

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF SETTING FEES            )       RESOLUTION NO. 86-684  
FOR PETITIONS TO AMEND THE METRO        )  
URBAN GROWTH BOUNDARY (UGB)            )

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

WHEREAS, Metro Ordinance 85-189, as amended by Ordinance No. 86-204, establishes temporary procedures for hearing all other petitions for amendment of the UGB, called major amendments; and

WHEREAS, Resolution No. 82-342 established fees for petitions for locational adjustments and major amendments; and

WHEREAS, Certain provisions of Resolution No. 82-342 require correction; now, therefore,

BE IT RESOLVED,

1. That all petitions for major amendments or locational adjustments to the UGB shall be accompanied by a filing fee as follows:

- a. a base fee of \$25 for each petition; and
- b. a fee of \$10 per acre for each acre in excess of 10 acres proposed to be added, but not to exceed \$5,000; and
- c. a deposit of \$1,500 for Hearings Officer's costs and public notices, the unexpended portion of this deposit, if any, to be returned to the petitioner at the time of a final disposition of the petition.

2. If Hearings Officer costs exceed the amount of the deposit, the petitioner shall be required to pay to Metro an amount equal to the costs in excess of the deposit, prior to final action by the Metro Council; however, for locational adjustments the total cost shall not exceed \$2,500.

3. The Council may, by resolution, reduce, refund or waive the base fee, per acre fee or deposit, or portion thereof, if it finds that such fees would create an undue hardship for the applicant.

4. If a petition is withdrawn before it has been given a hearing, the Executive Officer shall refund any unexpended balance of the per-acre fee, based upon actual charges to date for staff time, including fringe benefits and overhead, and for materials and services.

5. Resolution No. 82-342 is hereby repealed.

ADOPTED by the Council of the Metropolitan Service District  
this 11th day of Sept., 1986.

  
Richard Waker, Presiding Officer

JH/sm  
6141C/472-3  
08/29/86

CONSIDERATION OF RESOLUTION NO. 86-684 FOR THE  
PURPOSE OF SETTING FEES FOR PETITIONS TO AMEND  
THE URBAN GROWTH BOUNDARY

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Date: August 29, 1986

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

Resolution No. 82-342 established the current fee schedule for petitions to amend the UGB. This Resolution No. 86-684 replaces that Resolution No. 82-342. It maintains the same basic fee schedule, but changes certain other provisions as follows:

1. Deletes ceiling on Hearings Officer's charges for major amendments: Currently, petitioners are only responsible for Hearings Officer charges up to \$2,500 on both major amendments and locational adjustments. This ceiling is retained for locational adjustments, which are likely to cost more only if additional Council questions beyond the standard hearing review are involved. Petitioners should not bear the financial brunt of such circumstances.

Major amendments, on the other hand, are for more complex proceedings. Regional policy issues will necessarily be an integral part of the application. Most major amendments will entail at least \$2,500 in Hearings Officer charges. There is no reason why petitioners should not pay the costs incurred.

2. Changes timing for supplemental deposit: The initial deposit required is \$1,500. A supplemental deposit now must be made if costs exceed this "prior to the release of the Hearings Officer's Report." Since additional costs may be incurred following the Report's release, e.g., when the Council requests a written response to a petitioner's exceptions to the Report, the timing is changed to require the deposit prior to final Council action.
3. Provides for refund when petitions withdrawn: Currently, only the Council can approve fee refunds (other than any partial refunds of the deposit for Hearings Officer's costs). Section 4 of the Resolution No. 86-684 would allow the Executive Officer to make refunds or payments in excess of costs when a petition is withdrawn prior to hearing. Since fees cover only a portion of administrative costs, any refunds would tend to be small.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution  
No. 86-684

JH/sm  
6141C/472-3  
08/29/86

Metro Council  
September 11, 1986  
Page 8

Absent: Councilors Collier, Cooper, Kafoury and Kirkpatrick

The motion carried and Resolution No. 86-680 was amended. The Resolution would be considered for adoption as amended after review and certification by the TSCC.

Councilor Gardner answered Mr. Hohnstein's previous question about why Metro could not wait until after the November 4 election to fund the CTS project. He explained funds were required in advance of the election to proceed with specific work projects and to get as much work accomplished as possible. If the bond measure passed, tax money would not be received to repay the Metro loan until July 1987. If the bond measure failed, the loan would be repaid from hotel/motel tax revenues which would probably not be collected by the Council and turned over to Metro until December 1986, he explained.

Motion: Councilor Frewing moved to adopt Resolution No. 86-681 incorporating staff's recommended amendments. Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Frewing, Gardner, Hansen, Kelley, Oleson and Waker

Nay: Councilor Van Bergen

Absent: Councilors Collier, Cooper, Kafoury and Kirkpatrick

The motion carried and Resolution No. 86-681, for the purpose of transmitting the Supplemental Budget to the TSCC, was adopted.

In conclusion, Executive Officer Gustafson said Councilor Kelley's concerns about the Solid Waste Operating Contingency Fund balance could be addressed when the Council reviewed the annual Solid Waste Rate Review Study.

7.2 Consideration of Resolution No. 86-684, for the Purpose of Setting Fees for Petitions to Amend the Urban Growth Boundary

Jill Hinckley, Land Use Coordinator, reviewed staff's report. She explained the Resolution would delete the cost ceiling on Hearings Officer's charges for major UGB amendments, change the timing for supplemental deposits, and provide for a refund when a petition was withdrawn.

Councilor Frewing asked if charges could be increased to cover other Intergovernmental Resource Center costs currently paid for by local government dues. Ms. Hinckley reported a major review was in progress to examine that issue.

Motion: Councilor Kelley moved the Resolution be adopted and Councilor Van Bergen seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Frewing, Gardner, Hansen, Kelley, Oleson, Van Bergen and Waker

Absent: Councilors Collier, Cooper, Kafoury and Kirkpatrick

The motion carried and Resolution No. 86-684 was adopted.

#### 8. OTHER BUSINESS

##### 8.1 Consideration of a Contract with Guthrie, Slusarenko & Associates for the Update of the 1983 Zoo Master Plan

Kay Rich, Zoo Assistant Director, reported that priority projects identified in the current Zoo Master Plan had been completed or were being bid for construction. The contract under consideration identified new priority projects as listed in staff's report including parking solutions. Mr. Rich reviewed the contractor selection process and recommended awarding the contract to Guthrie, Slusarenko & Associates for \$58,000.

Councilor Frewing asked if staff would postpone the project until OMSI determined whether it would relocate. Gene Leo, Zoo Director, recommended proceeding with the contract because he expected OMSI to announce relocation plans early in the master planning process.

Motion: Councilor Van Bergen moved to approve the contract with the following changes (deletions in brackets and additions underlined): The first "whereas" paragraph be changed to read ". . . updating [the] Metro's Washington Park Zoo's 1983 Master Plan. . ."; and the last sentence of provision 7, "Ownership of Copyrights", be changed to read ". . . will not be published in whole or in part without notice of copyright approved by METRO ['S WASHINGTON PARK ZOO]." Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in: