

# **Brookings City Council WORKSHOP AGENDA**

City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon 97415  
**Monday, December 1<sup>st</sup>, 2008, 4:00 p.m.**

- I. Pledge of Allegiance**
- II. Roll Call**
- III. Regular Agenda**
  - A. Land Use Hearing Appeal Fees – *Planning Director Morris*
  - B. Water Conservation Program – *City Manager Milliman*
- IV. Adjournment**

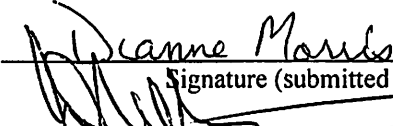
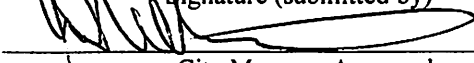
All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with advance notification. Please contact 469-1102 if you have any questions regarding this notice.

# CITY OF BROOKINGS

## WORKSHOP AGENDA REPORT

Meeting Date: December 3, 2008

Originating Dept: Planning

  
Signature (submitted by)  
  
City Manager Approval

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Subject: Land Use Hearing Appeals

Financial Impact: Potential reduced cost to the City and development applicants.

Background/Discussion: Concerns have been expressed about the cost to the City or to an applicant when an appeal is filed. Currently the City's fees are \$150 for an appeal to the Planning Commission and \$250 for an appeal to the City Council. This covers only a fraction of the true costs. SW Or. Community College (SWOCC) for instance initially paid \$7,128 to process their Detailed Development Plan (DDP). Cost of Staff time, copying, mailing etc. depleted the initial fee in the hearings before the Planning Commission. Since the appeal of this DDP, the Applicants have paid \$2,694.58 in additional fees to cover the cost and a bill was just sent for an additional \$2500, which hopefully will be sufficient to cover costs until the conclusion of this matter.

ORS 227.175 (10) (b) covers appeals of land use decisions which have not had a public hearing on the matter, such as Site Plan Committee decisions. These decisions are appealed to the Planning Commission. This law states the City may charge the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less.

ORS 227.180 (1) (c) covers appeals of land use decisions which have had a public hearing. These decisions are appealed to the City Council. This law states the fee shall be reasonable and shall be no more than the average cost of such appeals or the actual cost of the appeal.

Curry County adopted the \$250 fee for decisions that did not have a public hearing and a \$1,793 fee for decisions that had a public hearing. The County determined that \$1,793 is the average cost of appeals.

The City Manager has provided a few examples of appeal fees charged by other jurisdictions (Attachment B).

Policy Considerations: There needs to be consideration of the Statewide Planning Goal #1, Citizen Involvement. This is what prompted the City Council in July of 2006 to leave the appeal fees low to be sure public involvement is affordable to the average person. This must be balanced against the cost incurred to the City, and thereby the public, when an appeal is filed, or

if the application fee is based on cost recovery, the cost the applicant will bear. There is nothing to prevent an appeal even if there is no merit to the objections expressed.

Questions to consider:

- Should the cost of an appeal be borne by the applicant? The City? The appellant? In the case of SWOCC, the public is funding the full cost of the appeal, and the cost of the appeal may double the cost of the initial application fee.
- Is this fair to the applicant? The public?
- What is a reasonable fee to charge the appellant?

Attachment(s):

- A. ORS 227.175 (10) (b) and ORS 227.180 (1) (c)
- B. Appeal fees charged by other jurisdictions.

**227.175 Application for permit or zone change; fees; consolidated procedure; hearing; approval criteria; decision without hearing.**

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

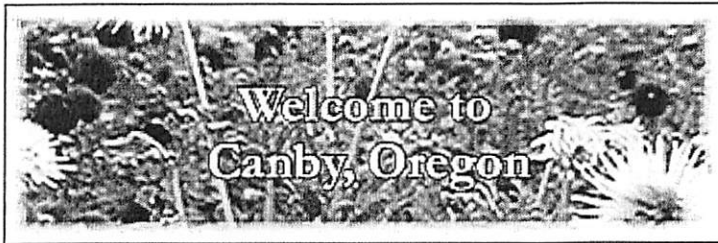
**227.180 Review of action on permit application; fees.**

