

MEMORANDUM

May 6, 2010

TO: County Council

FROM: Amanda Mihill, Legislative Analyst *A. Mihill*

SUBJECT: **Consent Calendar: FY11 Operating Budget
Board of Appeals**

Planning, Housing, and Economic Development Committee recommendation: support the Executive's recommended budget with the following changes:

- increase the filing fee for telecommunications facilities by \$5,000;
- increase the Board's other fees by 10%; and
- shift 0.25 workyears for the Office Services Coordinator position in the Office of Zoning and Administrative Hearings to the Board of Appeals staff.

The Executive's recommendation for the Board of Appeals is attached at ©1-3.

Overview

For FY11, the Executive recommends total expenditures of \$566,390 for the Board of Appeals, a -8.3% decrease from the FY10 approved budget of \$617,520.

(in \$000's)	FY09 Actual	FY10 Approved	FY11 CE Recommended	% Change FY10-FY11
Expenditures:				
General Fund	\$611,910	\$617,520	\$566,390	-8.3%
Grant Fund	\$0	\$0	\$0	0.0%
TOTAL Expenditures	\$611,910	\$617,520	\$566,390	-8.3%
Positions:				
Full-time	4	4	3	-25.0%
Part-time	0	0	0	0.0%
TOTAL Positions	4	4	3	-25.0%
WORKYEARS	4.7	4.7	3.6	-23.4%

The FY11 Executive recommendation is a decrease of \$3,360 from the following identified same services adjustments:

Identified Same Services Adjustments:	
Retirement Adjustment	\$6,540
Group Insurance Adjustment	\$1,530
Annualization of FY10 Personnel Costs	-\$400
Printing and Mail Adjustments	-\$1,130
Furlough Days	-\$9,900
NET SAME SERVICES ADJUSTMENT TOTAL	-\$3,360

FY11 Expenditure Issues

1. Eliminate: Abolish Filled Principal Administrative Aide Position (-\$54,400)

The Executive's recommended budget proposes to eliminate 1 filled position for a savings of \$54,400. According to Board staff, the person in this position is responsible for the mailings of notices, opinions, and resolutions and does about 25-30% of the Office's direct customer service. The other Board employees will have to perform these functions in addition to their other duties, which could result in delays in mail and delays in other work. Board staff anticipate a decline in productivity and service to the public with the abolishment of this filled position.

Committee recommendation: support Executive's recommendation.

2. Increase Cost: Temporary Services (\$6,630)

Operating funds were cut in FY10 to meet the budget MARC and contribute to the FY10 savings plan. As a result, there are no discretionary funds in the Board's budget. The FY11 recommended budget would restore \$6,630 in operating funds, bringing total recommended operating expenditures to \$56,620, to allow a small amount of funds for temporary services to accomplish necessary office functions.

The Board's operating expenses fluctuate depending on how many applications are filed. It is difficult to predict with certainty exactly what the cost will be for services associated with these applications because cases are filed on a walk-in basis. Service costs include transcripts associated with public hearings, signs required to be posted in association with cases, and postage that is paid for issuance of statutorily required notices and opinions of cases.

Committee recommendation: support the Executive's recommendation.

3. Potential reduction related to the budget for the Office of the People's Counsel.

The Committee recommended suspending operations for FY11 for the Office of the People's Counsel. If the Council supports that recommendation, which would abolish the Executive Administrative Aide position in that Office, BOA will lose an additional 0.25 workyears in

administrative support, for a total reduction of 1.25 workyears in administrative support. To address this situation, **the Committee recommended** shifting 0.25 workyears for the Office Services Coordinator position in the Office of Zoning and Administrative Hearings to the Board of Appeals staff.

Public Hearing Testimony

The Council has not received any testimony regarding the Board's budget.

FY11 Revenue Issues

The Board collects revenue for special exception administration fees, filings fees, and sign deposits. The Board's filing fees were last increased on June 19, 2007. Special exception holders currently pay an annual administration fee of \$100, which is collected by the Department of Permitting Services and remitted to the General Fund/Board of Appeals revenue account. The fee is adjusted automatically each year based on the annual average increase in the Consumer Price Index.

