

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE REVISING THE FEE	)	ORDINANCE NO. 88-236
SCHEDULE FOR PETITIONS TO AMEND	)	
THE METROPOLITAN SERVICE DISTRICT	)	
URBAN GROWTH BOUNDARY	)	

WHEREAS, Chapter 3.05 of the Code of the Metropolitan Service District establishes procedures for hearing petitions for locational adjustments of the Urban Growth Boundary, as defined by Metropolitan Service District Code Section 3.01.010(h); and

WHEREAS, Metropolitan Service District Ordinance No. 85-189, as amended by Ordinance No. 86-204, establishes temporary procedures for hearing all other petitions for amendment of the Urban Growth Boundary, called major amendments; and

WHEREAS, Metropolitan Service District Code Section 3.01.050, also adopted in Section 2 of Ordinance No. 85-189, provides that the fee for petitions for Urban Growth Boundary amendments "shall be generally sufficient to defray the actual cost to the Metropolitan Service District of processing such petitions."

WHEREAS, Resolution No. 86-684 established fees for petitions for locational adjustments and major amendments; and

WHEREAS, The fee schedule established by Resolution No. 86-684 did not generate revenues sufficient to cover costs; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metropolitan Service District Code Section 3.01.050 and subsection 3.01.050 of Section 2 of Ordinance No. 85-189 shall be amended to read as follows:

3.01.050 Filing Fee:

(a) Each petition submitted by a property owner or group of property owners pursuant to this chapter shall be accompanied by a filing fee in an amount [to be established by resolution of the Council. Such fees shall be] generally sufficient to defray the actual cost to the District of processing such petitions.

(b) The fees for administrative costs shall be charged at a rate of \$35 per hour for the time worked on a case by the District's Land Use Coordinator from the time a petition is filed through mailing of the Notice of Adoption to the Department of Land Conservation and Development and other interested parties. In addition, petitioners shall be charged for the costs of the District Hearings Officer as billed for that case and for the costs of public notice.

(c) Before a hearing is scheduled, petitioners shall submit a fee deposit as follows:

- (1) a deposit for administrative costs of \$700 for petitions up to 20 acres in size; \$1,400 for petitions larger than 20 acres but less than 50, and \$2,500 for petitions 50 acres in size or larger;
- (2) a deposit of \$1,600 for Hearings Officer's costs and public notices.

(d) The unexpended portion of petitioner's deposit, if any, shall be returned to the petitioner at the time of a final disposition of the petition.


(e) If Hearings Officer or administrative costs exceed the amount of the deposit, the petitioner shall be required to pay to Metropolitan Service District an amount equal to the costs in excess of the deposit, prior to final action by the Council of the Metropolitan Service District; however, for locational adjustments

the total cost shall not exceed \$2,500 for the Hearings Officer or \$2,000 for administrative costs.

(f) The Council of the Metropolitan Service District may, by resolution, reduce, refund or waive the administrative fee, or portion thereof, if it finds that such fees would create an undue hardship for the applicant.

Section 2. Resolution No. 86-684 is hereby repealed.

ADOPTED by the Council of the Metropolitan Service District  
this 14th day of April, 1988.


  
Corky Kirkpatrick,  
Deputy Presiding Officer

JH/gl  
8543C/525  
12/09/87

ATTEST:

  
Clerk of the Council

I certify this ordinance was  
not vetoed by the Executive  
Officer

  
Clerk of the Council  
April 27, 1988  
Date

STAFF REPORT

Agenda Item No. \_\_\_\_\_

Meeting Date \_\_\_\_\_

CONSIDERATION OF ORDINANCE NO. 88-236, REVISING  
THE FEE SCHEDULE FOR PETITIONS TO AMEND THE URBAN  
GROWTH BOUNDARY (SECOND READING)

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Date: January 19, 1988

Presented by: Ray Phelps

FACTUAL BACKGROUND AND ANALYSIS

The ordinance revising the fee schedule for petitions to amend the Urban Growth Boundary (UGB) was presented to Council for public hearing on December 22, 1987. At that time, the Council expressed concern about several aspects of the proposal and referred the matter to the Council Management Committee for review on January 21, 1988. The Committee will present its recommendations to the full Council only.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends that the Council adopt Ordinance No. 88-236 to implement its current policy for the recovery of the actual costs of processing UGB amendments.

