CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Policy Session Worksheet

Presentation Date: 4/3/2018 **Approx. Start Time:** 2:30 pm **Approx. Length:** 60 min

Presentation Title: DTD Fee Modifications, FY 2019 Proposals

Department: Transportation & Development

Presenters: Diedre Landon, Administrative Services Manager, DTD

Other Invitees: Dan Johnson, Director, DTD; Mike McCallister, Planning Director, DTD; Richard Nys, Civil Engineering Supervisor, DTD; Kristine Wallace, Dog Services Manager, DTD; Ray Griffin, County Surveyor, DTD; Ellen Rogalin, Community Relations Specialist, DTD/PGA

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

We are seeking preliminary approval of modifications to the Department of Transportation & Development (DTD) fee schedule to include in Fiscal Year 2018-19 budget proposals.

EXECUTIVE SUMMARY:

This is the annual review of proposed changes to DTD fees and fines for the coming fiscal year. Each year, the Board of County Commissioners sets fees and fines when it adopts the budget for the coming fiscal year. The Board's early review and preliminary approval of proposed fees and fines allows DTD to integrate those proposals into requested budgets submitted to the County Administrator.

DTD is proposing to revise fees for several reasons, including:

- Cover rising actual costs;
- Achieve increased cost recovery, and
- Better capture staffing costs for initial review even if a proposal does not move forward.

DTD is proposing new and revised fees in the following areas:

1. **Land Use Planning (Attachment 1, Page 1):** Adopt a new fee for completion of Land Use Compatibility Statements (LUCS), which takes about one hour to complete. Modify the marijuana land use application fee to remove LUCS so people aren't charged twice for the same service.

2. **Engineering Development Review (Attachment 1, Pages 2-5):** Modify the fee structure for residential and commercial site development permits, driveways and other miscellaneous changes to:
    a. More accurately reflect the average billable cost per hour for staff;
    b. Delete reference to parking spaces (because the work takes staff the same amount of time regardless of whether there are parking spaces), and
    c. Change the description of an existing fee to capture a fee for traffic control plan reviews that are not associated with other engineering permits.

3. **Dog Services (Attachment 1, Page 6):** Increase the fee that outside veterinarians retain for issuing dog licenses on behalf of the county. Currently veterinarians keep $2 of every license they issue. We propose increasing this to $3 per license to encourage expanded and continued participation by veterinarians, and ask them to mail licenses to us once a month.

4. **Surveyor (Attachment 1, Pages 7-8):**
    a. Remove charges for faxes, which we no longer provide.
    b. Update descriptions and include language to support collection of deposits to cover actual costs.

NOTES:

- **Attachment 1 includes the proposed modifications with all fee/fine changes highlighted in yellow and more detail on the rationale for the proposal.**
- **Attachment 2 provides a 10-year adjustment history of each fee proposed for modification. Since only certain fees are modified each year, this table shows the history of when these particular fees were last amended.**

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? ☐ YES ☒ NO (to be included in budgets for FY 2018-19.)

(Fee and fine changes respond to constituent and market forces and demands as well as local, state, or other regulatory changes. Annual adjustments allow departments to keep pace with economic changes.)

STRATEGIC PLAN ALIGNMENT:

- How does this item align with your Department's Strategic Business Plan goals?

This supports the DTD mission to *provide transportation maintenance and construction, land use planning, permitting … to residents, property owners, businesses and the traveling public so they and future generations can experience and invest in a safe, well-designed and livable community***.**

- How does this item align with the County's Performance Clackamas goals?
  This supports the following County goals:
    - *Build a strong infrastructure*
    - *Build public trust through good government*

LEGAL/POLICY REQUIREMENTS: Unless otherwise delegated, the Board of County Commissioners establishes fees and fines as part of the annual budget adoption process.

PUBLIC/GOVERNMENTAL PARTICIPATION: The Budget Committee meets for several days of review and hearings in the spring. Fees and fines are at that point integrated into the Administrator's Proposed Budget and subject to further review. The Board of County Commissioners formally sets the fees and fines at the budget adoption hearing in June.

OPTIONS:

1. Approve the proposed fees and fines for integration into DTD budgets.
2. Provide further direction to DTD regarding proposed fees and fines.

RECOMMENDATION: Staff respectfully recommends approval of Option 1, the approval of the proposed fees and fines for integration into departmental budgets.

