

W.S.D.

AGENDA COVER MEMO

AGENDA DATE: December 14, 2005

TO: Board of County Commissioners

DEPARTMENT: Public Works – Land Management Division

PRESENTED BY: Jeff Towery, Manager

AGENDA TITLE: IN THE MATTER OF AUTHORIZING A TEMPORARY REDUCTION OF LAND USE APPLICATION FEES FOR EXISTING PRIVATE DOCKS ON THE SIUSLAW RIVER.



I. MOTION

Move to adopt the order.

II. ISSUE OR PROBLEM

On October 25, the Board directed staff to prepare an order to temporarily reduce the planning fees for certain private docks on the Siuslaw River.

III. DISCUSSION

A. Analysis

The order prepared for the Board's review applies to existing docks that were built without local land use approval. These are docks that were built sometime after July 24, 1980, without the required planning and/or building permits. A dock that existed prior to this date automatically has county approval, but it still needs to register with the state. If an existing dock did not exist prior to 1980, it must gain compliance with current county codes before it can register with the state. The most common requirement is a special use permit.

As of the date of this memo, there are approximately 21 remaining docks that have not registered with the state. Of these, approximately 12 were built after 1980 and will need a special use permit. This order will allow these 12 dock owners to pay the planning fee that was applicable when the dock was built.

The fees have increased over the years. One of the reasons for this is that LMD has moved to a fee-based system to support itself. In the 1980's, the LMD was funded, in part, by the general fund. This meant the application fees did not reflect the cost of doing business. Currently, LMD does not receive any support from the general fund and the application fees reflect the cost of processing the applications. For example, in 1983 a special use permit cost \$110. In 1994 the fee was \$400. In 1997 the fee was \$695. Currently, a special use permit costs \$1,210.

The order will do the following:

- i. Reduce the planning fees for existing docks on the Siuslaw River to reflect the fees that existed when the dock was built.
- ii. Expire on December 31, 2006.
- iii. Apply only to docks that existed on January 1, 2005.

If the Board adopts this temporary fee reduction, it will apply to approximately 12 existing docks on the Siuslaw that need to submit a special use permit. At this time, it is not known exactly when each of the docks needing a special use permit was constructed. LMD staff will work with these dock owners to determine the applicable fee based on the construction date of the dock. LMD staff will also contact DSL and request the state suspend enforcement against these dock owners while their special use permits are being processed by Lane County.

This fee reduction will expire on December 31, 2006. The Board should decide if this is an appropriate amount of time for dock owners to submit the required application. This date can be shortened or extended at the discretion of the Board.

There is one dock owner who has submitted an application for a special use permit for a dock that was built in 1996. This applicant has paid the current fee of \$1,210. The Board must determine whether this applicant is entitled to a refund.

B. Alternatives/Options

- i) Adopt the order as written.
- ii) Request additional information.
- iii) Give direction, regarding any or all of the issues presented.

C. Recommendation

Staff has prepared the order as directed by the Board and it is ready to adopt.

IV. IMPLEMENTATION/FOLLOW-UP

Staff will continue to work with DSL, the Corps, the Port of Siuslaw and the dock owners to ensure that the process to verify County land use approval is efficient and timely.

V. ATTACHMENTS

Order