



CITY COUNCIL MEETING

Monday, April 07, 2025 at 6:00 PM
Sandy City Hall and via Zoom

AGENDA

TO ATTEND THE MEETING IN-PERSON:

Come to Sandy City Hall (lower parking lot entrance) - 39250 Pioneer Blvd., Sandy, OR 97055

TO ATTEND THE MEETING ONLINE VIA ZOOM:

Please use this link: <https://us02web.zoom.us/j/89390307887>

Or by phone: (253) 215-8782; Meeting ID: 89390307887

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT (3-minute limit)

Note: Opportunities for public testimony will occur during public hearings later in the agenda. The Council welcomes your comments on other matters at this time. The Mayor will call on each person when it is their turn to speak for up to three minutes.

-- If you are attending the meeting in-person, please submit your comment signup form to the City Recorder before the regular meeting begins at 6:00 p.m. Forms are available on the table next to the Council Chambers door.

-- If you are attending the meeting via Zoom, please complete the online comment signup webform by 4:00 p.m. on the day of the meeting: <https://www.ci.sandy.or.us/citycouncil/webform/council-meeting-public-comment-signup-form-online-attendees>.

RESPONSE TO PREVIOUS COMMENTS

PRESENTATIONS

1. [Police Officer Oath of Office: Officer Jordan Ferguson](#)

PROCLAMATIONS

2. [Arbor Month 2025](#)

CONSENT AGENDA

3. [City Council Minutes: March 17, 2025](#)

RESOLUTIONS

4. [PUBLIC HEARING: Resolution 2025-13 – Adopting Revised Water and Wastewater System Development Charge Rates](#)

NEW BUSINESS

5. [PUBLIC HEARING: Ordinance 2025-12: Amending Sandy Municipal Code Chapter 3.28 – Hotel/Motel Tax](#)

REPORT FROM THE CITY MANAGER

COMMITTEE / COUNCIL REPORTS

STAFF UPDATES

Monthly Reports: <https://reports.cityofsandy.com/>

ADJOURN

Americans with Disabilities Act Notice: Please contact Sandy City Hall, 39250 Pioneer Blvd. Sandy, OR 97055 (Phone: 503-668-5533) at least 48 hours prior to the scheduled meeting time if you need an accommodation to observe and/or participate in this meeting.

POLICE OFFICER'S
OATH OF OFFICE

STATE OF OREGON
COUNTY OF CLACKAMAS
CITY OF SANDY

I, **Jordan Ferguson**, do solemnly swear, that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and the Laws therefore, and I will faithfully, honestly, and impartially discharge the duties of a Police Officer, during my continuance therein, to the best of my ability, so help me God.

(OFFICER)

Subscribed and sworn to and before me this 7th day of April, 2025.

Mayor Kathleen Walker
Sandy, Oregon

Chief Patrick Huskey
Sandy Police Department





Arbor Month Proclamation

Whereas, the State of Oregon recognizes the month of April as Arbor Month, and

Whereas, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal, and

Whereas, the City of Sandy is recognized as a Tree City USA by the National Arbor Day Foundation and desires to expand its tree-planting and stewardship practices.

NOW, THEREFORE, I, Kathleen Walker, Mayor of the City of Sandy, do hereby proclaim April 2025 as

ARBOR MONTH

In the City of Sandy, and urge all citizens to celebrate Arbor Month and support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well being of this and future generations.

Dated, this 7th day of April, 2025

Mayor: _____



CITY COUNCIL MEETING

Monday, March 17, 2025 at 6:00 PM
Sandy City Hall and via Zoom

MINUTES

WORK SESSION – 6:00 PM

1. Discussion: Moratorium Revisions and Alternative Wastewater Systems

The City Attorney provided an overview of the discussion topics and summarized the staff report in the meeting packet. Council discussion ensued on the following topics:

Discussion related to the proposed Moratorium 4.0

- Discussion regarding the ERU reassignment program:
 - Questions as to whether ERUs can be reassigned from existing buildings
 - Concern about the creation of abandoned or ‘zombie buildings’ if ERUs are taken away from existing structures
 - Discussion as to whether the City should require or incentivize demolition of buildings in the event that their ERUs are reassigned, to avoid zombie buildings
 - Suggestion to codify the approach used to administer ERUs for properties undergoing demolition, as recently occurred on Pioneer Blvd
- Discussion regarding the City’s policy to remove water meters in the event of extended non-payment; questions as to whether a property loses its ERU rights in such a scenario; questions as to what becomes of ERUs if they are lost
- Distinctions between the ERU allocation program and the reassignment program
- Discussion regarding ERU allocation extensions
 - Differences between ERU allocation extensions and land use approval extensions
 - Concern regarding potential confusion between the ERU allocation and land use approval processes generally
 - Acknowledgement that both land use approval and ERU allocation are necessary for property development
 - Direction to staff to add an approval criterion to Section 8 of Moratorium 4.0 to require active land use approval in order to receive an ERU allocation extension
 - Clarification that the application period under the recent land use approval extension ordinance expires this upcoming May
- Concerns regarding unfairness for those still unable to submit land use applications
- Suggestion that property owners should be able to do as they wish with their ERUs
- Discussion regarding the City’s level of control over the ERU market generally
 - Note that the City can retain control over the process through land use regulation and deed restrictions where applicable

- Discussion regarding requirements imposed on the City under Oregon HB 2001, and the City's administrative and regulatory practices to comply with the statute
- Concern about creating a monetary or trading market around ERUs, potentially driving speculation and price increases
- Note that the rationale for creating the reassignment program was to ensure that the City can see some development value from the ERUs that exist; recognition that Moratorium 4.0 could allow ERU reassignment to properties along the new 362nd / Bell street
- Concern about the City potentially being blamed if a property owner is left without development options
- Suggestion to publish a listing of current ERU allocations
- Acknowledgement of the future need to develop an allocation program for additional ERUs the City hopes to secure from regulators
- Discussion of the possibility of establishing a minimum holding period for ERUs to reduce speculation; note that an ERU allocation carries a definite expiration date regardless of how many times it might be reassigned

Discussion related to alternative wastewater systems

The City Attorney clarified that septic systems would fall under the more robust approval criteria in Section 4. It was noted that treatment systems for residential development are not envisioned under this proposal. Concern was expressed about having too many porta potties, and that perhaps a policy preference can be established encouraging more advanced systems for large developments. Discussion ensued regarding a possible expiration date for porta potties; Section 5(b) was highlighted. It was suggested that code language needs to be revised to address situations in which properties are close to existing sewer infrastructure on Bell Rd. It was also suggested that it will be important to ensure that infrastructure is installed to fully connect properties to the sewer system in the future, including extending mainlines to the furthest extent of properties where applicable.

REGULAR MEETING – 7:30 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Kathleen Walker
 Council President Don Hokanson
 Councilor Chris Mayton
 Councilor Laurie Smallwood
 Councilor Rich Sheldon
 Councilor Kristina Ramseyer
 Councilor Lindy Hanley

CHANGES TO THE AGENDA

(none)

PUBLIC COMMENT (3-minute limit)

(none)

RESPONSE TO PREVIOUS COMMENTS

(none)

CONSENT AGENDA

2. City Council Minutes: March 3, 2025

MOTION: Adopt the consent agenda

Motion made by Council President Hokanson, Seconded by Councilor Ramseyer.

Voting Yea: Mayor Walker, Council President Hokanson, Councilor Mayton, Councilor Smallwood, Councilor Sheldon, Councilor Ramseyer, Councilor Hanley

MOTION CARRIED: 7-0

RESOLUTIONS

3. PUBLIC HEARING: Resolution 2025-11 – Adopting a New Methodology for Water and Wastewater System Development Charges

Abstentions

(none)

Conflicts of Interest

(none)

Staff Report

The City Manager summarized the staff report in the meeting packet. The Council expressed a desire to understand how recently comparable city SDC methodologies and rates were adopted. It was noted that many cities in the region have been increasing SDCs recently. Further discussion involved the history and purpose of SDCs generally. It was also noted that adjusting actual SDC rates for Sandy involves a separate process.

Public Testimony

(none)

MOTION: Close the public hearing

Motion made by Councilor Sheldon, Seconded by Councilor Hanley.

Voting Yea: Mayor Walker, Council President Hokanson, Councilor Mayton, Councilor Smallwood, Councilor Sheldon, Councilor Ramseyer, Councilor Hanley

MOTION CARRIED: 7-0

Council Discussion

- Concern that the Parks SDC is too high
- Concern that the cost basis for wastewater is too low; it was noted that only the portion of improvements that actually expand system capacity can be factored. It was also suggested that the City's unique situation and development moratorium is not contemplated under current SDC law.
- Suggestion that the wastewater SDC methodology should be revisited again when the facility plan amendment is adopted
- Discussion of the particular components of SDC calculations
- Suggestion to show how Sandy's increased water and wastewater rates would compare to other cities
- Direction to staff to prepare an agenda item in the near future to raise SDC rates to the maximum defensible levels for water and wastewater

MOTION: Adopt Resolution 2025-11

Motion made by Councilor Ramseyer, Seconded by Councilor Sheldon.

Voting Yea: Mayor Walker, Council President Hokanson, Councilor Mayton, Councilor Smallwood, Councilor Sheldon, Councilor Ramseyer, Councilor Hanley

MOTION CARRIED: 7-0**NEW BUSINESS**

4. Budget Committee Appointments

MOTION: Appoint Amelia Page, Linda Malone, Carl Exner, Darren Wegener, and Art O'Leary to the Budget Committee as included in the staff report

Motion made by Councilor Smallwood, Seconded by Council President Hokanson.

Voting Yea: Mayor Walker, Council President Hokanson, Councilor Mayton, Councilor Smallwood, Councilor Sheldon, Councilor Ramseyer, Councilor Hanley

MOTION CARRIED: 7-0

5. Resolution 2025-10: Application for Local Government Grant Program for Meinig Park Improvements

The Parks and Recreation Director summarized the staff report in the meeting packet. Council discussion involved clarification on the proposed lighting improvements, the proposed timeline for completion in 2026, discussion of possible usage of Urban Renewal funding pending Agency approval, and the need to ensure construction coordination with the Mt. Festival.

MOTION: Adopt Resolution 2025-10

Motion made by Councilor Sheldon, Seconded by Councilor Mayton.

Voting Yea: Mayor Walker, Council President Hokanson, Councilor Mayton, Councilor Smallwood, Councilor Sheldon, Councilor Ramseyer, Councilor Hanley

MOTION CARRIED: 7-0

6. City Manager Employment Agreement Update

The City Attorney summarized the staff report in the meeting packet and provided clarification on the definition of not-for-cause termination. The Mayor provided further remarks on the context and rationale for the proposed contract amendments.

