

W-a-b.


ORIGINAL

COVER MEMO

MEETING DATE: February 11, 2004

TO: Board of County Commissioners

DEPARTMENT: Public Works – Land Management Division – County Surveyors Office

PRESENTED BY: Jeff Towery, Division Manager 

AGENDA ITEM TITLE: IN THE MATTER OF AMENDING CHAPTER 60 OF LANE MANUAL TO REVISE LAND MANAGEMENT DIVISION COUNTY SURVEYORS OFFICE FEES (LM 60.853, and 60.854), EFFECTIVE JULY 1, 2004.

I. MOTION

APPROVE THE ORDER AMENDING CHAPTER 60 OF LANE MANUAL TO REVISE LAND MANAGEMENT DIVISION COUNTY SURVEYORS OFFICE FEES (LM 60.853, and 60.854), EFFECTIVE JULY 1, 2004.

II. ISSUE OR PROBLEM

Shall Lane County increase fees in the Land Management Division – County Surveyors Office to recover the true cost of services provided?

III. DISCUSSION

A. Background

Surveyors Office fees were last adjusted effective July 1, 2003. The Board of County Commissioners Financial Management Policies (8) states, "County fees and charge amounts will be set by the Board of County Commissioners based on an analysis of who benefits, amounts charged by other agencies for the same services, the indirect and direct costs of providing the services and the Statutory limits." Program expenses, driven primarily by personnel costs, continue to increase. Some current fees, charged to applicants, and for land action processes do not cover current costs. Among the more visible services provided by the office, nearly 540 surveys filed, nearly 60 county and small city land partitions, about 50 large city land partitions, approximately 25 county and small city subdivisions, and 20 large city subdivisions are processed annually. It has been cited that 75% of the Land Management Division's budget, exclusive of the County Surveyors Office, is personnel costs, and 80% of the materials and services budget is made up of overhead. The Office portion of the Surveyors program has personnel and function costs that are similar in nature to the rest of Land Management. As with other County operations, retirement, benefit and retiree medical components are driving the increase in those costs.

B. Analysis

Copies of LM 60.853 Fees, and LM 60.854 Public Works Department/Land Management Division Surveyors, along with proposed changes in legislative format, are included as attachments to the Order. The proposed fee changes reflect an attempt to more closely match revenue with actual costs for several activities in the office section of the Surveyors Office.

General activities in the office section of the Surveyors Office are funded from the road fund. Some land recording processes are specific to the activities that benefit individuals in the development or use of their land. It is intended through fees authorized in the Lane Manual that these processes be funded by that revenue. The fees currently charged do not generate enough revenue to completely cover the cost of the processes stated in Background. The result is that the road fund is burdened in accomplishing part of those activities.

This item was brought to the January 20, 2004 meeting of the Finance and Audit Committee. The Committee approved the item as presented and moved to forward the item to the full Board.

Attachment A is a 2004 chart showing fee comparisons between comparable Oregon county surveyors offices. The proposed fee changes place Lane County more in line with those counties.

Attachment B is a 2001 chart showing fee comparisons with comparable counties, and, also, the increase that year in Lane County Surveyor office fees.

Attachment C is a portion of the Draft Minutes from the January 20, 2004 meeting of the Finance and Audit Committee.

The initial estimated impact of the fee changes is to increase revenue by approximately \$48,000 for FY 04-05. This amount is approximately 2% of the budgeted road fund revenue for the Surveyors Office. The proposal presented for consideration utilizes the CY 2003 activity totals.

C. Alternatives

1. Continue with no fee increases – road fund revenue would continue to fund a part of the fees authorized for collection in LM 60.853 and LM 60.854
2. Fee Increase – increase of fees would more fully place the costs of the various processes on the applicant. The proposed fee increases would allow the department to reduce the use of revenue from the road fund to cover costs authorized to be paid in LM 60.853, and LM 60.854.

D. Recommendations

Staff recommends that the Board approve Option Number 2, with the fee changes noted in the Order.

F. Timing

Staff is recommending July 1, 2004 as the effective date of these fee increases so that they coincide with the start of the new fiscal year.

IV. IMPLEMENTATION/FOLLOW-UP

Upon approval staff will provide notice to affected parties via news release and direct mailing to local Land Surveyors. Staff will then implement and begin collecting the new fees effective July 1, 2004.

