

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RESTRICTING) ORDINANCE NO. 85-194
THE USE OF THE ST. JOHNS LANDFILL)
TO WASTE GENERATED IN CLACKAMAS,) Introduced by the
MULTNOMAH AND WASHINGTON COUNTIES) Executive Officer

WHEREAS, ORS Chapter 268 designates the Metropolitan Service District (Metro) to be the provider of solid waste disposal facilities for the District; and

WHEREAS, Executive Order 78-16, Office of the Governor, State of Oregon, designates Metro as the Solid Waste Planning and Implementation Agency for Clackamas, Multnomah and Washington counties; and

WHEREAS, Metro, under a contract with the City of Portland, has the authority to operate the St. Johns Landfill, the only permitted general-purpose landfill in the three counties; and

WHEREAS, The St. Johns Landfill is expected to reach its authorized design capacity by the spring of 1989 under current waste flow projections; and

WHEREAS, Under provisions of Oregon Laws 1985, chapter 679 (SB 662), the Environmental Quality Commission and the Department of Environmental Quality have been charged with locating and establishing a disposal site for Clackamas, Multnomah and Washington counties; and

WHEREAS, The time frame to designate the site, receive final permits, complete construction, and have available to the tri-county area an operational general-purpose landfill may be longer than the current projected life of the St. Johns Landfill; and

WHEREAS, The Council of the Metropolitan Service District recognizes that the conservation of this finite capacity at the St. Johns Landfill is in the public interest and is pursuing several avenues for conservation, including changes to disposal rate schedule, increased recycling, and diversion to other general-purpose disposal facilities in areas outside of the tri-county region; and

WHEREAS, The Council also recognizes that these efforts will not ensure that the St. Johns Landfill will not reach its capacity before a new landfill is available, as explained in the Staff Report attached hereto and incorporated herein; and

WHEREAS, It will be very costly to provide disposal services if the St. Johns Landfill reaches capacity before a new disposal facility is operational, as described in Appendix "B" to the Solid Waste Management Plan, Landfill Chapter; and

WHEREAS, The waste disposed of at the Clackamas Transfer & Recycling Center (CTRC) is transferred to the St. Johns Landfill; and

WHEREAS, Waste from outside Metro's assigned Planning and Implementation Area of Clackamas, Multnomah and Washington counties represents approximately 10 percent of the current waste volume being disposed of at the St. Johns Landfill directly or at CTRC; and

WHEREAS, The Council, in order to preserve a resource for its Planning Area, recognizes the need to restrict access to the St. Johns Landfill to serve the three counties of the Planning Area until a new disposal site is available to the three counties; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. For the purpose of this Ordinance the following definitions are adopted:

a. "Planning Area" means the Solid Waste Planning and Implementation Area assigned to the Metropolitan Service District in the Governor's Executive Order No. 78-16, Clackamas, Multnomah and Washington counties.

b. "Delivery" means the presentation to Metro of waste which is accepted by Metro as waste generated within the Planning Area.

2. That effective January 1, 1986, solid waste generated outside of the Planning Area shall not be accepted at the St. Johns Landfill or Clackamas Transfer & Recycling Center for disposal.

3. Should any individual, company or its agent deliver to St. Johns or CTRC waste generated outside of the Planning Area Metro may deny any or all vehicles operated by said individual or company, regardless of the origin of waste being carried, access to any or all disposal facilities operated by the Metropolitan Service District for a period not to exceed sixty (60) days for each such violation. No fine or other penalty shall be imposed.

4. (a) Prior to such denial of access, the individual or company may request and upon request shall be afforded a hearing under contested case procedures described in Metro Code Section 2.05.

(b) The time period for notifying the District that the individual company desires a hearing shall be within seven (7) days of the date of mailing the notice. Notice is effective when it is received. Notice shall be in writing and delivered to the Executive Officer.

(c) Pursuant to the procedures in Metro Code Section 2.05.010, the Executive Officer or his designee may refuse access

immediately if he or she finds there is a serious danger to the public health or safety.

