

Montgomery County Department of Park and Planning THE MARYLAND NATIONAL CAPITAL **MCPB** PARK AND PLANNING COMMISSION Item: 11 8787 Georgia Avenue Silver Spring, Maryland 20901

March 23, 2006

MEMORANDUM

TO:

Montgomery County Planning Board

VIA:

Faroll Hamer

Acting Director

FROM:

Rose G. Krasnow, Chief

Development Review Division

Acting Deputy Director

DATE:

March 10, 2006

SUBJECT:

Increase Fees for Regulatory Applications Beginning April 1, 2006

Recommendation: Staff recommends that fees be increased April 1, 2006 to recover all Development Review costs, space required for staff, and legal staff time devoted to development review matters. This results in setting fees that will generate approximately \$3,500,000 as detailed below. The list of fees recommended for adoption is on Attachment C.

The recommended fees are 75 percent of the maximum discussed with the Board during the March 2 work session.

ANALYSIS

As part of the FY 06 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.2 To make

¹ 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 spends a substantial amount of time analyzing submitted plans. The hours that they charge to plan review is included in this analysis. Therefore, Development Review in this context is the program as opposed to the organizational entity. ² This is not surprising, as we have fewer Greenfields to develop, and more of our work now focuses on smaller, in-fill developments.

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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 order to continue the efforts to improve Development Review as a result of the Clarksburg matter, a number of reforms have been put in place that increase the workload of staff. These include detailed checklists for each type of plan review, plus signature set, record plat and building permit review. Minor amendments must be noticed and staff memos written detailing the changes and why they do not go against the intent of the Board's approvals. More than one set of eyes is brought to bear throughout the process. Greater and earlier interaction with the public has also been instituted. As a result, the Commission submitted a supplemental budget request to the County Council that enables the Planning Department to: hire additional staff, including additional site plan reviewers, as well as technical staff to enhance record management; improve and expand the use of technology; provide additional resources to the legal staff; and lease additional space.

In the past, fees have been set with a goal to recover 100% of the costs that those doing actual review of plans were recording on their time cards. After review of the costs associated with the Development Review process and in discussion with the PHED committee of the County Council, staff has identified additional cost areas that should be considered for the fee structure. In addition to the direct costs of development review, the following cost centers have been identified:

Table 1 Cost Center Summary

		Cumulative	Increase Over Current	
Current Fees	1,395,000	Total		
Revised Fees (Current Budget)	2,513,633	2,513,633	80.2%	Recommended
Plus Full Allocation *	854,150	3,367,783	141.4%	Recommended
Plus Legal Staff	273,000	3,640,783	161.0%	Recommended
Plus Space	172,400	3,813,183	173.3%	Recommended
Plus Overhead	524,600	4,337,783	211.0%	Defer
Plus Reserves	749,500	5,087,283	264.7%	Defer
Total All Costs	5,087,283		•	

^{*} Full allocation is defined as all personnel costs for development review staff -- beyond time directly charged to review.

Based on the discussion with the Board on March 2, 2006 and after consideration of testimony that was heard at that time, staff recommends that the Board set fees that will cover the full cost of the development review program staff as well as office space and the percent of legal staff time devoted to development review. While the additional costs of overhead and reserves are important considerations, they must be balanced against the magnitude of the increases that are being recommended. Further, the number of applications and the number of development units and square feet of commercial development that are being assumed in the projections are conservative. This strategic decision to use conservative numbers provides the margin for error with a revised fee structure and provides that potential for reserve funds to be

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accumulated in the special revenue fund if the actual applications exceed the projected number. It is critical in the early years of a special revenue fund that reserves be accumulated.

Table 2 below clearly shows that the filing fees at the current rate will not achieve 100% cost recovery nor would they address any of the additional cost centers that staff has identified. However, with the fees as proposed, coverage of the recommended cost centers will be achieved. Table 2 also shows an option that shows what revenue would be generated if the Board chose to phase in the increase and charge only 90 percent of the proposed fees. However, staff recommends the full fee to achieve 100 percent recovery of the identified cost centers. When the recommended fees are compared to the current fees, the increases are reasonable based on the increasing costs of processing the applications. This comparison is shown in the bottom section of charts 3, 4, and 5 below.

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. As stated above, the number of staff reviewing applications has increased along with their salaries and benefits. Also, the FY 06 supplemental budget added new positions responsible for reviewing applications.