ATTACHMENTS:

1. Transportation & Development Proposed Fee Changes for FY 2018-19
2. DTD Fee History Worksheet for FY 2018-19 Modifications

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval _____

County Administrator Approval _____

For information on this issue or copies of attachments, please contact:
Diedre Landon, DTD Administrative Services Manager @ 503-742-4411.

Attachment 1: Transportation Development, Proposed Fee Changes for FY 2018-19

Description	**Authorizing Legislation**	**Current** FEE amount	**Proposed** FEE amount	**Comparables**	**Reason for Change**
Name of fee	*ORS, Code #*	*$*	*$*	*List amounts in other cities/counties.*	*Provide explanation for proposed changes.*
DTD - PLANNING - LAND USE APPLICATIONS					
Marijuana Land Use Application - Type I ~~(includes LUCS)~~	ZDO §1307.15	$1,000	$1,000		Modify description to remove inclusion of the LUCS; LUCS will be charged separately under the new proposed fee, below.
Land Use Compatibility Statement (LUCS)	ZDO §1307.15	NEW	$100	Deschutes County = $92.25; Washington County = $100; City of Portland = $250	New fee. The Land Use Compatibility statement takes an average of an hour to complete, this reflect the average billable cost per hour for staff in this workgroup.

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	Name of fee	*ORS, Code #*	*$*	*$*	*List amounts in other cities/counties.*	*Provide explanation for proposed changes.*
	DTD - ENGINEERING					
1	Residential Subdivision / Partition / Non-Land Use Related Permit & Inspection	Code §1.01.090	$1,274 or 8.83% of improvement costs, whichever is greatest.	$1,600 min. or 8.83% of public & private road improvements, whichever is greater	Washington Co: Varies between 8% and 14% for larger projects; Beaverton: 7.5%-10% depending on size of project	Increase the minimum permit fee to capture rising staff costs over time. Change the fee structure to better capture the differing efforts for reviewing on- and off-site improvements.
	~~Residential Plan Review & Construction Inspection~~					
	~~Up to $10,000 in improvement costs~~	~~Code §1.01.090~~	~~$1,274 min. fee~~	Replace with Residential Fee Structure Above.		**Replace with Residential fee structure (#1) above.**
	~~For $10,000 or more in construction costs~~	~~Code §1.01.090~~	~~8.83% or $1,274 whichever is greatest~~			
2	Commercial, Multifamily & Industrial Permit and Inspection	Code §1.01.090	$1,274 or 8.83% of improvement costs, whichever is greatest.	$1,600 min. or 8.83% of public improvements + 5% of onsite transportation improvements	Washington Co: Varies between 8% and 14% for larger projects	Increase the minimum permit fee to capture rising staff costs over time. The current commercial fee structure includes fees that rely on the number of parking spaces; we are removing parking spaces from the equation, as developments without changes in parking still require the same level of plan review and coordination. Change the fee structure to better capture the differing efforts for reviewing on- and off-site improvements.
	~~Non Structured Parking:~~					
	~~up to eight (8) parking spaces~~	~~Code §1.01.090~~	~~$1,274 min. fee~~	Replace with Commercial Fee Structure Above.		**Replace with Commercial fee structure (#2) above.**
	~~Eight (8) or more spaces~~	~~Code §1.01.090~~	~~$122 per space or $1,274 min. fee whichever is greatest~~			

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	Description	Authorizing Legislation	Current FEE amount	Proposed FEE amount	Comparables	Reason for Change
	Name of fee	*ORS, Code #*	*$*	*$*	*List amounts in other cities/counties.*	*Provide explanation for proposed changes.*
	DTD - ENGINEERING (Continued)					
3	Non DTD public agency work (capital projects) in existing road right-of-way	Code §1.01.090	974; or 8.83% of improvement costs, whichever is greatest.	Actual cost; deposit based upon County estimate		Codify the existing policy to capture a deposit and bill actual costs against capital projects and large utility extensions, allowing us to bill against the deposit to recover the cost of plan review, coordination and inspection.
	~~Development Permit - Work in existing road right-of-way (for work not associated with residential or commercial development project)~~					
	~~Up to $10,000 in improvement costs~~	~~Code §1.01.090~~	~~974; or 8.83% of improvement costs, whichever is~~	Replace with Public Agency Work Fee Structure Above.		**Replace with Public Agency Work fee structure (#3) above.**
	~~For $10,000 or more in improvement costs~~	~~Code §1.01.090~~	~~$0~~			
4	Structured Parking (Fee calculated using the average number of spaces per level, not total spaces in garage.)	Code §1.01.090	$1,274; $122 per number of spaces/level or $1,274 min. fee whichever is greatest	$122 per number of spaces/level or $1,600 min. fee whichever is greatest		Increase the minimum permit fee to capture rising staff costs over time.
	~~Fee assessed on the average number of parking spaces per level~~					
	~~up to eight (8) parking spaces per level~~	~~Code §1.01.090~~	~~$1,274 min. fee~~	Replace with Fee Structure Above.		**Replace with Structured Parking fee structure (#4) above.**
	~~Eight (8) or more spaces per level~~	~~Code §1.01.090~~	~~$122 per space or $1,274 min. fee whichever is greatest~~			