(d) If the individual or company does not to request a hearing, the order described in Metro Code Section 2.05.015 shall be issued by the Executive Officer or his designee.

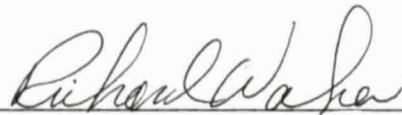
(e) If a hearing is requested it shall be held by a Hearings Officer.

(f) For the purposes of such hearings, the hearing shall be held not later than ten (10) days after the request for a hearing is received. The Hearings officer shall prepare and submit a proposed order within seven (7) days of the hearing in the manner described in Metro Code Section 2.05.035.

(g) Written exceptions shall be filed within seven (7) days of service on the parties in the manner described in Metro Code Section 2.05.035.

5. The Executive Officer may issue rules for the administration of this Ordinance.

ADOPTED by the Council of the Metropolitan Service District
this 19th day of December, 1985.



Richard Waker
Deputy Presiding Officer

ATTEST:



Clerk of the Council

DD/ESB/gl
4671C/435-5
11/26/85

STAFF REPORT

Agenda Item No. 9.2

Meeting Date Dec. 19, 1985

CONSIDERATION OF ORDINANCE NO. 85-194 FOR THE
PURPOSE OF RESTRICTING THE USE OF THE ST. JOHNS
LANDFILL TO WASTE GENERATED IN CLACKAMAS,
MULTNOMAH AND WASHINGTON COUNTIES

Date: November 26, 1985

Presented by: Daniel F. Durig
Norm Wietting

FACTUAL BACKGROUND AND ANALYSIS

Introduction

The attached Ordinance restricts the use of the St. Johns Landfill to waste generated in the Metropolitan Service District Solid Waste Planning and Implementation Area (Planning Area). The purpose and effect of this measure is to preserve the Planning Area's ability to dispose of waste at this site until another sanitary landfill is constructed to serve the Planning Area.

Current Situation

In August 1984, the Metro Council reviewed the Landfill Management chapter of the Metro area Solid Waste Management Plan 1984 Update (SWMP). That chapter indicated that some form of diversion from, or expansion of, the St. Johns Landfill was necessary to assure that it would last until an alternative site was available. In September 1984, the Council adopted Resolution No. 84-491 which established interim policies to manage the St. Johns Landfill to allow adequate time to gain all needed approvals for the Wildwood sanitary landfill, including appeals, and to open the landfill by October 1989. Since adoption of Resolution No. 84-491, the siting process has changed significantly. Multnomah County revised its Comprehensive Plan and Zoning Ordinance to prohibit further consideration of the Wildwood site as a sanitary landfill, and the Oregon Legislature passed SB 662, which established a process and schedule to select and implement a new solid waste disposal facility for the Metro region.

The current schedule requires the Environmental Quality Commission to designate a site or sites for the disposal of the Metro area waste by July 1987. An optimistic schedule from that date would have engineering and design work completed to allow construction to start in the spring of 1988. This would allow two construction seasons to prepare the new disposal site and would project an opening date of approximately October 1989. This schedule is, however, an optimistic one which does not allow for any

challenges to the new law established under SB 662 or any challenges to EQC's choice of a disposal site or other engineering or construction delays which seem inevitable.

The major change since adoption of Resolution No. 84-491 is that the waste flows to the St. Johns Landfill have increased significantly. In the Landfill chapter of the SWMP, the St. Johns Landfill was projected to reach final capacity between March 1989 and June 1989 depending on the rate of fill. However, since August 1984 several actions have resulted in higher flows going to St. Johns than anticipated in the SWMP Landfill chapter. In October 1984, the Newberg Landfill closed and significantly more waste than expected from the western portion of the region began going to St. Johns. The amount of waste from Clark County, Washington, has increased from approximately 300 tons in August 1984 to approximately 5,600 tons in August 1985. That equals a seasonally adjusted amount of approximately 5,000 tons per month. In April 1985, Marion County, which manages the Woodburn Landfill, changed their rates and the method of charging for disposal from volume to tonnage. As a result, a significant amount of waste that was being hauled from the Metro area to the Woodburn Landfill stopped going there and started going to St. Johns. The combination of these effects resulted an average 1985 monthly flow of 59,000 tons compared to the high flow projections in the Landfill chapter of 50,800 tons per month, a 16 percent increase. Using updated volume calculations from the May 1985 aerial photography the estimated closure date for St. Johns would be March 1989 at the current volumes (see Exhibit "A").

