

## RESOLUTION NO. 21-856-04

**A RESOLUTION ESTABLISHING LAND USE AND DEVELOPMENT PERMIT AND APPROVAL FEES UNDER TITLE 4 OF THE JOHN DAY CITY CODE, THE CITY OF JOHN DAY DEVELOPMENT CODE FOR ALL OF THE CITY OF JOHN DAY'S LAND USE AND DEVELOPMENT PERMIT AND APPROVALS OUTLINED IN TABLE 5-4.1.100 THEREIN AND TITLE 5 APPEALS; AND FEES FOR FILING MEASURE 37 CLAIMS UNDER ORDINANCE 04-112-2 AND REPEALING ALL PREVIOUS RESOLUTIONS ESTABLISHING FEES UNDER TITLE 5 OR CONFLICTING WITH THIS RESOLUTION.**

The City Council for the City of John Day makes the following findings.

The City Council has authority under Title 5, Chapter 5-4.1, Section 5.4.1.100 adopted on October 25, 2005 to set fees for all of the City of John Day's land use and development permit applications and approvals outlined in Table 5-4.1.100 therein which is attached as Exhibit I and incorporated herein by this reference. The City Council has authority under Title 5 to set filing fees for appeals to the Planning Commission and City Council. The City Council has authority under Ordinance No. 04-112-2 to set fees for all Measure 37 claims filed with the City.

The City Council has observed costs associated with said filings under Title 5 not being covered by the fees charged and being paid by the City resulting in a financial burden on the City. Such costs include but are not limited to employee wages for time spent on review and processing of the filing and application, costs associated with copying, mailing and newspaper publication notices and attorney and engineer fees associated with review of issues on Title 5 land use and development permit applications and approvals and Title 5 appeals.

To promote the public health, safety and welfare of the City of John Day, the Council has determined that the costs associated with said land use and development permit applications and approvals and appeals and Measure 37 claims should be incurred by the filer and applicant.

Because of this, the City of John Day shall establish fees or change fees for said filings and applications at a reasonable rate as noted below so that the fees cover all the costs associated with the JOHN DAY CITY CODE "Development Code" Title 5 land use and development permit applications and approvals and appeals and Measure 37 claims under Ordinance 04-112-2.

To accomplish this, the City Council shall establish fees for land use and development permit applications and approvals under Title 5, Chapter 5-4.1, Section 5-4.1.100 and appeals under Title 5 and Measure 37 claims under Ordinance 04-112-2.

It is in the best interest of the City of John Day to establish the fees adopted herein and increase fees associated with Title 5 filings and applications.

NOW THEREFORE, BE IT RESOLVED the City Council adopts the above stated findings and the following:

1. The City Council adopts a new fee schedule under Title 5, Chapter 5-4.1, Section 5-4.1.100 for land use and development permit applications and approvals and fees for Title 5 appeals. All persons making land use and development permit applications and approvals under Title 5 adopted October 25, 2005 shall pay as a fee the actual cost to the City of John Day in processing land use and development permit applications and approvals as outlined in the attached Exhibit 1. All persons filing an appeal under Title 5 shall pay as a fee the actual cost to the City of

John Day in processing all Title 5 appeals. All persons filing Measure 37 claims under Ordinance No. 04-112-2 shall pay as a fee the actual cost to the City of John Day in processing all claims therein. The City shall require a deposit for all land use and development permit applications and approvals as noted in Exhibit 1 and Title 5 appeals and Measure 37 claims at the time filed with the City. Said deposits are stated by category and fee amount in the attached Exhibit 2 which is incorporated herein by this reference.

2. After the land use and development permit applications and approvals and appeals and Measure 37 claims have reached a conclusion with the City, the City shall determine, if any costs associated with the land use and development permit applications and approvals and appeals or Measure 37 claims were incurred by the City and if so, charge said costs to the applicant or filer. Said costs include but are not limited to City employee wages, City attorney fees, City engineer fees, City surveyor, newspaper publication fees, map creation and duplication fees, postage fees, long distance telephone fees, facsimile transmittal fees, copy fees and mileage for City travel expense. These costs are subject to change but are currently at the cost categories listed in Exhibit 2.

2. The filing or application fees under Exhibit 2 are set out by a specific category a filing or application shall relate to and the deposit required. When a filing or application relates to more than one Exhibit 2 category, the person making the filing or application shall pay the largest fee category in full and half of the fee of each additional related category for the initial deposit.

3. Prior to the conclusion of a matter, the City Manager has the discretion to request additional deposits from an applicant or filer when the City Manager feels it is necessary to secure payments of costs the City will or could incur.

4. When a person's filing or application herein has reached a conclusion with the City the City shall determine the total amount of costs incurred by the City and either bill the applicant or filer for the additional costs incurred or refund any deposit amount not incurred by the City as a cost. If the City determines before the conclusion of a matter some or all of the added costs to the City, the City at its discretion may send the person making the filing or application herein a periodic billing statement for payment of the added costs. If the person making the filing or application does not pay on the billing statements when due, the filing or applicant will be deemed to have abandoned the filing or application so that the City will not pursue the matter any further until payment is received and said person is still responsible for payment in full of all fees incurred up to that point.

5. Any person withdrawing filing or application noted herein prior to its conclusion is required to pay all costs incurred by the City up to that point.

