

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

Ordinance No. 254

An Ordinance establishing fees for action proceedings and administrative actions under Ordinance No. 100, the Zoning Ordinance.

Multnomah County ordains as follows:

SECTION 1      PURPOSES

The purposes of this Ordinance are:

- 1.1      To increase fees currently charged to applicants for land use actions;
- 1.2      To establish fees for administrative actions for which there is currently no charge;
- 1.3      To set fees which are appropriate to the cost of labor, supplies, and analytic techniques necessary to make decisions;
- 1.4      To set fees that require the applicant for a land use action to assume all the direct costs associated with an application and an equitable share of the indirect cost associated with such application.

SECTION 2      FINDINGS

- 2.1      Ordinance No. 100 contains the Multnomah County land development regulations relating to zoning. Administration of this Ordinance requires the efforts of twelve County employees, most of them on a full-time basis. It requires that the procedures outlined therein be followed to provide information and notice to the public and to County approval authorities. It requires maintenance of files and records to enable enforcement and execution of the Ordinance. All of these requirements result in the County assuming the costs of ordinance administration.

- 2.2 Since 1966, the County has required applicants seeking approval of proposed developments to assume some of those costs related to the proposal for which approval is sought. In 1977, the Board of County Commissioners adopted Ordinance No. 111, which substantially raised the fees charged pursuant to Ordinance No. 100. Since 1977, there have been changes in the costs of administration due to the generally increasing cost of labor and supplies, due to the increasing sophistication of analytic techniques, and due to the amendment of Ordinance No. 100 by Ordinance No. 205, which implements the various Community Plans adopted in 1979.
- 2.3 ORS 215.110(4) authorizes the County to require payment of fees necessary and convenient for carrying out the purposes of planning and land development ordinances.
- 2.4 During the period between fiscal year 1977-78 and 1979-80, the budget of the County section responsible for processing land use applications has increased 28%. During the same period, the Consumer Price Index for goods and services in the average U.S. city has increased 25%. However, no increase has been made to the fees for actions processed under Ordinance No. 100. Therefore, more of the burden associated with action proceedings and the benefits which accrue to individuals as a result of those proceedings is being paid by all citizens of the County through the General Fund.
- 2.5 The fee schedule should be revised to reflect the addition of the exceptions procedures and the procedures for uses under prescribed conditions, which had not existed in the same form prior to the adoption of Ordinance No. 205.
- 2.6 The fee schedule embodies an average fee increase of 25.9% over those fees set in 1977.
- 2.7 The fee schedule provides that applicants shall pay 100% of the direct costs associated with their applications and between 10%-20% of the indirect costs.
- 2.8 The fee schedule is based on an analysis of the direct costs associated with typical action proceedings and administrative actions.

SECTION 3AMENDMENT

Section 13 of Ordinance No. 100 is amended to read as follows:

"13.01 Action Proceedings (Sec. §12.20).

(a) Change of Zone Classification (§12.21.a).

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|-----------------------------------------------------------------------------------|---------|
| (1) Rural, Urban Future and Urban Low and Medium Density Residential (§3.10-3.66) |         |
| One Acre or Less                                                                  | 250.00  |
| Each Additional Acre                                                              | 30.00   |
| (2) Apartment Residential and Urban High Density Residential (§3.67-3.68)         |         |
| One Acre or Less                                                                  | 375.00  |
| Each Additional Acre                                                              | 30.00   |
| (3) Commercial or Industrial (§3.80-5.94)                                         |         |
| One Acre or Less                                                                  | 500.00  |
| Each Additional Acre                                                              | 30.00   |
| (4) Planned Developments (§6.40)                                                  |         |
| One Acre or Less                                                                  | 250.00  |
| Each Additional Acre                                                              | 30.00   |
| Maximum Charge                                                                    | 2500.00 |

(b) Community Service (§7.00) 300.00

(c) Conditional Use, except as provided in subsection 13.01(i). 300.00  
(§3.103.3, 3.113.3, 3.133.3, 3.143.3, 3.153.3, 3.163.3, 3.225, 3.265, 3.325, 3.335, 3.345, 3.355, 3.365, 3.375, 3.385, 3.425, 3.465, 3.525, 3.565, 3.806, 4.206, 4.306, 4.406, 4.506, 4.606, 5.206, 5.306, 5.406, 6.104, 7.50, and 7.5403.4)

(d) Appeal of Administrative Decision by Planning Director 75.00  
(§12.38, 3.210, 3.310)

(e) Variance (§12.45) 125.00

(f) Annual Temporary Health Hardship Permit (§12.72) 40.00

(g) Modification of Prior Contested Case requiring a Hearing (§12.27.31)	40.00
(h) Lots of Exception (§3.104.1, 3.1243, 3.134.1, 3.144.1, 3.154.1, 3.164.1, & 3.205.D)	300.00
(i) Conditional Use permitted pursuant to subsections 3.103.3.b.3, 3.103.b.1, 3.113.3, and 3.143.3	200.00
(j) Other Contested Cases (§3.174, 3.613, 3.623, 3.633, 3.643, 3.653, 3.663, 3.674, 3.684, 6.475.A, 6.65.2, 6.75.2, 12.616 & 12.75)	300.00

