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AGENDA COVER MEMO

AGENDA DATE: June 4, 2003 (First Reading)
June 18, 2003 (Second Reading and Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPARTMENT: Public Works – Land Management Division

PRESENTED BY: Jeff Towery, Acting Manager

AGENDA ITEM TITLE: IN THE MATTER OF AMENDING CHAPTER 2 OF LANE CODE TO REVISE FEES AND ASSESSMENTS (LC 2.900), EFFECTIVE JULY 1, 2003, TO MAKE ADDITIONAL REVENUE AVAILABLE FOR LONG-RANGE PLANNING IN LAND MANAGEMENT DIVISION AND DECLARING AN EMERGENCY

I. MOTION

JUNE 4, 2003 – MOVE THE FIRST READING OF THE ORDINANCE AND SET THE SECOND READING AND PUBLIC HEARING FOR JUNE 18, 2003.

JUNE 18, 2003 – MOVE APPROVAL OF THE ORDINANCE AMENDING CHAPTER 2 OF LANE CODE TO REVISE FEES AND ASSESSMENTS (LC 2.900), EFFECTIVE JULY 1, 2003, TO MAKE ADDITIONAL REVENUE AVAILABLE FOR LONG-RANGE PLANNING IN LAND MANAGEMENT DIVISION.

II. ISSUE OR PROBLEM

Shall Lane County increase filing fees for subdivisions and partitions to support an expanded long range planning program?

III. DISCUSSION

A. Background

The Land Management Task Force recommended that the County review certain fees, including filing fees, as potential revenue sources to help fund an expanded long range planning program. Following the presentation of the Task Force's recommendations on April 8, 2003, the Board asked for a detailed review of several potential revenue sources and during the report back on May 6, 2003, the Board directed staff to prepare the attached Board Order.

B. Analysis

Currently, recording fees are a part of discretionary General Fund revenue that supports the operation of Deeds and Records, Elections and the Board of Property Tax Appeals. Some years, that revenue also supports other General Fund activities. In the last four fiscal years, revenues range from \$1,133,991 to \$1,980,237. Through March of the current year, \$1,815,915 has been received. While the Board could

redirect a portion of that revenue to support all or part of the expanded planning program, that action would not be consistent with the approach used to prioritize services and subsequently make the reductions necessary to submit a balanced budget for FY 03-04.

Recording fees for the filing of subdivisions and partitions generated less than \$2,900 last year and Lane County's fees for those activities are consistently at or below those charged by several other counties (see Attachment B). The revenue estimates for the options below are based on the filings in 2002, but Attachment C also indicates that 2002 was a typical year for these types of filings. This proposal has been reviewed with key staff from Management Services and County Surveyor and no barriers to implementation have been identified. The Surveyor's Program did recommend a change in methodology to the options that were presented to the Board during the Report Back that will ease administration and result in the same revenue.

C. Alternatives/Options

1. Increase filing fees for partitions and subdivisions to \$20 plus \$10 per lot.
2. Increase filing fees for partitions and subdivisions to \$20 plus \$5 per lot.
3. Do not increase filing fees for subdivisions and partitions.

D. Implications

1. Option 1 will generate approximately \$14,500 per year in new revenue.
2. Option 2 will generate approximately \$7,500 per year in new revenue.
3. Option 3 will not generate any new revenue.

E. Recommendations

Staff recommends approval of Option 1.

F. Timing

The new fees would be effective July 1, 2003

V. ATTACHMENTS

Attachment A – Ordinance No. 5-03 with Revised Lane Code and Legislative Format
Attachment B – Recording Fees From Selected Counties
Attachment C – Lane County Filing Fee Options and Filing History

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 5-03

IN THE MATTER OF AMENDING CHAPTER 2 OF
LANE CODE TO REVISE FEES AND ASSESSMENTS
(LC 2.900), EFFECTIVE JULY 1, 2003, TO MAKE
ADDITIONAL REVENUE AVAILABLE FOR LONG-
RANGE PLANNING IN LAND MANAGEMENT
DIVISION AND DECLARING AN EMERGENCY

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

Chapter 2 of Lane Code is hereby amended by removing, substituting and adding new sections as follows:

REMOVE THESE SECTIONS

2.900
located on page 2-19
(a total of 1 page)

INSERT THESE SECTIONS

2.900
located on page 2-19
(a total of 1 page)

Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to revise fees and assessments (LM 2.900) effective July 1, 2003, to make additional revenue available for long-range planning in the Land Management Division.

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 _____ day of _____ 2003.

Peter Sorenson, Chair
Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 5-27-2003 Lane County

Stephen J. Baker
OFFICE OF LEGAL COUNSEL

FEES AND ASSESSMENTS

2.900 Fees to be Charged by the County Clerk for Recording and Other Services.

(1) The County Clerk shall charge no fees to Lane County or any of its Departments for recording.

(2) The fee for approval of a plat or a vacation order or ordinance by the county court is \$5.

(3) For recording and indexing any plat, the County Clerk, in whose office the deed records of the County are kept, shall charge \$20 plus \$10 per lot.

(4) The fee charged for the services of the County Surveyor for marking the record of a vacation order or ordinance upon the original plat shall be \$6.

(5) The fee for recording a copy of the location notice for a mining claim is \$5/document.

(6) The fee for recording an affidavit of annual labor upon a mining claim is \$5/page.

(7) The certificate described in ORS 517.280 shall not be issued until the co-owners entitled to it pay to the County Clerk a fee of \$12.50. The fee for recording the certificate shall be the same as for other mining conveyances, \$5 per page.

(8) For the preparation of and processing of a marriage license waiting period waiver request, the fee is \$4.

