

RESOLUTION NO. 2905

A RESOLUTION OF THE CITY OF WILSONVILLE APPROVING AN AMENDMENT TO THE CITY'S FEE SCHEDULE ADDING A WIRELESS COMMUNICATION FACILITIES SECTION TO INCLUDE PLANNING APPLICATION REVIEW FEES, TECHNICAL DESIGN REVIEW FEES, AND AN APPEAL OF DECISION FEE.

WHEREAS, the City of Wilsonville is authorized, under existing State of Oregon ("State") and federal law, to enact appropriate regulations and restrictions relative to wireless communication facilities ("WCF"), consistent with State and federal law; and

WHEREAS, the City wishes to provide a fair and predictable process for the deployment of WCF in a manner that promotes the interests of the public health, safety and welfare, as well as the aesthetic standards of the City; and

WHEREAS, the City recognizes that the Federal Communications Commission ("FCC") periodically adopts Declaratory Rulings interpreting the federal law and creating new federal regulations regarding WCF; and

WHEREAS, based on these Declaratory Rulings the City finds it necessary to establish fees and design standards for the purpose of complying with the FCC's Declaratory Rulings and the aesthetic requirements of the City regarding WCF; and

WHEREAS, the City is entitled to recover its actual costs associated with reviewing applications for WCF, including recovery of costs for outside experts, consultants, and contractors, as deemed necessary; and

WHEREAS, a right-of-way access fee that will be included in a right-of-way lease agreement for any WCF in the public right-of-way will be specific to the WCF as necessary to reimburse the City for its actual costs incurred for maintaining the public right-of-way; and

WHEREAS, on January 7, 2019, the City adopted Resolution No. 2720 adding a Small Cell Wireless Facilities Fee Schedule for small wireless facilities, distributed antenna systems, and other personal wireless telecommunication facility installations in the public right-of-way, consistent with State and federal law, to the Planning Division Fee Schedule; and

WHEREAS, the City finds it necessary to expand the Planning Division Fee Schedule to add a WCF section, include the Small Wireless Facilities Fee Schedule within the WCF section, and add fees for other WCF within and outside of the public right-of-way; and

WHEREAS, the City finds it necessary to amend the Planning Division Fee Schedule to include an Appeal of an Administrative Decision requiring Technical Review or Formal Interpretation; and

WHEREAS, the Planning Application Review Fee, Technical Design Review Fee, and Appeal fee, listed in **Exhibit A**, attached hereto and incorporated herein, represent a reasonable initial deposit by applicants, as an approximation of the City's actual costs for reviewing applications for WCF.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

Section 1. FINDINGS.

The above-recited findings, including the staff report accompanying this Resolution, are adopted and incorporated by reference herein.

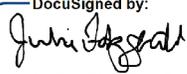
Section 2. DETERMINATION.

- a. Review Fees. The applicant submitting a site development application for a WCF will pay, upon submission of the application to the City, a review fee deposit for both the Planning Application Review and the Technical Design Review, as specified in **Exhibit A**, attached hereto. Upon the City's completion of the application review and issuance of a final decision, the City will total its actual costs, including costs incurred from outside experts, consultants, and/or contractors, as needed, to review the application and will either invoice the applicant or refund the applicant the difference between the City's actual review costs and the deposit amount.
- b. The WCF fees shall be indexed annually consistent with the other fees on the Planning Division Fee Schedule.

Section 2. EFFECTIVE DATE OF RESOLUTION.

This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 21st day of June 2021, and filed with the Wilsonville City Recorder this date.

DocuSigned by:

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Julie Fitzgerald, Mayor

ATTEST:

DocuSigned by:

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Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Fitzgerald	Yes
Council President Akervall	Yes
Councilor Lehan	Yes
Councilor West	Yes
Councilor Linville	Yes

EXHIBIT:

- A. Wireless Communication Facilities Review Fees

Planning Division Wireless Communication Facilities (WCF) Fee Type

	Planning Application Review Fee	Technical Design Review Fee	Total Application Fee
Class I Administrative Review			
Small Wireless Facility (SWF) Collocation and Freestanding – in Public Right-of-Way (ROW)	\$361 for up to 5 sites or nodes	\$800 per site or node	\$361 (for up to 5 sites/nodes) plus \$800 per site/node
Class II Administrative Review			
WCF in and out of Public ROW (pursuant to Section 6409a)	\$1,567	\$4,000 per site	Per site: \$1,567 plus \$4,000 = \$5,567
Modification to Existing WCF Tower (not eligible for 6409a) or “Substantial” Macro Collocation, Modification or Upgrade	\$1,567	\$4,000 per site	Per site: \$1,567 plus \$4,000 = \$5,567
“Non-substantial” Macro Collocation, Modification or Upgrade	\$1,567	\$1,800 per site	Per site: \$1,567 plus \$1,800 = \$3,367
New Macro WCF Facilities	\$1,567	\$4,000 per site	Per site: \$1,567 plus \$4,000 = \$5,567
Conditional Use Permit			
WCF in Other Locations	\$2,724	\$4,000 per site	Per site: \$2,724 plus \$4,000 = \$6,724