During further Council discussion, it was suggested that severance for not-for-cause termination should instead be provided in a lump sum payment. It was also noted that the City should develop parameters related to temporary work in different compensation ranges.

MOTION: Approve the proposed amendment to the city manager contract with Tyler Deems and authorize the Mayor to sign the amendment on behalf of the City, with the amendment that severance for not-for-cause termination shall be paid in one lump sum

Motion made by Councilor Sheldon, Seconded by Council President Hokanson.

Voting Yea: Mayor Walker, Council President Hokanson, Councilor Mayton, Councilor Smallwood, Councilor Sheldon, Councilor Ramseyer, Councilor Hanley

MOTION CARRIED: 7-0

REPORT FROM THE CITY MANAGER

- Thanks for the contract amendments; appreciation for City staff
- Updates on hiring processes for Community Service Officer and Public Works Director
- Update on schedule for receiving the City's credit rating
- Government Relations update: Nellie deVries summarized the capital construction funding process underway in the Legislature and the City's ongoing meetings with appropriators

COMMITTEE / COUNCIL REPORTS

Council President Hokanson

- Suggestion for staff to address the road pavement issues at the intersection of Procter and Meinig

Councilor Hanley

- Praise for the new teen librarian and the new programming being offered
- Update on Mt. Festival

Councilor Ramseyer

- Suggestion that the City should ensure accountability for the funds it grants to outside entities
- Praise for the repair work underway at Cedar Park

Councilor Sheldon

- Update on the transportation discussions held at C-4 and the desired letters of support

Councilor Smallwood

- Recognition of Linda Malone's husband's passing
- Note that the school district intends to pursue its bond at a later date rather than at the May election

Councilor Mayton

- Mt Hood Economic Alliance meeting is upcoming

Mayor Walker

- Praise for the recent updates to the draft SandyNet Master Plan
- Summary of upcoming meetings with state legislators
- Praise for the Police Department's response to recent calls for service
- Note of an upcoming Clackamas County public input forum in Sandy on March 27th
- A community livability committee will be convened soon
- Emphasis on the need to move forward with economic development efforts

STAFF UPDATES

Monthly Reports: <https://reports.cityofsandy.com/>

ADJOURN

EXECUTIVE SESSION: The City Council met in executive session pursuant to ORS 192.660(2)(f)&(h)



STAFF REPORT

Item # 4.

Meeting Type: City Council Meeting
Meeting Date: April 7, 2025
From: Tyler Deems, City Manager
Subject: PUBLIC HEARING: Resolution 2025-13 – Adopting Revised Water and Wastewater System Development Charge Rates

DECISION TO BE MADE:

Whether to adopt Resolution 2025-13, adopting revised water and wastewater system development charge rates.

BACKGROUND / CONTEXT:

Sandy is facing increasing capital costs related to major improvements required for our water and wastewater systems. The City Council adopted an updated methodology for Water and Wastewater System Development Charges (SDCs), which incorporates the projects necessary to accomplish the City's current water and wastewater system development needs, at its [March 17, 2025 meeting](#). The City's existing SDC rates do not reflect the increased cost of materials and labor necessary to accomplish the water and wastewater system development projects identified in the methodology.

KEY CONSIDERATIONS / ANALYSIS:

Water and Wastewater SDCs: The draft SDC calculations; which reflect the City's water and wastewater project list, system capacity, and expected demand; are shown in the table on the following page.

The SDC calculations include three major elements:

1. The improvement fee cost basis: represents the cost of capacity-expanding projects that will be used by growth. The projects and project costs come from City staff's planning efforts, and the allocation to growth comes from industry-standard practices for determining growth's share. As shown, the improvement fee cost basis is \$66.4 million for the water SDC and \$42.4 million for the wastewater SDC. These calculations assume that the City will be using SDCs to help pay for debt issued to fund the project list.
2. The reimbursement fee cost basis: represents the cost of unused capacity available for growth in the City's water and sewer systems. The cost estimates came from the City's fixed asset schedule, while the capacity remaining for growth comes from statistics provided in the City's master plans. As shown, the reimbursement fee cost basis is \$1.2 million for the

water SDC and \$0 for the wastewater SDC, given the lack of data supporting available capacity in that system. The improvement fee and reimbursement fee cost bases, together with a small provision for compliance with SDC law (\$89,193 for the water SDC and \$54,888 for the sewer SDC) form the numerators of the respective SDC calculations.

3. The expected growth in system demand for each system: measured in meter capacity equivalents (MCEs), forming the denominator of the SDC calculations. As shown in the table below, that expected growth is 3,659 MCEs for the water SDC calculation, and 2,841 for the sewer SDC calculation. That the growth estimates are different is partially explained by the fact that the planning period for the water SDC is through 2050, whereas the planning period for the sewer SDC is through 2040. In addition, the growth estimates provided in each master plan supported different project lists. To maintain the required nexus between the charge and the capacity it pays for, it is more defensible to use growth estimates specific to each service.

Finally, dividing the numerator (the total cost basis) by the denominator (growth in system demand) yields the SDC calculation for each utility. As shown below, that calculation results in a maximum SDC of \$18,477 for the water utility and \$14,952 for the sewer utility.

Calculated SDCs		Water	Sewer
Improvement Fee Cost Basis	\$	66,353,476	\$ 42,418,170
Reimbursement Fee Cost Basis		1,167,725	-
Compliance Costs		89,193	54,888
Total	\$	67,610,394	\$ 42,473,058
Growth in MCEs		3,659	2,841
Improvement Fee per MCE	\$	18,134	\$ 14,932
Reimbursement Fee per MCE		319	-
Compliance Fee per MCE		24	19
Total SDC per MCE	\$	18,477	\$ 14,952

With respect to water, the rate per MCE is applied to the City's different meter sizes using the schedule shown in the table below.

Meter Size (Inches)	MCEs	Calculated SDC
5/8	1.00	\$ 18,477
3/4	1.50	27,716
1	2.50	46,193
1.5	5.00	92,387
2	8.00	147,819
3	16.00	295,638
4	25.00	461,935
6	50.00	923,870

Total SDCs: On the following page is a table detailing the current SDCs charge for each utility, as well as the maximum defensible charge for each utility. Also provided is a table showing the current SDCs charges of neighboring cities in Clackamas County. These comparable charges have been reviewed and updated with current 2025 amounts.

City of Sandy SDCs:

	Maximum Defensible	Current Charge
Water	18,477	4,294.25
Wastewater	14,952	6,126.36
Transportation	39,800	9,716.00
Parks	31,333	12,117.67

Comparable Cities SDCs (figures updated March 2025):

City	Water	Wastewater	Stormwater	Street	Parks	Total	Notes
Canby	11,140	3,389	295	4,096	6,913	25,833	Canby Water
Estacada	8,500	5,758	1,405	5,410	7,800	28,873	
Gladstone	9,684	6,958	3,724	4,573	9,670	34,609	
Happy Valley	13,122	10,010	518	12,556	10,296	46,502	Sunrise Water, WES
Lake Oswego	9,908	3,607	197	18,618	17,149	49,479	
Milwaukie	5,603	10,214	1,147	2,609	3,985	23,559	Wastewater based on square footage
Molalla	7,035	7,484	984	8,722	2,643	26,868	
Oregon City	15,793	12,207	1,240	14,566	8,090	51,896	Wastewater based on square footage
West Linn	15,792	14,254	1,796	4,313	16,515	52,670	
Wilsonville	12,391	7,102	2,432	16,823	14,000	52,748	
Average	10,897	8,098	1,374	9,229	9,706	39,304	
Sandy (existing)	4,294	6,126	-	9,716	12,118	32,254	Does not include FIL
% over/under	-61%	-24%	-100%	5%	25%	-18%	
Sandy (proposed)	18,477	14,952	-	9,716	12,118	55,263	Does not include FIL
% over/under	70%	85%	-100%	5%	25%	41%	

BUDGET IMPACT:

While the amount of growth and development in Sandy over the next 20 years cannot be predicted precisely, the assumptions contained in supporting long-range planning documents and draft SDC calculations indicate the new rates would provide a positive impact on Sandy's budget for water and wastewater system improvements over the next 20 years. If development occurs as projected in the SDC calculations and if the City adopts the proposed maximum SDCs, the proposed water SDC could generate as much as \$52 million in additional SDC revenue when compared with projections under the current SDC level. The proposed sewer SDC could generate as much as \$25 million in additional SDC revenue. The revenues could increase above those amounts if the City continues to adjust its SDC with inflation.

RECOMMENDATION:

Staff recommends approval of Resolution 2025-13, adopting revised water and wastewater system development charge rates, to generate funding to accomplish the water and wastewater system development projects identified in the methodology.

SUGGESTED MOTION:

“I move to adopt Resolution 2025-13.”

LIST OF ATTACHMENTS / EXHIBITS:

- Exhibit A: Master Fee Schedule

A RESOLUTION AMENDING THE CITY OF SANDY'S MASTER FEE SCHEDULE TO ADOPT REVISED WATER AND WASTEWATER SYSTEM DEVELOPMENT CHARGE RATES

WHEREAS, the City Council adopted a new methodology for Water and Wastewater System Development Charges at its March 17, 2025 meeting; and

WHEREAS, the cost of materials and labor necessary to accomplish the system development projects set forth in said methodology has increased significantly; and

WHEREAS, adjustments to the City's Water and Wastewater System Development Charge rates are necessary to collect sufficient funds to allow the City to complete the system development projects set forth in said methodology; and

WHEREAS, the City Council imposes municipal fees and charges through a Master Fee Schedule adopted by Council Resolution; and

WHEREAS, the City Council has reviewed the proposed changes.

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

Section 1. The Sandy Master Fee Schedule is hereby amended as shown in Exhibit A.

This resolution is adopted by the City Council of the City of Sandy this 7th day of April, 2025.

