



CITY OF EAGLE POINT

"Gateway to the Lakes"

OREGON

EAGLE POINT PLANNING COMMISSION
17 BUCHANAN AVE. SOUTH, EAGLE POINT, OREGON
REGULAR MEETING AGENDA
April 17, 2018

1. CALL TO ORDER - 6:00 p.m.
2. FLAG SALUTE.
3. AUDIENCE QUESTIONS/COMMENTS (Items not on the agenda).
4. CONSENT CALENDAR.
 - 4.1 Presentation of Regular Meeting Minutes of March 20, 2018.
5. PUBLIC HEARING(S).
 - 5.1 Planning Application #18-06:ZOA
Consideration of amendments to the downtown parking regulations within the Eagle Point Municipal Code (EPMC), chapters 17.46 and 17.72.
6. CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR.
7. UNFINISHED BUSINESS.
8. NEW BUSINESS.
9. REPORTS FROM PLANNING COMMISSION MEMBERS.
10. REPORTS FROM STAFF.
11. ADJOURNMENT.

AGENDA AND COMMISSION PACKETS ALSO AVAILABLE ON WEBSITE

www.cityofeaglepoint.org

If a physical accommodation is needed to participate in this meeting, please contact the City Recorder at 541-826-4212 ext. 106 or TTY/TDD 711 or 800-735-2900. Notification of at least 48 hours prior to the meeting will assist the City in providing reasonable accommodations. (28 CFR 35.102-35.104 ADA Title II).



CITY OF EAGLE POINT

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EAGLE POINT PLANNING COMMISSION

17 S BUCHANAN AVE. EAGLE POINT, OREGON

March 20, 2018

REGULAR MEETING MINUTES

1. CALL TO ORDER-7:00P.M.

Chair Collins called the meeting to order at 7:00P.M.

Commission Members Present: Ron Boughton, Suzi Collins, Bernard Grossman, Dianne Mihocko, Aaron Prunty, Kevin Walruff, Millie Wewerka and Councilor Kathy Sell.

Commission Members Absent: None.

Staff Members Present: Mike Upston, Planning Director and April Strouse, Meeting Secretary.

Audience Members and Guests: Aaron and Peggy Schulz; Ashley Jensen and spouse.

2. FLAG SALUTE.

Chair Collins led the flag salute.

3. AUDIENCE QUESTIONS OR COMMENTS CONCERNING ITEMS NOT ON THE AGENDA.

There were no audience questions or comments.

4. CONSENT CALENDAR.

4.1 Presentation of Regular Meeting Minutes of February 20, 2018.

Chair Collins announced the Consent Calendar and asked for a motion.

Commissioner Walruff moved that the Consent Calendar be approved. Commissioner Prunty made a second. There was no further discussion. The motion passed unanimously by the voting members.

City of Eagle Point Planning Commission Meeting Minutes

March 20, 2018

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5. CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR.

None were heard.

6. PUBLIC HEARING(S).

None were heard.

7. UNFINISHED BUSINESS.

None.

8. NEW BUSINESS.

8.1 Planning Application #18-02: FAÇADE

Downtown façade improvement grant application, 225 W Main Street

Planning Director, Mike Upston introduced the applicant Ashley Jensen who is renting the space located at 225 W Main Street and walked the commissioners through all the improvements she has made to the dilapidated building. Mr. Upston provided pictures in the agenda packet that showed before and after pictures of the building that was once used for the Irrigation District Office. Chair Collins called for a motion. Commissioner Mihocko made a motion to approve Ms. Jensen for the Façade Improvement Grant. Commissioner Prunty made a second and the motion passed unanimously by the voting members.

8.2 Planning Application #180-4: FAÇADE

Downtown façade improvement grant application, 186 Napa Street

Mr. Upston introduced Aaron and Peggy Schulz who own and are currently renovating the building located at 186 Napa St. The Schulz's have made interior improvements to the building with anticipation of renting the building as a possible coffee stand and office space. Mr. Upston provided pictures in the agenda packet that showed before and after pictures. Chair Collins called for a motion. Commissioner Walruff made a motion to approve Aaron and Peggy for the requested grant. Commissioner Grossman made a second and the motion passed unanimously by the voting members.