The Board received \$254,512 in revenues for FY09. The Executive's recommended budget projects that the Board will net \$300,000 in revenues in FY11. The percentage of Board expenditures covered by fees in FY09 was 41.6%. The percentage of Board expenditures covered by fees in FY11 is projected to be 39.7%.

As noted above, the Board's filing fees were last generally increased in 2007. In November, 2009, the Federal Communications Commission ruled that jurisdictions must process collocation applications for telecommunication facilities within 90 days and all other tower siting applications within 150 days. The Board and Hearing Examiner note that this timeframe will impose significant scheduling constraints on the Hearing Examiner and will require that the Hearing Examiner postpone a previously scheduled hearing in another case or assign the tower case to a contract hearing examiner. The Hearing Examiner believes that it would be unfair to postpone a previously scheduled hearing to accelerate tower cases. Therefore, the Board and the Hearing Examiner propose to increase the filing fee for telecommunications facilities by \$5,000, to be used by the Hearing Examiner for contract hearing examiners. This would bring the total fee to \$18,750. Under this proposal, the Hearing Examiner would spend no more money on contract examiners than the Board collects in revenue. The net impact would therefore be fiscally neutral. **Committee recommendation:** support the Board and Hearing Examiner's proposed fee increase for telecommunication facilities.

In addition to the Board's proposed fee increase for telecommunication facilities, **the Committee recommended** that the Board's other fees be increased by approximately 10%, which is consistent with the increase recommended for the Hearing Examiner's fee schedule. Board staff indicate that the Chair of the Board considers a 10% fee increase not unreasonable given that application fees have not increased at all since 2007. If the Council supports these fee increases, a resolution to implement the increases would be introduced in May.

Committee Recommendation

The Committee recommended approval of the FY11 budget as recommended by the Executive, with an increase in fees as follows:

- increase the filing fee for telecommunications facilities by \$5,000; and
- increase the Board's other fees by 10%.

The Committee further recommended shifting 0.25 workyears for the Office Services Coordinator position in the Office of Zoning and Administrative Hearings to the Board of Appeals staff.

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Board of Appeals

MISSION STATEMENT

The mission of the Board of Appeals is to implement the flexibility provided in the Zoning Ordinance as approved by the County Council and to assist County residents in understanding and participating in the special exception, variance, and administrative appeal process.

BUDGET OVERVIEW

The total recommended FY11 Operating Budget for the Board of Appeals is \$566,390, a decrease of \$51,130 or 8.3 percent from the FY10 Approved Budget of \$617,520. Personnel Costs comprise 90.0 percent of the budget for three full-time positions for 3.6 workyears. Operating Expenses account for the remaining 10.0 percent of the FY11 budget.

LINKAGE TO COUNTY RESULT AREAS

While this program area supports all eight of the County Result Areas, the following are emphasized:

❖ *A Responsive, Accountable County Government*

DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below. The FY10 estimates incorporate the effect of the FY10 savings plan. The FY11 and FY12 targets assume the recommended FY11 budget and FY12 funding for comparable service levels.

Measure	Actual FY08	Actual FY09	Estimated FY10	Target FY11	Target FY12
Program Measures					
Average days to Administrative Appeals hearing ¹	130	144	144	144	144
Average days to issue Notices of Administrative Appeals hearings	15	14	14	14	14
Average days to issue Notices of Special Exception hearings ²	20	14	14	14	14
Average days to issue Notices of Variances hearings	21	13	13	13	13
Average days to issue written administrative appeals ³	48	74	50	50	50
Average days to issue written Special Exceptions ⁴	28	38	35	35	35
Average days to issue written variances ⁵	35	39	30	30	30
Average days to Special Exceptions hearing ⁶	144	116	130	130	130
Average days to Variances hearing	89	74	74	74	74
Number of administrative actions taken	318	254	250	250	250
Number of administrative appeals decided	16	12	10	10	10
Number of administrative appeals filed	16	18	12	12	12
Number of administrative appeals heard	22	12	10	10	10
Number of special exceptions decided	23	15	15	15	15
Number of special exceptions filed	29	21	24	24	24
Number of special exceptions heard	28	15	15	15	15
Number of telephone inquiries answered	2,412	1,547	1,570	1,570	1,570
Number of variances decided	20	18	12	12	12
Number of variances filed	21	17	15	15	15
Number of variances heard	18	18	12	12	12
Number of walk-in clients assisted	503	370	350	350	350
Number of work sessions held	27	33	30	30	30

¹ County Code requires that the hearing on an administrative appeal be held not fewer than 30 days following the issuance of the written notice of the hearing.

² County Code requires mailing of written notices of hearings within 7 days after the filing of any appeal, petition for special exception, request for a variance, or other matter within the Board's jurisdiction.

³ Board of Appeals Rule 9.1 requires issuance of administrative appeal opinions within 45 days of close of record.

⁴ Board of Appeals Rule 9.1 requires issuance of special exception opinions within 30 days of close of record.

⁵ Board of Appeals Rule 9.1 requires issuance of variance opinions within 30 days of close of record.

⁶ County Code requires that the hearings for special exceptions be held not fewer than 60 days following the issuance of the written notice of hearing, and that the hearing on any other matter within the Board's jurisdiction be held not fewer than 30 days.

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PROGRAM CONTACTS

Contact Katherine Freeman of the Board of Appeals at 240.777.6600 or John Cuff of the Office of Management and Budget at 240.777.2762 for more information regarding this department's operating budget.

PROGRAM DESCRIPTIONS

Zoning Related Hearings and Administrative Appeals

The Board of Appeals hears requests for special exceptions and variances as provided in the Zoning Ordinance. The Zoning Ordinance requires that requests for certain uses (special exceptions) be considered for approval by the Board. Development standards for each zone are also set by the Zoning Ordinance. Variances from these standards require approval by the Board. The Board of Appeals also holds hearings and rules on appeals from administrative actions of certain governmental departments and agencies, as provided in the County Code.

BUDGET SUMMARY

	Actual FY09	Budget FY10	Estimated FY10	Recommended FY11	% Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	438,614	449,930	441,880	392,460	-12.8%
Employee Benefits	107,306	116,470	110,750	117,310	0.7%
County General Fund Personnel Costs	545,920	566,400	552,630	509,770	-10.0%
Operating Expenses	65,990	51,120	55,880	56,620	10.8%
Capital Outlay	0	0	0	0	—
County General Fund Expenditures	611,910	617,520	608,510	566,390	-8.3%
PERSONNEL					
Full-Time	4	4	4	3	-25.0%
Part-Time	0	0	0	0	—
Workyears	4.7	4.7	4.7	3.6	-23.4%
REVENUES					
Board of Appeals Fees - MNCPPC	0	-75,000	-75,000	-75,000	—
Board of Appeals Fees	254,512	300,000	300,000	300,000	—
County General Fund Revenues	254,512	225,000	225,000	225,000	—

FY11 RECOMMENDED CHANGES

	Expenditures	WYs
COUNTY GENERAL FUND		
FY10 ORIGINAL APPROPRIATION	617,520	4.7
Changes (with service impacts)		
Eliminate: Abolish Filled Position (Principal Administrative Aide)	-54,400	-1.0
Other Adjustments (with no service impacts)		
Increase Cost: Temporary Services	6,630	0.0
Increase Cost: Retirement Adjustment	6,540	0.0
Increase Cost: Group Insurance Adjustment	1,530	0.0
Decrease Cost: Annualization of FY10 Personnel Costs	-400	0.0
Decrease Cost: Printing and Mail Adjustment	-1,130	0.0
Decrease Cost: Furlough Days	-9,900	-0.1
FY11 RECOMMENDED:	566,390	3.6

