

COUNCIL RESOLUTION No. 26-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REVISING FEES AND CHARGES AND UPDATING SECTION 5 OF THE MASTER FEE SCHEDULE FOR FISCAL YEARS 2021 AND 2022.

WHEREAS it is the policy and practice of the city to determine and recover certain costs from fees and charges levied for various services, products, and regulations; and

WHEREAS the city manager must periodically review city fees and charges to ensure the recovery of city costs in providing services, products, and regulations, and recommend adjustments to the City Council; and

WHEREAS Milwaukie advisory boards, commissions, and committees periodically recommend adjustments to the fees and charges levied for various services, products, and regulations; and

WHEREAS the city manager has reviewed city fees and charges, has received guidance from advisory boards, commissions, committees, and city staff, and has finalized the updated master fee schedule.

Now, Therefore, be it Resolved that:

SECTION 1. The City of Milwaukie "Fees" document included as Exhibit A to this resolution is hereby adopted.

SECTION 2. This resolution supersedes previously adopted fee resolutions.

Introduced and adopted by the City Council on **April 19, 2022.**

This resolution is effective immediately.



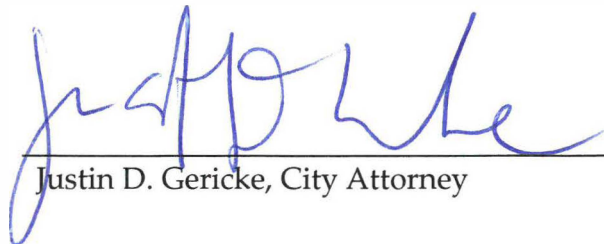
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:



Scott S. Stauffer, City Recorder



Justin D. Gericke, City Attorney

Exhibit A



Fiscal Years 2021 & 2022

MASTER FEE SCHEDULE

REVISED FOR PRIVATE RESIDENTIAL TREE CODE

Revision date: 04/06/2022

4. TREES IN THE CITY

Trees are considered valuable urban infrastructure that should be nurtured and protected as a community asset. The Milwaukie Municipal Code Chapter 16.32 Tree Code, Council Ordinance 2197 (Resolution 11/17/2020), is to establish, maintain, and increase the quantity and quality of tree cover on land owned or maintained by the City and within rights-of-way, and to ensure our urban forest is healthy, abundant, and climate resilient.

Per the City of Milwaukie Tree Code, a right-of-way (ROW) tree removal permit is required for all trees that are over 2" DBH (diameter at breast height) that are located in the ROW or on city property. A tree is considered to be in the ROW if any portion of its trunk falls in the ROW. A pruning permit is required if more than 20% of the tree's canopy is going to be removed or if more than 10% of its root system will be impacted. To prune or remove a tree that is in the ROW, an ROW permit application must be submitted along with a \$50.00 application processing fee. A permit application is typically approved if the tree is invasive, dead/dying, diseased, or poses an unreasonable risk to public safety. If the tree is healthy, the City of Milwaukie encourages applicants to reconsider removing the tree.

Public Trees	Fiscal Year 2023 Fee	Fiscal Year 2024 Fee
Public Tree Removal or Major Pruning Permit ¹	\$50.00	\$50.00
Public Tree Permit (Planting)	No charge	No charge
Healthy Tree Removal Fee:		
2" or less diameter of breast height (DBH)	\$40.00	\$40.00
2" to 4" DBH	\$60.00 per inch DBH	\$60.00 per inch DBH
4" to 8" DBH	\$80.00 per inch DBH	\$80.00 per inch DBH
8" to 14" DBH	\$100.00 per inch DBH	\$100.00 per inch DBH
14" to 20" DBH	\$150.00 per inch DBH	\$150.00 per inch DBH
20" or greater DBH	\$200.00 per inch DBH	\$200.00 per inch DBH
Public Tree Planting and Establishment Fee (in lieu of planting)	\$675.00 per tree	\$675.00 per tree
Public Tree Enforcement/Restoration Fee:		
Damaged Tree	\$225.00 per inch DBH	\$225.00 per inch DBH
Removed Tree	\$450.00 per inch DBH	\$450.00 per inch DBH

Revisions to Master Fee Schedule – Private Tree Code

Proposed Private Tree Code Fee Schedule

The following fees are associated with the proposed private residential tree code (MMC 16.32.042 proposed). For more information on the proposed tree code, visit: milwaukieoregon.gov/planning/za-2021-002.

