

T. G. F. I.

Agenda Cover Memo



Memo Date: July 8, 2009
Order Date: August 5, 2009, (Consent Calendar)

TO: Board of County Commissioners
DEPARTMENT: Public Works Dept./Land Management Division
PRESENTED BY: Matt Laird, Land Management Division Manager
AGENDA ITEM TITLE: Order No. : In the Matter of Reducing Land Division Fees To Authorize An Application With Fees Equal To Those In Effect In 1999. (Potential Applicant Con Magnuson For The Property Described As Map 17-06-26 tax lot 2601 and Map 17-06-27 tax lot 500 and 501)

I. MOTION:

Move adoption of Order.

II. ISSUE OR PROBLEM

On July 8, 2009, the Board of County Commissioners directed staff to prepare an order to allow Con Magnuson to make application to divide his property with payment of the fees for land divisions that were applicable in 1999. One way to accomplish that would be to reduce the current land division fees.

III. DISCUSSION

A. BACKGROUND

On October 22, 2008, Mr. Con Magnuson appeared at public comment stating that because the County did not implement the 1997 Airport Planning Rule until 2008, he should be able to make application to divide his property with payment of fees that were in effect in 1999. At that meeting Commissioner Dwyer suggested staff check into the land division fees in effect in 1999.

On July 8, 2009, the Board of County Commissioners directed staff to prepare an order that would allow Con Magnuson to make application to divide his property with payment of the fees for land divisions that were applicable in 1999.

B. ANALYSIS

In 1996, Lane County adopted its work program to implement the Periodic Review Order for the Lane County Rural Comprehensive Plan.

The State revised the Airport Planning Rule in 1997 (OAR 660-013-0160) and required local jurisdictions to amend their comprehensive plans to comply with the new requirements at their next scheduled Periodic Review. Since Lane County had already adopted its work program, the revised Airport Planning Rule requirements would not be applicable until Lane County's next Periodic Review cycle.

On June 24, 1998, the Board of Commissioners revised the Land Management application fees in Lane Manual 60.851 with the adoption of Order No. 98-6-24-32. The land division fees in effect in 1999 were as follows:

Preliminary Plat Subdivision fee - \$750 + \$100/lot, Plat Final fee - \$415
Preliminary partition fee - \$500, Final partition fee - \$330.

The current Lane Manual fees to process applications for land divisions represent full cost recovery and are as follows:

Preliminary Plat Subdivision fee - \$4,000 + \$200/lot, Plat Final fee - \$2,000.
Preliminary partition fee - \$3,000, Final partition fee - \$1,500.

In 1999 Con Magnuson inquired about making application for partition of his airport property. Concerns were raised about the implications of proposed land divisions on the airport runway property. Mr. Magnuson never made application for land division of the property. Staff has still not been provided the specific land division being proposed at this time.

In 2007 Con Magnuson testified to the Board requesting the Land Management Division add implementation of the new Airport Planning Rule to its work program. In July 2007, the Board directed staff to make the necessary Rural Comprehensive Plan amendments to comply with the Airport Planning Rule the number one priority for the Long Range Planning Work Program.

In January 2008, the Board adopted Ordinance No. PA 1245 amending the Rural Comprehensive Plan to establish provisions for a Private Use Airport Overlay Zone applying the overlay zone to 5 private use airports, including the Con Magnuson private airport. It is not clear what the effect the Administrative Rule changes in 1997 and the action of the Board of Commissioners to apply the Private Use Airport Overlay Zone will have on the ability to divide the property.

Lane Manual 60.850 authorizes limited exceptions to the established fees. Since the Board of County Commissioners adopted the fees and limited the Public Works Director's authority to reduce fees, action by the Board to reduce the current fees

and apply 1999 fees to a potential applicant would seem to be the most effective way to address the Board direction. It is not clear how the Land Management Division will recoup the total costs for processing the land division applications authorized by the proposed order which will result in a loss of revenue to LMD in the amount of \$3650.

Attached please find a copy of the Board Order that allows for a reduced fee land division application to be submitted to LMD provided the application is submitted within the next two years.

C. CONCLUSION

The Board of County Commissioners directed staff to prepare an order reducing the current land division fees and allow Con Magnuson to make application to divide his property with payment of the fees for land divisions that were applicable in 1999.

RECOMMENDATION

No Staff recommendation. This is a Board decision as previously discussed.

Attachments: 1) Order No.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY,
OREGON**

ORDER No.) IN THE MATTER OF REDUCING LAND
) DIVISION FEES TO AUTHORIZE AN
) APPLICATION WITH FEES EQUAL TO THOSE
) IN EFFECT IN 1999. (Potential Applicant Con
) Magnuson for Property Described as Map 17-06-26,
) tax lot 2601 and Map 17-06-27 tax lots 500 and 501)

WHEREAS, the Board of County Commissioners of Lane County adopted Order No. 98-6-24-32 on June 24, 1998, to revise the application fees in the Land Management Division; and

WHEREAS, the applicable land division fees in 1999 were as follows:

- Preliminary Plat Subdivision fee - \$750 + \$100/lot, Plat Final fee - \$415
- Preliminary partition fee - \$500, Final partition fee - \$330
- Technology fee - \$10 added to all permit transactions
- Administrative Fee - 15% added to all permit transactions; and

WHEREAS, Lane Manual 60.850(2) authorizes Director exceptions to the established fees when extraordinary circumstances cause strict application of the fee schedule to be inappropriate; and

WHEREAS, on July 8, 2009, the Board of County Commissioners directed the Land Management Division to prepare an Order reducing the current land division fees for Con Magnuson to authorize an application for land division for property described as Map 17-06-26, tax lot 2601 and Map 17-06-27 tax lots 500 and 501; and

WHEREAS, this matter having been fully considered by the Lane County Board of Commissioners.

NOW, THEREFORE IT IS HEREBY ORDERED that the Land Management Division is authorized to reduce the current land division fees and process land division applications made by Con Magnuson for real property described as Assessor's Map 17-06-26 tax lot 2601 and Map 17-06-27 tax lots 500 and 501 at the fees in effect in 1999, provided that a complete land division application is submitted to the Land Management Division prior to August 5, 2011.

DATED this _____ day of _____, 2009.

Pete Sorenson, Chair
Lane County Board of County Commissioners

APPROVED AS TO FORM

Date 7-27-09 Lane County



OFFICE OF LEGAL COUNSEL