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FUTURE FISCAL IMPACTS

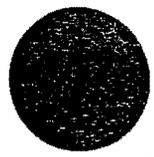
Title	CE REC.					
	FY11	FY12	FY13	(S000's)		
	FY14	FY15	FY16			
This table is intended to present significant future fiscal impacts of the department's programs.						
COUNTY GENERAL FUND						
Expenditures						
FY11 Recommended No inflation or compensation change is included in outyear projections.	566	566	566	566	566	566
Restore Personnel Costs This represents restoration of funding to remove FY11 furloughs.	0	10	10	10	10	10
Subtotal Expenditures	566	576	576	576	576	576

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ZTA 10-03



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BOARD OF APPEALS

March 31, 2010

MEMORANDUM

2010 APR -6 PM 12:31

RECEIVED
MONTGOMERY COUNTY
COUNCIL

FROM: Catherine Titus, Chair, Board of Appeals

TO: Nancy Floreen, Council President

SUBJECT: Proposed Fee Increase

As the Council is aware, on November 18, 2009, the Federal Communications Commission adopted a Declaratory Ruling which establishes timeframes, informally known as a "shot-clock", for state and local governments to process land use applications for telecommunication facilities. Specifically, the ruling requires jurisdictions to process collocation applications within 90 days and all other tower siting applications within 150 days. In Montgomery County, this timeframe will have particular impact on applications which require a special exception. Such applications are reviewed by the Telecommunication Transmission Facility Coordinating Committee (the Tower Committee), by Montgomery County Planning staff and the Planning Board, and by a Hearing Examiner in the Office of Zoning and Administrative Hearings (OZAH), which conducts the evidentiary hearings on the special exceptions prior to final decision by the Board of Appeals.

The shot clock will impose significant scheduling constraints on OZAH's calendar for all special exception hearings, and compliance with the 150 day timeframe may require re-scheduling of other, previously scheduled cases. In anticipation of this impact the Board and OZAH propose an increase of \$5000 in the filing fee for this use, bringing the fee to \$18,750. This amount is estimated to cover the cost of approximately 40 hours of contract hearing examiner time per application, to accelerate telecommunications special exception applications while minimizing the postponement of other hearings. In the last 5 years, there have been 10 applications for special exceptions for telecommunications facilities. However, as applications are accepted on a 'walk-in' basis it is difficult to anticipate their number with certainty. In fact, anecdotal information from industry representatives suggests that a large number may be filed this year. Moreover, the County's Tower Coordinator has informed OZAH that three filings requiring a special exception were recently completed, suggesting that applications with the Board of Appeals will soon follow.

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Resolution No: _____
Introduced: _____
Adopted: _____

DRAFT

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Fee Increase for Special Exception Applications for Telecommunication Facilities

Background

On November 18, 2009 the Federal Communications Commission adopted a Declaratory Ruling which establishes timeframes, informally known as a "shot-clock", for state and local governments to process land use applications for telecommunication facilities. Specifically, the ruling requires jurisdictions to process collocation applications within 90 days and all other tower siting applications within 150 days. In Montgomery County, this timeframe will have particular impact on applications which require a special exception.

Compliance with the 150 day timeframe may require re-scheduling of other, previously scheduled cases. An increase of \$5000 in the filing fee for this use, bringing the fee to \$18,750 is estimated to cover the cost of approximately 40 hours of contract hearing examiner time per application, to accelerate telecommunications special exception applications while minimizing the postponement of other hearings.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portio of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

The attached fee schedule is established for filing a special exception for a Telecommunication Facility with the Board of Appeals.

Attachment to Resolution No.:

SECTION OF
THE ZONING

ORDINANCE SPECIAL EXCEPTION USE

Old Fee

New Fee

59-G-2.58	Telecommunication Facility	\$13,750.	\$18,750.
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055634

MONTGOMERY COUNTY, MARYLAND

MEMORANDUM

April 6, 2010

TO: County Council

FROM: Françoise M. Carrier *FMC*
Director, Office of Zoning and Administrative Hearings

SUBJECT: Fee Increase and Request to Increase Contract Hearing Examiner Budget for FY2011