6. The following definition and word usage apply to this Resolution:

6.1 "Person" shall mean all individuals as well as public or private corporations, including domestic and foreign corporations, firms, companies, partnerships of every kind, associations, organizations, syndicates, joint ventures, societies, any other group acting as a unit, and individuals transacting and carrying on any business within and outside the City of John Day.

6.2 Words in the singular include the plural and the plural the singular.

7. All persons making filings or applications as stated herein must sign and date the Fee Acknowledgment attached hereto as Exhibit 3 and incorporated herein by this reference. The City Manager is hereby authorized to adjust the cost amounts on Exhibit 3 and herein or add or

remove costs when the cost for the City associated herein has changed.

8. This Resolution shall become effective immediately.

9. All Resolutions of the City of John Day heretofore passed and covering and regulating any of the matters provided for in this Resolution and all Resolutions in conflict with this heretofore passed by the City Council of the City of John Day are hereby repealed.

DRAFT

**ACKNOWLEDGEMENT OF FEE SCHEDULE AND COSTS**

By signing my name below, I acknowledge that I received a copy of the Fee Schedule effective as of January 1, 2021 per Resolution No. 21-856-04 and I have read it and agree to pay the fees in said Fee Schedule and costs as stated herein.

I also acknowledge that I understand that I am responsible for all costs incurred by the City related to my land use and development permit applications and approvals, and appeals under Title 4 – Building Regulations – of the JOHN DAY CITY CODE; to the CITY OF JOHN DAY DEVELOPMENT CODE; to the JOHN DAY URBAN RENEWAL AGENCY; and to Measure 37 claims under Ordinance No. 04-112-2.

City costs include but are not limited to:

- 2.1 City Manager at \$62.14 per hour;
- 2.2 Contract City Planner at \$118.45 per hour;
- 2.3 City Planning Associate at \$31.43 per hour;
- 2.4 City Secretary/Cashier at \$31.43 per hour;
- 2.5 Public Works Director at \$60.78 per hour;
- 2.6 Police Chief at \$50.11 per hour;
- 2.7 Fire Chief at \$55.78 per hour;
- 2.8 City Engineer at \$200.00 per hour
- 2.9 City Attorney at \$200.00 per hour;
- 2.10 Facsimile transmittal at \$2.00 per fax and \$0.50 per page;
- 2.11 Copy fee of \$0.25 per page;
- 2.12 Mileage at current Internal Revenue Service rate; and
- 2.13 City surveyor fee based on invoiced costs.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Print Applicant's Name

\_\_\_\_\_  
Applicant's Signature

## JOHN DAY TITLE 4 & MEASURE 37 FEE SCHEDULE

The following fee categories and fees apply to land use and development permit applications and approvals, and appeals under Title 4 – Building Codes – of the JOHN DAY CITY CODE; to the CITY OF JOHN DAY DEVELOPMENT CODE; to the JOHN DAY URBAN RENEWAL AGENCY; and to Measure 37 claims under Ordinance No. 04-112-2. These fees are deposits only. All persons required to file applications under the aforementioned codes for land use and development permit applications and approvals, or file appeals or claims under Measure 37 under Ordinance 04-112-2, shall pay the actual cost to the City for processing said applications, appeals and claims. If the cost to the City is less than the required deposit the City will refund the difference and if the cost to the City is more than the deposit the City shall bill for the difference as authorized. Costs to the City shall include but are not limited to payment of City employee wages who are involved in processing an application or appeal at their current hourly rate, City attorney fees, City engineer fees, City surveyor fees, newspaper publication fees, postage, map creation and duplication fees, copying fees, long distance telephone call fees, facsimile fess and mileage as authorized.

FEE CATEGORY	FEE
1. Land Use District Map Change Includes but is not limited to:	
1.1 Petitions for Annexation (Type IV Review)	\$500
1.2 District Map (Zone) Changes	\$500
2. Comprehensive Plan Amendments (including Amendments to the John Day Urban Renewal Area (URA) boundaries)	\$500
3. Conditional Use Permit	\$500
4. Land Use Review and URA Application Fee	\$100
5. Variance:	
5.1 Class A	\$100
5.2 Class B	\$250
5.3 Cass C	\$250
6. Code	
6.1 Interpretation	\$100
6.2 Amendment	\$500
7. Flood Plain Development or Flood Plain Permit	\$200
8. Appeals:	
8.1 To the Planning Commission	\$100
8.2 To the City Council	\$300
9. Nonconforming Use or Development Confirmation	\$250
10. Historic Building Permit, Demolition or Remodel/Alteration:	
10.1 If handled by Staff and no public hearing is held	\$250
10.2 If a Public Hearing is required	\$400
11. Property Line Adjustment and/or Lot Consolidations	\$100
12. Master Planned Development	\$1,500 plus \$25 per lot
13. Partition	\$300
14. Site Plan Review	\$300
15. Subdivision	\$1,200 plus \$25 per lot
16. Measure 37 Claim	\$ 50
17. Lot of Record Determination	\$ 50
18. Access Permit (public street)	\$ 50
19. Home Occupation exceeding the criteria in Section 5-2.2.200	\$100
20. Modification to Approval:	
20.1 Minor (Type II)	\$ 50
20.2 Major (Type III)	\$150
21. Sign Permit:	\$ 50
22. Temporary Use Permit:	
22.1 Type II	\$ 50
22.2 Type III	\$150
23. Impound Fees	\$75 per day