Proposed Solutions

In order to make the St. Johns Landfill last until a new disposal facility is available, new or additional management strategies need to be implemented. As discussed below, some of the techniques being used or considered are rate differentials between St. Johns and other facilities, rate subsidy to a North Portland mixed paper processing facility, an aggressive waste reduction program, increase in waste to landfills outside the Metro planning area, and a restriction of the service area which currently uses St. Johns. All of the techniques listed above are in various stages of implementation with the exception of the restriction in service area.

Resolution No. 84-491 identified three management strategies: divert drop box material to limited use landfills; divert mixed waste to other landfills; obtain permission from the City of Portland to increase elevation at St. Johns. Subsequently, Resolution No. 85-535 added the strategy of a vigorous recycling program. All of these techniques are in various stages of implementation, as discussed below, except increasing the elevations. It is not appropriate to rely on obtaining permission to do this. At this time the City of Portland is unwilling to consider this option because of the desire of St. Johns area residents to have the landfill closed when the current capacity is reached.

Drop box waste (non-putrescible) can be diverted to limited use landfills by increasing the fees at St. Johns and decreasing the fees at other facilities. The 1985 Rate Study proposes to remove the Region Transfer Charge (RTC) at all limited use landfills serving the Metro area. Because a fixed amount of revenue is required to be generated by the RTC, the St. Johns and CTRC rates must go up accordingly. This creates an economic incentive for drop box haulers to use limited use landfills.

To investigate the potential for diversion to other mixed waste landfills, Metro staff members have met with the owners of all general purpose landfills within a reasonable distance of the Portland area. Only the Riverbend Landfill in McMinnville has been willing to accept more waste from the Metro area. They have required that the waste be sent to that site via transfer trucks. Marion County has indicated interest in having some Metro area waste delivered to the incinerator they are building at Brooks, Oregon. The amount will vary according to the demands of the plant and Marion County's own waste flow. Further negotiations will take place as the plant construction is completed and begins start-up in 1986.

An aggressive recycling program to implement the Oregon Opportunity to Recycle Opportunity Act, which institutes voluntary source-separated recycling at the household levels, will be in place by July 1986. Metro has encouraged recycling by model programs and by a rate subsidy to a North Portland mixed paper processing facility and other programs.

In addition to the techniques previously identified in these resolutions, Metro will adopt a Waste Reduction Plan in December 1985 and commence implementation in the near future. This will contain specific programs through which recycling will be increased.

The effect of implementing all these measures is shown on the chart attached as Exhibit "B." St. Johns will last only until October 1989, the projected opening date for the new landfill. While it is convenient to have the predictions for closure of one disposal facility be the same as the projected opening of another facility, it is not prudent to plan for no delays. The projected opening date of a new facility is based on several assumptions, such as no legal challenges, and maintaining design and construction schedules, and many factors can influence this time frame. At the same time, the life of the existing facility is controlled by the flow of material into the site. This flow is also very susceptible to fluctuations such as recycling program success, recycled material markets and the state of the economy, among other factors.

If St. Johns reaches capacity before the new disposal facility opens, it will be very expensive for Metro to provide alternative disposal services. These costs are described in Appendix B to the Solid Waste Management Plan, Landfill Chapter.

