

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING)	RESOLUTION NO. 81-228
FILING FEES FOR PETITIONS FOR)	
LOCATIONAL ADJUSTMENTS TO THE)	Introduced by the Regional
METRO URBAN GROWTH BOUNDARY (UGB))	Development Committee
AND PROVIDING FOR PARTIAL WAIVER)	
OF SUCH FEE)	

WHEREAS, Metro has adopted Ordinance No. 81-105 establishing procedures for locational adjustments to the Metro Urban Growth Boundary (UGB); and

WHEREAS, Section 8 of Ordinance No. 81-105 establishes standards for approval of petitions for locational adjustments to the Metro UGB; and

WHEREAS, Section 5 of Ordinance No. 81-105 requires affected cities and counties to recommend approval or denial or to express no opinion on a petition for locational adjustment; and

WHEREAS, Section 10 of Ordinance No. 81-105 provides for establishment of filing fees for petitions for locational adjustments to the Metro UGB; and

WHEREAS, The Council finds it necessary to collect a filing fee to offset the cost of considering petitions for locational adjustments to the Metro UGB; and

WHEREAS, The Council wishes to provide for a partial waiver of the filing fee in cases where city or county findings regarding the locational adjustment standards established by Section 8 of Ordinance No. 81-105 are included in the petitioner's application and those findings reduce Metro's costs in processing the petition; now, therefore,

BE IT RESOLVED,

1. That all petitions filed pursuant to Ordinance No. 81-105 for a locational adjustment to the UGB shall include a filing fee as follows:


- a. a base fee of \$500 for each petition;
- b. an additional per-acre fee as follows:
 - (1) \$20 for each of the first 10 acres included in the petition;
 - (2) \$10 for each additional acre up to 50 acres;
 - (3) \$1 for each additional acre over 50.

2. The per-acre fee established in section 1(b) above for petitions from property owners, cities or counties for locational adjustments may be refunded if the petition is accompanied by findings submitted by a city or county as part of its petition or adopted by the affected city or county pursuant to its review under Section 5 or 6 of Ordinance No. 81-105. The findings must evaluate the property(s) included in the petition against each of the applicable standards established by Section 8 of Ordinance No. 81-105; document the facts and reasons upon which the findings are based; and support a recommendation for or against the petition based on the evaluation.

3. When petitions for locational adjustments are accepted for consideration the Executive Officer shall advise the petitioner within fourteen (14) days whether or not the city's or county's findings include legally sufficient findings and supporting information addressing each of the applicable standards in Section 8 of Ordinance No. 81-105. If the Executive Officer determines that

the findings are sufficient and will result in substantial savings in staff review time, the per-acre fee shall be refunded. The Executive Officer's decision to refund or not refund the filing fee shall be final.

ADOPTED by the Council of the Metropolitan Service District
this 26th day of March, 1981.



Presiding Officer

MH/gl
1300B/188

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Metro Council
FROM: Executive Officer
SUBJECT: Adopting Filing Fees for Petitions for Locational
Adjustments to the Metro Urban Growth Boundary (UGB) and
Providing for Partial Waiver of Such Fee

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Adoption of Resolution No. 81-228 establishing fees for hearing petitions for locational adjustments to the UGB.
- B. POLICY IMPACT: The Five Year Operational Plan provides for continued maintenance of the UGB, which includes a process for consideration of possible amendments. "Local service fees" are identified as one funding source for this activity. The Plan identifies user fees as generally appropriate "to support services directly benefiting specific user groups and local governments." A filing fee for petitions for locational adjustments to the UGB would be an appropriate way to assign a share of the costs of hearing amendment requests to those who benefit most directly from the process.
- C. BUDGET IMPACT: A fee schedule would provide revenues to supplement the budget in order to cover the costs of processing petitions for UGB amendment.

II. ANALYSIS:

- A. BACKGROUND: Ordinance No. 81-105 establishing procedures for locational adjustments to the UGB was adopted by the Council at its March 5 meeting. The ordinance provides for a filing fee for petitions for UGB amendment to be established by Council resolution, and specifies that the fees be designed to cover the actual costs of handling such petitions.

Attached for the Council consideration along with the proposed resolution are:

1. Estimate of costs for Metro consideration of a petition for locational adjustments to the UGB.
2. Summary of local fees for plan amendment requests.

The summary of local fees shows the fees charged by the local jurisdictions which responded to a survey on the proposed rules distributed by staff. Ten of the fourteen planners responding to the survey supported a fee schedule

for Metro which covers administrative costs more adequately than the fees proposed in the November 3 Discussion Draft (\$50 - \$150 depending on size).

Based on estimates of actual costs, staff recommends the fee schedule be established as follows: a base fee of \$500 for all petitions, plus \$20 an acre for each acre of land proposed for addition or removal up to 10 acres, \$10 for each additional acre up to 50 acres, and \$1 for each additional acre over 50. This schedule is designed to: (1) avoid placing too heavy a burden on petitioners for very small adjustments, while at the same time avoiding overcharging for larger petitions; and (2) recognize that administrative costs do increase with the size of the petition, but on a less-than-proportional basis.

This schedule would result in a \$700 fee for a 10-acre petition, a \$1,100 fee for a 50-acre petition, and a \$1,250 fee for a petition for trade involving 200 acres.