RP/JH/gl  
8811C/525  
01/15/88



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

Agenda Item No. 6

Meeting Date Jan. 21, 1988

Date: January 11, 1988  
To: Council Management Committee  
From: Ray Phelps, Director of Finance & Administration  
Regarding: UGB FEES

Attached for your review is the table unavailable during the Council's consideration of Ordinance No. 87-236, for the Purpose of Revising the Schedule of Petitions to Amend the Urban Growth Boundary. This table displays basic cost data for the two types of UGB amendment petitions: locational adjustments and major amendments.

Petitions for locational adjustments have been considered annually since 1981, when the rules for processing and approving such petitions were adopted. Since the procedures and the standards are fairly well defined at this time, locational adjustments can be processed routinely and usually entail less than \$1,000 in administrative costs. Costs will usually exceed \$1,000 when: (1) there are a number of parties in opposition; (2) special procedures are required in order to process exemptions; or (3) further action is required following presentation of the Hearings Officer's Report to Council. Allowing for these three circumstances, our experience shows that no locational adjustment has cost more than \$1,700.

A \$2,000 cap on fees for administrative costs of locational adjustments is proposed to reflect the fact that any costs in excess of \$2,000 will result from Metro's application of regional concerns and other interests not directly related to the petitioner's request.

Major amendments, on the other hand, are not routine. In the first place, the issues tend to be far more complex. The central issue, the need for the property in question, may involve a chain of argument in which each of several dozen interrelated assertions must be evaluated logically and substantiated factually. Furthermore, each chain of argument will contain certain unique features, for which precedent will provide little or no guidance. The complexity and lack of precedent associated with major amendments results in staff spending a great deal of time with all parties to help them understand and apply the standards for the petition.

Secondly, since major amendments involve more land than locational adjustments, these amendments will attract more participation, both

Memorandum  
January 11, 1988  
Page 2

in support and in opposition. A significant number of people testifying on a set of complex issues necessitates more hearing time and more complex hearing procedures, thus adding to higher administrative costs.

Locational adjustment petitions may be filed by individual property owners seeking to develop the property for their own use or to sell in one piece. Major amendments, in contrast, involve larger properties, usually 50 acres or more, proposed as a major development and requiring financing by a development corporation. The costs of processing a major amendment are thus likely to be higher and more variable than for locational adjustments, but also more appropriately borne by petitioners.

JH/sm  
8743C/D5

Attachment

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 87-236 REVISING  
THE FEE SCHEDULE FOR PETITIONS TO AMEND THE URBAN  
GROWTH BOUNDARY

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Date: December 10, 1987

Presented by: Ray Phelps

FACTUAL BACKGROUND AND ANALYSIS

During the last three years Metro received a total of \$11,505 in fees for processing 13 petitions to amend the UGB. This amount does not include charges for the Hearings Officer. The actual total cost to Metro through October 15, 1987, however, to process these 13 petitions was \$19,830. For your information, there are additional changes being incurred for several open cases.

Metro Code 3.01.050(1) requires in part that fees for hearing UGB amendment petitions "...shall be generally sufficient to defray the actual cost to the District of processing such petitions." The attached resolution will continue the Council's policy. Metro's fees to petitioners would be based on an hourly rate for Metro's Land Use Coordinator's time.

The attached Table 1 shows the effect of this proposal if applied to past cases. Note that major amendments have generally come close to paying their way under the current fee schedule, and would continue to do so under this proposal. Most locational adjustment petitioners, however, would experience a significant increase in fees charged.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends that the Council adopt Ordinance No. 87-236 to implement its current policy for the recovery of the actual costs of processing UGB amendments.

JH/gl  
8543C/525  
12/09/87

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE REVISING THE FEE	)	ORDINANCE NO. 87-236
SCHEDULE FOR PETITIONS TO AMEND	)	
THE METROPOLITAN SERVICE DISTRICT	)	
URBAN GROWTH BOUNDARY	)	

WHEREAS, Chapter 3.05 of the Code of the Metropolitan Service District establishes procedures for hearing petitions for locational adjustments of the Urban Growth Boundary, as defined by Metropolitan Service District Code Section 3.01.010(h); and

WHEREAS, Metropolitan Service District Ordinance No. 85-189, as amended by Ordinance No. 86-204, establishes temporary procedures for hearing all other petitions for amendment of the Urban Growth Boundary, called major amendments; and

WHEREAS, Metropolitan Service District Code Section 3.01.050, also adopted in Section 2 of Ordinance No. 85-189, provides that the fee for petitions for Urban Growth Boundary amendments "shall be generally sufficient to defray the actual cost to the Metropolitan Service District of processing such petitions."

WHEREAS, Resolution No. 86-684 established fees for petitions for locational adjustments and major amendments; and

WHEREAS, The fee schedule established by Resolution No. 86-684 did not generate revenues sufficient to cover costs; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metropolitan Service District Code Section 3.01.050 and subsection 3.01.050 of Section 2 of Ordinance No. 85-189 shall be amended to read as follows:



3.01.050 Filing Fee:

(a) Each petition submitted by a property owner or group of property owners pursuant to this chapter shall be accompanied by a filing fee in an amount [to be established by resolution of the Council. Such fees shall be] generally sufficient to defray the actual cost to the District of processing such petitions.

(b) The fees for administrative costs shall be charged at a rate of \$35 per hour for the time worked on a case by the District's Land Use Coordinator from the time a petition is filed through mailing of the Notice of Adoption to the Department of Land Conservation and Development and other interested parties. In addition, petitioners shall be charged for the costs of the District Hearings Officer as billed for that case and for the costs of public notice.

(c) Before a hearing is scheduled, petitioners shall submit a fee deposit as follows:

- (1) a deposit for administrative costs of \$700 for petitions up to 20 acres in size; \$1,400 for petitions larger than 20 acres but less than 50, and \$2,500 for petitions 50 acres in size or larger;
- (2) a deposit of \$1,600 for Hearings Officer's costs and public notices.

(d) The unexpended portion of petitioner's deposit, if any, shall be returned to the petitioner at the time of a final disposition of the petition.

(e) If Hearings Officer or administrative costs exceed the amount of the deposit, the petitioner shall be required to pay to Metropolitan Service District an amount equal to the costs in excess of the deposit, prior to final action by the Council of the Metropolitan Service District; however, for locational adjustments

the total cost shall not exceed \$2,500 for the Hearings Officer or \$2,000 for administrative costs.

(f) The Council of the Metropolitan Service District may, by resolution, reduce, refund or waive the administrative fee, or portion thereof, if it finds that such fees would create an undue hardship for the applicant.

Section 2. Resolution No. 86-684 is hereby repealed.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

\_\_\_\_\_  
Presiding Officer

JH/gl  
8543C/525  
12/09/87

TABLE 1  
URBAN GROWTH BOUNDARY COSTS AND FEES

<u>Case</u>	<u>Acres</u>	<u>Fee Paid</u>	<u>Cost</u>	<u>LUC Hours</u>	<u>Costs/ Hour</u>	<u>Fee at \$35/hr.</u>
<u>Locational Adjustments</u>						
PGE 1	50	\$ 425	\$ 1,633	46	\$36	\$ 1,610
Foster	12	45	601	17	35	595
Tualatin	2	25	593	19	31	665
Burright	47	395	474	17	28	595
WCA	1	25	607	20	30	700
McCarthy	14	65	576	21	27	735
Ray	9	25	1,627	60	27	2,100
PGE 2*	10	25	1,062	29	37	1,015
Angel*	42	345	1,280	30	43	1,050
TOTAL	187	\$ 1,375	\$ 8,453	259	\$33	\$ 9,065
<u>Major Amendments</u>						
Zurcher*	46	\$ 385	\$ 1,471	37	\$40	\$ 1,295
BenjFran 1	480	4,815	3,543	110	32	3,850
Riviera	70	715	2,927	59	50	2,065
Kaiser	420	4,215	3,436	100	34	3,500
TOTAL	1,016	\$10,130	\$11,377	306	37	\$10,710
GRAND TOTAL			\$19,830	565	\$35	\$19,775

TABLE 2  
COST BREAKDOWN

Total Land Use Coordinator Costs	\$ 7,271
Other Staff Costs	\$ 1,319
Total Salary	\$ 8,590
With Leave at 15 percent (estimate)	\$ 9,879
With Fringe at 31 percent	\$12,941
With Overhead at 50 percent	\$19,411

\*Case not completed

Vote on the motion to Adopt the Ordinance: A roll call vote on the main motion resulted in:

Ayes: Councilors Bonner, Cooper, DeJardin, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Ragsdale, Van Bergen and Waker

Nay: Councilor Collier

The motion carried and the Ordinance was adopted.

