W-9.C.1.

Memorandum Date:

Order Date:

July 5, 2005 July 13, 2005

TO:

Board of County Commissioners

DEPARTMENT:

County Counsel

PRESENTED BY:

Stephen Vorhes, Assistant County Counsel

AGENDA ITEM TITLE:

ORDER/IN THE MATTER OF AMENDING CHAPTER 60 OF LANE MANUAL TO CLARIFY CERTAIN LAND MANAGEMENT FEES RELATING TO LEGAL LOT

VERIFICATIONS (LM 60.851)

I. MOTION

I move to approve the order amending Lane Manual Chapter 60 to clarify the legal lot verification Land Management Division planning fees.

II. AGENDA ITEM SUMMARY

The Board is being asked to approve an amendment to Lane Manual 60.851 to clarify the legal lot verification fees previously approved and adopted by the Board in December 2004 remain in effect even though those fees were inadvertently omitted in a later Board action amending most of the remaining planning fees.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

On February 2, 2005, the Board adopted Order No. 05-2-2-7 amending Lane Manual Chapter 60 to revise certain fees for Land Management Division. These included several revisions to the planning fees. During the revision process, an inadvertent error omitted legal lot verification fees added on December 1, 2004 by Board Order No. 04-12-1-13 and reinserted the previous legal lot verification fees removed by that December Board action.

B. Policy Issues – None.

C. Board Goals

The planning fees are the financing vehicle that supports the Board's overarching goal of "contribut[ing] to appropriate community development in the areas of transportation and telecommunications infrastructure, housing, growth management and land development." It is important to have accuracy in the documents that describe those fees.

D. <u>Financial and/or Resource Considerations</u>

This clarification and correction does not change the fees.

E. Analysis

The analysis is described above under "Board Action and Other History."

F. Alternatives/Options

- 1. Approve the order.
- 2. Do not approve the order.

V. TIMING/IMPLEMENTATION

The planning fee changes that were approved in February went into effect on July 1, so setting the effective date for this clarification immediately is logical.

VI. <u>RECOMMENDATION</u>

I recommend approval of the Order.

VII. FOLLOW-UP

None needed.

VII. <u>ATTACHMENTS</u>

Board Order with accompanying LM 60.851. Legislative format-LM 60.851.

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 60 OF LANE MANUAL TO CLARIFY CERTAIN LAND MANAGEMENT FEES RELATING TO 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 sections:

REMOVE THESE SECTIONS

60.851

as located on page 60-37 through 60-41 (a total of 5 pages)

INSERT THESE SECTIONS

60.851

as located on page 60-37 through 60-41 (a total of 5 pages)

Said section is attached hereto and incorporated herein by reference. The purpose of this substitution is to clarify the legal lot verification fees previously adopted by Order No. 04-12-1-13 remain in effect even though those fees were inadvertently revised by Order No. 05-2-2-7. (LM 60.851)

Adopted this	day of	_ 2005.	
	Chair, Lane Co	ounty Board of Commissioners	-

APPROVED AS TO FORM

7 - 1 - 2-05 Lane County

OF ICE OF LEGAL COUNSEL

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).
- Land Management Division Technology Assessment. A \$10.00 charge will be added to all Land Management Division permit transactions for technology improvements.
- (7)<u>Permit Acceleration Fee.</u> 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.
- Administrative Fee. A 15% administrative fee will be added to all Land (8) Management Division permit transactions.
- 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.

Reproductions (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		
	Request for Information		
	RCP Maps Hard Copy	\$ 1	20.00
	RCP Maps Microfiche		60.00
)	Chapter 13 - Land Division.		
•	Legal Lot Verification base fee		

(2)

