

Agenda Item No. 18. **Public Hearing:** ZTA-2009-017, Fees. Amend and renumber Sec. 35.0 (to 35.1) , Fees; amend, renumber and rename Sec. 35.1 (to 35.2), Fee reduction: and, add Sec. 35.3, Fee refunds, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend and reorganize the Zoning Ordinance's fee regulations and increase existing fees, impose new fees and change, but not necessarily increase other fees for listed applications, permits, reviews, approvals, inspections and other services provided by the County in the administration of Chapter 18.

Sec. 35.0 would be renumbered Sec. 35.1, Fees, and would be amended as follows:

| Application – Current Fee | Application – Proposed Fee Not to Exceed |
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| Zoning text amendments: \$840 | Zoning text amendments: \$1000 |
| Zoning map amendments 1. For planned developments - under 50 acres - \$1020 2. For planned developments - 50 or more acres - \$1570 3. For all other zoning map amendments - under 50 acres - \$1020 4. For all other zoning map amendments - 50 or more acres - \$1570 5. Minor amendment to a zoning map amendment - \$220 6. Deferral of action to a specific date - \$35 7. Deferral of action indefinitely - \$75 | Zoning map amendments 1. Less than 50 acres; application and first resubmission: \$2500 2. Less than 50 acres; each additional resubmission: \$1250 3. 50 acres or greater; application and first resubmission: \$3500 4. 50 acres or greater; each additional resubmission: \$1750 5. Deferral of scheduled public hearing at applicant's request: \$180 |
| Special use permits: 1. Rural area division for the purpose of "family division" where all original 1980 development rights have been exhausted under "family division" - \$220 2. Rural area divisions - \$1240 3. Commercial use - \$980 4. Industrial use - \$1020 5. Private club/recreational facility - \$1020 6. Mobile home park or subdivision - \$980 7. Public utilities - \$1020 8. Grade/fill in the flood plain - \$870 9. Minor amendment to valid special use permit or a special use permit to allow minor expansion of a non-conforming use - \$110 10. Extending special use permits - \$70 11. Home Occupation-Class A - \$13 Home Occupation-Class B - \$440 12. For day care centers - six (6) to nine (9) children - \$490 13. For day care centers - ten (10) or more children - \$980 14. All other uses except signs - \$980 15. Deferral of action to a specific date - \$35 16. Deferral of action indefinitely - \$75 | Special use permits: 1. Additional lots under section 10.5.2, public utilities, day care center, home occupation class B, to amend existing special use permit, or to extend existing special use permit; application and first resubmission: \$1000 2. Additional lots under section 10.5.2, public utilities, day care center, home occupation class B, to amend existing special use permit, or to extend existing special use permit; each additional resubmission: \$500 3. All other special use permits; application and first resubmission: \$2000 4. All other special use permits; each additional resubmission: \$1000 5. Deferral of scheduled public hearing at applicant's request: \$180 6. Signs reviewed by the board of zoning appeals: See subsection 35.1(f) |
| Site plans Preliminary site development plan: 1. Residential - \$1,190, plus \$13.00/unit. 2. Non-residential - \$1,580, plus \$13.00/1000 square feet. Final site development plan: 1. Approved administratively - \$410 2. If reviewed by the commission before approval of preliminary site development plan - \$1,130 3. If reviewed by the commission after approval of the preliminary site development plan - \$790 4. For site development plan waiver - \$270 5. For site development plan amendment: a) Minor - alterations to parking, circulation, building size, location - \$95 b) Major - commission review - \$270 6. Review of site development plan by the architectural review board - \$200 7. Appeal of site development plan to the board of supervisors - \$240 8. Rehearing of site development plan by commission or board of supervisors - \$190 9. Rejection by agent of incomplete site development plan: a) Rejected within ten days - \$200 b) Suspended after site plan review - site plan fee shall not be refunded. \$65 fee shall be required to reinstate project. Other 1. Extension of approval of site plan - \$45 2. Deferral of action to a specific date - \$35 3. Deferral of action indefinitely - \$75 4. Bond inspection for site plan, each inspection after the first bond estimate - \$60 | Site plans 1. Preliminary site plans; administrative review: \$1200 plus \$15 per dwelling unit and \$0.015 per square foot of nonresidential structure 2. Preliminary site plans; planning commission review: \$1800 plus \$15 per dwelling unit and \$0.015 per square foot of nonresidential structure 3. Final site plans; administrative review: \$1500 4. Final site plans; planning commission review: \$2000 5. Waiver of drawing of site plan under section 32.2: \$1500 6. Site plan amendments under section 32.3.8 ¶2 (minor): \$500 7. All other site plan amendments (major): \$1500 8. Appeals to the board of supervisors under section 32.4.2.7: \$240 9. Reinstatement of review under section 32.4.2.1: \$240 10. Reinstatement of review under section 32.4.2.4: \$80 11. Extension of period of validity: \$475 12. Inspections pertaining to secured site plan improvements; per inspection: \$280 13. Deferral of scheduled public meeting at applicant's request: \$180 |
| Matters considered by the Board of Zoning Appeals 1. Variances: \$120 2. Appeals: \$120 3. Special use permits for signs under section 4.15.5: \$120 | Matters considered by the Board of Zoning Appeals 1. Variances: \$500 2. Appeals: \$240 3. Special use permits for signs under section 4.15.5: \$500 |
| Matters considered by the Architectural Review Board None | Matters considered by the Architectural Review Board 1. For a site plan; per review by the ARB: \$1000 (new) 2. For a building permit; per review by the ARB: \$590 (new) 3. Amendment to approved certificate of appropriateness: \$225 (new) |
| Matters considered by the zoning administrator or others 1. Official determinations regarding compliance - \$75 2. Official determinations regarding development rights - \$40 3. All other official determinations - \$75 4. Zoning clearance for tourist lodging - \$35 5. Zoning clearance for home occupation, class A: none 6. All other zoning clearances - \$35 7. Sign permits; no ARB review required - \$35 8. Sign permits; ARB review required - \$75 | Matters considered by the zoning administrator or others 1. Official determinations regarding compliance: \$185 2. Official determinations regarding development rights: \$100 3. All other official determinations: \$100 4. Zoning clearance for tourist lodging: \$100 5. Zoning clearance for home occupation, class A: \$25 (new) 6. Zoning clearance for temporary fundraising activities: No fee 6. All other zoning clearances: \$50 7. Sign permits under section 4.15.4; no ARB review required: \$25 8. Sign permits under section 4.15.4; ARB review required: \$120 |
| Groundwater assessments 1. Tier 1 assessment under section 17-401 - \$50 2. Tier 3 assessment under section 17-403 - \$400 plus \$25 per lot 3. Tier 4 assessment under section 17-404 - \$1000 | Groundwater assessments 1. Tier 1 assessment under section 17-401: \$50 2. Tier 3 assessment under section 17-403: \$510 3. Tier 4 assessment under section 17-404: \$1100 |
| Miscellaneous 1. Change in name of development - \$25 2. Change in name of road - \$20 3. Relief from condition of approval from commission or landscape waiver by agent - \$180 4. Tier II personal wireless service facilities - \$790 | Miscellaneous 1. Change in name of development or change in name of street: \$80 2. Relief from conditions of approval; modification or waiver of requirements: \$425 3. Tier II personal wireless service facilities: \$1820 |
| Notice | Notice |