8.3 Discussion regarding whether to change the Planning Commission meeting time.

Mr. Upston asked the Commissioners if they wished to continue a conversation started previously regarding changing the time the commission meets. Commissioners discussed amongst themselves their desired meeting time. Chair Collins called for a motion. Commissioner Walruff made a motion to change the meeting time to 6:00PM. Commissioner Mihocko made a second. The motion passed with six yes votes and one no vote. The Commissioners agreed to revisit the meeting time in six months.

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April Strouse, Meeting Secretary

ATTEST:

Suzi Collins, Chair

**BUSINESS OF THE PLANNING COMMISSION
EAGLE POINT, OREGON**

AGENDA STATEMENT

Item Number: 5.1
Meeting Date: April 17, 2018

ITEM TITLE: PA #18-06:ZOA - Consideration of amendments to the downtown parking regulations within the Eagle Point Municipal Code (EPMC), chapters 17.46 and 17.72.

SUBMITTED BY: Mike Upston, Planning Director, (541) 826-4212 ext. 111


SUMMARY EXPLANATION: The Parking Reserve Overlay District (EPMC 17.46) and an update of the Off-Street Parking and Loading Facility Requirements (EPMC 17.72) pertaining to Eagle Point's downtown were adopted in 2008 (Ord. No's. 2008-10 & 11) to establish an in-lieu fee that could be paid by a developer to the city for required parking spaces not provided on site. The envisioned outcome was that new developments could opt to use available street parking for all or a portion of their need, and that eventually enough money would be collected to build public parking lot(s) for use by downtown businesses and residents.

In the 10 years since its inception, the in-lieu fee option has never been used. This of course is at least partly because no new buildings have been constructed in that time. But it's also because businesses and residents have found there to be more than enough parking on the streets and sharing neighboring off-street parking to make up for any amount of needed parking not provided on their own property. Refer to Attachment No's. 1 & 2 for the off-street and on-street parking inventories which confirm these observations. It's also possible that the number of off-street parking spaces we currently require exceeds actual need for most uses in our downtown. In fact, other Oregon cities large and small have eliminated required parking for commercial uses in their downtowns, including Hillsborough, Tigard, Stayton and Sisters, as have other cities in the U.S. and elsewhere, while Oregon City adopted a 50% reduction for all uses.

In addition to the in-lieu fee option having not been used so far, city staff also believes that its potential benefit is too far off to be of any use in the foreseeable future. At roughly a quarter million dollars to build a 60-space parking lot on a 10,000 SF property, roughly \$60,000 for the land itself, and the zero dollar balance at the end of the parking fund's first decade, it seems unlikely that the \$4,260/stall in-lieu fee will amount to enough for the city to build a downtown parking lot within a reasonable timeline. Therefore, staff is recommending:

- 1) Repeal of Ordinance No's. 2008-10 and 2008-11 which established EPMC 17.46 and the associated Article II within EPMC 17.72. See Attachment No's 3 & 4.
- 2) Adoption of Ordinance No. 2018-__ amending EPMC 17.72 to eliminate minimum parking requirements in the Old Town District of the Town Center Plan Area except for residential uses, which would be provided a parking reduction. See Attachment No. 5.

In addition to this being a more practical approach to parking in Eagle Point's downtown, it will also undoubtedly provide an incentive for new commercial and mixed-use development there.

APPROVED FOR SUBMITTAL:  _____
Henry Lawrence, City Administrator

STAFF RECOMMENDATION: That the Planning Commission recommend that the City Council repeal Ordinances 2008-10 and 2008-11, and adopt of Ordinance No. 2018-__ amending EPMC chapter 17.72 to eliminate the minimum parking requirements in the Old Town District of the Town Center Plan Area except for residential uses, which would be provided a parking reduction.

ATTACHMENTS:

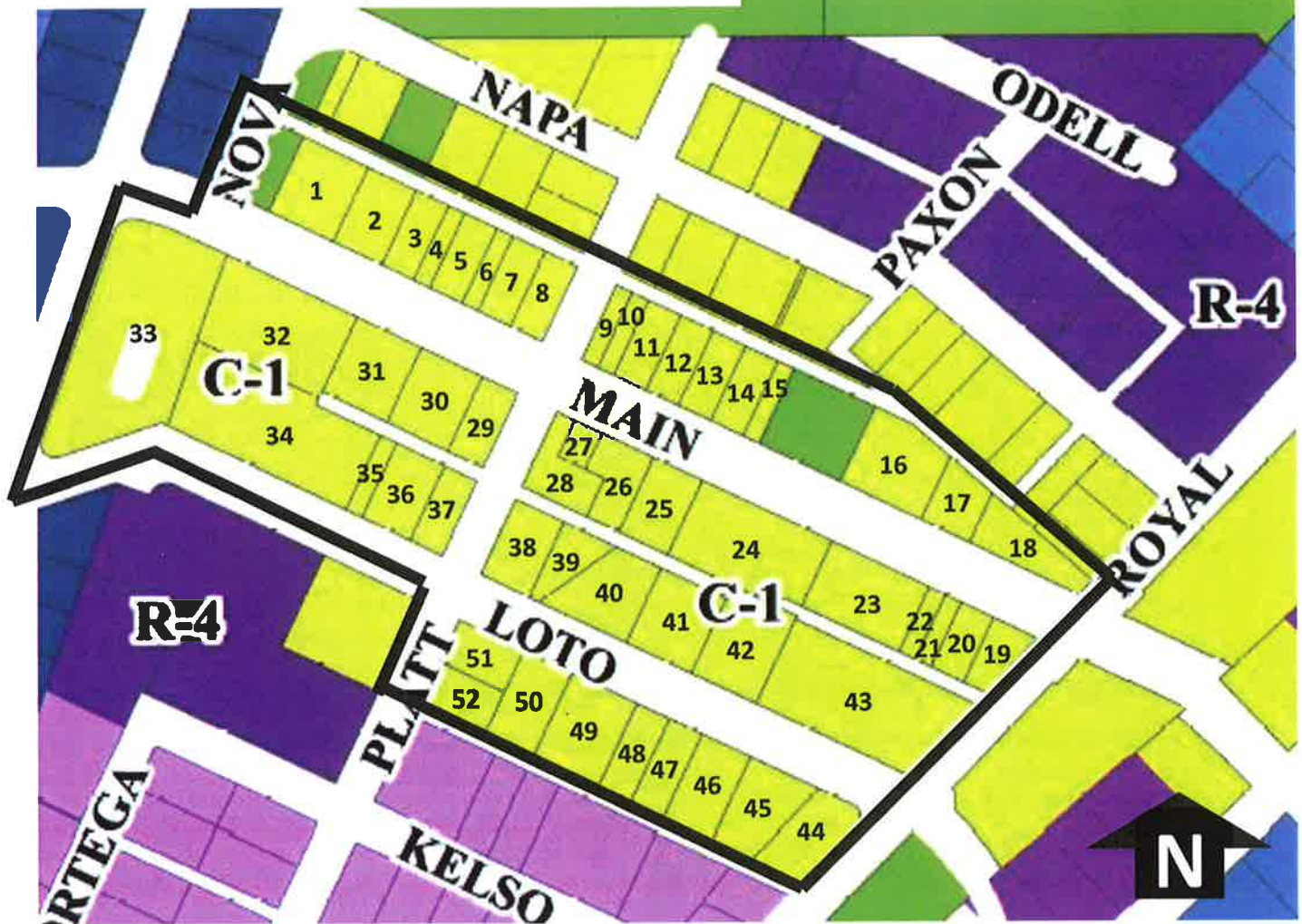
- Attachment No. 1 – Old Town District Parking Inventory, Off-Street Parking Availability & Use
- Attachment No. 2 – Old Town District Parking Inventory, On-Street Parking Availability & Use
- Attachment No. 3 – Ord. No. 2008-10 establishing EPMC 17.46 (Proposed Repeal)
- Attachment No. 4 – Ord. No. 2008-11 amending EPMC 17.72 (Proposed Repeal & Replacement)
- Attachment No. 5 – Ord. No. 2018-__ repealing Ord. No's. 2008-10 & 11, and amending Eagle Point Municipal Code, chapter 17.72

Attachment No. 1

Old Town District Parking Inventory Off-Street Parking Availability & Use

Old Town District Parking Inventory

Off-Street Parking Availability & Use



Lot #	Existing Use (and square footage of the commercial use and/or number of residential units)	Number of Off-Street Parking Stalls Required	Number of Off-Street Parking Stalls Provided	Average Number of Parking Spaces Used Weekdays	Average Number of These Spaces Used Saturdays
1-3	Campus Life (800 SF) 1 Apartment	4 2	0 0	4 (on-street) 2 (in alley)	0 2
4-6	Vacant Property	0	0	0	0
7-8	Transp Brokerage (3,500 SF)	9	7	12 (5 on street)	0
9	Cafe (1,500 SF, temp vacant) 2 Apartments (temp vacant)	4 4	0 4	4 (on street) 4	2 (on street) 4
10	Vacant Property	---	---	---	---
11	Restaurant (1,900 SF)	8	2 (in alley)	6 (on street)	6 (on street)
12-13	Restaurant (3,300 SF)	14	9	6	6