Fee Increase

The Office of Zoning and Administrative Hearings collects fees in connection with Local Map Amendment and Development Plan Amendment applications, as well as a small number of special exceptions. Our fee schedule was last revised in September 2007. In light of the County's current budget issues and normal increases in personnel and other costs, I recommend an increase in fees at this time. The attached schedule reflects increases of approximately ten percent to each fee, rounded off to simplify fee calculations. I departed from the ten-percent increase in three cases: (1) I propose no increase in the modest \$60 fee for renewal of temporary special exceptions, in light of the minor administrative expenses associated with these renewals; (2) I propose a significant increase in the sign fee with a larger refund for returning a sign, to more closely match the cost of the signs and to provide a greater incentive to return a sign after the case is completed; and (3) I propose a significant increase in the fee for home occupations (which may be filed at OZAH only in three zones) to match the Board of Appeals' fee for the same use.

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MONTGOMERY COUNTY
COUNCIL
2010 APR - 6 PM 12: 31

I also propose a new category of fees, for modifications to existing special exceptions. We receive a request to modify a child day care special exception from time to time, typically to increase the number of children permitted. In one case, the holder of a child day care special exception requested three modifications in the course of one calendar year. It seems appropriate to charge a reasonable fee for such requests, to cover some of the cost of the hearing examiner time and staff time devoted to processing the request. The attached fee schedule proposes a fee structure similar to the modification fees that the Board of Appeals charges in its cases.

Contract Hearing Examiner Budget: Part 1, Request to Transfer Funds from FY2010

OZAH's FY2011 budget submission included a budget item in the amount of \$15,000 for contract hearing examiners. This amount is equal to the sum left in this budget category for the current fiscal year after an FY2010 Savings Plan reduction.

During FY2010 I assigned to contract hearing examiner Lutz Prager a discrimination case referred to OZAH by the Office of Human Rights. It is a complex dispute over alleged employment discrimination under the Americans with Disabilities Act, made more difficult by the fact that the claimant is proceeding *pro se*. It was my hope that the case would be heard towards the end of FY2010, and that most of the report would be written during FY2011, allowing the hearing examiner charges to be spread over two fiscal years. Unfortunately the hearing was postponed more than once due to discovery disputes, and is now scheduled for July 2010. I am not confident that the funds in OZAH's FY2011 budget proposal for contract hearing examiners will be enough for Mr. Prager to conduct the hearing (anticipated to run as long as four days) and write the report. Transferring the case to either me or my colleague Marty Grossman would result in the inefficiency of a new hearing examiner having to get up to speed on what Mr. Prager has done procedurally during the last few months, as well as with the facts and relevant law that Mr. Prager has been working with for some

time. It would undoubtedly take either Mr. Grossman or me longer to handle the case than it would take Mr. Prager. Reassigning the case would likely lead to postponing either that case or another from our July docket to September, because the current hearing schedule was designed for three hearing examiners, not two. Of course, if an employee hearing examiner hears the case, there will be no additional cash outlay for the County.

I expect that at the close of the current fiscal year, OZAH will have approximately \$7,000 unspent from the contract hearing examiner allocation in its FY2010 budget. I request to transfer those funds to FY2011 by increasing the requested FY2011 allocation for contract hearing examiners to \$21,000. I expect that amount would be sufficient to allow Mr. Prager to handle the discrimination case he began some months ago.

Contract Hearing Examiner Budget: Part 2, Response to FCC Shot Clock Ruling

Last October, the Federal Communications Commission issued a ruling that requires local governments to decide siting applications for cell phone towers in no more than 150 days. Based on advice from the County Attorney's office, OZAH and the Board of Appeals interpret this ruling to mean that the County must fit the Transmission Facility Coordinating Group Recommendation and the BOA decision on a cell tower special exception into a 150-day time frame. Currently, the TCFG/BOA processes for a cell tower together take over 200 days. Reducing that timeframe to 150 days will require coordinated effort among the TFCG, the BOA, OZAH and Park & Planning. The four agencies have each agreed to move more quickly on these cases. For OZAH, that includes scheduling cell tower hearings within 90 days of when an application is accepted as complete – far sooner than the typical 130 to 150 days between filing and hearing. Depending on how many cell tower applications are filed in a given month and how busy our calendar is, this may present us with a choice: postpone a previously scheduled hearing in another case to make room for the cell tower case, or assign the cell

tower case to a contract hearing examiner. T-Mobile recently obtained favorable recommendations from the TCFG for ten cell towers that will require special exceptions, and its counsel has informed us that the special exception applications will be filed within the next few months. Thus, we anticipate an unusually large number of cell tower applications during FY2010 and into FY2011.