V. ATTACHMENTS

Order with attachments:

Lane Manual Chapter 60.854

Lane Manual Chapter 60.854 – Legislative Format

Attachment A – 2004 Fee Comparison Chart

Attachment B – 2001 Fee Comparison Chart

Attachment C – January 20, 2004 Draft Minutes Finance & Audit Committee

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 60 OF THE LANE MANUAL TO REVISE LAND MANAGEMENT DIVISION COUNTY SURVEYORS OFFICE FEES (LM 60.853-854) EFFECTIVE JULY 1, 2004

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

Lane Manual Chapter 60 is hereby amended by removing, substituting and adding the following section:

REMOVE THIS SECTION

60.853 through 60.854
as located on pages 60-29 through 60-30
(a total of 2 pages)

INSERT THIS SECTION

60.853 through 60.854
as located on pages 60-29 through 60-30
(a total of 2 pages)

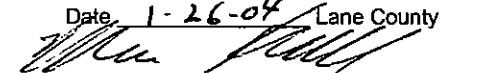
Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to revise Land Management Division County Surveyors office fees (LM 60.853-854) effective JULY 1, 2004

Adopted this _____ day of _____ 2004.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 1-26-04 Lane County



OFFICE OF LEGAL COUNSEL

Single Family Dwelling:	
Major	\$ 194.00
Minor	\$ 114.00
Commercial Facility. The appropriate fee identified in on-site sewage disposal system construction permits above.	
Authorization Notice	
If field visit is required	\$ 331.00
No field visit is required	\$ 113.00
Annual Evaluation of Alternative System (where required)	
	\$ 268.00
Annual Evaluation of Temporary or Hardship	
Mobile Home.....	\$ 160.00
Pumper Truck Inspection	
First vehicle	\$ 91.00
Each additional vehicle during same inspection.....	\$ 51.00
Existing System Evaluation Report.....	\$ 353.00
NOTE. The fee shall not be charged for an evaluation report on any proposed repair, alteration or extension of an existing system.	
Building permit plot plan check when authorization notice is not required	
	\$ 43.00
Surcharge. In order to offset a portion of the administrative costs of the statewide on-site sewage disposal program, a surcharge for each activity, as set by Oregon Administrative Rule, shall be levied. Proceeds from surcharges shall be forwarded to the Department of Environmental Quality as negotiated in the memorandum of agreement (contract) between the County and the Department.	

(Revised by Order No. 01-4-4-6; Effective 7.1.01; 03-3-12-3, 4.11.03)

60.853 Fees.

Pursuant to ORS 368.326 through 368.368, the following fee schedule shall be paid at or prior to the time of filing petitions for the vacation of all or any part of any lot, tract, street, alley, road, highway, common or all or any part of any public square or any other public property or public interest in property in any unincorporated area or town:

- (1) \$1500 for a proposed vacation of public lands with a public hearing plus \$75/hour for field investigation and posting;
- (2) \$650 for a proposed vacation of public lands without a hearing per ORS 368.351.

Fees shall be made payable to the Lane County Surveyor for the purposes of offsetting the costs of investigating and acting on such petitions by Lane County, and no part of said fee shall be refunded to the petitioner in the event the petition is withdrawn by the petitioner or denied by the Board. The cost of legal advertising and recording fees shall be borne by petitioner. *(Revised by Order No. 01-4-4-6, Effective 7.1.01)*

60.854 Public Works Department/Land Management Division Surveyors.

In accordance with ORS Chapters 92, 100 and 209 and LC Chapter 13, the following fees are established:

- (1) For checking a plat or land partition for compliance to ORS 92.100 the subdivider or land partitioner shall pay a fee prior to recording the subdivision or land partition plat as follows:

- (a) \$600 per subdivision plat and \$40 per lot;
- (b) \$850 per post monumented subdivision plat and \$40 per lot;
- (c) \$350 per land partition plat;
- (d) \$50 for affidavit of correction, post monumentation affidavit, plat reestablishment affidavit, and entering corrected information to filed subdivision plats;
- (e) \$150 for processing partition plats not requiring approval of the Lane County Surveyor;
- (f) \$200 for processing subdivision and condominium plats not requiring approval of the Lane County Surveyor.

(2) For checking a condominium plat for compliance to ORS 100.115(4) the developer shall pay a fee prior to recording the condominium plat as follows:

- (a) \$375 per condominium plat and \$30 per building.