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| The actual costs of any notice, to the extent that the cost exceeds the applicable fee | <ol style="list-style-type: none">1. Preparing and mailing or delivering up to fifty (50) notices: \$200 plus the actual cost of first class postage (new)2. Preparing and mailing or delivering, per notice more than fifty (50): \$1 plus the actual cost of first class postage (new)3. Published notice: actual cost (new) |
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Sec. 35.1 would be renumbered Sec. 35.2 and its heading would be changed from "Fee reduction" to "Calculation of fees in special circumstances" and current regulations for calculating fees where applications for multiple related approvals are required for a project would be restated and clarified.

Sec. 35.3 would be added to include what is currently in Sec. 35.1(c) to provide that an application fee shall be refunded if, after the fee is received, it is determined that the application for which the fee was received is not required.

The proposed fees and fee increases are authorized by Virginia Code §§ 15.2-2241(9) and 15.2-2286(A)(6).

(Advertised in the Daily Progress on November 16 and November 23, 2009)

Mr. Mark Graham, Director of Community Development, made the presentation. He said a fee study was done by Community Development in 2007. The Board reviewed that study in December, 2007 and three objectives were set for fees: 1) the fees should be comparable to those in other localities, 2) the fees should attempt to recover a significant portion of the cost of services, and, 3) a policy should be established to regularly update the fees. With respect to Zoning Ordinance fees, in August, 2009 the Board had a work session and directed staff to bring the proposed fees before the Planning Commission for consideration. In November, 2009 the Commission held a public hearing and recommended zoning fees as presented by staff with three changes: 1) include the Class B-Home Occupation permit in the lower special use permit fee category; 2) no fee should be charged for temporary fundraising events; and, 3) the effective date of the fee change should be delayed until July 1, 2010.

Mr. Graham said in the way of a summary about the zoning fees, staff looked at reducing the fee categories for special use permits and zoning map amendments into two categories. They set the fee to recover the costs associated with the numerous resubmissions of those applications so as not to punish those applicants who quickly resolve their issues; to recover the cost of required notification and legal notices - similar to what was done with the notices related to the Subdivision Ordinance; it was recognized that appeals need a different perspective on the recovery of costs and that there was a due process issue involved so and there should not be the same perspective on the recovery of costs for appeals; the fees recommended in the Fee Study were used when they were comparable to other localities or the fee change was relatively small; consideration of future ordinance amendments should include a cost of service so fees are current with whatever service changes made; and, the ordinance should provide for a biennial review of fees.

Mr. Graham said he would explain the Planning Commission's recommendations. The first had to do with Home Occupations. There are two classes of these permits. The first is a Class A - it is an administrative permit. The overwhelming number of applications in 2008 was for this permit - there 258 such applications. The current fee is \$13 and the proposed fee is \$25 which would provide for full cost recovery. It is a totally administrative permit - most can be issued "on the spot."

Mr. Graham said the Home Occupation-Class B is a use by special use permit so it requires a public hearing before the Planning Commission and the Board. The current fee was \$444 and the fee study recommendation came back at \$5,300. Initially, the staff's recommendation was \$2,000 with \$1,000 for resubmissions. That was in the higher of the two zoning fee classifications for special use permits. The Commission revised that to \$1,000 for the initial submission and \$500 for each resubmission.

Mr. Graham noted that temporary fundraising events are now in the ordinance under Sec. G, No. 5, Zoning Clearances for Temporary Fundraising Activity. There is no fee associated with them; staff had no concern with that change. The final change by the Planning Commission was the effective date. They recommended July 1, 2010, as the effective date of the ordinance. Staff needs a minimum of 45 days from adoption to modify forms, notify the public, and make sure the process goes smoothly. The earliest date staff could recommend would be February 1, 2010. He said staff supports the Commission's delayed implementation believing it is a reasonable accommodation. However, it needs to be understood that the estimated revenue difference for the February to July timeframe would be \$75,000.

Mr. Graham said he would like to focus on efficiency for a moment. There have been some recent editorials saying staff should focus on efficiency first. He said that has been done through two processes - first was the Development Review Task Force which was charged in March, 2006 making its priority recommendations in May, 2007. Staff reviewed those recommendations with the Board in February, 2008 as part of its annual work program. At that time it was noted that nine of the 12 priorities had been implemented, two were partially completed and one had not started (looking at expanding the notice area, which would actually increase costs).

Mr. Graham said the County completed a Resource Utilization Study; it started in July, 2008 with recommendations presented to the Board in February, 2009. In the November, 2009 Quarterly Report of the Community Development Department, it is indicated that seven of the nine recommendations related to the Community Development Department have been completed. One is ongoing and the other is in process - that has to do with the project management for Crozet Master Plan update and keeping timesheets. That will be reported to the Board as that master plan review is completed. He thinks the Department has done what the Board expected it to do to insure that an efficient operation is maintained.

Mr. Graham said he recommends that the Board adopt ZTA-2009-017 as recommended by the Planning Commission with its effective date being July 1, 2010, and that the Zoning Ordinance be subject to a biennial review using the County's merit increase as a basis for adjustment – which is the same as what was done previously with fees in other ordinances. He then offered to answer questions.

Mr. Boyd asked if as part of the review process, they looked at ways of reducing the cost of processing applications. He knows the idea was to recover 50 percent of the cost, but why is the cost to process so high? Mr. Graham said they looked at it in terms of having gone through the DRTF and the Resource Utilization Study. It is his opinion that if costs are to be lowered the requirements in the applications need to be revised too. It is not about efficiency anymore – it is about what the County is looking for with a completed application.

Mr. Boyd said the DRTF didn't really look at cost, only the review process. He thinks that is pertinent now given the current economic situation.