Kathleen Walker, Mayor

ATTEST:

Jeffrey Aprati, City Recorder

CITY OF SANDY MASTER FEE SCHEDULE

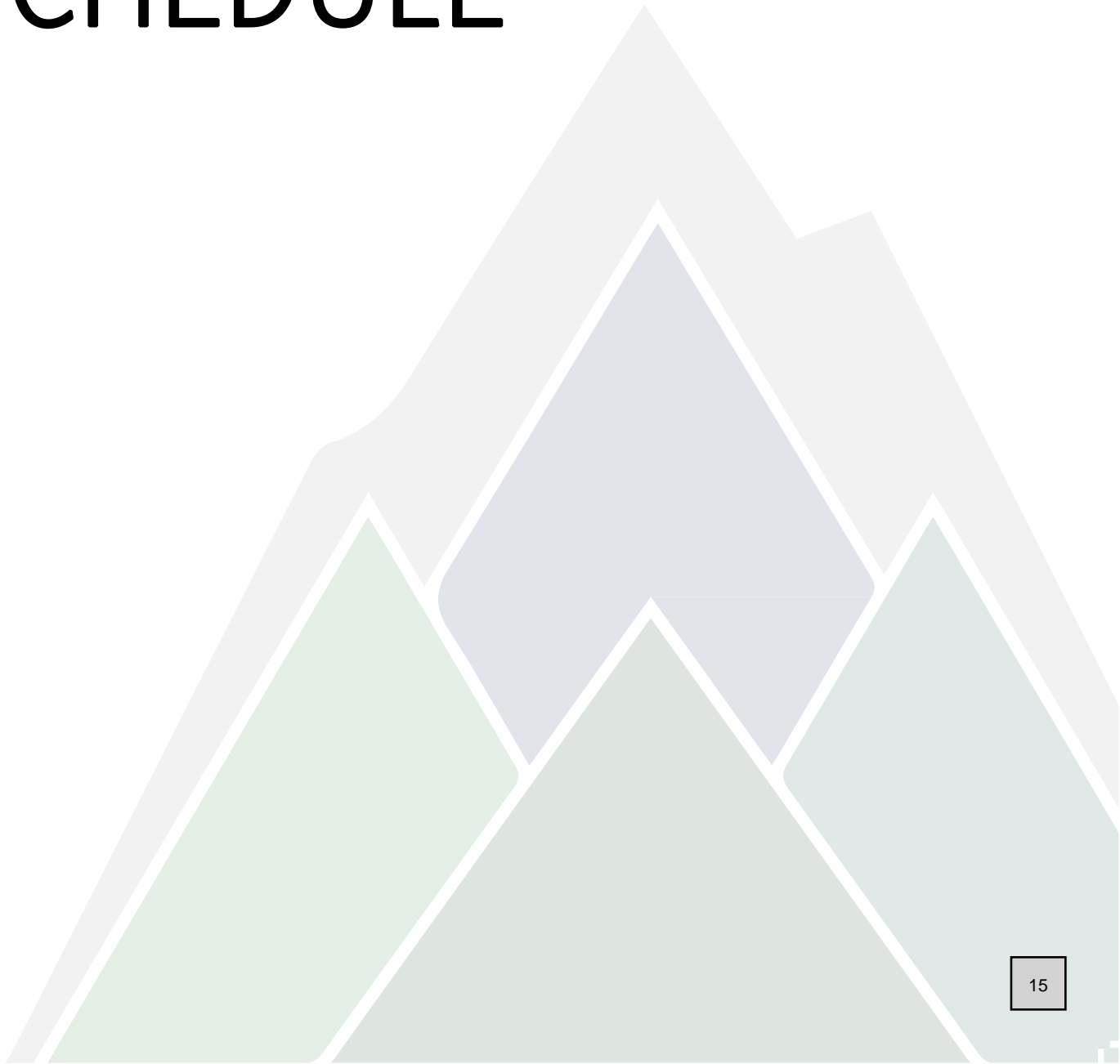


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15. Library	10
16. Parks & Recreation	10

Fee Name	Amount	Description
1. MISCELLANEOUS CHARGES		
A. Business License		
a. Home-Based Business	\$55.00	
b. Business License - businesses within City limits	\$85.00	
c. Business License - businesses outside City limits	\$115.00	
d. Residential Rental Business	\$85.00 plus \$6 per unit	
e. Non-Profit Processing Charge	\$12.00	
f. Business License Renewal Late Fee	\$39.00	If renewal is submitted after March 1 st
B. Copies, Maps, and Documents		
a. Copy: 8.5 x 11	\$0.25	per page
b. Copy: 8.5 x 14	\$0.25	per page
c. Copy: 11 x 17	\$0.50	per page
d. Color map larger than 11 x 17	varies	based on actual print cost; minimum \$10.00
C. Events		
a. Highway Banner	\$50.00	per week
b. Major Community		Actual cost + 20%
D. Liquor License		
a. Initial	\$100.00	
b. Change	\$75.00	
c. Renewal or Special Event	\$25.00	
E. Miscellaneous		
a. Finding Fee	\$20.00	
b. Interest Past Due		Annual interest rate set by Finance Director at the time the past due balance is accrued. Rate shall be fixed and based on current yields for long-term investments, plus 1%
c. Lien Search	\$30.00	
d. Returned Item Fee	\$25.00	
F. Records Request		
a. Administrative Fee	\$53.00	per hour
b. Executive Fee	\$90.00	per hour
c. Legal Fee		actual cost
2. PLANNING DIVISION CHARGES		
A. Addressing		
a. Addressing	\$50.00 plus \$7 per lot	
b. Readdressing - Residential	\$240.00	per lot (not exceeding two units)
c. Readdressing - Multi-family, commercial/industrial	\$240.00 plus \$7 per lot or unit	
B. Administrative		
a. Administrative Fee		10% of total planning and public works fees assessed, excluding building, plumbing, and mechanical structural specialty code permit fees.
b. Land Use Compatibility Statement	\$136.00	
c. Review of Non-Conforming Use	\$876.00	
d. Public Hearing - Type III	\$1,640.00	review not specifically listed elsewhere
e. Public Hearing - Type IV	\$2,186.00	review not specifically listed elsewhere
f. Public Hearing - Reschedule (applicant's request)	\$546.00	
g. Third-Party Review	\$2,186.00	Deposit for each anticipated third-party review shall be collected in conjunction with the initial application fee. Additional charges, if any, shall be assessed and shall be a lien against the property until paid in full.
h. Third Party Review Scope Consultation	\$546.00	
i. Zoning Verification Letter	\$120.00	Bank/Loan Letter
j. Deed research to determine the legality of a lot of record	\$120.00	per hour, two hour minimum
k. Technology fee		3% of the total Planning Division fees
C. Accessory Dwelling Unit		
a. Accessory Dwelling Units	\$546.00	
D. Adjustments and Variances		
a. Type II Adjustment	\$546.00	20% or less a quantifiable provision

b. Type II Variance	\$1,200.00 per variance
c. Type III Special Variance	\$2,000.00 per variance
d. Type III Variance - Land Division	\$2,000.00 per variance
e. Type III Design Deviation	\$546.00 per design deviation
f. Sign Variance	\$546.00 per variance

E. Amendments

a. Comprehensive Plan Map Amendment	\$5,525.00
b. Comprehensive Plan Text Amendment	\$5,525.00
c. Zoning Map Amendment	\$5,525.00

F. Annexation Type IV

a. Type A	\$3,280.00 assign conceptual zoning
b. Type B	\$5,465.00 Type A, plus Zoning Map Change
c. Type C	\$7,620.00 Type A and B, plus Plan Map
d. De-Annexation	\$3,280.00

G. Appeal

a. Type I to Type II	\$275.00 Notice
b. Type II to Type III	\$600.00 Planning Commission appeal
c. Type III to Type IV	\$1,200.00 City Council appeal

H. Conditional Uses

a. Modification, Major	\$1,093.00
b. Modification, Minor	\$546.00
c. Outdoor Display & Storage	\$546.00
d. Type II	\$1,312.00 design review fees are separate
e. Type III	\$5,000.00 design review fees are separate

I. Design Review (based on overall project valuation)

a. Type I: up to \$10,000.00	\$275.00 staff review only; no notice
b. Type I: \$10,000.01 - \$25,000.00	\$492.00 staff review only; no notice
c. Type I: \$25,000.01 - \$100,000.00	\$825.00 staff review only; no notice
d. Type I: \$100,000.01 - \$250,000.00	\$985.00 staff review only; no notice
e. Type I: \$250,000.01 and above	\$1,500.00 staff review only; no notice
f. Type II: up to \$25,000.00	\$656.00
g. Type II: \$25,000.01 - \$100,000.00	\$2,190.00
h. Type II: \$100,000.01 - \$1,000,000.00	\$5,465.00
i. Type II: \$1,000,000.01 - \$3,000,000.00	\$9,840.00
j. Type II: \$3,000,000.01 and above	\$14,000.00
k. Type III: up to \$25,000.00	\$1,093.00 variance fees are separate
l. Type III: \$25,000.01 - \$100,000.00	\$2,732.00 variance fees are separate
m. Type III: \$100,000.01 - \$1,000,000.00	\$6,558.00 variance fees are separate
n. Type III: \$1,000,000.01 - \$3,000,000.00	\$10,900.00 variance fees are separate
o. Type III: \$3,000,000.01 and above	\$16,000.00 variance fees are separate
p. Design Review Minor Modification	\$546.00
q. Design Review Major Modification: up to \$25,000.00	\$656.00
r. Design Review Major Modification: \$25,000.01 - \$100,000.00	\$1,093.00
s. Design Review Major Modification: \$100,000.01 and above	\$2,190.00

J. Erosion Control Permit and Plan Review Fees

a. Single Family/Duplex Addition - Permit Fee	\$143.00
b. Single Family Dwelling/Duplex - Permit Fee	\$165.00
c. Multi-Family - Permit Fee	\$220.00 per structure
d. Commercial/Industrial, Subdivisions - Permit Fee	\$328.00 per acre
e. Single Family/Duplex Addition - Plan Review	\$55.00
f. Single Family Dwelling/Duplex - Plan Review	\$93.00
g. Multi-Family - Plan Review	\$143.00 per structure
h. Commercial/Industrial, Subdivisions - Plan Review	\$143.00 per acre

K. Final Plat Review

a. Property Line Adjustment Final Review	\$500.00
b. Middle Housing Land Division Plat Review	\$656.00
c. Partition or Replat Final Plat Review	\$656.00
d. Subdivision Final Plat Review	\$1,093.00

L. Grading Permit

a. 50 cubic yards or less	\$50.00
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b. 51 - 100 cubic yards	\$75.00
c. 101 - 1,000 cubic yards	\$90.00 First 100 cubic yards, plus \$25 each additional 100 cubic yards up to 1,000
d. 1,001 - 10,000 cubic yards	\$315.00 First 1,000 cubic yards, plus \$26 each additional 1,000 cubic yards up to 10,000
e. 10,001 - 100,000 cubic yards	\$549.00 First 10,000 cubic yards, plus \$99 each additional 10,000 cubic yards up to 100,000
f. 100,001 cubic yards and above	\$1,440.00 First 100,000 cubic yards, plus \$50 each additional 10,000 cubic yards

M. Grading Plan Review

a. 50 cubic yards or less	\$50.00
b. 51 - 100 cubic yards	\$75.00
c. 101 - 1,000 cubic yards	\$90.00
d. 1,001 - 10,000 cubic yards	\$110.00
e. 10,001 - 100,000 cubic yards	\$120.00 First 10,000 cubic yards, plus \$30 each additional 10,000 cubic yards up to 100,000
f. 100,001 - 200,000 cubic yards	\$390.00 First 100,000 cubic yards, plus \$16 each additional 10,000 cubic yards up to 200,000
g. 200,001 cubic yards and above	\$550.00 First 200,000 cubic yards, plus \$8.50 each additional 10,000 cubic yards