(c) The governing body may prescribe, by ordinance or regulation, fees to defray the costs incurred in acting upon an appeal from a hearings officer, planning commission or other designated person. The amount of the fee shall be reasonable and shall be no more than the average cost of such appeals or the actual cost of the appeal, excluding the cost of preparation of a written transcript. The governing body may establish a fee for the preparation of a written transcript. The fee shall be reasonable and shall not exceed the actual cost of preparing the transcript up to \$500. In lieu of a transcript prepared by the governing body and the fee therefor, the with the application according to the applicable provisions of the local comprehensive plan and land use regulations or to file a petition for a writ of mandamus under this section. If the applicant elects to proceed according to the local plan and regulations, the applicant may not file a petition for a writ of mandamus within 14 days after the governing body makes a preliminary decision, provided a final written decision is issued within 14 days of the preliminary decision.

**City of Sisters**  
**Land Use Fee Schedule**  
**January 24, 2008**

Category	Planning Review Fee	Plus	Plus *
Agreement Recording (not tied to Land Use Decision)	\$600.00		
Alteration to Application (During Review)			
Minor	10% of Original Fee		
Major	25% of original Fee		
Annexation	\$3,500.00		
Appeal			
First Appeal	\$250.00		
Subsequent Appeals	\$1,200.00		
Code Interpretation (Admin - Type I)	\$300.00		
Code Interpretation (Planning Commission)	\$500.00		
Comprehensive Plan / Ordinance Amendment	\$4,000.00		
Conditional Use	\$800.00		\$500.00
Development Review			
Residential	\$300.00		
Commercial / Industrial / Other	\$600.00		\$500.00 **
Extension Fee	\$150.00		
Final Plat Review	\$300.00		
Flood Plain Review	\$500.00		
Home Occupation	\$310.00		
Land Partition	\$1,500.00	plus \$20/lot	\$500.00 ***
Lot Line Adjustment	\$500.00		
Master Planned Development	\$7,500.00		\$500.00 ***
Modification to Approved Plan, minor	\$1,200.00		\$500.00 *
Modification to Approved plan, major			
Less Than 1,000 Sq. Ft.	\$1,800.00		\$500.00 **
1001-5000 Sq Ft.	\$2,300.00		\$500.00 **
5001-10,000 Sq Ft	\$3,000.00		\$500.00 **
10,000 Sq. Ft. and above	\$4,000.00		\$500.00 **
Non-Conforming Use / Development	\$500.00		
Pre-application / Design Review (initial meeting)	\$300.00		
Pre-application / Design Review (additional meeting)	\$150/hr		
Sign, Permit	\$200.00		
Additional sign, same application	\$40.00		
Site Design Review Type II, admin	\$1,500.00		\$500.00 **
Site Design Review Plan Type III, Quasi Judicial			
Less Than 1,000 Sq. Ft.	\$2,000.00		\$500.00 **
1001-5000 Sq Ft.	\$2,500.00		\$500.00 **
5001-10,000 Sq Ft	\$3,500.00		\$500.00 **
10,000 Sq. Ft. and above	\$5,000.00		\$500.00 **
Site Suitability Check / Land Use Review			
Residential	\$125.00		
Commercial / Industrial / Other	\$300.00		
Subdivision	\$4,000.00	plus \$20/lot	\$500.00 ***
Temporary Use Permit	\$400.00		
Type I Review (Access Permit, Development Confirmation)	\$500.00		
Variance, Class A	\$450.00		
Variance, Class B	\$650.00		
Variance, Class C	\$2,000.00		
Zone Change	\$4,000.00		
<b>Miscellaneous Planning Fees</b>			
Research	\$100/hr.		
Zoning Maps			
Small	\$5.00		
Medium	\$15.00		
Large	\$30.00		
Comprehensive Plan Copy	\$20.00		
Development Code Copy	\$50.00		
* Public Works Review Fee for Planning Reviews			
** \$500.00 + .10 /sq. ft. for Commercial / Industrial			
*** \$500.00 + \$50.00 parcel or lot			

