# M-NCPPC

## MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item#12 3)2/06

8787 Georgia Avenue Silver Spring, Maryland 20910-3760 301-495-4500, www.mncppc.org

### **MEMORANDUM**

February 17, 2006

To:

Montgomery County Planning Board

From:

Rose Krasnow, Chief, Development Review Division

VIA:

Faroll Hamer, Acting Director

William Mooney, Acting Deputy Director

Subject:

Development Review Fee Discussion

The purpose of the attached materials is to provide you background material for policy discussion of fees charged for review of plans submitted to development review.

The draft memorandum (and proposed fees) was prepared in November but held until the County Council acted on the supplemental budget. During the budget review, the PHED committee strongly recommended that we give serious consideration to incorporating significantly more costs into the fees.

Before bringing a recommendation to the board staff requests a discussion of the attached and direction on options. Two key areas are important to discuss.

- First, the "cost centers" include: full allocation of development review staff; legal staff; space; overhead; reserves.
- The second is the range of fees based on the number of units in a development.

Analysis of the current structure taken to the extreme of incorporating all the above cost centers shows a range of over \$38,000 down to a low of under \$1,000 per unit.

# MEMORANDUM

TO: Montgomery County Planning Board

FROM: Rose G. Krasnow, Chief

**Development Review Division** 

DATE: December 16, 2005

Increase Fees for Regulatory Applications Beginning January 1, 2006 SUBJECT:

Recommendation: Staff recommends that fees be increased substantially beginning January 1, 2006. Furthermore, following further review in May/June of '06, it may be necessary to recommend additional fee increases.

# **ANALYSIS**

As part of the FY06 budget preparation, staff looked closely at whether we were achieving the County Council's goal of recovering 100% of the costs of plan review through the fees being charged. In order to do this, it was necessary to collect data on the hours staff was charging to the review of each type of plan as part of the payroll process and comparing this to the fees collected as part of the application process.1 It quickly became evident that we had fallen short of our goal in FY '05. The primary reason for this is that even though the number of plans being submitted remained fairly constant, the size of the proposed developments was substantially smaller.<sup>2</sup> To make up for this shortfall, and to cover the increased costs of salaries and benefits that could be expected in FY '06, staff recommended an increase in filing fees that would have gone into affect on July 1, 2005. However, as the events of Clarksburg began to unfold this increase was put on hold.

In light of the problems found in Development Review as a result of the Clarksburg matter, a number of reforms have been put in place that actually increase the workload of staff. These include detailed checklists for each type of plan review, plus signature set, record play and building permit review. Minor amendments must be noticed and staff memos written detailing the changes and why they do not go against



<sup>&</sup>lt;sup>1</sup> In addition to hours charged by Development Review staff, it is important to remember that staff in Community Based Planning and County-wide Planning also spend a substantial amount of time analyzing submitted plans. The hours that they charge to plan review was included in this analysis.

This is not surprising, as we have fewer Greenfields to develop, and more of our work now focuses on

smaller, in-fill developments.

the intent of the Board's approvals. More than one of eyes is brought to bear throughout the process. Greater and earlier interaction with the public has also been instituted. As a result, Park and Planning submitted a supplemental budget request to the County Council that would enable us to hire ten additional staff people, including an ombudsmen to interface with the public, additional site plan reviewers and inspectors, as well as staff to enhance record management, the use of technology, and the ability of legal to process opinions more quickly. Now it is necessary to capture a majority of these costs through fees, resulting in shortfalls far greater than what had been anticipated a few months back.

Table 1 below clearly shows that the filing fees at the current rate will not achieve 100% cost recovery.

