

W. 10. a.

Memorandum Date: June 4, 2007
Order Date: June 20, 2007

TO: Board of County Commissioners

DEPARTMENT: Public Works
Land Management Division

PRESENTED BY:  Craig Starr, Interim Manager
Land Management Division

AGENDA ITEM TITLE: ORDER – In the Matter of Amending Chapter 60 of the Lane Manual to Revise the Long-Range Planning Surcharge (LM 60.850), Effective on July 1, 2007

I. MOTION

Move approval of ORDER No. _____ in the matter of amending Chapter 60 of the Lane Manual to revise the Long-Range Planning Surcharge (LM 60.850), effective on July 1, 2007.

II. AGENDA ITEM SUMMARY

The purpose of this item is to increase the County's Long-Range Planning Surcharge in order to develop new revenue to partially offset the loss of Video Lottery funding which has previously supported certain of Lane County's long-range planning activities.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

From FY 03-04 through FY 06-07, Video Lottery funding was granted to the Land Management Division (LMD) to support certain of Lane County's long-range planning activities. Video Lottery funding in the amount of \$170,000 was anticipated during LMD's budget preparations for FY 07-08. On May 23, 2007, the Board of Commissioners approved a recommendation from the Economic Development Standing Committee (EDSC) not to grant Video Lottery funding to LMD to support long-range planning activities.

B. Policy Issues

None.

C. Board Goals

NA

D. Financial and/or Resource Considerations

Video Lottery funding supported 2.0 FTE of the Planner positions in LMD. This is nearly one-half of LMD's long-range planning capability. Without offsetting revenues, loss of Video Lottery funding would require elimination of 2.0 FTE Planner positions. This would eliminate LMD's capacity to address many short-term planning projects and/or cause delays in other, on-going long-range planning efforts. Further, this would further delay responses to land use applications by eliminating LMD's reserve capacity to process development applications resulting from Ballot Measure 37 waivers.

Even with the anticipation of \$170,000 in video lottery funding or an offsetting increase in the Long-Range Planning Surcharge, LMD's FY 07-08 anticipated expenditures will draw the Land Management Fund down to about \$272,000 by the year's end. That is significantly below the recommended 10-percent "prudent person reserve" of about \$500,000. Alternatives 3 and 4, below, would further draw the reserves down by about \$85,000 or \$170,000, respectively. However, LMD will be having a review of its current fees performed by a consultant over the next few months, and will present F&A and the Board with a range of fee alternatives to consider during FY 07-08. If the Board approves, a new LMD fee schedule adopted mid-year could restore the "prudent person reserve" to the desired level and, if the Board wishes, improve LMD's customer responsiveness capabilities.

E. Analysis

Although it is clear that Video Lottery funding will not be available to LMD in order to perform long-range planning for Lane County in FY 07-08, it is not clear what the Board wants LMD to do with respect to continuing long-range planning without that funding. In order to address that question, I presented a range of reduction and funding options to the Finance and Audit Committee (F&A) at their meeting of May 24, 2007. The recommendations presented to F&A are also presented in the next section below.

F&A requested that LMD staff provide additional information when this item was brought to the Board for action. In particular, F&A wanted the following information: 1) a comparison of Lane County's land development fees with those of other Oregon counties, 2) a long-range planning work plan with benchmarks for completing projects, and 3) examples of the effect of increasing the Long-Range Planning Surcharge on the fees to be paid by Lane County's applicants for development approvals. The first two items requested by F&A are

submitted as Attachments B and C to this memorandum. Following are some examples of the impact of increasing the Long-Range Planning Surcharge from 7 ½ percent to 10 percent:

<u>Requested Action</u>	<u>Current Fee</u>	<u>Increase</u>
Special Use Permit	\$1,522	\$38
Building Permit (2,000 SF dwelling)	\$2,513	\$63
Floodplain Permit	\$1,143	\$29
Legal Lot Verification (5 deeds) w/ notice	\$1,011	\$25
Rural Comp Plan Amendment w/ exception	\$10,606	\$265

F. Alternatives/Options

The Board would have at least the following options in this matter:

1. Eliminate 2.0 FTE Planner positions and commensurately reduce Lane County's long-range planning efforts. This reduction in Planner positions would eliminate LMD's capacity to address short-term Board projects, cause delays in other, on-going long-range planning efforts and/or further delay responses to land use applications by eliminating LMD's reserve capacity to process development applications resulting from Ballot Measure 37 waivers.
2. Increase the current 7.5-percent Long-Range Planning Surcharge to 12.5-percent effective July 1, 2007. This increase would approximately offset the loss of Video Lottery funding. LMD would be able to retain the existing 2.0 FTE Planner positions and continue the current level of long-range planning efforts.
3. Increase the current 7.5-percent Long-Range Planning Surcharge to 10-percent effective July 1, 2007 and draw down reserves in the Land Management Fund as needed to offset the loss of Video Lottery funding. The increase in the Long-Range Planning Surcharge would offset approximately one-half of the Video Lottery funding and the fund reserves would be drawn down to cover the remaining cost of retaining the existing 2.0 FTE Planner positions.
4. Draw down reserves in the Land Management Fund as needed to offset the loss of Video Lottery funding in order to retain the existing 2.0 FTE Planner positions.

IV. TIMING/IMPLEMENTATION

It is recommended that the Long-Range Planning Surcharge increase be made effective July 1, 2007, the first day of FY 07-08, when Video Lottery funding will no longer support long-range planning activities.

V. RECOMMENDATION

F&A recommended approval of Recommendation No. 3. LMD also recommends approval of Recommendation No. 3.

VI. FOLLOW-UP

None

VII. ATTACHMENTS

- A. Proposed Board Order No. _____
- B. A comparison of Lane County's land development fees with those of other Oregon counties.
- C. A long-range planning work plan with benchmarks for completing projects.

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 60
OF THE LANE MANUAL TO REVISE THE LONG-
RANGE PLANNING SURCHARGE (LM 60.850),
EFFECTIVE JULY 1, 2007

WHEREAS, Video Lottery funding was granted to the Land Management Division (LMD) to support certain long-range planning activities from FY 03-04 through FY 06-07, and

WHEREAS, on May 23, 2007 the Board of Commissioners approved a recommendation from the Economic Development Standing Committee (EDSC) not to grant Video Lottery funding to LMD to support long-range planning activities in FY 07-08, and

WHEREAS, the Board of Commissioners wishes to continue LMD's current long-range planning capability during FY 07-08, **NOW, THEREFORE, IT IS HEREBY**

ORDERED that Lane Manual Chapter 60 is hereby amended by deleting, substituting, and adding the following section:

DELETE THIS SECTION

60.850

as located on pages 60-39 through 60-40
(a total of 2 pages)

INSERT THIS SECTION

60.850

as located on pages 60-39 through 60-40
(a total of 2 pages)

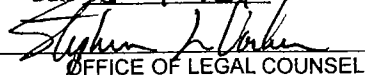
Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to revise the Long-Range Planning Surcharge (LM 60.850), effective July 1, 2007.

Adopted this _____ day of _____ 2007.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 6-4-2007 Lane County


OFFICE OF LEGAL COUNSEL

Senior Accounting Clerk.....	\$ 60.00/hour
Senior Office Assistant.....	\$ 60.00/hour
Office Assistant 2/Accounting Clerk 2	\$ 55.00/hour

The rate used is dependent upon the position in the department required to perform the work. A minimum of one hour will be charged. At the assessor's sole discretion, price adjustments may be made downward in instances where it is anticipated that custom reports and/or the research and analysis they require will be reused.

- (9) CDs..... \$ 1.00 each

When used to provide the research requested (requires an hour minimum of one of the rates above).

(10) Payment. All charges assessed should be paid in cash or check upon delivery of the service or product. If a party requests a billing, the minimum amount charged will be \$5.00.

- (11) Postage. The cost of postage will be added to any mailing.

- (12) Copies of Payment Checks.

When research occurs to provide a party with a copy of their tax payment check \$ 10.00 each

- (13) Returned Check Fees.