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) Preliminary Plat-Subdivision	\$1	,130.00
	Plat Final	\$	
	Partitions Preliminary Approval	\$	750.00
	Partitions Final	\$	500.00
(3)	<u>Chapter 14 - Appeals</u> : Appeals		
	Planning Director decision to Hearings Official		
	(De Novo)	\$	290.00
	Planning Director decision to Hearings Official		
	(on the record)	\$1	,740.00
	Hearings Official decision to Board of County		
	Commissioners (elect to hear) ¹	\$1	,160.00
	Hearings Official decision to Board of County		
	Commissioners (on the record)	\$1	,740.00
	Applicant Requested Actions		
	Modify Planning Director Decision	_	
	(other than timeline)	\$	500.00
	Modify/Reconsider Hearing Official Decision		000 00
	(other than timeline)	\$	900.00
	Continuation of Planning Director Hearing Continuation of Hearing Official Hearing		
	Reconsideration of Application remanded by	Э	900.00
	LUBA, Oregon Court of Appeals or		
	Oregon Supreme Court	æ	900 00
(4)	Chapter 15 - Roads.	w	700.00
(-)	Variance	\$	940 00
	Road Dedication		
	Addressing (15.335)		-
	Amenity Permit Fee		
	Amenity Appeal Fee		
(5)	Chapter 10 - Zoning:		
	Zoning or Rezoning	\$1	,875.00
	Planning or Zoning Intergovernmental Agreements		
	Requiring Board Approval		
	Conditional Use Permit by HO		
	Subdivision sign permit		
	Shoreland Boundary Preliminary Investigation		
	Hazards Checklist		
	Site Investigation Report		
	Special Use Review by PD		
	Special Use Review by PD (with hearing)		
	Special Use Review by HO		
	Sand and Gravel Plan Review	\$2	,500.00
	Field Investigation/Verification		
	For Conditions of a Permit or	ው	105.00
	Special Use Permit	Ф	192.00
	Application for Verification of Compliance with		

 $^{^{\}rm 1}$ If BCC elects not to hear, \$150 shall be refundable.

Conditions for a Special Use Permit	\$ 310.00
Temporary Hardship Mobile Home	
Initial Review (LC Chapter 11)	\$ 75.00
Renewal	

(6) <u>Chapter 16 - Development Code</u>: 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	1,075.00
Maj	or Amendment	\$1	$10,750.00 \text{ ACS}^2$
	or Amendment/No exception		
	or Amendment with exception		
Zoning or	Rezoning	\$2	2,500.00
Special Us	e Approval (HO)	\$2	2,500.00
Special Us	e Approval (PD)	\$1	,000.00
	orest Zones (F1 and F2)		
	ming Use (PD)		
	orest Zones (F1 and F2)		
Vested Rig	thts	\$1	,030.00
In Fo	orest Zones (F1 and F2)	\$2	2,150.00
Verificatio	n of Lawfully Existing Use (16.290/		
16.2	91/16.292) Without Notice	\$	520.00
	n of Lawfully Existing Use (16.290/		
16.29	91/16.292) With Notice	\$1	,030.00
Home Occ	upation Renewal	\$	190.00
In Fo	orest Zones (F1 and F2)	\$	390.00
Shoreland	Boundary Preliminary Investigation	\$	250.00
	orest Zones (F1 and F2)		
Hazards Cl	necklist	\$	250.00
In Fo	rest Zones (F1 and F2)	\$	520.00
Site Invest	gation Report	\$	500.00
In Fo	rest Zones (F1 and F2)	\$1	,050.00
Floodplain	Management RCP 16.244		
(a)	Fill, removal 50 to 500 c.u	\$	150.00
	In Forest Zones (F1 and F2)	\$	310.00
(b)	Fill, removal 501 to 3,000 c.u	\$	210.00
	In Forest Zones (F1 and F2)	\$	430.00
(c)	Fill, removal 3,001 to 30,000 c.u	\$	345.00
	In Forest Zones (F1 and F2)	\$	720.00
(d)	Fill, removal 30,001 up	\$	690.00
	In Forest Zones (F1 and F2)		
(e)	Step-Backwater Analysis		
	-		

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)	\$ 3	450.00
	(f) Floodplain Field Verification		
	In Forest Zones (F1 and F2)		
	(g) Floodplain Office Verification		
	In Forest Zones (F1 and F2)		
	Riparian Setback Preliminary Investigation		
	In Forest Zones (F1 and F2)		
	Riparian Setback Modification		
	In Forest Zones (F1 and F2)		
	Riparian Setback Development Plan		
	In Forest Zones (F1 and F2)		
	Riparian Setback Enhancement Plan		
	In Forest Zones (F1 and F2)		
	Riparian Setback Restoration Plan		
	In Forest Zones (F1 and F2)		
	Wetland Management ORS 215.418	ΦΣ	,430.00
	(a) Wetland Office Verification	œ	70.00
	(b) Wetland Notice to D.S.L		
	• •		
	EFU Farm Dwelling Review	Φī	,000.00
	Temporary Hardship Mobile Home (a) Initial Review	Ф	75.00
	· ·		
	(b) Renewal.		
	Sand and Gravel Plan Review	ΦZ	2,500.00
	Field Investigation/Verification For Conditions of a	ď	100.00
	Permit or Special Use Permit		
	In Forest Zones (F1 and F2)	Þ	400.00
	Application for Verification of Compliance with	o	210.00
	Conditions for a Special Use Permit		
(7)	In Forest Zones (F1 and F2)	Э	650.00
(7)	Chapter 12 - Comprehensive Plan:		
	Plan Amendments (for Chapter 10)	Φ.	, 500.00
	Without an exception		
	With an exception	54	1,495.00
	Eugene/Springfield Metro Plan Amendments		055.00
	Nonrefundable Classification Fee		
	Minor Amendment		1,495.00
(0)	Major Amendment		0,750.00 ACS ³
(8)	Renotification Fee for Failure to Comply With LM 10.0		2,
	or applicant requested rescheduling of hearing date after		250.00
(0)	effectuation of legal notification.		250.00
(9)	Preapplication Conference.	\$	190.00
(10)	Planning and Setback Clearance for:	_	
	Major Chapter 11 permits	\$	230.00+