Table 1

		T GDIO :			
			Estimated	Estimated	Estimated
	Estimated	Estimated	FY07	FY07 Filing	FY07
	FY07	FY07 Filing	Cost	Fees	Cost
Application Type	Review	Fees	Recovery	with	Recovery
	Labor	at current rate	at current rate	increase	w/ increase
Preliminary Plan	1,019,100	416,800	41%	1,020,900	100%
Site Plan	885,900	362,400	45%	797,600	90%
Record Plats	207,100	110,500	60%	176,200	85%
Pre-Application	126,900	53,200	47%	112,300	89%
• •	·	· ·	ı	•	
Project Plans	184,000	66,200	58%	112,600	61%
Natural Resources Inventory /Forest Stand Delineation	94,300	69,000	73%	69,000	73%
Forest Conservation Plans	152,300	200,000	131%	200,000	131%
Forest Conservation Plan Exemptions	25,700	10,700	42%	21,500	84%
Totals	\$2,695,300	1,288,800	51%	\$2,510,100	93%

Although it has not been unusual to increase fees annually, the last increase in fees actually took effect on July 1, 2003 (the beginning of FY '04). An analysis the following year indicated considerable parity between monies coming in and costs being charged, so no increase was recommended as part of the FY '05 budget. Clearly, that situation has now changed dramatically. The number of staff reviewing applications has increased along with their salaries and benefits. Also, the FY06 supplemental budget added new positions responsible for reviewing applications. Therefore, staff recommends increasing fees on January 1, 2006 to help offset the labor costs associated with the FY06 supplemental budget. A discussion of these increase fees

It should be noted that in order to estimate labor costs as accurately as possible, staff used FY05 payroll time code data (the last full year) to identify staff from all divisions that were charging time to development review. Time code data also allowed for distribution of man-hours between the application types. The man-hours that would be accrued by additional staff recommended as part of the supplemental were estimated and distributed by plan type. The FY07 salaries/benefits were used to arrive at the labor costs for each application type.

Staff also had to make assumptions about the amount of application fees that could be expected, using best-guess estimates concerning how many and what plan type of applications would be submitted in FY '07. To do this, staff looked at the number and types of plans submitted in FY'04 and FY '05 and projected this history outward, thereby assuming that FY '07 filings would be similar to those in the prior years. This should actually be a conservative estimate, since FY '06 filings are on track or slightly ahead of FY '05 for the same time period.

Many of the applications types have a base fee and a surcharge based on the number of residential dwelling units (DU) or commercial square footage (SF). Staff analyzed the breakdown of DU and SF by application type to estimate the number of applications with base fees only and base fees with the DU or SF surcharge.

The end result of this analysis allowed staff to compare the current and proposed fee structure against the estimated labor costs for FY07.

These types of estimates are ever changing. New staff performing reviews, more review man-hours by staff, or higher than expected salaries/ benefits are hard to predict accurately. Staff believes a new analysis will be needed in May/June, resulting in possibly increasing fees again.

