

# A G E N D A

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**METRO**

## Agenda

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: February 13, 1997  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Council Chamber

Approx.  
Time\*

Presenter

- |                              |  |           |
|------------------------------|--|-----------|
| 2:00 PM                      | <b>CALL TO ORDER AND ROLL CALL</b>   |           |
| (2 min.)                     | <b>1. INTRODUCTIONS</b>  |           |
| (2 min.)                     | <b>2. CITIZEN COMMUNICATIONS</b>   |           |
| (6 min.)                     | <b>3. EXECUTIVE OFFICER COMMUNICATIONS</b>   |           |
|                              | <b>4. CONSENT AGENDA</b>   |           |
| 2:10 PM<br>(5 min.)          | <b>4.1</b> Consideration of Minutes for the February 4, 1997 Work Session and the February 6, 1997 Metro Council Regular Meeting.  |           |
|                              | <b>5. ORDINANCES - SECOND READING</b>  |           |
| 2:15 PM<br>(approx. 3 hours) | <b>5.1 Ordinance No. 96-655B</b> , For the Purpose of Designating Urban Reserve Areas for the Portland Metropolitan Area Urban Growth Boundary; Amending RUGGO Ordinance No. 95-625A and Metro Code Chapter 3.01; and Declaring an Emergency. (CONSIDERATION OF FINDINGS** AND PUBLIC HEARING - Comments may be directed to the ordinance, legal findings and code changes related to Urban Reserve Planning.) | McLain    |
| 5:15 PM-5:45 PM<br>(30 min.) | <b>COUNCIL RECESS</b>  |           |
| 5:45 PM<br>(15 min.)         | <b>5.2 Ordinance No. 97-677B</b> , For the Purpose of Amending Metro Code Chapters 2.04 and 6.01 and Declaring an Emergency.   | McFarland |

6:00 PM (5 min.) 5.3 **Ordinance No. 97-676**, For the Purpose of Adopting the Regional Illegal Dumping Plan and Incorporating it into the Regional Solid Waste Management Plan. Washington

6. **RESOLUTIONS**

6:05 PM (5 min.) 6.1 **Resolution No. <sup>97</sup>96-2453**, For the Purpose of Authorizing Issuance of Addendum No 4 to RFP #96-31-REM for the Operation of Metro South and/or Metro Central Transfer Stations. McFarland

6:10 PM (5 min.) 6.2 **Resolution No. 97-2455**, For the Purpose of Filling a Vacancy on the Traffic Relief Options Study Task Force. McLain

6:15 PM (5 min.) 6.3 **Resolution No. 97-2452**, For the Purpose of Authorizing the Executive Officer to Make any Adjustments to the Salary Ranges Required to Implement Current and Future Minimum Wage Increases. McCaig

6:20 PM (90 min.) **CONTINUATION OF PUBLIC HEARING ON ORDINANCE NO. 96-655B**

7. **URBAN SERVICE BOUNDARY COUNCIL WORK SESSION** (*Possible Action*)

7:50 PM (60 min.) 7.1 Legal Considerations  
7.2 Kvistad Proposal

8:50 PM (10 min.) 8. **COUNCILOR COMMUNICATION**

**ADJOURN**

**\*\* A copy of the updated February 5, 1997 legal findings for Ordinance No. 96-655B are available upon request by contracting David Aeschliman, Council Public Information Assistant, 797-1540.**

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*Agenda Item Number 4.1*

**Consideration of the February 4, 1997 Council Work Session and February 6, 1997 Regular Council Meeting Minutes**

**Metro Council Meeting  
Thursday February 13, 1997  
Council Chamber**

## MINUTES OF THE METRO COUNCIL WORK SESSION

February 4, 1997

Council Annex

Councilors Present: Jon Kvistad (Presiding Officer), Ruth McFarland, Lisa Naito, Don Morissette, Susan McLain, Patricia McCaig, Ed Washington

Councilors Absent: None.

**Presiding Officer Jon Kvistad** called the meeting to order at 4:45 p.m. He reviewed the process for this afternoon's meeting, noting that this was not a public hearing but a work session for members of the Council. There would be no public testimony. Mr. Larry Shaw, Legal Counsel, would present a series of findings and recommendations for the Council's consideration. These recommendations may be moved to the Council meeting on February 6, 1997.

### **I. REVIEW OF FINDINGS TO SUPPORT DESIGNATION OF THE URBAN RESERVES**

**Mr. Larry Shaw, Metro Legal Counsel**, reviewed the documents before the Council. The first document was an Executive Summary (he noted the new version), the DLCD letter, his response to the DLCD letter, the summary by Metro staff on the preliminary selections made by the Council, a copy of a letter from Jim Sitzman and maps. He planned to review the executive summary to familiarize the Council with the theory behind the findings and how he attempted to match the findings to the preliminary decisions that the Council made as well as match them up with the steps in the Urban Reserve Rule. As he was going through preparing findings, he found a few areas where he could recommend changes consistent with what the Council had already done. He had just received from John Fregonese the actual tax lot boundaries maps that the Growth Management Department had been working on. If the Council approved the recommendations, the Department could prepare maps that would show lot specific boundaries for the recommended changes. It was intended to be lot specific for the Council's actions as summarized in the packet.

He reviewed the Executive Summary. The key to the difference between what was recommended to the Council by the Executive and the 18,300 target was explained in "I" of the Executive Summary, what was a more conservative estimate of how many households, how many jobs were already accommodated inside the existing Urban Growth Boundary. As part of the calculation, if the region needed a certain amount for the 43 year land supply, how much had already taken care of by the current Urban Growth Boundary. He reviewed, in the Urban Growth Management Function Plan, 243,600 households were used as what had been called a zero option. that was Metro's current estimate of the households needed to be accommodated for 20 years between 1997 and 2017 and that if all of the requirements in Title 1 and the other titles of the Functional Plan were implemented successfully, it was the estimate of the Urban Growth Management Function Plan that 243,600 households would be accommodated inside the current Urban Growth Boundary. This estimate was used by the Executive to put into the URSA study model to analyze the relative suitability of the Urban Reserve Study Areas that the

Council had selected, the full 23,000 acres. The preliminary Urban Growth Report, as amended by the Council when it was accepted by resolution, had a different number for how many households could be accommodated inside the Urban Growth Boundary to the year 2017, that number was 206,600. So a big part of what Mr. Shaw had done in creating these findings was to re-run essentially the same model as given to the Council by the Executive for purposes of a starting point, just as the Executive used it as a starting point. The model was not intended to give the Council a decision but to give assistance and a starting place for this complex decision making. The need for Urban Reserves was based on the Executive's recommendation and the Council's selection of a 43 year supply to the year 2040 using the same number of households needed, about 359,000, that was used as a basis of analysis for the 2040 Growth Concept. When the 359,000 figure was taken and 206,000 was subtracted and then a 30% redevelopment assumption was put in, which was used in the study model consistently, then the result was 107,000 households were needed instead of the estimated 80,000. How you accommodate those 107,000 households needed between 2017 and 2040 corresponded with what lands were chosen, some land would be more efficient than other land. In terms of the model in the first run of the model, if one took that change in the model, remembering the 243,611 spot in the model and put 206,600 in the model, ran the model that came from Executive, the result was where the number 18,300 acres came from. This acreage was used as a target by the Council in their meetings of December 5, 1996 and December 12, 1996. In the findings Mr. Shaw went through the factors of Goal 14 were measured by factors and subfactors in the model. He used the same factors, subfactors and weighting to start out with, which was an equal weighting for all the subfactors, to do a re-run of the model. Before the model could be re-run to get the relative suitability scores one had to deal with the fact that the Council was looking ahead to try to reduce the amount of resource land because of the first priority requirement in the Urban Reserve Rule. So the Council went around and changed the boundaries of quite a number of study areas as they were initially set out in earlier 1996. When the Council did this it meant that the score the Council had for the study area before the boundary was changed was no longer valid because the Council took out a chunk of resource land and that may have caused a score for the old boundary study area to have a score for what was left. Since the entire model was a relative suitability, comparing every study area boundary to every other study area boundary, that meant that when one changed the boundaries of study areas, one would reflect the relative scores of all of the study areas. This was why a re-run of the model was done. When one used the 23,000 acres that the Council started with for URSAs and looked at the boundaries that were changed primarily for resource land and took out exception land to get a clean boundary as in Study Area No. 1 by Gresham and Study Area No. 46 by Sherwood, then there was about 20,050 acres left. When one was looking for 18,300 of the 20,050 acres one would be selecting most of what was in the study areas that were still under consideration. This effected how the Council went forward after this point.

He noted the study model re-analysis used the same factors, subfactors and weighting and all of the findings that have footnotes in the 33 pages, about 60, everyone of those had documentation in the start of the record and the Council decision in that box. In that box was the entire second run of the study model, every property, every URSA, had a new score by definition because it was a new relativity. He ran into a couple of things as he was going step by step trying to explain in a little more detail than was in the background data that came with the Executive recommendation indicating how each of these factors were done. Upon cross examination, he found one minor error that had major consequences in how the calculation of

the agricultural compatibility factor was done. It was comparing compatibility only to exception land and not comparing compatibility to the Urban Growth Boundary itself. So it was treating exception land as something that if one was close to that, the score for urban development went up and the agricultural compatibility went down but if one was close to the UGB, the result was a neutral score, it was not effected by being that close to the UGB. This was corrected and this changed the scores on almost all lands. This had a big impact on that factor because these sites had some resource lands in them and they were close to the UGB. There was additional information that came in between the time of the Executive's recommendations and the time of the second run of the model. Some of this information was very important such as the data that the USDA had on which of the resource lands were prime or unique. They came into have a map made up from that data after the Executive's recommendation. That same data was used in the ag retention and the ag compatibility. That additional information which included both maps of prime and unique soils and some information about which lands were irrigatable also effected those scores. They used the same model with a bit more information, slightly different scores but the information spoke to which resource lands really were prime. There was a lot more information than at the time of the Executive's recommendation. When one ran the study model one tried to match up the need and how much one was taking. When these were matched up under the second run, one ended up with 19,100 acres because of the configuration of the property and because of the lands that the model selected. He noted that this was a guidance, it gave a starting point. Then Mr. Shaw went through and did the same analysis that the Council did in terms of its selections and went through the analysis of reducing 19,100 acres to about 18,300. In doing this there was a weighting that was produced by this analysis, on several of the URSAs, in looking at factor 4 how efficient was the land to develop and how much buildable land did one have there, one got a score from 1 to 10 on those in both runs, and there were zeros in both efficiency and buildable land. This did not mean that there was absolutely no buildable land but it got a zero score for buildable land. He then looked at the Council's decisions and their decisions followed that result closely. If it not make any sense to bring the land in terms of getting any production out of it for urban development that was one weighting that seemed to make sense. This resulted in the elimination of several of the sites that the Council had eliminated. He noted a couple of exceptions to that, URSAs No. 4 and No. 68, even though they were zero, these lands were completely surrounded by UGB and other URSAs that were studied so for a logical boundary those were left in. This led to his first recommendation.

In URSA No. 67 there was about 48 acres of resource land and about 40 acres of exception land. If the Council looked at the topographical map, this land was very steep and very difficult to build on and was essentially unbuildable. So he recommended to draw the boundary differently, eliminate the unbuildable land and then without re-running the whole model, in looking at what was left there was buildable land that was at least 30 to 40% of the total, getting off the score of zero into similar scores of other exception lands. The reason that he thought he was safe in making that recommendation was that he was only making recommendations that were not policy issues, that were consistent with the theory that was used and the theory that was used was looking for resource land that could be lopped off and reduce the amount of resource land without effecting the rest of the study area. He felt that this land qualified for that especially with this being a source with a zero score on efficiency for that property. He concluded that this would be in effect taking out 40 plus 48 acres of the total, 48 acres of those were resource lands.

**Councilor McCaig** asked that Mr. Shaw give the Council the summary of what the findings did, the total number of acres versus the acres that were sent by Council and how many acres of farmland were out. So when he said 88 acres, the Council had an idea of whether 3000 acres of farmland were taken out or 40 acres of farmland. She asked Mr. Shaw to give the Council his conclusions and recommendations.

**Mr. Shaw** said he started with 18,100 acres, 3,000 acres of farmland, 15,140 acres of exception land. He noted the memo that Michael Morrissey included in the packet that gave the pluses and minuses. The result was about 18,275 acres total.

**Councilor McCaig** concluded that acres were added, an important note to the net findings.

**Mr. Shaw** continued, the resource land was about 29,060, down by a few 100 acres.

**Councilor McCaig** restated that overall the Council agreed upon "x" number of sites, these were sent for findings, what the Council had back in front of them were some acres that were never studied, some acres that were studied and were not included which had now been included in the findings, so the total number of net acres had increased. In terms of total numbers of resources acres, there were fewer than 100 acres of farmland removed.

**Presiding Officer Kvistad** said he thought there were more than 100 acres of farmland removed. He said that the Council was under their goal of 18,300 including the changes that would be presented in these findings adjustments. These were recommendations Mr. Shaw would be making that the Council would review. The Council would then decide whether or not these recommendations made sense for inclusion in the findings and whether or not to forward them directly to Council for action, to include them into the basic proposal that would be before the public hearing on February 13, 1997.

**Councilor McLain** responded to Councilor McCaig that in order to get the full picture one had to also remember what Mr. Shaw said, that was any of these acres, whether they were EFU or exception, whether they were in or out, with the recommendation of Legal Counsel, was that he took only the policy decisions that the Council made on December 5, 1996 and December 12, 1996 to make these recommendations. For example, when Council dealt with that 23,000 acres there were some little parcels like the 40 acres of exception land or 48 acres of actual resource land which were the guiding light of the Council's policy decisions. They should have been taken out on December 5th and 12th. So these were not decision that any one had made other than the Council with those findings.

**Councilor McCaig** appreciated that Mr. Shaw believed he had policy direction to do this. She thought at this point as the Council moved forward to determine whether they would be accepting these findings or not, they needed to acknowledge, included in the findings in the document before Council, that the total number of acres and sites was not what Council sent for findings. But regardless of whether the Council agreed that this was consistent with policy direction or not, there was some acres that were never sent to findings and some acres that were never studied which were now in the document before Council. She would argue at least for purposes of clarity, it would be nice to separate those out and have findings on the sites that the Council sent up or down and then have an appendix or an addendum that said, here were the Legal Counsel's recommendations on what Mr. Shaw would do to make the package whole.

What was before Council was one whole document that had more acres and some sites that had not studied.

**Presiding Officer Kvistad** said what was before Council were the changes that were being recommended, the original document that the Council moved forward as well as a series of changes which were being recommended by Legal Counsel to be consistent thus making the Council's findings stronger.

**Councilor McCaig** asked if Presiding Officer Kvistad agreed that there were sites in the recommendation that the Council did not send for findings and that the Council did not study?

**Councilor Morissette** added that he thought that property line specifics were not being done yet. As part of the process, had Mr. Shaw now made these property line specific?

**Mr. Shaw** responded, yes and no. He did not do the property line specifics, these had come from Executive as a recommendation for property line specific. In one area, in the Oregon City area, in terms of going through what was in the record and trying to reconcile what was in the record with what he thought his recommendations would be, he did get property line specific with the assistance of the Oregon City staff but in that area only.

**Councilor Morissette** concluded that the additions and deletions were based on Mr. Shaw's findings process and not in rounding up particular parcels that had a line through them.

**Mr. Shaw** said some parts of the Oregon City site were rounded up to get to the property line.

**Councilor Morissette** added, and the ownership line too because the Council was trying not to divide properties.

**Mr. Shaw** said he was not sure how perfectly he had done that because he had not had a chance to do this until he knew if the Council was going to accept the recommendation. He had not taken the time of the Executive staff to have them analyze it to this point. They may want to make comments on the Oregon City part. That was the part where he agreed with Councilor McCaig's comments that it was somewhat radical to be coming to the Council with 300 acres of additions in exception lands but the Council had asked Mr. Shaw to make a recommendation to propose findings that he thought Metro would have the best chance of going forward with.

**Councilor McFarland** said that she did not understand how Mr. Shaw could add land to the list that the Council gave him. If the Council had not studied these areas and had not asked it to be that way why would Mr. Shaw give the recommendation for additions?

**Mr. Shaw** said that he had not added land in the sense that they were already in there in terms of a final decision, he was making a recommendation to the Council.

**Councilor McFarland** reiterated that the Council had not given those additions to Mr. Shaw in the document that they handed to him for findings. So how could Mr. Shaw add them?

**Mr. Shaw** said he could not add them, he was recommending that the Council add them.



**Presiding Officer Kvistad** reviewed that the Council had not added anything or deleted anything at this point. There was the original package of the 18,100 acres that was sent forward to legal for findings. What the Council was doing was going through a series of changes that Mr. Shaw found that would be germane to the findings that the Council wanted to review first before the Council went through the findings in total. The Council had not made a decision yet.

**Councilor McFarland** asked the Presiding Officer if the Council had asked Mr. Shaw to add acreage?

**Mr. Shaw** said no, what the Council asked him to do was to propose findings that he thought would support the decision that the Council gave for preliminary selections if there were challenges. That was what this recommendation was.

**Councilor McFarland** summarized that what the Council gave Mr. Shaw for findings was parcels that could be challenged and parcels that could not be challenged. However, she felt that Mr. Shaw had branched out and told Council that they ought to add acreage that they did not have in their original decision. She said that she was not happy with this, in her mind he had answered a question that the Council had asked with a nonsequitur. This meant that the question that the Council had asked Mr. Shaw may have been answered but additionally he was suggesting to Council to put some acreage into the Urban Reserve that the Council had not given direction to put in.

**Mr. Shaw** said he had not decided anything, he was making recommendations. 18,300 was the Council's target and action, the Council ended up with 18,171. He was coming back with a recommendation of 18,275. He thought that was what the Council wanted.

**Councilor McFarland** said that maybe that was a part of what some of the Councilors wanted but she was had a different understanding of what the Council asked Mr. Shaw to do and what he did was two different things.

**Mr. Shaw** said he did his best.

**Councilor McLain** said, in defense of Mr. Shaw, the situation was as a Council they had been in the process up to December of being in blob maps. The Council gave blob maps to Mr. Shaw for findings, the Council gave him direction to take out EFU land in certain sections of certain sites, etc. The Council also gave him some direction with what the Council talked about that night in general finding comments that the Council put on the record of what the Council wanted that 18,000 acre package to look like. Mr. Shaw had come back to the Council with a list which indicated to the Council what Mr. Shaw felt was appropriate as legal staff to the Council to come back and make the Council aware of. He was making the Council aware of areas where the Council was not consistent with their own package or their own direction to the legal staff and where the Council was not consistent with the findings that the Council had been asked to make with the Urban Reserve Rule at the State. Mr. Shaw was now in front of Council explaining to the Council that if they would like to take the legal advise of the legal staff that there were reasons why there were some areas where resource land, EFU resource and exception land should be out and where it should not be out. The Council made these decision together when they voted on December 5, 1996 and December 12, 1996 to send forward 18,000 plus acres to the findings process with Metro's legal staff. All seven Councilors voted in

that vote, some voted yes, some no. The vote was 6 to 1. The Council gave legal staff a consensus to go forward with findings using the information that the Council gave him in December.

**Councilor Naito** pointed out that under state law when the Council was considering some resource land the Council had to consider if there were other exception lands that may be more appropriate. She thought it was relevant to look at what the findings recommended in terms of additions because the Council may want to revisit some of the other areas in terms of deletions. She took Mr. Shaw's presentation as a recommendation but she would like to go through the findings at some point.

**Councilor McCaig** said she agreed with Councilor Naito. Her difficulty was that she believed that the findings would have been distinctly different had they been separated, if the Council went through the findings of the sites that the Council agreed to be included there might have been sites had the Council not looked outside of the sites, had the Council not looked outside of the study area, that would not be included right now. They would have been eliminated because they would not have met the test. As a result of adding areas that the Council never studied, the Council had allowed certain areas to stay in and the Council would have had that flexibility to go back and add those. The Council was out of sequence in terms of the process. It was her hope that as the Council reviewed Site 67, Mr. Shaw could be very specific whether he was adding or deleting, whether it was property studied before or not studied before, that would be helpful to the overall discussion.

**Presiding Officer Kvistad** said he thought the Council would find that in the findings with the exception of Site 24. This was the only site that he had seen that went outside of an urban study bubble which took in about 20 houses, everything else was adjacent to or was within a bubble of the general study. If the Council looked at the maps it was clear.

**Councilor McCaig** clarified that those areas were not referred or studied at this point. She did not think that most Councilors understood that there were more numbers, not less and that there were some areas that had not been studied.

**Mr. Shaw** continued, the next step in terms of analyzing suitability, the Urban Reserve Rules required the Council to select from suitable land. He did a suitability analysis that was not just which lands were suitable but which lands were most suitable by giving them a score, by comparing them each to another. When only the study areas were compared to themselves and 20,000 acres were left with selecting 18,300 acres, then the issue of whether or not a sufficient enough comparison had been done arose, a sufficient enough alternatives analysis arose. This was why "D" was in the findings and this was how they got to some of the exception land. By looking at lands that were exception lands, particularly those that were outside of the study areas, he thought that under these circumstances this was probably required by the rules section on alternatives analysis. This was the reason why in the findings he then went around the entire region and talked about exception areas that were in most cases adjacent to existing study areas. When he got to the area in Oregon City, he had a pile of information in the record where Oregon City had come to the Beaver Creek Listening Post and said they thought that Metro should have study areas with boundaries that went out another 1900 acres. Based on that information in the record and based on trying to do an analysis of all the exceptions outside the study areas, as he believed the rule required in these circumstances, he sat down with the

Oregon City staff and asked them to tell him the differences between where the Urban Reserve Study Area line was, where they were recommending it be and what the factors were in their recommendation of 338 acres of exception lands. Looking at the analysis of the city and trying to distinguish between their recommendation of 1900 additional acres and the study areas that the Council started out with in early 1996, it seemed like these areas, rounded off to property lines in this area as part of this, that the lands that Mr. Shaw was recommending to include as exception land didn't seem to be significantly different than the lands just across the study area line that had been studied. He noted that this was not a perfect recommendation. There needed to be comments from Metro staff to see if they had additional information that was different than what Oregon City was advocating since they were advocating the addition of 1900 acres. He thought that it was important to have that element in the findings because of the way the Urban Reserve Rule was written and because of the alternatives analysis that was required. He noted a small areas of resource land at the top of Site 18 that was so small, again, based on the same theory, that he thought it made sense to recommend it be taken out.

After the suitability analysis resulted in the most suitable land of the lands looked at, which in this case included all of the exception lands around the UGB not just outside of the study areas, then one was required to go through the priority list. The first priority language that came from the Urban Reserve Rule was basically exception lands. The first number was the 15,400 acres of exception lands out of the total 18,275 acres. There was a small section in the Urban Reserve Rule that said first priority lands also included those resource lands that were completely surrounded by exception lands and which were not prime and unique resource lands. He had alluded to this section earlier, this was another difference between the recommendation from the Executive and what his recommendation was. The Executive recommended 13,980 acres, 787 acres of those were resource land that were completely surrounded by exception land. The information had not come in yet on the prime and unique category and when one went through the 787 acres, all of it but 72 acres were prime and unique and therefore the land could not be considered as part of the first priority of lands in the Urban Reserve. This analysis went through that and noted that of the 787 acres that the Executive Officer was recommending, there was only 626 acres that was in the Metro Council's revised URSAs because the Council took out a significant amount of the farmland. In addition to the Executive recommendations, the Council had several URSAs that also had areas of farmland that were surrounded by exception lands and that was the second paragraph under roman numeral three in the Executive Summary. URSA 31 had 615 acres, URSA 32 had 76 acres, those were in the same area and that area was an area of resource land of which the Council didn't take all of it even though that entire resource land area was surrounded by exception land and those lands were not predominantly prime and unique. Therefore these lands fit the first priority in the urban reserves and so that added more lands to the category than the Executive had but they were different lands.

**Councilor McCaig** asked if the Council was at about 16,236 acres that Mr. Shaw would call exception lands now which included those category of lands. Out of the 18,000, the Council was now at about 16,200 that fit this broad category of exception lands which was important as the Council went into the discussion about first priority and exception lands. It went from 15,430 to over 16,000 acres?

**Mr. Shaw** said the number went up but he did not change anything.

**Councillor McCaig** said she just wanted to know the total number.

**Mr. Shaw** said yes, it would be about 16,200 acres.

**Councillor McCaig** said that was the number that when the Council got to the discussion about first priority lands that the Council would be considering.

**Mr. Shaw** said that first priority under the Council's selection of URSAs was a higher number, it was 806 acres instead of 787 acres that the Executive recommended.

**Councillor McFarland** asked **Mr. Shaw** to reassure her that this process would not be forever. She said to please reassure her that he would not be coming back to every meeting the Council had with new pieces of land that no one had looked at before that he thought now should be included.

**Mr. Shaw** would come back to Council with whatever they wanted him to do. He did not anticipate that there needed to be much more done than add further explanation for the 33 pages of proposed findings that the Council had before them.

**Councillor McFarland** thought that was where the Council was before, that the Council had settled on some land and now the Council wanted to know if it fit the definition or not. Now there was new land to consider.

**Presiding Officer Kvistad** clarified that under the findings the Council needed to develop a set of findings that showed the justification for the lands that were chosen by the Council. **Mr. Shaw** had gone through those lands and had found areas of deletion that **Mr. Shaw** was presenting at this meeting that would make the findings more consistent as well as a series of specifics that he was bringing forward to say that this would build a better area because if these lands were added this would help the findings.

**Councillor McFarland** understood this but at what point did the Council say, don't bring us anything else.

**Councillor Morissette** said that there was one more process to go through, making property line specific definitions which could ultimately lead to at least one additional review.

**Mr. Shaw** responded that there were recommendations from the Metro staff although he did not know what the parameters were.

**Presiding Officer Kvistad** announced that this had not been presented to the Council and was not a part of this discussion. The property specific lines would have to be drawn based on the findings, the final public hearing and the Council's final decision on the Urban Reserves Areas. Then staff would come back to Council with the final lines drawn which would be the actual land use specifics.

**Councillor Morissette** said those could be different.

**Presiding Officer Kvistad** responded that the edges of the areas could be defined, it won't be different but the edges of the area would be defined at that point.

**Councilor McCaig** asked Mr. Shaw, had he not added property, had specific sites that were sent to him for review been eliminated?

**Mr. Shaw** responded, no.

**Councilor McCaig** asked Mr. Shaw, had he not added property then why weren't there exchanges made for a piece of property.

**Mr. Shaw** responded that they weren't exchanges, they were the results of the analysis that ended up with that result. Some went one way, some another, so they were netted out because the Council wanted to know what the bottom line was.

**Councilor McCaig** asked Mr. Shaw if he could have reached the 18,000 number then by adding all exception lands, some of which the Council hadn't studied, and eliminating all of the farmland?

**Mr. Shaw** said he could not because that was not what the Council gave him to work with, they didn't give him that direction. He continued with the next category, part of the Urban Reserve Rule called maximum efficiency of land uses. The basic idea was that when land was totally surrounded or surrounded on three sides, if the Urban Growth Boundary was on several sides and the sewer system was in a different area, in order to serve another area, did one have to go across the lands with roads, sewer lines, water lines, urban services to get the most efficiency out of the Urban Growth Boundary or out of the exception lands that were being put in first priority? The summary was that the 554 acres of land remaining in the Executive's summary that were surrounded got this category. In reviewing where the lands were located, the extension of services in each of these areas would require extension of existing roads, water and sewer lines to get urban services to these areas. There was about 1000 acres in that category in 4A of the Executive Summary. Most of the lands to this point, other than Stafford, were not overwhelmingly controversial.

Every single one of the next set Mr. Shaw was reviewing were controversial. The category was specific land need. The concept in the Urban Reserve Rule was that one had first priority lands, then lower priority lands which weren't well defined such as marginal lands and secondary lands. The only way that farmland that was not secondary, not surrounded or not needed to be crossed for purposes of getting urban services efficiently from one side to the other of exception land or the Urban Growth Boundary, the only way that that resource land could be included was by being an exception to the priority list. The concept of specific land need was an exception to the priority list. By definition, specific land need was something that was identified which could not be reasonably accommodated on higher priority lands such as exception lands. He noted the section of the findings that were very detailed on some of the sites, URSA 54 and 55 which included primarily St. Mary's resources land with exception lands around it, some of which were owned by St. Mary's and some by property owners. The specific land need had to address the resource lands of St. Mary's which were estimated at 618 acres of resource lands. The analysis in the findings was that this land was needed to improve the projected jobs/housing ratio by adding land between the current Urban Growth Boundary tying the 2015 and 2017 and 2040

that could be used to improve what the jobs/housing ratio would be at that time. This would be the primary use of the regional center bases of jobs/housing balance analysis that came from the amendment to the Urban Reserve Rule that the Metro Council requested and was adopted in November of 1996.

The next one was Study Areas No. 62 which had three portions to it. It had 200 acres that the City of Hillsboro had requested for a campus industrial site for the long term past the year 2017. The small area above the green, south of Hwy. 26, about 42 acres of exception land that was highly parcelized using an estimate of 10 units per acre, and then just north of US 26, was about 18 acres of farmland that was a mix of class 4 and 2 soils, bounded on the north by a swail which separated it from the farmland above it which was higher quality. He noted the analysis of the 200 acre piece for a campus industrial purposes and an analysis of the 18 acres north of Hwy. 26 for housing where the jobs/housing balance argument was used in the analysis. The land owner had committed to no less than 18 units per acre which would be substantially higher than the average for outer neighborhoods in the 2040 Growth Concept. The theory in URSA 62 was that one campus industrial site was needed in the years between 2017 and 2040 to add to the existing integrated semi-conductor industry that was surrounding the Hillsboro Airport and that vicinity. There was an analysis in the record of the number of large fabricators, electronic component manufacturers, makers of component parts for those industries and the suppliers for those industries that made up the integrated industry out in that area. The controversial portion of the information in the record was that Hillsboro had counted the employers which had in most cases built at least phase one of a piece of property, in several case built phase 2 of their piece of property and had a master plan for that particular manufacturer, supplier or component manufacturer to use that property for its own use in the future. This was part of the unique situation that the record and the findings noted. Analyzing the entire area for industrial lands found only one other property, the Seaport property mentioned in the hearings, that was large enough to accommodate large campus industrial use. He came to the conclusion that whether or not that property within the UGB was rezoned for residential uses to help with the jobs/housing balance in a 20 year period rather than land outside of that effecting the jobs/housing balance in the period after 2017, as the City had discussed in its hearing with the Council, that property was currently zoned for industrial uses. There was an analysis in the findings which dealt with the Seaport property either being used for residential or not being used for residential and the conclusion was that for URSA 62 and the 200 acres of resource land was needed either way for a specific land need for at least one additional 200 acre site reserved for another large campus industrial user in the 43 year period of the Urban Reserve land supply. The other part of URSA 62, the 18 acres of resource land, was all buildable, separated from other agricultural land by a swail and was located to help improve the jobs to housing ratio in the Hillsboro regional center area with higher density housing. Because the commitment had been made by the property owner for higher density housing at 18 units per acre, with this number of units per acre there would be a mix of housing providing smaller units that were more likely to match the wage status of the workers in that area. Both the location and the type of housing that would result from that density made it appropriate to address the jobs to housing ratio by adding housing that was most appropriate to the needs in that area with lots of jobs.

Presiding Officer Kvistad asked if URSA 63A should be addressed.

**Mr. Shaw** said that he had not addressed this, it was a policy issue because the Council voted on this site and he made no recommendation on items that the Council had voted on.

**Councilor McLain** said URSA 63 was voted out.

**Mr. Shaw** continued, reviewing URSA 59 which was Cornelius' request for land adjacent to its existing industrial park. There were 47 acres in the original study area. The City in its communication said that it intended only to request 35 acres and therefore Mr. Shaw had written in their recommendation because they provided the data to go into the findings. He did not have a new boundary line for that, however, he included the City of Cornelius' recommendation to the Council which was to reduce the size of that site by 12 acres of resource land.

**Councilor McLain** said that the Council had received that testimony when the Council voted on that site. It was her understanding that this was the direction of the Council vote, to take in the consideration that the staff had sized that as too large. It also had a wetland and the creek in that site, so they took it below the creek and made it 35 acres. This was direction that came to her.

**Mr. Shaw** said he did not remember this but he felt that the City of Cornelius' recommendation was included in the findings.

**Councilor McLain** said that those findings were consistent with what Mr. Shaw would find on the record of those meetings.

**Mr. Shaw** reviewed URSA 56 which was 33 acres of resource land adjacent to Forest Grove. The analysis was the same as Cornelius which was that Cornelius and Forest Grove both had targets, for housing and jobs for 2017 under the Urban Growth Management Functional Plan. Forest Grove's analysis which was included in the record indicated that they need these lands just to meet the 2017 targets for jobs.

**Mr. Shaw** noted the conclusion and said that Mr. Morrissey had condensed these conclusions to one page (a copy of this may be found in the permanent record of this meeting).

**Councilor Naito** asked about the resource land from URSA 65.

**Mr. Shaw** said he did not address URSA 65, there was a vote on this URSA. He could not remember the reasoning behind the vote so he had not fully address URSA 65.

**Presiding Officer Kvistad** said he still had questions on URSA 63 as to what the final vote actually was because it was a parcel in two parts. Some Councilors thought the west part, some thought the east part, some thought that both parts were taken.

**Councilor Naito** asked about the vote on URSA 65.

**Councilor McCaig** answered that it was moved and seconded for a deletion and they did not get the votes for a deletion.

**Councilor Naito** concluded that URSA 65 was in the Urban Reserve but there were no findings.

**Mr. Shaw** said that URSA 65 was in but the Council had findings on all but 40 acres on the west that he did not know what the reasoning for the Council vote. Therefore it was incomplete in that regard.

**Councilor McLain** said she remembered that Councilor Monroe asked that the Council delete the land to the west which was EFU and the Council voted in support of this. There was an equal amount of land to the east that was EFU and so the confusion come in when the Council said 'all EFU land', some Councilors felt that was both to the west and to the east.

**Mr. Shaw** suggested that this vote be cleared up because there was EFU land to the west that was deleted and there was EFU land to the east which was where the record needed to be reviewed.

**Presiding Officer Kvistad** said that the Council did not delete the east portion of this site. The Council dealt with the land to the west, the land to the east, and the parcel in total went forward and was in.

**Councilor Morissette** confirmed Presiding Officer Kvistad's summary.

**Councilor Naito** noting the DLCD letter, said that the analysis of the urban reserve land priorities which had been used for some of the other sensitive EFU lands was not in the findings for that parcel. She said this was of interest to her in terms of public policy and whether it could be supported to be included as this point with the lack of findings.

**Councilor McLain** said she would agree with Council Naito, it was her intention at this meeting when Council went to the amendment packages that she would bring this up as one of three that she had. This was one that there were no findings for and she would move to delete that forty acres on the west side.

**Presiding Officer Kvistad** said that this was not the appropriate forum for that motion.

**Councilor Naito** asked a process issue, this Council meeting was noticed as a work session, could the Council consider a motion?

**Councilor McLain** answered that this vote could not be taken at this work session.

**Presiding Officer Kvistad** said that the only motion that could be accepted at the work session was based on the findings before Council presented by Mr. Shaw. If Council chose to accept some or all of the findings, the Council could forward these to the meeting on February 6, 1997 so it would be on the table for the public hearing on February 13, 1997. That would be the only action item that the Council was discussing, it would be based solely on the findings and the specific action items the Mr. Shaw had recommended as legal staff.

**Councilor Naito** stated that she would need to study the addition lands before she would be willing to vote on them.



**Presiding Officer Kvistad** said that this would be part of the debate that the Council would have once the finished with a review of the findings.

**Councilor McFarland** echoed Councilor Naito feelings. If there was something she had not considered, had not seen before she did not feel herself qualified to go forward with any of the additions at this meeting until she had studied them. She felt that the addition land issue was a different question and that she was not willing to consider it at this meeting.

**Presiding Officer Kvistad** clarified saying that it was his understanding that none of the additions were in Washington County. Was this correct.

**Mr. Shaw** responded that the only additions were surrounding Oregon City.

**Councilor McCaig** asked if there was a way in which the Council could bring forward those boundary changes, those things that right those pieces of property, and not ones that were substantive changes? She understood that the Presiding Officer Kvistad wanted to get those boundary changes to the Council this Thursday so that people at the public hearing would have a truer map of the sites that the Council had all agreed upon.

**Presiding Officer Kvistad** said that Councilor McCaig's analysis was correct. What needed to be dealt with was Mr. Shaw's recommended technical corrections.

**Councilor McCaig** asked if the Council could agree to those sites which were sites that the Council sent to findings which now had minor boundaries adjustments?

**Presiding Officer Kvistad** summarized Councilor McCaig's question, could the Council accept the deletions and leave the additions portion on the table? This could be done, putting the deletions on the February 6, 1997 to change the technical aspects of the findings without dealing with the additions portion if that was the desire of the Council. This would mean a reduction in the total number of acres.

**Councilor McCaig** thought that this was a good idea, it was just a minor boundary adjustment to accommodate the individual piece of properties so it was a truer line on the piece of property.

**Presiding Officer Kvistad** said that most of these were corrections to do just that.

**Councilor McCaig** said that some were not.

**Presiding Officer Kvistad** said that the deletions actually fit within the criteria and fit within the lines existing parcels.

**Councilor Morissette** said, short of property line adjustments, if the Council wanted to do a reconsideration of 63A, what would be the process for this?

**Presiding Officer Kvistad** responded that URSA 63A was one that was still unclear as to how the Council voted. The Council, could as part of this adjustment packet, forwarded it as a point

of clarification. He would like to review this with Council before anything was done on specific parcels.

**Councilor Morissette** said in his mind it was clear how the Council voted on this item but that did not mean that there wouldn't be a logical process for reconsideration. He asked what the process was?

**Presiding Officer Kvistad** said that following the public hearing on February 13, 1997, the Council would have final action items taken on the night that the Council moved forward for the final vote. Depending upon the public testimony, Mr. Shaw's findings, the volume of testimony and what needed to be reviewed he would then set the date for the final action. At this time corrections could be made.

**Councilor Morissette** asked if Councilor McLain's forty acres would be taken care of at that time?

**Councilor McLain** responded yes.

**Councilor McCaig** said Councilor McLain announced at the Growth Management Committee meeting that February 13, 1997 was a public hearing, February 20, 1997 was where amendments would be made, and the final vote would be February 27, 1997. In answer to Councilor Morissette's question, if it did not come up on February 13th it could be raised on February 20th.

**Presiding Officer Kvistad** said that was correct. February 20, 1997 would be the final time for amendments.

**Councilor McCaig** asked if it was important to get these adjustment made for February 6, 1997?

**Presiding Officer Kvistad** believed that this was the appropriate time for Council to make a determination as to whether the Council wanted to accept those recommendations, the technical adjustments that Mr. Shaw had presented, either the additions or deletions. Based on the acceptance or rejection, the Council would then forward these for action on the February 6, 1997 agenda to clarify the points so that the findings were in effect complete.

**Councilor McCaig** said that she did not consider all of the recommendations technical amendments. How should the recommendations be broken out, those that may be more substantive and those that were minor technical changes?

**Presiding Officer Kvistad** said that most of the deletions were technical in nature if one reviewed the maps and parcels. The deletions were fairly technically correct and would be easier for the Council to move forward. The additions however would require the Council to have a discussion about the parcels involved.

**Councilor Naito** said it looked to her that the key parcels were 24, 25, and 26.

**Presiding Officer Kvistad** said that these were all in the Oregon City area and those were all based on the Oregon City recommendations.

**Councilor McLain** said that everything, except what Councilor Naito had just noted, was to remove, not add. Site 24, 25, and 26 were the additions.

**Councilor Naito** said that on Site 17 although they were lot line adjustments, they would be adding land that was outside of the studied area. She did not know if that area was EFU or not or whether it had been studied or not. She suggested that the Council was making a lot line specific and it might be a good idea to do this at this meeting because there would be time to see at the next hearing if it came up as EFU.

**Mr. Shaw** said all of the adjustments that the Council saw in the Oregon City area were exception lands. The only adjustment was a deletion of 7 acres of resource land at the top of Site 18. All of the adds were exception lands, where they were trying to determine whether that exception land just outside the URSA boundary was the same as the land inside the URSA boundary.

**Councilor McCaig** said those were exception lands that had not been studied that were under consideration to be added.

**Mr. Shaw** summarized that those were movement of the URSA boundary to include more exception land in those URSA, yes.

**Councilor McCaig** said she was not comfortable doing that particular piece.

**Presiding Officer Kvistad** recommended the following; 1) any additional lands should go through the process whereby there would be public testimony on them on February 13, 1997. He did not support any additions of additional land at this point that was not originally determined as part of the findings. 2) He did however support the reductions that Mr. Shaw had presented to Council for the findings. He thought they were consistent with what the Council was trying to do, they built better parcels to justify to DLCD and they made sense. 3) Any technical adjustments that the Council felt were missed should be sent forward to Council. He noted URSA 63A, this parcel was divided in such a way that he and Councilor Morissette were not clear on what the Council's actions were on that parcel. He recommended that URSA 63A be the entire parcel and be sent forward. This could be done following the public testimony rather than at this meeting. He wanted to deal with the technical adjustments at this Council meeting. He put this on the table as a motion for discussion to accept the deletions only sent forward by Mr., Shaw to the Council to be an action item on the Council agenda for February 6, 1997.

**Councilor Naito** asked that this be site specific, 52, 56, 59, 67. In map no. 18 there was some EFU land that was to be deleted and she believed that this should be added to the motion.

**Presiding Officer Kvistad** said he would not be accepting additions only deletions. The areas of deletions would all be included in the motion. On site 18 the Council would be deleting exception land.

**Councilor Naito** said she wanted to be clear that in all of the sites, they would be making those deletions recommended by Mr. Shaw.

**Councilor McCaig** said Sites 17, 18, 22, 24, 25, 26 and 29, may have deletions in them. She said the map would need to be reviewed to see if these site had deletions or additions.

**Presiding Officer Kvistad** said that he thought that Councilor McCaig was correct.

**Councilor McCaig** said that Sites 52, 56, 59 and 67 were specifically deletions with no additions to them. She said the Council knew for certain that they could support deletions of 52, 56, 59 and 67. The Council would have to review the other sites and pick which were deletions. She asked Mr. Shaw if he could tell which sites were deletions?

**Mr. Shaw** responded that Site 18 was deletions and Site 17 was a round-off addition. The main ones that had additions were 24, 25, and 26.

**Presiding Officer Kvistad** said that on Site 17 he felt that if they did make that adjustment, which would be the deletion that was shown on 17, it would probably take care of itself. He would rather leave the line as it currently existed on Site 17 which was not lot line specific. In that one instance the lot line adjustment would be made by staff one way or the other based on the final information that they gave Council following the public hearing. So on Site 17 he did not see the corner on that one parcel being a deletion as part of his motion. They would stay with the rough generic boundary in that one parcel.

**Councilor Naito** said there were two other sites that were not part of the recommendations. On map 35 there was a tiny bit of EFU land on the right hand parcel.

**Mr. Shaw** said he believed that that site was already out.

**Councilor Naito** said that maybe that site was voted out by the Council. She said that the map she was looking at did have the Council vote.

**Mr. Shaw** said, from memory, he believed that they took out all of the EFU land.

**Councilor Naito** reviewed Map 51, the Hazeldell property, it looked like two lots with EFU on the northern piece of that site.

**Mr. Shaw** said he could not remember the vote on that.

**Presiding Officer Kvistad** said that if they were currently on the map that meant that there were small portions of EFU that were left in for consistent edge. There were some sites where not all EFU land was removed from the parcel. There weren't many but there were a few.

**Councilor Naito** asked that since those appeared to be on a lot line, would the Growth Management Committee be looking at those as there were actual lot specific lines created or was this meeting the appropriate time to bring this up?

**Mr. Michael Morrissey**, Council Analyst, said in that case, the Executive staff was recommending this.

**Councilor Naito** said so that would be revisited then in the committee?

**Presiding Officer Kvistad** said that these decisions would not be made at the committee level, these were Council decisions. The final recommendations would be made before the entire Council. There would be a presentation following the findings.

**Councilor Naito** said she just wanted to be clear on the process and that she would bring these issues up at that later time. She felt comfortable supporting the motion.

**Presiding Officer Kvistad** said many of the technical changes that the Council would see would be presented based on what staff brought back.

**Councilor Naito** pointed out that in voting for the removal of these sites it did not necessarily in her view indicate her support or opposition for the entire parcel included in the map but she would vote for these deletions.

**Councilor McCaig** clarified, this motion couldn't be voted on in a work session.

**Presiding Officer Kvistad** said what he was doing was getting a consensus of the Council to put the motion on the agenda for this coming Thursday's Council meeting. This specific item with the specific motion made would be on the February 6, 1997 agenda for Council's consideration only to be consistent with findings. There was not objections so his motion would be before the Council as a stand alone action item. He noted that dates for the process, February 13, 1997 would be the public hearing, February 20, 1997 would be the final determination of actions items, and then the final action would be scheduled for February 27, 1997.

**Mr. Shaw** said that bringing together the pieces of these findings was very difficult and he would be remiss in not thanking some Metro staff members, Carol Krigger, Sonny Conder, Dave Ausherman. They helped him understand how to run the URSA model. The staffs of Hillsboro, Cornelius, Forest Grove, Oregon City, Wilsonville who provided additional information were also helpful. He could not have come to his conclusions without their assistance and the new information they provided. Additionally, some attorneys for the property owners had made some contributions and the biggest one came in today and was not included in the 33 pages of findings. There would be an additional 10 to 12 more pages that were focused primarily on Site No. 62 and the St. Mary's property which were consistent with the theory that he had gone through that gave greater detail than he was able to do to get some post findings.

**Presiding Officer Kvistad** clarified that these findings would not be changing the maps as they were before Council at this work session?

**Mr. Shaw** said it would not change the maps, it was increased justification and in some cases responses to issues raised by DLCD letter.

Metro Council Meeting  
Tuesday, February 4 1997  
Page 19

**Presiding Officer Kvistad** asked if Mr. Shaw could give him the net result of acres by going with the deletions.

**Mr. Shaw** said he thought it was 126 plus 7 acres, about 133 acres plus little ones in the Oregon City area which he had not calculated yet.

**Presiding Officer Kvistad** concluded that the Council was moving forward approximately the deletion of 140 acres. This action item would be on the agenda for February 6, 1997.

**Councilor McLain** commented on the DLCD letter, they had given the Council their first letter which was without knowing the findings and they had promised the Council a second letter that Council would be able to look at before the public hearing on February 13, 1997. She felt that this letter would be a more informative letter because DLCD would have the findings in front of them before they wrote their letter. She felt that the DLCD's first letter was informative and she believed that the second letter would be equally helpful. She noted the public hearing on February 13, 1997 with a time certain of 2:15 p.m.

**Presiding Officer Kvistad** said he was hopeful that the people of this region would be succinct.

**Councilor Naito** pointed out that she had received several complaint calls about when the hearing was being held. The Council was holding that hearing at a time that they could not come. She suggested getting the word out that the Council would anticipate being in the public hearing into the evening.

**Presiding Officer Kvistad** noted the February 13, 1997 agenda and that there were several big issues on that agenda.

## II. ADJOURN

With no further business to come before the Metro Council this afternoon, the meeting was adjourned by Presiding Officer Jon Kvistad at 6:15 p.m.

Prepared by,

  
Chris Billington  
Clerk of the Council

## MINUTES OF THE METRO COUNCIL MEETING

February 6, 1997

Council Chamber

Councilors Present: Ruth McFarland (Deputy Presiding Officer), Lisa Naito, Don Morissette, Susan McLain, Patricia McCaig, Ed Washington

Councilors Absent: Jon Kvistad (Presiding Officer)

Deputy Presiding Officer Ruth McFarland called the meeting to order at 2:04 p.m. She noted the Presiding Officer Kvistad was in Washington D.C. for ISTEAs requests.

### 1. INTRODUCTIONS

None.

### 2. CITIZEN COMMUNICATIONS

None.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

### 4. CONSENT AGENDA

#### 4.1 Consideration of the Minutes for the January 23, 1997 Metro Council Meeting.

**Motion:** Councilor Washington moved approval of the January 23, 1997 Council Meeting minutes.

**Seconded:** Councilor Naito seconded the motion.

**Discussion:** None.

**Vote:** The vote was 5 aye/ 0 nay/ 1 abstain. The motion passed with Councilor Morissette abstaining as he was not present for that meeting.

### 5. ORDINANCES - FIRST READING

5.1 Ordinance No. 97-678, For the Purpose of Amending the FY 1996-97 Budget and Appropriations Schedule, Transferring \$6,000 from the General Fund Contingency to Council Materials and Services; and Declaring an Emergency.

Deputy Presiding Officer McFarland indicated that the Presiding Officer would make the committee assignment for Ordinance No. 97-678.

**5.2 Ordinance No. 97-659, For the Purpose of Adopting the Metro Code Title X, Metro Regional Parks and Greenspaces.**

**Deputy Presiding Officer McFarland** indicated that the Presiding Officer would make the committee assignment for Ordinance No. 97-659.

**6. ORDINANCES - SECOND READING**

**6.1 Ordinance No. 96-669, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule for the Purpose of Transferring \$5,000 from the Planning Fund Contingency to Materials and Services to Provide a Metro Contribution to a Regional Car-Sharing Feasibility; and Declaring an Emergency.**

**Motion:** Councilor McLain moved the approval of Ordinance No. 96-669.

**Seconded:** Councilor Washington seconded the motion.

**Discussion:** Councilor McLain noted the staff report, which explained this project. Metro was giving \$5,000 for their share of the study, part of a partnership where EPA was contributing \$58,650 and DEQ was contributing the grant administration and project management. This idea was an important one, car sharing was where there was an organization, a group or a zone where people share cars similar to the government fleet car program. This allowed people who did not wish to own a car to still have opportunity to use a car when needed or when other modes of transportation were not available. This idea had worked in Europe and Canada and she believed that Metro's contribution would be worthwhile to see if this would help the region.

**Deputy Presiding Officer McFarland** asked Councilor McLain if there was anyone from staff available for questions?

**Councilor Naito** asked if this program studied where transit was not available?

**Councilor McLain** responded that it was a market based incentive program for car-sharing. It was a demonstration project of a car-sharing organization consisting of a group of individuals who would share a fleet of cars. The vehicles purchased were on a leased agreement, maintenance and repair costs would be provided. It allowed an individual to have the benefit of the use of one of these vehicles. The study was to see how it would work in this region and if this would be a pilot project possibility for this region.

**Councilor Naito** said that she thought it was targeted for high density for those who needed a car on occasion. If this was the intent she would support this ordinance.

**Councilor McLain** clarified that it was supposed to be in places where there would less parking spots, allowing more individuals to use less cars.



**Councilor Washington** followed up by saying that this particular program was not like the yellow bike program but rather a program for people who didn't want to own a car but there was a need for use one every so often.

**Councilor Naito** said one of the pros would be that in terms of zoning, where there was a goal of fewer parking spaces such as in an apartment area.

**Councilor McLain** believed from the presentation of staff that they were looking at the 2040 Growth Concept and high density area.

**Deputy Presiding Officer McFarland** opened an public hearing. No one came forward, the public hearing was closed.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

**6.2 Ordinance No. 96-655B, For the Purpose of Designating Urban Areas for the Portland Metropolitan Area Urban Growth Boundary; Amending RUGGO Ordinance No. 95-625A and Metro Code Chapter 3.01; and Declaring an Emergency.**

**Motion:** **Councilor McLain** moved to amend the map in exhibit B of Ordinance No. 96-655B to correspond to deletions in Urban Reserve Areas #18, 52, and 67, as recommended in the proposed findings from the Office of General Counsel dated 1/31/97.

**Seconded:** **Councilor Naito** seconded the amendment.

**Discussion:** **Dan Cooper, Legal Counsel,** noted that the ordinance had already been moved and seconded at a previous Council meeting.

**Councilor McLain** noted the map deletions and ordinance. The Council had agreed on the February 4, 1997 Work Session to bring forward to this meeting the deletions to the map.

**Deputy Presiding Officer McFarland** opened a public hearing. No one came forward, the public hearing was closed.

**Councilor McLain** said that this ordinance would be forwarded to the February 13, 1997 Council meeting as amended. This action was taken today to allow the public to have these deletions on the table.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion to amend passed unanimously of those present.

## **7. RESOLUTIONS**

**7.1 Resolution No. 96-2435, For the Purpose of Certifying that the City of Wilsonville's ADA Paratransit Plan for 1997 Meets ADA Requirements and Conforms to Metro's Regional Transportation Plan.**

**Motion:** Councilor Washington moved for the approval of Resolution No. 96-2435.

**Seconded:** Councilor Morissette seconded the motion.

**Discussion:** Councilor Washington reviewed that SMART was required to receive certification from Metro to meet the requirements of American Disabilities Act of 1990. SMART provided four fixed routes serving Wilsonville and making commuter services connection with TriMet routes; Commerce Circle, Tualitan Park and Ride, Meridian Park Hospital, Barbur and Oregon City transit centers. This included a dollar ride service providing demand responsive curb to curb service in Wilsonville open to the general public and a link service connecting customers to transportation service within a 25 mile radius outside the Wilsonville city limits. It had a prescheduled door to door trip for senior citizen for lunch. The resolution had been before JPACT and the Transportation Committee. He urged the Council's support. There had been reports from the transit person at Wilsonville to JPACT and Transportation Committee, there had been no issue with the resolution.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

**7.2 Resolution No. 97-2448, For the Purpose of Approving the Year 8 Waste Reduction Plan for Metro and Local Governments.**

**Motion:** Councilor McLain moved the adoption of Resolution No. 97-2448.

**Seconded:** Councilor Washington seconded the motion.

**Discussion:** Councilor McLain reviewed her amendment to Resolution No. 97-2448. Since the resolution had come from committee she had asked staff to work on some clarification, definitions and appendix being added to the resolution. There were some questions that the public had asked that were unanswered because the document was not easy to read or understand how they felt the annual Waste Reduction Work Plan for Year 8 fit in with some of the other work that was being done including changes to RSWAMP and to other task force work. She pointed out that in the final outline of the Year 8 prologue there was information added about how this Year 8 Work Plan worked along with some of the other work that was discussed in the Solid Waste Committee as well as to flush out what was meant by some of the terms. There were some housekeeping amendments and definition clarification. The targeted businesses definition was added, defined as business types as well as a list of the businesses that had been chosen because of the high level of material that needed to be targeted. On page 7, 2B clarification on intent and costs via the RSWAMP revision process was added. This process needed to be recognized in the resolution and to be publicized in the document to emphasize support of the RSWAMP goals. The language was cleared up, definitions clarified (a copy of this amendment may be found in the permanent record of the Council). She asked Ms. Erickson to address the fact that the staff supported these clarifications and supported the definition and language clean up, supporting what SWAC and the staff had tried to do with the document.

**Ms. Jennifer Erickson, REM Department,** clarified the introduction section by adding some current information on page 2 under Alternative Practices and the Waste Evaluation Service Plan Framework. There was also an added section on the RSWAMP amendments and how they related to the Year 8 Work Plan. Some of the amendments would remain draft until RSWAMP made those decisions. On page 3, in the Regional Benchmark section, it addressed measurement adding tables from the Regional Solid Waste Management Plan to emphasize the regional benchmarks and targets with the program. She spoke of the home compost bin program. The program was not being eliminated but they had decided to discontinue directly subsidizing the individual purchase of bins. They still planned to be active in a compost bin program, a study recommended continuation of the bin program but not the current approach. She noted the commercial and business recycling programs clarified the base line. Under the building industry waste prevention she noted 1B and 1C which were originally going to be sunsetted this year but had been kept in for next year as ongoing support programs.

**Councilor McLain** added that staff was very careful to make sure that there were no substantial changes from the time that the committee had reviewed it. These changes were simply questions that had been brought up at the committee and these changes reflected what the goal was. The resolution was assisted by including attachments C, D, E and F reflecting the work they had done making it a more complete communication devise for the public so they understood what the annual work plan was for Year 8. She supported this resolution with the language clarification and attachments that were added.

**Councilor Morissette** asked if Ms. Erickson had had contact with the committee members to verify that they believed that the changes were not substantive and would continue to support the original document.

**Ms. Erickson** said she had not had personal communication with anyone but Councilor McLain.

**Councilor McLain** indicated that the proposed changes had been mailed out and there had been no comments received on the changes.

**Councilor Morissette** asked if it would be appropriate to send the document back to committee prior to Council's vote on the resolution?

**Deputy Presiding Officer McFarland** said that when these type of documents were mailed out the public responded if they wished input. She noted two individuals who were here to testify on this resolution.

**Councilor Morissette** said he assumed that the people who were here to testify were not in support of the original document.

**Ms. Erickson** said she did not know if the people who were testifying had seen this version, dated January 30, 1997. It was in the Council packet which had been mailed.

**Councilor McLain** said she had personally gone over the changes with the two individuals testifying at this meeting. She responded to Councilor Morissette's question about SWAC. There was only one committee where things were sent back if the Council didn't like the work,

that was JFACT which was required legally. SWAC was an advisory committee. She indicated that SWAC was not expecting to take up another meeting on the annual work plan. They expected their advise to be used where appropriate and to make changes. The changes that were made were from the Solid Waste Committee thoughts and ideas on issues, problems and concerns. This was not undoing SWAC's work nor was there a single thing done in the amendment packet that did not support what SWAC sent forward. The language was simply tightened up.

**Deputy Presiding Officer McFarland** responded that although SWAC was an advisory committee they, on occasion when substantive changes had been made, had sent letters to SWAC for response.

**Councilor Naito** asked a process question. She said that even though these changes were simply technical in nature, there had been no public notice. There may be others interested in input. She asked for clarification if these were in fact simply technical amendments or were there policy amendments?

**Ms. Erickson** said these were clarifications, there was nothing that had actually changed the intent, it was all giving more information about what was there, answering specific questions where there was not enough information in the original plan.

**Councilor Morissette** said he had no problem with the amendment that Councilor McLain was working on, in fact, he supported it. He thought that there had been an agreement that as this process evolved that REM would make an attempt to contact the other people that almost unanimously voted for the other document simply to verify that they agreed with the changes. This had not been done, however, he would defer to Councilor McLain assuming that the changes were not substantive and would support the changes. In the future Councilor Morissette requested that there was notification of changes.

**Councilor McLain** said that she thought when she left the Solid Waste Committee that she had been given direction to look at the issues that she had concerns about and work on some of the logistics. She added that there was nothing that had been done to the document that would change the support. However, if it was the pleasure of the committee to send it back to the REM Committee this was fine with her. If she had done something to the document, changing a goal or work plan, the comments made today would be appropriate, however, she had simply made the document a more readable document. Originally, it was not readable nor did it connect with the other work being done. She was comfortable voting on the resolution today.

**Vote**

**on Amendment:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

**Deputy Presiding Officer McFarland** opened a public hearing on Resolution No. 97-2448.

**Jeanne Roy, Recycling Advocates,** commended the staff for improving the public process for the Work Plan this year. It had been difficult for the transition to occur between an ongoing challenge program which had been going on 8 years and the transition with the RSWAMP that just came in about a year ago. She pointed out why Recycling Advocates cared about the 8

group felt that there was a lot of support for the 52% recovery goal and these programs. The Recycling Advocates asked that when changes were made that the Council looked at these very carefully and made sure that the analysis was done to see what the ramification could be.

**Councilor McLain** said that on the 11,100 tons being diverted by bin distribution, there had been comments at the budget process to lessen the subsidy every year for the bin purchase program. If bin subsidy was going to be lowered what did Metro have to replace that 11,100 tons as far as a device to divert tonnage. She believed staff had answers to this. These answers needed to be verified to the public and publicized so that people could see that Metro was still dedicated to the 50% reduction by the year 2000.

**Loretta Pickereil, 26370 SW 45th Drive, Wilsonville, OR**, testifying on behalf of Recycling Advocates. The group had two other concerns that should be brought forward. The first concern was in approving the Year 8 Work Plan the Metro Council could be sending too strong a signal to local governments to count on the amendments to the RSWAMP that were incorporated in the Work Plan. A subcommittee of SWAC would be reviewing proposed amendments and would be looking at the purpose of the amendments and analyzing their impacts on achieving the regional goals and their consistency with the RSWAMP. They would also explore alternatives. If this process was respected and supported there could not be an assumption that the amendments to the RSWAMP incorporated in the work plan now would move forward unchanged. As a result the Year 8 Work Plan that the Council would be approving at this meeting, there may have to be revisions in June to be consistent with the RSWAMP. To avoid misunderstanding, unfounded expectation and wear and tear on the regional corporation, the group was asking the Council to send the following messages to all interested parties. First, in approving the Year 8 Work Plan the Council was not approving the amendments to the RSWAMP that were incorporated in the work plan. Secondly, all parties needed to acknowledge now that the Year 8 Work Plan may have to be revised in June after the Council had acted upon proposed amendments to the RSWAMP so that the work plan was consistent with the RSWAMP. It was critical that Metro staff and local governments keep this in mind in developing the work plans and budgets for next fiscal year. Recycling Advocates recommended that these messages be communicated in writing to the SWAC and elected officials and staff of local governments. Her group would be working with the SWAC subcommittee on the RSWAMP. The subcommittee should not labor under the cloud of forgone conclusions and false expectations. Her group urged that this message be sent so that they can develop the best possible RSWAMP changes for the region and maintain the cooperative environment that would be required if the goals of the RSWAMP were to be met. The last concern was that there were still significant gaps in the Year 8 Work Plan that would need the Council's attention. There were four significant pieces missing from the work plan and the staff had set up work groups to develop recommendation on these four components; first, measure methods for tracking and reporting progress in meeting the targets of the various recommended practices, for example, collection of paper and containers from 100% of businesses by January 1999. Secondly, developing methods to be used for evaluating programs such as the commercial waste evaluation program. Thirdly, developing program standards, goals, roles and responsibilities for the waste evaluation program. Finally, developing the process and the criteria for approving alternative practices. They understood that the Metro staff's intent was to put these pieces of the work plan into the Work Plan sometime this spring after they had been developed. They supported the process being used and would participate on some of those work groups. Recycling Advocate's concern was that these were some very significant pieces

Year Work Plan. It was because of their desire to reach the 52% recovery goal by the year 2000 that was in RSWAMP. She showed the Council the programs that were relied upon in RSWAMP to reach that 52% goal. She reviewed the 7 practices that should be carried out in order to reach the goal. She noted that all 7 practices were more fully described in Appendix E to RSWAMP. RSWAMP said that if local governments did not wish to follow these practices as described in the plan then they could propose alternative practices as long as they could prove that the alternatives would reach the same results in terms of tonnage diverted and in terms of where the program was on the hierarchy. The top two programs were waste prevention, the next four were source separated recycling and the last was post collection recovery.

The purpose of the document before Council was to implement these recommended practices. The intent of Recycling Advocates was to make sure that the Work Plan was consistent with RSWAMP and that the Work Plan was specific enough so that the group could be assured that the programs would be carried out. In that respect the group was supportive of Councilor McLain's amendments. They felt the amendments made it more specific and clearer. However, she pointed out that in approving the Work Plan, the Work Plan incorporated amendments to RSWAMP with no analysis to show how the changes would effect the ability to meet the recycling goals. For example, the home compost distribution program was no longer listed in the work plan. This was one of the major waste prevention programs, 50% of the households having the bins by the year 2000. About 36,000 had been distributed already but that was much less than the 63,000 bins that would be required to reach that number of households. If the program was stopped, the tonnage from that program would be different, reduced. Another program was the collection of paper, bottles and cans from businesses. It was expected that the program would collect those things from all businesses. In the work plan now it said that this program could collect paper and containers or other prevalent materials. This was likely to get different tonnage than what was projected. The Recycling Advocates were requesting that the analysis take place to show how that would effect the recycling goal. Finally, another example was the on site recycling at construction sites, in the work plan, that was to be developed by July 1996 and implemented by July 1997, that had been dropped from the work plan, instead local governments were to tell their haulers to notify C and D customers about on site services. The group asked, what would be the tonnage impact of not implementing that program? The group was asking Council to direct staff to do an analysis of how these changes would impact meeting the goals and the solid waste hierarchy.

**Councilor McLain** agreed with the majority of what Ms. Roy said as far as internally there needed to be an awareness and have a security that REM was still trying to divert a certain amount of waste with particular types of projects. She disagreed with Ms. Roy's assessment of the last example, she did not think that the work plan said, just notification but notification and supply on site services.

**Councilor Naito** asked Ms. Roy if she was supporting the amendments and the document with the request that the Council monitor these activities to see how much diversion was being lost or gained with an alternative proposal.

**Ms. Roy** responded that they were not testifying in support or against the document. They were prepared to favor the amendments because they felt clarified the resolution. The group was pointing out to the Council the danger of accepting changes that would have some ramifications on a policy that the Council had already made, a policy where the public was involved. The

of the RSWAMP and they urged that the Council require the Year 8 Work Plan be brought back to the Council for their approval on these missing pieces when they were developed.

**Councilor Naito** asked if Ms. Pickereil was in favor of this resolution being moved forward at this meeting?

**Ms. Pickereil** responded that they were not here to favor or oppose, they were favoring the amendments that Councilor McLain brought forward. They asked that the Council send the messages mentioned previously, loud and clear, that the Council was not approving the RSWAMP amendments and that people needed to keep in mind that they had to come back in June to revise the Year 8 Work Plan that the Council was approving today. This needed to be laid out very clearly to respect the process to review the proposed amendments in the RSWAMP and to eliminate false expectations come June.

**Councilor Naito** asked Councilor Morissette if it was his intention to revisit this in June.

**Councilor Morissette** said that he had no problem with revisiting this in June.

**Deputy Presiding Officer McFarland** also responded that she believed that the staff had heard very clearly that they needed to come back to this, the subcommittee of SWAC was just appointed at their last meeting to review some of these concerns. She added that this was an evolving document always subject to the Council's change.

**Councilor McLain** responded to this issue, she reminded the Council that they were here because of the budget season. As the local governments and Metro were going forward with their work plans, they needed to have at least what was already completed and knew what they were going to do in the work plan laid out so that they could look at what that budget meant. They would be scoping over two years of budget. She believed the sequencing was doable.

**Deputy Presiding Officer McFarland** closed the public hearing.

**Vote on the  
Main Motion  
as Amended:**

The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed  
unanimously as amended.

**Deputy Presiding Officer McFarland** moved item 7.5 forward for consideration.

**7.5 Resolution No. 97-2450, For the Purpose of Appointing Ben Middleman to the Metropolitan Exposition-Recreation Commission.**

**Motion:** Councilor Naito moved the adoption of Resolution No. 97-2450.

**Seconded:** Councilor Washington seconded the motion.

**Discussion:** Councilor Naito said it was her pleasure to recommend the reappointment of Ben Middleton to the MERC Commission. He had been serving on the MERC Commission for several years. She believed there was an advantage to having someone continue service in light of the transition occurring with MERC. She noted that Mr. Middleton

was a CPA, the only one on the MERC Commission; an important criteria for serving. MERC was moving into a new accounting and reporting system.

**Deputy Presiding Officer McFarland** added that Mr. Middleton was known at MERC as their 'sharp pencil'.

**Councilor Washington** said that he had the opportunity to work with Mr. Middleton over the past four years. It was a pleasure to have him back to serve. He was a very approachable person on the Commission.

**Mr. Mark Williams, Interim MERC General Manager**, urged that the Council approve the resolution. Mr. Middleton had been an asset to the Commission. He had served on the MERC budget committee and it was very useful to have a CPA on the team.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

**Councilor McCaig** requested that as the Council looked at appointments to the MERC Board that they consider the following. She believed Mr. Middleton had already served 9 years and the Council had just appointed him for another 4 years. In some local governments and jurisdictions there was actually a limit on the number of terms that someone could serve, the reason being primarily that there was a huge opportunity to bring different people through to become familiar with public service and the workings of Metro. As the Council looked at the appointment process, it was her recommendation that these considerations may be a valuable addition to the public policy.

**Deputy Presiding Officer McFarland** said she felt this was a very good idea. Within the next six month, the committee would be looking at how they dealt with the appointments to the MERC Commission. All MERC Commission appointment were four years.

**7.3 Resolution No. 96-2443, For the Purpose of Approving Change Order No. 21 to the Waste Transport Services Contract.**

**Motion:** **Councilor Washington** moved the adoption of Resolution No. 96-2443.

**Seconded:** **Councilor Morissette** seconded the motion.

**Discussion:** **Councilor Washington** said that this was the proposed Change Order No. 21 with the Jack Gray system. Over the past, there had been some things that needed to be rectified providing a benefit for both the Contractor and Metro. He reviewed the nine items; modify the criteria under which the contract can change ownership of its company, reduce the number of parking spaces Metro was obligated to provide from 105 to 51, adjust the amount of compensation that the Contractor would receive for shuttling services for moving trailers to and from the compactor for the on-site parking and it provided some minimum performance level to receive such compensation and adjust such compensation if the number of parking spaces available fall below 65, eliminate the Contract ability to terminate Metro's purchase of fuel used by the contractor as a result by Metro purchasing the fuel it saved the amount of federal excise which was approximately \$350,000 per year which would have been paid had the Contractor



bought the fuel, terminate a previous change order which obligated Metro to reimburse the Contractor for the provision of equipment at the composting facility, release the funds from the retainage account for the Contract in excess of \$2,500,000.00, expand the condition under which a contractor default could be declared, extend Metro's rights under the default provisions of the Contract to include the Contractor's default on lending agreements and a standard provision limiting the change order to the specific items and stating that all other contractual provisions remain in effect.

The budget impact saved Metro approximately \$135,000 annually due to the shuttle savings and terminating the equipment purchases related to the compost facility. Additionally Metro secured about \$350,000 in annual federal excise tax savings.

**Deputy Presiding Officer McFarland** noted that **Councilor Morissette** said that this would save Metro and the Contractor money.

**Councilor Washington** asked **Mr. Warner** to cover the savings portion in more detail.

**Mr. Bruce Warner** Director, Metro REM Director, reviewed item 3 on parking spaces. He said that this was just part of the give and take of the negotiations whereby Metro wanted something which was a reduced fixed price for shuttling of trucks and the contractor wanted to ensure that Metro would make sure there was space for their trucks. This change saved about \$120,000 for Metro annually. The second issue was the purchase of fuel by Metro directly which allowed waiver of the federal excise tax on fuel. This equated to about \$350,000 per year savings for Metro. As the prices went up on fuel, Metro would have to bear increased costs for fuel. If the price went up through the contractor, Metro would pay this through increased prices in the CPI adjustments. This was a much better business deal for Metro to continue to enjoy the saving that Metro had had over the last several years.

**Deputy Presiding Officer McFarland** added that in doing this it did not cost the contractor anything it simply saved Metro excise taxes.

**Councilor Washington** urged the Council's support.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

**7.4 Resolution No. 97-2447, For the Purpose of Extending the Current Operations Contracts for Metro Central and Metro South Transfer Stations Until September 30, 1997.**

**Motion:** **Councilor Morissette** moved the adoption of Resolution No. 97-2447.

**Seconded:** **Councilor Washington** seconded the motion.

**Discussion:** **Councilor Morissette** said that the main reason for delaying this contract proposal was Contract Amendment No. 7. What this resolution was trying to do was to avoid some of the peak times for potentially transitioning an operator for the facility. The resolution proposed that the request for proposal be extended five months to September 30, 1997 for the operational bids for the Metro's transfer stations.

**Councilor McCaig** asked if this was the second postponement?

**Deputy Presiding Officer McFarland** responded yes.

**Mr. Bruce Warner** said that as a result of the discussion by the Council on Change Order No. 7 they did issue a delay on the opening date of the RFPs. As a result of the continuation of that discussion, they issued a second extension for the RFP submission which was now March 5, 1997. This extension had nothing to do with the RFP but rather with the operational contracts which originally envisioned new operators taking charge about May 1, 1997. The problem was with the dates now they would not be able to get a new contractor on by May 1. As such if they tried to do this as quickly as possible they would be transitioning about June or July, the busiest time of the transfer stations. They wished to avoid this busy time.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

## **8. COUNCILOR COMMUNICATION**

**Councilor Morissette** reviewed the solid waste actions that the REM Committee had been working with. Last night they completed their rate review with A.C. Trucking. The rate review committee approved a base rate of \$23.00 which led to a tipping fee rate of about \$66.00. There was a proposal coming from the Executive in the budget to reduce the solid waste tipping fee which was currently \$75.00 to \$71.00. There were several things that he would be interested in the Council commenting on, the capital projects which was about \$6 million as well as the amount of money that they were slating even with the reduction in the tipping fee for contingencies.

**Councilor McLain** mentioned that at this next Council meeting of February 13, 1997, reviewing the agenda, it had come to her attention that the public hearing would start at 2:15 p.m. Both Councilor Naito and she had said that they had gotten calls that the public wished to testify after their work hours. She was lobbying with the Presiding Officer to try and make sure that more time was allowed in the evening for testimony. She felt that for a decision of this magnitude there may be a need for a hearing of four to five hours. She said there were some items on the agenda that may be able to be taken off so the rest of the work would be lightened for that evening.

**Mr. Jeff Stone** responded that he had not gotten a hold of the Presiding Officer yet, he would express the concerns of Councilor McLain.

**Councilor Washington** said he would be joining the Presiding Officer in Washington D.C. tomorrow. He would take this message to him. They would be attending the NARC Conference as well as presenting this Council's and JPACT's broad regional consensus on the ISTEA reauthorization bill.

**Councilor Naito** said that the Government Affairs Committee met, the bills were piling up in Salem. They had a set presented to the GA Committee by Brad Higbee this week. She had

**Metro Council Meeting  
Thursday, February 6, 1997**

**Page 13**

**instructed staff to give the bills to the appropriate committee so the committee could review the bills prior to any action.**

**9. ADJOURN**

**With no further business to come before the Metro Council this afternoon, the meeting was adjourned by Deputy Presiding Officer Ruth McFarland at 3:30 p.m.**

**Prepared by,**

**Chris Billington  
Clerk of the Council**

*Agenda Item Number 5.1*

**Ordinance No. 96-655B, For the Purpose of Designating Urban Reserve Areas for the Portland Metropolitan Area Urban Growth Boundary; Amending RUGGO Ordinance No. 95-625A and Metro Code Chapter 3.01; and Declaring an Emergency.**

***Second Reading***

Metro Council Meeting  
Thursday, February 13, 1997  
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DESIGNATING	)	ORDINANCE NO 96-655B
URBAN RESERVE AREAS FOR THE	)	
PORTLAND METROPOLITAN AREA URBAN	)	Introduced by Executive Officer
GROWTH BOUNDARY; AMENDING RUGGO	)	Mike Burton
ORDINANCE NO. 95-625A AND METRO CODE	)	
CHAPTER 3.01; AND DECLARING AN	)	
EMERGENCY	)	

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary; and

WHEREAS, the Land Conservation and Development Commission's (LCDC's) Urban Reserve Area Rule at OAR 660-21-020 requires Metro to designate the location of urban reserve areas for the Portland Metropolitan area within two miles of the regional Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-020, requires that urban reserve areas designated by Metro shall be shown on all applicable comprehensive plan and zoning maps; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(1), requires that urban reserve areas shall include at least a 10 to 30 year supply of developable land beyond the 20 year supply in the Urban Growth Boundary; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(2), requires that Metro study lands adjacent to the Urban Growth Boundary for suitability as urban reserve areas; and

WHEREAS, LCDC's Urban Reserve Area Rule, at OAR 660-21-030(3), requires that land found suitable for an urban reserve area must be included according to the

Rule's priorities and that first priority lands are those lands identified in comprehensive plans as exception areas plus those resource lands completely surrounded by exception areas which are not high value crop areas; and

WHEREAS, Resolution No. 95-2244 established urban reserve study areas as the subject of Metro's continued study for possible designation as urban reserve areas consistent with LCDC's Urban Reserve Area Rule; and

WHEREAS, urban reserve study areas are shown on the 2040 Growth Concept Map in Ordinance No. 95-625A adopting the Regional Urban Growth Goals and Objectives (RUGGO) which was acknowledged by LCDC Compliance Order 96-ACK-010 on December 9, 1996; and

WHEREAS, Metro has undertaken a detailed analysis of the suitability of the study areas for designation as urban reserve areas, including the June, 1996 Metro Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas; and

WHEREAS, an Urban Reserve Report containing data about the relative suitability of lands as urban reserves, maps and descriptions of the physical characteristics of the study areas was published September 3, 1996 by the Executive Officer and forwarded to the Metro Council; and

WHEREAS, a series of open houses near the Urban Growth Boundary was held in June, 1996 at Oregon City, Clackamas, Tualatin and Beaverton with residents owning property in study areas notified by mail, print ads and flyers to schools; and

WHEREAS, the Metro Council held public hearing listening posts concerning the urban reserves and the Executive Officer Urban Reserve Recommendation in

November and December, 1996 in Hillsboro, Gresham, Beaverton, Oak Grove and at Metro; and

WHEREAS, the Metro Council considered the Utility Feasibility Report, the Urban Reserve Report and public testimony in November, 1996 listening posts and in December, 1996 work sessions to select urban reserve areas; and

WHEREAS, notice of the proposed urban reserve areas and the proposed postacknowledgment amendments to the acknowledged RUGGO ordinance and the acknowledged Metro Code 3.01 have been given consistent with ORS 197.610(1); now, therefore,

**THE METRO COUNCIL ORDAINS AS FOLLOWS:**

Section 1. Metro Code Chapter 3.01, Metro's acknowledged "Urban Growth Boundary Amendment Procedures," are hereby amended as indicated in Exhibit "A," attached and incorporated herein.

Section 2. Urban reserve areas indicated on the map attached as Exhibit "B", and incorporated herein, are hereby designated as the urban reserve areas for the Metro Urban Growth Boundary for the purpose of compliance with the Urban Reserve Areas Rule at OAR 660-21-020 and for the purpose of identifying lands of first priority for inclusion in the Metro Urban Growth Boundary as required by ORS 197.298.

Section 3. The urban reserve areas on Exhibit "B" shall be shown on all applicable county comprehensive plan and zoning maps as required by the Urban Reserve Areas Rule at OAR 660-21-020.

Section 4. Ordinance No. 95-625A is hereby amended to replace the urban reserve study areas indicated on the 2040 Growth Concept Map with the urban reserve areas designated in Section 2 of this Ordinance.

Section 5. The findings of fact in Exhibit "C", attached and incorporated herein, explain how the urban reserve areas designated in Section 2 of this Ordinance comply with the Urban Reserve Areas Rule and the acknowledged Regional Urban Growth Goals and Objectives.

Section 6. The designation of urban reserve areas prior to March, 1997 applications for amendments to the Metro Urban Growth Boundary is necessary to preserve the health, safety or welfare of the Metro region; therefore, an emergency is hereby declared to exist, and this Ordinance shall take effect upon passage.

Section 7. The provisions of this ordinance are separate and severable. The invalidity of any clause, sentence, paragraph, section, subsection, or portion of this ordinance or the invalidity of the application thereof to any city, county, person or circumstance shall not affect the validity of the remaining provisions of this ordinance or its application to other cities, counties, persons or circumstances.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel



## Exhibit A

### Amendments to Metro Code 3.01

Section 3.01.010(2), last sentence, is amended as follows:

"Whereas the UGB describes an area needed to accommodate the urban growth forecasted over a 20-year period, the urban reserves estimate the area capable of accommodating the growth expected for an additional ten (10) to thirty (30) years."

Section 3.01.020(a) is amended as follows:

"The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO . . . Compliance with this section shall constitute compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Section 3.01.020(b), last sentence, is amended as follows:

"For legislative amendments, if need has been addressed, the district ~~would have to~~ shall demonstrate that the priorities of ORS 197.298 have been followed and that the recommended site was better than alternative sites, balancing factors 3 through 7."

Section 3.01.030(a) is amended as follows:

"The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO . . . and further define ORS 197.298, Goals 2 and 14 . . . compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Section 3.01.030(b) is amended by adding the following sentence prior to 3.01.030(b)(1):

"Demonstration that the priorities of ORS 197.298 have been followed is required in addition to the application of factors 3 through 7."

Metro Code 3.01 is amended to add the following new subsection:

#### "3.01.038 Urban Reserve Areas

(a) The purpose of this section is to comply with ORS 197.298 by identifying lands designated urban reserve land by Metro as the first priority land for inclusion in the Metro Urban Growth Boundary.

(b) Metro has designated as initial urban reserve areas those lands indicated on the map at Exhibit B of Ordinance 96-655B to be included on 2040 Growth Concept map as part of the Regional Urban Growth Goals and Objectives.

(c) Urban reserve areas designated on the 2040 Growth Concept Map shall be the first priority land for inclusion in the Metro Urban Growth Boundary subject to other priorities and provisions of ORS 197.298."



## METRO

Date: February 5, 1997

To: Councilor McLain, Chair  
Growth Management Committee

From: *LSH*  
Larry Shaw, Office of General Counsel

Subject: UGB Code Provisions for Urban Reserves

### Introduction

MTAC's recommended amendments to new procedures for approving UGB amendments from designated urban reserves were received at yesterday's public hearing. This memo responds to your request for suggested amendments to several Code provisions.

### Suggested Amendments

- (1) 3.01.005(c)(5) One extra "the" should be removed: ". . . and planning for the financing the capital needs of urban development."
- (2) 3.01.010(dy) ~~"Immediate~~ 'Special Land Need' means a specific type of identified land need which complies with Goal 14, Factors 1 and 2 ~~ed immediately~~ which cannot be reasonably accommodated on first priority urban reserves lands."
 

The concept of an immediate or current need can be converted to a legal standard by the reference to the need factors of Goal 14. All UGB amendments must comply with Goal 14, including evidence of a "present demonstrated need" for the additional land. The key to this definition is that evidence in the record must demonstrate and the Metro Council must conclude that the "need" identified to comply with Goal 14, Factors 1 and 2 "cannot be reasonably accommodated on first priority urban reserve lands" identified on the map, above.
- (3) 3.01.010(e) 'First Priority Urban Reserves' means urban reserve areas so designated and mapped by in Ordinance 96-655C or future Metro Council ordinance actions."

This suggested revision of the definition of the controversial category of "first priority" lands for UGB amendments anticipates that the Metro Council may want to clearly indicate these areas by a map in the urban reserve ordinance. The original policy assumption was that "first priority" urban reserves would be the 15,000 acres of exception lands selected by the Metro Council for urban reserves. These exception lands are the primary component but not all of lands in the Urban Reserve Rule's "first priority" for selection of urban reserves. The proposed findings for the Council's preliminary selection of 18,400 acres as urban reserves identifies about 15,400 acres of exception lands and 800 acres of non-prime resource lands. In addition, there have been

certain areas of exception lands identified as difficult to serve. The Council may or may not want to identify some exception lands as "first priority" for UGB amendments. A map would add clarity that the reuse of "first priority" from the Urban Reserve Rule does not achieve.

(4) 3.01.012(b)(4) No change is needed. This wording does not imply that Metro has selected the 10-year minimum period beyond the 20-year UGB as the basis for "the forecast need." Any planning period from 10 to 30 years beyond the 20-year UGB may be used as the basis for the forecast need.

(5) 3.01.012(e)(1) "Provision for either annexation to a city and any necessary service districts, including affected school districts . . . or any applicable city-county planning area agreement . . ." is required by the MTAC draft. "Service districts" were intended to include "school districts" which are not within some statutory definitions of "service district."

Commissioner Hammerstad's February 4 letter seems to address this subsection and 3.01.012(e)(1)(D) below, recommending a different approach. Her stated understanding is that city or special district annexation would be sufficient in all cases for "areas not adjacent to an incorporated city . . ." Her concern is that counties not be forced to provide general governance for urban unincorporated areas. MTAC's discussion was more limited as the suggested language for 3.01.012(e)(1)(D) indicates. If counties don't agree to a SB 122 or urban reserve agreement, then a UGB amendment under this (D) could not go forward.

(6) 3.012(e)(1)(D) was a new concept discussed at the end of the MTAC meeting that the draft language does not fully capture. The concept was that only for a few areas "geographically distant" from cities like Sunnyside and Cedar Mill could counties and service districts be the providers of urban services. One example is URSA #15, already requested for a UGB amendment by Clackamas County. This is not near city limits and it seems to be a special case where the county and service districts do want to provide urban services.

John Fregonese suggests that an urban service agreement (SB 122) committing and coordinating urban services should be required by Metro for any of these exceptional areas which would not be annexed to a city. This approach is consistent with the Urban Reserve Rule requirement for SB 122-like "urban reserve agreements" for all urban reserves within one year from county rezoning of designated urban reserves.

"(D) If the Metro Council identifies an area or areas which are so geographically distant from any existing city limits so that annexation to a city is difficult to achieve ~~and for which incorporation as a new city appears to be difficult to achieve within the next 2-3 years,~~ and the county and any necessary service districts have signed an urban service agreement or an urban reserve agreement coordinating urban services for the area, then the requirements for annexation to a city in (B) and (C), above, shall not apply ~~or incorporation may be waived upon such findings of the Metro Council.~~"

"(1)(A) City or county agreement . . . comply with all requirements of urban reserve ~~Concept Plan~~ conditions of the urban growth boundary approval;"

- (7) 3.012(e)(7) is a significant policy issue. MTAC accepted the recommendation of the school district representative to require more detailed planning for schools before a UGB amendment can be approved than is required for other services. A cleaner version of this policy recommendation by MTAC that clarifies "as provided in state law" follows:  
"A conceptual school plan ~~estimate of and plan to~~ which provides for the amount of land and improvements ~~required needed~~ for school facilities, ~~such~~ Estimates of the need calculations shall be coordinated ~~with~~ among affected school districts ~~and local government, the affected city or county, and affected special districts as provided for in state law. In addition, such plans shall include cost estimates and a financing strategy for the improvements, developed in conjunction with the local school district~~ consistent with the procedures in ORS 197.110(3), (4) and (7);"

cc: Metro Council  
Executive Officer  
John Fregonese  
Commissioner Hammerstad, Clackamas County  
Mike McKeever, McKeever Morris  
Jon Chandler, Oregon State Homer Builders Association

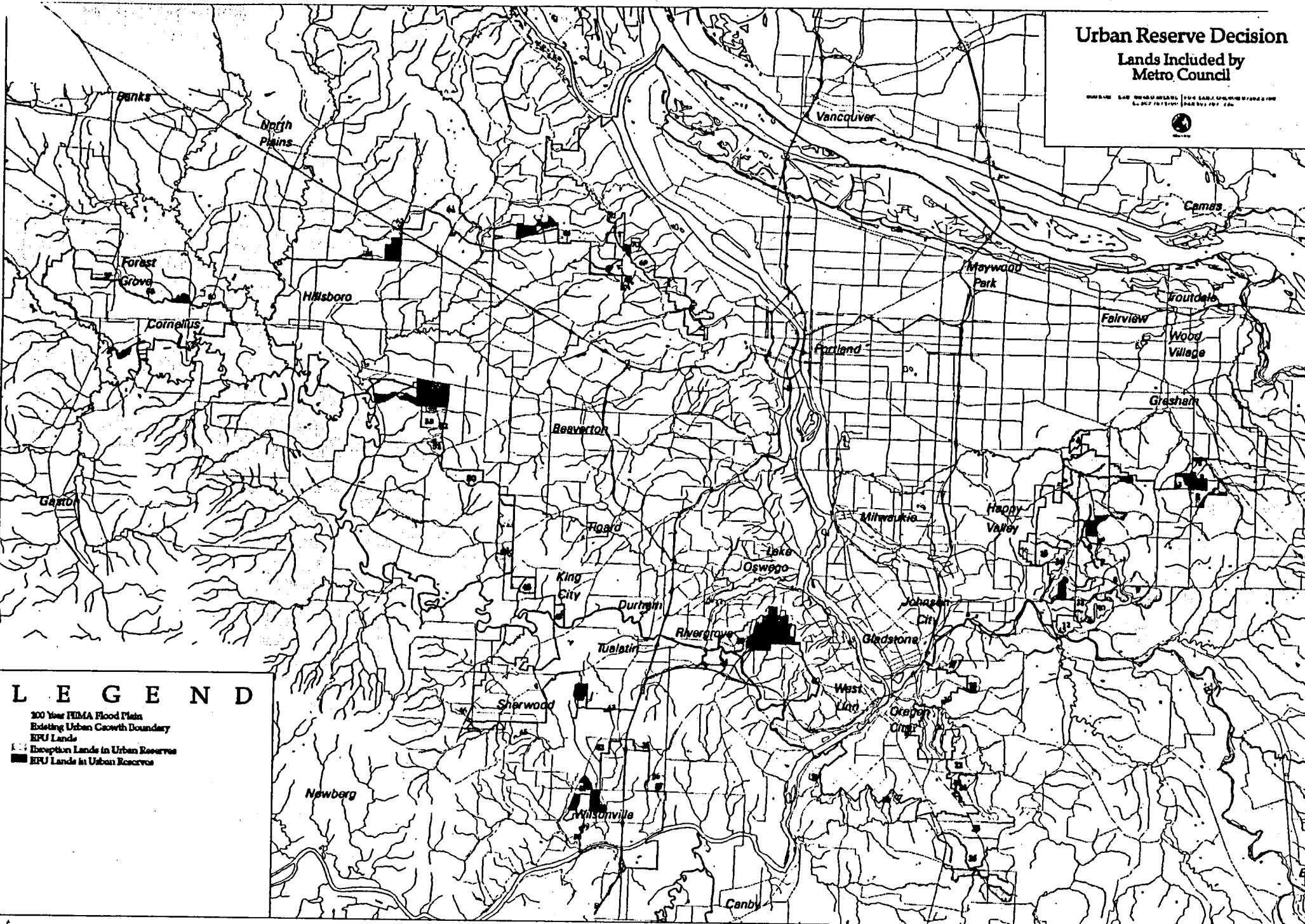
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# Urban Reserve Decision

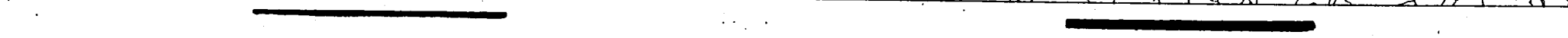
## Lands Included by Metro Council

DATE: 10/15/1991



### LEGEND

- 300 Year FEMA Flood Plain
- Existing Urban Growth Boundary
- RFU Lands
- Exception Lands in Urban Reserves
- RFU Lands in Urban Reserves



The attached map is exhibit B to Ordinance 96-655B, and reflects Metro Council decisions on December 5 and 12, 1996. It also reflects council action on February 6, 1997 to modify sites 18, 52 and 67, based on proposed legal findings.

mm  
2/6/97

The following MTAC recommendations for Metro code revisions, concerning Urban Reserves have been passed on to Council as a working document by the Growth Management Committee, on February 5, 1997, and have not yet been approved by MPAC.

In addition, a map will be available in the Council office on Wednesday, February 12, 1997 indicating first priority urban reserve areas.

EXHIBIT A

Amendments to Metro Code 3.01

Title Section is amended as follows:

"URBAN GROWTH BOUNDARY AMENDMENT AND URBAN RESERVE PROCEDURES

SECTIONS TITLE

- 3.01.005 Purpose
- 3.01.010 Definitions
- 3.01.012 Urban Reserves
- 3.01.015 Legislative Amendment Procedures"

Section 3.01.005(a), sentence is added at end as follows:

"... other than Goals 2 and 14. This chapter is also established to be used for the establishment and management of Urban Reserves, pursuant to OAR 660-21-000 to 660-21-100 and RUGGO Objective 22."

Section 3.01.005(c) is added as follows:

(c) The objectives of the Urban Reserves are to:

- (1) Identify sufficient land suitable for urbanization sufficient to accommodate the forecast needs for a 30 to 50 year interval, reevaluated at least every 15 years;
- (2) Limit the areas which are eligible to apply for inclusion to the Urban Growth Boundary consistent with ORS 197.298, and protect resource lands outside the urban reserve areas;
- (3) Protect lands designated as urban reserves for their eventual urbanization, and insure their efficient urbanization consistent with the 2040 Growth Concept;
- (4) Provide for coordination between cities, counties, and special districts for planning for the urban reserve areas;
- (5) Ensure a smooth transition to urban development by planning for general governance, public facilities, land uses, and planning for the financing the capital needs of the urban development."



Section 3.01.010(z) is amended as follows:

"(z) "Urban reserve" means an area adjacent to the present UGB defined to be a priority location for any future UGB amendments when needed. Urban reserves are intended to provide cities, counties, service providers, and both urban and rural land owners with a greater degree of certainty regarding future regional urban growth form. Whereas the UGB describes an area needed to accommodate the urban growth forecasted over a 20 year period, the urban reserves estimate the area capable of accommodating the growth expected for an additional 30 years defined as the land likely to be needed including all developable land inside the current urban growth boundary, for a 30 to 50 year period."

Section 3.01.010 is amended to add an additional term and definition as follows:

"(d) 'Immediate special land need' means a specific type of identified land needed immediately which cannot be reasonably accommodated on first priority urban reserves."

( ) 'First Priority Urban Reserves' means urban reserve areas designated in Ordinance 96-655C or future Metro Council actions.

Section 3.01.012 is added as follows:

"3.01.012 Urban Reserve Areas

(a) Purpose

The purpose of this section is to comply with ORS 197.298 by identifying lands designated urban reserve land by Metro as the first priority land for inclusion in the Metro Urban Growth Boundary.

(b) Amount of Land Required

- (1) The areas designated as urban reserves shall be sufficient to accommodate expected urban development for a 30 to 50 year period, including an estimate of all potential developable and redevelopable land in the urban area.
- (2) Metro shall estimate the capacity of the urban reserves consistent with the procedures for estimating capacity of the urban area as defined in Section 3.01.010.
- (3) The minimum residential density to be used in calculating the need for urban reserves, estimating the capacity of the areas designated as urban reserves and required in concept plans shall be at least 10 dwelling units per net developable acre.
- (4) Metro shall designate the minimum amount of urban reserves estimated to accommodate the forecast need.
- (5) Metro may designate a portion of the land required for urban reserves in order to phase designation of urban reserves.

(c) Mapped Urban Reserves

Metro has designated as urban reserve areas those lands indicated on the map at Exhibit B of Ordinance No. 96-655C to be included on the 2040 Growth Concept map as part of the Regional Urban Growth Goals and Objectives.

Urban growth boundary amendments shall include only land designated as urban reserves on the map at Exhibit B of Ordinance No. 96-655C unless designated urban reserve lands are inadequate to meet the need. If land designated as urban reserves is inadequate to meet the need, the priorities in ORS 197.298 shall be followed.

Within 1 year of Metro Council adoption of the urban reserve map, the Metro Council shall modify the Metro 2040 Growth Concept to designate regional design types consistent with the Metro 2040 Growth Concept for all designated urban reserves.

First priority urban reserves shall be included in the Metro Urban Growth Boundary prior to other urban reserves unless an immediate special land need is identified which cannot be accommodated on first priority urban reserves.

(e) Urban Reserve Plan Required

A conceptual land use plan and concept map which demonstrates compliance with the RUGGO and the 2040 Growth Concept design types and any applicable functional plan provision shall be required for all major amendment applications and legislative amendments of the urban growth boundary including at least the following:

- (1) Provision for either annexation to a city and any necessary service districts at the time of the final approval of the urban growth boundary amendment consistent with 3.01.065 or an applicable city-county planning area agreement which requires at least the following:
  - (A) City agreement to adopt comprehensive plan provisions for the lands added to the urban growth boundary which comply with all requirements of Concept Plan conditions of the urban growth boundary approval;
  - (B) City and county agreement that lands added to the urban growth boundary shall be rezoned for urban development only upon annexation or agreement for delayed annexation to the city and any necessary service district identified in the approved Concept Plan or incorporation as a new city; and
  - (C) County agreement that, prior to annexation to the city and any necessary service districts, rural zoning that ensures a range of opportunities for the orderly, economic, and efficient provision of urban services when these lands are included in the urban growth boundary remains in place until city annexation and the adoption of urban zoning.
  - (D) If the Metro Council identifies an area or areas which are geographically distant from any existing city limits so that annexation is difficult to

achieve and for which incorporation as a new city appears to be difficult to achieve within the next 2-3 years, then the requirements for annexation to a city or incorporation may be waived upon such findings of the Metro Council.

