

**FORM** 2

# DLCD

## Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person  electronic  Mailed

**DEPT OF**

JUN 24 2009

LAND CONSERVATION  
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Canby, OR**

Local file number: **TA-09-01**

Date of Adoption: **06/17/2009**

Date Mailed: **06/18/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 04/17/2009

- |   |   |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment        | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                  | <input type="checkbox"/> Other:                           |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendment to the Planning Department Fee Schedule, specifically adding or correcting the following:

1. Add a cost reimbursement fee for Transportation Analysis;
2. Add a cost reimbursement fee for Legal Review of Development Agreements and Development Concept Plans;
3. Correct the fee collected for a Minor Modification application;
4. Delete the reference to "minor" and "major" Annexation applications; and
5. Correct the example fees listed for a Subdivision application and for a Site and Design Review application.

Does the Adoption differ from proposal? Yes differs slightly – amendment #4 and #5 above were added after the original DLCD notice was sent in April.

Plan Map Changed from: - to: -

Zone Map Changed from: - to: -

Location: - Acres Involved:

Specify Density: Previous: New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. 002-09 (17516) [15588]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None

---

Local Contact: **Melissa Hardy**

Phone: **(503) 266-7001** Extension: **262**

Address: **P.O. Box 930**

Fax Number: **503-266-1574**

City: **Canby**

Zip: **97013**

E-mail Address: **hardym@ci.canby.or.us**

---

## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

**RESOLUTION NO. 1025**

**A RESOLUTION AMENDING FEES FOR THE CITY OF CANBY PLANNING DEPARTMENT.**

**WHEREAS**, Oregon Revised Statute 227.175 authorizes the City to set fees for processing land use applications and limited land use applications, based on the actual or average cost of providing those services; and

**WHEREAS**, Canby Municipal Code 16.88.030 authorizes the City Council to set fees by resolution for processes and applications concerning annexations, zone changes, variances, conditional use permits, design review, appeals, other permits or approvals, and property divisions; and

**WHEREAS**, the City Council last updated fees for the City of Canby Planning Department in March 2002, by adopting Resolution No. 788; and

**WHEREAS**, the City Council now wishes to add cost reimbursement for Transportation Analysis services to the Planning Department Fee Schedule; and

**WHEREAS**, the City Council now wishes to add cost reimbursement for outside contracted Legal Review of Development Agreements and Development Concept Plans to the Planning Department Fee Schedule; and

**WHEREAS**, the City Council now wishes to set the fee for a Minor Modification application at \$100; and

**WHEREAS**, the City Council now wishes to delete the reference to "Minor" and "Major" Annexation applications; and

**WHEREAS**, the City Council now wishes to correct the example fee calculations shown in Exhibit B for Subdivision applications and for Site and Design Review applications; and

**WHEREAS**, an amendment to the Planning Department Fee Schedule is a land use decision; and

**WHEREAS**, an amendment to the Planning Department Fee Schedule does not act to rezone property, and is therefore not subject to Oregon Revised Statute 227.186 noticing requirements; and

**WHEREAS**, the City Council held a public hearing, for which public notice was provided by publishing written notice in the June 10<sup>th</sup> edition of the Canby Herald, and by posting written notice pursuant to Canby Municipal Code 16.89.060.D requirements; and

**WHEREAS**, the City Council has determined that the City relies on revenue from Planning Department fees in order to provide services necessary for citizen involvement in the City's land use review functions, and therefore Planning Department Fees are in compliance with Goal 1 of Oregon's Statewide Planning Goals, which is "citizen involvement"; and

**WHEREAS**, the City Council has determined that the City relies on revenue from Planning Department fees in order to carry out site- and area-specific implementation measures, such as reviewing limited land use, land use, and permit applications to determine consistency with the City's land use plans, and therefore Planning Department Fees are in compliance with Goal 2 of Oregon's Statewide Planning Goals, which is "land use planning"; and

**WHEREAS**, the City Council has determined that the rates hereinafter specified for Planning Department activities are based on the actual or average cost of providing services, and are therefore just, reasonable, and necessary; and

**WHEREAS**, Oregon law requires that a governing body, when adopting a fee resolution imposing new rates, may include a provision classifying said fees as subject to or not subject to the limitations set in Section 11(b), Article XI of the Oregon Constitution,

**NOW THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Canby, as follows:

Section 1. The Fees to be charged by the Planning Department shall be as set forth in Exhibits "A" and "B" attached hereto, and by reference incorporated herein.

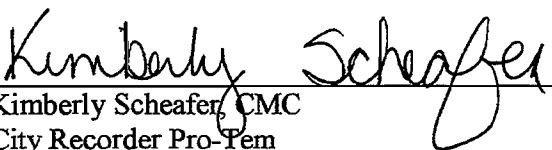
Section 2. The City Council hereby classifies the fees imposed herein as not subject to the limitations imposed by Section 11(b), Article XI of the Oregon Constitution.

Section 3. This decision is final on June 17, 2009. This resolution shall take effect on July 10, 2009.