## Attachments

A - History of Fee Increases

B – Current Fee Schedule and Worksheet

C - Proposed Fee Schedule and Worksheet

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,				Estil	mated Co	st Recov	Estimated Cost Recovery for FY 07			
-	Object			FY05	FY06	Estimated	FY07 Admin. Fund	Estimate	Revenue/Budget	Revenue/Labor
ď	Code		# of Plans	Actual	Budget	FY07 Labor	Revenue Projection	Cost Recovery	Variance	Variance
) <del>4</del>	8364	Preliminary Plan	125	407.297.00	550,000.00	1,019,065.36	1,020,870.00	100%	470,870.00	1,804.64
<u>ا</u>	8366	Site Plan	85	343,317.00	400,000.00	885,879.12	797,580.00	%06	397,580.00	(88,299.12)
ی	8367	Record Plats	235	99,982.00	110,000.00	207,144.27	176,250.00	85%	66,250.00	(30,894.27)
<u></u>	,	Subtotal	445	850,596.00	1,060,000.00	1,060,000.00 2,112,088.75	1,994,700.00	%46	934,700.00	(117,388.75)
∞										
6	8360	Pre- Application Plan	75	47,010.00	25,000.00	126,918.77	112,330.00	%68	87,330.00	(14,588.77)
10	8365	Project Plan	7	73,488.00	10,000.00	184,027.47	112,630.00	61%	102,630.00	(71,397.47)
=		Subtotal	82	120,498.00	35,000.00	310,946.24	224,960.00	72%	189,960.00	(85,986.24)
12						:				Í
13	8361	Z.Z.	180	50,800.00	50,000.00	94,251.17	69,000.00			(25,251.17)
14	8368	FCP Exemption	215	9,850.00	0.00	25,677.49	21,500.00	84%	21,500.00	(4,177.49)
15	8362	FCP	100	173,634.00	250,000.00	152,275.65	199,960.00	131%	(50,040.00)	47,684.35
16		Subtotal	495	234,284.00	300,000.00	272,204.31	290,460.00	107%	(9,540.00)	18,255.69
17										
18		Totals		1,205,378.00	1022 1,205,378.00 1,395,000.00 2,695,239.30	2,695,239.30	2,510,120.00	93%	1,115,120.00	(185,119.30)