N. Food Pod / Cart Permit

a. New Food Cart Pod	\$1,640.00 per new pod lot; design review fees separate
b. New Cart in Existing Pod	\$220.00 single cart in existing pod

O. FSH Overlay

a. Type I FSH Review	\$275.00 in addition to fees listed, required deposit toward cost of any third-party reviews
b. Type II FSH Review	\$546.00 in addition to fees listed, required deposit toward cost of any third-party reviews
c. Type III or Type IV FSH Review	\$1,093.00 in addition to fees listed, required deposit toward cost of any third-party reviews

P. Medical Hardship Trailer

a. Type III Initial Review	\$500.00
b. Type II Renewal	\$220.00

Q. Historic or Cultural Resource

a. Type IV Designation of Resource	\$1,093.00
b. Type I Minor Alteration	\$143.00
c. Type II Major Alteration	\$546.00

R. Interpretation of Code

a. Type II, Director	\$546.00
b. Type III, Quasi-Judicial	\$1,093.00
c. Type IV, Legislative	\$1,640.00

S. Land Division

a. Type I Property Line Adjustment	\$900.00
b. Type I Land Division (Minor Partition)	\$1,312.00
c. Middle Housing Land Division	\$2,732.00 per division even when a batch plat is processed
d. Type II Land Division (Major Partition)	\$1,640.00 plus \$55 per lot
e. Type II Land Division (Minor Revised Plat)	\$1,640.00 plus \$55 per lot
f. Type III Land Division (Major Partition)	\$3,280.00 plus \$55 per lot
g. Type III Major Replat (revised plat)	\$3,280.00 plus \$55 per lot
h. Type II Subdivision 4 to 20 lots	\$6,000.00 plus \$110 per lot
i. Type II Subdivision 21 to 50 lots	\$8,000.00 plus \$110 per lot
j. Type II Subdivision with 51 or more lots	\$10,000.00 plus \$120 per lot
k. Type III Subdivision 4 to 20 lots	\$8,000.00 plus \$135 per lot
l. Type III Subdivision 21 to 50 lots	\$10,000.00 plus \$135 per lot
m. Type III Subdivision with 51 or more lots	\$15,000.00 plus \$140 per lot
n. Re-naming of Tentative Subdivision	\$382.00
o. Model Home Agreement	\$546.00
p. Phasing Plan Review	\$1,640.00 in addition to subdivision fees

T. Pre-Application Conference

a. Type I	\$165.00
b. Type II	\$438.00 plus \$100 Public Works fee (when necessary)
c. Type III/IV	\$876.00 plus \$150 Public Works fee (when necessary)
d. Subdivision	\$1,312.00 plus \$250 Public Works fee
e. Middle Housing Land Division	\$438.00 plus \$100 Public Works fee (when necessary)

U. Request for Time Extension

a. Type I	\$136.00
b. Type II	\$275.00
c. Type III/IV	\$546.00
d. Middle Housing Land Division	\$275.00

V. Specific Area Plan

a. Development Process: Type IV	\$5,465.00 plus \$66 per acre, plus subdivision fees
b. Administrative Amendment: Type I	\$438.00
c. Minor Amendment: Type II	\$546.00
d. Major Amendment: Type III	\$1,312.00

W. Street Vacation

a. Street Vacation	Cost plus 20% (\$2,732 deposit required)
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X. Temporary Permits

a. Temporary Structure Permit: Type I - Initial	\$143.00
b. Temporary Structure Permit: Type II - Renewal	\$275.00
c. Temporary Use Permit	\$143.00

Y. Tree Removal

a. Type I	\$120.00
b. Type II	\$240.00
c. Type III	\$656.00
d. In-lieu payment of mitigation tree	\$500.00 per tree

Z. Zoning Administration Fee

a. Single Family Dwelling Addition or ADU	\$120.00
b. Single Family Dwelling	\$200.00
c. Duplex	\$350.00
d. Multi-Family	\$350.00 plus \$50 per unit
e. Commercial/Industrial	\$120.00 minimum; up to 25% of design review fee

3. BUILDING DIVISION CHARGES**A. Building Permit (valuation)**

a. \$0.01 - \$500.00	\$93.00
b. \$500.01 - \$2,000.00	\$93.00 First \$500.00, plus \$4.00 for each additional \$100 or fraction thereof to and including \$2,000
c. \$2,000.01 - \$25,000.00	\$153.00 First \$2,000.00, plus \$11.00 for each additional \$1,000 or fraction thereof to and including \$25,000
d. \$25,000.01 - \$50,000.00	\$406.00 First \$25,000.00, plus \$9.00 for each additional \$1,000 or fraction thereof to and including \$50,000
e. \$50,000.01 - \$100,000.00	\$631.00 First \$50,000.00, plus \$6.00 for each additional \$1,000 or fraction thereof to and including \$100,000
f. \$100,000.01 and above	\$931.00 First \$100,000.00, plus \$5.00 for each additional \$1,000 or fraction thereof
g. Permit Fee Valuation	The determination of the valuation for permit fees shall be based on the most current ICC Building Valuation Data Table as of April 1 each year and specified in OAR 918-050-0100 and 918-050-0110.

B. Demolition Permits

a. Commercial: Building	\$120.00 Minimum. Commercial demolition fees are calculated on the total value of the demolition and are assessed using the valuation in the Structural Permit fee table.
b. Residential: Building	\$120.00 Residential demolition fees are based on a flat charge to include building and mechanical elements.

C. Derelict Buildings and Structures

a. Appeal Fee	\$328.00
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b. Application Fee for Rehabilitation Plan systems	\$165.00 per application
a. Home Size: 0 - 2,000 square feet	\$200.00
b. Home Size: 2,001 - 3,600 square feet	\$300.00
c. Home Size: 3,601 - 7,200 square feet	\$400.00
d. Home Size: 7,201 square feet and greater	\$500.00
e. Commercial Fire Sprinklers and Alarms	by valuation - see Structural Permit fee table
E. Foundation Permit	
a. Single Family Dwelling or Addition	\$55.00
b. Duplex/Multi-Family	\$55.00 per dwelling unit
c. Commercial/Industrial	\$110.00 Minimum. Fees will be calculated by the Building Official based on the size and scope of the project and overall project value.
F. Manufactured Dwellings	
a. Manufactured Dwelling Installation Fee	\$438.00
b. Manufactured Dwelling Park Fees	Per OAR 918-600-0030.
c. Manufactured Dwelling State Fees	\$30.00
d. Recreational Park and Camps	Per OAR 918-650-0030.
G. Mechanical Permit	
a. Mechanical Permit Review Fee	40% of permit issuance fees.
H. Mechanical Permit - Commercial (value)	
a. \$1 - \$1,000	\$93.00
b. \$1,000.1 - \$10,000.00	\$93.00 First \$1,000 plus \$1.50 for each additional \$100 or fraction thereof to and including \$10,000
c. 10,000.01 - \$25,000.00	\$228.00 First \$10,000 plus \$16.00 for each additional \$1,000 or fraction thereof and including \$25,000
d. \$25,000.01 - \$50,000.00	\$468.00 First \$25,000.00, plus \$14.00 for each additional \$1,000 or fraction thereof to and including \$50,000
e. \$50,000.01 - \$100,000.00	\$818.00 First \$50,000.00, plus \$14.00 for each additional \$1,000
f. \$100,000.01 and above	\$1,518.00 First \$100,000.00, plus \$8.00 for each additional \$1,000 or fraction thereof
I. Mechanical Permit - Residential	
a. Minimum Permit Fee	\$93.00
b. HVAC	\$24.00
c. Air conditioning	\$24.00
d. Alteration of existing HVAC	\$24.00
e. Fire/smoke damper/duct smoke detectors	\$17.00
f. Heat pump	\$24.00
g. Install/replace furnace burner	\$24.00
h. Install/replace/relocate heater/suspend wall/floor	\$24.00
i. Vent for appliance other than furnace	\$17.00
j. Environmental exhaust and ventilation (appliance vent)	\$17.00
k. Dryer exhaust	\$17.00
l. Hoods Type I/II residential kitchen/hazmat hood fire suppression	\$17.00
m. Exhaust fan with single duct (bath fan)	\$17.00
n. Exhaust system apart from heating/AC	\$17.00
o. Gas fuel piping and distribution (up to four outlets)	\$17.00
p. Gas fuel piping each additional outlet over four	\$2.50
q. Decorative fireplace	\$31.00
r. Fireplace insert	\$31.00
s. Wood/pellet stove	\$31.00
J. Movement of Buildings	
a. Movement of Buildings Fee	\$90.00
K. Other Inspections and Fees	
a. Inspections outside of normal business hours	\$131.00 per hour, two hour minimum
b. Reinspection fees	\$93.00
c. Inspection for which no fee is specifically indicated	\$93.00 per hour
d. Additional plan review required by changes/additions	\$110.00 per hour

e. Permit reinstatement fee

\$150.00 For renewal of a permit that has been expired for six months or less provided no changes have been made in the original plans and specifications for such work (plus state surcharge).

f. Temporary certificate of occupancy

\$275.00 per month

g. Penalty for work commencing before permit issuance

\$120.00

h. Technology fee

3% of the total Building Division fees

i. Solar Photovoltaic Installation Prescriptive Path Fee

\$175.00

j. Solar Photovoltaic Installation Non-Prescriptive Path Fee

by valuation - see Structural Permit fee table

L. Plan Review

a. Building

70% of permit issuance fees (residential and commercial)

b. Fire & Life Safety Plan Review Fee

55% of permit issuance fees

c. Seismic Plan Review

1% of permit issuance fees

d. Plumbing

40% of plumbing permit issuance fees

e. Mechanical

40% of mechanical permit issuance fees

f. Phased permit plan review fee

\$275.00 plus 10% of the total project permit fee with a \$1,500.00 maximum per phase

g. Deferred submittals

\$250.00 10% of the permit fee calculated using the value of the deferred portion with a \$250 minimum

h. Simple one and two family dwelling plans

\$143.00

M. Plumbing Permit

a. Minimum Permit Fee

\$93.00

b. Each fixture

\$28.00

c. Catch basin

\$38.00 each

d. Manhole/OWS

\$38.00 each

e. Manufactured home set-up plumbing fee

\$88.00

f. Sanitary sewer

\$93.00 per 100 linear feet

g. Single family one bath

\$492.00 Includes one kitchen, first 100 feet of site utilities, hose bibbs, icemakers, underfloor low-point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system.

h. Single family two bath

\$600.00 Includes one kitchen, first 100 feet of site utilities, hose bibbs, icemakers, underfloor low-point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system.

i. Single family three bath

\$712.00 Includes one kitchen, first 100 feet of site utilities, hose bibbs, icemakers, underfloor low-point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system.

j. Single family additional bath or kitchen

\$120.00

k. Storm sewer

\$93.00 per 100 linear feet

l. Water service

\$93.00 per 100 linear feet

m. Commercial Plumbing - Medical Gas

by valuation - see Structural Permit fee table

N. State Surcharge

a. State Surcharge Fee

All building, plumbing, and mechanical permits are subject to a State of Oregon surcharge of 12% payable with the payment of the permit. This surcharge is subject to change at the State's discretion.