- (2) Provision for residential densities of at least 10 dwelling units per net developable residential acre and a plan for affordable housing;
- (3) Provision for sufficient commercial and industrial development for the needs of the area to be developed and the needs of adjacent land inside the urban growth boundary consistent with 2040 Growth Concept design types:
- (4) A conceptual transportation plan consistent with the Regional Transportation Plan;
- (5) Identification of areas to be protected from development due to wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation;
- (6) A conceptual public facilities and services plan, including rough cost estimates for the provision of sewer, water, storm drainage, transportation, fire and police protection facilities and parks, including estimates of costs and financing strategy for those costs;
- (7) A conceptual school plan estimate of and plan to provide for the amount of land and improvements required for school facilities, such need calculations coordinated with affected school districts and local government and special districts as provided for in state law. In addition, such plans shall include cost estimates and a financing strategy for the improvements, developed in conjunction with the local school district;
- (8) A Concept Plan Map showing, at least, the following:
  - a. Major roadway connections and public facilities;
  - b. Location of unbuildable lands including but not limited to steep slopes, wetlands, floodplains and riparian areas;
  - c. General locations for commercial and industrial lands;
  - d. General locations for single and multi-family housing;
  - e. General locations for public open space, plazas and neighborhood centers; and
  - f. General locations or alternative locations for any needed school, park or fire hall sites."

Section 3.01.015(d) is added as follows:

"(d) Metro shall consult with the appropriate city, county and service districts to identify lands inside first priority urban reserves which are the most capable of being served by extension of service from existing service providers for the purpose of preparing concept plans in advance for any short term need for inclusion of additional lands in the urban growth boundary."

Section 3.01.015(d) is amended as follows:

"(e) Legislative amendment decisions shall be accompanied by findings explaining why the UGB amendment complies with applicable state law and

statewide goals as interpreted by section 3.01.020 and subsequent appellate decisions; and including applicable concept plans and maps demonstrating compliance with RUGGO including the 2040 Growth Concept and any applicable functional plan provisions."

Section 3.01.020(a) is amended as follows:

"The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO . . . Compliance with this section shall constitute compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Section 3.01.020(b), last sentence, is amended as follows:

"For legislative amendments, if need has been addressed, the district ~~would have to~~ shall demonstrate that the priorities of ORS 197.298 have been followed and that the recommended site was better than alternative sites, balancing factors 3 through 7."

Section 3.01.025(a) is amended as follows:

"(a) All major amendments shall be solely upon lands designated in urban reserves, when designated ~~unless the petition demonstrates by substantial evidence that the need cannot be met within urban reserves~~ consistent with 3.01.012. All major amendments shall demonstrate compliance with the following:

- (1) The criteria in section 3.01.030 of this Code as well as the procedures in OAR 660-18-000;
  - (2) Notice of public hearings for major amendments as described in section 3.01.050;
  - (3) Public hearings procedures as described in sections 3.01.055 through 3.01.065; and
  - (4) the Concept Plan requirements in section 3.01.012(e); and
- (45) Final action on major amendments shall be taken as described in section 3.01.070."

Section 3.01.030(a) is amended as follows:

"The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the statewide planning goals and RUGGO . . . and further define ORS 197.298, Goals 2 and 14 . . . compliance with ORS 197.298, statewide planning Goals 2 and 14 and the Regional Urban Growth Goals and Objectives."

Section 3.01.030(b) is amended by adding the following sentence prior to 3.01.030(b)(1):

"Demonstration that the priorities of ORS 197.298 have been followed is required in addition to the application of factors 3 through 7."

Section 3.01.040(b), (c) are added as follows:

"(b) The district shall attach the approved urban reserve plan and map required at 3.01.012(e) as conditions of approval to assure compliance of developed uses with the 2040 Growth Concept and any applicable functional plan provisions.

(c) The district may determine that certain conditions of approval are so important to inclusion of land into the urban growth boundary that if those conditions are not met that the urban growth boundary approval may be revoked automatically or by action of the district."

Section 3.01.065(f) is amended as follows:

"(f) When the council acts to approve in whole or in part a petition by requiring annexation to a city and/or service district(s) and Tri-Met and whenever a petition includes affecting land outside the district:

- (1) Such action shall be by resolution expressing intent to amend the UGB if and when the affected property is annexed to the district within six months of the date of adoption of the Resolution.
- (2) The council shall take final action, as provided for in paragraphs (c) and (d) of this section, within 30 calendar days of notice ~~from the boundary commission~~ that all required annexations to a city, service district(s) and the district has been approved.

jep \DOCS#07.P&D\02UGB\04URBRES.DEC\EXHIBIT.A

*Agenda Item Number 5.2*

**Ordinance No. 97-677B, For the Purpose of Amending the Metro Code Chapters 2.04 and 6.01; and  
Declaring an Emergency.**

***Second Reading***

**Metro Council Meeting  
Thursday February 13, 1997  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) ORDINANCE NO. 97-677B  
METRO CODE CHAPTERS 2.04 AND 6.01 )  
AND DECLARING AN EMERGENCY ) Introduced by Councilor  
Ruth McFarland

THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Findings.

1. The Metropolitan Exposition-Recreation Commission (MERC) is a Metro Commission created pursuant to the provisions of Chapter 6 of the Metro Code. MERC is charged by Metro with the operation and management of regional sports, trade, convention, and spectator facilities, including facilities owned by the City of Portland as well as by Metro.

2. The Council finds that the regional facilities operated by MERC make a valuable contribution to the economic health, vitality, and quality of life in the Metro region.

3. The Council finds that it is in the interests of the Metro region to provide a management structure for the regional facilities managed by MERC that is efficient, cost effective, and accountable to public purposes and elected officials.

4. The Council finds that the facilities managed by MERC operate in a competitive, rapidly changing market.

5. The Council finds that the best means to meet the goal of cost effective, efficient, and accountable management of the MERC facilities in a competitive, market driven business is to enhance MERC's ability to operate in the most flexible, entrepreneurial and efficient ~~autonomous~~ manner possible.

6. The Council further finds that joint management and operation of the regional facilities maximizes economies of scale and other management efficiencies.

7. It is the intention of the Council in this ordinance to amend sections of the Metro code applicable to MERC so as to

benefit the residents of the Metro region by enhancing MERC's ability to operate in the most entrepreneurial, efficient, and cost effective ~~and autonomous~~ manner possible. Therefore, the provisions of this ordinance shall be liberally construed so as to accomplish the intent of the council.

Section 2. Metro Code Section 2.04.054 is amended as follows:

2.04.054 Competitive Bidding Exemptions

Subject to the policies and provisions of ORS 279.005 and 279.007, and the Metro Code, all Metro and Metropolitan Exposition-Recreation Commission public contracts shall be based upon competitive bids except:

(a) State Law. Classes of public contracts specifically exempted from competitive bidding requirements by state law.

(b) Board Rule. The following classes of public contracts are exempt from the competitive bidding process based on the legislative finding by the board that the exemption will not encourage favoritism or substantially diminish competition for public contracts and that such exemptions will result in substantial cost savings:

- (1) All contracts estimated to be not more than \$25,000 provided that the procedures required by section 2.04.056 are followed.
- (2) Purchase and sale of zoo animals, zoo gift shop retail inventory and resale items, and any sales of food or concession items at Metro facilities.
- (3) Contracts for management and operation of food, parking or similar concession services at Metro facilities provided that procedures substantially similar to the procedures required for formal Request for Proposals used by Metro for personal services contracts are followed.



- (4) Emergency contracts provided that written findings are made that document the factual circumstances creating the emergency and establishing why the emergency contract will remedy the emergency. An emergency contract must be awarded within 60 days of the declaration of the emergency unless the board grants an extension.
- (5) Purchase of food items for resale at the zoo provided the provisions of section 2.04.060 are followed.
- (6) Contracts for warranties in which the supplier of the goods or services covered by the warranty has designated a sole provider for the warranty service.
- (7) Contracts for computer hardware and software provided that procedures substantially similar to the procedures required for formal Request for Proposals used by Metro for personal services contracts are followed.
- (8) Contracts under which Metro is to receive revenue by providing a service.
- (9) Contracts for the lease or use of the ~~Oregon Convention Center or other~~ convention, trade, and spectator buildings and facilities operated by the Metro Exposition-Recreation Commission.
- (10) Public ~~contracts for purchases~~ by the Metro Exposition-Recreation Commission in an amount less than ~~\$31,000~~ 75,000, which amount shall be adjusted each year to reflect any changes in the Portland SMSA CPI, provided that any rules adopted by the commission which provide for substitute selection procedures are followed; or
- (11) Contracts for equipment repair or overhaul, but only when the service and/or parts

required are unknown before the work begins and the cost cannot be determined without extensive preliminary dismantling or testing.

- (12) Contracts in the nature of grants to further a Metro purpose provided a competitive request for proposal process is followed.

(c) Board Resolution. Specific contracts, not within the classes exempted in subsection (a) and (b) above, may be exempted by the board by resolution subject to the requirements of ORS 279.015(2) and ORS 279.015(5). The board shall, where appropriate, direct the use of alternate contracting and purchasing practices that take account of market realities and modern innovative contracting and purchasing methods, which are consistent with the public policy of encouraging competition.

Section 3. Metro Code Chapter 6 is amended as follows:

6.01.010 Purpose

The purpose of this chapter is to establish a metropolitan commission to renovate, maintain, and operate, and manage metropolitan convention, trade and spectator facilities pursuant to ~~ORS 268.395, 268.400, and 268.310(6)~~ the 1992 Metro Charter. The Commission established by this chapter is intended by the Metro Council to operate in a cost effective, independent, entrepreneurial and accountable manner, so as to provide the greatest benefit to the residents of the Metro region. The provisions of this chapter shall therefore be liberally construed so as to achieve these ends. The commission is subject to the authority of the Metro auditor to perform the duties of that office.

6.01.020 Definitions

As used herein:

~~(a) "Adversely affected or aggrieved" means a person who appeared orally or in writing before the commission prior to and regarding a final commission action and who.~~

~~(1) Has suffered or will suffer an injury to some substantial interest of the person caused by the final commission action; or~~

~~(2) Had an interest in the final commission action that was recognized by the commission, asserted a position on the merits of the final commission action, and suffered a final commission action contrary to the position asserted by the person. Persons who sign petitions are not considered to have submitted oral or written testimony.~~

(ba) "Commission" means the Metropolitan Exposition-Recreation Commission established hereunder;

(eb) "Council" means the Metro council of the Metropolitan Service District;

(dc) "Councilor" means a member of the council;

(ed) "District" means the Metropolitan Service District;

(fe) "Executive" means the executive officer of the Metropolitan Service District.

(gf) "Final action" means an action taken by resolution of the commission that is not a ministerial action and that is not a tentative or preliminary action that:

(1) Precedes final action; or

(2) Does not preclude further consideration of the action.

(hg) "Just cause" means habitual absence from meetings of the commission, physical or mental disability that prevents meaningful participation as a commission member, failure to remain a resident of the district, the commission of substantive violation of ORS chapter 244 (Government Ethics) or substantive regulations adopted pursuant thereto, conviction of any felony, or the commission of any action or failure to act of a similar nature that brings into serious

question the ethical or legal integrity of the commission member's official actions.

(h) "Metro auditor" means the Office of Metro Auditor created pursuant to the 1992 Metro Charter.

6.01.030 Commission Created

There is hereby created a metropolitan exposition-recreation commission consisting of seven members. All members shall be residents of the district. ~~One of the members shall be appointed by the executive officer to be the initial chairperson of the commission.~~ The commission members shall be appointed as follows:

(a) Members of the commission shall be appointed by the executive officer and confirmed by a majority of the members of the council in accordance with the following procedures:

(1) Nomination Process. The executive officer will accept nominations to the commission as follows:

(A) The County Commissions of Clackamas, Multnomah and Washington counties each shall nominate one candidate. The candidates must be residents of the district and nominating county.

(B) The City Council of the City of Portland shall nominate one candidate for each of two positions. The candidates must be residents of the district and the City of Portland.

(C) Two nominees shall be at the sole discretion of the executive officer. The candidates must be residents of the district.

(2) Appointment Process. The executive officer shall, upon concurring in the nominations received from the County Commissions of

Clackamas, Multnomah and Washington counties or the City Council of the City of Portland, transmit the names of the persons so nominated to the Council of the Metropolitan Service District as appointments for confirmation. In addition, the Executive Officer shall transmit two additional names as appointments for confirmation. -

For those positions on the commission which are subject to nomination by a local governmental body, the executive officer will receive the nominations from the relevant governing body and review the nomination prior to submitting the nomination to the Metro council for confirmation. If the executive officer fails to concur with any candidate so nominated by a local government, the executive officer shall so notify the jurisdiction which shall then nominate another candidate. This process shall continue until such time as the executive officer agrees to transmit the name of the individual nominated by the local government.

If an appointment submitted to the council for confirmation as a result of this process is rejected by the council, the executive officer shall so notify the local government which shall nominate another candidate and the process shall continue until such time as a candidate nominated by a local government has been forwarded by the executive officer to the council for confirmation and has been confirmed.

If the council fails to confirm an appointment made at the sole discretion of the executive officer, the executive officer may submit the name of another person for confirmation by the council.

~~(b) Of the initial appointments, one shall be for a one year term, two shall be for a two year term, two shall be for a three year term, and two including the chairperson~~

~~shall be for a four year term. Thereafter appointments shall be for a four year term.~~

~~(e) Provided further that the initial terms of members shall expire on the 15th day of January closest to the appropriate anniversary of the appointment.~~

~~(d) Of the initial appointments, the executive officer shall designate one member as the initial chairperson to hold that position for a four year term. If a vacancy occurs before the end of the term, the executive officer shall appoint a new chairperson to complete the unexpired term in the same manner as in the case of the member whose term was not completed.~~

(eb) A vacancy shall occur from the death, resignation, failure to continue residency within the district and in the case of members nominated by a local government residency within the boundaries of the nominating government, or inability to serve of any member or from the removal of a member by the executive for just cause, subject to approval of the removal by a majority of the members of the council.

(ec) Vacancies shall be filled pursuant to the procedure governing the initial appointment of members. Vacancies in a position originally filled by a member nominated by a local government pursuant to this section ~~or pursuant to Metro Executive Order No. 36~~ shall be filled by the nomination, appointment and confirmation process provided for in this section so that five members of the commission shall be the nominees of the four local government bodies as specified herein.

(ed) No person who is elected to a public office, or appointed to fill a vacancy in a public office, shall be eligible to serve.

(ee) The commission may adopt its own rules of organization and procedure and ~~except as provided for the appointment of the initial chairperson in subsection (e) above,~~ may elect its own officers for such terms and with such duties and powers necessary for the performance of the

functions of such offices as the commission determines appropriate.

6.01.040 Powers

The commission shall have the following power and authority:

(a) To renovate, equip, maintain and repair any convention, trade, and spectator buildings and facilities for which the commission is responsible, and to advise the public owners of these facilities on financial measures which may be necessary or desirable with respect to initial construction or major capital projects;

(b) To manage, operate and market the use of the Oregon Convention Center and other convention, trade, and spectator buildings and facilities for which the commission is responsible; and to advise the district on operating and marketing matters that relate to the initial construction of facilities;

(c) To acquire in the name of the district by purchase, devise, gift, or grant real and personal property or any interest therein as the commission may find necessary for its purposes. The commission may recommend to the council the condemnation of property for use by the commission but may not itself exercise the condemnation power;

(d) To lease and dispose of property in accordance with ORS 271.300 to 271.360;

(e) To maintain and repair any real and personal property acquired for the purposes of the commission;

(f) To lease, rent, and otherwise authorize the use of its buildings, structures and facilities; to fix fees and charges relating to the use of said buildings, structures and facilities, ~~provided the Commission pursuant to section 6.01.050 shall obtain the prior approval of all revenue sources by the council;~~ to establish any other terms and conditions governing use of its buildings and facilities; and to adopt any regulations deemed necessary or appropriate

for the protection of users and for the protection and public use and enjoyment of its buildings and facilities;

(g) To perform planning and feasibility studies for convention, trade, and spectator facilities within the district;

(h) To employ, manage, and terminate such personnel as the commission may find necessary, appropriate, or convenient for its purposes under personnel rules adopted by the commission;

(i) ~~Except as provided in subsection (m) below, t~~To employ professional, technical, and other assistance as the commission may find necessary, appropriate, or convenient for its purposes;

(j) To enter into contracts of such types and in such amounts, including intergovernmental agreements, as the commission may deem necessary, appropriate, or convenient for the renovation, equipment, maintenance, repair, operation, and marketing of the use of buildings and facilities for which it is responsible, and for professional and other services, under contracting rules adopted by the commission;

(k) To enter into intergovernmental agreements for the transfer of convention, trade, or spectator buildings and facilities to the district, or for the transfer of operating and administrative responsibilities for such buildings and facilities to the commission, provided that the council has approved such acquisition or transfer;

(l) To accept gifts and donations and to contract for and receive federal and other aid and assistance;

(m) To determine the type, quality, and scope of services required by the Commission in order to conduct its business in a cost effective, entrepreneurial, and independent manner, as required by this chapter. Services of the district including accounting, legal, personnel, risk management, public affairs, and other services, ~~shall~~ may be provided by the district subject to compensation being provided by the Commission to the district as the district



and the Commission may require agree upon. The commission may acquire such services by other means, provided that the Commission determines by duly adopted resolution that the provision of such services by other means is cost effective, and results in a net benefit to the residents of the District and the regional facilities managed by the Commission. ~~subject to budget approval by the council, provided the employment of legal counsel shall be subject to the approval of the district's general counsel;~~ The commission's legal services shall be provided to the commission by Metro's Office of General Counsel; fees for such services shall be as agreed to by the commission and Metro. The commission may purchase legal services outside of Metro only with the permission of the Metro General Counsel. The commission shall provide Metro with 90 days written notice of its intent to purchase any service outside of Metro which was previously provided by Metro;

(n) To recommend to the council and to the other public owners of buildings and facilities managed by the Commission such long-term revenue and general obligation measures and other revenue-raising measures for the benefit of the commission's purposes as the commission may deem appropriate for consideration by the council, by the other public owners of buildings or facilities managed by the Commission, or the electors of the district, but the commission may not adopt such measures itself;

(o) To recommend to the council the adoption of ordinances carrying criminal and civil penalties for their violation, but the commission may not adopt such ordinances itself;

(p) To do all other acts and things necessary, appropriate, or convenient to the exercise of the powers of the commission.

#### 6.01.050 Budget and Accounts

(a) General Requirements. The commission accounts shall be kept in conformity with the generally accepted accounting practices of the district, and in accordance with the local budget law, provided that the local budget law shall control in the event of a conflict with generally accepted

accounting practices, and the accounts shall be audited yearly at the same time and by the same auditor as are the district's accounts.

(b) Procedure for Commission Approval of Proposed Budget. The commission annually shall prepare a proposed budget and shall approve the proposed budget by duly adopted resolution in accordance with the local budget law and the schedule and requirements of the district and shall submit the budget to the executive officer for inclusion in the executive officer's budget submission to the council. The commission's deliberations and actions on its budget, including any work sessions or subcommittee sessions, shall be conducted as public meetings as required by the Oregon statutes governing public meetings. Prior to approving any proposed budget, the commission shall provide a reasonable opportunity for interested persons to testify and make their views known with respect to the proposed budget.

(c) Procedure for Submission of Commission Budget to Metro. ~~Forty~~ thirty working days prior to the date set by the council for the executive officer's budget submission to the council, the commission shall transmit its proposed budget to the Metro executive, and shall simultaneously provide a copy of the proposed budget to the council. The executive shall submit the commission's proposed budget to the council with the executive's general budget submission to the council, together with any recommendations the executive may have for changes in the commission's proposed budget. The commission's budget shall be subject to review and approval by the council.

(d) Content of Commission's Budget. To the maximum extent permitted by law, the commission's proposed budget shall consist of one commission-wide series of appropriations in those categories which are required by local budget law for personal services, materials and services, capital outlay, and contingency, applicable to all buildings, facilities, and programs managed by the commission. include a schedule of the items, services and facilities for which the commission intends to fix fees and charges relating to the use of its buildings, structures and facilities during the budget year together with any other proposed revenue raising measures. Once the commission's

budget has been adopted by the council, any changes in the adopted appropriations ~~Any additions to the schedule of items, services and facilities and any other new revenue sources not previously approved by the council must be ratified in advance by the council.~~

6.01.060 Commission Meetings and Form of Action

(a) Commission Meetings. All meetings of the commission shall be conducted as public meetings as required by Oregon law, except where executive sessions are permitted by law. The commission shall provide adequate notice of its meetings as required by law to the media and all interested persons who have requested in writing that they be provided with notice of commission meetings. In addition to these requirements, five working days prior to each regular meeting, the commission shall send a copy of its agenda for such meeting to all elected Metro officials, and to each city and county in the Metro region. In the event of a special meeting, in addition to complying with any and all requirements applicable to special meetings under Oregon law, the commission shall provide each Metro elected official with:

(1) a copy of the proposed agenda for the special meeting, to be hand delivered or transmitted by facsimile device to the Metro elected official at least 24 hours in advance of the special meeting; and

(2) at least 24 hours prior notice by telephone of the time, date, place, and proposed agenda for the special meeting.

(b) Commission Actions. All final actions of the commission shall be by resolution.

6.01.070 Delegation

The commission may delegate to its employees any of the power and authority of the commission subject to those limitations the commission deems appropriate. Any delegation shall be by resolution of the commission.

6.01.080 Review Filing and Effective Date of Commission Resolutions

(a) Within five days after the passage of any resolution, the commission shall file a copy of the resolution with the council clerk, or such other officer as the council may designate, who shall maintain a special record of the commission's resolutions which shall be accessible to the public under like terms as the ordinances of the district. ~~Except as provided in subsection (c) of this section, no resolution of the commission shall become effective until 5:00 p.m. on the 10th day following the filing of a copy thereof with the council clerk. The council clerk or such other officer as the council may designate shall immediately notify the executive officer and council of the receipt of the resolution.~~

~~(b) Except as provided in subsection (c) of this section, a resolution of the commission shall not become effective if, within 10 days after the filing by the commission of a copy of the resolution with the council clerk, either the executive officer, three members of the council acting jointly, or any person adversely affected or aggrieved by a final action of the commission files a request with the council clerk for council review of the commission resolution. All requests for review shall be in writing and shall include (1) a description of the resolution to be reviewed including the resolution number; (2) a clear statement of the specific reasons for the review and the requested council action; and (3) the name and address of the person requesting review. Upon receipt of a request for council review of commission action, the council clerk forthwith shall notify the commission of the request for review and shall deliver to the commission a copy of the request for review. The resolution to be reviewed shall be placed on the agenda for the next regular council meeting, subject to compliance with rules for placing items on the agenda, provided, however, that the council may review the resolution at any meeting under a suspension of the rules. For any review, the executive officer may submit a recommendation as to the action to be taken by the council or review. In conducting the review the council shall hear and consider statements from the person requesting the review, the executive officer, the commission and other~~

~~interested persons. After hearing the matter, the council shall upon motion act to approve the commission action, modify the action or return the matter to the commission.~~

~~If the council approves or modifies the commission resolution it shall become effective immediately. If the council returns the resolution to the commission it shall not become effective until such time as the commission takes further action on the matter subject to the review procedures of this Code.~~

~~(e) Resolutions of the commission which pertain solely to the following matters shall be effective upon adoption or at such other time as specified by the commission:~~

~~(1) Scheduling the use of buildings and facilities, operated by the commission;~~

~~(2) Entering into agreements for the use of buildings and facilities operated by the commission, including all of the terms and conditions of the agreements, provided the agreements do not transfer operation, management, and control of the buildings and facilities;~~

~~(3) Matters of employment, dismissal, or disciplining of employees;~~

~~(4) Purchasing supplies, consumables, services, and equipment, in accordance with a budget approved by the council;~~

~~(d) The council may on its own initiative or at the request of the executive, by regularly adopted ordinance, repeal, amend, or alter any resolutions adopted by the commission. Any repeal, amendment, or alteration may be made retroactive or prospective in effect but shall not invalidate any contract or agreement that has become effective under this section prior to adoption of the ordinance.~~

~~6.01.090 Initial Charge to Commission~~

~~Following appointment of its members and during the time prior to the completion of construction of the convention center, the commission shall do the following:~~

~~(a) Adopt a five year operating plan which includes but is not limited to staffing requirements, personnel rules and contract rules, rental schedules, marketing programs and expenditure and revenue requirements. In preparing the operating plan the commission shall consider Metro policies and services and incorporate those policies and services if they are found to offer advantages for efficient operation. The commission shall propose operating procedures which take into account the unique functions of the commission and the business practices of the convention, trade and spectator industry. Prior to the adoption of the plan the commission shall submit the plan to the council for review and recommendation no later than June 30, 1988.~~

~~(b) Not later than September 1, 1988, report to the council on the progress of, and make recommendations to the council of appropriate action regarding negotiations with local governments within the district for the transfer of appropriate facilities or operations to the commission. The negotiations may include but are not limited to transfer of assets and liabilities and operational responsibilities, transfer of employees, revenue and expenditure requirements, and schedules and charges and methods of determining charges.~~

~~(c) Identify statutory changes needed for the commission to carry out its responsibilities. The commission shall submit proposed statutory changes to the council for review and appropriate action no later than August 15, 1988.~~

~~(d) To facilitate this initial Charge the council shall forthwith upon appointment of the commission adopt a budget for operation of the commission and assign to the commission for implementation any contracts entered into by the district for the operation and marketing of the convention center.~~

6.01.100 Council ~~Convention Center~~ Regional Facilities  
Committee/Commission Business Plans

(a) The commission shall prepare business plans for each of its facilities, and shall update those plans as needed. The commission shall provide all Metro elected officials with copies of its business plans.

(b) The commission regularly shall report to the council ~~regional facilities~~~~convention center~~ committee for purposes of review and recommendation on the ~~adoption of the five year plan and on~~ general policy, commission business plans, and budget matters. Such reports shall occur as directed by the committee, but in no event less than quarterly.

(c) The commission shall, on an annual basis, set goals and benchmarks for the performance of the buildings, facilities and services managed by the commission. Such goals and benchmarks shall be discussed in public meetings with reasonable opportunity for public input, and shall be adopted by duly adopted resolutions of the commission. Copies of proposed goals and benchmarks shall be provided to all Metro elected officials no later than ten working days prior to formal adoption by the commission. The commission shall include in its quarterly reports to the council ~~regional facilities committee progress reports on the commission's progress towards meeting its adopted goals and benchmarks.~~

Section 4. Emergency Clause. This Ordinance being necessary for the health, safety, or welfare of the Metro region, for the reason that the financial and operating condition of the Commission requires the changes and improvements provided for herein without further delay, an emergency is declared to exist and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_, 1997.

\_\_\_\_\_  
Jon Kvistad  
Presiding Officer





## **STAFF REPORT**

**CONSIDERATION OF ORDINANCE NO. 97-677, AMENDING METRO CODE CHAPTERS 2.04 AND 6.01 WHICH PERTAIN TO THE METROPOLITAN EXPOSITION-RECREATION COMMISSION (MERC)**

**Date: January 14, 1997**

**Presented by: Mark B. Williams  
MERC Interim General Manager**

### **Introduction:**

This staff report accompanies and explains ordinance No. 97-677. Appendix A provides a section-by-section analysis; Appendix B shows the sources of the policy recommendations behind these amendments to the Metro Code, from the reports and studies which called for these changes.

### **Background and analysis:**

The purpose of Metro ordinance No. 97-677 is to enhance MERC's ability to manage the facilities assigned to it by Metro in a manner that is entrepreneurial, cost-effective, efficient, flexible and accountable to elected officials and the public. The ordinance implements the recommendations of the elected officials, leading business representatives and citizens who served on the 1995 City/Metro Facilities Consolidation Committee and the 1996 Metro-appointed Transition Team on Regional Facilities Consolidation, who studied management of the regional sports, trade, convention, and spectator facilities operated by MERC. Councilors Ruth McFarland and Ed Washington and Executive Officer Mike Burton served as members of the Consolidation Committee; Councilor Ed Washington served on the Transition Team.

The Portland City Council and the Multnomah County Commission endorsed these recommendations on December 19, 1996 and requested that the Metro Council act within 90 days to make changes in the Metro Code to accomplish these goals.

Ordinance No. 97-677 would accomplish the goals of entrepreneurial, cost-effective, efficient, autonomous, flexible and accountable management of the regional facilities through:

- changes in procurement of support services and contracting procedures for some contracts to enhance flexibility and cost-effectiveness.

- global, streamlined budgeting, with one MERC-wide series of appropriations, and with a schedule that corresponds more closely to the facilities' business cycle.
- simplification and streamlining of approval and review processes for MERC budget adjustments, resolutions, and other actions.

Changes in the code are designed to ensure that MERC can respond rapidly to business conditions and opportunities in a competitive market, in order to best serve the regional public at minimum cost to the taxpayer.

### Accountability

To ensure that the provisions to enhance the autonomy and independence of MERC do not weaken MERC's accountability to elected officials and the public, the ordinance strengthens accountability mechanisms that do not compromise the flexibility, efficiency and streamlined operations that are the intent of this ordinance. The ordinance:

- strengthens reporting by MERC to the Council, with the frequency and format as directed by the Metro Regional Facilities Committee, but in no event less than quarterly
- adds new provisions requiring public input in meetings on MERC budget and expanded public notice for all MERC meetings
- provides for transmission of the MERC budget directly to the Council at the time it is submitted to the Executive Officer
- creates new requirements to ensure that all Metro elected officials are notified in advance of proposed MERC actions

The ordinance leaves intact current accountability mechanisms, some spelled out in the ordinance and others in effect under MERC policy, that are in the public interest and do not dilute the intent of this ordinance, including:

- monthly public meetings to review all aspects of operation and management of the facilities
- citizen advisory committees for each facility
- maintenance of Council's ultimate authority for budget approval
- maintenance of Council as MERC's contract review board

## Councilor Ed Washington's proposal to the Transition Team

Councilor Ed Washington submitted a proposal to the Transition Team on September 16, 1996 in response to the Transition Team's Model Draft, which included the following recommendations:

- "Metro/Commission would work together to craft a more efficient operating relationship, designed to improve efficiency of operations and reduce costs... To achieve this goal, the new [regional facilities management entity], as authorized by Metro Council in annual budget, would be able to purchase outside services (within a legal and ethical framework) from the service supplier offering the lowest bid/most efficient service." [Note: this recommendation was also included in the Transition Team Model Draft 9/12/96, Operational Considerations, No. 3]
- "No review of decisions. All Commission actions are final."
- "The [new regional facilities management entity], a management organization, is responsible for management of the system of regional facilities (including the OCC, EXPO Center, the PCPA and Civic Stadium), for management of each of the facilities within the system and for managing all financial aspects of the public funds contributed to the system." [Note: this recommendation was also included in the Transition Team Model Draft 9/12/96, Structural Considerations, No.4]
- "Metro Council approves the [new regional facilities management entity's] annual, global budget, and gives [new regional facilities management entity] authority to operate within that global budget." [Note: this recommendation was also included in the Transition Team Model Draft 9/12/96, Structural Considerations, No.6]
- "Funds [would be] managed system-wide..."
- "Broader exemptions from competitive bidding granted by Metro Council."

## Appendix A

### Section by Section Analysis

#### SECTION 1: FINDINGS

This section of the ordinance spells out the rationale for enacting changes in the Metro Code to enhance MERC's ability to operate in an entrepreneurial, efficient, cost-effective, autonomous, and accountable manner, and explicitly states the Council's intent for the ordinance.

#### SECTION 2: AMENDS METRO CODE SECTION 2.04.054

Paragraph (9) updates existing language to reflect MERC's current role and makes it consistent with other references throughout the ordinance.

Paragraph (10) increases the dollar amount of contracts that are exempt from the formal "sealed bid" competitive bidding process from \$31,000 to \$100,000. Enhances flexibility, efficiency and cost-effectiveness for these contracts by reducing the time and costs associated with formal bidding. Provides MERC the ability to meet urgent needs (including repairs) on timely basis, without jeopardizing bookings and losing revenue. Permits use of smaller, more cost-effective firms that are unable to meet formal bidding requirements. Informal bidding, including the request for proposal process, remains MERC policy for minor contracts. Major contracts remain subject to formal bidding process.

#### SECTION 3: AMENDS METRO CODE CHAPTER 6

##### 6.01.010 Purpose

Adds 'housekeeping' language and states intent of the ordinance.

##### 6.01.020 Definitions

Deletes existing (a) (1) and (a) (2), that allow individuals (from the public) to appeal to the Council to request review of MERC resolutions. Note that other avenues for citizen appeal remain available under state law, such as the writ of review.

New (a) strikes archaic language; updates definitions

6.01.030 Commission Created

Strikes archaic language

6.01.040 Powers

(a) Reflects owner's responsibility to meet capital requirements of its buildings, including City of Portland's acceptance of responsibility for financing the capital needs of the buildings that it owns (PCPA and Stadium).

(b) Strikes archaic language and adds new language consistent with ordinance.

(f) Strikes unclear and obsolete language, eliminates layer of approval to enable MERC to act quickly and flexibly

(i) Changed to be consistent with (m)

(m) Enables MERC to procure best services at lowest cost--implements change called for in all recommendations for more cost-effective, efficient and entrepreneurial management of MERC.

(n) Adds language to reflect City of Portland's acceptance of responsibility for financing the capital needs of the buildings that it owns, as well as Metro's obligation to seek regional funding for the capital needs of the facilities.

6.01.050 Budget and Accounts

(a) - (d) Streamlines MERC budget process. Enhances MERC's ability to operate in an entrepreneurial and efficient manner, as recommended by all of the committees examining management of MERC. Takes into account the business needs of the facilities operating in a competitive market. Makes MERC budget process more business-like through elimination of costly, duplicative, and time-consuming MERC budget review. Ensures that process remains in accordance with local budget law and generally accepted accounting principles. Retains Metro Council's ultimate authority to review and approve the MERC budget.

(b) Adds language to enhance MERC's accountability in the budget process to both the public and to the Council. Requires opportunity for public testimony before MERC adopts budget.

(c) Provides budget schedule that corresponds more closely to business cycle within which MERC operates,

enabling MERC to incorporate actual performance and revenue results from previous year and make more realistic projections.

(d) Enhances efficiency and flexibility by providing for one commission-wide series of appropriations for personal services, materials, and services, capital outlay, and contingency. Requires Council approval for any changes in appropriations adopted by the Council.

#### 6.01.060 Commission Meetings and Form of Action

Subjects MERC to more stringent public accountability standards for meetings. Requires prior notice to Metro elected officials and governments within the Metro region of proposed MERC actions.

#### 6.01.080 Filing and Effective date of Commission Resolutions

(a-d) Enhances MERC's efficiency and autonomy by eliminating the review process for MERC resolutions. Intent is to focus Council's review of MERC actions on larger management and policy issues. Separate provisions ensure expanded opportunities for Council and public input into MERC resolutions prior to final action by the Commission, and enhanced reporting requirements to Council Regional Facilities Committee.

#### 6.01.090 Initial Charge to Commission

Strikes archaic language having to do with the initial formation of the Commission.

#### 6.01.100 Council Convention Center Committee

Updates and strikes archaic language; strengthens reporting requirements by MERC to the Council through the Regional Facilities Committee

## Appendix B

### Sources of Proposed Metro Code Amendments

#### **City/Metro Facilities Consolidation Committee; Transition Team on Regional Facilities Consolidation**

In its final report, the Consolidation Committee recommended that:

"Exposition Recreation facilities should be managed as a flexible financial and operational system... Governance [of the ER facilities] should be structured to allow:

- operation in an independent and entrepreneurial manner
- maintenance of a system of accountabilities to the public entities
- cutting the cost of support services..."

•  
-City/Metro Facilities Consolidation Advisory Committee final recommendations, 1/11/96

The Transition Team reexamined and endorsed the recommendations of the Consolidation Committee. In the course of its deliberations, "the Transition Team developed an operational and governance model. The Model called for a modification of the current MERC structure into a ...more flexible, autonomous, and entrepreneurial entity operating with an annual global budget... The Transition Team reached a general accord that this model incorporated most, if not all, of the recommendations from the Consolidation Committee."

-Final report of the Transition Team on Regional Facilities Consolidation, 10/15/96

"Metro/Commission would work together to craft a more efficient operating relationship, designed to improve efficiency of operations and reduce costs... To achieve this goal, the new [regional facilities management entity] would be able to purchase outside services (within a legal and ethical framework) from the service supplier offering the lowest bid/most efficient service."

-Transition Team Model Draft 9/12/96, Operational Considerations, No. 4.

**Portland City Council Resolution and Multnomah County  
Commission Ordinance**

The Portland City Council, on December 19, 1996, adopted a resolution in which the City acknowledged its capital responsibility for the PCPA and Civic Stadium, and agreed to contribute a total of \$3 million over the next five years for the operation of the buildings. The resolution stated: "...both commitments [are] subject to the Metro Council taking official action within 90 days from the date of this resolution which:

- Allow MERC enhanced autonomy to run its regional facilities in an independent and entrepreneurial manner;
- Reduce overhead costs by addressing support cost charges and allowing MERC needed flexibility in the provision of support services;
- Grant MERC the ability to provide and/or purchase support services in such a manner as to provide the most efficient, cost effective, flexible and business-like approach to managing the regional facilities"

*-Portland City Council resolution adopted by the City Council on 12/19/96*

The Multnomah County Commission, also on December 19, 1996, adopted a county ordinance enacting changes in the Multnomah County Transient Lodging Tax to allocate annually \$1.2 million to PCPA, \$200,000 to market the PCPA and support the region's cultural tourism efforts, and \$3.8 million for the operation of OCC.

In a separate resolution, the County Commission endorsed the Consolidation Committee's recommendations, as follows: "The Board of County Commissioners requests that the Metro Regional Facilities Committee report within 90 days...on its plan for implementing improvements in the organization of the [MERC], including but not limited to improvements allowing MERC to operate in a more independent and entrepreneurial manner, flexibility in securing support services so as to allow MERC to minimize overhead costs allocation to the regional facilities, and measures designed to hold down the costs for tenants of the regional facilities while maximizing management efficiencies."

*-Multnomah County Commission resolution, passed 12/19/96*



*Agenda Item Number 5.3*

**Ordinance No. 97-676, For the Purpose of Adopting the Regional Illegal Dumping Plan and Incorporating it into the Regional Solid Waste Management Plan.**

***Second Reading***

**Metro Council Meeting  
Thursday February 13, 1997  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE	)	ORDINANCE NO. 97-676
REGIONAL ILLEGAL DUMPING PLAN AND	)	
INCORPORATING IT INTO THE REGIONAL	)	Introduced by Mike Burton
SOLID WASTE MANAGEMENT PLAN	)	Executive Officer

WHEREAS, the Regional Solid Waste Management Plan was adopted by the Metro Council on November 30, 1995, through Metro Ordinance No. 95-624; and

WHEREAS, Ordinance No. 95-624 also rescinded the 1991 Illegal Dumping Plan; and

WHEREAS, the Regional Solid Waste Management Plan called for the development of updated goals, objectives and management practices to address the region's current problems related to illegal dumping; and

WHEREAS, the Office of the Auditor issued a report entitled "Review of Metro's Solid Waste Enforcement Unit," dated February 1996, which included specific recommendations related to the management of illegal dumping prevention, investigation, enforcement and dump-site cleanup; and

WHEREAS, the Solid Waste Advisory Committee appointed the Illegal Disposal Task Force to work with staff to develop an updated Illegal Dumping Plan and to involve the public in the planning process; and

WHEREAS, the task force has developed an Illegal Dumping Plan that is consistent with the main goal of the Regional Solid Waste Management Plan (to develop a plan that achieves a solid waste system that is regionally balanced, environmentally sound, cost-effective, technologically feasible and acceptable to the public) and that responds to the Auditor's recommendations related to illegal dumping; and

WHEREAS, the regional Solid Waste Advisory Committee has endorsed the work of that task force; and

WHEREAS, The ordinance was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

**THE METRO COUNCIL ORDAINS AS FOLLOWS:**

1. The Regional Illegal Dumping Plan, shown as Exhibit A to this ordinance, is adopted and is incorporated into Chapters 5 and 7 of the Regional Solid Waste Management Plan, a functional plan, under ORS 268.390.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

**STAFF REPORT**

**CONSIDERATION OF ORDINANCE NO. 97-676, FOR THE PURPOSE OF  
ADOPTING THE REGIONAL ILLEGAL DUMPING PLAN AND INCORPORATING  
IT INTO THE REGIONAL SOLID WASTE MANAGEMENT PLAN**

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**DATE:** January 7, 1997

**Presented By:** Bruce Warner  
Marie Nelson  
Steve Kraten

**Action Requested.** Council adoption of Ordinance No. 97-676.

**Introduction and Background.** On November 30, 1995, the Council adopted a new Regional Solid Waste Management Plan (RSWMP) and rescinded the 1991 Illegal Dumping Plan. At that time, the Council acknowledged that some elements of solid waste management would be updated and incorporated into the new RSWMP, illegal dumping being one of those elements.

In February 1996, the Office of the Auditor issued a report entitled "Review of Metro's Solid Waste Enforcement Unit." The report included specific recommendations related to the management of illegal dumping prevention, investigation, enforcement and dump site cleanup, as well as other solid waste enforcement activities.

In April, 1996, the Solid Waste Advisory Committee (SWAC) appointed the Regional Illegal Disposal Task Force -- comprised of government, waste hauler, and Stop Oregon Litter and Vandalism (SOLV) representatives -- to develop a regional plan to address illegal dumping problems and to involve the public in that process. The task force has completed its work.

The Illegal Dumping plan is consistent with the main goal of the Regional Solid Waste Management Plan: "To develop a plan that achieves a solid waste system that is regionally balanced, environmentally sound, cost-effective, technologically feasible and acceptable to the public." The Illegal Dumping Plan acknowledges Metro's responsibilities for regional solid waste management planning and disposal. The plan also responds to the Auditor's recommendations related to illegal dumping prevention, investigation, enforcement, and dump site cleanup.

Please note that the February 1996 Auditor's recommendations not related to illegal dumping -- activities concerning the enforcement of Metro's revenue and facility regulation system -- are not addressed in the Illegal Dumping Plan. Goals and objectives for those activities will be added to the Regional Solid Waste Management Plan once the franchise code is revised.

The Illegal Dumping Plan is included in this packet as Exhibit A to Ordinance No. 97-676 (pages 14 through 29). The following information is included as attachments to staff's report:

#### Plan Development

Attachment 1	Pg. 5	Illegal Disposal Task Force Membership
Attachment 2	Pg. 6	Public Involvement Process and Schedule
Attachment 3	Pg. 7	Public Comments Received on the Draft Plan

#### Plan Implementation

Attachment 4	Pg. 10	Implementation Work Group Membership (Draft)
Attachment 5	Pg. 11	Implementation Schedule (Draft)

### Organization of the Plan

The introduction summarizes the problems the plan will address, identifies the plan's central goal and objectives, and lists six management practices to accomplish those objectives. A summary of government and private sector roles and responsibilities to implement the plan is provided in matrix form at the beginning of the document.

The remainder of the document provides information about the management practices recommended to accomplish the goal and objectives. These practices address regional concerns and will require continued planning and coordination to be implemented. The descriptions of these practices set expectations for what can be accomplished, and provide a strategy or approach for implementation.

### Summary of Plan Recommendations

#### ◆ Roles and Responsibilities

*Consensus.* The task force spent much of its time reaching consensus regarding the specific roles and responsibilities of governments and the private sector to implement the recommended practices. The objectives of consensus were to aggressively address the problem of illegal dumping; provide better public service; eliminate duplication of efforts; and acknowledge the authorities of state, regional and local governments to enforce the laws they make.

*Local governments* regulate their respective waste collection franchises, illegal dumping on property within their jurisdictions, and other aspects of local solid waste management. Each local government has established penalties (usually criminal penalties) for those who break its laws and an enforcement unit to investigate cases and prosecute offenders. Each local government has also established a protocol for cleaning up dump sites.

This plan acknowledges that each local government has the authority to provide its own services to local citizens using local enforcement personnel, or it may choose to delegate certain responsibilities to the Metro Solid Waste Enforcement Unit (SWEU). Metro has also offered each local government the opportunity to prosecute cases under Metro's ordinance which cites illegal dumping as a civil offense. This plan anticipates that further Metro / local government cooperation will be undertaken and that the public will continue to benefit from these cooperative efforts.

*Metro.* The plan acknowledges that Metro has enforcement authority for its requirements relating to Metro-owned disposal facilities, designated facilities, and facility franchises. Goals, objectives and management practices for those activities will be developed at a later date in tandem with the Metro facility regulation code revision. And as described above, Metro will continue to play a major role to assist local governments as requested to enforce against illegal dumping and to clean up dump sites. Dump site cleanup services will be provided according to Metro's criteria. Investigation and prosecution services would be provided under Metro's civil penalty code.

*Private sector.* Finally, the proposed plan anticipates a continued, major role for the private sector -- waste haulers, SOLV, neighborhood associations, businesses -- to participate with governments in public education campaigns, community cleanup events, region-wide cleanup events, and other activities that address the problem of illegal dumping.

Six management practices are proposed in the plan. Under each practice, specific programs are recommended that will solve the problem of illegal dumping. New programs include:

- ◆ *A work group*, facilitated by Metro, to implement the programs requiring regional cooperation and coordination [Practice 1, elements a) and b)]. See Attachment 4 for a proposed work group membership list.
- ◆ *Illegal dumping prevention and public education programs* for general and targeted audiences [Practice 2, elements a) through c)].
- ◆ *A region-wide call referral service* administered by Metro Recycling Information and the Illegal Dumping Work Group. The service would allow the public to call one phone number to report problems or receive information. Calls would then be referred, via "seamless" phone transfer, to the Metro or local government person designed to address the problem [Practice 3, element b)].
- ◆ *A regional, computerized database* of suspects, offenders, dump sites, and open and closed cases [Practice 3, element b)].
- ◆ *Methods to track programs, measure results, and report progress* [Practice 6, elements a) through c)]. (The plan proposes benchmarks against which progress can be measured. Metro will continue to produce and distribute an annual report which will serve as the mechanism for reporting progress on implementing the plan, as well as the progress made toward reaching objectives and benchmarks.

**Plan Implementation.** A draft implementation schedule is included as Attachment 5 to this staff report. Staff recommends that key dates not become part of this framework plan, they be established by the regional planning group in February, 1997, reported to interested parties for review and comment, and progress to implement the plan be reported annually in late February per Practice 6.

**Financial Impact.** Staff anticipate that the programs and recommendations proposed for Metro can be implemented without increases to the Regional Environmental Management (REM) budget.

The plan recommends that key existing programs continue. This includes illegal dump site cleanup, prosecution and investigation of illegal dumping cases under Metro's civil code, a regional hearings officer, public information, the transfer station voucher program, and grants for community cleanup events.

The estimated cost to implement new projects is modest. For example, computer software and electronic equipment to implement the regional call referral service and the regional database will cost approximately \$5,500 for fiscal year 1997-98. It is anticipated that maintenance costs for those projects would be approximately \$5,000 per year thereafter.

The department has allocated .25 FTE staff time this fiscal year to coordinate plan implementation. The department's FY 1997-98 budget request will include .25 FTE to complete the bulk of implementation tasks.

**Executive Officer's Recommendation.** The Executive Officer recommends adoption of Ordinance No. 97-676.

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Attachment 1

**Illegal Disposal Task Force Membership**

**Members:**

Andre Bjornskov *	Washington County, Enforcement Officer
Cory Chang *	State of Oregon, DEQ, Enforcement Officer
JoAnn Herrigel	City of Milwaukie, Solid Waste Program Mgr.
Richard Atkinson *	City of Milwaukie, Code Enforcement Officer
Linda Summers *	City of Gresham, Code Enforcement Officer
Steve Kraten *	Metro, Solid Waste Enforcement Officer
Jan McGowan	SOLV (Stop Oregon Litter and Vandalism)
Wayne Potter *	City of Portland, Enforcement Officer
Ken Spiegle **	Clackamas County, Solid Waste Program Coord.
Jane Kolberg * (Alt.)	Clackamas County, Community Environment
David White **	ORRA / Tri County Council of Haulers
Mike Beam *	ODOT, District 2-B Litter Coordinator

**Project Advisors:**

Dave Kunz **	State of Oregon, DEQ, NW Region
Terry Petersen	Metro, Environmental Services Manager
Lynne Storz **	Washington County, Solid Waste Program Coordinator

**Staff:**

Marie Nelson	Project Coordinator, Metro SW Planning Supervisor
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**Facilitator:**

Joe Hertzberg	Decisions Decisions, Consultant to Metro
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\* Member, Solid Waste Inter-Agency Network for Enforcement (SWINE), a regional group

\*\* Member, Regional Solid Waste Advisory Committee (SWAC)



Attachment 2

**Illegal Dumping Plan  
Public Involvement Process and Schedule**

<b>Review of Draft</b>	<b>Public Involvement Timeline</b>	<b>Oct. 8 - Nov. 22</b>
	Illegal Disposal Task Force completes 1st draft	Oct. 8, 1996
SWAC Meeting	Review and comment on 1st draft	Oct. 16
Council REMCom Meeting	Council work session Review and comment on 1st draft	Oct. 23
Public Review of Draft	Mailing to interested parties: . Letter informing parties of the plan and how to request a copy of the document . Summary of public involvement process and schedule	Oct. 30
	Deadline for public comments on 1st draft	Nov. 22
	The Illegal Disposal Task Force incorporates comments received to date into a 2nd draft	Nov. 22 - Dec. 13
<b>Final Approval</b>	<b>Public Involvement Timeline</b>	<b>Dec. 30 - Feb. 5</b>
Public Review of Final Draft	Mailing to interested parties: . Copy of Illegal Dumping Plan - Final Draft . Report on the results of public involvement during prior public review phase . Public meeting schedule	Dec. 30, 1996
	Deadline for public comments on final draft	Jan. 12, 1997
SWAC Meeting	Consideration of recommending the Illegal Dumping Plan (final draft) for Metro Council adoption	Jan. 15
Council meeting	1st reading of the ordinance* to adopt the Plan	Jan. 23
Council REMCom Meeting	Public hearing on the ordinance* to adopt the Plan; REMCom forms its recommendation to the Council	Feb. 5 (tentative)
Full Council Meeting	2nd reading of the ordinance* to adopt the Plan; Consideration of Plan adoption	Feb. 13 (tentative)
DEQ approval	DEQ approval of the Council's adopted Plan	March 1997
	Adopted Plan distributed to interested parties	March

\* The ordinance, when approved by the Metro Council, would adopt the Illegal Dumping Plan and incorporate it into the Regional Solid Waste Management Plan.

**REMCom:** Regional Environmental Management Committee, a subcommittee of the Metro Council.

**SWAC:** Regional Solid Waste Advisory Committee; advisory to the Metro Executive Officer and Council.

**Meeting times and places -** Call the Metro Council Office (797-1540) for information about REMCom meeting times and places. Call Connie Kinney about SWAC meeting times and places (797-1643).

Attachment 3  
**Summary of  
Public Comments Received  
on the Draft Illegal Dumping Plan**

Summary of Comment Received on the 1st Draft Plan	Received From:	Response to Comments
<b>Introduction</b>		
<b>Beginning statement</b> Add language to clarify that the plan addresses the illegal dumping problem within the boundaries of Clackamas, Washington and Multnomah counties.	SWINE (Solid Waste Interagency Network of Enforcers)	"Goals and Objectives" section, new language added to show that this is a Metro plan to address the problem within the region and that local governments can use this plan to address problems outside Metro's boundaries.
<b>Beginning statement - Add language to show how the draft plan is consistent with the RSWMP goals.</b>	Metro councilor	"Goals and Objectives" section, new language
<b>Beginning statement - Add language to show how the plan addresses Metro's responsibility to manage the region's solid waste.</b>	Metro councilor	"Goals and Objectives" section, new language
<b>Summary of Management Practices</b> Staff recommends that key dates not become part of this framework plan. Key dates will be established by the regional planning group in February, 1997, reported to interested parties, and progress to implement the plan will be reported annually in late February per Practice 6.	Metro staff	"Summary of Mgt. Practices" section - key date reference deleted. Practice 6, element b), last paragraph - key date reference deleted.
<b>Practice 1: Communication and Regional Coordination</b>		
no comments received		
<b>Practice 2: Mitigation and Education</b>		
<b>Key Concept and Approach, "Problem Materials" and "Problem Generators" paragraphs</b> It may be helpful to state some examples here (unless there is a concern about implicating certain industries or trades).	Clark Co., SW Wash. Health Dist.	Specific examples were omitted due to the Illegal Disposal Task Force's concerns about implicating certain industries or trades.
<b>b) Abate Disposal Facility Litter</b> Clark County offers public education and sells tarps in an effort to mitigate future problems with uncovered loads.	Clark Co., SW Wash. Health Dist.	Metro is currently providing the same type of public education and services. Staff have requested a copy of Clark Co.'s code and will consider improvements to its program.
<b>c) Provide economic incentives for proper disposal -</b> Low income dumpers will continue to be a problem without a specific plan and funds.	Clark Co., SW Wash. Health Dist.	We agree. The regional planning group will continue its work to develop specific implementation plans.
<b>d) Construction and demolition materials</b> A third example could be to require containers, identified for placement of specific recyclable materials, placed on site during certain construction projects.	Clark Co., SW Wash. Health Dist.	We agree. Waste reduction practices for building industries are addressed in the existing RSWMP, Chapter 7, pg. 7-19, 20, 21, and 38.
<b>d) Sharps handling and disposal</b> Form partnerships with sharps distributors such as pharmacies to take back used sharps for proper disposal. Encourage franchised haulers to provide bio waste collection to both commercial and residential haulers. It may also be prudent to provide a standard recommendation for the public on how to handle used syringes found indiscriminately discarded on public or private property.	Clark Co., SW Wash. Health Dist.	We agree. These suggestions have been passed on to the Pollution Prevention Outreach Group and Metro's Hazardous Waste Unit who are currently working implement the suggestions offered by Clark County.

Summary of Comment Received	Received From:	Response to Comments
<b>d) Sharps handling and disposal</b> Staff requested counsel review the statement to ensure it was consistent with Metro Code.	Metro legal counsel	The new language simplifies Metro's policy on the acceptance of sharps at events and hazardous waste facilities.
<b>e) Education re: homeowners' responsibilities, 3<sup>rd</sup> bullet</b> - The draft plan calls for educating homeowners that they may be responsible if they hire haulers who illegally dispose of their waste. In fact, they are responsible only if their local codes say they are. The Plan should also advocate for state legislation that requires the homeowners to be responsible state-wide.  The Plan should continue to advocate for local jurisdictions to adopt ordinances that would make homeowners responsible.	SWINE	Element e) - language changed to specify responsibility only if local codes apply.  Practice 4, element d), 4th bullet - this language will remain; it advocates for local jurisdictions to adopt laws that will restrict homeowners' use of unauthorized and name those haulers and/or homeowners responsible.  Practice 4, element d), 5th bullet - new language added to encourage Metro and local jurisdictions to advocate for new state legislation.
<b>Practice 3: Dump Site Cleanup</b>		
<b>a) Metro dump site cleanup criteria</b> Staff requested counsel review of the "hardship" criteria, paragraph a).	Metro legal counsel	Element a) - Counsel proposed amended language and did not think that "undue hardship" needed to be defined. SWAC will consider this language at its Jan. 15 meeting.
<b>b) Regional Call Referral Service</b> Call referrals need to be made to the appropriate local jurisdictions unless there is a written agreement for other referral arrangements.	Wash. Co. Recycling Cooperative	We agree.
<b>Practice 4: Prosecution and Enforcement</b>		
<b>a) Delegation of enforcement responsibilities</b> Staff requested counsel review elements a) and d) to ensure they were consistent with Metro Code and state law.	Metro legal counsel	Elements a) and d) - new language
<b>b) Computer database</b> The Coop. supports the database concept as long as participation is voluntary.	Wash. Co. Recycling Cooperative	We agree.
<b>Practice 5: Theft of Service</b>		
<b>Delegation of enforcement responsibilities</b> The Coop. proposes a language change which acknowledges that local jurisdictions have primary authority in this area.	Wash. Co. Recycling Cooperative	Element a) - new language

Summary of Comment Received	Received From:	Response to Comments
<b>Practice 6: Track Progress and Measure Results</b>		
<b>General comments on Practice 6</b> All of this depends on what's known, what's reported, what's cleaned up, etc. An annual report could look quite different from reality, depending on what data are used.	Clark Co., SW Wash. Health Dist.	We agree. Implementation work will continue to ensure accurate and useful data collection and reporting.
<b>a) Performance Indicators, element a),</b> "Illegal Dump Site Cleanup," first bullet - Delete the performance indicator of quantifying how much in cleanup costs were repaid to the local jurisdictions. This indicator would be hard to measure and is not the most important indicator of how well dump sites are cleaned up.	Illegal Dumping Task Force, mtg. of Dec. 5	Element a), "illegal dump site cleanup," 1st bullet - The language has been deleted.
<b>b) Annual Reports - The Coop.</b> Is concerned that the proposed language would result in unnecessary reporting requirements.	Wash. Co. Recycling Cooperative	Element b) - new language
<b>Other Comments</b>		
The Auditor supports the plan and thinks an aggressive, cost effective, regional approach is needed to solve the problem.	City of Portland Auditor	Comments received via phone call. Staff memo summarize the call is available on request.
County staff like the plan and want to work with the region to solve the problem of illegal dumping.	Clark Co., SW Wash. Health Dist.	A memo from the county is available upon request. A delegate representing Clark, Skamania and Klickitat counties will participate on the Illegal Dumping Work Group to implement the new plan.
The Cooperative is "strongly supports the plan's proposal to utilize an IGA which would allow local governments to elect the various assistance options from Metro."	Wash. Co. Recycling Cooperative	A letter from the Cooperative is available upon request.

**Attachment 4**

**Illegal Disposal Work Group (Draft)**

Work Group Objective: Implement portions of the new Illegal Dumping Plan that call for regional cooperation and coordination.

Name	Phone	Affiliation	Current Position	Address	Fax
<b>Members</b>					
Ken Spiegle Jane Kolberg	650-3374 650-3747	Clackamas County	Solid Waste Program Coordinator Community Environment	902 Abernethy Road, Oregon City, OR 97045	557-6355
JoAnn Herrigel	786-7508	Clack. Co. Cities	Milwaukie, Solid Waste Prog. Mgr.	10722 SE Main Street, Milwaukie, OR 97222	652-4433
		East Mult. Co. Cities Fairv., Wood Village, Troutdale			
Linda Summers	618-2463	City of Gresham	Code Enforcement Officer	1333 NW Eastman Pkwy, Gresham, OR 97030	669-1376
Andre Bjornskov	681-3664	Washington County	Enforcement Officer	155 N 1st Ave., Hillsboro, OR 97124	693-4490
		Washington Co. Cities	City of Tigard		
Gary Bickett (Voice Mail: 360/737-6008, box 3055)	360 695-9215	SW Wash. Health Dist. (Clark, Skamania, and Klickitat Counties)	Environmental Health Specialist, Solid Waste Program	PO Box 1870, Vancouver, WA 98663	360 696-7424
Wayne Potter	823-6110	City of Portland	Enforcement Officer	Building 106, Room 400 (Inter-Agency Mail)	823-4562
		DEQ	Enforcement Officer	2020 SW 4th Ave., Rm. 400, Portland, OR 97201	229-6957
Steve Kraten	797-1678	Metro	Solid Waste Enforcement Officer	600 NE Grant Ave., Portland, OR 97232	797-1795
Jan McGowan	844-9571	SOLV		PO Box 1235, Hillsboro, OR 97123	844-9575
David White	690-3143	Haulers / ORRA	ORRA/Tri County Council	1739 NW 156th Ave., Beaverton, OR 97006	690-3143
<b>Advisors</b>					
Dave Kunz	229-5061	DEQ	State of Oregon, DEQ	2020 SW 4th Ave., Rm. 400, Portland, OR 97201	229-6957
Lynne Storz	681-3663	Washington County	Solid Waste Program Manager	155 N 1st Ave., Hillsboro, OR 97124	693-4490
Terry Petersen	797-1669	Metro	Metro, Env. Services Manager	600 NE Grand Ave., Portland, OR 97232	797-1795
<b>Staff</b>					
		Metro	Work Group Coordinator	600 NE Grand Ave., Portland, OR 97232	797-1795
Marie Nelson	797-1670	Metro	Solid Waste Planning Supervisor	600 NE Grand Ave., Portland, OR 97232	797-1795

Attachment 5

**Plan Implementation Schedule - Draft**

Note: This implementation scheduled has been proposed by staff and will be reviewed by the Illegal Dumping Implementation Work Group at its meeting of Feb. 6, 1997.

	Practice/ Key Elem.	Completion Date	Summary of Implementation Task	Lead Roles
<b>Time Certain Tasks</b>				
1	1.a	Completed	Regional committee - establish a work group to implement parts of the new Illegal Dumping Plan that call for regional coordination and cooperation	M, WG
2	3.c	4/30/97	Develop the matrix of policies/services and map of dump sites	M, WG
3	3.a 4.c 5.a	4/30/97	Designation of services - LG designate in writing who (Metro and/or LG's) will provide the following types of services: <ul style="list-style-type: none"> <li>. Dump site cleanup services</li> <li>. Investigation and prosecution of illegal dumping cases</li> <li>. Investigation and prosecution of theft of recyclable cases</li> </ul>	LG, M
4	2.e, 3.b	4/30/97	Call referral service - Develop a promotion strategy for the new service	M, WG
5	3.b	6/30/97	Call referral service - Up and running via the Metro Recycling Info Center	M, WG
6	2.e, 3.b	6/30/97	Call referral service - implement the promotion strategy	
7	6.a	7/31/97	Plan evaluation methods - complete consultant work	M
8	2.e	9/30/97	Public info strategy - develop a 3-year strategy and begin implementation	WG
9	6.a	10/31/97	Plan evaluation methods - develop strategy to measure plan progress; complete SWAC and REM review	WG
10	4.b	12/31/97	Database - regional computerized database up and running	M, WG
11	6.a	1/1/98	Plan evaluation methods - begin ongoing implementation of meas. strategy	M
12	6.a	3/1/98	Plan evaluation methods - incorporate meas. strategy into the annual report	M
<b>Annual Tasks</b>				
1	2.e	9/30	Public info strategy - Review 3-yr. strategy annual and anticipate budget needs	WG
2	3.a, 4.c, 5.a	To be determined	Designation of services - Periodic review of agreements between Metro and LG's	M, LG
3	6.a	3/1	Plan evaluation - annual review and assessments included in annual report	M, WG
<b>Ongoing Tasks</b>				
1	2.a		Mitigate chronic illegal dump sites	LG, SOLV
2	2.b		Abate disposal facility litter	M
3	2.c, 2.d		Conduct special hazardous waste and bulky waste collection events	LG, M
4	3.a		Dump site cleanup services - provide services according to local policies	LG
5	3.b		Call referral service - update referral listings	WG
6	3.c		Matrix and map of dump sites, etc. - update matrix information and map	WG
7	3.d		Region-wide dump site cleanup events	LG, SOLV
8	4.a		Prosecute and investigate illegal dumping cases	LG
9	4.b		Database - update data	WG
10	4.d		Implement programs / enact legislation - voluntary	LG
11	5.c		Enact various legislation - voluntary	LG

H = Waste Haulers    LG = Local Governments    M = Metro    PS = Private Sector    WG = Illegal Dumping Work Group

Refer to the Illegal Dumping Plan for a complete description of tasks as well as lead and supportive roles to implement them.

Exhibit A to Ordinance No. 97-676

Regional Solid Waste Management Plan -- 1995-2005

**Illegal Dumping Plan**

**Goal, Objectives, and  
Management Practices**

**Final Draft: Dec. 30, 1996**

Goal and Objectives	Pg. 15
Summary of Management Practices	15
Implementation of the Management Practices Roles and Responsibilities	16
Summary of Roles and Responsibilities	17
Practice 1: Improve Communication and Regional Coordination	19
Practice 2: Prevent Illegal Dumping Through Mitigation and Public Education	20
Practice 3: Provide for Illegal Dump Site Cleanup	23
Practice 4: Coordinate Prosecution and Enforcement Efforts	25
Practice 5: Reduce the Incidents of Unauthorized Use of Disposal Containers	27
Practice 6: Track Progress and Measure Results	28

## **Goal and Objectives**

Illegal dumping is a problem that affects public health and safety as well as the region's environment, economic vitality and livability. It is also costly to investigate and prosecute illegal dumping and to clean up dump sites.

This draft plan was developed to address the problem within Metro's boundaries. It also acknowledges that local governments can use this plan to address illegal dumping problems within the rural portions of Clackamas, Multnomah and Washington Counties. This plan was developed collaboratively with government, waste hauler, and private sector representatives who work in the region to prevent illegal dumping, enforce illegal dumping laws, clean up dump sites, and plan for the future. The goal and objectives that guide this plan are:

**Goal:** Help keep the Metro region clean, livable, and healthy through the cooperative efforts of the public and private sectors to promote proper disposal of solid waste.

**Objectives:**

Educate the public about illegal dumping and promote legal alternatives

Reduce illegal dumping

Clean up dump sites

Reduce the unauthorized use of disposal containers

The main goal of the Regional Solid Waste Management Plan (RSWMP) is to develop a plan that achieves a solid waste system that is regionally balanced, environmentally sound, cost-effective, technologically feasible and acceptable to the public. This Illegal Dumping Plan is consistent with that goal. This plan also acknowledges Metro's responsibilities for regional solid waste management planning and disposal.

## **Summary of Management Practices**

The management practices listed below are proposed as the six most effective ways to accomplish the goal and objectives. They identify areas of regional interest where coordination and continued planning will be required, they set expectations for what can be accomplished, and they provide a strategy or approach for implementation.

**Practice 1:** Improve communication, coordination and planning

**Practice 2:** Prevent illegal dumping through mitigation and public education

**Practice 3:** Provide for dump site cleanup

**Practice 4:** Coordinate prosecution and enforcement efforts

**Practice 5:** Reduce the incidents of unauthorized use of disposal containers through public education and enforcement

**Practice 6:** Track progress and measure results

Each proposed management practice includes the components listed below.

**Key Concept:** A description of the problem or opportunity the practice addresses.

**Key Element:** The specific programs or activities that make up the practice.

**Roles and Responsibilities:** The responsibilities of each party to implement the practice.



## **Implementation of the Management Practices**

### **Roles and Responsibilities**

The management practices will be implemented through cooperative and individual efforts of governments and the private sector. Roles and responsibilities have been proposed for the purpose of ensuring the best use of resources and respecting the authorities of state, regional and local governments over specific solid waste management functions. The table on the next page summarizes proposed roles for each partner to implement the management practices.

Illegal Dumping - Recommended Management Practices  
**Summary of Roles and Responsibilities - Page 1 of 2**

Mgt. Practice	Regional Coordination *	State DEQ	Metro	Cities and Counties	Private Sector **
<b>Practice 1: Regional Coordination and Planning</b>	Establish an effective means to coordinate and plan region-wide efforts	Participate Share information	Lead role to coordinate regional planning efforts Participate Share information Provide for meeting space and facilitation	Participate Share information	Participate Share information
<b>Practice 2: Educate the Public</b>	Plan effective education strategies and programs	Implement state programs to educate the public and specific audiences	Lead role to coordinate regional education and promotion planning efforts Implement regional programs to educate the public and specific audiences	Implement local programs to educate the public and specific audiences	Implement private sector programs to educate the public and specific audiences
<b>Practice 2: Mitigate Illegal Dumping</b>	Plan effective mitigation strategies and programs		Lead role to coordinate regional mitigation planning efforts. Provide mitigation programs Assist with implementation of programs per agreements with cities and counties Enforce Metro's "covered load" regulation	Lead role to provide mitigation programs	Lead role to provide mitigation programs
<b>Practice 3: Clean Up Dump Sites</b>	Develop a regional call referral service to report dump sites and related problems; develop a matrix of services and referrals	Lead role to provide technical assistance to other governments as requested to identify and handle special and hazardous materials Lead role to clean up large waste tire dump sites	Lead role to provide the regional call referral service Assist with clean up of dump sites per agreements with cities and counties	Lead role to clean up dump sites consistent with local regulations	Lead role to coordinate and conduct region-wide clean up events Lead role to provide volunteers as available for local cleanup events

- Regional Coordination = Coordinated planning by state, Metro and local governments and the private sector \*\* Private Sector = Organizations or individuals working to solve the illegal dumping problem.

Summary of Roles and Responsibilities - Page 2 of 2

Mgt. Practice	Regional Coordination *	State DEQ	Metro	Cities and Counties	Private Sector **
<p><b>Practice 4: Coordinate Investigation and Prosecution</b></p>	<p>Develop and maintain a regional database of dump sites, suspects, and known illegal perpetrators</p>	<p>Lead role to enforce state regulations Assist to maintain the regional database</p>	<p>Lead role to coordinate the development and maintenance of a regional database. Lead role to enforce Metro regulations related to revenue flow and facility franchises If requested, assist cities and counties to develop "civil penalty" laws Provide investigation and prosecution services per agreements with cities and counties Provide assistance to develop and maintain the regional database</p>	<p>Lead role to investigate and prosecute cases relating to collection, theft of recyclables, theft of services, and illegal dumping Lead role to enforce local facility franchise agreements (if applicable) Coordinate with other governments on cases as appropriate Assist to maintain the regional database</p>	
<p><b>Practice 5: Reduce the Incidence of Unauthorized Use of Disposal Containers</b></p>	<p>Develop a regional public education campaign</p>	<p>Participate in the development of a public education campaign</p>	<p>Lead role to coordinate the development of a regional public education campaign; implement specific education strategies as determined If permitted by local laws and if requested, assist cities and counties to investigate and prosecute theft of services cases</p>	<p>Lead role to investigate and prosecute theft of services cases Participate in the development of a regional public education campaign; implement specific education strategies as determined</p>	<p>Participate in the development of a regional public education campaign</p>
<p><b>Practice 6: Track Progress Measure Results</b></p>	<p>Track program results and plan program improvements where necessary</p>	<p>Assist to provide data for the annual report Participate to assess program results and to plan improvements where necessary</p>	<p>Lead role to provide data, produce and distribute an annual report of activities Lead role to conduct surveys and studies to measure regional progress Lead role to assess program results and to plan improvements</p>	<p>Assist to provide data for the annual report Assist with surveys and studies as appropriate Participate to assess program results and to plan improvements</p>	<p>Assist to provide data for the annual report as appropriate Assist with surveys and studies as appropriate Participate to assess program results and to plan improvements</p>

## **Practice 1: Improve Communication and Regional Coordination**

### ***Key Concept and Approach***

Effective communication and regional coordination will be required to accomplish the goal, objectives, and management practices of this plan, and to minimize duplication of efforts and service gaps. The other management practices describe key projects where coordination will be necessary. This practice describes the specific mechanisms to improve cooperation and coordination.

### ***Key Elements***

#### ***Roles and Responsibilities***

*[In addition to the descriptions below, see the table at the beginning of this document for a summary of roles and responsibilities]*

- a) **Establish and support, financially and through staffing, a regional committee or committees.** The purpose of the committee(s) will be to provide an effective, ongoing regional forum to share information, discuss key issues, develop plans and programs, implement programs to involve the public in plan development, and to assess program results. Metro will provide meeting space and facilitation services as required. Governments and the private sector will participate.
- b) Metro and DEQ will coordinate cooperative efforts developed through the regional committee, as defined in "a)."

## **Practice 2: Prevent Illegal Dumping through Mitigation and Public Education**

### ***Key Concept and Approach***

Resources invested to prevent illegal dumping will result in fewer resources expended to investigate and prosecute cases, and to clean up illegal dump sites. Effective prevention can also help alleviate the negative economic consequences of chronic illegal dumping for neighborhoods, businesses, and government. The results of annual tracking surveys suggest that prevention efforts implemented in the last several years have resulted in fewer dump sites in locations that have traditionally experienced problems. Prevention activities should be strengthened to increase this momentum. Prevention activities should address the principal reasons illegal dumping continues to be a problem. These include:

**Chronic dump sites** - Known illegal dump sites attract more illegal dumping. Prompt cleanup and physical barricades will make these sites less attractive to potential perpetrators.

**Economic considerations** - Problems that lead to illegal dumping and are sometimes economic in nature, such as low-income residents who cannot otherwise afford garbage service. The public needs to be made aware of low cost, legal options such as recycling.

**Problem materials** - Some materials have proven to be a chronic illegal dumping problem. Implementation of solutions that help to improve their chances of being recycled or properly disposed is a key step in managing illegal dumping.

**Problem generators** - Certain types of commercial and industrial waste generators have been found to be more prone to dispose of materials through illegal means. Specific solutions should be implemented to mitigate potential illegal dumping activities.

**Lack of public awareness** - Large segments of the general public and certain targeted generators may not be aware of the health, safety, social, economic, environmental, and legal consequences of illegal dumping. They may not be aware of legal recycling and disposal options. Effective promotional and educational efforts will raise awareness and help prevent illegal activity.

## **Key Elements**

### **Roles and Responsibilities**

*[In addition to the descriptions below, see the table at the beginning of this document for a summary of roles and responsibilities]*

- a) **Mitigate chronic illegal dump sites.** Make chronic dump sites less attractive to perpetrators by placing or removing barriers, signs, lighting and other deterrents at chronic dump sites whenever feasible. Monitor chronic sites for problems. Work with private property owners to mitigate illegal dumping.
- b) **Abate Disposal Facility Litter.** Metro will continue to mitigate litter problems at Metro-owned and franchised solid waste facilities and roadsides by levying a surcharge for loads arriving without proper cover or containment.
- c) **Provide economic incentives for proper waste disposal.** Make it convenient and economically viable for waste generators to recycle bulky and hazardous items thus making it less likely they will be illegally dumped. Continue special collection events for these materials. Provide grants to fund these events.
- d) **Continue effective programs for problem materials and launch new programs that will solve acute problems.**

**Bulky materials** - As noted in c) above, continue special collection events for bulky materials that are often illegally dumped.

**Waste tires** - Accept waste tires at community cleanup events. Encourage state legislation for the better management of waste tires and to strengthen actions that can be taken against the illegal disposal of waste tires.

**Construction and demolition materials** - Initiate programs to educate construction and demolition contractors on proper waste disposal techniques and recycling opportunities. When feasible, implement additional measures to increase proper management of waste. Examples could include: 1) require waste generators to develop and submit recycling plans to local governments; or 2) increase enforcement of regulations that require the use of authorized haulers.

**Hazardous materials** - Work cooperatively to implement state, regional and local programs to promote the safe and legal use and disposal of hazardous materials.

**Sharps** - promote the safe and legal disposal of sharps generated by households and institutions. Support the planning and public outreach efforts of the Pollution Prevention Outreach Group, a region-wide group working to promote the safe and legal disposal of sharps generated by households and institutions and work cooperatively with that group as opportunities arise. Metro will continue to collect properly contained sharps at its permanent hazardous waste facilities and at satellite household hazardous waste collection events, subject to the conditions of Metro's sharps container exchange program.

Sharps are defined in ORS 459.386 as including needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling, and syringes that have been removed from their original sterile containers.

**Renters** - Local governments may elect to implement policies requiring landlords to subscribe to garbage and recycling service for their tenants. These policies have been effective in other jurisdictions.

e) **Educate the general public and targeted audiences.** Collaborate to develop and implement effective education to:

- Help the general public and targeted audiences to understand what illegal dumping is and its legal, social, economic, and environmental consequences;
- Inform the general public and targeted audiences about the roles and responsibilities of citizens, governments and the private sector to solve the problem of illegal dumping;
- In applicable jurisdictions, inform the general public and targeted audiences that they may be directly responsible if they hire a hauler who illegally disposes of their waste;
- Promote legal recycling, disposal alternatives, and locations of service facilities; and
- Inform the public government enforcement officers' success in apprehending perpetrators.

Target audiences should include business owners, rental property owners and associations of investors, self-haulers, people who use the services of haulers that are not authorized by local governments to haul waste, remodelers, carpenters, roofers, landscapers, painters, security personnel, judges, hearings officers, police officers, and fire fighters.

Depending on target audiences and messages, specific education methods could include: newspaper articles or ads; city, county or neighborhood association newsletters; professional association newsletters, cable access television programs; public service announcements (radio and television); garbage bill inserts; videos; speakers bureaus (slide presentations and talks to civic groups and trade associations); workshops or roundtable discussions with business groups, law enforcement and fire fighter associations.

Proper solid waste reduction, disposal, and recycling practices will continue to be promoted.

## Practice 3: Provide for Illegal Dump Site Cleanup

### *Key Concept and Approach*

Prompt cleanup of illegal dump sites ensures the removal of health and safety hazards, provides a means to obtain and preserve evidence and information that could lead to prosecution, and lessens the likelihood of more dumping at the same site. The region's local governments have different approaches to dump site cleanup. In addition, private sector organizations have assumed an important role to coordinate regional cleanup events and services. Roles and responsibilities need to be worked out in order to avoid service gaps and overlaps.

### *Key Elements*

#### *Roles and Responsibilities*

*[In addition to the descriptions below, see the table at the beginning of this document for a summary of roles and responsibilities]*

- a) **Provide dumpsite cleanup services according to local policies.** Local governments have the authority to provide dumpsite cleanup within their jurisdictions.

Metro will provide illegal dump site cleanup services on private property per agreements with cities and counties, and according to one or more of the following criteria:

- The property is not a county or city right-of-way that is regularly cleaned up by a local jurisdiction
- The dump site is a health and/or safety hazard to the public
- The dump site is unsightly
- It would present an undue hardship to the property owner under the circumstances to clean up the site.
- Evidence about the probable perpetrator can be gathered in the process of cleaning up the site

Metro's objective will be to provide quick response to appropriate service requests in order to mitigate additional illegal dumping problems at the site.

DEQ will continue to provide technical assistance to other governments and the private sector as requested to identify potentially hazardous materials that have been illegally dumped or abandoned. It will also address water and air quality concerns that arise as a result of illegal dump sites.

- b) **Establish a regional call referral service for reporting illegal dumping.** The purpose of the call referral service is to provide better public service. It will ensure that the public has a simple and understandable way to report incidents. Metro will provide the service through its existing Recycling Information Center and will promote the new number to the public. Regional coordination will be required to set up and maintain reliable referrals as described in c) below.
- c) **Develop a matrix and map of dump site cleanup policies and services.** Through a cooperative regional effort, identify the laws, codes, and enforcement procedures, including penalties and cleanup policies, that exist within the region and including Vancouver and Clark County, Washington. Identify the boundaries of those programs on a regional map. Identify reliable phone numbers and referrals for different types of illegal dumping situations that are likely to occur. Ensure that all jurisdictions receive the information and that the information is updated on a regular basis. This matrix and map will be used by the call referral service described in b) above.



- d) **Continue to provide local and region-wide dump site cleanup events. Governments and the private sector will continue to plan and implement cleanup events. This includes those organized by Stop Oregon Litter & Vandalism (SOLV). SOLV will also provide volunteers as available for cleanups coordinated by state, regional or local governments.**

## Practice 4: Coordinate Prosecution and Enforcement Efforts

### *Key Concept and Approach*

There are challenges to prosecution and enforcement efforts that heighten the need for coordination. For example, illegal dumping policies and enforcement practices vary among jurisdictions. Another challenge is that perpetrators do not usually confine their activities to one jurisdiction. Instead, they tend to cross jurisdictional boundaries and continue those activities. Also, some local officials may not see illegal dumping cases as a high priority and may be unaware of an offender's prior illegal dumping offenses. Coordination is required to address these challenges effectively.

### *Key Elements*

#### *Roles and Responsibilities*

*[In addition to the descriptions below, see the table at the beginning of this document for a summary of roles and responsibilities]*

- a) **Prosecution and investigation is under the authority of local governments.** Local jurisdictions have the authority to investigate and prosecute illegal dumping incidents that occur within their boundaries. When permitted by law, this enforcement authority may be delegated to another jurisdiction by written agreement. Metro will assist to investigate and prosecute cases per written agreements with cities and counties.
- b) **Develop and maintain a regional, computerized database of suspects, offenders, dump sites, and open and closed cases.** The purpose of the database is to provide the means to electronically share current information region-wide about illegal dump sites, suspects and perpetrators in order to apprehend more offenders. Metro will provide technical assistance and funding to establish and maintain the database and to provide other governments the opportunity to access the database. All jurisdictions will coordinate to maintain the database, to evaluate its effectiveness, and to plan improvements.
- c) **Conduct information meetings with criminal enforcement personnel.** Governments will coordinate to plan and conduct regional and local meetings with civil and criminal enforcement personnel. The purpose of these meetings will be to increase awareness of illegal dumping enforcement programs and the serious nature of the offense.
- d) **Other Actions.** In the interest of establishing more consistent policies, any of the following elements can be implemented by governments as appropriate:
  - Local governments may choose to issue citations under Metro's illegal dumping ordinance through written agreements with Metro.
  - Adopt laws to:
    - Allow liens to be placed on the personal property of perpetrators (e.g., vehicles) if they fail to pay civil penalties or costs of cleanup.

- **Restrict homeowners' use of unauthorized haulers and hold unauthorized haulers and/or homeowners liable for cleanup of illegally-dumped materials.**
- **Advocate for a state law that would restrict homeowners' use of unauthorized haulers and hold unauthorized haulers and/or homeowners liable for cleanup of illegally-dumped materials.**
- **Require convicted offenders to subscribe to residential garbage service.**
- **Enact an illegal dumping ordinance.**
- **Develop procedures to identify repeat offenders across the region**
- **Provide cost-effective ways for recycling coordinators and enforcement officials to access the state Department of Motor Vehicle's automated voice exchange system (DAVE) in order to do license plate checks on illegal dumping suspects.**

## **Practice 5: Reduce the incidents of unauthorized use of disposal containers through public education and enforcement**

### ***Key Concept and Approach***

Illegal disposal includes the unauthorized placing of one's garbage in another's refuse container. Considering that "garbage collection" is a service that is paid for by the customer, this activity is tantamount to stealing the service from the individual or business that paid for it. As disposal costs increase, so does the monetary significance to the victim and the number of incidents.

Illegal disposal also includes cases where waste or recyclables are deposited at a legitimate disposal or recovery facility but dumped after hours and/or without proper payment. Such cases occur infrequently and can be handled either as thefts or as illegal dumping.

"Theft of service" is a crime under Oregon law and as such it is the responsibility of the local law enforcement agency to investigate the offense and prosecute through the district attorney's office. Individuals who participate in this activity may be unaware that it is a crime and the possible consequences. Public education would raise awareness and help prevent this activity.

Due to limited law enforcement resources, local jurisdictions may determine that this activity is a low priority for criminal investigation and prosecution. The regional committee established under Practice 1 of this Plan could investigate alternative approaches to address this problem, including prosecuting as a civil offense.

### ***Key Elements***

#### ***Roles and Responsibilities***

*[In addition to the descriptions below, see the table at the beginning of this document for a summary of roles and responsibilities]*

- a) **Investigation and Prosecution is under the authority of local governments.** Local jurisdictions have the authority under Oregon law to investigate and prosecute the unauthorized use of disposal containers (theft of services) occurring within their boundaries. This enforcement authority may be delegated to another jurisdiction by written agreement.
- b) **Develop a public education campaign** to inform individuals that this activity is "theft" and of the legal consequences. In addition, both residential and business waste collection customers should be educated on steps that may be taken to protect their disposal containers from unauthorized use, such as lighting, signage and locks.
- c) **Enact legislation.** Local jurisdictions may enact legislation making unauthorized use of a disposal container a civil violation, thereby removing investigation and prosecution from the criminal justice system.

## **Practice 6: Track Progress and Measure Results**

### ***Key Concept and Approach***

Surveys and program tracking are traditional management tools used to measure and evaluate the effectiveness of programs. These same types of management tools should be used to assess the effectiveness of illegal dumping programs, to plan better approaches to solve the problem, and to ensure

to best use of resources. Annual reviews will be necessary given the changing face of the problem. For example, new illegal dump sites may emerge as old ones are cleaned up, changing solid waste policies may result in the decrease or increase of illegal activity, or an increase in construction activity in a particular area may result in more illegally disposed construction waste.

### ***Key Elements***

#### ***Roles and Responsibilities***

*[In addition to the descriptions below, see the table at the beginning of this document for a summary of roles and responsibilities]*

- a) **Identify performance indicators.** In order to track progress from year to year, governments and the private sector have identified key indicators of performance. These indicators will be used to assess region-wide progress toward reaching the objectives of this plan.

#### **Communication and Regional Coordination**

- Participation in the Solid Waste Interagency Network of Enforcers (SWINE)
- Participation in regional planning efforts
- Successful implementation of regional programs

#### **Prevention and Public Education**

- Identify sites where mitigation measures have been taken and determine whether or not they are dumped on less frequently
- Decrease in the size and number of illegal dump sites
- Changes in public attitudes (surveyed through public opinion polls)
- Changes in the behavior of targeted waste generators
- Numbers and types of calls to the regional call referral service phone number

#### **Illegal Dump Site Cleanup**

- Number of sites cleaned up, who cleaned them up, and who paid for the cleanup. Calls to the regional call referral service

#### **Coordinated Investigation and Prosecution**

- Adoption of new laws
- Jurisdictions use the new regional database
- Number of informational meeting with enforcement personnel
- Number of cases involving coordinated investigation and prosecution

- b) **Produce and distribute an annual report on the status of illegal dumping.** The purpose of this report is to survey and inventory the current status of the illegal dumping problem. The report will also analyze survey information and make specific recommendations for change as discussed in element b) below. The report may include the following information for each annual reporting period:

- Size, locations and types of known illegal dump sites (“types” can include whether the land was privately or publicly owned, the types of materials dumped, and whether the material was dumped by households or businesses)

- Number, size, locations, and types of illegal dump site cleanups, quantities of materials collected, whether the site owner or the local government cleaned the site, how much money was recovered from local government cleanups, and the costs of cleanup activities.
- Number of violators apprehended
- Status of repeat violators
- Number of cases successfully cleared
- Call activity - regional call referral service by geographic location
- Summary of programs implemented
- Summary of new solid waste management policies and their probable effects on illegal dumping
- Comparisons with prior years and analysis
- Recommendations for change
- Survey of types of materials dumped
- Map matrix to mitigate repeat calls and transferring of calls
- Response times for resolving problems

Metro will compile and distribute the report annually. Local governments may contribute information for their jurisdictions. Metro will work with state and local governments to determine specific reporting needs.

**c) Analyze report data and recommend program improvements. All parties will participate in the following activities:**

- Analyze annual data
- Assess the effectiveness of current programs
- Amend existing programs as a result of surveys
- Recommend new programs to address emerging problems

*Agenda Item Number 6.1*

**Resolution No. 96-2453, For the Purpose of Authorizing Issuance of Addendum No. 4 to RFP #96-31-REM for the Operation of Metro South and/or Metro Central Transfer Stations.**

**Metro Council Meeting  
Thursday February 13, 1997  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING ISSUANCE ) RESOLUTION NO. 97-2453  
OF ADDENDUM NO. 4 TO RFP #96R-31-REM FOR )  
THE OPERATION OF METRO SOUTH AND/OR ) Introduced by Mike Burton  
METRO CENTRAL TRANSFER STATIONS ) Executive Officer

WHEREAS, The Metro Council has adopted Change Order No. 7 to the Waste Disposal Services Contract; and

WHEREAS, As explained in the accompanying staff report this change order requires that the cost evaluation criterion in RFP #96-31-REM be modified to reflect the lower disposal cost contained in the change order in the manner specified in Addendum No. 4 attached as Exhibit "A"; and

WHEREAS, The deadline for the submission of proposals for RFP #96-31-REM has been delayed pending Council action on the change order; and

WHEREAS, This delay has resulted in the need to modify the start of operations as contained in the attached addendum; and

WHEREAS, Staff is recommending a number of additional minor improvements to the RFP as explained in the accompanying staff report; and

WHEREAS, The resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

BE IT RESOLVED, That the Metro Council authorizes issuance of Addendum No. 4 to RFP #96-31-REM.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

Approved as to Form:

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

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## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 97-2453 FOR THE PURPOSE OF AUTHORIZING ISSUANCE OF ADDENDUM NO. 4 TO RFP #96R-31- REM FOR THE OPERATION OF METRO SOUTH AND/OR METRO CENTRAL TRANSFER STATIONS

Date: January 22, 1997

Presented by: Jim Watkins  
Chuck Geyer

## PROPOSED ACTION

Adopt Resolution No. 97-2453 authorizing the Executive Officer to issue Addendum No. 4 to the Request for Proposals for the Operation of Metro South and/or Metro Central Transfer Stations

## FACTUAL BACKGROUND AND ANALYSIS

On January 16, 1997, the Metro Council adopted Change Order No. 7 to the Waste Disposal Services contract which substantially alters the cost of disposal of waste from Metro's transfer stations. Addendum No. 4 to RFP #96-31-REM, attached to the resolution as Exhibit "A", modifies the cost evaluation criterion to reflect this change in disposal costs. The addendum also modifies a number of other provisions. Each item of the addendum is addressed below:

1. The first item changes how we calculate total cost for Option Nos. 2 (operation of Metro Central only) & 3 (operation of both stations) of the RFP to reflect the impact of Change Order No. 7. This is accomplished by computing the total transport and disposal costs of the combination of dry waste proposed to be diverted with the remaining waste being disposed at the Columbia Ridge Landfill (CRL) in any given contract year, and then subtracting the total cost of transport and disposal for all the waste as if it were to be disposed at CRL only. The result of this computation would then be added to the proposal's transfer costs to compute the total cost of the proposal. The effect is that those proposals which can dispose of dry waste cheaply enough to offset the increase in disposal costs at CRL will receive the benefits of the such savings as a lower total cost. Please refer to the sample price schedules for each option attached to the addendum, for an example of these changes.
2. The second item in the addendum changes the start of operations to October 1, 1997, for Metro South Station. This delay is required since the submission of proposals was delayed pending the outcome of Change Order No. 7, and to avoid changing Contractors during peak solid waste periods. In addition, vendors requested additional mobilization time in order to acquire heavy equipment after award.
3. Item three inserts security requirements for Metro South Station. Metro had originally anticipated contracting directly for this service.

4. The next item expands janitorial requirements to the on-site trailer used by Metro South Hazardous Waste Technicians. It was originally envisioned that the trailer would not be on-site.
5. This item in the addendum changes the start of operations to October 1, 1997, for Metro Central Station.
6. Item six inserts security requirements for Metro Central Station.
7. This item changes the beginning and end dates of the contract in the General Conditions of the RFP.
8. Inserts replacement examples of the cost calculation spreadsheets.
9. Incorporates Change Order No. 7 into the APPENDIX of the RFP.

#### BUDGET IMPACT

The cost criterion changes will likely result in lower prices being submitted for dry waste disposal. The impact will not be known until proposals are received and reviewed.

#### EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 97-2453.

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## EXHIBIT A

### ADDENDUM NO. 4

#### TO THE REQUEST FOR PROPOSALS FOR THE OPERATION OF THE METRO SOUTH AND/OR METRO CENTRAL TRANSFER STATIONS (RFP #96R - 31 - REM)

TO ALL PLANHOLDERS:

1. Item 5B. (**EVALUATION OF PROPOSALS**) of the Request for Proposals, page 6, 8th paragraph, DELETE the paragraph and REPLACE with:

"For purposes of evaluation Metro will assume the cost for transport and disposal at a general purpose landfill is as specified in Change Order No. 7 to the Waste Disposal Services Contract contained in the APPENDIX. The formula for computing the total cost, including price adjustments, is contained in the computerized version of the evaluation spreadsheet, an example of which is contained in the APPENDIX."

2. Item 1.0 (**PROJECT DESCRIPTION/REQUIREMENTS**) of the SPECIFICATIONS FOR METRO SOUTH STATION, page 1, 2nd paragraph, contained in the APPENDIX. DELETE the last sentence and REPLACE with the following:

"The period of operations will extend from 12:00 a.m. on October 1, 1997, to 11:59 p.m. on September 30, 2002."

3. Item 14.0 (**SECURITY**) of the SPECIFICATIONS FOR METRO SOUTH STATION, page 13, contained in the APPENDIX. DELETE the existing language and SUBSTITUTE with the following:

"Contractor shall provide personnel for mobile/foot patrol for the site, 24 hours per day to prevent unauthorized site entry and/or facility misuse. Contractor shall have in place 24 hour staffed communication coverage including emergency communications equipment to include both required radio and cellular services. Security patrol backup and emergency situation response shall be available in addition to onsite personnel and shall be onsite no greater than fifteen minutes response time from the time of the original request for security assistance to arrival at the site. Provision of these additional personnel shall be reimbursed in accordance with Article 15 of the General Conditions.

Onsite security personnel's supervisors shall perform and document at least two unscheduled onsite inspections of such personnel (at least one of which will be between the hours of 11:00 p.m. and 4:00 a.m.) monthly and the inspections shall be noted and signed by the supervisor on a shift report kept by onsite security personnel and available to Metro.

Contractor shall provide back up and/or additional security personnel for Metro special events or meetings as requested by Metro within two hours of such request. Such additional personnel shall be reimbursed in accordance with Article 15 of the General Conditions.

Contractor shall replace any onsite security personnel requested by Metro.

Contractor shall document and provide copies to Metro ensuring that all security personnel assigned to the site shall:

- have recent and regularly scheduled background checks
- be free from all felony and misdemeanor convictions deemed unacceptable under Senate Bill 60
- not be a user of illegal drugs or an abuser of alcohol
- be certified as a private security officer under Senate Bill 60

All services provided under this specification shall be performed in accordance with the highest industry standards as determined by Metro. Said performance shall include but not be limited to the reasonable handling of sensitive public and emergency situations. Contractor shall make good all damages resulting from its failure to provide adequate security.

4. Item 31.1 (JANITORIAL SERVICES), of the SPECIFICATIONS FOR METRO SOUTH STATION, page 24, 1st paragraph, contained in the APPENDIX. INSERT the following after "scalehouse," and before "unless":

"and onsite trailer used by household hazardous waste personnel,"

5. Item 1.0 (PROJECT DESCRIPTION/REQUIREMENTS) of the SPECIFICATIONS FOR METRO CENTRAL STATION, page 1, 2nd paragraph, contained in the APPENDIX. DELETE the last sentence and REPLACE with the following:

"The period of operations will extend from 12:00 a.m. on October 1, 1997, to 11:59 p.m. on September 30, 2002."

6. Item 15.0 (SECURITY) of the SPECIFICATIONS FOR METRO CENTRAL STATION, page 15, contained in the APPENDIX. DELETE the existing language and SUBSTITUTE with the following:

"Contractor shall provide personnel for mobile/foot patrol for the site, 24 hours per day to no unauthorized site entry and/or facility misuse. Contractor shall have in place 24 hour staffed communication coverage including emergency communications equipment to include both required radio and cellular services. Security patrol backup and emergency situation response shall be available in addition to onsite personnel and shall be onsite no greater than fifteen minutes response time from the time of the original request for security assistance to arrival at the site. Provision of these additional personnel shall be reimbursed in accordance with Article 15 of the General Conditions.