Attachment 1: Transportation Development, Proposed Fee Changes for FY 2018-19

	Description	Authorizing Legislation	Current FEE amount	Proposed FEE amount	Comparables	Reason for Change
	Name of fee	*ORS, Code #*	*$*	*$*	*List amounts in other cities/counties.*	*Provide explanation for proposed changes.*
	DTD - ENGINEERING (Continued)					
	Road right-of-way improvements (not requiring a development permit)					
	Ditches, culverts or drainage	Code §1.01.090	$95	$150	Washington Co: $250; Oregon City: $149	We are increasing the permit fee for road right-of-way improvements. Our cost to process and inspect this work exceeds the current fee. The proposed fee aligns with regional partners.
	Sidewalk installation/repair	Code §1.01.090	$95	$150	Washington Co: $250; Oregon City: $149	
	Minor paving	Code §1.01.090	$95	$150	Washington Co: $250; Oregon City: $149	
5	Driveway resurface/replacement	Code §1.01.090	$95	$150	Washington Co: $450 min	We are proposing a modification of this fee structure to capture the various construction types and differing levels of staff time required with each.
5	Urban Area Subdivision Driveway (New development with sidewalks & curbs within the UGB)	Code §1.01.090	$166	$250		
5	Residential (non-subdivision), Logging, Agricultural Driveway Permit & Inspection, under 150 feet in length	Code §1.01.090	$332	$400	Washington Co: $450 min	
5	Residential (non new subdivision) Permit & Inspection, Over 150 feet in length	Code §1.01.090	$332	$500	Washington Co: $450 min	
	~~Urban unincorporated & Rural Residential Driveway Permit/Inspection~~	~~Code §1.01.090~~	~~$332~~	Eliminate. Covered in fee structure above.		**Eliminate this fee. This is covered in the Driveway fee structure (#5) above.**
	Surface Water and Erosion Control Plan Review ~~(Minor Partition, Subdivision, Partition, Multi-family, Commercial, Industrial)~~	Code §1.01.090	$710	$710		No fee change, change in description only. Simplify the fee table by cleaning up the title of this existing fee.

Attachment 1: Transportation Development, Proposed Fee Changes for FY 2018-19

Description	**Authorizing Legislation**	**Current** FEE amount	**Proposed** FEE amount	**Comparables**	**Reason for Change**
Name of fee	*ORS, Code #*	*$*	*$*	*List amounts in other cities/counties.*	*Provide explanation for proposed changes.*
DTD - ENGINEERING (Continued)					
Revocable Encroachment Permit	Code §1.01.090	$95	$150	Salem = $319	
~~One-lane road closure,~~ Traffic Control Plan Review (if not associated with another Engineering permit)	Code §1.01.090	$95	$200		We are asked to review traffic control plans on complete road closures and events that would not be covered under the existing fee structure. Expand this fee to cover any traffic control plan review not associated with another engineering permit.
Refund, Entrance Permit Application Withdrawn / Denied	Code §1.01.090	NEW	Application or appeal fee refunded less $200		Historically we have refunded the entire fee, despite staff review and research performed.
Permitting work in the right-of-way; work completed by DTD, DTD contractors or railroads.	Code §1.01.090	$0	No fee charged.		Codify that DTD, DTD contractors and railroads are not charged permitting fees for work performed in the right-of-way (road closure, traffic control plan review, etc.).

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Description	**Authorizing Legislation**	**Current** FEE amount	**Proposed** FEE amount	**Comparables**	**Reason for Change**
Name of fee	*ORS, Code #*	*$*	*$*	*List amounts in other cities/counties.*	*Provide explanation for proposed changes.*
DTD - DOG SERVICES					
Outside license sales - veterinarian retention, flat fee per license sale	Code §1.01.090	$2	$3		Increase to $3 to help retain the vets that currently sell the licenses, make it more appealing for the ones that aren't AND to ask the vets all to mail in their licenses each month. (Theory is that the increased fee that they retain will more than compensate them for postage cost).