Mr. Rooker said the development review process was to focus on increased public participation. That was the charge brought forward and recommended by Mr. Boyd. There are few ways public participation can be increased without increasing cost also. Having an additional hearing to allow more people to weigh in on a topic will increase the cost of the staff time, etc. associated with preparation for that meeting, with the notices, and with public advertisements where it's appropriate. These were things the DRTF made recommendations on that would not lower costs, but would increase costs.

Mr. Boyd said that is the way it turned out, but that was not the charge to the group. The makeup of the committee and its discussion changed, that is the way it turned out. That was not his intent, but because of the public participation in the process it led the DRTF in a different direction.

Mr. Rooker encouraged Mr. Boyd to re-read the minutes on this, because the whole idea of doing it was his. He thought it was a good idea, but he can assure Mr. Boyd that in the initial minutes when he brought this up, he brought up improved public participation as a part of it. That was in the initial discussion that Mr. Boyd brought forward to the Board. He had two things: one, making the process more efficient; and second, improving and increasing public participation – and a part of that came about as a result of all the things that were going on at Glenmore at the time. He thinks what the committee recommended is good, and staff took charges and made a recommendation about the fees and the Board supported going forward with their recommendations.

Mr. Boyd said the committee recommendations were changed by the Planning Commission in its review. He would like to "dust off" that report and bring back the original thoughts – he also needs to look at the minutes. He suggested not voting on this until the Board had looked at two things – the cost of doing business and readdressing some of those issues. He was surprised to read that seven of the nine recommendations had already been implemented. He knows that other things were discussed that never made it forward as a recommendation.

Ms. Mallek said there were a lot of things in the matrix the Board saw which did not make it to the top tier, they were left at the committee level rather than bringing 39 things forward which would not have had as much acceptance from the Board at that time. She thinks a thorough study was made of the fees and the recommendations are far lower in a recovery percentage than many citizens in her district want. They're really tired of paying all the costs for somebody else to do development. She said staff had been "pitching this" more at the 50 percent level. She asked if that was correct. Mr. Tucker responded that the Board has historically approved 50 percent being borne by the applicant and the other 50 percent by the citizens because of Comprehensive Plan amendments and other planning work by staff.

Ms. Mallek said there is a public benefit from getting a good product rather than "just sitting back" and letting everybody do what they want.

Mr. Dorrier said the complaint he has heard most is that the process is extremely slow. If the fees charged are going to be increased, the process must be efficient. Mr. Tucker agreed, but emphasized that staff is moving through the process as fast as they can given existing ordinances and regulations. They can't just bypass regulations that this Board has adopted. If the Board wants to make the process more efficient, those ordinances and regulations must be looked at and perhaps some of them eliminated. That would be a Board decision. Staff is not "dragging their feet" – there are a lot of regulations and checklists they must go through.

Mr. Dorrier said it takes about nine months to get a special use permit through the process.

Ms. Mallek said she maintains that some of that time is when the work is in the hands of the applicant. There are very rigid timeframes that staff has to adhere to when they have an application in hand. When it goes back to the applicant for the next round, the applicant can "sit on it" for years if he so desires. Mr. Tucker suggested the Board members take time to come in and sit down with a staff member and go through a site plan review using the checklist staff has to adhere to – this checklist is taken directly from sections of the Subdivision and Zoning ordinances. Then the Board members might be able to identify why particular things are being done.

Ms. Thomas when staff went through the cost comparison against other communities and it showed that Albemarle's costs might be a little higher because of public participation. She thinks this fee

issue is fascinating for someone sitting and watching the governmental process – it gets at basic questions of how much is a public responsibility and how much is a private responsibility. This is a legitimate look at where public and private interests lay. The other issue is the amount of public participation wanted in the process. The Board has erred on the side of having a lot of public participation opportunities. She thinks that if the amount of public participation were reduced it would be at the peril of the County. This is a community that cares about how things get developed, cares about that Class B-Home Occupation's impact on the neighborhood and would want to have the ability to comment on that request. The process says they have that ability, therefore it costs more. She said a dictatorship is always cheaper, but she does not think that's the direction this community wants to go in.

Mr. Boyd said the Board has not gone through a case-by-case review to say that \$5,000 is the appropriate cost to get a Class B-Home Occupation special use permit approved. Should the cost be split 50/50 or should it be 80/20? He does not understand what staff would do for \$5,000 to approve a Class B-Home Occupation (unless there are a lot of notices to be mailed, a lot of meetings with neighborhoods, a lot of Planning Commission meetings). It certainly shouldn't take a planner that long to look at the impacts - that's the process the Board has not been through. The DRTF did not do that.

Mr. Slutzky said Mr. Boyd had just identified the litany of public goods that are built into the process to protect the community. Planning Commission meetings require a lot of staff preparation time, and there are advertising and notice elements, which Mr. Boyd has supported, is required to engage the community so that when the Board approves a permit for a home office in a rural area or a neighborhood that would be impacted, the public knows about it. That is good public purpose. The time the planner takes to review that application is just a small portion of staff time.

Mr. Slutzky said the Board has been looking at this cost analysis for over two years, and that information has been presented to it. He knows Mr. Boyd is currently engaged in other good purposes, so it might be harder for him to spend the time needed to dig into the Board packet than it has been in the past. He said the Board has had the opportunity numerous times for the staff to articulate the process steps and the approximate allocation of the costs. He thinks there is a general understanding about that, and he does not believe Mr. Boyd doubts that is what it costs.

Mr. Slutzky said the bigger question is how the Board wants to allocate that cost burden. Does it want to a) reduce the level of community participations; b) reduce the stringency of requirements which may have the undesirable outcome of having "lousy" developments occur; or, c) keep the standards tough and decide to allocate that cost burden one of two ways? Does the Board want to a) put it on the applicant in which case there will be a chilling effect on people doing home occupations, or b) allocate those costs on the taxpayers and acknowledge that it is a public good that drives the more stringent standards the County has chosen to adopt? In that case there is the public benefit, so the public should pay for it, in which case Community Development staff would be funded through taxpayer dollars instead of burdening the home applicant. Those are the kinds of trade-offs the Board must decide.

Mr. Slutzky said Mr. Boyd, over the past couple of years, has been exposed to the approximate allocations. He is not sure that studying that more would change the deliberation the Board has had which is how to allocate this public good. Does the Board want to have a chilling effect or raise taxes to do it, or raise fees to do it? That is what is in front of the Board today.

Mr. Boyd said he has looked at the material in the packet, and he recalls the discussions the Board has had over the past two years. It has come to his attention recently that the Board never looked at the cost side. He thinks it was assumed that it cost \$5,000 so is 50 percent charged to the general public and 50 percent to the developer, or does the developer pay 100 percent? What do other people charge? He does not believe the cost has ever been looked at.

