

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 81-275
THE EXECUTIVE OFFICER TO DESIGNATE)
THE REGIONAL DEVELOPMENT COMMITTEE)
TO ACT AS THE HEARINGS OFFICER FOR) Introduced by
PETITIONS FOR A LOCATIONAL ADJUST-) Regional Development
MENT TO THE URBAN GROWTH BOUNDARY) Committee

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, Resolution No. 81-228 provides 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; and

WHEREAS, A hearing before the Regional Development
Committee will reduce Metro's costs in processing a petition; and

WHEREAS, Section 5.02.025(a) of the Metro Code provides
that the Hearings Officer in a contested case may be "Presiding
Officer of the Council...or any other person designated or approved
by the Council" and that "the Council may from time to time approve
and provide to the Executive Officer a list of prospective Hearings
Officers from which Hearings Officers may be appointed by the
Executive Officer"; now, therefore,

BE IT RESOLVED,

That the Council authorizes the Executive Officer to, in

consultation with the Chairperson of the Regional Development Committee, designate the Regional Development Committee to act as the Hearings Officer for petitions for locational adjustment to the UGB in cases where a local jurisdiction has submitted findings that address the standards in Ordinance No. 81-105 and where a hearing before the Regional Development Committee will help reduce administrative costs.

ADOPTED by the Council of the Metropolitan Service District
this 3rd day of September, 1981.



Presiding Officer

JH/os
3867B/255
8/19/81

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

Res 81-275

TO: Metro Council
FROM: Executive Officer
SUBJECT: Authorizing the Executive Officer to Designate the Regional Development Committee to Act as the Hearings Officer for Petitions for Locational Adjustment to the Urban Growth Boundary (UGB)

I. RECOMMENDATIONS:

A. ACTION REQUESTED: Adoption of Resolution authorizing the Executive Officer to appoint the Regional Development Committee to act as the Hearings Officer for petitions for locational adjustment to the UGB.

B. POLICY IMPACT: Section 10 of Ordinance No. 81-105 provides that fees for locational adjustments "shall be generally sufficient to defray the actual cost to the District of processing such a petition." If the Regional Development Committee hears a petition accompanied by findings from local jurisdictions addressing the Metro standards for a locational adjustment, this will help ensure that the reduced fee granted in such cases is adequate to cover processing costs.

The proposed resolution would allow the Executive Officer to schedule a hearing before the Regional Development Committee for the one such petition received this year and in similar situations in the future.

C. BUDGET IMPACT: See Policy Impact.

II. ANALYSIS:

A. BACKGROUND: Resolution No. 81-228 provides that all but the base fee of \$500.00 shall be waived when a local jurisdiction submits findings addressing Metro's standards for locational adjustments. This reduction in the fee is granted on the grounds that where findings have already been made by a local jurisdiction, the administrative costs to Metro are reduced.

Only one of the eight petitions for locational adjustment received is accompanied by findings from a local jurisdiction addressing our standards. The remaining seven petitions will be sent to a Hearings Officer to develop findings addressing the Metro standards. The Regional Development Committee will have an opportunity to review the Hearings Officer's findings and consider any exceptions filed by the parties before forwarding a recommendation to the Council, but the Committee review in

these cases will be limited to the record. In the case where a petition is accompanied by findings from a local jurisdiction addressing our standards, a hearing by the Regional Development Committee will eliminate the intermediate step of a Hearings Officer and allow the Committee to take evidence at the time it considers the findings submitted. As with all petitions, staff will review the jurisdiction's findings and recommend any appropriate additions or modifications to the City's findings at the time of the hearing.

Since the Executive Officer is empowered to appoint a Hearings Officer from a list approved by the Council, it is appropriate to extend this authority to include appointment of the Regional Development Committee, rather than require Council action in each instance.

At its August 10 meeting, the Regional Development Committee voted to recommend Council adoption of the attached Resolution.

- B. **ALTERNATIVES CONSIDERED:** The extra cost of sending petitions accompanied by findings from the local jurisdiction to a Hearings Officer does not appear to be warranted. Council action on a case-by-case basis to forward petitions to the Regional Development Committee would entail excessive delay in the scheduling of hearings. Consultation by the Executive Officer with the Chairperson of the Regional Development Committee, as required by the Resolution, will provide adequate coordination.
- C. **CONCLUSION:** Council adoption of the proposed Resolution will help keep the administrative costs of petitions compatible with the fees received.

JH/os
3865B/255
8/19/81