Onsite security personnel's supervisors shall perform and document at least two unscheduled onsite inspections of such personnel (at least one of which will be between the hours of 11 p.m. and 4 a.m.) monthly and the inspections shall be noted and signed by the supervisor on a shift report kept by onsite security personnel and available to Metro.

Contractor shall provide back up and/or additional security personnel for Metro special events or meetings as requested by Metro within two hours of such request. Such additional personnel shall be reimbursed in accordance with Article 15 of the General Conditions.

Contractor shall replace any onsite security personnel requested by Metro.

Contractor shall document and provide copies to Metro ensuring that all security personnel assigned to the site shall:

- > have recent and regularly scheduled background checks
- > be free from all felony and misdemeanor convictions deemed unacceptable under Senate Bill 60
- > not be a user of illegal drugs or an abuser of alcohol
- > be certified as a private security officer under Senate Bill 0

All services provided under this specification shall be performed in accordance with the highest industry standards as determined by Metro. Said performance shall include but not be limited to the reasonable handling of sensitive public and emergency situations. Contractor shall make good all damages resulting from its failure to provide adequate security.

7. **ARTICLE 31 (START OF CONTRACT, CONTRACT COMPLETION, AND CONTRACT EXTENSIONS)** of the GENERAL CONDITIONS, page 29, 1st sentence, contained in the APPENDIX. DELETE the sentence and REPLACE with the following:

"The Contractor agrees to begin services on October 1, 1997, and to terminate such services on September 30, 2002, subject to the provisions of Article 11(F)."

8. **COST CALCULATION SPREADSHEET AND PRICE ADJUSTMENT EXAMPLES**, Option #2 and Option #3 contained in the APPENDIX. DELETE and SUBSTITUTE the attached spreadsheets.
9. INSERT into the APPENDIX the attached Change Order No. 7 to the Waste Disposal Services Contract.

Dated on this \_\_\_ day of \_\_\_\_\_, 1997.

Metro

By: \_\_\_\_\_  
Mike Burton, Executive Officer

CG:ay  
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OPTION # 2		Metro Central Station Operation										
<b>ASSUMPTIONS</b>												
1. This spreadsheet assumes an annual cost of living (CPI) increase of 4%.												
2. The first price adjustment is on July 1998, and every July thereafter												
3. The cost for transport and disposal at a general purpose landfill for FY 1997-98 is in the associated "Calculations" spreadsheet												
<b>TO CALCULATE THE COST OF A PROPOSAL- Enter information in the cells labeled "Bid Input"</b>												
If you wish to see the effect of different tonnage or CPI scenarios, these parameters may be changed in Section 3 below.												
<b>SECTION 1</b>		<b>METRO CENTRAL STATION BID</b>										
A.	LUMP SUM PRICE FOR FIRST		21,000	TONS PER MONTH						\$0.00	(Bid Input)	
B.	PER TON PRICE FOR EACH TON IN THE FOLLOWING TONNAGE RANGES:											
	CATEGORY 1:	21,001	to	24,000	Tons/Mo					\$0.00	(Bid Input)	
	CATEGORY 2:	24,001	to	27,000	Tons/Mo					\$0.00	(Bid Input)	
	CATEGORY 3:	27,001	to	30,000	Tons/Mo					\$0.00	(Bid Input)	
	CATEGORY 4:	30,001	to	+	Tons/Mo					\$0.00	(Bid Input)	
C.	PER TON PRICE FOR EACH TON OF SOURCE SEPARATED YARD DEBRIS AND WOOD									\$0.00	(Bid Input)	
D.	PERCENT ADJUSTMENT OF CPI=									0	% (Bid Input) (Enter in the form of 100, 95, etc)	
E.	DRY WASTE TRANSPORT AND DISPOSAL											
	ANNUAL TONNAGE GUARANTEE( NOT TO EXCEED 50,000)									0	(Bid Input)	
	PRICE PER TON FOR TRANSPORT AND DISPOSAL									\$0.00	(Bid Input)	
<b>TOTAL COST TO BE USED IN THE EVALUATION:</b>										\$0		
<b>SECTION 2</b>		<b>BID ANALYSIS: SUMMARY TABLE FOR BID EVALUATION ONLY</b>										
TOTAL COST TO BE USED IN THE EVALUATION OF THIS BID												
	\$0	FY 96-97	FY 97-98	FY 98-99	FY 99-00	FY 00-01	FY 01-02	<b>TOTAL</b>				
<b>Cost:</b>												
	Transfer Station	\$0	\$0	\$0	\$0	\$0	\$0	\$0				
	Yard Debris & Wood	0	0	0	0	0	0	0				
	<b>Total Unadjusted</b>	\$0	\$0	\$0	\$0	\$0	\$0	\$0				
<b>Adjustments:</b>												
(From Calculations Sheet Table 4)												
	TRANSP/DISPOSAL COST WITH DRY WASTE (A)	\$0	\$25,242,953	\$26,031,977	\$27,141,754	\$28,316,555	\$29,528,491	\$138,261,730				
	TRANSP/DISPOSAL COST WITHOUT DRY WASTE (B)	0	25,242,953	26,031,977	27,141,754	28,316,555	29,528,491	138,261,730				
	<b>Total Adjustments (A - B)</b>	\$0	\$0	\$0	\$0	\$0	\$0	\$0				
	<b>Total Adjusted Cost</b>	\$0	\$0	\$0	\$0	\$0	\$0	\$0				

ASSUMPTIONS

1. This spreadsheet assumes an annual cost of living (CPI) increase of 4%.
2. The first price adjustment is on July 1998, and every July thereafter
3. The cost for transport and disposal at a general purpose landfill for FY 1997-98 is in the associated "Calculations" spreadsheet

**TO CALCULATE THE COST OF A PROPOSAL-** Enter information in the cells labelled "Bid Input"

If you wish to see the effect of different tonnage or CPI scenarios, these parameters may be changed in Section 3 below.

**SECTION 1**

**METRO SOUTH ITEMS**

A.	LUMP SUM PRICE FOR FIRST	21,000 TONS PER MONTH	\$0.00 (Bid Input)
B.	PER TON PRICE FOR EACH TON IN THE FOLLOWING TONNAGE RANGES:		
	CATEGORY 1:	21,001 to 24,000 Tons/Mo	\$0.00 (Bid Input)
	CATEGORY 2:	24,001 to 27,000 Tons/Mo	\$0.00 (Bid Input)
	CATEGORY 3:	27,001 to 30,000 Tons/Mo	\$0.00 (Bid Input)
	CATEGORY 4:	30,001 to + Tons/Mo	\$0.00 (Bid Input)

**METRO CENTRAL ITEMS**

C.	LUMP SUM PRICE FOR FIRST	21,000 TONS PER MONTH	\$0.00 (Bid Input)
D.	PER TON PRICE FOR EACH TON IN THE FOLLOWING TONNAGE RANGES:		
	CATEGORY 1:	21,001 to 24,000 Tons/Mo	\$0.00 (Bid Input)
	CATEGORY 2:	24,001 to 27,000 Tons/Mo	\$0.00 (Bid Input)
	CATEGORY 3:	27,001 to 30,000 Tons/Mo	\$0.00 (Bid Input)
	CATEGORY 4:	30,001 to + Tons/Mo	\$0.00 (Bid Input)

E.	DRY WASTE TRANSPORT AND DISPOSAL		
	ANNUAL TONNAGE GUARANTEE (NOT TO EXCEED 50,000)		\$ (Bid Input)
	PRICE PER TON FOR TRANSPORT AND DISPOSAL		\$0.00 (Bid Input)

**ITEMS FOR BOTH STATIONS**

F.	PER TON PRICE FOR EACH TON OF SOURCE SEPARATED YARD DEBRIS AND WOOD		\$0.00 (Bid Input)
G.	PERCENT ADJUSTMENT OF CPI=		% (Bid Input) (Enter in the form of 100, 95, etc)

TOTAL COST TO BE USED IN THE EVALUATION: \$0

SECTION 2		BID ANALYSIS: SUMMARY TABLE FOR BID EVALUATION ONLY						
TOTAL COST TO BE USED IN THE EVALUATION OF THIS BID:		FY 96-97	FY 97-98	FY 98-99	FY 99-00	FY 00-01	FY 01-02	TOTAL
	\$0							
<b>Cost:</b>								
Transfer Station		\$0	\$0	\$0	\$0	\$0	\$0	\$0
Yard Debris & Wood		0	0	0	0	0	0	0
<b>Total Unadjusted</b>		\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Adjustments:</b>								
(From Calculations Sheet Table 4)								
TRANSP/ DISPOSAL COST WITH DRY WASTE (A)		\$0	\$25,242,953	\$26,031,977	\$27,141,754	\$28,316,555	\$29,528,491	\$136,281,730
TRANSP/ DISPOSAL COST WITHOUT DRY WASTE (B)		0	25,242,953	26,031,977	27,141,754	28,316,555	29,528,491	136,281,730
<b>Total Adjustments (A - B)</b>		\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Adjusted Cost</b>		\$0	\$0	\$0	\$0	\$0	\$0	\$0



**EXHIBIT A**

**CHANGE ORDER NO. 7  
METRO CONTRACT NO. 900607**

**MODIFICATION TO THE CONTRACT BETWEEN  
METRO AND WASTE MANAGEMENT DISPOSAL SERVICES OF OREGON, INC.  
(dba OREGON WASTE SYSTEMS, INC.)  
ENTITLED  
"WASTE DISPOSAL SERVICES"**

In exchange for the promises and other considerations set forth in the original agreement, previous change orders and this Change Order No. 7, the parties hereby agree as follows:

**A. Purpose**

The purpose of this Change Order is to replace the terms and conditions of Contract Amendment No. 4 (Change Order No. 4), dated March 16, 1994.

**B. Terms of Change Order**

1. Effective for the twelve-month period commencing July 1, 1996, and for each twelve-month period thereafter, Contractor shall be paid a base rate of \$27.25 per ton for the initial 550,000 tons of waste delivered to Contractor each period. For each ton of waste delivered to Contractor in excess of 550,000 tons, a declining incremental price will be charged as set forth on the attached Table 1. The base rate shall take effect on the first day of the month that this Amendment is effective and shall be applied to the first 550,000 tons delivered to Contractor, less the amount of tons delivered from July 1, 1996 to the month that this Amendment was executed. Contractor shall receive a declining rate for all additional tons delivered until June 30, 1997.

On January 10, 1997, or the effective date of this Amendment, whichever is later, Metro shall pay Contractor an additional payment of \$1,025,400 in exchange for both Contractor's agreement to modify the payment terms of the original Agreement and in lieu of all future annual lump sum payments under the Original Waste Disposal Services Contract and the elimination of the Supplemental Price Adjustment payment as set forth herein.

2. Effective upon execution of this Amendment, the anniversary of the Waste Disposal Services Contract set forth in Article 19.B for Price Adjustments shall be deemed to be July 1 of each year. Beginning on July 1, 1997, for all the rates shown on Table 1, the "percentage price adjustment (AI)" calculated under said Article 19.B, shall be 90% of the Consumer Price Index (CPI) for the previous calendar year, minus one-half of one percentage point of such CPI. Therefore, the formula in Article 19.B used to calculate the price adjustment shall read:

$AI = (((CI_x - CI_B) / CI_B) \times 0.9) - 0.005$ , with the terms of the formula modified so that  $CI_x$  represents the Consumer Price Index for the calendar year ending on the previous December 31, and  $CI_B$  represents the Consumer Price Index for the calendar year prior to the year used to calculate  $CI_x$ .

3. The "Supplemental Price Adjustment" payment required under Waste Disposal Services Contract Amendment No. 2 (Change Order No. 2) is eliminated. The final monthly Supplemental Price Adjustment payment shall be paid for the full month preceding the date of this Amendment.

4. The Contractor shall pay, and Metro shall reimburse the Contractor in full for, the Oregon Department of Environmental Quality annual solid waste permit fee and 1991 Recycling Act annual fee, including all future increases in the above fees. Contractor hereby waives any claims against Metro for additional payments for such fees from previous years.

5. From 1991 to the effective date of this Amendment, Contractor waives any claims against Metro or for compensation from Metro arising out of Section 1 of the Specifications to the Original Agreement, page VI-1, under the heading "Annual Waste Delivery Guarantees by Metro."

6. The Most Favorable Rate Agreement between the Parties (dated March 24, 1988) is terminated, effective as of March 16, 1994. Metro waives any and all claims past, present and future against Contractor or for compensation from Contractor due under, or for any alleged breach, of the Most Favorable Rate Agreement.

7. The obligation of the Contractor to maintain bonds specified in Section 4 of Amendment No. 2 is terminated, effective March 16, 1994. Notwithstanding this termination, the corporate guarantee provided under said Amendment No. 2 shall remain in full force and effect for the term of the Agreement.

8. The provisions contained in schedule A attached hereto shall be given full force and effect for the period from March 16, 1994, until the effective date of this Amendment.

9. Contract Amendment No. 4 is superseded by the provisions of this Change Order No. 7, and Contract Amendment No. 4 is null and void.

10. In addition to the flow commitment guarantee contained in Section 1 of the Specifications to the Original Agreement, page VI-1, under the heading "Annual Waste Delivery Guarantees by Metro" (hereinafter, "Flow Guarantee"), Metro shall at all times make good faith efforts to ensure that putrescible waste (other than special waste) generated or disposed of within Metro boundaries and destined for a general purpose landfill (other than incidental quantities), shall be subject to Metro's authority to deliver waste to the Columbia Ridge Landfill. For the purpose of this Paragraph 10, Metro's good faith efforts shall be considered to have been met as long as Metro continues to comply with the covenants benefiting bond holders contained in Metro's solid waste revenue bonds and so long as Metro continues to exercise the same general level of effort now used to enforce Metro's flow control and illegal waste disposal ordinances and regulations. This commitment is in addition to the Flow Guarantee and shall not be admissible in any proceeding for purposes of interpreting the intent of the parties under the original Flow Guarantee.

11. In the event that any suit, action or other proceeding is commenced challenging the validity or enforceability of this Amendment No. 7, Metro and Contractor agree to defend the validity and enforceability of Amendment No. 7 in such suit, action or proceeding.

Except as modified herein, all other terms and conditions of the Contract and previous change orders shall remain in full force and effect. This Change Order shall be effective beginning with the month of the last signature date below.

OREGON WASTE SYSTEMS, INC.

METRO

By \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

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TABLE 1

METRO DISPOSAL RATES

IF ANNUAL TONNAGE IS:		PRICE PER TON SHALL BE:
0	TO 550,000 TONS	\$ 27.25
550,001	TO 592,500 TONS	\$ 10.00
592,501	TO 635,000 TONS	\$ 9.50
635,001	TO 677,500 TONS	\$ 9.00
677,501	TO 720,000 TONS	\$ 8.50
720,001	TO 762,500 TONS	\$ 8.00
ABOVE 762,501		\$ 7.50

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## SCHEDULE A

1. Beginning with the first annual price adjustment normally occurring after March 16, 1994 the "percentage price adjustment (AI)" calculated under the Original Agreement, General Conditions, Article 19.B., shall be reduced by 1/2 percent. If the resulting percentage price adjustment is less than zero, the unit prices shall be reduced by the percentage so obtained.
2. Contractor shall provide the following credits to Metro for wastes of comparable type to the waste to be disposed of under the Original Agreement, as modified, other than those generated within Metro boundaries or processed at facilities within Metro boundaries:
  - (a) Beginning January 1, 1995, for waste from the city of Seattle or any Partner pursuant to the WWS/Seattle contract:
    - \$1.00 per Seattle or Partner ton beginning January 1, 1995, and an additional \$0.50 per ton beginning January 1, 1996.
  - (b) For waste from non-Metro region sources other than Seattle or Partner, but not including waste generated in Oregon counties, except Deschutes County, located east of the Cascade Mountains:
    - For contracts involving large communities (i.e., communities disposing of greater than 75,000 tons per year at the Columbia Ridge Landfill): \$1.00 per ton beginning immediately upon the effective date of this Agreement and an additional \$0.50 per ton beginning January 1, 1996.
    - Except as provided in Subsection (a) above, for contracts involving small communities (i.e., communities disposing of up to 75,000 tons per year at the Columbia Ridge Landfill): \$0.50 per ton. This credit will begin March 16, 1994 for contracts that took or will take effect on or after January 1, 1993, and will begin on January 1, 1995, for contracts that took effect before January 1, 1993.
  - (c) The credits in this Section are escalated annually by the same CPI increase as described in Section 1 above; provided, however, that the additional \$0.50 per ton credit shall not escalate until the first annual price adjustment occurring after the effective date of the additional credit.

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*Agenda Item Number 6.2*

**Resolution No. 97-2455, For the Purpose of Filling a Vacancy on the Traffic Relief Options Study Task Force.**

Metro Council Meeting  
Thursday, February 13, 1997  
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF FILLING A )  
VACANCY ON THE TRAFFIC RELIEF )  
OPTIONS STUDY TASK FORCE )

RESOLUTION NO. 97-2455

Introduced by  
Councilor Washington, Chair  
JPACT

WHEREAS, Section 1012(b) of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 authorized the Secretary of Transportation to create a Congestion Pricing Pilot Program to fund a series of demonstration projects and related studies to promote the implementation of congestion pricing; and

WHEREAS, Metro and the Oregon Department of Transportation (ODOT) submitted a joint application to undertake a study to assess public attitudes to the concept, develop and evaluate a number of congestion pricing alternatives, and make a recommendation as to whether an appropriate demonstration project can be established in the Portland metropolitan area; and

WHEREAS, Resolution No. 93-1743A endorsed the region's application for a congestion pricing pilot project and directed Metro and ODOT staff to pursue ISTEA funds for this purpose; and

WHEREAS, Metro and ODOT have received approval and \$1.2 million in funding to undertake a Congestion Pricing Pre-Project Study (the study); and

WHEREAS, Ordinance No. 96-628 amended the FY 1995-96 budget and appropriations schedule for the purpose of conducting the study; and

WHEREAS, Due to the relative newness of the concept and the potential for significant public concern, Metro and ODOT have

agreed to establish a Task Force of business and community leaders to provide advice and direction on the study; and

WHEREAS, Metro Council on June 6, 1996 passed Resolution No. 96-2333 endorsing the composition and mission of the Congestion Pricing Task Force for the purpose of providing oversight and direction to the Congestion Pricing Pre-Pilot Study and making a recommendation to the Joint Policy Advisory Committee on Transportation (JPACT) and the Metro Council as to whether a demonstration project of congestion pricing should be undertaken in the Portland metropolitan area and, if so, what its parameters should be. Exhibit B includes the Task Force membership list; now, therefore,

BE IT RESOLVED:

That the Metro Council finds that Betty Atteberry, Executive Director of the Sunset Corridor Association, should fill a vacancy on the Task Force created by Delna Jones. As a Task Force member, Ms. Atteberry will be responsible for fulfilling the duties as described in Exhibit A.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel



## EXHIBIT A

### Role and Responsibilities of the Traffic Relief Options Task Force (the Task Force)

#### Role of the Task Force

The Task Force will provide a broad-based, long-range perspective into the issues associated with a possible congestion pricing project in this region. The Task Force will provide oversight to the technical work and public outreach efforts associated with the study and will ensure that the topic is comprehensively addressed. Task Force members will also serve as spokespersons within their various fields and communities.

#### Responsibilities of the Task Force

It is anticipated that the Task Force will meet approximately once every month throughout the two-year study and will be charged with the following responsibilities:

1. Assess the case for and against congestion pricing and its practical feasibility to reduce peak period congestion, vehicle miles traveled and motor vehicle emissions and other potential effects on the community.
2. Increase awareness and understanding of congestion pricing.
3. Evaluate the results of the study to determine the technical feasibility and public acceptance of congestion pricing in the Portland region.
4. Develop regional consensus on whether a congestion pricing pilot demonstration project should be undertaken and, if so, what its parameters should be.
5. Provide a Task Force report to the Joint Policy Advisory Committee on Transportation (JPACT), the Metro Council and the Oregon Transportation Commission.

EXHIBIT B

TRAFFIC RELIEF OPTIONS STUDY  
TASK FORCE MEMBERS

Members

**Carl Hosticka, Chair**; associate vice president Statewide Education Services for the University of Oregon, and former state legislator

**Karen Baird**, director of Products, US West

**Ken Baker**, attorney and state senator

**Steve Clark**, publisher, Community Newspapers, Inc.

**Lawrence Dark**, president/CEO, The Urban League of Portland

**Jon Egge**, president, MP Plumbing

**Delna Jones**, project director, The Capital Center

**Matt Klein**, senior vice president, Ashforth Pacific, Inc.

**Tom Mesher**, president, Mesher Supply

**State Representative Anitra Rasmussen**

**Mike Salsgiver**, government affairs manager, Intel

**Robert Scanlan**, president, Scanlan, Kemper, Bard Company

**Ethan Seltzer**, director, PSU Institute of Metropolitan Studies, School of Urban Affairs

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 97-2455 FOR THE PURPOSE OF  
FILLING A VACANCY ON THE TRAFFIC RELIEF OPTIONS STUDY TASK  
FORCE

Date: January 23, 1997

Presented by: Bridget Wieghart

PROPOSED ACTION

The adoption of this resolution endorses approval of a new member to fill a vacancy on the Traffic Relief Options Study Task Force. It is recommended that Betty Atteberry, Executive Director for the Sunset Corridor Association, replace sitting member Delna Jones, Executive Director of the Capital Center. Ms. Jones has resigned her duties to the Task Force due to increased commitments on other projects.

TPAC recommends approval of Resolution No. 97-2455 in support of filling the Task Force vacancy with Betty Atteberry.

BACKGROUND

On June 6, 1996, Metro passed Resolution No. 96-2333 for the purpose of endorsing the Congestion Pricing Task Force, a study advisory Task Force of business and community leaders to oversee the two-year study on Congestion Pricing being undertaken jointly by Metro and ODOT. The Task Force will be responsible for making a recommendation to JPACT, the Metro Council and the Oregon Transportation Commission as to whether congestion pricing is a traffic management tool that should be pursued within this region, and, if so, the parameters of a demonstration pilot to further test the concept.

The Task Force provides a broad-based, long-range perspective into the issues associated with a possible congestion pricing project in this region. The Task Force oversees the technical work and public outreach efforts associated with the study to ensure that the topic is comprehensively addressed. Task Force members also serve as spokespersons for the study. Further details on the duties and responsibilities of the Task Force are contained in Exhibit A of this resolution. Exhibit B of this resolution includes a current list of the Task Force.

We are recommending Betty Atteberry for membership on the Task Force to replace the vacancy created by the resignation of Delna Jones. As Executive Director of the Sunset Corridor Association since 1985, Ms. Atteberry has been instrumental in enhancing the environment for economic development in and around Washington County. The Sunset Corridor Association is a collective group of private sector businesses.

*Agenda Item Number 6.3*

**Resolution No. 97-2452, For the Purpose of Authorizing the Executive Officer to Make any Adjustments to the Salary Ranges Required to Implement Current and Future Minimum Wage Increases.**

Metro Council Meeting  
Thursday February 13, 1997  
Council Chamber

**BEFORE THE METRO COUNCIL**

**FOR THE PURPOSE OF AUTHORIZING )  
THE EXECUTIVE OFFICER TO MAKE )  
ANY ADJUSTMENTS TO THE SALARY )  
RANGES REQUIRED TO IMPLEMENT )  
CURRENT AND FUTURE MINIMUM )  
WAGE INCREASES. )**

**RESOLUTION NO. 97-2452  
Introduced by  
Mike Burton, Executive Officer**

**WHEREAS, Metro Code 2.02.055 requires the Executive Officer to prepare Pay Plans for seasonal employees for approval by the Metro Council; and,**

**WHEREAS, The Metro Washington Park Zoo uses the minimum wage for compensating its seasonal workers; and,**

**WHEREAS, The Oregon voters authorized increase to the State minimum wage effective January 1, 1997,**

**BE IT RESOLVED,**

- 1. That the Executive Officer can authorize adjusting the seasonal workers pay plan and salary ranges as the State minimum wage increases.**
- 2. That this Resolution being necessary for the public health, safety, or welfare, for the reason of orderly administration of the seasonal employees pay plan, and this Resolution is effective January 1, 1997.**

**ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1997.**

---

**Jon Kvistad, Presiding Officer**

**Approved as to Form:**

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**Daniel B. Cooper, General Counsel**

## STAFF REPORT

### **CONSIDERATION OF RESOLUTION NO. 97-2452 , FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO MAKE ANY ADJUSTMENTS TO THE SALARY RANGES REQUIRED TO IMPLEMENT CURRENT AND FUTURE MINIMUM WAGE INCREASES.**

---

Date: January 23, 1997

Presented By: Judy Gregory

#### **BACKGROUND:**

Oregon State voters passed Measure 36 in November, 1996, mandating the increase of the minimum wage from \$4.75/hour to \$6.50/hour, over a three year period:

- Effective January 1, 1997, the minimum wage increases from \$4.75/hour to \$5.50/Hour;
- Effective January 1, 1998, the minimum wage increases from \$5.50/hour to \$6.00/hour;
- Effective January 1, 1999, the minimum wage increases from \$6.00/hour to \$6.50/hour.

The current minimum wage of \$4.75/hour has been in effect since January 1, 1991, and is used at Metro facilities, particularly the Metro Washington Park Zoo, for non-represented seasonal Visitor Service Workers.

Visitor Service Workers perform important duties during peak Zoo seasons, and return in following seasons with enhanced skills and experience essential to the success of the Zoo.

The new state law increases the starting salary in the ranges currently used for Visitor Service Workers. Resolution No. 97-2452 would authorize that change and would authorize raising the top step of the Visitor Service Worker salary range. Without this action the salary ranges become compressed, placing the Zoo at a disadvantage in competing for skilled employees.

#### **FISCAL IMPACT:**

The Zoo estimates the increase for the current fiscal year portion of the increase is \$21,897. The Zoo is able to fund this increase out of their existing appropriation.

#### **RECOMMENDATION:**

Because the Visitor Service Division at the Metro Washington Park Zoo directly applies the minimum wage in the hiring of its seasonal employees during peak seasons, and because increases to the minimum wage are mandated by Oregon voters, the Metro Executive Officer, therefore, recommends approving this Resolution.

*Agenda Item Number 7.0*

**URBAN SERVICE BOUNDARY COUNCIL WORK SESSION**

*Presiding Officer Kvistad will be introducing a motion at this meeting concerning the Urban Services Boundary agreement between the Cities of Portland and Beaverton, and Washington County. The motion, accompanied by a map, will designate areas to be serviced by each jurisdiction and areas recommended for annexation consideration. Particular attention will focus on sites south of the Beaverton Hillsdale Highway and east of the county line.*

Metro Council Meeting  
Thursday February 13, 1997  
Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF COORDINATING ) ORDINANCE NO 97-665A  
COMPREHENSIVE PLANS BY ESTABLISHING )  
AN URBAN SERVICE BOUNDARY ) Introduced by Executive Officer,  
 ) Mike Burton

WHEREAS, Metro is required by ORS 195.025(1) to be responsible for coordinating all planning activities affecting land uses within its jurisdiction to assure integrated comprehensive plans for the entire metropolitan area; and

WHEREAS, Metro must approve cooperative agreements and review urban services agreements as part of coordinating urban services in the SB 122 process while retaining overall coordination responsibility; and

WHEREAS, the cities of Portland and Beaverton and Washington County have been involved in a long-standing dispute over planning the ultimate areas for urban services to be provided under the comprehensive plans of the cities in unincorporated urban areas of Washington County between the two cities; and

WHEREAS, Metro's Executive Officer convened informal discussions of the urban services issues among the cities, the County, special service districts and citizens of the unincorporated area which reviewed provision of sewer, water, and parks services in the unincorporated area between Portland and Beaverton; and

WHEREAS, discussion of urban services among the affected parties indicated a strong desire for the certainty in the planning of urban services that has been provided to abutting cities by the use of policies in comprehensive plans establishing urban service boundaries between the cities of Portland and Gresham and Beaverton and Tigard; and



WHEREAS, the courts have held that the comprehensive plans of Beaverton, Portland and Washington County contain inconsistent provisions on an urban service boundary between Beaverton and Portland; and

WHEREAS, the County, cities, and special service districts participating in informal discussions with the Metro Executive Officer have agreed to policies and actions to assure coordination of the comprehensive plans of Washington County and the cities of Beaverton and Portland; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the past amendments to the comprehensive plans of the City of Portland, the City of Beaverton and Washington County relating to urban service boundaries between Portland and Beaverton shall be replaced by text in the comprehensive plans describing an Urban Service Boundary line between Beaverton and Portland as the area of ultimate annexation for each city. The text description shall be consistent with the Urban Service Boundary Map attached and incorporated herein as Exhibit A. This Map shall be used to establish the Urban Service Boundary in each comprehensive plan which shall be the basis for adopting new urban planning agreements consistent with this Ordinance.

The Urban Service Boundary Map establishes the Urban Service Boundary as the Multnomah-Washington County boundary line, with the following small exceptions due to existing annexation, deed restrictions and service connections:

A. The following exceptions to the county line are needed to make a logical boundary for small areas already annexed into City of Portland:

1. The southernmost Portland annexation adjacent to Florence Lane remains in Portland.

2. The Portland annexation north and south of Garden Home Road,  
located south of Canby Street and ~~west east~~ of Oleson Road, remains  
in Portland, ~~plus a small "island" north of Garden Home Road near~~  
67th Avenue.

3. The territory annexed to Portland east of Oleson Road north and south  
of SW Vermont Street between Dover Lane and Peyton Road will  
remain in Portland.

34. The Portland annexation north of Beaverton-Hillsdale Highway, and  
the annexation at Hamilton and Scholls Ferry Road, ~~and the property~~  
~~between them west to Scholls Ferry Road~~ remain in Portland.

45. The SW Burnside and Barnes Road Portland annexation remains in  
Portland.

6. The Portland annexations in the vicinity of NW Cornell east of 102nd  
Avenue remain in Portland.

B. A small area to create a logical boundary and retain an existing neighborhood:  
Oleson Road becomes the USB between SW 70th Avenue and SW Vermont  
~~to the boundary of the third Portland annexation,~~ including the neighborhood  
streets of SW 70th, SW Canby on the south and SW 66th and 68th Court on  
the north, plus two small "islands" north of SW Vermont at SW 66th Court  
and SW 68th Court and a small "island" north of Garden Home Road near  
67th Avenue.

C. A small area with deed restrictions requiring annexation to Portland and  
streets connected to Portland remains in Portland: Meadowridge  
development.

- D. A small area for the extension of SW 66th Avenue, north to SW Barnes Road.
- E. A small area east of SW Canyon Drive and south of U.S. 26 for access to SW 64th Place, SW Bucharest Court in Multnomah County.
- F. The property between the two small annexations described in 1.A.4 above, and west to Scholls Ferry Road.

2. That the following policies shall be added to the Beaverton, Portland and Washington County comprehensive plans and shall be the basis for adopting new urban planning agreements consistent with these policies:

- A. Upon annexation of the area in the vicinity of SW Garden Home Road and SW Oleson Road by Beaverton consistent with the Urban Service Boundary, Portland shall consent to annexation by Beaverton of that area south of SW Garden Home Road and west of Oleson Road that is currently in Portland.
- B. For the Raleigh Hills Town Center as shown on the acknowledged Metro 2040 Growth Concept Map, the affected jurisdictions of Beaverton, Portland, Washington County and Metro shall enter into an urban planning agreement to assure implementation of the Urban Growth Management Functional Plan provisions relating to town centers, including the establishment of town center boundaries and demonstration of target capacities for jobs and housing.

3. That Metro shall adopt regional coordination policies to assist the City of Beaverton, City of Portland and Washington County in the adoption of new planning agreements consistent with this Ordinance.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_ 1997.

\_\_\_\_\_  
Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, General Counsel

DBC:kaj  
I:\DOCS\07.P&D\10REGLCO.ORD\01BVTPTL.USB\ORDINANC.USB  
2/13/97

**METROPOLITAN EXPOSITION-RECREATION COMMISSION**

**Resolution 97-07**

**For the Purpose of Stating the Commission's Position with Respect to Proposed Metro Ordinance No. 97-677-B.**

**WHEREAS**, on January 27, 1997, the Metro Regional Facilities Committee unanimously approved Metro Ordinance No. 97-677-B, and passed that ordinance on to the full Metro Council for action; and,

**WHEREAS**, Metro Ordinance No. 97-677-B provides needed changes in the Commission's management structure that will enhance the Commission's ability to operate regional facilities in an entrepreneurial, independent, and cost effective manner, consistent with a competitive, rapidly changing market; and,

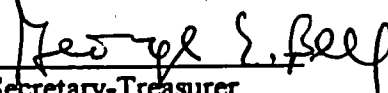
**WHEREAS**, Metro Ordinance No. 97-677-B is set for a final vote before the Metro Council on Thursday, February 13, 1997,

**BE IT THEREFORE RESOLVED:**


1. That the Commission supports passage of Metro Ordinance No. 97-677-B, and urges the Metro Council to act favorably on the ordinance on February 13, 1997.
2. That the Commission declares its intent to work cooperatively with Metro and other interested parties throughout the Metro region in order to implement the changes called for in Metro Ordinance No. 97-677-B in a positive and productive manner.

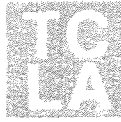
Passed by the Commission on February 12, 1997.

  
Chair

  
Secretary-Treasurer

**APPROVED AS TO FORM:**  
Daniel B. Cooper, General Counsel

By:   
Katie Pool  
Senior Assistant Counsel



TRICOUNTY LODGING ASSOCIATION - 12724 S.E. Stark - Portland, OR 97206 - 503-251-0135

1458

1458

February 13, 1997

METRO Council  
777 NE Martin Luther King Jr. Blvd.  
Portland, OR 97208

Dear Councilors:

The Tri County Lodging Association, consisting of over 100 lodging-related businesses in the Portland metropolitan area, supports the proposed Metro ordinance No. 97-637 B dealing with MERC and procedures related to management of the regional facilities.

We have always sought a more business like, entrepreneurial fashion of operation in an effort to cut costs and bureaucratic hoops and establish a more user-friendly and efficient method of managing the facilities. We believe this ordinance helps accomplish these goals.

We would appreciate your support. Thank you for your consideration.

Yours sincerely,

Philip R. Peach  
Executive Director



## METRO

**DATE:** February 13, 1997

**TO:** Chris Billington, Clerk of the Council

**FROM:** *CG* Chuck Geyer, Senior Solid Waste Planner

**RE:** Regional Environmental Management (REM) Committee Request

On January 5, 1997, the Council REM Committee requested that REM Department staff modify the addendum attached to Resolution No. 96-2453. The request was to incorporate the concept of "average" disposal costs into the evaluation of proposals for operation of Metro's transfer stations.

Attached is a modified addendum labeled "EXHIBIT A". The addendum has been changed in two places. Item #1 has been rewritten as shown by the revisions markings. A new item #10 has been added to clarify a related portion of the RFP in keeping with the use of "average" cost language.

Resolution No. 96-2453 was passed out of the Committee and is scheduled for consideration at the upcoming January 13th Council meeting. We request that the modified addendum be incorporated into the materials for this meeting so that it may be considered at that time.

Please call me if you have any questions regarding this matter.

**Attachment**

**cc:** Jim Watkins, REM Engineering & Analysis Manager  
Marv Fjordbeck, Senior Assistant Counsel

s:\share\geye\station\rebid\council.mem

EXHIBIT A

ADDENDUM NO. 4

TO THE REQUEST FOR PROPOSALS FOR THE OPERATION OF THE METRO SOUTH  
AND/OR METRO CENTRAL TRANSFER STATIONS  
(RFP #96R - 31 - REM)

TO ALL PLANHOLDERS:

1. Item 5B. (EVALUATION OF PROPOSALS) of the Request for Proposals, page 6, 8th paragraph, DELETE the paragraph and REPLACE with:

~~“For purposes of evaluation Metro will assume the cost for transport and disposal at a general purpose landfill is as specified in Change Order No. 7 to the Waste Disposal Services Contract contained in the APPENDIX. The formula for computing the total cost, including price adjustments, is contained in the computerized version of the evaluation spreadsheet, an example of which is contained in the APPENDIX.”~~

For purposes of the adjustment, Metro will assume the cost for transport to a general purpose landfill is based on the prices specified in the Waste Transport Services Contract and that disposal costs are based on Change Order No. 7 to the Waste Disposal Services Contract. The calculations for computing the adjustment utilize the average cost of disposal when all of the waste is disposed at a general purpose landfill as compared to the average cost of disposal when a portion of the waste is disposed at a general purpose landfill and the remainder is disposed of as dry waste. The calculations for computing the adjustment, as well as the total cost to be used in the evaluation, are contained in the electronic spreadsheet issued as part of this RFP.

2. Item 1.0 (PROJECT DESCRIPTION/REQUIREMENTS) of the SPECIFICATIONS FOR METRO SOUTH STATION, page 1, 2nd paragraph, contained in the APPENDIX. DELETE the last sentence and REPLACE with the following:

“The period of operations will extend from 12:00 a.m. on October 1, 1997, to 11:59 p.m. on September 30, 2002.”

3. Item 14.0 (SECURITY) of the SPECIFICATIONS FOR METRO SOUTH STATION, page 13, contained in the APPENDIX. DELETE the existing language and SUBSTITUTE with the following:

“Contractor shall provide personnel for mobile/foot patrol for the site, 24 hours per day to prevent unauthorized site entry and/or facility misuse. Contractor shall have in place 24 hour staffed communication coverage including emergency communications equipment to include both required radio and cellular services. Security patrol backup and emergency situation response shall be available in addition to onsite personnel and shall be onsite no greater than fifteen minutes response time from the time of the original request for security assistance to arrival at the site. Provision of these additional personnel shall be reimbursed in accordance with Article 15 of the General Conditions.

Onsite security personnel's supervisors shall perform and document at least two unscheduled onsite inspections of such personnel (at least one of which will be between the hours of 11:00 p.m. and



4:00 a.m.) monthly and the inspections shall be noted and signed by the supervisor on a shift report kept by onsite security personnel and available to Metro.

Contractor shall provide back up and/or additional security personnel for Metro special events or meetings as requested by Metro within two hours of such request. Such additional personnel shall be reimbursed in accordance with Article 15 of the General Conditions.

Contractor shall replace any onsite security personnel requested by Metro.

Contractor shall document and provide copies to Metro ensuring that all security personnel assigned to the site shall:

- have recent and regularly scheduled background checks
- be free from all felony and misdemeanor convictions deemed unacceptable under Senate Bill 60
- not be a user of illegal drugs or an abuser of alcohol
- be certified as a private security officer under Senate Bill 60

All services provided under this specification shall be performed in accordance with the highest industry standards as determined by Metro. Said performance shall include but not be limited to the reasonable handling of sensitive public and emergency situations. Contractor shall make good all damages resulting from its failure to provide adequate security.

4. Item 31.1 (JANITORIAL SERVICES), of the SPECIFICATIONS FOR METRO SOUTH STATION, page 24, 1st paragraph, contained in the APPENDIX. INSERT the following after "scalehouse," and before "unless":

"and onsite trailer used by household hazardous waste personnel,"

5. Item 1.0 (PROJECT DESCRIPTION/REQUIREMENTS) of the SPECIFICATIONS FOR METRO CENTRAL STATION, page 1, 2nd paragraph, contained in the APPENDIX. DELETE the last sentence and REPLACE with the following:

"The period of operations will extend from 12:00 a.m. on October 1, 1997, to 11:59 p.m. on September 30, 2002."

6. Item 15.0 (SECURITY) of the SPECIFICATIONS FOR METRO CENTRAL STATION, page 15, contained in the APPENDIX. DELETE the existing language and SUBSTITUTE with the following:

"Contractor shall provide personnel for mobile/foot patrol for the site, 24 hours per day to no unauthorized site entry and/or facility misuse. Contractor shall have in place 24 hour staffed communication coverage including emergency communications equipment to include both required radio and cellular services. Security patrol backup and emergency situation response shall be available in addition to onsite personnel and shall be onsite no greater than fifteen minutes response time from the time of the original request for security assistance to arrival at the site. Provision of these additional personnel shall be reimbursed in accordance with Article 15 of the General Conditions.

Onsite security personnel's supervisors shall perform and document at least two unscheduled onsite inspections of such personnel (at least one of which will be between the hours of 11 p.m. and 4 a.m.) monthly and the inspections shall be noted and signed by the supervisor on a shift report kept by onsite security personnel and available to Metro.

Contractor shall provide back up and/or additional security personnel for Metro special events or meetings as requested by Metro within two hours of such request. Such additional personnel shall be reimbursed in accordance with Article 15 of the General Conditions.

Contractor shall replace any onsite security personnel requested by Metro.

Contractor shall document and provide copies to Metro ensuring that all security personnel assigned to the site shall:

- have recent and regularly scheduled background checks
- be free from all felony and misdemeanor convictions deemed unacceptable under Senate Bill 60
- not be a user of illegal drugs or an abuser of alcohol
- be certified as a private security officer under Senate Bill 0

All services provided under this specification shall be performed in accordance with the highest industry standards as determined by Metro. Said performance shall include but not be limited to the reasonable handling of sensitive public and emergency situations. Contractor shall make good all damages resulting from its failure to provide adequate security.

7. **ARTICLE 31 (START OF CONTRACT, CONTRACT COMPLETION, AND CONTRACT EXTENSIONS)** of the GENERAL CONDITIONS, page 29, 1st sentence, contained in the APPENDIX. DELETE the sentence and REPLACE with the following:

“The Contractor agrees to begin services on October 1, 1997, and to terminate such services on September 30, 2002, subject to the provisions of Article 11(F).”

8. **COST CALCULATION SPREADSHEET AND PRICE ADJUSTMENT EXAMPLES**, Option #2 and Option #3 contained in the APPENDIX. DELETE and SUBSTITUTE the attached spreadsheets.
9. INSERT into the APPENDIX the attached Change Order No. 7 to the Waste Disposal Services Contract.
10. Item 7.2 (Payment) of the SPECIFICATIONS FOR METRO CENTRAL STATION, page 7, 4th paragraph, contained in the APPENDIX. DELETE the paragraph and substitute the following:

“For purposes of this paragraph, Metro’s avoided cost shall equal the average unit cost to transport and dispose of a ton of waste at the Columbia Ridge Landfill, over the 12 month period.”

Dated on this \_\_\_ day of \_\_\_\_\_, 1997.

Metro

By: \_\_\_\_\_  
Mike Burton, Executive Officer

CG:ay  
S:\SHARE\GEYE\STATIONS\REBID\ADD#4.r2

Revised 2/13/97

Site No.	Total Acres	Resource Acres	Exception Acres
1	534.8	162.7	372.1
2	375.6	88.7	286.9
3	8.0	7.7	0.3
4	123.9	0.0	123.9
5	1,371.4	48.5	1,322.9
6	1,797.2	221.5	1,575.7
7	412.7	0.6	412.2
8	429.0	0.1	428.9
9	435.5	3.1	432.4
10	134.5	0.0	134.5
11	435.5	48.8	386.7
13	66.5	0.0	66.5
14	233.2	0.0	233.2
15	347.3	0.0	347.3
17	153.5	0.0	153.5
18	121.1	0.0	121.1
19	9.3	0.0	9.3
22	322.4	0.0	322.4
23	22.7	0.0	22.7
24	212.5	0.0	212.5
25	969.9	0.0	969.9
26	1,964.7	0.2	1,964.5
29	188.0	0.0	188.0
30	138.7	0.0	138.7
31	735.6	615.1	120.5
32	87.4	76.0	11.5
33	338.4	71.6	266.8
34	756.5	0.3	756.2
35	48.1	1.6	46.4
37	145.5	0.0	145.5
39	13.2	10.4	2.8
41	418.8	285.5	133.2
42	243.2	0.0	243.2
43	10.7	0.0	10.7
44	162.2	113.8	48.4
45	432.4	0.0	432.4
47	80.5	0.0	80.5
48	218.4	0.0	218.4
49	555.5	0.0	555.5
50	281.8	0.9	280.9
51	78.0	6.2	71.8
52	91.1	0.0	91.1
54	189.1	142.4	46.7
55	882.8	475.4	407.4
56	38.0	38.0	0.0
59	35.0	35.0	0.0
61	27.2	0.0	27.2
62	255.0	212.9	42.1
64	191.4	0.0	191.4
65	448.9	200.8	248.1
67	317.8	0.0	317.8
68	67.5	0.0	67.5
69	14.2	14.2	0.0
70	28.4	28.3	0.1
<b>Total</b>	<b>18,000</b>	<b>2,910</b>	<b>15,090</b>

removed floodplain acres

MOVE TO CALIFORNIA - (Sung to the tune of "Hotel California")  
 Words by James N. Hansen, C1997 - jamesnh@teleport.com

My apologies to Don Felder, Joe Walsh, Don Henley, and Glenn Frey, and Eagles fans everywhere.

On a fast Portland Freeway,  
 Light rain in my hair,  
 Cold smell of the fir trees,  
 Rising up through the air,  
 Up ahead were the taillights,  
 Of a million slow cars,  
 My heart grew heavy and my nerves grew thin,  
 I wasn't going too far.

As I crawled through the traffic  
 I got a cell phone call,  
 I thought it that it might be my wife, say'n,  
 "We never see you at all",  
 But that call was a conference  
 with every car in my way,  
 and Tom McCall from Malibu,  
 And I heard him say,

*more scenic*  
 Welcome to State of California!  
 Such a sunny place,  
 and no crowds to face.  
 Move down to the state of California!  
 Where it's always clear,  
 It never rains down there.

Our views are politically twisted,  
 We buy the Sizemore Rule  
 We got a lot hollow boxes,  
 We call schools,  
 How we drive on our highways,  
 Six hours to Mt. Hood  
 No more spaces at the Oregon Parks  
 And this is no good.

BREAK - Guitar solo - (eliminated to save time)

So I called up the Gov'ner,  
 I said, "fix it! I'll pay more",  
 He said, "we haven't had that spirit here since 1974."  
 And still that voice is calling from far away,  
 "You can visit any time you want,  
 But you can never stay!"

We're totally planned in the state of California,  
 And even a slob,  
 Can find a job!  
 There's plenty of land down south in California,  
 Any time of year,  
 It's cheaper here!

For the Record, My name is Jim Hansen. H- A- N-S-E-(as in education) N. I live at 5916 Sunbrook Drive, Lake Oswego, OR 97035, about 250 yards from Mormon Temple.

I am speaking strictly on behalf of myself. I want to make this clear, the last time I was here, I gave testimony on behalf of a neighborhood association. Not anymore.

Having suffered a few political setbacks by supporting density increases in our neighborhood I am now looking to either move up in politics, say run for Governor, or move out of politics and become a recording artist.

Regarding the issue at hand., I personally believe we should bring all the <sup>existing Metro-</sup>urban reserves into the boundary. This should be facilitated by ~~Map~~'s computer program. The program should be modified to disclose all relevant inputs and include a <sup>an objective</sup> small but significant factor that <sup>reserves</sup> assesses political favor or disfavor for each reserve area. The computer program is the best way to get past rhetoric, facilitate compromise, and bring on the reserves in the order they are needed ~~if they are needed at all.~~

If I grow my hair out 1.5% over the next 20 years it's probably going to look OK. I'm coming out of the closet, let the record show that I'm the only Republican here wearing cowboy boots, French cuffs and sporting a one foot long pony tail! There's my 1.5%! <sup>The important thing is to bring in the right land, large enough to support a variety of housing types, In 57 acres, my back yard, or anywhere else</sup> Now, I want to share with you the real solution to our density problem. And since I can't decide which career to choose, I decided I would sing for you the rest of my testimony..... so here goes, my apologies to Don Felder, Joe Walsh, Don Henley, Glenn Frey and any Eagles fans in the room.



## *Ecumenical Ministries of Oregon*

0245 SW Bancroft Street, Suite B, Portland, Oregon 97201  
(503) 221-1054 Fax (503) 223-7007

February 12, 1997

Members of the METRO Council  
METRO  
600 NE Grand Ave.  
Portland, OR 97232

Dear Council Members:

I am writing on behalf of the Board of Ecumenical Ministries of Oregon, which represents over 16 member denominations in Oregon and hundreds of congregations in the Portland metropolitan area. At our February 11 board meeting, we unanimously resolved to urge you, the METRO Council, to rethink your preliminary determination to designate 18,000 acres of urban reserves and to include valuable farmland in those reserves.

We are deeply concerned about the disturbing trends toward decay at our urban core and sprawl at our fringes, with all of the social, economic and ecological injustices that path entails. These concerns are rooted in faith. The Gospel asks us in all decisions to consider how the poor will fare. And recently we have been rediscovering the biblical mandate to care for the environment as God's creation.

Therefore we urge you to:

- Maintain the existing Urban Growth Boundary for the foreseeable future;
- Designate a very small acreage of Urban Reserves for expansion in the future, and carefully master plan those Urban Reserves;
- Remove the farm and forest lands from the Urban Reserves;
- Work with local governments to help them aggressively implement the recently adopted Functional Plan in every jurisdiction in our region; and
- Adhere to the Region 2040 policies and goals in timely completion of the Regional Framework Plan.

Guiding our resolution are moral traditions that call us to be frugal and wise stewards of the land and other resources entrusted to our care; to strengthen community; and to strive for justice for all people, particularly those most in need, and for future generations.

Before any urban expansion is considered, we must first assure that we are using our existing lands wisely. We must put into practice the promising plans we have already established for more efficiently developing our existing urban lands and for protecting our farm and forest lands. Our highest attention and best resources must be focused on reinvesting in and renewing existing communities to keep them healthy and enriching places to live for people of all income levels.

Before any lands are designated for future expansion, they must first be carefully master planned to ensure that the new development will do the following:

#### Member Denominations

African Methodist Episcopal Church • African Methodist Episcopal Zion Church • American Baptist Church • Antiochian Orthodox Church  
Christian Church (Disciples of Christ) • Christian Methodist Episcopal Church • Church of the Brethren • Episcopal Church • Evangelical Lutheran Church in America  
Greek Orthodox Church • Orthodox Church in America • Presbyterian Church USA • Reorganized Church of Jesus Christ, Latter Day Saints  
Roman Catholic Archdiocese of Portland • Society of Friends (Quakers) • United Church of Christ • United Methodist Church

- Support our region's growth management goals;
- Include a fair share of affordable housing; and
- Protect and restore the streams, wetlands and other natural areas and open spaces.

We must also ensure that these master planning processes have effectively engaged--and continue to engage--all citizens in shaping the neighborhoods and communities where they live and work.

Our region does not need more land! We need to awaken to the possibilities we have to create a regional community that is just and sustainable -- a community where every person's God-given potential may be fulfilled and our earth restored.

Only with the discipline of a tight boundary and very few reserves will we awaken to our potential.

Sincerely,

A handwritten signature in blue ink that reads "Wayne Bryant". The signature is written in a cursive, flowing style.

The Rev. Dr. F. Wayne Bryant  
Executive Director

## *Ecumenical Ministries of Oregon*

0245 SW Bancroft Street, Suite B, Portland, Oregon 97201  
(503) 221-1054 Fax (503) 223-7007



### **Resolution Concerning the Metropolitan Common Good**

*Passed unanimously by the Board of Ecumenical Ministries of Oregon  
on February 10, 1997*

Whereas, the Metro Council is now facing a critically important decision regarding the designation of permanent Urban Reserves from which future expansion of the Urban Growth Boundary may be made; and

Whereas, the Council in December 1996, made a preliminary decision to designate about 18,000 acres of land for this reserve; and

Whereas, more than 3000 of these acres are zoned for exclusive farm or forest use, including many acres of prime farm land; and

Whereas, the goals and policies of the Region 2040 Plan include:

- Keeping a tight urban growth boundary and directing investment toward existing communities;
- Creating well-designed compact, mixed-use urban communities throughout the region;
- Ensuring a fair share of affordable housing in every community;
- Promoting pedestrian, bicycle, and transit access throughout the region;
- Creating smaller housing lot sizes and business and employment areas that use land efficiently; and
- Preserving farm and forest lands outside the Urban Growth Boundary; and

Whereas, unless commitment to maintaining the Urban Growth Boundary is strong and persistent we can expect to follow the path of virtually every other urban area in this country into decay of our urban core and sprawl at our fringes; and

Whereas, destructive symptoms of this polarization are already evident in our community -- concentration of poverty in our core communities, location of new jobs and economic opportunities primarily in developing suburbs, dwindling of tax resources in communities with the greatest needs, and pressure growing to expand further on to farm and forest lands, threatening our environment and our sense of place;

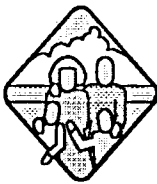
Now, therefore, we, the Board of Directors of Ecumenical Ministries of Oregon, do hereby resolve and request that the Metro Council:

- Maintain the existing Urban Growth Boundary for the foreseeable future;
- Designate a very small acreage of Urban Reserves for expansion in the future, and carefully master plan those Urban Reserves;
- Remove the farm and forest lands from the Urban Reserve;
- Aggressively implement the recently adopted Functional Plan in every jurisdiction in our region; and
- Adhere to the Region 2040 policies and goals in timely completion of the Regional Framework Plan.

#### Member Denominations

African Methodist Episcopal Church • African Methodist Episcopal Zion Church • American Baptist Church • Antiochian Orthodox Church  
Christian Church (Disciples of Christ) • Christian Methodist Episcopal Church • Church of the Brethren • Episcopal Church • Evangelical Lutheran Church in America  
Greek Orthodox Church • Orthodox Church in America • Presbyterian Church USA • Reorganized Church of Jesus Christ, Latter Day Saints  
Roman Catholic Archdiocese of Portland • Society of Friends (Quakers) • United Church of Christ • United Methodist Church





02B97-04

# Housing Services of Oregon

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February 11, 1997

Metro Council  
600 N.E. Grand  
Portland, OR 97232-2736

Dear Councilors:

We are writing to add our support to the Urban Reserves Planning that specifically relates to affordable housing.

We are a HUD certified housing counseling agency and have worked with thousands of tenants, home buyers and homeless individuals and families from low to moderate incomes since 1984.

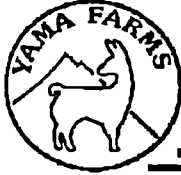
Over the years housing costs have soared. A local home was purchased for \$39,000.00 and three years later was sold for \$110,000.00. If this is the norm, what justifies the increase? Why is it that when land becomes available prices escalate?

Many people are using 50-70% of their income to pay housing costs and often must share the cost with a renter or must drive 30-60 miles to work. We believe that there should be an inclusionary requirement for developers to include affordable housing for people below medium income.

We recognize that everyone's housing needs are different but many workers seek housing near jobs, special services or bus lines. Hopefully efforts can be directed to offer affordable housing developed near major employment areas.

Sincerely,

Verla Fuller  
Executive Director



Yama Farms  
P.O. Box 1112  
Clackamas, OR 97015  
(503) 658-5338 email: yamafarm@iccom.com

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February 11, 1997

Page 1 of 2

To: METRO Counselors

From: Chris Utterback

Re: Sunnyside Road additions to the UGB between 152nd and 172nd.

The ad reads, "Free to good home, beautiful mix-breed dog. Loves kids. Needs room to run." How many times have you seen an ad like this in the paper? As we grow and urbanize, the rural vs. urban problems grow too. BEFORE more problems are artificially created through mistaken planning, I would like to ask that you keep in mind that true farm lands cannot exist surrounded by urban growth. The dog issue is only one potential problem. Farm machinery on roads, chemicals necessary for farming, destruction of fences, trash and garbage dumping, and vandalization are also problems faced by farmers forced to exist next to urban populations. For farmland surrounded by urban populations it would be intolerable.

If Metro wishes to create a buffer between the Damascus Town Center and the Sunnyside Village Center with a green belt, PLEASE allow this land to be divided into "hobby farms" and large lot single family home sites. This would be lots of 1 to 5 acres. Properly planned, this area could maintain it's rural feel and provide a break from more the more heavily urbanized centers like the Sunnyside Village. It would become a real plus to all the surrounding area. It would also allow Metro to set aside some space for a housing choice that must be accommodated in an area where services such as sewer, water, storm drainage, will pass through anyway, going from Damascus to Sunnyside.

I hope you will consider my suggestion as you make some tough decisions.

Sincerely;

Chris Utterback

# METRO

## Dog debate raises vexing values

■ The clash about a state law mandating death for pets that harass livestock reflects a growing urban vs. rural conflict

BY GORDON GREGORY  
Correspondent, The Oregonian

BEND — The furor about two dogs facing death for chasing sheep reflects the sharp clash of values held by Oregon's two broad camps: those who work the land and everyone else.

Many urban-area dog lovers are outraged about a state law that mandates death for any dog found to have harmed — or even chased — livestock. They point out that dogs that bite people usually receive second and third chances and face an escalating scale of penalties.

But those whose livelihoods are

linked to agriculture see the outpouring of support for dogs as a threat, another sign that ranchers and farmers are being outgunned politically in this rapidly urbanizing state.

"The town people move out to the rural area and screw everything up for the livestock person," said Larayne Indermuhle of Canby, who has raised livestock all her life.

Indermuhle said anyone who would argue that a dog that has harassed or attacked livestock should be spared does not understand the reality of ranch life. Or how a normally docile pet can revert to wolf-like behavior after it hears the call of the wild.

"This is absolutely bizarre," she said. "They're sheep-killing dogs. They should be dead. I've killed my own dog for the same thing."

But for many Oregonians who live on the other side of the fence, the

## Dogs get stay until lawmakers talk

BEND — Deschutes County commissioners on Friday ordered a reprieve for two condemned dogs, at least until the Oregon Legislature has a chance to discuss proposed amendments to the law under which they were condemned.

The stay follows several days of intense public reaction about the fate of the two dogs and the law.

— Gordon Gregory

side swelling with homes and voters, the thought of killing a dog just because it chased sheep is equally bizarre.

Linda Moody of Southeast Portland said giving felons three chances before receiving life sentences while letting dogs make only

one mistake is ridiculous.

"There's got to be a better solution," Moody said. "I can sympathize with the farmers who have lost animals, but death is not always the

Please turn to  
DOGS Page D7

2M

D7

## Dogs: Outrage fuels flood of complaints

■ Continued from Page D1

right thing to do."

Others say that the day of the rancher is fading and that it's time for state law to begin recognizing that reality.

"The farmers and the ranchers did have the land at one time," Beverly Wilson of Gresham said. "But unfortunately, it's not theirs any more."

Hundreds of people have been telling Gov. John Kitzhaber and other elected officials what they think about the 24-year-old state law mandating death for dogs that harass livestock. In fact, the governor's office reports receiving more calls about the dogs awaiting destruction than the September execution of Douglas F. Wright, a convicted murderer.

State Sen. Neil Bryant, R-Bend, whose Bend office received more than 150 calls on Thursday alone, has promised to introduce a bill to build some flexibility into the law.

Such quick legislative action worries rural interests, who fear that changing demographics will reshape legal protections they now enjoy.

"If anything, the law needs to be even more stringent than it is now because there are more incidences of rural-urban conflict," said Barbara Evans, president of the Oregon Suffolk Breeders Association.

Jim Sherrer, a Clackamas Coun-

ty sheep rancher, agrees. Sherrer has lived on his small ranch for 36 years. He's seen the landscape change from pastures and fields to homesites. And he's seen an equally big change in his neighbors' attitudes.

He said people who do not work the land simply don't have the same concerns as those who do. It's not only dogs but motorcycle and mountain bike riders, equestrians and others who see farmers' fields as playgrounds.

"That's not right," he said. "People are trying to raise crops there."

Don Schellenberg, a lobbyist for the Oregon Farm Bureau Federation, said the clash between farmers and homeowners is growing. Minimizing those clashes primarily means keeping the two camps separate.

"That's what our land-use laws are all about, grouping like activities to reduce conflicts," he said.

Although Schellenberg thinks that urban dwellers want to protect farmland, if only to preserve the aesthetics of open space, he sees little doubt that whatever the masses want, they will get.

Correspondent Gordon Gregory covers Crook, Deschutes, Jefferson, northern Klamath and Lake counties for The Oregonian. He can be reached by phone at 1-541-923-0641 or by fax at 1-541-923-2599.



City dwellers tend to sympathize with two Bend-area dogs condemned to death for chasing sheep. But rural residents say urbanites simply don't understand the realities of working the land for a living.

Oregonian ads seen in the same-day issue.

9 MONTH old spayed F Belgian Shepherd Terrier, beautiful & friendly, needs room to run, illness forces sale, \$250, 775-0282

AUSTRALIAN Shepherd F, 5 mo, all shots, Sweet dog, Needs room to run, \$100, 667-6969

## MEMORANDUM

TO: METRO COUNCILORS

DATE: January 27, 1997

FR: PETITIONERS FOR COOPER MTN TO DELETE URSA #113 FROM URBAN RESERVES

The purpose of this memorandum is to officially transmit the attached additional (to supplement past submittals) technical data, analysis, information and support for our justification and conclusion that site #113 should not be designated an Urban Reserve. Based on this additional and reasoned justification, the Petitioners respectfully request the Metro Councilors to reconsider and delete site #113 (subset of URSA #49).

Exhibit 1 is a map showing site #113 which boundaries are defined by Weir Road (north), UGB (east), forest to field border (south), and 175th Avenue (west).

Site #113 is the northern most 40 percent of URSA #49 with its steepest inclines ranging from 12-30 percent and averaging 15 percent, which are 50 percent greater than the average slopes of 10 percent for URSA #49. This stark difference between the average slope of URSA #49 at 10 percent and site #113 average slope at 15 percent is indicative of how the averaging effect on the facts and figures "masks" or "eschews" the Urban Reserve Rule rating factors. This is especially true for Factors 3, orderly and economic provision of public services; Factor 4, maximum efficiency of land uses within and on existing urban area fringes; and Factor 5, environmental, energy economic and social consequences.

It is this last factor which has the most far-reaching consequences if site #113 is allowed for urban development. Site #113 represents the east and south slopes of Cooper Mountain. It has a heavily canopied forest with steep terrain (up to 30% slope) on one of the highest points in the Fanno Creek watershed, which in itself is a visual landmark and contains the headwaters and riparian and wildlife corridors for Summer Creek that is being lost to surrounding development.

The overriding significance of protecting site #113 from the long term environmental and social consequences to our collective "community" is best demonstrated by the photographs of Mt. Tabor in Southeast Portland, Bull Mountain in south Tigard and Cooper Mountain east and south slopes. These pictures provide a stark contrast between doing the right thing to protect greenspaces and open spaces, like on Mt. Tabor, and the mistakes of not protecting sufficiently the natural environment and visual features, that Bull Mountain used to have, from development in sensitive areas.

The choice is ours as a community. Will Cooper Mountain look like Mt. Tabor or Bull Mountain in 10, 20 or 50 years from now?

The Petitioners of Cooper Mountain thank you in advance for your reconsideration to not designate site #113 as Urban Reserves.

EFFECT OF AVERAGING OF  
FIGURES ON SLOPES

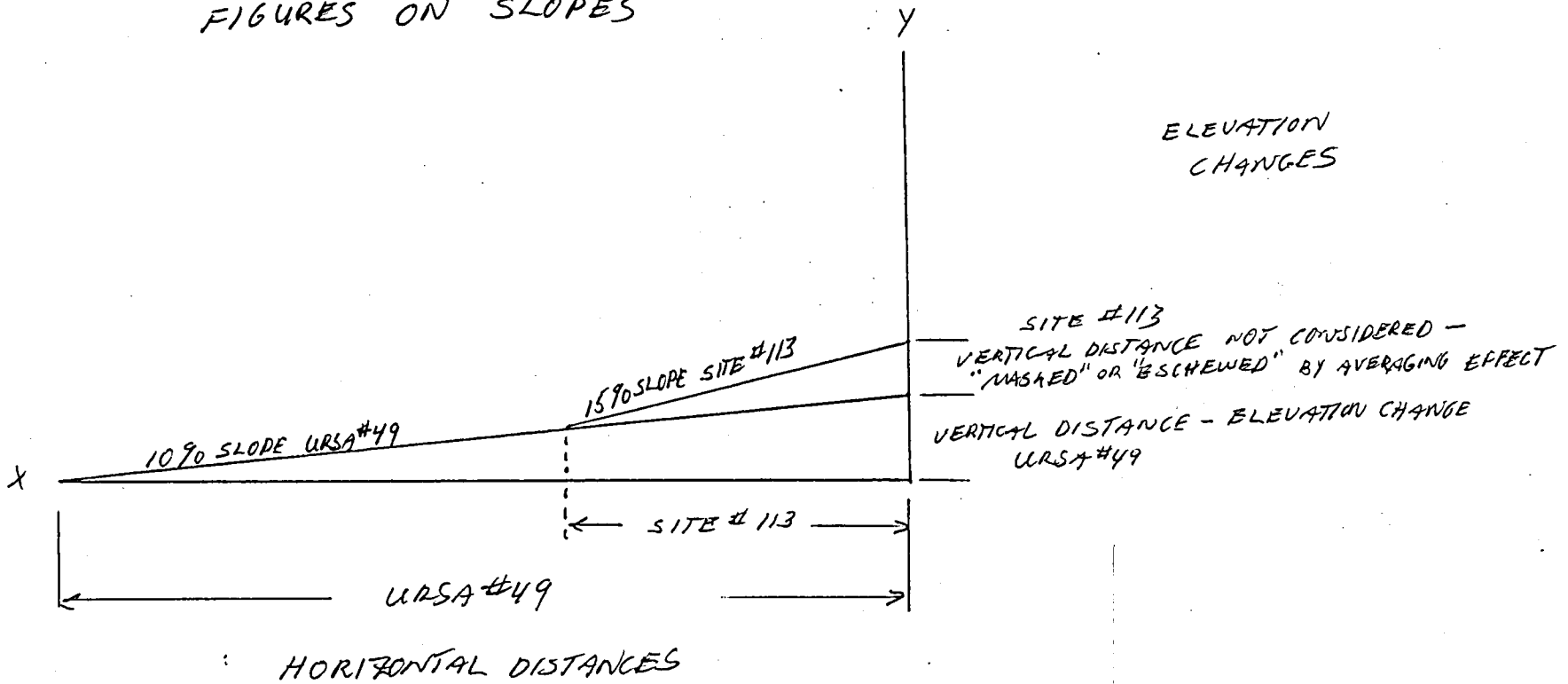


EXHIBIT "A"

**DELETION OF URSA #113 (SUBSET OF URSA #49)  
REASONED POINTS**

**SUPPORT**

1. Washington County Board of Commissioners Letter to Metro Council dated 12/2/96

2. Mike Houck, Urban Naturalist, Portland Audubon Society, Letter to Metro Council dated 1/22/96 recommended deletion URSA #25 (now URSA #49) or at least exclude those significant nature resources lands and sites being considered for greenspaces acquisition both of which describe site #113.

3. Metro Council, Metro Regional Parks & Greenspaces Advisory Committees, Metro Parks and Greenspaces staff and consultant reports on a target area description for Cooper Mountain

- One of highest points in Fanno Creek watershed
- Remnants of forested headwaters rapidly being lost/altered by development
- Biological assessment by consultants identified seven existing natural areas in Cooper Mountain target areas. URSA #113 covers most of target area sites #6 & #7.

**.Refinement Plan Objectives**

- contribute protection and enhancement of Cooper Mountain unique woodland and water quality of headwaters of its tributaries.
- protect scenic vistas in and out of Cooper Mountain refinement areas.
- provide linkages to other trails, greenways, parks, schools, community centers and local neighborhoods.
- site #113 provides for all these objectives

URBAN RESERVE RULE RATINGS

URSA #49 factors 3, 4, & 5 average ratings “mask” site #113 ratings  
(see schematic Exhibit A)

- . site #113 40% (284 acres) of URSA #49 (695 acres)
- . site #113 average slope 15%; 50% greater than URSA #49 average slope 10%
- . 70 acres of 284 acres developable due to steep terrain, lotting patterns and disjointed sites
  - 100 lots, 0.1-5.0 acres, average size 1.8 acres

Factor 3

1. Utility Feasibility (site #113 rating 3 vs URSA #49 rating 5)

- .55% of URS #49 costs in site #113 (40% of URSA #49)
- .70 acres developable result in higher utility cost (\$12,590/EDU vs \$3,103/EDU)
  - .sewer not readily accessible as developers assert
  - .sewerage lift stations necessary, developers assert not
  - .sewer extension to site #113 via SNRA increase erosion & SNRA impacts
- .Stormwater runoff control & treatment costly in steep terrain
  - vs developer assertions
  - see photos erosion & flooding impacts

2. Road Network (site #113 rating 3 vs URSA #49 rating 5)

- .internal & external streets costs increased
  - no direct access from w/i UGB - Murrayhill
  - existing streets on private easements; not to county/city design standards

- existing lotting patterns, homesites and streets limit flexibility/maximum density
- 15% sloped terrain limit flexibility

- road construction to meet design standards
- Fire Marshall standards for home location & 200 ft. driveways

- Metro draft transportation system plans - no services to site #113
  - transit, freight, bike, peds

- WASHCO CIP - no collector improvements to site #113

#### Factor 4

##### 1. Efficiency factor (site #113 rating 3 vs URSA #49 rating 5)

- .slopes critical to Metro efficiency factor discounts

- 10% slopes = 10% discount (URSA #49)
- 15% slopes = 20% discount (site #113), 50% greater than URSA #49

- .land locked & highly parcelized & less than 5 acre lots = 10% discounts

- .100 of 106 parcels average 1.8 acres = 10% discount

- .recorded CC & R's & deed restrictions - additional efficiency limitations

- .total discount URSA #49 = 10% vs site #113 = 40%+ discount, i.e. 5 to 3 rating

##### 2. Buildable Land (site #113 rating 3 vs URSA #49 rating 6)

- .six disjointed parcels gross 100 acres developable

- .70 acres buildable based on Metro gross-to-net reduction factor
- .only 24% (70 acres) of 284 acres buildable efficiently



Page 4

Factor 5

1. Environmental constraints (site #113 rating 3 or 4 vs URSA #49 rating 6)

- .heavily canopied forested, steep, irregular terrain
- .significant natural resource area
- .headwaters Summer Creek, Fanno Creek tributary
- .5000' long, 400' wide, 200' deep riparian wildlife corridor
- .slopes over 25% w/silt loam soil

- rapid runoff cause erosion hazards & downstream flooding
- see November 1996 photos

.Mike Houck Audubon Society request Metro delete/modify URSA #49

.compare Mt. Tabor, Bull Mtn, & Cooper Mtn - see photos

2. Access to centers (site #113 3 or 4 vs URSA #49 rating 6)

- .site #113 collector routes 3.5 to 4+ miles to Towncenter
- .URSA #49 centroid to Towncenter 1.5 miles via arterials
- .Metro draft transportation system plans (no transit, freight, bike or peds)
- .out-of-direction & no alternative services continues SOV's

- contrary to LCDC's TPR to reduce VMT/capita 20% in 30 yrs

Other Factors for Site #113

- .Cooper Mtn physical & natural features & greenspaces acquisition
- .Compare Mt. Tabor, Bull Mtn & Cooper Mtn (see photos)

- which choice do we make as a community?

SUPPORT AND RECOMMENDATIONS  
TO DELETE URSA #113 (SUBSET OF URSA #49)

1. Washington County Board of Commissioners, letter dated 12/2/96 to Metro Council (see Exhibit 2)
2. Audubon Society of Portland letter dated 1/22/96 to Presiding Officer Jon Kvistad & Metro Councilors from Mike Houck, Urban Naturalist, recommending deletion of URSA #25 (renumbered to URSA #49) or at least major portions of it (See Exhibit 3)
3. 291 Cooper Mountain Petitioners to delete site #113 from Metro Urban Reserves, previously submitted to Metro Council.
4. Metro Council, Metro Regional Parks & Greenspaces Advisory Committee (RPGAC), Metro Staff & consultants - background, recommendations, adoptions - Note: All information in Item 4 except the last "bullet" is from Metro Staff Report, Exhibit 4:

.Target area description, Bond Measure Fact Sheet (authorized by Council Resolutions 95-2113, 94-2050 and 94-2029B)

."Cooper Mountain, Acquire 428 Acres of Forest Natural Area"

.The 1992 Greenspaces Master Plan described target areas as follows:

"COOPER MOUNTAIN (Tualatin River and Fanno Creek watersheds)  
One of the highest points in the Fanno Creek watershed. Some uncommon ponderosa pine stands remain. Remnants of forested headwaters of numerous streams draining into the Tualatin River are rapidly being lost or altered by surrounding development"

.Cooper Mountain target area description

."...There are headwaters to a number of small creeks on both the north and south [as well as east] portions of the mountain." URSA site #113 (Cooper Mtn sites #6 and #7 contain headwaters of Summer Creek)

."...historically been a part of the rural farm and forest activities of the Tualatin Valley."

."...initial biological assessment identified seven existing natural areas within the Cooper Mountain target area..." as listed in "Evaluation of Wildlife Habitat Value...prepared by Esther Zev, an independent biological consultant." Target area sites #6 and #7 (two of the seven sites) are essential, the same as URSA #113. (See maps in Exhibit 4)

.Cooper Mountain Refinement Plan Objectives

.Tier 1: "Initial Acquisition...will be 428 acres..." to "...contribute to the protection and enhancement of Cooper Mountain unique woodland aspects and also the Tualatin River water

quality by protecting the headwaters of its tributaries." Also to "...protect areas that allow scenic vistas both in and out of the Cooper Mountain Refinement Plan Area..."

.Tier II: "Provide linkages from the Cooper Mountain Refinement Area to other trails, greenways, parks, habitat areas, schools and community centers...[with] emphasis...given to connections...with local neighborhoods."

.Metro Growth Management Staff in their 9/3/96 Urban Reserve Report recommended that the portion of site #49 north of Scholls Ferry Road be deleted from URSA #49.

5. Beaverton City Council directed staff in December 1996 because of Ballot Measure 47 passage in November 1996 to draft interim annexation policy that would delay acting on new annexation requests until Measure 47 impacts are known on the City's ability to levy uniform citywide tax rate to all City property owners, new or existing.

URBAN RESERVE RULE - FACTORS 3, 4, & 5 RE-EVALUATION FOR SITE #113  
(SUBSET OF URSA #49)

Background

One of the shortcomings of Metro's analysis of the URSA is that it sets out facts and figures in averages. Although this is understandable in order to analyze so many sites and so much data it tends to "mask" or "eschew" realistic analysis of sites that have a wide variation of characteristics and features. This is especially true for URSA site #49 which has terrain varying from 20-30% slopes on the top of Cooper Mountain to 2-7% slopes in the southern portion of the site near the "toe" of Bull Mountain (see U.S. Geological Survey topographic map Exhibit 5). It has a large canopy of evergreens and a Significant Natural Resource Area in the northern portion and large open fields in the southern portion.

On page 118 of the Metro Executive Officers Recommendations - Urban Reserves, Background Data Exhibit "A" September 1996 it indicates that URSA #49 "...average slope is 10% with the steepest inclines in the northern half of the site."

Site #113, which is the northern portion of URSA #49, has an average slope of 15% per Metro staff subtraction map: #113(see SITE #113 map Exhibit 1). Site #113 has a total of 284 acres in property ownership based on Washington County tax maps. The actual parcel acreages are shown on site #113 Lotting Pattern map (see Exhibit 6).

Based on actual calculations from USGS topographic maps and Soil Survey of Washington County by the US Department of Agriculture Soil Conservation Service, 1982, 15% of the 284 acres or 43 acres would be deemed "non buildable" because slopes are greater than 25%. Furthermore, 60% of the 284 acres or 170 acres has an average slope of 16% which cannot be developed at "efficient" densities, per Metro criteria, without significant cost to control stormwater runoff and erosion problems and to build internal streets as discussed later. These statements are supported by Washington County Soil Survey sheet number 44 (Exhibit 7) which shows the soils to be Cornelius and Kinton silt loams and Sarum silt loam (see page 19 and 43 of Soil Survey shown at Exhibit 8). Note this technical data indicates that when these steeper sloped types of soils experience rapid runoff the hazard of erosion is moderate to severe. Actual proof that rapid runoff can result in severe erosion problems and flooding problems is dramatically demonstrated by the photographs taken during and immediately after the November 1996 rainstorms (see Exhibit 9). This rapid runoff was the result of clear cutting and complete removal of all vegetation on 27 acres just outside the UGB at the north end of site #113 adjacent to Weir Road and immediately west of Murrayhill.

Based on the above calculations and data this indicates that 75% (15% with slopes 25% or greater, 60% with slopes averaging 16%) of the 284 acres or 213 acres is either non-buildable or not "efficiently" buildable. These results are based on pure raw data. However, if one takes into consideration the actual on-site tax lots, lotting patterns and covenants, conditions and restrictions (CC & R's) and other deed restrictions that "run" with the land,

the "efficient" development or redevelopment of site #113 is further diminished. More discussion on the CC & R's and deed restrictions is provided later.

First there are only 6 lots of any size (9, 10, 14, 20, 20 & 27 acres) scattered over site #113 that are possibly developable. Of the 100 acres which these six lots total, only about 70 acres are developable when the steep slopes, roads, utility and other development requirements are subtracted out. The remaining 184 acres are already "chopped up" by 100 existing lots ranging from 0.1 to 5.0 acres with an average of 1.8 acres per lot (see Lotting Pattern map Exhibit 6). Most of the 100 lots have some improvements, from expensive to low end homes, mobile homes, and numerous out buildings (barns, sheds, garages and shops) located on them. All of these existing improved sites have County approved septic systems. Consequently, redevelopment of these lots will be expensive at best and politically very controversial at worst.

The above information will be used as a basis to subsequently point out the differences and impacts that the averaging of facts and figures have on the analysis of site #49 as it relates to the evaluation and suitability of URSA site #113 as an Urban Reserve.

### Factor 3

1. Utility Feasibility. The following discussion references - Metro Utility Feasibility Analysis for Metro 2040 URSA, dated September 1995.

As mentioned above the averaging of URSA #49 facts and figures dramatically "masks" the cost and feasibility of providing utilities to the northern portion of URSA #49 or site #113. Example: Table 1 of the Feasibility Analysis indicates a \$3,103 per EDU relative cost rating for URSA site #49. Since this cost is based on averages it's logical that the northern steeper portion would be more costly based on terrain alone. However, this Analysis failed to include actual existing development in the northern portion of the URSA site #49 (or site #113). This means the fixed cost of providing additional basic utility services are spread over a smaller number of dwelling units instead of the entire acreage developed to urban densities of 5.9 units per acre.

Example: It is reasonable to assume that 55% of the total utility services cost of \$9,450,459 (see Tables 1-4 of Feasibility Analysis Report) is caused by the steeper terrain in site #113 or a cost of \$5,200,000. Since there are only about 70 developable acres left in site #113 this results in only 413 EDU's @ 5.9 EDU's/acre. Thus these utility services would cost \$12,590/EDU which is four times the \$3,103/EDU identified in the Feasibility Analysis. Also given that the 70 acres are not efficiently developable as mentioned above, a density of 3.0 EDU/acre is more realistic which would result in even greater utility services cost per EDU.

As an aside, in the Schwabe, Williamson & Wyatt (SWW) letter dated November 18, 1996, on behalf of their clients, page 4, footnote #3 states that "...The Petitioners assertion that a lift station will be required because of the

steep slopes is clearly erroneous, because with the exception of a very small part (approximately 3/4 of an acre) of this Northernmost Portion of URSA No. 49, the terrain of the Northernmost Portion of URSA No. 49 (like the terrain in the southern portion of URSA No. 49) slopes downward toward the existing sewer systems. A lift station is not required to move sewage downhill."

It should be pointed out that it is the attorney's assertion that a lift station is not required that is clearly erroneous, not the Petitioners. That a lift station is clearly necessary to pump sewage in site #49 and specifically in site #113, is evident by two factors.

First, as stated on page 6 of the Petitioner's rebuttal letter dated December 10, 1996, to the attorney's assertion "...the contour maps for URSA #49 [and site #113] ...there are at least three areas in which sewage will have to be pumped, if homes are built in these areas as proposed, in order to connect to existing sewer systems. These three areas combined represent approximately 8-10 acres..." not the 3/4 of an acre as alleged.

Second, Table 3 (Wastewater Pumping and Treatment) of the Metro Utility Feasibility Analysis (see Exhibit 10) indicates 2 to 3 lift stations are necessary at a total cost of \$488,236. This has been confirmed with D. J. Heffernan, Project Manager for KCM Consultants who prepared the analysis.

In addition the SWW attorney is clearly erroneous when he states in Footnote #4, page 5 of his letter that "...stormwater could be channeled through appropriate stormwater detention facilities and drained into Summer Creek or storm sewer lines, which would further decrease the cost of providing utilities to site #113..." As stated on page 7 of the Petitioner's rebuttal letter dated December 10, 1996, submitted to Metro Council "...Washington County and USA have very strict code requirements that stormwater from developments must be treated first before being discharged into streams or storm sewer lines. This effort is even more critical in this area given that it has steep slopes, the soil is highly subject to erosion according to Washington County soil maps...and [because it] is in an SNRA [Significant Natural Resource Area]...." These facts are evidenced by the discussion provided above and the photos shown in Exhibit 9. Therefore, construction of stormwater treatment facilities in steep sloped areas with highly erodible soils and in a Significant Natural Resource Area is more costly not less costly(as the SWW attorney asserts), which will increase the cost per EDU.

These statements by the SWW attorney and the irresponsible display of lack of concern by the property owner for the control or treatment of stormwater runoff demonstrated during the severe November 1996 rainstorms have incensed the Murrayhill and Timberline property owners because of the erosion and flooding damage and related costs to these property owners.

In addition, in the SWW attorney's letter he makes oversimplified and generalized statements like "...sewer lines extend to within approximately 350 feet of the Northernmost Portion of URSA No. 49 at one location and to within 110 feet of the Northernmost Portion of URSA No. 49 at a second location. Further, sewer, utility and drainage easements extend through the Northernmost Portion of URSA No. 49 and through adjacent land situated inside of Urban

Growth Boundary..." His footnote 1 reads "...Sewer lines would need to cross a portion of Murrayhill's open space, as shown on the attached maps. However, future sewer extension through this area was contemplated at the time Murrayhill was platted. The plat bears a notation that this area may be used for sewer extension if approved by the City of Beaverton..." These assertions make it sound simple to a non-technical individual. However, as they say, "the devil is in the details."

First, the sewer lines that are within 100 feet and 350 feet of the Northernmost Portion of URSA #49 (or site #113) are only 8" diameter sewer service lines (see Exhibit 11). These lines are only the minimum size (8" diameter) necessary to service the homes in the upper portions of Murrayhill. According to the Unified Sewerage Agency and the City of Beaverton engineering staffs, these 8" diameter service lines would not have the capacity to handle sewerage from any development outside and west of the UGB. The next sewer line of any size (10") is approximately 1100 feet from the UGB.

And, IF this 10" sewer line had sufficient capacity to support urban densities in site #113 it would have to be extended in one of two ways: 1) by tearing up existing streets and purchasing purchasing sewer line easements through home side or backyards(see Exhibit 6 lotting patterns of Murrayhill development) an unlikely costly and controversial scenario, or 2) as the SWW attorney states "...cross a portion of Murrayhill's open space..." There is only one minor problem. This open space is the Significant Natural Resource Area that contains slopes over 25%, the Summer Creek stream, riparian corridor, a wildlife corridor and a heavily canopied forested area. Furthermore, although the recorded Timberline CC & R's Section 5.13 (see Exhibit 12) grants "...A public easement in favor of the Unified Sewerage Agency situated in the Natural Resource Area has been created by the Plat. Notwithstanding anything to the contrary contained herein, a sewer line may be installed in the Natural Resources Area. As and when a sewer line is installed in such easement, the installing party shall return the surface of the ground to its prior contour upon completion of installation, but such party shall have NO [emphasis added] obligation to replace trees removed in the installation process..."

This is the point made about oversimplification. Yes, you can theoretically extend the sewer but at a tremendous increased cost because of limited access in a steep ravine and at the expense of cutting trees in a SNRA without having to replace them. Without trees and vegetation these steep slopes disturbed by the sewer installation will be highly erodible as mentioned earlier under "Background." Again another display by a developer and an attorney willing to seek benefit at the expense of the public and the environment.

In summary, a Utility Feasibility rating factor of 5 or even less is more realistic for site #113 instead of the 7 assigned URSA #49 based on the detailed discussion above.

2. Road Network. The Road Network rating for URSA #49 is 5 which means the existing road network compared to what will be required for future urbanization is average on the scale of 0-10. The following factual information is presented in comparing URSA #49 with site #113, (refer to Metro

URSA #49 map). First, the lower 60% of URSA #49 is bisected (east to west) by Scholls Ferry Highway (a Metro regional urban arterial). Next, the southern portion of URSA #49 is bisected (north to south) by Beef Bend Road (a Metro regional rural arterial). This portion also is one mile from Murray Boulevard (another Metro regional urban arterial). However, the northern 40% of URSA #49 (or site #113) is only accessible circuitously, via county collector roads (175th, 185th, Kemmer Road, 170th and Weir Road) to Murray Boulevard (3.5 mile distance), or south via 175th, Scholls Ferry Highway to Murray Boulevard (an over 4 mile distance). These are actually driving distances centroid to centroid. Second, because of existing lotting patterns, street configurations and recorded plats in Murrayhill development, there are no street access points to any property in site #113 (see Exhibit 6). To provide direct street access for public use between Murrayhill and site #113 would mean the purchase or condemnation of 3-4 homes. Not only is this scenario cost prohibitive but it is also highly unlikely given that 1) public agencies rarely, if ever, condemn property under their eminent domain authority, for the benefit of private development, 2) the majority of the 291 petitioners for the deletion of site #113 were from Murrayhill and would be adamantly opposed to additional traffic through their neighborhoods, 3) lawsuits that would ensue and 4) the highly controversial nature of this issue.

Third, the heavily forested, steep, irregular terrain with existing development and roads in site #113 limit the flexibility in building new roads or widening existing private or public access roads. (Public access roads can be used by the public but do not meet county or city design standards versus a County road build to County design standards.) Conversely, in the southern 60% of URSA #49 there is very little existing development and particularly no existing internal roads. The southern area has consistent gentle slopes in wide open fields with maximum flexibility in road, utility services and development patterns.

The existing roads in Reusser Farms, Siler Ridge, and Sky High Acres developments are private roads which vary from one 10-12 foot gravel lane (see photograph Exhibit 13) to two 9-12 foot paved lanes (none of which meet County or City local urban street design standards). Although the streets in Timberline are on a 50 foot right of way, the two paved 12 foot lanes are rural street standards and would have to be reconstructed to include bikeway and sidewalk urban standards.

Note, there is a recorded Restrictive Covenant for a Non-Access Reserve Strip (see Exhibit 14) which runs with the land, that establishes a "one foot non-access strip on S.W. Weir Road frontage, except at driveway location, as approved previously by the County. Note also this agreement shall survive annexation of the property or transfer of jurisdiction..." of Weir Road right-of-way.

So why is this non-access strip significant? It limits the flexibility of the internal street configuration and thus the efficiency of the internal lotting pattern by not allowing additional access points onto Weir Road.

For new or redevelopment to take advantage of existing access points onto 175th Avenue the internal streets would have to be widened from 20 foot roads



on private easements to 50 feet of publicly dedicated rights-of-way to meet Washington County local urban street design standards with 12 foot travel lanes, 6 foot bikeways (12 feet) and 6 foot curbs and sidewalks (12 feet). In Siler Ridge development, at least two expensive homes would be severely impacted (including possible relocation or removal) on a blind ninety-degree corner in order to reconstruct 20 foot paved roads on private easements to urban street standards. Again, this would require a public agency imposing its condemnation authority to benefit a private developer which as stated above is highly controversial and rarely done (see Exhibit 15 tax maps to show internal street impacts on adjacent properties).

Furthermore, as mentioned in the January 16, 1996 Testimony Report for site #113, "Washington County Fire Marshall's Services Minimum Design Standards for Roadways ... requires road grades not to exceed an average of 10%, with the Fire Marshall approval of a maximum of 15% for distances, not to exceed 200 feet in length." This is why the home on tax lot 102 Siler Ridge Estates (tax map 1S131DA) had to be built within 10 feet of the edge of the paved road i.e. the Fire Marshall would only approve this location because all other locations on lot 102 (with slopes greater than 15%) exceeded the 200 foot limitation. With many other portions of site #113 exceeding 15% slopes the 200 foot limitation would restrict flexibility in home locations.

External Road Network. As stated above and in the Petitioner's 1/16/96 Testimony Report for site #113, 170th Avenue, 175th Avenue, 185th Avenue, Weir Road and Kemmer Road are all collector roads and provide the only access to homes on Cooper Mountain. In the Report it was mentioned that "these collector roads are not suitable for higher density residential uses dependent on transit services...." The existing roads are typically 22 foot rural roads with no shoulders and deep ditches. The likelihood also that transit service would be provided in this area is diminished significantly due to five factors:

- a. the steepness of the road grades,
- b. the narrowness of the roads,
- c. the numerous curves on these roads, and
- d. the icy and snowy conditions on these roads in the winter,
- e. low density now or in the future.

Furthermore, the likelihood that increased bicycle commuting in this area is feasible, is diminished due to the following factors:

- a. the steepness of the road grades and
- b. the widening of these roads to include bikeways would be cost prohibitive due to the steepness of the grades, additional right-of-way requirements; relocation of utilities to accommodate widening; and lack of available road construction revenues.

The above observations and statements made in January 1996 regarding roads, transit services and bikeways have been supported by the Metro draft transportation system maps (public transportation, pedestrian, freight, and bicycle maps dated November 27, 1996, December 2, 1996, December 21, 1996 and December 21 1996, respectively). Specifically, as shown on these maps, public

transportation, pedestrian, bicycle or freight services are not proposed for site #113. And with Ballot Measure #47 Washington County will be severely restricted with revenues to improve these rural collectors roads to urban design standards in order to support urban densities.

For the above stated reasons and supporting technical data and exhibits, the Road Network rating factor for site #113 should be a 3 instead of the average 5 rating assigned to the entire URSA #49.

In summary Factor 3 ratings for Cooper Mountain site #113 should be: Utility Feasibility - 5 (vs 7 for URSA #49); Road Network - 3 (vs 5 for URSA #49); Traffic Congestion - 3 (same); Schools - 2 (same).

#### Factor 4

1. Efficiency Factor. This factor is rated as an average of 5 for the entire URSA #49. Since the slopes in URSA #49 range from gentle 2-7% slopes in the southern 60% (411 acres) portion to 12-30% slopes in the northern 40% (284 acres) portion (aka site #113) this average 5 rating dramatically eschews the feasibility of efficient urban development of site #113. As noted above in the Metro staff September 1996 recommendations for "...URSA site #49 the average slope is 10% with the steepest inclines in the northern half of the site." Where the average slope in site #113 is 15%. These slope factors are critical to determining the "discounts" applied to the URSA's.

Using the discount factors Metro staff outlined for the Efficiency Factor a 10% sloped URSA would receive a 10% discount for urban development efficient while a 15% sloped URSA would receive twice this discount, or a 20% discount.

In addition using the Metro efficiency discount criteria for land locked and partially vacant parcels and parcels that have size limitations as on site #113, the following discounts are used:

- a) 10% discount: 4 land locked parcels and 100 lots less than five acres (range 0.1 - 5.0 acres)
- b) 10% discount: 100 parcels out of 106 parcels that have an average parcel size of 1.8 acres.

Based on the above analysis the total efficiency factor should be discounted 40% (20%, 10%, and 10%). The efficiency factor for site #113 is also effected by the Timberline CC & R's Section 4 (Exhibit 12) and Siler Ridge Estates CC & R's (Exhibit 16). These CC & R's have views of Mt. Hood and tree cutting restrictions. The restrictions which run with the land limit the flexibility of development or redevelopment.

Accordingly the efficiency rating for site #113 should be 3 (vs. 5 rating for URSA #49)

2. Buildable Land. As discussed above of the 284 acres in site #113 there are only 6 scattered lots grossing 100 acres (9, 10, 14, 20, 20, and 27 acres). The remaining 184 acres are parcels ranging in size from 0.1 - 5.0

acres and averaging 1.8 acres. Given this data and applying the gross-to-net reductions for infrastructures used by Metro only about 70 acres are actually buildable or only 24% of the 284 acres in site #113. Again since these 70 acres are scattered within site #113, they are not efficiently developable to urban densities (see Lotting Pattern Exhibit 4).

In summary, the Buildable Land rating index for site #113 should be 3 (vs. 6 for URSA #49) because only 24 % of site #113 contains buildable land based on the above analysis. Note: This 70 acres would only yield 413 EDU's (@ 5.9 EDU's/acre) for site #113 which does not make development cost effective as discussed earlier.

#### Factor 5

1. Environmental Constraints. Metro staff assigned a 6 rating index for URSA #49 for this factor. However, for site #113 the rating index should be 3 based on the following key points:

a) As stated on page 5 of 1/16/96 Testimony Report and as shown on Exhibit 17 there is a Significant Natural Resource Area (SNRA) in site #113 which contains the headwaters of Summer Creek - a tributary of Fanno Creek - which runs through a long (5000 feet), wide (up to 400 feet) and deep (200 foot elevation change) riparian and wildlife corridor with slopes over 25% with soil types (Cornelius and Kinton silt loams) that can result in severe erosion hazards with rapid runoff. This severe erosion hazard is demonstrated by the severe November 1996 rainstorms as shown in Exhibit 9 photographs.

Mike Houck, Urban Naturalist for the Portland Audubon Society in his letter (see Exhibit 3) dated 1/22/96 "...urged Metro Council to eliminate these URSA's entirely, or, in a few instances, make revisions to the acreage to exclude significant natural resources land: #s: ...25 [renumbered URSA #49]...." Mr. Houck further states that "while I acknowledge that Metro cannot exclude an area as an URSA simply because it may be a potential acquisition site, we do have the opportunity to avoid mistakes of the past vis a vis bringing wetlands, stream corridors, steep slopes and other 'unbuildable lands' into an Urban Reserve and possibly into the UGB. If Metro does a careful job now in avoiding areas of significant natural resource value, which by definition Greenspace acquisition sites should be, we can avoid future conflicts concerning development in these sensitive sites."

Using the above information and the fact that the majority of the environmentally constrained land in URSA #49 is in site #113, then this factor rating index for site #113 should be 3 or 4 vs the average of 6 for URSA #49.

2. Access to Centers. Metro's rating index for URSA #49 is 3. The center of URSA #49 is 1.5 miles driving distance to the Murrayhill Towncenter via public rights-of-way on Scholls Highway and Murray Boulevard. However, the driving distance from site #113 to Murrayhill Towncenter is 3.5 miles via 175th, Weir Road, 170th and Murray Boulevard. Via 175th, Scholls Ferry Road, Old Scholls Ferry Road and Murray Boulevard it is over 4 miles. Although a rating of 3 is the lowest assign to any URSA, it would seem that a lower access to center

rating could reasonably be assigned to site #113.

The more important fact however is that since there are no direct connections to the Murrayhill Towncenter due to Murrayhill development and site #113 lotting patterns and steep terrain restrictions travel by SOV's means a lot of out-of-direction travel for shopping and other frequently used services. This increased out-of-direction travel created by urban densities on site #113 would be inconsistent with the requirements in LCDC's Transportation Planning Rule to reduce vehicle miles traveled per capita by 20% in 30 years. And since Metro's draft regional transportation system plans (public transportation, freight, bicycle, and pedestrian plans), as mentioned in earlier discussion, do not include any of these improvements or services to site #113, travel to or from site #113 will continue to be primarily by SOV's. Also as mentioned earlier the steep grades, curvy alignments, limited existing public right-of-way widths and deep ditches along the roads providing access to site #113 render road building in this area much more expensive than in many of the the other URSA's in order to support proposed urban densities. Nor in accordance with Washington County Capital Improvement Program is there any intentions of making improvements on these collectors roads because of higher priorities to make needed improvements on arterial functional classification roads first and because of shortfalls in resources.