Mr. Slutzky said Mr. Graham presented the results of the analysis that gave rise to the recommendations to the Board. He asked if that was correct.

Ms. Mallek said there was an outside report. Mr. Graham said an outside consultant presented the fee study. They looked at the cost of every application processed. Using the home occupation as an example, there are definitions for both a Class "A" and a Class "B". A request for a Class A permit is an administrative procedure – it is a simple checklist and staff can review that application for \$25 and get full cost recovery and process the permit. For a Class B application, which is a special use permit, request, the public notification is dramatically increased and that impacts the planner's time. It is easy to review a plan to see if it meets certain criteria, but it is balancing issues with the public that takes the time.

Mr. Boyd asked if the Board had discussed whether there is still a need for all those extra steps for a Class B permit just because there would be two employees instead of one. Mr. Graham said that going back to the Department's 2009 work program, one of the items in that program was to look at the Class B-Home Occupation permit to see if some of those permits should actually be changed to a Class A-Home Occupation subject to supplemental regulations so they could be handled administratively; that work was pushed "to the back burner" along with work on wayside stand provisions and other things. It is still on the work plan as an item to be worked on when possible.

Mr. Rooker noted that the information shown on the screen shows that in 2008 there were 258 applications under Class A at a cost of \$13; under Class B there were three applications. He said that "what we've got here is a mountain and a molehill situation."

Mr. Boyd said he thinks a lot of those 258 were actually Class B requests which were brought in under a different mechanism.

Mr. Rooker said that 90 percent of the applications have been Class A applications where the fee was \$13. Proposed for the Class B permit is a fee of \$1,000 and that is not full recovery. He said comparisons were made with other localities; Albemarle's fees are comparable with those being charged by others. ATTA came before the Board during budget sessions and urged that the County get recovery levels from development activity so the burden would not be placed on taxpayers. It can't be both ways. At one point, the Resource Utilization Study recommended that higher recovery levels be implemented for development activities. That recommendation is not being done with this proposed ordinance change. Implementation of that recommendation would help to maintain a lower tax base in the County. He thinks this is absolutely a minimal step to implement some kind of fair allocation of the costs of development between the community – which falls on taxes – and the developer.

Ms. Thomas said Mr. Boyd raised one legitimate question. Why does it cost so much to do certain things? She noted a chart (Attachment B to an earlier report, a copy of which is with the Board's materials for this meeting) which notes what it costs to do certain activities. For anything that appeared to be too expensive (such as Home Occupation-Class B), the Board had actually asked staff to determine if there were a different way of doing it. That process has not been finished, partly because the department is low on staff. She thinks that is a legitimate thing for the Board to look at and say "if it costs \$3,700 to do a certain thing, is there something that should be changed in the County's regulations?" She does not think today is the day to say "we are not going to do this fee recovery." Those are the sorts of things staff can be asked to look at if anything seems to be unreasonable. She thinks it is reasonable to question why certain activities are so expensive.

Mr. Boyd said he appreciates Ms. Thomas pointing this out, but it does not tell him why a particular thing costs the fee that is recommended. At one time the Board discussed whether the County would accept an engineer's certification of a plan as opposed to doing quality assurance and using the County Engineer and the process the County goes through.

Ms. Thomas said that is a good example because the County tried that. Mr. Graham said it was tried and it failed.

Mr. Boyd asked if the problem was that nobody wanted to submit plans that way. Mr. Graham said there is a very detailed checklist which must be adhered to, but staff found that a couple of developers started using it, but then stopped and tried submitting their plans without completing all of the items on the checklist. That idea had to be abandoned.

Mr. Rooker said a lot of time is spent by County staff going back and forth with applicants who don't properly complete an application. The Board had talked about those applicants basically using County Engineering staff to complete their application for them. That is going on now.

Mr. Boyd said he realizes that, and that is the type of stuff he would like to see stopped. The application should simply be turned back to the applicant until it is done right. The County has taken on doing that quality assurance for them –the expense was not reduced because staff let them dictate that it was something the County had to do. He would support not assuming that cost.

Ms. Mallek asked if Mr. Boyd was saying to not accept the application until it was right.

Mr. Rooker said the reality is that the County has the ultimate responsibility for making certain an application is properly filed, the site plan is properly filed, and that requirements are met. Staff has to obtain the assurance of a certified professional that it is done right because if it fails, it ultimately comes back on the County. In cases where they have to keep going back and forth, no staff time is saved because they keep having to check the work that is sometimes not properly done and return it and receive it again and check it again.

Mr. Boyd said he does not know how to simply say that certain things have to be done and certified before submitting the application; if there is not a certification that all things have been done the County will not accept the application.

Mr. Slutzky said the County cannot just reject an application; it has to say where it is defective. At this time, staff time is used to determine the defect and to articulate what it was, so it is back to putting a bind on staff time. The challenge is that Albemarle County has chosen to have a fairly tough standard for approving development activities. It is largely driven by a desire to have quality urban development versus haphazard urban development.

Mr. Boyd said Mr. Slutzky can't use haphazard urban development as what he is talking about.

Mr. Slutzky said he is not suggesting that is what Mr. Boyd is advocating. His point is that the Board, including Mr. Boyd, chose to have quality standards for development activity in the County. For that intention to be expressed and processed, it requires a longer checklist with more particularity. There is a cost associated with carrying out the County's good public purpose. The issue before the Board now should be, and is, how should that cost be allocated? Does the Board want to recognize that some percent of that cost is a benefit to the public and should be paid for by taxpayers? How much of that cost does it want to allocate to the public because they get some benefit from it also?

Mr. Slutzky said he will say that because the County has a tougher standard, it is more tilted toward the public good than it is toward the developer community. He is comfortable with having the taxpayer pick up some of the cost of good quality development. There are a lot "of us" who don't seem to want to have sufficient tax revenues to fund the staffing needed to fulfill that mission. One of the solutions the Board came up with was to push some of that burden back on the applicant community, but it can't be both ways. The Board, as a body, has to decide how to allocate the cost burden of its decision to have quality development.

Mr. Slutzky said it could be argued that a Board member might not "be on board" with having this quality development and would rather look for opportunities to soften the standards of development. That is a separate issue and may be something the Board would chose to do in the future. Right now, the Board has agreed on these standards and what is in front of it today is how to allocate those costs. Staff's recommendation is to split the difference. It is arbitrary in some ways, but seems to staff and several Board members to be a reasonable choice, and he thinks that is what the Board should consider.

