

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 1329

Amending Multnomah County Code Chapter 29 - Building Regulations by adding Section 29.503(E).

(Language ~~*stricken~~ is deleted; underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- A. The County is responsible for adequately supervising, planning, operating and maintaining, keeping in repair, and regulating the use of County roads and right of way pursuant to ORS Chapter 368, and ORS Chapter 382.
- B. In order to adequately supervise, maintain, and regulate County roads and right of way, the County requires persons or parties using or occupying County roads and right of way to obtain right of way permits, pursuant to MCC 29.506 and Multnomah County Road Rules Section 18.000; fees for permits are set by Board resolution.
- C. The County charges right of way permit fees to persons or parties submitting right of way permit requests in order to cover the costs by the County for the administration, issuance and compliance enforcement of the permits.
- D. ORS 758.010(1) allows any person the right and privilege to construct, maintain and operate its water, gas, electric or communication service lines, fixtures and other facilities along the public roads in this state, as defined in ORS 368.001, free of charge, except within cities. Consequently, counties have not been able to charge utilities for right of way permits, although the County does charge right of way permit fees to all other non-utility right of way applicants.
- E. The 2024 Oregon Legislature adopted SB 1566, allowing counties to charge utilities for right of way permits, with some exceptions.
- F. Per SB 1566, the fee amount charged by a county governing body may be no greater than necessary to cover, and may be used only to cover, the costs incurred by the county for the administration, issuance and compliance enforcement of the permits and any fee charged by a county governing body for a permit must be carried out on a competitively neutral and nondiscriminatory basis.
- G. In order to exercise the power to charge utilities right of way permit fees, a county governing body shall first authorize the exercise of that power by county ordinance.

- H. The County desires to exercise its authority to charge utilities for right of way permit fees in accordance with SB 1566.

Multnomah County Ordains as Follows:

Section 1. MCC § 29.503 is amended as follows:

STREET STANDARDS - PART 1: GENERAL PROVISIONS

§ 29.503 POLICY; POWERS OF DIRECTOR.

It shall be county policy and the director shall be charged with the responsibility to:

(A) Exercise the county's authority under ORS 368, ORS 382, the county code, and other authorizing statutes to adequately supervise, direct and control the laying out, opening, establishment, changing, alteration, straightening, working, grading, maintaining and keeping in repair the streets and roads, and to exercise the authority for the improvement, the regulation of use, and the vacation or closure of streets and roads where appropriate.

(B) Promulgate such rules as shall be necessary for the administration and enforcement of this subchapter.

(C) Require the following from property owners, to the extent that they benefit from required or permitted improvements and to the extent that improvements are necessary to implement their share of the plan or protect the public from the undesirable effects of proposed land uses:

(1) Dedication of right-of-way required by county standards.

(2) Improvement of road or street to county standards.

(3) Construction of storm drainage facilities at county standard to serve the drainage basin, abutting property developments and street and road improvements.

(4) Installation of traffic controls, and devices, at county standard, necessary to accommodate circulation and a mix of traffic types.

(5) Construction of pedestrian and bicycle facilities, at county standard, necessary for safe circulation.

(6) Installation of street lighting facilities at county standard.

(7) Payment of all engineering and construction costs for improvements and facilities required in this subsection.

(8) Construction of sanitary sewers, water, and other utilities at the governing jurisdiction standard.

(D) The county may participate in improvements that exceed the requirements of division (C) of this section and where it is in the general public interest it may require payment equivalent to the cost of improvements and facilities rather than actual construction of those facilities and improvements. In such cases the county shall provide at least the equivalent improvements and facilities within a specified time period.

(E) Establish and set fees for obtaining permits in accordance with the county's authority under ORS 368, ORS 382, SB 1566 (2024), the county code, and other authorizing statutes.

FIRST READING: 10/17/24

SECOND READING AND ADOPTION: 10/24/24

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Jessica Vega Pederson

Jessica Vega Peterson, Chair

REVIEWED:
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FOR MULTNOMAH COUNTY, OREGON

By *Courtney Lords*
Courtney Lords, Senior Assistant County Attorney

SUBMITTED BY: Jessica Vega Pederson, Chair