#### Other Factors

Although each URSA has specific rating indices for the purpose of comparison and analysis, there are several natural environmental and physical and visual features that cannot be easily defined by numerical rating indices. Specifically, site #113 overall has more of these natural features than most other URSA's which would be lost if the site was developed to urban densities. Just to name one, at 710 foot elevation Cooper Mtn is one of the highest points in the Fanno Creek watershed with forested headwaters of streams that are being lost or altered significantly by surrounding development. The significance of this point is more than enough to justify a decision to not include site #113 as an Urban Reserve Area thereby protecting these natural features.

Also as stated in the 1/16/96 Testimony Report by the Petitioners to delete site #113, the physical, visual, habitat, and natural environment features provided by the forested headwaters of streams on the east and south slopes of Cooper Mountain are all features that deserve protection before they are lost or altered by urban development forever.

Good examples of both of these contrasting situations (protected versus not protected) are shown in the photographs of two other well known mountains in the Portland Metro Area (see Exhibit 18). The first is Mt. Tabor in Southeast Portland where the bottom half of the mountain has been developed and the top half on all sides has been preserved as a large park and open space. The second is Bull Mountain in Tigard. Bull Mountain, which used to have large stands of evergreens to provide distinct visual physical and natural features, has essentially been lost to rapid development up one side and down the other. Not only have these natural features been lost but it also has caused hazardous erosion, drainage and downstream flooding problems on the King City

side of the mountain especially during the February and November 1996 torrential rainstorms. Also, the loss of windbreaks caused by "thinned" stands of trees allows the remaining trees to blow over easily and created major damage to homes built in these "thinned" areas. The December 12, 1995 windstorm is an example of this damage as reported in the Oregonian to new developments in Tigard, Durham and Beaverton.

More telling than words are the various photographs (see Exhibits 18) of Cooper Mountain with its distinctive physical and visual features provided by the heavily canopied evergreen forest.

So the critical choice is ours as a "community." Shall Cooper Mountain look like Mt. Tabor or like Bull Mountain 10, 30 or 50 years from now. More discussion on Cooper Mountain natural features are presented in the following sections.

SUMMARY AND CONCLUSIONS

URBAN RESERVE RULE RATINGS

Given the analysis presented and discussion above it can be concluded that most of the rating factors in site #113 have been "masked" by the averaging effect of scores within URSA #49. That is, had site #113 rating factors been evaluated separately, lower index ratings for Factors 3, 4 and 5 would have been determined based on the technical data and analysis above. Thus, site #113 would have an even lower rating than the overall 49.5 rating given URSA #49 and justification to not designate site #113 as Urban Reserves.

Factor 3

Utility Feasibility - The Utility Feasibility Analysis by Metro and its consultant indicated a cost of \$3,103 per EDU for URSA #49. Due to the combination of steep terrain, existing lotting patterns, and scattered 70 acres of developable land (out of 284 acres), the utility service cost is \$12,590/EDU. This cost per EDU is about four times the average cost of \$3,103 for URSA #49. As pointed out in earlier discussion, the cost could be even higher if the 5.9 EDU/acre density can not be reached which due to steep terrain, existing lotting patterns, CC & R's and deed restrictions is doubtful.

Recall that it has been pointed out that the SWW attorney made errors in his analysis that lift stations would not be needed for site #113 and that stormwater facility would cost less. Both of these assertions have been proven erroneous by using the data and analysis from the consultant KCM's Utility Feasibility Analysis Report and the facts presented earlier.

Also recall that the attorney oversimplified the ease with which sewer might be extended, including errors about the distances to existing sewer and disregard of the impacts sewer installations would have on the SNRA in site #113.

For these reasons, site #113 index rating for Utility Feasibility should be 3 instead of the average of 5 for URSA #49.

Road Network - The additional investment required to build or improve the collector and local road infrastructure to develop site #113 has been diminished by the averaging effect of providing these same investments for URSA #49. The increased cost of internal and external streets in site #113 are due to the following: 1) no direct access between Murrayhill development and site #113; 2) existing streets in site #113 are mostly private streets built on easements not publicly dedicated rights-of-way and do not meet county or city design standards; 3) existing lotting patterns (100 parcels averaging 1.8 acres each) and street configuration do not allow flexibility to maximize urban densities and would require relocation or purchasing 3-4 new homes to build streets to county or city design standards; and 4) the heavily forested, steep, irregular terrain (ranging from 12-30%) in site #113 (with 15% average slope). All these restrictions limit the flexibility in building new roads and widening existing 9-10 foot single lane gravel roads and existing 20 foot

two lane paved roads on private easements to 50 feet publicly dedicated local streets standards to accommodate travel lanes, bike lanes and sidewalks. Additionally, the Washington County Fire Marshall design standards restrict the flexibility of roads and driveways built in 15%+ sloped terrain. The above information is based on engineering and cost analysis of existing and possible future road networks for site #113. These restrictions would make streets, bikeways, sidewalks and driveways significantly more costly to build relative to URSA #49 thus justifying a road network rating index of 3 for site #113 versus a rating of 5 for URSA #49.

This index rating of 3 for site #113 is further supported by the fact that Metro draft transportation system maps (dated November and December 1996) for public transportation, pedestrian, freight and bicycle services are not proposed to serve site #113. In addition, Washington County Capital Improvement Program do not list improvements or identify financial resources for collector roads that service site #113.

#### Factor 4

Efficiency Factor - As discussed above site #113 has an average slope of 15% (with a 12-30% range), has several land locked parcels, is highly parcelized with 100 parcels less than five acres (1.0 - 5.0 acre range), having an average parcel size of 1.8 acres. Based on the Metro efficiency discount criteria for steeper slopes, land locked parcels, numerous lots less than five acres and an average parcel size of 1.8 acres urban development efficiency for site #113 by itself would be discounted by 40% versus the 10% discount for URSA #49. Also discussed was the fact that Timberline, Siler Ridge, and Sky High Acres have CC & R's and deed and easements which limit flexibility of development or re-development. Therefore, it is concluded that the efficiency factor index rating should be reduced to 3 for site #113 from the 5 rating given URSA #49.

Buildable Land - Site #113 contains 284 acres. Six parcels grossing 100 acres (9, 10, 14, 20, 20, and 27 acres) of the 106 total parcels are scattered around site #113. The remaining 184 acres are parcelized by 100 separate lots ranging from 0.1 - 5.0 acres with a 1.8 acre average lot size. Based on Metro's gross-to-net infrastructure/facilities reduction factors only 70 acres are buildable or only 24% of the 284 acres of site #113. Actually because the 70 acres are spread over 6 disjointed lots, the buildable land could realistically be even less as discussed in the Petitioners 1/16/96 Testimony Report.

Based on this summary and detailed discussion earlier, it is concluded that the Buildable Land rating index for site #113 should be 3 versus the average 6 rating for URSA #49.

#### Factor 5

Environmental Constraints - Site #113 contains heavily forested, steep and irregular terrain. The site includes a large Significant Natural Resource Area (SNRA) where the headwaters of Summer Creek, a tributary to Fanno Creek, originate. The SNRA and creek run through a long (5000 feet) wide (up to 400

feet) and deep (200 foot elevation change crest to trough) riparian and wildlife corridor with slopes over 25% containing Cornelius and Kinton silt loams that result in severe erosion hazards with rapid runoff as demonstrated by the torrential November 1996 rainstorms.

Mike Houck, Urban Naturalist for the Portland Audubon Society, recommended specifically in his 1/22/96 letter (Exhibit 3) to the Metro Council to exclude URSA #25 now URSA #49 (as well as other URSA's) entirely or make revisions to acreages to exclude significant natural resources lands, stream corridors, proposed greenspaces acquisition sites, steep slopes and other "unbuildable lands" to avoid future development in these sensitive sites.

Sites #6 and #7 of Metro Parks and Greenspaces' seven Cooper Mountain target areas is essentially the same area as site #113 (see Exhibit 4).

Based on this information and the fact site #113 represents most of the environmentally constraint land in URSA #49, site #113 should have an index rating of 3 or 4 versus the average of 6 for URSA #49.

Access to Centers - Based on earlier information driving distance from URSA #49 centroid to Murrayhill Towncenter is only about 1.5 miles because Scholls Ferry Highway bisects the southern 60% of this site and provides a direct connection to Murray Boulevard. However, as shown direct access to Murrayhill Towncenter from site #113 through Murrayhill development is non-existent. And with only circuitous routes available, out-of-direction travel from 3.5 to over 4 miles of is required to reach the Towncenter for shopping and other frequently used services. Also because of the lack of current or future public transportation, freight, bicycle or pedestrian services for this area any development will continue its dependency on SOV's. This is contrary to LCDC's transportation Planning Rule to reduce vehicle miles traveled (VMT) per capita by 20% in 30 years.

This latter discussion is critical to concluding that site #113 should not be in an Urban Reserve because any development will exacerbate the use of SOV's and will increase rather than decrease VMT per capita over the next 30 years.

#### Other Factors

Needless to say there has been significant analysis by Metro Staff, Councilors and numerous individuals of the technical data which defines the characteristics of each of the proposed URSA's. This technical data and analysis are, however, only indicators to make comparison among URSA's and reasoned decision whether or not to designate these sites as Urban Reserves.

This analysis of technical data has to be balanced with good common sense and doing the right thing. Let's step back and look at Cooper Mountain from the "10,000 foot elevation" or "5 miles away" perspectives. Site #113 covers portions of the top and east and south slopes of Cooper Mountain as the photos show in Exhibit 18. The Mountain's canopy of 30-50 year old evergreens provides very distinct physical and visual features to the surrounding communities of south Beaverton, north Tigard and Bull Mountain. It is this same canopy of trees that provides and protects a significant natural resource



area, and natural environment for wildlife and riparian corridors and greenspace areas that were analyzed extensively by Metro's biological consultant and seriously considered for acquisition in Metro's Cooper Mountain target areas for greenspaces sites #6 and #7 (staff report Exhibit 4).

Furthermore, as mentioned above and in earlier discussions, Mike Houck of the Portland Audubon Society in a letter dated 1/22/96 to Metro Council stated "...while I acknowledge that Metro cannot exclude an area as an URSA simply because it may be a potential acquisition site, we do have the opportunity to avoid mistakes of past vis a vis bringing wetlands, stream corridors, steep slopes, and other 'unbuildable lands' into an Urban Reserve and possibly into the UGB. If Metro does a careful job now in avoiding areas of significant natural resource value...we can avoid future conflicts concerning development in these sensitive sites..."

A good example of these two contrasting situations is the protection that was given years ago to the top half of Mt. Tabor in Southeast Portland and the unprotected physical, visual and natural features on Bull Mountain in Tigard that were lost through extensive development (see photographs in Exhibit 18). Furthermore, the development in Bull Mountain demonstrates the impacts of erosion and flooding on downstream areas, in this case King City, caused by rapid runoff. The 27 acre clear cut area in steep terrain in site #113 is another good example of how rapid runoff can cause severe erosion and downstream flooding. See photographs in Exhibit 9. Also, the loss of windbreaks due to "thinning" of trees to allow for development increase the potential for home damage from windstorm as evidenced by the December 1995 severe windstorm.

SUPPORT TO DELETE URSA #113 (SUBSET OF URSA #49)

The most important information to consider in the request to protect the natural environmental, physical, and visual features offered by the top 40 percent (site #113) of Cooper Mountain's east and south slopes is the number of diverse groups who have supported the need and desire to not designate the area as Urban Reserve listed as follows:

1. Mike Houck, Urban Naturalist on behalf of the Portland Audubon Society in a letter to Metro Council dated 1/22/96.
2. Metro Regional Parks and Greenspaces Advisory Committee and Metro Parks and Greenspaces staff and consultants who identified seven individual sites to consider for acquisition in the Cooper Mountain target areas. Two of these seven sites, #6 and #7, are nearly identical to the same area as site #113. These two sites are areas that were considered to "...contribute to the protection and enhancement of Cooper Mountain unique woodland aspects and also the Tualatin River water quality by protecting the headwaters of its tributaries..." as well as "...protect areas that allow scenic vistas both in and out of the Cooper Mountain Refinement area..."
3. 291 Cooper Mountain Petitioners to delete site #113 from Metro Urban Reserves. As an aside, the Cooper Mountain Petitioners (not to be confused with the Friends of Cooper Mountain) made up the majority of over 300

petitioners who signed and provided testimony in support of site #5 - the 428 acre Cooper Mountain Natural Preserve approved by Metro Council for acquisition.

4. Washington County Board of Commissioners, letter dated 12/2/96 requesting that the Metro Council join the Board in their "...conclusion that URSA #113 should not be included as an Urban Reserve area..."

5. Metro Growth Management staff who recommended that the portion of URSA #49 north of Scholls Ferry Highway be deleted from URSA #49.

It should also be kept in mind that Beaverton City Council (as have the City Councils of Tigard, Tualatin and Sherwood) has discussed at their regular meetings the possible impacts that Ballot Measure #47 may have on financing expansion of public services. The main concern is whether or not Beaverton (or any city) can tax parcels annexed after November 1996 at the same tax rate as parcels in the city at the time of the November 1996 election. The Beaverton City Council has directed staff to draft a proposed interim annexation policy that would delay acting on any new annexation requests by property owners until it is known what impact Ballot Measure #47 will have on their ability to levy a uniform city wide tax rate to all city property owners, i.e., new or existing.

#### FINAL STATEMENT




Whether or not to protect Cooper Mountain natural environment and features can best be summarized in the answer to the question we must ask ourselves as a "community" - do we want Cooper Mountain's east and south slopes to look like Mt. Tabor in southeast Portland or like Bull Mountain in Tigard over the next 10, 20 or 50 years? The Petitioners think the choice is clear and well-reasoned for current and future generations. As officials of representative government the choice is the Metro Council's.

#### REQUEST

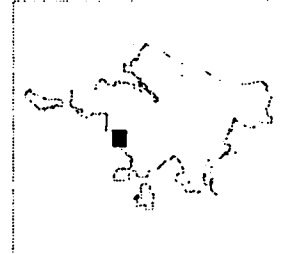
Based on all of the above facts, information, discussion, conclusions and support from diverse groups, the Petitioners for Cooper Mountain to Delete Site #113 respectively request that the Metro Council reconsider to not designate the east and south sloped areas of Cooper Mountain, named as Site #113, as an Urban Reserve.

# Citizen Proposed Modifications

Subtractions  
map: 113

-  Urban Reserve Study Area
-  Addition Boundary
-  Urban Growth Boundary

map	=	113
value	=	510
ugbmin	=	0
ugbmean	=	1097.258
trans	=	8.018
condist	=	8.064
terrain	=	14.766
fldacre	=	0.000
ripacre	=	7.083
majorsoil	=	3
bestsoil	=	2
exacre	=	289.158
exland	=	2
efuacre	=	0.000
acres	=	306.15



600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 297-1742

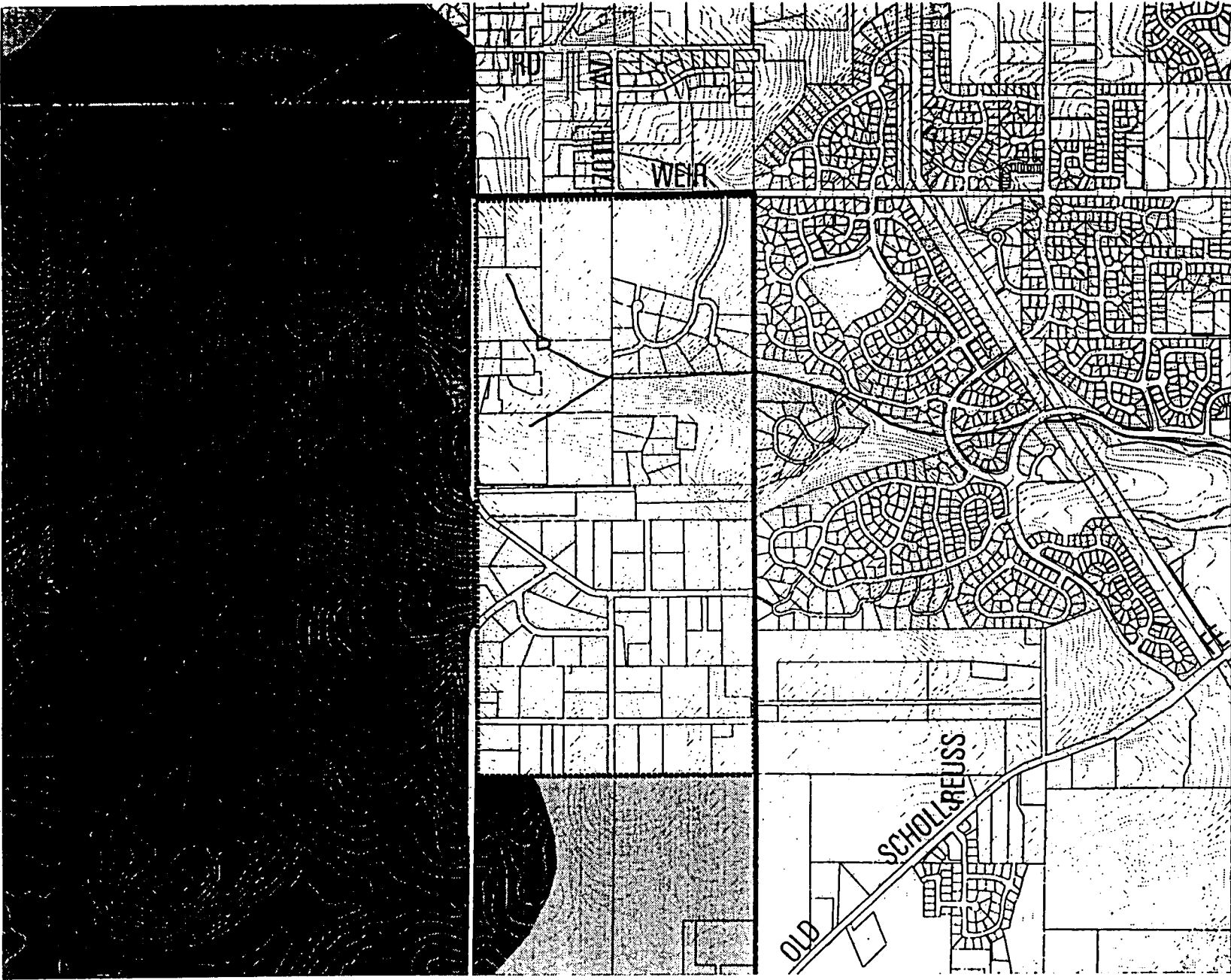
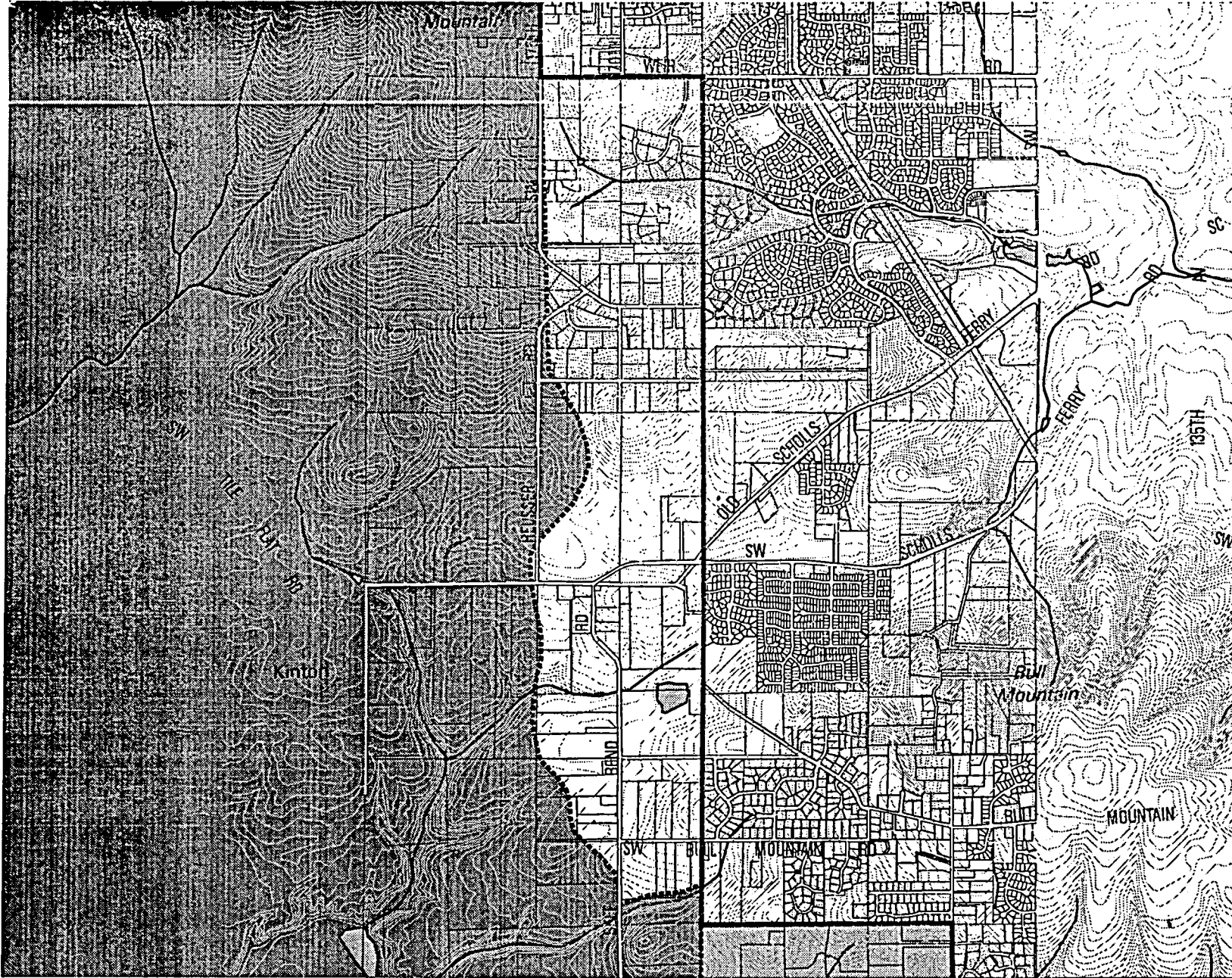


EXHIBIT 1



R L I S

Regional Land Information System

## Urban Reserve Study Areas

Adopted By  
Metro Council 2-8-96

- This Map's URSA
- UGB
- Other URSA's
- Outside UGB and URSA's
- Specific Study Area
- Urban Growth Boundary

### MAP #49

Acres	EFU Acres
694.50	138.242

600 NB Grand Ave  
Portland, OR 97232-2736  
(503) 797-1742

METRO

95-419/plum sites cov, plot date: February 28, 1996

EXHIBIT 1A



WASHINGTON  
COUNTY,  
OREGON

December 10, 1996

Metro Councilors  
Metro  
600 NE Grand Avenue  
Portland, OR 97232

**Re: URSA #113 and Urban Reserve Process**

Today, under our agenda item for Oral Communications, the Board heard from representatives from URSA #113 (the northern 40% of original URSA #49).

Prior to today's meeting, the Board of Commissioners has placed heavy reliance on Metro's citizen involvement process and on the MPAC advisory process as the most fundamental approaches for citizens and governments of Washington County to provide input to the Metro Council regarding the vital planning decisions facing the Council. To that extent, we have encouraged citizens to participate in all of Metro's processes. The Board of Commissioners assume those processes would be thorough, organized and fundamental in the Metro Council's decision making.

Today, representatives of URSA #113, which opposes inclusion of URSA #113 as an urban reserve area, gave the Board considerable pause in continuing to rely on the assumption that your processes are thorough, organized and fundamental to your decision making. Representatives of URSA #113 disclosed to us the absence in the record of considerable analysis and documentation prepared by them regarding URSA #113 which they believe supports a conclusion that URSA #113 should not be an Urban Reserve Area.

The Board unanimously urges you to keep faith with the notions that your citizen involvement and hearing processes are thorough, organized and fundamental in your decision making. We urge you to demonstrate such by: 1) receiving into your record the analysis/documentation of community representatives opposed to inclusion of URSA #113; 2) reviewing carefully the aforementioned analysis/documentation and the considerable community opposition to inclusion of URSA #113; and 3) joining our Board in our conclusion that URSA #113 should not be included as an Urban Reserve Area.

Thank you for your reconsideration of this item.

Sincerely,

A handwritten signature in cursive script that reads "Linda Peters".

Linda Peters  
Chair

cc: Board of Commissioners

j:\shared\plng\wpshare\URSA-113.bcc

EXHIBIT 2

**URBAN RESERVE DESIGNATION DECISION RECORD**

RECORD NUMBER: 021397-06 (A)

DESCRIPTION OF RECORD

PLACEHOLDER: 2 maps, Bnd measure 26-26 -  
Oversized

**URBAN RESERVE DESIGNATION DECISION RECORD**

RECORD NUMBER: 021397-06 (B)

DESCRIPTION OF RECORD

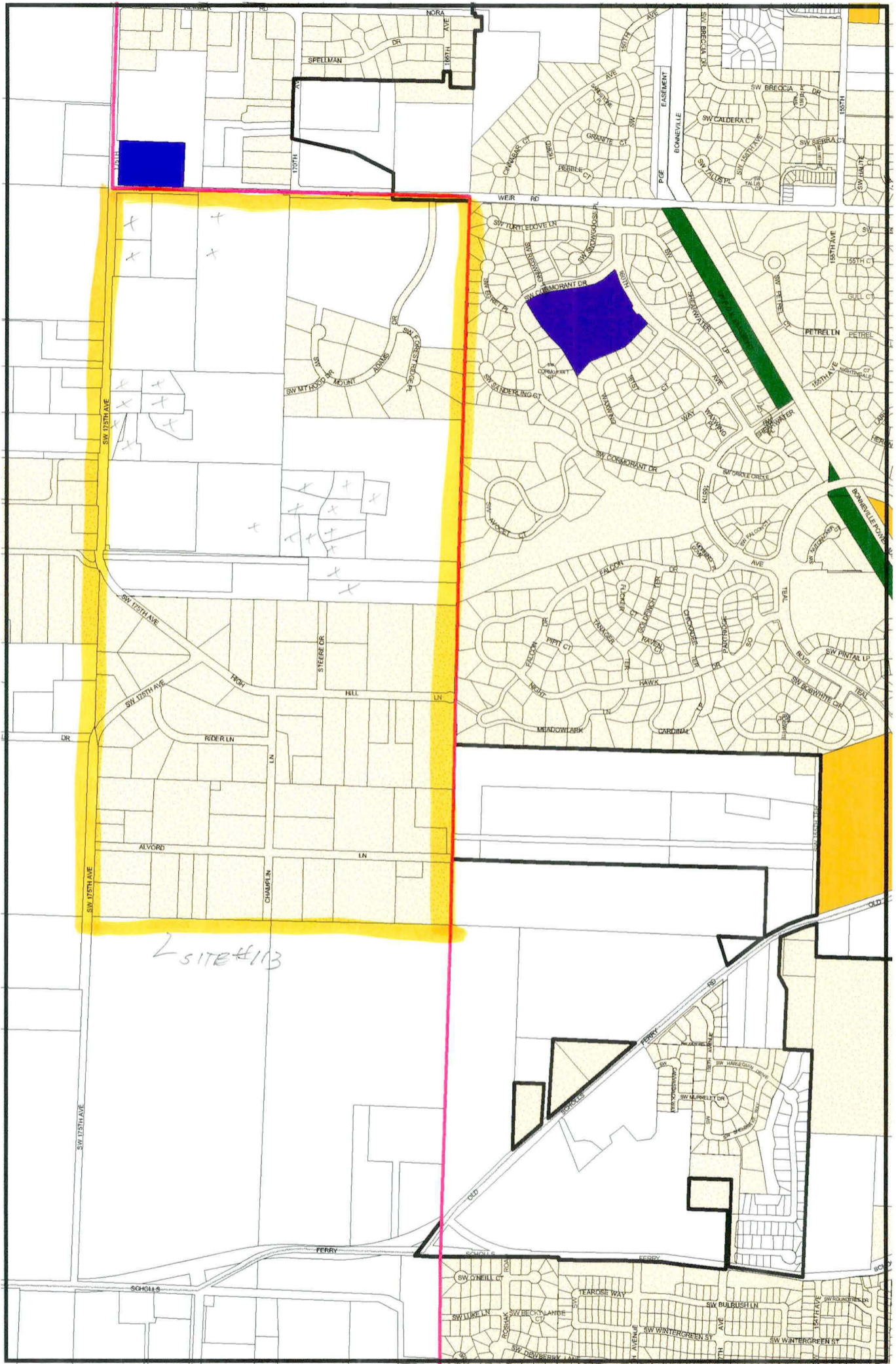
PLACEHOLDER: Washington Co. Oversized Map

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SITE #113

EXISTING DEVELOPMENT



- |                      |                     |
|----------------------|---------------------|
| Growth Boundary      | R&D Center          |
| Airports             | Recreational        |
| Automobile Related   | Religious Related   |
| Cemetery & Funeral   | Res: Special        |
| Day Care Center      | Res: Single-Family  |
| Fire Stations        | Res: Mobile Home    |
| Government Related   | Res: Multi-Family   |
| Indust/Manufacturing | Restaurants         |
| Lodges               | Retail & Services   |
| Lodging              | Schools             |
| Medical Related      | Transit Cntr/P&R    |
| Offices & Business   | Utilities           |
| Park                 | Vacant or Not Avail |
|                      | Warehouse/Storage   |

1000 0 1000 Feet



X = ADDITIONAL EXISTING DEVELOPMENT



EXHIBIT 6



fragipan in some pedons. Clay films on most ped faces are common, nearly continuous, and thin to moderately thick. The depth to the fragipan ranges from 30 to 40 inches. The fragipan is very firm to firm and very brittle, and it has few to many, thin to moderately thick clay films on most peds. It is a silt loam to silty clay loam and is commonly 2 feet or more in thickness. The fragipan overlies dark reddish-brown (2.5YR 3/4) clay in some areas.

**11B—Cornelius and Kinton silt loams, 2 to 7 percent slopes.** This undifferentiated group consists of about 50 to 65 percent Cornelius soils and 25 to 35 percent Kinton soils. These soils occur in a variable pattern. The Cornelius soil and the Kinton soil have the profile described as representative of their respective series.

Included with this undifferentiated group in mapping were areas of Cascade, Laurelwood, and Delena soils, which make up as much as 15 percent of this mapping unit.

Runoff is slow, and the hazard of erosion is slight. Capability unit IIIe-3; woodland suitability group 2o2; wildlife group 3.

**11C—Cornelius and Kinton silt loams, 7 to 12 percent slopes.** This undifferentiated group consists of about 50 to 65 percent Cornelius soils and 25 to 35 percent Kinton soils. These soils occur in a variable pattern.

Included with this undifferentiated group in mapping were areas of Cascade, Laurelwood, and Delena soils, which make up as much as 15 percent of this mapping unit.

Runoff is medium, and the hazard of erosion is moderate. Capability unit IIIe-3; woodland suitability group 2o2; wildlife group 3.

**11D—Cornelius and Kinton silt loams, 12 to 20 percent slopes.** This undifferentiated group consists of about 50 to 65 percent Cornelius soils and 25 to 35 percent Kinton soils. These soils occur in a variable pattern.

Included with this undifferentiated group in mapping were areas of Cascade, Laurelwood, and Delena soils, which make up as much as 15 percent of this mapping unit.

Runoff is medium, and the hazard of erosion is moderate. Capability unit IIIe-3; woodland suitability group 2o2; wildlife group 3.

**11E—Cornelius and Kinton silt loams, 20 to 30 percent slopes.** This undifferentiated group consists of about 50 to 65 percent Cornelius soils and 25 to 35 percent Kinton soils. These soils occur in a variable pattern.

Included with this undifferentiated group in mapping were areas of Cascade, Laurelwood, and Delena soils, which make up as much as 15 percent of this mapping unit.

Runoff is rapid, and the hazard of erosion is severe. This soil is used mainly for irrigated pasture, legume and grass seed, timber, and wildlife habitat. Capability unit IVe-6; woodland suitability group 2o2; wildlife group 3.

**11F—Cornelius and Kinton silt loams, 30 to 60 percent slopes.** This undifferentiated group consists of about 50 to 65 percent Cornelius soils and 25 to 35

percent Kinton soils. These soils occur in a variable pattern.

Included with this undifferentiated group in mapping were areas of Cascade, Laurelwood, and Delena soils, which make up as much as 15 percent of this mapping unit.

Runoff is rapid, and the hazard of erosion is severe. This soil is used mainly for timber and wildlife habitat. Capability unit VIe; woodland suitability group 2r2; wildlife group 3.

### Cornelius Variant

The Cornelius Variant consists of somewhat poorly drained soils that formed in lacustrine silts on broad valley terraces. Slope is 0 to 12 percent. Elevation is 200 to 300 feet. Where these soils are not cultivated, the vegetation is Douglas-fir, Oregon white oak, shrubs, and grasses. Average annual precipitation is 40 to 50 inches, average annual air temperature is 51° to 53° F, and the frost-free period is 165 to 210 days.

In a representative profile the surface layer is dark-brown silt loam about 10 inches thick. The upper part of the subsoil is dark brown silt loam about 13 inches thick, and the lower part is brown silty clay loam about 16 inches thick over a brown, brittle silty clay loam substratum about 21 inches thick. The profile is medium acid in the upper part and slightly acid in the lower part of the subsoil and in the substratum.

Permeability is moderately slow. Available water capacity is 11 to 13 inches. Water-supplying capacity is 18 to 20 inches. Effective rooting depth is 30 to 40 inches.

These soils are used for orchards, pasture, and small grain. Other uses include wildlife habitat, recreation, and homesites.

Representative profile of Cornelius Variant silt loam, 0 to 3 percent slopes, located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  section 29, T. 1 N., R. 1 W.:

Ap—0 to 10 inches, dark-brown (10YR 3/3) silt loam, light brownish gray (10YR 6/2) dry; moderate, fine, subangular blocky structure; slightly hard, friable, slightly sticky and slightly plastic; few 2 millimeter to 5 millimeter concretions; many very fine roots; many, very fine, irregular pores; medium acid (pH 5.8); abrupt, smooth boundary. 0 to 10 inches thick.

B11—10 to 15 inches, dark-brown (10YR 4/3) silt loam, pale brown (10YR 6/3) dry; moderate, medium and fine, subangular blocky structure; slightly hard, friable, slightly sticky and slightly plastic; common black manganese stains on peds; common, fine, reddish-brown (5YR 4/4) mottles; few very fine roots; many, very fine, tubular pores; medium acid (pH 6.0); clear, smooth boundary. 5 to 9 inches thick.

B12—15 to 23 inches, dark-brown (10YR 4/3) silt loam, pale brown (10YR 6/3) dry; brown (7.5YR 4/4) and grayish-brown (10YR 5/2) coatings on peds; moderate, medium, subangular blocky structure;

black, manganese stains; medium acid (pH 5.6); clear, smooth boundary. 7 to 12 inches thick.

**IIC—32** to 50 inches, yellowish-red (5YR 4/6) silty clay loam, yellowish red (5YR 5/6) dry; massive, hard, firm, slightly sticky and plastic; many fine pores; 15 percent pebbles, 5 percent weathered cobbles, and 10 percent stones; thick continuous clay films on fragments; medium acid (pH 5.6). 5 to 20 inches thick.

**IIIR—50** inches, basalt bedrock.

Depth to bedrock ranges from 40 to 60 inches. The A horizon ranges in texture from silt loam to silty clay loam. The clay content of the B2 horizon ranges from 30 to 40 percent. The B3 horizon is 35 to 50 percent clay and 10 to 35 percent pebbles, cobbles, and stones.

**38B—Saum silt loam, 2 to 7 percent slopes.** This gently sloping soil is on uplands. The soil has the profile described as representative of the series.

Included with this soil in mapping were areas of Jory, Laurelwood, Cornelius, Kinton, and moderately deep stony soils, which make up as much as 20 percent of this mapping unit.

Runoff is slow, and the hazard of erosion is slight. Capability unit Iie-3; woodland suitability group 3o1; wildlife group 3.

**38C—Saum silt loam, 7 to 12 percent slopes.** This moderately sloping soil is on uplands.

Included with this soil in mapping were areas of Jory, Laurelwood, Cornelius, Kinton, and moderately deep stony soils, which make up as much as 20 percent of this mapping unit.

Runoff is medium, and the hazard of erosion is moderate. Capability unit Iie-3; woodland suitability group 3o1; wildlife group 3.

**38D—Saum silt loam, 12 to 20 percent slopes.** This moderately steep soil is on uplands.

Included with this soil in mapping were areas of Jory, Laurelwood, Cornelius, Kinton, and moderately deep stony soils, which make up as much as 20 percent of this mapping unit.

Runoff is medium, and the hazard of erosion is moderate. Capability unit IIIe-2; woodland suitability group 3o1; wildlife group 3.

**38E—Saum silt loam, 20 to 30 percent slopes.** This steep soil is on uplands. It has a profile similar to the one described as representative of the series.

Included with this soil in mapping were areas of Jory, Laurelwood, Cornelius, Kinton, and moderately deep stony soils, which make up as much as 25 percent of this mapping unit.

Runoff is rapid, and the hazard of erosion is severe. Capability unit IVe-2; woodland suitability group 3o1; wildlife group 3.

**38F—Saum silt loam, 30 to 60 percent slopes.** This steep to very steep soil is on uplands.

Included with this soil in mapping were areas of Jory, Laurelwood, Cornelius, Kinton, Cascade, and moderately deep stony soils, which make up as much as 25 percent of this mapping unit.

Runoff is rapid, and the hazard of erosion is severe. This soil is used mainly for recreation, timber, and

wildlife habitat. Capability unit VIe; woodland suitability group 3r1; wildlife group 3.

### Tolke series

The Tolke series consists of well-drained soils that formed in mixed eolian materials high in volcanic ash. Slope is 5 to 60 percent. Elevation is 800 to 2,500 feet. Where these soils are not cultivated, the vegetation is Douglas-fir, western hemlock, red alder, vine maple, oregongrape, salal, and swordfern. Average annual precipitation is 80 to 100 inches, average annual air temperature is 45° to 50° F, and the frost-free period is 145 to 200 days.

The surface layer is dark-brown silt loam and heavy silt loam about 10 inches thick. The subsoil is dark-brown and strong-brown silty clay loam 51 inches thick. The profile is strongly acid in the surface layer and very strongly acid in the subsoil. The profile throughout has a slightly or moderately smeary feel when moist or wet.

Permeability is moderate. Available water capacity is 11 to 13 inches. Water-supplying capacity is 20 to 26 inches. Effective rooting depth is 60 inches.

These soils are used for timber, recreation, wildlife habitat, and water supply.

Representative profile of Tolke silt loam, 5 to 30 percent slopes, located 100 feet east of State forest road in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  section 9, T. 1 N., R. 5 W.:

A1—0 to 6 inches, dark-brown (7.5YR 3/2) silt loam, brown (7.5YR 5/4) dry; strong, fine, granular structure; slightly hard, friable, slightly sticky and slightly plastic; many fine roots; many, very fine, irregular pores; 15 percent very fine concretions; strongly acid (pH 5.2); clear, smooth boundary. 2 to 6 inches thick.

A3—6 to 10 inches, dark-brown (7.5YR 4/4) heavy silt loam, yellowish red (5YR 5/6) dry; strong, very fine, subangular blocky structure; slightly hard, friable, slightly sticky and plastic; many fine roots; many, very fine, tubular pores; common fine concretions; strongly acid (pH 5.2); clear, smooth boundary. 0 to 10 inches thick.

B1—10 to 17 inches, dark-brown (7.5YR 4/4) silty clay loam, reddish yellow (5YR 6/6) dry; moderate, fine, subangular blocky structure; slightly hard, friable, slightly sticky and plastic; many fine roots; many, very fine, tubular pores; very strongly acid (pH 4.8); clear, smooth boundary. 0 to 11 inches thick.

B21—17 to 26 inches, strong-brown (7.5YR 4/6) silty clay loam, reddish yellow (5YR 6/6) dry; moderate, fine, subangular blocky structure; slightly hard, friable, slightly sticky and plastic; common fine roots; many, very fine, tubular pores; very strongly acid (pH 4.8); clear, smooth boundary. 9 to 18 inches thick.

B22—26 to 45 inches, strong-brown (7.5YR 4/6) silty clay loam, reddish yellow (5YR



## AUDUBON SOCIETY OF PORTLAND

*Inspiring people to love and protect nature.*

1/22/96

Presiding Officer Jon Kvistad  
Metro  
600 NE Grand  
Portland, OR 97232

Dear Mr. Kvistad & Metro Councilors,

This is a follow up to my oral testimony of January 17th regarding the Urban Reserve Study Areas. I am submitting these comments both as an active member of the Coalition For A Livable Future (CLF) and on behalf of the Audubon Society of Portland, a 7,000 member chapter of National Audubon Society. Our members live throughout the Portland-Vancouver metropolitan region and have an intense interest in policies that Metro will set regarding protection, restoration and management of the region's natural resources. Establishment of URSA's and Urban Reserves is of critical importance with respect to the future protection of fish and wildlife habitat, water quality and watershed & ecosystem management of the lands within these areas.

First, I would like to reiterate our concurrence with the testimony which was presented by Mary Kyle McCurdy and Tasha Harmon on behalf of the Coalition For A Livable Future. We feel far too many acres have been included in the URSA's. It has been stated several times that there is no harm in "simply studying these areas." We question the wisdom of having so many acres in the URSA's, both from the perspective that many of these acres represent important farm/forest resource and natural resource lands. We also question whether Metro has the financial and personnel resources to effectively study all of the URSA's that have been proposed.

I have reviewed the URSA maps and have the following comments that I would like to offer on behalf of the Audubon Society of Portland. Many of these comments also reflect concerns of CLF's Water Resources, Greenspaces & Environmental Justice Working Group:

1. I found it extremely difficult to analyze the URSA's utilizing the 8 1/2 x 11 black and white maps depicting individual URSA's. I discussed this with Metro staff and was informed that, with the exception of some Greenspace target areas, no maps with Greenspace and natural resource overlays have been provided for this analysis. I would urge Metro Council to request the resources be made available so that it is possible to more accurately analyze potential impacts to streams, wetlands and wildlife habitat within each URSA.

2. What are the impacts of bringing areas currently targeted for Greenspace acquisition into Urban Reserve status? While I acknowledge that Metro cannot

exclude an area as an URSA simply because it may be a potential acquisition site, we do have the opportunity to avoid mistakes of the past vis a vis bringing wetlands, stream corridors, steep slopes and other "unbuildable lands" into an Urban Reserve, and possibly into the UGB. If Metro does a careful job now in avoiding areas of significant natural resource value, which by definition Greenspace acquisition sites should be, we can avoid future conflicts concerning development on these sensitive sites. In addition, as a concerned citizen and member of an organization that worked hard to pass the regional acquisition bond, it would be bad public policy to unnecessarily include lands in Urban Reserves that will then be acquired by regional or local Greenspace bond money, at inflated prices.

3. While I had a lot of difficulty evaluating each URSA for its natural resource values, my cursory review of the URSA maps and a large scale metro-wide Greenspaces maps leads me to question the inclusion of the following URSA's for further analysis. I would urge Metro Council to eliminate these URSA's entirely or, in a few instances, make revisions to the acreage to exclude significant natural resource lands: #'s: 1, 7, 8, 19, 21, 24, 25, 29, 32, 33, 34, 35, 36, 201, 202, 204, 205, 207, 301, 303, 308, 309.

Based on my review of the maps these areas either have extensive natural resource values or the boundaries drawn around streams, wetlands and significant forest lands appear to be inadequate to protect those resources. I was pleased to see that Metro staff did a generally excellent job to implement its stated objective of excluding steep slopes, streams, wetlands and floodplains from the URSA's but I question whether simply excluding them as shown on the maps will effectively protect these resources from either direct or indirect impacts.

The following sites may or may not be suitable for future status as URSA's. It was not possible to evaluate from the scale on the maps and the lack of natural resource information:

#'s: 4, 5, 20, 27, 30, 31, 206

In looking at the Executive Officer Mike Burton's recommendations I note that there is a great deal of overlap between my recommendations and his: The following areas of concern are coincident, either with respect to being taken out or revised: #'s: 7, 8, 19, 29, 32, 34, 35, 36, 204, 207, 301, 303, 308, 309.

I hope you carefully study the areas I've referenced and that natural resource and watershed protection will be considered in the removal and revision of the current URSA's so that a significant reduction in overall acreage of URSA's can be achieved and the remaining URSA's can, therefore, receive a more complete and thorough analysis by Metro staff and your partners.

Sincerely,



Mike Houck,  
Urban Naturalist

Staff Report

**CONSIDERATION OF RESOLUTION NO. 96-2275, FOR THE PURPOSE OF APPROVING A REFINEMENT PLAN FOR THE COOPER MOUNTAIN TARGET AREA AS OUTLINED IN THE OPEN SPACE IMPLEMENTATION WORK PLAN**

---

Date: February 1, 1996

Presented by: Jim Desmond  
Charles Ciecko

**BACKGROUND AND ANALYSIS**

The target area description in the Bond Measure Fact Sheet (authorized by Council Resolutions 95-2113, 94-2050 and 94-2029B) was as follows:

"Cooper Mountain. Acquire 428 acres of forest natural area".

In the 1992 Green Spaces Master Plan, the target area was described as follows:

COOPER MOUNTAIN (Tualatin River and Fanno Creek watersheds)  
One of the highest points in the Fanno Creek watershed. Some uncommon ponderosa pine stands remain. Remnants of forested headwaters of numerous streams draining into the Tualatin River are rapidly being lost or altered by surrounding development.

**Target Area Description:**

Cooper Mountain lies within Washington County and is approximately three miles southwest of downtown Beaverton. The target area is roughly bounded by Murray Boulevard on the east, Farmington Road on the north, Tile Flat Road on the south and Grabhorn Road on the west.

The mountain rises to an elevation of 700' and has historically been a part of the rural farm and forest activities of the Tualatin Valley. In recent years however, the north and east slopes, which are within the Urban Growth Boundary, have been developed with single family homes. Currently, additional portions of the north and east quadrants of the mountain are being studied for potential inclusion in the Urban Growth Boundary in the 2040 planning process. There are headwaters to a number of small creeks on both the north and south portions of the mountain. Timber harvest and aggregate mining have also been factors impacting the natural habitat conditions on the mountain.

The initial biological assessment identified seven existing natural areas within the Cooper Mountain target area with approximately 1200 to 1600 total acres. See Attachment "Evaluation of Wildlife Habitat Value..." prepared by Esther Lev, an independent biological consultant.

**Refinement Process:**

The Open Space Implementation Work Plan adopted by the Metro Council in November, 1995, required that a Refinement Plan be submitted to the Council for approval for each target area. The Refinement Plan will contain objectives and a confidential tax lot specific map identifying priority properties for acquisition, enabling Metro to begin the acquisition of property and property rights as detailed in the Open Space Implementation Work Plan and in Resolution No. 95-2228. Resolution No. 95-2228 "authorizes the Executive Officer to acquire real property and property interests subject to the requirements of the *Acquisition Parameters* and *Due Diligence* guidelines of the Open Space Implementation Work Plan."

Public involvement - A variety of public information and involvement activities were conducted to ensure public awareness and input regarding the Cooper Mountain Refinement Process. In October of 1995, twelve key stakeholders were interviewed to identify key issues pertaining to the Cooper Mountain greenspace area. These interviews included representatives of Friends of Cooper Mountain, property owners, government agencies, and natural resource experts. Subsequently, Metro staff and consultants met with representatives of key stakeholder groups, in a series of three meetings, to provide information on the proposed open space plans and solicit input. These groups included Friends of Cooper Mountain, area neighborhood associations and CPOs and natural resources experts. In addition to the stakeholder interviews and meetings, discussion through dozens of phone calls and individual meetings were conducted by Metro staff with representatives of Friends of Cooper Mountain and various government agencies.

Finally, a public workshop was held on January 9th, 1996 to present Metro staff's proposed plans for Cooper Mountain. The workshop was well attended with approximately 100 participants ( over 3900 notices were mailed to area residents and other interested stakeholders). A questionnaire (see Attachment) regarding preferences on regional resource key elements and site specific connectivity issues was distributed, eliciting 27 responses. The results are summarized as follows: \*

<b>Q. #1. Prioritization of Key Elements</b>	<b>First Preference</b>	<b>2nd</b>	<b>3rd</b>	<b>4th</b>	<b>5th</b>	<b>6th</b>
Large size	42%	33%	4%	0%	17%	4%
Watershed Protection	31%	35%	23%	8%	5%	0%
Linkage issues	15%	23%	31%	19%	8%	4%
Oak/Madrone habitat	8%	4%	29%	21%	17%	21%
Public access & education	4%	8%	16%	32%	36%	4%
Views "in and out"	0%	5%	0%	13%	17%	65%

\* Not all respondents answered all questions - the number of responses varies from 18 to 26.

<b>Q. #2 Desired Linkages</b>	<b>First Preference</b>	<b>2nd</b>	<b>3rd</b>	<b>4th</b>	<b>5th</b>
N and NE to neighborhoods	38%	17%	17%	11%	17%
SW to Tualatin River Refuge Area	30%	25%	20%	5%	20%
Link NW to Jenkins Estate	20%	35%	25%	10%	10%
E to BPA trail & Murray Hill	11%	11%	17%	42%	21%
SE to Scholls Ferry and BPA trail	5%	17%	26%	26%	26%

Additionally, questions and comments from the floor are summarized in the Attachment "Cooper Mountain Refinement Plan Meeting Notes".

Natural Resources - In addition to the report by Ester Lev, a Metro staff biologist evaluated the same seven sites based on the regional target area criteria (see Attachment "Evaluation of Target Area Based on Regional Target Area Criteria"). These two evaluations are the key components leading to the staff's recommended Refinement Area.

#### **Regional Parks and Greenspaces Advisory Committee**

A presentation of the Staff Report was given by Metro Staff and its consultant at a public meeting in the Metro Council Chambers on January 16th, 1996. This analysis and resulting objectives were approved by a unanimous vote of the full Regional Parks and Greenspaces Advisory Committee. Several residents of the Cooper Mountain area expressed their views on the report.

Site 5 ( southern area of Cooper Mountain-see attached Map) for the Cooper Mountain Refinement Plan accomplishes several important objectives of the Bond Measure and Greenspaces Master Plan. Its approximate 800 to 1200 acres includes a variety of habitat types, evidenced by the relatively undisturbed closed canopy cedar/fir areas and unique oak/madrone forest characteristics, wetlands, crop fields, meadows and recently cleared portions. The entire watershed of a perennial stream which flows to Lindlow Creek and the Tualatin River originates in the area, and four intermittent streams may become perennial if segments of the forest canopy are restored. The Site is the last opportunity for Metro to create a major assemblage in the area that will be accessible to the greatest number of citizens of the region, due to several major roads in close proximity. The Refinement Plan articulates a long range goal of a dynamic regional natural area anchored by a large contiguous assemblage of 700 acres with the potential for numerous physical linkages, financial and management partnerships. The proposed Refinement Plan focuses on the crest and southern portion of the mountain (roughly Site 5 - see attached map) and is directly responsive to the policies and natural area selection criteria contained in the Greenspaces Master Plan.

In addition, a number of citizens from the Cooper Mountain Area strongly support Metro's acquisition strategy to focus on Site 1. According to the Staff's analysis, Site 1

does not meet all the acquisition criteria for a regional target area as outlined in the Open Spaces Bond Measure and the Greenspaces Master Plan.

The following are specific objectives of the Cooper Mountain proposed Refinement Plan:

**Tier I.**

Establish a regionally significant natural area with a core component of 700 acres that will support a diversity of plant and animal life and sustain key biological features referred to as the Cooper Mountain Refinement Area. The initial acquisition goal will be 428 acres. Attainment of this acquisition goal will contribute to the protection and enhancement of Cooper Mountain's unique woodland aspects and also the Tualatin River water quality by protecting the headwaters of its tributaries.

Protect areas that allow scenic vistas both "in and out" of the Cooper Mountain Refinement Plan Area.

**Tier II.**

Provide linkages from the Cooper Mountain Refinement Area to other trails, greenways, parks, habitat areas, schools and community centers. Particular emphasis should be given to connections with the Tualatin River Wildlife Refuge, the Jenkins Estate, and local neighborhoods.

Work with adjacent rock and quarry owners and local jurisdictions on the long term reclamation plans for those quarry areas with the goal of expanding the open space potential of the Refinement Area.

**Partnership Objectives:**

Develop partnerships to assist in implementing the long range vision for the Cooper Mountain Refinement Plan. Metro will work with appropriate local governments in supporting the concept of this Refinement Plan and the regional natural area site on the south slope of Cooper Mountain. In addition, Metro will work in cooperation with local governments to identify additional funding sources, devise cooperative management agreements and similar inter-governmental partnerships.

**Executive Officer's Recommendation**

The Executive Officer recommends passage of Resolution No. 96-2275.



## **COOPER MOUNTAIN REFINEMENT PLAN**

### **OBJECTIVES**

#### **Tier I.**

Establish a regionally significant natural area with a core component of 700 acres that will support a diversity of plant and animal life and sustain key biological features referred to as the Cooper Mountain Refinement Area. The initial acquisition goal will be 428 acres. Attainment of this acquisition goal will contribute to the protection and enhancement of Cooper Mountain's unique woodland aspects and also the Tualatin River water quality by protecting the headwaters of its tributaries.

Protect areas that allow scenic vistas both "in and out" of the Cooper Mountain Refinement Plan Area.

#### **Tier II.**

Provide linkages from the Cooper Mountain Refinement Area to other trails, greenways, parks, habitat areas, schools and community centers. Particular emphasis should be given to connections with the Tualatin River Wildlife Refuge, the Jenkins Estate, and local neighborhoods.

Work with adjacent rock and quarry owners and local jurisdictions on the long term reclamation plans for those quarry areas with the goal of expanding the open space potential of the Refinement Area.

#### **Partnership Objectives:**

Develop partnerships to assist in implementing the long range vision for the Cooper Mountain Refinement Plan. Metro will work with appropriate local governments in supporting the concept of this Refinement Plan and the regional natural area site on the south slope of Cooper Mountain. In addition, Metro will work in cooperation with local governments to identify additional funding sources, devise cooperative management agreements and similar inter-governmental partnerships.

**URBAN RESERVE DESIGNATION DECISION RECORD**

RECORD NUMBER: 021397-06(c)

DESCRIPTION OF RECORD

PLACEHOLDER: Exhibit 9 Photographs 3 of 3

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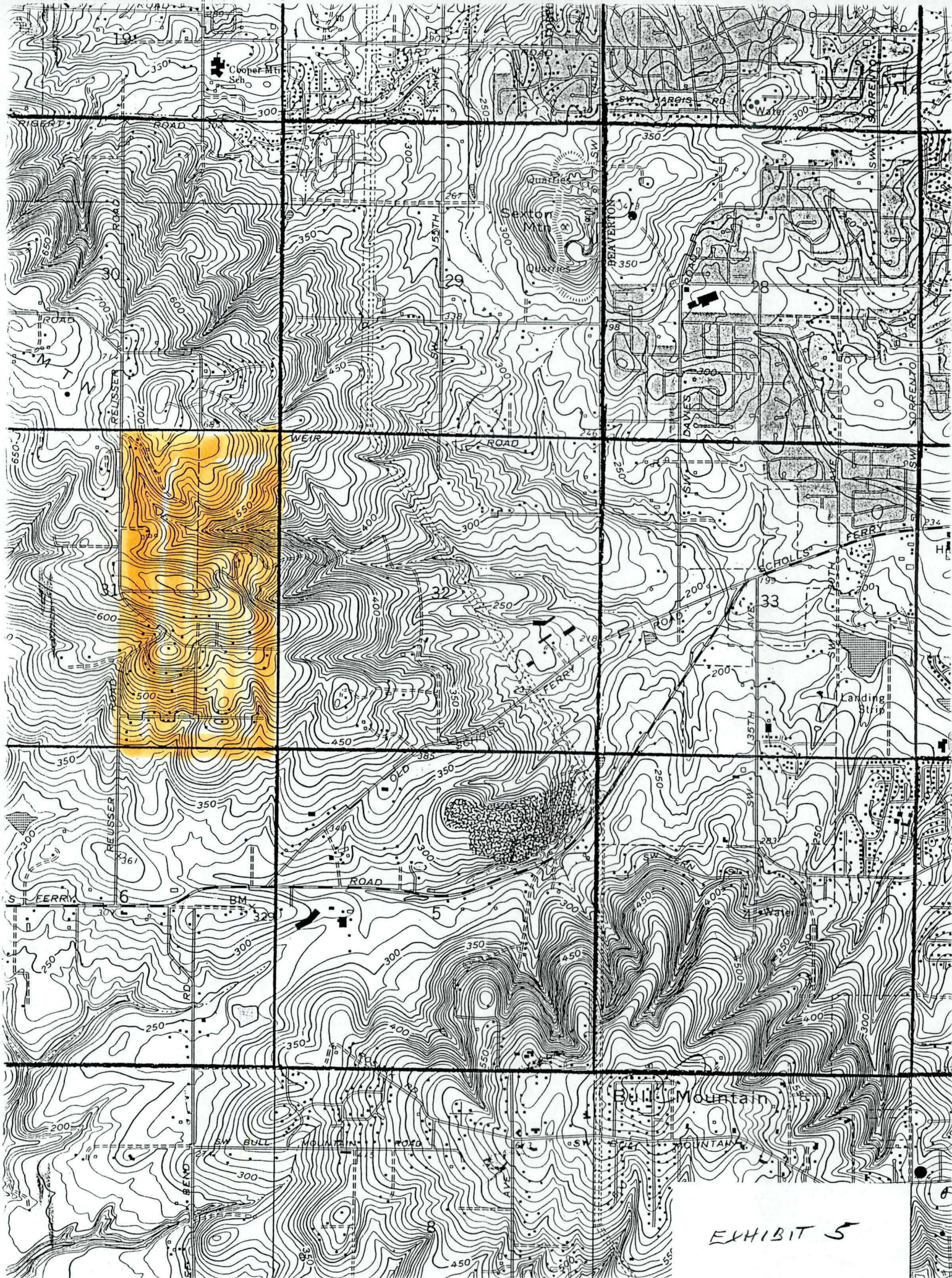


EXHIBIT 5

TABLE 3  
WASTEWATER COLLECTION, PUMPING, AND TREATMENT  
RELATIVE COST ESTIMATES \*

URSA	Capital Cost				Life Cycle * Pumping Cost (\$30/MGD)	Total Costs	Cost per EDU
	Conveyance f(length,size,type)	Lift Station f(flow)	Treatment f(flow,site)	Subtotal			
4			\$67,563	\$67,600		\$67,600	\$1,400
1 (a)	\$2,900,250		\$14,502,500	\$17,402,800		\$17,402,800	\$1,500
15			\$19,500	\$19,500		\$19,500	\$1,600
28	\$37,500		\$1,015,625	\$1,053,100	\$39,594	\$1,092,694	\$1,700
12		\$375,000	\$1,976,563	\$2,351,600	\$87,069	\$2,438,669	\$1,800
31	\$42,000		\$393,250	\$435,300		\$435,300	\$1,800
32	\$360,000		\$3,269,500	\$3,629,500		\$3,629,500	\$1,800
33	\$360,000		\$2,827,500	\$3,187,500		\$3,187,500	\$1,800
23	\$225,000		\$1,649,375	\$1,874,400		\$1,874,400	\$1,800
29	\$856,500		\$7,941,375	\$8,797,900	\$290,409	\$9,088,309	\$1,900
26	\$216,000		\$1,878,500	\$2,094,500	\$73,222	\$2,167,722	\$1,900
36	\$1,012,500		\$5,918,250	\$6,930,800		\$6,930,800	\$1,900
11		\$100,000	\$347,875	\$447,900	\$15,323	\$463,223	\$1,900
25	\$553,500	\$300,000	\$5,042,375	\$5,895,900	\$188,236	\$6,084,136	\$2,000
30	\$60,000		\$277,875	\$337,900		\$337,900	\$2,000
8	\$310,500	\$325,000	\$1,670,375	\$2,305,900	\$73,599	\$2,379,499	\$2,000
21	\$262,500		\$919,750	\$1,182,300		\$1,182,300	\$2,100
35	\$871,500	\$300,000	\$4,540,250	\$5,711,800	\$165,347	\$5,877,147	\$2,100
6	\$558,000		\$1,093,938	\$1,651,900		\$1,651,900	\$2,200
34	\$795,000	\$600,000	\$4,592,250	\$5,987,300	\$178,974	\$6,166,274	\$2,200
17	\$478,500		\$991,875	\$1,470,400	\$41,635	\$1,512,035	\$2,200
37	\$766,500		\$2,192,125	\$2,958,600		\$2,958,600	\$2,200
9	\$2,196,000	\$1,000,000	\$6,521,938	\$9,717,900	\$287,331	\$10,005,231	\$2,200
7	\$910,500	\$475,000	\$2,679,500	\$4,065,000	\$118,060	\$4,183,060	\$2,200
1 (b)	\$13,243,500	\$2,000,000	\$28,295,750	\$43,539,300	\$1,021,407	\$44,560,707	\$2,300
14		\$100,000	\$268,125	\$368,100	\$10,456	\$378,556	\$2,300
19	\$2,695,500		\$3,973,250	\$6,668,800		\$6,668,800	\$2,400
22	\$402,000		\$776,750	\$1,178,800		\$1,178,800	\$2,500
10		\$100,000	\$143,750	\$243,800	\$6,343	\$250,143	\$2,500
24	\$488,000	\$300,000	\$1,573,000	\$2,361,000	\$61,291	\$2,422,291	\$2,500
1 (c)	\$16,901,250	\$4,725,000	\$26,956,000	\$48,582,300	\$1,238,185	\$49,820,485	\$2,700
38	\$318,000		\$476,125	\$794,100		\$794,100	\$2,700
18	\$1,471,000	\$375,000	\$2,032,625	\$3,878,600	\$83,396	\$3,961,996	\$2,800
27	\$427,500	\$300,000	\$929,500	\$1,657,000	\$36,234	\$1,693,234	\$3,000
2	\$995,000	\$250,000	\$1,193,125	\$2,438,100	\$49,045	\$2,487,145	\$3,000
20	\$2,136,000		\$1,884,563	\$4,020,600		\$4,020,600	\$3,100
1 (d)	\$7,251,000	\$2,300,000	\$8,862,188	\$18,413,200	\$885,261	\$19,298,461	\$3,100
3	\$952,000	\$150,000	\$881,188	\$1,983,200	\$37,333	\$2,020,533	\$3,300
1 (e)	\$10,962,000	\$850,000	\$6,273,750	\$18,085,800	\$329,218	\$18,415,018	\$3,700
13	\$1,080,000	\$150,000	\$813,625	\$2,043,600	\$35,858	\$2,079,458	\$3,700
16	\$950,400		\$300,438	\$1,250,800		\$1,250,800	\$6,000

\* Note: 20 year life cycle costs discounted @ 6%.

Mean                    \$2,382  
Std. Dev.                \$797

EXHIBIT 10

**URBAN RESERVE DESIGNATION DECISION RECORD**

RECORD NUMBER: 021397-06 (D)

DESCRIPTION OF RECORD

PLACEHOLDER: Exhibit 11 (2 of 2) Oversized

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located in such a manner as will preserve, to the greatest extent reasonably practicable, the significant trees situated on the Property.

4.3 Approval. The Architectural Control Committee shall review the plans and specifications and site plan set forth in Section 4.2 and shall, within 30 days after submission, notify the party submitting said plans of its approval or disapproval of the proposed improvement as submitted or subject to specific conditions. If the Architectural Control Committee fails to give notice of its decision within such 30-day review period, the proposed improvement shall be deemed approved as submitted. If proposed plans are disapproved by the Committee or subjected to conditions of approval, the party submitting such plans shall resubmit revised plans indicating compliance with such conditions, if applicable, or remedying the grounds for prior disapproval by the Committee. No trees with a DBH in excess of six (6") inches may be removed without the approval of the Committee, which approval shall not be unreasonably withheld; however, trees which obscure a substantial view of Mt. Hood from the central living area of a dwelling may be removed or topped after notice thereof is given to the Committee. As used herein, the phrase "a substantial view of Mt. Hood" shall mean a full view of the portion of the peak that is above the timberline. To the extent feasible, any trees obscuring such a view with a DBH in excess of six inches shall be topped rather than removed.

4.4 Design Guidelines. The Architectural Control Committee shall have the authority to promulgate and issue and thereafter to amend from time to time, design guidelines. Such guidelines shall be supplied in writing to all Owners of Lots, shall be fully binding on all Owners as if set forth in this Declaration, and shall be applied by the Architectural Control Committee in reviewing and approving or denying proposed improvements. The current design guidelines are attached hereto as Exhibit "B".

4.5 Architectural Control Committee Discretion. The Architectural Control Committee, in its sole discretion, may withhold approval of any proposed improvement if the Architectural Control Committee finds that the proposed improvement would be inconsistent with the provisions contained herein or would be incompatible with the design standards for the neighborhood. Considerations such as siting, shape, exterior elevations, materials, size, color, design, height, impairment of view and other effects on the enjoyment of other Owners, as well as any other factors which the Architectural Control Committee believes to be relevant, may be taken into account by the Architectural Control Committee in determining whether or not to approve any proposed improvement.

4.6 Non-Waiver. Approval or disapproval by the Architectural Control Committee of any matter proposed to it or within its jurisdiction shall not constitute a precedent or waiver or impair in any manner whatsoever the right of the Architectural

AUG 23 1990

convenience of ingress and egress to a permanent storage area for a period not to exceed five days in any one twenty-day period.

(b) Equipment owned by others who are guests of the occupants of the dwelling shall be allowed to be parked in the driveway servicing the dwelling or on streets adjacent thereto for a period not to exceed fourteen days in any one thirty-day period.

5.13 Drainage Easement and Natural Resource Area. Three drainage easements covering the Property have been created pursuant to the subdivision plat for Timberline (the "Plat"). The purpose of these drainage easements is to facilitate the flow or drainage of surface water across the Lots. Any alteration of the natural drainage ways situated in such easements or in the Natural Resource Area created by the Plat shall be at the expense of the Owners of said Lots and the amount of drainage flow in any new location must allow for an equal or greater amount of water. Maintenance of the natural drainage way or any subsequently created drainage way will be the responsibility of the Owner of each Lot upon which the easements are situated. The Natural Resource Area has been created by the Plat and is variable in width, ranging from fifty (50) to ninety (90) feet wide. The Natural Resource Area is a conservation easement intended to protect fish and wildlife; no Owner may take any action which materially endangers any fish or wildlife which may be found in the Natural Resource Area and no improvements shall be constructed within the Natural Resource Area. A public utility easement in favor of the Unified Sewerage Agency situated in the Natural Resource Area also has been created by the Plat. Notwithstanding anything to the contrary contained herein, a sewer line may be installed in the Natural Resource Area. As and when a sewer line is installed in such easement, the installing party shall return the surface of the ground to its prior contour upon completion of installation, but such party shall have no obligation to replace trees removed in the installation process.

#### SECTION 6

##### COMMON AREAS

6.1 Common Areas. The Developer may convey Common Areas to the Association at any time and from time to time, provided that the conveyance is approved by the Board. Common Areas may be subject to use by other parties. Every Owner, and all tenants, invitees and guests of all Owners, shall have a nonexclusive right and easement to use and enjoy the Common Areas, which right and easement shall be appurtenant to and shall run with the Property and all Lots therein. Such right and easement shall be subject to the Association's right to promulgate rules and regulations governing the use of the Common Areas. The Association shall maintain and repair the Common Areas subject to the Owners'

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90-45701  
Washington County

DECLARATION OF PROTECTIVE COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR  
TIMBERLINE

THIS DECLARATION is made this 13th day of July, 1990, by STUART A. HONEYMAN, hereinafter called the "Developer."

W I T N E S S E T H:

The Developer is the owner of Lots one (1) through thirteen (13), inclusive, and Lots fifteen (15) and sixteen (16), in Timberline, a duly recorded plat in Washington County, Oregon, hereinafter called the "Property." Lot fourteen (14) of Timberline is not included in the Property and is not covered by this Declaration. The Developer desires to subject the Property to the covenants, conditions and restrictions set forth herein for the benefit of the Property and its present and subsequent owners.

THEREFORE, the Developer hereby declares that the Property shall be held, sold and conveyed subject to the following covenants, conditions and restrictions, which shall run with the land comprising the Property, shall be binding upon all parties having or acquiring any right, title or interest in the Property or any part thereof and shall inure to the benefit of each owner thereof.

SECTION 1

DEFINITIONS

As used in this Declaration, the terms set forth below shall have the following meanings:

1.1 "Association" means the non-profit corporation known as the Timberline Owners Association, formed to serve as an owners' association as provided in Section 2 hereof, and its successors and assigns.

1.2 "Board" means the Board of Directors of the Association.

1.3 "Common Areas" means any areas designated as common area by Developer or the Association from time to time pursuant to the terms hereof.

1.4 "Declaration" means this Declaration of Protective Covenants, Conditions and Restrictions for Timberline.

1.5 "Developer" means Stuart A. Honeyman and any heir, successor or assign succeeding to the responsibility of Developer under this Declaration.

STUART 12



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AUG 23 1990

expenses reasonably incurred in the preparation for and the prosecution of such action, at trial and on any appeal, in addition to all other amounts provided by law.

3.9 Personal Obligation. Each assessment or charge levied pursuant to the provisions of this Declaration shall be a separate and personal obligation of the Owner of the Lot against which the assessment or charge is levied. The sale, transfer or conveyance of a Lot shall neither release nor discharge the Owner thereof from such personal liability, nor shall such a sale, transfer or conveyance extinguish any lien placed on such Lot.

3.10 Subordination. Notwithstanding any other provisions of this Declaration, any lien imposed on a Lot hereunder shall be and remain at all times, inferior, junior and subordinate to the lien of any first mortgage or deed of trust encumbering such Lot. Without limiting the generality of the foregoing, the sale or transfer of any Lot under a decree of foreclosure pursuant to any such first mortgage or Deed of Trust, or proceeding in lieu of foreclosure, shall extinguish any lien imposed on such Lot hereunder prior to the date of sale or transfer, but such extinguishment shall not relieve the delinquent Owner from his obligation to pay the sum secured by such lien.

SECTION 4

ARCHITECTURAL AND DESIGN REVIEW

4.1 Formation. The Board shall appoint an Architectural Control Committee consisting of three (3) members for the purpose of reviewing and approving or denying proposed improvements to be constructed upon the Property. Until such time as the Developer has sold all of the Lots subject to this Declaration, the Developer shall have full power and authority to designate the members of the Architectural Control Committee and remove any of the same at will, with or without cause. The Developer may transfer such appointive authority to the Board at an earlier date.

4.2 Generally. No improvement of any kind shall be commenced, erected, placed or altered on any portion of any Lot unless such improvement or alteration shall be in conformance with the design guidelines provided for in this Section 4 and until detailed plans and specifications showing the nature, elevation, kind, shape, height, color, material and location of such improvement or alteration are submitted to and approved by the Architectural Control Committee pursuant to the provisions of this Section 4. Each set of plans and specifications submitted shall include a detailed site plan showing the proposed location of improvements or alterations, any trees with a diameter at breast height ("DBH") in excess of six inches (6") that are proposed to be removed and all trees with a DBH in excess of six inches (6") that will remain in place after completion of construction. The Architectural Control Committee may require improvements to be

7



SITE #113

SKY HIGH ACRES OLD RURAL DEVELOPMENT  
INTERNAL GRAVEL ROADS

EXHIBIT # 13

15-  
8-  
LUT-8

90-44069  
Washington County

RESTRICTIVE COVENANT FOR A NON-ACCESS RESERVE STRIP

KNOW ALL PERSONS BY THESE PRESENTS, that Al M. DeGrood and Virginia E. DeGrood, husband and wife, and Stuart Honeyman, grantors being lawfully seized in fee simple of the following described premises, in consideration of the granting of a Rural Planned Development and a Residential Subdivision, Item No. 89-610-RPD/S, which is the whole consideration, heretofore granted by Washington County, a political subdivision of the State of Oregon, do hereby establish a one foot, non-access reserve strip on S.W. Meir Road frontage, except at driveway location, as approved by Casefile 89-610-RPD/S over that certain real property situated in the County of Washington and State of Oregon, and being more particularly described as follows, to-wit:

LEGAL DESCRIPTION ATTACHED

This restrictive covenant shall run with the land, burdening the subject site and to the benefit of the citizens of Washington County by and through their Board of County Commissioners. It is binding on the parties, their successors, heirs, assigns and grantees, and before this restrictive covenant can be removed, authorization must first be obtained from Washington County. This agreement shall survive annexation of the property or transfer of jurisdiction of the above named right-of-way.

This agreement is intended to protect the public from any deleterious effect on the approval or insure proper public services as provided in Article II, Section 207-6 of the Washington County Community Development Code, and is for the benefit of Washington County and is enforceable by the Board of County Commissioners.

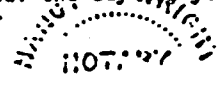
The covenantors agree that execution of this agreement in no way limits, restricts, or pre-empts the authority of Washington County to exercise any of its governmental authority applicable to said property.

Dated this 14<sup>th</sup> day of August, 1990.  
[Signature]  
Al M. DeGrood  
[Signature]  
Virginia E. DeGrood

STATE OF OREGON )  
County of Washington ) ss.

BE IT REMEMBERED that on this 14<sup>th</sup> day of August, 1990 before me, the undersigned, a notary public in and for said county and state, personally appeared the within named Al M. DeGrood and Virginia E. DeGrood, known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that same was executed freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day 1990 year last above written.



[Signature]  
Nancy D. Ungher  
Notary Public for Oregon  
My Commission expires: 10/29/93

Restrictive Covenant, Page 1 of 2  
JR-HONEYMAN, JR:mj/4

1-3

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CONTRACT—REAL ESTATE

THIS CONTRACT, Made this 8th day of December, 1975, between  
Loren D. Meinz, hereinafter called the seller,

and Sidney H. Olsen, hereinafter called the buyer,

WITNESSETH: That in consideration of the mutual covenant and agreements herein contained, the seller agrees to sell unto the buyer and the buyer agrees to purchase from the seller all of the following described lands and premises situated in Washington County, State of Oregon, to-wit:  
The North 310' of the East 140' of Lot 13, Sky High Acres, Washington County, Oregon.  
Together with an easement for ingress and egress over the West 50' of the East 190' of the North 310' of Lot 13, Sky High Acres, Washington County, Oregon.

for the sum of Thirty-Five Hundred Dollars And No Cents Dollars (\$ 3,500.00 )  
(hereinafter called the purchase price), on account of which Three Hundred Dollars And No Cents Dollars (\$ 300.00 ) is paid on the execution hereof (the receipt of which is hereby acknowledged by the seller); the buyer agrees to pay the remainder of said purchase price (to-wit: \$ 3,200.00 ) to the order of the seller in monthly payments of not less than Thirty-eight dollars & eighty-two cents Dollars (\$ 38.82 ) each, Month

payable on the 25th day of each month hereafter beginning with the month of January, 1976, and continuing until said purchase price is fully paid. All of said purchase price may be paid at any time; all deferred balances of said purchase price shall bear interest at the rate of 8.0 per cent per annum from December, 1975 until paid, interest to be paid and being included in the minimum monthly payments above required. Taxes on said premises for the current tax year shall be prorated between the parties hereto as of the date of this contract.

The buyer warrants and covenants with the seller that the real property described in this contract is:  
(A) primarily for buyer's personal, family, household or agricultural purposes,  
(B) for an organization of two or more persons in a natural person or for business or commercial purposes other than agricultural purposes.  
The buyer shall be entitled to possession of said lands on December 19, 1975, and may retain such possession as long as he is not in default under the terms of this contract. The buyer agrees that at all times he will keep the buildings on and premises, including any improvements, in good condition and repair and will not suffer or permit any waste or stop thereof; that he will keep said premises free from encumbrances and all other liens and once the seller has been satisfied and constructive notice for all liens and encumbrances is given to the buyer, he will pay all taxes hereafter levied against said property, as well as all other taxes, charges and municipal fees, which he will pay in full on or before the date of the next tax bill, and if he fails to do so, the seller shall be entitled to sue for the same as any part thereof hereto paid due, that at buyer's expense he will insure and keep insured all buildings on or hereafter erected on said premises against loss or damage by fire, theft and other perils in an amount not less than \$ \_\_\_\_\_ in a company or companies satisfactory to the seller, with loss payable first to the seller and then to the buyer as these respective interests may appear and all policies of insurance to be delivered to the seller as soon as insured. None of the buyer shall fail to pay any such taxes, costs, water costs, taxes or charges or to procure and pay for such insurance, the seller may sue for any amount so made shall be added to and become a part of the debt secured by this contract and shall bear interest at the rate of \_\_\_\_\_ per cent per annum from the date of the seller's breach of contract.  
The seller agrees that at the expense and when necessary for an amount equal to said purchase price, he will mark the title in and to said premises in the office of the county clerk, and except the usual printed exceptions and the building and other restrictions and covenants run of record, if any, seller does agree that when said purchase price is fully paid and upon request and upon surrender of this agreement, he will deliver a good and sufficient deed conveying said premises in fee simple unto the buyer, his heirs and assigns, free and clear of all encumbrances and all taxes, municipal fees, charges and other taxes, charges and municipal fees, which he will pay in full on or before the date of the next tax bill, and if he fails to do so, the seller shall be entitled to sue for the same as any part thereof hereto paid due, that at buyer's expense he will insure and keep insured all buildings on or hereafter erected on said premises against loss or damage by fire, theft and other perils in an amount not less than \$ \_\_\_\_\_ in a company or companies satisfactory to the seller, with loss payable first to the seller and then to the buyer as these respective interests may appear and all policies of insurance to be delivered to the seller as soon as insured. None of the buyer shall fail to pay any such taxes, costs, water costs, taxes or charges or to procure and pay for such insurance, the seller may sue for any amount so made shall be added to and become a part of the debt secured by this contract and shall bear interest at the rate of \_\_\_\_\_ per cent per annum from the date of the seller's breach of contract.

(Continued on reverse)  
IMPORTANT NOTICE: Before, by being out, whichever phrase and whichever warranty (A) or (B) is not applicable. If warranty (A) is applicable and if the seller is a creditor, at each word as defined in the Truth-in-Lending Act and Regulation Z, the seller MUST comply with the Act and Regulation by making required disclosures. For this purpose, use Stevens-Ness Form No. 1308 or similar unless the contract will become a first lien to finance the purchase of a dwelling in which event use Stevens-Ness Form No. 1307 or similar.

Loren D. Meinz  
8020 S. W. Sorrento  
Beaverton, Oregon 97005  
SELLER'S NAME AND ADDRESS

Sidney H. Olsen  
11825 SW 11th  
Beaverton, Oregon 97005  
BUYER'S NAME AND ADDRESS

After recording return to:  
Sidney H. Olsen  
11825 SW 11th  
Beaverton, Oregon 97005  
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address

STATE OF OREGON,  
County of \_\_\_\_\_ } ss.  
I certify that the within instrument was received for record on the day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book \_\_\_\_\_ on page \_\_\_\_\_ or as \_\_\_\_\_ number \_\_\_\_\_ of Deeds of said county.  
Witness my hand and seal of County affixed.

Recording Officer  
Deputy

By \_\_\_\_\_

BOOK 1059 PAGE 141

EXHIBIT 14 2057

SEE MAP  
IS I 31AC

# 51-56

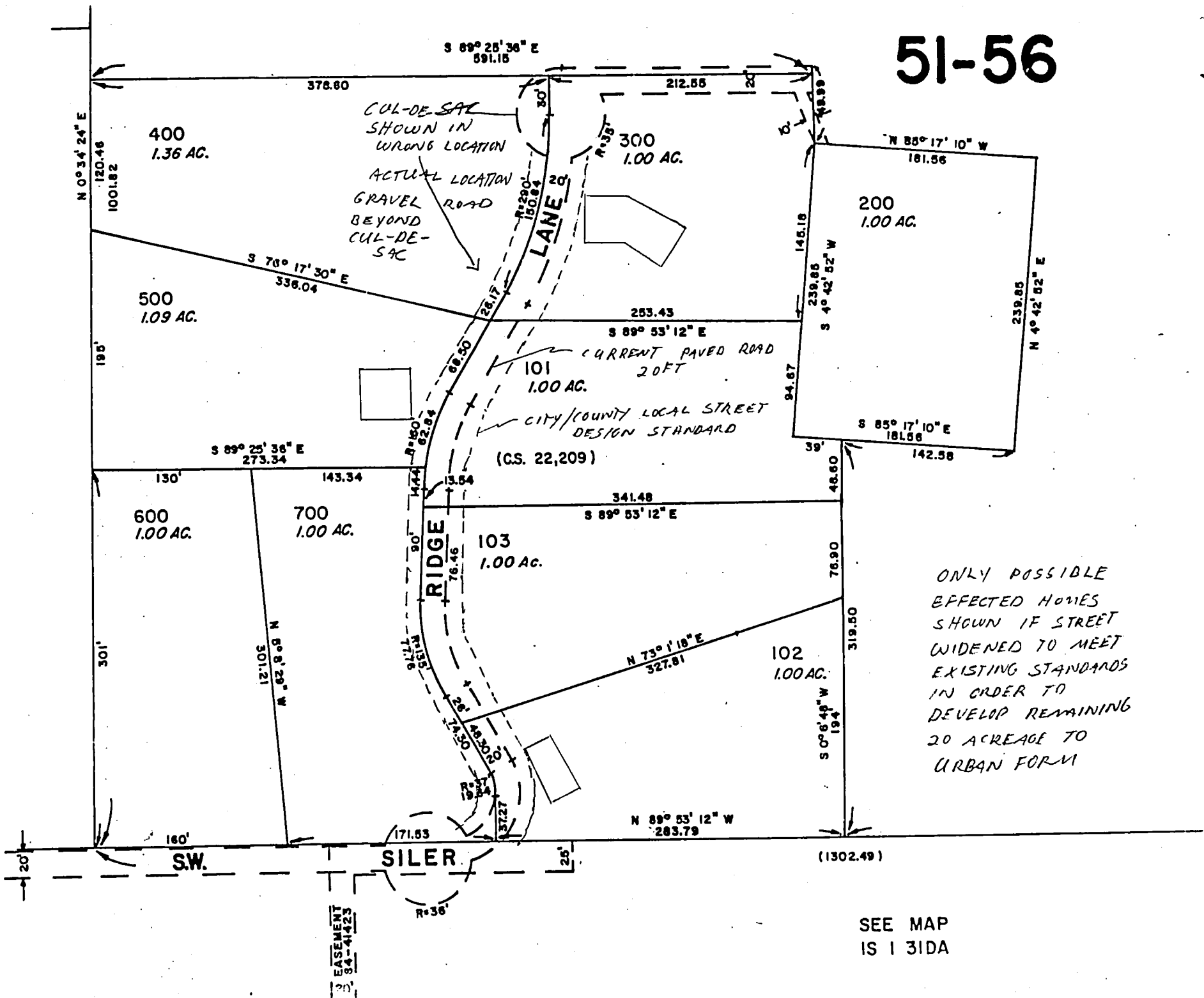


EXHIBIT 15

SEE MAP  
IS I 31DA

EXHIBIT C

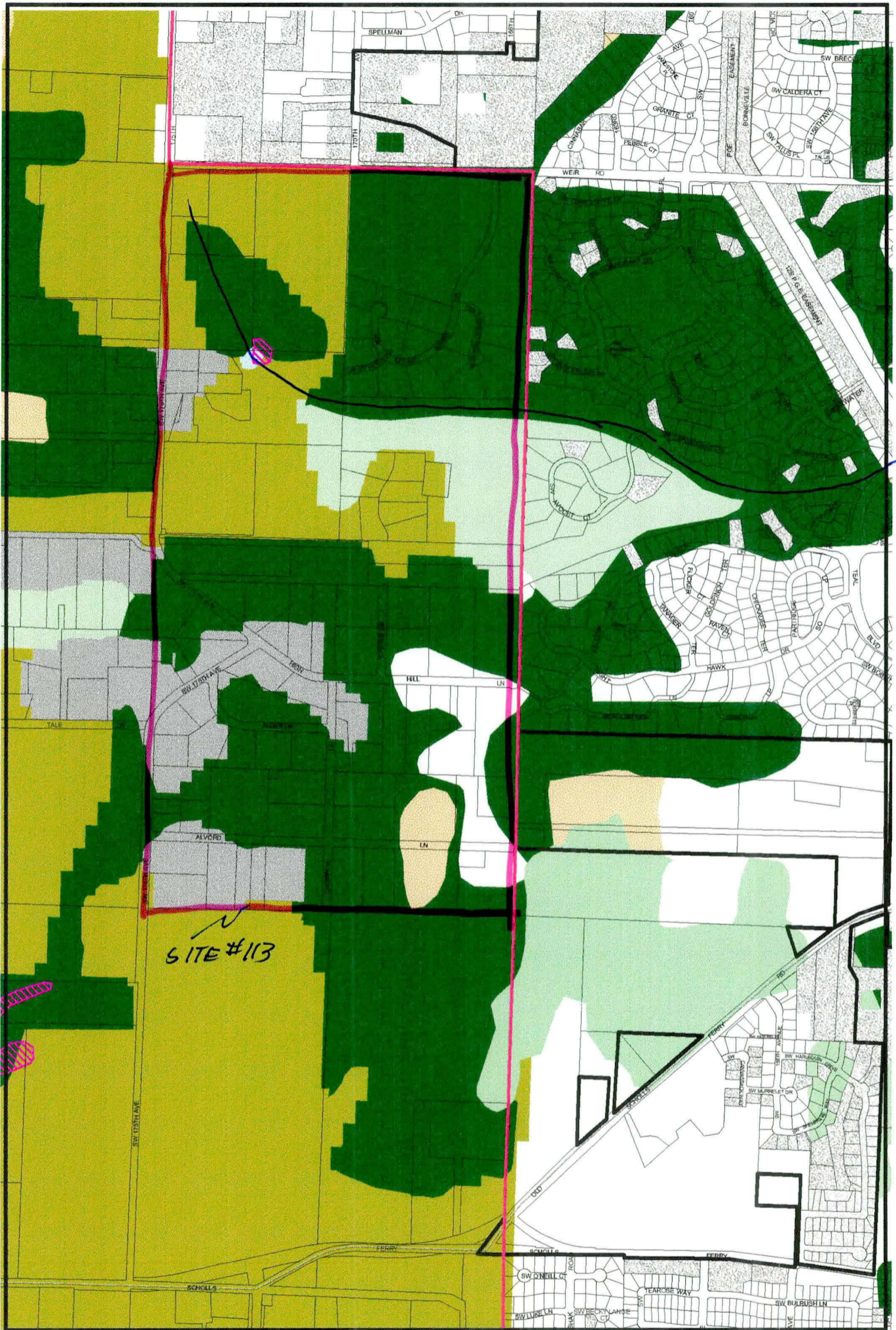
USE AND DEVELOPMENT RESTRICTIONS FOR PARCEL "A", LOT 2, TL 200

SELLERS, BUZZ and SANDI SILER, and RICK and SALLY SILER, in order to protect and promote the beauty and value of their property, described as Tax Lots Nos. 100, 191, and 200 (SE 1/4 Section 31 T1S R1W W.M.) in Washington County, hereinafter called SILER RIDGE ESTATES, hereby require the BUYER of this portion of the property to honor the following restrictions as a condition of sale, which restrictions are to run with the property for ten years from date of sale. Any of the following may be waived or altered only by express written consent of any one of the SELLERS, their heirs or assigns, which consent shall not be unreasonably withheld. RESTRICTIONS ARE AS FOLLOWS:

- 1) Any residence must have not less than 2000 square feet of living space, not including garage and workshop area. Colors of siding on any structures are to be muted earth tones or natural wood tones, brick, or stone.
- 2) A mobile home may not be placed on subject property. All machinery, trailers, and vehicles will be parked in an enclosed structure and will not be left in an unsightly condition or manner in public view.
- 3) No structure, antenna, tower, or landscaping may be located in such a manner as to be a solar obstruction or obstruction of view of Mt. Hood from the existing residence on another property within the aforementioned Siler Ridge Estates.
- 4) Fencing visible from roadways must be constructed of cedar, brick, stone, or (if constructed as a typical three-rail style) fir. Fencing in areas not visible from roadways may be barbed-wire, woven wire, electrified wire, or any of the above.
- 5) Farm animals may be kept on property when adequate enclosed shelters are provided which compliment, in style and color, the residential structure on the same property. Quantities shall be such that will not cause deterioration of property and property values, or unsightly conditions, or excessive odors to other property owners within Siler Ridge Estates.
- 6) BUYER agrees to accept an ownership interest (not to exceed one-twelfth) in Tax Lot 191 (roadway easement parcel), including proportional maintenance and tax responsibilities, when and if SELLER chooses to deed such interest to BUYER anytime in the future.

SITE #113

# NATURAL AREAS, FLOOD PLAIN, AND VACANT LAND



- Growth Boundary
- Wetlands
- Flood Plains
- Vacant 95
- 5

- Agriculture
- Bare land
- Clearcut
- Forest closed canopy
- Forest open canopy

- Forest scattered canopy
- Meadow
- Rock
- Shrub closed
- Shrub open
- Shrub scattered
- Urban
- Water

1000 0 1000 Feet

— SUMMER CREEK & SIGNIFICANT NATURAL RESOURCE AREA

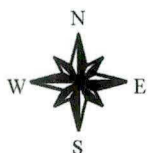


EXHIBIT 17



COOPER MOUNTAIN SOUTH SLOPE LOOKING NORTH



COOPER MOUNTAIN SOUTHEAST SLOPE LOOKING NORTHWEST





MT. TABER SOUTHEAST PORTLAND LOOKING EAST



BULL MOUNTAIN TIGARD, NORTHEAST SLOPE, LOOKING SOUTH

COOPER MOUNTAIN  
EAST SLOPE  
LOOKING WEST  
NEAR SCHOWS HIGHWAY-  
MURRAY HILL IN  
FOREGROUND



EXHIBIT 18

021397-07

**Victor and Cecilia Gregory**  
6995 NW Cornelius Pass Road  
Hillsboro, OR 97124

*To Metro Councilor Jon Kvistad, Presiding Officer*

**RE: Inclusion of Tax Lot IN 2 14A 4000 of Study Area 64 in  
the Urban Reserve Lands**







**PROBLEM STATEMENT:** Victor and Cecilia D. Gregory own 16 acres of land at the above-referenced street address and Tax Lot. The property consists of approximately five acres of 50-year-old filbert trees, two separate hayfields of five and three acres, a house and barn. The proposed Urban Reserve boundary for Study Area 64 (which appears as a road on the map used for decision making by Metro Council on 12/12/96 is a non-existent road - see maps next page & picture below) leaves this marginally productive farm isolated and surrounded on 3 sides by Urban Reserve lands which already have incompatible uses. These uses currently constrain agricultural activities (neighbors object to spraying, burning, movement of agricultural equipment, and neighborhood children use it as a playground). Urbanization of contiguous properties has already curtailed access for both hay farming and orchard activities, and no one can be found to contract the land for productive farming. This parcel is not productively farmable as it stands and urbanization will further compromise and reduce any farming activities that this small parcel of land has for such pursuits. Even though designated in 1983 as EFU (unknown to the Gregorlys), the property has been on the tax rolls as AF5 (telephone conversation on November 11, 1996 with John Krautsheid, Washington County's Appraisal Supervisor, Farm-Forest).



FENCE & YELLOW FLAGS MARK NON-EXISTENT PORTION OF OLD CORNELIUS PASS ROAD USED BY METRO TO DELINEATE BOUNDARY OF URBAN RESERVE LANDS, 12/12/96 (FROM CORNELIUS PASS ROAD)

# Urban Reserve Study Areas

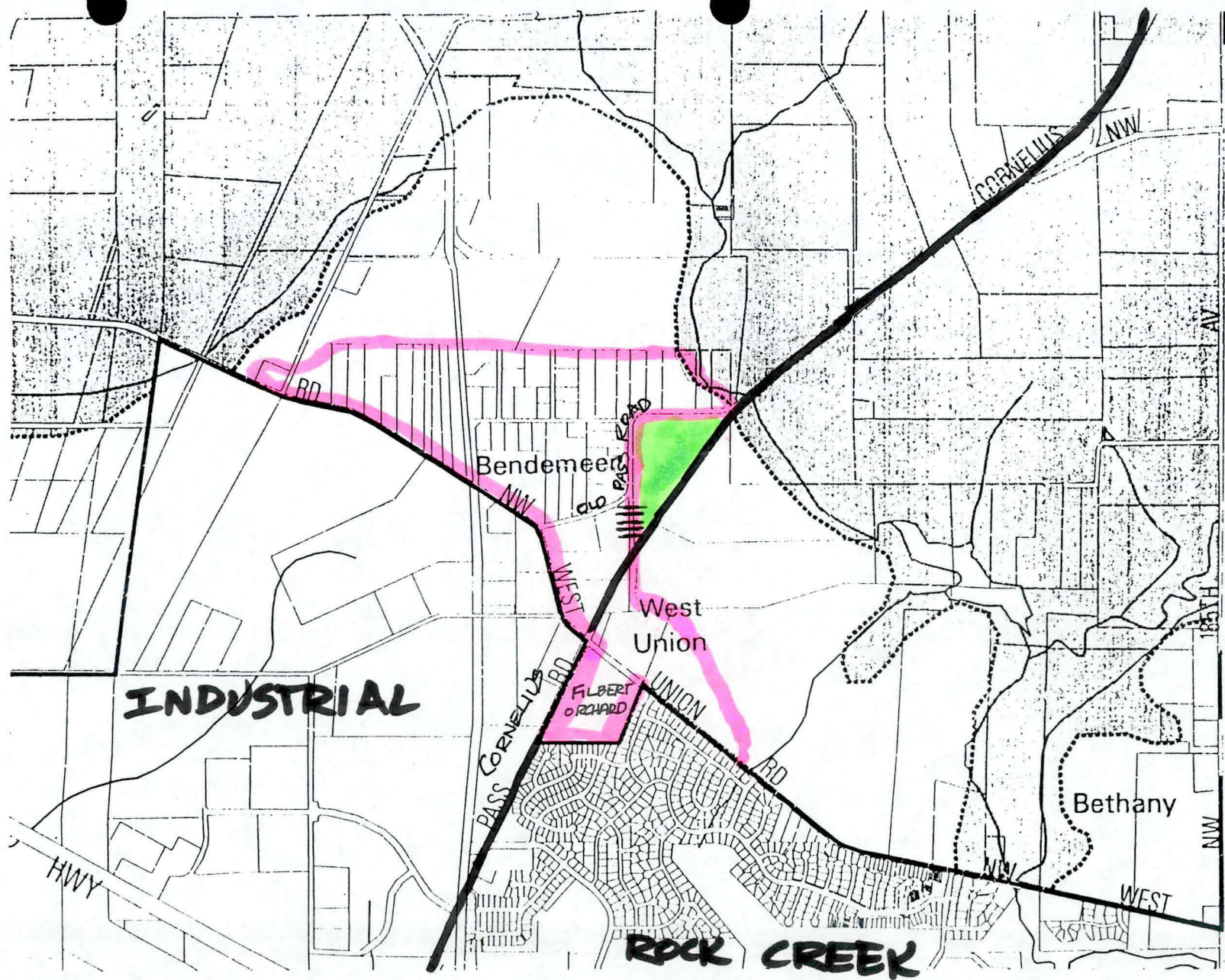
Adopted By  
Metro Council 2-8-96

-  This Map's URSA
-  UCB
-  Other URSA's
-  Outside UCB and URSA's
-  Specific Study Area
-  Urban Growth Boundary




## MAP #64

Acres	EFU Acres
615.91	400.000

600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 747-1742



9511R/pds/sts/ur/ur plot date: February 28, 1996

-  URBAN RESERVE BOUNDARY, PASSED BY METRO 12/12/96
-  6995 NW CORNELIUS PASS ROAD (GREGORY PROPERTY)
-  PART OF "OLD" CORNELIUS PASS WHICH NO LONGER EXISTS (PART OF FIELD)

**RELIEF REQUESTED:** The Gregorys request that their land be included in the selected portion of Urban Reserve (UR) Area 64 to be made available by 2040 for future development. This change would include the Gregory's land which abuts the projected Urban Reserve land immediately on its southern perimeter with the historic and mixed use area known as West Union,

Oregon's Statewide Planning Goals and Guidelines (OAR 660-04-010, Goal 14, factors 3-7) provides the policy for expansion of the Urban Growth Boundary (UGB) and Urban Reserve. Metro has undertaken detailed data collection to establish a factual basis from which to make policy implementation decisions. *and we believe that these goals and guidelines support our request.*

The Goal 14 Factors which most directly bear upon the Gregory land are, (3) orderly and economic provision for public facilities and services; (4) Maximum efficiency of land uses within and on the fringe of the existing urban area; environmental and social consequences; (5) Environmental, energy, economic and social consequences; (6) Retention of agricultural land as defined,; and (7) Compatibility of the proposed urban uses with nearby agricultural activities.

