

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Submitting to the Voters in a Countywide)	
Election an Ordinance Amending the)	RESOLUTION
User Fee Schedule for Land Use)	97-167
Proceedings and Administrative Actions)	
to Reflect Actual Costs)	

WHEREAS, costs increases have occurred since the 1995 revision to the user fee schedule for land use proceedings and administrative actions; and

WHEREAS, state law authorized counties to establish user fees which reflect the actual cost of labor, supplies and support services necessary to process land use applications; and

WHEREAS, it is desirable to end the 22% General fund subsidy for the processing of such applications; and

WHEREAS, the proposed fee schedule requires applicants to assume the full costs associated with their application; now, therefore

IT IS HEREBY RESOLVED that:

1. An election is called to be held on November 4, 1997, at which the measure described in Exhibit A (Ballot Title) and set forth as Exhibit B (Ordinance) shall be submitted to the electors of Multnomah County. The Ordinance attached as Exhibit B amends MCC Chapter 11.05, Fees; MCC Chapter 11.15 Payment; and MCC Chapter 11.45, Fee Schedule. Additions are underlined and deletions are bracketed. The Explanatory Statement required by Multnomah County Ordinance No. 881 is attached as Exhibit C.

2. Exhibits A (Ballot Title), B (Ordinance) and C (Explanatory Statement) are adopted and made part of this Resolution. The Ballot Title, Ordinance and Explanatory Statement shall be printed substantially in the form set forth.

3. The foregoing election and election date are certified to the Director of Multnomah County Division of Elections.

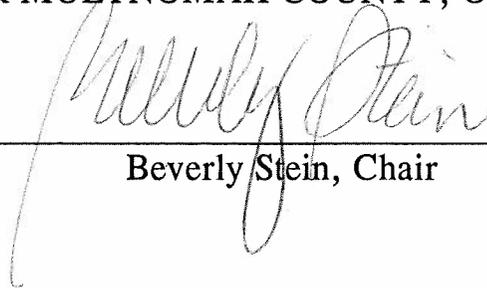
4. If this Ordinance is approved by a majority of voters at the November 4, 1997 election, it shall go into effect at 12:01 a.m. on the 30th day after certification of the elections results by the Director of the Multnomah County Division of Elections. If this Ordinance is rejected by the voters, the provisions of MCC Chapters 11.05, 11.15 and 11.45 remain in effect unless amended by another ordinance adopted by the voters or the Board.

5. Notwithstanding paragraph 4, the Board may by resolution delay the amendments of the user fee schedule for land use proceedings and administrative actions to reflect actual costs which are adopted by this Ordinance until 12:01 a.m. on the 30th day after the Board declares that the County Department of Environmental Services is able to begin administration and enforcement of this Ordinance.

ADOPTED this 21st day of August, 1997.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By _____
Thomas Sponsler, County Counsel

EXHIBIT A

BALLOT TITLE

CAPTION:

Multnomah County Land Use Proceedings Fees Increase

MEASURE 26-61

QUESTION:

Shall Multnomah County increase its fees for land use action proceedings and administrative action to recover 100% of its costs?

SUMMARY:

This measure imposes increased user fees for land use action proceedings and administrative actions to reflect cost increases and to reflect the actual costs of labor, supplies and support services necessary to process land use applications. This increase will eliminate the 22% subsidy from the County General Fund.

EXHIBIT B

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. _____

4 An Ordinance amending fees for action proceedings and administrative actions under
5 MCC 9.40, 11.05, 11.15 and 11.45.

6 Language in ~~strikeout text~~ is to be deleted; underscored text is new.

7 Multnomah County ordains as follows:

8 9 SECTION I. PURPOSES

10 (A) To update the fee schedule for land use actions to reflect cost increases which have
11 occurred since its 1994~~5~~ revision;

12 (B) To establish fees which reflect the cost of labor, supplies, and support services necessary
13 to process land use applications; and

14 (C) To establish fees that require the applicants for land use actions to assume the ~~major share~~
15 of the full costs associated with their applications.

16 17 SECTION II. FINDINGS

18 (A) Multnomah County Code contains the Multnomah County Planning Commission
19 regulations (11.05), the county land development regulations relating to zoning (11.15), and the
20 county land division regulations (11.45). Administration of those regulations requires the efforts
21 of ~~ten~~ seven County employees, all of them on a full-time basis. It requires that the procedures
22 outlined therein be followed to process applications and to provide information and notice to the
23 public and to other governmental approval authorities. It requires maintenance of files and
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1 records to enable enforcement and execution of the regulations. All of these requirements
2 currently result in the County General Fund assuming 63% the costs of administration of the land
3 development regulations.

4 (B) ORS 215.110(4) authorizes the County to require payment of fees necessary and
5 convenient for carrying out the purposes of planning and land development ordinances.

6
7 (C) Since 1966, the County has required applicants seeking approval of land development
8 applications to assume a significant portion of the costs related to any land use proposal for which
9 approval is sought. In 1977, the Board of County Commissioners adopted Ordinance No. 111,
10 which substantially raised the fees charged pursuant to the Zoning Ordinance. Those fees were
11 amended in 1980 by Ordinance 254, and in 1991 by Ordinance 688, and in 1995 by Ordinance
12 821. The fee schedules for Planning Commission (MCC 11.05) and Land Division (MCC 11.45)
13 applications were revised in 1976 and 1981, respectively, [and] again in 1991 by Ordinance 688,
14 and again in 1995 by Ordinance 821. Ordinance 688 required an applicant to pay 100% of the
15 direct costs and 20% of the indirect costs associated with application processing.
16

17 (D) A 1994 study by David M. Griffith and Associates found that the current land
18 development fee schedules recover only 37% of the total cost of application processing. That
19 study recommended fees be increased to recover 60% to 100% of full processing costs. The
20 adjustments enacted by this ordinance return an 80% overall cost recovery.
21

22 (E) The Ordinance 821 proposed fee revisions reflected the majority of the 80%
23 recommendations of the David M. Griffith and Associates report. The Ordinance 821 Such an
24 increases would reduced the annual General Fund subsidy for applicant generated land use
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1 application processing from 63% to approximately 22%. These proposed fee revisions would
2 reduce the annual General Fund subsidy for applicant generated land use application processing
3 from 22% to 0%.

4 (F) The current fee structure in MCC 11.05, 11.15, and 11.45 are specific set fees. This
5 method is being changed to an Application Deposit approach, with actual cost being determined
6 at the completion of the staff work on an application. This ordinance adjusts the former
7 Application fee to an estimated average 1996 cost and establishes the adjusted fee as the
8 “Application Deposit” fee. The actual final application fee is determined by computing the actual
9 costs required to process the application which includes the hourly cost of employee time,
10 overhead, and other related costs. Those costs may increase over time, as salaries and other
11 related costs increase.

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13
14 SECTION III. AMENDMENTS

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

16 11.05.410 Fees.

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

19	(1) Legislative plan revision	1,990.00	<u>\$2,010.00</u>
20	(2) Legislative zoning map amendment	1,990.00	<u>\$2,010.00</u>
21	(3) Quasi judicial plan revision:	1,990.00	<u>\$2,010.00</u>
22	(4) Quasi judicial plan revision in conjunction with other action as defined under		
23	MCC 11.15.8205.	1,000.00	<u>\$1,060.00</u>
24			
25			
26			

1 (a) The fee for an action, as defined under MCC 11.15.8205, shall be as required
2 under MCC 11. 15.9005 to 11.15.9040.

3 (b) The fee for a subdivision application shall be as required under MCC
4 11.45.810.

5 (B) A fee of ~~\$500.00~~ 530.00 shall be charged for the filing of a Notice of Review
6 unless the action is in conjunction with another action under MCC II. 15.8205 in which case the
7 fee shall be that set out in MCC11 .15.9020(B). The person filing the notice shall pay for the cost
8 of a transcript of the commission hearing under subsections (D) and (E) of MCC 11.05.330 at a
9 rate of ~~\$3.50~~ 3.70 per minute of hearing time.

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

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

12 11.15.9005 Payment.

13 All Application Deposit fees are payable at the time of application. The difference
14 between the actual costs and the deposit will be paid prior to the issuance of a Land Use permit(s)
15 and/or Land Use decision(s), or will be refunded to the applicant.

16 11.15.9010 Action Proceedings.

17 (A) Change of zone classification ~~1,460.00~~ \$1,550.00

18 (B) Planned Developments ~~1,760.00~~ \$1,865.00

19 (C) Community Service

20 (1) Regional Sanitary Landfill see MCC .7060(B)