Mr. Rooker said the advertised fees are lower than what was recommended by the experts who came in and looked at this question. They recommended that more of the costs be allocated to the activities that generate those costs. He said Hollymead Town Center is a good example. What was the cost of the County having implemented more stringent stormwater requirements elsewhere in the County as a result of the mistakes that were made there? What kinds of certifications, or inspections, are needed to assure that does not occur again? He will suggest that most of the time when there are complaints by large numbers of people, it has to do with standards that are not high enough or standards put in place but not enforced.

Mr. Slutzky said Mr. Boyd has advocated wisely on behalf of active participation by the public in some of these issues. He thinks he is right to make that case, but there is a cost, so the Board still has to decide how to allocate that cost.

Mr. Boyd said Mr. Slutzky keeps bringing the conversation back to the "allocation of costs" thing, so Mr. Slutzky is missing the point he has been trying to talk about for the last six months or so. He is interested in reducing the cost of everything the government does. That is all he is looking at. He is not sure the Board has taken a hard look at that. He said Mr. Slutzky is saying that services will have to be given up in order to reduce costs. That has been the mantra of the majority of the Board members all along – if the Board reduces the tax rate or does not raise the tax, it has to give up some services, and he is not convinced of that yet.

Mr. Slutzky said Mr. Boyd suggests he would like to reduce the costs and there are ways to do that. The standards can be loosened up – there can be less scrutiny, less vigilance and/or less public participation in the process of development. As far as he can tell those are the only ways to reduce the costs.

Mr. Boyd said he is not convinced those are the only ways to reduce costs.

Mr. Slutzky asked for other suggestions.

Mr. Boyd said the Board needs to take time to analyze these individual numbers – why does it cost \$5,000 to do a Class B thing? If \$4,000 of that is in notices that must be sent to the public, then he might say that is an expense the Board wants to do because there is no way around that.

Mr. Rooker said the DRTF had a broad charge, and there was nothing that prevented it from looking into specific line items they thought cost too much internally and should be changed somehow. There's nothing that prevents the DRTF from going there now if it wants to go there. There's nothing that prevents any individual Board member from sitting down with Mr. Graham and saying "I'd like to understand better exactly what needs to be done for a site plan, what the steps are, and why it costs \$2,800, or whatever the cost is, to process a site plan." He said Mr. Boyd is not stopped from doing that.

Mr. Boyd said he thinks that is a waste of his time if he's the only one person doing it. It wastes staff time and his time.

Ms. Mallek responded that somebody has to take the lead and dig around.

Mr. Rooker reiterated that the DRTF made specific recommendations and Mr. Boyd saw the status of those recommendations. If Mr. Boyd thinks the cost of processing a site plan is too high, he has no problem with Mr. Boyd meeting with staff and reporting back to the Board. He sat down with staff at one time and where there were 16 steps involved in a process and he thought three of those steps could be eliminated, he told staff what he thought the result would be. He said Mr. Boyd can make that inquiry, and report back to the Board. He said the DRTF had a broad charge and could look into specific line items if it wanted to. There was also the Resource Utilization Study which every member of this Board supported. He has always been in favor of having third parties come in and look at what the County is doing to see whether or not there are ways to do things more efficiently and more cost effective. He thinks the County should continue to do that.

Mr. Rooker said one reason to compare Albemarle County to other localities is that it highlights whether it is out-of-line in some areas. He said that has been done, and it did not show that Albemarle

was out-of-line with other counties. The DRTF made recommendations which were adopted, the Resource Utilization Study said more costs should be allocated to applicants, and this matter has been ongoing for two years. In that interim period substantial revenues have been lost through fees which have not been increased for 20 years. His suggestion is that the Board goes forward with these amended fees.

Mr. Boyd said that is going to happen anyway.

Mr. Slutzky said whether it should happen is a separate question. If it is Mr. Boyd's opinion that it should not happen because he has not had the time to study it and identify any suggested improvements. It is not like in the last two years he has not had that opportunity. It is not fair for Mr. Boyd to suggest that there is "fat" in the County's operation that he can be cut out of reduce the cost of, but he does not have any particular items to present for Board consideration.

Mr. Boyd said there were a lot of ideas in the DRTF work sessions that were killed by that Task Force which could have cut costs.

Mr. Rooker said it was Mr. Boyd's Task Force.

Mr. Boyd said he did not have the only vote.

Mr. Rooker said there were people from the Darden School on that Task Force.

Mr. Boyd said that person was the facilitator.

Ms. Mallek said there planners as members.

Mr. Rooker said there were also builders on the Task Force.

Mr. Tucker said the recommendation of the Planning Commission is not to make this effective until July 1, 2010, so there would be an additional opportunity to take some of these areas and study them further before the ordinance went into effect. He said the Board might also extend the time period before the effective date. That would give those Board members who think a couple of these areas should be focused on to determine if they are unreasonable.

Mr. Boyd asked Mr. Davis if the Board could bring back some of these issues for discussion if the Board votes on this ordinance today. Mr. Davis said it would require that a resolution of intent be adopted sending it back to the Planning Commission and then back to the Board for a public hearing for those things that might be changed.

Mr. Boyd asked if there were a timeframe on that. Mr. Davis said "no." If this ordinance is adopted today and then in January the Board wanted to reexamine certain fees, the Board could adopt a resolution of intent at that time. That would send it to the Planning Commission for a public hearing and then to the Board for a public hearing. At that time, the Board could amend anything that had been amended by this ordinance.

Mr. Tucker asked Mr. Boyd if he was asking about just extending the effective date.

Mr. Boyd said he was not asking about extending the effective date. He would not propose that.

Mr. Rooker asked if the Board was going to hold the public hearing on this ordinance amendment. He said the meeting is running far behind schedule; the Board is supposed to be meeting with the School Board in just ten minutes.

Mr. Slutzky said he will open the public hearing at this time.

Mr. Jay Willard of the Blue Ridge Homebuilders' Association addressed the Board. He thinks this has been a fascinating discussion of all the issues involved in this amendment. He said the fees the Board is about to decide on reflect only 50 percent of what is considered as the cost. They appreciate the 50:50 split in how the fees are allocated, but when you see something that says a particular task costs \$3,500 in this ordinance that really means it costs \$7,000. A lot of the cost is driven by the staff time required to go through all of the reviews.

