

W. 8. b.

AGENDA COVER MEMO

DATE: DECEMBER 1, 2004

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: KENT HOWE, PLANNING DIRECTOR
LAND MANAGEMENT DIVISION**

**AGENDA ITEM TITLE: Order No. : IN THE MATTER OF AMENDING
CHAPTER 60 OF THE LANE MANUAL TO REVISE FEES
FOR LEGAL LOT VERIFICATIONS (LM 60.851)**

I. MOTION:

Approve the Order to revise the fees in Lane Manual.

II. ISSUE OR PROBLEM

On June 15, 2004, the Board of Commissioners adopted Ordinance No. 7-04 to amend Lane Code Chapter 13 to require notice for legal lot verifications that involved a property line adjustment.

This Order would amend Lane Manual to add a fee to cover the costs of providing the service of legal lot determinations and notice of the decision. On October 19, 2004, the Finance and Audit Committee was presented with the fee recommendation and the Committee supported the proposal.

III. DISCUSSION

A. BACKGROUND

In 2003, the Land Management Task Force recommended that a legal lot determination be considered a land use decision when resulting from property line adjustments and that notification of those decisions be sent to surrounding property owners with opportunity for appeal. The Lane County Planning Commission recommended adoption of the proposed amendment in February, 2004.

B. ANALYSIS

The Lane Code requires a final legal lot determination prior to approval of most land uses. When a landowner wants to determine the legal status of a property, staff will review the deed history to determine if the property was created in conformance with the Lane Code. For properties that were created prior to the Lane Code, staff consults a list of policies and statutes that applied to land divisions. Notification of the decisions will be sent to surrounding property owners when the legal lot results from a property line adjustment.

The new process will increase staff time per application by approximately 3 hours. Existing resources are not adequate to maintain a reasonable turn around on legal lot applications. The current backlog is approximately 90 days. Due to the increased process time and the volume of applications, the existing backlog will increase without additional revenue.

The new fee revenue will fund an additional 1.0 FTE to process legal lot verifications and related activities, which will allow staff to eliminate the current backlog and maintain an acceptable turn around time (target 30 days or less).

C. ALTERNATIVE/OPTIONS

1. Approve the Order
2. Do not approve the Order
3. Modify the Order

D. RECOMMENDATION

Staff recommend approval of the motion.

E. FOLLOW UP / IMPLEMENTATION

Upon adoption of the Order the fees will be revised.

ATTACHMENT: 1. Order No.
2. Lane Manual 60.851 Revisions

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 FEES FOR LEGAL
LOT VERIFICATIONS (LM 60.851)

The Board of County Commissioners of Lane County orders as follows:

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

REMOVE THIS SECTION

60.851
pages 60-1 through 60-5
(a total of 5 pages)

INSERT THIS SECTION

60.851
as located on pages 60-1 through 60-5
(a total of 5 pages)

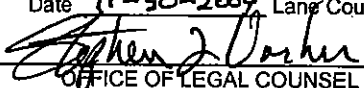
Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to revise fees for legal lot verifications (LM 60.851).

Adopted this _____ day of _____ 2004.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 11-30-2004 Lane County


OFFICE OF LEGAL COUNSEL

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 5% 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)*

60.851 Land Management Division/Public Works Department -Planning.

This section establishes fees for County services as listed.

For the purposes of this subsection:

BCC means the Board of Commissioners.

HO means the Hearings Officer.

PC means the Planning Commission.

PD means the Planning Director.

BO means the Building Official.

(1) Reproductions.

LC Chapter 10 (Zoning)	\$ 70.00
LC Chapter 13 (Land Divisions)	\$ 33.00
LC Chapter 14 (Procedure)	\$ 33.00
LC Chapter 15 (Roads).....	\$ 70.00
LC Chapter 16 (Development)	\$ 70.00
Rural Plan Policies	\$ 33.00
Individual Copies.....	LM 60.830
Draft Transcribing Fee	LM 60.834
Request for Information	LM 60.838
.....	LM 60.850(1)
RCP Maps Hard Copy	\$ 120.00
RCP Maps Microfiche.....	\$ 60.00

(2) Chapter 13 - Land Division.

Legal Lot Verification base fee

0 to 5 deeds

\$ 425.00

6 – 10 deeds

\$ 800.00

11 or more deeds.....

\$1,100.00

When multiple legal lots are discovered in a single application, the fee is half the applicable base fee for each additional legal lot

Legal Lot Verification (notice only).....