The November 3 Discussion Draft had proposed that the filing fee be waived for local jurisdictions in cases when the jurisdiction forwarded to Metro detailed findings on the petition. To be responsive to the Council's interest in having the fee cover full administrative costs, staff recommended that this waiver apply only to the per-acre charge and not the base fee.

At its March 9 meeting, the Regional Development Committee voted to recommend that the Council adopt the attached resolution.

- B. **ALTERNATIVES CONSIDERED:** The recommended fee schedule is based on the provision in Section 10 of Ordinance No. 81-105 that petition fees be generally sufficient to defray actual costs of processing the petitions. Accordingly, no alternatives were considered.

The alternatives to the proposed partial waiver of fees when the local jurisdiction submits detailed findings would be: (1) a full waiver under the same circumstances; or (2) no waiver for petitions submitted by private parties but a full waiver when the jurisdiction itself is the applicant. Since Metro must hold a hearing on each petition in every case, neither alternative would provide revenues to cover the cost of this hearing.

- C. **CONCLUSION:** The fee schedule recommended is an appropriate mechanism to provide reimbursement for the costs to Metro of processing requests for locational adjustments to the UGB.

Attachment 1

ESTIMATE OF COSTS FOR METRO CONSIDERATION
OF A PETITION FOR LOCATIONAL ADJUSTMENT TO THE UGB

1. Technical staff:

Check petition for completeness, prepare staff
report, attend hearings, prepare agenda materials

12-40 hours @ \$11/hour. \$ 132 - 440

2. Clerical staff:

Type reports, identify affected property owners,
prepare notice

6-12 hours @ \$7/hour. \$ 42 - 84

3. Materials and services:

Postage on mailing, paid notice, printing costs . . . \$ 40 - 80

4. Hearings Officer:

8-13 hours @ \$60/hour \$ 480 - 780

\$ 694 -1384

Attachment 2

SUMMARY OF LOCAL FEES FOR
PLAN AMENDMENT REQUESTS

<u>Jurisdiction</u>	
Tualatin	\$350
Beaverton	\$455
Hillsboro	\$300
Sherwood	\$200
Cornelius	\$600
Forest Grove	\$354.50 plus \$14.50 for each acre over five
Washington Co.	\$400 for less than 20 acres \$450 for 20-80 acres \$500 for 80 acres and over
Portland	\$50 for single family use \$150 for commercial or industrial use
Gresham	\$500
Clackamas Co.	\$300
unsigned	\$500
West Linn	No plan amendment fee; other fees range from \$50 to \$500
Average fee	\$370



City of West Linn

RECEIVED MAR 5 1981

4900 Portland Avenue • West Linn, Oregon 97068 • Phone: 656-4261

TO: Metropolitan Service District Council
c/o Jill Hinckley

FROM: David Richey, West Linn Planning Department

DATE: March 4, 1981

SUBJ: Urban Growth Boundary Amendment Fees

I have not had time to do a detail review of the UGB amendment procedures proposed, but in my quick review a few months ago, I did not come across anything with which I had serious difficulty.

The general matter of fees, however, is taking on more importance as a result of local government difficulties gaining revenue to run programs that are necessary. It is not likely that a satisfactory fee structure can be selected which will pay actual costs. I suspect that a much higher fee than \$500 would result from computations designed to cover actual Metro costs.

The issue I am most concerned about is a simple one on the surface but can cause an extraordinary amount of bickering and complex bookkeeping. If your fees should be based upon actual processing costs, it will have to take into account the cost of the greater amount of record keeping necessary. As a wild guess, the amount paid by applicants seems to have potential to easily triple (or more) the proposed fee of \$500. My suggestion is to maintain your proposal to simply adopt a flat fee of at least \$500 and adjust it upward as experience seems to dictate. This will keep bookkeeping at a minimum and will save future applicants at least some expense. As an "aside", the potential value of an urban growth boundary adjustment could be worth thousands rather than hundreds of dollars. This, of course, depends upon a particular market advantage that the subject land may have over other lands. But in any event, the proposed fee is not excessive when looked at from the other end of the barrel.

Sincerely,
City of West Linn

A handwritten signature in blue ink, appearing to read "David Richey".

DAVID M. RICHEY
Planning Director

/kj



GENERAL CONTRACTORS
 LAND DEVELOPERS
 Canyon Ridge Ranch
 14041 South Canyon Ridge Drive
 Oregon City, Oregon 97045



RECEIVED MAR 11 1981

March 10, 1981

Owners of: Tax Lots 1000,1002,
 1003, 2510, Sections 16 & 17,
 T3S, R2E, W.M.

Metropolitan Service District
 527 SW Hall St.
 Portland, Oregon 97201

Dear Sirs:

This letter is in response to your letter dated March 2, 1981,
 regarding proposed ordinance No. 81-105.

As individual and corporation owners of property that would
 be affected if we petition to annex into MSD, we object strongly
 to the \$500.00 proposed hearing cost. It would appear it
 would cost us \$1,000.00 to annex. We have a total of 22½
 acres inside the Urban Growth Boundary of Clackamas County.
 We think if the local jurisdiction recommends the petitions
 to annex, all charges should be waived.

Sincerely,

Fred Richard Land
 Fred Richard Land

Judith Lee Land
 Judith Lee Land

Fred Richard Land
 Canyon Ridge Inc.
 Fred Richard Land, Pres.