(9) Pursuant to ORS 203.148 a fee of \$10 shall be charged for recording any instrument under ORS 205.130(2). This fee is in addition to any other fee charged by the County Clerk. All moneys collected under this section shall be deposited in the Public Land Corner Preservation Fund. *(Revised by Ordinance No. 8-79, Effective 7.26.79; 5-84, 6.15.84; 6-86, 6.18.86; 19-86, 2.6.87; 15-87, 9.27.84)*

2.905 Law Enforcement Medical Liability Account Assessment.

Within 60 days of receipt of an assessment levied by Lane County Justice Courts pursuant to Section 5(4)(a) of Ch. 778 of 1991 Or Laws (SB 1142), the assessment shall be transmitted to the Oregon Department of Revenue for placement in the Law Enforcement Medical Liability Account. *(Revised by Ordinance No. 4-92, Effective 6.12.92)*

2.920 Forfeiture Assets.

Property or proceeds distributed to Lane County under Oregon Constitution article XV 10(7)(c) shall be deposited in the General Fund to be available for all lawful General Fund purposes. *(Revised by Ordinance No. 8-02, Effective 7.11.02)*

2.900

Lane Code

2.920

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(3) For recording and indexing any plat, the County Clerk, in whose office the deed records of the County are kept, shall charge ~~as follows~~ **\$20 plus \$10 per lot.:**

~~_____ (a) For plats containing 20 lots or less, \$15.~~

~~_____ (b) For plats containing over 20 lots, and less than 30 lots, \$20.~~

~~_____ (c) For plats containing 30 lots, and less than 50 lots, \$25.~~

~~_____ (d) For plats containing 50 lots, and less than 75 lots, \$30.~~

~~_____ (e) For plats containing 75 lots, and less than 101 lots, \$35.~~

~~_____ (f) For plats containing over 100 lots, in addition to the charge of \$35, the county clerk shall charge \$.50 per lot for all lots over 100.~~

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LANE COUNTY

PLATS		
Approval of the Board of County Commissioners - Recording Fees	\$5.00	ORS 205.350 Lane Code 2.900 (1-7)
20 lots or less	\$15.00	
21 to 29 lots	\$20.00	
30 to 49 lots	\$25.00	
50 to 74 lots	\$30.00	
75 to 100 lots	\$35.00	
Over 100	\$35.00 Plus \$0.50 for each additional lot	

Deschutes County

Plats - By Lot Size (ORS 205.320)	Fees
20 lots or less	\$71.00
21 through 29 lots	\$76.00
30 through 49 lots	\$81.00
50 through 74 lots	\$86.00
75 through 100 lots	\$91.00
Over 100 Lots	\$91.00 + \$0.10 per lot over 100
Partition Plats	\$46.00

Benton County

Plat Fees:

Board of Commissioners Approval Fee..... 5.00

Subdivision Plat	Fees
20 lots or less	20.00
21 through 29 lots	25.00
30 through 49 lots	30.00
50 through 74 lots	35.00

75 through 100 lots	40.00
Over 100 Lots	40.00 Plus \$.25 per additional lot
Partition Plats	20.00

Clackamas County

RECORDING FEES	
Per side of each page	\$ 5.00
For each additional release, assignment or satisfaction embodied in one document - an additional	\$ 5.00
For each additional transaction embodied in one document - an additional	\$ 5.00
Nonstandard document fee for noncompliance of first page requirements (ORS 205.234) and/or page/print size (ORS 205.232)- an additional	\$20.00
Plat Recording fee	\$45.00
Over 100 lots, each additional lot	\$.10
Surveyor PLC fee - an additional	\$10.00
Oregon Land Info System Fee - an additional	\$ 1.00
A & T Fee - an additional	\$10.00
OTHER FEES	
Surveyor's Fee for Affidavit of Correction of Survey or Plat (in addition to recording fees)	\$50.00

MARION COUNTY

Plats for Recording: (LCP, Rev. & OLIF fee applies to all plats & included below)

Partition Plats:		\$46.00
Subdivision Plats:	20 lots or less:	\$46.00
	21 thru 29 lots	\$51.00
	30 thru 49 lots	\$56.00
	50 thru 74 lots	\$61.00
	75 thru 100 lots	\$66.00
	100 lots & over	\$66.00+
	+.10 per lot over 100	

Lane County Filing Fee Options

Subdivisions	Fee	# of Lots/ Filings	Current Fees	Base Fee	Fee per Lot	
					\$5.00	\$10.00
Current		2,238	\$1,065.00			
<i>Options</i>						
Avg. Plat/Yr.	\$20	55		\$1,100.00		
Avg. Lots/Yr.		1,125			\$5,625.00	\$11,250.00
<i>New Subdivision</i>					\$5,660.00	\$11,285.00
Partitions						
Current	\$15	120	\$1,800.00			
<i>Options</i>						
Avg. Plat/Yr.	\$20	125		\$2,500.00		
Avg. Lots/Yr.		312			\$1,560.00	\$3,120.00
<i>New Partition</i>					\$2,260.00	\$3,820.00
<i>Sub-Total</i>					\$7,920.00	\$15,105.00
<i>less Clerk's Fee</i>	5%				\$396.00	\$755.25
Total New					\$7,524.00	\$14,349.75

Lane County Filing History - 1990-2002

Year	Partitions	Subdivisions	Total
1990	68	35	103
1991	120	25	145
1992	123	47	170
1993	134	57	191
1994	179	79	258
1995	159	89	248
1996	149	67	216
1997	139	61	200
1998	141	60	201
1999	108	73	181
2000	117	49	166
2001	89	50	139
2002	120	57	177
Total	1,646	749	2,395
Low	68	25	103
High	179	89	258
AVG	127	58	184