4. SIGN CHARGES

A. Penalty

a. Signs installed without permit

All sign permit fees doubled if the sign is installed or displayed prior to obtaining a permit.

B. Permanent Sign

a. Sign Permits - Permanent

\$83.00 Plus, fees based on the valuation of the sign, using the building permit fee schedule.

C. Temporary Signs

a. Temporary sign penalty

\$55.00 Fee is waived if the permit is obtained before the sign is installed.

b. Copy change or change in panel	\$26.00
c. A-Frame Signs	\$26.00
d. Garage Sale Sign	per sign

D. Zoning Review Fee

a. Zoning Review Fee - Permanent Sign	\$26.00 Does not include banners, A-Frames, or change in panel
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5. PUBLIC WORKS CHARGES**A. Right-of-Way Fees**

a. Electric Utilities	5% of gross revenues
b. Natural Gas Utilities	5% of gross revenues
c. Garbage Utilities	3% of gross revenues
d. Telephone Utilities	7% of gross revenues
e. Cable Utilities	5% of gross revenues
f. Utilities that do not provide retail service within City	\$2.00 per lineal foot of facility
g. Small Wireless Facilities	
i. Sites	\$515.00 for up to five sites, \$100 for each additional site
ii. Application Fee	\$1,030.00 per site (new, replacement, or modification) or actual cost, whichever is higher
iii. Annual Usage Fee	\$280.00 per facility

B. Plan Review without inspection

a. Plan Check Fee	\$93.00 per hour
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C. Street Approach/Sidewalks Inspection Fee

a. Single Family or ADU or Duplex with one driveway	\$100.00
b. Single Family or Duplex with two driveways	\$200.00
c. Multi-Family/Commercial/Industrial	\$300.00

D. Street Sweeping

a. Street Sweeping Fee	Actual cost + 20%
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E. Water/Wastewater

a. Dye Test & Letter	\$25.00
b. Water Meter Test Fee	Actual cost + 20%
c. Penalty Fee	\$5.00 per month
d. Shut-Off Fee	\$50.00 each occurrence
e. Meter Tampering Fee	\$50.00 each occurrence
f. Damaged Padlock Fee	\$65.00 each occurrence

F. Public Improvement Plan Review and Inspection Fees (valuation)

a. Initial Fee	\$150.00
b. \$0.01 - \$10,000.00	12% plus \$150
c. \$10,000.01 - \$50,000.00	8% plus \$150
d. \$50,000.01 - \$100,000.00	6% plus \$150
e. \$100,000.01 - \$500,000.00	5% plus \$150
f. \$500,000.01 - \$1,000,000.00	3% plus \$150
g. \$1,000,000.01 and above	2% plus \$150
h. Demolition Inspection	\$120.00

6. SYSTEM DEVELOPMENT CHARGES**A. Water**

a. Equivalent Dwelling Unit (EDU)	\$4,294.25	\$18,477 - Effective May 1, 2025
b. 5/8" x 3/4" Meter	\$4,294.25	\$18,477 - Effective May 1, 2025
c. 3/4" Meter	\$6,441.22	\$27,716 - Effective May 1, 2025
d. 1" Meter	\$10,735.62	\$46,193 - Effective May 1, 2025
e. 1 1/2" Meter	\$21,471.26	\$92,387 - Effective May 1, 2025
f. 2" Meter	\$34,353.26	\$147,819 - Effective May 1, 2025
g. 3" Meter	\$63,780.02	\$295,638 - Effective May 1, 2025
h. 4" Meter	\$107,353.48	\$461,935 - Effective May 1, 2025
i. 6" Meter	\$214,706.97	\$923,870 - Effective May 1, 2025
j. Meters greater than 6"		calculated based on EDU
k. Meter Cost: 3/4 inch or 1 inch meter and meter box	\$475.00	Larger meters are paid for by the contractor.
l. Water Tapping Fees		Costs + 20%

B. Wastewater

- a. City wide
- b. Wastewater Tapping Fees

\$6,126.36 per equivalent residential unit \$14,192 per equivalent residential unit
Costs + 20% - Effective May 1, 2025

C. Park

- a. Single Family
- b. Multi-Family
- c. Mobile Home

\$12,117.67
\$8,984.50
\$9,760.26

D. Payment in Lieu of Park Land Dedication

- a. Payment in Lieu of Park Land Dedication, Not Deferred
- b. Payment in Lieu of Park Land Dedication, Deferred

\$869,242.00 per acre
per acre, plus 10% administration fee on the amount of
\$869,242.00 the remaining portion owed

E. Street

- a. Residential
- b. AADPT (Trip) Cost

\$9,716.00 per single family dwelling unit
\$613.38 per adjusted average daily person trip

7. WATER RATES

A. Base by Customer Class

- a. Single Family
- b. Single Family - Reduced
- c. Multi-Family
- d. Commercial/Industrial
- e. Wholesale
- f. Single Family - outside City limits

\$20.36 per month
\$10.18 per month
\$20.36 per month
\$20.36 per month
\$24.36 per month
\$30.62 per month

B. Charge by Meter Size - inside city limits

- a. 5/8" Meter
- b. 3/4" Meter
- c. 3/4" Meter - Reduced
- d. 1" Meter
- e. 1 1/2" Meter
- f. 2" Meter
- g. 3" Meter
- h. 4" Meter
- i. 6" Meter
- j. 8" Meter
- k. 10" Meter

\$0.73 per month
\$1.10 per month
\$0.55 per month
\$1.89 per month
\$3.61 per month
\$5.77 per month
\$10.96 per month
\$18.17 per month
\$36.42 per month
\$58.25 per month
\$83.79 per month

C. Charge by Meter Size - outside city limits

- a. 5/8" Meter
- b. 3/4" Meter
- c. 1" Meter
- d. 1 1/2" Meter
- e. 2" Meter
- f. 3" Meter
- g. 4" Meter
- h. 6" Meter
- i. 8" Meter
- j. 10" Meter

\$1.07 per month
\$1.69 per month
\$2.76 per month
\$5.46 per month
\$8.62 per month
\$16.25 per month
\$27.07 per month
\$54.08 per month
\$90.21 per month
\$124.46 per month

D. Volume Charge by Customer Class

- a. Single Family
- b. Single Family - Reduced
- c. Multi-Family
- d. Commercial/Industrial
- e. Wholesale
- f. Single Family - outside City limits
- g. Commercial/Industrial - outside City limits
- h. Skyview Acres

\$8.17 per 100 cubic feet
\$4.08 per 100 cubic feet
\$7.69 per 100 cubic feet
\$7.04 per 100 cubic feet
\$8.62 per 100 cubic feet
\$12.25 per 100 cubic feet
\$10.96 per 100 cubic feet
\$2.11 per 100 cubic feet, plus COP pass through

E. Metered Use From Fire Hydrant

- a. Deposit
- b. Set-up/take-down/billing fee
- c. Meter Rental (day 1 to day 30)
- d. Meter Rental (day 31 and beyond)
- e. Water Rate

\$300.00
\$60.00
\$2.00 per day
\$5.00 per day
Inside or Outside Comm/Ind depending on location

F. Fire Hydrant Flow Test

- a. Set-up and observe (without neutralization) \$75.00 per test
- b. Set-up and observe (with neutralization) \$200.00 per test

8. WASTEWATER RATES**A. Base by Customer Class**

- a. Single Family \$35.08 per month
- b. Single Family - Reduced \$17.55 per month
- c. Multi-Family \$35.08 per month
- d. Commercial/Industrial \$16.72 per month

B. Volume Charges by Customer Class

- a. Single Family \$9.00 per 100 cubic feet
- b. Single Family - Reduced \$4.51 per 100 cubic feet
- c. Multi-Family \$9.00 per 100 cubic feet
- d. Commercial/Industrial \$12.22 per 100 cubic feet
- e. Residential - No water service \$126.54 per month

9. STORMWATER RATES**A. Utility Fee**

- a. Equivalent Residential Unit (ERU) \$10.00 per month, per ERU (ERU = 2,750 sq. ft. of impervious surface)

10. SANDYNET CHARGES**A. Miscellaneous**

- a. Installation Fee \$100.00 \$300.00 for 10 gbps installation
- b. Shut-Off Fee \$50.00

B. Wireless

- a. Residential - 5 mbps \$24.95 per month
- b. Residential - 10 mbps \$34.95 per month
- c. Rural - 5 mbps \$29.95 per month
- d. Rural BIP - 5 mbps \$39.95 per month
- e. Rural Enhanced - 10 mbps \$49.95 per month

C. Fiber

- a. Residential - 500 mbps \$44.95 per month
- b. Residential - 1 gbps \$59.95 per month
- c. Residential - 2 gbps \$80.00 per month
- d. Residential - 5 gbps \$110.00 per month
- e. Residential - 10 gbps \$280.00 per month
- f. Business - 500 mbps \$44.95 per month
- g. Business - 1 gbps \$59.95 per month
- h. Business - other per contractual agreement, authorized by department director and/or City Manager
- i. Rural - 500 mbpd \$64.95 per month
- j. Rural - 1 gbps \$84.95 per month

D. Digital Voice

- a. Residential \$20.00 per month
- b. Business \$28.95 per month

E. Other

- a. Static IP address \$10.00 per month
- b. Fax line \$11.95 per month
- c. Mesh unit \$5.00 per month

11. MUNICIPAL COURT**A. Administrative**

- a. File Review Fee \$25.00
- b. Payment Arrangement Fee \$50.00
- c. Suspension Fee \$15.00

12. PARKING**A. Citations**

- a. Parking in area not allowed \$50.00
- b. Parking in excess of posted time \$30.00

13. POLICE

A. Impound

- a. Vehicle Impound Fee \$100.00

B. Reports

- a. Copy of accident report \$10.00
- b. Copy of other police report \$15.00

C. Alarm Registration

- a. Residential \$20.00 no charge for 65 or older with primary resident
- b. Business \$50.00
- c. Government no charge
- d. Penalty Fee \$75.00 failure to obtain registration within 30 days of alarm installation
- e. False Alarm - first \$0.00
- f. False Alarm - second \$50.00
- g. False Alarm - third \$100.00
- h. False Alarm - fourth \$150.00 after the four false alarm the registration is suspended for one year