**Goal 14, Factor 3:** Orderly and economic provision of public facilities and services:

**Utility Feasibility:** Study Area 64 received an overall rating of 7. The Gregory property currently has utilities services, including electricity and telephone; water and sewer are closeby. With direct proximity to urban development, expansion of these utilities for residential and/or commercial proposes is clearly feasible.

**Road Network Analysis,** rated 5. Study Area 64 has an average ratio of existing roadways to needed roadways. Inclusion of the Gregory property in the Urban Reserve Area 64 is an opportunity to enhance use of nearby mass transit, as well as auto, bicycle and pedestrian access to West Union shopping by providing primary access via Old Pass Road. *The 16-acre parcel presents a unique opportunity for a well planned rural "mainstreet" with mixed uses, including low and mid-income housing in close proximity to West Union stores (commercial area).*

**Traffic Congestion Analysis,** rated 10. The "commute corridors" which residents will use have a high volume-to-capacity (v/c) ratio. The v/c ratio for Study Area 64 reflects a transportation system that can be funded with the region's current funding resources. (See Background Data at 7). The Gregory property southern border is less than 1,000 feet from a Tri-Met Transit Corner connecting West Union with the regional mass transit system. It is two miles from both the Orenco and Oregon Graduate Center Light Rail stations.

**Schools,** rated 3. The boundaries for the West Union Schools is variable although Cornelius Pass and West Union Roads are the major dividing lines. School currently in

the Urban Growth Boundary are Rock Creek Elementary, Meadow Park Middle School, and Westview or Sunset High School. Schools for the area outside the Urban Growth Area are the West Union Elementary School, Evergreen Middle School, and Glencoe High School. Although none of the schools are at the crisis point, there are currently no significant problems with resources and overcrowding. A new high school is being considered for construction close to the West Union shopping area.

**Goal 14, Factor 4 - Efficiency Factor.** Study Area 64 received a rating of six, indicating a slightly above-average level of land efficient for urban development or free of developmental limitations. The area around West Union which is currently placed in the Urban Reserve, consists mostly of numerous small 1 to 5 acre parcels with small older houses which are seen as inhibiting development. (Background Data at 8). In time these properties will need to be redeveloped into higher density parcels as they immediately abut Industrial land to the south. The most effective and efficient opportunity for urban development at that time will be the Gregory property, directly north of the shopping area. This 16-acre parcel is a "land locked" agricultural artifact, unretainable as a working farm and even presently incompatible with adjacent land uses. Among the problems are the danger in bringing needed farm machinery across Cornelius Pass Road. Currently it is too small a property to support investing in high cost farm machinery, and the lack of water rights prohibits irrigation for intensive agricultural use,

**Buildable Land.** Study Area 64 received a 6 rating, indicating a slightly above-average level of resource lands. As a generalization, this fairly reflects the area. As a measure of the buildable land around West Union (close to the West Union/Cornelius Pass intersection) it is not. Most of the property near this business and mixed use area is held in 1-5 acre parcels. The only contiguous parcel presenting the eventual opportunity for planned mixed use/mixed income development is the 16-acre Gregory property. This land presents the opportunity to demonstrate "best practices" by developing a true rural mainstreet which (1) reduces traffic congestion by providing necessary commercial services in underserved residential area, and, (2) actually encouraging full use of bicycle and pedestrian alternatives for local shopping.

**Goal 14, Factor 5 - Environmental Constraints:** Study Area 64 rated 6 on this concern. Approximately 90% of the Gregory property is well-drained land. One small area in the south hayfield is subject to accumulation of surface water in the Spring. This parcel is very appropriate for open space amenities in a planned and expanded West Union community.

**Access to Centers:** Study Area 64 rated only 3 points for access to centers. This low rating is especially relevant to the West Union portion of the Study Area. West Union shopping consists mostly of a small grocery, a hair dresser, a travel agent, an auto repair and an upscale apple juice store. Residents seeking suburban level shopping and services must travel by car or bus across US 26 to either Hillsboro or Tanasbourne. "Local" shopping involves most households within a 2-3 mile radius of West Union.

Planned development of a mixed use *rural "mainstreet"* at West Union can increase local shopping options. The major parcel appropriate for eventual such development is the Gregory property. Save for the 10 acre filbert orchard at Cornelius pass road and West Union, adjacent urban reserve properties are small; 1-5 acres.

**AGRICULTURAL RETENTION AND COMPATIBILITY:** Study Area 64 received very low ratings for Agricultural Retention (3 points) and Agricultural Compatibility (3 points), suggesting that "farming is the dominant activity in and around the surrounding urban reserve study area..."(Executive Officer Recommendations, Urban Reserves, Background Data, Exhibit A at 11, 123; 1995 ...hereinafter "Background Data") By and large this is an accurate characterization of area 64, except for the mixed use area of West Union.

**Factor (6) Agricultural Retention, and Factor (7), Compatibility with proposed Urban Uses:** Study Area 64 received 3 point ratings for Agricultural Retention and Compatibility of proposed urban uses with nearby agricultural activities. (Background Data, at 123) As with all generalizations, these ratings are accurate in the main, and inaccurate for a small number of exceptional cases. In this case, *the Gregory property*, a parcel of declining farm land has been left isolated, surrounded on three sides (South, West and North) by incompatible uses.

#### **IMPRACTICABILITY of Agricultural Retention:**

1. **SOILS CLASSIFICATION.** Although the land is classified as W S L and farmable most of it has over a 7 per cent slope; some remains wet past the planting season which makes it difficult to farm intensively as it creates excessive erosion. The erosion problem has been observed especially during the autumn, winter and spring seasons of 1994, 1995, and 1996. This erosion will only become worse as the property to the south within the Urban Reserve is filled and developed.

2. **CURRENT AND FUTURE PROSPECTS FOR AGRICULTURAL RETENTION:** This parcel currently has a north hayfield and a south hayfield, separated by a small, marginally productive filbert orchard . The orchard is over 50 years old; well past its prime commercial productivity. Replanting it with young trees will mean a 7 to 8 year hiatus in productivity. There is the probability that new trees would develop Eastern filbert blight, a disease necessitating that the trees be destroyed. Although the soils are considered adequate for farming, the slope of most of the land as exceeding over 7% makes it highly erodable. This land has reached the end of its economic viability as agricultural farm land due to the size of the parcel, its slope, its current isolated location, the age of the orchard, and lack of farmers willing to till the land or maintain the orchard. Farming is incompatible with adjacent uses, as evidenced by neighbors' objections to tilling, spraying, burning, and seasonal movement of heavy farming equipment.

ORCHARD: This year, Mr. James Furman, the farmer who contracts maintenance and harvest of the orchard announced that 1996 is one of the last year that he will work the land. He stated that our orchard is not sufficiently productive, too small, and too isolated from other orchards to justify the expense and effort, especially if the only other filbert orchard in the area is a 10 acre orchard which lies about 1500 feet south of the Gregory orchard. It is located at the Southeast corner of West Union and Cornelius Pass Road, immediately next to the Rock Creek housing development. This orchard is included within the proposed Urban Reserve Area 64. This orchard is expected to be replaced by urban uses at the first opportunity. After its demise there will be no other filbert orchard within several miles of the Gregory orchard which will preclude harvesting of the Gregory's small orchard.

Economies of farm equipment transportation and effort were stretched thin when there were two filbert orchards in the area. Since the Metro Council voted to include the larger and more productive orchard within the Urban Reserve Area 64, no one is interested in farming the Gregory small isolated plot. In addition to problems of size and isolation, seasonal access for heavy farm equipment essential to commercial operation is being curtailed by urban uses..

HAYFIELDS: The north and south hayfields, which lie on either side of the orchard, also lack farmers willing to contract--for approximately the same reasons. The plots are too small and too isolated for economical operations. The crops that can be farmed without irrigation are not sufficiently profitable to justify the costs , hazards and difficulties of moving equipment to and from the land. Moreover, the south hayfield abuts property currently undergoing a landfill operation necessitating installation of a 12" (twelve inch) drainage pipe to drain the area at Old Pass Road. With the completion of this project, a 5 foot berm (see picture below) with a 2 to 4 per cent slope will abut the Gregory's south hayfield boundary. Because of the slope towards the Gregory property and without any drainage , rain water is projected to flood the Gregory's south hay field.



2. **ALTERNATIVE FARMING ACTIVITIES:** The Gregorys have diligently attempted to develop alternative agricultural uses for our land, including bringing in a resident Master Gardener for three years in an attempt to establish a small commercial nursery. Without irrigation, high value crops (landscape specimens, ornamental grasses, fresh and potted flowers, herbs, cannot be raised in commercial quantities. Efforts at establishing a roadside nursery were also hampered by the traffic on Cornelius Pass Road.

The Gregorys have explored options for commercial livestock operations which do not require massive capitalization, but find that they are incompatible with adjacent uses, and pose significant odor, noise, waste and offal disposal. If the problems of isolation, incompatible uses, and lack of farmers and orchardists to work the land were suddenly solved, three barriers to commercial agricultural or livestock raising would remain:

(1) **WATER** for irrigation or animal husbandry would have to come from the local aquifer. Given existing demands and projected urbanization, obtaining new permits new agricultural use in excess of 100,000 gallons per year are problematic. Capital requirements for irrigation are expensive. Investors are unlikely, given the proximity of incompatible uses.

(2) **INCOMPATIBLE ADJACENT USES:** Adjacent landowners and tenants already object to tilling, spraying, burning and the seasonal movement of heavy farm equipment. These uses are simply incompatible with the commercial and residential development existing and planned, on three sides of this land. It is unlikely that adjacent urban uses would find the alternative, commercial livestock operations, more acceptable.

(3) **ACCESS FOR ESSENTIAL EQUIPMENT:** The ability to move farm equipment on and off the land via Old Pass Road will be eliminated by urban uses.

Access for slow, cumbersome farm equipment onto this parcel from the east, via Cornelius Pass Road (CPR) poses an unacceptable safety risk. Currently from the north this route requires a northbound approach on CPR, roughly 1200 feet past West Union; followed by a sharp left (west) turn onto the gravel driveway at 6995 NW CPR.. This turn crosses the southbound lane of CPR at a point where visibility for oncoming traffic is completely obstructed by the crest of a hill. Stopping distance is less than 200 yards. CPR carries over 20,000 vehicles per day past this address. Many of these vehicles are heavy, fast moving tractor trailers and tankers with flammable or explosive cargo. It requires skill, nerve and vigilance to maneuver a passenger car across (access), or onto (egress) the southbound lane of CPR for residential purposes. A road through the orchard from Old Pass Road is only available for use when the soil is very dry.



**Summary: This document requests inclusion of property at 6995 NW Cornelius Pass Road in the planned Urban Reserve lands. This 16-acre parcel has insurmountable barriers precluding retention in agricultural use, and currently is incompatible with adjacent urban uses. This parcel is appropriate for development of a "best practices" model as a highly efficient rural mainstreet which encourages use of mass transit, reduces traffic congestion, provides for increased low and middle income housing, and builds a stronger community based upon greater pedestrian and bicycle travel**

*Respectfully,*  
*Cecilia D. Gregory*

021397-08

Susan Stevens Hummel  
1600 SW Childs Road  
Lake Oswego, OR 97034  
(503) 638-9083

2/13/97

The 80-acre farm which straddles Childs Road where it intersects with Stafford Road has been owned by my family since the 1950s. I live on the property, which is located in Clackamas County ("Stafford triangle" parcel 33)

My objective today is to read information into the record related to the vegetation, hydrology, topography and management of our property. My focus is on the land bordered to the south by Ecotopia Lane, to the east by Stafford Road and to the north by Childs Road.

From 1981-83, my family planted trees on ten acres which we previously used as cattle pasture. From 1987 through 1992 some of the trees were sold during the Christmas season. In 1996, I initiated a long-term competition-density experiment

in the remaining trees. The objective of the study is to measure responses of tree growth, understory plant diversity and bird species abundance associated with density. Annual measurements are being taken in four permanent sample plots. Results will help establish guidelines for the conversion and management of Christmas tree plantations in NW Oregon.

In addition to the young forest we planted, our property has approximately 35 acres of mature forest. The mature forest is characterized by a diversity of native plant and animal species, three streams, natural springs and slopes between 30-40%. Dominant tree species include Western redcedar, Douglas-fir, Western hemlock, red alder, wild bitter cherry and bigleaf maple.

I offer this testimony as a resident of the 'Stafford triangle', as a scientist and as a concerned citizen. In my personal and scientific opinion, the forested land on our property is a current and future asset to the Tualatin River watershed and to local communities.

Thank you.

Susan Stevens Hummel  
1600 SW Childs Road  
Lake Oswego, OR 97034  
(503) 638-9083

~~Since I arrived~~, I have had to change my ~~greeting~~ <sup>salutations</sup> from good afternoon to good evening. Thank you for taking ~~the~~ time to consider public <sup>testimony</sup>.

The 80-acre ~~farm~~ <sup>farm/forest</sup> which straddles Childs Road where it intersects with Stafford Road has been owned ~~by~~ <sup>and for</sup> my family since the 1950s. I live on the property, which is located in Clackamas County. <sup>This is known to you as the</sup> "Stafford triangle"

URSA ~~project~~ 33)

My objective today is to read information into the record related to the vegetation, hydrology, topography and management of our property. My focus is on the land bordered to the south by Ecotopia Lane, to the east by Stafford Road and to the north by Childs Road.

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in the remaining trees. The objective of the study is to measure responses of tree growth, understory plant diversity and bird species abundance associated with density. Annual measurements are being taken in four permanent sample plots. Results will help establish guidelines for the conversion and management of Christmas tree plantations in NW Oregon.

In addition to the young forest we planted, our property has approximately 35 acres of mature forest. The mature forest is characterized by a diversity of native plant and animal species, three streams, natural springs and slopes between 30-40%. Dominant tree species include Western redcedar, Douglas-fir, Western hemlock, red alder, wild bitter cherry and bigleaf maple.

I offer this testimony as a <sup>30-year</sup> resident of the 'Stafford triangle', as a <sup>forest</sup> scientist and as a concerned citizen. In my personal and scientific opinion, the forested land on our property is a current and future asset to the Tualatin River watershed and to local communities. I envision an educational forest where children and adults can experience and study both <sup>managed</sup> ~~the~~ upland and riparian forest ecosystems. Thank you.

Feb. 12, 1997

4451 SW 229th Ave.

Alsea, Oregon 97007-8517

ph/fax (503) 642-1006

Metro Council President Jon Kvistad and Councilors,

Enclosed please find:

1. Feb 4, 1997 Argus Newspaper article on Tualatin River Flooding
2. Letter from Northwest Environmental Defense Council to Metro Hearings Officer Chris Thomas regarding the 1987 attempt to amend the urban growth boundary on the Ladd Reed Farm (URSA 53, 54, 55)
3. Executive Summary of Washington County, The First Phase of a Drainage Master Plan
4. Final Report of the Butternut Creek Project, Washington County, Oregon by the Soil and Water Conservation District
5. Jonathan Nicholas' column of Jan 19, 1997
6. Letter to the Oregonian Editor, 12/27/96
7. Memo from 1000 Friends to Concerned Persons dated Nov. 6, 1996
8. Message to Pat regarding Metro Hearings
9. Robert L. Benson's research on Tualatin River
10. Wildlife List for URSA areas 53, 54, 55, 52.

I hope you find these documents helpful.

Please add these items to the report that I already delivered in person to Lisa Nantz and Ed Washington.

Sincerely,

Patricia Kliewer

PATRICIA KLIEWER

## Flooding of Tualatin River in future likely

By RAND FISHER  
Special to the Argus

Recent high river flows once again pushed into homes and yards and caused people to flee to higher ground.

With Tualatin River floods in February, April and December,

many of us are hoping that the flood problems are over. Unfortunately, they probably are not.

Flooding is likely to be more frequent in the future than we are accustomed to.

More floods are probably due to changes in land use and changes in climate.

As we build more roads,

roofs, sidewalks and parking lots, the soil becomes sealed so water cannot soak into it. Rain runs off quickly from these hard surfaces.

A typical city block generates nine times more runoff than a rural woodland or grassland of the same size.

In the natural setting, rain is captured and released slowly as it is absorbed into soil, or moves slowly through grass, twigs, leaves and organic debris on the surface.

The slow-moving water is filtered by the soil and organic debris. It reaches streams slowly and is relatively clean.

Increased volume of runoff from both urban and rural settings has reduced this filtering and brings increased pollutants as the runoff picks up oil, antifreeze, fertilizer, pesti-

cides, animal wastes and soil particles.

Changes in the way we build and live can reduce the problems caused by increased urbanization.

Wherever possible, use porous surfaces. Bark dust, river rock and landscaping allow water to soak into the soil. Use permeable fabric underneath to prevent weed growth but allow water to soak in and roots to breathe.

Many roof gutters drain directly into pipes leading to storm drains. This makes a surge in flow with every storm.

Evaluate to see what drains can be redirected to flow onto your yard instead. This may have an extra benefit in summer of watering your lawn and saving piped water.

But plan carefully. In some cases, you could cause flooding in your crawl space.

Buildings should not be constructed in flood plains.

It seems obvious during the storm, but people seem to want to avoid thinking about flood potential when selecting a building site in July.

If flood plain land is too valuable to leave vacant, structures should be on poles high enough to escape flood damage.

On flood plains of the Sacramento, Missouri and Missis-

sippi rivers, many homes are now built on stilts from four to 16 feet above the surface.

A concrete surface under the house can serve as garage and patio. And climbing stairs becomes a healthy daily exercise program for residents.

Most of the urban and rural practices designed to reduce soil erosion also will slow water runoff and reduce flood surges. Plants and organic matter on

the soil are the best protection.

Many Tualatin Valley farmers now use minimum tillage, high surface residue, grass strips in rows and cover crops on fields to reduce erosion, reduce flooding and protect water quality.

Unfortunately, it appears that high rainfall with flooding episodes are likely for roughly another 18 years, according to long-term climate forecasts.

By careful planning and management, we can reduce damage from future flooding and protect water quality.

(Note: Stream flow CFS for Dec. 31 was up to 15,407. Last Feb. 9 it reached 20,776.)

(Rand Fisher is the water quality coordinator for the Washington County Soil and Water Conservation District.)



### Tualatin River Report, Highway 219 Bridge

	CFS	Temp	DO	pH	P	Turb
Dec. 16	6,153	42	9.8	7.1	0.073	16
Desired	<3,000	<64	>6.5	7.0	<0.050	<10

CFS—cubic feet/second  
DO—dissolved oxygen ppm  
Temp—degrees Fahrenheit  
Turb—turbidity (particles in water)  
P—phosphorus ppm  
pH—on 1-14 scale: 7=neutral; 1=acidic; 14=alkaline  
<—less than >—greater than

(Tualatin River data provided by Unified Sewerage Agency)



Korean students visit

Argus photo by Michal Thompson

**CHRISTOPHER P. THOMAS**

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November 16, 1987

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Niehaus, Hanna, Murphy, et al.  
111 Benjamin Franklin Plaza  
One SW Columbia  
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Ms. Pat Klierer  
Route 2, Box 797-E  
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300 Willamette Building  
534 SW Third Avenue  
Portland, OR 97204

Mr. Joseph R. Breivogel  
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Beaverton, OR 97007

Subject: Benj Fran UGB Amendment Petition

Dear People:

I enclose a letter I received from Northwest Environmental  
Defense Council and Tualatin Riverkeepers.

Very truly yours,



Christopher P. Thomas

CPT:mab



Mr. Chris Thomas, Hearing Officer  
Metropolitan Service District  
Suite 400  
2000 S.W. first Ave.  
Portland, Oregon 97201

Dear Mr. Thomas:

The Tualatin Riverkeepers and the Northwest Environmental Defense Center have reviewed the application of the BenjFran Development, Inc and have several concerns with regard to the hydrological change and the water quality impacts of the proposed annexation, rezoning and proposed massive change in the topography and surface permeability.

The Tualatin Riverkeepers is an organization of concerned citizens of the Tualatin Valley dedicated to the reclamation of the Tualatin river system as a viable and useable resource. The Northwest Environmental Defense Center and John R. Churchill are plaintiffs in the recently negotiated suit to establish maximum daily loads for phosphates on the Tualatin River. As a result of this suit the Oregon Department of Environmental Quality is conducting an intensive water quality management plan for the Tualatin for reduction and control of both point and non point source sources of pollution. They have proposed maximum daily loads for Phosphates and are continuing their investigations on other pollutants. The establishment of maximum daily loads for phosphates will require the transfer of the effluent discharge at least during dry weather flows from the Rock Creek treatment plant of the USA to either ground treatment or discharge out of the basin.

Urban storm water management is a significant cause of water quality impairment in the Tualatin Basin. As a part of the DEQ effort and because of the growing concerns of the citizens in the Tualatin basin Washington County has issued statements that they are about to attempt another effort to address storm water management and attempt to control runoff from storm events to reduce flood damage to water courses and riparian areas and to improve water quality.

**Our concerns are:**

1. Will the development of this size and the change from agricultural to a largely paved industrial park cause substantial and irreversible changes in the watershed characteristics to severely impact water quality both on and off site in the drainages immediately receiving the run off and downstream in the Tualatin Basin.

2. Will the ground water and surface water hydraulics be irreversibly impaired? How will the cumulative downstream impacts of this massive change in land use affect an already critical situation in Butternut Creek and the mainstream Tualatin.

3. Do the the proposed mitigation measures on Gordon Creek and Butternut Creek address the critical hydraulic and water quality problems and has the applicant indentified the problems correctly ?

4. The USA will most likely be searching for open farm land areas for dry weather ground disposal of its effluent of at least 20 million gallons a day as the least cost alternative to meet DEQ maximum daily loads requirements for phosphates. Before this potential disposal site area is irreversibly upzoned by expansion of the urban growth boundary there should be a final solution adopted for the Rock Creek effluent disposal question and a determination needed whether or not this land will be needed for land disposal.

**Discussion**

The Tualatin River and several of its tributaries including Butternut Creek are under enormous stress from urban development already in place. One of the primary reasons for this stress is the lack of storm water management planning and management. Washington county has the worst storm water management program of any urban county in the Northwest.

Many of the areas designated or indentified for wetlands and storm water holding areas in the original land use plan have been built upon. The consequence of this short sited policy has caused severe flooding and severe water quality problems on Butternut creek and in other parts of the Tualatin drainage. Buternut Creek basin is designated as a top priority sub basin in terms of overall Washington County problems in the June 1982 First Phase of a Drainage Master Plan for Washington County by consultant James M. Montgomery, Consulting engineers, Inc. We are attaching the executive summary as appendix A. and the entire report by reference.

The 1982 report states " The Basic problem ( in Washington County) relates to the conversion of agricultural land to urban use. Such land use conversion results in impervious surfaces such as street or roofs covering what were formerly pervious soils and vegetation. This reduces the amount of precipitation which can infiltrate into the soils and geological strata, thereby decreasing groundwater storage and increasing the volume of surface runoff. The rate of runoff is also increased the impervious surfaces. These changes result in higher peak flows and consequently more flood damage potential downstream. Although this phenomenon is not unique to Washington County, it is compounded in the county due to a number of factors. "

" Two of the most important intrinsic characteristics of Washington County relative to drainage problems are the relatively flat slope in the downstream areas and the impervious soils which predominate. These soils are also highly erodible and when combined with the increase in peak flows associated with urbanization, the result is more erosion and downstream sedimentation . The sediment deposited downstream significantly decreases channel capacities which may have ben adequate before urbanization. "

The applicant has already demonstrated the peril of ignoring the factual conditions and warnings stated in this report in his construction and operation of the Roseway Industrial Park . Reports indicate that this development has been responsible for severe sedimentation, flooding ,water pollution and changes in the down stream water course.

One issue which the 1982 study did not cover is that the increase flow of sediment carries and releases phosphates to the water environment . The legal loading capacity of the Tualatin and most of its tributaries is already exceeded by current land use and storm water management practices. It would appear that a preliminary requirement to any annexation would be a showing that the resultant proposed new land use would not exceed the legal loading capacity for phosphates of either of the tributary streams or the mainstem.

From the Topographical maps the applicant submitted approximately 1/3 of the land area proposed for annexation and development as an industrial park is a part of the Butternut Creek drainage. Butternut Creek has some of the worst flood problems in the metropolitan area. Because of the disastrous development and land use decisions on the upper part of Butternut creek any additional part of the drainage should have adequate requirements for storm water retention not only for the increased flows created by the impervious surface development but also additional storm water storage may be required to mitigate upstream loss of watershed storage and purifying capacity. The applicant claims that present channel capacity of Butternut Creek can handle the increased flows. This is not supported by the record and is seriously questioned as a reasonable proposition. One would presume that a an existing catastrophic situation will be made worse. The above cited report states " One of the most subtle implications of inadequate drainage management is the effect of gradual developments throughout a large drainage basin on downstream owners of land and property. The general condition involves long term urbanization upstream from the property owners which they are not aware of until a major storm occurs. If enough such urbanization has occurred, a storm which previously resulted in little or no flooding can suddenly result in high flood flows and property damage. By then of course, the solutions involve costly remedial actions rather than preventive design or mitigation costs attached to the development.."(page E 2 Ibid)

The applicant makes no estimate of the quantitative changes in hydrology and only contemplates some sort of an unspecified holding or retention facility on the proposed road corridor. This is clearly inadequate in view of the serious situation on Butternut Creek.

An associated issue is that the applicant makes no adequate determination as to the probable impacts of the development on changes in ground water hydraulics and the likely impact on downstream wells.

Does the Butternut Creek area under consideration have the water quality capacity for intense development? Will this development add more loadings of non point source further violating or threatening water quality standards or the loading capacity established by DEQ.? Presently Butternut Creek has serious and documented pollution problems particular during during high flows. Further the applicant makes no estimate of the non point source pollution load to be generated during construction and operation of the industrial park.

The present riparian and wet land functions of the Butternut Creek drainage area that are either included or impacted by the proposed development need to be carefully evaluated before any change of this magnitude in this part of the drainage is seriously considered.

Gordon Creek has not yet been subjected to heavy urbanization and therefore offers the opportunity for a full scale prevention program as apart of any urbanization proposal. As the applicant admits "Development of the land could have a marked impact Gordon Creek". The applicant proposes a dam to reduce the more than doubled run off from the completed project.

There is little data to support the supposition that the applicants remedial measures are adequate to reduce the severe hydrological impact the project will have in local flooding in Gordon Creek.

There is no mention of what water quality problems are anticipated and what type of commitment the applicant intends to make to prevent non point source or point source runoff pollution from this development..

### **Summary**

It is critical to have a thorough analysis in the record of the hydrological changes resulting from the development and a clear commitment by the developer to deal with both on and of site hydraulic impacts in a responsible fashion.

The applicant needs to properly identify the water quality problems resulting from the development and the types of treatment and control methods proposed to reduce loadings to meet expected DEQ requirements.

The applicant needs to address the issue of carrying capacity of these streams and whether or not the conversion of such a large piece of land will in fact create irreversible and cumulative degradation of the stream systems both hydraulically and from a standpoint of water quality

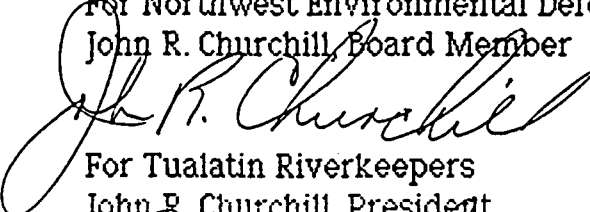
An important issue that needs to be resolved is that the granting of a change in the urban growth boundary will preclude this land area and probably adjacent land from being considered as the potentially needed site for ground disposal of the sewage outfall of the Rock Creek plant. The rock Creek plant presently violates water quality standards and is far in excess of any loading capacity for phosphate that will be assigned under the mandates of the Department of Environmental Quality and the requirements of the consent decree in NEDC and Churchill vs. EPA.

We understand that the record is open for written comment until November 20th. We would appreciate that this letter be a part of the record and that both the Northwest Environmental Defense Center and the Tualatin Riverkeepers be made a party to the hearing. If for some reason our

Churchill, 7

standing is challenged or not allowed then we request that this letter be entered into the record as a supplement and extension to the statement of Pat Kiewer at page 25 par 3 of her October 20th 1987 statement.

For Northwest Environmental Defense Council  
John R. Churchill, Board Member

  
For Tualatin Riverkeepers  
John R. Churchill, President

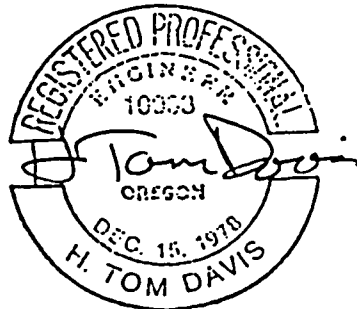
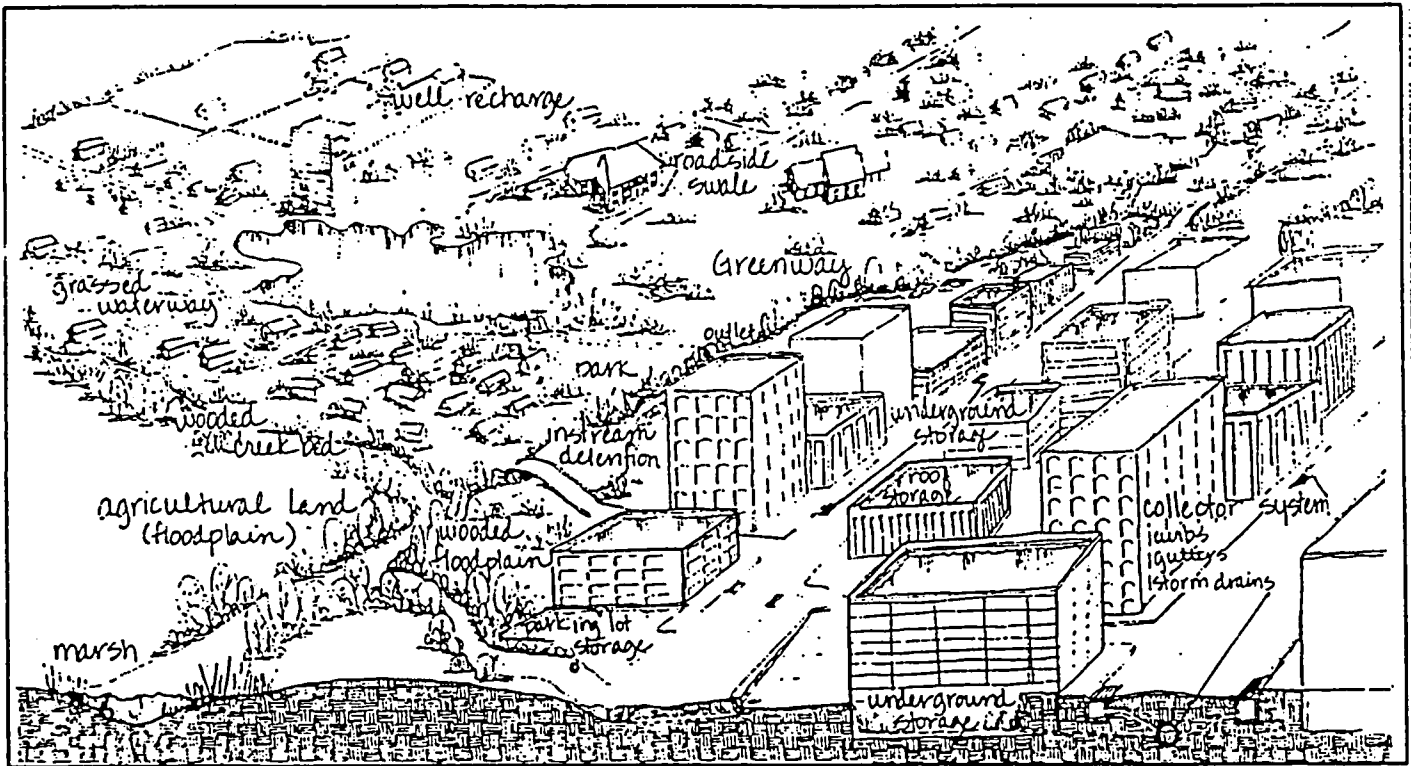
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# WASHINGTON COUNTY

## The First Phase of a DRAINAGE MASTER PLAN

### EXECUTIVE SUMMARY





WASHINGTON COUNTY, OREGON

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## TABLE OF CONTENTS

### EXECUTIVE SUMMARY

DRAINAGE CONDITIONS	ES-1
CURRENT MANAGEMENT AND PROBLEMS	ES-2
THE RECOMMENDED PROGRAM	ES-3
Hydrologic Analysis	ES-3
Conveyance and Detention Systems	ES-4
Flood Plain Management	ES-5
Financial	ES-5
Institutional Management	ES-6
Future Planning	ES-6
Education and Awareness	ES-7

### SECTION 1 - INTRODUCTION, CONCLUSIONS AND RECOMMENDATIONS

ACKNOWLEDGEMENTS	1-1
BACKGROUND	1-2
STUDY DESCRIPTION	1-3
REPORT FORMAT	1-3
FORMAT OF THE CONCLUSIONS AND RECOMMENDATIONS	1-5
HYDROLOGIC ANALYSIS	1-5
Background Summary	1-5
Conclusions	1-5
Program Recommendations	1-5
CONVEYANCE AND DETENTION SYSTEMS	1-6
Background Summary	1-6
Conclusions	1-6
Program Recommendations	1-7
FLOODPLAIN MANAGEMENT	1-13
Background Summary	1-13
Conclusions	1-13
Program Recommendations	1-13
FINANCIAL	1-13
Background Summary	1-13
Conclusions	1-14
Program Recommendations	1-14

INSTITUTIONAL MANAGEMENT	1-16
Background Summary	1-16
Conclusions	1-17
Program Recommendations	1-17
FUTURE PLANNING	1-17
Background Summary	1-17
Conclusions	1-18
Program Recommendations	1-18
EDUCATION AND AWARENESS	1-21
Background Summary	1-21
Conclusions	1-21
Program Recommendations	1-21
SECTION 2 - DRAINAGE CONDITIONS	
IMPLICATIONS OF INADEQUATE DRAINAGE MANAGEMENT	2-1
Flooding	2-1
Cumulative Downstream Hydrologic/Hydraulic Effects	2-1
Damage to Aesthetics and Fisheries Resulting from Sedimentation	2-3
Costly Remedial Action	2-3
DRAINAGE CONDITIONS IN WASHINGTON COUNTY	2-3
BASIN SUMMARIES	2-9
Beaverton Creek-Lower	2-10
Beaverton Creek-Upper	2-10
Butternut Creek	2-10
Ceder Mill Creek	2-10
Council Creek	2-10
Dairy Creek	2-10
Fanno Creek	2-10
Gales Creek	2-11
Rock Creek	2-11
Tualatin River-Lower	2-11
Tualatin River-Middle(1)	2-11
Tualatin River-Middle(2)	2-11
Tualatin-South Side	2-11
Tualatin River-Upper	2-11

## SECTION 3 - CURRENT DRAINAGE MANAGEMENT

OVERVIEW	3-1
DRAINAGE MANAGEMENT CHARACTERISTICS	3-3
Planning	3-3
Development Criteria	3-4
Existing Facilities	3-4
Enforcement	3-4
Financing	3-5
Related Management	3-5
CITY/COUNTY AGENCIES	3-5
Beaverton	3-5
Cornelius	3-6
Durham	3-6
Forest Grove	3-6
Hillsboro	3-7
King City	3-7
Portland	3-7
Sherwood	3-8
Tigard	3-8
Tualatin	3-8
Washington County	3-9
SPECIAL PURPOSE AGENCIES	3-10
PERCEPTION OF PROBLEMS	3-12
Beaverton	3-12
Cornelius	3-12
Forest Grove	3-12
Hillsboro	3-13
King City	3-13
Oregon Department of Transportation	3-13
Portland	3-13
Sherwood	3-13
Tigard	3-13
Tualatin	3-13
Tualatin Hills Park and Recreation District	3-14
Tualatin Valley Irrigation District	3-14
Unified Sewerage Agency	3-14
U.S. Soil Conservation Service	3-14

## SECTION 4 - POTENTIAL DRAINAGE PROGRAM COMPONENTS

CONCEPTUAL FRAMEWORK	4-1
HYDROLOGIC ANALYSIS	4-2
Rational Method	4-3
Unit Hydrograph Methods	4-3
Statistical Analyses	4-4
SCS Method	4-4
Stormwater Management Model (SWMM-EPA)	4-5
Storage, Treatment, Overflow, Run-off (STORM) MODEL	4-5
ARS "HYMO" Model	4-6
HEC-1	4-6
Other Models	4-6
CONVEYANCE AND DETENTION SYSTEMS	4-7
Conveyance Systems	4-7
Detention Storage	4-7
FLOODPLAIN MANAGEMENT	4-12
FINANCING	4-12
Introduction	4-12
Program Planning and Financing Strategy	4-16
Analytical Approach	4-16
Stormwater Financing Philosophies	4-18
Categorizing Functional Requirements	4-21
Characterization of Functional Requirement Categories	4-23
Major Financing Strategy Considerations	4-29
Functional Requirements	4-31
Timing	4-35
Geographical Considerations	4-42
ALTERNATIVE FINANCING SOURCES	4-43
EVALUATION OF INSTITUTIONAL OPTIONS	4-54
Introduction	4-54
Major Institutional Considerations	4-55
Overview of Oregon State Drainage Legislation	4-57
Institutional Options Available in Washington County	4-59
FUTURE PLANNING	4-63
Comprehensive Planning	4-63
Drainage Master Planning	4-63
EDUCATION AND AWARENESS	4-66

## EXECUTIVE SUMMARY

The Washington County Drainage Master Planning effort, Phase I, was undertaken for the County by James M. Montgomery, Consulting Engineers, Inc. and Water Resource Associates, Inc. The primary goal was to make a general evaluation of the drainage problems in the County and propose a program for solving those problems. The study recommendations address hydrologic criteria and methods for systems design, Phase II master planning priorities, and financial and institutional approaches to implementation. Coordination with the various jurisdictions within the County was achieved through discussions with the cities and related special districts.

### DRAINAGE CONDITIONS

Washington County contains a number of intrinsic conditions/factors and current or recent activities which contribute to extensive drainage problems.

The basic problem relates to the conversion of agricultural land to urban use. Such land-use conversion results in impervious surfaces such as streets or roofs covering what were formerly pervious soils and vegetation. This reduces the amount of precipitation which can infiltrate into the soils and geologic strata, thereby decreasing groundwater storage and increasing the volume of surface runoff. The rate of runoff is also increased by the impervious surfaces. These changes result in higher peak flows and consequently more flood-damage potential downstream. Although this phenomenon is not unique to Washington County, it is compounded in the County due to a number of factors.

Two of the most important intrinsic characteristics of Washington County relative to drainage problems are the relatively flat slopes in the downstream areas and the impervious soils which predominate. These soils are also highly erodible and when combined with the increase in peak flows associated with urbanization, the result is more erosion and downstream sedimentation. The sediment deposited downstream significantly decreases the channel capacities which may have been adequate before urbanization.

The encroachment by development on flood plains and channel overbank areas has compounded the problems. Accordingly, access has been limited on many drainageways and maintenance has consequently been very difficult even when funds were available. Vegetation has been allowed to grow over long periods in many drainageways which retards flow, reduces channel capacities, and thereby increases flood damage potential due to higher water levels during flood stage.

The implications of such drainage conditions are most apparent during the periodic flooding which occurs throughout the County. Such flooding may involve nothing more than inconvenience for short or long periods of time or may result in damage to private or public property. Although Washington County has not experienced any loss of life in recent times attributable to drainage or flooding problems, such loss can also occur.

One of the more subtle implications of inadequate drainage management is the effect of gradual developments throughout a large drainage basin on downstream owners of land and property. The general condition involves long-term urbanization upstream from property owners which they are not aware of until a major storm occurs. If enough such urbanization has occurred, a storm which previously resulted in little or no flooding can suddenly result in high flood flows and property damage. By then, of course, the solutions involve costly remedial actions rather than preventive design or mitigation costs attached to the developments.

Preventive action is a particularly cost-effective solution to drainage problems, and remedial action is very expensive. However, the causative factors are easy to ignore. The prevention of drainage problems also requires a high level of public awareness and the making of decisions that are often controversial.

The estimation of the specific costs associated with past flood damage in Washington County was beyond the "Scope of Work" of this study. However, such costs are usually very high in terms of remedial dollars, not to mention inconvenience, aesthetics, and the possibility of loss of life.

#### CURRENT MANAGEMENT AND PROBLEMS

The institutional approaches to drainage management vary considerably from one jurisdiction to another within the boundaries of Washington County. A significant step by the County was to pass, in 1975, a Stormwater Detention Ordinance requiring that the difference between the runoff from a 25-year storm on the site as fully developed and the runoff from the site in the undeveloped state during a 5-year storm, be stored. This has resulted in over 70 special purpose local improvement districts (and the potential for many more) to manage the ponds which have been constructed. This is a very costly and time-consuming approach to management and has resulted in inconsistent and ineffective maintenance of the facilities.

In addition, the facilities were often located on development sites without regard to the potential hydrologic/hydraulic impacts downstream. Thus, the effectiveness of the hundreds of detention ponds is unknown, but suspected to be poor. In fact, some of the ponds could contribute to flood-damage problems due to the locational effects on runoff timing. In such cases, the runoff would be slowed down just enough in the lower minor tributaries to coincide with, and therefore increase, the upstream peaks as they move downstream through the major waterways.

Because of the limited money and personnel available for drainage management and the time required to administer the existing Stormwater Detention Ordinance and L.I.D.'s, very little maintenance has been accomplished until recently on the major conveyance systems within the County. When such conveyance systems were designed or improved in recent years, the design criteria ignored the existence of the detention facilities, due to uncertainties about their condition, which eliminates the theoretical value of having such facilities in the first place.

The net result in Washington County's program has been an extreme drain on limited County resources to manage the existing ordinance and L.I.D.'s, both of which have resulted in questionable effectiveness, at best. However, it is

important to add that the County and the local developers have recognized the significance of urbanization on downstream flooding potential. Although the 25/5 storage criterion has resulted in little actual effectiveness, it reflects the fact that a problem exists and requires that mitigation be included in the development costs.

As for the other jurisdictions within Washington County, all have taken different approaches to managing drainage. Many of these jurisdictions also utilize detention storage criteria. Many of them either have a drainage master plan in effect or are preparing one at the present time. On the other hand, most of these drainage plans do not cover the entire drainage that affects the jurisdiction or vice versa.

Very few of the jurisdictions in Washington County address water quality in their drainage management program. Enforcement of the drainage requirements is generally accomplished through either an occupancy permit inspection or a building permit inspection after completion of the development. Numerous sources of funding are used for drainage management including the general budget and some mix of sewer or road funds. In addition, five communities have development charges specifically for drainage management and three have service or user charges for drainage. As a general statement, most of the major flood plains are adequately protected, but more attention is needed in some of the minor tributaries.

#### THE RECOMMENDED PROGRAM

A total of 37 recommendations were made to Washington County in the Drainage Master Plan, Phase I report. The following discussion summarizes those recommendations by topic.

##### Hydrologic Analysis

Due to the hydrologic complexities of Washington County and the differences in analytical approaches taken by the various jurisdictions, it is concluded that more consistent and sophisticated methods are justified. In summary, the recommendations are as follows:

- The Rational Method of runoff analysis should be acceptable for drainages of less than 20 acres.
- The SCS TR-55 methods should be used for estimating runoff from drainages between 20 and 2,000 acres, but other methods such as the HEC-I and SCS TR-20 computer models would also be good choices.
- It is recommended that the runoff from drainages larger than 2,000 acres be estimated using any one of five computer models.
- It is recommended that the intensity-duration-frequency information in Metro's Stormwater Management Design Manual be extended to more than the three present locations.
- It is recommended that a Washington County Hydrologic Methods Manual be prepared and summarize the methods and criteria to be used in the County.



## Conveyance and Detention Systems

There is little question concerning whether or not detention basins, if located, designed, constructed and maintained correctly, can mitigate the flood-damage increases normally associated with urbanization. However, it is not possible to realize even minimal effectiveness if such requirements are simply placed on each development regardless of size, location or site opportunities. An important step has been taken in Washington County to recognize and address the problem through the Stormwater Detention Ordinance, and the Phase I recommendation's attempt to build upon and make more effective this first step rather than abandon it. In summary, these recommendations are as follows:

- A hydrologic/hydraulic computer model should be adapted to Washington County for impact and planning analysis.
- An early inventory of "critical areas" for drainage management is needed.
- Variable hydrologic criteria are recommended for conveyance systems, detention/storage systems and bridges/culverts which recognize differences in drainage area size, remedial versus new construction, and open versus closed types of conveyance. The recommended criteria reflect the current use of the 25-year design storm but contain a relaxing of that standard in the lower risk situations and an increase in the standard for the higher risk situations. Such approaches should provide additional protection during the major floods, but at the same time spread the public capital available for drainage facilities to eliminate more of the nuisance conditions.
- It is recommended that many of the private developments, particularly the small residential subdivisions, not be required to develop on-site detention facilities; however, the requirement for such would remain and instead of facilities development, an equivalent cost, possibly including maintenance, would be charged and placed in a special "stormwater storage fund." The money in this account would be reserved to mitigate the flooding impact of urbanization downstream from the new development through multi-development/regional detention storage and other improvements related to the impacts of the development. Because this relaxes the storage criterion for small developments, less developer cost should result for detention storage but with considerably more effective use of the dollars expended.
- It is recommended that 10 percent of certain aboveground storage facilities be provided underground to eliminate frequent wetness.
- A program is recommended to review the existing detention facilities to determine if they should be maintained, improved and maintained or converted and disposed of.
- A number of guidelines are suggested which are not considered to be mandatory concerning the development of conveyance and detention systems.

## Flood Plain Management

In the view of the project team, the flood plains of Washington County are key resources in future drainage management and the following is recommended:

- It is suggested that the County and the other jurisdictions review the unprotected flood plains, particularly in the minor tributaries, and that the appropriate ordinances be extended to protect these drainage resources.

## Financial

In view of the limited public capital available in Washington County and the absence of State or Federal grants to assist in drainage management, the financing of drainage programs will not be easy. However, delays in beginning effective drainage management will result in more costly solutions. To accomplish a financing program, certain key elements have been recommended.

- It is suggested that a top-level County management team should define and send to the County commissioners the recommended policy and program for financing.
- A strategy is recommended for immediate consideration by such a management team. Essentially this program includes:
  - A new separate tax base for drainage master planning by basins, administration and program development.
  - A 3-year serial levy for "critical area" land acquisition.
  - The funding of a "prototype basin" drainage master plan through the existing tax revenues with contributions by all affected jurisdictions to "get the ball rolling."
  - A schedule of fees and charges for special services should be established to fund plan review, inspection and other functions serving specific clients.
  - A user charge system should be implemented within the USA drainage service area to fund routine maintenance, enforcement and monitoring but with provisions to ensure that a landowner of undeveloped land is not charged for new drainage facilities until his land develops.
  - It is suggested that a base level of routine maintenance be provided throughout the total USA service area and funded through a user charge.
  - It is suggested that L.I.D.'s should be de-emphasized and used only to finance remedial repair and reconstruction and minor system capital improvements serving limited areas.

- Revenue bonds are suggested as the means to finance major system capital improvements and would be repaid through user charges.
- System development charges are recommended to help finance major system improvements.
- A fee should be charged, as recommended previously, in lieu of on-site detention facilities and the money placed in a special "stormwater storage fund" to mitigate downstream flooding on a regional basis.

### **Institutional Management**

The key to a successful drainage management program is the organization selected for implementation, and the following are recommended:

- It is suggested that a centralized management function for stormwater be established in Washington County utilizing the existing staff and institutional structure, with amendments, of the Unified Sewerage Agency (USA). This should establish effective drainage management within the urbanizing and urbanized areas of the County.
- A rural level of service may be needed outside of the USA boundaries, and it is suggested that Washington County contract for such services as needed.
- Interlocal agreements between the County, USA and the other jurisdictions will be required.

### **Future Planning**

A series of master plans, capital improvements programs and special plans are needed and should start as soon as possible. Specifically, the recommendations are as follows:

- The master planning effort should be initiated through a "prototype" basin plan which would serve as a model for future drainage master planning in Phase II.
- This "prototype basin" master plan should be either for the Rock Creek drainage or the Cedar Mill drainage. Such planning could be funded from general County and city revenues under the assumption of providing valuable planning information for all of the other basins in the Phase II effort.
- It is important that the "prototype basin" study be directed by a small group of elected officials representing all of the affected jurisdictions on a coordinated, cooperative basis.
- Based on a weighted matrix, planning priorities were recommended for all of the drainages within the Tualatin River Basin, which covers most of the urbanized/urbanizing portion of Washington County.

## Education and Awareness

Until an effective public education and awareness program is undertaken, the success of any drainage management attempt will be minimal. A similar increase in understanding and awareness is needed on the part of the elected and appointed officials in all of the jurisdictions in the County. In this regard, the following are recommended:

- The first step should involve the design of a sound public information program.
- Such a program might include:
  - Extensive public meetings and hearings.
  - Press releases and informal meetings, particularly involving the County Commissioners and other officials.
  - An increase in interjurisdictional rapport.
  - A slide show and/or film concerning the County's problems and the potential solutions.
  - An informational flyer and executive summary concerning the proposed drainage program.
  - Newspaper articles.
  - Additional innovative techniques such as special involvement projects, bumper stickers, and advertisements.

In summary, the program suggested above attempts to redirect the current effort so that a more effective use of capital and staff resources can be realized. At the same time, the deficiencies of the existing effort, even if applied effectively, can only be remedied by more policy and budget commitment to solving future problems through present preventive actions. Such preventive actions will involve considerable foresight and courage on the part of the staff and elected or appointed officials throughout the County and the jurisdictions therein. It must be understood that flowing water does not recognize political or jurisdictional boundaries, but pragmatically those divisions must be dealt with through cooperation, time-consuming coordination and, in some cases, a painful subjugation of institutional ego.

Unfortunately, the rewards for such foresight will be long term and subtle, but the savings in dollar costs, property damage and nuisance over the next 20 years, as the County develops, will be very high.

**FINAL REPORT  
BUTTERNUT CREEK PROJECT  
WASHINGTON COUNTY, OREGON**

**June 3, 1987**

**FOR**

**WASHINGTON COUNTY SOIL AND WATER CONSERVATION DISTRICT  
257 West Main, Hillsboro, Oregon 97123**

**BY**

**W. RICHARD VERBOORT, P.E. CIVIL ENGINEER  
666 S.E. Avenue, Hillsboro, Oregon 97123**

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Washington County SWCD  
257 West Main  
Hillsboro, Oregon 97123

June 3, 1987

ATT: Mr. Tom Duyck, Chairman

Dear Mr. Duyck:

The accompanying final report presents my analysis of the Butternut Creek Project in Washington County, Oregon.

The report includes (1) an analysis of residential area density changes, (2) 24-hour precipitation values for the 100 year frequency event, (3) peak discharges at 12 locations in the project area for various combinations of regional storage sites and in-stream storage, (4) soil boring and water table data, (5) alternative solutions to the Sugar Plum Lane flooding, and (6) project cost data for several alternatives at the Sugar Plum Lane area.

If you have any questions concerning this report I would be pleased to discuss them with you and the SWCD board members.

It has been a pleasure to have worked with the SWCD board, the RC&D staff and the Butternut Creek group on this project.

I will look forward to the opportunity to work with you on other projects in the future.

Sincerely,

*W. Richard Verboort*

W. Richard Verboort, P.E.  
Civil Engineer



## TABLE OF CONTENTS

INTRODUCTION .....	1
PRECIPITATION VALUES .....	1
RUNOFF CURVE NUMBER	
Soils Data .....	1
Land Use .....	2
WATERSHED BOUNDARIES .....	3
TIME OF CONCENTRATION AND TRAVEL TIME .....	4
REGIONAL STORAGE SITES .....	4
RESULTS OF THE COMPUTER MODEL STUDY .....	5
SOIL PROFILE INVESTIGATION .....	7
PROJECT INSTALLATION COST DATA .....	7
THE SUGAR PLUM ROAD PROBLEM AREA .....	8
Alternative Solutions .....	10
ENVIRONMENTAL CONSIDERATIONS .....	12
USE OF REPORT DATA .....	12
FIGURE 1 .....	14
FIGURE 2 .....	15
PROJECT MAP .....	16

## INTRODUCTION

Butternut Creek is a small, westerly flowing tributary of the Tualatin River. The basin is located just west of Beaverton and south of Aloha in Washington County, Oregon.

The basin drainage area above the Tualatin River is 5 square miles (3200 acres). The study portion of the basin lies upstream from S.W. 209th Avenue and has a drainage area of 3.3 square miles (2119 acres).

The purpose of this study was to (1) review previous studies of the area (2) update the hydrology to current or projected future conditions (3) check the soil profile and water table depth in the Sugar Plum Lane area, and (4) propose preliminary solutions to the problem, specifically in the Sugar Plum Lane area.

The documents reviewed included the "Regional Drainage Report and Appendicies 1 and 2", a part of the Portland-Vancouver Metro Area Water Resources Study. This Study was published by the U.S. Army Corps of Engineers, Portland District, in 1979. It is hereafter referred to as the 1979 USCE report.

The "Supplemental Report on Hydrology for Drainage Management, Appendicies 1 and 2" for the Portland-Vancouver Metro Area Water Resources Study was also reviewed. This 1980 unpublished report is hereafter referred to as the 1980 USCE report. Reference to the USCE report (no date) will apply to either or both of the above mentioned reports.

With the exception of the above two documents, the background data and project documentation for the Butternut Creek portion of the USCE 1979 and 1980 Metro Area Study is no longer available.

Detailed information concerning the Metro Area growth rates, climate and land use data is contained in the 1979 USCE report.



## STUDY FINDINGS AND RECOMMENDATIONS

### PRECIPITATION VALUES

The 1979 USCE report notes the lack of precipitation data in the watershed. The 1980 USCE report develops precipitation values for several return periods (frequencies). The values developed for the 50 year and 100 year return periods are 3.40 and 3.62 inches respectively for the 24-hour duration storm (Table 1, USCE 1980). These data were prepared from the Rex 1SW rain gage which is located approximately 10 miles south of the project area. Because the 50 year and 100 year precipitation values were so close the USCE study was developed on the basis of the 100 year precipitation only.

Another approach to determining the rainfall/frequency amounts in ungaged watersheds such as this is to use the isopluvial maps prepared by the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA). These maps have been developed for use in areas lacking in adequate precipitation data and were issued to replace the more generalized data contained in TP-40 published by the Weather Bureau.

These physiographically adjusted maps have isopleths of precipitation for 6 and 24 hour duration for return periods of 2, 5, 10, 25, 50 and 100 years. TR-40 provides a procedure to convert the map values to an annual series.

The NOAA/TP-40 procedure is considered to be more appropriate for this project. Data developed by this procedure has been used for all hydrologic computations in this study.

The values used for the 24 hour duration are 4.5 inches for the 100 year return period and 2.2 inches for the 2 year return period. The 100 year value is used in determining runoff from the watershed and the 2 year value is used in computing time of concentration ( $T_c$ ) in the TR-55 computer model.

### RUNOFF CURVE NUMBER (RCN)

The runoff curve number relates the the amount of runoff to the amount of precipitation. It is dependent primarily on the soil classification, vegetative cover and the land use in the watershed.

### Soils Data

The "Soil Survey of Washington County, Oregon" published by USDA in 1982 was used to determine the soil types and hydrologic soil groupings for the project area. Several different soil series are present within the drainage boundary. The series present are all in the "C" or "D" hydrologic soil groups.

## Land Use

Land use in the watershed is in the process of changing from agricultural and forest to urban residential. The USCE report was developed on the basis of "a medium level of population growth and development of vacant land" (USCE 1979, p 4-1). The report further discusses lot sizes below Farmington Road as being 1/3 to 1/2 acre in size.

It appears that development in the watershed is occurring much more rapidly than expected. In addition, the recent development is much more intensive than was expected.

Lot sizes were measured for the Cambridge Downs, Bany Ridge, Tallac Terrace, French Glen and Harney Valley developments as a basis for this study. The average lot size ranged from 0.18 to 0.24 acres for these developments. The average value was 0.20 acre. This value was used for the entire study area.

It is recognized that there are shopping centers, school yards and parks in the watershed. To some extent these tend to offset the effects of each other (ie a school yard or park would have lower runoff than a subdivision and would tend to offset the higher runoff from a shopping center). In addition, there does not appear at this time to be a large acreage of either schools, parks or shopping centers in the now developing steeper areas in the watershed.

The following data shows average percent impervious area for various lot sizes. Source of data is Table 2-2a, TR-55.

Lot Size, Acres	Ave. % Impervious Area
0.5	25
0.33	30
0.25	38
0.20	45 (derived from Table 2-2a Data)
0.125 (town houses)	65

As can be seen from the data, as the average lot size decreases the percent impervious area increases. Approximately 95% of the precipitation falling on an impervious area will occur as runoff. Since the amount of impervious area is higher than originally expected the amount of runoff will also be substantially more.

The hydrologic soil classification and the land use data were used to develop the RCN according to the procedures in TR-55. A copy of the RCN computation for one of the 11 sub-watersheds is included as Figure 1 in this report.

#### WATERSHED BOUNDARIES

The project area has been divided into 11 sub-watersheds. The purpose of this is to (1) facilitate computing peak discharges at various points in the project area and (2) determine the effects of proposed regional storage reservoirs.

The location, watershed number and acronym for each of the sub-watersheds is as follows. The acronym is included for reference as it is used as the watershed name in the TR-55 and TR-20 computer models and printout data.

Above Baney Road, Watershed #1, BANEY. This sub-watershed was selected to help evaluate one of the regional storage sites proposed to be constructed at Baney Road.

Above Sugar Plum Lane, Watershed #2, SPLUM. This sub-watershed was selected to help evaluate peak discharges at the crossing of Butternut Creek and Sugar Plum Lane.

Above Highway 208, Watershed #3, HGY208. This sub-watershed was selected to help evaluate peak discharges at the crossing of Butternut Creek and Highway 208.

Above Rosa Road, Watershed #4, ROSARD. This sub-watershed was selected to help evaluate peak discharges at Rosa Road.

Above S.W. 185th Avenue, Watershed #5, SW185. This sub-watershed was selected to help evaluate peak discharges at S.W. 185th Avenue.

Above Madeline Road, Watershed #6, MDLNRD. This sub-watershed was selected to evaluate one of the proposed regional storage sites.

Above S.W. 198th Avenue, on Butternut Creek, Watershed #7, SW198N. This sub-watershed was selected to help evaluate peak discharges at Butternut Creek and S.W. 198th Ave.

On the S.W. 198th Ave. tributary of Butternut Creek, above Highway 208 and above the trailer park, Watershed #8, TPARK. This sub-watershed was selected to evaluate one of the proposed regional storage sites.

On the S.W. 198th Ave. tributary of Butternut Creek, above S.W. 198th Ave., Watershed #9, SW198S. This sub-watershed in combination with SW198N will help to evaluate peak flows below that point.

Above S.W. 209th Ave. on Butternut Creek, Watershed #10, SW209N. This sub-watershed was selected to help evaluate one of the proposed regional storage sites.

Above the S.W. 209th Ave. tributary to Butternut Creek, Watershed #11, SW209S.

The discharges from watersheds #10 and #11 join immediately above S.W. 209th avenue.

#### TIME OF CONCENTRATION AND TRAVEL TIME

The time it takes for the first raindrop fallen at the most hydraulically distant point of the drainage area to reach the outlet of the watershed (or sub-watershed) is called the time of concentration ( $T_c$ ). This value is important because it affects the intensity of the precipitation values used, and consequently the peak runoff. Travel time ( $T_t$ ) is the time it takes a drop of water to travel through a sub-watershed.

$T_c$  and  $T_t$  values were prepared using procedures outlined for the TR-55 computer model. Travel times from the 1980 USCE report were used to the extent possible. When using the  $T_t$  data in the USCE report and the  $T_c$  and  $T_t$  data from the TR-55 model note that what may be called "pipes" or "channels" may be either pipes or channels.

$T_c$  values are based on (1) 100 feet of flow across a residential lot with good grass cover plus (2) 300 feet of sheet flow on a paved surface, representing street flow to a catch basin, and (3) a combination of pipe and open channel flow from the catch basin to the sub-watershed outlet. Slopes of the lawn, street, pipe and channel are dependent on the sub-watershed location. A typical print out for a  $T_c$   $T_t$  computation from the TR-55 model is included as Figure 2 in this report.

#### REGIONAL STORAGE SITES

The USCE 1979 Report proposed four regional storage sites. These sites were proposed to be used as floodwater detention sites. The purpose was to reduce discharge downstream of the site by storing part of the storm runoff and releasing it after the storm peak had passed.

Because of the increased runoff due to (1) revised rainfall values and (2) higher intensity development of the watershed areas the proposed sites will not be as effective in reducing peak flows as originally planned. Data for proposed site capacities and peak discharge (USCE 1979) and the revised data from this study are compared as follows.

#### Regional Storage Site Data

SITE NAME	PROPOSED STORAGE	USCE 1979 PEAK OUTFLOW	REVISED PEAK OUTFLOW
BANEY	11 ac.ft.	7 cfs	20 cfs
MDLNRD	10 ac.ft.	45 cfs	86 cfs
TPARK	14 ac.ft.	5 cfs	30 cfs
SW209N	48 ac.ft.	430 cfs	450 cfs

#### RESULTS OF THE COMPUTER MODEL STUDY

Runoff curve numbers (RCN), time of concentration (Tc) and travel times (Tt) for the sub-watersheds were computed using the TR-55 computer model. The TR-55 model was also used in the reservoir routing computations for the four proposed regional storage sites. A second computer model, TR-20 was used to complete the streamflow routings for the following conditions (1) with existing in-stream storage, (2) without existing in-stream storage and (3) with a combination of existing in-stream storage and proposed regional storage.

In-stream storage as referred to here is a result of water being backed up behind culverts at road crossings. The USCE 1980 study shows the following in-stream storage conditions.

SUB-WATERSHED NO.	NAME	MAXIMUM IN-STREAM STORAGE AC. FT.	TYPE OF STRUCTURE
2	SPLUM	1.8	58" x 36" CMP ARCH
4	ROSARD	7.4	24"-dia CONC. PIPE
6	MDLNRD	9.9	30"-dia CONC. PIPE
9	SW198S	13.3	58" x 36" CMP ARCH
10	SW209N	25.8	72"-dia CMP PIPE

When the TR-20 computer model was run for the combination of existing in-stream storage and proposed regional storage the regional storage site value of 48 acre feet was used in sub-watershed 10 (SW209N) instead of the in-stream storage value of 25.8 acre feet. Both storage areas occupy the same place and only one or the other can exist at the same time.

Results of the routings are summarized as follows.

SUB-WATERSHED		***** ACCUMULATIVE PEAK DISCHARGE *****		
NO.	NAME	IN-STREAM STORAGE LOST	IN-STREAM STORAGE MAINTAINED	REGIONAL STORAGE PLUS IN-STREAM STORAGE
1	BANEY	94	94	20
2	SPLUM	242	242*	177
3	HGY208	284	284	221
4	ROSARD	92	28	28
5	SW185	420	353	297
6	MDLNRD	168	86	86
7	SW198N	661	510	455
8	TPARK	128	128	30
9	SW198S	333	268	147
10	SW209N	1031	959	450
11	SW209S	138	138	138
SW209 TOTAL		1162	1082	506

\* The effect of the in-stream storage in the SPLUM sub-watershed does not show up in the routing due to its small size (1.8 acre feet) in comparison to the 93 acre feet of runoff at that point.

It is apparent that every effort should be made to maintain or improve the existing in-stream storage in the project area. The need for and effect of regional type storage reservoirs is also very apparent.

#### SOIL PROFILE INVESTIGATION

A soil boring was completed to a depth of 20.5 feet in the south west corner of lot 2 in the Sugar Plum Farms subdivision. The purpose of the boring was to (1) determine type of soil material in the construction depth zone and (2) determine water table depth.

Briefly, the material encountered is as follows.

DEPTH	MATERIAL
0- 6"	Topsoil
6- 16"	Dark heavy clay
16- 36"	Medium gray clay
36- 60"	Medium gray to medium brown silty clay
60- 100"	Medium brown silty clay changing to medium brown clayey silt.
124-246"	Distinct change to dark blue silt at 124 inches. Two 1" thick layers of silt with some organic at 187" and 204".

The water table was encountered at a depth of 66-inches during the boring (5-23-87). A 20-foot slotted piezometer was installed and backfilled with sand to a depth of 42 inches. The remaining 42 inches of the hole was filled with Envirogel. The piezometer has a removable cap so that the water table elevations may be read periodically throughout the summer.

#### PROJECT INSTALLATION COST DATA

The USCE 1979 study contains a substantial amount of cost data relating to construction of project measures. The cost data was conveniently indexed to the Engineering News Record (ENR) index.

The index used was 3112 for projected price levels for the fall of 1979. The projected ENR index for September 1987 is 4380. Cost data in the 1979 USCR report can be projected by the ratio 4380/3112 or 1.40. Costs presented later in this report will be indexed from the 1979 USCE report in this manner.

The cost data developed included 45 percent for engineering, overhead, and contingencies.

**THE SUGAR PLUM ROAD PROBLEM AREA**

Flooding has occurred in this area on a relatively frequent basis. In addition, flooding appears to be occurring during smaller precipitation events as the upper watershed area is developed. A substantial amount of correspondence between the people in this area and the Washington County Commissioners and staff concerning this problem is on file.

The 1979 USCE report (Appendix 1, p 3-2,ff) suggests extending the existing 48"-dia pipe to just north of SW Butternut Drive. With the projected increase in flows, a larger pipe would be required.

Additional grade can be picked up by carrying the pipe from just north of Sugar Plum Lane to just south of Highway 208. On this assumption approximate pipe sizes and costs are as follows:

Location	Discharge cfs	Size inches	Cost \$/foot	Feet Reqd.	Cost \$
(With Baney Regional Detention Site)					
SPLUM	177	60	253	820	207460
HGY208	221	66	279	820	228780
				Total	\$436240
(Without Baney Regional Detention Site)					
SPLUM	242	66	279	820	228780
HGY208	284	72	304	820	249280
				Total	\$478060

If a pipe is run from just south of Sugar Plum Lane to just south of Wright Street the effective grade would be less, due in part to the initial depth requirements at the pipe entrance. Approximate pipe sizes and costs would be as follows.



Location	Discharge cfs	Size inches	Cost \$/foot	Feet Reqd.	Cost \$
(With Baney Regional Detention Site)					
SPLUM	177	72	304	820	\$249280
WRIGHT	199				
(Without Baney Regional Detention Site)					
SPLUM	242	78	328	820	\$268960
WRIGHT	263				

All of the above alternatives would require some means of getting water from the end of the existing 48"-diameter pipe (SE corner of lot 4, Sugar Plum Farms subdivision) to the existing twin box culvert at Sugar Plum Lane.

The File Memo dated 6/13/1985 from Rick Raetz, P.E., County Drainage Engineer, spells out the problems at the site in detail.

Briefly, starting at the end of the existing 48"-dia pipe there is 100 feet of open channel, followed by 100 feet of 60"-dia corrugated metal pipe, followed by 100 feet of open channel, a 90 degree bend, 100 feet of open channel and finally the Sugar Plum Lane twin box culvert.

One possible solution is to install a pipe from the existing 48"-dia pipe through the 60"-dia CMP, continuing to a location just downstream of the 90 degree bend. A concrete transition section extending from the end of the new pipe to the upstream end of the twin box culvert at Sugar Plum Lane would also be required. This transition section would be approximately 50 feet long.

Because of the tight quarters and existing 60"-dia CMP, consideration should be given to using a lightweight pipe material such as Perma-lock in this area.

A detailed design and cost estimate of the above pipe and transition section is beyond the scope of this report. A preliminary estimate based on material costs from the 1979 USCE report is \$132,300.

An improved inlet would also be required for the pipeline entrance immediately below Sugar Plum Lane. The cost of this inlet would be small in comparison to the pipe costs.

It is anticipated that the existing twin box culvert at Sugar Plum Lane can be left in place. All street culvert crossings between Sugar Plum Lane and Highway 208 are too small. They would be replaced by the pipe alternatives above. Lateral drainage at the existing street culverts or other locations would be connected directly to the main pipe conduit.

#### Alternative Solutions

Other alternative solutions for the Sugar Plum Road Problem Area are possible. Among these would be (1) a combination pipeline and open channel, (2) a rectangular reinforced concrete channel and (3) a concrete channel constructed with pneumatically applied concrete. A brief discussion of each of these alternatives is as follows. Each of the alternative solutions would require the previously mentioned structure to carry water from the existing 48"-dia pipe to the south side of Sugar Plum Lane.

#### Combination Pipeline and Earth Channel.

This alternative is attractive because a smaller diameter pipe could be used to handle the lower flows. The pipe and open channel would have the combined capacity to carry the peak flow.

With this approach there are two possible locations to place the pipe. If it is placed beside the ditch than additional easements would be needed for construction. This would be a problem between Sugar Plum Lane and Oak Street and between Oak Street and Bitternut Drive. Access is already limited in these areas.

If the pipe is placed under the existing channel than the existing easements could probably be made to work. Some removal of fences and landscape materials would probably be required.

In addition, the smaller pipe would have to be buried deeper than the "pipe only" alternative to allow room for the protective backfill over the pipe. This backfill material would also make up the ditch bottom and should be non-erosive material. The deeper installation may cause more utility crossing problems than the shallower pipe installation.

This alternative would also require under street crossings or culverts for the open channel portion of the flow.

#### Rectangular Reinforced Concrete Channel

This alternative could be installed between Sugar Plum Lane and the north side of Wright Street. It could also be extended from Wright Street to Highway 208.

A concrete channel with a 12 foot bottom width and vertical sides would match up with the twin box culvert at Sugar Plum Lane. Flow depth would be 2.1 feet for a capacity of 254 cfs and 2.3 feet for a capacity of 290 cfs. These depths would keep the flow surface below the ground elevations of the low lots in the area.

If the concrete channel were constructed with an 8 foot bottom width and vertical sides flow depths would be 2.9 and 3.3 feet for discharges of 246 cfs and 288 cfs respectively.

Street crossings could be constructed by bridging the channel section with a concrete cover in the street R/W area.

Velocities in the concrete channel would be in the 10 to 11 feet per second range during peak discharge. Safety fencing would be needed. Post sockets could be cast in the concrete walls and chain link fence installed on both sides of the channel. The end sections at road crossings could be provided with chain link lockable gates for maintenance access.

Consideration should be given to the use of colored concrete and vinyl coated colored chain link fence to soften the appearance of the channel.

Gravel backfill would be required around the structure to relieve hydrostatic pressure on the walls. The area above the gravel could be backfilled with topsoil. In this manner landscaping and yard use could be extended right up to the fence line.

A detailed design and cost estimate for the channel is beyond the scope of this report. A preliminary estimate based on material costs from the 1979 USCE report is \$225,200. This cost includes channel under the road but not the cover slab over the channel in the roadway area.

An alternate to this type of construction would be to use precast concrete channel sections as opposed to a cast in place section. One contractor who looked at the project felt this might have good possibilities.

Since the concrete channel would require a minimum of excavation to reach grade the problem of interference with existing utilities and the ground water table would be minimized.

#### Pneumatically Applied Concrete Channel

This type of channel would be constructed by shaping the channel banks, laying down wire reinforcement and spraying the section with concrete to build up an adequate thickness.

Drainage would be required between the earth section and the concrete to relieve hydrostatic pressure on the section. This could be provided by the use of a geotextile fabric and polymeric drain core or spacer (such as Miradrain).

Substantial care would be required with alignment and grade changes with the resulting trapezoidal section.

Because the span for this type of construction would be wider than for a vertical walled concrete section the street crossings would present more of a problem. If pipe sections were used the head loss would be substantially higher than for the rectangular concrete section.

The channel velocities with this alternative are essentially the same as with the rectangular concrete section. A fencing treatment similar to the rectangular section would be required.

This type of construction would tend to minimize the problems with buried utilities and the existing groundwater table, as in the case of the rectangular reinforced concrete channel.

#### ENVIRONMENTAL CONSIDERATIONS

The 1979 report discusses the environmental impact of the three alternatives proposed. It also discusses the value of the riparian habitat from the standpoint of wildlife as well as its effect as a vegetative filter for runoff from lawns and other areas.

The area between Sugar Plum Lane and Wright street does not appear to provide significant habitat area. Replacing this reach of earth channel with a concrete channel or pipeline would not cause significant change in this area.

The area from Wright Street to Highway 208 should be examined by a qualified Biologist or environmental specialist prior to a decision to replace the existing vegetative lined channel with a concrete channel or pipeline.

#### USE OF REPORT DATA

The data presented in this report is intended to help the Washington County SWCD, project landowners and appropriate Washington County staff understand the changes that have occurred in the Butternut Creek drainage since the USCE 1979 report.

Pertinent items brought out in the report are (1) a more appropriate approach to predicting the 24-hour precipitation amounts, (2) an awareness that the upper watershed area is developing at a much faster rate and at a much higher density than had been anticipated, (3) the need to reserve the remaining regional flood storage sites and (4) the need to maintain and improve where possible the existing channel storage at road culvert locations.

A means of indexing the construction costs in the USCE 1979 report has also been included as have preliminary costs for additional alternates.

Final design for the selected alternate should be based field conditions existing at the time of final design. As final hydraulic data (channel profiles and sections, detailed analysis of recently installed storm drainage, etc.) become available consideration should be given to additional TR-20 model analysis to fine tune the peak flows. In addition the final hydraulic analysis will also need to look at backwater curves to adjust the predicted pipe and channel slopes and/or ending points.

TR-55 CURVE NUMBER COMPUTATION

VERSION 1.11

Project : BUTTERNUT CREEK                      User: WRV                      Date: 05-22-87  
 County : WASHINGTON                      State: OR                      Checked: \_\_\_\_\_                      Date: \_\_\_\_\_  
 Subtitle: 10 sub ws TCTT rev USCE DATA    PRECIP NOAA \_\_\_\_\_ in.    USCE \_\_\_\_\_ in.  
 Subarea : BANEY

COVER DESCRIPTION	Hydrologic Soil Group			
	A	B	C	D
	Acres (CN)			
FULLY DEVELOPED URBAN AREAS (Veg Estab.)				
User defined urban (F9 to define)	-	-	128(85)	6(89)
% impervious			45%	45%
% unconnected impervious			0%	0%
pervious curve number			75	82
Total Area (by Hydrologic Soil Group)			128	6
			----	----

-----  
 SUBAREA: BANEY    TOTAL DRAINAGE AREA: 134 Acres                      WEIGHTED CURVE NUMBER: 85  
 -----

FIGURE 1

TR-55 Tc and Tt THRU SUBAREA COMPUTATION

VERSION 1.11

Project : BUTTERNUT CREEK                      User: WRV                      Date: 05-22-87  
 County : WASHINGTON                      State: OR                      Checked: \_\_\_\_\_                      Date: \_\_\_\_\_  
 Subtitle: 10 sub ws TCTT rev USCE DATA    PRECIP    NOAA\_\_\_\_\_in.    USCE\_\_\_\_\_in.

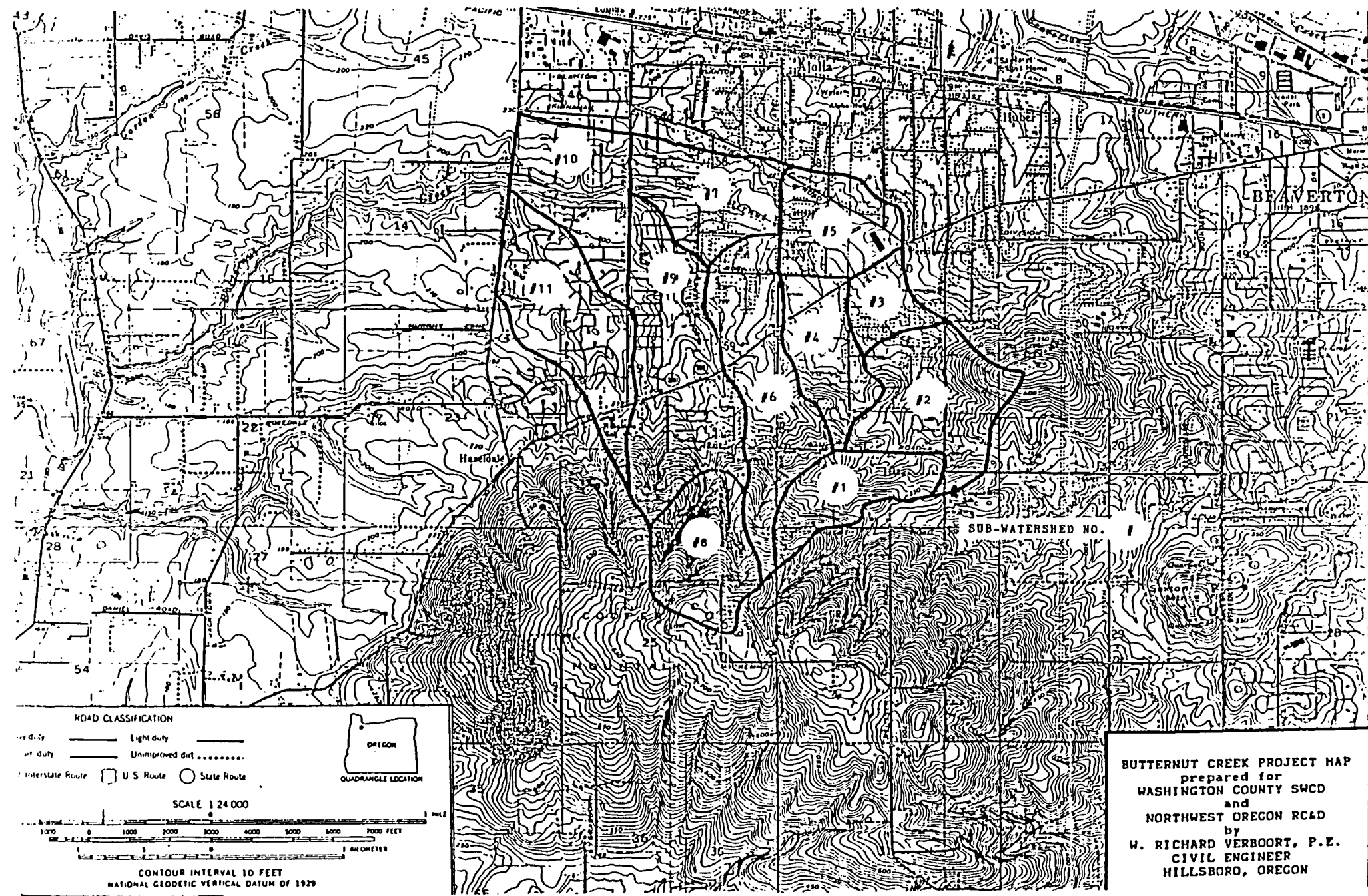
----- Subarea #1 - BANEY -----

Flow Type	2 year rain	Length (ft)	Slope (ft/ft)	Surface code	n	Area (sq/ft)	Wp (ft)	Velocity (ft/sec)	Time (hr)
Sheet	2.2	100	0.09	F					0.157
Shallow Concent'd		300	0.09	P					0.014
Open Channel		1500					7		0.060
Open Channel		2500					24		0.029
Time of Concentration = 0.26*									*****

----- Subarea #2 - SPLUM -----

Flow Type	2 year rain	Length (ft)	Slope (ft/ft)	Surface code	n	Area (sq/ft)	Wp (ft)	Velocity (ft/sec)	Time (hr)
Sheet	2.2	100	0.05	F					0.199
Shallow Concent'd		300	0.05	P					0.018
Open Channel		1500					7.6		0.055
Open Channel		2400					2.40		0.278
Time of Concentration = 0.55*									*****
Open Channel		4000					3.5		0.317
Travel Time = 0.32*									*****

FIGURE 2



**ROAD CLASSIFICATION**

- Light duty
- Unimproved dirt
- Interstate Route
- U.S. Route
- State Route



SCALE 1:24,000

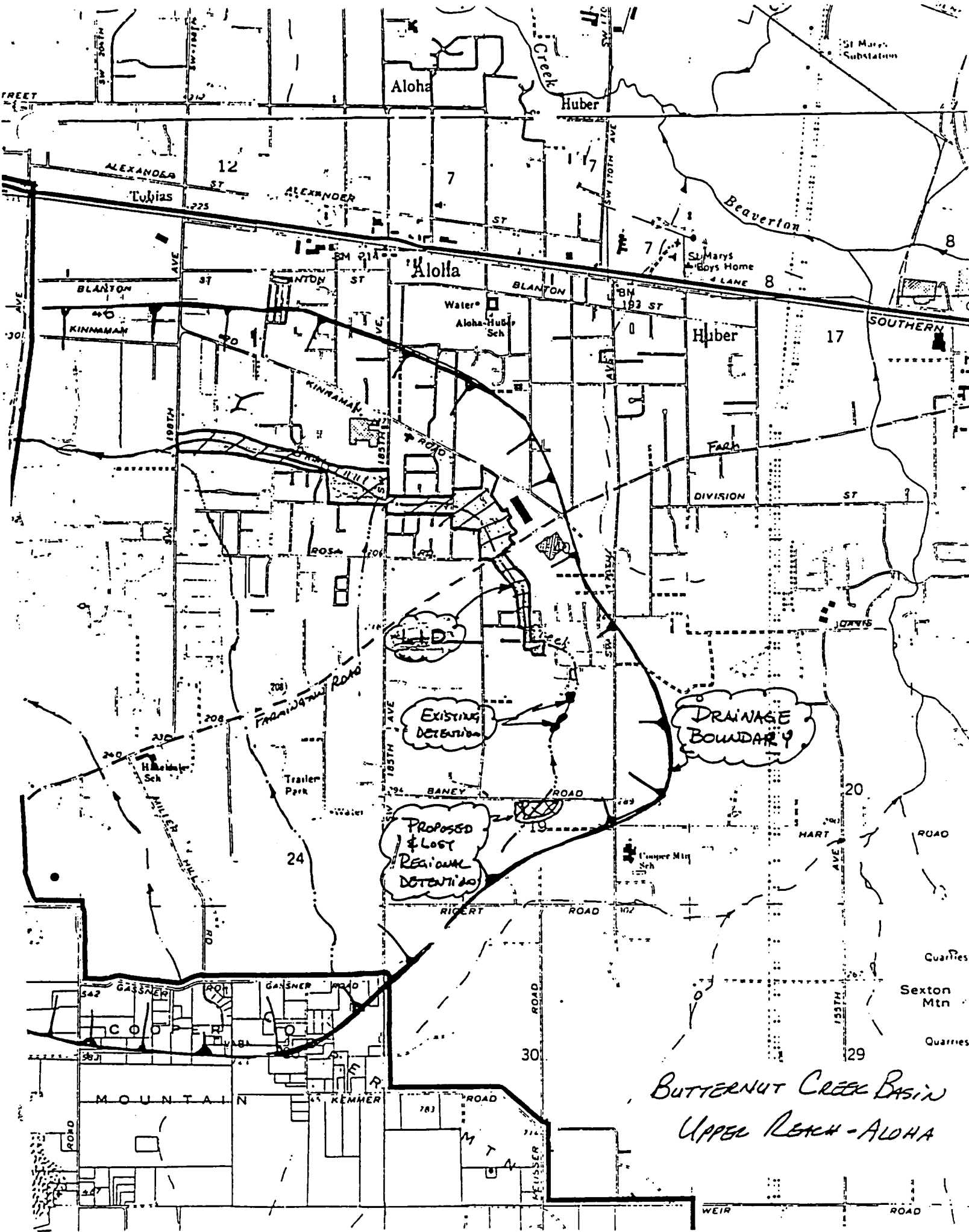


CONTOUR INTERVAL 10 FEET  
NATIONAL GEODETIC VERTICAL DATUM OF 1929

SUB-WATERSHED NO. 1

**BUTTERNUT CREEK PROJECT MAP**  
 prepared for  
 WASHINGTON COUNTY SWCD  
 and  
 NORTHWEST OREGON RC&D  
 by  
 W. RICHARD VERBOORT, P.E.  
 CIVIL ENGINEER  
 HILLSBORO, OREGON





BUTTERNUT CREEK BASIN  
UPPER REACH - ALOHA

# That was the week that was



**A**re Portland bigwigs shy these days about looking swank? Wells Fargo can't find a taker for the skybox the bank wants to unload in the Rose Garden. The \$140,000-per-year suite has been on the market for months and not a single bite.

Not even at 30 percent off! The bank even is willing to cut a year-to-year deal for the almost four years left on its contract.

**SPEAKING OF GREAT DEALS:** Still my favorite idea of the New Year . . . Bill Isbister is campaigning against the development of the 463-acre St. Mary's property south of the Tualatin Valley Highway east of Hillsboro.

The Canadian developer, Genstar, wants to build 5,000 homes, the biggest subdivision in Oregon history.

Isbister also wants to build a home — where the buffalo roam. He says since bison sustained pioneers on the Oregon Trail, we owe them a preserve here in the Land at Eden's Gate.

**THE BITE STUFF:** It's raining. The kind of cold, hard rain that makes a man's thoughts turn to . . . fishing. Scott Richmond never met a day he didn't like to turn into a day in waders. He knows that somewhere in Oregon the fish always are biting. And he's just written a book, "Fishing in Oregon's Endless Season" (Flying Pencil Publications) to prove it.

Publisher Maddy Sheehan calls it "the book for the new generation of Oregon anglers that Frank Ames' classic 'Fishing the Oregon Country' was to generations past."

**AND WHILE OUR NET IS OUT:** Here's our Website o' the Week. . . Portland cartoonist John Callahan finally has created a site as quirky as he is: [www.eyescream.com/callahan/](http://www.eyescream.com/callahan/)

From the daily dose of outrage — Callahan is the godfather of political incorrectness — to browsing the 24-hour cyberstore Callahan trumpets as "wheelchair accessible" — this site has it all.

Callahan's new book, his ninth, is

coming this year: Title: "Will the Real John Callahan Please Stand Up."

**QUOTE OF THE WEEK:** Author John Updike, on why he writes about the middle class. "I like middles. It's in middles that extremes clash, where ambiguity restlessly rules."

Updike speaks Feb. 5 at The Schnitz. Tickets are \$18. Call 227-2583.

**IT BRINGS TEARS TO MY THIGHS:**

Nobody quits *anything* after doing it nine times, not even Mickey Rooney. That means a 10th anniversary Cycle Oregon ride. Details of the route remain a closely guarded secret . . . mainly because I haven't figured them out yet. But this much is certain: Registration forms will be available Feb. 11 at the Arlene Schnitzer Concert Hall. Doors open at 6 p.m. Bring your own Advil.

Reach Ironman by phone at 221-8533, by fax at 294-5023, by e-mail at [jxnicholas@aol.com](mailto:jxnicholas@aol.com) or at 1320 S.W. Broadway, Portland, Ore. 97201.

# Media snafu and it's a f

**S**ex and violence. This column That ought to increase m After all, that's what the these days. Step right up, fo peephole. Look closely at the photo out the fine focus on Nicole Brown corpse! Better yet, pull your chair c screen and get a load of Tonya Har wedding night (the first one)! Bette little 6-year-old JonBenet Ramsey's You can even see the cord still wra Missed the last one? Don't worry replayed.

Not that NBC would be tacky en everybody, want to see coroner's p beauty queen's hand? They're com showed the ugly pictures in conjun the wicked tabloid The Globe had p

Like a sad game of leapfrog, ne top one another this week, reporti girl's murder.

Like the inevitable accident in d

# Bill's Buffalo

P.O. Box 6431  
Aloha, Oregon 97007

Letters To The Editor  
The Oregonian  
1320 SW Broadway  
Portland, OR. 97201

12/27/96

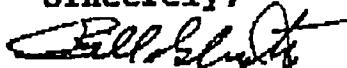
To The Editor: "BISON PRESERVE/RANCH ON ST. MARY'S PROPERTY".

463 acres of prime farmland in Washington Co. could soon be lost to the largest, privately financed housing development in Oregon's history, 4000 homes. The St. Mary's property is located at the corner of 209th. and traffic cloged T.V. HWY. next to Aloha. This area is currently outside the urban growth boundary, A large Canadian corporation, Genstar, and pro-development councilors within METRO are pushing this agenda. We have a better idea!

The owner, St. Mary's of Oregon say they can't pay the bills by farming. We propose placing a 200 acre bison ranch/preserve on the land. The other acreage could be used for hay production making the operation selfsustaining. Buffalo ranching is a lucrative and land friendly business. This would also provide an excellent area for families to see and learn about this great American symbol. These were the animals that sustained the pioneers on the Oregon Trail.

We can only hope that St. Mary's make the right decision. Once that land is developed, the farmland is lost forever!

Sincerely,



Bill Isbister 17070 SW Florence, Aloha, OR 97007 #591-0832



November 6, 1996

7

To: Concerned Persons  
From: Mary Kyle McCurdy  
Re: Metro's Upcoming Urban Reserve Decision

As most of you know, the Metro Council will be holding hearings (called "listening posts") around the region to receive input on urban reserves. **IT IS CRITICAL THAT YOU TESTIFY AT A HEARING**, and if you can, help to turn others out, too, if you want to hold the UGB and preserve farm and forest land. The schedule for hearings is at the end of this memo. The Metro Council is scheduled to make its final decision on December 12, 1996.

*Recap of Where we Are*

Last February, the Metro Council designated approximately acres of land for Urban Reserve Study Areas (URSAs). These are lands, outside the current Urban Growth Boundary (UGB), from which Metro will select areas for permanent designation as urban reserves. If and when a UGB expansion is needed between now and 2040, the expansion will be made into the urban reserve area.

Of the lands currently under study, approximately 28% - 6,385 acres - are zoned for exclusive farm or forest use.

About two-thirds of the total urban reserve study area land is in Clackamas County, while slightly more than half of the farm and forest land in the URSA is in Washington County. In Clackamas County, large areas of farm and forest land are being studied south of Gresham, in the Damascus area, and in the Stafford Triangle. Smaller but still significant areas of farm and forest land are also in study areas south of Oregon City and around Wilsonville.

In Washington County, about 1000 acres just to the north and south of Forest Grove and Cornelius, almost all of which is some of the best farm land found anywhere, was included for study as possible Urban Reserve. In addition, large chunks of excellent farm land were included south of Hillsboro and the TV Highway (over 1,000 acres, including the Sisters of St. Mary's farm land); north of Hillsboro but south of Highway 26 (over 600 acres); and north of Highway 26 in the Bethany/Springville Road area. Smaller but still significant areas of farm and forest land were also included south of Beaverton and south of Sherwood.

*Metro Executive Recommendation*

Metro Executive Mike Burton has recommended that about 14,000 acres be designated as Urban Reserves. Of this, only about 800 acres are zoned for farm or forest

use, and those acres are generally already surrounded by development. His recommendation does NOT include the farm land around Forest Grove and Cornelius, the St. Mary's property. or the farmland north of Hillsboro.

### *Major Threats*

The Metro Council has set up the decision-making on urban reserves as follows: all 23,000 study acres are on the table. To remove an study area from the map, a Metro Councilor would have to make a motion to that effect, and get 3 other councilors to go along. That is, all the study areas will become permanent urban reserves unless a action is made to remove it. Therefore, if you want to see an area taken off the map, you should:

- testify at a hearing as to why the area should not be included, and
- before the final decision, try to get a commitment from one councilor to make a motion to remove the area, and then lobby other councilors to go along. This is best done if you - and if possible, a few others with similar concerns - schedule a meeting with the councilor you believe is most likely to carry your motion. You can call the other Metro Councilors by phone with your concerns.
- If you can get local officials who agree with your position to testify, it would greatly enhance your chances of prevailing.

It seems the Metro Council is tending towards designating an amount of acres between the Executive Officer's recommendation (14,000 acres) and the total study area (23,000). The largest difference between these two, and the farm lands most threatened, are those around Forest Grove/Cornelius, north of Hillsboro, and the St. Mary's property.

### *Basis for Decision*

There are several laws which determine which lands should be chosen for designation as urban reserves, all of which say that farm land should be the last resort. However, since some Metro Councilors want to designate farm land regardless of the law, it is up to us to make sure the factual record is such that they cannot easily do so. The major laws are as follows in bold, along with my comments on what they mean.

**Goal 14:** Land can be designated for urban reserves only if it meets the following 5 factors from Goal 14:

- **Orderly & economic provision of public facilities & services:** what is the capacity of local water, sewer, and storm water services, and roads; how much would it cost to serve a particular urban reserve area; who would pay for it and how.
- **Maximum efficiency of land uses within and on the fringe of the existing urban area:** a city or county should be show that it has taken steps to encourage infill and redevelopment and has considered rezoning existing land, before it should be entitled to a UGB expansion.

- **Environmental, energy, economic, and social consequences:** Metro and most others incorrectly emphasize only the "environmental" part of this requirement. However, I recommend testifying to the energy, economic, and social consequences of expanding the UGB on to farm land. What does continual, incremental incursion in to the farm community, by land expansions and increased traffic, mean for the future of agriculture in Washington County? Describe the economic contribution of agriculture to the county and Oregon. What are the energy consequences if the UGB expansion causes farm-related industries to move out, so that farmers have to drive farther to bring their products to a packing facility, or to buy farm equipment, etc...?
- **Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest:** Describe the agricultural characteristics of both the land you are concerned about, as well as the surrounding area, including soil type, presence of irrigation, types of crops grown, etc...
- **Compatibility of the proposed urban uses with nearby agricultural activities:** describe the agricultural activities in the area, and how urban uses would conflict with them.

**Goal 2:** Goal 2 is the Goal which describes how a local government can justify an exception to a Goal. For urban reserve purposes, it is similar to Goal 14, except that it also requires an analysis that areas which do not require a new exception cannot reasonably accommodate the use. This means that rural residential, commercial and industrial areas that are outside but close to the UGB should be designated for urban reserves before farmland.