67 Reco		2 8 2		Pro	8	-713	-10-1	3 2	1101	2 8	6		8 8	2 4	2 2		2) 28 S	3 8	36		의의	3 3 3 3	8	3/26	2 2	23 2	312	20		5 4	3 2		၌ဖစ	700	7 4 C	N N
Extensions Record Plats	Amendments	<u>+</u>	Residential	Extensions ject Plans	Minor w/ DRC	Minor w/o DRC	Amendments (Major)	+ SPA	+ sf > 10000	10000 sf or more	7 - 9,999 sf + SPA	Commercial	+ SPA	10 or more	1-9 DUs	esid	Extensions Waivers	क्र	Institutional/Religious + SPA	+ sf > 25000 + SPA	25000 sf or more	10000 - 24999 sf	+ SPA + SPA	Commercial	+ SPA DI Is > 50	50 or more + DUs > 50	+ SPA	10 - 40 DU 1-	Preliminary Plan Residential	+	SF +/lot	FCP Exemption	Others Recertification	NRI/FSD SF	Staff Book	Effective
			1700	600	n/a	n/a	1000	n/a	0.02	3000	2000 n/a	n/a	20 n/a	3000	2000		600 600	1000	1000	0.02 n/a	n/a 3000	2000	1500 n/a	n/a	n/a	3000	2000 n/a	1000 n/a	<u> </u>	300	50 15	n/a	200 n/a	100	400	7/1/98
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11		Recertific	ation	200		270	220	290	210	300	240	340	260		100% 100%
12		FCP Exe	mption	100		130	110	140	110	150	120	170	130		300%
13 14	<u>FCP</u>	SF		200		270	220	290	210	300	240	340	260	400	100%
15			+/1	ot 80		110	90	120	90	130	100	150	100	170	113%
16 17		Others	+ / ac	410 re 120		550 160	450 130	590 170	440 130	620 180	500 150	710 210	530 160		105% 108%
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21		, -	9 DOS + SF	'A 250		340	280	370	270	390	300	440	320		104%
22		10	- 49 DUs	7730		10360	8570	11200	8260	11730	9350	13350	10040	15660	407%
23		50	+ SF or more	A 500 11500		670 15410	550 12750	720 16660	530 12290	750 17450	600 13900	850 19850	650 14930		100% 406%
23 24 25 26			+ DUs > !	50 75	2.5	100	80	105	80	110	90	125	100	150	400%
26 27		+	+ SF ! < SPA DUs			670 13	550 11	720 14	530 11	750 15	600 12	850 17	650 13		100% 103%
28		Commer	cial											_	
29 30		1 -	9,999 sf	5790		7760	6420	8390	6190	8790	7000	10000	7520		
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33		25	000 sf or moi + sf > 2500			15410 0.11	12750 0.09	16660 0.12	12290 0.09	17450 0.13	13900 0.10	19850 0.15	14930 0.10		406% 467%
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36 37		Institutio	nal/Religious + SF	3840 A 500		5150 670	4260 550	5570 720	4100 530	5830 750	4640 600	6630 850	4990 650		407% 100%
38		Amendm	= -	as above		670	550	720	550	750	000	650	050	1000	100%
39 40		Extensio	ns	930		1250	1030	1350	990 990	1410	1120	1600	1210		103%
41	Site Pla	Waivers an		930		1250	1030	1350	990	1410	1120	1600	1210	1880	103%
42		Resident				7000	0500	2500			=100	40400			
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45 46		10	or more	8850		11860	9810	12820	9460	13430	10700	15280	11490	17920	346%
46			+ DUs > + + SF	The state of the s		80 670	70 550	90 720	60 530	90 750	70 600	100 850	80 650		
48			SPA DUs >			13	11	14	11	15	12	17	13		
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51		1 -	9,999 sf + SF			7890 670	550	720	530	750	7120 600	850	7650 650		
52		10	000 sf or mo	e 8850		11860	9810	12820	9460	13430	10700	15280	11490		346%
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55			+ SF	PA 500		670	550	720	530	750	600	850	650	1000	100%
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59 60	-		nor w/o DRC nor w/ DRC	660 3300		880 4420	730 3660	950 4780	710 3530	1000 5010	800 3990	1140 5700	860 4290		
61	1	Extension		3300		442U	3000	4/00	3530	5010	2890	5700	4290	9090	346%
62	<u>Project</u>	Plans				E000	4050	6000	4400	6070	F070	7050	5440	0500	0.4607
63 64		Residen	iiai + DL	4190 Is 41	1.7	5620 50	4650 50	6080 59	4480 40	6370 58	5070 50	7250 67	5440 50		
65	1	Comme	cial	4190		5620	4650	6080	4480	6370	5070	7250	5440	8500	246%
66 67	}	Amendn	+ nents	sf 0.04 as above		0.05	0.04	0.05	0.04	0.05	0.05	0.06	0.05	0.07	250%
68		Extension		870		1170	960	1260	930	1320	1050		1130		
69 70	Record	l Plats		750 205		1010 270	830 230	1090 295	800 220	1140 310	910 250	1300 355	970 270		
71	1			205		210	∠30	295	220	310	∠50	300	270	420	105%
72	Fee Ge	eneration		2,510,120		854,150		3,637,270		3,809,670		4,334,270		5,083,770	