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## Community Development & Planning

### Boards/Committees

Canby Business

Cemetery

City Government

City Services

Departments

Employment

Links

Municipal Code

Police

Public Library

Swim Center

Transit (CAT)

Urban Renewal

### Planning Forms, Instructions, & Fees

[A](#) | [B](#) | [C](#) | [D](#) | [E](#) | [F](#) | [G](#) | [H](#) | [I](#) | [J](#) | [K](#) | [L](#) | [M](#) | [N](#)

[O](#) | [P](#) | [Q](#) | [R](#) | [S](#) | [T](#) | [U](#) | [V](#) | [W](#) | [X](#) | [Y](#) | [Z](#)

#### Annexation Application, Process Type IV

If your land is currently within the urban growth boundary but outside the city boundary, and you wish to bring your land within the city boundary, then you will need to apply for an Annexation.

Election Cost Deposit (General Election) \$2,500

Election Cost Deposit (Special Election) \$4,500

- **Annexation Fees dependent on area** - [click here for fee table](#).  
(Does not include \$2,500 election deposit)

#### Appeal Form Interpretation, Type II

- Fee \$1,600

#### Appeal Form, Of a Planning Commission Decision

- Fee \$1,920

#### Business License Packet

#### Complaint/Comment/Inquiry Form

#### Comprehensive Plan Amendment Application, Process Type IV

The comprehensive plan map is a map that shows how we would like Canby to look, zoning wise, in the future. If you would like the future zoning changed on your property, you will need to apply for a Comprehensive Plan Amendment.

- Fee \$3,220

**CANNON BEACH LAND USE FEES AND NOTIFICATION REQUIREMENTS**

B-3

Application	Fee	Notification Area	Process
Administrative Appeal	\$400	varies – consult Planner	Quasi-judicial
Annexation	\$1000	250'	follow annexation check list
Appeal: Planning/DRB decision			
De Novo	\$400	varies – consult Planner	Quasi-judicial
On the record	\$200		
Comprehensive Plan Text Amendment	\$750	varies – consult Planner	Legislative
Conditional Use Permit/Permit Extension	\$450	250'	Quasi-judicial
Design Review Plan: new application <3000 sq ft	\$400		
new application >3000 sq ft	\$500	100'	Quasi-judicial – DRB
major modification	\$200		
Developmental Permit – Type 2	\$75		
Developmental Permit – Type 3	\$200	100'	notice/administrative decision
Lot Line Adjustment	\$100	no notice required	administrative decision
Off-Street Parking & Loading Facilities Variance	\$400	100'	Quasi-judicial
Partition	\$400	200'	Quasi-judicial
Reimbursement District	\$750	varies – consult PW Dir.	
Right-of-Way Encroachment Waiver	\$400	100'	Quasi-judicial – Council
Setback Reduction	\$400	100'; notify CBRFPD	Quasi-judicial
Sign Permit	\$50	no notice required	administrative; DRB decision
Freestanding Sign	\$100		
Short-term Rental Permits		200'	no hearing required
VHRP	\$275		
TRP Lottery	\$175		
Change in Local Representative	\$75		
TRP/VHRP Renewal	\$50	no notice required	
Sign Variance	\$300	100'	Quasi-judicial
Street Vacation	\$750	varies – consult ORS	follow st. vacation check list
Subdivision/Planned Development	\$2000	200'	Quasi-judicial
Tree Removal Permit 1 – 4 trees	\$50	100' if in ROW	
5 or more trees	\$100	no notice on private prop.	administrative decision
Variance/Variance Extension	\$400	100'	Quasi-judicial
Zone Change	\$750	250'	Quasi-judicial
Zoning Ordinance Text Amendment	\$750	varies – consult Planner	Legislative
Zoning Ordinance/Comp Plan Map Amendment	\$750	250'	Quasi-judicial