In addition to the fees listed for plat checking in LM 60.854(1) and (2) an added fee not to exceed the original fee may be charged where plats are checked, corrections noted and the plat is returned for rechecking without noted corrections. The fee shall be based on County costs incurred to again review the plat in the office or field to determine compliance to applicable Oregon Revised Statutes or Lane Code.

Fees in LM 60.854(1) and (2) shall be made payable to the Lane County Surveyor for the purpose of offsetting the cost of checking the subdivision plat, land partition plat or condominium plat and taking field measurements and inspection as required and no part of said fee shall be refunded to the subdivider, partitioner or developer in the event the plat is withdrawn or denied by the governing body. The affidavit of corrections fee shall be paid prior to filing the document with the County Clerk.

(3) For checking land surveys and plats for compliance to ORS 209, for forwarding copies of land surveys to the Board of Engineering Examiners, and providing affidavit of corrections for land surveys the following fees are established.

- (a) \$100 for checking land surveys and plats;
- (b) \$10 for copying and mailing a land survey map and notifying the Board of Engineering Examiners of an apparent noncomplying land survey;
- (c) \$50 affidavit of correction and entering corrected information onto filed land surveys.

Fees shall be made payable to the Lane County Surveyor. The land survey checking fees shall be paid prior to submitting land surveys for filing. The affidavit of correction fee shall be paid prior to filing the document with the County Clerk. Fees shall be made payable to the Lane County Surveyor for the purpose of offsetting the cost of checking land surveys, sending notice to the Board of Examiners, reviewing affidavits of corrections and maintenance of microfilm records. All fees shall be submitted prior to filing or reviewing the land survey or affidavit.

(4) For servicing government corners that are disturbed by any person or public agency in accordance with ORS 209.140 or 209.150, the Lane County Surveyor may recover the cost of crew wages and vehicle usage to reimburse County for lowering and replacement of government corner monuments or corner accessories.

The cost of crew and vehicle usage to lower and service the corner or its accessories shall be paid by the person or public agency causing the corner to be disturbed to Lane County Surveyor within 10 days of receipt of the invoice for work performed. *(Revised by Order No. 01-4-4-6, Effective 7.1.01)*

||At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
60.853 Lane Manual

LEGISLATIVE
FORMAT
60.854

Single Family Dwelling:		
Major	\$ 194.00	
Minor	\$ 114.00	
Commercial Facility. The appropriate fee identified in on-site sewage disposal system construction permits above.		
Authorization Notice		
If field visit is required	\$ 331.00	
No field visit is required	\$ 113.00	
Annual Evaluation of Alternative System (where required)		\$ 268.00
Annual Evaluation of Temporary or Hardship Mobile Home.....		\$ 160.00
Pumper Truck Inspection		
First vehicle	\$ 91.00	
Each additional vehicle during same inspection.....	\$ 51.00	
Existing System Evaluation Report.....	\$ 353.00	
NOTE. The fee shall not be charged for an evaluation report on any proposed repair, alteration or extension of an existing system.		
Building permit plot plan check when authorization notice is not required		\$ 43.00
Surcharge. In order to offset a portion of the administrative costs of the statewide on-site sewage disposal program, a surcharge for each activity, as set by Oregon Administrative Rule, shall be levied. Proceeds from surcharges shall be forwarded to the Department of Environmental Quality as negotiated in the memorandum of agreement (contract) between the County and the Department.		

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- (1) \$1500 for a proposed vacation of public lands with a public hearing plus \$3575/hour for field investigation and posting;
- (2) \$650 for a proposed vacation of public lands without a hearing per ORS 368.351.

Fees shall be made payable to the Lane County Surveyor for the purposes of offsetting the costs of investigating and acting on such petitions by Lane County, and no part of said fee shall be refunded to the petitioner in the event the petition is withdrawn by the petitioner or denied by the Board. The cost of legal advertising and recording fees shall be borne by petitioner. *(Revised by Order No. 01-4-4-6, Effective 7.1.01)*

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In accordance with ORS Chapters 92, 100 and 209 and LC Chapter 13, the following fees are established:

- (1) For checking a plat or land partition for compliance to ORS 92.100 the subdivider or land partitioner shall pay a fee prior to recording the subdivision or land partition plat as follows:
 - (a) \$600 per subdivision plat and \$40 per lot;
 - (b) ~~\$700-850~~ per post monumented subdivision plat and ~~\$30-40~~ per lot;