21 (2) All others ~~1,460.00~~ \$1,550.00

1	(D)	Conditional Use	1,460.00	<u>\$1,550.00</u>
2	(E)	Appeal of administrative decision by Planning Director		\$ 100.00
3		<u>(Refundable if appellant prevails at initial or subsequent appeal hearing)</u>		
4	(F)	Variance	480.00	<u>\$ 510.00</u>
5	(G)	Modification of conditions on a prior contested case		
6		requiring a rehearing		
7			Full fee for action	
8	(H)	Lots of Exception	680.00	<u>\$ 740.00</u>
9	(I)	Other contested cases	500.00	<u>\$ 530.00</u>
10	(J)	Zoning code interpretation by the Planning		
11		Commission	400.00	<u>\$ 425.00</u>
12	(K)	Columbia River Gorge National Scenic Area Site		
13		Review	1460.00	<u>\$1,550.00</u>
14				
15	11.15.9015 Administrative Actions.			
16	(A)	Health hardship permit	150.00	<u>\$ 160.00</u>
17		Health hardship permit renewal	75.00	<u>\$ 80.00</u>
18	(B)	Land Use permit	75.00	<u>\$ 80.00</u>
19	(C)	Non-hearing variance	220.00	<u>\$ 235.00</u>
20	(D)	Use Under Prescribed Conditions	220.00	<u>\$ 235.00</u>
21	(E)	Exceptions and Lot of Exception	100.00	<u>\$ 110.00</u>
22	(F)	Administrative decision by Planning Director	220.00	<u>\$ 235.00</u>
23	(G)	Willamette River Greenway Permit	540.00	<u>\$ 585.00</u>
24				
25				
26				

1	(H)	Significant Environmental Concern Permit	540.00	<u>\$ 585.00</u>
2	(I)	Administrative modification of conditions		
3		established in prior contested cases	150.00	<u>\$ 160.00</u>
4	(J)	Hillside Development Permit	400.00	<u>\$ 425.00</u>
5	(K)	Grading and Erosion Control Permit	300.00	<u>\$ 320.00</u>
6	(L)	Columbia River Gorge National Scenic Area Site		
7		Review	300.00	<u>\$ 320.00</u>
8	(M)	Temporary Permit	150.00	<u>\$ 160.00</u>

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

12 11.15.9020 Miscellaneous Charges.

13	(A)	Notice Sign	5.00	<u>\$ 8.00</u>
14	(B)	Notice of Review	500.00	<u>\$ 530.00</u>
15		Transcript cost per minute of hearing time	3.50	<u>\$ 3.70</u>
16	(C)	Records and reports (per page)		\$ 0.30
17	(D)	Pre-Initiation Conference	270.00	<u>\$ 285.00</u>
18	(E)	Flood Plain Review (one and two family dwellings)		<u>\$ 25.00</u>
19	(F)	Flood Plain Review (all other uses)	50.00	<u>\$ 55.00</u>

22 11.15.9025 Design Review.

23	(A)	Project Value		
24		\$0 -\$49,999	150.00	<u>\$ 160.00</u>

1	(F)	Property Line Adjustment	160.00	<u>\$ 170.00</u>
2	(G)	Variance	480.00	<u>\$ 510.00</u>
3	(H)	Notice Sign	5.00	<u>\$ 8.00</u>
4	(I)	Time Limit Extension	75.00	<u>\$ 80.00</u>
5	(J)	Appeals		
6				
7	(1)	From administrative decisions		\$ 100.00
8		(Refundable if appellant prevails at initial or subsequent appeal hearing)		
9	(2)	From decisions of the Hearings Officer or		
10		Planning Commission	\$ 500.00	<u>\$ 530.00</u>
11		Plus transcript cost per minute of hearing time	3.50	<u>\$ 3.70</u>
12				
13	(K)	Records and Reports, per page		\$ 0.30
14	(L)	Rescheduled Hearing	200.00	<u>\$ 210.00</u>
15	(M)	The fees required under MCC 11.45.810 shall apply to all actions specified in this		

16 Chapter, regardless of applicant.

17 Approved this _____ day of _____, 1997, pursuant to voter approval at an
18 election held on November 4, 1997.

20 BOARD OF COUNTY COMMISSIONERS
21 FOR MULTNOMAH COUNTY, OREGON

22 _____
23 Beverly Stein, Chair

24 REVIEWED:

25 THOMAS SPONSLER, COUNTY COUNSEL
26 FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy
Sandra N. Duffy, Chief Assistant Counsel

EXHIBIT C

EXPLANATORY STATEMENT:

The Multnomah County Board of Commissioners is requesting voter approval for increases in certain user fees for land use proceedings and administrative actions to reflect cost increases and to reflect the actual costs of labor, supplies and support services necessary to process land use applications. These services have traditionally been partially supported by General Fund Property Tax revenue. If fees are increased, more of the costs of land use planning will be paid for by the people who use those services.

Ballot Measure 50, approved by the voters of Oregon, requires local governments to seek voter approval before increasing fees to make up for reduced Property Tax revenue.

If approved, this measure will amend the existing ordinance to increase land use planning fees. The current fee structure in place for land use planning does not provide for full cost recovery. The costs of land use planning not covered by fees are paid by the County General Fund.

Multnomah County's Financial and Budget Policy states that "...user fee and service charges will be established at a level to recover the costs to provide services..." The new fee schedules will be established at a level which will enable those services to be more fully compliant with the County's policy.