EXHIBIT "A"

PROJECTED CAPACITY OF THE ST. JOHNS LANDFILL

Remaining Capacity in May 1985 -- 2,868,000 Tons

	<u>Estimated Waste to be Received at St. Johns Landfill from May 1985 to Closure</u>		
	<u>Low Flow*</u>	<u>High Flow*</u>	<u>Current Flows*</u>
5/1985 to 12/1985	328,600 tons	356,300 tons	432,000 tons (actual)
1986 - Jan - Dec	607,900 tons	663,870 tons	723,870 tons
1987 - Jan - Dec	634,400 tons	672,000 tons	732,200 tons
1988 - Jan - Dec	643,700 tons	692,000 tons	752,000 tons
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Remaining Capacity as of Jan 1989	550,100 tons	408,000 tons	227,900 tons
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Estimated Tons/Month	5,440 tons	5,900 tons	6,400 tons
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Estimated Closure	October 1989	August 1989	March 1989

* Assumptions are contained in Appendix A
Landfill Chapter, 1984 SWMP Update
Current Flows are assumed to be High Flows + 5,000 tons/month

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EXHIBIT "B"

ESTIMATED CLOSURE DATES FOR ST. JOHNS LANDFILL

At Current Flow Rates: March 1989

<u>Proposed Diversion Programs</u>	<u>Estimated Impact</u>
1. Elimination of the Regional Transfer Charge at Limited-use Landfills to divert non-putrescibles and increasing Convenience Charge at CTRC.	45 days
2. Elimination of Regional Transfer Charge and User Fee at Oregon Processing and Recovery Center to divert non-putrescibles.	20 days
3. Elimination of Regional Transfer Charge at the Newberg and Forest Grove Transfer stations to allow more waste go to the Riverbend Landfill. (Amount limited by Yamhill County)	25 days
4. Increase in Waste Reduction Programs	120 days
1986 - 3% of existing 1985 waste - 27,000 tons	
1987 - 6% of existing 1985 waste - 54,000 tons	
1988 - 9% of existing 1985 waste - 81,000 tons	
1989 - 9% of existing 1985 waste - 81,000 tons	
	<u>243,000 tons</u>
	SUBTOTAL
	210 days
<u>Estimated Closure Date: October 1989</u>	
5. Restricting the service area using St. Johns to the state designated planning area.	150 days
TOTAL ESTIMATED IMPACT	360 days
<u>Estimated Closure Date: March 1990</u>	

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PROPOSED AMENDMENT

Amend Section 2 to read:

Section 2 [That] Effective January 1, 1986, solid waste generated outside of the Planning Area shall not be accepted at the St. Johns Landfill or Clackamas Transfer & Recycling Center for disposal. However, until June 1, 1986, Metro will accept waste from outside the planning area if (a) waste was delivered to the St. Johns Landfill or Clackamas Transfer & Recycling Center during the period of December 1, 1984, to December 1, 1985, and (b) there is no solid waste disposal facility in the county in which the waste was generated. Such waste will be accepted only in the quantity delivered between December 1, 1984, and December 1, 1985, on a monthly basis.

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In order to provide at least some safety net between the projected closure and opening of disposal facilities, other diversion techniques should be pursued by Metro. As shown in Exhibit "B," a five-month overlap can be provided by restricting the service area which is allowed to use St. Johns. The most appropriate area to serve would be the area for which Metro has the responsibility to provide waste disposal services. In 1978 Metro was designated as the Solid Waste Planning and Implementation agency for Multnomah, Washington and Clackamas counties. This designation was made by Executive Order No. 78-16 by the Governor of the state of Oregon.

Of the 60,000 tons per month received at the St. Johns Landfill, 5,800 tons, or approximately 10 percent, is from outside the Planning Area. Those who will be impacted the most by restricting the service area are Columbia County, Oregon, and Clark County, Washington. Columbia County is currently negotiating with other landfills to accept their waste, approximately 800 tons per month. Clark County, which has been sending approximately 5,000 tons per month to St. Johns, has a general purpose landfill which is expected to last thru 1988. Clark County is actively pursuing another disposal facility.

Ordinance No. 85-194

Ordinance No. 85-194 prohibits Metro from receiving waste from outside the Planning Area effective January 1, 1986. It applies both to St. Johns and to CTRC. If the Ordinance is violated, the company could be denied access to all Metro facilities for waste from any origin for up to 60 days. The process for imposing this restriction is the contested case process with shortened deadlines. If a hearing is requested, the Council will consider the the recommendation of the Hearings Officer within 31 days of its occurrence. Although using a Hearings Officer may seem to prolong the process, it ensures the Council will have before it an order with proper findings to support a denial of access. The Executive Officer has the authority to deny access during the interim if a health or safety hazard exists. Because this is not a penal ordinance, no fines are imposed.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends that Ordinance No. 85-194 be approved.