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⁴ \$230 base fee + \$60 for each additional review component

	Access Review	\$	60.00
	Airport Safety Combining Zone	\$	60.00
	Coastal Combining Zones	\$	60.00
	Greenway Development Permit		
	Legal Lot Determination	\$	60.00
	Minor Chapter 11 permits	\$	75.00
(11)	Review of Lot Line Adjustments	\$	250.00
(12)	Land Use Compatibility Statements		
	Complex	\$	310.00
	Simple	\$	34.00
(13)	Requests for Board Interpretation of LC Chapter 16		
	Pursuant to LC 16.008	\$1	1.030.00
(14)	Annual Subscription For Requested Notice (not subje		
(8) or (9))			
	Requested LC 14.160(1)(b) Notice	\$	130.00
	Requested Notice of Application Acceptance	\$	300.00
(Revised by Oral 12.17.03; 04-2-1	ler No. 01-4-4-6, Effective 7.1.01; 03-4-16-3, 7.1.03; 03-10-15-11, 8-1, 7.1.04; 04-12-1-13, 12.1.04; 05-2-2-7, 7.1.05)	10	0.15.03; 03-12-17-14,

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).
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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		
RCP Maps Microfiche	\$	60.00
CT . IA T INT.		

(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 i	in a single
application, the fee is half the applicable base	fee for each
additional legal lot	

	T 3T (T 100 II)	
	Legal Lot Verification (notice only)	\$ 230.00
	Preliminary Plat-Subdivision	
	D1.4 T'1	\$ 150.00/lot
	Plat Final	
	Partitions Preliminary Approval	
(0)	Partitions Final	\$ 500.00
(3)	Chapter 14 - Appeals:	
	Appeals	
	Planning Director decision to Hearings Official	
	(De Novo)	\$ 290.00
	Planning Director decision to Hearings Official	
	(on the record)	\$1,740.00
	Hearings Official decision to Board of County	01.460.00
	Commissioners (elect to hear) ¹	\$1,160.00
	Hearings Official decision to Board of County	01 = 10 00
	Commissioners (on the record)	\$1,740.00
	Applicant Requested Actions	
	Modify Planning Director Decision	# #00.00
	(other than timeline)	\$ 500.00
	Modify/Reconsider Hearing Official Decision	# 000 00
	(other than timeline)	
	Continuation of Planning Director Hearing	
	Continuation of Hearing Official Hearing	\$ 900.00
	Reconsideration of Application remanded by	
	LUBA, Oregon Court of Appeals or	e 000 00
(4)	Oregon Supreme Court	\$ 900.00
(-)	Variance	\$ 940.00
	Road Dedication	
	Addressing (15.335)	
	Amenity Permit Fee	\$ 130.00
	Amenity Appeal Fee	
(5)	Chapter 10 - Zoning:	Ψ 130.00
(-)	Zoning or Rezoning	\$1.875.00
	Planning or Zoning Intergovernmental Agreements	41,072.00
	Requiring Board Approval	\$1,245.00
	Conditional Use Permit by HO	
	Subdivision sign permit	
	Shoreland Boundary Preliminary Investigation	
	Hazards Checklist	
	Site Investigation Report	
	Special Use Review by PD	
	Special Use Review by PD (with hearing)	
	Special Use Review by HO	
	Sand and Gravel Plan Review	
	Field Investigation/Verification	
	For Conditions of a Permit or	
	Special Use Permit	\$ 185.00
	•	- -

Application for Verification of Compliance with	
Conditions for a Special Use Permit	\$ 310.00
Temporary Hardship Mobile Home	
Initial Review (LC Chapter 11)	\$ 75.00
Renewal	