Table 2

		Estimated	Estimated			Estimated
	Estimated	FY07 Filing	FY07 Cost	Estimated FY07	Estimated FY07	FY07 Cost
	FY07 Review	Fees at	Recovery at	Filing Fees with	Cost Recovery	Recovery at
Application Type	Labor	Current Rates	Current Rates	Revised Fees	with Increase	90% Phase In
Preliminary Plan	1,627,200	416,800	26%	1,632,400	100%	1,469,200
Site Plan	1,296,300	362,400	28%	1,294,200	100%	1,164,800
Record Plats	268,500	110,500	41%	268,900	100%	242,000
Pre-Application	165,400	53,200	32%	165,800	100%	149,200
Project Plans	164,800	66,200	40%	163,900	99%	147,500
Natural Resources Inventory /Forest Stand Delineation	100,700	69,000	69%	99,300	99%	
						89,400
Forest Conservation Plans Forest Conservation Plan	162,700 27,400	200,000 10,700	123% 39%	162,700 27,200	100% 99%	146,400
Exemptions	27,400	10,700	3370	27,200	3370	24,500
Totals	3,813,000	1,288,800	34%	3,814,400	100%	3,433,000

It should be noted that in order to estimate labor costs as accurately as possible, staff used FY 05 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

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for distribution of staff-hours between the application types. The staff-hours that would be accrued by additional staff recommended as part of the supplemental were estimated and distributed by plan type. The FY 07 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 anticipated, using historic data and 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, FY 05, and FY 06 to date, and projected this history outward, thereby assuming that FY 07 filings would be similar to those in the prior years. Staff then based the fee projections for FY 07 on 70% of the average of the prior years. This is done to provide a conservative revenue forecast at the beginning of the Special Revenue Fund. Should there be a slow down in applications, this will provide adequate funds for operations. Should the projections actually be conservative, this will provide funds to establish the reserves in the Special Revenue Fund.

In previous fee structures, various applications types have a base fee and a surcharge based on the number of residential dwelling units (DU's) 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. Under the higher fees being proposed, this structure was producing a disparate fee per dwelling unit, in that small developments were generating disproportionately higher fees per unit. To some extent, higher fees for smaller developments can be justified because the efforts expended on small projects are, in fact, disproportionate. However, staff has developed a fee structure that reduces the differences in the fees per unit to a level that is more even across the spectrum.

The recommended fee structure for Project, Preliminary and Site Plans are shown below in tables 3-5, including the impact on developments of various sizes.

Table 3 – Preliminary Plans; Amendments, etc.