The Department of Assessment and Taxation shall collect a fee from the maker of any check to Lane County, which is returned for non-payable funds in the maker's checking account. \$ 15.00 per check

- (14) Manufactured Structure Fees.

Convert manufactured structure to real property..... \$ 55.00

- (15) Farm Deferral Reapplication Fee.

Upon reapplication for a Farm Deferral, a fee of \$1.00 per \$1,000 of real market value, with a minimum fee of \$10 and a maximum fee of \$250.00.

- (16) Property Tax Exemption for Special Organizations – Late Filing Fee.

Any statement filed after December 31 of the assessment year for which the exemption is first desired, must be accompanied by a late fee of the greater of \$200, or one-tenth of one percent of the real market value of the property to which the statement pertains, as determined for the assessment year by the assessor for this purpose (per ORS 307.162(2)).

- (17) Veteran's Exemption – Late Filing Fee

Exemption applications received after the April 10 deadline of each year shall still be able to secure the exemption, if still qualified, by making application therefore to the county assessor not later than May 1 of the current year, accompanied by a late-filing fee (per ORS 307.260(b)). \$ 10.00

- (18) Regional Land Information Data (RLID) Extracts

For commercial customers, an up-to-date listing of Lane County property information updated and extracted quarterly (4 per year). \$ 450.00 per annum

One-time extract of Lane County information \$ 115.00 each time

(Revised by Order No. 01-9-5-12, Effective 9.5.01; 03-11-12-8, 11.12.03; 07-5-23-1, 7.1.07)

60.850 Land Management Division/Department of Public Works.

In addition to the fee schedules established in LM 60.850, 60.851, 60.852, 60.853, 60.854 and 60.855, the following policies and applicable charges are established:

(1) Research Fees. In keeping with the provision of LM 60.838, when requests for information with regard to Land Management activities require, in the judgment of the Department Head, or his or her designee, research necessitating the use of staff with specialized or professional expertise, the actual hourly rate of the Land Management staff

assigned to provide the required research shall be the hourly rate times 2.42 and shall be charged. Charges will be computed on quarter-hours.

(2) Exceptions. The Director of the Department of Public Works, or his or her designee, may reduce the fee established in LM 60.850, 60.851, 60.852, 60.853, 60.854 and 60.855 when strict adherence to the fee schedule would cause inequity to exist among pending applications, when higher fees result from a staff processing error or when extraordinary circumstances cause strict application of the fee schedule to be inappropriate.

(3) Refunds. All, or a portion, of the fee accompanying an application may be refunded, if the applicant withdraws the application in advance of any field work or substantial staff review.

(4) GIS Output (maps, reports, etc.). A \$50 charge will be made for all maps generated from Land Management Division's geographic information systems.

(5) Investigation Fees.

(a) Investigation. Whenever any activity for which a permit is required pursuant to LM 60.851, and 60.855 has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such activity.

(b) Fee. An investigation fee, in addition to the permit fee, shall be collected, unless exempted as provided in LM 60.850(2), whether or not a permit is then or subsequently issued. The investigation fee shall be \$300. The payment of such investigation fee shall not except any person from compliance with all other provisions of Lane Code and state law, nor from any penalty prescribed by law.

(c) In addition to investigation fees collected under LM 60.850(5)(b), an additional amount equal to the fees authorized for services under LM 60.852, and the appropriate double permit fees authorized by LC 10.900-16, 16.242(4), and the Oregon Structural Specialty Code shall be collected for Lane County services provided to enforce compliance with the regulations covered by those provisions in the event of unauthorized work, unless exempted as provided in LM 60.850(2).

(6) Land Management Division Technology Assessment. A \$10.00 charge will be added to all Land Management Division permit transactions for technology improvements.

(7) Permit Acceleration Fee. A \$75.00/hr. processing fee will be charged to individuals wishing to accelerate their Land Management Division Building or Planning Program permit processing. This work will be performed on an overtime basis only, and will not impact ordinary processing times. The option is available only when staff is available for overtime assignments.

