

CITY OF NEWPORT
RESOLUTION 3662

RESOLUTION AMENDING CITY OF NEWPORT
FEES FOR REVIEW OF LAND USE ACTIONS

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. 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 and found that the city was 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, the City Council determined that 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 had last amended its fees, and the amount of increase needed to achieve 50% recovery of direct costs, the Council elected to phase in fee adjustments over a four (4) year period beginning in January 2010 (Resolution No. 3486). Direct costs were adjusted for inflation during the phase in period using the Bureau of Labor Statistics Consumer Price Index for Urban Consumers (CPI-U).
6. As called for in Resolution No. 3486, and consistent with Chapter 14.60 of the Newport Municipal Code (NMC), it is necessary to annually adjust fees once the phase in period is complete to account for changes in the CPI-U, with calendar year 2014 being the first year that such annual adjustments will take place. This ensures that the city will continue to meet its objective of 50% recovery of direct costs.
7. For ease of administration, fees for the review of Vacation Rental and Bed & Breakfast Endorsements created with Resolution No. 3585, effective July 1, 2012, and fees related to the review of Traffic Impact Analysis Reports created with Resolution No. 3616, effective December 5, 2012 are incorporated into this resolution and fee schedule.
8. Fees for temporary signs and uses have not been adjusted to achieve 50% recovery of direct costs because doing so may be overly burdensome given the modest investment typically associated with these activities. New fees are included in the resolution for the demolition of signs and for mural signs with dimensions that exceed the area allowed for wall signs. In both cases, the fees are required by ordinance but have never been

established by the city. The amounts listed for the two fees reflect the anticipated level of review considering the cost recovery objectives discussed herein.

9. Sections from prior land use fee resolutions addressing charges that are subject to alternative methods of being calculated, either by law or because of the unique nature of the fee, have been incorporated into this resolution.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Land Use Fees. Fees for land use actions shall be as reflected in Exhibit A to this resolution.

Section 2. Annual Fee Adjustments. Consistent with NMC Chapter 14.60, the fees established herein shall be reviewed annually and adjusted as needed effective January of each year to account for inflation using the Bureau of Labor Statistics Consumer Price Index for Urban Consumers (CPI-U).

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.

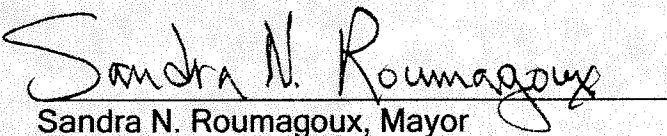
Section 6. Inspection Fees for Vacation Rental and Bed & Breakfast Facilities. The application fee for Vacation Rental and Bed & Breakfast Facilities contained in Exhibit A includes an initial inspection of the dwelling unit by the Building Official. The fee for each subsequent Building Official inspection shall be \$75.

Section 7. Repeal of Prior Fees. All previously adopted resolutions or enactments establishing fees for land use actions, including Resolution No. 3486, Resolution No. 3585, and Resolution No. 3616, are hereby repealed to the extent that their provisions conflict with the fees set by this resolution.

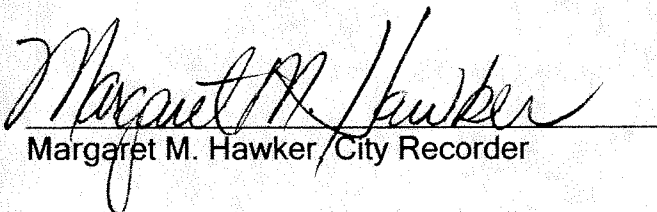
Section 8: Effective Date. This resolution shall be effective upon passage.

Adopted by a 7-0 vote of the Newport City Council on January 6, 2014.

Approved by the Mayor on January 7, 2014.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

**CITY OF NEWPORT
LAND USE FEES**

**Exhibit A
Resolution No. _____**

Permit Type	Fee Amount
Annexation	\$708
Each additional parcel in separate ownership	\$44
Appeal (First Hearing)	\$250
Appeal (Second Hearing)*	\$295
Comprehensive Plan Amendment:	
Text	\$1,192
Map	\$1,192
Conditional Use Permit:	
Planning Commission	\$758
Staff	\$607
Estuarine Use Permit	\$584
Design Review - Nye Beach	\$610
Encroachment - right-of-way	\$471
Exception to Statewide Goal	\$373
Geologic Permit	\$204
Interpretation	\$419
Land Use Compatibility Signoff	\$54
Minor Replat	\$315
Nonconforming Use Permit	\$758
Partition	\$315
Planned Destination Resort:	
Conceptual Master Plan	\$1,322
per acre charge	\$48
Preliminary Development Plan	\$1,147
charge per each lot	\$48
Final Development Plan	\$1,043
Planned Unit Development:	
Tentative Plan	\$1,147
charge per each unit	\$48
Final Plan	\$1,043
charge per each unit	\$48
Property Line Adjustment	\$303
Shoreland Impact Permit	\$503
Signs:	
one temporary/portable sign**	\$30
each additional portable sign	\$10
other signs (new, replacement, or reconstruction)	\$120
sign demolition	\$10
surcharge for mural sign in excess of wall sign limits***	\$100
Subdivisions:	
Tentative Plan	\$958
charge per each unit	\$48
Final Plat	\$418

**CITY OF NEWPORT
LAND USE FEES**

Permit Type	Fee Amount
charge per each unit	\$48
Temporary Structures Permit	\$40
Traffic Impact Analysis (w/no other land use)	\$607
Trip Assessment or Vesting Letter	\$54
Trip Reserve Fund	\$758
Urban Growth Boundary Amendment	\$1,432
Vacations (streets and plats)****	\$766
Vacation Rentals & B&B Endorsements (includes initial inspection)	\$127
follow-up inspection fee	\$75
Variances/Adjustments:	
Planning Commission	\$584
Staff	\$503
Zoning Ordinance Amendments:	
Text	\$1,192
Map	\$1,192
Other staff level permits requiring public notice	\$477

*Plus cost of producing a verbatim transcript of the initial evidentiary hearing (\$500 cap).

**Plus \$25 per month that the temporary signs remain within the right-of-way, not to exceed \$100 per calendar year. Nonprofit organizations are exempt from fees for temporary signs.

***Nonprofit organizations are exempt from this surcharge fee.

****Plus appraisal cost and damages.