D. Miscellaneous

- a. Fingerprinting Fee \$20.00 for first card, \$10 for each additional card
- b. Local background check letter \$5.00 additional \$5 for notarized letter
- c. DVD \$20.00 each
- d. Photo CD \$15.00 each

14. TRANSIT**A. Fares**

- a. SAM Gresham, Estacada, and Shopper Shuttle (in town) no charge in city limits
- b. SAM Commuter Route to Gresham or Estacada \$1.00 per trip (one-way origin-to-destination including transfers)
- c. STAR Dial-A-Ride \$1.00 per trip (one-way origin-to-destination including transfers)
- d. STAR - Seniors or disabled \$1.00 round trip (in town)
- e. STAR Dial-A-Ride Complementary Paratransit per trip (one-way origin-to-destination including transfers)
- f. ED Dial-A-Ride (out of town) \$2.00 per trip (one-way origin-to-destination)

B. Fare Media

- a. Multi-Trip Pass (24 trips) \$20.00 per pass
- b. Monthly Pass \$30.00 per month
- c. All Day Pass \$5.00 Redeemable on SAM and Mt. Hood Express

15. LIBRARY**A. Damaged Items**

- a. Damaged book, audio/visual material, or Library of Things item Full replacement cost

B. Library Fines

- a. Overdue Fines \$0.10 per day
- b. Maximum Overdue Fine \$1.00
- c. Library of Things item \$1.00 per day
- d. All lost Items Full replacement cost

C. Meeting Space

- a. Community Room \$25.00 Individual
- b. Community Room \$25.00 per hour - for-profit organizations or groups
- c. Community Room no charge for non-profits

D. Non-Resident Fees

- a. Out of District Fee \$95.00 per year

E. Prints and Copies

- a. Grey scale \$0.25 per side
- b. Color \$0.50 per side

16. PARKS & RECREATION**A. Community/Senior Center**

- a. Auditorium
 - i. Resident \$40.00 per hour
 - ii. Non-Resident \$60.00 per hour

b. Dining Room	
i. Resident	\$40.00 per hour
ii. Non-Resident	\$60.00 per hour
c. Art Room	
i. Resident	\$15.00 per hour
ii. Non-Resident	\$30.00 per hour
d. Lounge	
i. Resident	\$15.00 per hour
ii. Non-Resident	\$30.00 per hour
e. Kitchen	
i. Resident	\$15.00 per hour
ii. Non-Resident	\$30.00 per hour
f. Building	
i. Resident	\$125.00 per hour
ii. Non-Resident	\$145.00 per hour
g. Custodial Fee	\$20.00

B. Parks

a. Meinig Park - Gazebo/Ampetheater	
i. Resident	\$200.00
ii. Non-Resident	\$300.00
b. Meinig Park - Small Shelters	
i. Resident	\$10.00 per hour
ii. Non-Resident	\$15.00 per hour
c. Centennial Plaza	
i. Resident	\$200.00
ii. Non-Resident	\$300.00
d. Bornstedt Park - Large Shelter	
i. Resident	\$100.00 11:00 am - 2:00 pm
ii. Non-Resident	\$130.00 11:00 am - 2:00 pm
e. Cascadia Park and Bluff Park - Shelters	
i. Resident	\$50.00 11:00 am - 2:00 pm
ii. Non-Resident	\$70.00 11:00 am - 2:00 pm
f. Community Garden	
i. Resident	\$20.00 first bed, each additional bed \$25
ii. Non-Resident	\$25.00 first bed, each additional bed \$25

C. Fields/Green Spaces

a. Community Campus - Upper Field	
i. Resident	\$20.00 per hour
ii. Non-Resident	\$30.00 per hour
b. Community Campus - Lower Field	
i. Resident	\$20.00 per hour
ii. Non-Resident	\$30.00 per hour
c. Green Space	
i. Resident	\$20.00 per hour
ii. Non-Resident	\$30.00 per hour



STAFF REPORT

Item # 5.

Meeting Type: City Council
Meeting Date: April 7, 2025
From: Tyler Wallace, Finance Director
Subject: PUBLIC HEARING: Ordinance 2025-12: Amending Sandy Municipal Code Chapter 3.28 – Hotel/Motel Tax

DECISION TO BE MADE:

Whether to adopt Ordinance 2025-12, amending Sandy Municipal Code Chapter 3.28 – Transient Lodging Tax.

APPLICABLE COUNCIL GOAL:

[2025-27 City Council Goal #6.6](#): “Develop Short Term Rental Regulations and Pursue flexibility for usage of associated revenue.”

BACKGROUND / CONTEXT:

[Sandy Municipal Chapter 3.28](#) lays out the City of Sandy’s transient lodging tax (currently referred to as a hotel/motel tax). This Chapter was last revised in 1996.

The City assesses a 3% Transient Lodging Tax on rent for periods of 30 days or less. This tax has historically applied primarily to hotel and motel rents. In recent years, short terms rentals have risen in popularity.

Generally, the term Short Term Rental refers to a whole house, a portion of a house, condo, or other dwelling unit where an owner rents their property for periods of 30 days or less. Rent for these types of properties is subject to the Transient Lodging Tax. Taxing jurisdictions have had to adjust their tax collection and regulatory policies to keep up with the changing industry.

Ordinance 2025-12 proposes updates and changes to Chapter 3.28 to reflect industry changes, most notably the increasing prominence of Short Term Rentals. The focus of these changes is primarily on tax collection and remittance. Staff are continuing to evaluate further code changes centered around regulatory requirements. The proposed code changes in this ordinance are substantially derived from the model Transient Lodging Tax Code promulgated by the League of Oregon Cities.

The proposed Code changes in this ordinance change the name of code chapter 3.28 from Hotel/Motel Tax to Transient Lodging Tax.

KEY CONSIDERATIONS / ANALYSIS:

Current City code assesses a 3% transient lodging tax on rent for periods of 30 days or less. Although short term rentals are not explicitly named or discussed, rent for these types of stays is generally included because it is for 30 days or less. This proposed amendment adds a definition for Short Term Rental to make it explicit that short term rentals are subject to the Transient Lodging Tax.

Booking Platforms

Many Short Term Rentals are listed for rent on travel booking platforms, for example, Expedia, Airbnb, VRBO, etc. These platforms allow travelers to search for accommodation options and make reservations online. Generally, these booking platforms collect rent and fees from the customer and then remit those rents to the owner of the property.

Many taxing jurisdictions require that these platforms collect lodging taxes at the time of booking and remit those taxes to the taxing jurisdiction(s). Like other transient lodging tax codes that pre-date the current era of short-term rentals, the current Sandy City Code does not clearly state that it requires platforms to collect and remit lodging tax to the City, because this industry practice didn't exist in 1996 when this Code chapter was last updated.

The Code changes proposed in this Ordinance includes updates which make it clear and explicit that booking platforms are required to collect and remit lodging taxes to the City when they are collecting rent and fees from the customer. Many other jurisdictions, including the State of Oregon, have adopted similar language in recent years to address tax collection from short-term rental platforms.

Definition Changes

These proposed changes delete the definition of Hotel and Motel and replaces them with a defined term of "Transient Lodging or Transient Lodging Facilities" which includes, hotels, motels, houses, condos, etc. that are intended for temporary occupancy.

The proposed changes also add definitions for Short Terms Rental Hosting Platform and Transient Lodging Tax Collector. The proposed changes make it explicit that Hosting Platforms are lodging intermediaries. Intermediaries are considered Transient Lodging Tax Collectors. Transient Lodging Tax Collectors are required to collect and remit Transient Lodging Taxes to the taxing jurisdiction.

These proposed changes also add a number of exemptions from lodging subject to the tax. Examples of these are health care facilities, drug and alcohol abuse facilities, mental health facilities, emergency temporary shelters, etc.

Other Updates

The proposed code changes include a number of other updates which are boilerplate for a taxing jurisdiction but that Sandy's Code was lacking. These are modeled after the League of Oregon Cities model code language.

- Addition of Section 3.28.100 – Penalties and Interest
 - Establishes interest and penalty for failure to file or failure pay.
- Addition of Section 3.28.110 – Deficiency Determination
 - Establishes provision to audit tax returns and issue deficiencies
 - Establishes provision for tax administrator to assess presumptive tax

- Addition of Section 3.28.120 – Redeterminations
 - Establishes provision for appeal of deficiency determinations
- Addition of Section 3.28.130 – Collections
 - Establishes provision for City to bring legal action to collect taxes
- Addition of Section 3.28.140 – Liens
 - Establishes provision for the City to record a lien to collect taxes
- Addition of Section 3.28.150 – Refunds
 - Establishes provisions for refunds on overpaid tax
- Addition of Section 3.28.160 – Administration
- Addition of Section 3.28.170 – Appeals to the City Manager
 - Establishes appeal process to City Manager

The proposed changes also include other minor housekeeping updates and additions, in part due to this chapter not having been updated since 1996.

BUDGET IMPACT:

The proposed changes should result in additional Transient Lodging Taxes being paid to the City. The use of Transient Lodging Tax Revenue is restricted by law and must be used on expenditures related to tourism and economic development. The use of this revenue is being built into the City's budget.

RECOMMENDATION:

Staff recommends adoption of Ordinance 2025-12 amending Sandy Municipal Code Chapter 3.28.

SUGGESTED MOTION LANGUAGE:

"I move to approve the first reading of Ordinance 2025-12."

LIST OF ATTACHMENTS / EXHIBITS:

- Ordinance No. 2025-12
 - Exhibit A – Proposed amendments to Municipal Code Chapter 3.28



ORDINANCE NO. 2025-12

AN ORDINANCE AMENDING SANDY MUNICIPAL CODE CHAPTER 3.28: HOTEL/MOTEL TAX

WHEREAS, a local transient lodging tax is a tax imposed by a local government on the sale, service or furnishing of transient lodging; and; and

WHEREAS, transient lodging includes hotel, motel and inn dwelling units that are used for temporary overnight human occupancy; spaces used for parking recreational vehicles or erecting tents during periods of human occupancy; or houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units, that are used for temporary human occupancy; and; and

WHEREAS, Chapter 3.28 of the City of Sandy Municipal Code establishes requirements for the payment of transient lodging tax; and; and

WHEREAS, this Chapter was adopted in 1988 and last revised in 1996; and.