73	1					34%	11%		7%		21%		30%		
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	Effective	D	o	ver	Dor Unit (	Soot Analy	voie																						
3	Effective	Reserve	, -	xisting	Per Unit ( All Inclusi		ysis																						
10	Number if Units Others	450	700	100%	1 700	2 350	3 233	4 175	5 140	6 117	7 100	8 88	9 78		10 70	15 47	20 35	25 28	30 23	35 20	40 18	45 16	49 14	50 14	75 9	100 7	200 4	500 1	1,000
11	Recertification	260	400	100%	400	200	133	100	80	67	57	50	44		40	27	20	16	13	11	10	9	8	8	5	4	2	1	Ó
12	FCP Exemption FCP	130	200	300%	200	100	67	50	40	33	29	25	22		20	13	10	8	7	6	5	4	4	4	3	2	. 1	0	0
14 15 16	SF + / lot	260 100	400 170	100% 113%	400 170	200 170	133 170	100 170	80 170	67 170	57 170	50 170	44 170		40 17	27 11	20 9	16 7	13 6	11 5	10 4	9 4	8 3	8 3	5 2	4 2	2	1 0	0 0
16	Others	530	830	105%	830	415	277	208	166	138	119	104	92		83	55	42	33	28	24	21	18	17	17	11	8	4	2	1
17 18	+ / acre Preliminary Plan	160	250	108%																									
19 20	Residential 1 - 9 DUs	4990	7780	407%	7,780	3,890	2,593	1,945	1,556	1,297	1,111	973	864																
21	+ SPA	320	510	104%	510	255	170	128	102	85	73	64	57		4 500	1011	700			4.47		0.40							
21 22 23 24	10 - 49 DUs + SPA	10040 650	15660 1000	407% 100%											1,566 100	1,044 67	783 50	626 40	522 33	447 29	392 25	348 22	320 20						
24	50 or more + DUs > 50	14930 100	23280 150	406% 400%																				466 150	310 150	233 150	116 150		23 150
25 26	+ SPA	650	1000	100%																				20	13	10	5	2	1
28	+ SPA DUs > 50 Commercial	13	20	103%																				20	20	20	20	20	20
29 30	1 - 9,999 sf + SPA	7520 650	11730 1000	407% 100%															•										
31	10000 - 24999 sf	10040	15660	407%																									
32	+ SPA 25000 sf or more	650 14930	1000 23280	100% 406%																									
34 35	+ sf > 25000 + SPA	0.10 650	0.17 1000	467% 100%																									
27 28 29 30 31 32 33 34 35 36 37	Institutional/Religious	4990 650	7780	407% 100%																									
38	+ SPA Amendments		1000																										
39 40	Amendments Extensions Waivers <u>Site Plan</u>	1210 1210	1880 1880	103% 103%																									
41 42	Site Plan Residential																												
43	1 - 9 DUs	7650	11920	346%	11,920	5,960		2,980																					
44 45 46	+ SPA 10 or more	320 11490	510 17920	104% 346%	510	255	170	128	102	85	73	64	57		1,792	1,195	896	717	597	512	448	398	366	358	239	179	90	36	18
46 47	+ DUs > 10 + SPA	80 650	120 1000	344% 100%											120 100	120 67	120 50	120 40	120 33	120 29	120 25	120 22	120 20	120 20	120 13	120 10	120 5		120 1
48	+ SPA DUs > 50	13	20	100%												-								20	20	20	20		20
50	Commercial 1 - 9,999 sf	7650	11920	346%																									
51 52	+ SPA 10000 sf or more	650 11490	1000 17920	100% 346%																									
53	+ SPA + sf > 10000	650 0.06	1000 0.1	100% 400%																									
55	+ SPA	650	1000	100%																									
47 48 49 50 51 52 53 54 55 56 57 58	Institutional/Religious Amendments (Major)	7650	11920	346%																									
58 59	Field Changes Minor w/o DRC	860	0 1340	347%																									
60 61	Minor w/ DRC	4290	6690	346%																									
62	Project Plans																												
63 64	Residential + DUs	5440 50	8500 76	246% 217%	8,500 76	4,250 76	2,833 76	2,125 76	1,700 76	1,417 76	1,214 76	1,063 76	944 76		850 76	567 76	425 76	340 76	283 76	243 76	213 76	189 76	173 76	170 76	113 76	85 76	43 76	17 76	9 76
63 64 65 66	Commercial	5440 0.05	8500 0.07	246% 250%				-	-			_	-		-	-	-	-	-	-	-	-				. •	. •		
67	Amendments									•																			
68 69	Record Plats	1130 970	1760 1520	102% 223%	1,520	760	507	380	304	253	217	190	169		152	101	76	61	51	43	38	34	31	30	20	15	8	3	2
70 71		270	420	105%	420	210	140	105	84	70	60	53	47		42	28	21	17	14	12	11	9	9	420	420	420	420	420	420
	Fee Generation	749,500 5,0	83,770		38,576	19,411	13,023	9,829	7,912	6,634	5,722	5,037	4,505		5,532	3,753	2,864	2,330	1,975	1,721	1,530	1,382	1,285	2,017	1,614	1,412	1,109	927	867