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STAFF REPORT

Agenda Item No. 9.2

Meeting Date Dec. 19, 1985

CONSIDERATION OF AMENDMENT TO PROPOSED ORDINANCE
NO. 85-194

Date: December 13, 1985

Presented by: Councilor Hansen and
Eleanore S. Baxendale

FACTUAL BACKGROUND AND ANALYSIS

The attached amendment is intended to address the concerns expressed by Columbia County that some solid waste management planning areas outside of Metro's area have not developed a disposal site within their own area and, therefore, have used St. Johns. This cannot continue if this Ordinance is adopted without amendment.

The Amendment provides that Metro will accept waste from such counties if they used St. Johns in the past year. The quantity of waste accepted will be the same monthly amount accepted last year under a methodology established in an Executive Order. This Amendment has a limited time period, as suggested by Councilor Hansen.

The rationale of the Amendment is that each solid waste planning area is responsible for planning for waste disposal in its area. Planning areas which have relied on St. Johns for disposal facilities need an adjustment period. In planning areas which have existing facilities for disposal, those facilities should be utilized for their intended purpose.

In all counties in Oregon and Washington, except Clackamas, Multnomah and Washington, the county government is the solid waste planning agency and the planning area boundaries are the county boundaries. The only counties currently using St. Johns in lieu of having their own disposal site are Columbia County, generating 500 tons per month, and Hood River County generating a smaller amount from Cascade Locks and Bonneville.

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Councilor Hansen added:

- * The plan should provide more detail, harder numbers, specific goals, facts and figures; and
- * There are lots of different options.

The Presiding Officer announced the Council would accept written public comments on the Plan through 5:00 p.m., December 11. The Council would then meet on December 12 for a work session on the Plan. On December 19, the Council would consider adopting the Plan. Public hearings were not scheduled for the meetings of December 12 and 19, he said, but Councilors could ask questions of those in attendance.

Motion: Councilor Kirkpatrick moved, seconded by Councilor Waker, to carry over consideration of Resolution No. 85-611 until December 19, 1985.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, Gardner, Hansen, Kirkpatrick, Oleson, Waker and Bonner

Absent: Councilors DeJardin, Kafoury, Kelley, Myers and Van Bergen

The motion carried.

8. CONSIDERATION OF ORDINANCE NO. 85-194, for the Purpose of Restricting the Use of the St. Johns Landfill to Waste Generated in Clackamas, Multnomah and Washington Counties (First Reading and Public Hearing)

Dan Durig reviewed information contained in the agenda materials including the history of recent events which called for the need to limit the flow of waste to St. Johns Landfill from outside the solid waste planning area. The landfill, he said, was a finite resource and Metro had an obligation to protect its use. He explained a new landfill could be operational by October 1989 but that was an optimistic schedule which did not allow for legal challenges to the new law established under Senate Bill 662, to any challenges to the Environmental Quality Commission's choice of a disposal site, or for other engineering or construction delays.

Mr. Durig then reviewed a series of recent events which had caused haulers from outside the region to dispose of waste at St. Johns. He said the proposed Ordinance would prohibit Metro from receiving waste from outside the Solid Waste Planning Area effective

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January 1, 1986, and it would apply to both St. Johns Landfill and the Clackamas Transfer & Recycling Center (CTRC).

The Clerk then read the Ordinance by title only. Presiding Officer Bonner opened the public hearing on the Ordinance.

Motion: Councilor Gardner moved, seconded by Councilor Waker, to adopt Ordinance No. 85-194.

