

**CITY OF DUNES CITY
LANE COUNTY, OREGON**

ORDINANCE NO. 213

AN ORDINANCE ADOPTING AN AMENDED DUNES CITY FEE SCHEDULE FOR ACTIVITIES REQUIRING PERMITS, PROVIDING FUTURE FEE CHANGES MAY BE DONE BY RESOLUTION, REPEALING ORDINANCE NO., 179, REPEALING RESOLUTION NO. 01-18-07, REPEALING ALL OTHER DUNES CITY RESOLUTIONS ADOPTING FEES FOR ACTIVITIES REQUIRING PERMITS, AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Dunes City Council adopted Ordinance No. 179 on June 9, 2005, which established a fee schedule for activities requiring permits; and

WHEREAS, the increase in the number and complexity of land use applications has required the selective use of professional planning assistance, thus increasing the cost of processing land use applications, and it is impossible to predict the cost of processing any application until final action has been taken by the City Council; and

WHEREAS, analysis has determined that the cost of processing land use applications generally exceeds the application fees adopted in 2005; and

WHEREAS, the City Council does not wish to set application fees so high as to unfairly penalize applications that do not require the expenditure of extensive City resources; and

WHEREAS, the Dunes City Council adopted Resolution No. 01-18-07 adopting a fee schedule for activity requiring permits on January 18, 2007, wherein a new process requiring the deposit of sums was established; and

WHEREAS, the Circuit Court of the State of Oregon for Lane County did, in Case No. 16-10-09717, declare Resolution 01-18-07 to be ineffective as the action was done by resolution rather than by ordinance; and

WHEREAS, over the year the Dunes City Council has adopted numerous other Resolutions adopting fees for activities requiring permits; and

WHEREAS, the City Council wishes to adopt a fee schedule that will allow the City to recover its cost of reviewing land use applications but that will not charge an applicant more than what it costs to process a land use application;

NOW, THEREFORE, THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:

Section 1. Title 15, Land Use, of the Dunes City Code of Ordinances is amended to read as follows:

§155.1.2.2 Fees and Costs, Compliance, and Scope

A. Fees and Costs.

1. *Deposit Required.* All land use applications will require a deposit, as determined by the current Fees and Deposits Schedule established by the City Council in effect at the time the application is made. If the application deposit is insufficient to cover the costs of processing the application, the applicant will be notified of the deficiency and shall pay and submit an additional deposit in the identical amount as the initial deposit. If there is a balance in the application deposit, or any additional deposit required, when the City Council has taken final action on the application, the balance will be refunded to the applicant.

2. *Expenditures defined; Accounting Schedule.* Expenditures will be tracked by application. Expenditures are all costs associated with the permit including, but not limited to, mailing costs, newspaper notification costs, staff labor, costs associated with services provided by a professional planner, and appropriate review by the City Engineer, the City Attorney, etc. All expenditures will be tallied on a monthly basis and the applicant will be notified of the balance or deficiency of the application deposit no later than the end of the calendar month following the calendar month for which the accounting is being made. Any deficiency will be billed and will be paid by the applicant to the City within thirty (30) calendar days of the date of billing. In any event, all expenditures incurred by the City associated with the permit will be fully paid prior to final approval by the City Council.

3. *Modification of fees.* The schedule of deposits and/or permit fees may be hereafter modified by resolution duly adopted by the City Council. The addition of any new activities to the Fees and Deposits Schedule will only be done by Ordinance duly adopted by the City Council.

B. Compliance with the provisions in the Development Code. Land and structures may be used or developed by construction, reconstruction, alteration, occupancy and use only as this Development Code (“Code”) or any amendment thereto permits. No plat will be recorded nor building permit be issued without compliance with the provisions of this Code.

C. Obligation by successor. The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.

D. Most restrictive regulations apply. Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard will govern.

E. Variances. The provisions of Section 155.5.1 will govern variances.

F. Transfer of development standards prohibited. No lot area, yard or other open space or off-street parking or loading area which is required by this Code for one use will be a

required lot area, yard or other open space of off-street parking or loading area for another use, except as otherwise specifically allowed by this Code.

Section 2. Severability Clause.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is judicially declared to be invalid, unenforceable, and/or void by a court of competent jurisdiction, such decision will not have the effect of invalidating or voiding the remainder of this Ordinance, and the part(s) of this Ordinances so held to be invalid, unenforceable, and/or void will be deemed stricken, and the remainder of this Ordinance will have the same force and effect as if such stricken part(s) had never been included.