Review Costs		1841-37		•
		Wk Yrs		\$
Plan Review Staff		11.63	•	1,017,679
Full Allocation of Staff				387,816
Legal Costs				151,949
Office Space				69,799
Total Costs for Fees			•	1,627,243
Projected Developmer	nt	89	Plans	
Workload				
	DUs	3,699		
	SFs	2,270,830		
	Extensions	7		
	Waivers	2		
Recommended Fees				
	Category	Amount	Generati	on
	Base	1,500		133,500
	Per DU	365		1,350,135
	Per SF	0.06		136,250
				,
	Extensions	1,390		9,730
	Waivers	1,390		2,780
Total This Category	770.70	.,000		1,632,395
Net Revenue over Costs	•			5,152
ivet Neveriue over cost				0,102
Impact on Developme	nt			
	Day Units	Fee		ner DII
	Dev Units	Fee 2 595		per DU
	3	2,595		865
	3 10	2,595 5,150		865 515
	3 10 50	2,595 5,150 19,750		865 515 395
	3 10	2,595 5,150		865 515
	3 10 50 100	2,595 5,150 19,750 38,000		865 515 395 380
	3 10 50 100 Square Feet	2,595 5,150 19,750 38,000 Fee		865 515 395 380 per SF
	3 10 50 100 Square Feet 1,000	2,595 5,150 19,750 38,000 Fee 1,560		865 515 395 380 per SF 1.56
	3 10 50 100 Square Feet 1,000 10,000	2,595 5,150 19,750 38,000 Fee 1,560 2,100		865 515 395 380 per SF 1.56 0.21
Comparison to Curren	3 10 50 100 Square Feet 1,000 10,000	2,595 5,150 19,750 38,000 Fee 1,560		865 515 395 380 per SF 1.56
Comparison to Curren	3 10 50 100 Square Feet 1,000 10,000 t Fees	2,595 5,150 19,750 38,000 Fee 1,560 2,100 7,500		865 515 395 380 per SF 1.56 0.21 0.08
Comparison to Curren	3 10 50 100 Square Feet 1,000 10,000 100,000 t Fees Dev Units	2,595 5,150 19,750 38,000 Fee 1,560 2,100 7,500		865 515 395 380 per SF 1.56 0.21 0.08
Comparison to Curren	3 10 50 100 Square Feet 1,000 10,000 100,000 t Fees Dev Units 3	2,595 5,150 19,750 38,000 Fee 1,560 2,100 7,500 Fee 1,535		865 515 395 380 per SF 1.56 0.21 0.08 per DU 512
Comparison to Curren	3 10 50 100 Square Feet 1,000 10,000 100,000 t Fees Dev Units 3 10	2,595 5,150 19,750 38,000 Fee 1,560 2,100 7,500 Fee 1,535 3,090		965 515 395 380 per SF 1.56 0.21 0.08 per DU 512 309
Comparison to Curren	3 10 50 100 Square Feet 1,000 10,000 100,000 t Fees Dev Units 3 10 50	2,595 5,150 19,750 38,000 Fee 1,560 2,100 7,500 Fee 1,535 3,090 4,600		865 515 395 380 per SF 1.56 0.21 0.08 per DU 512 309 92
Comparison to Curren	3 10 50 100 Square Feet 1,000 10,000 100,000 t Fees Dev Units 3 10	2,595 5,150 19,750 38,000 Fee 1,560 2,100 7,500 Fee 1,535 3,090		965 515 395 380 per SF 1.56 0.21 0.08 per DU 512 309
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Comparison to Curren	3 10 50 100 Square Feet 1,000 10,000 t Fees Dev Units 3 10 50 100	2,595 5,150 19,750 38,000 Fee 1,560 2,100 7,500 Fee 1,535 3,090 4,600 6,100		865 515 395 380 per SF 1.56 0.21 0.08 per DU 512 309 92 61
Comparison to Curren	3 10 50 100 Square Feet 1,000 10,000 100,000 t Fees Dev Units 3 10 50 100	2,595 5,150 19,750 38,000 Fee 1,560 2,100 7,500 Fee 1,535 3,090 4,600 6,100 Fee		865 515 395 380 per SF 1.56 0.21 0.08 per DU 512 309 92 61 per SF

Table 4 – Site Plans; Amendments, etc.

Review Costs			
NOVION GOOLG		Wk Yrs	\$
Plan Review Staff		9.24	810,735
Full Allocation of Staff		3.24	308,954
			121,051
Legal Costs			
Office Space			55,605
Total Costs for Fees			1,296,345
Projected Developmen	ıt	55	Plans
Workload			
	DUs	5,758	
	SFs	3,909,884	
	Minor w/o DRC	15	
	Minor w/ DRC	9	
Recommended Fees	·		
Necommended i ees	Category	Amount	Generation
	Base	1,500	82,500
	Per DU	165	950,070
	Per SF	0.06	234,593
	Minor w/o DRC	450	6,750
T. (- T) - O -	Minor w/ DRC	2,250	20,250
Total This Category			1,294,163
			(0.400)
Net Revenue over Costs	3		(2,182)
			(2,182)
Impact on Developmen			(2,182)
	nt	Fee	
	nt Dev Units		per DU
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	Dev Units 10 50	3,150 9,750	per DU 315 195
	Dev Units	3,150	per DU 315
	Dev Units 10 50	3,150 9,750	per DU 315 195
	Dev Units 10 50 100	3,150 9,750 18,000	per DU 315 195 180
	Dev Units 10 50 100 Sq Feet	3,150 9,750 18,000 Fee	per DU 315 195 180 per SF
	Dev Units 10 50 100 Sq Feet 1,000	3,150 9,750 18,000 Fee 1,560	per DU 315 195 180 per SF 1.56
Impact on Developmen	Dev Units 10 50 100 Sq Feet 1,000 10,000 100,000	3,150 9,750 18,000 Fee 1,560 2,100	per DU 315 195 180 per SF 1.56 0.21
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Impact on Developmen	Dev Units 10 50 100 Sq Feet 1,000 10,000 100,000 t Fees Dev Units 10	3,150 9,750 18,000 Fee 1,560 2,100 7,500 Fee 2,675	per DU 315 195 180 per SF 1.56 0.21 0.08
Impact on Developmen	Dev Units 10 50 100 Sq Feet 1,000 10,000 100,000 t Fees Dev Units	3,150 9,750 18,000 Fee 1,560 2,100 7,500	per DU 315 195 180 per SF 1.56 0.21 0.08
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Impact on Developmen	Dev Units 10 50 100 Sq Feet 1,000 10,000 100,000 t Fees Dev Units 10 50 100 Sq Feet	3,150 9,750 18,000 Fee 1,560 2,100 7,500 Fee 2,675 5,100 6,450 Fee	per DU 315 195 180 per SF 1.56 0.21 0.08 per DU 268 102 65 per SF
Impact on Developmen	Dev Units 10 50 100 Sq Feet 1,000 100,000 t Fees Dev Units 10 50 100 Sq Feet 1,000	3,150 9,750 18,000 Fee 1,560 2,100 7,500 Fee 2,675 5,100 6,450 Fee 2,675	per DU 315 195 180 per SF 1.56 0.21 0.08 per DU 268 102 65 per SF 2.68
Impact on Developmen	Dev Units 10 50 100 Sq Feet 1,000 10,000 100,000 t Fees Dev Units 10 50 100 Sq Feet	3,150 9,750 18,000 Fee 1,560 2,100 7,500 Fee 2,675 5,100 6,450 Fee	per DU 315 195 180 per SF 1.56 0.21 0.08 per DU 268 102 65 per SF