The relevant agencies all agree that it would be unfair to postpone previously scheduled non-cell tower hearings to accelerate cell tower cases. To avoid that outcome, OZAH would need the flexibility to assign cell tower cases to a contract hearing examiner. OZAH and the Board of Appeals propose a two-part method to fund the cost of contract hearing examiners for cell tower cases without spending any additional County funds. The Board of Appeals proposes to increase the filing fee for a cell tower special exception application by \$5,000. OZAH requests to increase its budget item for contract hearing examiners by \$40,000, with a commitment to spend no more on contract hearing examiners for cell tower cases than the additional revenue the Board of Appeals collects from the proposed cell tower fee increase. Thus, if the Board of Appeals receives six cell tower special exception applications during a fiscal year, OZAH must spend no more than \$30,000 on contract hearing examiners for cell tower cases while those six cases are pending. I estimate that \$40,000 would be enough funds to cover approximately ten cell tower cases, which is more than we have ever received in a single fiscal year, but matches the number of applications we expect to receive from T-Mobile in the next few months.

Attached to this memorandum are (1) a proposed fee schedule revision for LMA and DPA cases; (2) a proposed fee schedule revision for special exceptions filed with OZAH; and (3) a draft resolution approving the proposed fee schedule revisions. I appreciate your consideration of these requests, and will be happy to answer any questions you may have.

cc: Amanda Mihill

Local Map Amendment/Development Plan Amendment Fee Schedule

SUGGESTED REVISIONS

Proposed to take effect July 1, 2010

Zone Classification	Basic Fee for Designated Acreage or Less	Suggested Revised Fee	Additional Fee Per Acre Above Designated Acreage	Suggested Revised Fee
<u>Residential, One-Family Zones</u>				
Rural Density Transfer (25 acres)	\$650	\$725	\$150	\$175
Rural (5 acres)	650	725	150	175
Rural Cluster (5 acres)	725	800	200	225
Rural Neighborhood Cluster (5 acres)	925	1,000	200	225
Rural Service (2 acres)	1,450	1,600	350	400
Low Density Rural Cluster Dev. Zone (5 acres)	800	900	200	225
Low-density Resid. & TDR (1 acre)				
- RE-2, RE-2C and RE-1	2,300	2,500	400	450
- R-200, RMH-200 and R-150	3,550	3,900	400	450
Medium-density Resid. & TDR (1 acre)				
- R-90, R-60 and R-40	4,600	5,000	400	450
Fourplex (1 acre)	5,500	6,000	400	450
R-T (1 acre)	5,500	6,000	400	450
<u>Residential, Multi-Family and Mobile Home Zones</u>				
R-30, R-20, R-10 and R-H (1 acre)	5,500	6,000	450	500
R-MH-Mobile Home Dev. (15 acres)	9,200	10,000	425	475
<u>Planned Development Zone</u>				
P-D (2 acres)	10,000	11,000	600	650
MXPDP (20 acres)	16,500	18,150	600	650
MXN (20 acres)	16,500	18,150	600	650
Planned Neighborhood (50 acres)	24,000	26,500	600	650
P-R-C (25 acres)	20,000	22,000	600	650
Town Sector (50 acres)	24,000	26,500	600	650
Planned Cultural Center (5 acres)	8,000	8,800	600	650
<u>RMX-Zones</u>				
RMX-1 and RMX-1/TDR (1 acre)	6,000	6,600	525	575
RMX-2, RMX-2/TDR & RMX-2C (1 acre)	7,500	8,200	600	650
RMX-3, RMX-3/TDR & RMX-3C (1 acre)	8,600	9,500	700	775
<u>Commercial Zones</u>				
C-1, C-2, C-O, C-T, O-M, C-3, C-5, C-4 (1 ac)	6,600	7,200	600	650
C-T, O-M, C-3 and C-5 (1 acre)	6,600	7,200	600	650
C-6 (40 acres)	9,000	10,000	600	650
Country Inn (2 acres)	6,000	6,600	600	650
Hotel-Motel (2 acres)	8,000	8,800	600	650
C-P (5 acres)	\$ 8,500	\$ 9,350	\$ 600	\$ 650

