

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ordinance No. 688

An Ordinance amending fees for action proceedings and administrative actions under MCC 11.05, 11.15 and 11.45, and declaring an emergency.

(Language in brackets [] is to be deleted; underlined language is new.)

Multnomah County ordains as follows:

SECTION I. PURPOSES

The purposes of this Ordinance are:

- A. To update the fee schedule for land use actions to reflect cost increases which have occurred since its 1980 revision;
- B. To set fees which are appropriate to the cost of labor, supplies, and support services necessary to process land use applications;
- C. To set fees that require the applicants for land use actions to assume all of the direct costs associated with the application, plus an equitable share of the indirect cost associated with such application; and

1 **SECTION II. FINDINGS**

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3 A. Multnomah County Code contains the Multnomah County Planning Commission reg-
4 ulations (11.05), the county land development regulations relating to zoning (11.15),
5 and the county land division regulations (11.45). Administration of those regulations
6 requires the efforts of ten County employees, all of them on a full-time basis. It
7 requires that the procedures outlined therein be followed to process applications and
8 to provide information and notice to the public and to other governmental approval
9 authorities. It requires maintenance of files and records to enable enforcement and
10 execution of the regulations. All of these requirements result in the County General
11 Fund assuming the costs of administration of the land development regulations.

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13 B. ORS 215.110(4) authorizes the County to require payment of fees necessary and con-
14 venient for carrying out the purposes of planning and land development ordinances.

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16 C. Since 1966, the County has required applicants seeking approval of land development
17 applications to assume some of those costs related to the proposal for which approval is
18 sought. In 1977, the Board of County Commissioners adopted Ordinance No. 111,
19 which substantially raised the fees charged pursuant to the Zoning Ordinance. Those
20 fees were again amended in 1980 by Ordinance 254. The fee schedules for Planning
21 Commission (MCC 11.05) and Land Division (MCC 11.45) applications have not been
22 revised since 1976 and 1981, respectively.

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24 D. Since 1980, there have been changes in the costs of administration of the County land
25 development regulations due to the generally increasing cost of labor and supplies, and
26 due also to the increased cost of associated support services. During the period between
27 fiscal year 1980–81 and 1990–91, the budget of the County section responsible for pro-
28 cessing land use applications has increased 111%. During the same period, the Con-

sumer Price Index for goods and services in the Portland Area has increased 134.8%. No increases, however, have been made to the fees for applications processed under MCC 11.05, 11.15 and 11.45. Therefore, more of the burden associated with applications and the benefits which accrue to individuals as a result of land development approvals is being paid by all citizens of the County through the General Fund.

E. The proposed fee revisions embody an average fee increase of 100% over those fees set in 1976, 1980 and 1981.

F. The proposed fee revisions continue to provide that applicants shall pay 100% of the direct costs associated with their applications and between 10%-20% of the indirect costs.

G. The proposed fees are based on an analysis of the direct costs associated with typical action proceedings and administrative actions.

SECTION III. AMENDMENTS

(A) Multnomah County Code Chapter 11.05 is amended to read as follows:

11.05.410 Fees.

(A) The following fees shall be paid by the applicant at the time of filing under subsection (B) of MCC 11.05.140:

(1) Legislative plan revision\$[500] 1,000.00

(2) Legislative zoning map amendment.....[500] 1,000.00

(3) Quasi-judicial plan revision:

(a) One acre or less[300] 1,000.00

(b) Each additional acre or portion thereof (maximum \$[800] 1,500) [25]
50.00

(4) Quasi-judicial plan revision in conjunction with other action as defined under
MCC 11.15.8205[200]
500.00

(a) The fee for an action, as defined under MCC 11.15.8205 shall be as
required under MCC 11.15.9005 to 11.15.9040.

(b) The fee for a subdivision application shall be as required under MCC
11.45.810.

(B) A fee of \$[150] 300.00 shall be charged for the filing of a Notice of Review unless
the action is in conjunction with another action under MCC 11.15.8205 in which
case the fee shall be that set out in MCC 11.15.9020(B). The person filing the
notice shall pay for the cost of a transcript of the commission hearing under subsec-
tions (D) and (E) of MCC 11.05.330 at a rate of \$[1.75] 3.50 per minute of hearing
time.