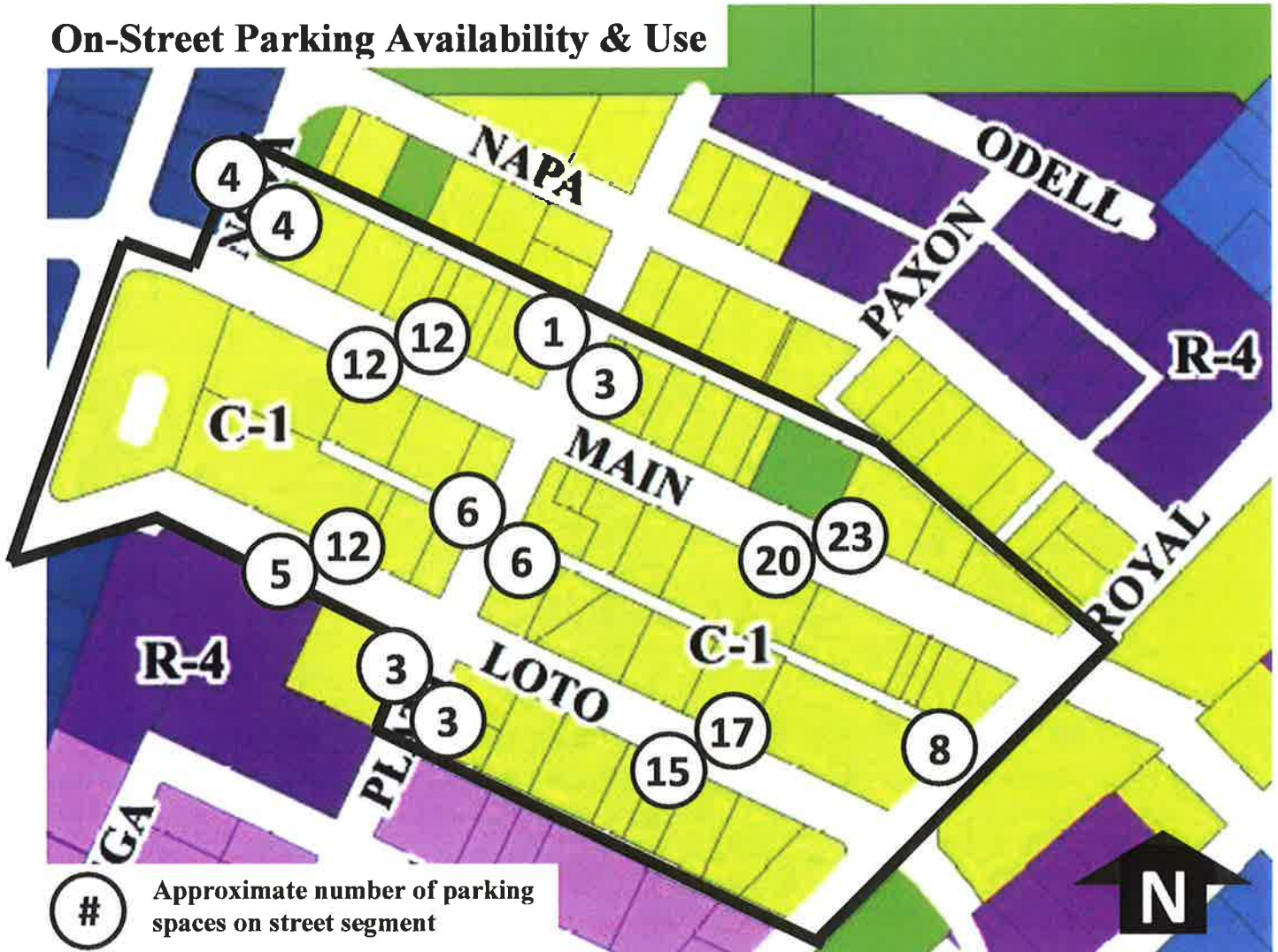
	Existing Use Type (or likely use types(s) if currently vacant)	Number of Off-Street Parking Stalls Required	Number of Off-Street Parking Stalls Provided	Average Number of Parking Spaces Used Weekdays	Average Number of Parking Spaces Used Saturdays
14-15	Financial Services (600 SF) Physical Therapy (1,100 SF)	2 8	3 8	2 5	0 5
16	Hair Salon (450 SF) Counselor (450 SF) Transp Brokerage (700 SF)	3 2 2	5 2 10 (7 in alley)	3 2 6	3 0 0
17	Restaurant (3,300 SF)	10	8	6	6
18	Vacant Property	---	---	---	---
19	Public Plaza	---	---	---	---
20	Tax Services (1,500 SF) Retail Clothing (1,500 SF) 3 Apartments	4 5 6	0 0 5 (in alley)	2 (on street) 3 (on street) 4 (in alley)	0 3 (on street) 4 (in alley)
21	Seamstress (900 SF)	1	0	1 (on street)	0
22	Advertising Agency (800 SF)	3	0	4 (on street)	0
23	Bank (3,000 SF)	8	13	6	5
24	Vacant Property	---	---	---	---
25	Preschool (1,900 SF)	6	7	4	0
26	Architecture Office (1,800 SF)	5	9	2	0
27	Hair Salon (700 SF) Tax Service (700 SF)	5 2	0 0	3 (on street) 2 (on street)	3 (on street) 0
28	Residential Yard	---	---	---	---
29	Hair Salon (1,800 SF) 2 Apartments	12 4	2 (in alley) 4 (in alley)	5 (3 on street) 4 (in alley)	5 (3 on street) 4 (in alley)
30	Dental Office (3,200 SF)	20	13	6	0
31	Realtor (700 SF) Pet Groomer (200 SF)	2 1	2 1	1 1	0 0
32	Library (8,800 SF)	22	19	12	10
33	City Hall (8,300 SF) Community Center (3,000 SF)	21 20	30 20	20 0	10 10
34	Post Office (4,400 SF)	20	42	15	15
35-37	3 Single Family Residences	6	6	6	6
38	Vacant Property	---	---	---	---
39-40	1 Single Family Residence	2	2	2	2
41-42	Vacant Property	---	---	---	---
43	Senior Apartments (16 units)	12	11	11	11
44	Feed & Pet Supply (2,000 SF)	7	6	3	3
45	Vacant Property	---	---	---	---
46-47	Senior Center (3,400 SF)	17	22 (5 in alley)	6	0
48-50	3 Single Family Residences	6	6	6	6
51-52	2 Duplexes (4 units)	8	4	6 (2 on street)	6 (2 on street)
TOTAL		297 required	282 provided	193 used	137 used