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Name of fee	*ORS, Code #*	*$*	*$*	*List amounts in other cities/counties.*	*Provide explanation for proposed changes.*
DTD - SURVEYOR					
Affidavit of correction ~~for survey or plat~~	ORS 92.170(6), 110.115(7), 209.255(6)	$75 plus recording fees			No fee change, change in description only.
~~Fax Fees~~	~~ORS 209.070 (3)~~	~~2.5~~			Eliminate fee. We no longer fax files.
~~Cover Sheet~~	~~ORS 209.070 (3)~~	~~0~~			Eliminate fee. We no longer fax files.
~~First Page~~	~~ORS 209.070 (3)~~	~~5~~			Eliminate fee. We no longer fax files.
~~Additional Pages~~	~~ORS 209.070 (3)~~	~~2.5~~			Eliminate fee. We no longer fax files.
~~Record of~~ Property Line Adjustment survey ~~filing fee~~	Code §11.02.020	$450 + $50 per page after first 3 pages	No change.		This is an existing fee that was not shown on the county fee table.
Plat and Street Vacation (collected by Clerk)	ORS 271.230 (2)	$125 plus recording fee			No fee change, change in description only.
~~Hourly Rates~~ Research Fee	Code §1.01.090	Actual cost for all hourly work.	Actual cost; minimum $50.		
Correction amendment to condominium plat	ORS 100.118	Actual cost plus recording fee	Deposit required, actual costs + $400 filing fee		
Supplemental condominium plat review and approval	ORS 100.120	Actual cost plus recording fee	Deposit required, actual costs + $400 filing fee		
Condominium plat ~~amendment~~	ORS 100.116	Actual cost plus recording fee	Deposit required, actual costs + $400 filing fee		Worksheet to calculate deposit based on size of development.
Partition plat	Code §1.01.090	$1,600 deposit, actual costs + $400 filing fee	$1,800 deposit, actual costs + $400 filing fee		This is an existing fee that was not shown on the county fee table. Increase the deposit to reflect staff rate increases over time.
DTD - SURVEYOR (Continued)					

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Description	**Authorizing Legislation**	**Current** FEE amount	**Proposed** FEE amount	**Comparables**	**Reason for Change**
Name of fee	*ORS, Code #*	*$*	*$*	*List amounts in other cities/counties.*	*Provide explanation for proposed changes.*
Subdivision plat	ORS 100.116	Actual cost plus recording fee	Deposit required, actual costs + $400 filing fee		This is an existing fee that was not shown on the county fee table. Worksheet to calculate deposit based on size of development.
Boundary Survey	ORS 209.250	$400	No change.		This is an existing fee that was not shown on the county fee table.

Attachment 2: DTD Fee History Worksheet for FY 2018-19 Modifications

		2010/2011	2011/2012	2012/2013	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019
DTD - PLANNING – Land Use Applications											
Marijuana Land Use Application - Type I ~~(Includes LUCS)~~	ZDO §1307.15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	$900	no change	**no change**
Land Use Compatibility Statement (LUCS)	ZDO §1307.15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	**$100**
DTD - ENGINEERING											
Residential Subdivision / Partition / Non-Land Use Related Permit & Inspection	Code §1.01.090	no change; 8.09%	$937; 8.49%	no change	$974; 8.83%	no change	no change	$1,274; 8.83% of construction cost or $1,274 min. fee whichever is greatest	no change	no change	**$1,600 min. or 8.83% of public & private road improvements, whichever is greater**
Commercial, Multifamily & Industrial Permit and Inspection	Code §1.01.090	$892; $111/space	$937 min. fee; $117/space	no change	$974 min. fee; $122 per space	no change	no change	$1,274; $122 per space or $1,274 min. fee whichever is greatest	no change	no change	**$1,600 min. or 8.83% of public improvements + 5% of onsite transportation improvements**
Non DTD public agency work (capital projects) in existing road right-of-way	Code §1.01.090; ORS §§758.010	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	**Actual cost; deposit based upon County estimate**
Structured Parking: Fee assessed on the average number of parking spaces per level	Code §1.01.090	$892; $111/space	$937 min. fee; $117/space	no change	$974 min. fee; $122 per space	no change	no change	$1,274; $122 per space or $1,274 min. fee whichever is greatest	no change	no change	**$122 per number of spaces/level or $1,600 min. fee whichever is greatest**
Existing road right-of-way improvements:											
ditches, culverts, drainage	Code §1.01.090	$892	$937	no change	$95	no change	no change	no change	no change	no change	**$150**
sidewalk installation/repair		$892	$937	no change	$95	no change	no change	no change	no change	no change	**$150**
minor paving		$892	$937	no change	$95	no change	no change	no change	no change	no change	**$150**
Driveway resurface/replacement		$892	$937	no change	$95	no change	no change	no change	no change	no change	**$150**
Urban Area Subdivision Driveway *(New Development with sidewalks & curbs within the UGB)*	Code §1.01.090	$152	$160	no change	$166	no change	no change	no change	no change	no change	**$250**
Residential (non-subdivision), Logging, Agricultural Driveway Permit & Inspection, under 150 feet in length	Code §1.01.090	$304	$319	no change	$332	no change	no change	no change	no change	no change	**$400**
Residential (non new subdivision) Permit & Inspection, Over 150 feet in length	Code §1.01.090	$304	$319	no change	$332	no change	no change	no change	no change	no change	**$500**
Surface Water & Erosion Control Plan Review	Code §1.01.090	N/A	N/A	N/A	N/A	N/A	N/A	$710	no change	no change	**no change**
Revocable Encroachment Permit	Code §1.01.090	N/A	N/A	N/A	$95	no change	no change	no change	no change	no change	**$150**