(C) A fee of 30 cents per page shall be charged for staff reports.

(B) Multnomah County Code Chapter 11.15 is amended to read as follows:

11.15.9005 Payment

All fees are payable at the time of application.

11.15.9010 Action Proceedings

(A) Change of zone classification

(1) Rural, Urban Future and Urban Low and Medium Density Residential:

One acre or less	\$[250.00]	<u>500.00</u>
Each additional acre	30.00	<u>50.00</u>

(2) Apartment Residential and Urban High Density Residential:

One acre or less	[375.00]	<u>1,000.00</u>
Each additional acre	[30.00]	<u>50.00</u>

(3) Commercial or Industrial

[500.00] 1,000.00

([4] B) Planned Developments

One acre or less	[500.00]	<u>1,000.00</u>
Each additional acre	[40.00]	<u>50.00</u>
Maximum charge	[2,500.00]	<u>5,000.00</u>

([B] C) Community Service

(1) Minor alternative uses in public school buildings	[30.00]	<u>250.00</u>
(2) Alternative uses in public school buildings	[100.00]	<u>400.00</u>

1	(3) New Use	[400.00]	<u>800.00</u>
2	(4) Use of an existing building, or modification of a		
3	previous approval	[200.00]	<u>400.00</u>
4	(5) Regional Sanitary Landfill	(see MCC .7060(B))	
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6	([C] <u>D</u>) Conditional Use		
7			
8	(1) New Use	[400.00]	<u>800.00</u>
9	(2) Use of an existing building, or modification of a		
10	previous approval	[200.00]	<u>400.00</u>
11			
12	([D] <u>E</u>) Appeal of administrative decision by Planning Director	[150.00]	<u>300.00</u>
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14	([E] <u>F</u>) Variance	[175.00]	<u>400.00</u>
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16	[(F) Health Hardship Permit		125.00]
17			
18	(G) Modification of conditions on a prior [contested case]		
19	<u>Action Proceeding</u> requiring a rehearing	[300.00]	<u>Full fee for Action</u>
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21	(H) Lots of Exception	[350.00]	<u>400.00</u>
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23	(I) Conditional Use permitted under		
24	MCC 2012(B)(3); .2052(C); and .2172([D] <u>C</u>)	[250.00]	<u>400.00</u>
25			
26	(J) Other [contested cases] <u>Action Proceedings</u>	[300.00]	<u>500.00</u>
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1	(K) Zoning code interpretation by the		
2	Planning Commission	[200.00]	<u>400.00</u>
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4	11.15.9015 Administrative Actions		
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6	(A) <u>Health Hardship Permit</u>		<u>125.00</u>
7	Health hardship permit renewal	[\$40.00]	<u>75.00</u>
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9	(B) Land Use permit	[40.00]	<u>75.00</u>
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11	(C) Non-hearing variance	[100.00]	<u>150.00</u>
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13	(D) Use Under Prescribed Conditions	[40.00]	<u>100.00</u>
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15	(E) Exceptions	[40.00]	<u>100.00</u>
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17	(F) Administrative decision by Planning Director	[40.00]	<u>100.00</u>
18			
19	(G) Willamette River Greenway Permit	[75.00]	<u>125.00</u>
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21	(H) Significant Environmental Concern Permit	[75.00]	<u>125.00</u>
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23	(I) Administrative modification of conditions established		
24	in prior [contested cases] <u>Action Proceedings</u>	[50.00]	<u>150.00</u>
25			
26	(J) Hillside Development Permit		<u>150.00</u>
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28	(K) Grading and Erosion Control Permit		<u>150.00</u>

The fee for multiple concurrent administrative actions, including Design Review, shall be the highest fee of the individual applications, plus 1/2 the appropriate fee of each additional application.