Attachment No. 2

Old Town District Parking Inventory On-Street Parking Availability & Use

Old Town District Parking Inventory

On-Street Parking Availability & Use



Number of parking spaces available on the public streets: Approximately 186

Average number of on-street parking spaces used weekdays: 40 – 60 (slow - peak periods)

Average number of on-street parking spaces used weekend days: 30 – 40 (slow - peak periods)

Attachment No. 3

**Ord. No. 2008-10 establishing EPMC 17.46
(Proposed Repeal)**

Proposed Repeal

ORDINANCE NO. 2008 - 10

AN ORDINANCE AMENDING ARTICLE V – OFF-STREET PARKING AND ARTICLE III - PR (PARKING RESERVE OVERLAY), EAGLE POINT ZONING ORDINANCE.

WHEREAS, the City of Eagle Point has acknowledged Comprehensive Plan Land Use and Zoning Maps delineating zoning designations, and a Zoning Ordinance to implement said maps; and

WHEREAS, said Maps and Ordinance may be amended from time to time, when found, by the Planning Commission and City Council, as part of a public hearing process, to be in the best interests of the City; and

WHEREAS, City review has determined the need to amend sections of the Ordinance related to off-street parking requirements in the Town Center area zoned C-1 (Retail Commercial) based upon the following Findings:

- The City has an acknowledged lack of economic development opportunities, as determined through Buildable Lands Analysis - University of Oregon Community Planning Workshop, 2002.
- Town Center commercial property owners have requested alternatives to implementing all codes required for on-site parking, thus allowing more innovative and creative architectural designs, and potentially greater use of the total lot area for commercial and mixed use development in designated areas within the Town Center.
- Chapter 7, Goals & Policies of the adopted Town Center Plan states the following parking goals:
 - Parking is an important element in retaining and attracting new business to the Town Center and ensuring that Town Center has an adequate amount of appropriately located off-street parking, including a plan and program to effectively finance, construct, manage and maintain all publicly owned parking.
 - Maximize parking opportunities through the development and adoption of shared parking standards within the Town Center.
 - Parking facilities developed by the City shall be strategically located to serve future development.
- Chapter 7, Goals & Policies of the adopted Town Center Plan states the following parking implementation measures:
 - Consider the creation of a Town Center parking district to manage public parking within the Town Center.