Mr. Willard said he will give two examples of how to think about a different metric in terms of the actual number of staff hours required. One item listed at \$3,500 is review of 50 acres or greater for a Zoning Map Amendment, which means the assumption is that it costs \$7,000. He does not know the fully burdened FTE cost of a County staff person, but if it were (\$70,000 a year), that cost suggests that one-tenth of a whole year's worth of work gets allocated to this task. It is not one tenth of one person's time, but one-tenth of an FTE is 160 to 200 hours of time. He asked if that sounds like a reasonable amount of collective, scattered around staff time to do this review. If that seems reasonable, then the Board would approve this as a reasonable fee. If it raises questions as to why it takes 200 hours of somebody's time to review a zoning map amendment, that might suggest there are changes needed in the ordinance or changes in procedures that could streamline the process.

Mr. Willard said there is another example; waiver of the drawing of a site plan is \$1,500. That is

\$3,000 of costs and is the equivalent of 75 hours of staff time. Is that a reasonable responsibility? He does not think those things suggest lowering the public protection in the process or lowering the standards, it simply asked if there are ways to look at the ordinances, the procedures, and how these things are done to make the best use of staff time and then to deliver the best product to the community.

Mr. Jack Marshall said he was present to speak on behalf of ASAP (Advocates for a Sustainable Albemarle Population). He said they urge the Board to adopt a fee schedule that in most cases provides for closer to 100 percent, not 50 percent, of cost recovery paid by those who stand to profit from the applications. They suggest two exceptions – 50 percent or less of cost recovery for applications for family subdivisions and the same for applications for affordable housing units. Like other localities, Albemarle has traditionally allowed developers and builders to avoid paying for many of the real costs of new residential units. This has been done by hoisting some of the actual expenses onto taxpayers, or dismissing the costs altogether as in the case of the ecological impacts of growth.

Mr. Marshall said the most obvious instance of dodging the real costs of development is the necessity to expand the community's infrastructure to meet the needs of people who will fill these new houses built for private profit. Modest proffers don't go far to construct new schools, or to expand police or firefighting services. When ordinary taxpayers subsidize this growth, the delusion can be maintained that growth pays for itself, but this simply is not true, and countless studies around the country have demonstrated this fact. The issue of zoning fees is another instance where developers and builders are passing onto other the real costs of their business. Over the years, the community has evolved thoughtful standards for proposing the construction of new housing. A competent staff has been established to insure that the application process is followed and the regulations enforced, but "this isn't a free lunch."

Mr. Marshall said if applicants are not required to pick up virtually all the costs of the application process, either or both of two things occur – ordinary taxpayers will get "stuck with some of the tab." Those who live here now will be taxed to subsidize these application fees, effectively padding the profits of those who seek the applications in the first place. It would be unconscionable if today's scarce tax revenues were used to subsidize developers, even as schools are put on short rations and other essential County services curtailed. The risk of not requiring all or nearly all of 100 percent cost recovery from those who benefit from the application process is that there may be pressure to reduce the cost of zoning fees by simplifying the application process and even trimming staff in Planning and Development. This decline in oversight would result in a *de facto* deregulation leading to the lowering of quality assurance standards. It's fair and reasonable to ask those entrepreneurs who stand to profit from zoning applications to pay nearly full costs of the staff services they request. Don't ask the taxpayers to subsidize them.

Mr. Rodney Thomas requested that the Board defer this item until the new Board is in office in the next year so they can take "a better look at it." He would like to have the opportunity to sit with staff to see if the 106 steps in the process review can be reduced. He thinks doing that could help a lot. When he was a member of the Planning Commission, some items were sent back to staff to be approved administratively. He would like to see some smaller items be approved administratively. He asked that the Board defer adoption of this ordinance until after the first of the year.

Mr. Neil Williamson of the Free Enterprise Forum said the Forum supports the 50:50 split. He does not believe this Board has ever taken an action that is not congruent in rezoning with the Comprehensive Plan that supports the community. The idea that anything is solely for profit when a developer is moving forward with the community's vision is "difficult to swallow." He said it is interesting that the resolution of intent adopted by the Board regarding the EMS Recovery Program included a provision for regular review of its fees. He said there are volunteers involved in that program and not merit pay increases to tack onto it. He said the ordinance before the Board today has an automatic escalator for these fees – nowhere in the ordinance does it suggest that there will ever be a review for a potential reduction of fees. Best management practices suggest that most fees would likely go up, but there should be some streamlining somewhere that will cause fees to go down. He was concerned by the timeline Mr. Graham showed on the screen with regard to implementation of the DRTF recommendations and the efficiency study (Resource Utilization Study) and the impact of those changes. He said that timeline predates the fee study done which suggested that the fees aren't reflective of the efficiencies already implemented or of future efficiencies. He is concerned with the rate study. The data Mr. Willard presented is most interesting. He would suggest that it be considered as the Board deliberates this, and in addition, he appreciates the idea that a deferred implementation of the ordinance until July 1 makes a lot of sense. It provides for some predictability for those people who are working through the process.

With no one else from the public rising to speak, the public hearing was closed and the matter placed before the Board for further discussion.

Ms. Thomas said she will point out that for the item Mr. Willard picked, zoning map amendment for planned developments of less than 50 acres, the proposed fee would cover eight percent of that cost. Reducing that cost by a lot would not be in the interest of anyone in the applicant pool, and if they had to pay a higher percentage of that cost, they might have an interest in reducing the cost of the review. She is saying that "with tongue in cheek." Also, the biennial review is not an administrative review, so any questions raised would be brought up every two years by this proposal.

Mr. Dorrier said the two items mentioned by Mr. Willard raised questions in his mind and he thinks that Mr. Rodney Thomas made a good point. He does not see any pressing need to adopt this ordinance today. He thinks the Board could work on those issues and have the ordinance brought back

in January or February.

Mr. Rooker said he will take the example that was brought up - \$3,500 for a zoning map amendment of 50 acres or greater. He asked the cost of the North Pointe application in staff time.

Ms. Mallek said it was basically five years of Elaine Echols' time.

Mr. Rooker said that petition went on for years and years. There were charrettes held on that property before the rezoning request was filed. There were community meetings discussing what activities should go on that property. What was the cost of the Biscuit Run zoning map amendment to the County? What was the cost of the Hollymead Town Center to the County? This \$3,500 is what the new fee would be, not what it has been. It is such a miniscule recovery of the total cost of a rezoning like that, that it's almost ridiculous. He said about 99 percent of those costs were picked up by the taxpayer, which is exactly what the Resource Utilization Study recommended that the County look at and try to reverse. During budget hearings last year, ATTA said it should be dealt with - they did not want to see the cost of development that should be borne by developers pushed over to the taxpayers.