11.15.9020 Miscellaneous Charges

(A) Notice Sign	[4.00]	<u>5.00</u>
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(B) Notice of Review	[150.00]	<u>300.00</u>
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Transcript cost per minute of hearing time	1.75	<u>3.50</u>
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(C) Records and reports (per page)	30¢	
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(D) Pre-Initiation Conference	[35.00]	<u>50.00</u>
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(E) Flood Plain Review (one and two family dwellings)	25.00	
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(F) Flood Plain Review (all other uses)	50.00	
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11.15.9025 Design Review

(A) Project Value

[\$0 – \$4,999	50.00
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\$5,000 – \$24,999	75.00
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\$25,000]	
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<u>\$0 – 49,999.....</u>	<u>\$150.00</u>
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<u>50,000 – \$1,000,000</u>	<u>0.003 of the project value</u>
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Over \$1,000,000\$3,000 + 0.001 of the project
value

Project value shall be determined in accordance with the Uniform Building
Code, or as otherwise determined by the Director.

(B) Staff time required for Design Review revisions submitted after a permit
is issued shall be \$[40.00] 80.00/hour Minimum charge — one-half
hour.

(C) For Design Review of on-premise advertising signs:

Single Sign [Area (one face):].....	<u>\$25.00</u>
[0 to 6 sq.ft.	\$15.00
6 sq.ft. to 59 sq.ft.	30.00
60 sq.ft. to 100 sq.ft.	0.50/sq.ft.
100 sq.ft and over	0.60/sq.ft.

The second or additional face of display surface of a double-faced or V-
shaped sign shall be subject to a fee of \$10 per square foot when con-
structed under permit with the first face.

Painted wall sign areas in excess of 6 sq.ft.	30.00
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Additional sign areas shall be assessed at one-half the above rates.]

11.15.9027 Transit Zones Development Standards Review Process

(A) Project Value

[\$0 – \$4,999	50.00
\$5,000 – \$24,999	75.00
\$25,000]	
<u>\$0 – 49,999</u>	<u>\$150.00</u>
<u>50,000</u> – \$1,000,000	0.003 of the project
value	
Over \$1,000,000	\$3,000 + 0.001 of the project
value	

Project value shall be determined in accordance with the Uniform Building Code, or as otherwise determined by the Director.

(B) Staff time required for Development Review revisions submitted after a permit is issued shall be \$[40.00] 80.00/hour minimum charge — one half hour.

(C) For Development Review of on-premise advertising signs.

Single Sign [Area (one face)].....	<u>25.00</u>
[0 to 6 sq. ft.	15.00
6 sq. ft. to 59 sq. ft.	30.00
60 sq. ft. to 100 sq. ft.	0.50/sq. ft.
100 sq. ft. and over	0.60/sq. ft.

The second or additional face of display surface of a double-faced or V-shaped sign shall be subject to a fee of \$10 per square foot when constructed under per-

1 mit with the first face.

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3 Painted wall sign areas in excess of 6 sq. ft. \$30.00

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5 Additional sign areas shall be assessed at one half the above rates.

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7 All other fees shall be as provided by MCC 11.15.9005 through MCC
8 11.15.9040 and the provisions of MCC 11.15.9005 through MCC 11.15.9040
9 shall be amended to include the applicable provisions of this ordinance.]

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11 11.15.9030 Rescheduling of Hearing

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13 In the case of any hearing required under this Ordinance which must be resched-
14 uled at the request of, or due to the neglect of the applicant, a fee of \$[100.00]
15 200.00 shall be assessed against the applicant. Said fee may be waived in whole or
16 part by the Director of the Department of Environmental Services if the Director
17 determines that the necessity for the requested rescheduling was unavoidable or
18 that the applicant proceeded with all possible diligence to give adequate advance
19 notice of the request for rescheduling.

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21 11.15.9035 Fractions of an Acre

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23 For fees based upon acreage calculations, any fraction of an acre up to and includ-
24 ing one-half, shall be disregarded; fractions over one-half shall be rounded to the
25 next highest acre.

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11.15.9040 Application of Fee Schedule

Fees provided in MCC 11.15.9005 to 11.15.9030 shall apply to all actions specified herein, regardless of applicant, unless waived in whole or in part by the Board of County Commissioners or the Planning Commission.

(C) Multnomah County Code Chapter 11.45 is amended to read as follows:

11.45.810 Fee Schedule

(A) Pre-filing Conference

(1) Type I, [or]Type II or Type III Land Division.....\$[35. 00] 50.00

(2) Type [III and] IV Land Division or Lot Line Adjustment.....No Charge

(B) Type I Tentative Plan

(1) 20 lots or less\$[400.00] 800.00

(2) More than 20 lot \$[400] 800.00 plus \$[15] 25.00 for each lot over twenty

(3) A land division which is classified as Type I according to the criteria in MCC 11.45.080(D) which would otherwise be designated a Type II, Type III, or Type IV land division shall be assessed the lesser respective fee.

(C) Type II Tentative Plan\$[240.00] 450.00

(D) Type III Tentative Plan\$[115.00] 250.00

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(E) Type IV Tentative Plan.....\$[30.00] 125.00

(F) Lot Line Adjustment\$75.00

((F) G) Final Plat or Map Survey Check

(1) For subdivision as follows:

(a) The fee to be paid by the applicant to the County Surveyor for checking subdivision plats having all boundary and lot corner monuments in place on the subdivision site at the time of inspection by the County Surveyor, shall be \$500.00 plus \$25.00 for each lot contained in the subdivision.

(b) The fee to be paid by the applicant to the County Surveyor for checking subdivision plats having all boundary angle points and all points of intersection of parcel lines with the boundary marked by monuments at the time of inspection by the County Surveyor, but with the interior parcel and roadway monuments to be delayed in accordance with ORS 92.060(5), shall be \$650.00 plus \$35.00 for each lot contained within the subdivision.

(2) For partitions: The fee to be paid by the applicant to the County Surveyor for checking partition plats as required by ORS 92.100(3) shall be \$300.00.

(3) In addition to the above fees the applicant shall pay to the County Surveyor

for repeated calculations and review due to necessary data changes or erro-

neous data, and necessary repeated field inspections due to omitted, erroneously placed, disturbed or destroyed monuments, an amount equal to the actual cost to the Department of Environmental Services determined at the hourly rate as follows:

(a) Office checking and calculation:\$30.00 hourly

(b) Field checking and inspection:.....\$100.00 hourly

(4) The fees to be paid by the applicant for the services of the County Surveyor described in subsections (1) and (2) are payable to the County Surveyor in advance of inspections, at the time the final subdivision plat and/or survey map is submitted to the office of County Surveyor. Any fees necessarily assessed for services of the County Surveyor described in subsection (3) shall be payable prior to approval of the subject plat.

(5) As used in this section, *lot* means a unit of land that is created by a subdivision of land, and a *tract* will be considered a lot, except for street plugs.

((G) H) Variance [MCC 11.45.760]\$[175.00] 400.00

((H) I) Notice Sign [MCC 11.15.9020(A)]\$[4.00] 5.00

((I) J) Time Limit Extension [MCC 11.45.420]\$[30.00] 75.00

((J) K) Appeals

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(1) From administrative decisions under
MCC 11.45.320(C), 11.45.380(C) and 11.45.740.....\$[150.00] 300.00

(2) From decisions of the Hearings Council or Planning Commission under
MCC 11.45.770 \$[150.00] 300.00
Plus transcript cost per minute of hearing time \$[1.75] 3.50

([K] L) Records and Reports, per page.....\$0.30

([L] M) Rescheduled Hearing.....\$[100.00] 200.00

([M] N) The fees required under MCC 11.45.810 shall apply to all actions specified in this Chapter, regardless of applicant.

This ordinance, being necessary for the health, safety, and welfare of the people of Multnomah County, an emergency is declared to exist and this ordinance shall take effect on its passage, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED THIS 9th day of July, 1991, being the date of its first reading before the Board of County Commissioners of Multnomah County.



By Gladys McCoy
Gladys McCoy, County Chair

MULTNOMAH COUNTY, OREGON

REVIEWED: John DuBay

John DuBay, Deputy County Counsel
of Multnomah County, Oregon