

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 3-98 )  
 ) IN THE MATTER OF AMENDING CHAPTER 14  
 ) OF LANE CODE TO REVISE VARIOUS  
 ) PROVISIONS OF THE LAND USE  
 ) APPLICATION AND APPEAL PROCEDURES,  
 ) MAKE OTHER HOUSEKEEPING CHANGES  
 ) TO QUASI-JUDICIAL LAND USE HEARING  
 ) RULES, AND ADOPTING AN EMERGENCY  
 ) CLAUSE

The Board of County Commissioners of Lane County ordains as follows:

Chapter 14 of Lane Code is hereby amended by removing and substituting the following pages:

REMOVE THESE PAGES

INSERT THESE PAGES

14.050(2) - 14.050(3),  
i.e. 14-4  
(a total of one page)

14.050(2) - 14.050(3),  
i.e. 14-4  
(a total of one page)

14.050(4) - 14.070(1),  
i.e. 14-6  
(a total of one page)

14.050(4) - 14.070(1),  
i.e. 14-6  
(a total of one page)

14.070(3) - 14.100(3) to  
14.150(4) - 14.160(1),  
i.e. 14-8 to 14-11  
(a total of four pages)

14.070(3) - 14.100(2) to  
14.150(3) to 14.160(1),  
i.e. 14-8 to 14-11  
(a total of four pages)

14.200(9) - 14.300(1) to  
14.300(2) - 14.300(5),  
i.e. 14-15 to 14-16  
(a total of two pages)

14.200(9) - 14.300(1) to  
14.300(2) - 14.300(4),  
i.e. 14-15 to 14-16  
(a total of two pages)

14.300(7) - 14.300(8) to  
14.530(1) - 14.535(1),  
i.e. 14-21 to 14-28  
(a total of eight pages)

14.300(7) - 14.300(8) to  
14.525(2) - 14.535(1),  
14.21 to 14-28  
(a total of eight pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to revise various provisions of the land use application and appeal procedures and make other housekeeping changes to quasi-judicial land use hearing rules. (LC 14.050 - 14.110, 14.300 - 14.500, 14.515 and 14.525)

**FILED**

**JUL 16 1998**

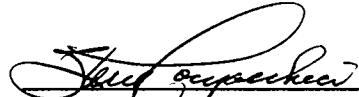
**COUNTY CLERK**

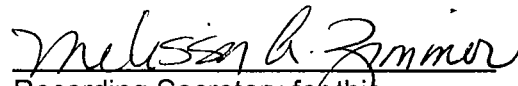
BY M. Balding

While not part of this Ordinance, findings attached as Exhibit "A" and incorporated herein by this reference are adopted in support of this decision.

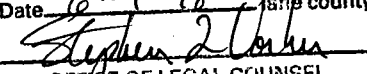
An emergency is hereby declared to exist and this Ordinance, being enacted by the Board in the exercise of its police power for the purpose of meeting such emergency and for the immediate preservation of the public peace, health and safety, shall take effect immediately upon adoption.

Enacted this 8<sup>th</sup> day of July, 1998.

  
Chair, Lane County Board of  
Commissioners

  
Recording Secretary for this  
Meeting of the Board

APPROVED AS TO FORM

Date 6-9-98 Lane county  
  
OFFICE OF LEGAL COUNSEL

BOOK 160 PAGE 1808

(a) Applications subject to the review procedures of LC 14.100 below may be combined with other applications subject to the review procedures of LC 14.100 below, and the required review shall be by the Director according to LC 14.100 below.

(b) Applications subject to Hearings Official approval, according to the review procedures of LC 14.300 below, may be combined with other applications subject to Hearings Official approval according to LC 14.300 below and the required review procedure shall be by the Hearings Official according to LC 14.300 below.

(c) Applications subject to the review procedures of LC 14.100 below may be combined with applications subject to Hearings Official approval according LC 14.300 below, and the required review procedure shall be by the Hearings Official according to LC 14.300 below.

(d) A zone change application may be combined with an application for an amendment to the Comprehensive Plan, and the combined application shall be concurrently reviewed by the Planning Commissions and Board according to the review procedures of LC Chs 12 and 14 for a plan amendment.

(3) Acceptance. Applications subject to any of the review criteria of this Chapter:

(a) May be received by the Director at any time and shall not be considered as accepted solely because of having been received;

(b) Shall be, within 30 days of receipt, reviewed by the Director to determine if they meet the requirements of LC 14.050(1) and (2) above and are complete. Applications shall be determined to be complete and shall be accepted by the Director when they include the required information, forms and fees. When the Director determines that an application is not complete, the Director shall mail written notice to the applicant and disclose exactly what information, forms or fees are lacking.

16-83; 9.14.83  
10-84; 9.8.84  
10-89; 10-4-89  
4-96; 11.29.96

14-4

WP I/co/00029/T  
WP I/cr/98010/M

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requiring the review. The report of such investigation shall be included within the application file and, in the event of a hearing, presented to the Approval Authority before or during the hearing.

(5) Timelines for Final Action. For development sites located within an urban growth boundary, except as provided in LC 14.050(5)(a)-(d) below, the Approval Authority shall take final action on an application for a permit, limited land use decision or zone change within 120 days after the application is deemed complete. For development sites located outside an urban growth boundary, except as provided in LC 14.050(5)(a)-(d) below, the Approval Authority shall take final action on an application for a permit, limited land use decision or zone change within 150 days after the application is deemed complete. Except when an applicant requests an extension under LC 14.050(5)(a) below, if Lane County does not take final action on such an application within the required 120 or 150 days after the application is deemed completed, Lane County shall refund to the applicant either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional Lane County land use fees or deposits for the same application incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application. Exceptions to the requirement to take final action on an application within 120 or 150 days are:

(a) When an applicant waives or requests an extension of the required 120-day or 150-day period for final action.

(b) When an application is for an amendment to an acknowledged comprehensive plan or land use regulation or adoption of a new land use regulation that was forwarded to the Director of the Department of Land Conservation and Development under ORS 197.610(1).

(c) When a decision is not wholly within the authority and control of Lane County.

(d) When parties have agreed to mediation as described in ORS 197.318(2)(b).

14.070 Notice Contents.

(1) Notice of a decision by the Director pursuant to LC 14.100 below shall contain:

- (a) Identification of the application by Department file number.
- (b) Identification of the contiguous property ownership involved by reference to the property address, if there is one, and to the Lane County Assessment map and tax lot numbers.
- (c) Identification of the property owner and applicant.
- (d) An explanation of the nature of the application and the proposed use or uses that could be authorized by the decision.

(3) Notice of a hearing pursuant to the procedures of LC 14.400 below shall contain:

- (a) The information required by LC 14.070(2) above.
- (b) A statement regarding the purpose of the hearing and whether or not testimony will be limited to the record.
- (c) The names of parties who may participate in the Board hearing.
- (d) Where to receive more information.

(4) The records of the Lane County Department of Assessment and Taxation shall be used for notice as required by this Chapter to nearby property owners. Persons whose names and addresses are not on file at the time of the filing of the application need not be notified of the action. The failure of a property owner to receive notice shall not invalidate the action if the Director can demonstrate by affidavit of compliance that such notice was given. The Director shall cause to be filed certification of compliance with the notice provisions of this section.