Private Non-Development Tree Fees	Fiscal Year 2023 Fee	Fiscal Year 2024 Fee
Residential Tree Application Fee (Type 1)	\$0.00	\$0.00
Residential Tree Application Fee (Type 2)	\$50.00	\$50.00
Healthy private tree removal fee beyond one tree per 12-month period ¹ Measurements are in diameter at breast height (DBH). 6 to <12" DBH (approx. 19" - 38" circumference) \$60.00 per inch DBH 12 to <18" DBH (approx. 38" - 57" circumference) \$60.00 per inch DBH 18" to <24" DBH (approx. 57" - 75" circumference) \$60.00 per inch DBH 24" to <30" DBH (approx. 75" - 94" circumference) \$60.00 per inch DBH 30" to <36" DBH (approx. 94" - 113" circumference) \$150.00 per inch DBH 36" or greater (greater than 113" circumference) \$200.00 per inch DBH ¹ No removal fee for 1 st tree less than 12" DBH removed under type 1 permit.		
Rare or Threatened Tree	\$250.00 per inch DBH	\$250.00 per inch DBH
Planting and Establishment Fee in lieu of Replanting for Non-Development Private Residential Trees	\$675.00 per tree	\$675.00 per tree

Private Development Tree Fees	Fiscal Year 2023 Fee	Fiscal Year 2024 Fee
Residential Construction Tree Plan Review Fee	\$200.00	\$200.00
Site Inspection Fee	\$50.00	\$50.00
Site Re-inspection Fee	\$175.00	\$175.00
Fee in lieu of preservation standard in residential development <i>Canopy percentage measurements are in sq ft canopy / total site sq ft</i>	\$4000.00 for each reduction of 7.5% site canopy coverage below 30% total site canopy. Fees are cumulative based on total canopy reduction. Remaining site canopy <30%-22.5%: \$4000.00 <22.5%-15%: \$4000.00 <15%-7.5%: \$4000.00 <7.5%-0%: \$4000.00	\$4000.00 for each reduction of 7.5% site canopy coverage below 30% total site canopy. Fees are cumulative based on total canopy reduction. Remaining site canopy <30%-22.5%: \$4000.00 <22.5%-15%: \$4000.00 <15%-7.5%: \$4000.00 <7.5%-0%: \$4000.00
Fee in lieu of preservation standard for eligible residential affordable housing <i>Canopy percentage measurements are in sq ft canopy / total site sq ft</i>	\$2000 for each reduction of 7.5% site canopy coverage below 30% total site canopy. Fees are cumulative based on total canopy reduction. Remaining site canopy <30%-22.5%: \$2000.00 <22.5%-15%: \$2000.00 <15%-7.5%: \$2000.00 <7.5%-0%: \$2000.00	\$2000 for each reduction of 7.5% site canopy coverage below 30% total site canopy. Fees are cumulative based on total canopy reduction. Remaining site canopy <30%-22.5%: \$2000.00 <22.5%-15%: \$2000.00 <15%-7.5%: \$2000.00 <7.5%-0%: \$2000.00

Revisions to Master Fee Schedule – Private Tree Code

Significant Tree Credits <i>Retained significant trees in diameter at breast height (DBH)</i>		
Retained significant tree 12" to <20" DBH	125% existing or future canopy multiplier	125% existing or future canopy multiplier
Retained significant tree >20" DBH	150% existing or future canopy multiplier	150% existing or future canopy multiplier
Retained significant tree >36" DBH	175% existing or future canopy multiplier	175% existing or future canopy multiplier
Rare or Threatened Tree	\$250.00 per inch DBH	\$250.00 per inch DBH
Fees in Lieu of Planting Standard	\$5.00 per square foot of canopy necessary to meet 40% site coverage	\$5.00 per square foot of canopy necessary to meet 40% site coverage
Bonding Requirements		
Tree Protection	150% of appraised value of protected trees held for 3 years	150% of appraised value of protected trees held for 3 years
Post Development	\$3500.00 per newly planted tree for a 5-year period	\$3500.00 per newly planted tree for a 5-year period

Private Enforcement and Restoration Fees	Fiscal Year 2023 Fee	Fiscal Year 2024 Fee
Violation Review Fee (Development)	\$200.00	\$200.00
Damaged Private and Tree Protection Violation Zone Fee (Development)	\$225.00 per inch DBH	\$225.00 per inch DBH
Unpermitted Private Tree Removal Fee (Development)		
6" to <12" DBH	\$2000.00 per tree	\$2000.00 per tree
12" to <18" DBH	\$167.00 per inch DBH	\$167.00 per inch DBH
18" to <24" DBH	\$200.00 per inch DBH	\$200.00 per inch DBH
24" to <36" DBH	\$250.00 per inch DBH	\$250.00 per inch DBH
36" or greater DBH	\$300.00 per inch DBH	\$300.00 per inch DBH
Unpermitted Private Tree Removal (Non-Development)	2 x Permit Cost	2 x Permit Cost