**Urban Reserve Rule:** The urban reserve rule requires that after the above analysis is complete, that qualifying lands be included in the urban reserve in the following priority: exception areas; nonresource lands; resource lands IF completely surrounded by exception lands UNLESS the resource land is "high value;" marginal lands; secondary lands; and last - agriculture or forest land, with the least productive having a higher priority.

BUT, this order can be skipped - that is, Metro could designate farm or forest lands as urban reserves ahead of other lands, IF it can be shown that there is a special land need, which cannot be on land other than farm and forest land. Here, we can anticipate that certain cities (especially Hillsboro) will argue that they need more land because of a "jobs/housing imbalance" in their area. Hillsboro will claim that because it is "jobs rich," it needs more land for residential use, so it can house those working in its electronic plants. And, that the only suitable land is the St. Mary's site. It will also claim that its industrial lands are already "committed" to future expansion plans, even though they are not built upon yet. There are at least several responses to this:

- Hillsboro has been aggressively attracting jobs with little concern as to where the new workers will live. It should not be rewarded for such lack of planning with a UGB expansion.

- Rather, Hillsboro should rezone some of its industrial land for residential use, and demonstrate that it has taken every step to assure that its existing residential land supply is zoned to allow housing that people working in the plants can afford (for example, apartments, town houses, small lot single family houses, etc...)
- Clackamas County should receive the amount of industrial land rezoned from Hillsboro, because that is where the affordable housing is.
- Simply because industrial land is being held for future use does not mean it is not part of our long term land supply - those future planned uses are the exact growth the plan is designed to accommodate. To add more land would be to have a UGB that is longer than 20 years. Land need not be for sale in order to be counted as available.

We expect that Cornelius and possibly Forest Grove will argue that they need more land for industrial and commercial purposes.

I hope that this background helps you to formulate your testimony for these hearings. Again, please also contact your Metro Councilor, and any sympathetic local officials. And please call me if you have any questions!

#### Hearing Schedule

Nov. 12	5:30 pm	Glencoe High School
Nov. 14	5:30 pm	Gresham City Hall
Nov. 18	5:30 pm	Tigard Water District
Nov. 19	5:30 pm	Oak Grove Elementary School
Nov. 21	5:30 pm	Metro

8

To: Pat Klierer at ASCG-Portland  
Subject: Re: Metro Hearings on UGB

----- Message Contents -----

Text item 1: Text Item

Pat -

These hearings on urban reserves are when folks concerned about the St. Mary's property, and other lands in Washington county, should appear and testify.

We can expect Hillsboro to claim that it needs more urban land to meet the jobs/housing balance, since they have so many new jobs coming. There are several responses to that:

- Metro's data indicates that Hillsboro may well have an oversupply of industrial land inside the UGB, so perhaps it should look at rezoning some of that land for housing.

- Affordable housing is what is needed, so people who work at the chip plants can live near their jobs. Adding land to the UGB will not result in affordable housing, especially given the cost of infrastructure expansion. To address that issue, Hillsboro and other cities need to remove zoning barriers to smaller lot houses, townhouses, etc... as well as lower the minimum lot size.

- We do not need to expand the UGB onto farmland in any event; we have exception areas which should be brought in first.

- Preserving farmland IS preserving existing jobs close to where its existing workers live



## Preliminary Version

Compiled by Robert L. Benson for Washington County Historical Society  
in response to a request from the Governor's committee on river parks  
June, 1967

The Tualatin is the most northern of the west-side tributaries of the Willamette River. Its basin of about 712 square miles (1) contains the Tualatin Plains, one of the few areas of natural prairie in the Northwest. When independent settlers began arriving in Oregon in 1840, they found Hudson's Bay Company men farming French Prairie and missionaries on the good land around Salem. So the independents favored the Tualatin. Some of its landmarks go back to very early days.

Some say the name "Tualatin" means slow or lazy, but this meaning is not confirmed by our only source of information on the Tualatin language, Dr. Jacobs' Kalapuya Texts (2). In the Texts, we see the name Atfalati as the Tualatin Indians' name for themselves. The Indian form of the name helps to explain some of the diverse variants of Tualatin, such as Tuality, Fwalitz, Fallatine, Fallatah, seen in early accounts.

The Tualatin Valley is a beautiful bowl-shaped hollow some twenty miles across, with noble hills and mountains on all sides. There are four low notches in the surrounding wall: at Lake Oswego, at Tonquin, at Gaston, and in the Fields Bridge area. The river now drains through the last mentioned notch, but in former ages there may have been flows through some or all of the others. Catastrophic floods have flooded the valleys of western Oregon whenever ice-dammed lake waters have broken their barriers in Montana or Idaho at the close of ice ages. These floods probably gained access to the Tualatin Valley through all four notches and made it for a time a shallow lake.

Let us start at the mouth of the Tualatin and proceed upstream, noticing any scenic or historic features which might be of interest to users of the park system which may some day become a reality along this singularly beautiful river.

The Tualatin joins the Willamette two miles upstream from the falls at Oregon City. We will not attempt to set up a mileage system for the whole stream, as any system we might originate would be bound to have errors when compared to the official mileage scheme, which is unavailable to us at this writing. Instead, we will locate the points of interest by miles and tenths of miles upstream or downstream from recognizable points.

Upstream from the mouth 0.2 mile is Weiss Bridge, named for Peter Weiss, settler of 1847 (3). Pete's Mountain, just west of the river, is named for him. A tract just east of the river here forms the city park of Willamette, an outlying part of the city of West Linn.

In this vicinity was once a famous gathering place for the German speaking settlers of the Northwest. In Decker's "Oregon und sein Deutschtum" we are told that Gustav Adolf Schnoerr developed "ein wundervoller Naturpark" known far and wide as Schnoerr's Park, favorite resort for the German Vereinen of Portland and elsewhere. There was "ein grosser Pavillion" for concerts, dances and conventions and a commodious Ratskeller which "of course no longer serves its intended purpose" (the book dates from early Prohibition days) (4).

Between Weiss Bridge and Fields Bridge is a wild stretch of the Tualatin with much white water. The river drops 30 feet within a mile or thereabouts. These rapids, except at highest flood stages, must

(1) References will be found at the end.

have sealed the Tualatin off effectively from steamboat connection with the Willamette. Tualatin steamboats formed a world of their own; we mention them further along. This area of the ~~Willamette~~ river adjoins Willamette, now part of the city of West Linn, and is a popular hiking place for local children. An ideal beginning for a system of parks along the Tualatin is this beautiful stretch of the river.

Fields Bridge is named for Ambrose and Ann Fields who settled here in 1847. It is 1.9 miles upstream from Weiss Bridge. It carries Highway 212, which is nearly identical with the old territorial road from Multnomah City (now West Linn) to Dayton. I remember Fields Bridge as a covered bridge, but the modern bridge is quite ordinary. There used to be tree swallows, a rare species, nesting in a bank near the bridge. Perhaps they still do.

Between Fields Bridge and Shipley Bridge is a four-mile stretch which, while still beautiful, is very much in the suburban orbit. Population is fairly heavy. It is none too soon to reserve trail rights and an occasional river access. A general cleanup of the waters of the Tualatin is already under way; quality of the water is rising rapidly, and with added quantity (promised from Scoggin Dam), the river may soon regain its early popularity. For a number of years, excessive diversion of the Tualatin's water (for irrigation and for maintaining Lake Oswego) has made the lower reaches almost dry in summer, but this may soon change.

For 1.5 miles above Fields Bridge the river skirts the thickly settled Saffarans Peninsula on the west. Henry and Almira Saffarans settled here in 1850. The next mile upstream the river passes an unnamed peninsula on the east. This too is thickly settled. In contrast to the flat Saffarans Peninsula, this one lies high with steep banks. It is known as the River Road area.

Between the two peninsulas is the remnant of a dam which the Oregon Iron and Steel Company, or one of its predecessors, built in early times. Mrs. Goodall's "Oregon's Iron Dream" (5) mentions the dam but gives few details. Mr. J. G. Thompson (6) tells us that the dam was first built to a very considerable height which inundated all the lowlands as far back as the town of Tualatin. This caused so much opposition that the top part of the dam had to be removed.

Just below the dam was James Moore's mill, mentioned by Mrs. Goodall (7) as the place where an early road to Hillsboro crossed the river. At the dam was a picnic park, Slauson Park, popular in the 1900 era. This may have covered most or all of the River Road peninsula.

For almost a mile above the dam, both banks of the river are taken up by residences. Access to those on the west is given by Ribera Road, which should be kept in mind as a possible public access to the river. On the east, the Thomas Johnson road parallels the river at a considerable distance. At the north end of Ribera Road, the new highway I-205 will soon be bulliozing its way through this serenely beautiful riverscape. Northward from Ribera Road, for fully a mile, the riverbank is little occupied. If the Highway Department is serious about bringing beauty instead of blight with its construction, it might consider this open area as a possible state park.

Further on, just below Shipley Bridge, the settlement of Shadowwood houses a considerable population near the east bank. Shipley Bridge was a covered bridge in older days and was sometimes called Athey Bridge. The Adam Shipleys came to Portland in the 1850's and bought a large acreage north and east of the river a little later (8). James

and Nancy Athey settled just west of here in 1851; Benjamin Athey a little further west in 1854. Athey Creek is named for them. Shipley Bridge carries Stafford Road, which meets Highway 212 a few furlongs southwest at a place called Wankers Corner. Meals and supplies are available at this point.

From Shipley Bridge to the Clackamas-Washington county line is a stretch of 3 miles of very slow water with little fall. A curious fact about this part of the riverbank is mentioned by Mrs. Goodall (9). It seems the Oregon Iron and Steel Company reserved a five-foot-wide strip of riverbank, just above high water, all along in this area. Is it possible that remnants of this old riparian band are still on the books? Could they become parts of the needed trail system?

About 1.8 miles above Shipley Bridge is the intake of Oswego Canal, which keeps Lake Oswego filled with Tualatin River water. According to Mrs. Goodall (10) the digging of the canal was begun on July 18, 1871 and the first steamboat to navigate it was the Onward, with 2000 bushels of wheat aboard, on January 21, 1873.

Steamboats had been navigating the Tualatin for many years prior to 1873. Mr. Mooberry, in an Argus article (11), mentions the names of some of them. The Swan began operating in 1857, the Yamhill in 1861, the Onward in 1867. Captains Joseph and Edward Kellogg are mentioned. The latter was commander of the steamboat Kellogg. Except at lowest water these steamboats could travel up the main stem to Emerick's Landing at Cornelius, and up Dairy Creek to Centerville. The wheat and flour loaded at these points would be brought down to Colfax Landing, near the present canal, and transshipped there to a horse-drawn tramway which carried it overland to Lake Oswego. The Minnehaha, John Trullinger's steam scow, navigated the lake and set the cargoes down at Oswego.

Mrs. Violet Rush, our museum curator, has a list of geographical names which were used by steamboatmen for various bends of the river. We are hoping that we can pin down some of these names to definite localities so that they can be of use to the walkers, bicyclists and canoe enthusiasts of the future. The list follows: Panther Bend, Scholls Bend, Tulip Bend, Kellogg Bend, Foster Bend, Bowlby Bend, Jackson Bend, Horseshoe Bend, Goose Egg Bend, Grecian Bend. We shall have more to say about some of these bends as we come to them in our travelogue. The majority remain unidentified.

We cross the line into Washington County; 0.4 mile westward we note the bridge of Interstate 5, the Baldock Freeway between Portland and Salem. Then, 0.5 mile beyond, is the recently rebuilt bridge of Highway 217, known as Tualatin Bridge because the town of Tualatin is nearby. A covered bridge formerly occupied this spot. On our left for several furlongs is Tualatin's city park. At 0.3 mile above Tualatin Bridge was Sweek Bridge, an earlier crossing, and just upstream from its site is the Southern Pacific Railway crossing.

Mention of Sweek Bridge reminds us of Sweek House, a short distance southwestward at the junction of Highways 212 and 217. John and Maria Sweek, pioneers of 1852, built it more than a century ago. Mrs. Laurie Pratt is the present owner and its restoration is chiefly due to her. She opens it to visitors by advance appointment.

Meals and supplies can be had at the city of Tualatin. We should also mention the luxurious Ramada Inn on Interstate 5 just south of its crossing of the river.

Upstream from the town of Tualatin the river bends north and, 0.5

mile above the S.P. bridge, is crossed by the Oregon Electric (S.P.&S.) a few feet upstream from the mouth of an important northside tributary, Fanno Creek. This creek, even more noticeably than the main river, is now emerging from a period of heavy residential pollution.

At the Oregon Electric Bridge the river bends westward, with the beautiful Tualatin Country Club on the south bank and Tigard's Cook Park on the north. This park is not now within the city of Tigard but is near it. A few years back, the land was donated to the city by the Washington County Board of Commissioners with the understanding that Tigard would develop and maintain it. A ramp for small boats is slated for completion this summer (1967). Our boating friends tell us that the Tualatin is now blocked at several points by large agglomerations of uprooted trees, logs and debris which would cost a fortune to clear. Nevertheless, between the blockades there are long stretches of good boating water during seasons when the Tualatin is flowing well.

To return to Cook Park and the Tualatin Country Club: these tracts were once part of the John Swaek donation land claim. At Tualatin the river swings between the Barr and Galbraith claims. Above Cook Park we skirt or cross the claims of Adam Shaver, Levi Anderson, Solomon Richardson and J.T. Jacobs. From Durham Road on the north and from Highway 212 on the south, side roads reach almost to the river and serve little settlements of riverside homes. The riverbank is thickly occupied in some spots, vacant in others.

About 4 miles above Tualatin highway bridge is the next highway crossing, that of 99-West, the West-side Pacific Highway or Herbert Hoover Boulevard. The twin bridges here occupy the exact site of the famous Taylor Ferry, so the location is logically Taylor Bridge (or bridges, as each direction of travel has its individual bridge). John and Elizabeth Taylor settled their claim here in 1847. Taylors Ferry Road was one of the principal pioneer routes out of Portland and is still known by that name for a long distance.

At Taylor Bridge were once four popular recreational parks, Fischer's, Paradise, Avalon and Roamer's Rest. The health hazard presented by the polluted Tualatin caused them to close or to reduce their recreational activities. It is pleasant to record that at least one of these parks has been certified for public swimming again. This reflects the improvement in the water of the Tualatin.

From Taylor to Schamberg Bridge is a stretch of 5.5 river miles. From northward, the river is approached by 131st Avenue and by the 137th-Watson-River Lane complex. Both approaches are thickly settled; the rest of the north bank is little occupied. The south bank is virtually without settlement except for the first 0.5 mile above Taylor Bridge. About 2 river miles below Schamberg Bridge is an extremely abrupt bend of the river, fitting the "Goose-Egg Bend" on Mrs. Rush's list; just south of it is a larger, more sweeping bend which might be "Horseshoe Bend." Such guessing gets us nowhere, however; a little above Schamberg Bridge is another sweeping bend which might also be the "Horseshoe." What is certain is that the low-lying pastureland between these two bends has long been known as Beef Bend.

Below Schamberg Bridge some 0.3 mile is <sup>only vestiges remain</sup> Elsner picnic park on the north bank. On the south side, in this general area, Chicken Creek enters the main stream, combining the waters of several other creeks in the Sherwood area; also Southern Rock Creek, which comes from the Tonquin gap which was mentioned above. Schamberg Bridge carries Elsner Road, a connection between Sherwood and Beef Bend. Somewhere in the vicinity was Miller's Ferry. The exact site is unknown, but Elwert

## THE TUALATIN RIVER

Road, a little west, was once known as Millers Ferry Road. Christopher C. Miller settled his claim here in 1852.

A mile above Schamberg Bridge the horseshoe-shaped bend mentioned above brings the river very near the Scholls-Sherwood road on the southwest bank. In this stretch is a particularly large and beautiful cottonwood tree. We may mention that, above the Schamberg Bridge, the Tualatin banks (with very few exceptions) are unoccupied by homes or industries.

Now, for several miles, the river writhes through a succession of serpentine bends in the claims of James Daniels, Henry Hicklin, Linus Ross, W.B. Franklin, Edward Harrer and James Olds. Soon the famous Seven Bends appear, and these can surely be identified with the Grecian Bend of our list, as no other part of the river is so extremely involved as to resemble the Grecian scroll or fretwork pattern. Early steamboat captains, following one another at a little distance, could carry on a conversation as the narrow necks brought their boats repeatedly abreast of one another.

As we leave the Grecian Bend we have the Hinton claim on the south and the Humphrey claim on the north. The first became part of the famous Guild farm, the second became the Flint farm. Both were widely known for their intensive cultivation.

We now approach Scholls Bridge, fully 12 river miles above Schamberg bridge though only 5 miles by airline. In all this stretch there are only 2 riverbank houses. The scenery is quiet and rustic and very beautiful except where power lines have made a track of devastation.

Scholls Bridge, carrying Highway 210, is only a rod or two upstream from historic Scholls Ferry, named for Peter Scholl, settler of 1843. This crossing was the one used by Lt. Philip Sheridan and his cavalry column in early days. Just northwest of the bridge is Snider tile factory, continuation of an early enterprise of Groner and Rowell. The Scholls neighborhood has many mementoes of Ferd Groner, who was born nearby in 1863 and wrote his autobiography (12) in 1944. Among his accomplishments was the introduction of grafted walnuts to Oregon. The host tree for his first scions can still be seen on the Lillegard place, half a mile south of Scholls Bridge.

One river mile above Scholls Bridge is a sharp bend which must be the Scholls Bend of our list; it brings the river close to the settlement known as North Scholls, center of Ziba Rowell's claim. (A mile southwest, the center of the James Rowell claim is marked by the similar settlement of South Scholls. Each has an interesting country store of long lineage: Barnard's at North Scholls, Trotter's at South. Trotter's has authentic relics on display.)

Continuing on the river, we first notice Baker Creek, which gathers the waters of McFee, Heaton and several other streams from the Chehalis Mountains. We traverse the Abram and Elizabeth Landess claim, which has been re-christened Rainbow's End and turned into precarious smallholding mostly very low lying and at the mercy of floods. None too soon, the Washington County authorities have acted to discourage all further residential developments in flood lands.

Rainbow's End is northward of the river. The south bank is unoccupied. A sharp bend, the next one above Scholls Bend, is heavily wooded on both banks. Above this primeval bend there is a half-mile stretch where Rainbow's End houses are in close proximity to the river.

In a long straight lonesome stretch, we traverse the William Landess claim, and just above it we come to a horseshoe-shaped bend

37c = 2 (252 5 t. 2 20)

which encloses some county land listed for development, some day, as a county park. At present it is inaccessible and the public is excluded. Two more miles of river, with deserted banks, bring us to Harris Bridge and Farmington.

Farmington Road (Highway 208) was once known as Harris Ferry Road. The sunken approaches to the ferry can still be seen in the fields just south of the bridge. A little west of the bridge are Farmington Christian Church and Farmington Store, both empty or turned to other uses. On church property, at the rear of the lot, is a well-known picnic grove which is still used occasionally for neighborhood gatherings. The future of the church is in doubt, and the grove is involved with the fate of the church. This church has a long history and was once known as Bridgeport Church. Farmington was once Bridgeport; so was Tualatin; the confusion which resulted caused both communities to adopt other names.

Harris Bridge and Ferry were named for Philip and Sally Harris, settlers of 1848. Their neighbors just west of the river were Felix and Elizabeth Jane Landess. The distance from Scholls Bridge to Harris Bridge is about 7 river miles.

Above Harris Bridge there is a two-mile stretch without riverside dwellings, the claims of John Richey and Henry Noland Sr. being on the west, and on the east those of Abram and Dianah Landess and William Ingram. Where the river swings eastward near River Road there is a succession of farmsteads not far from the river. Then, in the southwest corner of the A.B. Sulger claim, is the site of Sulger's Ferry, which once carried the main traffic from Portland to Lafayette; this road is now forgotten. Just above the ferry site is a drastic bend of odd shape (Tulip Bend?); then a winding stretch of a mile or so brings us to Rood Bridge, named for Lewis Rood, who bought from Russell Holbrook, the original claimant here. From Harris to Rood is almost 6 river miles. There was a large sawmill at Rood Bridge in early days, and just above it is the mouth of Eastern Rock Creek, which is historically Wilkins Creek, named for Caleb Wilkins, one of the 53 who established an American-type government for Oregon at Champoeg. His claim is miles away, at the east edge of Tualatin Plains.

A winding stretch of three miles, with no riverside structures, brings us to Minter Bridge, commemorating Jacob and Mary Minter, settlers of 1854. William T. and Mary Ann Barnes had settled just to the eastward in 1852. A later owner of the Minter place was John Durham and a later owner of the Barnes place was R. D. Foster. We have a Foster Bend on our list. Must it not be the sharp zigzag on the Barnes-Foster property?

From Minter Bridge to Jackson Bridge is only a mile and a half by airline but almost twice that as the river turns. Jackson Bottom, a rich agricultural area without houses, is eastward. The west bank is high and supports several farmsteads. The claim of Edward and Helen Jackson was near the bridge, just west of it. Jackson Bridge carries Highway 219, Newberg Road. Hillsboro with complete facilities for travellers is one mile northward.

Westward from Jackson Bridge to Thunder Bridge is only about 3 miles airline but nearly 9 by river. Four houses reached by SW 331st Avenue south from Highway 8 stand near the north bank some two river miles west of Jackson Bridge. Three houses on the old Bowlby claim are near the south bank a little further west. The rest of this part of the riverbank is virtually unoccupied. Not far west of Jackson

Bridge, the Tualatin receives Dairy Creek from the north, one of its largest tributaries and the only one that was ever navigated.

The deep bend in the Bowlby claim we identify as the Bowlby Bend of our list. Wilson and Lydia Bowlby settled here in 1853; Dr. Bowlby was one of Oregon's pioneer physicians. Direct descendants still farm this land.

Two miles upstream is another notable bend, hanging by a thread, so to speak; and further on, at Emerick's Landing, the contorted bend at that point is now completely cut off from the river and is known as the Oxbow. Solomon Emerick operated a store at Cornelius and dealt in wheat. At favorable stages of the river, steamboats could ascend the main stream to this point, where the wheat was loaded. Across the river from the landing there was a favorite campground used by friendly Indians. This site would now be within the Oxbow and entirely west of the present channel.

Thunder Bridge, carrying Golf Course Road, got its name from the sound of wagons rumbling over the hundreds of planks which it carried. Only two miles upstream, passing vacant banks, we come to the bridge of LaFollett Road which leads south to Fern Hill community. The history of this community is given in Mr. Mooberry's "The Gray Nineties." Fern Hill School, when first established, was jokingly known as Buckeye Hill College. Buckeye Hill was the early name for Fern Hill. (13)

From LaFollett Road to Fern Hill Road is a mile airline, nearly two as the river winds. Geiger Road, paralleling the river on the north at a considerable distance, commemorates William and Elizabeth Geiger, who claimed these beautiful meadows in 1849. Shady places near the river hereabouts are a refuge for a very rare bulb, fritillaria or riceroot, with bronze-colored flowers.

Fern Hill Bridge was built by John Nestor, says Mr. Mooberry(14). There was once another bridge in this vicinity, probably half a mile upstream. Mr. Mooberry tells about family trips to Forest Grove through back lots, across this bridge and through the old Alvin Smith claim (now the Zurcher farm) to Forest Grove via Elm Street(15).

From Fern Hill Bridge to Spring Hill Bridge the river winds 4 miles at least. Gales Creek enters the main stream about halfway between these bridges. It is interesting to know that many of the pioneers considered that the river started where Gales Creek joined it. The main river above the junction was known as South Tualatin Creek or Patton Creek. It is obvious that Gales Creek is the largest tributary of the Tualatin, and some would judge it to be equal to the stream which it meets at this point. Gales Creek is named for Joseph Gale, a settler of the earliest days; his grist mill was at Watts, several miles up the creek which bears his name.

About 1 river mile above the mouth of Gales Creek is the site of the Gibson-Parsons grist mill. Most of the Tualatin has a mud bottom, but here is a short stretch of rocky footing which was well known in early days as a ford. The Reverend Jason Lee, on his first exploration of Oregon to select a site for his mission, crossed the Tualatin at this ford; so said Joseph Gaston in a speech (16). The road across this ford is prominent on many early maps, but is now destroyed except for remnants.

Perhaps because of the good rock foundation, this site was chosen for the dam which provided power for William O. Gibson's grist mill. This was turning out flour as early as 1850; it sold at \$50.00 the barrel to Mexicans who freighted it by burro to the California mines, where it sold for much more than \$50.00. (17) A later owner of the

## THE TUALATIN RIVER

mill was Omri Parsons. Finally the dam was blasted out and the mill dismantled. The Eugene VanDykes, who live just north of the mill site, kindly showed me where the structures had been, and let me see their abstract which contains many curious facts about the mill and dam.

A little north of the VanDyke place is the town of Dilley, named for Milton E. Dilley, prominent in the early days. (No supplies or facilities for travellers.)

We now proceed upstream to Spring Hill Bridge. Spring Hill Road ~~1/4~~ leads southeastward to Spring Hill district, site of the model farm of J. L. Hallett (18). A mile or so upstream from the bridge, the river receives Scoggin Creek, its first large tributary. Representatives of the Scoggin family have declared the form Scoggin to be right, Scoggins wrong. A large dam and reservoir are planned for the middle reaches of this creek. (19)

Continuing across the claim of Jacob and Patsy Reed, we presently notice that the main stream of the Tualatin has been forced into a straight artificial channel for more than a mile. Only the waters of Wapato and Hill creeks, southern tributaries, remain in the old channel. These creeks come from Wapato Lake, nature's idea of a reservoir to catch the flood waters of the Tualatin. It served this purpose for many millenia, but the white man had other plans. It was clear that the soil under this lake must be exceedingly rich, so there were many attempts to drain it. The first successful drainage was by Joseph Gaston, railroad builder and agricultural innovator. His original ditch may be identified if one stands at the bridge on Gaston Road East about half a mile east of the town of Gaston. (20)

The bridge under which the main river flows is at the north edge of the city of Gaston. Near it was a mill, and a few old-timers can point out the millrace. Gaston is a pleasant little city offering meals and supplies. The Congregational Church, dating from 1878, is well worth a visit.

We now enter Patton Valley, westward from Gaston. The river flows through meadows a mile in width, with hills rising abruptly on either side. Donation claimants, from Gaston to Cherry Grove, were Alvarus Matteson, Don McLeod, J.W. Cain, Darius Smith, Alanson Hinman, Thomas Hines and Emanuel Horner. In Patton Valley was an important village of the Tualatin Indians. Because of danger from vandalism, we feel it would be unwise to give the precise location of this village site, with its petroglyphs, spring, and house pits.

Halfway up Patton Valley is the turnoff to Mount Richmond, southward. Mount Richmond Road is said to approximate an old Indian trail which led to Tillamook Bay. Others point to evidence which would persuade us that an Indian trail led northwest between the humps of ~~Saddle~~ South Saddle Mountain, thence westward down Hembre Ridge to Tillamook. The day may come when leisurely hikers, equestrians and cyclists may head for the ocean with the assurance that their route is reserved for themselves alone, with no hindrance given ~~to~~ to or taken from the motorcar.

Just east of Cherry Grove, South Road crosses the Tualatin by a bridge which replaces a ford of early days. The Patton family had a picnic park and swimming pool near this ford. (21)

Cherry Grove was settled by Scandinavians. It was once a lively sawmilling center but is now in decline. We pass the site of the great Alder Creek Lumber Company's mill (Koennecke Mill) which burned a few years ago. Mr. Clarence Koennecke still has large landholdings in the vicinity. The river here receives Roaring Creek from the southwest and its valley narrows. Farmland disappears.



As the Tualatin River leaves the Coast Range country, a mile above Cherry Grove, it leaps over Little Lee Falls. This vicinity is noteworthy for the champion yew tree which grows at the water's edge, slowly being undermined by the river. It is no longer recognized as the world champion yew, this honor having gone to one in Olympic National Park. However, it is probably still the Oregon champion.

The main Lee Falls is a mile upstream, and the stretch between the two falls, and including them both, ought to form one of Oregon's great state parks. It contains good swimming places and has long been a favorite resort. As it is quite without supervision and sanitation, it now resembles a garbage dump more than anything else.

The main Lee Falls is historic in that it powered the early sawmills of Buckingham and James Lee--perhaps they were the same mill. James Lee took his claim here in 1855. A sketch of the Surveyor General's series of Township maps mentions Buckingham's mill here. (22)

Beyond Lee Falls we enter the area of the Hillsboro watershed, with fairly strict controls. There is a fair road upstream to Haines Falls, scene of early power generation for the City of Forest Grove. This city has had municipal electric power since 1895; the operation at Haines Falls sold many kilowatts to the city in the 1900-1910 era (23)

Above Haines Falls is a wild area little known to the public. Near the head of the Tualatin is a gap, one of the lowest in the Coast Range, leading into the Trask country. Here ends our travelogue of the Tualatin.

#### REFERENCES

1. Hart, # D.H., and R.C. Newcomb, Geology and Ground Water of the Tualatin Valley, Oregon (Geological Survey Water Supply Paper 1637), Washington, 1965, page 2.
2. Jacobs, Melville, and others, Kalapuya Texts, Seattle
3. Genealogical Material in Oregon Donation Land Claims, abstracted from applications by Genealogical Forum of Portland, 3 vols., 1957. This reference applies also to our other references to early land claims.
4. Decker, Otto F., Oregon und sein Deutschtum, Portland, 1920, p. 291.
5. Goodall, Mary, Oregon's Iron Dream, Portland, 1958, page 76.
6. Information from Mr. J.G. Thompson, now of Bethany, formerly of Tualatin.
7. Same as 5.
8. Goodall, page 123.
9. Goodall, page 60.
10. Goodall, page 35.
11. Mooberry, Lester C., article in Hillsboro Argus, December 12, 1960.
12. Groner, Ferd, Seeing the Future from the Past, Portland, 1944.
13. Mooberry, Lester C., The Gray Nineties, Portland, 1957, page 44.
14. Mooberry, article in Argus, September 14, 1961.
15. The Gray Nineties, page 111.
16. Gaston, Joseph, speech at anniversary celebration for Gaston church
17. A note supplied by Mr. Mooberry.
18. Mooberry, article in Argus, May 5, 1960. 1964.
19. "Scoggin is Right--It Was Family Name," Argus, November # 9, 1965
20. Mrs. Grace Harding Bates of Gaston pointed this out to the Historic Research Committee, Tualatin Valley Community Planning Council; see minutes kept by Mrs. Louise Wilson, chairman.
21. This and other notes about Patton Valley supplied by Mrs. Thomas Roe of Gaston. / Portland
22. Surveyor General's plats, Land Office, Bureau of Land Management, /
23. Information from Mr. Harry Sherman, Jr., plant superintendent, Forest Grove city light department.

Feb. 15, 1991  
Butternut Creek Trunk Line  
USA application  
WILDLIFE LIST

The residents of the proposed route have identified the following birds and animals living in and using the unique and essential Butternut Creek habitat and along the Tualatin River. Please see original questionnaire responses that list animals by property. Audubon Society representative Verda Teale has checked the list and has verified that she also recognized these species of birds on her birding trips to the Butternut Creek. She has "birded" at the Gillenwaer property and mentions that it is an unusually diverse habitat that welcmoes most of the 220 birds she has identified that have been sighted in Washington County.

FISH

- catfish
- perch
- bass
- cutthroat trout
- small trout-like fish

MAMMALS

- bats
- Moles
- shrews
- voles
- kangaroo mouse
- field mouse
- pocket gopher
- pacific gopher
- cotton tail rabbit
- skunk
- racoon
- opossum
- mink
- nutria
- otter
- beaver
- muskrat
- cyote
- red fox
- grey fox
- chipmonk
- pine squirrel
- fox squirrel
- chickarye squirrel
- rats
- black tail deer
- bob cats
- domestic cats gone wild

weasel  
grey diggers

#### REPTILES AND AMPHIBIANS

red salamander  
giant pacific salamander  
frogs  
tree toads  
rubber boa snakes  
garter snakes  
lizards  
Bull Frogs  
Bull snakes  
small green and brown frogs  
garden snakes

#### MOLLUCKS

small black round snails  
inch-long-twisted black snails

#### INSECTS

millipedes  
centipedes  
honey bees  
yellow jackets  
hornets  
ant hill ants  
hundreds of types of spiders  
dragon flies  
nut roaches  
many types of caterpillars  
orange and black fuzzy caterpillars  
water fly  
moths  
beetles  
crickets  
sow bugs  
earwigs  
mosquitos  
horse flies  
house flies  
large narrow black beetle in water- one inch long

#### BIRDS

Towhees  
Robins  
Blue Jays  
Steller Jay  
Barn Owls  
Screech Owls

Great Horned Owls  
Vultures  
Morning Doves  
Chicken Hawks  
Red Tailed Hawks  
Swift Hawks  
Nite Hawks  
Coopers  
House Sparrows  
Red Wing Black Birds  
Ruffed Grouse  
Ring Neck Pheasants  
Pigeons  
Vaus's Swift  
Belted Kingfishers  
Rufus Hummingbirds  
Killdeer  
American Coot  
Common Snipe  
Spotted Sandpipers  
Ringbelt Sea Gulls  
California Sea Gulls  
Herring Gulls  
Mew Gulls  
Killdeer  
Common Snipe  
Red-breasted sapsucker  
Tree swallows  
Brown creeper  
California Quail  
Mallard Ducks  
Wood Ducks  
Common Loon  
Black-headed grosbeak  
Evening grosbeak  
Pied-billed Grebe  
Great Blue Herons  
Canada Geese  
Snow Geese  
Northern Pin-Tail Ducks  
Common Mergansters  
Hooded Mergansters  
Osprey  
Black-Cap Chickadees  
Chestnut Back Chickadees  
Red-breasted nuthatcher  
Nnorthern Shrike  
Barn Swallow  
Crows  
Bewick's Wren  
Varied Thrush  
Swainson's Thrush  
Starling  
Western Meadowlark

Yellow Rump Warbler  
(4 other types of warblers)  
Northern Oriole  
American Gold Finches  
Bush Tit  
Lark Sparrow  
White-Crowned Sparrow  
Golden -Crowned Sparrow  
Lincoln Sparrow - marshes  
Song Sparrow  
Savannah Sparrow - open fields with wetlands  
Violet Green Sparrow Winter Wren  
Downey Woodpecker  
Pileated Woodpecker  
Hairy Woodpecker  
Varied Thrush  
Tundra Swan  
Common Flicker  
Valley Quail  
large white crane or egret  
house finch  
swallow  
Kestral  
Black Bird with bright red around neck  
junco  
red winged black bird  
hawks - nest in tall timber  
falcons - nest in tall timber

Swenson Property

#### MAMMALS

Norway Rats  
Family of deer  
muskrats  
raccoons  
skunks  
beaver  
red fox  
small brown short eared rabbits  
oppossums  
bats

#### BIRDS

many large woodpeckers  
great blue herons-nesting  
many ducks - nesting  
brown falcons with three foot wing span  
barn owls  
bob white quail

## AMPHIBIANS AND REPTILES

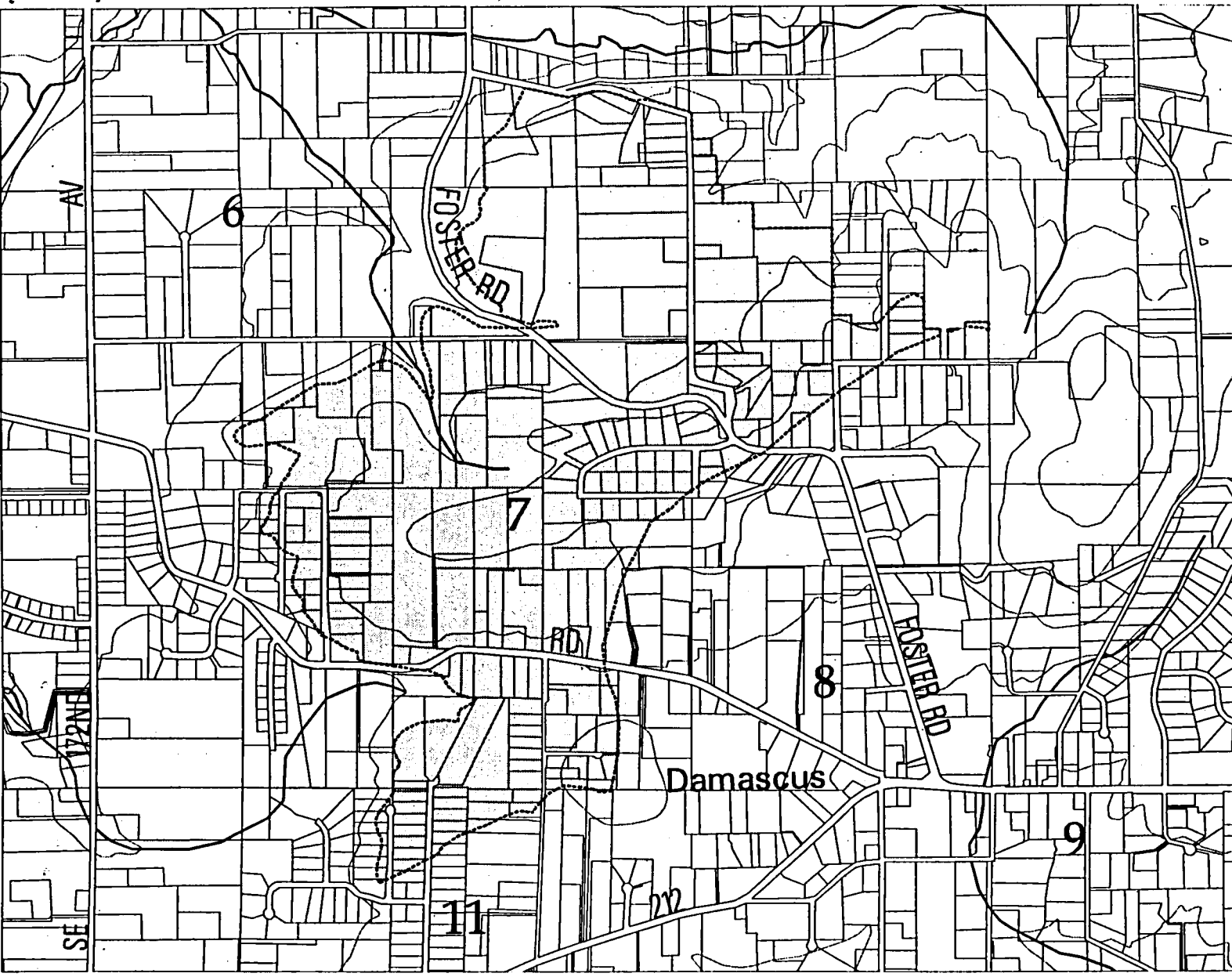
huge bull frogs  
six-inch salamanders, brown top, orange bottom  
black salamanders  
garter snakes  
newts  
crawfish

Unified Sewerage Agency should not threaten the many Beavers who live in the Butternut Creek where construction of the interceptor is planned. The Beaver dams help to spread out the water and create marshes for other wildlife. The dams, at least twelve of them presently, help to drop out siltation from the water. Silt backs up behind the dams and does not go into the Tualatin River. Frogs and Salamanders like to live behind the Beaver dams where the water is running deeper.

The beaver are deadly on newly planted trees. Neighbors put special protectors around the trunks so they won't be chewed off. USA will likely be unsuccessful in restoring the trees and other vegetation along the interceptor route. Between the deer, beavers, and other wildlife, it is likely to be nibbled on or eaten soon after it is planted.





The best solution to this problem is to not have the problem in the first place. Use an alternate route and solution inside the urban growth boundary.

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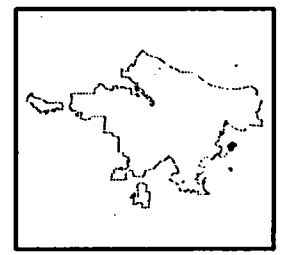


# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #7







600 NB Grand Ave  
Portland, OR 97252-2756  
(503) 797-1242

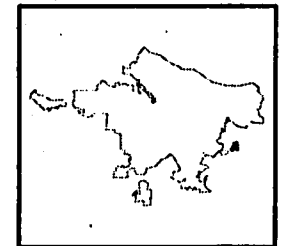


# Urban Reserves Tax Lot Boundaries

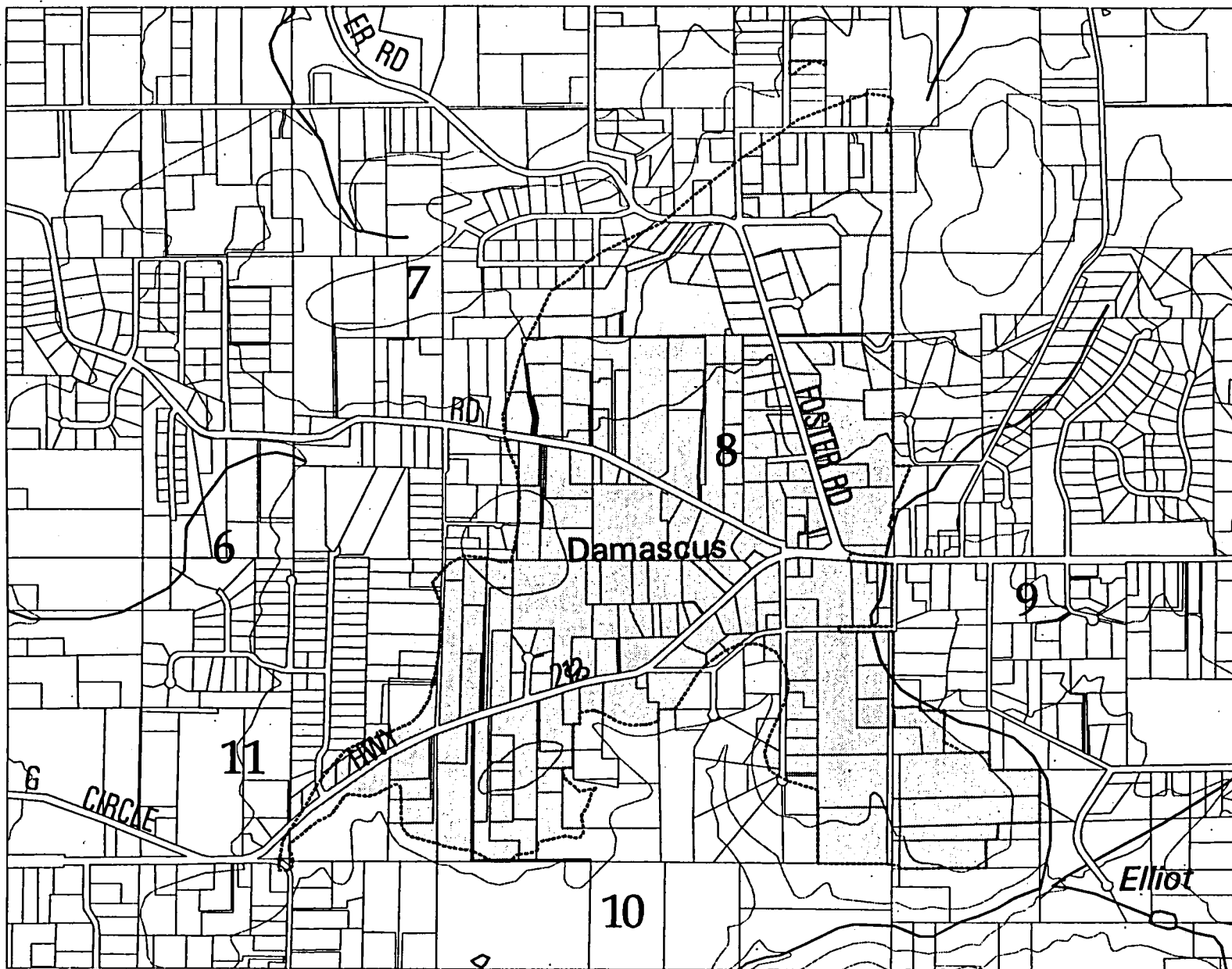
Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #8

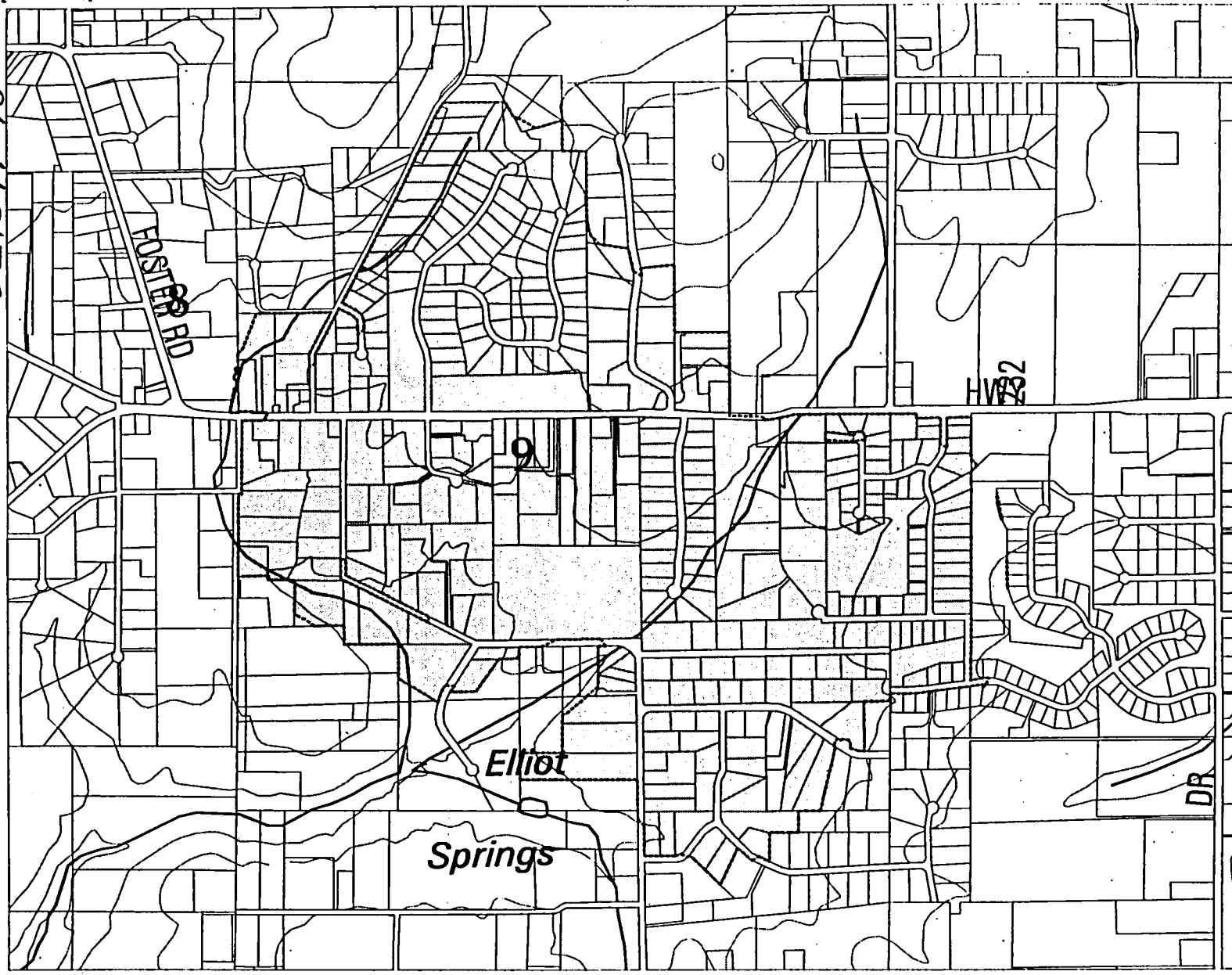


600 NE Grand Ave  
Portland, OR 97232-2756  
(503) 797-1742





02-1397-10



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Regional Land Information System

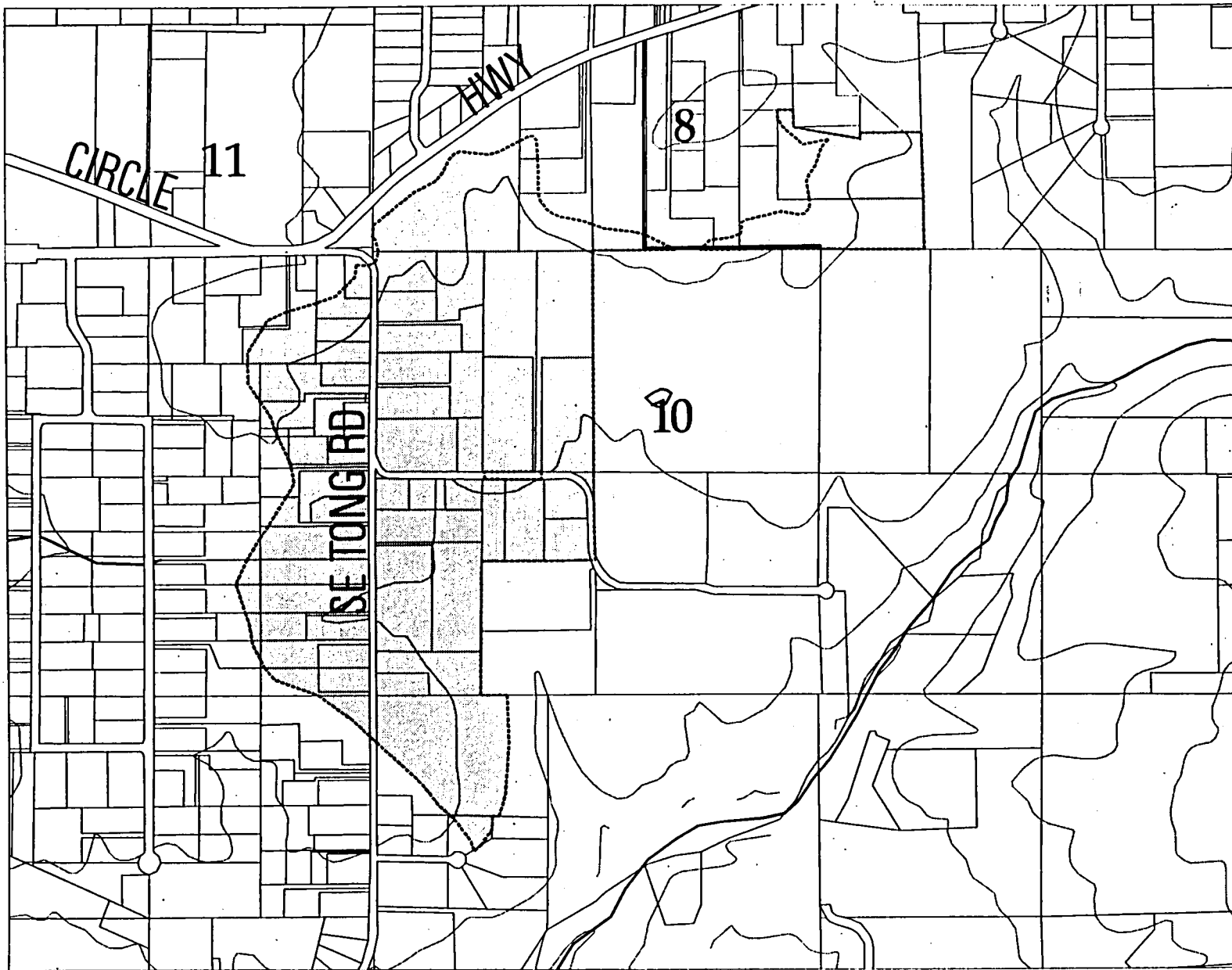
## Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

- Designated Urban Reserves
- Resource Lands within Urban Reserves
- Modified Urban Reserve Boundaries
- Urban Growth Boundary

### MAP #9

600 NE Grand Ave  
Portland, OR 97232-2756  
(503) 797-1962






R L I S

Regional Land Information System


## Urban Reserves Tax Lot Boundaries

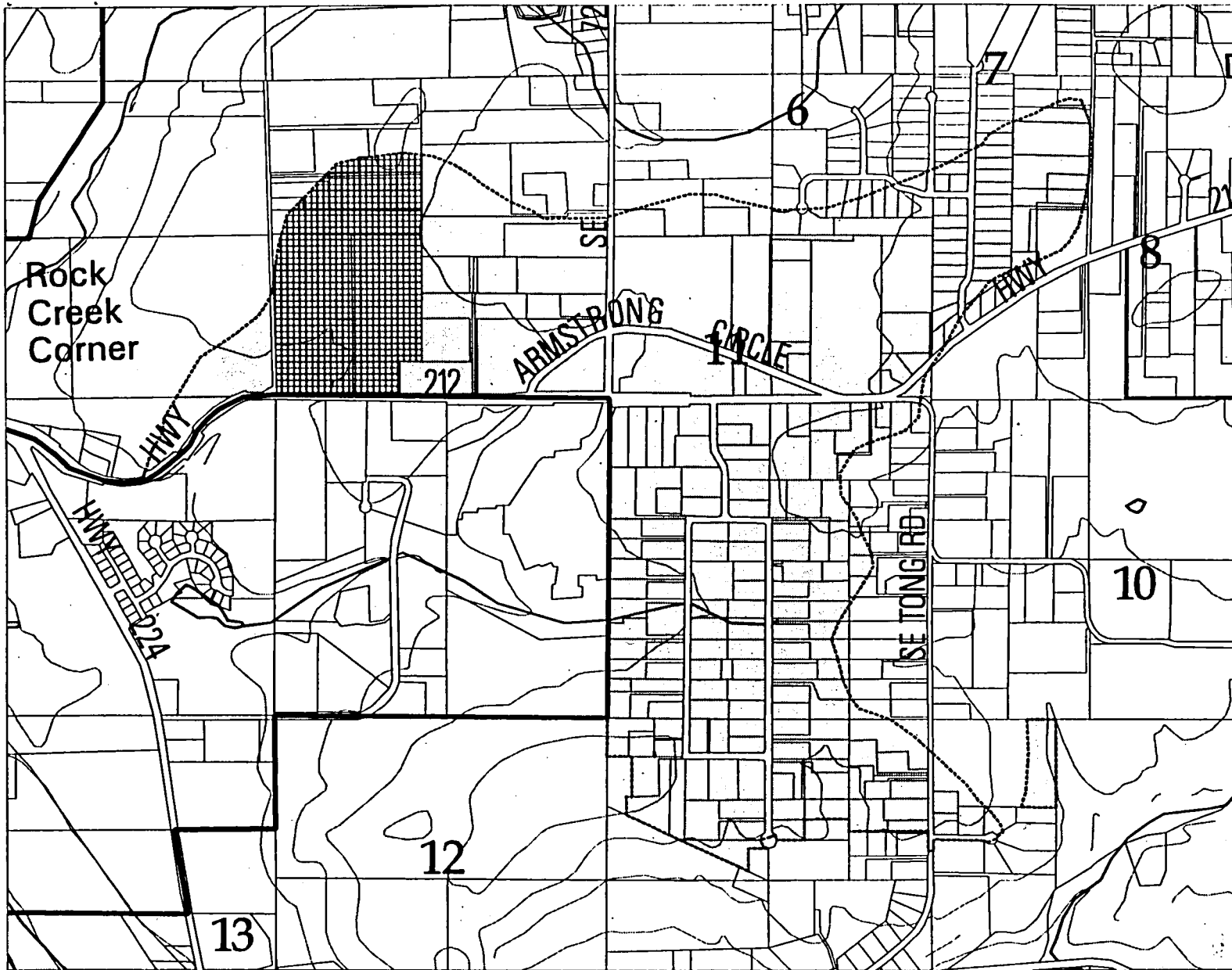
Staff Recommendation  
2-3-97

- Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

### MAP #10

600 NB Grand Ave  
Portland, OR 97232-2756  
(503) 797-1942





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Regional Land Information System

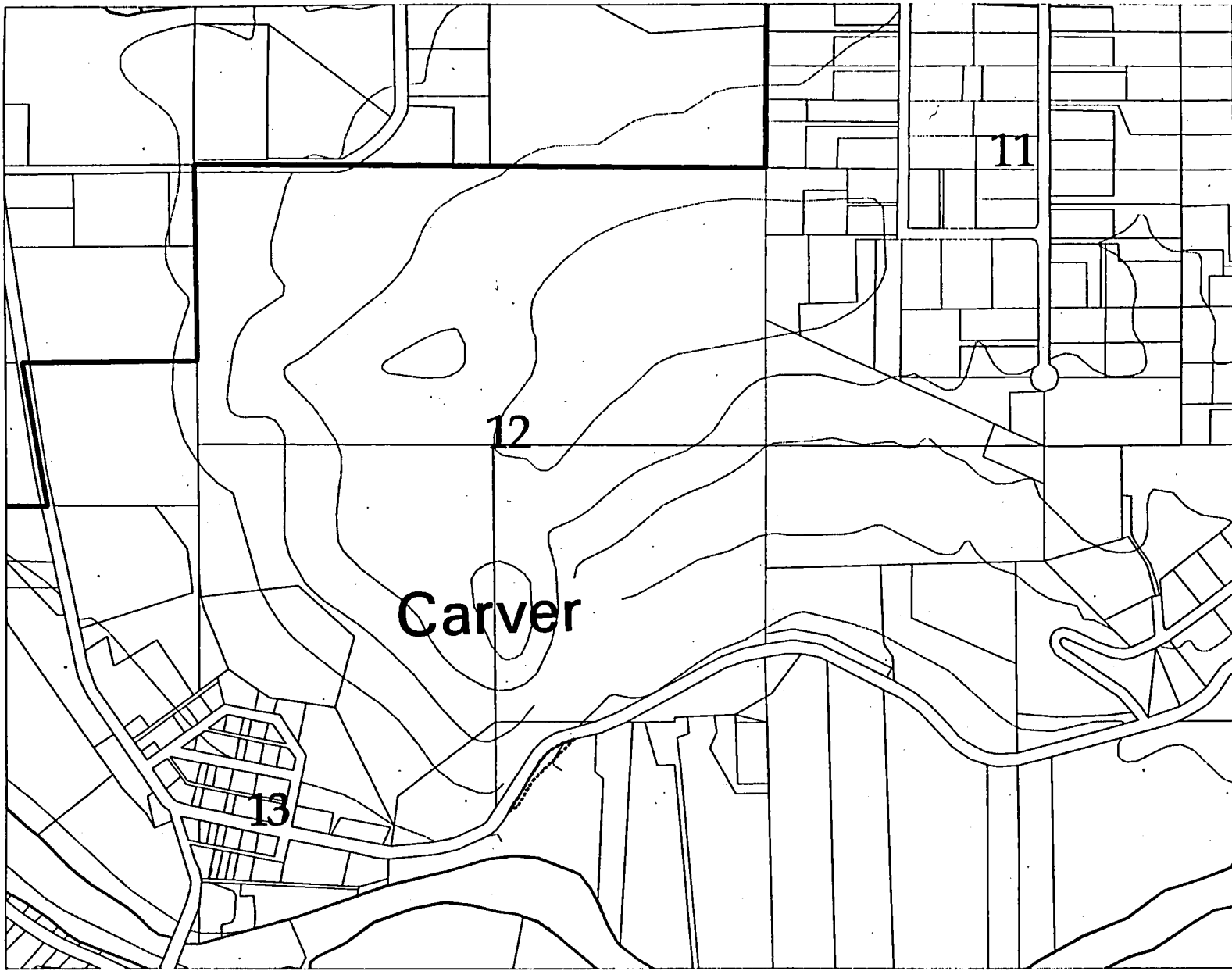
## Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

- Designated Urban Reserves
- Resource Lands within Urban Reserves
- Modified Urban Reserve Boundaries
- Urban Growth Boundary

### MAP #11





600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1242



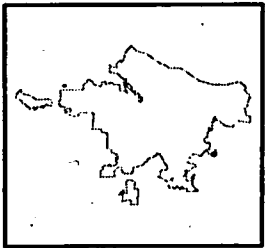
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 Regional Land Information System

## Urban Reserves Tax Lot Boundaries


Staff Recommendation  
 2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

### MAP #12






600 NE Grand Ave  
 Portland, OR 97232-2736  
 (503) 797-3762

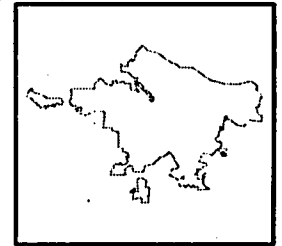


# Urban Reserves Tax Lot Boundaries

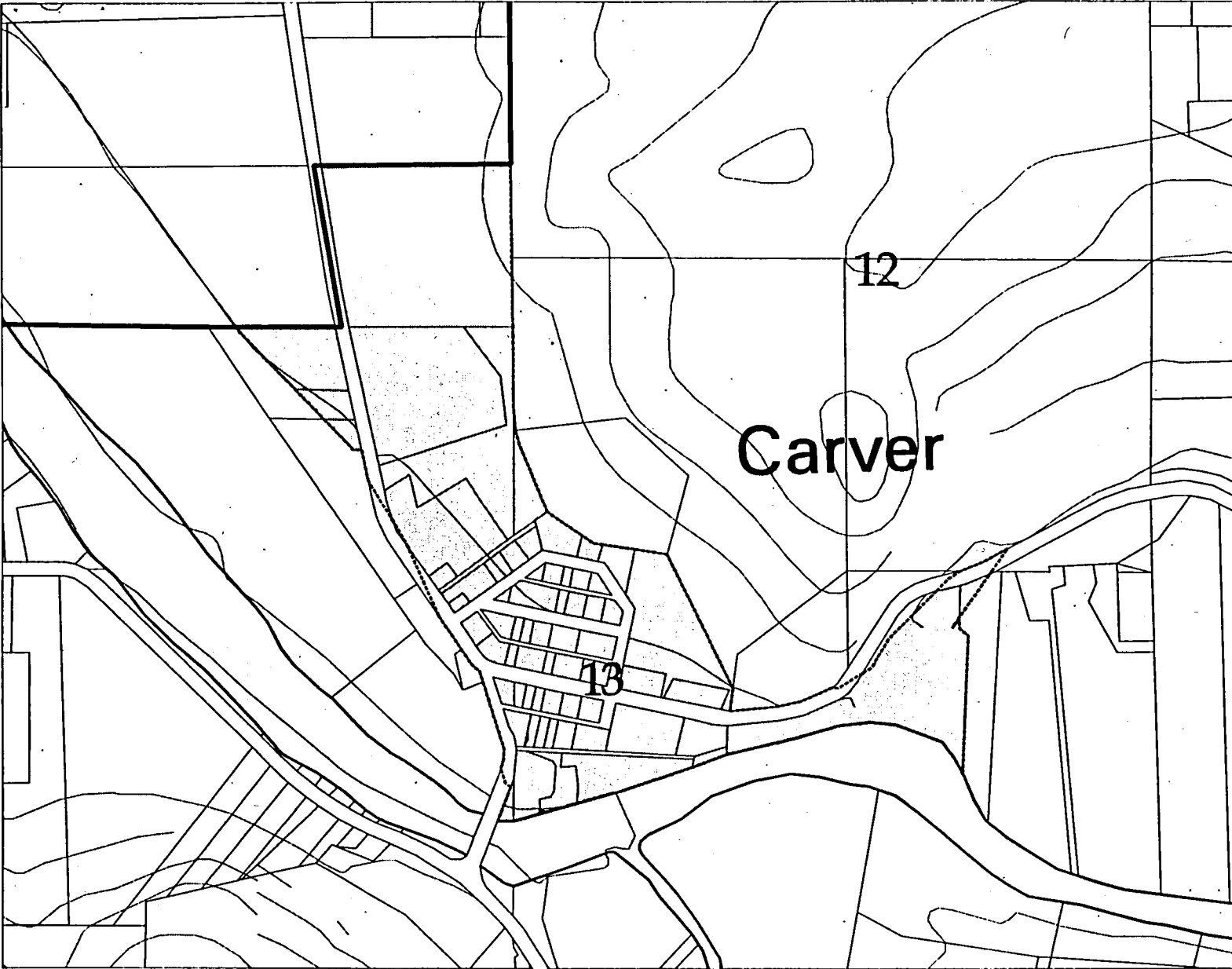
Staff Recommendation  
2-3-97

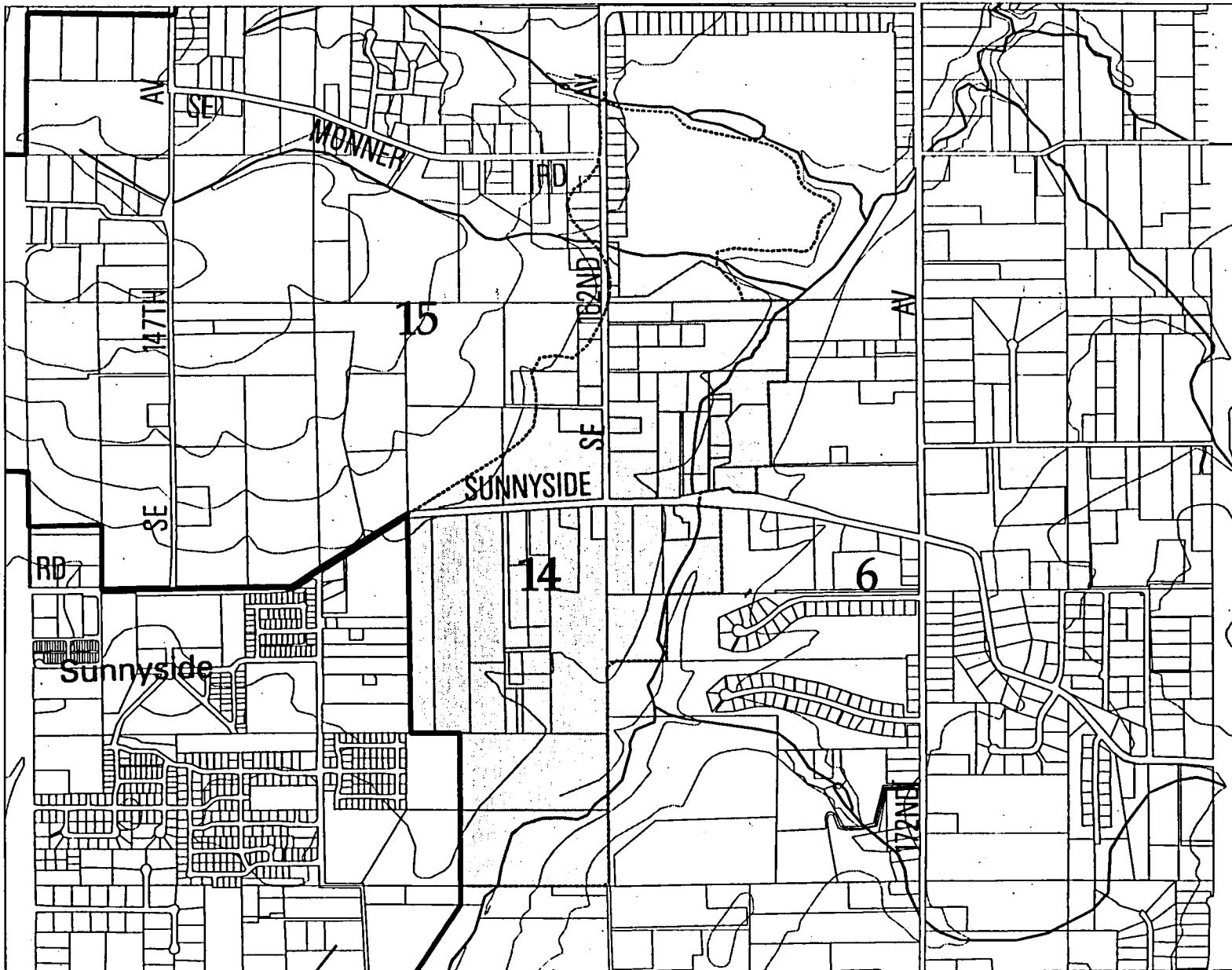
- Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #13



600 NE Grand Ave  
 Portland, OR 97232-2736  
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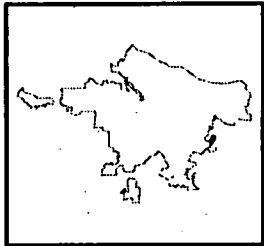
## Urban Reserves Tax Lot Boundaries

Staff Recommendation  
 2-3-97


Designated Urban Reserves

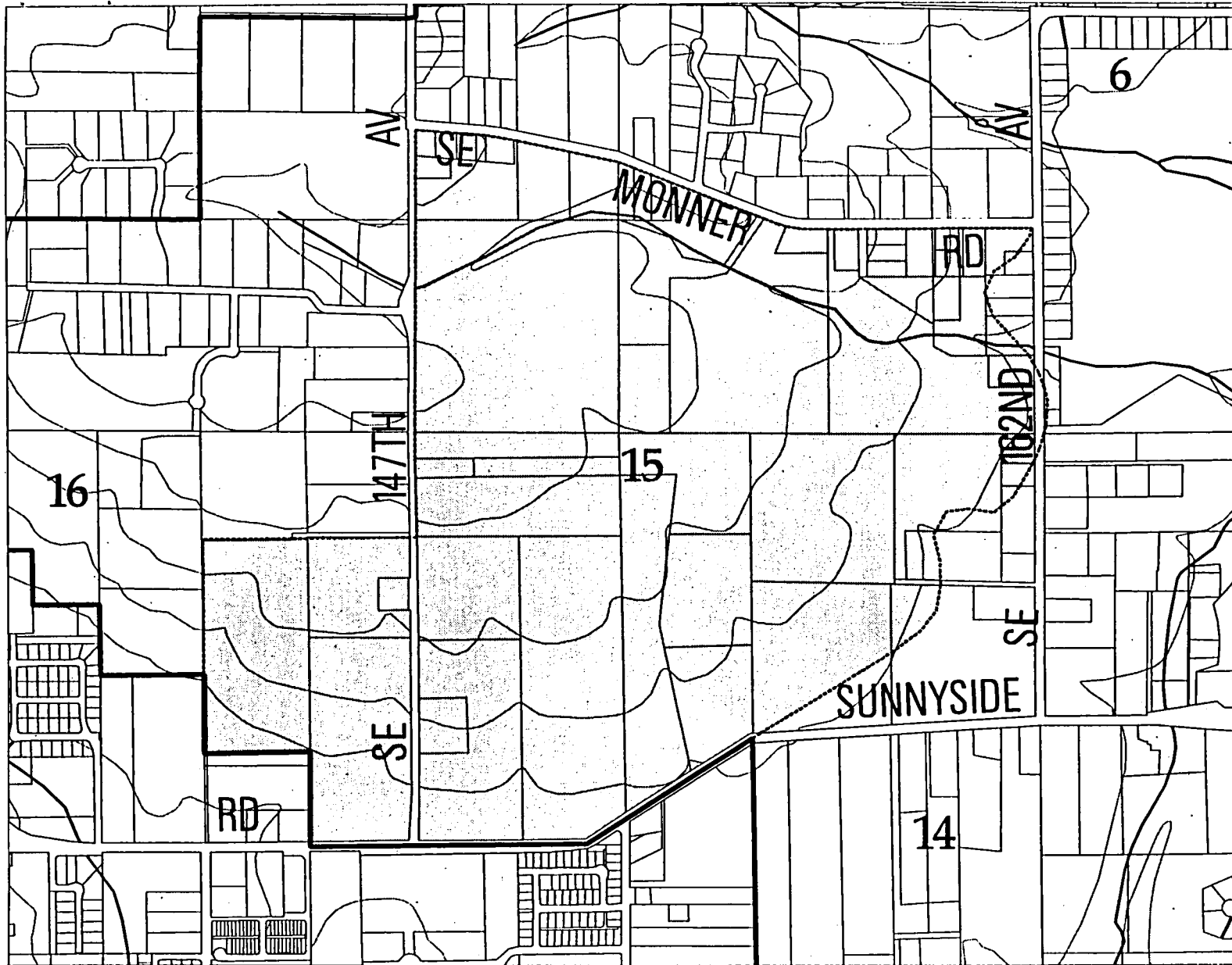
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

### MAP #14






600 NE Grand Ave  
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 (503) 797-1912



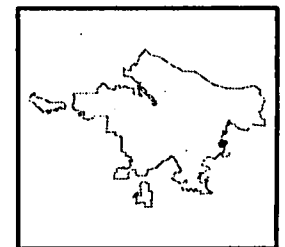


# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

- Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

MAP #15







600 NE Grand Ave  
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(503) 797-1242



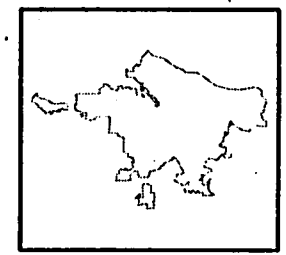
# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

16

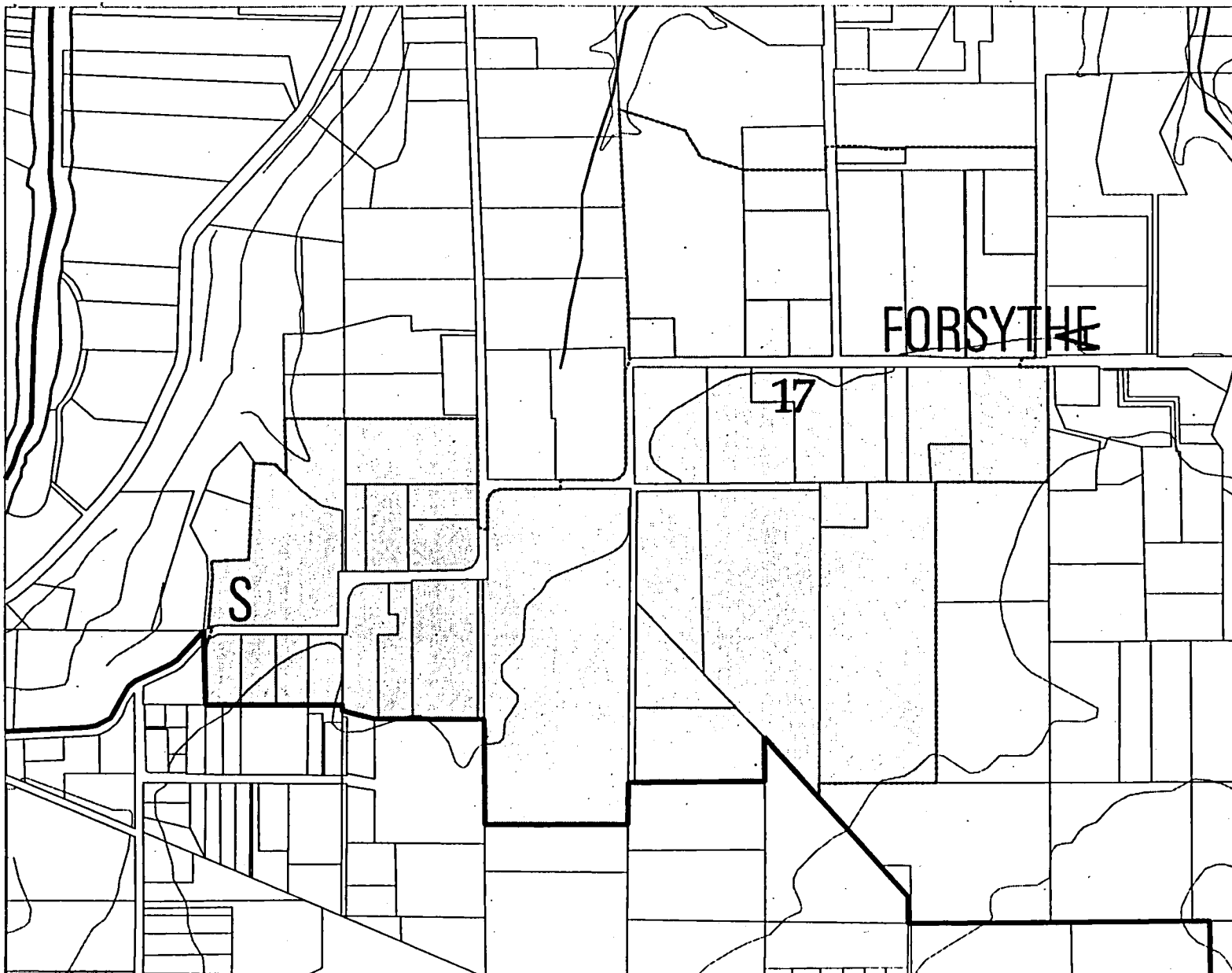
## MAP #16



600 NE Grand Ave  
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(503) 997-3242







R L I S

Regional Land Information System

## Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97





Designated Urban Reserves  
 Resource Lands within Urban Reserves  
 Modified Urban Reserve Boundaries  
 Urban Growth Boundary

### MAP #17

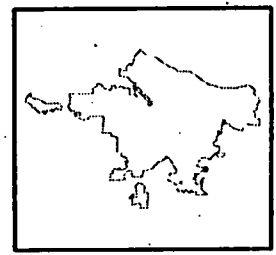
400 NE Grand Ave  
Portland, OR 97132-2756  
(503) 797-1942

# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #18







600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1912

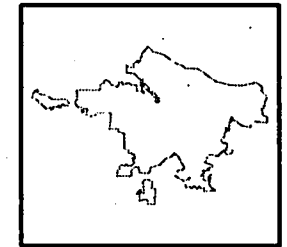


# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #19







600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1212



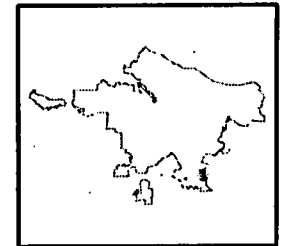
19

# Urban Reserves Tax Lot Boundaries

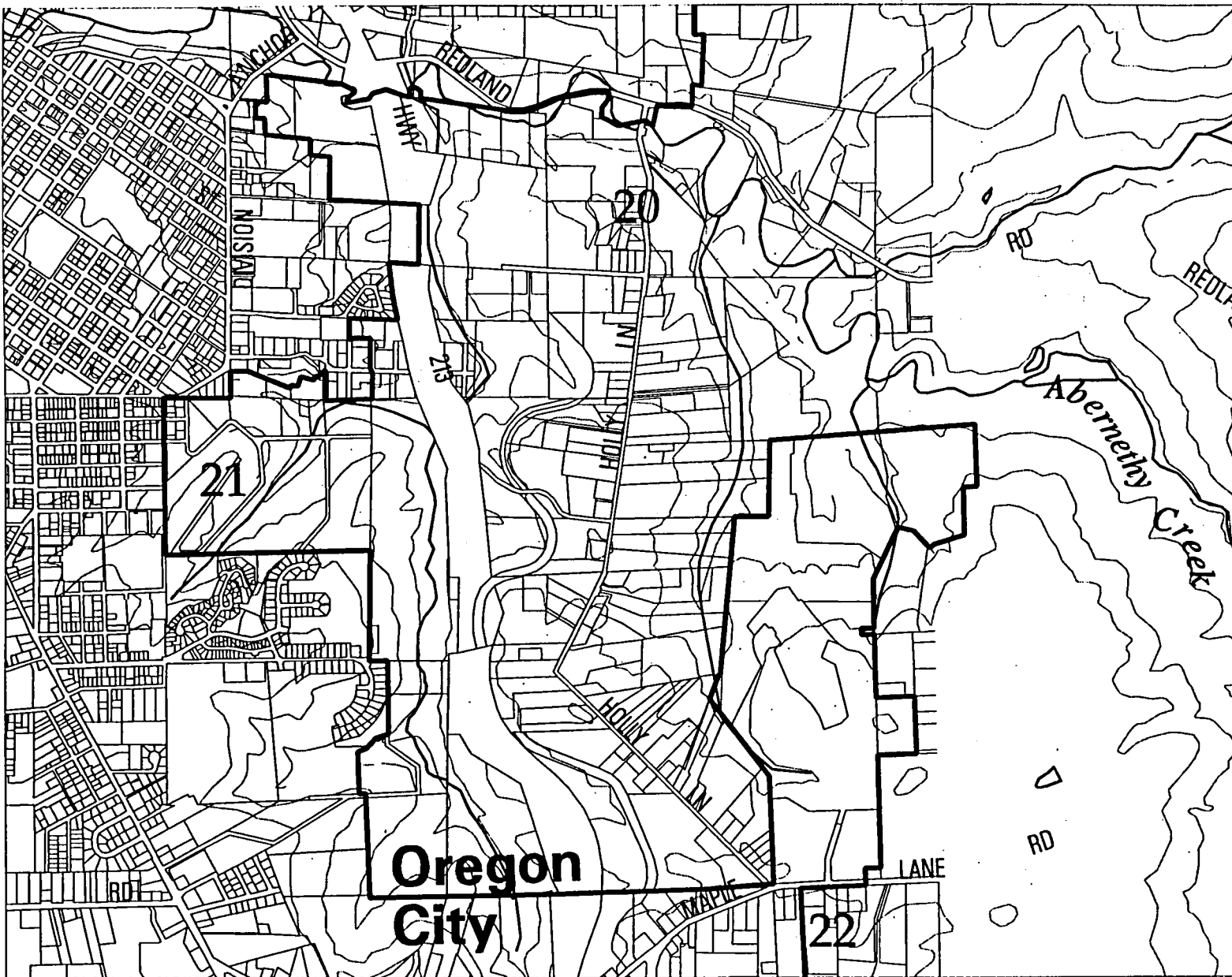
Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #20







600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1242

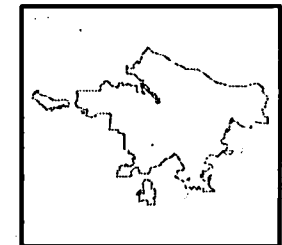


# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #21



600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1942



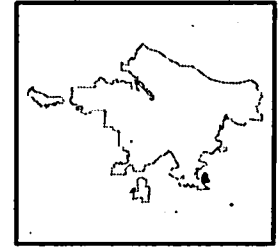


Urban Reserves  
Tax Lot Boundaries

Staff Recommendation  
2-3-97

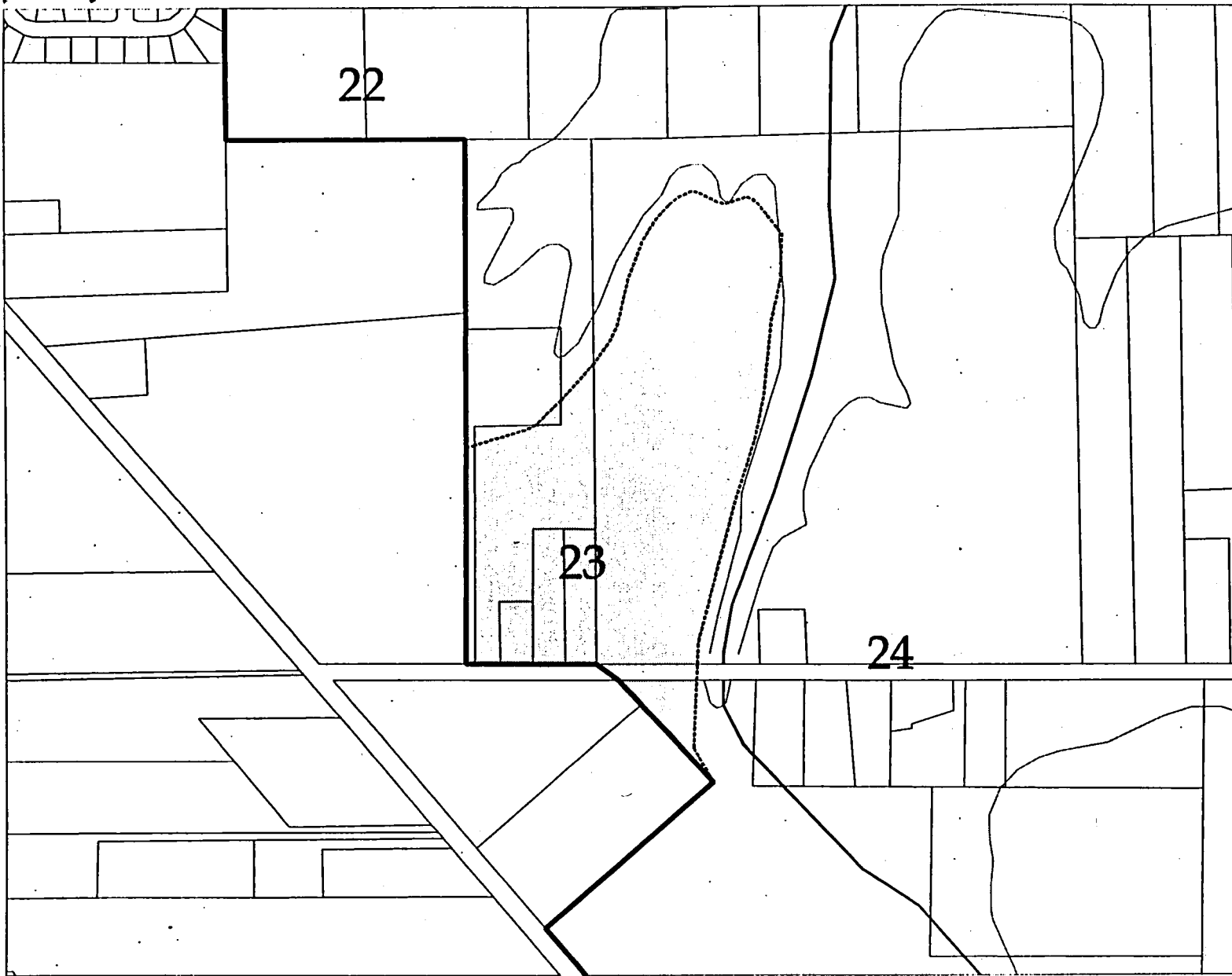
- Designated Urban Reserves
- Resource Lands within Urban Reserves
- Modified Urban Reserve Boundaries
- Urban Growth Boundary

MAP #22



600 NE Grand Ave  
Portland, OR 97131-2736  
(503) 797-1242





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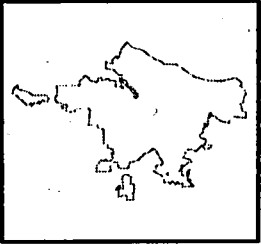
## Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97


Designated Urban Reserves

- Resource Lands within Urban Reserves
- Modified Urban Reserve Boundaries
- Urban Growth Boundary

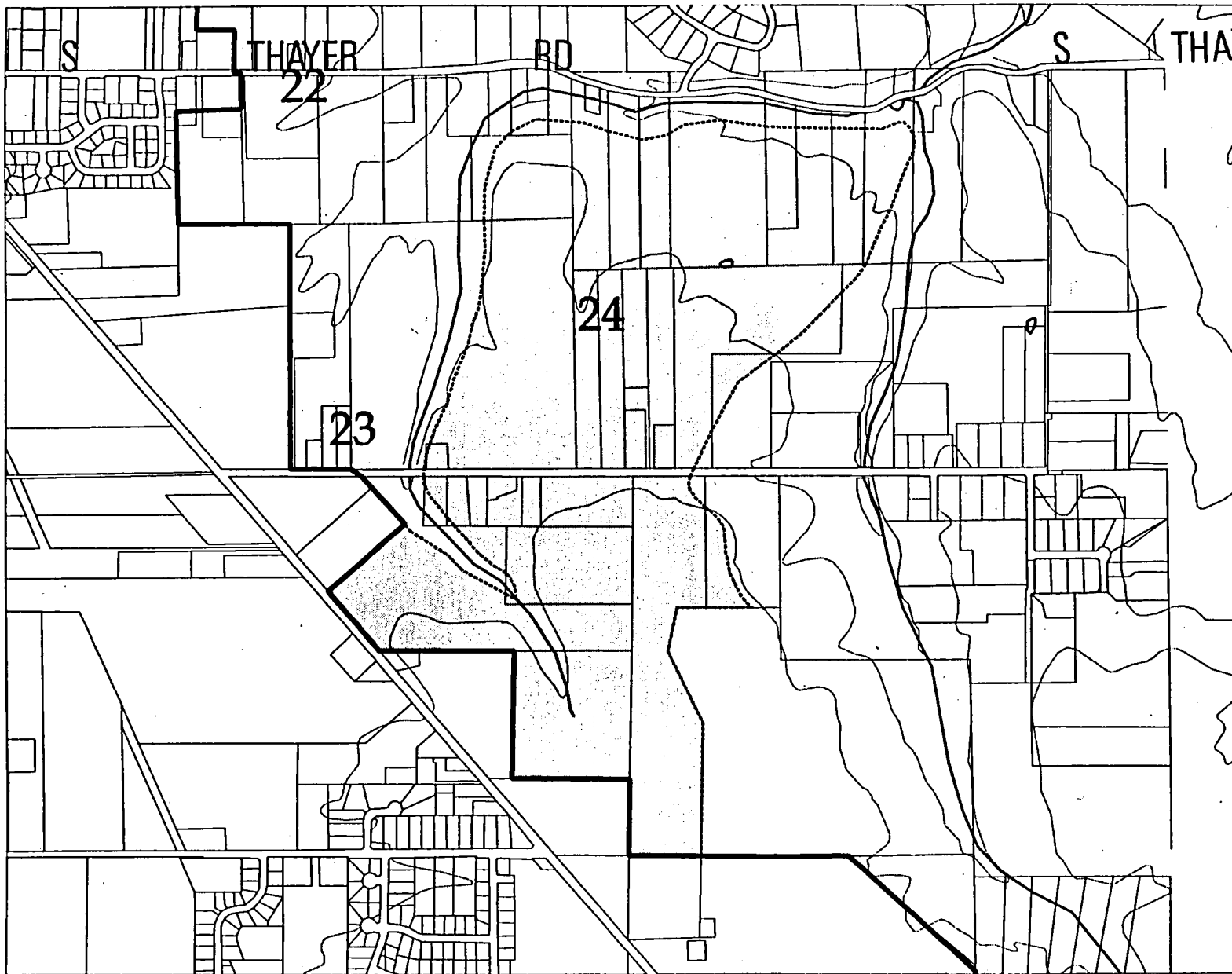
### MAP #23



600 NE Grand Ave  
Portland, OR 97232-2756  
(503) 797-1962



METRO







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## Urban Reserves Tax Lot Boundaries


Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

### MAP #24



600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1782



METRO

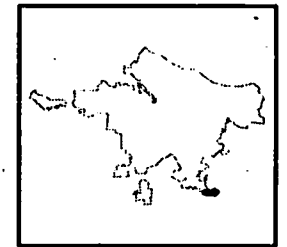


# Urban Reserves Tax Lot Boundaries

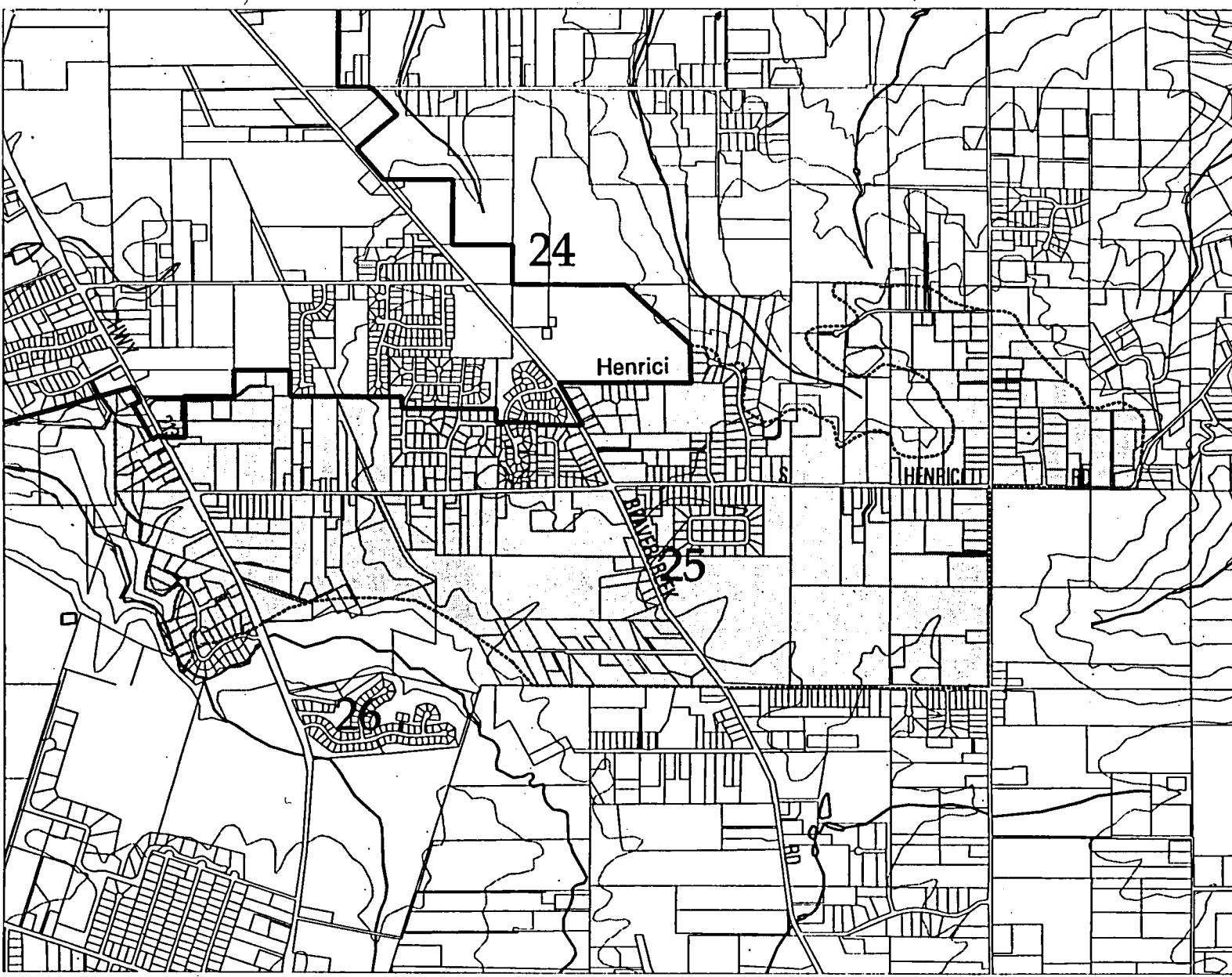
Staff Recommendation  
2-3-97

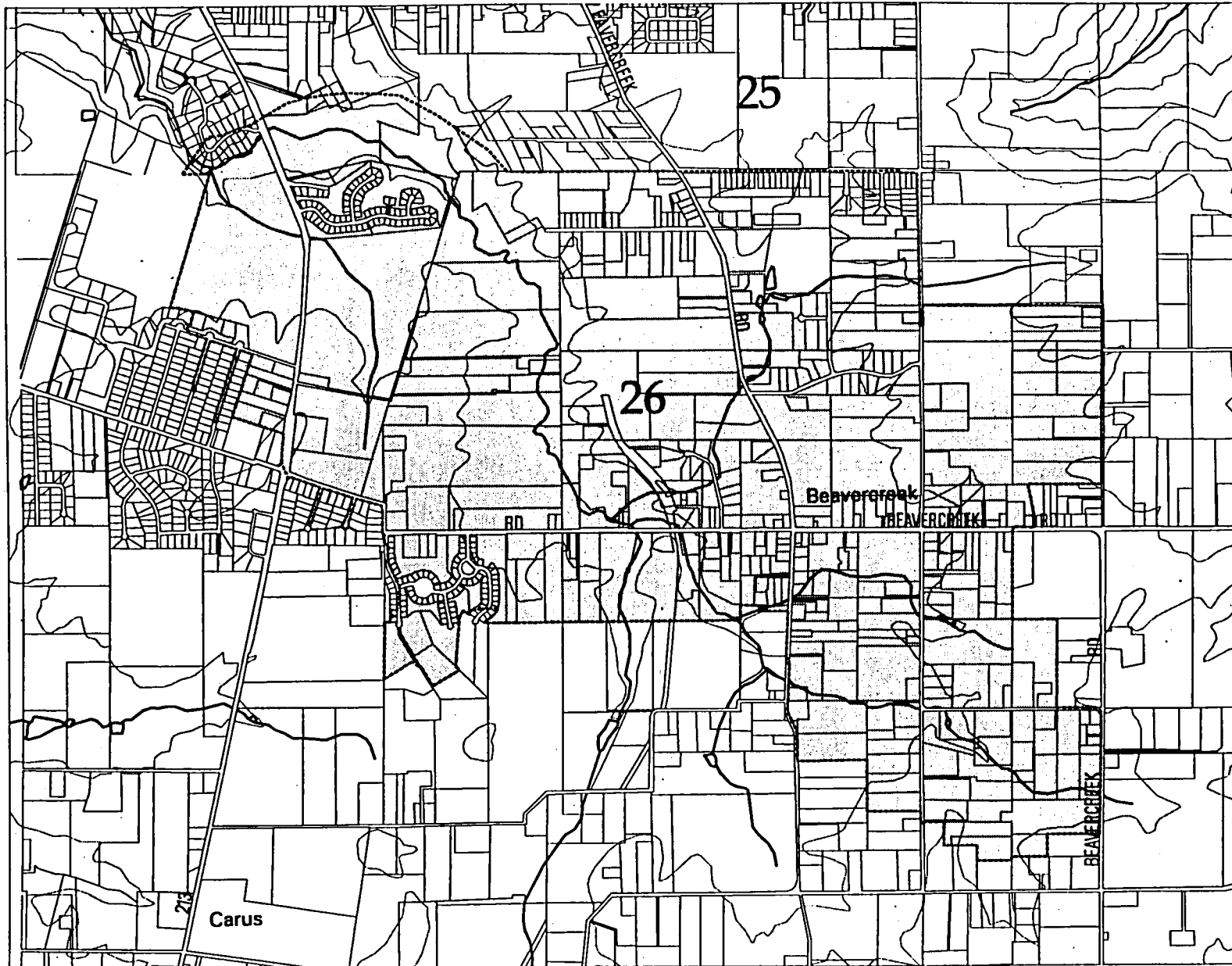
- ..... Designated Urban Reserves
- ▨ Resource Lands within Urban Reserves
- ~ Modified Urban Reserve Boundaries
- ∩ Urban Growth Boundary

