


AGENDA COVER MEMO

Memorandum Date: August 7, 2009
Order Date: September 16, 2009

TO: Board of County Commissioners

DEPARTMENT: Public Works / Land Management Division

PRESENTED BY: Mike Jackson, Lane County Surveyor 

AGENDA ITEM TITLE: IN THE MATTER OF AMENDING CHAPTER 60 OF THE LANE MANUAL TO ESTABLISH FEES FOR THE RELEASE AND DEDICATION OF ACCESS CONTROL STRIPS, AND MAKING OTHER FEE ADJUSTMENTS (LM 60.854)

I. MOTION

APPROVE THE ORDER AMENDING CHAPTER 60 OF THE LANE MANUAL TO ESTABLISH A FEE FOR THE RELEASE AND DEDICATION OF ACCESS CONTROL STRIPS, AND MAKING OTHER FEE ADJUSTMENTS (LM 60.854)

II. AGENDA ITEM SUMMARY

To decide whether or not to approve the Order amending Chapter 60 of Lane Manual to establish a fee for the release and dedication of access control strips, and making other fee adjustments.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

On July 8, 2009 the Board of County Commissioners conducted a work session with Public Works Department staff on the topic of County policies and fees related to the release and dedication of access control strips. In addition, there was discussion about the disparity between other existing fees and actual processing costs. Staff was directed to return to the Board with a proposal for full cost recovery fees, and to present options for a special benefit fee related to the release and dedication of access control strips. The Board recommended any adjustment to existing fees should be consistent with the MAXIMUS User Fee Study conducted for the Public Works Department in 2008.

B. Policy issues

Lane County Financial Management Policies in the Lane Manual, LM 4.010(2), Revenue Policies (d) states "Charges for services will be set by the Board of Commissioners and based on an analysis of who benefits from the service, amounts

charged by other agencies for similar services, the actual direct and indirect cost of providing the services, and statutory limits."

The Maximus User Fee Study states that full cost recovery through fees is typical in discretionary situations where an applicant will obtain a specific monetary or personal benefit. Full cost of services is determined by the sum of all direct and indirect costs, including support costs from other Divisions, and Department and County overhead.

C. Board Goals

Revenue Development is identified as Strategy 4 of Lane County's Strategic Plan. Section D2, "Identifying and recovering user fees and charges", Paragraph A., states as follows: "Lane County Government will assure that fair and reasonable user fees are established and collected for those services where state law permits such fees and where the usage of the service is affected by consumer choice." The following principles are stated:

- Those who benefit should pay; those who pay should benefit.
- Where appropriate fees will be based on costs, including reasonable allocations of overhead and a fair return on investment.

The fees being proposed at this time meets these objectives.

D. Financial and/or Resource Considerations

At the current time, Lane County does not charge a fee to process the release and dedication of access control strips. Lane Code 13.050(6)(c) currently provides that the release of access control strips may be conditional upon payment of proportional road construction costs to an appropriate developer, but there are no provisions for payment of any kind to Lane County.

Current cost to Lane County for processing the release and dedication of a typical access control strip is estimated at \$850. This amount includes all direct, indirect and overhead costs. Less than 10 of these actions are processed per year.

The financial impact of a special benefit fee is difficult to project. Additional revenue will be generated on the basis of the estimated increased value of the property benefiting from the release and dedication. Releases that provide legal access to large areas of land, or occurring in undeveloped commercial zones and high value residential areas have potential to generate greater amounts of estimated special benefit. Releases that are estimated to have minimal special benefit value to the adjoining property owners may be exempted from the requirement of payment of a special benefit fee.

A Fee Proposal Outline comparing other current and proposed fees is attached to this Cover Memo in response to direction from the Board for full cost recovery fees.

The proposal would adjust fees for processing land partitions from \$550 to \$650 for plats requiring County Surveyor approval, and from \$400 to \$550 for plats not requiring County Surveyor approval.

Fees for other activities which have been historically subsidized or partially subsidized by the Road Fund are also included in the proposal for full cost recovery.

The base fee for Condominium plat processing would increase from \$350 to \$2,250 for plats requiring County Surveyor approval, which includes plats within all of the small cities in Lane County. There have been recent condominiums created in Florence, Oakridge, and along the McKenzie River that make this fee relevant.

The fee for road naming and re-naming would increase from \$100 to \$1,700 for actions without a public hearing, and to \$2,500 for actions requiring a public hearing. This fee would not preclude us from continuing to initiate road naming actions on our own, as may be necessary to effectively react to emergency response and service delivery concerns that may come about.

A new fee for processing withdrawals of county road status would be established at \$4,800.

E. Analysis

A copy of Lane Manual 60.854 as amended, and the proposed changes in legislative format are included as attachments to the Order.

The proposed adjustments to existing fees reflect an attempt to more closely match revenue with actual costs for activities carried out by the County Surveyors Office. The proposal establishes a fee for the withdrawal of county road status, which is a procedure currently unsupported by fees.