Mike Sykes, Columbia County Commissioner, testified he could understand Metro's need to protect the St. Johns Landfill but also explained that Columbia County had few other options. On January 1, he said the cities of Scappoose and St. Helens would have no operating landfills within their boundaries in spite of active efforts to find disposal alternatives. He requested the Council consider an emergency exemption to the Ordinance to allow a jurisdiction to use Metro's disposal facilities if that jurisdiction had no other options.

After a discussion about the likelihood of Columbia County finding disposal alternatives in surrounding areas, Councilor Hansen requested staff prepare two amendments for Council consideration on December 19: 1) a clause that would allow for short-term exceptions in cases of emergencies, and 2) an exception clause that could apply to jurisdictions outside Metro's boundaries if no landfill existed within that jurisdiction's solid waste planning area.

Councilor Kirkpatrick asked staff to consider whether a heavy rate differential could be imposed on jurisdictions if exceptions to the Ordinance were declared in their favor.

Dick Maizels, 813 S.W. Alder, Portland, an attorney representing two garbage haulers, testified his clients brought refuse from Clark County to the St. Johns Landfill. This Ordinance, he said, would effectively cut out his clients' availability to remain in business. He also said a one-month notice was not enough time for his clients to find a suitable alternative. Further, given Commissioner Sykes' testimony, Mr. Maizels said he did not think his clients could ever find another suitable alternative.

Mr. Maizels said his understanding of the situation was that outside haulers were responsible for decreasing the life of St. Johns by about 150 days. But the real issue, he said, was whether a new landfill would actually be operational on schedule. He thought there was more opportunity to expand the capacity of St. Johns than to site another facility according to planning schedules.

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Finally, Mr. Maizels reported the City of Portland attempted to pass a similar ordinance several years ago which was struck down in the Federal Court by Judge Maloney as being unconstitutional. In that case, the Judge cited the United States Supreme Court case of Philadelphia v. New Jersey, he said, in which the Supreme Court decided that garbage was part of interstate commerce. Mr. Maizels then read Judge Maloney's statement on the case:

"On its face the statute (or in this case, the ordinance) imposes on out of state commercial interests the full burden of conserving the state's remaining landfill space. What is crucial is the attempt by one state to isolate itself from a problem common to many by erecting a barrier against the movement of interstate trade."

Mr. Maizels maintained the Portland metropolitan area included Clark and Columbia counties and again pointed out the dilemma for Clark and Columbia haulers of having no reasonable alternatives if the Ordinance were adopted.

Ms. Baxendale then addressed the issue of the legality of Metro's proposed Ordinance. She discussed the City of Portland's earlier attempt to pass a similar ordinance to exclude waste originating from the state of Washington which was struck down by Judge Maloney. However, since that time, that case had been reexamined by the courts, she explained. Two subsequent courts had determined it was not a violation of the interstate commerce clause for a local government which owned its own landfill to regulate who used the landfill. The courts had allowed local governments the freedom to define their own markets in the same as any other market participant. This theory had also been applied in other cases unrelated to garbage, she said, and was a theory the Supreme Court had accepted for a long time. For those reasons, Ms. Baxendale said it was reasonable for the Council to adopt the Ordinance and to expect it would be sustained.

Mr. Maizels responded he maintained Metro's Ordinance would restrict interstate commerce and until someone declared garbage was no longer a commodity of interstate commerce, the Philadelphia case was still a good law.

Councilor Cooper said Mr. Maizels' clients still had other alternatives available to them. Mr. Maizels answered the alternatives cited by Councilor Cooper did not take economic factors into consideration.

The Presiding Officer read into the record a letter from Dick Bogle, City of Portland Commissioner of Public Works. Commissioner Bogle endorsed the intent of the Ordinance as a necessary step to preserve

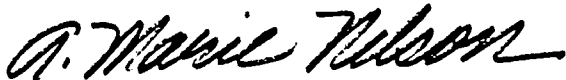
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St. Johns Landfill's capacity for all Multnomah, Clackamas and Washington County citizens until a new landfill became available.

There being no further testimony, the Presiding Officer closed the public hearing. He announced a second reading on the Ordinance would take place at the December 19, 1985, Council meeting.