(5) Notice of a hearing to be posted on the property shall meet the following requirements:

- (a) The design and size of the signs shall be determined by the Director, but shall be at least 22"x 28" in size and have a brightly colored background.
- (b) The sign shall identify the time, date and place of the public hearing.
- (c) The sign shall identify the Department file number.
- (d) The sign shall identify the general nature of the proposal.
- (e) The sign shall identify where more information may be received.

14.100 Director Review Procedure. All applications subject to this subsection shall be reviewed as follows:

(1) Decision Deadline. Unless the Director elects to conduct a hearing to review the application pursuant to LC 14.110 below, or unless the Director elects to schedule the application for a hearing with the Hearings Official pursuant to LC 14.110 below, an application which has been accepted by the Director shall be acted upon within 21 days of the date the application was accepted. An application which has not been so acted upon may be appealed by the Applicant to the Hearings Official in the same manner as provided for in this Chapter for appeals of Director decisions, except that there will be no fee charged for the appeal. The application processing timeline may be extended for a reasonable period of time at the request of the applicant.

(2) Director Review. The Director shall review the application and prepare a written investigation report. The Director may elect to schedule the application for a hearing with the Hearings Official or to conduct an evidentiary hearing and to review the application pursuant to LC 14.110 below.

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(3) Director Decision. The Director shall determine if the evidence supports a finding that the required criteria have been met and shall approve, approve with conditions or deny the application. The Director's approval or denial shall be in writing, shall be based on factual information, and shall include express written findings on each of the applicable and substantive criteria.

(4) Notice. Within two days of the decision, the Director shall mail notice meeting the requirements of LC 14.070(1) above to the applicant, to all parties, to all neighborhood or community organizations recognized by the Board and whose boundaries include the site and to the owners of record of property on the most recent property tax assessment roll where such property is located:

(a) Within 100 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is wholly or in part within an urban growth boundary;

(b) Within 250 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is outside an urban growth boundary and not within a farm or forest zone;

(c) Within 500 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is within a farm or forest zone.

#### 14.110 Director Elective Hearing Procedure.

(1) Purpose. This section establishes the procedure and criteria which the Director shall follow in electing to have an evidentiary hearing for the application with the Hearings Official or in electing for the Director to conduct an evidentiary hearing for a land use application otherwise subject to review pursuant to LC 14.100 above without a hearing. The purpose of the evidentiary hearing by the Director or Hearings Official is to help the Director or Hearings Official resolve unique land use issues by providing interested persons with a hearing and an opportunity to contribute statements or evidence to the land use decision.

#### (2) Procedure.

(a) Where an application is subject to review by the Director without a hearing under LC 14.100 above, the Director may instead elect to conduct an evidentiary hearing, or to have an evidentiary hearing for the application with the Hearings Official, to review the application pursuant to LC 14.300 below.

(b) The evidentiary hearing by the Director or Hearings Official shall be scheduled for a date no later than 35 days from the date of application acceptance.

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- (c) At least 20 days in advance of the evidentiary hearing and before the end of the 21-day action period provided in LC 14.100(1) above, the Director shall provide the applicant with a copy of his or her written report that addresses compliance with LC 14.110(3) or (4) below and that identifies the hearing date.
- (3) Director Hearing Criteria. An election by the Director to conduct a Director evidentiary hearing must comply with one or more of the following criteria:
- (a) An application raises an issue which is of countywide significance.
  - (b) An application raises an issue which will reoccur with frequency and is in need of policy guidance.
  - (c) An application involves a unique environmental resource based upon evidence provided by a state or federal agency, or by a private professional with expertise in the field of the resource of concern.
  - (d) An application involves an existing use with a compliance action pending against it and with neighborhood opposition against it.
  - (e) An application involves persons with opposing legal arguments regarding unresolved interpretations of applicable state laws or regulations.
  - (f) An application involves a contemplated use which would be a different kind of use than the uses of nearby properties and the owners of three or more nearby properties object to the use or request a hearing.
  - (g) An application involves a contemplated use which would result in any of the following offsite impacts based upon information provided to the Director: the introduction of new commercial or industrial traffic, or ongoing truck traffic, on local roads in a residential neighborhood; or the introduction of noise, odors or dust into a residential neighborhood.
  - (h) An applicant requests a hearing.
- (4) Hearings Official Hearing Criteria. An election by the Director to have an evidentiary hearing for the application with the Hearings Official shall demonstrate that the application involves persons with opposing legal arguments regarding unresolved interpretations of applicable state laws or regulations.

14.150 Limited Land Use Decision Procedure. Notwithstanding LC 14.100 above, all applications for Limited Land Use Decisions shall be reviewed as follows:

- (1) Decision Deadline. An application which has been accepted by the Director shall be acted upon within 21 days of the date the application was accepted. An application which has not been so acted upon may be appealed by the applicant to the Hearings Official in the same manner as provided for in this Chapter for appeals of Director decisions, except that there will be no fee charged for the appeal.
- (2) Director Review. The Director shall review the application and related materials.

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(3) Director Decision. The Director shall determine if the evidence supports a finding that the required criteria have been met and shall approve, approve with conditions or deny the application. The Director's approval or denial shall be in writing and shall include express written findings on each of the applicable and substantive criteria. A staff report shall not be required prior to the decision.

(4) Notice. Written notice shall be provided to owners of property within 100 feet of the entire contiguous site for which the application is made and to all neighborhood or community organizations recognized by the Board and whose boundaries include the site. The property owner's list shall be compiled from the most recent property tax assessment roll. At the time that notice is provided, the Director shall place in the record an affidavit or other certification that such notice was given. The notice and related procedures shall:

(a) Provide a 14-day period for submission of written comments prior to the decision.

(b) State that issues which may provide the basis for an appeal to the Oregon State Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. The notice shall state that issues must be raised with sufficient specificity to enable the Director to respond to each issue.

(c) List, by commonly used citation, the applicable criteria for the decision.

(d) Set forth the street address or other easily understood geographical reference to the subject property.

(e) State the place, date and time that comments are due.

(f) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost.

(g) Include the name and phone number of a Lane County contact person.

(h) Provide notice of the decision to the applicant and any person who submits comments under LC 14.150(4)(a) above. The notice of decision must include an explanation of appeal rights.

(i) Briefly summarize the decision-making process for the limited land use decision being made.

14.160 Special Notice and Review Requirements for a Dwelling or Mobile Home Subject to Director Approval in the Exclusive Farm Use (E-RCP) Zone, LC 16.212(3)(c).

(1) When reviewing an application for a dwelling or mobile home conditionally permitted by LC 16.212(3)(c), the Director shall:

(a) In addition to the requirements of LC 14.050(3)(c), specify in the notice that "persons have 15 days following the date of postmark of the notice to file a written objection on the grounds only that the dwelling or mobile home, or activities associated with either residence, would force a significant change in or significantly increase the costs of accepted farming practices on nearby lands devoted to farm use."

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(h) Allow the applicant to withdraw the application. Subsequent to the application withdrawal, any new application for the same property must be submitted and reprocessed in compliance with the provisions of this Chapter.

(10) Record of Proceeding.

(a) A verbatim record of the hearing shall be made by mechanical means. In all cases, the tape, transcript of testimony or other evidence of the hearing shall be part of the record.

(b) All exhibits received shall be marked so as to provide identification upon review.

(c) All actions taken by the Approval Authority pursuant to adopting findings and conclusions shall be made a part of the record.

14.300 De Novo Hearing Procedure. All applications or appeals, unless otherwise specified, subject to this section shall be reviewed as follows:

(1) Hearing Deadlines.