Table 5 – Project Plans; Amendments, etc.

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These types of estimates are ever changing. New staff performing reviews, more review staff-hours by staff, or higher than expected salaries/ benefits are hard to predict accurately. Staff believes a new analysis will be needed in the fall to ensure that fees are meeting the expectations of the projections.

Attachments

A – History of Fee Increases

B – Current and Proposed Fee Schedule

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Attachment A

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Ь	FY07	1500 165	"		750	0.06	0 1		092	750	7	as above		2250		5000	75	5				_	asa	. 1310 1831
0	% increase		-100.0%	-100.0% -100.0%	50.0% 50.0%		-100.0%	-100.0%	50.0%	%0.001- 50.08	50.0%		%0:0 20.0%	50.0%					-100.0%	-100.0%	-100.0%	-100.0%		50.0% 245.0%
z	Current Fees 10/10/04		2675	4020	10		2675	900 4020	200	0.02	2675	as above	0 0	1500	n/a				2460	24	2460	0.02	as above	870 470
Σ	Ci % increase		%0.0	%0:0 0:0%			%0:0	%0:0	ò	%O:O	%0.0		%0.0 0.0	%0:0 0:0					0.0%	%0.0	%0.0	0.0%		%0.0 0.0
	7/1/03 9		2675	4020	n/a n/a		2675	4020	n/a	0.02	2675	as above	900	1500	n/a				2460	24	2460	0.02	as above	870 675
노	% increase		2.9%	3.1% 3.8%			2.9%	3.1%	Č	%0.0	2.9%								7.9%	9.1%	7.9%	0.0%		8.18 0.08
f	8/1/02		2600	3900 26	n/a n/a		2600	3900	n/a	0.02	2600	as above	n/a n/a	/a □/a	n/a				2280	22	2280	0.02	as above	805 675
	% increase		18.2%	18.2% 18.2%			18.2%	18.2%	Č	%0.0 0.0	18.2%								21.9%	22.2%	21.9%	33.3%	,	22.0%
H	7/12/01		2200	3300 22	n/a n/a		2200	3300	n/a	0.02	2200	2200	n/a n/a	n/a	099				1870	18	1870	0.015	2200	660 687
9	ARISION % increase		%0:0	%0:0 0:0%			%0.0	%0.0	ò	%0.0	0.0%	100.0%			%0:0				%0.0	%0.0	%0.0	%0.0	100.0%	%0.0 0.0 0.0
L	FEE SCHEDULE COMPARISION		2200	3300 22	n/a n/a		2200	3300	n/a	0.02	2200	1100	n/a	a _c 	099				1870	18	1870	0.015	1100	660 687
Ш	SCHEDULE 7/1/98 % increase		10.0%	10.0%			10.0%	10.0%	•	%0.0 •	10.0%	10.0%			10.0%				10.0%	2.9%	10.0%	%0.0	10.0%	10.01 9.9%
	EE SCF		2000	3000	n/a n/a		2000	3000	n/a	0.02	2000	1000	n/a 1/2		009				1700	17	1700	0.015	1000	600 625
O			st ADS ±	+ Sr A more + DUs > 10	+ SPA DUs > 50 ercial		9 sf	+ SPA 10000 sf or more	+ SPA	+ sf > 10000 + SPA	teligious	(Major)	Field Changes	// DRC						+ DUs		+ sf		
В		Base DUs	Residential 1 - 9 DUs	10 or more + DU	+ SPA Commercial	SFs	1 - 9,999 sf	10000 \$		Ť	Institutional/Religious	Amendments (Major)	Field Changes	Minor w/ DRC	Extensions	<u>Plans</u> Base	DUS	SFS	Residential		Commercial		Amendments	Extensions Plats
	Effective	Site Plan	<u></u>		J						_					Project Plans					~		. •	83 Exter 84 Record Plats
	0 κ 4	48 48 49	52 23	3 4 3	57 57 58	92	61	63	64	65	67	89	69	2 12	72	<u>د</u> 4	75	9/	78	79	80	8	8	88 2

