Use
9	Department head and public communication is not calculated into fees and may take numerous hours of staff time.
10	
11	Amendments:
12	Quasi-judicial notification 200 feet
13	Measure 56 notice - may change property value
14	Beaches and Dunes properties 120
15	Around golf course 270 properties plus
16	Outstanding balance for Palmberg \$5150.75
17	Palmberg zone change took volumes of staff time from dealing with public questions to pre hearing conferences
18	Of the map amendments/text amendments the majority are initiated by council with no application fee assessment resulting in cost assumed by the city
19	
20	Appeals:
21	appeals have been voluminous
22	
23	Conditional Use:
24	Notification area 200 feet
25	8/2017 excess expense Steve Able \$2925 planner time \$767 staff time & exp postage & legal
26	participation : neighbor notice range from 28 to 275 / standing range from 12 to 22
27	
28	Partition
29	Notification area 250 feet of the boundary
30	Romine partition took numerous amount of staff time dealing with applicant and applicants attorney
31	
32	Street Vacation:
33	Notification 200' x 400' around vacation
34	
35	Subdivision:
36	Notification area 250 feet of the boundary
37	potential large subdivisions/ school 8 acres /Wiederhorn 8.6 acres /
38	McFarland 5+ acres / Palmberg 23 (?) acres / Breakaway Lodge Young Life (?)
39	several small potential subdivisions or partitions.
40	(last subdivision 2013)
41	
42	Variance:
43	Notification area 100 feet





# CITY OF GEARHART

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## PRE-APPLICATION CONFERENCE

DATE RECEIVED \_\_\_\_\_  
FEE (RANGE \$160 - \$2286) PD \_\_\_\_\_

APPLICANT \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_ EMAIL ADDRESS \_\_\_\_\_

PROPERTY OWNER \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_ EMAIL ADDRESS \_\_\_\_\_

LOCATION ADDRESS \_\_\_\_\_

TAX LOT NUMBER \_\_\_\_\_ MAP NUMBER \_\_\_\_\_ ZONE \_\_\_\_\_ PARCEL SIZE \_\_\_\_\_

DESCRIPTION OF PROPOSED USE/DEVELOPMENT \_\_\_\_\_

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PLEASE INCLUDE A MAP OF THE SITE AND A SKETCH OF YOUR PLANS

Per Sec 13.080 of the Gearhart Zoning Code the filing fees established by the City Council shall not include the cost of preparing the record for appeals. **Fees for preparation of the record shall not exceed the actual cost. Actual expenses incurred by the City during the process of technical evaluation of an application shall be borne by the applicant, in addition to the filing fees established by Resolution.**

\_\_\_\_\_  
SIGNATURE (APPLICANT) \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE (OWNER) \_\_\_\_\_ DATE \_\_\_\_\_

### FOR OFFICIAL USE ONLY

Date Scheduled \_\_\_\_\_

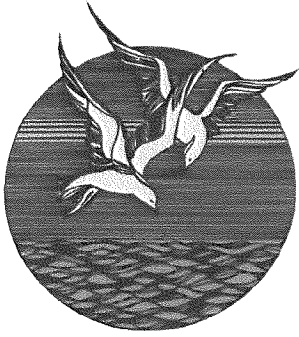
Fire Chief \_\_\_\_\_

City Planner \_\_\_\_\_

Building Official \_\_\_\_\_

City Administrator \_\_\_\_\_

Public Works \_\_\_\_\_



# CITY OF GEARHART

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## REQUEST FOR EXTENSION OF TIME

The City may extend authorization for an additional six (6) months for Conditional Use or Variance requests or an additional twelve (12) months for Subdivision Tentative Plat Approval upon request, provided such request is submitted in writing at least 10 days prior to expiration of the permit.

### TYPE OF REQUEST

- CONDITIONAL USE
- VARIANCE
- SUBDIVISION TENTATIVE PLAT

PERMIT EXPIRATION DATE \_\_\_\_\_  
 DATE RECEIVED \_\_\_\_\_  
 FEE (RANGE \$100 - \$450) PD \_\_\_\_\_

APPLICANT \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_ EMAIL ADDRESS \_\_\_\_\_

PROPERTY OWNER \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_ EMAIL ADDRESS \_\_\_\_\_

### REASON FOR EXTENSION REQUEST

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Per Sec 13.080 of the Gearhart Zoning Code the filing fees established by the City Council shall not include the cost of preparing the record for appeals. **Fees for preparation of the record shall not exceed the actual cost. Actual expenses incurred by the City during the process of technical evaluation of an application shall be borne by the applicant, in addition to the filing fees established by Resolution.**

\_\_\_\_\_  
SIGNATURE (APPLICANT) \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE (OWNER) \_\_\_\_\_ DATE \_\_\_\_\_

PLANNING COMMISSION APPROVAL DATE \_\_\_\_\_

PERMIT EXTENDED TO (DATE) \_\_\_\_\_