Councilor Van Bergen requested the Budget Committee review the issue of non-tax Zoo revenue being applied to capital outlay projects.

8.2 Consideration of Ordinance No. 87-236, for the Purpose of Revising the Fee Schedule for Petitions to Amend the Urban Growth Boundary (First Reading and Public Hearing)

The Clerk read the ordinance by title only a first time.

Ray Phelps, Finance & Administration Director, and Jill Hinckley, Land Use Coordinator, presented staff's report. The fee changes were being proposed so that fees charged by Metro would more closely correspond to the actual expense of hearing each case.

Presiding Officer Waker and Councilor Kirkpatrick encouraged a system where a ceiling would be placed on costs to petitioners.

Discussion continued and it was agreed the ordinance should be referred to the Council Management Committee for review and recommendation. The Presiding Officer concurred.

Motion: Councilor Knowles moved, seconded by Councilor DeJardin, to adopt Ordinance No. 87-236.

Presiding Officer Waker opened the public hearing. There was no testimony and the hearing was closed. He explained the ordinance would be reviewed by the Council Management Committee on January 21 and would be before the Council for a second reading on January 28, 1988.

8.3 Consideration of Ordinance No. 87-237, for the Purpose of Creating an Office of General Counsel (First Reading and Public Hearing)

The Clerk read the ordinance by title only a first time.

7. ORDINANCES

7.1 Consideration of Ordinance No. 88-247, Adopting the Annual Budget for Fiscal Year 1988-89, Making Appropriations, Levying Ad Valorem Taxes, Creating a Metropolitan Exposition-Recreation Commission and a Convention Center Debt Service Reserve Fund, and Eliminating the Convention, Trade and Spectator Facilities Fund (First Reading)

The Clerk read the ordinance a first time by title only. Executive Officer Cusma addressed the Council regarding the major policies and principles guiding the budget which included allocating costs to show how money was actually spent and building on in-house staff expertise whenever possible. She discussed specific budget programs which incorporated the above two policies.

Motion: Councilor Collier moved to adopt the ordinance.  
Councilor Cooper seconded the motion.

The Deputy Presiding Officer referred the ordinance to the Finance Committee for a hearing, review and recommendation.

7.2 Consideration of Ordinance No. 88-248, Establishing a Metro Builder's Business License Program (First Reading)

The Clerk read the ordinance a first time by title only.

Motion: Councilor Waker moved, seconded by Councilor Hansen, to adopt the ordinance.

The Deputy Presiding Officer referred the ordinance to the Intergovernmental Affairs Committee for a hearing, review and recommendation.

7.3 Consideration of Ordinance No. 88-236, Revising the Fee Schedule for Petitions to Amend the Urban Growth Boundary (First Reading)

The Clerk read the ordinance a second time by title only.

Motion: The motion to adopt the ordinance was made by Councilors Knowles and DeJardin at the December 22, 1987, Council meeting.

Councilor Waker, Chair of the Council Intergovernmental Relations Committee, reported the Committee had conducted a public hearing but no one had appeared to testify. The Committee had voted 3 to 1 in favor of recommending Council adoption.



Metro Council  
April 14, 1988  
Page 3

Councilor Van Bergen, the Committee member in opposition of adoption, explained he did not support the ordinance because he thought the proposed fees were too high for minor Urban Growth Boundary (UGB) amendment cases. He favored increasing fees for major land cases in order to give relief to the minor cases.

Councilor Waker pointed out that locational (minor) UGB adjustment cases had historically cost the District more to process than major amendment adjustments which was why the ordinance had been proposed.

Councilor Hansen asked if the Council had a mechanism to waive fees for certain locational adjustment cases. Councilor Waker said fees could be amended by the Council.

Councilor DeJardin suggested if the ordinance were adopted, staff monitor the program to determine if fees were equitable.

Vote: A roll call vote on the motion to adopt Ordinance No. 88-236 resulted in:

Ayes: Collier, Cooper, DeJardin, Gardner, Hansen, Kelley, Kirkpatrick, Knowles, Van Bergen and Waker

Nays: Bonner

Absent: Ragsdale

The motion carried and Ordinance No. 88-236 was adopted.

## 8. RESOLUTIONS

### 8.1 Consideration of Resolution No. 88-902, for the Purpose of Amending a Contract with Rittenhouse-Zeman & Associates to Include Specifications Review and Special Soils Inspections for the Oregon Convention Center

Motion: Councilor Cooper moved, seconded by Councilor Collier, to adopt Resolution No. 88-902.