Affachment A (Con't)

	ABC		z	0	В	Ø	R	S	⊢	n	AF	AG	AH
τ-			Re	Recommended Development Review Fee	ded De	velopm	ent Rev	iew Fee	Schedule	ule			
ი გ			Current Fees								Current Fees		
4	Effective		10/10/04	% increase	FY07			Effective			10/10/04	% increase	FY07
2	Pre Application Plan		1					Site Plan					
1 0	Staff		620	350.0%	2790	* *				Base			1500
~ @	Board NRI/FSD		C76	35U.U%	2 - 4					son			COL
တ	SF		350	105.0%	720				Residential				
10	Others		320	105.0%	720					1-9 DUs	. 4	-100.0%	0
11	Recertification		200	105.0%	410					+ SPA		20.0%	380
12	FCP Exemption	_	20	250.0%	180					10 or more	4	-100.0%	0
133	녆		Č	740 004	ξ					+ DUS > 10		-100.0%	0 1
<u>.</u> 4	۲ آ	-	9	40.0%	9					A40 +	200	%0.0c	2 8
0 4	245	<u>o</u> +	0 £	140.0%	3 8				+ 01	'A DUS > 30	2	%0.0c	₹
1	S DINO	+ / acre	120	140.0%	390					SFS			0.06
18	Preliminary Plan)	•))
19	Residential		-							1 - 9,999 s [.]	2675	-100.0%	0
20	Base				1500					+ SPA		20.0%	750
21	SNO				365					10000 sf o	4020	-100.0%	0
22										+ SPA		20.0%	750
23	1-9 DUs		1535	-100.0%	0				•	+ sf > 10000	0.02	-100.0%	0
24		+ SPA	250	20.0%	380					+ SPA		20.0%	750
25	10 - 49 DUs	Ns	3090	-100.0%	0				Institution	Institutional/Religious	2675	20.0%	4020
26		+ SPA	200	20.0%	750				Amendme	Amendments (Major)	as above		as above
27	50 or more	ė	4600	-100.0%	0					Field Chan	0	%0:0	0
28	+	+ DUs > 50	30	-100.0%	0					Minor w/o I	300	20.0%	450
58		+ SPA	200	20.0%	750					Minor w/ D	1500	20.0%	2250
က္က	+ SPA D	+ SPA DUs > 50	10	20.0%	20				Extensions	Sı	n/a		
31	Commercial							Project Plans	임				
32	STS .				0.06					Base			5000
8 8	1 . 9999ef	4-	2315	-100 0%	C					SEs.			6,00
35	-	+ SPA	200	20.0%	750) j			}
36	10000 - 24999 sf	4999 sf	3090	-100.0%	0				Residentia	- E	2460	-100.0%	0
37		+ SPA	500	20.0%	750					+ DUs	24	-100.0%	0
38	25000 sf or more	or more	4600	-100.0%	0				Commercial	ial	2460	-100.0%	0
39	+ Sf	+ sf > 25000	0.03	-100.0%	0					+ sf	0.02	-100.0%	0
4	:	+ SPA	200	50.0%	750				Amendments	ents	as above		as above
41	Institutional/Religious	igious	1535	50.0%	2310				Extensions	SI	870	20.0%	1310
42	Amondmonte	+ SPA	500	20.0%	750			Record Plats	윏		470	245.0%	1630
₹ 4	Extensions		83 above 925	50.0%	1390						503		Ş
45	Waivers		925	20.0%									
46												1	
47		will not ex	cede Prelimina	ary Plan Fee	for staff lev	el review.				747	TO 11 140	\mathcal{L}	
48	1** Pre-Application Fees that go to the board will be 30% higher than staff level reviews	that go to	the board wil	l be 30% high	er than sta	ff level revie	ews.			101101	المرابعة	1	