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AGENDA COVER MEMO

DATE: NOVEMBER 24, 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 PROVIDE
FOR UNAUTHORIZED WORK ENFORCEMENT
SERVICE FEES (LM 60.850(5)(c))

I. MOTION:

Approve the Order to double permit fees for certain Compliance actions.

II. ISSUE OR PROBLEM

On April 9, 2003, the Board received the recommendation from the Land Management Task Force to assess twice the fees for Planning and Sanitation permits when associated with a compliance action. On June 24, 2003, the Board of Commissioners directed Staff to prepare an Ordinance to double the Planning and Sanitation fees when a violation is found that requires obtaining a Building Permit when connected with a Compliance action. On August 26, 2003, the Finance and Audit Committee was presented with the recommendation and supported the proposal.

III. DISCUSSION

A. BACKGROUND

This is a companion to the Ordinance amending Lane Code Chapters 10 and 16 and will enable collection of double the fees for Sanitation permits when associated with a Compliance action. The Lane Manual does not currently authorize a penalty on these types of Sanitation Permits required as the result of a Compliance action.

B. ANALYSIS

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

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 60 OF
THE LANE MANUAL TO PROVIDE FOR UNAU-
THORIZED WORK ENFORCEMENT SERVICE
FEES (LM 60.850(5)(c))

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

60.850
60-27 through 60-28
(a total of 2 pages)

INSERT THIS SECTION

60.850
as located on pages 60-27 through 60-28
(a total of 2 pages)

Said section is attached hereto and incorporated herein by reference. The purpose of this amendment is to provide for unauthorized work enforcement services fees (LM 60.850(5)(c)).

Adopted this _____ day of _____ 2004.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 11-16-2004 Lane County


OFFICE OF LEGAL COUNSEL

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)

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 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)*

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