(a) An appeal of a decision made without a hearing and pursuant to LC 14.100 above, and which has been accepted by the Director pursuant to LC 14.520 below, shall be scheduled for the next regularly scheduled hearing before the Hearings Official for appeals no sooner than 21 days from the date of acceptance of the appeal and no later than 35 days from the date that the appeal was accepted.

(b) An appeal of a decision made by the Director with a hearing pursuant to LC 14.300, and which has been accepted by the Director pursuant to LC 14.520 below, shall be scheduled for the next regularly scheduled hearing before the Hearings Official for appeals no sooner than 10 days from the date of acceptance of the appeal and no later than 28 days from the date that the appeal was accepted.

(c) An application for review by the Hearings Official, and which has been accepted by the Director, shall be scheduled for the next regularly scheduled hearing for such review no sooner than 20 days from the date of application acceptance and no later than 35 days from the date of application acceptance.

(d) An application for review by the Planning Commission and a subsequent action by the Board, if accepted by the Director, shall be scheduled as follows:

(i) The Planning Commission hearing shall be no sooner than 45 days from the date of application acceptance and no later than 60 days from the date of application acceptance.

(ii) The Board hearing shall be no sooner than 60 days from the date of application acceptance and no later than 75 days from the date of application acceptance.

**BOOK 160 PAGE 1815**

(2) Publication of Notice. For a zone change application and/or plan amendment application, the Department shall cause to be published in a newspaper of general circulation, at least 20 days in advance of the hearing, a notice of the hearing which contains the information required by LC 14.070(2) above.

(3) Mailing of Notice. If the Approval Authority is the Director, then at least 20 days in advance of the hearing, the Director shall mail notice of the hearing which meets the requirements of LC 14.070(2) to the persons identified in LC 14.300(3)(a)-(f) below. If the Approval Authority for the hearing is the Hearings Official, and the hearing is to consider an appeal from a decision by the Director for which the Director held a hearing, then at least ten days in advance of the hearing the Director shall mail notice of the hearing which meets the requirements of LC 14.070(3) to the persons identified in LC 14.400(6) below. For any other hearing, at least 20 days in advance of the hearing, the Director shall mail notice of the hearing which meets the requirements of LC 14.070(2) above to the persons identified in 14.300(3)(a)-(f) below.

- (a) The applicant;
- (b) The property owner, if different than the applicant;
- (c) The appellant, if there is one, and if the appellant is different than the applicant or property owner; and
- (d) The owners of record of all property on the most recent property tax assessment roll where such property is located:
  - (i) Within 100 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is wholly or in part within an urban growth boundary;
  - (ii) Within 250 feet of the exterior boundaries of the contiguous property ownership which is the subject of the application, is outside an urban growth boundary and not within a farm or forest zone; or
  - (iii) Within 500 feet of the exterior boundaries of the contiguous property ownership which is the subject of the application if the subject property is within a farm or forest zone.
- (e) All neighborhood or community organizations recognized by the Board and whose boundaries include the site.
- (f) Any person who has made an appearance.

(4) Posting Notice. At least 14 days in advance of the hearing, for initial application reviews and not appeals of Director decisions, the Director shall cause notice to be conspicuously posted on one or more locations on the subject property, and such notice shall comply with LC 14.070(5) above.

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(iii) A continuance or extension granted pursuant to LC 14.300(7)(o) shall be subject to the limitations of ORS 215.428 unless the continuance or extension is requested or agreed to by the applicant.

(iv) Unless waived by the applicant, the Approval Authority shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.

(v) When the Approval Authority reopens the record to admit new evidence or testimony, including a response to new evidence allowed pursuant to LC 14.300(7)(o)(ii) above, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

(p) At the conclusion of the hearing, the Approval Authority shall either make a tentative decision and state findings which may incorporate findings proposed by any person or the Director, or take the matter under advisement for a decision to be made at a later date. If additional documents or evidence are provided by any party, the Approval Authority may allow a continuance or leave the record open to allow a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations of ORS 215.428. The Approval Authority may request proposed findings and conclusions from any person at the hearing. The Approval Authority, before finally adopting findings and conclusions, may circulate the same in proposed form to parties for written comment. The written decision and findings shall be based on factual information, shall identify who has party status and shall be completed in writing and signed by the Approval Authority within 10 days of the closing of the record for the last hearing. A longer period of time may be taken to complete the findings and decision if the applicant submits a written request to the Approval Authority consenting and agreeing to a waiver of the 120-day or 150-day statutory time period for final action on the application equal to the amount of additional time it takes to prepare the findings.

(8) Decision and Findings Mailing. Within two days of the date that the written decision adopting findings is signed by the Approval Authority, the Director shall mail to the applicant, and all parties of record, a copy of the decision and findings; or if the decision and findings exceed five pages, the Director shall mail notice of the decision.

16-83; 9.14.83  
10-89; 10.4.89  
4-96; 11.29.96

14-21

WP 1/co/00029/T  
WP 1/cr/98013/M

14.400 On The Record Hearings Procedure. All appeals subject to this section shall be reviewed as follows:

(1) Review on the Record. The review of the decision by the Approval Authority shall be confined to the record of the proceeding before the previous Approval Authority except as provided in LC 14.400(2) and 14.400(3) below.

(2) Limited Additional Testimony. The Approval Authority may admit additional testimony and other evidence without holding a de novo hearing, if it is satisfied that the testimony or other evidence could not have been presented at the initial hearing. In deciding such admission, the Approval Authority shall consider:

- (a) Prejudice to parties.
- (b) Convenience or availability of evidence at the time of the initial hearing.
- (c) Surprise to opposing parties.
- (d) When notice was given to other parties of the intended attempt to admit the new evidence.
- (e) The competency, relevancy and materiality of the proposed testimony or other evidence.
- (f) Whether the matter should be remanded for a de novo hearing under LC 14.400(3) below.

(3) De Novo Hearing/Remand. The Approval Authority may elect to hold a de novo hearing or remand the appeal for a supplemental de novo hearing before the previous Approval Authority if it decides that the volume of new information offered by a party proceeding under LC 14.400(2) above would:

- (a) Interfere with the Approval Authority's agenda; or
- (b) Prejudice parties; or
- (c) If the Approval Authority determines that the wrong legal criteria were applied by the previous Approval Authority. On remand, the previous Approval Authority shall apply the procedures of LC 14.300 above. If an appeal is desired from the previous Approval Authority's decision on remand, the appropriate procedures of LC 14.500 below, for an appeal of a decision shall be followed.

(d) In the event that the remand is requested by the applicant, the applicant shall first agree to a waiver of any statutory timelines in which Lane County must expedite processing of the application, and such waiver shall be in addition to any other waivers of the statutory application processing timelines requested by the applicant.

(4) Hearing Deadlines. An appeal of a Hearings Official decision which has been reviewed by the Board pursuant to LC 14.600 below and for which an on the record hearing has been approved, shall be heard by the Board within 14 days of the date of the decision by the Board to conduct the on the record hearing.

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(5) Publication of Notice. For a zone change application, the Department shall cause to be published, at least 10 days in advance of the hearing and in a newspaper of general circulation, a notice of the hearing which contains the information required by LC 14.070(3) above.