Section 3. Repeal of Ordinance 179.

The repeal of Ordinance Number 179 will not affect any action occurring before the repeal takes effect. Ordinance Number 179 is hereby repealed.

Section 4. Repeal of Resolutions

The repeal of Resolution 01-18-07 and all other prior Resolutions regarding the establishment of fees for activities requiring permits will not affect any action occurring before the repeal takes effect. Resolution 01-18-07 and all prior Resolutions regarding the establishment of fees for activities requiring permits are hereby repealed.

Passed at the second reading and placed on final passage, and adopted by the City Council of Dunes City, Oregon, on this 10th day of November, 2012.

Ayes: 6 Nays: 0 Abstain: Absent: Vacant:

ADOPTED BY THE DUNES CITY COUNCIL, THIS 10th DAY OF NOVEMBER, 2012.

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Fred Hilden, City Recorder



Fees and Deposits Schedule

City of Dunes City
82877 Spruce Street
PO Box 97, Westlake OR 97493

Application Activity	Deposit	Fee
Access to a City Street (§155.3.1.2) (Driveway Access Permit)		\$200.00
Amendment to Comprehensive Plan	\$2,500.00	
Amendment to Comprehensive Plan w/ UGB and District Map Change	\$3,000.00	
Amendment to Land Use District Map (§ 155.4.7)	\$3,000.00	
Zoning Change and Map Update (§155.4.7)	\$3,000.00	
Annexation	\$3,000.00	
Appeal of Decision (need Code site)	\$400.00	
Ballot Measure 37 / 49 - Claim (§37.040, ORS 197.352 [renumbered 195.305])	\$3,000.00	
Ballot Measure 37 / 49 - Pre-Filing Conference (§37.030, ORS 197.352 [renumbered 195.305])	\$400.00	
Concept Assistance (§155.4.9.3) (before the Planning Commission)	\$100.00	
Conditional Use (§155.4.4)	\$600.00	
Driveway Plan Review Without Building Permit (§155.3.1)	\$200.00	
Expedited Land Division (§155.4.1.8)	\$2,000.00 + \$200.00 per lot	
Fire Access Street Approval (§155.3.1.2)	\$200.00	
Land Use Compatibility Statement		\$35.00
Limited Land Use (§155.4.1.8 will change to 155.4.1.9)	\$2,000.00 + \$200.00 per lot	
Lot Line Adjustment (Reviewable)	\$200.00	
Manufactured Home Park (§155.4.9.4)	\$2,000.00 + \$200.00 per space	
Miscellaneous Compliance Documents		\$35.00
No Brushing (Policy Ord. No. 168, Res. 3-11-04) initial		\$35.00
No Brushing (Policy Ord. No. 168, Res. 3-11-04) renewal		\$4.00
Partition - Final (§155.4.160)	\$0.00	
Partition - Preliminary (§155.4.3)	\$600.00	
Planned Unit Development - Final (§155.4.5.116)	\$0.00	
Planned Unit Development - Preliminary (§155.4.5.115)	\$6,000.00 + \$200.00 per lot	
Pre-Application Conference (§155.4.1) City planning staff only	\$200.00	
Pre-Application Conference (§155.4.1) With City Engineer	\$500.00	
Re-plat (§155.4.3.200)	\$3,000.00	
Right-of-Way Use Permit (need Code site)		\$125.00
Sign for Commercial Property (§155.2.2.130)		\$150.00
Subdivision - Final	\$0.00	
Subdivision – Preliminary (§155.4)	\$6,000.00 + \$200.00 per lot	
Temporary Use Permit (§155.4.9.1A) (need Code work)	\$	
Travel Trailer and Recreational Vehicle Park - Final (§155.4.9.5)	\$0.00	
Travel Trailer and Recreational Vehicle Park - Preliminary (§155.4.5.9)	\$6,000.00 + \$200.00 per space	
Tree Removal in City right-of-way (need Code site)		\$125.00
Vacation of Plat (§155.4.3.200)	\$400.00	
Variance (§155.5.1.2)	\$400.00	
Vegetation Removal in the Shoreland Zone or Riparian Corridor (§154.03)	\$200.00	
Vacation of City Right-of-Way (need Code site)	\$1,500.00	