(6) <u>Chapter 16 - Development Code</u>: 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)	\$1,075,00
Major Amendment	
Minor Amendment/No exception	\$2,500,00
Minor Amendment with exception	
Zoning or Rezoning	
Special Use Approval (HO)	
Special Use Approval (PD)	
In Forest Zones (F1 and F2)	
Nonconforming Use (PD)	
In Forest Zones (F1 and F2)	\$2,150.00
Vested Rights	\$2,150.00
Verification of Lawfully Existing Use (16.290/	,
16.291/16.292) Without Notice	\$ 520.00
Verification of Lawfully Existing Use (16.290/	
16.291/16.292) With Notice	\$1,030.00
Home Occupation Renewal	
In Forest Zones (F1 and F2)	
Shoreland Boundary Preliminary Investigation	
In Forest Zones (F1 and F2)	
Hazards Checklist	
In Forest Zones (F1 and F2)	
Site Investigation Report	
In Forest Zones (F1 and F2)	
Floodplain Management RCP 16.244	
(a) Fill, removal 50 to 500 c.u	\$ 150.00
In Forest Zones (F1 and F2)	\$ 310.00
(b) Fill, removal 501 to 3,000 c.u	\$ 210.00
In Forest Zones (F1 and F2)	\$ 430.00
(c) Fill, removal 3,001 to 30,000 c.u	
In Forest Zones (F1 and F2)	\$ 720.00
(d) Fill, removal 30,001 up	\$ 690.00
In Forest Zones (F1 and F2)	\$1,435.00
· · · · · · · · · · · · · · · · · · ·	

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.

LEGISLATIVE FORMAT 60.851

	(e)	Step-Backwater Analysis		
		In Forest Zones (F1 and F2)		
	(f)	Floodplain Field Verification		
		In Forest Zones (F1 and F2)	\$	520.00
	(g)	Floodplain Office Verification		
		In Forest Zones (F1 and F2)		
	Riparian S	etback Preliminary Investigation	\$	485.00
	In Fo	orest Zones (F1 and F2)	\$1	,000.00
	Riparian S	etback Modification	\$1	,030.00
	In Fo	orest Zones (F1 and F2)	\$2	2,150.00
	Riparian Se	etback Development Plan	\$1	,030.00
	In Fo	orest Zones (F1 and F2)	\$2	2,150.00
		etback Enhancement Plan		
		orest Zones (F1 and F2)		
	Riparian Se	etback Restoration Plan	\$1	,650.00
		orest Zones (F1 and F2)		
	Wetland M	lanagement ORS 215.418		
	(a)	Wetland Office Verification		70.00
	(b)	Wetland Notice to D.S.L	\$	30.00
	EFU Farm	Dwelling Review	\$1	,000.00
		Hardship Mobile Home		
	(a)		\$	75.00
	(b)	Renewal	\$	50.00
	Sand and C	Gravel Plan Review		2,500.00
	Field Inves	tigation/Verification For Conditions of a		
	Perm	it or Special Use Permit	\$	180.00
		In Forest Zones (F1 and F2)		
	Application	n for Verification of Compliance with		
	Cond	litions for a Special Use Permit	\$	310.00
		In Forest Zones (F1 and F2)	\$	650.00
(7)	Chapter 12	- Comprehensive Plan:		
	Plan Amen	dments (for Chapter 10)		
	Without an	exception	\$2	2,500.00
		ception		
		ringfield Metro Plan Amendments		
	Nonrefund	able Classification Fee	\$	275.00
		endment		
	Major Ame	endment	\$1	$0.750.00 \text{ ACS}^3$
(8)	Renotificat	ion Fee for Failure to Comply With LM 10.0)35	5, ´
` ,		t requested rescheduling of hearing date afte		-
		n of legal notification		250.00
(9)		ion Conference		
(10)		nd Setback Clearance for:		
` '		r Chapter 11 permits	\$	230.00+4

³ 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.

At right margin indicates changes Bold indicates material being added Strikethrough indicates material being deleted		LEGISLA FO	RMAT			
60.851 Lane Manual			60.851			
Access Review	\$	60.00				
Airport Safety Combining Zone						
Coastal Combining Zones						
Greenway Development Permit						
Legal Lot Determination						
Minor Chapter 11 permits						
(11) Legal Lot Verification			1			
(121) Review of Lot Line Adjustments			ļ			
(132) Land Use Compatibility Statements	•• •	200.00				
Complex	\$	310.00	·			
Simple						
(143) Requests for Board Interpretation of LC Chapter 16	Ψ	54.00				
Pursuant to LC 16.008	ፍ	1 030 00	i			
(154) Annual Subscription For Requested Notice (not sub		•	850(6) L			
(8) or (9))	COL	io Livi oo.	050(0),			
Requested LC 14.160(1)(b) Notice						