(6) Mailing of Notice. At least 10 days in advance of the hearing, the Director shall mail notice of the hearing which meets the requirements of LC 14.070(3) above to:

- (a) The applicant;
- (b) The property owner, if different than the applicant;
- (c) The appellant, if the appellant is different than the applicant or property owner; and
- (d) All persons who qualified as parties at the hearing before the Hearings Official.

(7) Written Material. Unless otherwise specified by the Approval Authority, all written materials exceeding two pages in length and for submission into the record of the hearing or for consideration at the hearing must be submitted to and received by the Department at least five days in advance of the hearing. Upon request, the application file containing these materials shall be made available to the public by the Department. The Approval Authority may allow written materials to be submitted and received after this five-day deadline if:

- (a) The written materials are solely responsive to the written materials submitted at least five days in advance of the elective review for on- the-record appeal hearing and,
- (b) The responsive, written materials could not have been reasonably prepared and submitted at least five days in advance of the Board's elective review hearing and,
- (c) Copies of the written materials have been provided to all parties to the on-the-record appeal.

(8) Challenges of Bias. Challenges for bias must meet the standards of LC 14.200(7) above and must be delivered to and received by the Director at least five days in advance of the hearing. The Director shall then, prior to the hearing, forward a copy of the challenge to the Approval Authority or member of the Approval Authority who is being challenged.

(9) Order of Procedure. In the conduct of a hearing on the record, and unless otherwise specified by the Approval Authority, the Approval Authority shall:

- (a) Announce the nature and purpose of the hearing and summarize the rules for conducting the hearing.
- (b) Announce to all persons present that the hearing is on the record from the hearing of the previous Approval Authority, that only the persons identified in LC 14.600(4) will be allowed to participate in the on-the-record hearing, and that the issues discussed will be limited to those raised in the notice of appeal.

- (c) Disclose any ex parte contacts. A communication between County staff and the Board shall not be considered an ex parte contact.
- (d) Call for abstentions based upon any conflicts of interest or biases due to ex parte contacts, and any member of the Approval Authority may respond to any challenges for bias meeting the standards of this Chapter. No decision or action of the Board shall be invalid due to ex parte contact or bias resulting from ex parte contact with a member of the Board, if the Board member receiving the contact:
- (i) Places on the record the substance of any written or oral ex parte communications concerning the decisions or action; and
  - (ii) Has a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication made at the first hearing following the communication where action will be considered or taken on the subject to which the communication is related.
- (e) Request the Director to present his or her introductory report, explain any graphic or pictorial displays which are a part of the report, read findings and recommendations, if any, and provide such other information as may be requested by the Board.
- (f) Allow the appellant to be heard first, on his or her own behalf or by representative.
- (g) Allow the applicant, if different from the appellant to be heard next in the same manner as in the case of the appellant.
- (h) Upon failure of any party to appear, the Approval Authority may take into consideration written material submitted by such party.
- (i) Allow the appellant to rebut, on his or her own behalf or by representative, any of the arguments previously presented to the Approval Authority.
- (j) Conclude the hearing.
- (k) Questions may be asked at any time by the Approval Authority. Questions by the parties or Director may be allowed by the Approval Authority upon request. Upon recognition by the Approval Authority, questions may be submitted directly to the persons being questioned. The persons questioned shall be given a reasonable amount of time to respond solely to the questions.
- (l) At the conclusion of the hearing, the Approval Authority shall either make a tentative decision and state findings which may incorporate findings proposed by any person or the Director, or may continue the hearing to a date certain. The Approval Authority may request proposed findings and conclusions from any party to the hearing. The Approval Authority, before finally adopting findings and conclusions, may circulate the same in proposed form to parties for written comment.
- (10) Written Decision or Final Order. Upon the adoption of findings, the Approval Authority shall enter a written decision or final order affirming, reversing or modifying the decision of the previous Approval Authority. The decision or final order shall be based on factual information. The Director shall, within two working days of the date of the written decision or final order, mail a copy of the written decision or final order to all parties of record.

14.500 Appealable Decisions and Manner of Review.

(1) Decisions made by the Director without an evidentiary hearing pursuant to LC 14.100 above may be appealed, and upon Director acceptance of an appeal, shall be reviewed by the Hearings Official with an evidentiary hearing pursuant to LC 14.300 above. Decisions made by the Director with an evidentiary hearing pursuant to LC 14.100 above may be appealed, and upon Director acceptance of an appeal, shall be reviewed on the record by the Hearings Official pursuant to LC 14.400 above.

(2) Decisions by the Hearings Official pursuant to LC 14.300 or 14.400 above may be appealed to the Board. Upon Director acceptance of such an appeal, the Board may elect to hear or not hear the appeal, and shall follow LC 14.600 below in deciding whether or not to hear the appeal. Appeals heard by the Board shall be reviewed according to LC 14.400 above. A decision on any application appealed to the Board shall become final upon signing of an order by the Board to not hear the appeal or specifying the final decision in an appeal the Board elected to hear. A decision not to hear an appeal shall affirm the appealed decision pursuant to LC 14.600(2)(d) below.

(3) Unless appealed, a decision on any application shall be final upon expiration of the period provided by this chapter for filing an appeal.

14.510 Appeal Period. A decision by the Director or Hearings Official, once reduced to writing and signed, shall be appealed as provided in LC 14.500 above, within 10 days of the date of signing of the decision provided notice of the decision occurs as required by law. When the last day of the appeal period so computed is a Saturday, Sunday, a Federal or County holiday, or a day during which the Department is closed because of a temporary work furlough, the appeal period shall run until 5:00 o clock p.m. on the next business day.

14.515 Appeal Content Requirements. All appeals shall:

(1) Be submitted in writing to, and received, by the Department within the 10 day appeal period;

(2) Be accompanied by the necessary fee to help defray the costs of processing the appeal; and

(3) Be completed on the form provided by the Department, or one substantially similar thereto, and shall contain the following information:

(a) The name, address and telephone number of the person filing the appeal;

(b) How the person filing the appeal qualifies as a party;

(c) A reference to the Department file number for the application being considered with the appeal;

(d) An explanation with detailed support specifying one or more of the following as assignments of error or reasons for reconsideration;

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- (i) The Approval Authority exceeded his or her jurisdiction;
- (ii) The Approval Authority failed to follow the procedure applicable to the matter;
- (iii) The Approval Authority rendered a decision that is unconstitutional;
- (iv) The Approval Authority misinterpreted the Lane Code or Manual, State Law (statutory or case law) or other applicable criteria;

BOOK 160 PAGE 1822

(v) The Approval Authority rendered a decision that violates a Statewide Planning Goal (until acknowledgment of the Lane County Comprehensive Plan, or any applicable portion thereof has been acknowledged to be in compliance with the Statewide Planning Goals by the Land Conservation and Development Commission); or

(vi) Reconsideration of the decision by the Approval Authority in order to submit additional evidence not available at the hearing and addressing compliance with relevant standards and criteria.

(e) The position of the appellant indicating the issue raised in an on-the-record appeal to the Hearings Official or appeal to the Board was raised before the close of the record at or following the final evidentiary hearing and whether the appellant wishes the application to be approved, denied or conditionally approved; and

(f) The signature of the appellant.

14.520 Director Review. Within two working days of the date that the appeal is received by the Department, the Director shall review the written appeal to determine if it was received within the 10 day appeal period and if it contains the contents required by LC 14.515 above. If it was not received within the appeal period or does not contain the required contents, within this same two day period, the Director shall reject the appeal and mail to the appellant the appellant's appeal submittal contents and a disclosure in writing identifying the deficiencies of content. The appellant may correct the deficiencies and resubmit the appeal if still within the 10 day appeal period. Appeals which are not so rejected by the Director shall be assumed to have been accepted.