\$ 230.00

Preliminary Plat-Subdivision.....

\$1,050.00+

\$ 140.00/lot

Plat Final.....

\$ 580.00

Partitions Preliminary Approval.....

\$ 700.00

Partitions Final

\$ 465.00

(3) Chapter 14 - Appeals:

Appeals

Planning Director decision to Hearings Official (De Novo)	\$ 290.00
Planning Director decision to Hearings Official (on the record).....	\$1,620.00
Hearings Official decision to Board of County Commissioners (elect to hear) ¹	\$1,080.00
Hearings Official decision to Board of County Commissioners (on the record).....	\$1,620.00
Applicant Requested Actions	
Modify Planning Director Decision (other than timeline).....	\$ 465.00
Modify/Reconsider Hearing Official Decision (other than timeline).....	\$ 840.00
Continuation of Planning Director Hearing	\$ 465.00
Continuation of Hearing Official Hearing	\$ 840.00
Reconsideration of Application remanded by LUBA, Oregon Court of Appeals or Oregon Supreme Court	\$ 840.00

(4) Chapter 15 - Roads.

Variance.....	\$ 875.00
Road Dedication	\$1,400.00
Addressing (15.335)	\$ 70.00
Amenity Permit Fee.....	\$ 120.00
Amenity Appeal Fee.....	\$ 120.00

(5) Chapter 10 - Zoning:

Zoning or Rezoning	\$1,745.00
Planning or Zoning Intergovernmental Agreements	
Requiring Board Approval.....	\$1,160.00
Conditional Use Permit by HO.....	\$1,745.00
Subdivision sign permit.....	\$ 120.00
Shoreland Boundary Preliminary Investigation	\$ 232.00
Hazards Checklist.....	\$ 232.00
Site Investigation Report	\$ 930.00
Special Use Review by PD.....	\$ 930.00
Special Use Review by PD (with hearing)	\$1,745.00
Special Use Review by HO	\$2,320.00
Sand and Gravel Plan Review	\$2,320.00
Field Investigation/Verification	
For Conditions of a Permit or Special Use Permit.....	\$ 172.00
Application for Verification of Compliance with Conditions for a Special Use Permit.....	
Temporary Hardship Mobile Home Initial Review (LC Chapter 11)	\$ 75.00
Renewal	\$ 50.00

¹ If BCC elects not to hear, \$150 shall be refundable.

(6) Chapter 16 - Development Code: The terms of HO Use Approval and Director Use Approval are equivalent to Special Use Approvals HO and Special Use Approval PD.

Plan Amendments

Conformity Determination Amendment

(RCP Goal 2, Policy 27)	\$1,000.00
Major Amendment.....	\$10,000.00 ACS ²
Minor Amendment/No exception	\$2,320.00
Minor Amendment with exception	\$4,180.00
Zoning or Rezoning	\$2,320.00
Special Use Approval (HO).....	\$2,320.00
Special Use Approval (PD)	\$ 930.00
In Forest Zones (F1 and F2)	\$1,945.00
Nonconforming Use (PD).....	\$ 960.00
In Forest Zones (F1 and F2)	\$2,000.00
Vested Rights	\$ 960.00
In Forest Zones (F1 and F2)	\$2,000.00
Verification of Lawfully Existing Use (16.290/ 16.291/16.292) Without Notice	\$ 485.00
Verification of Lawfully Existing Use (16.290/ 16.291/16.292) With Notice	\$ 960.00
Home Occupation Renewal	\$ 175.00
In Forest Zones (F1 and F2)	\$ 365.00
Shoreland Boundary Preliminary Investigation	\$ 230.00
In Forest Zones (F1 and F2)	\$ 485.00
Hazards Checklist.....	\$ 230.00
In Forest Zones (F1 and F2)	\$ 485.00
Site Investigation Report	\$ 465.00
In Forest Zones (F1 and F2)	\$ 975.00
Floodplain Management RCP 16.244	
(a) Fill, removal 50 to 500 c.u.	\$ 140.00
In Forest Zones (F1 and F2)	\$ 290.00
(b) Fill, removal 501 to 3,000 c.u.	\$ 195.00
In Forest Zones (F1 and F2)	\$ 400.00
(c) Fill, removal 3,001 to 30,000 c.u.	\$ 320.00
In Forest Zones (F1 and F2)	\$ 670.00
(d) Fill, removal 30,001 up	\$ 640.00
In Forest Zones (F1 and F2)	\$1,335.00
(e) Step-Backwater Analysis	\$1,535.00
In Forest Zones (F1 and F2)	\$3,210.00
(f) Floodplain Field Verification	\$ 230.00
In Forest Zones (F1 and F2)	\$ 485.00
(g) Floodplain Office Verification.....	\$ 60.00