The proposed assessment of a special benefit fee will allow Lane County to recover the estimated value of special benefit resulting from the release and dedication of access control strips to the benefited property owners.

The Board considered implementation of fee adjustments and special benefit fees during a work session conducted on July 8, 2009. Staff was directed at that time to return to the Board with a proposal for changes to the Lane Manual which would adjust fees on the basis of full cost recovery, and to include provisions for the assessment of a special benefit fee related to the release and dedication of access control strips

F. Alternatives/Options

1. Approve the Order amending Chapter 60 of Lane Manual to set and adjust certain fees on the basis of full cost recovery for services provided, and to establish a special benefit fee for the release and dedication of access control strips.
2. Amend the Order to amend Chapter 60 of the Lane Manual to set and adjust certain fees on the basis of full cost recovery for services provided, and to establish a special benefit fee of a reduced percentage for the release and dedication of access control strips.
3. Amend the Order amending Chapter 60 of the Lane Manual to set and adjust certain fees on the basis of full cost recovery for services provided, but not

establish a special benefit fee for the release and dedication of access control strips.

4. Deny the Order amending Chapter 60 of the Lane Manual to set and adjust certain fees and establish a special benefit fee for the release and dedication of access control strips.
5. Continue the matter for further discussion and consideration.

IV. TIMING/IMPLEMENTATION

If an Order adjusting fees is approved by the Board, staff will provide notice to private surveyors and other stakeholders prior to implementing the new procedures. Staff will then implement and begin collecting the new fees effective January 1, 2010.

V. RECOMMENDATION

Staff recommends the Board approve Option Number 1, approving the Order amending Chapter 60 of Lane Manual to set and adjust certain fees as summarized in the attached Fee Proposal Outline, and to establish a special benefit fee for the release and dedication of access control strips.

VI. FOLLOW-UP

Upon approval, staff will update informational handout material on vacations and fees, and will provide updated information on our website.

VII. ATTACHMENTS

Fee Proposal Outline

Order with attachments:

Lane Manual Chapter 60.854

Lane Manual Chapter 60.854 – Legislative Format

LANE COUNTY SURVEYOR'S OFFICE**Fee Proposal Outline**

September 2009

<u>ACTIVITY TYPE</u>	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
Land partition plat	\$ 550	\$ 650
Land partition plat not requiring County Surveyor approval	\$ 400	\$ 550
Condominium plat check for compliance with ORS 100.115(4)	\$ 375, plus \$ 30 per building	\$ 2,250, plus \$ 30 per building
<i>Note: The Lane County Surveyor checks plats for all jurisdictions throughout Lane County, except the cities of Eugene and Springfield, where this function is performed by their City Surveyor.</i>		
Road naming without a public hearing	\$ 100	\$ 1,700
Road naming with a public hearing	\$ 100	\$2,500
Withdrawal of county road status	No fee	\$ 4,800
Access control strip release and dedication	No fee	\$850, plus deposit of estimated special benefit

Please refer to the Cover Memo for additional background regarding the proposed fees as outlined above.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 60 OF
THE LANE MANUAL TO ESTABLISH FEES FOR
THE RELEASE AND DEDICATION OF ACCESS
CONTROL STRIPS, AND MAKING OTHER FEE
ADJUSTMENTS (LM 60.854)

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

60.854

as located on pages 60-69 through 60-70
(a total of 2 pages)

INSERT THIS SECTION

60.854

as located on pages 60-69 through 60-71
(a total of 3 pages)

Said sections are attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to establish fees for the release and dedication of access control strips, and making other fee adjustments (LM 60.854).

Adopted this _____ day of _____ 2009.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 8-27-09 Lane County



OFFICE OF LEGAL COUNSEL

at the completion of the project. Actual costs include normal document processing and the hourly rate of staff assigned to the project, plus a Land Management Division overhead rate.

(2) \$3,400 deposit for a proposed vacation of public lands without a hearing per ORS 368.351. The final fee will be based on actual costs incurred by Lane County determined at the completion of the project. Actual costs include normal document processing and the hourly rate of staff assigned to the project plus a Land Management Division overhead rate.

(3) In addition to payment of the deposit and final fees referenced in subsections (1) and (2) above, a vacation of public property or public interest in property under the jurisdiction of the County governing body shall require payment by the petitioners of a deposit equal to the estimate of special benefit that results from the vacation and disposition of property to the benefitted property owners.

(a) The estimated value of the special benefit and the amount of money to be deposited shall be determined by the Public Works Director. In the event that the property being vacated has a special benefit value of less than \$2,500, it shall be considered de minimis and a payment of deposit for special benefit shall not be required.

(b) Notice of the proposed deposit for special benefit shall be provided by mail to the owners of the property proposed to be vacated and shall contain a statement that includes the names, addresses, and the amount of the required deposit of each landowner's special benefit by the vacation.

(c) The petitioner shall deposit with the County Surveyor the sum of money called for by this subsection (3) prior to the scheduling of a meeting of the Board of Commissioners for action on the vacation.