14.525 Notice of Appeals. Within two days of the date of acceptance of an appeal pursuant to LC 14.520 above, the Director shall mail notice of the appeal acceptance in compliance with the following:

(1) For an appeal of a decision by the Director made without an evidentiary hearing pursuant to LC 14.300 above, notice of the appeal acceptance shall be mailed to the applicant, the applicant's representative, and to the appellant, if the appellant is different than the applicant. The notice shall disclose the tentative hearing date for the appeal and the requirements of this chapter for the submission of written materials prior to the hearing;

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(2) For an appeal of a decision by the Director that was made with an evidentiary hearing pursuant to LC 14.300 above, notice of the appeal acceptance shall be mailed to all persons who qualified as parties at the hearing with the Director. The notice shall disclose the tentative date on which the Hearings Official will hear the appeal and the requirements of this chapter for the submission of written materials prior to the hearing; and

(3) For an appeal of a decision by the Hearings Official, notice of the appeal acceptance shall be mailed to all persons who qualified as parties at the hearing with the Hearings Official. The notice shall disclose the tentative date on which the Board will elect whether or not to consider the appeal.

14.530 Director Reconsideration. Within two working days of receipt of an appeal of a decision by the Director, the Director may affirm, modify or reverse the decision in compliance with the following:

(1) Affirmation. To affirm the decision, no action by the Director is necessary

(2) Modification or Reversal. To modify or reverse the decision, the Director shall prepare a written modification or reversal of the decision, together with supporting findings and give notice pursuant to LC 14.100(3) and (4) above.

14.535 Hearings Official Reconsideration. Within two working days of acceptance of an appeal of a Hearings Official's decision, the Director shall forward a copy of the appeal to the Hearings Official. The Hearings Official shall have full discretion to affirm, modify or reverse his or her initial decision and to supplement findings as necessary. When affirming, modifying or reversing the initial decision, the Hearings Official shall comply with either LC 14.535(1) or (2).

(1) Affirmation. Within seven days of receipt and acceptance of the appeal by the Director, if the Hearings Official wishes to affirm the decision without further consideration, the Hearings Official shall mail to the appellant and give to the Director written notice of his or her decision to affirm the original decision.

**Ordinance No. 3-98**  
**Findings Exhibit "A"**

**Finding 1. Lane Code 16.400(6)(i):** This subsection of Lane Code requires that amendments to the Rural Comprehensive Plan, and components thereto, be adopted as ordinances. The adoption of Ord. No. 3-98 would amend LC 14 by ordinance and therefore complies with this code requirement.

**Finding 2. Lane Code 16.400(6)(h)(iii)(aa)** requires Ord. \_-98 to comply with the requirements of applicable state laws and the Statewide Planning Goals. Listed below are findings addressing compliance with applicable state laws and Statewide Planning Goals.

- a. The adoption of the amendments in this ordinance complies with the Statewide Planning Goal 2 that requires, "Opportunities shall be provided for review and comment by citizens during the preparation, review and revision of plans and implementation ordinances." Lane County complied with this requirement in Goal 2, because a public hearing was held with the Lane County Planning Commission on May 5, 1998. A public hearing was held with the Board on July 7, 1998. All of these hearings were advertised in the Register-Guard at least 20 days in advance of the hearings, and opportunities were provided at the hearings for public comment. On May 19, 1998, Notice of the July 7, 1998, Board hearing was mailed to the Department of Land Conservation and Development (DLCD), using the form provided by DLCD with three copies of the proposed changes and staff reports. This notice to DLCD complied with OAR 660-18-020 which requires that the notice be submitted to the Director of DLCD "45 days before the final hearing on adoption." because, the notice was submitted to DLCD 48 days prior to the Board's hearing.
- b. **LC 14.050(3)(b)** requires land use applications to be reviewed by the Director for completeness within 14 days of receipt of the applications. In contrast, ORS 215.428(2) requires land use applications to be reviewed for completeness within 30 days of receipt of the applications. The amendment changes this timeline in LC 14.050(3)(b) from 14 days to the 30 days allowed by ORS 215.428(2). Because the proposed amendment to LC 14.050(3)(b) incorporates the requirement in ORS 215.428(2), it is consistent with ORS 215.428(2). Once adopted, the LMD will begin implementation of the following system improvements:
  - more thorough and stricter completeness reviews via a work team effort,
  - development and use of standardized completeness check forms,
  - and preparation, of notice and referral materials during the application completeness review period. processing of these land use applications within a 120 day timeline. In 1997, HB 2006 was passed and temporarily revised the 120 timeline.

- c. **LC 14.050(5) and LC 14.300(8)** require that once certain land use applications are accepted, Lane County must complete all county level processing of these land use applications within a 120 day timeline. In 1997, HB 2006 was passed and temporarily revised the 120 timeline. Excepted for certain land use decisions involving aggregate extraction or land inside an urban growth boundary, the 120 day timeline was changed to 150 days. The changes in HB 2006 were codified into ORS 215.428 Section 2. The amendments to LC 14.050(5) and LC 14.300(8) incorporate delete the 120 day timeline and add the 150 day timeline in ORS 215.428 Section 2. Because the proposed amendments to LC 14.050(5)(b) and LC 14.300(8) incorporate the 150 days application processing timeline from requirement in ORS 215.428(2), they are therefore consistent with ORS 215.428(2).
- d. **LC 14.100(3), LC 14.300(8), and LC 14.400(10)** concern the substance of decisions made at the Director, evidentiary hearing and hearing on the record levels. In each of these subsections, the following requirement is added that the decisions, "shall be based on factual information". In 1997, HB 2642 was passed requiring counties to adopt rules that all local decisions on permits and rezonings "will be based on factual information." This change contained in HB 2642 was codified into ORS 215.412(2). The amendments to LC 14.100(3), LC 14.300(8) and LC 14.400(10) incorporate the requirement and wording of "will (shall) be based on factual information" from ORS 215.412(2) and therefore comply with ORS 215.412(2).
- e. **14.100(1) & (2), and LC 14.110(1), (2)&(4)** contain amendments to allow the Director to take an application normally reviewed by the Director without a hearing (with notice and opportunity for appeal) and to schedule it for a hearing with the Hearings Official. The criteria that the Director would follow in deciding whether or not to schedule an application for hearing with the Hearings Official are,

"An election by the Director to have an evidentiary hearing for the application with the Hearings Official shall demonstrate that the application involves persons with opposing legal arguments regarding unresolved interpretations of applicable state laws or regulations."

This change gives the Director gate keeping authority to decide to have the Hearings Official review a small number of applications that are being contested over interpretations of state law. Rather than the Director giving notice of a decision and then having it appealed, the Director can elect to have the Hearings official conduct a hearing and make the first decision. If there are unresolved interpretations of state law, then the Hearings Official will have the legal background to resolve the differing legal arguments. This process will also help to expedite the decision. A rough estimate of the number of applications per year that might be referred to the Hearings official in this manner is a maximum of 3 applications. ORS 215.416(11)(a) allows Lane County to designate who may approve or deny an application for a permit,

“The hearings officer, or such other person as the governing body designates, may approve or deny an application without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for appeal of that decision to those persons who would have had a right to notice if a hearing had been scheduled or who are adversely affected or aggrieved by the decision.”