Attachment 2: DTD Fee History Worksheet for FY 2018-19 Modifications

		2010/2011	2011/2012	2012/2013	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019
DTD - ENGINEERING (Continued)											
Traffic control plan review	Code §1.01.090; ORS §§758.010	N/A	N/A	N/A	N/A	N/A	N/A	N/A	$95	no change	**$200**
Permitting work in the right-of-way; work completed by DTD, DTD contractors or railroads.	Code §1.01.090	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	**No fee charged.**
DTD - DOG SERVICES											
Outside License Sales - Veterinarian Retention, Flat Fee per License Sale	Code §1.01.090	no change	no change	no change	no change	$2	$2	no change	no change	no change	**$3**
DTD - SURVEYOR											
Affidavit of correction	ORS 92.170(6), 110.115(7), 209.255(6)	$75	no change	no change	no change	no change	no change	no change	no change	no change	**no change**
Fax Fees	Code §1.01.090	$0	no change	no change	no change	no change	no change	no change	no change	no change	**Discontinued**
Cover Sheet		$0	no change	no change	no change	no change	no change	no change	no change	no change	**Discontinued**
First Page		$5	no change	no change	no change	no change	no change	no change	no change	no change	**Discontinued**
Additional Pages		$3	no change	no change	no change	no change	no change	no change	no change	no change	**Discontinued**
Property line adjustment survey	ORS 209.260	$450 plus $50 for each add'l page for page four and above	no change	no change	no change	no change	no change	no change	no change	no change	**no change**
Plat and Street Vacation (collected by Clerk)	ORS 271.230 (2)	$125 plus recording fee	no change	no change	no change	no change	no change	no change	no change	no change	**no change**
Research Fee	Code §1.01.090	Actual Cost	no change	no change	no change	no change	no change	no change	no change	no change	**Actual cost; minimum $50.**
Correction amendment to condominium plat	ORS 100.118	Actual Cost; plus recording fee	no change	no change	no change	no change	no change	no change	no change	no change	**Deposit required, actual costs + $400 filing fee**
Supplemental condominium plat review and approval	ORS 100.120	Actual Cost; plus recording fee	no change	no change	no change	no change	no change	no change	no change	no change	**Deposit required, actual costs + $400 filing fee**
Condominium plat amendment	ORS 100.116	Actual Cost; plus recording fee	no change	no change	no change	no change	no change	no change	no change	no change	**Deposit required, actual costs + $400 filing fee**
Partition plat	Code §1.01.090	$1,600 deposit, actual costs + $400 filing fee	no change	no change	no change	no change	no change	no change	no change	no change	**$1,800 deposit, actual costs + $400 filing fee**
Subdivision plat	ORS 100.116	Actual Cost; plus recording fee	no change	no change	no change	no change	no change	no change	no change	no change	**Deposit required, actual costs + $400 filing fee**
Boundary Survey	ORS 209.250	$400	no change	no change	no change	no change	no change	no change	no change	no change	**No change.**