▪ Develop special zoning standards for Town Center Parking that address:

1. Parking standards for surface and structured parking facilities;
2. Shared parking standards; and
3. Parking access.

➤ Implementation of new on and off-street parking regulations will create an enhanced commercial market to meet the guidelines of the "Town Center Plan", encourage downtown business development and better balance the City's "Jobs:Housing" mix.

WHEREAS, all requirements for legal notifications and public hearings have been fulfilled; now, therefore,

THE CITY OF EAGLE POINT ORDAINS AS FOLLOWS:

Section 1 - Findings of Fact. The Council hereby adopts the **Findings of Fact** contained within the whole record.

Section 2 - Text Amendments. The Council hereby adopts the amendments to the text of **Article III** of the **Eagle Point Zoning Ordinance**, attached and incorporated herein as Exhibit "A" (**Article III (PR - Parking Reserve Overlay District)**).

The Council hereby adopts the amendments to the text of **Article III** of the **Eagle Point Zoning Ordinance**, attached and incorporated herein as Exhibit "B" (**Article V - Off-Street Parking & Loading Facility Requirements**).

Section 3. Severability In the event any provision or clause of this ordinance is deemed to be void, invalid or unenforceable, that provision or clause shall be severed from the remainder of this ordinance so as to not cause the invalidity or unenforceability of the remainder of this ordinance. In that event, all remaining clauses and provisions shall continue in full force and effect.

Section 4. Effective Date. The Ordinance amendment shall become effective thirty (30) days after formal adoption by the City Council.

APPROVED by the City of Eagle Point this 22nd day of July, 2008.


Leon C. Sherman, Mayor

Attest:


Dena Roberts, Recorder

Repeal of Ord. No. 2008-10 would remove this chapter of the Municipal Code.

**Chapter 17.46
PR – PARKING RESERVE OVERLAY DISTRICT**

Sections:

- 17.46.010 Description, purpose and application.
- 17.46.020 Permitted buildings and uses.
- 17.46.030 Off-street parking credits.
- 17.46.040 Shared parking.
- 17.46.050 In-lieu parking fees.
- 17.46.060 Payment of fees.

17.46.010 Description, purpose and application.

The PR parking reserve overlay district's purpose is to provide areas, in the town center commercial district, for the development of parking lots and parking structures in lieu of each building or land use providing parking on each property. The purpose of the district is to minimize areas for large open parking facilities which detract from pedestrian shopping use. The district shall be applied to any area zoned as C-1 (retail commercial) located within the adopted "town center," and to any other areas of the town center that may be designated as commercial or mixed use as a result of future rezoning.

The provisions and requirements of the parking reserve overlay district apply in addition to the provisions and requirements of the basic district.

In those instances where there is a conflict between the provisions and requirements in the overlay district with those of the basic district, the provisions and requirements of the overlay district supersede those of the basic district only when the lot land use is for a use provided for in the parking reserve overlay district. [Ord. 2008-10 § 2 (Exh. A § 3.210); Ord. 9-62A § 1, 1982; Ord. 9-52 § 1 (3.199.5), 1980].

17.46.020 Permitted buildings and uses.

On any property where the zone symbol PR is located, only the following land uses are permitted:

- A. Parking area, private.
- B. Parking area, public.
- C. Parks, playgrounds or open space use.
- D. Walkways, bike paths and roadways.
- E. Public utilities as approved by the city engineer.
- F. Parking facilities in conjunction with a building use as approved by the site plan committee.
- G. Uses as approved by the site plan committee, planning commission or city council as a part of the Eagle Point zoning ordinance and/or town center plan. [Ord. 2008-10 § 2 (Exh. A § 3.211); Ord. 9-62A § 1, 1982; Ord. 9-52 § 1 (3.199.5), 1980].