Presiding Officer Bonner adjourned the meeting at 11:10 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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Motion: A motion to adopt the Ordinance was made by Councilors Kelley and DeJardin on November 26, 1985.

Jill Hinckley reported staff recommended accepting the Hearings Officer's Report and adopting the Ordinance.

Vote: A vote on the motion resulted in:

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

Nays: Councilors Kafoury and Bonner

Absent: Councilors Myers and Oleson

The motion carried and Ordinance No. 85-163 was adopted.

9.2 Consideration of Ordinance No. 85-194, for the Purpose of Restricting the Use of the St. Johns Landfill to Waste Generated in Clackamas, Multnomah and Washington Counties (Second Reading)

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

Motion: A motion to adopt the Ordinance was made by Councilors Kirkpatrick and Kelley at the meeting of September 12, 1985.

Motion to Amend: Councilor Hansen proposed the Section 2 of the Ordinance be amended to read: "[That] Effective January 1, 1986, solid waste generated outside of the Planning Area shall not be accepted at the St. Johns Landfill or Clackamas Transfer & Recycling Center for disposal. However, until June 1, 1986, Metro will accept waste from outside the Planning Area if (a) waste was delivered to the St. Johns Landfill or Clackamas Transfer & Recycling Center during the period of December 1, 1984, to December 1, 1985, and (b) there is no solid waste disposal facility in the county in which the waste was generated. Such waste will be accepted only in the quantity delivered between December 1, 1984, and December 1, 1985, on a monthly basis. Councilor Kelley seconded the motion.

Councilor Hansen explained this amendment was a reasonable response to the concerns raised by those testifying at the public hearing on the Ordinance.

At Councilor Kirkpatrick's request, Dan Durig responded to Councilor Hansen's proposed amendment. He explained that as a result of negotiations with Columbia and Yamhill County representatives, staff had received a letter dated December 19, 1985, from the city of Washugal stating Yamhill County would work with the City to receive waste at their landfill starting approximately March 1, 1986. Between January 1 and March 1, Columbia County haulers could dispose of waste at Cowlitz County Landfill, Lackner Landfill in Clark County. Therefore, Mr. Durig did not think the proposed amendment was necessary. He stated an amendment would weaken the Ordinance. Also, he pointed out that just as Columbia County would find disposal alternatives more expensive, Metro would find that alternatives to landfill disposal would be more expensive as alternative technologies were developed.

In response to Councilor Kelley's question, Norm Wietting reported that about 3,000 tons of waste generated in Columbia County were currently being disposed at the St. Johns Landfill per day. Over a six-month period at this volume, the life of St. Johns would be extended one and one-half days, he said.

Councilor Hansen questioned the logic of inconveniencing Columbia County when the result would be extended the life of St. Johns only one and one-half days or less.

Mr. Durig again explained that to amend the proposed Ordinance would weaken it and that Columbia County had been presented with reasonable alternatives for their disposal problems.

In response to Councilor Gardner's question, Eleanore Baxendale explained the proposed amendment was constitutional, but it would be simpler if the Ordinance were not amended.

Vote on the Motion to Amend: A vote on the motion resulted in:

Ayes: Councilors Gardner, Hansen, Kelley and Bonner

Nays: Councilors Cooper, DeJardin, Kirkpatrick, Kafoury,
Van Bergen and Waker

Absent: Councilors Myers and Oleson

The motion to amend the Ordinance failed.

Vote on the Main Motion: A vote on the main motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick,
Kafoury, Kelley, Van Bergen, Waker and Bonner

Abstain: Councilor Cooper

Absent: Councilors Myers and Oleson

The motion carried and the Ordinance was adopted.

10. CONTRACTS

10.1 Consideration of a Golden Monkey Loan Agreement Between the Metropolitan Service District and the City of Seattle for an Animal Exhibit

Gene Leo briefly reviewed terms of the contract and announced the exhibit would be opening in Seattle on February 8, after which the Chinese delegation would be visiting Portland. Mr. Leo invited Councilors to participate in these events.