#### 13.02 Administrative Actions

(a) Health hardship permit renewal (§12.72.2)	40.00
(b) Land Use Permit	30.00
(c) Non-hearing Variance (§12.46, 12.48)	75.00
(d) Use Under Prescribed Conditions (§3.103.2, 3.113.2, 3.1232, 3.133.2, 3.143.2, 3.153.2, 3.163.2, 3.224.B-E, 3.264.B-E, 3.364.F, 3.374.F, 3.384.E, 3.424.E, 3.464.E, 3.524.E-F, 3.805.A-C, 4.205.A-D, 4.305.A-D, 4.405.A-D, 4.505.A-F, 4.605.A-D, 5.205.A-G, 5.305.A-D, & 5.405.A-d)	30.00
(e) Exceptions (§3.305.B, 3.366.F.3, 3.377.H.2&4, 3.387.H.2&4, 3.405, 3.526.L, 3.812.B, 4.308.B, 4.408.B, 4.508.B, 4.609.B, 5.208.B, 6.207.B, 6.231, 6.872, & 7.620)	30.00
(f) Administrative Decision by Planning Director (§3.104.13, 3.114.05, 3.134.13, 3.114.13, 3.154.13, 3.164.13, 3.567, 6.208.C, 6.210.B, 6.212, 6.420.D, 6.475.B, 6.65.1, 6.75.1, 6.871, 7.048, 7.107, 7.532.b, 12.615.d, & 12.71)	30.00

- |     |                                                   |       |
|-----|---------------------------------------------------|-------|
| (g) | Willamette River Greenway Permit (\$6.63)         | 30.00 |
| (h) | Significant Environmental Concern Permit (\$6.73) | 30.00 |

13.03 Miscellaneous Charges

- |     |                                            |       |
|-----|--------------------------------------------|-------|
| (a) | Notice Sign (\$12.23.4)                    | 4.00  |
| (b) | Notice of Review (\$12.31)                 | 60.00 |
|     | Transcript cost per minute of hearing time | 1.25  |
| (c) | Records and Reports, per page              | 0.30  |
| (d) | Pre-application Conference (\$12.22)       | 30.00 |

13.04 Design Review

- |     |                                                                                                                                                                                                                           |                  |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| (a) | Preliminary Design Review.                                                                                                                                                                                                | \$75.00 Per Each |
|     | \$100,000 or fraction thereof of the estimated value of all proposed improvements as calculated under the Uniform Building Code. In no event shall the fee for a preliminary design review plan approval exceed \$500.00. |                  |

13.04.1 The value to be used in computing a preliminary design review plan fee shall be the total estimated value of all work for which design review plan approval is required.

13.04.2 A change in content on an existing on-premises sign shall be reviewed pursuant to the design review process. No fee shall be charged for this review, provided the sign structure and its lighting are not changed.

13.05 In the case of any hearing required under this Ordinance which must be rescheduled at the request of or due to the neglect of the applicant, a fee of \$100.00 shall be assessed against the applicant. Said fee may be waived in whole or in part by the Director of the Department of Environmental Services if he determines that the necessity for the requested rescheduling was unavoidable or that the applicant proceeded with all possible diligence to give adequate advance notice of the request for rescheduling.

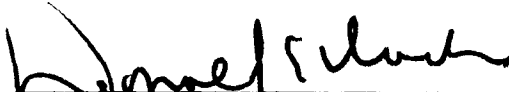
- 13.06 For fees based upon acreage calculations, any fraction of an acre up to and including one-half (1/2) shall be disregarded; fractions over one-half (1/2) shall be rounded to the next highest acre.
- 13.07 These fees shall apply to all actions specified herein, regardless of applicant, unless waived by the Board of County Commissioners or the Planning Commission."

ADOPTED this 23rd day of October, 1980, being the date of its second hearing before the Board of County Commissioners of Multnomah County, Oregon.

FOR BOARD OF COUNTY COMMISSIONERS  
OF MULTNOMAH COUNTY, OREGON

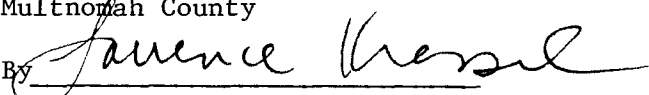
  
Dennis Buchanan, Presiding Officer

Authenticated by the County Executive  
on the 23rd day of October, 1980.

  
DONALD E. CLARK  
County Executive

APPROVED AS TO FORM:

JOHN B. LEAHY  
County Counsel for  
Multnomah County

By   
Laurence Kressel, Deputy County Counsel