17.46.030 Off-street parking credits.

In the town center commercial district, the amount of off-street parking may be reduced by one credit for every required space.

A. Every credited parking space shall be subject to payment of a parking in-lieu fee as adopted by the city. (See EPMC 17.46.050.)

B. Parking spaces may not be counted if located within 20 feet measured along the curb of any street corner or intersection of an alley or street, nor other parking configuration violating any local or state law or standard.

C. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public parking at all times.

D. No signs or actions limiting general public use of established on-street parking spaces are permitted.

E. All parking credits shall be approved as part of a site plan and/or conditional use approval.

F. In all cases, parking spaces, both on- and off-street, shall comply with design criteria set forth in the adopted (or amended) Eagle Point "Standard Details." [Ord. 2008-10 § 2 (Exh. A § 3.212)].

17.46.040 Shared parking.

Shared parking may be approved under the provisions of EPMC 17.72.070, Common parking for mixed uses. [Ord. 2008-10 § 2 (Exh. A § 3.214)].

17.46.050 In-lieu parking fees.

The in-lieu fee shall be attached to land ownership, and be paid to the city in lieu of providing required off-street parking for approved commercial development in the designated town center.

A. Amount of Fee. The amount of the in-lieu fee shall be set by ordinance of the city council, and shall be reviewed every two years. The fee may otherwise be adjusted by the council as it deems appropriate based upon changing factors (inflation, construction costs, and/or land values). Any adjustment to the amount of the fee shall take into account the current costs of land acquisition, financing and construction.

B. Use of Fees. In-lieu parking fees shall be deposited into a dedicated account, and used exclusively for the development and provision of public parking facilities for the commercial area defined by the city as the town center. Development and provision of parking includes, but is not limited to, paving, striping, sidewalks, acquisition of real property, payment of administrative costs and construction. [Ord. 2008-10 § 2 (Exh. A § 3.215)].

17.46.060 Payment of fees.

A. Calculation of Parking Requirement(s) Fees. Fees shall be based upon the number of parking space credits approved for a specific development.

B. Condition of Approval. In-lieu fee payment shall be included in the conditions of approval for any approved development subject to same.

C. Fee Payment – New Development. For new development, the in-lieu fee shall be paid prior to the issuance of certificate of occupancy for the subject property, or may be deferred in the following manner:

1. Twenty percent prior to building and/or site occupancy.

2. Ten percent (of initial remaining balance) on July 1st of the ensuing 10 years.
Note: any outstanding balance shall include interest, as established and mandated by the state.

3. Any deferred payment schedule shall be evidenced by a recorded agreement between the city and the affected property owner(s).

D. Fee Payment – Change of Owner, Tenant or Occupancy. Any property subject to parking in-lieu fee obligations which undergoes a change of ownership, tenancy, or occupancy shall provide all such fees in full, or execute an agreement with the city establishing a deferred parking payment schedule. Such agreement shall be established prior to the issuance of any occupancy certification and/or license to transact business on said property.

E. Disruption of In-Lieu Payments. Should a business paying deferred in-lieu fees cease to exist, for any reason, previous payment(s) shall be nonrefundable. However, the unpaid balance, if any, shall remain on record with the city and, per recorded agreement, follow the land.

Should a new business be obligated for additional parking spaces (beyond those previously assessed to the subject property), the additional fees shall be added to the remaining balance due.

Should a new business be obligated for fewer parking spaces (beyond those previously assessed to the subject property), no refund of previous payments shall be granted.

1. Any change of occupancy on a previously developed commercial property shall not constitute grounds for on-site parking redesign to accommodate any additional parking. If desired, the new occupancy shall be allowed to purchase in-lieu spaces off site to total the amount required for the new use. Amendment(s) to the recorded parking space payment agreement shall be made to reflect the new amount due. [Ord. 2008-10 § 2 (Exh. A § 3.216)].

Attachment No. 4

**Ord. No. 2008-11 amending EPMC 17.72
(Proposed Repeal)**

Proposed Repeal

ORDINANCE NO. 2008-11

AN ORDINANCE ESTABLISHING A METHODOLOGY AND FEE STRUCTURE FOR PAYMENT OF AN "IN LIEU" FEE FOR OFF-STREET PARKING REQUIRED IN CONJUNCTION WITH NEW OR EXPANDED DEVELOPMENT IN THE TOWN CENTER COMMERCIAL DISTRICT.