Regarding Item 6(d) of the contract, Councilor Van Bergen expressed concern that soliciting money could cause embarrassment for Metro, especially if the vendors were selected for future contracts. Mr. Leo explained this contract provision referred to the hospitality industry's provision of goods and services to the Chinese delegates. Councilor Van Bergen continued to object to the contract provision.

Councilor Kafoury asked how the project would be financed. Mr. Leo replied \$56,000 was included for the project in the FY 1985-86 budget and mid-year transfers. Forty thousand dollars would be budgeted next fiscal year. Forty to fifty thousand dollars would be donated by corporations who would serve as co-sponsors to the project. Regarding expected revenues, Mr. Leo said it was difficult to project specific amounts. However, he explained the San Diego Zoo had experienced a 9.1 percent attendance increase after the same exhibit was installed. If the Washington Park Zoo experienced the same percentage increase, about \$150,000 additional revenues would be taken in, he reported.

Motion: Councilor DeJardin moved the contract be approved and Councilor Kirkpatrick seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Van Bergen and Bonner

Absent: Councilors Myers, Oleson and Waker

The motion carried and the contract was approved.



METRO

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

March 18, 1986

Ms. Juanita Orr
County Clerk
Clackamas County Courthouse
8th and Main
Oregon City, Oregon 97045

Dear Ms. Orr:

Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District. Please file these ordinances in the Metro ordinance files maintained by your county.

Ordinance No. 85-193, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 85-4: Foster Property

Ordinance No. 85-194, Restricting the Use of the St. Johns Landfill to Waste Generated in Clackamas, Multnomah and Washington Counties

Ordinance No. 86-195, Submitting Metropolitan Service District Tax Base Measure (Amended by Ordinance No. 86-198)

Ordinance No. 86-196, Adopting a Final Order in Contested Case No. 85-2 (Tualatin Hills) and Amending the Metro Urban Growth Boundary in Washington County as Petitioned

Ordinance No. 86-198, Amending Ordinance No. 86-195 by Adding the Certified Ballot Title

Sincerely,

A. Marie Nelson
Clerk of the Council

Enclosures

Metro Council

Richard Waker
Presiding Officer
District 2

Jim Gardner
Deputy Presiding
Officer
District 3

Bob Oleson
District 1

Corky Kirkpatrick
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

(Vacant)
District 8

Hardy Myers
District 9

Larry Cooper
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

Executive Officer
Rick Gustafson



METRO

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

March 18, 1986

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

Dear Jane:

Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District. Please file these ordinances in the Metro ordinance files maintained by your county.

Ordinance No. 85-193, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 85-4: Foster Property

Ordinance No. 85-194, Restricting the Use of the St. Johns Landfill to Waste Generated in Clackamas, Multnomah and Washington Counties

Ordinance No. 86-195, Submitting Metropolitan Service District Tax Base Measure (Amended by Ordinance No. 86-198)

Ordinance No. 86-196, Adopting a Final Order in Contested Case No. 85-2 (Tualatin Hills) and Amending the Metro Urban Growth Boundary in Washington County as Petitioned

Ordinance No. 86-198, Amending Ordinance No. 86-195 by Adding the Certified Ballot Title

Sincerely,

A. Marie Nelson
Clerk of the Council

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Rick Gustafson



METRO

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

March 18, 1986

Mr. Don Stilwell
County Administrator
Washington County
150 N. First Avenue
Hillsboro, Oregon 97123

Dear Mr. Stilwell:

Enclosed are true copies of the following ordinances adopted by the Council of the Metropolitan Service District. Please file these ordinances in the Metro ordinance files maintained by your county.

Ordinance No. 85-193, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 85-4: Foster Property

Ordinance No. 85-194, Restricting the Use of the St. Johns Landfill to Waste Generated in Clackamas, Multnomah and Washington Counties

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Ordinance No. 86-196, Adopting a Final Order in Contested Case No. 85-2 (Tualatin Hills) and Amending the Metro Urban Growth Boundary in Washington County as Petitioned

Ordinance No. 86-198, Amending Ordinance No. 86-195 by Adding the Certified Ballot Title

Sincerely,

A. Marie Nelson
Clerk of the Council

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