# City of Tigard

## Land Use Applications — 08/09 Fee Schedule

PROCEDURE	FEE + SURCHARGE
ACCESSORY RESIDENTIAL UNITS	\$115 + \$18 = \$133
ANNEXATION Moratorium on Annexation fees in effect from 7/1/06 (Res. 06-36) through 7/1/08 (Res. 07-13)*	\$2,177 + \$321 = \$2,498*
APPEAL	
Director's Decision (Type II) to Hearings Officer	\$250
Expedited Review (Deposit) ★	\$300
Hearings Referee	\$500
Planning Commission/Hearings Officer To City Council	\$2,189 + \$324 = \$2,513
APPROVAL EXTENSION	\$230 + \$34 = \$264
BLASTING PERMIT	\$269
CONDITIONAL USE PERMIT	
Initial	\$4,529 + \$669 = \$5,198
Major Modification	\$4,529 + \$669 = \$5,198
Minor Modification	\$500 + \$74 = \$574
DESIGN EVALUATION TEAM (DET) RECOMMENDATION (DEPOSIT)	\$1,121 + \$165 = \$1,286
DEVELOPMENT CODE PROVISION REVIEW	
Single-Family Building Plan	\$46 + \$6 = \$52
Commercial/Industrial/Institution	\$287 + \$42 = \$329
HEARING POSTPONEMENT	\$259
HISTORIC OVERLAY/REVIEW DISTRICT	
Historic Overlay Designation	\$3,499 + \$517 = \$4,016
Removal of Historic Overlay Designation	\$3,499 + \$517 = \$4,016
Exterior Alteration in Historic Overlay District	\$536 + \$79 = \$615
New Construction in Historic Overlay District	\$536 + \$79 = \$615
Demolition in Historic Overlay District	\$536 + \$79 = \$615
HOME OCCUPATION PERMIT (ORIGINAL PERMIT)	
Type I Home Occupation Permit	\$35 + \$5 = \$40
Type II Home Occupation Permit	\$246 + \$36 = \$282
INTERPRETATION OF THE COMMUNITY DEVELOPMENT CODE	\$571 + \$36 = \$607
LAND PARTITION	
Residential and Non-Residential (3 Lots)	\$3,247 + \$480 = \$3,727
Residential and Non-Residential (2 Lots)	\$2,672 + \$394 = \$3,066
Expedited	\$3,819 + \$564 = \$4,383
Final Plat	\$777 + \$114 = \$891
LOT LINE ADJUSTMENT	\$416 + \$62 = \$478
MINOR MODIFICATION TO AN APPROVED PLAN	\$500 + \$74 = \$574
NON-CONFORMING USE CONFIRMATION	\$236 + \$35 = \$271
PLANNED DEVELOPMENT	
Conceptual Plan Review	\$6,496 + \$916 = \$7,412
Detailed Plan Review	Applicable SDR Fee
PRE-APPLICATION CONFERENCE	\$323 + \$47 = \$370





# **MEMORANDUM**

*Office of the City Manager*

**GARY MILLIMAN**  
City Manager

**TO:** Mayor and Council

**DATE:** November 11, 2008

**SUBJECT:** Water Conservation Draft CAR

Attached is an advance draft of a Council Agenda Report I am preparing on water conservation.

I am recommending that this matter be scheduled for a City Council workshop on December 1.

Please contact me with any questions/comments.

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date:

\_\_\_\_\_  
Signature (submitted by)

Originating Dept: City Manager

\_\_\_\_\_  
City Manager Approval

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Subject: Water Conservation Program Update

Recommended Motion: Motion to direct City Manager to proceed with the water conservation plan as outlined in the Council Agenda Report for November 10, 2008, with all items requiring new funding appropriations to be considered in the 2009-2010 budget.

Financial Impact:

Conservation Incentives:	\$ 15,000
City Facility Retrofit:	117,000
Public Information:	3,000
Rate Study	5,000
Management	90,000

Most of the program would be funded through the Water Fund; 30 per cent of the cost of the Resources Manager position would be funded from the Azalea Park Fund and the General Fund.

Background/Discussion:

The City Council adopted a water curtailment ordinance in 2002 and a last updated the City water conservation program in December, 2007. In consultation with its water development consultants, management has developed the following proposed changes and additions in the water conservation program.