- (c) ~~\$300-350~~ per land partition plat ~~with public road dedication;~~
- ~~(d) \$200 per land partition plat without public road dedication;~~
- (ed) ~~\$15-50~~ for affidavit of correction, **post monumentation affidavit, plat reestablishment affidavit**, and entering corrected information to filed subdivision plats;
- (e) **\$150 for processing partition plats not requiring approval of the Lane County Surveyor;**
- (f) **\$200 for processing subdivision and condominium plats not requiring approval of the Lane County Surveyor.**

(2) For checking a condominium plat for compliance to ORS 100.115(4) the developer shall pay a fee prior to recording the condominium plat as follows:

- (a) **\$375 per condominium plat and \$30 per building.**

In addition to the fees listed for plat checking in LM 60.854(1) and (2) an added fee not to exceed the original fee may be charged where plats are checked, corrections noted and the plat is returned for rechecking without noted corrections. The fee shall be based on County costs incurred to again review the plat in the office or field to determine compliance to applicable Oregon Revised Statutes or Lane Code.

Fees in LM 60.854(1) and (2) shall be made payable to the Lane County Surveyor for the purpose of offsetting the cost of checking the subdivision plat, land partition plat or condominium plat and taking field measurements and inspection as required and no part of said fee shall be refunded to the subdivider, partitioner or developer in the event the plat is withdrawn or denied by the governing body. The affidavit of corrections fee shall be paid prior to filing the document with the County Clerk.

(3) For checking land surveys **and plats** for compliance to ORS 209, for forwarding copies of land surveys to the Board of Engineering Examiners, and providing affidavit of corrections for land surveys the following fees are established.

- (a) ~~\$50-100~~ for checking land surveys **and plats**;
- (b) **\$10** for copying and mailing a land survey map and notifying the Board of Engineering Examiners of an apparent noncomplying land survey;
- (c) ~~\$20-50~~ affidavit of correction and entering corrected information onto filed land surveys.

Fees shall be made payable to the Lane County Surveyor. The land survey checking fees shall be paid prior to submitting land surveys for filing. The affidavit of correction fee shall be paid prior to filing the document with the County Clerk. Fees shall be made payable to the Lane County Surveyor for the purpose of offsetting the cost of checking land surveys, sending notice to the Board of Examiners, reviewing affidavits of corrections and maintenance of microfilm records. All fees shall be submitted prior to filing or reviewing the land survey or affidavit.

(4) For servicing government corners that are disturbed by any person or public agency in accordance with ORS 209.140 or 209.150, the Lane County Surveyor may recover the cost of crew wages and vehicle usage to reimburse County for lowering and replacement of government corner monuments or corner accessories.

The cost of crew and vehicle usage to lower and service the corner or its accessories shall be paid by the person or public agency causing the corner to be disturbed to Lane County Surveyor within 10 days of receipt of the invoice for work performed. *(Revised by Order No. 01-4-4-6, Effective 7.1.01)*

FEE COMPARISON CHART

County/ City	Investigation Hourly Rate	Survey Filing Fee	Affidavit of Correction	Land Partition County	Land Partition City ***	Subdivision County	Subdivision City ***
Benton	(No Data)	\$75	\$50	\$150 + \$50 per parcel	\$150	\$500 + \$50 per lot \$700 + \$50 per lot**	\$500 + \$20 per lot \$700 + \$25 per lot**
Clackamas	\$89	\$225	\$75	\$1,000	\$200	Actual Cost	\$200
Deschutes	(No Data)	\$80 + \$12/pg.	\$80	\$280 + \$40 per parcel	\$280 + \$40 per parcel	\$385 + \$60 per lot	\$385 + \$60 per lot
Douglas	(No Data)	\$100	\$10	\$200	\$200	\$500 + \$25 per lot \$750 + \$37.50 per lot**	\$500 + \$25 per lot \$750 + \$37.50 per lot**
Linn	\$75	\$100	\$15	\$200	\$200	\$300 + \$20 per lot	\$300 + \$20 per lot
Marion	\$60	\$175	\$75	\$500	\$225	\$750 + \$35 per lot \$900 + \$50 per lot**	\$225
Multnomah	\$65	\$225	\$65	Actual Cost (\$480 Deposit)	Actual Cost. (\$480 Deposit)	Actual Cost (Deposit \$700 + \$35 per lot or \$795 + \$45 per lot**)	Actual Cost (Deposit \$700 + \$35 per lot or \$795 + \$45 per lot**)
Washington	\$100	\$300	\$49	Actual Cost (\$1,200 Deposit)	Actual Cost (\$1,200 Deposit)	Actual Cost (\$2,200 + \$50 per lot or \$2,500 + \$90 per lot**)	Actual Cost (\$2,200 + \$50 per lot or \$2,500 + \$90 per lot**)
Lane (Current)	\$35	\$50	\$20	\$200 (\$300 w/ dedication)	No Charge	\$600 + \$40 per lot \$700 + \$30 per lot**	No Charge
Lane (Proposed)	<u>\$75</u>	<u>\$100</u>	<u>\$50</u>	<u>\$350*</u>	<u>\$150</u>	\$600 + \$40 per lot <u>\$850 + \$40 per lot**</u>	<u>\$200</u>