## MAP #25



600 NE Grand Ave  
Portland, OR 97232-2756  
(503) 797-1242





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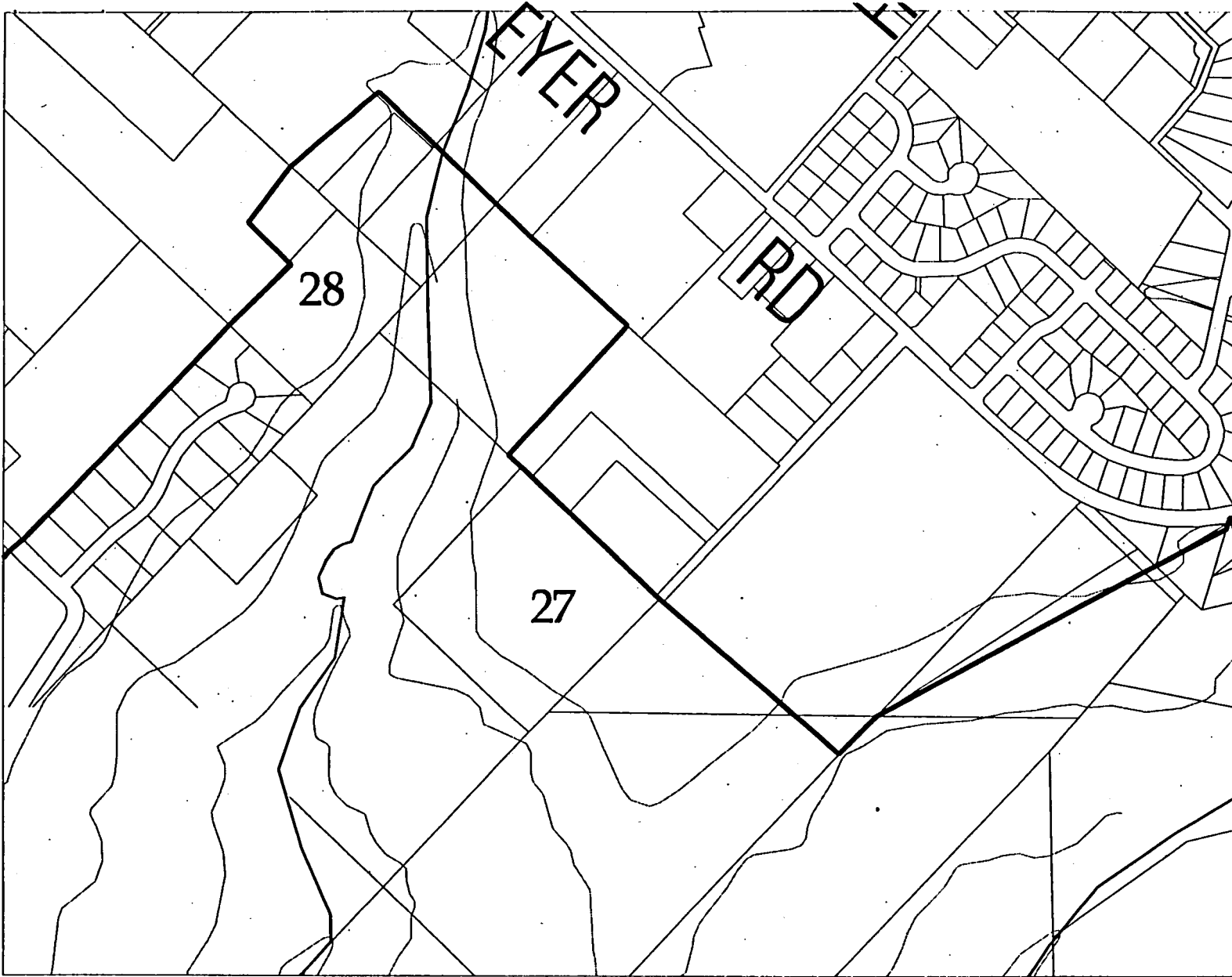
## Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

- Designated Urban Reserves
- Resource Lands within Urban Reserves
- Modified Urban Reserve Boundaries
- Urban Growth Boundary

### MAP #26

600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1212



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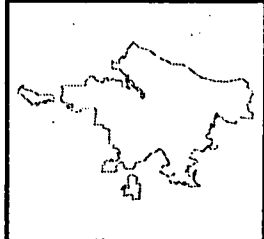
## Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97


Designated Urban Reserves

- ▨ Resource Lands within Urban Reserves
- ~ Modified Urban Reserve Boundaries
- ~ Urban Growth Boundary

### MAP #27



600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 787-1242







METRO

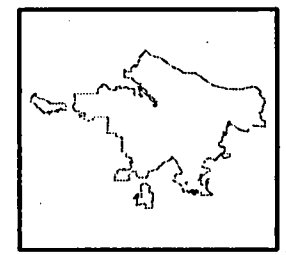


# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

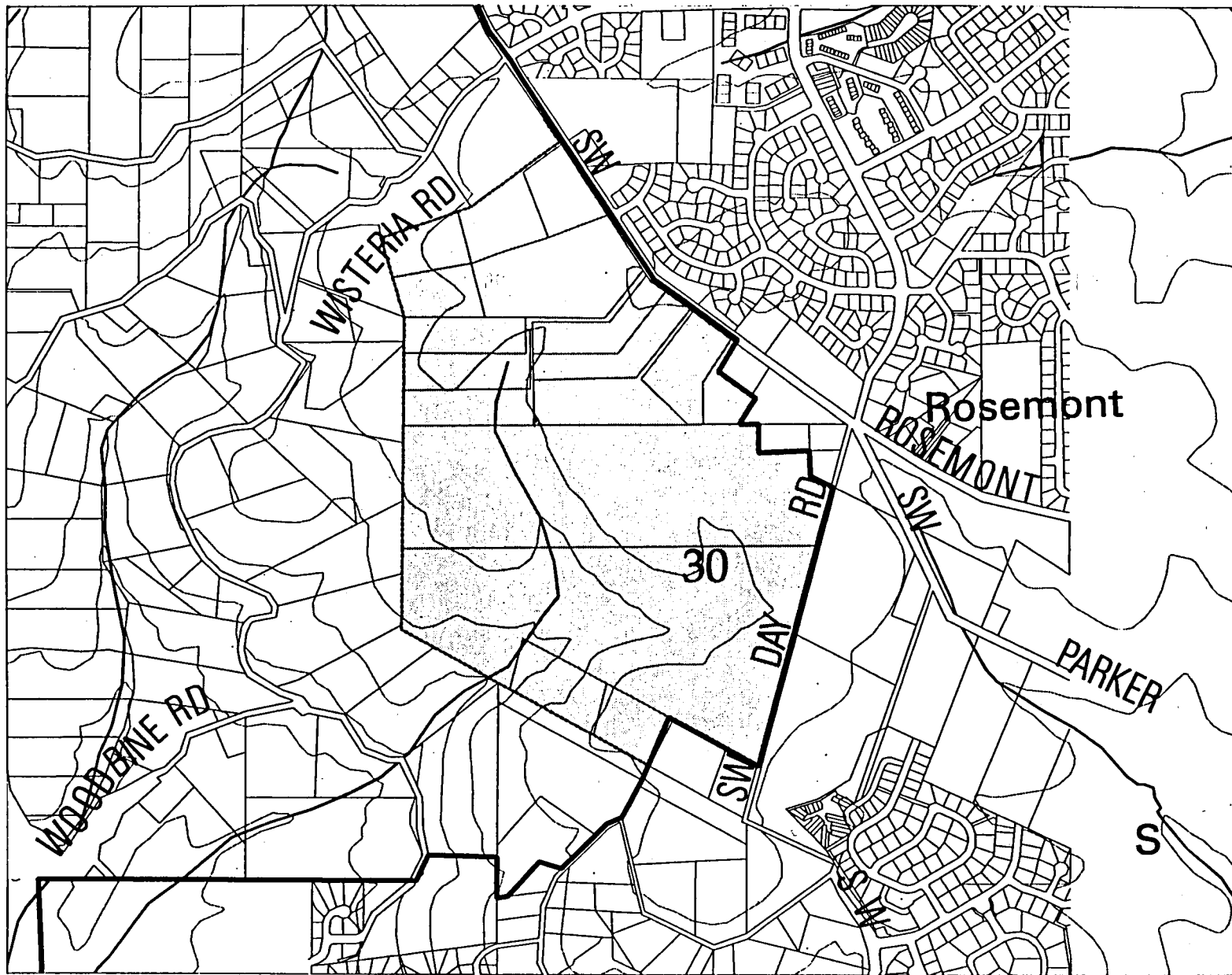
MAP #28



600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1212









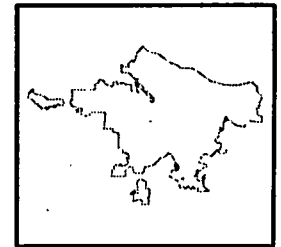


# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

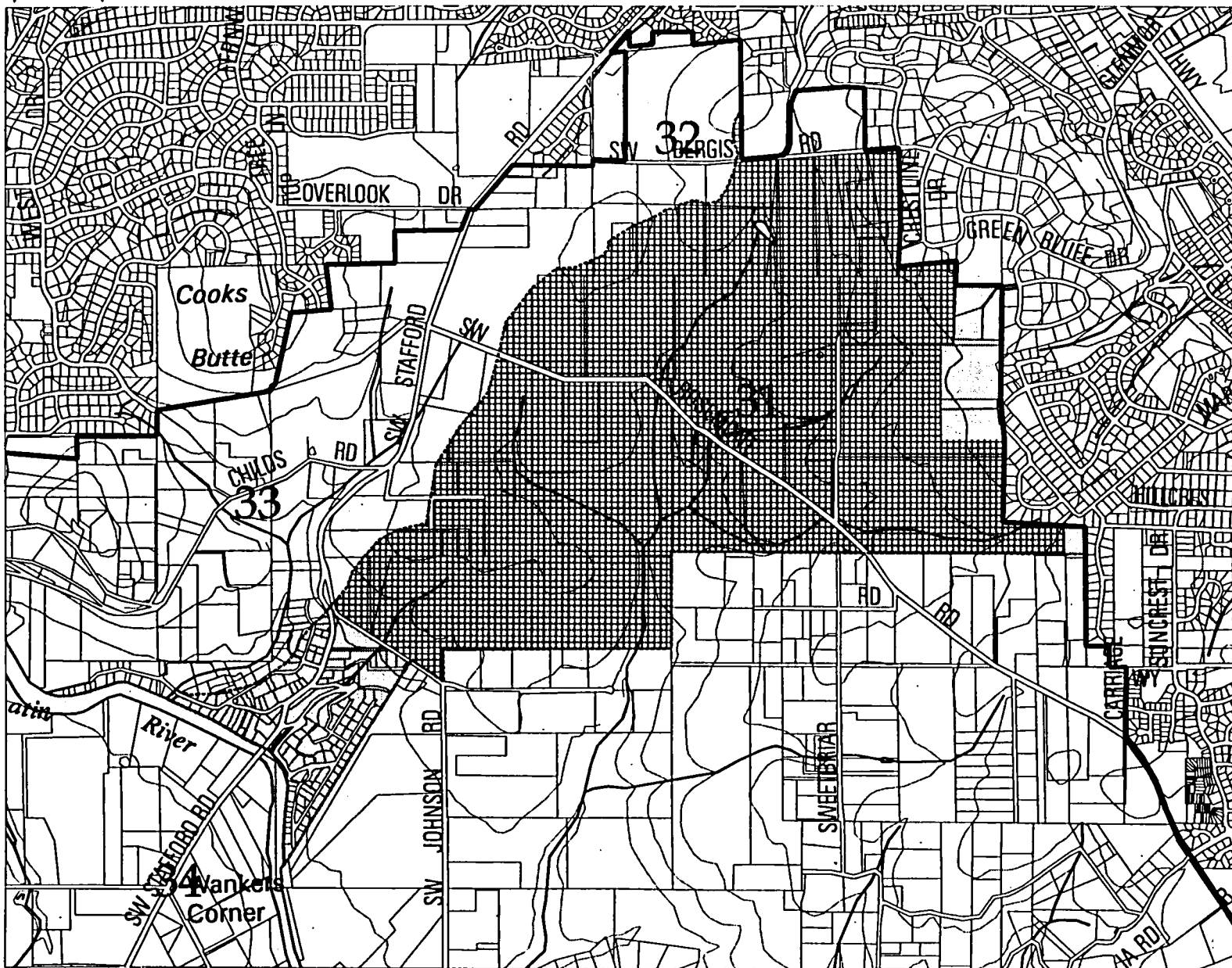
-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

MAP #30



600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1742





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## Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97




- ▬ Designated Urban Reserves
- ▨ Resource Lands within Urban Reserves
- ~ Modified Urban Reserve Boundaries
- ~ Urban Growth Boundary

### MAP #31

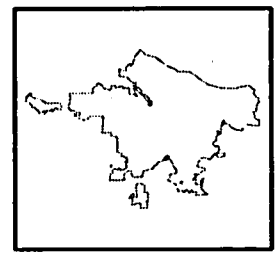
600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1742

# Urban Reserves Tax Lot Boundaries

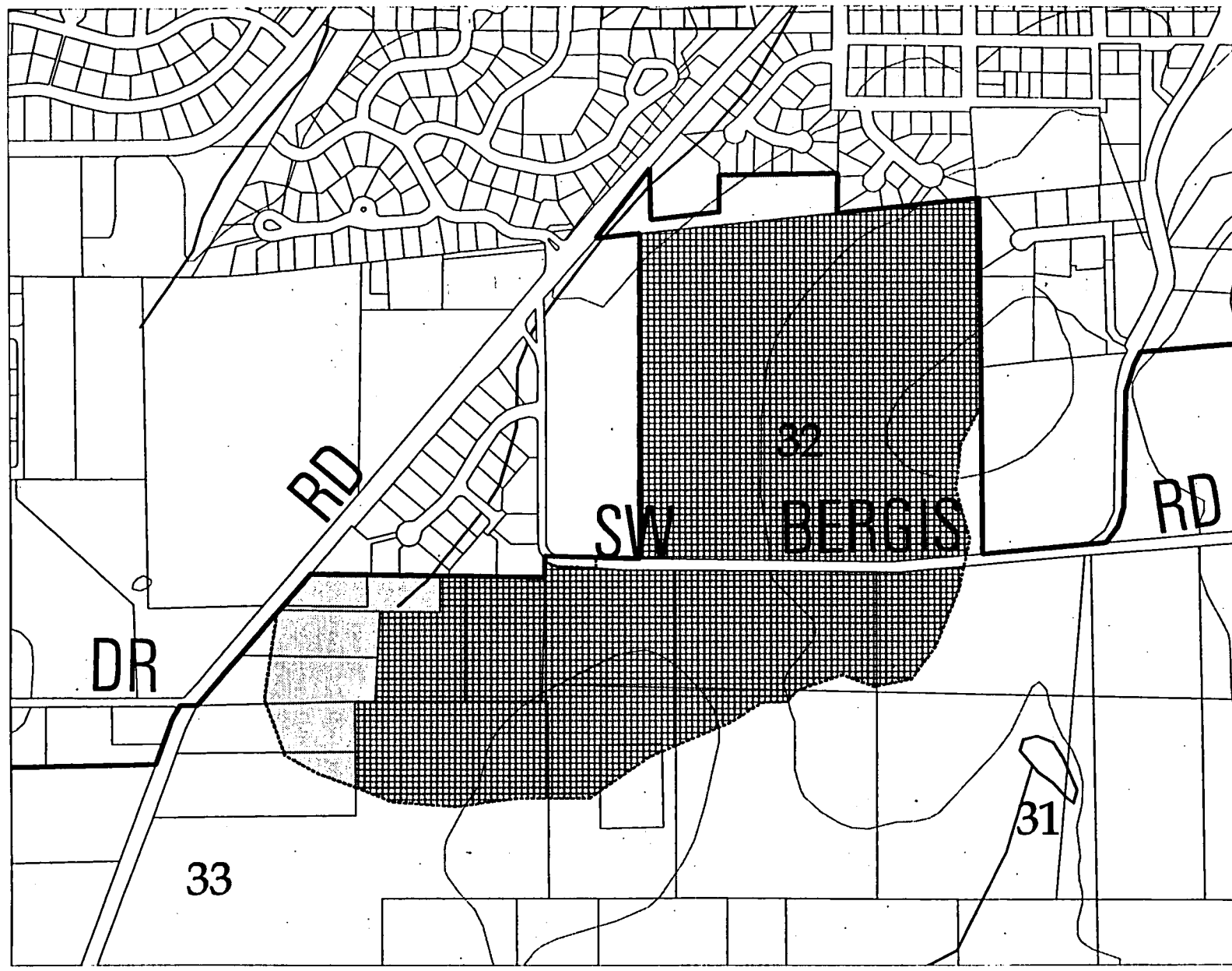
Staff Recommendation  
2-3-97

- Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

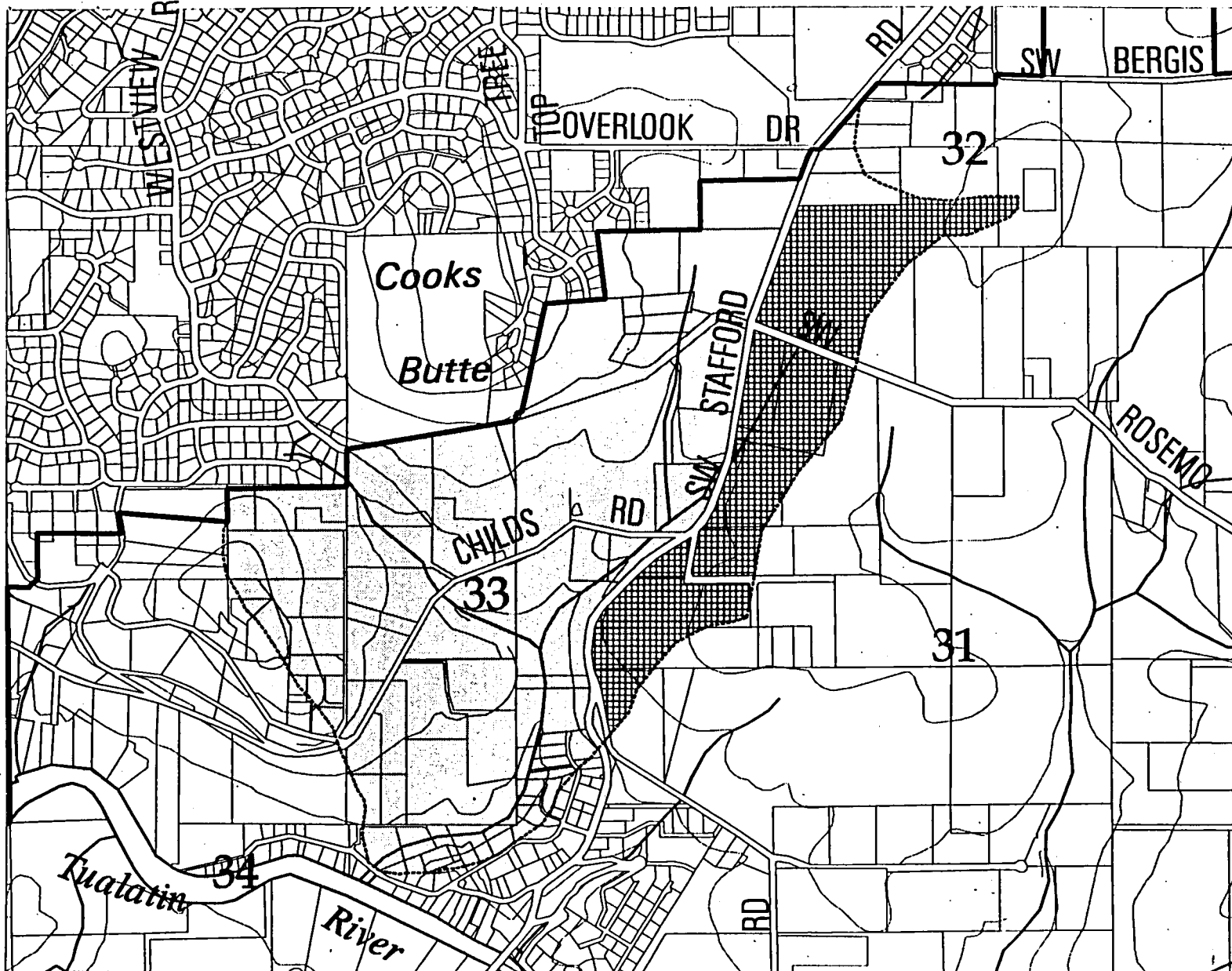
## MAP #32



600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1962











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## Urban Reserves Tax Lot Boundaries


Staff Recommendation  
2-3-97

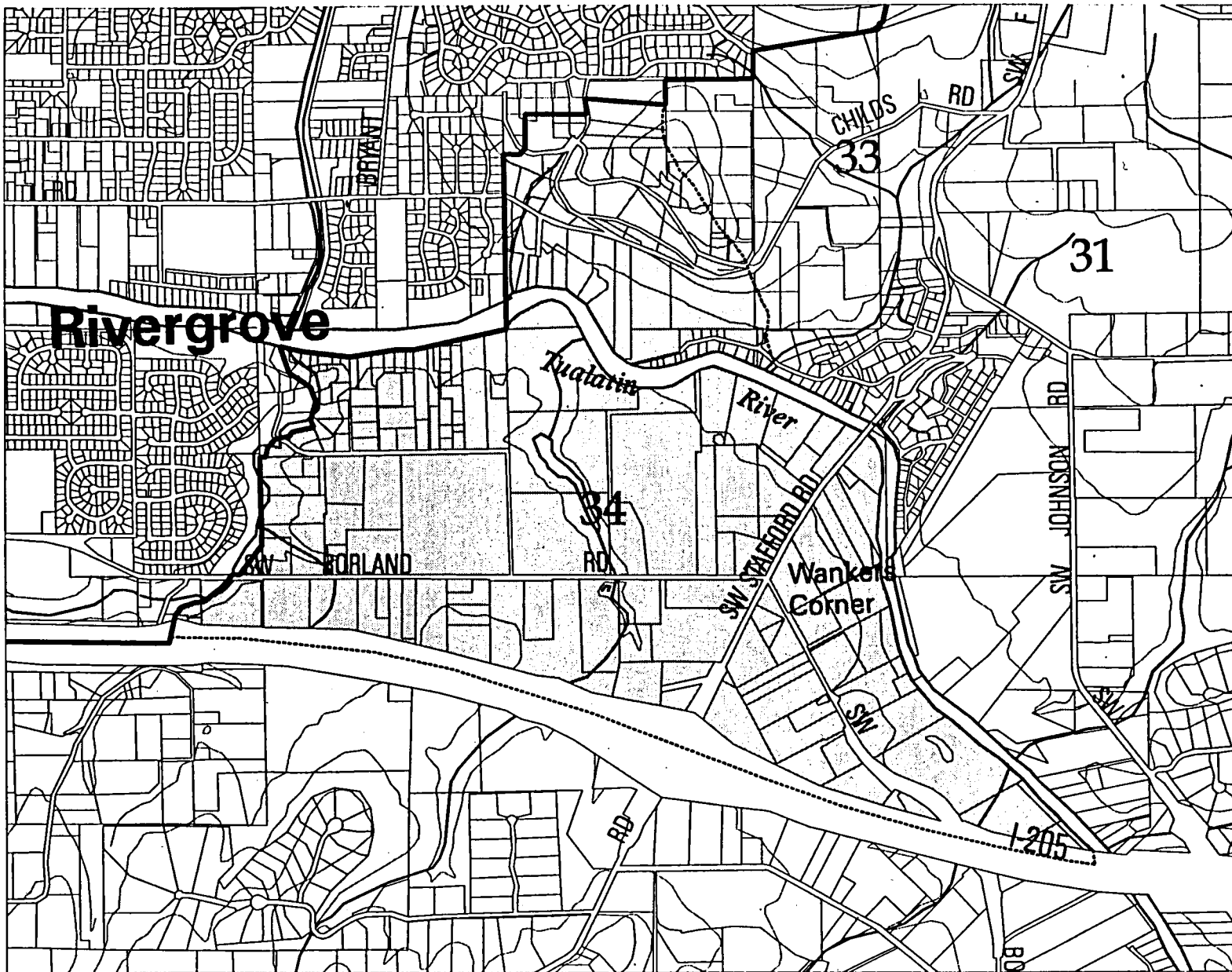
-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

### MAP #33



600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1762





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## Urban Reserves Tax Lot Boundaries

Staff Recommendation  
 2-3-97

- ▨ Designated Urban Reserves
- ▨ Resource Lands within Urban Reserves
- ~ Modified Urban Reserve Boundaries
- ~ Urban Growth Boundary





### MAP #34

600 NB Grand Ave  
 Portland, OR 97232-2756  
 (503) 797-1942

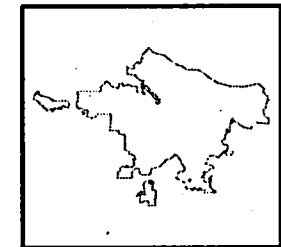
**METRO**

# Urban Reserves Tax Lot Boundaries

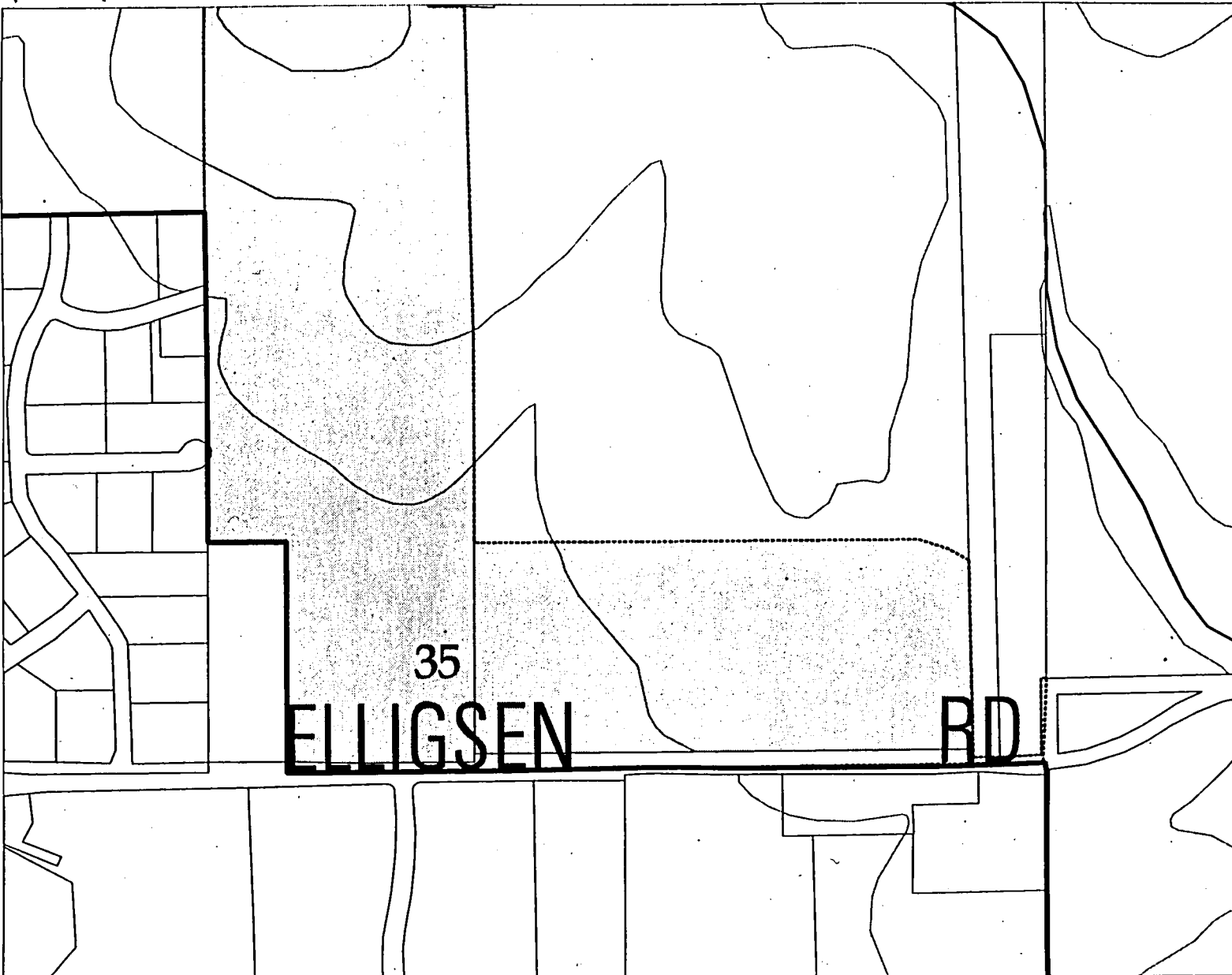
Staff Recommendation  
2-3-97

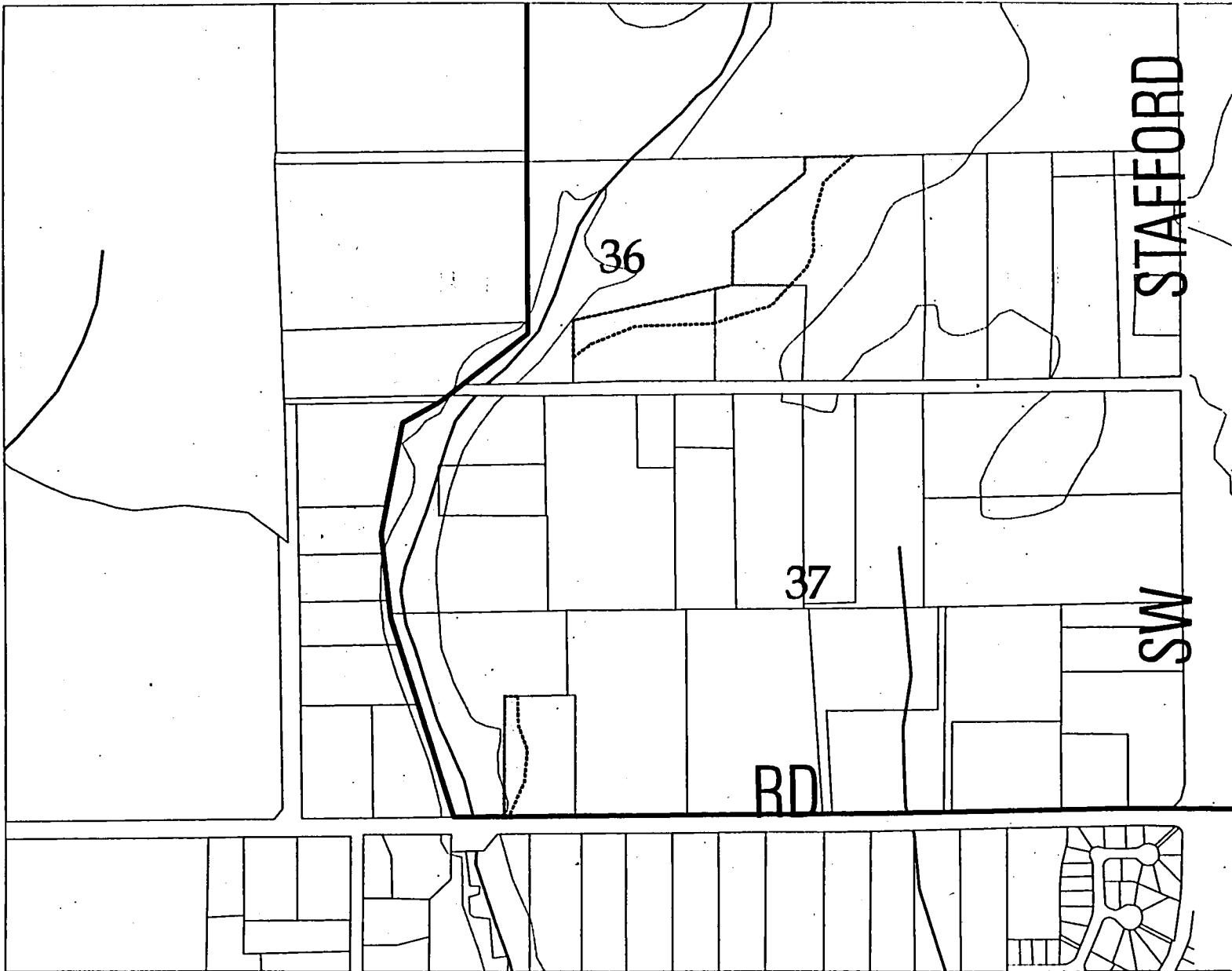
-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #35



600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1242








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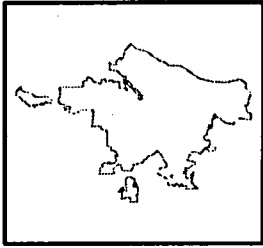
## Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97


Designated Urban Reserves

-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

### MAP #36



600 NE Grand Ave  
Portland, OR 97132-2736  
(503) 797-1742





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## Urban Reserves Tax Lot Boundaries

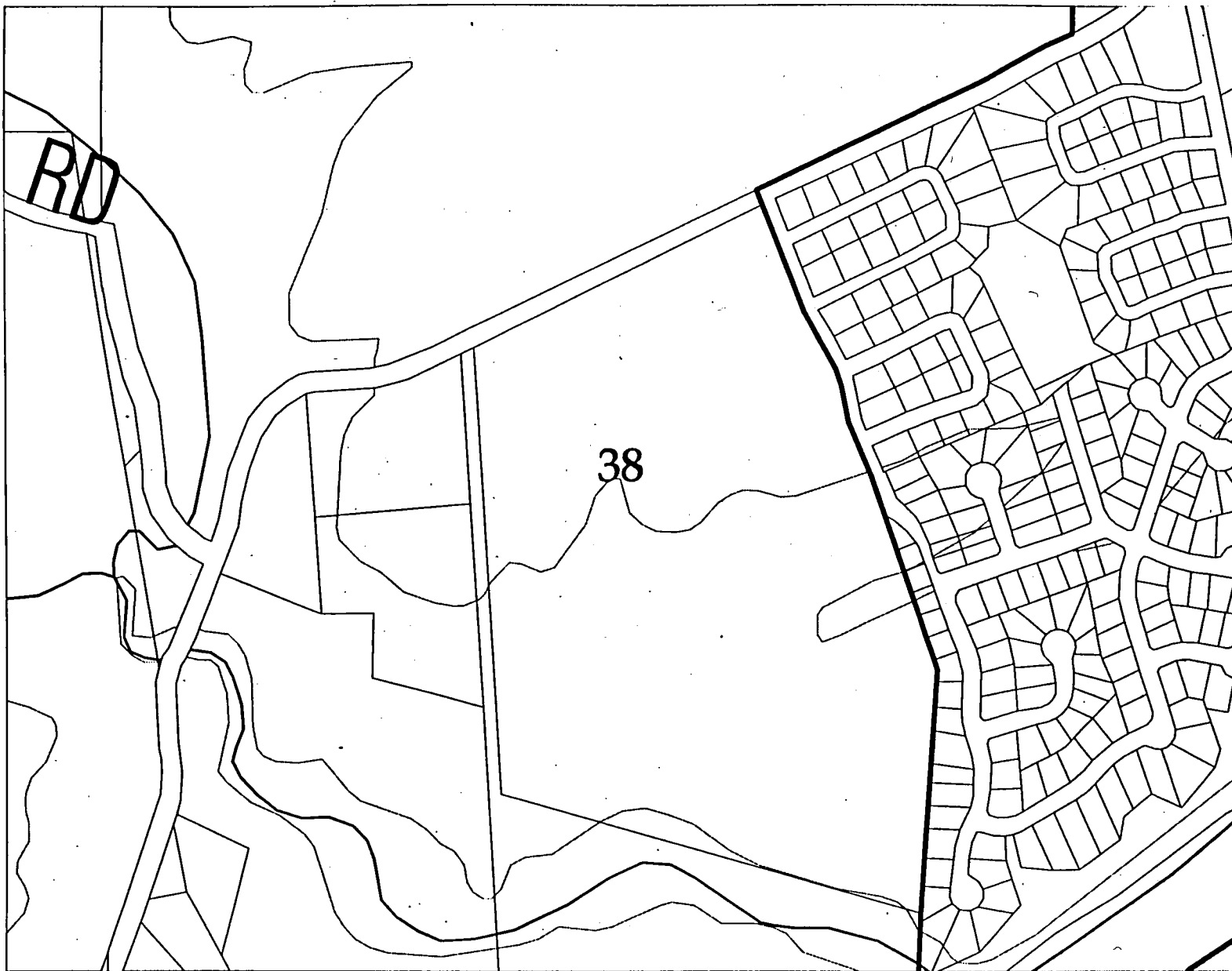
Staff Recommendation  
2-3-97

- ▣ Designated Urban Reserves
- ▨ Resource Lands within Urban Reserve
- ~ Modified Urban Reserve Boundaries
- ~ Urban Growth Boundary

### MAP #37





600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1742

METRO

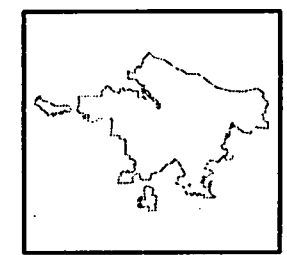


# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #38



600 NE Grand Ave  
Portland, OR 97132-2736  
(503) 797-1242

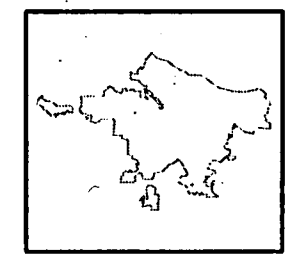


# Urban Reserves Tax Lot Boundaries

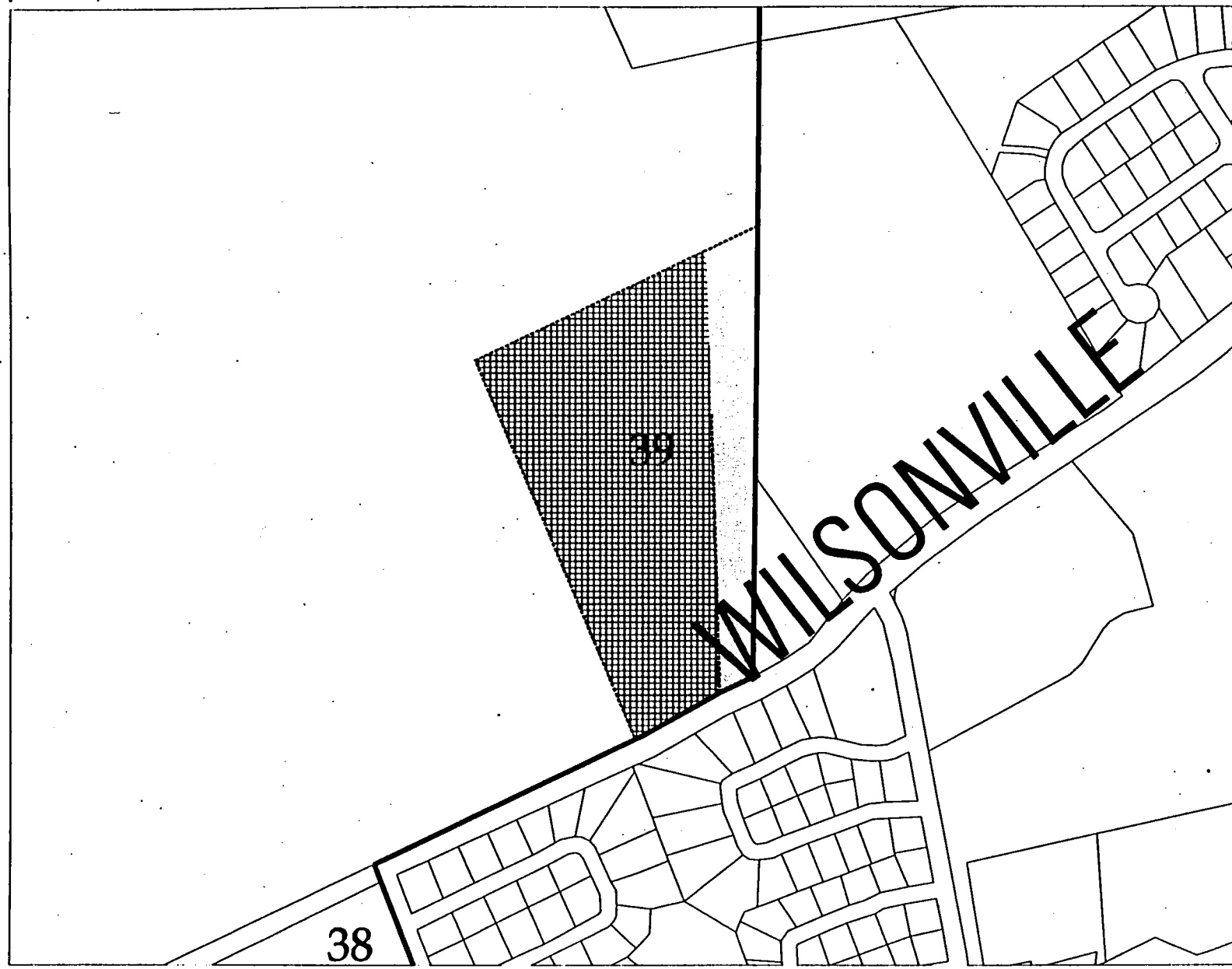
Staff Recommendation  
2-3-97

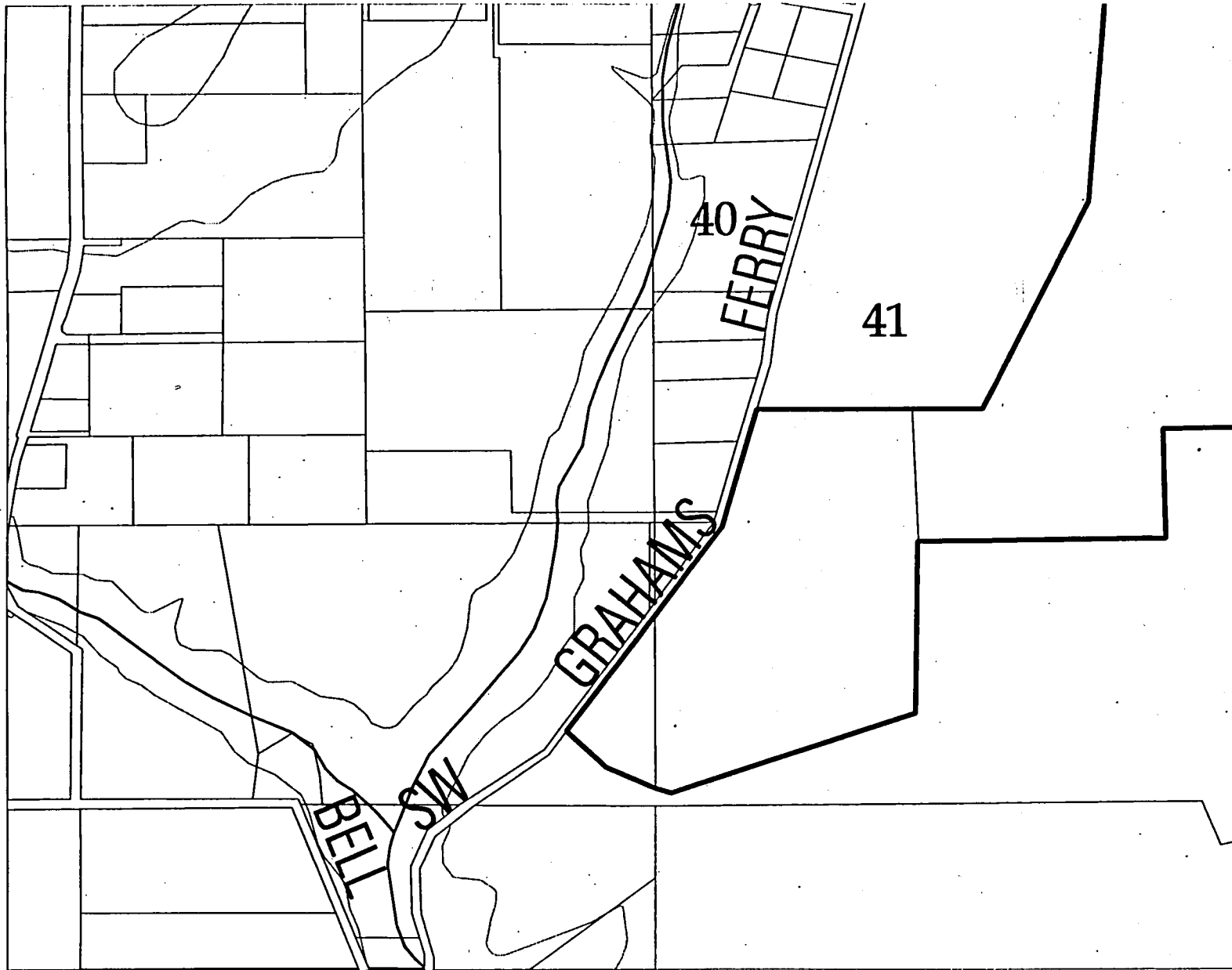
- Designated Urban Reserves
- ▨ Resource Lands within Urban Reserves
- ~ Modified Urban Reserve Boundaries
- ~ Urban Growth Boundary

## MAP #39



600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1212








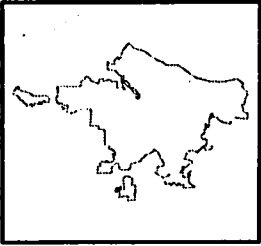
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## Urban Reserves Tax Lot Boundaries


Staff Recommendation  
 2-3-97

- Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

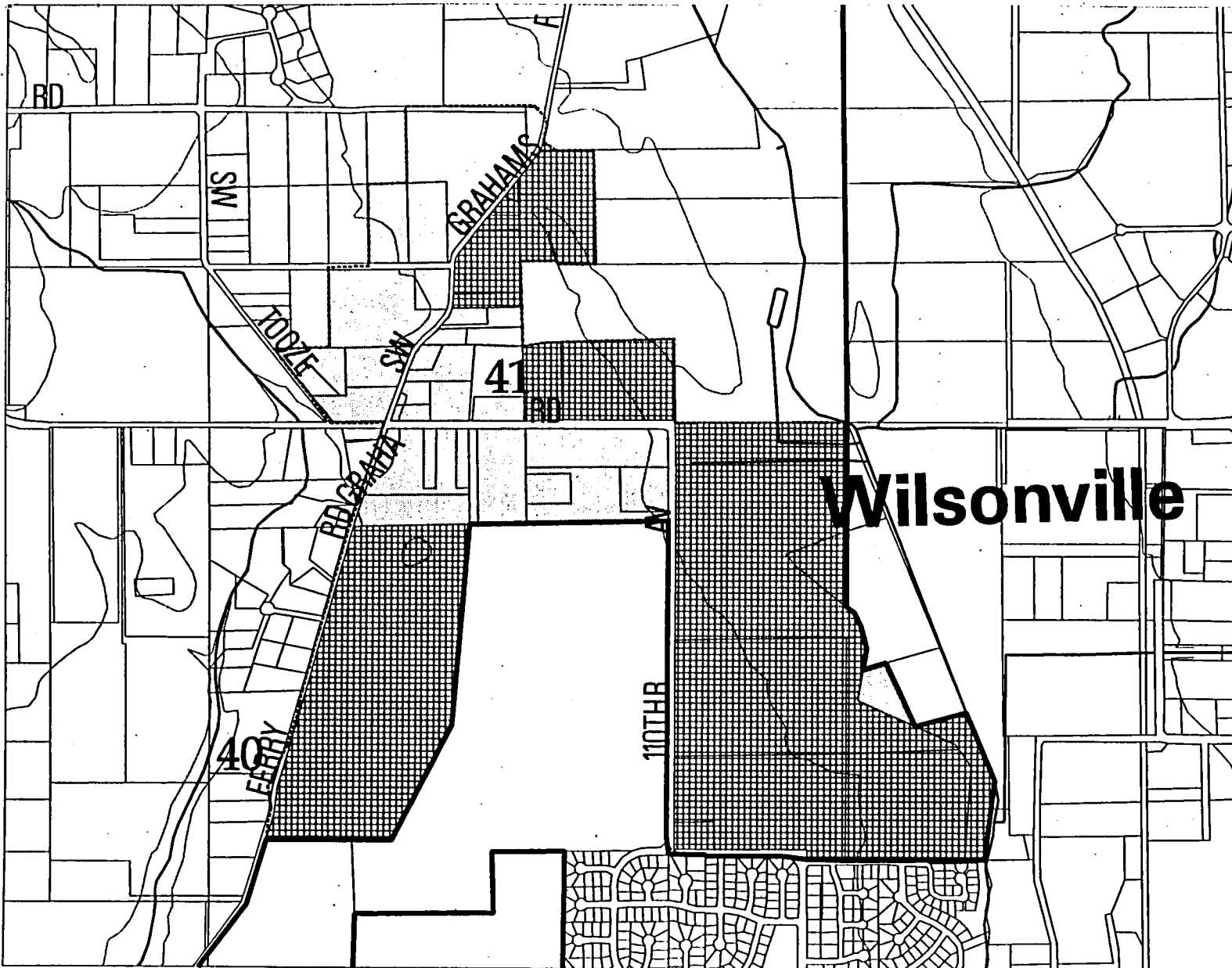
### MAP #40



600 NE Grand Ave  
 Portland, OR 97132-2756  
 (503) 797-1762










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## Urban Reserves Tax Lot Boundaries

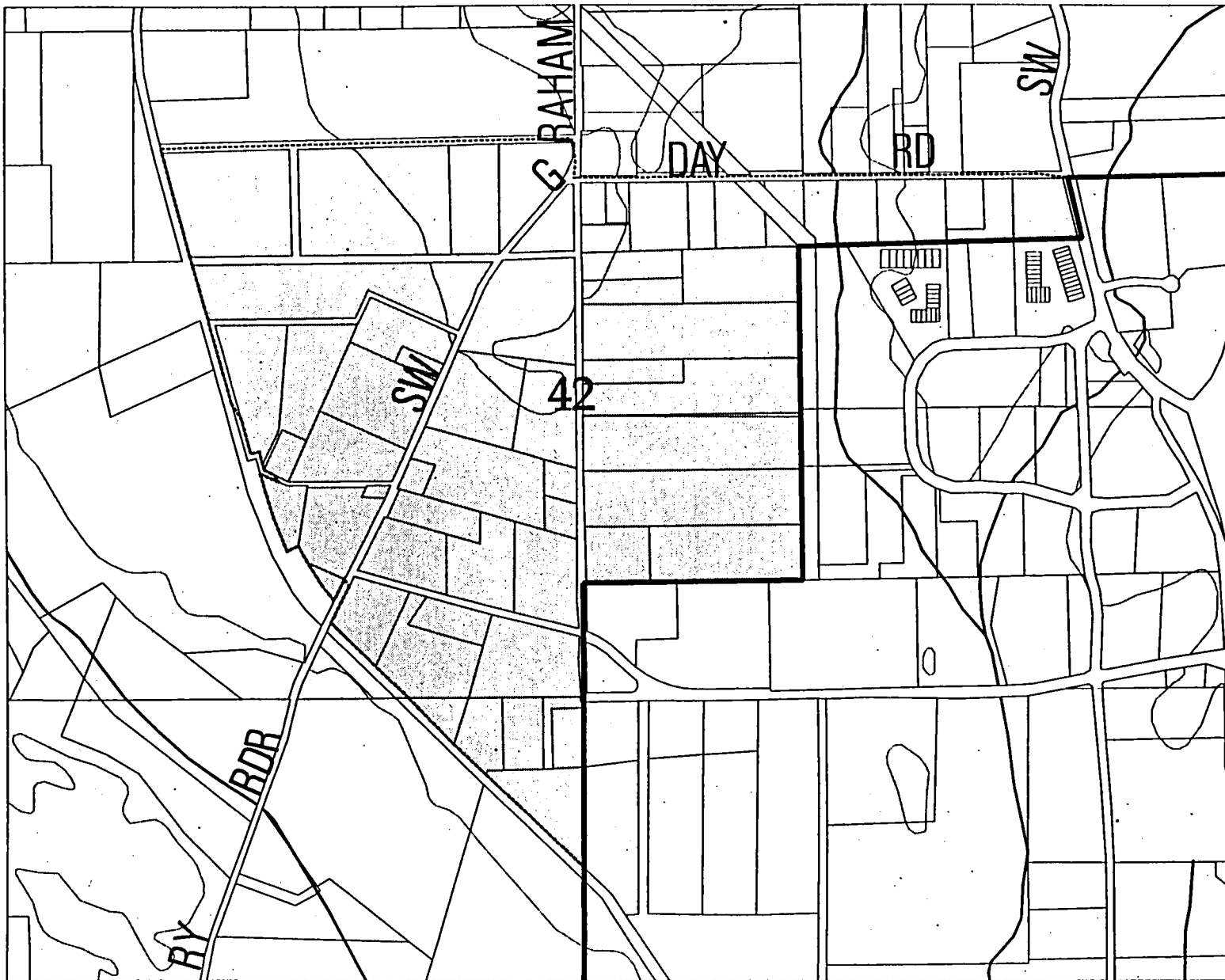
Staff Recommendation  
2-3-97

- Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

### MAP #41





600 NE Grand Ave  
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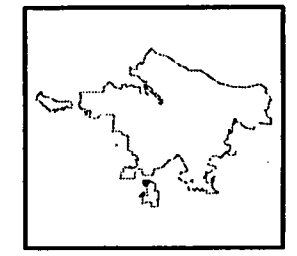


# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

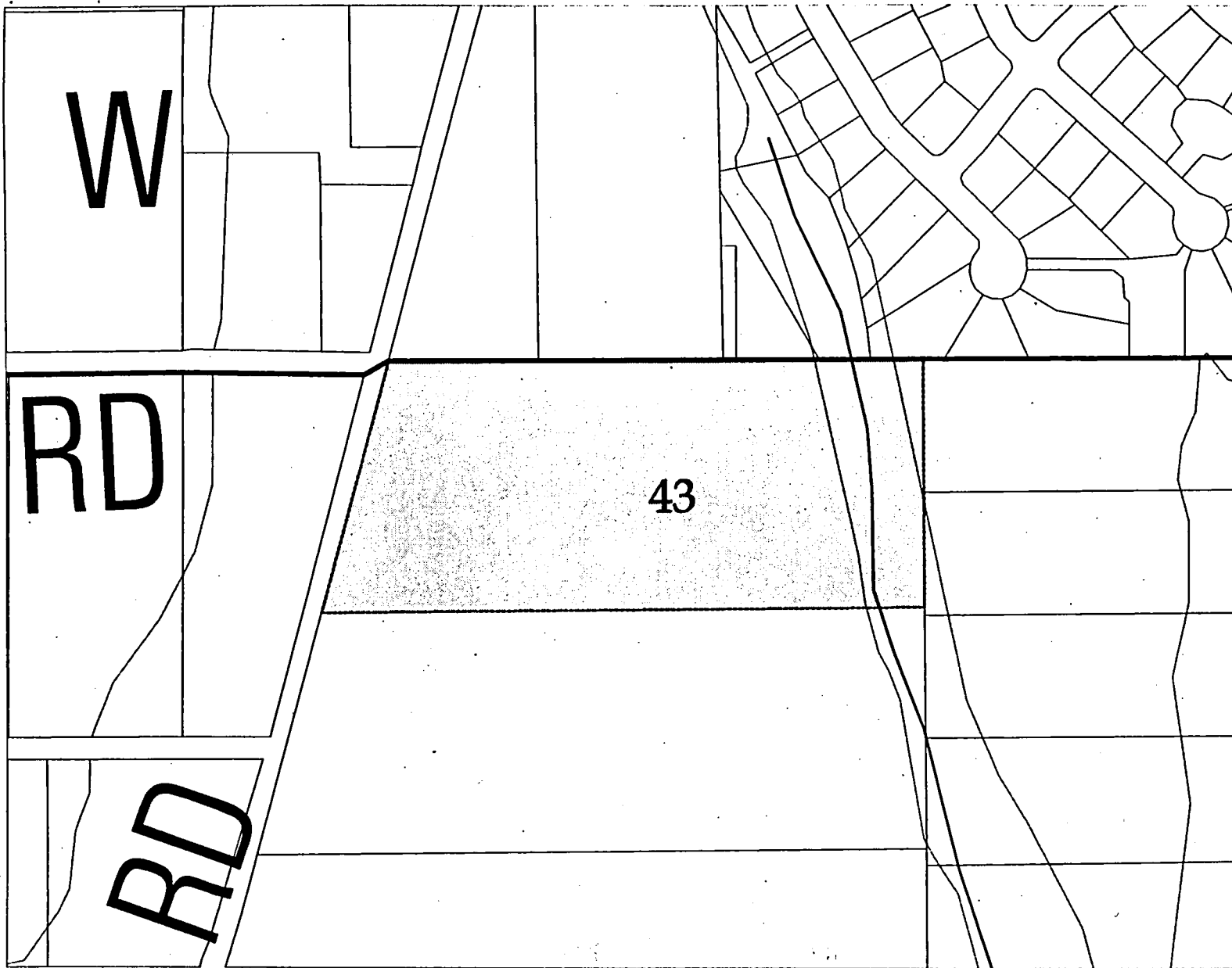
-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #42







600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1282



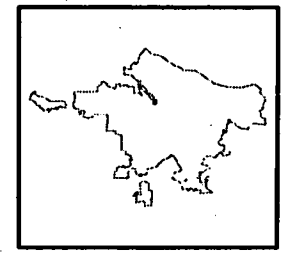


# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

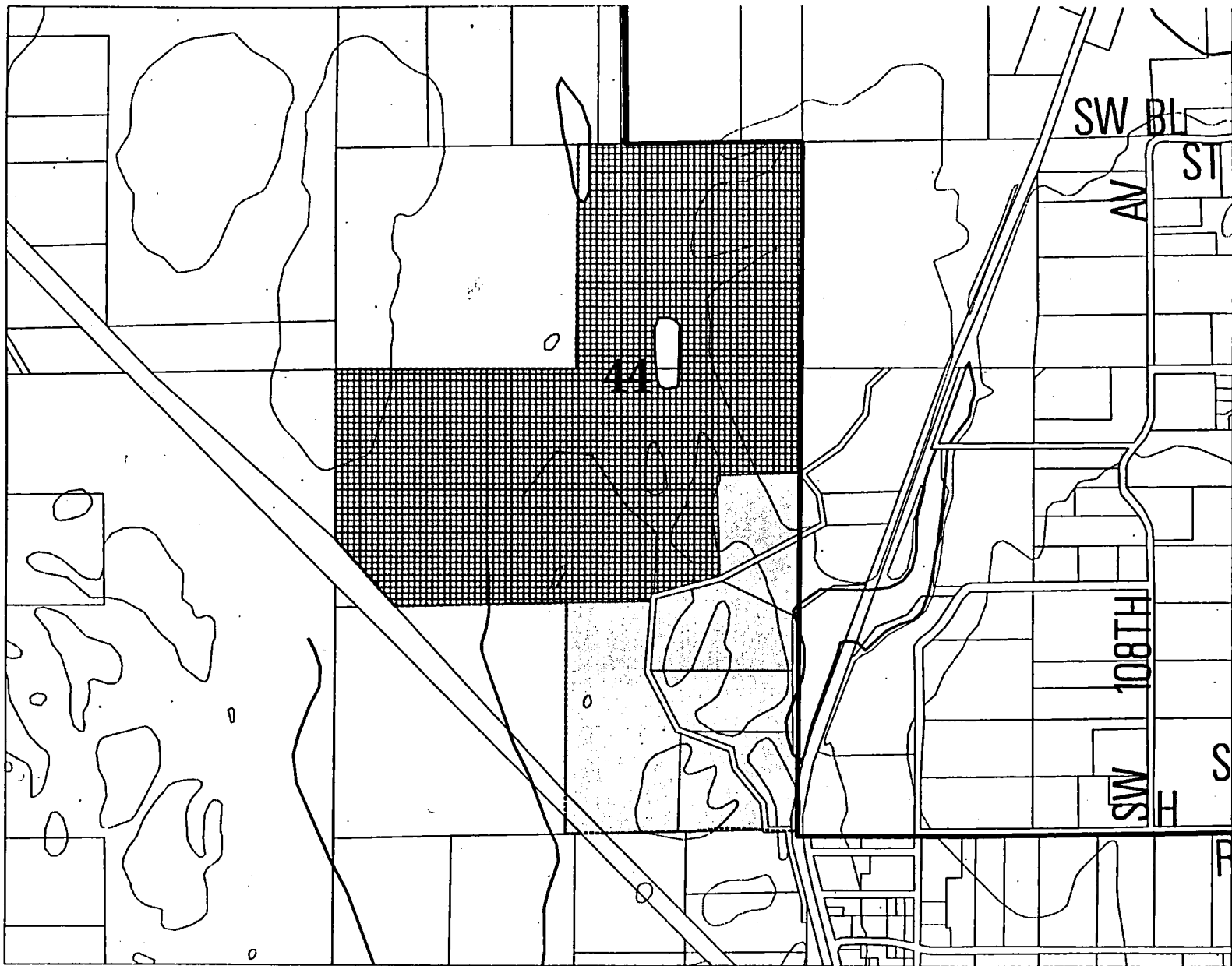
-  Designated Urban Reserves
-  Resource Lands within Urban Reserve
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #43







600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1742



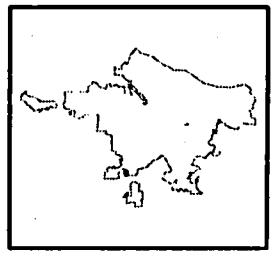


# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #44



600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1242

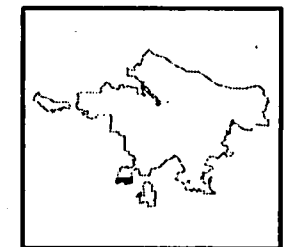


# Urban Reserves Tax Lot Boundaries

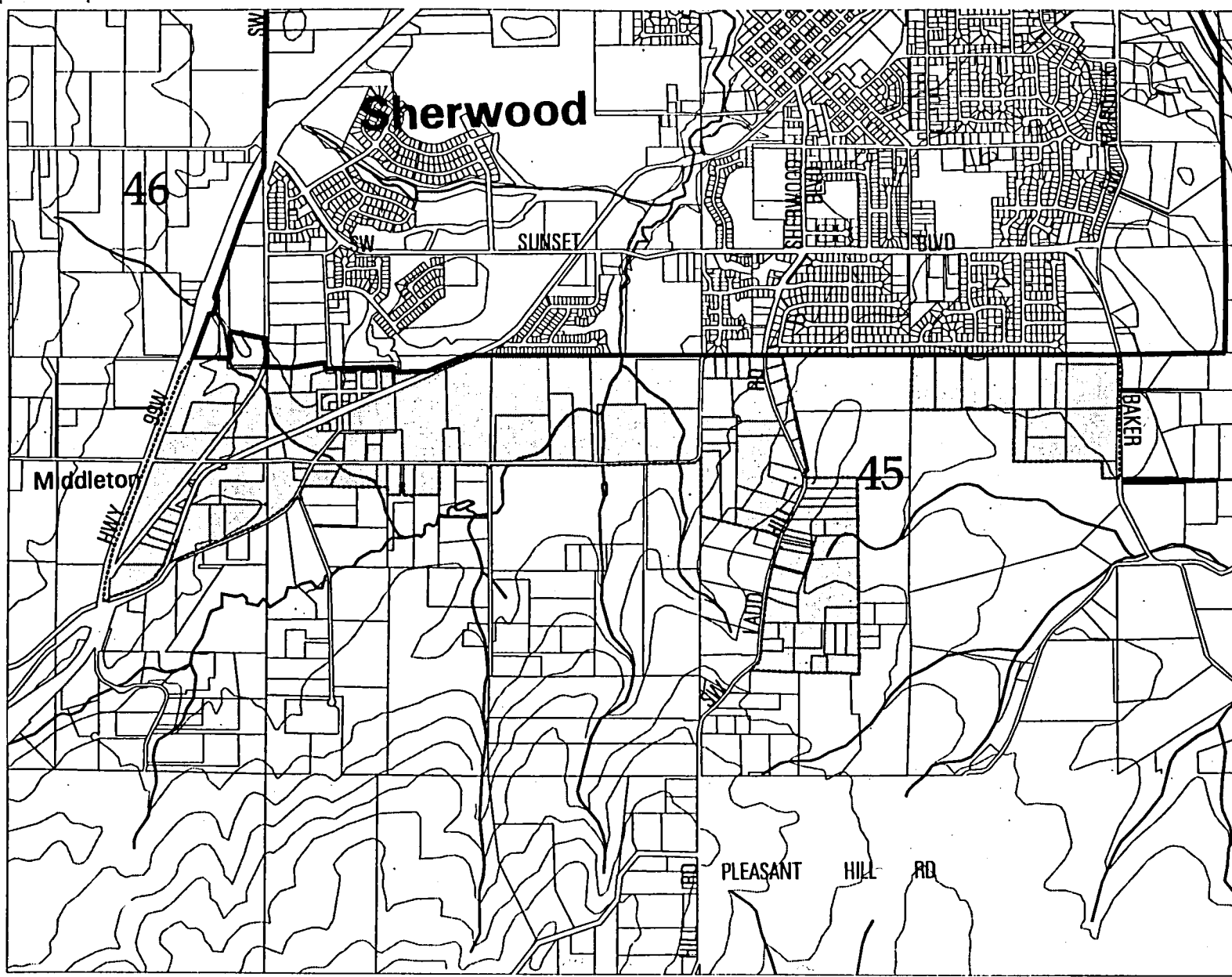
Staff Recommendation  
2-3-97

- ▨ Designated Urban Reserves
- ▨ Resource Lands within Urban Reserves
- ~ Modified Urban Reserve Boundaries
- ~ Urban Growth Boundary

## MAP #45






600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1742

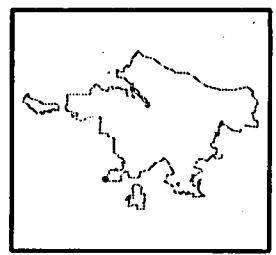


# Urban Reserves Tax Lot Boundaries

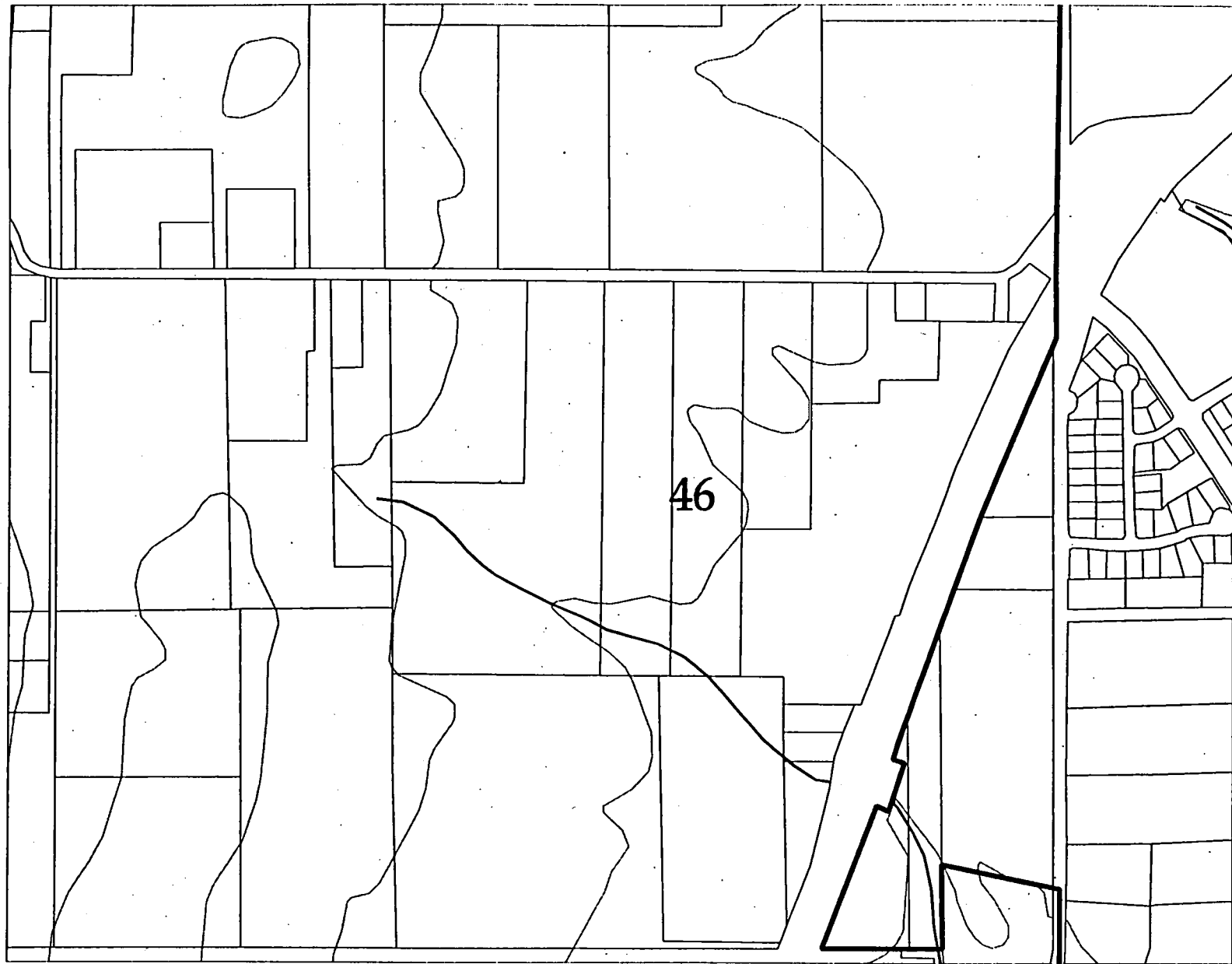
Staff Recommendation  
2-3-97

- Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #46



600 NE Grand Ave  
 Portland, OR 97232-2736  
 (503) 797-3242



# King City

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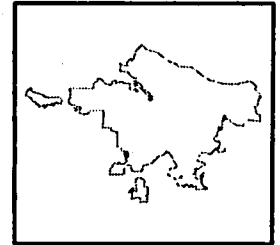
Regional Land  
Information System

## Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

- Designated Urban Reserves
- Resource Lands within Urban Reserves
- Modified Urban Reserve Boundaries
- Urban Growth Boundary

MAP #47







600 NB Grand Ave  
Portland, OR 97232-2736  
(503) 797-1242



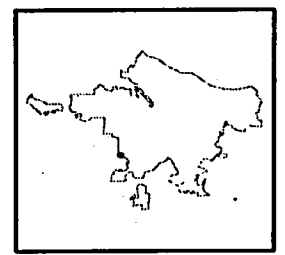
METRO

# Urban Reserves Tax Lot Boundaries

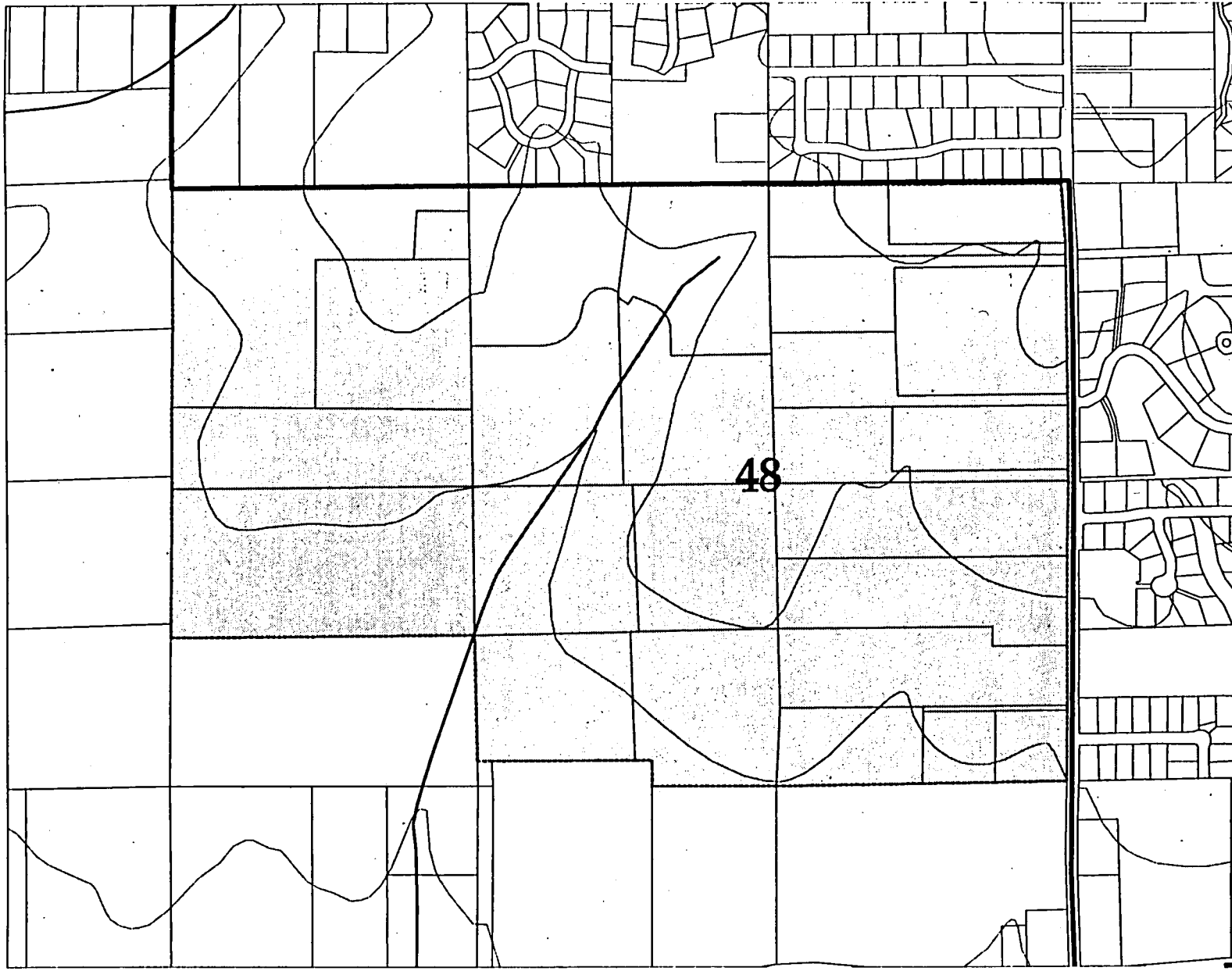
Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

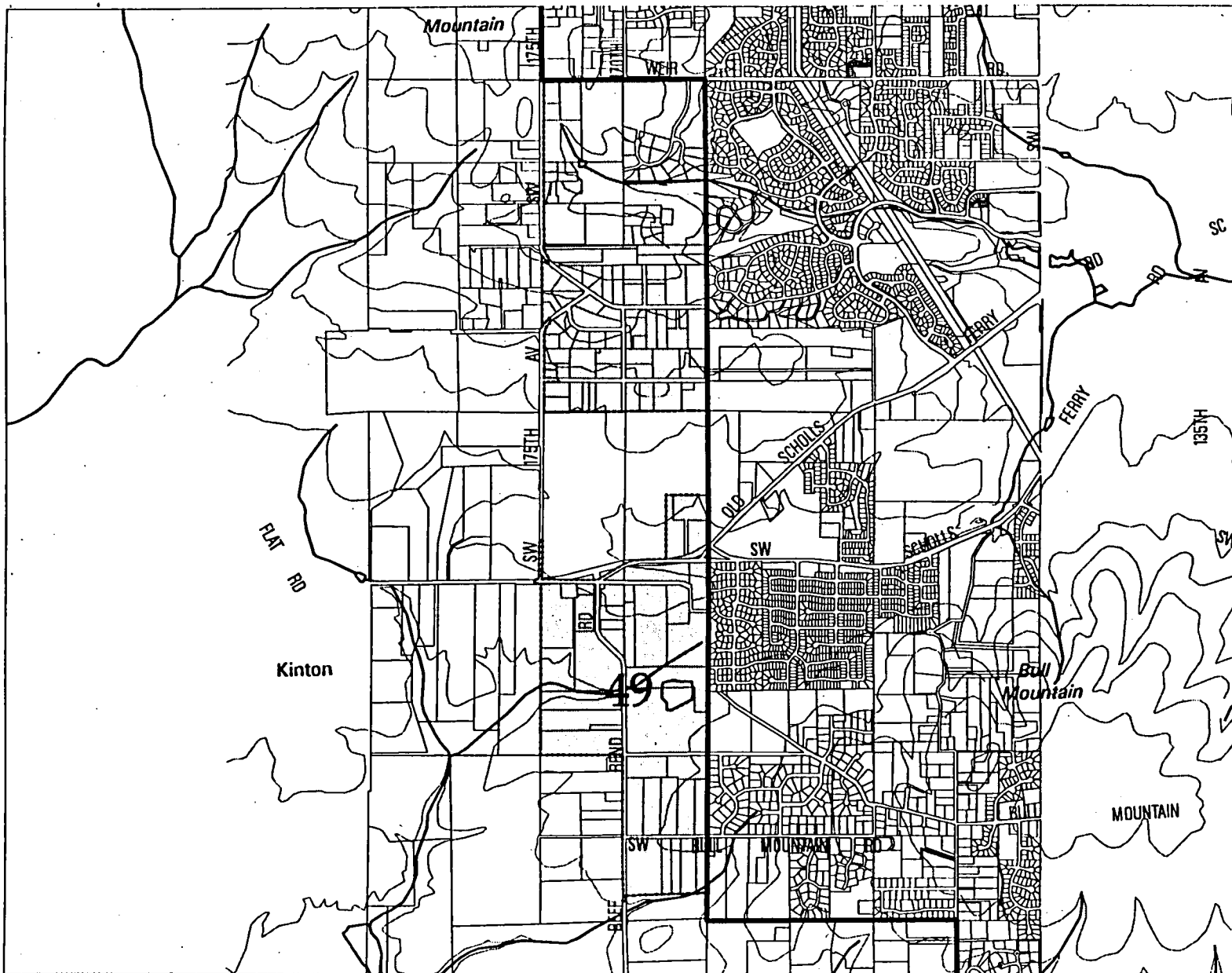
## MAP #48



600 NE Grand Ave  
 Portland, OR 97232-2756  
 (503) 797-1242







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## Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

- Designated Urban Reserves
- Resource Lands within Urban Reserves
- Modified Urban Reserve Boundaries
- Urban Growth Boundary





### MAP #49

600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1742

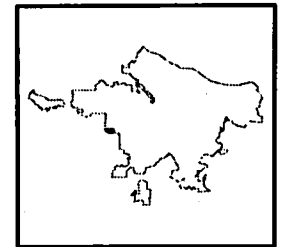
**METRO**

# Urban Reserves Tax Lot Boundaries

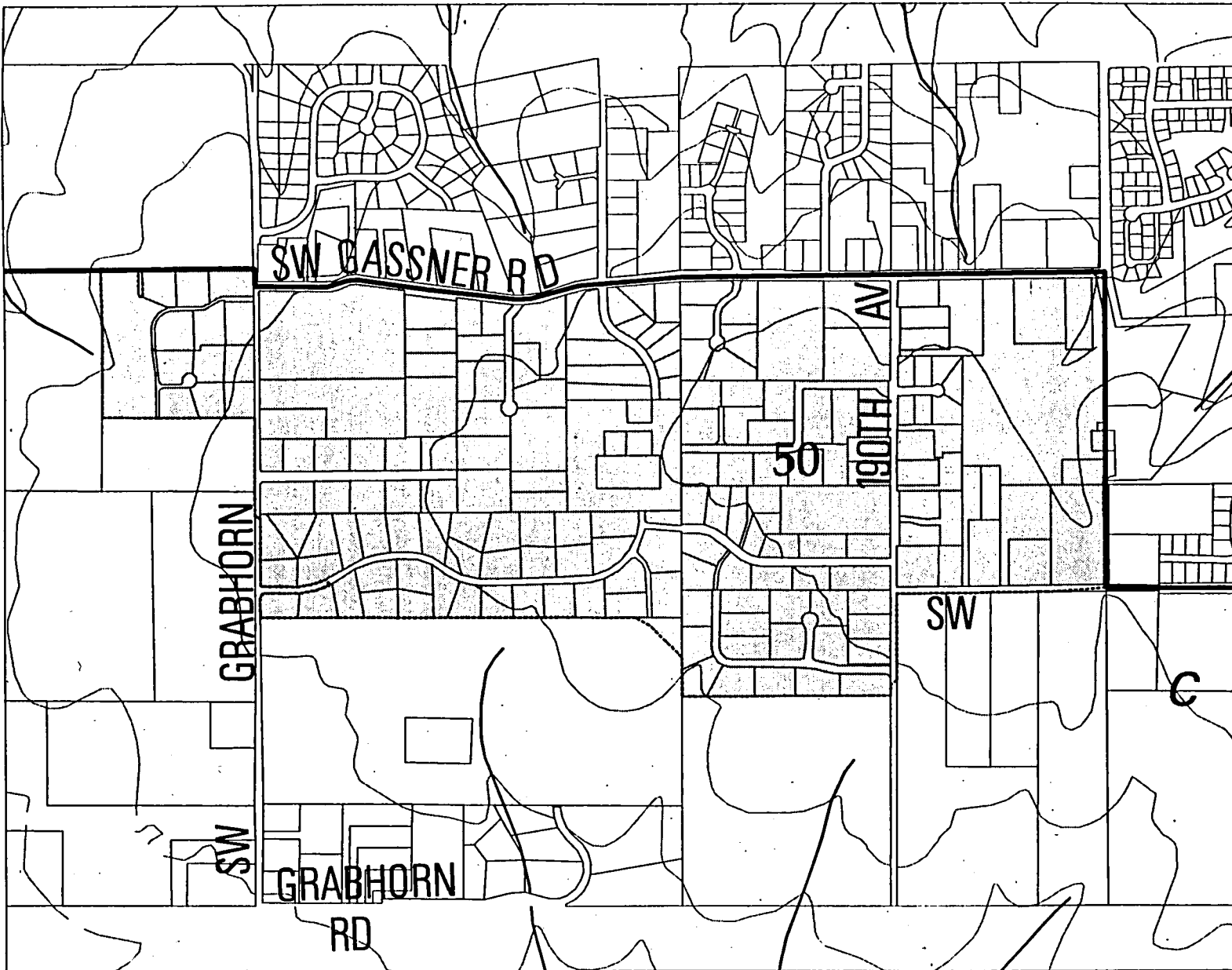
Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #50







600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1742

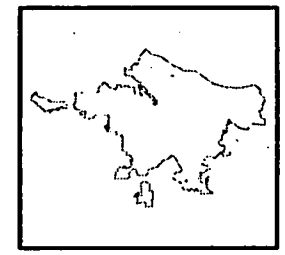


# Urban Reserves Tax Lot Boundaries

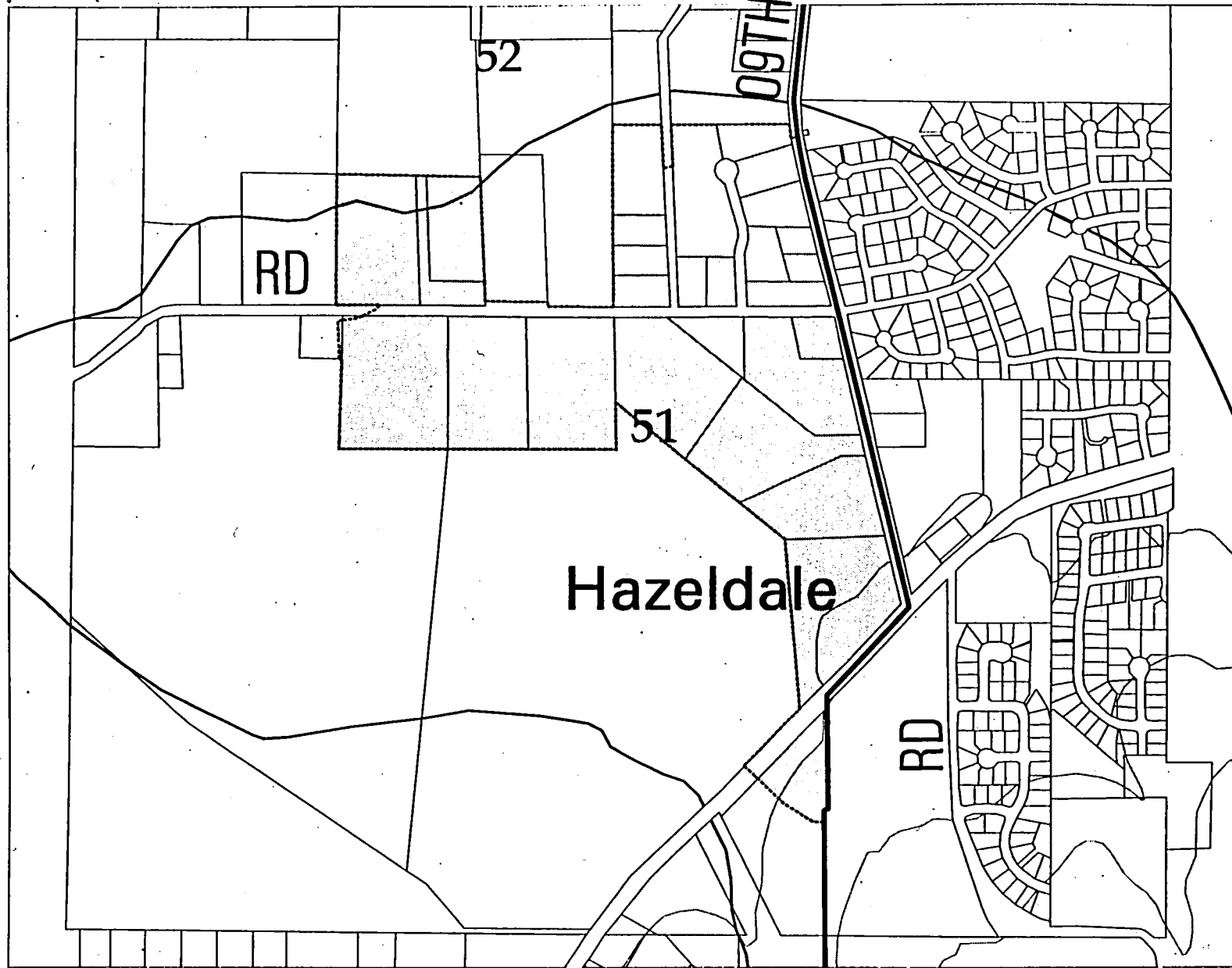
Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #51







600 NB Grand Ave  
Portland, OR 97232-2736  
(503) 797-1282

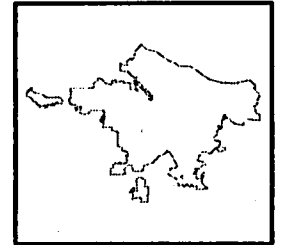


# Urban Reserves Tax Lot Boundaries

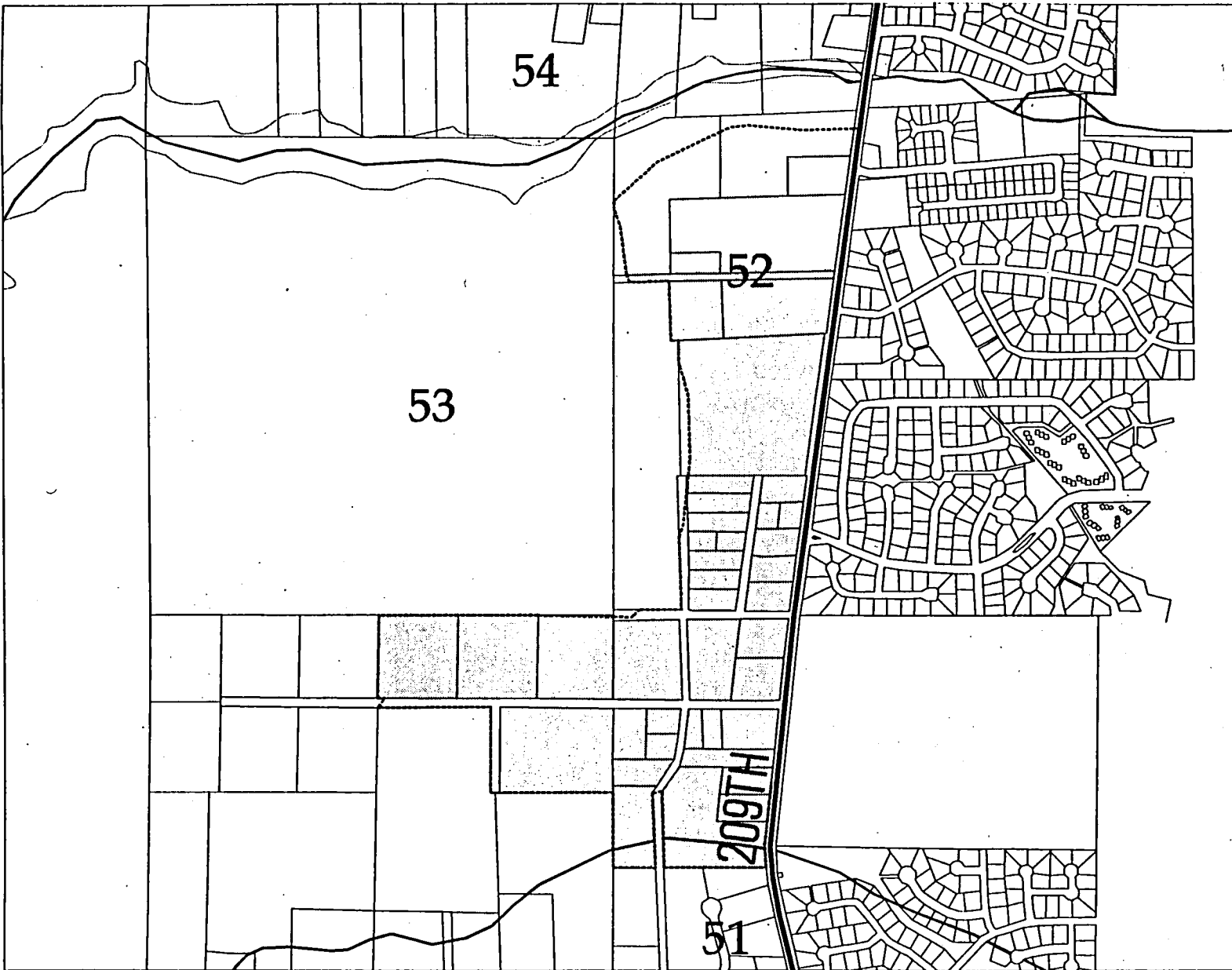
Staff Recommendation  
2-3-97

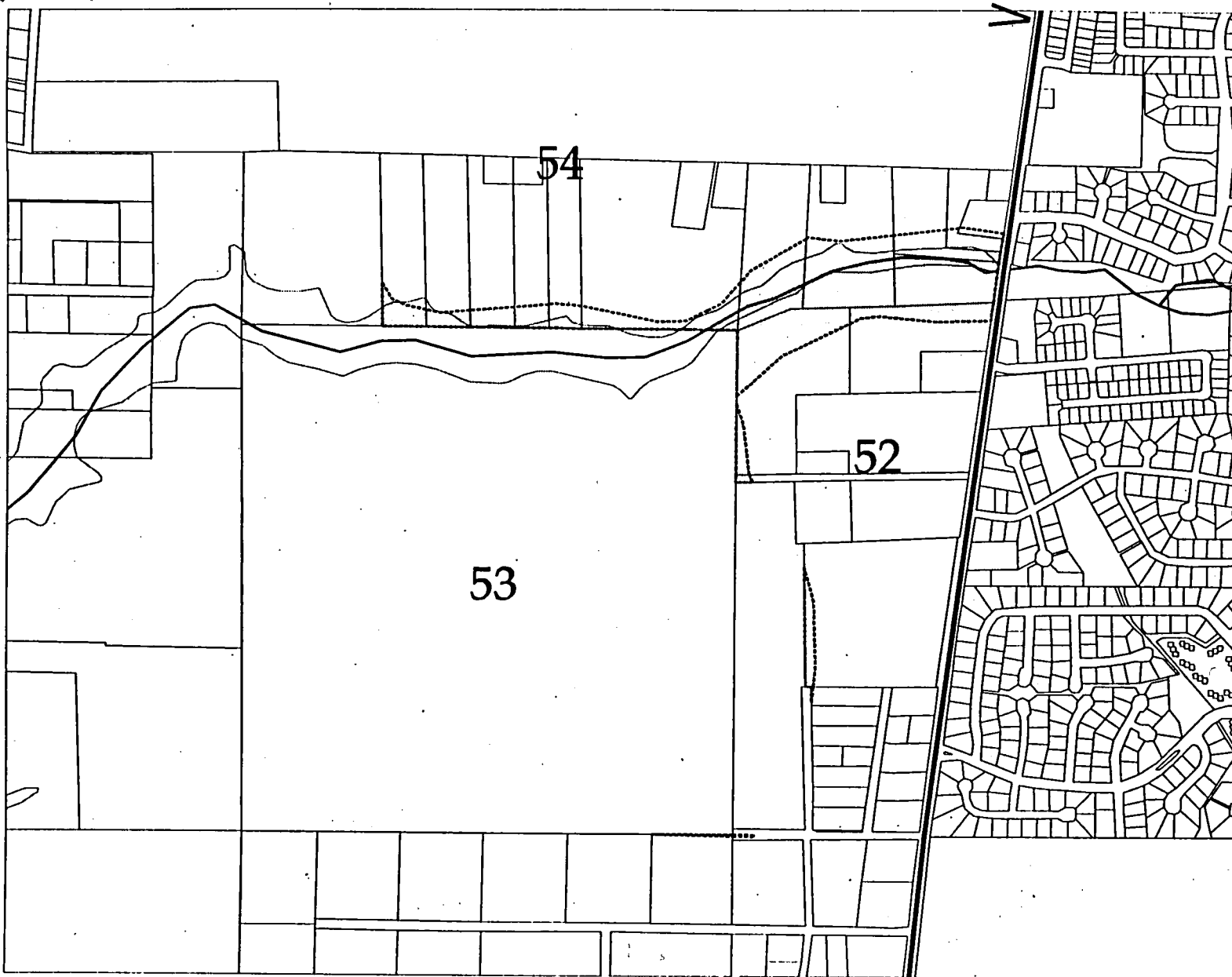
-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #52