Mr. Rooker said this discussion started at one time with a 75 percent cost recovery proposal. This Board, listening to Mr. Willard and others, reduced the recommendation down to 50 percent which they thanked the Board for. Now that "that bite of the apple has been taken" there is another one coming. He said this has been going on for two years; the current board has an obligation to put into place something that changes fees that have been static for almost 20 years. In the current economic circumstances the Board would be derelict in its duty not to act on this after it has been before the Board for two years.

Ms. Mallek said the process exists with a high standard to get a product that fits the community, which maintains the value of the community for the current homeowners and on which continues to attract other people and businesses to come here. She has lived in other places, and when she asked friends who had international or small companies how they decided to locate, the answer always was "where I want my children to grow up." She thinks everybody wants to protect the community and what is valuable about it. A process has been undergone to make sure the County does not put in fees that are not responsible - but this question has not been looked at by outside people who look at management time, and who can make a better evaluation of the process than she can - she is not a planner or an engineer and needs help figuring out "those sheets she gets every month." Staff is relied on to "be the canary in the coal mine" to help the public understand the impacts of a proposed development.

Ms. Mallek said there were folks on the DRTF who in the beginning of the process were not in favor of citizen involvement. She was able to share some stories with them about different experiences some local developers had over the years in Earlysville. She said Mr. Steve Runkle was ahead of his time in understanding the value of getting the citizens involved even before he came to the County with a proposal. One such proposal had to do with the Walnut Hill development which he said would make a drastic change in the neighborhood. A meeting of citizens in Earlysville brought forth wonderful suggestions. A citizen who lived directly across the street from that proposed development came to the meeting because he was concerned about headlights shining into his living room. Mr. Runkle was able to make small changes in his plan before it got to the expensive stage to help with that situation.

Ms. Mallek said the DRTF talked about the value of public interaction. Some people were reluctant to begin it, but realized that it is advantageous in the end. She said citizens will find out eventually about a proposal, and will be angrier because they did not find out early in the process. She said this amendment may not be perfect, but she does not think the Board should "throw out the baby with the bath water" and just not do anything with it today.

Mr. Boyd said he has talked enough so he will just make two comments. He is not opposed to the allocation of costs. He thinks that is appropriate. He is not interested in taking away meaningful input from the public and all the processes that are done. He cannot support this ordinance amendment because it is a matter of timing. He thinks the County's internal costs need to be considered first; not the cost of providing adequate information to the public.

Ms. Thomas said she has the same thoughts she had before about whether she should even vote on this, but it is something the Board has worked on for several years, and she thinks it would be irresponsible of the Board not to take this step today and put it off. She would welcome anybody looking at any of these categories and their costs and delving into why it costs so much. That is a legitimate role for a citizen or an elected official to take and could be useful.

Mr. Slutzky said he is going to explain why he will vote against adopting this ordinance today. It is not out of deference to the future board, but because he has thought a lot about this subject and struggled with it. People have talked about the cost of development being borne by the developer. The cost of development is the paver, the brick, but the idea of imposing standards of quality and good design on a project are not a cost of development but the cost of having a high quality of life in the community. They are the benefit that inures predominantly to the community as opposed to the development itself.

Mr. Slutzky said he trembles when folks come to the Board's budget hearings and suggest that taxpayers should not have to pay for all of those people who have all those kids who need an education. He hears the arguments about how the County should make the developers pay for development and it sounds about the same to him. The Board is talking about charging fees for the services provided by the

County for the benefit of the community as a whole to ensure there is a quality of development in the community that all can be comfortable living with and enjoying. To him, that means the cost burden should be sitting squarely on the shoulders of the taxpayers as a group and not be funneled into a project as a means of escaping the political reality of having to pay for it.

Mr. Slutzky said he was inclined to support these amended fees when it was coming "through the pipeline", because he kept thinking somehow had to be found to cut costs, and yet maintain staff's review of these projects to a high standard, so the only way to get at that is to charge fees. The real way to fund the public good associated with the kind of development standards imposed in Albemarle County is by funding it through taxes. It is for that reason that he will vote against adopting this change of fees now. He said when the next board takes this issue up, which it will probably have an opportunity to do now, he hopes it does not fall in the trap of softening up the quality standards for development in the community. That is not the way to solve this problem. One of the true benefits of living in Albemarle County is having tough standards that new developments are held to. If efficiencies can be obtained, it is appropriate to look and find ways to do so, but he is skeptical that many will be found. Staff is probably doing its job exactly as the Board would like them to do it. He thinks it is a matter that "we need to pay for."

Mr. Rooker said the Board has spent a lot of time in this process and he has never heard Mr. Slutzky say this before. He said the fees being looked at haven't been increased in 20 years. If a normal cost-of-living increase were made to those fees he would suggest they would be higher than those looked at today. He said Mr. Slutzky's suggestion would mean that fees, much as the gas tax problem, should remain the same forever; it should never have any kind of adjustment. When talking about staff time, he would suggest that there is probably \$50,000 of staff time involved in getting this ordinance to where it is today because internal studies were done on the cost of each of the scores of activities "listed on these sheets." The County went through a long process of internally studying each application to determine its internal cost and that was checked against other communities. Many questions were asked about individual items throughout the process, and a huge amount of time, effort and money were spent to get to today. It represents a proposed fee schedule that is less than the one originally recommended, substantially less because somewhere in the process the Board went from 75 percent recovery down to 50 percent.

Ms. Thomas said she does not think Mr. Rooker objected to that change in recovery.

Mr. Rooker he thinks what Mr. Slutzky is doing is a significant disservice to the County, to the people of the County, and to the people who will ultimately have to bear the costs.

Mr. Slutzky said the fact that it has taken two years and a lot of staff time to get to this point isn't a reason to vote for it. It has taken that long for him to come to appreciate that this isn't about revenue recovery; it's about allocating burdens in the community. As he learned more about the process of review of development, he became increasingly skeptical that the bigger burden should be shouldered by the applicant community; his understanding of that has evolved through this process. That is why as a deliberate body, the Board does not have a suggestion of this complexity brought before it very often and just act on it. That is why the Board takes the time to study, to peel it apart, to examine its parts and to think about it.

Mr. Slutzky said this process has enlightened him and made him realize this development process is all about a social good. It is a social good that he values highly, and he thinks the taxpayers should be paying for it. He would be sad to see the next Board soften the standards of development review. As to how that cost burden is allocated, he has evolved in his thinking and that is where it is now. The comment about the gas tax is not the same because in that case he does not get a lot of benefit from somebody else driving more vehicle miles. In this case he gets a benefit as a citizen by a development being subjected to a high level of scrutiny. He does not consider those to be at all parallel issues. He understands Mr. Rooker's disappointment, but that is where he is on it at this time.