Local Map Amendment/Development Plan Amendment Fee Schedule
SUGGESTED REVISIONS (cont.)

Proposed to take effect July 1, 2010

Zone Classification	Basic Fee for Designated Acreage or Less	Suggested Revised Fee	Additional Fee Per Acre Above Designated Acreage	Suggested Revised Fee
<u>Industrial Zones</u>				
I-1 and I-2 (1 acre)	\$ 6,600	\$ 7,200	\$ 600	\$ 650
I-3 (2 acres)	8,000	8,800	700	775
I-4 (2 acres)	8,000	8,800	700	775
Mineral Resource Recovery Zone (10 acres)	16,500	16,500	700	775
Research & Development Zone (2 acres)	14,500	14,500	700	775
Life Sciences Center	16,500	18,150	800	875
<u>Central Business District Zone</u>				
CBD-1, CBD-R1, CBD-R2 and CBD-0.5 (1 acre)	6,600	7,200	600	650
CBD-2 and CBD-3 (1 acre)	8,000	8,800	700	775
<u>Transit Station Zones</u>				
TS-M and TS-R (1 acre)	8,500	9,350	\$ 675	\$ 750
<u>Optional Method of Application (Schematic Development Plan)</u>				
Supplemental initial filing fee	3,250	3,600		
<u>Amendment to Approved SDP</u>				
Fee for each initial amendment request following Council approval of prior plan	3,400	3,800		
<u>Amendment to Approved Dev. Plan</u>				
Fee for each initial amendment request following Council approval of prior plan	3,400	3,800		
Supplemental fee if public hearing is conducted	3,500	3,850		
<u>Subsequent Amendments to Pending SDP and DP Amendments</u>				
For each revision to a SDP or DP amendment while the amendment is still pending County Council approval, except revisions filed explicitly at the request of Technical Staff, Planning Board or Hearing Examiner				
Filing fee	1,750	1,925		
Sign(s) to post on property Currently, \$100 is refunded if sign is returned in usable condition. With fee increase, \$250 will be refunded if sign is returned in usable condition.	\$150	\$300		

No filing fee shall exceed \$100,000 for any one application.

Office of Zoning and Administrative Hearings Special Exception Filing Fee Schedule

SUGGESTED REVISIONS

Proposed to take effect July 1, 2010

Special Exception Use	Current Fee	Suggested Revised Fee
Boarding house (R-30, R-20, & R-10 zones)	\$650	\$725
Home occupations (R-30, R-20 & R-10 zones)	350	550
Riding Stables, non-commercial (RE-2 zone)	425	475
Temporary Structures (all residential zones)	425	475
Farm Tenant mobile homes	825	900
Group Day Care Home, 9-12 children	400	450
Child Day Care Center, 13-30 children	1,000	1,100
Renewal of Temporary Special Exceptions (major home occupations)	60	60
Modification of existing Special Exception without Public Hearing	None	<i>10% of prevailing SE fee with minimum of \$50</i>
Modification of existing Special Exception with Public Hearing		
No new construction proposed	None	<i>25% of prevailing SE fee</i>
New construction proposed	None	<i>50% of prevailing SE fee</i>
Sign to be posted on property Currently, \$100 is refunded if sign is returned in usable condition. With fee increase, \$250 will be refunded if sign is returned in usable condition.	\$150	\$300