600 NE Grand Ave  
Portland, OR 97232-2756  
(503) 797-1242









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Regional Land Information Systems

## Urban Reserves Tax Lot Boundaries


Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

### MAP #53







600 NE Grand Ave  
Portland, OR 97131-2736  
(503) 797-1962



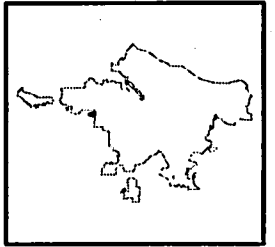
METRO

# Urban Reserves Tax Lot Boundaries

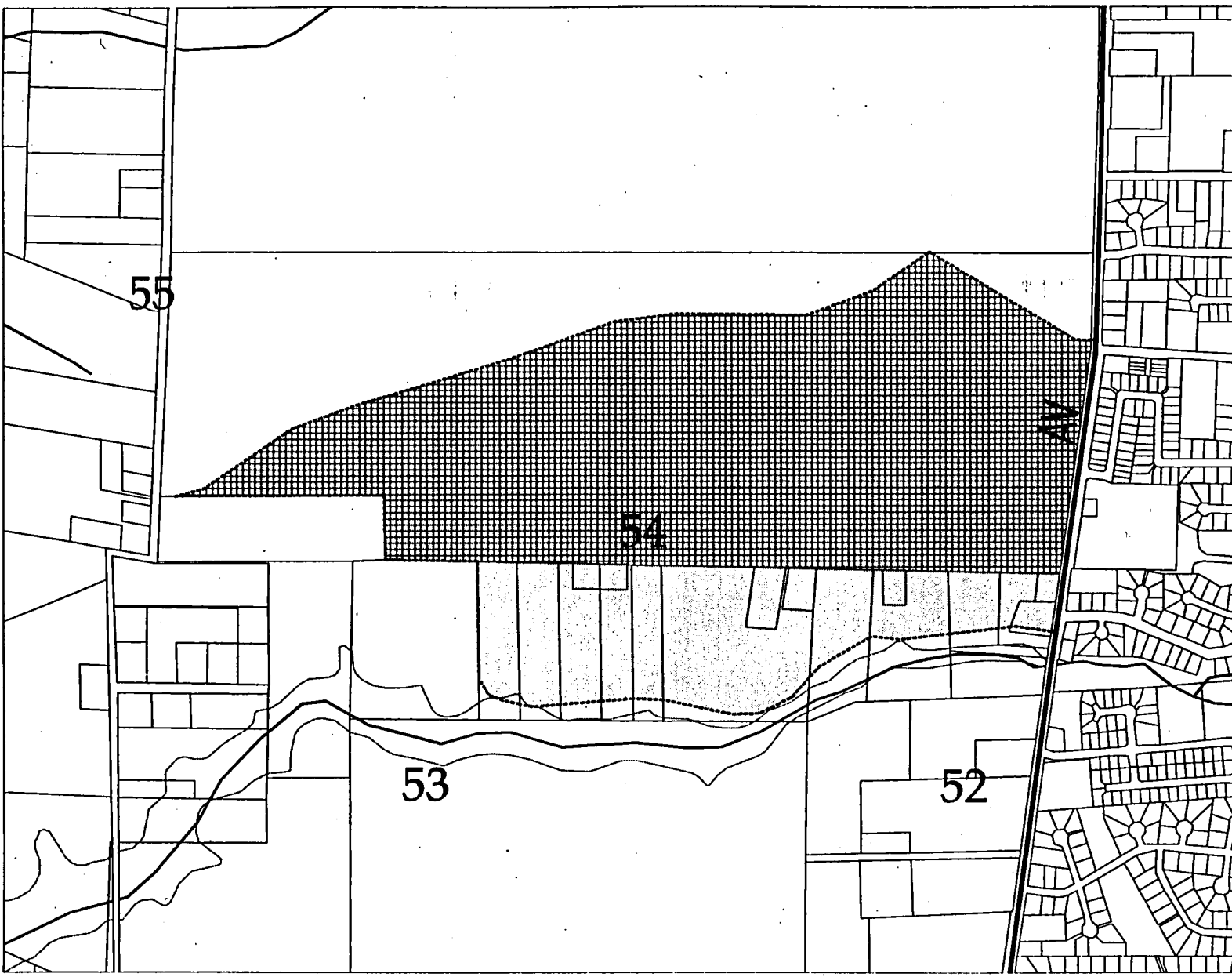
Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #54







600 NE Grand Ave  
Portland, OR 97232-2756  
(503) 797-1762

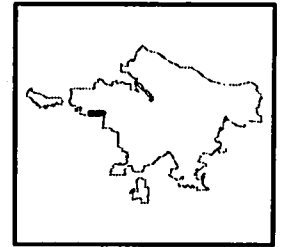


# Urban Reserves Tax Lot Boundaries

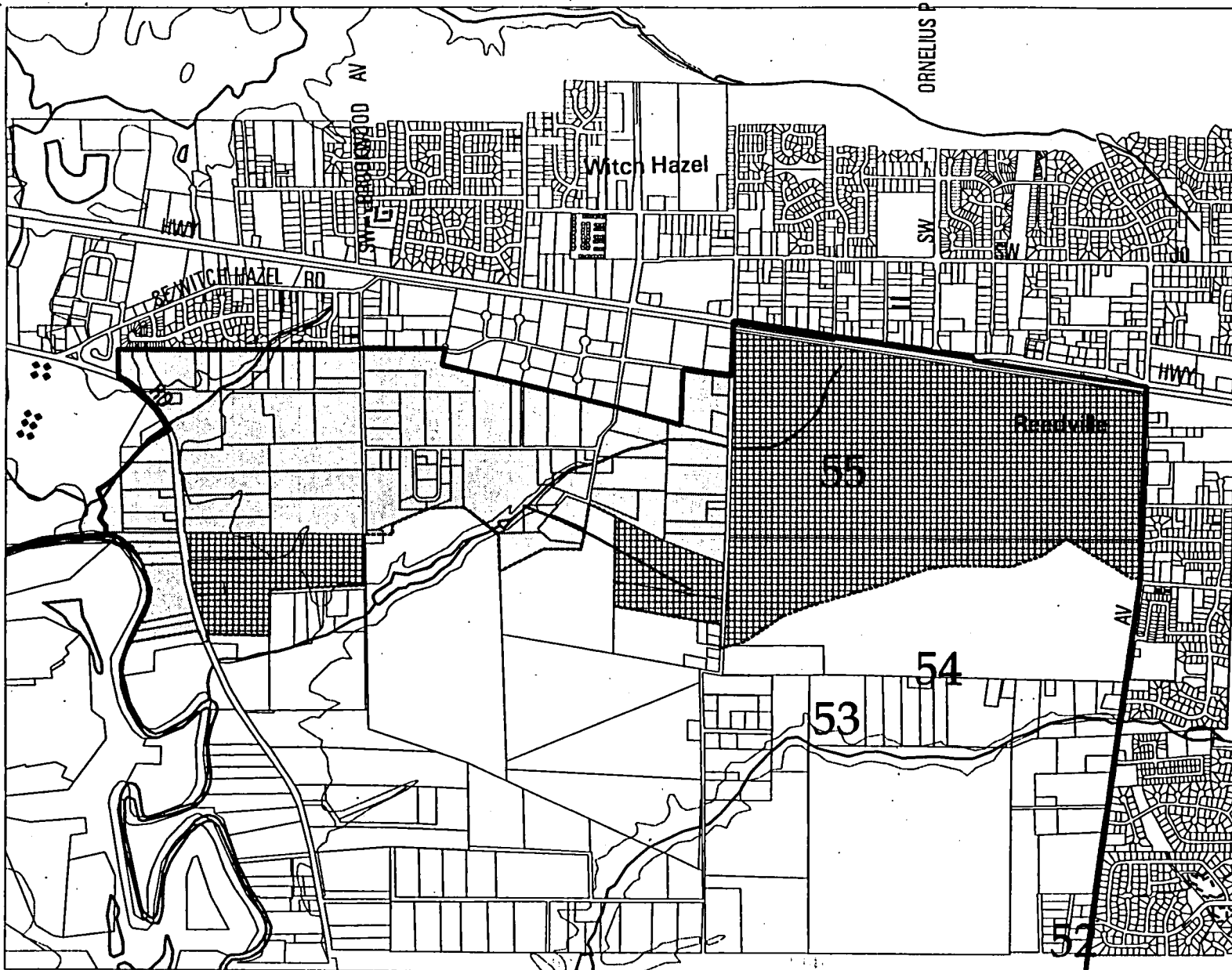
Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #55







608 NE Grand Ave  
 Portland, OR 97232-2736  
 (503) 797-1742

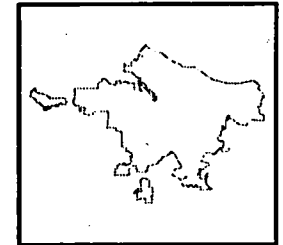


# Urban Reserves Tax Lot Boundaries

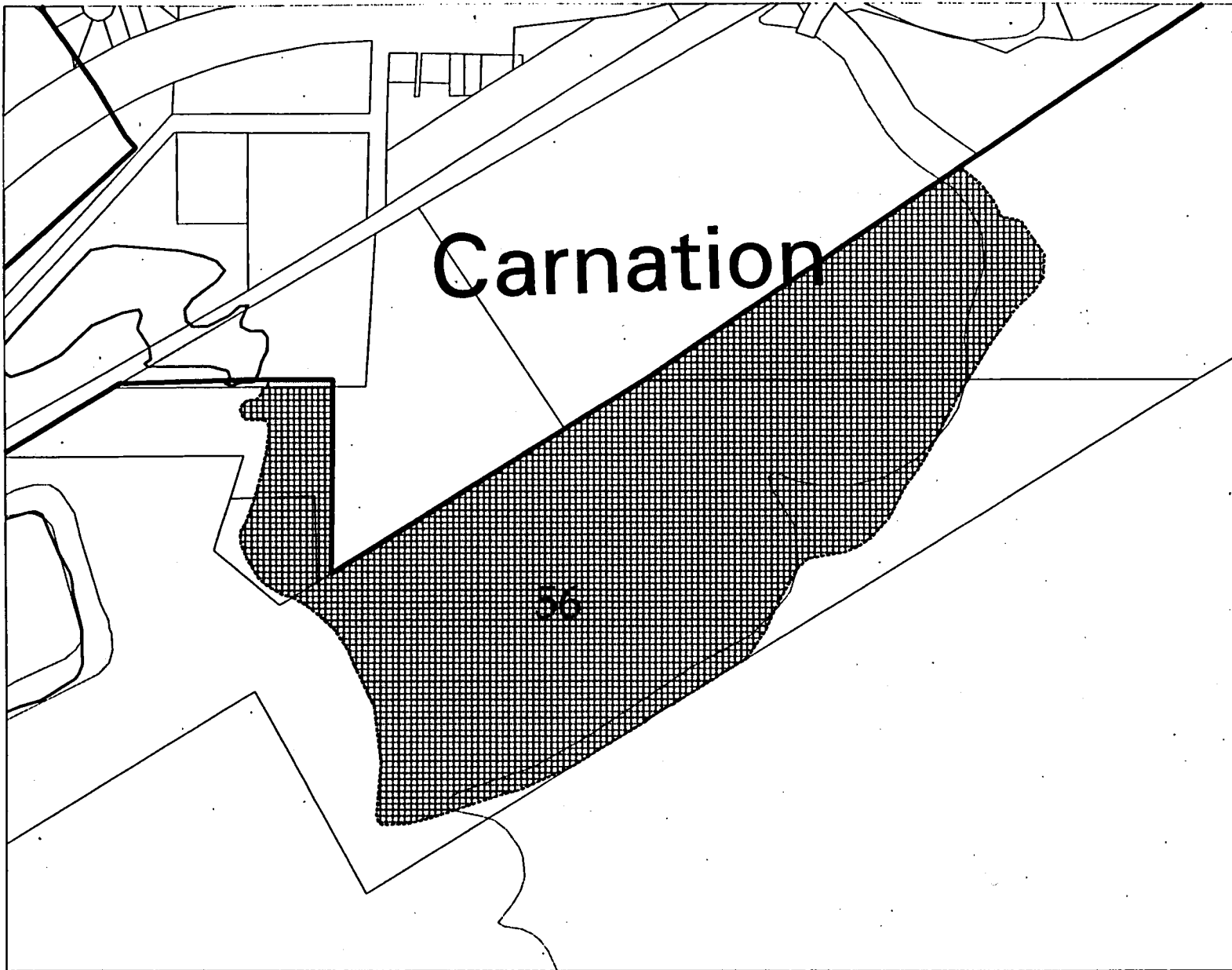
Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

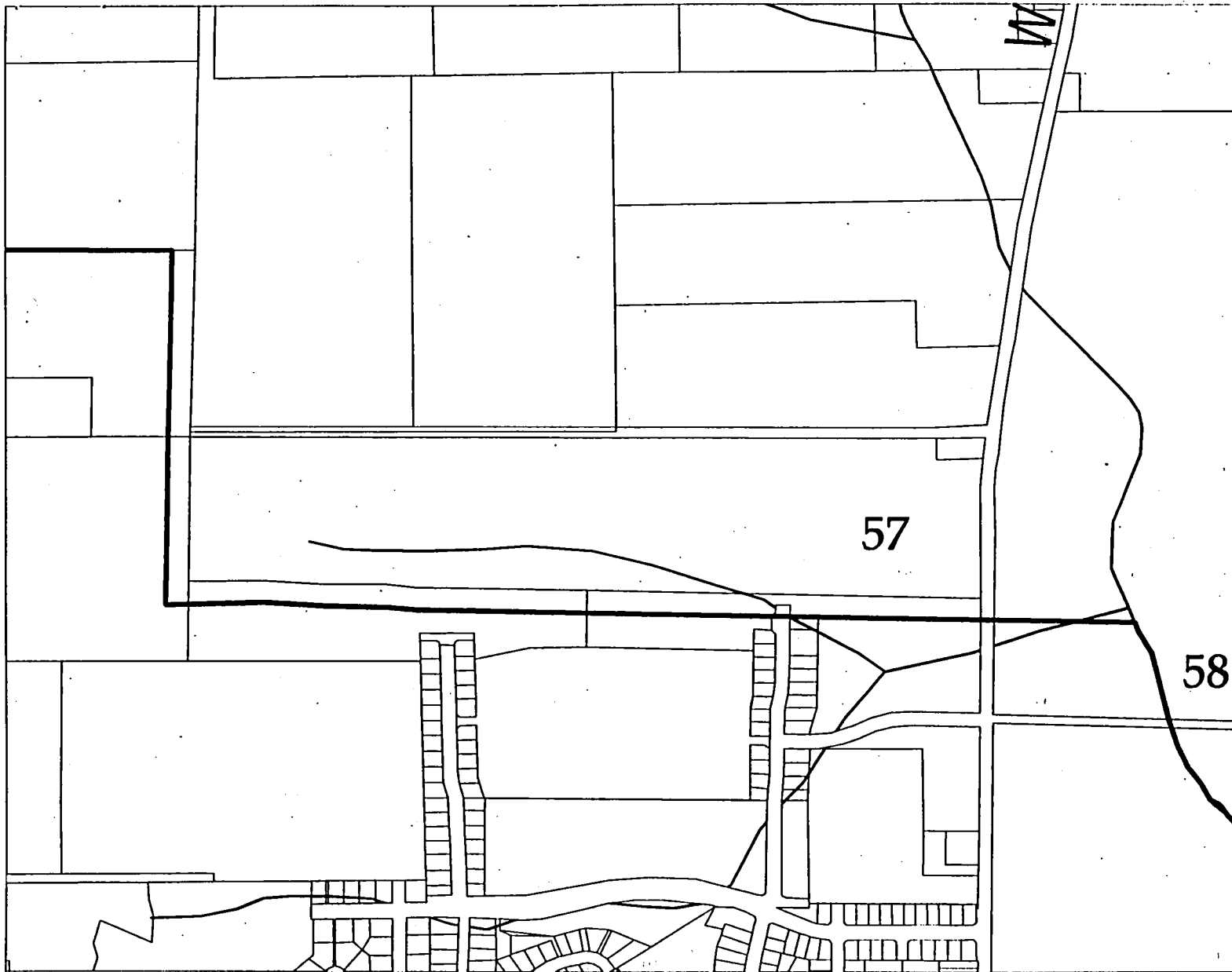
## MAP #56



600 NE Grand Ave  
 Portland, OR 97232-2736  
 (503) 797-1762







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 Regional Land Information System

## Urban Reserves Tax Lot Boundaries

Staff Recommendation  
 2-3-97





- Designated Urban Reserves
- Resource Lands within Urban Reserves
- Modified Urban Reserve Boundaries
- Urban Growth Boundary

### MAP #57

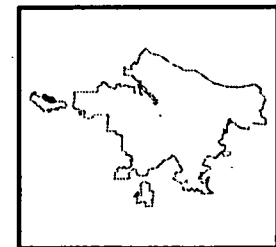
600 NE Grand Ave  
 Portland, OR 97232-2736  
 (503) 797-1262

# Urban Reserves Tax Lot Boundaries

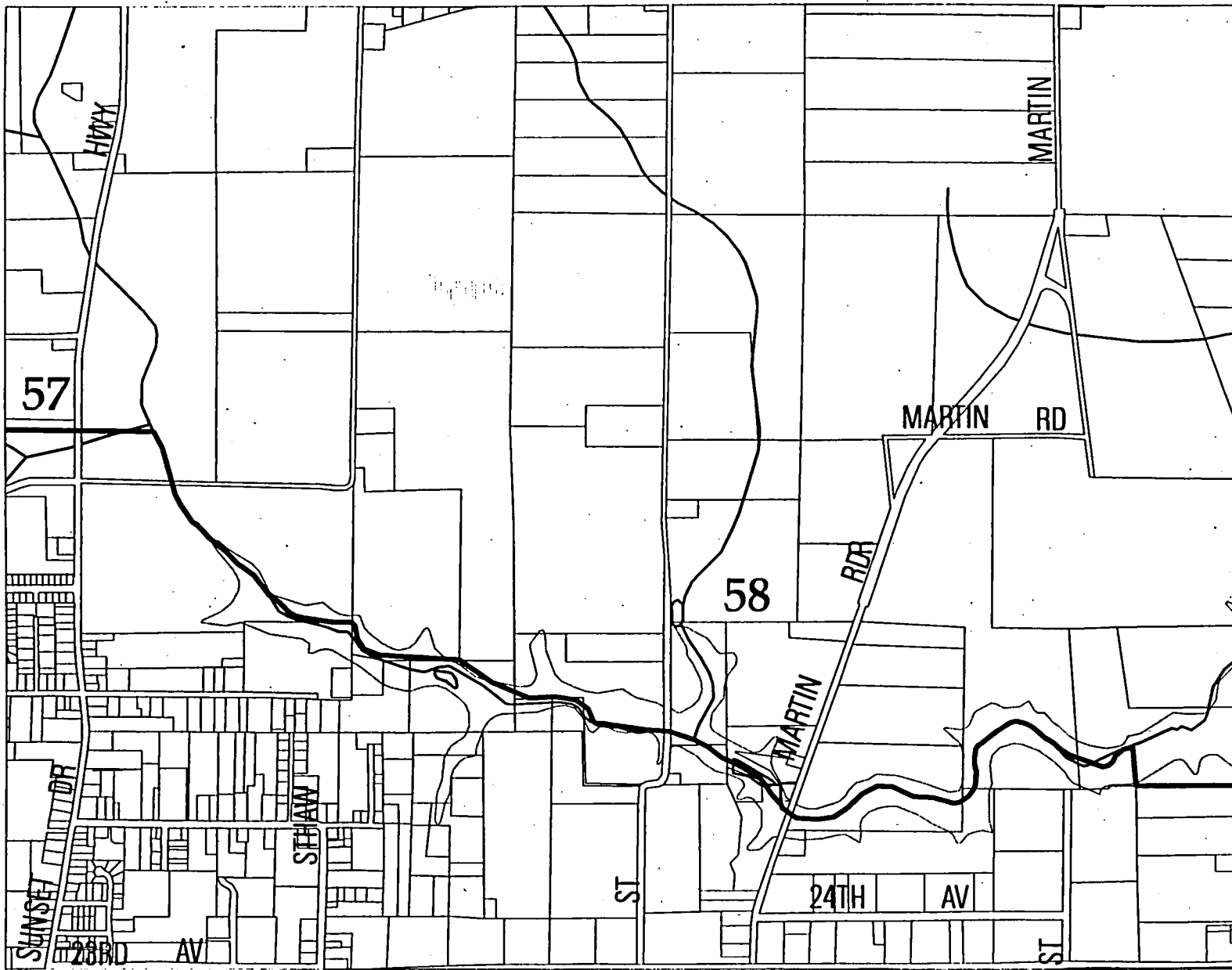
Staff Recommendation  
2-3-97

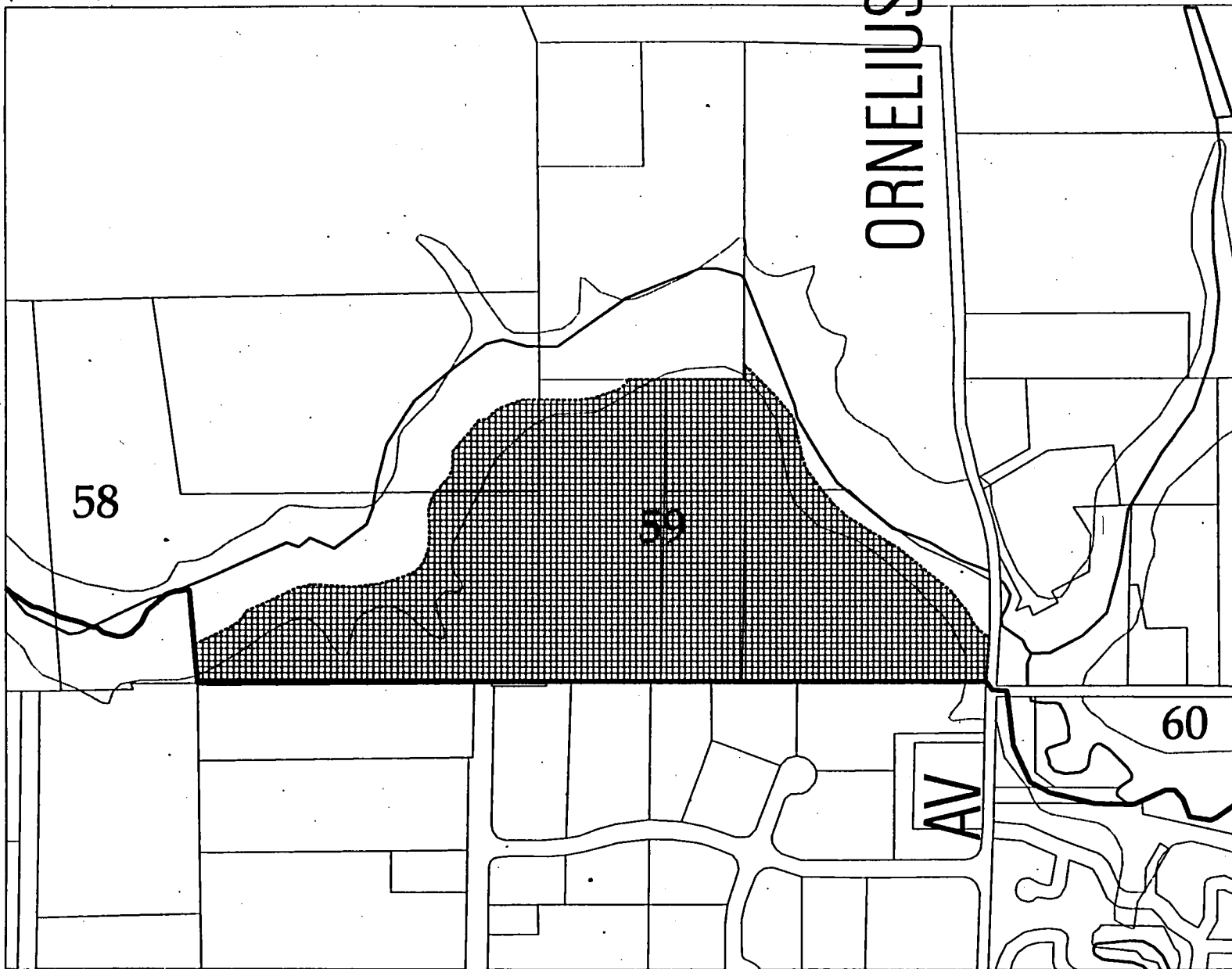
-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #58



600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1242





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 Regional Land Information Systems

## Urban Reserves Tax Lot Boundaries

Staff Recommendation  
 2-3-97

- Designated Urban Reserves
- ▣ Resource Lands within Urban Reserves
- ~ Modified Urban Reserve Boundaries
- ~ Urban Growth Boundary

### MAP #59

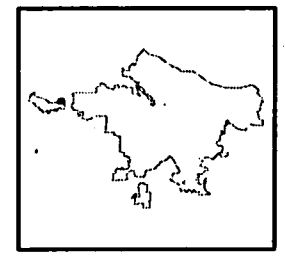
600 NE Grand Ave  
 Portland, OR 97232-2736  
 (503) 797-1242

# Urban Reserves Tax Lot Boundaries

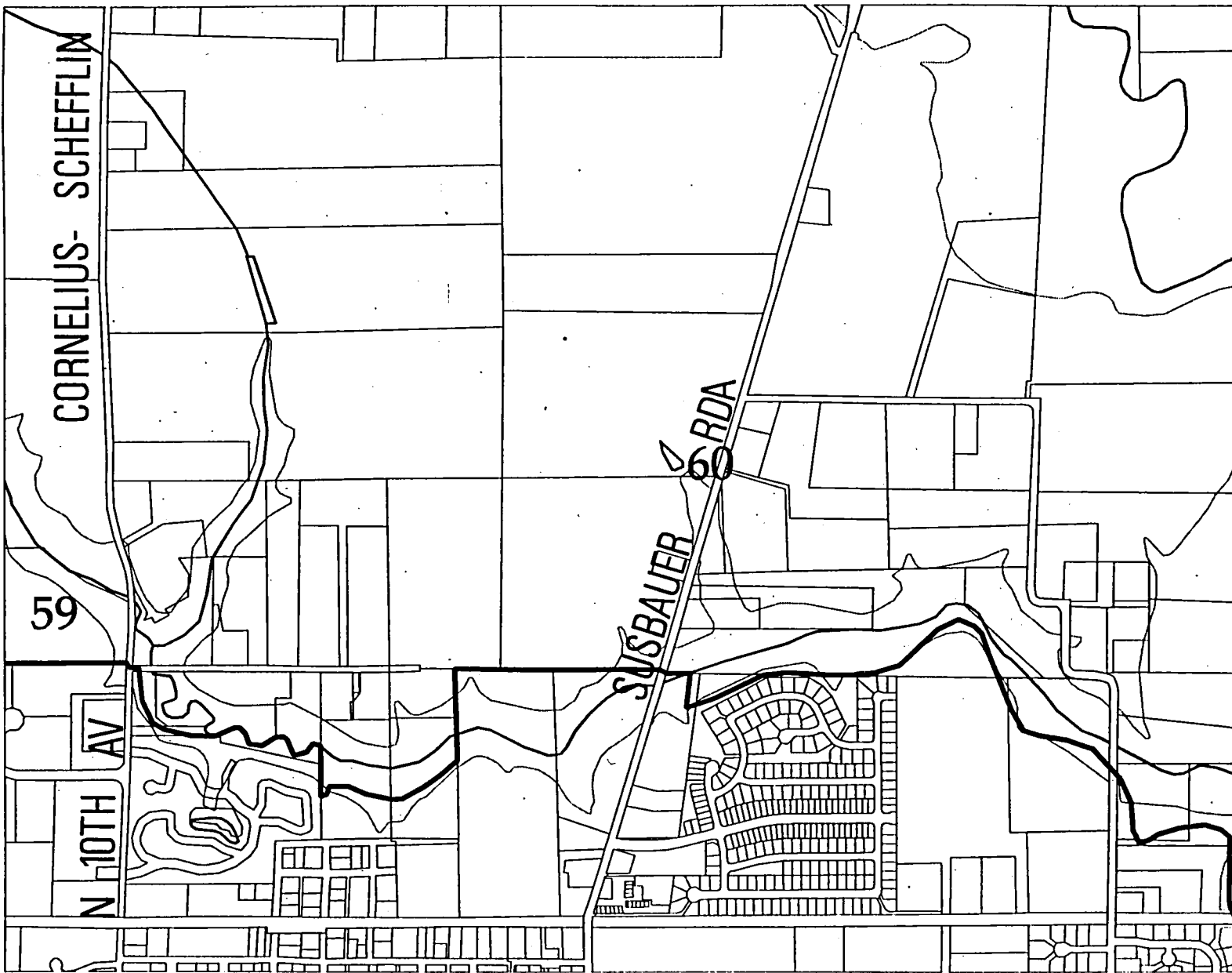
Staff Recommendation  
2-3-97

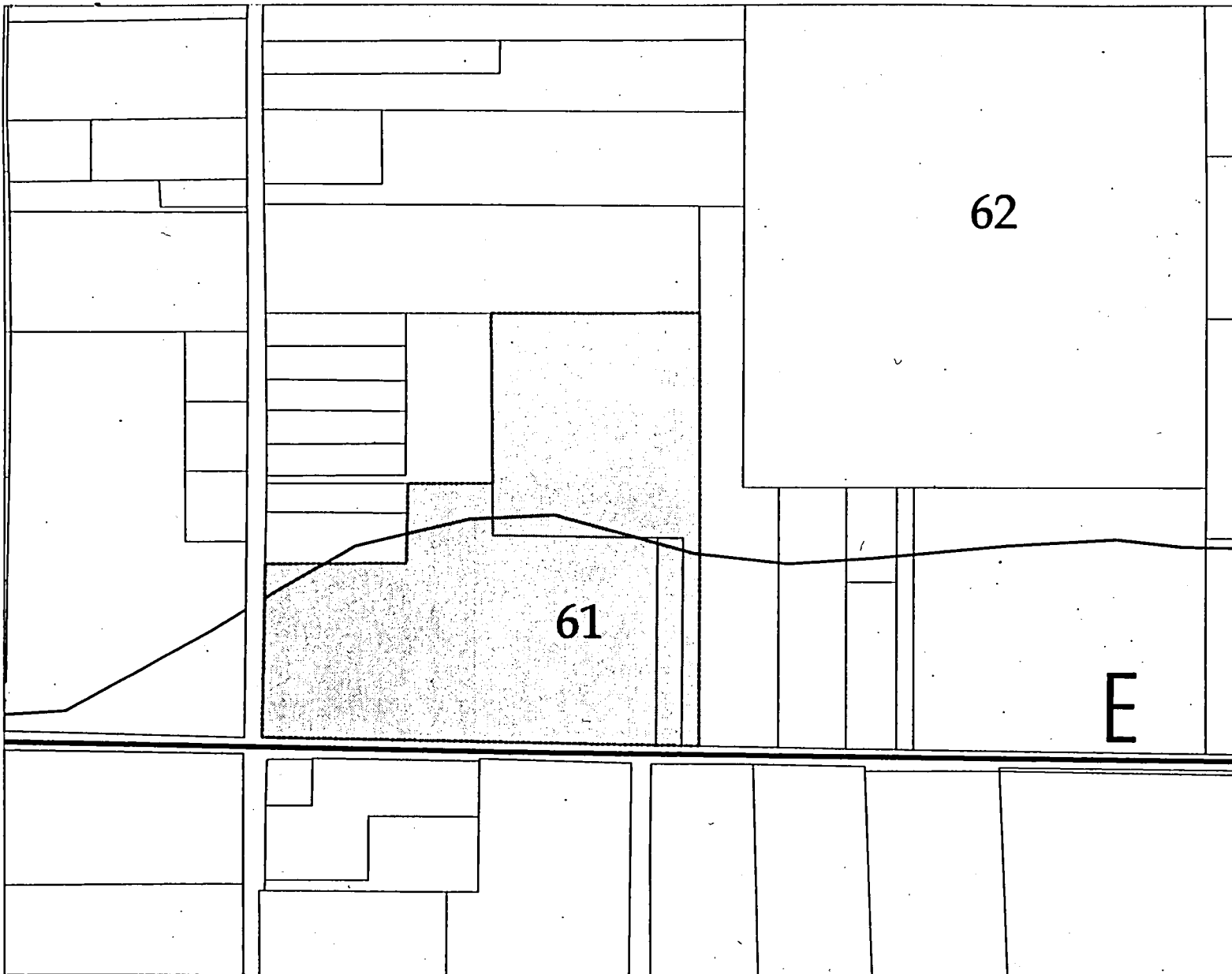
- Designated Urban Reserves
- Resource Lands within Urban Reserves
- Modified Urban Reserve Boundaries
- Urban Growth Boundary

## MAP #60



600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1762





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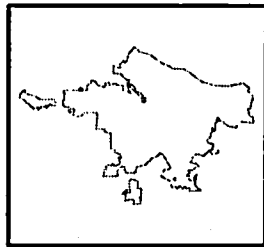
Regional Land Information System

## Urban Reserves Tax Lot Boundaries


Staff Recommendation  
2-3-97

- ▨ Designated Urban Reserves
- ▨▨▨ Resource Lands within Urban Reserves
- ▨ Modified Urban Reserve Boundaries
- ▨ Urban Growth Boundary

### MAP #61







600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1702

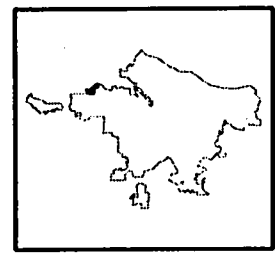


# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #62







600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1242

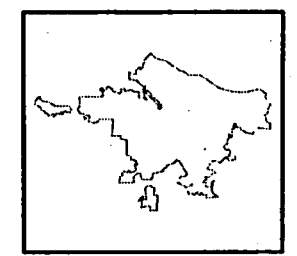


# Urban Reserves Tax Lot Boundaries

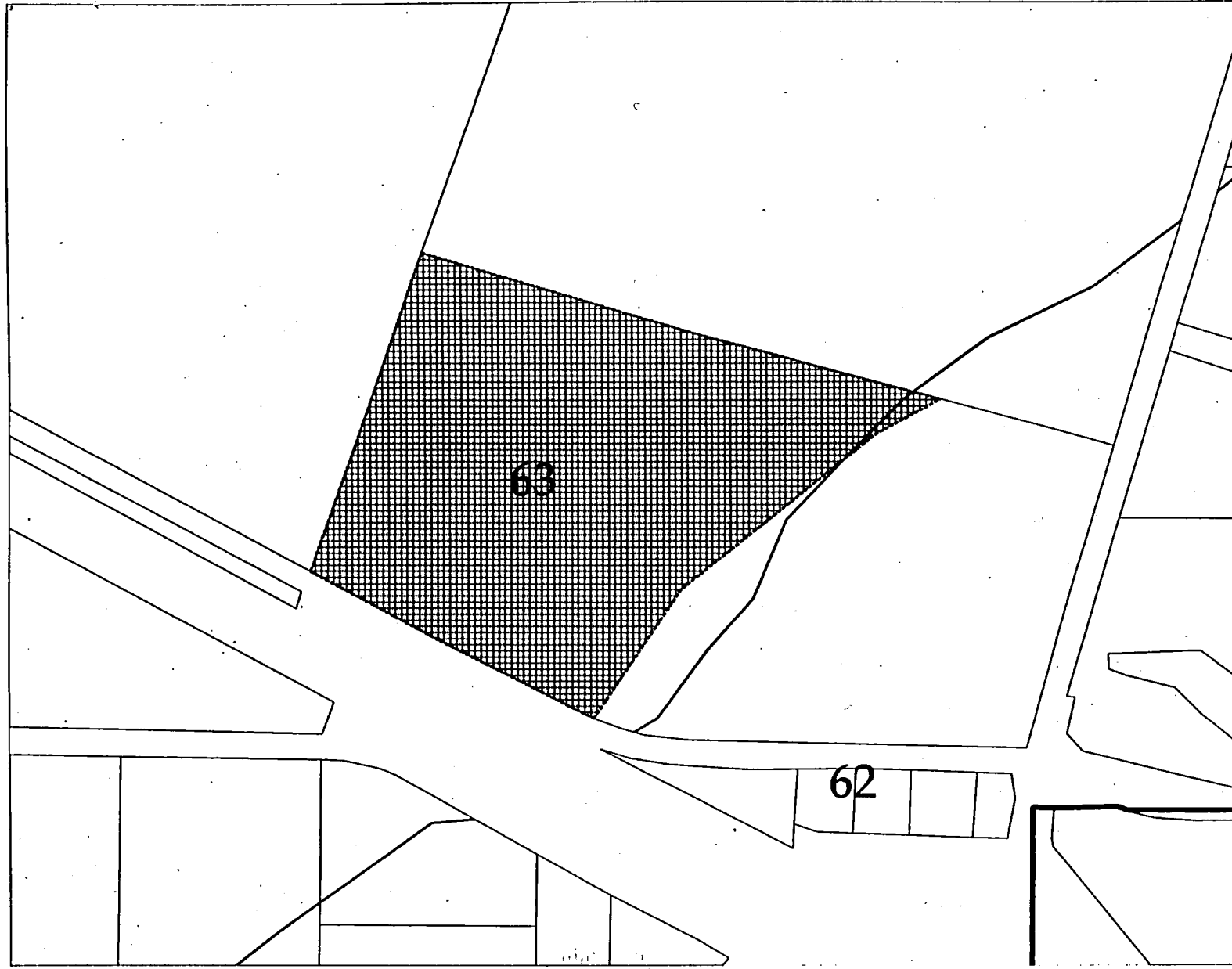
Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #63







600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1742

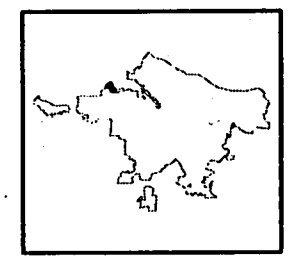


# Urban Reserves Tax Lot Boundaries

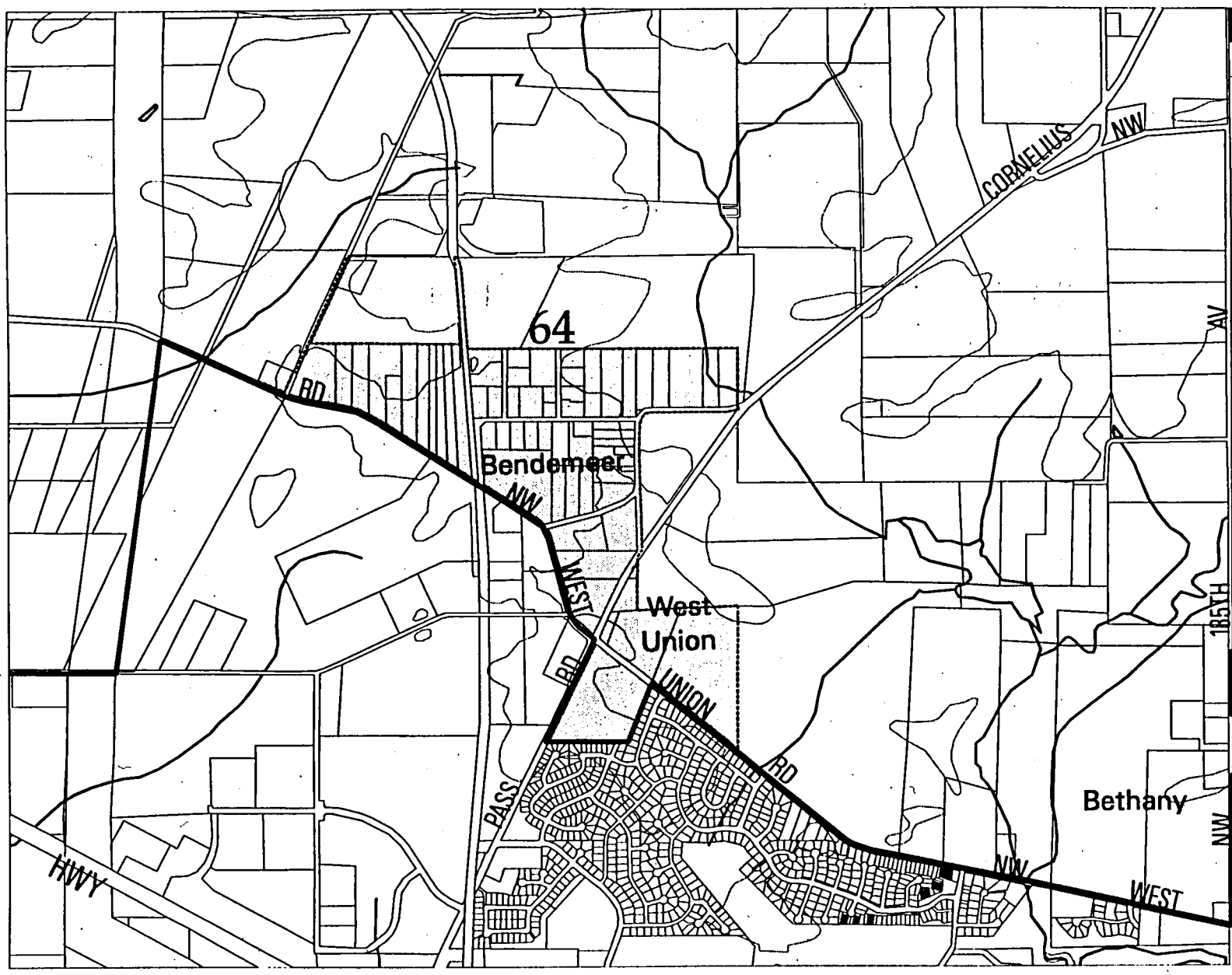
Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

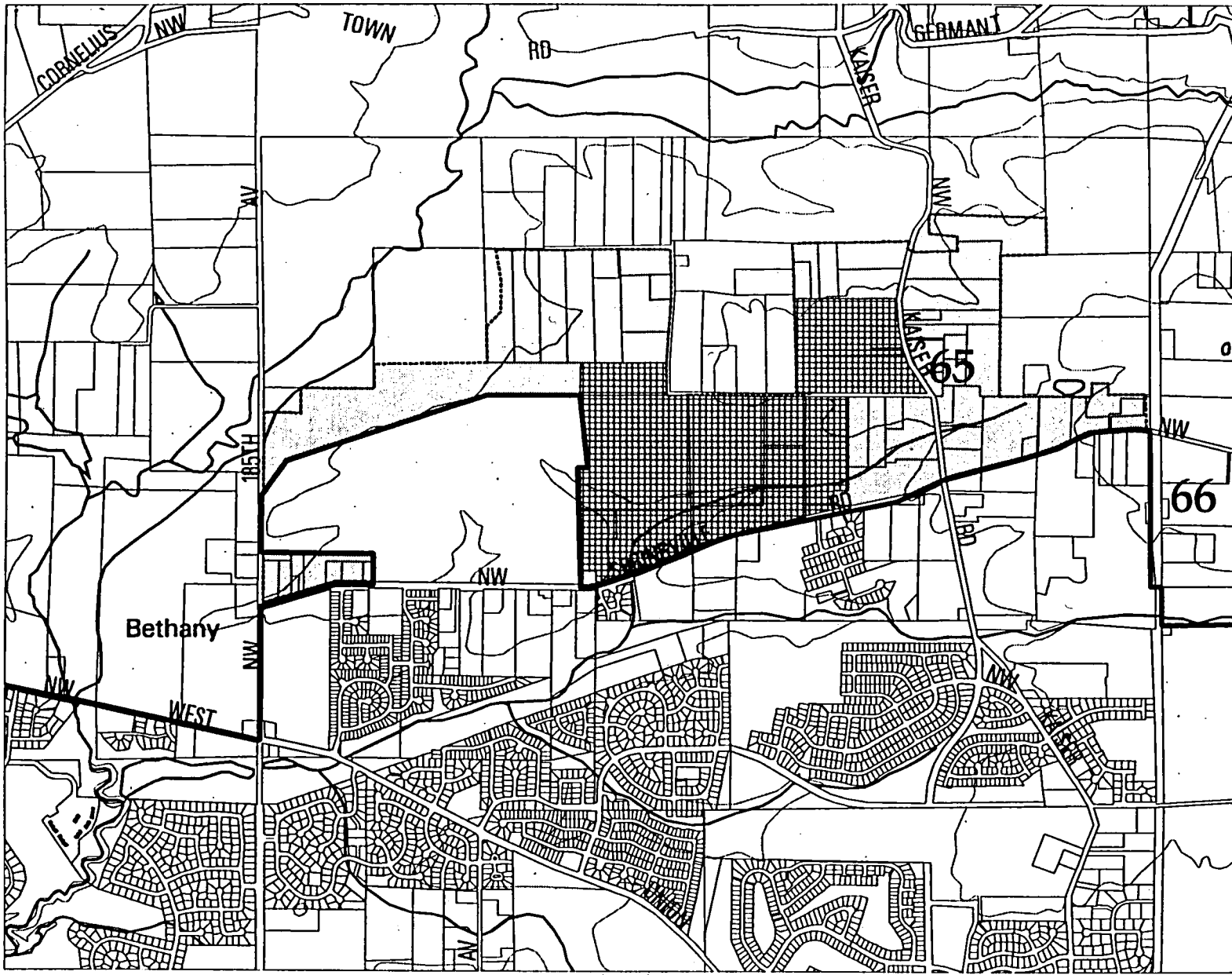
## MAP #64



600 NE Grand Ave  
Portland, OR 97132-2756  
(503) 997-1242











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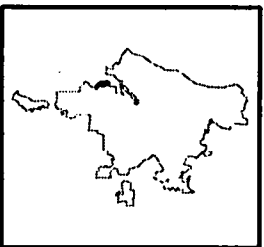
Regional Land Information Systems

## Urban Reserves Tax Lot Boundaries


Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

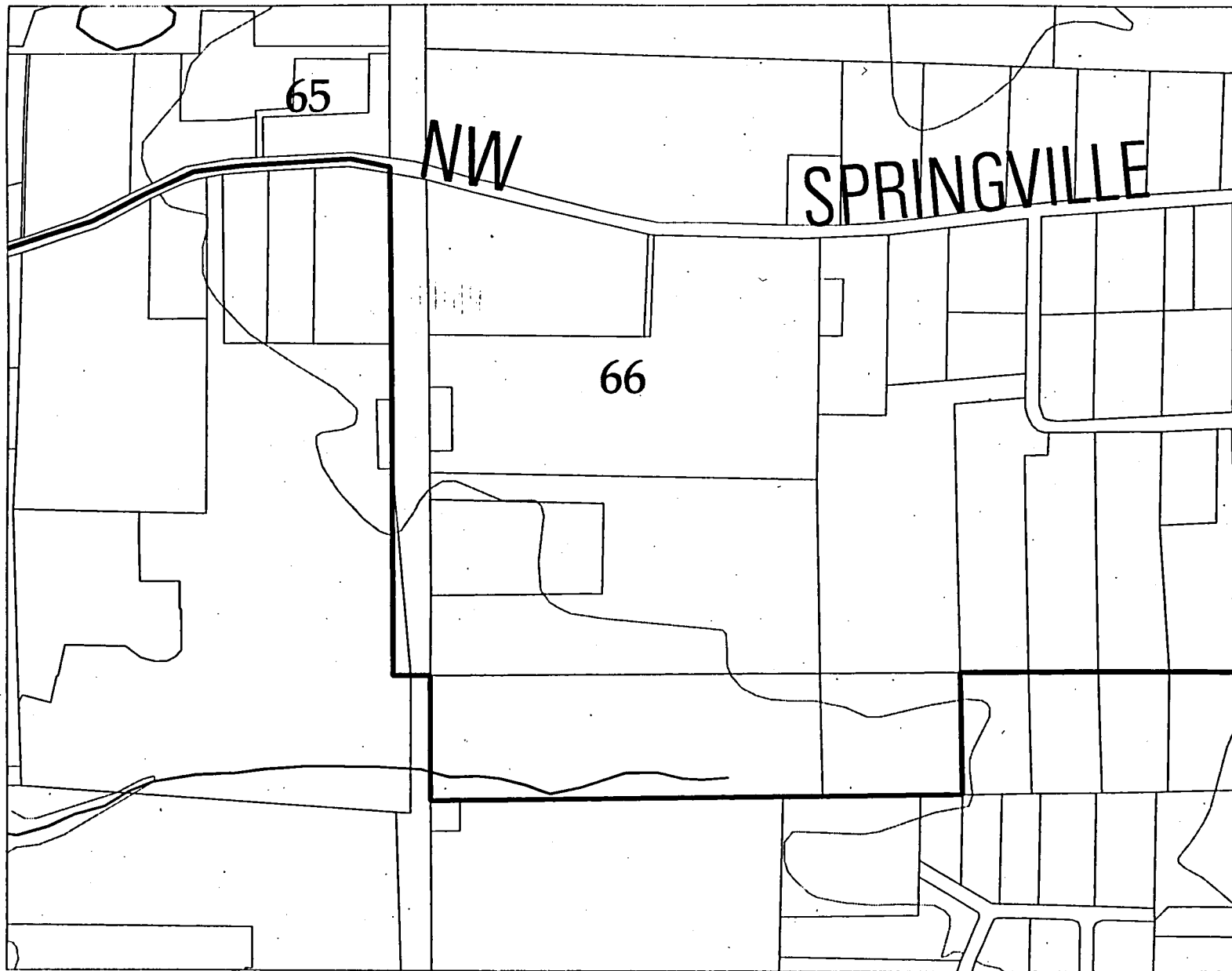
### MAP #65



600 NE Grand Ave  
Portland, OR 97232-2756  
(503) 797-1262



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




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## Urban Reserves Tax Lot Boundaries

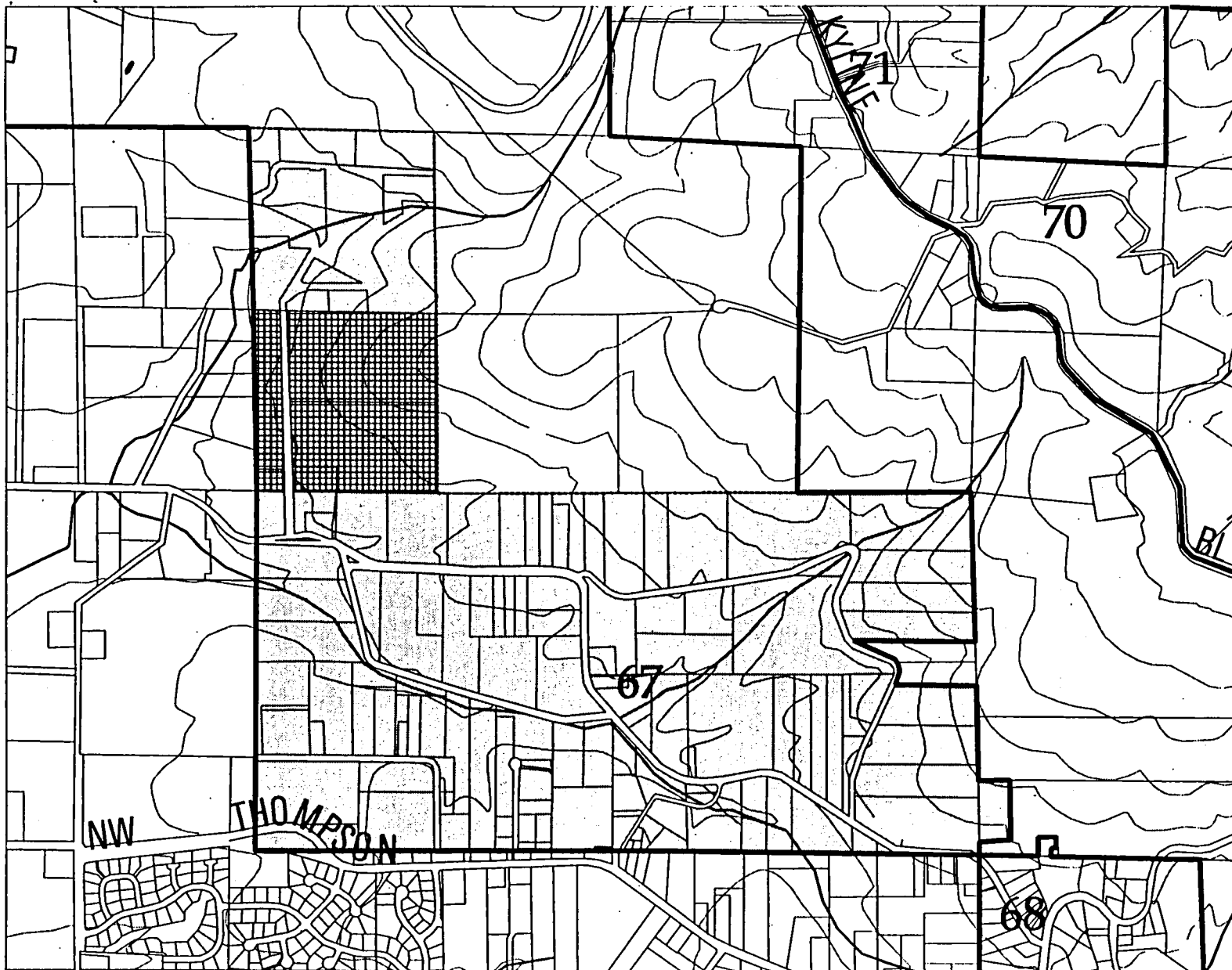
Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

### MAP #66





600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 997-1242



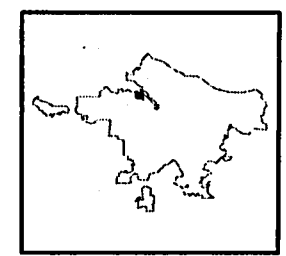


# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

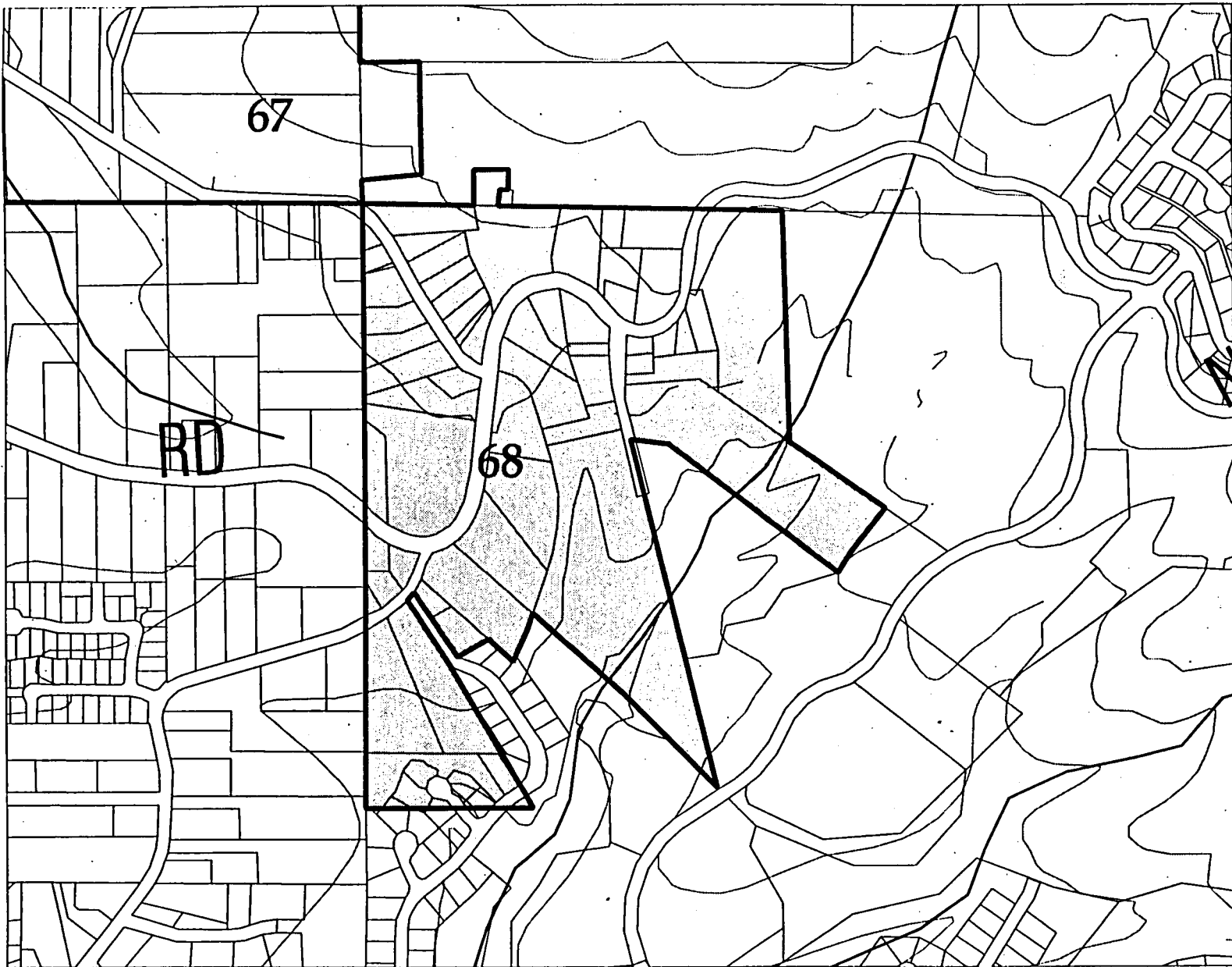
-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

MAP #67







600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1242



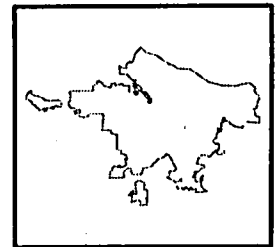


# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

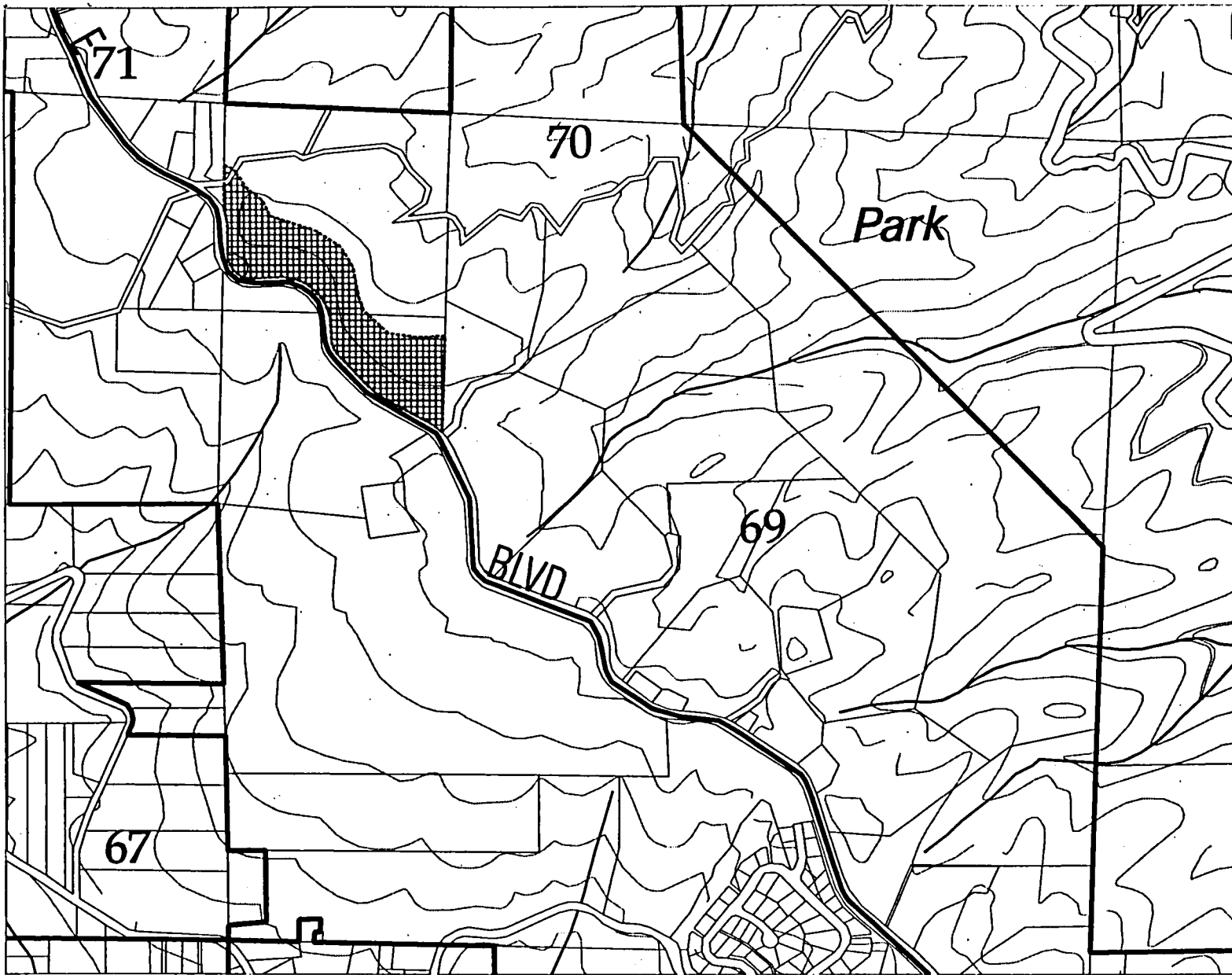
-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

MAP #68



600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1242









R L I S

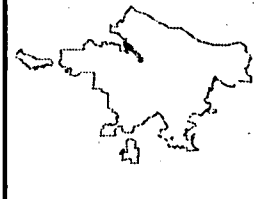
Regional Land Information System

## Urban Reserves Tax Lot Boundaries


Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

### MAP #69







600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1242



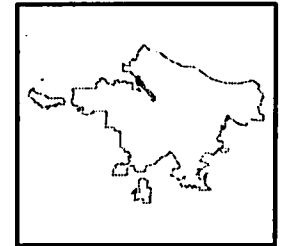
METRO

# Urban Reserves Tax Lot Boundaries

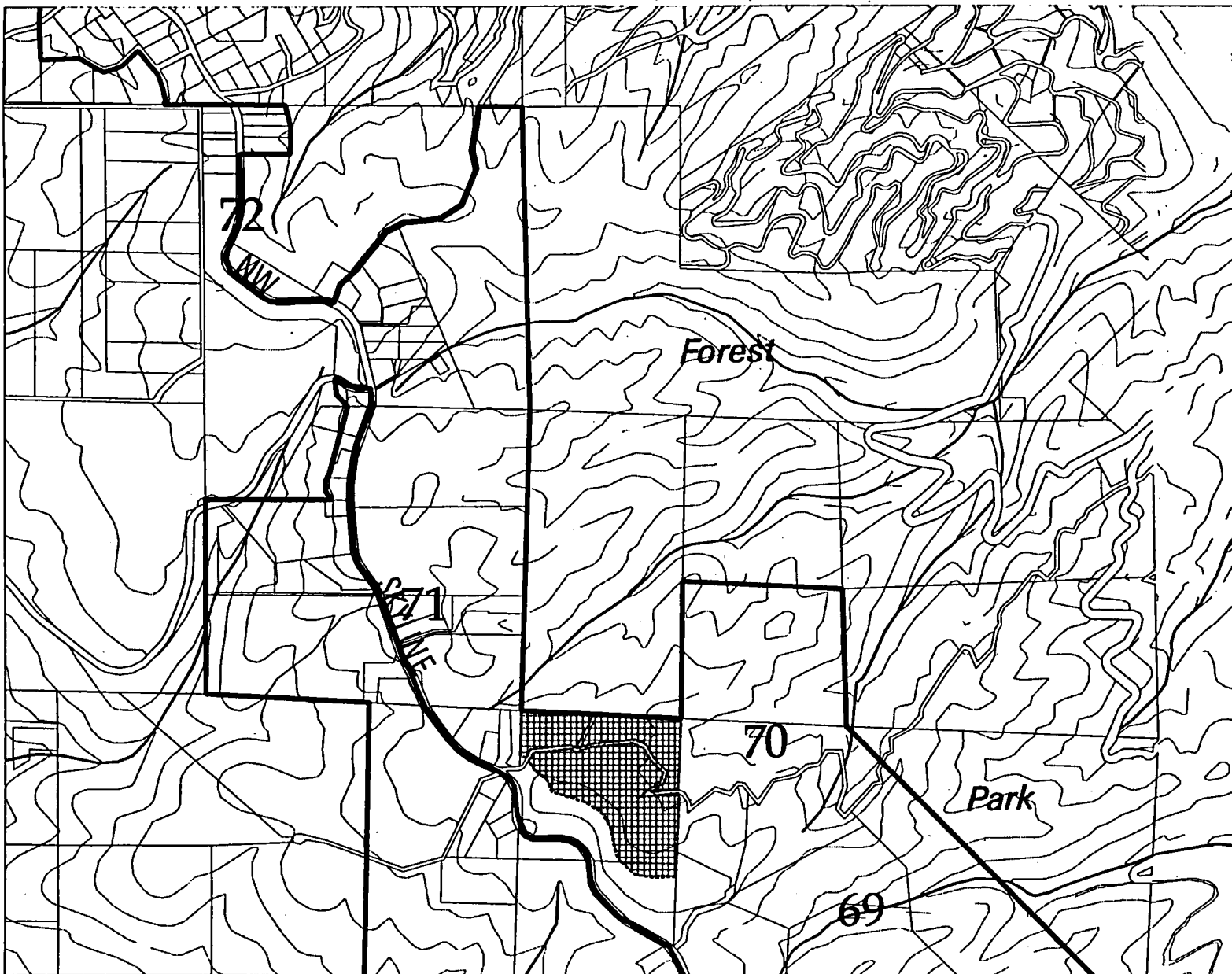
Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #70







600 NE Grand Ave  
Portland, OR 97232-2736  
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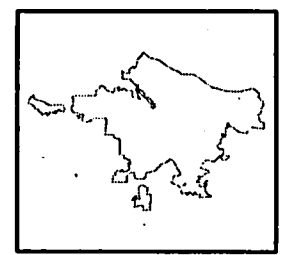


# Urban Reserves Tax Lot Boundaries

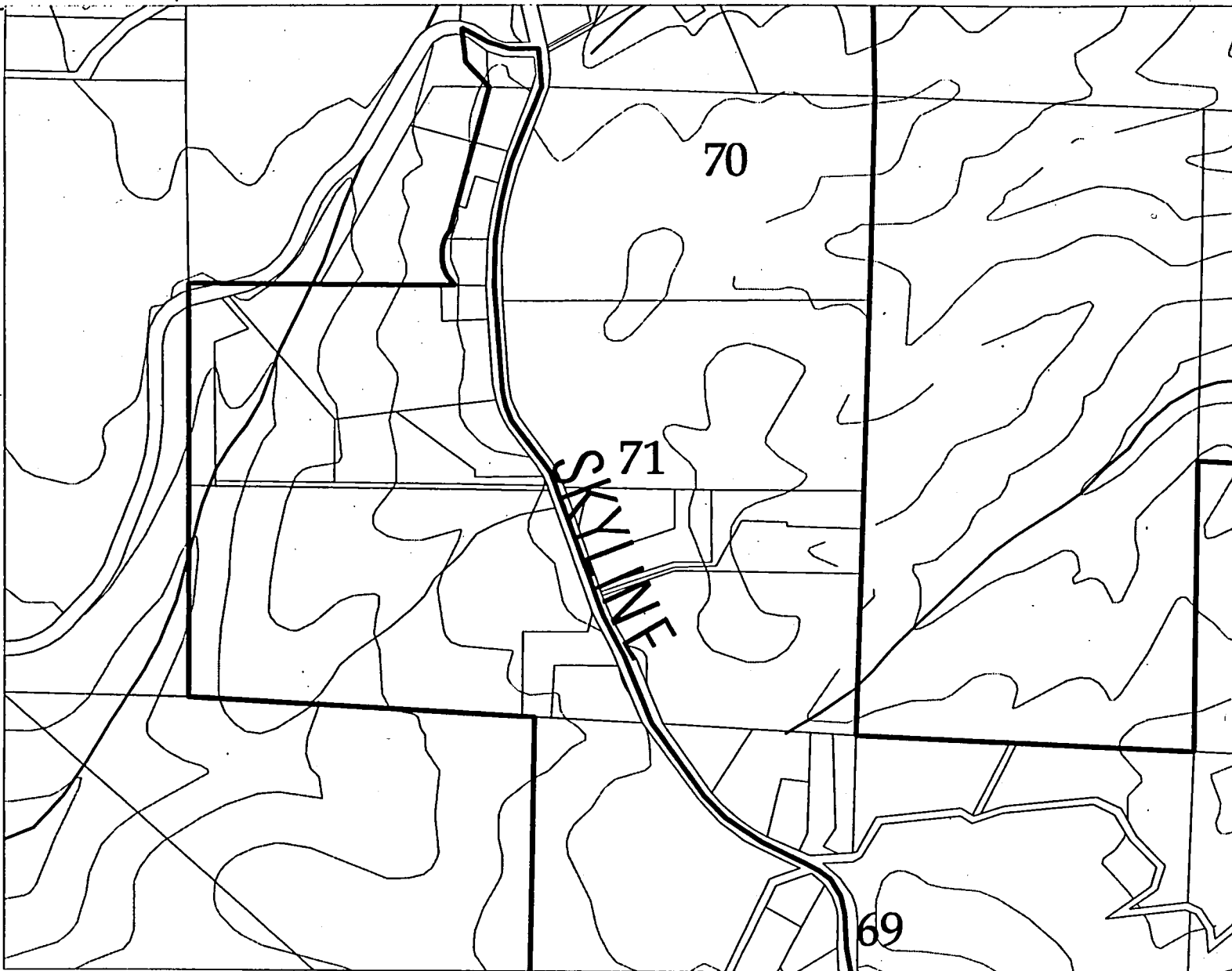
Staff Recommendation  
2-3-97

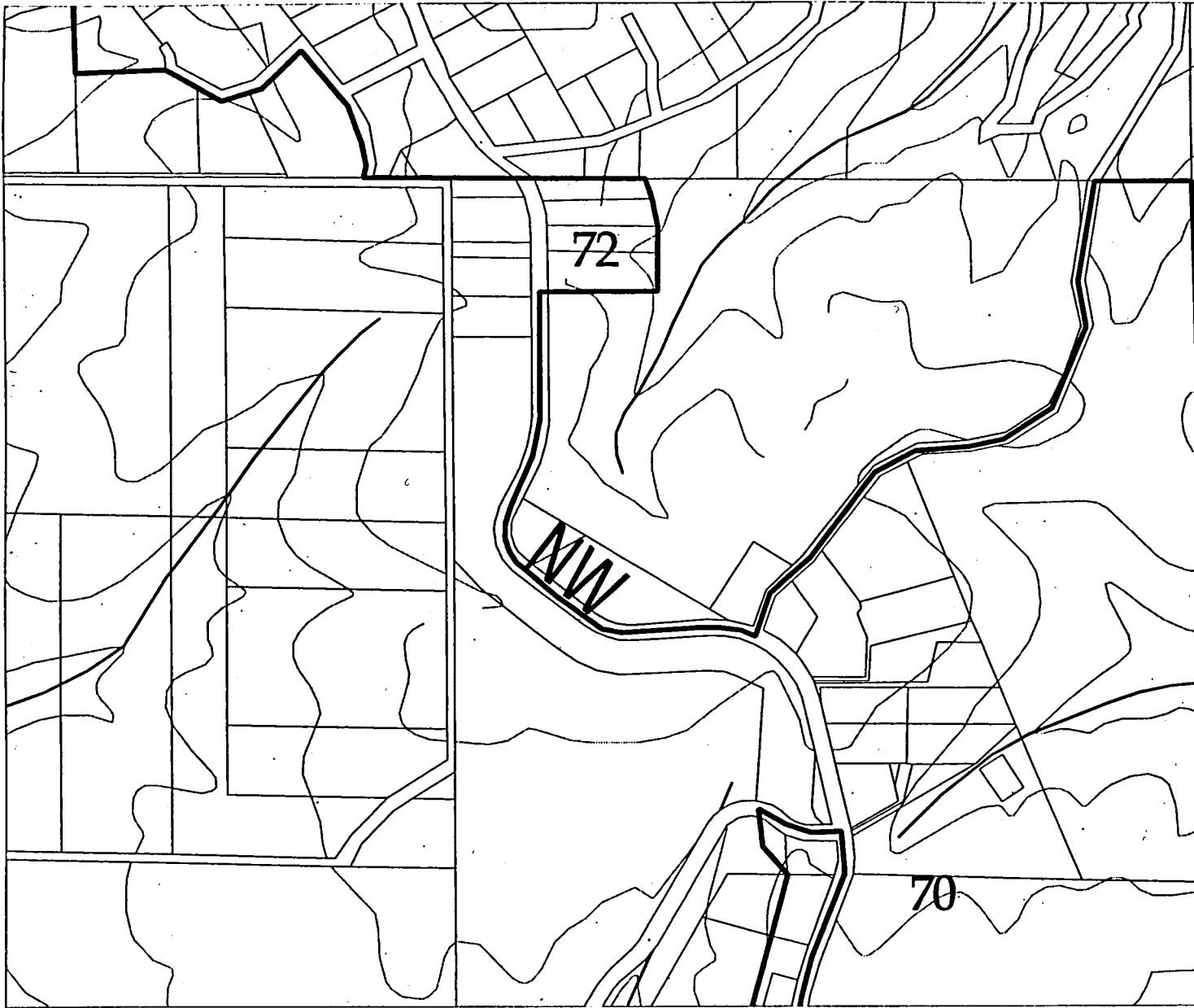
-  Designated Urban Reserves
-  Resource Lands within Urban Reserve
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #71



600 NE Grand Ave  
 Portland, OR 97232-2736  
 (503) 797-1962



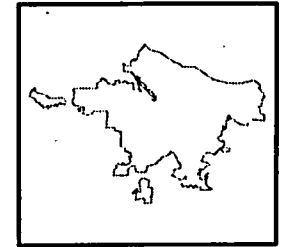


# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

- Designated Urban Reserves
- ▨ Resource Lands within Urban Reserves
- ~ Modified Urban Reserve Boundaries
- ▮ Urban Growth Boundary

## MAP #72

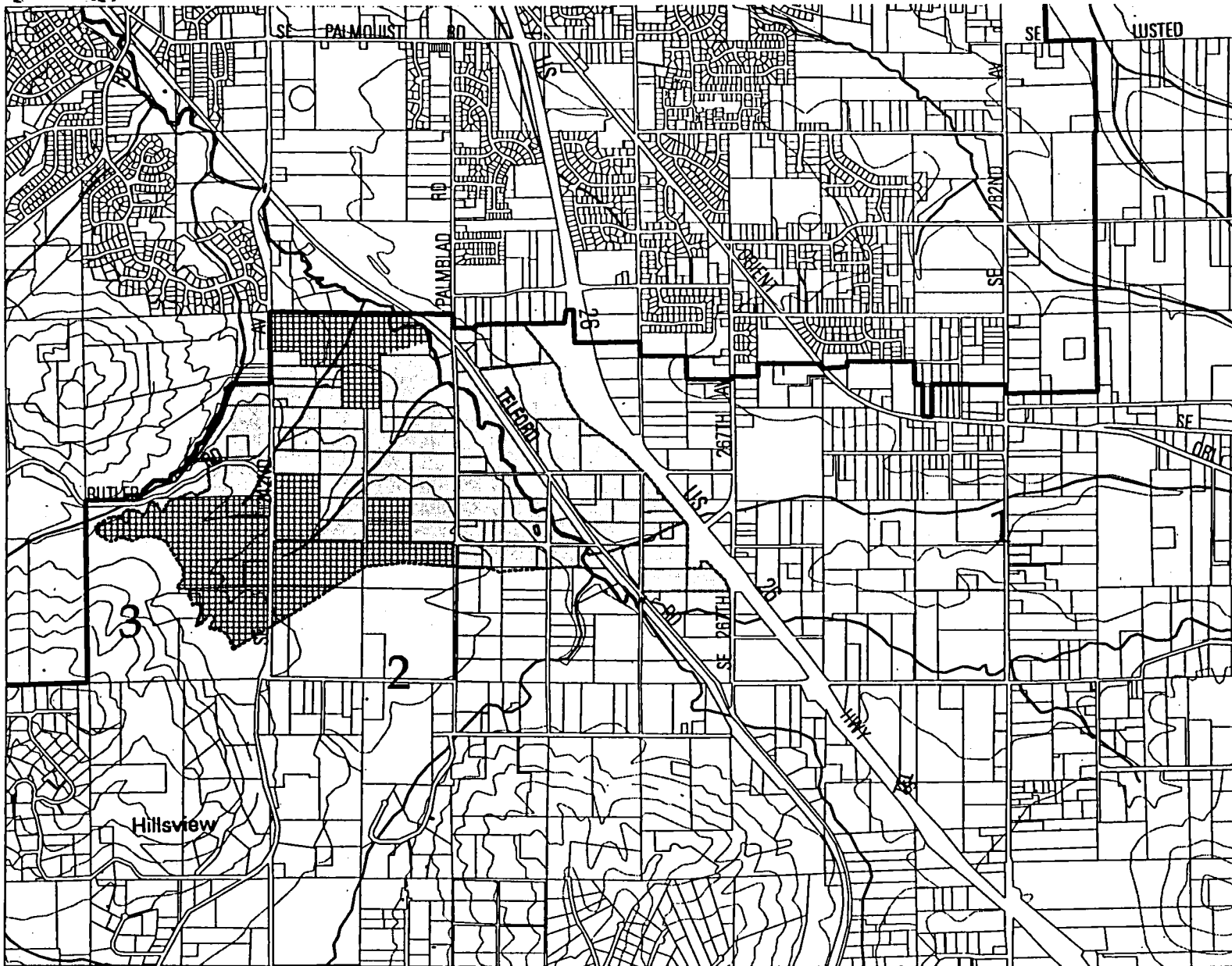


600 NE Grand Ave  
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




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Regional Land Information Systems


# Urban Reserves Tax Lot Boundaries

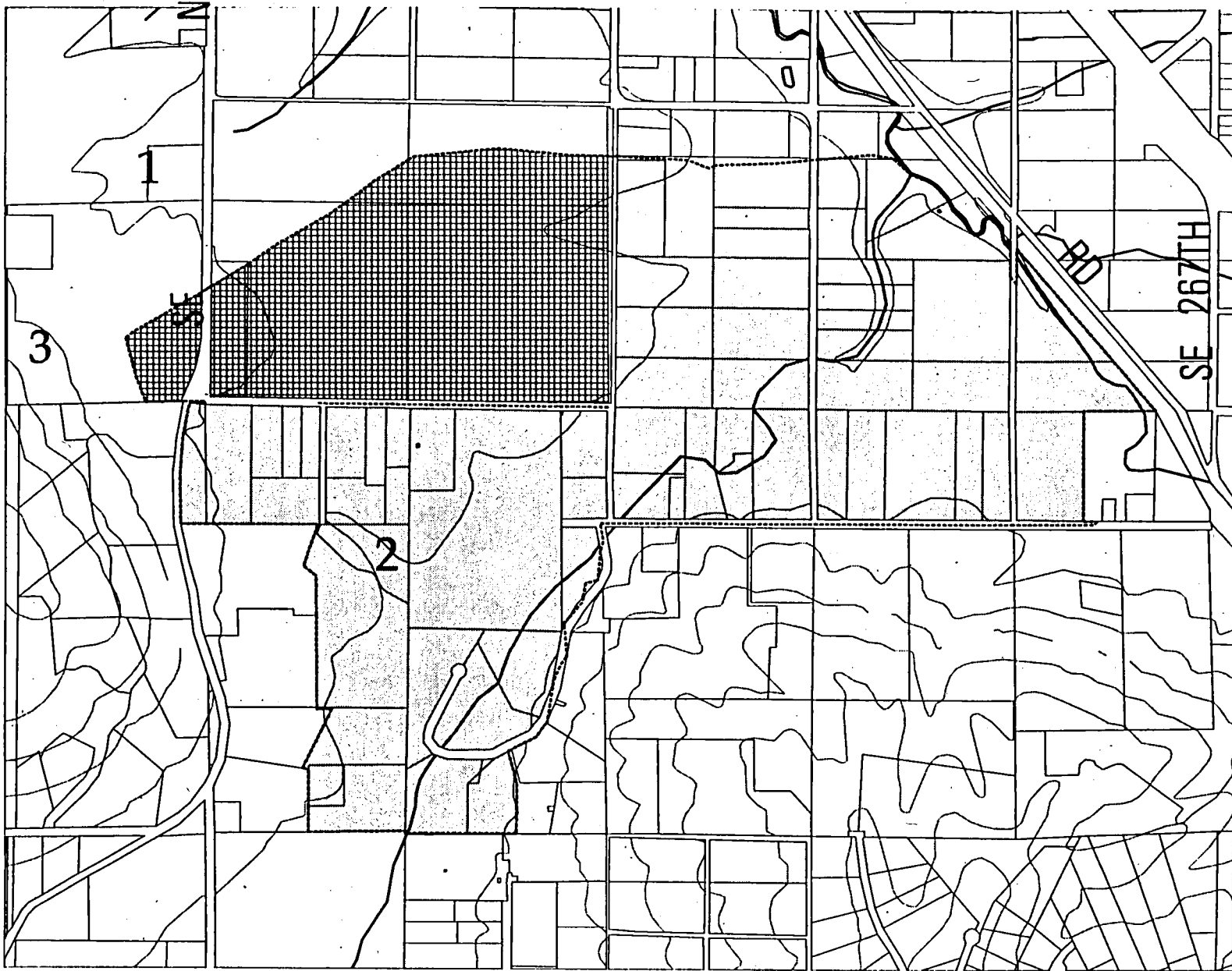
Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #1

600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1762





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Regional Land Information System

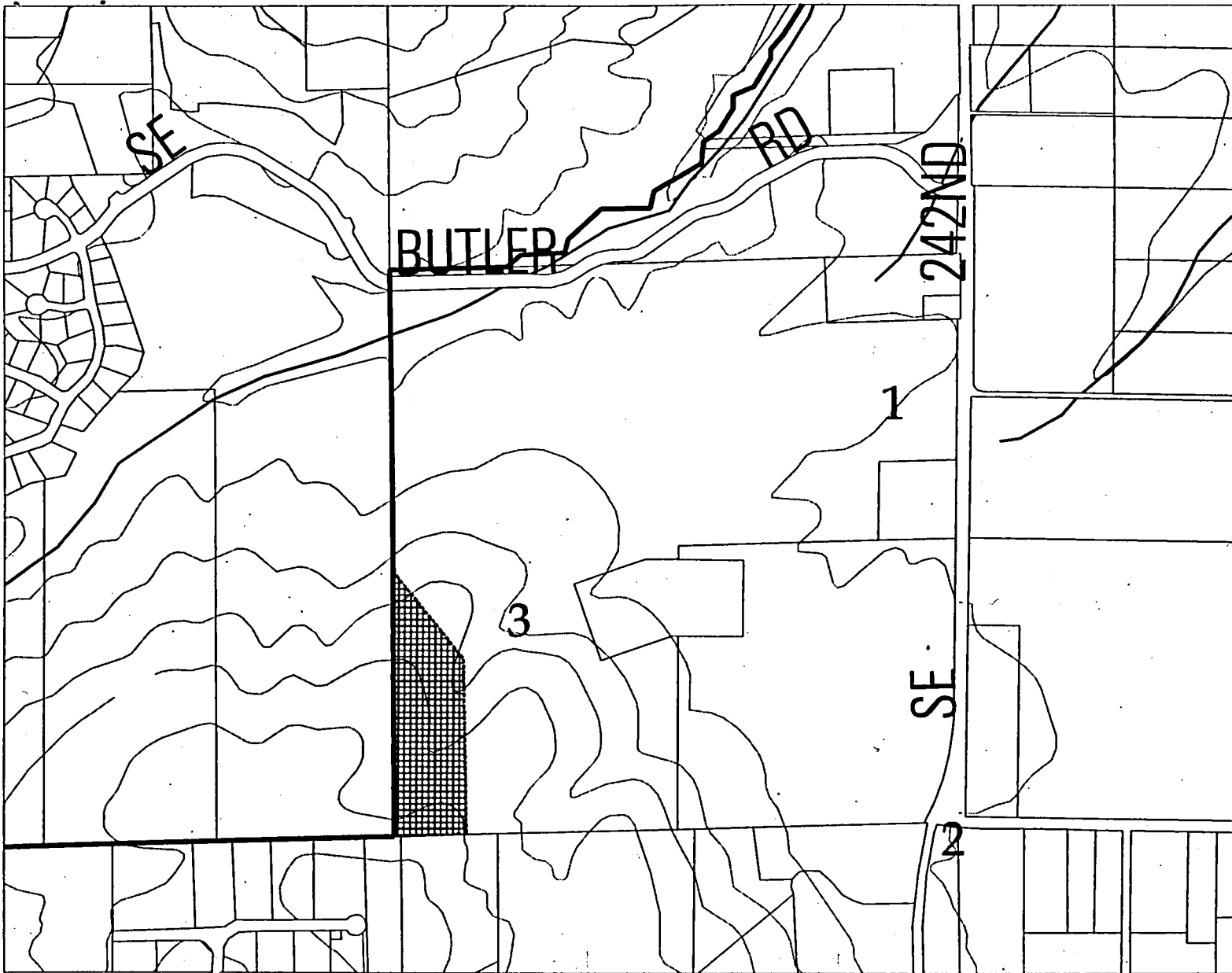
## Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

Designated Urban Reserves  
 ■■■■ Resource Lands within Urban Reserves  
 ~ Modified Urban Reserve Boundaries  
 ~ Urban Growth Boundary

### MAP #2

600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1242







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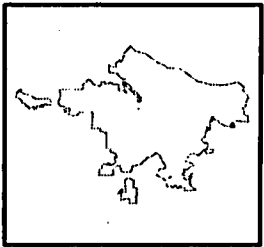
Regional Land Information System

## Urban Reserves Tax Lot Boundaries


Staff Recommendation  
2-3-97

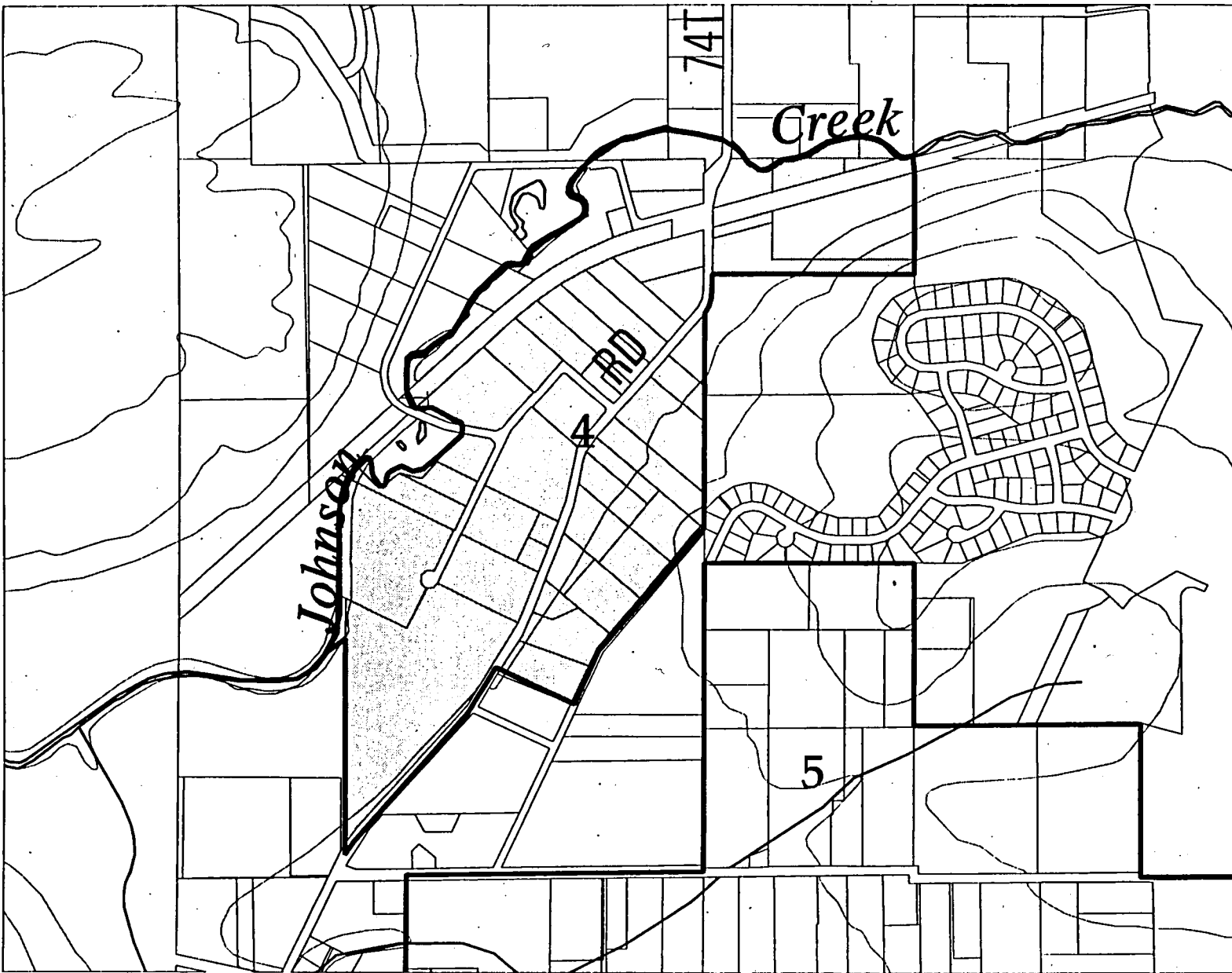
-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

### MAP #3






600 NE Grand Ave  
Portland, OR 97232-2756  
(503) 797-1962



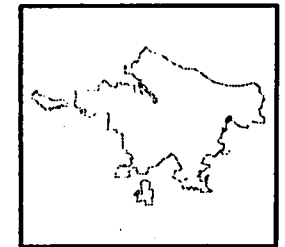


# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

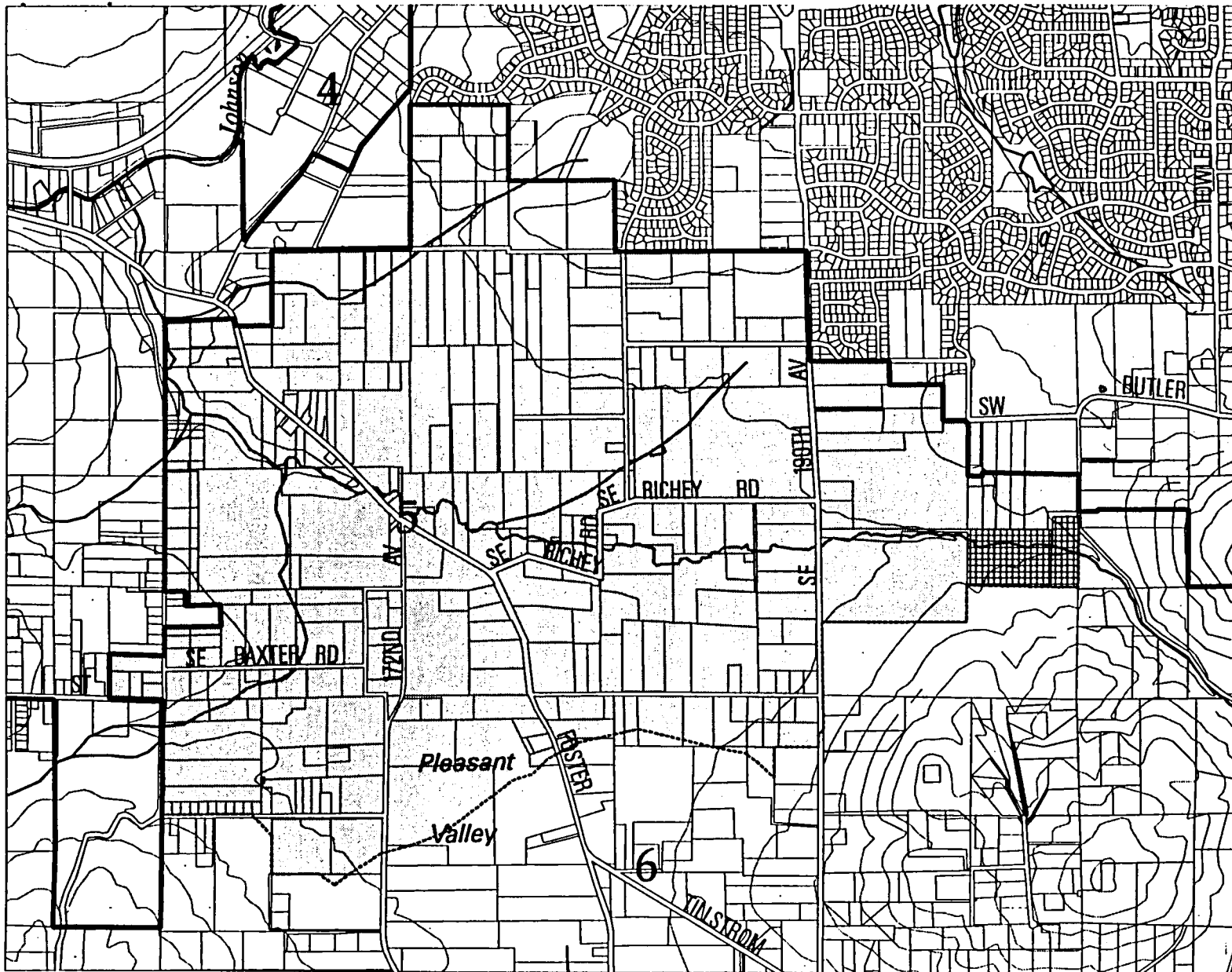
- Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #4



600 NE Grand Ave  
Portland, OR 97232-2736  
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Regional Land Information System

## Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97





- Designated Urban Reserves
- Resource Lands within Urban Reserves
- Modified Urban Reserve Boundaries
- Urban Growth Boundary

### MAP #5

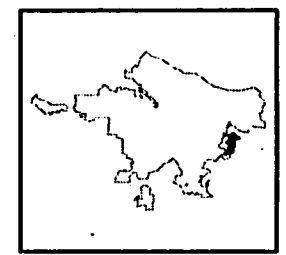
600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1742

# Urban Reserves Tax Lot Boundaries

Staff Recommendation  
2-3-97

-  Designated Urban Reserves
-  Resource Lands within Urban Reserves
-  Modified Urban Reserve Boundaries
-  Urban Growth Boundary

## MAP #6



600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-3242