Notes:

1. Planning Application Review Fees are subject to annual increase consistent with annual increase of the Planning Division Fee Schedule.
2. Technical Design Review Fee refunded or billed additional based on actual costs of review, including outside consulting costs.
3. All Technical Design Review Fees are paid for by the applicant through the City’s application and review process and, therefore, there is no out of pocket expense to the City. The City’s review fees are inclusive and fixed project fees with no additional or hidden costs. The Technical Design Review Fee includes an initial review for “technical completeness”, evaluation of the application and/or follow-up review on the same application. There will be no incidental charges associated with the Technical Design Review Fee (i.e. teleconferencing, faxing, emailing, printing and reproduction costs).
4. “Substantial” and “Non-substantial”. “Substantial” Macro facility application may include an increase in WCF tower height in excess of what is allowed under Section 6409 and/or an increase of an existing WCF ground compound. “Non-substantial” Macro application is defined as any change or modification of a WCF that would be by right an eligible facility request according to Section 6409 of the Spectrum Act.

Planning Division Appeals Fee Type:

Planning Director Interpretation or Administrative Decision with Technical Review (e.g. SDC calculation, WCF decision, etc.)	\$2500
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Planning Division Fees Effective February 28, 2021

Fee Type	Fee
Administrative Review	
Class I	\$361
Class II	\$1,567
Annexation	
	\$4,700 + Metro annexation fee
	Single tax lot less than 1 acre: \$150
	One to 5 acre: \$250
	Five to 40 acres: \$300
	More than 40 acres: \$400
Appeals	
Administrative Decision	\$511
Planning Director Interpretation or Administrative Decision with Technical Review (e.g. SDC calculation, WCF decision, etc.)	\$2500
DRB or Planning Commission Action	\$3,731
Referee Decision (expedited land division)	\$1,228
Architectural Review (Villebois)	
Single Family	\$409
Multi-family per Unit	\$102
Change of non-conforming use	
	\$1,088
Comprehensive Plan Amendment	
Legislative text	\$10,224 + \$915 if BM 56 notice is required
Legislative map	\$6,892 + \$915 if BM 56 notice is required
Quasi-judicial map	\$3,354 + \$915 if BM 56 notice is required
Conditional Use Permit	
Accessory Use to SFD in Willamette River Greenway	\$1,841
All others	\$2,724
Erosion Control Inspection Fee	
Base	\$431
Per additional inspection	\$81
Expedited Land Division	
Villebois	Double the regular fee
Under ORS 197	\$1,228 + \$22/lot
Final Plat Review	
Partition	\$1,244
Subdivision	\$2,670
Parks Plan Review Fee	
	\$2,810

Adopted by Resolution 2620.

Note: Each fee component stands alone and may require multiple components

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Planning Division Fees Effective February 28, 2021

Fee Type	Fee
Planned Unit Development	
Stage I	
Any Use	\$2,283
Modified	\$1,281
Villebois SAP Modification	\$1,637
Stage II	
< 2 gross acres	\$8,426
2 to 10 gross acres	\$10,537
> 10 gross acres	\$12,642
Modified	\$3,037
Villebois PDP	Base fee \$2,455; Plus \$307/net acre for all sites > 2 acres; Plus \$22/lot
Preapplication Conference	
Residential < 10 lots/units	\$431
Other Signs only	\$205
All others	\$899
Recorded Matter – Per Document	
Document Fee – Per Legal Document	\$361
Requested transcript of meeting	
	Billed to the applicant at the City's current transcriptionist's rate
Reinspection fee - when applicant fails to pass initial planning inspection	
	Billed at hourly staff rate
Request for special meeting	
Staff	\$307
DRB or Planning Commission	\$2,789
City Council	\$3,074
Request for Time Extension	
Administrative	\$102
DRB Review: First Extension	\$511
DRB Review: Second Extension	\$1,023
DRB Review: Third Extension	\$2,046
Request to Modify Conditions of Approval	
Administrative	\$996
DRB Review	\$2,568
City Council	\$3,640
Review of Bldg Permit Application	
Residential – Deck/Garage/Carport, etc.	\$280
All other Residential	\$345
All other	\$1,018 or 0.0082% of value of bldg, whichever is greater, not to exceed \$15,350

