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Senate Bill 359 limits the amount of the appeal fee that a city or county may charge for quasi-judicial review of city or county decisions on land use applications. The bill further requires the city or county refund appeals fees and transcript fees when appellate authority of city or county declines to review decision.

This bill also prohibits cities or counties from charging fees for appeal of final decisions of the city or county to the Land Use Board of Appeals.

Different counties charge different fees due to various types of funding necessities. Often times, there is no funding to subsidize the planning program, which is a statutory mandated service. Capping fees has the possibility of causing a failed planning program. This statement sounds dramatic when considering only a cap on appeal fees but, for reasons explained in this letter, is a valid consideration.

This bill will result in financial hardship for the Coos County Planning Department and other County Planning Departments that are reliant on fees as their major funding source. Coos County is a county that charges actual cost of services (ACS). The fee cap for an appeal of a planning director's decision causes a loss of revenue to the Planning Department of about \$1987 for every appeal filed at the first level (due to the existing \$250 cap). The new cap would now impose a limit on the appeal of a Planning Commission's decision, which would cost the Planning Department an additional \$1200 dollars, on average, for each appeal to the Board of Commissioners. Any portion of the fee that is not expensed is returned to an applicant or appellant.

One consequence of this bill on Coos County is an increase in all other fees to subsidize the decreased appeal fee. Due to the fact that the general fund is dwindling, the Coos County Board of Commissioners had to make the difficult decision to remove Coos County Planning from the general fund. As a result, fees, grant funds and economic development dollars are used to support the planning program and the reduction of this income has the potential to negatively affect the quality of service offered by the Planning Department.

If fees are not raised to offset the cap, the solution would be to subsidize appeal fees by reducing other planning services or increasing the fees for other services. This would reduce long range planning and risk closure to the public due to reduction in staff. An associated risk of raising fees is making applications for permits cost prohibitive, resulting in either more enforcement issues or lack of development. Either of these outcomes will cause financial harm to the citizens of Coos County.

Public input is very valuable and a necessity in the planning process but, as it currently stands, the State has already limited appeal fees to \$250 for administrative (staff) decisions. The direct effect of this appeal fee cap in Coos County is that any controversial or complex applications are directly sent to public hearing. The Board of Commissioners has invested time in selecting Planning Commission members and money to train them. Therefore, the fee acts as a control to eliminate frivolous appeals.

This seems like an equality issue as well, because this gives an appellant an unfair advantage. Some appeals that are received have no land use merit and it has been the experience in Coos County that a higher fee prevents those types of appeals. This is a local jurisdiction decision and the authority of the County should not be removed. Coos County does offer fee waiver for financial hardships or public benefits at the discretion of the Board of County Commissioners, which allows for special cases to be considered.

Thank you for the opportunity to provide the Committee with information on this matter from Coos County's view. Coos County urges the Commission to oppose this bill and allow counties to maintain local discretion to fund planning services.

A handwritten signature in black ink, appearing to read "Melissa Cribbins". The signature is fluid and cursive, with the first name being more prominent than the last.

Melissa Cribbins
Commissioner
Coos County