Because Lane County is acting under the authority provided to it under ORS 215.416(11)(a) which allows a county to designate who it wishes to review permits, this proposed amendment complies with ORS 215.416(11)(a).

- f. **LC 14.300(1)(a) & (c)** require that applications for hearings with the Hearings Official be schedule for hearings not later than 45 days from the date of acceptance of the applications. The proposed amendment changes this deadline from 45 days to 35 days so that the hearing will be held 10 days sooner. The 10 days quicker scheduling is possible as a result of the change that extends the application completeness check and acceptance period from 14 days to 30 days. With more time for acceptance, a greater effort can be made to schedule an application for an earlier hearing date. In order to effectively implement this change a systems improvement will be required whereby hearings with the Hearings Official would be available on a weekly basis rather than on the first and third Thursday of the month. This change will help Lane County to meet the mandatory application processing timelines in ORS 215.428 Section 2 and therefore complies with this requirement.
- g. **LC 14.500** is being amended providing that if the Director conducts an evidentiary hearing, and if the decision of the Director is appealed to the Hearings Official, then the hearing by the Hearings Official would be a hearing on-the-record rather than another evidentiary hearing. Lane Code currently provides for two consecutive evidentiary hearings, one with the Director and then one on appeal to the Hearings Official. This amendment would strengthen the importance of the Director hearing by requiring parties to submit their evidence at the Director hearing rather than waiting to do it with the Hearings Official, and it would reduce the application processing timelines that result with two duplicative evidentiary hearings. This amendment complies with ORS 197.763(3) that requires there be opportunity for at least one evidentiary hearing and allows counties to choose whether or not to have two or more evidentiary hearings.

ORDER 98-7-14-1H  
PHA/IHA Board Resolution Approving  
Operating Budget or Calculation of  
Performance Funding System  
Operating Subsidy

U.S. Department of Housing  
and Urban Development  
Office of Public and Indian Housing

BOOK 160 PAGE 1831

OMB Approval No. 2577-0026 (Exp. 10/31/97)

The Reporting Burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Office of Information Policies and Systems, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600 and to the Office of Management and Budget, Paperwork Reduction Project (2577-0026), Washington, D.C. 20503. Do not send this completed form to either of the above addressees.

Acting on behalf of the Board of Commissioners of the below-named Public Housing Agency (PHA)/Indian Housing Authority (IHA), as its Chairman, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the Board's approval of (check one or more as applicable):

(date)

- Operating Budget Submitted on: July 1, 1998 (attached)
- Operating Budget Revision Submitted on: \_\_\_\_\_
- Calculation of Performance Funding System Submitted on: July 1, 1998 (attached)
- Revised Calculation of Performance Funding System Submitted on: \_\_\_\_\_

I certify on behalf of the: (PHA/IHA Name) Housing Authority and Community Services Agency of Lane that:  
County, Oregon

1. All regulatory and statutory requirements have been met;
2. The PHA has sufficient operating reserves to meet the working capital needs of its developments;
3. Proposed budget expenditures are necessary in the efficient and economical operation of the housing for the purpose of serving low-income residents;
4. The budget indicates a source of funds adequate to cover all proposed expenditures;
5. The calculation of eligibility for Federal funding is in accordance with the provisions of the regulations;
6. All proposed rental charges and expenditures will be consistent with provisions of law;
7. The PHA/IHA will comply with the wage rate requirements under 24 CFR 968.110(e) and (f) or 24 CFR 905.120(c) and (d);
8. The PHA/IHA will comply with the requirements for access to records and audits under 24 CFR 968.110(i) or 24 CFR 905.120(g); and
9. The PHA/IHA will comply with the requirements for the reexamination of family income and composition under 24 CFR 960.209, 990.115 and 905.315.

FILED

JUL 16 1998

COUNTY CLERK  
BY M. Bulding

APPROVED AS TO FORM  
Date 7/7/98 Lane County  
Teresa J. [Signature]  
OFFICE OF LEGAL COUNSEL

I hereby certify that all the information stated within, as well as any information provided in the accompaniment herewith, is true and accurate.  
Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Board Chairman's Name (type) STEVE CORNACCHIA	Signature: <u>Steve Cornacchia</u>	Date: 7/14/98
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# Operating Budget

U.S. Department of Housing  
and Urban Development  
Office of Public and Indian Housing

BOOK 160 PAGE 1832

OMB Approval No. 2577-0026 (exp. 10/31/97)

Public reporting burden for this collection of information is estimated to average 116 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Office of Information Policies and Systems, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600 and to the Office of Management and Budget, Paperwork Reduction Project (2577-0026), Washington, D.C. 20503. Do not send this completed form to either of the above addressees.

a. Type of Submission <input checked="" type="checkbox"/> Original <input type="checkbox"/> Revision No.: _____		b. Fiscal Year Ending 9/30/99	c. No. of months (check one) <input checked="" type="checkbox"/> 12 mo. <input type="checkbox"/> Other (specify) _____	d. Type of HUD assisted project(s)	
e. Name of Public Housing Agency / Indian Housing Authority (PHA/IHA) Housing Authority and Community Services Agency of Lane County, Oregon				01 <input checked="" type="checkbox"/> PHA/IHA-Owned Rental Housing	02 <input type="checkbox"/> IHA Owned Mutual Help Homeownership
f. Address (city, State, zip code) 177 Day Island Road Eugene OR 97401				03 <input type="checkbox"/> PHA/IHA Leased Rental Housing	04 <input type="checkbox"/> PHA/IHA Owned Turnkey III Homeownership
g. ACC Number SF196		h. PAS / LOCCS Project No. OR 0 0 6 0 0 1 1 9 9 S		i. HUD Field Office Portland, OR	

j. No. of Dwelling Units 704	k. No. of Unit Months Available 8,448	m. No. of Projects 15	
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Line No.	Acct. No.	Description (1)	Actuals Last Fiscal Yr. 19 97 PUM (2)	Estimates or Actual Current Budget Yr. 19 98 <input checked="" type="checkbox"/> Estimates <input type="checkbox"/> or Actual PUM (3)	Requested Budget Estimates			
					PHA/IHA Estimates		HUD Modifications	
					PUM (4)	Amount (to nearest \$10) (5)	PUM (6)	Amount (to nearest \$10) (7)
<b>Homebuyers Monthly Payments for:</b>								
010	7710	Operating Expense						
020	7712	Earned Home Payments						
030	7714	Nonroutine Maintenance Reserve						
040	<b>Total Break-Even Amount (sum of lines 010, 020, and 030)</b>							
050	7716	Excess (or deficit) in Break-Even						
060	7790	Homebuyers Monthly Payments - Contra						
<b>Operating Receipts</b>								
070	3110	Dwelling Rental	148.09	140.87	150.91	1,274,890		
080	3120	Excess Utilities						
090	3190	Nondwelling Rental						
100	<b>Total Rental Income (sum of lines 070, 080, and 090)</b>		148.09	140.87	150.91	1,274,890		
110	3610	Interest on General Fund Investments	4.57	4.04	3.75	31,680		
120	3690	Other Income	10.99	8.61	11.54	97,490		
130	<b>Total Operating Income (sum of lines 100, 110, and 120)</b>		163.66	153.52	166.20	1,404,060		
<b>Operating Expenditures - Administration:</b>								
140	4110	Administrative Salaries	63.05	69.86	74.39	628,440		
150	4130	Legal Expense	.85	.71	.71	6,000		
160	4140	Staff Training	.37	.24	.24	2,000		
170	4150	Travel	.85	.71	.71	6,000		
180	4170	Accounting Fees	.57	.59	.59	5,000		
190	4171	Auditing Fees						
200	4190	Other Administrative Expenses	19.47	17.87	16.69	141,000		
210	<b>Total Administrative Expense (sum of line 140 thru line 200)</b>		85.15	89.98	93.33	788,440		
<b>Tenant Services:</b>								
220	4210	Salaries	.22	2.04	2.10	17,750		
230	4220	Recreation, Publications and Other Services	.33	.12	.17	1,500		
240	4230	Contract Costs, Training and Other		.12				
250	<b>Total Tenant Services Expense (sum of lines 220, 230, and 240)</b>		.55	2.28	2.28	19,250		
<b>Utilities:</b>								
260	4310	Water & Sewer	16.06	16.23	17.00	143,630		
270	4320	Electricity	7.25	7.01	7.01	59,200		
280	4330	Gas	1.45	1.26	1.50	12,680		
290	4340	Hot Steam	5.96	5.67	6.06	51,200		
300	4350	Labor	.45					
310	4390	Other utilities expense						
320	<b>Total Utilities Expense (sum of line 260 thru line 310)</b>		31.19	30.17	31.57	266,710		