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Planning Division Fees Effective February 28, 2021

Fee Type	Fee
SROZ Review	
Verification of Boundary	
Abbreviated	\$425
Standard	\$522
SRIR Review	
Abbreviated	\$603
Standard	\$1,712
Review Mitigation Monitoring Report	
	\$511
Signs Permits and Review (Except Temporary Signs)	
Class I Sign Permit	\$205
Minor Adjustment as Part of Class I Sign Permit	\$102
Class II Sign Permit	\$581
Class III Sign Permit	\$861
Master Sign Plan	\$1,443
Site Design Review	
	Base fee \$2,283; Plus \$1,631 per occupied building subject to review Plus \$1,631 per 5 acres, or portion thereof, of net site area (excludes single-family lots)
Staff interpretation (written)	
Without public notice (including zone compliance letter)	\$275
With public notice	1,788
Street Vacation	
	\$4,286

Planning Division Fees Effective February 28, 2021

Fee Type	Fee
Temporary Use and Sign Permits	
Class I < 15 days	\$70
Class I 15 - 30 days	\$97
Class I Annual Event Signs	\$48
Class II 31-60 days	\$441
Class II 61-120 days (signs only)	\$592
Class II 61-120 days (other temporary uses, may incorporate concurrent sign request)	\$662
DRB Review more than 120 days (non-sign temporary uses only)	\$1,895
Tentative Plat Review	
Partition	
Administrative Review	\$1,088
DRB Review	\$2,283
Subdivision	
	Base fee \$3,284 Plus \$38/lot
Tree Permit	
Type A Permit	
3 or fewer trees	\$22
Type B or C Permit	
3 or fewer trees	\$108
4 - 10 trees	\$151 + \$11/tree to be removed
11 - 25 trees	\$312 + \$11/tree to be removed
26 or more trees	\$334 + \$11/tree to be removed
Type D Permit	
	\$808
DRB Review of Type C Tree Removal Plan	
	\$167
Urban Reserve Concept Plan – Initiated by Owners	
0 to 50 acres	Base fee \$2,692 Plus \$162/hour for Staff Review/Report/Research Time, Not to exceed \$12,922
51 to 250 acres	Base fee \$5,384 Plus \$162/hour for Staff Review/Report/Research Time, Not to exceed \$23,727
251+ acres	Base fee \$8,076 Plus \$162/hour for Staff Review/Report/Research Time

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Planning Division Fees Effective February 28, 2021

Fee Type	Fee
Variance	
Administrative	\$716
DRB Review	\$3,252
Waiver	
per waiver	\$592
Wireless Communication Facilities (see Resolutions 2720 and 2905)	
<u>Deposit when submitting application:</u>	
Small Wireless Facility in Public ROW (See Resolution 2720)	-Planning Review Fee for up to 5 sites/nodes (same as Class I Review) \$361 - Plus Technical Review Fee of \$800 x number of sites/nodes
WCF in and out of Public ROW (pursuant to Section 6409a)	-Planning Review Fee per site/node (same as Class II Review) \$1,567 - Plus Technical Review Fee of \$4,000 per site/node
Modification to Existing WCF Tower (not eligible for Section 6409a) or "Substantial" Macro Collocation, Modification or Upgrade ("Substantial" is an increase in WCF tower height in excess of what is allowed under Section 6409 and/or an increase of an existing WCF ground compound.)	-Planning Review Fee per site/node (same as Class II Review) \$1,567 - Plus Technical Review Fee of \$4,000 per site/node
"Non-substantial" Macro Collocation, Modification or Upgrade ("Non-substantial" is any change or modification of a WCF that would be by right an eligible facility request according to Section 6409 of the Spectrum Act.)	-Planning Review Fee per site/node (same as Class II Review) \$1,567 - Plus Technical Review Fee of \$1,800 per site/node
New Macro WCF Facilities	-Planning Review Fee per site/node (same as Class II Review) \$1,567 - Plus Technical Review Fee of \$4,000 per site/node
WCF in Other Locations	-Planning Review Fee per site/node (same as Conditional Use Permit Review) \$2,724 - Plus Technical Review Fee of \$4,000 per site/node
<u>Final Cost:</u> Actual costs incurred by the City to review, including outside consulting costs. Applicants will be refunded any over payment and invoiced any under payment	
Villebois Expedited Review	
	Double applicable fee
Villebois FDP	
	\$1,637
Zone Change	
Legislative text	\$10,224 + \$915 if BM 56 notice is required
Legislative Map	\$6,892 + \$915 if BM 56 notice is required
Quasi-judicial Map	\$3,354
Zoning Verification Letter	
	\$323

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