**ADOPTED** by the Canby City Council at a regular meeting thereof on June 17, 2009.

  
\_\_\_\_\_  
Melody Thompson  
Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Scheafer CMC  
City Recorder Pro-Tem

**Exhibit A**  
**PLANNING DEPARTMENT FEE SCHEDULE**

	CURRENT FEE	NEW FEE (NC = no change)
Annexation, minor and major	Sliding scale – see Exhibit B	NC
Annexation, election deposit (applicant pays all costs)	\$2,500	NC
Appeal of interpretation or type II decision to Planning Commission	\$1,600	NC
Appeal of Planning Commission decision to City Council	\$1,920	NC
Building permit site plan review	Sliding scale – see Exhibit B	NC
Comprehensive plan amendment	\$3,220	NC
Conditional use permit	\$2,040	NC
Condominium construction, less than six units	\$280	NC
Interpretation	\$580	NC
Legal Review – Development Agreement/Development Concept Plan	---	<b>Applicant pays actual costs</b>
Lien search	\$20	NC
Lot line adjustment	\$520	NC
Modification, minor	\$720	<b>\$100</b>
Modification, intermediate	\$720	NC
Modification, major	\$720	NC
Modification public hearing (additional charge)	\$460	NC
Non-conforming structure/use	\$520	NC
Parking lot/paving projects	\$300	NC
Partition, major	\$1,360	NC
Partition, minor	\$1,280	NC
Planned unit development	\$1,480	NC
Plat review	\$100	NC
Preconstruction conference	\$100 (+\$60 per hr. over 2 hrs)	NC
Sign permit for design reviews	\$280	NC
Site and design review	Sliding scale – see Exhibit B	NC
Special permit (hardship)	\$100	NC
Special permit public hearing (additional charge)	No fee	NC
Subdivision	Sliding scale – see Exhibit B	NC
Text amendment	\$2,880	NC
Transportation analysis	---	<b>Applicant pays actual costs</b>
Variance, major	\$2,120	NC
Variance, minor	\$520	NC
Zoning map amendment	\$2,640	NC

**Exhibit B**  
**SLIDING SCALE FEE PROPOSALS**

Staff proposes four sliding scales, for plan reviews (by valuation), design reviews (by acreage & cost of public improvements), annexations (by acreage), and subdivisions (per lot). This approach minimizes the impact on small applications while fairly recovering the higher costs created by large applications.

**Annexations**

<u>Rate</u>		<u>Sample Fees</u>	
< 1 acre	\$1,850 (base fee)	1 acre	\$1,850
1 – 10 acres	\$105 per acre	5 acres	\$2,270
11-50 acres	\$55 per acre	10 acres	\$2,795
51+ acres	\$10 per acre	50 acres	\$4,995
		300 acres	\$7,495

**Subdivisions**

<u>Rate</u>		<u>Sample Fees</u>	
4 lots	\$1,700 (base fee)	4 lots	\$1,700
5-10 lots	\$95 per lot	10 lots	\$2,555 2,270
11+ lots	\$130 per lot	25 lots	\$3,125 4,220
		50 lots	\$5,295 7,470
		100 lots	\$11,830 13,970

**Site and Design Reviews**

Total fee = size component + public improvements component

*Size Component (based on acreage)*

\$1500 first 0.5 acres

\$100 for each additional 0.1 acres from 0.5 acres up to 2.5 acres

\$100 for each additional 0.5 acres from 2.5 acres up to 8.0 acres

\$100 for each additional 1.0 acres from 8.0 acres up to 13 acres

\$5000 maximum for 13 acres and above.

*Public Improvements Component*

0.3% of total estimated public improvement cost (to be submitted with design review application). No cap on cost.

Examples:

Gramor/Fred Meyer (17.3 acres, \$1,700,000 public improvements): \$10,100

Spectrum Woodworking (3.95 acres, all public improvements preexisting): \$3,700 3,800

Denny's (1.19 acres, all public improvements preexisting): \$2,100 2,200

Emmert office building (0.41 acres, \$25,000 public improvements) \$1,575

## **Building Permit Plan Reviews**

### *Residential*

Single Family House	\$45 per application
Duplex (including conversions of single family to duplex)	\$60 per application
Non-living space addition (garage, carport, porch)	\$25 per application
Living Space addition (expansion and/or creation of accessory dwelling)	\$35 per application
Multifamily based on valuation	\$30/unit (first 20 units) \$10/unit (each additional)
Demolitions	\$10

### *Commercial, Industrial Fee Schedule*

Demolitions	\$30
Signs, commercial tenant improvements and remodels not involving additional square footage	\$50.00
All others based on building square footage:	
0 to 2,000 square feet	\$100.00
2,001 to 5,000	\$100.00 for the first 2,000 sq. ft. and \$1.75 for each additional 100 sq. ft. or fraction thereof.
5,001 to 10,000	\$152.50 for the first 5,000 sq. ft. and \$1.50 for each additional 100 sq. ft. or fraction thereof.
10,001 to 50,000	\$160.00 for the first 10,000 sq. ft. and \$1.25 for each additional 100 sq. ft. or fraction thereof.
50,001 to 100,000	\$210.00 for the first 50,000 sq. ft. and 1.00 for each additional 500 sq. ft. or fraction thereof.
100,001 and up	\$260.00 for the first 100,000 sq. ft. and \$0.75 for each additional 1,000 sq. ft. or fraction thereof.

### Examples:

Denny's Diner: \$157  
Safeway remodel/addition: \$676  
Milgard windows: \$894

P. O. Box 930  
Mary, OR 97013

|||||:|||||:|||||:|||||:|||||:|||||



DLCD

AHN: Plan Amendment Specialist

635 Capitol Street NE  
Ste # 150

Salem, OR 97301-2540