Council Convention Center Committee Chair Cooper reported the Committee had recommended the Council adopt the resolution.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Presiding Officer Ragsdale was absent.

The motion carried unanimously and Resolution No. 88-902 was adopted.



# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

May 3, 1988

Ms. Jane McGarvin  
Clerk of the Board  
Multnomah County Courthouse  
1021 S.W. Fourth Avenue, Room 606  
Portland, Oregon 97204

Dear Jane:

Enclosed is a true copy of the following ordinance adopted by the Metro Council. Please file this ordinance in the Metro file maintained by your county:

Ordinance No. 88-236, Revising the Fee  
Schedule for Petitions to Amend the  
Metropolitan Service District Urban  
Growth Boundary

Sincerely,

A. Marie Nelson  
Clerk of the Council

Enclosure

Executive Officer  
Rena Cusma

Metro Council

Mike Ragsdale  
Presiding Officer  
District 1

Corky Kirkpatrick  
Deputy Presiding  
Officer  
District 4

Richard Waker  
District 2

Jim Gardner  
District 3

Tom DeJardin  
District 5

George Van Bergen  
District 6

Sharron Kelley  
District 7

Mike Bonner  
District 8

Tanya Collier  
District 9

Larry Cooper  
District 10

David Knowles  
District 11

Gary Hansen  
District 12



# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

May 3, 1988

Mr. John Kauffman  
County Clerk  
Clackamas County Courthouse  
8th and Main  
Oregon City, Oregon 97045

Dear Mr. Kauffman:

Enclosed is a true copy of the following ordinance adopted by the Metro Council. Please file this ordinance in the Metro file maintained by your county.

Ordinance No. 88-236, Revising the Fee Schedule for Petitions to Amend the Metropolitan Service District Urban Growth Boundary

Sincerely,

A. Marie Nelson  
Clerk of the Council

Enclosure

Executive Officer  
Rena Cusma

Metro Council

Mike Ragsdale  
Presiding Officer  
District 1

Corky Kirkpatrick  
Deputy Presiding  
Officer  
District 4

Richard Waker  
District 2

Jim Gardner  
District 3

Tom DeJardin  
District 5

George Van Bergen  
District 6

Sharron Kelley  
District 7

Mike Bonner  
District 8

Tanya Collier  
District 9

Larry Cooper  
District 10

David Knowles  
District 11

Gary Hansen  
District 12





# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

May 3, 1988

Mr. Charles D. Cameron  
County Administrator  
Washington County Courthouse  
150 North First Avenue  
Hillsboro, OR 97213

Dear Mr. Cameron:

Enclosed is a true copy of the following ordinance adopted by the Metro Council. Please file this Ordinance in the Metro file maintained by your county.

Ordinance No. 88-236, Revising the Fee  
Schedule for Petitions to Amend the  
Metropolitan Service District Urban Growth  
Boundary

Sincerely,

A. Marie Nelson  
Clerk of the Council

Enclosure

Executive Officer  
Rena Cusma

**Metro Council**

Mike Ragsdale  
Presiding Officer  
District 1

Corky Kirkpatrick  
Deputy Presiding  
Officer  
District 4

Richard Waker  
District 2

Jim Gardner  
District 3

Tom DeJardin  
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Sharron Kelley  
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District 8

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District 9

Larry Cooper  
District 10

David Knowles  
District 11

Gary Hansen  
District 12



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

Date: April 18, 1988

To: Rena Cusma  
Executive Officer

From: Marie Nelson *Amn*  
Clerk of the Council

Regarding: TRANSMITTAL OF ORDINANCE NO. 88-236 FOR CONSIDERATION,  
An Ordinance Revising the Fee Schedule for Petitions to  
Amend the Metropolitan Service District Urban Growth  
Boundary

Attached for your consideration is a certified true copy of Ordinance No. 88-236, adopted by the Council on April 14, 1988.

If you wish to veto this ordinance, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Thursday, April 21, 1988. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time stated above, the ordinance will be considered finally approved.

AMN:gpwb

I, *Unette Morley*, received this memo and a certified true copy of Ordinance No. 88-236 from the Committee Clerk of the Council on April 18, 1988.

Signed: \_\_\_\_\_

Date: 4/18/88