WHEREAS, significant changes have occurred in the transient lodging industry over the last thirty years; and

WHEREAS, the City desires to update its transient lodging code to better align with current standards and best practices; and

WHEREAS, more specifically, the City wishes to clarify and make explicit the requirement of collection and remitting of the tax to the City by any person other than a transient lodging provider that facilitates the retail sale of transient lodging and: (1) charges for occupancy of the transient lodging; (2) collects the consideration charged for occupancy of the transient lodging; or (3) receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging; and

WHEREAS, ORS 320.350 includes certain requirements regarding use of revenue for new transient lodging taxes, but the City's transient lodging tax pre-dates those requirements and is therefore exempt; and

WHEREAS, the City Council held a hearing on April 7, 2025, allowing the public an opportunity to provide testimony on the proposed code amendments.

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

Section 1: Chapter 3.28, within Title 3, Revenue and Finance of the Sandy Municipal Code, is hereby amended as shown in Exhibit A, attached, and incorporated herein by reference.

Section 2: This ordinance shall take effect thirty days after its enactment.

This ordinance is adopted by the City Council of the City of Sandy this 7th day of April, 2025.

Kathleen Walker, Mayor

ATTEST:

Jeffrey Aprati, City Recorder

EXHIBIT A

CHAPTER 3.28 - ~~HOTEL/MOTEL~~TRANSIENT LODGING TAX

Sec. 3.28.010. - Definitions.

Except where the context otherwise requires, the definitions in this section govern the construction of this chapter:

Accrual accounting means a system of accounting in which the ~~operator~~transient lodging tax collector enters the rent due from ~~a transient~~an occupant on ~~his~~the records when the rent is earned, whether or not it is paid.

Cash accounting means a system of accounting in which the ~~operator~~transient lodging tax collector does not enter the rent due from ~~a transient~~an occupant on the records until rent is paid.

~~*Hotel* means any structure or any portion of any structure which is occupied or intended or designed for transient occupancy for 30 days or less for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home, condominium, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, space in mobile home or trailer parks or similar structure or portions thereof so occupied.~~

~~*Motel.* See definition for "hotel" above.~~

Occupancy means the right to the use or possession of ~~the right to the use of possession for lodging or sleeping purposes of any room or rooms in a hotel, any space in transient lodging for dwelling, lodging or sleeping purposes for less than 30 days. a mobile home or trailer park or portion thereof.~~

Occupant means any individual who exercises occupancy or is entitled to occupancy in transient lodging for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. ~~*Operator* means the person who is proprietor of a hotel in any capacity. Where the operator performs his function through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purpose of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or managing agent shall be considered to be compliance by bot~~

Person means any individual, firm, partnership, joint venture, limited liability company, limited liability partnership, association, host, social club fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, of any other group or combination acting as a unit.

Rent means the consideration ~~charged~~paid or payable by an occupant, whether or not received by the operator, for the occupancy of space in ~~a motel,~~transient lodging valued in money, goods, labor credits, property or other consideration valued in money, ~~without any deduction.~~ Rent

includes fees charged for a service when the service is not optional, or if the value of a service is included in the normal lodging rate, the amount allocated to the service. Examples of non-optional services include, but are not limited to, cleaning service, breakfast, pet charges, transportation to the airport, additional person charge, booking service fees, and providing an extra bed. If a separate fee is charged for services, goods or commodities and the fee is optional, that fee is not included in rent.

Short-Term Rental means a house, duplex, multi-plex, apartment, condominium, houseboat, trailer or other residential dwelling unit where a person rents a guest bedroom or the entire residential dwelling unit for transient lodging occupancy.

Short-Term Rental Hosting Platform means a business or other person that facilitates the retail sale of transient lodging by connecting occupants with transient lodging providers, either online or in any other manner. Short-term rental hosting platforms are transient lodging intermediaries.

TLT or Tax means either the tax payable by the transient or the aggregate amount of taxes due from an operator during the period for which he is required to report his collectionthe transient lodging tax.;

Tax Administrator means the Finance Director of the City of Sandy, or its designee, which may include Clackamas County or the Oregon Department of Revenue. If the City utilizes the Oregon Department of Revenue as its tax administrator, it will comply with ORS 305.620 in that it will follow the rules adopted by the Department of Revenue regarding the administration, collection, enforcement and distribution of transient lodging taxes.~~Transient means any individual who exercises occupancy or is entitled to occupancy in a hotel for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. The day a transient checks out of the hotel shall not be included in determining the 30 day period of the transient is not charged rent for that day by the operator. Any such individual so occupying space in a hotel shall be deemed to be a transient until the period of 30 days has expired unless there is an agreement in writing between the operator and the occupancy providing for a longer period of occupancy, or the tenancy actually extends more than 30 consecutive days. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this chapter may be considered. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient.~~

Transient Lodging or Transient Lodging Facilities means:

- A. Hotel, motel, and inn dwelling units that are used for temporary overnight human occupancy;
- B. Spaces used for overnight parking of recreational vehicles or placement of tents during periods of human occupancy; or
- C. Houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units that are used for temporary human occupancy.

Transient Lodging Intermediary means a person other than a transient lodging provider that facilitates the retail sale of transient lodging and:

- A. Charges for occupancy of the transient lodging;
- B. Collects the consideration charged for occupancy of the transient lodging; or
- C. Receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging.

Transient Lodging Provider means a person that furnishes transient lodging.

Transient Lodging Tax Collector means a transient lodging provider or transient lodging intermediary.

(Ord. No. 7-88, § 1(part), 1988)

Sec. 3.28.020. - Tax imposed.

~~For the privilege of occupancy in any hotel, Each transient occupant shall pay a tax in the amount of three percent of the rent charged by the operator. The tax constitutes a debt owed by the transient occupant to the Ceity which is extinguishable only by payment to the operator transient lodging tax collector. The transient occupant shall pay the tax to the operator at the time the rent is collected transient lodging tax collector. Tax amounts shall be rounded down to the nearest cent. The transient lodging tax collector shall maintain records of all rent charged and tax payments received. The operator transient lodging tax collector shall enter the tax on his the records when rent is collected if the transient lodging tax collector operator keeps his records on a cash accounting basis and when earned if the transient lodging tax collector operator keeps his records on the accrual accounting basis. If rent is paid in installments, a proportionate share of the tax shall be paid by the transient occupant to the transient lodging tax collector operator with each installment. In all cases, the rent paid or charged for occupancy shall exclude the sale of any goods, services or commodities.~~

(Ord. No. 7-88, § 1(part), 1988; Ord. No. 1-96, § 1, 1996)

Sec. 3.28.030. - Rules for collection.

- A. ~~Every transient lodging tax collector operator renting rooms or space for lodging or sleeping purposes, unless the occupancy is exempt, shall collect the tax from the occupant at the time rent is paid, unless an exemption applies. If payment is by credit card, for purposes of this section, payment is made at the time credit card information is provided to the transient lodging tax collector, not when the transient lodging tax collector ultimately receives credit for the transaction. Each transient lodging tax collector is deemed to hold the amount of tax imposed pursuant to this chapter collected in trust for the City. While holding the payment in trust for the City, a transient lodging tax collector may commingle the tax proceeds with the transient lodging tax collector's~~

funds, but the transient lodging tax collector is not the owner of tax proceeds, except that, when a return is filed, the transient lodging tax collector becomes the owner of the administrative fee authorized to be retained. Transient lodging tax collectors may choose to file returns and remit payment based on amounts accrued but not yet collected. The transient lodging tax collector is liable for any tax that should have been collected from the occupant, except in cases of nonpayment of rent by the occupant. The tax collected or accrued by the ~~operator~~transient lodging tax collector constitutes a debt owed by the ~~operator~~transient lodging tax collector to the Ccity.

~~B.—~~ In cases of credit or deferred payment of rent, payment of tax by the transient lodging tax collector ~~operator~~ may be deferred until the rent is paid, and the transient lodging tax collector ~~operator~~ shall not be liable for the tax until the credits are paid or the deferred payments are made. Adjustments may be made for uncollectibles.

~~B. C. The manager may enforce the provisions of this chapter and may adopt rules and regulations necessary to aid in its enforcement.~~

C. For rent collected on portions of a dollar, fractions of a penny of tax shall not be remitted.

~~D.—~~

(Ord. No. 7-88, § 1(part), 1988) _____

Sec. 3.28.040– Liability for tax.

Transient lodging providers who receive any portion of the rent for transient lodging and transient lodging intermediaries that provide booking service are both transient lodging tax collectors and are jointly and severally liable for the tax.

Sec. 3.28.0540. - ~~Operator's~~ Transient lodging collector's duties.

The tax collected by the ~~operator~~transient lodging tax collector shall be separately stated on the ~~operator's~~transient lodging tax collector's records and on the receipt given by the ~~operator~~transient lodging tax collector. A transient lodging tax collector ~~n-operator~~ shall not advertise that the tax or any part of the tax will be assumed or absorbed by the ~~operator~~transient lodging tax collector, or that it will not be added to the rent, or that, when added, any part will be refunded unless specifically set forth herein. All amounts listed as tax on invoices, bills or receipts must be reported as tax and, after collection, must be turned over to the City, less the five percent percent administrative charge.

(Ord. No. 7-88, § 1(part), 1988)

Sec. 3.28.0650. - Exemptions.

~~A.—~~ The tax required by this chapter shall not be imposed upon:

~~B.A.~~ A dwelling unit in a hospital, health care facility, long-term care facility or any other residential facility that is licensed, registered or certified by the Oregon Department of Human Services or the Oregon Health Authority;

~~C.B.~~ A dwelling unit in a facility providing treatment for drug or alcohol abuse or providing mental health treatment;

C. A dwelling unit that is used by members of the general public for temporary human occupancy for fewer than 30 days per year. The exemption granted under this subsection does not apply to a dwelling unit that is rented out as transient lodging using a platform of any kind provided in any manner by a transient lodging intermediary;

D. A dwelling unit, the consideration for which is funded through a contract with a government agency and the purpose of which is to provide emergency or temporary shelter;

E. A dwelling unit at a nonprofit youth or church camp, nonprofit conference center or other nonprofit facility; or

~~D.F.~~ A dwelling unit that is leased or otherwise occupied by the same person for a consecutive period of 30 days or more during the year. The requirements of this subsection are satisfied even if the physical dwelling unit changes during the consecutive period, if:

(1) All dwelling units occupied are within the same facility; and

(2) The person paying consideration for the transient lodging is the same person throughout the consecutive period.

~~An occupant who occupies any room for more than 30 successive days.~~

~~E.G.~~ ~~B.~~ An occupant whose rent is of a value less than \$2.00 per day.

(Ord. No. 7-88, § 1(part), 1988)

Sec. 3.28.0760. - Payment of tax.

