BEFORE THE BOARD OF COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON

IN THE MATTER OF INITIATING A REMAND HEARING TO CONSIDER NEW EVIDENCE, TESTIMONY AND ARGUMENTS FOR APPROVING PLANNING PERMIT FEE INCREASES APPLICABLE DURINGTHE FISCAL YEAR OF 2006-2007 ONLY	)	ORDER NO. 2009-020

MOTION & ORDER

WHEREAS, on July 26, 2006, the Board of County Commissioners adopted Order 2006-125 approving planning permit fee increases for the fiscal year 2006-2007 pursuant to the procedures and authority given under the Josephine County Home Rule Charter, to be effective until changed by subsequent action; and

WHEREAS, on August 14, 2006, a notice of intent to appeal Order 2006-125 was filed by Holger T. Sommer, Hal B. Anthony, Mike Walker, Ron Ray, Phyllis Ray, Jean Mount, Herbert Neelund and Valerie Neelund with the Oregon Land Use Board of Appeals; and

WHEREAS, on March 18, 2009, the Oregon Land Use Board of Appeals entered its final opinion and order regarding the appeal by remanding the matter back to the county to take further action to show the fees established by Order 2006-125 represent the average or actual cost of providing the services associated with each land use permit; and

WHEREAS, this Board is authorized by the Josephine County Rural Land Development Code, at Articles 31.030 and 33.130, to initiate hearings for consideration of remanded land use decisions; and

WHEREAS, this Board now desires to initiate an evidentiary remand hearing to consider whether the fees adopted by Order 2006-125 do in fact constitute the average or actual costs for performing ~~the~~ those services, as required by ORS 215.416(1) and 215.422(1)(c);

NOW, THEREFORE, THE BOARD ORDERS AS FOLLOWS:

1. The Board hereby initiates a remand land use hearing pursuant to the rules and procedures of the Josephine County Rural Land Development Code; and

2. The only issue to be considered in the remand hearing is whether the planning fees adopted by Order 2006-125 represent the average or actual costs of providing the

permit services related to each fee; and

3. The remand hearing shall be open to new evidence, testimony and arguments regarding the issue described in item 2 above; and

4. The parties to the remand hearing shall be Josephine County, Holger T. Sommer, Hal B. Anthony, Ron Ray, Phyllis Ray, Jean Mount, Herbert Neelund and Valerie Neelund. Participation in the remand hearing shall be strictly limited to the parties listed in this Order; and

5. The Planning Director is directed to schedule the remand hearing and provide notice of the hearing to the parties as required by Article 32 of the Josephine County Rural Land Development Code; and

6. The Planning Director shall represent the county in the remand hearing.

DONE and DATED this 29th day of April, 2009.

JOSEPHINE COUNTY
BOARD OF COMMISSIONERS

Dwight F. Ellis, Chair

Sandi Cassanelli, Vice Chair

Dave Toler, Commissioner