BOOK 160 PAGE 1833  
Description  
(1)

Actuals  
Last Fiscal  
Yr. 19 97  
PUM  
(2)

Estimates  
 or Actual  
Current Budget  
Yr. 19 98  
PUM  
(3)

Requested Budget Estimates

PHA/IHA Estimates-  
Amount  
(to nearest \$10)  
PUM  
(4) (5)

HUD Modifications  
Amount  
(to nearest \$10)  
PUM  
(6) (7)

**Ordinary Maintenance and Operation:**

330	4410	Labor	38.26	42.95	43.26	365,430	
340	4420	Materials	18.50	16.57	17.75	150,000	
350	4430	Contract Costs	28.99	24.86	29.59	250,000	
360	<b>Total</b>	Ordinary Maintenance & Operation Expense (lines 330 to 350)	85.75	84.38	90.60	765,430	

**Protective Services:**

370	4460	Labor	3.53	3.33	3.19	26,970	
380	4470	Materials					
390	4480	Contract costs					
400	<b>Total</b>	Protective Services Expense (sum of lines 370 to 390)	3.53	3.33	3.19	26,970	

**General Expense:**

410	4510	Insurance	2.52	4.14	4.73	40,000	
420	4520	Payments in Lieu of Taxes	10.21	10.12	11.84	100,000	
430	4530	Terminal Leave Payments					
440	4540	Employee Benefit Contributions	46.25	52.86	55.92	472,410	
450	4570	Collection Losses	1.88	2.37	2.37	20,000	
460	4590	Other General Expense					
470	<b>Total</b>	General Expense (sum of lines 410 to 460)	60.85	69.49	74.86	632,410	
480	<b>Total</b>	Routine Expense (sum of lines 210, 250, 320, 360, 400, and 470)	267.01	279.63	295.83	2,499,210	

**Rent for Leased Dwellings:**

490	4710	Rents to Owners of Leased Dwellings					
500	<b>Total</b>	Operating Expense (sum of lines 480 and 490)					

**Nonroutine Expenditures:**

510	4610	Extraordinary Maintenance	5.48	5.98	5.92	50,000	
	7520	Replacement of Nonexpendable Equipment					
530	7540	Property Betterments and Additions					
540	<b>Total</b>	Nonroutine Expenditures (sum of lines 510, 520, and 530)	5.48	5.98	5.92	50,000	
550	<b>Total</b>	Operating Expenditures (sum of lines 500 and 540)	272.49	285.61	301.75	2,549,210	

**Prior Year Adjustments:**

560	6010	Prior Year Adjustments Affecting Residual Receipts					
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**Other Expenditures:**

570		Deficiency in Residual Receipts at End of Preceding Fiscal Yr.					
580	<b>Total</b>	Operating Expenditures, including prior year adjustments and other expenditures (line 550 plus or minus line 560 plus line 570)	272.49	285.61	301.75	2,549,210	
590		Residual Receipts (or Deficit) before HUD Contributions and provision for operating reserve (line 130 minus line 580)	(108.83)	(132.09)	(135.55)	(1,145,150)	

**HUD Contributions:**

600	8010	Basic Annual Contribution Earned - Leased Projects:Current Year					
610	8011	Prior Year Adjustments - (Debit) Credit					
620	<b>Total</b>	Basic Annual Contribution (line 600 plus or minus line 610)					
630	8020	Contributions Earned - Op. Sub: - Cur. Yr.(before year-end adj)	125.97	135.35	134.90	1,139,630	
640		Mandatory PFS Adjustments (net):	3.92	4.17			
650		Other (specify):					
660		Other (specify):					
670		Total Year-end Adjustments/Other (plus or minus lines 640 thru 660)	3.92	4.17			
680	8020	Total Operating Subsidy-current year (line 630 plus or minus line 670)	129.89	139.52	134.90	1,139,630	
690	<b>Total</b>	HUD Contributions (sum of lines 620 and 680)	129.89	139.52	134.90	1,139,630	
700		Residual Receipts (or Deficit) (sum of line 590 plus line 690)					
		Enter here and on line 810	21.06	7.43	(.65)	(5,520)	

	Operating Reserve	PHA/IHA Estimates	HUD Modifications
	<b>Part I - Maximum Operating Reserve - End of Current Budget Year</b>		
2821	PHA / IHA-Leased Housing - Section 23 or 10(c) 50% of Line 480, column 5, form HUD-52564	1,249,605	

**BOOK 160 PAGE 1834**

<b>Part II - Provision for and Estimated or Actual Operating Reserve at Fiscal Year End</b>			
780	Operating Reserve at End of Previous Fiscal Year - Actual for FYE (date): 9/30/97	874,850	
790	Provision for Operating Reserve - Current Budget Year (check one) <input checked="" type="checkbox"/> Estimated for FYE 9/30/98 <input type="checkbox"/> Actual for FYE	62,801	
800	Operating Reserve at End of Current Budget Year (check one) <input checked="" type="checkbox"/> Estimated for FYE 9/30/98 <input type="checkbox"/> Actual for FYE	937,651	
810	Provision for Operating Reserve - Requested Budget Year Estimated for FYE Enter Amount from line 700	(5,520)	
820	Operating Reserve at End of Requested Budget Year Estimated for FYE (Sum of lines 800 and 810)	932,131	
830	Cash Reserve Requirement - <u>20</u> % of line 480	499,842	

Comments:

**PHA / IHA Approval**  
 Name: Chris Todis  
 Title: Executive Director  
 Signature: *Chris Todis* Date: 7/1/98

**Field Office Approval**  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Calculation of Performance  
Funding System Operating Subsidy  
PHA/IHA-Owned Rental Housing**

U.S. Department of Housing  
and Urban Development  
Office of Public and Indian Housing

OMB Approval No. 2577-0029 (exp. 7/31/96)

Public Reporting Burden for this collection of information is estimated to average 2.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Office of Information Policies Systems, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600 and to the Office of Management and Budget, Paperwork Reduction Project (2577-0029), Washington, D.C. 20503. Do not send this completed form to either of the above addressees.