WHEREAS, the City Council of the City of Eagle Point, Oregon (hereinafter referred to as the "City") finds that it is beneficial and desirable to create incentives and options to encourage new or expanded business opportunities in the City's downtown core as part of the adopted Town Center Plan, and

WHEREAS, the City likewise finds that such goals may be partially met by the implementation of a program whereby owners of new or expanded development within the Town Center commercial area are allowed to pay "in lieu" fees for the provision of required off-street parking associated with land use approvals, now, therefore,

THE CITY OF EAGLE POINT ORDAINS AS FOLLOWS:

Section 1. PURPOSE. The purpose of the Town Center Off-Street Parking "In Lieu" Fee is to impose a portion of the costs of capital improvements for public parking upon those developments creating the need for, or increasing the demands for the same in the downtown commercial zone. The purpose of the "In Lieu" Fee is not to raise revenues, but to insure adequate public parking facilities are available, downtown, for the citizens of Eagle Point.

Section 3. SCOPE. The Town Center Off-Street Parking "In Lieu" Fee imposed by this ordinance is separate from, and in addition to, any applicable tax, assessment, charge or other fee in lieu of assessment, or fee otherwise provided by law or imposed as a condition of development. The Fee is to be considered in the nature of a charge rendered for facilities currently made available, or a charge for facilities to be made available in the future.

Section 4. "IN LIEU" FEE ESTABLISHED.

A. Each developer of property located within the Town Center commercial zone, shall, as delineated herein, provide for code compliant off-street parking as specified in Article V- Off Street Parking & Loading - Eagle Point Zoning Ordinance, or pay a fee in lieu thereof, or do a combination of both, all at the option of the City.

B. The "In Lieu" Fees to be assessed pursuant to this ordinance shall be as stipulated in Exhibit A-3 (\$4260/space). Beginning September 1, 2008, after an initial 20% payment prior to business licensing and/or site occupancy, said fees may be paid incrementally, over a ten (10) year period, in amounts delineated in Exhibit A-3 ("Deferred Payment Schedule").

C. The amount of this "In Lieu" Fee has been created through application of the methodology described in Exhibits A and A-3. Any subsequent changes in the fee structure shall be adopted following required legal advertisements and public hearing(s).

D. The City Council shall review the methodology established under this ordinance every two (2) years, or as warranted by interim, unanticipated changes, and make amendments as deemed appropriate.

E. Unless and until the developer has paid the assessed "In Lieu" Parking fees, the City may, without limitation, withhold permission to license or occupy any new or expanded site.

Section 5. COLLECTION OF "IN LIEU" FEES.

A. Payment of the assessed fees shall be in accordance with the methodology outlined in Exhibit A-3.

Section 6. IN LIEU PARKING FEE METHODOLOGY.

A. The formulas and calculations used to compute the In Lieu Fee are based upon the methodology outlined in Exhibit A-3, attached and made a part hereof.

Section 7. FEE ALLOCATIONS.

A. Parking "In Lieu" Fees received by the City hereunder shall be used only for the purpose of increasing public parking opportunities in the Town Center commercial zone (Exhibit A-1).

B. All monetary revenues received from the Parking "In Lieu" Fee shall be budgeted, expended and accounted for as provided by state law. Their reporting shall be included in the City's Comprehensive Annual Report as required by ORS Chapter 294.

Section 8. APPEAL PROCEDURE.

A. The Parking "In Lieu" Fee may be appealed by filing a written request with the City Recorder. The request shall be accompanied by the fee set for appeals on the City's "Planning Application Fee Schedule". Such appeal shall specifically describe the expenditure being challenged and must be filed within one (1) of the date of the expenditure.

B. The appeal shall state:

1. The name and address of the appellant;
2. The nature of the Off-Street Parking Fee being appealed;
3. The alleged reason the Off-Street Parking Fee is incorrect; and
4. What the allegedly correct Off-Street Parking Fee should be.

C. It shall be the responsibility of the appellant to prove that the Off-Street Parking Fee being appealed is incorrect and what the correct amount should be.

D. When an appeal is filed, the City Planner shall prepare a written report and recommendation within twenty (20) working days of receipt for presentation to the Council at its next regular meeting. The City Council shall, by resolution, approve, modify or reject the report and recommendation of the City Planner or may adopt a revised methodology by resolution, if required. Any legal action contesting the City Council's decision on the appeal shall be filed within sixty (60) days of the Council's decision.