(8) Administrative Fee. A 15% administrative fee will be added to all Land Management Division permit transactions.

(9) Long-Range Planning Surcharge. A 10.0% long-range planning surcharge will be added to all Land Management Division permit transactions. *(Revised by Order No. 99-6-15-1; Effective 7.1.99; 04-11-23-5, 11.23.04; 06-2-8-7, 7.1.06)*

60.852 Land Management Division/Public Works Department-Subsurface Sanitation.

Pursuant to the authorization of ORS 454.745 and the Lane County Home Rule Charter, the following fees shall be paid to Lane County for the following services:

On-Site Sewage Disposal Systems Site Evaluation

At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
60.850

**LEGISLATIVE
FORMAT**

Lane Manual

60.850

Senior Accounting Clerk.....	\$ 60.00/hour
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SURVEY OF COUNTY PLANNING PROGRAMS
Staff, Budget, General Fund Support and Current Fees
January 31, 2006

County	Area '05 Pop.		No.	No.	Budget	CoTax/ %		FEES					
								Plan	Zone		Cond.	Forest	Pre-app
	sq.mi.	1,000's	Planners	Support	\$1,000's	\$1000*	GF	Amend	Chng	Subdiv.	Use	Dwelling	Conf.
Multnomah	465	693	9	2	\$1,122	\$5.12	94	\$2,300	\$2,300	\$1,613	\$1,832	\$1,832	\$337
Douglas	5,071	103	8	4	1,400	5.57	86	500	300	500	200	200	50
Benton	679	82	4	1	542	3.82	70	2,000	1,200	1,325+ 100/lot	600	690	
Linn	2,297	107	4	1	300	3.78	60	1,400	1,000	500	1,000-350	350	
Clackamas	1,879	361	14	4	3,828	3.90	50	2,100	1,700	2,400	1,800	680	
Marion	1,194	302	8	3	1,328	3.12	50	3,755+ 60/ac	1,880+ 30/ac	1,880+ 20/lot	1,250	1,250	300
Washington	727	490	34	10	4,855	2.84	22	2,100***	2,100***	10,000- 3,086	3,026	2,214	
Lane	4,620	336	11	4	1,459	2.02	17**	10,000***	2,794	2,110+ 140/lot	1,126	2,344	220

* Includes all Levies and O&C Revenue

** Video Lottery & Title III Allocation

*** Deposit for Actual Charge for Services

Note: Lane County Fees include 15% Administrative Fee, 5% Long Range Planning Surcharge and \$10 Technical Support Fee



Survey conducted January 2006

**LONG RANGE PLANNING WORK PROGRAM
FY 07/08**

	FTE	Completion* Date
<u>First Priority</u>		
A. ORS 836 Private Airport Planning	0.2	Dec. '07
<u>Short List</u>		
B. Metro – Small Cities Planning	1.0	On-going
C. GIS Zoning Diagrams/Website for rural areas	0.2	Oct. '07
D. GIS Zoning Diagrams/Website for Metro and UGB areas	0.2	Nov. '07
E. Floodplain/Community Rating System	0.2	Nov. '07
F. Siuslaw River Dredge Disposal Plan - Periodic Review	0.2	Aug. '07
G. Work Task 3.a. (Goals 16 and 17) – Periodic Review	0.2	Sept. '07
H. Periodic Review Compliance Report	0.2	Sept. '07
<u>Long List</u>		
I. Conformity Determination for Community of Blue River	0.2	Sept. '07
J. Legislative updates to LC Ch.13 & 16 for 2003, '05 & '07	0.2	Feb. '08
K. Amend of Fuel Break Requirements in the Forest Zones	0.1	Mar '08
L. Overhaul LC Chapters 10 and 16 (\$150,000 3 yr contract w/ consultant)	0.5	June '11
<u>Capacity for Other Projects</u>		
Processing M37 land use applications	1.0	?

* The completion dates indicated are for bringing the items to an initial public hearing before the Board of County Commissioners. Delays and/or staff work required beyond that point on a project schedule cannot be predicted in advance and could cause delays to subsequent projects on the work schedule.