² Initial deposit for actual cost of services. Fees shall be based on the actual costs incurred including hourly costs for planner, engineering, attorney time and publication costs, plus 25% for administrative fees. The County will return to the developer/person(s) making the deposit any portion of the deposit remaining after finalization of the land use action. If there is additional money owed, the developer/person(s) requesting the land use action shall pay the same to the County immediately upon receipt of a bill therefore and prior to final County action.

	In Forest Zones (F1 and F2)	\$ 120.00
	Riparian Setback Preliminary Investigation	\$ 450.00
	In Forest Zones (F1 and F2)	\$ 935.00
	Riparian Setback Modification	\$ 960.00
	In Forest Zones (F1 and F2)	\$2,000.00
	Riparian Setback Development Plan	\$ 960.00
	In Forest Zones (F1 and F2)	\$2,000.00
	Riparian Setback Enhancement Plan	\$ 255.00
	In Forest Zones (F1 and F2)	\$ 535.00
	Riparian Setback Restoration Plan	\$1,535.00
	In Forest Zones (F1 and F2)	\$3,210.00
	Wetland Management ORS 215.418	
	(a) Wetland Office Verification	\$ 65.00
	(b) Wetland Notice to D.S.L.	\$ 27.00
	EFU Farm Dwelling Review	\$ 930.00
	Temporary Hardship Mobile Home	
	(a) Initial Review	\$ 75.00
	(b) Renewal	\$ 50.00
	Sand and Gravel Plan Review	\$2,320.00
	Field Investigation/Verification For Conditions of a	
	Permit or Special Use Permit	\$ 170.00
	In Forest Zones (F1 and F2)	\$ 370.00
	Application for Verification of Compliance with	
	Conditions for a Special Use Permit	\$ 290.00
	In Forest Zones (F1 and F2)	\$ 605.00
(7)	<u>Chapter 12 - Comprehensive Plan:</u>	
	Plan Amendments (for Chapter 10)	
	Without an exception	\$2,320.00
	With an exception	\$4,180.00
	Eugene/Springfield Metro Plan Amendments	
	Nonrefundable Classification Fee	\$ 255.00
	Minor Amendment	\$4,180.00
	Major Amendment	\$10,000 ACS ³
(8)	<u>Renotification Fee for Failure to Comply With LM 10.035,</u>	
	or applicant requested rescheduling of hearing date after	
	effectuation of legal notification.	\$ 230.00
(9)	<u>Preapplication Conference</u>	\$ 175.00
(10)	<u>Planning and Setback Clearance for:</u>	
	Major Chapter 11 permits	\$ 215.00+ ⁴
	Access Review	\$ 55.00
	Airport Safety Combining Zone	\$ 55.00
	Coastal Combining Zones	\$ 55.00
	Greenway Development Permit	\$ 55.00

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⁴ \$200 base fee + \$55 for each additional review component

	Legal Lot Determination	\$ 55.00
	Minor Chapter 11 permits	\$ 70.00
(11)	<u>Review of Lot Line Adjustments</u>	\$ 230.00
(12)	<u>Land Use Compatibility Statements</u>	
	Complex	\$ 290.00
	Simple	\$ 32.00
(13)	<u>Requests for Board Interpretation of LC Chapter 16</u>	
	Pursuant to LC 16.008	\$ 960.00
(14)	<u>Annual Subscription For Requested Notice</u> (not subject to LM 60.850(6), (8) or (9))	
	Requested LC 14.160(1)(b) Notice	\$ 120.00/yr.
	Requested Notice of Application Acceptance	\$ 300.00/yr.
<i>(Revised by Order No. 01-4-4-6, Effective 7.1.01; 03-4-16-3, 7.1.03; 03-10-15-11, 10.15.03; 03-12-17-14, 12.17.03; 04-2-18-1, 7.1.04)</i>		

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(Revised by Order No. 01-4-4-6, Effective 7.1.01; 03-4-16-3, 7.1.03; 03-10-15-11, 10.15.03; 03-12-17-14, 12.17.03; 04-2-18-1, 7.1.04)