### CONSERVATION INCENTIVES

Modify the current water conservation incentive program to:

1. Increase the landscape irrigation conversion incentive from a maximum \$100 to \$150.
2. Replace "ultra low flush" and "high efficiency" toilet incentives of \$75.00 and \$150.00 with incentives for "low flow" (1.6 gallons per flush) and "dual flush" toilet incentives of \$100.00 and \$150.00.

3. Add an incentive for turf removal of \$.050 per square foot. Turf would need to be replaced with no water or drip irrigation system landscaping.
4. Change reference to "Energy Star" appliances to "water-efficient washing machines"; this allows more flexibility in brand selection.
5. Add incentive of \$50.00 for installation of a hot water circulator.
6. Delete incentive for sustainable water use reduction. Administration of this incentive has been deemed impractical.
7. Continue to provide water conservation kits free of charge.

## WORK WITH MAJOR USERS

The City staff would meet with each of the top 10 water users and explore methods for reducing water use.

## WATER RATES

A number of communities have enacted new water rate schedules which are more heavily volume based. This requires an assessment of City revenue needs and the structuring of various rate alternatives, based upon assumptions that consumption will change as a result of rate structuring, and how changes in consumption will impact revenues. Management recommends budgeting for a conservation rate study in fiscal 2009-10.

## CITY FACILITIES

1. Budget for a leak detection survey of the distribution system in fiscal 2009-10. (Estimated \$15,000).
2. Establish a goal of reducing unaccounted for water use to ten per cent (currently at 17 per cent) by 2011.
3. Budget to replace urinals in City Hall with waterless urinals in 2009-10 (estimated cost \$4,000).
4. Undertake a more aggressive water meter replacement program. Replace older meters of four-inch and above as a priority. This program is currently budgeted at \$50,000/yr to convert to touch-read meters. However, work has progressed slower due to staff limitations. Management recommends using these funds to contract the work. The City currently has \_\_\_\_ meters, \_\_\_\_ of which were installed prior to 2000. Older meters tend to run slower, and thus do not provide an accurate accounting of water use. Often, the installation of new meters with accurate readings result in higher initial billings and longer term lower water use.
5. Install timers at swimming pool showers (estimated cost \$4,800).

## PUBLIC INFORMATION AND EDUCATION

1. Organize a City booth for the Home Show and the Azalea Festival where water conservation/incentive information and water saving devices can be distributed.
2. Develop and distribute water conservation promotional tent cards and door hangers to local motels and restaurants. These cards would inform customers, for example, that the restaurant policy is to provide water only upon request, and would encourage overnight travelers to re-use towels and linens if they are staying more than one night.
3. Work with the Brookings Harbor School District to develop an in-school program on the importance of water resource conservation.

## ONGOING MANAGEMENT

Management recommends that the Council consider creating the position of Resource Manager in the 2009-10 budget. A draft job description is attached. This position is needed to insure ongoing compliance and coordination with regulatory agencies, to market the City's water conservation incentive program, implement the conservation element of the City's Water Master Plan, and to conduct the public information/education program. In addition to managing the City's water resources, duties would include oversight of the City's park facilities and other resource related projects/facilities. Fort Bragg, California, which has a water source system and faces environmental issues virtually identical to that of Brookings, created a similar position. Management believes that this position will not only make our water conservation efforts more successful, but will demonstrate to water regulatory agencies and watch groups the City's commitment to resource conservation and management.

The City will be required to develop a new Water Management and Conservation Plan as a part of securing permitting for water rights on the Chetco River. The Resource Manager would be responsible for developing this plan and managing implementation/reporting.

### Policy Considerations:

Conservation is an essential element of the City's planning efforts for its future water use and pursuit of water rights certificates on the Chetco River. A growing number of cities have embraced the concept of resource conservation into their utility and general operations. These efforts seek to reduce the long term cost of securing additional resources and larger production facilities, while also addressing environmental concerns of resource depletion as development occurs.

Attachment(s): 1) Proposed job description for Resources Manager  
2) Excerpts from Water Master Plan  
3) Sample conservation tents and stickers  
4) Water Project Manager job description – Fort Bragg  
5) Water conservation program outline – Prescott  
6) Water conservation press release – Fort Bragg