Name and Address of Public Housing Agency / Indian Housing Authority: (PHA/IHA)

Housing Authority and Community Services Agency of Lane County, Oregon  
177 Day Island Road  
Eugene OR 97401

Budget submission to HUD required

Type of Submission:

Original

Revision No: \_\_\_\_\_

**BOOK 160 PAGE 1835**

Number of HA Units 704	Unit Months Available: (UMAs) 8,448	Subject Fiscal Year: 9/30/99	ACC Number: SF196	PAS/LOCCS Project No: 0 R 0 0 6 0 0 1 9 9 S	Submission Date:
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Line No.	Description	Requested by PHA/IHA (PUM)	HUD Modifications (PUM)
<b>Part A. Allowable Expenses and Additions</b>			
01	Previous allowable expense level (line 07 of form HUD-52723 for previous fiscal year)	250.33	
02 a	Line 01 multiplied by .005	1.25	
02 b	Delta from form HUD-52720-B, if applicable (see instructions)		
03	"Requested" year units from latest form HUD-52720-A(see instructions)		
04	Add-ons to allowable expense level from previous fiscal year (see instructions)		
05	Total of lines 01, 02a, 02b, and 04	251.58	
06	Inflation factor	1.028	
07	Revised allowable expense level (AEL)(line 05 times line 06)	258.62	
07a	Transition Funding		
07b	Increase to AEL		
08	Allowable utilities expense level from form HUD-52722-A	31.57	
09	<input type="checkbox"/> Actual or <input checked="" type="checkbox"/> Estimated PUM cost of Independent Audit (IA) during subject fiscal year	.59	
	Costs attributable to deprogrammed units		
	<b>Total Allowable Expenses and Additions</b> (sum of lines 07 thru 10)	290.78	

<b>Part B. Dwelling Rental Income</b>			
12	Total rent roll (as of 5 / 1 / 98)	\$ 108,129	
13	Number of occupied units as of rent roll date	695	
14	Average monthly dwelling rental charge per unit (line 12 divided by line 13)	155.58	
15	Change factor	1.	1.
16	Projected average monthly dwelling rental charge per unit (line 14 times line 15)	155.58	
17	Projected occupancy percentage (see instructions)	97 %	%
18	Projected average monthly dwelling rental income per unit (line 16 times line 17)	150.91	

<b>Part C. Non-dwelling Income</b>			
19	Estimated Investment Income (EII)	3.75	
20	Other income	7.78*	
21	Total non-dwelling income (line 19 plus line 20)	11.53	
22	Total operating receipts (line 18 plus line 21)	162.44	
23	PUM deficit or (Income) (line 11 minus line 22)	128.34	
		Requested by PHA/IHA (Whole dollars)	HUD Modifications (Whole dollars)
24	Deficit or (Income) before add-ons (line 23 times UMAs shown in heading)	1,084,216	

<b>Part D. Add-ons for changes in Federal law or regulation and other eligibility</b>			
25	FICA contributions		
26	Unemployment compensation		
27	Flood insurance premiums		
28	Total Other (specify in Remarks section)		
28a	Add-on for Family Self Sufficiency Program	55,414	
28b	Other Add-ons for Federal law or regulations		
28c	Unit reconfiguration		
28d	Non-dwelling units		
28e	Other approved, not Federal law or regulation		
29	Total add-ons (sum of lines 25 thru 28)	55,414	

Line No.	Description	Requested by PHA/IHA (PUM)	HUD Modifications (PUM)
<b>Part E. Calculation of Operating Subsidy Eligibility Before Year-End Adjustments</b>			
30	Deficit or (income) before year-end adjustments (total of lines 24 and 29)	1,139,630	
31	<input type="checkbox"/> Actual or <input checked="" type="checkbox"/> Estimated cost of Independent Audit (IA) during subject fiscal year	5,000	
	<b>PFS operating subsidy eligibility before year-end adjustments</b> (greater of line 30 or line 31) (If less than zero, enter zero (0))		1,139,630
<b>Part F. Calculation of Operating Subsidy Approvable for Subject Fiscal Year (Note: Do not revise after the end of the subject FY)</b>			
33	Prior years' net year-end adjustments (identify individual FYs and amounts under "Remarks")		
34	Additional subject fiscal year operating subsidy eligibility (specify)		
35	Overobligations from prior fiscal years to be recovered in subject fiscal year	( )	( )
36	Unfunded eligibility in prior fiscal years to be obligated in subject fiscal year		
37	Other (specify)		
38	Other (specify)		
39	Other (specify)		
40	Unfunded portion due to proration		
41	<b>Operating subsidy approvable for subject fiscal year</b> (total of lines 32 thru 40)		1,139,630
<b>HUD Use Only (Note: Do not revise after the end of the subject FY)</b>			
43	Amount of operating subsidy approvable for subject fiscal year not funded		( )
44	Amount of funds obligated in excess of operating subsidy approvable for subject fiscal year		
45	<b>Funds obligated in subject fiscal year</b> (total of lines 41 thru 44) (Must be the same as line 690 of the Operating Budget, form HUD-52564, for the subject fiscal year)		
<b>Part G. Memorandum of Amounts Due HUD, Including Amounts on Repayment Schedules</b>			
46	Total amount due in previous fiscal year (line 49 of form HUD-52723 for previous fiscal year)		
47	Total amount to be collected in subject fiscal year (identify individual amounts under "Remarks")	( )	( )
48	Total additional amount due HUD (include any amount entered on line 44) (Identify individual amounts under "Remarks")		
49	<b>Total amount due HUD to be collected in future fiscal year(s)</b> (Total of lines 46 thru 48) (Identify individual amounts under "Remarks")		
<b>Part H. Calculation of Year-end Adjustment for Subject Fiscal Year</b> <b>This part is to be completed only after the subject fiscal year has ended</b>			
Indicate the types of adjustments that have been reflected on this form:			
<input type="checkbox"/> Utility Adjustment	<input type="checkbox"/> Unit Months Available (UMAs)		
<input type="checkbox"/> Target Investment Income (TII) Adjustment	<input type="checkbox"/> Dwelling Rental Income		
<input type="checkbox"/> Adjustment of Independent Audit (IA) Cost	<input type="checkbox"/> Add-ons		
	<input type="checkbox"/> Other (specify under "Remarks")		
51	Estimated Investment Income (EII)		
52	Target Investment Income (TII)		
53	TII adjustment (line 51 minus line 52)		
54	Utility adjustment (line 22, form HUD-52722-B)		
55	Combined utility and TII adjustment (total of lines 53 and 54)		
56	Deficit or (Income) after year-end adjustments (total of lines 30 and 55)		
57	<b>PFS operating subsidy eligibility after year-end adjustments</b> (greater of line 31 or line 56)		
58	Line 32 of latest form HUD-52723 approved during subject FY (Do not use line 32 of this revision)		
61	<b>Net year-end adjustment for subject fiscal year</b> (line 57 minus line 58)		
62	Unfunded portion due to proration		
63	Prorated net year-end adjustment for subject fiscal year		

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.  
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Signature of Authorized HA Representative & Date: X <i>Chris Lewis</i> 7/1/98	Signature of Authorized Field Office Representative & Date: X
Remarks	

\*Line 20 Excludes \$31,770 (3.76 PUM) of budgeted materials and contract costs.