Mr. Rooker asked if Mr. Slutzky feels it is inappropriate that the developer of North Pointe should have paid a \$3,500 fee for that application to be processed over the number of years it was processed, or Biscuit Run. Does he think that is an unfair burden to put on the applicant? They were paying \$1,700 before and would now have to pay \$3,500 to file an application of that magnitude.

Mr. Slutzky said he thinks the benefit inures to him and not to the developer *per se* that the County has the level of scrutiny those projects are subjected to. He thinks the public as a whole should fund that expense.

Ms. Thomas disagreed. She said the Board has talked for years about having an attractive development area. That attractive development area involves a lot of actions being taken by the Board and staff; that attractive development area means the developer will get more for each acre of land because of that than he would have received from a haphazard, straggled type of development. A benefit does accrue to the applicant and if it did not, the County should not have been doing this all along. She said the County wants that attractive development area, but it is the developers within it that receive the immediate benefit of it being an attractive area.

Mr. Slutzky said if the property becomes worth more to the developer, it means the County collects more in taxes.

Ms. Thomas said the anger in her voice is because staff didn't present this to the Board "out of

the blue.” Staff presented it step-by-step and the Board made decisions that staff should be able to depend on. For Mr. Slutzky to change his mind now, after going through that process and leading staff onward, is really irresponsible.

Mr. Slutzky said he takes issue with Ms. Thomas' characterization of him being irresponsible. It is exactly his job to go through the process for as long as it takes, and get it right in the end. He did not commit at the beginning of this exercise any more than Ms. Thomas or Mr. Boyd or Mr. Dorrier did to vote in favor of this outcome. The Board asked staff to bring forth the information necessary for it to make an informed decision. He has assessed that information and made what he considers to be an informed decision. He is sorry that Ms. Thomas feels that is irresponsible of him. He thought that is what his job was.

Ms. Mallek said she would like to raise a different issue. On Attachment “D” (in the staffs' report) she found it compelling that the proposed fee of \$3,500 for a 270-acre development would cost someone in Fluvanna \$7,200, in Greene \$29,000, in James City County \$15,000, and in Stafford County \$19,000. It seems like Albemarle is getting a lot accomplished for that fee. The same thing applies to the 830-acre development which would cost \$3,500 plus each time there was an extra review there would be an extra fee - Greene County's fees for that is \$84,800. She does not know what they do in Greene County that costs that much more considering that they have few staff members. Maybe they hire a consultant to deal with a development like that. She thinks the developer in Albemarle is getting a good deal in comparison if these comparable communities are being used to any effect.

Mr. Dorrier said the Board thinks this just affects the development community, but he thinks it affects the whole County and everybody in it. His mother put a garage onto her house and although he does not know how much the fee was, it took nine months to get approval. He said the fees end up being passed on to everyone in the County. He does not think it is just a development issue, but it is an issue dealing with the entire County and appropriate costs. Taking an extra month or two to study the matter is responsible, not irresponsible.

Mr. Slutzky said if there were no further discussion at this time, he would invite a motion.

Mr. Rooker **moved** to defer action on ZTA-2009-017 until the Board's first meeting in February since there are not sufficient votes to deal with the issue today. He said Albemarle could spend another two years and maybe get close to the fees of Fluvanna, Greene, or Orange counties, or any other counties that seem to be willing to deal with the issue.

Ms. Mallek said the big businesses which have located in Greene County are paying what she considers to be astronomical fees to do that, so she just doesn't understand the problem.

Mr. Boyd **seconded** the motion.

Ms. Mallek asked if this has to go back to the Planning Commission. Mr. Davis said it does not have to be reconsidered by them. This is just a deferral of the ordinance.

Mr. Rooker said if anybody has any ideas about how any of these particular things can be done more efficiently “Let's get at 'em.” He thinks Board member want staff to operate as efficiently as possible, and it does not want to adopt regulations that do not accomplish anything.

Mr. Slutzky said he agrees, and is not of the mind that staff is either inefficient or unduly burdensome. He would like to see the level of burden continued, but he would like to see a different allocation than that proposed in this ordinance. He asked that the roll be called.

Roll was called at this time, and the motion to defer passed by the following recorded vote:

AYES: Ms. Thomas, Mr. Boyd, Mr. Dorrier, Ms. Mallek, Mr. Rooker and Mr. Slutzky.

NAYS: None.

Mr. Rooker said the County's financial projections will need to be revised accordingly based on the fact that the revenue included in those projections will no longer be available.

Mr. Graham said just to be clear, are there any expectation of staff in deferring this to February. Mr. Tucker asked if the Board is looking for any staff work between now and February.

Mr. Rooker said he thinks the Board has all the information before it now. There are two new members of the Board coming on in January. At this time, there is a 3:3 difference for different reasons. This deferral will provide the new members adequate time to familiarize themselves with the issues and decide how they think it should be done.

Mr. Dorrier said staff should look at the two points Mr. Willard made. Also, they should look at the cost of the North Pointe development. How much was paid in fees by North Pointe?

Ms. Mallek said it was \$1,250 for five years worth of work.

Mr. Graham said he had done that analysis before and although staff does not keep time sheets

he estimates that staff time spent on that development was almost \$150,000.

Ms. Mallek said one of the most important things to her is that this ordinance will change a fee for one submission and the first review, and then an extra fee for each time the applicant comes back before responding appropriately to the requirements. It is the intransigency of people who do not try to live up to the standards the County has for everybody that creates the problem. One thing that makes citizens angry is when there seems to be rules for some that are different from rules for others. That is why having the ordinance laid out so clearly and having the requirements spelled out clearly gives everybody a sense that they all have the same set of rules. It also allows staff to function without being forced to make up the rules as they go along which is another thing that makes everybody upset, including staff.

View documents from December 2nd Board meeting:

[November 20, 2009 Memo](#)

[Draft Ordinance \(Attachment A\)](#)

[October 7, 2009 Exec Summary \(Attachment B\)](#)

[Resolution of Intent \(adopted by Board on September 2, 2009\)](#)

[August 5, 2009 Exec Summary with the following attachments:](#)

[December 5, 2007 Exec Summary](#)

[Current Fees and County Cost of Services \(Attachment B\)](#)

[Staff Proposed Fees and Fee Study Recommendations \(Attachment C\)](#)

[Comparison of Fees with Other Localities \(Attachment D\)](#)

[Estimated Current Fee Annual Revenue \(Attachment E\)](#)

[Estimated Proposed Fee Annual Revenue \(Attachment F\)](#)

[October 6, 2009 PC minutes](#)

[November 10, 2009 PC minutes](#)

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