~~All net taxes collected are due and payable to the city on a monthly basis on the fifteenth day of the month for the preceding month. Any delinquency in payment shall be subject to a penalty of ten percent of the amount together with interest on the amount due at two percent per month without proration for fractions of a month.~~

- A. Transient lodging tax collectors must submit a completed tax return form to the tax administrator on or before the last day of the month following the end of each calendar quarter, reporting the amount of tax due during the quarter and accompanied by remittance of all tax collected. The return shall be filed in such form as the tax administrator may prescribe. The tax administrator if they deem it necessary in order to ensure payment or facilitate collection by the City of the amount of taxes in any

individual case, may require returns and payment of the amount of taxes on other than monthly periods.

B. If the ~~operator-transient lodging tax collector~~ has complied with all of the terms of this chapter, and specifically those relating to prompt payment of taxes, the ~~operator-transient lodging tax collector~~ shall be permitted to deduct as an ~~personal-collection expense~~ administration fee five percent of the amount of taxes collected.

C. The transient lodging tax collector is entitled to the administration fee. If a transient lodging facility has multiple owners, they are not entitled to retain additional fees.

D. Remittances are delinquent if not made by the last day of the month in which they are due.

E. Returns shall show the gross rents collected, taxable rents, the total amount of tax collected and the amount of the administrative fee retained by the transient lodging tax collector. Returns shall also show the exempt and excluded rents and the basis for exemptions and exclusions.

F. The person required to file the return shall deliver the return, together with payment of the amount of the tax due, to the tax administrator, to the appropriate office, either by personal delivery, by mail, or by electronic tax return filed through a reporting and payment portal furnished by the tax administrator, or its designee. If the return is mailed, the postmark shall be considered the date of delivery.

~~B-G.~~ The tax administrator may extend the time for making any return or remittance of the tax by up to 30 days. No further extension shall be granted, except by the City Manager. Any transient lodging tax collector to whom an extension is granted shall pay interest at the rate established under ORS 305.220 per month on the amount of the remittance due without proration for a fraction of a month. If a return is not filed, and the remittance and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties.

(Ord. No. 7-88, § 1(part), 1988)

Sec. 3.28.~~0780~~. - Records.

The ~~operator shall keep complete records separately, itemizing the tax accrued or collected, collection expense deducted, payments made, and interest accruing, which~~ transient lodging tax collector's records shall be available for inspection by the Ccity at all reasonable times.

(Ord. No. 7-88, § 1(part), 1988)

Sec. 3.28.~~0890~~. - Disposition of tax.

All ~~transient room~~ taxes collected by the Ccity shall be used for the promotion of tourism and economic development.

(Ord. No. 7-88, § 1(part), 1988)

Sec. 3.28.100. – Penalties and interest.

- A. Interest shall be added to the overall tax amount due at the same rate established under ORS 305.220 for each month, or fraction of a month, from the time the return to the tax administrator was originally required to be filed to the time of payment.
- B. If a transient lodging tax collector fails to file a return or pay the tax as required, a penalty shall be imposed in the same manner and amount provided under ORS 314.400.
- C. Every penalty imposed, and any interest that accrues, becomes a part of the financial obligation required to be paid and remitted to the tax administrator.
- D. Taxes, interest, and penalties paid to the tax administrator under this section shall be distributed to the City's General Fund, for use as described in Section 3.28.090.

Sec. 3.28.110. – Deficiency determination – fraud, evasion, local tax trustee delay.

- A. Deficiency Determination. The tax administrator may review tax returns and adjust the amount due based on the information in the return, on information obtained during a review or audit of records, or on the basis of other evidence. In the event of a deficiency, the tax administrator shall provide notice of the deficiency to the transient lodging tax collector, who shall remit deficiencies within 10 business days of the deficiency notice. Notice may be by personal delivery or certified or registered mail, effective upon receipt or refusal of delivery.
 - (1) In reviewing and adjusting tax returns, the tax administrator shall offset any amount received in excess of the remittances due against any shortages in remittances.
 - (2) Except in the case of fraud or intent to evade the tax, notice of deficiency determinations shall be issued within three years of the period for which the deficiency determination is made.
 - (3) The time to remit deficient payment amounts under this section shall be extended if the local tax trustee timely requests a redetermination.
- B. Fraud – Refusal to Collect – Evasion. If any transient lodging tax collector fails to collect, report or remit the tax as required, submits a fraudulent return, or otherwise violates or attempts to violate this chapter, the tax administrator shall estimate the tax due, and calculate the amount owing from the transient lodging tax collector for tax remittance, interest and penalties and provide notice to the transient lodging tax collector of the assessment. The determination and notice shall be made within three years of the discovery by the tax administrator of the violation. Notice may be by personal delivery or certified or registered mail, effective upon receipt or refusal of delivery. The determination is due and payable upon the effective date of notice and shall become final 10 business days thereafter if no petition for redetermination is filed.

Sec. 3.28.120. – Redeterminations.

- A. Any person affected by a deficiency determination may file a petition for redetermination with the tax administrator within 10 business days of the effective date of notice of the tax deficiency. A determination becomes final if a petition for redetermination is not timely filed.
- B. If a petition for redetermination is filed within the allowable period, the tax administrator shall reconsider the determination and grant an oral hearing if requested. The petitioner shall be allowed at least 20 business days to prepare for the hearing.
- C. After considering the petition and all available information, the tax administrator shall issue a redetermination decision and provide the decision to the petitioner by personal delivery or certified or registered mail, effective upon receipt or refusal of delivery. During the redetermination process, the tax administrator may agree to a compromise of the amount due if there is a good faith dispute over the amount owing.
- D. The decision of the tax administrator on redetermination becomes final and payment is due 10 business days after the effective date of notice of the decision unless the petitioner files an appeal to the City Manager within that time. The appeal shall be filed with the tax administrator. The City Manager's decision shall be final when reduced to writing and provided to the petitioner by personal delivery or certified or registered mail, effective upon receipt or refusal of delivery. All amounts due must be paid within 10 business days of the effective date of notice of the City Manager decision.

Sec. 3.28.130. – Collections.

- A. The City and the tax administrator, if the tax administrator is Clackamas County or DOR, may bring legal action to collect on any amounts owed to the City under this chapter within three years after remittance is due to the City or within three years after any determination becomes final.
- B. The City and the tax administrator, if the tax administrator is Clackamas County or DOR, are entitled to collect reasonable attorneys' fee in any legal action brought to collect on amounts owed to the City under this chapter.

Sec. 3.28.140. – Liens.

The City may record a lien in the City's lien docket against any real property owned by a transient lodging provider who receives any portion of the rent from a transient lodging facility located within the City as to any delinquent remittances by the transient lodging provider.

Sec. 3.28.150. – Refunds.

- A. Refunds by City to Transient Lodging Tax Collector. If the transient lodging tax collector remits more tax, penalty or interest than is due, the transient lodging tax

- collector may file a claim in writing stating the facts relating to the claim, within three years from the date of remittance. If the claim is approved by the tax administrator, the excess amount shall be either refunded or credited on any amount due from the transient lodging tax collector.
- B. Refunds by City to Occupant. A transient lodging tax collector may file a claim for refund by filing a claim in writing within three years of payment providing the facts relating to the claim for refund. If the tax administrator determines that the tax was collected and remitted to the city and the occupant was not required to pay the tax or overpaid, the city shall issue a refund to the occupant.
- C. Refunds by Transient Lodging Tax Collector to Occupant. If an occupant has paid tax to a transient lodging tax collector but stays a total of 30 or more consecutive days in the same transient lodging facility, the transient lodging tax collector shall refund to the occupant any tax collected for any portion of the continuous stay. The transient lodging tax collector shall account for the collection and refund to the tax administrator. If the transient lodging tax collector has remitted the tax prior to the refund or credit to the occupant, the transient lodging tax collector shall be entitled to a corresponding refund or offset if the claim for refund is filed within three years from the date of collection.
- D. Burden of Proof. The person claiming the refund shall have the burden of proving the facts that establish the basis for the refund.

Sec. 3.28.160. – Administration.

- A. ~~A. Records Required from Local Tax Trustee. Every local tax trustee shall keep records of each transaction involving rent and/or collection of tax. All records shall be retained for at least three years and six months.~~
- B. Examination of Records – Investigations. The tax administrator or agent may examine all records of a local tax trustee relating to receipt of rent and tax and remittance of tax during normal business hours and may obtain copies of the records to audit returns.
- C. Authority of Tax Administrator. The tax administrator shall have the power to enforce this chapter, conduct audits, and to adopt rules, regulations and forms consistent with this chapter. The tax administrator may also issue written interpretations on request of a transient lodging tax collector. As to the transient lodging tax collector to whom the interpretation is issued, the City will act consistently with the interpretation until it is withdrawn, and the City shall provide 30 days' written notice of withdrawal of an interpretation.
- D. Confidential Character of Information Obtained – Disclosure Unlawful. The City shall maintain the confidentiality of information provided by transient lodging tax collector to the extent permitted by law. Nothing in this subsection shall be construed to prevent:

- (1) The disclosure to, or the examination of records and equipment by, another city official, employee or agent for collection of taxes for the purpose of administering or enforcing any provisions of this chapter or collecting City business license fees.
- (2) Disclosure of information to the transient lodging tax collector and the transient lodging tax collector's agents.
- (3) The disclosure of the names and addresses of any persons to whom certificates of authority have been issued.
- (4) The disclosure of general statistics regarding taxes collected or business done in the City.
- (5) Disclosures required by ORS Chapter 192.
- (6) Disclosures required by ORS Chapter 297.
- (7) Disclosures otherwise required by law.

Sec. 3.28.170. – Appeals to City Manager.

If the Oregon Department of Revenue is the tax administrator, all appeals shall be filed in the Oregon Tax Court. See ORS 305.620(6). In all other cases, any person aggrieved by any decision of the tax administrator may appeal to the City Manager by filing a written appeal with the tax administrator within 10 business days of the effective date of notice of the decision being appealed. The City Manager shall schedule the hearing and provide the appellant notice of the hearing at least 10 business days before the hearing. The City Manager may agree to a compromise of the amount of tax remittance if there is a good faith dispute over the amount owing. Any person may appeal the issuance of a rule or regulation issued by the tax administrator to the City Manager by filing a written appeal within 10 business days of the mailing of the notice of the regulation.

Sec. 3.28.~~09~~180. – Penalties for violations.

~~A. Failure to remit taxes when due shall be grounds for revocation of the operator's city business license and shall subject the operator to the penalties of~~ A violation of this chapter is a Class "A" infraction ~~under Chapter 1.18.~~ Each day that a violation remains uncured is a separate infraction. Any penalties under this section shall be in addition to any penalties, late fees or interest imposed by the City's tax administer under this chapter.

~~B. Failure to comply with any provision of this chapter shall be a Class "A" infraction.~~

(Ord. No. 7-88, § 1(part), 1988)