

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING) RESOLUTION NO. 99-2758A
FILING FEES FOR QUASI-JUDICIAL)
AND ADMINISTRATIVE AMENDMENTS) Introduced by Executive Officer
TO THE URBAN GROWTH BOUNDARY) Mike Burton

WHEREAS, Metro Council has the authority to establish filing fees under Metro Code Section 3.01.045(a) for quasi-judicial and administrative amendments to the Urban Growth Boundary; and

WHEREAS, The Metro Council finds it necessary to collect a filing fee to offset the cost of processing petitions to amend the Urban Growth Boundary; and

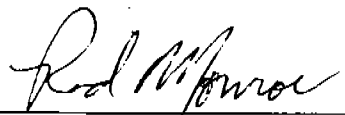
WHEREAS, Those filing fees were last set in 1981 and no longer reflect the cost of processing the quasi-judicial and administrative petitions, now therefore,

BE IT RESOLVED:

That all petitions filed pursuant to Metro Code Section 3.01.045 be subject to the filing fees as outlined in Exhibit A.

That Metro will review the filing fee schedule for quasi-judicial and administrative amendments to the Urban Growth Boundary at least every five years.

ADOPTED by the Metro Council this 1st day of April 1999.



Rod Monroe, Presiding Officer

APPROVED AS TO FORM:



Daniel B. Cooper, General Counsel

EXHIBIT A

Filing Fee Schedule for Quasi-Judicial and Administrative Amendments to the Urban Growth Boundary

Metro Code Section 3.01.045(a)
January 1999

Major Amendment Petition - 3.01.035	\$10,000 Filing Fee
Locational Adjustment Petition - 3.01.025/3.01.030	\$6,000 Filing Fee
Roadway Realignment Application - 3.01.037	\$750 Filing Fee

The recoverable costs for these activities are staff time, materials, notices, excise tax and the hearing officer. If the entire deposit is not used, the remainder is returned to the applicant.

GROWTH MANAGEMENT COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 99-2758A, FOR THE PURPOSE OF ADOPTING FILING FEES FOR QUASI-JUDICIAL AND ADMINISTRATIVE AMENDMENTS TO THE URBAN GROWTH BOUNDARY.

Date: March 23, 1999

Presented by: Councilor Bragdon

Committee Action: At its March 16, 1999 meeting, the Growth Management Committee voted 3-0 to recommend Council adoption of Resolution No. 99-2758A. Voting in favor: Councilors Bragdon, Park and McLain.

Council Issues/Discussion: Mark Turpel, Growth Management department long range planning manager, made the staff presentation. Resolution 99-2758A adjusts the filing fees and up-front deposits for quasi-judicial and administrative amendments to the urban growth boundary, for the first time since 1981. These fees are applied to the recoverable costs for staff time, materials, notices, excise tax and hearings officer. The most direct effect of the resolution is to require a more reasonable deposit, so that Metro is not in the position of having to attempt to recover costs from the applicant after the fact. Any unspent funds are returned to the applicant.

The Growth Management Committee amended this resolution to direct that the filing fees be reviewed at least every five years.

STAFF REPORT

Consideration of Resolution No. 99-2758 adopting filing fees for quasi-judicial and administrative amendments to the Urban Growth Boundary.

Date: February 8, 1999

Presented by: Elaine Wilkerson
Prepared by: Glen Bolen

PROPOSED ACTION

Adoption of Resolution No. 99-2758 establishing filing fees for costs associated with quasi-judicial and administrative amendments to the Urban Growth Boundary (UGB).

BACKGROUND AND ANALYSIS

Metro Code Section 3.01.045(a) states that each petition to amend the UGB shall be accompanied by a "filing fee" in an amount to be established by resolution of the council. Such fees shall not exceed the actual costs of the district to process such petitions. The filing fee shall include administrative costs and hearings officer/public notice costs. The filling fee charged is in fact only a deposit. Metro Code Section 3.01.045(c) states, "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."

The Metro Council, through Resolution No. 81-228, established the filing fees for UGB quasi-judicial petitions (Attachment A). The fee schedule is very outdated. We have a current practice of requiring a deposit of \$2,700. Experience has shown that this deposit does not cover Metro's actual costs. The recoverable costs associated with the processing of the 1998 locational adjustment petitions ranged from \$4,000 to \$6,000 (Attachment B).

To ensure that Metro receives a deposit that will cover the actual costs we recommend setting the filling fee for locational adjustments at \$6,000. Although we do not have any recent history on the cost to process a major amendment, a \$10,000 filing fee is a reasonable deposit due to the complexity of the petition and the goal findings. The processing of roadway realignment petitions is a very streamlined administrative function and minimal filing fee of \$750 is adequate to cover costs. The recoverable costs for these activities are staff time, materials, notices, excise tax and the hearing officer. If the entire deposit is not used, the remainder is returned to the applicant.

BUDGET IMPACT

Adoption of this Resolution with its up to date filing fee schedule would provide sufficient revenue to cover the cost of processing petitions.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of the recommended filing fee schedule for quasi-judicial and administrative amendments to the UGB as outlined in Resolution No. 99-2758.

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

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

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:

Total Cost of 1998 UGB Petitions

ATTACHMENT B

Case	Case Name	Project #	Total Expenses
98-1	Buford	90561	\$ 1,755
98-8	Evergreen Church	90562	\$ 7,768
98-7	Jenkins/Kim	90563	\$ 1,588
98-2	Derby	90564	\$ 6,232
98-6	Matrix	90565	\$ 5,558
98-4	Tsugawa	90566	\$ 5,713
98-3	Lake Oswego	90568	\$ 2,409
98-5	Valley View	90569	\$ 6,761
98-10	JJ Development	90521	\$ 4,209
98-9	CCG/Persimmon Hill	90522	\$ 7,188
98-1RR	West Linn	90524	\$ 907
Average cost of all cases			\$ 4,553
Average cost of locational adjustments			\$ 4,918
Average cost of roadway realignments			\$ 907

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING FILING) RESOLUTION NO. 99-2758
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ADMINISTRATIVE AMENDMENTS TO THE) Introduced by Executive Officer
URBAN GROWTH BOUNDARY) Mike Burton

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WHEREAS, The Metro Council finds it necessary to collect a filing fee to offset the cost of processing petitions to amend the Urban Growth Boundary; and

WHEREAS, Those filing fees were last set in 1981 and no longer reflect the cost of processing the quasi-judicial and administrative petitions, now therefore,

BE IT RESOLVED:

That all petitions filed pursuant to Metro Code Section 3.01.045 be subject to the filing fees as outlined in Exhibit A.

ADOPTED by the Metro Council this _____ day of _____ 1999.

Rod Monroe, Presiding Officer

APPROVED AS TO FORM:

Daniel B. Cooper, General Counsel

EXHIBIT A

Filing Fee Schedule for Quasi-Judicial and Administrative Amendments to the Urban Growth Boundary

Metro Code Section 3.01.045(a)
January 1999

Major Amendment Petition - 3.01.035	\$10,000 Filing Fee
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Absent: Councilors Collier, Cooper, Kafoury and Kirkpatrick

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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.

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Absent: Councilors Collier, Cooper, Kafoury and Kirkpatrick

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Prepared by: Glen Bolen

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