* Fee regardless of right-of-way dedication.

** Delayed Monumentation Subdivision

*** In Lane County this refers to Eugene / Springfield. In Deschutes, Douglas, Linn, Multnomah, and Washington Counties the County Surveyor performs the duties of the City Surveyor.

County/ City	Survey Filing Fee	Affidavit of Correction	Land Partition	Subdivision/Lot	Road Naming	Road Vacation
Deschutes	\$50.	\$75	\$270 + \$40 per parcel	\$370 + \$60 per lot		
Marion	\$100	\$60	\$335	\$730 + \$35 per lot		
Linn	\$60	\$10	\$125	\$250 + \$20 per lot		
Lincoln	\$25	\$10	\$200	\$500 + \$50 per lot	\$195.	
City of Eugene			\$350	\$550 + \$25 per lot \$750 + \$35 per lot for delayed monumentation		
Douglas	\$100	\$10	\$200	\$500 + \$25 per lot \$750 + \$37.50 per lot for delayed monumentation		
Multnomah						120% of estimated cost with minimum \$1,000 deposit
Benton *	\$75	\$50 Not including recording fee	\$150	\$500 + \$50 per lot \$700 + \$50 per lot for post monumented		\$800
Deschutes	\$50 + \$20 per line if lot line adj.	\$75	\$270 + \$40 per parcel	\$370 + \$40 per lot		
Lane (<u>Proposed fee</u> <u>underlined</u>)	\$40 <u>\$65</u>	\$15 <u>\$25</u>	\$250 <u>\$300</u>	\$500 + \$35 per lot \$600 + \$25 per lot for delayed monumentation \$600 + \$40 per lot <u>\$700 + \$30 per lot for delayed monumentation</u>	\$100	\$1,250 w/public hearing \$550 w/out public hearing \$1,500 w/public hearing <u>\$660 w/out public hearing</u>

* Benton County is in the process of raising their fees. These charges reflect the increases.

** Proposed fee increases underlined. Lane County also proposes adding \$65 for city subdivisions as they are a survey and all the review and recording work is the same as a land survey.

DRAFT

FINANCE & AUDIT
January 20, 2004
1:30 p.m.
BCC Conference Room

Members Present: Bill Dwyer, Anna Morrison, Jim Gangle

Staff Present: Bill Van Vactor, Teresa Wilson, Dave Garnick, Kay Blackburn, Becky Koble and Melissa Zimmer, Recording Secretary

**5. In the Matter of Amending Chapter 60 of
Lane Manual to Revise Land Management
Division County Surveyors Office Fees
(LM 60.853 and 60.854) Effective July 1, 2004**

Jeff Towery, Land Management, explained that the last time the fees before Finance and Audit were adjusted was effective July 1, 2001. He commented it was their most recent effort to maintain consistency with the Board's adoptive financial management policy.

Bill Robinson, Land Management, noted that Attachment B was a comparison with other counties that are of comparable size. He found that Lane County is in the middle with some fees and with other fees they are low. He said in doing a comparison to city partitions and subdivisions, they noted they hadn't been charging for them. He noted the fees put them closer to the actual costs. He stated they meet the goals of Chapter 60.853 and 60.854 and followed the recommendation of the Board of Commissioners of financial enhancement policies. He noted net gain for these activities would be about \$48,000 per year.

MOTION: to move to the full Board.

Dwyer MOVED, Gangle SECONDED.

VOTE: 3-0.