(d) Should the vacation be found to be in the public interest and approved, the deposit for special benefit shall be retained by the County. If the vacation is denied, the deposit for special benefit shall be returned to the landowners. *(Revised by Order No. 01-4-4-6, Effective 7.1.01; 04-2-11-3, 7.1.04; 07-4-18-3, 7.1.07; 09-6-24-10, 6.24.09)*

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 as follows:

- (a) \$1,800 per subdivision plat and \$50 per lot;
- (b) \$1,800 per post monumented subdivision plat and \$90 per lot;
- (c) \$650 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) \$550 for processing partition plats not requiring approval of the Lane County Surveyor;
- (f) \$600 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 as follows:

- (a) \$2,250 per condominium plat and \$30 per building.

In addition to the fees listed for plat checking in LM 60.854(1) and (2) a duplicate checking 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.

(5) For road naming or renaming without a public hearing, the application fee shall be \$1,700.00.

(6) For road naming or renaming with a public hearing, the application fee shall be \$2,500.

(7) For withdrawal of county road status, the application fee shall be \$4,800.

(8) For releasing and dedicating access control strips created in accordance Lane Code 13.050(6) the following fee schedule shall apply:

(a) \$850 for processing application and preparing estimate of special benefit.

(b) In addition to payment of the fees specified in subsection (8)(a) above, the release and dedication of access control strips by the County governing body shall require payment by the applicant of a deposit equal to the estimate of special benefit that results from the action to the benefitted property owners.

(c) The estimated value of the special benefit and the amount of money to be deposited shall be determined by the Public Works Director. In the event of an estimated special benefit value of less than \$2,500, it shall be considered de minimis and a payment of deposit for special benefit shall not be required.

(d) Notice of the proposed deposit for special benefit shall be provided by mail to the owners of the property benefitted by the release and dedication. Said notice shall contain a statement that includes the names, addresses, and the amount of the required deposit of each landowner's special benefit by the action.

(e) The petitioner shall deposit with the County Surveyor the sum of money called for by this subsection prior to the scheduling of a meeting of the Board of Commissioners for action on the item.

(f) Should the release and dedication of the access control strip be approved, the deposit for special benefit shall be retained by the County. If the release and dedication of the access control strip is denied, the deposit for special benefit shall be returned to the landowners. *(Revised by Order No. 01-4-4-6, Effective 7.1.01; 04-2-11-3, 7.1.04; 04-5-5-8, 6.4.04; 07-4-18-3, 7.1.07)*

60.855 Public Works Department/Land Management Division – Building.

In accordance with LC Chapter 11 and ORS Chapters 446, 447, 455 and 479, the following fees are established:

(1) Building Permit Fees. Building permit fees shall be based on the total valuation of work and assessed in accordance with the schedule below. Reference LM 60.855(14) for detailed information regarding how total valuation is determined.

<u>Total Valuation</u>	<u>Fee</u>
\$1 to \$500	\$22.45
\$500.01 to \$2,000	\$22.45 for the first \$500 plus \$4.30 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,000.01 to \$25,000.00	\$86.95 for the first \$2,000 plus \$10.20 for each additional \$1,000 or fraction thereof, to and including \$25,000

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at the completion of the project. Actual costs include normal document processing and the hourly rate of staff assigned to the project, plus a Land Management Division overhead rate.

(2) \$3,400 deposit for a proposed vacation of public lands without a hearing per ORS 368.351. The final fee will be based on actual costs incurred by Lane County determined at the completion of the project. Actual costs include normal document processing and the hourly rate of staff assigned to the project plus a Land Management Division overhead rate.

(3) In addition to payment of the deposit and final fees referenced in subsections (1) and (2) above, a vacation of public property or public interest in property under the jurisdiction of the County governing body shall require payment by the petitioners of a deposit equal to the estimate of special benefit that results from the vacation and disposition of property to the benefitted property owners.

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- (a) \$1,800 per subdivision plat and \$50 per lot;
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- (c) ~~\$650~~ \$50 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) ~~\$550~~ \$400 for processing partition plats not requiring approval of the Lane County Surveyor;
- (f) \$600 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) ~~\$2,250~~ \$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~~ a duplicate checking fee may be charged where plats

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(e) The petitioner shall deposit with the County Surveyor the sum of money called for by this subsection prior to the scheduling of a meeting of the Board of Commissioners for action on the item.

(f) Should the release and dedication of the access control strip be approved, the deposit for special benefit shall be retained by the County. If the release and dedication of the access control strip is denied, the deposit for special benefit shall be returned to the landowners. (Revised by Order No. 01-4-4-6, Effective 7.1.01; 04-2-11-3, 7.1.04; 04-5-5-8, 6.4.04; 07-4-18-3, 7.1.07)

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\$2,000.01 to \$25,000.00	\$86.95 for the first \$2,000 plus \$10.20 for each additional \$1,000 or fraction thereof, to and including \$25,000